

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, April 23, 2014.
4

Members Present: Mr. Eric Leabough, C.P.C., Chairman, (Varina)
Mr. Robert H. Witte, Jr., Vice Chairman, (Brookland)
Mr. C. W. Archer, C.P.C., (Fairfield)
Mr. Tommy Branin, (Three Chopt)
Mrs. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. David Kaechele,
Board of Supervisors' Representative

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, PLA, Principal Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, AICP, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Aimee B. Crady, AICP, County Planner
Mr. Jeff Perry, Engineering and Environmental Services Manager
Ms. Sharon Smidler, Traffic Engineering
Mr. Kenny Dunn, Fire
Mr. Eric Dykstra, Office Assistant/Recording Secretary

5
6 **Mr. David Kaechele, the Board of Supervisors' representative, abstains on all**
7 **cases unless otherwise noted.**
8

9 Mr. Leabough - I call this meeting of the Henrico County Planning
10 Commission to order. Welcome. I would ask that you please mute or silence your cell
11 phones so that we do not disrupt the public hearing today. And as you do that, please
12 rise with us for the Pledge of Allegiance.
13

14 This is our Plans of Development and Subdivisions meeting. I ask that if there is anyone
15 from the news media if you would please let us know by raising your hand. Is there
16 anyone in the audience from the news media? There doesn't appear to be. I usually
17 have to stand up just to check over there in the corner.
18

19 There being no media, I would like to acknowledge Mr. Kaechele. He's from the Board of
20 Supervisors who is on the Commission with us this year. Thank you, Mr. Kaechele for
21 being here.
22

23 Mr. Kaechele - Thank you.

24

25 Mr. Leabough - We also have Mr. Branin back. Welcome back Mr. Branin. He
26 was absent for the last meeting. And then we have the rest of our commissioners here.
27 Thank you all. We have a quorum and we can conduct business.

28

29 I would now like to turn the agenda over to our secretary, Mr. Joe Emerson.

30

31 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda this morning
32 are the requests for deferrals and withdrawals, and there are none of those this morning
33 unless the Commission has any deferrals they would like to note at this time.

34

35 If there are none, next on your agenda are the expedited items, and those will be
36 presented by Ms. Leslie News.

37

38 Ms. News - Good morning, Mr. Chairman, members of the Commission.
39 We have three items on our expedited agenda today. The first item is found on page
40 three of your agenda and is located in the Tuckahoe District. This is transfer of approval
41 for POD-67-77, Mike Tu Building (formerly Horizon Home Health Care). There is an
42 addendum item on page one of your addendum which is a revision to the caption. Staff
43 can recommend approval.

44

45 TRANSFER OF APPROVAL

46

POD-67-77
POD2013-00087
Mike Tu Building
(Formerly Horizon Home
Health Care) – 7925 W.
Broad Street (U.S. Route
250)

Joseph E. Hall for Tu Wai Wai 88, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Hudson Holdings, LLC to Tu Wai Wai 88, LLC. The 0.62-acre site is located along the west line of W. Broad Street (U.S. Route 250), approximately 100 feet south of the intersection of Enterprise Parkway and W. Broad Street, on parcel 763-752-9220. The zoning is B-3, Business District. County water and sewer. **(Tuckahoe)**

47

48 Mr. Leabough - Is there anyone here in opposition to POD-67-77 (POD2013-
49 00087), Mike Tu Building (Formerly Horizon Home Health Care)? There is no opposition.

50

51 Mrs. Jones - All right. If not then I would like to move approval for the
52 transfer of approval POD-67-77 (POD2013-00087), Mike Tu Building (Formerly Horizon
53 Home Health Care), at 7925 West Broad Street. The site deficiencies have been taken
54 care of and it should be approved on the expedited agenda with the staff
55 recommendation as well as the revised caption shown on our addendum.

56

57 Mr. Archer - Second.

58

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

61
62 The Planning Commission approved the transfer of approval request for POD-67-77
63 (POD2013-00087), Mike Tu Building (Formerly Horizon Home Health Care), from
64 Hudson Holdings, LLC to Tu Wai Wai 88, LLC, subject to the standard and added
65 conditions previously approved.

66
67 Ms. News - The next item is located in the Varina District and is found on
68 page four of your agenda. This is a transfer of approval for POD-83-07, 7-Eleven
69 Convenience Store at The Shops at White Oak Village. Staff recommends approval.

70
71 **TRANSFER OF APPROVAL**

72
73
74 **POD-83-07 Forest City for Cole MT Richmond VA, LLC:** Request
75 **POD2013-00048** for transfer of approval as required by Chapter 24, Section
76 **7-Eleven Convenience** 24-106 of the Henrico County Code from Laburnum
77 **Store at The Shops at** Investment, LLC to Cole MT Richmond VA, LLC and 7-
78 **White Oak Village – 4475** Eleven, Inc. The 1.06-acre site is located on the east line
79 **S. Laburnum Avenue** of S. Laburnum Avenue, approximately 250 feet north of
80 Audubon Drive, on parcel 815-716-4194. The zoning is B-
81 3C, Business District (Conditional), and ASO, Airport
82 Safety Overlay District. County water and sewer. **(Varina)**

83
84 Mr. Leabough - Is there anyone here in opposition POD-83-07 (POD2013-
85 00048), 7-Eleven Convenience Store at The Shops at White Oak Village? No opposition.
86 Therefore, I move that the transfer request for POD-83-07 (POD2013-00048), 7-Eleven
87 Convenience Store at The Shops at White Oak Village, be approved.

88
89 Mr. Archer - Second.

90
91 Mr. Leabough - We have a motion by Mr. Leabough, a second by Mr. Archer.
92 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

93
94 The Planning Commission approved the transfer of approval request for POD-83-07
95 (POD2013-00048), 7-Eleven Convenience Store at The Shops at White Oak Village,
from Laburnum Investment, LLC to Cole MT Richmond VA, LLC and 7-Eleven, Inc.,
subject to the standard and added conditions previously approved.

96
97 Ms. News - The final item is found on page 12 of your agenda and is
98 located in the Three Chopt District. This is SUB2014-00023, Estates at Grey Oaks, the
99 April 2014 Plan for four lots. There is an addendum item on page two of your addendum,
100 which includes a revised caption and added Condition #15, which requires the plat for
101 extension of the roads leading to this site, Grey Oaks Parks Lane and Grey Oaks
102 Estates Court, to be recorded prior to recordation of this plat. Staff can recommend
103 approval.

96
97
98

SUBDIVISION

SUB2014-00023
Estates at Grey Oaks
(April 2014 Plan)

Draper Aden Associates for Alexander Development Company, Inc.: The 2.435-acre site proposed for a subdivision of four single-family dwellings is located at the western terminus of future Grey Oaks Estates Court, approximately 160 feet west of the southern terminus of Grey Oaks Park Lane (extended), on parcel 740-771-4107, **and a portion of parcel 740-771-7724.** The zoning is R-2AC, One-Family Residential District (Conditional). County water and sewer. **(Three Chopt) 4 Lots**

99

100 Mr. Leabough - Is there anyone here in opposition to SUB2014-00023,
101 Estates at Grey Oaks (April 2014 Plan)? There is no opposition.

102

103 Mr. Branin - Mr. Chairman, I'd like move that SUB2014-00023, Estates at
104 Grey Oaks (April 2014 Plan), be approved on the expedited agenda with conditions #13,
105 #14, #15, the annotations on the plans, and standard conditions for subdivisions served
106 by public utilities.

107

108 Mr. Witte - Second.

109

110 Mr. Leabough - We have a motion by Mr. Branin, a second by Mr. Witte. All in
111 favor say aye. All opposed say no. The ayes have it; the motion passes.

112

113 The Planning Commission granted conditional approval to SUB2014-00023, Estates at
114 Grey Oaks (April 2014 Plan), subject to the standard conditions attached to these
115 minutes for subdivisions served by public utilities, the annotations on the plans, and the
116 following additional conditions:

117

118 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions
119 for the maintenance of the common area by a homeowners association shall be
120 submitted to the Department of Planning for review. Such covenants and
121 restrictions shall be in a form and substance satisfactory to the County Attorney and
122 shall be recorded prior to recordation of the subdivision plat.

123 14. The proffers approved as part of zoning cases C-15C-03 and C-30C-05 shall be
124 incorporated in this approval.

125 15. **ADDED** - The subdivision plat for the extension of Grey Oaks Park Lane
126 (extended), and Grey Oaks Estates Court (future), and Future Lot 13, as
127 proposed with SUB2008-00177 Grey Oaks (Formerly XYZ Subdivision [January
128 2004 Plan]), shall be recorded prior to the recordation of the Estates at Grey
129 Oaks, Section 4.

130

131 Ms. News - That completes our expedited agenda.

132

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138

Mr. Emerson - Mr. Chairman, we now return back the beginning of your agenda for Subdivision Extensions of Conditional Approval, and those will be presented by Mr. Lee Pambid.

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2011-00024 Broadus Glen (April 2011 Plan)	34	34	2	Fairfield	4/22/2015
SUB2011-00026 New Market Village (April 2011 Plan)	93	61	2	Varina	4/22/2015
SUB2013-00040 Short Pump Manor at Bacova (April 2013 Plan) (Formerly Bowles Crossing at Bacova (April 2013 Plan))	89	11	0	Three Chopt	4/22/2015

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Mr. Leabough - Good morning, Mr. Pambid.

Mr. Pambid - Good morning. This map indicates the location of three subdivisions that are presented for extensions of conditional approval. They are each eligible for a one-year extension to April 22, 2015. Staff would like to note a reduction in the number of remaining lots still on conditional approval for Short Pump Manor at Bacova from 55 to 11 lots, as 44 lots were granted final approval yesterday. These are for informational purposes only and do not require Commission action at this time.

This concludes my presentation. I can now field any questions you may have regarding these.

Mr. Leabough - Are there any questions for Mr. Pambid? There are no questions. Thank you, sir.

Mr. Pambid - You're welcome.

Mr. Emerson - Mr. Chairman, we now move to page five of your regular agenda.

165 (Deferred from the February 26, 2014 Meeting)

166

167 **TRANSFER OF APPROVAL**

168

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

Thalhimer for Westdale Westpark I, II, LP: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from SLN Broad Street Association, LP and NP/I&G Westpark, LLC to Westdale Westpark, I, II, LP. Phase I is a 18.36-acre site located at the southwest corner of Pemberton Road (State Route 157) and W. Broad Street (U.S. Route 250), on part of parcels 753-758-7318 and 754-758-2409. Phase II is a 3.57-acre site located at the southwest corner of W. Broad Street and Stillman Parkway, on part of parcel 753-758-7318. The zoning is B-2C Business District (Conditional). County water and sewer. **(Three Chopt)**

169

170

171 Mr. Leabough - Is there anyone here in opposition to the transfer of approval
172 for POD-94-87, POD-109-89, and POD-118-89 (POD2011-00196; POD2011-00197;
173 POD2011-00194; POD2011-00259), Westpark Shopping Center – Phases I and II?
174 There is no opposition. Mr. Ward?

175

176 Mr. Ward - Good morning. The new owner of Westpark Shopping Center
177 agrees and accepts to be responsible for the continued compliance with the conditions of
178 the original plan of development. The site deficiencies included in the original staff report
179 were missing landscaping, and repairing, resealing, and striping areas throughout the
180 parking lot. They were also constructing dumpster enclosures as well as removing metal
181 cargo containers. It has taken an extended period of time to complete all the deficiencies
182 due to the extensive amount of landscaping that's been installed on the site.

183

184 All deficiencies, though, have now been corrected, and the staff can recommend
185 approval of the transfer request.

186

187 Mr. Leabough - Any questions for Mr. Ward?

188

189 Mr. Branin - Is the applicant here, by chance, or his representative?

190

191 Mr. Ward - No, they were unable to make it.

192

193 Mr. Branin - We've only had this coming through now - we've been
194 working on this one for what, 2 years?

195

196 Mr. Ward - Since June 6, 2011.

197

230
231 Mr. Perry - Good morning.
232
233 Mr. Branin - Wouldn't we hear from staff—the staff report first before
234 opposition?
235
236 Mr. Leabough - Mr. Perry is presenting.
237
238 Mr. Emerson - Mr. Perry is presenting.
239
240 Mr. Branin - Oh, okay. Okay. I wasn't aware of that.
241
242 Mrs. Jones - Good morning.
243
244 Mr. Perry - Good morning. I'm Jeff Perry. I'm the manager of the
245 Engineering and Environmental Division of the Department of Public Works. This request
246 is for approval of an exception to the Henrico County Chesapeake Bay Preservation
247 Ordinance to construct a swimming pool and related site improvements within the 100-
248 foot RPA buffer adjacent to Lake Loreine.
249
250 The proposed pool is not a permitted development in the RPA, in accordance with 14-
251 106.3(d) of the County Code. The proposed pool can be located outside the RPA;
252 therefore, it is not in harmony with the purpose and the intent of the Bay Act, which is a
253 state act, which limits encroachments into the RPA. And granting the exception will
254 confer upon the applicant a special privilege denied to similarly-situated property owners.
255 Therefore, the Department of Public Works is recommending denial.
256
257 Mr. Leabough - Are there questions for Mr. Perry?
258
259 Mr. Branin - I have questions.
260
261 Mrs. Jones - Well, I have a couple technical questions. I don't know if that
262 would be Mr. Perry or maybe Ms. Goggin. But I'd like to ask those now if that's okay.
263
264 Mr. Leabough - Sure.
265
266 Mrs. Jones - And then I do have two concerns, that after we hear from
267 others, if they're not addressed then I'd like to raise them for the Commission's
268 consideration.
269
270 My technical questions, I just simply wanted to make sure that I had all the facts straight.
271 What you're saying is that—are there other cases that would involve a single-family
272 home, such as this, a single-family property, adding a use, such as this, that have been
273 approved by the Planning Commission?
274

75 Mr. Perry - [Off microphone.] I'm not aware of any that have been
276 approved by—
277
278 Mr. Leabough - Mr. Perry, could you get closer to the microphone?
279
280 Mr. Perry - I'm sorry. I'm not aware of any that have been approved by
281 the Planning Commission since 2002.
282
283 Mrs. Jones - And the Chesapeake Bay Act was adopted by the state I
284 believe in late 1980s. Was it 1988 and—
285
286 Mr. Perry - 1989.
287
288 Mrs. Jones - 1989. And our Henrico County Code obviously must mirror
289 the mandates from the state.
290
291 Mr. Perry - You're absolutely correct.
292
293 Mrs. Jones - And when was our Code adopted with those requirements?
294
295 Mr. Perry - 1991.
296
97 Mrs. Jones - 1991. Okay. All right. Just to make sure I've got my years
298 straight here. Alternate sites for a pool. Now—and by the way, this is a beautiful property
299 and the proposal is a beautiful pool area, so I just want to make sure I understand.
300 Alternate sites for the pool on this property? There are alternate sites?
301
302 Mr. Perry - Right. You could actually move that pool back outside of the
303 RPA just to the—what would that be?—just to the west. I guess southwest. It looks like it
304 could be pulled back there very easily.
305
306 Mrs. Jones - And the approval for that would be simply through the
307 permit—
308
309 Mr. Perry - If it was outside the RPA they would not need approval.
310
311 Mrs. Jones - Right. Okay. The ordinance language. As you know, we've
312 gotten into this with some cases in my district, so I just want to make sure I'm correct on
313 this. Does the ordinance make a differentiation between the seaward 50 feet and the
314 upland 50 feet?
315
316 Mr. Perry - It does as far as whether something would come to the
317 Planning Commission or not, whether it could be approved or not. But usually those
318 cases are reserved—that 50 and non-50—for situations where we would be making the
319 lot unbuildable.
320

321 Mrs. Jones - So not for a case like this.
322
323 Mr. Perry - As far as in this particular case, it needs to be outside the
324 RPA period, the 100-foot. There is no differentiation.
325
326 Mrs. Jones - Okay. Those are—
327
328 Mr. Perry - The key is it's not a permitted use. There are only certain
329 things that are permitted in the RPA. And what those would be, would be roads and
330 utilities, water-dependent use. Let's say you needed a marina or something like that and
331 you needed a dock. Obviously that's water dependent. Things like any kind of floodplain,
332 something where you have a floodplain structure, where you're building something to
333 control the floods. So it's very specific as far as what a permitted use is. One of those
334 areas is redevelopment in a sense of an actual redevelopment site, not an accessory
335 use. But if someone, let's say had a business or something existing in the RPA and they
336 wish to redevelop that site. And then there are some conditions on that as well. This is
337 not a permitted use in the RPA.
338
339 Mr. Emerson - I guess as a point of clarification, Mr. Perry, the Commission
340 does have within their authority to grant exceptions.
341
342 Mr. Perry - Absolutely.
343
344 Mrs. Jones - Well those were my technical questions. And I do have two
345 concerns, but they may be answered by further discussion.
346
347 Mr. Archer - Mr. Perry, before you leave, you indicated that this can be—
348 it's possible to build it outside the RPA-protected territory. Would the same pool
349 dimensions fit in that area, or would it have to be redesigned?
350
351 Mr. Perry - I guess we could ask the designer maybe. I mean, just
352 looking at it, it looks like to me that it would—it looks like there would be room there. I
353 don't know as far as setback—
354
355 Mr. Archer - That's basically what I'm asking, yes.
356
357 Ms. Goggin - Excuse me; I'm sorry. I'm Christina Goggin. They are going to
358 the Board of Zoning Appeals tomorrow to deal with the pool location and setback issue if
359 this request is granted.
360
361 Mr. Perry - It could be located outside....
362
363 Mr. Witte - Can you put the cursor on where the location could be?
364
365 Ms. Goggin - Excuse me; I'm sorry. This is the RPA line right here. And this
366 is outside of the RPA, this area.

367
368 Mr. Witte - Wouldn't that put it in the front yard?
369
370 Ms. Goggin - That—
371
372 Mr. Emerson - Almost.
373
374 Ms. Goggin - Almost.
375
376 Mr. Emerson - It's right on the edge, Mr. Witte.
377
378 Mr. Witte - But it would fit.
379
380 Mr. Emerson - It would fit, but it does require action by the BZA.
381
382 Mr. Witte - Okay.
383
384 Mr. Leabough - So the current location, does that also require action by the
385 BZA?
386
387 Mr. Emerson - Yes.
388
389 Mr. Leabough - So either way—
390
391 Mr. Emerson - Either way.
392
393 Mr. Leabough - —they'd still have to go to the BZA. Okay. Thank you.
394
395 Mr. Emerson - Mr. Chairman, the applicant does have their engineer present
396 too. They may be able to assist the Commission with some of these questions.
397
398 Mr. Leabough - Okay. Would you like to hear from the applicant?
399
400 Mr. Branin - Mr. Perry, did you review the WQIA submitted?
401
402 Mr. Perry - We did.
403
404 Mr. Branin - Okay. All right. And have you also looked at the additional
405 conditions that we have requested be put in?
406
407 Mr. Perry - I have.
408
409 Mr. Branin - Okay. And do you agree with those conditions?
410
411 Mr. Perry - When you say, "do I agree with the conditions...."
412

413 Mr. Branin - If this did proceed to go further forward with approval would
414 you see any other conditions that we have possibly not addressed or missed?

415
416 Mr. Perry - We would work with the engineer. I mean it was very
417 preliminary. We had some comments. We've had some preliminary discussions with him
418 as far as the proposed bioretention. So if we were to receive an application, I guess is
419 what I'm saying, just like any other application as far as water quality, we would work
420 with them to be sure that it worked.

421
422 Mr. Branin - Okay. All right. Can we hear from Ms. Goggin?

423
424 Mr. Leabough - Yes. Ms. Goggin?

425
426 Ms. Goggin - Good morning.

427
428 Mr. Branin - Good morning, Ms. Goggin. Can you read the—because
429 everybody's at a loss here and they may not be aware of the conditions that we've asked
430 to be submitted.

431
432 Ms. Goggin - Yes, sir. We have three additional conditions that should the
433 Commission act on this request we recommend that the Commission adopt these. The
434 first condition in your handout addendum is:

435
436 An erosion and sediment control plan, which will include the bioretention measures,
437 shall be submitted for County review and approval as part of the swimming pool
438 building permit.

439
440 The second condition is:

441
442 The applicant shall provide an erosion and sediment control bond, to include
443 construction of the bioretention basins and related landscaping, to the Department of
444 Public Works, prior to issuance of a building permit.

445
446 The third condition is:

447
448 Upon completion of the improvements and prior to the release of the erosion and
449 sediment control bond for the bioretention basin and landscaping, the owner shall
450 furnish an as-built certification to the Department of Public Works by the engineer
451 who prepared the plan, to the effect that all construction including landscaping
452 installation is in conformance to the regulations and requirements of the plan.

453
454 Mr. Branin - Okay. Another question I have. Are you aware of any other
455 pools around Lake Loreine that are currently in the RPA?

456
457 Ms. Goggin - Let's see. There are a few pools in the area. Sorry, I'm trying
458 to find it. These two pools up here were built—per the tax records—in 1986 and 1987.

459 This pool right here—per building permits—was built in 2007, and per the building permit
460 provides a 113-foot setback off the lake. This pool right here was built in 1999 and has a
461 50-foot setback off the lake. And this pool down here is over 200 feet away from the lake.
462

463 Mr. Branin - And do you know if those are encroaching or indeed are in
464 the RPA?

465
466 Ms. Goggin - I would have to leave that to—I really honestly couldn't
467 answer that question for these two pools because we don't have the building permit
468 information and I had to go off tax records. This pool appears to be in the RPA, but the
469 other two meet the RPA setback.
470

471 Mr. Branin - Okay. All right. I have no further questions for Ms. Goggin.
472

473 Mr. Archer - One question.
474

475 Ms. Goggin - Yes, sir.
476

477 Mr. Archer - The pools that are in the RPA, were they done before the
478 RPA Act was passed?
479

480 Ms. Goggin - Yes, sir.
31

482 Mr. Archer - Okay.
483

484 Mr. Leabough - Are there any other questions for Ms. Goggin? Thank you,
485 Ms. Goggin. Would you like to hear from the applicant now?
486

487 Mr. Branin - Absolutely. Is there any other opposition? None? Okay.
488

489 Mr. Leabough - Would the applicant please come forward.
490

491 Mr. Field - I'm Charlie Field with Obsidian, Inc.
492

493 Mr. Leabough - Good morning.
494

495 Mr. Field - Good morning.
496

497 Mr. Leabough - There have been a number of questions raised. I have a
498 question related to the bioretention basin. So those are meant to, I assume, mitigate
499 some of the impacts from the encroachment into the RPA. Is that correct?
500

501 Mr. Field - Yes. The RPA riparian buffer is—I mean the point of the RPA
502 is to defend the bay. This house was built entirely within the RPA prior to those regs and
503 is really worse-case scenario. Right. We've got a driveway, and roof, and fertilized lawn
504 running directly into a lake without any buffer whatsoever. So at this point the situation is

505 as environmentally bad as possible. And obviously the Bourgeois' don't want their pool,
506 you know, in the front yard or also against the public lake access, which is very public,
507 and noisy, and provides no privacy. So, to mitigate the impact of the swimming pool into
508 the environment, we're going to collect up, you know, 100 percent of all the runoff. And
509 we're going to store the first flush. We're going to provide native species that are
510 designed to provide food for birds and habitat for wildlife, and really go from the worst-
511 case environmental to the absolute best case environmental as a way of mitigating the
512 impact of the pool.

513

514 Mr. Leabough - Thank you.

515

516 Mr. Branin - And you're aware of the conditions we recommended?

517

518 Mr. Field - Yes, I believe so.

519

520 Mr. Branin - And you have agreed to these conditions if we go further.

521

522 Mr. Field - Yes.

523

524 Mr. Branin - Okay. I have no further questions.

525

526 Mrs. Jones - May I ask you—Mr. Field, it kind of sounds like the pool is
527 being put in so that the collection measures can follow and make this a better situation,
528 but obviously that's not the case. Are there shoreline things that the Bourgeois could do
529 to mitigate those kinds of runoff problems, which they have today. Are there shoreline—
530 living shoreline principles that they could follow that would have nothing to do with a
531 pool? I mean if this is truly about having a better, safer, cleaner water quality.

532

533 Mr. Field - I don't know how we could do a more thorough job. We're
534 collecting all the roof runoff, which is a large portion of it, and also a lot of the filth—and
535 we're collecting that in its entirety. And we're collecting the entire first flush, and that's
536 the dirtiest of the water. And also it's the most common rainfall. I'm not aware—I mean,
537 short of building like a sewage treatment plant and, you know, testing it, and filtering it,
538 and pumping it or something, I'm not aware of how we could do a better environmental
539 job. I think we're collecting up all the runoff from the yard, the driveway, the roofs. We're
540 putting it—we're detaining it; we're actually retaining it so it becomes infiltration. We're
541 doing it with non-invasive native plant species that are specifically targeted towards
542 being active all year round and providing wildlife refuge and habitat. So I don't know—I
543 mean, I guess I'm thinking that we've done as good job as could possibly be done.

544

545 Mrs. Jones - Okay.

546

547 Mr. Branin - Out of, I believe there's somewhere between 25 and 28
548 waterfront houses in Lake Loreine? Correct?

549

550 Mr. Field - Sure, yes.

551

552 Mr. Branin - Barring the rupture of a gas line that dumped thousands of
553 gallons of fuel into this pond, this lake, do any of the other 25 or 28 houses have any
554 means of filtration for storm water and ground surface water?

555
556 Mr. Field - No. This subdivision was built pre-regulations. And, you
557 know, I wasn't there so I'm just guessing. I believe that the pond was probably created to
558 mitigate the environmental impacts back when, you know, to provide—you know, back
559 then we didn't have storm water, but we had peak flow and erosion control. So I suspect
560 that the lake was supposed to serve that function, the lake itself. But no, it's pretty much
561 worse—I mean it's really sort of an example of what the RPA's for. We took—built
562 houses right up to it. You know, we fertilize those houses. We dump our roof and our
563 driveways right into the water. I guess Henrico is looking at—or estimating \$60,000 per
564 pound of phosphorous. And when you think about all those beautiful yards and people
565 pulling out their 50-pounds bags of fertilizer and, you know, going out there and
566 spreading it on the lawn to make it green—you know, and that 50-pound bag of fertilizer
567 is going to cost Henrico what, \$60,000—no, I'm sorry—\$3,000,000 dollars to get back
568 out of the water. And so, you know, the RPA is really critically important, but this is an
569 example of why they created the RPA.

570
571 Mr. Branin - In walking this lake, it appears to me that two out of three
572 existing pools are in the RPA. I don't know, and we can probably find that out. But in
573 stepping it off and looking at the RPA, I think two. I know one is, but I'm pretty sure two
574 out of three are actually in the RPA. Do you think we can get everybody else that lives on
575 the lake to put bioretention systems?

576
577 Mr. Field - No, I don't think so. Well I don't know. I mean, it's not like
578 they're making a huge sacrifice, because it will be beautiful. There is a landscape guy or
579 person that's involved in creating something that's—you set examples and people tend
580 to follow them. So it's not unthinkable that it could be implemented other places.

581
582 Mr. Branin - All right.

583
584 Mrs. Jones - At a breakfast meeting this morning, we were talking about
585 the new regulations that will come in this year. Phosphorous was one of those items
586 which the manufacturers have taken out of their blends now, because you simply cannot
587 have that kind of thing in the same quantities. So this is being approached through
588 several avenues, one of which is directly from the manufacturer. So I think past practices
589 will be modified as these particular regulations come through. And that's already started.

590
591 Mr. Field - Yes. I mean, obviously what's here is—they call it LID design.
592 My wife, who is also the landscape person, was involved with the Alliance for the
593 Chesapeake Bay developing those LID design standards. They just make a lot of sense.
594 And our bay is largely dead. We need to get started on it, and I'm glad they're finally
595 going to make a law.

596

597 Mr. Leabough - Any other questions for Mr. Field? Thank you, sir.

598

599 Mr. Branin - I have no further questions.

600

601 Mrs. Jones - I would like to raise two concerns, if I could. I was kind of
602 hoping that perhaps they'd be answered as we're talking about this. I have two concerns,
603 and they're deep-seated concerns, and I've had them since this case first came onto our
604 agenda several months ago. And so, I feel this is the time to express them because I
605 have not found the answer to these concerns in the conversations we've had. I want to
606 make sure that I express it now.

607

608 Recently, we've had several cases that deal with the RPA, the Chesapeake Bay Act, and
609 exception requests. And I want to make sure that I'm clear about the fact that I think
610 there needs to be exception avenues for different situations, different circumstances. The
611 evaluation of these requests on a case-by-case basis is absolutely appropriate. I support
612 that flexibility in this particular situation with the Bay Act as well as any number of other
613 things for which we do have the ability to grant exceptions.

614

615 What's important to me, and I think what's important to all of us, is that these exception
616 requests are evaluated consistently, and thoroughly, and fairly, and we use the same
617 standards, and we use the same guidelines for each one. I know we all try to do that,
618 and it doesn't matter who the applicant is. It doesn't matter whether it's a large
619 developer, a small developer. It doesn't matter whose district it is in. We all approach this
620 in the same way, and we should. And we work our way through using the comprehensive
621 plan as our guideline, and using our ordinance consistently. With that in mind, there
622 however remain these two concerns I have, and I'd love to have them answered here
623 today.

624

625 One is very specific to this case; the other is very general in nature. I have listened
626 carefully this morning because I wanted to hear what is the defensible justification for
627 granting this exception. This is not as much about water quality to the bay and the
628 retention system to be used. This is, in my view, about the granting of the exception for
629 the use requested. We have, in this case, a beautiful property with a beautiful pool
630 proposed. There is no doubt this is a beautiful property that would certainly enjoy that
631 amenity. But what we have to do is go through the code and make sure that it falls within
632 the justifiable criteria for approval. This is what I'm having trouble with.

633

634 The four conditions—there are actually five in the code, but it's been summarized as four
635 in our staff report. The four conditions are very clear in my mind. They are
636 straightforward in language, and they have a very straightforward interpretation. If in fact,
637 the first three are criteria which the project meets, then the fourth, which is what we've
638 been talking about, the retention system, really is the last line of defense for trying to
639 clean up the issues raised by the approval of the project. It is not in and of itself a stand-
640 alone criteria for approval. I don't feel that this is a case about how do we keep the bay
641 as clean as possible; this is a case about putting a swimming pool within the RPA. While
642 I understand the homeowner's desire to have the pool where they want it, the fact that

643 they want the pool where they want it and nowhere else is not part of the criteria for us to
644 judge whether this is an appropriate exception.

645
646 In my view, I want to be able to say, when all is said and done, if the Commission
647 approves this, I want to be able to say yes, the Commission approved this exception
648 request because it met this criteria, this criteria, this criteria, and this criteria. And right
649 now, I haven't heard how this does not confer a special privilege. There have never been
650 approvals granted for these circumstances; that's what we just heard this morning, these
651 special circumstances of having a non-permitted use, like a swimming pool, within the
652 RPA of a single-family residential parcel. This is not a permitted use. It's also a self-
653 created problem. Because the pool is where they want the pool, that means that all of a
654 sudden it's up to us to grant an exception to accommodate it. And while I understand
655 why they want the pool where they want it, that is not in and of itself a grounds to grant
656 the exception; it is a self-created problem. And then there are alternative locations.
657 Redesign and a little different approach could solve the problem.

658
659 So when we get through the first three, for which it does not qualify, the fourth is simply
660 how do we clean up the impacts of something in the RPA. That, in my view, is almost a
661 separate issue. It is not part of the criteria. It is part of the requirements, but it is not in
662 and of itself a criteria for approval.

663
664 So the very narrow problem that I'm having with this case is if it is not based on the
665 criteria in the ordinance, it seems to be an uncomplicated decision that this does not
666 qualify. Now, maybe it's the wording of the ordinance, maybe it's the process—who
667 knows. That's a discussion for another day. But we're working with the ordinance we
668 have and the wording we have. And I feel that we have to be very, very careful in this
669 particular case because this case will be precedent-setting. In my opinion, this becomes
670 precedent-setting in what could be a very negative way. Today it is a beautiful pool
671 project, and obviously we have situations around Lake Loreine that were built prior to the
672 regulations. And I understand all that. But that doesn't justify our ignoring the code. We
673 do have these regulations now. And today while it's a beautiful pool project we're
674 considering at the moment, maybe tomorrow it's a garage. Maybe after that it's a tool
675 shed, or other accessory uses that don't have any place within the RPA.

676
677 So, if approved, I feel this exception as a precedent-setter, could be dangerous territory,
678 and I am not hearing the reasons to find that it does comply with the criterion for
679 exception. So that's the specific issue I'm having.

680
681 On a broader sense, we work within the framework of the Comprehensive Plan and the
682 ordinance for our specifics. We all do. If the perception is, that we either cherry-pick parts
683 of the ordinance that we like and ignore others, or if the perception is, that we can
684 approve cases even when the ordinance indicates otherwise, then honestly I'm not sure
685 what we're doing up here. And I am concerned that if in fact, we do ignore parts of the
686 ordinance that are very specific, that going forward that will have a detrimental effect on
687 our analysis of other cases for other times. I feel we have to err—if we are going to err—
688 on the side of strict compliance with our zoning ordinance because that's what forms the

689 framework for all of our decision-making. And if we don't comply with those regulations
690 here, then I'm afraid that next time we may be perceived as doing it otherwise.

691

692 So, in a broader sense I think this case really illustrates whether we are or aren't
693 committed to the letter and the intent of the zoning ordinance. So, I hope you don't mind
694 my taking a moment to share those two concerns, but they've been on my mind since
695 this case appeared on our agenda. Strictly construed for this particular case in particular,
696 but also with broader implications. That's it.

697

698 Mr. Leabough - Ma'am, you can come forward. Are you the owner of the
699 property?

700

701 Ms. Bourgeois - [Off microphone.] Yes.

702

703 Mr. Leabough - Okay.

704

705 Ms. Bourgeois - [Off microphone.] One of them.

706

707 Mr. Leabough - As you approach the podium, ma'am, I'll ask that
708 Mr. Emerson read our rules for public speaking just so that you're aware before you get
709 started.

710

711 Mr. Emerson - Yes, Mr. Chairman. As you noted, the Planning Commission
712 does have rules and regulations governing their public hearing time limits allowed. The
713 applicant is allowed 10 minutes to present requests. Time may be reserved for
714 responses to testimony. Opposition is allowed 10 minutes to present its concerns.
715 Commission questions do not count into the time limits. The Commission may waive the
716 time limits for either party at its discretion. Comments must be directly related to the case
717 under consideration.

718

719 Ms. Bourgeois - Okay. I'm Page Bourgeois; my husband is Bruce. I would just
720 like to share the reasoning behind the pool. Yes, a pool is nice; a pool is beautiful;
721 however, my husband is a veteran. He did 284 jumps, and his knees are shot. Having
722 surgery, there's not great promise for him to walk after the surgery. So therefore he goes
723 to the VA Hospital, and they indicated that swimming would be the best form of exercise
724 for him to keep his health, because he can't walk very far without having to sit. So with
725 that in mind—yes, a pool is beautiful, but we want it for exercise purposes as well.

726

727 And in addition to that, we're very open to moving the pool; however, where you see the
728 buffer, Leyland Cypresses, that we have, just behind that is the community's walk-
729 through where everyone brings their boats, and they have their picnics, and it would be
730 butted right next to that. So there would be zero privacy without having to put up a fence
731 that you couldn't see through, and that would not be a beautiful sight. But anyway, just to
732 keep that in mind, we're open to a suggestion on the pool being situated where it would
733 not harm anything. And we're trying very hard to keep everything intact with all the
734 agreements and make sure that we do what is right. I just wanted to share the reasoning

35 behind the pool. Yes, it is nice to have a pool, but it serves a great purpose and function.
736 Thank you.

737
738 Mr. Leabough - Ma'am, before you head back to your seat, these are
739 recorded proceedings, so if you don't mind, please state your name for the record. I don't
740 believe you did.

741
742 Ms. Bourgeois - Okay. I'm Page Bourgeois.

743
744 Mr. Leabough - Thank you.

745
746 Mrs. Jones - Excuse me. May I ask a quick question? Mrs. Bourgeois,
747 when did you all buy this home?

748
749 Ms. Bourgeois - We bought the house in 1996.

750
751 Mrs. Jones - Okay. It is a beautiful location. Please understand that my
752 comments—I know that you were looking at me when I was making those. My comments
753 are from a more detached view because that's our role in this, that we need to take a
754 long-term land use and planning view. And while I'm sure that Mr. Bourgeois would enjoy
755 the pool and use the pool for those reasons, and you would certainly enjoy it too, my
756 concern is with the precedent this would set and the fact that with design—now I can't
57 design the pool for you, but with certain permeable elements and with certain design and
758 size, I'm sure that you could accomplish something that would help Mr. Bourgeois with
759 his exercise. But I wanted to assure you that my comments are nothing personal. I am
760 taking this as a land use and planning decision.

761
762 Ms. Bourgeois - Okay. Thank you.

763
764 Mr. Witte - Ma'am?

765
766 Ms. Bourgeois - Yes.

767
768 Mr. Witte - Do you presently have the runoff retention system at your
769 property or is that part of putting the pool in?

770
771 Mr. Branin - The bioretention system. It's being in. To the best of my
772 knowledge, no one around this lake has any bioretention system.

773
774 Mr. Witte - Okay. But that is a part of it to help.

775
776 Ms. Bourgeois - Absolutely.

777
778 Mr. Witte - Okay, that answers that part of it for me.

779
780 Ms. Bourgeois - Yes.

781
782 Mr. Witte - Thank you.
783
784 Ms. Bourgeois - Okay. Any other questions? Thank you.
785
786 Mr. Leabough - All right, thank you.
787
788 Mr. Branin - Mr. Chairman, taking in my Tuckahoe District fellow
789 Commissioner's concerns, I agree in large part with that. But also we act within the laws,
790 and within the laws we have the ability to make exceptions. We base our decisions on
791 precedent. We have pools around this lake, currently that are in the RPA. The idea that
792 we could have a bioretention system to help storm water is, in my opinion,
793 groundbreaking in a residential situation, especially on this lake. If you've spent any time
794 on this lake—which I'm sure you have, Mrs. Jones, because your district butts right up to
795 it—this lake tends to have very poor water quality consistently. The changing of the
796 fertilizer should help some in a broad scale, but a lot of the storm water that is coming off
797 from the streets, from the driveways—this also has a flow that comes into it from Church
798 Road, and the storm water coming off of Church Road, which is also fed by the new
799 John Rolfe Parkway. So there are a lot of impurities that are coming in. Any reduction we
800 can do on this lake, I think, is fantastic. I do take all due consideration with your
801 comments, and the precedent being set. Every case, I believe, stands on its own. And
802 we are governed by the law, and we are also able to make exceptions where we see fit.
803
804 So with that, I'd like to move that SUB2013-00222, Lake Loreine, Section A, Block B, Lot
805 1, 2316 Persimmon Trek, with the three conditions stated and based on the submittal of
806 the WQIA, be approved for the pool.
807
808 Mr. Witte - Second.
809
810 Mr. Leabough - Motion by Mr. Branin, second by Mr. Witte. All in favor say
811 aye. All opposed say no. The ayes have it; the motion passes. We have three in favor
812 and two in opposition.
813
814 The vote was as follows:
815
816 Mr. Leabough - Yes
817 Mr. Witte - Yes
818 Mr. Archer - No
819 Mr. Branin - Yes
820 Mrs. Jones - No
821
822 The Planning Commission granted approval of SUB2013-00222, Lake Loreine, Section
823 A, Block B Lot 1 Chesapeake Bay Resource Protection Area Exception, subject to the
824 following additional conditions:
825

- 826 1. An erosion and sediment control plan, which will include the bioretention measures,
827 shall be submitted for County review and approval as part of the swimming pool
828 building permit.
- 829 2. The applicant shall provide an erosion and sediment control bond, to include
830 construction of the bioretention basins and related landscaping, to the Department of
831 Public Works, prior to issuance of a building permit.
- 832 3. Upon completion of the improvements and prior to the release of the erosion and
833 sediment control bond for the bioretention basin and landscaping, the owner shall
834 furnish an as-built certification to the Department of Public Works by the engineer
835 who prepared the plan, to the effect that all construction including landscape
836 installation is in conformance to the regulations and requirements of the plan.

837
838
839

ALTERNATIVE FENCE HEIGHT PLAN - RESIDENCE

SUB-22-00
SUB2014-00025
Davis Residence - Elko
Meadows – 6425 Elko
Road (State Route 156)

Mark Davis: Request for approval of an alternative fence height plan, as required by Chapter 24, Sections 24-95(l)(7), 24-106, and 24-106.2 of the Henrico County Code, to allow a fence exceeding a height of 42 inches in the front yard. The 1.0-acre site is located on the north line of Elko Road (State Route 156), approximately 1,500 feet northwest of its intersection with White Oak Road, on parcel 855-703-5675. The zoning is A-1, Agricultural District. County water and individual on-site sewage disposal. **(Varina)**

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Mr. Greulich - Mr. Chairman, members of the Planning Commission, County code limits the maximum fence height in an A-1 zone front yard to three feet, six inches, unless an alternate fence height is approved by Planning Commission.

The applicant, Mr. Davis, would like to install a six-foot-tall fence approximately 224 feet in length within the front yard. The fence would have the appearance of stone, but is constructed of polyethylene reinforced with galvanized steel. A brochure is being distributed to you now.

At the closest point, the proposed fence is approximately 35 feet from the edge of Elko Road. It is also proposed behind a row of existing mature Leyland cypresses parallel to the road. They can be seen on this aerial photo here. These trees would largely conceal the fence except for a 43-foot section on the western extent of the property. This area is currently the location of the surface drainage from this and the adjoining Lot 1 to the west. The installation of any landscaping could be problematic due to standing water and could also negatively affect the drainage of both lots.

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861

Staff has received letters of support from both adjacent neighbors. Customarily, staff makes no recommendation for approval or denial before the Planning Commission regarding requests for alternate fence heights. However, staff, including the Traffic Department, has no objection to the request.

862

863 Should the Commission approve this request, the standard conditions for alternate fence
864 height plans as stated in your packet are recommended. Staff is available to answer any
865 questions you may have of us. Mr. Davis is present this morning to present his request.

866

867 Mr. Leabough - Mr. Greulich, could you show me along the site plan where
868 the fence would be installed, please?

869

870 Mr. Greulich - This is the plan that Mr. Davis presented to us. Staff added
871 the location, which is here, of the Leyland Cypresses. Just behind it there's a line that
872 shows where the fence is. I'll zoom in to show that a little better. The fence is here. The
873 Leyland Cypresses are in front of it. I drew where the edge of the road is, which is out
874 here.

875

876 Mr. Leabough - Okay. Have you been able to confirm the drainage concerns
877 that we mentioned in the staff report, that it may not be feasible to plant in that—the 43-
878 foot area?

879

880 Mr. Greulich - Approximately 43 feet, yes. When I was on the site visit with
881 Mr. Davis, I did walk the area, and I did notice that it was kind of soggy. Mr. Davis was
882 the one that raised the idea—or raised the issue of the drainage running between two
883 lots. I did not actually check the subdivision construction plans to see if that was the
884 case, but based on what I observed out in the field it did seem that that was the case.

885

886 Mr. Leabough - It's pretty flat, though, isn't it?

887

888 Mr. Greulich - Yes.

889

890 Mr. Leabough - Are there other questions for Mr. Greulich?

891

892 Mrs. Jones - Yes, I do. Mr. Greulich, I'm looking at this. Here we are with
893 an exception request. Our alternative fence height regulations list, as you have in the
894 staff report, five criteria for the possibility of the granting of the request. Does this request
895 meet, in your mind, all five of those criteria?

896

897 Mr. Greulich - Yes, ma'am, it does. For the comments 1 through 3, I believe
898 it does. For comments 4 and 5, I would have to defer to the Traffic Department. But I
899 have consulted with them, and they are also in agreement that they have no objection to
900 the request.

901

902 Mrs. Jones - My whole point in mentioning that is because this is the
903 process we go through. Whereas in my view other cases have not been able to
904 sufficiently support the criteria, this case does. And it's upon those kinds of evaluations
905 that I think we need to be very careful as we grant exceptions. The code is written in the
906 way it is for a reason. Exceptions are granted for specific reasons. I do agree with you; I
907 think this particular situation meets those standards. So thank you for confirming that.

J8

909 Mr. Greulich - You're welcome.

910

911 Mr. Leabough - One other question, Mr. Greulich. One of the things that we
912 talked about before—and I'm no sound engineer, if you will, or anything like that. But I
913 know that we looked at other cases. When you put up walls, if you will, it has the
914 potential to reflect sound and make a situation worse. And I notice that in the document
915 provided by the owner there were concerns about noise and things of that nature. My
916 concern if we decide to approve or if we deny—I don't know what decision we'll make.
917 But could this—and this is just your opinion—make the situation worse that they're
918 currently experiencing? When you put a wall there, sounds tend to reflect off of it, and it
919 could bounce back or it could bounce over and then bounce back. So I don't know if this
920 will help mitigate some of the concerns or make it worse. It could impact the adjacent
921 property owners as well. It's something to consider.

922

923 Mr. Greulich - Absolutely. It could impact the adjacent neighbors. But I do
924 have written evidence from both adjoining property owners that they are—they have
925 seen the proposal that Mr. Davis has proposed to the County, and they are in agreement
926 with it.

927

928 Mr. Leabough - It's just two property owners, Mr. Greulich?

929

30 Mr. Greulich - Yes. It would be the property owners on either side of
931 Mr. Davis.

932

933 Mr. Leabough - Okay.

934

935 Mr. Greulich - But having said that, you're correct about the noise and the
936 possible impact in the future which, unfortunately, I'm not sure what that impact may be.

937

938 Mrs. Jones - May I ask one more?

939

940 Mr. Leabough - Sure.

941

942 Mrs. Jones - I just wanted to confirm because you've walked the property.
943 I've driven by it, but I haven't walked it. Do you feel that the installation of the fence
944 because it'll be pulled back from the Leylands will negatively affect them?

945

946 Mr. Greulich - The Leyland Cypressess?

947

948 Mrs. Jones - The already existing row. It won't impact their root systems or
949 that kind of thing. It will be pulled back far enough it won't have an effect on those.

950

951 Mr. Greulich - If I remember correctly, Mr. Davis showed that the line of the
952 fence would be about two to three feet off of the edge of the bed where the Leyland
953 cypresses are.

954
955 Mrs. Jones - Okay. So that should be enough to keep them healthy.
956
957 Mr. Greulich - Yes. Mr. Davis has a very nicely landscaped bed where the
958 Leyland Cypresses are retained inside. And he has the fence outside of that. So I don't
959 think it would affect their ability to continue to grow.
960
961 Mrs. Jones - It is a beautifully established yard there, yes.
962
963 Mr. Leabough - Are there other questions for Mr. Greulich?
964
965 Mr. Witte - I have a question. On our agenda it says he's requesting a
966 six-foot fence, and on the—oh, okay. So it is a six-foot fence, not eight.
967
968 Mr. Leabough - It is six feet.
969
970 Mr. Witte - Okay. I have no questions.
971
972 Mr. Greulich - Thank you, sir.
973
974 Mr. Leabough - I'd like to hear from the applicant, please. I just have a quick
975 question. I don't know if you've consulted with someone that has expertise in sound
976 reflection, but I just want to ask the question if it will improve the situation or make it
977 worse or do you plan to do that before construction.
978
979 Mr. Davis - I'm Mark Davis. I'm the property owner. Actually, we've been
980 looking at this for about a year. We looked at VDOT, some of nice concrete walls, but
981 that was a little prohibitively expensive. And the original thought from three vendors was
982 that eight feet would probably be the best recommendation for sound reduction on our
983 property. But Tony was nice enough to explain the County code to me, and that wasn't
984 an option for us. So that we dropped back.
985
986 We looked at two other options. One was vegetation, but the people who came out said
987 probably we would lose most of our front yard in order to achieve enough vegetation to
988 give us sufficient sound reduction. The other option was a berm. Unfortunately the berm,
989 in order to get it like six feet high would have to be 24 feet wide and a 2-to-1 slope, so
990 there goes my entire front yard.
991
992 I'm sorry Tony wasn't there when we had a lot of rain. Basically most of my property
993 drains to that corner. About a third of our neighbor's drains to that and then goes out to
994 the Elko Road. I moved into the house in 2004 when it was built. Then VDOT at some
995 point filled the ditch with gravel for safety reasons, so drainage is actually decreased in
996 the sense of flow off of our property.
997
998 I can tell you I was there in 2004 when Gaston hit. Water was flowing across Elko Road
999 two inches deep in front of my property. So when we put the Leyland Cypresses in, we

100 actually put in about eight to ten inches of soil in order to bring them up high enough so
1001 that they would survive. So past that edge we would really like to plant trees, but it's just
1002 impractical because if you get a period of rainstorms or a long period of, you know,
1003 enough rain, you will go out there and the ground will be soggy, and trees just don't
1004 grow. Our preference would not be to put up a fence, but the sound noise over the last
1005 ten years has dramatically increased. The fact that we're across from the Technology
1006 Park, which at some point may be developed and we're going to get whatever noise
1007 comes from across the street, we have to deal with that.

1008
1009 So our choice is either move, sell the house to somebody else, or try to stay where we've
1010 put in an awful lot of time and effort. I think Tony walked the property. We have a lot of
1011 nice landscaping. We've put a lot of improvements to the house. So that's what we would
1012 like to do.

1013
1014 I think there was a question from somebody?

1015
1016 Mr. Leabough - Any questions for Mr. Davis?

1017
1018 Mr. Branin - I do. Mr. Davis, I've never seen this product before. Is this a
1019 hollow core?

1020
1021 Mr. Davis - Yes it is. It's used a lot out west and in Florida. Actually,
1022 VDOT just used it on the Interstate 95 reconstruction downtown. I've been doing a lot of
1023 research. Like I said, we looked at concrete, we looked at PVC, we looked at other
1024 things. It's a really good product. It's not inexpensive. The manufacturer's warranty is a
1025 98 percent sound reduction, the same as a solid concrete wall. It's a lifetime warranty for
1026 color, fading, cracking—anything. And it's rated to 110 miles per hour because they use
1027 it in hurricane-prone areas. So from about six to eight feet away from it you can't tell that
1028 it's not stone. Now if you get up close, of course like anything else you'll be able to tell
1029 that.

1030
1031 We plan on our side to plant some additional vegetation, but I don't know whether we'll
1032 ever be able to do anything until Elko Road's drainage issue is fixed to plant additional
1033 trees on the public side. But it completely will be about—to the lady's question, about
1034 four and a half, five feet from the existing bed of Leyland Cypress. And we certainly don't
1035 want anything to happen to those since we put a lot of effort in putting them in.

1036
1037 Did that answer your question, sir?

1038
1039 Mr. Branin - Yes. Thank you.

1040
1041 Mr. Archer - Mr. Davis, in looking at the material, is it sound deflection or
1042 sound absorption or a combination of both?

1043
1044 Mr. Davis - A combination of both, but I understand because it's a hollow
1045 core it's almost like a vacuum and so sound doesn't travel through a vacuum. But

1046 basically it does absorb some of the sound. I'm sure there will be some reflection back,
1047 but most of the fence frontage is back to Elko Road with very little to our neighbors.
1048 We're hoping that will give us some relief, you know, because that's where most of the
1049 noise is coming from.

1050
1051 Mrs. Jones - I just had a thought. Are you planning to taper the side of this
1052 on the property line between you and your neighbor or will you just have a panel that
1053 comes—several that come around the corner and stop?

1054
1055 Mr. Davis - Some just come in just the corner. Part of that is for structural
1056 support of the fence from wind. Part of that is to hopefully keep noise from coming
1057 around onto our property. We don't want to fence our whole property in, so we're going
1058 to try that. And because the drainage is a little better on that as we go back towards the
1059 back of our property, we're hoping we'll plant some additional vegetation there, which
1060 doesn't completely address the issue.

1061
1062 Mrs. Jones - To follow that fence line.

1063
1064 Mr. Davis - Yes, ma'am.

1065
1066 Mrs. Jones - I see.

1067
1068 Mr. Leabough - How far back around?

1069
1070 Mr. Davis - It's 24 feet on this side of the property. If you're looking at the
1071 drawing, which is Katherine's, and then there's only 12 feet on the edge of the driveway.

1072
1073 Mr. Leabough - Okay.

1074
1075 Mr. Davis - And then they'll be one section between our neighbors right
1076 here to stop sound that goes straight towards—our house is right here. Our master
1077 bedroom is here. Our neighbor's sound comes right up through the front of their yard.
1078 The Leyland Cypress, because we plant a dense enough row, we're putting one section
1079 of fence right here to stop the sound hopefully from hitting our master bedroom wall.

1080
1081 [Pointing at the monitor.]

1082
1083 Mr. Leabough - That wouldn't be a part of this request, would it?

1084
1085 [Overlapping conversation.]

1086
1087 Mr. Leabough - I'm asking Mr. Greulich.

1088
1089 Mr. Davis - It's in my original request.

1090
1091 Mr. Leabough - I mean but that's in the side yard, in the rear.

1093 Mr. Davis - Well I don't know what—

1094

1095 [Overlapping conversation.]

1096

1097 Mr. Davis - —is covered by the regulations. I don't know that much—

1098

1099 Mr. Leabough - I can't really tell by looking at the way it's zoned. But it looks
1100 like it's not in the—I don't know if it's in the front yard of not.

1101

1102 Mr. Davis - Well, this is the front of the entrance for the house. This is the
1103 garage right here. So if you're considering the garage, it would be the front of the house.
1104 Then no it would not be, sir.

1105

1106 Mr. Leabough - I just wanted to make sure that that was the side yard. That's
1107 all. Okay. Are there other questions for Mr. Davis?

1108

1109 Mr. Witte - I do. Is this product available locally?

1110

1111 Mr. Davis - Yes. There are two vendors I've gotten quotes from. They've
1112 been installing it evidently for a period of time. I don't know how prevalent it is. Just so
1113 you know, this is somewhere in the \$20,000 range. This is not inexpensive material to
14 put in.

1115

1116 Mr. Witte - I've never seen it. It looks great.

1117

1118 Mr. Davis - I spent a lot of time on the Internet and the talked to some
1119 companies. And they came out and, you know. Originally, the only solution we thought
1120 was the VDOT nice looking brick stuff that you see. You all put some around your fire
1121 stations. But that's prohibitively expensive for us. And this other product seemed to
1122 offer the same value with a longer warranty.

1123

1124 Mr. Witte - And how many linear feet are you putting in?

1125

1126 Mr. Davis - Two hundred and forty-some, I think, by the time you include
1127 the sides. About 185 feet down the front of the yard, and then 12 feet on the driveway,
1128 and 24 feet on the other, and then about a 16-foot section over there for our master
1129 bedroom to hopefully cut the noise down hitting the wall.

1130

1131 Mr. Witte - Thank you.

1132

1133 Mr. Leabough - Any questions? Thank you, sir.

1134

1135 Mr. Davis - Thank you all.

'36

1137 Mr. Greulich - [Moving toward the podium.]

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1183

Mr. Leabough - Yes.

Mr. Greulich - Per the ordinance, he's allowed up to seven feet in the side or rear yard.

Mr. Leabough - So he wouldn't need the exception for that 16-foot section. Okay. Thank you, sir. All right. Are there any other questions from the Commission? There being none, I agree with Mrs. Jones. I think that this request does meet the conditions for making an exception in the code. So with that, I move for approval of the alternative fence height exception for SUB-22-00 (SUB2014-00025), Davis Residence – Elko Meadows, subject to conditions 1 through 4, which are standard for all alternative fence height plans.

Mr. Branin - Second.

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

The Planning Commission granted approval for the alternative fence height plan for SUB-22-00 (SUB2014-00025), Davis Residence – Elko Meadows, subject to the following standard conditions for alternative fence height plans:

1. 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.
2. 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.
3. 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.
4. The fence shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence.

34
1185

PLAN OF DEVELOPMENT

POD2014-00092
~~Project Motown-~~
Project Magnolia
– Terminus of Magellan
Parkway

Draper Aden Associates for Dominion Virginia Power:
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, 110,000 square-foot operations center building with associated support facilities and infrastructure. The 70.95-acre site is located on the north line of Scott Road and at the terminus of Park Central Drive, the south line of Interstate 295, and at the terminus of Magellan Parkway approximately 1,000 feet north of E. Parham Road, on part of parcel 790-762-3014. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Fairfield)**

1186

1187 Mr. Leabough - Is there anyone here in opposition to POD2013-00092,
1188 Project Magnolia? There is no opposition. Mr. Greulich.

1189

1190 Mr. Greulich - Mr. Chairman, members of the Planning Commission, the
1191 proposed plan of development for an operation center has been reviewed by staff and
1192 the applicant has agreed to address the technical comments that were raised. The
1193 companion road subdivision case, Concept Road 143, was approved at the March 2014
1194 Planning Commission hearing.

1195

1196 The proposed POD and the elevations are in conformance with the recently approved
1197 rezoning case REZ2014-00008. The staff recommends approval subject to the
1198 annotations on the plans, the standard conditions for developments of this type, and
1199 additional conditions #29 through #37 as stated in your agenda. There is also an
1200 addendum to change the name of the case to Project Magnolia from the originally
1201 submitted Project Motown.

1202

1203 The engineer and the developer, Randy Rivinus, is present this morning to answer any
1204 questions you may have. I'm also available to answer any questions you may have of
1205 me.

1206

1207 Mr. Leabough - Are there any questions for Mr. Greulich?

1208

1209 Mrs. Jones - No, not for Mr. Greulich.

1210

1211 Mr. Leabough - No questions for Mr. Greulich. Thank you, sir. Mr. Archer.

1212

1213 Mr. Archer - I'd like to hear from the applicant for just a second if I may.

1214

1215 Mr. Rivinus - I'm Randy Rivinus, Draper Aden Associates.

16

1217 Mr. Archer - Good morning, sir.

1218
1219 Mr. Rivinus - Good morning.
1220
1221 Mr. Archer - I wouldn't ask this question, but I asked it yesterday and by
1222 the time I could ask it, it had changed. But one of my associates asked me where the
1223 name *Motown* came from. By the time I got ready to question it, you changed it.
1224
1225 Mr. Rivinus - The project manager for Dominion Power, his nickname is
1226 Mo.
1227
1228 Mrs. Jones - Okay. That isn't what I thought.
1229
1230 Mr. Archer - That's quite original.
1231
1232 Mr. Rivinus - In a brainstorming session and I'm sure there were adult
1233 beverages and the name evolved. And it was to be temporary. And that's where we are
1234 now with the request for a name change to Project Magnolia.
1235
1236 Mr. Archer - See, that was not an insignificant question. Thanks, I
1237 appreciate that.
1238
1239 Mr. Rivinus - Thank you for asking.
1240
1241 Mr. Archer - I don't have anything further, Mr. Chairman.
1242
1243 Mr. Leabough - Are there other questions? There are no questions. Thank
1244 you, sir.
1245
1246 Mr. Rivinus - Thank you.
1247
1248 Mr. Archer - All right, Mr. Chairman. With that I will move for approval of
1249 POD2014-00092, Project Motown, also known as Project Magnolia, subject to the
1250 annotations on the plan, standard conditions for developments of this type, the additional
1251 conditions #29 through #37, and of course the name change on the addendum.
1252
1253 Mrs. Jones - Second.
1254
1255 Mr. Leabough - We have a motion by Mr. Archer, a second by Mrs. Jones. All
1256 in favor say aye. All opposed say no. The ayes have it; the motion passes.
1257
1258 The Planning Commission approved POD2014-00092, Project Magnolia, subject to the
1259 annotations on the plans, the standard conditions attached to these minutes for
1260 developments of this type, and the following additional conditions:
1261
1262 29. The subdivision plat for Concept Road 143 shall be recorded before any
1263 occupancy permits are issued.

- 1264 30. Details for the gate and locking device at the entrance road and emergency
1265 access road shall be submitted for review by the Traffic Engineer, Police and
1266 approved by the County Fire Marshall. The owner or owner's contractor shall
1267 contact the County Fire Marshall prior to completion of the fence installation to
1268 test and inspect the operations of the gates. Evidence of the Fire Marshall's
1269 approval shall be provided to the Department of Planning by the owner prior to
1270 issuance of occupancy permits.
- 1271 31. Outside storage shall not be permitted except as shown on the approved plan.
- 1272 32. In order to maintain the effectiveness of the County's public safety radio
1273 communications system within buildings, the owner will install radio equipment
1274 that will allow for adequate radio coverage within the building, unless waived by
1275 the Director of Planning. Compliance with the County's emergency
1276 communication system shall be certified to the County by a communications
1277 consultant within ninety (90) days of obtaining a certificate of occupancy. The
1278 County will be permitted to perform communications testing in the building at
1279 anytime.
- 1280 33. The proffers approved as a part of zoning case REZ2014-00008 shall be
1281 incorporated in this approval.
- 1282 34. Approval of the construction plans by the Department of Public Works does not
1283 establish the curb and gutter elevations along the Henrico County maintained
1284 right-of-way. The elevations will be set by Henrico County.
- 1285 35. The location of all existing and proposed utility and mechanical equipment
86 (including HVAC units, electric meters, junction and accessory boxes,
1287 transformers, and generators) shall be identified on the landscape plans. All
1288 equipment shall be screened by such measures as determined appropriate by the
1289 Director of Planning or the Planning Commission at the time of plan approval.
- 1290 36. Except for junction boxes, meters, and existing overhead utility lines, and for
1291 technical or environmental reasons, all utility lines shall be underground.
- 1292 37. The POD and any subsequent plans must be updated when approved alterations
1293 to the proposed road plans associated with SUB2014-00019, Concept Road 143
1294 (March 2014 Plan), affect these plans.

1295
1296 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**
1297

POD2014-00096
Dabney XII and XIV –
2283 Dabney Road

RK&K, LLP for Brandywine Dabney, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 45,000 square-foot office warehouse (XII) and a one-story, 41,300 square-foot office warehouse (XIV). The 11.61-acre site is located on the east line of Dabney Road, at the intersection of Dabney Road and Par Street, on parcel 777-739-8812. The zoning is M-2, General Industrial District. County water and sewer. **(Brookland)**

1298
1299

1300 Mr. Leabough - Is there anyone here in opposition to POD2014-00096,
1301 Dabney XII and XIV? There is no opposition. Mr. Pambid.

1302

1303 Mr. Pambid - Good morning. This plan proposes two separate office
1304 warehouse buildings on one parcel. Adjacent uses include other office warehouse
1305 buildings, a major rail yard facility, and a vacant property recently approved for Groome
1306 Transportation's fleet operations. No residential uses are located in the vicinity.

1307

1308 Parking has been calculated at a ratio of 25 percent office and 75 percent warehouse. It
1309 should be noted that any building permit for tenant upfits of individual spaces will include
1310 a review of required and available parking. Staff recommends a ratio of at least one
1311 dumpster for every two tenant spaces for this site based on existing conditions at other
1312 office warehouse developments in the immediate vicinity.

1313

1314 An access easement will be relocated for the railroad's use. And as such, a condition
1315 requiring that the applicant provide a letter from CSX stating that this development does
1316 not impact their facilities is included in your addendum.

1317

1318 A propane storage tank area is also part of this proposal. Staff has recommended
1319 various means of screening and containment such as masonry walls, berms, chain link
1320 fences, and evergreen screening. The engineer can speak to that point later.

1321

1322 Both buildings are currently proposed to be gray, precast tilt-up concrete panels. The
1323 floor plan illustrates 12 individual tenant spaces for Dabney XII—which you see here on
1324 the screen—and nine individual tenant spaces for Dabney XIV. Each tenant space will
1325 have a loading dock.

1326

1327 The lighting plan proposes several flat lens LED pole and building-mounted fixtures at a
1328 height of 20 feet for both throughout the parking areas and on the building. The lighting
1329 plan complies with the County's lighting policy.

1330

1331 Again, staff has completed its review of the propane storage tank area and now
1332 recommends approval of the plan of development. This concludes my presentation. I can
1333 now field any questions you may have regarding this. Engineer Malachi Mills with RK&K,
1334 and architect Fred Thompson are also here.

1335

1336 Mr. Leabough - Are there questions for Mr. Pambid? Mrs. Jones.

1337

1338 Mrs. Jones - Sorry. Just a quick one. The wording here, staff has also
1339 suggested a ratio of at least one dumpster for every two tenant spaces. That's not part of
1340 our conditions, though.

1341

1342 Mr. Pambid - No.

1343

1344 Mrs. Jones - It's just a suggestion.

1345

46 Mr. Pambid - That is correct. I've actually been doing a fair amount of work
1347 in the Dabney Road and Tomlynn Street area with some TOAs that we have forthcoming
1348 in the next month or two. These are also Brandywine properties. Brandywine acquired
1349 several—actually probably about I think it's twelve buildings from RF&P Railroad. They
1350 were all approved as office warehouses in the late 1970s and early 1980s. As you know
1351 through TOAs in the past, dumpsters are an issue. One thing that I wanted to impress
1352 upon the developer and the designers of this project is that while we have, I guess, a
1353 chance to design into the site proper spaces for dumpster locations, we need to do that.
1354 But that is a recurring theme throughout the Dabney Road and Tomlynn Street area, as
1355 well as just throughout the County in general.

1356
1357 Mrs. Jones - Well, as one who has recently been spending a lot of time at
1358 Morris Tile, yes, I've been noticing those kinds of things. And maybe the representative
1359 can speak to that. Okay, thank you.

1360
1361 Mr. Leabough - Are there other questions for Mr. Pambid? Thank you, sir.

1362
1363 Mr. Pambid - You're welcome.

1364
1365 Mr. Witte - The applicant, please.

1366
1367 Mr. Leabough - Will the applicant please come forward?

68
1369 Mr. Mills - Mr. Chairman, members of the Planning Commission, my
1370 name is Malachi Mills I'm with RK&K Engineers, and I represent the developer,
1371 Brandywine, on this project. I can field specific questions now—

1372
1373 Mr. Leabough - Mrs. Jones just asked one about the dumpster.

1374
1375 Mr. Mills - Oh, that was a good question, Mrs. Jones. The existing site
1376 conditions for the existing office warehouse sites, I mean, they do have some large
1377 tenants that do occupy quite a bit of square footage. PPD, they have the lion's share of
1378 the occupied space out there. But then they do have a lot of these office warehouse
1379 spaces that are really multi-tenant. The buildings as we presented don't have a specific
1380 tenant. There are several prospects that they're pursuing, and that's why they have an
1381 interest in developing this residual land.

1382
1383 Right now we're not having—are we going to have 12 tenants or we're going to have six;
1384 we don't know. We've provided I think three dumpster areas allocated to offset
1385 potentially 12 tenants. Obviously, we're three short if we follow the recommendation. But
1386 I know as tenants would fill up, then more specific areas would be allocated for a
1387 dumpster area. We do have opportunities to provide those spaces with truck
1388 maneuvering area. Providing it, certainly as we move forward, from the technical side we
1389 could have those pads today or in the future and allocate those I think to the satisfaction
1390 of the staff, so that we know that if we end up with twelve tenants we would provide them
1391 six dumpsters.

1392
1393 Mrs. Jones - Of course that will have an impact on available space for
1394 parking as well as other things. So it is a balancing act, I understand that.
1395
1396 Mr. Mills - Right. And I understand and appreciate the caution there. But
1397 I think in the dock areas and in the back we do have areas that wouldn't then be, oh
1398 great, what am I going to do, I'm going to lose parking spaces.
1399
1400 Mrs. Jones - Not a problem with that really. Okay.
1401
1402 Mr. Mills - I don't think that will be a real issue. So I feel comfortable that
1403 we can accommodate the tenants in that count.
1404
1405 Mr. Leabough - So are the additional dumpsters reflected in the plan?
1406
1407 Mr. Mills - They're not currently. When we went through some revisions,
1408 I think I added two more or an additional area for those dumpsters to beef up the count.
1409 But again, the architectural show 12 tenant spaces. Those would be like 3,600 square
1410 feet. It's fairly small, so I don't know if we would need a dumpster for each one of them or
1411 two for each. But I think we do have the ability moving forward to add in order to get that
1412 density up. We added more in response to the comment, but we don't have six dumpster
1413 pads shown along the back. We've only got three shown, on the two areas for each
1414 building at this time. But I think there are areas to add in the back. I recognize the need
1415 for it, and we would show that moving forward on the drawings for final approval.
1416
1417 Mr. Leabough - Are there questions for staff?
1418
1419 Mrs. Jones - I'm not sure where we are with that.
1420
1421 Mr. Leabough - Is staff comfortable with that or are we still suggesting the
1422 additional dumpsters?
1423
1424 Mr. Pambid - We're still suggesting the additional dumpsters. On Dabney
1425 XIV there is plenty of area. This building right here, we've got dumpsters off to the side.
1426 The existing site conditions, like Malachi said, for some of the other office warehouses,
1427 there are loading docks in the back as with most of these other buildings. And
1428 sometimes you see these dumpsters kind of accompanying or being situated next to the
1429 loading dock areas. There is a big potential—or a great potential for these dumpsters to
1430 just kind of stray and to be relocated. But I think Dabney XIV, we're pretty comfortable
1431 that there is additional space to accommodate dumpsters there. Dabney XII is a little
1432 tighter, as you can see. But there are some areas for dumpsters here. They're already
1433 showing one towards the middle of the building. There are some things that they could
1434 do with the dumpster sizes and the pickup schedules as well. But we feel pretty
1435 comfortable that they can accommodate the dumpsters back in the back.
1436

37 Mrs. Jones - I guess that I would ask that perhaps that be taken into
1438 consideration with the building plans that anything that's built back there be built to
1439 accommodate, if needed, the exact dumpster locations. Does that make sense? Would
1440 the applicant be comfortable with that kind of thing?

1441
1442 Mr. Mills - [Off microphone.] Yes. Yes, absolutely.

1443
1444 Mr. Witte - I'm sorry. Would you repeat that, Mrs. Jones? I missed it.

1445
1446 Mrs. Jones - I simply was saying that realizing that there is a potential for
1447 needing this—not to zero in on the dumpsters with this entire project, but it's an
1448 important aspect of keeping everything the way we all want it to be—that it be built in at
1449 the original building permit process so that extras can be added if needed, that the actual
1450 surface area be prepared as alternative spots for extras.

1451
1452 Mr. Witte - My intention was to ask for the additional dumpster areas to
1453 be designated on the plans so that we would be assured there's enough room for as
1454 many dumpsters as possibly needed.

1455
1456 Mrs. Jones - That sounds good to me.

1457
1458 Mr. Witte - Is that okay?

59
1460 Mrs. Jones - Absolutely. Sounds good to me.

1461
1462 Mr. Witte - Thank you.

1463
1464 Mrs. Jones - Are the materials compatible with all the other surrounding
1465 warehouses? Office spaces?

1466
1467 Mr. Pambid - The architectural materials?

1468
1469 Mrs. Jones - Yes.

1470
1471 Mr. Pambid - Most of the architectural materials in the vicinity are red brick.
1472 You have some buildings that are metal. There is actually a wide variety of materials, but
1473 a lot of the former RF&P office warehouses that Brandywine picked up are red brick. The
1474 answer to your question is, it's different.

1475
1476 Mrs. Jones - Okay.

1477
1478 Mr. Witte - Mrs. Jones, we have—we plan to defer the architecturals until
1479 the June 25, 2014 meeting.

1480
1481 Mrs. Jones - You are so far ahead of me in all of this. Thank you.

1482

1483 Mr. Witte - I'd like to ask Mr. Thompson about this situation if he'd come
1484 down.
1485
1486 Mr. Thompson - Good morning.
1487
1488 Mr. Leabough - Could you state your name for the record?
1489
1490 Mr. Thompson - Yes. I'm Fred Thompson with Architects Dayton and
1491 Thompson.
1492
1493 Mr. Witte - Since you are the architect, do you see an issue with
1494 designating on the plans additional dumpster locations?
1495
1496 Mr. Thompson - No.
1497
1498 Mr. Witte - Mr. Mills, do you have an issue with that?
1499
1500 Mr. Mills - No, sir.
1501
1502 Mr. Witte - Okay. Okay. I would like to see enough dumpster locations to
1503 supply at least one dumpster for each two possible locations.
1504
1505 Mr. Thompson - Yes, sir.
1506
1507 Mr. Witte - Occupancies. If one person comes in and the company takes
1508 the whole building, then they should have plenty of dumpsters.
1509
1510 Mr. Leabough - Any other questions from the Commission? Thank you. How
1511 would you like to proceed, sir?
1512
1513 Mr. Witte - All right. Mr. Chairman, first I'd like to thank Mr. Mills and
1514 Mr. Thompson for the time they've put in with me and Mr. Pambid on this issue. And I
1515 think this will serve a need in the area where obviously there are limited uses because of
1516 the railroad tracks and the interstates and the substations. The berm or fencing,
1517 Mr. Mills, I need to ask you about that. If you'd step up to the microphone.
1518
1519 Mr. Mills - Yes, sir, Mr. Witte. On the propane storage tank.
1520
1521 Mr. Witte - Right.
1522
1523 Mr. Mills - I know we've provided some details and there were concerns
1524 with the land use, fire marshal, building inspections and—the residential use of Blue
1525 Rhino. They're three-and-a-half-pound small canisters for mostly backyard barbecue
1526 uses.
1527
1528 Mr. Witte - Stacked about eight feet high.

1530 Mr. Mills - But they're palletized, four layers. So during the busy
1531 summertime they get almost 12,000 of these tanks. So there is a lot that we've got
1532 shown. Get them together and provide the appropriate fire lane circulation around and
1533 everything. And your concern and staff's concern about screening the view but also
1534 providing the appropriate security and containment of the tank area, adding the
1535 additional berms, we have room to adjust the positioning of the overall lot on the property
1536 and provide the six- to eight-foot-high berm, provide the security fencing, have the
1537 single-gate access point. And then on that berm also provide some screening.

1538

1539 Mr. Witte - So there won't be need for a masonry wall.

1540

1541 Mr. Mills - I don't think so. I know the concern, again, from a
1542 containment standpoint on that back area on the east line. We have containment. I
1543 believe the berm is an effective containment area. And if we fall short on that, then we'd
1544 have to provide a masonry wall.

1545

1546 Mr. Witte - Just on that I'm going to southeast—

1547

1548 Mr. Mills - The line I think that Lee has noted as considering to provide
1549 the evergreen screening. In our discussions that we've had, it was beyond screening. It
1550 was containment, and that's where there's potential for a masonry wall to go there. We
51 still have to have screening at that wall. But I believe we can effectively do what we need
1552 to do with a berm, that we have room to do that.

1553

1554 Mr. Witte - And as far as the emergency ingress and egress listed as #5
1555 for CSX, do we have written consent to change that?

1556

1557 Mr. Mills - Yes, sir. It's been, I'm going to characterize it as years, just
1558 trying to get CSX's attention because of these old alignments that have been part of the
1559 RF&P rail system, sort of the coexistence between CSX and RF&P. The access
1560 easement that is of record on the property, we are vacating that and relocating it to follow
1561 the actual paved area. Right now it's just sort of a ramble of gravel. We've gotten CSX in
1562 like the last ten months and had meetings with them, between their real estate lawyers
1563 and Brandywine's real estate lawyers. They've met on agreement and consent on
1564 relocating that access easement. And then eight months ago I believe I met with County
1565 Traffic to make sure that the alignments we were proposing here met their standards so
1566 that what we reflected in those agreements to CSX, we knew there wasn't going to be
1567 any big change between any of the alignments or drive paths.

1568

1569 Mr. Witte - Okay. Will that—the present access, ingress and egress, for
1570 emergency #5 is marked. Will this be marked also?

1571

1572 Mr. Mills - It would be marked according to CSX requirements, yes sir.

1573

1574 Mr. Witte - Okay. It'll be for public use and it will also serve as
1575 emergency ingress and egress.

1576
1577 Mr. Mills - Yes, sir.

1578
1579 Mr. Witte - Okay. I have no further questions. Mr. Chairman, I move that
1580 site plan POD2014-00096, Dabney XII and XIV, be approved subject to the annotations
1581 on the plans, standard conditions for developments of this type, conditions #11B and #29
1582 through #33 as noted on the agenda, and the added Condition #34 as noted on the
1583 agenda, and that the architectural be deferred until the June 25, 2014 meeting.

1584
1585 Mr. Branin - Second.

1586
1587 Mr. Leabough - We have a motion by Mr. Witte, a second by Mr. Branin. All in
1588 favor say aye. All opposed say no. The ayes have it; the motion passes.

1589
1590 The Planning Commission approved the site plan for the plan of development and
1591 lighting plan for POD2014-00096, Dabney XII and XIV (and deferred consideration of the
1592 architectural to June 25, 2014), subject to the annotations on the plans, the standard
1593 conditions attached to these minutes for developments of this type, and the following
1594 additional conditions:

- 1595
1596 11B. Prior to the approval of an electrical permit application and installation of the site
1597 lighting equipment, a plan including light spread and intensity diagrams, and
1598 fixture specifications and mounting heights details shall be revised as annotated
1599 on the staff plan and included with the construction plans for final signature.
- 1600 29. The right-of-way for widening of Dabney Road as shown on approved plans shall
1601 be dedicated to the County prior to any occupancy permits being issued. The
1602 right-of-way dedication plat and any other required information shall be submitted
1603 to the County Real Property Agent at least sixty (60) days prior to requesting
1604 occupancy permits.
- 1605 30. Outside storage shall not be permitted except as shown on the approved plan.
- 1606 31. The certification of building permits, occupancy permits and change of occupancy
1607 permits for individual units shall be based on the number of parking spaces
1608 required for the proposed uses and the amount of parking available according to
1609 approved plans.
- 1610 32. Evidence of a joint ingress/egress and maintenance agreement must be
1611 submitted to the Department of Planning and approved prior to issuance of a
1612 certificate of occupancy for this development.
- 1613 33. The location of all existing and proposed utility and mechanical equipment
1614 (including HVAC units, electric meters, junction and accessory boxes,
1615 transformers, and generators) shall be identified on the landscape plans. All
1616 equipment shall be screened by such measures as determined appropriate by the
1617 Director of Planning or the Planning Commission at the time of plan approval.

18 34. **ADDED** - Prior to approval of construction plans, the developer must furnish a
1619 letter from CSX stating that this proposed development does not conflict with their
1620 facilities.
1621

1622 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**
1623

POD2014-00094 **RK&K, LLP for Brandywine Dabney, LLC:** Request for
Westwood Center – 2231 approval of a plan of development and lighting plan, as
Westwood Trail required by Chapter 24, Section 24-106 of the Henrico
County Code, to construct a one-story, 69,300 square-foot
office warehouse. The 12.24-acre site is located at the
terminus of Westwood Trail (private), approximately 800
feet east of Tomlyn Street, on parcel 779-736-7015. The
zoning is M-1, Light Industrial District and M-2, General
Industrial District. County water and sewer. **(Brookland)**

1624
1625 Mr. Leabough - Is there anyone here in opposition to POD2014-00094,
1626 Westwood Center? There is no opposition, Mr. Pambid.
1627

1628 Mr. Pambid - This plan proposes one building on one parcel. Adjacent uses
1629 include a major rail yard facility, power transmission lines, a substation for Virginia
1630 Power, and the I-195 overpass. No residential uses are located in the vicinity. As with
31 Dabney XII and XIV, parking has been calculated at a ratio of 25 percent office and 75
1632 percent warehouse. It should be noted that any building permits for tenant upfits of
1633 individual spaces will include a review of required and available parking.
1634

1635 Staff recommends again a ratio of at least one dumpster for every two tenant spaces for
1636 this site based on conditions at other office warehouse developments in the immediate
1637 vicinity.
1638

1639 Included is a condition that covered Dominion Virginia Power's input on the POD by
1640 requiring a letter stating that the proposal does not impact their facilities. They have been
1641 contacted, and their comments are pending at this time.
1642

1643 The building is currently proposed to be gray precast tilt-up concrete panels. And the
1644 floor plan illustrates six individual tenant spaces. Each tenant space will have a loading
1645 dock.
1646

1647 The lighting plan proposes several flat lens LED pole and building-mounted fixtures at a
1648 height of 20 feet throughout the parking areas and on the building itself. The lighting plan
1649 complies with the County's lighting policy.
1650

1651 Staff recommends approval of this plan of development. This concludes my presentation.
1652 I can now field any questions you may have regarding this. Malachi Mills with RK&K
53 Engineers and architect Fred Thompson with Architects Dayton and Thompson are also
1654 here.

1655
1656 Mr. Leabough - Any questions for Mr. Pambid?
1657
1658 Mrs. Jones - Can I just say ditto to the previous case?
1659
1660 Mr. Leabough - Would you like to hear from the applicant, sir?
1661
1662 Mr. Witte - Yes, just for a quick one. Mr. Mills.
1663
1664 Mr. Mills - Yes, sir. My name is Malachi Mills of RK&K representing
1665 Brandywine in this case.
1666
1667 Mr. Witte - All right. The letter from Virginia Dominion—Virginia Power.
1668 That has not been received yet?
1669
1670 Mr. Mills - We have—no sir. We've been in touch with Ms. Martha
1671 Ragland with Dominion Power on the transmission lines and some of the easements that
1672 we're aware of. We've sent her drawings in the last three to four weeks. And it's been a
1673 progression. We've been in communication and just supplying information over the last
1674 several weeks. We sent her some additional information on the drawings about a week
1675 and a half ago. We haven't received anything back approving it or having any issues.
1676
1677 Virginia Power has had the plans for a while, but the condition states that we have to
1678 receive that letter from the applicant prior to construction plan approval. So they do have
1679 time to do that. I have been in direct contact with Virginia Power, so they are definitely
1680 aware of this proposal. Again, their comments are still pending, but the condition covers
1681 us in terms of their input. We will make sure that we receive that letter before the
1682 construction plans are approved and signed.
1683
1684 Mr. Witte - All right, thank you. One other question. The dumpsters.
1685
1686 Mr. Mills - Yes, sir.
1687
1688 Mr. Witte - There's a maximum of 10 locations for tenants?
1689
1690 Mr. Mills - We have three dumpster areas shown, and I think there were
1691 six potential tenant spaces. I believe we're meeting that. If additional tenants are
1692 provided—they top it up even further to go to 10 or 12, then additional islands in the
1693 loading area would be added for access purposes. And then that would generate an area
1694 to add the additional—
1695
1696 Mr. Witte - So you're telling me that they'll be at least one dumpster for
1697 every two tenants.
1698

1700 Mr. Mills - Yes sir, as shown. And then we have the ability—if it got
1701 chopped up even more, we would then generate additional space for additional
1702 dumpsters. We have that kind of flexibility.

1703 Mr. Witte - Okay. Thank you. No further questions.

1704
1705 Mr. Leabough - Other questions for Mr. Mills? Thank you, sir.

1706
1707 Mr. Witte - Mr. Chairman, I move that site plan for POD2014-00094,
1708 Westwood Center, be approved subject to the annotations on the plan, standard
1709 conditions for developments of this type, conditions #11B and #29 through #32 as noted
1710 on the agenda, and that the architectural be deferred until the June 25, 2014 meeting.

1711
1712 Mr. Branin - Second.

1713
1714 Mr. Leabough - We have a motion by Mr. Witte, a second by Mr. Branin. All in
1715 favor say aye. All opposed say no. The ayes have it; the motion passes.

1716
1717 The Planning Commission approved the site plan for the plan of development and
1718 lighting plan for POD2014-00094, Westwood Center (and deferred consideration of the
1719 architectural to June 25, 2014), subject to the annotations on the plans, the standard
1720 conditions attached to these minutes for developments of this type, and the following
21 additional conditions:

1722
1723 11B. Prior to the approval of an electrical permit application and installation of the site
1724 lighting equipment, a plan including light spread and intensity diagrams, and
1725 fixture specifications and mounting heights details shall be revised as annotated
1726 on the staff plan and included with the construction plans for final signature.

1727 29. The certification of building permits, occupancy permits and change of occupancy
1728 permits for individual units shall be based on the number of parking spaces
1729 required for the proposed uses and the amount of parking available according to
1730 approved plans.

1731 30. Prior to approval of construction plans, the developer must furnish a letter from
1732 Dominion Virginia Power stating that this proposed development does not conflict
1733 with their facilities.

1734 31. Evidence of a joint ingress/egress and maintenance agreement must be
1735 submitted to the Department of Planning and approved prior to issuance of a
1736 certificate of occupancy for this development.

1737 32. The location of all existing and proposed utility and mechanical equipment
1738 (including HVAC units, electric meters, junction and accessory boxes,
1739 transformers, and generators) shall be identified on the landscape plans. All
1740 equipment shall be screened by such measures as determined appropriate by the
1741 Director of Planning or the Planning Commission at the time of plan approval.

1742

1743

1744

1745 **PLAN OF DEVELOPMENT**

1746

POD2014-00088
Richmond Ashram – 2230
E. Parham Road
(POD-74-89 Rev.)

Silvercore for Shri Ram Chandra Mission: 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, 1,330-square-foot addition to an existing two-story, 6,893-square-foot building and convert an existing bank to a place of worship. The 1.54-acre site is located on the north line of E. Parham Road, approximately 400 feet east of Woodman Road, on parcel 775-758-3658. The zoning is [R-6C], General Residential District (Conditional). County water and sewer. **(Fairfield)**

1747

1748 Mr. Leabough - Is there anyone here in opposition to POD2014-00088,
1749 Richmond Ashram? There is no opposition. Mr. Ward.

1750

1751 Mr. Ward - Good morning. The subject property was originally developed
1752 as a two-story bank with five drive-through lanes pursuant to POD-74-89. It was later
1753 purchased in 1998 and used as a general office space for the Good News Jail and
1754 Prison Ministries. The building is now proposed to be converted into a place of worship
1755 by the Richmond Ashram.

1756

1757 The proposed plan would enclose the existing drive-through canopy area as a one-story,
1758 1,330-square-foot addition here's the addition—to the existing 7,000-square-foot brick
1759 building. The revised use would satisfy the setback and parking requirements. And since
1760 the preparation date of the agenda, the applicant has addressed the County engineer's
1761 concerns regarding vehicle circulation around the proposed planters. They have agreed
1762 now to construct a County sidewalk along the northern side of East Parham Road. And
1763 the applicant has also addressed the police department's concerns regarding secure
1764 access to the building.

1765

1766 Staff can recommend approval subject to the annotations on the plan, standard
1767 conditions for developments of this type, and the following conditions #29 through #33.
1768 The applicant's representative and architect, Michael Ellis, as well as the engineer,
1769 Andrew Bowman, are here. And I'm happy to answer any questions you may have of
1770 me.

1771

1772 Mr. Leabough - Are there questions for Mr. Ward? No questions? Mr. Archer.

1773

1774 Mr. Archer - Does anyone here need to hear from the applicant? I actually
1775 don't. All right. Well then Mr. Chairman, I will move for approval of POD2014-00088,
1776 Richmond Ashram, subject to annotations on the plan, standard conditions for
1777 developments of this type, additional conditions #29 through #33, and the revised layout
1778 that was a part of this morning's addendum dated April 23, 2014.

1779

1780 Mrs. Jones - Second.

1782 Mr. Leabough - We have a motion by Mr. Archer, a second by Mrs. Jones. All
1783 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1784
1785 The Planning Commission approved POD2014-00088, Richmond Ashram, subject to the
1786 annotations on the plans, the standard conditions attached to these minutes for
1787 developments of this type, and the following additional conditions:
1788

- 1789 29. The right-of-way for widening of E. Parham Road as shown on approved plans
1790 shall be dedicated to the County prior to any occupancy permits being issued. The
1791 right-of-way dedication plat and any other required information shall be submitted
1792 to the County Real Property Agent at least sixty (60) days prior to requesting
1793 occupancy permits.
- 1794 30. A concrete sidewalk meeting County standards shall be provided along the north
1795 side of E. Parham Road.
- 1796 31. Outside storage shall not be permitted.
- 1797 32. The proffers approved as a part of zoning case C-68C-80 shall be incorporated in
1798 this approval.
- 1799 33. The location of all existing and proposed utility and mechanical equipment
1800 (including HVAC units, electric meters, junction and accessory boxes,
1801 transformers, and generators) shall be identified on the landscape plans. All
1802 equipment shall be screened by such measures as determined appropriate by the
1803 Director of Planning or the Planning Commission at the time of plan approval.

1804
1805 Mr. Emerson - Mr. Chairman, that now takes us to the final item on agenda,
1806 which is the consideration of the approval of your minutes from the March 26, 2014
1807 meeting. We have no errata sheet for you on these minutes. So if there are any other
1808 changes or corrections that we need to consider, I guess now would be the time to bring
1809 those forward.

1810
1811 APPROVAL OF MINUTES: March 26, 2014 Meeting

1812
1813 Mr. Archer - Mr. Secretary, I hadn't noted in there earlier, but I did notice
1814 yesterday or this morning one. On page 14, line 490. The second sentence should say,
1815 "Do you know what materials the benches will be made of."

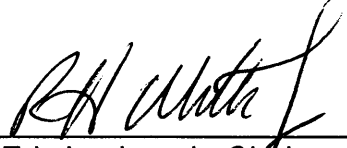
1816
1817 Mr. Leabough - Are there any other corrections to the minutes? If not, I'll
1818 entertain a motion.

1819
1820 Mrs. Jones - I move approval of the minutes as corrected.

1821
1822 Mr. Witte - Second.

1823
1824 Mr. Witte - We have a motion by Mrs. Jones, a second by Mr. Witte. All
1825 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1827 The Planning Commission approved the March 26, 2014 minutes as corrected.
1828
1829 Mr. Leabough - Is there any other business for the Commission,
1830 Mr. Secretary?
1831
1832 Mr. Emerson - I have nothing further for the Commission this morning.
1833
1834 Mr. Leabough - Any commissioners have anything else? If not, I'll entertain a
1835 motion for adjournment.
1836
1837 Mr. Branin - So moved.
1838
1839 Mr. Archer - Second.
1840
1841
1842
1843
1844
1845
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1847
1848
1849



Mr. Eric Leabough, 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 **April 23, 2014**, 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 **April 23, 2014**, 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 **April 23, 2014**, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on April 22, 2015, 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 **April 23, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **April 22, 2015**, 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 **April 23, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 22, 2015**, 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 **April 23, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 22, 2015**, 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 **April 23, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 22, 2015**, 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.