

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Spring Roads beginning at 9:00 a.m. Wednesday, September 25, 2013.
4

Members Present: Mrs. Bonnie-Leigh Jones, Chairperson, C.P.C. (Tuckahoe)
Mr. Eric Leabough (Varina), Vice Chairman
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Tommy Branin, (Three Chopt)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Richard W. Glover,
Board of Supervisors' Representative

Others Present: Ms. Leslie A. News, PLA, Principal Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Aimee B. Crady, AICP, County Planner
Mr. John Cjeka, Traffic Engineering
Ms. Sharon Smidler, Traffic Engineering
Mr. Eric Dykstra, Recording Secretary

5
6 **Mr. Richard W. Glover, the Board of Supervisors' representative, abstains on all**
7 **cases unless otherwise noted.**

8
9 Mrs. Jones - I'd like to call this meeting of the Planning Commission to
10 order. Thank you all for being here with us this morning. This is our September 25th
11 Subdivisions and Plans of Development meeting. We welcome you. I'd like you to please
12 mute or turn off your cell phones as a courtesy to others. And as you do this, please rise
13 and Pledge Allegiance to the flag.

14
15 Is there anyone with us this morning from the news media? I guess we're not
16 newsworthy this morning.

17
18 We have all of our Planning Commissioners with us this morning, as well as Mr. Glover
19 from the Board of Supervisors, who sits with us on the Planning Commission this year.
20 We will note for the record that Mr. Glover abstains from voting unless otherwise noted. I
21 will now turn the meeting over to our secretary, Mr. Emerson.
22

23 Mr. Emerson - Thank you, Madam Chair. First on your agenda this morning
24 are the requests for deferrals and withdrawals. Those will be presented by Ms. Leslie
25 News.

26
27 Mrs. Jones - Good morning Ms. News.

28
29 Ms. News - Good morning, Madam Chair, members of the Commission.
30 We have four requests for deferrals on our agenda this morning. The first is found on
31 page six of the agenda and is located in the Three Chopt District. This is POD-94-87,
32 109-89, and 118-89, a transfer of approval for Westpark Shopping Center, phases one
33 and two. The applicant has requested a deferral to the November 20, 2013 meeting.

34
35 **TRANSFER OF APPROVAL (Deferred from June 26, 2013)**

36
POD-94-87, POD-109-89, **Thalhimer for Westdale Westpark I, II, LP:** Request for
and POD-118-89 transfer of approval as required by Chapter 24, Section 24-
POD2011-00196; 106 of the Henrico County Code from SLN Broad Street
POD2011-00197; Associates, LP, S.L. Nusbaum Realty Company, and
POD2011-00194; NP/I&G Westpark, LLC to Westdale Westpark, I, II, LP.
POD2011-00259 Phase I is a 18.36-acre site located at the southwest
Westpark Shopping corner of Pemberton Road (State Route 157) and W.
Center Phases I and II – Broad Street (U.S. Route 250), on part of parcels 753-758-
9645 and 9669 W. Broad 7318, 753-758-8965 and 754-758-2409. Phase II is a 3.57-
Street (U.S. Route 250) acre site located approximately 240 feet south of W. Broad
Street (U.S. Route 250) on the west line of Stillman
Parkway, on part of parcel 753-758-7318. The zoning is B-
2C Business District (Conditional). County water and
sewer. **(Three Chopt)**

37
38 Mrs. Jones - Is anyone in opposition to the deferral of this transfer of
39 approval for POD-94-87, POD-109-89, and POD-118-89 (POD2011-00196; POD2011-
40 00197; POD2011-00194; POD2011-00259), Westpark Shopping Center Phases I and II?
41 No opposition.

42
43 Mr. Branin - Then, Madam Chair, I'd like to move that POD-94-87, POD-
44 109-89, and POD-118-89 (POD2011-00196; POD2011-00197; POD2011-00194;
45 POD2011-00259), Westpark Shopping Center Phases I and II, be deferred to the
46 November 20th meeting, per the applicant's request.

47
48 Mr. Archer - Second.

49
50 Mrs. Jones - Motion by Mr. Branin, second by Mr. Archer. All in favor say
51 aye. All opposed say no. The ayes have it; the motion passes.

52
53 At the request of the applicant, the Planning Commission deferred transfer of approval
54 for POD-94-87, POD-109-89, and POD-118-89 (POD2011-00196; POD2011-00197;

55 POD2011-00194; POD2011-00259), Westpark Shopping Center Phases I and II, to its
56 November 20, 2013 meeting.

57
58 Ms. News - The next item is found on page 10 of your agenda and is
59 located in the Brookland District. This is SUB2013-00131, Dumbarton, September 2013
60 plan for four lots. The applicant has requested a deferral to the October 23, 2013
61 meeting.

62
63 **SUBDIVISION - DOUBLE FRONTAGE EXCEPTION**

64
SUB2013-00131 **Balzer and Associates, Inc. for Village Bank:** The 3.0-
Dumbarton acre site proposed for a subdivision of 4 single-family
(September 2013 Plan) - homes is located on the north line of Greenway Avenue,
3030 Greenway Avenue and the south line of Irisdale Avenue, approximately 195
feet east of Greendale Road, on parcels 775-745-9842,
776-745-1246, 775-745-8761, 775-745-9463, 776-745-
0165, and 776-745-0968. The zoning is R-4, One-Family
Residential District. County water and sewer. **(Brookland)**
4 Lots

65
66 Mrs. Jones - Is anyone with us this morning in opposition to the deferral of
67 SUB2013-00131 Dumbarton (September 2013 Plan)? No opposition.

68
69 Mr. Witte - Madam Chair, I move for deferral of SUB2013-00131
70 Dumbarton (September 2013 Plan), at request of the applicant, to the October 23rd
71 meeting.

72
73 Mr. Archer - Second.

74
75 Mrs. Jones - Motion by Mr. Witte, second by Mr. Archer. All in favor say
76 aye. All opposed say no. The ayes have it; the motion passes.

77
78 At the request of the applicant, the Planning Commission deferred SUB2013-00131
79 Dumbarton (September 2013 Plan), to its October 23, 2013 meeting.

80
81 Ms. News - The next item is found on page 14 of your agenda and
82 located in the Varina District. This is POD2013-00279, Enviroscape Inc. Office and
83 Service Building plan of development. The applicant has requested a deferral to the
84 October 23, 2013 meeting.

85
86
87
88
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91

92 **PLAN OF DEVELOPMENT**

93

POD2013-00279 **Draper Aden Associates for Atack ME Tech Park Partners, LLC and Enviroscape, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 10,000 square foot office warehouse facility. The 4.07-acre site is located along the west line of Techpark Place, approximately 1,590 feet south of Technology Boulevard, on part of parcel 844-704-9230. The zoning is M-2C, General Industrial District (Conditional). County water and sewer. **(Varina)**

94

95 Mrs. Jones - Is there anyone in opposition to the deferral of POD2013-
96 00279, Enviroscape Inc., Office and Service Building? No opposition.

97

98 Mr. Leabough - Madam Chair, I move that we defer POD2013-00279,
99 Enviroscape Inc., Office and Service Building, to the October 23, 2013 meeting.

100

101 Mr. Witte - Second.

102

103 Mrs. Jones - Motion by Mr. Leabough, second by Mr. Witte. All in favor say
104 aye. All opposed say no. The ayes have it; the motion passes.

105

106 At the request of the applicant, the Planning Commission deferred POD2013-00279,
107 Enviroscape Inc., Office and Service Building, to its October 23, 2013 meeting.

108

109 Ms. News - The final item is on page 16 of your agenda and located in
110 the Three Chopt District. This is POD2013-00278, Bowles Crossing at Bacova plan of
111 development. The applicant has requested a deferral to the October 23, 2013 meeting.

112

113 **PLAN OF DEVELOPMENT**

114

POD2013-00278 **Youngblood, Tyler & Associates, P.C. for Bacova, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 89 detached dwellings for sale with zero-lot-lines. The 26.20-acre site is located on the west line of Pouncey Tract Road (State Route 271), approximately 375 feet north of Bacova Drive, and on the south line of Kain Road, approximately 350 feet west of Pouncey Tract Road (State Route 271), on parcels 739-766-3768 and 738-766-9367, and part of parcel 739-766-2504. The zoning is R-5AC, General Residential District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

115
116 Mrs. Jones - Is there any opposition to the deferral of POD2013-00278,
117 Bowles Crossing at Bacova? No opposition.

118
119 Mr. Branin - Madam Chair, I'd like to move that POD2013-00278, Bowles
120 Crossing at Bacova, be deferred to the October 23rd meeting per the applicant's request.

121
122 Mr. Archer - Second.

123
124 Mrs. Jones - Motion by Mr. Branin, second by Mr. Archer. All in favor say
125 aye. All opposed say no. The ayes have it; the motion passes.

126
127 At the request of the applicant, the Planning Commission deferred POD2013-00278,
128 Bowles Crossing at Bacova, to its October 23, 2013 meeting.

129
130 Mrs. Jones - Any further deferrals from the Commission? There are none.

131
132 Mr. Emerson - Madam Chair, that now takes us to the expedited items, and
133 there are none this morning. Next on the agenda are subdivision extensions of
134 conditional approval, and there are none of those this morning either. That now takes us
135 to the first case on your agenda, appearing on page three.

136
137 **TRANSFER OF APPROVAL**

138
POD-66-76 **Frederick and Amelia Cobb:** Request for transfer of
POD2012-00336 approval as required by Chapter 24, Section 24-106 of the
Foursquare Life Church Henrico County Code from J.K. Timmons and Associates,
(Formerly Timmons Office Inc. to Frederick and Amelia Cobb. The 0.73-acre site is
Building) – 8803 Staples located on the east line of Staples Mill Road (U.S. Route
Mill Road (U.S. Route 33) 33), approximately 220 feet north of Parham Road, on
parcel 770-755-1274. The zoning is B-1, Business District,
and M-1, Light Industrial District. County water and sewer.
(**Brookland**)

139
140 Mrs. Jones - Good morning, Ms. Crady. Let me ask, is there any
141 opposition to the transfer of approval for POD-66-76 (POD2012-00336), Foursquare Life
142 Church (Formerly Timmons Office Building)? No opposition.

143
144 Ms. Crady - Good morning. The subject property was formerly used for a
145 Timmons survey and office building, and now it's being used for a place of worship. The
146 applicant has planted street trees along Staples Mill Road and supplemental landscaping
147 throughout the site, and paving repair and striping is complete. The owner agrees to
148 continued compliance with the conditions of the plan of development. Staff recommends
149 approval of the transfer of approval.

150
151 Mrs. Jones - Questions for Ms. Crady?

152
 153 Mr. Witte - The parking lot has been taken care of?
 154
 155 Ms. Crady - Resealed, striped, marked. Looks good.
 156
 157 Mr. Witte - Thank you.
 158
 159 Mrs. Jones - All right. Any questions?
 160
 161 Mr. Witte - Madam Chair, I move for approval of transfer of approval for
 162 POD-66-76 (POD2012-00336), Foursquare Life Church (Formerly Timmons Office
 163 Building), Frederick and Amelia Cobb, with conditions of the original approval.
 164
 165 Mr. Leabough - Second.
 166
 167 Mrs. Jones - Motion by Mr. Witte, second by Mr. Leabough. All in favor say
 168 aye. All opposed say no. The ayes have it; the motion passes.
 169
 170 The Planning Commission approved the transfer of approval request for POD-66-76
 171 (POD2012-00336), Foursquare Life Church (Formerly Timmons Office Building), subject
 172 to the standard and added conditions previously approved.
 173

174 **TRANSFER OF APPROVAL**
 175

176 177 178 179 180 181 182 183 184 185 186 187	POD-56-76 POD2013-00033 Surry Building at Forest Office Park (Formerly Koger Executive Center) – 1601 Rolling Hills Drive	CB Richard Ellis for Surry Building Associates, L.C.: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Koger Properties to Surry Building Associates, L.C. The 2.37-acre site is located on the southeastern corner of the intersection of Rolling Hills Drive and Discovery Drive, on parcel 759-744-4356. The zoning is O-2, Office District. County water and sewer. (Three Chopt)
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176
 177 Mrs. Jones - Is anyone here this morning in opposition to the transfer of
 178 approval for POD-56-76 (POD2013-00033), Surry Building at Forest Office Park
 179 (Formerly Koger Executive Center)? No opposition. Good morning, Ms. Goggin.
 180
 181 Ms. Goggin - Good morning. The new owner accepts and agrees to be
 182 responsible for continued compliance with the conditions of the original plan of
 183 development approval. The site deficiencies as identified in the staff report dated April
 184 11, 2013, included missing landscaping, and resealing and striping the parking lot. All
 185 deficiencies have been corrected as of the preparation date of this agenda, so staff can
 186 recommend approval of the transfer request.
 187
 188 Mrs. Jones - Questions for Ms. Goggin?
 189

190 Mr. Branin - I have none. Madam Chair, I'd like to move that transfer of
191 approval for POD-56-76 (POD2013-00033), Surry Building at Forest Office Park
192 (Formerly Koger Executive Center), be approved.

193
194 Mr. Archer - Second.

195
196 Mrs. Jones - Motion by Mr. Branin, second by Mr. Archer. All in favor say
197 aye. All opposed say no. The ayes have it; the motion passes.

198
199 The Planning Commission approved the transfer of approval request for POD-56-76
200 (POD2013-00033), Surry Building at Forest Office Park (Formerly Koger Executive
201 Center), subject to the standard and added conditions previously approved.

202
203 **TRANSFER OF APPROVAL**

204
POD-53-87 **Nathan Gilbert for G & I VII West End, LLC:** Request for
POD2012-00449 transfer of approval as required by Chapter 24, Section 24-
Trails at Short Pump 106 of the Henrico County Code from United Dominion
(Formerly Dominion West Realty Trust, Inc. to G & I VII West End, LLC. The 32.241-
End Apartments and acre site is located along the northern line of Three Chopt
Braeton Bay Apartments) Road, approximately 1,400 feet west of Cox Road, on
– 3909 Terrence Bay parcel 745-759-3247. The zoning is R-5C, General
Court Residence District (Conditional), and C-1C, Conservation
District (Conditional). County water and sewer. **(Three
Chopt)**

205
206 Mrs. Jones - Is there anyone in opposition to the transfer of approval for
207 POD-53-87 (POD2012-00449), Trails at Short Pump (Formerly Dominion West End
208 Apartments and Braeton Bay Apartments)? There is no opposition. Ms. Goggin?

209
210 Ms. Goggin - The new owner accepts and agrees to be responsible for the
211 continued compliance with the conditions of the original plan of development approval.
212 The site deficiencies, as identified in the staff report dated March 5, 2013, included
213 missing landscaping, which has been installed. Staff recommends approval of this
214 transfer request.

215
216 Mrs. Jones - Questions for Ms. Goggin? All right.

217
218 Mr. Branin - Madam Chair, I'd like to move that transfer of approval for
219 POD-53-87 (POD2012-00449), Trails at Short Pump (Formerly Dominion West End
220 Apartments and Braeton Bay Apartments), be approved.

221
222 Mr. Archer - Second.

223
224 Mrs. Jones - Motion by Mr. Branin, second by Mr. Archer. All in favor say
225 aye. All opposed say no. The ayes have it; the motion passes.

226
227 The Planning Commission approved POD-53-87 (POD2012-00449), Trails at Short
228 Pump (Formerly Dominion West End Apartments and Braeton Bay Apartments), subject
229 to the annotations on the plans and the standard conditions attached to these minutes
230 for developments of this type.

231
232 **LANDSCAPE PLAN AND SITE LIGHTING PLAN**

233
POD2013-00282, **Timmons Group for Bacova Road Apartments, LLC:**
POD2013- 00283 Request for approval of a landscape plan and a lighting
Marshall Springs at plan, as required by Chapter 24, Section 24-106 of the
Gayton West - Tract D - Henrico County Code. The 23.3-acre site is located on the
12416 Bacova Drive northeast corner of the intersection of Bacova Drive and N.
Gayton Road, on parcel 735-766-8340. The zoning is R-
6C, General Residential District. County water and sewer.
(Three Chopt)

234
235 Mrs. Jones - Is there any opposition to the landscape plan and site lighting
236 plan for POD2013-00282 and POD2013-00283, Marshall Springs at Gayton West? We
237 do have opposition. Mr. Emerson, if you would refer to the rules, and then Ms. Crady can
238 give her staff report.

239
240 Mr. Emerson - Yes, ma'am. The Planning Commission does have rules and
241 regulations it abides by regarding public hearings. The applicant is allowed 10 minutes to
242 present the request, and time may be reserved for response to testimony. Opposition is
243 allowed 10 minutes to present its concerns. Commission questions do not count into time
244 limits. The Commission may waive time limits for either party at its discretion. Comments
245 should be directly related to the case under consideration.

246
247 Mrs. Jones - Thank you. Ms. Crady?

248
249 Ms. Crady - Good morning again. This request includes the landscape
250 and lighting plans for the first tract of Marshall Springs at Gayton West, which is currently
251 under construction. This tract, Tract D, will include 324 of the 420 total units, along with
252 the clubhouse, fitness center, and multiple amenity areas throughout the site.

253
254 This two-part landscape plan in your agenda includes an overall plan with major tree
255 plantings, particularly within the perimeter buffers, as well as a more detailed plan for the
256 interior enhanced landscaping. This will provide the typical quantity and quality of
257 plantings to be provided at the foundation of each building and within the amenity areas.

258
259 Additional information in the plans includes the irrigation plan as required by the proffers,
260 as well as the signage and fence details. You can see the fence details here, the
261 ornamental fence, as proffered. This is the sign detail here. The decorative wrought iron
262 fence is going to tie in with the entrance sign features.

263

264 Site lighting proposed includes full cutoff decorative fixtures, and they are compatible
265 with the pedestrian scale and demonstrate that there will be no light trespass across any
266 adjacent property line.

267
268 Staff recommends approval subject to the annotations on the plan and the standard
269 conditions for landscape and lighting plans. Brian Revere with Reardon, and LuGay
270 Lanier and Jennifer Daoulas with Timmons are here to answer any questions you may
271 have of them. And I'm available if you have any questions of me.

272
273 Mrs. Jones - Questions for Ms. Crady?

274
275 Mr. Branin - I have a couple. Ms. Crady, this project is well underway?

276
277 Ms. Crady - Yes sir. There are several buildings that are currently up.
278 They've not finished, but structural is in.

279
280 Mr. Branin - Structural is in. So all clearing has been completed. And I
281 think they've even started paving, correct?

282
283 Ms. Crady - Correct.

284
285 Mr. Branin - In some areas?

286
287 Ms. Crady - In some areas.

288
289 Mr. Branin - What are some of the trees that they'll be planting?

290
291 Ms. Crady - Some Bosque elms, some different varieties of magnolia.
292 Some loblolly pines will match what's across the street. You have a wide variety of
293 ground cover that's going to be used on the slopes adjacent to the roads. The plant list is
294 quite extensive. They have species like maples, river birches, willow oaks, cypresses—
295 you have the whole spectrum.

296
297 Mr. Branin - Fantastic. Okay, thank you. I'd like to hear from the
298 opposition first and then from the applicant, if necessary.

299
300 Mrs. Jones - Of course. Thank you, Ms. Crady.

301
302 Mr. Branin - Ms. Hamilton, before you begin, just a reminder that we are
303 reviewing Marshall Springs at Gayton West - Tract D, and reviewing the landscaping and
304 lighting plan for this project.

305
306 Ms. Hamilton - Gotcha.

307
308 Mr. Branin - Okay.

309

310 Ms. Hamilton - For the record, my name is Karen Hamilton. And you all know
311 that I live in Short Pump. And my objection to the landscaping and the lighting is that
312 there is an organization that you probably have heard of called Dark Sky. It's been
313 country out there for a long time. The birds are not used to bright lighting. My objection to
314 the trees, actually, is this. You plant these little trees which maybe a few birds might sit in
315 and might dare to actually nest in. And then what happens is because of all the lighting,
316 and the noise, and the cars coming and going all of the day and night with the
317 apartments, people working different schedules, the birds will be scared away from the
318 nests.

319
320 Gotcha. You didn't think I could work this into lighting and landscape, did you? But I can
321 because it does affect the birds because you're going to plant trees, and they are going
322 to lure the birds because that's what birds do, is they nest in trees. So it's really a bad
323 thing. You've torn down all the trees that were there; it's just ongoing. You hate the big
324 tall trees. So now you have lighting that's going to disturb them at night because it's
325 going to confuse them, you know, day and night. It's a bad situation for the birds.

326
327 Now let's talk about lizards, frogs, other creatures that will be lured by the lights because
328 they—I will tell you, I do confess, I do have lights at night in my yard. I didn't actually
329 originate there, they're not originally because of me, but I do have lights. And I can tell
330 you that the frogs and the creatures, the bats even, hang out there because they're
331 looking for insects. So, if you have frogs now that are lured out there, delicate little tree
332 frogs, and the people in the parking lots are going to run over them because they're
333 coming 24 hours a day, these people working in apartments. Four hundred and thirty
334 apartments. So they're coming day and night. They're going to kill the tree frogs that you
335 haven't already killed by taking down all the trees.

336
337 Mr. Emerson - Ms. Hamilton, we are discussing landscaping and lighting.
338 The project is approved already.

339
340 Ms. Hamilton - Oh, I'm well aware of that. And I just tell you that what you're
341 doing with the landscaping and the lighting is you're luring in the birds that will come
342 during the day. They'll see a tree and they'll go oh great, I can nest here. And then what
343 happens is the lights will be too bright for them at night. They'll be scared away. They'll
344 abandon the eggs. And that's violating the Migratory Bird Treaty Act.

345
346 Mr. Emerson - Ma'am, we don't enforce that, the federal government does.

347
348 Ms. Hamilton - Repeat that, sir? What?

349
350 Mr. Emerson - The locality does not enforce that, the federal government
351 does.

352
353 Ms. Hamilton - Yes, but you have the ability to control this, and you don't.
354 You're the last chance that these birds have, because you know, as well as I do, that it is
355 not reviewed very carefully. You know that you influence them greatly. So I've said it. I

356 know you've already approved it. And I know you're going to approve this. I know that no
357 matter what I say you're going to approve it. But I wanted you to know that I can *work in*
358 the Federal Migratory Bird Treaty Act into landscaping and lighting because you are
359 luring in the birds. The trees will lure them in, and the lights will then scare them away at
360 night, as well as all the cars coming and going, all the doors slamming, the traffic. It will
361 scare them away.

362
363 Mr. Branin - Thank you, Ms. Hamilton. All right, Madam Chair, I don't find
364 it necessary to call up the applicant. I'd like to make a motion, if that would be
365 appropriate.

366
367 Mrs. Jones - All right, that sounds fine. Mr. Branin?

368
369 Mr. Branin - Madam Chair, I'd like to move that the landscape and lighting
370 plan for POD2013-00282 and POD2013-00283, Marshall Springs at Gayton West, Tract
371 D, be approved subject to the annotations on the plans and the standard conditions for
372 landscaping and lighting plans.

373
374 Mr. Leabough - Second.

375
376 Mrs. Jones - I have a motion by Mr. Branin and a second by Mr.
377 Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

378
379 The Planning Commission approved the landscape and lighting plan for POD2013-
380 00282 and POD2013-00283, Marshall Springs at Gayton West, subject to the standard
381 conditions attached to these minutes for landscape and lighting plans.

382 **SUBDIVISION**

383
384 SUB2013-00134 **Bay Companies, Inc. for Horace H. Lewis, Blanche H.
Estates at Winterberry Lewis, and Springfield/Lewis, LLC:** The 15-acre site
(September 2013 Plan) - proposed for a subdivision of 16 single-family homes is
5220 Springfield Road located on the west line of Springfield Road (State Route
(State Route 157) 157), approximately 150 feet south of Wintercreek Drive,
and at the eastern terminus of Kimbermere Court, on
parcels 755-769-3074 and 755-769-7664. The zoning is R-
3C, One-Family Residential District (Conditional), and A-1,
Agricultural District. County water and sewer and septic
tank and drain field. **(Brookland) 16 Lots**

385
386 Mrs. Jones - Is anyone with us this morning in opposition to SUB2013-
387 00134, Estates at Winterberry (September 2013 plan)? We do have opposition. We'll get
388 to you. Ms. Goggin?

389
390 Ms. Goggin - This subdivision includes 11.16 acres, which was rezoned for
391 a single-family subdivision with rezoning case REZ2013-00007 and 3.84 acres zoned A-

392 1 with an existing house on it to remain. The parcel lines for the existing house are being
393 modified with this subdivision, requiring the inclusion of both the original parcels within
394 the proposed Estates at Winterberry subdivision. Right-of-way dedication for future road
395 widening and a turn lane on Springfield Road is required along the entire subdivision's
396 frontage, which is shown along here. Public Works is not requiring construction of the
397 ultimate road section or turn lane at this time. The plan is in substantial accordance with
398 the layout provided at time of rezoning.
399

400 Staff has contacted Lisa Davis, a neighbor in the adjoining Winterberry subdivision—she
401 lives on this lot right here—who was very active during rezoning. Planning staff provided
402 her with copies of the conditional plans and the proffers for her information. Mrs. Davis
403 was not able to be here this morning, but she is very concerned about how water runoff
404 during construction, and once the neighborhood is complete, will affect her, as her lot
405 currently floods during heavy or extended rainstorms. Public Works is aware of her
406 concern, and they have already been in touch with her.
407

408 Staff recommends approval subject to the annotations on the plan, the standard
409 conditions for conditional subdivisions served by public utilities, and conditions #13
410 through #22 in the agenda. I will be happy to answer any questions the Commission may
411 have of me. Dan Caskie, the engineer, and Harry Snipes for the developer are here
412 should you have any questions for them.
413

414 Mrs. Jones - Thank you, Ms. Goggin. Any questions?
415

416 Mr. Witte - Ms. Goggin, this water runoff, everybody is aware that it's
417 going to be an issue—
418

419 Ms. Goggin - Yes.
420

421 Mr. Witte - —if it's not properly taken care of?
422

423 Ms. Goggin - Yes, sir.
424

425 Mr. Witte - And Public Works is involved?
426

427 Ms. Goggin - They have been from the very beginning, even with the
428 citizen meetings at the time of rezoning.
429

430 Mr. Witte - All right. Thank you. No more questions.
431

432 Mrs. Jones - So, your questions about flooding during construction are
433 answered.
434

435 Mr. Witte - Right, yes.
436

437 Mrs. Jones - Okay. How would you like to proceed?

438
439 Mr. Witte - The opposition.
440
441 Mrs. Jones - Okay. Thank you. Come down.
442
443 Ms. Hamilton - For the record, my name is Karen Hamilton. I would like to
444 know how this takes into account climatological changes. In other words, we're
445 experiencing a much different Earth than we did before. We have far more storms. And I
446 do blame that on a lot of things: pollution, everybody having a cell phone, all the
447 satellites up in the sky. No matter what you blame it on, does this take into the account
448 the fact that we sometimes have five inches of rain at one time? And this poor woman is
449 not the only one who's probably going to suffer in this situation. There may be other
450 households that are affected as well by the flooding? Who really studies the
451 climatological changes before they make this kind of approval?
452
453 Mrs. Jones - Thank you for your comment. We'll try to get you an answer.
454
455 Ms. Hamilton - Okay. That's not my only comment, though. I want to know
456 about the traffic safety study. Who performed the traffic safety study? Was that
457 performed by VDOT or Henrico County?
458
459 Mrs. Jones - Raise your concerns, and we will have those answered.
460 Okay? Those are two. Are there any others?
461
462 Ms. Hamilton - So you're telling me you can't answer my questions today?
463
464 Mrs. Jones - No, I'm telling you I will, after you list your concerns. This is
465 why we have—
466
467 Ms. Hamilton - Okay. Those are—
468
469 **[Two to three blank minutes due to recorder malfunction.]**
470
471 Mr. Branin - —in an hour, correct?
472
473 Mr. Caskie - Yes, sir.
474
475 Mr. Branin - To address the question previously asked, if we are designing
476 all criteria for drainage to 100-year-plus storms, we would be looking at three to five
477 inches or greater in a hurricane situation, in a Gaston situation that we're getting that
478 quantity of rain. That's being provided in all designs for drainage.
479
480 Mr. Caskie - We are looking at things like that as well. Actually, a lot of
481 times we're looking at 100 percent clogged situations.
482

483 Mr. Branin - So you're taking into consideration the long-term, sitting
484 without a large storm, getting clogged up, and then coming in.
485
486 Mr. Caskie - That's right.
487
488 Mr. Branin - And designing compensation for that?
489
490 Mr. Caskie - Where we can, yes. Or we're identifying where it backs up
491 and what the situation is.
492
493 Mr. Branin - I wasn't aware of that. That's news to me. Okay. I have no
494 further questions.
495
496 Mrs. Jones - Are there questions?
497
498 Mr. Witte - Winterberry was actually designed to have above-ground
499 water flow. Isn't that correct?
500
501 Mr. Caskie - I believe it was. Yes, sir.
502
503 Mr. Witte - I went down there during one of our torrential downpours
504 earlier in the year, and it seemed to carry the water really well, drained off really fast.
505 And my feeling is that this subdivision is designed not to hinder that. Is that correct?
506
507 Mr. Caskie - That's correct, yes.
508
509 Mr. Witte - Okay.
510
511 Mr. Caskie: Yes, sir. Everything in Winterberry was sized for us as well,
512 all of the storm sewer. Everything was stubbed to us so that we can kind of plug into it.
513
514 Mr. Witte - All right. And we've answered that traffic safety is based on
515 VDOT?
516
517 Mr. Caskie - Yes, sir.
518
519 Mr. Witte - Thank you.
520
521 Mr. Caskie: Based on VDOT requirements.
522
523 Mr. Witte - I have no further questions.
524
525 Mr. Leabough - One quick question regarding the common area. That will be
526 dedicated for common use of all of the property owners?
527
528 Mr. Caskie - That will, yes sir. It will be owned by the HOA.

529

530 Mr. Leabough - And it's wooded, correct?

531

532 Mr. Caskie - It's wooded.

533

534 Mr. Leabough - Primarily wooded.

535

536 Mr. Caskie - It is.

537

538 Mr. Leabough - Maybe you don't know the answer to this question. If a
539 decision were needed for that particular area, who would make it in terms of taking down
540 trees or—

541

542 Mr. Caskie - The Estates of Winterberry HOA.

543

544 Mr. Leabough - So they have an HOA.

545

546 Mr. Caskie - They will have an HOA.

547

548 Mr. Leabough - Okay, great. That's what I wasn't clear on, whether they'll
549 have an HOA or it's just owned by the homeowners themselves.

550

551 Mr. Caskie - No, no. That will be owned by the HOA.

552

553 Mr. Leabough - Okay, thank you.

554

555 Mrs. Jones - All right. Thank you for tackling those questions. Any further
556 questions? Mr. Witte?

557

558 Mr. Witte - Madam Chair, I move for conditional approval of SUB2013-
559 00134, Estates at Winterberry (September 2013 plan), subject to the annotations on the
560 plans, the standard conditions for subdivisions served by public utilities, and additional
561 conditions #13 through #22 as shown on the agenda.

562

563 Mr. Leabough - Second.

564

565 Mrs. Jones - Motion by Mr. Witte, second by Mr. Leabough. All in favor say
566 aye. All opposed say no. The ayes have it; the motion passes.

567

568 The Planning Commission granted conditional approval to SUB2013-00134, Estates at
569 Winterberry (September 2013 plan), subject to the standard conditions attached to these
570 minutes for subdivisions served by public utilities, the annotations on the plans, and the
571 following additional conditions:

572

573 13. The plat shall contain a statement that the common area is dedicated to the
574 common use and enjoyment of the homeowners of Estates at Winterberry, and is

- 575 not dedicated for use by the general public. This statement shall refer to the
576 applicable article in the covenants recorded with the plat.
- 577 14. At least sixty days prior to recordation of the plat, a draft of the covenants and deed
578 restrictions for the maintenance of the common area shall be submitted to the
579 Department of Planning for review. Such covenants and restrictions shall be in form
580 and substance, satisfactory to the County Attorney and shall be recorded prior to
581 recordation of the subdivision plat.
- 582 15. The details for the landscaping to be provided within the 25-foot wide planting strip
583 easement for Lot #1 along Springfield Road (State Route 157) shall be submitted to
584 the Department of Planning for review and approval prior to recordation of the plat.
- 585 16. Any necessary offsite drainage easements must be obtained prior to final approval
586 of the construction plan by the Department of Public Works.
- 587 17. The proffers approved as part of zoning case REZ2013-00007 shall be
588 incorporated in this approval.
- 589 18. The final plat for recordation shall contain information showing The Chesapeake
590 Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18),
591 of the Henrico County Code, as determined by the Director of Public Works.
- 592 19. The developer shall provide signage, the wording and location as deemed
593 appropriate by the Director of Public Works, which addresses the possible future
594 extension of the stub street.
- 595 20. Any future building lot containing a BMP, sediment basin or trap and located
596 within the buildable area for a principal structure or accessory structure, may be
597 developed with engineered fill. All material shall be deposited and compacted in
598 accordance with the Virginia Uniform Statewide Building Code and geotechnical
599 guidelines established by a professional engineer. A detailed engineering report
600 shall be submitted for the review and approval by the Building Official prior to the
601 issuance of a building permit on the affected lot. A copy of the report and
602 recommendations shall be furnished to the Directors of Planning and Public
603 Works.
- 604 21. The final plat shall contain a statement that this subdivision is on an abandoned
605 coal mine site. The wording shall be approved by the Planning Staff and the County
606 Attorney, and shall be conspicuous on the face of the plat.
- 607 22. Before the plat is recorded, the developer shall submit to the Department of
608 Planning a detailed report prepared by a qualified professional engineer specifying
609 the proposed treatment of mine shafts and scars. The report shall be reviewed by
610 the Design Division of Public Works, and shall be made a part of the construction
611 plans approved for the subdivision.

612
613
614
615
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617
618
619
620

621 **PLAN OF DEVELOPMENT AND REVISED MASTER PLAN**

622

POD2013-00276
W. Broad Professional
Office at Reynolds
Crossing - Forest Avenue
and W. Broad Street (U.S.
Route 250)
(POD-43-07 Rev.)

RK&K Engineers for Reynolds Holding, LLC and Clear Springs Development, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to revise a master plan and previously approved plan of development, and construct a two-story, 40,000 square foot office building and a freestanding, drive-up ATM machine. The 6.59-acre site is located at the northwest corner of the intersection of W. Broad Street (U.S. Route 250) and Forest Avenue, on parcels 767-744-9052, 767-744-9240, 767-744-8570, and 767-744-8181. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

623

624 Mrs. Jones - Is there anyone with us today in opposition to POD2013-
625 00276, W. Broad Professional Office at Reynolds Crossing? We do have opposition. All
626 right, Mr. Garrison. Good morning.

627

628 Mr. Garrison - Good morning.

629

630 Mrs. Jones - How are you?

631

632 Mr. Garrison - Doing well, thank you.

633

634 Mrs. Jones - Good.

635

636 Mr. Garrison - The applicant's requesting approval to revise a master plan
637 and previously approved POD to construct a two-story, 40,000-square-foot office building
638 and ATM. The applicant was previously granted approval for a one-story daycare facility
639 and two restaurants on July 25, 2007. Since then, only one restaurant has been built.
640 Therefore, in lieu of the daycare and the second restaurant, the applicant is requesting
641 approval for a 40,000-square-foot office, half of which will be devoted to medical office
642 and the other shall be general office use. The remaining pad site will become additional
643 parking to accommodate this proposed use.

644

645 Staff can recommend approval subject to the standard conditions for developments of
646 this type, the annotations on the plans, and added conditions #29 through #32.

647

648 Mrs. Jones - All right. I do want to ask a quick question. We discussed the
649 ATM. Can you elaborate what is changing with that, please?

650

651 Mr. Garrison - Yes. Staff has requested brick columns, just to kind of dress it
652 up a little bit to match the existing materials that are out there on site. The applicant has
653 agreed to that.

654

655 Mrs. Jones - And those will be a little different scale than what we're
656 looking at there? A little thicker/wider or about the same?

657
658 Mr. Garrison - It will be a little thicker and wider to accommodate the
659 dimensions of the brick.

660
661 Mrs. Jones - Okay. This requires a revised master plan because of the
662 change in the use?

663
664 Mr. Garrison - Yes, ma'am, correct.

665
666 Mrs. Jones - Okay. Are there questions of Mr. Garrison? All right, thank
667 you. If you'd like to express your opposition, this is your time. I encourage you to keep
668 your comments relevant to this particular project.

669
670 Ms. Hamilton - For the record, my name is Karen Hamilton. And my
671 objection, of course, is because this building will be taller, which means that more birds
672 will fly into windows. I'm wondering what amenities that this developer can provide to
673 make the glass so that the birds won't fly into it. There are decals that people can put on
674 windows. There are things that you can do to make the windows more apparent that it's
675 a window, that something is there, because birds fly into windows. The United States
676 Department of Fish and Wildlife estimates that about one billion birds probably die every
677 year from flying into windows.

678
679 The other question I had—well, two questions really. I understand that if it's going to be a
680 medical office building they'll need to get a certificate of need from the Health
681 Department. Is that not correct? And as far as a bank goes, doesn't a bank also need a
682 separate certificate of need? Have those been achieved yet?

683
684 Mrs. Jones - We'll get answers to your questions. Thank you. All right.
685 Mr. Emerson, can you address the certificate of need, please?

686
687 Mr. Emerson - Yes, ma'am, I can address the certificate of need. I believe
688 that as a medical office building, the only facilities that need a certificate of need, as I
689 understand it, would be hospitals and/or an ambulatory emergency room type of setup.
690 This is a medical office building. No different than an accountant, an attorney, or any
691 other professional. So they can locate within it. The bank would have to meet all the
692 state banking regulations, and I assume that's been done. The applicant can probably
693 address that better than I can.

694
695 Mrs. Jones - All right. Thank you. Could someone come down and help us
696 out with those questions?

697
698 Mr. Mills - Good morning. My name is Malachi Mills. I'm with RK&K
699 Engineers, and I am presenting this case for the civil site design for the applicant,
700 specific to the two-story profile of the project itself. We've reviewed the architectural

701 elements of it. As the building is positioned, I think folks would recognize that right
702 behind it is a supply storage building, the old Alcoa building or previously Reynolds and
703 Alcoa, which is now Altria. And then across the parking area, there's a six-story Westin
704 Hotel. This two-story building would have a much lower profile than those buildings. And
705 those would be fairly well in the backdrop of that view shed with the off-ramp there at
706 West Broad Street and the traffic conditions that are there outside of our building
707 envelope. I know we want to make an impression for the occupants of this building, but it
708 is going to be fairly well lost within the backdrop of the overall development that exists. In
709 my opinion, we're not imposing something new and broader and taller than what isn't
710 already out there.

711

712 Mrs. Jones - Correct.

713

714 Mr. Mills - Based on the scale of what we are building.

715

716 Mrs. Jones - And this is a long-term area with office buildings with
717 expanses of glass, and I think there has been an adjustment to that. I think it will blend
718 very unobtrusively into that corner of the development.

719

720 Mr. Mills - Yes ma'am. We're not trying to introduce something foreign
721 to what has already been well established out there in the general area across Broad
722 Street and throughout. And then all the certifications, we know the tenant fit-up wouldn't
723 be triggering—it's a not a surgery center; it's not a freestanding emergency department.
724 They are professional offices as noted. And the same with the bank. The ATM is the only
725 retail aspect of it. The bank is going to have just their professional offices in the building
726 itself.

727

728 Mr. Branin - Mr. Mills, the Westin was built what year?

729

730 Mr. Mills - In 2008.

731

732 Mr. Branin - In 2008? And the Altria building, which was originally a
733 Reynolds' building, was built in?

734

735 Mr. Mills - In 1968.

736

737 Mr. Branin - In 1968? There haven't been many trees taken down since
738 2005, I guess, in that area.

739

740 Mr. Mills - Yes, sir.

741

742 Mr. Branin - Okay. So it's been a pretty decent adjustment period.

743

744 Mrs. Jones - Okay. Well, I appreciate that. I do want to publically thank you
745 all for bringing a project in that looks like it will fit well. It will also be an attractive
746 complement to that corner of Reynolds Crossing, which is a project in process. We're

747 happy to see tenants come and fill the space that you have; this is a good sign. We wish
748 you well and much success with this part of the development.
749

750 Mr. Mills - Thank you very much.
751

752 Mrs. Jones - Any other questions? Okay, thank you very much. If there are
753 no other questions from the Commission, then I will pose a motion. I move approval of
754 plan of development and the revised master plan for POD2013-00276, W. Broad
755 Professional Office at Reynolds Crossing. This is subject to the annotations on the plans,
756 standard conditions for developments of this type, the following conditions in agenda #29
757 through #32, and the addendum item that notes the change in the architectural
758 elevations for the ATM.
759

760 Mr. Leabough - Second.
761

762 Mrs. Jones - Motion by Mrs. Jones, second by Mr. Leabough. All in favor
763 say aye. All opposed say no. The ayes have it; the motion passes.
764

765 The Planning Commission approved POD2013-00276, W. Broad Professional Office at
766 Reynolds Crossing, subject to the annotations on the plans, the standard conditions
767 attached to these minutes for developments of this type, and the following additional
768 conditions:
769

- 770 29. The proffers approved as a part of zoning case C-13C-07 shall be incorporated in
771 this approval.
- 772 30. The certification of building permits, occupancy permits and change of occupancy
773 permits for individual units shall be based on the number of parking spaces
774 required for the proposed uses and the amount of parking available according to
775 approved plans.
- 776 31. The owners shall not begin clearing of the site until the following conditions have
777 been met:
- 778 (a) The site engineer shall conspicuously illustrate on the plan of development
779 or subdivision construction plan and the Erosion and Sediment Control
780 Plan, the limits of the areas to be cleared and the methods of protecting the
781 required buffer areas. The location of utility lines, drainage structures and
782 easements shall be shown.
 - 783 (b) After the Erosion and Sediment Control Plan has been approved but prior
784 to any clearing or grading operations of the site, the owner shall have the
785 limits of clearing delineated with approved methods such as flagging, silt
786 fencing or temporary fencing.
 - 787 (c) The site engineer shall certify in writing to the owner that the limits of
788 clearing have been staked in accordance with the approved plans. A copy
789 of this letter shall be sent to the Department of Planning and the
790 Department of Public Works.
 - 791 (d) The owner shall be responsible for the protection of the buffer areas and
792 for replanting and/or supplemental planting and other necessary

793 improvements to the buffer as may be appropriate or required to correct
794 problems. The details shall be included on the landscape plans for
95 approval.

796 32. The conceptual master plan, as submitted with this application, is for planning and
797 information purposes only.

798
799 **SUBDIVISION**

800
SUB2013-00137 **Youngblood, Tyler & Associates for Liu Yaowa, Liya**
Wistar Place **Qiao, Yin Lu, and Wistar Place, LLC:** The 1.59-acre site
(September 2013 Plan) - proposed for a subdivision of six single-family homes is
Wistar Road located on the south line of Wistar Road, approximately
100 feet east of Elmbrook Road, on parcel 769-751-7510,
and part of parcel 769-751-6726. The zoning is R-3C,
One-Family Residential District (Conditional). County water
and sewer. **(Brookland) 6 Lots**

801
802 Mrs. Jones - Is anyone with us this morning in opposition to SUB2013-
803 00137, Wistar Place (September 2013 plan)? Thank you. There is opposition. Good
804 morning, Mr. Ward.

805
806 Mr. Ward - Good morning. This conditional subdivision request is for six
807 single-family lots. All the lots do meet the standard requirements for the R-3 District in
808 the buildable areas as shown. Also, the proposal complies with the recent rezoning case,
809 REZ2013-00009, which was approved by the Board of Supervisors back on August 13,
810 2013.

811
812 As you can see, the right of way for Wistar Court was extended to the eastern portion of
813 the property line for possible future extension. That will be constructed as part of Section
814 1. Also, the applicant has agreed to add a seven-foot-tall white vinyl fence as part of the
815 proffers on the rear of the property line here and down the side of Lot 1 and the side of
816 Lot 9 in Section 1 of Wistar Place.

817
818 With all that, staff can recommend approval with the annotations on the plans, standard
819 conditions for subdivisions served by public utilities, and additional conditions #13
820 through #17. That does conclude my presentation. I'm happy to answer any questions
821 you may have. Jonathan Cosby with Youngblood, Tyler, and Associates is here, as well
822 as Neil Farmer, the developer of the property.

823
824 Mrs. Jones - Are there questions for Mr. Ward?

825
826 Mr. Witte - Mr. Ward, they're aware that they're bound by the proffers of
827 the original subdivision?

828
829 Mr. Ward? Yes, sir.

830

831 Mr. Witte - All right. Thank you.
832
833 Mrs. Jones - Would you like to hear from the opposition?
834
835 Mr. Witte - Opposition please.
836
837 Mrs. Jones - All right. Thank you, Mr. Ward.
838
839 Ms. Hamilton - For the record, again, my name is Karen Hamilton. It appears
840 that what we have here is just condominiums, which to me are just glorified apartments.
841 So my questions are—
842
843 Mr. Emerson - Ms. Hamilton, this is a subdivision for single-family dwellings.
844
845 Ms. Hamilton - Oh. They're separate, then? They're not attached?
846
847 Mr. Emerson - They are not.
848
849 Ms. Hamilton - Oh, okay. Well, still, let's go back to landscaping, that sort of
850 thing, and the fact that if there were trees already here and birds are used to them being
851 there—let's go back to the premise that you had with the last thing that I talked about.
852 Which you didn't answer my questions, by the way, about Reynolds Crossing.
853
854 You talked about the fact that there were existing buildings of higher height last time. I'm
855 talking about there are existing trees here now, probably, and the birds are used to being
856 there. So now you're going to put the building there and they're going to smack into the
857 windows again, killing themselves. So what I'm saying is with landscaping you're going
858 to lure in birds with these little tiny trees. And if they happen to nest there, the people
859 coming and going out of their homes, they're going to scare them away. These homes,
860 you do have control over this. You do. You have control over this. You review all the
861 architecture. You could say you have to have something on your windows, a decal that
862 reflects, that deflects, so that the birds do not crash into the windows. You could have
863 more controls over this, you really could.
864
865 You could also have more control over leaving trees up. That, again, is the noise from
866 construction will scare away the birds. You need to understand the Migratory Bird Treaty
867 Act protects the birds that are nesting, but it also protects the birds that come here in the
868 wintertime. Birds migrate in the summer and in the winter. There are two seasons of
869 migration.
870
871 Anyway, I know my questions will go unanswered, just like they did last time. But I want
872 to make the point that you make—I just thought it was so comical because you said the
873 Reynolds have been longstanding. Well, there have been trees longstanding for decades
874 in Reynolds Metals too. There was a forest there for a long time. That doesn't count to
875 you that that was longstanding.
876

877 So, since the other buildings have been standing for years, the birds have been
878 smacking into them—

79

880 Mr. Branin - Ms. Hamilton, that doesn't pertain to this case. We've
881 requested now three times that you stay on the case at hand.

882

883 Mr. Glover - Mr. Emerson.

884

885 Mr. Emerson - Yes, sir.

886

887 Mr. Glover - After sitting here listening to every case concerning the
888 Migratory Bird Act, will you get the Migratory Bird Act and make sure that all of your
889 developers that come in are totally aware of what the Migratory Bird Act is?

890

891 As far as continuing to be disrupted within your meetings, I think you could resolve that
892 by having those people that might be interested in what we're going to be hearing come
893 into the County, sit down, and go over these same things. I believe the Planning
894 Commission is well aware, as well as the Board, about migratory bird acts and that birds
895 do fly into buildings.

896

897 I happen to live in a condominium. I kind of like it, and it's not just an apartment. As a
898 matter of fact, every house that's been built and where people are living—I think all the
899 people that are coming here to object to anything are living in some type of building, and
900 there must have been trees there at that time. I just have some difficulty with each case
901 this same thing being said. And it's unnecessary because you do know what you're
902 doing. It's as if Henrico County is totally ignorant to what's going on, when in fact we're
903 not.

904

905 I just think you need to make available some time for those people that are going to be
906 objecting—and you know who they are—to come in and sit down with someone to
907 discuss those acts that people are interested in. As far as frogs, the Japanese put frogs
908 on Guam so the troops could live during World War II. So it's not a matter of whether you
909 kill them or not; it's a matter of some frogs are edible.

910

911 Mr. Emerson - Yes, sir, we'll take care of that.

912

913 Mrs. Jones - Questions?

914

915 Mr. Witte - I'd like to hear from the applicant, please.

916

917 Mrs. Jones - All right.

918

919 Mr. Cosby - Good morning, members of the Planning Commission. Neil
920 Farmer couldn't be here today. My name is Jonathan Cosby with Youngblood, Tyler, and
921 Associates. I'm the engineer.

922

923 Mrs. Jones - Good morning, Mr. Cosby.
924
925 Mr. Cosby - How are you all?
926
927 Mr. Witte - Just to make certain we're squared away on this fence issue,
928 it's seven feet high, it's vinyl, it's along the entire back edge down to the cemetery. Is that
929 correct?
930
931 Mr. Cosby - That's correct. If you're looking at this plan up here, it's along
932 the entire southern portion of that rear property line. It extends up the western property
933 line and then goes around the two lots, lots seven and eight, I believe.
934
935 Mrs. Jones - You can use the cursor, if you'd like.
936
937 Mr. Cosby - There we go. So the seven-foot-high vinyl fence will extend
938 from here all the way down to here and over to here. And then along the cemetery, we're
939 putting a four-foot-high vinyl fence per the proffered conditions of the rezoning case.
940
941 Mr. Witte - Terrific. I just wanted to verify it.
942
943 Mr. Cosby - And both of those details are shown in Section 1 and this plan
944 as well.
945
946 Mr. Witte - Great. I have no further questions. We've been through the
947 rest of it repeatedly.
948
949 Mr. Cosby - Okay.
950
951 Mrs. Jones - Other questions for Mr. Cosby? All right.
952
953 Mr. Witte - Madam Chair, I move for conditional approval of conditional
954 subdivision plat for SUB2013-00137, Wistar Place (September 2013 Plan), as presented,
955 subject to the annotations on the plans, standard conditions for subdivisions served by
956 public utilities, additional conditions #13 through #17 as shown on the agenda.
957
958 Mr. Leabough - Second.
959
960 Mrs. Jones - Motion by Mr. Witte, second by Mr. Leabough. All in favor say
961 aye. All opposed say no. The ayes have it; the motion passes.
962
963 The Planning Commission granted conditional approval to SUB2013-00137, Wistar
964 Place (September 2013 plan), subject to the standard conditions attached to these
965 minutes for subdivisions served by public utilities, the annotations on the plans, and the
966 following additional conditions:
967
968 13. Each lot shall contain at least 11,000 square feet.

- 969 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions
 970 for the maintenance of the common area by a homeowners association shall be
 971 submitted to the Department of Planning for review. Such covenants and
 972 restrictions shall be in a form and substance satisfactory to the County Attorney
 973 and shall be recorded prior to recordation of the subdivision plat.
 974 15. Any necessary offsite drainage easements must be obtained prior to final approval
 975 of the construction plan by the Department of Public Works.
 976 16. The proffers approved as part of zoning case REZ2013-00009 shall be
 977 incorporated in this approval.
 978 17. The developer shall provide signage, the wording and location as deemed
 979 appropriate by the Director of Public Works, which addresses the possible future
 980 extension of the stub street
 981

982 **PLAN OF DEVELOPMENT (Deferred from July 24, 2013)**
 983

POD2013-00162
 Simply Storage Building
 #2 Expansion - 4475
 Pouncey Tract Road
 (State Route 271)
 (POD-74-99 Rev.)

Balzer and Associates, Inc. for Short Pump Simply Storage: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a second story, 39,638 square foot addition to an existing one-story, 37,100 square foot storage building. The 5.603-acre site is located on the east line of Pouncey Tract Road (State Route 271) and the north line of Interstate 64, approximately 1,360 feet south of Twin Hickory Lake Drive, on parcel 741-764-0116. The zoning is M-1C, Light Industrial District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

984
 985 Mrs. Jones - Is there opposition to POD2013-00162, Simply Storage
 986 Building #2 Expansion? We'll get to you. Mr. Ward, go ahead.
 987

988 Mr. Ward - This proposal is a revision to a previously approved plan of
 989 development, which was POD-74-99. This proposal today includes a second story
 990 addition onto the one-story existing building here in the middle of the site.
 991

992 Since deferral of the case from the July 24th Planning Commission hearing, the applicant
 993 has held a neighborhood meeting that was on September 9, 2013. We discussed the
 994 proposed building materials, color, and renderings. The most recent iteration for the
 995 building is shown here. It's an enhanced building compared to what we started with that
 996 blends more into the adjoining residential area and does comply with the proffers
 997 associated with zoning case C-20C-93.
 998

999 The building elevations, as you can see, include a tan brick band here in the center of
 1000 the building that'll be just above the existing CMU; the almond standing seam metal
 1001 panel across the top; and then the addition of the windows and dormers on north building
 1002 elevation facing Avington.

1003
1004 Additionally, the applicant has submitted the required water quality information. And now
1005 the Department of Public Works can recommend approval. Staff as a whole can
1006 recommend approval subject to the annotations on the plans and the standard conditions
1007 for developments of this type, as well as Condition #1 that's been modified, and added
1008 conditions #29 through #31. The applicant, Terry Smit, with Simply Storage, as well as
1009 Chris Shust and Matt Shrader with Balzer and Associates are here to answer any
1010 questions you may have of us.

1011
1012 Mrs. Jones - Questions for Mr. Ward?

1013
1014 Mr. Glover - Mr. Ward, I have a question, if you don't mind. Are you
1015 familiar with the Migratory Bird Act?

1016
1017 Mr. Ward - I have to say I'm not.

1018
1019 Mr. Glover - Is your developer familiar with the Migratory Bird Act?

1020
1021 Mr. Ward - I wouldn't be able to answer that.

1022
1023 Mr. Glover - I think it's important if we keep being told we're not in
1024 compliance that we do make sure that people are—as a matter of fact, I have suggested
1025 in the future all developers make statements within their development that they have
1026 complied with the Migratory Bird Act and also the tree act.

1027
1028 Mr. Ward - Noted. Okay.

1029
1030 Mrs. Jones - Further questions for Mr. Ward?

1031
1032 Mr. Branin - When you say the tree act, are you referring to the
1033 Chesapeake Bay Tree Preservation Act?

1034
1035 Mr. Glover - You can name it anything you want to, Mr. Branin.

1036
1037 Mr. Branin - Well, there are a couple, sir. I'm just trying—

1038
1039 Mr. Glover - You can name it anything you want to, as long as it has to do
1040 with a tree.

1041
1042 Mr. Branin - Gotcha.

1043
1044 Mr. Glover - If you want to get very technical, I will discuss that in a work
1045 session.

1046
1047 Mr. Branin - I'm just making sure which one, because Mr. Secretary here
1048 is taking notes. I'm just trying to make sure we had the right one, sir.

1049
1050 Mr. Glover - Then you know what I'm talking about. You're as bad as
51 some of the people coming up here asking questions.
1052
1053 Mr. Branin - I just want to be specific, sir.
1054
1055 Mr. Glover - I understand. Those people that ask questions.
1056
1057 Mrs. Jones - Mr. Branin?
1058
1059 Mr. Branin - Do I have any questions.
1060
1061 Mrs. Jones - Or would you like to hear from—
1062
1063 Mr. Branin - Oh, I'm flustered now because of Mr. Glover. My superior has
1064 stumped me yet again. Foiled. Yes, I do have some questions for the applicant, which I'll
1065 have the applicant come down first—no, second. And as for Mr. Ward, not yet. I would
1066 like to hear from the opposition first.
1067
1068 Mrs. Jones - Gentlemen, if you could come forward, and state your name
1069 at the podium, and your concerns, and we'll see what we can do to help answer those.
1070
1071 Mr. Bokuru - My name is Sean Bokuru. I live in the community next to the
1072 Simple Storage.
1073
1074 Mrs. Jones - Mr. Broku?
1075
1076 Mr. Bokuru - Bokuru—B-o-k-u-r-u.
1077
1078 Mr. Woo - Good morning, Planning Commission. My name is James
1079 Woo. I'm also a resident of the Avington community. I was asked by the homeowners
1080 association to speak on behalf of them.
1081
1082 Mrs. Jones - Will you be speaking now? If you could, please come—
1083 whoever is speaking, come forward to the microphone.
1084
1085 Mr. Woo - Oh sure. Sorry about that.
1086
1087 Mrs. Jones - These are recorded proceedings, and it's much better if
1088 you're closer and we can hear what you say.
1089
1090 Mr. Woo - Thank you. One of the things that we're concerned about is
1091 the ability to be able sit down and speak with our neighbors next door, Simply Storage. I
1092 understand there have been communications and there have been meetings set up with
1093 regards to it, but the majority of us have not received any communication about the
1094 meetings. I just myself have received that just last Wednesday. Because we're a

1095 homeowners association, we have to have the approval of a majority of the residents in
1096 order to speak on behalf of the community. I personally didn't even know about this
1097 hearing until last Wednesday. As a result, I was able to go out and speak to our
1098 residents. The majority of them have expressed concern about the development, or at
1099 least feel like we don't have any input as to the considerations involving the construction
1100 and development of the building next door.

1101
1102 Mrs. Jones - That is your concern. Okay.

1103
1104 Mr. Woo - Yes. We would like an opportunity to reestablish and sit down
1105 and present our thoughts regarding that. We understand they're a business and they
1106 were here before us. We're not trying to limit their growth; however, considering that our
1107 community is now established and this is after the fact they want to grow, we just feel
1108 that the communication has not been properly executed. If it were, we would have all
1109 voiced our opinion with regards to it. I think one of our residents also has a concern
1110 regarding the potential traffic flow with the increased business with this.

1111
1112 Mr. Bokuru - I have three concerns.

1113
1114 Mrs. Jones - Excuse me. Could you get closer? I'm having a hard time
1115 hearing you.

1116
1117 Mr. Bokuru - When the vehicles come onto the property, there is an echo
1118 from the noise of the vehicle because of the closed structure. The second concern is if
1119 they build a second story, is lighting going to be less in our homes? I live next to the
1120 property. And this, already the vehicles that are larger because of having the trailer, they
1121 come onto our property and make a U-turn because they cannot make a U-turn on the
1122 road. These are the three concerns that I have.

1123
1124 Mrs. Jones - All right. Thank you very much. We'll get some discussion
1125 with those.

1126
1127 Mr. Archer - Can I ask a question first?

1128
1129 Mrs. Jones - Sure.

1130
1131 Mr. Archer - Mr. Bokuru, what types of vehicles are these and where are
1132 they traveling to and from?

1133
1134 Mr. Bokuru - They are coming into the storage. And the exit, there is no left
1135 exit so they have to go right. And on the road, they have to take a U-turn. Some vehicles
1136 have trailers and stuff like that. They come into the community and they make the U-turn.

1137
1138 Mr. Archer - And there is no other way for them to go?

1139

1140 Mr. Bokuru - They can go all the way to the next traffic light and—no, I
1141 don't think there is a U-turn.

42

1143 Mr. Archer - Okay. Thank you.

1144

1145 Mr. Woo - If I may add. Part of the problem is because the design of the
1146 roads—because we're coming over the overpass and there's no merge area going to
1147 Simply Storage, and it's really hard to see for them. So if they're coming with the trailers,
1148 it's not like they can hit the brakes. So I've even seen from time to time where sometimes
1149 you have to really slow down quite a bit and allow them to turn in. And that's fine, but we
1150 think there is going to be more potential congestion as a result of the increased traffic
1151 there. And then they're starting to—when they do pass over, they'll make a U-turn either
1152 from the road intersecting with Pouncey Tract Road, or they'll turn into our community
1153 and then make a U-turn and go out because there's a median strip right there. So with
1154 our community, we have a lot of families, and so there is concern that the children might
1155 be impacted as a result.

1156

1157 Mr. Leabough - The question that I was going to ask related to—I believe this
1158 case was deferred, correct?

1159

1160 Mr. Branin - Yes, and I'll be addressing that.

1161

1162 Mr. Leabough - Okay. So you will address that. Okay.

1163

1164 Mr. Branin - Mr. Woo, thank you so much for coming in today. I'm glad to
1165 know there are actually people living in Avington. This case was filed in May. When it
1166 came due in July—we had sent out information for a community meeting and received
1167 nothing in response. So I myself, drove through your neighborhood on three separate
1168 occasions on a weekend while people were outside playing and said, "Good afternoon,
1169 good evening, I'm Tommy Branin, the Planning Commissioner for the Three Chopt
1170 District. Are you aware that Simply Storage is about to propose an elevation change?
1171 This is an opportunity for the community. There's going to be a community meeting." And
1172 everybody said okay, thank you. The last person whom I spoke to said, "I'll get with the
1173 homeowners' association and make sure they know." And I said they've already been
1174 notified by mail. We have contacted every way we can your neighborhood and Twin
1175 Hickory—please come to this community meeting. And I specifically had the community
1176 meeting set up across the street from your development. I don't know where the
1177 communication problem is within Avington. There are only what, a hundred and—

1178

1179 Mr. Woo - Fifty-three.

1180

1181 Mr. Branin - One-hundred and fifty-three units, yes. I think we've done
1182 everything we can to get that information out. You are aware that this elevation can be
1183 done by right.

1184

1185 Mr. Woo - Well yes, you shared that with me this morning. I really
1186 appreciate that, Mr. Branin.
1187
1188 Mr. Branin - Okay. I'm going to get Traffic in and we're going to look at the
1189 traffic issue. I'm going to get the developer down, and we're going to look at some of
1190 those issues too.
1191
1192 Mr. Woo - Thank you. With regards to the communication, we did hear
1193 from the community just through chitchat that communication would be sent formally to
1194 all of the houses. We believe only the houses that are directly impacted or adjacent to
1195 their property received communication. Someone like myself never received a
1196 communication. I live on the opposite side, and my front door faces the storage building.
1197
1198 Mr. Branin - Same line with the model?
1199
1200 Mr. Woo - Yes, exactly, exactly. I live right around here.
1201
1202 Mr. Branin - There was a lady that was sitting in her driveway on your
1203 block of buildings that I spoke to.
1204
1205 Mr. Woo - Okay. And I believe she's probably living two doors beside
1206 me. She was actually the one who informed me that we would be receiving
1207 communication whether by certified mail or by courier. I was looking out for it personally,
1208 and I never received one.
1209
1210 Mr. Branin - Okay. We have one more in opposition.
1211
1212 Ms. Hamilton - For the record, my name is Karen Hamilton. And of course I
1213 object to the traffic as well. It was already a bad spot because people have a difficult time
1214 making a turn out of that Simply Storage.
1215
1216 But let's talk about codes and code violation. I do know that sometimes the County, and
1217 even the Board of Supervisors, approves things even though they're not up to code. I'm
1218 wondering about those people who already had things in storage. You know, sometimes
1219 people actually do store delicate, fragile things. And what are you going to do about
1220 these people who already have their things in storage and you're building over the top of
1221 them? Am I understanding this correctly? You're adding another level. So what about
1222 those people? What about the vibration from the construction? How is that going to affect
1223 the people who already have possessions there? Maybe it doesn't mean a thing to you,
1224 but maybe this was their grandmother's only candy dish and they treasure it. I'm just
1225 wondering about the construction, the vibration, as well as the traffic.
1226
1227 I want to remind you that you built the Gayton Road Extension because you said you
1228 wanted to alleviate traffic out there, and yet you just keep on building more and making
1229 traffic worse. So thanks for that. I have to tell you, I was in an accident, thanks to you
1230 guys, all that development out there. I was actually in an accident. I was sitting perfectly

1231 still. The driver next to me had been stopped for several minutes. We were waiting to
1232 make a left turn. And a young girl of 17 plowed into the back of us and totaled my friend's
33 car. Now, you're very fortunate that I wasn't hurt because I'd probably be suing you for
1234 that too. The thing is that traffic is already bad out there, so you're just making it worse.
1235

1236 Mr. Branin - Thank you, Ms. Hamilton.
1237

1238 Mr. Emerson - Madam Chair, if I might respond to the one question
1239 regarding codes. The County does not violate codes. Anything built on this property will
1240 be in compliance with County codes and the required building regulations.
1241

1242 Ms. Hamilton - The code—
1243

1244 Mrs. Jones - Thank you.
1245

1246 Mr. Branin - Ms. Hamilton, not from the back of the room. Thank you. May
1247 I speak to Traffic, please?
1248

1249 Mr. Cejka - Good morning. John Cejka, traffic engineer.
1250

1251 Mr. Branin - John, you've had two things that have been brought up—
1252 infiltration of non-neighborhood cars coming into the Abington neighborhood and also
1253 turnaround. Can you talk about those two things as well as the amount of vehicles and
1254 what the road is rated for, as well as has the amount been calculated for the additional
1255 traffic that will be coming in and out?
1256

1257 Mr. Cejka - Pouncey Tract Road is State Route 271, so it is a state route.
1258 It currently has about 13,000 vehicles. A four-lane, divided roadway can handle up to
1259 30,000 vehicles. I do not have projected numbers for the additional units that are going
1260 to be on top.
1261

1262 As far as going into the neighborhood, I can contact VDOT about that. Also the U-turning
1263 vehicles, I can talk to them to see if they can prohibit U-turns at the location to force them
1264 to go down to the signal to make the U-turn.
1265

1266 Mr. Branin - Okay. Do you think that would be a difficult thing to
1267 accomplish, to get no U-turns at that location?
1268

1269 Mr. Cejka - I'm sure VDOT will have to do a study to determine how
1270 many cars are actually making the U-turn and see if it is a hazardous condition based on
1271 sight distance. But I can talk with them and suggest it based on the community in the
1272 area wanting it.
1273

1274 Mr. Branin - Would you engage and get that started?
1275

1276 Mr. Cejka - Yes, sir.

1277.
1278 Mr. Branin - Thank you.
1279
1280 Mr. Witte - Excuse me. Is there a way to meet with the homeowners
1281 association about this? My concern would be if you put a no U-turn there, they may go
1282 down into the cul-de-sacs and just drive all the way through to come back rather than go
1283 up to the traffic light.
1284
1285 Mr. Cejka - That it is true; it's an option, unfortunately.
1286
1287 Mr. Witte - Which may make it worse. I think consulting with the
1288 homeowners association about no U-turns before we actually do something and take
1289 everything into consideration would be a good idea. That is a viable option for sure. And
1290 I'm sure most people wouldn't pull down in there. But I just want them to be aware of the
1291 situation. It's happened to me. Just talk to them before we get too far.
1292
1293 Mr. Cejka - Yes sir.
1294
1295 Mr. Witte - Thank you.
1296
1297 Mrs. Jones - Are there further questions for our traffic engineer?
1298
1299 Mr. Branin - I have none. I would like to hear from the applicant.
1300
1301 Mr. Shust - Madam Chair, my name is Chris Shust with Balzer and
1302 Associates, representing Simply Storage for the project. I'll be happy to answer any
1303 questions you or the rest of the Commission may have.
1304
1305 Mr. Branin - Mr. Shust, we finally have someone that's interested in what
1306 you're doing, which I think is fantastic. As you and I both know, it can be done by right.
1307 We have changed from what you originally came in with drastically, to a more residential
1308 look. Can you bring up those elevations? Okay, that's where we're at now. Let's go to
1309 where we started. Do you have it on a slide?
1310
1311 Mr. Shust - That is the elevation and the partial color rendering of where
1312 we started when we first met with Mr. Branin.
1313
1314 Mr. Leabough - What's the material?
1315
1316 Mr. Shust - We were using an EIFS-type of material as the original
1317 proposal.
1318
1319 Mr. Leabough - Thank you. It's just hard to see. These don't help out much.
1320
1321 Mr. Emerson - He could put it on the document table.
1322

1323 Mr. Branin - For the other commissioners, you can see that it was a metal
1324 building. And that would be all that would be seen from the neighborhood. We've gone
1325 through four or five renderings to get where we are now. We've picked up the colors of
1326 some of the houses in the neighborhood, changed the roofline, gotten rid of the
1327 ventilation, put in dormer windows as opposed to flat windows or no windows at all to
1328 soften it and make it more of a residential look.

1329
1330 Mr. Leabough - You've come a long way, Mr. Branin.

1331
1332 Mr. Branin - Yes, we actually did. Simply Storage, there is one thing that
1333 I'm going to ask before we move forward with this. We need to discuss the turnaround
1334 and how we can prevent that from increasing in that neighborhood. It may be a matter of
1335 getting "Subdivision Private Property Do Not Enter" signs. I'm sure Simply Storage would
1336 love to donate them to the neighborhood of Avington.

1337
1338 Mr. Shust - As a matter of fact, I've discussed that with Simply Storage.
1339 They would be willing to work with you to craft the appropriate type of sign to help the
1340 community.

1341
1342 Mr. Branin - My peer from the Brookland District is absolutely right. If you
1343 put in a no-U-turn sign, we're just going to be pushing more vehicles into that
1344 neighborhood. I don't know if it was you or the master at the end.

1345
1346 Mr. Glover - It wasn't me. I don't even know where it is.

1347
1348 Mr. Witte - Mr. Branin, I'd like to say that I think this is an excellent idea
1349 to go up to the second floor rather than increasing the size of the footprint or put it
1350 somewhere else where we may affect migratory birds or whatever by destroying more
1351 trees.

1352
1353 Mr. Branin - They're also restricted to not go any further to the
1354 neighborhood. This is the middle building; it's not the one closest to the property. They're
1355 not going to block light or reduce the quality of light for the neighborhood behind. They
1356 can only go up on the middle unit.

1357
1358 Mr. Witte - I think it's fantastic.

1359
1360 Mr. Shust - Mr. Branin, I think there was one question about lighting I'd
1361 like to answer for the residents. We are not proposing new lighting for this project. As
1362 you can see, the windows that are on the buildings, they are functional windows in that
1363 they let light in. But any of the interior building lighting is on a timer. When that building is
1364 in use, the light will go on, but then it will click off as soon as it is unoccupied.

1365
1366 Mr. Branin - Okay. The last thing is I would be ecstatic to know that Simply
1367 Storage would have a community meeting. Let's do it in the early evening or even
1368 Saturday or Sunday. And instead of doing it at the school, I'm sure Avington would be

1369 happy to host it at their gazebo where we can bring the Board any information and
1370 further our discussion on providing signage for their entrance at no expense to the
1371 community to help protect their quality of life.

1372
1373 Mr. Shust - We're happy to accommodate that. We want to be a good
1374 neighbor.

1375
1376 Mr. Branin - Okay. If you would get with Mr. Woo and Matt in regards to
1377 that. I have no further questions.

1378
1379 Mrs. Jones - Any other questions?

1380
1381 Mr. Witte - No ma'am.

1382
1383 Mrs. Jones - All right. Mr. Branin?

1384
1385 Mr. Branin - Mr. Woo, I'm going to go ahead and approve this because the
1386 quality is there. There is not much more we can do to it. The main thing that we need to
1387 do is make sure your neighborhood knows what's going to happen, how it's going to be
1388 phased, and all the things that were discussed in the previous meetings that no one
1389 attended. So, they're going to come into the neighborhood. I will be with them. Okay? All
1390 right.

1391
1392 Madam Chair, I'd like to move that POD2013-00162, Simply Storage Building #2
1393 Expansion, be approved with the annotations on the plan, standard conditions for a
1394 development of this type, the following additional conditions #1 modified, #29, #30, and
1395 #31.

1396
1397 Mr. Archer - Second.

1398
1399 Mrs. Jones - Motion by Mr. Branin, second by Mr. Archer. All in favor say
1400 aye. All opposed say no. The ayes have it; the motion passes.

1401
1402 The Planning Commission approved POD2013-00162, Simply Storage Building #2
1403 Expansion subject to the annotations on the plans, the standard conditions attached to
1404 these minutes for developments of this type, and the following additional conditions:

- 1405
1406 1. **MODIFIED** - The owner shall enter into the necessary contracts with the
1407 Department of Public Utilities for connections to public water. The applicant shall
1408 furnish proof to the Planning Department that conditions satisfactory to the Health
1409 Department have been met that ensure the septic tank drain field system is suitable
1410 for this project prior to the issuance of a building permit.
- 1411 29. Outside storage shall not be permitted.
- 1412 30. The proffers approved as a part of zoning case C-20C-93 shall be incorporated in
1413 this approval.

1414 31. The location of all existing and proposed utility and mechanical equipment
1415 (including HVAC units, electric meters, junctions and accessory boxes,
16 transformers, and generators) shall be identified on the landscape plan. All
1417 building mounted equipment shall be painted to match the building, and all
1418 equipment shall be screened by such measures as determined appropriate by
1419 the Director of Planning or the Planning Commission at the time of plan approval
1420

1421 Mr. Emerson - Madam Chair, next on your agenda would be the
1422 consideration of approval of your July 24, 2013 minutes. You do have an errata sheet
1423 that was provided to you this morning, I believe, in your package.
1424

1425 APPROVAL OF MINUTES: July 24, 2013
1426

1427 Mrs. Jones - Are there further corrections or additions to the minutes?
1428

1429 Mr. Branin - I have none.
1430

1431 Mrs. Jones - I'll entertain a motion.
1432

1433 Mr. Branin - I move for approval of the minutes with the changes that were
1434 provided on the errata sheet.
1435

1436 Mr. Witte - Second.
1437

1438 Mrs. Jones - Motion by Mr. Branin, second by Mr. Witte. All in favor say
1439 aye. All opposed say no. The ayes have it; the motion passes.
1440

1441 The Planning Commission approved the July 24, 2013 minutes as corrected.
1442

1443 Mrs. Jones - There may be something else, but I would like to take this
1444 opportunity to thank the Planning Commission for the transfer of approval listing as a
1445 follow-up to the items which are approved by this Commission. It is something we always
1446 knew was happening. I don't think anyone ever doubted that there was appropriate
1447 follow-up through all of this. But I think it is very interesting to see this in graph form, and
1448 I thank you for including that in our packets.
1449

1450 Is there anything else to come before the Commission?
1451

1452 Mr. Emerson - Madam Chair, I have nothing further this morning.
1453

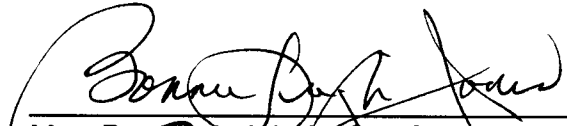
1454 Mr. Leabough - I move for adjournment.
1455

1456 Mrs. Jones - I have a motion for adjournment.
1457

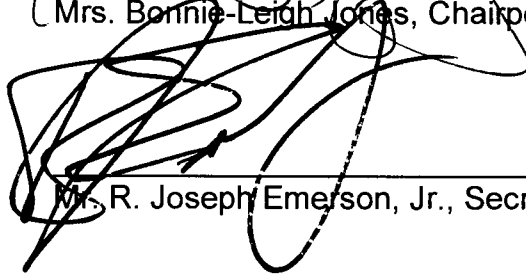
1458 Mr. Branin - Second.
1459

1460 Mrs. Jones -
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1470

I have a second. This meeting is adjourned.



Mrs. Bonnie-Leigh Jones, Chairperson, C.P.C.



Mr. R. Joseph Emerson, Jr., Secretary

PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **September 25, 2013**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
10. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced no later than the next planting season.
11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature. **(For POD which includes lighting plan approval)**
12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
13. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan for review and approval.
14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
15. Traffic control signs shall be provided as indicated on the Department of Planning Staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
16. The assigned property number(s) shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses. **(Revised January 2008)**
17. The owner shall have a set of plans approved by the Director of Public Works, Public Utilities and Secretary of the Planning Commission available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
18. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.

19. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the owner shall furnish a statement by the engineer or land surveyor who prepared the POD plan, to the effect that all construction including water and sewer is in conformance to the regulations and requirements of the POD.
20. The approved Plan of Development is granted by the Planning Commission only to the owners(s)/applicant(s) listed on the Plan of Development application on file for this project. Upon written notification to the Director of Planning, the Plan of Development approval may be transferred to subsequent owner(s) subject to approval by this Commission **(Revised July 2007)**.
21. Vehicles shall be parked only in approved and constructed parking spaces.
22. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
23. The site, including paving, pavement markings, signage, curb and gutter, dumpster screens, walls, fences, lighting and other site improvements shall be properly maintained in good condition at all times. Any necessary repairs shall be made in a timely manner.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
25. Insurance Services Office (ISO) calculations shall be included on the final construction plans for approval by the Department of Public Utilities prior to issuance of a building permit.
26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
27. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
28. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
29. **(Start of miscellaneous conditions)**

STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **September 25, 2013**, which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

B. In Addition to Item A, the Following Standard Conditions for Approval of All Zero Lot Line Developments shall apply:

29. Roof edge ornamental features that extend over the zero lot line, and which are permitted by Section 24-95(i)(1), must be authorized in the covenants.
30. Eight-foot easements for construction, drainage, and maintenance access for abutting lots shall be provided and shown on the POD plans.
31. Building permit request for individual dwellings shall each include two (2) copies of a layout plan sheet as approved with the plan of development. The developer may utilize alternate building types providing that each may be located within the building footprint shown on the approved plan. Any deviation in building footprint or infrastructure shall require submission and approval of an administrative site plan.
32. Windows on the zero lot line side of the dwelling can only be approved with an exception granted by the Building Official and the Director of Planning during the building permit application process.

C. Standard Conditions for Approval of All Dry Cleaners and Laundries in Addition to Item A:

29. The dry cleaning establishment shall use only non-inflammable cleaning solvents and have fully enclosed cleaning and solvent reclamation processes and fully enclosed pressing equipment with no outside steam exhaust.

D. In addition to Item A, the Following Conditions for Approval of All Shopping Centers Shall Apply:

29. Only retail business establishments permitted in a zone may be located in this center.
30. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
31. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

E. In Addition to Item A, the Following Standard Conditions for Approval of All Multi-Family Shall Apply:

29. The unit house numbers shall be visible from the parking areas and drives.
30. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and **such names shall be included on the construction plans prior to their approval.** The standard street name signs shall be installed prior to any occupancy permit approval.

F. In addition to Item A, the Following Standard Conditions for Approval of All Service Station Developments Shall Apply:

29. This business shall not remain in operation after midnight and no exterior signs shall remain lighted after **(12:00 midnight - B-1) (1:00 o'clock a.m. - B-2) (no limit - B-3)**.
30. No merchandise shall be displayed outside of the building except that oil racks will be allowed on the pump islands.
31. This service station shall be used only for the sale of petroleum products and automobile accessories and parts. It shall not be used to sell or rent camping trailers, nor as a base of operation for truck fleets or fuel oil delivery or other such use that is not strictly a service station operation.
32. Only light repair work shall be allowed at this station, including motor tune-up, brake, generator, ignition, and exhaust repairs, and wheel balancing. The only work that can be performed outside the building is those services that are normally furnished at the pump island and the changing of tires.
33. No wrecked automobiles, nor automobiles incapable of being operated, shall be kept on the premises.
34. The prospective operator of this station shall come to the Department of Planning and sign the file copy of the special plan of development letter before he signs a lease with the oil company to operate this station.

G. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS IN A

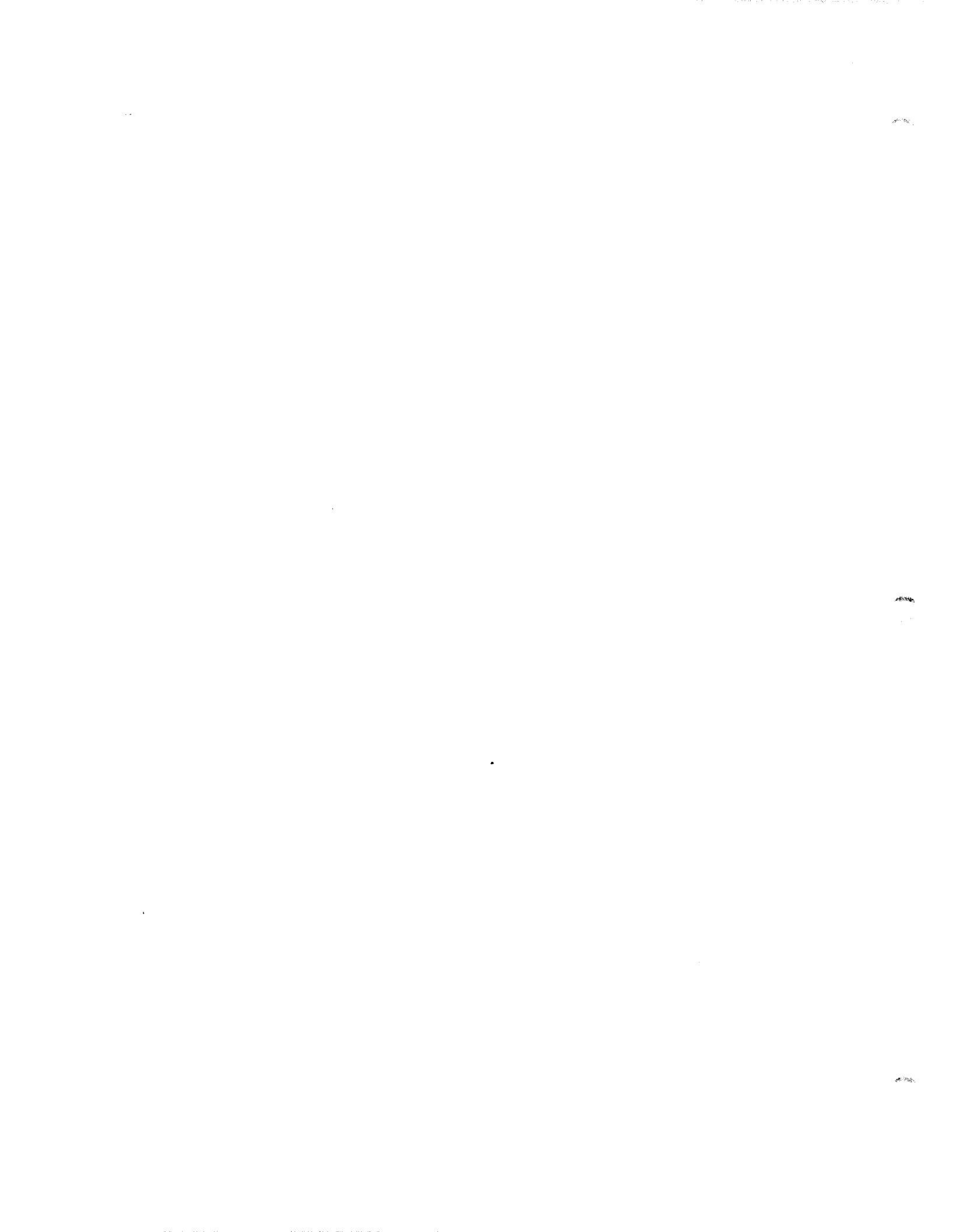
B-2 ZONE

29. Bulk storage of fuel shall be underground.
30. There shall be no exterior display of merchandise except on pump islands and on paved walkway areas within three (3) feet of building.
31. Lighting fixtures shall not exceed a height greater than twenty (20) feet.
32. No temporary storage of wrecked or inoperative vehicles or rental of vehicles, trailer campers, vans or similar equipment shall be permitted.
33. Not more than two (2) electronic amusement games shall be permitted.
34. Not more than two (2) vending machines for food and beverage and similar merchandise shall be permitted on the premises outside of an enclosed building.
35. The prospective operator of this facility shall come to the Department of Planning and sign the file copy of the special plan of development letter before he signs a lease with the oil company to operate this station.
36. The landscaping plan shall include details for screening of refuse containers and refuse storage facilities in accordance with Section 24-61(i).
37. Refuse containers or refuse storage facilities shall be serviced during business hours only.
38. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way.
39. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility. **(If Car Wash Is Proposed)**

**H. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS
IN A**

B-3 ZONE

29. Bulk storage of fuel shall be underground.
30. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way. **(If Car Wash Is Proposed)**
31. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility. **(If Car Wash Is Proposed)**



SUBDIVISION - CONDITIONAL APPROVAL

Standard Conditions for Conventional Subdivisions Served By Public Utilities Public Water and/or Sewer (January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 25, 2013**, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **September 25, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

Standard Conditions for Conventional Subdivisions Not Served By Public Utilities
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **September 25, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **September 24, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.

11. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

Standard Conditions for Residential Townhouse for Sale (RTH) Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 25, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 24, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.
13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site
14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of **(name of subdivision)** and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.

Standard Conditions for Zero Lot Line Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 25, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 24, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers and Chesapeake Bay Act Areas.

SUBDIVISION - CONDITIONAL APPROVAL

Standard Conditions for Conventional Subdivisions Served By Public Utilities Road Dedication (No Lots) (January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 25, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 24, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

