

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads beginning at 9:00 a.m. Wednesday, February 27, 2013.
4

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

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, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Aimee B. Crady, AICP, County Planner
Mr. Tommy Catlett, Traffic Engineering
Mr. John Woodson, Design Engineer, Public Works
Mr. Eric Dykstra, Recording Secretary

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

9 Mrs. Jones - Welcome, good morning. I'd like to call this meeting of the
10 Planning Commission for February 27, 2013, to order. I'd like to ask that everyone with
11 us this morning mute or turn off your cell phones so that the proceedings won't be
12 interrupted. And as you do that, I'd ask that you stand and join me pledging allegiance to
13 the flag.
14

15 Thank you very much. Again, welcome. All of our Planning Commissioners are with us
16 this morning, so we do have a quorum and can conduct business. A special welcome to
17 our Board member, Mr. Glover, who is sitting with us this year from the Board of
18 Supervisors. And I'd like to note for the record that Mr. Glover abstains from voting on all
19 cases unless otherwise noted.
20

21 Mr. Glover- Sometimes on POD's I don't.
22

23 Mrs. Jones- Mr. Glover, that is up to you.
24
25 Mr. Glover- Occasionally, I don't.
26
27 With that I'd like to turn the meeting over to our secretary, Mr. Joe Emerson.
28
29 Mr. Emerson - Thank you, Madam Chair. First on your agenda this morning
30 are the requests for deferrals and withdrawals. Those will be presented by Ms. Leslie
31 News.
32
33 Ms. News - Thank you, Mr. Secretary.
34
35 Mrs. Jones - Good morning, Ms. News.
36
37 Ms. News - Good morning, Madam Chair. We have one item on the
38 requests for withdrawals and deferrals. This is on page eight of your agenda and located
39 in the Tuckahoe District. This is POD2013-00007, Walmart – Shoppes at Reynolds
40 Crossing, their site lighting plan. The applicant has requested deferral of that case until
41 the March 27, 2013 meeting.
42

43 **SITE LIGHTING PLAN**

44

POD2013-00007 **Bowman Consulting for Wal-Mart Real Estate
Walmart – Shoppes at Business Trust:** Request for approval of a lighting plan,
Reynolds Crossing – as required by Chapter 24, Section 24-106 of the Henrico
Forest Avenue County Code. The 10.21-acre site is located on the north
line of Forest Avenue (private), approximately 1,000 feet
east of the intersection of Glenside Drive and Forest
Avenue, on parcel 765-744-9958. The zoning is B-2C,
Business District (Conditional). County water and sewer.
(Tuckahoe)

45
46 Mrs. Jones - Is there anyone with us this morning in opposition to the site
47 lighting plan for POD2013-00007, Walmart – Shoppes at Reynolds Crossing? No
48 opposition. Then I will move that the site lighting plan POD2013-00007, Walmart –
49 Shoppes at Reynolds Crossing, be deferred by the applicant's request to the March 27,
50 2013, Planning Commission meeting.
51

52 Mr. Leabough - Second.
53

54 Mrs. Jones - Motion by Mrs. Jones, second by Mr. Leabough. All in favor
55 say aye. All opposed say no. The ayes have it; the motion passes.
56

57 At the request of the applicant, the Planning Commission deferred POD2013-00007,
58 Walmart – Shoppes at Reynolds Crossing – Site Lighting Plan, to its March 27, 2013
59 meeting.

60
61 Mr. Emerson - Madam Chair, that completes the deferrals and withdrawals
62 for this morning unless the Commission has any additions.

63
64 Mrs. Jones - Any additions? All right. There are none.

65
66 Mr. Emerson - Madam Chair, next on the agenda are the expedited items.
67 Those will be presented by Ms. Leslie News.

68
69 Ms. News - Sir, we have nine items on our expedited agenda this
70 morning. The first item is on page three of your agenda and is located in the Fairfield
71 District. This is transfer of approval for POD-68-94 (part of a POD), for Restaurant Depot
72 at North Park Shopping Center, which was formerly the Kroger Grocery Store. Staff
73 recommends approval.

74
75 **TRANSFER OF APPROVAL**

76
POD-68-94 (Part) **Brian Emmert for JMDH Real Estate of Richmond,**
POD2012-00203 **LLC: Request for transfer of approval as required by**
Restaurant Depot at North Chapter 24, Section 24-106 of the Henrico County Code
Park Shopping Center from North Park Associates and Faison-Parham Road LTD
(Formerly Kroger Grocery Partnership to JMDH Real Estate of Richmond, LLC. The
Store) – 7951 Brook Road 8.89-acre site is located approximately 803 feet east of
(U.S. Route 1) Brook Road (U.S. Route 1), and approximately 975 feet
south of E. Parham Road in an existing shopping center,
on parcel 785-755-6113. The zoning is B-3, Business
District, B-3C, Business District (Conditional), and [R-6C],
General Residence District (Conditional). County water
and sewer. **(Fairfield)**

77
78 Mrs. Jones - Is there anyone with us this morning in opposition to this
79 transfer of approval for POD-68-94 (Part) (POD2012-00203), Restaurant Depot at North
80 Park Shopping Center? There is no opposition.

81
82 Mr. Archer - Madam Chair, I move for approval of transfer of approval for
83 POD-68-94 (Part) (POD2012-00203), Restaurant Depot at North Park Shopping Center,
84 subject to the staff report, including Condition #1.

85
86 Mr. Branin - Second.

87
88 Mrs. Jones - Motion by Mr. Archer, second by Mr. Branin. All in favor say
89 aye. All opposed say no. The ayes have it; the motion passes.

90
91 The Planning Commission approved the transfer of approval request for POD-68-94
92 (Part) (POD2012-00203), Restaurant Depot at North Park Shopping Center, from North
93 Park Associates and Faison-Parham Road LTD Partnership to JMDH Real Estate of

94 Richmond, LLC, subject to the standard and added conditions previously approved and
95 the following additional condition:

- 96
97 1. All site improvements shall be completed, and deficiencies listed in staff's
98 inspection report dated June 4, 2012, shall be corrected prior to the issuance of a
99 permanent certificate of occupancy for the Restaurant Depot.

100
101 Ms. News - The next item is on page four of your agenda and located in
102 the Fairfield District. This is a transfer of approval for POD-77-96 (part of the POD), for
103 Virginia Center Marketplace Phase II. Staff recommends approval.

104
105 **TRANSFER OF APPROVAL**

106
POD-77-96 (Part)
POD2012-00377
Virginia Center
Marketplace Phase II –
10150 Brook Road (U.S.
Route 1)

Thomas Richey for Cedar – Glen Allen UK, LLC:
Request for transfer of approval as required by Chapter
24, Section 24-106 of the Henrico County Code from
Ukrop's Supermarkets, Inc. to Cedar-Glen Allen UK, LLC.
The 6.84-acre site is located in an existing shopping center
on the west line of Brook Road (U.S. Route 1) and the
south line of Magnolia Ridge Drive, on parcel 783-771-
1507. The zoning is B-2C, Business District (Conditional)
and B-3C, Business District (Conditional). County water
and sewer. **(Fairfield)**

107
108 Mrs. Jones - Is there anyone with us this morning in opposition to this
109 transfer of approval for POD-77-96 (Part) (POD2012-00377), Virginia Center
110 Marketplace Phase II? There is no opposition.

111
112 Mr. Archer - I move approval of transfer of approval for POD-77-96 (Part)
113 (POD2012-00377), Virginia Center Marketplace Phase II, subject to the staff
114 recommendation and Condition #1.

115
116 Mr. Branin - Second.

117
118 Mrs. Jones - Motion by Mr. Archer, second by Mr. Branin. All in favor say
119 aye. All opposed say no. The ayes have it; the motion passes.

120
121 The Planning Commission approved the transfer of approval request for POD-77-96
122 (Part) (POD2012-00377), Virginia Center Marketplace Phase II, from Ukrop's
123 Supermarkets, Inc. to Cedar-Glen Allen UK, LLC, subject to the standard and added
124 conditions previously approved and the following additional condition:

- 125
126 1. All deficiencies, as identified in staff's letter dated October 4, 2012, shall be
127 corrected no later than June 15, 2013.

29 Ms. News - The next item is on page five of your agenda and located in
130 the Tuckahoe District. This is transfer of approval for POD-94-84 (part of the POD), for
131 Best Western Executive, which was formerly Shoney's Inn. This is a reconsideration of
132 your approval from the January 23, 2013 meeting. Staff recommends approval.
133

134 **TRANSFER OF APPROVAL – RECONSIDERATION – REVISED CAPTION AND**
135 **DELETED CONDITION**
136

POD-94-84 (Part) **Mayush Mehta for Sky Hotels Group, LLC:** Request for
POD2011-00435 transfer of approval as required by Chapter 24, Section 24-
Best Western Executive 106 of the Henrico County Code from The Inn at
(Formerly Shoney's Inn) – Richmond and Palak LTD Liability Company to Sky Hotels
7007 W. Broad Street Group, LLC. The 3.54-acre site is located on the northwest
(U.S. Route 250) quadrant of the intersection of W. Broad Street (U.S.
Route 250) and Glenside Drive, approximately 275 feet
west of W. Broad Street, on parcel 766-746-7747. The
zoning is M-1, Light Industrial District. County water and
sewer. **(Tuckahoe)**

137
138 Mrs. Jones - Is there anyone with us this morning in opposition to
139 reconsideration of this transfer of approval for POD-94-84 (Part) POD2011-00435, Best
140 Western Executive? Seeing none, I move approval of reconsideration of this transfer of
141 approval for POD-94-84 (Part) POD2011-00435, Best Western Executive.
142

143 Mr. Leabough - Second.
144

145 Mrs. Jones - Motion by Mrs. Jones, second by Mr. Leabough. All in favor
146 say aye. All opposed say no. The ayes have it; the motion passes.
147

148 The Planning Commission approved the transfer of approval request for POD-94-84
149 (Part) POD2011-00435, Best Western Executive, from The Inn at Richmond and Palak
150 LTD Liability Company to Sky Hotels Group, LLC, subject to the standard and added
151 conditions previously approved.
152

153 Ms. News - Next on page six of your agenda and located in the Brookland
154 District is a transfer of approval for POD-75-79, The K2 Building, which was formerly
155 Binswanger Glass Company. Staff recommends approval.
156

157 **TRANSFER OF APPROVAL**
158

POD-75-79 **Hirschler-Fleischer for 4128 Jacque Street, LLC:**
POD2012-00417 Request for transfer of approval as required by Chapter
The K2 Building (Formerly 24, Section 24-106 of the Henrico County Code from ACI
Binswanger Glass Co.) – Glass Products, LLC and RF & P Railroad Co. to 4128
4128 Jacque Street Jacque Street, LLC. The 3.89-acre site is located
approximately 300 feet west of the intersection of Dabney

Road and Jacque Street, on parcel 777-736-4438. The zoning is M-2, General Industrial District. County water and sewer. **(Brookland)**

159
160 Mrs. Jones - Is there anyone with us this morning in opposition to this
161 transfer of approval for POD-75-79 (POD2012-00417), The K2 Building? There is none.

162
163 Mr. Witte - Madam Chair, I move for approval of transfer of approval for
164 POD-75-79 (POD2012-00417), The K2 Building, on the expedited agenda subject to the
165 previously approved conditions and additional Condition # 1 on the agenda.

166
167 Mr. Leabough - Second.

168
169 Mrs. Jones - Motion by Mr. Witte, seconded by Mr. Leabough. All in favor
170 say aye. All opposed say no. The ayes have it; the motion passes.

171
172 The Planning Commission approved the transfer of approval request for POD-75-79
173 (POD2012-00417), The K2 Building, from ACI Glass Products, LLC and RF & P Railroad
174 Co. to 4128 Jacque Street, LLC, subject to the standard and added conditions previously
175 approved and the following additional condition:

176
177 1. The site deficiencies, as identified in the inspection report, dated October 25,
178 2012, shall be corrected by May 1, 2013.

179
180 Ms. News - Next on page seven of your agenda and located in the Three
181 Chopt District is a landscape plan for LP/POD-34-11, Walgreens at West Broad and
182 Pouncey Tract Road. There is an addendum item on page one of your addendum which
183 includes a revised landscape plan with staff annotations for additional plant material,
184 which the applicant has agreed to provide. Staff can recommend approval.

185
186 **LANDSCAPE PLAN**

187
LP/POD-34-11
POD2012-00456
Walgreens at W. Broad
Street and Pouncey Tract
Road - 11500 W. Broad
Street (U.S. Route 250)

Vanasse, Hangen, Brustlin, Inc. for Walgreen Co.:
Request for approval of a landscape plan, as required by
Chapter 24, Sections 24-106 and 24-106.2 of the Henrico
County Code. The 1.62-acre site is located at the
northwest corner of the intersection of W. Broad Street
(U.S. Route 250) and Pouncey Tract Road (U.S. Route
271), on parcels 739-762-8217 and 740-762-0017. The
zoning is M-1, Light Industrial District and WBSO, West
Broad Street Overlay District. County water and sewer.
(Three Chopt)

188
189 Mrs. Jones - Is there opposition to LP/POD-34-11 (POD2012-00456),
190 Walgreens at West Broad Street and Pouncey Tract Road? I see none.

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Mr. Branin - Madam Chair, I'd like to move that LP/POD-34-11 (POD2012-00456), Walgreens at West Broad Street and Pouncey Tract Road, be approved with the annotations on the plans, standard conditions for landscape plans that are recommended, and the item on the addendum.

Mr. Archer - Second.

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

The Planning Commission approved the landscape plan for LP/POD-34-11 (POD2012-00456), Walgreens at West Broad Street and Pouncey Tract Road, subject to the standard conditions attached to these minutes for landscape plans.

Ms. News - The next item is on page nine of your agenda and is located in the Brookland District. This is POD2012-00486, which is POD-13-08 and 55-07 revised, for Staples Mill Centre – Phase 1A. The addendum includes revised Condition #41, which clarifies the roads referenced for a streetscape improvement plan. Staff can recommend approval.

PLAN OF DEVELOPMENT AND MASTER PLAN

POD2012-00486
Staples Mill Centre –
Phase 1A – Staples Mill
Road (U.S. Route 33)
(POD-13-08 and 55-07
Rev.)

E.D. Lewis and Associates, P.C. for Midtown Land Partners, LLC f/k/a Staples Mill Centre, LLC: Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct infrastructure for Phase 1A of an urban mixed use development consisting of private streets, drainage, utilities, and streetscape improvements necessary for future development of the property. The 79.5-acre site is located on the western line of Staples Mill Road (U.S. Route 33) and the southern line of Bethlehem Road, on parcels 771-740-9118, 772-740-0431, 1137, 1743, 2229, 2836, 4023, 773-739-8155, 773-740-5043, 8899, 9498, 773-741-2637, 3132, 3726, 4222, 5414, 6011, 6808, 7505, 8102, 774-739-3999, 4569, 5043, 774-740-0096, 0894, 1592, 2190, 2888, 3584, and 4182. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. **(Brookland)**

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Mrs. Jones - Do we have opposition this morning to—

Mr. Glover - I can't hear you, Leslie. I'm sorry.

Ms. News - Okay. Would you like me to repeat that?

221 Mr. Glover - Yes.

222
223 Ms. News - Okay. This is case POD2012-00486, which is POD-13-08 and
224 55-07 revised, for Staples Mill Centre – Phase 1A. The addendum includes revised
225 Condition #41, which clarifies the roads referenced for a streetscape improvement plan.
226 Staff can recommend approval.

227
228 Mrs. Jones - Do we have opposition to POD2012-00486, Staples Mill
229 Centre – Phase 1A? I see no opposition.

230
231 Mr. Witte - Madam Chair, I move approval of POD2012-00486, Staples
232 Mill Centre – Phase 1A, POD and Master Plan, subject to the annotations on the plans,
233 the standard conditions for developments of this type, conditions 9 and 11 amended to
234 return to the Commission, the additional conditions 29 through 40 as shown on the
235 agenda, and revised condition #41 on the addendum.

236
237 Mr. Leabough - Second.

238
239 Mrs. Jones - Motion by Mr. Witte, second by Mr. Leabough. All in favor say
240 aye. All opposed say no. The ayes have it; the motion passes.

241
242 The Planning Commission approved the Plan of Development and Master Plan for
243 POD2012-00486 Staples Mill Centre – Phase 1A, subject to the annotations on the
244 plans, the standard conditions attached to these minutes for developments of this type,
245 and the following additional conditions:

- 246
247 29. The entrances and drainage facilities on Staples Mill Road (U.S. Route 33) shall
248 be approved by the Virginia Department of Transportation and the County.
- 249 30. A notice of completion form, certifying that the requirements of the Virginia
250 Department of Transportation entrances permit have been completed, shall be
251 submitted to the Department of Planning prior to any occupancy permits being
252 issued.
- 253 31. The proffers approved as a part of zoning case C-5C-07 and P-1-07 shall be
254 incorporated in this approval.
- 255 32. A note in bold lettering shall be provided on the erosion control plan indicating that
256 sediment basins or traps located within buildable areas or building pads shall be
257 reclaimed with engineered fill. All materials shall be deposited and compacted in
258 accordance with the applicable sections of the state building code and
259 geotechnical guidelines established by the engineer. An engineer's report
260 certifying the suitability of the fill materials and its compaction shall be submitted
261 for review and approval by the Director of Planning and Director of Public Works
262 and the Building Official prior to the issuance of any building permit(s) on the
263 affected sites.
- 264 33. The pavement shall be of an SM-2A type and shall be constructed in accordance
265 with County standard and specifications. The developer shall post a defect bond
266 for all pavement with the Department of Planning - the exact type, amount and

267 implementation shall be determined by the Director of Planning, to protect the
268 interest of the members of the Homeowners Association. The defect bond shall
269 remain in effect for a period of three years from the date of the issuance of the
270 final occupancy permit. Prior to the issuance of the last Certificate of Occupancy,
271 a professional engineer must certify that the roads have been designed and
272 constructed in accordance with County standards.

- 273 34. Approval of the construction plans by the Department of Public Works does not
274 establish the curb and gutter elevations along the Henrico County maintained
275 right-of-way. The elevations will be set by Henrico County.
- 276 35. Approval of the construction plans by the Department of Public Works does not
277 establish the curb and gutter elevations along the Virginia Department of
278 Transportation maintained right-of-way. The elevations will be set by the
279 contractor and approved by the Virginia Department of Transportation.
- 280 36. All subsequent detailed plans of development needed to implement this
281 conceptual plan shall be submitted for staff review and Planning Commission
282 approval, and shall be subject to all regulations in effect at the time such
283 subsequent plans are submitted for review/ approval.
- 284 37. The location of all existing and proposed utility and mechanical equipment
285 (including HVAC units, electric meters, junction and accessory boxes,
286 transformers, and generators) shall be identified on the landscape plans. All
287 equipment shall be screened by such measures as determined appropriate by the
288 Director of Planning or the Planning Commission at the time of plan approval.
- 289 38. Except for junction boxes, meters, and existing overhead utility lines, and for
290 technical or environmental reasons, all utility lines shall be underground.
- 291 39. Streetscape planting and street lights shall be provided in accordance with
292 Section 24-34 of the Henrico County Code unless an exception is granted by the
293 Director of Planning at the time of landscape plan approval.
- 294 40. Existing public right of way, and drainage and utility easements containing
295 abandoned facilities, shall be vacated prior to issuance of certificate of occupancy
296 for any facility in conflict with said right of way or easements.
- 297 41. **REVISED** - A streetscape improvement plan showing brick and paver sidewalks
298 and crosswalks along **Road A the entrance drive** and along the plaza serving
299 the lake and selected portions of **Roads B, D, and E the core streets identified**
300 **in the Development Agreement with Henrico County for the relocation of the**
301 **Dumbarton Library** shall be submitted for review and approval by the Director
302 Planning prior to approval of any construction plans for parcels adjoining those
303 streets.

304
305 Ms. News - The next item is on page sixteen of your agenda and is
306 located in the Varina District. This is POD2012-00497. This is a POD and a lighting plan
307 for Cook Out Restaurant at Laburnum Park Shopping Center. Staff recommends
308 approval.

313 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

314

POD2012-00497 **Commercial Site Design, PLLC for PCS Laburnum, LLC and Cook Out Restaurants:** Request for approval of Cook Out Restaurant at Laburnum Park Shopping Center – 4300 S. Laburnum Avenue POD-31-88 (Rev.) a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to convert a one-story, 3,100 square foot bank building into a restaurant with drive-through facilities. The 0.89-acre site is located in an existing shopping center on the west line of S. Laburnum Avenue, at its intersection with Interstate-64 eastbound, on part of parcels 813-718-3037 and 6145. The zoning is B-2C, Business District (Conditional), B-3, Business District, and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

315

316 Mrs. Jones - Do we have opposition this morning to the plan of
317 development and lighting plan for POD2012-00497, Cook Out Restaurant at the
318 Laburnum Park Shopping Center? There is no opposition.

319

320 Mr. Leabough - Madam Chair, I move that we approve the POD and lighting
321 plan for POD2012-00497, Cook Out Restaurant at the Laburnum Park Shopping Center,
322 subject to standard conditions for developments of this type, as well as annotations on
323 the plan, and conditions 11B and 29 through 34 as noted in the agenda.

324

325 Mr. Branin - Second.

326

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

329

330 The Planning Commission approved the POD and lighting plan for POD2012-00497,
331 Cook Out Restaurant at the Laburnum Park Shopping Center, subject to the annotations
332 on the plans, the standard conditions attached to these minutes for developments of this
333 type, and the following additional conditions:

334

335 11B. Prior to the approval of an electrical permit application and installation of the site
336 lighting equipment, a plan including light spread and intensity diagrams, and
337 fixture specifications and mounting heights details shall be revised as annotated
338 on the staff plan and included with the construction plans for final signature.

339 29. The right-of-way for widening of S. Laburnum Avenue as shown on approved
340 plans shall be dedicated to the County prior to any occupancy permits being
341 issued. The right-of-way dedication plat and any other required information shall
342 be submitted to the County Real Property Agent at least sixty (60) days prior to
343 requesting occupancy permits.

344 30. A concrete sidewalk meeting County standards shall be provided along the west
345 side of S. Laburnum Avenue.

- 46 31. The proffers approved as a part of zoning cases C-32C-86; C-24C-00, and P-15-
 347 12 shall be incorporated in this approval.
 348 32. The developer shall install an adequate restaurant ventilating and exhaust system
 349 to minimize smoke, odors, and grease vapors. The plans and specifications shall
 350 be included with the building permit application for review and approval. If, in the
 351 opinion of the County, the type system provided is not effective, the Commission
 352 retains the rights to review and direct the type of system to be used.
 353 33. The loading areas shall be subject to the requirements of Chapter 24, Section 24-
 354 97(b) of the Henrico County Code.
 355 34. In the event of any traffic backup which blocks the public right-of-way as a result
 356 of congestion caused by the drive-up facilities, the owner/occupant shall close the
 357 drive-up facilities until a solution can be designed to prevent traffic backup.
 358

359 Ms. News - Next on page eighteen and located in the Varina District is
 360 North James Estates (February 2013 Plan) for two lots. Staff recommends approval.
 361

362 **SUBDIVISION**
 363

<p>364 SUB2013-00004 365 North James Estates 366 (February 2013 Plan) – 367 Van Ness Place</p>	<p>Balzer and Associates, Inc. for Felts & Kilpatrick Construction Co., Inc.: The 3.08-acre site proposed for a subdivision of 2 single-family homes is located on the west line of Van Ness Place, approximately 360 feet south of its intersection with North James Estates Drive, on parcel 803-702-2315. The zoning is R-3, One-Family Residential District and B-1C, Business District (Conditional). County water and sewer. (Varina) 2 Lots</p>
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 369 Mrs. Jones - Do we have opposition with us this morning for SUB2013-
 370 00004, North James Estates (February 2013 Plan)? There is no opposition.
 371

372 Mr. Leabough - Madam Chair, I move that we approval SUB2013-00004,
 373 North James Estates (February 2013 Plan), subject to standard conditions for
 374 subdivisions served by public utilities, the annotations on the plan, and conditions 13
 375 through 15 as noted in the agenda.
 376

377 Mr. Branin - Second.

378 Mrs. Jones - I have a motion by Mr. Leabough, second by Mr. Branin. All in
 379 favor say aye. All opposed say no. The ayes have it; the motion passes.
 380

381 The Planning Commission granted conditional approval to SUB2013-00004, North
 382 James Estates (February 2013 Plan), subject to the annotations on the plan, the
 standard conditions attached to these minutes for subdivisions served by public utilities,
 and the following additional conditions:

- 383 13. The plat shall contain a statement that the common area is dedicated to the
384 common use and enjoyment of the homeowners of North James Estates and
385 is not dedicated for use by the general public. This statement shall refer to the
386 applicable article in the covenants recorded with the plat.
- 387 14. Any necessary offsite drainage easements must be obtained prior to final
388 approval of the construction plan by the Department of Public Works.
- 389 15. The final plat for recordation shall contain information showing The
390 Chesapeake Bay Preservation areas, if any, in accordance with Chapter 19,
391 Section 19-72 (18), of the Henrico County Code, as determined by the Director
392 of Public Works.

393
394 Ms. News - The final item is on page nineteen of your agenda and is
395 located in the Brookland District. This is POD2013-00012, which includes a lighting plan,
396 for McDonald's Dual Drive-Through Lanes at 7527 Staples Mill Road. Staff recommends
397 approval.

398
399 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

400
POD2013-00012 **Carter Design for McDonald's Real Estate Company,**
McDonald's Dual Drive- **Franchise Realty Interstate Corp., and S.M. Durlak,**
Through Lanes at 7527 **Inc.:** Request for approval of a plan of development and
Staples Mill Road (U.S. lighting plan, as required by Chapter 24, Section 24-106 of
Route 33) the Henrico County Code, to construct side-by-side drive-
(POD-15-07 Rev.) through facilities at an existing restaurant. The 1.19-acre
site is located at the southeast quadrant of the intersection
of Staples Mill Road (U.S. Route 33) and Bremner
Boulevard, on parcel 772-750-9430. The zoning is B-2,
Business District. County water and sewer. **(Brookland)**

401
402 Mrs. Jones - Is there opposition this morning for the plan of development
403 and lighting plan for POD2013-00012, McDonald's Dual Drive-Through Lanes at 7527
404 Staples Mill Road? No opposition.

405
406 Mr. Witte - Madam Chair, I move approval of POD2013-00012,
407 McDonald's Dual Drive-Through Lanes at 7527 Staples Mill Road, on the expedited
408 agenda, subject to the annotations on the plans, the standard conditions for
409 developments of this type, and conditional conditions #11B and 29 through 30 as shown
410 on the agenda.

411
412 Mr. Branin - Second.

413
414 Mrs. Jones - Motion by Mr. Witte, second by Mr. Branin. All in favor say
415 aye. All opposed say no. The ayes have it; the motion passes.

416
417 The Planning Commission approved POD2013-00012, McDonald's Dual Drive-Through
418 Lanes at 7527 Staples Mill Road, subject to the annotations on the plans, the standard

419 conditions attached to these minutes for developments of this type, and the following
420 additional conditions:

- 421
- 422 11B. Prior to the approval of an electrical permit application and installation of the site
423 lighting equipment, a plan including light spread and intensity diagrams, and fixture
424 specifications and mounting heights details shall be revised as annotated on the
425 staff plan and included with the construction plans for final signature.
- 426 29. Outside storage shall not be permitted.
- 427 30. In the event of any traffic backup which blocks the public right-of-way as a result
428 of congestion caused by the drive-up facilities, the owner/occupant shall close the
429 drive-up facilities until a solution can be designed to prevent traffic backup.

430
431 (Mr. Witte left the meeting following this case).

432
433 Mr. Emerson - Madam Chair, that completes the expedited items. That now
434 takes us to Subdivision Extensions of Conditional Approval. Those will be presented by
435 Mr. Lee Pambid.

436
437 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
438 **FOR INFORMATIONAL PURPOSES ONLY**

439

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2011-00011 (SUB-10-10) Wilton View Reconsideration (July 2010 Plan)	22	17	1	Varina	7/1/2017

440
441 Mrs. Jones - Good morning, Mr. Pambid.

442
443 Mr. Pambid - Good morning, Madam Chair, members of the Planning
444 Commission. This map indicates the location of one subdivision that is presented for an
445 extension of conditional approval. It is eligible for an extension to July 1, 2017. This is for
446 informational purposes only. It does not require Commission action at this time.

447
448 This concludes my presentation. If you have any questions, I would happen to field them
449 now.

450
451 Mrs. Jones - Any questions for Mr. Pambid? All right, thank you, sir.

452
453 Mr. Pambid - You're welcome.

454
455 Mr. Emerson - Madam Chair, that now takes us to page thirteen of your
456 agenda.

458 **PLAN OF DEVELOPMENT**

459

POD2012-00509
Reserve at Pouncey -
Pouncey Tract Road
(State Route 271)

Bay Companies, Inc. for 5111 Pouncey Tract, LLC:
Request for approval of a plan of development, as required
by Chapter 24, Section 24-106 of the Henrico County
Code, to construct 16 detached dwellings for sale with
zero lot lines. The 7.08-acre site is located on the
northeast line of Pouncey Tract Road (State Route 271),
approximately 800 feet north of Shady Grove Road, on
parcels 738-771-2400, 4105, and 6301. The zoning is R-
5AC, General Residential District (Conditional). County
water and sewer. **(Three Chopt)**

460

461 Mrs. Jones - Good morning, Ms. Crady.

462

463 Ms. Crady - Good morning.

464

465 Mrs. Jones - I'd like to ask if there are folks with us this morning in
466 opposition to POD2012-00509, Reserve at Pouncey. We do have opposition, so thank
467 you. I'm going to ask our secretary to tell everyone the rules of opposition at this hearing.

468

469 Mr. Emerson - Yes ma'am. The Commission does have regulations
470 governing their public hearings, and they are as follows. The applicant is allowed ten
471 minutes to present the request, and time may be reserved for responses to testimony.
472 The opposition is allowed ten minutes to present its concerns, and that is cumulative.
473 Commission questions do not count into the time limits, and the Commission may waive
474 the time limits for either party at its own discretion.

475

476 Mrs. Jones - Thank you, Mr. Secretary. Ms. Crady?

477

478 Ms. Crady - Good morning.

479

480 The subject property was rezoned in 2006 to R-5AC to allow up to nineteen single-family
481 zero-lot-line units subject to the proffered conditions of zoning case C-49C-06. The
482 applicant proposes a sixteen-lot development in accordance with these proffers. The
483 current proposed layout reserves portions of the exiting wetlands in the rear and sides
484 that were previously proposed to be impacted with the proffered layout, which would
485 have come further back in here.

486

487 No lot will have direct access to Pouncey Tract Road. Lots 1 through 5 will be served by
488 a private access drive. The proposed entrance has been reviewed by Virginia
489 Department of Transportation and the County's Department of Public Works, and meets
490 the applicable design requirements. A sidewalk is to be provided along the entire
491 frontage of the property along Pouncey Tract Road and installed at the ultimate location
492 after right-of-way dedication.

493

494 A conceptual landscape plan is included in your packet for a 25-foot landscape buffer
495 provided to include a brick entrance sign on both sides of this entrance, wrapping the
496 entrance and then extending a decorative wrought iron fence with brick column and
497 finials the entire expanse of the front of the property on both sides. The buffer will have a
498 raised berm as well. Streetscape plantings are provided throughout the development on
499 both sides of the road. A 10-foot transitional buffer is required along the R-2AC property
500 here. A good portion of that would remain un-impacted in the wetlands except for lots 13
501 through 16. Supplemental plantings will be required and provided along 13 through 16.
502

503 The applicant has expressed willingness to vigilantly maintain tree and wetland
504 protection at the limits of disturbance with an orange construction fence and continued
505 monitoring during construction. Construction hours are limited by proffer, reduced to
506 between 7 a.m. and 7 p.m. Monday through Friday and 8 a.m. to 4 p.m. on Saturday with
507 no hours on Sundays.
508

509 The architectural examples provided demonstrate several options. They meet the
510 minimum and average finished floor area requirements exclusive of required two-car
511 garages, which will be side or rear-loaded. Any front-loaded garage by proffer would
512 have to be recessed at least fifteen feet from the front building line, but no front-loaded
513 garages are anticipated with these architectural designs.
514

515 Unit types provide for options of finished floor area ranging from 2900 square feet to
516 4800 square feet exclusive of the garages.
517

518 Staff recommends approval of this plan subject to the annotations on the plans, standard
519 conditions for zero-lot-line plans of development, and conditions 29 through 43 in your
520 agenda. Dan Caskie with Bay Design and Brian Duke are here on behalf of the
521 applicant. And I am happy to answer any questions the Commission may have of me.
522

523 Mrs. Jones - Questions for Ms. Crady from the Commission?
524

525 Mr. Branin - I have none.
526

527 Mrs. Jones - All right. Thank you very much, Ms. Crady.
528

529 Ms. Crady - Thank you.
530

531 Mrs. Jones - Mr. Branin, how would you like to proceed?
532

533 Mr. Branin - I'd prefer to have the opposition first. That way the applicant
534 can address it.
535

536 Mrs. Jones - We'd like to have those of you who would like to address the
537 Commission come forward. If you don't mind, please state your name for the record.
538 These are recorded proceedings, so if you would speak clearly into the microphone we'll
539 all be able to hear you. Thank you.

540
541 Mr. Siciliano - My name is Joe Siciliano.
542
543 Ms. Siciliano - And I'm Stacey Siciliano.
544
545 Mr. Siciliano - We live at 5012 Westcott Landing Circle.
546
547 Mrs. Jones - Good morning, Mr. and Mrs. Siciliano. How are you?
548
549 Mr. Siciliano - Very good.
550
551 Mrs. Jones - Thank you for coming.
552
553 Mr. Branin - Ma'am, can you show us where your property is?
554
555 Mr. Siciliano - Right here.
556
557 Mr. Branin - Okay.
558
559 Mrs. Jones - All right.
560
561 Mr. Siciliano - Our biggest concern is the wetlands area right here. We have
562 an environmentally-protected area behind our lot. In fact, we have—I brought photos; I
563 don't really know if really matters. Basically, there are signs all over this property area
564 that say environmentally-protected. We can't even take a tree down. We can't even get
565 brush taken out. Nothing has been able to be touched—rightly so—for the last two and a
566 half years.
567
568 And this area behind here, although it seems to be a small area on this map, I was out
569 there this morning and it's very—there's standing water. And it runs pretty much behind
570 the Foley's and our property in this area.
571
572 Questions or concerns that I have. When the surveying went on in the summertime, the
573 dead of summer, and they went out there and started to survey the land, I had
574 conversations with one of the surveyors and asked him what he was doing. First of all it's
575 in the back of my property. He told me what was happening. And I said, you know, I
576 thought that part of this area is wetlands. And he concurred and said yes, we're going
577 to—the Army Corps of Engineers has to—if there is a change in wetlands, they have to
578 be the one to do it, but they rarely ever change. Wetlands are wetlands. So what I have a
579 real issue with is, on the original plans there seems to be a lot more wetlands area. We
580 weren't here; we only moved about two and half years ago. On the original 2007
581 whatever exhibit.
582
583 Mrs. Jones - I think it was 2006.
584

585 Mr. Siciliano - The original one looked like a much more involved wetlands
586 area versus what is proposed here. And I'm just concerned. Was the proper
587 documentation done by the Army Corps? Do they come back and actually do these tests
588 again to verify? And are there different times of the year that would have an impact on it?
589

590 Mrs. Jones - I believe we can get those answers for you. Staff is putting
591 your layout on the overhead.
592

593 Ms. Siciliano - While we're doing that, can I just mention other items I think
594 are very important. We have a lot of animals that are back there. We have turtles that
595 I've seen in our yard. Blue-tip lizards. We have families of bunnies back there and a lot of
596 deer. We have snakes, which I like. They're black rat snakes which actually take care of
597 mice if you have them in your yard, which we have had because we've had—Southern
598 Pest Control has come out to our yard and they've told us that if you have that it's great
599 because you did have rat droppings in your crawlspace. So that's why I'm opposed to it
600 because it's going to hurt them. It's going to hurt the animals and the wildlife that's back
601 there. And there is a lot because we've taken pictures. We have three children. They
602 look out in the backyard and they see the deer and they like it. They like the turtles. They
603 like the lizards. It's important.
604

605 Mr. Siciliano - The Foley's could not be here; they're out of town,
606 unfortunately. But they wanted our voice to be their voice as well.
607

608 Mrs. Jones - All right. Is that the—
609

610 Mr. Siciliano - This is the original? I don't know.
611

612 Ms. Crady - They're working on getting the equipment working. They have
613 to flip a switch up in there.
614

615 Mrs. Jones - This looks an awful lot like our current plan to me.
616

617 Ms. Crady - This is the current plan for the development. There we go. On
618 the screen is the proffered exhibit from 2006. It does show a difference in the wetlands. I
619 have asked John Woodburn to be here. If there are specific wetlands questions, he may
620 be able to answer for you. He is with the Department of Public Works. He's the review
621 engineer.
622

623 Mr. Siciliano - Has the Army Corps come back and redone this as I was told
624 they were going to come back? Do we know that?
625

626 Mr. Branin - To the best of my knowledge, yes they have. As this was
627 proceeding forward they have come back out. We'll get that report from the applicant.
628 We talked to Public Works. In regards to the development, you know this was rezoned
629 and can be built, prior to what, 2006, correct? It's 2006.
630

631 Mr. Siciliano - Right.
632
633 Mr. Branin - Okay.
634
635 Mr. Siciliano - Well we weren't here in 2006.
636
637 Ms. Siciliano - We were just told that it was very wet back there and there
638 most likely would not have been anything back there, to be honest with you. When we
639 purchased the lot.
640
641 Mr. Siciliano - When we purchased, we asked about the triangle area and
642 they really said, "We looked at purchasing that at one time, but there were few buildable
643 spaces." Now whether that's true or not I can't—
644
645 Mr. Branin - And when you bought it was after 2006. I'm sure—
646
647 Mr. Siciliano - We moved in December of 2010.
648
649 Mr. Branin - So they were very aware that that property had already been
650 rezoned. We hear it almost monthly when we have subdivisions, that the opposition
651 comes in and says their real estate agent told us that there would never be anything built
652 there.
653
654 Mr. Siciliano - No, they never said that, and I'm not going to say that they
655 never said that. All I'm saying is that the environmental—what I have a hard time
656 imagining is that I have a little piece of environmentally-protected area, but yet I walk ten
657 feet away—and literally when I talk about a little piece I'm talking a little piece of
658 protected area. And yet you walk ten feet to the other side of it and that all of a sudden is
659 not environmentally-protected. I know there's a boundary of where that can happen, but
660 when I went out there this morning and took visual pictures, and I'm walking further into
661 the lot and I can see visible areas, you know, of standing water and very soft and moist,
662 I'm thinking where does this end. How do they determine how my little edge is
663 environmental but then somehow beyond that, literally one foot over, and it's still the
664 same area and wet, that we can rip all the trees down and put a house up. That's all. I
665 mean if the Army Corps has done their job and they've done all they can, you know.
666
667 Mr. Branin - In one of our conditions we took extra steps beyond what
668 we'd normally do with a subdivision to point out that there are wetlands that we will be
669 monitoring, they will be monitoring. It will be staked out, fenced out, marked out where
670 the wetlands are so there will be no encroachment in any way. So we've gone the extra
671 step in looking at this case in providing extra protection.
672
673 Mr. Siciliano - And just one more point. The yellow and black tape that was
674 there, prevalent when we first moved in and there was a stretch of it in the back, it's been
675 gone and nowhere to be found. So I don't know what—I'm not accusing anybody of

676 anything. I'm just saying, what happened to the area that was protected? All of a sudden
677 now there's no visual sign anymore of where that is.

678
679 Mr. Branin - Okay. I'm going to get Public Works down here to comment
680 on your question regarding the wetlands.

681
682 Mr. Siciliano - Okay. We appreciate your time. Thank you.

683
684 Mrs. Jones - Is there anyone else in opposition to this case who would like
685 to speak? All right, Mr. Branin.

686
687 Mr. Branin - Representative from Public Works.

688
689 Mr. Woodburn - Good morning. I am John Woodburn, civil engineer. I work for
690 Henrico County Public Works.

691
692 Mr. Branin - Good morning, John. You have the current plan, do you not,
693 in front of you?

694
695 Mr. Woodburn - Yes I do.

696
697 Mr. Branin - Okay. And you see the original plan up on the screen?

698
699 Mr. Woodburn - Yes.

700
701 Mr. Branin - Okay. The wetlands appear to have changed. The question
702 by the neighbor was the wetlands have changed and the survey was done in the
703 summer during a drought. How would that affect the surveying?

704
705 Mr. Woodburn - As far as the delineation of the wetlands, that is something
706 that is done between the developer or property owner and the Corps of Engineers or
707 Virginia Department of Environmental Quality. What we look for when we review a plan
708 for Public Works is evidence that the proper permits have been secured. Even beyond
709 Planning Commission approval, we will not approve a plan of construction without
710 evidence that the work they have proposed is in accordance with their permits through
711 the state and the Corps of Engineers. I do know in the past property gets surveyed,
712 wetlands get done, permits expire. They go back to the regulatory agencies. They do
713 new surveys. They get new permits. These permits have start dates and end dates.
714 Probably the developer and property owner can speak to the history of the permit better
715 as far as the old permit versus what they're working with with the new permit. But the
716 County as such, we don't get involved in the delineation of the wetlands, of the decision
717 as far as what areas will be allowed to be impacted versus which areas have to remain
718 un-impacted.

719
720 I do see on this plan indications that lots 11, 12, 13, show a shaded area. Let's see here.
721 It shows the rear of those lots as having some wetlands areas. Okay, here we go. If you

722 look at this item, you see lots 11, 12, and 13 which are in the vicinity of the lot owned by
723 the citizens on Westcott. You'll see an area with slashes through it and a note indicating
724 there are wetlands to be impacted along the rear of those lots. And in order to impact
725 those wetlands they would need to have the proper permits from the state of Virginia
726 and/or Corps of Engineers.

727

728 Mr. Branin - Okay. Any other questions for John?

729

730 Mrs. Jones - I have no questions at this time. Are you going to bring the
731 applicant down?

732

733 Mr. Branin - Absolutely.

734

735 Mr. Woodburn - Thank you.

736

737 Mrs. Jones - Thank you, Mr. Woodburn.

738

739 Mr. Branin - Will the applicant come down? Please state your name for
740 the record.

741

742 Mr. Caskie - Good morning. I'm Dan Caskie with Bay Companies. I was
743 trying to take notes back there. The previous wetlands that were shown on the zoning
744 map, we don't know that those were really confirmed. We were working across the street
745 at Bentley at the same time that that was going through, and we had a little stream that
746 we had to confirm for our development. When we were doing that it sounds like the
747 wetlands that these guys were showing on the zoning map, I feel like was some wishful
748 thinking.

749

750 We had it confirmed in December, this past December. And the surveyors I think they
751 probably saw out there were my guys, not necessarily the wetland guys. Maybe it was
752 the wetland guys flagging it, but it was more than likely my guys that were just picking up
753 spot shots and flagging and things like that. The Corps I think was out there October,
754 November, December time frame. It was confirmed in December, so it was more in the
755 winter season. But when they do wetlands it's based on three things, as everybody
756 knows, as I'm sure all you guys know. It's based on foliage, it's based on the hydrology,
757 and it's based on the soils. Even if the hydrology is not there, the soils and foliage are
758 still likely there. So if you hit two of those three then it's going to be called wetlands even
759 if there's not standing water specifically there.

760

761 I think that yellow and black tape that they leave may have seen may have been some
762 construction tape that was done for Westcott because nothing has been constructed on
763 our site. So that was probably some non-tearable tape that was up that disintegrates and
764 gets pulled down. And maybe it was some old wetland flagging. When our wetland guys
765 go out there, they reflag with all new stuff.

766

57 And I think if you look at the two different plans, our wetlands is larger than the wetlands
768 that the zoning map shows. And we've actually pulled out of that. They had lots pushed
769 all the way to the back. And if we had done that, we would have impacted a large
770 amount of wetlands. We're saving the majority of the wetlands on our lot. And actually on
771 the side that Westcott is on, we're impacting about 1500 square feet of wetlands. So it's
772 a pretty small footprint.

773
774 The restrictions that they talk about with the signs, those are the County signs that are
775 more than likely put up at the rears of their lots that specify wetlands that are saved and
776 wetlands that they can't impact. We'll end up having those same signs on our side as
777 well. But when they did Westcott, obviously they couldn't put signs on the adjacent
778 person's land. So those restrictions will end up wrapping into our wetlands as well when
779 the construction comes along.

780
781 I think that's everything, all the notes. Are there any questions that anybody has?

782
783 Mr. Branin - I think wetland impact was the main question they had as for
784 the wildlife. It's a problem that we have everywhere in the County, everywhere in the
785 country, with development pushing natural wildlife. Thank you for coming back and—

786
787 Mrs. Jones - Mr. Branin? Before you finish, may I ask a question?

788
789 Mr. Branin - Absolutely. I wasn't going to make a motion.

790
791 Mrs. Jones - Okay. All right. Because we have folks here who've raised
792 questions and you're answering those, let me just make sure I have this straight.

793
794 Mr. Caskie - Okay.

795
796 Mrs. Jones - The Army Corps came back this fall, sometime in October,
797 November, December.

798
799 Mr. Caskie - That's right.

800
801 Mrs. Jones - And has certified the wetlands.

802
803 Mr. Caskie - They have. It's a confirmed wetlands at this point.

804
805 Mrs. Jones - Okay. They have confirmed the extent of the wetlands. And is
806 that marked?

807
808 Mr. Caskie - That is marked.

809
810 Mrs. Jones - Is it marked out there at the site or just marked on the plan?

811

812 Mr. Caskie - No, it's marked at the site. There are flags. At every angle
813 break there's a flag.
814
815 Mrs. Jones - So if you connect the flags, you have the delineation of the
816 wetlands.
817
818 Mr. Caskie - That's correct.
819
820 Mrs. Jones - Okay, that's one answer. I notice that we have heads shaking
821 no in the back. Is there any reason why those flags would not be there?
822
823 Mr. Caskie - If somebody's pulled them down. But no, they should be
824 there. They flag those. The consultant flags them for us. They don't paint the thing with
825 flagging. Every point that they document they put a flag, and that's what we pick up.
826 They give us a map and we can find them. But it's not necessarily—you know, if you go
827 out there you're not going to be able to walk out there and see—it's not like a flagged
828 property line.
829
830 Mr. Emerson - Madam Chair, before construction begins, Public Works will
831 go out and they'll make sure that everything's in place before land clearing can begin. So
832 if for some reason during this process after they were originally flagged the flags have
833 come down or been misplaced, Public Works will be out there to make sure by
834 inspection that all that's in place before clearing begins.
835
836 Mrs. Jones - So it'll be very clear to the neighbors and to the folks at that
837 site exactly where the boundaries of the wetlands are.
838
839 Mr. Caskie - No question. Per Planning's request, we're going to show the
840 orange safety fence going around it. We normally put non-tearable tape, but we'll
841 increase that to the orange fence that's actually staked. And that will go around the
842 perimeter of the entire wetlands that are going to remain.
843
844 Mr. Branin - On your property side.
845
846 Mr. Caskie - On my property side, yes. We won't flag—it may go over a
847 little bit, but we can only control what we have.
848
849 Mrs. Jones - I think the term *impacting wetlands* tends to be alarming a
850 little bit. Can you explain what you mean by that term?
851
852 Mr. Caskie - There are a few areas where because of the lot configuration
853 we have—I guess because of the rectangular lot situation we have pushed into the
854 wetlands a little bit. And where we have done that we'll end up filling those pieces of
855 wetlands and those won't be wetlands anymore, those won't be considered wetlands
856 anymore. And that gets permitted through the Corps and DEQ. It's a pretty involved
857 permit, so it's not like it's just hey, we're going to do it and everybody lets us do it. There

858 is a pretty long permitting process, and that's in the mix right now. So once those are
859 impacted they won't be considered wetlands anymore. Everything beyond that would still
860 be considered wetlands. And actually those wetlands will end up being protected. More
861 than likely the Corps will require a restrictive covenant be placed on any wetlands to
862 remain so that nothing can happen to those in the future. And more than likely that's
863 what's gone on in Westcott as well.

864
865 Mrs. Jones - All right. So that's a Corps of Engineers' process that, as we
866 know, is quite involved.

867
868 Mr. Caskie - That's right.

869
870 Mrs. Jones - All right, thank you for that.

871
872 Mr. Branin - And nor can the developer proceed forward with development
873 without meeting the Corps' criteria.

874
875 Mr. Caskie - That's right.

876
877 Mr. Branin - And because we went the extra step with Condition 42, it's
878 going to be even more visual, the protection of the wetlands. Before you go anywhere—
879 sir and madam, do you have any other questions, because I'd like to get them. You do
880 have to come back down, and believe it or not, state your name again.

881
882 Mr. Siciliano - It hasn't changed. Joe Siciliano.

883
884 Mr. Branin - Just checking, just checking.

885
886 Ms. Siciliano - Stacey Siciliano.

887
888 Mr. Siciliano - Just a couple questions from what I just heard. So we're
889 building on wetlands. We're impacting wetlands. So we are changing the wetlands. Did I
890 hear that correctly?

891
892 Mr. Branin - There is a little bit of the wetlands that will be changed,
893 correct, which they then have to mitigate those wetlands.

894
895 Mr. Siciliano - Okay. And that doesn't violate any wetlands act that I've read
896 about, the 1972 Wetlands Act that says unless it's necessary economic development you
897 shouldn't be impacting wetlands?

898
899 Mr. Branin - I'll let the applicant comment on it, but they have to get all of
900 that approved through the Army Corps of Engineers. If the Corps says no you can't, then
901 they can't proceed forward.

902

903 Mr. Siciliano - Okay. We can only voice our concerns. I know there are
904 higher levels that have to make those kinds of decisions, and rightly so. We will have
905 access to that or some subsequent information from the Army Corps as far as
906 designating whatever it is they're saying? I don't know the protocol.
907

908 Mr. Branin - Access to the permit? I would think they would have access
909 to that because it would be registered with us, correct?
910

911 Mr. Emerson - Should be with Public Works. Do you keep those in your file,
912 John?
913

914 Mr. Woodburn - [Speaking off microphone.] I think Robin Wilder does.
915

916 Mr. Emerson - That's what I thought. It would be in the Public Works' file on
917 this project.
918

919 Mr. Siciliano - Okay. And just one more comment. I know this has probably
920 run a lot longer than you guys anticipated. The flags, there are white flags that look like
921 markings as far as maybe every fifty yards or whatever they've done to put a plot. But
922 there really aren't any flags out there whatsoever. It really doesn't impact what you're
923 deciding today, it's just that there are no visual signs of where the wetlands start and
924 where it finishes. And I'm not anticipating any tape that would show. But there is tape. If
925 you go on that property on other parts of that triangle, there are long stretches of yellow
926 and black tape. Whoever did that, it's still there. I don't know what it designates. That's
927 all, unless my wife has something else.
928

929 Mr. Glover - Mr. Branin.
930

931 Mr. Branin - Yes sir.
932

933 Mr. Glover - If I can ask a question of Mr. Caskie. If you were to violate
934 whatever the Corps of Engineers has designated as wetlands, could you get fined?
935

936 Mr. Caskie - Oh absolutely. Absolutely. You can get fined.
937

938 Mr. Glover - A ten-dollar fine or is it pretty substantial?
939

940 Mr. Caskie - No, it's pretty substantial. People have gone to jail for that.
941

942 Mr. Glover - The other thing that I wanted to point out is zoning can
943 overlap the wetlands. That doesn't mean that you can do anything with it, but the zoning
944 is there. But what I think is important to you as neighbors is if he violates whatever the
945 Corps of Engineers says—not Henrico County—the fine is substantial. So I can't imagine
946 that he's violating anything out there that the Corps of Engineers has identified. I
947 understand your concerns. But if he's violating it just let somebody know.
948

949 Mr. Siciliano - [Speaking off microphone.] As long as I know what he's
950 violating. Without having a map, per se—

951
952 Mrs. Jones - Sir? I'm sorry, but we won't be able to hear you on the
953 recorded minutes.

954
955 Mr. Siciliano - I do agree. I mean there isn't anybody that would touch even
956 a stick in our little area, frankly. And we've asked, you know, could you clean out some of
957 the pricker bushes. It's a federal offense, I believe. So I understand that, and I agree.
958 They would be putting themselves, and the company, and their jobs, per se, certainly in
959 jeopardy. But I won't know if they're violating it unless I know where it's designated,
960 that's all. That's all I'm asking, just information.

961
962 Mrs. Jones - Thank you for your comments, Mr. Glover. I would hope that
963 you consider the Corps of Engineers' oversight as a protection.

964
965 Mr. Siciliano - Absolutely, absolutely. Thank you again.

966
967 Mr. Branin - I have one more thing for you, Mr. Caskie. What I was going
968 to get to is if you would agree, since there is concern over the wetland, to flag it out
969 properly before you even go in to your construction phase where you will be putting up
970 the fence. But go ahead and either yellow/black tape it, wetland tape it, or do more
971 extensive flagging. I would think the yellow and black. As they stated, there is another
972 set of neighbors that couldn't be here today that are very concerned as well. So before
973 we even go into a construction phase, if you will, let's get it designated. Be a good
974 neighbor and let your neighbors know where it is, what's going on.

975
976 Mr. Caskie - Okay, we can do that. We'll go ahead and put some non-
977 tearable up in the next week or so.

978
979 Mr. Branin - That would be fantastic. Okay. Also, thank you for getting the
980 front straight, Mr. Duke. This ended up being a better layout than the original. I have
981 nothing more, Madam Chair.

982
983 Mrs. Jones - Anything from the other commissioners? All right, Mr. Branin.

984
985 Mr. Branin - Madam Chair, I would like to move that POD2012-00509,
986 Reserve at Pouncey – Pouncey Tract Road, be approved subject to the annotations on
987 the plan, standard conditions for developments of this type, and the following additional
988 conditions 29 through 43, with the understanding that the developer and engineering firm
989 will mark out the wetlands prior to any construction going forward.

990
991 Mr. Leabough - Second.

992
993 Mrs. Jones - I have a motion from Mr. Branin, second by Mr. Leabough. All
994 in favor say aye. All opposed say no. The ayes have it; the motion passes.

995
996 The Planning Commission approved POD2012-00509, Reserve at Pouncey, subject to
997 the annotations on the plans, the standard conditions attached to these minutes for
998 developments of this type, and the following additional conditions:
999

1000 29. Roof edge ornamental features that extend over the zero lot line, and which are
1001 permitted by Section 24-95(i)(1), must be authorized in the covenants.

1002 30. Eight-foot easements for construction, drainage, and maintenance access for
1003 abutting lots shall be provided and shown on the POD plans.

1004 31. Building permit request for individual dwellings shall each include two (2) copies of
1005 a layout plan sheet as approved with the plan of development. The developer may
1006 utilize alternate building types providing that each may be located within the
1007 building footprint shown on the approved plan. Any deviation in building footprint or
1008 infrastructure shall require submission and approval of an administrative site plan.

1009 32. Windows on the zero lot line side of the dwelling can only be approved with an
1010 exception granted by the Building Official and the Director of Planning during the
1011 building permit application process.

1012 33. The subdivision plat for Reserve at Pouncey shall be recorded before any building
1013 permits are issued.

1014 34. The right-of-way for widening of Pouncey Tract Road (State Route 271) as shown
1015 on approved plans shall be dedicated to the County prior to any occupancy
1016 permits being issued. The right-of-way dedication plat and any other required
1017 information shall be submitted to the County Real Property Agent at least
1018 sixty (60) days prior to requesting occupancy permits.

1019 35. The entrances and drainage facilities on Pouncey Tract Road (State Route 271)
1020 shall be approved by the Virginia Department of Transportation and the County.

1021 36. A notice of completion form, certifying that the requirements of the Virginia
1022 Department of Transportation entrances permit have been completed, shall be
1023 submitted to the Department of Planning prior to any occupancy permits being
1024 issued.

1025 37. A concrete sidewalk meeting VDOT standards shall be provided along the
1026 northeast side of Pouncey Tract Road (State Route 271).

1027 38. A 25-foot planting strip to preclude ingress or egress along the northeast side of
1028 Pouncey Tract Road (State Route 271) shall be shown on the approved plans.
1029 The details shall be included with the required landscape plans for review and
1030 approval.

1031 39. The proffers approved as a part of zoning case C-49C-06 shall be incorporated in
1032 this approval.

1033 40. The pavement shall be of an SM-2A type and shall be constructed in accordance
1034 with County standard and specifications. The developer shall post a defect bond
1035 for all pavement with the Department of Planning - the exact type, amount and
1036 implementation shall be determined by the Director of Planning, to protect the
1037 interest of the members of the Homeowners Association. The defect bond shall
1038 remain in effect for a period of three years from the date of the issuance of the
1039 final occupancy permit. Prior to the issuance of the last Certificate of Occupancy,

10 a professional engineer must certify that the roads have been designed and
1041 constructed in accordance with County standards.

1042 41. Approval of the construction plans by the Department of Public Works does not
1043 establish the curb and gutter elevations along the Virginia Department of
1044 Transportation maintained right-of-way. The elevations will be set by the
1045 contractor and approved by the Virginia Department of Transportation.

1046 42. The owners shall not begin clearing of the site until the following conditions have
1047 been met:

1048
1049 (a) The site engineer shall conspicuously illustrate on the plan of development
1050 or subdivision construction plan and the Erosion and Sediment Control
1051 Plan, the limits of the areas to be cleared and the methods of protecting the
1052 required buffer areas. The location of utility lines, drainage structures and
1053 easements shall be shown.

1054 (b) After the Erosion and Sediment Control Plan has been approved but prior
1055 to any clearing or grading operations of the site, the owner shall have the
1056 limits of clearing delineated with approved methods such as flagging, silt
1057 fencing or temporary fencing.

1058 (c) The site engineer shall certify in writing to the owner that the limits of
1059 clearing have been staked in accordance with the approved plans. A copy
1060 of this letter shall be sent to the Department of Planning and the
1061 Department of Public Works.

1062 (d) The owner shall be responsible for the protection of the buffer areas and
1063 for replanting and/or supplemental planting and other necessary
1064 improvements to the buffer as may be appropriate or required to correct
1065 problems. The details shall be included on the landscape plans for
1066 approval.

1067 43. Except for junction boxes, meters, and existing overhead utility lines, and for
1068 technical or environmental reasons, all utility lines shall be underground.

1069
1070 Mrs. Jones - Thank you all for coming today.

1071
1072 Mr. Emerson - Madam Chair, that takes us to the next item on your agenda,
1073 which is the consideration of the approval of your minutes of your January 23, 2013
1074 meeting.

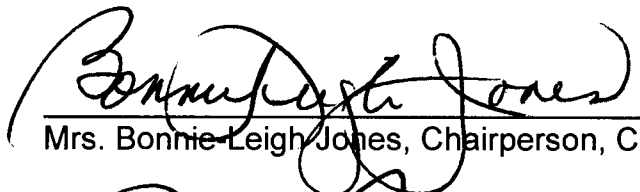
1075
1076 APPROVAL OF MINUTES: January 23, 2013

1077
1078 Mr. Emerson - It's my understanding that staff has contacted everyone and
1079 we don't have an errata sheet because there were no corrections forwarded.

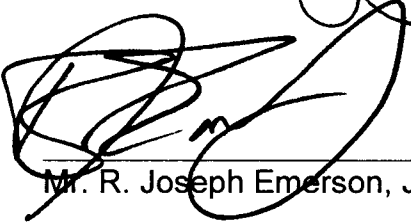
1080
1081 Mrs. Jones - Do any of the Commissioners have additional changes to the
1082 minutes? Then we need a motion.

1083
1084 Mr. Branin - Move for approval of the minutes.

1086 Mr. Leabough - Second.
1087
1088 Mrs. Jones - Motion by Mr. Branin, second by Mr. Leabough. All in favor
1089 say aye. All opposed say no. The ayes have it; the motion passes. Thank you.
1090
1091 The Planning Commission approved the January 23, 2013 minutes as presented.
1092
1093 Mrs. Jones - Mr. Secretary, anything else for the Commission?
1094
1095 Mr. Emerson - Madam Chair, I have nothing further today.
1096
1097 Mrs. Jones - Anything from any of the Commissioners? All right. With that I
1098 will entertain a motion for adjournment.
1099
1100 Mr. Archer - Madam Chairman, I move for adjournment.
1101
1102 Mr. Branin - Second.
1103
1104 Mrs. Jones - I have a motion from Mr. Archer, second by Mr. Branin. We
1105 are adjourned.
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Mrs. Bonnie Leigh Jones, Chairperson, C.P.C.



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 **February 27, 2013**, which shall be as much a part of this approval as if details were fully described herein. Eight **(8)** sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two **(2)** sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

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

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

STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **February 27, 2013**, which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

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

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

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

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

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

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

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

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

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

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

B-2 ZONE

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

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

B-3 ZONE

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

SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 27, 2013**, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **February 26, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **February 27, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **February 26, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.

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

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 27, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **February 26, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

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

Standard Conditions for Zero Lot Line Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 27, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **February 26, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

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

SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 27, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **February 26, 2014**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.