

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Spring Roads beginning at 9:00 a.m. Wednesday, October 24, 2012.
4

Members Present: Mr. Tommy Branin, Chairman (Three Chopt)
Mrs. Bonnie-Leigh Jones, Vice Chairperson, C.P.C. (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Frank J. Thornton,
Board of Supervisors' Representative

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

5
6 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains from**
7 **voting on all cases unless otherwise noted.**
8

9 Mr. Branin - Good morning. Welcome to the October 24th Planning
10 Commission meeting for Subdivisions and Plans of Development. If everybody would
11 take this opportunity to put their phones on silent so there are no interruptions, I would
12 appreciate it. I don't believe we have any press in the room. I'd like to also take this
13 opportunity to welcome Mr. Thornton, who is our supervisor sitting with us this year. We
14 are coming to an end, and it's been a great year having you, Mr. Thornton. Now, if
15 everybody would stand and join me for the Pledge of Allegiance.
16

17 Mr. Secretary, if you'd like to take the lead.
18

19 Mr. Emerson - Yes, sir, Mr. Chairman. First on your agenda today are the
20 requests for deferrals and withdrawals. Those will be presented by Ms. Leslie News.
21
22

23 **FOR PLANNING COMMISSION APPROVAL SUBDIVISION WITHDRAWAL REQUESTS**
 24

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District
SUB2012-00002 The Townes at The Shire (January 2012 Plan)	45	45	0	Tuckahoe
SUB2012-00043 Pouncey Place (April 2012 Plan)	0	0	0	Three Chopt

25
 26 Ms. News - Thank you. Good morning, members of the Commission. We
 27 have several items for withdrawal and deferral on our list. A couple have been added,
 28 which I'll speak to when I get to them this morning.

29
 30 The first item is found on page two of your agenda and is located in the Tuckahoe
 31 District. This is withdrawal of SUB2012-00002, The Townes at The Shire (January 2012
 32 Plan) for 45 lots. This subdivision was approved by the Planning Commission on January
 33 25, 2012, and the applicant has requested a withdrawal to allow the Planning
 34 Commission to consider a new layout for the site, which will appear later on your
 35 agenda.

36
 37 Mrs. Jones - Does that require any action?

38
 39 Ms. News - Yes, ma'am.

40
 41 Mrs. Jones - All right. Then, I move to approve the withdrawal of
 42 SUB2012-00002, The Townes and at The Shire (January 2012 Plan).

43
 44 Mr. Archer - Second.

45
 46 Mr. Branin - Motion by Ms. Jones, seconded by Mr. Archer. All in favor
 47 say aye. All opposed say no. The ayes have it; the motion passes.

48
 49 At the request of the applicant, the Planning Commission withdrew SUB2012-00002, The
 50 Townes at The Shire (January 2012 Plan).

51
 52 Ms. News - The next item on your deferral list, which is located in the
 53 Three Chopt District, for Pouncey Place Subdivision will be carried over to next month's
 54 Planning Commission meeting in November. No action is needed at this time.

55
 56 Next, on your agenda on page 24 is SUB-13-11, Battery Hill Gardens (December 2011
 57 Plan) for four lots. This is located in the Varina District. The applicant is requesting a
 58 deferral to December 12, 2012.

59

60 **SUBDIVISION AND EXCEPTION**
61 *(Deferred from the September 26, 2012 Meeting)*

62
SUB-13-11 **Werner Engineering for Mitchell Rand:** The 5.8-acre
SUB2011-00113 site proposed for a subdivision of 4 single-family homes
Battery Hill Gardens is located on the west line of Battery Hill Drive,
(December 2011 Plan) – approximately 2,700 feet from its intersection with
1434 - 1454 Battery Hill Osborne Turnpike, on parcels 804-676-0498, 1485,
Drive 2063, and 4052. The exception would allow 1 stem lot.
The zoning is R-2A, One-Family Residential District.
Individual well and septic. **(Varina) 4 Lots**

63
64 Mr. Branin - Is anyone in opposition to the deferral of SUB-13-11, Battery
65 Hill Gardens (December 2011 Plan)?

66
67 Mr. Leabough - Mr. Chairman, I move that we defer SUB-13-11, Battery Hill
68 Gardens (December 2011 Plan), to the December 12, 2012, meeting.

69
70 Mrs. Jones - Second.

71
72 Mr. Branin - Motion by Mr. Leabough, seconded by Mrs. Jones. All in
73 favor say aye. All opposed say no. The ayes have it; the motion passes.

74
75 At the request of the applicant, the Planning Commission deferred SUB-13-11, Battery
76 Hill Gardens (December 2011 Plan), to its December 12, 2012, meeting.

77
78 Ms. News - We have two items added for deferral requests. The first is
79 found on page 14 of your agenda and is located in the Three Chopt District. This is
80 SUB2012-00115, Townes at Pouncey Place (September 2012 Plan) for 70 lots. The
81 applicant has requested a deferral to the November 14, 2012 meeting.

82
83 **SUBDIVISION**
84 *(Deferred from the September 26, 2012 Meeting)*

85
SUB2012-00115 **Bay Companies, Inc. for Pouncey Tract Company of**
Townes at Pouncey Place **Virginia, LLC:** The 12.71-acre site proposed for a
(September 2012 Plan) – subdivision of 70 residential townhouses for sale is located
Pouncey Tract Road along the east line of Pouncey Tract Road, approximately
600 feet south of its intersection with Twin Hickory Lake
Drive, on parcel 740-765-7333. The zoning is RTHC,
Residential Townhouse District (Conditional) and WBSO,
West Broad Street Overlay District. County water and
sewer. **(Three Chopt) 70 Lots**

86
87 Mr. Branin - Is anybody in opposition to the deferral of SUB2012-00115,
88 Townes at Pouncey Place (September 2012 Plan)? No one. I'd like to move that

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

122

123 Mr. Emerson - Mr. Chairman, that now takes us to the expedited agenda,
124 which also will be presented by Ms. Leslie News.

125

126 Ms. News - Sir, the first item on our expedited agenda is found on page
127 three of your agenda and is located in the Three Chopt District. This is a transfer of
128 approval for POD-39-97, Cobb Technologies Equipment Warehouse, (Formerly RCV
129 Deep Run). Staff recommends approval.

130

131 **TRANSFER OF APPROVAL**

132

POD-39-97 POD2012-00333 Cobb Technologies Equipment Warehouse (Formerly RCV Deep Run) – 3946 Deep Rock Road	Frederick Cobb for 3946 Deep Rock Road, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Burnham, LLC to 3946 Deep Rock Road, LLC. The 1.12- acre site is located on the west line of Deep Rock Road, approximately 600 feet south of W. Broad Street (U.S. Route 250), on parcel 751-759-0827. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (Three Chopt)
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133

134 Mr. Branin - Is anyone in opposition to transfer of approval for POD-39-97,
135 Cobb Technologies Equipment Warehouse (Formerly RCV Deep Run)? No one? Then, I
136 move that transfer of approval for POD-39-97, Cobb Technologies Equipment
137 Warehouse (Formerly RCV Deep Run), be approved on the expedited agenda.

138

139 Mrs. Jones - Second.

140

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

143

144 The Planning Commission approved the transfer of approval request for POD-39-97,
145 Cobb Technologies Equipment Warehouse (Formerly RCV Deep Run), from Burnham,
146 LLC to 3946 Deep Rock Road, LLC, subject to the standard and added conditions
147 previously approved.

148

149 Ms. News - Next, on page four of your agenda and located in the Three
150 Chopt District, is a transfer of approval for POD-34-11, Walgreens at W. Broad Street
151 and Pouncey Tract Road. Staff recommends approval.

152

153

154 **TRANSFER OF APPROVAL**

155

POD-34-11
POD2012-00378
Walgreens at W. Broad
Street and Pouncey Tract
Road – 11500 W. Broad
Street (U.S. Route 250)

Morgan Property Group for Walgreens Co.: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Breez-In Associates, LC, The John J. and Ima M. Liesfield Family, LLC, and Mid-Atlantic Commercial Properties, LLC to Walgreens Co. The 1.62-acre site is located at the northwest corner of the intersection of W. Broad Street (U.S. Route 250) and Pouncey Tract Road (U.S. Route 271), on parcels 739-762-8217 and 740-762-0017. The zoning is M-1, Light Industrial District and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

156

157 Mr. Branin - Is anyone in opposition to the approval of transfer of approval
158 POD-34-11, Walgreens at W. Broad Street and Pouncey Tract Road? No one. Then, I'd
159 like to move that transfer of approval POD-34-11, Walgreens at W. Broad Street and
160 Pouncey Tract Road, be approved on the expedited agenda.

161

162 Mr. Witte - Second.

163

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

166

167 The Planning Commission approved the transfer of approval request for POD-34-11,
168 Walgreens at W. Broad Street and Pouncey Tract Road, from Breez-In Associates, LC,
169 The John J. and Ima M. Liesfield Family, LLC, and Mid-Atlantic Commercial Properties,
170 LLC to Walgreens Co., subject to the standard and added conditions previously
171 approved.

172

173 Ms. News - One page five of your agenda and located in the Fairfield
174 District is transfer of approval for POD-109-87 and 68-88, Oakhill Plaza Shopping
175 Center. Staff recommends approval.

176

205 **LANDSCAPE PLAN**

206

LP/POD-31-05
POD2012-00218
Grayson Hill, Section 3 –
Patterson Avenue

E.D. Lewis and Associates, P.C. for Gaskins and Patterson, Inc.: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 16.78-acre site is located on the northeast corner of the intersection of N. Gaskins Road and Derbyshire Road, on parcel 744-740-7562. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Tuckahoe)**

207

208 Mr. Branin -
209 Section 3? No one?

Is anyone in opposition to LP/POD-31-05, Grayson Hill,

210

211 Mrs. Jones -
212 Section 3, on the expedited agenda with standard conditions for landscape plans and the
213 annotations on the plan.

Then, I recommend approval of LP/POD-31-05, Grayson Hill,

214

215 Mr. Archer - Second.

216

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

219

220 The Planning Commission approved the landscape plan for LP/POD-31-05, Grayson Hill,
221 Section 3, subject to the standard conditions attached to these minutes for landscape
222 plans.

223

224 Ms. News - The next item is on page eight of your agenda and is located
225 in the Fairfield District. This is SUB2012-00131, Woodman Glen Townes (October 2012
226 Plan) for 82 lots. Staff recommends approval.

227

228 **SUBDIVISION**

229

SUB2012-00131
Woodman Glen Townes
(October 2012 Plan) –
10500 Woodman Road

Youngblood, Tyler and Associates for Joseph A. Vivas, JoAnn V. Hightower and HHHunt Corporation: The 27.7-acre site proposed for a subdivision of 82 residential townhouses for sale is located along the west line of Woodman Road, approximately 300 feet south of its intersection with Mountain Road, on part of parcel 775-765-1587. The zoning is RTHC, Residential Townhouse District (Conditional) and R-3C, One Family Residential District (Conditional). County water and sewer. **(Fairfield) 82 Lots**

230

231 Mr. Branin -
232 Townes (October 2012 Plan)? No one?

Is anyone in opposition to SUB2012-00131, Woodman Glen

233
4 Mr. Archer - Mr. Chairman, I move conditional approval of SUB2012-
235 00131, Woodman Glen Townes (October 2012 Plan), subject to the annotations on the
236 plans, the standard conditions for residential townhouses, and the additional Conditions
237 #15 and #16.

238
239 Mrs. Jones - Second.

240
241 Mr. Branin - Motion by Mr. Archer, seconded by Mrs. Jones. All in favor
242 say aye. All opposed say no. The ayes have it; the motion passes.

243
244 The Planning Commission granted conditional approval to SUB2012-00131, Woodman
245 Glen Townes (October 2012 Plan), subject to the standard conditions for residential
246 townhome for sale (RTH) subdivisions, the annotations on the plans, and the following
247 additional conditions:

- 248
249 15. The limits and elevation of the Special Flood Hazard Area shall be conspicuously
250 noted on the plat and construction plans and labeled "Limits of Special Flood
251 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width
252 Drainage & Utilities Easement."
253 16. The proffers approved as part of zoning case C-8C-12 shall be incorporated in
254 this approval.

255
256 Ms. News - Next on page nine of your agenda and located in the Fairfield
257 District is SUB2012-00132, Woodman Glen (October 2012 Plan) for 49 lots. In your
258 addendum on page one is a revised plan and a revised recommendation indicating that
259 staff has received additional information, and Lot 2 has been annotated to meet lot
260 requirements. Staff can now recommend approval.

261
262 **SUBDIVISION**

263
SUB2012-00132 **Youngblood, Tyler and Associates for Marion L.
Woodman Glen (October Lauterback Trustees, Joseph A. Vivas, JoAnn V.
2012 Plan) – 10500 Hightower and HHHunt Corporation:** The 26.19-acre site
Woodman Road proposed for a subdivision of 49 single-family homes is
located approximately 400 feet west of the intersection of
Woodman Hills Court and Woodman Road, on part of
parcels 774-765-4173 and 775-765-1587. The zoning is R-
3C, One-Family Residential District (Conditional). County
water and sewer. **(Fairfield) 49 Lots**

264
265 Mr. Branin - Is anyone in opposition to the approval SUB2012-00132,
266 Woodman Glen (October 2012 Plan)? No one?

267
268 Mr. Archer - Mr. Chairman, I move approval of SUB2012-00132,
269 Woodman Glen (October 2012 Plan), subject to the annotations on the plans, the

270 standard conditions for subdivisions served by public utilities, the additional Conditions
271 #13 through #17, and the addenda.

272

273 Mrs. Jones - Second.

274

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

277

278 The Planning Commission granted conditional approval to SUB2012-00132, Woodman
279 Glen (October 2012 Plan), subject to the standard conditions attached to these minutes
280 for subdivisions served by public utilities, the annotations on the plans, and the following
281 additional conditions:

282

283 13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously
284 noted on the plat and construction plans and labeled "Limits of Special Flood
285 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width
286 Drainage & Utilities Easement."

287 14. Each lot shall contain at least 11,000 square feet exclusive of the floodplain areas.

288 15. The proffers approved as part of zoning case C-8C-12 shall be incorporated in
289 this approval.

290 16. Any future building lot containing a BMP, sediment basin or trap and located
291 within the buildable area for a principal structure or accessory structure, may be
292 developed with engineered fill. All material shall be deposited and compacted in
293 accordance with the Virginia Uniform Statewide Building Code and geotechnical
294 guidelines established by a professional engineer. A detailed engineering report
295 shall be submitted for the review and approval by the Building Official prior to the
296 issuance of a building permit on the affected lot. A copy of the report and
297 recommendations shall be furnished to the Directors of Planning and Public
298 Works.

299 17. The applicant shall use best efforts to request vacation of the excess portion of
300 Woodman Hills Court, as determined by the Directors of Real Property and Public
301 Works, prior to recordation of the plat.

302

303 Ms. News - Next, on page 13 of your agenda and located in the
304 Tuckahoe District, is SUB2012-00133, the Townes at The Shire (October 2012 Plan) for
305 45 lots. Staff recommends approval.

306

307

308 **SUBDIVISION**

309

SUB2012-00133
Townes at The Shire
(October 2012 Plan) –
11901 Church Road

Kimley Horn for Rebkee Replacement, LLC and Patriot Development, LLC: The 6.714-acre site proposed for a subdivision of 45 townhouses for sale is located at the southwest corner of the intersection of John Rolfe Parkway and Pump Road, on part of parcel 739-754-7156. The zoning is RHTC, Residential Townhouse District (Conditional). County water and sewer. **(Tuckahoe) 45 Lots**

310

311 Mr. Branin - Is anyone in opposition to SUB2012-00133, Townes at The
312 Shire (October 2012 Plan)? No one?

313

314 Mrs. Jones - Then, I'll recommend approval of SUB2012-00133, Townes
315 at The Shire (October 2012 Plan). This is subject to the annotations on the plans, the
316 standard conditions for residential townhome for sale (RTH) subdivisions, and the
317 additional Conditions #15, #16, and #17 noted on the agenda.

318

319 Mr. Leabough - Second.

320

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

323

324 The Planning Commission granted conditional approval to SUB2012-00133, Townes at
325 The Shire (October 2012 Plan), subject to the standard conditions for residential
326 townhome for sale (RTH) subdivisions, the annotations on the plans, and the following
327 additional conditions:

328

329 15. A County standard sidewalk shall be constructed along the west side of Pump
330 Road, the south side of John Rolfe Parkway, and the east side of Glen Eagles
331 Drive.

332 16. Any necessary offsite drainage easements must be obtained prior to final
333 approval of the construction plan by the Department of Public Works.

334 17. The proffers approved as part of zoning case C-27C-06 shall be incorporated in
335 this approval.

336

337 Ms. News - The next item is found on page 21 of your agenda and is
338 located in the Brookland District. This is POD2012-00367, Faison Residences Revised.
339 There is an addendum item, including revised architectural, floor plans, and a revised
340 recommendation, which indicates that revised architectural have been received
341 addressing staff's comments regarding additional detail on the elevations facing W.
342 Broad and Markel Road and that the easement has been adjusted to accommodate
343 landscaping. Staff can now recommend approval.

344

345 **PLAN OF DEVELOPMENT**

346

POD2012-00367
Faison Residences
Revised – 5215 W. Broad
Street
(POD-28-09 Rev.)

Vanasse Hangen Brustlin, Inc. for 5215 West Broad Street, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a four-story 67,166 square foot mixed use building with 9,440 square feet of commercial space and 45 residential units. The 2.31-acre site is located on the south line of W. Broad Street (U. S. Route 250), the east line of Byrd Avenue, and the north line of Markel Road, approximately 800 feet west of Willow Lawn Drive, on parcel 772-738-8719. The zoning is R-6C, General Residential District (Conditional). County water and sewer. **(Brookland)**

347

348 Mr. Branin - Is anyone in opposition to POD2012-00367, Faison
349 Residences Revised? No one?

350

351 Mr. Witte - Mr. Chairman, I recommend approval of POD2012-00367,
352 Faison Residences Revised, with the standard conditions, additional Conditions #9
353 amended, #11 amended, and #29 through #34, and the annotations by staff.

354

355 Mr. Leabough - Second.

356

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

359

360 The Planning Commission approved POD2012-00367, Faison Residences Revised,
361 subject to the annotations on the plans, the standard conditions attached to these
362 minutes for developments of this type, and the following additional conditions:

363

364 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
365 Planning for review and Planning Commission approval prior to the issuance of any
366 occupancy permits.

367 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
368 of the site lighting equipment, a plan including depictions of light spread and
369 intensity diagrams, and fixture specifications and mounting height details shall be
370 submitted for Department of Planning review and Planning Commission approval.

371 29. Details for the gate and locking device at the entrance road shall be submitted for
372 review by the Traffic Engineer, Police and approved by the County Fire Marshall.
373 The owner or owner's contractor shall contact the County Fire Marshall prior to
374 completion of the fence installation to test and inspect the operations of the gates.
375 Evidence of the Fire Marshall's approval shall be provided to the Department of
376 Planning by the owner prior to issuance of occupancy permits.

377 30. Outside storage shall not be permitted.

- 378 31. The proffers approved as a part of zoning case C-13C-09 and conditions of
 379 provisional use permit P-8-09 shall be incorporated in this approval.
 380 32. A construction staging plan which includes details for traffic control, fire protection,
 381 stockpile locations, construction fencing and hours of construction shall be
 382 submitted for County review and prior to the approval of any final construction
 383 plans.
 384 33. The location of all existing and proposed utility and mechanical equipment
 385 (including HVAC units, electric meters, junction and accessory boxes,
 386 transformers, and generators) shall be identified on the landscape plans. All
 387 equipment shall be screened by such measures as determined appropriate by the
 388 Director of Planning or the Planning Commission at the time of plan approval.
 389 34. The unit house numbers shall be visible from the parking areas and drives.
 390

391 Ms. News - The final item is found on page 23 of your agenda and is
 392 located in the Brookland District. This is POD2012-00385, Staples Mill Marketplace
 393 Shopping Center - Architecturals, which was deferred from the September 26, 2012
 394 meeting. Staff recommends approval.
 395

396 **PLAN OF DEVELOPMENT - ARCHITECTURALS ONLY**
 397 *(Deferred from the September 26, 2012 Meeting)*
 398

POD2012-00385
 Staples Mill Marketplace
 Shopping Center –
 Staples Mill Road (U.S.
 Route 33)

Rummel, Klepper & Kahl, LLP for Staples Mill Marketplace, LLC and Marchetti Properties: Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a shopping center to include a one-story 123,683 square foot grocery store, a one-story 25,500 square foot retail building, a fuel facility with 9 pump islands, and four future outparcels. The 28.33-acre site is located on the southwest line of Staples Mill Road (U.S. Route 33) between the east line of Hungary Spring Road and the north line of Lucas Road, on parcel 767-757-8360 and part of parcel 767-756-9991. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

399
 400 Mr. Branin - Is anyone in opposition to POD2012-00385, Staples Mill
 401 Marketplace Shopping Center - Architecturals? No one.
 402

403 Mr. Witte - Mr. Chairman, I recommend approval of POD2012-00385,
 404 Staples Mill Marketplace Shopping Center - Architecturals, with the standard conditions,
 405 annotations, and as approved by staff.
 406

407 Mr. Leabough - Second.
 408

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

411
412 The Planning Commission approved POD2012-00385, Staples Mill Marketplace
413 Shopping Center, architectural only, subject to the terms and conditions of the original
414 POD2012-00280, approved September 26, 2012.

415
416 Ms. News - That completes our expedited agenda.

417
418 Mr. Branin - Thank you, Ms. News.

419
420 Mr. Emerson - Mr. Chairman, that now takes us to the Subdivision
421 Extensions of Conditional Approval. Those will be presented by Mr. Lee Pambid.

422
423 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
424 **FOR INFORMATIONAL PURPOSES ONLY**

425

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2010-00138 (SUB-13-10) Taylor Estates (October 2010 Plan)	25	25	1	Varina	10/23/2017 7/1/2017

426
427 Mr. Branin - Good morning, Mr. Pambid.

428
429 Mr. Pambid - Good morning, Mr. Chairman, members of the Planning
430 Commission. This map indicates the location of one subdivision that is presented for
431 extension of conditional approval. It is eligible for an extension to July 1, 2017, as shown
432 on your addendum on page one, per Section 15.2.2209.1 of the Code of Virginia. The
433 Code was amended this year by the General Assembly to revise approval extension
434 dates from July 1, 2014, to July 1, 2017, for eligible plans. This is for informational
435 purposes only and does not require Commission action at this time.

436
437 This concludes my presentation. Staff can now field any questions you have regarding
438 this.

439
440 Mr. Branin - Does anybody have any questions for Mr. Pambid? None?
441 Thank you, Mr. Pambid, you did a fantastic job.

442
443 Mr. Pambid - Thank you.

444
445 Mr. Emerson - Mr. Chairman, that now takes us to page six of your agenda.

446
447

448 **LANDSCAPE AND LIGHTING PLAN**

49

LP/POD-20-11
POD2012-00102;
POD2012-00103
Wawa at Laburnum and
Eubank – 5301 S.
Laburnum Avenue
(POD-80-07 Rev.)

Townes Site Engineering, P.C. for Laburnum and Eubank C-Store, LLC: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.78-acre site is located at the northeast corner of the intersection of S. Laburnum Avenue and Eubank Road, approximately 1,700 feet south of Williamsburg Road (U.S. Route 60), on parcel 816-712-7504. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer.
(Varina)

450

451 Mr. Branin - Is there anyone in opposition to LP/POD-20-11, Wawa at
452 Laburnum and Eubank? No one. Good morning, Mr. Ward.

453

454 Mr. Ward - Good morning. Before you is the revised landscape and
455 lighting plan for Wawa. This is a proposed Wawa convenience store and fueling center to
456 be constructed at the northeast corner of S. Laburnum Avenue and Eubank Road, as
457 shown in the revised plans just now provided to you. The applicant has addressed
458 several of staff's concerns with the exception of adding a tree in this island here, as well
459 as some grouping of shrubs along S. Laburnum Avenue and Eubank Road to screen the
50 vehicle headlights from public right-of-way. Staff did request this additional plant material
461 because it is common practice to do so when reviewing landscaping plans for
462 commercial sites. It's also consistent with established landscaping designs on the
463 adjacent commercial site as well as six other Wawa locations throughout the County.
464 Finally, it's an opportunity to visually enhance a busy intersection. The lighting plan
465 before you does meet all of our lighting standards and associated proffers set aside in
466 zoning case C-60C-06.

467

468 The lighting plan confirms that the light poles will be 20 feet in height, which does not
469 exceed the 25 feet in height set aside in the proffered case. Also, they're concealed
470 lighting sources that will lessen the impact on the adjacent properties, and it's been
471 designed in a cohesive manner so that the exterior lighting has these compatible design
472 elements. There are 11 light poles shown, again at 20 feet in height, and the perimeter
473 light poles have what's called a back shield on them, which that component allows the
474 light to be produced outward and to the side so that it won't be shining back into the
475 streets. It also resulted in an average .39-footcandle at the property lines. You probably
476 can see better on your handout plans.

477

478 With all of that, staff can recommend approval of the proposed landscape and lighting
479 plan subject to the annotations on the plans and the standard conditions for landscape
480 and lighting plans. Should the Commission have any questions of me, I'm happy to
481 respond. Also the applicant, Jim Kinter, is here.

82

483 Mr. Branin - Fantastic. Thank you. Does anybody have any questions for
484 Mr. Ward?
485
486 Mr. Leabough - Yes. Mr. Ward, the shrubs that we discussed along Eubank
487 as well as Laburnum, have those been addressed by the applicant?
488
489 Mr. Ward - Those have not.
490
491 Mr. Leabough - We have not?
492
493 Mr. Ward - The applicant has agreed not to provide those.
494
495 Mr. Leabough - Okay.
496
497 Mrs. Jones - I have one also. The lighting plan—I have my glasses on but
498 it's still a little tough. Could you tell me what the readings are towards the residences?
499
500 Mr. Ward - This is the residential area across the street. We're down to
501 .02-footcandle at the property line. They also have the back shields in this area on this
502 pole and this pole so that the lights—well, the light that's produced will be thrown out—
503 for lack of a better word, this way and to the side instead of going back.
504
505 Mrs. Jones - And those lights are on at the same level 24 hours a day?
506
507 Mr. Ward - They're supposed to be at security level. When the security
508 audit is performed by the Police Division, that'll be another thing that's part of the
509 provisional use permit.
510
511 Mrs. Jones - I remember the discussion about this a little while ago. I hope
512 that's not intrusive.
513
514 Mr. Ward - These are all LED lights. I had to educate myself on the
515 components shown. Basically, they're all full cut-off, concealed light sources, and,
516 actually, there's not a shield. You would think there's a shield that's hanging down off the
517 pole. It's actually a component that's computerized within the fixture that allows it to be
518 fully cut off and not to spread behind into the street.
519
520 Mrs. Jones - Thank you.
521
522 Mr. Ward - Good quality.
523
524 Mr. Branin - Any other questions for Mr. Ward? Mr. Leabough, would you
525 like to hear form the applicant?
526
527 Mr. Leabough - Yes, please.
528

529 Mr. Branin - Would the applicant please come down? Please state your
530 name for the record.

531
532 Mr. Kinter - Good morning. My name is Jim Kinter. I'm here on behalf of
533 the applicant. For the last year or so, I've been working with staff, our engineers, and this
534 body, in the design and currently the construction of the Wawa project. Of course, we
535 had to pull a POD for that, so we've been before you before and worked with Matt and
536 the other folks from staff, I think, very well. It appears that we're in agreement on—I'm
537 going to say—99 percent of the landscaping plan. Staff has asked for two additional
538 items that we have said we will not do. We prefer not to do them for a number of
539 reasons. I'll deal with the trees on the building first.

540
541 The code requires a certain number of trees. It is not specific to where those trees have
542 to go. We originally placed the three trees that are required in the interior of the parking
543 lot, rear, and to the side of the building. Staff made a request that we move the two trees
544 to the front. Our original answer was no, we like them in the back, but to appease staff,
545 for lack of a better term, we were able to move one tree to the front, which you see on
546 the front right of the building or the south side of the building. We did not place a tree in
547 that front left-hand island because, as you can see, that line running through that island
548 is a drain line from our building. So, we didn't want to put a tree over top of that drain
549 line. As you can imagine, that would be maintenance problem, just not a good idea. So,
550 we've only shown the one tree.

551
552 The second item staff asked for was the addition of shrubs around Laburnum and
553 Eubank. Again, shrubs are not required by the code. In our judgment, we think our plan
554 is a plan of quality with professionally-maintained and irrigated sod, as well as the trees
555 that we show on the plan, and we choose to leave our plan as-is. There has been some
556 mention of the shrubs being necessary for something to do with the headlights. I've
557 never quite understood it, but certainly the code is quiet to that issue. As I've discussed
558 with staff on a couple of occasions, our site sits between 2-1/2 and 3-1/2 feet below
559 Laburnum and Eubank. It does taper out to grade back at Robins, but certainly the entire
560 frontage at Laburnum is, again, 2-1/2 or 3-1/2 feet below the street. So, any issue related
561 to headlights, if there are any, are mitigated by the grading plan.

562
563 So with that in mind, and the fact that we have indeed met all the code requirements for
564 POD, I would ask that you approve our plans without conditions. I'll be glad to answer
565 any questions you have.

566
567 Mr. Leabough - Mr. Kinter, I have a question for you—well, more of a
568 statement than a question. I did have the opportunity to pull up an aerial for the Wawa
569 near the airport on Airport Drive. There is a substantially greater landscaping plan that
570 has been incorporated into the design of that site. I've also asked staff to pull
571 photographs of other Wawa's across the County. One of the things in the County we've
572 struggled with, whether that's perception or reality, is concern about the level of quality of
573 the developments that are in the Varina District. To me, we expect that same level of
574 quality for every single development that gets approved. So, is there any movement on

575 the shrubs or are we still holding to that, "We can't compromise at all"? I think we had a
576 conversation yesterday about trying to meet somewhere in the middle. So you're still
577 holding to the position that you will not relocate the trees from the rear of the property,
578 and you will not install any shrubs along Eubank and Laburnum?
579

580 Mr. Kinter - Let me first go to your points. I think it's unfair to go anywhere
581 else in the County and pluck up a certain development or project. Those projects stand
582 on their own. They're done with certain conditions and with certain economics in mind. I
583 would suggest that what we're offering here is a good enough quality plan to go
584 anywhere in the city or the County.
585

586 Mr. Branin - Mr. Leabough, may I?

587
588 Mr. Leabough - Well, let me respond to that first, and then I'll let you respond.
589 The one thing that I look at is the big picture. This is a piece of the puzzle. We do look at
590 this individual site, but we also look at how this piece of the puzzle fits within the context
591 of the Varina District. So, even though you're looking at it solely from an individual site
592 basis, my responsibility is to look at how this site integrates with the rest of the
593 community. So, I hear what you're saying, but I respectfully disagree. We have to look at
594 the precedent that's been set. What I'm asking is, "Are you willing to provide shrubs
595 along Eubank and Laburnum and then to relocate the trees?" It's absurd that—I don't
596 know why we would put a tree in the rear of the building when the front is the most
597 prominent. When you look at the site, this is a prominent intersection. You also have
598 equipment, I believe, in that corner at Eubank and Laburnum. That's going to be the first
599 thing that people see when they drive down Laburnum—the air hose, the vacuums, etc.
600 So, what we're looking for is screening for that equipment.
601

602 The level of quality in Varina has to be raised, and that's what we're expecting. I'll let Mr.
603 Branin comment.
604

605 Mr. Branin - Mr. Kinter, I would personally think that you guys would be
606 elated to have the opportunity to come to the fine district of Varina and build a Wawa
607 considering—have you been present from the beginning of this?
608

609 Mr. Kinter - Yes, sir.
610

611 Mr. Branin - We denied this to start with, so you got a second chance. I
612 would think if that district said to you they want 500 trees, you guys would be jumping at
613 the opportunity because you've been given a second chance. Number one. Number two,
614 to say that the County doesn't look County-wide? I can tell you the Three Chopt District,
615 in getting an Olive Garden, copied Varina's architectural out at White Oak because they
616 were better than what we previously had in the West End. It fit in better; it looked better.
617 So, we take the precedent of what is being put in throughout the County. You're very
618 much misled if you don't think we look at precedent and County-wide for quality and
619 consistency.
620

621 Mr. Leabough - The other thing that I pride myself on—and staff will attest to
622 this—is I'm willing to work with anyone, but when the response I get is, "I can't do
623 anything," that's where I have a challenge. I can give, and I can work with folks; staff will
624 attest to that. When we talked yesterday, you told me we absolutely cannot do anything,
625 and that's one thing that sort of irritates me. If you had gone back and maybe come up
626 with some different concept that maybe wasn't to the extent that staff suggested, I could
627 still work with that.

628
629 Mr. Kinter - I understand that, but I'll make the same point I made
630 yesterday. We have met the burden under the code, and what I'm hearing from you all
631 today is that there is an expectation, for whatever reason, that I build and design and
632 spend money above and beyond that code. I would suggest that's just not right. As
633 developers, owners, or engineers, we're given the playbook, which is the County code
634 and the landscape manual. We take that; we design to that. If we choose to exceed that,
635 we do that on our own, and we've chosen not to do that in this case. With that said, the
636 County code creates a very high bar, and we've met that.

637
638 Now, as far as not—what's the word for it?—agreeing to add additional landscaping, I
639 think your beef is with staff. They're the ones that created this condition by asking me to
640 go above and beyond the code. So, again, I've met the code. What more do you all
641 expect from me?

642
643 Mr. Emerson - Mr. Kinter?

644
645 Mrs. Jones - Mr. Kinter, I—Well, Mr. Secretary may speak to that as well.

646
647 Mr. Emerson - Mr. Kinter, I just have one comment to add to this. This
648 property was zoned as a unified corner when it was anticipated that it would be built
649 cohesively and landscaped cohesively. I do not believe the staff is out of line in expecting
650 and interpreting the zoning case, the plan of development site plan, landscaping, and
651 lighting through the process to reach that level. We do expect that developers such as
652 Wawa, which has a good reputation, continue to meet the level of the reputation they
653 have in the community. So, I do not believe staff is out of line in their recommendation.

654
655 Mrs. Jones - My comment, in addition to what Mr. Secretary just said, was
656 that our code does form the basis for a legal standard which must be met, but I think you
657 would be hard-pressed to find many projects in this County that, using that as the basis
658 and the minimum, do not go to different levels above and beyond because that's what
659 the standard has been as Henrico County has evolved over the years since, perhaps,
660 that section of the code was written or revised. There is no question that you meet code
661 requirements at the minimum, but I think you may be missing is that what we're asking
662 for is for real reasons. We're not sitting here asking for things that are frivolous. There is
663 a screening effect and a softening effect of vegetation when it comes to very busy traffic
664 situations, and I think this particular corner, without a doubt, has a lot of activity. So,
665 there is a quality that comes with additional landscaping. I realize you don't want to do it.
666 We're saying we're asking for it because it's a standard that's been met in other places,

667 and we feel it has a real role to play, that it's the same throughout the site on landscape
668 islands. The reason that those are normally landscaped to some degree is for that
669 softening effect and for the look, as well as the shade function and other things that
670 come with landscaping. This is something that we strongly feel adds quality and
671 appearance to a project. You may disagree. Perhaps there needs to be some more time
672 to talk about this. What I'm saying to you is please don't think that everything just comes
673 in at the bare minimum of code requirement and that's it. The County has evolved with a
674 standard of quality that, I think, is pretty remarkable, and we enjoy that benefit for
675 everyone.

676
677 So, that's where we're coming from. There's a functional reason, a consistency reason.
678 What you say is unfair to you actually may speak to consistency for us, and that's the
679 kind of thing that we're here to review.

680
681 Mr. Thornton - Mr. Chairman, I don't usually say too many things in these
682 proceedings, but I would like to give an observation. In my years on the Board of
683 Supervisors and coming here to the Planning Commission, in all due respect, I don't
684 think I've quite heard what I see is a little bit of arrogance in the statement about—I think
685 it was a poor choice of words to say about plucking something from another part of the
686 County. Representing the Eastern part of Henrico County, there has been a goal for us
687 in making sure that whatever is done is done well in an outstanding way. Most of the
688 persons who come before us are—I'll call them professionals such as yourself. It seems
689 a little bit demeaning to say that you only have to come up to a certain aspect of a goal.

690
691 I think the citizens of Henrico expect the very best. It kind of saddens me to hear the
692 statements that I heard. Sometimes, we're inarticulate when we don't want to do
693 something at that moment in time. I'm just saddened to hear the way it was very
694 inarticulately stated about goals. Talk about Henrico County, I think it's a privilege for this
695 organization and for your organization. Wawa has an outstanding representation, and I
696 don't think the statements that I heard this morning really justify their past record. As a
697 member of the Board of Supervisors, I'm somewhat disappointed at that.

698
699 Mr. Witte - I also have a comment. First, in reference to the staff, we
700 have an extremely talented and dedicated staff that I think do an excellent job with their
701 research. If the staff suggests a safety issue, such as headlights, I take that very
702 seriously. By planting a few shrubs, if we can eliminate the headlights going into
703 somebody's eyes since there is a fall in land at that point—two to three feet, as you said,
704 which that would put the headlights right about eye level—I think we should take that
705 very seriously. If we can save one accident or one life or one injury by planting a few
706 shrubs, I absolutely feel that's necessary as a safety issue.

707
708 As far as the overall landscaping plan, I think the recommendations are great. I, in
709 particular, like the locations they have, and I'm sure there was a lot of thought put into it.

710
711 That's my personal opinion, sir.

712

713 Mr. Leabough - I won't say anything else. The only thing that Rev. Nelson and
4 I have been working to do is to raise the bar in the Varina District, in the East End as a
715 whole, and the County as a whole. So, I would encourage you to work with staff because
716 they're really responding to my vision for the community as well, and Rev. Nelson's, in
717 making certain that the level of quality meets and exceeds what has previously been
718 developed elsewhere. With that, Mr. Chairman, are there any other questions?
719

720 Mr. Branin - Would you like me to make a motion to deny?
721

722 Mr. Kinter - If I may? I think I was heard today. Respectfully, I don't agree
723 with Mr. Thornton's characterization of what I said, but that's fine. I will accept staff's
724 recommendation with regard to the shrubs. I would ask that the issue of the tree be
725 taken out because I do have a real issue with that drain pipe that's been designed and
726 permitted and its location through the island. I don't want to put a tree over the top of that
727 drain pipe.
728

729 Mrs. Jones - What can be put over that drain pipe successfully that would
730 form a landscaping element?
731

732 Mr. Kinter - We have shrubs shown there now; it's not a barren island. I
733 don't know what plants we have there, but we have it fully landscaped with various
734 different trees and—excuse me—shrubs and bushes and other groundcover.
735

736 Mrs. Jones - So, you're just eliminating the tree?
737

738 Mr. Kinter - Yes, ma'am.
739

740 Mr. Branin - Mr. Leabough, would this be satisfactory to you or would you
741 like me to make my motion?
742

743 Mr. Leabough - I think we can work with it as long as there is adequate
744 vegetation on that corner.
745

746 Mr. Kinter - Yes, sir.
747

748 Mr. Leabough - That being the case, I move approval of LP/POD-20-11,
749 Wawa at Laburnum and Eubank, subject to the standard conditions for landscape and
750 lighting plans, the annotations as shown on the plans, and the removal of that one tree
751 as shown on the plan in front of us.
752

753 Mr. Witte - Second.
754

755 Mr. Branin - Motion by Mr. Leabough, seconded by Mr. Witte. All in favor
756 say aye. All opposed say no. The ayes have it; the motion passes.
757

758 The Planning Commission approved the landscape and lighting plan for LP/POD-20-11,
759 Wawa at Laburnum and Eubank, subject to the annotations on the plans and the
760 standard conditions attached to these minutes for landscape and lighting plans.

761
762 **PLAN OF DEVELOPMENT**
763

POD2012-00366 **Draper Aden Associates for University of Richmond:**
University of Richmond – Request for approval of a plan of development, as required
South Campus by Chapter 24, Section 24-106 of the Henrico County
Apartments Code, to construct 4 three to four-story apartment
 buildings, totaling 44 units, on an existing university
 campus. The 2.5-acre site is located on the north line of
 River Road, approximately 1,100 feet west of its
 intersection with Huguenot Road, on part of parcel 761-
 732-3993. The zoning is R-1, One-Family Residential
 District. County water and sewer. **(Tuckahoe)**

764
765 Mr. Branin - Is anyone in opposition to POD212-00366, University of
766 Richmond? No one? Mr. Pambid, welcome back to the podium.

767
768 Mr. Pambid - Good morning, again. This proposal is for new construction of
769 four apartment buildings totaling 44 residential units. Eighty-eight parking spaces will be
770 dedicated on a temporary basis on the commuter lot immediately to the north of the
771 development site until Phase 2 is constructed. Phase 2 consists of the realignment of UR
772 Drive—and this is the existing alignment here, and you see the proposed alignment in
773 dashes—and also the construction of a parking lot. That is scheduled to be completed at
774 the same time as occupancy of the apartments in August 2014.

775
776 The development site is interior to the parcel and is not adjacent to any public rights-of-
777 way or other properties. It is located on a pad containing three intramural fields. These
778 four buildings are proposed on the westernmost field, which is approximately 500 feet
779 away from the nearest adjacent residential property and 675 feet away from the Country
780 Club of Virginia.

781
782 All four buildings have an overall height of four stories with certain portions being three
783 stories in height. The appearance is in keeping with the collegiate gothic style of the
784 original campus. The proposed buildings feature red brick in standard American bond,
785 limestone arches and bands, and composite slate roof shingles. The following are a few
786 examples of existing structures on campus just as context.

787
788 A master plan is included in your packet and is for informational purposes only. The
789 Richmond City Planning Commission approved this master plan for portions of the
790 project within the city limits on October 1, 2012. This master plan is conceptual and
791 illustrates future development of parking decks, offices, classrooms, pedestrian
792 walkways, and student housing.

793

794 Staff recommends approval subject to the annotations on the plan, the standard
795 conditions for developments of this type, and Conditions #29 through #34. This
796 concludes my presentation. I can now field any questions you have regarding this.
797 Andrew McBride, University Architect and Vice President of Facilities for U of R, along
798 with his development team, are also here.

799
800 Mr. Branin - Any questions for Mr. Pambid?

801
802 Mr. Witte - I do. You said you're going to eliminate 85 parking places
803 when section two goes up?

804
805 Mr. Pambid - No, they're adding—they're dedicating 88 spaces in a
806 commuter lot that's immediately to the north. There is a Phase 2 that's going to follow on
807 with this that includes the realignment of the existing U of R Drive, and with that Phase 2
808 will be the inclusion of a parking lot.

809
810 Mr. Witte - Okay. So, the area they're going to use now is just
811 temporary?

812
813 Mr. Pambid - Correct.

814
815 Mr. Witte - I understand. Thank you.

816
817 Mr. Branin - Any other questions for Mr. Pambid? Ma'am, would you like
818 to hear from the applicant?

819
820 Mrs. Jones - I would.

821
822 Mr. Branin - Okay. Would the applicant please come down and state your
823 name for the record, please?

824
825 Mr. McBride - Good morning. My name is Andrew McBride. I'm the
826 University Architect and Associate Vice President of Facilities, University of Richmond.

827
828 Mr. Branin - Good morning, Mr. McBride.

829
830 Mrs. Jones - Good morning. The reason I asked the team to be here and
831 asked Lee to make a presentation is because this master plan for the University of
832 Richmond will be coming in various aspects before us over the next number of years. Mr.
833 McBride, you wouldn't like to take a guess as to when the final build-out of this master
834 plan is, would you? Nor would I.

835
836 Mr. McBride - We have been master planning since 1914. There was a bit
837 of a distance; the next master plan wasn't done until 1977. The next master plan was
838 done in 2000, and this one was done in 2011. We're getting better at doing it more often.

839 Typically, universities do this on a 10-year cycle, and that's what we're looking at.
840 Everything is dependent upon donor funding.

841
842 Mrs. Jones - Yes, this is how it works.

843
844 Mr. McBride - Correct.

845
846 Mrs. Jones - I wanted to ask you, a lot of folks don't necessarily realize
847 how Henrico County and the City of Richmond share this property. I don't know whether
848 we can—can you show us on this master plan where—

849
850 Mr. McBride - Well, it's dashed in there. Let me see.

851
852 Mrs. Jones - It's a little hard to see, but we have two little areas that we will
853 be working with here at Henrico County. I just wanted the Commission to be aware of
854 how that works.

855
856 Mr. Pambid - Did you want to see the Henrico portion of the master plan or
857 was there a different portion?

858
859 Mrs. Jones - Well, this will show us what we're working with right here, and
860 yes, I'd like to show it because there's another little section that is Henrico County as
861 well.

862
863 Mr. McBride - That is correct. This is the South Campus, as we refer to it. At
864 the bottom is River Road, and over on the right-hand side is the Country Club of Virginia.
865 You can see there the dashed line represents the border between the City of Richmond
866 and Henrico County. The other section—Lee, can you drive that to the north end? Yes,
867 right in there. Yes, there you go. As you can see, across from our stadium, we have a
868 parking lot labeled as B3. That is in Henrico, and then the area behind there is
869 essentially non-developable. There is a ravine back there, and a neighborhood is behind
870 that. Our intention is to not really do anything with that.

871
872 Mrs. Jones - Thank you for that clarification. I think it's interesting how
873 these lines have evolved jurisdictionally over the years. I did want to ask you specifically
874 about the project that you have going now. I know that the upgrade in these apartments
875 will really be a positive for the university, as well as those living there. The architectural
876 do show "campus gothic." I like that term. I did want to ask you, however, about some of
877 the end walls. I realize that they do have interior elements that are not easy to work with
878 windows, but I was wondering about your thoughts as to giving some architectural
879 delineation to those blank expanses to be consistent with other things on campus.

880
881 Mr. McBride - I appreciate your concerns. I do think that—I don't know that
882 we have any examples with us to show, but there are examples on campus where the
883 end walls, the gable end walls are blank. They become a backdrop for large landscaping.
884 The village effect that we've created here, the buildings are rather close. The way the

885 layouts of the apartments are, there is really no good—one of the spaces in the
886 apartment is a bedroom, so it has its window on the side wall, if you will. Then, the other
887 part of the apartment is the living room, so there are windows on the opposite wall. Some
888 of the arrangements have stairways, and so there's no reason to put windows there.
889 These are exterior stairs on some of the buildings. We don't want a situation where we
890 have in a close proximity where an apartment is looking directly into another apartment.
891 So, I think that's the essence of the reason. If you have more questions, I can have
892 Charles Tilley, the architect who designed this answer them, but that's the intent.
893

894 Mrs. Jones - Lee, could you put up the elevations from the staff report for
895 me, please?
896

897 Mr. Pambid - There are four. There are four elevations for each building. I
898 didn't know if there was a particular one that you wanted to look at.
899

900 Mrs. Jones - No, this is fine for purposes of illustration. Based on the other
901 elements that we see throughout campus and taking the practical reason for why
902 windows aren't going to work, I would ask whether you could incorporate some of your
903 standard elements for all the buildings on campus to include things like a horizontal band
904 or some kind of a checkerboard or some kind of an element that would give it any kind of
905 delineation. It just seems to me to be inconsistent with what you all have throughout
906 campus, which is beautiful.
907

908 Mr. McBride - I appreciate that, and I'm sure we can come up with
909 something that will be in keeping with the rest of the campus.
910

911 Mrs. Jones - I would hope that there would be some element that we could
912 look at as practical to incorporate without adding a huge amount of expense to the
913 project.
914

915 Mr. McBride - Oh, sure. We're certainly open to any of that; we want to do
916 the right thing.
917

918 Mrs. Jones - Would you be willing to say that there will be some elements
919 that will be used to break up that expanse?
920

921 Mr. McBride - Absolutely.
922

923 Mrs. Jones - Can we get a little more specific now, or do you just feel you
924 need to kind of huddle down with your experts and see what you can come up with?
925

926 Mr. McBride - Yes, I think we need to sit back and talk with the architects,
927 you know, to a certain extent go back to the drawing board. We've been able to tweak
928 elevations. Charles, I don't know if you want to say anything about that or not.
929

930 Mr. Tilley - Charles Tilley with BCWH. One of the things we were talking
931 about is something that wouldn't penetrate the wall but be engaged into the wall, like
932 some kind of brick patterning or something—some kind of brick patterning or limestone
933 accent of some type. One thing about college gothic is the in-balance of the elevation, if
934 you will, in terms of proportions and things like that. So, it's one of the things we'd want
935 to look at a little closer.
936

937 Mrs. Jones - Of course. If I could have your commitment to have some
938 kind of differentiation that would break up that expanse, I would appreciate that very
939 much.
940

941 Mr. McBride - Not a problem.
942

943 Mrs. Jones - Okay, thank you.
944

945 Mr. Witte - That was pretty definitive.
946

947 Mrs. Jones - I do look forward to projects from the University of Richmond
948 that are really of great high quality, and I think we've come to expect that from the
949 campus. I walk through there regularly as my own private park almost, and so I
950 appreciate the beauty that surrounds me there. I thank you for this project. We'll look for
951 our little Henrico County elements on campus as the development works out.
952

953 Mr. McBride - Thank you.
954

955 Mr. Witte - Mr. McBride, if I can ask a question that's not really related to
956 this. The old fraternity row, isn't that also in the County?
957

958 Mr. McBride - I don't think so. It jogs, and we'll see it in the master plan
959 here.
960

961 Mrs. Jones - It's these little lodges right there.
962

963 Mr. McBride - If you see the parking lot labeled B5, that's the old fraternity
964 row. The new fraternity row is B7. Both of those are in the city of Richmond. Don't ask
965 me why it jogs the way it does.
966

967 Mr. Witte - Can you go south on that plan?
968

969 Mr. McBride - Probably over here is what he wants to know about.
970

971 Mr. Pambid - That's as far as it goes right there.
972

973 Mr. Witte - Okay.
974

975 Mr. Pambid - I can't go any further left.

976
 977 Mr. McBride - That area that you may be concerned about is houses that
 978 the university owns.
 979
 980 Mr. Witte - Oh, they own that?
 981
 982 Mr. McBride - Yes. Faculty and staff purchased them from the university. If
 983 they move, they have to sell it back to the university, and the university turns around and
 984 sells it again to someone that works at the university.
 985
 986 Mr. Witte - Okay. Thank you.
 987
 988 Mr. McBride - Yes, sir.
 989
 990 Mrs. Jones - Thank you.
 991
 992 Mr. Branin - Any other questions? Thank you, Mr. McBride. Then I'll
 993 entertain a motion.
 994
 995 Mrs. Jones - All right. With that, I move for approval of POD212-00366,
 996 University of Richmond, South Campus Apartments, with the annotations on the plans;
 997 the standard conditions for developments of this type; the following conditions as listed in
 998 our agenda, #29 through #34; and a commitment to detail on the blank expanse of the
 999 end walls.
 1000
 1001 Mr. Archer - Second.
 1002
 1003 Mr. Branin - Motion by Mrs. Jones, seconded by Mr. Archer. All in favor
 1004 say aye. All opposed say no. The ayes have it; the motion passes.
 1005
 1006 The Planning Commission approved POD212-00366, University of Richmond, South
 1007 Campus Apartments, subject to the annotations on the plans, the standard conditions
 1008 attached to these minutes for developments of this type, and the following additional
 1009 conditions:
 1010
 1011 29. Outside storage shall not be permitted.
 1012 30. A construction staging plan which includes details for traffic control, fire protection,
 1013 stockpile locations, construction fencing and hours of construction shall be
 1014 submitted for County review and prior to the approval of any final construction
 1015 plans.
 1016 31. The conceptual master plan, as submitted with this application, is for planning and
 1017 information purposes only.
 1018 32. The location of all existing and proposed utility and mechanical equipment
 1019 (including HVAC units, electric meters, junction and accessory boxes,
 1020 transformers, and generators) shall be identified on the landscape plans. All

- 1021 equipment shall be screened by such measures as determined appropriate by the
1022 Director of Planning or the Planning Commission at the time of plan approval.
1023 33. Except for junction boxes, meters, and existing overhead utility lines, and for
1024 technical or environmental reasons, all utility lines shall be underground.
1025 34. The unit house numbers shall be visible from the parking areas and drives.
1026

1027 Mr. Emerson - Mr. Chairman, we now will return back to page eleven on
1028 your agenda. I apologize. I inadvertently passed over a case.

1029

1030 **SUBDIVISION**

1031

SUB2012-00130 **Youngblood, Tyler and Associates for Shirley Edwards
Laurel Glen (October 2012 Plan) – 3029 Lakewood and ARKM:** The 0.896-acre site proposed for a subdivision
Road of 2 single-family homes is located on the southeast corner
of the intersection of Lakewood Road and Warren Road,
approximately 1,315 feet south of Mountain Road, on parcel
768-766-9667. The zoning is R-2, One-Family Residential
District. County water and sewer. **(Brookland) 2 Lots**

1032
1033 Mr. Branin - Is there anyone in opposition to SUB2012-00130, Laurel Glen
1034 (October 2012 Plan)? You're stretching; you're not putting your hand up? Just making
1035 sure. There is no opposition.

1036
1037 Mr. Ward - Good morning again. This is a request to subdivide Lot 175 of
1038 the Laurel Glen Subdivision, Section B. The existing and proposed [inaudible] to meet
1039 the R-2 building setbacks. The following was addressed on the site plan. The existing
1040 home you see on Lot 1 will be remodeled to have a portion removed off the front,
1041 approximately six feet, and then the side addition completely removed, as well as the
1042 accessory structure in the back.

1043
1044 Mr. Branin - Mr. Ward, can you do me a favor? Can you adjust your
1045 microphone so I can hear you better?

1046
1047 Mr. Ward - Let me repeat me that. For Lot 1, on the corner of Lakewood
1048 and Warren to meet the R-2 setbacks, the front part of the home, approximately six feet,
1049 is going to be taken off. Then, the whole addition on the side will be removed as well, in
1050 addition to the garage in the back. On Lot 2, the accessory structure will be removed,
1051 and then whatever new single-family dwelling comes in will have to meet the R-2
1052 setbacks.

1053
1054 I think you may have the floor plans in your packet. These were dropped off by the
1055 applicant yesterday. The first floor plan, you can see the area that will be demolished,
1056 the 6 feet by 38 feet, and then the addition here out to the side that would be
1057 demolished. After the demolition work, a new roof, front stoop, and rear addition—which
1058 you can see here a little bit more bolded—will be added to look similar to the subject
1059 home. We do have some pictures of a typical brick Cape Cod. So, this is the portion;

1060 about six feet of this will come off, as well as the porch with a new roof, modified so that
1061 the setbacks are met, and then the new addition will go here in the back.

1062
1063 Staff can recommend approval of the plan subject to all the annotations on the plan, the
1064 standard conditions for subdivisions served by public utilities, and Conditions #13
1065 through #17 on the agenda. Did you have any questions of me? I'm happy to respond.
1066 The applicant, Travis Johnson and Anne Tignor with Youngblood and Tyler, are also
1067 here if you have any questions for them.

1068
1069 Mr. Branin - Does anybody have any questions for Mr. Ward?

1070
1071 Mr. Witte - No, but I would like to speak to the applicant.

1072
1073 Mr. Branin - Okay. Thank you, Mr. Ward. Would the applicant come down
1074 and state your name for the record?

1075
1076 Ms. Tignor - Good morning. I'm Anne Tignor with Youngblood, Tyler &
1077 Associates. I'll be happy to answer any questions. I have Travis Johnson, who can
1078 answer more about the actual home construction, if that's what you have questions of.

1079
1080 Mr. Witte - Actually, my questions would be with Mr. Johnson. Okay.

1081
1082 Mr. Johnson - Travis Johnson, Legacy Homes.

1083
1084 Mr. Witte - I do have a question. Are you going to re-brick the house?

1085
1086 Mr. Johnson - Actually, we're going to use vinyl siding; that was our plan.

1087
1088 Mr. Witte - And the new house?

1089
1090 Mr. Johnson - The new house? Vinyl siding also.

1091
1092 Mr. Witte - Okay. My other concern is a one-bedroom house. I'm not
1093 aware we have any one-bedroom houses in the area.

1094
1095 Mr. Johnson - We'll have a walkup that will be finished in the future. We'll
1096 have a bathroom roughed in up there. If it needs to be, we could maybe finish that off.
1097 She did ask me to price that, which would make it a three-bedroom house. This would be
1098 trusses with a room—two rooms up there and a bath—for a future bathroom roughed in.

1099
1100 Mr. Witte - And you're going to put new dormers on?

1101
1102 Mr. Johnson - That's right.

1103
1104 Mr. Witte - I would like to see at least a two-bedroom house there,
1105 finished.

1106
1107 Mr. Johnson - Okay.
1108
1109 Mr. Witte - Do you have any opposition to that?
1110
1111 Mr. Johnson - I think that would be fine.
1112
1113 Mr. Witte - The siding, I guess that will be standard neutral colors.
1114
1115 Mr. Johnson - That's right. That is correct.
1116
1117 Mr. Witte - Okay. I have no more questions.
1118
1119 Mr. Johnson - Thank you.
1120
1121 Mr. Branin - Does anybody else have any questions for the applicant? No
1122 one? Then Mr. Witte, I'll entertain a motion.
1123
1124 Mr. Witte - All right. Thank you, Mr. Chairman. I recommend approval of
1125 SUB2012-00130, Laurel Glen (October 2012 Plan), with the standard conditions and
1126 annotations, and Conditions #13 through #17, plus the agreement of Mr. Johnson to
1127 finish at least two bedrooms in the house.
1128
1129 Mr. Leabough - Second.
1130
1131 Mr. Branin - Motion by Mr. Witte, seconded by Mr. Leabough. All in favor
1132 say aye. All opposed say no. The ayes have it; the motion passes.
1133
1134 The Planning Commission granted conditional approval to SUB2012-00130, Laurel Glen
1135 (October 2012 Plan), subject to the standard conditions attached to these minutes for
1136 subdivisions served by public utilities, the annotations on the plans, and the following
1137 additional conditions:
1138
1139 13. Each lot shall contain at least 18,000 square feet.
1140 14. Prior to preparing the recordation plat, the engineer or surveyor shall furnish the
1141 Planning Staff a plan showing a dwelling situated on Lot 2 to determine if the lot
1142 design is adequate to meet the requirements of Chapter 24 of the Henrico County
1143 Code.
1144 15. Prior to requesting recordation, the developer must furnish a letter from Dominion
1145 Virginia Power, stating that this proposed development does not conflict with its
1146 facilities.
1147 16. The applicant shall apply for a building permit to modify the existing dwelling to
1148 meet all required setbacks, and for demolition permits to remove both accessory
1149 structures, prior to recordation of the plat. A certificate of occupancy for any new
1150 dwelling will not be issued until the work has been completed.

1151 17. Prior to recordation, the applicant shall provide a revised plat and buildable area
1152 for both lots only if additional right-of-way along Warren Road is required by the
1153 Director of Public Works.
1154

1155 **SUBDIVISION**
1156

SUB-09-11 **Youngblood, Tyler, and Associates for HHHunt**
SUB2012-00134 **Corporation:** The 49.911-acre site proposed for a
Westin Estates (Formerly subdivision of 40 single-family homes is located at the
Westin) (October 2011 northern terminus of Axe Handle Lane, approximately 280
Plan) Reconsideration – feet north of Sawdust Drive, on parcel 732-774-7514. The
Axe Handle Lane zoning is A-1, Agricultural District. County water and
individual on-site sewage disposal system. **(Three Chopt)**
40 Lots

1157
1158 Mr. Branin - Is anyone in opposition to SUB-09-11, Westin Estates
1159 (Formerly Westin) (October 2011 Plan) Reconsideration? There are six. Mr. Secretary,
1160 before we begin, would you like to read the rules of engagement?
1161

1162 Mr. Emerson - Yes, sir, Mr. Chairman. The Commission does have rules
1163 governing their public hearings, and they are as follows. The applicant is allowed ten
1164 minutes to present the request, and time may be reserved for responses to testimony.
1165 Opposition is allowed ten minutes to present its concerns. Commission questions do not
1166 count into the time limits. The Commission may waive the time limits for either party at its
1167 discretion, and the comments should be directly related to the case under consideration.
1168

1169 Mr. Branin - Okay. Mr. Wilhite, if you will.
1170

1171 Mr. Wilhite - Thank you, Mr. Chairman.
1172

1173 Westin Estates (October 2011 Plan) (Formerly Westin), is a proposed subdivision of 40
1174 lots. This is a revision to a plan approved in January of 2005, which was for 34 lots at
1175 that time. This case was originally heard by the Planning Commission and denied in
1176 March 2012. The reason for the denial is the fact that a second point of access was
1177 requested under staff recommendation. The applicant had attempted to try to find a
1178 second point of access into this development; currently there is only one point of access
1179 at the northern terminus of Axe Handle Lane in Westridge subdivision.
1180

1181 HHHunt, the developer, looked at a number of options to provide a second point of
1182 access. One involved trying to extend Stonehurst Estates Terrace to the property by
1183 purchasing one of the lots in the adjacent Stonehurst subdivision. Another option was to
1184 purchase an undeveloped lot in the adjacent Shady Grove Estates subdivision and try to
1185 extend the street in proposed Westridge East to connect all the way through that lot to
1186 Heather Grove Road. The third option looked at by the applicant involved trying to
1187 connect two stub streets across a portion of a parcel of property owned by the Hall's at

1188 that time. All three of these options were explored by HHHunt; none of them were able to
1189 be executed.

1190
1191 Staff did not recommend approval based on the policy in the Department of Public
1192 Works' Design Manual at the time that required a second point of access for more than
1193 50 lots. Since that time, the policy language has changed; it changed in August. What
1194 the policy now states is that a second point of access is only required when there are 50
1195 new lots being proposed. Any existing lots are not factored into the equation any longer
1196 under the language of the new policy. HHHunt has asked for a reconsideration of the
1197 plan turned down in March of this year due to this change in policy. I would note that they
1198 have actually started construction, or are just about to start construction, of the first 25
1199 lots in the Westin Estates development, working under the original January 2005 Plan.

1200
1201 The County did host a neighborhood meeting on Monday night. A number of citizens did
1202 come to the meeting to express their concerns over this reconsideration. They were
1203 concerned about the lack of a second point of access based on public safety
1204 considerations. There were also some concerns about drainage issues related to the
1205 development and the condition of Kain Road and the needed improvements to Kain
1206 Road.

1207
1208 At this point, staff is recommending approval of the reconsideration of the 40-lot
1209 subdivision because of the changes in the Department of Public Works' policies. We
1210 have representatives from HHHunt here—Mr. George Moore and Mr. Hans Klinger. Mike
1211 Jennings, Assistant Director of Public Works, is also here to go into more detail on policy
1212 changes, if you wish to hear more information about that. I'll be happy to answer any
1213 questions that you have at this time of me.

1214
1215 Mr. Branin - Does anybody have any questions for Mr. Wilhite? Would
1216 anyone like any more clarification from Public Works?

1217
1218 Mrs. Jones - Yes.

1219
1220 Mr. Branin - I thought you may; that's why I brought it to the floor. May I
1221 have a representative from Public Works, please?

1222
1223 Mr. Jennings - I guess that would be me. Good morning. Mike Jennings,
1224 Assistant Director of Public Works.

1225
1226 Mr. Branin - Good morning, Mr. Jennings. How are you?

1227
1228 Mr. Jennings - Good morning. How are you all? The recent change in the
1229 wording was more of a clarification, what was meant by the original intent of the policy.
1230 Since I started working here, I had interpreted it to mean existing homes plus a new
1231 subdivision, but I found out that the intent of the policy was only to apply to the new
1232 subdivision. That's why it was reworded for better clarification of the policy. So,

1233 technically, the policy hasn't changed; it's been clarified. My interpretation through nine-
4 and-one-half-plus years was not based on the original intent.

1235
1236 Mr. Branin - Okay.

1237
1238 Mrs. Jones - May I ask a question, Mr. Chairman?

1239
1240 Mr. Branin - Absolutely you may.

1241
1242 Mrs. Jones - Mr. Jennings, this glazed-over look that I have is because I'm
1243 still not sure I understand where we are. I want to be able to evaluate plans obviously
1244 according to what the policies are, and I want to make sure I understand this. Prior to
1245 this, we had decided it was a safety concern. It was a safety concern both from the
1246 amount of traffic generated by these developments that area added, plus there was a
1247 concern for fire and rescue and other things about how many homes on a single point of
1248 access. None of that has changed. Those concerns are still there, correct?

1249
1250 Mr. Jennings - Yes, ma'am.

1251
1252 Mrs. Jones - Okay. But what you're saying is that the additional homes
1253 should be counted on their own only and not in connection with other homes using that
1254 same point of access to meet the design standard.

1255
1256 Mr. Jennings - Yes, ma'am, that is the way the policy is stated. We do work
1257 with them, like we did with HHHunt, to acquire a second point of access if it's possible.
1258 We're still looking at options for that. Public Works is still concerned about this many lots
1259 being on one point of access, so we will work towards a solution. Based on our policy,
1260 we didn't see this coming in as 50 lots, and then another 50 lots, and then another 50
1261 lots, and another 50 lots on top of each other. We don't see that happening. So, the
1262 majority of the time this would not be a problem, but we do have subdivisions existing
1263 with more than 50 lots on one point of access now all over the County, as you know.

1264
1265 Mrs. Jones - What I'm saying, I guess, is if somebody comes in with 50
1266 lots, and 50 lots, and 50 lots, we're not allowed to consider those cumulative lots.

1267
1268 Mr. Jennings - Based on our Major Thoroughfare Plan, the way it currently
1269 is, we don't see that being a problem with connectivity in the future in most cases. In this
1270 case, the way this area did develop, it does add more than 50 lots on one point of access
1271 in this development, but overall in the County we don't foresee this being a problem.

1272
1273 Mrs. Jones - And 51st lot and its tie-in to the CO is the 51st new lot.

1274
1275 Mr. Jennings - In the new subdivision, yes, ma'am.

1276
1277 Mrs. Jones - Okay.

18

1279 Mr. Leabough - But the issue still remains. The safety issue is still there
1280 regardless of whether it's a new subdivision or not. The intent of the guideline is centered
1281 around safety, though.
1282
1283 Mr. Jennings - Right.
1284
1285 Mr. Leabough - Whether it's a new subdivision or an old subdivision, the
1286 intent is to address the safety issue.
1287
1288 Mr. Jennings - Yes, sir. That's why it's our policy, our recommendation to get
1289 the second point of access.
1290
1291 Mr. Leabough - We're talking about a difference of—was it six lots? I'm trying
1292 to think—
1293
1294 Mr. Jennings - Basically, there are 50 lots on one point of access now.
1295 They've already been approved for 34 lots on that. They're adding six more, yes, sir. So,
1296 this plan actually had six more than what's already been approved.
1297
1298 Mrs. Jones - But they are already approved for 34?
1299
1300 Mr. Jennings - Yes, ma'am.
1301
1302 Mr. Emerson - Correct.
1303
1304 Mr. Jennings - That was approved in 2005.
1305
1306 Mrs. Jones - And as I recall, our conversation up here centered around we
1307 can't continue to add wrongs together to make a right. I think that was the basis of the
1308 conversation. It was a difficult case because of the history that had gone before. Okay.
1309
1310 Mr. Jennings - Is that all for now?
1311
1312 Mr. Branin - Any other questions for Public Works? None? Yes, ma'am.
1313 The decision that was made and the way it was voted upon was based on making a
1314 decision and line for the future. Because of the way we looked at the policy at that time,
1315 and basing it on an addition to what's there exceeding 50, that's what many of you based
1316 your decision on. Because of the clarification now, it is an issue, but you can't base the
1317 denial on policy. Does that make sense?
1318
1319 Mrs. Jones - Yes, it does.
1320
1321 Mr. Branin - Okay. Opposition. Come down. Please state your name for
1322 the record. You have ten minutes. You can take it collectively.
1323

1324 Mr. Holmes - Good morning. My name is Bob Holmes. I live at 5225
15 Eastbranch Drive in the Westridge subdivision. I hesitate to guess why the Henrico
1326 County Planning staff [sic] changed their interpretation of the policy governing the
1327 number of homes into a single point of entrance to something as absurd as you can keep
1328 adding as many as you want, as long as you want, as long as it's less than 50 at any one
1329 time. I'm told and just heard that that is indeed the interpretation. Even on the face of it,
1330 that policy is ridiculous. Of course there has to be a limit.

1331
1332 If the developer at the end of Kain Road decides to reconfigure Kain Estates, and as
1333 long as it's less than 50, the County will automatically approve these extra lots and then
1334 raise it to 150? Or the other option is the County will do as HHHunt and other people are
1335 suggesting, and that is to go out and find the absolute worst example you have in the
1336 County and make that the new norm. That makes no sense. I just heard earlier you're
1337 trying to raise the bar; you're not trying to find the lowest point and sink to it.

1338
1339 Last night at the Board of Supervisors' meeting, the Board was very specific and very
1340 emphatic when it stated that it was the responsibility of the Planning Commission to
1341 interpret and apply policies of the County. They did not relegate this responsibility to the
1342 staff or the County Manager or the County Attorney or anybody else. They told us in no
1343 uncertain terms that it was your responsibility to make these decisions.

1344
1345 Of course, the real answer in this case is there needs to be a second point of entry. At
1346 this point, I only see one option, and that is for the County to condemn the lot on Heather
17 Grove. Condemning this lot is not something to benefit the developer, which is what
1348 we're told is a perception that it might be to benefit the developer. Obviously, it's
1349 necessary for the health and safety of the original residents, as well as any of the new
1350 residents. There are 50 future homeowners that are coming in that going on the back
1351 end of this thing.

1352
1353 As I said last time I spoke to you, Kain Road is dangerous, and it needs to be improved
1354 as well if it's going to handle all of this traffic. We're going to end up with more than 100
1355 homes on one single point of access.

1356
1357 I ask you to deny the request for the additional six lots, or at least postpone the decision
1358 until the bigger issues are resolved. There is still plenty of time for the developer before
1359 he begins the second phase, which is where this issue needs to be addressed. More
1360 importantly, I ask that you use your authority to resolve the bigger issues of creating the
1361 second entrance into this neighborhood and improving Kain Road. That's all I have.

1362
1363 Mr. Branin - Thank you, Mr. Holmes. Does anybody have any questions
1364 for Mr. Holmes?

1365
1366 Mrs. Jones - No, thank you.

1367
1368 Mr. Fitzgerald - Good morning. My name is Donald Fitzgerald. I also am a
59 resident of Westridge, and I wanted to make a point of clarity about the point of access

1370 that was brought up by staff. They're mentioning that it's at Axe Handle and Kain Road,
1371 which is the entrance to the Westridge subdivision. That is incorrect. The single point of
1372 access is actually at Willane and Kane Road. The 40 lots that are in Westridge, plus all
1373 the lots that are down Kain Road exceeded the 50 lots to begin with. So, the approval of
1374 the Westin project should never have happened in the first place. That's the first wrong
1375 that's happened here. Mrs. Jones, you're absolutely right—putting another wrong on top
1376 of wrong just compounds the issue.

1377
1378 I don't want to say any more about what Bob said earlier except that the residents that
1379 have been there have experienced the problems along Kain Road when trees fall and we
1380 can't get in and out of the neighborhood. This has happened on many occasions in the
1381 last several years, so there's a real problem with EMS, police, and fire getting in there
1382 when we have invalids, elderly, and people with asthmatic problems. Now, to compound
1383 it with another potentially 50 more homes on top of the ones that are there without any
1384 change in the infrastructure really puts the existing people at tremendous risk. Not only
1385 those folks, us, but people that will be moving into these homes are going to have to
1386 experience the same things that we're experiencing right now. It's a bad problem at the
1387 wrong time until we get that second entrance. We really need to make sure that this
1388 developer is held responsible and accountable to put in that second entrance before we
1389 add any more homes. I understand that we're only saying its only six more homes. Quite
1390 frankly, the original 34 should never have been approved in the first place. Now we need
1391 to fix that wrong with the right answer. We're asking you to deny this motion today. Any
1392 questions?

1393
1394 Mr. Branin - Thank you, Mr. Fitzgerald.

1395
1396 Mr. Dobbs - My name is George Dobbs. I'm a homeowner in Henley. My
1397 address is 5728 Ardington Boulevard. I'm not sure if this is the proper place to bring this
1398 up. I don't really know if my opinion on the new development would matter or not. It's
1399 right in my backyard. I know there is going to be growth, so I don't care about that. What
1400 I do want to bring up is sewage in the area. Currently, in Henley community, two-thirds of
1401 the lots are on pump storage for sewage. That's being shared with the 20 lots that are
1402 going to be built in Stonehurst. Now, you're going to add more lots behind us that it looks
1403 like they're going to be on their own septic system; it doesn't really say in the notice I
1404 received. It just said it's going to be individual on-site sewage disposal. I don't know if
1405 that's individual homes or the development itself. I would think the County would look at
1406 putting sewage back there before the development really gets going. It would be an
1407 easier time to do it now. They just put sewage at the new elementary school off Pouncey
1408 Tract. With Stonehurst not really developed yet—two homes in it—it looks like it would
1409 be an advantageous time to run a sewer line down there and get people hooked up.

1410
1411 That's the only objection I would have to the new development is that we look at putting
1412 the sewer in there now. You're going to have 100 homes with septic fields everywhere. I
1413 don't think we should do that. That's all I have.

1414
1415 Mr. Branin - Any questions? Thank you, sir.

1416
7 Mr. Leabough - I have a question. This subdivision would not be served by
1418 public sewer?
1419
1420 Mr. Emerson - That is correct. It would not be served by public sewer. I
1421 guess just in a quick answer to that, of course, the sewer from here flows south. The
1422 pump station that Mr. Dobbs was referring to collects from Henley, Stonehurst, and I
1423 believe—I want to say the elementary school was able to get to a manhole for sewer, but
1424 I may be incorrect on that. Kevin, do you recall, or is it going to that pump station as
1425 well?
1426
1427 Mr. Wilhite - The new elementary school had to build a pump station to tie
1428 into the sewer system, so they have their own.
1429
1430 Mr. Emerson - So, currently there was a deviation from normal policy by
1431 allowing those subdivisions, due to their proximity, to be able to pump over into the other
1432 sewer shed. That's really not an option for this development; it needs to go south. Until
1433 the sewer line can come up from south of Broad and Interstate 64, across the interstate,
1434 and make its way up into this area, sewer really isn't available. So it'll have to be onsite.
1435
1436 Mr. Leabough - Okay, thank you.
1437
1438 Mr. Archer - Mr. Secretary.
1439
1440 Mr. Emerson - Yes, sir.
1441
1442 Mr. Archer - Might it not be helpful in this instance if we could get some
1443 clarification as to the enforceability of policy as opposed to law or code? We hear that
1444 term a lot *policy*. Is policy something that we can legally enforce as opposed to the word
1445 *code* or *law*?
1446
1447 Mr. Emerson - I think under the Subdivision Ordinance, Mr. Archer, under
1448 the previous interpretation, in my opinion you were in a fairly good position. Of course
1449 there is some debate on that. As you are aware, that position was challenged in court;
1450 that case has not moved forward. In the interim, Public Works clarified *their* interpretation
1451 of their policy. Now, based on state code, you have to provide a reason to the applicant
1452 as to why you turned it down. Your reason before was no more than 50 lots on one point
1453 of access. Certainly, as has been pointed out, there have been some mistakes that were
1454 made. Perhaps the original 34 lots, based on the previous interpretation, should never
1455 have made it through. I think at that time we were pushing fairly hard for a connection to
1456 the Stonehurst development, which the Commission ultimately allowed that to go in with
1457 a cul-de-sac versus a connecting point. I think that may be where the 34 were approved,
1458 because all of that was in the same time period. That may be the reason.
1459
1460 Based on the new interpretation or the new wording provided to us by Public Works—
1461 and I do want to clarify that for Mr. Holmes. It wasn't Planning staff; it is Public Works

1462 who has changed their interpretation regarding number of lots served on one point of
1463 access. The Commission really is in a position where, I believe, you have to approve it
1464 under state code because it meets all the criteria as presented by the County of the code
1465 and the policy. I think the policy before, yes, in my opinion was enforceable.

1466

1467 Mr. Archer - Okay.

1468

1469 Mr. Emerson - But it is now changed. Again, that suit did not move forward
1470 to court; the judge may have seen that differently. That's just my opinion, and I'm not an
1471 attorney.

1472

1473 Mr. Archer - Thank you. It did add some clarification to what I was trying to
1474 bring up as to what our responsibility is. So, that's helpful.

1475

1476 Mr. Holmes - May I ask a question?

1477

1478 Mr. Archer - Certainly.

1479

1480 Mr. Branin - Absolutely, Mr. Holmes, but you have to come down and say
1481 your name again.

1482

1483 Mr. Holmes - Bob Holmes, Eastbranch Drive. I would ask the question,
1484 then, can you deny it based on—I mean, you can't do it based on the policy because it's
1485 been changed, miraculously. Can you deny it based on health and safety concerns?

1486

1487 Mr. Emerson - No, sir. We have to be able to specifically place it upon a
1488 regulation or policy that we have. The code requires that we note that to the developer
1489 on the letter of denial. There's nothing really to cite in that regard because it meets all the
1490 policies of the County.

1491

1492 Mr. Holmes - Who gets to question the Public Works' interpretations and
1493 policies? It requires a lawsuit? Is that what it takes to get that? It's about the most absurd
1494 policy that you can think of. Ask yourselves if it makes any sense.

1495

1496 Mr. Emerson - I would suggest possibly you contact the director of Public
1497 Works and speak with him about it and then possibly discuss it with your Board member.

1498

1499 Mr. Holmes - I would ask that you folks postpone this decision until you get
1500 the second entrance.

1501

1502 Mr. Fitzgerald - May I say something? Donald Fitzgerald again. The assistant
1503 director of Public Works stated that the policy did not change. So, it's not a change in
1504 policy; it's a change in clarification or interpretation. My question goes back to you. You
1505 just stated that there was state law that is different or inconsistent with the policy
1506 interpretation. Could you clarify that for me, please?

1507

1508 Mr. Emerson - Well, what you have, you have two different sets of code. You
9 have the County code of policies and then you have the state code. The state code
1510 requires if a denial is done or entered by the Commission, the Commission has to state
1511 to the developer what that denial is based upon so they can take corrective action, and it
1512 has to be based upon a code that's in place in the County. In this instance, there has
1513 been a clarification. I understand this is confusing.

1514
1515 I have a letter of August 13, 2012, in front of me from the County Manager to the Board
1516 that indicates new verbiage added to the Public Works' policy manual—the Public
1517 Works' policy manual specifically referred to in the Subdivision Ordinance. So, there was
1518 an interpretation. I guess there was some confusion—and you'd have to talk with Public
1519 Works—in regards to the interpretation of the 50 lots accessing on one point. That
1520 language did read, I believe, any subdivision with more than 50 single-family lots shall
1521 have a minimum of two separate permanent points. It now reads, "Any new subdivision
1522 with more than 50 single-family lots." So, we can't cite that in the Commission's action
1523 any longer. That leaves them in a situation where if they did deny it and they were
1524 challenged by the developer, I think clearly the courts would not rule in their favor.

1525
1526 Mr. Fitzgerald - Thank you for the clarification.

1527
1528 Mr. Emerson - Sure.

1529
1530 Mr. Fitzgerald - The concern, though, again, is that this change, which
1 happened apparently in August, we were totally unaware of it. I was not aware of it and
1532 have not seen that verbiage even to this day. We had a public meeting Monday night for
1533 the very first time to be told that there was a change in language or a change in policy,
1534 which would be acted on within less than 48 hours to give us time to really prepare and
1535 react to this situation that we're dealing with today. Quite honestly, I'm not sure that the
1536 folks at the County are even real clear on what all this means. I think it would really
1537 behoove all of us to postpone this thing and have the folks that really need to, to take a
1538 good hard look at it. You're going to impact a whole lot of people. As I said before, the
1539 existing homes, as well as the new people that are going to be moving in there. We're all
1540 going to be facing some real, real challenges. It just doesn't make sense to do that
1541 today. Besides, we don't need to make the decision today. We have the first phase of 25
1542 homes to come and then the others later. That's not going to happen in a week or two
1543 weeks or three weeks, so you have time to really take a good hard look at what this
1544 really means, what was really the intent, and the impact it's going to have on the existing
1545 people in the County. So, defer it for a little bit longer, please, so that we can take a
1546 better, harder look at it and have some more time to get this second point of access that
1547 we need regardless of how this happens. Any questions?

1548
1549 Mr. Leabough - I have a quick question for Mr. Secretary. The previous
1550 wording in the design manual stated, "any subdivision"?

1551

1552 Mr. Emerson - I believe that's correct. We'd have to ask Mr. Jennings. I don't
1553 have that in front of me, but I believe the word that was inserted was *new*. Is that not
1554 correct, Mr. Jennings?

1555
1556 Mr. Jennings - Mr. Leabough, the previous wording was, "Any subdivision
1557 with 50 or more single-family lots, total of proposed and any existing lots." I interpreted
1558 that as existing lots in other neighborhoods, but that was not what was meant. So, that's
1559 why that part, the part, the "total of proposed and any existing lots," was taken out and it
1560 was changed to "any *new subdivision*". The intent was the same; the interpretation was
1561 different. That's why it was reworded for better clarification.

1562
1563 Mr. Leabough - Thank you, sir.

1564
1565 Mr. Fitzgerald - I'd like to make my point again that I think you folks need to
1566 sit around a table and discuss this, find out what it really means and what an
1567 interpretation by one person versus an interpretation of somebody else means, and have
1568 perfect clarity on where we're going to go going forward. It's pretty clear up to this point,
1569 even for the last nine and a half years, what has happened and how we've been making
1570 decisions on how we're going to be adding these new subdivisions. To sit around and
1571 say, "Oh, I interpreted it differently," and all of a sudden we're taking a whole different
1572 path that puts a tremendous amount of risk in terms of safety on the existing subdivisions
1573 that are there. So, again, please defer this, and sit down and talk it out, and find out what
1574 you really need to be doing. Thank you.

1575
1576 Mr. Witte - Mr. Fitzgerald?

1577
1578 Mr. Fitzgerald - Yes.

1579
1580 Mr. Witte - You realize that we're speaking of six lots; the others have
1581 been approved.

1582
1583 Mr. Fitzgerald - Yes, sir, and as I said earlier, the original 34 should never
1584 have been approved in the first place. It's not about the six lots; it's not about the 40 lots.
1585 It's about the second point of access, and what's going to happen is HHHunt is going to
1586 be off the hook to finance a second point of access or even really having to come up with
1587 a solution for that. Where does that leave the existing folks stuck with the bad decisions
1588 that were made before? A wrong on top of a wrong does not make it right.

1589
1590 Mr. Witte - My understanding is that HHHunt has tried to acquire the
1591 land. The only way I see that we can make that access at this point is condemnation,
1592 and I'm not a proponent, except in extreme measures, of the taking of land. You wouldn't
1593 want the County to condemn part of your land. I don't want them to condemn mine.

1594
1595 Mr. Fitzgerald - What would the conditions be to condemn it? What would you
1596 consider to be important, then, to condemn some land?

1597

1598 Mr. Witte - I'm not really sure.
99
1600 Mr. Fitzgerald - We've been told it was to build educational facilities or other
1601 types of things that would serve the general public. That's what we were told last night,
1602 or the night before.
1603
1604 Mr. Witte - Well, that possibly could be. I'm sure there could be other
1605 instances.
1606
1607 Mr. Fitzgerald - Public safety.
1608
1609 Mr. Witte - That could be also. I'm not saying it is, but that could be a
1610 consideration.
1611
1612 Mr. Fitzgerald - I'm not trying to be argumentative, I just—
1613
1614 Mr. Witte - I understand.
1615
1616 Mr. Holmes - This is Bob Holmes again. For one point of clarification, that
1617 particular lot, my understanding is it doesn't perk. The sellers are willing to sell it.
1618 HHHunt's willing to buy it. The County is not willing to condemn it. The reason it's not
1619 working is because the subdivision behind, Shady Grove Estates, has covenants that
1620 say it has to be a house so you have to get the approval of the entire subdivision behind
21 us or 80 percent of the subdivision behind to do it. This is not stealing my back yard. It's
1622 not stealing anybody's back yard. This is creating a road in a dead lot that doesn't perk,
1623 and everybody's willing to participate, except for the County. That's my understanding. I
1624 have not talked to these people.
1625
1626 Mr. Emerson - Mr. Holmes, I think you are correct in that there is a restrictive
1627 covenant on the lot that you speak to, but you do understand that there is an additional
1628 subdivision property that would have to be developed in order for that access to come
1629 into play. There is no timetable for the development of that, so that would not be an
1630 immediate solution to this concern.
1631
1632 Mr. Holmes - Well, I believe they're also willing to sell their property to
1633 HHHunt or whoever and make it available.
1634
1635 Mr. Emerson - There was some discussion with that, but I don't know where
1636 that went.
1637
1638 Mr. Fitzgerald - That's an additional seven lots on top of the six that we're
1639 talking about so that's thirteen more lots. Then, the Koontzs own the property on Kain
1640 Road; we're still along that single access point. That's another ten potential there so
1641 you're talking 17 more lots. It's not just going to be six with no improvements to the
1642 infrastructure.

13

1644 Mr. Branin - Anybody else have any questions?
1645

1646 Mr. Leabough - I'm just confused. Not confused, but a little irritated, to be
1647 honest, with the change in language. The way I understand the previous language to
1648 read is that it's specific to any subdivision, but it also said any existing lot. It's not specific
1649 to the new subdivision or the previous subdivisions already approved. I'm a little
1650 perturbed that this language has changed slightly, but it makes a difference. I thought the
1651 intent of the language was specific to the concerns around safety and traffic so I'm
1652 struggling here, but I also understand the way the actual language reads in the manual,
1653 so I keep that in mind as well. I'm still struggling with it. It's just the timing of it; that's
1654 what I'm struggling with.
1655

1656 Mr. Branin - Welcome to my sleepless world. I think for the general well
1657 being of this Commission, I think it would serve us right to hold up, have a work session,
1658 get clarification. The predicament of this is you hear communities say over and over
1659 again it's really not about six lots, it's about the position we're in, and we need help. We
1660 have had a change of interpretation. I think we all need to look at that and understand it.
1661 I think before I say what I think, would the applicant like to come down and speak?
1662

1663 Mr. Moore - Mr. Chairman, members of the Planning Commission, my
1664 name is George Moore; I'm with HHHunt. I think Mr. Wilhite did a good job of describing
1665 where we are with our current request for conditional approval, and that we are
1666 consistent with the current access policy. I respectfully request that the Planning
1667 Commission approve it. We are consistent with the Subdivision Ordinance as it relates to
1668 conditional approvals. I am sympathetic to Westridge. I think you've heard me, and
1669 you've heard them over the last year. I think it's been a year since we first filed, and
1670 we've worked very diligently with them in trying to find a solution. We will continue to do
1671 so. As they pointed out, we are creating 40 new homeowners here, so we want to do
1672 what's in the best interest of those homeowners. If we can continue to be part of trying to
1673 find a solution, we will. I think where we are today is that our case that's before you is
1674 consistent with the County's ordinances. Based on that, we would request your approval.
1675

1676 Mr. Branin - Mr. Moore, question to you. When are you planning to build
1677 the houses here?
1678

1679 Mr. Moore - Home construction would probably start first quarter of next
1680 year.
1681

1682 Mr. Branin - First quarter. When are you planning to start clearing and
1683 grubbing?
1684

1685 Mr. Moore - We've already started some preliminary clearing for erosion
1686 control.
1687

1688 Mr. Branin - Okay. With attending the meeting the other day and seeing
1689 the confusion of the Commission as a whole, I'm going to respectfully ask you—and I'll

1690 do the deferral—to have the understanding that I think moving this to November will give
1691 this Commission better clarity and a more consistent understanding of the policy among
1692 us. It will also give us time to discuss more with the community so when we come back
1693 we should be more focused and clear in our decision.

1694
1695 Mr. Moore - I guess what I'm confused about is how—I understand your
1696 need to discuss the policy, but I don't understand how that's really going to change the
1697 decision of the case that's before you now. I don't know that we're going to be at a
1698 different place in 30 days than we are now.

1699
1700 Mr. Branin - You know, I made that same comment to one of my fellow
1701 Commissioners five, ten minutes ago, that we're going to be in the same place. It was
1702 said, but we do need to sit down and have clarification before we can make the right
1703 vote. I'm in agreement with them. I respectfully hear your request, and I also hear the
1704 request of the community that's at hand. I can tell you I'm going to make a motion for
1705 deferral to November and a work session to be put in place prior.

1706
1707 Mr. Witte - Are you making a motion now?

1708
1709 Mr. Branin - I can.

1710
1711 Mr. Witte - I have a question for Mr. Moore.

1712
1713 Mr. Branin - Okay.

1714
1715 Mr. Witte - I understand an issue with one of the possible means of
1716 ingress and egress were the covenants of the subdivision. What is the issue with the
1717 other one?

1718
1719 Mr. Moore - The other?

1720
1721 Mr. Witte - There was another possible—

1722
1723 Mr. Branin - The Hall property.

1724
1725 Mr. Moore - I believe you're speaking of the connection of Sawdust Drive
1726 and Heather Grove Road, which would require acquisition of right-of-way across what
1727 was the Hall property. I understand that property has been sold, and somebody else
1728 owns it now. There was an attempt made to acquire that right-of-way for that connection,
1729 and there was no willingness for that to happen.

1730
1731 Mr. Witte - I'm sorry; can you repeat that last part?

1732
1733 Mr. Moore - There was an attempt to make the acquisition of the right-of-
1734 way so that those two roads could be connected, but there was unwillingness on the part
1735 of the homeowner to sell that right-of-way because of what it would do to their property.

1736 There is a fairly significant—it's a very large home on that property with an entrance that
1737 they built, a long driveway back. They felt like putting a road through there would devalue
1738 their property.

1739
1740 Mr. Witte - So, it really wasn't an option because the homeowner
1741 wouldn't sell?

1742
1743 Mr. Moore - Correct.

1744
1745 Mr. Branin - But there's a new homeowner now.

1746
1747 Mr. Witte - Okay. Thank you. That clarified that for me.

1748
1749 Mrs. Jones - Has the new homeowner been engaged?

1750
1751 Mr. Witte - I don't know.

1752
1753 Mr. Moore - I didn't even realize the property had conveyed until just the
1754 other day.

1755
1756 Mrs. Jones - Well, maybe all of us have a little work to do in the next little
1757 bit.

1758
1759 Mr. Archer - I agree, Mrs. Jones.

1760
1761 Mrs. Jones - Okay.

1762
1763 Mr. Archer - Mr. Chairman, before you move on. I understand what you're
1764 going to do, and I'm sort of glad. I guess all of us up here when we do make decisions
1765 have to feel that we have some level of comfort with what we're doing. This is a little bit
1766 out of my comfort zone right now.

1767
1768 Mr. Branin - With deferring this or?

1769
1770 Mrs. Jones - No.

1771
1772 Mr. Archer - Oh, no, no. I'm also sympathetic with what Mr. Moore is
1773 saying in representing HHHunt, but there have been, I think, some very salient points
1774 raised by the community today. Since this is the first one that we've had to do since this
1775 new thing was in force, maybe we do need to have a little bit of clarification. By the time
1776 we make a decision on this we'll know where we stand and what we stand on so I concur
1777 with your decision.

1778
1779 Mr. Branin - Okay. Mr. Moore, I apologize for deferring you, but it's
1780 coming, sir. Anybody else have any questions?

1781

1782 Mr. Moore - I guess that's the right of the Planning Commission to defer it.
1783 I don't agree with the deferral but—

1784
1785 Mr. Branin - Okay.

1786
1787 Mr. Witte - No questions.

1788
1789 Mr. Branin - All right. I'd like to move for deferral of SUB-09-11, Westin
1790 Estates (Formerly Westin) (October 2011 Plan), to the November 14, 2012 meeting, per
1791 Commission's request.

1792
1793 Mrs. Jones - Second.

1794
1795 Mr. Branin - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor
1796 say aye. All opposed say no. The ayes have it; the motion passes.

1797
1798 At the request of the Commission, the Planning Commission deferred SUB-09-11,
1799 Westin Estates (Formerly Westin) (October 2011 Plan), to its November 14, 2012
1800 meeting.

1801
1802 Mr. Branin - To the community, once we do sit down and have a work
1803 session, we will come back to you all. There will be another community meeting. I don't
1804 know the date yet, but we will get back to you.

1805
1806 Mr. Emerson - Mr. Chairman, that now takes us to the next item on your
1807 agenda, which is the consideration of the approval of the minutes of September 26,
1808 2012. I apologize to you. Staff did not manage to get around to calling each of you to
1809 produce an errata sheet, so we do not have one of those with us today. Any changes
1810 that you may have, certainly, we are ready to receive those.

1811
1812 APPROVAL OF MINUTES: September 26, 2012

1813
1814 Mrs. Jones - Mr. Secretary, we are adults here. We should be able—I hate
1815 to make staff call us. I think we have a responsibility to tell staff if we have corrections. I
1816 have corrections, but I forgot to e-mail them in. So, you know, there is enough blame to
1817 go around here. I did just put down by everybody's chair the couple little things that I
1818 noticed. Since a lot of the minutes were devoted to Walmart, I felt it was my responsibility
1819 to go over those, and these are the ones that I suggest. Other folks may have other
1820 additions as well, corrections, but these are mine.

1821
1822 Mr. Branin - Are there any other additions?

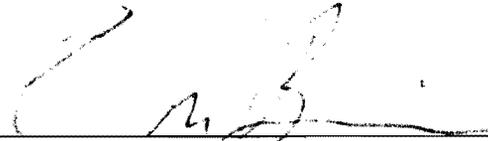
1823
1824 Mr. Witte - Yes. Line 137, I believe I said that we went down there to *get*
1825 his plane out. *Get* was omitted to the best of my recollection.

1826
1827 Mrs. Jones - Line 137? It's blank on mine.

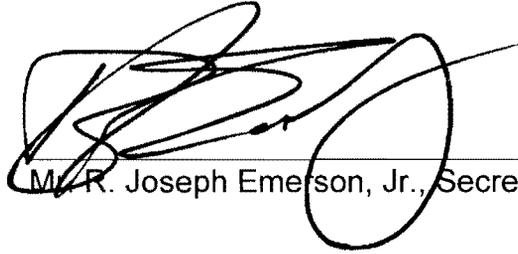
1828
1829 Mr. Witte - Well, 138 is blank on mine.
1830
1831 Mrs. Jones - Okay. I don't see where you are, but okay. The Varina case?
1832
1833 Mr. Emerson - One thirty-seven is blank.
1834
1835 Mr. Witte - Well, I have a different one.
1836
1837 Mrs. Jones - Do you have the minutes for September 26?
1838
1839 Mr. Leabough - This is the wrong date, that's why. This is the 26th; you have
1840 the 13th.
1841
1842 Mr. Witte - Oh, my bad. I stand corrected.
1843
1844 Mr. Branin - So, we'll correct that correction. Any others? I'll entertain a
1845 motion to—
1846
1847 Mr. Archer - Chairman, I move that the minutes be approved as corrected.
1848
1849 Mrs. Jones - Second.
1850
1851 Mr. Branin - Motion by Mr. Archer, seconded by Mrs. Jones. All in favor
1852 say aye. All opposed say no. The ayes have it; the motion passes.
1853
1854 The Planning Commission approved the September 26, 2012 minutes as corrected.
1855
1856 Mr. Branin - I have one more issue of business. Mr. Secretary, if you
1857 would please proceed with setting up a work session, possibly prior to the Thursday
1858 night Zoning meeting.
1859
1860 Mr. Emerson - Absolutely.
1861
1862 Mr. Branin - I would ask that we have Public Works and also the County
1863 attorney present for clarification of policies, if you would, sir.
1864
1865 Mr. Emerson - Absolutely.
1866
1867 Mr. Branin - Okay. Also, here is a petition from the neighborhood that I
1868 would like to hand to you to go in the record. Now, I'll entertain a motion to adjourn.
1869
1870 Mrs. Jones - So moved.
1871
1872 Mr. Archer - Second.
1873

1874 Mr. Branin - Motion by Mrs. Jones, seconded by Mr. Archer. All in favor
1875 say aye. All opposed say no. The ayes have it; the motion passes.

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Mr. Tommy Branin, Chairman



Mr. R. Joseph Emerson, Jr., Secretary

PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **October 24, 2012**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

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

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

STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **October 24, 2012**, which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

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

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

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

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

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

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

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

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

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

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

B-2 ZONE

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

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

B-3 ZONE

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

SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated October 24, 2012, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **October 23, 2013**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **October 24, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **October 23, 2013**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.

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

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **October 24, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **October 23, 2013**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to

the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.

13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site
14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of **(name of subdivision)** and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.

Standard Conditions for Zero Lot Line Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **October 24, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **October 23, 2013**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan

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

SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **October 24, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **October 23, 2013**, 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.