

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Spring Roads beginning at 9:00 a.m. Wednesday, June 26, 2013.
4

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

Member Absent: Mrs. Bonnie-Leigh Jones, Chairperson, C.P.C. (Tuckahoe)

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, PLA, Principal Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, AICP, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Sharon Smidler, Traffic Engineer
Mr. John Cejka, Traffic Engineer
Mr. Eric Dykstra, Office Assistant/Recording Secretary

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6 **Mr. Richard W. Glover, the Board of Supervisors' representative, abstains on all**
7 **cases unless otherwise noted.**
8

9 Mr. Leabough - I'd like to call the Planning Commission public hearing to
10 order. Welcome. This is the Subdivision and Plan of Development public hearing. I would
11 like to remind everyone to silence your cell phones, if you will. And I probably should
12 check just to verify that I've done that as well. Next I'd like everyone to stand for the
13 Pledge of Allegiance.
14

15 Do we have any news media in the audience today? It doesn't look like we do. Next I
16 would like to acknowledge that we do have a quorum. We have four members present.
17 I'd also like to recognize our Board of Supervisors' representative, Mr. Glover, who will
18 be sitting with us this year. Thank you, Mr. Glover.
19

20 I'd like to turn over the agenda to Mr. Emerson.
21

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

25

26 Ms. News - Good morning, Mr. Chairman, members of the Commission.
27 We have three requests for deferrals on your agenda this morning. The first is found on
28 page three of your agenda and is located in the Three Chopt District. This is POD-94-87,
29 109-89, and 118-89, Westpark Shopping Center Phases 1 and II, transfer of approval
30 request. The applicant is requesting a deferral to the September 25, 2013 meeting.

31

32 *(Deferred from the May 22, 2013 Meeting)*

33 **TRANSFER OF APPROVAL**

34

POD-94-87, 109-89, and
POD-118-89
POD2011-00196;
POD2011-00197;
POD2011-00194;
POD2011-00259
Westpark Shopping
Center Phases I and II –
9645 and 9669 W. Broad
Street (U.S. Route 250)

Thalhimer for Westdale Westpark I, II, LP: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from SLN Broad Street Associates, and NP/I&G Westpark, LLC to Westdale Westpark, I, II, LP. Phase I is a 18.36-acre site located at the southwest corner of Pemberton Road (State Route 157) and W. Broad Street (U.S. Route 250), on part of parcels 753-758-7318, 754-758-2409 and 753-758-8965. Phase II is a 2.68-acre site located along the western line of Stillman Parkway, approximately 215 feet south of West Broad Street (U.S. Route 250) on part of parcel 753-758-7318. The zoning is B-2C Business District (Conditional). County water and sewer. **(Three Chopt)**

35

36 Mr. Leabough - Do we have anyone in opposition to deferral of transfer of
37 approval for POD-94-87, 109-89, and POD-118-89 (POD2011-00196; POD2011-00197;
38 POD2011-00194; POD2011-00259), Westpark Shopping Center Phases I and II? It
39 doesn't look like we do.

40

41 Mr. Branin - Okay, fantastic. Then I would like to move for the deferral of
42 transfer of approval for POD-94-87, 109-89, and POD-118-89 (POD2011-00196;
43 POD2011-00197; POD2011-00194; POD2011-00259), Westpark Shopping Center
44 Phases I and II, to the September 25th meeting per the applicant's request.

45

46 Mr. Archer - Second.

47

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

50

51 At the request of the applicant, the Planning Commission deferred transfer of approval
52 for POD-94-87, 109-89, and POD-118-89 (POD2011-00196; POD2011-00197;
53 POD2011-00194; POD2011-00259), Westpark Shopping Center Phases I and II, to its
54 September 25, 2013 meeting.

55
56 Ms. News - Next on page eight of your agenda and located in the Three
57 Chopt District is POD2013-00103, West Broad Hyundai – Car Storage Addition. The
58 applicant has requested a deferral to the July 24, 2013 meeting.

59
60 *(Deferred from the May 22, 2013 Meeting)*

61 **PLAN OF DEVELOPMENT**

62

POD2013-00103 **E.D. Lewis and Associates, P.C. for Page Broad Street,
West Broad Hyundai – Car **LC and Page Imports, LC:** Request for approval of a plan
Storage Addition – 9001 of development, as required by Chapter 24, Section 24-
W. Broad Street (U.S. 106 of the Henrico County Code, to construct a car
Route 250) storage and display lot at an existing car dealership. The
(POD-97-93 Rev.) 5.5-acre site is located at the southwest corner of the
 intersection of W. Broad Street (U.S. Route 250), and
 Homeview Drive, on parcel 759-755-0982. The zoning is
 B-3C, Business District (Conditional). County water and
 sewer. **(Three Chopt)****

63

64 Mr. Leabough - Do we have anyone in opposition to POD2013-00103, West
65 Broad Hyundai – Car Storage Addition? It doesn't look like we do.

66

67 Mr. Branin - Okay. Then I would like to move that POD2013-00103, West
68 Broad Hyundai – Car Storage Addition, be deferred to the July 24th meeting per the
69 applicant's request.

70

71 Mr. Archer - Second.

72

73 Mr. Leabough - Motion by Mr. Branin, second by Mr. Archer. All in favor say
74 aye. All opposed say no. The ayes have it; the motion passes.

75

76 At the request of the applicant, the Planning Commission deferred POD2013-00103,
77 West Broad Hyundai – Car Storage Addition, to its July 24, 2013 meeting.

78

79 Ms. News - The final item is on page 14 and is also located in the Three
80 Chopt District. This is POD2013-00162, Simply Storage Building #2 Expansion. The
81 applicant has requested a deferral to the July 24, 2013 meeting.

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91 **PLAN OF DEVELOPMENT**

92

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

Balzer and Associates, Inc. for Short Pump Simply Storage: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a second story, 39,013 square foot addition to an existing one-story, 37,100 square foot storage building. The 5.603-acre site is located on the east line of Pouncey Tract Road (State Route 271) and the north line of Interstate 64, approximately 1,360 feet south of Twin Hickory Lake Drive, on parcel 741-764-0116. The zoning is M-1C, Light Industrial District (Conditional), and WBSO, West Broad Street Overlay District. County water and individual on-site sewage disposal system. **(Three Chopt)**

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94

Mr. Leabough - Do we have anyone in opposition to POD2013-00162, Simply Storage Building #2 Expansion? It looks like a motion is in order.

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Mr. Branin - Okay. Then I'd like to move that POD2013-00162, Simply Storage Building #2 Expansion, be deferred to the July 24th meeting per the applicant's request.

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Mr. Archer - Second.

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

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At the request of the applicant, the Planning Commission deferred POD2013-00162, Simply Storage Building #2 Expansion, to its July 24, 2013 meeting.

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109

Mr. Emerson - Mr. Chairman, that completes the deferrals that we have this morning unless the Commission has anything additional to add. Seeing that there are no other additions, next on your agenda are the expedited items, and there are none this morning. Moving on, we have subdivision extensions of conditional approval, and those will be presented by Mr. Lee Pambid.

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SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL FOR INFORMATIONAL PURPOSES

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2011-00042 (SUB-05-11) The Townes at Oakley's Bluff (June 2011 Plan)	131	86	1	Varina	6/26/2014
SUB2011-00033 SUB-62-07 The Village at Olde Colony Reconsideration (November 2007 Plan)	9	3	1	Varina	7/1/2017

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Mr. Pambid - Good morning. This map indicates the location of two subdivisions that are presented for extension of conditional approval. One is eligible for a one-year extension to June 26, 2014. The other is eligible for an automatic extension to July 1, 2017, pursuant to the amended Section 15.2-2209.1 of the Code of Virginia. This is for informational purposes only and does not require Commission action at this time.

This concludes my presentation. Staff can field any questions you may have regarding this.

Mr. Leabough - Any questions regarding these extensions? Thank you,
Mr. Pambid.

Mr. Pambid - You're welcome.

Mr. Emerson - Mr. Chairman, that now takes us into the regular agenda,
page four.

TRANSFER OF APPROVAL

POD-24-72, 19-77, 92-79, 75-81, 81-87, and 38-00
POD2011-00335;
POD2011-00336;
POD2011-00337;
POD2011-00338;
POD2011-00339;
POD2011-00295
Byrd Center – 5625 S.
Laburnum Avenue

Mila Gant for The Byrd Center/Adler Realty Services:
Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Particeps Properties, LP to AF Byrd Center VA, LLC. The 31.21-acre site is located at the northeast corner of the intersection of Laburnum Avenue and Charles City Road, on parcel 816-710-8140. The zoning is M-1, Light Industrial District. County water and sewer. **(Varina)**

183 Mr. Pambid - Good morning. The applicant has addressed all of the
184 deficiencies, or evidence of signed contracts addressing deficiencies has been received.
185 Deficiencies include unscreened dumpsters; faded handicap parking spaces; missing,
186 damaged, or leaning signs; and missing or dying landscaping. Staff can recommend
187 approval subject to the condition on the agenda.

188
189 This concludes my presentation, and staff can field any questions you have regarding
190 this.

191
192 Mr. Leabough - Does anyone have any questions? If not, a motion would be
193 in order.

194
195 Mr. Archer - All right. Mr. Chairman, I move for approval of POD-01-87
196 (POD2012-00364), Food Lion at Brookhill Azalea (formerly Wilmer Avenue Shopping
197 Center), subject to staff recommendations and the condition shown in the agenda, which
198 indicates site deficiencies as indicated in the inspection report dated October 24, 2012,
199 shall be corrected by July 31, 2013.

200
201 Mr. Branin - I'd like to second that motion, Mr. Chairman.

202
203 Mr. Leabough - Thank you, sir. We have a motion by Mr. Archer, a second by
204 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
205 passes.

206
207 The Planning Commission approved the transfer of approval request for POD-01-87
208 (POD2012-00364), Food Lion at Brookhill Azalea (formerly Wilmer Avenue Shopping
209 Center), from Sigma Development to BSV Premier Brookhill, LLC , subject to the
210 standard and added conditions previously approved and the following additional
211 condition:

- 212
213 1. The site deficiencies, as identified in the inspection report dated October 24,
214 2012, shall be corrected by July 31, 2013.

215
216 **TRANSFER OF APPROVAL**

217
POD-117-73
POD2012-00435
Henrico Motor Group, LLC
(Formerly B & B Seafood)
– 3319 Williamsburg Road
(U.S. Route 60)

Mahmood Mohammad for Henrico Motor Group, LLC:
Request for transfer of approval as required by Chapter
24, Section 24-106 of the Henrico County Code from B &
B Seafood to Henrico Motor Group, LLC. The 0.36-acre
site is located on the south line of Williamsburg Road (U.S.
Route 60) at the intersection of Williamsburg Road and
Millers Lane, on parcel 811-714-6323. The zoning is B-3,
Business District and ASO, Airport Safety Overlay District.
County water and sewer. **(Varina)**

218

219 Mr. Leabough - Do we have anyone in opposition to this transfer of approval
220 for POD-117-73 (POD2012-00435), Henrico Motor Group, LLC (formerly B & B
221 Seafood)? Looks like we don't. Mr. Greulich?
222

223 Mr. Greulich - Members of the Planning Commission, the applicant has
224 addressed the deficiencies for the site. These deficiencies included the removal of a
225 large storage container, minor repairs to the building, and resealing and restriping of the
226 parking lot. A follow-up site inspection has been conducted, and the inspector has
227 confirmed that everything has been addressed.
228

229 As all of the deficiencies have been addressed and the applicant has agreed to comply
230 with the previous conditions, staff can recommend approval of the transfer.
231

232 Although I advised that the applicant be present this morning, he does not appear to be
233 here. I am available to answer any questions that you may have.
234

235 Mr. Leabough - So the applicant is not here.
236

237 Mr. Greulich - I don't believe so.
238

239 Mr. Leabough - Okay. With that, I would like to—well, do we have any
240 questions by the Commission? I'd like to move that we defer this transfer of approval for
241 POD-117-73 (POD2012-00435), Henrico Motor Group, LLC (formerly B & B Seafood), to
242 the July 24, 2013 meeting.
243

244 Mr. Witte - Second.
245

246 Mr. Leabough - Motion by Mr. Leabough, second by Mr. Witte. All in favor say
247 aye. All opposed say no. The ayes have it; the motion passes.
248

249 At the request of the Commission, the Planning Commission deferred transfer of
250 approval for POD-117-73 (POD2012-00435), Henrico Motor Group, LLC (formerly B & B
251 Seafood), to its July 24, 2013 meeting.
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LANDSCAPE PLAN

POD2013-00132
Townes at Pouncey Place,
Section 1 - 4521 Pouncey
Tract Road (State Route
271)

Higgins and Gerstenmaier Landscape Architects for Pouncey Tract Company of Virginia, LLC: Request for approval of a landscape plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 12.698-acre site is located southeast of the corner of the intersection of Pouncey Tract Road (State Route 271) and Twin Hickory Lake Drive, and at the terminus of Pouncey Place, on parcel 740-765-7333. The zoning is RTHC, Residential Townhouse District and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

267
268 Mr. Leabough - Do we have anyone in opposition to POD2013-00132,
269 Townes at Pouncey Place, Section 1? It doesn't look like we do.

270
271 Mr. Garrison - The applicant is requesting approval of a landscape plan for
272 section one of the Townes at Pouncey Place. The revised plan in your addendum
273 addresses Proffer #22 from C-11C-12, which requires a tree in each front yard. The
274 applicant has also agreed to provide additional evergreen plant material on the west side
275 of the townhouses adjacent to the existing commercial property, which is right in here.
276 Staff can therefore recommend approval subject to the annotations on the plan and the
277 standard conditions for landscape plans.

278
279 Mr. Leabough - Does any member have a question? All right, a motion would
280 be in order.

281
282 Mr. Branin - Mr. Garrison, I'm happy to see that they agreed to the
283 additional plantings, because until that property next to it is developed properly, I think
284 it's a benefit to both the new residents coming in and the commercial property next to it
285 that needed to be buffered. So I'm glad they finally agreed to that. Mr. Chairman, I'd like
286 to move that the landscaping plan for POD2013-00132, Townes at Pouncey Place,
287 Section 1, be approved with the standard conditions for developments of this type, and
288 the annotations on the plans, and the additional plantings that were agreed to.

289
290 Mr. Archer - Second.

291
292 Mr. Leabough - Motion by Mr. Branin, second by Mr. Archer. All in favor say
293 aye. All opposed say no. The ayes have it; the motion passes.

294
295 The Planning Commission approved the landscape plan for POD2013-00132, Townes at
296 Pouncey Place, Section 1, subject to the standard conditions attached to these minutes
297 for landscape plans.

298
299 *(Deferred from the May 22, 2013 Meeting)*

300 **PLAN OF DEVELOPMENT - ARCHITECTURAL PLANS**

301

POD2013-00178
University Park, Phase 2 -
Building 1A & Master
Plan- 2422 Pemberton
Road (State Route 157)
(POD-47-08 Rev.)

Willmark Engineering for University Park RE Inv., LLC and Smith-Packett, 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, for Phase 2 of a life care facility consisting of Building 1A, a 156,217 square foot, 4-story building with a basement, containing 122 independent living units, and accessory community and limited retail space. The 25.45-acre site is located on the east line of Pemberton Road (State Route 157), and on the south line of Interstate 64, on parcel 753-754-0908. The zoning is R-6C, General Residential District. County water and sewer. **(Three Chopt)**

302

303 Mr. Leabough - Good morning, Mr. Wilhite.

304

305 Mr. Wilhite - Good morning.

306

307 Mr. Leabough - Do we have anyone in opposition to POD2013-00178,
308 University Park, Phase 2 – Building 1A & Master Plan? It doesn't look like we do.
309 Mr. Wilhite?

310

311 Mr. Wilhite - Thank you, sir. The site plan for this development was
312 approved by the Planning Commission back in May. The architectural plans were
313 deferred at that time because staff had concerns about what was proposed meeting
314 proffered conditions of the zoning case. We have received revised plans and have
315 reviewed them. The buildings themselves have been reduced from the original five
316 stories down to four stories. This was done because the parking on the lower level has
317 now been removed and surface parking is to be provided at this time. The applicant has
318 increased the amount of masonry used on the building, added more architectural
319 detailing, HardiPlank in different colors to substitute for the EIFS that was originally on
320 the elevations. We have variations in the rooflines of the structures.

321

322 With that, staff feels that he is now in compliance with the proffers of the zoning case and
323 can recommend approval of the architectural plan.

324

325 Mr. Leabough - Does the Commission have any questions?

326

327 Mr. Branin - I have none for Mr. Wilhite. I would like to talk to the
328 applicant.

329

330 Mr. Leabough - All right. May I ask that the applicant please step forward to
331 the podium? Please state your name; these proceedings are recorded.

332

333 Mr. Hasson - Good morning. My name is Bill Hasson. I am the
334 development manager with Smith-Packett, LLC, in Roanoke, Virginia. Thank you.
335
336 Mr. Branin - Mr. Hasson, I want to thank you for addressing the neighbors
337 when we had the community meeting. There were some issues with downed trees and
338 so forth, and I wanted to thank you for addressing the issues that were caused by you all
339 as fast as the County did. We were out there I believe two days later, and you were right
340 behind us. So I appreciate you doing that. And I wanted to thank you for making your
341 project as wonderful as it should be. Aren't you happier now?
342
343 Mr. Hasson - Yes, we are happier with the reduction of mass, in the
344 articulation of the building itself, and some of the changes in the color coordination of the
345 exterior.
346
347 Mr. Branin - Much better quality product now, isn't it? I wasn't happy with it
348 before. Were you?
349
350 Mr. Hasson - Well...I don't want to go on record—
351
352 Mr. Branin - But we're both very happy now that they improved it. Yes,
353 we're very happy. All right. Again, thank you for addressing your neighbors' concerns
354 very quickly. Thank you, Mr. Hasson.
355
356 Mr. Leabough - Does anyone else have any questions?
357
358 Mr. Branin - I have none. I've done my hassle for the day. I hassled an
359 applicant, which is always good to do.
360
361 Mr. Leabough - Looks like a motion is in order.
362
363 Mr. Branin - Good. Then, Mr. Chairman, I would like to move that
364 POD2013-00178, University Park, Phase 2 – Building 1A & Master Plan (POD-47-08
365 Rev.), be approved with the proposed architectural plan subject to the terms and
366 conditions previously approved in POD2013-00109 by the Planning Commission at their
367 May 22, 2013 meeting, and the annotations to the plans.
368
369 Mr. Archer - Second.
370
371 Mr. Leabough - Motion Mr. Branin, second by Mr. Archer. All in favor say aye.
372 All opposed say no. The ayes have it; the motion passes.
373
374 The Planning Commission approved the architectural plan for POD2013-00178,
375 University Park, Phase 2 – Building 1A & Master Plan (POD-47-08 Rev.), subject to the
376 annotations on the plans, and the conditions previously approved for POD2013-00109 by
377 the Planning Commission at their May 22, 2013 meeting.
378

379 (Deferred from the May 22, 2013 Meeting)
380 **PLAN OF DEVELOPMENT – RECONSIDERATION OF A CONDITION**
381

POD2013-00068
(POD-71-02 Rev.)
Tom Leonard's at
Brookhollow – Seasonal
Tent – 4150 Brookriver
Drive

Timmons Group for G3 Investments and Tom Leonard:
Request for approval of a reconsideration of a condition for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to locate a 2,400 square foot tent in the seasonal sales area of an existing grocery store. The 6.290-acre site is located along the north line of Brookriver Drive and along the south line of Interstate 64, approximately 650 feet north of W. Broad Street (U.S. Route 250), on parcel 743-762-6518. The zoning is M-1C, Light Industrial District (Conditional) and WBSO, West Broad Overlay District. County water and sewer. **(Three Chopt)**

382
383 Mr. Leabough - Do we have anyone in opposition to POD2013-00068 (POD-
384 71-02 Rev.), Tom Leonard's at Brookhollow – Seasonal Tent?
385

386 Mr. Wilhite - Thank you again. The tent was originally approved with the
387 landscape plan for Tom Leonard's back in September of 2003. Since that time, we've
388 received numerous requests for extensions of approval. This is the fifth request that
389 we've received from the applicant. The last time it was approved by the Planning
390 Commission in February of 2011, the condition at that time said that the tent could stay
391 there until February 28, 2013, and it was possible for the Director of Planning to grant a
392 one-year extension if plans were filed for a permanent structure. That deadline passed.
393 We have not received any plans submitted at this point from Mr. Leonard. Mr. Leonard is
394 here today to address the situation and what his plans may be at this point in time.
395

396 Staff is recommending an additional condition that would allow the tent to remain in place
397 through May 31, 2014. It does allow for an additional one-year extension by the Director
398 of Planning if we receive plans for a permanent structure of expansion of the store.
399 However, in no case would the tent remain on the site past May 31, 2015, even if a
400 permanent structure has not been constructed by that time.
401

402 Staff recommends approval of substitute Condition #35. And I can answer any questions
403 that you may have.
404

405 Mr. Leabough - Any questions for Mr. Wilhite?
406

407 Mr. Branin - None for Mr. Wilhite, but I would like to get Mr. Leonard
408 down.
409

410 Mr. Leabough - Mr. Leonard, would you mind approaching the podium? And
411 I'd ask that you state your name because, again, these proceedings are recorded.
412

413 Mr. Branin - Careful, Mr. Leonard, I'm on a roll today.
414
415 Mr. Leonard - Good morning.
416
417 Mr. Branin - You're in the hot seat, buddy. Mr. Leonard, this tent has
418 been—and I wasn't even aware of how many times it had been extended. In talking to
419 you—and I apologize I wasn't here last month when we deferred this out so you would
420 be here, because I think it's important for you to be here.
421
422 The tent is a nice tent, sir. It's a very nice tent. It's clean, it's well kept. I know you do a
423 lot of good things for the community with the Halloween movies for the children and use
424 it seasonally. And it's characteristic of a farmers' market. I get all that. But we need to get
425 a permanent structure here. We keep talking to you about a permanent structure. What
426 are your plans, for the record, for a permanent structure here?
427
428 Mr. Leonard - We're working with Baskerville on it right now. I think the
429 extension, if you guys could grant it, exactly what's proposed would be enough for us.
430
431 Mr. Branin - Okay.
432
433 Mr. Leonard - That's fine.
434
435 Mr. Branin - And what are you planning to do with this area in the future?
436
437 Mr. Leonard - Actually, that area right there in the very beginning was
438 designed as part of the store. As a matter of fact, the parking for the parking lot is
439 designed to accommodate that for store. So we don't even have to put in any more
440 parking. And so that whole side of the building is designed with knockout panels. And so
441 that whole part of the store, that will kind of will just be removed, and that building will
442 just expand over to the left there. There won't be a tent that will go up, I don't think, on
443 that side. And on the right side of the building, the seasonal area will probably have
444 some sort of permanent structure that might go over there for a seasonal area. It may
445 even be similar to the farmers' market over in the Lakeside area.
446
447 Mr. Branin - Okay. Did you take my recommendation and—
448
449 Mr. Leonard - Yes.
450
451 Mr. Branin - That's a fine-looking structure over there. I think that may end
452 up fitting well into your property. You're planning to extend your store. Any idea of when
453 that may take place?
454
455 Mr. Leonard - Not exactly. Not right now. But I think within the time period
456 that we talked about here today, hopefully we could. The last few years with the
457 recession and everything, I mean, nobody really planned on this thing here. I'd rather
458 have a—to be perfectly honest with everybody here, I'd rather have a busy little store

459 during the recession than a big empty one. And so we've been pretty prudent to make
460 sure that we've been clicking along over there safely rather than just expand it out. I
461 mean, with Whole Foods, and Trader Joes, and Target going in—we've been watching it
462 very carefully. We haven't done anything that's been reckless, so we've been okay over
463 there. But, you know, I mean, it's time now. Everything's going pretty good right now. So
464 if we push the tent to the limit with you guys and, you know, we'll look at it a little harder
465 now. We're working on it with Baskerville with the plans. And, you know, everything
466 seems to be going okay. We appreciate the compassionate understanding with the tent
467 that you've granted us and, you know, we'll move it along now.

468
469 Mr. Branin - All right. I have no further questions for Mr. Leonard. Does
470 anybody else?

471
472 Mr. Glover - Mr. Chairman, I was the one that spoke against tents without
473 some type of—I'm not against your tent as much as I am against how we approve tents
474 throughout the County. I wanted you to know that I like your strip steaks and I like your
475 rib eyes. I think I'd like whatever it is you put there as a permanent fixture. I was not so
476 much against Tom Leonard as I was the fact that Henrico County has no plans on the
477 books on how to tell you that you can have a tent. It just opens the door for tents at
478 places like Short Pump Town Center, if they wanted to. They could go to Regency
479 Square if they wanted to.

480
481 Mr. Branin - Can you pull one example from the Brookland District?

482
483 Mr. Glover - I can pull an example from the Brookland District, absolutely.
484 They have come here. I just think we need an ordinance or resolution determining how
485 you are to look at it and know what you're supposed to do. Okay? And your steaks are
486 okay. I didn't see any under your tent, though.

487
488 Mr. Leonard - Just for the record, we are running rib eyes next week.

489
490 Mr. Glover - I prefer your strip.

491
492 Mr. Leabough - Any other questions for Mr. Leonard?

493
494 Mr. Branin - I have none. Mr. Leonard, I appreciate it. And I look forward
495 to seeing the expansion, because I think your store is a great store. I look forward to the
496 expansion of it.

497
498 Mr. Leonard - Have a nice holiday.

499
500 Mr. Branin - Thank you, sir.

501
502 Mr. Leabough - Mr. Branin?

503

504 Mr. Branin - Mr. Chairman, I would like to move that POD2013-00068
505 (POD-71-02 Rev.), Tom Leonard's at Brookhollow – Seasonal Tent, be approved with
506 the recommended Condition # 35.

507

508 Mr. Archer - Second.

509

510 Mr. Leabough - Motion by Mr. Branin, second by Mr. Archer. All in favor say
511 aye. All opposed say no. The ayes have it; the motion passes.

512

513 The Planning Commission approved POD2013-00068 (POD-71-02 Rev.), Tom
514 Leonard's at Brookhollow - Reconsideration of Condition #35, with all other conditions of
515 the Planning Commission's approval dated September 25, 2002 unchanged.

516

517 35. The temporary tent, to be located in the seasonal sales area as shown on the
518 revised plan, shall be removed from the site no later than May 31, 2014. An
519 additional one-year extension may be granted by the Director of Planning if plans
520 for a permanent structure to replace the tent are submitted for County approval
521 prior to the aforementioned deadline. In no case shall the temporary tent remain
522 on site past May 31, 2015, even if a permanent structure has not been
523 constructed.

524

525 PLAN OF DEVELOPMENT

526

POD2013-00161

7-Eleven - Pemberton and
West Broad Street - 9525
W. Broad Street (U.S.
Route 250)
(POD-55-86 Rev.)

**Balzer and Associates, Inc. for Tideneck, LLC and
Morgan Property Group:** Request for approval of a plan
of development, as required by Chapter 24, Section 24-
106 of the Henrico County Code, to replace an existing
convenience store and fuel center with a 2,940 square foot
convenience store and fuel center. The 0.84-acre site is
located on the southeast corner of the intersection of W.
Broad Street (U.S. Route 250) and Pemberton Road
(State Route 157), on parcel 754-758-9300. The zoning is
B-3, Business District and B-3C, Business District
(Conditional). County water and sewer. **(Three Chopt)**

527

528 Mr. Leabough - Do we have anyone in opposition to POD2013-00161,
529 7-Eleven – Pemberton and West Broad Street? Looks like we don't. Mr. Garrison?

530

531 Mr. Garrison - The applicant is requesting approval to replace an existing
532 convenience store and fuel center with a 3,190-square-foot 7-Eleven convenience store
533 and fuel center with four pump islands. There is a revised site plan and elevations, as
534 well as an added condition and corrected caption in your addendum. The revised plans
535 address staff's comment regarding the provision of a sidewalk along Pemberton and
536 West Broad Street, and shifting the dumpster enclosure back so that it's not in line with
537 the front of the building.

538

539 The revised elevations provide additional architectural details, and the corrected caption
540 includes a portion of the B-3C zoning. And the added condition addresses additional
541 right of way for the sidewalk on Pemberton Road.
542

543 Staff can recommend approval subject to the annotations on the plans, the standard
544 conditions for developments of this type, added conditions # 29 through # 31, and added
545 Condition # 32.
546

547 I would like to mention that you will need to waive the time limits, as the revised plans
548 were received just yesterday.
549

550 Mr. Leabough - Does anyone on the Commission have any questions for
551 Mr. Garrison?
552

553 Mr. Witte - I do. Isn't there a 7-Eleven right across the street from that?
554

555 Mr. Garrison - Yes, sir, there is.
556

557 Mr. Witte - What's the intention with that? Do we have any idea?
558

559 Mr. Garrison - No, sir. It's a different franchise owner.
560

561 Mr. Witte - Okay.
562

563 Mr. Leabough - Mr. Branin?
564

565 Mr. Branin - Since I'm on a roll, I'd like to see the applicant. And while he's
566 coming up, Mr. Witte, I don't get it either. 7-Elevens were kind of falling to the wayside
567 and going out, and all of a sudden they start doing the franchises as opposed to
568 corporate stores. And as you go down Route 17, there are literally ones across the street
569 from each other.
570

571 Mr. Leabough - We're looking at that in Varina as well, 7-Eleven locating right
572 across the street from another 7-Eleven.
573

574 Mr. Glover - Maybe you can build a tent.
575

576 Mr. Branin - I'll recommend it to the applicant. Thank you, Mr. Glover. It
577 will be on your recommendation.
578

579 Mr. Shust - Good morning, Mr. Chairman, members of the Commission.
580 My name is Chris Shust with Blazer and Associates.
581

582 Mr. Branin - Chris, what's your last name?
583

584 Mr. Shust - Shust.

585
586 Mr. Branin - Shust. I know I'll mess that one up, so I'm just going to refer
587 to you as Chris. Chris, there have been some issues with VDOT. Have those been taken
588 care of with the entrance and the road on either side?
589
590 Mr. Shust - Yes, sir. We coordinated yesterday just to make sure with
591 Matt Lillis at VDOT. And he did send communication to myself and to Greg indicating
592 that he was still approving the configuration and had no issues with what we were
593 looking at.
594
595 Mr. Branin - Okay. Since we have you up, do you know if the other
596 7-Eleven is going to continue to stay open?
597
598 Mr. Shust - As far as we know there's no intention of changing the use of
599 that facility.
600
601 Mr. Branin - Okay. All right. Believe it or not, you're getting off easy. That's
602 all I really need to know.
603
604 Mr. Shust - I appreciate that.
605
606 Mr. Branin - I just want to make sure that the VDOT issue had been
607 addressed.
608
609 Mr. Shust - Thank you.
610
611 Mr. Branin - Can I speak to our Traffic Department?
612
613 Mr. Cejka - John Cejka, traffic engineer.
614
615 Mr. Branin - Hello, John. How are you? VDOT had some issues and
616 questions in regards to the entrances. They have been addressed, and VDOT is signing
617 off. Before we move forward with this—although I think VDOT is great, I put my trust in
618 Henrico County over VDOT any day. So, are we comfortable with the entrances?
619
620 Mr. Cejka - We are comfortable, yes, sir.
621
622 Mr. Leabough - May I ask what were the issues with the entrances?
623
624 Mr. Branin - The position of them.
625
626 Mr. Leabough - The entrances being too close to Broad? We're dealing with
627 the same thing in Varina.
628
629 Mr. Glover - What is the—I guess Mr. Emerson. What's the ruling on
630 entrances on four-lane roads and so forth, just 750 feet?

631
632 Mr. Emerson - I'd have to ask Mr. Cejka that.
633
634 Mr. Cejka - The distance is 250 feet apart. VDOT has a requirement—
635
636 Mr. Glover - Not apart. I'm talking about from the intersection.
637
638 Mr. Emerson - The one on Pemberton from the intersection. Is that the
639 question?
640
641 Mr. Glover - Either one, Broad Street or Pemberton.
642
643 Mr. Cejka - It should be a minimum of 250 feet. VDOT has a requirement.
644 I don't know the exact—
645
646 Mr. Glover - I'm talking about Henrico County.
647
648 Mr. Cejka - Okay, 250 feet.
649
650 Mr. Glover - You're sure? Are you reading out of your book or are you
651 going from memory?
652
653 Mr. Cejka - Memory.
654
655 Mr. Glover - Pardon me?
656
657 Mr. Cejka - Memory.
658
659 Mr. Glover - Do you want to take a look at the book later?
660
661 Mr. Cejka - I will.
662
663 Mr. Glover - Because at one time it was 750 feet where you had four-lane
664 roads.
665
666 Mr. Cejka - If it's a median crossover, it's 800 feet. As far as the
667 driveways. I will look into that.
668
669 Mr. Glover - Take a look at it if you don't mind. So in other words, we
670 approved this and reapprove it with the distance violation?
671
672 Mr. Cjeka - Yes.
673
674 Mr. Glover - We don't need an ordinance, then, do we. Scratch that
675 ordinance, okay?
676

677 Mr. Branin - I have no further questions.
678
679 Mr. Leabough - Does anyone else have any questions for our traffic
680 engineer? All right. Thank you, sir.
681
682 Mr. Cejka - You're welcome.
683
684 Mr. Leabough - I appreciate it. If there are no other questions, a motion would
685 be in order.
686
687 Mr. Branin - Okay. Mr. Chairman, I'd like to move to waive the time limits
688 for POD2013-00161, 7-Eleven – Pemberton and West Broad Street.
689
690 Mr. Archer - Second.
691
692 Mr. Leabough - Motion by Mr. Branin, second by Mr. Archer to waive the time
693 limits. All in favor say aye. All opposed say no. The ayes have it; the motion passes.
694
695 Mr. Branin - And with that, then, I'd like to move that POD2013-00161,
696 7-Eleven – Pemberton and West Broad Street, be approved with standard conditions for
697 developments of this type, annotations on the plans, the following additional and
698 recommended conditions 29, 30, and 31, and 32.
699
700 Mr. Archer - Second.
701
702 Mr. Leabough - Motion by Mr. Branin, second by Mr. Archer. All in favor say
703 aye. All opposed say no. The ayes have it; the motion passes.
704
705 The Planning Commission approved POD2013-00161, 7-Eleven – Pemberton and West
706 Broad Street, subject to the annotations on the plans, the standard conditions attached
707 to these minutes for developments of this type, and the following additional conditions:
708
709 29. A concrete sidewalk meeting VDOT standards shall be provided along the south
710 side of W. Broad Street (U.S. Route 250) and the east side of Pemberton Road
711 (State Route 157).
712 30. Outside storage shall not be permitted.
713 31. The location of all existing and proposed utility and mechanical equipment
714 (including HVAC units, electric meters, junctions and accessory boxes,
715 transformers, and generators) shall be identified on the landscape plan. All
716 building mounted equipment shall be painted to match the building, and all
717 equipment shall be screened by such measures as determined appropriate by the
718 Director of Planning or the Planning Commission at the time of plan approval
719 32. The right-of-way for widening of Pemberton Road (State Route 157) as shown on
720 approved plans shall be dedicated to the County prior to any occupancy permits
721 being issued. The right-of-way dedication plat and any other required information

722 shall be submitted to the County Real Property Agent at least sixty (60) days
723 prior to requesting occupancy permits.
724

725 Mr. Emerson - Mr. Chairman, the next item on your agenda is a discussion
726 item, and it's to set the time of the work session for the Zoning Ordinance amendments
727 that you will be considering to bring the code in constancy with the action plan of the
728 2013 General Assembly. Of course, as you know, those are the changes to what we
729 refer to as the "Med Cottage Provisions." And that is to change the time limits on the time
730 allowed to remove the med cottage after it falls out of use and also to allow more than
731 one person to occupy the med cottage in the event of a married couple with a disability
732 or something similar to that. It's a fairly straightforward amendment. Possibly 6:00 p.m., if
733 that is to everyone's liking. And we'll have some sandwiches brought in.
734

735 Mr. Branin - 6:00 p.m.?
736

737 Mr. Leabough - What's the date?
738

739 Mr. Emerson - 6:00 p.m. on July 11th. It's our next meeting. Is that right? I
740 believe that's correct. July the 11th.
741

742 Mr. Archer - Mr. Chairman, I won't be present that day.
743

744 Mr. Branin - Mr. Archer, I'll be happy to take extensive notes and share
745 them with you afterwards.
746

747 Mr. Archer - You're very kind, Mr. Branin, and I appreciate it.
748

749 Mr. Branin - You're welcome, sir.
750

751 Mr. Witte - Mr. Archer, I'll eat your sandwich.
752

753 Mr. Archer - Thank you. Just save me the cake, will you?
754

755 Mr. Emerson - If that's the consensus and everyone's comfortable, I don't
756 need a formal motion on that. However, the next discussion item I do need a formal
757 motion on, and that is to schedule the hearing date for the amendment to the Zoning
758 Ordinance. That would be, of course, at 7:00 p.m. on July the 11th.
759

760 Mr. Branin - Can we go back? You said six o'clock?
761

762 Mr. Emerson - For the work session.
763

764 Mr. Branin - Is that enough time?
765

766 Mr. Emerson - Well, if you're comfortable with it. It is a fairly straightforward
767 amendment.

768
769 Mr. Branin - As long as six o'clock is going to get it. I just want to make
770 sure.
771
772 Mr. Glover - No one's going to use that ordinance anyway. I mean, no
773 one's going to build any of those anyway. You only have one in the state of Virginia. I
774 just found that out last night. That's in Fairfax.
775
776 Mr. Branin - Yes. And it costs like \$150,000 to build the thing. And you
777 could put an addition onto a house cheaper than that.
778
779 Mr. Glover - Well you can't if it encroaches into the setback. I don't
780 understand how.
781
782 Mr. Branin - And if it's that tight, how are you going to get that?
783
784 Mr. Glover - I told my kids to buy a larger lot so that they could put it back
785 there.
786
787 Mr. Emerson - It's a challenge to make it work, certainly it is. But if you'd like
788 five—I'm flexible. It's whatever the Commission prefers.
789
790 Mr. Branin - I am absolutely fine with 6:00 p.m. I just wanted to make sure
791 because usually we tend to come in at 5:30 p.m.
792
793 Mr. Emerson - Right. Normally you do come in at 5:30 p.m.
794
795 Mr. Branin - Okay. I'm good with 6:00 p.m.
796
797 Mr. Leabough - I'll entertain a motion to schedule that hearing.
798
799 Mr. Branin - So moved.
800
801 Mr. Witte - Second.
802
803 Mr. Leabough - Motion by Mr. Branin, second by Mr. Witte. All in favor say
804 aye. All opposed say no. The ayes have it; the motion passes.
805
806 We have scheduled our hearing date for the Zoning Ordinance amendment.
807
808 Mr. Emerson - Mr. Chairman, the next item would be the consideration of the
809 approval of your minutes from the May 22, 2013 meeting. It is my understanding staff
810 has contacted the Commission and there were no changes forwarded, so there is no
811 errata sheet from staff. However, if you do have changes, we certainly will accommodate
812 those.
813

814 APPROVAL OF MINUTES: May 22, 2013

815

816 Mr. Leabough - Does anyone have any changes to the minutes from our
817 May 22nd meeting? If not, we'll entertain a motion to approve those minutes.

818

819 Mr. Archer - Move the minutes be approved as written.

820

821 Mr. Branin - Second.

822

823 Mr. Leabough - Motion by Mr. Archer, second by Mr. Branin. All in favor say
824 aye. All opposed say no. The ayes have it; the motion passes.

825

826 The Planning Commission approved the May 22, 2013 minutes as submitted.

827

828 Mr. Leabough - Anything else, Mr. Chairman, on the agenda. Mr. Secretary.
829 I'm sorry.

830

831 Mr. Emerson - That's okay. Nice meeting this morning for your first meeting,
832 too. I'll congratulate you.

833

834 Mr. Branin - I would like to commend our colleague from Varina for his first
835 shot at being chair. Good job. I think you could have gotten us out of here about five, ten
836 minutes earlier, though.

837

838 Mr. Leabough - I was trying to keep you longer so you could do some real
839 work.

840

841 Mr. Glover - I think it was the discussion on the tent that held us up.

842

843 Mr. Leabough - The discussion on the strip steaks I think is what held us up.

844

845 Mr. Branin - I'd like to move to adjourn.

846

847 Mr. Emerson - If I could, Mr. Chairman, I would like to note that Public Works
848 has appointed a new assistant traffic engineer. Is that the correct title? It's Ms. Smidler?
849 Did I get it right? I'm sorry if I butchered that. But I know all of you are familiar with her.
850 She has been with Public Works for how many years? Eight years. And has been
851 involved in the plan review process. So this is a promotion for her, and I wanted to bring
852 that to your attention and congratulate her as well.

853

854 Mr. Archer - Congratulations.

855

856 Mr. Leabough - Congratulations.

857

858 Ms. Smidler - Thank you. I look forward to working with you.

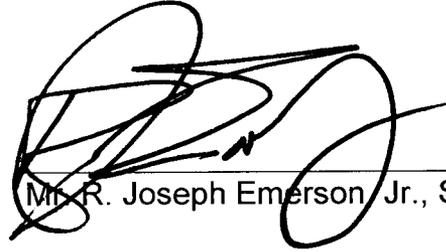
859

860 Mr. Emerson -
861
862 Mr. Archer -
863
864 Mr. Branin -
865
866 Mr. Leabough -

I have nothing more.
Move for adjournment.
Second.
We are adjourned.

867
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Mr. Eric Leabough, Acting Chairman


Mr. R. Joseph Emerson Jr., Secretary



PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

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

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

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

STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **July 24, 2013**, which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

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

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

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

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

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

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

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

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

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

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

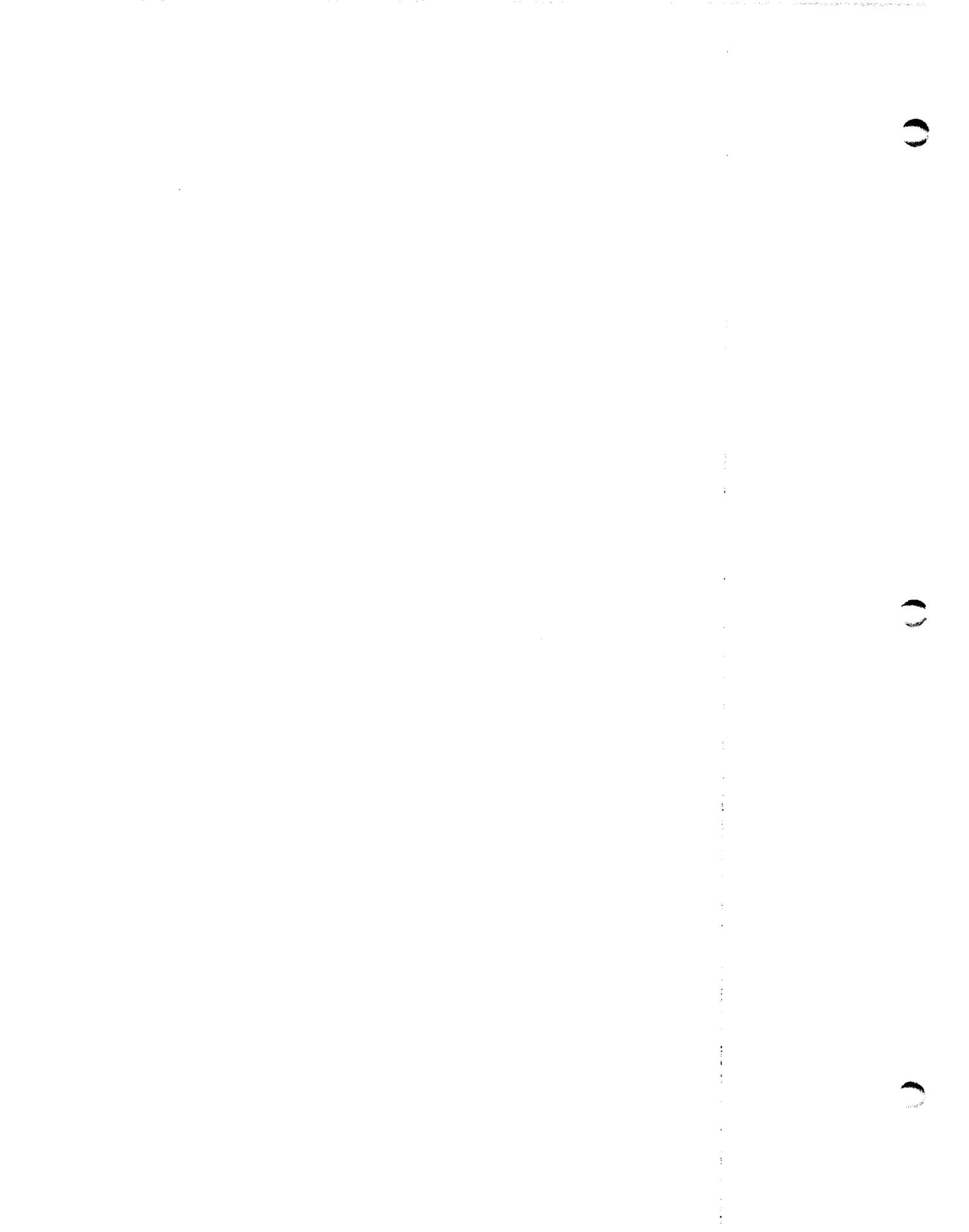
B-2 ZONE

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

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

B-3 ZONE

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



SUBDIVISION - CONDITIONAL APPROVAL

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

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

9. This approval shall expire on **July 23, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **July 24, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **July 23, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.

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

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **July 24, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **July 23, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

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

Standard Conditions for Zero Lot Line Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **July 24, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **July 23, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

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

SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **July 24, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **July 23, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

