

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,  
2 held in the County Administration Building in the Government Center at Parham and  
3 Hungary Springs Roads beginning at 9:00 a.m. Wednesday, September 23, 2009.  
4

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

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning  
Ms. Leslie A. News, CLA, Principal Planner  
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
Mr. Michael F. Kennedy, County Planner  
Mr. Tony Greulich, C.P.C., County Planner  
Mr. Matt Ward, County Planner  
Mr. Gregory Garrison, County Planner  
Mr. Lee Pambid, C.P.C., County Planner  
Ms. Aimee Berndt, County Planner  
Mr. Tommy Catlett, Assistant Traffic Engineer  
Ms. Kim Vann, Henrico Police  
Ms. Holly Zinn, Recording Secretary

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6 **Mr. James B. Donati, the Board of Supervisors' representative, abstains from**  
7 **voting on all cases unless otherwise noted.**  
8

9 Mrs. Jones - I'd like to call this meeting of the Planning Commission to  
10 order and ask that you stand to Pledge of Allegiance to the Flag.  
11

12 Thank you very much, and welcome to the September 23, 2009 Subdivisions and Plans  
13 of Development meeting. We're happy to have you here. I'd like to welcome Mr. Jim  
14 Donati, who sits with us this year from the Board of Supervisors. All of the  
15 Commissioners are present. That was well-timed. Would everyone please mute or turn  
16 off their cell phones as a courtesy to others? With that, I'd like to turn the meeting over  
17 to our secretary. We have a public hearing to begin this meeting.  
18

19 Mr. Emerson - Thank you, Madam Chair. As you noted, the first item on  
20 your agenda this morning is a public hearing regarding an ordinance to amend and  
21 reordain Section 24-9 of the Code of the County of Henrico. It is titled, "Street Frontage  
22 Required" to change street frontage requirements. Staff presentation will be given by  
23 Mr. Ben Blankinship.  
24

25 Mr. Blankinship - Thank you, Mr. Secretary. Good morning Madam Chair,  
26 members of the Commission.

27  
28 Mr. Vanarsdall - Good morning, Mr. Blankinship. I saw your name in the  
29 paper this morning—

30  
31 Mr. Blankinship - Yes, unfortunately so.

32  
33 Mr. Vanarsdall - —in a house with 50 residents.

34  
35 Mr. Blankinship - We're going to discuss a matter that we've already covered  
36 in a work session. I believe we covered it quite thoroughly then, so I'm going to go a  
37 little bit more quickly this morning than I did at the work session. Briefly, the current  
38 requirement is on the screen before you, and it requires that every lot to be used for  
39 residential purposes has to have frontage, at least 50 feet of frontage, on a public  
40 street. There are several exceptions that you will see noted there only by their section  
41 numbers and not spelled out. There are one or two other points in the paragraph that  
42 we believe could be clarified. As long as we are meddling with this section of the  
43 ordinance, we did clarify a couple of those points.

44  
45 Public policy concerns, again, as we discussed previously, there are many good  
46 reasons that we require all new residences to front on a public street. It provides access  
47 for fire, rescue, and other public safety vehicles, and it provides access for school  
48 buses, mail delivery, and other governmental functions such as those. It gives us a  
49 location for sidewalks, storm drains, utilities, and all the other things that run through the  
50 street rights-of-way; it ensures orderly development and appropriate orientation of  
51 houses; and it makes clear who is responsible for the maintenance of the streets.  
52 However, there are cases where there is property that reasonably cannot be served by  
53 a public street, cases where an individual would like to build one house on a lot that  
54 already has been created that does not front on a public street, or cases specifically for  
55 family divisions where a person may own a larger parcel and have a desire to divide it  
56 and convey part of the property to a member of their immediate family. As you know,  
57 family divisions are exempt from the subdivision process, but lots created through  
58 family divisions are still subject to the zoning ordinance. So, it's not uncommon for  
59 someone to create a lot and convey it to a family member; the family member comes in  
60 to get a building permit; and only then finds out that the lot, because it does not have  
61 public street frontage, cannot be built upon. So, there are instances where people  
62 would like to have some relief from this requirement.

63  
64 From 1960, when the requirement was first written into the Code, until 2005, it was  
65 quite common for our Board of Zoning Appeals to resolve this issue by granting  
66 variances. In fact, from 1999 until 2005, there was an average of 22 per year, or  
67 roughly two cases per month, where a citizen came to the Board of Zoning Appeals to  
68 request a variance from the public street frontage requirement. In 2005, there was a  
69 Virginia Supreme Court case, that we refer to as the Cochran Case, that made it very  
70 difficult for the BZA to grant variances. So, in 2007, after some experience and some

71 frustration with this clash between the settled practice of many years and this new  
72 Supreme Court case, the Chairman of the Board of Zoning Appeals wrote a letter to the  
73 Chairman of the Board of Supervisors requesting that this matter be taken under  
74 advisement and consideration given to finding some solution to it.

75  
76 After thorough discussions with the County Manager, we have arrived at the conclusion  
77 that the Board of Zoning Appeals should have the power to grant special exceptions, or  
78 conditional use permits, in certain carefully regulated circumstances to provide relief. To  
79 the applicant, of course, there is no difference between a variance and a use permit.  
80 They come in; they get their approval; and they can do what they need to do. From the  
81 Board of Zoning Appeals' point of view, there is a large difference, legally, between the  
82 findings they have to make to grant a variance and what they have to do to grant a  
83 special exception or conditional use permit. So, it's sort of a technical legal thing from  
84 the applicant's point of view, but it's very important to us.

85  
86 So, the proposed amendment that we're putting before you this morning retains the  
87 basic requirement that every lot to be used for a dwelling has to have 50 feet of public  
88 street frontage. It clarifies that paper streets are acceptable. That is to say clarifies that  
89 it's public street right-of-way that you have to front on because sometimes a house gets  
90 built on a lot where they have frontage on a public street right-of-way, but the street is  
91 not in the County's maintenance system. Over the years, the decision has been made  
92 that we do allow dwellings to be built in those circumstances because we can get  
93 access to the property. Public Works handles the details of that on a case-by-case  
94 basis.

95  
96 The amendment retains the requirement that if it's the terminus of a right-of-way, it has  
97 to be a permanent cul-de-sac. It clarifies that Interstate right-of-way does not count as  
98 public street frontage. There have been a couple of cases where people have claimed  
99 that they were qualified to build a dwelling because they had public street frontage, but  
100 their frontage was on the Interstate. And we have a written interpretation that that  
101 doesn't count. But, again, as long as we have this paragraph before you, we'd like to  
102 get that clarified in the Code.

103  
104 Finally, I mentioned that the current Ordinance lists several exceptions, but it lists them  
105 just by section number. It doesn't clarify what they are, so you have to look up all those  
106 sections to see what they are. In this amendment, we would list them as separate  
107 paragraphs A through D, explaining what each exception is. Then we would introduce  
108 the new paragraph E, which is really the meat of this amendment.

109  
110 The exceptions, I will run through them briefly. Paragraph A is, "Summer House,  
111 Cabins, and Camps." Paragraph B is, "Flag Lots." C is, "Cul-de-Sac Lots," and D is,  
112 "Stem Lots." Again, those are already in the Code now, but they're just referenced by  
113 section number. So, we're just clarifying there.

114  
115 The real substance of this amendment is the new paragraph E. It gives the BZA the  
116 power to approve a special exception rather than a variance, provided that the lot was

117 created through a family division. So, we're limiting this new authority to family divisions  
118 only, and they'd be subject to factors listed in 24-116(c), which is where the BZA  
119 powers and duties are spelled out, purpose and intent of the zoning ordinance, and that  
120 there be no detrimental impact on the neighbors. Those are the basic tests for any  
121 special exception or conditional use permit.

122

123 Then, there's an additional list of six criteria in the new amendment, and I'll just walk  
124 you through those. The first is that only one such division is allowed per family member,  
125 and they shall not be for the purpose of circumventing the Subdivision Ordinance. That  
126 language is taken directly from the State Code and from the Subdivision Ordinance.  
127 Second, the immediate family member shall not convey the title for the lot for at least  
128 five years so there is provision against using the family division simply to circumvent the  
129 Subdivision Ordinance.

130

131 The third is that the lot layout shall be orderly, functional, and efficient, and the  
132 orientation of the houses shall be mutually beneficial. Again, at the work session, we  
133 went into the significance of that at some length, and I'll be happy to answer your  
134 questions, but I don't want to go over material we've already covered.

135

136 The fourth is that each lot shall be served by a private drive that connects to an existing  
137 public street. No more than three dwellings are allowed on one private drive. The drive  
138 has to be located within a recorded easement, 20 feet wide, unobstructed from the  
139 ground up. That's the Fire Department's guideline for where they can get their  
140 equipment. Utility easements shall be provided as necessary as determined by the  
141 Department of Public Utilities.

142

143 The fifth paragraph incorporates by reference some Department of Public Works'  
144 requirements for public streets. Of course, we don't expect these private drives to be  
145 constructed to public street standards, but where it's possible, we'd like to have them  
146 laid out so that in the future if there is more development in the area and we decide to  
147 build a public street there, there will already be a right-of-way or at least the basic layout  
148 of the street. The horizontal and vertical curves and so forth will be amenable to  
149 eventually turning it into a public street. At the same time, we recognize that that won't  
150 always be possible, so we did put a provision there that on the advice of the County  
151 Engineer, that is the Director of Public Works, the Board of Zoning Appeals will be able  
152 to modify or waive one of those requirements. So, for example, one of the requirements  
153 is that dwellings have to be within 800 feet of the public street. If in a particular  
154 circumstance, the correct place to put the dwelling is 820 feet from the public street, the  
155 BZA would be able to waive that requirement. If it was 2-1/2 miles from the end of the  
156 public street, then presumably they would not.

157

158 Finally, in paragraph six, the owners of all dwellings to be served by the private drive  
159 shall agree to a written maintenance agreement. Again, there's sort of an escape  
160 clause there that if the applicant who's before the BZA is making a good faith effort to  
161 get that done, but somebody in the neighborhood refuses to sign the maintenance  
162 agreement, we won't allow that person to hold the applicant hostage. The BZA would

163 still have the authority to approve the special exception on a finding that the applicant  
164 had done the best he could.

165  
166 That is basically the substance of the amendment. I'd be happy to answer any  
167 questions.

168  
169 Mrs. Jones - Does anyone from the Commission have questions for Mr.  
170 Blankinship?

171  
172 Mr. Vanarsdall - I do. Mr. Blankinship, how did we arrive at, "at least five  
173 years"? This is in Section E, #2, second sentence: "Immediate family members shall  
174 not convey title for at least five years."

175  
176 Mr. Blankinship - How did we pick five years rather than four or six? There  
177 isn't any magic to five years. The Board of Zoning Appeals has been using that as a  
178 guideline for a couple of years now when they do grant variances for family divisions.  
179 That's a standard condition they've been using.

180  
181 Mr. Vanarsdall - Thank you.

182  
183 Mr. Blankinship - We feel it's necessary to have some limit, that they not be  
184 able to sell it the next day. Obviously, if it's too long, then people are going to be  
185 hampered and prevented from doing what they'd like to be able to do.

186  
187 Mr. Vanarsdall - I don't say that's not a good time, I just wondered. Thank  
188 you.

189  
190 Mrs. Jones - Anything else?

191  
192 Mr. Jernigan - I'm checking one thing. I know we discussed siblings  
193 before. I'm looking here to see if that's—You didn't go over that, but I'm—

194  
195 Mr. Blankinship - I did not, no, but I will. The State Code has a specific list of  
196 who is a member of the immediate family, and it's been amended in the last couple of  
197 years to include siblings and stepchildren. We are in the process of amending the  
198 County Code to bring that change into our definition of immediate family. Since it's  
199 already in the State Code, it already has the force of law no matter when we get around  
200 to amending the County Code. So, in this draft, we have used the State Code  
201 language. It might be the same night that this is adopted that we'll see that other  
202 paragraph changed as well.

203  
204 Mr. Jernigan - Okay.

205  
206 Mr. Donati - One question. If there's a particular lane that has a 50-foot  
207 easement, and let's say it's maybe 2,000 feet long, the maximum amount of houses  
208 that could be built on there would be three?

209  
210 Mr. Blankinship - Yes, sir. Under the provision, yes, sir.  
211  
212 Mrs. Jones - Anything else from the Commission? I know a lot of work  
213 has gone into this, and we certainly appreciate all that and the workshops and the  
214 sessions that we've had to explore the different elements that you've brought in front of  
215 us today. This is a public hearing. If anyone is in the audience who would like to raise a  
216 question or make a comment, you're certainly welcome to do so at this time. Is there  
217 anyone who would like to ask something about this proposed change? Well, if we are  
218 ready to go ahead and have a motion on the resolution.  
219  
220 Mr. Vanarsdall - I make a motion that we accept this and forward it to the  
221 Board.  
222  
223 Mr. Branin - Second.  
224  
225 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Branin. All in  
226 favor say aye. All opposed say no. The ayes have it; the motion passes.  
227  
228 After a motion by Mr. Vanarsdall, and a second by Mr. Branin, the Planning  
229 Commission approved the resolution for an ordinance to amend and reordain Section  
230 24-9 of the Code of the County of Henrico entitled "Street Frontage Required" to  
231 change street frontage requirements.  
232  
233 Mr. Emerson - Madam Chair, that takes us to the next item on your agenda  
234 this morning, which is the requests for deferrals and withdrawals. Those will be  
235 presented by Ms. Leslie News.  
236  
237 Mrs. Jones - Good morning, Ms. News.  
238  
239 Ms. News - Good morning, Madam Chair, members of the Commission.  
240 We have two items on our agenda this morning that have been requested for deferral.  
241 The first item is located in the Brookland District and found on page 7 of your agenda.  
242 This is POD-23-09, AutoZone. The applicant is requesting a deferral to the October 28,  
243 2009 meeting.  
244

245 **PLAN OF DEVELOPMENT**

246

POD-23-09  
POD 2009-00291  
AutoZone – 9450 W.  
Broad Street

**Dewberry and Davis, Inc. for Woodhouse Family Limited Partnership and Autozone, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 7,147 square foot retail building in an existing shopping center. The 1.00-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 600 feet east of Old Springfield Road, on parcel 756-757-2974. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

247

248 Mrs. Jones - Is there anyone in the audience today who is in opposition to  
249 the deferral of this case? No opposition.

250

251 Mr. Vanarsdall - I move that POD-23-09, AutoZone, be deferred to October  
252 28, 2009, at the applicant's request.

253

254 Mr. Branin - Second.

255

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

258

259 At the request of the applicant, the Planning Commission deferred POD-23-09,  
260 AutoZone, to its October 28, 2009 meeting.

261

262 Ms. News - The next item is found on page 10 of your agenda and is  
263 located in the Three Chopt District. This is POD-41-07, Pouncey Place, Phase 1. The  
264 applicant is requesting a deferral to the October 28, 2009 meeting.

265

266 **PLAN OF DEVELOPMENT** *(Deferred from the June 24, 2009 Meeting)*

267

POD-41-07  
POD 2007-00101  
Pouncey Place, Phase I –  
Pouncey Tract Rd. and  
Twin Hickory Lake Dr.  
(POD-57-86 Rev.)

**Bay Design Group, P.C. for Pouncey Place, 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 shopping center with two, one-story buildings for a total of 27,630 sq. feet. The 4.92-acre site is part of a 9.89 acre parcel and is located on the southeast corner of Pouncey Tract Road (State Route 271) and Twin Hickory Lake Drive on parcel 740-765-2150. The zoning is B-2C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

268

269 Mrs. Jones - Anyone in the audience opposed to the deferral of POD-41-  
270 07, Pouncey Place, Phase 1? There is no one.

271  
272 Mr. Branin - Madam Chair, I'd like to move that POD-41-07, Pouncey  
273 Place, Phase 1, be deferred to the October 28, 2009 meeting, per the applicant's  
274 request.

275  
276 Mr. Vanarsdall - Second.

277  
278 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in  
279 favor say aye. All opposed say no. The ayes have it; the motion passes.

280  
281 At the request of the applicant, the Planning Commission deferred POD-41-07,  
282 Pouncey Place, Phase 1, to its October 28, 2009 meeting.

283  
284 Ms. News - Staff is not aware of any further requests for deferrals.

285  
286 Mrs. Jones - Any deferrals by the Commission? All right, thank you.

287  
288 Mr. Emerson - Madam Chair, the next item on your agenda is the Expedited  
289 Agenda, and those items will be presented by Ms. Leslie News.

290  
291 Ms. News - Yes, sir. We have two items on our Expedited Agenda this  
292 morning. The first item is found on page 4 of your agenda and is located in the Varina  
293 District. This LP/POD-54-06, Almond Creek Office Building, which is formerly the  
294 Browning Office Warehouse. Staff recommends approval of the landscape and lighting  
295 plan.

296  
297 **LANDSCAPE AND LIGHTING PLAN**

298  
LP/POD-54-06 **Ryan Browning for WWB, LLC:** Request for approval of  
POD 2008-00618 a landscape and lighting plan, as required by Chapter 24,  
POD 2008-00619 Sections 24-106 and 24-106.2 of the Henrico County  
Almond Creek Office Code. The 8.68-acre site is located at the northeast corner  
Building (Formerly of McCoul Street and Old Osborne Turnpike (State Route  
Browning Office 5), on parcel 799-709-0364. The zoning is M-2C, General  
Warehouse) – 5711 Old Industrial District (Conditional), C-1, Conservation District,  
Osborne Turnpike (State and R-2C, One Family Residence District (Conditional).  
Route 5) County water and City sewer. **(Varina)**

299  
300 Mrs. Jones - Is there opposition to LP/POD-54-06, Almond Creek Office  
301 Building? None.

302  
303 Mr. Jernigan - Madam Chair, with that, I will move for approval of LP/POD-  
304 54-06, Almond Creek Office Building, subject to the annotations on the plans and the  
305 standard conditions for landscape and lighting plans.

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Mr. Vanarsdall - Second.

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

The Planning Commission approved the landscape and lighting plan for LP/POD-54-06, Almond Creek Office Building, subject to the standard conditions attached to these minutes for landscape and lighting plans.

Ms. News - The second item is found on page 5 of your agenda, and is located in the Three Chopt District. This is SUB-15-09, Westview Manor (September 2009 Plan) for one lot. There is an addendum item on page 1 of your addendum. The addendum indicates that a revised plan has been included which addresses the required side yard setback for the existing dwelling on Lot 132 and a revised recommendation for approval by staff.

**SUBDIVISION**

SUB-15-09 **Vanasse Hangen Brustlin, Inc. for St. Mary's Hospital of Richmond, Inc.:** The 0.89-acre site proposed for a subdivision of 1 single-family home is located along the south line of Monument Avenue, approximately 270 feet west of Maple Avenue, on parcel 768-738-1260 and part of parcel 768-738-2447. The zoning is R-3, One Family Residence District and O-3C, Office District (Conditional). County water and sewer. **(Three Chopt) 1 Lot**

Mrs. Jones - Is there anyone here in opposition to SUB-15-09, Westview Manor (September 2009 Plan)? All right.

Mr. Branin - Madam Chair, I'd like to move that SUB-15-09, Westview Manor (September 2009 Plan), move forward with a recommendation for approval on the Expedited Agenda with additional conditions and recommendation from staff.

Mr. Vanarsdall - Second.

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

The Planning Commission granted conditional approval to SUB-15-09, Westview Manor (September 2009 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public utilities, the annotations on the plans, and the following additional conditions:

- 343 13. Prior to a transfer of ownership of the proposed lot, the current lot owner shall  
 344 record a 15-foot private landscape easement along the eastern property line  
 345 adjacent to parcel 768-738-2447, and an agreement to permanently maintain the  
 346 landscaping within the said easement shall be made. Evidence of the  
 347 recordation of the easement and maintenance agreement shall be provided to  
 348 the Director of Planning at that time.  
 349 14. The proffers approved as part of zoning case C-6C-06 shall be incorporated in  
 350 this approval.

351 Ms. News - That completes our Expedited Agenda.

352 Mrs. Jones - Thank you, Ms. News.

353  
 354 Mr. Emerson - Madam Chair, that takes you to the next item on your  
 355 agenda, which is the Subdivision Extensions of Conditional Approval, and those will be  
 356 presented by Mr. Lee Pambid.  
 357  
 358  
 359

360 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

361 **FOR INFORMATIONAL PURPOSES ONLY**

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2008-00154 (SUB-024-04) Bridleton Landing (September 2004 Plan)	158	106	4	Varina	07/01/2014
SUB2008-00153 Britton Oaks, Section 1 (September 2004 Plan)	26	26	4	Varina	07/01/2014
SUB2008-00043 (SUB-25-07) Carters Green (April 2007 Plan)	41	41	1	Varina	07/01/2014
SUB2008-00115 (SUB-024-08) Concourse Boulevard Extended (September 2008 Plan)	0	0	0	Three Chopt	07/01/2014

<b>SUB2008-00155 (SUB-008-04) Gill Dale Forest (September 2004 Plan)</b>	<b>34</b>	<b>34</b>	<b>4</b>	<b>Varina</b>	<b>07/01/2014</b>
<b>SUB2008-00156 (SUB-045-06) Greenwood Manor (September 2006 Plan)</b>	<b>8</b>	<b>8</b>	<b>2</b>	<b>Fairfield</b>	<b>07/01/2014</b>
<b>SUB2008-00157 Hidden Haven (September 2004 Plan)</b>	<b>50</b>	<b>50</b>	<b>4</b>	<b>Varina</b>	<b>07/01/2014</b>
<b>SUB2008-00116 (SUB-023-08) Holman Ridge Road Extended (September 2008 Plan)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>Three Chopt</b>	<b>07/01/2014</b>
<b>SUB2008-00158 Newstead Landing (September 2002 Plan)</b>	<b>30</b>	<b>17</b>	<b>6</b>	<b>Varina</b>	<b>07/01/2014</b>

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Mrs. Jones - Good morning, Mr. Pambid.

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Mr. Pambid - Good morning, members of the Planning Commission. This month brings a change in the way conditional subdivision extensions are handled and how they will be presented to the Planning Commission. As you are aware, the General Assembly, during its 2009 session, made provisions for extensions of subdivisions to July 1, 2014, if they met certain criteria. There are a few points about this with regards to this legislation.

First of all, conditional subdivisions approved after January 1, 2009, are still valid for 12 months. If any section is submitted for final, then the Director may give extensions up to five years from the date of conditional approval. The Planning Commission may grant additional extensions beyond that. This part has not changed from the way that we've administered the extensions in the past. So, anything approved after January 1, 2009, will continue as business as usual.

State law now provides a one-time extension to July 1, 2014, for any subdivision plat or POD that was valid and outstanding as of January 1, 2009. Submission of a final plat for any portion of the property within one year of approval of the conditional plat extends the validity of the conditional plat for five years from the date of conditional approval if the sub-divider diligently pursues approval of the final plat. That could

387 include things like financial bonding and construction plans. Recordation of any portion  
388 of the conditional subdivision plan extends the underlying conditional plat for five years  
389 from the date of the latest recorded plat.  
390

391 As you can see today, all nine conditional approvals up for extension this month are  
392 entitled to be extended to July 1, 2014, per the new legislation.  
393

394 This concludes my presentation. Staff can now field any questions you have regarding  
395 these.  
396

397 Mrs. Jones - Thank you. Questions for Mr. Pambid? New way of doing  
398 business. All right, thank you.  
399

400 Mr. Emerson - Madam Chair, that now takes us into your regular agenda,  
401 page 6.  
402

### 403 **SUBDIVISION**

404

SUB-14-09 SUB2009-00121 Anderson Mill (September 2009 Plan) E. Williamsburg Road	<b>Timmons Group for Virginia A. Sharpe, Lillian D. Pollard and Rogers-Chenault, Inc.:</b> The 21.56-acre site proposed for a subdivision of 61 single-family homes is located south of E. Williamsburg Road (U.S. Route 60), approximately 75 feet from Hanover Avenue, on parcels 831-714-5604 and 832-713-0577. The zoning is R-3, One Family Residence District. County water and sewer. <b>(Varina) 61 Lots</b>
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405  
406 Mrs. Jones - Mr. Ward, let me ask this. Is there anyone with us this  
407 morning who is in opposition to SUB-14-09, Anderson Mill (September 2009 Plan)?  
408 Okay.  
409

410 Mr. Ward - Good morning, Madam Chair, Planning Commission  
411 members, and Mr. Secretary. Before you is a 61-lot proposed subdivision in the Varina  
412 District. It's located adjacent to Virginia Department of Transportation frontage road,  
413 extending along the east line of Williamsburg Road and east of Hanover Avenue. The  
414 property immediately to the east, property that is along the south line of Williamsburg  
415 Road, was rezoned last October by case C-31C-08. This will permit the property to be  
416 developed as 45 residential townhomes.  
417

418 The proffered plan indicates access to the property would be provided both from the  
419 VDOT frontage road and Whiteside Road. The frontage road is an access drive. As you  
420 can see here, it's a cul-de-sac within the right-of-way for Williamsburg Road that was  
421 created by VDOT when the adjoining section of Williamsburg Road was widened and  
422 made limited access in order to provide an alternative access to the subject property  
423 and adjoining property to the east.  
424

425 The Department of Public Works has indicated the frontage road and Hanover Avenue  
426 extended to Williamsburg Road must be improved to County standards before the  
427 County will accept it as a public street for maintenance. The transfer of responsibility for  
428 the right-of-way from VDOT to the County would require approval from both the Board  
429 of Supervisors and the Commonwealth Transportation Board. Staff notes the proposed  
430 subdivision has more than 50 lots. DPW has required that the second point of access  
431 which cannot be assured until the frontage road is approved and both Boards approve  
432 the transfer of maintenance responsibility to the County.

433  
434 The developer has indicated that they would like to move forward with the subdivision  
435 subject to receiving those approvals. Therefore, in your addendum, staff has revised  
436 Condition 18 to provide that prior to approval of Lots 1 through 9 here, and Lots 39  
437 through 47, that the frontage road and Hanover Avenue extending out to Williamsburg  
438 Road shall be constructed to meet the County standards and accepted for County  
439 maintenance. This will ensure that fewer than 50 lots will be recorded until the frontage  
440 road has been approved to satisfy the County standards for acceptance for County  
441 maintenance.

442  
443 Staff has also added conditions #19 and #20, which limit construction access and  
444 require a landscape easement at the end of the unimproved stub street on the subject  
445 property, which is right here. This would also help to not impact any of the adjoining  
446 property owners from the proposed subdivision.

447  
448 Staff has reviewed these conditions with the County Traffic Engineer, and the  
449 Department of Transportation, staff, and the applicant have agreed to the proposed  
450 conditions. Staff recommends conditional approval subject to the annotations on the  
451 plan, the standard conditions for subdivisions served by public utilities, the following  
452 conditions with revised condition #18, and the added conditions #19 and #20. We have  
453 representative Terry Cave here with Hometown Realty, and I would be happy to discuss  
454 the matter if you have any questions or concerns.

455  
456 Mrs. Jones - Do we have questions for Mr. Ward? All right, thank you  
457 very much. What would you like to do, Mr. Jernigan? Hear from the applicant?

458  
459 Mr. Jernigan - No. To be truthful with you, he called me, and we had a long  
460 talk and sat down and went over things. Jim Duke—I wanted to make sure that people  
461 knew what we went over, and he wanted to make sure that everything would be brought  
462 up to what a zoning case would. He went with the quality of the siding for the houses,  
463 brick foundations all around. We met for about an hour and a half going over things.  
464 Right now, I'm happy with the way the case is.

465  
466 So, with that, I would like to move for approval of SUB-14-09, Anderson Mill (September  
467 2009 Plan), subject to the annotations on the plan, the standard conditions for  
468 subdivisions served by public utilities, and the following additional conditions #13  
469 through #17; #18 revised; and the addition of #19 and #20.

470

471 Mr. Vanarsdall - Second.

472

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

475

476 The Planning Commission granted conditional approval to SUB-14-09, Anderson Mill  
477 (September 2009 Plan), subject to the standard conditions attached to these minutes  
478 for subdivisions served by public utilities, the annotations on the plans, and the  
479 following additional conditions:

480

481 13. Each lot shall contain at least 11,000 square feet.

482 14. The plat shall contain a statement that the common area is dedicated to the  
483 common use and enjoyment of the homeowners of Anderson Mill and is not  
484 dedicated for use by the general public. This statement shall refer to the  
485 applicable article in the covenants recorded with the plat.

486 15. At least sixty days prior to recordation of the plat, a draft of the covenants and  
487 deed restrictions for the maintenance of the common area shall be submitted to  
488 the Department of Planning for review. Such covenants and restrictions shall be in  
489 form and substance, satisfactory to the County Attorney and shall be recorded  
490 prior to recordation of the subdivision plat.

491 16. The developer shall provide evidence that the existing access easement to the  
492 adjoining property has been quitclaimed and new access has been provided  
493 prior to recordation of the subdivision plat. Access to the adjacent property shall  
494 be maintained throughout construction.

495 17. The details for the landscaping and amenities to be provided within the common  
496 area shall be submitted to the Department of Planning for review and approval  
497 prior to recordation of the plat.

498 18. ~~REVISED - The frontage road must be vacated by VDOT prior to approval of~~  
499 ~~construction plans. The subject road shall be constructed to County standards~~  
500 ~~and dedicated to the County with the record plat.~~

501 Prior to final approval of lots 1 through 9 and 39 through 47, the frontage road  
502 and Hanover Avenue extending to Williamsburg Road (U.S. Route 60) shall be  
503 constructed to meet County standards and accepted for County maintenance.

504 19. **ADDED** - All construction access shall be limited to Hanover Ave and the  
505 frontage road.

506 20. **ADDED** - The details for the landscaping to be provided within the 10-foot wide  
507 planting strip easement abutting the terminus of Piedmont Avenue shall be  
508 submitted to the Department of Planning for review and approval prior to  
509 recordation of the plat.

510

511 **PLAN OF DEVELOPMENT**

512

POD-24-09  
POD2009-00290  
Master Cho's Tae Kwon  
Do and Martial Arts at  
Downtown Short Pump –  
4386 Pouncey Tract Road

**Burgess and Niple, Inc. for Eileen A. Cho and Jong Hwi Cho:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story ~~9,600~~ **9,882** square foot building for martial arts instruction **in an existing shopping center**. The 0.77-acre site is located on the west line of Pouncey Tract Road, approximately 1,500 feet north of West Broad Street (U.S. Route 250) on parcel 739-763-9452. The zoning is M-1C, Light Industrial District and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

513

514 Mrs. Jones - Hello, again.

515

516 Mr. Pambid - Good morning.

517

518 Mrs. Jones - Is there anyone with us this morning in opposition to POD-  
519 24-09, Master Cho's Tae Kwon Do and Martial Arts at Downtown Short Pump? There  
520 is no opposition.

521

522 Mr. Parnbid - The plan as submitted does not currently meet the  
523 requirements of the West Broad Street Overlay District streetscape buffer; however, a  
524 request for an exception to this requirement, as enabled in the Zoning Ordinance, has  
525 been granted by the Director.

526

527 The plan of development and proffered plan and zoning case C-8C-8, contemplates the  
528 vacation of the excess portion of VDOT right-of-way—and that's this triangular portion  
529 right here. A request from the developers to vacate that right-of-way has been  
530 submitted to VDOT and is currently under review by that agency. The excess VDOT  
531 right-of way, if vacated, would provide the area required for the 35-foot West Broad  
532 Street Overlay buffer, as well as the parking layout shown.

533

534 A large oak tree, internal to the site, is being saved per the proffers of the previously  
535 mentioned zoning case. The West Broad Street Overlay deviation request dovetails  
536 with the proffered tree-save condition, and that allows the building and related parking  
537 and drive aisles to remain out of the tree's drip line.

538

539 The building is a two-story structure, with the first floor having about a 7,007-square-  
540 foot footprint, and the second floor having a 2,900-square-foot mezzanine level. The  
541 colors proposed match the surrounding buildings in Downtown Short Pump, with  
542 references to matching certain colors and materials to the adjacent Merchant's Tire  
543 building.

544

545 Staff would like to add annotations to the plan requiring at least four feet of sidewalk  
546 between the southwest corner of the building and the drive aisle—and that's this point  
547 right here, and it currently measures about two feet—as well as along the east side of  
548 the building facing Pouncey Tract Road. Specifically, we're talking about this stone  
549 bump-out right here. It's just an architectural feature. It doesn't have any useable  
550 space there.

551  
552 Staff can recommend approval of this POD. This concludes my presentation, and I can  
553 now field any questions you may have regarding this. Engineer Spud Mistr from  
554 Burgess and Niple, as well as Alana and Jong Hwi Cho are here as well.

555  
556 Mrs. Jones - All right. Do we have questions for Mr. Pambid? Okay, I do  
557 have one. VDOT is still considering the request?

558  
559 Mr. Pambid - Yes, ma'am.

560  
561 Mrs. Jones - Is there any chance they're going to say no?

562  
563 Mr. Pambid - I'd have to say there's always a chance, but every indication  
564 that we've been given indicates that they would. I went out to the site yesterday and  
565 they're not actively using that. When I talked with Brian Walker earlier this week  
566 regarding planting some of the 35-foot buffer for the West Broad Street Overlay District  
567 in that right-of-way, he said that he would look at that. I guess to me, that's an indication  
568 that they are leaning towards that, but the right-of-way vacation process is a lengthy  
569 process. It's been in progress for about two months now. They applied for the vacation  
570 at the end of July.

571  
572 Mrs. Jones - It just seems to me, that is a significant impact on this case,  
573 or it could be.

574  
575 Mr. Pambid - It could be.

576  
577 Mrs. Jones - Is it better not to go ahead until we know what they're going  
578 to say?

579  
580 Mr. Emerson - Madam Chair, I have to believe that they will vacate that. If  
581 not, they will allow the landscaping within the easement. I think we'll accomplish the  
582 goal here, which is to provide compliance with the West Broad Street Overlay.

583  
584 Mrs. Jones - Well, that was my concern. That's important.

585  
586 Mr. Emerson - That is contained in the letter granting the deviation. So, I'm  
587 comfortable that either/or is going to happen, and therefore you should be fine.

588  
589 Mrs. Jones - Well, I'll certainly take your word for it, Mr. Emerson.  
590

591 Mr. Emerson - I share your concern, but I do believe that one of the two will  
592 occur.

593  
594 Mrs. Jones - Thank you. All right.

595  
596 Mr. Branin - Okay. I don't have any questions. I think this is a premium  
597 addition to the area. With the landscaping plan [voice fading in and out] the area  
598 merchants to help with landscaping, and the County to put landscaping in. [Voice  
599 fading in and out] with all the concrete there. Madam Chair, I'd like to move POD-24-  
600 09, Master Cho's Tae Kwon Do and Martial Arts at Downtown Short Pump, be  
601 approved with standard conditions for developments of this type, and the following  
602 additional conditions #29 through #35.

603  
604 Mr. Vanarsdall - Second.

605  
606 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in  
607 favor say aye. All opposed say no. The ayes have it; the motion passes.

608  
609 The Planning Commission approved POD-24-09, Master Cho's Tae Kwon Do and  
610 Martial Arts at Downtown Short Pump, subject to the annotations on the plans, the  
611 standard conditions attached to these minutes for developments of this type, and the  
612 following additional conditions:

- 613  
614 29. Outside storage shall not be permitted.  
615 30. The proffers approved as a part of zoning case C-8C-08 shall be incorporated in  
616 this approval.  
617 31. The owners shall not begin clearing of the site until the following conditions have  
618 been met:  
619 (a) The site engineer shall conspicuously illustrate on the plan of  
620 development or subdivision construction plan and the Erosion and  
621 Sediment Control Plan, the limits of the areas to be cleared and the  
622 methods of protecting the required buffer areas. The location of utility  
623 lines, drainage structures and easements shall be shown.  
624 (b) After the Erosion and Sediment Control Plan has been approved but prior  
625 to any clearing or grading operations of the site, the owner shall have the  
626 limits of clearing delineated with approved methods such as flagging, silt  
627 fencing or temporary fencing.  
628 (c) The site engineer shall certify in writing to the owner that the limits of  
629 clearing have been staked in accordance with the approved plans. A  
630 copy of this letter shall be sent to the Department of Planning and the  
631 Department of Public Works.  
632 (d) The owner shall be responsible for the protection of the buffer areas and  
633 for replanting and/or supplemental planting and other necessary  
634 improvements to the buffer as may be appropriate or required to correct  
635 problems. The details shall be included on the landscape plans for  
636 approval.

- 637 32. The location of all existing and proposed utility and mechanical equipment  
638 (including HVAC units, electric meters, junctions and accessory boxes,  
639 transformers, and generators) shall be identified on the landscape plan. All  
640 building mounted equipment shall be painted to match the building, and all  
641 equipment shall be screened by such measures as determined appropriate by  
642 the Director of Planning or the Planning Commission at the time of plan  
643 approval.  
644 33. Only retail business establishments permitted in an M-1 zone may be located in  
645 this center.  
646 34. The ground area covered by all the buildings shall not exceed in the aggregate  
647 25 percent of the total site area.  
648 35. No merchandise shall be displayed or stored outside of the building(s) or on  
649 sidewalk(s).

650  
651 Mr. Emerson - Madam Chair, that takes us to the final item on your agenda,  
652 which is the approval of the minutes from the July 22, 2009 meeting.

653  
654 APPROVAL OF MINUTES: July 22, 2009

655  
656 Mrs. Jones - Well, Mr. Secretary, after spending about three hours  
657 reading these minutes, I have no corrections. Does anyone else?

658  
659 Mr. Branin - No.

660  
661 Mrs. Jones - This will teach us to be wordy. All right, I'll entertain a  
662 motion for approval of the minutes.

663  
664 Mr. Vanarsdall - I move we approve the minutes.

665  
666 Mr. Branin - Second.

667  
668 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Branin. All in  
669 favor say aye. All opposed say no. The ayes have it; the motion passes.

670  
671 The Planning Commission approved the July 22, 2009 minutes as submitted.

672  
673 Mrs. Jones - Is there anything further to come before the Commission?

674  
675 Mr. Emerson - Nothing from staff, Madam Chair.

676  
677 Mrs. Jones - All right. I'll entertain a motion for adjournment.

678  
679 Mr. Vanarsdall - So moved.

680  
681 Mr. Branin - Second.

682

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

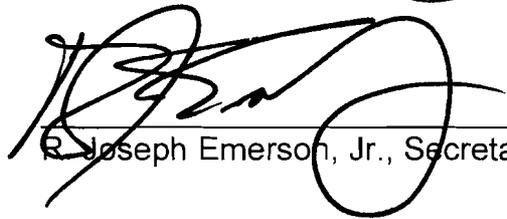
685  
686 Meeting adjourned.

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Bonnie-Leigh Jones, Chairperson



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R. Joseph Emerson, Jr., Secretary

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## PLANS OF DEVELOPMENT

### A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least 48 hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **September 23, 2009**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

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

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

## STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **September 23, 2009**, which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

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

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

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

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

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

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

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

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

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

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

**B-2 ZONE**

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

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

**B-3 ZONE**

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

## 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 September 23, 2009, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **September 22, 2010**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **September 23, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **September 22, 2010**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.

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

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 23, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 22, 2010**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

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

**Standard Conditions for Zero Lot Line Subdivisions**  
**(January 2008)**

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 23, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 22, 2010**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

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

## SUBDIVISION - CONDITIONAL APPROVAL

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

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **September 23, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **September 22, 2010**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.