

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County  
2 held in the County Administration Building in the Government Center at Parham and  
3 Hungary Springs Roads beginning at 9:00 a.m. Wednesday, September 23, 2015.  
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Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)  
Mr. C. W. Archer, C.P.C., Vice-Chairman (Fairfield)  
Mr. Tommy Branin, (Three Chopt)  
Ms. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)  
Mr. Eric Leabough, C.P.C., (Varina)  
Mr. R. Joseph Emerson, Jr., AICP,  
Director of Planning, Secretary  
Mrs. Patricia S. O'Bannon,  
Board of Supervisors' Representative

Others Present: Ms. Jean Moore, Assistant Director of Planning  
Ms. Leslie A. News, PLA, Principal Planner  
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
Mr. Michael F. Kennedy, County Planner  
Ms. Christina L. Goggin, AICP, County Planner  
Mr. Tony Greulich, C.P.C., County Planner  
Mr. Matt Ward, County Planner  
Mr. Gregory Garrison, AICP, County Planner  
Mr. Lee Pambid, C.P.C., County Planner  
Ms. Aimee B. Crady, AICP, County Planner  
Ms. Sharon Smidler, Traffic Engineer  
Ms. Kate Teator, Senior Planning Technician/Recording Secretary

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6 **Mrs. Patricia S. O'Bannon, the Board of Supervisors' representative, abstains on**  
7 **all cases unless otherwise noted.**  
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9 Mr. Witte - Good morning. Welcome to the September 23, 2015 meeting  
10 of the Planning Commission. This is our Subdivisions and Plans of Development hearing.  
11 I ask that you turn off or silence your cell phones. And while doing that, please stand with  
12 us for the Pledge of Allegiance.  
13

14 We have all members present. Mrs. O'Bannon, our representative for the Board of  
15 Supervisors is with us today. Thank you. With that, I'll turn the meeting over to our  
16 secretary, Mr. Emerson.  
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18 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda this morning  
19 are the requests for deferrals and withdrawals. Those will be presented by Ms. Leslie  
20 News.  
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22 Ms. News - Good morning, members of the Commission. We have two  
23 requests for deferrals and withdrawals this morning. The first is found on page 9 of your

24 agenda and is located in the Varina District. This is POD2013-00428, Family Dollar at 60  
25 E. Williamsburg Road. The applicant has requested a withdrawal of this request.

26

27 *(Deferred from the April 22, 2015 Meeting)*

28 **PLAN OF DEVELOPMENT**

29

POD2013-00428  
Family Dollar at 60 E.  
Williamsburg Road - 60 E.  
Williamsburg Road (U.S.  
Route 60)

**Balzer and Associates, Inc. for Brick House Manner, LLC and Twin Rivers Capital, 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 one-story, 8,320 square-foot retail store. The 1.09-acre site is located at the northwest corner of the intersection of E. Williamsburg Road (U.S. Route 60) and Garland Avenue, on parcels 827-716-7805, 827-716-7107, and 827-716-8603. The zoning is B-1, Business District, and ASO, Airport Safety Overlay District. County water and sewer. (Varina)

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31 Mr. Witte - Is there any opposition to the withdrawal of POD2013-00428,  
32 Family Dollar at 60 E. Williamsburg Road? I see none.

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34 Mr. Leabough - Mr. Chairman, I move that POD2013-00428, Family Dollar at  
35 60 E. Williamsburg Road, be withdrawn at the request of the applicant.

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37 Mr. Branin - Second.

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

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42 At the request of the applicant, the Planning Commission withdrew POD2013-00428,  
43 Family Dollar at 60 E. Williamsburg Road, from further consideration by the Commission.

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45 Ms. News - The next item is found page 12 of your agenda and is located  
46 in the Three Chopt District. This is POD2015-00094, Innsbrook Commercial at 4101  
47 Dominion Boulevard. The applicant has requested a deferral to the October 28, 2015  
48 meeting.

49

50 *(Deferred from the July 22, 2015 Meeting)*

51 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

52

POD2015-00094  
Innsbrook Commercial at  
4101 Dominion Boulevard  
- 4101 Dominion  
Boulevard

**Timmons Group for Doswell Properties, Inc. and Dominion GA, LLC:** Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to demolish an existing one-story retail building, and construct a one-story 14,610 square foot building containing 4,200 square feet of medical office, 3,400 square feet of retail, and 7,010 square

feet of restaurant with one drive-through facility. The 2.37-acre site is located at the northeast corner of the intersection of W. Broad Street and Dominion Blvd., on parcel 747-760-6472. The zoning is B-2C, Business District. County water and sewer. **(Three Chopt)**

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Mr. Witte - Is there any opposition to the deferral of POD2015-00094, Innsbrook Commercial at 4101 Dominion Boulevard? I see none.

Mr. Branin - Mr. Chairman, I've like to move that POD2015-00094, Innsbrook Commercial at 4101 Dominion Boulevard, be deferred to the October 28, 2015 meeting per the applicant's request.

Mr. Leabough - Second.

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

At the request of the applicant, the Planning Commission deferred POD2015-00094, Innsbrook Commercial at 4101 Dominion Boulevard, to its October 28, 2015 meeting.

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

Mr. Witte - Thank you.

Mr. Emerson - Mr. Chairman, next on your agenda this morning are the expedited items. Those will also be presented by Ms. Leslie News.

Ms. News - Sir, we have twelve requests on our expedited agenda this morning. The first item is on page 3 of your agenda and is located in the Tuckahoe District. This is a transfer of approval for POD-33-02, KFC Long John Silvers, which was formerly Kentucky Fried Chicken 2 in 1. Staff recommends approval.

**TRANSFER OF APPROVAL**

POD-33-02  
POD2014-00212  
KFC Long John Silvers  
(Formerly Kentucky Fried  
Chicken 2 in 1) – 8810  
Patterson Avenue (State  
Route 6)

**Will Mims for National Retail Properties, LP:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Tricon Global Restaurant, Inc. to National Retail Properties, LP. The 0.945-acre site is located on the northeast corner of the intersection of Patterson Avenue (State Route 6) and Quail Lane, on parcel 751-741-5673. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

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84 Mr. Witte - Is there any opposition to the transfer of approval for POD-33-  
85 02 (POD2014-00212), KFC Long John Silvers (formerly Kentucky Fried Chicken 2 in 1)?  
86 I see none.

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88 Ms. Jones - Then I'd like to move approval of the transfer of approval for  
89 POD-33-02 (POD2014-00212), KFC Long John Silvers (formerly Kentucky Fried Chicken  
90 2 in 1) on the expedited agenda.

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92 Mr. Witte - Second. We have a motion by Ms. Jones, second by Mr. Witte.  
93 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

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95 The Planning Commission approved the transfer of approval request for POD-33-02  
96 (POD2014-00212), KFC Long John Silvers (formerly Kentucky Fried Chicken 2 in 1), from  
97 Tricon Global Restaurant, Inc. to National Retail Properties, LP, subject to the standard  
98 and added conditions previously approved.

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100 Ms. News - On page 4 of your agenda and located in the Brookland District  
101 we have a transfer of approval for POD-61-84, Dabney IV, which was formerly the R.F.&P  
102 Warehouse #4. Staff recommends approval.

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104 **TRANSFER OF APPROVAL**

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POD-61-84 POD2014-00002 Dabney IV (Formerly R.F. & P. Warehouse #4) - 2161 Tomlynn Street	<b>Tammy Bowles for Brandywine Realty Trust:</b> Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Richmond Land Corporation to Brandywine Grande C, LP. The 3.06-acre site is located on the east line of Tomlynn Street at its intersection with Westwood Trail (private), approximately 500 feet north of Jacque Street, on parcel 778-736-8134. The zoning is M-1, General Industrial District. County water and sewer. <b>(Brookland)</b>
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107 Mr. Witte - Is there anyone in opposition to the transfer of approval for  
108 POD-61-84 (POD2014-00002), Dabney IV (formerly R.F.& P. Warehouse #4)? I see none.  
109 With that, I move approval of POD-61-84 (POD2014-00002), Dabney IV (formerly R.F.&  
110 P. Warehouse #4), subject to the previously approved conditions.

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112 Mr. Branin - I'll second.

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114 Mr. Witte - All in favor say aye. All opposed say no. The ayes have it; the  
115 motion passes.

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117 The Planning Commission approved the transfer of approval request for POD-61-84  
118 (POD2014-00002), Dabney IV (formerly R.F.& P. Warehouse #4), from Richmond Land  
119 Corporation to Brandywine Grande C, LP, subject to the standard and added conditions  
120 previously approved.

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Ms. News - The next item is found on page 5 of your agenda and is located in the Three Chopt District. This is a transfer of approval for POD2014-00181, Saunders Station at Broad Hill Centre. Staff recommends approval.

**TRANSFER OF APPROVAL**

POD2014-00181 POD2015-00284 Saunders Station at Broad Hill Centre – 12400 West Broad Street (U.S. Route 250)	<b>Kenneth Bjelstrand for SM Saunders Station, LLC:</b> Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Atack WB Investors, LLC to SM Saunders Station, LLC. The 13.45-acre site is located on the north line of West Broad Street (U.S. Route 250), approximately 3,700 feet west of its intersection with North Gayton Road, on parcel 730-766-6366. The zoning is R-6C, General Residence District (Conditional), C-1C, Conservation District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. <b>(Three Chopt)</b>
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Mr. Witte - Is there any opposition to POD2014-00181 (POD2015-00282), Saunders Station at Broad Hill Centre? I see none.

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Mr. Branin - Mr. Chairman, I'd like that transfer of approval POD2014-00181 (POD2015-00284), Saunders Station at Broad Hill Centre, move forward with a recommendation for approval.

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Mr. Archer - Second.

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

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The Planning Commission approved the transfer of approval request for POD2014-00181 (POD2015-00282), Saunders Station at Broad Hill Centre, from Atack WB Investors, LLC to SM Saunders Station, LLC, subject to the standard and added conditions previously approved.

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Ms. News - The next item is found on page 6 of your agenda and is located in the Tuckahoe District. This is a transfer of approval for POD-81-80, Commerce Plaza, formerly Prudential Insurance Office Buildings. Staff recommends approval.

156 **TRANSFER OF APPROVAL**

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POD-81-80  
POD2014-00361  
Commerce Plaza  
(Formerly Prudential  
Insurance Office  
Buildings) – 2809  
Emerywood Parkway

**Jeff Compton for VG Commerce Plaza, LLC and Union Commerce Plaza, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from High Equity Partners, LP to VG Commerce Plaza, LLC and Union Commerce Plaza, LLC. The 4.39-acre site is located on the south line of Emerywood Parkway at the terminus of Grenoble Road, on parcel 764-746-8464. The zoning is M-1, Light Industrial District. County water and sewer. **(Tuckahoe)**

158

159 Mr. Witte - Is there anyone in opposition to POD-81-80 (POD2014-  
160 00361), Commerce Plaza (formerly Prudential Insurance Office Buildings)? I see none.

161

162 Ms. Jones - I would like move approval of the transfer request for POD-81-  
163 80 (POD2014-00361), Commerce Plaza (formerly Prudential Insurance Office Buildings),  
164 on the expedited agenda.

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166 Mr. Archer - Second.

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168 Mr. Witte - We have a motion by Ms. Jones, second by Mr. Archer. All in  
169 favor say aye. All opposed say no. The ayes have it; the motion passes.

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171 The Planning Commission approved the transfer of approval request for POD-81-80  
172 (POD2014-00361), Commerce Plaza (formerly Prudential Insurance Office Buildings),  
173 from High Equity Partners, LP to VG Commerce Plaza, LLC and Union Commerce Plaza,  
174 LLC, subject to the standard and added conditions previously approved.

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176 Ms. News - On page 7 of your agenda and located in the Brookland District  
177 is a transfer of approval for POD-40-91, Taco Bell. Staff recommends approval.

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179 **TRANSFER OF APPROVAL**

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POD-40-91  
POD2015-00305  
Taco Bell – 7210 West  
Broad Street (U.S. Route  
250)

**Tassos Paphites for Mykonos Properties, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Taco Bell Corporation and Burger Busters, LLC to Mykonos Properties, LLC. The 0.837-acre site is located at the northeast corner of the intersection of W. Broad Street (U.S. Route 250) and Bethlehem Road, approximately 1,955 feet west of Glenside Drive, on parcel 766-748-5556. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

181

182 Mr. Witte - Is there any opposition to POD-40-91 (POD2015-00305), Taco  
183 Bell? I see none. I move for approval of the transfer request for POD-40-91 (POD2015-  
184 00305), Taco Bell, subject to the previously approved conditions.

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186 Mr. Archer - Second.

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188 Mr. Witte - We have a motion by Mr. Witte, second by Mr. Archer. All in  
189 favor say aye. All opposed say no. The ayes have it; the motion passes.

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191 The Planning Commission approved the transfer of approval request for POD-40-91  
192 (POD2015-00305), Taco Bell, from Taco Bell Corporation and Burger Busters, LLC to  
193 Mykonos Properties, LLC, subject to the standard and added conditions previously  
194 approved.

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196 Ms. News - The next item is found on page 14 of your agenda and is  
197 located in the Fairfield District. This is POD2015-00111, Our Store Furniture Store. Staff  
198 recommends approval.

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200 *(Deferred from the July 22, 2015 Meeting)*

201 **PLAN OF DEVELOPMENT**

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POD2015-00111 Our Store Furniture Store – 837 Azalea Avenue	<b>Advanced Engineering, LLC for S&amp;L Creative Visions, 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 1,238 square foot furniture showroom building. The 0.303-acre site is located along the southern line of Azalea Avenue at its intersection with Crenshaw Avenue, at the City-County Boundary line, on parcels 788-744-0451 and 788-744-1549. The zoning is B-2 Business District. County water and sewer. <b>(Fairfield)</b>
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204 Mr. Witte - Is there any opposition to POD2015-00111, Our Store  
205 Furniture Store? I see none.

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207 Mr. Archer - Mr. Chairman, I move for approval of POD2015-00111, Our  
208 Store Furniture Store, subject to the annotations on the plans, standard conditions for  
209 developments of this type, and the additional conditions 29 through 32.

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211 Mr. Leabough - Second.

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

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216 The Planning Commission approved POD2015-00111, Our Store Furniture Store, subject  
217 to the annotations on the plans, the standard conditions attached to these minutes for  
218 developments of this type, and the following additional conditions:

- 219  
220 29. There shall be no outdoor storage in moveable storage containers including, but  
221 not limited to, cargo containers and portable on demand storage containers.  
222 30. Approval of the construction plans by the Department of Public Works does not  
223 establish the curb and gutter elevations along the Henrico County maintained right-  
224 of-way. The elevations will be set by Henrico County.  
225 31. The location of all existing and proposed utility and mechanical equipment  
226 (including HVAC units, electric meters, junctions and accessory boxes,  
227 transformers, and generators) shall be identified on the landscape plan. All building  
228 mounted equipment shall be painted to match the building, and all equipment shall  
229 be screened by such measures as determined appropriate by the Director of  
230 Planning or the Planning Commission at the time of plan approval.  
231 32. Except for junction boxes, meters, and existing overhead utility lines, and for  
232 technical or environmental reasons, all utility lines shall be underground.  
233

234 Ms. News - The next item is found on page 25 of your agenda and is  
235 located in the Three Chopt District. This is POD2015-00330, which also includes a lighting  
236 plan. This is for Aldi at Broad Hill Centre. Staff recommends approval.  
237

238 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**  
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<p>POD2015-00330 Aldi at Broad Hill Centre – 12390 West Broad Street (U.S. Route 250)</p>	<p><b>Kimley-Horn &amp; Associates, Inc. for Attack WB Investors, LLC and Aldi, Inc.:</b> Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 17,285 square foot retail grocery store. The 2.27-acre site is located on the north line of West Broad Street (U.S. Route 250), approximately 3,700 feet west of its intersection with North Gayton Road, on part of parcel 730-765-4888. The zoning is B-2C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. <b>(Three Chopt)</b></p>
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241 Mr. Witte - Is there any opposition to POD2015-00330, Aldi at Broad Hill  
242 Centre? I see none.  
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244 Mr. Branin - Mr. Chairman, I'd like to move that POD2015-00330, Aldi at  
245 Broad Hill Centre, be approved on the expedited agenda and including the lighting plan.  
246

247 Ms. Jones - Second.  
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249 Mr. Witte - We have a motion by Mr. Branin, a second by Mrs. Jones. All  
250 in favor say aye. All opposed say no. The ayes have it; the motion passes.  
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252 The Planning Commission approved the plan of development and lighting plan for  
253 POD2015-00330, Aldi at Broad Hill Centre, subject to the annotations on the plans, the



254 standard conditions attached to these minutes for developments of this type, and the  
255 following additional conditions:  
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- 257 11B. Prior to the approval of an electrical permit application and installation of the site  
258 lighting equipment, a plan including light spread and intensity diagrams, and fixture  
259 specifications and mounting heights details shall be revised as annotated on the staff  
260 plan and included with the construction plans for final signature.
- 261 29. Outside storage shall not be permitted.
- 262 30. The proffers approved as a part of zoning case C-18C-12 shall be incorporated in  
263 this approval.
- 264 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted  
265 to the Department of Planning and approved prior to issuance of a certificate of  
266 occupancy for this development.
- 267 32. The location of all existing and proposed utility and mechanical equipment  
268 (including HVAC units, electric meters, junction and accessory boxes, transformers,  
269 and generators) shall be identified on the landscape plans. All equipment shall be  
270 screened by such measures as determined appropriate by the Director of Planning  
271 or the Planning Commission at the time of plan approval.

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273 Ms. News - The next item is on page 27 of your agenda and is located in  
274 the Fairfield District. This is POD2015-00315, American Renal. There is an addendum  
275 item on page 1 of your addendum which indicates that the applicant has agreed to remove  
276 the swale from the proffered buffer and to provide internal sidewalk connections as shown  
277 on the revised plan in your addendum. Staff recommends approval.  
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279 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**  
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POD2015-00315  
American Renal – 3384  
Creighton Road

**Silvercore for Creighton & Laburnum, LLC and Nolde Commercial Real Estate:** Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 7,735 square foot medical office building. The 1.04-acre site is located on the north line of Creighton Road, approximately 470 feet west of N. Laburnum Avenue, on part of parcel 807-730-9116. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. (Fairfield)

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282 Mr. Witte - Is there any opposition to POD2015-00315, American Renal?  
283 I see none.  
284

285 Mr. Archer - Mr. Chairman, I move for approval of POD2015-00315,  
286 American Renal, subject to the annotations on the plan, standard conditions for  
287 developments of this type, additional recommended conditions 11B and 29 through 32,  
288 including the addendum item.

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Ms. Jones - Second.

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

The Planning Commission approved POD2015-00315, American Renal, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

- 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.
- 29. The right-of-way for widening of Creighton Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 30. The proffers approved as a part of zoning case C-29C-07 shall be incorporated in this approval.
- 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Department of Planning and approved prior to issuance of a certificate of occupancy for this development.
- 32. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junctions and accessory boxes, transformers, and generators) shall be identified on the landscape plan. All building mounted equipment shall be painted to match the building, and all equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

Ms. News - Next on page 33 of your agenda and located in the Three Chopt District is POD2015-00329, Shoppes at Twin Oaks - Additional Entrance. Staff recommends approval.

### PLAN OF DEVELOPMENT

POD2015-00329  
Shoppes at Twin Oaks -  
Additional Entrance -  
3601 Cox Road  
(POD-39-04 Revised)

**Timmons Group for Ravid Richmond, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct an additional entrance driveway along Westerre Parkway for an existing shopping center. The 5.24-acre site is located at the southeast corner of the intersection of Cox Road and Westerre Parkway, on parcel 748-759-3503. The zoning is B-2C, Business District (Conditional). County water and sewer. (Three Chopt)**

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327 Mr. Witte - Is there any opposition to POD2015-00329, Shoppes at Twin  
328 Oaks - Additional Entrance? I see none.

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330 Mr. Branin - Mr. Chairman, I'd like to move that POD2015-00329, Shoppes  
331 at Twin Oaks - Additional Entrance, be approved on the expedited agenda with standard  
332 conditions for developments of this type and the following additional conditions 29 through  
333 36.

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335 Mr. Leabough - Second.

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

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340 The Planning Commission approved POD2015-00329, Shoppes at Twin Oaks - Additional  
341 Entrance, subject to the annotations on the plans, the standard conditions attached to  
342 these minutes for developments of this type, and the following additional conditions:

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344 29. Only retail business establishments permitted in a B-2 district may be located in this  
345 center.

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

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

350 32. A concrete sidewalk meeting County standards shall be provided along the south  
351 side of Westerre Parkway.

352 33. Outside storage shall not be permitted.

353 34. The proffers approved as a part of zoning case C-63C-98 and C-29C-12 shall be  
354 incorporated in this approval.

355 35. Approval of the construction plans by the Department of Public Works does not  
356 establish the curb and gutter elevations along the Henrico County maintained right-  
357 of-way. The elevations will be set by Henrico County.

358 36. The location of all existing and proposed utility and mechanical equipment  
359 (including HVAC units, electric meters, junctions and accessory boxes,  
360 transformers, and generators) shall be identified on the landscape plan. All building  
361 mounted equipment shall be painted to match the building, and all equipment shall  
362 be screened by such measures as determined appropriate by the Director of  
363 Planning or the Planning Commission at the time of plan approval.

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365 Mr. Branin - Mr. Chairman, I'd like to make one note. This shopping center,  
366 as all of you are aware, has struggled because originally they did not put the entrance on  
367 Cox Road. You have to get in to it from the back of the development. Now they're actually  
368 putting one in on the side. So I think it's a great improvement that will help that center.

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370 Mr. Witte - All right, thank you.

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372 Ms. News - The next item is on page 35 of your agenda and is located in  
373 Fairfield District. This is POD2015-00331 and includes a lighting plan for the Jain Worship  
374 Center. Staff recommends approval.

375

376 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

377

POD2015-00331 **Balzer and Associates, Inc. for Kamlaben Charitable  
Jain Worship Center – Trust and Jain Society of Central VA:** Request for  
East Parham Road approval of a plan of development and lighting plan, as  
required by Chapter 24, Section 24-106 of the Henrico  
County Code, to construct a one-story, 11,890 square foot  
place of worship and related site improvements. The 4.29-  
acre site is located on the northwest line of E. Parham Road,  
approximately 400 feet southwest of Park Central Drive, on  
parcel 789-758-0591. The zoning is O-2C, Office District  
(Conditional). County water and sewer. **(Fairfield)**

378

379 Mr. Witte - Is there any opposition to POD2015-00331, Jain Worship  
380 Center? I see none.

381

382 Mr. Archer - Mr. Chairman, I move for approval of POD2015-00331, Jain  
383 Worship Center, subject to the annotations on the plan, standard conditions for  
384 developments of this type and additional conditions 11B and 29 through 32.

385

386 Mr. Witte - Second. We have a motion by Mr. Archer, second by Mr. Witte,  
387 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

388

389 The Planning Commission approved the plan of development and lighting plan for  
390 POD2015-00331, Jain Worship Center, subject to the annotations on the plans, the  
391 standard conditions attached to these minutes for developments of this type, and the  
392 following additional conditions:

393

394 11B. Prior to the approval of an electrical permit application and installation of the site  
395 lighting equipment, a plan including light spread and intensity diagrams, and fixture  
396 specifications and mounting heights details shall be revised as annotated on the staff  
397 plan and included with the construction plans for final signature.

398 29. Outside storage shall not be permitted.

399 30. The proffers approved as a part of zoning case C-7C-95 shall be incorporated in  
400 this approval.

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

404 32. The location of all existing and proposed utility and mechanical equipment  
405 (including HVAC units, electric meters, junctions and accessory boxes,  
406 transformers, and generators) shall be identified on the landscape plan. All building  
407 mounted equipment shall be painted to match the building, and all equipment shall

408 be screened by such measures as determined appropriate by the Director of  
409 Planning or the Planning Commission at the time of plan approval.  
410

411 Ms. News - The next item on your agenda is on page 43. This is a  
412 landscape plan for POD2015-00325, Cabela's at West Broad Marketplace. Staff  
413 recommends approval.  
414

415 **LANDSCAPE PLAN**  
416

POD2015-00325 **Kimley-Horn & Associates, Inc. for Excel West Broad  
Cabela's at West Broad Marketplace, LLC:** Request for approval of a landscape  
Marketplace – 12300 West plan, as required by Chapter 24, Sections 24-106 and 24-  
Broad Street (U.S. Route 106.2 of the Henrico County Code. The 13.21-acre site is  
250) located on the north line of West Broad Street (U.S. Route  
250), approximately 2,000 feet west of its intersection with  
N. Gayton Road, on part of parcel 732-766-4043. The  
zoning is B-3C, Business District (Conditional) and WBSO,  
West Broad Street Overlay District. County water and  
sewer. **(Three Chopt)**

417  
418 Mr. Witte - Is there any opposition to POD2015-00325, Cabela's at West  
419 Broad Marketplace? I see none.  
420

421 Mr. Branin - Mr. Chairman, I'd like to move that POD2015-00325, Cabela's  
422 at West Broad Marketplace, be approved.  
423

424 Mr. Leabough - Second.  
425

426 Mr. Witte - We have a motion by Mr. Branin, a second by Mr. Leabough.  
427 All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
428

429 The Planning Commission approved the landscape plan for POD2015-00325, Cabela's at  
430 West Broad Marketplace, subject to the standard conditions attached to these minutes for  
431 landscape plans.  
432

433 Ms. News - The final item is found on page 44 of your agenda and located  
434 in the Fairfield District. This is also a landscape plan, POD2015-00327, Townes at  
435 Woodman – Section 2. Staff recommends approval.  
436

437 **LANDSCAPE PLAN**  
438

POD2015-00327 **Stewart/H&G for HHHunt Communities:** Request for  
Townes at Woodman - approval of a landscape plan, as required by Chapter 24,  
Section 2 – 10500 Sections 24-106 and 24-106.2 of the Henrico County Code.  
Woodman Road The 23.49-acre site is located along the west line of  
Woodman Road, approximately 300 feet south of its

intersection with Mountain Road, on parcel 775-765-1579. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. (Fairfield)

439

440 Mr. Witte - Is there any opposition to POD2015-00327, Townes at  
441 Woodman – Section 2? I see none.

442

443 Mr. Archer - Mr. Chairman, I move for approval of POD2015-00327,  
444 Townes at Woodman – Section 2, subject to the staff recommendations.

445

446 Ms. Jones - Second.

447

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

450

451 The Planning Commission approved the landscape plan for POD2015-00327, Townes at  
452 Woodman – Section 2, subject to the standard conditions attached to these minutes for  
453 landscape plans.

454

455 Ms. News - That completes our expedited agenda.

456

457 Mr. Witte - Thank you, Ms. News.

458

459 Mr. Emerson - Mr. Chairman, that takes us to the next item on your agenda,  
460 Subdivision Extensions of Conditional Approval, and there are none this month. So we  
461 move into your regular agenda, page 8 for a transfer of approval, POD-64-74 (POD2014-  
462 00359), J. David Mullens for The Westhampton Group, LLC. The staff report will be  
463 presented by Mr. Mike Kennedy.

464

#### 465 TRANSFER OF APPROVAL

466

POD-64-74  
POD2014-00359  
Office Building – 2720  
Enterprise Parkway

**J. David Mullens for The Westhampton Group, LLC:**  
Request for transfer of approval as required by Chapter 24,  
Section 24-106 of the Henrico County Code from Joyner C.  
F., Jr. & Sons LLC, formerly C. F. Joyner, Jr. Residuary  
Trust DBA Joyner & Company to The Westhampton Group,  
LLC. The 1.83-acre site is located at the northeast corner of  
Enterprise Parkway and Prestwick Road, on parcel 763-  
752-3510. The zoning is O-2, Office District. County water  
and sewer. (Tuckahoe)

467

468 Mr. Kennedy - The applicant has applied for a change-of-use building permit  
469 to convert the existing two-story, 29,000-square-foot office building that was constructed  
470 in 1974 to a funeral home. The building has aged out as an office building and they're  
471 looking forward to converting it to a new use.

472

473 A funeral home is a permitted use in the O-2 district. The conversion of the building does  
474 not require a new plan of development. They are renovating the interior of the building,  
475 cleaning the facade, as well as putting in new lighting and landscaping.

476  
477 Staff has approved the revised landscape plan. The lighting plan and revised plan provide  
478 for enhanced lighting and landscaping, as well as an eight-foot white vinyl PVC fencing  
479 that will separate the property from the adjoining apartment complex to the north. Should  
480 the applicant wish to in the future install a crematory in the funeral parlor, they would need  
481 to come back to the Planning Commission for approval.

482  
483 The site deficiencies include asphalt paving in disrepair, as well as overgrown and missing  
484 landscaping. Deficiencies will need to be rectified prior to approval of a new certificate of  
485 occupancy. The condition on the agenda states that all site deficiencies on the site  
486 inspection report dated October 2, 2014, shall be resolved and the revised administrative  
487 plan of development, including revised landscaping and lighting approved on July 24,  
488 2015, shall be implemented prior to approval of a certificate of occupancy.

489  
490 I'm able to answer any questions. And Mark Williams, the project engineer for the  
491 conversion is here as well to answer questions.

492  
493 Ms. Jones - Mr. Chairman, did we ask if there was any opposition.

494  
495 Mr. Witte - No we didn't; thank you. Is there any opposition to POD-64-74  
496 (POD2014-00359), J. David Mullens for The Westhampton Group, LLC? I see none.

497  
498 Ms. Jones - Mr. Kennedy, let me ask you a quick question. It is my  
499 understanding that the fact that the site deficiencies have not been rectified does not  
500 indicate any unwillingness on the part of the applicant, it's simply a way to repair the—for  
501 instance, the asphalt after all the construction and other work is finished. It's simply a  
502 timing thing, correct?

503  
504 Mr. Kennedy - Yes ma'am.

505  
506 Ms. Jones - Okay. With the stipulation, then, that it will all be done, there is  
507 no concern that it won't be done in a timely way.

508  
509 Mr. Kennedy - Absolutely.

510  
511 Ms. Jones - Okay. Other questions?

512  
513 Mr. Witte - Any questions from the Commission?

514  
515 Ms. Jones - Okay. With that, I'd like to go ahead and move approval of this  
516 transfer request for POD-64-74, which is POD2014-00359, for the Office Building at 2720  
517 Enterprise Parkway.

518

519 Mr. Archer - Second.

520

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

523

524 The Planning Commission approved the transfer of approval request for POD-64-74  
525 (POD2014-00359), J. David Mullens for The Westhampton Group, LLC from Joyner C. F.,  
526 Jr. & Sons LLC, formerly C. F. Joyner, Jr. Residuary Trust DBA Joyner & Company to The  
527 Westhampton Group, LLC, subject to the standard and added conditions previously  
528 approved and the following additional condition:

529

530 1. All site deficiencies identified on the site inspection report dated October 2, 2014  
531 shall be resolved and the revised administrative Plan of Development including  
532 revised landscaping and lighting approved on July 24, 2015 shall be implemented,  
533 prior to approval of a new Certificate of Occupancy pursuant to BLD2015-01151.

534

535 Mr. Emerson - Mr. Chairman, we now move on to page 10 of your agenda for  
536 an alternative fence height plan, SUB2015-00092, Joann Emerson. And I'll note for the  
537 record that there is no relation between myself and the applicant. The staff report will be  
538 presented by Mr. Greg Garrison. Mr. Chairman, I will remind the Commission that the way  
539 this section of the code works, if the application meets the five criteria of the code, then  
540 the Commission is compelled to approve it. So you need to keep that in mind as you  
541 consider this case.

542

543 *(Deferred from the August 13, 2015 Meeting)*

544 **ALTERNATIVE FENCE HEIGHT PLAN - RESIDENCE**

545

SUB2015-00092  
Emerson Residence –  
Greendale Forest – 6613  
Fernwood Street

**Joann Emerson:** Request for approval of an alternative  
fence height plan, as required by Chapter 24, Sections 24-  
95 (l)(7)(b), 24-106, and 24-106.2 of the Henrico County  
Code, to allow a 6 foot tall fence to encroach 24 feet into the  
front yard. The 6,500 square foot site is located at 6613  
Fernwood Street, on the east line of Fernwood Street,  
approximately 880 feet south of Penick Road, on parcel  
771-746-2846. The zoning is R-4 One-Family Residential  
District. County water and sewer. **(Brookland)**

546

547 Mr. Witte - Thank you. Is there any opposition to SUB2015-00092,  
548 Emerson Residence? We have opposition. Mr. Garrison, good morning.

549

550 Mr. Garrison - The applicant is requesting approval of an alternative fence  
551 height to erect a six-foot-tall wooden fence along the property line that encroaches  
552 twenty-four feet into the side yard. That would be right here [referencing plan] – where  
553 these x's are is the approximate location of the fence.

554



555 The required front yard setback for R-4 zoning is 35 feet. Per the survey provided with the  
556 plan, the front of the house is set 36.2 feet back from the right-of-way line. The fence would  
557 therefore stop approximately 12.2 feet back from the right-of-way line. County code limits  
558 the maximum fence height in R-4 zoning in a front yard to 42 inches, unless an alternative  
559 fence height is approved by the Planning Commission. Per the code, the Planning  
560 Commission, pursuant to the review and approval of a landscape plan, shall permit an  
561 alternative fence height not to exceed seven feet in the front yard or along the front  
562 property line provided the design does not adversely affect the health, safety, or welfare  
563 of persons residing on the premises; the value of adjacent properties; adequate supply of  
564 light and air; traffic or pedestrian safety; and adequate sight distance.  
565

566 Staff has received opposition to the alternative fence height request citing safety concerns  
567 and obstructing the sight distance. Although a landscape plan has not been submitted, the  
568 applicant has stated she plans to install potted plants on her side of the fence since the  
569 fence is proposed on the side property line.  
570

571 Customarily, staff makes no recommendation for approval or denial before the Planning  
572 Commission regarding requests for alternative fence heights. Should the Commission  
573 approve the request, the standard conditions for alternative height plans are  
574 recommended.  
575

576 I'm available to answer any questions that you may have. The applicant is available as  
577 well.  
578

579 Mr. Branin - Do you have any of the exhibits?  
580

581 Mr. Garrison - Yes. This is an example of an existing fence that's in her  
582 backyard.  
583

584 Mr. Branin - Can you go to the next one?  
585

586 Mr. Garrison - They don't appear to be in the show.  
587

588 Mr. Branin - Do you just have the one?  
589

590 Mr. Garrison - It appears that's the case. I thought there were other pictures  
591 in here, but it doesn't look like they got in here.  
592

593 Mr. Branin - So from the front of the house, how far out?  
594

595 Mr. Garrison - From the front of the house, it's going—let me get back. It  
596 encroaches twenty-feet into the front yard setback.  
597

598 Mr. Branin - What is the distance between curb and house, approximately?  
599 Come on Mr. Garrison, I'm running you through the paces here.  
600

601 Mr. Garrison - Yes, yes you sure are.  
602  
603 Mr. Branin - Fifty feet?  
604  
605 Mr. Garrison - The fence will stop twelve feet from the back of the curb—from  
606 the right of way, I should say. So that's twelve feet from here.  
607  
608 Mr. Branin - That's not going to affect any sight line.  
609  
610 Ms. Jones - Mr. Garrison, the five items which we are consider for their  
611 adverse affect, potentially, the value of abutting and/or adjacent properties, would you  
612 consider that an aesthetic judgment?  
613  
614 Mr. Garrison - You're asking my personal opinion?  
615  
616 Ms. Jones - I'm asking as a planner your interpretation of the wording of the  
617 code.  
618  
619 Mr. Garrison - Whether this fence will adversely affect—  
620  
621 Ms. Jones - I'm asking how we as a Planning Commission are to—this is  
622 not a gotcha question. What I'm trying to do is to evaluate this on my own.  
623  
624 Mr. Emerson - On number two?  
625  
626 Ms. Jones - On number two. The value of abutting or adjacent properties is  
627 something we need to consider. And I'm bringing in aesthetic judgment to that. Is that  
628 appropriate, I guess is what I'm saying.  
629  
630 Mr. Emerson - I think it would be, yes ma'am, based on number two.  
631  
632 Ms. Jones - Okay. Thank you.  
633  
634 Mr. Branin - Okay, now that you have this picture, approximately twelve  
635 feet, if I'm looking at it right, would just before the tail end of that pickup truck on the right,  
636 correct?  
637  
638 Mr. Garrison - I believe the fence is going to stop where she is currently.  
639  
640 Mr. Branin - Where she has the 42-ince picket fence, correct?  
641  
642 Mr. Garrison - Yes.  
643  
644 Mr. Branin - So it would be stockade to the 42?  
645

646 Mr. Garrison - I believe that's right. Ms. Emerson, do you want to come  
647 answer this question?  
648  
649 Ms. Emerson - Joann Emerson.  
650  
651 Mr. Leabough - Could you step closer to the mic, please? Thank you.  
652  
653 Mr. Branin - Thank you. The proposal would go to where?  
654  
655 Ms. Emerson - The end of my home up just twenty-four feet.  
656  
657 Mr. Branin - Would that be where that white picket fence starts?  
658  
659 Ms. Emerson - Yes.  
660  
661 Mr. Branin - Okay. We're trying to get a visual.  
662  
663 Ms. Emerson - I just finished painting it, and I leaned it against it because the  
664 poles are up now. But I have not attached anything to anything as of yet.  
665  
666 Mr. Branin - Okay, I was just trying to get a visual.  
667  
668 Ms. Emerson - I have four feet from the curb up. Then I have sixteen feet. So  
669 it's a matter of twenty feet. For them coming out of the drive, they can see left or right,  
670 because I have a driveway and I have to see one way and the other way. And also, if you  
671 show that other picture, I came in one foot on my own property because they paved over—  
672 right there, the other picture prior. See the red flag? That's their property. My fence is well  
673 in one foot of their property. They paved over my property line all the way back to the  
674 fence. His truck is pulled in. He cannot get out of that truck or in his truck without being on  
675 my property. I lent them the property for fifteen years. When things started happening—I  
676 have got my eighty-five-year-old mother there with me. He inappropriately did things. He  
677 was arrested.  
678  
679 Mr. Branin - Well ma'am, we're not—  
680  
681 Ms. Emerson - And that's why I'm putting a privacy fence up so he cannot see  
682 me come out of my home.  
683  
684 Mr. Branin - That's fine.  
685  
686 Ms. Emerson - Thank you.  
687  
688 Mr. Branin - We're just looking at—we're doing it by the look of visibility so  
689 we can make an analysis of it.  
690

691 Ms. Emerson - There is four feet in front of that first white picket, from the curb  
692 to that.  
693  
694 Mr. Branin - Thank you.  
695  
696 Ms. Emerson - Thank you.  
697  
698 Ms. Jones - Ms. Emerson, I'd like to ask you something as well. I know that  
699 you're very concerned making sure that your neighbor isn't intruding on your property. I've  
700 seen a lot of signs in your window; I know you're very concerned about trespassing. And  
701 you have surveillance cameras up, apparently, from the signage that I saw. So if that's the  
702 case, if what you're doing is to try to very clearly define where you feel that his access to  
703 your property should end, and you're going to do that by a fence, a fence—  
704  
705 Ms. Emerson - That's not the only reason, ma'am.  
706  
707 Ms. Jones - Okay. Well let's take that as one of the reasons. A fence that  
708 is not a tall blockade fence all the way up into the area which we are considering here  
709 would do the same thing. He won't be able to open his truck door if it's a fence the height  
710 of the picket fence we're looking at here. However, what I'm saying is you can accomplish  
711 that goal without having to have a blockade fence all the way up. What I'm saying is, if this  
712 is a feud between neighbors, this ends up not being a planning issue. This is a different  
713 kind of issue. And I notice in your neighborhood there are some very nice homes, and a  
714 lot of them—or least several I saw do have a step-down from the taller fence to the smaller  
715 size as it comes into the front yard, exactly as we would ask that folks do it so we don't  
716 look like we're living in stockade blocks. We are a neighborhood.  
717  
718 Ms. Emerson - I'm the only one living in the stockade. If you see the picture in  
719 front of you, that is my mother's window. She's eighty-five. You come out that front door,  
720 everything, because their house is sort of set back more than mine. My mother—I'm  
721 putting it up for my mother. She does not feel safe. I've had protective orders, everything.  
722 I'm putting this up, the six-foot, for my mother and her safety. The reason the whole fence  
723 is going up, my mother moved in. She has dementia. I have to keep her in the property.  
724  
725 Ms. Jones - I understand. I can hear that. However, I think you can  
726 accomplish that with a fence and perhaps with a curtain. I'm not sure that it needs to have  
727 a blockade fence. I guess I'm trying to figure out—  
728  
729 Ms. Emerson - They've already damaged this fence. When the protective  
730 order went on, he bashed in that fence. It is currently broken. I need protection. I have put  
731 up a privacy fence in my backyard. I have bought security cameras. I don't know what else  
732 to do. He has exposed his self; I have it on film. I need that twenty-four feet. I have right  
733 here. And I have paperwork. He was put in jail. The courts dismissed it.  
734  
735 Mr. Emerson - Ma'am, that's not the issue.  
736

737 Ms. Emerson - But the issue is this is why—  
738  
739 Mr. Emerson - We understand that you want—  
740  
741 Ms. Emerson - —I need this fence up.  
742  
743 Mr. Emerson - Yes ma'am. Yes ma'am, I think we're clear on that. Thank you.  
744  
745 Ms. Emerson - It's for my safety.  
746  
747 Mr. Emerson - Yes ma'am.  
748  
749 Mr. Witte - Any other questions by the Commission?  
750  
751 Mr. Leabough - Any decision that we make today, Mr. Emerson, it's a  
752 permanent decision, correct?  
753  
754 Mr. Emerson - It is; that is correct.  
755  
756 Mr. Leabough - So it outlives the homeowners' tenure in that property. I agree  
757 with you, to a certain extent, Ms. Jones. This is a matter that's above and beyond the  
758 scope of this request. But I understand what you're dealing with. It just sounds like it's out  
759 of purview, some of the things that you're trying to resolve with this.  
760  
761 Ms. Jones - The question I would raise for all of us to consider is, as you  
762 look at the five points, which we must take into consideration, my thought of it—health,  
763 safety, welfare is probably what Mrs. Emerson is most concerned with. I understand that.  
764 I hear you loud and clear. However, what I'm hearing a—legal police issues is what I'm  
765 hearing, not necessarily planning principles.  
766  
767 The second thing is that the value of adjacent properties, I feel it may in fact be detrimental  
768 because of the aesthetics of the look of the fence. And I do think there may be a bit of a  
769 sight distance issue. I haven't measured it, but I do believe it will be fairly tall as you're  
770 backing out of the neighbor's driveway.  
771  
772 Those are my thoughts, and that's why I decided to raise the question. Not that I don't  
773 doubt your sincerity with all of this; my question is, is this a planning issue for a fence to  
774 solve.  
775  
776 Mr. Branin - Ms. Jones, in meeting the criteria, that's why I asked for the  
777 additional pictures to be put up for sight-line distance, because you know I'm a stickler for  
778 sight line.  
779  
780 Ms. Jones - I know that.  
781

782 Mr. Branin - With the 42-inch picket there, that's why I wanted good  
783 parameters and staff to explain exactly where the tall would be versus—I don't see an  
784 issue with sight line.  
785  
786 Ms. Jones - Okay.  
787  
788 Mr. Witte - I agree with you. I don't particularly see—  
789  
790 Mr. Branin - So in my opinion, it meets all five.  
791  
792 Mr. Witte - Any other questions before we hear from the opposition?  
793  
794 Mrs. O'Bannon - If I may. I've had cases like this before. One of the other things  
795 that I would say to Ms. Emerson is shrubbery, tall shrubs. I know it takes a while for them  
796 to grow, but it could help also. Have you considered that? Okay, they are in place. Okay.  
797  
798 Ms. Emerson - [Off microphone.] I also have—  
799  
800 Mr. Witte - Can you step up to the mic, please?  
801  
802 Mrs. O'Bannon - To the microphone. I'm just mentioning this to you for your  
803 concern, for visibility.  
804  
805 Ms. Emerson - The shrubs are low. The picket fence. I have one in this corner,  
806 one in that corner. Each eight feet, I have a plant in a planter.  
807  
808 Mrs. O'Bannon - Okay. In other words—  
809  
810 Ms. Emerson - Where the ends was, when I installed my six-foot, I have ferns  
811 on my side.  
812  
813 Mrs. O'Bannon - And I say that because it does appear the visibility is your  
814 concern, being seen.  
815  
816 Ms. Emerson - On this side of my house, I also have to back out. There is four  
817 or five feet there. It's two car lengths where everybody can see, because I back out myself.  
818 And I surely can see.  
819  
820 Ms. Jones - I just keep thinking there are other things that can accomplish  
821 your goal. I understand your goal. Whether it's window coverings or whether it's plantings  
822 or—  
823  
824 Ms. Emerson - I have done that.  
825  
826 Ms. Jones - Then there should be no sight.  
827

828 Ms. Emerson - From them looking at me in my own yard, I've had to put up  
829 curtains, which is not attached to the fence because it's not a wood fence. I can't go above  
830 six feet.

831  
832 Mr. Leabough - Quick question. And this is not for you, but for staff. Basically,  
833 I agree with Ms. Jones and Ms. O'Bannon. Some of what you're trying to do in terms of  
834 screening, I'm asking staff could that be accomplished with landscaping as opposed to a  
835 hard structure like a fence? It doesn't look like putting up a fence in this manner is going  
836 to create the barrier there because you have the distance from the curb. I guess it's twelve  
837 feet back from the curb.

838  
839 Ms. Emerson - All right. You see that four right there?

840  
841 Mr. Leabough - Hold on, let me ask staff to respond to that question, please.

842  
843 Ms. Emerson - Oh, I'm sorry.

844  
845 Mr. Leabough - So could this screening that's being sought out be achieved  
846 through landscaping as opposed to fencing?

847  
848 Mr. Emerson - Mr. Leabough, I think that's up to the property owner as to how  
849 they want to accomplish things. They've requested an exception based on the allowances  
850 in the code to place a fence for whatever reason that they have to do that, which really  
851 isn't in the Commission's consideration as to the reason other than they've asked for an  
852 exception for a fence to delineate this property line. Could it or could it not be  
853 accomplished, I think that's purely within the realm of the property owner and not  
854 necessarily from the Commission.

855  
856 Mr. Leabough - Okay. Thank you, sir.

857  
858 Mr. Witte - Any other questions by the Commission? Thank you, ma'am.  
859 Would the opposition please come down?

860  
861 Ms. Kenney - Good morning. I'm Dana Kenney. I live at 6611, which is where  
862 the driveway is. So you're looking at Joann Emerson's house. We're to the right of her. As  
863 you see that fence right there, that's exactly what it looks like right now to this day. It is  
864 exactly on her property line; it is not over. So that's what it's going to look like. She is  
865 unable to paint that fence and make it aesthetically pleasing. As it stands right now, it is  
866 going to decrease property value.

867  
868 She has put up the rest of the six-foot fence before it was approved. And during putting up  
869 that six-foot fence, part of the fence has fallen on my husband's truck and damaged it.  
870 Henrico County Police were called. My husband saw the fence fall on his truck. So to keep  
871 the peace and keep from arguing with her, he contacted Henrico Police to be the mediator.  
872 She told them it never happened. He said he saw it. The police took it as your word against

873 hers, so needless to say nothing was done. It became our problem to get our truck  
874 repaired.

875

876 So I do have pictures on my phone. I do not have any printed out as to what her fence  
877 actually looks like at this moment. It is true that my husband is unable to get in and out of  
878 his truck from the passenger [sic] side. But even before the fence was put up to keep the  
879 peace, if he drives his truck, which is very seldom, he enters from the passenger side.

880

881 We don't want any issues from her. I haven't actually spoken a word to her since June 6  
882 of this year. We were friends for many years. This is the falling out. We've had no contact.  
883 I sleep during the day because I work at night at the hospital as a nurse. My husband  
884 works fifteen hours a day, so no one is there to harass her. But I can tell you, as far as  
885 safety is concerned, at any given time there can be anywhere between five and fifteen  
886 children playing in my yard. They sit in that driveway playing on their phones, playing on  
887 their tablets, drawing on the driveway with sidewalk chalk. And if they're on their bicycles,  
888 you see there's a car there blocking the view in that picture. If they're running out into the  
889 road—because most of the children live across the street or up the street, they're running  
890 out into the road. People can't see that there are children in the driveway coming down  
891 the hill because of the fence. If the children run out between a fence and a car, they can't  
892 see a car coming. It is a safety issue.

893

894 People's animals—my animals are in the house, but other people's animals are out.  
895 Animals running out into the street. My husband's work truck is parked on the road, so  
896 there will be a car on one side of the driveway and a car on the other side of the driveway.  
897 So safety for my children and for my neighbor's children is of the utmost importance.

898

899 Back to the visual, we're going to be selling our house in a couple of years. That is not  
900 going to help our property value at all. But in order for her to maintain the fence and to  
901 paint the whole entire fence, she will have to come onto our property. And because there  
902 has been grievance between the two houses, if anyone comes on our property to maintain  
903 that fence, we're going to have Herrico County Police come.

904

905 The six-foot part of the fence, which is up, is not even mounted from her side of the yard.  
906 They came on our property while I was sleeping to get ready for my night shift. She had a  
907 restraining order on my husband, so he couldn't even speak to her. He had to sit there and  
908 watch them come onto our property and mount that fence from our property. So if it falls,  
909 it's going to fall our way and do damage on our property, not her own.

910

911 I don't think this fence should be approved at all because it is a safety issue; it is a property  
912 value issue; and it is a personal property value issue because of our vehicles. If it is  
913 approved, the workmanship needs to be better than that. My husband did not bash in her  
914 fence. That white piece of fence fell on the ground from shoddy workmanship. That is how  
915 the whole fence is put up. That picture of her backyard fence is not a representation of  
916 what her front yard fence looks like at this moment. It is not at all. You can see what this  
917 looks like right here, partially painted/partially not. If you look real carefully, the post that's  
918 closest to the unpainted fence section is actually tied up with twine.



919  
920 Ms. Emerson - [Off microphone.] I haven't finished it.  
921  
922 Ms. Kenney - In order for this to properly be finished, painted on all sides,  
923 she's going to have to come on our property because her fence is actually directly on the  
924 property line. Even when she has painted other parts of her fence, my husband's had to  
925 go out there. Still won't say anything to her. Had to go out there and scrape white paint off of  
926 his vehicle.  
927  
928 Mr. Branin - Ma'am, the fence that you're referring to that's up front is in  
929 code.  
930  
931 Ms. Kenney - Like that?  
932  
933 Mr. Branin - That height meets code.  
934  
935 Ms. Kenney - Okay. The height, I understand that. The aesthetics of it.  
936  
937 Mr. Branin - If there's an issue with that fence not being finished or creating  
938 an issue, that's not actually a Planning Department or Commission issue; that would be  
939 Community Maintenance.  
940  
941 Ms. Kenney - Okay, so I'll take that up with the Greendale Association?  
942  
943 Mr. Branin - No, you can call Henrico Community Maintenance. Would  
944 someone from staff get her that number, please? I hear you, but we're looking at the six-  
945 foot fence. So everything that you're giving us about a fence that actually meets code I—  
946  
947 Ms. Kenney - Could you put up the picture of where you can see the back of  
948 the truck?  
949  
950 Ms. Emerson - [Off microphone.] The fence is in—  
951  
952 Ms. Kenney - That—  
953  
954 Mr. Leabough - Ma'am, she didn't speak while you were speaking. So out of  
955 respect, could you let her talk?  
956  
957 Ms. Emerson - [Off microphone; inaudible.]  
958  
959 Mr. Leabough - Ma'am.  
960  
961 Mr. Emerson - Ma'am.  
962  
963 Ms. Kenney - Where that white fence stops, that four-foot fence, is actually  
964 where her six-foot fence begins. It is there now. She has posts that stand way above the

965 six-foot fence. And the sections of fence—except for right up beside my husband's truck.  
966 She wasn't able to get on our side of it because of the vehicle being there. But past that  
967 truck, every other section of fence was mounted from our side. So like I said, anybody to  
968 maintain that fence would have to come on our property. If the fence falls, it's coming on  
969 our property.

970  
971 With the children running back and forth, I actually have a letter here from one of our  
972 neighbors that had to work today and was unable to come. She lives across the street at  
973 6610. She has four children that come over to our house to play. Another neighbor of mine  
974 that lives immediately next door, 6609, the Amos family, I know that they made multiple  
975 attempts to get in contact with Greg Garrison. I don't know whether they ever did or not. I  
976 know that they tried at least three or four times to get in contact with him and the last I  
977 heard was unable to speak with him; their calls were not returned.

978  
979 Mr. Witte - Any other questions from the Commission? Thank you, ma'am.  
980 Mr. Emerson, you said that we're compelled if it meets the five criteria?

981  
982 Mr. Emerson - Yes sir. What's in consideration in front of you is whether or not  
983 an exception to the fence regulation meets these criteria. If it meets these criteria the way  
984 it's written, you're compelled to approve. But if you feel it does not meet some of the  
985 criteria, you certainly can disapprove.

986  
987 Ms. Jones - May I ask a question of Mr. Emerson?

988  
989 Mr. Witte - Please.

990  
991 Ms. Jones - Mr. Emerson, is there any way that the Commission can in  
992 some way assure the quality of this fence?

993  
994 Mr. Emerson - No ma'am. What we can do is we can have Building Inspection  
995 go by and see if—fencing does not necessarily require a permit under a certain height. But  
996 we can ask Building Inspection and Community Maintenance to go by. Certainly if it's  
997 posing some sort of hazard to the adjacent property, I believe that they can address that.

998  
999 Ms. Jones - Or shoddily made or any of those kinds of things? Is that within  
1000 our—since this could possibly be a special exception, if it's granted, then that puts it in a  
1001 little different light than just a regular fence that has not had a special exception.

1002  
1003 Mr. Emerson - Right. I don't think you can get into construction for this section  
1004 of the code.

1005  
1006 Ms. Jones - Okay. Thank you.

1007  
1008 Mr. Witte - Mr. Garrison, I was out there this morning. Have you been out  
1009 there recently to the site?

1010

1011 Mr. Garrison - Not recently, no sir.  
1012  
1013 Mr. Witte - At your last visit, did you perceive any issue with the line of  
1014 sight?  
1015  
1016 Mr. Garrison - No, but I also didn't pull into the driveway either.  
1017  
1018 Mr. Witte - I actually pulled into her driveway to back out. The biggest line-  
1019 of-sight issue I had was with the vehicles parked on the road. They're parked in front of  
1020 both houses and generally on both sides of the street, which I think would be a police issue  
1021 if there is concern about the line of sight, not so much the fence. Would you agree with  
1022 that?  
1023  
1024 Mr. Garrison - Yes, I would agree with that.  
1025  
1026 Mr. Witte - Thank you. Any other questions for Mr. Garrison? With that I'd  
1027 like to say that I feel sorry for both for both neighbors, having to live next door under these  
1028 conditions. It does happen; it happens a lot. I don't know that the fence is going to solve  
1029 any of the problems that I've heard today, but in lieu of that, since it does meet the criteria,  
1030 I will move that the request for an alternative fence height for SUB2015-00092, Emerson  
1031 Residence, be approved as presented.  
1032  
1033 Mr. Branin - Second.  
1034  
1035 Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Branin. All in  
1036 favor say aye. Opposed?  
1037  
1038 Ms. Jones - No.  
1039  
1040 Mr. Witte - We have four for and one opposed.  
1041  
1042 Mr. Leabough - Two opposed.  
1043  
1044 Mr. Witte - I'm sorry; three to two. Motion passes. Thank you. With that, I  
1045 will temporarily turn the meeting over to Mr. Archer. Excuse me for a minute.  
1046  
1047 The Planning Commission granted approval to the alternative fence height for SUB2015-  
1048 00092, Emerson Residence, subject to the following standard conditions for alternative  
1049 fence height plans:  
1050  
1051 1. The property shall be developed as shown on the plan filed with the case and no  
1052 changes or additions to the layout shall be made without the approval of this  
1053 Commission.  
1054 2. The owner shall have a set of approved plans available at the site at all times when  
1055 work is being performed. A designated responsible employee shall be available for  
1056 contact by County Inspectors.

1057 3. The fence shall be maintained in good repair by the owner. Trash and debris should  
1058 not be allowed to accumulate along the fence.

1059  
1060 [At this time, chairmanship was assumed by Mr. Archer, and Mr. Witte left the meeting.]  
1061

1062 Mr. Emerson - Mr. Chairman, we move on to page 16 in your regular agenda  
1063 for POD2015-00234, Bay Companies, Inc. for Ample Storage Lake Worth, LLC. The staff  
1064 report will be presented by Mr. Matt Ward.

1065  
1066 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**  
1067

POD2015-00234 Ample Self Storage Route 360 – 4101 Mechanicsville Turnpike (U.S. Route 360)	<b>Bay Companies, Inc. for Ample Storage Lake Worth, LLC:</b> 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 ten one-story self-storage buildings, totaling 112,436 square feet. The 13.19-acre site is located on the east line of Mechanicsville Turnpike (U.S. Route 360) at its intersection with Evans Road, approximately 1,745 feet north of N. Laburnum Avenue, on parcel 804-737-1251. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. <b>(Fairfield)</b>
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1068  
1069 Mr. Archer - Thank you, Mr. Secretary, is there anyone present who is  
1070 opposed to POD2015-00234, Ample Self-Storage Route 360? I see no opposition. Mr.  
1071 Ward, go ahead, sir.

1072  
1073 Mr. Ward - Good morning. The applicant is requesting approval to  
1074 construct ten one-story self-storage buildings totally approximately 112,436 square feet.  
1075 Also the applicant is requesting approval for a lighting plan. As you can see, a VDOT  
1076 standard sidewalk with pedestrian connection to the interior part of the site, as well as a  
1077 35-foot landscape buffer along Mechanicsville Turnpike, and a 50-foot landscape buffer  
1078 along the western and northern property lines—which would be through this area here—  
1079 will be provided. Several large trees and vegetation will be maintained in the 50-foot buffer,  
1080 which is along the northern side here and down the western side. That will also be  
1081 supplemented to meet the transitional buffer 25 standard as indicated in the proffers. The  
1082 landscape plan will return to the Planning Commission for further review and approval at  
1083 a later date.

1084  
1085 Additional site improvements include a seven-foot-tall black chain link fence being installed  
1086 around the perimeter of the rear of the property for internal security. Also, a six-foot-tall  
1087 decorative metal fence with gates will also be installed for monitoring ingress and egress  
1088 to the interior site and to the buildings.

1089  
1090 The elevations submitted with the plan of development are consistent with the adopted  
1091 proffers, which specify that all buildings visible from Route 360 will be brick and glass. A

1092 mixture of building materials are proposed on the architectural plans, which include either  
1093 brick or brick with glass with office style architectural features, as well as color bricks,  
1094 soldier courses, and brick pilasters, and prefinished metal on the rear of the building, which  
1095 is not seen from public view. That will match the brick colors of the building. The three  
1096 towers provided for additional architectural interest in building B include a green metal  
1097 roof, an awning, and aluminum front for the office entrance.

1098  
1099 The lighting plan that is also requested for approval shows thirty-five wall packs and are  
1100 full cutoff. They're LED fixtures and mounted eight feet above grade. So you won't have  
1101 any light poles in the site, just all building-mounted lights.

1102  
1103 Going forward, the site plan, lighting plan, and architectural renderings are consistent with  
1104 the exhibit proffered with REZ2014-00041, and staff can recommend approval subject to  
1105 the annotations on the plans, standard conditions for developments of this type, and the  
1106 following conditions: 9 amended, 11B, and 29 through 37.

1107  
1108 That's concludes my presentation. I'm happy to answer any questions the Commission  
1109 may have of me. We have Joseph Faudale, engineer with Bay Companies, as well as  
1110 Terry Wethington with Ample Storage, if you have questions for them.

1111  
1112 Mr. Archer - Thank you. Mr. Ward. Are there questions from the  
1113 Commission? Anyone need to see the applicant? Neither do I. We thank you for being  
1114 here. Thank you, Mr. Ward.

1115  
1116 As you all know, Ample has had quite a few buildings constructed recently. There have  
1117 been issues that have come up that they have worked with and seemed to have learned  
1118 the process quite well. A community meeting was held, and there were a few questions  
1119 from the community. They were all answered satisfactorily.

1120  
1121 With that I will move for approval of POD2015-00234, Ample Self-Storage Route 360,  
1122 subject to the annotations on the plan, standard conditions for developments of this type,  
1123 and the additional conditions 9 amended, 11B, and 29 through 37.

1124  
1125 Ms. Jones - Second.

1126  
1127 Mr. Archer - Motion by Mr. Archer, and second by Ms. Jones. All in favor  
1128 say aye. All opposed say no. The ayes have it; the motion passes.

1129  
1130 The Planning Commission approved POD2015-00234, Ample Self-Storage Route 360,  
1131 subject to the annotations on the plans, the standard conditions attached to these minutes  
1132 for developments of this type, and the following additional conditions:

1133  
1134 9. AMENDED - A detailed landscaping plan shall be submitted to the Department of  
1135 Planning for review and Planning Commission approval prior to the issuance of any  
1136 occupancy permits.

- 1137 11B. Prior to the approval of an electrical permit application and installation of the site  
1138 lighting equipment, a plan including light spread and intensity diagrams, and fixture  
1139 specifications and mounting heights details shall be revised as annotated on the staff  
1140 plan and included with the construction plans for final signature.
- 1141 29. The right-of-way for widening of Mechanicsville Turnpike (U.S. Route 360) as shown  
1142 on approved plans shall be dedicated to the County prior to any occupancy permits  
1143 being issued. The right-of-way dedication plat and any other required information  
1144 shall be submitted to the County Real Property Agent at least sixty (60) days prior to  
1145 requesting occupancy permits.
- 1146 30. The entrances and drainage facilities on Mechanicsville Turnpike (U.S. Route 360)  
1147 shall be approved by the Virginia Department of Transportation and the County.
- 1148 31. A notice of completion form, certifying that the requirements of the Virginia  
1149 Department of Transportation entrances permit have been completed, shall be  
1150 submitted to the Department of Planning prior to any occupancy permits being  
1151 issued.
- 1152 32. A concrete sidewalk meeting VDOT standards shall be provided along the east side  
1153 of Mechanicsville Turnpike (U.S. Route 360).
- 1154 33. There shall be no outdoor storage in moveable storage containers including, but not  
1155 limited to, cargo containers and portable on demand storage containers.
- 1156 34. Outside storage shall not be permitted.
- 1157 35. The proffers approved as a part of zoning case REZ2014-00041 shall be  
1158 incorporated in this approval.
- 1159 36. Approval of the construction plans by the Department of Public Works does not  
1160 establish the curb and gutter elevations along the Virginia Department of  
1161 Transportation maintained right-of-way. The elevations will be set by the contractor  
1162 and approved by the Virginia Department of Transportation.
- 1163 37. The location of all existing and proposed utility and mechanical equipment (including  
1164 HVAC units, electric meters, junctions and accessory boxes, transformers, and  
1165 generators) shall be identified on the landscape plan. All building mounted equipment  
1166 shall be painted to match the building, and all equipment shall be screened by such  
1167 measures as determined appropriate  
1168

1169 Mrs. O'Bannon - Mr. Chairman, I'd like to just take a minutes. I know last time  
1170 and in the past we talked about internships that the County offers for high school students,  
1171 college students, and graduate students. We have an intern with us this morning, Mr. Jim  
1172 New. Mr. New, would you like to come down to the podium and say a few words? Okay.  
1173 He's with the Manager's office. He's been working with us for a few weeks now, and I  
1174 wanted to make sure he got recognized because he's been working really hard. Mr. New  
1175 has learned a little bit this morning, I think, with their fence height case.

1176  
1177 Mr. Archer - Good morning, Mr. New. It's nice to have you, sir.

1178  
1179 Mr. New - I would like to say thank you, everyone, for acknowledging me.  
1180 This has been a great experience.

1181

1182 Mr. Branin - Mr. New, we had the pleasure of meeting out at the Fourth of  
1183 July at Meadow Park where you had originally voiced that you'd like to be an intern at  
1184 Henrico County. So it's going well?  
1185  
1186 Mr. New - Yes.  
1187  
1188 Mr. Branin - Well good. Welcome aboard.  
1189  
1190 Mr. Archer - Good to have you.  
1191  
1192 Mrs. O'Bannon - This is a really good program. As you know, we've had lots of  
1193 students. Often when they have finished their internship, they apply for a position at  
1194 Henrico County, and often get it.  
1195  
1196 Mr. Archer - Welcome aboard, Mr. New. We can honestly say you're the  
1197 "new" guy.  
1198  
1199 Mr. Emerson - Since we've taken a pause to recognize interns, I actually have  
1200 four others here this morning. If you would, please stand. I have Michaela Martin, who is  
1201 a graduate student at VCU in Urban and Regional Planning; Chris Maderia, recent  
1202 graduate at Texas A&M with a master's in Geography and Climatology; Eric Borchers is a  
1203 graduate student at VCU in Urban and Regional Planning; and Phillip Bariteau is an  
1204 undergraduate at VCU in Urban and Regional Planning. And they are working with us this  
1205 semester. We've had great success with the interns that we have had over the years. We  
1206 welcome them here as well.  
1207  
1208 Mr. Archer - Good morning to all of you. Glad to have you here. All right,  
1209 Mr. Secretary.  
1210  
1211 Mr. Emerson - Thank you, Mr. Chairman. With that said, the next three cases  
1212 are interrelated and will be presented together. They will require separate motions, but I  
1213 will call all three at this time to ease the presentation. First on page 18 of your agenda and  
1214 page 1 of your amended agenda we have POD2015-00286, Kimley-Horn & Associates  
1215 Incorporated for ME Nuckols, LLC and Gouldin Properties, LLC.  
1216  
1217 Then on page 21 of your regular agenda and page 2 of your amended agenda, you have  
1218 POD 2015-00321. Again, Kimley-Horn & Associates Incorporated for ME Nuckols, LLC.  
1219  
1220 And then the third case appears on page 23 of your agenda and also page 2 of your  
1221 amended agenda. It is SUB2015-00106, Kimley-Horn and Associates Incorporated for ME  
1222 Nuckols, LLC.  
1223  
1224 The staff report on these three items on will be presented by Mr. Kevin Wilhite.  
1225  
1226  
1227

1228 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

1229

POD2015-00286  
GreenGate Phase II -  
Commercial East – 12341  
West Broad Street (U.S.  
Route 250)

**Kimley-Horn & Associates, Inc. for ME Nuckols, LLC and Gouldin Properties, LLC:** Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct three one-story retail/restaurant buildings, totaling 28,670 square feet, 4,500 square feet of outdoor dining, and a three-story, 45,000 square foot office building in an urban mixed use development. The 9.01-acre portion of the 74.73 acre site is located along the south line of West Broad Street (U.S. Route 250), approximately 540 feet west of its intersection with North Gayton Road, on part of parcels 731-764-5533 and 733-764-4118. The zoning is UMUC, Urban Mixed Use District (Conditional), B-3C, General Business District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

1230

1231 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

1232

POD2015-00321  
GreenGate Phase III -  
Commercial West – 12121  
West Broad Street (U.S.  
Route 250)

**Kimley-Horn & Associates, Inc. for ME Nuckols, LLC:** Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct four one-story retail/restaurant buildings, totaling 33,425 square feet, 3,500 square feet of outdoor dining, and a three-story, 45,000 square foot office building in an urban mixed use development. The 11.25-acre portion of the 74.73 acre site is located along the south line of West Broad Street (U.S. Route 250), approximately 1,030 feet west of its intersection with North Gayton Road, on part of parcel 731-764-5533. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

1233

1234 **SUBDIVISION**

1235

SUB2015-00106  
GreenGate Residential  
(September 2015 Plan) –  
12121 West Broad Street  
(U.S. Route 250)

**Kimley-Horn & Associates, Inc. for ME Nuckols, LLC:** The 55.68-acre portion of the 74.73 acre site proposed for 206 townhouse lots and 42 single-family lots is located on the north line of Graham Meadows Drive, approximately 575 feet west of its intersection with North Gayton Road, on parcels 731-764-4292 and 731-764-553. The zoning is UMUC, Urban Mixed Use District (Conditional), A-1, Agriculture District, and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 248 Lots**



1236 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present who is in  
1237 opposition to POD2015-00286, GreenGate Phase II, Commercial East, POD2015-00321,  
1238 GreenGate Phase III, Commercial West, SUB2015-00106, or GreenGate Residential  
1239 (September 2015 plan)? You have the green light, Mr. Wilhite.

1240  
1241 Mr. Wilhite - Thank you, sir. Good morning, Planning Commission  
1242 members.

1243  
1244 The master plan for GreenGate is included in the Phase II POD. This is a revised master  
1245 plan of what was submitted with Phase 1 of GreenGate, which was approved by the  
1246 Planning Commission in July 2014. The change involves the expansion of the commercial  
1247 area southward into what was a portion of the residential area. There is a substantial  
1248 increase in the amount of commercial square footage on the revised master plan and a  
1249 reduction in the number of lots in the residential portion of GreenGate. The total  
1250 commercial area now under the revised plan is 188,470 square feet of commercial  
1251 development, which includes retail, restaurant, and office, plus an additional 8,000 square  
1252 feet of outdoor dining for a total of 196,470 square feet of commercial area. These numbers  
1253 are in flux a little bit. There are some discrepancies in the plans related to the site plan,  
1254 the architectural plans, and some revisions that the developer is thinking about. But these  
1255 are pretty close to accurate at this point.

1256  
1257 The number of residential area units is 248 under the plan. Originally 283 were approved  
1258 under the master plan, and the subsequent conditional subdivision that was approved in  
1259 August 2014 had 267 lots. This is 248 under the master plan revised.

1260  
1261 In addition, there have been a number of changes to the master plan book that was  
1262 approved with the rezoning case. Those were submitted to you earlier this week with a  
1263 cover letter summarizing the changes. It is also included in your handout package that you  
1264 received this morning.

1265  
1266 The developer is here if you wish to go into more detail than what has been provided at  
1267 this point on the changes to the master plan sheets, but this accompanies the change to  
1268 the master plan packet as well.

1269  
1270 The Phase II commercial POD encompasses the eastern portion of the commercial  
1271 development of GreenGate along West Broad Street. There are a total of four buildings,  
1272 and this has been updated on your addendum on page 1. The four buildings cover 28,670  
1273 square feet of restaurant/retail, plus an additional 4500 square feet of outdoor dining. And  
1274 there is a three-story office building of 45,000 square feet. This phase does not include  
1275 the grocery store, which is approximately 36,000 square feet in that portion of the  
1276 development. That will be under a separate submittal to you in the future.

1277  
1278 One issue that we had with this is that the lighting plan was requested to be submitted.  
1279 That was not provided to us. At this point in time, we have not been able to do a review of  
1280 the lighting plan. I understand that the submittal is supposed to come to us today. But it is  
1281 critical with UMU developments that the lighting plan be included in the site plan and

1282 reviewed at the same time and be part of the plans that are signed. With this type of  
1283 development, we really don't have the option of approving a lighting plan separately as  
1284 you would with a normal POD.

1285

1286 The plan does include the access drive from Strange's on the Strange's property on the  
1287 east side of this development. This was the subject of a recent rezoning case that was just  
1288 approved by the Board of Supervisors. The easement agreement is in place between the  
1289 two property owners. However, we are still waiting on VDOT's waiver of the location of the  
1290 entrance; that is still pending.

1291

1292 Water quality information has been provided to satisfy Public Works at this time.  
1293 Architectural plans were included. I'll just run quickly through these. These are still being  
1294 revised, and they will have to demonstrate that they meet all of the requirements of the  
1295 master plan guidelines. These are the commercial buildings. There's a three-story office  
1296 building.

1297

1298 Moving on to Phase III, there are revised plans in your packet, and page 2 of your  
1299 addendum has a revised caption. At this stage of the development, which is the western  
1300 portion of the commercial area, there are five buildings totaling 33,425 square feet of  
1301 retail/restaurant space; 3500 square feet of outdoor dining; and a 45,000-square-foot  
1302 three-story office building to match the one in Phase II. Once again, there are  
1303 discrepancies in the floor plans and the architectural plans that need to be addressed, but  
1304 these numbers are pretty close to being accurate. Once again, water quality information  
1305 requested by Public Works has been provided, and they find them acceptable at this time.

1306

1307 A lighting plan was included with this portion of the development. There are a lot of  
1308 corrections that need to be made, but we did get that for review. There are a lot of conflicts  
1309 with light pole locations, where the trees are going to be located, utilities, which will have  
1310 to be straightened out. But at least we've been able to review that.

1311

1312 The architectural plans are still being revised. Building A along the western portion of the  
1313 site. Traffic had some concerns about the drive-through around this building. A coffee shop  
1314 is located in this building, and the plans had to be updated to satisfy Traffic's concerns.

1315

1316 Commercial Building B, West Broad Street's entrance into GreenGate Boulevard. Once  
1317 again, a three-story office building which mirrors the Phase II office building.

1318

1319 Both Phases II and III cover the entire commercial portion of the GreenGate development  
1320 except for the grocery store, which will be submitted at a later time. Because the square  
1321 footage in the grocery store is not included within Phase II and Phase III, the current  
1322 parking requirements are met as far as what is required in parking in this portion of the  
1323 development. Once the grocery store comes in, they will have to demonstrate there is  
1324 sufficient parking. It's possible that they will have to use parking in the adjacent residential  
1325 portion of the development to satisfy the parking requirements. We anticipate that there  
1326 will be excess parking in the residential portion of GreenGate and will be within the

1327 distance required in order to be considered as meeting the requirements of the commercial  
1328 portion. But that still would remain to be demonstrated.

1329  
1330 This is the subdivision, which covers the residential portion of GreenGate. The proffers for  
1331 GreenGate limit it to 300 lots of residential development. The plan was approved in August  
1332 2014 at 276 lots. Because the amount of residential acreage has been reduced in  
1333 GreenGate, the revised plan shows 248 lots, and that's broken down by 42 single-family  
1334 and 206 townhomes.

1335  
1336 Changes to the street cross sections are reflected in the master plan sheets; changes to  
1337 the lot type were also submitted. Nearly all of these streets are public, except the alleys,  
1338 which are private, and one small portion here that would be private as well.

1339  
1340 This plan reflected the provision of 90-degree parking in front of the model block of  
1341 townhouses, which was proposed by the developer. The traffic engineer and Public Works  
1342 has disallowed this because this is a public street in this location. They don't want spaces  
1343 backing out into a public street. So this is being revised to provide on-street parallel  
1344 parking, not 90-degree parking.

1345  
1346 This plan does not show the majority of the site or the rest of the site running to Tuckahoe  
1347 Creek, which would be included in the subdivision as common area. That will have to be  
1348 reflected on the POD plans that get submitted. It's anticipated the residential development  
1349 will be done in four phases, and each of these phases would have to have a POD  
1350 submitted and will come back before you for approval.

1351  
1352 Mrs. O'Bannon - I have a comment to make briefly on the pulling-in parking.  
1353 Quite a few people in the area have those very, very small cars, smart cars, and their  
1354 length is the width of a regular vehicle. I have found that when you do the parallel parking  
1355 for some vehicles, some of the smart cars will pull in that way because, again, their length  
1356 is the width of a regular vehicle. Police have not been ticketing them or anything. So I'm  
1357 curious about how that could be addressed in this situation. It's a general comment.

1358  
1359 Mr. Wilhite - That's interesting.

1360  
1361 Mrs. O'Bannon - But that's what I have discovered is the smart cars' length are  
1362 the width of a regular vehicle. Okay.

1363  
1364 Mr. Witte - I never knew that.

1365  
1366 Mr. Wilhite - Just to add, the water quality calculations have been provided  
1367 for the residential portion and are acceptable to Public Works.

1368  
1369 At this point, we do have representatives here. The engineer, Dave Ellington is here, also  
1370 with Eagle Construction, and M.E. Nuckols, Mark Kukoski, and Kate Cooper are here. If  
1371 you have any questions of staff, I'd be happy to try to answer them.

1372

1373 Mr. Archer - Mr. Wilhite, I understand your indication that we cannot  
1374 approve this without the lighting plan?  
1375

1376 Mr. Wilhite - The lighting plan has to be included in the plans we sign for  
1377 construction purposes. We have the option for typical PODs to have them at a later time,  
1378 but because of the nature of the development, we have to make sure the lighting, the  
1379 landscaping, and all of the site infrastructure is going to work together and fit.  
1380

1381 Mr. Branin - Nine and eleven doesn't pertain to a UMU.  
1382

1383 Mr. Archer - Okay.  
1384

1385 Mr. Branin - That was the first thing I said, I will pull it out.  
1386

1387 Mr. Archer - I knew you would.  
1388

1389 Mr. Branin - Nine and eleven doesn't pertain to a UMU.  
1390

1391 Mr. Wilhite - The final landscaping plans we can get at a later time, as long  
1392 as we know where tree locations are right now so there is no conflict. But it's critical for a  
1393 lighting plan to be included in the plans that we sign for construction purposes.  
1394

1395 Mr. Archer - Okay, I got it. Questions from the Commission?  
1396

1397 Ms. Jones - Yes. In addition to the lighting issue, I did hear that there are a  
1398 number of other—this is huge case, and it's going to be a beautiful community, there is no  
1399 doubt. However, there are a lot of moving parts. What you've described, if I followed you  
1400 correctly, was that almost for each one of these plans that's in front of us right now, there  
1401 are still missing parts. Maybe not the numbers so much, because they are close, but there  
1402 are still traffic issues or whatever. Is that true?  
1403

1404 Mr. Wilhite - Right. Yes.  
1405

1406 Ms. Jones - And so we do have unresolved issues on almost everything.  
1407

1408 Mr. Wilhite - Yes. Hopefully, we've annotated the plans to that effect.  
1409 Comments have been provided to the applicant to address so we can get to the point  
1410 where we can finally approve the construction plans. The real big problem was having the  
1411 lighting plan submitted for Phase II with this development. We still have to have that  
1412 submitted and reviewed by staff.  
1413

1414 Ms. Jones - So is an approval by the Commission problematic for the  
1415 outstanding issues?  
1416

1417 Mr. Wilhite - We, at this point, would prefer the lighting plan had been  
1418 included so you can see it. We can still do the review and make sure that gets included in

1419 the construction plans that we sign before they do any work for each phase on the site.  
1420 But that would be at the discretion of the Planning Commission.

1421

1422 Mr. Emerson - It does need to be included in the plans, Ms. Jones, because  
1423 with the type and the nature of these developments being so tight, you have to consider it  
1424 at the time all the plans are being considered. And also, they have to be submitted in time  
1425 for the review to actually occur. The lighting plan did not come in until after close of  
1426 business last night. Therefore, police, they like to see those lighting plans. They have not  
1427 had a chance to see them, nor have we had a chance, really, to fully review the plans.

1428

1429 Mr. Leabough - You all aren't staying until midnight like you used to?

1430

1431 Mr. Emerson - No, we weren't able to do that last night.

1432

1433 Mr. Branin - Actually, Planning was here, but the police representative and  
1434 Public Works didn't come.

1435

1436 Mr. Archer - Okay, any further questions from the Commission?

1437

1438 Mr. Branin - None. I would like to have the applicant come, please.

1439

1440 Mr. Archer - Okay. Would the applicant come forward, please. Please be  
1441 sure to identify yourself for the record.

1442

1443 Mr. Ellington - Good morning, members of the Planning Commission. I'm  
1444 David Ellington with Kimley-Horn. I have Mark Kukoski and Kate Cooper with  
1445 Markel|Eagle.

1446

1447 Mr. Branin - Okay. First, let me start by saying the way this case is  
1448 developing from initial vision meeting to the latest changes that are proposed are great. I  
1449 can tell you on Friday I was with the Graham Meadows neighborhood for an event that  
1450 they had. They're ecstatic and are excited and want to know when it's going to start so  
1451 they can be part of your community. So I commend you for what you're doing. Your name  
1452 is?

1453

1454 Mr. Ellington - David Ellington.

1455

1456 Mr. Branin - Mr. Ellington, are you aware when this Commission meeting  
1457 was?

1458

1459 Mr. Ellington - Yes sir.

1460

1461 Mr. Branin - Were you aware of what had to be addressed with the lighting  
1462 plan two weeks ago when you had a meeting with staff?

1463

1464 Mr. Ellington - Yes sir, we were.

1465  
1466 Mr. Branin - Okay. So now you're aware why I'm going to defer this,  
1467 correct?  
1468  
1469 Mr. Ellington - Yes sir.  
1470  
1471 Mr. Branin - Okay. All right. Great project, but it's not fair. Every  
1472 commissioner here will tell you in their cases, I'm the first one that says it's not right or fair  
1473 for you to expect to bring something in at 4:30 or 5 to us. The Commission doesn't get an  
1474 opportunity to see it. When we're sitting up here reviewing other cases as they go through,  
1475 we don't have time to review it. Staff doesn't have time to review it. We're all excited about  
1476 this project. It truly will be a diamond for Henrico, I truly believe that. But you have to do  
1477 your job for us to do our job.  
1478  
1479 Mr. Ellington - Understood.  
1480  
1481 Mr. Branin - With that I would like to move that POD2015-00286,  
1482 GreenGate Phase II, Commercial East, be deferred to the October 15th meeting, if that is  
1483 adequate with my fellow commissioners. I believe the housekeeping that they need to do,  
1484 they should be able to do in two weeks.  
1485  
1486 Mr. Leabough - Okay. You want to ask them to make sure they can do that?  
1487  
1488 Mr. Branin - Valid point. Sir, do you think you can get your job done in two  
1489 weeks?  
1490  
1491 Mr. Ellington - Yes sir, we will.  
1492  
1493 Mr. Branin - Okay. To the October 15th meeting.  
1494  
1495 Mr. Archer - Okay.  
1496  
1497 Mr. Witte - Second.  
1498  
1499 Mr. Archer - Motion by Mr. Branin, seconded by Mr. Witte, that the first  
1500 case, POD2015-00286, be deferred to the October 15th meeting. All in favor say aye. All  
1501 opposed say no. The ayes have it; the motion passes.  
1502  
1503 At the request of the applicant, the Planning Commission deferred POD2015-00286,  
1504 GreenGate Phase II, Commercial East, to its October 15, 2015 meeting.  
1505  
1506 Mr. Branin - I move that POD2015-00321, GreenGate Phase III,  
1507 Commercial West, be deferred to the October 15th meeting.  
1508  
1509 Mr. Witte - Second.  
1510

1511 Mr. Branin - We'll make these per the applicant's request.  
1512  
1513 Mr. Archer - Okay.  
1514  
1515 Mr. Branin - You don't have a problem with that, do you? Okay.  
1516  
1517 Mr. Archer - Moved by Mr. Branin, seconded by Mr. Witte that POD2015-  
1518 00321, GreenGate Phase III, Commercial West, be deferred to the October 15th meeting.  
1519 All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
1520  
1521 At the request of the applicant, the Planning Commission deferred POD2015-00321,  
1522 GreenGate Phase III, Commercial West, to its October 15, 2015 meeting.  
1523  
1524 Mr. Branin - I move that SUB2015-00106, GreenGate Residential  
1525 (September 2015 plan), be deferred to the October 15th meeting per the applicant's  
1526 request.  
1527  
1528 Mr. Witte - Second.  
1529  
1530 Mr. Archer - Motion by Mr. Branin, second by Mr. Witte that this case be  
1531 deferred until the October 15th meeting. All in favor say aye. All opposed say no. The ayes  
1532 have it; the motion passes.

1533  
1534 At the request of the applicant, the Planning Commission deferred SUB2015-00106,  
1535 GreenGate Residential (September 2015 plan), to its October 15, 2015 meeting.  
1536  
1537 Mr. Emerson - The next item on the agenda appears on page 29. It is  
1538 POD2015-00324, Engineering Design Associates for Virginia Becknell Investors, LLC and  
1539 Becknell Services LLC. The staff report will be presented by Mr. Lee Pambid.

1540  
1541 **PLAN OF DEVELOPMENT**  
1542

POD2015-00324  
Airport Distribution Center,  
Building D - Expanded -  
2600 Distribution Drive

**Engineering Design Associates for Virginia Becknell Investors, LLC and Becknell Services, 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 202,560 square foot office warehouse. The 12.99-acre site is located on the southeast corner of the intersection of Darbytown Road and South Laburnum Avenue and on the north line of Miller Road, on part of parcel 814-699-7796. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

1543

1544 Mr. Archer - Good morning, Mr. Pambid. Is there anyone here who is in  
1545 opposition to POD2015-00324, Airport Distribution Center, Building D? We do have  
1546 opposition. We'll get to you, sir. Thank you. Mr. Pambid.

1547  
1548 Mr. Pambid - Good morning. The applicant proposes construction of an  
1549 office building that's 202,560 square feet in area, and additional parking and truck  
1550 maneuvering areas are proposed over versions of this plan that were administratively  
1551 reviewed previously pursuant to the master plan that was approved in 1997. No changes  
1552 to the existing proffered 10-foot berm are proposed, and zoning cases C-47C-97 and C-  
1553 7C-06 shall apply.

1554  
1555 The building will be constructed of tilt-up concrete panels with colors ranging in light,  
1556 medium, and dark gray tones, which is in keeping with other buildings in the development.  
1557 Building E, which is very similar in massing and appearance, was approved by the  
1558 Planning Commission at its June 24, 2015 meeting.

1559  
1560 Since the agenda's preparation, the Department of Public Works, Traffic Division, has  
1561 received a revised plan that provides for right-of-way dedication along Darbytown Road  
1562 and can now recommend approval. With that, staff recommends approval subject to the  
1563 annotations on the plan, standard conditions for developments of this type, and additional  
1564 conditions 29 through 32.

1565  
1566 This concludes my presentation. Staff can now field any questions you have regarding  
1567 this. Mr. Randy Hooker with Engineering Design Associates is also here.

1568  
1569 Mr. Archer - Thank you, sir. Are there questions for Mr. Pambid? Okay.  
1570 Would you like to see the applicant?

1571  
1572 Mr. Leabough - I'd like the opposition to come down first.

1573  
1574 Mr. Archer - Opposition first. Okay. Would the opposition please come  
1575 forward, sir, and state your name for the record. While you're coming, sir, Mr. Emerson,  
1576 would you care to review the rules?

1577  
1578 Mr. Emerson - Certainly, Mr. Chairman. The Planning Commission does have  
1579 guidelines that it observes at public hearings, and they are as follows: The applicant is  
1580 allowed ten minutes to present the request, and time may be reserved for responses to  
1581 testimony. The opposition is allowed a cumulative ten minutes to present its concerns.  
1582 Commission questions do not count into the time limits. The Commission may waive the  
1583 time limits for either party at its discretion. Comments must be directly related to the case  
1584 under consideration.

1585  
1586 Mr. Archer - Thank you, sir. Good morning.

1587  
1588 Mr. Richardson - Good morning. James Richardson. I am the owner of 2555  
1589 Darbytown Road.



1590

1591 Mr. Leabough - Could staff pull up the site plan, the plan map so we can see  
1592 where Mr. Richardson—oh, you can see it there; I'm sorry. Could you just use the pointer  
1593 to point to your property, Mr. Richardson?

1594

1595 Mr. Richardson - Let me first say that I'm not a public speaker. I would request  
1596 to be able to question—Mr. Hooker, I'm not sure I know you, sir. It says "Building D -  
1597 Expanded" on the letter that I received at home. What does "expanded" mean?

1598

1599 Mr. Leabough - Could you answer that, Mr. Pambid, please?

1600

1601 Mr. Pambid - The building itself is not being expanded. The administrative  
1602 plans that we've been reviewing for a few years now have always indicated a 202,560-  
1603 square-foot building—240 feet in width and 844 feet in length. So that part of the case has  
1604 remained the same. The expanded portion that the caption is referring to is this truck  
1605 maneuvering and parking area.

1606

1607 Mr. Richardson - I'll be quite frank with you. But looking at some of the letters  
1608 I've received from the County and in looking at this, the buildings—I'm not quite sure if I  
1609 understand which direction they're facing. I don't know the front from the back, north from  
1610 south. And I'd like clarification on that, because I don't understand it.

1611

1612 Mr. Leabough - Could you just let us know all your issues or concerns, and  
1613 then we can have Mr. Pambid come up and answer those so that he doesn't have to keep  
1614 switching back and forth. Do you mind?

1615

1616 Mr. Richardson - Okay, I'll do that, sir. I'm wondering if there have been any  
1617 studies conducted—excuse me with my shortness of breath—that would lead to the  
1618 decision of the Board as to the introduction of industrial property into a residential setting,  
1619 the impact on those residential properties. Does it degrade them? Enhance them? Or does  
1620 it enhance the industrial properties.

1621

1622 Ma'am, thank you for your concern expressed about the possibility of degrading adjoining  
1623 properties, residential properties in your concern about another issue that was presented  
1624 to you today. I wish the Board will please extend that courtesy to me.

1625

1626 One thing I ask is I don't understand how close building D is going to be to Darbytown  
1627 Road. I can't understand where the front and back of it is. The gentleman said that there  
1628 had been no—well he didn't say alteration of the berm, but apparently there is. A cement  
1629 wall is being dug into that berm. Why is that berm there to begin with? I asked Mr. Hooker,  
1630 and he said he wasn't privy to that information, that he wasn't there when it was built,  
1631 representing the parties.

1632

1633 We have some concerns about the truck parking area. How far is that away? What would  
1634 be the impact of a truck parking area almost adjoining my property? Whose trucks are  
1635 they? I don't know where they come from; I don't what they are. The total parking spaces.

1636 I have a guideline, but it's so small I can't tell. It looks like it's twenty-some parking spaces.  
1637 So I address that. Is it going to be just parking for trailers or tractor-and-trailers or—I don't  
1638 know. It maybe some great concerns here.

1639

1640 What type of cargo is going to be in these trailers? Are they going to be empty or are they  
1641 going to be full? Partially full? Are there going to be toxic materials, explosives, flammable  
1642 material, chemicals that maybe affect the residential community that this property is  
1643 intruding upon? As far as that goes, how many gallons of fuel are in those trucks? I don't  
1644 have the slightest idea, but if twenty-some-odd number of spaces are there, I would think  
1645 that would be of concern.

1646

1647 What are the hours of operation of this facility? The entire complex, as far as that goes.  
1648 What are the hours of operation? Am I going to be having trucks in my backyard?

1649

1650 Mr. Leabough - Mr. Richardson, sorry to interrupt. You do realize that this is an  
1651 existing site. The activities that they're proposing in this building are already here. This site  
1652 was here back in 1996 or 1997.

1653

1654 Mr. Emerson - Ninety-seven, I believe, yes sir.

1655

1656 Mr. Leabough - So it's not a different use.

1657

1658 Mr. Richardson - I don't recall any parking lot being over us.

1659

1660 Mr. Leabough - The parking lot was authorized in two thousand—it was  
1661 rezoned in 2006, correct?

1662

1663 Mr. Richardson - Rezoned?

1664

1665 Mr. Leabough - Yes sir.

1666

1667 Mr. Richardson - What about the impact on my property? I'm expressing  
1668 concerns of a residential property.

1669

1670 Mr. Leabough - I appreciate your concerns. I just wanted to make sure you  
1671 understood that this use had been here for a number of years. It's not a new use; it's an  
1672 existing use that's already approved for the site.

1673

1674 Mr. Richardson - What does that mean?

1675

1676 Mr. Branin - Let me give a shot at explaining what that means. We have this  
1677 in all of the districts. You guys just had the same sort of thing in regards to a retail store  
1678 that it was zoned, which means it went from agricultural to, in that case, B. and then it sat  
1679 vacant until now. The person sold it, and this retailer came in and said we're going to build  
1680 something that meets that zoning B. We have no authority by law to stop it because it's  
1681 already zoned for that. This is already zoned M. They can do all of this by right.

1682  
1683 Mr. Richardson - Well good. Do I have any?  
1684  
1685 Mr. Leabough - So your concerns—  
1686  
1687 Mr. Richardson - I say do I have any? That's my question I just posed.  
1688  
1689 Mr. Branin - Yes sir. You have all the authority in the world on your property,  
1690 which is zoned probably R or A. You're A. So if you sold your property, it could be  
1691 requested for rezoning for whatever you chose. And on A, you have huge rights on your  
1692 property in regards to farming and agricultural. You can put a church, you can put many  
1693 things on your property that's zoned A.  
1694  
1695 Mr. Richardson - So they have all the authority to do whatever they want to do.  
1696  
1697 Mr. Leabough - Are you residing in the property currently?  
1698  
1699 Mr. Richardson - I am not.  
1700  
1701 Mr. Leabough - Okay. So what's going on with your property? Are you renting  
1702 it or?  
1703  
1704 Mr. Richardson - I am.  
1705  
1706 Mr. Branin - So what we're telling you that at the time of zoning back in  
1707 1997—  
1708  
1709 Mr. Richardson - I was here.  
1710  
1711 Mr. Branin - Okay. If that had been stopped or changed or parameters set  
1712 with proffers at that time in 1997, then those restrictions and so forth would be on that  
1713 property, as they are today, that were set up in 1997. As we sit here as a Commission, we  
1714 are bound by state law that says this is zoned M, and as long as it meets all M criteria, we  
1715 legally are bound to accept it and approve it.  
1716  
1717 Mr. Richardson - I've been before you before, and you expressed concern about  
1718 the complex and the noise and sound and everything that may have been from the  
1719 complex affecting the residents or properties. Why did you even bother to ask?  
1720  
1721 Mrs. O'Bannon - Mr. Richardson, I might be able to add something to this. You  
1722 had asked about the berm. Usually a berm—which is a wall of dirt and it requires a certain  
1723 number of feet wide—is put there because of noise. The dirt does absorb noise. So a berm  
1724 is usually asked for in case such a manufacturing case because residences are nearby.  
1725 You mentioned that.  
1726

1727 What your concern is I think involves the distance the vehicles; that's distance. A buffer,  
1728 distance, shrubbery—that sort of thing. You have the right, certainly, and this board has  
1729 the ability to ask for some sort of mitigation of any impacts on your property. So what you  
1730 are really asking is what distance is it to the vehicles. And you have very legitimate  
1731 questions asking about that that can be answered, I believe. But you want to know  
1732 distance, that's the buffer. You want to understand what's in that buffer because shrubs  
1733 and things may be removed. If someone here asks for a berm, you can't put shrubbery  
1734 really into the berm or close to the berm because it will destroy the dirt of the berm. So  
1735 berms have their own positives and negatives.

1736  
1737 So I think what the board could address is distance, shrubbery, buffer, landscaping—  
1738 things like that. I think that's what you're getting at. Is that not what you want to hear?  
1739

1740 Mr. Richardson - Well ma'am, that's part of it. That's part of it. I have concerns  
1741 about security with trucks being, I believe, parked within fifty feet of my property. As I said,  
1742 I don't know what's going to be there. It is going to be trucks, is it going to be trailers. Is  
1743 there going to be overnight parking for trucks that are going to be back there idling? I'm  
1744 concerned about the sound. I'm concerned about the light. I'm concerned about the  
1745 security. I'm concerned about fire. I'm concerned about drainage from stormwater runoff.  
1746 And I would like to continue, but I guess I can't have any of these concerns or express  
1747 them to you as a residential property owner since it's already been zoned.  
1748

1749 Mr. Leabough - Those are all legitimate concerns, so we'll ask the applicant to  
1750 come up and address any concerns.  
1751

1752 Mr. Richardson - I'm addressing those concerns now.  
1753

1754 Mr. Leabough - I'll ask the applicant to come up and address the questions that  
1755 you have.  
1756

1757 Mr. Richardson - I haven't finished.  
1758

1759 Mr. Leabough - Okay. I was just letting you know that we will have the applicant  
1760 address them.  
1761

1762 Mr. Richardson - Thank you.  
1763

1764 Mr. Archer - Mr. Richardson, let me remind you that you have three minutes  
1765 left out of your ten minutes, so you can continue, sir.  
1766

1767 Mr. Emerson - And that time has been—  
1768

1769 Mr. Richardson - Well thank you very much.  
1770

1771 Mr. Emerson - That has been discounted for the questions, Mr. Richardson.  
1772 That did not count into the time.

1773

1774 Mr. Richardson - Thank you very much for the three minutes, sir. I've lost my  
1775 place. Yes. Overnight parking. I don't know. Is there going to be some type of fencing  
1776 there, a chain link fence? I don't know. You were talking about aesthetics and how it  
1777 involved the property values. Pole lighting. I don't know. Is there going to be any type of  
1778 fire extinguisher—not extinguishers, hydrants, that could be addressed as a safety  
1779 concern for fire in that parking area.

1780

1781 Buffer, and you were talking about buffers. As it proposed—I guess they go whatever they  
1782 want, as you stated. A buffer, as it is presented to me by the gentleman is a natural  
1783 vegetative growth that is already there, and they're going to have some cedar trees, I  
1784 believe he said. What kind of buffer is that?

1785

1786 The neighbors are telling me that indeed they are very much concerned of the noise that  
1787 is coming from the current building that is back there. Is that anybody else's concern or  
1788 does somebody care? Or is it already zoned that they can do what they want to do.

1789

1790 And finally—and I do have other questions, but I know my three minutes are about up.  
1791 What is in those warehouses? Are there any restrictions that have been imposed? Any  
1792 restrictions imposed on the trucks that will be parked virtually in my backyard?

1793

1794 How much time do I have left now, sir?

1795

1796 Mr. Emerson - You have about twenty seconds, Mr. Richardson.

1797

1798 Mr. Richardson - I have other concerns I would like to address and I think are  
1799 very pertinent to residential property owners. It's nice to know that you've allowed me to  
1800 speak. Thank you. And you all have a tough job. Not just mine.

1801

1802 Mr. Branin - Let me clear this up. When you said "so I don't think this should  
1803 go, this should be done," sir, what I was stating is not that you don't have rights, not that  
1804 we don't hear your concerns, not that we're not concerned for the residents. What I was  
1805 just trying to set out so you understand is the parameters that we also have to work on.

1806

1807 Mr. Richardson - Your parameters affect me as a residential property owner and  
1808 the value of my property.

1809

1810 Mr. Branin - And that is the tough job that we have that we have, to  
1811 represent the people of the community we represent, and we also have to follow the  
1812 guidelines set to us by the state. We work on cases to make sure that we can do all that  
1813 we can, you know.

1814

1815 Mr. Richardson - No, I don't know. That's why I'm asking.

1816

1817 Mr. Witte - Thank you, sir.

1818

1819 Mr. Branin - Thank you, Mr. Richardson.  
1820  
1821 Mr. Witte - Could the applicant please come forward and address—  
1822  
1823 Mr. Richardson - Does that mean I have no recourse for legal action? I don't  
1824 know.  
1825  
1826 Mr. Archer - Legal action is a civil matter between you and who you would  
1827 choose to sue or take legal action against.  
1828  
1829 Mr. Richardson - Yes sir. Thank you very much. I appreciate your time.  
1830  
1831 Mr. Leabough - Thank you for being here, sir.  
1832  
1833 Mr. Richardson - I believe there may be another gentleman here that might be  
1834 able to make a few statements. I'm not sure.  
1835  
1836 Mr. Leabough - There's no one else to speak in opposition.  
1837  
1838 Mr. Archer - I didn't see anyone else raise their hands.  
1839  
1840 Mr. Leabough - So could the applicant please come forward and address the  
1841 questions that were raised by Mr. Richardson? I hope you were taking good notes,  
1842 Mr. Hooker.  
1843  
1844 Mr. Hooker - Yes sir. Randy Hooker, Engineering Design Associates, good  
1845 morning, Mr. Chair, members of the Commission.  
1846  
1847 Mr. Archer - Good morning, sir.  
1848  
1849 Mr. Hooker - Supervisor O'Bannon. Just to start off—  
1850  
1851 Mr. Richardson - [Off microphone.] Could you speak a little closer to the mic,  
1852 please?  
1853  
1854 Mr. Hooker - My apologies. I reached out to Mr. Richardson. I had a difficult  
1855 time contacting him. Couldn't locate his telephone number. So I left my card at the property  
1856 and also, too, sent a letter to his residence. We actually sat down last week, spent about  
1857 forty-five minutes with him reviewing the plan, laid out the conceptual buffer plan that was  
1858 provided in the POD, showed him the existing 50-foot buffer area and that we were going  
1859 to add additional evergreens to the buffer, which would be cedars—  
1860  
1861 Mr. Leabough - Could you show us that? Do we have that somewhere? Show  
1862 us the area that you're speaking to.  
1863  
1864 Mr. Richardson - [Off microphone.] Sir, I'm having a hard time hearing you.

1865  
1866 Mr. Hooker - How do I adjust the volume?  
1867  
1868 Mr. Leabough - I don't think there's ability. Can you just try to pull the mic as  
1869 close as possible, have your mouth as close as possible to it?  
1870  
1871 Mr. Hooker - This area in here that is shown, we're doing a little bit of grading  
1872 adjacent to the 50-foot buffer. Cedars, hollies, and also arborvitae will be planted in this  
1873 area to provide additional buffer. I'd like to state that—and I do have a copy of the plan  
1874 here—that the owners that I'm here representing, Becknell, their original plan showed this  
1875 parking area extended back towards the 50-foot buffer line. Because of previous  
1876 conversations with Mr. Richardson, the rezoning of the back piece of Mr. Kent's property  
1877 of here, the opposition to that, I convinced Becknell to reduce the impervious area to  
1878 reduce the length or depth of this trailer parking area. This gets it further away. Mr.  
1879 Richardson's property or the house actually sits about right here. So the back of the house  
1880 to the end of this is approximately 150 feet. That's a fair distance.  
1881  
1882 Mr. Leabough - What are you planning to park there? It sounds like truck  
1883 trailers.  
1884  
1885 Mr. Hooker - It will be trailers. And trust me, I doubt very seriously they'd be  
1886 parking over-the-road tractors there too. It's a lot cheaper to park a trailer. I'm confident  
1887 that those will be empty trailers. They're not going to have inventory sitting in trailers  
1888 outside.  
1889  
1890 Mr. Leabough - As far backing up to hook up and pull away, how long do you  
1891 estimate a process like that to take?  
1892  
1893 Mr. Hooker - I mean, fifteen, twenty minutes? They have to raise the landing  
1894 gear on the trailer once they get it hooked up. Not long.  
1895  
1896 Mr. Leabough - So there's no plan to have trucks just idling there.  
1897  
1898 Mr. Hooker - No.  
1899  
1900 Mr. Leabough - You're planning to back up and pull the trailer away?  
1901  
1902 Mr. Hooker - Yes sir.  
1903  
1904 Mr. Leabough - Fencing. Are you planning any fencing along that parking area  
1905 at all?  
1906  
1907 Mr. Hooker - No sir, not at this time.  
1908  
1909 Mr. Leabough - You wouldn't see anyway with the buffering, would you.  
1910

1911 Mr. Hooker - Correct, correct. Unless there becomes a request from a future  
1912 tenant, there are no tenants lined up to go in this building today. They do have some  
1913 interest, but nobody's signed any lease agreements. There are occasions where tenants  
1914 require security for their trailers.  
1915

1916 Mr. Leabough - Could you speak to some of the cargo that is transported from  
1917 this facility?  
1918

1919 Mr. Hooker - Again, there are no tenants lined up, so I'm not sure who's  
1920 going to be occupying these spaces.  
1921

1922 Mr. Leabough - But in terms of the toxicity. Are you hauling hazardous  
1923 materials from this building?  
1924

1925 Mr. Hooker - I would think the ordinance would control that, the use,  
1926 restrictions in the proffers. Everything would restrict any hazardous materials.  
1927

1928 Mr. Leabough - Okay. This is—  
1929

1930 Mr. Hooker - Yes, M-1C.  
1931

1932 Mr. Leabough - All right. Hours of operation. Whose trucks are they?  
1933

1934 Mr. Hooker - It would be the tenants, the end user who is in those spaces. It  
1935 would be their trailers.  
1936

1937 Mr. Leabough - So you don't know that at this time.  
1938

1939 Mr. Hooker - Exactly.  
1940

1941 Mr. Leabough - Security. Stormwater and security.  
1942

1943 Mr. Hooker - Stormwater, we're required by state to meet certain criteria.  
1944 There are existing stormwater facilities on the property today. We're having to address  
1945 additional impervious area that was not calculated in 1997 for the original POD due to this  
1946 additional parking area. Those items are being addressed.  
1947

1948 Mr. Leabough - So the existing facility will, in your estimation, handle the runoff  
1949 on this additional parking area.  
1950

1951 Mr. Hooker - That, and it may require purchase of nutrient credits to offset  
1952 additional stormwater requirements.  
1953

1954 Mr. Leabough - Okay. Could you pull up the site plan to show the orientation of  
1955 the building?  
1956



1957 Mr. Hooker - In 1997 when the property was rezoned—or prior to 1997—the  
1958 requirement of the berm along Miller Road was set forth. There is no vehicle access  
1959 allowed from Miller Road. There is no access to the building. There is emergency egress  
1960 from the building out of the back. The back of the building would be towards the bottom of  
1961 the page or to the south. This is front-loaded building, which would be basically the north.  
1962 There will be some office area at each corner. I guess the northeast/northwest corners of  
1963 the building would have office areas.  
1964

1965 Mr. Leabough - Okay. Are you planning to do any modification of the existing  
1966 berm?  
1967

1968 Mr. Hooker - We are going to have to cut the toe of the slope out. Again,  
1969 back in 1997 when this was all put forth, a 16-inch waterline was installed along Miller  
1970 Road and fire hydrants were placed along the 16-inch waterline. It's on the northern side  
1971 of Miller Road. And also, that berm was put in place just beyond that waterline. With this  
1972 submission and submission of building E, the fire department has stated they will not use  
1973 those fire hydrants along Miller Road to serve protecting this property. So what we're  
1974 having to do is cut the toe of the slope of that berm, put in a retaining wall to fit in a fire  
1975 lane behind this building.  
1976

1977 Mr. Leabough - As far as the impact to the residents on the other side, will they  
1978 notice a difference?  
1979

1980 Mr. Hooker - No sir. And there will be fire hydrants placed so this site meets  
1981 the 350-foot hose lay requirement.  
1982

1983 Mr. Leabough - I think you have addressed pretty much everything. Did I miss  
1984 anything, other Commissioners? Lighting.  
1985

1986 Mr. Hooker - The lighting will be uniform to the existing lighting that's out  
1987 there today. I believe those pole standards are maximum of twenty-five feet high above  
1988 grade. Metal halide lamps. Will not exceed half a foot candle across the property line. With  
1989 these buffers, there would be a level of zero of foot candles at the property line.  
1990

1991 Mr. Leabough - Thank you. Other questions from the Commission?  
1992

1993 Ms. Jones - Can I just make sure I understood the answer that you gave  
1994 when you were taking about hours. Refresh my memory as to the hours of operation that  
1995 are possible here.  
1996

1997 Mr. Hooker - I don't know the ordinance has any.  
1998

1999 Ms. Jones - They're not restricted in any way.  
2000

2001 Mr. Hooker - No ma'am.  
2002

2003 Ms. Jones - So if you have trucks coming and going in the wee hours of the  
2004 night, they'll have backup beeps and lights and that kind of thing. What are the impacts of  
2005 that?  
2006  
2007 Mr. Hooker - Again, I feel that there is sufficient buffer there today. There is  
2008 sufficient distance from this parking area to that house that would mitigate those items.  
2009  
2010 Mr. Leabough - I don't know if I agree with that. That's pretty close.  
2011  
2012 Mr. Hooker - Mr. Richardson had brought up the issue of concern of noise.  
2013 When we had the rezoning case last time, the 50-foot buffer is being provided along the  
2014 rear of those three properties to help mitigate noise.  
2015  
2016 Mr. Leabough - Would you say that the noise is already there?  
2017  
2018 Mr. Hooker - Yes.  
2019  
2020 Mr. Leabough - I mean you already have trucks backing up with the backup  
2021 beepers now.  
2022  
2023 Mr. Hooker - Correct, correct. There is an existing truck parking area that is  
2024 going to have to be removed to construct this building.  
2025  
2026 Mr. Leabough - Where is that?  
2027  
2028 Mr. Hooker - This area here.  
2029  
2030 Mr. Leabough - So there is some truck parking that's going on right now.  
2031  
2032 Mr. Hooker - True. That was added as an amendment to building C for  
2033 parking one of the tenants that it's in building C today.  
2034  
2035 Mr. Leabough - Okay. Other questions?  
2036  
2037 Mr. Richardson - [Off microphone.] I still didn't get a clarification on what's the  
2038 front, the back, the rear.  
2039  
2040 Mr. Leabough - Could you point, Mr. Hooker, to show Mr. Richardson the front  
2041 and back and side?  
2042  
2043 Mr. Hooker - This is the front. This is the rear, fire lane.  
2044  
2045 Mr. Leabough - And then the side is?  
2046  
2047 Mr. Richardson - [Off microphone.] And right there where that parking area is,  
2048 what direction are you calling that? Are you calling that north?

2049  
2050 Mr. Hooker - Here's the north arrow.  
2051  
2052 Mr. Richardson - [Off microphone.] I'm sorry; I don't know if I'm allowed to  
2053 [inaudible].  
2054  
2055 Mr. Leabough - No, you're fine. The intent was for Mr. Hooker to come down  
2056 and make sure you had all your questions answered so you're fine. Thank you.  
2057  
2058 Mr. Richardson - [Off microphone; inaudible.]  
2059  
2060 Mr. Leabough - Could I ask that we do this?  
2061  
2062 Mr. Richardson - [Off microphone.] I just want to know about the—you've got fire  
2063 hydrants right here protecting the buildings and they have to be close to the buildings. But  
2064 I don't see anything up there in the parking area. Nobody cares about the sound. Nobody  
2065 cares about the berm.  
2066  
2067 Mr. Emerson - Mr. Chairman, I don't want to interrupt but—  
2068  
2069 Mr. Richardson - [Off microphone; inaudible.]  
2070  
2071 Mr. Emerson - I understand the gentleman has got equipment he has to deal  
2072 with, but these are recorded. So in order for this to be on the minutes, I might suggest if  
2073 the Commission is ready to—  
2074  
2075 Mr. Richardson - [Off microphone; inaudible.] I apologize. I'm sorry.  
2076  
2077  
2078 Mr. Emerson - I understand, sir. I understand completely. Possibly the  
2079 applicant could meet with Mr. Richardson after Commission action in the lobby to answer  
2080 the questions.  
2081  
2082 Mr. Leabough - Yes, that's what I was going to suggest. Thank you, Mr.  
2083 Hooker.  
2084  
2085 Mr. Hooker - Thank you.  
2086  
2087 Mr. Archer - Mr. Leabough, go ahead, sir.  
2088  
2089 Mr. Leabough - That's exactly what I was going to ask after the decision here  
2090 today that you all connect. You have the opportunity to get Mr. Richardson's phone  
2091 number, so I ask that you do that before he leaves today in the spirit of being a good  
2092 neighbor. I know that this is an allowed use by zoning, but he has some legitimate concerns  
2093 being an adjacent property owner. So I would suggest that you all connect, and at least to  
2094 the extent that you can, try to address as many concerns as you can. I know the noise will

2095 be something that will be a challenge. But to the extent you can address a concern, I would  
2096 hope that you would as being a good neighbor.

2097

2098 If there are no other questions, I move that POD2015-00324, Airport Distribution Center,  
2099 Building D, be approved subject to annotations on the plan, standard conditions for  
2100 developments of this type, and additional conditions 29 through 32 as noted on the  
2101 agenda.

2102

2103 Mr. Archer - Second. Motion by Mr. Leabough, second by Mr. Archer that  
2104 POD2015-00324 be approved. All in favor say aye. All opposed say no. The ayes have it;  
2105 the motion passes.

2106

2107 The Planning Commission approved POD2015-00324, Airport Distribution Center,  
2108 Building D, subject to the annotations on the plans, the standard conditions attached to  
2109 these minutes for developments of this type, and the following additional conditions:

2110

2111 29. The right-of-way for widening of Darbytown Road as shown on approved plans shall  
2112 be dedicated to the County prior to any occupancy permits being issued. The right-  
2113 of-way dedication plat and any other required information shall be submitted to the  
2114 County Real Property Agent at least sixty (60) days prior to requesting occupancy  
2115 permits.

2116 30. In order to maintain the effectiveness of the County's public safety radio  
2117 communications system within buildings, the owner will install radio equipment that  
2118 will allow for adequate radio coverage within the building, unless waived by the  
2119 Director of Planning. Compliance with the County's emergency communication  
2120 system shall be certified to the County by a communications consultant within ninety  
2121 (90) days of obtaining a certificate of occupancy. The County will be permitted to  
2122 perform communications testing in the building at anytime.

2123 31. The proffers approved as a part of zoning case C-47C-97, C-7C-06, C-8C-06,  
2124 REZ2014-00039 shall be incorporated in this approval.

2125 32. The location of all existing and proposed utility and mechanical equipment  
2126 (including HVAC units, electric meters, junction and accessory boxes, transformers,  
2127 and generators) shall be identified on the landscape plans. All equipment shall be  
2128 screened by such measures as determined appropriate by the Director of Planning  
2129 or the Planning Commission at the time of plan approval.

2130

2131 Mr. Archer - We have about five more cases to go. The Commission will  
2132 take a ten-minute recess, and we'll reconvene at 11:10.

2133

2134 [Planning Commission takes a ten-minute break.]

2135

2136 [Planning Commission reconvenes without Mr. Leabough and Mr. Witte.]

2137

2138 Mr. Emerson - Our next item on the agenda today appears on page 31. It is  
2139 POD2015-00328, Willmark Engineering, PLC for Virginia Electric & Power Company. The  
2140 staff report will be presented by Mr. Matt Ward.

2141  
2142

## PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2015-00328  
Dominion Virginia Power  
Mobile Unit Storage  
Building @ 2901 Charles  
City Road

**Willmark Engineering, PLC for VA Electric & Power Company:** Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 28,214 square foot mobile unit storage building with 28 service bays and additional parking required for the existing office warehouse buildings. The 21.1-acre site is located on the southeast corner of the intersection of Charles City Road and Miller Road, approximately 500 feet west of S. Airport Drive, on parcel 818-707-5124. The zoning is M-2, General Industrial District and ASO, Airport Safety Overlay District. County water and sewer. (**Varina**)

2143

2144

2145

2146

2147

Mr. Archer - Thank you, Mr. Secretary. Is there anyone here in opposition to this case, POD2015-00328, Dominion Virginia Power Mobile Unit Storage Building? No opposition. Go right ahead. Mr. Ward.

2148

2149

2150

2151

2152

2153

2154

Mr. Ward - Thank you. This applicant does request to build a 28,125-square-foot 28-bay storage building to be near the southeast corner of Miller and Charles City Road. This facility will be most often utilized during storm events. Additional site work here includes closing one existing driveway that is along Charles City Road, and enhancing that one building and an additional one, as well as building one more new entrance along Miller Road.

2155

2156

2157

2158

Also, a seven-foot-tall black chain link fence will be provided along the perimeter. And a twelve-foot-tall beta Guardian fence with tiger mesh type will be further into the site enclosing the interior site and facility for security, as well as to help buffer the visibility of the building and operations.

2159

2160

2161

2162

Furthermore, the applicant has agreed to plant a large evergreen tree hedge along Charles City Road here that would be outside of the fences and also along Miller Road to help screen proposed building and site activity.

2163

2164

2165

2166

The architectural renderings before you provide service bays on the northern and southern portions of the buildings, which would be facing Charles City Road and the interior part of the building. There are gray roll-up doors surrounded by white metal wall panels.

2167

2168

2169

2170

The lighting plan before you also has ten building-mounted LED fixtures and thirty-five light poles with LED fixtures scattered throughout the site. All the proposed fixtures are LED, full cutoff, and provide a 3.0 average foot candle reading throughout the site.

2171

2172

2173

2174

Should the commission choose to act on this request, staff recommends approval subject to the annotations on the plan, standard conditions for developments of this type, and the following conditions 11B and 29 through 33 in the agenda. We have Mark Williams with

2175 Willmark Engineering and Victor Torres with Virginia Dominion Power if you have any  
2176 questions of them.  
2177  
2178 Mr. Archer - Thank you, Mr. Ward. Does the Commission have any  
2179 questions of Mr. Ward?  
2180  
2181 Mr. Branin - One question for the applicant, please.  
2182  
2183 Mr. Archer - Okay. Will the applicant come down, please?  
2184  
2185 Mr. Leabough - You guys are agile. I would never attempt that.  
2186  
2187 Mr. Williams - Good morning, Mr. Chairman.  
2188  
2189 Mr. Archer - Good morning, sir.  
2190  
2191 Mr. Williams - Mark Williams with Willmark Engineering.  
2192  
2193 Mr. Branin - Good morning.  
2194  
2195 Mr. Torres - Victor Torres with Dominion Virginia Power.  
2196  
2197 Mr. Branin - Mr. Torres, you're aware of the additional plantings?  
2198  
2199 Mr. Torres - Yes.  
2200  
2201 Mr. Branin - And you guys do agree to it?  
2202  
2203 Mr. Torres - Yes we do.  
2204  
2205 Mr. Branin - Okay. Thank you. That's it.  
2206  
2207 Mr. Archer - All right, are you carrying this, Mr. Branin?  
2208  
2209 Mr. Branin - I am, sir. Sir, I'd like to move that POD2015-00328, Dominion  
2210 Virginia Power Mobile Unit Storage Building, be approved subject to the annotations on  
2211 the plan, standard conditions for developments of this type, 11B, 29 through 33, and the  
2212 understanding of the additional plantings, for the record.  
2213  
2214 Ms. Jones - Second.  
2215  
2216 Mr. Archer - Motion by Mr. Branin, second by Mrs. Jones. All in favor say  
2217 aye. All opposed say no. The ayes have it; the motion passes.  
2218  
2219 The Planning Commission approved POD2015-00328, Dominion Virginia Power Mobile  
2220 Unit Storage Building, subject to the annotations on the plans, the standard conditions

2221 attached to these minutes for developments of this type, and the following additional  
2222 conditions:

- 2223
- 2224 11B. Prior to the approval of an electrical permit application and installation of the site  
2225 lighting equipment, a plan including light spread and intensity diagrams, and fixture  
2226 specifications and mounting heights details shall be revised as annotated on the  
2227 staff plan and included with the construction plans for final signature.
- 2228 29. The right-of-way for widening of Charles City Road and Miller Road as shown on  
2229 approved plans shall be dedicated to the County prior to any occupancy permits  
2230 being issued. The right-of-way dedication plat and any other required information  
2231 shall be submitted to the County Real Property Agent at least sixty (60) days prior  
2232 to requesting occupancy permits.
- 2233 30. Approval of the construction plans by the Department of Public Works does not  
2234 establish the curb and gutter elevations along the Henrico County maintained right-  
2235 of-way. The elevations will be set by Henrico County.
- 2236 31. All repair work shall be conducted entirely within the enclosed building.
- 2237 32. There shall be no outdoor storage in moveable storage containers including, but  
2238 not limited to, cargo containers and portable on demand storage containers.
- 2239 33. The location of all existing and proposed utility and mechanical equipment  
2240 (including HVAC units, electric meters, junctions and accessory boxes,  
2241 transformers, and generators) shall be identified on the landscape plan. All building  
2242 mounted equipment shall be painted to match the building, and all equipment shall  
2243 be screened by such measures as determined appropriate by the Director of  
2244 Planning or the Planning Commission at the time of plan approval.

2245 Mr. Emerson - Mr. Chairman, we now move to page 37 of your agenda and  
2246 page 2 of your amended agenda for SUB2015-00117, Youngblood, Tyler and Associates,  
2247 P.C. for Nuckols Road, LLC and HHHunt Corporation. The staff report will be presented  
2248 by Ms. Christina Goggin.  
2249

2250 **SUBDIVISION**

2251 SUB2015-00117 Youngblood, Tyler and Associates, P.C. for Nuckols  
2252 Holloway at Wyndham Road, LLC and HHHunt Corporation: The 7.53-acre site  
Holloway at Wyndham Forest - Townhouses proposed for 52 townhomes is located 800 feet east of the  
(September 2015 Plan) – intersection of Nuckols Road and Opaca Lane along the  
11120 Nuckols Road south line of Holman Ridge Road extended, on part of  
parcel 749-771-6494. The zoning is RTHC, Residential  
Townhouse District (Conditional). County water and sewer.  
**(Three Chopt) 52 Lots**

2253 Mr. Archer - Thank you, sir. Good morning, Ms. Goggin.

2254 Ms. Goggin - Good morning.  
2255  
2256  
2257

2258 Mr. Archer - Is there anyone in opposition to this case, SUB2015-00117,  
2259 Holloway at Wyndham Forest – Townhouses? No opposition.

2260

2261 Ms. Goggin - This conditional subdivision proposes 7-1/2 acres into 52  
2262 townhouse dwellings. The site was recently rezoned, July 21, 2015, and the layout is  
2263 consistent with the proffered plan and its companion case, the conditional subdivision  
2264 case, SUB2015-00118, for 97 zero-lot-line single-family dwellings.

2265

2266 As of the preparation date of the agenda, the Department of Public Works, Engineering  
2267 Division, could not recommend approval of this plan as submitted. Revised plans were  
2268 submitted Monday, as well as water quality information. The Department of Public Works  
2269 can now recommend approval. The plans in your handout addendum were prepared prior  
2270 to receiving Public Works' recommendation yesterday afternoon. Staff will need to modify  
2271 some of the annotations to reflect that. As you can tell by looking on these plans, there are  
2272 some comments that say staff has not completed its review. I will have to cross through  
2273 that with a green pen. Under "Public Works' Design" it says that it has not clearly indicated  
2274 that the BMPs will meet water quality, but they have provided that information, and staff  
2275 will have to cross through that as well.

2276

2277 Because this is a townhouse development, this will return to Planning Commission for plan  
2278 of development review, which will contain additional details such as the sidewalks, the  
2279 proffered walking trails, and architectural elevations and floor plans. The plan has been  
2280 redesigned to provide the 35-foot front yard setbacks from Holman Ridge Road Extended,  
2281 and provides the 18'-by-18' driveways exclusive of the sidewalks.

2282

2283 With this, staff can recommend conditional approval of this subdivision, subject to the  
2284 annotations on the plan—your handout plans, the standard conditions for residential  
2285 townhouses for sale, and conditions 15 through 21 in your agenda. The Planning  
2286 Commission will also need to approve a waiver of time-limits due to the revised plans being  
2287 turned in after the deadline. The engineers, the applicant, and I am here to answer any  
2288 questions you may have of us. We're here for you this morning, so let me know what you  
2289 need.

2290

2291 Mr. Archer - All right. Thank you, Ms. Goggin. Are there questions from the  
2292 Commission?

2293

2294 Mr. Branin - I have a comment to my fellow commissioners. You're going to  
2295 see on large commercial sites, as well as residential, because of DEQ's new regs for  
2296 stormwater treatment, as well as detention, retention, and release—it's changing  
2297 everything. Our Public Works is rapidly coming up to pace with the new regs, but it's taking  
2298 two or three times the amount of time and back and forth with the developer trying to tweak  
2299 these to meet these new stringent codes. So although I will be speaking to the applicant  
2300 saying you guys have to move faster to get us the information faster, it is a problem for not  
2301 just this locality, but all localities. I've spoken to some other localities that are having the  
2302 issues. Down in the Tidewater Peninsula area, they're having major issues because the  
2303 DEQ is putting even more restrictions and overseeing their oversight. So it is an issue that



2304 all of you need to be aware of is that plans are not moving as rapidly as they should. And  
2305 it's not our Public Works that's slowing it down; it's the new regs.

2306  
2307 Mr. Archer - Okay.

2308  
2309 Mr. Branin - I have no questions in regards to the townhouses.

2310  
2311 Mr. Archer - So you don't need to see the applicant?

2312  
2313 Mr. Branin - I'm going to bring the applicant up probably on the second one.

2314  
2315 Mr. Archer - All right. Then we'll go ahead with this one.

2316  
2317 Mr. Branin - Mr. Chairman, I would like to move that the time limits for  
2318 SUB2015-00117, Holloway at Wyndham Forest – Townhouses, be waived.

2319  
2320 Mr. Archer - I second. Motion by Mr. Branin, second by Mr. Archer to waive  
2321 the time limits. All in favor say aye. All opposed say no. The ayes have it; the motion  
2322 passes.

2323  
2324 Mr. Branin - With that, Mr. Chair, I would like to move that SUB2015-00117,  
2325 Holloway at Wyndham Forest – Townhouses, be approved with the annotations on the  
2326 plan, standard conditions for residential townhomes for sale, and the following additional  
2327 conditions 15 through 21, as well as the updated annotations on the plans as of today.

2328  
2329 Ms. Jones - Second.

2330  
2331 Mr. Archer - Motion by Mr. Branin, seconded by Ms. Jones. All in favor say  
2332 aye. All opposed say no. The ayes have it; the motion passes.

2333  
2334 The Planning Commission granted conditional approval to SUB2015-00117, Holloway at  
2335 Wyndham Forest – Townhouses, subject to the standard conditions attached to these  
2336 minutes for subdivisions served by public utilities, the annotations on the plans, and the  
2337 following additional conditions:

2338  
2339 15. Prior to requesting recordation, the developer must furnish a letter from Dominion  
2340 Virginia Power, stating that this proposed development does not conflict with its  
2341 facilities.

2342 16. The details for the landscaping to be provided within the 15-foot wide planting strip  
2343 easement along Holman Ridge Road and the 25-foot wide planting strip easement  
2344 along future Hickory Park Drive shall be submitted to the Department of Planning  
2345 for review and approval prior to recordation of the plat.

2346 17. Any necessary offsite drainage easements must be obtained prior to final approval  
2347 of the construction plan by the Department of Public Works.

2348 18. The proffers approved as part of zoning case REZ2015-00014 shall be incorporated  
2349 in this approval.

- 2350 19. The final plat for recordation shall contain information showing The Chesapeake  
 2351 Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18),  
 2352 of the Henrico County Code, as determined by the Director of Public Works.
- 2353 20. The developer shall provide signage, the wording and location as deemed  
 2354 appropriate by the Director of Public Works, which addresses the possible future  
 2355 extension of the stub street.
- 2356 21. Any future building lot containing a BMP, sediment basin or trap and located within  
 2357 the buildable area for a principal structure or accessory structure, may be  
 2358 developed with engineered fill. All material shall be deposited and compacted in  
 2359 accordance with the Virginia Uniform Statewide Building Code and geotechnical  
 2360 guidelines established by a professional engineer. A detailed engineering report  
 2361 shall be submitted for the review and approval by the Building Official prior to the  
 2362 issuance of a building permit on the affected lot. A copy of the report and  
 2363 recommendations shall be furnished to the Directors of Planning and Public Works.  
 2364

2365 Mr. Emerson - Mr. Chairman, the next item appears on page 39 of your  
 2366 agenda and also on page 3 of your amended agenda. This is SUB2015-00118,  
 2367 Youngblood, Tyler and Associates, P.C. for Shirley Urban Johnston, Steven W. and S. U.  
 2368 Johnston, and Nuckols Road, LLC and HHHunt Corporation. The staff report will be  
 2369 presented by Ms. Christina Goggin.  
 2370

2371 **SUBDIVISION**

2372 SUB2015-00118  
 Holloway at Wyndham  
 Forest (September 2015  
 Plan) – 11120 Nuckols  
 Road

**Youngblood, Tyler and Associates, P.C. for Shirley  
 Urban Johnston, Steven W. and S. U. Johnston, and  
 Nuckols Road, LLC and HHHunt Corporation:** The  
 35.91-acre site proposed for ~~96~~ **97** single-family zero-lot line  
 lots and Holman Ridge Road Extended is located at the  
 western terminus of Maben Hill Lane and Holman Ridge  
 Road, approximately 2,000 feet east of Nuckols Road, on  
 part of parcels 748-771-0593, 748-771-2890, 748-772-  
 2307, and 749-771-6494. The zoning is RTHC, Residential  
 Townhouse District (Conditional), R-5AC, General  
 Residence District (Conditional), and A-1, Agricultural  
 District. County water and sewer. **(Three Chopt) ~~96~~ 97 Lots**

2373  
 2374 Mr. Archer - Good morning again, Ms. Goggin. Is there opposition to this  
 2375 case, SUB2015-00118, Holloway at Wyndham Forest (September 2015 plan)? Go right  
 2376 ahead, ma'am.  
 2377

2378 Ms. Goggin - Okay. This conditional subdivision proposes 27.1 acres into 97  
 2379 lots. Originally, before this redesign, they only had 96, so they have an additional lot before  
 2380 you. It also proposed 8.8 acres of right of way for the neighborhood roads and dedication  
 2381 of Holman Road Extended, Hickory Park Drive to Nuckols Road, and Opaca Lane  
 2382 realigned. That's all shown on here. Here is Holman Road. It's going to up here. And then

2383 here is Hickory Park Drive, and here is Opaca realigned. So we have a lot going on with  
2384 this one.

2385  
2386 The site was recently rezoned, July 21, 2015, and the layout is consistent with the proffered  
2387 plan. There will be sidewalk. It is proffered along both sides of Holman Ridge Road, the  
2388 entire length of the road, which will continue to Hickory Park Drive and ultimately Nuckols  
2389 Road. So there will be this continual sidewalk network that continues up here throughout  
2390 this subdivision here. It will go throughout.

2391  
2392 As of the preparation date of the agenda, as with the townhomes, the Department of Public  
2393 Works, Engineering Division, could not recommend approval of the plan as submitted due  
2394 to water quality information. And also, Public Works Traffic Division had some issues with  
2395 the way some of the streets were lining up. Revised plans were submitted, and Public  
2396 Works Traffic Division can change their recommendation. As of yesterday afternoon,  
2397 Public Works could now recommend approval. It did cause a redesign of the plan, and we  
2398 now have an extra lot. Staff was able to finish their review.

2399  
2400 Though at the time when we prepared the plans, as you can tell, we had to stamp that we  
2401 had not completed our review. So I will have to go back and amend some of those  
2402 annotations before we put them in the files.

2403  
2404 Because this is a zero-lot-line development, this will return back to the Planning  
2405 Commission for plan of development review, which will contain additional details such as  
2406 the sidewalk, the proffered walking trails, and the architectural elevations and floor plans.  
2407 Staff would like to note that Virginia Dominion Power has concerns with the proposed  
2408 layout and does not permit property lines for individual lots within proposed developments  
2409 to use, encumber, or overlap its right-of-way corridor. Condition 15 requires a letter from  
2410 them stating this proposed development does not conflict with their facilities prior to  
2411 recordation.

2412  
2413 With this, staff can recommend conditional approval of the subdivision subject to the  
2414 annotations on the plan, the standard conditions for developments of this type, and  
2415 conditions 13 through 21 in your agenda. The Planning Commission will need to approve  
2416 time limit waivers due to the revised plans being turned in after the deadline. The engineers  
2417 and the applicants are here should you have questions for them. And I would be happy to  
2418 answer any questions the Commission may have of me.

2419  
2420 Mr. Archer - Thank you, Ms. Goggin. Ms. Goggin, with regard to condition  
2421 15, does it appear that there is any conflict now?

2422  
2423 Ms. Goggin - This one lot up here is in their transmission line, and these two  
2424 lots right here. This is conditional approval. They could very easily be redesigned or could  
2425 go away.

2426  
2427 Mr. Branin - Which we would see at POD.

2428

2429 Ms. Goggin - Which we would see at POD.  
2430  
2431 Mr. Archer - Okay.  
2432  
2433 Ms. Goggin - And before recordation of the plats, we would need a letter  
2434 from Virginia Dominion Power.  
2435  
2436 Mr. Branin - If they indeed even get onto the plan.  
2437  
2438 Ms. Goggin - You got it.  
2439  
2440 Mrs. O'Bannon - I think part of that also is because they can put the lines  
2441 underground. You don't want a structure there and so on. There are obviously some very—  
2442  
2443 Mr. Branin - Not those lines.  
2444  
2445 Mrs. O'Bannon - I'm just saying there are some very good reasons that you don't  
2446 want to plan to have it there anyway.  
2447  
2448 Ms. Goggin - Exactly. There is also an annotation on the plan right over here  
2449 on this one that talks about how you're not even to put a shed in their easements. They'll  
2450 just go on and take it.  
2451  
2452 Mr. Archer - Okay. Are there further questions for Ms. Goggin?  
2453  
2454 Mr. Branin - Not for Ms. Goggin. Opaca, we had several community  
2455 meetings. We were looking at actually possibly creating that to become a dead end. As  
2456 communities do, we were going to close it up at the top so they would come around through  
2457 Holman. Everybody said that's a great idea until they thought about it for a couple of weeks  
2458 and said you know what, we really don't want that. This design, as you know, will help in  
2459 the future with the closing for the landfill road.  
2460  
2461 Mr. Archer - All right. Do you need to hear from the applicant?  
2462  
2463 Mr. Branin - I'd like the applicant to come up.  
2464  
2465 Mr. Archer - All right. Gentlemen, please state your name for the record.  
2466  
2467 Mr. Browning - Andrew Browning with Youngblood, Tyler and Associates.  
2468  
2469 Mr. Ridout - Jonathan Ridout with HHHunt Corporation.  
2470  
2471 Mr. Shelton - Craig Shelton with HHHunt.  
2472  
2473 Mr. Beavers - Bonnie Beavers with Youngblood, Tyler.  
2474

2475 Mr. Branin - Mr. Browning, were you working on the stormwater?  
2476  
2477 Mr. Browning - Myself and several of us in the office.  
2478  
2479 Mr. Branin - That close.  
2480  
2481 Mr. Browning - Yes. I'd just like to say thanks, first, to the staff for working with  
2482 us.  
2483  
2484 Mr. Branin - That close. When I got the call at 3:30 from Public Works, I  
2485 said okay, we'll move forward. You all as engineers need to be aware of all of the new  
2486 regs and be diligent in getting it in faster, knowing that there are going to be multiple  
2487 revisions. Okay? You saw me defer one case already today. They didn't get it in on time.  
2488 You were on the hairy edge. I had told staff well, we'll defer it. And then I got a call two  
2489 minutes later from Public Works saying, "We're done with it; it's good." So please hear us  
2490 loud and clear.  
2491  
2492 Mr. Browning - I understand.  
2493  
2494 Mr. Branin - Because of the new stormwater, you guys need to be more  
2495 diligent and faster in getting your information in.  
2496  
2497 Mr. Browning - Yes sir.  
2498  
2499 Mr. Branin - That's it. HHHunt, I feel you probably are going to lose a couple  
2500 because I don't think Dominion is going to—and that will be reflected at POD. That's it. Do  
2501 you guys have any questions for them?  
2502  
2503 Mr. Archer - Any questions? I don't believe so, Mr. Branin.  
2504  
2505 Mr. Branin - Mr. Chairman, I'd like to move that the time limits be waived for  
2506 SUB2015-00118, Holloway at Wyndham Forest (September 2015 plan).  
2507  
2508 Ms. Jones - Second.  
2509  
2510 Mr. Archer - Motion by Mr. Branin, second by Ms. Jones for waiver of the  
2511 time limits. All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
2512  
2513 Mr. Branin - Now I would like to move that SUB2015-00118, Holloway at  
2514 Wyndham Forest (September 2015 plan), be approved with the annotations on the plan,  
2515 standard conditions for zero-lot-line subdivisions, and the following additional conditions  
2516 13 through 21.  
2517  
2518 Ms. Jones - Second.  
2519

2520 Mr. Archer - Motion by Mr. Branin, second by Ms. Jones. All in favor say  
2521 aye. All opposed say no. The ayes have it; the motion passes.  
2522

2523 The Planning Commission granted conditional approval to SUB2015-00118, Holloway at  
2524 Wyndham Forest (September 2015 plan), subject to the standard conditions attached to  
2525 these minutes for subdivisions served by public utilities, the annotations on the plans, and  
2526 the following additional conditions:  
2527

- 2528 13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously  
2529 noted on the plat and construction plans and labeled "Limits of Special Flood  
2530 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width  
2531 Drainage & Utilities Easement."
- 2532 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions  
2533 for the maintenance of the common area by a homeowners association shall be  
2534 submitted to the Department of Planning for review. Such covenants and  
2535 restrictions shall be in a form and substance satisfactory to the County Attorney and  
2536 shall be recorded prior to recordation of the subdivision plat.
- 2537 15. Prior to requesting recordation, the developer must furnish letters from Dominion  
2538 Virginia Power and Plantation Pipeline, stating that this proposed development  
2539 does not conflict with their facilities.
- 2540 16. A County standard sidewalk shall be constructed along both sides of Holman Ridge  
2541 Road.
- 2542 17. Any necessary offsite drainage easements must be obtained prior to final approval  
2543 of the construction plan by the Department of Public Works.
- 2544 18. The proffers approved as part of zoning case REZ2015-00014 shall be incorporated  
2545 in this approval.
- 2546 19. The final plat for recordation shall contain information showing The Chesapeake  
2547 Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18),  
2548 of the Henrico County Code, as determined by the Director of Public Works.
- 2549 20. The developer shall provide signage, the wording and location as deemed  
2550 appropriate by the Director of Public Works, which addresses the possible future  
2551 extension of the stub street.
- 2552 21. Any future building lot containing a BMP, sediment basin or trap and located within  
2553 the buildable area for a principal structure or accessory structure, may be  
2554 developed with engineered fill. All material shall be deposited and compacted in  
2555 accordance with the Virginia Uniform Statewide Building Code and geotechnical  
2556 guidelines established by a professional engineer. A detailed engineering report  
2557 shall be submitted for the review and approval by the Building Official prior to the  
2558 issuance of a building permit on the affected lot. A copy of the report and  
2559 recommendations shall be furnished to the Directors of Planning and Public Works.  
2560

2561 Mr. Emerson - Mr. Chairman, we now move on to page 41 of your agenda and  
2562 page 3 your amended agenda for SUB2015-00122. It's Miguel and Laura Moreira. The  
2563 staff report will be presented by Mr. Lee Pambid.  
2564  
2565

2566  
2567

## ALTERNATIVE FENCE HEIGHT PLAN - RESIDENCE

SUB2015-00122  
Moreira Residence – Glen  
Allen Heights – 10261  
Winston Blvd

**Miguel and Laura Moreira:** Request for approval of an alternative fence height plan, as required by Chapter 24, Sections 24-95 (l)(7)(b), 24-106, and 24-106.2 of the Henrico County Code, to allow a 6-foot fence to encroach 97 feet into the front yard. The 1.89-acre site is located on the east line of Winston Boulevard, approximately 700 feet north of its intersection with Blackburn Road, on parcel 773-763-0675. The zoning is R-3, One-Family Residential District. County water and sewer. **(Fairfield)**

2568  
2569  
2570  
2571  
2572

Mr. Archer - Good morning, Mr. Pambid. Is there anyone here who is opposed to this alternative fence height plan, SUB2015-00122, Miguel and Laura Moreira? Go ahead, Mr. Pambid.

2573  
2574  
2575  
2576  
2577  
2578  
2579

Mr. Pambid - Good morning. The applicant requests an alternative fence height to permit 6-foot-high fences to encroach 97 feet into the front yard where a maximum height of 3-1/2 feet is normally permitted by the Zoning Ordinance in the R-3 district. Although the minimum front yard required in the R-3 district is 40 feet from the front property line, a single-family dwelling is under construction on the site and is located 100 feet from the front property line along Winston Boulevard.

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2581  
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2586  
2587  
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2589

The applicant desires three fences—one along Winston Boulevard here and one down each of the two side property lines here—there is an existing fence there—and then here. There is no fence there to date. The fence along the entire 155-foot frontage of Winston Boulevard is an ornamental 6-foot-tall 3-rail black aluminum fence. Brick piers are proposed, and two recessed 14-foot-wide openings are included to accommodate a looped driveway. Ornamental metal gates are also proposed. This fence will sit three feet from the property line and a minimum of sixteen feet from the edge of the roadway pavement. The other two fences are standard 6-foot-tall wooden fence sections extending down the length of both side property lines.

2590  
2591  
2592  
2593  
2594

The fence along the side property line to the south will be eight feet from the property line, and that's this one here. The reason for the eight-foot distance is that there is a swale along that property line. The proposed fence along the side property line to the north will be six inches from the line and tie into an existing six-foot-tall wood fence.

2595  
2596  
2597  
2598  
2599

Per the code, the Planning Commission, pursuant to the review and approval of a landscaping plan, shall permit an alternative fence height exceeding seven feet in the front yard or along the front lot line provided the design does not adversely affect several criteria, which you've become familiar with from a previous case earlier today.

2600  
2601  
2602

As of the date of the preparation of this agenda, staff has not received any called or correspondence in opposition to this request. Areas to be landscaped are indicated on the plans—and that's here in green. Customarily, staff does not make any recommendations

2603 for approval or denial before the Planning Commission regarding requests for alternative  
2604 fence heights. Should the Commission approve this request, the standard conditions for  
2605 alternative fence heights are recommended.  
2606

2607 This concludes my presentation. Staff can now field any questions you have regarding  
2608 this. Mr. Miguel Moreira, the applicant, is also here.  
2609

2610 Mr. Archer - Okay. I don't have any questions for you, Mr. Pambid, because  
2611 I think you and I have talked this to death. But I do have questions for the applicant. Do  
2612 you have a question for Mr. Pambid?  
2613

2614 Ms. Jones - May I please ask just a quick one?  
2615

2616 Mr. Archer - Yes, sure.  
2617

2618 Ms. Jones - So that I understand this. This is quite a beautiful home under  
2619 construction. It does have that kind of a Mediterranean feel to it, so I can understand, and  
2620 this gate is something that they're hoping to put in. But what you're saying is that the end  
2621 of the gate on both sides will be a six-foot pier which is brick? Is that correct?  
2622

2623 Mr. Pambid - He has specified brick piers for basically the ends of the gates.  
2624

2625 Ms. Jones - So you have metal, you have the brick. And this brick pier is  
2626 going to butt up against a six-foot stockade fence on both sides, which go down the  
2627 property side lines. Correct?  
2628

2629 Mr. Pambid - The plan that we were given—you see that here on the  
2630 screen—you have four brick piers for each of the entrances. Public Works requires a 25-  
2631 foot separation between the gate and the edge of pavement. That's the reason why the  
2632 gates are notched out or the fences are notched out to accommodate that extra length.  
2633 This is for pull-out space and for sight distance.  
2634

2635 Where the metal fence and the fences tie together on either of the side property lines, he  
2636 hasn't shown any brick piers. So he has to tie that in somehow.  
2637

2638 Ms. Jones - That's quite a mix of materials. Okay. I just wanted to  
2639 understand what the concept was. All right. Thank you.  
2640

2641 Mr. Archer - Anybody else? Thank you, Mr. Pambid.  
2642

2643 Mr. Pambid - You're welcome.  
2644

2645 Mr. Archer - Would the applicant please come forward and state your name  
2646 for the record.  
2647

2648 Mr. Moreira - Good morning. Miguel Moreira.



2649  
2650 Mr. Archer - Good morning, Mr. Moreira. Did I say that right?  
2651  
2652 Mr. Moreira - Yes.  
2653  
2654 Mr. Archer - The question that I have to ask you pertains to what Ms. Jones  
2655 just said, and she brought this to my attention. It seems as though the five criteria that  
2656 have been set out for alternative fence heights has been pretty much met. But  
2657 aesthetically, as Ms. Jones said, it seems to me that there could be some improvement.  
2658 Aesthetically speaking, I've been told by someone who was close in my family for years  
2659 that my aesthetical ability runs between zero and non-existent.  
2660  
2661 Do you think there is something that you can do with the side fences to make them a little  
2662 bit more appealing as they pertain to the front entrances? Some things that I might  
2663 suggest, and Ms. Jones suggested, are either having the height sort of adjusted where the  
2664 other fence connects or maybe do some scalloping. Do you know what I'm talking about?  
2665 Scalloping, kind of put some indentations in the fence just to make it a little bit more  
2666 appealing. Now I've not heard from any of the neighbors; nobody has complained about  
2667 that. But I think that it would make a much more aesthetically pleasing design if you were  
2668 able to do that.  
2669  
2670 Mr. Moreira - Are you talking about connecting the metal to the wood fence?  
2671  
2672 Mr. Archer - To the wood. Well not do much the connection, but as the  
2673 fence runs—that's a long fence, a very long fence on both sides, one side longer than the  
2674 other. But just to create a little bit of an appeal to the side wooden fence, would you be  
2675 objecting to maybe scalloping that fence? You see as it's shown on the picture up there?  
2676  
2677 Mr. Moreira - Yes, that is six feet.  
2678  
2679 Mr. Archer - Yes it is.  
2680  
2681 Mr. Moreira - And the metal fence that will connect in there will be six feet  
2682 also.  
2683  
2684 Mr. Archer - Right, I understand. I guess what I'm trying to get you to see is  
2685 is there any way you could make that wooden fence look a little bit better? The front fence  
2686 is going to be really appealing and attractive. And not that any of the neighbors have  
2687 complained; I haven't heard any complaint from anybody. But in the long run, I think it  
2688 would make that fence look a lot better if you could do that. I'm just asking.  
2689  
2690 Mr. Moreira - Yes I can. What exactly are you suggesting, to put a metal  
2691 fence also?  
2692  
2693 Mr. Archer - No, no.  
2694

2695 Mr. Branin - What he's talking about is your fence here—  
2696  
2697 Mr. Archer - Thank you, Mr. Branin.  
2698  
2699 Mr. Branin - —is just a straight line. There is a design in a fence that  
2700 scallops it so it comes down, comes back up like a wave. That gives it a much better flow  
2701 that would blend in with your metal better.  
2702  
2703 Mr. Moreira - Okay, yes. I don't have a problem with that.  
2704  
2705 Mr. Archer - Are you willing to do that?  
2706  
2707 Mr. Moreira - Yes.  
2708  
2709 Mr. Branin - Mr. Pambid, I'm sure we have samples of scalloped fencing  
2710 and pictures here in our library. If you could provide that to Mr. Moreira, that could be great.  
2711  
2712 Mr. Archer - Okay. Everybody understanding what we're doing? Do we  
2713 need to make that a part of a condition, Mr. Secretary?  
2714  
2715 Mr. Emerson - It's in the minutes, and he's agreed. You can note in your  
2716 motion that he agreed to it, if you'd like. I wrote it down that he agreed to it. And certainly  
2717 staff will work with the gentleman on it.  
2718  
2719 Mr. Archer - Okay.  
2720  
2721 Mr. Branin - Makes it look less like a fort and more like a house.  
2722  
2723 Mr. Moreira - Okay.  
2724  
2725 Mr. Archer - And the house appears to be a very lovely one going up, sir.  
2726  
2727 Mr. Moreira - Thanks.  
2728  
2729 Mr. Archer - All right, I don't have any more, unless somebody else does.  
2730 Ms. Jones?  
2731  
2732 Ms. Jones - No. I was just going to say that I think—I don't want Mr. Moreira  
2733 to feel that we're coming at this just to be problematic for you. I think what you're doing is  
2734 a beautiful project. I guess one of the questions I was curious about is why with the open  
2735 and light and airy nature of the beautiful gates that you're putting in would you want to take  
2736 that and marry that with a solid fencing along the sides where obviously iron fencing is  
2737 much more gracious going back at least to the house. But, I mean, this is your property,  
2738 and you obviously can do what you want. But I was curious as to why you wanted that  
2739 solid fence when you're not close to your neighbors at all and don't really need to shut off  
2740 views of anything. I'm just curious.

2741  
2742 Mr. Moreira - Just to keep the privacy for the kids. I know on the right-hand  
2743 side they have submittals to build some houses there, like ten houses right along the ditch.  
2744 I would like to have the fence to keep privacy for future purposes too.  
2745

2746 Ms. Jones - Okay. Well that answers my question then. It was a very  
2747 different look from the beautiful gate that you're putting in in the front, a whole different feel  
2748 to it. Well, if you're willing to soften the effect of that stockade fence, I think that will go a  
2749 long way to tying in with the look that you want for your property.  
2750

2751 Mr. Moreira - Okay.  
2752

2753 Ms. Jones - Thank you.  
2754

2755 Mr. Archer - All right. Anyone else? Thank you, Mr. Moreira. Appreciate it.  
2756

2757 Mr. Moreira - Thank you.  
2758

2759 Mr. Archer - Okay, I'm ready to move on this. I move that SUB2015-00122,  
2760 Miguel and Laura Moreira, be approved subject to the staff plan, and there is an item in  
2761 this morning's addendum, and also conditions 1, 2, and 3, and Mr. Moreira agreeing to  
2762 scallop the two side fences. I think I got it right.  
2763

2764 Ms. Jones - Second.  
2765

2766 Mr. Archer - Motion by Mr. Archer, second by Mrs. Jones. All in favor say  
2767 aye. All opposed say no. The ayes have it; the motion passes.  
2768

2769 The Planning Commission approved SUB2015-00122, Alternative Fence Height Plan  
2770 Moreira Residence – Glen Allen Heights, subject to the annotations on the plans, and the  
2771 following standard conditions for alternative fence height plans:  
2772

- 2773 1. The property shall be developed as shown on the plan filed with the case and no  
2774 changes or additions to the layout shall be made without the approval of this  
2775 Commission.
- 2776 2. The owner shall have a set of approved plans available at the site at all times when  
2777 work is being performed. A designated responsible employee shall be available for  
2778 contact by County Inspectors.
- 2779 3. The fence shall be maintained in good repair by the owner. Trash and debris should  
2780 not be allowed to accumulate along the fence.  
2781

2782 Mr. Emerson - Mr. Chairman, we now move on to the next item, which is the  
2783 consideration of the 2016 Planning Commission calendar. As normal, it holds one meeting  
2784 in August and also contains adjustments for the holidays.  
2785

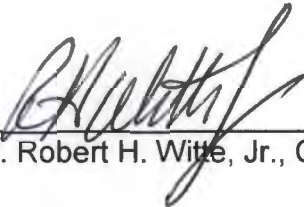
2786 Mr. Archer - Is there a motion to approve the calendar for 2016?

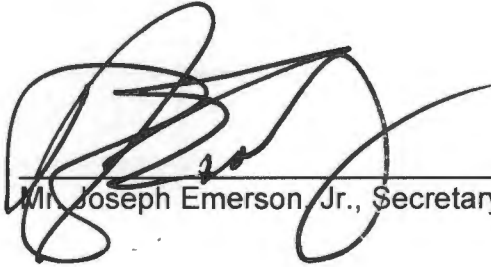
2787  
2788 Ms. Jones - I'd like to make a comment, as normal.  
2789  
2790 Mr. Branin - I would like to make a motion that we push this to our next  
2791 meeting so the missing commissioners can all weigh in.  
2792  
2793 Ms. Jones - Well I have no objection to that. I have the traditional objection  
2794 to the calendar and the lack of a meeting for the POD Subdivision group but a meeting for  
2795 rezoning. I think that is inconsistent and I'd like it to be consistent, but so far have not  
2796 received a whole of support for that idea. However, I second your motion to defer.  
2797  
2798 Mr. Branin - Defer to the twenty-eighth.  
2799  
2800 Ms. Jones - Yes.  
2801  
2802 Mr. Archer - Is that a motion and a second?  
2803  
2804 Ms. Jones - That appears to be.  
2805  
2806 Mr. Archer - Okay. Then it has been properly moved and seconded that we  
2807 defer this item until the next POD meeting in October. All in favor say aye. All opposed say  
2808 no. The ayes have it; the motion passes.  
2809  
2810 The Planning Commission deferred discussion of the Planning Commission's 2016  
2811 calendar to their POD meeting on October 28, 2015.  
2812  
2813 Mr. Emerson - Mr. Chairman, that takes us to the next item, which is approval  
2814 of the minutes for the July 22, 2015 meeting. I don't believe I have an errata sheet. It  
2815 possibly could be hiding in here somewhere.  
2816  
2817 APPROVAL OF MINUTES: July 22, 2015 Minutes  
2818  
2819 Ms. Jones - You do. It's just one little correction, so I move the minutes be  
2820 accepted as corrected.  
2821  
2822 Mr. Branin - Second.  
2823  
2824 Mr. Archer - All right. Motion to accept the minutes as corrected by Ms.  
2825 Jones, seconded by Mr. Branin. All in favor say aye. All opposed say no. The ayes have  
2826 it; the motion passes.  
2827  
2828 The Planning Commission approved the July 22, 2015 minutes as corrected.  
2829  
2830 Mr. Emerson - Mr. Chairman, I have nothing else for the Commission this  
2831 morning.  
2832

2833 Mr. Archer -  
2834 11:47.

All right. Without a motion, I declare this meeting adjourned at

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\_\_\_\_\_  
Mr. Robert H. Witte, Jr., Chairman

  
\_\_\_\_\_  
Mr. Joseph Emerson, Jr., Secretary



## PLANS OF DEVELOPMENT

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

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **September 23, 2015**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.
9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.

10. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced no later than the next planting season.
11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature. **(For POD which includes lighting plan approval)**
12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
13. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan for review and approval.
14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
15. Traffic control signs shall be provided as indicated on the Department of Planning Staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
16. The assigned property number(s) shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses. **(Revised January 2008)**
17. The owner shall have a set of plans approved by the Director of Public Works, Public Utilities and Secretary of the Planning Commission available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
18. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
19. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the owner shall furnish a statement by the engineer or land surveyor who prepared the POD plan, to the effect that all construction including water and sewer is in conformance to the regulations and requirements of the POD.
20. The approved Plan of Development is granted by the Planning Commission only to the owners(s)/applicant(s) listed on the Plan of Development application on file for this project. Upon written notification to the Director of Planning, the Plan of Development approval may be transferred to subsequent owner(s) subject to approval by this Commission. **(Revised July 2007)**



21. Vehicles shall be parked only in approved and constructed parking spaces.
22. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
23. The site, including paving, pavement markings, signage, curb and gutter, dumpster screens, walls, fences, lighting and other site improvements shall be properly maintained in good condition at all times. Any necessary repairs shall be made in a timely manner.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
25. Insurance Services Office (ISO) calculations shall be included on the final construction plans for approval by the Department of Public Utilities prior to issuance of a building permit.
26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
27. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
28. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
29. **(Start of miscellaneous conditions)**

## **STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS**

1. The plan shall be revised as shown in red on Staff plan dated **September 23, 2015**, which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

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

### **Standard Conditions for Conventional Subdivisions Served By Public Utilities Public Water and/or Sewer**

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the 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 **September 23, 2015**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 22, 2016**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

### Standard Conditions for Conventional Subdivisions Not Served By Public Utilities

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the 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 **September 23, 2015**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **September 22, 2016**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.



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

### Standard Conditions for Residential Townhouse for Sale (RTH) Subdivisions

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the 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 **September 23, 2015**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 22, 2016**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

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

### Standard Conditions for Zero Lot Line Subdivisions

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the 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 **September 23, 2015**, which shall be as much a part of this approval as if all details were fully described herein.
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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 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.

**Standard Conditions for Conventional Subdivisions Served By Public Utilities**  
**Road Dedication (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, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the 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 **September 23, 2015**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 22, 2016**, 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.