

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads beginning at 9:00 a.m. Wednesday, June 24, 2009.

4
Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Acting Chairperson
(Brookland)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Tommy Branin (Three Chopt)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mr. James B. Donati (Varina)
Board of Supervisors Representative

Members Absent: Mrs. Bonnie-Leigh Jones, Chairperson (Tuckahoe)

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, County Planner
Ms. Robin Wilder, Public Works
Mr. John Woodburn, Public Works
Mr. Tommy Catlett, Assistant Traffic Engineer
Ms. Kim Vann, Henrico Police
Ms. Holly Zinn, Recording Secretary

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6 **Mr. James B. Donati, the Board of Supervisors' representative, abstains from**
7 **voting on all cases unless otherwise noted.**

8
9 Mr. Vanarsdall - Good morning, everybody, and welcome to the Planning
10 Commission. I welcome my colleagues here and Mr. Secretary. Mr. Donati, who
11 represents the Board of Supervisors, will join us shortly. I think the production staff over
12 there is ready. With that, I'd like to ask you to stand for the Pledge of Allegiance to the
13 Flag.

14
15 Thank you. I told you Mr. Donati would be here shortly, and that's about as short as
16 you can get. Good morning, Mr. Donati. Glad to have you representing the Board this
17 morning.

18
19 Let's turn the meeting over to our Secretary and Director of Planning, Mr. Joe Emerson.
20

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

24
25 Ms. News - Thank you. Good morning, Mr. Chairman, members of the
26 Commission.

27
28 Mr. Vanarsdall - Good morning, Ms. News.

29
30 Ms. News - Staff has two requests for deferrals this morning. The first is
31 found on page 9 of your agenda and is located in the Varina District. This is POD-14-
32 09, IBEW – Multi-Purpose Building. The applicant is requesting a deferral to the July
33 22, 2009 meeting.

34
35 **PLAN OF DEVELOPMENT**

36
POD-14-09 **Engineering Design Associates for IBEW Building**
IBEW – Multi-Purpose **Corp.:** Request for approval of a plan of development, as
Building – 1400 E. Nine required by Chapter 24, Section 24-106 of the Henrico
Mile Road County Code, to construct a 10,790 square foot, one-
(POD-72-01 Rev.) story, multi-purpose meeting and training building on the
site of an existing office building. The 12.811-acre site is
located on the east line of E. Nine Mile Road (State Route
33), approximately 500 feet south of N. Airport Drive, on
parcel 825-720-7093. The zoning is B-3C, Business
District (Conditional) and ASO, Airport Safety Overlay
District. County water and sewer. **(Varina)**

37
38 Mr. Vanarsdall - Anyone in the audience in opposition to the deferral of POD-
39 14-09, IBEW – Multi-Purpose Building? No opposition.

40
41 Mr. Jernigan - Mr. Chairman, with that, I will move for deferral of POD-14-
42 09, IBEW – Multi-Purpose Building, to July 22, 2009, by request of the applicant.

43
44 Mr. Branin - Second.

45
46 Mr. Vanarsdall - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor
47 say aye. All opposed say no. The ayes have it; the motion passes.

48
49 At the request of the applicant, the Planning Commission deferred POD-14-09, IBEW –
50 Multi-Purpose Building, to its July 22, 2009 meeting.

51
52 Ms. News - The next request is found on page 16 of your agenda and is
53 located in the Three Chopt District. This is POD-41-07, Pouncey Place, Phase 1. The
54 applicant is requesting a deferral to the September 23, 2009 meeting.

55

56 **PLAN OF DEVELOPMENT (Deferred from the March 25, 2009 Meeting)**

57

POD-41-07 **Bay Design Group, P.C. for Pouncey Place, LLC:**
Pouncey Place, Phase 1 – Request for approval of a plan of development, as
Pouncey Tract Rd. and required by Chapter 24, Section 24-106 of the Henrico
Twin Hickory Lake Dr. County Code, to construct a shopping center with two,
(POD-57-86 Rev.) one-story buildings for a total of 27,630 sq. feet. The 5.25-
acre site is part of a 10.10 acre parcel and is located on
the southeast corner of Pouncey Tract Road (State Route
271) and Twin Hickory Lake Drive on parcel 740-765-
2150. The zoning is B-2C, Business District (Conditional)
and WBSO, West Broad Street Overlay District. County
water and sewer. **(Three Chopt)**

58

59 Mr. Vanarsdall - Anyone in the audience opposed to the deferment of case
60 POD-41-07, Pouncey Place, Phase 1? No opposition.

61

62 Mr. Branin - Mr. Chairman, I'd like to move that POD-41-07, Pouncey
63 Place, Phase 1, be deferred to the September 23, 2009 meeting per the applicant's
64 request.

65

66 Mr. Archer - Second.

67

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

70

71 At the request of the applicant, the Planning Commission deferred POD-41-07,
72 Pouncey Place, Phase 1 to its September 23, 2009 meeting.

73

74 Ms. News - Those are all the requests that staff has received. I believe
75 the Commission may have some additional requests.

76

77 Mr. Archer - I do, Mr. Chairman.

78

79 Mr. Vanarsdall - What page is it on?

80

81 Mr. Archer - This is on page 18. It's SUB-10-09, Oakleys Chase. The
82 applicant is requesting a deferral to the July 9, 2009 Zoning meeting.

83

84 **SUBDIVISION**

85

SUB-10-09
Oakleys Chase
(June 2009 Plan)
Thornhurst Street

Balzer and Associates, Inc. for Edward E. Jr. and Steven N. West, EJD Associates, Inc., and Thornhurst Land Company, LLC: The 107.31-acre site proposed for a subdivision of 146 single-family homes is located at the southeast intersection of S. Laburnum Avenue and Thornhurst Street and on the south line of Colwyck Drive, approximately 150 feet west of Gretna Court, on parcels 815-721-3551 and 813-720-2876 and part of parcel 813-721-9111. The zoning is R-3C, One Family Residence District (Conditional), C-1, Conservation District, M-1, Light Industrial District, and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield) 146 Lots**

86

87 Mr. Vanarsdall - July 9, 2009? I have a request for deferral of SUB-10-09,
88 Oakleys Chase. Anyone in the audience in opposition to deferment of this case? No
89 opposition.

90

91 Mr. Archer - I move that SUB-10-09, Oakleys Chase, be deferred to the
92 July 9, 2009 Zoning meeting.

93

94 Mr. Branin - Second.

95

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

98

99 At the request of the Commission, the Planning Commission deferred SUB-10-09,
100 Oakleys Chase, to the July 9, 2009 Zoning meeting.

101

102 Mr. Vanarsdall - Mr. Secretary?

103

104 Mr. Emerson - Mr. Chairman, that takes us to the next item on your
105 agenda, which is the Expedited Agenda. That will also be presented by Ms. News.

106

107 Ms. News - Yes, sir. We have eight items on our expedited agenda this
108 morning. The first item is found on page 3 of your agenda and is located in the
109 Tuckahoe District. This is a transfer of approval for POD-07-90, Ridgefield Medical
110 Building, (Formerly Ridgefield Office Park). Staff recommends approval.

111

112 **TRANSFER OF APPROVAL** *(Deferred from the May 27, 2009 Meeting)*

113

POD-07-90
Ridgefield Medical
Building (Formerly
Ridgefield Office Park) –
2200 Pump Road

Judy Guild for CPC Ridgefield, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Earl Thompson, Inc. to CPC Ridgefield, LLC. The 1.876-acre site is located at the northwest corner of Pump Road and Ridgefield Parkway, on parcel 741-751-5040. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Tuckahoe)**

114

115 Mr. Vanarsdall - Any opposition to POD-07-90, Ridgefield Medical Building,
116 (Formerly Ridgefield Office Park)? No opposition.

117

118 Mr. Archer - Mr. Chairman, I move that POD-07-90, be approved on the
119 expedited agenda.

120

121 Mr. Branin - Second.

122

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

125

126 The Planning Commission approved the transfer of approval request for POD-07-90,
127 Ridgefield Medical Building, (Formerly Ridgefield Office Park), from Earl Thompson,
128 Inc. to CPC Ridgefield, LLC, subject to the standard and added conditions previously
129 approved and the following additional condition:

130

131 1. The site deficiencies, as identified in the inspector's reports, dated February 20,
132 2009, and May 15, 2009, shall be corrected by July 10, 2009.

133

134 Ms. News - The next item is on page 4 of your agenda and is located in
135 the Tuckahoe District. This is a transfer of approval for POD-135-87, The MCA Center.
136 Staff can recommend approval.

137

138 **TRANSFER OF APPROVAL**

139

POD-135-87
The MCA Center – 8917
Fargo Road

David Schleider for RHMJ Enright Fargo Properties, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Fargo Road Office Associates to RHMJ Enright Fargo Properties, LLC. The 1.07-acre site is located on the south line of Fargo Road, approximately 450 feet west of N. Parham Road, on parcel 753-745-2291. The zoning is O-1, Office District. County water and sewer. **(Tuckahoe)**

140

141 Mr. Vanarsdall - Any opposition to case POD-135-87, The MCA Center? No
142 opposition.

143
144 Mr. Archer - Mr. Chairman, I move that transfer of approval POD-135-87
145 be approved on the expedited agenda.

146
147 Mr. Branin - Second.

148
149 Mr. Vanarsdall - Motion by Mr. Archer, seconded by Mr. Branin. All in favor
150 say aye. All opposed say no. The ayes have it; the motion passes.

151
152 The Planning Commission approved the transfer of approval request for POD-135-87,
153 The MCA Center, from Fargo Road Office Associates to RHMJ Enright Fargo
154 Properties, LLC, subject to the standard and added conditions previously approved.

155
156 Ms. News - Next, on page 5 of your agenda and located in the Three
157 Chopt District, is a transfer of approval for POD-131-87, Culpeper Farms. Staff
158 recommends approval.

159
160 **TRANSFER OF APPROVAL**

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POD-131-87
Culpeper Farms
Apartments – 9505 W.
Broad Street
Sandra Becker for CAPREIT Culpeper Farms, LP:
Request for transfer of approval as required by Chapter
24, Section 24-106 of the Henrico County Code from
Lokey Properties and John H. Streicker Trust to CAPREIT
Culpeper Farms, LP. The 14.29-acre site is located south
of W. Broad Street (U.S. Route 250) on both the north and
south lines of Mayland Drive, approximately 850 feet east
of Pemberton Road, on parcel 755-757-0805. The zoning
is R-5C, General Residence District and R-6C, General
Residence District. County water and sewer. **(Three
Chopt)**

162
163 Mr. Vanarsdall - Is there any opposition to transfer of approval POD-131-87,
164 Culpeper Farms Apartments? No opposition.

165
166 Mr. Branin - Mr. Chairman, I'd like to move that transfer of approval POD-
167 131-87, Culpeper Farms Apartments, be approved on the expedited agenda.

168
169 Mr. Jernigan - Second.

170
171 Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor
172 say aye. All opposed say no. The ayes have it; the motion passes.

173
174 The Planning Commission approved the transfer of approval request for POD-131-87,
175 Culpeper Farms Apartments, from Lokey Properties and John H. Streicker Trust to

176 CAPREIT Culpeper Farms, LP, subject to the standard and added conditions previously
177 approved and the following additional condition:

- 178
179 1. The site deficiencies, as identified in the inspection report, dated February 27,
180 2009, shall be corrected by June 30, 2009, or a bond shall be posted to cover
181 the remaining deficiencies.

182
183 Mr. Archer - Mr. Chairman, before we go further, when I moved on the
184 item on page 3, I think I neglected to say subject to the condition in the agenda.

185
186 Mr. Vanarsdall - Page 3?

187
188 Mr. Archer - Yes.

189
190 Mr. Vanarsdall - Still on the expedited, right?

191
192 Mr. Archer - Oh, yes.

193
194 Ms. News - The next item is on page 6 of your agenda and is located in
195 the Three Chopt District. This is a transfer of approval for POD-12-84, S & K
196 Headquarters. There is a condition on the agenda. Staff recommends approval.

197
198 **TRANSFER OF APPROVAL**

199
200
201 **POD-12-84 Mark Slusher for 11100 West Broad Street, LC and**
202 **S & K Headquarters– TGM Realty Investors: Request for transfer of approval**
203 **11100 W. Broad Street as required by Chapter 24, Section 24-106 of the Henrico**
204 **County Code from S & K Famous Brands, Inc. to 11100**
205 **West Broad Street, LC. The 8.5-acre site is located at the**
206 **northwest corner of W. Broad Street (U.S. Route 250) and**
207 **I-64, on parcel 744-761-3043. The zoning is M-1, Light**
208 **Industrial District and WBSO, West Broad Street Overlay**
209 **District. County water and sewer. (Three Chopt)**

200
201 Mr. Vanarsdall - Any opposition to transfer of approval POD-12-84, S & K
202 Headquarters? No opposition.

203
204 Mr. Branin - Mr. Chairman, I'd like to move that transfer of approval POD-
205 12-84, S & K Headquarters, be approved on the expedited agenda, including condition
206 one.

207
208 Mr. Archer - Second.

209
210 Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Archer. All in favor
211 say aye. All opposed say no. The ayes have it; the motion passes.

212

213 The Planning Commission approved the transfer of approval request for POD-12-84,
214 S & K Headquarters, from S & K Famous Brands, Inc. to 11100 West Broad Street, LC,
215 subject to the standard and added conditions previously approved and the following
216 additional condition:

217
218 1. The site deficiencies, as identified in the inspection report, dated April 24, 2009,
219 shall be corrected by July 31, 2009, or a bond shall be posted to cover the
220 remaining deficiencies.

221
222 Ms. News - The next item is on page 7 of your agenda and is also
223 located in the Three Chopt District. This is transfer of approval for POD-57-97. This is a
224 partial POD. This is S & K Retail Store. Staff recommends approval subject to the
225 condition in the agenda.

226
227 **TRANSFER OF APPROVAL**
228

POD-57-97 (Part) S & K Retail Store – 11102 W. Broad Street	Mark Slusher for 11100 West Broad Street, LC and TGM Realty Investors: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Brookhollow of Virginia and S & K Famous Brands, Inc. to 11100 West Broad Street, LC. The 1.36-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 300 feet east of Brookriver Drive, on parcel 743-761-9431. The zoning is M-1, Light Industrial District and WBSO, West Broad Street Overlay District. County water and sewer. (Three Chopt)
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229
230 Mr. Vanarsdall - Any opposition to transfer of approval POD-57-97 (Part)
231 S & K Retail Store? No opposition.

232
233 Mr. Branin - Mr. Chairman, I'd like to move that transfer of approval POD-
234 57-97 (Part) S & K Retail Store, be approved on the expedited agenda, including
235 condition one.

236
237 Mr. Archer - Second.

238
239 Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Archer. All in favor
240 say aye. All opposed say no. The ayes have it; the motion passes.

241
242 The Planning Commission approved the transfer of approval request for POD-57-97
243 (Part) S & K Retail Store, from Brookhollow of Virginia and S & K Famous Brands, Inc.
244 to 11100 West Broad Street, LC, subject to the standard and added conditions
245 previously approved and the following additional condition:

246

247 1. The site deficiencies, as identified in the inspection report, dated April 24, 2009,
248 shall be corrected by July 31, 2009, or a bond shall be posted to cover the
249 remaining deficiencies.

250
251 Ms. News - The next item is on page 8 of you agenda and is located in
252 the Brookland District. This is LP/POD-32-08, Wallace Gymnasium Landscape and
253 Lighting Plan. There is an addendum item on page 1 of your addendum. This
254 addendum includes a revised plan and revised recommendation stating that the plan
255 submitted now addresses outstanding issues relating to landscape and lighting. Trees
256 have been added along the parking lot adjacent to the private road, Westwood Trail,
257 and seven pole lights have been added throughout the parking areas to provide the
258 light levels recommended by the Division of Police. Staff can now recommend approval.

259
260 **LANDSCAPE & LIGHTING PLAN** (*Deferred from the May 27, 2009 Meeting*)

261
LP/POD-32-08 **Engineering Design Associates for BCW 45th, LLC and**
Wallace Gymnasium – **Gordon Construction, Inc.:** Request for approval of a
2206 Westwood Avenue landscape and lighting plan, as required by Chapter 24,
Sections 24-106 and 24-106.2 of the Henrico County
Code. The 3.24-acre site is located on the north line of
Westwood Avenue at its intersection with Westwood Trail
on parcel 779-735-7361. The zoning is M-2, General
Industrial District. County water and City sewer.
(Brookland)

262
263 Mr. Vanarsdall - Is there any opposition in the audience to LP/POD-32-08,
264 Wallace Gymnasium? No opposition. Before I make a motion, I want to say I'm very
265 glad this case is before us this morning. This is the gymnasium that Ben Wallace who
266 plays for the Cleveland Cavaliers is erecting. Last month, we had some things that had
267 to be done, and I want to thank Randy Hooker, who represents it, for his cooperation in
268 deferring it. I want to thank Lee Pambid and Leslie News for their part, and I see that
269 Kim Vann is back there. Kim, your input from the police helped very much. Mr. Hooker
270 said he would like to hear it before the Commission and wished he had the privilege.
271 I'm glad he did because of how the Commission felt about it. I want to thank Mr. Branin
272 and Mr. Jernigan for their input on it. So now we'll get the Oscar out.

273
274 I think this is going to be—I know it will be a tribute to the neighborhood. This is going to
275 be more than just a gymnasium. They're going to have a lot of youth activity and so
276 forth.

277
278 With that, I recommend approval of LP/POD-32-08, Wallace Gymnasium, subject to
279 standard conditions of landscape and lighting plans, and the annotations on the plan.

280
281 Mr. Jernigan - Second.

282

283 Mr. Vanarsdall - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan. All in
284 favor say aye. All opposed say no. The ayes have it; the motion passes.

285
286 The Planning Commission approved the landscape and lighting plan for LP/POD-32-08,
287 Wallace Gymnasium, subject to the standard conditions attached to these minutes for
288 landscape and lighting plans.

289
290 Ms. News - The next item is found on page 13 of your agenda and is
291 located in the Tuckahoe District. This is a landscape plan for Steward School Building
292 Addition. Staff recommends approval.

293
294 **LANDSCAPE PLAN**

295
LP/POD-20-08 **Koontz-Bryant, P.C. for Dixon Independent School**
Steward School Building **Corp.:** Request for approval of a landscape plan for
Addition – 11600 Gayton building additions, as required by Chapter 24, Sections 24-
Road 106 and 24-106.2 of the Henrico County Code. The 35.73-
acre site is located on the northwest corner of the
intersection of Gayton and Ryandale Roads, on parcels
736-748-4535, 736-747-0678 and 8260. The zoning is A-
1, Agricultural District. **(Tuckahoe)**

296
297 Mr. Vanarsdall - Anyone in opposition to LP/POD-20-08, Steward School
298 Building Addition? No opposition.

299
300 Mr. Archer - Mr. Chairman, I move that LP/POD-20-08, Steward School
301 Building Addition, be approved subject to the standard conditions for landscape plans.

302
303 Mr. Branin - Second.

304
305 Mr. Vanarsdall - Motion by Mr. Archer, seconded by Mr. Branin. All in favor
306 say aye. All opposed say no. The ayes have it; the motion passes.

307
308 The Planning Commission approved the landscape plan for LP/POD-20-08, Steward
309 School Building Addition, subject to the standard conditions attached to these minutes
310 for landscape and lighting plans.

311
312 Ms. News - The final item is on page 17 of your agenda and is located in
313 the Brookland District. This is SUB-12-09, Springfield (June 2009 Plan), for two lots.
314 Staff recommends approval.

315

316 **SUBDIVISION**

317

SUB-12-09
Springfield
(June 2009 Plan)
Old Springfield Road

Gene Watson and Associates, P.C. for Robert and Barbara Woodburn: The 0.827-acre site proposed for a subdivision of 2 single-family homes is located on the north line of Old Springfield Road, approximately 580 feet west of Old Mountain Road, on parcel 762-771-3985. The zoning is R-4, One Family Residence District. County water and sewer. **(Brookland) 2 Lots**

318

319 Mr. Vanarsdall - Any opposition to SUB-12-09, Springfield (June 2009 Plan)?
320 No opposition. I move that SUB-12-09, Springfield (June 2009 Plan), be approved on
321 the expedited agenda with the standard conditions for subdivisions served by public
322 utilities, and condition #13.

323

324 Mr. Jernigan - Second.

325

326 Mr. Vanarsdall - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan. All in
327 favor say aye. All opposed say no. The ayes have it; the motion passes.

328

329 The Planning Commission granted conditional approval to SUB-12-09, Springfield
330 (June 2009 Plan), subject to the standard conditions attached to these minutes for
331 subdivisions served by public utilities, the annotations on the plans, and the following
332 additional condition:

333

334 13. Prior to final plat approval, the owner shall obtain any necessary building permits
335 for accessory structures as required by the Building Official along with
336 documentation that the accessory structures satisfy yard requirements.

337

338 Ms. News - That completes our expedited agenda.

339

340 Mr. Vanarsdall - Thank you, Ms. News. Now, Mr. Secretary.

341

342 Mr. Emerson - Mr. Chairman, that takes us to the next item on your
343 agenda, which are Subdivision Extensions of Conditional Approval. Those will be
344 presented by Mr. Lee Pambid.

345

346 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 347 **FOR INFORMATIONAL PURPOSES ONLY**
 348
 349

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2008-00152 Midview Farms (June 2005 Plan)	95	9	3	Varina	06/23/10
SUB2008-00151 (SUB-17-07) Nature's Way (June 2007 Plan)	8	8	1	Fairfield	06/23/10
SUB2008-00182 Tech Park (June 2005 Plan)	0	0	3	Varina	06/23/10

350
 351 Mr. Vanarsdall - Good morning, Mr. Pambid.

352
 353 Mr. Pambid - Good morning members of the Planning Commission. This
 354 month there are three conditional subdivisions for which extensions have been
 355 requested. These are for informational purposes only and do not require Commission
 356 action at this time. I can field any questions that you might have regarding these items.

357
 358 Mr. Emerson - The Commission has no questions?

359
 360 Mr. Vanarsdall - That was so short that it caught me off guard. Any
 361 questions by Commission members?

362
 363 Mr. Branin - Mr. Archer answered all my questions.

364
 365 Mr. Emerson - That completes this item. Mr. Chairman, the next item on
 366 your agenda is on page 11, going into your regular agenda.

367 **ALTERNATIVE FENCE HEIGHT PLAN**

368
 369 B-289 **Benjamin Gibson, Jr. for Sea Ray of Richmond:**
 Sea Ray of Richmond – Request for approval of an alternative fence height plan,
 1800 Dabney Road as required by Chapter 24, Sections 24-95(l)(5)c and 24-
 106.2 of the Henrico County Code, to allow a fence
 exceeding a height of 42 inches in a front yard. The 4.39-
 acre site is located on the west line of Dabney Road,
 approximately 260 feet north of the intersection of Dabney
 Road and Westwood Avenue, on parcel 777-734-4965.
 The zoning is M-1, Light Industrial District. **(Brookland)**

370

371 Mr. Vanarsdall - Any opposition to B-289, Sea Ray of Richmond? No
372 opposition. Good morning again, Mr. Pambid.

373
374 Mr. Pambid - Good morning, again. The applicant has requested an
375 alternative fence height of 8 feet within the required front yard of 25 feet, which is in the
376 M-1, Light Industrial District. Normally, a maximum height of 3 feet, 6 inches, or a total
377 of 42 inches is permitted, but the requested deviation is 4 feet, 6 inches, which is a 54-
378 inch total deviation above the maximum. A deviation is necessary for approximately
379 230 feet of fence on Dabney Road, 24 feet of fence along the driveway, and 35 feet of
380 fence along the adjacent property to the south. There are no residential properties
381 either adjacent to or in the vicinity of this site.

382
383 The fence has already been erected and is a 7-foot-high chain link fence coated with
384 black vinyl and three strands of barbed wire for a total of 8 feet. It is located
385 approximately 11 feet and 5 inches behind the back of the curb. The ordinance also
386 permits the exterior display or storage of vehicles or boats, but it should be separated
387 from any existing or proposed street right-of-way by a landscape strip not less than 10
388 feet in width. There should be appropriate planting materials designed. However, the
389 fence had been erected on the property line, and the portion of the property that would
390 normally contain the 10-foot strip has been paved for quite some time. This would be
391 considered an existing non-conforming parking lot, and this was developed prior to the
392 POD process.

393
394 It is the responsibility of the applicant to present his case to the Planning Commission.
395 While staff customarily does not make recommendations on requests of this type, staff
396 has no objection to the application, and no adverse effects were found pursuant to
397 those five criteria stated in the ordinance for the approval of alternate fence heights.

398
399 This concludes my presentation. Mr. Gibson, the applicant, is here to present his case.

400
401 Mr. Vanarsdall - Any questions by Commission members for Mr. Pambid? I
402 talked to Mr. Gibson, who is here with us this morning on the front row. The fence
403 seems to be in order. Someone had told him it made the place look ugly; I don't agree
404 with that. I think if it was a solid fence or something, it may. People couldn't peek
405 behind it. With that, I recommend approval of the alternative fence height for B-289,
406 Sea Ray of Richmond, with the annotations on the plan, and since staff has no
407 objection.

408
409 Mr. Jernigan - Second.

410
411 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan.
412 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

413
414 The Planning Commission approved the alternative fence height plan for B-289, Sea
415 Ray of Richmond, subjection to the standard conditions attached to these minutes for
416 fence plans and the annotations on the plan.

417
418

SUBDIVISION (*Deferred from the May 27, 2009 Meeting*)

SUB-06-09
Hampshire
(April 2009 Plan)
Hames Lane/Peavey
Street

Bay Design Group, P.C. for Boushra and Edna Hanna, Donald M. and S. B. Whitehorn and Hanna Properties, LLC: The 7.13-acre site proposed for a subdivision of 12 single-family homes is located at the southeast terminus of Peavey Street, on part of parcels 742-773-4344 and 5604. The zoning is R-2AC, One Family Residence District (Conditional). County water and sewer. **(Three Chopt) 12 Lots**

419

420 Mr. Vanarsdall - Anyone in the audience in opposition to SUB-06-09,
421 Hampshire? No opposition. Good morning.

422

423 Mr. Garrison - Good morning.

424

425 Mr. Vanarsdall - Before you begin, I want to recognize Katherine Calos in the
426 audience with the Times-Dispatch. She slipped in on us without warning. Glad to have
427 you.

428

429 Mr. Garrison - The applicant is requesting approval to re-subdivide lots 13
430 and 14 of the Bridlewood Subdivision to extend and create 12 lots in the Hampshire
431 Subdivision. Staff has received concerns from adjacent residents regarding wetlands
432 and drainage. In April, the applicant held a community meeting in an attempt to
433 address these concerns. Additionally, this project was deferred from the Planning
434 Commission from the April 22, 2009 meeting in an attempt to further address those
435 drainage concerns. Since then, staff, including DPW, has met onsite to discuss options
436 for the applicant to consider. Public Works has determined that the plans at this stage
437 adequately address drainage and wetlands. The technical requirements have been met
438 for staff to recommend conditional approval subject to the annotations on the plan,
439 standard conditions for developments of this type, and added conditions 13 through 21.

440

441 Staff and representatives of the applicant are available to answer any questions that
442 you may have.

443

444 Mr. Vanarsdall - Questions for Mr. Garrison by Commission members?

445

446 Mr. Emerson - Mr. Chairman, if I could add something. I know that this
447 case has had quite a bit of discussion. The approval of subdivisions is an
448 administrative act. When the development has met all the requirements of the Code,
449 and all the reviewing agencies have submitted their comments and they've been
450 addressed, the Commission is placed in the position of approving the subdivision
451 because it does meet the Code. That's what you're doing here, reviewing the
452 development as per the Code of the County and the Code of Virginia. So you have
453 very little leeway in regards to not approving this case once all the criteria have been

454 addressed. As Mr. Garrison just noted, all the agencies have reviewed this subdivision
455 proposal, and everyone is satisfied that it meets the criteria of the Code. You do have
456 additional conditions to address some outstanding concerns, but you don't have a lot of
457 leeway in regards to your actions on this case. I just wanted to make sure everybody
458 understood that.

459
460 Mr. Vanarsdall - I appreciate that very much, Mr. Secretary. Any questions
461 by Commission members?

462
463 Mr. Branin - Not for Mr. Garrison.

464
465 Mr. Vanarsdall - Thank you, Mr. Garrison. Tommy, would you like to hear
466 from the applicant?

467
468 Mr. Branin - I would like to hear from the opposition first, if I may.

469
470 Mr. Vanarsdall - I'd like to hear from the opposition, please. Please come on
471 down front. Good morning.

472
473 Ms. Kenny - Good morning. My name is Danielle Kenny, and I'm in
474 Bridlewood. We own the pond. I have a question. I met on April 24, 2009, out at our
475 pond to discuss drainage. Mr. Garrison was there. They suggested to myself and my
476 husband that potentially they would change the drainage, and instead of draining
477 directly into our pond, that they would change the drainage into some of the natural
478 land that's already there so that by the time it got to our pond, at least there was some
479 natural drainage. I just have a question. Have they addressed that and have there
480 been any changes as far as drainage? Thank you.

481
482 Mr. Vanarsdall - Any questions? Anyone else? Come on down, please.
483 Good morning.

484
485 Ms. Swart - Good morning, gentlemen, Planning Commission members.
486 My name is Margie Swart, and I reside on Lot 12 in Millrace Subdivision. I would like to
487 address Virginia Code 15.2-2259, which specifically requires an applicant to make a
488 good-faith effort to identify all deficiencies in a plat. The applicant in this case, SUB-06-
489 09, has not met this requirement for the following reasons. As shown on a soil map that
490 we have as an exhibit—and I'll get to later—most of the entire seven acres of this
491 proposed subdivision lies within an all hydric soil area. This information is not just
492 necessary, it's vital when determining the subdivision's appropriate use and plat layout.
493 By not disclosing this information, the applicant has failed to meet the requirements as
494 set forth in the above-noted Virginia Code. That was the first reason that I ask for your
495 denial of this case.

496
497 The second reason is the applicant has failed to identify the stream on the plat. Since
498 land along streams is subject to flooding, the Planning Commission needs to know the
499 precise location of any stream on the plat in order to make a well-informed and proper

500 decision. Failing to identify the location of the stream is required under Henrico County
501 Code, Section 19-51 and Section 19-52. The Planning Commission is denied the
502 opportunity to consider its potential—the stream’s potential health and safety hazards in
503 relation to its proposed, or to the proposed lot location. Policy 10 of the County’s Land
504 Use Plan calls to require conspicuous statements on all subdivision plats to alert
505 prospective purchasers of preexisting conditions which may be hazardous or affect the
506 use and enjoyment of the property. By not identifying the stream and the all-hydric soil
507 condition, the applicant, again, has failed to act in good faith.

508
509 Number three. Throughout the entire rezoning process, Lot 9 was presented to the
510 Planning Commission and to the Board of Supervisors as almost entirely wetlands. In
511 fact, on August 3, 2007, a wetland delineation was performed by Katie Perkins of Bay
512 Design Group. Ms. Perkins has been trained in wetland delineation through the
513 Wetland Training Institute. She has additional training through academic classes in
514 groundwater hydrology and has a degree in Biological Systems Engineering from
515 Virginia Polytechnic Institute and State University. Neighboring residents, Planning
516 Commissioners, and the Board of Supervisors all expressed concern over impacting the
517 entire site to build a home. Fearing he might lose the site due to the expressed
518 concerns of the aforementioned, the applicant had another environmental firm
519 negotiate the wetland boundaries on Lot 9 with the Army Corp of Engineers. I was
520 informed yesterday by the Department of Environmental Quality that the determination
521 of wetland boundaries is a negotiated process. If Lot 9 is approved for a home site and
522 the future homeowners encounter water or drainage problems, I hope they can come to
523 the County so that they might be able to negotiate repair and replacement costs.

524
525 Finally, under the Erosion and Sediment Control Law, specifically Section 4 of Virginia
526 Code 50-30-40 19F, the applicant has failed to provide a plan of maintenance
527 agreement for the storm water runoff facility. Until the applicant, the County, and the
528 private property owners have a maintenance agreement in place, this subdivision
529 should not be approved, as a maintenance agreement is required under the Erosion
530 and Sediment Control Act.

531
532 I respectfully ask that you deny this subdivision, as it does not meet the requirements of
533 Virginia Code 15.2-559, the requirements of the Erosion and Sediment Control Act,
534 Henrico County Code Section 19-51 and 19-52, and the policies set forth in the Henrico
535 County Land Use Plan. I would love to answer any questions, I think, if you have any.

536
537 Mr. Vanarsdall - Any questions?

538
539 Ms. Swart - Can I just address something that Mr. Emerson noted before
540 we started on this case? The fact that we’re here this morning was a proffer from the
541 applicant’s attorney at the rezoning process that we would be allowed this opportunity.
542 Mr. Glover made it clear at rezoning that they were not approving this subdivision. Mr.
543 Glover made it clear they were only addressing a zoning change, and it would be at this
544 meeting that changes could be made, if the Planning Commission saw fit. It’s on the
545 record. It’s in the minutes. So, I just wanted to make that statement.

546
547 Mr. Jernigan - Ms. Swart.
548
549 Ms. Swart - Yes.
550
551 Mr. Jernigan - You said yesterday you found out that this is a negotiation—
552 that the wetlands are negotiable?
553
554 Ms. Swart - In general, yes. Mr. Roger Harris of the Department of
555 Environmental Quality said wetland delineation is, in fact, a negotiated process. I think
556 that's what happened in order to get Millrace Subdivision pushed through zoning and
557 built on, is because they were able to negotiate—well, we'll give you wetlands on the
558 back of this lot, that lot, and the other lot if you allow us to impact this for our road. So
559 they can just kind of move them around. Lot 12 in Millrace and—on the plat map. I
560 can't see the lot numbers from here. Oh, this one is good here, this erosion control—I
561 believe Ms. Danielle Kenny was concerned—where you see the sediment trap basin—
562 by not showing where the stream is on this plat—There you go. Perfect. Thank you, sir.
563 Everything's going to have to be clear-cut all the way down to the stream bank for this
564 sediment trap and to meet erosion control measures. At a previous meeting, I showed
565 you a picture of the culverts and the stream that fed into the private pond. So by your
566 not being able to see where this stream lies, you can't make an informed decision as to
567 whether homes should be on those specific lots and whether you should allow complete
568 clear-cutting of every last bush, tree, and blade of grass to get a sediment trap in. Then
569 if we can go to the hydric soil map, please.
570
571 This is a little bit different than the one that I have. This is, I guess, specific soil that
572 exists underneath these 7 acres. As you see—it shows 11069, which is my home site.
573 That purple outline pretty much follows the wetlands on the back portion of my lot.
574 Actually, it extends all the way over to my lot line, and this almost entire seven acres is
575 going to be built on top of this Pouncey Sandy Loam. The soil has been determined to
576 be all hydric. This is a little bit different map, and there isn't a home—and I don't know
577 about this, is it quarter-mile, half a mile radius—that has other home sites built on all
578 hydric soil. In fact, these 10-acre lots built back in 1983 or in the early 1980's in
579 Bridlewood, if you would drive down Hames Lane and look at these large sites, the
580 homes are built on top of the good soil, not on top of the partially hydric soil or the all-
581 hydric soil. So even back then, 25 or 26 years ago, they were careful not to build
582 homes on top of hydric soil.
583
584 Mr. Emerson - Mr. Chairman, could I ask a question?
585
586 Mr. Vanarsdall - Absolutely.
587
588 Mr. Emerson - Ms. Swart, what's the source of your soil maps?
589
590 Ms. Swart - This came from a Henrico County Planning gal.
591

592 Mr. Emerson - Right. And the source of that data is the Soil Conservation
593 Service Soil Survey?

594
595 Ms. Swart - Henrico County's Geographical Information System.

596
597 Mr. Emerson - I believe that probably the source is the SCS Soil Survey,
598 which is done on hectors. It's one boring for hector; therefore, it's not site-specific. It's
599 very general in nature. When you begin developing property, you have to go in and be
600 a little more specific. It's not unusual for soils, or the types of soils to be different when
601 you get into a very detailed study. The Soil Survey Study is very, very broad in nature.

602
603 Ms. Swart - Okay, I—

604
605 Mr. Emerson - While the information is a good general guide, it's not a
606 specific guide.

607
608 Ms. Swart - I understand that. For the record, I would like to leave each
609 and every Planning Commission member with a copy of this map that was provided by
610 the County to me, just in case there are any problems in the future if this subdivision
611 goes through. I'm standing in front of you, but I want these comments on record for the
612 future homeowners of these 12 lots, if all 12 go in, that this information was provided.
613 You have all been provided with concerns and problems from Millrace and Hampshire
614 South. I believe someone from Hampshire Section 4 is here today to talk about some of
615 the problems that he has, and he's on Lot 20 right next to the pond. He's adjacent to
616 this property. I'm sure he wishes he would have had a copy of this or the developer
617 would have been required to let him know of this deficiency in his land before he paid a
618 premium for the lot that he's on. I'll let him describe the mess after a year. It's taken
619 some of us in Millrace maybe five years to experience the problems. This gentleman is
620 experiencing them a year later. Thank you.

621
622 Mr. Vanarsdall - Any questions by Commission members? Mr. Secretary?
623 Good morning.

624
625 Mr. Groener - Mr. Chairman, hi. My name is Max Groener. As Margie
626 already said, I live in Lot 20, which is adjacent to the areas that are under proposal. I
627 moved there last year, February, so I've been living there just over a year. I was not
628 aware on my plat, interestingly enough. Nothing was shown to me about hydric soil that
629 I would be encountering there. I was aware of on the other plan—I think it was number
630 three—the wetlands area there. I was pretty much aware of the wetlands there as they
631 show here.

632
633 Interestingly enough, just like Margie said this morning, negotiation probably took place
634 with my lot also. It's very interesting that the wetlands should just kind of not go over
635 into my area, and that there's a boundary that the water is going to come in. That's not
636 what I'm experiencing. I can tell you, the last couple of weeks, I had my backyard re-
637 landscaped. The person who came out with a small bobcat got stuck multiple times in

638 my backyard, couldn't even do the landscaping towards that property line on that side
639 that is under proposal because it is so wet. I was aware of water coming out from
640 underneath a patio, a concrete patio that I have from a walkout patio in the back. For
641 several months, and since I've lived here, really, I was always, like, why is there a
642 stream constantly coming out from underneath my area, from underneath my
643 basement. So the landscaper and I, we looked at it. He said, "You just got some kind
644 of natural water coming out that's constantly there." We actually put in for this
645 landscaping just to work and get some of that water off my backyard. We put in
646 drainage to drain some of that away.

647
648 So, I'm basically in mud. I'm in wetlands back there. They're not designated wetlands,
649 so I go do anything really with my backyard that I want, but it's a terrible situation. I just
650 hate to see what would happen if per proposal, we're going to cut down trees, which
651 obviously help with the erosion and keeping the water away. Since I'm downstream
652 from all of this, it'll probably get much worse, especially if we're—until just this
653 morning—I wasn't even aware of the fact that maybe we're not going to drain everything
654 into the pond, and we're going to try to drain it over the land.

655
656 Other concerns that I really have are, just looking at the time, when this is supposed to
657 happen. When I purchased my area from Ryan Homes, who was the builder back then,
658 I very specifically said I have small children; I want to live in a quiet area, cul-de-sac
659 area. They said, "We've got a perfect lot for you. We're not going to do anything else
660 with it." Possibly—and this is what they told me after I said, "Make sure that you don't
661 do anything else. Make sure it doesn't get developed." The road sign, the extension
662 sign, wasn't up at the time I made the purchase. That came up about two weeks after I
663 moved in. I said, "Make very sure that nothing is going to happen." They came back to
664 me and said, "It's wetlands back there. Our only plan, if any—and we're probably not
665 even going to do that—is build two houses at the end of the cul-de-sac, but probably
666 not even that because it is wetlands and nobody would want to get in there." I
667 understand that from seeing one of the layouts from Bay, actually, that Ryan is the one
668 who is interested now in developing those homes. I don't know if that has been
669 disclosed to you. I feel cheated some because I did also pay a premium for that lot just
670 to be in a quiet cul-de-sac area. So, that's one of the other concerns.

671
672 My other concern is we have a lot of areas here in Henrico County right now, houses
673 that have been for sale for six months, eight months, nine months, over a year, even in
674 Hampshire. We have Ryan Homes, Centex, and other developers who can't sell lots
675 over in Bentley, over in Grey Oaks, on Broad Street. They can't see. We have that
676 huge development that Kroger was going to build; it's laying flat. Erosion's going to
677 happen there. My concern is if we go in there and we start clearing this, and they're not
678 selling homes, that land is going to get worse and worse back there. I'm going to have
679 problems with drainage again. It's just not the right time to do it either.

680
681 So, a lot of concerns that I have as a lot owner there who has problems, ongoing
682 problems, that I would just like to be considered also. It's not the right area to build into,

683 and it's not the right time to build into it. I appreciate you listening to me. Any
684 questions? Thank you very much.

685
686 Mr. Vanarsdall - Thank you very much.

687
688 Mr. Emerson - Mr. Chairman, in regards to Ms. Swart's comments, I would
689 like to bring in someone from Public Works.

690
691 Mr. Vanarsdall - Who's here from Public Works? Good morning.

692
693 Ms. Wilder - Good morning, gentlemen. My name is Robin Wilder. I work
694 for Public Works. I'm the Water Quality Analyst, also known as the Wetland Girl. Can
695 you hear me?

696
697 Mr. Branin - Yes, I can hear you. Negotiated wetlands. I've never heard
698 this before.

699
700 Ms. Wilder - If you have the Corps out to delineate your wetlands for you,
701 they're going to be big. If you hire an environmental consultant to come out and take a
702 lot of data, and then have the Corps come out, typically the wetland consultant can get
703 the wetlands called smaller because they have the data to back it up. So, sometimes
704 bigger wetlands delineators are better at some other parameters than others, and so
705 sometimes the wetland delineations can be different by different individuals.

706
707 Mr. Branin - So, it is indeed negotiated?

708
709 Ms. Wilder - I don't know that I would use the word *negotiation*, but I
710 would say that sometimes different people pick their different battles with the Corps of
711 Engineers.

712
713 Mr. Branin - Okay. The stream through Lot 9. You heard Ms. Swart's
714 comments, didn't you?

715
716 Ms. Wilder - I did.

717
718 Mr. Branin - It's not shown on the design through Lot 9. You've been out
719 to see the stream?

720
721 Ms. Wilder - I have. I don't know that there's a stream on lot—well, yes.
722 Along the edge of that whole property there is a stream, and halfway up the middle
723 swale there is a stream. Typically, those are delineated on a map to show as a stream
724 channel, unless they're being classified as a wetland rather than a stream. This one
725 could go either way, so I think it's something that is up to the delineator on how they
726 show it.

727

728 Mr. Branin - All right. Does anybody else have any questions for our
729 Wetland Girl?
730
731 Mr. Jernigan - I'm back to the negotiation part. In other words, you're
732 saying if you get a better crew in there to negotiate, somebody that's really—let's put it
733 in lawyer terms. If you had an Alan Dershowitz who was out there as an attorney and
734 was working on this, he's going to probably get the wetlands down lower than what an
735 average other guy would.
736
737 Ms. Wilder - I'm not familiar with who Alan Dershowitz is.
738
739 Mr. Jernigan - Well, okay, I'm sorry. He was one of the lawyers with O. J.
740 Simpson.
741
742 Ms. Wilder - Oh.
743
744 Mr. Jernigan - I forgot; I'm a little older than you are, Robin. I've spoken to
745 you quite a few times on wetlands. It's been amazing because some of the factors are
746 you have to have a certain type of flower. In one case I spoke to you about the other
747 day in my district, the mini-storage. It was dry, had a manmade County ditch through it,
748 and it was determined to have two acres of wetlands. It was dry as a bone, but it had
749 that little flower sticking up there, which is—you said there's quite a group of them.
750
751 I've walked this property. I did it this week. I told you I was going to go down there. It's
752 pretty wet. We discussed that stream, and you said that is not a perennial stream
753 because it doesn't flow all the time. Yet, Mr. Branin said when we had a drought two
754 years ago and everything was dry, it was still flowing. We still have to determine it's not
755 perennial.
756
757 Ms. Wilder - Yes, we do. We're looking for preponderance of evidence
758 that indicates it's perennial. It would have a geomorphology that's quite different from
759 what's out there now if it was indeed taking perennial flow. I'm sorry I cut you off.
760
761 Mr. Jernigan - All right. Thank you, Robin.
762
763 Ms. Wilder - Anything else?
764
765 Mr. Vanarsdall - Any other questions by Commission members? Thank you
766 very much.
767
768 Mr. Branin - Mr. Secretary, do you have any questions?
769
770 Mr. Archer - Mr. Branin, may I ask a question, ask you a question?
771
772 Mr. Branin - You can ask me all the questions you want.
773

774 Mr. Archer - Ms. Swart cited quite a few items, old issues. Have you had
775 an opportunity [inaudible-blank] old issues?
776
777 Mr. Branin - I haven't. I haven't, Mr. Archer.
778
779 Mr. Archer - Are you comfortable with what—
780
781 Mr. Branin - If you saw, I was smiling. I was thinking she needs to be a
782 consultant for us. She's pulled up stuff that I wasn't aware of because I don't know the
783 Codes as well as I guess I should. No, I don't know all of the Codes that she was
784 referring to, and I haven't had an opportunity.
785
786 Mr. Archer - Just wondered.
787
788 Mr. Emerson - Mr. Chairman, I could probably run through some of these
789 issues, and possibly someone from Works may want to weigh into this. Good-faith
790 efforts are essentially that, good-faith efforts. I don't know that you can say that good-
791 faith efforts haven't been made on anyone's part in regards to putting this information
792 together. Ms. Wilder addressed the question regarding the stream. Statements on the
793 plats, all the plats' recordations hold statements depending upon the particulars, and in
794 this case, yes, several conditions, including the one that's been added regarding
795 geotechnical information that needs to be made available to the Building Inspection
796 Office prior to the construction of any house. So, I believe you have addressed that.
797
798 The rezoning process, the comments made regarding that. Yes, the rezoning process
799 was the initial part, and that is where a lot of subjective decisions are made. Ms. Swart,
800 I know that you talked with the County Attorney yesterday, and he explained all this to
801 you. The subdivision process itself, again, is ministerial. If all the criteria have been
802 met, the Commission has to certify that has been met and move this along. At that
803 time, that's when those items are taken care of.
804
805 The E and S Controls—this is a conditional approval; it is not final signature. Mr.
806 Woodburn may want to address this item; however, if there is a maintenance
807 agreement that is outstanding, it would be addressed by Public Works prior to final
808 signature. Is that not correct, Mr. Woodburn?
809
810 Mr. Woodburn - That is correct.
811
812 Mr. Emerson - Would you come to the podium?
813
814 Mr. Vanarsdall - We need to get that on the mic.
815
816 Mr. Branin - Sir, would you state your name for the record, please?
817
818 Mr. Woodburn - Good morning, members. I'm John Woodburn. I work for
819 Public Works.

820
821 Mr. Emerson - Could you address the question regarding erosion sediment
822 control?

823
824 Mr. Woodburn - Regarding the maintenance agreement for the pond, it's
825 currently not considered a storm water management pond or BMP by Public Works; it's
826 considered a private pond and would not be required to have a maintenance agreement
827 with us.

828
829 Mr. Emerson - But any other outstanding items would be addressed, if
830 there are any, prior to final signature, correct?

831
832 Mr. Woodburn - Yes.

833
834 Mr. Branin - I have a question in regards to that. Can you explain to
835 me—I'll get Ms. Swart to come up next—can you explain to me how that's a private
836 pond but it has full access of drainage from all of the area, and has to allow that
837 drainage? When they first said originally that they had bought the pond, we were all
838 dumbstruck that the pond had been sold. There's an agreement that has the water, the
839 drainage from this area as free right to flow into that, correct? But we have no—I just
840 don't understand how a private pond—What is the legality of the right for free flow into
841 that pond? Am I saying that right?

842
843 Mr. Emerson - I believe what the question is, if I could restate it, what is the
844 natural drainage, and was that pond designed to catch all the drainage from this
845 watershed at the time it was developed; and, therefore, is it obligated to accept that
846 drainage as the property develops. Is that basically—does that make it more
847 complicated or less complicated? This was designed at the time it was done—Mr.
848 Woodburn can help me with this—to accommodate the drainage within that watershed.
849 Correct?

850
851 Mr. Woodburn - Yes.

852
853 Mr. Emerson - So therefore, regardless of ownership, the natural drainage
854 is headed in that direction. So, when the water runs off, it goes to the pond, and the
855 pond has—it's downstream, so it has to accept that because it was designed to that
856 level of drainage. Correct?

857
858 Mr. Woodburn - Yes. It was upgraded as part of the Hampshire Section 4
859 plan.

860
861 Mr. Emerson - And your plans require that the entire watershed be taken
862 into consideration at the time of design of a storm water type facility such as that,
863 correct?

864

865 Mr. Woodburn - That is correct. We don't always see a plan that would
866 anticipate future development in the upgrade, but this one did.

867
868 Mr. Emerson - Does that answer your question, Mr. Branin?

869
870 Mr. Branin - It does, Mr. Emerson, but I still—the County has no, we have
871 no regulation or we don't oversee or have any responsibility towards this private pond,
872 correct?

873
874 Mr. Emerson - That's correct.

875
876 Mr. Branin - Is there an agreement that the homeowner has that they will
877 allow all of this water to flow, and changes of the water? If they decide they want to put
878 in a dam, because it isn't a perennial creek? It isn't a creek, so they're going to put a
879 swimming pool where that creek is, which would stop the flow of these properties. I just
880 don't understand how someone can own a pond—we have no bearing over the pond
881 because it's a privately-owned pond. If it's privately owned, can't they do whatever they
882 want with it? Can they remove that pond if they wish because they own it?

883
884 Mr. Emerson - I'd have to defer to Mr. Woodburn, but the State Code
885 speaks to downstream flow, as I recall.

886
887 Mr. Branin - Do you understand my—

888
889 Mr. Emerson - I understand what you're—

890
891 Mr. Branin - When we started this case, we had the whole drainage
892 issues and wetland issues, and one of the key factors in this case is allowing that
893 drainage and that flow to go into the pond. Then, it was a complete surprise when we
894 found out it was a private pond. Now, the County says we don't oversee that pond; we
895 have no responsibility towards it because it's private. Well, if it's a private pond, and Ms.
896 Kenny says tomorrow, "Well, you know, I don't want any more flow into this pond
897 because I'm going to block it off, and I'm going to put an aeration system in it, and I'm
898 going to raise coy." Does she have that right?

899
900 Mr. Emerson - That would get into State Code. I'm not sure. If it's
901 designed to accommodate—

902
903 Mr. Branin - The whole case is based on drainage into that pond. There
904 are a lot of dark, looming factors with this case, Mr. Emerson, which I've brought to you,
905 and I've brought to my fellow Commissioners over and over again. That's one of those
906 dark, looming issues. I'm not real comfortable moving this case because we have a lot
907 of outstanding issues. I know the environmental is taken care of. Mr. Hackett and the
908 gang will make sure that all environmental erosion is taken care of before it comes on.
909 But the pond. Everything is based on the pond.

910

911 Mr. Emerson - Right. That's a Public Works-related question.
912
913 Mr. Branin - I didn't know how to voice that. To tell you the truth, I'm still
914 baffled by this case because there are so many issues with this case. Many unknowns
915 for me and my district.
916
917 Mr. Jernigan - Am I to understand what you're saying, Mr. Branin, is that
918 she can control the flow coming in there? Mr. Woodburn, how does that fall? That
919 BMP was designed to take all that flow.
920
921 Mr. Woodburn - That is correct.
922
923 Mr. Jernigan - Is there any legal—was there anything when that was sold
924 that the County held up that they could still take the flow?
925
926 Mr. Woodburn- I am not aware of any.
927
928 Mr. Branin - Again, we've designated it as a non-perennial stream. So,
929 therefore, wouldn't it be considered just a drainage ditch? If it's a drainage ditch, then
930 that drainage ditch could be moved to the side.
931
932 Ms. Wilder - It's not regulated by the County as a perennial stream. It is
933 regulated by the State and the Federal government.
934
935 Mr. Vanarsdall - Pull the mic over to you, Robin.
936
937 Ms. Wilder - It's regulated by the State and the Federal government as a
938 waters of the U. S. because it is in line with the whole drainage system. So, anything
939 they do, they would have to get permission from the State and the Federal government,
940 just like this developer would have to get a permit for her wetland impacts. I think there
941 is some kind of State law, but I'm just a lowly County employee. I'm not familiar with the
942 State law about not impeding drainage down a drainage way.
943
944 Mr. Branin - So, what do State and Federal consider that?
945
946 Ms. Wilder - Waters of the U. S., Waters of the United States.
947
948 Mr. Branin - Would you explain to me the difference of Waters of the
949 U.S.? Would that be considered a consistently flowing stream?
950
951 Ms. Wilder - It is a stream, and this is a dam stream. In fact, wetlands
952 are considered a subset of Waters of the U.S. So, Waters of the U.S. is basically
953 surface water.
954
955 Mr. Branin - Okay. And our classification of a perennial stream is?
956

957 Ms. Wilder - A perennially flowing water body that is getting the majority
958 of its flow from groundwater sources.

959
960 Mr. Branin - Where does all this water that consistently flows through this
961 stream come from?

962
963 Ms. Wilder - Ms. Swart was telling you about the soils on the site. They
964 are considered hydric, and even Colfax soils are considered potentially hydric soils.
965 When it rains on these soils, these soils swell up just like a sponge and release the
966 water slowly. Therefore, that stream can maintain that flow for longer than any other
967 stream that doesn't have these kinds of soils associated with it, but it's not groundwater;
968 it's actually surface water.

969
970 Mr. Branin - Mr. Chairman, may I make my motion, please?

971
972 Mr. Vanarsdall - Come on down. Good morning.

973
974 Ms. Harbison - Good morning. My name is Brenda Harbison. I'm on Lot
975 14. It's interesting that you raise these questions because last night I got to thinking
976 about it, and I thought about the Kenny's pond issue. I just started looking up some of
977 these issues because I feel really bad for them. They've been raising these issues
978 numerous times, and nobody's ever had anything to say about what's going to happen
979 to all this water. We have these drainage proposals. So far, the applicant has never
980 said where he's going to dump all this water, and how he proposes to drain it all into
981 their private pond. So, I looked up all of this and, in any event, I found that he's
982 basically going to illegally dump it into the Kenny's pond. It's going to be a trespass
983 because absent any contractual or statutory privilege, you cannot collect this water and
984 divert it onto their land.

985
986 Mr. Emerson - Ma'am, please cite the source of your—

987
988 Ms. Harbison - It's a Virginia Supreme Court case. It's *Seventeen, Inc.*
989 *versus Pilot Life Insurance Company*. It's 215 Va. 74 (205 S.E.2d 648), and it's a 1974
990 case. There are more recent cases, but this was kind of a similar case that cites other
991 different cases. Essentially, I hadn't ever heard the applicant say that he had gone to
992 the Kenny's and asked for an easement or any kind of contract, that he was going to
993 pay them to dump the water into their pond, or pay them to create these natural basins.
994 So, it got me to thinking, you know, how is he going to essentially collect the water from
995 these 25 different lots—the 12 that he's proposing, and then Hampshire and Millrace—
996 and essentially put it into her pond? Then, she's going to be responsible for maintaining
997 this pond and all the effects of all of this water. One of the other things this case says is
998 that "the City's approval of the drainage system proposed by the landowner cannot
999 legally trespass upon the lands of another."

1000
1001 So, it's just kind of an interesting case that raises some of the issues that are going on,
1002 and essentially says that surface water is a common enemy. And that's just a common

1003 law principle. It's not in that statute. You're not going to find it in the Virginia Code. It's
1004 just common law that surface water is a common enemy, and trying to divert—which
1005 he's basically a landowner and she's a landowner. If you take surface water and you try
1006 to put it in a culvert, and pipe it away, and stick it onto your neighbor's property, you're
1007 going to get sued. I don't think it's right that you can rubber-stamp his drainage
1008 proposal, and then she's going to have to come back and essentially sue him for all the
1009 problems that it's going to cause her.

1010
1011 Mr. Branin - Aren't you glad that I brought this up today?

1012
1013 Ms. Harbison - Well, I was thinking about it last night, too, but.

1014
1015 Mr. Branin - It gave us some court cases. Mr. Secretary, Ms. Kenny.
1016 When you purchased this pond—I'm sorry, would you state your name?

1017
1018 Ms. Kenny - Danielle Kenny.

1019
1020 Mr. Vanarsdall - State your name again before you answer.

1021
1022 Ms. Kenny - Danielle Kenny. I can say it as many times as you want.

1023
1024 Mr. Branin - When you purchased this pond, was there an agreement
1025 that you accepted with it?

1026
1027 Ms. Kenny - An agreement—

1028
1029 Mr. Branin - Who'd you buy it from?

1030
1031 Ms. Kenny - I bought it from Neil Farmer and Shadow, LLC. They were
1032 the owners.

1033
1034 Mr. Branin - When you bought that, was there a conditional—were there
1035 conditions with your purchase?

1036
1037 Ms. Kenny - There were no conditions.

1038
1039 Mr. Branin - No conditions. Mr. Secretary.

1040
1041 Mr. Emerson - Yes, sir.

1042
1043 Mr. Branin - When someone buys a pond, a piece of land, any conditions
1044 that are previously on it, zoning, continue with it.

1045
1046 Mr. Emerson - Yes, sir, they would.

1047
1048 Mr. Branin - Do we know what conditions are with that pond?

1049
1050 Mr. Emerson - With the drainage.
1051
1052 Mr. Branin - Theoretically, it was a private pond to start with, correct?
1053
1054 Mr. Emerson - Correct. That's correct. And it was designed—
1055
1056 Ms. Kenny - Can I just clarify one thing? I don't mean to cut you off. I
1057 want to clarify that this pond was built by my neighbors, the Fleshers. They built that
1058 pond. It wasn't that there was a pond that was there or naturally built or any of that. It
1059 was a privately built initial pond. So, I just want to clarify that from the beginning.
1060
1061 Mr. Emerson - But I believe that pond was improved at the time. It was
1062 expanded, and an overflow was placed in, in order to allow it to accept additional
1063 capacity. I have the request—drainage, obviously, is a Public Works' issue. I have
1064 requested Mr. O'Kelly to see if he could get Mr. Perry and Mr. White down here to
1065 answer some of these questions regarding the applicability of this pond, and whether or
1066 not it has to accept the flow. It's my understanding it does. Thank you for the court
1067 cases. I believe all those court cases noted are before the latest Erosion Sediment
1068 Control and Drainage laws in the State of Virginia that I'm aware of. Most of those came
1069 into effect—at least the most recent ones—in the '80's versus the early '70's. I believe
1070 some the Clean Water Act legislation came in after that, too. So I'm not sure of the
1071 applicability of those court cases that were mentioned. Again, that's getting beyond
1072 where we normally go because drainage is a Public Works' issue. We're trying to get
1073 someone down here from Works. I would suggest possibly you may want to ask the
1074 applicant some questions and see what their responses are at this point.
1075
1076 Ms. Kenny - I just want to put this on the record because our biggest
1077 concern is the statement that the County has no maintenance concerns or obligations
1078 for this pond. If you are redirecting—and I stated this at our last meeting here—it's a
1079 difference of putting a hose at the end of this room and letting it rush down, or putting it
1080 directly to my face. I'm concerned that we're going to have water directly into this pond
1081 that's not being directed now. It's making its way in natural ways. It's going over a lot of
1082 land before it gets to my pond. But if you're directing it, gushing straight to my pond,
1083 there are additional maintenance issues. Our concern is later on down the line, the
1084 County's going to come along and say there are additional maintenance requirements
1085 for our pond that as a private owner we have to do with no repercussions from the
1086 builder or the County. That's not right. We had several people at the pond looking at it.
1087 You guys, I think you're confusing a few things. There is a stream, and then there's the
1088 pond. Robin was there; she saw the stream. Some of this water does not make it into
1089 the pond. When you're going to redirect all of these houses directly into my pond, it's
1090 not just normal rush-off water. You also have all the pesticides that these homeowners
1091 will be using. We have well water; we don't use pesticides. My concern is this water is
1092 going through the pond, going down my creek, and into my land that's eventually
1093 making its way to our well. I know there was a concern saying that we don't have to

1094 worry about that, but if the Chesapeake Bay is worried about what we're doing in our
1095 backyard—

1096
1097 Mr. Branin - |—

1098
1099 Ms. Kenny - —then I have a concern about my well.

1100
1101 Mr. Branin - I agree with you, Ms. Kenny, but just the one statement.
1102 You said your pond. One hundred percent I'm with you on it. But the creek, you're
1103 referring to the creek that runs alongside of it that's connected to the bottom of this
1104 property?

1105
1106 Ms. Kenny - Well, there is rush-off. There's a stream that comes to the
1107 south—on the right of this map—of the pond. But our pond feeds directly into a creek
1108 that runs in the middle of my property.

1109
1110 Mr. Branin - It's not the same non-perennial water of the—

1111
1112 Ms. Kenny - If you look at where this pond is on the left corner—up, if
1113 you—This left corner of the pond where that—Yes, that corner. There is the runoff from
1114 the pond, and there's a creek that runs through the back of our property. Yes. Straight
1115 through there, and the neighbor's property, and makes its way into Wyndham
1116 somewhere. The water from the pond, it's rush-off is directly into the creek that runs in
1117 the middle of my property.

1118
1119 Mr. Branin - Okay.

1120
1121 Ms. Kenny - So our concern is all this extra water that's going to run into
1122 the pond is going to run into that creek. It certainly can overflow. It's overflowed when
1123 we've had heavy rains, and that's not with extra directed water. The pesticides and
1124 everything else that comes from people's properties is going to be directly flushed that
1125 way. I'm not trying to end their whole plan of building; I think it's going to end up
1126 happening. Mr. Kenny and I, we acknowledge all that. Our concern is future
1127 maintenance of the pond, and how the water is getting into the pond. When they were
1128 there at our property—and Robin was there and Greg was there—we discussed we'd
1129 prefer having some of that water drain back into land and have it naturally make its way.
1130 It naturally makes it now. Mr. Emerson, I acknowledge—

1131
1132 Mr. Branin - Would cause it to filter.

1133
1134 Ms. Kenny - Right, there's more filtering.

1135
1136 Mr. Branin - Right.

1137
1138 Ms. Kenny - I acknowledge you're saying that it naturally takes it now,
1139 and it should continue to take that. But there's a difference between letting it naturally

1140 make its way, which is what it does now—and we can't do anything about what it does
1141 now—and having a pipe that is pouring the water into the pond. That's the difference.

1142
1143 Mr. Vanarsdall - We understand where you're coming from. Thank you. Mr.
1144 Branin?

1145
1146 Mr. Branin - Sir?

1147
1148 Mr. Vanarsdall - Do you want to hold it up until the boss gets here?

1149
1150 Mr. Branin - May I hear from the applicant?

1151
1152 Mr. Caskie - Good morning. I'm Dan Caskie with Bay Design Group. I
1153 also have Rick Atkinson here with Williamsburg Environmental, and the developer,
1154 Boushra Hanna.

1155
1156 It's interesting where this case has gone from the beginning. It started with the
1157 drainage up at Millrace, and then went to the wetlands. It seems like there are some
1158 convenient arguments that are being thrown around depending on whether some of our
1159 neighbors feel like they're losing some traction. Anyway, we're at the pond right now.
1160 The pond—we dug up the plans from E. D. Lewis when they did Hampshire 4. The
1161 pond is designed for an overflow. There are a couple different overflow places on that
1162 pond. There is an emergency spillway at the end of the pond, I guess on the bottom left
1163 side, but there is also, up at the property, a weir, like a 30-foot wide weir where they
1164 designed water to stage up a little bit on our property, and then overflow that weir, and
1165 run down through that. There's an overflow ditch, I guess, just to the south of the
1166 Kenny's pond. So, that entire pond is part of the drainage system for Hampshire 4 and
1167 all of the drainage above the pond. It's intended to be part of the drainage system. As
1168 you have that, it was also supposed to be part of the Hampshire 4 common area, being
1169 maintained by the Hampshire HOA. Then, Hampshire 4 annexed into all of Hampshire,
1170 the Estates of Hampshire so the maintenance for that pond is supposed to be covered
1171 by that HOA. When somebody privately buys something like that, they buy all of the
1172 maintenance responsibilities for that. Who's going to maintain it? The Kenny's are
1173 going to maintain it; that's what they bought. So, it is what it is. We are not putting any
1174 more water in this pond than what was planned for. Actually, we're putting less in than
1175 it was planned for, so.

1176
1177 I think there was a comment from the adjacent owner about releasing drainage onto
1178 downstream properties. Well, you know, if you go with that thought process, then I
1179 guess we could say Millrace needs to stop putting their drainage on us, and then
1180 everybody upstream needs to stop doing it as well. So, I'm not sure that that's an
1181 argument. As Joe was saying, I don't know if that's really an argument that would hold
1182 water. I'd be happy to answer any questions. I know there are lots of things that have
1183 been thrown around.

1184
1185 Mr. Vanarsdall - Questions for Mr. Caskie?

1186
1187 Mr. Branin - Mr. Caskie, there are still some outstanding looming
1188 questions that I have in regards to legality responsibility. I guess I'm going to have to
1189 go through a course on perennial streams. I'm going to make my motion to defer this
1190 another month. I know you guys aren't happy to hear that. With all good conscience, I
1191 can't allow this to go through without having the answers. You saw the staff scrambling
1192 to get people down here to answer the questions so we could move forward. We can't
1193 get the people I need down here.

1194
1195 Mr. Caskie - We did have a meeting with Public Works. Keith White was
1196 in there. Greg Garrison was in there. John Woodburn was as well. We kicked around—
1197 this was right after the meeting, the onsite meeting that they had with the Kenny's—we
1198 talked about differences in areas of what we're able to do and what we are not able to
1199 do. Really, the legality of what we're doing was never questioned. Since it is part of the
1200 drainage system, that's really not an issue. Just an FYI, it cost the developer for the
1201 mailings alone \$500, because we're required to do certified mail to everybody that was
1202 mailed to. These meetings are about \$2,000 to \$3,000 by the time the consultants are
1203 involved. Just to let you know.

1204
1205 Mr. Branin - Mr. Caskie, that's not my problem.

1206
1207 Mr. Caskie - I understand.

1208
1209 Mr. Branin - It's not my problem. If you had listened the first time when I
1210 said this is a difficult case, and it may not be able to yield the amount of money that this
1211 case is going to cost, then we might not have been in this position to start with. But you
1212 chose to go down—so, your money issue is not an issue for myself, nor this
1213 Commission, nor the County.

1214
1215 Mr. Caskie - And that's fair enough.

1216
1217 Mr. Branin - We represent your client, as well as the community. If the
1218 community has issues, if I have possible legal problems that I can't get answered, then
1219 another two-week delay is not going to cost your client another—because there won't
1220 be another mailing. I can't say, "Oh well, then we need to pass this because it's costing
1221 your client money."

1222
1223 Mr. Caskie - I was just pointing that out, that there are some ancillary
1224 costs that go along with this.

1225
1226 Mr. Branin - Anytime any developer chooses to develop, it costs a lot of
1227 money. Mr. Chairman, I'm going to ask for a deferral. We can look at two weeks, if
1228 possible. I don't know what the schedule is like, or our itinerary is like.

1229
1230 Mr. Emerson - It's probably not that heavy.

1231

1232 Mr. Branin - It hasn't been for quite a few months, so I wouldn't think it
1233 would be.

1234
1235 Mr. Emerson - Based on the notification requirements on the zoning case,
1236 and trying to assemble the staff—drainage, as you know, while it comes in front of you,
1237 it really is a Public Works issue. I want to make sure that the Public Works staff is here.
1238 You may just want to take it to July 22, 2009.

1239
1240 Mr. Branin - That's fine, if that's what you would like, and I'd like to have
1241 a meeting with staff and Mr. Rapisarda.

1242
1243 Mr. Vanarsdall - Have you made your motion?

1244
1245 Mr. Branin - I'd like to move that this case be deferred until the—what's
1246 the date?

1247
1248 Mr. Emerson - July 22, 2009.

1249
1250 Mr. Branin - July 22, 2009, per Commission request.

1251
1252 Mr. Jernigan - Second.

1253
1254 Mr. Vanarsdall - Motion made by Mr. Branin, seconded by Mr. Jernigan. All in
1255 favor say aye. All opposed say no. The ayes have it; the motion passes.

1256
1257 At the request of the Commission, the Planning Commission deferred SUB-06-09,
1258 Hampshire, to its July 22, 2009 meeting.

1259
1260 Mr. Emerson - Mr. Chairman, that takes us to the next item on your
1261 agenda, which would be the approval of the minutes from your May 27, 2009 meeting.

1262
1263 APPROVAL OF MINUTES: May 27, 2009 Minutes

1264
1265 Mr. Vanarsdall - Anyone have any changes?

1266
1267 Mr. Archer - Yes. Mrs. Bonnie-Leigh Jones has some changes, and I'm
1268 going to make them for her. On page 33, line 1334, we need to insert the word "to"
1269 between "needed" and "remain." And on page 34, at the top of the page, "situations I
1270 can," is not needed. So we just need to strike out that one because it's already stated.

1271
1272 Mr. Vanarsdall - All right. Anybody else have any changes? If not, I'll
1273 entertain a motion.

1274
1275 Mr. Branin - I move for approval with changes.

1276
1277 Mr. Archer - Second.

1278
1279 Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Archer. All in favor
1280 say aye. All opposed say no. The ayes have it; the motion passes.

1281
1282 The Planning Commission approved the May 27, 2009 minutes as corrected

1283
1284 Mr. Emerson - Mr. Chairman, that completes your meeting for today, unless
1285 there are other items that the Commission has.

1286
1287 Mr. Vanarsdall - Do you have anything for us, Mr. Secretary?

1288
1289 Mr. Emerson - No, sir, I don't.


1290
1291 Mr. Vanarsdall - There will be no more business, so I'll entertain a motion.

1292
1293 Mr. Archer - I move we adjourn.

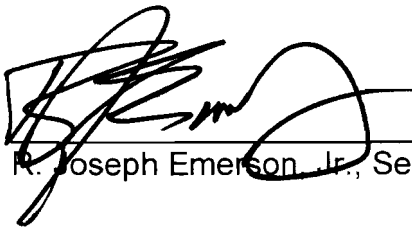
1294
1295 Mr. Branin - Second.

1296
1297 Mr. Vanarsdall - Motion by Mr. Archer, seconded by Mr. Branin. All in favor
1298 say aye. All opposed say no. The ayes have it; the motion passes.

1299
1300 The meeting is adjourned.

1301
1302
1303 

1304 _____
Ernest B. Vanarsdall, Acting Chairperson

1305
1306
1307
1308 

1309 _____
R. Joseph Emerson, Jr., Secretary

1

1

1

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 **June 24, 2009**, 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.
- 11A. **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 **June 24, 2009**, 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)**

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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 **June 24, 2009**, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on June 23, 2010, 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 **June 24, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **June 23, 2010**, 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 **June 24, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **June 23, 2010**, 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 **June 24, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **June 23, 2010**, 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 **June 24, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **June 23, 2010**, 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.

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