

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Spring Roads beginning at 9:00 a.m. Wednesday, October 26, 2011.
4

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

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, CLA, Principal Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Aimee Berndt, AICP, County Planner
Mr. Mike Jennings, Traffic Engineer
Ms. Kim Vann, Henrico Police
Mr. Scott Jackson, Department of Public Works
Ms. Marchelle Sossong, Department of Public Utilities
Ms. Holly Zinn, Recording Secretary

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6 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains from**
7 **voting on all cases unless otherwise noted.**

8
9 Mr. Archer - The Planning Commission will come to order. Good morning,
10 everyone. Welcome to the October 26, 2011, meeting for subdivisions and development
11 plans. Let us all stand and honor the flag.
12

13 I would like to ask everyone, if you would, to please mute your cell phones. Also, is
14 there anyone here from the news media? Seeing no one, I will turn things over to our
15 secretary, Mr. Emerson.
16

17 Mr. Emerson - Thank you, Mr. Chairman. We'll begin with the requests for
18 deferrals and withdrawals, which will be presented by Ms. Leslie News.
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20 Mr. Archer - Good morning, Ms. News.
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TRANSFER OF APPROVAL

POD-37-90
POD2011-00381
Villa Park I (Formerly
Sovran Financial Corp.,
Villa Park, Phase I) – 8040
Villa Park Drive
(POD-154-86 Rev.)

Grubb & Ellis/Harrison & Bates for Villa Park I, LLC:
Request for transfer of approval as required by Chapter
24, Section 24-106 of the Henrico County Code from N/E
Sovran Bank NA, Childress Klein Properties, Villa Park
Associates, LTD, US Bank National Association Trust, and
DRV, LLC to Villa Park I, LLC. The 6.72-acre site is
located on the north line of Villa Park Drive, approximately
1,600 feet southwest of the intersection of Villa Park Drive
and E. Parham Road, on parcel 781-755-6052. The zoning
is O/SC, Office Service District (Conditional). County water
and sewer. **(Fairfield)**

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Mr. Archer - Is there anyone here who is opposed to this transfer of
approval for POD-37-90, Villa Park I (Formerly Sovran Financial Corp., Villa Park,
Phase I)? All right, then I will move that transfer of approval for POD-37-90, Villa Park I
(Formerly Sovran Financial Corp., Villa Park, Phase I), be approved subject to Condition
#1 shown on the agenda.

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Mr. Branin - Second.

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

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The Planning Commission approved the transfer of approval request for POD-37-90,
Villa Park I (formerly Sovran Financial Corp., Villa Park, Phase I), from N/E Sovran
Bank NA, Childress Klein Properties, Villa Park Associates, LTD, US Bank National
Association Trust, and DRV, LLC to Villa Park I, LLC, subject to the standard and added
conditions previously approved and the following additional condition:

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1. The site deficiencies, as identified in the inspection report, dated May 13, 2011,
shall be corrected by December 1, 2011.

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Ms. News - The next item is on page 5 of your agenda and located in the
Three Chopt District. This is a transfer of approval for POD-61-72 (Part), Nelson Office
Building at Forest Office Park (Formerly Koger Executive Center). Staff recommends
approval.

84 **TRANSFER OF APPROVAL**

85

POD-61-72 (Part) **CB Richard Ellis for Martha NJ, LLC:** Request for
POD2011-00160 transfer of approval of a portion of a Plan of Development
Nelson Office Building at as required by Chapter 24, Section 24-106 of the Henrico
Forest Office Park County Code from Koger Properties, Inc. and Forest Park
(Formerly Koger Executive Association, LLC to Martha NJ, LLC. The 3.38-acre site is
Center) – 1503 Santa located at the southeast corner of the intersection of Santa
Rosa Road Rosa Road and Franklin Farms Drive, approximately 260
feet north of Three Chopt Road, on parcel 758-743-8194.
The zoning is O-2, Office District. County water and sewer.
(Three Chopt)

86

87 Mr. Archer - Is anyone opposed to this transfer of approval for POD-61-
88 72, (Part), Nelson Office Building at Forest Office Park (Formerly Koger Executive
89 Center)?

90

91 Mr. Branin - Mr. Chairman, I'd like to move for transfer of approval for
92 POD-61-72, (Part), Nelson Office Building at Forest Office Park (Formerly Koger
93 Executive Center).

94

95 Mr. Jernigan - Second.

96

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

99

100 The Planning Commission approved the transfer of approval request for POD-61-72,
101 (Part), Nelson Office Building at Forest Office Park (Formerly Koger Executive Center),
102 from Koger Properties, Inc. and Forest Park Association, LLC to Martha NJ, LLC,
103 subject to the standard and added conditions previously approved.

104

105 Ms. News - Next, on page 6 of your agenda and located in the Varina
106 District, is a transfer of approval for POD-98-82, 84-84, and 25-91, Springer Plaza
107 Shopping Center and Fast Auto Loans at Springer Plaza Shopping Center (Formerly
108 Bojangles). Staff recommends approval.

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111 **TRANSFER OF APPROVAL**

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POD-98-82, 84-84, and
25-91
POD2010-00391;
POD2010-00392;
POD2011-00383
Springer Plaza Shopping
Center (50 S. Airport
Drive) and Fast Auto
Loans at Springer Plaza
Shopping Center
(Formerly Bojangles)
(1109 E. Nine Mile Road)

Mort Schuchman for Springer Plaza Associates, LLC:
Request for transfer of approval as required by Chapter
24, Section 24-106 of the Henrico County Code from
Springer Plaza Associates, Robert J. Bealty, Jr., The
Marsoby Company, Colonial Builders, Inc., and Retail
Development Corporation to Springer Plaza Associates,
LLC. The 7.2-acre site is located at the northwest quadrant
of the intersection of S. Airport Drive and Nine Mile Road,
on parcel 824-721-5831. The zoning is B-2C, Business
District (Conditional), B-3, Business District, and ASO,
Airport Safety Overlay District. County water and sewer.
(Varina)

113

114 Mr. Archer - Is there anyone present who is opposed to the transfer of
115 approval for POD-98-82, 84-84, and 25-91 Springer Plaza Shopping Center and Fast
116 Auto Loans at Springer Plaza Shopping Center (Formerly Bojangles)?

117

118 Mr. Jernigan - Mr. Chairman, with that I'll move for approval of transfer of
119 approval for POD-98-82, 84-84, and 25-91 Springer Plaza Shopping Center and Fast
120 Auto Loans at Springer Plaza Shopping Center (Formerly Bojangles).

121

122 Mr. Vanarsdall - Second.

123

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

126

127 The Planning Commission approved the transfer of approval request for POD-98-82,
128 84-84, and 25-91 Springer Plaza Shopping Center and Fast Auto Loans at Springer
129 Plaza Shopping Center (Formerly Bojangles), from Springer Plaza Associates, Robert J.
130 Bealty, Jr., The Marsoby Company, Colonial Builders, Inc., and Retail Development
131 Corporation to Springer Plaza Associates, LLC, subject to the standard and added
132 conditions previously approved.

133

134 Ms. News - The next item is on page 7 of your agenda and located in the
135 Three Chopt District. This is transfer of approval for POD-25-08 and 03-11, The Corner
136 at Short Pump. Staff recommends approval.

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139 **TRANSFER OF APPROVAL**
140 *(Deferred from the September 28, 2011 Meeting)*
141

POD-25-08 and 03-11 **The Rebkee Company for Short Pump Investors, LLC:**
POD2011-00226; Request for transfer of approval as required by Chapter
POD2011-00271; 24, Section 24-106 of the Henrico County Code from
POD2011-00272; W2005 WRL Realty, LLC to Short Pump Investors, LLC.
POD2011-00273; The 41.07-acre site is located on the southwest corner of
POD2011-00310; W. Broad Street (U.S. Route 250) and Lauderdale Drive,
POD2011-00311 on parcels 735-762-9743, 735-761-8792, 736-762-2221
The Corner at Short Pump and 7338. The zoning is B-2C, Business District
– 11801 and 11895 W. (Conditional), RTHC, Residential Townhouse District
Broad Street (U.S. Route (Conditional) and WBSO, West Broad Street Overlay
250) District. County water and sewer. **(Three Chopt)**

142
143 Mr. Archer - Is there anyone present who is opposed to this transfer of
144 approval for POD-25-08 and 03-11, The Corner at Short Pump? No opposition.
145

146 Mr. Branin - Then, Mr. Chairman, I'd like to move that the transfer of
147 approval for POD-25-08 and 03-11, The Corner at Short Pump, be approved.
148

149 Mr. Jernigan - Second.

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

153
154 The Planning Commission approved the transfer of approval request for POD-25-08
155 and 03-11, The Corner at Short Pump, from W2005 WRL Realty, LLC to Short Pump
156 Investors, LLC, subject to the standard and added conditions previously approved and
157 the following additional condition:

- 158
159 1. The site deficiencies, as identified in the inspection report, dated August 8, 2011,
160 shall be corrected prior to issuance of a certificate of occupancy for the buildings
161 currently under construction.

162
163 Ms. News - The final item is on page 11 of your agenda and located in
164 the Three Chopt District. This is POD-32-11, McDonald's at Westpark Shopping Center.
165 Staff recommends approval.
166
167

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD-32-11

POD2011-00353

McDonald's at Westpark
Shopping Center - 9751
W. Broad Street (U.S.
Route 250)
(POD-94-87, 45-88, and
55-91 Rev.)

Carter Design for McDonald's Corporation: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to demolish a one-story, 4,786 square-foot existing restaurant with drive-through facilities and playground and to construct a one-story 4,259 square-foot restaurant with drive-through facilities in an existing shopping center. The 1.98-acre site is located at the southeastern corner of the intersection of W. Broad Street (U.S. Route 250) and Stillman Parkway, on parcels 753-758-7760 and 9649. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

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171

Mr. Archer - Is there anyone present who is opposed to POD-32-11,
McDonald's at Westpark Shopping Center? No opposition.

172

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174

Mr. Branin - Mr. Chairman, I'd like to move that POD-32-11, McDonald's

175

at Westpark Shopping Center, be approved.

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177

Mr. Vanarsdall - Second.

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Mr. Archer - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in

180

favor say aye. All opposed say no. The ayes have it; the motion passes.

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182

The Planning Commission approved POD-32-11, McDonald's at Westpark Shopping
Center, subject to the annotations on the plans, the standard conditions attached to
these minutes for developments of this type, and the following additional conditions:

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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.

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189

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

190

191

192

30. As provided by Proffer #10 from Rezoning Case C-76C-89, the ground area
covered by all the buildings shall not exceed in the aggregate 23 percent of the
total site area.

193

194

195

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

196

197

32. Outside storage shall not be permitted.

198

199

33. The proffers approved as a part of zoning case C-76C-89 shall be incorporated in
this approval.

200

11

34. The developer shall install an adequate restaurant ventilating and exhaust system
to minimize smoke, odors, and grease vapors. The plans and specifications shall

- 202 be included with the building permit application for review and approval. If, in the
 203 opinion of the County, the type system provided is not effective, the Commission
 204 retains the rights to review and direct the type of system to be used.
- 205 35. In the event of any traffic backup which blocks the public right-of-way as a result of
 206 congestion caused by the drive-up facilities, the owner/occupant shall close the
 207 drive-up facilities until a solution can be designed to prevent traffic backup.
- 208 36. Evidence of a joint ingress/egress and maintenance agreement must be
 209 submitted to the Department of Planning and approved prior to issuance of a
 210 certificate of occupancy for this development.
- 211 37. The location of all existing and proposed utility and mechanical equipment
 212 (including HVAC units, electric meters, junctions and accessory boxes,
 213 transformers, and generators) shall be identified on the landscape plan. All
 214 building mounted equipment shall be painted to match the building, and all
 215 equipment shall be screened by such measures as determined appropriate by
 216 the Director of Planning or the Planning Commission at the time of plan approval.

217
 218 Mr. Emerson - Mr. Chairman, that now takes us to the Subdivision
 219 Extensions of Conditional Approval. Those will be presented by Mr. Lee Pambid.

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

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2010-00138 (SUB-13-10) Taylor Estates (October 2010 Plan)	25	25	0	Varina	10/24/2012

226

227 Mr. Archer - Good morning, Mr. Pambid.

228

229 Mr. Pambid - Good morning, members of the Planning Commission. This
 230 map indicates the location of 1 subdivision that is presented for an extension of
 231 conditional approval. It is eligible for a one-year extension to October 24, 2012. This is
 232 for informational purposes only; it does not require Commission action at this time.

233

234 This concludes my presentation. Staff can now field any questions you have regarding
 235 this.

236

237 Mr. Archer - Thank you, Mr. Pambid. Any questions from the
 238 Commission? Thank you, sir.

239

240 Mr. Pambid - You're welcome.

241

242 Mr. Emerson - Mr. Chairman, that now takes us to the regular agenda, page
13 3. This is a rezoning case that was deferred from the October 13, 2011 meeting.

244
245 **REZONING CASE**

246 *(Deferred from the October 13, 2011 Meeting)*

247
248 **C-9C-11 Andrew M. Condlin for Bacova, LLC:** Request to
249 conditionally rezone from A-1 Agricultural District to O-2C Office District (Conditional),
250 parts of Parcels 739-766-2504 and 739-765-0785 containing 6.439 acres (Tract A)
251 located at the northwest intersection of Pouncey Tract Road (State Route 271) and
252 Bacova Drive; from A-1 Agricultural District to R-3C One-Family Residence District
253 (Conditional), Parcel 737-766-1902 and parts of Parcels 738-765-2372, 736-766-7163,
254 739-766-2504, and 739-765-0785 containing 79.234 acres (Tracts B and C) located
255 along the west line of Bacova Drive approximately 675' west of its intersection with
256 Pouncey Tract Road; from A-1 Agricultural District to R-6C General Residence District
257 (Conditional), Parcels 736-765-2998, 736-766-0319, 735-766-7333, 735-766-4550, 735-
258 766-2261 and parts of Parcels 734-766-9974, 734-767-2531, 736-766-7163 and 735-
259 767-9459 containing 30.786 acres (Tracts D and E) located at the eastern corner of the
260 N. Gayton Road Extension and Bacova Drive intersection; and from A-1 Agricultural
261 District to R-5AC General Residence District (Conditional), parts of Parcels 735-767-
262 9459 and 736-768-5323 containing 19.481 acres (Tract F) located along the east line of
263 the N. Gayton Road Extension approximately 530' southwest of its intersection with
264 Kain Road. The applicant proposes office uses, and up to 135 single-family dwellings,
15 45 zero-lot-line dwellings, and 430 multi-family residential units. The uses will be
266 controlled by zoning ordinance regulations and proffered conditions. The R-3 District
267 allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96
268 units per acre. The R-5A District allows a minimum lot size of 5,625 square feet and a
269 maximum density of six (6) units per acre. The R-6 District allows a maximum gross
270 density of 19.8 units per acre. The 2026 Comprehensive Plan recommends Suburban
271 Residential 1, density should not exceed 2.4 units per acre, Suburban Mixed-Use,
272 density should not exceed 4.0 units per acre, Open Space/Recreation, Office and
273 Environmental Protection Area. The site is partially in the West Broad Street Overlay
274 District.

275
276 Mr. Archer - Thank you. As you may know, the hearing on this case was
277 on October 13, so today we're here to update the information and take action. Go
278 ahead, sir.

279
280 Mr. Lewis - Good morning, Mr. Chairman. Thank you. At the October 13,
281 2011 Planning Commission hearing for this case, staff detailed the overall development
282 request and described the proposed use and proffered conditions for each of the 6
283 development tracts. A number of unresolved issues were also identified and suggested
284 for further consideration by the applicant. In response, the applicant submitted revised
285 proffers, dated October 17, 2011, to address a variety of pending items. These new
286 proffers were evaluated in the staff report distributed last week, and this morning I will
17 also briefly highlight some of the major changes.

288
289 Updates to single-family Tracts B, C, and F include: clarified parameters for street tree
290 planting; and brick exterior treatment of steps, stoops, and porch piers for Tract F
291 homes that are built on crawlspace foundations.

292
293 Updates related to multi-family Tracts D and E include: exterior lighting to be of
294 ornamental residential style; interior landscaping consistent with Exhibits 15 and 16; and
295 sound suppression measures that are now based on achieving a certified maximum
296 interior decibel level of 45 dBA, rather than ensuring a specific sound transmission
297 coefficient of 50 in specific exterior walls.

298
299 Changes to pedestrian and bicycle accommodations involve: widening the concept road
300 right-of-way from 80 to 91 feet to accommodate a 10-foot-wide paved multi-use path on
301 the south side of the concept road, installed with road construction and a 5-foot-wide
302 sidewalk on the north side, installed concurrent with development of adjacent
303 properties; also, transition to a less formal and potentially less extensive internal
304 natural-surface trail system.

305
306 Revisions to buffer and landscaping proffers would: shift part of the buffer areas along
307 Tracts B and C to overlap with the yards of individual private lots to create space for the
308 bicycle/pedestrian path (This overlap area would be placed in an easement subject to
309 an association for maintenance purposes.); also, locations for the ornamental fencing
310 shown on Exhibits 21 and 22 would be expanded so a more formal appearance is
311 presented along the west and north sides of the multi-family tracts, the west and south
312 sides of Tract F, and the east and south sides of Tract A (This provides for a consistent
313 gateway at both ends of the proposed development as well as along North Gayton and
314 Pouncey Tract Roads.).

315
316 These changes, together with other more minor revisions, have further improved the
317 quality and/or clarity of the applicant's request. However, as detailed in the staff report,
318 additional items do remain pending and should still be considered by the applicant.
319 Some of the remaining items include:

- 320
- 321 - proffer language to ensure provision of the amenities that are shown on multi-
322 family layout Exhibits 15 and 16;
 - 323 - clarifying the visual impact of the proposed retaining wall on Tract E;
 - 324 - identification of the natural material to be used on the interior trail;
 - 325 - clarifying that any portion of a buffer not in common ownership is covered by
326 an association-controlled maintenance agreement; and
 - 327 - ensuring the fence portrayed in Exhibit 8 is both low-maintenance and
328 reflective of the overall high quality of the proposed development.
- 329

330 This request includes positive aspects, accounts for many of the elements anticipated in
331 high-quality development, and would add important infrastructure to the area. For these
332 reasons, staff generally supports the proposed development but remains concerned
333 about the unresolved issues identified in the staff report and mentioned today.

334

5 This concludes my presentation. I'll be happy to take any questions.

336

337 Mr. Archer - Thank you, sir. Are there questions from the Commission?

338

339 Mr. Jernigan - Mr. Lewis, you said on the amenities 15 and 16?

340

341 Mr. Lewis - Yes, sir.

342

343 Mr. Jernigan - What's the problem there?

344

345 Mr. Lewis - They are named on the conceptual plan, but often staff
346 recommends that they also be named specifically in the proffer language. If we look at
347 15 and 16, for instance, there's a dog park named here; there's a pocket park named
348 here, a playground area, and other amenities that are located on the plan. We're not
349 necessarily recommending that they be locked down to location on the site, just that
350 they be named as to be provided.

351

352 Mr. Jernigan - Okay. And the retaining wall?

353

354 Mr. Lewis - The retaining wall—it's a little hard to see. I'll try to zoom in
355 here. Shown on the conceptual plan, it stretches from this point to this point and would
356 front on the proposed conceptual road. Tract E is the one that's located at the
7 intersection of the conceptual road and North Gayton. At this point, we don't know the
358 materials or the extent of the height of the retaining wall, so we're just looking for a little
359 more detail on that.

360

361 Mr. Jernigan - So for materials and height—On the interior trails, you're
362 looking for the composition that will be used?

363

364 Mr. Lewis - Yes, sir. Right now it just says "natural material," so that
365 could be any number of things.

366

367 Mr. Jernigan - Maintenance agreement?

368

369 Mr. Lewis - The maintenance agreement—I think it just may be the way
370 that it was worded in the proffers. There was a phrase that was struck in one of the
371 proffers that in a previous version did cover all buffers under a common maintenance
372 agreement. That phrase was struck, and, as a result, the buffers on Tract F, in
373 particular, may not fall under such a requirement. That just needs to be clarified.

374

375 Mr. Jernigan - All right. If we pass this case today, these are things that can
376 be worked out between now and the Board?

377

378 Mr. Lewis - I think the bulk of the issues can be, yes, sir.

379

380 Mr. Jernigan - That's all the questions I have, Mr. Chairman.
381
382 Mrs. Jones - I have a question, if you don't mind, please. This may be
383 answered better by the applicant, but I'll start with you, Mr. Lewis. Good morning.
384
385 Mr. Lewis - Good morning.
386
387 Mrs. Jones - The issues you have just discussed that you still have,
388 seem, on a project this size, to be certainly details. I have no doubt that they can be
389 worked out to everyone's satisfaction when you're talking about trail materials and this
390 kind of thing. I just feel I need to mention, because I think it is an issue that has always
391 bothered me about this project, while SMX is not normally inclusive of a multi-family
392 component, there could be—as your staff report points out—an appropriateness for that
393 kind of development as part of this big project. It does, however, raise the density past a
394 level with which we all were comfortable in looking at this designation. I am concerned
395 about the density, and I wondered if there had been any discussions ongoing between
396 staff and the applicant specifically about the density of the apartment component of this
397 development.
398
399 Mr. Lewis - There have been discussions over the course of meetings
400 on this case. I wouldn't say that there's been any change in staff's stance or the
401 applicant's stance on that point in the recent past. It is still in the staff report as
402 something that we would like the applicant to address. I didn't mention it in the
403 presentation because it's an issue that has been there, and I think everybody knows the
404 2 sides on that. So, no, there has not been recent discussion on specifically how that
405 might change.
406
407 Mrs. Jones - I do think there are a lot of very high-quality elements to this
408 development. I think it provides a lot of benefits in many ways. I just am concerned the
409 density may be more than, in the end, we would like to have. So, perhaps the applicant
410 can answer that as well.
411
412 Mr. Lewis - Yes, ma'am.
413
414 Mrs. Jones - Thank you.
415
416 Mr. Archer - Any further comments or questions from the Commission?
417 All right, thank you, Mr. Lewis.
418
419 Mr. Condlin - Members of the Commission, Mr. Chairman.
420
421 Mr. Archer - Mr. Condlin, good morning, sir.
422
423 Mr. Condlin - I'm Andy Condlin from Williams Mullen here on behalf of
424 Bacova, LLC. I was going to address those items by saying "yes". With respect to—
425

426 Mr. Archer - Mr. Condlin, excuse me. For the discussion period, do you
27 want to reserve any time?
428

429 Mr. Condlin - I'll reserve whatever time I have left. I don't think I'll take but
430 a few minutes to cover the issues.
431

432 Of the 4 issues that were mentioned, it was a drafting error on my part about the buffers
433 not being maintained. Mr. Lewis is completely correct. That's easily changed. Identifying
434 a natural material—The intent was to identify it at the time of POD; I think it does say
435 that. It doesn't say it clearly, obviously, so I will clarify that in the proffers that that will be
436 done. Whatever the natural material is for the interior trails will be approved by the
437 Planning Commission because they're already going to be approving the location.
438

439 As to the retaining wall, it says "potential." It may not go there. We're going to take it off
440 the plans. It's subject to POD approval anyway. When we come back for those
441 apartments, if we need it, we have to give it to you, show you the material and how high
442 it's going to be, and get your approval on that. We're just going to take it off the plans
443 altogether so there's no reference to a retaining wall.
444

445 Mr. Vanarsdall - What are you taking off?
446

447 Mr. Condlin - The reference to a retaining wall. We may not need it. We
448 may be able to grade without having to put in the retaining wall. So, it really becomes a
19 moot point at that point. This is the only reference to it in the plans. Our engineers got a
450 little ahead of us on that, so I think we'll take that off.
451

452 Then, with respect to the amenities, we'll definitely do that. We show them on the
453 exhibit; we reference the exhibit in the proffers. If you want the specifics, we can do that;
454 that's not a problem. So, again, the answer to all that, I think, is easily resolved. If you
455 are able to push this forward with a recommendation for the Board of Supervisors, we
456 have the time to do that.
457

458 I was going to address the question of the Suburban Mixed Use (SMX) designation that
459 is referenced in the Comprehensive Plan. I would point out a couple of things. One is
460 that as you look to the staff report, there is a lot that is lined through. A significant
461 portion of the lined-through includes, "The request is not fully consistent with the goals
462 of the Comprehensive Plan." Every single item has been lined through. I think that's
463 significant. I don't know if I've ever had a case that didn't contradict at one point or
464 another with the Comprehensive Plan.
465

466 The other thing I would mention with respect to the SMX—it's quoted on page 3, and I'm
467 not going to quote the whole thing. The SMX designation says this type of development
468 is similar to Twin Hickory, Wyndham, and Wellesley. Interesting enough, Twin Hickory,
469 Wyndham, and Wellesley all have a significant multi-family portion of their project. Every
470 one of them. It also goes on to say that not only do you need a variety of housing, but
71 those would include—and while they don't specifically mention multi-family, it's certainly

472 a potential, and it's not excluded. I would also reference the fact that—as we all know—
473 it's a guide, and there are particulars of development. The particulars of this
474 development—if I can flip up to the first exhibit, which is the easiest way to see it. This
475 area that we're talking about with multi-family—along I-64, along North Gayton Road,
476 along the wetlands—is significantly different than what you'll find in other SMX-
477 designated provisions in the Comprehensive Plan for properties that are otherwise
478 located or designated as SMX. I think this is a particular and unique piece of property
479 for that purpose. I think that when we're talking about density with a goal of 4.0—again
480 it's a goal. We're at 4.5, which is not significantly more.

481
482 The last thing I'll mention is there is an unbelievable amount and a significant amount of
483 public positives that come from this case. One major change that I think is of particular
484 significance is the 10-foot multi-use path along the concept road, the southern [side of
485 the] concept [road], and a 5-foot sidewalk along the northern side of the concept road.
486 That multi-use path, increasing the right-of-way to accommodate the multi-use path,
487 which according to Public Works not only is there a 10-foot path, but the 2-foot grass
488 strip is now a 5-foot grass strip. So we've gone from 4-foot and 2-foot, which is a total of
489 6 feet, to 15 feet; it's an acre. An additional acre of land that's been designated
490 specifically for that multi-use path along the distance of the concept road.

491
492 There are plenty of other significant public benefits that come from this project. When
493 you add all of that up, I do think this qualifies for and should satisfy the Planning
494 Commission and the Board of Supervisors with respect to whether it does meet the
495 goals of the Comprehensive Plan as set forth from the staff.

496
497 So, with that, I'm happy to answer any questions. I feel very confident—and I believe
498 staff does—that we can resolve these last, what really are, 4 minor issues and that,
499 otherwise, we meet all the requirements from the Comprehensive Plan.

500
501 Mr. Vanarsdall - Mr. Condlin, last time I asked you where you were going to
502 put 430 apartments. Mrs. Jones mentioned the high quality in this, and I agree with her.
503 We have the Hamptons out on Hunton Park Boulevard. They started out as the Lodge
504 when they were built. They were very large, so I had Mr. Lewis look up a comparison. A
505 one-bedroom is the same—800 square feet. The Hamptons [two-bedroom] is 1,000
506 where these are 900. The 3-bedrooms at the Hamptons are 1,300, and these are 1,100.
507 So, that's pretty close to it. I did that just to see how much quality was there.

508
509 Mr. Condlin - Thank you.

510
511 Mr. Jernigan - Mr. Condlin, you were discussing that you may take the
512 retaining wall out before POD. It is proffered on the conceptual plan?

513
514 Mr. Condlin - We're going to take it off the conceptual plan.

515
516 Mr. Jernigan - Please get that straight with staff before it goes to the Board.

517

518 Mr. Condlin - I'll have it done within the week. Yes, sir.

519
520 Mrs. Jones - Mr. Condlin, I just want to wrap up my thoughts about the
521 density. Again, I say there are many, many, many good features to this development,
522 and I don't want to focus in on one concern I have as an overall assessment of the
523 project. Twin Hickory, Wyndham, Wellesley—I think no one here having watched them
524 come along and develop and be very successful communities can doubt that these are
525 well-received and certainly high-quality developments. I'm not sure, because I wasn't
526 here for the development phase of those, whether the total community—including all the
527 various kinds of housing there—does exceed 4.0. It may be that it's a smaller
528 percentage of the whole, therefore it doesn't affect the density the way this does. I also
529 do not know how many apartments would have to be adjusted to reach that 4.0, but I
530 would just suggest as this goes forward and as actual plans become very, very clear for
531 the site, just keep in mind the thought of decreasing density as a further plus. I think
532 there are a lot of benefits to this project, certainly for that parcel. I do want to put that on
533 the record that is my concern and probably my only concern.

534
535 Mr. Condlin - I don't have the numbers, and I agree with you that could be
536 apples and oranges. Again, I'll go back to the significant benefit. Over one-third of the
537 property is designated to natural areas and parks in this location. It's another critical
538 piece. Staff has been pounding that on me, and I'll finally admit that I agree with them—
539 on this instance only, Joe.

540
541 Mrs. Jones - You want that on the record?

542
543 Mr. Condlin - Yes, but between Pouncey Tract and Gayton and leading
544 into what's going to go west of here, this is setting a standard for everything north and
545 west of here, and that this is a significant piece of property. It may be smaller than some
546 of those others, but from that standpoint what we're providing for, I think, is pretty critical
547 to the decision on this property.

548
549 Mrs. Jones - Thank you.

550
551 Mr. Archer - Any other questions for Mr. Condlin? All right. Mr. Condlin,
552 for the record, you have about 5 and a half minutes left for your rebuttal time. Is there
553 anyone from the public who wishes to speak to this case? I'll say that with a reminder
554 that we did have a public hearing on October 13, so we don't want to be repetitious.
555 Good morning ma'am.

556
557 Ms. Hamilton - Good morning. My name is Karen Hamilton, but I guess you
558 all know that by now. The problem with this development is that you took property from
559 62 people to build a road so that you could put this development through. You put this
560 road through under the guise that we already needed it because the traffic was already
561 bad, and, yes, traffic is bad. You took property from 62 people. Am I to understand from
562 the last meeting that some of this property that you took from these homeowners, that
563 you're now giving over to this development or selling to this development? Is some of

564 that land going to this development? That's not legal, and you know it. You took
565 property from 62 long-time taxpayers, and you put through a road just so you could
566 make this development. We don't need apartments. You have no idea, apparently, how
567 bad the traffic is out there and what you're doing. I mean, there are going to be deaths,
568 and I guess I'm going to have to personally bring death certificates to you to make you
569 see how bad it's going to be. People will die. You're not even giving us a traffic light at
570 the intersection of Kain and the new Gayton Road extension. You're not giving us a
571 traffic light at the corner of Pouncey Tract and Kain. So, you know, you're just making
572 things worse by giving us apartments. The traffic is already bad out there.

573

574 More importantly, Mr. Condlin knows from hearing me speak, and you all know from
575 hearing me speak, that this is an area that is important to wildlife. In previous years, I've
576 actually read a list of every bird species that I've seen; I won't do that today. I've also
577 hand-delivered letters to the department that I hoped that each of you would read, and
578 obviously you haven't. This is an important wildlife area. The trouble with the comment
579 that Mr. Emerson made at the last meeting, that Henrico had purchased land for a park,
580 is that birds don't confine themselves to parks. They don't know that you're going to be
581 tearing down a tree, and they build a nest in it.

582

583 The Federal Migratory Bird Treaty Act, which is nearly 100 years old, says that you
584 cannot destroy a tree if there is a nest with eggs or chicks inside it. This law goes so far
585 as to say if there's a tree here and 50 feet away or 100 feet away you're making so
586 much noise that you scare the parents and they abandon the nest with eggs or chicks,
587 you have still violated the Federal Migratory Bird Treaty Act.

588

589 Mr. Emerson, when you talk about parks, you're making the parks obsolete for birds. I
590 mean, what you do is you have all these baseball games going on, which are noisy and
591 will scare the birds away. You have dog parks. You put up a building in Deep Run Park
592 that we didn't need. So, you keep tearing down the trees in our parks. A park in Henrico
593 is not the same as a wildlife preserve, just so you know for your clarification.

594

595 This development is based on a lie, because when I spoke to the—or when I speak to
596 the State biologist who gives his approval stamp on every development, he admitted to
597 me that he doesn't actually look for migratory birds. He couldn't care less. He goes
598 through very quickly. He walks through with a bunch of you—and I don't know who
599 goes; I'm going to find out—but he walks with a bunch of planners and developers
600 through the woods. That's not how you look for birds. That's not how you look for
601 salamanders. That's not how you look for endangered species. You have to be quiet
602 about it. So, this is based on a lie. This development was given a stamp of approval by
603 a biologist, just like all of the development out there. I can tell you that you have been
604 responsible for the deaths of many creatures, not just migratory birds. The law does not
605 just protect endangered species; it protects migratory birds.

606

607 There was a development out in Los Angeles—I'm sorry—there was a sighting just 30
608 miles outside of Los Angeles by a biologist. They found a species of lizard that they
609 thought was extinct because they actually looked. The biologists don't actually care in

610 Virginia, because all you care about is development. I'm telling you this is based on a
611 lie. There are migratory birds out there that need your protection and attention, and
612 there are humans out there that need your protection and attention. This is too much.
613 Humans weren't even meant to live like this. We weren't meant to live in apartments
614 stacked on top of one another.
615

616 Every one of you today stood up—I watched you—and you said the Pledge of
617 Allegiance. I couldn't watch your lips; I don't know if you actually said the phrase that
618 you were "under God", but the Bible specifically says that we're supposed to look out for
619 creatures. We're supposed to care about birds. God cares if so much as one bird dies.
620 You guys don't. We do not need this development, and, furthermore, we have other
621 areas—
622

623 Mr. Archer - Time is—
624

625 Ms. Hamilton- No, one more thing. We have other areas like Suburban
626 Apartments. You tore those down, and then you said you were going to put up a
627 development. Everybody doesn't have to—
628

629 Mr. Archer - I'm not stopping you; I just need to remind you there are 10
630 minutes—
631

632 Ms. Hamilton - I'm almost through here.
633

634 Mr. Archer - You've used almost half of it. There's someone else who
635 wants to speak, I just wanted to make you aware of it.
636

637 Ms. Hamilton - Okay, I'm aware of that, but let me tell you this. They tore
638 down Suburban Apartments. You all said you were going to put up a quality
639 development. Nothing's ever happened with that. There is already infrastructure there.
640 The buses already go by there. There are already roads that are out there. Everybody
641 doesn't have to live in Short Pump. Why can't you say to this gentleman, "Hey, take this
642 and put it where Suburban Apartments used to be?" What is wrong with that? Why does
643 everybody have to be in Short Pump? Why do you have to keep destroying nature? I'm
644 done.
645

646 Mr. Archer - Any questions for Ms. Hamilton? Is there anyone else who
647 wishes to speak? You have about 5 minutes left—4 minutes I should say.
648

649 Ms. Hamilton - I wanted to say something else.
650

651 Mr. Branin - Ms. Hamilton, please turn around.
652

653 Ms. Hamilton - I want an answer to my question. You didn't answer my
654 question. Are you giving land—
655

656 Mr. Branin - Ms. Hamilton, please turn around; there's a lady standing
657 behind you. You're incorrect. Thank you.

658
659 Mrs. O'Bannon - Ms. Hamilton, I can say that the County has not done
660 anything illegal.

661
662 Ms. Powell - My name is Sarah Powell, and you've heard me before, too.
663 I'm still concerned about the density and the apartments. We don't need all this. I think
664 the overall idea of the neighborhood is okay, minus the apartments. It's too high-density,
665 and we're tromping all over the Comprehensive Plan. We continue to do that all in the
666 guise of developers who want to make a lot of money and people who want to make a
667 lot of money on their land. We didn't want to be Fairfax. We didn't want to be.

668
669 Now, when we all moved out there years ago, we wanted to be in the country. This is
670 the last little portion of the whole West End that has the possibility of having some
671 wildlife and having some deer walk in your backyard. We keep cluttering it up with wall-
672 to-wall houses or wall-to-wall whatever in development. If we're going to spend all this
673 money every 5 or 10 years to make the Comprehensive Plan, we either need to follow it
674 or just throw it out the window.

675
676 We haven't discussed price points on these places. They look nice on the map, I mean,
677 as far as the pictures, but we don't know how many square feet. We don't know how
678 many dollars they're spending on this. We don't need the apartments, obviously. As Mr.
679 Condlin [Vanarsdall] said at the last meeting, Henrico has more apartments than any
680 other county around. We don't need them, and let's save some land. Let's save some
681 trees. Let's save a little bit of country.

682
683 That's all I have to say. Thank you very much.

684
685 Mr. Jernigan - Thank you, ma'am.

686
687 Mr. Archer - Any questions or comments? We have roughly a minute and
688 a few seconds or so left if anybody else needs to comment. Mr. Condlin, do you want to
689 say anything? All right then, I suppose we're ready to take action.

690
691 Mr. Jernigan - Mr. Emerson, just to clear things up. All of our zoning cases
692 go through our legal staff, correct?

693
694 Mr. Emerson - That is correct, yes, sir.

695
696 Mr. Jernigan - And they have told us that this is legal, correct?

697
698 Mr. Emerson - Yes, sir. If your question is specifically pertaining to the
699 Federal Migratory Bird Act, all the documentation Ms. Hamilton has sent over the years
700 has been reviewed by our legal department. As far as I know from their advice, we're
701 completely consistent with where we need to be.

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Mr. Jernigan - Okay. Thank you, sir. All right, Mr. Chairman, I'm ready to make a motion.

Mr. Archer - All right, Mr. Jernigan.

Mr. Jernigan - With that, I'd like to move for approval of case C-9C-11, Andrew M. Condlin for Bacova, LLC, to send to the Board for their approval.

Mr. Vanarsdall - Second.

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

The vote was as follows:

- Mr. Archer - Yes
- Mr. Jernigan - Yes
- Mr. Vanarsdall - Yes
- Mrs. Jones - No
- Mr. Branin - Abstain

The record should show four [three] to one is the vote with Mrs. Jones voting no and Mr. Branin abstaining.

The Planning Commission on a three to one vote approved case C-9C-11, Andrew M. Condlin for Bacova, LLC.

SUBDIVISION AND EXCEPTION

SUB-11-11
SUB2011-00101
Riverlake Colony
(October 2011 Plan) –
Eildonway Place and
Colony Bluff Place

E.D. Lewis and Associates for Riverlake Property, LLC: The 1.2-acre site proposed for a subdivision of 2 3 single family homes, is located along the north line of Eildonway Place, at its intersection with Colony Bluff Place, on parcels 741-741-3612, and 5809, and **741-740-5597**. The zoning is R-1, One-Family Residential District (Controlled Density). County water and sewer.
(Tuckahoe) 2 3 Lots

Mr. Archer - Is there any opposition to SUB-11-11, Riverlake Colony (October 2011 Plan)? Good morning, Mr. Wilhite.

Mr. Wilhite - Good morning, Mr. Chairman.

In your packet today, you received a revised plan concerning this project. The revised plan actually incorporates a third lot into the subdivision, located right here. Lot 47, as it

740 appears here, is a stem lot, which requires an exception and specific approval by the
741 Planning Commission. This is necessitated by virtue of the fact that when this
742 subdivision was recorded, Pump Road had originally existed here. When Pump Road
743 was vacated by the Board of Supervisors, Lot 47 became non-conforming. It didn't meet
744 the lot requirements for a buildable lot because it did not have public road frontage. The
745 new layout that is proposed by the applicant alleviates this problem. It does front on
746 Eildonway Place; however, with the configuration, it is a stem lot that requires your
747 approval.

748
749 Staff has reviewed this plan, and we can recommend approval. On page 1 of your
750 addendum there is a revised recommendation addressing that. I'll be happy to answer
751 any questions that you have.

752
753 Mr. Archer - Thank you, sir. Are there questions for Mr. Wilhite from the
754 Commission?

755
756 Mrs. Jones - With the revised plan, I think we have everything worked out
757 on this case because it will answer all the issues. I wanted to know is the exception a
758 separate vote from the subdivision, Mr. Secretary?

759
760 Mr. Emerson - I believe you can combine it. You can do it either way, just
761 include it in your motion.

762
763 Mr. Archer - All right. Any further questions? I guess we're ready then,
764 Mrs. Jones.

765
766 Mrs. Jones - Okay. With that, then, I would like to move for approval of
767 the subdivision and the exception for the stem lot for SUB-11-11, Riverlake Colony
768 (October 2011 Plan). This is in addition to the standard conditions for subdivisions
769 served by public utilities, the additional Condition #13 on the agenda, and the revised
770 caption, revised plan, revised case map, and revised recommendation listed on the
771 addendum.

772
773 Mr. Vanarsdall - Second.

774
775 Mr. Archer - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in
776 favor say aye. All opposed say no. The ayes have it; the motion passes.

777
778 The Planning Commission granted conditional approval to SUB-11-11, Riverlake Colony
779 (October 2011 Plan), subject to the standard conditions attached to these minutes for
780 subdivisions served by public utilities, the annotations on the plans, and the following
781 additional condition:

782
783 13. The plat shall contain a statement that the common area is dedicated to the
784 common use and enjoyment of the homeowners of Riverlake Colony and is not

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dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.

PLAN OF DEVELOPMENT

POD-31-11
POD2011-00340
Titlemax – 7807 W. Broad
Street (U.S. Route 250)

Balzer and Associates, Inc. for Aram G. Topjian and Nvard Topjian and TMX Finance: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to change the use of an existing fuel station to a one-story, 2,309 square-foot small loan financial institution and to construct parking lot upgrades. The 1.0-acre site is located on the south line of W. Broad Street (U.S. Route 250) at the south quadrant of its intersection with Hungary Spring Road, on parcel 764-751-7937. The zoning is B-3, Business District. County water and sewer. **(Tuckahoe)**

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Mr. Archer - Is there any opposition to POD-31-11, Titlemax? I see none.
Mr. Pambid, go ahead, sir.

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Mr. Pambid - Good morning. The proposal calls for the redevelopment of an existing 2,309-square-foot building into a small loans office that most recently served as a used car lot and was originally constructed as a gas and auto service station.

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The site currently has 4 entrances to the site, 2 of which will be removed. A sidewalk is proposed along Broad Street as well as Hungary Spring Road. No building additions are proposed. All of the canopies and fuel pump islands will be removed, and the underground storage tanks have previously been removed. One ground-mounted HVAC unit will be placed to the left of the building adjacent to the AAMCO.

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Staff received elevations on Friday afternoon, which were distributed to you this morning. In discussions with Titlemax throughout this week, architectural enhancements have been suggested in order to increase the aesthetic quality of the building beyond what is being presented. The maintenance bay doors will be replaced with storefront glass and doors, with the exception of the far left bay, which will be closed off with materials to match the existing building. The building will be painted white, and the fascia will be metal and painted dark blue. The front and sides of the building have a brick veneer. The rear wall of the building is constructed of smooth faced block, and the roof is gabled with shingles.

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This concludes my presentation, and I can now field any questions you may have regarding this. I believe that there is a representative for the applicant here as well.

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817
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Mr. Archer - All right. Thank you, Mr. Pambid. Are there questions from the Commission?

'9

820 Mrs. Jones - I believe he may have left. Can you put the site plan up there
821 please, Mr. Pambid? You mentioned about the closing of the 2 entrances?

822
823 Mr. Pambid - Yes, ma'am.

824
825 Mrs. Jones - Okay. I think if you look at the site plan, there's significant
826 improvement with the canopies coming down and the revisions that are planned. I think
827 it's an understatement to say that the architectural could use some enhancements. I
828 wanted you to present it today so that the rest of the Commission would see what we're
829 dealing with. I had a conversation with the corporate officer who is handling this
830 particular project. He and I both agreed that there are probably things we could arrange
831 in order to add another level of upgrade and sophistication to this facade if we had a
832 little bit of time to work with it. So I believe that although the site plan—unless you all
833 have questions with it—seems to work well on this parcel, I think the architectural are a
834 problem. I have decided to defer the entire case for 30 days. At that time, we will come
835 back to you most likely with just some changes to the architectural. However, I want to
836 leave the site plan as part of the discussion in case something else is involved.

837
838 Unless somebody has any other questions, I'll do that.

839
840 Mr. Branin - I have a question. This was a service station, correct?

841
842 Mrs. Jones - Correct.

843
844 Mr. Branin - Where are the tanks?

845
846 Mrs. Jones - They're gone.

847
848 Mr. Branin - Are they gone already?

849
850 Mrs. Jones - Yes.

851
852 Mr. Branin - Okay. I had seen no reference to removal of them, and I
853 didn't know if they were actually still in the ground or not. Okay. Then I have no more
854 questions.

855
856 Mrs. Jones - Okay.

857
858 Mr. Archer - All right, Mrs. Jones.

859
860 Mrs. Jones - Could I ask the date of the November meeting?

861
862 Mr. Emerson - That would be November 16.

863
864 Mrs. Jones - Sixteenth? All right. I would like to move that POD-31-11,
865 Titlemax, be deferred as a Commission deferral to the November 16, 2011 meeting.

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Mr. Jernigan - Second.

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Mr. Archer - Motion by Mrs. Jones, seconded by Mr. Jernigan for deferral to November 16. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

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At the request of the Commission, the Planning Commission deferred POD-31-11, Titlemax, to its November 16, 2011 meeting.

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PLAN OF DEVELOPMENT – CHESAPEAKE BAY RESOURCE PROTECTION AREA EXCEPTION

877

878

B-313

POD2011-00264

Meredith Branch Sewage Pumping Station – 5020 and 5028 Fairlake Lane

Greeley and Hansen, LLC for the County of Henrico Department of Public Utilities: Request for approval of a Chesapeake Bay Resource Protection Area Exception as required by Chapter 24, Sections 106.3(f) and 106.3(l) of the Henrico County Code. The exception would allow a proposed public utility building to encroach within the seaward 50-feet of the required 100-foot wide Resource Protection Area (RPA), adjacent to an un-named tributary of the Chickahominy River in the Meredith's Branch Watershed. The exception would allow an encroachment to construct the Meredith Branch Sewage Pumping Station, which includes a new 3,110 square-foot, one-story sewage pump station building and the demolition of an existing 896 square-foot, one-story sewage pump station, as well as related site improvements. The 1.258-acre parcel is located along the western line of Fairlake Lane, approximately 750 feet north of Classic Road at 5020 and 5028 Fairlake Lane, on parcels 757-764-5775 and 757-764-3965. The zoning is R-3, One-Family Residential District, and C-1, Conservation District. County water and sewer. **(Brookland)**

879

880

Mr. Archer - Is there anyone here in opposition to case B-313, Meredith Branch Sewage Pumping Station? Good morning, gentlemen.

881

882

883

Mr. Jackson - Good morning. Scott Jackson, Public Works Department. The Department of Public Utilities has requested an exception to allow them to encroach into the seaward 50 feet of the RPA buffer. In order to encroach into the seaward 50 feet, they need an exception granted by the Planning Commission.

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Typically, pump stations are located at the lowest point in the sewer shed to maximize service area. In addition, since this is replacing an existing station, it's also where the existing sewer lines are located. As far as expanding outside of the buffer, they are

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90

891 bounded by Fairlake Lane, which eliminates the possibility of moving away from the
892 RPA buffer.

893
894 The existing pump station and associated parking are going to be demolished in that
895 area. Impervious cover is going to be replaced with an RPA buffer. In addition to moving
896 the pump station out of the 100-year floodplain, the project will actually result in a
897 decrease of impervious cover within the RPA buffer. It provides plans for minimizing
898 encroachment to the extent practical, and encroachments into the buffer outside of the
899 fenced area are going to be reforested except in the eastern areas, which will be
900 planted with native grasses.

901
902 Mr. Branin - Mr. Jackson, when is the pump station proposed to be
903 done?

904
905 Mr. Vanarsdall - Please come on down to the microphone because we're
906 being recorded.

907
908 Mr. Branin - Mr. Jackson, your voice has changed.

909
910 Ms. Sossong - Marchelle Sossong. I'm with Public Utilities. We are about
911 ready to go to construction once [inaudible]. We anticipate going to construction in the
912 spring. Construction would be about 18 months.

913
914 Mr. Branin - This has already been through budget? It's on the CIP?

915
916 Ms. Sossong - Yes, sir.

917
918 Mr. Archer - Thank you, ma'am. Mr. Kennedy, good morning, sir.

919
920 Mr. Kennedy - The conditions necessary for exception are met; therefore,
921 the Planning staff can recommend approval as well.

922
923 Mr. Vanarsdall - Maybe the Commission remembers something similar to
924 this—it wasn't sewage—that came before the Planning Commission because down in
925 Tidewater they had been approving these without checking them. The General
926 Assembly changed that. For any of you that haven't looked at it, this one is in a good
927 place for expansion. I believe Mrs. Jones said she had to have a guide to find it.

928
929 Mr. Archer - All right. Are there questions or comments other than that
930 from the Commission?

931
932 Mr. Vanarsdall - I recommend approval of this exception subject to Condition
933 #1.

934
935 Mr. Branin - Second.

936

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

939
940 The Planning Commission approved B-313, a Chesapeake Bay Resource Protection
941 Area Exception for Meredith Branch Sewage Pumping Station, subject to the
942 annotations on the plans, the standard conditions attached to these minutes for
943 developments of this type, and the following additional condition:

944
945 1. The applicant shall include a reforestation plan as a component of the Plan of
946 Development for administrative approval.

947
948 Mr. Vanarsdall - Mr. Jackson, I forgot to thank you for coming this morning.

949
950 Mr. Emerson - Mr. Chairman, that now takes us to the next-to-the-final item
951 on your agenda, which is approval of your minutes for the September 28, 2011 meeting.

952
953 APPROVAL OF MINUTES: September 28, 2011

954
955 Mr. Archer - Are there any corrections to the minutes of September 28,
956 2011.

957
958 Mrs. O'Bannon - I have some corrections.

959
50 960 Mr. Branin - Mrs. O'Bannon, I apologize for not having recognized you
961 when we started.

962
963 Mrs. O'Bannon - I'm fine.

964
965 Mr. Archer - I'll do it twice next time.

966
967 Mrs. O'Bannon - There were just a couple of minor corrections, and I know
968 they're toward the back. Excuse me while I find them. Maybe I should have started in
969 the back. Here we go. On page 35, line 1337: Requirement is no driving on the day
970 when you go into worship, not serve. The word "serve" should be "worship." This is one,
971 line 1382. Mr. Archer is talking, but if you put commas around the word "say," that is
972 indication of that—you paused and said "say," which means "for instance," and there
973 should be commas around that to make it easier to read. That's just a technical thing.
974 Your intent was to say something as a "for instance."

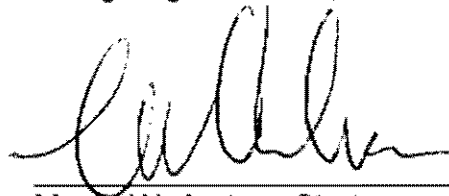
975
976 Mr. Archer - That's an astute observation, Mrs. O'Bannon.

977
978 Mrs. O'Bannon - I believe that's all.

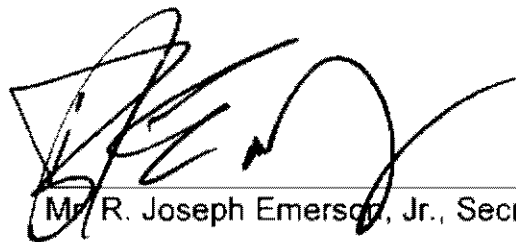
979
980 Mr. Archer - Anyone else? All right. Do we have a motion for approval?

981
82 982 Mr. Branin - So moved.

983
984 Mr. Jernigan - Second.
985
986 Mr. Archer - Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor
987 say aye. All opposed say no. The ayes have it; the motion passes.
988
989 The Planning Commission approved the September 28, 2011 minutes as corrected.
990
991 Mr. Branin - Mr. Chairman, on the Bacova vote, I abstained. I don't know
992 if that was caught.
993
994 Mr. Archer - No, it wasn't. The vote should be three to one, with one
995 abstention.
996
997 Mr. Branin - Correct.
998
999 Mr. Archer - Thank you, Mr. Branin. Anything else to bring before the
1000 Commission?
1001
1002 Mr. Emerson - Mr. Chairman, I have nothing else this morning.
1003
1004 Mr. Archer - Anyone else?
1005
1006 Mrs. Jones - Do we have a work session coming up?
1007
1008 Mr. Emerson - We do, yes, ma'am. Thank you for reminding me. You do
1009 have a work session on November 10, 2011 at 5:30 p.m.. That's to continue the
1010 discussion of the *Places of Worship* ordinance.
1011
1012 Mrs. Jones - Okay.
1013
1014 Mr. Archer - All right. Also let me remind everyone that next month's
1015 meeting is a week early due to Thanksgiving. With that, we are adjourned.
1016



Mr. C. W. Archer, Chairman



Mr. R. Joseph Emerson, Jr., Secretary

PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **October 26, 2011**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

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

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

STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **October 26, 2011**, 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 26, 2011**, 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 24, 2012**, 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 26, 2011**, 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 24, 2012**, 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 26, 2011**, 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 24, 2012**, 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 26, 2011**, 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 24, 2012**, 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 26, 2011**, 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 24, 2012**, 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.