

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, November 14, 2018.
4

Members Present: Mrs. Sandra M. Marshall, Chairperson (Three Chopt)
Mr. Gregory R. Baka, Vice-Chairperson (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mrs. Adrienne F. Kotula (Brookland)
Mr. William M. Mackey, Jr. (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary

Members Absent: Mrs. Patricia S. O'Bannon, Board of Supervisors' Representative

Others Present: Ms. Jean Moore, Assistant Director of Planning, Acting Secretary
Ms. Leslie A. News, PLA, Senior Principal Planner
Mr. Michael F. Kennedy, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Ms. Christina L. Goggin, AICP, County Planner
Ms. Aimee B. Crady, AICP, County Planner
Mr. Matt Ward, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Kate B. McMillion, County Planner
Mr. Salim Chishti, ASLA, County Planner
Mr. Spencer Norman, County Planner
Mr. Robert Peterman, GIS Technician
Ms. Melissa Ferrante, Office Assistant / Recording Secretary

5
6 **Mrs. Patricia S. O'Bannon, the Board of Supervisors' representative, abstains on**
7 **all cases unless otherwise noted.**
8

9 Mrs. Marshall - I call this meeting of the Henrico County Planning
10 Commission to order. This is our plans of development meeting for November 14, 2018.
11 At this time, I ask that you please take a moment to silence your cell phones. And as
12 you do, please stand with the Commission for the Pledge of Allegiance.
13

14 Good morning. Do we have anyone in the audience with the news media? We do not.
15 Mrs. O'Bannon will not be with us this morning. At this point, I will turn the agenda over
16 to Mr. Emerson, our secretary.
17

18 Mr. Emerson - Thank you, Madam Chair. The first item on your agenda this
19 morning are the requests for deferrals and withdrawals. There are none of those this
20 morning, so we'll move on to the next item which are the expedited items. Those will be
1 presented by Ms. Leslie News.

22
23 Ms. News - Thank you, Mr. Secretary. Good morning, members of the
24 Commission. We have two items on the expedited agenda this morning. The first is
25 found on page 3 of your agenda and is located in the Varina District. This is a transfer of
26 approval for POD-98-86, Nine Mile Care Wash (formerly Auto Spa of Richmond). Staff
27 recommends approval.

28
29 **TRANSFER OF APPROVAL**

30
31 **POD-98-86 Thomas M. Hogg for Briarfield Farm Enterprises, LLC:**
32 **POD2018-00065** Request for transfer of approval as required by Chapter
33 **Nine Mile Car Wash** 24, Section 24-106 of the Henrico County Code from RVA
34 **(Formerly Auto Spa of** Investments, LLC to Briarfield Enterprises, LLC. The 0.69-
35 **Richmond) – 6100 Nine** acre site is located on the northern line of Nine Mile Road
36 **Mile Road** (State Route 33), between Forest Avenue and Knight
37 Drive, on parcel 819-726-1719. The zoning is B-3,
38 Business District and ASO, Airport Safety Overlay District.
39 County water and sewer. **(Varina)**

40
41 Mrs. Marshall - Is there anyone present who is opposed to TOA POD-98-86
42 (POD2018-00065), Nine Mile Car Wash (formerly Auto Spa of Richmond)? I see no
43 opposition. Mr. Mackey?
44

45
46 Mr. Mackey - Madam Chair, I move approval of the transfer of approval for
47 POD-98-86 (POD2018-00065), Nine Mile Car Wash (formerly Auto Spa of Richmond),
48 on the expedited agenda, subject to the previously approved conditions.
49

50
51 Mr. Baka - Second

52
53 Mrs. Marshall - We have a motion by Mr. Mackey and a second by
54 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition; that
55 motion passes.

56
57 The Planning Commission approved the transfer of approval request for POD-98-86
58 (POD2018-00065), Nine Mile Car Wash (formerly Auto Spa of Richmond), from RVA
Investments, LLC to Briarfield Enterprises, LLC subject to the standard and added
conditions previously approved.

59
60 Ms. News - The next item is on page 4 of your agenda and located in the
61 Fairfield District. This is a transfer of approval for POD-19-06 and a portion of POD-154-
62 86, Bank of America Villa Park Operations Center. Staff recommends approval.
63
64
65
66
67
68

59 **TRANSFER OF APPROVAL**
 60

POD-19-06 & **Zell Kravinsky for Homeward Angel, LLC and Prudent**
 POD-154-86 (pt) **Richmond, LLC:** Request for transfer of approval as
 POD2018-00206 & required by Chapter 24, Section 24-106 of the Henrico
 POD2018-00208 County Code from At Villa Park Richmond, LLC to
 Bank of America Villa Park Homeward Angel, LLC and Prudent Richmond, LLC. The
 Operations Center – 8011 46.86-acre site is located on the eastern line of Villa Park
 Villa Park Drive Drive, approximately 700 feet south of its intersection with
 East Parham Road, on parcel 782-754-7981. The zoning
 is O/SC, Office Service District (Conditional). County water
 and sewer. **(Fairfield)**

61
 62 Mrs. Marshall - Is there anyone present who is opposed to TOA POD-19-06
 63 & POD-154-86 (pt), (POD2018-00206 & POD2018-00208), Bank of America Villa Park
 64 Operations Center? I see no opposition. Mr. Archer?
 65

66 Mr. Archer - Madam Chair, I move approval of this transfer of approval
 67 subject to the staff's recommendation.
 68

69 Mrs. Marshall - Second. We have a motion by Mr. Archer and a second by
 70 Mrs. Marshall. All in favor say aye. Those opposed say no. There is no opposition; that
 71 motion passes.
 72

73 The Planning Commission approved POD-19-06 & POD-154-86 (pt), (POD2018-00206
 74 & POD2018-00208), Bank of America Villa Park Operations Center, from At Villa Park
 75 Richmond, LLC to Homeward Angel, LLC and Prudent Richmond, LLC, subject to the
 76 standard and added conditions previously approved.
 77

78 Ms. News - That completes our expedited agenda.
 79

80 Mr. Emerson - Madam Chair, we now move on to the Subdivision
 81 Extensions of Conditional Approval. Those will be presented by Ms. Kate McMillion.
 82

83 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

84 **EXTENSIONS - FOR INFORMATIONAL PURPOSES ONLY**
 85
 86

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2017-00142 River Mill (November 2017 Plan)	233	205	0	Fairfield	November 14, 2019

7

88 Ms. McMillion - Good morning. There is one conditional subdivision
89 extension on the agenda this morning. The map indicates in red the location of the
90 subdivision, River Mill (November 2017 Plan), which is presented for the extension of its
91 conditional approval. The case, located in the Fairfield District, is eligible for a one-year
92 extension, which does not require any Commission action and is for informational
93 purposes only.

94
95 I am available for any questions you may have.

96
97 Mrs. Marshall - Are there any questions from the Commission? Thank you.

98
99 Mr. Emerson - Madam Chair, we now move into your regular agenda on
100 page 5 for POD2018-00246, Silvercore for From the Heart Church Ministries of
101 Richmond. The staff report will be presented by Mr. Salim Chishti.

102
103 *(Deferred from the October 24, 2018 meeting)*

104 **PLAN OF DEVELOPMENT**

105
POD2018-00246 **SilverCore for From the Heart Church Ministries of**
From the Heart Church **Richmond:** Request for approval of a plan of
Ministries of Richmond – development, as required by Chapter 24, Section 24-106
120 Westover Avenue of the Henrico County Code, to construct a one-story,
22,397-square foot place of worship. The 16.93-acre site is
located on the western line of Westover Avenue,
approximately 600 feet north of Nine Mile Road, and on
the eastern line of Orams Lane at its intersection with
Natchez Road, on parcel 816-727-0343. The zoning is A-
1, Agricultural District and ASO, Airport Safety Overlay
District. County water and sewer. **(Varina)**

106
107 Mrs. Marshall - Is there anyone present who is opposed to POD2018-00246,
108 From the Heart Church Ministries of Richmond? I see no opposition. Good morning.

109
110 Mr. Chishti - Good morning and thank you.

111
112 The plan proposes a new place of worship on Westover Avenue just south of Mathew
113 James Robinson Park. The proposed place of worship is across Westover Avenue from
114 private residences. Development includes a main building containing a worship area,
115 chapel, and baptistery. The one-story floor plan also includes classrooms, offices, and
116 conference room. The exterior of the proposed building is of limestone tan split-face
117 CMU and horizontal banding, and ground-face CMU veneer with storefront style
118 aluminum windows and doors.

119
120 The original site layout showed the proposed parking impinging on the front yard
121 setback and also raised substantial concerns with the Department of Public Works, the
122 Department of Utilities, and the Division of Fire who could not recommend approval at

3 that time. A new layout received on September 13th appeared to correct the setback
4 problem, but still could not be approved by the Department of Fire due to hose-lay
125 distance, location of hydrants, and the fire department connection. The Department of
126 Public Works also could not recommend approval due to questions about stormwater
127 calculations. Another revised layout resolved the problems that the Division of Fire had,
128 and stormwater issues were resolved on November 6th. There are no plans to develop
129 the rear portion of the lot, which abuts Orams Lane. The intention is to keep it in
130 agricultural production.

131
132 Staff can recommend approval of this plan subject to the annotations on the staff plan,
133 standard conditions for developments of this type, and additional conditions 29 through
134 32 as stated in the staff report.

135
136 I'm happy to answer your questions. There's an engineer from the project, an architect,
137 and a representative of the church here at this time.

138
139 Mrs. Marshall - Do we have any questions from the Commission?

140
141 Mr. Mackey - Yes, I have one question for the engineer on the stormwater
142 issue.

143
144 Ms. Marshall - If the engineer could please come forward.

145
146 Mr. Bowman - Good morning. Andrew Bowman from SilverCore.

147
148 Mr. Mackey - Good morning, Mr. Bowman. I just wanted to hear about the
149 stormwater issue and how it was resolved.

150
151 Mr. Bowman - Really it just came down to some calculations that Public
152 Works had concerns with. It was really just a matter of a couple meetings that we had
153 that we resolved the issues.

154
155 Mr. Mackey - Okay. All right. Thank you, sir.

156
157 Mr. Bowman - Thank you.

158
159 Mrs. Marshall - Any more questions from the Commission? Mr. Mackey?

160
161 Mr. Mackey - I would like to see some of the materials from the applicant.
162 The architect.

163
164 Mrs. Marshall - If the architect could please bring the materials forward, that
165 would be wonderful. Do you have them with you?

166
167 Male - [Off microphone] No, I do not have them with me.

8

169 Mr. Chishti - I have elevations for you here. If you want to see the floor
170 plan, I can show you that as well.

171
172 Mr. Mackey - Okay. I just wanted to see what the limestone was going to
173 look like and everything.

174
175 Mr. Chishti - This is the best that we have.

176
177 Mr. Mackey - That's okay. That's fine. No other questions. Thank you.

178
179 Mr. Chishti - Okay.

180
181 Mr. Mackey - I thank you, sir. Madam Chair, I move POD2018-00246,
182 From the Heart Church Ministries of Richmond, be approved subject to the annotations
183 on the plans, standard conditions for developments of this type, and additional
184 conditions 29 through 32 in the agenda.

185
186 Mr. Baka - Second.

187
188 Mrs. Marshall - We have a motion by Mr. Mackey, a second by Mr. Baka. All
189 in favor say aye. Those opposed say no. There is no opposition; that motion passes.

190
191 The Planning Commission approved POD2018-00246, From the Heart Church
192 Ministries of Richmond, subject to the annotations on the plans, the standard conditions
193 attached to these minutes for developments of this type, and the following additional
194 conditions:

- 195
196 29. The right-of-way for widening of Westover Avenue as shown on approved plans
197 shall be dedicated to the County prior to any occupancy permits being issued.
198 The right-of-way dedication plat and any other required information shall be
199 submitted to the County Real Property Agent at least sixty (60) days prior to
200 requesting occupancy permits.
- 201 30. Approval of the construction plans by the Department of Public Works does not
202 establish the curb and gutter elevations along the Henrico County maintained
203 right-of-way. The elevations will be set by Henrico County.
- 204 31. The location of all existing and proposed utility and mechanical equipment
205 (including HVAC units, electric meters, junction and accessory boxes,
206 transformers, and generators) shall be identified on the landscape plans. All
207 equipment shall be screened by such measures as determined appropriate by
208 the Director of Planning or the Planning Commission at the time of plan approval.
- 209 32. Except for junction boxes, meters, and existing overhead utility lines, and for
210 technical or environmental reasons, all utility lines shall be underground.

211
212 Mr. Emerson - We now move on to page 7 of your agenda for POD2018-
213 00428, Koontz Bryant Johnson Williams for The Wilton Companies, Inc. The staff report
214 will be presented by Mr. Matt Ward.

15 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**
16

POD2018-00428
Wilton Commerce Center
– 5801 Staples Mill Road

Koontz Bryant Johnson Williams for The Wilton Companies, Inc.: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two one-story office and warehouse buildings totaling 25,800 square feet. The 5.12-acre site is located on the eastern line of Staples Mill Road (U.S. Route 33), approximately 420 feet south of its intersection with Aspen Avenue, on parcel 774-745-3876 and part of parcel 774-745-7795. The zoning is M-1, Light Industrial District and M-1C, Light Industrial District (Conditional). County water and sewer. **(Brookland)**

217
218 Mrs. Marshall - Is there anyone present who is opposed to POD2018-00428,
219 Wilton Commerce Center? I see no opposition. Mr. Ward.

220
221 Mr. Ward - Good morning, Commission.
222

223 The applicant is requesting approval to demolish one structure here in the front along
224 Staples Mill. Removal of this structure plus the existing warehouse site in the back, this
225 will remain, comprise enough space to go ahead and construct the two office
226 warehouse facilities and parking. There will be an overall height for the building of 23
227 feet, and then approximately both buildings total will be 25,800 square feet. Here is an
228 overall site plan. I have one that's kind of an L-shaped building, and one that's linear.
229

230 Access to the site is from Staples Mill Road here to the west and then School Avenue to
231 the north. The required 25-foot transitional buffer will be provided along the northern
232 property line out to School Avenue. And then a transitional buffer 10 will be provided
233 adjacent to 5711 Staples Mill Road, to an existing office building. Also, a 10-foot buffer
234 will be established along the street frontage here along Staples Mill Road.
235

236 The elevations submitted with the development are consistent with the proffered
237 exhibits and the building will be constructed with majority of earth-tone brick with an
238 EIFS top. That's building 1. Here's building 2. There's the color for that one.
239

240 Also, the approval of the lighting plan is part of today's request. That's going to include
241 two pole locations—one here and one out towards the road. One is a single LED
242 concealed fixture. The other one's a two-headed LED concealed fixture. Both are
243 twenty-three feet in height. You'll have twelve building wall-mounted packs. You're
244 going to have four on this side and I think there are eight over here on this building.
245 Those are going to be fifteen feet above the grade. The average foot candle is 3.2 with
246 minimal levels at the property lines.
247

248 These facilities are allowed to have business hours between 6 a.m. and 12 a.m. The
249 hours of construction are limited to between 7 a.m. and 7 p.m., Monday through
250 Saturday, with no exterior construction on Sunday.

251
252 At this time, the site plan, lighting plan, and architectural renderings are all consistent
253 with the Zoning Ordinance as well as the proffered case REZ2017-00035. Staff can
254 recommend approval with the annotations on the plan, standard conditions for
255 developments of this type, and conditions 11B for the lighting plan and 29 through 36
256 additional conditions.

257
258 This concludes the presentation. If you have any questions of me, I'm happy to answer
259 those. We have Simon Mueller with KBJW. And Hunt Gunter is the owner with Wilton.

260
261 Mrs. Marshall - Do we have any questions from the Planning Commission?

262
263 Mrs. Kotula - Mr. Ward, could you pull up the landscaping plan, please?
264 I'm just wondering if you know in more detail about the landscaping that's going along
265 Staples Mill Road since it's such a public facing road.

266
267 Mr. Ward - You're going to have London Planetrees as the street trees
268 through there and some Zelkova. Waxmyrtles will be a hedge through there.

269
270 Mrs. Kotula - Okay.

271
272 Mrs. Marshall - Any more questions for Mr. Ward? Mrs. Kotula?

273
274 Mrs. Kotula - I move POD2018-00428, Wilton Commerce Center,
275 including the lighting plan, be approved subject to the annotations on the plans, the
276 standard conditions for developments of this type, and conditions 11B and 29 through
277 36 in the agenda.

278
279 Mr. Archer - Second.

280
281 Mrs. Marshall - We have a motion by Mrs. Kotula and a second by
282 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition; that
283 motion passes.

284
285 The Planning Commission approved the plan of development and lighting plan for
286 POD2018-00428, Wilton Commerce Center, subject to the annotations on the plans, the
287 standard conditions attached to these minutes for developments of this type, and the
288 following additional conditions:

289
290 11B. Prior to the approval of an electrical permit application and installation of the site
291 lighting equipment, a plan including light spread and intensity diagrams, and
292 fixture specifications and mounting heights details shall be revised as annotated
293 on the staff plan and included with the construction plans for final signature.

- 4 29. The entrances and drainage facilities on U.S. Route 33 shall be approved by the
5 Virginia Department of Transportation and the County.
- 296 30. A notice of completion form, certifying that the requirements of the Virginia
297 Department of Transportation entrances permit have been completed, shall be
298 submitted to the Department of Planning prior to any occupancy permits being
299 issued.
- 300 31. A concrete sidewalk meeting VDOT standards shall be provided along the
301 eastern side of U.S. Route 33.
- 302 32. Outside storage shall not be permitted, except as shown on approved plans.
- 303 33. The proffers approved as a part of zoning case REZ2017-00035 shall be
304 incorporated in this approval.
- 305 34. Approval of the construction plans by the Department of Public Works does not
306 establish the curb and gutter elevations along the Henrico County maintained
307 right-of-way. The elevations will be set by Henrico County.
- 308 35. Approval of the construction plans by the Department of Public Works does not
309 establish the curb and gutter elevations along the Virginia Department of
310 Transportation maintained right-of-way. The elevations will be set by the
311 contractor and approved by the Virginia Department of Transportation.
- 312 36. The location of all existing and proposed utility and mechanical equipment
313 (including HVAC units, electric meters, junctions and accessory boxes,
314 transformers, and generators) shall be identified on the landscape plan. All
315 building mounted equipment shall be painted to match the building, and all
316 equipment shall be screened by such measures as determined appropriate by
317 the Director of Planning or the Planning Commission at the time of plan approval.

318
319 Mr. Emerson - Madam Chair, next on your agenda is the consideration of
320 the minutes from your October 24, 2018, meeting. I believe there is no errata sheet. If
321 you have any corrections or clarifications you'd like for us to make, we certainly will do
322 so. But at this point, we have no errata sheet.

323
324 APPROVAL OF MINUTES: October 24, 2018 Minutes

325
326 Mrs. Marshall - Are there any corrections to the minutes? If not, a motion
327 would be in order.

328
329 Mr. Archer - I move the minutes be approved as written.

330
331 Mrs. Kotula - Second.

332
333 Mrs. Marshall - We have a motion by Mr. Archer, a second by Mrs. Kotula.
334 All in favor say aye. Those opposed say no. There is no opposition; that motion passes.

335
336 The Planning Commission approved the October 24, 2018 minutes as submitted.

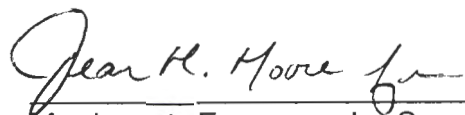
337
338 Mr. Emerson - Madam Chair, I have nothing further for the Commission this
9 morning.

340
341 Mrs. Marshall - Is there any new business from anyone on the Commission
342 this morning?
343
344 Mr. Archer - Under new business, I'd like to wish everybody a happy
345 Thanksgiving holiday.
346
347 Mr. Mackey - Second.
348
349 Mrs. Marshall - Happy Thanksgiving to everyone here.
350
351 Mr. Emerson - Happy Thanksgiving.
352
353 Mr. Mackey - Well a motion to adjourn would be in order.
354
355 Mr. Archer - So moved.
356
357 Mr. Baka - Second.
358
359 Mrs. Marshall - We have a motion by Mr. Archer, a second by Mr. Baka.
360 This meeting is adjourned.

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Mrs. Sandra M. Marshall, Chairperson



Mr. Joseph Emerson, Jr., Secretary

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 sewer. 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 water. 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 **November 14, 2018**, which shall be as much a part of this approval as if details were fully described herein. Nine (9) 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, a minimum of fourteen (14) 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 October 2015)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.
9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
10. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced no later than the next planting season.

11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature. **(For POD which includes lighting plan approval)**
12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
13. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan for review and approval.
14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
15. Traffic control signs shall be provided as indicated on the Department of Planning Staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
16. The assigned property number(s) shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses. **(Revised January 2008)**
17. The owner shall have a set of plans approved by the Director of Public Works, Public Utilities and Secretary of the Planning Commission available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
18. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
19. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the owner shall furnish a statement by the engineer or land surveyor who prepared the POD plan, to the effect that all construction including water and sewer is in conformance to the regulations and requirements of the POD.
20. The approved Plan of Development is granted by the Planning Commission only to the owners(s)/applicant(s) listed on the Plan of Development application on file for this project. Upon written notification to the Director of Planning, the Plan of Development approval may be transferred to subsequent owner(s) subject to approval by this Commission, or approval by the Director of Planning provided the property is transferred to new ownership no later than 24 months following initial construction plan approval. **(Revised August 2016)**

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 **November 14, 2018**, which shall be as much a part of this approval as if all details were fully described herein. Four (4) 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.
33. The mechanical equipment for each building shall be located on its respective lot. Except for wall-mounted electric meters, in no case shall the eight-foot easement for construction, drainage, and maintenance access on the abutting lot be used to locate other mechanical equipment (such as HVAC equipment, generators, and the like) for the subject lot.

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-flammable 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)**

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Conventional Single-Family Subdivisions Served By Public Utilities

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, a minimum of sixteen (16) 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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **November 14, 2018**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **November 13, 2019**, 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.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Conventional Single-Family Subdivisions Not Served By Public Utilities

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, a minimum of eleven (11) 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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **November 14, 2018**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **November 13, 2019**, 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.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Residential Townhouse for Sale (RTH) Subdivisions

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, a minimum of fourteen (14) 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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **November 14, 2018**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **November 13, 2019**, 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.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Zero Lot Line Subdivisions

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, a minimum of fourteen (14) 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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **November 14, 2018**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **November 13, 2019**, 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.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Road Dedication with No Lots

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, a minimum of sixteen (16) 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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **November 14, 2018**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **November 13, 2019**, 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.