

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County  
2 held in the County Administration Building in the Government Center at Parham and  
3 Hungary Spring Roads beginning at 9:00 a.m. Wednesday, April 25, 2012.  
4

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

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning  
Ms. Leslie A. News, CLA, Principal Planner  
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
Mr. Michael F. Kennedy, County Planner  
Ms. Christina L. Goggin, AICP, County Planner  
Mr. Tony Greulich, C.P.C., County Planner  
Mr. Matt Ward, County Planner  
Mr. Gregory Garrison, County Planner  
Mr. Lee Pambid, C.P.C., County Planner  
Ms. Aimee Berndt, AICP, County Planner  
Mr. Tommy Catlett, Traffic Engineering  
Ms. Kim Vann, Henrico Police  
Ms. Holly Zinn, Recording Secretary

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6 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains from**  
7 **voting on all cases unless otherwise noted.**  
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9 Mr. Branin - Good morning, and welcome to the April 25, 2012,  
10 Subdivision and Plans of Development meeting for Henrico County. I would like to take a  
11 moment to welcome the Honorable Frank Thornton who's our supervisor with us this  
12 year. I don't believe there is anyone from the media in the room. As a courtesy, we ask  
13 at the beginning of every meeting to please turn your cell phones off or to vibrate. If they  
14 do go off, I'm going to ask you to take a message if it's for me, which is kind of  
15 embarrassing in the middle of a meeting. With that, I'd like everybody to stand for the  
16 Pledge of Allegiance.  
17

18 Mr. Secretary?  
19

20 Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda this  
21 morning is the requests for deferrals and withdrawals. Those will be presented by Ms.  
22 Leslie News.  
23

Ms. News - Good morning, Mr. Chairman, members of the Commission. We have 4 requests for deferrals this morning. The first is found on page 4 of your agenda and is located in the Fairfield District. This is transfer of approval for POD-02-00 (Part) for Park Central III. The applicant is requesting deferral to May 23, 2012.

**TRANSFER OF APPROVAL** *(Deferred from the March 28, 2012 Meeting)*

POD-02-00 (Part) POD2011-00433 Park Central III – 8831 Park Central Drive	<b>CB Richard Ellis for C.S. Richmond Corporation:</b> Request for transfer of approval of a portion of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code from Park Central Associates, LC and Robinson Development Group, Inc. to C.S. Richmond Corporation. The 6.37-acre site is located on the east line of Park Central Drive, approximately 2000 feet north of the intersection of Park Central Drive and East Parham Road, on parcel 789-760-7494. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. <b>(Fairfield)</b>
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Mr. Branin - Is there anyone in opposition to transfer of approval for POD-02-00, Park Central III? No one.

Mr. Archer - Mr. Chairman, I move deferral of transfer of approval for POD-02-00, Park Central III, to the May 23, 2012 meeting, at the applicant's request.

Mrs. Jones - Second.

Mr. Branin - That motion was made by Mr. Archer, seconded by Mrs. Jones. 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 POD-02-00 (Part), Park Central III, to its May 23, 2012 meeting.

Ms. News - Next, on page 10 of your agenda and located in the Three Chopt District, is SUB2012-00043, Pouncey Place (April 2012 Plan). The applicant is requesting a deferral to the May 23, 2012 meeting.

51 **SUBDIVISION**

52  
SUB2012-00043  
Pouncey Place (April 2012  
Plan) – 4521 Pouncey  
Tract Road (State Route  
271)

**Bay Companies, Inc. for Pouncey Tract Company of Virginia, LLC and the Commonwealth of Virginia:** The 12.72-acre site proposed for a public road dedication is located on the east line of Pouncey Tract Road (State Route 271), approximately 580 feet south of the intersection of Pouncey Tract Road and Twin Hickory Lake Drive, on part of parcels 740-765-2150 and 7333. The zoning is A-1, Agricultural District, B-2C, Business District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 0 Lot**

53  
54 Mr. Branin - Is anyone in opposition to deferral of SUB2012-00043,  
55 Pouncey Place (April 2012 Plan)? No one. Then, I would like to move that SUB2012-  
56 00043, Pouncey Place (April 2012 Plan), be deferred to the May 23, 2012 meeting, per  
57 the applicant's request.

58  
59 Mrs. Jones - Second.

60  
61 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in  
62 favor say aye. All opposed say no. The ayes have it; the motion passes.

63  
64 At the request of the applicant, the Planning Commission deferred SUB2012-00043,  
65 Pouncey Place (April 2012 Plan), to its May 23, 2012 meeting.

66  
67 Ms. News - Next, on page 16 of your agenda and located in the  
68 Brookland District, is SUB-07-11, The Townes at Hunton Park (July 2011 Plan), for 12  
69 lots. The applicant is requesting a deferral to the May 23, 2012 meeting.

70  
71 **SUBDIVISION**

72  
SUB-07-11  
SUB2011-00055  
The Townes at Hunton  
Park (July 2011 Plan) –  
Hunton Park Boulevard

**Burgess & Niple for Hunton Park Land Partners, LC:** The 3.38-acre site proposed for a subdivision of 12 residential townhouses for sale is located on the north line of Hunton Park Boulevard, approximately 150 feet west of the intersection of Hunton Park Boulevard and Abbots Cross Lane, on parcel 763-774-5187. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland) 12 Lots**

73  
74 Mr. Branin - Is anyone in opposition to the deferral of SUB-07-11, The  
75 Townes at Hunton Park (July 2011 Plan)? No one.  
76

Mr. Witte - I'd like to move that SUB-07-11, The Townes at Hunton Park (July 2011 Plan) be deferred to the May 23, 2012 meeting.

Mr. Archer - Second.

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

At the request of the applicant, the Planning Commission deferred SUB-07-11, The Townes at Hunton Park (July 2011 Plan), to its May 23, 2012 meeting.

Ms. News - The next item is on page 17 of your agenda and is located in the Brookland District. This is POD-25-11, The Townes at Hunton Park, Section E. The applicant is requesting deferral to the May 23, 2012 meeting.

## PLAN OF DEVELOPMENT

POD-25-11 POD2011-00230 The Townes at Hunton Park, Section E – Hunton Park Boulevard	<b>Burgess &amp; Niple for Hunton Park Land Partners, LC:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 12 residential townhouses for sale. The 3.38-acre site is located on the north line of Hunton Park Boulevard, approximately 150 feet west of the intersection of Hunton Park Boulevard and Abbots Cross Lane, on parcel 763-774-5187. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. <b>(Brookland)</b>
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Mr. Branin - Is anyone in opposition to the deferral of POD-25-11, The Townes at Hunton Park, Section E? No one.

Mr. Witte - Mr. Chairman, I'd like to move that POD-25-11, The Townes at Hunton Park, Section E, be deferred to the May 23, 2012 meeting.

Mr. Leabough - Second.

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

At the request of the applicant, the Planning Commission deferred POD-25-11, The Townes at Hunton Park, Section E, to its May 23, 2012 meeting.

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

111 Mr. Emerson - Mr. Chairman, if the Commission does not have any  
112 additional deferrals, the next item on your agenda is the expedited items, and those will  
113 also be presented by Ms. Leslie News.

114  
115 Ms. News - Yes, sir. We have 4 items on our expedited agenda this  
116 morning. The first item is found on page 3 of your agenda and is located in the Fairfield  
117 District. This is a transfer of approval for POD-40-71, Raceway Plaza. Staff recommends  
118 approval.

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120 **TRANSFER OF APPROVAL**

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POD-40-71 POD2011-00453 Raceway Plaza – 500 E. Laburnum Avenue	<b>Nathan Shor for WB Enterprises, LLC:</b> Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Gregg Realty Corporation and Safeway Stores, Inc. to WB Enterprises, LLC. The 2.56-acre site is located on the north line of E. Laburnum Avenue, approximately 380 feet west of the intersection of E. Laburnum Avenue and Richmond Henrico Turnpike, on parcel 794-738-1874. The zoning is B-2, Business District. County water and sewer. <b>(Fairfield)</b>
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122  
123 Mr. Branin - Is anyone in opposition to transfer of approval for POD-40-71,  
124 Raceway Plaza? No one.

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126 Mr. Archer - Mr. Chairman, I move for approval of this transfer of approval  
127 for POD-40-71, Raceway Plaza, on the expedited agenda.

128  
129 Mrs. Jones - Second.

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

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134 The Planning Commission approved the transfer of approval request for POD-40-71,  
135 Raceway Plaza, subject to the standard and added conditions previously approved.

136  
137 Ms. News - The next item is on page 5 of your agenda and is located in  
138 the Tuckahoe District. This is POD2012-00065, Richmond Montessori School: North  
139 Campus – Phase One. Staff recommends approval.

142 **PLAN OF DEVELOPMENT**

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144 **POD2012-00065 Vanasse Hangen Brustlin, Inc. for Richmond**  
145 **Montessori School, Inc.:** Request for approval of a plan  
146 of development, as required by Chapter 24, Section 24-  
147 106 of the Henrico County Code, to demolish a two-story,  
148 12,287 square-foot building and to construct a one-story,  
149 7,400 square-foot classroom building and 2 future  
150 buildings. The 10.2-acre site is located on the east side of  
151 N. Parham Road, approximately 785 feet south of the  
152 intersection of Derbyshire Road and N. Parham Road, on  
153 parcel 752-737-6676. The zoning is R-2, One-Family  
154 Residential District, and R-3, One-Family Residential  
155 District. County water and sewer. **(Tuckahoe)**

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157 **Mr. Branin -** Is anyone in opposition to POD2012-00065, Richmond  
158 **Montessori School: North Campus – Phase One?** No one.

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160 **Mrs. Jones -** Then, I'll move for approval of POD2012-00065, Richmond  
161 **Montessori School: North Campus – Phase One.** I recommend this POD for approval  
162 subject to the annotations on the plans, the standard conditions for developments of this  
163 type, and the additional Conditions #29 through #37.

164  
165 **Mr. Archer -** Second.

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

169  
170 The Planning Commission approved POD2012-00065, Richmond Montessori School:  
171 North Campus – Phase One, subject to the annotations on the plans, the standard  
172 conditions attached to these minutes for developments of this type, and the following  
173 additional conditions:

- 174  
175 29. The right-of-way for widening of N. Parham Road as shown on approved plans  
176 shall be dedicated to the County prior to any occupancy permits being issued. The  
177 right-of-way dedication plat and any other required information shall be submitted  
178 to the County Real Property Agent at least sixty (60) days prior to requesting  
179 occupancy permits.
- 180 30. The required building setback shall be measured from the proposed right-of-way  
181 line and the parking shall be located behind the proposed right-of-way line.
- 182 31. Details for the gate and locking device at the existing southern entrance road  
183 (only to be used as an emergency access road) shall be submitted for review by  
184 the Traffic Engineer and Police, and approved by the County Fire Marshall. The  
185 owner or owner's contractor shall contact the County Fire Marshall prior to  
186 completion of the fence installation to test and inspect the operations of the gates.

- 175 Evidence of the Fire Marshall's approval shall be provided to the Department of  
176 Planning by the owner prior to issuance of occupancy permits.
- 177 32. A construction staging plan which includes details for traffic control, fire protection,  
178 stockpile locations, construction fencing and hours of construction shall be  
179 submitted for County review and prior to the approval of any final construction  
180 plans.
- 181 33. Approval of the construction plans by the Department of Public Works does not  
182 establish the curb and gutter elevations along the Henrico County maintained  
183 right-of-way. The elevations will be set by Henrico County.
- 184 34. The conceptual master plan, as submitted with this application, is for planning and  
185 information purposes only.
- 186 35. The location of all existing and proposed utility and mechanical equipment  
187 (including HVAC units, electric meters, junction and accessory boxes,  
188 transformers, and generators) shall be identified on the landscape plans. All  
189 equipment shall be screened by such measures as determined appropriate by the  
190 Director of Planning or the Planning Commission at the time of plan approval.
- 191 36. Except for junction boxes, meters, and existing overhead utility lines, and for  
192 technical or environmental reasons, all utility lines shall be underground.
- 193 37. Construction plans shall not be approved until the developer provides a water line  
194 extension in accordance with DPU Standards that will provide the needed fire  
195 flow necessary to satisfy required fire protection requirements

196  
197 Ms. News - The next item is on page 9 of your agenda and located in the  
198 Brookland District. This is POD2012-00136 for the architectural for Chipotle at Staples  
199 Mill Square Shopping Center. Staff recommends approval.

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201 **PLAN OF DEVELOPMENT – Architecturals Only**  
202 *(Deferred from the March 28, 2012 Meeting)*  
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204 205 206 207	POD2012-00136 Chipotle at Staples Mill Square Shopping Center – Staples Mill Road (U.S. Route 33) (POD-09-06 Rev.)	<b>Bowman Consulting Group, LLC for Staples Mill Square Holding and H231 Partners, LLC:</b> Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 2,215 square foot restaurant with convenience outdoor seating. The 1.26- acre site is located on an outparcel in an existing shopping center along the north line of Staples Mill Road (U.S. Route 33), approximately 980 feet west of Old Staples Mill Road, on part of parcel 769-757-3208. The zoning is B-2C, Business District (Conditional). County water and sewer. <b>(Brookland)</b>
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205 Mr. Branin - Is there any opposition to POD2012-00136, Chipotle at  
206 Staples Mill Square Shopping Center? No one.  
207

Mr. Witte - Mr. Chairman, I move for approval of POD2012-00136, Chipotle at Staples Mill Square Shopping Center, architectural only.

Mr. Leabough - Second.

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

The Planning Commission approved POD2012-00136, Chipotle at Staples Mill Square Shopping Center, architectural only, subject to the terms and conditions of the original POD2012-00064, approved March 28, 2012.

Ms. News - Next, on page 19 of your agenda and located in the Varina District, is SUB2012-00028, Lakeview Estates (April 2012 Plan), for 2 lots. Staff recommends approval.

## SUBDIVISION

SUB2012-00028 Lakeview Estates (April 2012 Plan) – 209 S. Lake Avenue	<b>Engineering Design Associates for Bradley T. Harris:</b> The 1.788-acre site proposed for a subdivision of 2 single-family homes is located on the northeast corner of the intersection of S. Lake Avenue and Hawkes Lane, approximately 180 feet south of Highland Meadow Court, on parcel 820-724-1093. The zoning is R-2A, One-Family Residential District and ASO, Airport Safety Overlay District. County water and sewer. <b>(Varina) 2 Lots</b>
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Mr. Branin - Is anyone in opposition to SUB2012-00028, Lakeview Estates (April 2012 Plan)? No one.

Mr. Leabough - Mr. Chairman, I move that we approve SUB2012-00028, Lakeview Estates (April 2012 Plan), subject to the annotations on the plan, the standard conditions for subdivisions served by public utilities, and the additional Condition #13.

Mr. Archer - Second.

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

The Planning Commission granted conditional approval to SUB2012-00028, Lakeview Estates (April 2012 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public utilities, the annotations on the plans, and the following additional condition:

13. Each lot shall contain at least 13,500 square feet, exclusive of the floodplain areas.



246 Mr. Leabough - Mr. Chairman, I would request that we add an additional item  
17 to the expedited agenda.

248  
249 Mr. Branin - Okay.

250  
251 Mr. Leabough - That would be the—bear with me one second please. Let me  
252 find it on my agenda.

253  
254 Mr. Emerson - It's on page 7, Mr. Leabough.

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256 Mr. Leabough - Page 7. Thank you, sir. That would be POD2012-00105,  
257 Panera Bread – The Shops at White Oak Village.

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259 **PLAN OF DEVELOPMENT**

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POD2012-00105  
Panera Bread – The  
Shops at White Oak  
Village  
(POD-58-06 Rev.)  
**Vanasse, Hangen, Brustlin, Inc. for Laburnum Investments, LLC and Panera, 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 5,601 square-foot restaurant with outdoor patio seating and drive-through facilities. The 1.2-acre site is located on an outparcel in an existing shopping center along the east line of S. Laburnum Avenue, approximately 300 feet north of Audubon Drive, on part of parcel 815-718-5710. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

261  
262 Mr. Branin - Okay. Mr. Leabough, you have no issues? No problems with  
263 it?

264  
265 Mr. Leabough - No issues. No problems.

266  
267 Mr. Branin - And staff has no issues and no problems with it?

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269 Ms. News - Staff can recommend approval.

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271 Mr. Branin - Staff can recommend approval.

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273 Mr. Emerson - Mr. Chairman, the request was received in accordance with  
274 the rules and regulations of the Commission from the applicant for the expedited agenda.

275  
276 Mr. Branin - Okay. Is anyone in opposition to POD2012-00105, Panera  
277 Bread – The Shops at White Oak Village, on the expedited agenda? No one. Mr.  
278 Leabough?

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Mr. Leabough - Mr. Chairman, I'd like to move that we approve POD2012-00105, Panera Bread – The Shops at White Oak Village, subject to the standard conditions for developments of this type, the annotations on the plan, and additional Conditions #29 through #35.

Mrs. Jones - Second.

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

The Planning Commission approved POD2012-00105, Panera Bread – The Shops at White Oak Village, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

- 29 The proffers approved as a part of zoning case C-29C-06 shall be incorporated in this approval.
30. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.
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, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.
33. Only retail business establishments permitted in a B-3 district may be located in this center.
34. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
35. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

Ms. News - That completes our expedited agenda.

Mr. Emerson - Mr. Chairman, that completes all of your expedited items and now takes us to Subdivision Extensions of Conditional Approval, which will be presented by Mr. Lee Pambid.

**SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL  
FOR INFORMATIONAL PURPOSES ONLY**

<b>Subdivision</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Magisterial District</b>	<b>Recommended Extension</b>
<b>SUB2011-00024 (SUB-04-11) Broaddus Glen (April 2011 Plan)</b>	<b>34</b>	<b>34</b>	<b>0</b>	<b>Fairfield</b>	<b>4/24/2013</b>
<b>SUB2010-00025 (SUB-03-10) Inglenook Cottages (Formerly Maybeury) (April 2010 Plan)</b>	<b>30</b>	<b>30</b>	<b>1</b>	<b>Tuckahoe</b>	<b>4/24/2013</b>
<b>SUB2011-00026 (SUB-03-11) New Market Village (April 2011 Plan)</b>	<b>93</b>	<b>61</b>	<b>0</b>	<b>Varina</b>	<b>4/24/2013</b>
<b>SUB2009-00041 (SUB-05-09) Riverview Green Phase I (April 2009 Plan)</b>	<b>47</b>	<b>6</b>	<b>2</b>	<b>Brookland</b>	<b>4/24/2013</b>

Mr. Branin - Good morning, Mr. Pambid.

Mr. Pambid - Good morning, Mr. Chairman, members of the Planning Commission.

Mr. Branin - What do you have for us this morning?

Mr. Pambid - I have 4 subdivisions for you this morning that are presented for extensions of conditional approval. They're eligible for a one-year extension to April 24, 2013. These are for informational purposes only and do not require Commission action at this time.

This concludes my presentation. Staff can now field any questions that you may have regarding these items.

Mr. Branin - Does anyone have any questions for Mr. Pambid this morning?

Mrs. Jones - No, sir.

Mr. Branin - No? Well, thank you, sir.

351 Mr. Pambid - You're welcome.

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353 Mr. Emerson - Mr. Chairman, that now takes us to page 12 of your regular  
354 agenda and your amended agenda on pages 1 and 2 for POD2012-00107, Balzer and  
355 Associates, Incorporated for the Islamic Center of Richmond.

356

357 **PLAN OF DEVELOPMENT**

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POD2012-00107  
Islamic Center of  
Richmond – Hungary  
Road – 8481 Hungary  
Road

**Balzer and Associates, Inc. for the Islamic Center of Richmond:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story 30,277 square-foot place of worship with a daycare and a school. The 5.235-acre site is located along the south line of Hungary Road, opposite its intersection with Wilshire Drive, on parcels 764-760-6048 and 7639. The zoning is A-1, Agricultural District. County water and sewer. **(Brookland)**

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360 Mr. Branin - Good morning, Mr. Wilhite.

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362 Mr. Wilhite - Good morning, Mr. Chairman and Commission members.

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364 Mr. Branin - How are you this morning?

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366 Mr. Wilhite - I'm fine.

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368 Mr. Branin - Good. Is anyone in opposition to POD2012-00107, Islamic  
369 Center of Richmond? One, two, three, four, five, six, seven. Okay, we have 7 people. Mr.  
370 Secretary, if you would please review the rules for the Planning Commission.

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372 Mr. Emerson - Yes, sir, Mr. Chairman. The public hearing rules of the  
373 Planning Commission are as follows: The applicant is allowed 10 minutes to present the  
374 request, and time may be reserved for response to testimony. Opposition is allowed 10  
375 minutes to present its concerns, and that's cumulative. Commission questions do not  
376 count into the time limits, and the Commission may waive the time limits for either party  
377 at its discretion.

378

379 Mr. Branin - Okay. Mr. Wilhite?

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381 Mr. Wilhite - In the packet you received today, there was a revised site  
382 plan included for this project. The changes from the original site plan are fairly minor;  
383 they were done at staff's request. The primary changes address parking lot layout.  
384 Originally, the plan in the front of the building in this location showed 4 parking spaces.  
385 That has been reduced to 1 parking space for a hearse and 1 turnaround space. Staff  
386 had really tried to get them to revise that to eliminate the parking in front; however, it is

related to the funerary procession, and staff was okay with the revision that's shown on the plans.

They also made the parking lot in the rear more efficient in this area. They had 6 spaces here. That additional row of parking was taken out—6 spaces added to the end in this location here. The effect was to bring the paved area further away from the Hungary Woods neighborhood along the western property line.

In addition, the playground area that was proposed in the front yard setback has been taken out. The 50-foot required front-yard setback is provided; that is going to be a fenced-in area—a 4-foot-high wood fence for privacy. It meets the setback requirements for this zoning district.

There was a slight revision. It shows up as an annotation on the plan, as far as the location of the turn lane. We've requested that they shorten the taper to bring more of a separation between the turning lane and Honey Lane at this location here. That was based on the Traffic Engineer's assessment.

Staff has received quite a bit of citizen interest on this project, both people coming into the office to look at the plans and also from the numerous e-mails sent to the County. I'm going to try to address a lot of them as pertinent issues that they have brought up.

One is related to traffic itself. We have looked at traffic counts for this development and along Hungary Road. One of the comments that staff originally had, had to do with the intersection where the entrance is proposed—and this is at the intersection of Hungary Road and Wilshire Drive—whether a traffic signal is warranted in this location. We've looked at that. The counts don't support a traffic signal being added here.

There were concerns about the number of entrances into the site. Staff feels that the one entrance proposed is sufficient to handle this type of development, and there's not a need for a second entrance off Hungary Road to serve this. We've looked at the turn lanes. We did have the one comment about it being tapered, but the applicant is providing both right and left turn lanes into this development, so it should handle the amount of stacking and cars coming to the site.

Parking was brought up as an issue. The proposal meets the requirement of 1 space for every 50 feet of worship area that is required by the ordinance. Ninety-three spaces are required for this building as proposed; 128 are being provided on the site. This accommodates 4,660 square feet of worship area. This project also includes a school. Typically schools aren't counted separately for parking requirements. They are proposing 16 classrooms, but if you factored in our requirement of 2 spaces per classroom, they would still meet parking requirements.

I would point out that there are some standard conditions that dictate if additional parking is needed. Standard Condition #5 for Plans of Development states that sufficient, effectively usable parking shall be provided, but if experience indicates a need, additional

parking shall be provided. Condition #21 states that vehicles shall be parked in only approved and constructed parking spaces. We feel that what is being proposed by the applicant here can sufficiently handle parking and that we have sufficient conditions on this that will address the need for additional parking if there is any overflow on adjacent sites.

The building size and location was brought up as an issue. The building as proposed does meet the 50-foot front and rear setbacks in an Agricultural District, as well as the 40-foot side yard requirements. The height of the building is going to be 33 feet, and that's to the top of roof, where our ordinance requires buildings to be no more than 45 feet to the midpoint of the roof. The minaret that is proposed on this structure is approximately 50 feet in height; 100 would be allowed for these types of structures in an Agricultural District.

Outfall has been noted as an issue. There is a stormwater basin proposed in the rear of the site, here, with a pipe coming out on the property adjacent to this. We have the signature from the adjacent property owner who will allow this to occur. The applicant still has to demonstrate to the design engineer that the outfall is adequate for this development. That is typically done with construction plans and not prior to POD approval by the Planning Commission. If this is not going to work, there are some other options that the applicant can explore.

Landscape and lighting was also brought up. We do have our standard conditions that require separate landscape and lighting plan approval. That will be done at a later time, separate from this plan. This has to be done prior to occupancy. The applicant is, at this point, willing to commit to constructing a fence around the basin in the back, plus providing landscaping as well. That will show up on the landscape plan.

There was a question of whether there would be outdoor speaker systems as part of this development. I have confirmation from the applicant that no outdoor speaker system will be installed. Call to prayer will be done with internal speakers.

Other issues involved questions about clear title on this property and also the use of Hoehns Road, which is a private access easement that runs along this property here. Hoehns is outside the boundary of this development. Use and who has authority to use that road—it's a private matter that the County can't get into. Clear title would have to be resolved as well. The real estate records do show Islamic Center of Richmond as the owner of the property.

In summary, the plan meets the requirements for places of worship in an A-1 zoning district. With staff's comments added to that, staff recommends approval of the revised plan with the annotations on it, the standard conditions for developments of this type, and additional Conditions #29 through #34. On your addendum, there are 2 additional conditions that have been added to address an existing ingress/egress easement on this site that will need to be quitclaimed by the applicant. Also, the applicant is agreeable to

stating that construction traffic will not use Hoehns Road during the construction of this development.

With that, my presentation is concluded. I will try to answer any questions that you have.

Mr. Branin - Does anybody have any questions for Mr. Wilhite?

Mrs. Jones - Where did you say the playground was being relocated?

Mr. Wilhite - The playground is not being relocated. However, the original plan showed that it protruded into the 50-foot front-yard setback, and they pulled that out so they'll meet the 50-foot setback requirement.

Mrs. Jones - Okay. So it's still in the front?

Mr. Wilhite - Yes, ma'am. It's a triangular area right in front of the building in this location here.

Mr. Witte - And the POD does not include any property touching Hoehns Road?

Mr. Wilhite - No. There is another parcel between this development and Hoehns Road. Hoehns is actually an easement that runs along the eastern boundary line of this adjacent parcel. There is no development shown along here. There is a sanitary sewer easement that runs along this property line. It crosses through Hoehns Road and runs across these properties over here. Once again, the owners of these properties have already provided signature on the application, so we know that they are okay with the easement shown.

Mr. Witte - Okay.

Mrs. Jones - Another quick question. What's labeled as the front elevation is facing which way?

Mr. Wilhite - It faces the parking lot, actually. What is labeled as rear faces Hungary Road.

Mrs. Jones - Just for my own curiosity, what is the material used on minaret?

Mr. Wilhite - Primarily the building is brick, different color brick with some EIFS as well. The shingles are asphalt singles. The dome and the top of the minaret are fiberglass.

Mrs. Jones - Okay. The same material, then, as the dome.

524 Mr. Branin - Any other questions for Mr. Wilhite?  
525  
526 Mrs. Jones - I did want to ask about the traffic. The traffic report indicated  
527 that there was no need for a traffic signal at this point.  
528  
529 Mr. Wilhite - That is correct.  
530  
531 Mrs. Jones - And how close are we?  
532  
533 Mr. Wilhite - That I would have to defer to the Traffic Engineer. He can  
534 explain in more detail the information he looked at and what his conclusions were.  
535  
536 Mrs. Jones - Okay, all right. I would like to do that at some point.  
537  
538 Mr. Leabough - I have a quick question about the buildings that are to remain  
539 on the site. What are those being used for?  
540  
541 Mr. Wilhite - There are 3 buildings to remain on the site. Currently they are  
542 being used for worship purposes, at least one of the buildings is. There is an existing  
543 house on the site. That is supposed to be a residence for the priest or the head of  
544 mosque. The building behind it is currently used for worship space, but it's not going to  
545 be used for worship space once this building is constructed. It will be used for storage  
546 and other purposes, and there's a building in back that will be storage as well. So, we  
547 have in writing from them that they will not be using the other existing buildings for  
548 worship purposes.  
549  
550 Mr. Branin - Mr. Witte, would you like to hear from opposition first, or  
551 would you like to hear from the applicant first?  
552  
553 Mrs. Jones - Can we ask the Traffic Engineer?  
554  
555 Mr. Witte - Let's have the Traffic Engineer.  
556  
557 Mr. Catlett - Tommy Catlett with Traffic Engineering. We performed a  
558 signal study with the existing conditions and then also incorporated their proposal with  
559 the existing conditions. The signal warrants were not met. In order to establish a signal,  
560 there are warrants that must be met. None of the warrants were met. For example, an 8-  
561 hour warrant is 550 vehicles per hour for 8 hours, and the highest that we had was 31  
562 per hour. So, a signal is not justified at this time.  
563  
564 We also did an accident update at the intersection. There were 3 accidents in the past 5  
565 years, 2 of which were rear-end accidents. One was turning right into the site, and one  
566 was taking a left through the through-lane. So, actually by adding the right and left turn  
567 lanes, they will be addressing those issues.  
568



569 Mrs. Jones - The reason I'm asking is every time we do any kind of  
70 development, obviously, traffic is an issue. It's an issue for the particular development as  
571 well as the surrounding neighbors. I know that there will be times when this is a busier  
572 site than others, but your study has determined that even with those counts taken into  
573 consideration we're nowhere close to a traffic signal need. Is that right?

574  
575 Mr. Catlett - Yes, ma'am.

576  
577 Mrs. Jones - Okay.

578  
579 Mr. Branin - Any other questions for Traffic? Okay. Then my question  
580 comes back. Would you like to hear from the applicant first?

581  
582 Mr. Witte - Yes.

583  
584 Mr. Branin - Okay.

585  
586 Mr. Shust - Good morning Mr. Chairperson, members of the Commission.  
587 My name is Chris Shust; I work with Balzer and Associates. I'm the engineer of record,  
588 and I'm representing the owner this morning.

589  
590 Given that we currently have a recommendation for approval by staff, I just want to thank  
591 staff for taking the time and attention, being diligent in reviewing this project, making sure  
72 that all of the questions that have come up have been answered, and working with us so  
593 easily. I don't want to take up too much other time. I'm sure that you're going to request  
594 my comments or responses to some questions that may come up. So, I would like to  
595 reserve the rest of my time to answer those questions. I'd be happy to answer any  
596 questions that you have right now as well.

597  
598 Mr. Branin - Sir, would you restate your last name?

599  
600 Mr. Shust - It's Shust—S-h-u-s-t.

601  
602 Mr. Branin - Okay, thank you. Does anybody have any questions for Mr.  
603 Shust?

604  
605 Mrs. Jones - Not at the moment.

606  
607 Mr. Branin - Not right now? Thank you, sir.

608  
609 Mr. Emerson - Mr. Shust, I do have one question. You and your client are in  
610 agreement with the Conditions stated, #1 through #36, and the annotations?

611  
612 Mr. Shust - We are in agreement with those. We are also in agreement  
613 with what Mr. Wilhite said regarding fencing and landscaping around the stormwater  
14 facility.

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Mr. Emerson - Okay, thank you.

Mr. Branin - Would opposition like to come down? As you speak, please state your name for the record. All of our meetings are recorded and put into minutes, so please state your name for the record. If you want to, you can move down closer to save time walking down, or you can stay right where you are, sir. Whatever you're more comfortable with.

Ms. Hoehns-Wright - First, before I speak, I would like a little more clarification about this fencing that's been mentioned and the landscaping. So, Kevin, can you do that?

Mr. Emerson - Excuse me, ma'am. What we will do is you can make your statements and questions to the Commission. After everybody is finished, staff will address those questions as appropriate.

Ms. Hoehns-Wright - Okay. For the record, my name is Sylvia Hoehns-Wright. I have resided in this complex more or less for my life. One of my grandfathers actually founded the area in 1838. We had a family subdivision deeded to my father back in the 30's, so we are more or less lifetime members of this community. As a result, this was actually called the Bolton Estate. At one time, hundreds of acres of land were in my family's name, and I have spent more than 30 years working with family to help them as they enabled projects and turned this area into urban suburban. Today is actually the first time I've ever come here in opposition to a project in all those thirty-some years. So, the question is, what's going on? Why would I ever have to come here to oppose something?

Number 1 is the fact that there is unresolved family ownership. This was discovered a couple of years ago. We went through last year parcel 1, working with a purchaser. We got the land clear for the person. They went on and built and had a clear title. No effort on those parcels 6, 7, 5, and 4 has ever occurred. It's all documented. It's in the courthouse. There's a blueprint there. Anybody can go get it, pull it, and start working on it as a checklist. It's relatively easy to work through. I contacted the owners; no one has followed up. I even offered to meet them at the County Planning Commission to talk about this; no one ever followed up. So, we have this land ownership issue that's there.

In addition to that, we have certain rights that have been granted to us through family members related to parcels 4 and 5, ongoing this past year. Those rights have been ignored. We have had drive-through interference with endangerment to our family. I've even had to call the police to come and resolve some of the issues because they have escalated to such a height.

So, we have ownership issues. We have actual rights that are not being recognized and honored by this group. Now, I have a handout here. Kevin, would you hand this out? It has an exhibit in it that contains a notice in writing to the group related to the ownership.

661 It also has pictures that describe the type of interference that's going on with the use of  
662 our property.

663  
664 Now, let me get out of that. Let's just pretend that there was no ownership issue, all the  
665 rights are actually being honored, and we're just here today to talk about the building  
666 itself. Number 1 on my list would be environmental impact. I haven't heard anyone talk  
667 about that. This site for years was a huge greenhouse operation. In that process, it  
668 actually used numerous chemicals that are presently banned. I'm not aware of anybody  
669 who's looked at this from an EPA point of view. What kind of toxins are there? What will  
670 be released through disturbance as it's being constructed? What's going to be released  
671 into the environment? The people who come there for the meetings themselves, what  
672 are they going to be exposed to? So, I would actually put that as number 1 on my list,  
673 checking this out for toxins and what's going on there and making sure that this is a safe  
674 site for the people to come and worship.

675  
676 Along with this is the stormwater. It is actually a site that is relatively self-sufficient. It's  
677 my understanding that an adjacent landowner has said that it's okay to come and dump  
678 water on that site, yet those of us who are there have wells and septic systems that it will  
679 almost certainly affect. In addition to that, about one-fourth of a mile away, I actually own  
680 one of the few remaining green corridors here. It's a huge habitat area. I have eagles,  
681 hawks, all kinds of habitat there with me. This site most certainly will be affected by both  
682 the quantity of water and the quality of water that's released into that area.

683  
684 We've talked about the sheer size of this building. I needed to wrap my mind around it,  
685 what's going to be constructed. The closest thing that I could come to was Lourdes  
686 Church, but it's 10,000 square feet smaller. It has multiple entrances and exits. It has the  
687 benefit of 2 major roads, and it has all kinds of landscape and fencing around it that  
688 protects the residential area from this use—not only that, but the parking—We've  
689 actually seen this through the limited use, 50 to 100 cars on site. Last fall there was a  
690 community event that was totally out of control. It actually ended up with car accidents on  
691 Hungary Road. So, we've seen the maximum experience, and we've seen the minimum  
692 experience. We have real concern for the fact that this is a site that is already in  
693 operation. Normally, what you do is you have construction, certificate of occupancy, then  
694 operation. Right now, we have operation, and we don't see any plan here for vacating  
695 use during that time.

696  
697 I talked about the traffic issues, and, even with the changes, we've observed that about 5  
698 percent of the people who come here on site don't abide by the new sign that's there.  
699 They still make turns that are illegal. They still turn in areas that they're not supposed to.  
700 That doesn't seem to be working quite that well.

701  
702 There's an old country expression. We sort of have the cart before the horse. Well, we  
703 have the cart here on site, fully in operation 7 days a week. It starts at 5:30 in the  
704 morning. The last event starts at 9:30 at night. Lights are coming in and out of the  
705 neighborhood. Noise is going on 365 days a year, plus special events, and now we're

706 going to add school, a daycare, and probably after-care. So, we have seen the maximum  
707 going on there in this area. This is not imagination; it is real.

708  
709 Now, based on the fact that this questionable ownership has not been resolved, there's  
710 been a lack of respect for the rights that have been—

711  
712 Mr. Emerson - Excuse me. Just so the Commission is aware, you are 7  
713 minutes into the allotted 10 minutes for the entire opposition.

714  
715 Ms. Hoehns-Wright - I'm wrapping it up, sir. Thank you. Based on the fact that  
716 there is this questionable ownership, the fact that we have experienced this thing of  
717 having our rights ignored—and we do have significant concerns of the construction of the  
718 site itself, from the eco as well as the size of the building—I would have to come here  
719 today for the first time and actually say that I oppose this site as presently proposed.  
720 Thank you for your time. The exhibit and the handout are self-explanatory. If you have  
721 any questions, you're more than welcome to contact me.

722  
723 Mr. Branin - Thank you, ma'am. Is there anyone else?

724  
725 Mr. Wray - John Wray, Jr., and it's W-r-a-y. I just have a couple of things  
726 I'd like to reiterate that we'd like them to incorporate in their construction process. We  
727 feel that there needs to be a buffer of evergreens and/or fencing around the whole area  
728 to protect the children that will be there playing. Apparently, there's not a huge  
729 playground, but there will be kids on the property all day if they have a daycare center  
730 and school and that sort of thing. For the kids' own protection and also for general noise  
731 control, the whole area needs to be buffered with evergreen trees and possibly a fence  
732 also just to control people entering, the nature of the property, kids getting into the 4-  
733 lane, heavily-used Hungary Road.

734  
735 Mr. Branin - Mr. Wray, can you do me a favor? Can you move the  
736 microphone a little bit closer to you because I can barely hear you?

737  
738 Mr. Wray - I'm sorry.

739  
740 Mrs. Jones - Ah, there you are.

741  
742 Mr. Wray - Should I repeat that?

743  
744 Mr. Branin - I think I heard you pretty well.

745  
746 Mr. Wray - Okay.

747  
748 Mr. Branin - Evergreen trees for the safety of the children as well—  
749

Mr. Wray - --Buffering the sound, the light, and the noise. We request that the lighting be positioned so that it just covers the parking lot. You can buy lights that just go down so that the light doesn't scatter all around to the neighborhood.

It's my understanding there will be new houses by the person who bought the adjacent properties to Hoehns Road, built right at the center. I think we need to respect the new homes that, from my understanding, are going to be built by the new owners of the property adjacent to Hoehns Road there. That needs to be considered, too, as they build this big new property, that these homes will be protected from the noise, the light, and the traffic as well.

I'd like to know what the drainage options are going to be that are going to cross Hoehns Road and what the easement area is going to be used for that goes under Hoehns Road. What usage can there be other than the sewage pipe that I understand is going under Hoehns Road? What other uses does that easement have?

Also, do they plan to continue to worship in the small existing building during construction? If so, are they going to build a nice parking lot first so that they can use the parking before they start construction, or what do they plan to do for parking as construction goes, as they continue to use the small worship building that they are using now?

That's it. I appreciate it.

Mr. Branin - Any questions or comments for Mr. Wray? Okay. Are there any more who would like to speak? How many? Two? Okay. Mr. Witte, we have exceeded our 10 minutes. If you request additional time, I'll be happy to grant it.

Mr. Witte - Thank you. I request the additional time for the other two.

Mr. Branin - Five minutes?

Mr. Emerson - Five minutes.

Mr. Branin - Okay.

Mrs. Jones - You have some other folks.

Mr. Branin - I was looking this way; I apologize, sir. We have 3.

Mr. Emerson - I might suggest for the folks remaining who would like to speak, as one person comes to the podium, possibly, you may want to queue up at the rear of the room so you can come on down.

Mr. Witte - Can we amend that 5 minutes to 2 minutes each?

796 Mr. Emerson - Yes, sir, you can.  
 797  
 798 Mr. Witte - A maximum of 2 minutes, let's put it that way.  
 799  
 800 Ms. Rolfe - Good morning, I'm Catherine Rolfe. I live on Hoehns Road.  
 801 My big issue is the number of cars that access this property where they're coming and  
 802 going simultaneously. It's not like a church where everybody comes at once and then  
 803 leaves at once. They're both entering and exiting. The one drive is not sufficient. I don't  
 804 know if Mr. Catlett's ever been out there for his count when 100 cars are coming and  
 805 going at the same time.  
 806  
 807 The problem to date has been that they don't just use the one entrance on Hungary  
 808 Road. They're coming down Hoehns Road and driving across the vacant lot, which  
 809 creates a lot of problems. It's dangerous with children getting off the school buses. So for  
 810 a property the size they have—other churches like over on Hilliard Road, the Lakeside  
 811 United Methodist has 110 parking places. It has 4 entrances and exits. The Presbyterian  
 812 church at the corner of Hungary and Staples Mill has about 78 parking places and has 2  
 813 entrances and exits. So, my sole issue is that the traffic plan is not sufficient to handle  
 814 the cars that need to get in and out of the parking lot. Thank you.  
 815  
 816 Mrs. Jones - Excuse me. Could you repeat your name?  
 817  
 818 Ms. Rolfe - Yes. The last name is Rolfe—R-o-l-f-e.  
 819  
 820 Mrs. Jones - Thank you.  
 821  
 822 Ms. Rolfe - Thank you.  
 823  
 824 Mr. Henkel - Good morning, everyone. My name is Garth Henkel. I'm the  
 825 owner of the first house here on Hoehns Road. My main concern is the drainage. This  
 826 plan doesn't really show the drainage pond, but the drainage ends right next to my well  
 827 and septic tank about 15 feet away. That's my main concern. If there's a lot more water  
 828 coming into this area, it's going affect my well and my septic system.  
 829  
 830 Mr. Branin - Can you show us exactly? If you take the mouse, it will put up  
 831 a hand. There you go.  
 832  
 833 Mr. Henkel - The plan that I saw showed the drainage ending right about  
 834 here. This is my house right here. My septic tank is here on this side of the house. From  
 835 the plan that I saw, it looked like it would be 15 to 20 feet from where my septic system  
 836 is. The whole front of this yard is my drain field. Introducing a lot more water to this drain  
 837 field would cause a lot of problems for my septic system and my home.  
 838  
 839 Right here, where the mouse is now is where my well is, which is not too much further  
 840 away from where they're proposing to have this pond in the back drain to unless they've

841 changed the plans. I don't see the drainage pond on this plan here, but the one that I did  
12 see, it drains right next to my septic. That's my main concern.

843  
844 Mr. Branin - We'll have the engineer address that as soon as he comes  
845 back up.

846  
847 Mr. Henkel - Thank you. Yes, sir.

848  
849 Mr. Branin - I didn't forget you this time.

850  
851 Mr. Hudgins - I guess my thing is the drainage problem toward Hungary  
852 Woods—

853  
854 Mr. Branin - Name?

855  
856 Mr. Hudgins - I'm sorry; I'm always right into it. Tom Hudgins. It's the  
857 drainage into the Hungary Woods subdivision. I have pictures in my pocket if you're  
858 willing to look at them, showing that the County hasn't ever fixed it. When Stone's  
859 Nursery had it, we requested them to fix the drainage into the backyards. There are  
860 about 4 or 5 houses on the back side of the far back building that when the property  
861 drains, it drains to about ankle deep and knee deep into everybody's backyards. That's  
862 my main concern.

863  
864 Then, of course, the traffic. I'm sorry, but I think your statistics are wrong. There is way  
865 more traffic than he's portraying, and there is way more going on about the traffic than  
866 he's giving the information about. We live there; we see it every day. I think you need to  
867 go back, sharpen your pencil, and look at that a little bit.

868  
869 As far as the noise and stuff—and this is for their benefit as well—personally, we haven't  
870 had any major issues with the noise or anything of that nature.

871  
872 That's the main thing for us—the traffic and the drainage on the Hungary Woods  
873 subdivision side. That's all I have.

874  
875 Mr. Witte - Can you take that mouse and show me where the water  
876 drainage is an issue?

877  
878 Mr. Hudgins - Here's the building right here. This is my house right there.  
879 Everything from this house, to here, to here is always—when we get a heavy rain, it's  
880 always ankle deep or above with water. As I said before, we have come to the County  
881 once before when Stone's Nursery owned it. You guys—well, not you guys particularly,  
882 but the County had said the next owners, you need to get with them and have them fix it.  
883 It's an unfair response to me, but you know, hey, that is what it is. That's what the  
884 County said. That's what we're addressing today—the drainage problem and the traffic.

885  
86 Mr. Branin - Okay, we're going to address it right now.

887  
888 Mr. Hudgins - Thank you very much.  
889  
890 Mr. Branin - Thank you, Mr. Hudgins. Any other questions or comments?  
891 Sir, if you're going to speak you need to come down to the microphone. State your name  
892 for the record, please.  
893  
894 Mr. Vohra - My name is Yunus Vohra. I'm the owner of the other  
895 properties. This property is mine. This one is mine, and this is mine, too. Hoehns Road  
896 runs between my properties. I'm for the project. Like Sylvia said, there is a lot of traffic on  
897 Hoehns Road. I'm the only one who drives on Hoehns Road. I'm the only one who  
898 comes through the property, but she told you that she called the police. I'm the first one  
899 to call the police because she blocked my entrance to my own property because I was  
900 trying to get to there to pray. So, that's my comment. I mean I was the first one to call the  
901 police, and she was blocking my own rights to my own property, getting on my own  
902 property. That's all I wanted to comment.  
903  
904 Mrs. Jones - Mr. Vohra, how many people by right use your Hoehns  
905 Road?  
906  
907 Mr. Vohra - Me and my family, and once in a while my friends come over.  
908 I mean, the funny thing is, Sylvia and her friends, they find time to work on Hoehns Road  
909 on the front right here, on the shrubs, every Friday between 12 and 2 o'clock, and that's  
910 when I come in here every day, sometimes 3 or 4 times a day to pray. On Friday, she's  
911 working. The rest of the time they're not working over there, cleaning up the shrubs and  
912 stuff.  
913  
914 Mrs. Jones - What I'm saying is you have at least what, 3, 4, 5—  
915  
916 Mr. Vohra - My own cars. I have about 5 different cars I drive different  
917 times.  
918  
919 Mrs. Jones - No. How many residents are served by Hoehns Road?  
920  
921 Mr. Vohra - I don't know. How many are sitting—I think 8 or 9 people are  
922 sitting on this back side.  
923  
924 Mr. Branin - You had made the statement, sir, that you're the only one that  
925 uses that road.  
926  
927 Mr. Vohra - As far as going to ICR.  
928  
929 Mr. Branin - There are multiple residents that use that road.  
930  
931 Mr. Vohra - Yes.  
932



933 Mrs. Jones - You meant you're the only one who uses it as an entrance to  
 934 the place of worship.  
 935  
 936 Mr. Vohra - ICR.  
 937  
 938 Mrs. Jones - I see.  
 939  
 940 Mr. Vohra - The person who drives across the lot, that's me.  
 941  
 942 Mrs. Jones - Okay.  
 943  
 944 Mr. Witte - And you actually drive across your own property?  
 945  
 946 Mr. Vohra - Yes. Right here. The entrance is right here, and I cross right  
 947 here. I don't need to make the u-turn. If you go farther up, then you have to make a u-  
 948 turn so I just go across my property.  
 949  
 950 Mr. Witte - Okay.  
 951  
 952 Mrs. Jones - Thank you.  
 953  
 954 Ms. Hoehns-Wright - [Off microphone.] May I ask a question? I realize [inaudible].  
 955  
 956 Mr. Branin - It's your case, sir.  
 957  
 958 Mr. Witte - Two minutes, please.  
 959  
 960 Ms. Hoehns-Wright - Within your handout and Exhibit 2, there's a picture of Mr.  
 961 Vohra and his car. I want to clarify a situation. As I said before—for the record, I'm Sylvia  
 962 Hoehns-Wright. My dad was the one who deeded this right-of-way. I was deeded an  
 963 exclusive right-of-way, of which I have selectively shared with others.  
 964  
 965 What actually happened in mid-January was there was just such an exit of ICR people  
 966 leaving that site using Hoehns Road, that my daughter had to opt to stand in the road to  
 967 protect the school bus and her child from being hit.  
 968  
 969 Mr. Emerson - Ms. Wright, excuse me, but I need to advise members of the  
 970 Commission that this is a private civil matter. You have no jurisdiction in the rights or  
 971 non-rights on Hoehns Road. This has no bearing on the plan of development that is in  
 972 front of you today for consideration. Therefore, I don't think these comments are  
 973 pertinent to this case nor the comments that came previously. This is a private matter.  
 974  
 975 Ms. Hoehns-Wright - Excuse me, but if Mr. Vohra is allowed to stand here and say  
 976 that he is the only person who is traveling this road, I think it is important that it's clarified.  
 977

978 Mr. Branin - I did actually clarify that. When he said it, I was confused and  
979 I did clarify it.

980  
981 Ms. Hoehns-Wright - He is not the only person using it for ICR. If you look at  
982 Exhibit 2, you will actually see where he says we are blocking his road. He actually  
983 chose to use his vehicle—we've got it documented with pictures—to block our road for  
984 more than an hour to go to an ICR meeting. That is the one thing that I want to clarify as  
985 to who is actually blocking. Thank you.

986  
987 Mr. Branin - Yes, ma'am. Thank you.

988  
989 Mr. Emerson - Again, I'll have to remind the Commission that the issues  
990 regarding Hoehns Road are a civil matter and have no bearing on what's in front of you  
991 today.

992  
993 Mr. Witte - Duly noted. Thank you, Mr. Secretary.

994  
995 Mr. Branin - Would you like to hear from the applicant for any clarification?

996  
997 Mrs. Jones - I would. We have a number of questions.

998  
999 Mr. Branin - The parking issue, the drainage issue, and the septic issue  
1000 should probably be addressed.

1001  
1002 Mrs. Jones - I think, in addition to that, there are issues I heard the  
1003 neighbors raise that I think can be clarified here on public record. We all understand that  
1004 the ownership issue is unfortunate, but that's not within our purview. That's something  
1005 that will have to be pursued outside of this Commission's actions. The ownership issue,  
1006 then, is off the table, but I do think that there is a question of environmental impact. I  
1007 heard questions about the drainage. I heard questions about the use of the accessory  
1008 buildings—how construction and worship are going to be blended so as to work well  
1009 together, because that will be an issue—the impacts on adjacent well and septic  
1010 systems, and then basic drainage issues into the Hungary Woods subdivision. Again, to  
1011 touch on the traffic and the one ingress/egress. Those are the issues I heard. Could you  
1012 answer those for me, please?

1013  
1014 Mr. Shust - I'll try to be brief and concise. In terms of the parking  
1015 question, Mr. Wilhite did go through the parking calculations as we have shown on our  
1016 plan of development, and they show that we meet the overall parking requirement for the  
1017 development. In fact, if you were to take the daycare use separate from the  
1018 congregational use, we still meet the requirement. So, I think in terms of development of  
1019 this site, there's not really a question about the parking unless you'd like to have me  
1020 clarify something else.

1021  
1022 Mrs. Jones - My question was about the parking and how it will dovetail  
1023 with the obvious challenges of construction.

1024  
25 Mr. Shust - Yes, ma'am. In terms of the overall parking, the current  
1026 certificate of occupancy for the existing building that is to be used does show a  
1027 designated parking area. There is residual land that is open around the front building that  
1028 could be used. I think if we had to look at an alternate parking area during construction,  
1029 we would have to bring forward a request for a temporary parking area that would be  
1030 coordinated with Planning and the Department of Public Works. At this point, the ICR  
1031 feels that the construction traffic and where they're currently parking can be coordinated  
1032 with the building construction.

1033  
1034 Typically with construction projects, you need to provide for a construction lay-down  
1035 area. What contractors generally like to do is get their building pad on grade, bring the  
1036 parking lot up to grade, and get it stoned and get at least curb and gutter added so that  
1037 they can minimize E and S measures in terms of the potential for sediment and silt to run  
1038 off either into their sediment basins or the traps that are off site. So, that's usually high  
1039 up on the phasing plan in terms of construction sequence. Once that area is stoned in  
1040 the back, even if it's not paved, they can park back there as well.

1041  
1042 Mrs. Jones - Okay.

1043  
1044 Mr. Shust - In terms of the environmental impacts, when Islamic Center  
1045 of Richmond purchased this property, they did a phase 1. They have done their due  
1046 diligence up front and on the purchase. Obviously, if there were any other issues that  
17 had come up and been determined as part of that phase 1, they would have been  
1048 recommended to do a phase 2. If anything was discovered at that time per EPA  
1049 requirements, they would have had to do cleanup, if that's what would have been  
1050 required.

1051  
1052 The accessory buildings, in terms of keeping them after development of the new  
1053 building, I think it was explained—the uses of those buildings, what they currently are,  
1054 and that once they move their services into the new hall that building will be used for  
1055 storage.

1056  
1057 Mrs. Jones - So, none of the existing buildings will be removed once the  
1058 new building is built?

1059  
1060 Mr. Shust - That is the current plan; that is correct.

1061  
1062 Mrs. Jones - Okay.

1063  
1064 Mr. Shust - The terms of construction—

1065  
1066 Mr. Branin - And they've been designated as storage.

1067  
1068 Mr. Shust - I don't think they've been specifically called out on the—

1070 Mr. Branin - That's what you just stated.  
1071  
1072 Mr. Shust - Are you asking me if they've been specifically referred to on  
1073 the plan of development, or if that's the intended use? If it's the intended use, that's  
1074 correct, they plan on using them as storage.  
1075  
1076 Mr. Witte - I thought earlier you said that one of these buildings was  
1077 going to be used as a residence.  
1078  
1079 Mr. Shust - I apologize; I misspoke. The one in the front is currently a  
1080 residence in terms of use and will be maintained as a residential use. It's the other 2  
1081 buildings. I apologize for misspeaking. Do you need me to clarify that again?  
1082  
1083 Mr. Branin - Yes, please.  
1084  
1085 Mr. Shust - Okay. The front building, this one up here closest to Hungary,  
1086 is currently residentially occupied and will be residentially occupied after construction.  
1087  
1088 Mr. Archer - I have a couple of questions, or maybe just one. Were you  
1089 done, Mrs. Jones?  
1090  
1091 Mrs. Jones - He hasn't finished my list but maybe—  
1092  
1093 Mr. Shust - I have it written down; I can come back to it. I'm happy to go  
1094 in any order.  
1095  
1096 Mr. Archer - There were 2 gentlemen who spoke of specific drainage  
1097 issues.  
1098  
1099 Mr. Shust - Coming up to that, sir.  
1100  
1101 Mr. Archer - Okay. One is close to a well and septic tank, and the other  
1102 one about existing water that could be exacerbated. I just wanted to know if you were  
1103 aware of those 2 individual problems.  
1104  
1105 Mr. Shust - That's correct. In fact, I will jump right into them.  
1106  
1107 Mr. Archer - All right.  
1108  
1109 Mr. Shust - In terms of drainage along Hungary Woods Drive and those  
1110 residences, the current plan of development shows that the parking lot is curbed and  
1111 guttered, and that the runoff from the parking lot—if you look at your monitors—will  
1112 generally be taken from the parking lot down to a stormwater management basin and  
1113 then discharged. So, the over-land flow that is currently running towards Hungary Woods  
1114 Drive will actually be diverted away and cut off.  
1115

1116 Mrs. Jones - So, they should expect a real improvement?

1117  
1118 Mr. Shust - I would think so, yes, ma'am. The area where the greenhouse  
1119 was and where the parking area is up along the front, there is a drainage divide right  
1120 there. Part of that is currently trending this way; the other part of it's trending down  
1121 towards this property. So, yes, we will be cutting that off and diverting it to a basin.

1122  
1123 In terms of the question about the well and the septic, the current plan does show the  
1124 storm pipe outfall at about the front corner of his building. We've looked at that, and  
1125 we're going get with Public Works. That pipe needs to be brought forward closer to  
1126 Hoehns Road and away from—providing the opportunity for drainage to enter Mr.  
1127 Henkel's property.

1128  
1129 Mrs. Jones - So, where would you like to see it?

1130  
1131 Mr. Shust - We would extend it further to the east, thereby further  
1132 protecting where he identified that his septic tank is. In terms of water currently running  
1133 from the site towards the well in the back, we will have a stormwater management  
1134 facility. So, again, we're going to be containing and managing our water to 50/10  
1135 requirements. We also have MS19 requirements that the Department of Public Works is  
1136 very thorough in reviewing and making sure we comply with on any POD. So, there are  
1137 checks and balances in place to make sure we are doing what is mandated and also  
1138 doing what is good to be good neighbors.

39  
1140 Mrs. Jones - You mentioned before about fencing. Can you just define  
1141 what fencing is envisioned for this project?

1142  
1143 Mr. Shust - Certainly. There are 2 different areas where fencing is  
1144 envisioned. There is fencing for the playground area in the front of the site along  
1145 Hungary Road where I have the cursor right now. That will be one area. That will be  
1146 more of a decorative nature that we would bring forward as part of the landscape plan.  
1147 Then, the other is we have agreed that the stormwater facility in the rear will have  
1148 fencing around it. For some reason, those facilities tend to be an attractive nuisance. The  
1149 fencing is just being a good neighbor, and it's the right thing to do. So, that's why we  
1150 agreed to do it. It will be supplemented with landscaping.

1151  
1152 Mr. Witte - So, the playground area, while it's at Hungary Road, it's  
1153 actually at the rear of the building?

1154  
1155 Mr. Shust - Yes, sir, that's correct.

1156  
1157 Mr. Witte - And that will be fenced per Mr. Wray's concern?

1158  
1159 Mr. Shust - That is correct as well. Typical of most childcare or daycare  
1160 child development centers—

'61

1162 Mr. Witte - All—  
 1163  
 1164 Mr. Shust - I'm sorry?  
 1165  
 1166 Mr. Witte - All of that will be taken care of with the landscape and lighting  
 1167 plans?  
 1168  
 1169 Mr. Shust - That's correct. We've shown a fence on the POD, but the  
 1170 details of it will be shown on the landscape and lighting plan.  
 1171  
 1172 Mr. Witte - Okay, thank you.  
 1173  
 1174 Mr. Shust - In terms of the landscaping lighting question about the lights,  
 1175 they will be compliant with the requirement of a half-foot candle at the property line and  
 1176 shielding where required to mitigate that question about hot spots. We will be bringing  
 1177 that forward as required.  
 1178  
 1179 Lastly, in terms of the traffic, just the general conversations that have been going on,  
 1180 Islamic Center of Richmond has made an effort to ensure that the members or visitors  
 1181 who are coming to the facility use the correct entrance. They have a person routinely out  
 1182 front trying to be, not necessarily a traffic director, but when you see someone standing  
 1183 on the road and you see a sign, it makes the connection for people, as opposed to  
 1184 coming in through the Hoehns Road entrance to the residences in the rear. So, I think  
 1185 they are attempting to be a good neighbor and a good steward and to ensure that people  
 1186 who attend the center are educated and understand where the main entrance is and  
 1187 where they are supposed to drive. Occasionally, I think you're going to get a visitor who  
 1188 may be in the wrong place at the wrong time, and it's their hope that's an isolated  
 1189 incident. Through ongoing education, that would be a mitigated situation.  
 1190  
 1191 I'm happy to answer any other questions.  
 1192  
 1193 Mr. Witte - At the time, there is no crossover?  
 1194  
 1195 Mr. Shust - There is currently a crossover.  
 1196  
 1197 Mr. Witte - In front of the Islamic Center?  
 1198  
 1199 Mr. Shust - Yes, that's correct.  
 1200  
 1201 Mr. Witte - There's no turn lane.  
 1202  
 1203 Mr. Shust - Correct.  
 1204  
 1205 Mr. Branin - I have one comment and one question. Grab the mouse if  
 1206 you will.  
 1207

1208 Mr. Shust - Absolutely.

1209

1210 Mr. Branin - Come up to that side of the parking lot. Currently, what is the  
1211 vegetation in that area?

1212

1213 Mr. Shust - It's actually fairly light. There is a line of some older trees that  
1214 are running through there, but there is a fence, a solid board-on-board fence that's  
1215 running through there. There's some scrub on the bottom.

1216

1217 Mr. Branin - I would make the suggestion to Mr. Witte that when this  
1218 comes before you at landscape and lighting—because that parking lot is coming so close  
1219 to the adjoining neighborhood and with the spirit which they are graciously demonstrating  
1220 over and over again of being good neighbors—buffering that as much as you can with  
1221 landscaping.

1222

1223 Mr. Witte - We would actually handle that at landscape and lighting.

1224

1225 Mr. Branin - That's right. That's what I'm just saying. I would make note  
1226 now. In regards to a citizen standing out helping to direct traffic, there are many worship  
1227 locations throughout the County that on days of worship have off-duty police that help.  
1228 Just that police car sitting there with the blue lights slows incoming cars down and helps  
1229 direct traffic, plus it also takes away the liability of a citizen who is one of your  
1230 parishioners from getting run over. I would also make a recommendation to keep in mind  
1231 that especially at large worship times, that Henrico does provide off-duty police that you  
1232 can get to help out with worship services.

1233

1234 Mr. Shust - Thank you for that recommendation.

1235

1236 Mrs. Jones - Thank you very much.

1237

1238 Mr. Thornton - Mr. Chairman, before he leaves, may I make a comment? I  
1239 would hope also, sir, as you look at the sensitivities involved with this particular case  
1240 there that you'll put forth a great effort toward congeniality toward the community. You  
1241 have mentioned and broached some of those things this morning. Really engage the  
1242 community so that any type of attitudes, that you want to ingratiate ICR with that, I think  
1243 that's very important. I think this is an opportunity also for ICR to make sure that you do  
1244 the very best in this regard so that when the last thing is stated about this, everybody will  
1245 look and say that each group has come up to the plate and done his best here. So, I  
1246 think congeniality works right here, and I would hope that you would seize the moment to  
1247 do that.

1248

1249 Mr. Shust - Yes, sir. I appreciate those comments. The Islamic Center is  
1250 committed to being a good steward in the community. They actually have had community  
1251 outreach. One of the events had a little bit larger turnout than they anticipated, which  
1252 was a great thing, and they have plans to continue doing that. Again, thank you for your

1253 comments, and I understand what you're saying. We will make an extra effort as  
1254 necessary.

1255  
1256 Mr. Thornton - Thank you.

1257  
1258 Mr. Branin - Real quick. Mr. Hudgins?

1259  
1260 Mr. Hudgins - Yes, sir.

1261  
1262 Mr. Branin - As it appears by what the engineer is saying, some of your  
1263 drainage issues that are existing—which we see many times also in cases when  
1264 something is built, wet areas, the drainage is actually improved. As this comes through,  
1265 keep in touch with Mr. Wilhite, and he'll be also able to keep you abreast of changes.

1266  
1267 As to Mr. Henkel, Mr. Wilhite, if you would give him your name and number so he can  
1268 keep in touch with you as well with the progress and where it's moved to, so there won't  
1269 be any question in your mind.

1270  
1271 Mr. Henkel - [Off microphone; inaudible.]

1272  
1273 Mr. Branin - And you can get with Mr. Wilhite and also the engineer  
1274 afterwards. Okay? Okay. Mr. Witte.

1275  
1276 Mr. Witte - All right. I have 2 comments before I make a motion. I thank  
1277 everybody for coming. A lot of the issues brought up today are civil matters, legal  
1278 matters, police matters, other matters that will be handled during the construction plans,  
1279 and landscape and lighting plans. The noise issue, anybody that lives anywhere near the  
1280 area close to Hermitage High School knows, the band and the events starting at 7:00 in  
1281 the morning and going to 10:00 at night, you can hear everything well from miles and  
1282 miles away. The drainage issues haven't been resolved, but they will be. The water flow  
1283 on Hungary Woods with the BMP right there could be as simple as a drop inlet.

1284  
1285 Anybody have any questions before I make a motion?

1286  
1287 Mr. Branin - No, sir.

1288  
1289 Mr. Witte - Okay.

1290  
1291 Mr. Branin - We're ready for you.

1292  
1293 Mr. Witte - On the matter of POD2012-00107, Islamic Center of  
1294 Richmond, I make a motion that we approve the POD with Conditions #1 through #36.

1295  
1296 Mr. Leabough - Second.

1297  
1298 Mr. Branin - One through 36.



1299 Mr. Leabough - Second.

1300  
1301  
1302 Mr. Branin - Did I hear a second? Okay. Motion by Mr. Witte, seconded by  
1303 Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion  
1304 passes.

1305  
1306 The Planning Commission approved POD2012-00107, Islamic Center of Richmond,  
1307 subject to the annotations on the plans, the standard conditions attached to these  
1308 minutes for developments of this type, and the following additional conditions:

- 1309  
1310 29. The right-of-way for widening of Hungary Road as shown on approved plans shall  
1311 be dedicated to the County prior to any occupancy permits being issued. The  
1312 right-of-way dedication plat and any other required information shall be submitted  
1313 to the County Real Property Agent at least sixty (60) days prior to requesting  
1314 occupancy permits.
- 1315 30. A concrete sidewalk meeting County standards shall be provided along the south  
1316 side of Hungary Road.
- 1317 31. Outside storage shall not be permitted.
- 1318 32. Approval of the construction plans by the Department of Public Works does not  
1319 establish the curb and gutter elevations along the Henrico County maintained  
1320 right-of-way. The elevations will be set by Henrico County.
- 1321 33. The location of all existing and proposed utility and mechanical equipment  
1322 (including HVAC units, electric meters, junction and accessory boxes,  
1323 transformers, and generators) shall be identified on the landscape plans. All  
1324 equipment shall be screened by such measures as determined appropriate by the  
1325 Director of Planning or the Planning Commission at the time of plan approval.
- 1326 34. Except for junction boxes, meters, and existing overhead utility lines, and for  
1327 technical or environmental reasons, all utility lines shall be underground.
- 1328 35. **ADDED** – The property owner shall quitclaim any interest in the existing 15-ft.  
1329 ingress/egress easement shown on this site prior to the issuance of a Certificate  
1330 of Occupancy for this development.
- 1331 36. **ADDED** – Construction traffic associated with this development shall not use  
1332 Hoehns Road for access.

1333  
1334 **SUBDIVISION (Deferred from the March 28, 2012 Meeting)**

1335  
SUB2012-00020 **Burgess and Niple for Wilton Investment Corp.:** The  
Osborne Glen (March 2012 Plan) – 7200 65-acre site proposed for a subdivision of 43 single-family  
Osborne Turnpike homes is located at the northwest corner of the  
intersection of Osborne Turnpike and Sholey Road on  
parcel 800-695-7559. The zoning is A-1, Agricultural  
District. County water and sewer. **(Varina) 43 Lots**

1336  
1337 Mr. Branin - Is anyone in opposition to SUB2012-00020, Osborne Glen  
1338 (March 2012 Plan)? No one? Mr. Wilhite, again.

1339  
1340 Mr. Wilhite - Excuse me, sir, we're having problems calling up the exhibit.  
1341 Please bear with us.

1342  
1343 Mr. Branin - Okay.

1344  
1345 Mr. Wilhite - I'm sorry. I don't see it on the list.

1346  
1347 There is a revised plan that was already included in your packet. Staff has completed its  
1348 review, and we find this acceptable. There are 2 conditions being added on your  
1349 addendum: Condition #22 deals with the public sewage pump station that is necessary  
1350 for this development and also Condition #23, which deals with demolition and  
1351 construction of the new dam.

1352  
1353 We did have some questions from the applicant concerning the condition that dealt with  
1354 the vacation of the existing easements that access the Jordan property. We have  
1355 proposed a change in language to read, "The developer shall provide evidence to the  
1356 Planning Department of the vacation or abandonment of the existing 15-foot right-of-way  
1357 easement prior to or concurrent with the recordation of the subdivision plat." There was  
1358 some concern that the easement would be vacated or abandoned and they would not  
1359 have legal access to the property. Then, there would be a gap between the document  
1360 being recorded and the subdivision plat being recorded, and that would erase the legal  
1361 access that they have. So, I think with this wording here, we address that. They can  
1362 record that document with recordation of the subdivision plat.

1363  
1364 There is the need for an exception for the block length—Road B that runs to the back of  
1365 the property or the western most part of the property—It does exceed 1,320 feet in  
1366 length, which is the maximum our ordinance allows without an exception. This does  
1367 mirror the subdivision plan that was previously approved on this site. The road design is  
1368 essentially the same. So, staff would recommend that exception be granted.

1369  
1370 With that, staff does recommend approval of this project with the conditions on the  
1371 agenda and the addendum.

1372  
1373 Mr. Leabough - One question, Mr. Chairman. Mr. Wilhite, the crux of this  
1374 request really is changing from the homes being served by well and septic to public  
1375 utilities?

1376  
1377 Mr. Wilhite - That is correct. There was some modification of the common  
1378 area and the pond as well. Essentially, it's the same number of lots that were previously  
1379 approved, and the layout is much the same. There are some tweaks to it, but it is more  
1380 or less what had already been approved and what is still a valid subdivision.

1381  
1382 Mr. Leabough - The same number of lots that were already approved.

1383  
1384 Mr. Wilhite - Yes, sir.

1385

36

1387

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1429

30

Mr. Leabough -

Back in 2004. Thank you.

Mrs. Jones -

constructed? I missed that.

Mr. Wilhite, where is the public sewage pump station to be

Mr. Wilhite -

the very top.

If you look on page 2 of your plan in your packet, it is listed at

Mr. Leabough -

Behind Lot 12.

Mr. Wilhite -

Yes, that is correct.

Mrs. Jones -

Sorry. Thank you.

Oh there. Okay, I'm sorry. I just looked at it and didn't see it.

Mr. Wilhite -

station has to be approved prior to approval of the construction plans for the subdivision.

The condition on the agenda states that the plan for the pump

Mrs. Jones -

Right, okay.

Mr. Branin -

It's an honor and a pleasure to have the Honorable Supervisor Nelson in the room this morning. Thank you for coming and keeping an eye on me to make sure I stay straight, sir. Mr. Thornton does it every meeting, and now you're double-teaming me. I'm sorry for the interruption.

If I may, I'd like to take one second and recognize someone.

Mr. Wilhite -

And I apologize for the problem with the graphics.

Mr. Branin -

Any other questions?

Mr. Leabough -

Osborne Glen (March 2012 Plan), subject to any annotations on the plan, the standard conditions for subdivisions served by public utilities, Conditions #13 through #23—

Mr. Chairman, I move that we approve SUB2012-00020,

Mr. Emerson -

wish to state something.

Excuse me, I'm sorry to interrupt you. The applicant does

Mr. Leabough -

Okay, sure.

Mr. Branin -

should have let it go, but go ahead.

You might be opening a can of worms, you never know. You

Mr. Mistr -

applicant. Condition #20—we talked to the staff about that, about showing evidence of this easement being vacated. We understand there have been court cases. When you

We just have one question. I'm Spud Mistr representing the

1431 put in public right-of-way, that vacates those easements. We feel like that's a private civil  
1432 matter and an ownership issue that maybe should not be dealt with by the Commission.  
1433 If you strike that condition, the developer will take care of that easement access with the  
1434 landowner. Other than that, we're happy with everything.

1435  
1436 Mr. Branin - Don't go anywhere; now I have a list of questions for you.

1437  
1438 Mr. Mistr - Okay. There's always that possibility.

1439  
1440 Mr. Emerson - Mr. Mistr, the language suggested by staff wasn't acceptable  
1441 to you? Didn't we change that language?

1442  
1443 Mr. Mistr - It's acceptable, but we would rather—our preference is to not  
1444 have the condition at all. If you think we need a condition, then we can deal with that.

1445  
1446 Mr. Emerson - Right. That's a normal condition. That was language that's  
1447 been used previously.

1448  
1449 Mr. Mistr - Okay. Thank you.

1450  
1451 Mr. Branin - So, you're comfortable keeping it right where it is.

1452  
1453 Mr. Mistr - Yes.

1454  
1455 Mr. Leabough - All right. So as I stated previously, I move that we approve  
1456 SUB2012-00020, Osborne Glen (March 2012 Plan), subject to any annotations on the  
1457 plan, the standard conditions for subdivisions served by public utilities, and the additional  
1458 Conditions listed #13 through #23.

1459  
1460 Mr. Archer - Second.

1461  
1462 Mr. Branin - Motion by Mr. Leabough, seconded by Mr. Archer. All in favor  
1463 say aye. All opposed say no. The ayes have it; the motion passes.

1464  
1465 The Planning Commission granted conditional approval to SUB2012-00020, Osborne  
1466 Glen (March 2012 Plan), subject to the standard conditions attached to these minutes for  
1467 subdivisions served by public utilities, the annotations on the plans, and the following  
1468 additional conditions:

- 1469  
1470 13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously  
1471 noted on the plat and construction plans and labeled "Limits of Special Flood  
1472 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width  
1473 Drainage & Utilities Easement."  
1474 14. Each lot shall contain at least 43,560 square feet, exclusive of the floodplain areas.  
1475 15. The plat shall contain a statement that the common area is dedicated to the  
1476 common use and enjoyment of the homeowners of Osborne Glen, 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.
16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Department of Planning for review. Such covenants and restrictions shall be in a form and substance satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.
17. The details for the landscaping to be provided within the 25-foot wide planting strip easement along Osborne Turnpike shall be submitted to the Department of Planning for review and approval prior to recordation of the plat.
18. A County standard sidewalk shall be constructed along the west side of Osborne Turnpike, if curb and gutter is required.
19. Any future building lot containing a BMP, sediment basin or trap and located within the buildable area for a principal structure or accessory structure, may be developed with engineered fill. All material shall be deposited and compacted in accordance with the Virginia Uniform Statewide Building Code and geotechnical guidelines established by a professional engineer. A detailed engineering report shall be submitted for the review and approval by the Building Official prior to the issuance of a building permit on the affected lot. A copy of the report and recommendations shall be furnished to the Directors of Planning and Public Works.
20. **REVISED** - The developer shall provide evidence to the Planning Department of the vacation **or abandonment** of the existing 15-foot right-of-way easement prior to **or concurrent with** the recordation of the subdivision plat.
21. There shall be no access to Sholey Road from the strip of land currently shown as part of Lot 20. If the said strip of land is not transferred to an adjacent property owner or held in reserve for future development, a ten-foot planting strip easement shall be provided along the portion of the lot abutting Sholey Road.
22. **ADDED** - The construction plans for the public sewage pump station shall be approved by the Department of Public Utilities and all other necessary review agencies prior to the approval of the subdivision construction and utility plans for this development.
23. **ADDED** - In the event that a proposed roadway is constructed in the location where an existing dam is currently situated, the following conditions shall apply:
- (a) The existing dam shall be removed.
  - (b) No part of the existing dam shall be used in the construction of any new road.
  - (c) The Special Flood Hazard Area shall be confirmed prior to approval of the construction plans. Any revisions to the Special Flood Hazard Area shall be approved by the Director of Public Works.
  - (d) Relocation and redesign of the existing dam shall require the approval of the Department of Public Works and other appropriate agencies prior to the approval of the construction plans.
  - (e) No portion of any new dam shall become part of any road.

- (f) Any proposed fill within an identified Special Flood Hazard Area shall require an exception by the Director of Public Works prior to approval of the construction plans.

Mr. Emerson - Mr. Chairman, that takes us to the next item on your agenda, which is consideration of the approval of the minutes from your March 15, 2012 meeting and your March 28, 2012 meeting. You do have 2 errata sheets that have been supplied to you in your handout for both sets of minutes, the 15<sup>th</sup> and the 28<sup>th</sup>, that reflect comments that were given to us previously. Of course, we'll be happy to make any other changes that you may have at this time.

APPROVAL OF MINUTES: March 15, 2012 and March 28, 2012 Minutes.

Mr. Branin - Does anybody have any additional changes to the minutes? None? I'll entertain a motion.

Mr. Archer - I move that the minutes of March 15, 2012 and the minutes of March 28, 2012 be accepted as corrected.

Mr. Witte - Second.

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

The Planning Commission approved the March 15, 2012 minutes and the March 28, 2012 minutes as corrected.

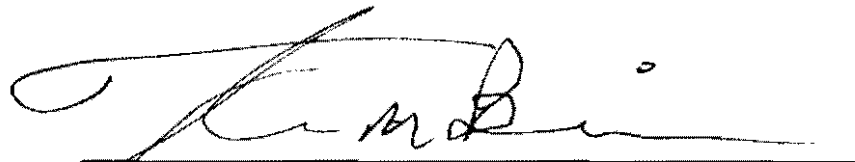
Mr. Emerson - Mr. Chairman, staff has nothing further for the Commission this morning.

Mr. Branin - I thank everyone for coming today. Have a fantastic rest of the week and a great weekend. I move for adjournment.

Mrs. Jones Second.

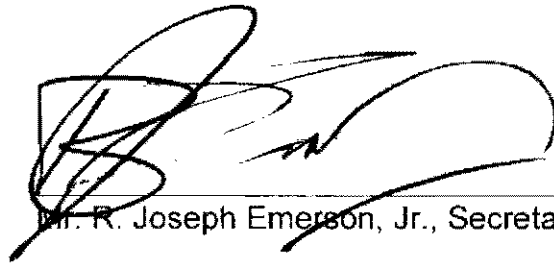
Mr. Archer - Thank you, Mr. Chairman.

Meeting is adjourned.



Mr. Tommy Branin, Chairman

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Mr. R. Joseph Emerson, Jr., Secretary

## PLANS OF DEVELOPMENT

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

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **April 25, 2012**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.



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

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

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

1. The plan shall be revised as shown in red on Staff plan dated **April 25, 2012**, which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

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

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

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

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

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

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

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

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

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

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

**B-2 ZONE**

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

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

### **B-3 ZONE**

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

## SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 25, 2012**, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **April 24, 2013**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.



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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated April 25, 2012, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on April 24, 2013, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.

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

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 25, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 24, 2013**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to

the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.

13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site
14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of (name of subdivision) and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.

**Standard Conditions for Zero Lot Line Subdivisions**  
**(January 2008)**

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 25, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 24, 2013**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan

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

## SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 25, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 24, 2013**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.