

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Spring Roads beginning at 9:00 a.m. Wednesday, September 26, 2012.

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Members Present: Mr. Tommy Branin, Chairman (Three Chopt)
Mrs. Bonnie-Leigh Jones, Vice-Chairperson, C.P.C. (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Frank J. Thornton,
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 B. Crady, AICP, County Planner
Mr. Tommy Catlett, Traffic Engineering
Ms. Kim Vann, Henrico Police
Ms. Holly Zinn, Recording Secretary

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

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9 Mr. Branin - Good morning, and welcome to the Henrico County Planning
10 Commission for Subdivisions and Plans of Development, September 26, 2012. I would
11 like to take this time to welcome all of you in the room and recognize our supervisor who
12 is on our Commission this year, Frank Thornton, and any news media that are in the
13 room. Andy Jenks is in the room. With that, please, everyone, take out their cell
14 phones—which I'll be the first to do it because I'm usually the one who forgets—and
15 make sure it's on either off or on vibrate mode so it doesn't interfere with our meeting.
16 Please stand for the Pledge of Allegiance.

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18 Okay, Mr. Secretary.

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20 Mr. Emerson - Thank you, Mr. Chairman. First, on your agenda today, are
21 the requests for deferrals and withdrawals. Those will be presented by Ms. Leslie News.
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23 Ms. News - Thank you, Mr. Chairman. Good morning, members of the
24 Commission. We have three requests for deferral this morning. The first is found on page
25 24 of your agenda and is located in the Three Chopt District. This is SUB-2012-00115,
26 Townes at Pouncey Place (September 2012 Plan). The applicant has requested a
27 deferral to the October 24, 2012 meeting.

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29 **SUBDIVISION**

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SUB2012-00115 **Bay Companies, Inc. for Pouncey Tract Company of**
Townes at Pouncey Place **Virginia, LLC:** The 12.41-acre site proposed for a
(September 2012 Plan) – subdivision of 70 residential townhouses for sale is
Pouncey Tract Road located along the east line of Pouncey Tract Road,
 approximately 600 feet south of its intersection with Twin
 Hickory Lake Drive, on parcel 740-765-7333. The zoning
 is RTHC, Residential Townhouse District (Conditional)
 and WBSO, West Broad Street Overlay District. County
 water and sewer. **(Three Chopt) 70 Lots**

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32 Mr. Branin - Thank you. Is anyone in opposition to the deferral of
33 SUB2012-00115, Townes at Pouncey Place (September 2012 Plan)? No one? Then, I
34 would like to move that SUB2012-00115, Townes at Pouncey Place (September 2012
35 Plan), be deferred to the October 24, 2012 meeting per the applicant's request.

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37 Mr. Leabough - Second.

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

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42 At the request of the applicant, the Planning Commission deferred SUB2012-00115,
43 Townes at Pouncey Place (September 2012 Plan), to its October 24, 2012 meeting.

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45 Ms. News - The next item is found on page 26 of your agenda and is
46 located in the Three Chopt District. This is POD2012-00312—this includes a lighting
47 plan—for Townes at Pouncey Place. The applicant has requested a deferral to the
48 October 24, 2012 meeting.

51 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

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54 **POD2012-00312** **Bay Companies, Inc. for Pouncey Tract Company of**
55 **Townes at Pouncey Place** **Virginia, LLC:** Request for approval of a plan of
56 **– Pouncey Tract Road** development and lighting plan, as required by Chapter 24,
57 Section 24-106 of the Henrico County Code, to construct
58 70 two-story residential townhouses for sale. The 12.41-
59 acre site is located east of Pouncey Tract Road (State
60 Route 271), approximately 600 feet south of its
61 intersection with Twin Hickory Lake Drive, and along the
62 south side of Twin Hickory Lake Drive, approximately 750
63 feet east of its intersection with Pouncey Tract Road, on
64 part of parcel 740-765-7333. The zoning is RTHC,
65 Residential Townhouse District (Conditional) and WBSO,
66 West Broad Street Overlay District. County water and
67 sewer. **(Three Chopt)**

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69 **Mr. Branin -** Is anyone in opposition to the deferral of POD2012-00312,
70 **Townes at Pouncey Place?** No one? Then, I'd like to move that POD2012-00312,
71 **Townes at Pouncey Place,** be deferred to the October 24, 2012 meeting per the
72 **applicant's request.**

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74 **Mr. Archer -** Second.

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76 **Mr. Branin -** Motion by Mr. Branin, seconded by Mr. Archer. All in favor
77 **say aye.** All opposed say no. The ayes have it; the motion passes.

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79 **At the request of the applicant,** the Planning Commission deferred POD2012-00312,
80 **Townes at Pouncey Place,** to its October 24, 2012 meeting.

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82 **Ms. News -** The next item is on page 34 of your agenda and is located in
83 **the Varina District.** This is SUB-13-11, Battery Hill Gardens (December 2011 Plan). The
84 **applicant has requested a deferral to the October 24, 2012 meeting.**

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86 **SUBDIVISION AND EXCEPTION (Deferred from the July 25, 2012 Meeting)**

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88 **SUB-13-11** **Werner Engineering for Mitchell Rand:** The 5.8-acre site
89 **SUB2011-00113** proposed for a subdivision of 3 single-family homes is
90 **Battery Hill Gardens** located on the west line of Battery Hill Drive, approximately
91 **(December 2011 Plan) –** 2,700 feet from its intersection with Osborne Turnpike, on
92 **1448 - 1454 Battery Hill** parcels 804-676-0498, 1485, and 2063. The exception
93 **Drive** would allow 2 stem lots. The zoning is R-2A, One-Family
94 Residential District. Individual well and septic. **(Varina) 3**
95 **Lots**

Mr. Branin - Is anyone in opposition to the deferral of SUB-13-11, Battery Hill Gardens (December 2011 Plan)? No one?

Mr. Leabough - Mr. Chairman, I move that we defer SUB-13-11, Battery Hill Gardens (December 2011 Plan), to the October 24, 2012 meeting.

Mr. Witte - Second.

Mr. Branin - That motion was made by Mr. Leabough, seconded by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

At the request of the applicant, the Planning Commission deferred SUB-13-11, Battery Hill Gardens (December 2011 Plan), to its October 24, 2012 meeting.

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

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

Ms. News - There are 12 items on our expedited agenda this morning. The first item is found on page three of your agenda and is located in the Three Chopt District. This is a transfer of approval for POD-89-84, Broadmoor Apartments. Staff recommends approval.

TRANSFER OF APPROVAL

POD-089-84 POD2012-00055 Broadmoor Apartments – 9475 W. Broad Street (U.S. Route 250)	Ron Howard for Broadmoor Investments, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Intrepid Residential, LLC to Broadmoor Investments, LLC. The 18.31-acre site is located along the south line of W. Broad Street (U.S. Route 250) approximately 800 feet east of Pemberton Road (State Route 157), on parcel 755-756-4194. The zoning is R-6C, General Residence District (Conditional). County water and sewer. (Three Chopt)
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Mr. Branin - Is there anyone in opposition to the transfer of approval for POD-089-84, Broadmoor Apartments? No one? Then, I would like to move that transfer of approval for POD-089-84, Broadmoor Apartments, be approved on the expedited agenda.

Mr. Witte - Second.

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

The Planning Commission approved the transfer of approval request for POD-089-84, Broadmoor Apartments, from Intrepid Residential, LLC to Broadmoor Investments, LLC, subject to the standard and added conditions previously approved.

Ms. News - Next, on page four of your agenda and located in the Varina District, is a transfer of approval for POD-89-89, Shell Convenience Mart (Formerly Texaco Food Mart). Staff recommends approval.

TRANSFER OF APPROVAL

POD-89-89 POD2012-00236 Shell Convenience Mart (Formerly Texaco Food Mart) – 1113 E. Nine Mile Road (State Route 33)	Bhoopendra Prakash, P.E. for SMO, Inc.: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Star Enterprises and Motiva Enterprises, LLC to SMO, Inc. The 0.81-acre site is located at the northwest corner of the intersection of E. Nine Mile Road (State Route 33) and S. Airport Drive (State Route 156), on parcel 824-721-9639. The zoning is B-3, Business District and ASO, Airport Safety Overlay District. County water and sewer. (Varina)
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Mr. Branin - Is anyone in opposition to transfer of approval for POD-89-89, Shell Convenience Mart (Formerly Texaco Food Mart)? No one?

Mr. Leabough - Mr. Chairman, I move approval for transfer of approval for POD-89-89, Shell Convenience Mart (Formerly Texaco Food Mart).

Mr. Witte - Second.

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

The Planning Commission approved the transfer of approval request for POD-89-89, Shell Convenience Mart (Formerly Texaco Food Mart), from Star Enterprises and Motiva Enterprises, LLC to SMO Incorporation, subject to the standard and added conditions previously approved and the following additional condition:

1. The site deficiencies, as identified in the inspection report, dated July 11, 2012, shall be corrected by October 1, 2012.

Ms. News - On page five of your agenda and located in the Brookland District is a transfer of approval for POD-10-97, Shell Food Mart (Formerly Texaco Eagle Markets). Staff recommends approval.

145 **TRANSFER OF APPROVAL**

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148 **POD-10-97** **Bhoopendra Prakash, P.E. for SMO, Inc.:** Request for
149 **POD2012-00237** transfer of approval as required by Chapter 24, Section 24-
150 **Shell Food Mart (Formerly** 106 of the Henrico County Code from Motiva Enterprises
151 **Texaco Eagle Markets) –** and SMO Virginia, LLC to SMO, Inc. The 1.59-acre site is
152 **6001 Staples Mill Road** located on the northeast corner of the intersection of
153 **(U.S. Route 33)** Aspen Avenue and Staples Mill Road (U.S. Route 33), on
154 parcel 774-746-2037. The zoning is B-2C, Business
155 District (Conditional). County water and sewer.
156 **(Brookland)**

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159 **Mr. Branin -** Is anyone in opposition to transfer of approval POD-10-97,
160 **Shell Food Mart (Formerly Texaco Eagle Markets)?** No one.

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162 **Mr. Witte -** Mr. Chairman, I recommend approval for transfer of approval
163 for POD-10-97, Shell Food Mart (Formerly Texaco Eagle Markets).

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165 **Mr. Leabough -** Second.

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167 **Mr. Branin -** Motion by Mr. Witte, seconded by Mr. Leabough. All in favor
168 say aye. All opposed say no. The ayes have it; the motion passes.

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171 The Planning Commission approved the transfer of approval request for POD-10-97,
172 Shell Food Mart (Formerly Texaco Eagle Markets), from Motiva Enterprises and SMO
173 Virginia, LLC to SMO Incorporated, subject to the standard and added conditions
174 previously approved.

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176 **Ms. News -** On page six of your agenda and located in the Tuckahoe
177 District is a transfer of approval for POD-65-86 and 09-89, Shell Convenience Mart
178 (Formerly Texaco Convenience Store). Staff recommends approval.

179 **TRANSFER OF APPROVAL**

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181 **POD-65-86 and 09-89** **Bhoopendra Prakash, P.E. for SMO, Inc.:** Request for
182 **POD2012-00238;** transfer of approval as required by Chapter 24, Section 24-
183 **POD2012-00240** 106 of the Henrico County Code from Texaco
184 **Shell Convenience Mart** Incorporated, Star Enterprises, and Motiva Enterprises to
185 **(Formerly Texaco** SMO, Inc. The 0.66-acre site is located at the northwest
186 **Convenience Store) –** corner of the intersection of Patterson Avenue (State
187 **8600 Patterson Avenue** Route 6) and N. Parham Road, on parcel 753-741-3255
188 **(State Route 6)** and part of parcel 753-741-2963. The zoning is B-2C,
189 Business District (Conditional). County water and sewer.
190 **(Tuckahoe)**

Mr. Branin - Is anyone in oppositions to transfer of approval POD-65-86 and 09-89, Shell Convenience Mart (Formerly Texaco Convenience Store)? No one?

Mrs. Jones - Then, I move approval of this transfer request POD-65-86 and 09-89, Shell Convenience Mart (Formerly Texaco Convenience Store) with Condition #1 listed on the agenda.

Mr. Archer - Second.

Mr. Branin - Motion by Mrs. Jones, 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-65-86 and 09-89, Shell Convenience Mart (Formerly Texaco Convenience Store), from Texaco Incorporated, Star Enterprises, and Motiva Enterprises to SMO Incorporated, subject to the standard and added conditions previously approved and the following additional condition:

1. The site deficiencies, as identified in the inspection report, dated July 11, 2012, shall be corrected by October 1, 2012.

Ms. News - Next, on page seven of your agenda and located in the Brookland District, is a transfer of approval for POD-151-88, Shell Food Mart (Formerly Texaco). Staff recommends approval.

TRANSFER OF APPROVAL

POD-151-88	Bhoopendra Prakash, P.E. for SMO, Inc.: Request for
POD2012-00242	transfer of approval as required by Chapter 24, Section 24-
Shell Food Mart (Formerly	106 of the Henrico County Code from Texaco Refining and
Texaco) – 8920 W. Broad	Marketing, Inc., Star Enterprises, and Motiva Enterprises,
Street (U.S. Route 250)	LLC to SMO, Inc. The 0.7-acre site is located at the
	northeast corner of the intersection of W. Broad Street
	(U.S. Route 250) and West End Drive, on parcel 759-756-
	1330. The zoning is B-3, Business District. County water
	and sewer. (Brookland)

Mr. Branin - Is anyone in opposition to the transfer of approval POD-151-88, Shell Food Mart (Formerly Texaco)? No one.

Mr. Witte - Mr. Chairman, I recommend approval for transfer of approval POD-151-88, Shell Food Mart (Formerly Texaco), with the condition listed.

Mrs. Jones - Second.

Mr. Branin - Motion by Mr. Witte, 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-151-88, Shell Food Mart (Formerly Texaco), from Texaco Refining and Marketing, Inc., Star Enterprises, and Motiva Enterprises, LLC to SMO Incorporated, subject to the standard and added conditions previously approved and the following additional condition:

1. The site deficiencies, as identified in the inspection report, dated July 11, 2012, shall be corrected by October 1, 2012.

Ms. News - On page eight of your agenda and located in the Fairfield District is a transfer of approval for POD-31-99. This is part of a POD for Ackley Park. Staff recommends approval.

TRANSFER OF APPROVAL

POD-31-99 (Part) POD2012-00122 Ackley Park – 2801 Ackley Avenue	Susan Durlak for BTTB, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Ackley Park, LLC to BTTB, LLC. The 1.41-acre site is located on the east line of Ackley Road, at its intersection with Peyton Street, on parcel 772-757-6000. The zoning is M-1, Light Industrial District. County water and sewer. (Fairfield)
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Mr. Branin - Is there any opposition to transfer of approval POD-31-99 (Part) Ackley Park? No one?

Mr. Archer - Mr. Chairman, I move approval of POD-31-99 (Part), Ackley Park, subject to staff's recommendation.

Mr. Leabough - Second.

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

The Planning Commission approved the transfer of approval request for POD-31-99 (Part), Ackley Park, from Ackley Park, LLC to BTTB, LLC, subject to the standard and added conditions previously approved.

Ms. News - On page nine of your agenda and located in the Three Chopt District is a transfer of approval for POD-51-78 (Part) and POD-102-78. This is Tuckahoe Creek Apartments (Formerly Honey Tree Apartments). Staff recommends approval.

244 **TRANSFER OF APPROVAL**

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POD-51-78 (Part) and 102-78
POD2012-00211;
POD2012-00374
Tuckahoe Creek Apartments (Formerly Honey Tree Apartments) – 1500 Honey Grove Drive

BH Management Services, LLC for Honey Tree Richmond, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from LR – JV Honey Tree, LLC to Honey Tree Richmond, LLC. The 28.37-acre site is located at the northeastern corner of the intersection of Three Chopt Road and Forest Avenue, on parcel 760-744-1845. The zoning is C-1, Conservation District, R-5, General Residential District, and R-6, General Residential District. County water and sewer. **(Three Chopt)**

Mr. Branin - Is anyone in opposition to transfer of approval POD-51-78 (Part) and 102-78, Tuckahoe Creek Apartments (Formerly Honey Tree Apartments)? No one? Then, I would like to move that transfer of approval POD-51-78 (Part) and 102-78, Tuckahoe Creek Apartments (Formerly Honey Tree Apartments), be approved with the recommendation and Condition #1.

Mrs. Jones - Second.

Mr. Branin - 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-51-78 (Part) and 102-78, Tuckahoe Creek Apartments (Formerly Honey Tree Apartments), from LR – JV Honey Tree, LLC to Honey Tree Richmond, LLC, subject to the standard and added conditions previously approved and the following additional condition:

1. Any landscaping that has not re-grown due to pruning by the end of spring 2013 shall be replaced.

Ms. News - On page ten of your agenda and located in the Tuckahoe District is a transfer of approval for POD-67-82, 7-Eleven at Pump and Paterson (Formerly Friendly's Restaurant). Staff recommends approval.

TRANSFER OF APPROVAL

POD-67-82
POD2012-00277
7-Eleven at Pump and Patterson (Formerly Friendly's Restaurant) – 10604 Patterson Avenue

David Redmond for SDC I Patterson, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from E. Carlton Wilton and Friendly Ice Cream Corporation to SDC I Patterson, LLC. The 0.79-acre site is located at the southwest corner of the intersection of Patterson Avenue and Pump Road, on parcel 741-742-4601. The zoning is B-1, Business District. County water and sewer. **(Tuckahoe)**

Mr. Branin - Is anyone in opposition to transfer of approval POD-67-82, 7-Eleven at Pump and Patterson (Formerly Friendly's Restaurant)? No one?

Mrs. Jones - Alright then, I move approval of this transfer request with Condition #1 listed on the agenda for POD-67-82, 7-Eleven at Pump and Patterson (Formerly Friendly's Restaurant).

Mr. Leabough - Second.

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

The Planning Commission approved the transfer of approval request for POD-67-82, 7-Eleven at Pump and Patterson (Formerly Friendly's Restaurant), from E. Carlton Wilton and Friendly Ice Cream Corporation to SDC I Patterson, LLC, subject to the standard and added conditions previously approved and the following additional condition:

1. The site deficiencies, as identified in the inspection report, dated August 3, 2012, shall be corrected prior to issuance of a certificate of occupancy.

Ms. News - The next item is found on page 14 of your agenda and is located in the Fairfield District. This is SUB2012-00111, Stonewall Glen (September 2012 Plan) for one lot. Staff recommends approval.

SUBDIVISION

SUB2012-00111 Stonewall Glen (September 2012 Plan) – 900 Francis Road	E. D. Lewis and Associates, P.C. for Sauer Properties, Inc.: The 0.336-acre site proposed for a subdivision of 1 single-family home is located at the northwest corner of Battlefield and Francis Roads, on part of parcel 784-766-6082. The zoning is R-2AC, One-Family Residential District (Conditional). County water and sewer. (Fairfield) 1 Lot
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Mr. Branin - Is there anyone in opposition to is SUB2012-00111, Stonewall Glen (September 2012 Plan)? No one?

Mr. Archer - Mr. Chairman, I move approval of SUB2012-00111, Stonewall Glen (September 2012 Plan), subject to the staff recommendation and the addition of Condition #13.

Mrs. Jones - Second.

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

The Planning Commission granted conditional approval to SUB2012-00111, Stonewall Glen (September 2012 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 condition:

13. The proffers approved as part of zoning case C-16C-11 shall be incorporated in this approval.

Ms. News - The next item is found on page 29 of your agenda and is located in the Three Chopt District. This is POD2012-00254, Shady Grove YMCA Natatorium Addition. Staff recommends approval.

PLAN OF DEVELOPMENT

POD2012-00254
Shady Grove YMCA
Natatorium Addition –
11255 Nuckols Road
(POD-26-03 Rev.)

Hulcher & Associate, Inc. for Young Men's Christian Association of Greater Richmond: 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 11,232 square foot addition to an existing recreational facility. The 22.55-acre site is located at the southeastern corner of the intersection of Twin Hickory Road and Nuckols Road, on parcel 746-771-2682. The zoning is A-1, Agricultural District. County water and sewer. **(Three Chopt)**

Mr. Branin - Is anyone in opposition to POD2012-00254, Shady Grove YMCA Natatorium Addition? No one. Then I would like to move that POD2012-00254, Shady Grove YMCA Natatorium Addition, move forward for approval with standard conditions for developments of this type and the following additional Conditions #29 through #38.

Mrs. Jones - Second.

Mr. Branin - 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 POD2012-00254, Shady Grove YMCA Natatorium Addition, 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 conceptual master plan, as submitted with this application, is for planning and information purposes only. Future phases involving buildings over 2,500 square feet may require approval by the Planning Commission as determined by the Director of Planning.

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. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.
32. A parking study shall be provided with each future major phase of the construction plan, unless waived by the Director of Planning, to ensure adequate on-site parking is provided.
33. No parking is permitted in the minimum 40-foot street side yard along Twin Hickory Road or in the minimum 50-foot front yard along Nuckols Road.
34. Provide or maintain landscaping equal to 10-foot transitional buffer landscaping between BMP and adjoining properties at the time of landscape plan review for BMP.
35. A minimum 10-foot transitional buffer shall be maintained or provided between parking located within a side yard and a street or property line.
36. A minimum 10-foot transitional buffer shall be maintained or provided between the proposed natatorium center and the western property line.
37. A minimum 10-foot transitional buffer shall be maintained or provided between the future play field and both the southern and western property line.
38. Lighting fixtures on the future playing field shall not exceed a height of 25 feet.

Ms. News - The next item is on page 33 of your agenda and is located in the Brookland District. This is a site lighting plan for POD2012-00328, Sears Auto Center. Staff recommends approval.

SITE LIGHTING PLAN

POD2012-00328
Sears Auto Center – 4920
W. Broad Street (U.S.
Route 250)

Timmons Group for RHS, LLC: Request for approval of a site lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 1.52-acre site is located on the north side of W. Broad Street (U.S. Route 250), approximately 75 feet west of Mordie Road, on parcels 774-737-0662 and 0976. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

Mr. Branin - Is anyone in opposition to POD2012-00328, Sears Auto Center? No one?

Mr. Witte - Mr. Chairman, I move to approve the site lighting plan for POD2012-00328, Sears Auto Center.

Mr. Leabough - Second.

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

The Planning Commission approved the site lighting plan for POD2012-00328, Sears Auto Center, subject to the standard conditions attached to these minutes for site lighting plans.

Ms. News - The final item is found on page 36 of your agenda and is located in the Three Chopt District. This is SUB2012-00114, Clay Crest (September 2012 Plan) for 14 lots. Staff recommends approval.

SUBDIVISION

SUB2012-00114 Clay Crest (September 2012 Plan) – 11911 Sunrise Road	Youngblood, Tyler and Associates for Janie J. Clay Trustee and CHD2, LLC: The 5.90-acre site proposed for a subdivision of 14 single-family homes is located at the southwest intersection of Old Pump Road and Thaddeus Drive, on parcels 738-755-8984 and 738-756-5709. The zoning is R-3C, One-Family Residential District (Conditional). County water and sewer. (Three Chopt) 14 Lots
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Mr. Branin - Is anyone in opposition to SUB2012-00114, Clay Crest, (September 2012 Plan)? No one. Then, I would like to move that SUB2012-00114, Clay Crest, (September 2012 Plan), be approved with staff's recommendation 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. Witte - Second.

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

The Planning Commission granted conditional approval to SUB2012-00114, Clay Crest, (September 2012 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. Any necessary offsite drainage easements must be obtained prior to final approval of the construction plan by the Department of Public Works.
14. The proffers approved as part of zoning cases C-34C-02 and C-16C-12 shall be incorporated in this approval.
15. Any future building lot containing a BMP, sediment basin or trap and located within the buildable area for a principal structure or accessory structure, may be developed with engineered fill. All material shall be deposited and compacted in accordance with the Virginia Uniform Statewide Building Code and geotechnical

guidelines established by a professional engineer. A detailed engineering report shall be submitted for the review and approval by the Building Official prior to the issuance of a building permit on the affected lot. A copy of the report and recommendations shall be furnished to the Directors of Planning and Public Works.

16. The applicant shall request vacation of any excess portion of Thaddeus Drive, as determined by the Director of Public Works, prior to recordation of the plat.

Ms. News - That completes our expedited agenda.

Mr. Emerson - Mr. Chairman, that now takes us to Subdivision Extensions of Conditional Approval. You do not have any of those this morning, so you now move to your regular agenda on page 11.

PLAN OF DEVELOPMENT AND MASTER PLAN

(Deferred from the July 25, 2012 Meeting)

POD2012-00148
Walmart – Shoppes at
Reynolds Crossing –
Forest Avenue

Bowman Consulting for Reynolds Holdings, LLC and Wal-Mart Real Estate Business Trust: Request for approval of a master plan, including a proposed shopping center, and a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct Phase I of the shopping center—a one-story 90,000 square-foot retail store with a 6,854 square-foot outdoor garden center on a 10.21-acre portion of the site. The 22.597-acre site is located on the north line of Forest Avenue (private), approximately 1,000 feet east of the intersection of Glenside Drive and Forest Avenue, on part of parcel 765-744-6557. The zoning is B-2C, Business District (Conditional) and B-3C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

Mr. Branin - Is there any opposition to POD2012-00148, Walmart – Shoppes at Reynolds Crossing? One, two, three—okay. I'm going to get the secretary to explain the rules of public speaking. Then, we will begin with the presentation. Mr. Secretary?

Mr. Emerson - Yes, sir, Mr. Chairman. As you know, the Commission does have rules regarding their public hearings, and they are as follows: The applicant is allowed ten minutes to present the request, and time may be reserved for responses to testimony. Opposition is allowed ten minutes to present its concerns, and that is cumulative. Commission questions do not count into the time limits. The Commission may waive the limits for either party at its discretion.

Mr. Branin - Thank you.

Mr. Garrison - Good morning.

Mr. Branin - Good morning.

Mr. Garrison - This plan of development request is for construction of a 90,000-square-foot retail building with an outdoor garden center in the Reynolds Crossing area. The proposal to construct this building includes a request for a shopping center designation and a master plan approval for the remainder of the site.

This plan of development was originally submitted April 6, 2012, and a community meeting was held at Crestview Elementary School June 5 to discuss the project. Staff has received opposition over the past several months from an adjacent community.

Specific concerns from the community regarding compliance with certain proffers of zoning case C-13C-07 include: a deviation from the previously-approved conceptual master plan per Proffer #10; compliance with the 90,000-square-foot limitation for a single retail user per Proffer #20; provision of at least three retail users on parcel two in compliance with Proffer #35; and, provision of an architectural style similar to the Shoppes at Westgate, per Proffer #36.

This plan was deferred by the applicant from the July 25, 2012 Planning Commission meeting. Since that time, the applicant has worked diligently with staff to revise plans. The plans now address all requested changes and proffered conditions from C-13C-07. I will address points of concern from the community now.

The revised conceptual master plan provides the general types of uses, roads, driveways, and buffers as originally shown with C-13C-07, just to show you, which is conceptual in nature and may vary in detail. The roads and driveways are provided in conformance with the proffered conceptual plan. The revised POD eliminates the third point of access to the loading area from Forest Avenue. That would be in this area here.

Although the proposed Walmart is closer to Forest Avenue, it is generally in the location shown for the anchor tenant. The previously-approved office building is also in the general location where the larger anchor tenant building would be. That is up here.

Retail square footage shown on the plan is well within the allowances of the proffers. It is noted that there is a revision to the retail square footage calculation on the revised plan in the addendum, but the plan itself has not changed. That would address Proffer #36 [sic].

In lieu of the smaller retail uses, the buffer facing the residential properties is significantly wider than the required minimum. The landscape buffer will be approximately 80 feet at its widest point with an approximately eight-foot-tall berm to the east, tapering down to a 30-foot-wide buffer near the entrance. Significant landscaping will be added in this area. The landscape buffer will provide protection to the neighborhood from activity, noise, signage, and lighting that would have been generally associated with the retail uses. Staff, therefore, feels that the project is in general conformance with the conceptual

master plan provided and addressed in Proffer #10 of the rezoning case C-13C-07.

The square footage of all areas under roof has been clearly defined. It has been determined that the proffer is to be applied to all areas under roof, which is standard application when reviewing the size of structures in accordance with ground coverage requirements of shopping centers and in regard to applications of the Building Code. Outdoor areas such as garden centers and outdoor dining are not typically included in these calculations.

The proffers require that there shall be at least three retail uses on the B-2C parcel. There are currently five additional future retail uses shown. Three users are shown in the 12,000-square-foot retail strip, which is right here. There is a 34,000-square-foot potential retail or office building shown, which is back here, and there is a 4,000-square-foot retail building behind the fuel station, which is right here.

Substantial changes were made to the architectural elevations to bring them up to the level required by Proffer #36. The architectural plans are similar in quality and style and are in general conformance with the architecture of the Shoppes at Westgate. To give you an idea, this is a picture of the Shoppes at Westgate.

Per staff's recommendation, the applicant has provided hip roof details, windows on the upper levels of the building, recesses and projections, pilasters, changes in materials, and varied façade treatments that break up the building mass into smaller visual components and reduce the scale. A stone veneer has been added to areas of the building façade, as well as to the screen wall, and color variations in the brick to break up expanses of blank walls. Details such as cornices, diamond patterns, trim details, colors, awnings, and decorative wall-mounted light fixtures are provided.

Additional items provided on the revised plan include clearly defined limits of the shopping center; a section of sidewalk at the entrance off Forest Avenue; details of the screen wall; and details of the cart corrals. The chain link fence around the garden center has been replaced with a faux wrought iron fence. Decorative paving has been provided along the front of the store, and pedestrian amenities such as benches, raised planters, and seating areas have been provided.

All outstanding issues raised by staff have been addressed, and all proffered conditions have been addressed. Staff recommends approval of the plan subject to the standard conditions for developments of this type, the revised plan in the addendum, Conditions #9 and #11 amended, and added Conditions #29 through #42. Staff and representatives are available to answer any questions that you may have.

Mr. Branin - Thank you. Does anybody have any questions for staff?

Mrs. Jones - I have asked many, but none right at the moment. Anybody else?

546 Mr. Branin - Anyone have any questions?
547
548 Mr. Leabough - I do have one quick question regarding one of the proffered
549 conditions for the rezoning, #34 where it talks about the freestanding business square
550 footages. Is this plan in compliance, Mr. Garrison?
551
552 Mr. Garrison - Yes, sir, it is.
553
554 Mr. Witte - I have one also. The garden center is not considered in the
555 square footage? Is it ever considered in the square footage?
556
557 Mr. Garrison - No, sir, it is not.
558
559 Mr. Witte - Whether it's under roof?
560
561 Mr. Garrison - If it's under roof, it would be considered part of the building
562 square footage.
563
564 Mr. Witte - Okay. If it's fenced in and not under roof, or even if it's not
565 fenced in, if it's not under roof it's not—
566
567 Mr. Garrison - It's not considered part of the building, no, sir, but we do
568 calculate parking for it.
569
570 Mr. Witte - Okay, thank you.
571
572 Mr. Garrison - Just like we do for outdoor dining.
573
574 Mr. Emerson - Any area under a structural roof is counted to the square
575 footage.
576
577 Mr. Branin - A perfect example of that took place in the Three Chopt
578 District—the Lowe's out in Short Pump. They increased their garden center. There was a
579 change, but the square footage of the building never changed.
580
581 Mr. Witte - Thank you.
582
583 Mr. Branin - All right. Mrs. Jones?
584
585 Mrs. Jones - Yes.
586
587 Mr. Branin - If you have no other questions, we're going to hear from
588 opposition. Then, we'll let you decide if you want to hear from opposition or the applicant
589 first.
590
591 Mrs. Jones - I think it's important that everyone be able to present their

case. If the opposition would like to come forward. We've had a lot of discussions, and I'd like to hear their concerns at the hearing. Then, the applicant can specifically answer their concerns when they make their presentation.

Mr. Branin - Please come down, and please keep in mind when you come down to please state your name for the record because all of the proceedings are recorded. So, for our minutes, please state your name for the record.

Mr. Mizell - Good morning, Mr. Chairman, members of the Commission. My name is John Mizell. I'm an attorney with the firm of Spinella, Owings, and Shaia. I appear before you today on behalf of the Charles Glen Homeowners Association.

Charles Glen, as you may know, is a well-organized, revitalized neighborhood of approximately 250 homes located southwest of the subject site for POD2012-00148. For approximately nine years—since 2003—the residents and leaders of Charles Glen have labored diligently, but cooperatively, with Reynolds Holdings, LLC and the proposed tenants or buyers to develop a property that meets the expectations of their tenants without adversely affecting the neighborhood. It's been a long, tedious journey. I've worked with the Charles Glen neighborhood along the way, and the journey still continues.

To date, five projects have been completed on the Reynolds Crossing property. Although there are still some areas that require attention, what has been completed is a high-end office, medical, and retail development that actively supports Henrico and surrounding areas. The Charles Glen neighborhood is eager to see the completion of the development but feels strongly that where there are areas that will impact the neighborhood, we must continue to take an active role in communicating the impact that a proposed plan may have on our community.

To date, Charles Glen neighborhood is not in support of the POD as submitted by Walmart in the Reynolds Crossing Development. We've had several respectful and professional meetings since February of this year, and the property owner and the applicant have been a part of those. Although there have been some significant improvements over the previous plans submitted by Walmart and Reynolds Crossing, our association still feels there are additional concerns to be addressed before any approval for POD or amendments to the conceptual master plan. We simply do not feel this plan meets proffers.

First and foremost, there are significant deviations from the conceptual master plan approved by the Board of Supervisors in 2004 and again in 2007. The proffered master plan emphasized a transition from neighborhood—that's Charles Glen—to small outparcels and then larger retail space closest to Interstate-64 and Glenside. So, essentially we're saying the neighborhood, to small outparcels, to the heavier retail close to Glenside and I-64.

I'd ask the members of the Planning Commission, does a conceptual master plan have

any significant value to the community in order to predict what development will occur in the near future, or is it nothing more than a pretty picture? If it's only a pretty picture, then graphic artists can make attractive drawings, and the property owner and developer can simply say to the citizens of the County this is what the future development of the subject property might look like. On the other hand, it might not look like that; it all depends.

On the issue of transition, the argued necessity of moving the Walmart building further to the south because of the placement of the recently-completed 66,000-square-foot building being occupied by Virginia Urology seems like a self-created crisis by the property owner.

Regarding the scale on the site, with the transition shown from the 2007 master plan, Charles Glen would have one-and-one-half-story buildings closest to the neighborhood. That, again, would be the outparcels. Four thousand square feet, so I think it's safe to say a one-and-one-half-story building is what you would reasonably expect. Instead, the revised plan places the Walmart building 32 to 40 feet high—the height of a four-story building—closest to the Charles Glen neighborhood. The total square footage of the planned usage exceeds the 90,000-square-foot limit for a single user set forth in Proffer #20. Now, I know we disagree even with staff about the interpretation of that. The applicant now seeks approval of approximately 90,000 square feet under roof, with an addition of approximately 7,000 square feet of a garden center. The garden center would have the effect of obtaining for the applicant almost 8 percent of additional space for products and access to merchandise for the public than what was set as a maximum threshold level for a single user. Anything above 90,000 square feet was being considered “big box retail” and not permitted on the site. The key words from Proffer #20, approved by the Board in 2007, are “retail user.” Under the subject plan before the Commission, Walmart is one retail user that proposes to use 97,000 square feet as opposed to the limitation of 90,000 square feet.

Furthermore, Proffer #35 from the plan approved in 2007 afforded an expectation the Charles Glen neighborhood would have a retail area, as illustrated in the master plan, with a mini strip of shops and boutiques anchored by a larger store to be installed simultaneously with multi users in a single parcel. The plan before you fails to provide for an integrated retail development. By seeking approval for only one retail use—that is, Walmart—in this POD, the applicant fails to comply with the requirement of Proffer #35 since there is no assurance that there will be three retail users of the parcel. You can't get it exactly from this slide. We may have another one back in the archives, but essentially the parcel that was referred to excludes this outer parcel here—but essentially it's all of this area. That was parcel two that was referred to for that particular proffer.

There are other concerns that we'll touch on briefly. The landscaping has certainly improved with later revisions, but the proposed landscaping, even with some berms, is inadequate for screening and buffering the view and noise of the proposed development from the Charles Glen neighborhood. Under the master plan approved in 2004 and again in 2007, there was to be approximately 180 feet between the northern line of Forest

684 Avenue and the southern edge of the large retail user. So, that would be from here to
685 here.

686
687 Mr. Emerson - Mr. Mizell, you are at eight minutes.

688
689 Mr. Mizell - Okay. All right. We still have some landscaping and small
690 commercial buildings of approximately 4,000 square feet that were to be in between.
691 Now, the applicant proposes to eliminate the outparcels and have a landscape buffer
692 varying from 30 to 80 feet north of Forest Avenue.

693
694 So, in summary, we request that the Planning Commission not approve a plan of
695 development and amended conceptual master plan that deviates significantly from what
696 was provided to the community—especially the Charles Glen neighborhood—through
697 documents and language approved by the Board in 2007. Charles Glen is a revitalized
698 community. As you well know, the County has devoted extensive effort to have this
699 community be what it is today. So, we're certainly saying that we appreciate that and we
700 hope to enhance that and improve that. So, this community has embraced and continues
701 to embrace growth and development that will enhance the existing neighborhoods and
702 businesses.

703
704 Now, the remaining maybe minute that I have, also with me today are Kathleen Burden,
705 who is the current vice president of Charles Glen, and also Jen Atkinson, a former
706 president of Charles Glen. They both serve on the steering community for Charles Glen
707 about this particular project. They'll just make a couple of comments, and then we'll—

708
709 Mr. Branin - Mr. Mizell, before that happens—Mrs. Jones, Mr. Mizell
710 obviously timed his speech very well because he is exactly at ten minutes. Would you
711 like to extend?

712
713 Mrs. Jones - Yes. This is an important case. These comments are
714 important to hear. I would like very much, if the Commission agrees, to extend that time.

715
716 Mr. Branin - How much time would you request?

717
718 Mrs. Jones - Another five minutes?

719
720 Mr. Branin - Another five.

721
722 Mr. Mizell - May not need all that, but thank you. We appreciate that.

723
724 Mr. Leabough - May I ask a quick question of Mr. Mizell?

725
726 Mr. Branin - Yes, I would like to as well.

727
728 Mr. Leabough - Just a quick question. You reference Proffer #35 regarding
729 the timing of the development of the other uses. I don't see anywhere under Proffer 35

730 that it mentions that they have to be developed concurrently. Am I looking at that wrong?
 31

732 Mr. Archer - I think you may be looking at Condition #35. Proffer #35
 733 would have been in the zoning case.

734

735 Mr. Leabough - That's what I was looking at.

736

737 Mr. Archer - Oh, you're looking at the zoning case? Okay.

738

739 Mr. Leabough - This refers to elevations, but it doesn't speak to the timing of
 740 when the other uses are to be developed. Maybe I'm looking at the wrong one.

741

742 Mr. Mizell - I'll read it.

743

744 Mr. Leabough - Maybe I'm looking at the wrong case.

745

746 Mr. Mizell - Well, we put it in the memo that I tried to get to each of you
 747 earlier this week. It's back from 2007 proffers. I'll read it; it's very brief.

748

749 Mr. Leabough - I'm looking at the old proffer so that's why. I'm looking at the
 750 2005 case. That's why it's different.

751

752 Mr. Mizell - There shall be at least three retail users on B-2C, Parcel 2.
 53 That's what I tried to outline for you. We exclude the one here, which everybody said
 754 was kind of an outparcel and would be best suited for a little higher density like maybe a
 755 fast food or gas station. That's what was envisioned many years ago. So, excluding that,
 756 the rest of this area here over to this line, coming down here and then along Forest
 757 Avenue, that was essentially Parcel 2 of B-2C.

758

759 Mr. Leabough - Okay.

760

761 Mr. Mizell - Okay?

762

763 Mr. Leabough - I didn't hear anything that said the timing of the development.
 764 But okay.

765

766 Mr. Mizell - Well, our point is if you approve this today, you've got one,
 767 and you've got one that Virginia Urology is occupying. I guess that's not really a retail
 768 use, but it is a use. All you would be assured of is one. We're saying the goal we thought
 769 was agreed upon, consensus back in 2007, was that we're going to try to avoid one big
 770 box or big use. We want to spread it around a little bit. We want at least three, and we
 771 want them to be integrated and coordinated. We're saying what we have is a fragmented
 772 approach, and we don't think that meets the requirements of that proffer.

773

774 Mr. Leabough - From the previous plan, what's the square footage of that
 75 larger building there on the screen? It's over 100,000.

776
777 Mr. Mizell - It's certainly much bigger. There's no question about that. We
778 certainly don't deny that.
779
780 Mr. Leabough - So, you're okay with that building, and this building is
781 substantially smaller.
782
783 Mr. Mizell - It would have met the requirements of the proffer. I will
784 acknowledge that.
785
786 Mr. Branin - Mr. Mizell?
787
788 Mr. Mizell - Yes.
789
790 Mr. Branin - To answer your question, Mr. Leabough, yes, that was
791 agreed upon back then. You keep saying 97,000 square feet. So, are you asking us to
792 recognize the outdoor garden center as square footage?
793
794 Mr. Mizell - Well, I'm asking you to give a different interpretation than—
795
796 Mr. Branin - Answer yes or no. Are you asking us to recognize that as
797 square footage?
798
799 Mr. Mizell - I'm asking you to acknowledge it as square footage being
800 used by one retail user. I know I'm treading lightly.
801
802 Mr. Branin - The reason why I'm asking is it was asked by Mr. Witte,
803 because he had the same question. You heard the answer, but you continued to put it
804 three times into your speech. Now, if we do that, then I guess we should go throughout
805 the County and look at every Lowe's, Home Depot, and tell them they need to remove
806 their outdoor garden centers because they weren't proffered in originally to the square
807 footage. Do you understand my point?
808
809 Mr. Mizell - Yes, I do.
810
811 Mr. Branin - So it's tough for us to take this one case and deviate from
812 what we've done for a very long time, and then go back and tell all the Lowe's, Home
813 Depots, and other people that have garden centers you need to take your garden center
814 out because it's not proffered, or you need to come through the process again and re-
815 proffer your square footage.
816
817 Mr. Mizell - I would ask you to look at it from the overall aspect and say
818 why did we come up with this language, and help interpret it based on the context of
819 where it came from.
820
821 Mr. Branin - But if we do that, then don't I have to go through the County

to be even and equal and fair, and now ask all the other garden centers to either remove their garden centers or come in and re-proffer based on this case? Legally.

Mr. Mizell - We're saying there's one retail user, and we'll admit there is 90,000 square feet under roof. We're saying they're exceeding 90,000. They're essentially going for 97,000. What was the whole intent of this? It was to avoid big box. So, what do we have when we view this from the site of what's developed? We have a pretty large entity, and it's one retail user who's going to have not 90,000, but 90,000 plus 7,000. It's like trying to do an end run, trying to get a little something extra. If it was just 90,000, there wouldn't be a word we could say about it in opposition.

Mr. Branin - Mr. Mizell, I've asked your opinion on it, and what I'm telling you is legally we can't change what we're doing county-wide for this one case and say that a garden center counts as square footage. Because if we do indeed do that, then we need to go throughout the County to all the other garden centers and either request they remove it or request they come in and re-proffer their square footage. I hope you can appreciate that. Since I've had the pleasure of representing this park for years, and we've been through these cases for years, when the 90,000-square-foot and the layout was put in place for retail, your neighborhood that you're representing came out and said we don't mind a box store, but we don't want a Walmart. So, the 90,000 square feet was established because at that point in time there were no Walmarts that were below I think 120,000.

Mr. Emerson - I believe that would be correct.

Mr. Branin - Nothing was below 120,000. So, that's where that 90,000 square feet came from, dictated by the neighborhood. I said if that's what you want, then we're okay with that, and that's what we put in. Now, who would have ever guessed that Walmart would have turned around five years later and said we've got a new 90,000-square-foot prototype. So, it's 90,000, and the garden center doesn't count as square footage. I need you to appreciate what we're doing on our end because if we went down that slippery slope for this case, then it's going to have a ripple effect throughout the County.

Mr. Mizell - All right. Mr. Branin, I hear what you're saying. I simply respectfully disagree how to interpret that, that sentence.

Mr. Branin - Okay. Anybody else have any questions for Mr. Mizell before he sits down and the other two ladies speak? No one?

Ms. Atkinson - Jennifer Atkinson, 1912 Charles Street, Richmond, 23226. I have been previous president of the homeowners association and work as co-chair with Courtney Kuester on the steering committee.

We are a community and a neighborhood that has worked very hard and very long, and cared enough for nine years to be involved and proactive in the development of

Reynolds Crossing. With the current POD, it appears that all the work and energy that went into the rezoning and the original conceptual master plan in 2004 has been disregarded, and we are back to the beginning. We were presented with a 90,000-square-foot single-use retailer, which now sits 500 feet from our backyards, from our beautiful revitalized neighborhood. Instead of looking off our back decks and seeing coffee shops and plantings, we will now be looking at a four-story building.

We were very concerned that if the Parham Road Walmart, which is about I think 116,000 square feet, is over-shopped and cannot support the area, then can really a 90,000-square-foot store be supportive and positive to our neighborhood?

Mr. Branin - Does anybody have any questions for Ms. Atkinson?

Mr. Witte - I don't have a question. I have a comment, though. I appreciate your efforts. If I were in your shoes, I would probably be in the same position. I would have never envisioned Walmart going to 90,000 square feet.

Ms. Atkinson - Neither did we.

Mr. Witte - Thank you.

Ms. Atkinson - Thank you.

Ms. Burden - Good morning. My name is Kathleen Burden. I live at 1815 Harvard Road, 23226. I have been a resident of Charles Glen since 2003. I am the current vice president of the homeowners association. You've heard from both our attorney and our lead member of our steering committee, so I really have nothing new to add here.

I do have one question. Not to quibble with you about the 90,000 square feet, but I can guarantee you that not one of our members in our neighborhood has ever thought that 90,000 square feet—I mean we thought that 90,000 square feet was it. So, I would say that a lay person would not think that it would be 90,000 square feet but a little bit extra or whatever they want for a garden center. We read that proffer as a single user at 90,000 square feet. I respectfully point out that we originally wanted 50,000 square feet and somehow ended up at 90,000. Thank you.

Mrs. Jones - Thank you both, and thank you Mr. Mizell. I would like to ask Greg Garrison to come back up because I want to confirm. All the points that you've raised are points that have been significantly discussed and researched and comprehensively looked at. So, from staff's perspective, would you just go back over the reason for the square footage calculation as you have presented it, why the garden center is not being counted specifically, and perhaps the comparison to outdoor dining? The point about all retail uses not being approved simultaneously or developed simultaneously, if you could, from staff's perspective, please answer that. Then, the master plan—we have a conceptual master plan to be developed with the general type

of uses, et cetera, generally in the areas shown. Would you just take a moment to discuss how a master plan is evaluated so that it is or is not a significant deviation?

Mr. Emerson - Mrs. Jones, possibly maybe I should step in on this since the responsibility of the proffers' interpretation rests with me.

Mrs. Jones - Excuse me. I didn't mean to usurp that.

Mr. Emerson - That's okay. It seems we've belabored these points quite a bit over this case, and, perhaps, I'll just let Mr. Garrison off the hook.

We do feel the project is in general conformance with the conceptual master plan that is provided and addressed in Proffer #10 of the rezoning case C-13C-07. The conceptual master plan, the way it reads, "The property shall be developed with the general type of uses, roads, driveways, and buffers generally in the area shown on the "Conceptual Master Plan." Of course, it reads, "Prepared by Vanasse, Hangen, Brustlin, Inc., dated October 1, 2004, last revised November 8, 2004, marked as Exhibit A." It is general in the type of locations and uses as shown.

Uses. Retail uses are proposed. The office building developed for Bon Secours was contemplated with the zoning case for Proffer #37 that addressed how development of the office would impact the allowable square footage for retail space. Although Walmart is closer to Forest Avenue, it is generally in the location shown as an anchor tenant.

The roads. The roads are provided in the location shown. Specific proffers requiring improvements were on that previously.

Driveways. Two access driveways to the development area are provided in the general location shown per proffered conceptual plan, and the driveway that staff agreed was not in conformance has been eliminated by the applicant. Internal connections are provided throughout the parking lot to all proposed buildings. Loading areas are provided from internal driveways.

The buffers. Buffers facing residential properties are significantly wider than the required minimum. Elimination of the smaller retail uses means less signage, lighting, vehicle maneuvering, and activity in this area of the site. The large space allows a significant berm and landscaping to be added.

On the square footage issue, shopping centers—under 24-101, the Zoning Ordinance says ground area covered by all the buildings shall not exceed the aggregate 25 percent of total area. This square footage calculation, which limits the size of the building covering ground area, is applied only to areas under roof. It does not generally apply to outdoor areas including garden centers, outdoor display, outdoor dining, so forth and so on. The zoning requirement limits the mass of building coverage on the site. It does not apply to flat, plain coverage such as any flat, paved surface.

The definition of a building is any structure having a roof supported by columns or walls used or intended to be used for the shelter, housing, or enclosure of persons, animals, or chattels, including tents, cabins, houses, trailers, carports, so forth and so on. Where divided by party walls from the ground to ceiling, each portion of the structure shall be deemed to be a separate building.

The Building Code defines area building as the area included within surrounding exterior walls or exterior walls and firewalls, exclusive of vent shafts and courts. Areas of the building not provided within surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

Roof assembly—a system designed to provide weather protection and resistance to design loads. The system consists of a roof covering, a roof deck, or single components serving as both a roof and covering the roof deck.

The master plan did not specifically include any outdoor areas. An outdoor garden center was not contemplated. Therefore, the intent of the proffer, in my estimation, was to regulate building mass, not outdoor areas.

As far as the additional retailers, it does read, "There shall be at least three retail users." The master plan currently allows for five potential additional retail users on the B-2C parcel. Three users are shown in the 12,000-square-foot retail strip. You have a 34,000-square-foot potential retail or office and a 4,000-square-foot retail behind the fuel station.

So, we're comfortable that this meets the parameters of the proffers of this case and the Zoning Code. That's why we're recommending approval to you today.

Mrs. Jones - Thank you very much. All right. Mr. Garrison, you're off the hook. I would like to hear from the applicant, if I could.

Mr. Branin - If the applicant would please come down and state your name for the record.

Mr. Kidd - Good morning, Mr. Chairman, members of the Commission. My name is Ed Kidd. I'm here today on behalf of the applicant, Walmart Real Estate Business Trust. I'm also here and available to answer any questions you might have. Spencer Francis and Jonathan Jackson of Bowman Consulting, the project engineers. Rod Klemple, who is the project architect with SGA Design Group, representatives of the developer, Reynolds Development, are also here today.

Work on this application began late last year, and we have been very deliberate in the process. We have tried to meet with all interested parties and have tried to understand their concerns. We met numerous times with representatives from the adjacent neighborhood, and, as has been indicated, held a full-scale community meeting. The developers of the project in addition had many meetings with other interested parties, including tenants of the office buildings located within Reynolds Crossing. From the

standpoint of communications and considering the interests of all, this application has been treated much more like a zoning case than a typical plan of development, and we have given it that level of attention as applicants. However, it is important that we keep in mind that this is a plan of development and not a zoning case. The applicant is entitled to an approval of its request, as long as the applicable ordinance and proffer requirements are addressed. We believe that all such requirements have been addressed, and, as indicated in a staff report and the staff presentation and comments this morning, staff agrees with that conclusion. Accordingly, they are recommending approval of the application.

The applicant is in agreement with all of the conditions recommended by staff, subject to one clarification. Condition #34 provides that the ground area covered by a roof shall not exceed 90,000 square feet for a single retail user, as has been discussed. It's anticipated that the garden center would likely during the warmer periods of the year use a shade cloth or similar material just as a cover for some of the plants and so forth. I've discussed this with Mr. Emerson about the language of the condition, and he's confirmed to me verbally that shade cloth or a similar material on the garden center would not be considered to be a roof within the meaning of this condition. So therefore it wouldn't be necessary or appropriate to include the garden center in that calculation should shade cloth be used. I just wanted to ask Mr. Emerson to acknowledge that for the record.

Mr. Emerson - As long as it's not a structurally-supported roof; shade cloth allows light and water to pass through it, so that would not be included in that calculation.

Mr. Kidd - Thank you, sir.

During the early stages of this process, the application included a proposed service entrance that was inconsistent with the conceptual master plan and proffer. As a result, staff had recommended early on that it would be necessary to submit a revised master plan, so that was done. Later in the process that entrance was removed from the plans, eliminating, in our opinion, the conflict between that proffer and the application. I think that's generally been discussed, but I just want to make sure that we're all clear that we're asking the Commission to make a finding that our plans are in conformance with the original proffer and not that we're asking you to approve a new master plan.

One important element of the plans is the architectural elevations. The elevations for this building went through multiple revisions and have been fully customized for this location. You will not find another Walmart in this county or anywhere else that uses this same design. I just think that the level of customization that has been made for this demonstrates the commitment that Walmart has made to this project and to having a first-class high-quality facility here.

County staff and officials—including Ms. O'Bannon early on and, in particular, Mrs. Jones, have dedicated significant time to this case. I wanted to acknowledge that effort and also recognize that effort has made a difference. The plans before you today are clearly superior to the initial plan submitted for review and approval. When we first met

1052 with Mrs. Jones, she indicated that her goal was for the plans to be special as Reynolds
1053 Crossing is special piece of property. With good work by all, the current plans not only
1054 meet the applicable requirements but exceed them in a number of material respects. I
1055 believe that Mrs. Jones' standard of specialness has been achieved, and I hope the
1056 Commission agrees with that.

1057
1058 That being said, we've not made everyone happy. You've heard from opposition here
1059 today. I don't feel it necessary to respond specifically to their comments because of the
1060 discussion that was had already and Mr. Emerson's comments. I think he's provided
1061 certainly a full response that I likely would have.

1062
1063 So, here we are, and I believe the application is ready for approval. I ask the
1064 Commission to make the following findings: First, that the plans submitted are in
1065 conformance with the applicable requirements of the Zoning Ordinance and the proffered
1066 conditions applicable to the property; second, that the plan of development is in
1067 substantial conformance with the conceptual master plan referenced in Proffer #10
1068 without the need for approval of a new master plan; third, that the latest architectural
1069 elevations comply with the requirements of Proffer #36, including that the elevations be
1070 similar in quality and style with the architecture of the Shoppes at Westgate; and, fourth,
1071 that the plans do not violate the limitation of Proffer #20 that no single user exceed
1072 90,000 square feet. Finally, I ask that the Commission grant its approval of this
1073 application subject to the applicable conditions. I'll be glad to answer any questions you
1074 may have. Thank you.

1075
1076 Mr. Branin - Does anybody have any questions for Mr. Kidd?

1077
1078 Mr. Leabough - Just one quick question about the timing of the other uses. I
1079 know that was something that was brought up. Are there any immediate plans to develop
1080 the other retail uses?

1081
1082 Mr. Kidd - Walmart is the contract purchaser for the approximate ten
1083 acres for this specific POD. Reynolds Development is the owner of the remainder of the
1084 property. My understanding is that they are working with other prospects, but there is
1085 nothing to announce at this time. The plans have reserved areas for those users to make
1086 sure that there will be no doubt that condition will be complied with. This is a phased
1087 development, as is typical, and this is just phase one. Everything has been set aside to
1088 allow phase two, three, however many, to come forward.

1089
1090 Mr. Branin - Any others?

1091
1092 Mrs. Jones - Questions for Mr. Kidd?

1093
1094 Mr. Branin - Thank you, Mr. Kidd.

1095
1096 Mr. Kidd - Thank you very much.

1098 Mr. Branin - Mrs. Jones?

39

1100 Mrs. Jones - You know, we have had long discussions over many, many,
1101 many months. Today's hearing brings this together. There aren't a lot of questions that
1102 have been asked because there have been so many questions asked in various
1103 meetings with all of the folks involved in this. I do feel it's important for me as the
1104 Planning Commissioner from this district to talk to all you who are here today and those
1105 who will want to hear what was said at this meeting to summarize my feelings about this
1106 case. My comments will give you a lot of the things that you have heard, but I want to go
1107 ahead and run through the community concerns and the other points that have been
1108 brought forward because I feel I owe the explanation of how I will eventually come to the
1109 motion that I need to make today. Today has been a reflection of all of those parties that
1110 have been involved in this process since the original rezoning, going through a number
1111 of plans of development and amendments, and here we are with the case before us now.
1112 I'd like to cover these points prior to my making a motion.

1113

1114 Today, we've heard from stakeholders in this community, and that is folks past, present,
1115 and possibly future for whom this will have a big impact. That includes the Charles Glen
1116 homeowners. Reynolds Holding has been represented here with Walmart and nearby
1117 residents and other folks involved with this development. I need to take a moment to let
1118 everyone know how much I've appreciated their comments and their input. Almost more
1119 than that, I have appreciated their reasoned approach to what is clearly an emotional
1120 issue and a very difficult case. Thank you for being professional and being civil and
21 being reasonable. I can't tell you how much that has been appreciated. I want to thank
1122 you publicly as I've thanked you in private for your time and your commitment to this
1123 case.

1124

1125 As you've heard, a little less than a decade has passed since the beginning of this
1126 original rezoning. This was approved in 2004, and, in that time, a high-end office and
1127 medical office development has been the focus in Reynolds Crossing. A Fortune 500
1128 company's headquarters is adjacent and has office space here. A first-class hotel and
1129 upscale restaurant call this development home. Future investment of this caliber is
1130 already planned nearby. The Reynolds Crossing development has always been
1131 considered, as Mr. Kidd referenced, something special, not only as a legacy project for
1132 the Reynolds family but also as an example of Henrico County's solid business climate
1133 and its commitment to excellence.

1134

1135 That being said, we are here today to consider this plan of development, another plan of
1136 development for Reynolds Crossing. Because it must meet very specific requirements as
1137 to the proffering, zoning ordinances, and design guidelines, review by the staff of many
1138 County departments has been comprehensive. The Planning Department has spent
1139 untold hours in consultation with the applicant and their representatives in order to be
1140 sure that this applicant could and did meet all the County's requirements. Greg Garrison,
1141 Leslie News, and Dave O'Kelly have worked tirelessly with this case, and I want to
1142 publicly acknowledge their efforts as well. I've appreciated their good counsel and their
43 patience with me.

1144
1145 Throughout the process, community meetings as well as meetings with other interested
1146 parties have kept those parties' concerns and their questions at the forefront of all our
1147 discussions. It has taken a lot of time, effort, and considerable expense for not only the
1148 applicant but also the developer, neighbors, and others to get to the point where we are
1149 now. While I hope these efforts have combined to produce a case far better and more
1150 fitting than what it was when we began, I realize not everyone will be in agreement that
1151 this case is where it should be. Everyone's individual perspective will shape their opinion.
1152 I acknowledge that this case has been controversial on many levels. It has no magic
1153 bullet whereby it will suddenly meet everybody's expectations and visions and desires,
1154 but I definitely want to take a moment to assure all of you who are here—the applicant,
1155 the developer, the neighbors, everyone who has taken time to be part of this public
1156 hearing—that this case has been reviewed fairly, thoroughly, and completely by the
1157 prescribed plan of development process. This review has taken a long time, and in my
1158 talking to many people about it, I've often been asked why. It's a fair question to ask, and
1159 that's for several reasons.

1160
1161 The challenge inherent in this case has always centered not so much on the fact that a
1162 retail user was going to be added to this development. Everyone knew that. Everyone
1163 expected that. That was based on the very carefully negotiated requirements of the
1164 zoning cases. The challenge, in my view, has always been based more on the
1165 operational aspects of a large-scale single user fitting well within the established high-
1166 end office development. Traffic, access, delivery details, hours of operation, light, noise,
1167 buffers, aesthetics—these are always the usual suspects in our cases, but they are very,
1168 very real concerns. None of these concerns, none of them, have been taken lightly.
1169 We've all spent hours upon hours trying to address these kinds of concerns within the
1170 scope of authority given to the plan of development review. That's an important point I
1171 want to make again, even though it's been made this morning.

1172
1173 As many of you know, the plan of development review process is ministerial. It means
1174 that applications which meet all the proffered conditions of the zoning case, all the
1175 requirements of the ordinances, and all applicable guidelines for this kind of development
1176 must—and I need to emphasize *must*—be approved. The zoning case is intended to set
1177 the clear vision for what the development will be through the specifics of the proffers.
1178 The POD makes sure that the proposal meets those requirements. If it does, it is to be
1179 approved. So, if this is a straight-forward process, different in many ways from the
1180 process of a rezoning case, why has there been this continued and vocal tug-and-pull in
1181 this case? I think it's important to talk about that for a moment.

1182
1183 In my view, the answer to that question lies primarily in the difference between perceived
1184 promises and the specifics of the approved proffers. I've been referring to this in
1185 meetings as the difference between the spirit of the proffers and the letter of the proffers,
1186 and this has been a central focus of the opposition to this proposal. I understand it. I
1187 understand it, and I sympathize and empathize with it. Even though this property went
1188 through the original zoning before I was a part of the Planning Commission and,
1189 additionally, was in a different magisterial district, that really doesn't matter. It seems

1190 evident to me from reading minutes of the hearings and talking to any number of folks
1191 who were involved with this case that there was an inherent disconnect when all was
1192 said and done, which centered on understandings that some parties had based on
1193 discussions on and off the record during the zoning process and what the proffers
1194 ultimately spelled out. In the end, that's what we have to go by.

1195
1196 As an example of this—and we've touched on it certainly today—while conversations
1197 were held during rezoning about a big box store being prohibited, the specific proffer
1198 limiting a single retail user to 90,000 square feet did not preclude the largest retailer in
1199 the country from wanting to locate a store here. The general thought by some during the
1200 rezoning was that a business on the operational scale of Walmart would never be
1201 interested in such a small space, and considering the size of most Walmart stores a
1202 decade ago, which we've mentioned already, that was the logical conclusion. However,
1203 times change. Markets change. Shopping trends change, and Walmart has made a
1204 business decision that it would like to pursue a store in Reynolds Crossing. That's a
1205 decision between Walmart and the developer of the property. It is not within the purview
1206 of this Commission to dictate business plans, and it is not within the purview of this
1207 Commission to promote alternate sites. It is only within the scope of authority of this
1208 Commission to—with the help of staff—review the application before us, and, based
1209 solely on those review criteria, render a decision.

1210
1211 During that review, as you've heard, staff did identify a number of items that had to be
1212 resolved in order for the application to meet the proffers and requirements. Where
1213 needed, decisions were rendered by the Director of Planning throughout the process.
1214 From these discussions came a building design significantly based on the Shoppes at
1215 Westgate, which was required, including: pedestrian elements; upgraded details; a
1216 revised master plan, which updated the development's current build-out and eliminated
1217 the previously-proposed delivery entrance nearest the neighbors; enhanced sound
1218 suppression; enhanced screening; much improved and increased landscaping, which will
1219 buffer more effectively the retail operation from its residential neighbors; cart
1220 containment in order to proactively guard against impacts into the office areas; and,
1221 other elements that have combined to make this a much better project. I need to
1222 certainly thank Walmart and their representatives for being willing to work with the
1223 County throughout this process, which it is true, resembled the length and breadth of a
1224 rezoning case more so than a plan of development. At the end of the day, they did meet
1225 staff's concerns and resolved those issues, including some specifically which were
1226 important to me, and I thank them for that cooperation.

1227
1228 If this case is approved and Walmart locates in Reynolds Crossing, I would ask that their
1229 management keep in mind the long history of this case as they run their operation day to
1230 day, knowing that the conditions of the plan of development before us now have been
1231 assembled in response to not only accepted planning principles but also to what have
1232 been very important discussion points during this case.

1233
1234 My concerns have been consistently non-specific to Walmart. They have always been
35 concerns that would apply to any large-scale retailer. With that in mind, my efforts over

these past months have concentrated on paying special attention to the proffers in the rezoning case while encouraging the applicant to reach a level of quality and operational function that might complement and fit into the development already established around it.

After thorough review and careful study of all aspects of this case, I do agree with staff that this plan of development complies with the proffered conditions. I find that this project is in general conformance with the conceptual master plan as provided and addressed in Proffer #10 of the rezoning case C-13C-07; that the architectural plans are similar in quality and style and are in general conformance with the Shoppes at Westgate, as required by Proffer #36; and, that the retail building and the areas under roof do not exceed 90,000 square feet, as addressed in Proffer #20.

Based on these findings and because the proposed plan of development complies with the proffers, I move for approval of POD2012-00148, Walmart – Shoppes at Reynolds Crossing, subject to the annotations on the plan, the standard conditions for a development of this type, and the following additional Conditions #9 amended, #11 amended, #29 through #42, and the addendum item referencing revised annotations on the master plan.

Mr. Leabough - Second.

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

The Planning Commission approved POD2012-00148, Walmart – Shoppes at Reynolds Crossing, 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. The proffers approved as a part of zoning cases C-22C-04 and C-13C-07 shall be incorporated in this approval.
30. All subsequent detailed plans of development needed to implement other portions of the 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.
31. 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.

- 1282 32. The location of all existing and proposed utility and mechanical equipment
33 (including HVAC units, electric meters, junctions and accessory boxes,
1284 transformers, and generators) shall be identified on the landscape plan. All
1285 building-mounted equipment shall be painted to match the building, and all
1286 equipment shall be screened from public view at ground level by such measures
1287 as determined appropriate by the Director of Planning or the Planning
1288 Commission at the time of plan approval.
- 1289 33. The ground area covered by all the buildings within the shopping center shall not
1290 exceed in the aggregate 25 percent of the total site area.
- 1291 34. The ground area covered by a roof shall not exceed 90,000 square-feet for a
1292 single retail user.
- 1293 35. No merchandise shall be displayed outside of the building(s), on sidewalk(s), or
1294 outside of the garden center. Merchandise for sale and display is permitted within
1295 the garden center.
- 1296 36. Outdoor storage shall not be permitted. Facilities shown on the plans for storage
1297 of refuse (including materials to be recycled) shall not be considered outside
1298 storage.
- 1299 37. There shall be no outdoor storage in moveable storage containers including, but
1300 not limited to, cargo containers and portable on demand storage containers.
- 1301 38. The sale of firearms shall be prohibited.
- 1302 39. Overnight parking of recreational vehicles (RVs), trailers, and camping vehicles
1303 shall be prohibited.
- 1304 40. Building-mounted signage shall not be permitted on the southern building façade
95 facing Charles Glen except of the nature and at the general location shown on the
1306 architectural elevations submitted with this case. Any building-mounted signage
1307 on this façade shall not be illuminated.
- 1308 41. In order to maintain the effectiveness of the County's public safety radio
1309 communications system within buildings, the owner shall install radio equipment
1310 that will allow for adequate radio coverage within the building, unless waived by
1311 the Director of Planning. Compliance with the County's emergency
1312 communication system shall be certified to the County by a communications
1313 consultant within 90 days of obtaining a certificate of occupancy. The County will
1314 be permitted to perform communications testing in the building at anytime.
- 1315 42. Electronic containment shall be provided to prevent shopping carts from leaving
1316 the site.

1317
1318 Mr. Branin - Ms. Atkinson? It's odd to not see the third musketeer. It was
1319 brought to my attention that Courtney has just had back surgery and that's why she
1320 couldn't be here today. For everyone in the audience, this is one of the strongest
1321 neighborhoods in the County in staying organized and voicing their opinion. If you'd give
1322 our best regards to her and a quick recovery. Thank you.

1323
1324 Mr. Archer - Mr. Chairman, before you go on, may I also compliment the
1325 Charles Glen neighborhood on their comportment and their efficiency and
1326 professionalism. They are an example that a lot of neighborhood associations could
27 follow. I thought I'd like to say that.

1328
1329 **PLAN OF DEVELOPMENT**
1330

POD-18-11
POD2011-00212
Rocketts Landing Phase 3
–Old Osborne Turnpike
(State Route 5)
(POD-51-07 Rev.)

Timmons Group for Central Virginia Investments/Rocketts Landing, LLC and WVS/Rocketts Landing Construction Management, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a five-story, 55-foot-tall mixed use building on Block 17, consisting of 65 garage parking spaces, 23 surface parking spaces, and 10,852 square feet of commercial/office space on the first floor, 64 one-bedroom apartments and 92 two-bedroom apartments on the upper four floors, with a total building area of approximately 183,793 square feet; to construct a temporary surface parking area with approximately 109 parking spaces on Block 17; to construct a temporary surface parking area with approximately 132 parking spaces on Block 21; to construct building pad sites for future restaurants totaling 12,800 square feet in the riverfront development area; to extend Old Main Street approximately 775 feet south of its existing terminus, including 36 on-street parking spaces; to extend Old Delaware Street and Old Charles Street from Old Osborne Turnpike (State Route 5) to the riverfront development area, including 21 on-street parking and loading spaces; and to improve Old Osborne Turnpike where it abuts Land Bay 5 of the Village of Rocketts Landing. The 20.3-acre site is located on the west side of Old Osborne Turnpike (State Route 5), south of its intersection with Old Hudson Street, on parcels 797-711-6071 and 797-712-4180. The zoning is UMUC, Urban Mixed Use District. County water and sewer. **(Varina)**

1331
1332 Mr. Branin - Is anyone in opposition to POD-18-11, Rocketts Landing
1333 Phase 3? No opposition.
1334

1335 Mr. Kennedy – Good morning, members of the Commission. This case
1336 originated in February 2011. Staff has been working diligently with the applicant. It
1337 originally started out as preparation of pad sites for future development. Over time, the
1338 Planning Commission approved a new master plan for Land Bay 5, and the Planning
1339 Commission also approved some exceptions for future development in this bay.
1340

1341 The case itself has a lot of conditions, unusual conditions. It has 65 conditions in the
1342 agenda. Some of the conditions are modified. Primarily, it's because of the type and the
1343 location of the property and the services that it receives from the city. It receives city

water and city sanitary sewer, so there are a lot of conditions that are modified in the agenda that are unusual because we don't usually have that sort of situation. The conditions also address the Capital Trail and the future development of Route 5 because that's still underway and under study. So, there are a lot of conditions in the agenda, but they all basically pertain to those issues that have to be addressed. So, although there are a lot of conditions, it's a work in progress.

On the previous agenda, the agenda package, we requested additional information having to do with the layout of the plan, master plan calculations, and architectural details. They have submitted revised plans to address those things. Although the site plan information and master plan information were submitted timely, the last plan we received was as late as this morning. Although the plan in your packet was annotated to address the conditions, we did receive a plan this morning. I'm going to use the annotated plan for my reference because it just makes it a little simpler for presentation purposes.

As far as the site plan, I draw your attention to the site plan that was in the agenda packet. It shows that they've provided the additional right-of-way that was required along Route 5, and they agreed to provide the improvements along Route 5. Those improvements will include that the utilities that are currently above ground will be placed underground as a necessity. They've also agreed to provide a substantial landscape plan for along Route 5. In order to accommodate that, we are asking for #9 and #11 amended so the landscape plans and lighting plans will come back to the Planning Commission.

On the site plan itself, this phase prepares land bays—this is land bays for development. It's basically on two sheets. This sheet here shows Block 17, Block 18, and Block 19. The second sheet shows Blocks 20 and 21. It's basically the site development primarily for those uses. There are some temporary parking areas provided. Future building is replacing this on the temporary parking areas, so it's a staged plan. It's known as Phase 3, but Phase 3 actually has phases.

Going back to the location we're currently covering today—Block 18—currently, an apartment building with some office space for the apartments and some office space for management of the overall UMU, as well as some retail space, is provided. The building will be five stories. The first story would accommodate the office space and the retail space, as well as a parking garage. The parking garage would be accommodated in the portion of the building that will face Route 5. There has been some concern by staff and the Planning Commission about that. The major consideration for making sure that's appropriately screened is the fact that it will come back for #9 and #11 amended to make sure that this is appropriately addressed.

Regarding the development and elevations, this elevation shows you the orientation along Route 5 and Delaware Street. This is the original proposal. The better rendition is on the next page; it shows better detailing. Consideration has been made about the frontage along Route 5. Originally, the balcony projections were intended to be flat. Now,

they are cantilevered. Although they're called Juliet balconies, they're not full balconies. They give detail on the face of the building. There are some balconies that do project along the sides of the building including along Route 5, but the majority of the balconies on Route 5 are these Juliet balconies.

Staff and the Planning Commission were concerned about the approach from Route 5, particularly the location of the parking deck in that area to make sure the screens and landscape will come back but also the corner frontage here on Delaware Street. This infill site—this corner will be in-filled with a glassed-in storefront, and that will be where the mailboxes will be. So, there will be activity on Route 5 at that location.

Now, drawing your attention to the elevations, this is the visual elevation along Old Main Street, which is interior to the development. There is a small plaza going into a parking area. That area provides area for the apartments to have events as well as parking. So, it's a flexible space. This side here is where the office use will be. Along the other frontage would be where those retail uses would be. The retail use occupies two floors in that section of the building. They're not sure if there will be two full floors or a mezzanine space, but it actually gives some height to that section, some definition where the sign should be. We've talked to the developer about putting in windows to make sure there are no blank walls. This point here is where the mailroom will be in the glass store front.

This is the elevation that faces Old Delaware Street. That's the side street facing from downtown. This corner, here, will be your glassed in storefront, so that will be the approach as you're coming from downtown out to Varina. You'll actually see that mailroom and active storefront. This is the view along Old Main Street here. This is that kind of break in the face on the front of the building. On Old Charles Street, which is the face of the building that you would view coming down Route 5 towards the city, this blank wall here has been broken up and they're putting highlights in. So, this area, those red lines will be highlight windows. Instead of having a very massive wall, it will be broken up by windows.

This plan prepares pad sites for the future restaurants along the river. It also provides for approval of the Rails-to-Trails Program with the Capital Trail along the riverfront. That would accommodate that, and those details can be approved with this plan. The object is to accommodate that as it moves forward with the state.

With that, staff recommends approval. They have addressed our concerns. We do need a waiver of time limits because the architectural details were just submitted today.

Mr. Branin - Okay, thank you, Mr. Kennedy. Any questions for Mr. Kennedy?

Mrs. Jones - Just a couple. Confirm for me what the blue/gray material on the color elevations is.

Mr. Kennedy - A major element of this is kind of sheet metal design. It's a

1436 premium type metal siding. Some of the other buildings in the city, you've seen kind of
1437 like a corrugated metal, which is very flimsy. This is actually a high-definition steel
1438 structure. Of course, they're using combination brick, and these are hardy panels, kind of
1439 hardy siding, but they're panels. They're going to be up in the upper section so it kind of
1440 gives some definition.

1441

1442 Mrs. Jones - And that's a blend for the colors in the adjacent
1443 development?

1444

1445 Mr. Kennedy - Yes. It's basically an architectural interpretation of the
1446 conversion of a warehouse to studio-type uses. It's actually a new building, but it's an
1447 interpretation of that.

1448

1449 Mrs. Jones - My only other question was we've talked a lot about the
1450 Capital Trail, and I see it's started here on the plan. It's hard to read here. Can you tell
1451 me how it's being envisioned here behind the restaurants? Is that where it's going?

1452

1453 Mr. Kennedy - Yes, ma'am. It'll go behind the restaurants and the future
1454 town hall building, in between the pool house and the Skyline and Fall Line buildings,
1455 and connecting to the city. It'll also connect down towards the Tarmac gravel site.

1456

1457 Mrs. Jones - Are they setting it apart, or is it along side drive aisles or—

1458

1459 Mr. Kennedy - It's going to be set apart. There's not going to be actual
1460 driving down there. It's actually the old rail base.

1461

1462 Mrs. Jones - Right.

1463

1464 Mr. Kennedy - The developer has been working with the city to get Lehigh
1465 Paving to abandon that rail line. As of October 23, that rail line will be closed, abandoned
1466 by Lehigh. That will permit that riverfront development to move forward. That's been the
1467 major obstacle for doing any major improvements along there. We do have an asphalt
1468 walk that extends along a portion of that, that provides access to the marina and the
1469 pool, but this will allow the developer to actually highlight this asset, which they had been
1470 unable to do because of the rail line.

1471

1472 Mrs. Jones - I remember the discussion, though. It was either going to be
1473 up at the higher level or down lower to the marina.

1474

1475 Mr. Kennedy - It's going to be down along the river.

1476

1477 Mrs. Jones - Okay. Thank you.

1478

1479 Mr. Leabough - One quick question. You mentioned that the power lines—
1480 which I notice every day driving by the site—will be located underground.

31

1482 Mr. Kennedy - Yes, sir.
 1483
 1484 Mr. Leabough - Big challenge with the city, but new construction you have
 1485 that opportunity. The parking—I know there have been concerns and questions from the
 1486 residents relating to parking. The parking is adequate to support the uses in that building
 1487 and the other uses around it? The other question is how would that be phased? So,
 1488 we're not going to build a building and then six months later they're going to have the
 1489 parking. They're going to be developed concurrently, correct?
 1490
 1491 Mr. Kennedy - Yes, sir. There are actually two phases to the parking. The
 1492 apartment building has some parking within. There is a double-loaded, right-angle
 1493 parking bay along Old Main Street, and there is this parking area, which will be provided
 1494 for the Phase 3 apartments. The other parking lots are going to be necessary when they
 1495 develop the restaurant uses.
 1496
 1497 Mr. Leabough - How many spaces in total to support the apartments? Is that
 1498 38?
 1499
 1500 Mr. Kennedy - I think it's a little over 200 they're providing.
 1501
 1502 Mr. Leabough - Over 100?
 1503
 1504 Mr. Kennedy - A little over 200.
 1505
 1506 Mr. Leabough - Two hundred. Okay.
 1507
 1508 Mr. Kennedy - Right. They're required to have one and one-half for every
 1509 two-bedroom unit and one for every one-bedroom unit—
 1510
 1511 Mr. Leabough - So, they have more than that?
 1512
 1513 Mr. Kennedy - They have more than that.
 1514
 1515 Mr. Leabough - The other question I had is related to the other corner of the
 1516 building. I know they're going to address the corner coming from Shockoe or from the
 1517 city, and then they're going to break up that wall with the highlight windows. What's
 1518 happening at that corner to the left on the elevation that we see—on the first level?
 1519
 1520 Mr. Kennedy - Old Charles.
 1521
 1522 Mr. Leabough - Where the car is parked.
 1523
 1524 Mr. Kennedy - Where the car is parked. That's actually not a car parked; it's
 1525 actually a car in a driveway. There's no parking in front of that part of the building.
 1526 Basically, what we're going to need to do is—because of the way the grade is, that
 1527 garage is going to be below grade. There was no opportunity to put another storage use

1528 or active use there, but we'll bring the landscape around that end of the building.
1529
1530 Mr. Leabough - All right. I think that's it. Yes, I'm good.
1531
1532 Mr. Branin - No more questions for Mr. Kennedy. Would you like to hear
1533 from the applicant? We have no opposition.
1534
1535 Mr. Leabough - There's no opposition. We've been here a good amount of
1536 time; I won't delay us any further.
1537
1538 Mr. Kennedy - You need a waiver of time limits.
1539
1540 Mr. Leabough - Yes. Mr. Chairman, I move to waive the time limits for receipt
1541 of the architectural, dated September 26, 2012.
1542
1543 Mr. Witte - Second.
1544
1545 Mr. Branin - Motion was made by Mr. Leabough and seconded by Mr.
1546 Witte to waive the time limits. All in favor say aye. All opposed say no. The ayes have it;
1547 the motion passes. Your time limits are waived.
1548
1549 Mr. Leabough - I move that we approve POD-18-11, Rocketts Landing Phase
1550 3, subject to the annotations on the plans dated today, the standard conditions for
1551 developments of this type, Conditions #1 and #2 modified, Conditions #9 and #11
1552 amended, and Conditions #24 through #65.
1553
1554 Mr. Archer - Second.
1555
1556 Mrs. Jones - And the addendum item.
1557
1558 Mr. Leabough - And the addendum item. Thank you, Mrs. Jones.
1559
1560 Mr. Archer - Second again.
1561
1562 Mr. Branin - Motion by Mr. Leabough, seconded by Mr. Archer. All in favor
1563 say aye. All opposed say no. The ayes have it; the motion passes.
1564
1565 The Planning Commission approved POD-18-11, Rocketts Landing Phase 3, subject to
1566 the annotations on the plans, the standard conditions attached to these minutes for
1567 developments of this type, and the following additional conditions:
1568
1569 1. **MODIFIED** - The owner shall enter into the necessary contracts with the City of
1570 Richmond Department of Public Utilities for connections to public water and
1571 sewer.
1572 2. **MODIFIED** - The City of Richmond Department of Public Utilities shall approve
1573 the plan of development for construction of public water and sewer, prior to

beginning any construction of these utilities. The City of Richmond Department of Public Utilities shall be notified at least 48 hours prior to the start of any water or sewer construction.

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.

24. **MODIFIED** - The developer shall provide fire hydrants as required by the City of Richmond Department of Public Utilities and the County of Henrico Division of Fire.

25. **MODIFIED** - Insurance Services Office (ISO) calculations shall be included on the final construction plans for approval by the City of Richmond Department of Public Utilities and the County of Henrico Division of Fire prior to issuance of a building permit.

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.

31. The subdivision plat for Village of Rocketts Landing Blocks 17-21 shall be recorded before any building permits are issued.

32. The entrances and drainage facilities on Old Osborne Turnpike (State Route 5) shall be approved by the Virginia Department of Transportation and the County.

33. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Department of Planning prior to any occupancy permits being issued.

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

35. Evidence that an engineer has certified the height of the building in Block 18 shall be provided to the Director of Planning prior to the issuance of a Certificate of Occupancy.

36. The proffers approved as a part of zoning case C-55C-04 and the conditions of PUP cases P-14-04, P-04-05, and P-12-12 shall be incorporated in this approval.

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

38. A note in bold lettering shall be provided on the erosion control plan indicating that sediment basins or traps located within buildable areas or building pads shall be reclaimed with engineered fill. All materials shall be deposited and compacted in accordance with the applicable sections of the state building code and

geotechnical guidelines established by the engineer. An engineer's report certifying the suitability of the fill materials and its compaction shall be submitted for review and approval by the Director of Planning and Director of Public Works and the Building Official prior to the issuance of any building permit(s) on the affected sites.

39. Prior to issuance of a building permit, the developer must furnish a letter from C & O Railroad stating that this proposed development does not conflict with their facilities.

40. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.

41. The pavement shall be of an SM-2A type and shall be constructed in accordance with County standard and specifications. The developer shall post a defect bond for all pavement with the Department of Planning - the exact type, amount and implementation shall be determined by the Director of Planning, to protect the interest of the members of the Homeowners Association. The defect bond shall remain in effect for a period of three years from the date of the issuance of the final occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a professional engineer must certify that the roads have been designed and constructed in accordance with County standards.

42. All railroad crossings shall have rubber type decking.

43. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.

44. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development needed to implement this conceptual plan shall be submitted for staff review and Planning Commission approval, and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/ approval.

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

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

47. The proposed development shall be served by privately maintained streets, other than Old Osborne Turnpike (State Route 5), unless otherwise approved by the Director of Public Works.

48. The proposed utilities connected to the City of Richmond system shall be accepted by the City for maintenance prior to the issuance of any Certificates of Occupancy. The Developer shall coordinate plan review with the City of Richmond and provide evidence to the Directors of Planning and Public Utilities that the City's requirements are satisfied.

- 1666 49. The applicant shall dedicate all right-of-way and easements determined
1667 necessary by the Director of Public Works and VDOT, for the widening and
1668 improving of Old Osborne Turnpike (State Route 5), in accordance with the
1669 proffers and the traffic impact study, prior to the approval of final construction
1670 plans for any adjoining portion of the property adjacent to State Route 5.
- 1671 50. Drainage easements for Old Osborne Turnpike (State Route 5) shall be dedicated
1672 to VDOT and not to the County of Henrico.
- 1673 51. A construction plan for the widening of Old Osborne Turnpike (State Route 5)
1674 abutting Land Bay 5 in accordance with the proffers and the developer's traffic
1675 study, shall be submitted for review and approval by the Department of Public
1676 Works and VDOT prior to the approval of final construction plans for Block 18,
1677 unless otherwise approved by the Director of Public Works. The Developer shall
1678 coordinate plan review with VDOT and provide evidence VDOT requirements are
1679 satisfied.
- 1680 52. A streetscape plan for the west side of Old Osborne Turnpike (State Route 5)
1681 abutting Land Bays 4 and 5 shall be submitted for review and approval by the
1682 Department of Planning and VDOT prior to the approval of building permit plans
1683 for Block 18, unless otherwise approved by the Director of Planning. The
1684 Developer shall coordinate plan review with VDOT and provide evidence VDOT
1685 requirements are satisfied.
- 1686 53. Standard County street extension signs shall be posted at the improved end of
1687 any street shown to be extended on the Village of Rocketts Landing UMU Master
1688 Plan.
- 1689 54. A performance bond for all required improvements to Old Osborne Turnpike
1690 (State Route 5) abutting Land Bays 4 and 5 including any required signalization
1691 shall posted prior to the issuance of any building permits for Block 18, unless an
1692 exception is approved by the Director of Public Works. The Director of Public
1693 Works may defer all or part of the required improvements to Old Osborne
1694 Turnpike (State Route 5).
- 1695 55. A performance bond for all required streetscape improvements to Old Osborne
1696 Turnpike (State Route 5) abutting Land Bays 4 and 5 along the west side of Old
1697 Osborne Turnpike (State Route 5) shall be posted prior to the issuance of any
1698 Certificate of Occupancy for Block 18, unless an exception is approved by the
1699 Director of Planning. The Director of Planning may defer all or part of the required
1700 streetscape improvements to Old Osborne Turnpike (State Route 5).
- 1701 56. A phased landscape, lighting, and streetscape plan for the surface parking areas
1702 shall be submitted for review and approval by the Department of Planning, and
1703 shall comply with UMU design standards unless otherwise approved by the
1704 Director of Planning. A performance bond for all permanent landscaping, lighting,
1705 and streetscape improvements, in accordance with UMU design standards for
1706 surface parking areas, shall be posted prior to the issuance of any Certificate of
1707 Occupancy for any use requiring the subject parking, unless an exception is
1708 approved by the Director of Planning. The Director of Planning may defer all or
1709 part of the required landscape, lighting, or streetscape improvements for the
1710 temporary parking areas.
- 1711 57. A dedication plat for additional right-of-way along Old Osborne Turnpike (State

Route 5) in Land Bays 4 and 5, as determined necessary by the Director of Public Works and VDOT, shall be recorded prior to the approval of any building permit for Block 18.

58. A traffic control plan shall be approved by the County Traffic Engineer, prior to the final approval of construction plans, for any restricted structured parking.
59. A CPTED plan shall be submitted to the Division of Police for review, prior to the approval of construction plans for the building in Block 18, which shall provide for emergency access pursuant to a "Knox Box" or some other method approved by the Fire Marshall.
60. The openings for ventilation of the parking deck of the first floor of the building in Block 18 shall be covered with a decorative grate of such design as approved by the Director of Planning.
61. A construction plan for the Capital Trail within Land Bays 4 and 5, including streetscape improvements, shall be submitted for review and approval by the Department of Public Works, the Department of Planning, and VDOT prior to the approval of final construction plans for any construction in the riverfront development area other than expansion of the marina. The Developer shall coordinate plan review with VDOT and provide evidence VDOT requirements are satisfied. The developer shall provide temporary access easements to connect the developed portions of the Capital Trail to portions of the trail developed along Old Osborne Turnpike (State Route 5).
62. A performance bond for all required improvements to the Capital Trail, including streetscape improvements abutting Land Bays 4 and 5, shall be posted prior to the issuance of any building permits for any building in the riverfront development area. All improvements to the Capital Trail including streetscape improvements abutting Land Bays 4 and 5 shall be completed prior to the issuance of any Certificates of Occupancy for any building in the riverfront development area, unless an exception is approved by the Directors of Public Works and Planning.
63. A plat for the dedication of a public access easement for the Capital Trail within Land Bays 4 and 5 shall be recorded prior to the approval of any Certificates of Occupancy in the riverfront development area.
64. An updated UMU Master Plan for Phases 4B and 5 shall be submitted to the Planning Department for review and approval prior to approval of the final construction plan. The UMU Master Plan must identify buildings; commercial area in square feet per building; residential unit type (condo, RTH, apartment); the number of residential units and residential area in square feet per building; open space; parking required and provided for residential and commercial uses by building; and area and density calculations for multi-family and townhouse units. The UMU Master Plan shall show satisfaction of UMU open space and commercial development ratio requirements.
65. Architectural plans for the proposed restaurants in the riverfront development area shall be submitted for Planning Commission review and approval.

PLAN OF DEVELOPMENT – ARCHITECTURALS ONLY
(Deferred from the July 25, 2012 Meeting)

POD2012-00297
Chuy's Mexican Food
Restaurant at West Broad
Village – 11229 W. Broad
Street (U.S. Route 250)

Timmons Group for West Broad Village V, LLC and Parkway Construction and Associates: Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 7,891 square foot restaurant with 1,137 square feet of outdoor dining. The 0.29-acre site is located on the south line of W Broad Street (U.S. Route 250), approximately 200 feet west of Brookriver Drive, on parcel 743-761-1500. The zoning is UMUC, Urban Mixed Use (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer.
(Three Chopt)

Mr. Branin - Mr. Kennedy, you're a busy guy today. Is anyone in opposition to POD2012-00297, Chuy's Mexican Food Restaurant at West Broad Village? No one. Okay, Mr. Kennedy.

Mr. Kennedy - At the last POD meeting, the Planning Commission approved the site plan, but the architectural plans were to return back to the Planning Commission at this meeting.

The architectural plans that are in the packet, the color renditions do not do justice to the building. It is an eclectic building. Chuy's is just moving to this neighborhood. They did an IPO recently, and they started expanding. They have, I believe, 55 restaurants primarily in Texas and Tennessee. This is the farthest north and east that they've ever come. It took a little time. We've had a lot of discussions about materials. Originally, the base of the building was blue-painted brick, and the brick above it was painted red. As you can see from the information I provided you about Chuy's, they have some eclectic buildings, but they didn't quite fit the design guidelines for the West Broad Village. The base, instead of being blue brick is now this blue sandstone. We do have a red brick finish. There are some other tile finishes that they're using.

For the last issue we've been trying to resolve, we just got the sample yesterday, so, again, we require a waiver of time limits. It has to do with the roof. The original roof they wanted to use would have looked like a tin roof similar to the last building in their detail. We weren't happy with that. They, they proposed a buckskin-colored roof, which is a brown, but we finally settled on this slate gray. With outdoor dining, they wanted something that would reasonably reflect heat to make the outdoor dining areas suitable for outdoor dining, but, at the same time, we were trying to match the design in West Broad Village. The buildings adjacent to it have either a dark bronze or a gray-type roof. The First Market Bank has a dark gray roof. Mimi's has a slate gray roof. So, this is more consistent, and it also kind of blends in well with the blue stone.

With that, staff can now recommend approval of the architectural elevations.

Mr. Branin - Okay. Does anybody have any questions for Mr. Kennedy?

1792
1793 Mrs. Jones - I'm still just a little confused on what colors are where. Are
1794 you able to pull up—in this particular—
1795
1796 Mr. Kennedy - In this particular case, this base here along this elevation and
1797 along this elevation and here—
1798
1799 Mrs. Jones - Right.
1800
1801 Mr. Kennedy - —and here, that's all this blue stone.
1802
1803 Mrs. Jones - That will be the sample you're showing? Okay.
1804
1805 Mr. Kennedy - Where it looks like a brick color will be this brick here.
1806
1807 Mrs. Jones - All right.
1808
1809 Mr. Kennedy - Okay. Then, on some of these projecting areas it will be some
1810 of this peach, and a pink-like finish. On the top of the building is a blue cornice. It's
1811 actually a formed cornice. Typically, they use a painted cornice with painted blue with a
1812 squiggle on it, which is their signature design. In this case, it will actually be a formed
1813 cornice where those projections will become a little bit more formal, typical of West
1814 Broad Village architectural design. It provides a cap to the roof that a cornice would do.
1815 So, they do have the top, bottom, and middle, which is required by the design guidelines.
1816
1817 Mrs. Jones - What appears pink here is painted?
1818
1819 Mr. Kennedy - [inaudible.]
1820
1821 Mr. Branin - Mr. Kennedy, would you move forward, please?
1822
1823 Mrs. Jones - I'm sorry; I'm having a hard time wrapping my head around
1824 this. That one up there in the upper left?
1825
1826 Mr. Branin - So, what you see in the rendering as pink will actually be that
1827 beige color, and what you see as the trim would be the white color. The brick is the brick.
1828 Then, instead of a black tile that they have presented in some locations, we're going with
1829 the white/gray blend stone veneer, and that will be the roof.
1830
1831 Mrs. Jones - The angled roof.
1832
1833 Mr. Branin - To bring it all together. Pretty cool, huh?
1834
1835 Mrs. Jones - It's quite the statement.
1836
1837 Mr. Branin - You have no idea how far we had to go to get here.

1838
1839 Mr. Kennedy - You can actually see how far we've come if you look at the
1840 packet I gave you this morning, the pictures. It is a Tex-Mex restaurant. They actually
1841 have a hubcap room with a ceiling made of hubcaps. They will have a monument to Elvis
1842 Presley.
1843
1844 Mr. Branin - Because that's very Tex-Mex.
1845
1846 Mr. Kennedy - It's kind of a Route 66 interpretation, I guess, of a family
1847 restaurant. Trying to get them to fit into West Broad Village was not simple, but we've
1848 come a long way.
1849
1850 Mrs. Jones - In your view, this would be acceptable to the West Broad
1851 design?
1852
1853 Mr. Kennedy - Yes, ma'am. I wouldn't say it's the best work, but it meets the
1854 minimum.
1855
1856 Mr. Emerson - With the material changes I think it takes us the extra step.
1857
1858 Mrs. Jones - We're okay.
1859
1860 Mr. Branin - With the material changes, West Broad Village Development
1861 has said they're—I basically put it in their hands—and they said they are excited and
1862 happy with the changes and the color changes. Any other questions for Mr. Kennedy? Is
1863 there a representative for the applicant in the room? Joe, can we see you, please? State
1864 your name for the record.
1865
1866 Mr. Vilseck - Joe Vilseck with Timmons Group.
1867
1868 Mr. Branin - Joe, thank you so much for working with Chuy's and with
1869 County staff and with West Broad Village. You've been in West Broad Village since day
1870 one of conception, keeping the vision of West Broad Village alive and helping to blend
1871 this in. The elevations we have, one of the reasons for the confusion we have here today
1872 right now is the elevations don't match the samples that we have. So if you would—I'm
1873 not going to defer this out holding it up for that—but if you guys could get your elevation
1874 presentation to us for our file with the actual colors.
1875
1876 Mr. Vilseck - Okay.
1877
1878 Mr. Branin - Thank you.
1879
1880 Mr. Archer - I have a question. How long did it take you all to pick up all
1881 these hubcaps off the highway?
1882
1883 Mr. Kennedy - I do want to note those colors, the peach and the rose color,

1884 are consistent with the parking decks. There is actually some consistency there. So,
35 those colors match the parking deck.
1886
1887 Mr. Branin - They have passed the test because Mr. Kennedy was out
1888 there with the sample up against the parking deck. Thank you, sir. Well, with that I'd like
1889 to move to waive time limits.
1890
1891 Mrs. Jones - Second.
1892
1893 Mr. Branin - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor
1894 say aye. All opposed say no. The ayes have it; the motion passes. Those time limits are
1895 waived.
1896
1897 I would like to move that POD2012-00297, Chuy's Mexican Food Restaurant at West
1898 Broad Village Architecturals, be approved with the new elevations, new product, and new
1899 materials that have been demonstrated today.
1900
1901 Mr. Archer - Second.
1902
1903 Mr. Branin - Motion by Mr. Branin, seconded by Mr. Archer. All in favor
1904 say aye. All opposed say no. The ayes have it; the motion passes.
1905
1906 The Planning Commission approved POD2012-00297, Chuy's Mexican Food Restaurant
77 at West Broad Village, architecturals only, subject to the terms and conditions of the
1908 original POD2012-00225, approved July 25, 2012.
1909

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2012-00280

Staples Mill Marketplace
Shopping Center –
Staples Mill Road (U.S.
Route 33)

Rummel, Klepper & Kahl, LLP for Staples Mill Marketplace, LLC and Marchetti Properties: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a shopping center to include a one-story 123,000 square foot grocery store, a one-story 25,500 square foot retail building, a fuel facility with 9 pump islands, and four future outparcels. The 28.33-acre site is located on the southwest line of Staples Mill Road (U.S. Route 33) between the east line of Hungary Spring Road and the north line of Lucas Road, on parcel 767-757-8360 and part of parcel 767-756-9991. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

Mr. Branin - Is anyone in opposition to POD2012-00280, Staples Mill Marketplace Shopping Center? One? Ladies, are you as well? Ma'am, were you here earlier?

Ms. Esser - [Speaking off microphone.] I've been here all day.

Mr. Branin - Okay, okay. So, do you need me to restate—okay. All right.
Yes, ma'am. Ms. Goggin?

Ms. Goggin - Good morning.

A community shopping center is proposed, comprised of a Kroger grocery store with fueling facilities, a retail strip center, and four outparcels for future development. There's the layout.

The applicant has been able to save existing tree canopy and screening along Lucas Road that was shown to be removed when the site was rezoned in 2009. The area that they are able to save is shown as this wetland area. That also extends to Staples Mill Road. Per proffers, berms, in addition to landscape buffers, will be provided where existing trees will be removed and along the entire rear of the site.

Staff has reviewed the retail building and can recommend approval of the elevations and floor plans. There is the color rendering for your review.

The applicant and staff are continuing to work with Kroger to address staff's concerns, which include a painted CMU material for the rear of the Kroger—so they are proposing painted CMU at the rear of the building—and providing mansard roofs for the fuel center canopy and kiosk. This elevation is what was submitted. Kroger provided mansard roofs on its fuel center and kiosk at the Eastridge Road location, and staff believes that they

1942 can provide the same quality for this facility. The applicant has agreed to defer Kroger's
 13 architectural review to the October 24, 2012 meeting to continue to try to address staff's
 1944 concerns.

1945

1946 The plan also includes a lighting plan for Commission review and approval. The
 1947 applicant proposes 400-watt concealed-source fixtures on 25-foot-tall poles, and the fuel
 1948 center canopy will use recessed lights. The lighting plan is in compliance with Henrico's
 1949 lighting standards.

1950

1951 Though staff recommends that the Planning Commission defer the Kroger architecturals,
 1952 staff can recommend approval of the site plan, the retail strip center's architecturals, and
 1953 the lighting plan, subject to the annotations on the plan, Conditions #11B, #29 through
 1954 #43 in the agenda, and Condition #44 revised in the handout addendum. Both actions
 1955 can be made in one motion should the Commission choose to do so.

1956

1957 Malachi Mills, the engineer, and Bobby Marchetti, the developer, are here should you
 1958 have any questions for them. I am happy to answer any questions the Commission may
 1959 have.

1960

1961 Mr. Witte - You're recommending that we defer the architecturals?

1962

1963 Ms. Goggin - Yes, sir, and the applicant has agreed to do that.

1964

1965 Mr. Witte - Okay. That is mainly because of the rear of the building?

1966

1967 Ms. Goggin - Yes, sir. Staff would like to see an architectural block material
 1968 that is of the same color as the rest of the building versus painted.

1969

1970 Mr. Witte - From looking at the rear of the building, it doesn't show any
 1971 loading docks. I have a concern. It looks like all pedestrian doors.

1972

1973 Ms. Goggin - They're really hard to see because we don't have the floor
 1974 plans right now, but the floor plans will completely show that. Right here at the rear is a
 1975 loading dock screen wall—and over here. So you can see it from the sides, but the
 1976 screen wall here will screen the loading docks.

1977

1978 Mr. Witte - I read that there was a recommended minimum amount of
 1979 loading doors. I believe the number was seven.

1980

1981 Ms. Goggin - Looks like we have six.

1982

1983 Mr. Witte - Will that suffice?

1984

1985 Ms. Goggin - Yes, sir. It's up to Kroger to determine its operational
 1986 facilities. As we know, a lot of smaller vendors will have smaller trucks that don't need a
 87 traditional loading dock.

1988
1989 Mr. Witte - How many smaller retails will we have in this shopping
1990 center?
1991
1992 Ms. Goggin - There are four outparcels, which, depending on future users,
1993 they can combine to have less outparcels depending on their need. When it comes to the
1994 strip center, the number of stores completely depends on the proposed tenant. They may
1995 need a bigger space, or they may need a smaller space.
1996
1997 Mr. Witte - And each attached parcel to the Kroger will not have a
1998 loading dock? A loading door?
1999
2000 Ms. Goggin - Normally, no. Stores that are that small, if they're a fast food
2001 restaurant or another restaurant, they will normally make their deliveries at such a time
2002 that it doesn't interfere with traffic, and they normally don't use semi tractor trailers during
2003 operational hours.
2004
2005 Mr. Witte - That's what I was trying to ask.
2006
2007 Ms. Goggin - Okay; my misunderstanding.
2008
2009 Mr. Witte - All right. Is there any need to waive any time limits at this
2010 point?
2011
2012 Ms. Goggin - No, sir.
2013
2014 Mr. Witte - I didn't think so, but I wanted to cover my bases.
2015
2016 Ms. Goggin - I completely understand. I would remind you.
2017
2018 Mr. Witte - I'm finished.
2019
2020 Mr. Branin - Okay. Does anybody have any other questions?
2021
2022 Mrs. Jones - This is a lighting plan as well?
2023
2024 Ms. Goggin - Yes, ma'am.
2025
2026 Mrs. Jones - Okay. It's too small for me to read. What are the perimeter
2027 readings?
2028
2029 Ms. Goggin - They are below half of a foot candle at the right-of-way line
2030 and definitely below half of a foot candle at property lines. Foot candles do not include
2031 any landscaping or anything like that. Those are projections assuming flat ground, no
2032 obstruction.
2033

2034 Mrs. Jones - So, we're deferring, potentially, the architectural in order for
 15 the back to be compatible with the rest of the building.

2036

2037 Ms. Goggin - Yes, ma'am.

2038

2039 Mrs. Jones - That's the primary concern.

2040

2041 Mr. Emerson - Will a canopy over the fuel center be included in that, Ms.
 2042 Goggin?

2043

2044 Ms. Goggin - Yes, sir. For the fuel canopy as well as the building. Excuse
 2045 me; the kiosk.

2046

2047 Mrs. Jones - I would think that those are reasonable requests.

2048

2049 Ms. Goggin - The applicant has agreed to defer those while Kroger
 2050 continues working on the details. We're passing information on to the applicant; the
 2051 applicant's passing it on to Kroger. So it's—

2052

2053 Mrs. Jones - It's just not ready yet.

2054

2055 Ms. Goggin - It's coordinating.

2056

17 Mrs. Jones - Okay. Thank you.

2058

2059 Mr. Branin - Any other questions? Mr. Witte, would you like to hear from
 2060 opposition, or would you like to hear from the applicant?

2061

2062 Mr. Witte - I think I'd like to hear from opposition first.

2063

2064 Mr. Branin - Okay. Ladies, if you'd like to come up. Please state your
 2065 name for the record.

2066

2067 Ms. Esser - Good morning. My name is Doloris Esser. I live at 4600
 2068 Willow Leaf Place, 23228. That's about two miles from there. I'm not really here for that
 2069 location; I'm here for my daughter, who is Tracy Davenport, 5315 Lucas Road. She's on
 2070 the road right behind this and has a lot of concern. She was unable to be here because
 2071 she has to work for a living and could not get the time off to come to this so she called
 2072 me last night and asked me to come.

2073

2074 I'm familiar with the area, obviously, living so close. I am concerned because you're
 2075 bounding it by a church and residential. Granted, you're facing Staples Mill, across the
 2076 street from another strip center, which already has vacant space. You go down to
 2077 Staples Mill and Parham; you've got vacant space retail. You go down to where Rose's
 2078 is; it's vacant space. Across the street is vacant space. So, you're adding, I think, to the
 79 whole Staples Mill Road that already has vacant retail space all along there. Plus, since

2080 Target has been built, Lucas Road traffic is terrible. There also is an exit for Hermitage
2081 High School. So, come by at four o'clock and see the traffic back up at the corner of the
2082 light at Lucas and Staples Mill. Any resident along Lucas Road cannot get out of their
2083 driveway for about a half of an hour. So you're going to be adding from the quick—it
2084 looks there's a back exit from that development onto Lucas? There isn't. So, you're not
2085 going to have that. Okay. So, you'll still have to go around. Trust me, that is still going to
2086 create additional traffic. If you're not planning to do anything with Lucas Road, if you've
2087 ever driven down that—you kind of have to keep your hands on the wheel and eyes up
2088 front, even though it's two lanes. It's a very, very narrow two-lane road.

2089
2090 So, for that reason, with all the residential around it—in the back of it, and also the fact
2091 that there's also vacant retail, that's why we're opposed to that. Thank you.

2092
2093 Ms. Banas - Good morning. My name is Lisa Banas, and I live in Lakeland
2094 Townes, 9308 Silverbush Drive. We've had the pleasure of having Target in our back
2095 yard since it was built. It's horrible. It continues to be horrible. The trucks run all night. A
2096 big retail already closed there. As the woman said, there is so much unoccupied space
2097 right now, I just don't understand why we're going to build more there. I think with Kroger
2098 coming in, it's going to take a toll on Food Lion, which isn't really a big issue except it will
2099 vacate and then there's another empty building. I mean, when is enough enough? Why
2100 can't we fill what they have and be cognizant of people that are living there? We are
2101 appointed to sleep according to the regulations, between twelve o'clock at night and six
2102 o'clock in the morning. That's what the requirements are. They are allowed to deliver at
2103 Target up to midnight and then at six o'clock in the morning. I just don't want to see this
2104 happen again. The 500 feet is nothing. It's noisy. We've had vandalism in our
2105 neighborhood that we never had before. It upsets me that we're going to build more so
2106 close to my neighborhood. That's all I have to say. Thank you.

2107
2108 Mr. Branin - Mr. Witte, would you like to hear from the applicant or not?

2109
2110 Mr. Witte - I think so.

2111
2112 Mr. Branin - Okay. Would the applicant please come down and state your
2113 name for the record?

2114
2115 Mr. Marchetti - My name is Bobby Marchetti.

2116
2117 Mr. Witte - Can you address any of those issues?

2118
2119 Mr. Marchetti - We do have two vacancies over across the street. We do
2120 have a Chipotle coming on an outparcel. We do have another outparcel that we're in
2121 negotiations with a letter of intent. The small strip that's going along with Kroger we have
2122 a lot of interest in, we and probably won't build it unless we have the tenants to go in
2123 there.

2125 Mr. Witte - The only building you're planning on erecting at this time is
26 the Kroger itself.

2127

2128 Mr. Marchetti - Well, we're going to build the retail. We have enough small
2129 tenants that are interested that by the time we start building it in July of next year, the
2130 majority of it will be full.

2131

2132 Mr. Witte - And what's the anticipated completion date?

2133

2134 Mr. Marchetti - That should open prior or about the same time as Kroger,
2135 which will be the spring of 2014.

2136

2137 Mr. Witte - Okay. I have no more questions.

2138

2139 Mrs. Jones - I'm concerned about traffic. Perhaps we could have a—

2140

2141 Mr. Branin - Mr. Marchetti, is this the same as the Short Pump Kroger
2142 store?

2143

2144 Mr. Marchetti - This is 130,000 square feet.

2145

2146 Mr. Branin - This is bigger.

2147

18 Mr. Marchetti - Correct. We've done our traffic studies and meet all the
2149 requirements.

2150

2151 Mr. Branin - Okay. And the fuel island signs here, is that what you all are
2152 going to be selling gas at, \$2.19?

2153

2154 Mr. Marchetti - That's a question for Kroger.

2155

2156 Mr. Branin - Would you like to hear from Traffic?

2157

2158 Mrs. Jones - I'd like to have at least the citizens' questions answered if
2159 there's something that can be added to clarify that for them.

2160

2161 Mr. Branin - Tommy, would you come up for questioning, please?

2162

2163 Mrs. Jones - Thank you, Mr. Marchetti.

2164

2165 Mr. Catlett - Good morning, Mr. Chairman, members of the Commission.
2166 Tommy Catlett, Traffic Engineering. Would you like for me to touch on the overall or
2167 Lucas or both?

2168

2169 Mrs. Jones - You've heard the concerns. Could you answer those, please?

70

2171 Mr. Catlett - Yes, ma'am. They did a traffic study back in 2009 that met
2172 ours and VDOT's requirements. They have improved Staples Mill Road across their
2173 property frontage, widening the road. It will function as a turn lane into their site for the
2174 time being. They've also added an additional left-turn lane into the site per the
2175 requirements of the 527. They've also installed a right-turn lane across Hungary Springs
2176 for the entrance that they're proposing. Lucas Road, we asked for that to be widened. It
2177 was actually waived due to causing more of a detrimental effect than a benefit for the
2178 homeowners there with construction and everything else. The improvements would have
2179 only been across this stretch here.

2180
2181 We and VDOT feel that the 527 addressed all the traffic issues with this proposed
2182 development, and it was approved.

2183
2184 Mr. Witte - I have a question. The Lucas Road widening—was that
2185 discussed with the homeowners since it was found to be detrimental to them?

2186
2187 Mr. Catlett - I'm not sure. They don't have direct access onto Lucas, which
2188 is typically where our requirement comes in, but we were trying to obtain it.

2189
2190 Mr. Witte - One of the issues brought up was the condition and width of
2191 Lucas Road. So, I was wondering if when it was waived if that was brought up to the
2192 homeowners.

2193
2194 Mr. Catlett - I'm not sure.

2195
2196 Mr. Leabough - That was the only question that I had. You mentioned there
2197 was concern about widening, but part of the site abuts Lucas Road. Correct?

2198
2199 Mr. Catlett - Correct.

2200
2201 Mr. Leabough - So then, if it was an issue, then you could accommodate it on
2202 site, potentially.

2203
2204 Mr. Catlett - Correct.

2205
2206 Mr. Leabough - Okay. That was the only point that I was making.

2207
2208 Mr. Catlett - Had they been directly accessing it, then it definitely would
2209 not have been waived.

2210
2211 Mr. Leabough - And the roads are sufficient to handle the traffic that would be
2212 generated by this use?

2213
2214 Mr. Catlett - Yes, sir.

2215
2216 Mr. Witte - You've answered my questions.

2217
18 Mr. Catlett - Any others?
2219

2220 Mr. Leabough - There was another concern about loading hours that wasn't
2221 addressed by the applicant.
2222

2223 Mr. Branin - That was reflected from across the street, correct?
2224

2225 Mr. Leabough - It wasn't addressed by the applicant, so could you address
2226 that question please, Mr. Marchetti?
2227

2228 Mr. Emerson - Mr. Leabough, B-2 zoning allows operation between six a.m.
2229 and twelve p.m. That's the zoning code, and that's what they'll have to adhere to.
2230

2231 Mr. Leabough - Okay.
2232

2233 Mr. Emerson - Understanding the citizen's concerns, that's what the code
2234 allows.
2235

2236 Mr. Leabough - Thank you.
2237

2238 Mr. Witte - It's six a.m., through the daytime, to midnight.
2239

2240 Mr. Emerson - Correct, yes ,sir.
2241

2242 Mr. Witte - So, there should be nothing between midnight and six a.m.?
2243

2244 Mr. Emerson - That's correct.
2245

2246 Ms. Banas - [Speaking off microphone; inaudible.]
2247

2248 Mr. Witte - All right.
2249

2250 Mr. Branin - It's your ball. Do you have any other questions for the
2251 applicant or staff?
2252

2253 Mr. Witte - I think Ms. Goggin has some issues here.
2254

2255 Ms. Goggin - Oh, no. I was just coming up to write down motions should
2256 you make them.
2257

2258 Mr. Witte - Okay.
2259

2260 Mr. Branin - All right. We'll entertain a motion.
2261

2262 Mr. Witte - First, I'd like to make a motion that we defer the architecturals
 2263 to the October 24, 2012 meeting.
 2264
 2265 Mrs. Jones - Second.
 2266
 2267 Mr. Branin - Motion by Mr. Witte, seconded by Mrs. Jones. All in favor say
 2268 aye. All opposed say no. The ayes have it; the motion passes.
 2269
 2270 At the request of the applicant, the Planning Commission deferred the architecturals for
 2271 POD2012-00280, Staples Mill Marketplace Shopping Center, to its October 24, 2012
 2272 meeting.
 2273
 2274 Mr. Witte - Next, in reference to the POD and lighting plan, POD2012-
 2275 00280, Staples Mill Marketplace Shopping Center, I recommend approval with the
 2276 standard conditions, annotations, and Conditions #11B and #20 through #44.
 2277
 2278 Mrs. Jones - As reflected on the addendum also.
 2279
 2280 Mr. Witte - As reflected on the addendum, yes, ma'am.
 2281
 2282 Mrs. Jones - Second.
 2283
 2284 Mr. Branin - Motion by Mr. Witte, seconded by Mrs. Jones. All in favor say
 2285 aye. All opposed say no. The ayes have it; the motion passes.
 2286
 2287 The Planning Commission approved POD2012-00280, Staples Mill Marketplace
 2288 Shopping Center and lighting plan, subject to the annotations on the plans, the standard
 2289 conditions attached to these minutes for developments of this type, and the following
 2290 additional conditions:
 2291
 2292 11B. Prior to the approval of an electrical permit application and installation of the site
 2293 lighting equipment, a plan including light spread and intensity diagrams, and fixture
 2294 specifications and mounting heights details shall be revised as annotated on the
 2295 staff plan and included with the construction plans for final signature.
 2296 29. The right-of-way for widening of Staples Mill Road (U.S. Route 33) as shown on
 2297 approved plans shall be dedicated to the County prior to any occupancy permits
 2298 being issued. The right-of-way dedication plat and any other required information
 2299 shall be submitted to the County Real Property Agent at least sixty (60) days prior
 2300 to requesting occupancy permits.
 2301 30. The entrances and drainage facilities on Staples Mill Road (U.S. Route 33) shall
 2302 be approved by the Virginia Department of Transportation and the County.
 2303 31. A notice of completion form, certifying that the requirements of the Virginia
 2304 Department of Transportation entrances permit have been completed, shall be
 2305 submitted to the Department of Planning prior to any occupancy permits being
 2306 issued.

- 2307 32. A concrete sidewalk meeting County standards shall be provided along the east
38 line of Hungary Spring Road, and a sidewalk meeting VDOT standards shall be
2309 provided along the west line of Staples Mill Road (U.S. Route 33) from Hungary
2310 Springs Road to the shopping center's entrance.
- 2311 33. Outside storage shall not be permitted.
- 2312 34. The proffers approved as a part of zoning case C-3C-09 shall be incorporated in
2313 this approval.
- 2314 35. The developer shall install an adequate restaurant ventilating and exhaust system
2315 to minimize smoke, odors, and grease vapors. The plans and specifications shall
2316 be included with the building permit application for review and approval. If, in the
2317 opinion of the County, the type system provided is not effective, the Commission
2318 retains the rights to review and direct the type of system to be used.
- 2319 36. The loading areas shall be subject to the requirements of Chapter 24, Section 24-
2320 97(b) of the Henrico County Code.
- 2321 37. Approval of the construction plans by the Department of Public Works does not
2322 establish the curb and gutter elevations along the Henrico County maintained
2323 right-of-way. The elevations will be set by Henrico County.
- 2324 38. Approval of the construction plans by the Department of Public Works does not
2325 establish the curb and gutter elevations along the Virginia Department of
2326 Transportation maintained right-of-way. The elevations will be set by the
2327 contractor and approved by the Virginia Department of Transportation.
- 2328 39. Evidence of a joint ingress/egress and maintenance agreement must be
2329 submitted to the Department of Planning and approved prior to issuance of a
30 certificate of occupancy for this development.
- 2331 40. The conceptual master plan, as submitted with this application, is for planning and
2332 information purposes only.
- 2333 41. The location of all existing and proposed utility and mechanical equipment
2334 (including HVAC units, electric meters, junction and accessory boxes,
2335 transformers, and generators) shall be identified on the landscape plans. All
2336 equipment shall be screened by such measures as determined appropriate by the
2337 Director of Planning or the Planning Commission at the time of plan approval.
- 2338 42. Only retail business establishments permitted in a B-2 district may be located in this
2339 center.
- 2340 43. The ground area covered by all the buildings shall not exceed in the aggregate 25
2341 percent of the total site area.
- 2342 44. **MODIFIED** - ~~No merchandise shall be displayed or stored outside of the building(s)~~
2343 ~~or on sidewalk(s).~~ Areas for outdoor display of merchandise for sale shall be
2344 clearly delineated on the POD construction plans prior to approval.
2345

2346 **PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION**
2347

2348 POD2012-00314

2349 O'Reilly Auto Parts – 1311
2350 – 1317 E. Nine Mile Road
2351 (State Route 33)

Willmark Engineering for OAP Nine Mile, LLC: Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code, to construct a one-story 7,200 square foot retail building. The transitional buffer deviation relocates the transitional buffer between the R-3/B-3 zoning line to the areas adjacent to the western and southern property lines and reduces the width of the buffer. The 2.27-acre site is located on the west line of Nine Mile Road (State Route 33), approximately 300 feet south of its intersection with Airport Drive (State Route 156), on parcels 825-720-0896 and 2192. The zoning is B-3, Business District, R-3, One-Family Residential District and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

2348
2349 Mr. Branin - Is anyone in opposition to POD2012-00314, O'Reilly Auto
2350 Parts? There's no one left. All right, Mr. Pambid, you have the floor.
2351

2352 Mr. Pambid - Thank you. The proposal is for the new construction of a
2353 7,200-square-foot auto parts retail store without any service bays. The building is an 85-
2354 foot by 85-foot square structure that is to replace an existing structure originally used as
2355 a single-family dwelling and most recently used as offices for the Bakers' and
2356 Confectioners' Union.
2357

2358 The exterior is constructed of red brick and tan EIFS similar to the adjacent Dollar
2359 General. The building's front façade and corners feature brick pilasters, and all four
2360 elevations feature EIFS borders and recessed brick panels. A main retail floor, two
2361 storage areas, bathrooms, and a small office are also proposed.
2362

2363 Lighting is included in this review. Three poles, 25 feet tall, with one 400-watt concealed-
2364 source fixture each are proposed. Nine building-mounted 250-watt concealed-source
2365 fixtures are also proposed. The plan complies with the lighting policy.
2366

2367 The applicant has requested a deviation to relocate a required Transitional Buffer 35
2368 from the R-3/B-3 zoning line, which is right here and bisects a proposed BMP. It will be
2369 relocated from this line to the areas by the western and southern property lines and will
2370 be reduced in width between 14 and 25 feet.
2371

2372 In lieu of the previously-proposed wood fence, the applicant has agreed to provide a six-
2373 foot vinyl fence with seven-foot-tall brick columns approximately every 18 feet on center.
2374

2375 The applicants are here to present their case for the buffer deviation.
2376

2377 Staff recommends approval subject to the annotations on the plans, the standard
78 conditions for developments of this type, and additional Conditions #29 through #32. This
2379 concludes my presentation. Staff can now field any questions you have regarding this.
2380 Mark Williams with Willmark Engineering is here, as is the developer, Earl Templeton.
2381

2382 Mr. Branin - Fantastic. Thank you, Mr. Pambid.
2383

2384 Mr. Pambid - You're welcome.
2385

2386 Mr. Branin - Do we have any questions for Mr. Pambid?
2387

2388 Mr. Leabough - I do have two quick questions regarding the color of the
2389 fencing, the vinyl fencing for the wall and then also the color of the brick for the columns.
2390 Are you able to answer those questions?
2391

2392 Mr. Pambid - I can answer those questions for you. I received that
2393 information in e-mail. If you'd also like to have the applicant confirm that, he's here to do
2394 that. What I received in an e-mail yesterday was that the fence sections were to be of a
2395 neutral color similar to the EIFS on the building, and the brick is also supposed to be
2396 similar in color to that of the building. So, it should match the building.
2397

2398 Mr. Leabough - Can I ask the applicant to come down and confirm that?
2399

2400 Mr. Branin - Please state your name for the record when you come down.
2401

2402 Mr. Williams - My name is Mark Williams. I'm with Willmark Engineering.
2403 The fence columns, the brick and fence columns, will match the brick on the building. If
2404 the exact type of brick can't be used it'll be matched as close as possible. The vinyl
2405 fencing will be a neutral color that will match the color of the EIFS on the top portion of
2406 the building.
2407

2408 Mr. Leabough - We're asking them to match, aren't we?
2409

2410 Mr. Pambid - What I referenced in my staff report was the Dollar General.
2411 We have a picture of that to illustrate that a little bit better as opposed to—there's the
2412 Dollar General right there.
2413

2414 Mr. Leabough - So, it's going to match that?
2415

2416 Mr. Pambid - The materials that were specified in the elevations, as well as
2417 information from the engineer and the architect, were to match this building. It was a
2418 proffered building, and it's immediately adjacent to this site. They wanted to match their
2419 colors and materials as closely as they could.
2420

2421 Mr. Leabough - Okay. I'm good.
22

2423 Mr. Branin - Any other questions for the applicant, as he walks away?
 2424
 2425 Mr. Leabough - No other questions from me.
 2426
 2427 Mr. Branin - Thank you.
 2428
 2429 Mrs. Jones - Where do we stand with the adjacent CVS site and
 2430 agreements there?
 2431
 2432 Mr. Pambid - As of right now, the requirement is that the wall was to
 2433 remain, if you're referring to the wall. It was proffered along the Dollar General site, and
 2434 there is a portion of the wall that is un-proffered. That is not on the O'Reilly site, so our
 2435 requirement was that wall remain. Here is an overall layout of the site. There is a zoning
 2436 line; it's kind of difficult to see.
 2437
 2438 Mrs. Jones - I see it.
 2439
 2440 Mr. Pambid - There is a zoning line through here. The B-2C portion of this
 2441 Dollar General and CVS site—it was approved under one POD in 2007. The portion of
 2442 the wall that's proffered runs from the back property line to this point here, and from that
 2443 point to Nine Mile Road, it's un-proffered. Staff does not have any evidence that the
 2444 adjacent property owner of the CVS has agreed to remove that wall or do anything on
 2445 their site. So, the site plan now shows that wall remaining, and that is also annotated on
 2446 the staff plan.
 2447
 2448 Mrs. Jones - Is that something that can come in at a later date and be
 2449 done administratively?
 2450
 2451 Mr. Pambid - It will not be done administratively; it will be heard as a POD
 2452 reconsideration should the applicant pursue that.
 2453
 2454 Mrs. Jones - Okay. So, things remain as they are at the moment.
 2455
 2456 Mr. Pambid - Correct.
 2457
 2458 Mrs. Jones - Okay.
 2459
 2460 Mr. Branin - Any other questions for Mr. Pambid?
 2461
 2462 Mr. Leabough - No, not at all.
 2463
 2464 Mr. Branin - Okay.
 2465
 2466 Mr. Templeton - My name is Earl Templeton. We've been in contact with
 2467 [inaudible] CVS. They were agreeable to take down the first section of the wall not

2468 proffered. We hope to have an application from them to submit for October's agenda, if
59 not, the November agenda strictly for the demolition of the wall.

2470
2471 Mrs. Jones - Why do you want to take down that section of the wall?

2472
2473 Mr. Templeton - Our tenant would like to have it down just for more visibility.
2474 So, just from a safety standpoint, we'd like to take it down.

2475
2476 Mrs. Jones - Okay. Thank you.

2477
2478 Mr. Templeton - Thank you.

2479
2480 Mr. Leabough - That being the case, I move approval of POD2012-00314,
2481 O'Reilly Auto Parts and the transitional buffer deviation, subject to the standard
2482 conditions for developments of this type, annotations on the plans, and Conditions #29
2483 through #32.

2484
2485 Mr. Witte - Second.

2486
2487 Mr. Branin - Motion by Mr. Leabough, seconded by Mr. Witte. All in favor
2488 say aye. All opposed say no. The ayes have it; the motion passes.

2489
2490 29. The entrances and drainage facilities on Nine Mile Road (State Route 33) shall be
71 approved by the Virginia Department of Transportation and the County.

2492 30. A notice of completion form, certifying that the requirements of the Virginia
2493 Department of Transportation entrances permit have been completed, shall be
2494 submitted to the Department of Planning prior to any occupancy permits being
2495 issued.

2496 31. Outside storage shall not be permitted.

2497 32. The owners shall not begin clearing of the site until the following conditions have
2498 been met:

2499
2500 (a) The site engineer shall conspicuously illustrate on the plan of development
2501 or subdivision construction plan and the Erosion and Sediment Control
2502 Plan, the limits of the areas to be cleared and the methods of protecting the
2503 required buffer areas. The location of utility lines, drainage structures and
2504 easements shall be shown.

2505 (b) After the Erosion and Sediment Control Plan has been approved but prior
2506 to any clearing or grading operations of the site, the owner shall have the
2507 limits of clearing delineated with approved methods such as flagging, silt
2508 fencing or temporary fencing.

2509 (c) The site engineer shall certify in writing to the owner that the limits of
2510 clearing have been staked in accordance with the approved plans. A copy
2511 of this letter shall be sent to the Department of Planning and the
2512 Department of Public Works.

- (d) The owner shall be responsible for the protection of the buffer areas and for replanting and/or supplemental planting and other necessary improvements to the buffer as may be appropriate or required to correct problems. The details shall be included on the landscape plans for approval.

Mr. Emerson - Mr. Chairman, that takes us to the next to the last item on your agenda, which is the consideration for the approval of your minutes of the July 25, 2012 meeting, and you do have an errata sheet in the packet provided to you this morning.

APPROVAL OF MINUTES: July 25, 2012

Mr. Branin - Does anybody have any additions to the errata sheet? Is everybody in agreement with the errata sheet? Then, I'll entertain a motion.

Mrs. Jones - I move we approve the minutes as corrected.

Mr. Witte - Second.

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

The Planning Commission approved the July 25, 2012 minutes as corrected.

Mr. Branin - Is that it? Any other comments? We're adjourned.



Mr. Tommy Branin, Chairman



Mr. R. Joseph Emerson, Jr., Secretary

PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **September 26, 2012**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

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

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

STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **September 26, 2012**, 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 26, 2012, 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 25, 2013, 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 26, 2012**, 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 25, 2013**, 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 26, 2012**, 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 25, 2013**, 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 26, 2012**, 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 25, 2013**, 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 26, 2012**, 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 25, 2013**, 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.