

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, February 24, 2016.
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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. Kate Teator, Senior Planning Technician/Recording Secretary

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6 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains on all**
7 **cases unless otherwise noted.**
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9 Mr. Archer - Welcome to the February 24th meeting for Plans of
10 Development and Subdivisions. Before we start, we'd like to stand and salute the flag. And
11 I'd also like to ask you to please silence or mute your telephone. Thank you.
12

13 All right. Do we have any members of the press present today?
14

15 Ms. Jones - Yes.
16

17 Mr. Archer - Oh, we do. Good morning. Welcome. All right. With that I will
18 turn things over to our secretary, Mr. Emerson, and we'll get started.
19

20 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda this morning
21 are the requests for deferrals and withdrawals. Those will be presented by Ms. Leslie
22 News.
23

24 Mr. Archer - Good morning, Ms. News.

25
26 Ms. News - Good morning, Mr. Chairman, members of the Commission.
27 We have four requests for deferrals on our agenda this morning. The first is found on page
28 5 of your agenda and is located in the Three Chopt District. This is POD2015-00322,
29 Corner Bakery at Car Care Shopping Center. The applicant has requested a deferral to
30 the March 23, 2016 meeting.

31
32 *(Deferred from the December 16, 2015 Meeting)*

33 **PLAN OF DEVELOPMENT**

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POD2015-00322 **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)**

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37 Mr. Archer - Thank you, Ms. News. Is there anyone present who objects to
38 the deferral of POD2015-00322, Corner Bakery at Car Care Shopping Center? I see no
39 objection.

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41 Mrs. Marshall - Mr. Chairman, I move that POD2015-00322, Corner Bakery at
42 Car Care Shopping Center, be deferred to the March 23, 2016 meeting per the applicant's
43 request.

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45 Ms. Jones - Second.

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

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50 At the request of the applicant, the Planning Commission deferred POD2015-00322,
51 Corner Bakery at Car Care Shopping Center, to its March 23, 2016 meeting.

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53 Ms. News - The next item is on page 7 of your agenda and is located in the
54 Tuckahoe District. This is POD2015-00391, Ample Storage - Three Chopt Road. The
55 applicant has requested a deferral to the April 27, 2016 meeting.

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57 *(Deferred from the January 27, 2016 Meeting)*

58 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**
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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)**

Mr. Archer - All right. Is there anyone present who objects to the deferral of POD2015-00391, Ample Storage - Three Chopt Road? I see none. Ms. Jones.

Ms. Jones - Then I'll move deferral of POD2015-00391, Ample Storage - Three Chopt Road, at the request of the applicant, to our April 27, 2016 meeting.

Mr. Leabough - Second.

Mr. Archer - Motion by Ms. Jones, seconded by Mr. Leabough. 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 April 27, 2016 meeting.

Ms. News - The next item is on page 24 of your agenda and located in the Varina District. This is POD2016-00040, Rocketts Landing - Phase IV, architectural. The applicant has requested a deferral to the March 23, 2016 meeting.

(Deferred from the January 27, 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)**

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83 Mr. Archer - Okay. Is there anyone present who opposes the deferment of
84 POD2016-00040, Rocketts Landing - Phase IV? Mr. Leabough.

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86 Mr. Leabough - Mr. Chair, I move that POD2016-00040, Rocketts Landing -
87 Phase IV, the architectural, be deferred at the applicant's request to the March 23, 2016
88 meeting.

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90 Mr. Witte: Second.

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

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95 At the request of the applicant, the Planning Commission deferred the architectural for
96 POD2016-00040, Rocketts Landing - Phase IV, to its March 23, 2016 meeting.

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98 Ms. News - The final item is on page 25 of your agenda and located in the
99 Three Chopt District. This is POD2016-00014, Bon Secours Short Pump at Broad Hill
100 Centre - Revised. This is a deferral request by the Commission to the March 23, 2016
101 meeting.

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103 **PLAN OF DEVELOPMENT**

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POD2016-00014 **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)**

105
106 Mr. Archer - Thank you. Is there anyone present who objects to this deferral
107 for POD2016-00014, Bon Secours Short Pump at Broad Hill Centre – Revised? I see none.

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109 Mrs. Marshall - Mr. Chairman, if I could speak for a moment, please.

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111 Mr. Archer - Certainly.

112
113 Mrs. Marshall - Before I make the motion on the Bon Secours case, I want to
114 state that this project is very important to the County. This site is a western gateway to the
115 County. It needs to represent the best of Henrico. The prior POD for this site submitted by
116 Bon Secours and approved by this Board contained a building that met this standard. This
117 current POD asks this Board to lower the standard by supporting a building that is not
118 worthy of representing the western gateway to the County and is architecturally inferior to
119 the building in the POD that has already been approved. This current POD also seeks to
120 put the emergency center in the taller of the two buildings on the site adjacent to residential
121 units instead of having them adjacent to Broad Street.
122

123 We have a meeting scheduled with Bon Secours on March 9th to address these issues.
124 And for this reason, I move that POD2016-00014, Bon Secours Short Pump at Broad Hill
125 Centre – Revised, be deferred to the March 23, 2016 meeting at the request of the
126 Commission.
127

128 Ms. Jones - Second.
129

130 Mr. Archer - Motion by Mrs. Marshall, seconded by Ms. Jones. All in favor
131 say aye. All opposed say no. The ayes have it; the motion passes.
132

133 At the request of the Commission, the Planning Commission deferred POD2016-00014,
134 Bon Secours Short Pump at Broad Hill Centre – Revised, to its March 23, 2016 meeting.
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136 Ms. News - Staff is not aware of any further request for deferrals.
137

138 Mr. Archer - All right, thank you, Ms. News.
139

140 Mr. Emerson - Mr. Chairman, withstanding any further deferrals that the
141 Commission may want to bring forth, next on your agenda are the expedited items. Those
142 will also be presented by Ms. News.
143

144 Ms. News - Sir, we have three items on our expedited agenda this
145 morning. The first item is on page 10 of your agenda and located in the Three Chopt
146 District. This is POD2015-00434, Short Pump Manor at Bacova Section 4. Staff
147 recommends approval.
148

149 *(Deferred from the January 27, 2016 Meeting)*

150 **PLAN OF DEVELOPMENT**
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POD2015-00434
Short Pump Manor at
Bacova Section 4 – 4660
Pouncey Tract Road
(State Route 271)

**Youngblood, Tyler & Associates, P.C. for Bacova
Development Company, LLC, and Bacova, LLC:**
Request for approval of a plan of development, as required
by Chapter 24, Section 24-106 of the Henrico County Code,
to construct 7 detached dwellings for sale with zero-lot-
lines. The 3.295-acre site is located approximately 1,000

feet west of Pouncey Tract Road (State Route 271) and approximately 600 feet south of Kain Road, on part of parcels 736-766-7163 and 738-766-9367. The zoning is R-3C, One-Family Residential District (Conditional), R-5AC, General Residential District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. (Three Chopt)

152
153 Mr. Archer - Okay. Is there anyone present who is opposed to POD2015-
154 00434, Short Pump Manor at Bacova Section 4? I see no opposition. Mrs. Marshall.

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156 Mrs. Marshall - I move POD2015-00434, Short Pump Manor at Bacova
157 Section 4, be approved as presented subject to the annotations on the plan, the standard
158 conditions for developments of this type, and additional conditions 9 amended and 29
159 through 37 in the agenda, on the expedited agenda.

160
161 Mr. Leabough - Second.

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

165
166 The Planning Commission approved POD2015-00434, Short Pump Manor at Bacova
167 Section 4, subject to the annotations on the plans, the standard conditions attached to
168 these minutes for developments of this type, and the following additional conditions:

- 169
170 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
171 Planning for review and Planning Commission approval prior to the issuance of any
172 occupancy permits.
- 173 29. Roof edge ornamental features that extend over the zero lot line, and which are
174 permitted by Section 24-95(i)(1), must be authorized in the covenants.
- 175 30. Eight-foot easements for construction, drainage, and maintenance access for
176 abutting lots shall be provided and shown on the POD plans.
- 177 31. Building permit request for individual dwellings shall each include two (2) copies of
178 a layout plan sheet as approved with the plan of development. The developer may
179 utilize alternate building types providing that each may be located within the building
180 footprint shown on the approved plan. Any deviation in building footprint or
181 infrastructure shall require submission and approval of an administrative site plan.
- 182 32. Windows on the zero lot line side of the dwelling can only be approved with an
183 exception granted by the Building Official and the Director of Planning during the
184 building permit application process.
- 185 33. The mechanical equipment for each building shall be located on its respective lot.
186 Except for wall-mounted electric meters, in no case shall the eight-foot easement
187 for construction, drainage, and maintenance access on the abutting lot be used to
188 locate other mechanical equipment (such as HVAC equipment, generators, and the
189 like) for the subject lot.

225 Mr. Archer - Motion by Mr. Leabough, seconded by Mr. Witte. All in favor
226 say aye. All opposed say no. The ayes have it; the motion passes.
227

228 The Planning Commission approved POD2015-00543, Airport Distribution Center,
229 Building B, subject to the annotations on the plans, the standard conditions attached to
230 these minutes for developments of this type, and the following additional conditions:
231

- 232 29. In order to maintain the effectiveness of the County's public safety radio
233 communications system within buildings, the owner will install radio equipment that
234 will allow for adequate radio coverage within the building, unless waived by the
235 Director of Planning. Compliance with the County's emergency communication
236 system shall be certified to the County by a communications consultant within ninety
237 (90) days of obtaining a certificate of occupancy. The County will be permitted to
238 perform communications testing in the building at anytime.
- 239 30. The proffers approved as a part of zoning case C-47C-97, C-7C-06, C-8C-06, and
240 REZ2014-00039 shall be incorporated in this approval.
- 241 31. The location of all existing and proposed utility and mechanical equipment
242 (including HVAC units, electric meters, junction and accessory boxes, transformers,
243 and generators) shall be identified on the landscape plans. All equipment shall be
244 screened by such measures as determined appropriate by the Director of Planning
245 or the Planning Commission at the time of plan approval.
246

247 Mr. Leabough - Mr. Chair, before we move to the next case, I'd just like to thank
248 the applicant for working with staff to address the concerns. We do appreciate that. Thanks
249 to staff as well.
250

251 Ms. News - The final item is on page 22 of your agenda and located in the
252 Brookland District. This is POD2016-00013, Libbie Mill Townhomes, Section 2, which also
253 includes their lighting plan. Staff recommends approval.
254

255 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**
256

POD2016-00013
Libbie Mill Townhomes
Section 2 - 2121 Spencer
Road

E.D. Lewis & Associates for Midtown Land Partners, 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 4 three-story residential townhomes for sale in an urban mixed-use development. The 0.33-acre portion of the 85 acre site is located on the southeast corner of Spencer Road and Libbie Mill West Boulevard, on parcel 772-740-4023 and part of parcel 773-739-8155. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. **(Brookland)**

257 Mr. Archer - Thank you. Is there anyone present who is opposed to
258 POD2016-00013, Libbie Mill Townhomes, Section 2? No opposition. Mr. Witte.
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260
261 Mr. Witte - Mr. Chairman, I move approval of POD2016-00013, Libbie Mill
262 Townhomes, Section 2, including the lighting plan, on the expedited agenda, subject to
263 the annotations on the plans, standard conditions for developments of this type, additional
264 conditions 11B and 29 through 38 as shown on the agenda.

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266 Ms. Jones - Second.

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

270
271 The Planning Commission approved the plan of development and lighting plan for
272 POD2016-00013, Libbie Mill Townhomes, Section 2, subject to the annotations on the
273 plans, the standard conditions attached to these minutes for developments of this type,
274 and the following additional conditions:

275
276 11B. Prior to the approval of an electrical permit application and installation of the site
277 lighting equipment, a plan including light spread and intensity diagrams, and fixture
278 specifications and mounting heights details shall be revised as annotated on the
279 staff plan and included with the construction plans for final signature.

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

281 30. The names of streets, drives, courts and parking areas shall be approved by the
282 Richmond Regional Planning District Commission and such names shall be
283 included on the construction plans prior to their approval. The standard street name
284 signs shall be installed prior to any occupancy permit approval.

285 31. The subdivision plat for Libbie Mill Townhomes Section 2 shall be recorded before
286 any building permits are issued.

287 32. Prior to issuance of a certificate of occupancy for any building in this development,
288 the engineer of record shall certify that the site has been graded in accordance with
289 the approved grading plans.

290 33. Outside storage shall not be permitted.

291 34. The proffers approved as a part of zoning cases REZ2015-00018 and PUP2015-
292 00006 shall be incorporated in this approval.

293 35. A construction staging plan which includes details for traffic control, fire protection,
294 stockpile locations, construction fencing and hours of construction shall be
295 submitted for County review and prior to the approval of any final construction plans.

296 36. A note in bold lettering shall be provided on the erosion control plan indicating that
297 sediment basins or traps located within buildable areas or building pads shall be
298 reclaimed with engineered fill. All materials shall be deposited and compacted in
299 accordance with the applicable sections of the state building code and geotechnical
300 guidelines established by the engineer. An engineer's report certifying the suitability
301 of the fill materials and its compaction shall be submitted for review and approval
302 by the Director of Planning and Director of Public Works and the Building Official
303 prior to the issuance of any building permit(s) on the affected sites.

304 37. The pavement shall be of an SM-2A type and shall be constructed in accordance
305 with County standard and specifications. The developer shall post a defect bond for

all pavement with the Department of Planning - the exact type, amount and implementation shall be determined by the Director of Planning, to protect the interest of the members of the Homeowners Association. The defect bond shall remain in effect for a period of three years from the date of the issuance of the final occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a professional engineer must certify that the roads have been designed and constructed in accordance with County standards.

38. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

Ms. News - That completes our expedited agenda.

Mr. Archer - Thank you, Ms. News.

Mr. Emerson - Mr. Chairman, we now move to the next item which is Subdivision Extensions of Conditional Approval. Those will be presented by Mr. Lee Pambid.

**SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL
FOR INFORMATIONAL PURPOSES ONLY**

| Subdivision | Original No. of Lots | Remaining Lots | Previous Extensions | Magisterial District | Recommended Extension |
|----------------------------------------------------------|----------------------|----------------|---------------------|----------------------|-----------------------|
| SUB2013-00218 Sadler Green (February 2014 Plan) | 1 | 1 | 1 | Three Chopt | 2/23/2017 |

Mr. Archer - Good morning, Mr. Pambid.

Mr. Pambid - Good morning, sir. This map indicates the location of one subdivision that's presented for extension of conditional approval. It's eligible for a one-year extension to February 23, 2017. This extension is for informational purposes only and does not require Commission action at this time.

Mr. Archer - All right, we thank you.

Mr. Pambid - This concludes my presentation. I can now field any questions you have regarding this.

Mr. Archer - Any questions from the Commission?

Mr. Leabough - No sir.

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Mr. Archer - All right. Thank you, sir.

Mr. Pambid - You're welcome.

Mr. Emerson - Mr. Chairman, we now move into your regular agenda for the first item, which appears on page 3. This item also appears on page 1 of your amended agenda. It is POD2016-00060, Koth Consulting PC for Realty Ventures Group Incorporated and Par 3 Development Group LLC. The staff report will be presented by Mr. Mike Kennedy.

PLAN OF DEVELOPMENT - RESUBMISSION

POD2016-00060
Dollar General at 3012
Mountain Road -
Resubmission (POD2015-
00356 Rev.)

Koth Consulting, PC for Realty Ventures Group, Inc. and Par 3 Development Group, LLC: Request for approval of a resubmitted plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 9,734 square foot retail building with accessory parking. The 1.3-acre site is located at the northwest corner of Mountain Road and John Cussons Drive, on parcel 770-767-5189. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

Mr. Archer - Thank you, sir. Is there anyone present who is opposed POD2016-00060, Dollar General at 3012 Mountain Road – Resubmission? We have opposition, I believe. Okay.

Before we begin, ladies and gentlemen, we're here this morning on the request for approval of a resubmitted plan of development to construct a one-story, 9,734-square-foot retail building with accessory parking, at the northwest corner of Mountain Road and John Cussons Drive in the Brookland District.

Last December, the Planning Commission denied this applicant's request for approval because the plan failed to comply with proffered condition 8 of zoning case C-72C-88, that required that the architecture of the building be Colonial or Victorian in style, as determined by the Planning Commission. Section 15.2-2259 of the Code of Virginia expressly limits our scope of review of the resubmitted plan to whether the revisions to the elevations address the requirement as stated in proffered condition 8. The statute does not permit us to consider any other issues, whether they be the location of the site or entry of delivery vehicles or whether the proposed use is or is not a convenience store.

Mr. Kennedy, would you please show the Commission and the audience the new elevations that have been submitted. And if you would, summarize the staff's comments on whether or not they addressed the basis for the Commission's denial of last December's original plan.

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383 Mr. Kennedy - Yes sir.
384
385 Mr. Archer - Thank you.
386
387 Mr. Kennedy - First I would like to show the old elevations. These are the
388 elevations that were disapproved at the December 10th meeting of the Commission. Now
389 go back to the current plan.
390
391 Since the original elevations were rejected by the Planning Commission at their December
392 10th, 2015 meeting, the developers submitted a revised elevation plan with the following
393 changes: The main entrance has been relocated from the southeast corner to the center
394 of the building facing John Cussons Drive. The fabric canopy that was over the main
395 entrance has been replaced with a partially recessed portico supported by two brick
396 pilasters and two traditional columns. In addition, the main entrance door side lights and
397 highlight above the door will all have glass panels in a traditional manor.
398
399 The emergency door that was previously located on the Mountain Road side of the building
400 has now been relocated to the rear of the building. They will also have a six-panel
401 traditional Colonial door. Additional windows and shutters have been added to the front
402 and both sides—facades of the building. The previous plan proposed two windows with
403 shutters on each side and four widows with shutters on the front face of the building. The
404 revised elevation proposes four windows with shutters along the side of the building, which
405 is on the north facing the Deer Springs subdivision; five windows with shutters on the side
406 elevation facing Mountain Road to the south; and six windows with shutters on the face
407 facing John Cussons Drive. The loading doors will remain on the side facing Deer Springs.
408 There will be a double traditional loading dock—double traditional six-panel Colonial doors.
409
410 The original plan proposed three boarded windows on the rear facade of the building in
411 this area here. Those have been replaced. The proposed plan provides nine recessed
412 brick false windows, panels on the rear of the building facing west. In addition, both the
413 windows with shutters and the false brick window panels now have brick sills at their base
414 and brick jack arches. Additional dormers have been added to the rear and both sides of
415 the building. The previous plan proposed two dormers on each side and three dormers on
416 the rear of the building. The revised plan provides four dormers on each side elevation
417 and five dormers on the rear of the building. There will continue to be four dormers on the
418 front facade facing John Cussons Drive.
419
420 The siding on all four faces of the building has now been replaced with 100 percent brick
421 veneer divided by a water table at the base, a band or belt course above the windows.
422 Some siding would still be retained on the sides of the dormers as well as the gable in the
423 front over the main entrance. In addition, an indirectly illuminated traditional while sign
424 would be remained over the main entrance. So this will be indirectly lit.
425
426 The trim band between the wall surface and the roof on all four sides is now more defined
427 in this plan. Leaders and gutters will also be added all four sides.

428
429 At this time, staff is recommending approval of the POD because they believe proffered
430 condition 8 of rezoning case C-72C-88, which requires the architecture to be Colonial or
431 Victorian style, has been satisfied. Staff recommends approval of the resubmitted plan
432 subject to the annotations on the original plans, the standards conditions for developments
433 of this type, and the additional conditions in the agenda, including 9 and 11 amended. The
434 landscape and lighting plan will return to the Planning Commission for review and approval
435 at a later date. In addition, conditions 29 through 33, and 35 through 37 as previously
436 proposed at the December 10th agenda. Condition #34 from the original agenda has been
437 removed as it was determined to not be necessary.
438

439 It should be noted that staff has received correspondence by e-mail, phone, and in person
440 from about twenty-five people requesting deferral. They've been responded to. The
441 Commission had significant attendance at the last meeting, as well as two community
442 meetings. So staff and the Commission are aware of the public's concerns.
443

444 That concludes my presentation. The developer is here, represented by counsel, if you
445 have any questions.
446

447 Mr. Archer - Thank you, Mr. Kennedy. Are there questions from the
448 Commission for Mr. Kennedy? Okay. Mr. Witte, we have opposition. How would you like
449 to proceed?

450
451 Mr. Witte - I'd like to hear from the opposition. We have a large number.
452

453 Mr. Archer - Mr. Secretary, would you repeat again the rules for opposition.
454

455 Mr. Emerson - Yes sir, Mr. Chairman. The Commission does have guidelines
456 in place regarding their hearings and they are follows: The applicant is allowed ten minutes
457 to present the request, and time may be reserved for responses to testimony. Opposition
458 is allowed a cumulative ten minutes to present its concerns, meaning as a group it's ten
459 minutes. Commission questions do not count into the time limits. The Commission may
460 waive the time limits for either party at its discretion. Comments must be directly related to
461 the case under consideration. In this case, that is the elevation, as the Chairman noted at
462 the beginning of this hearing. And as Mr. Kennedy noted, all your comments and e-mails
463 have been received. They have been forwarded to the Commission. However, what is in
464 the Commission's consideration this morning is the elevation and does it meet proffer #8.
465 All other matters are not within their realm of consideration at this time.
466

467 Mr. Archer - All right. Thank you, sir. All right, who would like to come first?
468 Come right ahead, sir. And please state your name for the record.
469

470 Mr. Childrey - Good morning. My name is Steve Childrey. I'm an architect. I
471 live in Glen Allen right down the street from this project.
472

473 I would like to just take a few minutes to say that the building appears to be architectural -
474 it does have those Colonial architectural elements. But I would like for you all to notice that
475 this is a flat-roof building. It's a two-story building, commercial in nature, that would be
476 suitable for a shopping center. But in the location it's going to be built, it's in a small town
477 where there's a grocery store, one story; a service station, one story; a church, two stories;
478 and a post office, one story. This two-story structure dominates the landscape. There is
479 another solution to this architectural look. However, it's not there. This is a two-story
480 building with a façade that looks like Colonial, so I have to admit it has Colonial features,
481 but it overwhelms the landscape with its scale. Those human sketches there at the front
482 door are six feet tall. The exterior walls are at least eighteen to twenty feet tall. And the
483 building is 68 by 135 feet. That is a huge structure.

484
485 All things being equal, everybody looks at something differently. But there is another
486 solution to this architecture. If you had said I would like modern; it fits. Or eclectic, it fits.
487 Or transitional, it fits. But is it truly Colonial? I would have to say no, because it fails on its
488 scale and flat-roof feature.

489
490 Thank you for your time.

491
492 Mr. Archer - Thank you, Mr. Childrey. Are there questions for Mr. Childrey?

493
494 Mr. Witte - Yes. Mr. Childrey, what's your opinion of replacing the flat roof?
495 What would work?

496
497 Mr. Childrey - A Colonial structure usually has a gabled roof or a hip roof. It
498 has shingles, no flat roof at all. And that could be placed on this building. There's no reason
499 why the exterior walls would have to be eighteen to twenty feet tall; they could be twelve
500 feet tall, which is more in keeping with the scale of Colonial architecture.

501
502 That's a commercial building there, but the little town of Glen Allen doesn't welcome that
503 kind of building. It needs something on a smaller village-type look to blend in with what's
504 already there.

505
506 Mr. Witte - Thank you, sir.

507
508 Mr. Childrey - Okay. Thank you very much.

509
510 Mr. Archer - Any other questions? Okay. Thank you.

511
512 Mr. Nicholson - Good morning. My name's Gilbert Nicholson. I'm a registered
513 architect and a resident of Bretton Woods 103103 Delray Road, Glen Allen, Virginia. I'd
514 like to speak on the—I have architectural design comments. I've passed them out. I'm not
515 going to discuss all of them, but I'm going to hit the relevant high points because of time.

516
517 This building site has design proffers to promote the development of a project that respects
518 the context of the Colonial historic area. The proposed project places a large building on

519 a small site. The small site does not allow the building's impact to be softened by the use
520 of extensive landscaping or increasing the distance from adjoining properties and roads.
521 Because the building is not an anchor tenant in a shopping center, it cannot use smaller
522 retail shops and the visual advantages of a large site to establish a pedestrian scale
523 Colonial design. The height of the building's facade is taller than a one-story Colonial
524 building, but not tall enough for a two-story Colonial building. The design challenge is to
525 make the building appear as a one-story Colonial building.
526

527 I have some suggested design revisions that I'd like the architect to consider. I'm going to
528 just hit some of the highlights: Lower the roof soffit to decrease the height of the facade;
529 provide a continuous band below the soffit deep enough for a horizontal store sign; and fill
530 the gable with brick. As far as the entrance, I'm suggesting that we eliminate the recessed
531 entrance and replace it with a projecting entrance. The reason is that in the eighteenth,
532 nineteenth century, columns were used to support a covered porch or entrance that
533 significantly projected from the building so you could see them on the sides. At no time did
534 they typically use columns recessed within an entrance. In the nineteenth century that
535 happened, but they use pilasters and not columns. You can see from the scale it's a pretty
536 tall entrance.
537

538 I would also suggest—and I think they may have done—a Colonial transom over the sliding
539 doors. And for the windows, I'd consider using single windows—on the single windows,
540 keep the grids on the exterior of the glass and use some transoms to increase the window
541 height. This would help decrease the brick. And also, it's a small thing, but the width of
542 shutters typically needs to be half the size of the windows.
543

544 There are some other things on here. What I'd like—and I'd be pleased as part of the
545 community, we would like to have the opportunity to maybe discuss some of these things
546 to see if we could get a project that would be better suited for our neighborhood.
547

548 Thank you very much.
549

550 Mr. Archer - All right. Are there questions for this gentleman before he takes
551 his seat? Thank you, sir.
552

553 Mr. Childrey - Thank you.
554

555 Ms. Pitman - Good morning. My name is Erin Pitman. I am the president of
556 the Deer Springs Homeowners' Association and the neighborhood in which this is
557 proposed to be placed.
558

559 Mr. Abernathy - I am Jeffrey Abernathy. I am the owner of the Glen Allen
560 Supermarket at 3007 Mountain Road. I am here today representing ten businesses in Old
561 Glen Allen.
562

563 Ms. Pitman - Through my research, my reading, and my chats with other
564 community members, I came across an ordinance stating one of the purposes of this

565 Commission. And respectfully, it reads that the Commission is to facilitate the creation of
566 a convenient, attractive, and harmonious community. I don't believe anybody here is going
567 to disagree when I say what we currently have in this room is not harmonious.

568
569 Mr. Abernathy - We have heard from the representatives of both the developer
570 and the community. There are differences between the two. Together, the neighborhood
571 and the business community formally request that the Commission defer their decision of
572 POD2016-00060 to a later date until the representatives and architects of both the
573 developer and the community can come together in agreement and make a
574 recommendation of proffer #8, architecture shall be Colonial or Victorian of case C-72C-
575 88. Thank you.

576
577 Mr. Archer - All right. Any questions?

578
579 Ms. Pitman - I have one more statement, sir.

580
581 Mr. Archer - Go right ahead, ma'am.

582
583 Ms. Pitman - We just believe that this could very much increase the
584 harmonious relationship that I know that we're striving for in our community between the
585 business, between the developer, and the neighbors and businesses as well.

586
587 And lastly, we have one other request that we're not sure when else to make it. I
588 understand that you do not have to respond to it. But I would like to officially request from
589 the neighborhood and the businesses that we not release the land disturbance permit until
590 the landscape and lighting plans have fully been approved. Please let the trees stand until
591 it's time to build.

592
593 Thank you very much for your time this morning.

594
595 Mr. Archer - Thank you, ma'am. Anyone else?

596
597 Ms. Childrey - Good morning, Commission, Chairman. My name is Julia
598 Childrey. I'm an attorney at CowanGates. I briefly just want to wrap up a few statements
599 from the general opposition as far as this goes.

600
601 I know you are well aware of this, but the Commission itself is appointed by the Board of
602 Supervisors, which are our constituents. So in acting on behalf of the Board of Supervisors,
603 you are also acting on behalf of the community. With respect to that, I just want to point
604 out one of the main elements of your duties is to ensure that you are qualified by the
605 knowledge and experience to make decisions on questions of community growth and
606 development. And in carrying out these duties, you have an opportunity to hear from the
607 opposition. And that main concern is to ensure that the community as a whole of Glen
608 Allen is relatively the same, that this new proposed building is fitting and does not disturb
609 what you have already heard today as far as the Colonial architecture overbearing the
610 community or dominating the architectural scenery.

611
612 In light of that, the Commission has an obligation to respect the historic area. The Code of
613 Virginia is pretty clear as far as what an historic area is, and that is one where historic
614 events have occurred or having other special public value because of notable architecture
615 or other features relating to the culture or artistic heritage of the community. What you've
616 heard today is that Glen Allen is a very quaint community. There is one two-story
617 business—or excuse me—building that is on Mountain Road within eyeshot of this new
618 proposed plan, and this is a church. Everything else is one-story Colonial. It is a very quaint
619 community.

620
621 So I ask that in carrying out your obligations you just pay special attention to what the
622 Code of Virginia directs you to do. And I am confident that once you do that and revert
623 back to what your actual duties are as outlined by the Code, you will either decide to defer
624 this plan or reject it as it is in keeping in keeping with your responsibilities.

625
626 Thank you for your time, and I appreciate it.

627
628 Mr. Archer - Thank you, Ms. Childrey. Are there questions for Ms. Childrey?
629 Thank you, ma'am.

630
631 Ms. Childrey - Thank you.

632
633 Mr. Archer - Anyone else? Mr. Witte, I think that's everyone. Do you want
634 to hear from the applicant?

635
636 Mr. Witte - Let's hear from the applicant.

637
638 Mr. Archer - All right. Would the applicant come down, please.

639
640 Mr. Hutcherson - Good morning, Chairman Archer, members of the
641 Commission. My name is Kerry Hutcherson. I'm with Rudy Coyner Attorneys at Law, here
642 today on behalf of the applicant. In case we have any technical questions about the
643 drawings or the engineering plans, I have the engineer for the project, Lance Koth, here
644 with me today. And I also have the architect who put together these revised drawings, Jeff
645 Timmons. They can answer some technical questions if you have any.

646
647 I'd like to start off by thanking the staff for their work on this project and also point out that
648 we accept the recommendation of the staff to approve this POD. I'd like to just make a
649 couple of points about the staff recommendation.

650
651 One, this is just a technical point. There is still a condition that we obtain a letter from
652 Verizon before construction plans are approved stating that our proposed plan of
653 development will not interfere with Verizon's facilities. The engineer, Lance Koth has
654 already reached out to Verizon, sent them a letter explaining what we're doing and asking
655 for any objections or concerns they may have. We haven't received any objections or any
656 response at all from Verizon. Typically with these types of things, in our experience it's

657 often the case that Verizon just won't respond at all. We're happy to continue to reach out
658 to them and make our best efforts to contact them. But I'd like the Commission to
659 understand that we may need some flexibility on this point if we get to the end of the line
660 here and still don't have a letter from Verizon despite all of our best efforts to obtain one.
661

662 The second point is really the beef of the matter before us, which is these architectural
663 plans. Back in December, as has been discussed, we brought forward a plan of
664 development with architectural plans that we maintain did meet the applicable ordinance
665 requirements and proffers. But the Commission, obviously, had a different view of that,
666 and we heard what the Commission had to say, and the comments that were made at that
667 meeting, and opted to come back with revised plans, and work closely with the staff and
668 the Commission chairman, Mr. Archer, to go over the written comments that were returned
669 to us from the Commission laying out the specific requirements that we needed to meet in
670 order to comply with the proffer. I think what you see before you is the result of our diligent
671 efforts to respond to every single one of those requests that was made of us. And we
672 included everything that was asked of us.
673

674 There were some comments here about different ways you could do the architecture on
675 this plan. And I think that given style and design are inherently to some degree subjective,
676 they also have objective qualities. We could probably debate for months and years about
677 different types of architecture that might be appropriate here or not. The point, though, is
678 that the ordinance and the state statute that set forth the guidelines and the rules for the
679 Commission's review and approval of these plans of development say that if you
680 disapprove a plan of development, you have to provide specific corrections that need to
681 be made to the plan in order to lead to its approval. That state statute and ordinance are
682 both set up with the end goal being approval.
683

684 We've gone back and have responded to everything that was asked of us in the written
685 comments that were provided from the Commission. And so at this point, we've done
686 everything that was required already after that December 10th meeting by the
687 Commission. People can keep talking about ways we could change it, but at this point
688 we've really done everything that you've requested. And I would ask that you approve this
689 plan of development.
690

691 I'd be happy to answer any questions you have and reserve the rest of my time for rebuttal
692 if there are no questions.
693

694 Mr. Archer - Thank you, Mr. Hutcherson. One question I did have. In terms
695 of having flexibility for the situation with Verizon, what specifically are you saying?
696

697 Mr. Hutcherson - If we could show you the letter that we've sent to Verizon
698 putting them on notice of specifically what we're planning to do and show that they've
699 received it, certified mail or whatever. Just show that they've been put on notice that we're
700 doing this and giving them an opportunity to respond. I'd like for that to be deemed
701 satisfactory in terms of that condition. And that's simply because Verizon, you know, they
702 have a lot going on. They're a big company. It's been our experience with these types of

703 requests, a lot of times they just don't—I don't know if they don't have the time or they just
704 don't have the interest level to respond to every single request. And the fact of the matter
705 is, we can't put a pen in their hand and force them to write a letter.

706
707 Mr. Archer - Okay.

708
709 Mr. Hutcherson - And I think the purpose of getting that letter—and I may be
710 wrong. But I think the purpose of it was simply to provide them with an opportunity to
711 understand what we were doing and say whether or not we were going to impact their
712 facilities. If they don't object, then we'll assume that everything's okay.

713
714 Mr. Archer - Mr. Witte?

715
716 Mr. Witte - Mr. Emerson, do we have the language in reference to that
717 letter?

718
719 Mr. Emerson - The Verizon letter? Mr. Kennedy, would you like to read the
720 condition?

721
722 Mr. Leabough - While he's pulling that, may I ask a quick question, Mr. Chair?

723
724 Mr. Archer - Sure, go right ahead.

725
726 Mr. Leabough - Have other developers, Mr. Emerson, received similar
727 responses from Verizon or is this a unique situation with this case?

728
729 Mr. Emerson - I imagine this is normal. I haven't encountered that Verizon
730 responds on a regular basis. Mr. Kennedy, are you aware if Verizon responds on a regular
731 basis? This is somewhat of an unusual condition, I believe. We don't normally ask for it.

732
733 Mr. Leabough - Okay.

734
735 Mr. Kennedy - We normally don't ask for Verizon's comments. We get them
736 from Dominion Virginia Power all the time.

737
738 Mr. Leabough - And they do respond.

739
740 Mr. Kennedy - They do respond to every plan we have. In this case, it's
741 underground utilities on a landscape strip on John Cussons Drive. We're concerned about
742 the replacement trees or if the trees die, could they be replaced, because there is
743 significant consideration about landscaping with this project. So the condition reads: "Prior
744 to approval of the construction plans, the developer must furnish a letter from Verizon
745 stating that the proposed development does not conflict with their facilities." It's primarily
746 that underground fiber optic line we're concerned about.

747
748 Mr. Witte - Thank you.

749
750 Mr. Archer - All right. Any other questions?
751
752 Mr. Witte - I do. What is the issue with not putting a standard A-roof on
753 there? It seems with the height allowable to the center of the gables and a 5/12 pitch, you
754 could put an A-roof on the structure and make it more satisfactory.
755
756 Mr. Hutcherson - I'm going to turn to our architect, Mr. Jeff Timmons, on that. I
757 think he'd be able to speak to it a lot better than I could. I will point out, though, while he's
758 coming up here that there were a few comments about—one was a comment about
759 columns being added and some other things. The suggestion that we add columns came
760 from the County comments. So a lot of things that we've added here were—well everything
761 we've added has been in response to County comments.
762
763 Mr. Timmons - Jeff Timmons.
764
765 Mr. Archer - Good morning, Mr. Timmons.
766
767 Mr. Timmons - In regards to the roof, what we're trying to preserve there is the
768 pitch so that you do see the roof. If you try and cover this whole building with a conventional
769 sloped roof—if you try and preserve a traditional pitch, which would be in the Colonial
770 realm, it's going to be a massive height to that roof. That's what we're trying to get away
771 from because we don't want to make the building any more massive. By trying to preserve
772 the pitch on each side—we do have a flat roof in the middle, but it won't be perceived as
773 being a flat roof. That's why we don't go to a conventional roof that would go all the way
774 up and down.
775
776 Mr. Witte - I believe I had some input from an architect who said that
777 lowering the height of the building two feet to twelve feet and putting a 5/12 pitch on it
778 would remain the same.
779
780 Mr. Timmons - A 5/12 pitch would be very unconventional with—well the
781 traditional architecture and Colonial architecture that we have in our region. It's going to
782 be very flat.
783
784 Mr. Witte - It would still maintain the same height as the front of the
785 building. Correct?
786
787 Mr. Timmons - Well it might be the same height, but you're not going to see it
788 because it's sloping away from you. At a 5/12 pitch—well, two things. One, the height. The
789 brick is not twenty feet tall. The brick wall here is fourteen feet.
790
791 Mr. Witte - That's what I said, lower it to twelve.
792
793 Mr. Timmons - We can look at lowering it a little bit, but we're trying to preserve
794 the function that we have inside and the height that they need for their use of the building.

795 But I would say that putting the 5/12 pitch over the whole roof is not going to go where you
796 want to go. We're trying to keep this to be something in keeping with the area.

797
798 Mr. Witte - In your opinion. That's your opinion?

799
800 Mr. Timmons - That would be my opinion, yes sir.

801
802 Mr. Witte - All right. I have no further questions for you. I do have
803 questions about this construction approval and the Verizon letter. It was my understanding
804 from our first meeting that you would acquire that before the POD. And that's been a
805 substantial amount of time, and we still don't have it.

806
807 Mr. Hutcherson - And that makes my point. We've made the request, and we
808 haven't received their response. So that's exactly what we're concerned about is that we're
809 going to keep making the request and we'll never get the response. Like I said, at the
810 meeting back in December, there's also the Miss Utility law that's going to require us to
811 get in touch with Verizon when we come within a certain distance of their existing right of
812 way and their existing utility lines. And we will do that. We certainly don't want any conflict
813 with what they've got out there. That's against our best interest if there's any conflict.

814
815 Mr. Witte - In my opinion, you haven't performed your due diligence. I
816 don't think you've made an effort other than writing a letter. If this was involving a 20- or
817 50-million-dollar plan, somebody would have sat down there until they had a letter or met
818 with somebody. I think you've had more than enough time to acquire that letter. I think
819 you've just been lax in your duties. That's just my opinion.

820
821 Mr. Hutcherson - As I said, we will continue to keep working on that. I just wanted
822 to make the point that there may be a need for some flexibility later on. I'll be glad to keep
823 a log of all the times we get in touch with them and get all of that in record so that you can
824 see exactly what we've done, if that would help.

825
826 Mr. Leabough - As long as they're making a good-faith effort to make the
827 request, that's all that we can ask. They can't make Verizon respond. That is a proffered
828 condition, but I understand what you're saying.

829
830 Mr. Hutcherson - Okay.

831
832 Mr. Leabough - Unless you write the letter for them and just walk it over there
833 to have them sign it.

834
835 Mr. Hutcherson - And again, as you say, I can't force them to put the pen to the
836 paper. But we'll try to make it as easy as possible for them to do what we need them to
837 do. That's really all we can do is put the ball up on the tee. And we'll be happy to do that.

838
839 Mr. Archer - All right. Any further questions or discussion?
840

841 Ms. Jones - I wonder if that requires some wording to be put in place now
842 or how would that proceed?
843
844 Mr. Archer - I don't know. Mr. Kennedy, can you answer that?
845
846 Mr. Kennedy - You can amend it to provide some latitude by the Director of
847 Planning. It would not be something that we could do without having some sort of recourse.
848
849 Mr. Archer - Would you repeat your question, Ms. Jones?
850
851 Mr. Kennedy - There is a SEC member who lives in Henrico County. So
852 maybe they just contact—
853
854 Mr. Emerson - I don't know that that would be appropriate, Mr. Kennedy. I
855 think if the Commission so chooses on this particular condition, you can add some
856 language to it that says "to the satisfaction of the Director of Planning." It is somewhat of
857 an unusual condition; we normally don't request it. There may or may not be some
858 challenges getting Verizon to actually sign off on that.
859
860 Ms. Jones - What a shame.
861
862 Mr. Leabough - Is there anything that we could do to push that along?
863
864 Mr. Emerson - We could contact Verizon ourselves.
865
866 Mr. Hutcherson - Well we would certainly appreciate that, if you would. As I said,
867 we'll do what we can on our own end as well.
868
869 Mr. Archer - Mr. Secretary, how does that affect going forward with the
870 building if this POD were approved? Would they be able to build without Verizon's
871 consent? Or is it a case where if Verizon does not consent then that indicates agreement?
872
873 Mr. Emerson - What it says is prior to the approval of construction plans, so
874 they would have to submit that letter to us before we could sign the construction plans.
875 They wouldn't be able to begin construction without that letter.
876
877 Mr. Archer - Do you understand that, Mr. Hutcherson?
878
879 Mr. Hutcherson - Yes. And that's exactly my concern is that despite all our best
880 efforts, we may not have that letter in hand even though Verizon has gotten notice of
881 exactly what we're doing and the opportunity to object if they so choose. And yet we would
882 still be held up at the final level of getting construction plans approved. In a sense it
883 would—assuming you approve the plan of development today, in a sense it's putting
884 Verizon in an odd way in the driver's seat where a plan that's already been approved and
885 sanctioned by the County is now a the mercy of some private company. I don't think they
886 would be intentionally trying to block us or anything like that. It's probably going to be a

887 matter of they're a business company and they may not have the time to respond to every
888 single request they get like this.

889
890 Mr. Leabough - Mr. Chair, Mr. Secretary, is the concern the landscaping?

891
892 Mr. Emerson - That's correct. The concern is regarding the trees and whether
893 or not they could be replaced after—whether or not Verizon would allow those trees to go
894 back into the easement area after the fact when they're displaced by construction.

895
896 Mr. Leabough - Which is an important part of the case then.

897
898 Mr. Emerson - There's a valid reason to request it. Each case is different, as
899 you know, and you have different conditions, different site requirements. This just happens
900 to be one of those.

901
902 Mr. Archer - Okay. Anything further? Any explanations needed, any
903 comments. Okay. Then I suppose we are prepared to vote. And again, I will remind, as
904 the secretary had and as I did in my earlier comments, this case was denied when
905 originally submitted back in December. It had to be denied for a specific reason. A specific
906 reason was given. The applicant decided to appeal that decision, and they did so within
907 their rights. And that leads us to the fact that Section 15.2-2259 of the Code of Virginia
908 expressly limits the scope of this review to the elevations that were addressed in condition
909 8. I just want to make that clear. Okay? All right, Mr. Witte.

910
911 Mr. Witte - All right. Thank you, Mr. Chairman. As everyone's aware, this
912 has been a highly controversial case. It's also been very frustrating for me personally since
913 the applicants have been less than accessible in contacting me and having meetings since
914 the denial. I'm aware we have a huge amount of opposition in this case. For your
915 dedication and commitment, I applaud you. I'm very surprised at the number of citizens in
916 our community that contacted me on both sides of the issue. In fact, I've been surprised
917 at the number of people that actually want this Dollar General.

918
919 I do understand the applicant has worked with staff to improve the design. And I also
920 understand that the architecture is the only issue here. That being said, I'm still not satisfied
921 with the architecture, so I move denial of POD2016-00060 (POD2015-00356 Revised)
922 Dollar General at 3012 Mountain Road, due to the unsatisfactory architecture.

923
924 Mr. Archer - Is there a second?

925
926 Mr. Emerson - Mr. Chairman, if there is no second, that motion dies per your
927 rules and regulations.

928
929 Mr. Archer - All right. Is there an alternate motion?

930

931 Mr. Leabough - Mr. Secretary, could you explain what would happen in the
932 event that this case didn't move forward with an approval given that there's no second for
933 the denial?
934

935 Mr. Emerson - Well in this case, that motion died, so another motion could be
936 entered. If the case didn't move forward, I'd have to refer back to state code. It may be an
937 automatic approval. However, the applicant also has the ability to file an appeal with the
938 circuit court. Without the state code in front of me, I can't be completely accurate, but I
939 believe it moves forward with an approval if there's no action.
940

941 Mr. Leabough - Okay. That being the case, Mr. Secretary, I move that
942 POD2016-00060, Dollar General at 3012 Mountain Road – Resubmission, be approved
943 subject to the annotations on the site plans, standard conditions for developments of this
944 type, and conditions 9 amended, 11 amended, and 29 through 37 as noted in the agenda.
945

946 Ms. Jones - And the addendum?
947

948 Mr. Leabough - And the revised architectural referenced in the addendum.
949 Thank you, Ms. Jones.
950

951 Ms. Jones - And #34?
952

953 Mr. Leabough - And the deletion—I'm sorry—of condition 34. Thank you for
954 keeping me straight. Ms. Jones.
955

956 Mr. Archer - Is there a second?
957

958 Ms. Jones - Second.
959

960 Mr. Archer - Okay. Motion by Mr. Leabough, seconded by Mrs. Jones. All
961 in favor say aye. All opposed say no. The ayes have it; the motion passes. Let the record
962 show that the vote was four to one.
963

964 The vote was:
965

966 Mr. Archer - Yes

967 Ms. Jones - Yes

968 Mr. Leabough - Yes

969 Mrs. Marshall - Yes

970 Mr. Witte - No
971

972 The Planning Commission approved POD2016-00060, Dollar General at 3012 Mountain
973 Road – Resubmission, subject to the annotations on the plans, the standard conditions
974 attached to these minutes for developments of this type, and the following additional
975 conditions:
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2

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.
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.
29. The right-of-way for widening of Mountain Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
30. The required building setback shall be measured from the proposed right-of-way line and the parking shall be located behind the proposed right-of-way line.
31. Prior to issuance of a certificate of occupancy for any building in this development, the engineer of record shall certify that the site has been graded in accordance with the approved grading plans.
32. The proffers approved as a part of zoning case C-72C-88 shall be incorporated in this approval.
33. Prior to approval of construction plans, the developer must furnish a letter from Verizon stating that this proposed development does not conflict with their facilities.
34. ~~**DELETED.** The existing 16 foot utility easement in conflict with the building footprint shall be vacated prior to approval of a building permit for the site.~~
35. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.
36. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.
37. The limits and elevations of the Special Flood Hazard Area shall be conspicuously noted on the plan and labeled "Limits of Special Flood Hazard Area." In addition, the delineated Special Flood Hazard Area must be labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the County prior to the issuance of any occupancy permits.

Mr. Hutcherson - Thank you very much.

Mr. Emerson - Mr. Chairman, we now move on to the next item on your agenda, which appears on page 13. It is POD2015-00485, Kimley-Horn and Associates for ME Nuckols LLC and BPTM LLC. The staff report will be presented by Mr. Kevin Wilhite.

1023 (Deferred from the January 27, 2016 Meeting)

1024 **PLAN OF DEVELOPMENT**

1025

POD2015-00485
GreenGate Phase IV –
Grocery Store – 12121
West Broad Street (U.S.
Route 250)

Kimley-Horn and Associates, Inc. for ME Nuckols, LLC and BPTM, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 36,169 square foot grocery store in an urban-mixed use development. The 1.24-acre site is located along the south line of West Broad Street (U.S. Route 250), approximately 540 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)**

1026

1027 Mr. Archer - Thank you, Mr. Secretary. Mr. Wilhite, if you will withhold for
1028 just a moment until the room is cleared, please. Before Mr. Wilhite speaks, is there anyone
1029 here who is opposed to POD2015-00485, GreenGate Phase IV – Grocery Store? No
1030 opposition. Mr. Wilhite, go right ahead, sir.

1031

1032 Mr. Wilhite - Thank you, Mr. Chairman.

1033

1034 GreenGate Phase IV represents the last phase of the GreenGate commercial
1035 development. Phase I—which was some infrastructure work along West Broad Street and
1036 the beginning of construction of two public roads into the site—is underway currently. Staff
1037 is reviewing currently the Phase II and Phase III plans for GreenGate which comprise most
1038 of the commercial development. Phase IV is the grocery store along West Broad Street.
1039 This was deferred from last month. The site plan in your addendum was inadvertently left
1040 out of your original packet; I apologize for that. There is very little site work involved with
1041 this. Most of the site work is incorporated into Phase II development. There is a row of
1042 parking being added along the western side of the building and some additional
1043 hardscape, sidewalks, adjacent to the building.

1044

1045 The plan was deferred primarily due to the architectural concerns. There have been a few
1046 revisions made since the original submittal. The last submittal is in your packet. The only
1047 change from what you saw last month was just the addition of some more information
1048 dealing with materials on the building.

1049

1050 The revised plans now have an enclosed loading area next to West Broad Street, which
1051 was done similar to the Whole Foods at West Broad Village. The building is primarily brick
1052 with stucco and glass. The four sides of the building have been made to look more like a
1053 storefront type of appearance with a mix of both clear and opaque glass on the structure.
1054 On the last rendering we received, they changed some of the color of the color stucco up
1055 underneath the roof of the building. Originally, it was a darker stucco banding. They've
1056 gone to a lighter stucco.

1057
1058 The only change to the site plan that we would have is originally we were proposing or
1059 recommending a sidewalk along the Strange's access drive on the east of the building.
1060 We are requesting that be eliminated in order to provide more area for landscaping.
1061
1062 Staff is in a position to recommend approval of the plans, with the revised architectural, s,
1063 and with the one comment on the site plan based on the conditions listed on your agenda.
1064 I'll be happy to answer any questions that you have.
1065
1066 Mr. Archer - Thank you, sir. Are there questions for Mr. Wilhite?
1067
1068 Mrs. Marshall - Mr. Chairman, I'd like to hear from the applicant.
1069
1070 Mr. Archer - Okay. Would the applicant come forward, please? While doing
1071 so, let me take a moment to welcome Mr. Thornton, who came in a little bit after we started.
1072 We're glad to have you.
1073
1074 Mr. Bachow - Hi. My name is Noah Bachow. Thank you for your time,
1075 Planning Commission. And this is Ryan Doherty. He is our architect on the site. First and
1076 foremost, we wanted to thank the Planning Department for all the hard work they have
1077 done together in coming up with a solution for the architectural, s on our site. I work for Lidl,
1078 the European grocery store, and we have very strict architectural guidelines. In this
1079 instance, we were able to deviate from those based on the requirements by the developer
1080 that were proffered in. It was an uphill battle, but we're very happy to say that we've come
1081 to what we both think is a good solution for both parties going forward. And we look forward
1082 to a partnership with the County going forward. Any questions?
1083
1084 Mr. Archer - Thank you, sir. Any questions from the Commission?
1085 Ms. Jones.
1086
1087 Ms. Jones - Just let me make sure. Did the GreenGate Architectural
1088 Review Panel give approval of this?
1089
1090 Mr. Bachow - Yes. They sent an e-mail to the Planning Department
1091 yesterday in support of our elevations that we've provided here.
1092
1093 Ms. Jones - Okay. I'm sorry. I missed that.
1094
1095 Mrs. Marshall - And also, I know that I'd asked for a board with the brick and
1096 the different materials. And I understand that that wasn't possible to be here. It's difficult
1097 for me, looking at the different types of materials. Every printer is different. It could look
1098 brown in one thing that you give me. It could look red in the next. It could be gray in the
1099 next. The biggest thing that I had an issue with is not knowing the color of the brick. I think
1100 that's something that we could deal with later at the time of permit. I still would like to see
1101 a board representing the colors that are going to be used.

1103 Mr. Bachow - Certainly we can field that request. And down the road we can
1104 provide a sample board before building permit approval or at some point.

1105
1106 Mrs. Marshall - Can you talk to the color of this brick?
1107

1108 Mr. Bachow - Yes. It is called out on the elevation as red brick. I have seen
1109 it, but describing a color to another party is not the easiest thing to do.

1110
1111 Mrs. Marshall - Correct.
1112

1113 Mr. Bachow - However, it is red, and that is our intention with the color.

1114
1115 Mrs. Marshall - Thank you so much.

1116
1117 Mr. Bachow - Yes. Thank you.

1118
1119 Mr. Archer - All right. Anything else? All right, Mrs. Marshall.

1120
1121 Mrs. Marshall - I move POD2015-00485, GreenGate Phase IV – Grocery
1122 Store, be approved subject to the annotations on the plans, standard conditions for
1123 developments of this type, additional conditions 29 through 35 in the agenda, and with the
1124 revised architectural plans in the addendum.

1125
1126 Mr. Leabough - Second.

1127
1128 Mr. Archer - Motion by Mrs. Marshall, seconded by Mr. Leabough. All in
1129 favor say aye. All opposed say no. The ayes have it; the motion passes.

1130
1131 The Planning Commission approved POD2015-00485, GreenGate Phase IV – Grocery
1132 Store, subject to the annotations on the plans, the standard conditions attached to these
1133 minutes for developments of this type, and the following additional conditions:

- 1134
1135 29. Outside storage shall not be permitted.
1136 30. The proffers approved as a part of zoning cases REZ2014-00009 and PUP2014-
1137 00006 shall be incorporated in this approval.
1138 31. A construction staging plan which includes details for traffic control, fire protection,
1139 stockpile locations, construction fencing and hours of construction shall be
1140 submitted for County review and prior to the approval of any final construction plans.
1141 32. A note in bold lettering shall be provided on the erosion control plan indicating that
1142 sediment basins or traps located within buildable areas or building pads shall be
1143 reclaimed with engineered fill. All materials shall be deposited and compacted in
1144 accordance with the applicable sections of the state building code and geotechnical
1145 guidelines established by the engineer. An engineer's report certifying the suitability
1146 of the fill materials and its compaction shall be submitted for review and approval
1147 by the Director of Planning and Director of Public Works and the Building Official
1148 prior to the issuance of any building permit(s) on the affected sites.

- 1149 33. The certification of building permits, occupancy permits and change of occupancy
 1150 permits for individual units shall be based on the number of parking spaces required
 1151 for the proposed uses and the amount of parking available according to approved
 1152 plans.
- 1153 34. The location of all existing and proposed utility and mechanical equipment
 1154 (including HVAC units, electric meters, junction and accessory boxes, transformers,
 1155 and generators) shall be identified on the landscape plans. All equipment shall be
 1156 screened by such measures as determined appropriate by the Director of Planning
 1157 or the Planning Commission at the time of plan approval.
- 1158 35. Except for junction boxes, meters, and existing overhead utility lines, and for
 1159 technical or environmental reasons, all utility lines shall be underground.

1160
 1161 Mr. Bachow - Thank you for your time, Commission.

1162
 1163 Mr. Archer - Thank you, sir.

1164
 1165 Mr. Emerson - Mr. Chairman, we now move on to page 17 of your regular
 1166 agenda and page 2 of your amended agenda for POD2015-00544, Bohler Engineering for
 1167 Hermitage Investment Group and BPTM LLC. The staff report will be presented by
 1168 Mr. Greg Garrison.

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1172 **PLAN OF DEVELOPMENT**

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POD2015-00544
 Grocery Store at 9101
 Hermitage Road

Bohler Engineering for Hermitage Investment Group and BPTM, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 36,170-square-foot grocery store. The 9.29-acre site is located on the southeast corner of the intersection of Staples Mill Road (U.S. Route 33) and Hermitage Road, on parcel 771-752-7780. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

1174
 1175 Mr. Archer - Thank you, sir. Is there anyone here who is opposed to
 1176 POD2015-00544, Grocery Store at 9101 Hermitage Road? No opposition. Mr. Garrison,
 1177 how are you, sir?

1178
 1179 Mr. Garrison - Doing well, thank you. Good morning.

1180
 1181 The applicant is requesting approval to construct a one-story, 36,170-square-foot grocery
 1182 store. The revised plan in your addendum removes grading and construction activity from
 1183 the resource protection area with the provision of a retaining wall, which would be in this
 1184 area right here. So the solid line represents the wall. And it's approximately eighteen feet
 1185 at its highest point right in this area and tapers down on both sides.

1186
1187 The elevations submitted are now consistent with the proffered exhibits from REZ2015-
1188 00029. Staff can now recommend approval subject to the annotations on the plan,
1189 standard conditions for developments of this type, and added conditions 29 through 35.
1190 Staff and representatives of the applicant are available to answer any questions that you
1191 may have.
1192
1193 Mr. Archer - All right. Thank you, sir. Are there questions from the
1194 Commission? All right. Would you like to hear from the applicant?
1195
1196 Mr. Witte - Sure.
1197
1198 Mr. Archer - Would the applicant come forward, please, and state your
1199 name for the record?
1200
1201 Mr. Bachow - I'm Noah Bachow. I'm with Lidl. Thank you for your time again,
1202 Planning Commission. I'm here to answer any questions.
1203
1204 Mr. Archer - All right.
1205
1206 Ms. Jones - I'd like to ask a question. Mr. Bachow, I first met Lidl over in
1207 Sicily, so happy to see you here. I would like to ask about the building. It looks to me—
1208 make sure I'm right here—that it—are these identical materials between the two that have
1209 been presented this morning? The design?
1210
1211 Mr. Bachow - The brick is the same; the design is not the same. There were
1212 proffered-in design standards for the GreenGate development. Here, we had some
1213 proffered in, but different proffers here due to the rezoning.
1214
1215 Ms. Jones - Can I have on the screen the side? Yes, the other view. Okay.
1216 Well that's good, or the next one that shows us the other two sides. There we go. I just
1217 question whether—the standards that we have, I think our County is outstanding in many
1218 ways, but certainly because we have high-quality development standards. This resembles
1219 to me a manufacturing facility from a couple of the sides, just a warehouse type of look.
1220 I'm not trying to be critical. I'm just saying it's a different design, and it's a different style. I
1221 wondered if you had discussed alternative, perhaps a little more delineated and little more
1222 detailed facades.
1223
1224 Mr. Bachow - Sure. I can address that. Ryan can address it better, but my
1225 understanding is that this is very different than our standard store. This elevation of the
1226 store is typically almost all stucco and straight. Due to the proffered conditions, we
1227 replaced all stucco with brick, and we added pilasters, which you can see every few feet,
1228 in order to break up the side and make it look more appetizing from an architectural
1229 perspective. And Ryan can add any other ways that we jazzed up this wall.
1230

1231 Mr. Doherty - I think they did a pretty good job there. Ryan Doherty with
1232 ai Design Group, by the way. So yes, we modified their standard prototype design to add
1233 additional brick to this facade. We increased the parapet around the loading dock to hide
1234 all mechanical equipment. And we added detail and articulation to the brick and put out
1235 pilasters along the long elevations to try to break up that facade into smaller sections.
1236

1237 This also very closely matches elevations that were submitted and approved with the
1238 rezoning. So it wasn't just proffered conditions, but there was actually an elevation of a
1239 very similar design that was submitted and approved under the rezoning. So we worked
1240 with Planning staff to modify this design to match that.
1241

1242 Mr. Bachow - Let me add one more comment to that. The proffered-in
1243 elevations that we had, that was a different store. We've internally changed the prototype
1244 that we're bringing to the United States. We feel that it's a better looking prototype, so
1245 that's the difference between the rezoning elevations that were submitted and this
1246 elevation. But per all of Planning's requests, we addressed all the comments in this
1247 rendering and elevation.
1248

1249 Ms. Jones - We're run into this before, where a prototype comes over, and
1250 a prototype is what is requested. But a prototype doesn't fit in every location. That's why
1251 the changes need to be made to be able to fit with the situation you find in the communities
1252 in which you want to locate. So those requirements are there for a reason. I was just
1253 wondering if this was as good as we're going to have here. That's quite honestly stated. I
1254 realize you're meeting the requirements. I realize that. And that required some effort on
1255 your part to change your standard store model, and I do understand that. And so I think
1256 this is a good start. The question is are we where we need to be, and that's a question
1257 somewhat subjective. So I'll simply put it out there.
1258

1259 Mr. Bachow - Understood. We did address all of Planning's concerns to the
1260 best of our ability in this situation. Or all of Planning's concerns.
1261

1262 Ms. Jones - I hear you.
1263

1264 Mr. Witte - Just a comment on that. We had discussed putting windows
1265 on the Hermitage Road side. With the exception of the convenience store on the corner,
1266 both sides of that street are just warehouses and office warehouses. And this is actually
1267 an enhancement on that theme while still keeping with the theme. But from the Staples
1268 Mill Road side, we have what I deem to be an attractive building similar to the ones across
1269 Staples Mill.
1270

1271 I do have one other comment. I would like to make note that the one in the Three Chopt
1272 District that was just approved has 36,169 square feet. This one has 36,170 feet.
1273

1274 Mr. Bachow - It's a much larger store. That was just an error; they're the
1275 same size.
1276

1277 Mr. Witte - And I'm sorry Tommy wasn't here for that.
1278
1279 Mr. Archer - Yeah, he did brag on that a little bit, didn't he?
1280
1281 Mrs. Marshall - And I also have a question. Do you have any consideration of
1282 building the two stores using the same architecture? Any thought or consideration to that?
1283
1284 Mr. Bachow - Well, we have absolutely considered that. The GreenGate
1285 store is an entirely different animal, in our opinion. As stated previously, we want to keep
1286 our prototype as much as possible. GreenGate didn't allow for that, and we had to cater
1287 to whatever the GreenGate proffers were. In this example, it's in a totally different area, so
1288 there were different desires that the Planning Department had, and we met what the
1289 Planning Department asked us to do. GreenGate is not our standard, and is the furthest
1290 store approved to date from our standard. And we are not comfortable moving forward
1291 with that design.
1292
1293 Mr. Leabough - You indicated this isn't your standard as well, right?
1294
1295 Mr. Bachow - This is also not our standard, which we've deviated from our
1296 standard as well.
1297
1298 Mr. Leabough - Deviation is good sometimes.
1299
1300 Mr. Archer - All right, anything further? All right. Mr. Witte?
1301
1302 Mr. Witte - All right. I'd like to say that the applicant has been very good to
1303 work with. We've had a few bumps in the road, but I think we're going to have a nice project
1304 that's going to accommodate the needs of the citizens in the area. With that, Mr. Chairman,
1305 I move approval of POD2015-00544, Grocery Store at 9101 Hermitage Road, as
1306 presented, subject to the annotations on the plans, the standard conditions for
1307 developments of this type, and additional conditions 29 through 35 as shown on the
1308 agenda.
1309
1310 Ms. Jones - And the addendum items.
1311
1312 Mr. Witte - And the addendum. Thank you, ma'am.
1313
1314 Mr. Archer - Keep them straight, Ms. Jones.
1315
1316 Mr. Leabough - Second.
1317
1318 Mr. Archer - Motion by Mr. Witte, seconded by Mr. Leabough. All in favor
1319 say aye. All opposed say no. The ayes have it; the motion passes.
1320

1321 The Planning Commission approved POD2015-00544, Grocery Store at 9101 Hermitage
1322 Road, subject to the annotations on the plans, the standard conditions attached to these
1323 minutes for developments of this type, and the following additional conditions:
1324

- 1325 29. The right-of-way for widening of Hermitage Road as shown on approved plans shall
1326 be dedicated to the County prior to any occupancy permits being issued. The right-
1327 of-way dedication plat and any other required information shall be submitted to the
1328 County Real Property Agent at least sixty (60) days prior to requesting occupancy
1329 permits.
- 1330 30. A concrete sidewalk meeting County standards shall be provided along the south
1331 side of Hermitage Road.
- 1332 31. Outside storage shall not be permitted except as shown on the approved plan.
- 1333 32. The proffers approved as a part of zoning case REZ2015-00029 shall be
1334 incorporated in this approval.
- 1335 33. The owners shall not begin clearing of the site until the following conditions have
1336 been met:
- 1337 (a) The site engineer shall conspicuously illustrate on the plan of development
1338 or subdivision construction plan and the Erosion and Sediment Control Plan,
1339 the limits of the areas to be cleared and the methods of protecting the
1340 required buffer areas. The location of utility lines, drainage structures and
1341 easements shall be shown.
 - 1342 (b) After the Erosion and Sediment Control Plan has been approved but prior to
1343 any clearing or grading operations of the site, the owner shall have the limits
1344 of clearing delineated with approved methods such as flagging, silt fencing
1345 or temporary fencing.
 - 1346 (c) The site engineer shall certify in writing to the owner that the limits of clearing
1347 have been staked in accordance with the approved plans. A copy of this
1348 letter shall be sent to the Department of Planning and the Department of
1349 Public Works.
 - 1350 (d) The owner shall be responsible for the protection of the buffer areas and for
1351 replanting and/or supplemental planting and other necessary improvements
1352 to the buffer as may be appropriate or required to correct problems. The
1353 details shall be included on the landscape plans for approval.
- 1354 34. The location of all existing and proposed utility and mechanical equipment
1355 (including HVAC units, electric meters, junctions and accessory boxes,
1356 transformers, and generators) shall be identified on the landscape plan. All building
1357 mounted equipment shall be painted to match the building, and all equipment shall
1358 be screened by such measures as determined appropriate by the Director of
1359 Planning or the Planning Commission at the time of plan approval.
- 1360 35. The limits and elevations of the Special Flood Hazard Area shall be conspicuously
1361 noted on the plan and labeled "Limits of Special Flood Hazard Area." In addition,
1362 the delineated Special Flood Hazard Area must be labeled "Variable Width
1363 Drainage and Utility Easement." The easement shall be granted to the County prior
1364 to the issuance of any occupancy permits.

1365
1366 Mr. Bachow -

Thank you very much for your time, Commission.

1367
1368 Mr. Leabough - Thank you.
1369
1370 Mr. Emerson - Mr. Chairman, we now move on to page 19 of your regular
1371 agenda and page 2 of your amended agenda for POD2016-00011, Vanasse Hangen
1372 Brustlin for Excel West Broad Marketplace LLC. The staff report will be presented by
1373 Mr. Lee Pambid.

1374
1375 **PLAN OF DEVELOPMENT**
1376

POD2016-00011
Verizon at West Broad
Marketplace - 12250 West
Broad Street (U.S. Route
250)

Vanasse Hangen Brustlin for Excel West Broad Marketplace, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 6,000 square foot retail building in a regional shopping center. The 0.25-acre site is located on the north line of West Broad Street (U.S. Route 250), approximately 2,000 feet west of its intersection with North Gayton Road, on part of parcel 732-766-4043. The zoning is B-3C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. (**Three Chopt**)

1377
1378 Mr. Archer - Thank you, Mr. Secretary. Anyone here opposed to POD2016-
1379 00011, Verizon at West Broad Marketplace? No opposition. Mr. Pambid, good morning,
1380 sir.

1381
1382 Mr. Pambid - Good morning again.

1383
1384 The applicant proposes construction of a single-story, 6,000-square-foot retail building as
1385 part of a regional shopping center that is currently under construction. The building's
1386 location is to the west of the main entrance to West Broad Street. This is the overall master
1387 plan, and that location is right here. The approved overall plan of the shopping center
1388 illustrates a freestanding building at the proposed location, so this has always been a part
1389 of the plan. Zoning case REZ2014-00028 shall apply.

1390
1391 The elevations feature a style compatible with the retail east and retail west elevations and
1392 include various colors of brick—tan and brown in color, as well as brick pilasters and fabric
1393 awnings.

1394
1395 Staff has received revised elevations that address the annotations on the plans that you
1396 received earlier regarding the appearance of color and materials on the front elevation as
1397 well as the vertical elements on the rear elevation. So again, now the front elevation
1398 features stone pilasters and less gray brick, and the rear elevation now has two new stone
1399 pilasters to break up the horizontal lines.

1400

1401 Staff continues to recommend approval of this plan. This concludes my presentation, and
1402 I can answer any questions or field any questions you have regarding this. Tracy Lower is
1403 also here representing the applicant.
1404

1405 Mr. Archer - All right. Thank you, Mr. Pambid. Are there questions? No
1406 questions?
1407

1408 Mr. Leabough - Quick question regarding the painted brick. Is that something
1409 that we typically see, and what's the durability of that long-term?
1410

1411 Mr. Pambid - We see both painted brick and color-integrated brick. The
1412 developers have their reasons for both. The main experience that I draw on in terms of
1413 offering suggestions for some kind of painted substance, if you will, is we went through
1414 that conversation with Dayton Thompson Architects with the Westwood Center. I actually
1415 forwarded the specifications to the Planning Commission. Also had that discussion at that
1416 time. But the specs to that material have been forwarded to the developer and their
1417 consultants.
1418

1419 Mr. Archer - All right. Any further questions?
1420

1421 Mrs. Marshall - I'd just like thank you guys and Verizon with the help with the
1422 change of the building, not making it all white, and making it fit well where it's going. It's
1423 going to be well suited to where it's going to be.
1424

1425 Mr. Pambid - You're welcome. Verizon was amenable to changing the
1426 architecture throughout. This is actually the fourth revision that they have given us. So
1427 whenever we asked for something, they complied.
1428

1429 Mrs. Marshall - We are very appreciative of that.
1430

1431 Ms. Jones - I just realized I did have a note here to ask. The fabric awnings
1432 have been replaced by metal, correct?
1433

1434 Mr. Pambid - No ma'am. There are three awnings along the front and one
1435 awning on each side. The three awnings on the front, two are fabric and one is metal. And
1436 the two on either the left side or the right side are fabric.
1437

1438 Ms. Jones - It has been my experience with some cases in my district and
1439 some others that we've had over the years that fabric is fine on a short-term basis, but if
1440 this is going to be a commercial establishment and going to need to look good on a long-
1441 term basis, fabric may not be a great choice. I was wondering why the fabric was chosen
1442 over something much harder and solid.
1443

1444 Mr. Pambid - I can have the applicant speak to that.
1445

1446 Ms. Jones - I didn't know whether you had discussed that with them.

1447
1448 Mr. Archer - The applicant's coming forward.
1449
1450 Ms. Lower - My name's Tracy—or Teresa Lower. I'm representing NV
1451 Retail this morning, so good morning.
1452
1453 Mr. Archer - Good morning, Ms. Lower.
1454
1455 Ms. Lower - I am not an architect; I'm a civil engineer. So I won't have the
1456 exact response you're looking for - why the canopy was chosen.
1457
1458 Ms. Jones - My question was simply with metal awnings available and
1459 many, many kinds on the marketplace and many, many styles and many, many colors why
1460 fabric would be a good choice for anything that's going to have to withstand a lot of wind,
1461 rain, and sunshine.
1462
1463 Ms. Lower - Certainly. And I can see the concern being this is one of most
1464 prominent outparcels in the shopping center. It has to look just right, and I'm sure that NV
1465 also has discussed that and focused on that. I can take that question back to NV and the
1466 architect and ask them to respond. It's really on a maintenance level that we would have
1467 to address it.
1468
1469 Ms. Jones - Ms. Lower, you're giving this a good college try.
1470
1471 Ms. Lower - Again, I'm not an architect.
1472
1473 Mr. Witte - I've heard of cases—not in this particular County—where
1474 they've had requirements to replace fabric awnings every three years as a condition
1475 because of fading and damage. I think in the long run it would be much cheaper to put up
1476 nice metal awnings.
1477
1478 Ms. Jones - But you know, with both being used, obviously there's a
1479 reason, I would think. And I just don't know what the reason is. That's what I was asking
1480 about.
1481
1482 Ms. Lower - Okay. It may be the look that metal gives versus the material.
1483
1484 Mr. Archer - A little softer look.
1485
1486 Mrs. Marshall - Even with the metal overhang you're still going to have to
1487 maintain that also. So there's maintenance on either.
1488
1489 Ms. Jones - We've had a few cases, some before your time, where there
1490 was a little bit of back and forth between what is a tattered and torn fabric awning and must
1491 be replaced. So I'm sure Verizon is not going to, obviously, allow this to deteriorate. But
1492 my question was predicated on what is the best way forward for long-term aesthetics.

1493
1494 Mr. Pambid - We could also take a look at the maintenance covenants and
1495 what they have in place as far as what their responsibilities are in terms of property owners
1496 and tenants.
1497

1498 Mr. Emerson - Well certainly they're going to be responsible for maintaining
1499 their property. And we do have a Community Maintenance division that is in Community
1500 Revitalization that also follows up on these things when we have complaints and makes
1501 sure that they're maintained adequately. So I don't think we've had that many problems
1502 with fabric awnings.
1503

1504 Ms. Jones - I was asking as a point of curiosity. So thank you for your
1505 conversation.
1506

1507 Mr. Archer - Thank you, Ms. Lower. All right. Any further questions for
1508 Mr. Pambid or Ms. Lower? If not, Mrs. Marshall, I think we're ready.
1509

1510 Mrs. Marshall - I move POD2016-00011, Verizon at West Broad Marketplace,
1511 be approved subject to the annotations on the plan, the standard conditions for
1512 developments of this type, additional conditions 29 through 34 in the agenda, and the
1513 revised architectural plan in the addendum.
1514

1515 Mr. Witte - Second.
1516

1517 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Witte. All in favor
1518 say aye. All opposed say no. The ayes have it; the motion passes.
1519

1520 The Planning Commission approved POD2016-00011, Verizon at West Broad
1521 Marketplace, subject to the annotations on the plans, the standard conditions attached to
1522 these minutes for developments of this type, and the following additional conditions:
1523

- 1524 29. Only retail business establishments permitted in a B-3 zoning may be located in
1525 this center.
- 1526 30. The ground area covered by all the buildings shall not exceed in the aggregate 25
1527 percent of the total site area.
- 1528 31. No merchandise shall be displayed or stored outside of the building(s) or on
1529 sidewalk(s).
- 1530 32. Outside storage shall not be permitted.
- 1531 33. The proffers approved as a part of zoning case REZ2014-00028 shall be
1532 incorporated in this approval.
- 1533 34. The location of all existing and proposed utility and mechanical equipment
1534 (including HVAC units, electric meters, junction and accessory boxes, transformers,
1535 and generators) shall be identified on the landscape plans. All equipment shall be
1536 screened by such measures as determined appropriate by the Director of Planning
1537 or the Planning Commission at the time of plan approval.
1538

1539 Mr. Emerson - Mr. Chairman, we now move on to page 21 for POD2016-
1540 00010, Vanasse Hangen Brustlin for Excel West Broad Marketplace LLC. The staff report
1541 will be presented by Mr. Greg Garrison.

1542

1543 **LANDSCAPE PLAN**

1544

POD2016-00010 **Vanasse Hangen Brustlin for Excel West Broad
Retail East at West Broad Marketplace, Phase 4 -
12300 West Broad Street
(U.S. Route 250)** **Marketplace, LLC:** Request for approval of a landscape
plan, as required by Chapter 24, Sections 24-106 and 24-
106.2 of the Henrico County Code. The 8.03-acre site is
located in a regional shopping center on the north line of
West Broad Street (U.S. Route 250), approximately 2,000
feet west of its intersection with North Gayton Road, on part
of parcel 732-766-4043. The zoning is B-3C, Business
District (Conditional) and WBSO, West Broad Street
Overlay District. County water and sewer. **(Three Chopt)**

1545

1546 Mr. Archer - All right. Is there anyone here who is opposed to POD2016-
1547 00010, Retail East at West Broad Marketplace, Phase 4? I see no opposition.
1548 Mr. Garrison, good morning again.

1549

1550 Mr. Garrison - Good morning.

1551

1552 The applicant is requesting approval of a landscape plan for Retail East at West Broad
1553 Marketplace, phase 4. The plan in your agenda addresses staff's review comments
1554 regarding larger plant material around the transformer—in this area here—and relocated
1555 or shifted trees to the center of landscape islands due to some stormwater infrastructure.
1556 That's some of these islands here.

1557

1558 Staff did request a raised planter at the terminus of the drive aisle, which is right in this
1559 area, to act as a bollard. However, the applicant is reluctant to agree to this and would
1560 prefer to just use bollards instead.

1561

1562 Staff does continue to recommend approval subject to the annotations on the plans and
1563 standard conditions for landscape plans. I am available to answer any questions that you
1564 may have.

1565

1566 Mr. Archer - Thank you very much, sir. Are there questions for Mr. Garrison
1567 from the Commission?

1568

1569 Mrs. Marshall - I'd like to speak with the applicant, please.

1570

1571 Mr. Archer - All right. Would the applicant please come forward.

1572

1573 Ms. Lower - Good morning. My name is Teresa Lower or Tracy Lower with
1574 VHB, representing NV Retail.

1575
1576 Mrs. Marshall - The question I have is is it more aesthetically pleasing to the
1577 eye to have planters as opposed to having metal poles straight up, in the ground, in these
1578 places as far as what their purpose is going to be?
1579

1580 Ms. Lower - Sure. We appreciated the comment and took it under
1581 consideration. I discussed it in depth with NV Retail. We did respond during the conceptual
1582 landscaping and pedestrian-access plan to incorporate plantings along the walkway. In
1583 this location, we thought a raised planter, and NV felt that a raised planter might draw more
1584 people to sit on it, to hang around it. For that very reason, they sort of resisted it and said
1585 let's suggest putting bollards, putting them spaced six feet apart, thinking that the comment
1586 came up because of safety concerns of cars coming up the driveway. And I say "up,"
1587 because the grade does come up towards the building as people are coming out. So the
1588 cars aren't coming down towards it. With the bollards, it does provide that level of
1589 protection for anybody walking on the sidewalk. They could be done so that it blends into
1590 the building so they don't aesthetically jump out at you as yellow bollards. That was really
1591 what they envisioned.
1592

1593 Mrs. Marshall - Okay. I lived in this area, so I've actually been on it. I think you
1594 need bollards. I think it's important because in the news all the time, people drive into
1595 stores. While it may not be our choice, I think as long as it's for safety, then it's great.
1596

1597 Ms. Jones - Excuse me. How tall are the raised beds? How tall were you
1598 thinking they would have to be?
1599

1600 Ms. Lower - Along the sidewalk, we have landscaping that's more
1601 incorporated directly into the sidewalk. There they're actually flush with the sidewalk
1602 around it, more like you would see on a city street. Surrounding it there are also park
1603 benches, so that's where people would sit under the trees.
1604

1605 Ms. Jones - When you get to the islands here that we're discussing—
1606

1607 Ms. Lower - The one in particular?
1608

1609 Ms. Jones - Yes. How tall was the raised portion that you're concerned
1610 about people sitting on?
1611

1612 Ms. Lower - We hadn't incorporated any raised planting areas. NV chose
1613 to go with all landscaping flush, incorporating it into the sidewalk. There is a six-inch curb
1614 that runs in this area across that as well, in between the two handicap ramps. So this area
1615 here is all six-inch reveal curb. And then the bollards that we're suggesting would be placed
1616 in this area here.
1617

1618 Ms. Jones - Okay.
1619

1620 Mr. Archer - Thank you, ma'am. All right, Mrs. Marshall, any further
1621 questions? All right. Are you ready? All right.

1622
1623 Mrs. Marshall - I move POD2016-00010, the landscape plan for Retail East at
1624 West Broad Marketplace, be approved subject to the annotation on the plans and the
1625 standard conditions for landscape plans.

1626
1627 Mr. Archer - Do I hear a second?

1628
1629 Mr. Witte - Second.

1630
1631 Mr. Archer - All right. Motion by Mrs. Marshall and seconded by Mr. Witte.
1632 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

1633
1634 The Planning Commission approved the landscape plan for POD2016-00010, Retail East
1635 at West Broad Marketplace, Phase 4, subject to the annotations on the plans, and the
1636 standard conditions attached to these minutes for landscape plans.

1637
1638 Mr. Archer - All right, Mr. Secretary.

1639
1640 Mr. Emerson - Mr. Chairman, the next item on your agenda would be the
1641 consideration of the approval of your minutes from the January 27, 2016 meeting. I do not
1642 believe there is an errata sheet.

1643
1644 APPROVAL OF MINUTES: January 27, 2016.

1645
1646 Mr. Archer - My understanding is that there were no errors.

1647
1648 Ms. Jones - I move approval of the minutes as presented.

1649
1650 Mr. Leabough - Second.

1651
1652 Mr. Archer - All right. Motion by Ms. Jones, seconded by Mr. Leabough for
1653 approval of the minutes. All in favor say aye. All opposed say no. The ayes have it; the
1654 minutes are approved.

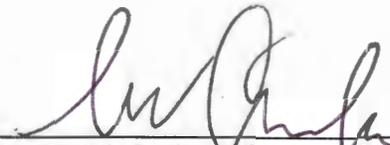
1655
1656 The Planning Commission approved the January 27, 2016 minutes as presented.

1657
1658 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
1659 morning.

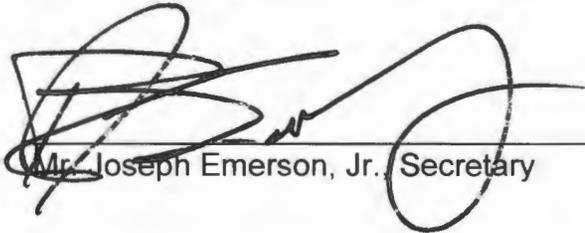
1660
1661 Mr. Witte - Mr. Chairman, just to be on the record, is there anybody that
1662 knows if they're going to miss the March 10th meeting? I plan on being on vacation, leaving
1663 on Monday the seventh and coming back on Monday the fourteenth. But I can make
1664 arrangements to be back if I need to.

1665

1666 Mr. Archer - You go right ahead, sir. If we don't have enough people, we'll
1667 just cancel it.
1668
1669 Mr. Leabough - You don't get vacation. They didn't tell you that?
1670
1671 Mr. Witte - I have to take it while the weather's bad.
1672
1673 Mr. Archer - All right, I think we have that.
1674
1675 Mr. Leabough - I move for adjournment.
1676
1677 Mrs. Marshall - Second.
1678
1679 Mr. Witte - Thank you, staff.
1680
1681 Mr. Archer - We are adjourned.
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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 **February 24, 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 **February 24, 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)**

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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 **February 24, 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 **February 23, 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 **February 24, 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 **February 23, 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 **February 24, 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 **February 23, 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 **February 24, 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 **February 23, 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 **February 24, 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 **February 23, 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.