

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, May 25, 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. Latrice Gordon, Division of Police
Ms. Melissa Ferrante, Office Assistant
Ms. Kate Teator, County Planner/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 - This is the May 25th edition of the Planning Commission
10 meeting for 2016. I'd like to ask that everyone please either turn off or mute your cell
11 phones, and let's stand and give honor to the flag.
12

13 Thank you. I don't think there is anyone here from the news media this morning. We do
14 have a quorum; everyone is present. Let me take a second to recognize Mr. Frank
15 Thornton from the Fairfield District who serves on the Board of Supervisors. With that, I
16 will turn things over to our secretary, Mr. Joe Emerson, and we will begin.
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18 Mr. Emerson - Good morning, Mr. Chairman. Thank you. First on your agenda
19 this morning are the requests for deferrals and withdrawals. Those will be presented by
20 Ms. Leslie News.

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

Mr. Archer - Morning, Ms. News.

Ms. News - We've received three requests for deferrals this morning. The first item is found on page 10 of your agenda and is located in the Fairfield District. This is POD2015-00555, Walmart Neighborhood Market at Henrico Plaza Shopping Center. The applicant is requesting a deferral to the July 27, 2016 meeting.

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2015-00555
Walmart Neighborhood
Market at Henrico Plaza
Shopping Center – 4000
Mechanicsville Turnpike
(U.S. Route 360)

Bohler Engineering for GBR Henrico Limited Liability Company/Plaza 360 Resources LP and Wal-Mart Real Estate Business Trust: 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 a one-story 41,952 square foot retail grocery store with drive-through pharmacy, and a one-story 754 square foot convenience market with fueling center in an existing shopping center. The 7.47 acre portion of the 27.389-acre site is located on the west line of Mechanicsville Turnpike (U.S. Route 360), approximately 550 feet south of Evans Road, on part of parcel 803-737-0018. The zoning is B-2, Business District and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield)**

Mr. Archer - Okay. Is there anyone present who is opposed to the deferment of POD2015-00555, Walmart Neighborhood Market at Henrico Plaza Shopping Center? I see none, and therefore I will move that POD2015-00555, Walmart Neighborhood Market at Henrico Plaza Shopping Center, be deferred until the July 27th meeting at the request of the applicant.

Ms. Jones - Second.

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

At the request of the applicant, the Planning Commission deferred POD2015-00555, Walmart Neighborhood Market at Henrico Plaza Shopping Center, to its July 27, 2016 meeting.

Ms. News - The second item is on page 13 of your agenda and located in the Three Chopt District. This is POD2016-00014, Bon Secours Short Pump at Broad Hill Centre – Revised. The applicant is requesting a deferral to the June 22, 2016 meeting.

(Deferred from the April 27, 2016 Meeting)

PLAN OF DEVELOPMENT

POD2016-00014

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

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

Mr. Archer - Is there anyone present who is opposed to this deferral for POD2016-00014, Bon Secours Short Pump at Broad Hill Centre – Revised? No opposition. Mrs. Marshall.

Mrs. Marshall - I move POD2016-00014, Bon Secours Short Pump at Broad Hill Centre – Revised, be deferred to the June 22, 2016 meeting per the applicant's request.

Ms. Jones - Second.

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

At the request of the applicant, the Planning Commission deferred POD2016-00014, Bon Secours Short Pump at Broad Hill Centre – Revised, to its June 22, 2016 meeting.

Ms. News - The next item is found on page 15 of your agenda and located in the Three Chopt District. This is POD2015-00322, Corner Bakery at Car Care Shopping Center. The applicant has requested a deferral to the June 22, 2016 meeting.

(Deferred from the April 27, 2016 Meeting)

PLAN OF DEVELOPMENT

POD2015-00322

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

Parker Design Group for Global General Properties, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to demolish an existing vacant car service station and construct a one-story, 4,052 square foot restaurant with drive-through facilities in an existing shopping center. The 1.06-acre site is located on the

northwest corner of the intersection of W. Broad Street (U.S. Route 250) and Dominion Boulevard, on parcel 747-760-3077 and part of parcel 747-760-1291. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

80
81 Mr. Archer - Okay. Is there any opposition to the deferral of POD2015-
82 00322, Corner Bakery at Car Care Shopping Center? No opposition. Mrs. Marshall.

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84 Mrs. Marshall - I move POD2015-00322, Corner Bakery at Car Care Shopping
85 Center, be deferred to the June 22, 2016 meeting, per the applicant's request.

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87 Ms. Jones - Second.

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

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92 At the request of the applicant, the Planning Commission deferred POD2015-00322,
93 Corner Bakery at Car Care Shopping Center, to its June 22, 2016 meeting.

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95 Ms. News - Staff is not aware of any further deferrals.

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97 Mr. Archer - Are there any deferrals coming from members of the
98 Commission? Okay, Mr. Emerson.

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100 Mr. Emerson - Mr. Chairman, next on your agenda this morning are the
101 expedited items, and those will also be presented by Ms. Leslie News.

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103 Mr. Archer - Morning again, Ms. News.

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105 Ms. News - Yes, sir. We have eight items on our expedited agenda this
106 morning. This first item is found on page 3 of your agenda and is located in the Varina
107 District. This is a transfer of approval for POD-73-89 and 23-95 (POD2015-00526 and
108 POD2015-00559), Alfa Laval. Staff recommends approval.

109
110 **TRANSFER OF APPROVAL**

111
POD-73-89 and 23-95
POD2015-00526 and
POD2015-00559
Alfa Laval – 5400
International Trade Drive

James G. Koman for ET Richmond, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from McKinney and Walker to ET Richmond, LLC. The 16.95-acre site is located on the north line of International Trade Drive, approximately 1,300 feet east of its intersection with Oakleys Lane, on parcel 819-718-5033. The zoning is M-2C, General Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

112 Mr. Archer - Is there anyone opposed to this transfer for POD-73-89 and
113 23-95 (POD2015-00526 and POD2015-00559), Alfa Laval?
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116 Mr. Leabough - With that, Mr. Chair, I moved that the transfer request for POD-
117 73-89 and 23-95 (POD2015-00526 and POD2015-00559), Alfa Laval, International Trade
118 Drive be approved, subject to the conditions associated with the POD.
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120 Ms. Jones - Second.
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122 Mr. Archer - Motion by Mr. Leabough, seconded by Ms. Jones. All in favor
123 say aye. All opposed say no. The ayes have it; the motion passes.
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125 The Planning Commission approved the transfer of approval request for POD-73-89 and
126 23-95 (POD2015-00526 and POD2015-00559), Alfa Laval, from McKinney and Walker to
127 ET Richmond, LLC, subject to the standard and added conditions previously approved.
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129 Ms. News - The next item is on page 4 of your agenda and located in the
130 Fairfield District. This is transfer of approval for POD-29-94 and 22-04 (POD2015-00512
131 and POD2015-00517) eTec Mechanical Corporation, which was (Formerly Helig Myers
132 Distribution Center and Richmond Bumper at Park Central). Staff recommends approval.
133

134 TRANSFER OF APPROVAL 135

POD-29-94 and 22-04 POD2015-00512 and POD2015-00517 eTec Mechanical Corporation (Formerly Helig Myers Distribution Center and Richmond Bumper at Park Central) - 8820 Park Central Drive	Frank Boehling for 8820 Park Central, LLC: Request for transfer of approval as required by Chapter 24, Section 24- 106 of the Henrico County Code from Helig Myers Co., Jordan Consulting Engineers and Norman R. Seay to 8820 Park Central, LLC. The 5.99-acre site is located along the west line of Park Central Drive, approximately 1,800 feet north of its intersection with East Parham Road, on parcel 789-760-0587. The zoning is O/SC, Office Service District (Conditional). County water and sewer. (Fairfield)
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137 Mr. Archer - Thank you. Is there anyone present who is opposed to this
138 transfer of approval for POD-29-94 and 22-04 (POD2015-00512 and POD2015-00517)
139 eTec Mechanical Corporation (Formerly Helig Myers Distribution Center and Richmond
140 Bumper at Park Central)? None. Then I move that transfer of approval for POD-29-94 and
141 22-04 (POD2015-00512 and POD2015-00517) eTec Mechanical Corporation (Formerly
142 Helig Myers Distribution Center and Richmond Bumper at Park Central), be approved
143 subject to staff's recommendations and items identified in the report.
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145 Mr. Witte - Second
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147 Mr. Archer - Motion by Mr. Archer, seconded by Mr. Witte. All in favor say
148 aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved the transfer of approval request for POD-29-94 and 22-04 (POD2015-00512 and POD2015-00517) eTec Mechanical Corporation (Formerly Helig Myers Distribution Center and Richmond Bumper at Park Central), from Helig Myers Co., Jordan Consulting Engineers and Norman R. Seay to 8820 Park Central, LLC, subject to the standard and added conditions previously approved.

Ms. News - The next item is on page 7 of your agenda and located in the Fairfield District. This is a transfer of approval for POD-51-89 (POD2014-00312), Parham Trade Center. Which was (Formerly Parham Office Equities). Staff recommends approval.

TRANSFER OF APPROVAL

POD-51-89
POD2014-00312
Parham Trade Center
(Formerly Parham Office
Equities) - 2500 E.
Parham Road

Morton G. Thalhimer for Impact Investments Group, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Parham Office Equities to Impact Investments Group, LLC. The 2.3-acre site is located on the north line of Parham Road, approximately 1,000 feet west of Woodman Road, on parcel 773-757-9645. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

Mr. Archer - Is there anyone who is opposed to POD-51-89 (POD2014-00312), Parham Trade Center (Formerly Parham Office Equities)? All right. Then I move that POD-51-89 (POD2014-00312), Parham Trade Center (Formerly Parham Office Equities), be approved at staff's recommendation.

Ms. Jones - Second.

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

The Planning Commission approved the transfer of approval request for POD-51-89 (POD2014-00312), Parham Trade Center (Formerly Parham Office Equities), from Parham Office Equities to Impact Investments Group, LLC, subject to the standard and added conditions previously approved.

Ms. News - Next, on page 8 of your agenda and located in the Three Chopt District is a transfer of approval for POD-92-97 (POD2015-00117, POD2015-00121, and POD2015-00122), East Shore I, II, and III. Staff recommends approval.

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188 **TRANSFER OF APPROVAL**
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POD-92-97
POD2015-00117,
POD2015-00121, and
POD2015-00122
East Shore I, II, and III –
100, 120, and 140
Eastshore Drive

Sean M. Davis for Westdale East Shore, LP: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Lexington Lion Richmond, LP to Westdale East Shore, LP. The 18.8-acre site is located on the east line of Nuckols Road and the north line of Wyndham Forest Drive, approximately 720 feet south of Concourse Boulevard, on parcels 746-774-4854, 746-774-9296, and 747-774-0162. The zoning is B-2C, Business District (Conditional) and O/SC, Office Service District (Conditional). County water and sewer. **(Three Chopt)**

Mr. Archer - All right. Is there opposition to this transfer POD-92-97 (POD2015-00117, POD2015-00121, and POD2015-00122), East Shore I, II, and III? I see no opposition. Mrs. Marshall.

Mrs. Marshall - Mr. Chairman, I move approval of the transfer for POD-92-97 (POD2015-00117, POD2015-00121, and POD2015-00122), East Shore I, II, and III, as presented, subject to the previously approved conditions on the expedited agenda.

Mr. Witte - Second.

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

The Planning Commission approved the transfer of approval request for POD-92-97 (POD2015-00117, POD2015-00121, and POD2015-00122), East Shore I, II, and III, from Lexington Lion Richmond, LP to Westdale East Shore, LP, subject to the standard and added conditions previously approved.

Ms. News - Next on page 9 of your agenda and located in the Varina District is a transfer of approval for POD-47-98 (POD2013-00212), CVS Pharmacy. Staff recommends approval.

TRANSFER OF APPROVAL

POD-47-98
POD2013-00212
CVS Pharmacy -
Laburnum and
Williamsburg - 5100 S.
Laburnum Avenue

Mike Costa for CVS Health: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Wilton Partners, LAB LLC; John Dankos Jr.; and Alexander Hasin, Asia Hazin, Jeffry Varobey, Gennady Feldsher, Laura Swerdloff, and 1196 Santa Fe, LLC to Alexander Hasin, Jeffry Varobey, Gennady Feldsher, Laura Swerdloff, and 1196 Santa Fe,

LLC. The 1.24-acre site is located on the southwest corner of the intersection of Williamsburg Road (U.S. Route 60) and Laburnum Avenue, on parcel 816-713-3177. The zoning is B-3, Business District, M-1, Light Industrial District, and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

Mr. Archer - All right. Is anyone present who is opposed to the transfer of approval for POD-47-98 (POD2013-00212), CVS Pharmacy Laburnum and Williamsburg in the Varina District? No opposition. Mr. Leabough.

Mr. Leabough - Mr. Chair, I move that the transfer request for POD-47-98 (POD2013-00212), CVS Pharmacy on Laburnum at Williamsburg Road, be approved on the expedited agenda subject to the originally approved conditions.

Mrs. Marshall - Second.

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

The Planning Commission approved the transfer of approval request for POD-47-98 (POD2013-00212), CVS Pharmacy, from Wilton Partners, LAB LLC; John Dankos Jr.; and Alexander Hasin, Asia Hazin, Jeffry Varobey, Gennady Feldsher, Laura Swerdloff, and 1196 Santa Fe, LLC to Alexander Hasin, Jeffry Varobey, Gennady Feldsher, Laura Swerdloff, and 1196 Santa Fe, LLC, subject to the standard and added conditions previously approved.

Ms. News - The next item is on page 22 of your agenda and located in the Three Chopt District. This is POD2016-00184, Holloway Townes at Wyndham Forest Section 2. Staff recommends approval.

PLAN OF DEVELOPMENT

POD2016-00184
Holloway Townes at
Wyndham Forest Section
2 - 11120 Nuckols Road

Youngblood Tyler and Associates, P.C. for HHHunt Holloway, LLC and HHHunt Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 55 two and three-story residential townhomes for sale. The 9.44-acre site is located approximately 1,350 feet west of the western terminus of Holman Ridge Road and approximately 2,100 feet east of the intersection of Nuckols Road and Opaca Lane, on part of parcel 749-772-8402. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

Mr. Archer - Is there any opposition to POD2016-00184, Holloway Townes at Wyndham Forest Section 2? I see no opposition. Mrs. Marshall.

Mrs. Marshall - Mr. Chairman, I move POD2016-00184, Holloway Townes at Wyndham Forest Section 2, be approved on the expedited agenda subject to the annotations on the plan, the standard conditions for developments of this type, and additional conditions 9 amended, and 29 through 37 in the agenda.

Mr. Leabough - Second.

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

The Planning Commission approved POD2016-00184, Holloway Townes at Wyndham Forest Section 2, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

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.
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 the Director of Planning, 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.
31. The subdivision plat for Holloway Townes at Wyndham Forest Section 2 shall be recorded before any building permits are issued.
32. 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.
33. The proffers approved as a part of zoning case REZ2015-00014 shall be incorporated in this approval.
34. Prior to issuance of a building permit, the developer must furnish a letter from Dominion Virginia Power and Plantation Pipeline stating that this proposed development does not conflict with their facilities.
35. The pavement shall be of an SM-2A type and shall be constructed in accordance 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.

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

293 37. Except for junction boxes, meters, and existing overhead utility lines, and for
294 technical or environmental reasons, all utility lines shall be underground.
295

296 Ms. News - The next item is on page 24 of your agenda and located in the
297 Three Chopt District. This is POD2016-00185, the landscape plan for Holloway at
298 Wyndham Forest Section 3.
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300 LANDSCAPE PLAN 301

POD2016-00185
Holloway at Wyndham
Forest Section 3 –
Nuckols Road

Youngblood, Tyler and Associates, P.C. for HHHunt Holloway, 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 18.1-acre site is located at the terminus of Holman Ridge Road, approximately 2,750 feet east of Nuckols Road, on part of parcel 749-772-8402. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **(Three Chopt)**

302
303 Mr. Archer - Is there any opposition to the landscape plan for POD2016-
304 00185, Holloway at Wyndham Forest Section 3 on Nuckols Road, Three Chopt District?
305 Mrs. Marshall.
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307 Mrs. Marshall - Mr. Chairman, I move POD2016-00185, Holloway at
308 Wyndham Forest Section 3, landscape plan, be approved on the expedited agenda subject
309 to the annotations on the plans and the standard conditions for landscape plans.
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311 Mr. Leabough - Second.
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313 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Leabough. All in
314 favor say aye. All opposed say no. The ayes have it; the motion passes.
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316 The Planning Commission approved POD2016-00185, Holloway at Wyndham Forest
317 Section 3, subject to the annotations on the plans and the standard conditions attached to
318 these minutes for landscape plans.
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320 Ms. News - The final item is found on page 30 of your agenda and located
321 in the Three Chopt District. This is POD2016-00146, a landscape plan for Sadler Crossing
322 Section 1. Staff recommends approval.
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326 **LANDSCAPE PLAN**

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POD2016-00146
Sadler Crossing Section 1
– 4506 Sadler Road

Cite Design for ME Sadler, 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 12.99-acre site is located on the west line of Sadler Road at its intersection with Sadler Grove Road, and the north line of Dublin Road, approximately 100 feet west of Glasgow Road, on parcel 746-764-5185 and part of parcel 746-764-2092. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

Mr. Archer - Is there any opposition to the landscape plan for POD2016-00146, Sadler Crossing Section 1? No opposition. Mrs. Marshall.

Mrs. Marshall - I move POD2016-00146, Sadler Crossing Section 1, landscape plan, be approved on the expedited agenda subject to the annotations on the plans and the standard conditions for landscape plans.

Mr. Witte - Second.

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

The Planning Commission approved the landscape plan for POD2016-00146, Sadler Crossing Section 1, subject to the annotations on the plan and the standard conditions for landscape plans.

Ms. News - Mr. Tyler's indicating he'd like to speak to this case.

Mr. Emerson - Mr. Tyler, the Commission just took action and approved the landscaping plan. Their motion passed and was adopted.

Mr. Tyler - Okay, but the landscaping for Sadler Crossing.

Mr. Emerson - Yes, it was just passed and adopted. It was announced there was a motion to approve. There was a second. And they just took action.

Mr. Tyler - So they just approved it.

Mr. Emerson - Yes, sir. When the Chairman called for opposition, no one raised their hand. If you have any questions—

Mr. Tyler - [Off microphone.] That's fine. I was distracted by what this lady was asking me. I'm sorry. I'm sorry, I was distracted.

363 Mr. Emerson - Well, if you have questions, certainly get with staff. We'll be
364 happy to help you.

365
366 Mr. Tyler - [Off microphone.] I have questions about the overhead power
367 lines that are not going underground, whereas the rest of the community has had the
368 overhead power lines go underground. That was one of my concerns.

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370 Mr. Emerson - Okay.

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372 Mr. Witte - Can you step up to the microphone, please?

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374 Mr. Tyler - My name is Webb Tyler. I'm sorry I was distracted by the young
375 lady when she was speaking to me while I was following. I wanted to speak in regard to
376 this project. I'll be glad to wait until it's later on the agenda so other people don't have to
377 wait here. But I would like to speak about the overhead power lines that are in that area,
378 the existing power lines.

379
380 Mr. Emerson - Mr. Tyler, the Commission has taken action on it so it won't
381 come up again. This was the landscaping plan. I believe the power lines will be addressed
382 with the normal plan of development, which was acted on several meetings ago.

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384 Mr. Tyler - Okay.

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386 Mr. Emerson - In order to answer your questions, I think you'd be best served
387 by getting with Mr. Garrison and possibly the applicant/developer—Mr. Kukoski is here
388 from Markel|Eagle—and talk a little bit about it.

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390 Mr. Tyler - All right.

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392 Mr. Emerson - And we'll see if we can't answer your questions.

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394 Mr. Tyler - Thank you so much.

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396 Mr. Archer - All right, Mr. Secretary.

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398 Mr. Emerson - Mr. Chairman, we now move into your regular agenda on page
399 5 for POD-36-90, Christopher McDonald for Broad Investments, LLC. The staff report will
400 be presented by Mr. Greg Garrison.

401
402 **TRANSFER OF APPROVAL**

403
POD-36-90
POD2016-00141
4116 West Broad Street
(U.S. Route 250)

Christopher McDonald for Broad Investments, LLC:
Request for transfer of approval as required by Chapter 24,
Section 24-106 of the Henrico County Code from 4118 W.
Broad Partnership to Broad Investments, LLC. The 0.81-
acre site is located along the City of Richmond boundary on

the north line of West Broad Street (U.S. Route 250) approximately 225 feet west of Westwood Avenue, on parcels 777-734-3049, 777-734-3142, and 777-734-3739. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

404
405 Mr. Archer - Thank you, sir. Good morning, Mr. Garrison.

406
407 Mr. Garrison - Morning.

408
409 Mr. Archer - Is there anyone present who is opposed to this transfer for
410 POD-36-90 (POD2016-00141), 4116 West Broad Street? I see no opposition. Go ahead,
411 Mr. Garrison.

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413 Mr. Garrison - All right. Good morning. The site deficiencies identified in the
414 inspection report included trash in the rear of the property. The trash has been removed
415 and therefore staff can recommend approval of this transfer request.

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417 I'm available to answer any questions you have.

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419 Mr. Archer - All right. Are there questions for Mr. Garrison from the
420 Commission?

421
422 Ms. Jones - No.

423
424 Mr. Witte - Mr. Chairman, I move approval of TOA POD-36-90 (POD2016-
425 00141), 4116 West Broad Street, Christopher McDonald, as presented, subject to
426 previously approved conditions and annotations on the plans.

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428 Mr. Leabough - Second.

429
430 Mr. Archer - Motion by Mr. Witte, seconded by Mr. Leabough. All in favor
431 say aye. All opposed say no. The ayes have it; the motion passes.

432
433 The Planning Commission approved the transfer of approval request for POD-36-90
434 (POD2016-00141), 4116 West Broad Street, from 4118 W. Broad Partnership to Broad
435 Investments, LLC, subject to the standard and added conditions previously approved.

436
437 Mr. Emerson - Mr. Chairman, we now move on to page 6 of your agenda for
438 POD-92-96 (POD2016-00194), 9460-9468 West Broad Street (Formerly Hollywood
439 Video). The staff report will be presented by Mr. Greg Garrison.

445 **TRANSFER OF APPROVAL**

446
POD-92-96
POD2016-00194
9460-9468 West Broad
Street (Formerly
Hollywood Video)

Thalhimer for EF SBC 2013-1 REO Holdings, LLC:
Request for transfer of approval as required by Chapter 24,
Section 24-106 of the Henrico County Code from Walmart
Stores, Inc. and 9460 West Broad Good Earth Investment
to EF SBC 2013-1 REO Holdings, LLC. The 1.23-acre site
is located on the north line of West Broad Street (U.S. Route
250), approximately 800 feet east of Old Springfield Road,
on parcel 756-757-1186. The zoning is B-2, Business
District. County water and sewer. **(Brookland)**

447
448 Mr. Archer - Thank you. Is there anyone present who is opposed to this
449 transfer of approval for POD-92-96 (POD2016-00194), 9460-9468 West Broad Street
450 (Formerly Hollywood Video)? No opposition. Mr. Garrison.

451
452 Mr. Garrison - Good morning again. The site deficiencies identified in the
453 inspection report included an additional dumpster in the parking lot. The dumpster has
454 been removed, and therefore staff can recommend approval of this transfer request.

455
456 Mr. Archer - Any questions for Mr. Garrison?

457
458 Ms. Jones - No.

459
460 Mr. Witte - Mr. Chairman, I move approval of POD-92-96 (POD2016-
461 00194), 9460-9468 West Broad Street (Formerly Hollywood Video), as presented, subject
462 to previously approved conditions.

463
464 Ms. Jones - Second.

465
466 Mr. Archer - Motion by Mr. Witte, seconded by Ms. Jones. All in favor say
467 aye. All opposed say no. The ayes have it; the motion passes.

468
469 The Planning Commission approved the transfer of approval request for POD-92-96
470 (POD2016-00194), 9460-9468 West Broad Street (Formerly Hollywood Video), from
471 Walmart Stores, Inc. and 9460 West Broad Good Earth Investment to EF SBC 2013-1
472 REO Holdings, LLC, subject to the standard and added conditions previously approved.

473
474 Mr. Emerson - Mr. Chairman, we now move on to page 17 of your regular
475 agenda and page 1 of your amended agenda for POD2016-0083, Townes Site
476 Engineering, P.C. for Carriage Homes at Parham, LLC. The staff report will be presented
477 by Mr. Mike Kennedy.

(Deferred from the April 27, 2016 Meeting)

PLAN OF DEVELOPMENT

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

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

Mr. Archer - All right. Morning, Mr. Kennedy. Is there anyone present who is opposed to POD2016-00083, Carriage Homes at Parham Section 1 – Revised? Okay, we'll get to you. We do have opposition. Good morning, Mr. Kennedy.

Mr. Kennedy Good morning, members of the Commission. The subject plan of development was deferred by the Planning Commission—

Mr. Archer - Mr. Kennedy, I'm sorry to interrupt you. Mr. Secretary, would you go over the rules for us?

Mr. Emerson - Yes, sir, I will, I'll be happy to. The Commission does have rules and regulations that govern their public hearings, and they are as follows: The applicant is allowed ten minutes to present their case, and time may be reserved from that ten minutes to respond to comments received from the community. The Commission questions do not count into that time limit. The opposition is also allowed ten cumulative minutes, meaning that everyone who speaks in opposition has to fit within that ten-minute timeframe. Questions from the Commission also do not count into that timeframe. The Commission does have the opportunity to extend those time limits at their discretion. All comments should be directly related to the topic at hand.

Mr. Archer - All right. Thank you, Mr. Secretary. Before we go on, I'd like to recognize Mr. Elliot Robinson from the *Richmond Times-Dispatch*, who is here. Mr. Kennedy, I apologize for the interruption, sir. You may continue.

Mr. Kennedy Not a problem. The subject plan of development was deferred by the Planning Commission at their April 27, 2016, meeting to permit the developer to provide additional information regarding architectural design of the town houses and community center. Since that time, the developer has documented the proposed garages exceed the minimum proffered depth. This diagram here shows the area of proffered depth and proffered width.

517 Mr. Leabough - What are the dimensions?
518
519 Mr. Kennedy Eighteen by twenty-two, so 22 feet wide and 18 feet deep.
520
521 Mr. Leabough - Thank you, sir.
522
523 Mr. Kennedy Additionally, the developer has submitted revised elevations
524 for the fronts and sides of the buildings. The increased amount of brick on the front facades
525 now exceeds the minimum 35 percent that was proffered. This field here is all brick. This
526 field here is brick. This field here is all brick. And they have brick along the base of the
527 buildings. The original conceptual elevations looked like this. There was less brick on the
528 building and it looked more a country style. This is a little bit more traditional in elevation
529 design.
530
531 In addition, they revised the side elevation of the buildings. The side elevations now have
532 a more organized side window arrangement. They also added keystones with brick arches
533 on top of brick windows and brick garage doors and shutters to the front and side
534 elevations. The side elevation concept before looked like this. It makes a big change. So
535 looking at the side door for a front door. It actually looks like a front on the side on the
536 revised elevations. So you have a side entry that looks like a front. And here's the rear
537 door, backdoor.
538
539 The developers indicated they were varied in design, adjoined townhouses, and that's
540 displayed by how they're showing the strip. So you can see that there are no two alike,
541 side-by-side. In all other respects, the floor plans and the rear elevation is remaining
542 unchanged from the original previously approved architectural plans.
543
544 The proposed plan has also been annotated to indicate the amenity area, which is right
545 here, the pool and clubhouse. It would have a pool and clubhouse, specifically states that
546 instead of just calling it an amenity area. The developer has also indicated the requested
547 revised elevation of the proposed community center, which is still under design to more
548 closely match the design of the proposed townhouses. He has not submitted those
549 elevations yet; it's still a work in progress.
550
551 As indicated by staff at the Planning Commission's April 27, 2016, meeting, the proposed
552 Plan of Development would revise an earlier Plan of Development for the subject property
553 that was approved by the Planning Commission at their November 18, 2015 meeting.
554
555 The earlier plan authorized the construction of 119 units for sale on 21.1 acres with the
556 first phase, out of the 196 approved maximum number of units authorized by Proffer
557 Number 20 of Zoning Case REZ2015-00004. The revised plan would expand the limits of
558 the construction to include these additional 11 units. So other than these additional 11
559 units, all the other units were previously approved by the Planning Commission in
560 November.
561

562 The revised plan would authorize the construction of the previously noted community
563 center pool, which are un-proffered amenities being provided by the developer. They are
564 actually additional amenities. It clearly states on the plans that there are to be a pool and
565 community center, to show the Commission that it will look like the picture that's being
566 presented. The developer has indicated the community center will function as a sales
567 center while the community is under construction, taking several years building 160-plus
568 units.

569
570 A subsequent Plan of Development will need to be submitted in the future for Planning
571 Commission review and approval for the remaining residential townhouses on the residual
572 11 acres in this area here, which is not part of this approval. It isn't part of this approval
573 because it's a second section that they are not building at this time. And the other reason
574 is that there are still some utility issues to resolve the Department of Public Utilities for
575 access for circulation purposes.

576
577 The proposed plan is generally consistent with the Conceptual Layout Plan proffered with
578 Rezoning Case REZ2015-00004. Proffer number 26 of the Zoning Case REZ2015-00004
579 requires perimeter fencing of the property. That was previously approved with the earlier
580 plan. That includes fencing along the entire perimeter of the property; decorative fencing
581 along Parham Road; brickcrete or similar fence along the apartment complex; a high-
582 quality chain link fence, black vinyl-coated chain link fence with small openings along this
583 pond here. And then basically the perimeter of the remainder of the property would be a
584 white PVC fence.

585
586 Staff recommends approval of this plan at this time subject to the annotations on the plans,
587 standard conditions for developments of this type with additional conditions 29 through 43
588 in the agenda and conditions 9 and 11 amended.

589
590 There are representatives of the developer here to answer any questions you may have.

591
592 Mr. Archer - Thank you, Mr. Kennedy. Are there questions from the
593 Commission for Mr. Kennedy? None? All right, Mr. Witte, do you want to hear from the
594 opposition first or do you want to hear from the applicant first?

595
596 Mr. Witte - Yes, sir, the opposition, please.

597
598 Mr. Archer - All right. Will the opposition please come forward. State your
599 name and your address for the record, please.

600
601 Ms. Matthews - Good morning, everyone. Alright, great. My name is Alexandra
602 Matthews, and I am currently a citizen of Henrico County, and I live in the Shannon Green
603 townhomes. I'm not sure if you remember me from last year, but I am here again, and I'm
604 still fighting for the same cause. Since last year, I have changed. I'm not the same meek
605 high schooler that I was. I am a rising sophomore at Rutgers University. I'm a biochemistry
606 major, and I'm also minoring in nutrition, sustainability, and environmental policy. And I
607 have a 3.9 grade point average. And I'm not saying that to brag; I'm saying that to tell you

that I know what I am talking about when it comes to the environmental side of this. And I'm not only here to speak about the environmental side, but I'm also here to speak about the social side of this plan of development.

On Tuesday, March 19, 2015, Carriage Homes at Parham Place was approved by the Board of Supervisors. The parcels include 762-755-3882, 763-755-1261, and 763-256-4328 [sic]. So as you can see here, this is what it looks like from an aerial point of view. Also a satellite point of view. I got the images from Google Maps. Over here would be my townhouse, and there's this entire area of land that is, of course, filled with trees, as you can see. And then there's also this area that's the London Towne complex. And then over here this is of course empty land, even though it's not empty; it's filled with trees, and it's filled with life that matters.

On the right side, I got this picture from the plan of development that was proposed on March 10, 2015. I found the link on Google. So this plan of development would include building on this entire area of land, this entire area of land, and this entire area of land. Notice that it does not include this part of the area of trees, which would be considered an implemented Parham Road greenbelt.

All right, so I will get into why it's important to at least preserve some of this. I'm not here to tell you that you shouldn't cut down the entire plat of land. Honestly, as an environmentalist, I'm saying that you shouldn't. However, I know I'm too late. Almost no one here is from my development. Everyone in my community is part of the working class. And it is 9:30 in the morning, and not a single person is here except for my mother and me. And yes, I am mad, I am angry because no one had a voice in this. No one was able to speak out against this. And I have started a petition, and it has over 210 signatures to defend this. And I do have the comments, but I will talk about this later.

So for the environmental side, I will talk about why it's important to save at least part of these trees. Included in my compromise will include preserving this area of land, which borders the Shannon Green townhomes.

Just to give you guys a quick environmental lesson. Why are trees important? They provide shade to the area, they cool the area around where the trees are present. They filter water. They act as a habitat for animals. I'm not sure if you guys are aware, but the area of land contains a plethora of birds including blue jays, sparrow, robins, and red cardinals. There are squirrels, raccoons, insects, foxes, deer, cats, and the occasional snake that scares most of the people in my neighborhood.

There was a study done by Harvard University Medical Center that announced that trees and being around nature are calming for the people who live around it, and it leads to longer lives, and just a better livelihood in general.

Trees also reduce pollution and they also prevent flooding, which was one of the concerns of the people who live in my neighborhood. In addition to this, it also mitigates climate change. I know a lot of people don't believe in climate change; I'm not here to argue. I'm

just trying to say that it does exist. And even though this may seem like a small plot of land, continuing to cut down trees at this rate will obviously lead to the destruction of this earth. Like I said, I'm coming here from an environmentalist point of view. If you don't agree with me, if no one here agrees with me, that is perfectly all right. But I'm here to state the facts. And I'm telling you, if you continue to cut down trees at this rate, then one of course there will be no greenery. There will be no more bio-diversity, which is important for the livelihood of this earth. And it'll of course lead to the destruction of the earth.

Like I talked about, many people have voiced their concerns. I have included some pictures of what the area looks like this. East of this area is right behind my house. It includes this entire area—all these pictures include this side of the development. Apparently, the development would include building all the way up to the line, which is, like I said, directly behind my house. Honestly, that's not acceptable. It shouldn't be acceptable, because it's my neighborhood, it's our neighborhood. I feel that the people who live in this neighborhood have not had a say. Like I said, it is 9:35 now in the morning, and no one here, except for me and my mother, has been able to come and speak because they are all at work. And they have not had a say.

And this is also near—I'm not really sure what street it is just because I forgot. These are the power lines, which you guys would have to spend a lot of money on to take down, which would not be necessary if you just kept this part of the land instead of destroying the entire thing. Here's some more, which is the same area. Here's another street or another courtyard that has the trees or wooded area behind it. Here's another area. Here are more areas. Here's a different area. Even though they all look the same, I promise you they're all different townhouses. Here is another area, which happens to be my street. And here's another area.

And then I also ventured into the back to show you the power lines. On the left side would be where my area of land—I don't like to say my area of land, but since I am the only one speaking, I will say my area of land. And the other area of land which is where I feel as though the development should take place.

Like I said, I have composed a petition, and it has over 210 signatures. Sorry. I would just like to give everyone a visual of the deforestation rates. So in 1620, this is what the United States looked like. In 1815, this is what the United States looked like. And less than a hundred years later in 1920, this is what the area of the United States looked like. If you look at Virginia, there is hardly any forest left. Honestly, as I said before, this is unacceptable, especially since Virginia claims that it is very green, and to keep Virginia green—I don't see any green on this map. If you continue to destroy areas of land like this for developments that we don't need, this will continue, this will decrease our bio-diversity, and this will overall decrease the value of our land in Virginia.

So, like I said, I have composed a petition, and I'll read every single comment that someone has said. Excuse me. How come you keep on sighing? Okay, because this is a legitimate problem.

700 Mr. Emerson - Excuse me, ma'am. You're speaking to the Commission. Will
 701 you please address your comments to the Commission?
 702

703 Ms. Matthews - I'm sorry, I'm sorry. All right.
 704

705 Mr. Emerson - Thank you.
 706

707 Ms. Matthews - And I'm not being rude. I'm sorry if it seems like I'm being rude.
 708 But last year I came and I was cordial. And each and every single one of you dismissed
 709 me because I was seventeen years old. And I'm not sure why. Maybe because—
 710

711 Mr. Emerson - Ma'am, you're at eight minutes. You have two minutes left, and
 712 then we certainly will respond to your concerns.
 713

714 Ms. Matthews - Great, I will finish it. Great, all right. So Joanna Hilbert has said,
 715 "My concern is if we destroy the trees on this land, there will be flooding to the units at the
 716 bottom at Shannon Green Townhouses. Water stands already when there's a heavy rain.
 717 We have heavy traffic on Parham with a hospital on Parham. I am worried that an
 718 emergency vehicle will not be able to pass to get to the hospital."
 719

720 Jennifer Ferris has said, "I had wanted to attend this in past meetings but couldn't due to
 721 it being in the morning."
 722

723 Name not displayed, "Please stop the planned townhouses community behind SunTrust.
 724 I live on the other side and love the forest behind my home. There is no need for more
 725 houses in the area."
 726

727 For the sake of time, I will not read Ilene Cohen's, but I'm sure you guys have seen this.
 728 Name not displayed, "We are original owners in the Shannon Green Townhomes. We
 729 were told that the wooded area behind us was a protective wildlife area and cannot be
 730 developed. We must protect our environment. One way to do this is to preserve wooded
 731 areas and meadows. There are so few of them left. We do not have to cut down all of the
 732 trees," as I was saying in my plan of compromise.
 733

734 And all of these, so you have time to read. And including this.
 735

736 So like I said, I'm not here to be rude. I'm not here to rebel or revolt or anything you may
 737 think. I am here to protect—I'm here to have a say in the—in what is going on in my
 738 community, and I'm here as an environmentalist to protect what matters to me the most.
 739

740 So for my plan of compromise, I think that you guys or whoever is building this should at
 741 least protect this area of land where the Shannon Green Townhomes are. This area of
 742 land, like I said, would be a greenway so the London Towne complexes will be protected.
 743 But this area of land I feel should be protected. That is what all I have to say.
 744

745 Mr. Archer - All right. Anyone have any questions for Ms. Matthews? Ms.
746 Matthews, you are aware that this plan of development is the result of a zoning case that
747 was approved some time ago.

748
749 Ms. Matthews - Yes, I said that in my presentation. It was approved on March
750 10, 2015. However, I was in high school, my mother was in high school, and every single
751 person in my neighborhood was at work.

752
753 Mr. Emerson - Ms. Matthews, if I could—

754
755 Ms. Matthews - Yes.

756
757 Mr. Emerson - I think the point the Chairman's trying to make to you is that the
758 rezoning process, when it's approved, they are in public hearings. And there were two
759 public hearings and possibly more, I don't recall exactly without going back to look. But
760 this case may have been deferred at least one time. Those hearings were held in the
761 evenings. They begin at 7 p.m. There was quite a bit of public input on these cases. People
762 did appear from your neighborhood and other surrounding areas—including the detached
763 single-family neighborhood directly to the west—and spoke to this case. There was
764 considerable media coverage on this case. Channel 12 and I believe Channel 6 did stories
765 on it that aired on the television. So this case was discussed at length. There was ample
766 opportunity for people to speak, and they did speak to it.

767
768 This is the plan of development, which comes after the rezoning. That is in the morning
769 because it is then a use by right. In Virginia—if you take any planning course at your
770 university there in New Jersey, you'll learn that once a case passes through those legal
771 tests, the plan of development is an administrative procedure whereby it is determined if
772 the development meets the adopted rules, regulations, criteria, and laws of both the locality
773 and the state. And so it's more perfunctory.

774
775 While understanding and not dismissing any of your comments, these comments come at
776 the beginning of the process with the rezoning such as what you're raising. And they did.
777 I want you to understand, because you've made that statement several times that no one
778 was allowed the opportunity speak. And I think it's only fair that it be voiced that the
779 opposition and everyone who had interest in this case did have ample opportunity to
780 speak, both to the Commission and to the elected Board of Supervisors. And they did. If
781 you look back at the minutes, you will see that.

782
783 Ms. Matthews - All right. Well, I have a question. If there were people who were
784 allowed to speak, how come this plan of development has gotten so far, and how come it
785 includes this entire area and some parts of this area?

786
787 Mr. Emerson - The Board of Supervisors approved the rezoning case. The
788 Planning Commission recommended approval. The Board did approve it. The property
789 owner has the rights under the current codes in the state of Virginia and the County of

Henrico to develop this property. What they've proposed is consistent with those codes. That's why they are allowed to develop it.

As far as the drainage and other issues that you raised, this goes through a full environmental review by a staff of professionals here in the County. So all the drainage issues are addressed. I understand your concerns regarding the trees, but the last graphic you showed was a 1920 graphic. I think if you look at the state of Virginia today, you'll see that numerous lands are under federal protection, and that forested area has expanded because quite a bit of what was agricultural in 1920 has gone fallow. And there's actually more tree coverage in the state of Virginia today than there was at the time of the Civil War. So I think your map would reflect quite differently if you used a 2016 map reflective of today's conditions. But that's not dismissing the fact that habitat is important, and I don't think anybody on the Planning Commission, the Board, or any of my staff would debate that with you.

But in this case, this project does meet the criteria of the adopted rules and regulations of the County and the state of Virginia. That's why we're here this morning, and that's why these areas that you're concerned about are under development, because it is within the property owner's rights to develop that property.

Ms. Matthews - Well, I have something to say with all due respect. You—the Planning Commission states that it cares about the habitats and the environment. However, if you did care about it, you would not destroy this entire plot of land because it is part of a property owner's rights. Maybe I am ignorant. Like I said, I'm only eighteen years old. I'm a sophomore in college. However, if—and I said *if*—the Planning Commission really cared about the state of the environment, they would not cut down this entire plot of land, if not just saving this part of land, they would at least save half of it.

Personally, I feel like—never mind, I won't. No, actually, I will say it. Personally, I feel like this entire thing is for economic development. It's for the profit. And I feel as though all of the construction sites that were happening all in Henrico County on Wistar Road, on Brook Road, were all for profit. And constantly, constantly, every time, Henrico County has put profit over the planet.

Okay. And yes I am—yes, I am upset. I'm very upset, because even though—like you said, people have come in and spoke against it. You're still building on this. So what that says to me is that you did not hear about what the people had to say. You don't care about what the people in this community feel and what they say. And like this is—

Mr. Archer - Excuse me, Ms. Matthews?

Ms. Matthews - Yes.

Mr. Archer - I hate to interrupt you, but you have gone well beyond the ten minutes that were allotted. We tried to give you an opportunity to say the things that are

835 on your mind, but I think you're sort of repeating them now. We'll have to cut you off at this
836 point.

837

838 Ms. Matthews - Fine.

839

840 Mr. Archer - Unless you have a question that somebody up here can
841 answer. Or unless somebody has a question for you.

842

843 Ms. Matthews - Yes, does anyone have any questions for me?

844

845 Mr. Archer - Thank you for your comments, Ms. Matthews.

846

847 Ms. Matthews - You're welcome. No, actually I do have a question. Yes, it is
848 over ten minutes.

849

850 Mr. Emerson - Ma'am, the Chairman has indicated that you've exceeded the
851 time limits.

852

853 Ms. Matthews - I have one more question.

854

855 Mr. Emerson - So if you would, please just step away from the podium so we
856 can continue the meeting.

857

858 Ms. Matthews - I have one more question.

859

860 Mr. Emerson - No ma'am. Your time is up under the rules and regulations of
861 the Commission. Thank you.

862

863 Mr. Archer - Thank you, Ms. Matthews. Mr. Witte, do you need to hear from
864 the applicant on this?

865

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

867

868 Mr. Archer - All right, would the applicant come forward please?

869

870 Mr. Mitchell - Good morning. My name is Brian Mitchell with Townes Site
871 Engineering. I'm here representing the applicant, and then the applicant is here as well. I'll
872 let them speak.

873

874 Mr. Blevins - Danny Blevins, Kotarides Developers.

875

876 Mr. Kotarides - Patrick Kotarides, Kotarides Developers.

877

878 Mr. Archer - Good morning, gentlemen.

879

880 Mr. Mitchell - Morning.

881
882 Mr. Witte - Can you address the issue with the clearing? Is it your intention
883 to clear-cut the entire property or are you leaving a buffer?
884
885 Mr. Kotarides - If you're specifically talking about the area that the opposition
886 circled in red, we certainly have townhomes that we're going to develop over in that area.
887 How much we have to clear in order to build those townhomes, I don't know the answer to
888 that right off the top of my head. Obviously we're not building anything within the Dominion
889 Virginia Power easement that runs through the property.
890
891 But as far as drainage goes, I will say that we are taking drainage principally away from
892 where it currently flows toward their property because we're going to pick it up and take it
893 over to our BMP, which is located over in this area. So basically we're going to have a
894 storm sewer system in this roadway, which is going to take that drainage over to a BMP
895 facility, which is going to treat that runoff. So I don't think there are any issues from a
896 drainage standpoint.
897
898 But as far as development, I mean you can see the townhome layout. We are building
899 townhomes over in that area, per our right with the entitlement that occurred at the zoning
900 case, which is why the client bought the property.
901
902 Mr. Witte - All right, let's get back to the question, the clearing.
903
904 Mr. Kotarides - Alright, you want to handle it?
905
906 Mr. Blevins - Good morning, Commissioners. I would say that—and I
907 haven't taken a really close look at it, but based on the requirement for the perimeter fence,
908 grading requirements in the area, we have a fair amount of grade that has to be addressed.
909 We've got some retaining walls to put in. I would say that due to the changes in the grading
910 that there will be very little opportunity to save any of the trees on the property. Of course
911 we go back with landscaping and everything, but the existing trees probably, due to the
912 grade changes, would have to be taken down.
913
914 Ms. Matthews - [Off microphone.] That's disgusting.
915
916 Mr. Witte - And the—
917
918 Ms. Matthews - That's terrible.
919
920 Mr. Emerson - Ma'am?
921
922 Mr. Archer - Ma'am, excuse me.
923
924 Ms. Matthews - [Off microphone; yelling and screaming.] No, I'm done! I'm so
925 done with you people!
926

927 Mr. Archer - Ma'am.
 928
 929 Ms. Matthews - [Off microphone; yelling and screaming.] No, all you people
 930 care about is profit.
 931
 932 Mr. Archer - You have to leave.
 933
 934 Ms. Matthews - [Off microphone; yelling and screaming.] No, no! It's all about
 935 profit! I'm so sick of you all! It's ironic that you have Pocahontas on the emblem but you
 936 don't care about the environment! No! [screaming.]
 937
 938 Mr. Archer - I hate to do that.
 939
 940 Mr. Thornton - Mr. Chairman, if you put emotion aside—and sometimes it's
 941 difficult to do—but sometimes there is a point to putting it aside, I do think that developers
 942 need to be a little bit more sensitive to things like this, even though as far as the process
 943 is concerned, you know you have the edge. I think that for the twenty-first century, we're
 944 going to have to be a little more sensitive towards citizens' design and also your designs
 945 in general about trees and things like this. I think that the industry could do better. And I
 946 think that—not based on what happened this morning, but I think the industry needs to
 947 show more sensitivity to types of issues like this. And I don't know that I have gauged that
 948 sensitivity on your part. I will share with you that I think we need to be a little bit more
 949 sensitive in this area even though there's a certain advantage that you have. Basic citizens
 950 don't understand all the process. They don't know about—they want to keep the trees.
 951 And so it's just a suggestion.
 952
 953 Mr. Archer - Thank you for those comments, Mr. Thornton. You can
 954 continue. Go ahead, sir.
 955
 956 Mr. Witte - All right. Once again, I think we've discussed this before, but I
 957 ask you to save all the existing green areas, trees, etcetera, that you possibly can and not
 958 just clear-cut. Obviously, this has been discussed before, and I understand the situation
 959 as far as the depth of the lots in the development and drainage, especially the drainage
 960 because that's been a concern to everybody.
 961
 962 The other question I have is with the architecturals for the clubhouse and pool. Has that
 963 been finalized yet?
 964
 965 Mr. Blevins - I can speak to that. That has not been finalized. We are
 966 working with the architect, the same architect that is drawing the townhouse plans. The
 967 instruction we gave them was we want consistency between the design between the two,
 968 the townhouses and the clubhouse so thematically they'll tie into each other. We should
 969 hopefully have something we can share with you all soon as far as that goes.
 970
 971 Mr. Witte - Do you have an objection to subjecting that to the final approval
 972 of the Director of Planning or the Commission, the architecture?

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Mr. Blevins -

We have no objection to that.

Mr. Witte -

Any other questions? They've answered mine.

Mr. Leabough -

Could I just make a quick statement? I think Mr. Thornton hit the nail on the head. The young lady's not here, but I think she's raising some points that kind of strike a chord with me as far as development's concerned. I do applaud her for being a part of the process. To be at her age, to be so involved and engaged in her community I think is important. One of the things that comes with age and maturity is that you have to understand how to direct that energy and emotion. So, I do applaud the fact that she was interested enough and committed enough to her community to be here today. And again, I hope that people understand that we have to strike a balance between what citizens want and need and what developers and property rights and people that are involved with their community, from a development perspective, want and need. But, she's raised some points that I think we need to consider wholeheartedly in terms of the climate and global warming and things of that nature. So I'm taking what she said today to heart. And again, Mom, thank you for having her a part of the process and for energy and effort and commitment to her community. So, I want to point that out. I don't want that to go unnoticed.

Mr. Archer -

Thank you, Mr. Leabough. As Chairman, if I can sort of echo what you said. I know the young lady exhibited a lot of emotion and passion. As Chairman, it's difficult to have to tell her she has to leave, but, she did have to leave. And I agree wholeheartedly with what you and Mr. Thornton had said today. It sort of seems kind of cold and hard pressed the way we have to handle it, but then again, we have guidelines that we have to go by regardless of passion and emotion. So, I just want to echo that thought.

Ms. Jones -

I just want to add something to that as well. Mr. Leabough made several points that I think were on all of our minds. I'm sorry that she's not here to hear this. I think sometimes citizens believe if we approve a project it means we haven't taken into consideration any of the discussion points on both sides of the issue, which is never the case. Each proposal that comes before us is, as we all certainly know, but maybe the public doesn't know, is examined and reviewed and discussed and evaluated on all kinds of levels and often for a very, very long time.

The discussion point of whether it meets economic criteria, honestly, never comes before our thinking. I think people don't realize that. And by the way, this young lady's passion is admirable. I echo that. My son is a graduate of Rutgers. I have a very high regard for that university. She'll receive a fine education, and she'll put that to use, I'm sure, in something that meets her passion.

One thing that she did say—and that's the reason I wanted to make a comment—is we hear over and over something that she alluded to. And I wish I had a way to stop it, but unfortunately, I don't. We have people come every single meeting and tell us I was told by

1019 the realtor or I was told by whomever that this land would never be developed because it
1020 was . . . blank. And the litany of reasons why people are told that things can or cannot
1021 happen seems to be endless. I wish there were a way that we could either educate the
1022 realty community or whatever, but I think it's human nature and I don't know that we can.
1023 However, I did pick that up.

1024
1025 The other thing that I wanted to mention is when people come out and say, "There is no
1026 need for this, we have absolutely no need for any more townhomes in this area. We have
1027 no need for any more retail in this area." That actually is a subjective judgment. Land was
1028 cleared for their homes, as well. And so, I think the balancing act between property rights,
1029 the good of the County, the quality of life, the proposal and its quality is what we're here
1030 for.

1031
1032 I admire her passion. I think it will be directed where it needs to go; she'll be a wonderful
1033 advocate as time goes on for whatever her chosen profession is. On the other hand, Mr.
1034 Thornton, thank you for your thoughts because I think you certainly have echoed
1035 something that we all hope is always on the minds of developers, as well as the
1036 Commission. So, those are my comments.

1037
1038 Mr. Archer - Thank you, Ms. Jones. Anyone else want to comment before
1039 we move on with this? Alright, Mr. Witte.

1040
1041 Mr. Witte - Alright. Mr. Chairman, with that and with the agreement of the
1042 applicant to return the architecture to either the Commission or the Director of Planning to
1043 approve the architecture for the clubhouse and pool, I move approval of POD2016-00083,
1044 Townes Site Engineering, Planning Commission, for Carriage Homes at Parham Section
1045 1 – Revised, as presented, subject to the annotations on the plans, the standard conditions
1046 for developments of this type, additional conditions 9 and 11 amended, and 29 through 43
1047 as shown on the agenda.

1048
1049 Ms. Jones - Second.

1050
1051 Mr. Archer - Motion by Mr. Witte, seconded by Ms. Jones. All in favor say
1052 aye. All opposed say no. The ayes have it; the motion passes.

1053
1054 The Planning Commission approved POD2016-00083, Carriage Homes at Parham
1055 Section 1 – Revised, subject to the annotations on the plans, the standard conditions
1056 attached to these minutes for developments of this type, and the following additional
1057 conditions:

- 1058
1059 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
1060 Planning for review and Planning Commission approval prior to the issuance of any
1061 occupancy permits.
1062 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
1063 of the site lighting equipment, a plan including depictions of light spread and intensity

- 1064 diagrams, and fixture specifications and mounting height details shall be submitted
1065 for Department of Planning review and Planning Commission approval.
- 1066 29. The unit house numbers shall be visible from the parking areas and drives.
- 1067 30. The names of streets, drives, courts and parking areas shall be approved by the
1068 Richmond Regional Planning District Commission and the Director of Planning and
1069 such names shall be included on the construction plans prior to their approval. The
1070 standard street name signs shall be installed prior to any occupancy permit
1071 approval.
- 1072 31. The subdivision plat for Carriage Homes at Parham Place Section 1 shall be
1073 recorded before any building permits are issued.
- 1074 32. The right-of-way for widening of Parham Road as shown on approved plans shall
1075 be dedicated to the County prior to any occupancy permits being issued. The right-
1076 of-way dedication plat and any other required information shall be submitted to the
1077 County Real Property Agent at least sixty (60) days prior to requesting occupancy
1078 permits.
- 1079 33. Prior to issuance of a certificate of occupancy for any building in this development,
1080 the engineer of record shall certify that the site has been graded in accordance with
1081 the approved grading plans.
- 1082 34. A concrete sidewalk meeting County standards shall be provided along the north
1083 side of Parham Road.
- 1084 35. Details for the gate and locking device at the emergency access gates on Fellos
1085 Lane and Breeching Dee Lane shall be submitted for review by the Traffic Engineer,
1086 Police and approved by the County Fire Marshall. The owner or owner's contractor
1087 shall contact the County Fire Marshall prior to completion of the fence installation
1088 to test and inspect the operations of the gates. Evidence of the Fire Marshall's
1089 approval shall be provided to the Department of Planning by the owner prior to
1090 issuance of occupancy permits.
- 1091 36. The proffers approved as a part of zoning case REZ2015-00004 shall be
1092 incorporated in this approval.
- 1093 37. A note in bold lettering shall be provided on the erosion control plan indicating that
1094 sediment basins or traps located within buildable areas or building pads shall be
1095 reclaimed with engineered fill. All materials shall be deposited and compacted in
1096 accordance with the applicable sections of the state building code and geotechnical
1097 guidelines established by the engineer. An engineer's report certifying the suitability
1098 of the fill materials and its compaction shall be submitted for review and approval
1099 by the Director of Planning and Director of Public Works and the Building Official
1100 prior to the issuance of any building permit(s) on the affected sites.
- 1101 38. Prior to issuance of a building permit, the developer must furnish a letter from
1102 Dominion Virginia Power stating that this proposed development does not conflict
1103 with their facilities.
- 1104 39. The pavement shall be of an SM-2A type and shall be constructed in accordance
1105 with County standard and specifications. The developer shall post a defect bond for
1106 all pavement with the Department of Planning - the exact type, amount and
1107 implementation shall be determined by the Director of Planning, to protect the
1108 interest of the members of the Homeowners Association. The defect bond shall
1109 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.

40. The existing utility and drainage easements in conflict with the proposed buildable areas shall be vacated prior to approval of the building permit for the said building.
41. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
42. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development needed to implement this conceptual plan shall be submitted for staff review and Planning Commission approval, and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.
43. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junctions and accessory boxes, transformers, and generators) shall be identified on the landscape plan. All building mounted equipment shall be painted to match the building, and 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.

Mr. Emerson - Mr. Chairman, we now move on to page 20 of your regular agenda for POD2016-00183, Willmark Engineering, PLC for Wilton Companies Incorporated. The staff report will be presented by Ms. Aimee Crady.

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2016-00183
Wilton Park Phase III
Office Building – 5003
Dickens Road

Willmark Engineering, PLC for Wilton Companies, Inc.:
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 a 2-story 15,841 square foot office building. The 0.96-acre site is located on the south line of Dickens Road, approximately 700 feet west of Staples Mill Road (U.S. Route 33), on parcels 774-743-4179 and 774-743-5181 and part of parcel 774-743-5863. The zoning is O-2C, Office District (Conditional) and O-2, Office District. County water and sewer. **(Brookland)**

Mr. Archer - All right. Good morning, Ms. Crady. Is there someone here who is opposed to POD2016-00183, Wilton Park Phase III Office Building?

Male - [Off microphone.] I certainly have some questions.

Mr. Archer - Okay, sir, we'll get to you. Anyone else? All right. Ms. Crady, go right ahead.

Ms. Crady - Good morning.

1146
 1147 Ms. Jones - Good morning.
 1148
 1149 Ms. Crady - The applicant requests approval of the plan of development
 1150 subject to the conditions of the recent rezoning case in 2015, which was zoning case
 1151 REZ2015-00028. The proposed building will be the third office building in the existing office
 1152 park complex. And the two existing adjacent office buildings—which you can see on here,
 1153 Wilton Park Phases I and II, were constructed in 1972 and 2008 respectively. The building
 1154 matches the existing buildings on site and is consistent with the proffered elevations that
 1155 were provided in 2015. The site layout is consistent with the proffered conceptual plan.
 1156
 1157 A lighting plan is also included in the staff plan for approval. It shows LED-type concealed
 1158 source fixtures compatible with the existing fixtures on site. It employs house-side shields
 1159 to further minimize any impact or glare on any adjacent properties. The conceptual
 1160 landscape plan is also provided in the staff plan. It demonstrates a 10-foot-wide buffer
 1161 area along the western boundary. And, it employs materials comparable to those approved
 1162 with the Wilton Park Phase II buffer plan to include wax myrtles, oaks, flowering plums,
 1163 honey locusts, and also a 66-inch chain link fence, which was also proffered specifically.
 1164
 1165 Staff recommends approval subject to the annotations on the plan, the standard conditions
 1166 for developments of this type, and the additional conditions 11B and 29 through 33 in the
 1167 agenda on page 20.
 1168
 1169 Mark Williams with Willmark Engineering is here representing the applicant. And Hunt
 1170 Gunter is here on behalf of Wilton Companies. I'm happy to answer any questions the
 1171 Commission may have of staff.
 1172
 1173 Mr. Archer - All right. Thank you, Ms. Crady. Are there questions from the
 1174 Commission?
 1175
 1176 Mr. Witte - Did we have any opposition?
 1177
 1178 Ms. Crady - We did. We had some questions.
 1179
 1180 Mr. Archer - We did. We had someone who has a question, yes. Would you
 1181 come forward, sir, and let us have your question. Please state your name for the record.
 1182
 1183 Mr. Huffer - Good morning, Commissioners and Supervisor Thornton.
 1184
 1185 Mr. Archer - Good morning, sir.
 1186
 1187 Mr. Huffer - My name is Stuart Huffer. I live across the street from the
 1188 current entrance to Wilton Park. It's Aqua Court, the street that's—right. Yes, it's a cul-de-
 1189 sac with six houses on it.
 1190
 1191 Are you Aimee?

1192

1193 Ms. Crady -

[Off microphone.] I'm Aimee.

1194

1195 Mr. Huffer -

1196 She stated that there is a proffer that states there's a chain link
1197 fence that's going to be on the rear of the property. I call that the north side going toward
1198 Broad Street, away from Staples Mill. When the Board of Supervisors approved this—
1199 December, I think it was—there was some back and forth between Supervisor Glover and
1200 Mr. Gunter. I got the impression that—the question could have been asked in simple terms
1201 by Supervisor Glover: Are you willing to put up a brickcrete fence rather than a chain link
1202 fence? But there was this back and forth: Well, how serious are you about it? Well, how
1203 serious are you about considering it? So we never heard what the definitive answer on
1204 that was. Was the brickcrete fence that Supervisor Glover had kind of intimated that he
1205 wanted Mr. Gunter to do, was that all just for show, or was that included in a POD, or was
1206 the proffer amended? What's the result of that?

1206

1207 And then I have some other questions too.

1208

1209 Ms. Crady -

1210 I can partially address that. I'm not familiar with that specific
1211 conversation, but I do know that the landscape plan for Wilton Park II does show a chain
1212 link fence. So this would be consistent and tie into that. I don't know how that weighs into
1213 the conversation, which was done at the rezoning. The applicant may be able to speak to
1214 that.

1214

1215 Mr. Archer -

Thank you, Ms. Crady.

1216

1217 Mr. Huffer -

1218 Yes, maybe Mr. Gunter can tell us if that was just a moment of
1219 thought for Supervisor Glover and nothing ever came of it or what. I don't know. There was
1220 a lot of back and forth on that, and we never heard anything more about it.

1220

1221 The lighting—I apologize—I didn't have a chance to go over this plan of development. We
1222 got the notice last Monday or Tuesday. And since Thursday—all day Thursday, Friday,
1223 Monday, and Tuesday, I've been working with the Greater Henrico Utilities Department to
1224 include: Mike Childress, Emmanuel Moss. Assistant Director Porter, Emily Burns, David
1225 Baylor, Stephen Rhodes, and Rodney Thomas, who dropped by yesterday afternoon at, I
1226 don't know, 4:00, 4:30, something like that. We had a sewer problem backup. So all of
1227 these people I've been dealing with. And by the way, they've been doing a fantastic job.
1228 But my time's been consumed by that, then we got the notice, so I hadn't really had a time
1229 to look over the POD.

1230

1231 I'm a little bit confused because I know the last case, this Carriage Hill case, there was a
1232 question about the clubhouse and the pool. And so, is this a final POD or do you just take
1233 the developer's word that he's going to get with the architect and then whatever needs to
1234 be accomplished is going to be accomplished? Or does the developer actually have to
1235 present something? What if there's further opposition to that? It's already a done deal.

1236

1237 Mr. Archer - No, we have to approve a plan that has been studied and
 1238 worked out. We don't just make a plan and then—
 1239
 1240 Mr. Huffer - The young lady that was in opposition to stuff, if that part of the
 1241 plan hadn't been approved, then how would she know if she was in favor of it or against
 1242 it? I guess that's my question.
 1243
 1244 Mr. Archer - It was approved at the zoning hearing.
 1245
 1246 Mr. Huffer - Well there were still questions, lingering questions. Maybe I
 1247 misunderstood. I thought there were still lingering questions—
 1248
 1249 Mr. Archer - Well the questions would have to have been asked—
 1250
 1251 Mr. Huffer - —about the architect's plans for the pool and the clubhouse.
 1252
 1253 Mr. Archer - Yes. The questions would have to have been asked at the
 1254 zoning hearing, and that's what was approved. The plan of development is what comes
 1255 out of the zoning hearing.
 1256
 1257 Mr. Huffer - But the plan of development didn't have any specific
 1258 information about the question asked by the panel?
 1259
 1260 Mr. Archer - That's why we're here today.
 1261
 1262 Mr. Huffer - I don't get that.
 1263
 1264 Mr. Archer - We'll try to get to the specifics of it.
 1265
 1266 Mr. Huffer - How many light posts will there actually be?
 1267
 1268 Ms. Crady - I don't know offhand, but I can put the lighting plan back up for
 1269 you.
 1270
 1271 Mr. Huffer - I couldn't see from back there when you had it up.
 1272
 1273 Ms. Crady - Well, let's zoom in. Let's see here. Looks like five poles.
 1274
 1275 Mr. Huffer - I know the other young lady brought up trees. I assume that
 1276 on—this is all new to me. I assume these PODs, they don't specify like how many trees
 1277 you have to leave and all that stuff. I don't know what the developer plans to do as far—
 1278 there's a lot of mature pine trees that are just feet off of Dickens Road. There are two
 1279 existing houses here that are going to be torn down, houses that have been there for 40,
 1280 50 years or more. And there are mature trees, as you can imagine, that were left there
 1281 when those houses were built. That's a concern.
 1282

1283 I don't know exactly what happens. I'm assuming the developer, once the POD is
 1284 approved, can go in and just clear-cut everything and start over if they want to. Is that the
 1285 way it works?
 1286
 1287 Mr. Archer - Why don't we have the developer come forward, Mr. Witte, and
 1288 let's see if we can get your questions answered.
 1289
 1290 Mr. Huffer - Can I have some time for other questions?
 1291
 1292 Mr. Archer - We didn't time you, but I think you probably used about four
 1293 minutes.
 1294
 1295 Mr. Emerson - He's used right at four minutes, yes, sir.
 1296
 1297 Mr. Huffer - Okay.
 1298
 1299 Mr. Archer - All right, would the developer come forward, please. State your
 1300 name for the record.
 1301
 1302 Mr. Williams - Good morning, my name is Mark Williams. I'm with Willmark
 1303 Engineering, and I'm the site engineer working on behalf of Wilton.
 1304
 1305 Mr. Gunter - My name is Hunt Gunter, and I work for the Wilton Companies.
 1306
 1307 Mr. Archer - All right. Mr. Witte, was there something specific you wanted
 1308 to address with them?
 1309
 1310 Mr. Witte - The clearing, specifically. Mr. Huffer has addressed an issue
 1311 about the trees literally feet off of Dickens Road.
 1312
 1313 Mr. Williams - Right. There's a few mature pine trees along Dickens Road.
 1314 On the landscaping plan, you can see we are having to clear—or cut down those pine
 1315 trees to accomplish the development. But on the landscaping plan, the amount of
 1316 vegetation we're putting along the road, the number of trees and shrubs, greatly exceeds
 1317 what's there now. For office developments, there's a 15-foot landscape setback.
 1318
 1319 Mr. Witte - Okay.
 1320
 1321 Mrs. Marshall - Were you at the supervisor's meeting? Were either of you at
 1322 the supervisor's meeting?
 1323
 1324 Mr. Williams - We both were.
 1325
 1326 Mrs. Marshall - Can you address the fence?
 1327
 1328 Mr. Williams - The conversation was between Mr. Glover—

1329
1330 Mr. Gunter - I can address the fence. Mr. Glover brought up a fence that is
1331 right at the top portion of the—
1332
1333 Ms. Jones - Can you use the mouse, please?
1334
1335 Mr. Gunter - Sorry. Oh, the mouse.
1336
1337 Ms. Jones - And step closer to the microphone.
1338
1339 Mr. Gunter - Anything else?
1340
1341 Ms. Jones - No, that's fine.
1342
1343 Mr. Gunter - Mr. Glover had requested a fence to go right along here that
1344 did not match up with the chain link fence. We went back and forth and looked at the issue
1345 internally. I also talked to these neighbors here and asked them their opinion: would they
1346 rather have the chain link fence or, what I considered, a solid fence. They unanimously
1347 said, "You want us to look at a solid wall? We like your greenery." And so we made a
1348 decision to respect the neighbors' request and not put up a solid wall.
1349
1350 There's a utility easement right here, and these folks right here have chain link fences and
1351 they just didn't want another solid fence. They would rather look at the trees and the
1352 bushes that we've planted. And if you go back here looking from the neighbor's
1353 perspective, it is quite nice. So that's why we decided not to do the solid fence, if that
1354 makes sense.
1355
1356 Mrs. Marshall - Okay, thank you.
1357
1358 Mr. Gunter - Does that answer your question, ma'am?
1359
1360 Mrs. Marshall - Yes.
1361
1362 Ms. Jones - Let me make sure I understand. You do have a chain link fence
1363 there.
1364
1365 Mr. Gunter - Yes.
1366
1367 Ms. Jones - Which will be planted on your property side.
1368
1369 Mr. Gunter - Yes ma'am.
1370
1371 Mr. Williams - It's difficult to see. I don't know if you can—how do you zoom
1372 in on this here? So that dark line right there is the fence. And then there's a fence detail
1373 on that sheet as well. The fence that we're going to be installing is actually going to tie to

1374 the existing fence. So if you drive out there now, you'll see that there's a good bit of
1375 vegetation where you really can't notice the fence.

1376
1377 Ms. Jones - I think consistency is always a hallmark of a cohesive design.
1378 I would think that makes perfect sense.

1379
1380 Mr. Archer - Okay. Any further questions? Have we addressed everything,
1381 Mr. Huffer?

1382
1383 Mr. Huffer - [Off microphone.] I do have a few more.

1384
1385 Mr. Archer - You have some more time, sir, if you'd like to speak. Does
1386 anybody have questions for the gentlemen again before they—

1387
1388 Ms. Jones - They probably shouldn't go too far.

1389
1390 Mr. Archer - Don't go far, gentlemen.

1391
1392 Mr. Huffer - I just didn't know what had been decided on that because there
1393 were several questions from Mr. Glover to Mr. Gunter. I never heard anything more about
1394 it.

1395
1396 This pertains to process, I guess, in general. Oh, no, here. There is a sign just to the Broad
1397 Street side of the one entrance into Wilton Park now that says "Do Not Block Intersection."
1398 So, I wondered—will there be an additional entrance right across from Manor Circle where
1399 these two houses exist now? And, I wonder is that the County's responsibility or does it
1400 come into play on this plan of development where they put up another sign? You can't get
1401 out of that neighborhood. You can't come out of Aqua Court and make a left going to
1402 Staples Mill. But even the people coming out of Wilton Park that are trying to make a left
1403 and go toward Broad Street on Dickens Road, it's a safety issue. People disrespect that
1404 "do not block" intersection sign. And there's a lot of speeding on that road too.

1405
1406 I talked with Officer Maxwell two or three days ago. He said he patrols that area and he
1407 would give more attention to that. And I asked him if the "Do Not Block Intersection" sign
1408 was enforceable, and he said yes. I said well, we have trouble getting out of there as well
1409 as the Wilton Park people coming out at 5:00.

1410
1411 So the signage that the County may put up, is that part of the plan of development? Will
1412 they put another "Do Not Block Intersection" sign up there? Who makes the decision on
1413 that, I guess is the question.

1414
1415 Mr. Archer - Mr. Secretary, can you answer that?

1416
1417 Mr. Emerson - Yes, sir. Mr. Chairman, that would be up to Public Works and
1418 Traffic Engineering. They may be able to address that question, and they are present
1419 today.

1420
 1421 Mr. Archer - Okay.
 1422
 1423 Mr. Huffer - And I guess a couple of questions about process. I know you
 1424 read the rules at the beginning of the session. There was a ten-minute limit for the applicant
 1425 and then a ten-minute cumulative limit for any opposition. I find that to be an unlevel playing
 1426 field, quite frankly, because developers work hand-in-glove with the Planning Commission,
 1427 sometimes with Supervisors. So there is familiarity there. There's familiarity not only with
 1428 the process, but the personal relationships. Not to be biased. I'm not saying that. But, it's
 1429 just natural that personal relationships would emanate from that.
 1430
 1431 I know at the rezoning hearing, I asked a member of the Planning Commission who makes
 1432 the rules. And I asked a member of the Supervisors who makes the rules. They each told
 1433 me the other party did. So does the Planning Commission actually make those rules at the
 1434 beginning of their new term or do the Supervisors make the rule? The ten-minute rule.
 1435
 1436 Mr. Archer - I've been here 20 years. The rules have been the same for the
 1437 past 20 years that I've been here.
 1438
 1439 Mr. Huffer - But somebody has to have the authority, sir, to make them.
 1440
 1441 Mr. Archer - I can't tell you who made them, but they were made well before
 1442 I came here.
 1443
 1444 Mr. Huffer - Who has the authority to change those rules, is my question.
 1445
 1446 Mr. Emerson - The Planning Commission. These are the rules and
 1447 regulations of the Planning Commission. They're amended and readopted at various
 1448 different occasions. They have been in place for a long, long time. We certainly can give
 1449 you a copy. At the end of my copy, it has all the different dates that the sections have been
 1450 amended. I'm not exactly sure when they were first adopted. But they are at the will of the
 1451 Commission. I would add that the Commission normally extends time limits when there
 1452 are numerous people that wish to speak to something. I've never seen them cut off time
 1453 limits on someone unless it's just a repetitious exercise of the same comments.
 1454
 1455 Mr. Huffer - But, I think you get my point.
 1456
 1457 Mr. Emerson - Sure.
 1458
 1459 Mr. Huffer - The fact that developers work—because that's what they do,
 1460 they develop. So they naturally would work hand-in-hand with Commission members and
 1461 Supervisors, to a lesser degree.
 1462
 1463 Mr. Leabough - They work with the community too.
 1464
 1465 Mr. Huffer - Excuse me?

1466
 1467 Mr. Leabough - They should be working with the community, as well.
 1468
 1469 Mr. Emerson - They do.
 1470
 1471 Mr. Archer - Sir, you have to remember that this is a public hearing. What
 1472 happens prior to now has some bearing on the public hearing, but this is to give each side
 1473 an opportunity to speak. Just like when we ask you questions, the clock goes off. We don't
 1474 waste your time—
 1475
 1476 Mr. Huffer - I understand that, sir.
 1477
 1478 Mr. Archer - —while we're asking you questions. So, we review the rules
 1479 from time to time. And we have to remember that there could be a dozen or fifteen cases
 1480 here during the day. And the public has a right to speedy hearing, as speedy a hearing as
 1481 possible. That's why we try to adhere to the rules as best we can, but we go off the chain
 1482 once in a while when there is a case that's very controversial and there are a lot of people
 1483 here to speak. We generally try to hear from everyone.
 1484
 1485 Mr. Huffer - One last point I want to make. When I first delved into this
 1486 rezoning issue with Wilton, I asked about a traffic count. Traffic Engineering—or no, I'm
 1487 wrong. Planning told me—they gave me numbers for the traffic count on Dickens Road.
 1488 Mr. Sehl said—I said, "What's the date of that traffic count?"
 1489
 1490 And he said, "Well, it's within twelve months." And then he said, "I'll look it up for you." And
 1491 when he looked it up he said, "Well, actually, it's not. It's from February, 2014." Now this
 1492 hearing case was in the fall of 2015.
 1493
 1494 And I said, "Well Mr. Sehl, then you're talking about traffic count numbers that are 18
 1495 months old, not 12 or less."
 1496
 1497 And he says, "Well, that's the numbers we get, and that's what we use."
 1498
 1499 So, in talking with Traffic, there was a lady over there whose name I can't recall. I said,
 1500 "Why is it that you have—you do have a traffic count from February 2, 2015. But the staff
 1501 in Planning is using 2014 numbers."
 1502
 1503 She said, "Well, we don't publish those numbers. Even though we take traffic counts
 1504 starting in January of a calendar year, we don't publish those numbers until the end of the
 1505 year for public consumption on our website."
 1506
 1507 I said, "Well for public consumption, I don't have any problem with that. But, Planning?
 1508 The taxpayers have paid for the traffic study, but those numbers weren't being used." I
 1509 don't know if Mr. Emerson is here or not, but—
 1510
 1511 Mr. Emerson - I'm sitting right here.

1512
1513 Mr. Huffer - Oh, okay. I'm sorry. I can't read your names, and I don't know
1514 your faces because I haven't been involved in this before.
1515
1516 Mr. Emerson - Sure.
1517
1518 Mr. Huffer - I know the one gentleman on the end from Brookland. Has that
1519 been rectified? If the numbers are available, why isn't Planning using the latest up-to-date
1520 numbers? They've been bought and paid for.
1521
1522 Mr. Emerson - Mr. Huffer, we deal with the numbers that are provided to us
1523 by Public Works. Ms. Smidler, raise your hand, whom you spoke to—
1524
1525 Mr. Huffer - Yes, Ms. Smidler. Right.
1526
1527 Mr. Emerson - She may be able to add a little more clarity to that. They don't
1528 publish those numbers. So we have to go with what's available to us.
1529
1530 Mr. Huffer - But do you see my point, sir?
1531
1532 Mr. Emerson - I understand your point completely, yes, sir.
1533
1534 Mr. Huffer - You have the updated information. I think I made the point to
1535 the Supervisors when the hearing was adjudicated in December. I said, "I imagine all of
1536 you have brokerage accounts or some sort of investment for further in life. You wouldn't
1537 want your broker to give you 2014 information when he's got 2015 information available if
1538 we're in 2015."
1539
1540 Mr. Emerson - Certainly. I understand your point.
1541
1542 Mr. Huffer - Okay. Thank you.
1543
1544 Mr. Archer - Thank you, Mr. Huffer. Mr. Secretary, did you want Ms. Smidler
1545 to come up?
1546
1547 Mr. Emerson - I think she may be able to address both Mr. Huffer's concerns
1548 about the traffic counts and also the question regarding the sign.
1549
1550 Ms. Smidler - Yes.
1551
1552 Mr. Archer - All right. Ms. Smidler, you have the floor, ma'am.
1553
1554 Ms. Smidler - Thank you. Good morning. My name is Sharon Smidler. I'm
1555 assistant traffic engineer. To address Mr. Huffer's concerns about—one was the traffic
1556 sign, about "Do Not Block the Intersection," if we put one up when it's built. We'd like to

1557 have it built and evaluate the situation then, and then see if a sign is warranted. So that
1558 would be our answer to that first question.
1559

1560 To his second question about the traffic counts, yes we did speak about that. I provided
1561 him with the 2015 traffic counts on Dickens Road, and we shared that with Ben Sehl in
1562 Planning. My supervisor was at the rezoning meeting, and he agreed to do a weekly traffic
1563 count, for like seven days, five days. A longer period of time than 24 hours because he
1564 was concerned about the accuracy. So we put it out for a longer period of time due to the
1565 request at the last public meeting. That was shared with Planning and taken under
1566 advisement when we reviewed the commercial development plan.
1567

1568 I believe that answers the two questions that were raised. Thank you.
1569

1570 Mr. Emerson - Thank you.

1571
1572 Mr. Archer - Thank you, ma'am. All right, do we need to hear from anyone
1573 else? All right, sir.
1574

1575 Mr. Witte - Mr. Secretary, do we need to do the POD and lighting plan
1576 separate?
1577

1578 Mr. Emerson - No sir, you can include those in the same motion.
1579

1580 Mr. Witte - Okay. Well, with that, Mr. Chairman, I move approval of the
1581 POD and the lighting plan for POD2016-00183, Wilton Park Phase III Office Building on
1582 Dickens Road, as presented, subject to the annotations on the plans, the standard
1583 conditions for developments of this type, additional conditions 11B and 29 through 33 as
1584 shown on the agenda.
1585

1586 Ms. Jones - Second.

1587
1588 Mr. Archer - Motion by Mr. Witte and seconded by Ms. Jones. All in favor
1589 say aye. All opposed say no. The ayes have it; the motion passes.
1590

1591 The Planning Commission approved the POD and lighting plan for POD2016-00183,
1592 Wilton Park Phase III Office Building, subject to the annotations on the plans, the standard
1593 conditions attached to these minutes for developments of this type, and the following
1594 additional conditions:
1595

- 1596 11B. Prior to the approval of an electrical permit application and installation of the site
1597 lighting equipment, a plan including light spread and intensity diagrams, and fixture
1598 specifications and mounting heights details shall be revised as annotated on the
1599 staff plan and included with the construction plans for final signature.
1600 29. A concrete sidewalk meeting County standards shall be provided along the south
1601 side of Dickens Road.

- 1602 30 The proffers approved as a part of zoning case REZ2015-00028 shall be
1603 incorporated in this approval.
- 1604 31. The certification of building permits, occupancy permits and change of occupancy
1605 permits for individual units shall be based on the number of parking spaces required
1606 for the proposed uses and the amount of parking available according to approved
1607 plans.
- 1608 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted
1609 to the Department of Planning and approved prior to issuance of a certificate of
1610 occupancy for this development.
- 1611 33. The location of all existing and proposed utility and mechanical equipment
1612 (including HVAC units, electric meters, junctions and accessory boxes,
1613 transformers, and generators) shall be identified on the landscape plan. All building
1614 mounted equipment shall be painted to match the building, and all equipment shall
1615 be screened by such measures as determined appropriate by the Director of
1616 Planning or the Planning Commission at the time of plan approval.

1617
1618 Mr. Emerson - Mr. Chairman, we now move on to page 25 of your regular
1619 agenda and page 1 of your amended agenda for POD2016-00143, Strange-Boston
1620 Associates for Yimmer LLC. The staff report will be presented by Mr. Kevin Wilhite.

1621
1622 **PLAN OF DEVELOPMENT**

1623
POD2016-00143
Kan Pai Office Building @
Towne Center West -
11964 West Broad Street
(U.S. Route 250)

Strange-Boston Associates for Yimmer, 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 2-story, 9,364 square foot office building in an
existing shopping center. The 1.92-acre site is located along
the north line of West Broad Street (U.S. Route 250),
approximately 1,400 feet east of N. Gayton Road, on parcel
735-763-5299. The zoning is B-2C, Business District
(Conditional) and WBSO, West Broad Street Overlay
District. County water and sewer. **(Three Chopt)**

1624
1625 Mr. Archer - Thank you, Mr. Secretary. Is there anyone here who is
1626 opposed to POD2016-00143, Kan Pai Office Building @ Towne Center West? I see no
1627 opposition. Good morning, Mr. Wilhite.

1628
1629 Mr. Wilhite - Good morning, Mr. Chairman. As referenced, there is a revised
1630 site plan that was included in your packet and referenced on page 1 of the addendum. We
1631 received that on Friday. It addressed the remaining staff's issues. The handicapped
1632 parking, which was originally located at the main entrance of the proposed building, has
1633 been moved across to the parking spaces on the opposite side of the drive aisle. They
1634 could not make the location and the design of the handicap spaces work at the main
1635 entrance.

A sidewalk has also been provided around the building from the south side of the building leading to the front door. We did receive some additional information on the building architecture. The third-floor tower is just a stairwell and room for an elevator and with some additional storage.

With that, staff can recommend approval of the revised site plan with the standard conditions for developments of this type and additional conditions 29 through 34.

Mr. Archer - All right, thank you, Mr. Wilhite. Are there questions from the Commission?

Mrs. Marshall - Mr. Wilhite, do you have a visual of what that building's going to look like?

Mr. Wilhite - It's primarily a two-story building with brick. The brick will match the base of the Kan Pai Restaurant building. It has a green metal roof, which is also matching the Kan Pai Restaurant. Here is the tower feature, which has a thin stone treatment on the one side, which is on the eastern side facing towards Car Pool.

Mr. Archer - All right, any further questions? All right.

Mrs. Marshall - Mr. Chairman, I move POD2016-00143, Kan Pai Office Building @ Towne Center West, be approved subject to the annotations on the plans, the standard conditions for developments of this type, and additional conditions 29 through 34 in the agenda and including the revised plan in the addendum.

Mr. Leabough - Second.

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

The Planning Commission approved POD2016-00143, Kan Pai Office Building at Towne Center West, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

29. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
30. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
31. Outside storage shall not be permitted.
32. The proffers approved as a part of zoning case C-49C-04 shall be incorporated in this approval.
33. 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

1682 screened by such measures as determined appropriate by the Director of Planning
1683 or the Planning Commission at the time of plan approval.

- 1684 34. Except for junction boxes, meters, and existing overhead utility lines, and for
1685 technical or environmental reasons, all utility lines shall be underground.
1686

1687 Mr. Emerson - Mr. Chairman, we now move on to page 27 of your regular
1688 agenda for POD2016-000181, Vanasse Hangen Brustlin for Richfield Outparcels, LLC and
1689 The Heritage Group. The staff report will be presented by Mr. Matt Ward.
1690

1691 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**
1692

1693
1694 POD2016-00181
1695 Dunkin' Donuts @ Glen
1696 Eagles Shopping Center –
1697 10390 Ridgefield Parkway

Vanasse Hangen Brustlin for Richfield Outparcels, LLC and The Heritage Group: 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 a one-story 3,145 square foot restaurant with drive-through facilities on an outparcel in an existing shopping center. The 0.9-acre site is located on the northwest corner of Ridgefield Parkway and Eagles View Drive, on parcel 740-750-4970. The zoning is B-2C, Business District (Conditional). County water and sewer. (Tuckahoe)

1698
1699 **MR. LEABOUGH LEAVES DURING STAFF'S PRESENTATION.**
1700

1701 Mr. Archer - All right. Is there opposition to POD2016-00181, Dunkin'
1702 Donuts at Glen Eagles Shopping Center? I see no opposition Mr. Ward, good morning,
1703 sir.
1704

1705 Mr. Ward - Good morning, sir. This proposal is to construct a 3,145-
1706 square-foot restaurant with drive-through facilities and outside convenience seating. The
1707 outparcel is located on the southeast corner of the existing shopping center where an
1708 existing driveway cut will be modified for egress and ingress into the site.
1709

1710 The site plan also provides adequate parking and required building setbacks as set aside
1711 in the Zoning Ordinance and meets the shopping center requirements as well as is
1712 consistent with zoning case C-32C-89.
1713

1714 As shown on the building elevations, we have a building primarily constructed of earth tone
1715 brick color, a tan stone-base color, and brick fascia that coordinates with the rest of the
1716 shopping center.

A lighting plan has also been provided for approval, which includes five light poles with LED concealed source fixtures and ten building-mounted light fixtures. House side shields will be provided on four of the light poles that are across the street from the residential area. These four here.

1717
1718 With this plan, staff can recommend approval subject to the annotations on the plan, the
1719 standard conditions for developments of this type, and the following additional conditions
1720 11B for the lighting and 29 through 36 in your agenda.
1721
1722 We do have Jonathan Winks and Keith Holloman, engineer with VHB, and then Lou
1723 Cabell, developer, should you have any questions of them.
1724
1725 Mr. Archer - All right. Thank you, sir.
1726
1727 Mrs. Marshall - I have a question. The color of the brick on the Dunkin' Donuts,
1728 is that consistent throughout the shopping center?
1729
1730 Mr. Ward - I think it's showing up a little bit inconsistent here on this
1731 screen. On the printout it's a little more of a red color.
1732
1733 Mrs. Marshall - It's a little more of a red.
1734
1735 Mr. Ward - Sometimes the computer screens, the colors don't coordinate
1736 as well, they're not as true.
1737
1738 Mrs. Marshall - So the Dunkin' Donuts is more of a red brick.
1739
1740 Mr. Ward - Right. Correct.
1741
1742 Mrs. Marshall - Just because most of the items in that shopping center are
1743 brick.
1744
1745 Mr. Ward - Yes. It's probably not a good illustration of what the true color
1746 is. The handout is a better color. It shows up red on the actual agenda.
1747
1748 Mr. Archer - All right. Any more questions?
1749
1750 Ms. Jones - I don't have any questions for Mr. Ward. Unless the
1751 Commission has some, I'd like to hear from the applicant, please.
1752
1753 Mr. Archer - Okay, would the applicant please come forward and state your
1754 name for the record?
1755
1756 Ms. Jones - Did you draw the short straw?
1757
1758 Mr. Cabral - Good morning. My name is Lou Cabral. I'm the franchisee and
1759 developer.
1760
1761 Ms. Jones - Good morning. I wanted to thank you and your team for
1762 working with Mr. Ward about this. My questions are simply things that I know you've

1763 thought about, and I'm hoping we've covered the bases as much as we can. Certainly no
 1764 one has an objection to good coffee and doughnuts, and I think the neighborhood is
 1765 anxious to have you there. But any time you have a development like this right next to
 1766 residential, it becomes an issue of how can we blend this with the least amount of
 1767 intrusions and still the best result for your development. We certainly balance all that out.
 1768
 1769 I believe that your agreement—which was kind of last minute, and I apologize for that
 1770 because I hadn't thought of doing this earlier. Your agreement to put house shields on the
 1771 lighting that will be affecting residential certainly will help. That was on four of the light
 1772 poles, is that correct, that we will have some house shields?
 1773
 1774 Mr. Cabral - These three and these two.
 1775
 1776 Ms. Jones - So the one up in the—what is that, northwest corner? Will that
 1777 have an impact, do you think, on any of the residences?
 1778
 1779 Mr. Cabral - No, there's a shopping plaza right behind it, so it's just going to
 1780 illuminate the parking lot a little bit better.
 1781
 1782 Ms. Jones - There won't be any glare spill-out over to the roadway.
 1783
 1784 Mr. Cabral - I think the LEDs are pretty directional, so they don't bleed like
 1785 a regular light.
 1786
 1787 Ms. Jones - These are the LED concealed source, but we're also putting
 1788 on the house shields.
 1789
 1790 Mr. Cabral - Yes.
 1791
 1792 Ms. Jones - Okay.
 1793
 1794 Mr. Cabral - To further restrict it.
 1795
 1796 Ms. Jones - Okay. Would you just discuss the lighting here? It goes to a
 1797 security level, I believe, at midnight. Is that correct?
 1798
 1799 Mr. Cabral - I'm not sure for the security light. We typically keep the lights
 1800 on when the business is open, and then we shut them down when the business closes.
 1801 Typically at 10:00.
 1802
 1803 Ms. Jones - Is that shut down completely? Turned off?
 1804
 1805 Mr. Cabral - Yes. We would keep the perimeter around the building lit, just
 1806 the cans, and then the parking lot lights would shut down.
 1807
 1808 Ms. Jones - And the hours of Dunkin' Donuts?

1809
 1810 Mr. Cabral - Six to ten.
 1811
 1812 Ms. Jones - Six to ten. Okay. I also wanted to discuss with you the impacts
 1813 on the neighborhood as far as opportunities with landscaping. I debated about asking you
 1814 specifically whether you would be able to take a moment to site things as you develop this
 1815 particular use and the landscape island opportunities. Sometimes once you actually have
 1816 it cleared, ready to go, you can see that certain placements will be much more
 1817 advantageous to the neighbors right there to conceal the view of the operation.
 1818
 1819 Mr. Cabral - Sure.
 1820
 1821 Ms. Jones - I'd like to ask—I can't enforce. I'm simply going to ask for your
 1822 cooperation in taking a look as to whether certain ways of putting the vegetation will help
 1823 the neighbors more than just simply plunking it down according to a plan.
 1824
 1825 Mr. Cabral - Sure.
 1826
 1827 Ms. Jones - I have no way to follow up on that, but I want you on the record
 1828 to please commit to me that you will take that extra step to make sure that placement of
 1829 the vegetation will give the biggest advantage to the neighbors.
 1830
 1831 Mr. Cabral - Absolutely. I want to do a good job for this location and the
 1832 ones that we're going to have in the future. This isn't the last one that I want to build. We
 1833 just opened up the one on West Broad. I don't think anybody's had any complaints with
 1834 that one. We try to do above and beyond what the minimum standards are for Dunkin'.
 1835
 1836 Ms. Jones - And that is a bit of a challenging site there, fitting that in on
 1837 West Broad as well. Okay. Do we have to do a revised lighting plan with the addition of
 1838 the house shields? Will that significantly change the numbers, do you think?
 1839
 1840 Mr. Ward - [Off microphone.] I've already made notes in the file that
 1841 they've agreed to do that.
 1842
 1843 Ms. Jones - Okay. So what we have before us is what we'll go on with the
 1844 application.
 1845
 1846 Mr. Ward - [Off microphone.] Correct. And he's provided the revisions, I'll
 1847 show you afterwards.
 1848
 1849 Ms. Jones - Oh, okay. I do want to ask about the brick. I think that Mrs.
 1850 Marshall's concerns when that blonde golden brick came up on our—that certainly is not
 1851 what the shopping is.
 1852
 1853 Mr. Cabral - No. We would be mimic as close as possible to the existing
 1854 brick. It's the monitor that doesn't represent it.

1855
1856 Ms. Jones - We have this in our packets, which is a basic red brick, and
1857 that's what you're proposing.
1858
1859 Mr. Cabral - Yes.
1860
1861 Ms. Jones - Okay. All right, sir. I hope that this is a quality development
1862 within a very nice shopping center and so close to residential. I do think that it'll be
1863 welcomed by the neighborhood, but change is always hard. The fact that there is no
1864 opposition here today I think goes to the fact that Mr. Ward has spoken to a few folks with
1865 questions, and their questions were satisfied. When you own a home next to a shopping
1866 center with undeveloped parcels, you know something's coming. But if we can all put our
1867 efforts to making this a quality development, I think it'll be an asset. So I thank you for your
1868 cooperation with all that.
1869
1870 Mr. Cabral - Thank you.
1871
1872 Ms. Jones - Anything else from anyone?
1873
1874 Mr. Archer - I think we're ready, Ms. Jones.
1875
1876 Ms. Jones - All right. With that, I'd like to make a motion that the plan of
1877 development and the lighting plan for POD2016-00181, Dunkin' Donuts @ Glen Eagles
1878 Shopping Center, be approved. This is subject to the annotations on the plan, standard
1879 conditions for developments of this type, and the additional conditions 11B, and 29 through
1880 36 on our agenda.
1881
1882 Mr. Witte - Second.
1883
1884 Mr. Archer - Motion by Ms. Jones, seconded by Mr. Witte. All in favor say
1885 aye. All opposed say no. The ayes have it; the motion passes.
1886
1887 The vote was as follows:
1888
1889 Mr. Archer - Yes
1890 Ms. Jones - Yes
1891 Mr. Leabough - Absent
1892 Mrs. Marshall - Yes
1893 Mr. Witte - Yes
1894
1895 The Planning Commission approved the plan of development and lighting plan for
1896 POD2016-00181, Dunkin' Donuts at Glen Eagles Shopping Center, subject to the
1897 annotations on the plans, the standard conditions attached to these minutes for
1898 developments of this type, and the following additional conditions:
1899

- 1900 11B. Prior to the approval of an electrical permit application and installation of the site
1901 lighting equipment, a plan including light spread and intensity diagrams, and fixture
1902 specifications and mounting heights details shall be revised as annotated on the
1903 staff plan and included with the construction plans for final signature.
1904 29. Only retail business establishments permitted in a B-2 zoning may be located in this
1905 center.
1906 30. The ground area covered by all the buildings shall not exceed in the aggregate 25
1907 percent of the total site area.
1908 31. No merchandise shall be displayed or stored outside of the building(s) or on
1909 sidewalk(s).
1910 32. Outside storage shall not be permitted.
1911 33. The proffers approved as a part of zoning case C-32C-89 shall be incorporated in
1912 this approval.
1913 34. In the event of any traffic backup which blocks the public right-of-way as a result of
1914 congestion caused by the drive-up facilities, the owner/occupant shall close the
1915 drive-up facilities until a solution can be designed to prevent traffic backup.
1916 35. Evidence of a joint ingress/egress and maintenance agreement must be submitted
1917 to the Department of Planning and approved prior to issuance of a certificate of
1918 occupancy for this development.
1919 36. The conceptual master plan, as submitted with this application, is for planning and
1920 information purposes only.
1921

1922 Mr. Emerson - Mr. Chairman, we now move to page 29 of your regular agenda
1923 for POD2016-00063 and POD2016-00068, Highmark Engineering for Par 3 Development
1924 Group LLC. The staff report will be presented by Mr. Greg Garrison.
1925

1926 LANDSCAPE AND LIGHTING PLAN

1927 POD2016-00063 and
POD2016-00068
Dollar General at 200
Azalea Avenue

Highmark Engineering for Par 3 Development Group, LLC: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.29-acre site is located on the northwest corner of Azalea Avenue and Wilkinson Road, on parcel 794-745-2408. The zoning is B-1C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield)**

1928
1929 Mr. Archer - Good morning, Mr. Garrison again. Any opposition to
1930 POD2016-00063 and POD2016-00068, Dollar General? I see no opposition. Go ahead,
1931 sir.
1932

1933 Mr. Garrison - Good morning. The applicant is requesting approval of a
1934 landscape and lighting plan. The plan in your agenda addresses staff's comments
1935 regarding alternate plant material to reduce conflicts with proposed light poles and the
1936 future growth of trees. That's in this area right here, right here, and right here.
1937

1938 The landscape plan meets or exceeds proffered conditions from zoning case C-6C-82 by
 1939 provision of an evergreen screen, which is back here, between this property and the RTH-
 1940 zoned property to the west. And proposed light fixtures no taller than 20 feet.
 1941
 1942 Staff can recommend approval subject to the annotations on the plans and the standard
 1943 conditions for landscape and lighting plans. Staff is available to answer any questions that
 1944 you may have.
 1945
 1946 Mr. Archer - All right. Any questions for Mr. Garrison from the Commission?
 1947 Mr. Garrison and I discussed this I guess two or three times in the past week. There was
 1948 a question in the original report that has been answered, and there is an addendum item.
 1949 In fact, this probably would have been on the expedited agenda except I wanted to make
 1950 sure there were no Commission questions that I had not covered.
 1951
 1952 I was by there yesterday, and they were busily applying brick. I think this has the
 1953 opportunity to upgrade some of the other commercial buildings that are sort of across the
 1954 street from it and give us something to harp on as we go into redevelopment of that
 1955 property.
 1956
 1957 With that, I will move for approval of POD2016-00063 and POD2016-00068, Dollar
 1958 General at 200 Azalea Avenue, and include the addendum item.
 1959
 1960 Ms. Jones - Second.
 1961
 1962 Mr. Archer - Motion by Mr. Archer and seconded by Ms. Jones. All in favor
 1963 say aye. All opposed say no. The ayes have it; the motion passes.
 1964
 1965 The vote was as follows:
 1966
 1967 Mr. Archer - Yes
 1968 Ms. Jones - Yes
 1969 Mr. Leabough - Absent
 1970 Mrs. Marshall - Yes
 1971 Mr. Witte - Yes
 1972
 1973 The Planning Commission approved the landscape and lighting plan for POD2016-00063
 1974 and POD2016-00068, Dollar General at 200 Azalea Avenue, subject to the standard
 1975 conditions for landscape and lighting plans.
 1976
 1977 **DISCUSSION ITEM:** Consideration of Amendment to "Planning Commission Rules and
 1978 Regulations" regarding Transfer of Approval of a Plan of Development – Set Work
 1979 Session.
 1980
 1981 Mr. Emerson - Mr. Chairman, we now move on to the next item on your
 1982 agenda, which is a discussion item. And I have an amended agenda page for you that

1983 didn't get into your package. But, I wanted to speak to you a little bit about setting a work
 1984 session to discuss both the potential change in the language in your rules and regulations.
 1985
 1986 I think I have enough there, Mr. Chairman. If I don't, tell me. I have a few more here if run
 1987 out as it moves its way down the line.
 1988
 1989 And also at your last meeting, you did adopt a resolution directing staff to begin making
 1990 amendments to our sign ordinance to make it consistent with the recent court rulings that
 1991 have passed down to us. So I was looking at a couple of dates. If August the 11th works
 1992 for the Commission, we could set a work session possibly at 5:30 that evening. That is
 1993 one meeting in August. If that meeting doesn't work due to vacation schedules—I know
 1994 summer gets really busy—we could always look at September the 15th. I don't think we
 1995 could be ready with the draft sign ordinance any earlier than the 11th. And of course I don't
 1996 want to try to rush it. The other item I think can wait. We can talk a little more about that,
 1997 the reasons for it, in the work session and see if we can't reach some sort of acceptable
 1998 language that would satisfy both the Commission's concerns and the development
 1999 community's concerns in regards to how we handle the transfers of approval.
 2000
 2001 Ms. Jones - Excuse me. So, this is a proposal to discuss both issues at one
 2002 time.
 2003
 2004 Mr. Emerson - Yes, ma'am. I think if we could start at 5:30 that would give us
 2005 enough time to go over both. I hope, I hope. If it doesn't, certainly we can always continue
 2006 our work session.
 2007
 2008 Mr. Archer - And of course we will have food.
 2009
 2010 Mr. Emerson - Absolutely, yes, sir.
 2011
 2012 Ms. Jones - As far as I'm concerned, we can go ahead and start in August.
 2013 If we need that extra session in September we're still being timely with our reviews and
 2014 discussion.
 2015
 2016 Mr. Archer - Sounds good to me. Does anyone else have a different
 2017 recommendation? Mr. Witte is busily thumbing through his calendar.
 2018
 2019 Ms. Jones - Yes. His phone will tell him shortly.
 2020
 2021 Mr. Emerson - And Mr. Leabough unfortunately had to leave us a little early. I
 2022 didn't get a chance to ask him if he had any conflicts. I hope that he doesn't.
 2023
 2024 Mr. Archer - He has a busy calendar.
 2025
 2026 Ms. Jones - We're waiting for you.
 2027
 2028 Mr. Witte - I'm in.

2029
2030 Mr. Emerson - Are you? Okay. All right, if it's a consensus, I don't necessarily
2031 need a motion on that. We'll look at 5:30 on August the 11th. We'll make the room
2032 reservation upstairs, and we'll order a little food and we'll have some good discussion.

2033
2034 Ms. Jones - Okay.

2035
2036 Mr. Archer - Consider it done.

2037
2038 Mr. Emerson - Thank you very much.

2039
2040 Mr. Chairman, the next item on your agenda would be the consideration of the approval of
2041 your minutes of your April 27th meeting. There is no errata sheet today.

2042
2043 APPROVAL OF MINUTES: April 27, 2016

2044
2045 Mr. Archer - May I have a motion?

2046
2047 Ms. Jones - I move we approve the minutes as circulated.

2048
2049 Mrs. Marshall - Second.

2050
2051 Mr. Archer - Motion by Ms. Jones, seconded by Mrs. Marshall. All in favor
2052 of the minutes being approved say aye. Those opposed say no. The ayes have it; that
2053 motion passes.

2054
2055 The Planning Commission approved the April 27, 2016 minutes as submitted.

2056
2057 Mr. Archer - Mr. Secretary, before we leave today, I just have a couple
2058 things I'd like to say concerning our meeting today.

2059
2060 I am sure Mr. Secretary will agree with me on this and feels like I do. It's distasteful to me
2061 to have to rule in what might seem—and I won't use the word *arrogant*—in some manner
2062 with a person who becomes upset or—and unruly is not a good word at a meeting. It's
2063 difficult to have to run a meeting and maintain a balance between maintaining order and
2064 allowing people to go on and on.

2065
2066 The young lady this morning I think was very passionate and sincere about what she was
2067 saying. We still have to keep that responsibility to maintain order. I am sure also that
2068 security takes no pleasure in having to escort someone from the meeting.

2069
2070 The one thing that I did note today that I thought could have been handled a little bit better,
2071 I thought the applicant was a little bit insensitive in giving the answer to the question about
2072 the trees. I think I could have said that in a way that didn't sound like we just don't care,
2073 we're going to cut the trees down. That's kind of what came out of that.

2075 I say that to say on occasion there are times when we have to go a little bit above what
2076 the standard is for conducting a meeting. I take no joy in it. I'm sure Mr. Emerson does not
2077 either. And I'm sure security does not either, as I said. I just want to say that because it's
2078 not always easy to maintain that balance, and we can't let people just go on and on.
2079 Enough said.

2080
2081 Mr. Emerson - Mr. Chairman, I fully concur with your comments. Having
2082 daughters near that same age, it made it even a little more difficult. But certainly you have
2083 to maintain decorum. The young lady did display a lot of passion.

2084
2085 Mr. Archer - She did. I have to applaud her for that, to be honest with you.

2086
2087 Mr. Witte - Absolutely. I've gone through that with my two daughters. They
2088 went through that idealism where everything is about profit and saving the earth. After
2089 many months of trying to deal with it, I finally came down and said, "You're wearing the
2090 clothes you have because of profit. You're eating the food you have because of profit.
2091 You're riding in the car because of profit. You're living in the house because of profit.
2092 Nobody does anything for free, and you won't either. But we have to keep in mind that
2093 there is a balance, and we have to try to attain that balance." Well they understand the
2094 balance very, very well now, and they are still very proactive and passionate about their
2095 stances. And I applaud that. I have no problem with it. I have somebody to play devil's
2096 advocate with on a regular basis.

2097
2098 Mr. Archer - All right. Well if it makes you feel any better, both of my
2099 daughters work in my office.

2100
2101 Mr. Emerson - You're a very brave man.

2102
2103 Mr. Witte - I think you should give yourself a raise.

2104
2105 Mr. Emerson - You really should.

2106
2107 Mr. Archer - Okay. If there is nothing further to bring before the
2108 Commission—I'm sorry. Mr. Thornton, go right ahead, sir.

2109
2110 Mr. Thornton - I'd like to ask the secretary a question.

2111
2112 Mr. Emerson - Yes sir.

2113
2114 Mr. Thornton - Mr. Emerson, I was very baffled—and I think I shared this with
2115 you, but I don't think I've shared this with my other colleagues here. I'm going to make a
2116 statement, and then the question is at the end.

2117
2118 When I went to look at a dollar store—and I've shared this with you—on Nine Mile Road
2119 and Laburnum, I looked up, because right now since I've been in elected office I tend to
2120 look at architecture things a little bit more—they're fascinating. And when I looked up and

2121 saw all of this insulation, I was traumatized. And so then I asked the questions, you know,
2122 of [unintelligible] and all of that. And that then is by code. I have never seen one before.
2123 Obviously I haven't seen all of the dollar stores, the ceilings. But I was told that that is by
2124 code.

2125
2126 So my question to you is that I know we're going to be looking at lot of those of things
2127 there. There is no input at all at the planning level for going into a store like that and that
2128 development chooses to use insulation rather than the other tile that most other places
2129 use?

2130
2131 Mr. Emerson - Mr. Thornton, that is beyond where we can go with zoning and
2132 plan of development and other regulatory reviews in terms of interior finishes. The Building
2133 Code does address some of those items. And if it's addressed by the Building Code, then
2134 they have to live within those parameters. I know that many of the stores today seem to
2135 forego the ceiling tiles. As you walk in, if you look around, you'll see the duct work in a lot
2136 of the bigger boxes. I am surprised the smaller box did that. I don't know that I've seen it.
2137 I need to ride by and take a look at that one. It seems like normally when you see that it's
2138 the larger box stores that tend to do that. I don't know how to explain it other than if it
2139 meets the Building Code. From this regulatory level, we don't have the ability to get into
2140 interior finishes.

2141
2142 Mr. Thornton - Right, right. So those regulatory things like that would be better
2143 broached once we look into what we're going to do and also from the state level, those
2144 types of things.

2145
2146 Mr. Emerson - Yes, sir. As you know, the Board did approve funding for us to
2147 take a look at our zoning codes and our Subdivision Ordinance. I'm very excited about
2148 that. We're in the process now of trying to get our RFPs together so we can get out on the
2149 street and hire a consultant. We can have broader discussions on those topics in terms of
2150 where your powers begin and end in terms of what you can regulate and what you may
2151 ask for. I think in a lot of instances—and a lot of this will come about due to the new state
2152 regulations as well, the new state legislation. If it's not codified, you can't necessarily gain
2153 some of these things. You'll see a difference in the coming months in our staff reports both
2154 at the zoning level and at the plan of development level. You'll see a difference in the
2155 conditions. A lot of the things that we've done over the years as policies that turned into
2156 conditions and proffers, if we don't codify some of those items, then you may not be able
2157 to obtain those any longer in the process as you have in the past.

2158
2159 So, it's a little bit of a new environment. And some of the things that we have gotten in the
2160 past or have been offered voluntarily to you, you may not necessarily be able to accept.
2161 And you may not be able to codify those either. So, it's definitely going to be a long ongoing
2162 discussion, I think, as we work through this period. But the positive thing is we are in the
2163 process of reviewing our codes. And some of this may come back around. I mean we're
2164 right on top of—from a timing standpoint, it's about time to dust off the Comp Plan and go
2165 back through it as well. So some of these items may need to go into your Comp Plan in
2166 terms of goals, objectives, and guidelines to move the process where you build a quality

community, which I know is where everybody on both sides of the equation, both our side and the development community and building community, wants to be.

Mr. Thornton - Thank you for that explanation. And finally, I just want to say that I believe in kind of pushing things and challenging some aspects of the system sometimes. With the cases that are coming up—and I'm always referring to twenty-first century approaches in architecture and Planning Commission, what they have to do. Even today's proceedings, maybe planning commissions of the future will have to think about taking maybe a little period of their time and explaining again to the public the process. Because, people just don't understand all these things. Then they feel much more relieved once they find out the purpose of the POD, the purpose of this or that. It makes them not only feel better, but they have more of an acceptance of what we're talking about on the same level. I think that's going to be helpful for planning commissioners in the future. Maybe something to think about, that we have to do things other than how we've done them in the past with our meetings.

Mr. Emerson - Absolutely.

Mr. Archer - Mr. Thornton, I do have to tell you this. At our last meeting, I had taken some pictures of that particular building and brought them in to show them to my colleagues. So we did discuss it. And I think my conclusion was about the only thing we can do is to have a proffer in place that says there will be a ceiling, if we want a ceiling. But remember, proffers have to be voluntary and offered. I suppose we have a way of prodding into them sometimes, but it's not really legal for us to say, "You will do this." So it didn't fall on deaf ears. We did discuss it.

Okay, is there anything further?

Mr. Emerson - Yes sir, Mr. Chairman. I would like just to take a quick opportunity to introduce you to a new member of staff and an intern we have for the summer. We have filled our office assistant position in the DRD section, and that's Ms. Melissa Ferrante. Did I get that right or did I murder it?

Ms. Ferrante - [Off microphone.] Ferrante, yes.


Mr. Emerson - And she comes to us with a degree in English from University of Richmond. We're very excited to have her. I believe she's in her second week. And she hasn't left yet, so that's a good sign. So we want to welcome her.

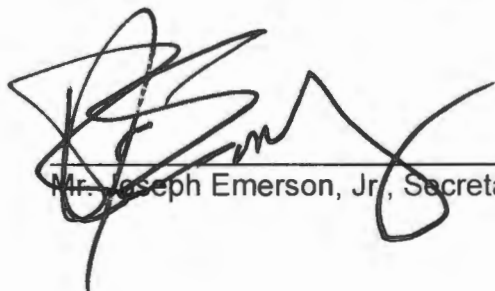
Mr. Witte - Mr. Secretary, is she prepared to give her 30-minute dissertation now?

Mr. Emerson - Well if you'd like her to come forward and do that, we certainly can ask her.

Melissa - I'm ready!

2213
2214 Mr. Emerson - We also have Mr. Devin Belle who is a graduate student—
2215 undergrad at VCU.
2216
2217 Mr. Belle - Yes.
2218
2219 Mr. Emerson - He will be with us for the summer interning in our office. We've
2220 very excited to have both these individuals.
2221
2222 Mr. Archer - Welcome to both of you. You had a very good meeting today
2223 to glean some knowledge from. They aren't all like this. Anything further?
2224
2225 Mr. Emerson - No, sir, that completes all I have.
2226
2227 Mr. Witte - I motion to adjourn.
2228
2229 Mr. Archer - Second - we are adjourned at 10:56.
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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 **May 25, 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 **May 25, 2016**, which shall be as much a part of this approval as if all details were fully described herein. Four (4) sets of prints of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

29. Roof edge ornamental features that extend over the zero lot line, and which are permitted by Section 24-95(i)(1), must be authorized in the covenants.
30. Eight-foot easements for construction, drainage, and maintenance access for abutting lots shall be provided and shown on the POD plans.
31. Building permit request for individual dwellings shall each include two (2) copies of a layout plan sheet as approved with the plan of development. The developer may utilize alternate building types providing that each may be located within the building footprint shown on the approved plan. Any deviation in building footprint or infrastructure shall require submission and approval of an administrative site plan.
32. Windows on the zero lot line side of the dwelling can only be approved with an exception granted by the Building Official and the Director of Planning during the building permit application process.
33. The mechanical equipment for each building shall be located on its respective lot. Except for wall-mounted electric meters, in no case shall the eight-foot easement for construction, drainage, and maintenance access on the abutting lot be used to locate other mechanical equipment (such as HVAC equipment, generators, and the like) for the subject lot.

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

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

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

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

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

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

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

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

G. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS IN A B-2 ZONE

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

**H. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS
IN A B-3 ZONE**

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

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Conventional Single-Family Subdivisions Served By Public Utilities

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of sixteen (16) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on-site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **May 25, 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 **May 24, 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 **May 25, 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 **May 24, 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 **May 25, 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 **May 24, 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 **May 25, 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 **May 24, 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 **May 25, 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 **May 24, 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.