

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**  
2 **County held in the County Administration Building in the Government Center at**  
3 **Parham and Hungary Springs Roads beginning at 9:00 a.m. Wednesday, October**  
4 **23, 2019.**  
5

Members Present: Mr. Gregory R. Baka, Chairperson (Tuckahoe)  
Mr. C. W. Archer, C.P.C., Vice-Chairperson (Fairfield)  
Mr. William M. Mackey, Jr. (Varina)  
Mrs. Melissa L. Thornton (Three Chopt)  
Mr. Robert H. Witte, Jr. (Brookland)  
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,  
Secretary  
Mr. Frank J. Thornton, Board of Supervisors' Representative

Others Present: Ms. Jean Moore, Assistant Director of Planning  
Ms. Leslie A. News, PLA, Senior Principal Planner  
Mr. Michael F. Kennedy, County Planner  
Mr. Tony Greulich, C.P.C., County Planner  
Mr. Doug Cole, PLA, County Planner  
Ms. Christina L. Goggin, AICP, County Planner  
Ms. Aimee B. Crady, AICP, County Planner  
Ms. Kate B. McMillion, County Planner  
Mr. Salim Chishti, ASLA, County Planner  
Mr. Spencer Norman, County Planner  
Mr. Phillip Bariteau, County Planner  
Ms. Cherie Wyatt, County Planner  
Ms. Edith Golden, GIS Specialist  
Mr. Gary Duvall, Department of Public Works  
Mr. Brandon House, Department of Public Works  
Ms. Sarah Briggs, Department of Public Works  
Mr. David Gunn, Department of Public Works  
Mr. John Graves, Department of Public Works  
Mr. William Moffett, Police  
Ms. Melissa Ferrarite, Office Assistant / Recording Secretary

6  
7 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains on all**  
8 **cases unless otherwise noted.**  
9

10 Mr. Baka - I call this meeting of the Henrico County Planning Commission  
11 to order. This is the Plans of Development meeting for October 23, 2019. At this time I'd  
12 like to ask that you take a moment to silence your cellphones, and please stand with the  
13 Commission for the Pledge of Allegiance.  
14

15 (Recitation of Pledge of Allegiance.)

16

17 Mr. Baka - Do we have anyone in the audience this morning with the  
18 news media? Very well. We have Mr. Frank Thornton, our representative from the Board  
19 of Supervisors, who is sitting with the Planning Commission for this year, for 2019. Thank  
20 you for being here.

21

22 Mr. Thornton - Thank you, Mr. Chairman.

23

24 Mr. Baka - Mr. Thornton abstains on all cases unless otherwise noted.  
25 All Commissioners are present so we have a quorum and we can conduct business. So  
26 at this point I will turn it over to Mr. Emerson, our secretary.

27

28 Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda this  
29 morning are the requests for referrals and withdrawals, and there are none of those this  
30 morning. The next items are the expedited items, and those will be presented by Ms.  
31 Leslie News.

32

33 Ms. News - Thank you, Mr. Secretary. Good morning, members of the  
34 Commission. We have seven items on our expedited agenda this morning. First item is  
35 found on page three of your agenda and is located in the Varina District. This is a transfer  
36 of approval for POD-160-85, Sheraton Richmond Airport, which was formerly the  
37 Richmond Airport Hotel.

38

39 **TRANSFER OF APPROVAL**

40

POD-160-85 POD2019-00016 Sheraton Richmond Airport (Formerly Richmond Airport Hotel) – 5501 Eubank Road	<b>Devang Thakar for Neil Amin:</b> Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Plaza One Associates to Sandston LLC. The 5.14-acre site is located at the southwestern corner of the intersection of Eubank Road and Fercroft Road, on parcel 819-711-7070. The zoning is M- 1, Light Industrial District and ASO, Airport Safety Overlay District. County water and sewer. <b>(Varina)</b>
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41

42 Mr. Baka - Is there anyone present in opposition this morning to the  
43 transfer of approval for POD-160-85, Sheraton Richmond Airport (Formerly Richmond  
44 Airport Hotel)? Okay.

45

46 Mr. Mackey - Mr. Chairman, seeing no opposition I move for approval of the  
47 transfer of approval for POD-160-85, Sheraton Richmond Airport (Formerly Richmond  
48 Airport Hotel), on the expedited agenda, subject to the previously approved conditions.

49

50 Mrs. Thornton - Second.

51

52 Mr. Baka - We have a motion by Mr. Mackey and a second by Mrs.  
53 Thornton. All in favor say aye.

54  
55 The Commission - Aye.

56  
57 Mr. Baka - Opposed say no. The motion carries.

58  
59 The Planning Commission approved the transfer of approval request for POD-160-85  
60 (POD2019-00016) Sheraton Richmond Airport (Formerly Richmond Airport Hotel) from  
61 Plaza One Associates to Sandston LLC, subject to the standard and added conditions  
62 previously approved.

63  
64 Ms. News - The next item is on page 4 of your agenda and located in the  
65 Varina District. This is a transfer of approval for POD-94-74, G5 Holdings, which was  
66 formerly Lerch Brothers Office and Warehouse, and staff recommends approval.

67  
68 **TRANSFER OF APPROVAL**

69  
POD-94-74 **Samuel and Felicia Matthews for G5 Holdings, LLC and**  
POD2018-00067 **Treo Enterprise Solutions, Inc.:** Request for transfer of  
G5 Holdings (Formerly approval as required by Chapter 24, Section 24-106 of the  
Lerch Brothers Office and Henrico County Code from Lerch Brothers Corp. to G5  
Warehouse) – 6380 Holdings, LLC and Treo Enterprise Solutions, Inc. The  
Beulah Road 21.33-acre site is located on the western line of Beulah  
Road, south of the C. & O. Railroad right of way and  
Portugee Road, on parcel 827-704-7629. The zoning is M-  
2 General Industrial District and ASO, Airport Safety  
Overlay District. County water and sewer. **(Varina)**

70  
71 Mr. Baka - Is there anyone present this morning in opposition to transfer  
72 of approval for POD-94-74, G5 Holdings (Formerly Lerch Brothers Office and  
73 Warehouse)?

74  
75 Mr. Mackey - Mr. Chairman, there being no opposition I move for approval  
76 of the transfer of approval for POD-94-74, G5 Holdings (Formerly Lerch Brothers Office  
77 and Warehouse) on the expedited agenda, subject to the previously approved conditions.

78  
79 Mrs. Thornton - Second.

80  
81 Mr. Baka - We have a motion by Mr. Mackey and a second by Mrs.  
82 Thornton. All in favor say aye.

83  
84 The Commission - Aye.

85  
86 Mr. Baka - Opposed say no. Motion carries.

87



88 The Planning Commission approved the transfer of approval request for POD-97-74  
89 (POD2018-00067) G5 Holdings (Formerly Lerch Brothers Office and Warehouse) from  
90 Lerch Brothers Corp. to G5 Holdings, LLC and Treo Enterprise Solutions, Inc, subject to  
91 the standard and added conditions previously approved.

92  
93 Ms. News - Next is on page 5 of your agenda and located in the Tuckahoe  
94 District. This is a transfer of approval for POD-03-06 and POD-77-82, Sunrise Senior  
95 Living (Formerly Gayton Terrace). The staff recommends approval.

96

97 **TRANSFER OF APPROVAL**

98

POD-03-06 and POD-77-82 POD2019-00385 and POD2019-00386 Sunrise Senior Living (Formerly Gayton Terrace) – 12401 Gayton Road	<b>Bridget Gloekler for CSH-ING Gayton Terrace LP and Sunrise Senior Living, LLC:</b> Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Aspen Gayton Terrace, LLC. to CSH-ING Gayton Terrace LP and Sunrise Senior Living, LLC. The 9.874-acre site is located on the east line of Gayton Road and the west line of Poplar Forest Drive, approximately 600 feet south of the intersection of Ridgefield Parkway and Gayton Road on parcel 732-750-7894. The zoning is R-6C, General Residential District (Conditional). County water and sewer. <b>(Tuckahoe)</b>
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99

100 Mr. Baka - Is there anyone present this morning in opposition to the  
101 transfer of approval for POD-03-06 and POD-77-82, Sunrise Senior Living (Formerly  
102 Gayton Terrace)?

103

104 Seeing none, I will make a motion to move that POD-03-06 and POD-77-82, Sunrise  
105 Senior Living, be approved on the expedited agenda, subject to the previously approved  
106 conditions.

107

108 Mr. Archer - Second.

109

110 Mr. Baka - We have a motion by Mr. Baka, a second by Mr. Archer. All  
111 in favor say aye.

112

113 The Commission - Aye.

114

115 Mr. Baka - Opposed say no. Motion carries.

116

117 The Planning Commission approved the transfer of approval request for POD-03-06 and  
118 POD-77-82 (POD2019-00385 and POD2019-00386), Sunrise Senior Living (Formerly  
119 Gayton Terrace) from Aspen Gayton Terrace, LLC. to CSH-ING Gayton Terrace LP and  
120 Sunrise Senior Living, LLC, subject to the standard and added conditions previously  
121 approved.

122



160 **TRANSFER OF APPROVAL**

161

POD-15-01  
POD2019-00297  
Reflections Apartments  
(Formerly Henrico Senior  
Living/Reflections) – 3701  
Gay Avenue

**J. David Page for SF Reflections LLC and Cambridge Management, Inc.:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from HC One LP to SF Reflections LLC. The 12.58-acre site is located along the southern line of Gay Avenue, approximately 900 feet west of Laburnum Avenue, on parcel 813-717-2321. The zoning is R-5C, General Residential District (Conditional), C-1, Conservation District, and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

162

163

Mr. Baka - Anyone present this morning in opposition to the transfer of approval for POD-15-01, Reflections Apartments (Formerly Henrico Senior Living/Reflections)?

164

165

166

167

Mr. Mackey - Mr. Chairman, with there being no opposition I move for approval of the transfer of approval for POD-15-01, Reflections Apartments (Formerly Henrico Senior Living/Reflections), on the expedited agenda, subject to the previously approved conditions.

168

169

170

171

Mrs. Thornton - Second.

172

173

Mr. Baka - A motion by Mr. Mackey, second by Mrs. Thornton. All in favor say aye.

174

175

176

The Commission - Aye.

177

178

Mr. Baka - Opposed say no. Motion carries.

179

180

The Planning Commission approved the transfer of approval request POD-15-01 (POD2019-00297), Reflections Apartments (Formerly Henrico Senior Living/Reflections) from HC One LP to SF Reflections LLC, subject to the standard and added conditions previously approved.

181

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183

184

Ms. News - The next item is on page 11 of your agenda and located in the Fairfield district. This is POD2019-00207, Stylecraft Homes Office Expansion. There is an addendum item indicating that the applicant has agreed to provide enhanced landscaping around the generator and dumpster, and staff recommends approval.

185

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195

196 **PLAN OF DEVELOPMENT**

197

POD2019-00207  
(POD-10-02 Rev.)  
Stylecraft Homes Office  
Expansion – 6225  
Lakeside Avenue (State  
Route 161)

**Youngblood, Tyler, and Associates for Dominion Property Group, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 9,780-square foot addition to an existing office building. The 1.17-acre site is located on the eastern line of Lakeside Avenue (State Route 161), approximately 150 feet south of Timberlake Avenue, on parcels 781-748-3772, 781-748-3679, 781-748-3183, and 781-748-3388. The zoning is B-1, Business District. County water and sewer. **(Fairfield)**

198

199 Mr. Baka - Okay. Is there anyone present this morning in opposition to  
200 POD2019-00207, Stylecraft Homes Office Expansion on Lakeside Avenue? Seeing  
201 none.

202

203 Mr. Archer - Mr. Chairman, I move for approval of POD2019-00207. Did  
204 you mention the addendum item?

205

206 Ms. News - Yes, sir. I mentioned the addendum item.

207

208 Mr. Archer - Okay. Let me start over. I move for approval of POD2019-  
209 00207, Stylecraft Homes Office Expansion, 6225 Lakeside Avenue, including the  
210 addendum item from this morning and conditions 29 through 34.

211

212 Mr. Witte - Second.

213

214 Mr. Baka - We have a motion by Mr. Archer and a second by Mr. Witte.  
215 All in favor say aye.

216

217 The Commission - Aye.

218

219 Mr. Baka - Opposed say no. Motion carries.

220

221 The Planning Commission approved the plan of development for POD2019-00207,  
222 Stylecraft Homes Office Expansion, subject to the annotations on the plans, the standard  
223 conditions attached to these minutes for developments of this type, and the following  
224 additional conditions:

225

226 29. The entrances and drainage facilities on Lakeside Avenue (State Route 161) shall  
227 be approved by the Virginia Department of Transportation and the County.

228

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



- 232 31. Outside storage shall not be permitted.
- 233 32. Approval of the construction plans by the Department of Public Works does not
- 234 establish the curb and gutter elevations along the Virginia Department of
- 235 Transportation maintained right-of-way. The elevations will be set by the contractor
- 236 and approved by the Virginia Department of Transportation.
- 237 33. The location of all existing and proposed utility and mechanical equipment
- 238 (including HVAC units, electric meters, junction and accessory boxes,
- 239 transformers, and generators) shall be identified on the landscape plans. All
- 240 equipment shall be screened by such measures as determined appropriate by the
- 241 Director of Planning or the Planning Commission at the time of plan approval.
- 242 34. The garage use shall meet the requirements of Section 24-56.1(d) of the County
- 243 Code and shall not be used for storage of equipment or building materials, or
- 244 vehicle maintenance or servicing.

245

246 Ms. News - The final item is on page 19 of your agenda and located in the

247 Brookland District. This is POD2019-00392, Aspire at Carriage Hills Assisted Living.

248 There is an addendum item which deletes condition number 30 and the Director of Public

249 Works has agreed to delete the sidewalk along Bremner and accept an alternate location

250 along Glenside Drive, as previously agreed to, for the sidewalk. The revised staff report

251 indicates staff recommends approval, and there is a revised plan in your addendum. Staff

252 recommends approval.

253

254 **PLAN OF DEVELOPMENT**

255

<p>POD2019-00392 Aspire at Carriage Hills Assisted Living – 7098 Fernwood Street</p>	<p><b>Timmons Group for BPMS Carriage Hill AL LLC, AG-BH Acclaim Owner, LLC, 7108 Fernwood, LLC, Hunt Club LLC, BRG Carriage Hill IL, LLC, BPMS Carriage Hill Holdings, LLC, and Bonaventure Realty Group, LLC:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a three-story, 101,970-square foot assisted living building with 124 units. The 3.91-acre development site is part of the overall 61.88-acre Carriage Hill senior living community, located along the southern line of Bremner Boulevard, approximately 80 feet west of Fernwood Street, on parcel 770-749-6475, part of parcel 770-749-9008, and part of parcel 770-748-2488. The zoning is R-6C, General Residential District (Conditional). County water and sewer. <b>(Brookland)</b></p>
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256

257 Mr. Baka - Is there anyone present this morning in opposition to

258 POD2019-00392, Aspire at Carriage Hills Assisted Living? Okay.

259

260 Mr. Witte - Mr. Chairman, I move POD2019-00392, Aspire at Carriage

261 Hills Assisted Living be approved on the expedited agenda, subject to annotations on the



262 plans, standard conditions for developments of this type, additional conditions 29, 31, and  
263 32 with deletion of condition 30 in the agenda, and the revised plan in the addendum.

264

265 Mr. Mackey - Second.

266

267 Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Mackey.  
268 All in favor say aye.

269

270 The Commission - Aye.

271

272 Mr. Baka - Opposed say no. The motion carries.

273

274 The Planning Commission approved the plan of development for POD2019-00392, Aspire  
275 at Carriage Hills Assisted Living, subject to the annotations on the plans, the standard  
276 conditions attached to these minutes for developments of this type, and the following  
277 additional conditions:

278

279 29. The right-of-way for widening of Bremner Boulevard as shown on approved plans  
280 shall be dedicated to the County prior to any occupancy permits being issued. The  
281 right-of-way dedication plat and any other required information shall be submitted  
282 to the County Real Property Agent at least sixty (60) days prior to requesting  
283 occupancy permits.

284 30. ~~DELETED~~ A concrete sidewalk meeting County standards shall be provided along  
285 the southern side of Bremner Boulevard.

286 31. The proffers approved as a part of zoning case REZ2018-00045 shall be  
287 incorporated in this approval.

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

294

295 Ms. News - And that concludes our expedited agenda.

296

297 Mr. Baka - Thank you.

298

299 Mr. Emerson - Mr. Chairman, we now move on to the subdivision extensions  
300 of conditional approval. There are none this morning, so we move into your regular  
301 agenda, to page 8, for POD2019-00388, Kimley-Horn and Associates for Brandon Wright.  
302 The staff report will be presented by Christina Goggin.

303

304

305

306

307

308 **LANDSCAPE PLAN**

309

POD2019-00388  
Everleigh Apartments --  
12651 Three Chopt Road

**Kimley-Horn and Associates for Brandon Wright:**  
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 8.65-acre site is located on the southern line of Three Chopt Road, approximately 620 feet west of its intersection with Lauderdale Drive, on parcel 735-761-8792 and part of parcel 736-761-3774. The zoning is R-6C, General Residential District (Conditional), O-2C, Office District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

310

311 Mr. Baka - Is there anyone present this morning in opposition to  
312 POD2019-00388, Kimley-Horn and Associates for Brandon Wright, Everleigh  
313 Apartments? We will have a staff presentation and we will get to you in just a couple of  
314 minutes. Good morning.

315

316 Ms. Goggin - Good morning. This landscape plan is for Everleigh  
317 Apartments which is currently under construction on this parcel right here. Proffers of  
318 rezoning 2018-00010, there are proffered buffers in the rear of the site adjacent to  
319 Springrock at Wellesley and Foxfield at Wellesley, which is this property line here. The  
320 buffers consist of a 10-foot natural landscape buffer that must be maintained to a ten-foot  
321 transitional buffer quality, and an additional 10-foot buffer that is supplemented with an  
322 additional landscaping, for a total of 20 feet, as per proffer.

323

324 The applicant decided to retain the entire 20 feet of existing mature woods. In addition to  
325 the landscape buffer, the applicant is building garages and providing a six-foot tall fence  
326 between the garages -- which is, here are the garages and the fence between the garages  
327 -- to create an opaque screen between the complex's parking lot and the existing  
328 neighborhoods, for a total area of 35 feet of landscaping from the rear property line, which  
329 exceeds the minimum proffer of 20 feet.

330

331 There is a proffered 25-foot buffer adjacent to the western property line, over here, and  
332 the apartments are separated from Three Chopt Road by proffered 25-foot landscape  
333 strip and planted at a 35-foot transitional. And here is the apartment complex and here  
334 is the 35-foot West Broad Street overlay buffer, as shown on these sheets.

335

336 The developer and the design firm, Kimley-Horn, met with Foxfield and Wellesley  
337 representatives three times over the summer of 2019 to discuss and design the plan. In  
338 September, the Wellesley Homeowners Association issued a letter indicating that the  
339 Board of Directors approved the plan at their meeting August 20th, 2019.

340

341 Staff recommends approval subject to the annotations on the plan and the standard  
342 conditions for landscape plans. Robbie Roach, who designed the plan, is here, should

343 you have any questions for him, and I would be happy to try to answer any questions you  
344 have of me.

345  
346 Mr. Baka - Okay. Does the Commission have any questions for the staff?  
347 Okay. Thank you. Mrs. Thornton, how would you like to proceed?

348  
349 Mrs. Thornton - Hear from the opposition.

350  
351 Mr. Baka - Okay. Would you please come forward? And Mr. Emerson,  
352 would you take this opportunity to read our guidelines for public hearings?

353  
354 Mr. Emerson - Yes, sir, Mr. Chairman. As you note, the Commission does  
355 have guidelines that govern its public hearings and they are as follows: The applicant is  
356 provided 10 minutes to present their case. The opposition is provided 10 minutes,  
357 cumulative, to raise concerns regarding the case, meaning everybody who wishes to  
358 speak needs to fit within that 10 minutes. Questions from the Commission do not count  
359 into the time limits, and the Commission may extend those time limits at their discretion.  
360 And all comments must be directly related to the case under consideration.

361  
362 Mr. Baka - Good morning and welcome. Please state your name for the  
363 record.

364  
365 Ms. Robinson - Good morning. My name is Jeannie Robinson. My address  
366 is 12069 Foxfield Circle. I first would like to thank Ms. Goggin for all her help that she has  
367 given me, and I have just a very short thing to read and a question.

368  
369 I refer to the area left of the center on your plan, right here, where four dark green circles  
370 are indicated at the end of what is stated as Foxfield Place. These circles indicate green  
371 giant arborvitae, which is a super choice. Having eight years of landscape experience  
372 with a Planning Commission in another state, I noticed whenever the land was initially  
373 cleared several feet of clay was removed from the main site, replaced with dark soil. Soil  
374 on the south side, where I have just indicated, was not replaced and it is composed of  
375 clay. This summer, grass seed was thrown, covered with straw, but it was not successful.  
376 I sent a pic yesterday to the county planner showing this barren area where a six-foot  
377 drop in the land was formed behind the proposed garages, and now there is a large gully  
378 which was flat before construction started.

379  
380 As we all know, there is a standard condition for approval that dead landscaping is to be  
381 replaced in a timely manner. After the first year I assume Kimley-Horn will be gone. My  
382 question is, who do we reach out to should these shrubs die, as no provision appears to  
383 have been made for maintaining or watering this manmade low area?

384  
385 Mr. Baka - Any questions from the Commission of Ms. Robinson?

386  
387 Mrs. Thornton - I have one quick question. Sorry.

388



389 Mr. Baka - Would you be able to come back? Thanks.  
390  
391 Mrs. Thornton - Is it where the sewer drain is?  
392  
393 Ms. Robinson - Yes, ma'am.  
394  
395 Mrs. Thornton - So there's like a road, like a -- like here's the neighborhood  
396 and then there's this road, and it has to bring the sewer through? Is that where you are  
397 talking about?  
398  
399 Ms. Robinson - It's past the sewer. It goes straight down and then it goes  
400 straight up. And I tried to measure it yesterday and I sent pics to Christina, and I said,  
401 no, this isn't going to work.  
402  
403 Mrs. Thornton - Okay. So let's let the applicant address this. And then we'll --  
404  
405 Ms. Robinson - That's fine. I just wanted to bring this to your attention so that  
406 we don't have problems later.  
407  
408 Mrs. Thornton - Thank you.  
409  
410 Mr. Baka - Thank you very much. Is there anyone else first that would  
411 like to speak in opposition to this case? Okay. If not, would the applicant please come  
412 forward? Good morning. Welcome.  
413  
414 Mr. Roach - My name is Robbie Roach and I'm with Kimley-Horn. I'm a  
415 landscape architect who has been working on this project from the beginning with  
416 Greystar. To address the -- so just so you realize this, this whole area beyond the 20-  
417 foot existing buffer, trees, is additionally a swale condition, where we need to flush  
418 stormwater away from the adjacent property and our property. And it is being channeled  
419 into the BMP that's to the west. So that kind of indicates why there's a low point here.  
420  
421 Currently it is under construction and there is a stockpile of topsoil that will be replaced  
422 before planting begins for this area. So right now, if you look at it today, it's all under  
423 construction and it looks like barren earth, and it's, you know, eight inches below the top  
424 curb right now. All that is going to be infilled and amended with topsoil before they plant  
425 that strip. So I don't know if that addresses the concern.  
426  
427 And then warranty-wise, we have a few phone numbers that they can contact, if they can't  
428 contact the County. If they can't contact the County, the representative of Greystar has  
429 several phone numbers that they can reach out to.  
430  
431 Mrs. Thornton - And the water, the irrigation?  
432  
433 Mr. Roach - Yep. There's irrigation plans for this area, for the whole site.  
434

435 Mrs. Thornton - Okay. So the six-foot drop, because I've seen it too, where  
436 the sewer is and then it drops off, are you saying that that is going to stay that way to  
437 collect water, or are you going to put --  
438  
439 Mr. Roach - What's the difference -- the six-foot drop from the property line  
440 to the edge of the curb? Is that what we're talking about, or just from what existed right  
441 before construction began and then to date?  
442  
443 Mrs. Thornton - It's pretty -- have you seen it?  
444  
445 Mr. Roach - Yeah, but I don't understand your concern. It will all be  
446 planted. There are several plants that will be planted along that area. So is this a  
447 (indiscernible 18:08) issue or just drop right here.  
448  
449 Mrs. Thornton - Just drop. So you will put the dirt back into the hole.  
450  
451 Mr. Roach - Right. It's going to be higher than it is today.  
452  
453 Mrs. Thornton - Okay. That's what her concern was.  
454  
455 Mr. Roach - Yeah. I think the picture shows kind how the -- (off  
456 microphone, indiscernible).  
457  
458 Mr. Baka - Sorry, ma'am. You'll have to address comments from the mic.  
459 May I follow up on that question, Mrs. Thornton?  
460  
461 Mrs. Thornton - Yes.  
462  
463 Mr. Baka - So, you're talking about the six-foot drop. Is there a way you  
464 can still have adequate drainage and fill in a portion of that six-foot area right now, and  
465 maintain drainage? I mean, I guess I'm saying that that entire depth of six feet is probably  
466 not necessary for current drainage. Correct?  
467  
468 Ms. Westwood - I'm Kelsey Westwood, also with Kimley-Horn. I'm the civil  
469 engineer on the project. There is a swale that is being proposed along that area. We  
470 should be able to get the full swale down to the inlet as it's supposed to be. I mean, I  
471 think if there's a concern right now, you know, Greystar is aware that that needs to be  
472 filled in and we need to make sure the drainage is directed where it's supposed to go, to  
473 the inlets of either side of the swale.  
474  
475 Mr. Baka - And a follow-up question might be on the tip of others' tongues  
476 here, would you have an estimated time frame of when you could do that quick  
477 drainage repair?  
478  
479 Mr. Roach - I don't know if it's a repair necessarily.  
480

481 Ms. Westwood - Right. I don't know that there is a current -- if there is a current  
482 issue, I'm sure that they will be able to address it within, you know, the next month, at the  
483 very latest, I would say. Within the next week or so they could go out and fill any areas  
484 that need to be filled. Like there shouldn't --  
485  
486 Mr. Roach - Finished product.  
487  
488 Ms. Westwood - Yeah, the finished product will not have the low spot, right,  
489 and they have topsoil stockpiled onsite where they can bring it back. You know, they're  
490 going to fill in the areas so there's not a drop-off.  
491  
492 Mr. Roach - And obviously try and limit impacts to the existing woods  
493 under there too, so you don't have a pileup of topsoil anywhere that's going to impact the  
494 existing. I think at the end of the day, when we have the fence (indiscernible 20:10), it  
495 should be a lot nicer picture than what you see today.  
496  
497 Mr. Witte - So to answer Ms. Robinson's concerns, the drop-off is going  
498 to be eliminated.  
499  
500 Ms. Westwood - Yes.  
501  
502 Mr. Witte - And the area is going to be irrigated.  
503  
504 Mr. Roach - Correct.  
505  
506 Mrs. Thornton - And she has numbers to call if something dies after --  
507  
508 Ms. Westwood - Yes.  
509  
510 Mr. Witte - And do you want to get with her and make sure she has those  
511 numbers, as well as the County numbers?  
512  
513 Mr. Roach - We can do that now. Yes, sir.  
514  
515 Ms. Westwood - I have a list of them here too.  
516  
517 Mr. Emerson - Mr. Chair, Ms. Robinson does have the contacts for Kimley  
518 and we would probably be the first contact if there were issues with the buffer, because  
519 we do enforce those.  
520  
521 Mr. Baka - Thank you. Any other questions of the applicant? Thank you  
522 very much. Okay. Any other questions from the Commission? If not, a motion may be  
523 in order.  
524





554 Ms. Goggin - Good morning. This POD for Brook Villas is for three, three-  
555 story apartment buildings totaling 84 units. Here is the site layout. The proposal consists  
556 of a community building, over here, that includes a community room, a fitness center, and  
557 leasing office. A maintenance building is also proposed, over here. The site is  
558 unproffered and was zoned R-5 by the Board of Supervisors by ordinance in January of  
559 1960.

560

561 Access to the development will be from new left- and right-turn lanes located on Villa Park  
562 Drive. So there's the left-turn lane and then there's the right-turn lane. There will be no  
563 access onto the site from Brook Road or from Landsworth Avenue or Wentworth Avenue  
564 and Stuart Ridge subdivision to the south. So there's no vehicular access from these two  
565 roads here.

566

567 The project includes sidewalk along the frontage of Villa Park Drive and Brook Road.  
568 Stormwater outflow is proposed within the Virginia Dominion Power easement at the rear  
569 of the parcel, over here, and Virginia Dominion Power would need to approve anything  
570 within the easements prior to Henrico approving the plan for construction. Two parking  
571 spaces are provided per unit.

572

573 The buildings are light tan, cement fiberboard, and they primarily have an accent tone of  
574 red brick with white vinyl windows and doors, white composite columns and trim, black  
575 aluminum railing, and a wood-tone roof shingle.

576

577 There is a transitional buffer required between Stuart Ridge subdivision and this  
578 development. The applicant proposes to retain the woods from the maintenance shed to  
579 Brook Road, so the woods would be maintained in this area, which is a little over 200  
580 linear feet. From that point, a stormwater pipe and a 16-foot public easement is proposed,  
581 and it would encroach into the 10-foot buffer along this edge, approximately 3.5 feet,  
582 leaving a plantable 6.5-foot wide buffer. To clarify, the applicant is asking for a waiver of  
583 buffer width, not the planting requirement. All of the plantings can still fit in the 6.5 feet.

584

585 In addition to providing the transitional plantings, they are providing six-foot vinyl fence  
586 that will run the length of the clearing by the maintenance building to the Virginia Dominion  
587 Power line. So that's from here to Virginia Dominion Power's easement.

588

589 The applicant has provided a profile that shows their request, what they are asking for,  
590 and how it fits on the plan. They are here today to present their waiver request to the  
591 Planning Commission.

592

593 Staff has received phone calls from residents of Stuart Ridge subdivision and is sharing  
594 and discussing the plans with them. Concerns over access to the site, the transitional  
595 buffer deviation request, the height of the proposed apartments next to single-family  
596 dwellings, and lack of privacy were shared with staff.

597

598 Should the Commission choose to approve the request, staff recommends the standard  
599 conditions for developments of this type, and additional Conditions 29 through 39 in the  
600 agenda.

601

602 Jason Wilkins, the engineer, and the developer are here to answer any questions you  
603 may have of them, and I would be happy to answer any questions you may have of me.

604

605 Mr. Baka - Any questions from the Commission for our staff?

606

607 Mr. Archer - Could you put back up the original site map? The colored  
608 one? The first one you showed.

609

610 Ms. Goggin - The aerial?

611

612 Mr. Archer - Yes.

613

614 Ms. Goggin - Yes, sir.

615

616 Mr. Archer - And for the benefit of everyone else, as far as the Dominion  
617 Power line...

618

619 Ms. Goggin - The Dominion Power line is this swath, at the end -- at the  
620 western end of the property, and you can see how it runs back behind the neighborhood  
621 and all the way up. It continues.

622

623 Mrs. Thornton - And then the right-hand side, near Brook Road, is the buffer  
624 that they are leaving?

625

626 Ms. Goggin - On the southern property line? Let me go back. I'm sorry. I  
627 misunderstood.

628

629 Mrs. Thornton - I just wanted to see where they said that they are not touching  
630 it. So it is the corner near Brook.

631

632 Ms. Goggin - Yes. About 200 linear feet from here to here would be left  
633 untouched.

634

635 Mr. Baka - Other questions from the Commission? If not, thank you. Mr.  
636 Archer, how would you like to proceed?

637

638 Mr. Archer - I would like to hear from the opposition first and then the  
639 applicant next.

640

641 Mr. Baka - Okay. Would whoever would like to speak first please come  
642 on down to the podium, and if I may, let me ask Mr. Emerson to brief us again on the  
643 guidelines for public hearings.



644  
645 Mr. Emerson - Yes, sir, Mr. Chairman. Again, the Commission does have  
646 guidelines that govern their public hearings and they are as follows: Ten minutes is  
647 provided to the applicant to present the case. Ten minutes is provided to the opposition.  
648 Cumulatively, all comments need to fit within that 10 minutes. Questions from the  
649 commission do not count into those time limits, and, of course, either of those time limits  
650 can be extended by the commission, at their discretion. And all comments should be  
651 directly related to the case under consideration.

652  
653 Mr. Baka - Good morning. Welcome.

654  
655 Ms. Repole - Good morning. This is my worst nightmare.

656  
657 (Laughter.)

658  
659 Mr. Baka - No. Please relax. Please state your name.

660  
661 Ms. Repole - My name is Mary Repole.

662  
663 Mr. Archer - Can you please spell your name?

664  
665 Ms. Repole - R-E-P-O-L-E. It looks like re-pole. I just purchased a house  
666 at 7511 Landsworth Avenue, so it would be -- I'm not really sure where it would be on this  
667 map, but I think it's behind one of the big buildings. So along that southern line, like where  
668 that is, that is where my -- Landsworth, yeah. So we actually walk -- I have a dog, so we  
669 walk in that woods all the time, and there are a lot of big, old tree growth, that I assume  
670 is going to be removed.

671  
672 But my issue is that 10 feet actually isn't that far into the woods, and, you know, the other  
673 neighborhood gets a 20-foot buffer and they want to take our 10 foot to 6.5 or something  
674 like that. And it just seems like, one, it's destroying the nature, but also, like, there just  
675 wouldn't be much of a buffer, and we are going to be able to see those big buildings  
676 towering over our small little rancher-style neighborhood. I just think that it would be a  
677 bad idea.

678  
679 Mr. Baka - Okay. Any questions from the Commission of Ms. Repole?

680  
681 Ms. Repole - Also, I'm opposed. I don't know if I made that clear.

682  
683 (Laughter.)

684  
685 Mr. Baka - Would someone else who would like to speak please come  
686 forward? Good morning. Welcome.

687  
688 Ms. Beaumont - Good morning. My name is Evelyn Beaumont and I live on  
689 Wentworth Avenue. I brought some pictures. There we go. This is -- we have lived in

690 this neighborhood for 22 years, and this is the -- at the end of our street, Wentworth, is  
691 the wooded area that will be removed for this apartment complex. This is inside of the  
692 woods. This is one of the houses at the end, which, adjacent to this house will be the  
693 largest of the three apartment buildings, and the maintenance shed, and the community  
694 building, sorry, will be next door to that house. And this is from Villa Park -- I'm kind of  
695 going backwards here, unfortunately. Sorry. This is from our street. So this has been  
696 the buffer between our neighborhood and Villa Park forever. And it was pointed out that  
697 this was probably wooded before, when our houses were built, but my house was built in  
698 1936, so that may have bothered somebody back then.  
699

700 So, anyway, this has been our buffer. So now, with four days' notice, we found out that  
701 there is going to be three -- that there are going to be three three-story buildings right  
702 adjacent to our neighborhood. And we have some concerns about the speed with which  
703 we are being made to learn this. We got notice in the mail on Friday of a meeting on  
704 Wednesday at 9 a.m., which made it nearly impossible to notify neighbors about this. The  
705 issue they want -- they would like to reduce their 10-foot buffer. We have had -- I walked  
706 through here and it's about 60 of my paces. I have no idea what that is. But it's about 60  
707 paces of woods, and now we're reduced to a 10-foot buffer that will have newly planted  
708 trees, and they would like to decrease that by 3.5 feet. I'm not really understanding what  
709 that means.  
710

711 The gentleman from the developer said that it really wouldn't impact the 10 feet. Our  
712 concern is that we suddenly are learning that this is happening, that we are not going to  
713 have any trees, that there is a request for a reduction of 3.5 feet, and we have to decide  
714 it right now, because they don't have time to -- they are on a time schedule.  
715

716 We have a real concern here for our neighborhood and to sort of getting our head around  
717 what is now going to be our neighbor, and what our visual is going to be to -- that replaces  
718 these woods at the end of our street.  
719

720 Mr. Baka - Thank you. Any questions from members of the Commission  
721 of Ms. Beaumont?  
722

723 Mrs. Thornton - Just real quick. The blue tags on a lot of those trees, is that  
724 where the border, or do you even know?  
725

726 Ms. Beaumont - I don't really know. I know that the tags are survey, which is  
727 what has been done. But all of the trees will be removed, and the -- and then they will  
728 plant new trees of whatever, you know, 10 feet, whatever. I don't know what the  
729 parameters are. But there will be a plant and a bush every 100 feet?  
730

731 Ms. Goggin - The Transitional Buffer 10 is two large trees, ultimate height  
732 of 50 feet, one small tree of ultimate height of 25 feet, and 25 shrubs every 100 linear  
733 feet.  
734

735 Mr. Baka - Okay, thank you. Any other questions from the Commission?  
736 Okay. Thank you very much. Is there anyone else who would like to speak on this case?  
737 Okay. Anyone else at all? We will have one we can get to next. Good morning.  
738 Welcome.

739  
740 Ms. Snellings - Melanie Snellings.

741  
742 Mr. Baka - I'm sorry, your last name?  
743

744 Ms. Snellings - Snellings. S-n-e-l-l-i-n-g-s. I own a house on Wentworth, so  
745 that's the one closest to Brook Road. I want to echo my neighbors' opposition, echo their  
746 voices about this is my worst nightmare as well, being up here speaking. I also just want  
747 to bring up the questions about the property value this sort of development will do to us  
748 on our streets. I want to echo that, yes, we've lived in a quiet, little neighborhood for a  
749 long time. We have children who, you know, who play in the streets. I am very happy to  
750 know that there is no traffic thoroughfares for the apartment complex, but foot traffic, the  
751 increased foot traffic, of course, that's always a concern as well.

752  
753 I also, you know -- as my neighbor talked about some, you know, major (indiscernible  
754 38:26) and we will greatly miss the wind through those pines at the end of our street, as  
755 will our children, I'm sure. Thanks for letting me echo my neighbors' opposition.

756  
757 Mr. Baka - Yes. Any questions from the Commission of Ms. Snellings?  
758 Thank you. Thank you for your comments. Is there anyone else who would like to speak  
759 on this matter this morning? Please come forward. Good morning. Welcome.

760  
761 Ms. Peters - Good morning. Thank you. Name is Gwenda Peters. I live  
762 at 7506 Wentworth. I guess my biggest concern right now is that we had such limited  
763 notice of this, and I think that the buffer issue is a big deal. And I think perhaps if they  
764 want the extra 3.5 feet, I think there might be some other options that should be on the  
765 table, somewhat make it where we would have a little bit more of a separation from our  
766 neighborhood and a huge development. So maybe this is something they should revisit.  
767 Maybe they should do some kind of study on the noise that it will create, the visual impact,  
768 something like that. That would give me a little more confidence. So, I do oppose this, at  
769 this juncture.

770  
771 Mr. Baka - Any questions of Ms. Peters? Thank you. Any other speakers  
772 on this matter? Please come forward. Good morning.

773  
774 Ms. Brewer - Good morning. My name is Patricia Brewer. I'm at 7526  
775 Landsworth Avenue, so I am the last house, and my yard backs up to the Dominion Power  
776 easement. I know that this is about the buffer, but I feel the need to say that I'm actually  
777 forced to sell my house because of this project. I bought the house knowing there were  
778 woods. Now I'm going to be looking at a three-story building. So my house is on the  
779 market, if anyone wants it.

780



781 My concern -- I have multiple concerns, obviously. But with the buffer, because we -- I  
782 will echo what everyone else has said -- we have looked at woods the whole time we've  
783 all lived there, and now you are reducing it to 10 feet, 6.5 feet, whatever it is. So that's --  
784 it's not why you bought a house. We didn't buy our homes to look at three-story apartment  
785 buildings.

786

787 I understand there is going to be a six-foot vinyl fence. Who maintains that fence? Is that  
788 the apartment complex that maintains that fence? They're going to be putting trees, 50-  
789 foot trees? How close are they going to be to the fence, and how is that going to affect  
790 the fence over time? Trees grow. Roots -- you know, fences fall, things like that.

791

792 I also understand that there is no stormwater retention pond, that it is all going into the  
793 gully that used to be the trolley lines back there. So that probably means additional  
794 standing water by my house, additional mosquitos. And there is also a Dominion access  
795 power -- excuse me, a Dominion Power access road that goes right next to my house  
796 now, and I don't see that on the plans so I don't actually know how Dominion Power is  
797 going to access the big old pole in my back yard.

798

799 Mr. Baka - Okay. Any questions for Ms. Brewer from the Commission?

800

801 Ms. Brewer - Thank you.

802

803 Mr. Baka - Thank you very much. We are at 10 minutes right now. This  
804 is -- and the final question, is there anyone else who would like to speak here on this  
805 matter, with any new information? Okay. Thank you. Anyone else at all?

806

807 Mr. Archer, how would you like to proceed?

808

809 Mr. Archer - Let's hear from the applicant. I think they realize they've got  
810 their work cut out for them.

811

812 Mr. Baka - Would the applicant please come forward? Good morning  
813 and welcome.

814

815 Mr. Koogler - Good morning. My name is David Koogler. I am president of  
816 the Mark-Dana Corporation. We are the developer of the project. I appreciate you giving  
817 us the opportunity to come before you this morning and answer any questions that you  
818 might have.

819

820 If I may, just a little bit of background on our company. We develop affordable housing  
821 using the Federal housing income tax credit. We have been doing it since the inception  
822 of the program and signed into law by President Reagan in the mid '80s. We are a family-  
823 owned company. My parents formed the company when my father retired from a  
824 business in mining. They returned to Virginia, where they were both raised, and started  
825 developing housing. He built one of the first affordable housing developments using the  
826 tax credit program in the state of Virginia. We have been developing continuously since.

827 We own every property that we have developed, and we maintain every property that we  
828 have developed. The properties that we have had for over 15 years now we have gone  
829 back in and rehabbed them, modernized them, made them energy efficient.

830

831 I went to Washington & Lee Law School and when I graduated, I moved to Houston,  
832 where I married a Houston native, and so I'm still in Houston. We develop in Houston as  
833 well, using the same program, and again, we own and maintain our own properties and  
834 we keep them, we're proud of them. We feel that they contribute to the community. They  
835 provide housing for people of moderate income, and we keep up with them for the long  
836 term. Because we are a long-term builder we are not like a market-based builder that is  
837 going to sell it in three to five years, so we focus on quality because we are going to have  
838 to maintain it for the next 15, 20, 30 years.

839

840 So that's a little bit about us. And I am happy to answer any questions that you may have  
841 for us about the project, and I can go into further detail on any of the comments that have  
842 been brought up.

843

844 Mr. Archer - You heard several concerns raised by the neighbors. The  
845 ones that I've listed that deserve the most attention: the stormwater issue, access to major  
846 power lines, who maintains the fences. There was concern about the buffer deviation  
847 and also the fact that there was little notice. But I guess you could start there and see if  
848 you can't alleviate some concerns that people have about this proposal. I would like to  
849 remind the neighborhood, unlike zoning cases, this is not one that we can just find  
850 reasons to approve or not. What we do with plans of development, the major premise is  
851 that the plans must fit within the framework of what the law allows you to do.

852

853 Mr. Koogler - Yes. Thank you. I'm going to ask Jason to address some of  
854 the drainage questions, but before he does, as far as who maintains the fence, it is going  
855 to be us, and we are going to maintain the apartment development as part of it, and we  
856 will maintain that. As far as the reduction in the buffer goes, I think, technically, we are  
857 asking for a reduction in the buffer, but as a practical matter that buffer still exists. The  
858 reason for that reduction -- and, Jason, correct me if I misspeak -- is that we have to put  
859 a drainage line in, and we are not allowed to plant over that drainage line. So that 3.5  
860 feet is where the drainage line is going to go. There is not going to be anything above it,  
861 including plantings. And then we'll have a fence and then we'll have trees along the fence.  
862 You know, we have proposed a six-foot fence. If an eight-foot fence helps, I am happy  
863 to do that. But it will be our responsibility to maintain the plantings and the fence, and we  
864 plan to do that.

865

866 And we would be happy to plant evergreen trees instead of so many shrubs, so that will  
867 grow taller and hopefully help a little bit with the visual aspect. I'm trying to remember all  
868 the questions. Why don't you address the drainage?

869

870 Mr. Thornton - So let me say something before the gentleman comes up. I  
871 have been listening to your response to Mr. Archer and hear the residents come up and  
872 express some of their thoughts. It's always been a concern to me, since I've been on the



873 board, how we handle buffers and how we address serious, sometimes, without a lot of  
874 forethought telling the truth.

875

876 And so I also learn about the sensitivity, this issue of building a new initiative, and here  
877 you have an existing neighborhood. It looked like also you would show some sensitivities,  
878 not just what you have by right. I just want to know that there is a humane part, you know,  
879 as part of your perspective to the perspective of those who are living there at the time.  
880 And sometimes when I hear your comments, I don't seem to hear that. And one of the  
881 concerns we have in Henrico is that we want to make sure that all our residents are  
882 treated fairly, and also that each house that they have is their chateaus, their homes, their  
883 abodes.

884

885 But I would like to see the development show a little bit more sensitivity as you come into  
886 everything, and you may not hear yourself sometimes, but some of us who have to make  
887 a decision on this, it seems like a little bit lack of sensitivity sometimes. And I just want  
888 to share that with you because sometimes we don't hear ourselves. And I know this is  
889 the nature of the venture of the company.

890

891 But also, we need to consider the people who were there in the beginning, their sensitivity.  
892 I think this always helps. And then we're talking about, you know, three stories. So what  
893 I tend to do sometimes, is I try to put myself in other people's positions. And I know that  
894 when we talk about proffers and these things, it may come down to doing that. But I also  
895 think we need to bring a level of sensitivity to some of these things that we want to have  
896 in Henrico County, and I just want to make sure that, you know, you're more cognizant of  
897 what people say. And when the people make certain suggestions or recommendations,  
898 you have to listen to them. That's very important. Sometimes I don't know whether or  
899 not that is heard as much as it is expressed, and if I were in your shoes, I would want to  
900 make sure, did I say that right? Did I say anything insensitive to these people that we're  
901 going to build this? I am just sharing this with you because I think it is good for you to  
902 know.

903

904 Mr. Koogler - I do appreciate that, and I apologize if I come across as  
905 insensitive. I didn't mean that. We do want to take the neighborhood into, you know, their  
906 concerns, and there's not a whole lot we can do because we can't build an apartment  
907 complex there and, you know, keep, you know, the entire forest. So, you're right, we are  
908 going to have to take down a lot of the trees that are there along that southern boundary  
909 line, so that we can put in the drainage system. So believe me, we would love to keep  
910 those trees there if we could. We are going to try to keep the trees, you know, the trees  
911 where we don't have to disturb them there along Brook Road. I know that doesn't help  
912 the neighbors to the south, at least the ones that are here.

913

914 But we do -- I do want to take their concerns into account, and, like I said, you know, we  
915 can do what we can do. If a taller fence helps, we are happy to do that. If replacing some  
916 of the shrub requirements with evergreen trees helps, we are happy to do that as well.  
917 We did try to take into account some conditions that would probably make the project  
918 more appealing visually. It is 85 percent brick. It is hardy. It is going to be a good-looking



919 building. It is one that I think we can all be proud of once we see it. And I've given -- I  
920 met with a couple of the residents briefly before the meeting, and I'm happy to give them  
921 a business card and talk to them about things. You know, we try to be very good  
922 neighbors.

923

924 We are building a development in Berryville, Virginia, northern Virginia, right now. You  
925 know, we meet -- I meet once a month with the construction team, the city. The assistant  
926 town manager comes to those meetings, and each meeting she described how surprised  
927 she is that she hasn't had one single resident complain about our construction.

928

929 So, you know, I'm not saying there won't be a complaint on our construction. It is  
930 construction, but we will do everything we can to minimize that, and I'm happy to talk with  
931 the residents and try to address the concerns that we can address as we develop the  
932 project. And anything else I can do, I'm happy to -- I don't know it all and I'm happy to  
933 learn, so if you have any advice, please let me know. And with that... Jason would you  
934 like to address the drainage, and if I missed any questions, I can come back and answer  
935 them.

936

937 Mr. Wilkins - Good morning. My name is Jason Wilkins with Townes Site  
938 Engineering. I think initially I can speak to the stormwater management concerns. We  
939 don't have a traditional wet pond on this project, but what we have done is designed an  
940 underground detention system, which you can see kind of where I'm hovering over here,  
941 between these two buildings, which all of our drainage for this property is going to get  
942 conveyed to that underground system, and we are detaining it. Actually, we are in a  
943 certain district of the county where we have to detain excessively beyond what is normal.  
944 It's a 50-10, if you guys are familiar with that, where you have to take the 50-year post-  
945 development flow and reduce it to the 10-year pre-development flow. So it is a pretty  
946 significant reduction in stormwater flow that we are going to be providing on this project.  
947 So that is kind of -- that's what we are doing to address the stormwater.

948

949 The questions about the Dominion Power driveway and easement -- so when we first  
950 started working on this project, we were provided with an updated title search on the  
951 property, and our survey department reviewed that and we prepared an alternate survey,  
952 walked the property, and did all of the appropriate research. That driveway actually is not  
953 in the Dominion Power easement. And it may be used by them or from other people for  
954 different reasons, but it is actually not in an easement. And to my knowledge, Dominion  
955 Power accesses this easement either from -- there's a public alley that is behind the lots  
956 in the subdivision that touches it. Yeah, they could come up Ridge Road and then access  
957 it, or they could even -- I mean, there's direct access from Villa Park Drive, although I  
958 don't think that's practical. That is how they are able to access the Dominion Power  
959 easement.

960

961 I am also happy to get into any more details about this buffer, specifically why we are  
962 asking for it. I think maybe this cross-section that we had done -- okay. The reason --  
963 we initially didn't think we were going to need this, and when we got into looking at the  
964 design of this project, one thing we realized is that from the subdivision to the south,

965 where the neighbors live, there is about six acres of drainage that drains to our property,  
966 which was unaccounted for. The subdivision is very old. So, we had to intercept that  
967 water before it hit our buildings that we are proposing.

968

969 So in order to do that we had to put in a stormwater pipe, which has to be in a public  
970 easement because we're intercepting off-site water, and then that gets us into we have a  
971 public easement, we have our 10-foot transitional buffer, and they are going to have to  
972 overlap with each other. And, you know, we can't plant trees over a public easement, for  
973 maintenance reasons. So what we are proposing to do is take all of -- as everybody said  
974 before, with staff, we are trying to take -- we are going to take all the plants that are  
975 required and we are going to put them in 6.5 feet, instead of the 10 feet. The actual  
976 distance from our apartment building to the property line has not changed. It is the exact  
977 same, as it would have been if we weren't asking for this deviation. And in addition to  
978 that, my client is proposing a privacy fence, which is an additional item, which he also  
979 offered to make it taller. And I think, you know, by the time you -- if we end up going with  
980 something like some evergreens, if you kind of imagine what that will look like with a  
981 privacy fence, evergreens, knowing that the building is still the same distance from the  
982 property lines it would have been anyway, I feel like that's a significant improvement over  
983 what would have been just standard -- you know, if we weren't asking for this deviation  
984 and we just went in there and planted according to code, what they are going to end up  
985 with now, it's going to be an improvement, visually.

986

987 I'm happy to answer any questions about this particular item or anything else related to  
988 the site.

989

990 Mr. Baka - Would you be able to retain or -- I guess I don't get, you know,  
991 I don't get it. Why can't you retain some of the existing tall trees in that 6.5-foot area, prior  
992 to construction?

993

994 Mr. Wilkins - Well, because of the drainage coming from the neighborhood  
995 off-site, we have to grade in the swale, and so it's really just a matter of 6.5 feet, you  
996 know, with limitations of trying not to grade -- you don't want to have a steep drop-off, you  
997 know, something like, you know, a slope that could be maintained and mowed a three to  
998 one, a four to one. So, it really just comes down to the design of the site and trying to  
999 make everything work, capture the drainage between the building and the property line,  
1000 is really what is critical there.

1001

1002 Mrs. Thornton - So they'll see the white fence, and then the trees would be on  
1003 the inside of the fence.

1004

1005 Mr. Wilkins - Correct.

1006

1007 Mrs. Thornton - So if you stagger, stagger Steeplechase Arborvitae in a  
1008 triangle, they do grow 50 feet and it is a complete barrier wall. I've seen it done in other  
1009 places, but if you have to plant them in a triangle, of course as they get bigger they get  
1010 skinny, so to make that effect. So that's like twice as many trees as you are proposing



1011 now, just to get back to what you are going for. Because evergreens, you are going to  
1012 do them and then you're going to have a see-through if you just plant them beside each  
1013 other.

1014  
1015 Mr. Wilkins - Right. You're talking about kind of a diagonal frame, or  
1016 staggered, so they kind of all fill in and create a wall, essentially, of evergreens. Yeah,  
1017 I'm happy to --

1018  
1019 Mr. Koogler - We would be happy to do that. That sounds like a good idea.

1020  
1021 Mr. Baka - You know, just to Mrs. Thornton's comment about staggering  
1022 to create that fill-in, that's the gap on the left side of the page here. What about the area  
1023 on the right side of the page, between the edge of the stormwater easement, this dashed  
1024 line, and the building wall? I realize that's not up against where the fence is, but would it  
1025 be advantageous to install taller trees there?

1026  
1027 Mr. Wilkins - So you're referring to between the pipe and proposed  
1028 apartment building?

1029  
1030 Mr. Baka - Not just the pipe but the edge of that easement, that dashed  
1031 line, the proposed building wall, yes.

1032  
1033 I don't know if that would give you additional screening in the long term. It's not a short-  
1034 term solution at all, it's a long-term idea.

1035  
1036 Mr. Wilkins - I know that when we proposed the plan and we were trying to  
1037 get that close to a building, I mean, there are certain building code issues also with having  
1038 like shrubs and some things. But, you know, I guess the large trees or, you know, thinking  
1039 long-term, I don't know how close you want to propose building -- I mean, outside of that  
1040 it's a great idea. I'm just thinking of the feasibility of it.

1041  
1042 Mr. Baka - And I'm not a landscape architect, so it's just a thought.

1043  
1044 Mr. Witte - It seems like a possibility to me to move the building towards  
1045 Villa Park?

1046  
1047 Mr. Wilkins - Right now, our layout, we have a parking lot and our buildings,  
1048 essentially as tight as we can make them. We have designed this site, you know, to be  
1049 as efficient as possible, based on the density that is permitted, and there, unfortunately,  
1050 is not -- without losing something in the way of parking, I think right now we are already  
1051 parked at what the code requirement is. There isn't additional parking that we can lose  
1052 to make up for it. Yeah, I guess the answer is no, there really -- there is not room on this  
1053 site to really start playing with the layout and taking a building and moving it over, you  
1054 know, 3.5 feet to make up for that 3.5 feet. Even that alone would get some of the parking  
1055 into the setback on Villa Park Drive.

1056



1057 Mrs. Thornton - You're saying you can't add parking to like Brook Road, that  
1058 big green area that you're saving? Is there a reason?  
1059

1060 Mr. Wilkins - Well, I guess one issue is how that parking actually functions  
1061 with this site being, you know, all the way up on -- closer to Brook Road, and there's  
1062 nowhere we can relocate the actual residential buildings themselves. So, you know, we  
1063 kind of played around with the idea of where additional parking could go, but that parking,  
1064 in that location, is not going to realistically be used. And it also, I think, having a buffer of  
1065 natural vegetation there probably is a good thing. That's kind of where we landed with  
1066 our layout, because I just don't see, you know, functionally, parking in that location  
1067 working for residents that are going to end up walking to the other side of the property.  
1068

1069 Mr. Witte - What's the distance from the buildings to the furthest parking  
1070 space?  
1071

1072 Mr. Wilkins - Well, right now I guess we've got some parking that sits in this  
1073 area on this side of the triangle that we've got in the middle. So these folks are probably  
1074 more inclined to, you know, maybe go to this building or --  
1075

1076 Mr. Witte - Okay. That building there at the bottom. That's actually not  
1077 far from the wooded area and that shed. If you move that shed back 30 or 40 feet, it  
1078 seems to me like there would be enough room to add additional parking spaces and leave  
1079 the buffer, by moving the building 3.5, 4 feet, and that way save some of the big trees.  
1080

1081 Mr. Wilkins - So it's gaining the additional 3.5 feet for plantings... I mean, is  
1082 that -- that's what we're looking to achieve by this?  
1083

1084 Mr. Witte - That's what I hear is part of it.  
1085

1086 Mr. Wilkins - I don't -- again, I mean, it's something that we could look at. I  
1087 don't think that -- it would be unfortunate, with the dimensions on this property here, in  
1088 order to really pick up any space to lose parking, this row of parking that's along the  
1089 setback from Villa Park would need to go away completely. So you'd take this drive aisle  
1090 and put it up against the setback.  
1091

1092 Mr. Witte - And how many spots are those?  
1093

1094 Mr. Wilkins - Well, that's probably 15 maybe. But the issue is that that's  
1095 going to -- you know, that's about 18 feet that you'd be moving the site over.  
1096

1097 Mr. Witte - Make it 20. You've got 100 feet there.  
1098

1099 Mr. Wilkins - I just -- unfortunately, with the amount of work and the detail  
1100 that's gone into laying this out, because it is very tight, I can't stand up here and just tell  
1101 you right now that we can make that work, because there are a lot of site constraints with  
1102 the, you know, what we're working with.

1103  
1104 Mr. Baka - Does anyone on the Commission have any further questions  
1105 while we are waiting?  
1106  
1107 Mr. Wilkins - Okay. We have come up with a solution, with Planning  
1108 Department's help here, that we can present to you. This building right here, at the rear  
1109 of it, where the breezeway is going to be, you see a small bump-out. There's one right  
1110 there where the mouse is. There's three of them. I believe that bump-out is about five  
1111 feet. That bump-out is not really serving a purpose because the breezeway is only going  
1112 to be accessed from the parking lot side, not the rear. So if you took that, we can have  
1113 our tech modify the building plan and then move -- I guess you would leave the building  
1114 where it is but then you can move everything over with the drainage and create the full  
1115 10 feet for the transitional buffer.  
1116  
1117 Mr. Witte - So that would leave more than -- the bigger trees. It would  
1118 possibly save some of those.  
1119  
1120 Mr. Wilkins - You're referring to the existing vegetation?  
1121  
1122 Mr. Witte - Yes.  
1123  
1124 Mr. Wilkins - We can look at that. Right now, all of the -- that whole area  
1125 between the building and the property line is where we are having to collect all of the  
1126 drainage coming from the subdivision, and we -- you really have to grade that to collect  
1127 that, because it's like six acres of drainage, which is pretty considerable. So that's really  
1128 the issue with not being able to leave trees right there, is we have to grade in a drainage  
1129 channel to collect all of that water.  
1130  
1131 Mr. Witte - I understand that, but I've seen selective cutting and removal  
1132 before, and if you save a couple of big trees by rerouting and going around them, it seems  
1133 like it would be a prudent thing to do, and it would be a lot more sensitive to the  
1134 homeowners.  
1135  
1136 Mr. Wilkins - I agree. I guess I'm just trying to, I guess it's in my nature --  
1137 I'm just trying to think realistically. You've got grading going on next to an existing tree.  
1138 Even if it's five feet off of whatever may be, the long-term effect on that tree to survive...  
1139  
1140 Mr. Witte - I agree, but I think it's worth the effort, in coordination with an  
1141 arborist or somebody.  
1142  
1143 Mr. Wilkins - Understood.  
1144  
1145 Mr. Baka - Any other questions from the Commission?  
1146  
1147 Mr. Archer - Mr. Chairman, I would like to make some comments.  
1148

1149 Mr. Baka - Thank you, Mr. Wilkins.

1150

1151 Mr. Archer - Thank you. It is quite apparent here that the neighborhood  
1152 wasn't too well involved in this early on, with what's going on. And I know you're up against  
1153 a time restraint, but it appears to me, that with some more time, there could be some  
1154 changes to be made that would be beneficial to both sides. Now, as far as the  
1155 neighborhood is concerned, we are not able to save places where you walk your dogs  
1156 and those kinds of things, because under the POD process, we just don't have that kind  
1157 of authority. A little bit more of this would be true if it were a rezoning case. But in this  
1158 case, I think what you should do is try to arrange a meeting with the neighborhood as  
1159 soon as possible, and let them have some hands-on experience with what it is you are  
1160 trying to propose, instead of relaying that, you've got time to do this in between times,  
1161 between now and the next Zoning meeting, which would be roughly two weeks, the 14th  
1162 of November.

1163

1164 You all could meet with them and make them understand the things that you can do, and  
1165 we can help you understand the things that you are allowed to do, and then you are able  
1166 to come back on the 14th for a decision only, and you won't have any more back-and-  
1167 forth between anyone. But at least that will give them time to give some input and give  
1168 you time to rethink the things that were suggested. Just to make sure everybody  
1169 understands, again, this is a plan of development and we don't have a whole lot of leeway  
1170 in whether or not you're improving it or not, it's about whether you're fitting in the  
1171 constraints of what is allowed. So if you all can arrange that meeting, and as many of  
1172 you in the neighborhood try to attend, if you can, and present your ideas to the developers,  
1173 so they could have a chance to see what they can do and hopefully alleviate some of  
1174 these concerns. Does that sound reasonable to everybody?

1175

1176 I request a Planning Commission's deferral, and bring it back on the 14th, Thursday night,  
1177 and we will make a decision. And by that time you all would have had a chance to talk to  
1178 the developer, to present some of your ideas. I don't want you to get the idea that all of  
1179 them will be met, but maybe some if they can. We can't solve everything, because the  
1180 Zoning Ordinances don't allow us to do that. I think the zoning, the ten-foot buffer? What  
1181 is it called, Ms. Goggin?

1182

1183 Ms. Goggin - Ten-foot transitional buffer.

1184

1185 Mr. Archer - What is the zoning...

1186

1187 Ms. Goggin - Oh, the zoning. I'm sorry.

1188

1189 Mr. Emerson - That goes back to the '30s, I believe, Mr. Archer.

1190

1191 Mr. Archer - That's what it is. So between then and now, a lot of trees have  
1192 grown and died, and grown up again in their place. So I just want to make sure you all  
1193 understand what we can do and how we can do it. So with that I will make a motion that



1194 we defer this until November 14th, and again, that would be for a decision only, not to  
1195 hear more discussion.

1196  
1197 Mr. Witte - Second.

1198  
1199 Mr. Archer - And you can arrange a meeting and get with these folks to  
1200 decide what is a convenient place to have it.

1201  
1202 Mr. Baka - Motion by Mr. Archer and second by Mr. Witte to defer this  
1203 case until Thursday, November 14th, at 7:00 in the evening. All in favor say aye.

1204  
1205 The Commission - Aye.

1206  
1207 Mr. Archer - Decision only.

1208  
1209 Mr. Baka - Decision only. All opposed say no. The motion passes.

1210  
1211 At the request of the Planning Commission, the Planning Commission deferred  
1212 POD2019-00390, Brook Villas, to the November 14, 2019 meeting.

1213  
1214 Mr. Emerson - Mr. Chairman, we now move on to page 13 of your agenda  
1215 for POD2019-00393, Timmons Group for Central Virginia/Rocketts Landing, LLC,  
1216 Rocketts Block 17, LLC, and WVS/Rocketts Landing. The staff report will be presented  
1217 by Ms. Aimee Crady.

1218  
1219 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

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1226 Ms. Crady - Good morning. The developer is requesting approval for the  
1227 waterfront development of commercial buildings west of the Capital Trail, located here,  
1228 on Blocks 17 and 19, shown on this aerial. The current plan proposes the Block 17 steel  
1229 structure here, be redeveloped for restaurant space, and the Block 19 pad to be  
1230 constructed as office space, which is consistent with the commercial designation on the  
1231 original 2005 master plan adopted with the Rocketts Landing urban mixed-use district  
1232 and subsequent master plan updates approved with all previous plans of development.  
1233

1234 The proposed restaurant is proposed as a steel-frame structure and will incorporate the  
1235 existing masonry with metal panels and clerestory glass windows and metal roofing, as  
1236 shown here. The proposed two-story office building includes portions of that as  
1237 mezzanine space. It is designed to include finishes of red brick as well and patina green  
1238 aluminum siding paneling, these panels here that you see.  
1239

1240 Fire lanes to serve the proposed buildings will be established by the widening of this  
1241 portion of Capital Trail from the existing 10-foot wide section to a 20-foot-wide section,  
1242 per the request of Division of Fire, to meet their standards, just for this section of the trail.  
1243 The easement agreements for the Capital Trail provides for the use of the right-of-way for  
1244 vehicular access through here. Staff has reviewed those agreements.  
1245

1246 Recommended condition number 35 is recommending additional technical design  
1247 components necessary for implementing the widening of the trail, as required by VDOT,  
1248 once they have completed their review of scope of work and all technical details of that.  
1249 The Department of Public Works Traffic Division has reviewed the proposal and  
1250 recommends approval to it.  
1251

1252 Continuation of streetscape elements and lighting are shown on the plan. It demonstrates  
1253 the required lighting levels of the UMU ordinance are met. The landscape plan proposes  
1254 street trees along Capital Trail, consistent with the Rocketts Landing pattern book for this  
1255 promenade.  
1256

1257 The staff recommends approval subject to the annotations on the plans, the standard  
1258 conditions for developments of this type, and conditions 1, 2, 17, 24, and 25 modified in  
1259 the agenda to address provisions of Public Utilities by the City of Richmond, as well as  
1260 11B for lighting approval, and additional conditions 29 through 35, as listed in the agenda.  
1261

1262 Richard Souter, the developer, is here to answer any questions you have of the applicant,  
1263 and I'm happy to answer any questions you may have of the staff.  
1264

1265 Mr. Baka - Any questions of the staff?  
1266

1267 Mr. Mackey - Not at this time, Mr. Chairman.  
1268

1269 Mr. Baka - Thank you. At this time, how would you like to proceed, Mr.  
1270 Mackey?  
1271



1272 Mr. Mackey - I would like to hear from the opposition.

1273

1274 Mr. Baka - Okay. Whoever would like to speak first would you please  
1275 come forward, and just as Mr. Emerson indicated earlier, I just wanted to echo that we  
1276 will allow for 10 minutes cumulative time for all the total speakers that would like to speak  
1277 in opposition, and 10 minutes in support.

1278

1279 Good morning and welcome.

1280

1281 Ms. Joslin - Good morning. I am Daryl Joslin. I live at 22 Capital Trail  
1282 Road. If you look at that, the building would be on the right end of this building. So in  
1283 2017, I built my home. I built it -- okay, well, I've never seen this before so -- but that's  
1284 okay. So I built my home in 2017. It is 14 inches above the floodplain. This parcel, as  
1285 you can see, is in the floodplain. There is 150 feet of natural trees and plants. We talked  
1286 to FEMA. I was concerned about floods. FEMA insured us, because we were at risk.  
1287 That was post the Houston floods, where the 100-year plains didn't hold. So we are right  
1288 there.

1289

1290 In 2018, the developer bulldozed down and pulled out dozens of 100-foot trees along the  
1291 James River, right in front of our house. And note, we never had a water view. When we  
1292 bought we knew that there was woods there, we knew there was water, but we didn't  
1293 have a water view. Suddenly we had a water view, but everything was gone, and the  
1294 flood zone, everything is cleared.

1295

1296 So now we come to today. Developers are now using the floodplain for storing and  
1297 staging construction for an apartment building next to us. We would anticipate the plan  
1298 he has, that for the next four years, at least, if not five, we will have construction in front  
1299 of us. So our concern is not vegetation, necessarily, or anything else. It is flood. That is  
1300 our biggest concern. We had -- FEMA estimated that we would, if there is a flood, get a  
1301 bunch of flooding in our house.

1302

1303 There are 27 homes that are going to be affected by this. I think they only got notices on  
1304 the front row, but the second row is in the same situation for flood risk. We are anywhere  
1305 from two feet to eight inches above the flood zone, right behind.

1306

1307 So doing my research with my contacts with the environmental group, and understanding  
1308 the Dillon Home Rule State, I worked to find out the Virginia Department of Environmental  
1309 Quality has mandated that there are several things that must be done, and this refers to  
1310 Article 2.3. We need to see stormwater management plans. We need the Army Corps  
1311 of Engineers to do a survey on impact analysis. We need compliance with the  
1312 Chesapeake Bay Preservation Act, because this James River does flow in there. We  
1313 have also the need to have compliance with wetland watch rules. We need compliance  
1314 with Virginia's Floodplain Safety Management.

1315



1316 So that is what -- at this point in time, I would really like to table this until all of those  
1317 studies have been done and we, in Rocketts Landing, in those townhouses, know that  
1318 our properties are safe.

1319

1320 Mr. Baka - Okay.

1321

1322 Ms. Joslin - So, I just want to remind you that if I was in Richmond this  
1323 wouldn't even be a discussion, because of the way they manage the waterfront. But in  
1324 Henrico we are not doing that now. And this will set a precedent for everything that is  
1325 going forward that is on the James River. Thank you.

1326

1327 Mr. Baka - Any questions of Ms. Joselyn from the members of the  
1328 Commission?

1329

1330 Mr. Mackey - I don't have a question for Ms. Joslin but I do have a question  
1331 for staff.

1332

1333 Mr. Baka - Thank you very much.

1334

1335 Mr. Mackey - Do we have an engineer that can speak to the DEQ findings  
1336 or regulations?

1337

1338 Ms. Crady - So the basic requirements of the Plan of Development do  
1339 require that stormwater management be submitted with the Plan of Development. Sarah  
1340 Briggs is here but she is not the particular engineer that reviewed this proposal, but she  
1341 could speak to what is in the Plan of Development, the components that she would review  
1342 under stormwater management and other reviewers, where we do take into account the  
1343 wetlands, the floodplain, the base flood elevations. The commercial requirements are  
1344 different from residential requirements in the floodplain. These buildings are proposed a  
1345 minimum of 1 foot above the base flood elevation, and that has been confirmed with David  
1346 Gunn, our floodplain engineer. So that has been taken into account as well. Robin Wilder  
1347 with our environmental group, has confirmed that the development within the RPA under  
1348 the existing exception for the RPA encroachment is consistent and congruent with what  
1349 was approved previously for this block. But I'll let Sarah Briggs come up and she --

1350

1351 Mr. Baka - Or if it helps -- would it help to hear from everyone?

1352

1353 Mr. Mackey - Yes. Yes. I just wanted to make sure we had that, and I  
1354 wanted to let everybody else know that this time does not deflect from your time. This is  
1355 just a question.

1356

1357 Mr. Baka - Thank you. Who else would like to come forward to speak?  
1358 Please come forward. Good morning and welcome.

1359

1360 Mr. Bailey - Good morning. My name is Norman Bailey. I live at 6 Capital  
1361 Trail Road. I am one of the 15 homes facing the Capital Trail. My biggest concern, we

1362 knew that the building was proposed and things like that. But in those two proposals  
1363 there is not one single parking space. We have no parking as it is. The only parking  
1364 provided to us, in those 15 homes, is the two spots in a parking garage. We can't have  
1365 friends over. We can't have family over. There is no parking. So how can we do a  
1366 25,000-square foot office building with no parking? I mean, and a restaurant. There is  
1367 no parking. How about ADA?

1368  
1369 Mr. Mackey - Okay.

1370  
1371 Mr. Bailey - That's my biggest concern. There's just nowhere to park. And  
1372 I don't think the county has taken that into consideration in this development. Two parking  
1373 spots is just not enough for a three-bedroom house. And there's people with kids in  
1374 college coming home, and we struggle to find parking. And we have to park two or three  
1375 blocks away.

1376  
1377 Mr. Baka - All right. Any questions from the Commissioners for Mr.  
1378 Bailey?

1379  
1380 Mr. Mackey - No, thank you. Thank you, Mr. Bailey.

1381  
1382 Mr. Baka - Thank you, sir. Who else would like to come forward and  
1383 speak? Please come forward. If you would like to go next. Either one. Good morning.

1384  
1385 Mr. Quackenbush - Doug Quackenbush. I also live on Capitol Trail.

1386  
1387 Mr. Mackey - Can you spell your last name, please?

1388  
1389 Mr. Quackenbush - Q-u-a-c-k-e-n --

1390  
1391 Mr. Mackey - Q-u-a-c-k-e-n --

1392  
1393 Mr. Quackenbush - -- b-u-s-h.

1394  
1395 Mr. Mackey - -- b-u-s-h. Thank you, sir.

1396  
1397 Mr. Quackenbush - My concern is green space, and I know the definition of green  
1398 space. Here is a bush beside the sidewalk. I'm talking about green space for children,  
1399 and even the developer said something. Children -- we still have dozens of families who  
1400 have children -- these children don't have a place to play, unless it's in the street, and  
1401 even on the Capital Trail, where we have trucks and tractors and bulldozers going up and  
1402 down the trail, that's not even a safe place for kids to play.

1403  
1404 Also, one morning, on a Saturday, I was out on my deck. I counted over 160 dogs in this  
1405 area. That's about a two-hour period. And granted I haven't seen 160 dogs since then.  
1406 It was a beautiful day and people were using the trail, stopping. I've seen families on their  
1407 bicycles come to this area for picnics. I'm concerned that our community -- we have a

1408 beautiful community here, lovely neighbors -- will not have a place to have a picnic, or to  
1409 walk your dog.

1410

1411 Now even in high-density populations like Manhattan, 14 percent of land area is assigned  
1412 to public areas, as in parks. If you've been to Manhattan you know you can walk two,  
1413 three, four blocks in any direction and find a place to sit on a park bench, have your lunch,  
1414 walk your dog, have your kids play. This is a beautiful community and I don't know if it  
1415 works for this construction proposal.

1416

1417 So my biggest concern is for a place for kids to play, a place for dogs to walk and do their  
1418 business.

1419

1420 Mr. Baka - Okay. Any questions of Mr. Quackenbush?

1421

1422 Mr. Mackey - No.

1423

1424 Mr. Baka - Thank you, sir.

1425

1426 Mr. Quackenbush - Thank you.

1427

1428 Mr. Baka - Who else would like to come forward to speak? Good  
1429 morning. Welcome.

1430

1431 Mr. Sabet - Good morning. My name Omar Sabet.

1432

1433 Mr. Mackey - Did you say Sabet?

1434

1435 Mr. Sabet - Sabet. S-a-b-e-t, and I live in the development of Rocketts  
1436 Landing. I echo exactly what he is saying. In a mixed-use, high-density area you need  
1437 green spaces. The building behind me, right behind me, the mother of a newborn, she is  
1438 walking in the area behind me. There's an alley, a road. She can't walk from her house.  
1439 There's no sidewalk on the Route 5. If she goes to the trail, it's dangerous. There's so  
1440 many bikes coming so fast. She is complaining. They just recently moved in and there's  
1441 no place for her to walk with a stroller and feel comfortable. We need a park. I don't  
1442 understand how we can approve and not have green spaces, aside from small areas with  
1443 sidewalks. That's not an environment for people. We need green space, maybe a  
1444 playground, something like this.

1445

1446 In this area, yesterday morning, right in front -- and I have the pictures -- I saw a beautiful  
1447 buck with horns. There are apparently 300 pairs of eagles nesting. What you set up here  
1448 is precedent. If you go a little bit further, it's a quarry. Then it's the gas pipes and all of  
1449 that. Where are people going to go, when you are developing this entire, up and down  
1450 Route 5. The road can't accommodate it. It's a safety issue. There was a tow truck. It  
1451 blocked the road. People could not come in. People couldn't exit. It was there for an  
1452 hour, there was a blockage. During July 4th, people were parking in the No Parking.



1453 Suppose I have a fire. And all this is not considering the safety. So I will just leave it at  
1454 that.

1455  
1456 Mr. Baka - Okay. Any questions for Mr. Sabet? Thank you, sir. We are  
1457 almost at 10 minutes. We have a couple of more speakers. These two speakers would  
1458 like to speak. Good morning. Welcome.

1459  
1460 Ms. Graham - Good morning. My name is Jamie Graham. I live at 32 Capital  
1461 Trail Road, directly across from the proposed building. My concern is regarding access  
1462 to that building. We face right onto Capital Trail. Like many have already said, there is a  
1463 lot of bikes, people walking. It's a great addition to Richmond. How are the people that  
1464 are going to work in this apartment building going to get across the Capital Trail and how  
1465 are they going to get supplies, trucks, equipment, things that you need in an apartment  
1466 building? How are they going to get access to that apartment building? And I echo others'  
1467 concerns of where are these people going to park. Parking is definitely an issue.

1468  
1469 And I know when we purchased our home, we were told that it was zoned for a two-story  
1470 office building, but this is the first rendition we have seen of the proposed building. And I  
1471 don't know if it's just the picture that I saw but what is the definition of two-stories, because  
1472 it looks really, really tall. That second story looks like it has a glass access. It looks very,  
1473 very high.

1474  
1475 Again, access is definitely a concern. When we had the 4th of July there were people  
1476 trying to drive on the trail. There is really no -- are they going block off an area where  
1477 people can cross the trail to get to work, because it's just quite busy. The other proposed  
1478 restaurant building is going to directly butt up against one of our pools, we have two  
1479 neighborhood pools, and the newest one that just finished this year. This is the first year  
1480 we used it, directly against that proposed restaurant. And how are people going to access  
1481 that restaurant? We have our pool, a pool house, and another right next to that, and the  
1482 restaurant is right there. Right across from that is an apartment building that's being built  
1483 right now, two stories of parking, and two-stories of apartments. But that's going to be  
1484 obviously a very high-density building as well.

1485  
1486 Mr. Baka - Okay. Any questions of the Commissioners of Ms. Graham?  
1487 Thank you.

1488  
1489 We are at 10 minutes. I would like to have at least one speaker -- are there two more?  
1490 All right. Let's go with the speaker at the podium and the two others right here. Thank  
1491 you. Good morning and welcome.

1492  
1493 Ms. Williams - Good morning. I'm Allison Williams. I also live right near the  
1494 construction area, 100 Old Main Street. I second the concern, or third, or fourth, the  
1495 parking issues are non-existent. The parking is non-existent in that area. And as a person  
1496 abutting this construction area, I wonder how they can access the restaurant and parking.  
1497 Without blocking the cul-de-sac until the current builders can then -- took down all the No  
1498 Parking, Fire Zone signs. It's used for parking all the time now, and how are we going to



1499 get fire trucks and ambulances -- food service trucks, are they going to come at 4 in the  
1500 morning? Dumpster banging. I would like to have some kind of plan as to where parking  
1501 is going to be and how and when service vehicles are going to be allowed to access these  
1502 buildings.

1503

1504 Mr. Baka - Okay. Any questions of Ms. Williams?

1505

1506 Mr. Mackey - No, sir.

1507

1508 Mr. Baka - Thank you. Thank you, Ms. Williams. Good morning.

1509

1510 Ms. Cooper - Good morning. Hi, I'm Karen Cooper and I live at 4940 Old  
1511 Main Street, in a condo that my eye level is right at the rusty structure that proposed to  
1512 be the restaurant. I also have been trying to acquire another parking space for the year  
1513 and a half I've lived there, and there are none available to purchase or to lease. So I'm  
1514 one of the lucky ones that is finding parking along the street. When I come home late at  
1515 night, there's been times where I just park in fire lanes because I'm afraid to park over by  
1516 the bus stop because there are some people hanging around there. So it's a little fearful  
1517 for parking now for me.

1518

1519 And there are just no spaces if I have to leave at night, and there's no spaces in the big  
1520 lot in the middle of the day because we have a problem with commuters that are parking  
1521 in Rocketts and getting on the bus line. So that needs to be addressed too. But parking  
1522 is huge. I've been hearing it from everybody.

1523

1524 My concern is also with the restaurant. I think there needs to be a stop again, for  
1525 communication for people living there. They are hearing all the concerns, and what are  
1526 they going to do with hours. How are they going to access everything? Where are all  
1527 these patrons going to park? Have there been studies of how many people are coming  
1528 to the restaurants, where they're parking, how many people will be in the office building,  
1529 where are they parking? Like others said, there is nothing down there for them to park,  
1530 at all. Nothing. I know. I look at it every day. Thank you.

1531

1532 Mr. Baka - Thank you. Any questions of Ms. Cooper? Thank you,  
1533 ma'am. We do have one last speaker. I know we've gone over a few minutes. Thank  
1534 you. Good morning. Welcome.

1535

1536 Ms. Sullivan - Very quick, I definitely --

1537

1538 Mr. Baka - That's okay. Please state your name for the record.

1539

1540 Ms. Sullivan - I'm sorry. Lynne Sullivan. I live at 5110 Old Main Street,  
1541 which is in this area. I have the concerns that everyone else has said, majorly about the  
1542 flood zone and trees that came down, the green space, the parking that I've been here  
1543 before to talk about the parking in Michael Kennedy's office. I'm sure the developer will  
1544 come up after me and tell you there's more than adequate and that there's even more

1545 than they thought there was going to be. And I would love to see all the numbers, because  
1546 I feel like I know it's developing and things that were going to be commercial are now  
1547 going to be townhomes.

1548  
1549 As things change, the parking requirements change, and I understand all of that. But in  
1550 this block, which is so highly dense, and I don't know, you know -- I had numbers from  
1551 the County that say that in land bay 4D, which is before us, where the Skyline and the  
1552 Fall Line are, that the density is 28.87. Our residential density in this particular land block  
1553 is 46.53, which is significantly more. Yet, the only flex parking we have are a few spots  
1554 in front of the townhomes, and everybody is trying to use them for their guests -- the  
1555 apartments, the townhomes. And now we're going to have a restaurant, commercial. I  
1556 don't see how adding more to our problem is in any way going to get any better. During  
1557 the day, of course it's not bad right now, but obviously that will change, and become like  
1558 the night times and the weekends. We can point fingers and say it's the townhomes not  
1559 sufficiently using their space, it's the apartments. I'm not going to go there.

1560  
1561 Mr. Baka - Okay.

1562  
1563 Ms. Sullivan - But I do have all those concerns. I'm just going to read one  
1564 thing. I would hope we could all think about -- this is from 2012, when the Planning  
1565 Commission, I guess, was reviewing all the documents, CVI, for Rocketts Landing. It was  
1566 a summary of staff report and a land use analysis, and its locations. And I just think that  
1567 it's interesting. It says, "When completed, the portion of Rocketts Landing at Henrico  
1568 County is projected to include a 176-slip marina, a riverfront park, pocket parks, open  
1569 plazas, village greens, and unified, high-quality architecture." I'm not sure that we're  
1570 actually abiding by what that says --

1571  
1572 Mr. Baka - Okay.

1573  
1574 Ms. Sullivan - -- including the architecture. I think -- and this is just my own  
1575 opinion -- that commercial space, to me, looks like a middle school or a library. I don't  
1576 see how it ties into the architecture that's there, as well as all the other issues.

1577  
1578 Mr. Baka - Thank you. Any questions of Ms. Sullivan?

1579  
1580 Mr. Mackey - Ms. Sullivan, I had a question. You speak particularly to the  
1581 restaurant or the offices?

1582  
1583 Ms. Sullivan - The commercial office.

1584  
1585 Mr. Mackey - The office building. All right. Thank you.

1586  
1587 Mr. Baka - Thank you.

1588  
1589 Mrs. Thornton - That's the restaurant?

1590

1591 Mr. Mackey - Yeah. But you would think the office -- right, right. Okay. All  
1592 right. Thank you.

1593

1594 Mr. Baka - Mr. Mackey, how would you like to proceed?

1595

1596 Mr. Mackey - I would like to hear from the applicant.

1597

1598 Mr. Baka - Would the applicant please come forward. And, if necessary,  
1599 the applicant could also have a couple of additional minutes as we went over time. Good  
1600 morning. Welcome.

1601

1602 Mr. Souter - Richard Souter, the developer at Rocketts Landing. I don't  
1603 really know where to start. I mean, I can kind of work through the comments.

1604

1605 Mr. Mackey - Most of the comments are with the parking. That's no  
1606 surprise. But we also have a lot of concerns with the access issue, access issues to the  
1607 restaurant as well as the office portion.

1608

1609 Mr. Souter - Okay. Let's just start with these two buildings on the riverfront.  
1610 The proposed restaurant is the existing steel shell. It just kind of sits there on an existing  
1611 property foundation, and then we have the neighboring building next to it that we have  
1612 known is going to be a building for a long time. I think all the residents, when they bought  
1613 homes from H.H. Hunt bought with the knowledge that a building would be there. It is a  
1614 two-story building. The whole site, in my mind, is going to be tiered, in that each rooftop  
1615 looks over the next rooftop, and I assure you that, and the two-story building will be  
1616 significantly shorter than the first row of townhouses on the other side of the Capital Trail.

1617

1618 In terms of access, we've got -- can you put up the slide?

1619

1620 [Pause.]

1621

1622 Mr. Souter - Yeah, that'll work. So we put two streets that kind of end, like  
1623 before the Capital Trail. Old Delaware Street comes down and there's a cul-de-sac, and  
1624 then Old Charles comes down and kind of ends just before the Capital Trail. The idea is  
1625 that you're going to get circulation that's going to come down one or the other of those  
1626 roads, go along the Capital Trail, and come back up the other way, hence the fact that we  
1627 are widening the Capital Trail from a 10-foot trail to a 20-foot trail. That's shown partly for  
1628 fire, but also partly for the necessity of these buildings having to have services. So we  
1629 will certainly divide the trail into a side that's a permanent thoroughfare, if you will, and  
1630 another 10 feet that will handle deliveries, be it any kind of delivery.

1631

1632 A point to note, Virginia Capital Trail, we still own that land. We granted an easement to  
1633 VDOT to build the Capital Trail, and part of granting that easement we retained the rights  
1634 to use the Capital Trail in order to support buildings that have no other means of access,  
1635 particularly these. But they have a swimming pool next door that has potential emergency  
1636 requirements, and then down on the City side we own the Boathouse Restaurant and the



1637 Conch, and they have grease traps sort of down at that lower level. So there's always --  
1638 we have always known that there's a need to use the trail, not just drive on the trail and  
1639 destroy the great amenity that the City and the County have, but we have known that  
1640 there was going to be a need. And these two buildings, in particular, are inaccessible  
1641 other than using this additional 10 feet on the Capital Trail. So I think we've come up with  
1642 a workable plan in order to handle the logistics of how these buildings are going to function  
1643 in the future.

1644

1645 Right now we do not have the restaurant tenant and we do not have the commercial  
1646 tenants. We are working. We are in talks with a restaurant tenant, and we have had  
1647 numerous looks at the office, but we just want to be practical about getting the POD done  
1648 so that when we find a tenant, we can actually be more proactive and get things done  
1649 quicker.

1650

1651 Mr. Mackey - As far as the commercial tenant, where will they park?

1652

1653 Mr. Souter - Yeah, okay. This building Block 17, which was -- so I think  
1654 about two weeks ago I came, and we spoke about Block 20 townhomes and I imagine  
1655 the case after this is actually talking about Blocks 21 and 23, which is another batch of  
1656 extending our condominiums. But Block 17 is a building that has three levels of parking  
1657 on it. It has an upper level that you can almost see here. There is a lower level beneath  
1658 that and then a third level below that, that are accessed — the upper level is accessed  
1659 out of this Old Hudson Street, next to Fall Line condominiums, and then there's another  
1660 access off of Old Delaware, that's the second level, and then there's an access right down  
1661 near the bottom of the cul-de-sac that accesses a third level. We are really using the  
1662 topography of the surrounding terrain in order to not have a deck that ramps. You  
1663 basically have three separate levels, accessed off the street, because it falls down that  
1664 much.

1665

1666 Within this building you have about 150 parking spaces for commercial users along here,  
1667 so daytime users for an office user, and evening and nighttime use for a potential  
1668 restaurant. So at the end of the day, if I don't provide enough parking spaces, I will not  
1669 be able to attract tenants and I will sit with a vacant site for the rest of time. So, I mean,  
1670 in terms of parking, for these particular uses, not in general, for these particular uses, if I  
1671 can't provide enough parking then I've stymied myself. So I think I have enough parking  
1672 to make this work, and I'm quite sure if I sign a tenant to do that, they will have to buy into  
1673 my selling point or not. I do not think I am going to have a parking problem to deal with a  
1674 restaurant and an office building over here.

1675

1676 Mr. Mackey - Another question that we have. I think it was Ms. Joslin. How  
1677 long do you anticipate the construction to be, because it's going to affect about 27 homes  
1678 nearby?

1679

1680 Mr. Souter - I mean, I think construction probably affects everyone, but the  
1681 good thing we have here at Rocketts Landing, is this is an urban street grid system. So  
1682 to the extent that a street is being used because there's a concrete pour going on, there

1683 are multiple ways to get in and out of Rocketts Landing, which is, you know, urban street  
1684 grid systems are the exact opposite of cul-de-sacs and suburban arterial roads. So  
1685 construction absolutely creates a little bit of chaos on an ongoing basis, but Block 17 is  
1686 under construction right now. This building will be done, I want to say in the third quarter  
1687 of next year. And then these two buildings along the riverfront are entirely subject to us  
1688 being able to attract a tenant.

1689

1690 Mr. Mackey - Right. Exactly.

1691

1692 Mr. Souter - Obviously, we would love to get construction done and be  
1693 gone. Block 20 townhomes, I think they're going to start early next year, and assuming  
1694 we get the POD approved for Blocks 21 and 23, they should start early next year as well.

1695

1696 Mr. Mackey - Okay.

1697

1698 Mr. Souter - There's a lot of construction around Block 19.

1699

1700 Mr. Mackey - It's a lot. The existing two-story building, that won't be getting  
1701 any taller than the height that it is now?

1702

1703 Mr. Souter - Oh, you're talking about the steel shell?

1704

1705 Mr. Mackey - The steel shell.

1706

1707 Mr. Souter - We will use it exactly as it is framed. Right now it is transparent  
1708 with no siding on it, but that definitely will not get higher.

1709

1710 Mr. Mackey - That's all I have for right now.

1711

1712 Mr. Souter - I'm more than happy to talk about green space.

1713

1714 Mr. Baka - Okay.

1715

1716 Mr. Souter - I mean, if you want to get into that.

1717

1718 Mr. Mackey - Yes.

1719

1720 Mr. Souter - I mean, on some level I would like to defer to the County. We  
1721 have zoning regulations and guidelines that stipulate and define what a green space is,  
1722 and we have to measure it and we have to put it -- we basically have a big cheat sheet  
1723 for Rocketts Landing now, that basically sums up the entire part of Henrico County. It  
1724 sums up all the green spaces, all the parking spaces, it sums up all the residential units,  
1725 all the commercial. It's a huge matrix and it basically ends up working where you add it  
1726 in a cumulative fashion. We have exceeded the parking, the total parking requirement by  
1727 25 percent. I mean, might I need more parking for certain things? Yes. But if you're  
1728 looking at a straight-up, do I adhere to what's required for parking by Zoning, I exceed the



1729 parking by 25 percent. I exceed -- we wouldn't even be here today if I didn't exceed the  
1730 green space requirements.

1731

1732 You know, the notion that we have the riverfront parcel, the riverfront parcel is the Virginia  
1733 Capital Trail. I mean, that's one of the greatest amenities in this region. You know, are  
1734 we going to build a playground on our project? I mean, are we not mandated to that? I  
1735 don't think that was really the vision of Rocketts Landing in the first place. We are a  
1736 medium-density, urban-style residential development.

1737

1738 Mr. Emerson - What is your percentage of open space?

1739

1740 Mr. Souter - I honestly couldn't tell you that right offhand. We updated that  
1741 with the submittal.

1742

1743 Ms. Crady - 44 percent.

1744

1745 Mr. Souter - I think the zoning requirement is 20%. Now, granted, I think  
1746 sidewalks get counted in that, but it's open space but -- it's urban open space. We have  
1747 a lot of green space, in my mind, along the Virginia Capital Trail. If you choose to live in  
1748 an urban environment, you are choosing, on some level, to live in a --

1749

1750 Mr. Mackey - Mixed use?

1751

1752 Mr. Souter - -- you are essentially choosing a certain lifestyle.

1753

1754 Mr. Baka - So just to clarify, the 44 percent open space is areas exclusive  
1755 of building coverage and impervious cover.

1756

1757 Mr. Emerson - Correct. They could be public meeting spaces. They could be  
1758 any kind of gathering space, sidewalk.

1759

1760 Ms. Crady - It can include outdoor dining areas, sidewalks, plazas,  
1761 anything for gathering outside of a roof.

1762

1763 Mr. Baka - Including the trail, which they own the fee, the land, with an  
1764 easement on top.

1765

1766 A follow-up question, if I may. A lot of concerns about residential parking. I am not aware  
1767 -- I don't know of any other land bays that are proposed to be developed out. Are the  
1768 remaining undeveloped land bays, are they primarily commercial, an office, or are there  
1769 primarily some residential still on the way?

1770

1771 Mr. Souter - Well, there really are not that many land bays left. Basically  
1772 we established a street grid system at Rocketts Landing, so up until maybe two years ago  
1773 we hadn't actually put the street grid all the way to the end of the project, what we have  
1774 now. So we really only have four land bays left in the development. Block 20 was



1775 approved for H.H. Hunt's townhomes about four weeks ago, by the Planning Commission.  
1776 There is a land bay down here with at least two commercial buildings, and then we have  
1777 two Stanley Martin proposed condominium developments on 21 and 23. So we really  
1778 only have 20, 21, and 23, and I can't remember if it's 17 or 19 that's kind of a -- maybe  
1779 they are two land bays, but there is a relatively small square footage as opposed to an  
1780 apartment building. So, I mean, we are well on our way to building out Rocketts Landing.

1781  
1782 Mrs. Thornton - So on the two construction sites you are proposing, is there  
1783 some kind of green space? Because that will attract people to the restaurant and to the  
1784 office if they can go outside and have a space to eat. Can you go back to those pictures,  
1785 that you have proposed?

1786  
1787 Mr. Souter - No, I mean, the restaurant itself, the restaurant itself, it's going  
1788 to be a little bit like the Boathouse, the Boathouse in Rocketts Landing. It's an adaptive  
1789 reuse of an old, historic building, but there are balconies on the outside. And this building  
1790 is even closer to the water than the Boathouse because it is on the river side of the Capital  
1791 Trail. It is going to have kind of an open-air -- this is one concept -- it's kind of an open-  
1792 air portion which sits on the existing concrete slab, but it's got decks on the outside and  
1793 it's actually an old pump house structure that basically goes down -- this is the water,  
1794 where we can make that accessible to people.

1795  
1796 So, I mean, is there green space? Probably not, but are you sitting 25 feet from the river?  
1797 I think the river is quite a nice setting.

1798  
1799 Mrs. Thornton - I was just thinking trees, just gives it a nice --

1800  
1801 Mr. Souter - We are -- we actually stabilized these banks with riprap, under  
1802 a Corps of Engineers permit. So to go back and plant trees on this slope --

1803  
1804 Mrs. Thornton - I'm not saying that. On the back side. I'm sorry.

1805  
1806 Mr. Souter - Along this side?

1807  
1808 Mrs. Thornton - Yes.

1809  
1810 Mr. Souter - Yeah. There are trees there. They are a function of the  
1811 Capital Trail.

1812  
1813 Mrs. Thornton - Right.

1814  
1815 Mr. Baka - Mr. Witte?

1816  
1817 Mr. Witte - I have trouble understanding this parking situation. You say  
1818 you've exceeded it by 25 percent, but every time you come it's an issue. And where is  
1819 this 25 percent? Is it two, three, four blocks away? Is it convenient to the people who  
1820 live there? Or maybe it needs to be. You know, maybe the answers to a lot of these

1821 problems is if you're going to put in a building, put in a parking deck to alleviate the  
1822 problems that these homeowners are having.

1823

1824 Mr. Souter - We have put in a parking deck.

1825

1826 Mr. Witte - It's not alleviating the problem. You put in a parking deck, but  
1827 you've got 14 blocks filling it up. I know I wouldn't want my wife walking three or four  
1828 blocks from the parking deck at night to get to our home.

1829

1830 Mr. Souter - Are you saying Rocketts Landing is dangerous?

1831

1832 Mr. Witte - I'm not saying that. I just wouldn't want her walking four  
1833 blocks.

1834

1835 Mr. Souter - That's what urban living is.

1836

1837 Mr. Witte - I wouldn't walk four blocks.

1838

1839 Mr. Souter - And that's entirely your preference. I mean, I have no problem  
1840 with that. But that's probably why you didn't buy at Rocketts Landing.

1841

1842 Mr. Witte - No. That's one of only many reasons.

1843

1844 Mr. Souter - I mean, when we look at -- you know, when we talk about is  
1845 there really a parking problem, and I continually see home prices go up, because people  
1846 want to relocate to Rocketts Landing, I look very hard to see what the problem is. If the  
1847 house prices are going up -- I could understand if there was a parking problem and no  
1848 one could sell their homes, and house prices kept tumbling because of no parking, and it  
1849 was such an undesirable place to live, then I would admit, absolutely, there's a problem.  
1850 When house prices go up, I fail to see how you can correlate that with there being a  
1851 problem.

1852

1853 Mr. Witte - Well --

1854

1855 Mr. Baka - It may just be a inconvenience also.

1856

1857 Mr. Witte - One of the things that bothered me was you said you don't  
1858 think parking would be a problem. That's an issue. These people are telling you here's  
1859 a problem and you're saying, "I don't think it is," that's not a reassurance.

1860

1861 Mr. Souter - That was in regard to the commercial, and when I say, "I don't  
1862 think," I mean, there cannot be a parking problem, because if there was a parking problem  
1863 I would not be able to sign a lease for the commercial tenants. There will not be a problem  
1864 if I have a tenant, and if I sign with a tenant and then it ends up being a problem, I am  
1865 sure they have the ability to get out of their lease. But, I mean, it will not be a problem  
1866 with commercial parking. There is a lot of parking scattered throughout Rocketts Landing.

1867 I don't think there's one absolute issue that you can kind of point at, but there is no  
1868 shortage of people who -- you know, one of the problems is that if you own a parking  
1869 space, but you don't park in your space and you park in a street space, not only is your  
1870 space being rendered useless because no one else is allowed to park in it, you have  
1871 eaten up a space on the street that would have been available to someone who would  
1872 need it.

1873

1874 So when people buy a two-bedroom -- I'm not thinking about condos, because, I mean,  
1875 the condos do this just as badly, probably, as well. But if you have a two-bedroom  
1876 townhome but you drive, you know, two big trucks, then you say, "Well, I only can fit one  
1877 truck in my parking garage, and the other truck has to live on the street." And then you  
1878 say, "Well, there's no parking on the street." I think there are a lot of people that, if they  
1879 could park in their own assigned parking spaces it would go such a long way towards  
1880 solving parking, the residual parking at Rocketts Landing.

1881

1882 Mr. Witte - Take the lady that's been trying to buy a second parking  
1883 space.

1884

1885 Mr. Souter - I mean, I would love to address that. There are absolutely  
1886 parking spaces, and I don't know who they have been talking to. There are parking  
1887 spaces for sale, and I have offered on multiple occasions to lease additional excess  
1888 parking spaces in the apartment property. If people at Rocketts Landing don't know that  
1889 then they just have not been to the master association meetings, because there are  
1890 absolutely parking spaces for purchase, and there are absolutely spaces for lease, if you  
1891 want an additional space at Rocketts Landing.

1892

1893 Mr. Baka - So on that one point you could follow up with the resident, on  
1894 that one point.

1895

1896 Mr. Souter - (Off microphone.) I will.

1897

1898 Mr. Baka - Okay. I will need to ask that the questions are addressed at  
1899 the mic, because the reason is that these are recorded proceedings and we are being  
1900 recorded in the microphone, for the discussion. If it would be appropriate, let me ask if  
1901 the members of the Commission have additional questions of Mr. Souter.

1902

1903 Mr. Mackey - I don't have any additional questions at this time.

1904

1905 Mr. Archer - I have one, and I was wondering about this the last time we  
1906 were talking about these projects. Am I to understand that the spaces are assigned  
1907 parking spaces?

1908

1909 Mr. Souter - If you own a condominium, absolutely you have assigned  
1910 parking spaces. If you own a townhome, two parking spaces in your townhome are yours,  
1911 so they essentially are assigned, right. The apartment block owns some of its own  
1912 spaces. Those are -- parking spaces are owned by individuals and --



1913

1914 Mr. Archer - I am trying to understand why there is such confusion. Are

1915 people using unassigned parking spaces or using someone else's assigned parking

1916 space?

1917

1918 Mr. Souter - Essentially, all on-street parking is unassigned. A large

1919 portion is assigned but there is on-street parking and there are a number of lots towards

1920 Route 5 that are essentially unassigned parking spaces. First come, first served.

1921

1922 Mrs. Thornton - So this parking area that you showed us earlier, up where they

1923 had to walk down to this restaurant, is that unassigned right now, where these residents

1924 are parking?

1925

1926 Mr. Souter - That's under construction.

1927

1928 Mrs. Thornton - Okay. So the people with the restaurant and the commercial,

1929 that will be like their place, not open, free parking?

1930

1931 Mr. Souter - Block 17?

1932

1933 Mrs. Thornton - Because that's really what we are talking about right now.

1934

1935 Mr. Souter - Those will essentially be assigned parking spaces to the

1936 commercial users. Because if you think about it, office users are basically daytime users,

1937 and then a restaurant is an evening, into nighttime user. So, I mean, plausibly you have

1938 this thing, too, between the night and --

1939

1940 Mrs. Thornton - So 125, you are proposing like 125 spaces for those two

1941 buildings.

1942

1943 Mr. Souter - Yes.

1944

1945 Mrs. Thornton - Okay. That's what we are talking about right now anyway, in

1946 17 and 19, these two.

1947

1948 Mr. Souter - Yes. Like I said, there's Block 17 in the apartment building

1949 and then 17 riverfront, so it's kind of a two-part piece of it.

1950

1951 Mrs. Thornton - Okay.

1952

1953 Mr. Souter - But, yes, those parking spaces will all, in essence, be

1954 assigned to the commercial users. I'm not sure if I answered Mr. Archer's question.

1955

1956 Mr. Archer - You did, as best you could.

1957

1958 Mr. Mackey - I don't have any other questions.

1959

1960 Mr. Baka - Other questions from members of the Commission? Thank  
 1961 you, Mr. Souter.

1962

1963 Mr. Souter - Thank you.

1964

1965 Mr. Mackey - I am ready to move forward with a motion, Mr. Chair. I had  
 1966 some comments before. And as far as the parking goes, like Mr. Souter said, it's a lifestyle  
 1967 that, I believe, unfortunately, some people are going to have to get used to. I would say  
 1968 it's like living in the fan, but it's kind of similar to living in the fan. I mean, if you have a  
 1969 two-car garage and you have three vehicles, obviously you never have enough parking.  
 1970 I mean, you know, we have choices to, you know, pick where we choose to live, but, you  
 1971 know, it's not always going to work out if we don't fit into the lifestyle of that area. And it's  
 1972 called urban mixed-use for a reason, and that can cause a problem if you're not willing to  
 1973 sacrifice some of the issues, such as parking.

1974

1975 I think the applicant has addressed the issue of parking as best he could. I hope we will  
 1976 continue to have some conversations between the applicant and the residents going  
 1977 forward, so you can, you know, continue to address it, and hopefully Rocketts can become  
 1978 the great vision everyone had in mind and it won't lose its luster because of this issue.

1979

1980 But having said that, Mr. Chairman, I move that POD2019-00393 Rocketts Landing,  
 1981 Blocks 17 and 19, including the lighting plan, be approved subject to the annotations on  
 1982 the plans, the standard conditions for development of this type, and additional conditions  
 1983 1 modified, 2 modified, 11B, 17 modified, 24 modified, 25 modified, and 29 through 35 in  
 1984 the agenda.

1985

1986 Mrs. Thornton - Second.

1987

1988 Mr. Baka - So we have a motion by Mr. Mackey and a second by Mrs.  
 1989 Thornton to approve Rocketts Landing, Blocks 17 and 19, 80 Old Delaware Street.  
 1990 Motion and second on the floor. Any discussion? All those in favor say aye.

1991

1992 The Commission - Aye.

1993

1994 Mr. Baka - Opposed say no. The motion carries.

1995

1996 The Planning Commission approved the plan of development and lighting plan for  
 1997 POD2019-00393, Rocketts Landing – Blocks 17 and 19, subject to the annotations on the  
 1998 plans, the standard conditions attached to these minutes for developments of this type,  
 1999 and the following additional conditions:

2000

2001 1. MODIFIED – The owner shall enter into the necessary contracts with the City of  
 2002 Richmond Department of Public Utilities for connections to public water and sewer.

2003 2. MODIFIED – The City of Richmond Department of Public Utilities shall approve  
 2004 the plan of development for construction of public water and sewer, prior to



- 2005 beginning any construction of these utilities. The City of Richmond Department of  
 2006 Public Utilities shall be notified at least 48 hours prior to the start of any water or  
 2007 sewer construction.
- 2008 11B. Prior to the approval of an electrical permit application and installation of the site  
 2009 lighting equipment, a plan including light spread and intensity diagrams, and fixture  
 2010 specifications and mounting heights details shall be revised as annotated on the  
 2011 staff plan and included with the construction plans for final signature.
- 2012 17. MODIFIED – The owner shall have a set of plans approved by the Director of  
 2013 Public Works, City of Richmond Public Utilities and Secretary of the Planning  
 2014 Commission available at the site at all times when work is being performed. A  
 2015 designated responsible employee shall be available for contact by County  
 2016 Inspectors.
- 2017 24. MODIFIED – The developer shall provide fire hydrants as required by the City of  
 2018 Richmond Department of Public Utilities and the Henrico Division of Fire.
- 2019 25. MODIFIED – Insurance Services Office (ISO) calculations shall be included on the  
 2020 final construction plans for approval by the City of Richmond Department of Public  
 2021 Utilities and the Henrico Division of Fire prior to issuance of a building permit.
- 2022 29. Outside storage shall not be permitted.
- 2023 30. The proffers approved as a part of zoning cases C-55C-04, P-12-12, P-04-05, and  
 2024 P-14-04 shall be incorporated in this approval.
- 2025 31. A construction staging plan which includes details for traffic control, fire protection,  
 2026 stockpile locations, construction fencing and hours of construction shall be  
 2027 submitted for County review and prior to the approval of any final construction  
 2028 plans.
- 2029 32. The pavement shall be of an SM-2A type and shall be constructed in accordance  
 2030 with County standard and specifications. The developer shall post a defect bond  
 2031 for all pavement with the Department of Planning - the exact type, amount and  
 2032 implementation shall be determined by the Director of Planning, to protect the  
 2033 interest of the members of the Homeowners Association. The defect bond shall  
 2034 remain in effect for a period of three years from the date of the issuance of the final  
 2035 occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a  
 2036 professional engineer must certify that the roads have been designed and  
 2037 constructed in accordance with County standards.
- 2038 33. The location of all existing and proposed utility and mechanical equipment  
 2039 (including HVAC units, electric meters, junctions and accessory boxes,  
 2040 transformers, and generators) shall be identified on the landscape plan. All building  
 2041 mounted equipment shall be painted to match the building, and all equipment shall  
 2042 be screened by such measures as determined appropriate by the Director of  
 2043 Planning or the Planning Commission at the time of plan approval.
- 2044 34. The limits and elevations of the Special Flood Hazard Area shall be conspicuously  
 2045 noted on the plan and labeled "Limits of Special Flood Hazard Area." In addition,  
 2046 the delineated Special Flood Hazard Area must be labeled "Variable Width  
 2047 Drainage and Utility Easement." The easement shall be granted to the County prior  
 2048 to the issuance of any occupancy permits.



2049 35. Prior to approval of construction plans, the applicant shall provide evidence that  
2050 VDOT has reviewed the current scope of work shown on the plan and has no  
2051 comments regarding the proposed work.  
2052

2053 Mr. Emerson - Thank you, Mr. Chairman, we will now move on to the next  
2054 item on our agenda. I will note that we do have two staff representatives from Public  
2055 Works. They can speak to the floodplain environmental issues if any of the residents  
2056 have a question of them. They are sitting in the back of the room.  
2057

2058 The next item on your agenda appears on page 16. It is POD2019-00369, Timmons  
2059 Group for Central Virginia Investments/Rocketts Landing, LLC and WVS/Rocketts  
2060 Landing. The staff report will be presented by Ms. Aimee Crady.  
2061

## 2062 PLAN OF DEVELOPMENT AND LIGHTING PLAN

2063  
POD2019-00369      **Timmons Group for Central Virginia**  
Rocketts Landing -- Blocks      **Investments/Rocketts Landing, LLC and WVS/Rocketts**  
21 & 23 -- Old Main Street      **Landing:** Request for approval of a plan of development  
and lighting plan, as required by Chapter 24, Section 24-  
106 of the Henrico County Code, to construct five four-story,  
two-unit residential condominiums and 17 four-story, three-  
unit residential condominiums for a total of 61 residential  
condominium units. The 2.06-acre site is located on the  
western line of Old Main Street (private), the southern line  
of Old Charles Street (private) and the western terminus of  
Old Ohio Street (private), on parcels 797-711-3994, 797-  
711-3868, 797-711-4448, 797-711-4493, and 797-711-  
3748. The zoning is UMUC, Urban Mixed Use District  
(Conditional). County water and sewer. **(Varina)**

2064  
2065 Mr. Baka - Before we hear from the staff, I would ask is there anyone  
2066 here present this morning in opposition to POD2019-00369? This is for Rocketts Landing,  
2067 Blocks 21 and 23, on Old Main Street. Okay. We will have the staff presentation first and  
2068 get to you in just a minute.  
2069

2070 Ms. Crady - Hello again. This continuation of residential condominium  
2071 development within the Rocketts Landing district will be located along the west line of Old  
2072 Main Street and east of the Capital Trail at the southern terminus of the overall project  
2073 boundary. You can see that here. At the north end of Block 21, the developer proposes  
2074 a row of five four-story, two-over-two style condominium buildings, which will account for  
2075 ten of the units in this plan. Each unit contains a rear-loaded garage accessed from the  
2076 private alley. All other units south of there will be the triplex units, three-story, with rear-  
2077 entry garages below the first floor, for a total of 51 of those triplex units.  
2078

2079 In addition to street and other surface parking constructed with residential phases of  
2080 Blocks 20 and 22, the triplex model also features single-car garages per dwelling unit and

2081 additional parking spaces located along the rear alley. Exterior finishes for both types of  
2082 units will be a combination of brick veneer and various styles of cementitious siding and  
2083 panels.

2084  
2085 Site lighting and landscaping are included in this plan to provide an update of the  
2086 streetscape elements approved with the previous development phases to align with the  
2087 specific characteristics of this site plan and incorporate additional foundation plantings  
2088 and screening. The plan achieves the UMU lighting standards.

2089  
2090 Staff recommends approval subject to the annotations on the plans, the standard  
2091 conditions for developments of this type, and conditions 1, 2, 17, 24 and 25 modified in  
2092 the agenda to address the provision of Public Utilities by the City of Richmond, and 11B  
2093 for lighting approval, and additional conditions 29 through 35, as listed in the agenda.

2094  
2095 Richard Souter is still here, if you have any questions for the applicant, and I am happy  
2096 to answer any questions you may have with this section of Rocketts Landing.

2097

2098 Mr. Baka - Any questions of the planning staff?

2099

2100 Mr. Mackey - I don't have any questions, but I guess we can hear from the  
2101 opposition, unless there are any questions for the staff.

2102

2103 Mr. Baka - I had one question for the staff. I wanted to ask if this would  
2104 be an appropriate time to also hear from Public Works Department about the floodplain  
2105 issue we discussed earlier.

2106

2107 Mr. Emerson - If you would like to.

2108

2109 Mr. Mackey - At least you have people here to ask questions about it.

2110

2111 Ms. Crady - And it's okay if I bring up that layout from the previous case,  
2112 just for reference?

2113

2114 Mr. Mackey - Yes, because this portion is a different area we are  
2115 considering now.

2116

2117 Ms. Crady - This is not the floodplain.

2118

2119 Mr. Mackey - But we did have people that were here from the Department  
2120 of Public Works – I didn't want to drop them in on the last meeting – excuse me, the last  
2121 portion – without hearing everything on it. That's the only reason why I didn't call.

2122

2123 Ms. Crady - We could refer to the key plan that's in this.

2124

2125 Mr. Emerson - Either that or staff can meet with them. Unless the  
2126 Commission has questions, staff could meet with those individuals who had questions.

2127  
2128 Mr. Baka - Okay. We can hold off on that, and then Mr. Mackey --  
2129  
2130 Mr. Mackey - Well, can I ask Ms. Joslin to come down? Would that be okay  
2131 with her?  
2132  
2133 Mr. Baka - Yes. So at this time, thank you, Ms. Crady. We will proceed  
2134 with --  
2135  
2136 Mr. Mackey - Let me just make sure it's okay with her to meet with staff in  
2137 the foyer about the flood plain, and then we won't have to --  
2138  
2139 This portion of it doesn't have anything to do with the floodplain. Would it be acceptable  
2140 to you to meet with our staff in the foyer with any questions you had about floodplain  
2141 issues?  
2142  
2143 Ms. Joslin - Yes, sir.  
2144  
2145 Mr. Mackey - That would be -- okay. And anyone else who had questions  
2146 about that, because it really doesn't apply to this portion.  
2147  
2148 Ms. Joslin - Okay. That would be great.  
2149  
2150 Mr. Mackey - Thank you. Appreciate it.  
2151  
2152 Mr. Baka - At this time, who would like to come forward to speak about  
2153 Blocks 21 and 23, Rocketts Landing? Please come forward, Mr. Sabet. Welcome again.  
2154  
2155 Mr. Sabet - Thank you. Again, my name is Omar Sabet. I am at the very  
2156 end, 5331, Unit B. When I purchased the place I tried to go and look and see what the  
2157 county plan was, looked at the Rocketts Landing. What I found, everywhere I looked,  
2158 was that perhaps we would have a one- or two-story commercial in the bump-out, in the  
2159 center, and that was the only thing I could find. It presented this block as commercial  
2160 usage, but smaller, so that it wouldn't impede. And we believed that there would be  
2161 nobody developed across from us. Now it has changed. Was this on the original, or did  
2162 something get changed? So that's the first issue.  
2163  
2164 Will the units still have somewhat of a view? I mean, we all did believe that we would  
2165 have somewhat of a view. Or are we going to be blocked completely? I do understand,  
2166 I mean, to make revenue off the property and tax revenue off the property. But at the  
2167 same time it goes back to what I mentioned earlier, and I didn't hear one single thing,  
2168 other than she said 40 percent green space, sidewalks, walking plaza, which somebody  
2169 mentioned, was going to be in the original. Where are they? So you all really quickly  
2170 approved that and didn't ask about the green space that I mentioned. I guess those 300  
2171 eagles, I've seen fox, the animals that really are being pushed, don't have any real value.  
2172 People in this area (off microphone, indiscernible) --



2173  
2174 Mr. Baka - Please address your comments from the microphone, sir, if  
2175 you would. We are being recorded.  
2176  
2177 Mr. Sabet - The block that was approved two weeks ago --  
2178  
2179 Ms. Crady - Two weeks ago, or a month ago, that would be Block 20 here.  
2180  
2181 Mr. Sabet - Block 20. So this was 42 units, which would be --  
2182  
2183 Ms. Crady - Here. This one was third.  
2184  
2185 Mr. Sabet - Another eight cars there. Then in these two areas would be  
2186 62 units, I'm just saying two cars. That's another 124 cars. At least another 300 people.  
2187 And I do appreciate that we love our neighborhood, we love mixed use. However, we still  
2188 do need some type of green space. There has to be -- there's a sidewalk, again, like I  
2189 said, on Route 5, and stuff is being developed, going and coming. At what point -- where  
2190 are people going to be able to just go? Is it just the Capital Trail? That's what is the park?  
2191 So that's my question.  
2192  
2193 Mr. Baka - Okay. Any questions of Mr. Sabet from the Commission?  
2194 Thank you, sir. Is there anyone else who would like to speak in reference to Blocks 21  
2195 and 23? Blocks 21 and 23? Okay. Mr. Mackey, how would you like to proceed?  
2196  
2197 Mr. Mackey - I would like to hear from the applicant so he can address some  
2198 more of Mr. Sabet's issues.  
2199  
2200 Mr. Baka - And as the applicant comes forward, I will just clarify, I believe  
2201 we heard earlier there is 44 percent green space, from the staff.  
2202  
2203 Ms. Crady - Green space is an incorrect term. That would be open space.  
2204  
2205 Mr. Baka - Open space.  
2206  
2207 Ms. Crady - That's addressed in the UMU ordinance, not green space.  
2208  
2209 Mr. Baka - Okay.  
2210  
2211 Mr. Emerson - And what was the percentage requirement, Ms. Crady?  
2212  
2213 Ms. Crady - Overall? Oh, the overall defers to the code, which is 20.  
2214  
2215 Mr. Emerson - Twenty percent. So they have exceeded that by 24 percent.  
2216  
2217 Ms. Crady - It's not all green area but open space.  
2218

2219 Mr. Emerson - And in these types of projects, again, as you explained, open  
2220 space isn't necessarily green space. It's sidewalks, it's dining areas, it's public gathering  
2221 spaces, things of that nature.

2222  
2223 Ms. Crady - For example, another development in Brookland that is a  
2224 UMU, they are struggling to approach 20 percent. So I think this is actually probably one  
2225 of the more open-spaced UMUs we have.

2226  
2227 Mr. Baka - Thank you, Ms. Crady.

2228  
2229 Mr. Witte - Ms. Crady, what percentage would you estimate that the  
2230 Capital Trail contributes to the open space? I want to say at least 50 percent. That's my  
2231 guess.

2232  
2233 Ms. Crady - Well, as you know, it's a 10-foot-wide trail, and if they pave it  
2234 wider it's 20 through the 17 and 19 portions. So you can put it by length. It's a substantial  
2235 area, and there's green around that, there's green space on either side of that.

2236  
2237 Mr. Witte - All right. Thank you.

2238  
2239 Mr. Emerson - The area for the Capital Trail I believe was dedicated and  
2240 donated by the developer as well. It wasn't purchased. Am I correct on that? It was  
2241 dedicated as part of the project.

2242  
2243 Mr. Souter - Well, there was a significant -- because, I mean, if you are  
2244 looking at -- there's a 100-foot RPA buffer pretty much down the entire riverfront, and the  
2245 Virginia Capital Trail runs in that, technically in the floodplain, so it's -- apart from the  
2246 commercial building we spoke about earlier on Block 19, which the ground level is high  
2247 enough that we actually raised the building up probably three feet off the ground to get  
2248 out of the floodplain. There is a large amount of the property that is down in the floodplain,  
2249 and we have built a significant pool pump that's right on the banks of the river. The area  
2250 around the Capital Trail, it is a 10-foot paved area, but there is a fair bit of lawn and green  
2251 space on either side of the Capital Trail. Now this is steep bank down to the river on one  
2252 side, and it banks back up to the village. That's a green bank and it's technically not  
2253 usable space. But it's still an attractive place to walk.

2254  
2255 I mean, if you can sit in your unit at Rocketts Landing and look at bald eagles and people  
2256 rowing in the river, and I don't know if you can see a reason to, but I think we have a lot  
2257 of open space. It's not all green but I think there is a chunk of green space. You know,  
2258 if you're an avid dog walker, we are only, you know, a mile and a half from a very large  
2259 dog run on Church Hill, and we are definitely still looking at trying to put a dog run in a  
2260 residual piece of the property. We just -- I think until we get these PODs done and we  
2261 figure out exactly where development is going, I don't think we can identify that right now.  
2262 But I think there is some residual space and it is a project that we can potentially turn into  
2263 a dog run, which is I know the residents would absolutely love. We have no problem  
2264 doing that, when we get there.

2265  
2266 Mr. Mackey - Mr. Sabet had an issue about sidewalks. Are there any plans  
2267 for adding sidewalks?  
2268  
2269 Mr. Souter - We have, in my mind, a very nice streetscape that runs  
2270 through the center of the project, down Old Main Street, and we have the Virginia Capital  
2271 Trail. You know, we were not planning on doing sidewalks on Route 5. It would be too  
2272 close to be honest. Like if you worry about the Virginia Capital Trail, I think that I'd be  
2273 more worried about Route 5, just to be honest, and there is nowhere a sidewalk on Route  
2274 5 would take you to that you cannot get on existing sidewalks within the project. So on  
2275 some level I would really love to not encourage people to walk along Route 5. I think  
2276 there's really more pleasant walks within Rocketts Landing than walking along Route 5.  
2277  
2278 Mr. Baka - Other questions for Mr. Souter? Any questions from the  
2279 Planning Commission of Mr. Souter? Members of the Commission? No? Seeing none,  
2280 Mr. Souter, thank you for your time.  
2281  
2282 We have had the public hearing. We have closed comments and have asked the  
2283 applicant to respond. Mr. Mackey, how would you choose to proceed at this time?  
2284  
2285 Mr. Mackey - Mr. Chairman, I move that POD2019-00369, and lighting plan,  
2286 Rocketts Landing, Blocks 21 and 23, be approved subject to the annotations on the plans,  
2287 the standard conditions for developments of this type, and additional conditions 1  
2288 Modified, 2 Modified, 11B, 17, 24, and 25 Modified, and 29 through 35, in the agenda.  
2289  
2290 Mr. Archer - Second.  
2291  
2292 Mr. Baka - Mr. Mackey has made a motion to approve, seconded by Mr.  
2293 Archer, the POD for Rocketts Landing, Blocks 21 and 23. All in favor say aye.  
2294  
2295 The Commission - Aye.  
2296  
2297 Mr. Baka - Opposed say no. The motion carries, and further questions  
2298 can please follow up with the staff after this meeting. Thank you.  
2299  
2300 The Planning Commission approved the plan of development and lighting plan for  
2301 POD2019-00369, Rocketts Landing – Blocks 21 and 23, subject to the annotations on the  
2302 plans, the standard conditions attached to these minutes for developments of this type,  
2303 and the following additional conditions:  
2304  
2305 1. MODIFIED – The owner shall enter into the necessary contracts with the City of  
2306 Richmond Department of Public Utilities for connections to public water and sewer.  
2307 2. MODIFIED – The City of Richmond Department of Public Utilities shall approve  
2308 the plan of development for construction of public water and sewer, prior to  
2309 beginning any construction of these utilities. The City of Richmond Department of



- 2310 Public Utilities shall be notified at least 48 hours prior to the start of any water or  
2311 sewer construction.
- 2312 11B. Prior to the approval of an electrical permit application and installation of the site  
2313 lighting equipment, a plan including light spread and intensity diagrams, and fixture  
2314 specifications and mounting heights details shall be revised as annotated on the  
2315 staff plan and included with the construction plans for final signature.
- 2316 17. MODIFIED – The owner shall have a set of plans approved by the Director of  
2317 Public Works, City of Richmond Public Utilities and Secretary of the Planning  
2318 Commission available at the site at all times when work is being performed. A  
2319 designated responsible employee shall be available for contact by County  
2320 Inspectors.
- 2321 24. MODIFIED – The developer shall provide fire hydrants as required by the City of  
2322 Richmond Department of Public Utilities and the Henrico Division of Fire.
- 2323 25. MODIFIED – Insurance Services Office (ISO) calculations shall be included on the  
2324 final construction plans for approval by the City of Richmond Department of Public  
2325 Utilities and the Henrico Division of Fire prior to issuance of a building permit.
- 2326 29. The unit house numbers shall be visible from the parking areas and drives.
- 2327 30. The names of streets, drives, courts and parking areas shall be approved by the  
2328 Richmond Regional Planning District Commission and such names shall be  
2329 included on the construction plans prior to their approval. The standard street  
2330 name signs shall be installed prior to any occupancy permit approval.
- 2331 31. Prior to issuance of a certificate of occupancy for any building in this development,  
2332 the engineer of record shall certify that the site has been graded in accordance  
2333 with the approved grading plans.
- 2334 32. The proffers approved as a part of zoning cases C-55C-04, P-12-12, P-04-05, and  
2335 P-14-04 shall be incorporated in this approval.
- 2336 33. A note in bold lettering shall be provided on the erosion control plan indicating that  
2337 sediment basins or traps located within buildable areas or building pads shall be  
2338 reclaimed with engineered fill. All materials shall be deposited and compacted in  
2339 accordance with the applicable sections of the state building code and  
2340 geotechnical guidelines established by the engineer. An engineer's report  
2341 certifying the suitability of the fill materials and its compaction shall be submitted  
2342 for review and approval by the Director of Planning and Director of Public Works  
2343 and the Building Official prior to the issuance of any building permit(s) on the  
2344 affected sites.
- 2345 34. The pavement shall be of an SM-2A type and shall be constructed in accordance  
2346 with County standard and specifications. The developer shall post a defect bond  
2347 for all pavement with the Department of Planning - the exact type, amount and  
2348 implementation shall be determined by the Director of Planning, to protect the  
2349 interest of the members of the Homeowners Association. The defect bond shall  
2350 remain in effect for a period of three years from the date of the issuance of the final  
2351 occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a  
2352 professional engineer must certify that the roads have been designed and  
2353 constructed in accordance with County standards.
- 2354 35. The location of all existing and proposed utility and mechanical equipment  
2355 (including HVAC units, electric meters, junction and accessory boxes,

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transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

Mr. Emerson - Mr. Chairman, we now move on to the final item on your agenda, or the next to final item, consideration for the approval of the minutes from the September 25, 2019 meeting. We do not have an errata sheet, and certainly will consider making any changes that the commission wishes to bring up to us.

Mr. Baka - Any changes to the minutes? If not, a motion would be in order.

Mr. Witte - I move we accept the minutes.

Mr. Baka - Second. Motion by Mr. Witte to approve the minutes. Mr. Baka seconds. All in favor say aye.

The Commission - Aye.

Mr. Baka - All opposed say no. The motion carries.

Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this morning.

Mr. Baka - Any further discussion? If not, we are going to make a motion to adjourn.

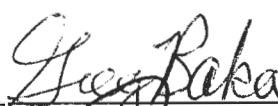
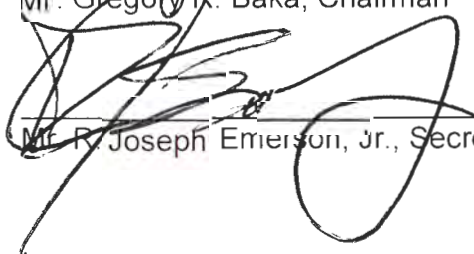
Mr. Witte - So moved.

Mr. Archer - Second.

Mr. Baka - Motion by Mr. Witte. Second by Mr. Archer. All in favor of adjourning say aye.

The Commission - Aye.

Mr. Baka - The meeting is adjourned.

  
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Mr. Gregory R. Baka, Chairman  
  
\_\_\_\_\_  
Mr. R. Joseph Emerson, Jr., Secretary

**A. Standard Conditions for all POD's:**

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least 48 hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **October 23, 2019**, which shall be as much a part of this approval as if details were fully described herein. Nine (9) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised October 2015)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.
9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
10. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced no later than the next planting season.



11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature. **(For POD which includes lighting plan approval)**
12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
13. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan for review and approval.
14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
15. Traffic control signs shall be provided as indicated on the Department of Planning Staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
16. The assigned property number(s) shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses. **(Revised January 2008)**
17. The owner shall have a set of plans approved by the Director of Public Works, Public Utilities and Secretary of the Planning Commission available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
18. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
19. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the owner shall furnish a statement by the engineer or land surveyor who prepared the POD plan, to the effect that all construction including water and sewer is in conformance to the regulations and requirements of the POD.
20. The approved Plan of Development is granted by the Planning Commission only to the owners(s)/applicant(s) listed on the Plan of Development application on file for this project. Upon written notification to the Director of Planning, the Plan of Development approval may be transferred to subsequent owner(s) subject to approval by this Commission, or approval by the Director of Planning provided the property is transferred to new ownership no later than 24 months following initial construction plan approval. **(Revised August 2016)**

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 **October 23, 2019**, which shall be as much a part of this approval as if all details were fully described herein. Four (4) sets of prints of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**



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

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

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

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

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

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

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

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

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

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

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

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

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

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



## CONDITIONAL SUBDIVISION STANDARD CONDITIONS

### Conventional Single-Family Subdivisions Served By Public Utilities

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of sixteen (16) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on-site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **October 23, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **October 22, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be

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

## CONDITIONAL SUBDIVISION STANDARD CONDITIONS

### Conventional Single-Family Subdivisions Not Served By Public Utilities

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of eleven (11) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **October 23, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **October 22, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.



10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.
11. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

## CONDITIONAL SUBDIVISION STANDARD CONDITIONS

### Residential Townhouse for Sale (RTH) Subdivisions

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **October 23, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **October 22, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.
13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site
14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of **(name of subdivision)** and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.



## CONDITIONAL SUBDIVISION STANDARD CONDITIONS

### Zero Lot Line Subdivisions

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **October 23, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **October 22, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.

11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers and Chesapeake Bay Act Areas.

## CONDITIONAL SUBDIVISION STANDARD CONDITIONS

### Road Dedication with No Lots

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of sixteen (16) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
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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.