Minutes of the regular monthly meeting of the Planning Commission of Henrico County, held in the County Administration Building in the Government Center at Parham and Hungary Spring Roads beginning at 9:00 a.m. Wednesday, October 27, 2010.

Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)
Mr. C. W. Archer, C.P.C. Vice-Chairman (Fairfield)
Mrs. Bonnie-Leigh Jones, (Tuckahoe)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mr. David A. Kaechele (Three Chopt)
Board of Supervisors Representative

Member Absent: Mr. Tommy Branin (Three Chopt)

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
Mr. Scott Jackson, Public Works
Ms. Kim Vann, Henrico Police
Ms. Holly Zinn, Recording Secretary

Mr. Vanarsdall - Good morning, everyone. The Henrico County Planning Commission will now come to order. Good morning, fellow Commissioners and staff members, and a special good morning to Mr. Kaechele on the end. Mr. Kaechele is a member of the Board of Supervisor and assists with the Commission this year. He's also the immediate past Chairman of the Board of Supervisors.

Mr. Kaechele - Thank you.

Mr. Vanarsdall - Is there anyone from the press here or the news media? It doesn't have to be the press.

Now I'd like to ask everyone to stand and **Pledge Allegiance to the Flag**.

Thank you. I'm going to turn the meeting over to our secretary and Director of Planning, Mr. Joe Emerson.

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

Mr. Vanarsdall - Good morning, Ms. News.

Ms. News - Good morning, Mr. Chairman, members of the Commission. Staff has received one request for deferral. This is found on page 15 of your agenda and is located in the Brookland District. This is POD-22-10, Affiliated Dermatologists of Virginia – Shrader Road Facility. The applicant has requested a deferral to the December 15, 2010 meeting

PLAN OF DEVELOPMENT

POD-22-10 POD2010-00305 Affiliated Dermatologists of Virginia – Shrader Road Facility – 7920 Fountain Avenue	**Bay Design Group, P.C. for IHH Properties, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 9,545 square foot medical office building. The 2.03-acre site is located on the south line of Shrader Road, approximately 180 feet west of Hungary Spring Road, on parcel 764-752-9619. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

Mr. Vanarsdall - All right. Is anyone in opposition to the deferral of POD-22-10, Affiliated Dermatologists of Virginia – Shrader Road Facility? No opposition. I would like to change the date, Ms. News. I want to make a motion to change the date from December 15, 2010, to February 23, 2011. This is at the applicant's request or at my request, whichever you want to do.

Mr. Archer - Second, Mr. Chairman.

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

At the request of the applicant, the Planning Commission deferred POD-22-10, Affiliated Dermatologists of Virginia – Shrader Road Facility, to its February 23, 2011 meeting.

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

Mr. Emerson - Mr. Chairman, that now takes us to the next item on your agenda, which is the expedited items. Those will be presented again by Ms. Leslie News.

Ms. News - Sir, we have 7 items on our expedited agenda this morning. The first item is found on page 3 of your agenda and is located in the Three Chopt

District. That is a transfer of approval for POD-64-97, Overlook I and Overlook II. Staff recommends approval.

TRANSFER OF APPROVAL

POD-64-97 POD2010-00175; POD2010-00184 Overlook I (4880 Sadler Road) and Overlook II (4870 Sadler Road)	**CB Richard Ellis for OVL Owner, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from CK Overlook Association, LLC, Overlook I Office Park, Inc., and Overlook I and II, LLC to OVL Owner, LLC. The 11.58-acre site is located at the northwest intersection of Nuckols and Sadler Roads, on parcel 749-767-6576. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Three Chopt)**

Mr. Vanarsdall - Is anyone in the audience in opposition to case POD-64-97 Overlook I and Overlook II? This is in the Three Chopt District. No opposition.

Mr. Archer - Mr. Chairman, I move for approval of transfer of approval for POD-64-97 Overlook I and Overlook II, subject to Condition #1.

Mr. Jernigan - Second.

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

The Planning Commission approved the transfer of approval request for POD-64-97 Overlook I and Overlook II, subject to the standard and added conditions previously approved and the following additional condition:

1. The missing landscaping, as identified in the staff report, dated July 23, 2010, shall be replaced by October 30, 2010.

Ms. News - The next item is found on page 6 of your agenda and is located in the Fairfield District. This is LP/SUB-16-08, the landscape and lighting plan for Thacker Place, Section 2. Staff recommends approval.

LANDSCAPE AND LIGHTING PLAN

LP/SUB-16-08 SUB2009-00195 Thacker Place, Section 2 – Chuck Road	**Balzer and Associates, Inc. for Elderhomes Corporation:** Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.92-acre site is located at the terminus of Chuck Road, approximately 170 feet west of the intersection of Chuck and Bayard Roads on parcel 814-725-2886. The zoning is R-3C, One Family Residential District (Conditional). County water and sewer. **(Fairfield)**

Mr. Vanarsdall - Is anyone in the audience in opposition to LP/SUB-16-08 Thacker Place, Section 2? No opposition.

Mr. Archer - Mr. Chairman, I move for approval of LP/SUB-16-08 Thacker Place, Section 2, subject to the annotations on the plans and the standard conditions for landscape and lighting plans.

Mr. Jernigan - Second.

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

The Planning Commission approved the landscape plan for LP/SUB-16-08 Thacker Place, Section 2, subject to the standard conditions attached to these minutes for landscape and lighting plans.

Ms. News - The next item is found on page 11 of your agenda and is located in the Fairfield District. This is SUB-14-10, McCowin Estates (October 2010 Plan) for 2 lots. Staff recommends approval.

SUBDIVISION

SUB-14-10 SUB2010-00136 McCowin Estates (October 2010 Plan) 5423 Edgefield Street	**Werner Engineering, LLC for Norman and Gloria McCowin and Emerald Land Development, LLC:** The 0.80-acre site proposed for a subdivision of 2 single-family homes is located on the east line of Edgefield Street, 165 feet south of the intersection of North Road and Edgefield Street, on parcel 790-746-1765. The zoning is R-2AC, One-Family Residential District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield) 2 Lots**

Mr. Vanarsdall - Again in the Fairfield District, is there any opposition to SUB-14-10, McCowin Estates (October 2010 Plan)? No opposition, Mr. Archer.

Mr. Archer - Mr. Chairman, I move for approval of SUB-14-10, McCowin Estates (October 2010 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, and additional Conditions #13 and #14.

Mr. Jernigan - Second.

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

The Planning Commission granted conditional approval to SUB-14-10, McCowin Estates (October 2010 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public utilities, the annotations on the plans, and the following additional conditions:

13. Each lot shall contain at least 13,500 square feet.
14. The proffers approved as part of zoning cases C-59C-07 and C-10C-10 shall be incorporated in this approval.

Ms. News - The next item is found on page 12 of your agenda and is located in the Fairfield District. This is SUB-16-10, Turner Mountain (October 2010 Plan) for 21 lots. Staff recommends approval.

SUBDIVISION

SUB-16-10 SUB2010-00143 Turner Mountain (October 2010 Plan) 1942 Mountain Road	**Jordan Consulting Engineers, P.C. for Eugertha Turner Minnicks and Duke Development, LLC:** The 7.23-acre site proposed for a subdivision of 21 single-family homes is located on the east line of Mountain Road, approximately 150 feet south of Mountain Run Drive, on parcels 779-763-2659 and 2342. The zoning is R-4, One-Family Residential District. County water and sewer. **(Fairfield) 21 Lots**

Mr. Vanarsdall - Is there any opposition to SUB-16-10, Turner Mountain (October 2010 Plan)? No opposition.

Mr. Archer - Mr. Chairman, I move for approval of SUB-16-10, Turner Mountain (October 2010 Plan), subject to the annotations on the plan, the standard conditions for subdivisions served by public utilities, and the additional Conditions #13, #14, and #15.

Mrs. Jones - Second.

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

The Planning Commission granted conditional approval to SUB-16-10, Turner Mountain (October 2010 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public utilities, the annotations on the plans, and the following additional conditions:

13. Each lot shall contain at least 8,000 square feet.
14. The details for the landscaping to be provided within the 25-foot wide planting strip easement along Mountain Road shall be submitted to the Department of Planning for review and approval prior to recordation of the plat.
15. A County standard sidewalk shall be constructed along the north side of Mountain Road.

Ms. News - The next item is on page 13 of your agenda and is located in the Three Chopt District. This is SUB-15-10, Impact Way (October 2010 Plan) for 2 lots and a dedication of a portion of Grey Oaks Park Drive. Staff recommends approval.

SUBDIVISION

SUB-15-10 SUB2010-00139 Impact Way (October 2010 Plan) 11801 Nuckols Road	**Koontz-Bryant, P.C. for Glen Allen Community Church:** The 6.6-acre site proposed for a two-lot subdivision and dedication of a section of Grey Oaks Park Drive is located on the south line of Nuckols Road, at the terminus of Wyndham Park Drive, on parcel 741-776-2242. The zoning is R-2C, One-Family Residential District (Conditional). County water and sewer. **(Three Chopt) 2 Lots**

Mr. Vanarsdall - Is anyone in the audience in opposition to SUB-15-10, Impact Way (October 2010 Plan)? No opposition.

Mr. Archer - Mr. Chairman, I'll move for approval of SUB-15-10, Impact Way (October 2010 Plan), subject to the plan annotations, the standard conditions for subdivisions served by public utilities, and the additional Conditions #13, #14, #15, and #16.

Mrs. Jones - Second.

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

The Planning Commission granted conditional approval to SUB-15-10, Impact Way (October 2010 Plan), subject to the standard conditions attached to these minutes for

subdivisions served by public utilities, the annotations on the plans, and the following additional conditions:

13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously noted on the plat and construction plans and labeled "Limits of Special Flood Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width Drainage & Utilities Easement."
14. The proffers approved as part of zoning cases C-29C-89 and C-48C-90 shall be incorporated in this approval.
15. The final plat for recordation shall contain information showing The Chesapeake Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18), of the Henrico County Code, as determined by the Director of Public Works.
16. The developer shall provide signage, the wording and location as deemed appropriate by the Director of Public Works, which addresses the possible future extension of the stub street.

Ms. News - The next item is found on page 14 of your agenda and is located in the Brookland District. This is SUB-60-07, Winfrey Meadows Reconsideration (November 2007 Plan) with 1 lot. Staff recommends approval.

SUBDIVISION (Deferred from the September 22, 2010 Meeting)

SUB-60-07 SUB2010-00155 Winfrey Meadows Reconsideration (November 2007 Plan) – 10885 Old Greenwood Road	**David Jinnett for Madeline, LLC:** Request for approval of a reconsideration of conditional subdivision approval. The 6.39-acre site is located on the northeast side of Old Greenwood Road at its intersection with Greenwood Road, on parcel 777-770-3917. The zoning is A-1, Agricultural District. County water and sewer. **(Brookland) 1 Lot**

Mr. Vanarsdall - Is anyone in opposition to SUB-60-07, Winfrey Meadows Reconsideration (November 2007 Plan)? No opposition. I move that SUB-60-07, Winfrey Meadows Reconsideration (November 2007 Plan), be approved on the expedited agenda.

Mrs. Jones - Second.

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

The Planning Commission granted conditional approval to SUB-60-07, Winfrey Meadows Reconsideration (November 2007 Plan), subject to the conditions previously approved for Winfrey Meadows (November 2007 Plan) by the Planning Commission at its meeting on December 12, 2007.

Ms. News - The final item is found on page 17 of your agenda and is located in the Brookland District. This is POD-23-10, Bienvenidas Latino Market Parking Expansion. Staff recommends approval.

PLAN OF DEVELOPMENT

POD-23-10 POD2010-00300 Bienvenidas Latino Market Parking Expansion – 8410 Staples Mill Road (U.S. Route 33) (POD-37-73 Rev.)	**C. E. Duncan and Associates for Miguel Ramos:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a parking expansion to allow restaurant use in an existing retail convenience building. The 1.05-acre site is located on the west line of Staples Mill Road (U.S. Route 33), approximately 125 feet south of Stoneman Road, on parcels 770-753-8834 and 9124. The zoning is B-1, Business District. County water and sewer. **(Brookland)**

Mr. Vanarsdall - Is anyone in opposition to POD-23-10, Bienvenidas Latino Market Parking Expansion? No opposition. I move that POD-23-10, Bienvenidas Latino Market Parking Expansion, be approved on the expedited agenda.

Mrs. Jones - Second.

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

Mr. Jernigan - Mr. Chairman, you have Conditions #9, #11, #29, #30, and #31.

Mr. Vanarsdall - Excuse me, Conditions #9 amended, #11 amended, and #29 through #31. Thank you, Mr. Jernigan.

The Planning Commission approved POD-23-10, Bienvenidas Latino Market Parking Expansion, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions

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.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
29. Outside storage shall not be permitted.

30. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.

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

Ms. News - That completes our expedited agenda.

Mr. Emerson - Mr. Chairman, that takes us to the next item on your agenda, which is the Subdivision Extensions of Conditional Approval. There are no extensions to be presented or considered this month. That takes us to your regular agenda.

TRANSFER OF APPROVAL

POD-44-84 POD2010-00255 Chubby's Gas and Convenience Store (Formerly Texaco Convenience Store) – 6016 W. Broad Street (U.S. Route 250)	**Himansu Patel for HNN, Inc.:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Texaco, USA, The Little Sisters of the Poor, and the Estate of Susie E. Dunstan to HNN, Inc. The 0.97-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 900 feet east of the intersection of W. Broad Street and Horsepen Road, on parcel 770-741-2539. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

Mr. Vanarsdall - Is anyone in the audience in opposition to POD-44-84, Chubby's Gas and Convenience Store? No opposition. Good morning, Mr. Pambid.

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

The applicant has already corrected the deficiencies listed in the original inspection report. Those included missing or dead landscaping; parking lot striping; stop signs and stop bars; and a damaged dumpster enclosure. Upon further review of the site, there were some additional deficiencies that were noted, and those are listed in your addendum. Those include un-discarded construction materials and rust and peeling or flaking paint on gas pump island curbing and the carwash door. There was also an unpainted wooden dumpster screen. The applicant has agreed to correct these deficiencies by November 30, 2010.

Staff recommends approval of this TOA, subject to the condition in the addendum. That concludes my presentation.

Mr. Vanarsdall - Are there any questions from Commission members? All right. I move that POD-44-84, Chubby's Gas and Convenience Store be approved with Condition #1 on the addendum.

Mr. Jernigan - Second.

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

The Planning Commission approved the transfer of approval request for POD-44-84, Chubby's Gas and Convenience Store from Texaco, USA, The Little Sisters of the Poor, and the Estate of Susie E. Dunstan to HNN, Inc., subject to the standard and added conditions previously approved and the following additional condition:

1. The site deficiencies, as identified in the inspection report, dated October 22, 2010, shall be corrected by November 30, 2010.

Mr. Vanarsdall - Thank you, Mr. Pambid. Thank you for working on that.

ALTERNATIVE FENCE HEIGHT PLAN - RESIDENCE

LP/SUB-03-40 Boykin Residence – 7621 Sweetbriar Road	**Michael and Elizabeth Boykin:** Request for approval of an alternative fence height plan, as required by Chapter 24, Sections 24-95(l)(7)b and 24-106.2 of the Henrico County Code, to allow a fence exceeding a height of 42 inches in a front yard. The 0.24-acre site is located on the south line of Sweetbriar Road in Rollingwood subdivision, approximately 600 feet southwest of Woodberry Road, on parcel 760-740-3509. The zoning is R-3, One Family Residence District. **(Tuckahoe)**

Mr. Vanarsdall - Is anyone in the audience in opposition to the alternative fence height plan for LP/SUB-03-40, Boykin Residence? No opposition. Good morning, Mr. Garrison.

Mr. Garrison - Good morning. The applicant is requesting approval of an alternative fence height in the front yard. Mr. and Mrs. Boykin erected a 6-foot tall fence on the east side of their property that encroaches 24 feet into the front yard. Although the required front-yard setback for R-3 zoning is 40 feet from the right-of-way, the house was built approximately 54 feet from the right-of-way, an excess of 14 feet. The fence, therefore, ends approximately 30 feet back from the right-of-way.

County Code limits the maximum fence height in a residentially-zoned front yard to 3 feet, 6 inches unless an alternative fence height is approved by the Planning Commission. Pursuant to the Code, the Planning Commission shall permit an alternative fence height not exceeding 7 feet in the front yard provided the design does not adversely affect the health, safety, or welfare of persons residing on or working on the premises, the visibility or value or adjacent properties, adequate supply of light and air, traffic or pedestrian safety, and adequate sight distance.

Staff has received opposition from the adjacent neighbor at 7619 Sweetbriar but has received several letters of support by surrounding property owners. The property contains existing landscaping; therefore, staff has no objection to this request. Should the Commission act on this request, staff recommends the standard conditions for landscaping and fence plans.

Mr. Vanarsdall - Are there any questions for Mr. Garrison?

Mrs. Jones - Mr. Garrison, you have a landscape plan that was submitted to you as part of this application?

Mr. Garrison - We have photos but not an actual plan. The actual plan that we have is—

Mrs. Jones - As seen here.

Mr. Vanarsdall - Are there any other questions? All right. Mrs. Jones.

Mrs. Jones - I haven't had a chance to speak to the Boykins. We haven't communicated at all, but I do have a few questions, if one of you would come forward so that I could ask you. These are recorded proceedings, so it's always good to be clear on the record. If you'll come forward, identify yourself, and let me ask a few things.

Mrs. Boykin - Thank you for having us. I'm Elizabeth Boykin.

Mr. Vanarsdall - Good morning, Mrs. Boykin. Glad to have you here.

Mrs. Boykin - Good morning; thank you.

Mr. Vanarsdall - Did you bring a sample of the fence with you?

Mrs. Boykin - I wish I could have. I thought about bringing my class—I'm a teacher—to see a field trip of government in action instead.

Mrs. Jones - We would welcome your class anytime.

Mrs. Boykin - Thank you.

Mrs. Jones - Mrs. Boykin, let me just ask a few simple questions. When did you put the fence in?

Mrs. Boykin - In June of this year. June 2010.

Mrs. Jones - When was the first time that you realized that your neighbor objected specifically to the fence?

Mrs. Boykin - A couple of weeks later she—we've had an ongoing hostile relationship for about 4 years. Immediately after the fence went up, she said she was going to call the police to object to the fence. I think the police call led her to—the Community Officer said she needed to talk to the Planning Commission—which is what led to us being here today.

Mrs. Jones - When you were considering putting up the fence as a response to what you call a hostile relationship, did you come to the County and seek a permit for that fence or discuss it with anyone?

Mrs. Boykin - I didn't know that you needed to, to run a fence down the side. We had no idea that you needed a permit on the property. Our neighborhood doesn't have covenants or a neighborhood association, so we knew we didn't need to do that. We just flat out didn't realize. It was just not knowing.

Mrs. Jones - Has the fence accomplished what you hoped it would?

Mrs. Boykin - For my children's sake it has. It's provided a visible barrier. It had gotten to the point where—we have a 7-year-old and a 10-year-old, but this started back when they were toddler age. She would videotape the children playing in the driveway in the hopes of catching them chasing a ball into the yard or something. It had gotten to the point where my children wouldn't play in the yard because the lady next door would come out and just stare at them while they were playing, and they didn't want to play or shoot baskets. So, it had gotten to that point. We can go out and talk on the driveway, or shoot baskets, or ride the scooter in the driveway without having to worry about that. But the harassment—actually because she's angry about the fence now—has escalated to the point where she has hosed my husband over the top of the fence and—

Mrs. Jones - Well, I'm sorry the fence hasn't resolved the situation.

Mrs. Boykin - I am too.

Mrs. Jones - You have a light on the fence.

Mrs. Boykin - Yes.

Mrs. Jones - The light—I can't see it quite from the street—but I understand there's an orange cord that attaches the light so that you can have power out there.

Mrs. Boykin - Right.

Mrs. Jones - Is that visible to the neighbor? Do you think that's something you could encase?

Mrs. Boykin - Absolutely. We could either remove it or encase it, whatever you recommend, whatever you need us to do. We will either remove it completely, or Mr. Garrison suggested encasing it in a PVC pipe. He gave us a couple of suggestions. We'll have that done by the weekend, if that's your recommendation.

Mrs. Jones - I would recommend that. The other item that I was just disappointed to see, because I didn't know whether this was part of the problem, is that as a courtesy, it is common practice to put the finished side of the fence towards the neighbor and the unfinished side towards the person installing the fence. I didn't know whether the fact that you had done that in reverse had been a discussion point between you and your neighbor.

Mrs. Boykin - Unfortunately we don't discuss anything.

Mrs. Jones - I got that impression, yes.

Mrs. Boykin - We brought 3 other neighbors with us today. I don't know if you need to hear from them. I almost apologize for wasting your time with something as petty and small as this.

Mrs. Jones - Well, you've answered my questions, and I needed to just understand from you and have it on record—

Mrs. Boykin - Sure.

Mrs. Jones - —your motives and results of putting up this fence.

Mrs. Boykin - Thank you.

Mrs. Jones - I would appreciate it, just to take one element away, if you could be as sensitive as possible to things like the cord. Just eliminate any further discussion about—

Mrs. Boykin - That would be wonderful.

Mrs. Jones - I do thank you.

Mrs. Boykin - Thank you.

Mrs. Jones - Those are my questions unless anybody else has some.

Mr. Vanarsdall - Are there any more questions for Ms. Boykin?

Mrs. Boykin - Thank you.

Mrs. Jones - I did want to take just take one moment for the sake of the neighbors who came in support and for the sake of the record, which I want to be very, very clear. I did want to take a moment and just say that alternative fence height requests end up being very difficult cases for the Planning Commission for a number of reasons. Each case is not only so different with such a different set of circumstances but also quite often they are grounded in neighborhood disagreements. Unfortunately, I will tell you that the resolution of this case, no matter what happens here, will not solve that disagreement. In that respect, it's a shame that we can't put some kind of closure on the issue that started the problem in the first place, but that is a civil matter between you and your neighbor, as it is with other cases that have come before us. We do not serve that role. We are here on planning and land-use issues, and we must evaluate your request based on what the Zoning Ordinance says our powers are and the criteria are for our evaluation of your request. Unfortunately, a lot of the time, these come to us as situations that are already finished. We wish we would have the ability to address some of these issues prior to structures being built, because that makes it even more difficult. I want you to know exactly what the ordinance says we can and cannot do.

We have 5 criteria upon which we analyze alternative fence height requests. Mr. Garrison probably has gone over these with you. This case would have been analyzed far differently 2 years ago. These 5 criteria have been in the ordinance; however, the Planning Commission was charged with having the ability to approve fence height requests if we chose to. The wording in the Zoning Ordinance was *may approve*. We've had very difficult cases. The 5 criteria are that the alternative fence height that is requested could be permitted if it doesn't adversely affect 1) health safety or welfare of persons residing on or working on the premises; 2) the visibility or value of abutting and/or adjacent properties; 3) the adequate supply of light and air to adjoining properties—that's a term that has long history; it's hard to evaluate light and air, but it has long history in the ordinance; 4) traffic or pedestrian safety, and 5) adequate sight distance as provided in one of the subsections of the paragraphs. Under those 5 conditions, we must evaluate your request.

We now have an ordinance change as of October 2008. The Board of Supervisors—the Planning Commission first recommended to the Board of Supervisors—evaluated our role in cases like this. The decision was made by the Board to help the Planning Commission by changing the word *may* to *shall*. In other words, if your request meet s those 5 conditions without question, we shall approve the request. That helps us in order to be consistent and fair. We can't solve the problem with your neighbor; I wish I

could. I can, however, render a decision based absolutely in the guidelines of our Zoning Ordinance, and that's what I'll do.

So, with that, I'm ready for a motion, Mr. Chairman. I move that LP/SUB-03-40, Boykin Residence, 7621 Sweetbriar Road, the alternative fence height plan, be approved as listed in the agenda with the standard conditions for landscape and fence plans.

Mr. Jernigan - Second.

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

The Planning Commission approved the alternative fence height plan for LP/SUB-03-40, Boykin Residence, subject to the standard conditions attached to these minutes for landscape and fence plans.

Mr. Vanarsdall - Thank you for coming.

SUBDIVISION

SUB-13-10 SUB2010-00138 Taylor Estates (October 2010 Plan) Williamsburg Road (U. S. Route 60)	**Balzer and Associates, Inc. for M & F, Inc.:** The 11.46-acre site proposed for a subdivision of 25 single-family homes is located on the southwest corner at the intersection of Williamsburg Road (U. S. Route 60) and Robin Grey Lane, on parcels 807-713-4956 and 7567. The zoning is R-4, One-Family Residential District. County water and sewer. **(Varina) 25 Lots**

Mr. Vanarsdall - Is anyone in the audience in opposition to SUB-13-10, Taylor Estates (October 2010 Plan)? No opposition. Good morning, Ms. Berndt.

Ms. Berndt - Good morning. In your addendum, you'll find a revised recommendation for approval. Planning had previous concerns regarding the sequence of construction of future roads with respect to the ability to obtain adequate drainage outfall for all lots proposed. After consulting with the Department of Public Works, the applicant has agreed that curb returns will be provided at the future right-of-way locations for Robin Grey and Bud Courts, as well as signage indicating the potential extension of the road at a future date. The record plat will indicate that the area between Lots 7 and 8 and Lots 11 and 12 is reserved for future right-of-way.

Staff's concerns that the future homeowners are made aware of the potential for a future road between their homes have been addressed. Staff recommends approval subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, and Conditions #13 through #18 in your agenda. The applicant's representative, Cameron Palmore with Balzer and Associates, is here to answer any

questions the Commission may have of him. I'm happy to answer any questions the Commission may have of me.

Mr. Vanarsdall - Are there any questions for Ms. Berndt from Commission members?

Mr. Jernigan - Ms. Berndt, the developer will be paying for the signage?

Ms. Berndt - Yes.

Mr. Jernigan - Okay, that's all I have for you. I would like to have the applicant come down.

Mr. Vanarsdall - Will the applicant come down please? State your name, please.

Mr. Palmore - Good morning, Mr. Chairman and Commissioners. My name is Cameron Palmore from Balzer and Associates, representing the applicant.

Mr. Jernigan - Good morning.

Mr. Palmore - Good morning. How are you?

Mr. Jernigan - Okay. When I looked at this case some years ago, which has probably been 5, at that point they were going to put manufactured homes in there. Is that still the plan?

Mr. Palmore - That is not necessarily the existing plan. The owner, M & F Builders, is trying to market the property to other buyers. He may or may not be building the homes there himself. So, as far as manufactured homes, I don't know if that's the current plan or if they'll be stick-built on site.

Mr. Jernigan - The maintenance of the property will be taken care of by the developer?

Mr. Palmore - Yes.

Mr. Jernigan - Not just on the 13 lots, but the continued—

Mr. Palmore - Yes, on the remainder of the property, which would be future Section 2. That maintenance would be done by the developer and/or the landowner at the time.

Mr. Jernigan - I don't have any more questions, Mr. Chairman.

Mr. Vanarsdall - Any questions? Thank you. Mr. Jernigan?

Mr. Jernigan - Okay. Mr. Chairman, with that I will move for approval of SUB-13-10, Taylor Estates (October 2010 Plan), subject to the conditions for subdivisions served by public utilities, the addendum, and the following additional Conditions #13 through #18 on the agenda.

Mr. Archer - Second.

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

13. Each lot shall contain at least 8,000 square feet.
14. Prior to preparing the recordation plat, the engineer or surveyor shall furnish the Planning Staff a plan showing a dwelling situated on Lot 8 and Lot 11 to determine if the lot design is adequate to meet the requirements of Chapter 24 of the Henrico County Code.
15. The details for the landscaping to be provided within the 25-foot wide planting strip easement along Williamsburg Road (U.S. Route 60) and the 20-foot wide planting strip along the variable width private road along the western subdivision boundary shall be submitted to the Department of Planning for review and approval prior to recordation of the plat.
16. A VDOT standard sidewalk shall be constructed along the south side of Williamsburg Road.
17. The owner shall not begin clearing of the site until the following conditions have been met:
    (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision construction plan and the Erosion and Sediment Control Plan, the limits of the areas to be cleared and the methods of protecting the required buffer areas. The location of utility lines, drainage structures and easements shall be shown.
    (b) After the Erosion and Sediment Control Plan has been approved but prior to any clearing or grading operations on the site, the owner shall have the limits of clearing delineated with approved methods such as flagging, silt fencing, or temporary fencing.
    (c) The site engineer shall certify in writing to the owner that the limits of clearing have been staked in accordance with the approved plans. A copy of this letter shall be sent to the Department of Planning and the Department of Public Works.
18. The developer shall provide signage, the wording and location as deemed appropriate by the Director of Public Works, which addresses the possible future extension of the stub streets.

CHESAPEAKE BAY RESOURCE PROTECTION AREA EXCEPTION

SUB-09-10
SUB2010-00140
Woodlawn Terrace
(July 2010 Plan)
252 Defense Avenue

Werner Engineering, LLC for Stephen R. Marks and Emerald Land Development, LLC: Request for approval of a Chesapeake Bay Resource Protection Area Exception as required by Chapter 24, Sections 106.3(L) and 106.3(F) of the Henrico County Code. The 5.89-acre site is located on the east line of Defense Avenue, approximately 300 feet from its intersection with Dakar Drive, on parcel 830-717-7954. The exception would allow the buildable area for a future single-family dwelling to encroach within the seaward 50-feet of the required 100-foot wide Resource Protection Area (RPA), a component of a Chesapeake Bay Preservation Area, adjacent to an unnamed tributary of the Chickahominy River in the Highland Springs Watershed. The zoning is R-4, One-Family Residential District and ASO, Airport Safety Overlay District. County water and sewer. **(Varina) 1 Lot**

Mr. Vanarsdall - Is anyone in the audience in opposition to SUB-09-10, Woodlawn Terrace (July 2010 Plan)? No opposition. Good morning again, Mr. Pambid.

Mr. Pambid - Good morning, sir. The Planning Commission approved this conditional subdivision on September 22, 2010, for a single residential lot, but the requirement for a Chesapeake Bay Resource Protection Area Exception was discovered during the subdivision construction plan review. Customarily, Planning staff does not make recommendations on requests of this type; however, Planning has no objection to the request. The conditions and annotations of the conditional approval still apply.

The subject property was created with recordation of Woodlawn Terrace in 1943, prior to the adoption of the provision of the Henrico County Code regarding the Chesapeake Bay Protection Area. As the parcel currently exists, there is no area for development outside of the Resource Protection Area. This slide shows what the limits of the Resource Protection Area are and where the 100-foot buffer would be.

Scott Jackson with the Department of Public Works is here to further explain the request from an environmental standpoint.

Mr. Jackson - Good morning. Do you have any further questions about the request?

Mr. Jernigan - You have to identify yourself.

Mr. Jackson - Scott Jackson with the Public Works Department. Regarding the request, the whole lot is essentially within a buffer area created by the Chesapeake Bay Act. It would be un-buildable. It would essentially be a land take. The applicant has gone through and met all our requirements for an encroachment into the RPA buffer. They've minimized the amount of distance, and they have protection area signs. From a Public Works' standpoint, we are recommending approval of this project.

Mrs. Jones - May I ask a question about that? Considering that this has come up unexpectedly, I understand why we would want to make sure that everything meets the needs as much as possible. I almost expected to see possibly another condition or 2 as far as trying to make sure water quality stays non-degraded in any way.

Mr. Jackson - Yes, ma'am.

Mrs. Jones - But there weren't any extra conditions on the original case.

Mr. Jackson - In previous cases we've had like this, we've had them reforest areas of the buffer where it doesn't currently exist on the property. In this case, the entire property is forested. We didn't have anything we needed them to reforest. As far as water quality and erosion/sediment control goes, they have addressed all that adequately.

Mrs. Jones - All right.

Mr. Jernigan - You talked to the applicants, Steven Marks and Emerald Land Development ,or did you just speak to the engineer?

Mr. Jackson - I just dealt with the engineer, yes, sir.

Mr. Jernigan - Okay.

Mr. Vanarsdall - Any other questions?

Mr. Jernigan - Mr. Chairman, when you look at what you have on your screen, that little area where it's circled, that's the only area right there. The limits of disturbance are minimal. This site is totally wooded. I was out there yesterday. It's low except for that one little area right up front.

Mr. Vanarsdall - It is really low.

Mr. Jernigan - Yes, it is. I guess if Public Works is alright with it, I guess I'll be alright with it.

Mr. Vanarsdall - And we'll be alright with it if you're alright with it.

Mr. Jernigan - With that, Mr. Chairman, I will move for approval of the Chesapeake Bay Resource Protection Area Exception on SUB-09-10, Woodlawn Terrace (July 2010 Plan).

Mrs. Jones - Second.

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

The Planning Commission approved the Chesapeake Bay Resource Protection Area Exception for SUB-09-10, Woodlawn Terrace (July 2010 Plan).

Mr. Emerson - Mr. Chairman, that now takes you to the approval of the minutes for September 22, 2010.

APPROVAL OF MINUTES: September 22, 2010

Mr. Vanarsdall - Did anyone read the minutes, and were they correct?

Mrs. Jones - From my reading, they were correct. I can't fill in all the *inaudibles*, so they'll have to say *inaudible*. I'll try to speak up. I move they be accepted as distributed.

Mr. Archer - Second.

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

The Planning Commission approved the September 22, 2010 minutes as submitted.

Mr. Emerson - Mr. Chairman, staff has no future items for the Commission this morning.

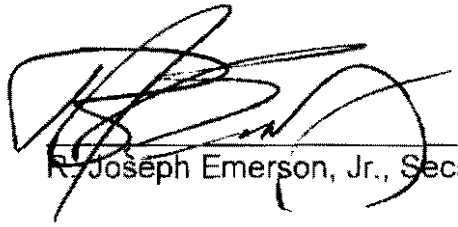
Mr. Vanarsdall - Does anybody have anything else?

Mrs. Jones - Motion for adjournment.

Mr. Archer - Second.

Mr. Vanarsdall - Since there is no other business to conduct, we are adjourned.

Mr. Ernest B. Vanarsdall, Chairman



R. Joseph Emerson, Jr., Secretary

PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**

1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**

1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**

2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.

3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.

4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.

5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.

6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.

7. The plan of development plan shall be revised as annotated on the staff plan dated **October 27, 2010**, 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 **October 27, 2010,** which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

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

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

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

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

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

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

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

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

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

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

B-2 ZONE

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

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

B-3 ZONE

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

SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**

5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.

6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on site sewage disposal/septic)**

6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.

7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **October 27, 2010,** which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **October 26, 2011,** 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 **October 27, 2010**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **October 26, 2011**, 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 **October 27, 2010,** which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **October 26, 2011**, 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 **October 27, 2010,** which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **October 26, 2011**, 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 **October 27, 2010,** which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **October 26, 2011,** 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.