

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, May 27, 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  
Mr. John Woodburn, Public Works  
Mr. Tommy Catlett, Assistant Traffic Engineer  
Ms. Kim Vann, Henrico Police  
Ms. Holly Zinn, Recording Secretary

5  
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 of Allegiance to the Flag.  
11

12 Thank you. Good morning. Welcome to the May 27, 2009 Subdivisions and Plans of  
13 Development meeting for the Planning Commission. We're happy to have you here with  
14 us this morning. I'd like to welcome Mr. Donati, Varina Supervisor, who sits with the  
15 Planning Commission this year. Nice to have you. We're all in attendance, and with  
16 that, I'll turn the meeting over—Actually, I will say one quick thing. It's my custom to ask  
17 that you mute or turn off your cell phones as a courtesy to others. I will now turn the  
18 meeting over to our secretary, Mr. Emerson.  
19

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

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

25

26 Mrs. Jones - Good morning, Ms. News.

27

28 Mr. Archer - Good morning, Ms. News.

29

30 Ms. News - We have two requests for deferrals this morning. The first  
31 item is found on page 4 of your agenda and is located in the Tuckahoe District. This is a  
32 transfer of approval for POD-07-90, Ridgefield Medical Building, which was formerly  
33 Ridgefield Office Park. The applicant is requesting a deferral to the June 24, 2009  
34 meeting.

35

36 **TRANSFER OF APPROVAL**

37

POD-07-90 **Judy Guild for CPC Ridgefield, LLC:** Request for  
Ridgefield Medical transfer of approval as required by Chapter 24, Section  
Building (Formerly 24-106 of the Henrico County Code from Earl Thompson,  
Ridgefield Office Park) – Inc. to CPC Ridgefield, LLC. The 1.876-acre site is located  
2200 Pump Road at the northwest corner of the intersection of Pump Road  
and Ridgefield Parkway at 2200 Pump Road, on parcel  
741-751-5040. The zoning is O-2C, Office District  
(Conditional). County water and sewer. **(Tuckahoe)**

38

39 Mrs. Jones - Is there anyone here in opposition to the deferral of transfer  
40 of approval for POD-07-90, Ridgefield Medical Building (Formerly Ridgefield Office  
41 Park)? There is no opposition. With that, I will move for the deferral of transfer of  
42 approval for POD-07-90, Ridgefield Medical Building (Formerly Ridgefield Office Park),  
43 to the June 24, 2009 meeting, per the applicant's request.

44

45 Mr. Vanarsdall - Second.

46

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

49

50 At the request of the applicant, the Planning Commission deferred the transfer of  
51 approval for POD-07-90, Ridgefield Medical Building (Formerly Ridgefield Office Park),  
52 to its June 24, 2009 meeting.

53

54 Ms. News - The next item is on page 7 of your agenda and is located in  
55 the Three Chopt District. This is SUB-06-09, Hampshire (April 2009 Plan) for 12 lots.  
56 The applicant is requesting a deferral to the June 24, 2009 meeting.

57

58 **SUBDIVISION** (*Deferred from the April 22, 2009 Meeting*)

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

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

59  
60 Mrs. Jones - Is there anyone in the audience in opposition to the deferral  
61 of SUB-06-09, Hampshire (April 2009 Plan)? No opposition.

62  
63 Mr. Branin - Madam Chair, I'd like to move that SUB-06-09, Hampshire  
64 (April 2009 Plan), be deferred to June 24, 2009, per the applicant's request.

65  
66 Mr. Vanarsdall - Second.

67  
68 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in  
69 favor say aye. All opposed say no. The ayes have it; the motion passes.

70  
71 At the request of the applicant, the Planning Commission deferred SUB-06-09,  
72 Hampshire (April 2009 Plan), to its June 24, 2009 meeting.

73  
74 Ms. News - Staff is aware of no further requests for deferrals.

75  
76 Mrs. Jones - Are there any deferrals from the Commission? There are  
77 none.

78  
79 Mr. Emerson - Madam Chair, that takes us to the next item, which is the  
80 expedited agenda. These will be presented by Ms. Leslie News.

81  
82 Ms. News - Yes, sir. We have five items on our Expedited Agenda this  
83 morning. The first item is on page 5 of your agenda and is located in the Brookland  
84 District. This is transfer of approval for POD-03-07, Country Inn & Suites. Staff  
85 recommends approval.

86

87 **TRANSFER OF APPROVAL**

88  
POD-03-07  
Country Inn & Suites –  
8010 W. Broad Street

**Hasmukh Patel for West End Hospitality, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Monument Hospitality to West End Hospitality, LLC. The 1.344-acre site is located at 8010 W. Broad Street (U.S. Route 250) adjacent to Shrader Rd., approximately 900 feet northwest of the intersection of Shrader and Hungary Spring roads on parcel 764-752-5989. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

89  
90 Mrs. Jones - Is there anyone in the audience in opposition to transfer of  
91 approval for POD-03-07, Country Inn & Suites? There is none.

92  
93 Mr. Vanarsdall - I move that transfer of approval POD-03-07, Country Inn &  
94 Suites, be approved on the expedited agenda as presented by staff.

95  
96 Mr. Branin - Second.

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

100  
101 The Planning Commission approved the request for transfer of approval for POD-03-07,  
102 Country Inn & Suites from Monument Hospitality to West End Hospitality, LLC, subject  
103 to the standard and added conditions previously approved.

104  
105 Ms. News - The next item is on page 11 of your agenda and is located in  
106 the Brookland District. This is POD-03-09, Our Lady of Lourdes School Classroom  
107 Addition. Staff recommends approval.

108  
109 **PLAN OF DEVELOPMENT** (*Deferred from the April 22, 2009 Meeting*)

110  
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)**

111



150 Mr. Jernigan - Madam Chair, with that, I'll move for approval of SUB-02-09,  
151 Elizabeth Place (February 2009 Plan), subject to the annotations on the plans, the  
152 standard conditions for subdivisions served by public utilities, and the following  
153 additional conditions, 6A and 13 on the expedited agenda.  
154

155 Mr. Branin - Second.

156  
157 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor  
158 say aye. All opposed say no. The ayes have it; the motion passes.  
159

160 The Planning Commission granted conditional approval to SUB-02-09, Elizabeth Place  
161 (February 2009 Plan), subject to the standard conditions attached to these minutes for  
162 subdivisions served by public utilities, the annotations on the plans, and the following  
163 additional conditions:  
164

165 6A. A detailed soil analysis shall be performed and other requirements of the Health  
166 Department met before final plats are recorded. The developer shall have the  
167 center lines of all streets and lot corners staked to facilitate the examination of  
168 lots by the Health Department Sanitarians prior to filing for final approval and  
169 shall notify the Department of Planning and Health Department in writing when  
170 the staking has been done.

171 13. Prior to preparing the recordation plat, the engineer or surveyor shall furnish the  
172 Planning Staff a plan showing a dwelling situated on Lot 2 to determine if the lot  
173 design is adequate to meet the requirements of Chapter 24 of the Henrico  
174 County Code.  
175

176 Ms. News - The next item is on page 15 of your agenda and is located in  
177 the Brookland District. This is SUB-08-09, Staples Mill Centre (May 2009 Plan), for 52  
178 lots. This is a reconsideration of the same subdivision that was approved in 2007 but  
179 with a different configuration. Staff can recommend approval.  
180

181 **SUBDIVISION**  
182

SUB-08-09 Staples Mill Centre (May 2009 Plan) Staples Mill Road	<b>E.D. Lewis &amp; Associates, P.C. for Staples Mill Centre, LLC:</b> The 1.82-acre site proposed for a subdivision of 52 townhouses for sale is located along the south side of Bethlehem Road, 369 feet west of Staples Mill Road (U.S. Route 33), on parcels 773-740-5043, 8899, 9498, 773-741-8102, 774-740-0096, and 0894. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. <b>(Brookland) 52 Lots</b>
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183  
184 Mrs. Jones - Is there anyone here who is in opposition to SUB-08-09,  
185 Staples Mill Centre (May 2009 Plan)?  
186

187 Mr. Vanarsdall - I recommend SUB-08-09, Staples Mill Centre (May 2009  
188 Plan), be approved on the expedited agenda subject to annotations on the plan,  
189 standard conditions for residential townhouses for sale, and two conditions, 15 and 16.  
190

191 Mr. Jernigan - Second.  
192

193 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan. All in  
194 favor say aye. All opposed say no. The ayes have it; the motion passes.  
195

196 The Planning Commission granted conditional approval to SUB-08-09, Staples Mill  
197 Centre (May 2009 Plan), subject to the standard conditions attached to these minutes  
198 for residential townhouses for sale, the annotations on the plans, and the following  
199 additional conditions:  
200

201 15. A County standard sidewalk shall be constructed along the south side of  
202 Bethlehem Road.

203 16. The proffers approved as part of zoning case C-5C-07 shall be incorporated in  
204 this approval.  
205

206 Ms. News - The final item is on page 16 of your agenda and is located in  
207 the Fairfield District. This is POD-12-09, Worth Higgins & Associates Expansion. Staff  
208 recommends approval.  
209

## 210 PLAN OF DEVELOPMENT

211

POD-12-09  
Worth Higgins &  
Associates Expansion –  
8770 Park Central Drive  
(POD-07-94 & 51-01 Rev.)

**Draper Aden Associates for Worth Higgins and Associates, Inc.:** Request for approval of a plan of development and a lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 29,330 square foot one story office/warehouse addition to an existing building. The 5.50-acre site is located on the west line of Park Central Drive, approximately 900 feet north of its intersection with East Parham Road, on parcels 789-759-0279 and 789-760-0202. The zoning is O/SC, Office Service District (Conditional). County water and sewer. **(Fairfield)**

212  
213 Mrs. Jones - Is anyone in the audience in opposition to POD-12-09,  
214 Worth Higgins & Associates Expansion? No opposition.  
215

216 Mr. Archer - Madam Chair, I move for approval of POD-12-09, Worth  
217 Higgins & Associates Expansion, subject to annotations on the plan, standard  
218 conditions for developments of this type, and conditions 29 through 33.  
219

220 Mr. Branin - Second.  
221

222 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Branin. All in favor  
223 say aye. All opposed say no. The ayes have it; the motion passes.  
224

225 The Planning Commission approved to POD-12-09, Worth Higgins & Associates  
226 Expansion, subject to the annotations on the plans, the standard conditions attached to  
227 these minutes for developments of this type, and the following additional conditions:  
228

- 229 29. Outside storage shall not be permitted.  
230 30. The proffers approved as a part of zoning case C-57C-88 shall be incorporated  
231 in this approval.  
232 31. The loading areas shall be subject to the requirements of Chapter 24, Section  
233 24-97(b) of the Henrico County Code.  
234 32. The owners shall not begin clearing of the site until the following conditions have  
235 been met:  
236  
237 (a) The site engineer shall conspicuously illustrate on the plan of  
238 development or subdivision construction plan and the Erosion and  
239 Sediment Control Plan, the limits of the areas to be cleared and the  
240 methods of protecting the required buffer areas. The location of utility  
241 lines, drainage structures and easements shall be shown.  
242 (b) After the Erosion and Sediment Control Plan has been approved but prior  
243 to any clearing or grading operations of the site, the owner shall have the  
244 limits of clearing delineated with approved methods such as flagging, silt  
245 fencing or temporary fencing.  
246 (c) The site engineer shall certify in writing to the owner that the limits of  
247 clearing have been staked in accordance with the approved plans. A  
248 copy of this letter shall be sent to the Department of Planning and the  
249 Department of Public Works.  
250 (d) The owner shall be responsible for the protection of the buffer areas and  
251 for replanting and/or supplemental planting and other necessary  
252 improvements to the buffer as may be appropriate or required to correct  
253 problems. The details shall be included on the landscape plans for  
254 approval.  
255 33. The location of all existing and proposed utility and mechanical equipment  
256 (including HVAC units, electric meters, junctions and accessory boxes,  
257 transformers, and generators) shall be identified on the landscape plan. All  
258 building mounted equipment shall be painted to match the building, and all  
259 equipment shall be screened by such measures as determined appropriate by  
260 the Director of Planning or the Planning Commission at the time of plan  
261 approval.  
262

263 Ms. News - That completes our expedited agenda.  
264

265 Mrs. Jones - Thank you very much.  
266

267 Mr. Emerson - Madam Chair, that takes us to the next item, which is  
 268 Subdivision Extensions of Conditional Approval. Those will be presented by Mr. Lee  
 269 Pambid.

270  
 271 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**  
 272  
 273 **FOR INFORMATIONAL PURPOSES ONLY**  
 274

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB 2008-00143 (SUB-31-07) Grayson Hill (May 2007 Plan)	17	17	1	Tuckahoe	05/26/10
SUB 2008-00144 (SUB-08-05) Grey Oaks Meyer (October 2005 Plan)	34	34	1	Three Chopt	05/26/10
SUB 2008-00145 Kingsland Green (May 2006 Plan)	56	56	2	Varina	05/26/10
SUB 2008-00179 Settler's Ridge (May 2004 Plan)	166	69	2	Varina	05/26/10
SUB 2008-00146 The Ridings at Warner Farm (April 2006 Plan)	656	656	2	Varina	05/26/10
SUB 2008-00014 (SUB-11-08) Three Chopt Road Extension (May 2008 Plan)	0	0	0	Three Chopt	05/26/10

275  
 276 Mrs. Jones - Good morning, Mr. Pambid.  
 277  
 278 Mr. Pambid - Good morning. Are there any questions regarding these  
 279 subdivision extensions?  
 280  
 281 Mrs. Jones - No, sir, apparently not. No questions from the Commission?  
 282  
 283 Mr. Branin - I'm scared to ask any.  
 284  
 285 Mr. Jernigan - He gets off light every time.  
 286

287 Mr. Branin - I don't want to rattle him this morning.  
288  
289 Mrs. Jones - All right, thank you very much.  
290  
291 Mr. Pambid - Thank you.  
292  
293 Mr. Emerson - Madam Chair, now we move into the regular agenda, with  
294 the first item being on page 3.  
295

296 **TRANSFER OF APPROVAL (Deferred from the April 22, 2009 Meeting)**

POD-88-78 **James P. Karides for Laburnum, LLC:** Request for  
BP Convenience Store transfer of approval as required by Chapter 24, Section  
(Formerly Amoco Oil 24-106 of the Henrico County Code from Amoco Oil  
Company) - Company to Laburnum, LLC. The 0.55-acre site is located  
S. Laburnum Ave. and at the southeast corner of S. Laburnum Ave. and  
Williamsburg Rd. Williamsburg Rd. (U.S. Route 60), on parcel 816-713-  
6077. The zoning is B-3, Business District. County water  
and sewer. **(Varina)**

297  
298 Mrs. Jones - Good morning, Mr. Ward. Do we have anyone here in  
299 opposition to the transfer of approval for POD-88-78, BP Convenience Store (Formerly  
300 Amoco Oil Company)? We do not. All right.  
301

302 Mr. Ward - For several months, the applicant has worked with staff to  
303 resolve the deficiencies, which included painting the building; resealing and striping  
304 seven parking spaces; installing three new stop signs; building a new enclosure for the  
305 dumpster and HVAC equipment; adding a row of Leland Cypress in the rear of the  
306 property and two street trees at the corner of Williamsburg and Laburnum Avenue.  
307

308 Should the Planning Commission act on this request, staff can recommend approval.  
309

310 Mrs. Jones - Are there questions for Mr. Ward? Mr. Jernigan?

311  
312 Mr. Jernigan - No, we're all straight.  
313

314 Mrs. Jones - Okay.  
315

316 Mr. Jernigan - Madam Chair, with that, I will move approval of transfer of  
317 approval for POD-88-78, BP Convenience Store (Formerly Amoco Oil Company).  
318

319 Mr. Archer - Second.  
320

321 Mrs. Jones - Motion Mr. Jernigan, seconded by Mr. Archer. All in favor  
322 say aye. All opposed say no. The ayes have it; the motion passes.  
323

324 The Planning Commission approved the transfer of approval request for POD-88-78,  
325 BP Convenience Store (Formerly Amoco Oil Company), from Amoco Oil Company to  
326 Laburnum, LLC, subject to the standard and added conditions previously approved.

327

## 328 **LANDSCAPE & LIGHTING PLAN**

329

LP/POD-32-08  
Wallace Gymnasium –  
2206 Westwood Avenue

**Engineering Design Associates for BCW 45<sup>th</sup>, LLC and  
Gordon Construction, Inc.:** 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 3.24-acre site is located on the north line of  
Westwood Avenue at its intersection with Westwood Trail  
on parcel 779-735-7361. The zoning is M-2, General  
Industrial District. County water and City sewer.  
**(Brookland)**

330

331 Mrs. Jones - Hello again, Mr. Pambid.

332

333 Mr. Pambid - Good morning.

334

335 Mrs. Jones - Is there anyone in opposition to the LP/POD-32-08, Wallace  
336 Gymnasium? There is no opposition. Okay, you may proceed.

337

338 Mr. Pambid - Additional plantings and trees are needed between the  
339 guardrail and the BMP to meet peripheral parking lot landscaping quantities. Likewise,  
340 additional plantings and four trees are needed to meet the same requirement for the  
341 parking along Westwood Trail. A deciduous tree needs to be located within the  
342 landscape island on the north end of the parking lot adjacent to Westwood Trail. The  
343 applicant has been advised of these Code provisions.

344

345 Given the vicinity's history for loitering activity, particularly under and around the I-195  
346 flyover, staff has recommended that lighting levels need to be at least half a footcandle  
347 throughout the parking areas. It is also staff's recommendation that this be  
348 accomplished with pole-mounted lights versus additional building-mounted lights.

349

350 While there was no formal plan submitted, the applicant has shown a staff plan, which  
351 you were just given, that shows changes addressing a few but not all of the staff's  
352 comments. This plan also does not address staff's comments regarding pole lights.

353

354 If the Planning Commission should act on the plan submitted today, time limits would  
355 have to be waived.

356

357 This concludes my presentation. I can now field any questions you might have about  
358 this plan. Mr. Randy Hooker with Engineering Design Associates is here as well, and  
359 we have representatives from the police.

360

361 Mrs. Jones - Do we have questions for Mr. Pambid from the  
362 Commission?  
363  
364 Mr. Vanarsdall - I do. You don't have a problem with the landscape plan?  
365  
366 Mr. Pambid - The landscape plan, from what I've seen today and what I've  
367 also received in the past week—  
368  
369 Mr. Vanarsdall - This is the first time I've seen it.  
370  
371 Mr. Pambid - This is the first time I've seen it this morning as well.  
372  
373 Mr. Vanarsdall - First time you've seen it, too?  
374  
375 Mr. Pambid - Yes, sir.  
376  
377 Mr. Vanarsdall - Go ahead; I didn't mean to interrupt you.  
378  
379 Mr. Pambid - That's okay. As I spoke with Randy earlier in the week and  
380 towards the end of last week, some concessions were being made with regards to  
381 species, particularly that along the BMP. What he had shown me previously were some  
382 Nellie Stevens Hollies along the BMP. Your annotated plan in the packet does not  
383 show anything, but through some other additional plans that he had shown me last  
384 week, he had some Nellie Stevens Hollies along this BMP. He told me that he was  
385 going to change some of those to Flowering Plums. Now, on the other side along  
386 Westwood Trail here, there is actually a requirement for four additional trees. We are  
387 requesting one tree go here in the landscape island, and that would leave three trees  
388 that he would still need to locate along that frontage. Keep in mind that Westwood Trail  
389 is a private drive. It is mostly used by CSX to access a rail yard there in the back.  
390  
391 Mr. Branin - Is there a reason why they haven't provided the trees?  
392  
393 Mr. Pambid - I'd have to get Randy to answer that question.  
394  
395 Mr. Vanarsdall - The deciduous tree that you have by Westwood Trail—  
396  
397 Mr. Pambid - Again, he would need four. He's only showing two right now.  
398 There's a Dogwood up here, and down here he's showing a Red Oak, which leaves  
399 four that would still need to be located along Westwood Trail. The requirement for a  
400 deciduous tree in the landscape island has been a subject of considerable discussion.  
401 There isn't anything being shown there right now.  
402  
403 Mrs. Jones - Mr. Pambid, what you're talking about are simply minimal  
404 requirements.  
405  
406 Mr. Pambid - These are Code provisions, yes, ma'am.

407  
408 Mr. Vanarsdall - No question about those. So, what you're telling us is that  
409 the plan you just laid down is not sufficient in every way.  
410  
411 Mr. Pambid - Not in every way.  
412  
413 Mr. Vanarsdall - Now with the lighting, you have a problem with the candle  
414 power, right?  
415  
416 Mr. Pambid - It is staff's position that the lighting levels do need to be  
417 increased throughout the parking lot—  
418  
419 Mr. Vanarsdall - You have on here, "to half a foot."  
420  
421 Mr. Pambid - —half a footcandle. Police likes one foot, but half a  
422 footcandle comes from our lighting guidelines.  
423  
424 Mr. Branin - Mr. Pambid, I don't remember this zoning. There are no  
425 residential homes around this.  
426  
427 Mr. Pambid - That's correct. There are no residential homes around it.  
428  
429 Mr. Vanarsdall - None at all.  
430  
431 Mr. Branin - I have a case that I just started working on that the office is  
432 going to be tucked in next to a neighborhood, and we're trying to figure out with police  
433 what would be sufficient lighting. If the police are saying they need better lighting, and  
434 there are no residential homes, what's the opposition to that?  
435  
436 Mr. Pambid - Again, I'd have to defer to the applicant on that. I think that  
437 cost was one of the major factors, but he may have some other explanation for that. As  
438 far as the zoning and the uses of the land around this site, you do have the 195  
439 Interstate that cuts right through the property. A major portion of the property is actually  
440 under the flyover. Across the street, you have other office uses that are actually in the  
441 City of Richmond. So, this site is adjacent to the City of Richmond. To answer your  
442 question directly, there are no residential uses around this area.  
443  
444 Mr. Branin - So, no opposing light issues, so it should be brighter. Is it  
445 staff's opinion that it should be brighter?  
446  
447 Mr. Pambid - Yes.  
448  
449 Mrs. Jones - Are there other questions for Mr. Pambid?  
450  
451 Mr. Vanarsdall - I don't have any more, Madam Chair.  
452

453 Mr. Jernigan - I—  
454  
455 Mrs. Jones - Would you like to have—  
456  
457 Mr. Jernigan - Mrs. Jones, I had to get my magnifying glass out to read  
458 this.  
459  
460 Mrs. Jones - Goodness, you did.  
461  
462 Mr. Jernigan - I noticed that the lighting levels coming off of Westwood Trail  
463 at the entrance there are at 0 and 0.1. Mr. Pambid, if you can read that, you're in pretty  
464 good shape.  
465  
466 Mr. Pambid - I think I'm in reverse; I have to take my glasses off to see  
467 this.  
468  
469 Mr. Vanarsdall - I never have understood that, how you take your glasses off  
470 to see better. Why'd you buy them to start with?  
471  
472 Mr. Pambid - You're correct; it is 0.0.  
473  
474 Mr. Vanarsdall - What did you say?  
475  
476 Mr. Pambid - It is 0.0.  
477  
478 Mr. Jernigan - It's 0.0 and 0.1 at the drive where you—  
479  
480 Mrs. Jones - At the property line.  
481  
482 Mr. Jernigan - —where you come in the driveway off Westwood Trail.  
483  
484 Mrs. Jones - Sounds like there are some serious concerns about lighting  
485 levels as well as certainly the safety aspect of that and then the minimal standards of  
486 landscaping. Would you like to hear from the applicant?  
487  
488 Mr. Vanarsdall - Eventually, yes.  
489  
490 Mrs. Jones - Okay.  
491  
492 Mr. Vanarsdall - I'm still on what he is with his magnifying glass.  
493  
494 Mr. Jernigan - Do you want to borrow it?  
495  
496 Mrs. Jones - It's right here. Yours doesn't turn too well.  
497  
498 Mr. Vanarsdall - Are you looking at the new one or the old one?

499  
500 Mr. Jernigan - The new one.  
501  
502 Mrs. Jones - The new one right here.  
503  
504 Mr. Vanarsdall - What are you telling us? What are you telling us, Mr.  
505 Jernigan?  
506  
507 Mr. Jernigan - I'm saying the lighting levels right there are nil. It's 0.0, which  
508 is nothing.  
509  
510 Mr. Vanarsdall - Right now I'd like to hear from the applicant, Madam Chair.  
511  
512 Mrs. Jones - All right, thank you, Mr. Pambid.  
513  
514 Mr. Vanarsdall - Thank you.  
515  
516 Mrs. Jones - When you come up, if you would state your name for the  
517 record, please.  
518  
519 Mr. Hooker - My name is Randy Hooker, Engineering Design Associates.  
520 Good morning, Members.  
521  
522 Mrs. Jones - Good morning.  
523  
524 Mr. Vanarsdall - Good morning.  
525  
526 Mr. Hooker - I guess we'll go ahead and touch on landscaping first.  
527  
528 Mr. Branin - Does Mr. Wallace not like trees?  
529  
530 Mr. Hooker - There are reasons. We're not trying to not provide the  
531 minimum standards. There are plenty of reasons why. The tree that has been  
532 requested to be planted at this location here, the deciduous tree that's been requested,  
533 there is a stop sign right here. I have exchanged an e-mail with Lee and Mike Jennings  
534 in Traffic about this. I have serious concerns about putting a tree here. I believe it's a  
535 liability issue. I have a stop sign down here, and I also have another stop sign down  
536 here, but I feel that these trees have been pulled over enough that they're not blocking  
537 the visibility of the stop signs. However, this stop sign here, I have a tree right here in  
538 the corner of this island. This is a one-way drive aisle, so the traffic coming this  
539 direction, the visibility of the stop sign is going to be blocked by this tree. I can't see  
540 having a tree in front of a stop sign. If the Planning Commission requires that a tree is  
541 placed here, we'll place one there, but I can't pass on that liability. Our company  
542 cannot pass on that liability to our client that we're blocking a stop sign. The traffic from  
543 CSX has no posted speed limit on Westwood Trail. CSX, those employees do drive  
544 quite fast on that road. I would hate to have somebody pulling out here and being hit.

545 There is not an abundance of visibility going to the north or going to the northwest just  
546 before the structures supporting 195. The reason for that tree, I left it off the plan for  
547 that reason. Then also, too, the plan that you have in front of you has two trees  
548 placed—one about right here, and another one placed about right there. The only  
549 reason why I have two trees there is there's an existing overhead power line that comes  
550 across and hits a pole over here near this other tree. The pole line stops there. There's  
551 a service leaving this pole, going underground to the landscape company over here.  
552 There is also a line that comes back to serve the lighting for this billboard. Now, the  
553 billboard is another issue. We can't do anything with it; trust me, we tried.

554  
555 Mr. Vanarsdall - That's a billboard?

556  
557 Mr. Hooker - Yes.

558  
559 Mr. Vanarsdall - You're saying the billboard is going to remain?

560  
561 Mr. Hooker - Yes. We started this project over two years ago. It took six  
562 to nine months just in preliminary research. This land was carved out of a parent  
563 parcel. It's a little over three acres today. I believe the parent parcel was about 15 to 16  
564 acres, something like that. Anyway, when this parcel was carved out, the company that  
565 the land was purchased from required an easement, a grading and drainage easement  
566 parallel to the existing 50-foot easement for Westwood Trail. The new owners inherited  
567 an easement for this billboard. It is a perpetual easement that was basically covered  
568 under a one-time fee that the previous landowner received benefit of, not this owner. I  
569 cannot block visibility to that billboard. That's why I planted these miniature Japanese-  
570 type maple trees in the front so I'm not blocking this billboard. I feel like this Red Oak is  
571 far enough to the north that I'm not blocking the billboard.

572  
573 That's why. Between the billboard, the overhead power line coming across the parking  
574 lot over here, and the stop sign. Those are my reasons for not providing additional  
575 trees to this property.

576  
577 Mrs. Jones - Are you also saying that there are no species that will  
578 accomplish the requirements of Henrico County, and still not have a problem with stop  
579 signs and the billboard? You've looked at everything that's out there and you can't  
580 possibly think of anything to put there?

581  
582 Mr. Hooker - No ma'am, I cannot. I've been back and forth with Lee on  
583 the telephone. I submitted revised plans to him last week. I just added two trees in here  
584 last night to accommodate adding a couple of trees in here. These trees are a type of a  
585 pear that they do not generate a large canopy. They're kind of a conical shape almost.  
586 That way, they won't have to be hacked by the power company to stay away from  
587 overhead power lines.

588  
589 Mrs. Jones - Were they suggested species to you?

590

591 Mr. Hooker - These pears were not, no ma'am.  
592  
593 Mrs. Jones - Questions for Mr. Hooker?  
594  
595 Mr. Hooker - I can touch on lighting now, if you'd like.  
596  
597 Mrs. Jones - I'm just having a hard time thinking that there isn't a solution  
598 out there, because it's important to have this kind of landscaping complement to the  
599 project.  
600  
601 Mr. Branin - Madam Chair, may I ask Mr. Pambid and Ms. News to come  
602 up? Has this applicant indeed been working this hard with you all to fulfill the minimum  
603 requirements?  
604  
605 Mr. Pambid - I'm sorry; could you repeat the question?  
606  
607 Ms. News - I think the applicant has been working with Lee, and Lee's  
608 come back with several requests for them to provide these trees. This is the first time  
609 we've actually seen a tree proposed. There are numerous species that work under  
610 overhead power lines, and there are other species that are limbed up, and are put in  
611 landscape islands at the entrance to roads every day.  
612  
613 Mr. Branin - So, they have been working, but not diligently in regards to  
614 Madam Chair's question there not being any species known to man that will work in this  
615 condition. Is that staff's opinion?  
616  
617 Ms. News - Yes, I would say so.  
618  
619 Mr. Pambid - There is one tree with regards to the landscape island that I  
620 have suggested, which was a Zelkova. It's more of a vase-shaped tree. I don't think  
621 that would block the visibility of a stop sign. I don't think we need to look any further  
622 than the trees outside the parking lot to know what a Zelkova looks like and how it's  
623 shaped. Again, if you limb that up a little bit, the canopy would be raised, and in my  
624 opinion, I think it would provide decent visibility to the stop sign. As far as the power  
625 line is concerned, we do have a list of trees that was provided by Dominion Virginia  
626 Power of what they would consider acceptable under power lines.  
627  
628 Mr. Vanarsdall - Have either of you or both of you discussed this with Mr.  
629 Hooker?  
630  
631 Mr. Pambid - I've discussed it in depth with Mr. Hooker.  
632  
633 Mr. Vanarsdall - Have you seen the new plan, Leslie?  
634  
635 Ms. News - I just saw it.  
636

637 Mr. Vanarsdall - Other than this morning?  
638  
639 Ms. News - No, just this morning. I'll also mention that the Code  
640 requirement is for 2-1/2 trees per 100 feet along a street. The distance along that  
641 parking lot between the two landscape islands would require four trees. If the  
642 Commission was concerned about the island and visibility, if you placed those four  
643 trees in that strip just next to the island, you could still get four small trees through  
644 there. It's staff's opinion that that would be—  
645  
646 Mr. Branin - But we could meet the requirement, if need be.  
647  
648 Ms. News - Yes. If there are easements or some other reason that  
649 precludes placing it right in that strip, the Code allows you to put it as close as practical.  
650  
651 Mr. Vanarsdall - Is it up to you to figure that out or the applicant?  
652  
653 Ms. News - We try to work together.  
654  
655 Mrs. Jones - Seems to me like there are solutions here; they just aren't in  
656 front of us today.  
657  
658 Mr. Vanarsdall - I figured there would be, and I'm glad you asked the  
659 question.  
660  
661 Mr. Branin - I'm finished with my questions. He can indeed meet the  
662 requirements if we actually work on it. It's just the applicant hasn't gotten there yet.  
663  
664 Mr. Vanarsdall - Right. Thank you.  
665  
666 Mrs. Jones - Would you like to talk about lighting?  
667  
668 Mr. Vanarsdall - I think we finished with the landscaping, haven't we?  
669  
670 Mr. Branin - Yes.  
671  
672 Mr. Vanarsdall - So, now you want to work on the lighting.  
673  
674 Mr. Hooker - This lighting plan does not depict lighting that is provided  
675 that spills over from 195. There are light poles along the edge of 195 that do light up  
676 195, as well as spill over onto the property. Also, there are light poles on both sides of  
677 Westwood Avenue. There is a pole here at the corner, and there are two other poles  
678 across the front of the property. These poles do provide additional light to the site, but  
679 that is not reflected in this plan. The fixtures were changed from the initial submission  
680 that were shown on the building to a larger fixture. It still meets the minimum  
681 requirements as far as full cutoff, but we still do not meet the half a footcandle at the  
682 edge of the parking lot.

683  
684 Mr. Vanarsdall - It's a minimum requirement.  
685  
686 Mr. Hooker - Well, it's not—I mean, the ordinance does not state lighting  
687 level. It's recommendations, the policy that is provided. It's not a true ordinance. The  
688 issue of providing pole lights is that this project has gone so far over budget the owner  
689 just cannot justify an additional expense.

690  
691 To touch base on the vagrants, there were one or more individuals living under 195,  
692 right here behind the proposed building, or the building that's under construction now.  
693 There was even a shack built on the sidewalk right on Westwood Avenue under 195.  
694 However, the Wallace's purchased this property February of last year. Once that was  
695 done, the area was cleaned up, this location and the location under 195 at Westwood  
696 Avenue. Those locations were cleaned up. They haven't been back. I've been out to the  
697 site multiple times, and there have been no signs of the vagrants returning to the site.  
698

699 Mr. Branin - You're aware that under 195 I don't believe is the jurisdiction  
700 of the County, it's actually the State. So, we would have issues, as the County, on  
701 trying to police that. Okay? We're going to be bringing children in, people in to play at  
702 this gym, correct?  
703

704 Mr. Hooker - Well, it's a private facility. I don't know that it's going to be  
705 for public use.  
706

707 Mr. Branin - Okay. I disagree. I'm not saying for public use, but by a lot  
708 of possibly AAU teams and so forth, which is a private use. While it's not a public gym,  
709 it's a private gym being accessed like over in Chesterfield and many more in the area.  
710 It is a private gym, but there will be a lot of people that come in. There will be  
711 tournaments there possibly. People will be around there. In the winter, it tends to get  
712 dark early. Do you disagree? You see where our concern would be on lighting at this  
713 location, and protection of the people that are going to be at the private gym.  
714

715 Mr. Hooker - I understand totally. I'm here to represent the client.  
716

717 Mr. Branin - Maybe this should be deferred and Mr. Wallace come in and  
718 explain himself to us.  
719

720 Mr. Hooker - He's playing all season right now; it would be kind of hard to  
721 get him in. Like I said, there are no true requirements to have minimum lighting on the  
722 property.  
723

724 Mrs. Jones - Mr. Branin, if I'm hearing your point, we can't, in all good  
725 conscience, go ahead and condone a plan that doesn't provide for what we consider  
726 safety concerns.  
727

728 Mr. Branin - I couldn't vote for it.

729  
730 Mrs. Jones - Nor could I. I think these are just basic common sense  
731 conclusions that we're reaching here. The landscaping is an issue because we feel that  
732 we have standards to uphold and there are ways to do this, but we have to figure those  
733 out; they're not in front of us now. There are concerns about the safety of the location.  
734 I don't know if you would like Kim Vann to come up—  
735  
736 Mr. Vanarsdall - Oh, yes.  
737  
738 Mrs. Jones - —and talk about this. Obviously, you understand why we're  
739 asking these questions.  
740  
741 Mr. Hooker - I understand.  
742  
743 Mrs. Jones - And we're not getting answers at the moment that are  
744 satisfactory.  
745  
746 Mr. Vanarsdall - I have a question. How was Mike Jennings involved in the  
747 stop sign?  
748  
749 Mr. Hooker - I e-mailed him because, like I said, I did not place a tree—  
750  
751 Mr. Vanarsdall - He's usually at these meetings; I wish he was here.  
752  
753 Mr. Hooker - Tommy's here. I don't recall if Tommy was included in that  
754 e-mail or not. That is specifically why I didn't place a tree right here. I have a concern.  
755 This is a one-way drive aisle required by fire for passage and everything. I'm certain  
756 that fire is not the only one that's going to use this. This is basically a right in, right out.  
757 So, if somebody parks on this side and needs to make a left onto Westwood Avenue,  
758 they need to come across the back of the building and out to Westwood Trail.  
759  
760 Mr. Branin - Randy, how many parking spots are in this?  
761  
762 Mr. Hooker - Sixty-one.  
763  
764 Mr. Branin - Sixty-one? At a private gym, if you had a full ten people  
765 playing, why would you need sixty?  
766  
767 Mr. Hooker - Because this was derived by Dave O'Kelly and Lee Pambid,  
768 and I believe Leslie was in there, too. There is no parking—  
769  
770 Mr. Branin - I feel real confident that it's going to be used for either some  
771 summer league practices or—  
772

773 Mr. Hooker - With our initial submission, I think we had maybe 20 parking  
774 spaces on it or so—I don't recall off the top of my head—maybe 30 at the most. We  
775 had nowhere near this many parking spaces.

776  
777 Mr. Branin - If there are 20 people in there, that's 20 people's lives that  
778 the County with all good confidence can say we allowed 20 people in harm's way  
779 because Mr. Wallace didn't want to put out the money for lights.

780  
781 Mr. Hooker - Like I said, there is no ordinance that requires a minimum  
782 lighting level that's required for this.

783  
784 Mr. Branin - There's a policy, correct?

785  
786 Mr. Vanarsdall - So, you're going strictly by the ordinance, okay.

787  
788 Mr. Hooker - I'm just stating fact. I'm not trying to belligerent.

789  
790 Mr. Branin - Go strictly by ordinance with the trees.

791  
792 Mr. Vanarsdall - Now I have a question for you. This is going to be used  
793 multipurpose, not just for basketball. So, what are the hours, do you know?

794  
795 Mr. Hooker - No, I do not know the hours.

796  
797 Mr. Vanarsdall - Do you think they'll be at least until midnight?

798  
799 Mr. Hooker - It's Mr. Wallace's private gym, and he has his own area in  
800 this gymnasium. I don't know what hours he plans to attend the facility himself.

801  
802 Mr. Vanarsdall - Thank you, Randy. Madam Chair, I'd like to hear from Kim  
803 Vann on what the police plan for this.

804  
805 Mrs. Jones - All right. Good morning.

806  
807 Mr. Vanarsdall - Good morning, Ms. Vann.

808  
809 Ms. Vann - Good morning. Kim Vann with Henrico Police. Do you have  
810 a question, or do you want me to just try to give you a summary of what I've been  
811 working with?

812  
813 Mr. Vanarsdall - I don't have a question yet. I mean, yes, I have a lot of  
814 questions, but you go ahead and tell us what you know.

815  
816 Ms. Vann - Okay. I appreciate the work that Mr. Hooker has been doing  
817 to try to address the issues. One footcandle is the standard that we in the Division of  
818 Police try to seek out for pretty much any property in Henrico. So, even from the

819 beginning when the POD was submitted in 2008, that was given at that point. And I  
820 have worked with him with a lot of other projects, so he's used to seeing my comments.  
821 That is something that we typically do try to seek out. The other issues regarding the  
822 homeless and the location, those are a real concern for police. We do have the  
823 community officer here if you have any specific questions. Officer Augustine, the  
824 community officer for this area, he has worked with state police and the State trying to  
825 clean up this area because of the homeless population that Mr. Hooker referenced.

826  
827 The other concern is not just the homeless but the fact that you're near a railroad yard.  
828 You're in an area where there can be a lot of transient people. You're also near an  
829 interstate interconnection 95 and 64. We have all seen a lot of folks walking back and  
830 forth in this area. I own a home in the north side there, so I see a lot of folks walking  
831 there. It also is the transient population, not homeless, but people that are going to be  
832 walking through just the open, unmanned area in the back. That goes towards the level  
833 of concern. I did pull calls for service and incident crime reports for the last three years.  
834 It does include an area that's a little broader than just the corner of Westwood Trail and  
835 Westwood, but it gives you an idea of some of the issues of the businesses that back  
836 up to a railroad yard. Of course, this is a different kind of use that you guys have  
837 touched on, and that is bringing in another concern for police because of the fact that  
838 we may have kids here. We may have folks using it a lot later than most of the  
839 businesses along Dabney Road, which the calls for service in the ICR do reflect. That  
840 is of grave concern for us, just having that light level there, having the visibility.

841  
842 I appreciate the argument about the spillover lighting from both the I-195 overpass and  
843 also the roadway surrounding. Obviously, in Henrico, we usually don't have this as a  
844 possible impact, but because it's near the City of Richmond we do. In my personal  
845 opinion, if you want to hear it, I don't think we should try to include that. We should be  
846 setting a minimum on the property. Obviously, the 0.5 footcandle that they're trying to  
847 seek is usually what we ask for as a minimum at the property line when we are looking  
848 at two uses that are not similar—a residential property right beside. Again, only having  
849 0.5 as a minimum standard I think is really too low for this type of use; it should be a  
850 little bit higher. I don't believe that it's going to impact enough for the parking lot light  
851 levels.

852  
853 I do want to make a point that what Mr. Pambid and I received, I believe it was the end  
854 of the week before, and what we are looking at today in the large plan are the same  
855 light levels. They may have done new fixtures. I'm not sure because I didn't capture that  
856 when I printed it off, because I had to also enlarge it so I could read it as well. But the  
857 light levels to me, what I looked at from a week and a half ago, the light plan that came  
858 in as a PDF, and what we're looking at today are the exact same light levels. So, I'm not  
859 seeing an increase there. The problem is, even through they're trying to address it, it  
860 really needs to be addressed with pole lights. My concern, and this was when I saw the  
861 lights back in April and the beginning of May, was that the wall packs that they were  
862 looking to put in, one of the diagrams on the cut sheets actually shows a hinge where  
863 I'm afraid they're going to be angling those lights out towards the parking lot. That was  
864 how I felt like they may actually be getting some of the footcandle levels towards the

865 exterior ends of the parking. Obviously, that would not meet full cutoff because that  
866 needs to be all directed towards the ground. If they were angled, it would be a glare  
867 issue, and then it would actually be more of a safety concern because you would not be  
868 able to see the building and the surroundings because you would be blinded by the  
869 light. Other than putting in light poles, I don't know how they're going to get that light  
870 level. There are some building-mounted lights that look like shoeboxes that might be  
871 able to throw enough, but I just don't know; I'm not a lighting engineer so I can't give  
872 you that information. I'd be willing to work with the client in seeing what we could do.

873  
874 Mr. Vanarsdall - You said that the half foot is the minimum, and you would  
875 like to have a foot?

876  
877 Ms. Vann - Yes, sir. We always ask for a foot for anything knowing that  
878 at the property line often we have to go down to 0.5 footcandles.

879  
880 Mr. Vanarsdall - Okay. Thank you.

881  
882 Mrs. Jones - May I ask a quick question, Mr. Vanarsdall? I'm going to ask  
883 a quick question, okay?

884  
885 Mr. Vanarsdall - Sure, please do.

886  
887 Mrs. Jones - Ms. Vann, did you specifically mention how many calls for  
888 service, or did I just miss that?

889  
890 Ms. Vann - I have that through May 21 for this year. I did get that just  
891 this week and provided that to Mr. Pambid I think yesterday. When we heard that we  
892 weren't getting additional light levels, we wanted to just get a picture. For myself, I  
893 wanted to get a picture of what types of calls we were looking at. Again, the community  
894 officer can more specifically address some of the issues that he's worked with. I'd be  
895 glad to summarize. I have the information, as does Mr. Pambid. It's quite a number of  
896 sheets.

897  
898 Mrs. Jones - I would like an executive summary.

899  
900 Ms. Vann - Okay. For the 2007 calendar year, there were 248 calls for  
901 service in just this small reporting area. In 2008, there were 294. To date, as of May  
902 21, 2009, there were 106. The area that we're looking at, to give you an idea, is really  
903 the county/city line at Westwood to 64, to Dabney Road, up to what they call Jordan's  
904 Creek. That is the small reporting area that the police use for this particular piece of  
905 property. As I said, with Dabney Road, you're getting an idea of some of the similar  
906 types of industrial uses, meaning not used the same way this building would. The fact  
907 that the railroad is going to be bordering their property, you're getting an idea of some  
908 of the issues that they're dealing with, too.

909

910 Mrs. Jones - I appreciate your defining that because in all deference to  
911 the applicant, obviously these were not all at his corner here. However, it is a good  
912 indicator for us, and we have to take that into consideration as to where our standards  
913 should be for providing the necessary lighting for this area. Are there other techniques  
914 to make the area safer other than lighting that you might have discussed with the  
915 applicant?  
916

917 Ms. Vann - I know when the POD initially came through, one of the  
918 things we looked at was trying to get some fencing to control access. I know they did  
919 look at that, and because it is state property and it's the overpass, the state was not  
920 willing to do any type of fencing in the back. I don't know how we could really do that,  
921 but that was one of our initial ideas, to fence it so that it would control access, make  
922 people come from the roadway instead of coming onto the site from the rear there. I  
923 don't think that's a possibility at this point.  
924

925 Mrs. Jones - So really, you're left with lighting to address the safety  
926 concerns.  
927

928 Ms. Vann - Lighting and good landscaping, which I think they're trying  
929 to—They're not creating any areas to hide.  
930

931 Mrs. Jones - Thank you.  
932

933 Mr. Vanarsdall - You're going to get that report to me?  
934

935 Ms. Vann - Yes, sir.  
936

937 Mr. Vanarsdall - I haven't seen that either.  
938

939 Ms. Vann - I know. I can. I know Mr. Pambid has a copy.  
940

941 Mr. Vanarsdall - The data I haven't seen.  
942

943 Mrs. Jones - Are there other questions for Ms. Vann?  
944

945 Mr. Vanarsdall - Thank you.  
946

947 Ms. Vann - Thank you.  
948

949 Mrs. Jones - Mr. Vanarsdall, what do you think?  
950

951 Mr. Vanarsdall - Kim mentioned Officer Augustine. Bob Augustine is sitting  
952 in the back with her. I can vouch for how good he is. He is excellent. I don't want to  
953 swell his head, but the Chief, both the Chief and the Deputy said the same thing, so.  
954 Hope you can get through that double door when you leave, Bob.  
955

956 Well, Mr. Pambid, I don't have any more questions for you; someone else may. I do for  
957 Mr. Hooker.

958  
959 Mr. Hooker - Yes, sir.

960  
961 Mr. Vanarsdall - To start with, when I say I'm not interested in what the  
962 homeless do, I really am—and the vagrants. I want the lights for the people who are  
963 not hiding in the corners and the shadows. Once your lights go, we get the parking  
964 lights, they will probably leave or stay hidden. So, when I talked to you, I asked you to  
965 tell me if you could do the lighting on the building versus the poles, and you said yes.  
966 So, I'm not going to hold you to the poles. As Mr. Branin asked, there is no one around  
967 there so we can have all kind of unlimited lighting as long as it doesn't block the street  
968 after coming down and going up the street. I'd like to talk to Mike Jennings. The candle  
969 power, we cannot accept the candle power. Staff will tell you I've always been big on  
970 parking lots. This gym will have to stay open late because there will be a lot of activity.  
971 They may lock the doors, but there are still people in the parking lot. What I'm going to  
972 do today is ask you to defer the case. You seem to have a problem with the  
973 landscaping as well as the lighting. I don't appreciate getting this plan this morning, and  
974 neither do the rest of them. I'd like to ask you to defer it until June 24.

975  
976 Mr. Hooker - I'll accept that. I'll request a deferral until June 24, 2009,  
977 and we'll address it.

978  
979 Mr. Vanarsdall - All right. You know all of us are going to work together with  
980 you. Staff has already—

981  
982 Mr. Hooker - Yes. I acknowledge that.

983  
984 Mr. Vanarsdall - I recommend that LP/POD-32-08, Wallace Gymnasium, be  
985 deferred for 30 days until June 24, 2009, per the applicant's request.

986  
987 Mr. Branin - Second.

988  
989 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Branin. All in  
990 favor say aye. All opposed say no. The ayes have it; the motion passes.

991  
992 At the request of the applicant, the Planning Commission deferred LP/POD-32-08,  
993 Wallace Gymnasium, to its June 24, 2009 meeting.

994

995 **SUBDIVISION**

996

SUB-09-09  
Meadow Springs Run  
(May 2009 Plan)  
Meadow Road

**Willmark Engineering, PLC for Meadow Road Development, LLC:** The 29.91-acre site proposed for a subdivision of 50 zero lot line single-family homes is located between the south line of Meadow Road at its intersection with Chartwood Drive and the north line of the Southern Railway right of way, on parcel 833-718-6524. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **(Varina) 50 Lots**

997

998 Mrs. Jones - Is there anyone with us this morning in opposition to SUB-  
999 09-09, Meadow Springs Run (May 2009 Plan)? No opposition.

1000

1001 Mr. Vanarsdall - I have a question.

1002

1003 Mrs. Jones - Yes, sir.

1004

1005 Mr. Vanarsdall - I have a question for the lady in the front row. Are you a  
1006 court recorder, or are you just taking notes for yourself?

1007

1008 Ms. Calos - [inaudible.]

1009

1010 Mr. Vanarsdall - Oh, I'm sorry; I didn't know that.

1011

1012 Mrs. Jones - I am sorry as well. We usually welcome folks from the  
1013 media, and I didn't realize that you were here in the audience. Can you tell me your  
1014 name?

1015

1016 Ms. Calos - [inaudible.]

1017

1018 Mrs. Jones - Welcome, Katherine Calos from the Times-Dispatch.

1019

1020 Mr. Vanarsdall - I'm glad I asked. We're glad to have you. I didn't know  
1021 whether we had a spy in the camp or what it was.

1022

1023 Mrs. Jones - All right, thank you. Mr. Garrison, good morning.

1024

1025 Mr. Garrison - Good morning. The applicant is requesting approval of 50  
1026 age-restricted single-family homes in a gated zero lot line subdivision. Initially, the  
1027 applicant proposed a gated community with public roads, which would require a  
1028 provisional use permit. However, the applicant has revised his request.

1029

1030 The proposed layout varies slightly from the conceptual plan provided with the rezoning  
1031 case C-59C-07 and, therefore, requires specific Planning Commission approval as

1032 permitted by the proffers. The improved layout proposes a loop road with cul-de-sacs  
1033 which creates more common areas.

1034  
1035 Should the Commission act on the new layout, staff can recommend conditional  
1036 approval subject to the annotations on the plan, standard conditions for zero lot line  
1037 subdivisions served by public utilities, and added conditions 13 through 18. Staff and  
1038 representatives of the applicant are available to answer any questions that you may  
1039 have.

1040  
1041 Mrs. Jones - Are there questions?

1042  
1043 Mr. Jernigan - Madam Chair, I just want to clear up something on this. This  
1044 was all approved, and housing and everything was approved before. It's just by Code  
1045 we have to bring this back through because they wanted to do public streets, but now  
1046 they want to do private. Because of the road changes, we have to bring it back  
1047 through. I'm all right with this one.

1048  
1049 Mrs. Jones - Any other questions for Mr. Garrison? Would you like to  
1050 hear from anyone?

1051  
1052 Mr. Jernigan - No.

1053  
1054 Mrs. Jones - All right.

1055  
1056 Mr. Jernigan - I'm ready to make a motion.

1057  
1058 Mrs. Jones - Thank you.

1059  
1060 Mr. Jernigan - With that, I'll move for approval of SUB-09-09, Meadow  
1061 Springs Run (May 2009 Plan), subject to the annotations on the plan, standard  
1062 conditions for zero lot line subdivisions served by public utilities, and the following  
1063 additional conditions 13 through 18.

1064  
1065 Mr. Vanarsdall - Second.

1066  
1067 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in  
1068 favor say aye. All opposed say no. The ayes have it; the motion passes.

1069  
1070 The Planning Commission granted conditional approval to SUB-09-09, Meadow Springs  
1071 Run (May 2009 Plan), subject to the standard conditions attached to these minutes for  
1072 zero lot line subdivisions served by public utilities, the annotations on the plans, and the  
1073 following additional conditions:

1074  
1075 13. The plat shall contain a statement that the common area is dedicated to the  
1076 common use and enjoyment of the homeowners of Meadow Springs 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.
14. At least sixty days prior to recordation of the plat, a draft of the covenants and deed restrictions for the maintenance of the common area shall be submitted to the Department of Planning for review. Such covenants and restrictions shall be in form and substance, satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.
  15. A County standard sidewalk shall be constructed along the south side of Meadow Road.
  16. The proffers approved as part of zoning case C-49C-07 shall be incorporated in this approval.
  17. Any future building lot containing a BMP, sediment basin or trap and located within the buildable area for a principal structure or accessory structure, may be developed with engineered fill. All material shall be deposited and compacted in accordance with the Virginia Uniform Statewide Building Code and geotechnical guidelines established by a professional engineer. A detailed engineering report shall be submitted for the review and approval by the Building Official prior to the issuance of a building permit on the affected lot. A copy of the report and recommendations shall be furnished to the Directors of Planning and Public Works.
  18. The limits and elevation of the Special Flood Hazard Area shall be conspicuously noted on the plat and construction plans and labeled "Limits of Special Flood Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width Drainage & Utilities Easement."

**PLAN OF DEVELOPMENT**

POD-01-09  
 McDonald's  
 Redevelopment - 1778 N.  
 Parham Road  
 (POD-15-83 Rev.)

**Carter Design for McDonald's Corporation:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to reconstruct an existing one-story 4,036 square foot restaurant with drive-through facilities. The 1.15-acre site is located on the west line of N. Parham Road (State Route 73), approximately 230 feet north of Starling Drive, on parcel 753-747-8509. The zoning is B-2C, Business District (Conditional) and O-2C, Office District (Conditional). County water and sewer. **(Tuckahoe)**

1104  
 1105 Mrs. Jones - Is there anyone here in opposition to POD-01-09,  
 1106 McDonald's Redevelopment? There is no opposition. Good morning, Ms. Berndt.

1107  
 1108 Ms. Berndt - Good morning. The Commission may recall that many of  
 1109 the older McDonald's in the area are being completely reconstructed. The subject  
 1110 property is the next in that series of rebuilds in the area. While the footprint may not be  
 1111 changing dramatically, the applicant proposes several improvements to the site. This  
 1112 includes, but is not limited to, the addition of a sidewalk along Parham Road, which

1113 requires a retaining wall to be constructed along Parham that will be brick to match the  
1114 building. Also, the frontage will be enhanced with some streetscape landscaping with  
1115 some deciduous trees. We're going to try to incorporate some seasonal color in that.  
1116 Also, if you take a look at the elevations, the applicant enhanced the elevations with a  
1117 varied roof height and a cornice along the front edge. The renovation will be a  
1118 significant upgrade to the existing fast food restaurant.

1119  
1120 Staff recommends approval of this plan of development subject to the annotations on  
1121 the plan, standard conditions for developments of this type, and conditions 29 through  
1122 37 in your agenda. The applicant's representative, Michelle Carter, is here. I'm happy  
1123 to answer any questions you may have of me.  
1124

1125 Mrs. Jones - Are there questions for Aimee? Aimee, as you know, we  
1126 talked so much and in such depth at the time that this zoning came through that we  
1127 almost solved it all at that point. I do thank you so much for going over this with a fine-  
1128 toothed comb. I think that the plans are good. I think the site will be quite an  
1129 improvement. I think it will be a real complement to the renovations of a lot of properties  
1130 in that general area. I'm pleased, and I am also going to let this go through without 9  
1131 and 11 amended because we have had very specific conversations about the required  
1132 landscaping as it was presented in the conceptual plan. I do think we'll be on the right  
1133 track.  
1134

1135 If there are no other questions, then I will go ahead with a motion. Okay? I do move  
1136 the approval of POD-01-09, McDonald's Redevelopment. This is subject to all the  
1137 annotations that are on the plan, standard conditions for developments of this type, and  
1138 the conditions listed in the agenda, which are 29 through 37.  
1139

1140 Mr. Vanarsdall - Second.  
1141

1142 Mrs. Jones - Motion by Ms. Jones, seconded by Mr. Vanarsdall. All in  
1143 favor say aye. All opposed say no. The ayes have it; the motion passes.  
1144

1145 Thank you very much, Aimee.  
1146

1147 The Planning Commission approved POD-01-09, McDonald's Redevelopment, subject  
1148 to the annotations on the plans, the standard conditions attached to these minutes for  
1149 developments of this type, and the following additional conditions:  
1150

- 1151 29. The right-of-way for widening of N. Parham Road as shown on approved plans  
1152 shall be dedicated to the County prior to any occupancy permits being issued.  
1153 The right-of-way dedication plat and any other required information shall be  
1154 submitted to the County Real Property Agent at least sixty (60) days prior to  
1155 requesting occupancy permits.  
1156 30. A concrete sidewalk meeting County standards shall be provided along the west  
1157 side of N. Parham Road.

- 1158 31. The building shall be constructed of brick, and the brick shall not be painted at  
 1159 any time.
- 1160 32. Outside storage shall not be permitted.
- 1161 33. The proffers approved as a part of zoning cases C-7C-09 and C-15C-83 shall be  
 1162 incorporated in this approval.
- 1163 34. The developer shall install an adequate restaurant ventilating and exhaust  
 1164 system to minimize smoke, odors, and grease vapors. The plans and  
 1165 specifications shall be included with the building permit application for review and  
 1166 approval. If, in the opinion of the County, the type system provided is not  
 1167 effective, the Commission retains the rights to review and direct the type of  
 1168 system to be used.
- 1169 35. In the event of any traffic backup which blocks the public right-of-way as a result  
 1170 of congestion caused by the drive-up facilities, the owner/occupant shall close  
 1171 the drive-up facilities until a solution can be designed to prevent traffic backup.
- 1172 36. Approval of the construction plans by the Department of Public Works does not  
 1173 establish the curb and gutter elevations along the Henrico County maintained  
 1174 right-of-way. The elevations will be set by Henrico County.
- 1175 37. The location of all existing and proposed utility and mechanical equipment  
 1176 (including HVAC units, electric meters, junctions and accessory boxes,  
 1177 transformers, and generators) shall be identified on the landscape plan. All  
 1178 building mounted equipment shall be painted to match the building, and all  
 1179 equipment shall be screened by such measures as determined appropriate by  
 1180 the Director of Planning or the Planning Commission at the time of plan  
 1181 approval.

1182  
 1183 Mr. Emerson - Madam Chair, that now takes us to a discussion item, which  
 1184 is a resolution we would like for the Commission to consider. You received a letter from  
 1185 me dated May 20, 2009, with a white paper attached that described and discussed in  
 1186 detail some issues that we're having internally regarding street frontage, particularly  
 1187 approval of lots without frontage in family division situations. Mr. Ben Blankinship of our  
 1188 staff is here to discuss that with you. Of course, we do request that you adopt the  
 1189 resolution once you've heard the presentation so we can begin to work on this item and  
 1190 address it.

1191  
 1192 Mr. Blankinship - Thank you, Mr. Secretary.

1193  
 1194 Mrs. Jones - Good morning, Mr. Blankinship.

1195  
 1196 Mr. Blankinship - Madam Chair, members of the Commission.

1197  
 1198 Mr. Vanarsdall - Hello, Ben.

1199  
 1200 Mr. Blankinship - As you know, since 1960, our zoning ordinance has required  
 1201 that any lot to be used for a residence must have frontage on a public street. That  
 1202 requirement serves a lot of very important public purposes. There are, however, quite a  
 1203 few parcels of land in the County that do not front on a public street, and many of them

1204 are appropriate for residential use except for the lack of public street frontage. There  
1205 are also many lots in the County that front on a public street that have a house and also  
1206 have an area in the back, an acre or two, that the owner would like to cut off and either  
1207 sell for development, transfer to a family member, or any other reason why they would  
1208 like to be able to build a dwelling that would not have public street frontage.

1209  
1210 Over the years, the solution to that tension has been the Board of Zoning Appeals  
1211 granting variances. From 1999 when I came here, until about 2004, we saw an average  
1212 of about 22 cases each year, pretty much two cases a month, for a request for a  
1213 variance from the public street frontage. A strong majority of those were approved. Of  
1214 course, each one is reviewed case by case. If the development was not appropriate,  
1215 they would be denied, but most of them were approved.

1216  
1217 In 2004, the Virginia Supreme Court handed down a decision called the Cochran Case,  
1218 for shorthand, and that was followed in 2006 by a case we call Cherrystone. In the  
1219 paper that Mr. Emerson referred to, we gave you somewhat of an analysis of those two  
1220 Supreme Court cases.

1221  
1222 The upshot of them is that the Board of Zoning Appeals has granted far, far fewer  
1223 variances than they used to grant. In many cases, that's a matter of inconvenience for  
1224 the applicant, but in these cases of lots with no public street frontage, it is very often the  
1225 difference between whether or not they can use the property. The Board of Zoning  
1226 Appeals found themselves frequently in a very uncomfortable situation of really wanting  
1227 to grant a variance, really thinking that it was appropriate, but feeling that under the  
1228 Supreme Court's ruling they could not approve those variances. So, the Chairman of  
1229 the Board of Zoning Appeals wrote a letter to the Chairman of the Board of  
1230 Supervisors—Mr. Donati, I believe you were chairman at the time—addressing the  
1231 issues, raising the issue to the Supervisors' concern, making sure they were aware that  
1232 the Board of Zoning Appeals felt that they were unable to serve the needs of many  
1233 property owners because of the Supreme Court's changes. Following that, the  
1234 members of the Board of Supervisors spoke to the County Administration, and they  
1235 have approached us and asked us to prepare an amendment specifically—again, as  
1236 Mr. Emerson stated—in the case of family divisions, cases where there either is an  
1237 existing parcel that has no public street frontage or there is a lot with a house that has  
1238 public street frontage, but the owner would like to create an additional lot in the rear or  
1239 in some configuration where the new lot would not have public street frontage.

1240  
1241 The resolution that is before you this morning would be to direct the Planning  
1242 Department to begin work on an amendment to that effect so that we could provide,  
1243 again, a case-by-case review by the Zoning Appeals but under different legal standards  
1244 so that they would, in appropriate cases, have the authority to approve residential  
1245 development on lots that do not have public street frontage.

1246  
1247 Mrs. Jones - All right. Thank you for the presentation. Are there some  
1248 questions?  
1249

1250 Mr. Vanarsdall - Mr. Blankinship, in many cases, a family wants someone in  
1251 the family to live behind them?  
1252  
1253 Mr. Blankinship - Yes, sir.  
1254  
1255 Mr. Vanarsdall - Do you know if this turns out to be sometimes people will  
1256 want that and build a dwelling there, and then leave it, or with the wrong intentions  
1257 maybe of someone else living there?  
1258  
1259 Mr. Blankinship - That is a concern that we have had that we've kept an eye  
1260 on over the years. I don't think it has really been abused very much. I'm sure if you  
1261 went looking for it, you could find cases of that. We have had cases where we felt like  
1262 property owners were doing too many family divisions.  
1263  
1264 Mr. Vanarsdall - Of course, there's no law that says that they have to have an  
1265 uncle in there, or son, or daughter.  
1266  
1267 Mr. Blankinship - It's kind of a complicated issue because family divisions are  
1268 exempt from the subdivision regulations, but they're not exempt from the zoning  
1269 ordinance. So, you can create a lot without going through the Commission's review, but  
1270 that doesn't mean the lot will be buildable.  
1271  
1272 Mr. Vanarsdall - When you say that you take it case by case, that would take  
1273 care of that?  
1274  
1275 Mr. Blankinship - Yes, sir. The Board of Zoning Appeals, normally if they grant  
1276 a variance for a family split, will put a condition on the variance that the property must  
1277 be transferred to a family member at the time the building permit is applied for and must  
1278 be retained by the family member for at least five years.  
1279  
1280 Mr. Vanarsdall - What the family member does with it is their business.  
1281  
1282 Mr. Blankinship - Yes, sir. At this point, five years is the guideline that we've  
1283 been using.  
1284  
1285 Mr. Vanarsdall - Five years?  
1286  
1287 Mr. Blankinship - Yes, sir.  
1288  
1289 Mr. Vanarsdall - I didn't know that. Okay.  
1290  
1291 Mr. Jernigan - I didn't either.  
1292  
1293 Mr. Blankinship - That's not in the Code; it's just a condition that the Board of  
1294 Zoning Appeals has very consistently put on those.  
1295

1296 Mr. Jernigan - So, if it's a family subdivide, and they build a house, they  
1297 shouldn't be able to turn ownership over to someone else for five years?  
1298  
1299 Mr. Blankinship - That's correct.  
1300  
1301 Mr. Vanarsdall - Thank you.  
1302  
1303 Mr. Blankinship - Again, this is just a resolution to begin the work, and we will  
1304 probably incorporate some guideline like that into the amendment we will eventually  
1305 bring back to you.  
1306  
1307 Mr. Donati - Question.  
1308  
1309 Mrs. Jones - Yes, sir.  
1310  
1311 Mr. Donati - Is this totally for families only, or just open in general?  
1312  
1313 Mr. Blankinship - The guidance that we have received so far is that it is to be  
1314 for family divisions only. Again, once the resolution is adopted, we will really begin  
1315 working on the amendment, and we'll flesh those issues out.  
1316  
1317 Mr. Donati - Does this bring into play more flag lots?  
1318  
1319 Mr. Jernigan - I was just getting ready to say.  
1320  
1321 Mr. Blankinship - Again, that's the kind of issue that we will be—  
1322  
1323 Mr. Donati - Now, I can understand that with family, but if it was open to  
1324 the general public that they'd be able to do that, it might be a different story.  
1325  
1326 Mr. Blankinship - Yes, sir. Again, those are the kinds of issues that we're  
1327 going to have to work through as we get into really drafting the amendment.  
1328  
1329 Mrs. Jones - I guess I'm always a little suspicious of taking something  
1330 that's stood the County in such good stead since 1960. My comment would be to look  
1331 not necessarily at the situation, which is clearly a tough one because the ordinance and  
1332 the subdivision requirements and all that don't jive for this situation, but at all the  
1333 unintended consequences we're bringing into play here. The good reasons why public  
1334 street frontage is needed remain. Nothing there changes. So, the question becomes  
1335 are we going to be able to tweak it enough so that we can accommodate what seems to  
1336 be a fair situation with family members and those kinds of subdivides, or are we going  
1337 to open ourselves up to a real problem so that the BZA's work grows exponentially with  
1338 all the fine-tuning of these situations? For instance, what do you do if a family  
1339 subdivide takes place, but then, unfortunately, something happens and the family  
1340 moves away or someone passes on or whatever and no longer is that relationship

1341 valid? Does the house sit there for five years unoccupied? There are all kinds of  
1342 situations I can envision—

1343  
1344 Mr. Blankinship - Yes.

1345  
1346 Mrs. Jones - —just for residences or are we going to start to get pressure  
1347 for other uses? You see all of this being able to be resolved in some way?

1348  
1349 Mr. Blankinship - We've been working on the issue for quite a while. I think a  
1350 lot of those issues are at least addressed preliminarily in the white paper. I would say  
1351 that from 1960 until 2004, the BZA granted variances for these cases. Probably the  
1352 direction we're leaning is to allow them to approve a special exception or conditional  
1353 use permit rather than a variance. From that perspective, it's not so much of a change  
1354 as it may sound like; it's just moving it from a variance to a special exception, which  
1355 legally puts them under a completely different set of guidelines, but practically doesn't  
1356 really show up on the ground.

1357  
1358 Mrs. Jones - All of that was explained very well in the white paper, still,  
1359 there are red flags in my mind that this is not going to be an easy issue.

1360  
1361 Mr. Blankinship - It is a difficult issue, yes, ma'am.

1362  
1363 Mr. Emerson - Yes, ma'am, and we will be back here in a work session. All  
1364 the items of concern are well noted, and we've discussed many of them with staff  
1365 already. Enforcement of family subdivisions, once they occur, is a challenge. There are  
1366 also those special issues where it will pass out of the family, and I think that's not even  
1367 debatable that it will happen. So, those things you have to consider. Certainly, from my  
1368 perspective, you want to discourage other divisions off road frontage except for the  
1369 special case of immediate family divisions because that just circumvents your  
1370 subdivision ordinance and creates situations that you don't want to have. So, we will be  
1371 back here in a work session once we develop proposed ordinances, and that would  
1372 probably be at least 60 to 90 days from now, I would think.

1373  
1374 Mrs. Jones - So, our process going forward is once [unintelligible]. Are  
1375 there any other questions from the Commission at the moment?

1376  
1377 Mr. Archer - Madam Chair, I have one question. Under  
1378 "Recommendations," the third bullet point, it says: "The lot layout must be orderly,  
1379 functional and efficient, and orientation of the houses must be mutually beneficial." Can  
1380 you expand a little bit on what mutually benefits the parties?

1381  
1382 Mr. Blankinship - One of the concerns that we've run into with these family  
1383 divisions, as I mentioned, is that many cases are long, narrow lots that have 150 or 200  
1384 feet of frontage now and have a house on them, but they go back a thousand feet or  
1385 so. What they want to do is build an additional house in the back. Then you have the  
1386 front of one house looking into the back of another. If all you have are the two family

1387 members, that's fine. But if you have a row of houses along the road, and then one  
1388 family member wants to put a house in the back, and the front of that is facing a row of  
1389 houses from the rear, you can get into some awkward situations.  
1390  
1391 Mr. Archer - We had that problem a few years ago with flag lots, and we  
1392 tried to resolve it.  
1393  
1394 Mr. Blankinship - Exactly.  
1395  
1396 Mr. Archer - Okay, thank you so much.  
1397  
1398 Mr. Vanarsdall - One thing in here, the part that mentions the property. It  
1399 seems the Supreme Court says that they kind of left that hanging. They gave the  
1400 illustration of the 600 feet, and if you divide that, it'll be 300. Do you know what I'm  
1401 talking about?  
1402  
1403 Mr. Blankinship - Not exactly. Where are you?  
1404  
1405 Mr. Vanarsdall - I don't know where it is.  
1406  
1407 Mr. Jernigan - The 600 feet they split to 300? Is that what you're talking  
1408 about, what we were talking about last night?  
1409  
1410 Mr. Vanarsdall - Yes.  
1411  
1412 Mrs. Jones - I think the question was whether the division was split  
1413 before.  
1414  
1415 Mr. Blankinship - The Supreme Court didn't really answer the question, "What  
1416 is the property taken as a whole?" Well, they have to leave some work for the lawyers  
1417 to do.  
1418  
1419 Mr. Vanarsdall - What?  
1420  
1421 Mr. Blankinship - They can't answer all the questions; they have to leave  
1422 something for lawyers to do next year.  
1423  
1424 Mr. Vanarsdall - Thank you.  
1425  
1426 Mrs. Jones - Anyone else?  
1427  
1428 Mr. Vanarsdall - Thank you. You've explained it about as simple as anyone  
1429 I've ever heard explain it.  
1430  
1431 Mr. Blankinship - Thank you.  
1432

1433 Mr. Vanarsdall - The other thing is I'm glad that you went outside of the area  
1434 to get other opinions.

1435  
1436 Mr. Blankinship - Oh, yes.

1437  
1438 Mr. Vanarsdall - Nothing wrong with the opinions in the areas like  
1439 Chesterfield or the surrounding counties, but when you go out, you find out what we're  
1440 doing right or wrong.

1441  
1442 Mr. Blankinship - A lot of great ideas out there.

1443  
1444 Mrs. Jones - Well, it sounds like this is certainly something that we need  
1445 to discuss further, and obviously that has to start with a resolution to draft some  
1446 amendments. Mr. Emerson, if you would read the resolution for us.

1447  
1448 Mr. Emerson - Yes, ma'am.

1449  
1450 **RESOLUTION** — Preparation of Amendments -- Henrico Subdivision Ordinance and  
1451 Zoning Ordinance Regarding Public Street Frontage Requirements

1452  
1453 WHEREAS, the Code of Virginia authorizes localities to amend their subdivision  
1454 ordinances and zoning ordinances when deemed appropriate; and

1455  
1456 WHEREAS, the public street frontage requirements of the Henrico County Code  
1457 prevent some property owners from building dwellings; and

1458  
1459 WHEREAS, the Board of Supervisors has expressed an interest in delegating the  
1460 power to grant special exceptions from the public street frontage requirements to the  
1461 Board of Zoning Appeals in appropriate circumstances.

1462  
1463 NOW, THEREFORE, BE IT RESOLVED that the Henrico County Planning Commission  
1464 requests the Director of Planning to draft amendments to Chapters 19 and 24 of the  
1465 Henrico County Code to authorize the Board of Zoning Appeals to grant special  
1466 exceptions from the public street frontage requirement in appropriate circumstances.

1467  
1468 Mr. Vanarsdall - So moved.

1469  
1470 Mr. Jernigan - Second.

1471  
1472 Mrs. Jones - Motion by Mr. Vanarsdall to approve the resolution, and a  
1473 second by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the  
1474 motion passes. The resolution is adopted.

1475  
1476 Mr. Blankinship - Thank you.

1477  
1478 Mrs. Jones - Thank you, Mr. Blankinship.

1479  
1480 Mr. Emerson - Madam Chair, that now takes us to the approval of minutes  
1481 of the April 22, 2009 meeting.  
1482  
1483 APPROVAL OF MINUTES: April 22, 2009  
1484  
1485 Mrs. Jones - The minutes have been distributed. Are there changes or  
1486 corrections?  
1487  
1488 Mr. Branin - I have one.  
1489  
1490 Mrs. Jones - Yes, sir.  
1491  
1492 Mr. Branin - Page 16, line 586. The last word says, "at," and it should be  
1493 "to."  
1494  
1495 Mr. Vanarsdall - Five eighty six? Last word is what?  
1496  
1497 Mr. Branin - "At." It should be "to."  
1498  
1499 Mr. Vanarsdall - Didn't know you ever read the minutes.  
1500  
1501 Mrs. Jones - Well, Mr. Branin, I missed that totally, and I thank you for  
1502 that.  
1503  
1504 Mr. Vanarsdall - I'm certainly glad to know that he reads the minutes, Madam  
1505 Chair.  
1506  
1507 Mrs. Jones - Are there other corrections or additions? Is there a motion  
1508 to approve?  
1509  
1510 Mr. Vanarsdall - I move a motion to approve them.  
1511  
1512 Mr. Branin - Second.  
1513  
1514 Mrs. Jones - Mr. Vanarsdall moves approval of the minutes as corrected,  
1515 seconded by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the  
1516 motion passes. They are approved as corrected.  
1517  
1518 The Planning Commission approved the April 22, 2009 minutes as corrected.  
1519  
1520 I do want to ask for any new business to come before the Commission, or  
1521 announcements.  
1522  
1523 Mr. Emerson - Nothing from staff today, Madam Chair.  
1524

1525 Mrs. Jones - I did receive, and you all may have as well, in the mail the  
1526 notice of the public hearing on the Draft 2026 Comprehensive Plan coming up on June  
1527 9, 2009, at the Board of Supervisors. So, that process is moving along. It is 7:00 p.m.  
1528 on Tuesday, June 9, 2009, the public hearing to consider the Draft Plan. This is the  
1529 Board of Supervisors' meeting.

1530  
1531 Mr. Vanarsdall - I know, but is it one meeting or a couple meetings?  
1532

1533 Mr. Emerson - That is the regular meeting, Mr. Vanarsdall, and there will be  
1534 two zoning cases on that agenda as well. Then the Comp Plan hearing comes directly  
1535 after the two zoning cases. I would imagine the hearing on the Comp Plan would start  
1536 no later than 7:45.

1537  
1538 Mr. Vanarsdall - What I mean, Joe, is that night will be the final, unless they  
1539 run into something?  
1540

1541 Mr. Emerson - That will probably be the final hearing. The structure that's  
1542 been proposed to the Board is very similar as to how you conducted your hearing—take  
1543 public comment and then come back to a work session on the 14<sup>th</sup> of July, and then  
1544 come back I believe it's August the 9<sup>th</sup> for adoption.

1545  
1546 Mr. Vanarsdall - Good.  
1547

1548 Mr. Emerson - Hopefully I have my dates right. August the 11<sup>th</sup>. The 9<sup>th</sup> is a  
1549 Sunday, so it's the 11<sup>th</sup>. I thought the 11<sup>th</sup> was the Planning Commission meeting, so I  
1550 was backing up from that. Then July the 14<sup>th</sup> is correct. That is the July meeting. So,  
1551 it's August 11<sup>th</sup> and July 14<sup>th</sup>. That's the proposed schedule; obviously it's subject to  
1552 change depending upon the outcome of the hearing.  
1553

1554 Mrs. Jones - That's quite a project coming towards the end. If there is  
1555 nothing else to come before the Commission, I'll entertain a motion for adjournment.  
1556

1557 Mr. Vanarsdall - I move we adjourn.  
1558

1559 Mr. Jernigan - Second.  
1560

1561 Mrs. Jones - We have a motion, and a second for adjournment.  
1562

1563 The meeting is adjourned.

1564

1565

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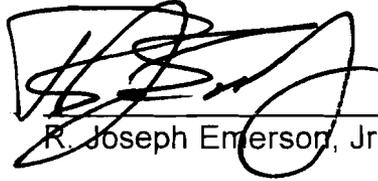
1574

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Bonnie-Leigh Jones, Chairperson



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R. Joseph Emerson, Jr., Secretary

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## 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 **May 27, 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 **May 27, 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 May 27, 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 May 26, 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 **May 27, 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 **May 26, 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 **May 27, 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 **May 26, 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 May 27, 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 May 26, 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 May 27, 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 May 26, 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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