Minutes of the regular monthly meeting of the Planning Commission of Henrico County, held in the County Administration Building in the Government Center at Parham and Hungary Spring Roads beginning at 9:00 a.m. Wednesday, September 22, 2010.

Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)
Mr. C. W. Archer, C.P.C. Vice-Chairman (Fairfield)
Mrs. Bonnie-Leigh Jones, (Tuckahoe)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. Tommy Branin (Three Chopt)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mr. David A. Kaechele (Three Chopt)
Board of Supervisors Representative

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, CLA, Principal Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Aimee Berndt, AICP, County Planner
Mr. Jeff Perry, Public Works
Ms. Kim Vann, Henrico Police
Ms. Holly Zinn, Recording Secretary

Mr. David A. Kaechele, the Board of Supervisors' representative, abstains from voting on all cases unless otherwise noted.

Mr. Vanarsdall - Good morning, everyone. The Henrico County Planning Commission will now come to order. Good morning, fellow Commissioners and staff members, and a special good morning to Mr. Kaechele on the far left, who is a member of the Board of Supervisors and immediate past chairman of the Supervisors. He represents the Board this year.

Now, I would like to ask everyone to stand and **Pledge Allegiance to the Flag**.

Mr. Vanarsdall - Thank you. Is anyone from the news media here today? All right. I'll now turn the meeting over to our secretary and Director of Planning, Mr. Joe Emerson.

Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda today is the Requests for Deferrals and Withdrawals. Those will be handled by Ms. Leslie News.

Ms. News - Good morning, members of the Commission. We have one request for a deferral this morning, which is located in the Brookland District and found on page 23 of your agenda. This is SUB-60-07, Winfrey Meadows (November 2007 Plan). This was a reconsideration to request withdrawal. The applicant has requested a deferral to October 27, 2010.

SUBDIVISION – REQUEST FOR WITHDRAWAL
(Deferred from the July 28, 2010 Meeting)

SUB-60-07 SUB2008-00070 Winfrey Meadows (November 2007 Plan) Reconsideration – Request for Withdrawal – 10885 Old Greenwood Road	**David Jinnett for Madeline, LLC:** Request for withdrawal of conditional subdivision approval. The 6.39-acre site is located on the northeast side of Old Greenwood Road at its intersection with Greenwood Road, on parcel 777-770-3917. The zoning is A-1, Agricultural District. County water and sewer. **(Brookland) 1 Lot**

Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of this case, SUB-60-07, Winfrey Meadows (November 2007 Plan)? I move that we honor the applicant's request and move this case to October 27, 2010.

Mr. Archer - Second.

Mr. Vanarsdall - Motion by Mr. Vanarsdall, seconded by Mr. Archer. 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 SUB-60-07, Winfrey Meadows (November 2007 Plan), to its October 27, 2010 meeting.

Ms. News - Staff is aware of no further requests.

Mr. Emerson - Mr. Chairman, that takes us to the next item, the expedited agenda, which also will be presented by Ms. Leslie News.

Ms. News - The first item on the expedited agenda is found on page 3 of your agenda and is located in the Tuckahoe District. This is a transfer of approval for POD-04-80, Third Presbyterian Church Offices, which was formerly the Chesapeake Capital Corporation. Staff recommends approval.

TRANSFER OF APPROVAL

POD-04-80 POD2010-00217 Third Presbyterian Church Offices (Formerly Chesapeake Capital Corp.) – 500 Forest Avenue	**Bruce A. Kay for Third Presbyterian Church:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Capital Savings & Loan Association, The Heritage Company, LC, and C & L, LLC to Third Presbyterian Church. The 1.01-acre site is located on the northwest corner of the intersection of Forest Avenue and Ridge Road, on parcel 756-737-7123. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Tuckahoe)**

Mr. Vanarsdall - Is anyone in the audience in opposition to POD-04-80, Third Presbyterian Church Offices (Formerly Chesapeake Capital Corporation)? No opposition, Mrs. Jones.

Mrs. Jones - All right. Then, I will move for approval on the expedited agenda of transfer of approval for POD-04-80, Third Presbyterian Church Offices (Formerly Chesapeake Capital Corporation), at 500 Forest Avenue. I move for this subject to the following Condition #1 listed on the agenda.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mrs. Jones, seconded by Mr. Jernigan. 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-04-80, Third Presbyterian Church Offices (formerly Chesapeake Capital Corporation), from Capital Savings & Loan Association, The Heritage Company, LC, and C & L, LLC to Third Presbyterian Church, subject to the standard and added conditions previously approved and the following additional condition:

1. All missing foundation plantings shall be replaced no later than November 1, 2010.

Ms. News - The next item is on page 4 of your agenda and is located in the Three Chopt District. This is a transfer of approval for POD-14-70, Three Chopt West Apartments. Staff recommends approval.

TRANSFER OF APPROVAL

POD-14-70 POD2010-00154 Three Chopt West Apartments – 8802 Three Chopt Road	**Greg Southern for Simmons, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Stein Realty Corp., Richmond Apartment Association, NHP Three Chopt West, and GC Three Chopt West Assoc., LP to Simmons, LLC. The 7.4-acre site is located on the south side of Shannon Hill Road and east of Ridge Elementary School on Three Chopt Road, on parcel 755-745-8212. The zoning is R-5, General Residential District. County water and sewer. **(Three Chopt)**

Mr. Vanarsdall - Is anyone in the audience in opposition to transfer of approval for POD-14-70, Three Chopt West Apartments? No opposition, Mr. Branin.

Mr. Branin - Mr. Chairman, I'd like to move that the transfer of approval for POD-14-70, Three Chopt West Apartments be approved on the expedited agenda.

Mr. Archer - Second.

Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Archer. 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-14-70, Three Chopt West Apartments, from Stein Realty Corp., Richmond Apartment Association, NHP Three Chopt West, and GC Three Chopt West Assoc., LP to Simmons, LLC, subject to the standard and added conditions previously approved.

Ms. News - Next, on page 5 of your agenda and located in the Three Chopt District, is a transfer of approval for POD-92-97, East Shore I, East Shore II, and East Shore III. Staff recommends approval.

TRANSFER OF APPROVAL

POD-92-97 POD2010-00187; POD2010-00188; POD2010-00189 East Shore I (120 Eastshore Drive); East Shore II (140 Eastshore Drive); and East Shore III (100 Eastshore Drive)	**George Wilson for Lexington Lion Richmond, LP:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Loch Levon Land, LP, C & T East Shore III, LLC, Highwoods Realty, LP, and Well Operating Partnership, LP to Lexington Lion Richmond, LP. The 18.8-acre site is located on the east line of Nuckols Road and the north line of Wyndham Forest Drive, on parcels 746-774-4854, 9296, and 747-774-0162. The zoning is O/SC, Office Service District (Conditional), and B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

Mr. Vanarsdall - Is anyone in the audience in opposition to this case, POD-92-97, East Shore I, East Shore II, and East Shore III? No opposition.

Mr. Branin - I'd like to move for approval on the expedited agenda for the transfer of approval for POD-92-97, East Shore I, East Shore II, and East Shore III.

Mr. Archer - Second.

Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Archer. 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, East Shore I, East Shore II, and East Shore III, from Loch Levon Land, LP, C & T East Shore III, LLC, Highwoods Realty, LP, and Well Operating Partnership, LP to Lexington Lion Richmond, LP, subject to the standard and added conditions previously approved and the following additional condition:

1. The missing landscaping, as identified the inspection report dated June 28, 2010, shall be replaced by September 30, 2010.

Ms. News - The next item is on page 7 of your agenda and is located in the Three Chopt District. This is transfer of approval for POD-98-73, Lee Building and Ratcliffe Building at the Forest Office Park, which was formerly the Koger Executive Center. Staff recommends approval.

TRANSFER OF APPROVAL

POD-98-73 POD2010-00116, POD2010-00126 Lee Building (8004 Franklin Farms Drive) and Ratcliffe Building (1602 Rolling Hills Drive) at Forest Office Park (Formerly Koger Executive Center)	**Triple Net Properties Realty, Inc. for NNN Forest Office Park, LLC, et al.:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Koger Properties, Inc., The Koger Partnership Ltd., Koala Richmond Realty Holding Co., Inc., and Forest Park Associates, LLC to NNN Forest Office Park, LLC.. The 4.52-acre site is located at the northwestern corner of the intersection of Franklin Farms Drive and Rolling Hills Drive, on parcels 758-744-8530 and 759-744-1150. The zoning is O-2, Office District. County water and sewer. **(Three Chopt)**

Mr. Vanarsdall - Again in the Three Chopt District, is anyone in the audience in opposition to POD-98-73, Lee Building and Ratcliffe Building at Forest Office Park (formerly Koger Executive Center)? No opposition.

Mr. Branin - Then, I'd like to move that transfer of approval POD-98-73, Lee Building and Ratcliffe Building at Forest Office Park (formerly Koger Executive Center) be approved on the expedited agenda.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Jernigan. 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-98-73, Lee Building and Ratcliffe Building at Forest Office Park (formerly Koger Executive Center), from Koger Properties, Inc., The Koger Partnership Ltd., Koala Richmond Realty Holding Co., Inc., and Forest Park Associates, LLC to NNN Forest Office Park, LLC, subject to the standard and added conditions previously approved.

Ms. News - The next item is on page 8 of your agenda and is also located in the Three Chopt District. This is a transfer of approval for POD-93-87, Westerre I. Staff recommends approval.

TRANSFER OF APPROVAL

POD-93-87 POD2010-00161 Westerre I – 3951 Westerre Parkway	**CB Richard Ellis for F.I.G. Holding Company:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Henricus Associates to F.I.G. Holding Company. The 5.8-acre site is located on the east line of Westerre Parkway, approximately 450 feet south of its intersection with W. Broad Street (U.S. Route 250), on parcel 750-759-4330. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

Mr. Vanarsdall - Is there anyone in the audience opposed to POD-93-87, Westerre I? No opposition.

Mr. Branin - Then, I would like to move that the transfer of approval of POD-93-87, Westerre I, be approved on the expedited agenda with the included conditions.

Mrs. Jones - Second.

Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mrs. 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-93-87, Westerre I, from Henricus Associates to F.I.G. Holding Company, subject to the

standard and added conditions previously approved and the following additional conditions:

1. All parking lot deficiencies shall be corrected, and new dumpster enclosure gates shall be installed, as identified in the inspection report, dated June 28, 2010, by September 30, 2010.
2. All landscaping deficiencies, as identified in the inspection report dated June 28, 2010, shall be corrected by October 31, 2010.

Ms. News - The final item is found on page 19 of your agenda and is located in the Fairfield District. This is POD-17-10, CVS Pharmacy at Dominion Village Shopping Center. Staff recommends approval.

PLAN OF DEVELOPMENT

POD-17-10 POD2010-00211 CVS Pharmacy at Dominion Village Shopping Center – 1205 N. Laburnum Avenue	**Kimley-Horn and Associates, Inc. for EJD Associates, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 13,225 square foot pharmacy and retail building with drive-through facilities in an existing shopping center. The 1.80-acre site is located on the southeast corner of the intersection of N. Laburnum Avenue and Creighton Road, on parcel 809-729-1581. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield)**

Mr. Vanarsdall - Is anyone in the audience in opposition to POD-17-10, CVS Pharmacy at Dominion Village Shopping Center? No opposition, Mr. Archer.

Mr. Archer - Mr. Chairman, I move for approval of POD-17-10, CVS Pharmacy at Dominion Village Shopping Center, subject to the standard conditions for developments of this type, the annotations on the plans, and the additional Conditions #29 through #38.

Mr. Jernigan - Second.

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

The Planning Commission approved POD-17-10, CVS Pharmacy at Dominion Village Shopping Center, 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 right-of-way for widening of Creighton Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
30. Outside storage shall not be permitted.
31. The proffers approved as a part of zoning case C-9C-03 shall be incorporated in this approval.
32. In the event of any traffic backup which blocks the public right-of-way as a result of congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up facilities until a solution can be designed to prevent traffic backup.
33. 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.
34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Department of Planning and approved prior to issuance of a certificate of occupancy for this development.
35. 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.
36. Only retail business establishments permitted in a B-3C zone may be located in this center.
37. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
38. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

Ms. News - That completes our expedited agenda.

Mr. Vanarsdall - Thank you, Ms. News.

Mr. Emerson - Mr. Chairman, that takes you to the next item on your agenda, which is the Subdivision Extensions of Conditional Approval. Those will be presented by Mr. Lee Pambid.

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL

FOR INFORMATIONAL PURPOSES ONLY – SUBDIVISION EXTENSIONS

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2008-00159 (SUB-70-05) Techpark (September 2005 Plan)	**0**	**0**	**2**	**Varina**	**7/1/2014**

Mr. Vanarsdall - Good morning, Mr. Pambid.

Mr. Pambid - Good morning, members of the Planning Commission. This map indicates the location of the one subdivision that is presented for extension of conditional approval. It is eligible to be extended to July 1, 2014, and is for informational purposes only. I can answer any questions you might have about this item.

Mr. Vanarsdall - Are there any questions by Commission members? Thank you, Mr. Pambid.

Mr. Pambid - You're welcome.

Mr. Emerson - Mr. Chairman, that now takes you to your remaining cases.

TRANSFER OF APPROVAL

POD-130-77 POD2010-00052 Dale Building at Forest Office Park (Formerly Koger Executive Center) – 1504 Santa Rosa Road	**Eileen Matthews for Dale Building, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Koger Properties, The Koger Partnership, Ltd., Koala Rich Realty Holding, and Forest Park Assoc, LLC to Dale Building, LLC. The 2.69-acre site is located on the west side of Santa Rosa Road at its intersection with Franklin Farms Drive, on parcel 758-744-3427. The zoning is O-2, Office District. County water and sewer. **(Three Chopt)**

Mr. Vanarsdall - Is there any opposition to case POD-130-77, Dale Building at Forest Office Park (formerly Koger Executive Center)? No opposition. Good morning, Ms. Goggin.

Ms. Goggin - Good morning. The previous owner of the property and office park management installed dumpsters on the site for general office park use. The previous owner removed 2 raised landscape islands because the refuse trucks would back over the islands due to lack of adequate maneuvering space required to empty the dumpsters. Here is the location of the dumpsters, and right here, the white patches, where there were raised landscape islands, but they were removed.

Mr. Jim Bardin, the new owner, has worked with the County to improve the condition of the missing islands and to accommodate the needed service access by agreeing to patch, reseal, and stripe the missing landscape islands in lieu of replacing the raised curb and gutter. He is also replacing all the missing trees on the site and is providing the missing foundation plantings. The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. Staff recommends approval with Condition #1 in your agenda.

I would be happy to answer any questions the Commission may have.

Mr. Vanarsdall - Are there any questions for Ms. Goggin by Commission members? I'll entertain a motion.

Mr. Branin - Mr. Chairman, I'd like to move that transfer of approval for POD-130-77, Dale Building at Forest Office Park (formerly Koger Executive Center), be approved with the additional Condition #1.

Mr. Archer - Second.

Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Archer. 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-130-77, Dale Building at Forest Office Park (formerly Koger Executive Center), from Koger Properties, The Koger Partnership, Ltd., Koala Rich Realty Holding, and Forest Park Assoc, LLC to Dale Building, LLC, subject to the standard and added conditions previously approved and the following additional condition:

1. The missing landscaping shall be replaced, and the pavement repairs shall be completed, as identified in the staff report dated March 22, 2010, by October 31, 2010.

TRANSFER OF APPROVAL

POD-02-70 POD2010-00130 Coventry Gardens Apartments – 206 Newbridge Circle	**Kevin Orth for Coventry Gardens Associates, LP:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Meadowgreen Associates to Coventry Gardens Associates, LP. The 12.49-acre site is located on the northeast corner at the intersection of Newbridge Road and Hawkes Lane, on parcel 818-725-8012. The zoning is R-5, General Residence District and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

Mr. Vanarsdall - Is anyone in the audience in opposition to POD-02-70, Coventry Gardens Apartments? No opposition.

Ms. Berndt - This transfer of approval is being coordinated with the overall renovation of Coventry Gardens Apartments. The property changed ownership in March of this year after securing low-income housing tax credits through VHDA in 2009. The deficiencies were identified during the tax credit application process and included paving, sidewalk and curb-and-gutter repair, dumpster screening, and landscaping and lighting. As part of the overall renovation to the property, portions of the sidewalk, curb, and gutter are to be replaced, the paving is to be repaired, and the lighting is to be upgraded to safe levels throughout the parking areas as well as the pedestrian paths throughout the site. Landscaping will be enhanced with the addition of over one hundred deciduous trees throughout the site, as well as foundation plantings around each unit. The addition of a community center will include a new leasing office and laundry facility, which will be a major improvement to the current laundry facilities. All deficiencies will be corrected prior to the issuance of the final Certificate of Occupancy, as detailed in Condition #1 in your agenda. The owner agrees to the continued compliance with the original conditions of approval.

Staff can recommend approval of the transfer, subject to Condition #1. The applicant, Kevin Orth, with Atlantic American Partners and Coventry Gardens Associates, is here to answer any questions you may have of him. I'm also available for the Commission if there are any questions of me.

Mr. Vanarsdall - Are there any questions by Commission members? Mr. Jernigan?

Mr. Jernigan - Mr. Chairman, with that I will move for approval of transfer of approval of POD-02-70, Coventry Gardens Apartments, with Condition #1.

Mr. Archer - Second.

Mr. Vanarsdall - Motion by Mr. Jernigan, seconded by Mr. Archer. 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-02-70, Coventry Gardens Apartments, from Meadowgreen Associates to Coventry Gardens Associates, LP, subject to the standard and added conditions previously approved and the following additional condition:

1. All site improvements shall be completed and deficiencies corrected prior to the issuance of a permanent certificate of occupancy for the community building and leasing office authorized by staff's approval, dated June 3, 2010.

ALTERNATIVE FENCE HEIGHT PLAN

LP/POD-02-70 POD2010-00265 Coventry Gardens Apartments – 206 Newbridge Circle	**Townes Site Engineering for Coventry Gardens Associates, LP:** Request for approval of an alternative fence height plan, as required by Chapter 24, Sections 24-95(I)(6) and 24-106.2 of the Henrico County Code, to allow a fence exceeding a height of 42 inches in a front yard. The 12.49-acre site is located on the northeast corner at the intersection of Newbridge Road and Hawkes Lane, on parcel 818-725-8012. The zoning is R-5, General Residence District and ASO, Airport Safety Overlay District. **(Varina)**

Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-02-70, Coventry Gardens Apartments? No opposition. Good morning again, Ms. Berndt.

Ms. Berndt - Good morning, again. For this same property, the alternative fence height request is also being coordinated as part of the overall rehabilitation, as discussed in the previous case.

The applicant has requested that a perimeter security fence be permitted to exceed 42 inches in the front yard along Hawkes Lane. I will zoom in for you here. The area in red is the area that is up for exception. This security fence is permitted at the proposed height of 6 feet along Newbridge Road by Code, but an alternative fence height is required for portions of the fence located in the front yard adjacent to Hawkes Lane. Again, that's the portion in red.

The fence is proposed to be an ornamental 6-foot black polyester-coated steel picket fence, much like a traditional decorative wrought iron fence along the frontages of Newbridge and Hawkes Lane. The fence would then transition to a 7-foot black vinyl-coated chain link style with wire mesh openings of only 1 inch to deter any climbing along the eastern property line. This will continue north up to a masonry wall at the north end of the property, as you can see here. That's an existing masonry wall. This borders the property between the apartment complex and Newbridge Shopping Center. A continuous row of evergreen shrubs will be added along the masonry wall to soften the appearance of that existing boundary and hopefully discourage future vandalism on the site. The supplemental landscape plan as mentioned in the transfer of approval is also shown on staff's plan. Much of the proposed trees will be located along the perimeter, both on the inside and the outside of the proposed wrought iron fence. This will enhance the streetscape along both Newbridge and Hawkes Lane.

Staff has received no calls of inquiry or opposition to the request. While staff makes no recommendation of alternative fence height approval, staff has no objection. Should the Commission act on this request, staff recommends the standard conditions for landscape and fence plans. The applicant, again, Kevin Orth, of Coventry Gardens Associates, has come from Rhode Island to be available for questioning, and Jason

Wilkins from Townes Site Engineering is here as well. I'm also available for any questions the Commission may have of me.

Mr. Vanarsdall - Are there any questions for Ms. Berndt from the Commission?

Mr. Jernigan - Mr. Chairman, I would like to commend the new owners of this property. They're going in there and doing a lot of work. They're renovating some of the buildings, and they do need this. I want to note that the fence that they're putting up on the northeast side is not just your traditional chain link fence. It doesn't have as much space. I think some of the residents in here [inaudible] so I do [inaudible] help these people out.

With that, I would like to make a motion to approve an alternative fence height plan for LP/POD-02-70, Coventry Gardens Apartments, subject to the standard conditions for landscaping and fence plans.

Mr. Archer - Second.

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

The Planning Commission approved the alternative fence height plan for LP/POD-02-70, Coventry Gardens Apartments, subject to the standard conditions attached to these minutes for landscaping and fence plans.

LANDSCAPE & LIGHTING PLAN

LP/POD-02-06 POD2010-00238, POD2010-00239 Collegiate School – Upper School Parking Lots – 103 N. Mooreland Road	**Higgins and Gerstenmaier for Collegiate School:** 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 20.59-acre site is located along the east line of Mooreland Drive, approximately 250 feet north of River Road, on parcels 747-735-6082, 748-736-1139, and 748-737-1411. The zoning is R-1, One Family Residential District and R-2, One Family Residential District. County water and sewer. **(Tuckahoe)**

Mr. Vanarsdall - Is anyone in the audience in opposition to LP/POD-02-06, Collegiate School – Upper School Parking Lots? No opposition.

Mrs. Jones - Yes.

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

Mr. Garrison - Good morning. The applicant is requesting approval of a landscape and lighting plan for the Collegiate School upper parking lot addition. As of this morning, staff received a concern regarding the existing fence along the east side of the property line. The gentleman is here this morning.

Staff can recommend approval of this landscape and lighting plan, subject to the annotations on the plans and the standard conditions for landscape and lighting plans. Staff and Randy Biltz, with Higgins and Gerstenmaier, are available to answer any questions that you may have.

Mr. Vanarsdall - Are there any questions for Mr. Garrison?

Mrs. Jones - Mr. Garrison, don't go too far. I'm going to have the gentleman come down and state his concerns [inaudible]. Sir, if you'd come on down, state your name for us, and let us know what your concern is. We'll try to address that right here and now.

Mr. Reed - My name is Charles Reed.

Mr. Vanarsdall - Good morning.

Mr. Reed - Good morning. I live at 212 Santa Clara Drive.

Mrs. Jones - I'm sorry. Charles?

Mr. Reed - Charles Reed.

Mr. Vanarsdall - Reed, okay.

Mr. Reed - I live at 212 Santa Clara Drive, which is behind the proposed parking lot. There's a fence there with a screen, a green, cloth screen, and that keeps me from seeing the school in the wintertime. I was wondering if that could remain. Also, I don't see any evergreen trees along that whole back area on the plan. I just see deciduous hardwoods.

Mrs. Jones- Okay. We'll get the applicant up here to tell you exactly what is being planted.

Mr. Vanarsdall - Thank you for coming down.

Mrs. Jones - All right. I'd like to have the applicant come on down and we'll talk about those [inaudible] break in the evergreens.

Mr. Biltz - Yes, good morning. My name is Randy Biltz with Higgins and Gerstenmaier. The existing fence will remain as it is. We don't have any plans of getting any existing trees or fence in that area. There is a combination of evergreens

and hardwoods throughout the entire buffer. We have camellias, which are evergreens, cedars, cryptomeria, and some hollies all blended in with the hardwoods or the dogwoods and the redbuds and the poplars and the red maples. So, there is a good mix of indigenous native-style plantings all along that buffer.

Mrs. Jones - When are you planning to add [inaudible]?

Mr. Biltz - Well, right now the parking lot is just in raw dirt form. Once that construction buttons up, we'll be able to install the landscape.

Mrs. Jones - Just for the benefit for Mr. Reed, when the materials go in, can you give us an idea of what size they'll be, and what size they'll be at maturity, and how long that might take?

Mr. Biltz - I don't have the plant schedule right in front of me, but I believe all the evergreens are going in at 6 to 8 feet immediately with standard growth rate of 2 to 3 feet per year.

Mrs. Jones - For a mature height of?

Mr. Biltz - The cedars will be 30 feet tall; the Nellie Stevens Holly will be 20; cryptomeria is 25. So there will be a pretty substantial evergreen screen.

Mrs. Jones - Sounds to me like at maturity this will be really almost a solid visual screen.

Mr. Biltz - Yes. Our intent was to supplement into an area that is short on evergreens. The stream that runs between Collegiate School and the adjacent neighborhood is mostly large mature hardwoods.

Mrs. Jones - Right. While you're here, let me ask you about this. There has to be some phasing involved, I understand, with the plan that you're proposing today.

Mr. Biltz - Correct.

Mrs. Jones - Is that noted on the plan, or will you note that on the plan?

Mr. Biltz - We can note that on the plan. The parking lot is under construction now. The loop road is the next piece, which is on the northern part of the property. I think the parking lot is tentatively scheduled to be wrapped up by Thanksgiving, and then they'll move on to the loop road. We can put a note on here as to what we're doing now and then the next phase.

Mrs. Jones - For the benefit of the inspectors, it's always good to have that clear on the plan.

Mr. Biltz - Sure.

Mrs. Jones - I would hope that would answer Mr. Reed's questions? Good. Okay. I did want to note that there are light shields in place.

Mr. Biltz - Correct. All the lights along the eastern and northern parking lot all have outside shields.

Mrs. Jones - That was very important to us as we considered this case, and this has been under discussion with the neighborhood for quite a few years as Collegiate has added to and refined their property. I think they've been receptive to suggestions from the County and from the neighbors to make the impact as minimal as possible. So I appreciate that effort on your part.

I have no further questions, unless the Commission does.

Mr. Vanarsdall - Does anyone else have any questions? Thank you.

Mr. Biltz - Thank you.

Mrs. Jones - All right. Thank you, Mr. Garrison. I would like to thank you very much for all the work you've done on this case. With that I'd like to make a motion for approval of LP/POD-02-06, Collegiate School – Upper School Parking Lots. This is approval subject to the standard conditions for landscape and lighting plans, annotations on the plan, and addition of a phasing schedule to the plans.

Mr. Jernigan - Second.

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

The Planning Commission approved the landscape and lighting plan for LP/POD-02-06, Collegiate School – Upper School Parking Lots, subject to the standard conditions attached to these minutes for landscape and lighting plans.

LANDSCAPE PLAN

LP/POD-65-08 POD2010-00259 The Steward School Athletic Fields – 11600 Gayton Road	**Higgins and Gerstenmaier for The Steward School:** 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 9.29-acre site is located at the northwest corner of Gayton Road and Ryandale Road, on parcels 736-747-8260 and 0678, and 736-748-4535. The zoning is A-1, Agricultural District. County water and sewer. **(Tuckahoe)**

Mr. Vanarsdall - Is anyone in the audience in opposition to LP/POD-65-08, The Steward School Athletic Fields?

Mrs. Jones - We'll get to you.

Mr. Vanarsdall - Mr. Garrison?

Mr. Garrison - Good morning. The applicant is requesting approval of a landscape plan for The Steward School Athletic Field addition. The applicant held a community meeting on September 15, 2010, to present the landscape plan to the Sussex Woods community. The plan before you today is a revised plan that addresses their concerns and addresses staff's comments regarding alternate and additional plant material between the BMP and Gayton Road. However, as of this morning, staff has received a request for additional plant material behind Mr. Gwinn's house. The applicant has agreed to provide this. Therefore, staff can recommend approval subject to the standard conditions for landscape plans. Staff and Keith Van Inwegen with Higgins and Gerstenmaier are available to answer any questions that you may have.

Mrs. Jones - Show us where the additional material was added this morning.

Mr. Garrison - It's going to be added right here. Basically, this line of Leyland Cypress is going to continue a little bit further. Mr. Gwinn is right here.

Mr. Branin - Is there another view of this? Where is that on the site?

Mr. Garrison - It is approximately right in here. There's a scoreboard right here. This is the best shot that I have.

Mr. Branin - So, this is at the back side of the baseball field behind the scoreboard.

Mr. Garrison - Yes.

Mrs. Jones - Specifically to screen the scoreboard?

Mr. Garrison - To screen the scoreboard and just to mitigate views with the activities.

Mr. Branin - Really?

Mr. Garrison - Yes, sir.

Mrs. Jones - How many Leylands are being considered for this new planting?

Mr. Garrison - I'm going to let Keith Van Inwegen answer that question.

Mr. Vanarsdall - Good morning.

Mr. Van Inwegen - Good morning. Keith Van Inwegen with Higgins and Gerstenmaier. The line of Leylands that we're showing right now behind Mr. Tseng's house on the existing plan was 7, and we were planning on adding another 7 for Mr. Gwinn's house.

Mrs. Jones - Have you discussed this?

Mr. Van Inwegen - Yes, we discussed it with him.

Mrs. Jones - And this answers his concerns?

Mr. Van Inwegen - Yes.

Mrs. Jones - Have you had any other neighbors other than these 2?

Mr. Van Inwegen - As Greg mentioned, we met with the Sussex Woods neighbors earlier this month, addressed their specific concerns, and have revised the plan accordingly. We even agreed that in a year we will come back and revisit the site to see if there are any views that have not been addressed by these plantings. We also have on the plan that we will field locate some of the plants to address some specific gaps in the existing trees to make sure that the plants go exactly where they need to be to block those views.

Mrs. Jones - I understand that there has been additional evergreen material put in.

Mr. Van Inwegen - Yes, that is correct.

Mrs. Jones - And the neighbors that you met with, they're happy with that?

Mr. Van Inwegen - Yes, they are.

Mrs. Jones - Well, hang tight, because I think we have a question or 2 for you.

Mr. Van Inwegen - Absolutely.

Mr. Vanarsdall - All right, thank you, Keith. Want to come on over to the microphone and identify yourself, please?

Ms. Hedleston - Yes, good morning. I'm Sally Hedleston, and I own 11811 Coat Bridge Lane, which I have probably the largest amount of exposure to this field than anybody. To date, I have only received very sketchy information. I appreciate you notifying me of the hearing, otherwise I guess it would have gone on without any input from me.

One of the people on the Board told me that arborvitae Green Giant was going in along there, not Leyland Cypress. Now, I've had experience with Leyland Cypress, and I know that they are very subject to bag worms and disease, so I really don't want to have that behind my house. Also, there has been a lot of damage to the plantings that I put in last Fall, and I've mentioned this to people on our Board. I'm in Sussex Square, by the way. I don't know much about Sussex Woods; that must be another development that's behind The Steward School. At any rate, I want to know what kind of plantings. If they're going to have Leyland Cypress, I would be objecting to that because I don't think that's good for that particular place.

Also, through this summer, we have had just tons and tons of dust, and I want to know what kind of a dust barrier or sound barrier—they've planted grass now, but now we have just tons of mosquitoes because there is a lot of water standing in the field because a lot of the grass has not taken hold. We just have clouds of mosquitoes when we go outside. That really is not objectionable either. Now, all of my neighbors—I'm new in the neighborhood. I lived in the city for 30 years. I moved out last spring, Maybe a year ago. I hired a landscape architect to come and advise me about plantings behind our house. We put in a lot of shade plants; we spent over a thousand dollars. We've lost a number of those because the forest behind us has been demolished. They came in and pushed them all down.

So I'm just not convinced that this is going to be a good thing for me personally. That's why I'm here today to find out what exactly is going to happen. Are they really planting Leyland Cypress or is it Green Giant Arborvitae, which is much more acceptable.

Mrs. Jones - We can answer those points for you.

Ms. Hedleston - Okay.

Mrs. Jones - First of all, I corrected the name of the association; you may not have heard that. I corrected that.

Ms. Hedleston - Okay.

Mrs. Jones - Secondly, I will tell you, you may have a lot of mosquitoes, but so do I. It is just one of those Richmond characteristics. We love our outside areas, but sometimes we can't use them as much as we'd like because they drive us indoors. So I'm not sure that I can pinpoint something directly from this development to your mosquito problem because I'm several miles away, and I've got them too. But anyhow, I sympathize.

Ms. Hedleston - Thank you.

Mrs. Jones - As far as the Green Giant Arborvitae, I'm going to bring the applicant up here to go into detail, but you'll notice they are listed here, the Leyland Cypress were back towards the—

Ms. Hedleston - I'm sorry, but I can't read it down here.

Mrs. Jones - Okay. I wanted you to know this was Green Giant Arborvitae here. I'd like you to show us on the screen, maybe with Mr. Garrison's help, where your home is in relation to this development.

Ms. Hedleston - I'm next door to the Nelson's. Okay.

Mrs. Jones - You're next door to Bill and Melissa Nelson.

Ms. Hedleston - No. Actually, I bought the Hale property, so that's where I am. Do you see it at the very top of the screen now? That's it.

Mr. Branin - Mr. Garrison, can you move the screen down a little more please?

Mr. Garrison - That's as far as it's going to go.

Mr. Branin - Really. Is that the end of the property line?

Ms. Hedleston - That needs to be corrected, the ownership. I've been there over a year.

Mrs. Jones - Okay. Knowing now where your property is—can you put the cursor right on her property, please? Okay. I'd like to have the applicant come up and describe in detail what will be in that planting by your home to answer your concern there. I also believe that the dust—you know, we are 10-plus inches below our normal rainfall. It is a difficult situation for Richmond this summer and construction does—any kind of earth moving does—yield some of that. I know that is part of construction.

Ms. Hedleston - Yes, well I understand that.

Mrs. Jones - We'll see what he has to say about that going forward.

Mr. Van Inwegen - First, I just want to clear up the neighborhood thing. For some reason it was referred to as Sussex Woods on the engineering drawings, not Sussex Square. The property ownership, I think the survey may have been over a year old. It was what was used for the ball field. That's why the ownership—

Mrs. Jones - This has been going on for a little while.

Mr. Van Inwegen - Yes. On the drawings here, we have a long narrow site on the border of these athletic fields, so there's a match line. That's why you're at the top of this sheet, but you're really not. We had to break it up into two.

Ms. Hedleston - [Off microphone.] [inaudible] a good deal further than what it shows on that.

Mr. Van Inwegen - Yes. And that is over here.

Mrs. Jones - What a match line does is it divides a long picture in 2 and allows it to be printed on one piece of paper.

Mr. Van Inwegen - Your property is right here, and it continues down along here. Basically, you take this line, cut-and-paste it to this line, and you have the property. The Leyland Cypress that were proposed are along the northern boundary, up beyond the baseball field because the school has some Leyland Cypress up along that area anyway, so we just wanted to be consistent. I understand your concerns with them. Most trees do have some sort of problems associated with them, and Steward is very good with their landscape maintenance.

Along the west side of the soccer field near your property the design is a combination of the Green Giant Arborvitae and American Holly. You can see we have 4 Green Giant Arborvitae, and an American Holly, and then 4 more, and then American Holly. That continues down along the entire soccer field, and then curls around the scoreboard and a little bit along the southern end of the soccer field. We have some cedars that will be behind the scoreboard to help soften the view of that as well.

Mrs. Jones - The plant material, you'll have to come back up to the microphone with further questions. If you could tell us all your questions, and then we'll get them answered.

Ms. Hedleston - Okay. I want to know how tall they will be when they go in and how tall will they grow. Will they be a good barrier for sound and light, which we get a lot of the lights from the school directly into our house now at night? When the students are out on the fields, even the far fields, it's very loud.

Mrs. Jones - All right, thank you.

Mr. Branin - Ms. Hedleston, what color is your house?

Ms. Hedleston - It's a lighter shade of these seat colors, sort of a pale aqua.

Mr. Branin - Okay. When you moved a year ago, you were aware of the activities that go on?

Ms. Hedleston - I was not. I was not advised about this by either my real estate agent or anybody at Sussex Square.

Mrs. Jones - A school has activity on its fields.

Ms. Hedleston - Oh yes.

Mrs. Jones - I'm sure you were aware since the school was there—

Ms. Hedleston - Oh absolutely.

Mrs. Jones - —and there were activities on the fields.

Ms. Hedleston - Right. It's not usually a problem, but I'm just curious as to how much of a sound barrier—

Mrs. Jones - I will get the applicant to answer your question. Thank you.

Ms. Hedleston - Thank you.

Mr. Vanarsdall - Thank you.

Mrs. Jones - We need to know the heights, the growth rates, the mature height, and the ability to screen and muffle noise.

Mr. Van Inwegen - Okay. The American Hollies will go in at a size of 8 to 10 feet, and they will grow to well over 30 or 40 feet. In some cases, they even get up to 50 or 60 feet, but we think at the very least they'll get up to around 30 feet. The Green Giant Arborvitae will be put in at a height of 6 to 7 feet, which is about the height of the chain link fence that is there right now. They will grow about 2 to 3 feet a year, and they will top out somewhere between 18 and 20 feet tall. The Leyland Cypress along the north side will be put in at a height of 4 to 5 feet, and they will grow very rapidly, 3 to 4 feet a year. They will get to be about 25 to 30 feet tall very quickly. These are all evergreen trees, so they will certainly block the view of the fields. They will also block any light that may come off of the property, and they will muffle the sound.

Mrs. Jones - Mr. Van Inwegen, these are not lighted fields.

Mr. Van Inwegen - No, that's correct. The fields are not lit, nor are the tennis courts.

Mrs. Jones - Just to make sure that's clear. All right, thank you very much. Are there other comments or questions? Sir, did you want to come up?

Mr. Branin - With these cases coming up, I walked both Collegiate and Steward School yesterday. I know there were a lot of concerns, especially with The Steward School prior to the fields going in, and I think they did a great job with the buffer. There was only one house—that's why I asked the color of their house. There's only one house that I saw, but it wasn't either of these.

Mrs. Jones - If you'd like to make a comment, sir, you need to tell your name and—

Mr. Hedleston - Boyd Hedleston. I'm in the same house right behind there. I'm wonderful. There's a cut out part right behind the fence, and I'm wondering where the trees are going to go in, in relation to that dip.

Mrs. Jones - Thank you.

Mr. Van Inwegen - There is a drainage swale that runs alongside the field behind the fence, between the fence and the property line. These trees will go on the far side of that ditch. The trees will be up against the existing trees, and then the ditch will be on the other side. You'll have fence, ditch, new plantings, and then over towards your house.

Mr. Branin - The trees will go on your side of the ditch.

Mr. Van Inwegen - This right here represents where the drainage swale is; the fence is this solid line; and the trees will go on the other side, your side of the ditch.

Mrs. Jones - Thank you. Although I know there's always a little bit of a tug and pull when things change, I feel like this has been a cooperative effort. The neighbors have been very open with their suggestions, which is exactly what they should do. I feel that the school has responded in ways that hopefully will address your concerns. And as I mentioned, this case has had its history over the last several years. I think as it moves through, the final product will be a beautiful complex. I think Steward School at the moment, as it stands right now, has shown that it is very interested in having a very attractive campus and well-tended grounds. I think that will go a long way to answer your concerns. You know what their history is. They have a beautiful location, and they're committed to doing that here. I know it is close, but I think the vegetation will do a tremendous job of screening for you.

With that, I'm content with the plan as revised. Unless there are other questions?

Mr. Vanarsdall - No more questions.

Mrs. Jones - All right. With that, I would like to move for approval of the landscape plan LP/POD-65-08, The Steward School Athletic Fields. I'd like to recommend approval subject to the standard conditions for landscape plans and the annotations on the plans with the revised plan on the addendum.

Mr. Jernigan - Second.

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

The Planning Commission approved the landscape plan for LP/POD-65-08, The Steward School Athletic Fields, subject to the standard conditions attached to these minutes for landscape plans.

Mrs. Jones - Thank you very much for being here today.

Mr. Vanarsdall - Thank you for coming.

SUBDIVISION – CHESAPEAKE BAY RESOURCE PROTECTION AREA EXCEPTION

SUB-08-10 SUB2010-00091; SUB2010-00117 Lawndale Farms (July 2010 Plan) Chesapeake Bay Resource Protection Area Exception	**Werner Engineering, LLC for Regal Investment Company, Inc.:** Request for approval of a conditional subdivision and a Chesapeake Bay Resource Protection Area Exception as required by Chapter 24, Sections 106.3(L) and 106.3(F) of the Henrico County Code. The 2.12-acre site proposed for a subdivision of one single family home is located at the southern terminus of Jan Road, approximately 700 feet south of Audubon Drive, on parcel 813-715-9654. The exception would allow the buildable area for a future single-family dwelling to encroach within the seaward 50-feet of the required 100-foot wide Resource Protection Area (RPA), a component of a Chesapeake Bay Preservation Area, adjacent to an unnamed tributary of the James River in the Gillies Creek South Watershed. The zoning is R-4, Single-Family Residential District and ASO, Airport Safety Overlay District. County water and sewer. **(Varina) 1 Lot**

Mr. Vanarsdall - Is anyone in the audience in opposition to SUB-08-10, Lawndale Farms (July 2010 Plan)?

Mr. Jernigan - Mr. Chairman, before we start. Mr. Emerson, what did you say the acreage was?

Mr. Emerson - The acreage is 2.12 acres.

Mr. Jernigan - Okay, thank you.

Mr. Vanarsdall - Thank you. Good morning, Mr. Ward.

Mr. Ward - Good morning. This request before you is an approval of a conditional subdivision to authorize a single lot to be platted from a residual parcel in Lawndale Farms. The conditional approval would also permit the existing turnaround easement shown on the plat to be recorded as a permanent right-of-way, which would provide frontage for the lot. The subject property was created with the recordation of Lawndale Farms, Section 4, in 1978. Prior to that adoption, provisions of the Henrico County Code regarding Chesapeake Bay Protection Areas were not implemented. As the parcel currently exists, there is not any area for development outside of this Resource Protection Area, and the entire proposed buildable area is located in this Resource Protection Area. That's why the exception to encroach into the RPA is required to provide adequate building area for the proposed lot.

Should the Commission approve the Chesapeake Bay Resource Protection Area exception, staff can recommend approval of the conditional subdivision, subject to the annotations on the plan, the standard conditions for subdivisions served by public utilities, and the following additional Conditions #13 through #16. Jeff Perry from the Department of Public Works is here to make a recommendation on the Chesapeake Bay exception. Adam Werner, with Werner Engineering, and I are here to answer any questions you may have of us about the subdivision.

Mr. Vanarsdall - Are there any questions for Mr. Ward by Commission members or Mr. Perry who is in the audience today?

Mr. Jernigan - Mr. Ward, they said that they'll have to reforest portions that are not used?

Mr. Ward - Correct.

Mr. Jernigan - What size trees go in there?

Mr. Ward - I do not know the answer to that. The reforestation will be in this area here.

Mr. Jernigan - Does Mr. Perry know the answer to that question?

Mr. Vanarsdall - Come on down to the microphone, Jeff. Thank you.

Mr. Perry - Good morning.

Mr. Branin - Could you just state your name for the record?

Mr. Perry - I will. I'm Jeff Perry. I'm the Engineering and Environmental Manager with the Department of Public Works. It's a pleasure to be before the Commission.

Mr. Vanarsdall - Glad to have you.

Mr. Perry - As far as the reforestation goes, we'll have to work that out with the applicant as far as the size of the trees. We do have spacing requirements, but as far as the size of the trees, depending on what native trees go back in, I honestly couldn't tell you at the moment.

Mr. Jernigan - I guess what you're telling me is you're going to file a separate plan—

Mr. Perry - Right. That's correct. Those details will be worked out.

Mr. Jernigan - I can't remember that we've had a case in 10 years where we went in and used an RPA for a building site.

Mr. Perry - Correct. They're very rare. In accordance with the law, basically, if we didn't allow it, it would be a taking, and we're not allowed to have a taking.

Mr. Jernigan - By your appearance here, I know you've been out and checked it, so it's okay.

Mr. Perry - That is correct. Once you determine that it would be a taking and they're allowed to build, then really the issue becomes minimization. Basically, they are doing the minimum in the RPA, and they are willing to go back and re-establish that area that had been cleared onto their property by someone else. They had taken out that vegetation, and they're going to go back and re-establish it.

Mr. Jernigan - I didn't know the answer to it, but that can get pretty expensive to put 5 or 6-foot trees in there.

Mr. Perry - Right. I don't think we get into anything of that magnitude.

Mrs. Jones - A quick question. This is a 1978 recordation. There is no provision for grandfathering without going through the whole process, correct?

Mr. Perry - That's correct. Basically, you have to go to the Planning Commission for an exception. Basically it is grandfathered, but—

Mrs. Jones - But we have to put our stamp of approval on it.

Mr. Perry - That's correct.

Mrs. Jones - All right.

Mr. Jernigan - Thank you, Mr. Perry.

Mr. Vanarsdall - Thank you, Mr. Perry.

Mr. Jernigan - I don't have any other questions, Mr. Chairman.

Mr. Vanarsdall - Do you want to hear from the applicant?

Mr. Jernigan - No, sir.

Mr. Vanarsdall - Let's have a motion then.

Mr. Jernigan - With that, I will move for approval of SUB-08-10, Lawndale Farms (July 2010 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, and the following additional Conditions #13 through #16.

Mr. Branin - Second.

Mr. Vanarsdall - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved the Chesapeake Bay Resource Protection Area Exception and granted conditional approval to SUB-08-10, Lawndale Farms (July 2010 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public utilities, the annotations on the plans, and the following additional conditions:

13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously noted on the plat and construction plans and labeled "Limits of Special Flood Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width Drainage & Utilities Easement."
14. Each lot shall contain at least 8,000 square feet exclusive of the floodplain areas.
15. The final plat for recordation shall contain information showing The Chesapeake Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18), of the Henrico County Code, as determined by the Director of Public Works.
16. The applicant shall include a reforestation plan as a component of the subdivision construction plan for administrative approval.

SUBDIVISION

SUB-10-10 SUB2010-00086 Wilton View (July 2010 Plan) 7801 Wilton Road	**Engineering Design Associates for Michael P. McQuade:** The 60.7-acre site proposed for a subdivision of 24 single-family homes is located on the east line of Wilton Road, approximately 1,650 feet from its intersection with Warwick Park Road, on the northern and southern lines of I-895 (Pocahontas Parkway) and the west line of Osborne Turnpike, on parcels 801-688-3193, 801-689-9597, and 802-689-4664. The zoning is A-1, Agricultural District. County water and individual well and individual on-site sewage disposal system. **(Varina) 24 Lots**

Mr. Vanarsdall - Is anyone in the audience in opposition to SUB-10-10, Wilton View (July 2010 Plan)? No opposition.

Mr. Pambid - The developer requests this conditional subdivision for 24 lots, which will be served by a mixture of public water and on-site well and sewage disposal systems. The 6 lots along Wilton Road—which are here, Lots 1, 2, 3, 4, 5, and then there's also another here by the north end of that overpass for I-895—will be served by public water and on-site sewage disposal systems. The remainder of the lots here and also on the south side of I-895, which is the Pocahontas Parkway, will be served by both on-site well and sewage disposal systems.

As I just mentioned, the subdivision is split in half by I-895, Pocahontas Parkway, and that leaves 2 large lots on the south side. While both of the lots have the required road frontage, one of these lots will be accessible by a gravel drive on an access easement which parallels I-895. The larger of the 2 lots will be the one that requires that access. The access easement crosses a significant portion of the Special Flood Hazard Area, and Public Works has required that the drive must be constructed so that the maximum water coverage in a 100-year storm event does not exceed 6 inches in depth.

Staff recommends approval of this conditional subdivision subject to the conditions in the agenda and the annotations on the plan. This concludes my presentation. I can now field any questions you have regarding this. Randy Hooker with Engineering Design Associates is also here.

Mr. Vanarsdall - Are there any questions by Commission members for Mr. Pambid or Mr. Hooker?

Mr. Jernigan - There were quite a few notations on the plans. You did good to get all of those straight.

Mr. Pambid - Thank you, sir.

Mr. Jernigan - Mr. Chairman, I don't have any questions on it. With that, I'll move for approval of SUB-10-10, Wilton View (July 2010 Plan), with conditional approval subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities and subdivisions not served by public utilities, and the following additional Conditions #13 and #14.

Mr. Branin - Second.

Mr. Vanarsdall - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission granted conditional approval to SUB-10-10, Wilton View (July 2010 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public utilities and subdivisions not served by public utilities, the annotations on the plans, and the following additional conditions:

13. Each lot shall contain at least 43,560 square feet.
14. The details for the landscaping to be provided within the 10-foot wide planting strip easements along I-895 and Osborne Turnpike shall be submitted to the Department of Planning for review and approval prior to recordation of the plat.

PLAN OF DEVELOPMENT AND MASTER PLAN

POD-07-10 POD2010-00018 Metromont Corporation Site Improvements – 1640 Darbytown Road (POD-47-80 Rev.)	**Engineering Design Associates for Metromont Corporation:** Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 3,547 square foot office building, a 1,167 square foot break-room building, and a 667 square foot restroom building and to approve a master plan to demolish several buildings, to establish additional outdoor storage and material processing areas, and to authorize future production facilities at an existing pre-cast concrete manufacturing plant. The 65.23-acre site is located on the north line of Darbytown Road, approximately 750 feet east of Oregon Avenue, on parcel 806-710-8061 and 807-710-5764. The zoning is M-2, General Industrial District, M-2C, General Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

Mr. Vanarsdall - Is anyone in the audience in opposition to POD-07-10, Metromont Corporation Site Improvements? No opposition.

Mr. Kennedy - Good morning, Mr. Chairman, members of the Commission.

The subject property consists of 2 parcels, a 17-acre parcel zoned M-2 that contains an existing pre-cast concrete plant established in 1948 and an adjoining previously-undeveloped accessory parcel, zoned M-2C in 2008, and was acquired by Metromont Corporation.

The proposed POD and master plan would permit conversion of temporary office facilities and restroom facilities located on the accessory parcel to permanent facilities. The master plan would authorize future development to the production facilities and approve the location of storage areas, which already exist.

In addition, the plan would permit the demolition of some outdated facilities that encroach into the right-of-way along Darbytown Road.

Staff recommends approval of both the POD and the master plan. Future development will be in accordance with the master plan under administrative approval. Condition #35, which was recommended by the staff, provides that a transitional buffer 50 will be established along the road here where that building is demolished or where new production facilities are constructed. Condition #36 provides that additional frontage improvements would be provided along Darbytown Road with the construction of additional production facilities.

Staff recommends approval of both the POD and the master plan, subject to the standard conditions for developments of this type and the additional Conditions #29 through #36 on the agenda. Staff, as well as the developer and their consultants, are available to answer your questions.

Mr. Vanarsdall - Are there any questions for Mr. Kennedy from Commission members?

Mr. Jernigan - This has been a challenging case. I want to thank Mr. Kennedy. This has been going on for a long time. What made it challenging is that place was really in bad shape when Metromont took over. It has been since 1948. The bathrooms still look like 1948. They got themselves in trouble. They cleaned the site up and got in trouble because they—it's a long story, but anyway. These people have done a great job to come in and do what they're doing. They have about 30 people working there, and I think at this point they'll probably—when things get better—they'll be back up to about 150. They make the prestressed concrete, the T-bars that you see going down the road. They use those for building parking decks.

Mrs. Jones - I have a quick question. I remember this from it coming through before. Refresh my memory as to the distance between some of these homes and the activities on the site.

Mr. Kennedy - There is a 300-foot buffer required between residential and additional production facilities. Production facilities that are within that 300-foot buffer are legal non-conforming. So, there's a 300-foot separation along here, and no

production facilities are proposed. This is an office building and staff parking. There is another 300-foot buffer, which actually you can see that line here for the residential lots across Darbytown Road.

Mrs. Jones - I do.

Mr. Kennedy - This existing building here is going to remain as a concrete block manufacturing facility. This other building here is going to be demolished. In its place, they would establish a 50-foot transitional buffer. That's the condition I spoke of. Their intention is to put a 10-foot concrete wall down in there and use a panelized wall as part of the buffer. Right now, the building there does screen some of the production facilities. By taking it down, they actually open it up to residential that's existing there. In turn, they're putting that concrete wall there and providing landscaping after it is demolished.

Mrs. Jones - I think lighting was an issue as well because these production activities go on—

Mr. Kennedy - These production activities go on all night because they have to make sure that the concrete sets correctly. What they've done—this production facility here was open. It had open bays with metal racks and conveyor belts that would convey the concrete panels. What they're doing is actually enclosing it with a roof that will help cut down some light.

Mr. Jernigan - Also, when the rezoning case came through in the M-2 portion that backs up to the residential, they put in how many trees? It was a couple hundred. They did extensive buffering back there.

Mrs. Jones - Thank you. That answers my question.

Mr. Jernigan - Metromont is out of South Carolina. Okay.

Mr. Vanarsdall - Any more questions for Mr. Kennedy?

Mr. Jernigan - I don't need to hear from the applicant, Mr. Chairman.

Mr. Vanarsdall - Okay.

Mr. Jernigan - With that, I would like to move for approval of POD-07-10, Metromont Corporation Site Improvements, subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional Conditions #29 through #36.

Mrs. Jones - Second.

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

The Planning Commission approved POD-07-10, Metromont Corporation Site Improvements, 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 right-of-way for widening of Darbytown Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
30. Outside storage shall not be permitted except as shown on the approved plan.
31. The proffers approved as a part of zoning case C-37C-08 shall be incorporated in this approval.
32. 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.
33. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/ approval.
34. 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.
35. A transitional buffer 50 shall be established along Darbytown Road where any existing structures are demolished or where any new production facilities are constructed. If a wall is constructed to satisfy this requirement, a minimum 15-foot landscaped setback to the wall shall be provided from the ultimate right-of-way (including any turn lanes required by the County Traffic Engineer) for Darbytown Road.
36. Any future administrative Plans of Development to construct additional production facilities shall include road widening improvements along Darbytown Road as determined necessary by the County Traffic Engineer.

PLAN OF DEVELOPMENT AND MASTER PLAN

POD-19-10
POD2010-00214
Willow Lawn
Redevelopment – Phase II
– 1601 Willow Lawn Drive
(POD-08-05 Rev.)

Vanasse Hangen Brustlin, Inc. for Federal Realty Investment Trust: Request for approval of a revised plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to redevelop an existing shopping center and an existing retail strip center. Redevelopment of the shopping center includes demolition of a 59,700 square foot enclosed food court and its replacement with an open courtyard containing parking and drive aisles; façade improvements for the sections of the remaining buildings facing the courtyard; a future one-story, 3,323 square foot addition to the shopping center; a future addition of a one-story, 7,500 square foot retail building on an outparcel; and a 323 square foot patio enclosure for outdoor dining at an existing outparcel. The sum total of all buildings in the shopping center would be 446,796 square feet, for a net reduction of 10,420 square feet from the previously-authorized master plan. The master plan includes 2 previously-authorized future one-story additions to the retail strip center, totaling 19,550 square feet. The sum total of all buildings in the retail strip center would be 49,550 square feet. The 37.25-acre site is located at the southeast corner of W. Broad Street (U.S. Route 250) and Willow Lawn Drive, on parcels 773-736-2198 and 6272. The zoning is B-2 Business District. County water and sewer. **(Brookland)**

Mr. Vanarsdall - Is anyone in the audience in opposition to POD-19-10, Willow Lawn Redevelopment – Phase II? I would say that Mrs. Doris Cunningham is here this morning. She's representing the client, and she's not in opposition. Good morning, Mr. Kennedy.

Mr. Kennedy - Good morning, again. I'd like to draw your attention to the addendum; there's a revised plan.

Federal Realty Investment Trust, the owner of Willow Lawn Shopping Center, has determined that the enclosed mall at Willow Lawn is obsolete. With the relocation of the Old Navy store, which occupied this building here, to an exterior frontage that faces the commercial properties along Staples Mill Road, the enclosed mall no longer has a major tenant that would draw customers into the mall.

After conducting market studies, Federal Realty has determined that improved vehicular access and parking is needed to serve the interior tenant spaces that still remain in this

area. The proposed redevelopment plan would replace the enclosed food court with an open courtyard containing a parking court, which would satisfy that need.

During the review of the plan, staff requested revisions to the proposed vehicular circulation within the courtyard area. There were some problems and confusion with the circulation. We worked with the developer. With extensive collaboration by both the Planning Commission member and the developer, we were able to agree to a revised plan to address those concerns. With the revised plan, this area here is an open courtyard. That's to replace the previous mall area.

The courtyard is to function as a common area for the mall and it is to replace the enclosed mall and act as a focal point for seasonal activities. This courtyard is approximately the same size as the courtyard at Short Pump Town Center where the pump fountain is, so it will function in the same way. It will permit them to do seasonal activities like having a Santa Claus cottage or an Easter bunny cottage and to do other events like have concerts. They have agreed to provide a vertical element to that area, which would draw your attention to that area, which is kind of hidden behind the older buildings.

The master plan would permit the future development of an outparcel and additions to the existing strip center. Those would return for Planning Commission review and approval. In addition, the master plan provides for some minor infill development here and here that could be reviewed administratively in the future.

Staff recommends approval of both the POD and the master plan, subject to the standard conditions for developments of this type and the additional Conditions #29 through #33 on the agenda. Since there is still work to be done and it doesn't have a landscape plan, we're recommending that the landscaping and lighting come back to the Planning Commission in the future so you can see the final product that staff works out with the developer.

Staff, as well as the developer and their consultants, are available to answer your questions.

Mr. Vanarsdall - Are there any questions for Mr. Kennedy?

Mr. Branin - I can understand opening it up and getting an open atmosphere like Short Pump Town Center or something like that, but by putting parking in—couldn't you put more shopping in the middle?

Mr. Kennedy - We've had extensive discussions with the developer about this. We had concerns about the elimination of a common area. Basically, what their market studies show is that this building here, which is occupied by Old Navy, the customer frontage for entry is facing into this courtyard. In order to market that facility, what their studies tell them is that they need parking available to it. It would also provide

parking for all these retail shops here and here. They have not had success with the enclosed mall.

Mr. Emerson - Mr. Kennedy, does the shopping center meet its current parking requirements without this addition?

Mr. Kennedy - Yes, it does. Actually, this enhances parking.

Mr. Emerson - Increases.

Mr. Kennedy - Increases parking. It decreases floor and increases parking. The mall was built after the shops were there, so it was kind of enclosed backwards. The back end of these buildings always faced out, and it was kind of an awkward situation. It's not a typical thing you do if you have a mall to start over with. The food court was actually 2 office buildings they never rented because you're looking over the roof of a mall. It's not very high quality. By doing this, they open up the buildings.

Mr. Branin - Mr. Kennedy, I don't know which diagram this is. I'm looking at the third large plan page. It says, "Restaurant Tenant." Is that the current Ruby Tuesday? This is the old—what was it, Thalhimer's and Miller and Rhoads? This is the old Thalhimer's at the top of the page, which is now Old Navy. Wouldn't that be the Ruby Tuesday?

Mr. Kennedy - That was actually over here in the front. That was taken down in 2005 with that renovation. There is no current restaurant there.

Mr. Branin - So this is a future restaurant?

Mr. Kennedy - Ruby Tuesday used to occupy this area here, and it was taken down in 2005. When they redeveloped this building here, which now contains Ross and Gold's Gym—when they took down Ruby Tuesday, it gave them some additional floor area, so they were able to do these 3 outparcels, the AAA building there and this bank building. Basically, what they did was they took down the restaurant that was located here to allow more parking and replaced it with buildings elsewhere on the site. In the food court, the biggest tenant is Chick-Fil-A. They do have some restaurant space over here. Noodles.

Mr. Emerson - Noodles is facing Broad Street next to Dairy Queen.

Mr. Kennedy - What this does is it provides them an area to provide parking access to these small stores that have no frontage. At the same time, staff's concern was the creation of common public area to maintain that shopping center unity and to have open space to provide facilities like Santa, the Easter bunny, and other programs.

Mr. Emerson - This was a compromise on staff's part.

Mr. Kennedy - They do have representatives in their marketing division here.

Mr. Branin - I'd like to hear from them, if I may.

Mr. Vanarsdall - Are there any more questions for Mr. Kennedy?

Mrs. Jones - Let me make sure I understand this. You're going to have parking in this area along with amenities such as a Santa house with children and parents running through?

Mr. Kennedy - Not in the middle, No. Let me show how it works.

Mrs. Jones - I'm sorry. I just want to make sure we're thinking this through.

Mr. Kennedy - Basically, there's a courtyard right here. This is the courtyard. What they're going to do with the courtyard is frame it with benches, which will become the feature. This parking here is limited. We cut down the parking access to just one point of access, which will have traffic-calming measures on it. This way they can get close to the shops and, at the same time, have events. Also, if they have big events, they can actually close off the courtyard. The object is to be able to have a stage that is available. If you go back to the original plan, you can see there's a drive here, a drive here, a drive here, a drive here—there are driveways all over the place. The only courtyard they had was this one little framed space right there, in this alleyway here. What we've done is incorporated, closed off this, closed this down, and made this whole space here a courtyard.

Mrs. Jones - Okay.

Mr. Vanarsdall - I want to take this opportunity to thank Mr. Kennedy. I want to thank you for all the work you've done on it. All of his suggestions haven't been exactly welcomed with open arms, but they haven't come to fisticuffs over anything. We stated it, and it's come a long way and all of them are here this morning. While you're sitting here, Mark Henderson, on the far left, is the project manager. Brian Stevenson is the engineer. We call this next gentleman John T because he has a "T" and an "S" in the beginning of his name, and it's as long as mine. He is head of development for the entire company. Then, Sarah—and I don't have your last name, but we'll hear from you right now. Thank you for coming, and we look forward to working with you. You want to come up to the microphone.

Mr. Tschiderer - Good morning. Thank you, Mr. Chairman, members of the Commission. John Tschiderer. I'm the Vice President of Development with Federal Reality Investment Trust.

As we all know, this is a unique property with a unique history. Everything that we're talking about doing we feel confident about the approach we've taken internally, as well as externally, and it's been a tremendous productive dialogue to get where we are.

We've owned the property since the mid eighties. Again, mentioning its unique history, we are the ones that turned it into the mini mall that it was. As history has recorded, anything that has the name "mini mall," has generally met with failure, and we met with failure with that investment out at Willow Lawn. So, we started to de-mall it, 6 or 7 years ago thinking about it; executed it 5 years ago, and now here we are again back to discuss with you this idea of finishing the de-malling but also enhancing the asset. Sarah can speak to some of the marketing endeavors we have ongoing up to this date and will continue to go forward.

To answer Mr. Branin's question about the public space—public realm, as I like to refer to it, is a very, very important part of what we do as an organization. We have 19 million square feet in our portfolio, and we put that consumer experience at the highest level on all of our assets, including Willow Lawn. This one has been a challenge without a doubt. Public realm, as I like to use the expression, is sidewalks, corners, and then public space. It's frankly getting cars onto the property. More to the point, getting the person out of the car to the experience, which starts with this sidewalk once you're out of your vehicle, and then moving through the property. The idea of enhancing, marketing, and providing community events, mommy-and-me, the annual holiday events, all the other things that Sarah is going to talk to you about, those are important to us because they bring people to the property; it reinforces the sense of community. All those things are important, and that's what we do. We take that very seriously.

What we've done with Michael and others' critical input—and actually it's been a really wonderful dialogue. Michael actually enlightened us in a lot of different ways that we hadn't seen before, so it's been a really productive dialogue. The public space area in front—and it's really not showing it here graphically very strongly. You saw the first that went up. That was our vision, if you will, and there was probably more parking than there needed to be, frankly. We didn't put enough emphasis into what we think we're good at, which is the public realm space. Michael kind of reset our thinking. Get the public realm. Put a priority into the public realm. He made the comparison to the Short Pump public space, and it's comparable in size to the one in Short Pump. So, we're happy with that. We're happy with the way the plan has gone.

The parking, if you can look on the left and right side of the parking where the small letters are, that's the future retail space. It's important from a convenience standpoint to have the parking at its front door to go to market, to get the right kinds of tenants, to get the right kind of rents to pay for the improvements, and then to be anchored by Old Navy at the end. Also, parking at their entrance is important. Thinking it through, the physical plan, the idea of how we market the property and present it to the community, all of those things have gone through this entire thought process, and we believe the plan in front of you is a really strong plan from our perspective for us to invest in. So, let

me put Sarah on real fast, and she can kind of expand a little bit on what we're doing in terms of the marketing of the property on an ongoing basis.

Mr. Vanarsdall - Thank you. Any questions?

Mr. Branin - I did, but he went away too quickly.

Mr. Vanarsdall - Want to come back up, John?

Mr. Branin - Where are you headquartered?

Mr. Tschiderer - We're based in Rockville, Maryland.

Mr. Branin - You have properties where?

Mr. Tschiderer - We have properties predominantly on the East Coast and on the West Coast.

Mr. Branin - I'm not saying what you're doing is wrong. In my 8 years of being on the Planning Commission, what we hear from the people, what we hear that works, what we hear they want, is more outdoor area. We just changed West Broad Village. That was supposed to be a building, and we're going to make it an amphitheater and kiosk area to give it more outdoor area for people. In growing up and shopping here literally my whole life—my sister worked at Thalhimer's there—being there in this shopping center, the mall was great. I used to have dinner there, but it did die out. It's a shame. I can't get my arms around a sea of additional parking, which could be great open space for activities. That's why I'm questioning it. The reason I ask where you're located and where you have other properties: Is this the wave of the future that we'll be seeing? That's where I'm going with my questioning. Are people that you're seeing in other places saying, "You know, we don't want to be outside and doing stuff; we want to park in front of the store, and that's more important"? If that's where we're going in the future, then it's valuable information to know now.

Mr. Tschiderer - There are a lot of ways to answer the question. I'll go back to my public realm explanation and then put some metric in terms of the dimensions. The mall common space now as it exists is about 30,000 square feet. So, where the food court is, which is not functional—it has one tenant, Chick-Fil-A—and all the other vacancies, those tenants we have are essentially on temporary lease. That's about 30,000 square feet. When you take out that portion of the building and you build what's being proposed, the sidewalks and the public space equates about 34,000 square feet of common area, common public space. So, we will have in contrast more ground area than we currently have today. It's going to be designed for an outdoor environment—benches, seating, activities areas, a vertical element. That space, Commission, it's hard to see. I wish we had a graphic. Dimensionally, that's like 15,000 square feet, maybe even 20,000 square feet that's out in front of the building. Right here, this area is 15,000 square feet in size, maybe 20,000 square feet in size. It's significant. What you can do

in 20,000 square feet, and Michael did—actually, it was Michael helping us understand the scale of the space by comparing it to Short Pump. It's a significant outdoor space. When it's designed with the right kind of landscape architecture and it gets marketed from Sarah's perspective, it will be a very pleasant public space and will be the focal point, if you will—I like to call it the heart place—still of Willow Lawn.

So, the parking lot is an oddity if you will—and I appreciate that—because it seems like it's being jammed in there, but it's really not. When the property was built in the mid-fifties, there was a road that went through there, and it was open air. We're actually getting it back to its open air original intent with the added—we just don't—the market hasn't supported the property in the way we'd like to see it supported. This, we think, is going to get us there finally with the final phase of the de-mall.

So, the public space is a high priority. We believe the plan represents all the qualities we think hold a high regard for public space, and we'll be able to present to the community consumer a really pleasant experience.

Mr. Branin - So, you're not seeing a wave of people wanting more parking? What you're saying is that this is going to work better for this location.

Mr. Tschiderer - Yes, to answer that part of the question. It was interesting that we're such a car-driven society, if you will. So, the convenience component of the consumer, they still want to park—everyone does, I think in this room, probably—as close to where they're going as possible. So, it's the convenience factor. The idea is once you get out of your car what that experience is like. There isn't a trend in the industry; it's just that we believe this layout is going to be the best thing for this property and those who visit the property.

Mr. Branin - Now you've answered my question.

Ms. North - Good morning, I'm Sarah North. I'm the marketing manager for Willow Lawn. I live in Richmond. I was born in—

Mr. Vanarsdall - Last name, Sarah?

Ms. North - Can you hear me? Sorry. I live in Richmond. I was born and raised in Richmond. I know the property very well. My dad used to work across the street. I remember going to the food court for lunch with him when I was little. So, I know it. I've been marketing it for the last 3 years. I've kind of learned what works and what doesn't. This is a very family-friendly environment. We do plenty of events throughout the year. We have a Mommy-and-Me event every month, and Old Navy doubles their staff because of the people that are attracted to this event. We get about 500 moms and their kids to this event. Our Santa event is huge. I think we've branded ourselves as having the best Santa in town. I know the legendary Santa at the Children's Museum would disagree, but we've really shown our numbers have increased. We have holiday events that last from black Friday all the way to Christmas

Eve. In the summertime, we host Imagination Richmond, which is a celebration of the arts. It's a Saturday afternoon in May. We have concerts; we have live music. I have pictures here I can show you. I'm flipping through just to kind of help remind myself. I have very comprehensive advertising in place to support these events. We have a wonderful relationship with NBC12; you've probably seen some of our advertising. We work really closely with Richmond Parents Monthly. Richmond Magazine is another good partner of ours. We have a really strong direct mail component. We're also really getting into the social media advertising with Facebook and Twitter—or the tweeting.

So, we have a really strong marketing campaign that will support this. I think the outdoor space is great and really sufficient and really works well. To what John was saying, the parking and the convenience is very important to our customers. This large space really gives us enough room where we can have these beautiful white 10 X 10 tents. We can have a stage; we can have clowns and balloon artists spread throughout the center down to the Kroger end, to Old Navy, and then to the restaurants. We have lots of security on staff for these events to make sure that there are ample crosswalks and to stop the traffic for people.

Does that answer your questions?

Mr. Vanarsdall - Are there any questions? Where is your office?

Ms. North - My office is on Wythe Avenue in Richmond.

Mr. Vanarsdall - The reason I ask, I've been out there and couldn't find anybody. Thank you.

Ms. North - I have plenty of marketing examples, and I'd be happy to share those if anyone is interested.

Mrs. Jones - The Willow Lawn Drive façade. Are these Willow Lawn Drive?

Mr. Kennedy - Actually, these are interior to the courtyards.

Mrs. Jones - What is going to be facing Willow Lawn Drive, because as we said, that's the back of the building. Will there be similar design features?

Mr. Kennedy - This is the old Thalhimer's building. They just have a loading dock in the back. The state office building, the entrance—there's no entrance over here so they're doing all these façade improvements interior to the courtyard.

Mrs. Jones - There will be no façade improvements to the streetscape.

Mr. Kennedy - To the existing streetscape along Willow Lawn Drive, there's no intention of changing those facades at all. This will stay the same. It's still a covered

walk along there with a hard canopy. Those will stay. They have small storefronts here. Old Navy is actually going to have a storefront facing into the parking lot here, so what was the rear of a building will become the front. It will enhance the frontage along this side so it doesn't look like you're driving into the back of the property. The office supply store has that same sort of entrance. You turn the corner with Starbucks, and there's a little bit more frontage here as opposed to the rear on that side.

Mrs. Jones - I was just thinking about the Willow Lawn Drive side. It's all money, I realize, but that could be a missed opportunity to set the tone right off the bat.

Mr. Kennedy - They do have some entrances, some features. This façade here is where the offices are going to be retained. That's all along the side. Actually, it faced Broad Street on the interior of the courtyard so that's the Broad Street side. These are some of the tower features that they tried to put on the end to draw attention to the corners. That will be visible from the front of the courtyard. It's hard to read these floor plans and these elevations because they're basically frontages on existing structures. In an interior to a courtyard, it's hard to get direction.

Mrs. Jones - I would suggest that there's [inaudible] an impression from the street.

Mr. Kennedy - That's the intent of having the courtyard bump out, so you can see it. It will actually be visible from Broad Street, and the tower feature will attract people to that courtyard. Where it is, it's kind of hidden. There's no street presence whatsoever for those businesses. This is what will be the courtyard. These would be very small frontages along here and small frontages along here as well, small businesses. The big frontage is the old Thalhimer's building, which is the first floor that was occupied by Old Navy, and now they're trying to find tenants.

Mrs. Jones - Okay.

Mr. Vanarsdall - Any more questions for Mr. Kennedy? I was a little surprised, but some of the tenants didn't know anything about this until they read it in the paper. I would have thought you would talk to each one of the tenants to get their ideas. One of them was Ross, and a couple others over there were not happy. I inquired at Panera and Starbucks, and they thought I was nuts.

Mr. Henderson - Good morning. I'm Mark Henderson, development manager for Federal Realty. What we've done is we've worked with our leasing team, and the leasing team has gone through and worked with the tenants that are in the mall, as well as on the property. As you can imagine, with a property like this, there are leases and terms and everything that we need to go through to figure out if there are any issues with what we're doing and let them know what we're trying to do.

As far as I know, they have spoken with tenants, specifically to Ross and others and said this is what we're looking at, this is what we're doing. Now, as you've said, this is

an ongoing process. We've enjoyed working with Mr. Kennedy and others to help define what we're doing. The initial plan versus what we're proposing now has changed, but the overall intent has been there with the de-malling, new retail, and streetscape.

So, as far as I know, there haven't been any tenants who didn't know. Sometimes there is a momentary disconnect if there's a local operator and the corporate office, but I think we try as best we can to kind of connect the two.

Mr. Vanarsdall - Okay. Thank you. Anybody else want to ask Mark anything? Thank you.

Mr. Branin - I wonder what the change is going to be in another 10 years?

Mr. Vanarsdall - Willow Lawn goes back to 1956. I believe everybody here, when they tore down the building, each one of us got a brick that had 1956 written on. This was probably one of the first regional shopping centers in the whole area. Do you know what year Regency Square was built?

Mr. Emerson - I believe it was 1976, Mr. Chairman. Does that sound correct?

Mr. Vanarsdall - Since then, we had Virginia Center Commons in 1990, and Short Pump in 2000, and we just had White Oak in 2009. So, it makes a difference now. What we've always thought was that it wouldn't become another Azalea Mall, for those of you who remember Azalea Mall. If you don't remember it, you won't find it because it's been torn down. We're glad that you're back on paying attention to Willow Lawn. The restaurant, Panera, and all the rest of them there, across the street, have proved that there is a tremendous amount of traffic that comes to Willow Lawn. I think you will find with the right tenants in there, it will really pay off for you and go forward.

With that, I would like to recommend approval of POD-19-10, Willow Lawn Redevelopment – Phase II, subject to Conditions #9 amended and #11 amended, and #20 through #33.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved POD-19-10, Willow Lawn Redevelopment – Phase II, 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.

11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.

29. All subsequent detailed plans of development needed to implement this conceptual master 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.

30. 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.

31. Only retail business establishments permitted in a B-2 zone may be located in this center.

32. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.

33. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

Mr. Vanarsdall - Thank you all for being here.

Mr. Emerson - Mr. Chairman, that takes us to the next item on the agenda, which is consideration of approval of your minutes from your July 28, 2010 meeting.

Mr. Vanarsdall - Did anybody read the minutes?

Mrs. Jones - Yes, sir. I have no corrections.

Mr. Vanarsdall - All right. I need a motion to take care of them.

Mr. Jernigan - So moved.

Mrs. Jones - Second.

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

The Planning Commission approved the July 28, 2010 minutes as submitted.

Mr. Emerson - Mr. Chairman, the next item on your agenda is the work session that you have scheduled. It is to discuss permitted automobile repair uses in B Districts, potential amendments, and possibly anything else that the Commission may have on their mind. I'm going to recommend that the Commission recess the meeting to the Planning Department large conference room for this discussion and then reconvene in 15 minutes. Whatever you feel is appropriate.

Mr. Vanarsdall - We'll do that.

The meeting is recessed, and the Planning Commission will reconvene in the Planning Department conference room for a work session.

RECESS for change in venue at 10:39.

RECONVENE in Planning Department Conference Room for Work Session at 11:02.

ATTENDEES FOR WORK SESSION:

Members Present:
Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)
Mr. C. W. Archer, C.P.C. Vice-Chairman (Fairfield)
Mrs. Bonnie-Leigh Jones, (Tuckahoe)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary

Members Absent:
Mr. Tommy Branin (Three Chopt)
Mr. David A. Kaechele (Three Chopt)
Board of Supervisors Representative

Others Present:
Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, CLA, Principal Planner
Ms. Jean Moore, Assistant Director of Planning
Mr. Ben Blankinship, Principal Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Ms. Holly Zinn, Recording Secretary

PLANNING COMMISSION WORK SESSION

A work session was held with the Planning Commission to discuss automobile uses in business districts, parking regulations, and potential future ordinance amendments. A possible code assessment was discussed as a component of the 2026 Comprehensive Plan Update. The Commission was provided information regarding the code assessment process, and was asked to consider the potential need to complete this process and provide feedback to the Director of Planning.

Mr. Archer made the motion to adjourn. Mrs. Jones seconded.

The meeting adjourned at 12:06.

Mr. Ernest B. Vanarsdall, Chairman

R. Joseph Emerson, Jr., Secretary

PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**

1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**

1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**

2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.

3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.

4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.

5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.

6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.

7. The plan of development plan shall be revised as annotated on the staff plan dated **September 22, 2010**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**

8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.

9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
10. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced no later than the next planting season.
11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.

11A. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.

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

12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
13. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan for review and approval.
14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
15. Traffic control signs shall be provided as indicated on the Department of Planning Staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
16. The assigned property number(s) shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses. **(Revised January 2008)**
17. The owner shall have a set of plans approved by the Director of Public Works, Public Utilities and Secretary of the Planning Commission available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
18. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.

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

STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **September 22, 2010,** which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

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

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

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

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

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

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

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

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

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

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

B-2 ZONE

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

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

B-3 ZONE

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

SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**

5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.

6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on site sewage disposal/septic)**

6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.

7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 22, 2010,** which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **September 28, 2011,** unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **September 22, 2010**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **September 28, 2011**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.

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

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 22, 2010,** which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 28, 2011**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to

the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.

13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site

14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of **(name of subdivision)** and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.

Standard Conditions for Zero Lot Line Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 22, 2010,** which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 28, 2011**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

12. Prior to a request for final approval, the developer shall provide a buildable area plan

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

SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 22, 2010,** which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 28, 2011,** 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.