

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 Springs Roads beginning at 9:00 a.m. Wednesday, April 27, 2016.
4

Members Present: Mr. C. W. Archer, C.P.C., Chair (Fairfield)
Ms. Bonnie-Leigh Jones, C.P.C., Vice-Chair (Tuckahoe)
Mr. Eric Leabough, C.P.C., (Varina)
Mrs. Sandra M. Marshall (Three Chopt)
Mr. Robert H. Witte, Jr., Chairman (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Frank J. Thornton,
Board of Supervisors' Representative

Others Present: Ms. Jean Moore, Assistant Director of Planning
Ms. Leslie A. News, PLA, Senior 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, AICP, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Aimee B. Crady, AICP, County Planner
Ms. Sharon Smidler, P.E., Traffic Engineer
Mr. Gary A. DuVal, P.E., Traffic Engineer
Ms. Kim Vann, Division of Police
Ms. Latrice Gordon, Division of Police
Ms. Kate Teator, County Planner/Recording Secretary

5
6 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains on all**
7 **cases unless otherwise noted.**

8
9 Mr. Archer - Good morning. The Planning Commission will come to order.
10 Good morning everyone.

11
12 Several - Good morning.

13
14 Mr. Archer - This is the April 27th meeting for Subdivisions and Plans of
15 Development. Welcome to all of you. I see Mr. Robinson just walked in from the *Times-*
16 *Dispatch*. Good morning, sir.

17
18 Mr. Robinson - [Off microphone.] Good morning.

19
20 Mr. Archer - So with that, let us all stand and mute or turn off our phones.
21 And then let's say the Pledge of Allegiance.

22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Thank you. I'd like to welcome Mr. Thornton from the Fairfield District who serves from the Board of Supervisors this year. Good morning, sir.

Mr. Thornton - Good morning, Mr. Chairman.

Mr. Archer - With that, I'll turn things over to our secretary, Mr. Emerson.

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

Ms. News - Thank you, Mr. Secretary. Good morning, members of the Commission.

Mr. Archer - Good morning, Ms. News.

Ms. News - We have four requests for deferrals on our agenda this morning. The first is found on page 8 of your agenda and is located in the Three Chopt District. This is POD2015-00322, Corner Bakery at Car Care Shopping Center. The applicant has requested a deferral to the May 25th, 2016 meeting.

(Deferred from the March 23, 2016 Meeting)

PLAN OF DEVELOPMENT

POD2015-00322
Corner Bakery at Car Care Shopping Center – 11000 West Broad Street (U.S. Route 250)

Parker Design Group for Global General Properties, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to demolish an existing vacant car service station and construct a one-story, 4,052 square foot restaurant with drive-through facilities in an existing shopping center. The 1.06-acre site is located on the northwest corner of the intersection of W. Broad Street (U.S. Route 250) and Dominion Boulevard, on parcel 747-760-3077 and part of parcel 747-760-1291. The zoning is B-3C, Business District (Conditional). County water and sewer.
(Three Chopt)

47
48
49
50
51
52
53
54
55

Mr. Archer - Thank you. Is there anybody here who is opposed to the deferral of POD2015-00322, Corner Bakery at Car Care Shopping Center? I see no opposition. Mrs. Marshall.

Mrs. Marshall - I move POD2015-00322, Corner Bakery at Car Care Shopping Center, be deferred to the May 25, 2016 meeting per the applicant's request.

Ms. Jones - Second.

56
57
58
59
60
61
62
63
64
65
66
67
68
69

Mr. Archer - Motion by Mrs. Marshall, seconded by Ms. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

At the request of the applicant, the Planning Commission deferred POD2015-00322, Corner Bakery at Car Care Shopping Center, to its May 25, 2016 meeting.

Ms. News - The next item is found on page 10 of your agenda and is located in the Tuckahoe District. This is POD2015-00391, Ample Storage - Three Chopt Road. The applicant has requested a deferral to the June 22, 2016 meeting.

(Deferred from the February 24, 2016 Meeting)

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2015-00391
Ample Storage – Three
Chopt Road – 10210
Three Chopt Road

Bay Companies, Inc. for Ample Storage Three Chopt, LLC and Richmond Retirement RES II, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to demolish an existing single family home and construct two, two-story self-service storage facilities, totaling 120,190 square feet. The 3.78-acre site is located on the east line of Three Chopt Road, approximately 420 feet north of its intersection with Gaskins Road, on parcel 750-755-0814 and part of parcel 749-755-4576. The zoning is B-2C, Business District (Conditional) and R-6C, General Residence District (Conditional). County water and sewer.
(Tuckahoe)

70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88

Mr. Archer - Okay, thank you. Is there anyone here who is opposed to the deferment of POD2015-00391, Ample Storage - Three Chopt Road? No opposition.
Ms. Jones.

Ms. Jones - I move the deferral of the plan of development and lighting plan for POD2015-00391, Ample Storage, Three Chopt Road, at the request of the applicant, to the June 22, 2016 meeting.

Mr. Witte - Second.

Mr. Archer - Motion by Ms. Jones and seconded by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

At the request of the applicant, the Planning Commission deferred POD2015-00391, Ample Storage, Three Chopt Road, to its June 22, 2016 meeting.

Ms. News - The next item is on page 13 of your agenda and located in the Three Chopt District. This is POD2016-00014, Bon Secours Short Pump at Broad Hill

89 Centre - Revised. The deferral has been requested by the applicant to the May 25, 2016
90 meeting.

91
92 *(Deferred from the March 23, 2016 Meeting)*

93 **PLAN OF DEVELOPMENT**

94

POD2016-00014
Bon Secours Short Pump
at Broad Hill Centre -
Revised - 12320 West
Broad Street (U.S. Route
250)

Timmons Group for Bon Secours Richmond Health System and PETRA: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story 49,750 square foot medical office building and a five-story 125,000 square foot medical office building. The 18.9-acre site is located on the north line of West Broad Street (U.S. Route 250), approximately 3,000 feet west of North Gayton Road, on parcel 731-766-2002. The zoning is O-3C, Office District (Conditional), R-6C, General Residential District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

95

96 Mr. Archer - Okay. Anyone present who is opposed to this deferment,
97 POD2016-00014, Bon Secours Short Pump at Broad Hill Centre - Revised? I see none.
98 Mrs. Marshall.

99

100 Mrs. Marshall - I move POD2016-00014, Bon Secours Short Pump at Broad
101 Hill Centre, be deferred to the May 25, 2016 meeting per the applicant's request.

102

103 Mr. Leabough - Second.

104

105 Mr. Archer - Motion by Mrs. Marshall, seconded by Mr. Leabough. All in
106 favor say aye. All opposed say no. The ayes have it; the motion passes.

107

108 At the request of the applicant, the Planning Commission deferred POD2016-00014, Bon
109 Secours Short Pump at Broad Hill Centre - Revised, to its May 25, 2016 meeting.

110

111 Ms. News - Next on page 28 of your agenda and located in the Three
112 Chopt District is POD2016-00169, GreenGate Section 1. This is architectural. The
113 applicant has requested a deferral to the June 22, 2016 meeting.

114

115 **PLAN OF DEVELOPMENT - ARCHITECTURALS ONLY**

116

POD2016-00169
GreenGate Section 1 –
12121 West Broad Street
(U.S. Route 250)

Kimley-Horn and Associates, Inc. for ME Nuckols, LLC: Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 70 residential townhomes for sale and 10 single-family residential dwellings in an urban mixed-use development. The 9.52-

acre site is located along the north line of Graham Meadows Drive, approximately 575 feet west of its intersection with North Gayton Road, on part of parcel 731-764-5533. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

117

118 Mr. Archer - Thank you. Is there anyone present who is opposed to
119 deferring POD2016-00169, GreenGate Section 1? No opposition. Mrs. Marshall.

120

121 Mrs. Marshall - I move POD2016-00169, GreenGate Section 1, architectural
122 plans, be deferred to the June 22, 2016 meeting, per the applicant's request.

123

124 Mr. Witte - Second.

125

126 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Witte. All in favor
127 say aye. All opposed say no. The ayes have it; the motion passes.

128

129 At the request of the applicant, the Planning Commission deferred POD2016-00169,
130 GreenGate Section 1, architectural, to its June 22, 2016 meeting.

131

132 Ms. News - Staff is not aware of any further requests.

133

134 Mr. Archer - Thank you, Ms. News.

135

136 Mr. Emerson - Mr. Chairman, if the Commission doesn't have any deferrals to
137 enter at this time, we'll move on to the next item on the agenda, which are the expedited
138 items. And those will also be presented by Ms. News.

139

140 Ms. News - Sir, we have five items on our expedited agenda this morning.
141 The first is found on page 3 of your agenda and located in the Three Chopt District. This
142 is a transfer of approval for POD2014-00227, Saunders Station Townes at Broad Hill
143 Centre. Staff recommends approval.

144

145 TRANSFER OF APPROVAL

146

POD2014-00227
POD2016-00107
Saunders Station Townes
at Broad Hill Centre –
4500 Broad Hill Drive

Rick Melchor for BHC Townes, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Attack WB Investors, LLC to BHC Townes, LLC. The 10.55-acre site is located on the west line of Bon Secours Parkway, approximately 675 feet north of West Broad Street (U.S. Route 250), on parcel 730-767-7336. The zoning is RTHC, Residential Townhouse District (Conditional), C-1C, Conservation District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171

Mr. Archer - All right. Is there anyone here who is opposed to this transfer of approval, POD2014-00227 (POD2016-00107), Saunders Station Townes at Broad Hill Centre? Mrs. Marshall.

Mrs. Marshall - I move approval of the transfer of approval for POD2014-00227 (POD2016-00107), Saunders Station Townes at Broad Hill Centre, as presented, subject to the previously approved conditions, on the expedited agenda.

Mr. Leabough - Second.

Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved the transfer of approval request for POD2014-00227 (POD2016-00107), Saunders Station Townes at Broad Hill Centre from Attack WB Investors, LLC to BHC Townes, LLC., subject to the standard and added conditions previously approved.

Ms. News - The next item is on page 6 of your agenda and located in the Three Chopt District. This is a transfer of approval for POD-40-97, Hilton Garden Inn. Staff recommends approval.

TRANSFER OF APPROVAL

POD-40-97 POD2014-00348 Hilton Garden Inn – 4050 Cox Road	Jeff Chang for MCRT2 Richmond, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Attack-Lakepointe, LLC to MCRT2, LLC. The 4.79-acre site is located west of Cox Road at the terminus of Innslake Drive and on the east line of Dominion Boulevard, approximately 670 feet north of West Broad Street (U.S. Route 250), on parcel 747-761-8924. The zoning is B-2C, Business District (Conditional). County water and sewer. (Three Chopt)
--	--

172
173
174
175
176
177
178
179
180
181
182
183

Mr. Archer - Is there anyone present who is opposed to this TOA, POD-40-97 (POD2014-00348), Hilton Garden Inn? No opposition.

Mrs. Marshall - I move approval of the transfer of approval for POD-40-97 (POD2014-00348), Hilton Garden Inn, as presented, subject to the previously approved conditions, on the expedited agenda.

Mr. Witte - Second.

Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

184
185
186
187
188
189
190
191
192
193
194
195
196

The Planning Commission approved the transfer of approval request for POD-40-97 (POD2014-00348), Hilton Garden Inn, from Atack-Lakepointe, LLC to MCRT2, LLC, subject to the standard and added conditions previously approved.

Ms. News - Next on page 7 and in the Three Chopt District is a transfer of approval for POD-127-98 and POD-48-03, Rick Hendrick Chevrolet Buick GMC, which was formerly Dominion Chevrolet and the Rick Hendrick Chevrolet Buick GMC parking deck, which was formerly the Dominion Chevrolet Parking Deck. Staff recommends approval.

TRANSFER OF APPROVAL

POD-127-98 and POD-48-03
POD2014-00434 and
POD2014-00435
Rick Hendrick Chevrolet Buick GMC (Formerly Dominion Chevrolet) and Rick Hendrick Chevrolet Buick GMC Parking Deck (Formerly Dominion Chevrolet Parking Deck) – 12050 West Broad Street (U.S. Route 250) **Brian Parrish for HAG RE CDT, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from The Linhart Company to HAG RE CDT, LLC. The 9.19-acre site is located on the north line of West Broad Street (U.S. Route 250), approximately 200 feet east of North Gayton Road and the east line of North Gayton Road, approximately 210 feet north of West Broad Street (U.S. Route 250), on parcel 734-764-5375. The zoning is B-3C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216

Mr. Archer - Okay. Is there opposition to this transfer, POD-127-98 and POD-48-03, (POD2014-00434 and POD2014-00435), Rick Hendrick Chevrolet Buick GMC (formerly Dominion Chevrolet) and Rick Hendrick Chevrolet Buick GMC Parking Deck (formerly Dominion Chevrolet Parking Deck)? No opposition. Mrs. Marshall.

Mrs. Marshall - I move approval of the transfer of approval for POD-127-98 and POD-48-03, (POD2014-00434 and POD2014-00435), Rick Hendrick Chevrolet Buick GMC (formerly Dominion Chevrolet) and Rick Hendrick Chevrolet Buick GMC Parking Deck (formerly Dominion Chevrolet Parking Deck), as presented, subject to the previously approved conditions, on the expedited agenda.

Mr. Leabough - Second.

Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved the transfer of approval request for POD-127-98 and POD-48-03, (POD2014-00434 and POD2014-00435), Rick Hendrick Chevrolet Buick GMC (formerly Dominion Chevrolet) and Rick Hendrick Chevrolet Buick GMC Parking

217 Deck (formerly Dominion Chevrolet Parking Deck), from The Linhart Company to HAG RE
218 CDT, LLC, subject to the standard and added conditions previously approved.

219
220 Ms. News - The next item is on page 21 of your agenda and located in the
221 Three Chopt District. This is POD2016-00132, Holloway at Wyndham Forest, Section 6.
222 Staff recommends approval.

223
224 **PLAN OF DEVELOPMENT**
225

POD2016-00132
Holloway at Wyndham
Forest Section 6 – 11120
Nuckols Road

Youngblood Tyler and Associates, P.C. for HHHunt Holloway, LLC and HHHunt Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 28 detached dwellings for sale with zero lot lines. The 9.38-acre site is located approximately 2,400 feet east of the intersection of Nuckols Road and Opaca Lane and approximately 1,100 feet west of the western terminus of Holman Ridge Road, on part of parcel 749-772-8402. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **(Three Chopt)**

226
227 Mr. Archer - Okay. Is there opposition to the approval of POD2016-00132,
228 Holloway at Wyndham Forest Section 6? No opposition. Mrs. Marshall.

229
230 Mrs. Marshall - I move POD2016-00132, Holloway at Wyndham Forest
231 Section 6, be approved on the expedited agenda subject to the annotations on the plan,
232 the standard conditions for developments of this type, additional conditions 9 amended
233 and 29 through 40 in the agenda.

234
235 Ms. Jones - Second.

236
237 Mr. Archer - Okay. Motion by Mrs. Marshall and seconded by Ms. Jones.
238 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

239
240 The Planning Commission approved POD2016-00132, Holloway at Wyndham Forest
241 Section 6, subject to the annotations on the plans, the standard conditions attached to
242 these minutes for developments of this type, and the following additional conditions:

- 243
244 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
245 Planning for review and Planning Commission approval prior to the issuance of any
246 occupancy permits.
247 29. Roof edge ornamental features that extend over the zero lot line, and which are
248 permitted by Section 24-95(i)(1), must be authorized in the covenants.
249 30. Eight-foot easements for construction, drainage, and maintenance access for
250 abutting lots shall be provided and shown on the POD plans.
251 31. Building permit request for individual dwellings shall each include two (2) copies of a

252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297

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.
33. The mechanical equipment for each building shall be located on its respective lot. Except for wall-mounted electric meters, in no case shall the eight-foot easement for construction, drainage, and maintenance access on the abutting lot be used to locate other mechanical equipment (such as HVAC equipment, generators, and the like) for the subject lot.
34. A concrete sidewalk meeting County standards shall be provided along the both sides of Holman Ridge Road and the north side of Forest Hollow.
35. The proffers approved as a part of zoning case REZ2015-00014 shall be incorporated in this approval.
36. A note in bold lettering shall be provided on the erosion control plan indicating that sediment basins or traps located within buildable areas or building pads shall be reclaimed with engineered fill. All materials shall be deposited and compacted in accordance with the applicable sections of the state building code and geotechnical guidelines established by the engineer. An engineer's report certifying the suitability of the fill materials and its compaction shall be submitted for review and approval by the Director of Planning and Director of Public Works and the Building Official prior to the issuance of any building permit(s) on the affected sites.
37. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
38. The owners shall not begin clearing of the site until the following conditions have been met:
 - (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision construction plan and the Erosion and Sediment Control Plan, the limits of the areas to be cleared and the methods of protecting the required buffer areas. The location of utility lines, drainage structures and easements shall be shown.
 - (b) After the Erosion and Sediment Control Plan has been approved but prior to any clearing or grading operations of the site, the owner shall have the limits of clearing delineated with approved methods such as flagging, silt fencing or temporary fencing.
 - (c) The site engineer shall certify in writing to the owner that the limits of clearing have been staked in accordance with the approved plans. A copy of this letter shall be sent to the Department of Planning and the Department of Public Works.
 - (d) The owner shall be responsible for the protection of the buffer areas and for replanting and/or supplemental planting and other necessary improvements to the buffer as may be appropriate or required to correct problems. The details shall be included on the landscape plans for approval.

- 298 39. Except for junction boxes, meters, and existing overhead utility lines, and for
299 technical or environmental reasons, all utility lines shall be underground.
300 40. The limits and elevations of the Special Flood Hazard Area shall be conspicuously
301 noted on the plan and labeled "Limits of Special Flood Hazard Area." In addition,
302 the delineated Special Flood Hazard Area must be labeled "Variable Width
303 Drainage and Utility Easement." The easement shall be granted to the County prior
304 to the issuance of any occupancy permits.
305

306 Ms. News - The final item is on page 24 of your agenda and located in the
307 Three Chopt District. This is SUB2016-00034, Holloway Townes at Wyndham Forest (April
308 2016 plan). Staff recommends approval.
309

310 **SUBDIVISION**
311

SUB2016-00034
Holloway Townes at
Wyndham Forest (April
2016 Plan) – 11120
Nuckols Road

**Youngblood Tyler and Associates, P.C. for HHHunt
Holloway, LLC and HHHunt Corporation:** The 9.44-acre
site proposed for 55 two and three-story townhouses for
sale is located approximately 2,100 feet east of the
intersection of Nuckols Road and Opaca Lane and
approximately 1,350 feet west of the western terminus of
Holman Ridge Road, on part of parcel 749-772-8402. The
zoning is RTHC, Residential Townhouse District
(Conditional). County water and sewer. **(Three Chopt) 55
Lots**

312
313 Mr. Archer - Okay. Is there anyone in the audience opposed to SUB2016-
314 00034, Holloway Townes at Wyndham Forest (April 2016 plan)? No opposition.
315 Mrs. Marshall again.
316

317 Mrs. Marshall - I move SUB2016-00034, Holloway Townes at Wyndham
318 Forest (April 2016 plan), be approved on the expedited agenda subject to the annotations
319 on the plan, standard conditions for residential townhouses for sale, and conditions 15
320 through 21 in the agenda.
321

322 Mr. Leabough - Second.
323

324 Mr. Archer - Okay. Motion by Mrs. Marshall, second by Mr. Leabough. All
325 in favor say aye. All opposed say no. The ayes have it; the motion passes.
326

327 The Planning Commission granted conditional approval to SUB2016-00034, Holloway
328 Townes at Wyndham Forest (April 2016 plan), subject to the standard conditions attached
329 to these minutes for subdivisions served by public utilities, the annotations on the plans,
330 and the following additional conditions:
331

- 332 15. Prior to requesting recordation, the developer must furnish a letter from Dominion
 333 Virginia Power and Plantation Pipeline, stating that this proposed development
 334 does not conflict with its facilities.
 335 16. The details for the landscaping to be provided within the 15-foot wide planting strip
 336 easement along Holman Ridge Road shall be submitted to the Department of
 337 Planning for review and approval prior to recordation of the plat.
 338 17. A County standard sidewalk shall be constructed along the both sides of Holman
 339 Ridge Road.
 340 18. Any necessary offsite drainage easements must be obtained prior to final approval
 341 of the construction plan by the Department of Public Works.
 342 19. The proffers approved as part of zoning case REZ2015-00014 shall be incorporated
 343 in this approval.
 344 20. The final plat for recordation shall contain information showing The Chesapeake
 345 Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18),
 346 of the Henrico County Code, as determined by the Director of Public Works.
 347 21. Any future building lot containing a BMP, sediment basin or trap and located within
 348 the buildable area for a principal structure or accessory structure, may be
 349 developed with engineered fill. All material shall be deposited and compacted in
 350 accordance with the Virginia Uniform Statewide Building Code and geotechnical
 351 guidelines established by a professional engineer. A detailed engineering report
 352 shall be submitted for the review and approval by the Building Official prior to the
 353 issuance of a building permit on the affected lot. A copy of the report and
 354 recommendations shall be furnished to the Directors of Planning and Public Works.

355 Ms. News - That completes our expedited agenda.

356 Mr. Archer - All right, thank you, ma'am.

357
 358 Mr. Emerson - Mr. Chairman, we now move on to Subdivision Extensions of
 359 Conditional Approval. Those will be presented by Mr. Lee Pambid.
 360
 361

362 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

363 **EXTENSIONS – FOR PLANNING COMMISSION APPROVAL**

364
 365
 366

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2011-00024 (SUB-004-11) Broadus Glen (April 2011 Plan)	34	34	4	Fairfield	4/26/2017

367
 368
 369
 370
 371

372
373

EXTENSIONS - FOR INFORMATIONAL PURPOSES ONLY

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2013-00040 Short Pump Manor at Bacova (April 2013 Plan) (Formerly Bowles Crossing)	89	11	2	Three Chopt	4/26/2017

374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409

Mr. Archer - Good morning, Mr. Pambid.

Mr. Pambid - Good morning. This map indicates the location of two subdivisions which are presented for extensions of conditional approval. Short Pump Manor at Bacova, April 2013 plan, is eligible for a one-year extension to April 26, 2017. This is for informational purposes only and does not require Commission action at this time.

The other conditional subdivision is Broaddus Glen, April 2011 plan. Per Section 19.64(b) of the Subdivision Ordinance, any subdivision extensions exceeding sixty months from the date of conditional approval—in this case, April 27, 2011—need approval from the Planning Commission. Therefore, this extension requires Commission action. Staff recommends extension of this conditional approval for one year to April 26, 2017.

This concludes my presentation. Staff can now field any questions you have regarding these.

Mr. Archer - Thank you, Mr. Pambid. Are there questions from the Commission? In that event, I move for approval this subdivision extension.

Mr. Leabough - Second.

Mr. Archer - Motion by Mr. Archer and seconded by Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission granted approval for a subdivision extension to SUB2011-00024 (SUB-004-11), Broaddus Glen (April 2011 Plan), to April 26, 2017.

Mr. Emerson - Mr. Chairman, we now move into your regular agenda, page 4, for POD-153-84 (POD2015-00037), Tommie and Melinda Sides. The staff report will be presented by Mr. Greg Garrison.

410 **TRANSFER OF APPROVAL**
411

412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446

POD-153-84
POD2015-00037
Clearwater Pools & Spas
(Formerly Five Star Gyros
& Subs) – 9076 West
Broad Street (U.S. Route
250)

Tommie and Melinda Sides: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from CXD Properties, LLC and Dimitrios Delios to Tommie and Melinda Sides. The 0.53-acre site is located in the Tuckernuck Square Shopping Center, on the north side of W. Broad Street (U.S. Route 250), approximately 250 feet east of Tuckernuck Drive, on parcel 758-756-4067. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

Mr. Archer - All right, thank you. Good morning, Mr. Garrison.

Mr. Garrison - Good morning.

Mr. Archer - Is there anyone here opposed to the transfer for POD-153-84 (POD2015-00037), Clearwater Pools & Spas (formerly Five Star Gyros & Subs)? I see no opposition. Go ahead, Mr. Garrison.

Mr. Garrison - The landscape deficiencies identified in the staff report have been corrected. Staff can recommend approval of this transfer request. I'm available to answer any questions that you may have.

Mr. Archer - All right. Questions for Mr. Garrison? I see none.

Mr. Witte - With that, Mr. Chairman, I move approval of transfer of approval of POD-153-84 (POD2015-00037), Clearwater Pools & Spas (formerly Five Star Gyros & Subs), as presented, subject to previously approved conditions.

Ms. Jones - Second.

Mr. Archer - Motion by Mr. Witte and seconded by Ms. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved the transfer of approval request for POD-153-84 (POD2015-00037), Clearwater Pools & Spas (formerly Five Star Gyros & Subs), from CXD Properties, LLC and Dimitrios Delios to Tommie and Melinda Sides, subject to the standard and added conditions previously approved.

Mr. Emerson - Mr. Chairman, we now move to page 5 of your agenda for POD-34-02 (POD2015-00357), Timmons Group for CWC Food Properties, LLC. The staff report will be presented by Mr. Greg Garrison.

484
485
486

(Deferred from the March 23, 2016 Meeting)

PLAN OF DEVELOPMENT - ARCHITECTURALS ONLY

POD2016-00040
Rocketts Landing - Phase
IV - 5300 Old Osborne
Turnpike

Timmons Group for Central Virginia Investments/Rocketts Landing, LLC: Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 28 three and four-story single-family residential townhomes for sale on Block 19 of the Village of Rocketts Landing. The 1.91-acre site is located west of Old Osborne Turnpike (State Route 5) along the west line of Old Main Street (private) between Old Delaware Street extended (private) and Old Charles Street (private), on part of parcel 797-712-4340. The zoning is UMUC, Urban Mixed Use District (Conditional). City of Richmond water and sewer. **(Varina)**

487
488
489
490
491

Mr. Archer - All right. Good morning, Mr. Kennedy. Is there anyone present who is opposed to POD2016-00040, Rocketts Landing - Phase IV? No opposition. Go ahead, Mr. Kennedy.

492
493
494
495
496
497
498

Mr. Kennedy - Good morning. The plan of development for this site was approved by the Planning Commission at the January 27, 2016 meeting, but they deferred the architectural review. Staff had asked for additional information regarding the architectural treatment, and it was just supplied last night. Basically, we want to make sure that what they use is distinctive and it correlates with the design pattern book for Rocketts Landing.

499
500
501
502
503
504
505

I have distributed the revised plans that were submitted last night, the rear elevations. The front is the same. It's the rear that we were concerned about. As you can see the difference, if the rear was a solid color, it would look like an apartment building. We're trying to make this look like individual buildings. They are individual in the front; now they're going to be individual in the back as well. So they'll match the colors of the siding and the trim in front. They will be differentiated between side-by-side units as well.

506
507
508

With that staff can now recommend approval of the architecturals. However, they will need a waiver of time limits.

509
510

Mr. Archer - All right. Are there questions for Mr. Kennedy?

511
512
513

Ms. Jones - I do. Mr. Kennedy, I just want to make sure I understand. You said that the colors used and the differentiation that that would make to individual units was what the issue was right here.

514
515
516

Mr. Kennedy - Yes ma'am.

517 Ms. Jones - I know that printers are difficult sometimes to get an accurate
518 rendering. But in the one that we have here at our areas, that is different?
519
520 Mr. Kennedy - That is different, yes ma'am.
521
522 Ms. Jones - Okay, because it looks very much the same to me on mine.
523
524 Mr. Kennedy - The intention is to have them different in siding and trim. We'll
525 follow through with that.
526
527 Mr. Leabough - But there is a color variation.
528
529 Mr. Kennedy - There is a color variation.
530
531 Mr. Leabough - They're not all the same color.
532
533 Mr. Kennedy - Not all the same color, right.
534
535 Mr. Leabough - But they look similar.
536
537 Ms. Jones - They do. I just wanted to double check that that's what I heard.
538
539 Mr. Kennedy - That's what they originally had.
540
541 Mr. Leabough - Could you show the elevation for the fronts again? You said
542 that these are supposed to be consistent with the front elevations. The rear elevations are.
543
544 Mr. Kennedy - They're a little bit different, but it's hard to tell which ones. It's
545 hard to discern the differences in colors. But there are several distinct different colors.
546
547 Ms. Jones - This is hard to tell.
548
549 Mr. Leabough - It is hard to tell.
550
551 Mr. Kennedy - The second page has a better rendition.
552
553 Mr. Leabough - Yes, it does a better job of differentiating.
554
555 Mr. Kennedy - The object is to make sure the front matches the back. Or the
556 backs match the fronts. This way it's clearly individual units.
557
558 Mr. Leabough - Is there a requirement that they be different, that no two
559 elevations side-by-side can be the same color?
560
561 Mr. Kennedy - Can't be the same color, right.
562

563 Mr. Leabough - But could they be a shade off? We can ask the developer how
564 that will look.

565
566 Mr. Emerson - He wasn't able to be here this morning, from my
567 understanding. We're not sure what his conflict is. But he did indicate he would not be
568 present today.

569
570 Mr. Leabough - Mr. Souter has a consistent pattern. Mr. Secretary, I trust that
571 you and staff will make sure that that gets addressed, that there are no two colors that are
572 similar side by side?

573
574 Mr. Emerson - Absolutely.

575
576 Mr. Leabough - I don't want to defer these any longer because they've been
577 deferred for a number of months now. But I do understand the concerns. Again, looking at
578 it on a color printout is just difficult unless you have a sample board of something like that.

579
580 Mr. Emerson - It's hard.

581
582 Mr. Leabough - Yes, it's hard. But I trust that what we see on the second
583 elevation—or the second set of elevations are consistent with what they're proposing. All
584 right.

585
586 Mr. Archer - Any further questions? All right. Mr. Leabough.

587
588 Mr. Leabough - All right. With that—I'm hesitating, but I'm going to move
589 forward with—I'm just kind of perturbed that the applicant didn't feel that it was important
590 enough to be here. I understand conflicts, but you could still send someone in your stead.
591 With that, I move that the architectural for POD2016-00040, Rocketts Landing - Phase
592 IV, be approved subject to any previously approved conditions associated with the POD.
593 I also would like to waive the time limits for receipt of the architectural at the same time.

594
595 Mr. Witte - Second.

596
597 Mr. Archer - Okay. Motion made by Mr. Leabough and seconded by
598 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

599
600 The Planning Commission waived the time limits and approved the architectural for
601 POD2016-00040, Rocketts Landing - Phase IV, subject to the annotations on the plans,
602 the standard conditions attached to these minutes for developments of this type and the
603 previously approved conditions associated with this plan of development.

604
605 Mr. Emerson - Mr. Chairman, we now move on to page 16 of your agenda for
606 POD2016-00083, Townes Site Engineering, P.C. for Carriage Homes at Parham LLC. The
607 staff report will be presented by Mr. Mike Kennedy.

608

609 **PLAN OF DEVELOPMENT**

610

POD2016-00083
Carriage Homes at
Parham Section 1 -
Revised - 7814 E. Parham
Road (POD2015-00320
Rev.)

Townes Site Engineering, P.C. for Carriage Homes at Parham, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 130 two-story, 2,046 square foot residential townhouses for sale, and a pad site for a future community center and pool. The 22.65-acre site is located on the north line of East Parham Road, approximately 500 feet west of Shrader Road, on parcels 763-755-1261, 763-756-4328, and part of parcel 762-755-3882. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland)**

611

612

Mr. Archer - Good morning again, Mr. Kennedy. Anyone present who is opposed to POD2016-00083, Carriage Homes at Parham Section 1 - Revised? I see no opposition.

613

614

615

616

Mr. Kennedy - The proposed plan of developed revises an earlier plan of development for the subject property that was approved by the Planning Commission at their November 18, 2015 meeting. The earlier plan authorized the construction of 119 townhouses for sale on 21 acres of property in the first phase of construction. There are a total of 196 townhouses authorized by proffer 20 of the zoning case REZ2015-00004. This revised plan would expand the limits of construction to 22.65 acres and authorize a total of 130 residential townhouses for sale with the first phase. That's an additional 11 units, these 11 units right here. What they determined was the way the grade broke on the site that those drains, the BMP on this side, they wanted to construct it at the same time. So we've already approved the POD for these units. This was just amended to add these 11 units.

617

618

619

620

621

622

623

624

625

626

627

The revised plan will increase the limits by 1.55 acres and authorize the construction of 11 additional units for sale. The revised plan will also continue to authorize a future community center and pool. The elevations for those plans are included in your packet. So you have the site plan as well in your packet. This is the site plan. The pool and community center will be at this location here.

628

629

630

631

632

633

A subsequent plan of development will be submitted in the future for Planning Commission review for the remaining 66 units for section 2, which is in this area here. This backs up to Hollybrook Avenue in the Pine Grove subdivision.

634

635

636

637

The preliminary layout as shown on the plan must be revised to address some design concerns expressed by Public Utilities regarding utility connections. So that is not part of this approval.

638

639

640

641

The plan is generally consistent with the conceptual layout plan proffered with rezoning case REZ2015-00004. Proffer 26 of that case requires permanent fencing to be in

642

643

644 accordance with a proffered exhibit, unless otherwise requested and authorized by the
645 Planning Commission. The overall fence remains the same from the earlier approval.

646
647 Staff recommends approval of the plan subject to the annotations on the plans, the
648 standard conditions for developments of this type, and the additional conditions on the
649 agenda, which are the same conditions that were approved for the original section 1 plans
650 at your November 18th meeting.

651
652 If you have any questions, I'll be happy to answer them. Danny Blevins and Brian Mitchell
653 (sic) who represent the developer, and the engineer are here to answer your questions as
654 well.

655
656 Mr. Archer - Okay. Thank you, Mr. Kennedy. Are there questions?

657
658 Ms. Jones - For Mr. Kennedy, a real quick one. The community center and
659 the pool, I know that they're un-proffered, but is there any timing addressed in the POD?
660 Or refresh my memory about the rezoning.

661
662 Mr. Kennedy - No there isn't. It's not proffered. However, they want to use the
663 community center as the sales center. So I'm sure they're—

664
665 Ms. Jones - Practically, it will come into being early.

666
667 Mr. Kennedy - Early.

668
669 Ms. Jones - That's always a concern. Amenities make good
670 neighborhoods.

671
672 Mr. Archer - All right. Any further questions? Mr. Witte.

673
674 Mr. Witte - No sir.

675
676 Mr. Archer - Do you need to hear from the applicant?

677
678 Mr. Witte - I'd love to hear from the applicant.

679
680 Mr. Archer - Okay. If the applicant is present, Mr. Witte would love to hear
681 from you. Good morning, gentlemen.

682
683 Mr. Mitchell - Good morning. My name is Brian Mitchell with Townes Site
684 Engineering.

685
686 Mr. Blevins - Danny Blevins, Kotarides Developers.

687
688 Mr. Archer - All right.

689

690 Mr. Mitchell - And just to answer your question, yes, with the clubhouse, that
691 always is—the past developments that we've done for them, they always build those up
692 front.
693

694 Ms. Jones - Is that clubhouse and pool?
695

696 Mr. Blevins - Yes it is. We're still designing it, but we wanted to make that
697 part of this amended POD so that we could go ahead and start constructing it when we
698 start developing the neighborhood.
699

700 Mr. Mitchell - They'll use it as a sales center from the start.
701

702 Ms. Jones - Makes sense.
703

704 Mr. Witte - All right. Mr. Blevins, as we spoke yesterday, I have some
705 issues. One is the amenity area. I would like to see that on the plans as clubhouse and
706 pool. An amenity area to me could be a gazebo and a dog lot, swing set, or anything else.
707 So do you have an issue with . . .
708

709 Mr. Blevins - No, I don't have an issue with that, but there are other issues I
710 do want to talk about that you had. And I don't know that we're going to be able to address
711 all of those to your satisfaction today.
712

713 Mr. Witte - Are you saying you'd like to defer?
714

715 Mr. Blevins - Well, let me just—with regards to a couple of the comments
716 that you have made. With respect to the garage sizing, I'm certainly not prepared to make
717 any changes with those because we've got the site laid out, we have a fair amount of
718 architectural design done, and we are working on the plans to finalize them. With regard
719 to the elevations, the elevations from what was proffered in the rezoning to now have
720 changed. I feel they have improved a lot. We've got some differences in them. I think what
721 was proffered was somewhat bland, but it fit the need at the time for the rezoning. But
722 we're going to be building units—one of the units is going to have a side entry. One of the
723 end units is going to have a side entry.
724

725 Some of the doors are going to be the full width of the garage; some of them will have two
726 smaller garage doors. We're getting more detail with regards to what the garage door
727 design is going to have. Some will have glass in them verses just a solid door. Windows
728 that are in brick areas. We'll have jack arches. The windows and siding areas are going to
729 have some other type of architectural feature over top of them. Not being an architect, I'm
730 not really prepared to speak a whole lot from an architectural standpoint, but a picture is
731 worth a thousand words. And we are working on elevations.
732

733 Other things that we are certainly working on—I think there was something mentioned
734 about more fenestration in some areas. We're working on those types of things. I think

735 something was mentioned with regards to shutters. I do believe we are planning on doing
736 shutters.

737
738 Unless you are able to say, "We take your word for it that you're going to do something
739 that's very nice," I'm not prepared to really make any—I can't—I certainly could agree to
740 the clubhouse. We're going to do a clubhouse; that's our intent. We feel like this size
741 neighborhood deserves a clubhouse. We feel like we need to have a community center,
742 somewhere where people can gather and make it that sense of home.

743
744 So those are some of the things that we're certainly going to do. However, I'm not prepared
745 to answer all the questions. The garage is a particular—that's difficult. That's a difficult one
746 because of the width currently. It cuts us down to—we're just having a hard time fitting the
747 entrance in and the garage in. We originally had planned on a single-car garage during
748 the rezoning. It was bumped to a two-car garage. And then our single-car garage is usually
749 ten feet wide. For townhouse units, we've had a lot of success with that size garage in
750 some other neighborhoods. The vehicle sizing has not been an issue. I know some of the
751 larger vehicles would be a challenge getting in there, like an Excursion or some of the
752 larger vehicles. But for the vast majority of vehicles that is adequate. We went from a single
753 ten-foot-wide garage to a double 22-foot-wide garage, which is something that was spoken
754 about during the rezoning. We've been able to make that work. And I think the overall—
755 however, if we try to enlarge the garage any further, I think it's going to start compromising
756 the interior of the house from a living space standpoint. And these are some of things that
757 make us very reluctant to enlarge it any further.

758
759 So, that being said, I could certainly agree on the clubhouse. If we could agree on the
760 garage size being as proffered, although even on the plans we have right now, one of
761 them is slightly deeper, as proposed and you all taking my word for the fact that we're
762 going to do something nicer than what was originally proffered from the elevation
763 standpoint, then yes, we could agree. If not, then yes, we need to defer.

764
765 Mr. Witte - I have no doubt that you would do something that's nicer, but
766 it may not be what other people think is nicer. Do you think you can get this together before
767 our next meeting in two weeks?

768
769 Mr. Blevins - I will—

770
771 Mr. Witte - I don't mind deferring it just for two weeks. Or a month. But I'd
772 like to see—

773
774 Mr. Blevins - Can I circle back to you on that as far as how much time our
775 architect needs? Certainly, we would want to put our best foot forward. Let's say a month.

776
777 Mr. Witte - Okay.

778
779 Mr. Blevins - I don't want to say two weeks. Sometimes it takes a while to
780 work through things.

781
782 Mr. Mitchell - Just for clarity I guess—so everybody here knows I guess the
783 issues.
784
785 Mr. Witte - Can you get a little closer to the microphone, please?
786
787 Mr. Mitchell - Just so everybody here maybe who hasn't been party to the
788 conversation you all have had, the issues are you'd like to have the clubhouse/pool area
789 designated on the plan.
790
791 Mr. Witte - Correct.
792
793 Mr. Mitchell - Your concern is that the garages would not fit certain types of
794 vehicles? Is that accurate?
795
796 Mr. Witte - Correct. And the architecture on the front of the building.
797
798 Mr. Mitchell - And the architecture on the front of building you'd like to see
799 dressed up.
800
801 Mr. Witte - I think it's a great location. I think it's designed really well. I
802 think they'll be very successful. But we just want to make sure that we're not going
803 backwards; we're going forwards.
804
805 Mr. Mitchell - We also think it's a great location. And we also feel like it would
806 do well here. Obviously, it's market-driven, and we are for-profit organization. We want to
807 put a product out there that—we have a lot of units to sell. The build-out time is going to
808 be—we're going to be in here two or three years trying to build it out, being phases 1 and
809 2. So we have to come up with a product that's going to be very desirable. We don't want
810 to take forever to sell it, so it's going to have to be a very nice product. Again, it's still a
811 work in progress. And in a month, I think that we could present something and at least give
812 you a better idea as to where we're headed with this.
813
814 Mr. Witte - I think that's a wonderful idea.
815
816 Mr. Mitchell - Okay.
817
818 Mr. Leabough - May I make a quick comment, Mr. Witte, Mr. Chair?
819
820 Mr. Witte - Absolutely.
821
822 Mr. Archer - Go right ahead, sir.
823
824 Mr. Leabough - Just the consistency between the architectural for the units.
825 The community center doesn't really—kind of looks like you're going for sort of a
826 Craftsman style with the townhome units. But then when you look at the architectural for

827 the clubhouse, they're pretty basic. Are you all planning to have a consistent theme as far
828 as the community center is concerned?

829
830 Mr. Mitchell - With regard to the community center, the elevations that we
831 submitted in the package are not final. We were just trying to get it in to this so we could
832 continue to plan to build it up front. And I will certainly ask that question to the people that
833 handle the architecture.

834
835 Mr. Leabough - It's something to consider, because they kind of look like
836 different architectural themes.

837
838 Mr. Mitchell - As far as theming of the—yes—theming of the clubhouse,
839 consistency with the townhomes themselves.

840
841 Mr. Leabough - Thank you, sir. Thank you, Mr. Witte.

842
843 Mr. Archer - All right, any further questions or comments?

844
845 Mrs. Marshall - I have a question. The side of the garages at this time, if I own
846 a Suburban and bought a townhouse, would I be able to park my Suburban in my garage?

847
848 Mr. Witte - No.

849
850 Mr. Mitchell - I own a Suburban. It's 244 inches long, which is 18.5 feet in
851 depth. Width-wise you would be fine. I currently have a nine-foot-wide garage door. These
852 are 22-foot wide doubles. Width-wise it would be fine. Depth-wise, you would not be.

853
854 Mrs. Marshall - Is that something you're going to address.

855
856 Mr. Blevins - It would be a half foot short from being able to fit. It would fit a
857 Tahoe. It would fit an Expedition. It would not fit the Excursion or the Suburban.

858
859 Mrs. Marshall - Okay. But I think in the long run if somebody's going to go out
860 there and they're going to spend x-amount of dollars for a garage—and a lot of people do
861 like to park their vehicles in a garage—you should be able to fit the vehicle that you own
862 into that garage.

863
864 Mr. Blevins - There are two floor plans right now. One of them is 18 feet; the
865 other one is more along the lines of 19 feet. So one unit it would fit; one unit it would not
866 fit. So there would be a choice there with regards to if you had a Suburban. I will say that
867 I have Prius and it will fit, and a line of storage.

868
869 Mr. Mitchell - I lived in a Fan row townhouse. At that point in my life when I
870 was living in that housing, I didn't own a Suburban. And now I have 2.5 kids, a dog, all
871 that, and I live on an acre lot. So I think probably the marketing end of things maybe might
872 dictate garage size as well. But that's something they need to address.

873
874 Mr. Blevins - And that's a very good point. I don't think that in this townhouse
875 community we need to design and build to the extremes to fit the vehicles—the occasional
876 vehicle that comes along that's going to be—you know, someone who has a Suburban
877 that's going to be living in a townhouse. I would say that we would probably like to capture
878 the 90 percent—or even to that case, probably 95 percent of types of vehicles that are out
879 there. I think that to Brian's point, the person that's going to be purchasing a townhouse is
880 not going to have a gaggle of children. They don't really need a Suburban. Obviously,
881 there is the exception.
882

883 Mr. Leabough - They should be able to park in their garage if they want to.
884

885 Mrs. Marshall - I can give an example. My children are all grown, almost. And
886 you know what? We had two Suburbans. We're going to downsize eventually, and I guess
887 to a townhouse, which I'm probably going to do. If I want to buy a new car, I want to be
888 able to park it in the garage of townhouse that I'm going to buy.
889

890 Mr. Witte - First off, I'd like to say we're going to have some townhouses,
891 if you're ready to downsize.
892

893 Mr. Leabough - You just can't park your Suburban in them.
894

895 Mr. Blevins - Well, no, one thing is you can. There are two designs, and one
896 will currently accommodate it.
897

898 Mr. Witte - My wife's vehicle, my two vehicles—mine's a Yukon, but it's
899 not the extended. It's 18-6. Now if we have 20 feet clear space in depth, and if I bump that
900 bumper, I've got just about a little less than a foot between where the door comes down
901 and the rear bumper of my vehicle or my wife's vehicle. If it's raining outside, and I've got
902 anything in my hands, I can't put the door down. I have to go back outside to come around
903 to get past my vehicle and then close the door. And people with extended versions can't—
904 third-row seats and that, they can't even get in.
905

906 Ms. Jones - How about a trailer hitch?
907

908 Mr. Witte - A trailer hitch, you're hung up. Your door's only coming down
909 until it hits that.
910

911 Mr. Leabough - Then you have the hardware to consider, too, that's on the door
912 that allows it to roll up and down, which takes about two or three inches.
913

914 Mr. Witte - The bottom line is, unless you're going to agree to sell only to
915 people who want subcompacts and compacts, which you said is 90 percent of the market,
916 we really need to address that. And I'm willing to work with you on it.
917

918 Mr. Blevins - I will say that the parking space in front of the garage is 20 feet.
919 Although we could have made it 18 feet, we are allowing the 20 feet there. We have
920 constraints. We have a certain amount of—with all the proffers that were made, the cost
921 of the land, the cost of the development and everything else we're having to do, we're
922 trying to put as many units on site and still make the property profitable. But at the same
923 time, we can give certain types of architectural accoutrements to make the thing look nice
924 on the outside. But we also don't want to sacrifice the livability of the space. Yeah, that
925 vehicle's going to have a really nice space to live in, but the people are going to sacrifice.
926 We only have so much room to work with. We have 30-foot setback on the back yard. We
927 have an 18-foot setback on the front yard—or excuse me—15 feet, but we're setting them
928 back 20 feet to accommodate the vehicles. And quite honestly, as this stage, I just don't—
929 we can talk about it. We'll look at it. And maybe we'll have—what I think I'll do is if anybody
930 wants to meet with us before the next meeting and just see what we've got; we can talk
931 about it.

932
933 Mr. Witte - That's exactly what I'd like to do.

934
935 Mr. Blevins - Okay.

936
937 Mr. Witte - Get together. As soon as you get with your architect, get
938 everything squared away, if you give me a call, I will be happy to meet and with staff. And
939 we can take a look at it. And if we need to tweak it, we can tweak it. And if not, we're ready
940 to go.

941
942 Mr. Blevins - Okay. Sounds good.

943
944 Mr. Archer - So May 25th?

945
946 Mr. Witte - Is that good, May 25th?

947
948 Mr. Blevins - It's good with me, yes.

949
950 Mr. Witte - Okay. Thank you, gentlemen. With that, Mr. Chairman—let's
951 see here. I move deferral of case POD2016-00083, Carriage Homes at Parham Section 1
952 - Revised, by request of the Planning Commission, to the May 25, 2016 meeting.

953
954 Ms. Jones - Second.

955
956 Mr. Archer - Applicant's request?

957
958 Mr. Witte - My request, please.

959
960 Mr. Archer - Okay. All right. Motion by Mr. Witte and seconded by
961 Ms. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

962

963 At the request of the Planning Commission, the Planning Commission deferred POD2016-
964 00083, Carriage Homes at Parham Section 1 - Revised, to its May 25, 2016 meeting.

965
966 Mr. Emerson - Mr. Chairman, we now move to page 19 of your agenda and
967 also what is now I believe page 1 of your amended agenda for POD2016-00121, Resource
968 International Limited for Laburnum LLC and CML Pizza Incorporated. The staff report will
969 be presented by Mr. Matt Ward.

970
971 **PLAN OF DEVELOPMENT**

972
POD2016-00121 **Resource International, Ltd. for Laburnum, LLC and
Little Caesar's Pizza at CML Pizza, Inc.:** Request for approval of a plan of
5101 S. Laburnum Avenue development, as required by Chapter 24, Section 24-106 of
the Henrico County Code, to remove two gas canopies and
convert an existing one-story 1, 828 square foot
convenience store into a take-out restaurant with drive-
through facilities. The 0.55-acre site is located on the
southeast corner of the intersection of S. Laburnum Avenue
and Williamsburg Road (U.S. Route 60), on parcel 816-713-
6077. The zoning is B-3, Business District and ASO, Airport
Safety Overlay District. County water and sewer. (Varina)

973
974 Mr. Archer - Good morning, Mr. Ward.

975
976 Mr. Ward - Good morning.

977
978 Mr. Archer - Anyone present who is opposed to POD2016-00121, Little
979 Caesar's Pizza? Pizza, pizza.

980
981 Mr. Ward - This entire site will be redeveloped for a restaurant with take-
982 out and drive-through service only. What you have here are two existing gas canopies.
983 One's kind of in this area and one's here running almost perpendicular to the existing
984 building. Those two gas canopies will be removed, along with two access drives—one off
985 of Williamsburg Road and one off of South Laburnum. This will allow for additional
986 landscaping areas. Also two raised landscape islands in the front of the building, as well
987 as your peripheral parking lot setbacks will be in place to allow for additional landscaping
988 too, and also to meet the County standards for public parking lots.

989
990 Furthermore, the plan does reflect the proper right-of-way dedication, along with curb and
991 gutter improvements after having those two access drives removed. And the sidewalk will
992 be extended around the entire site, as required by our County traffic engineer and VDOT.

993
994 On to the revised architectural plans on page 1 of your addendum. The applicant worked
995 really hard to get to this point. He's provided revised architectural plans to show all building
996 elevations comprised of different materials such as a grey/blue stone around the building,
997 as well as a beige painted brick that's carved out of CMU and windows and some storefront

998 doors. Additional building materials include the gray metal roof, which is being replaced
999 from the existing asphalt shingles and an orange polyvinyl trim around the roofline.
1000

1001 As I said before, architect and applicant provided some careful application and placement
1002 of the different materials to highlight the building's interest and to enhance the corner, all
1003 the while ensuring that this building could operate as a takeout restaurant and drive-
1004 through facility.
1005

1006 Staff at this point can recommend approval of the plan of development and the
1007 architectural subject to the annotations on the plans, the standard conditions for
1008 developments of this type, and the following conditions 29 through 38 on page 19 of your
1009 agenda. We'll need a waiver of time limits for the architectural plans on page 1 of
1010 addendum.
1011

1012 I'll be happy to answer any questions the Commission may have of me. We also have
1013 Scott Courtney with Resource International—he's the engineer—and Bob Peery. He's
1014 president of CML Pizza.
1015

1016 Mr. Archer - Thank you, sir. Are there questions for Mr. Ward from the
1017 Commission?
1018

1019 Mr. Leabough - Yes, one quick question, Mr. Ward. The east elevation, what's
1020 that to the right of the rooftop there?
1021

1022 Mr. Ward - Right here?
1023

1024 Mr. Leabough - No. On top of the roof. What is that?
1025

1026 Mr. Ward - Oh. That is actually going to be for the exhaust system. He has
1027 it screened. It will be sitting on a platform up there. You can kind of see it better on the
1028 south side.
1029

1030 Mr. Leabough - It's just screening for the vent.
1031

1032 Mr. Ward - Correct.
1033

1034 Mr. Leabough - Great. That's good. Okay, I have no further questions,
1035 Mr. Chairman.
1036

1037 Mr. Archer - All right, anyone else?
1038

1039 Mr. Ward - When you come around the side, this is what you'd see from
1040 Laburnum.
1041

1042 Mr. Leabough - Thank you, sir. I don't need to hear from the applicant, unless
1043 anyone else would like to. All right. First, let me thank the applicant for their hard work.

1044 The elevations have come a long way from what you all previously proposed to where they
1045 are. I'd like to also thank Mr. Ward for his hard work as it relates to getting this project to
1046 where it is today.

1047

1048 With that, I move that the time limits be waived for the receipt of the architectural for the
1049 elevations. I also move that POD2016-00121, Little Caesar's Pizza at 5101 South
1050 Laburnum Avenue, be approved subject to annotations on the plans, standard conditions
1051 for developments of this type, and additional conditions 29 through 38 as noted on the
1052 agenda.

1053

1054 Mrs. Marshall - Second.

1055

1056 Mr. Archer - Okay. Motion by Mr. Leabough and seconded by
1057 Mrs. Marshall. And note that that motion includes a waiver of the time limits. All in favor
1058 say aye. All opposed say no. The ayes have it; the motion passes.

1059

1060 **[Mr. Witte left the room during discussion of this case and was not present for**
1061 **voting.]**

1062

1063 The vote was as follows:

1064

1065	Mr. Archer -	Yes
1066	Ms. Jones -	Yes
1067	Mr. Leabough -	Yes
1068	Mrs. Marshall -	Yes
1069	Mr. Witte -	Absent

1070

1071 The Planning Commission approved POD2016-00121, Little Caesar's Pizza at 5101 South
1072 Laburnum Avenue, subject to the annotations on the plans, the standard conditions
1073 attached to these minutes for developments of this type, and the following additional
1074 conditions:

1075

- 1076 29. The right-of-way for widening of S. Laburnum Avenue as shown on approved plans
1077 shall be dedicated to the County prior to any occupancy permits being issued. The
1078 right-of-way dedication plat and any other required information shall be submitted
1079 to the County Real Property Agent at least sixty (60) days prior to requesting
1080 occupancy permits.
- 1081 30. The entrances and drainage facilities on Williamsburg Road (U.S. Route 60) shall
1082 be approved by the Virginia Department of Transportation and the County.
- 1083 31. A notice of completion form, certifying that the requirements of the Virginia
1084 Department of Transportation entrances permit have been completed, shall be
1085 submitted to the Department of Planning prior to any occupancy permits being
1086 issued.
- 1087 32. A concrete sidewalk meeting County standards shall be provided along the east
1088 side of S. Laburnum Avenue and a concrete sidewalk meeting VDOT standards
1089 shall be provided along the north side of Williamsburg Road (U.S. Route 60).

- 1090 33. Outside storage shall not be permitted.
- 1091 34. The developer shall install an adequate restaurant ventilating and exhaust system
- 1092 to minimize smoke, odors, and grease vapors. The plans and specifications shall
- 1093 be included with the building permit application for review and approval. If, in the
- 1094 opinion of the County, the type system provided is not effective, the Commission
- 1095 retains the rights to review and direct the type of system to be used.
- 1096 35. In the event of any traffic backup which blocks the public right-of-way as a result of
- 1097 congestion caused by the drive-up facilities, the owner/occupant shall close the
- 1098 drive-up facilities until a solution can be designed to prevent traffic backup.
- 1099 36. Approval of the construction plans by the Department of Public Works does not
- 1100 establish the curb and gutter elevations along the Henrico County maintained right-
- 1101 of-way. The elevations will be set by Henrico County.
- 1102 37. Approval of the construction plans by the Department of Public Works does not
- 1103 establish the curb and gutter elevations along the Virginia Department of
- 1104 Transportation maintained right-of-way. The elevations will be set by the contractor
- 1105 and approved by the Virginia Department of Transportation.
- 1106 38. The location of all existing and proposed utility and mechanical equipment
- 1107 (including HVAC units, electric meters, junctions and accessory boxes,
- 1108 transformers, and generators) shall be identified on the landscape plan. All building
- 1109 mounted equipment shall be painted to match the building, and all equipment shall
- 1110 be screened by such measures as determined appropriate by the Director of
- 1111 Planning or the Planning Commission at the time of plan approval.

1112
 1113 Mr. Emerson - Mr. Chairman, we now move to page 26 of your agenda for POD2016-
 1114 00133, Kimley-Horn and Associates for ME Nuckols LLC. The staff report will be presented
 1115 by Mr. Kevin Wilhite.
 1116

1117 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**
 1118

1119 1120 1121 1122 1123	POD2016-00133 GreenGate Section 2 - 12121 West Broad Street (U.S. Route 250)	Kimley-Horn and Associates for ME Nuckols, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 49 residential townhomes for sale and 7 single-family residential dwellings in an urban-mixed use development. The 5.8-acre site is located along the north line of Graham Meadows Drive, approximately 1,500 feet west of its intersection with North Gayton Road, on part of parcel 731-764-5533. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. (Three Chopt)
--------------------------------------	---	---

1119
 1120 Mr. Archer - Good morning, Mr. Wilhite.

1121
 1122 Mr. Wilhite - Good morning.
 1123

1124 Mr. Archer - Is there anyone present who is in opposition to POD2016-
1125 00133, GreenGate Section 2? No opposition. Mr. Wilhite.

1126

1127 Mr. Wilhite - Thank you. GreenGate Section 1 was approved on October
1128 28, 2015, by the Planning Commission. That approval was for 70 townhouses and 10
1129 single-family dwellings in the GreenGate UMU. This is Section 2 of the residential area for
1130 49 townhouses and 7 single-family dwellings. This includes the lighting plan, as well as
1131 the site plan. Staff is in a position to recommend approval of the site plan and the lighting
1132 plan. There was still some discussion about the architectural, and as was done with the
1133 Section 1 architectural earlier in the meeting, the applicant's requested deferral of the
1134 architectural plans until June 22. With that, staff recommends approval of the site plan and
1135 lighting plan and deferral of the architectural plans.

1136

1137 Mr. Archer - All right. Any questions for Mr. Wilhite?

1138

1139 Mrs. Marshall - I move POD2016-00133, GreenGate Section 2, site plan
1140 including the lighting plan, be approved subject to the annotations on the plans, the
1141 standard conditions for developments of this type, additional conditional 11B and 29
1142 through 37 in the agenda, and the architectural plans be deferred to the June 22, 2016
1143 meeting.

1144

1145 Ms. Jones - Second.

1146

1147 Mr. Archer - Okay. Motion by Mrs. Marshall and seconded by Ms. Jones.
1148 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

1149

1150 The vote was as follows:

1151

1152 Mr. Archer - Yes

1153 Ms. Jones - Yes

1154 Mr. Leabough - Yes

1155 Mrs. Marshall - Yes

1156 Mr. Witte - Absent

1157

1158 The Planning Commission deferred approval of the architectural plans to June 22, 2016,
1159 and approved POD2016-00133, GreenGate Section 2, (lighting plan and site plan), subject
1160 to the annotations on the plans, the standard conditions attached to these minutes for
1161 developments of this type, and the following additional conditions:

1162

1163 11B. Prior to the approval of an electrical permit application and installation of the site
1164 lighting equipment, a plan including light spread and intensity diagrams, and fixture
1165 specifications and mounting heights details shall be revised as annotated on the
1166 staff plan and included with the construction plans for final signature.

1167 29. The unit house numbers shall be visible from the parking areas and drives.

1168 30. The names of streets, drives, courts and parking areas shall be approved by the
1169 Richmond Regional Planning District Commission and such names shall be

- 1170 included on the construction plans prior to their approval. The standard street name
1171 signs shall be installed prior to any occupancy permit approval.
- 1172 31. The subdivision plat for GreenGate Section 2 shall be recorded before any building
1173 permits are issued.
- 1174 32. The proffers approved as a part of zoning case REZ2014-00009 shall be
1175 incorporated in this approval.
- 1176 33. A construction staging plan which includes details for traffic control, fire protection,
1177 stockpile locations, construction fencing and hours of construction shall be
1178 submitted for County review and prior to the approval of any final construction plans.
- 1179 34. A note in bold lettering shall be provided on the erosion control plan indicating that
1180 sediment basins or traps located within buildable areas or building pads shall be
1181 reclaimed with engineered fill. All materials shall be deposited and compacted in
1182 accordance with the applicable sections of the state building code and geotechnical
1183 guidelines established by the engineer. An engineer's report certifying the suitability
1184 of the fill materials and its compaction shall be submitted for review and approval
1185 by the Director of Planning and Director of Public Works and the Building Official
1186 prior to the issuance of any building permit(s) on the affected sites.
- 1187 35. Approval of the construction plans by the Department of Public Works does not
1188 establish the curb and gutter elevations along the Henrico County maintained right-
1189 of-way. The elevations will be set by Henrico County.
- 1190 36. The location of all existing and proposed utility and mechanical equipment
1191 (including HVAC units, electric meters, junction and accessory boxes, transformers,
1192 and generators) shall be identified on the landscape plans. All equipment shall be
1193 screened by such measures as determined appropriate by the Director of Planning
1194 or the Planning Commission at the time of plan approval.
- 1195 37. Except for junction boxes, meters, and existing overhead utility lines, and for
1196 technical or environmental reasons, all utility lines shall be underground.

1197
1198 Mr. Emerson - Mr. Chairman, we now move on to our discussion item, which
1199 will be presented by Ms. Leslie News. You received a letter in your package from me
1200 explaining this proposed change. It's addressing a challenge that we have been running
1201 into recently in regards to transfer of approval. With that, I'll turn it over to Ms. News and
1202 let her explain it.

1203
1204 **DISCUSSION ITEM: Consideration of Amendment to "Planning Commission**
1205 **Rules and Regulations" regarding Transfer of Approval of a Plan of Development**

1206
1207 Mr. Archer - Thank you, Mr. Secretary. Good morning again, Ms. News.

1208
1209 Ms. News - Good morning, Commissioners. As the secretary mentioned,
1210 you received in your packet a letter from the Director of Planning outlining the
1211 recommended changes to the transfer of approval process, which we would like to discuss
1212 with you.

1213
1214 Transfer of approval, as you know, is required when a property ownership is transferred
1215 to a new owner that was not a party to the original POD application. The process ensures

1216 the property owner is fully aware of all requirements and conditions of approval applicable
1217 to their property and provides a means for the director of Planning to ensure that the POD
1218 is in compliance with the original conditions.

1219

1220 Historically, since PODs were started in 1969, while it's not an ordinance requirement,
1221 approval of TOAs was delegated to the Planning Commission through a condition of
1222 approval. The need for a TOA can be brought to staff's attention in a number of ways. Staff
1223 does not go out and look for TOAs; they only react to them when they are brought to our
1224 office.

1225

1226 A new owner may file an application for a site plan or building permit review and learn of
1227 this requirement. This is probably the most common way that we have a TOA initiated. A
1228 new or prospective owner or contract purchaser or their representative may request a TOA
1229 in anticipation of a property transfer in order to have the site inspected and potential
1230 compliance issues identified. This has recently become more common, and land use
1231 attorneys have initiated the request more as they've become familiar with the process that
1232 allows them to address any deficiencies that may exist on a site with the sale or their
1233 negotiations for the property. New or prospective owners also may learn about the process
1234 when they apply for a zoning conformance letter when they're looking to purchase a
1235 property.

1236

1237 The Planning Department may be notified by the Division of Community Maintenance
1238 through enforcement action of a citizen complaint that a site requires a TOA. This isn't very
1239 common. We don't see very much of that.

1240

1241 Probably the least frequent is a new development may be transferred immediately after
1242 construction to an owner who was not party to the original POD application. Staff
1243 proactively asks developers to add purchasers to the application to avoid the need for a
1244 TOA, but not all applicants agree to that. Sometimes they have confidential clients.
1245 Sometimes they don't know who the user will be. In this situation, an inspection is not
1246 normally required because the site's been newly constructed or it's under construction. An
1247 example was on your agenda today for the Townes at Saunders Station. It really is just a
1248 paperwork trail to transfer it to the new owner.

1249

1250 The number of TOA applications has generally increased through the years due mostly to
1251 staff follow-up on building permits that we receive or just the fact that land use attorneys
1252 are bringing more cases forward due to their increased awareness of the requirements.
1253 We looked back at the statistics between 1997 and 2015, and the Commission has
1254 approved an average of about 30 a year for TOAs.

1255

1256 Staff recently studied the process at the request of the Manager's Office and found that
1257 the majority of these requests are largely administrative in nature, and the practice of
1258 attaching conditions to the POD transfer of approval has decreased. And perhaps the
1259 burden of a public hearing on these actions is not necessary in all instances.

1260

1261 In certain instances where there are site changes for the TOA request or where it becomes
1262 necessary to attach conditions to the TOA such as when somebody needs to bond
1263 requirements so that they can have their TOA approved ahead of completing all the
1264 requirements, it may be appropriate to bring this back to the Commission.

1265
1266 For the majority of cases, however, the process can be simplified for the applicant, and
1267 the timeline for approval of a TOA can be shortened by allowing the director of Planning
1268 to approve this administratively. Therefore, we are recommending that the standard TOA
1269 condition, which is included with all PODs, be modified for approval by the director of
1270 Planning as follows. And this was included in your letter.

1271
1272 The current language states—this is just additional one portion of the sentence:

1273
1274 The approved plan of development is granted by the Planning Commission
1275 only to the owners or applicants listed on the plan of development
1276 application on file for this project. Upon written notification to the Director of
1277 Planning, the plan of development approval may be transferred to
1278 subsequent owners subject to approval—

1279
1280 We're going to add—

1281
1282 —by the Director of Planning or this Commission.

1283
1284 The Planning Commission's rules and regulations would need to be modified to reflect this
1285 change. That proposed amendment is included in your packet. You can see on page 8 for
1286 the proposed revision, which gives the director the discretion to require the Planning
1287 Commission approval if it's deemed necessary. This new condition would be applied to
1288 projects moving forward, so it would not have an immediate impact on TOAs that you're
1289 handling for past projects, but would allow for future TOAs to be handled administratively
1290 when appropriate.

1291
1292 If you choose to move forward with the suggested change to the rules and regulations, the
1293 amendment requires a motion and action by the Commission in accordance with your
1294 Rules and Regulations Article 10.

1295
1296 I'll be happy to answer any questions.

1297
1298 **[Mr. Witte returns to the room.]**

1299
1300 Mr. Archer - Thank you, Ms. News. Any questions from the Commission?

1301
1302 Ms. Jones - Go ahead.

1303
1304 Mr. Witte - Oh now, go ahead. I don't have a question. I have a few
1305 comments, but no questions.

1306

1307 Mr. Archer - Questions or comments, we'll accept either.
1308

1309 Ms. Jones - Well, I'll jump in. This has been described as needing to
1310 change because the current system is a *challenge* and a *burden*. Those are two words
1311 I've heard used this morning in reference to our current system. I'm not sure I understand
1312 *challenge* because no matter whether a TOA ends up here at the Planning Commission
1313 or at the desk of the director of Planning, it still goes through—if I understand this
1314 correctly—the exact same review that it does at this point. Now maybe comments aren't
1315 written down for presentation in front of the Planning Commission, but the actual staff
1316 review remains consistent. So the challenge part I'm a little confused about because
1317 nothing would happen to decrease the numbers of whatever. It comes to us as it comes
1318 to us. It has a review process, and that will happen one way or the other.
1319

1320 The second word that kind of makes me pause is *burden*. A public hearing is in place for
1321 many reasons, not the least of which is the transparency of government. And our approvals
1322 and discussion are certainly part of that.
1323

1324 What I've noticed is that because of staff's diligence with TOAs, nothing really comes here
1325 to the Commission until it's in good shape to do so. That reason for that, I think, is the
1326 diligent staff work, but perhaps has a little something to do with the option of a public
1327 hearing in order to work things out. Seldom are there things that are insurmountable in
1328 TOAs. It's just the nature of the beast. But I've never really seen them as a challenge or a
1329 burden, so I'm looking to have someone make the case to me very strongly as to why we
1330 have to change.
1331

1332 Mr. Emerson - This is where we're run into the problem, and I'll give you a
1333 very recent occurrence.
1334

1335 There was a transfer of approval for a recently built office building. They were trying to
1336 close on it. It was part of a state medical institution that was tied up in a bond issue. In
1337 order to move that along, they did not have time for the transfer of approval and close as
1338 per these documents required to go through the normal transfer of approval. It was a brand
1339 new building. It was merely transferring from the contractor to the final owner. There was
1340 nothing in that that required any changes other than this transfer of approval condition that
1341 had been placed on that plan of development when it passed through this Commission.
1342

1343 We had the same issue with Lumber Liquidators. We recently ran into a similar type of
1344 issue with Project Hamburger being in the EDA name versus Polycon. So these are fairly
1345 reoccurring challenges that the financial system doesn't necessarily recognize when they
1346 have dates that they want to do transfers and closings in terms of these property transfers.
1347

1348 So that's where it seems challenging and burdensome and somewhat unwieldy to the
1349 development community. That's what this is in response to.
1350

1351 Ms. Jones - I guess I'm concerned about throwing out the baby with the
1352 bathwater, whatever that phrase is, because of one or two cases the public policy changes.

1353 Looking at it in reverse, are there times when the TOA process, as it stands now, works to
1354 the advantage of the County and makes for a better community? I'm simply trying to get
1355 the big picture here.

1356
1357 Mr. Emerson - Well certainly there are times when it works to the benefit of
1358 the community; it wouldn't be there if it didn't. What we're requesting is the flexibility to be
1359 able to move some of these through that don't necessarily need the attention and time of
1360 the Commission in order to meet the needs of new construction, which is primarily where
1361 we run into the challenge.

1362
1363 Mr. Leabough - Is there a way to put parameters in place to address that issue
1364 then?

1365
1366 Mr. Witte - Can we just say under exceptional conditions as decided by
1367 the director of Planning?

1368
1369 Mr. Emerson - We could change the verbiage some, if that would make you
1370 more comfortable, certainly.

1371
1372 Mr. Leabough - Ms. Jones, I don't want to put words in your mouth, but your
1373 concern is that the public hearing process is there for a reason, to allow the community to
1374 provide feedback and input. So if the issue is new construction where they're just
1375 transferring the development of the site to their ownership LLC or the ownership entity,
1376 then that could be handled administratively because it's really, again, a new building that
1377 they're just transferring for ownership purposes and for financing purposes. If that's the
1378 case, then I don't see an issue with that because there should be no deficiencies at that
1379 point. But if there was a property that's been there for the last ten years, staff had done
1380 their inspection and identified deficiencies, then I do think that, to your point, bring it to this
1381 public body to give the opportunity for the public to provide comments. We have had TOAs
1382 that people were concerned about because they live next door and deficiencies weren't
1383 addressed. So they want the opportunity to let their voices be heard as it relates to what
1384 their concerns are for that property. So is there a way to incorporate some parameters
1385 under which a TOA could be handled administratively?

1386
1387 Ms. Jones - Well you said it better than I did. Thank you.

1388
1389 Mr. Leabough - Sorry.

1390
1391 Ms. Jones - No, honestly. New construction and other cases certainly are
1392 different and might merit some kind of different treatment. No, I'd have no objection to that.
1393 I just don't want to lose the benefits we have.

1394
1395 Mr. Leabough - Yes.

1396

1397 Mr. Emerson - Certainly. Sometimes it might be viewed as a benefit to
1398 ownership to not have to come to the Commission if they can address all the deficiencies
1399 as well.
1400

1401 Ms. Jones - That's good motivation, yes.
1402

1403 Mr. Emerson - That's been a motivator in the past. But primarily, Ms. News,
1404 I'm correct, it has been primarily new construction that we've run into this challenge?
1405

1406 Ms. News - Yes. That was the most recent issue that was brought up as a
1407 challenge. As you know, we brought this to the Commission several years ago to talk about
1408 the challenges we had just with enforcement of TOAs. It's an ongoing issue, and it's usually
1409 related to money. It's usually related to when a property can't afford to get something done.
1410 And we just try to work with them and wait out their schedule.
1411

1412 Mr. Emerson - We hear your concerns, so let us do this. We will take it back
1413 and work on it over the next 30 days and bring it back to you on the twenty-fifth with some
1414 revised language.
1415

1416 Mr. Witte - I still think it's more to the discretion of the Director or Assistant
1417 Director or both on these exceptional situations. You all know better than we do when an
1418 exceptional situation comes up like that case you just described.
1419

1420 Ms. Jones - The wording might have to be different than just "exceptional."
1421 I'm thinking that we need to think about exactly how to describe what the situation might
1422 be.
1423

1424 Mr. Leabough - We'd love for Mr. Emerson to be here forever or Ms. Moore to
1425 be here forever, but they won't be, unfortunately. Neither will we. So I think that Ms. Jones
1426 makes a good point.
1427

1428 Mr. Archer - Looking at this historically, I can remember I guess maybe, was
1429 it two or three years ago it got to the point where practically everything we had in here in
1430 the morning was just TOAs. Prior to that point in time, we'd probably see maybe one or
1431 two, but not that many. And now it seems to be slacking off a little bit. I guess that's
1432 because of the quirks in the development community. I'm trying to recall—and I'm sure
1433 there have been some. I just can't recall too many where we ask the audience if there's
1434 anyone who objects to the TOA and we actually get an objection. I'm sure you all might
1435 remember some, but there aren't that many that we do.
1436

1437 Ms. Jones - But I give that credit to having worked out any issues prior to it
1438 even ending up on the agenda.
1439

1440 Mr. Archer - I just thought I'd throw that out for consideration when we go
1441 back and rework this.
1442

1443 Mr. Emerson - Some of the long lists of TOAs you've had have been REIT's
1444 that have transferred ownership. Even though those are not new construction, they could
1445 be an argument. Usually when those come through, they fix everything. And it's a large
1446 money transfer. Sometimes those are timing issues for those entities as well.
1447

1448 Mr. Archer - I don't know what happened to cause that big spade of TOAs,
1449 but it just seemed like for a period of time we would get that many of them. And we just
1450 run down through them one at a time until we get to the end. And I just bear in mind that
1451 one of the things that we try to do is be efficient as we move along for the public so that
1452 people don't have to sit in here and listen to us for 20 minutes approving TOAs with no
1453 objections.
1454

1455 Mr. Leabough - If this is not in the ordinance, how is it that it's holding up a
1456 closing? Is it just some overzealous closing agent or attorney that's finding that this is an
1457 issue?
1458

1459 Mr. Emerson - It's a condition that you've placed on a plan of development.
1460

1461 Mr. Leabough - So they're looking at that condition and saying they don't, I
1462 guess, have clear title, if you will, until that's satisfied?
1463

1464 Mr. Emerson - Correct.
1465

1466 Mr. Leabough - Okay.
1467

1468 Mr. Emerson - Correct. And attorneys have picked up on that. It's a condition
1469 on your plans of development that you placed. It's one of your standard conditions. This
1470 wouldn't retroactively change any prior approvals. This would be from this point forward.
1471

1472 Mr. Leabough - There are plenty of transfers that go through that they don't
1473 care anything about it.
1474

1475 Mr. Emerson - Right.
1476

1477 Mr. Leabough - They just keep on trucking.
1478

1479 Mr. Emerson - Sometimes they get closed and we catch it at the building
1480 permit or something.
1481

1482 Mr. Leabough - Exactly.
1483

1484 Mr. Emerson - So that does happen.
1485

1486 Mr. Leabough - The closing attorney's not picking it up.
1487

1488 Mr. Emerson - But they've become a little more diligent in this. And that's one
1489 thing that also has given rise to more of these coming back.
1490
1491 Ms. Jones - I just want to make sure I'm clear on this. I do not object to
1492 streamlining a process or making things more efficient for staff, the Commission, or the
1493 development community. I'm not here to be an obstacle.
1494
1495 Mr. Leabough - We didn't think you were.
1496
1497 Ms. Jones - Thank you. On the other hand, I think that we do meet every
1498 two weeks, approximately. Well we meet twice a month. I don't know if it is possible to
1499 consider TOAs in any context other than this meeting. I don't know timing-wise if we can
1500 work with that in any way that is significant. I just think that we need to make sure we don't
1501 give up a review process or a public hearing process that is with significant merit. That's
1502 all.
1503
1504 Mr. Leabough - Good point.
1505
1506 Mr. Archer - All right. Any further discussion on this item?
1507
1508 Mr. Emerson - We'll work on it and bring it back to you on the twenty-fifth.
1509
1510 Ms. Jones - Thank you.
1511
1512 Mr. Archer - Okay, so we don't need to take any action today.
1513
1514 Mr. Emerson - No sir.
1515
1516 Mr. Archer - All right.
1517
1518 Mr. Emerson - Not today.
1519
1520 Mr. Archer - All right. Is there any further item to be brought before the
1521 Commission?
1522
1523 Mr. Emerson - Yes sir, you have the approval of minutes, the consideration of
1524 your minutes from your March 23, 2016 meeting. And I don't believe there is an errata
1525 sheet this morning.
1526
1527 APPROVAL OF MINUTES: March 23, 2016
1528
1529 Mr. Archer - Perhaps there were no edits.
1530
1531 Mr. Thornton - Mr. Chairman, once you finish with that, I do have an
1532 observation I would like to make with the indulgence of the committee.
1533

1534 Mr. Archer - Okay. Well you can do it now, sir, if you'd like. You want to
1535 pass the minutes first?
1536
1537 Mr. Emerson - It's up to you.
1538
1539 Mr. Thornton - Why don't you pass the minutes first.
1540
1541 Mr. Archer - Let's go ahead and have a motion on the minutes, please.
1542
1543 Ms. Jones - I move approval of the minutes as presented.
1544
1545 Mr. Witte - Second.
1546
1547 Mr. Archer - All right. Motion by Ms. Jones and seconded by Mr. Witte for
1548 approval of the minutes. All in favor say aye. All opposed say no. The ayes have it; the
1549 motion passes.
1550
1551 The Planning Commission approved the March 23, 2016 minutes as submitted.
1552
1553 Mr. Archer - Mr. Thornton, you have the floor sir.
1554
1555 Mr. Thornton - Yes. Mr. Chairman, with your indulgence and the indulgence
1556 of my colleagues here on the Planning Commission, one of the efficacies of being on the
1557 Board and also the Planning Commission at the same time is that you get a chance to see
1558 the process and all of that. And Mr. Emerson is reminded from time to time at our Board
1559 sessions that I bring up a term. And the term I bring up has been "more tools."
1560
1561 And I want to compliment the Planning Commission this morning for having discussed
1562 your last issue about TOAs. I bring it up because—well I like I said—Mr. Leabough
1563 mentioned this too. We won't be here all the time, there will be people here after us. So
1564 therefore, we have a process that we always—or those persons in these seats will always
1565 give that type of service as expected of Henrico people. We call it "The Henrico Way." And
1566 so the tool that I bring is that hopefully in future discussion, we probably need to take a
1567 look at some other things too on this level, your level, because I frequently say that other
1568 than the Board of Supervisors, the next important Commission in this County is the
1569 Planning Commission.
1570
1571 What I've noticed over the years is that HOAs have been going through a metamorphosis.
1572 I recall after being elected some years ago that one of the areas, townhomes, just went
1573 through an awful situation. They lost the power to give money each month through some
1574 fraudulent actions that went on.
1575
1576 I bring all this up to say this. We want to make sure—I think Ms. Jones brought this up
1577 too—that we keep all of the rights that we have so that we can hear what the public is
1578 saying. But also we want to be proactive. Being proactive means we need to take a look
1579 at what we have and see whether or not the tools we have are germane for the twenty-

1580 first century, because things are changing on us. We want to make sure that this Board
1581 will have input into some of the new changes that are coming down the pike. The one I
1582 just mentioned, HOAs. I think the Planning Commission needs to take another look at that,
1583 when they can, and get with the County attorney and see what additional input we can
1584 have. America's changing. Henrico's changing. So a whole lot of things are going on now
1585 that we have not had to contend with maybe in the past.

1586
1587 In conclusion, I'm simply saying that I think it would really help the Commissioners in the
1588 future if we lay that foundation that has been previously laid. And make sure, though, that
1589 we take a look at the tools that we have. Sometimes older tools don't do the job.
1590 Sometimes we have to change our tools. That's all I'm saying. Let's have an open mind
1591 and have a discussion on this level, even before it gets to the Board, because I don't think
1592 that the Board—it doesn't do this, I don't think—should just dictate to you. But you want to
1593 give us the best when it comes up to us. Therefore, at this level you have to take a look at
1594 well, when's the last time we ever changed any ordinances in Henrico County? You look at
1595 the records, it's been a long time. It's been a long time.

1596
1597 That's all I'm bringing. The message is the Board now—and I think Mr. Emerson will share
1598 this with you later on—we're moving to taking a look at the whole platform of what Planning
1599 looks like in Henrico County and see whether or not it jives with what should be the tools
1600 for the twenty-first century.

1601
1602 Mr. Chairman, thank you for allowing me to address that. If anyone wants to ask me a
1603 question, I'll try to answer it.

1604
1605 Mr. Archer - Okay, thank you for those remarks. Any questions or
1606 comments from the Commission?

1607
1608 Mr. Emerson - Mr. Chairman, I might add in addition to what Mr. Thornton's
1609 referring to—and I think many of you are aware of it—is that the Board I guess in their final
1610 actions last night with the adoption of the budget did approve funding for us to begin the
1611 overall review and refreshing of our subdivision and zoning codes. These are of course
1612 are 1959 and older in terms of their age of a complete review. So on the staff level, we're
1613 going to be working on requests for proposals and getting that on the street to bring in a
1614 consultant to begin work on that document. That will take place over the next three budget
1615 cycles, we anticipate. But you will be playing a very large role in that process. Right now
1616 we're in the infancy of the process, and getting our process in order, and hiring a
1617 consultant. So once we have that done, which I anticipate—I would think by December I
1618 would hope we would have a consultant chosen and a contract negotiated to where I would
1619 have someone to bring in front of you and introduce to you, who that will be, and begin to
1620 talk a little bit about that process.

1621
1622 Mr. Archer - Sounds great.

1623
1624 Mr. Emerson - That is a big positive move and one we've worked for, for a
1625 long time. We're very excited about that on a staff level.

1626

1627 Mr. Archer - Okay. And Mr. Thornton, I like your assertion of having the
1628 proper tools. I've always been told that any job is easy if you have the right tools.

1629

1630 Mr. Thornton - One other thing, Mr. Chairman. Although I didn't go this time,
1631 usually the chair goes on an inner-city visit. I went the previous year. They did share recent
1632 information. Here are some kudos for this all across the board. Each time that we go on
1633 those types of initiatives, what we find out is that there are other progressive areas in the
1634 country that are doing things. And the other thing we find out is that in Henrico County,
1635 we're not doing so badly. And that's a good thing. Sometimes we think that we have it
1636 tough or we don't have it tough. But when you really visit other places and see what other
1637 people are doing there, we are in the upper echelon. And you should be proud of that
1638 because you helped make Henrico what it is today.

1639

1640 Mr. Archer - All right, thank you, sir.

1641

1642 Mr. Emerson - Mr. Chairman, we do have one other item. I hate to continue to
1643 hold you up.

1644

1645 Mr. Archer - That's all right. Go ahead.

1646

1647 Mr. Emerson - I'd like to give Ms. Vann an opportunity to come down and
1648 speak to you. I'm not sure on the date, but I believe it might be this coming Friday that
1649 she'll be leaving us here at the County.

1650

1651 Mr. Archer - Oh, no.

1652

1653 Mr. Emerson - I don't really understand the term. I don't think she's quite old
1654 enough to retire, but she seems to be bent on doing that. And also give her an opportunity
1655 to introduce the individual that will be filling in for her.

1656

1657 Mr. Archer - Well if we don't let her speak, then she can't leave.

1658

1659 Mr. Emerson - Well that's true, so maybe I should just not allow that to
1660 happen.

1661

1662 Mr. Archer - Sad news in one regard and happy new in another. Go ahead,
1663 Ms. Vann.

1664

1665 Ms. Vann - Yes, thank you. Kim Vann. I appreciate the opportunity. I really
1666 wanted to just have a chance to introduce the officer that's going to be taking my place. I
1667 do retire Friday, so two more days. Officer Latrice Gordon is going to be the CPTED officer.
1668 And she's been working already with us in the unit for about a month, month and a half,
1669 and I think doing a great job. Really hard worker, excited to learn. She also has an officer
1670 that's a community policing officer that's going to be her backup. He works right now in the
1671 east end of the County, Officer Ross Lewis. He couldn't be here today. Because you all

1672 may not know her and have had the opportunity to meet her, but kind of put a name with
1673 a face so that you know who the contact may be starting pretty much now, to be quite
1674 honest. We know her e-mail, but we don't know what her phone number's going to be
1675 because I think they're going to change offices. But it could be the same number as mine,
1676 so for right now, if you have my number, that would be who to call.

1677

1678 I appreciate working with you all over the last thirty years almost.

1679

1680 Mr. Archer - Let me speak on behalf of the Commission and say that you
1681 have been a very valuable resource and asset to us, and we'll miss you. I'm sure Officer
1682 Gordon will fill your shoes quite adequately. I won't say "big shoes," because women take
1683 that as the size of their feet, and I'm not saying that. But we have enjoyed working with
1684 you, and you've really been a valuable asset to us. We appreciate it very much.

1685

1686 Mr. Witte - Absolutely. It sounds like it's taking two to replace her.

1687

1688 Mr. Archer - Officer Gordon, would you like to say a few words?

1689

1690 Ms. Gordon - No, I don't have anything to say. She's taught me a lot over the
1691 past month now. I know that it's going to be a lot of work, but I'm looking forward to working
1692 with everyone.

1693

1694 Mr. Witte - And you'll learn to speak into the microphone?

1695

1696 Ms. Gordon - Yes sir.

1697

1698 Mr. Witte - Enjoy your retirement.

1699

1700 Ms. Vann - One of the reasons Mr. Emerson says he doesn't understand
1701 is that he's only a year older; we went to school together.

1702

1703 Mr. Emerson - I wasn't going to bring that up. I was going to say, "I've known
1704 you for a really long time; we won't go into that," but anyway. It is a little unnerving there,
1705 but anyway. Congratulations.

1706

1707 Mr. Witte - Yay.

1708

1709 [Applause.]

1710

1711 Mr. Archer - That applause was for both of you. All right, Mr. Secretary.
1712 Anything else.

1713

1714 Mr. Emerson - No sir, I have nothing further for the Commission this morning.

1715


1716 Mr. Archer - Motion to adjourn.

1717

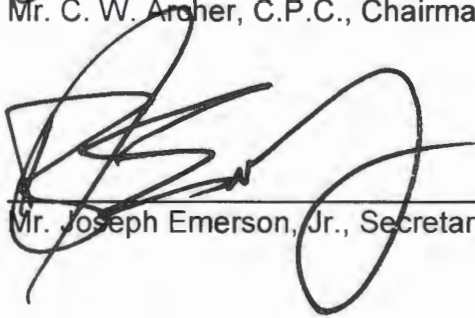
1718 Mr. Witte -
1719
1720 Mr. Archer -
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736

Second.

All right, meeting adjourned.



Mr. C. W. Archer, C.P.C., Chairman



Mr. Joseph Emerson, Jr., Secretary

PLANS OF DEVELOPMENT STANDARD CONDITIONS

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 sewer. 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 water. 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 **April 27, 2016**, which shall be as much a part of this approval as if details were fully described herein. Nine (9) 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, a minimum of fourteen (14) 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 October 2015)**
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 **April 27, 2016**, which shall be as much a part of this approval as if all details were fully described herein. Four (4) 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.
33. The mechanical equipment for each building shall be located on its respective lot. Except for wall-mounted electric meters, in no case shall the eight-foot easement for construction, drainage, and maintenance access on the abutting lot be used to locate other mechanical equipment (such as HVAC equipment, generators, and the like) for the subject lot.

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)**

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Conventional Single-Family Subdivisions Served By Public Utilities

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, a minimum of sixteen (16) 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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 27, 2016**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 26, 2017**, 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.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Conventional Single-Family Subdivisions Not Served By Public Utilities

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, a minimum of eleven (11) 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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **April 27, 2016**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **April 26, 2017**, 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.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Residential Townhouse for Sale (RTH) Subdivisions

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, a minimum of fourteen (14) 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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 27, 2016**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 26, 2017**, 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.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Zero Lot Line Subdivisions

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, a minimum of fourteen (14) 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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 27, 2016**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 26, 2017**, 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.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Road Dedication with No Lots

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, a minimum of sixteen (16) 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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 27, 2016**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 26, 2017**, 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.