

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads beginning at 9:00 a.m. Wednesday, April 22, 2009.
4

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

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

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

8
9 Mrs. Jones - I'd like to call this meeting to order and ask that you stand
10 for the Pledge Allegiance to the Flag.

11
12 Good morning everyone.

13
14 Mr. Jernigan - Good morning.

15
16 Mr. Vanarsdall - Good morning.

17
18 Mrs. Jones - I'd like to welcome you all to the Subdivisions and Plans of
19 Development meeting for the Henrico County Planning Commission. We're happy to
20 have you with us this morning. Happy Earth Day. I'd like to ask that everyone mute or
21 turn off cell phones, please, for the courtesy of others. With that, I will turn our meeting
22 over to our secretary, Mr. Emerson.

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Mr. Emerson - Thank you, Madam Chair. The first item on your agenda this morning is requests for deferrals and withdrawals. Those will be handled by Ms. Leslie News. I believe we have one deferral that has been requested by the applicant and potentially some additional ones from the Commission.

Ms. News - Yes, sir. Good morning, Madam Chair, members of the Commission.

Mr. Jernigan - Good morning.

Mrs. Jones - Good morning, Ms. News.

Mr. Vanarsdall - Good morning, Leslie.

Ms. News - The deferral request that we have is found on page 10 of your agenda and is located in the Brookland District. This is POD-03-09, Our Lady of Lourdes School Classroom Addition. The applicant has requested a deferral to the May 27, 2009 meeting.

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

POD-03-09 Our Lady of Lourdes School Classroom Addition – 8200 Woodman Rd. (POD-04-96 Rev.)	Hulcher and Associates, Inc. for Catholic Diocese of Richmond: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one story 846 square foot addition for two classrooms. The 19.86-acre site is located at the northwest corner of Lourdes Road and Woodman Road on parcel 776-754-8470. The zoning is R-3, One Family Residence District. County water and sewer. (Brookland)
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Mrs. Jones - Is there any opposition to the deferral of POD-03-09, Our Lady of Lourdes School Classroom Addition? No opposition.

Mr. Vanarsdall - Before I defer this, it is to construct what Ms. News said, but, in addition to that, I'm looking for a stoplight—a flashing light in front of the school. We found out that there were none there for some reason, and traffic travels pretty swiftly through there. This is going to have to be included with the addition to the school. With that, I move POD-03-09, Our Lady of Lourdes School Classroom Addition, be deferred to May 27, 2009, at the applicant's request.

Mr. Branin - Second.

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

60
61 At the request of the applicant, the Planning Commission deferred POD-03-09, Our
62 Lady of Lourdes School Classroom Addition, to its May 27, 2009 meeting.

63
64 Ms. News - Staff is aware of no further requests.

65
66 Mrs. Jones - Are there any further requests from the Commission?

67
68 Mr. Jernigan - Madam Chair—first of all, is there anybody here
69 representing POD-88-78, the BP Convenience Store at Laburnum Avenue and
70 Williamsburg Road? There isn't—then I'm going to make a motion for deferral on this.

71
72 **TRANSFER OF APPROVAL** (*Deferred from the March 25, 2009 Meeting*)

POD-88-78
BP Convenience Store
(Formerly Amoco Oil
Company) -
S. Laburnum Ave. and
Williamsburg Rd.

James P. Karides for Laburnum, LLC: Request for
transfer of approval as required by Chapter 24, Section
24-106 of the Henrico County Code from Amoco Oil
Company to Laburnum, LLC. The 0.55-acre site is located
at the southeast corner of S. Laburnum Ave. and
Williamsburg Rd. (U.S. Route 60), on parcel 816-713-
6077. The zoning is B-3, Business District. County water
and sewer. **(Varina)**

73
74 Mrs. Jones - All right. Is there anyone in opposition to the deferral of
75 transfer of approval for POD-88-78, BP Convenience Store (Formerly Amoco Oil
76 Company)? It is on page 3 of the agenda. All right, there is no opposition.

77
78 Mr. Jernigan - I move for deferral of transfer of approval for POD-88-78, BP
79 Convenience Store (Formerly Amoco Oil Company), to May 27, 2009, by request of the
80 Commission.

81
82 Mr. Vanarsdall - Second.

83
84 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
85 favor say aye. All opposed say no. The ayes have it; the motion passes.

86
87 At the request of the Commission, the Planning Commission deferred transfer of
88 approval for POD-88-78, BP Convenience Store (Formerly Amoco Oil Company), to its
89 May 27, 2009 meeting.

90
91 Mr. Emerson - Madam Chair, that completes the withdrawals and deferrals
92 and takes us to the expedited agenda. Ms. News will present that as well. There are
93 three items on the expedited agenda.

94

95 Ms. News - The first item is found on page 4 of your agenda and is
96 located in the Three Chopt District. This is a request for a transfer of approval of POD-
97 43-07. This is part of the POD in Reynolds Crossing, Max and Erma's at Reynolds
98 Crossing. Staff can recommend approval.

99

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101

TRANSFER OF APPROVAL

102

POD-43-07 (Part) **Troutman Sanders, LLP for 6623 Broad, LLC:** Request
Max and Erma's at for a partial transfer of approval as required by Chapter
Reynolds Crossing – 6623 24, Section 24-106 of the Henrico County Code from
W. Broad Street Reynolds Holding, LLC to 6623 Broad, LLC. The 1.7-acre
site is located on the northwest corner of the intersection
of W. Broad Street (U.S. Route 250) and Forest Avenue,
on parcel 767-744-9052. The zoning is B-2C, Business
District (Conditional). County water and sewer. **(Three
Chopt)**

103

104 Mrs. Jones - Is there anyone in the audience opposed to the transfer of
105 approval for POD-43-07 (Part) Max and Erma's at Reynolds Crossing? No opposition.

106

107 Mr. Branin - Then I would like to move that transfer of approval for POD-
108 43-07 (Part), Max and Erma's at Reynolds Crossing, be approved on the expedited
109 agenda.

110

111 Mr. Vanarsdall - Second.

112

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

115

116 The Planning Commission approved the transfer of approval request for POD-43-07
117 (Part), Max and Erma's at Reynolds Crossing, from Reynolds Holding, LLC to 6623
118 Broad, LLC, subject to the standard and added conditions previously approved.

119

120 Ms. News - The next item is found on page 8 of your agenda and is
121 located in the Fairfield District. This is POD-09-09, Windsor Business Park, Building
122 Ten. There is an addendum item on page 2 of your addendum, which includes a
123 revised recommendation indicating that the staff has determined it isn't practical at this
124 time to install a section of sidewalk on Parham Road due to site constraints. It includes
125 the deletion of conditions 29, 31, and 36. Staff can recommend approval.

126

127 **PLAN OF DEVELOPMENT**

POD-09-09 Windsor Business Park – Building Ten – 430 E. Parham Road **Vanasse Hangen Brustlin, Inc. for Windsor Business Park, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 46,000 square foot office building. The 7.63-acre site is located on the northwest corner of the intersection of Magellan Parkway and E. Parham Road, on parcels 791-760-1417, 4833 and part of parcel 791-760-0456. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Fairfield)**

128
129 Mrs. Jones - Is there opposition to POD-09-09, Windsor Building Park,
130 Building Ten? No opposition.

131
132 Mr. Archer - Madam Chair, I will move for approval of POD-09-09,
133 Windsor Building Park, Building Ten, subject to the staff's recommendation, the
134 addendum items, and the additional conditions 30 through 36.

135
136 Mr. Vanarsdall - Second.

137
138 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
139 favor say aye. All opposed say no. The ayes have it; the motion passes.

140
141 Mr. Archer - Madam Chair, let me make a correction. The deletion of 29,
142 31, and 36.

143
144 Mrs. Jones - I'm sorry. I thought that's what you had said, the addendum
145 items.

146
147 Mr. Archer - I said 36, but yes.

148
149 Mrs. Jones - Okay. Thank you.

150
151 The Planning Commission approved POD-09-09, Windsor Building Park, subject to the
152 annotations on the plans, the standard conditions attached to these minutes for
153 developments of this type, and the following additional conditions:

- 154
155 29. ~~DELETED - Employees shall be required to use the parking spaces provided at~~
156 ~~the rear of the building(s) as shown on the approved plans.~~
157 30. The proffers approved as a part of zoning cases C-90C-97 and C-39C-03 shall
158 be incorporated in this approval.
159 31. ~~DELETED - All exterior lighting fixtures shall be designed and arranged so the~~
160 ~~source of light is not visible from the roadways or adjacent residential properties.~~
161 ~~The lighting shall be low intensity, residential in character, and the height or~~
162 ~~standards shall not exceed 15 feet.~~

202 The Planning Commission granted conditional approval to SUB-07-09, Lexington (April
203 2009 Plan), subject to the standard conditions attached to these minutes for
204 subdivisions served by public utilities, the annotations on the plans, and the following
205 additional conditions:
206

207 13. Lots on the plat marked with an asterisk or asterisks must be identified on the
208 recordation plat with an asterisk. Add the following note(s) conspicuously to the
209 plat under the heading Notes:

210 (a) **Buildable Area Statement: (*)** "Lots marked with * (single asterisk) have
211 limitations for dwelling shape, size and location. For details refer to
212 construction plans on file in the Department of Planning." (An asterisk is
213 required on all "reverse corner lots.")

214 (b) **Wetlands Statement: (**)** "Lots marked with ** (double asterisks) may contain
215 water and/or wetlands as determined at the time of recordation of the plat.
216 Disturbance outside of designated water and wetland impact areas will require
217 approval from the U.S. Army Corps of Engineers and/or the Virginia
218 Department of Environmental Quality. Additional requirements may be
219 imposed on these lots prior to the issuance of building permit. See
220 construction plans on file in the Department of Planning for additional details."

221 14. Any necessary offsite drainage easements must be obtained prior to final approval
222 of the construction plan by the Department of Public Works.

223 15. The final plat for recordation shall contain information showing The Chesapeake
224 Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18),
225 of the Henrico County Code, as determined by the Director of Public Works.

226 16. The final plat shall contain a statement that this subdivision is on an abandoned
227 coal mine site. The wording shall be approved by the Planning Staff and the
228 County Attorney, and shall be conspicuous on the face of the plat.

229 17. Before the plat is recorded, the developer shall submit to the Department of
230 Planning a detailed report prepared by a qualified professional engineer specifying
231 the proposed treatment of mine shafts and scars. The report shall be reviewed by
232 the Design Division of Public Works, and shall be made a part of the construction
233 plans approved for the subdivision.
234

235 Ms. News - That completes our expedited agenda.
236

237 Mr. Emerson - Madam Chair, that takes us to the next item on your agenda,
238 which is Subdivision Extensions of Conditional Approval. Those will be presented by Mr.
239 Lee Pambid.
240

241 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 242
 243 **FOR INFORMATIONAL PURPOSES ONLY**
 244

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB 2008-00142 Majestic Meadows (September 2004 Plan)	123	123	3	Varina	04/28/10
SUB 2008-00047 (SUB-28-07) Parkwood Chase (April 2007 Plan)	38	38	1	Fairfield	04/28/10
SUB 2008-00042 (SUB-22-07) Tredinnock Farm (March 2007 Plan)	20	20	1	Varina	04/28/10

245
 246 Mrs. Jones - Good morning, Mr. Pambid.
 247
 248 Mr. Vanarsdall - Good morning, Mr. Pambid.
 249
 250 Mr. Pambid - Good morning. These are all for informational purposes
 251 only, but if you have any questions, I'll try to answer them for you.
 252
 253 Mrs. Jones - Any questions about the subdivision extensions?
 254
 255 Mr. Jernigan - Mr. Pambid, what is it, five years?
 256
 257 Mr. Pambid - Currently, yes.
 258
 259 Mr. Jernigan - Currently. Then you have to get the extensions after that?
 260
 261 Mr. Pambid - Correct.
 262
 263 Mr. Jernigan - Okay, thank you.
 264
 265 Mrs. Jones - Other questions? All right, thank you.
 266
 267 Mr. Emerson - Madam Chair, that now takes us into the cases to be heard.
 268

269 **LANDSCAPE & LIGHTING PLAN** (*Deferred from the February 25, 2009 Meeting*)

270

LP/POD-46-05
Preston Square – 5411
Twin Hickory Road

E.D. Lewis and Associates, P.C. for Preston Square, LLC: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.0-acre site is located on the west side of Twin Hickory Rd., approximately 1,500 feet east of Nuckols Rd., on parcels 747-773-5194, 5197, 5292, 5386, 5389, 747-774-4426, 4523, 4617, 4620, 4712, 4715, 4809, 4903, 5000, 5337, 5637, 5938, 6121, 6239, 6501, 6539, 6801, 7102, 7403, 7525, 7528, 7622, 7717, and 7720. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

271

272 Mrs. Jones - Good morning, Mr. Garrison.

273

274 Mr. Garrison - Good morning.

275

276 Mrs. Jones - I'd like to ask if there's anyone in the audience this morning
277 that is opposed to LP/POD-46-05, Preston Square. There is no opposition. Go ahead.

278

279 Mr. Garrison - Madam Chair, Planning Commission members, this
280 landscape plan was deferred from the January Planning Commission meeting to give
281 the applicant more time to address staff concerns regarding debris adjacent to Twin
282 Hickory Road and along the east property line.

283

284 To date, the applicant has satisfied staff's request by removing the debris and grading
285 and seeding behind the sidewalk. Therefore, staff can recommend approval of LP/POD-
286 46-05, subject to annotations on the plan and standard conditions for landscape and
287 lighting plans. Staff and representatives are available for any questions that you may
288 have.

289

290 Mrs. Jones - Questions for Mr. Garrison?

291

292 Mr. Branin - Mr. Garrison, is the applicant or their representative in the
293 room?

294

295 Mr. Garrison - Yes.

296

297 Mr. Scottow - Ladies and gentlemen of the Commission, I'm Gary Scottow.
298 I'm with E. D. Lewis, and I'll be glad to answer any questions you might have.

299

300 Mr. Branin - Gary, I actually just wanted to thank you and who you
301 represent. It's getting tougher and tougher with projects shutting down and not

302 proceeding forward. I just wanted to thank you guys for working with us in getting that
303 cleaned up.

304
305 Mr. Scottow - I appreciate the Commission's willingness to work with us.
306 Thank you.

307
308 Mrs. Jones - Any other questions? Comments? Okay.

309
310 Mr. Branin - With that, Madam Chair, I'd like to move that LP/POD-46-05,
311 Preston Square, be approved.

312
313 Mr. Archer - Second.

314
315 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Archer. All in favor
316 say aye. All opposed say no. The ayes have it; the motion passes.

317
318 The Planning Commission approved the landscape and lighting plan for LP/POD-46-05,
319 Preston Square, subject to the standard conditions attached to these minutes for
320 landscape and lighting plans.

321
322 **Mr. James B. Donati left the meeting during discussion of the following case.**

323
324 **SUBDIVISION**

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

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

325
326 Mrs. Jones - All right. Is there anyone in opposition today to SUB-06-09,
327 Hampshire (April 2009 Plan)? We do have opposition, so at this time, before Mr.
328 Garrison gives his staff report, would you, Mr. Secretary, let us know how that's
329 handled?

330
331 Mr. Emerson - Yes, ma'am. I think several of you are familiar with this, but
332 as you know, the Commission does have time limits on public hearings. The applicant is
333 allowed ten minutes to present the request, and time may be reserved for responses to
334 testimony. Opposition is allowed ten minutes to present its concerns, and that is
335 cumulative. The Commission questions do not count into the time limits, and the
336 Commission may waive the time limits for either party at its discretion.

337
338 Mrs. Jones - Thank you. All right, Mr. Garrison.

339
340 Mr. Garrison - Good morning.
341
342 Mrs. Jones - Good morning.
343
344 Mr. Vanarsdall - Good morning.
345
346 Mr. Jernigan - Good morning.
347
348 Mr. Garrison - The applicant is requesting approval to re-subdivide lots 13
349 and 14 of the Bridlewood subdivision to extend and create 12 lots within the Hampshire
350 subdivision. Staff has received concerns from adjacent residents, primarily from the
351 Millrace subdivision regarding wetlands and drainage. The applicant held a community
352 meeting in an attempt to address these concerns. Public Works has determined that
353 the plans at this stage adequately address drainage and wetlands. The technical
354 requirements have been met for staff to recommend approval subject to the
355 annotations on the plan, standard conditions for developments of this type, deleted
356 condition 13, and conditions 14 through 21 in your addendum. Staff and representatives
357 of the applicant are available to answer any questions that you may have.
358
359 Mrs. Jones - Are there questions for Mr. Garrison? All right. Mr. Branin?
360
361 Mr. Branin - I would like to bring the Commission up to date, if you don't
362 remember this one. We had looked at this case. We sent it with a recommendation for
363 denial. The Board did approve it. The main issues are wetland issues. I'm bringing
364 you up to pace from the zoning case. I'm going to ask the applicant to go through the
365 project.
366
367 Mrs. Jones - All right. Will the applicant come forward?
368
369 Mr. Caskie - Good morning. I'm Dan Caskie with Bay Design Group.
370
371 Mr. Jernigan - Good morning.
372
373 Mrs. Jones - Good morning, Mr. Caskie.
374
375 Mr. Caskie - Just a quick summary of where we've been since zoning.
376 We submitted a layout for conditional, and the layout that we have matches what was
377 proffered pretty much line for line. We had worked on the layout quite a bit when we
378 went through zoning. We have since "topo-ed" the entire site. We have designed the
379 drainage. We've designed the E & S. We know how everything's going to work.
380 Actually, with the conditional plan, we submitted a drainage plan with hard numbers on
381 the storm sewer; we've shown road grades; we've shown grading for the perimeter
382 ditches. We've actually provided the perimeter ditches and the storm sewer very much
383 like what was shown on the proffered plan. That was another oddity, I guess, of what
384 we had provided during the proffers. We have sent information to Public Works

385 regarding the downstream pond. The pond was sized for our development as well.
386 We're actually a little bit less intense than what they had anticipated. Actually, we're
387 only increasing the flow to the pond by like 3% of what is there today. However, it was
388 planned for more than that. The downstream outlet structure and all those things are
389 more than adequate.

390
391 We did have a neighborhood meeting, as Greg had mentioned. We had that last week
392 and tried to answer any questions that were still remaining. We do have an impact
393 permit already in hand that was included on the conditional. So, all the wetlands that
394 we plan to impact are already permitted for impact. We have not left any wetlands on
395 any lots.

396
397 With that, if anybody has any questions, I'll be happy to answer.

398
399 Mrs. Jones - Questions for Mr. Caskie from the Commission?

400
401 Mr. Branin - I don't have any.

402
403 Mrs. Jones - Okay. All right. Thank you, Mr. Caskie. We do have
404 opposition, so if those folks would like to come forward at this time. When you come up
405 to the microphone, if you wouldn't mind stating your name for the record, as we tape
406 these proceedings.

407
408 Mr. Kenny - Good morning. My name is Kevin Kenny. I live in
409 Bridlewood. I own property in Bridlewood, and I also own the pond. One of the things
410 we've heard in several of the Henrico County meetings is—and I think this dates back a
411 long time—that the water entering a property should enter at the same location and in
412 the same quantity after the development is complete as was prior to the development.
413 I'm sure that's been broken several times, but it is something that has come up in
414 discussions before in this same room. I understand that it can be considered a
415 nuisance, depending on how much water ends up getting drained onto the downstream
416 properties. What I'd like to say is that the pond itself doesn't quite function as well as it
417 used to prior to the upgrade that was done. I'm not an engineer; I don't know the
418 reasons why. Water drains out just fine, but what we see happening more frequently
419 now is water bypassing the pond, coming down an adjacent stream, which then floods
420 the streams behind my house. We have well water. We have five children, and we're
421 very concerned about our water supply. We've spoken to the EPA who said that if you
422 have water flooding around a well, that can be dangerous. Then obviously because of
423 bypassing the pond, there's not an opportunity for sediment to drop. In that case,
424 there's more likelihood that herbicides, pesticides, and oils—all the things that are going
425 to be inherent in any type of storm-water drain-off—have a greater chance of entering
426 our water supply. I'm not exactly sure the depth of my well, but I think that considering
427 that we are concerned about this potentially making it to the Chesapeake Bay or
428 otherwise, I would think that my well, which is, say, 50 to 75 feet away from this stream,
429 that it would be something that I should be concerned about.

430

431 I also just wanted to real quickly quote something from the minutes from the January
432 10, 2008 meeting where, I want to say, Mr. Bill Axelle, speaking for the applicant, had
433 stated that:

434
435 "Two commitments have been made by the applicant, and we state this knowing
436 we're on record and that this is what we'll have to do at subdivision time. As
437 Ben—"

438
439 I assume that's Ben Sehl.

440
441 "—said, normally these issues are not addressed at zoning; they're addressed at
442 the subdivision stage. We tried to reach out and give certain assurances. We
443 made two assurances in that respect, that the homes that will be built on this
444 property of the zoning will have all of their downspout areas connected
445 underground to an underground utility. In other words, it will not just run off, it will
446 go and be captured and taken off in the drainage utility system of the property
447 and put into the normal system. For the existing lots, we have made a
448 commitment and have prepared a conceptual plan to that effect—that Mr. Caskie
449 can get into—that we will collect the water that comes on our property from
450 Millrace, Hampshire, and Hampshire South. Whatever comes on there, we will
451 collect that as well as the water on our property and direct it off the property
452 through the same type of system, using swales and so forth."

453
454 So, they speak of the normal system. I'm just curious. There are like 250 houses in the
455 Hampshire neighborhood. None of those houses drain into this pond, or as far I'm
456 aware of any other private ponds. I'm not sure how this could be considered part of the
457 normal system, and would think that it should use whatever those other houses use.

458
459 I don't want to take up anyone else's time here. In terms of impacting wetlands, you
460 know, doing all this development on EPA-designated property, I'm not sure how any of
461 this makes it right to drain water into our streams, into our pond, onto our property.
462 That's all I have.

463
464 Mrs. Jones - Thank you. Are there questions from the Commission?
465 Okay. Thank you very much. Would someone else like to come down?

466
467 Ms. Swart - Good morning. My name is Margie Swart, and I live on Lot
468 12, Millrace. Quickly, if you'll take the three maps on the left-hand side of your folder, I
469 have them numbered one, two, three. I want to go right to three. This is what was
470 presented to the Board of Supervisors. Mr. Caskie said what's before you today is the
471 same one that was presented to them. When this plan was presented to the Board of
472 Supervisors, everyone had finally come to an agreement that there were 2.84 acres of
473 wetlands on this lot. If you ask him today, he'll tell you there is 1.34, something like that.
474 As you can see, the Board of Supervisors expressed concerns with Lot 9. They said we
475 would address it before the Planning Commission because a couple of the Board of
476 Supervisors suggested that they weren't comfortable with Lot 9, but that was not their

477 issue because that was not a zoning issue. If you look at the plan as it's presented
478 today, there are no wetlands on Lot 9.

479
480 The progressions are shown on maps one, two, and three. Map one is what was
481 presented initially. Residents of Hampshire, Millrace, and Bridlewood took issue with
482 the wetlands behind lots 1 and 2, the backyard of 7. Notice even then, the very first
483 initial concept plan they were not suggesting to use this property between 9 and 10.
484 They knew how wet it was. I know Henrico County law has changed about being 45
485 feet off wetlands to build a foundation of a home. So, the second time around, they
486 presented a map and conveniently, lots 1, 2, and 3 were devoid of any wetlands. We
487 still showed Lot #9 as having wetlands and having to impact a lot for that.

488
489 Actually, today as presented, there are 1.24 acres of wetlands. Before the Board of
490 Supervisors, there were 2.84. I think they need to explain what happened to the more
491 than 1-1/2 acres of wetlands that were on this 7.1-acre total rezoning case.

492
493 DEQ and Army Corps of Engineers reminded me that their permits do not permit and
494 approve homes to be built on this land. They are environmental scientists, and they
495 give permits saying any dredging or any fill material will not have adverse effects on the
496 environment. They're not here to protect the homeowners that are coming to buy this
497 land and try to have a pleasurable yard to live on. On November 7, we had a wetland
498 confirmation from Army Corps. February 2008, we had another wetland confirmation,
499 and that's the one that was before the Board of Supervisors.

500
501 Again, this is the property right here, this dark blue one. Excuse me; my speaking skills
502 haven't improved much since last time I was here. This is the only acreage within this
503 whole lot that has this heavy shrink/swell soil, and it also is very hydric. Again, I'm
504 asking you to protect the unknowing homeowners that will come and try to make this
505 their home.

506
507 I want to go over some of my paperwork quickly. I know it's Pitt County drainage and
508 this is in North Carolina, but I didn't easily find Virginia law. What these drainage laws
509 civilly say is that the easement of the uphill owner has the right to accelerate and
510 increase the natural flow, which they're presenting to do. That right doesn't include the
511 burden of water. For all of these 12 lots, they're diverting the water into somebody's
512 private pond. So, it's not natural flow. If these seven lots were to be developed without
513 all this drainage system and allowed to flow naturally, he might have an argument. But
514 right now, they're taking the natural flow and diverting it. Natural flow of water means
515 that no alterations can be made to the flow by the upper landowner which diverts water
516 to the lower owner in a different way. Also, the water cannot be diverted to a different
517 location from which the natural flow takes it. This is all civil law. If you approve this,
518 then all of a sudden it becomes a civil matter between the developer and the property
519 owner downstream.

520

521 So, I think there are some issues that are still there. I believe the applicant will argue
522 it's natural flow, but that natural flow is being diverted. So, I believe you should deny
523 this subdivision on that basis.
524

525 This is an e-mail that's also in your packet from Elaine Holly. She's sending an e-mail,
526 somebody at DEQ. She states, "I am concerned, Roger, that they are adversely
527 affecting preserved wetlands located offsite in Hampshire that are not quantified." I
528 don't know whatever became of that, but if that issue is still hanging out there, I don't
529 know who would address that. I also think you should deny this subdivision application
530 because Virginia Code 15.2-2259 specifically requires that "the agent make a good faith
531 effort to identify all deficiencies" in this plat. I think by showing you the maps 1, 2, and
532 3, and how wetlands appear, disappear, reappear, and are now different than what was
533 conditioned by the Board of Supervisors, I question whether they have made a good
534 faith effort.
535

536 Mrs. Jones - Your time is up; could you conclude?
537

538 Ms. Swart - Yes. Also, again, there's more information in here.
539

540 Mr. Branin - Ms. Swart?
541

542 Ms. Swart - Yes.
543

544 Mr. Branin - How much more time do you need?
545

546 Ms. Swart - I hope I don't need any more time; I hope I've convinced you
547 already. But if I haven't, I'll take just another minute or so just to go over some of the
548 things.
549

550 Mr. Branin - Ms. Swart has spent a lot of effort putting this together;
551 please allow her to finish. I was trying to get a time, but—
552

553 Mrs. Jones - Okay. Another two minutes will be fine?
554

555 Ms. Swart - Yes, just to go through maybe what I have in the package in
556 there. This is from Henrico County Code regarding the pond. A letter from the U. S.
557 Army Corps of Engineers must be submitted stating that the pond can be maintained as
558 a BMP and that either a permit would not be required or a permit would be issued for
559 such maintenance. Now, that is only if it falls under a common property. So, since it's
560 now private property, privately owned, I would still venture to guess that some kind of
561 permit is needed to divert all the water into that private pond.
562

563 Mr. Caskie in an e-mail way back in November of 2007 when we were questioning the
564 whole wetlands says, "We handed out a plan last night that showed the confirmed and
565 surveyed wetlands, and I told her that those were the wetland boundaries that would be
566 used from now on." They've changed. An e-mail from Mr. Frauenfelder who forwarded

567 me some maps, topography maps said, "Looks like this little creek drains a lot of water
568 during rain storms." For the reasons I just stated, I respectfully ask that the Planning
569 Commission deny this subdivision plan. Thank you very much.

570

571 Mr. Branin - Don't go anywhere; I have questions for you.

572

573 Ms. Swart - Okay.

574

575 Mr. Branin - May I ask some questions?

576

577 Mrs. Jones - Absolutely.

578

579 Mr. Branin - Ms. Swart, when we started this with zoning, one of the big
580 issues was wetlands, neglect of a developer in your area, and changing topos, and
581 pretty much blowing water to this property, water backing up and creating wet areas in
582 your yard. I can remember the first meeting, there were probably 20, 25 people that
583 wanted to talk about their yards. Not even really this project, but how wet their yards
584 were. I have driven home to the developer and to the engineer that they had to come
585 up with a system that would help alleviate some of the drainage issues that you already
586 have existing. They've even—knowing that there's yard drains, roof drains that come to
587 the end of a property onto their property—provided for capturing that water from roof
588 drains and so forth. From what I'm hearing you say, you believe that system shouldn't
589 be put in, it should do it naturally.

590

591 Ms. Swart - I don't think you've ever heard me complain. I don't have
592 drainage problems. I'm well aware of my wetlands. I have a sump pump. My neighbor
593 next to me just two or three weeks ago had installed a sump pump. Another neighbor
594 bordering this piece of property had installed a sump pump a couple years ago. My
595 guess is—again, I'm not an engineer—because of the high water table and hydric soils,
596 all these lots are going to require sump pumps. We don't know. A plan hasn't been
597 submitted. Again, more water diverted and pumped down into this pond. Can it handle
598 it? The Department of Environmental Quality had the applicant adjust lot I believe it is 6
599 behind my lot, Lot 12, Millrace. They had originally requested to impact that little area.
600 DEQ says no, that's pretty much a stream, an intermittent stream coming from my
601 backyard. That needs to remain a natural flow. I do think I saw Mr. Woodburn mention
602 in some plans that the applicant needed to install some kind of inlet, but I hope that he
603 will see that was a request by DEQ to move that lot line to keep a natural flow flowing
604 through that stream down through the property. I would like to see that left open and
605 flow naturally. The reason it's not flowing is because we're all on such saturated soil. It
606 has nothing to do with what the builder did. This is the problem we end up with. You buy
607 the home, you go to the builder, and you say—or some of the neighbors go to the
608 builder and say, "I don't have proper drainage." They come in, look at it, say, "Well, we
609 did everything. It was approved. The engineers came out; the County came out and
610 signed off on it." Then we come to the County. The County says, "It's not our problem;
611 we got a permit. We have a wetlands permit on file. We have a DEQ permit." So, it's

612 just this cycle that no one wants to take responsibility. So, I'm coming to you and saying
613 you're our stopgap.
614

615 You're our representatives that need to say we're not going to build any more homes on
616 this hydric soil or on these lots that the water simply just sits there. Again, my whole
617 back half of the property is wetlands; it's natural. But these other homes have
618 landscaped yards, and it's nothing but a wet, soggy mess. The kids are out playing in
619 the cul-de-sac because they can't enjoy the play equipment in their backyard. Again,
620 you know, if you so see fit to approve something, can you send them back with—This is
621 a discrepancy on Lot 9. A home should not go there. Actually, if you look at the
622 pictures, there's a picture of—it's hard to use a vantage point—this is Lot 16 in Millrace
623 where they're showing wetlands no longer exist. So, I'm standing—before the Board of
624 Supervisors—on Lot 9 where the whole thing had to be impacted. This is a picture
625 taken yesterday. This is water standing a couple inches deep on where they're saying
626 wetlands are gone, part of the 1.5 acres of wetlands that have disappeared since the
627 Board of Supervisors meeting to this meeting. There's a picture with the wrought iron
628 fence, standing in my yard. That fence ends at the corner of where I was talking about
629 the natural flow coming through. Where they marked wetlands, there's a little flag
630 hanging here. I'm thinking that's where they have the property line; I'm not sure what
631 the white flag means. But as you see, the water as it flows, drains through my property
632 in this stream-like manner. It's on the opposite side of where they're saying the line of
633 the wetlands goes.
634

635 Mr. Vanarsdall - Are you on Lot 12, Ms. Swart?
636

637 Ms. Swart - Yes, I am. If anything, go back to the drawing board. Maybe
638 the whole drainage system isn't a good idea. Allow it to flow naturally down through
639 this—This is an intermittent stream. Again, they've come, and they haven't shown the
640 streams on the property, what's down behind the four lots—whatever they are—9, 10,
641 11, and 12. That is a stream. If you look at this plat, nobody knows that is a stream. If
642 you look at what's coming from my backyard, it is a stream. So, you know, they haven't
643 presented it with the facts on there.
644

645 Mr. Branin - Okay.
646

647 Ms. Swart - Okay?
648

649 Mr. Branin - Thank you.
650

651 Ms. Swart - Thank you.
652

653 Mrs. Jones - Is there someone else who'd like to speak in opposition to
654 this application? Mr. Branin, would you like to have the applicant come back up?
655

656 Ms. Krug - [Off mic – inaudible.]
657

658 Mr. Archer - Madam Chair. Ma'am, did you—
659
660 Mr. Branin - You have to come up here.
661
662 Mr. Jernigan - You have to come up here.
663
664 Mrs. Jones - We record these proceedings, so we ask that you come to
665 the mic. State your name, please.
666
667 Ms. Krug - My name is Sharon Krug, and I am on Lot 13. I am Margie's
668 neighbor. We love our little neighborhood. We did not realize how wet it is. I have four
669 children, and they honestly cannot play in the backyard. I have had standing water
670 under my foundation since I moved, for 4-1/2 years. Finally, after calling the County,
671 calling Environmental, talking to the builder—I've had people come to my home for
672 years. Everybody, you know, said well, we need the French drain, do this, do that. We
673 have tried and paid thousands of dollars to have people come out and try to help our
674 situation. Finally, we just said, "Let's get a sump pump and see what happens." Well,
675 that's great; we have a sump pump that pumps five inches. It goes off every 30
676 seconds. I sat on my screen porch and timed it. The plumber could not install the sump
677 pump; he had to come back because there was so much water. He kept digging and
678 digging, and it just kept filling up with water. That's great. Now we have a sump pump
679 and it pumps into a wet yard. So, it takes weeks to dry up. My point is I really would like
680 to see nothing happen to these 12 lots. I don't think it's necessary to have 12 more
681 homes butted in this small little zone. Let the trees—let there be some absorption,
682 natural absorption. We'll pump out our sump pump and let it drain. It will dry up, but I
683 don't want to see any other homeowners with the same issues. We will let these
684 buyers know what their sitting on. It's not fair, and it's not right. It is not right to continue
685 to have these wet lots. It's only 12 homes. I don't think 12 more homes will make a
686 difference. I appraise real estate. I'm in Henrico County all the time. I used to see sump
687 pumps in basement homes; now I see them in foundation homes. This is something
688 new within ten years. It's not something that just all of a sudden, you know, started—it
689 just started happening because builders are building, and it's being approved to build
690 on very wet land. Thank you.
691
692 Mrs. Jones - Any questions for Ms. Krug?
693
694 Mr. Archer - Ma'am, are you saying that your sump pump comes on
695 every time it rains?
696
697 Ms. Krug - It runs even when it's not raining. Last week we had, what,
698 three or four days of sunny weather. At that point, it went off every 30 minutes. We
699 have a screened porch and it pumps right at our screened porch, right next to our
700 screened porch. So, yesterday it pumped every 30 seconds. When the plumber was
701 finally able to finish installing it, it pumped every two minutes, just kept flushing, and I
702 mean flushing. It wasn't a little—I mean, it sounds like a toilet flushing. We laughed.
703 We're like, our house is flushing. So, yes. To answer your question, it still goes off

704 when it's dry, every 30 minutes, and it flushes a lot of water. Now, I don't know what
705 we're going to do with the water that it flushes out. We've put a black pipe on it, kind of
706 duct-taped it to the drain because we certainly don't want it to pump out at the
707 foundation. I'm waiting for that corner of the house to collapse, I truly am. I'm waiting
708 to see it sink. It is so wet over there. So, we put a black tube and drained it out. We
709 reposition it every couple of days. It's just extremely wet soil, and it has nowhere to go.

710
711 Mr. Archer - So, you're saying that the source of the water is the soil
712 itself?

713
714 Ms. Krug - I'm assuming. It's just—You know, that I don't know.

715
716 Mr. Archer - It's not roof water or—

717
718 Ms. Krug - No, no. This is under the house. We do have the gutters.
719 The builder put in the french drain to get—I'm not sure exactly what they do. But the
720 source of the water is the soil. And then when it rains, it's even, you know, even worse.

721
722 Mr. Vanarsdall - So, you think this will add to it, then?

723
724 Ms. Krug - I absolutely do. I think that if you knock down every tree and
725 there's nothing left to absorb the water—Right now with what's left—And we have
726 extensively landscaped the back of our yard to try to—we put in some Corkscrew
727 Willows, you know, things that love water. I feel like if you take down every source of
728 tree and everything that's back there, there's nowhere for the water to go. It's going to
729 be a mess.

730
731 Mrs. Jones - Does that answer?

732
733 Mr. Archer - Yes, ma'am, it does.

734
735 Ms. Krug - Thank you.

736
737 Mrs. Jones - All right, thank you very much, Ms. Krug. Mr. Branin, I, for
738 one, would like to hear from one or two of our County folks. Maybe Mr. Woodburn or
739 someone could come up. Would you mind?

740
741 Mr. Branin - Madam Chair, it is your room.

742
743 Mrs. Jones - I would like to have some information from our County folks
744 who've been involved with this. Mr. Woodburn, I guess you're up.

745
746 Mr. Woodburn - Good morning.

747
748 Mr. Vanarsdall - Good morning.

749

750 Mr. Jernigan - Good morning.
751
752 Mrs. Jones - Good morning. If you could just state your name for the
753 record, please.
754
755 Mr. Woodburn - I'm John Woodburn. I work for the Department of Public
756 Works.
757
758 Mrs. Jones - All right. Mr. Woodburn, walk me through this so that I have
759 not just full understanding, but really full understanding about the problems we're facing
760 on this property with the wetlands issue, the natural flow, diversion of that, the current
761 regulations, what possibilities for mitigation we have, and how that's going to impact the
762 homeowners if this plan remains with this number of lots located as shown here.
763
764 Mr. Woodburn - To speak to how the drainage is being addressed on the
765 property. I don't know if we have another exhibit here that shows the proposed grading
766 and drainage plan. Is there a way to show that? Okay. Please bear with me for a
767 minute. I think it's important to have this exhibit displayed. I can say that having
768 reviewed the topo, the property basically is low in that the adjacent properties drain into
769 it. So, there doesn't seem to be any water being directed from the property toward
770 Millrace. They have proposed that the north end of the property swales along the back
771 of lots 4 and 5 to channel water away and around those lots, and then they've proposed
772 an extensive yard drain system to capture water and to bring it into a storm drain
773 system that discharges at the lower end of Lot 12, upstream of the pond. Regarding the
774 pond, Hampshire Section 4, a previously-approved subdivision plan, looked at the
775 design of that pond at that time, made a determination that there needed to be some
776 upgrades—which to my knowledge were done—and anticipated full development of the
777 Hampshire Section 5 property in the hydrologic analysis. So, as far as the capacity of
778 the pond to handle the 10-year storm, the 100-year storm—those items were
779 addressed with Section 4. The engineer and the applicant have reviewed the plans for
780 Section 4 which appears to be in accordance with what was anticipated. I don't have
781 the overall drainage area for the areas coming into the pond, but I can say this area is a
782 small percentage of that.
783
784 Mrs. Jones - Hold on a moment. We don't have anything.
785
786 Mr. Jernigan - We've lost video here.
787
788 Mr. Woodburn - Okay. Regarding the issue of a bypass around the pond,
789 there probably should not be a bypass around the pond. I would consider that, if it
790 exists, to be an existing problem that needs to be addressed even if this is not
791 approved. It's not good to have water flowing around a pond in some sort of improvised
792 channel or something like that. If it does exist, and it could be, I don't know where that
793 water is going. It could be something that could be an eroding problem along the toe of
794 the dam or something like that. So, I would say to the existing owner of that pond that

795 that's an issue that needs to be addressed regardless of whether this is approved or
796 not.

797
798 MS-19, the State regulations that we follow regarding drainage and outfall adequacy,
799 speaks to increases in discharge due to upstream development and states that areas
800 downstream receiving increases in discharge from upstream development have to be
801 shown to be adequate. I would say that the modeling of the pond done with Hampshire
802 Section 4 shows that. As far as the regulations we generally use to look at whether an
803 outfall is adequate, I would say that with the Hampshire Section 4 plans, that pond was
804 analyzed and shown to be adequate, even with this development. In fact, they even did
805 a dam break analysis with the Section 4 plans and delineated areas even downstream
806 of the pond to show that with the Section 4 lots there wouldn't be any buildable areas or
807 structures that could be negatively impacted by a failure of the dam.

808

809 Do you have that up now? It's kind of fuzzy.

810

811 Mr. Jernigan - We don't have video.

812

813 Mr. Woodburn - Okay, I apologize.

814

815 Mrs. Jones - We have nothing.

816

817 Mr. Woodburn - I can tell you that if you looked at what they're proposing,
818 there's an extensive perimeter drainage system proposed for the subdivision. It's more
819 or less in line with what was proffered in the zoning case. They did move some lot lines
820 somewhat, but the perimeter drains are in the spirit of what was proposed for the zoning
821 case.

822

823 Mr. Branin - May I ask a question?

824

825 Mrs. Jones - Sure.

826

827 Mr. Branin - Mr. Kenny and also Ms. Swart both have spoken in regards
828 to natural flow and it's a civil matter. Can you address that, if it was piped into storm
829 water, released into the stream, and from the stream into the pond that it becomes a
830 civil matter?

831

832 Mr. Woodburn - I'm not aware of that issue coming before me, so I really
833 couldn't address something like that. I can say in any subdivision, flow is redirected.
834 When it's put in a storm drain, you have defined outfall rather than—right now, the flow
835 would be more or less going down, you know, coming into some concentrated swales,
836 say, in those wetlands, and coming out at different points. So, certainly the point has
837 been affected by that.

838

839 Mr. Emerson - But the flow is away from Millrace?

840

841 Mr. Woodburn - Yes.
842
843 Mr. Emerson - And the way it's designed, it would not back up to Millrace?
844
845 Mr. Woodburn - That is correct.
846
847 Mr. Emerson - And the pond is designed to adequately handle the
848 increased flow from the development of this property?
849
850 Mr. Woodburn - That is correct.
851
852 Mrs. Jones - Are there other questions for Mr. Woodburn?
853
854 Mr. Donati - I have one. Have there been any borings or tests done on
855 the soil itself to see how much water is in it?
856
857 Mr. Woodburn - I'm not aware of any. The developer or the engineer may
858 have done some.
859
860 Mr. Donati - It sounds like the water tables are extremely high if these
861 people are having to pump their foundations.
862
863 Mr. Branin - And that, Supervisor, is the reason I tried to bring you guys
864 back up to speed. In the initial meeting and rezoning, there was a huge outcry. I was
865 told by Ms. Swart and others that, "Our yards are always wet." At that point, we were in
866 a drought, and their yards were wet. I think that's why the Commission made a motion
867 to deny it. Then, when it went forward, the focus that I had was throwing out water and
868 getting something designed to help alleviate the existing problem.
869
870 Mr. Emerson - This system does assist in carrying water away from
871 Millrace, does it not, Mr. Woodburn?
872
873 Mr. Woodburn - Yes, it does.
874
875 Mr. Emerson - I have one other question just to help clarify. Was Millrace
876 developed under the same set of regulations as currently exist, or was it developed at a
877 time when the wetlands regulations were different? That may be a question for Ms.
878 Wilder.
879
880 Mr. Woodburn - I would defer to Ms. Wilder on that.
881
882 Mrs. Jones - Okay.
883
884 Mr. Jernigan - I have a question. Mr. Woodburn, you say there will be no
885 water running onto Millrace from this project, so that means that this project is lower
886 than Millrace?

887
888 Mr. Woodburn - Yes, it is. The existing topography shows it as receiving
889 water from Millrace.
890
891 Mr. Emerson - The water in the photographs is originating from Millrace and
892 coming onto this property.
893
894 Mr. Jernigan - But on the topo, Millrace sits higher than what this project
895 does.
896
897 Mr. Emerson - Yes, sir, that's correct. So, it's draining away from Millrace.
898 And the drainage system, as Mr. Branin noted, was designed—and Mr. Woodburn
899 confirmed—to assist in the existing situation in Millrace and try to carry the water away.
900
901 Mr. Branin - Hampshire South also drains through this, correct?
902
903 Mr. Woodburn - Are you talking about Section 4, or are you talking about just
904 north?
905
906 Mr. Branin - North.
907
908 Mr. Woodburn - Yes, those areas drain into lots 3 and 4.
909
910 Mr. Jernigan - Mr. Branin, I'm not sure where you're going with this.
911
912 Mr. Branin - I know where I'm going with it.
913
914 Mr. Jernigan - But I want to make a suggestion right now. No way would I
915 let these houses be built. If this does get approved, these houses should be built on
916 elevated concrete slabs, because if you have water under the house all the time, you're
917 going to have problems down the road. I would say that elevated slabs would be better
918 in a condition like this. I mean an elevated slab.
919
920 Mr. Emerson - Building construction is dictated by the International Building
921 Code, so we can't delve into that. Of course the zoning's been approved, and this is a
922 technical review.
923
924 Mr. Jernigan - I'd like to hear what Mr. Axselle said in that zoning case
925 again.
926
927 Mr. Vanarsdall - Mr. Jernigan? Excuse me for interrupting. When you
928 mentioned the slab, Ms. Swart must have something to add to that. Come on down
929 here, if you don't mind.
930
931 Ms. Swart - [Off mic.; inaudible.]
932

933 Mrs. Jones - Ms. Swart, I'm sorry. You can't speak from the aisle; you
934 need to be at the microphone. Sorry about that.

935
936 Ms. Swart - Marjorie Swart again, Lot 12, Millrace. This is addressing
937 the overflow. Mr. Woodburn thought maybe that pond should be able to take all the
938 water, and that picture was taken yesterday. You see a stream that's running behind
939 the pond because that pond is not taking all the water. So, currently, as it stands,
940 there's an issue. Why isn't the water being drained into that pond? There's that catch
941 basin. I just wanted to provide you with the pictures to prove it, that it's there, Mr.
942 Woodburn.

943
944 Mr. Branin - Mr. Woodburn, can you address that and how can we get
945 the County out there to figure out why there's a new stream going around the pond?
946

947 Mr. Woodburn - It is a private pond. It is a natural channel. We do not have
948 any drainage easements through that pond. So currently, the County has no
949 responsibility for the upkeep or maintenance of that pond. If I am directed to investigate
950 further, I'll be more than happy to.

951
952 Mr. Vanarsdall - What did you say, the County has no responsibility to do
953 what?

954
955 Mr. Woodburn - We do not have any—there's no maintenance. The County
956 does not have a drainage easement through that pond. It's not considered a BMP by
957 the County. It is a private pond.

958
959 Mr. Branin - Mr. Woodburn, I understand that.

960
961 Mr. Woodburn - Okay.

962
963 Mr. Branin - I'm not asking for an engineering analysis of the pond and
964 its capacity. As the Commissioner that represents these people, I think we do have an
965 obligation to find out why a drainage system that we approved years ago is being
966 bypassed. I'm not asking the County—

967
968 Mr. Woodburn - I'd be happy to look at it.

969
970 Mr. Branin - —to go in and retrofit or make a fix, but I do believe it's the
971 County's obligation to find out why. So, I'm formally requesting you go out and find out
972 why.

973
974 Mr. Woodburn - Yes, sir.

975
976 Mr. Branin - Okay?

977

978 Mrs. Jones - Mr. Branin, would you like to hear from Robin Wilder
979 concerning wetlands?

980
981 Mr. Woodburn - Thank you.

982
983 Ms. Wilder - Good morning. My name is Robin Wilder. I work for the
984 Department of Public Works.

985
986 Mrs. Jones - Ms. Wilder, I did have a question for you, with wetlands
987 being one of your specialties here. We've had a lot of questions raised by public
988 comments concerning wetlands. Would you please give us your comments about the
989 variable acreage discussed as wetlands and also the effects for Lot 9 and the natural
990 flows through those?

991
992 Ms. Wilder - Okay. It's my understanding the history of this project thus
993 far—

994
995 Mrs. Jones - Could you speak up a little bit? I'm sorry.

996
997 Ms. Wilder - The history of this project thus far, there have been three
998 different delineations of jurisdictional areas on that site, and the Corps has confirmed
999 each one. Each one has been slightly different. It's a case where it's not an exact
1000 science, and the Corps is merely confirming the work that is done by a wetland
1001 scientist. The third time was the final change where the wetlands that were previously
1002 on Lot 9 were deleted by the U. S. Army Corps of Engineers based on additional data
1003 that was provided to them by a second or a third consultant. I think they deleted it
1004 because of vegetation data that was collected and provided to the Corps. They are
1005 simply confirming a map that's provided to them. If the wetlands are mapped bigger,
1006 they're going to confirm that. If they're mapped smaller, they confirm it on the data
1007 that's provided to them.

1008
1009 So, this delineation, unless they get additional data provided to them by another
1010 consultant, it is going to be good for five years. The wetlands that are around the pond,
1011 what was previously Hampshire South, I believe, I haven't looked at those construction
1012 plans in a long time, but I believe that the channel that is around the south side of that
1013 pond was existing at the time that the subdivision was built. There may have been
1014 some kind of condition that hydrology not be diverted completely away from that
1015 channel so that it could remain as a jurisdictional area. John and I will confirm that for
1016 you at a later time when we've had a chance to look at it more in depth. I wanted to let
1017 Mr. and Mrs. Kenny know that those areas may be jurisdictional. Any activities in those
1018 areas, if they want to divert flow from the channel to the pond, it may require a permit
1019 from those State and Federal agencies.

1020
1021 Mr. Branin - But you'll look into that?

1022

1023 Ms. Wilder - Yes, we will. Should we report back to the Planning
1024 Department?
1025
1026 Mr. Branin - Please. I would report to Greg Garrison, who will forward
1027 the information to all of us.
1028
1029 Mrs. Jones - Any other questions for Ms. Wilder?
1030
1031 Ms. Wilder - There was one additional question that you asked earlier,
1032 the rules, in terms of wetland impacting.
1033
1034 Mr. Emerson - Have they changed since Millrace?
1035
1036 Ms. Wilder - The basic rules have not—
1037
1038 Mr. Emerson - Okay.
1039
1040 Ms. Wilder - —the players have. Now the DEQ takes a bigger role in the
1041 permitting than they previously did when Millrace was built. Millrace was permitted more
1042 by the U. S. Army Corps of Engineers directly. This one is permitted more by the DEQ,
1043 but it's the same rules.
1044
1045 Mr. Emerson - What are the soil types in here? Do you know the soil types,
1046 or is that something you'd need to research a little closer? I realize there are some
1047 hydric soils in there.
1048
1049 Ms. Wilder - Yes. Mr. Caskie may know; I don't know. A lot of hydric
1050 soils and a lot of soils that are dense and hold water.
1051
1052 Mrs. Jones - Any other questions?
1053
1054 Mr. Archer - Madam Chair. Ma'am, did you have a question in the back?
1055 I thought you raised your hand.
1056
1057 Mr. Branin - Yes, ma'am.
1058
1059 Mrs. Jones - Thank you very much, Ms. Wilder.
1060
1061 Mr. Branin - How are you, Ms. Kenny?
1062
1063 Ms. Kenny - How are you?
1064
1065 Mr. Branin - Good, thank you.
1066
1067 Mrs. Jones - Would you mind giving us your name?
1068

1069 Ms. Kenny - My name is Danielle Kenny. I'm Kevin's wife. We're in Lot, I
1070 think, 11 in Bridlewood. Like Kevin said, we own the pond. I just have a quick question
1071 as far as the swales and the drainage. Well, he had just mentioned another stream that
1072 comes on the bottom part of the pond. We're not asking for that to change. We
1073 understand that has been there and that needs to stay. Our concern is you'll have this
1074 sewer drainage system that goes all around this new subdivision and comes into the
1075 pond. If you look—again, I'm not an engineer—it can't make a 70-degree turn for the
1076 water to naturally flow into the pond. So, this extra water will go into this natural, you
1077 know, stream that's already there. So, they're saying that it would all flow into this pond.
1078 I don't know what the law says, but first of all, I don't know if anybody's addressed if
1079 they can just flow extra water directly into our pond. If that's the case and it's allowed, it
1080 has to make like a 70-degree turn from these swales that they're making. I just want to
1081 address that issue of how it is going to make that turn, or it's going to have more water
1082 that's going to be coming into this natural stream that's on the bottom end of the pond.
1083 As another thing to think about, let me just paint a little picture. If you have a hose, and
1084 I put it on the ground right here, by the time the water gets to you guys, you'll get some
1085 water. But if I take that hose and just point it at you, you're going to get direct water at
1086 you. That's what I see happening. It's a direct hose into the pond. This 3% increase
1087 that they talked about, you have one issue of this 70-degree turn that it's going to make
1088 to go into the pond, and you have the other of directly taking a hose and putting it into
1089 the pond as opposed to whatever is naturally flowing. Thank you.

1090
1091 Mr. Vanarsdall - What lot are you on?

1092
1093 Ms. Kenny - Pardon me?

1094
1095 Mr. Vanarsdall - What lot are you on?

1096
1097 Ms. Kenny - We're in Bridlewood, and I believe it's Lot 11.

1098
1099 Mr. Branin - Do you see the pond, the downstream pond?

1100
1101 Ms. Kenny - The pond, we are the next lot, so it's adjacent. The pond is
1102 adjacent to our lot.

1103
1104 Mr. Branin - Thank you, Ms. Kenny.

1105
1106 Ms. Kenny - You're welcome.

1107
1108 Mrs. Jones - Thank you.

1109
1110 Mr. Branin - Mr. Caskie? I would hope that you would agree that I don't
1111 think this can go forward today. You'll probably disagree with me, which you have every
1112 right, but I get the final say, so go ahead and agree with me. There are a lot of issues
1113 that need to be addressed still.

1114

1115 Mr. Caskie - There have definitely been a lot of things brought up, a lot of
1116 things rehashed that have been discussed previously, and quite a few things that—
1117 really, everything that has been discussed we have addressed in one way or another.
1118

1119 Mr. Branin - Undoubtedly. You guys have put a lot of effort and time into
1120 a drainage system, which now may not be the direction that this needs to go. I don't
1121 think this case is ready, and I wanted you to come up front and hear that I am going to
1122 defer this. I'm going to request staff to get with you so the County in all aspects will
1123 have the information on the stream, and we will have all of our information together.
1124 We're going to get together and have a meeting in regards to this project. At that point,
1125 we'll decide if we need to go back into the community. Working with me in the past, you
1126 know I always go back into the community with what we find. I'm sure you and your
1127 client are disappointed, but we need to work through this project a little bit more.
1128

1129 Mr. Caskie - We're used to disappointment on this one.
1130

1131 Mr. Branin - You know, so am I. It's life, isn't it?
1132

1133 Mr. Caskie - Would you like me to just provide anything for food for
1134 thought, or do you want to just handle it afterwards? Maybe I could put a brighter light
1135 on it for you.
1136

1137 Mr. Jernigan - I don't want to drag this out, but the wetlands area that was
1138 on Lot 9, was that mitigated?
1139

1140 Mr. Caskie - Some of the wetlands that were on Lot 9 were mitigated.
1141 When we originally went through, we had an initial confirmation that we did. When we
1142 were going through the Commission for the zoning, we had questioned whether Bay
1143 Design Group thought that the extent of the footprint of the wetlands on Lot 9 was
1144 reasonable or not. We thought that it wasn't. We thought that the wetlands on Lot 9,
1145 that we'd shown it larger than what it really is on the field. We got into a fair amount of
1146 back and forth during zoning, so we took the second confirmation that we ended up
1147 with, and we were willing to mitigate that if we needed to. After we got it zoned, we had
1148 Williamsburg Environmental come back. As everybody knows, they're the authority on
1149 wetlands in this state. We had them take a look at it and they reconfirmed it with a
1150 smaller footprint. That's how the Lot 9 footprint decreased. As Robin said, it's not an
1151 exact science. You'd be hard-pressed to go out there and point to a specific line and
1152 everybody agree to it.
1153

1154 Mr. Branin - Ms. Swart, Ms. Kenny—I'm sorry, I didn't write your name
1155 down—I know you are disappointed because you were hoping to hear a denial; it goes
1156 both ways. I am going to be deferring this. It will come back again, I'm sure, in the
1157 community. There are a lot of issues we need to address. You get 28 seconds, and I'm
1158 counting now. Just kidding; don't run.
1159

1160 Ms. Swart - When that third and final wetland permit came from Army
1161 Corps, I called Army Corps and asked them for the information that was provided in
1162 order to get the new confirmation. It is in your packet. I guess for Federal wetland
1163 regulations, what I've learned, it needs to meet three parameters—vegetation, soil, and
1164 hydrology. They took it out based on vegetation only, but if you see, soil parameters
1165 and hydrology, what we're so concerned with, the wet soil and all the water, it's still
1166 there. Williamsburg Environmental says that it is saturated an upper 12 inches under
1167 hydrology, saturated soil 0 to 6 inches. The parameter is met to be a wetland, and one
1168 or more parameters are met, but I guess for Federal regulations, it takes three of three.
1169 So, again, Lot 9, please, whatever's done, please do away with that lot. The water's
1170 still there; the soil's still there. Thank you.

1171
1172 Mr. Branin - Madam Chair, may I make a motion?

1173
1174 Mrs. Jones - You may, Mr. Branin.

1175
1176 Mr. Branin - I'd like to move that SUB-06-09, Hampshire (April 2009
1177 Plan), be deferred to the next Planning POD meeting, which will be—

1178
1179 Mr. Jernigan - The 27th.

1180
1181 Mr. Vanarsdall - May 27th, and I'll second that.

1182
1183 Mr. Branin - —May 27, 2009.

1184
1185 Mr. Vanarsdall - I'll second the motion.

1186
1187 Mrs. Jones - Motion by Mr. Branin. Is this at the request of the
1188 Commission?

1189
1190 Mr. Branin - Yes.

1191
1192 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
1193 favor say aye. All opposed say no. The ayes have it; the motion passes.

1194
1195 At the request of the Commission, the Planning Commission deferred SUB-06-09,
1196 Hampshire (April 2009 Plan), to its May 27, 2009 meeting.

1197

1198 **PLAN OF DEVELOPMENT**

POD-08-09 **Balzer and Associates, Inc. for Kroger – Mid Atlantic:**
Kroger Eastridge – Fueling Request for approval of a plan of development, as
Center – 1510 Eastridge required by Chapter 24, Section 24-106 of the Henrico
Road County Code, to construct a fuel center addition on the
(POD-40-03 Rev.) site of an existing grocery store. The 8.04-acre site is
located on the north line of Eastridge Road, at 1510
Eastridge Road, approximately 800 feet east of N. Parham
Road, on parcel 754-744-6868. The zoning is B-2C,
Business District (Conditional). County water and sewer.
(Three Chopt)

1199
1200 Mrs. Jones - Mr. Ward, good morning. Before you begin, I need to make
1201 a statement for the record that I will not be discussing or voting on this case due to a
1202 representational conflict. All right, Mr. Ward. Excuse me. Is there anyone in opposition
1203 to POD-08-09, Kroger Eastridge – Fueling Center? There is no opposition. Okay, now,
1204 Mr. Ward.

1205
1206 Mr. Ward - Okay. Good morning again. This request is to revise POD-
1207 40-03. This is Kroger Eastridge for construction of a fuel and pump station and
1208 attendant booth with an overall canopy height of approximately 20 feet. You can see
1209 here that the elevations show a standing seam metal roof with a mansard, which is part
1210 of the proffer. There are also brick columns to match the existing Kroger building. In
1211 the addendum, you have a revised plan that shows a new sidewalk that connects the
1212 rear and side parking lots. This is the side here, and the rear is over here. This is
1213 basically to get employees or patrons to the eastern front of the building.

1214
1215 Kroger has agreed to work closely with Planning and police during stages of installing
1216 the sidewalk, additional lighting, and landscaping for better safety along the northern
1217 and eastern side. It's hard to see on this plan here, but this is where the people would
1218 be coming in. The sidewalk would be coming down this way and crossing the drive aisle
1219 over here.

1220
1221 Staff can recommend approval of the revised plan subject to the annotations on the
1222 plan, standard conditions for developments of this type, and the following conditions 29
1223 through 33. I'm here to answer any questions you may have.

1224
1225 Mrs. Jones - Questions for Mr. Ward?

1226
1227 Mr. Branin - I have none for Mr. Ward, but I do want to hear from Ms.
1228 Vann, if possible, and also the applicant. I'll make it quick. This isn't going to go like the
1229 last one, I promise.

1230
1231 Mrs. Jones - That's fine, Mr. Branin.

1232

1233 Ms. Vann - Good morning. Kim Vann with Henrico Police.
1234
1235 Mr. Archer - Good morning, Ms. Vann.
1236
1237 Mr. Jernigan - Good morning.
1238
1239 Mr. Branin - Ms. Vann, we've had some issues in the past, haven't we, in
1240 this area?
1241
1242 Ms. Vann - Yes, sir.
1243
1244 Mr. Branin - The police have. Do you think the increased lighting,
1245 sidewalks, and possibly a break in that fence will help?
1246
1247 Ms. Vann - Knowing that the requirement to have the parking in the rear
1248 because of fueling canopy is going to displace that parking, yes. This would be the next
1249 best solution to getting people safely to the rear. One of the concerns that we have is
1250 most likely the people that will be parking in the rear are going to be the employees. So,
1251 they're going to be arriving early or staying late when it may be dark. So, the applicant
1252 has agreed to work with us and actually agreed with me when I stated my concerns of
1253 where the sidewalk would be headed because of the board-on-board fence pretty much
1254 going to the very corner of that building, and Westbury's shopping center, the rear of
1255 that is what backs up to it. A lot of things are going on in that area, but there is not a lot
1256 of visibility.
1257
1258 Mr. Branin - Thank you, Ma'am.
1259
1260 Mr. Shust - Madam Chair, members of the Commission, my name is
1261 Chris Shust. I'm with Balzer and Associates, representing the applicant.
1262
1263 Mr. Branin - You guys understand their concern.
1264
1265 Mr. Shust - Absolutely, and we're completely willing to work with the
1266 Police Department to make sure we do everything we can to make it a safe area.
1267
1268 Mr. Branin - Make sure that it's lit properly. The sidewalk's there for
1269 safety of walking.
1270
1271 Mr. Shust - Yes.
1272
1273 Mr. Branin - Just want to make sure.
1274
1275 Mr. Shust - Absolutely. Thank you.
1276
1277 Mrs. Jones - Are there questions from the Commission?
1278

1279 Mr. Branin - Madam Chair, I'd like to move that POD-08-09, Kroger
1280 Eastridge – Fueling Center, be approved subject to standard conditions for
1281 developments of this type, and the following conditions 29 through 33 including working
1282 with our staff to provide a sidewalk and better lighting for that parking area.

1283
1284 Mr. Vanarsdall - Second.

1285
1286 Mrs. Jones - And the revised plan on the addendum.

1287
1288 Mr. Branin - And the revised plan on the addendum. I'm still rattled from
1289 the last one.

1290
1291 Mrs. Jones - We have a motion by Mr. Branin, a second by Mr.
1292 Vanarsdall. All in favor say aye. All opposed say no. I abstain. The ayes have it; the
1293 motion passes.

1294
1295 The vote was as follows:

1296
1297 Mrs. Jones - Abstain

1298 Mr. Vanarsdall - Yes

1299 Mr. Jernigan - Yes

1300 Mr. Archer - Yes

1301 Mr. Branin - Yes

1302

1303 The Planning Commission approved POD-08-09, Kroger Eastridge – Fueling Center,
1304 subject to the annotations on the plans, the standard conditions attached to these
1305 minutes for developments of this type, and the following additional conditions:

1306

1307 29. Bulk storage of fuel shall be underground.

1308 30. Employees shall be required to use the parking spaces provided at the rear of
1309 the building(s) as shown on the approved plans.

1310 31. Outside storage shall not be permitted.

1311 32. The proffers approved as a part of zoning cases C-2C-03 and C-1C-09 shall be
1312 incorporated in this approval.

1313 33. The location of all existing and proposed utility and mechanical equipment
1314 (including HVAC units, electric meters, junctions and accessory boxes,
1315 transformers, and generators) shall be identified on the landscape plan. All
1316 building mounted equipment shall be painted to match the building, and all
1317 equipment shall be screened by such measures as determined appropriate by
1318 the Director of Planning or the Planning Commission at the time of plan
1319 approval

1320

1321 **SUBDIVISION**

1322

SUB-05-09
Riverview Green Phase I
(April 2009 Plan)
Greenwood Road

Koontz-Bryant, P.C. for Wilton Development Corp.: The 18.07-acre site proposed for a subdivision of 36 townhouses for sale and 11 detached and semi-detached dwellings for sale with zero lot lines is located on the north line of Greenwood Road, approximately 1,600 feet west of its intersection with Woodman Road, on part of parcel 777-773-0724. The zoning is R-6C, General Residence District (Conditional) and R-5AC, General Residence District (Conditional). County water and sewer. **(Brookland) 47 Lots**

1323

1324 Mrs. Jones - Is there anyone in the audience in opposition to SUB-05-09,
1325 Riverview Green Phase I (April 2009 Plan)? All right. Good morning, Mr. Pambid,
1326 again.

1327

1328 Mr. Pambid - Good morning, Madam Chair and members of the Planning
1329 Commission. Riverview Green Phase I consists of a clubhouse and 47 total lots, which
1330 are comprised of 36 townhouse units for sale, 9 zero-lot-line dwellings, and 2 semi-
1331 detached dwellings. The original Riverview Green Phase I plan, which was number
1332 POD-25-06 and approved by the Planning Commission on April 19, 2006, called for a
1333 clubhouse and 49 condo units. So, we did have a little bit of a change there.

1334

1335 As a point of information, the Planning Commission also approved POD-60-06,
1336 Riverview Green Phase 2, on October 25, 2006, consisting of 172 residential
1337 condominium units. However, 154 units were ultimately approved on the final
1338 construction plan.

1339

1340 To bring the plan into compliance, ten feet of common area has been shown between
1341 various lots, specifically lots 3 and 4, 6 and 7, 9 and 10, and 28 and 33. Also, the same
1342 revised plan shows sidewalk along the entire east line of Riverview Green Drive, and
1343 along the west line of Riverview Green Drive adjacent to the clubhouse.

1344

1345 Staff can recommend approval of this plan. I do have some architectural elevations for
1346 informational purposes only, if you have any questions about those. We do have some
1347 revised conditions in the addendum; we removed a couple of conditions from the
1348 original staff report.

1349

1350 This concludes my presentation. Paul Hinson with Koontz-Bryant, and Mitchell Bode
1351 with Wilton are also here to address any questions you might have. Thank you.

1352

1353 Mrs. Jones - Questions of Mr. Pambid?

1354

1355 Mr. Vanarsdall - I have a question. Although the clubhouse is not involved in
1356 this, for the benefit of my fellow Commissioners, the clubhouse is being done

1357 administratively, or we hope it is. The plans they received were not in accordance with
1358 the 2006 standards. My question is what is the status of it now?

1359
1360 Mr. Pambid - I did speak with Mr. Bode last week about the differences in
1361 what was originally approved by the Planning Commission in 2006 and what was
1362 submitted with the administrative POD last month. They have submitted revised
1363 elevations. I've not had a chance to look at that with the other staff, but they're making
1364 an effort to increase the quality of the building materials, for instance, more brick, more
1365 standing seam metal roof, and just some improved elevations. There were a couple of
1366 blank spots as far as walls were concerned, and we had them put in some windows
1367 where there weren't windows before. We have received a revised clubhouse plan.

1368
1369 Mr. Vanarsdall - I spoke to Sandy Verna at Wilton, and told her I would not
1370 like to see it come back to the Commission unless I have to, but there had to be a lot of
1371 improvements to get to 2006. She said she understood that.

1372
1373 Mr. Pambid - Right. A lot of what was missing from the original clubhouse
1374 were some octagonal features. The building is more flat and has fewer, for instance,
1375 bay windows and some octagonal features. That's how I would describe them. But the
1376 revision doesn't show those either.

1377
1378 Mr. Vanarsdall - Thank you.

1379
1380 Mr. Pambid - That's where we are with it right now.

1381
1382 Mr. Vanarsdall - Thank you. I don't have any more questions, Madam Chair,
1383 and I don't need to hear from the applicant.

1384
1385 Mrs. Jones - All right.

1386
1387 Mr. Vanarsdall - I'll start with the addendum, which gives approval from staff,
1388 and I already found out about the clubhouse, which is not included. So, with that, I
1389 recommend approval of SUB-05-09, Riverview Green Phase I (April 2009 Plan)—and
1390 I'd like to say I'm glad that they're proceeding with this—with the standard conditions for
1391 residential townhouses for sale on zero lot line subdivisions, and the following
1392 conditions 17 and 19, and delete numbers 16 and 18.

1393
1394 Mr. Branin - Second.

1395
1396 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Branin. All in
1397 favor say aye. All opposed say no. The ayes have it; the motion passes.

1398
1399 The Planning Commission granted conditional approval to SUB-05-09, Riverview Green
1400 Phase I (April 2009 Plan), subject to the standard conditions attached to these minutes
1401 for residential townhouses for sale and zero lot line subdivisions, the annotations on the
1402 plans, and the following additional conditions:

- 1403
1404 16. ~~DELETED - Prior to requesting the final approval, a draft of the covenants and~~
1405 ~~deed restrictions for the maintenance of the common area by a homeowners~~
1406 ~~association shall be submitted to the Department of Planning for review. Such~~
1407 ~~covenants and restrictions shall be in a form and substance satisfactory to the~~
1408 ~~County Attorney and shall be recorded prior to recordation of the subdivision~~
1409 ~~plat.~~
1410 17. The proffers approved as part of zoning cases C-2C-09 and C-18C-08 shall be
1411 incorporated in this approval.
1412 18. ~~DELETED - All Best Management Practices (BMPs) constructed to meet water~~
1413 ~~quality requirements of Henrico County shall be maintained as follows: The~~
1414 ~~Homeowners Association shall be responsible for the short term maintenance,~~
1415 ~~such as routine grass cutting and litter pick up. The long term maintenance of~~
1416 ~~BMPs shall be the responsibility of the Department of Public Works.~~
1417 19. Any future building lot containing a BMP, sediment basin or trap and located
1418 within the buildable area for a principal structure or accessory structure, may be
1419 developed with engineered fill. All material shall be deposited and compacted in
1420 accordance with the Virginia Uniform Statewide Building Code and geotechnical
1421 guidelines established by a professional engineer. A detailed engineering report
1422 shall be submitted for the review and approval by the Building Official prior to the
1423 issuance of a building permit on the affected lot. A copy of the report and
1424 recommendations shall be furnished to the Directors of Planning and Public
1425 Works.
1426

1427 Mr. Emerson - Madam Chair, that takes us to the next to final action on
1428 your agenda, and that would be the review and approval of the minutes of March 25,
1429 2009.
1430

1431 APPROVAL OF MINUTES: March 25, 2009 Minutes
1432

1433 Mrs. Jones - Does anyone have corrections or additions to the minutes of
1434 March 25, 2009? I have just a question or two. On page 7, they have the blocked
1435 approval from staff. That's something new to me. What is that? Why is that blocked?
1436

1437 Mr. Emerson - I am not sure. I'd have to ask why that's highlighted.
1438

1439 Mrs. Jones - I do believe it's probably accurate, but I just didn't know what
1440 that was.
1441

1442 Mr. Emerson - Ms. News, are you familiar with why that would be
1443 highlighted?
1444

1445 Mrs. Jones - Probably because staff's approval is just that important.
1446

1447 Ms. News - I think it's just a typo.
1448

1449 Mrs. Jones - Okay. The other thing I was asking about is on page 13, line
1450 397. I know we're all construction oriented, but that's p-a-l-e-t-t-e-s as in art palettes.
1451 Then on page 18, line 609, Mr. Vanarsdall is quoted as asking if there's any new
1452 business to come before the Commission, but I believe that was me.

1453
1454 Mr. Vanarsdall - They got me mixed up with you and you mixed up with me?

1455
1456 Mrs. Jones - Scary isn't it, huh?

1457
1458 Mr. Vanarsdall - I don't mind being confused with you.

1459
1460 Mrs. Jones - Before this deteriorates, is there anything else to be added
1461 or changed in the minutes?

1462
1463 Mr. Branin - I'd like to move for approval with corrections.

1464
1465 Mr. Vanarsdall - I'll second it.

1466
1467 Mrs. Jones - All right. Moved and seconded that the minutes be accepted
1468 as corrected. All in favor say aye. All opposed say no. The ayes have it; the motion
1469 passes.

1470
1471 The Planning Commission approved the March 25, 2009 minutes as corrected.

1472
1473 Mrs. Jones - I will ask, is there anything else, any new business to come
1474 before the Commission?

1475
1476 Mr. Emerson - Nothing from staff, Madam Chair.

1477
1478 Mrs. Jones - All right. I have just one or two things to mention. Someone
1479 who's come before our Commission many a time, Bill Spell, I noticed has passed away.
1480 We all should all be aware, if you aren't.

1481
1482 We do have a number of upcoming programs that I've received information about; I
1483 believe you all probably have as well. One of them is Wednesday the 29th from 1 to
1484 3:30 for the Richmond Regional Planning District Commission. The East Coast
1485 Greenway is being developed, and we can be a part of learning about it, and
1486 contributing to the discussion. If you want more information, I can give that to you, as
1487 well as I believe we had an e-mail I passed around for the event tonight in the Fairfield
1488 Library for the workshop on green infrastructure. Again, if you want information, I think
1489 that's easily had. Then, the Henrico Business Council with the Economic Development
1490 bus tour on Wednesday, May 13th.

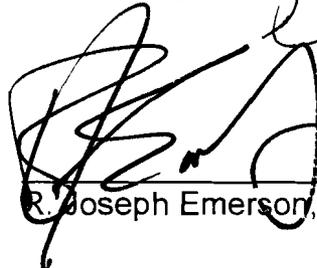
1491
1492 Mr. Vanarsdall - That's the one I'm interested in going to. How many people
1493 are going?

1494

1495 Mrs. Jones - I would like to attend.
1496
1497 Mr. Archer - I plan to go, Mr. Vanarsdall.
1498
1499 Mr. Vanarsdall - I think that would be good.
1500
1501 Mr. Archer - I think we all get assigned a car, and we get to race around
1502 the track.
1503
1504 Mr. Emerson - I believe that was one of the things I saw on that invitation.
1505
1506 Mr. Vanarsdall - Ray, are you going? It's on the East End.
1507
1508 Mr. Jernigan - I'll have to see what my schedule is.
1509
1510 Mrs. Jones - I just want everyone to be aware. I think the more we know,
1511 the more knowledge we have about all of these areas, the better we can do our job, so I
1512 wanted to bring that up. Any other business to come before the Commission? If not, I'll
1513 entertain a motion for adjournment.
1514
1515 Mr. Branin - So moved.
1516
1517 Mrs. Jones - Mr. Branin has moved for adjournment.
1518
1519 Mr. Archer - Second.
1520
1521 Mrs. Jones - Seconded. All in favor say aye. All opposed say no. The
1522 ayes have it; the motion passes.
1523
1524 The meeting is adjourned.



Bonnie-Leigh Jones, Chairperson



R. Joseph Emerson, Jr., Secretary

J

J

J

PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **April 22, 2009**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

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

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

STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **April 22, 2009**, which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

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

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

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

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

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

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

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

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

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

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

B-2 ZONE

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

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

B-3 ZONE

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

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SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated April 22, 2009, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on April 28, 2010, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated April 22, 2009, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on April 28, 2010, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.

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

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 22, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 28, 2010**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.
13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site
14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of **(name of subdivision)** and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.

Standard Conditions for Zero Lot Line Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 22, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 28, 2010**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

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

SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 22, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 28, 2010**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

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