

**PLANNING COMMISSION AGENDA**  
**FOR**  
**SUBDIVISIONS AND PLANS OF DEVELOPMENT**

**February 25, 2009**

**9:00 A.M.**

**ADDENDUM ATTACHED**



**PLANNING COMMISSION**

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

**DEVELOPMENT REVIEW AND DESIGN**  
**DIVISION – DEPARTMENT OF PLANNING**

David D. O'Kelly, Jr., Assistant Director of Planning  
Leslie A. News, CLA, Principal Planner  
Kevin D. Wilhite, C.P.C., AICP, County Planner  
Michael F. Kennedy, County Planner  
Christina Goggin, AICP, County Planner  
Anthony R. Greulich, C.P.C., County Planner  
Matthew Ward, County Planner  
Greg Garrison, County Planner  
Lee Pambid, C.P.C., County Planner  
Aimee Berndt, County Planner  
Jonathan W. Steele, G.I.S. Manager  
Holly L. Zinn, Office Assistant/Recording Secretary

**ROLL CALL:**

**REQUEST FOR DEFERRALS AND WITHDRAWALS: Leslie News**

**EXPEDITED AGENDA: Leslie News**

**SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL: Christina Goggin**

**FOR INFORMATIONAL PURPOSES ONLY**

<b>Subdivision</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Magisterial District</b>	<b>Recommended Extension</b>
<b>SUB-03-05 Castleton (February 2005 Plan)</b>	<b>494</b>	<b>178</b>	<b>3</b>	<b>Varina</b>	<b>02/24/10</b>
<b>Kain's Quarter (February 2005 Plan)</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>Three Chopt</b>	<b>02/24/10</b>
<b>Kensington Meadows (formerly Weatherfield Farms) (February 2004 Plan)</b>	<b>168</b>	<b>118</b>	<b>4</b>	<b>Fairfield</b>	<b>02/24/10</b>
<b>SUB-06-08 Staples Mill Centre (February 2008 Plan)</b>	<b>12</b>	<b>12</b>	<b>0</b>	<b>Brookland</b>	<b>02/24/10</b>
<b>Stony Run Estates (February 2003 Plan)</b>	<b>6</b>	<b>6</b>	<b>4</b>	<b>Varina</b>	<b>02/24/10</b>
<b>Westridge East (January 2005 Plan)</b>	<b>7</b>	<b>7</b>	<b>3</b>	<b>Three Chopt</b>	<b>02/24/10</b>

**TRANSFER OF APPROVAL (Deferred from the December 17, 2008 Meeting)**

POD-98-73  
Tyler Building -Koger Office  
Center -  
Santa Rosa Rd.

**John J. Hanky, Jr. for 900 East Marshall Street Associates, LP:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Tyler Investments, LLC to 900 East Marshall Street Associates, LP. The 2.02-acre site is located along the east line of Santa Rosa Road, approximately 200 feet south of Discovery Drive, on parcel 758-744-8860. The zoning is O-2, Office District. County water and sewer. **(Three Chopt)**

**APPROVED – SEE  
ADDENDUM PG. 1**

As of the preparation date of the agenda, the applicant has not corrected the site deficiencies identified in the inspector’s report, dated July 24, 2008. The deficiencies relate to parking lot paving and striping. The staff recommendation will be made at the meeting.

**(Staff Report by Kevin Wilhite)  
(Applicant’s Representative: John J. Hanky, Jr.)**

**TRANSFER OF APPROVAL**

POD-120-83  
Freedlander Building –  
4235 Innslake Dr.

**Williams Mullen for WAM Associates, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Innsbrook Corporation, Freedlander, Inc., and Barcroft Terrace, Inc. to WAM Associates, LLC. The 4.08-acre site is located on the south line of Innslake Drive, approximately 500 feet west of Cox Road, on parcel 747-761-9275. The zoning is O-3C Office District (Conditional). County water and sewer. **(Three Chopt)**

**APPROVED/EXPEDITED**

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. The staff recommends approval of this transfer request with the following condition:

1. The site deficiencies, as identified in the inspection report, dated September 19, 2008, shall be corrected, or a bond shall be posted to cover the cost of the work, by April 1, 2009.

The deficiencies include missing landscaping and one stop bar at point of egress to Innslake Drive.

**(Staff Report by Aimee Berndt)  
(Applicant’s Representative: John M. Mercer)  
(Applicable Rezoning Cases and PUPs: C-53C-79)**

## TRANSFER OF APPROVAL

POD-16-00 (Part)  
One Colonial Place Office  
Complex at Virginia Center -  
Telegraph Road

**Williams Mullen for Westcore Colonial Place, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Colonial Place, LLC and First States INV 241, LLC to Westcore Colonial Place, LLC. The 3.3-acre site is located on the east line of Telegraph Road, approximately 300 feet north of Jeb Stuart Parkway, on parcel 786-770-4008. The zoning is B-3C, Business District (Conditional) and O-3C, Office District (Conditional). County water and sewer. **(Fairfield)**

### APPROVED/EXPEDITED

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. The staff recommends approval of this transfer request with the following condition:

1. The site deficiencies, as identified in the inspection report, dated October 21, 2008, shall be corrected, or a bond shall be posted to cover the cost of the work, by April 1, 2009.

The deficiencies include missing landscaping.

**(Staff Report by Aimee Berndt)**

**(Applicant's Representative: Andrew Condlin)**

**(Applicable Rezoning Cases and PUPs: C-42C-96; C-113C-88)**

## TRANSFER OF APPROVAL

POD-20-75  
Clifton Building -  
6010 W. Broad Street

**William W. Eng for Hampton Equity, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Bruce Dunstan to Hampton Equity. The 1.46-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 400 feet west of Crestwood Avenue, on parcel 770-741-5044. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

### APPROVED – SEE ADDENDUM PG. 1.

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. The staff recommends approval of this transfer request with the following condition:

1. The site deficiencies, as identified in the inspection report, dated February 9, 2009, shall be corrected, or a bond shall be posted to cover the cost of the work, by April 1, 2009.

Deficiencies include a missing stop sign and stop bar.

**(Staff Report by Lee Pambid)**

**(Applicant's Representative: William W. Eng)**

## TRANSFER OF APPROVAL

POD-140-86  
Royal Oldsmobile New Car  
Storage and Body Shop -  
6700 Janway Road

**APPROVED/EXPEDITED  
– SEE ADDENDUM PG. 2**

**Marc Allocca for McKenney Land Company, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Royal Oldsmobile Company to McKenney Land Company, LLC. The 3.24-acre site is located at the northeast corner of the intersection of Sanford Drive and Janway Road, approximately 750 feet east of Staples Mill Road, on parcel 771-754-4790. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

As of the preparation date of this agenda, staff has not received a revised plan, as requested. The staff recommendation will be made the meeting.

In conjunction with the TOA, a revised plan is being submitted for the Planning Commission's review and approval to show the location of a screening fence and landscaping along Janway Road and Sanford Drive, a new parking lot striping plan, the location of dumpsters and enclosures for mulch and topsoil. The site, formerly an automobile body shop and a storage yard for new cars, is proposed to be a storage yard and staging area for a landscaping service.

Site deficiencies include:

1. Replacement of missing handicap parking signs.
2. Replacement of missing stop sign and stop bar.
3. Repair of landscape island curbing.
4. Removal of litter along all fence lines and behind the building.

**(Staff Report by Lee Pambid)**

**(Applicant's Representative: Marc Allocca)**

## LANDSCAPE & LIGHTING PLAN (Deferred from the January 28, 2009 Meeting)

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

**DEFERRED TO 4/22/09**

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

The staff recommends approval subject to the standard conditions for landscape and lighting plans and the following additional condition:

7. Prior to issuance of a certificate of occupancy for the third townhouse building, the landscape buffer adjacent to Twin Hickory Road shall be installed.

**(Staff Report by Greg Garrison)**  
**(Applicant's Representative: Gary Scottow)**  
**(Applicable Rezoning Cases and PUPs: C-50C-04)**

**SUBDIVISION (Deferred from the January 28, 2009 Meeting)**

SUB-29-08  
Dumbarton  
(December 2008 Plan)  
Irisdale and Greenway  
Avenues

**APPROVED – SEE  
ADDEDNUM PG. 2**

**M-Squared Engineering, LLC for Tetra Assoc., LLC:** The 3.309-acre site proposed for a subdivision of 9 new single-family homes is located along the south line of between Irisdale Avenue and the north line of Greenway Avenue, approximately 200 feet east of Greendale Road on parcels 775-745-8761, 9463, 9842, 776-745-0165, 0968, 2271, and 1246. The zoning is R-4, One Family Residence District. County water and sewer.  
**(Brookland) 9 Lots**

The last remaining issue to be resolved pertains to an existing stucco fence, located on the adjacent commercial parcel, that is in a state of deterioration. A meeting was held with the applicant and the adjacent property owner to discuss the matter, and the parties agreed to remove the existing fence and install a new vinyl fence in its place. Staff is currently awaiting formal confirmation of this agreement.

The staff recommendation will be made at the meeting. Should the Commission act on this request, in addition to the standard conditions for subdivisions served by public utilities, the following additional condition is recommended:

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

**(Staff Report by Matt Ward)**  
**(Applicant's Representative: Michael Morgan, II)**

**SUBDIVISION – CHESAPEAKE BAY RESOURCE PROTECTION AREA EXCEPTION**

SUB-01-09  
Greendale Forest  
Subdivision Lot 25, Block  
32 -  
6600 Fernwood Street –  
Chesapeake Bay Resource  
Protection Area Exception

**Balzer and Associates for Deaton Land Trust and Emerald Associates, Inc.:** Request for approval of a Chesapeake Bay Resource Protection Area Exception as required by Chapter 24, Sections 106.3(L) and 106.3(F) of the Henrico County Code for an exception to allow encroachment into the seaward 50 feet of the Resource Protection Area (RPA), a component of a Chesapeake Bay Preservation Area, to allow construction of a single family residence. The 0.22-acre site is located at the southwestern terminus of Fernwood Street, at 6600 Fernwood Street, approximately 1,250 feet south of Penick Road, on parcel 771-746-0812. The zoning is R-4, One Family Residence District. County water and sewer. **(Brookland) 1 Lot**

**APPROVED**

This request is for approval of an encroachment into the seaward 50 feet of the Resource Protection Area (RPA) associated with Upham Brook to construct a single-family residence.

The lot in question, 6600 Fernwood Street, was recorded in 1926. The lot is also entirely within the Resource Protection Area (RPA). The RPA is a required component of the Chesapeake Bay Preservation Area (CBPA) Designation and Management Regulations, and includes a buffer 100 feet in width adjacent to sensitive environmental features such as non-tidal wetlands contiguous to perennial streams.

Although § 24-106.3(f)(2)b of the County’s Zoning Ordinance allows for RPA buffer encroachments for lots recorded prior to October 1, 1989, the proposed encroachment at 6600 Fernwood Street must be pursued through a formal hearing. Prior to 2002, encroachments into the RPA could be and were reviewed administratively. However, due to unconditional approval of virtually all RPA buffer encroachment requests in other localities, the CBPA Regulations were revised in 2002 to require that certain encroachment requests be pursued through a formal hearing.

Therefore, in 2003, the County amended it’s ordinances to require that certain RPA encroachment requests be heard by the Planning Commission. One of the situations requiring Planning Commission involvement is proposed encroachments into the seaward 50 feet of the RPA buffer. The RPA buffer is an area 100 feet width measured from perennial stream or contiguous wetlands associated with perennial stream. The seaward 50 feet of the buffer is that portion of the buffer that is closest to the stream. The request for 6600 Fernwood Street involves such a request.

The lot is 0.22 acres in size. Of this area, 0.05 acres are non-tidal wetlands that are an RPA component. The remainder of the lot is within the RPA buffer. Only 0.01 acres (631 square feet) of the lot lies outside the seaward 50 feet of the RPA. Therefore, the proposed disturbance lies within the seaward 50 feet of the RPA buffer.

To mitigate for this disturbance, the applicant has offered the following as conditions of approval:

1. The side yard setback will be restricted to 10 feet to keep the proposed structure as far from the wetlands as possible.
2. The land disturbance will be minimized to retain a majority of the undisturbed RPA while providing minimal but useable yard areas.

**Continue**

## Continued

3. The limits of the disturbance will be marked using tree protection fencing and/or barricade tape to reduce the risk of additional impacts during construction.

Upon review of the proposal and the provisions of § 24-106.3(1)3 of the Zoning Ordinance, the Department of Public Works recommends the Planning Commission approve the request to encroach into the seaward 50 feet of the RPA buffer at 6600 Fernwood Street for purposes of constructing a single-family residence subject to conditions #1 through #3 as submitted by the applicant and the following additional condition:

4. The limits of disturbance shall be marked with Environmental Protection Area signs prior to issuance of the Certificate of Occupancy. The signs will be provided by the County.

**(Staff Report by Keith White/Christina Goggin)**  
**(Applicant's Representative: Elizabeth Lawrence)**

## PLAN OF DEVELOPMENT

POD-02-09 Tuckaway Child Development Center – New Market Road and Midview Road (POD-48-06 Revised) (POD-32-04 Expired) <b>APPROVED/EXPEDITED</b> – <b>SEE ADDENDUM PG. 3</b>	<b>Balzer and Associates for Saldus-West, LLC:</b> 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 16,700 square foot daycare building with accessory swimming pool and pool house. The 5.22-acre site is located at the intersection of New Market Road (State Route 5) and Midview Road on parcels 803-701-3978 and 8673. The zoning is B-1C, Business District (Conditional). County water and sewer. <b>(Varina)</b>
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The staff recommends approval subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

29. A concrete sidewalk meeting County standards shall be provided along the north side of Midview Road.
30. There shall be no outdoor storage in moveable storage containers including, but not limited to, cargo containers and portable on demand storage containers.
31. Outside storage shall not be permitted.
32. The proffers approved as a part of zoning cases C-25C-08 shall be incorporated in this approval.
33. Prior to issuance of a building permit, the developer must furnish a letter from Colonial Pipeline stating that this proposed development does not conflict with their facilities.
34. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
35. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
36. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such



measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

37. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.

**(Staff Report by Anthony Greulich)**  
**(Applicant's Representative: Christopher Shust)**  
**(Applicable Rezoning Cases and PUPs: C-25C-08)**

**PLAN OF DEVELOPMENT & MASTER PLAN (Deferred from the January 28, 2009 Meeting)**

POD-68-07  
The Shire @ Pump and  
Church – Church Road and  
Pump Road

**APPROVED – SEE  
ADDENDUM PG. 3**

**Kimley Horn for Kevin McFadden and The Rebkee Company:** Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct five, one-story retail buildings (Buildings 1-5) totaling 50,480 square feet and a future one-story retail building (Building 6) totaling 12,900 square feet, pursuant to a phased master plan. The 21-acre site is located at the southwest corner of the intersection of Pump and Church Roads on parcels 739-754-7156 and 739-753-1396. The zoning is B-2C, Business District (Conditional), C-1C, Conservation District, RTHC, Residential Townhouse District (Conditional) and R-3AC, One-Family Residence District (Conditional), B-3, Business District and R-5A, General Residence District. County water and sewer. **(Tuckahoe)**

A revised plan has been submitted which accommodates development of The Shire-Phase 1 upon the construction of the John Rolfe Parkway Project - Phase 1, and the development of future phases of The Shire upon the construction of the John Rolfe Parkway Project - Phase 2.

The staff recommends approval of this request, subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

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.
11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture and specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
29. Only retail business establishments permitted in a B-2 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).
32. Prior to the issuance of a certificate of occupancy for The Shire-Phase 1, the John Rolfe Parkway Project - Phase 1 shall be open to public use.
33. Prior to the issuance of a certificate of occupancy for any future phase of The Shire, the John Rolfe Parkway Project - Phase 2 shall be open to public use.

**continue**

## Continued

34. Right-of-way and easements as determined necessary by the Traffic Engineer to provide right turn lanes to and from the property consistent with the phase of development along Church Road, and John Rolfe Parkway where they abut the property including the offsite turn lane along Church Road, shall be dedicated to the County prior to the approval of construction plans. All documents required for the dedication of such right-of-way and easements shall be fully executed and submitted to the Real Property Department at least sixty (60) days prior to construction plan approval.
35. The required building setback shall be measured from the proposed right-of-way line and the parking shall be located behind the proposed right-of-way line.
36. The proffers approved as a part of zoning case C-27C-06 shall be incorporated in this approval.
37. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the Henrico County Code.
38. Stormwater retention shall be incorporated into the drainage plans.
39. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
40. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.
41. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be painted to match the building and shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.
42. Except for junction boxes, meters, and existing overhead and/or relocated utility lines, and for technical or environmental reasons, all utility lines shall be underground.
43. The property necessary to provide a right turn lane on Church Road into the property shall be acquired by the developer prior to the approval of final construction plans.
44. The developer shall obtain vacation or abandonment of existing right-of-way necessary to fully develop the property in accordance with the proffered site plan consistent with the phasing of the development including both Glen Eagles Drive and Pump Road prior to the approval of final construction plans.
45. A construction plan for right turn lanes to and from the property, consistent with the phase of development, shall be approved by the Department of Public Works and the Department of Planning prior to the approval of final construction plans. The Developer shall coordinate construction plan design of required turn lanes to be consistent with and not conflict with the County's design plans for the abutting roads. The plan shall include sidewalks and curb and gutter and any necessary drainage improvements required to construct the proposed improvements. Such improvements, consistent with the phase of development, shall be constructed by the developer prior to the issuance of a Certificate of Occupancy.
46. The tower element at the corner of Pump and Church Roads shall be constructed with any second phase in accordance with the proffered design plans, as determined by the Director of Planning. Final architectural plans shall be submitted for review and approval by the Director of Planning prior to approval of final construction plans.

**continue**

## **Continued**

47. Building 6 shall be constructed in accordance with the proffered design plans as determined by the Director of Planning. Final architectural plans shall be submitted for review and approval by the Director of Planning prior to approval of a building permit for that building.
48. A construction staging plan which includes details for traffic control, fire protection, stockpile locations, construction fencing and hours of construction shall be submitted for County review prior to the approval of any final construction plans.
49. A revised pedestrian access plan in accordance with the proffered design shall be submitted for review and approval by the Director of Planning prior to approval of final construction plans.
50. Private streets proposed to provide access to the future residential development shall be designed in accordance with 24-30.2(a) multi-family development standards.
51. A tree protection plan for any future development area shall be submitted for review and approval by the Director of Planning prior to approval of final construction plans.
52. All underground utilities serving the property including: storm sewer, sanitary sewer, water, gas, electric, telephone and cable, as well as related appurtenances shall be located to accommodate the landscaping in the buffers shown on the approved conceptual plan, in particular behind Buildings 1 and 2, unless otherwise approved by the Director of Planning.
53. A comprehensive signage plan must be submitted for coordinated review prior to issuance of sign permits.

**(Staff Report by Mike Kennedy)**

**(Applicant's Representative: David Ellington)**

**(Applicable Rezoning Cases and PUPs: C-27C-06)**

**DISCUSSION ITEM: DRAFT 2026 COMPREHENSIVE PLAN WORK SESSION:** The Planning Commission will consider setting a work session regarding the Draft 2026 Comprehensive Plan on March 12, 2009.

**APPROVAL OF MINUTES: January 28, 2009 Minutes/APPROVED**

**ADJOURN @ 10:13**

**PLANNING COMMISSION AGENDA  
FOR  
SUBDIVISIONS AND PLANS OF DEVELOPMENT  
February 25, 2009**

**ADDENDUM**

**PAGE 3 – REVISED RECOMMENDATION & ADDED CONDITION**

**TRANSFER OF APPROVAL (Deferred from the December 17, 2008 Meeting)**

POD-98-73  
Tyler Building -Koger Office  
Center -  
Santa Rosa Rd.

**John J. Hanky, Jr. for 900 East Marshall Street Associates, LP:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Tyler Investments, LLC to 900 East Marshall Street Associates, LP. The 2.02-acre site is located along the east line of Santa Rosa Road, approximately 200 feet south of Discovery Drive, on parcel 758-744-8860. The zoning is O-2, Office District. County water and sewer. **(Three Chopt)**

**APPROVED**

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. The staff recommends approval of this transfer request with the following condition:

1. The site deficiencies, as identified in the inspection report, dated July 24, 2008 shall be corrected by May 31, 2009.

**PAGE 6 – REVISED STAFF REPORT & REVISED CONDITION**

**TRANSFER OF APPROVAL**

POD-20-75  
Clifton Building -  
6010 W. Broad Street

**William W. Eng for Hampton Equity, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Bruce Dunstan to Hampton Equity. The 1.46-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 400 feet west of Crestwood Avenue, on parcel 770-741-5044. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

**APPROVED**

This property lies within the Enterprise Zone, and the new owner has been working with Community Revitalization to complete site deficiencies. Furthermore, the new owner would like to install parking lot landscaping this spring, pending the status of the application to acquire grant money. The new owner accepts and agrees to be responsible for continued maintenance and compliance with the conditions of the original approval. The staff recommends approval of this transfer request with the following condition:

1. **REVISED** - The site deficiencies, as identified in the inspection report, dated February 9, 2009, shall be corrected, or a bond shall be posted to cover the cost of the work, by ~~April 1, 2009~~ **April 30, 2009**.

Deficiencies from the original approval include a missing stop sign, stop bar and dumpster enclosure.

## **PAGE 7 – REVISED STAFF REPORT & ADDED CONDITION**

### **TRANSFER OF APPROVAL**

POD-140-86  
Royal Oldsmobile New Car  
Storage and Body Shop -  
6700 Janway Road

**Marc Allocca for McKenney Land Company, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Royal Oldsmobile Company to McKenney Land Company, LLC. The 3.24-acre site is located at the northeast corner of the intersection of Sanford Drive and Janway Road, approximately 750 feet east of Staples Mill Road, on parcel 771-754-4790. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

### **APPROVED/EXPEDITED**

The applicant has agreed to provide landscaping, including street trees and shrubs along Janway Road and Sanford Drive, a 7-foot high opaque vinyl fence enclosure around the proposed outdoor storage, and parking lot striping for all required parking. The final location of the fencing and parking lot striping will be determined based on the proposed tenant mix, which has not been finalized at this time. The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. The staff recommends approval of this transfer request subject to the following condition:

1. The deficiencies identified in the inspection report dated January 28, 2009 shall be corrected. Additionally, a plan shall be submitted for review and approval by the Director of Planning indicating landscaping along Janway Road and Sanford Drive, a 7-foot opaque vinyl fence for outdoor storage areas, and parking space striping. The site deficiencies and improvements shall be installed or bonded prior to occupancy of the building.

Site deficiencies include a corroded door on the southeast side of the building, trash/debris removal, replacement of stop sign and stop bar, and replacement of dead plant material.

## **PAGE 9 – REVISED PLAN & ADDED CONDITION**

### **SUBDIVISION (Deferred from the January 28, 2009 Meeting)**

SUB-29-08  
Dumbarton  
(December 2008 Plan)  
Irisdale and Greenway  
Avenues

**M-Squared Engineering, LLC for Tetra Assoc., LLC:** The 3.309-acre site proposed for a subdivision of 9 new single-family homes is located along the south line of between Irisdale Avenue and the north line of Greenway Avenue, approximately 200 feet east of Greendale Road on parcels 775-745-8761, 9463, 9842, 776-745-0165, 0968, 2271, and 1246. The zoning is R-4, One Family Residence District. County water and sewer. **(Brookland) 9 Lots**

14. A fence shall be constructed along the western property line, in accordance with the letter of agreement between Tetra Properties, LLC and Commonwealth Tent property signed

February 24, 2009, prior to recordation of the plat or as requested by the Director of Planning.

**PAGE 12 – REVISED CONDITION & ADDED CONDITION**

**PLAN OF DEVELOPMENT**

POD-02-09  
Tuckaway Child  
Development Center – New  
Market Road and Midview  
Road  
(POD-48-06 Revised)  
(POD-32-04 Expired)

**APPROVED/EXPEDITED**

**Balzer and Associates for Saldus-West, 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 one-story 16,700 square foot daycare building with accessory swimming pool and pool house. The 5.22-acre site is located at the intersection of New Market Road (State Route 5) and Midview Road on parcels 803-701-3978 and 8673. The zoning is B-1C, Business District (Conditional). County water and sewer. (**Varina**)

29. **REVISED** - A concrete sidewalk meeting County standards shall be provided along the ~~north~~ south side of Midview Road.
38. The right-of-way for the realignment of Midview Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

**PAGE 14 – REVISED PLAN, REVISED CONDITIONS & DELETED CONDITION**

**PLAN OF DEVELOPMENT & MASTER PLAN (Deferred from the January 28, 2009 Meeting)**

POD-68-07  
The Shire @ Pump and  
Church – Church Road and  
Pump Road

**APPROVED**

**Kimley Horn for Kevin McFadden and The Rebkee Company:** Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct five, one-story retail buildings (Buildings 1-5) totaling 50,480 square feet and a future one-story retail building (Building 6) totaling 12,900 square feet, pursuant to a phased master plan. The 21-acre site is located at the southwest corner of the intersection of Pump and Church Roads on parcels 739-754-7156 and 739-753-1396. The zoning is B-2C, Business District (Conditional), C-1C, Conservation District, RTHC, Residential Townhouse District (Conditional) and R-3AC, One-Family Residence District (Conditional), B-3, Business District and R-5A, General Residence District. County water and sewer. (**Tuckahoe**)

An additional annotation has been made to the phase plan indicating: "Future phases of development, including Phase 2, may be developed by administrative plan in accordance with condition Number 40". The following revised standard conditions #20 and #27 are recommended in addition to the conditions listed in the agenda. Condition #38 is recommended to be deleted.

20. **REVISED** - 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~~ **shall** be transferred to subsequent owner(s) subject to approval by this Commission, **provided that the conditions of the POD are in compliance or adequate surety or cure periods provided as approved by the Director of Planning to remedy any deficiencies.**
27. **REVISED** - The easements for drainage and utilities as shown on approved plans **other than those related in whole or in part to the extension of John Rolfe Parkway** 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.
38. **DELETED** - ~~Stormwater retention shall be incorporated into the drainage plans.~~