

HENRICO COUNTY
PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT

September 28, 2011

9:00 A.M.

ADDENDUM ATTACHED



PLANNING COMMISSION

C. W. Archer, C.P.C., Chairperson (Fairfield)
Tommy Branin, Vice-Chairperson (Three Chopt)
Ernest B. Vanarsdall, C.P.C., (Brookland)
E. Ray Jernigan, C.P.C. (Varina)
Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Patricia S. O'Bannon, 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, AICP, County Planner
Robert Peterman, GIS Technician
Holly Zinn, Office Assistant/Recording Secretary

WELCOME:

PLEDGE OF ALLEGIANCE:

RECOGNITION OF NEWS MEDIA: NONE PRESENT

ROLL CALL: ALL PRESENT

REQUEST FOR DEFERRALS AND WITHDRAWALS: Leslie News

EXPEDITED AGENDA: Leslie News

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL: There are no extensions of conditional subdivisions this month.

TRANSFER OF APPROVAL

POD-149-86
POD2009-00051
Laurel Park Shopping Center
-2314 Hungary Road

**APPROVED/SEE
ADDENDUM PG. 1**

Marvin Alan Rosman, Esq. for J.D. Properties, LP: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Resolution Trust Corporation to J.D. Properties, LP. The 16.8-acre site is located at the northwest intersection of Hungary and Woodman Roads, on parcels 773-759-3965, 5623, 7681, 8362, 8944, 9232, and 9426. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. All deficiencies identified in the inspection reports, dated March 2, 2009, January 10, 2011, and June 7, 2011, have been satisfactorily addressed; therefore, the staff recommends approval of this transfer request.

The addressed site deficiencies include repairing the parking lot; restriping parking spaces; installing rear elevation LED lights; repairing and repainting all existing light poles and building canopy lights; cleaning, repairing, and repainting front building façade and canopy; constructing new dumpster enclosures; and grading and clearing 2 drainage ditches.

(Staff Report by Matt Ward)

(Applicant's Representative: Marvin Alan Rosman, Esq.)

(Applicable Rezoning Cases and PUPs: C-70C-86)

TRANSFER OF APPROVAL

POD-58-86
POD2010-00353
Laburnum Green Shopping
Center – 5239 S. Laburnum
Avenue

APPROVED/EXPEDITED

Percy Montague for Laburnum Green Shopping Center, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Pocono Green Associates and Airport Inn, Inc. to Laburnum Green Shopping Center, LLC. The 3.64-acre site is located on the east line of Laburnum Avenue and the west line of Robins Road, approximately 510 feet south of Williamsburg Road (U.S. Route 60), on parcel 816-713-7206. The zoning is B-3, Business District and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. All deficiencies identified in the inspection report, dated November 18, 2010, have been satisfactorily addressed; therefore, the staff recommends approval of this transfer request.

The corrected deficiencies included repair of paving, striping, signage replacement, and dumpster enclosure repair.

(Staff Report by Matt Ward)

(Applicant's Representative: Percy Montague)

(Applicable Rezoning Cases and PUPs: C-49-74, C-83-77, C-64-79)

TRANSFER OF APPROVAL

POD-123-95
POD2011-00186
Garden Ridge – 401
International Centre Drive

APPROVED/EXPEDITED

Hirschler Fleischer for 401 International Center Drive, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from International Airport Centre, LC, Butler Real Estate, Inc., Olds Properties Corp., Fee Holdings, Inc., and Catamount Whitehaven, LLC to 401 International Center Drive, LLC. The 12.66-acre site is located at the northern terminus of International Centre Drive, on the southwest corner of the intersection of Interstate-64 and Airport Drive, and 1,600 feet north of Audubon Drive, on parcel 821-718-7211. The zoning is M-1, Light Industrial District and ASO, Airport Safety Overlay District. County water and sewer. (**Varina**)

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. All deficiencies related to the parking lot and signage have been corrected. The remaining deficiencies include landscaping. The staff recommends approval of this transfer request with the following condition:

1. The site deficiencies, as identified in the inspection report dated June 8, 2011, shall be corrected by November 1, 2011.

The site deficiencies include removing a dead tree in the northern parking lot closest to Interstate-64, providing mulch in every landscaping bed, and adding the following landscaping material: 3 Bradford Pears or Cherry Trees in the landscaping island between the Hampton Inn and the northern parking lot; 1 October Glory Red Maple along International Centre Drive; 3 Emily Brunner Hollies along the northern property line; and 20 Wax Myrtles along the southern parking lot. The applicant has provided evidence of contracts to correct the deficiencies identified by staff.

(Staff Report by Matt Ward)
(Applicant's Representative: Penny Koch)

TRANSFER OF APPROVAL

POD-39-85
POD2011-00256
Glen Forest Building
(Formerly New England
Mutual Life Building and
Reynolds Building) – 7130
Glen Forest Drive

APPROVED/EXPEDITED

Troutman Sanders, LLP for Richmond Green, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Parkway Properties, Inc. to Richmond Green, LLC. The 4.67-acre site is located at 7130 Glen Forest Drive, on the east line of Glen Forest Drive, approximately 130 feet north of Forest Drive, on parcel 764-745-7673. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Tuckahoe)**

Staff inspected the property on September 15, 2011, and found no deficiencies. 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.

(Staff Report by Matt Ward)

(Applicant's Representative: William Homiller)

(Applicable Rezoning Cases and PUPs: C-42C-81)

TRANSFER OF APPROVAL

POD-121-87
POD2011-00168
Copper Springs Apartments –
3301 Copper Mill Trace

APPROVED/EXPEDITED

Hirschler Fleischer for Copper Springs, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from U.S. Shelter Corp. and Metropolitan Life Insurance Co. to Copper Springs, LLC. The 29.775-acre site is located along the north and south lines of Mayland Drive at the intersection of Coppermill Trace and Mayland Drive, on parcel 755-756-5917. The zoning is R-5C, General Residence District (Conditional). County water and sewer. **(Three Chopt)**

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. Deficiencies, as identified by staff's inspection, included missing dumpster gates, stops bars at points of egress, and landscaping. The applicant has provided evidence of contracts for all outstanding items. The staff recommends approval of this transfer request subject to the following condition:

1. The site deficiencies, as identified in the inspection report dated April 29, 2011, shall be corrected by November 15, 2011.

(Staff Report by Aimee Berndt)

(Applicant's Representative: Penny Koch)

(Applicable Rezoning Cases and PUPs: C-43C-84)

TRANSFER OF APPROVAL

POD-12-96
POD2011-00239; POD2011-00243

Bunge Oils, Inc. (Formerly Dean Foods 1996 Plant Expansion) – 1595 Mary Street

APPROVED/EXPEDITED

Williams Mullen for Dean Foods Company: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Dean Foods Company to Bunge Oils, Inc. The 8.0-acre site is located on the south line of Mary Street, approximately 600 feet east of Hanover Road, on parcels 828-718-0488 and 5378. The zoning is M-1, Light Industrial District and ASO, Airport Safety Overlay District County water and sewer. (**Varina**)

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. All deficiencies, as identified in staff's correspondence, dated June 28, 2011, have been corrected, including paving repair and markings. The staff recommends approval of this transfer request.

(Staff Report by Aimee Berndt)
(Applicant's Representative: Charles Cabell)

TRANSFER OF APPROVAL

POD-17-84 (part) and 135-77 (part)
POD2011-00056; POD2011-00363

Strange's Florist – 3313 and 3315 Mechanicsville Turnpike (U.S. Route 360)

APPROVED/EXPEDITED

McGuire Woods for Gouldin Properties, LLC: Request for transfer of approval of a portion of a Plan of Development as required by Chapter 24, Section 24-106 of the Henrico County Code from Strange's Florist, Inc. to Gouldin Properties, LLC. The 2.9-acre site is located on the east line of Mechanicsville Turnpike (U.S. Route 360), approximately 700 feet south of Laburnum Avenue, on parcels 802-733-1295 and 1664. The zoning is B-1, Business District, B-3, Business District and ASO, Airport Safety Overlay District. County water and sewer. (**Fairfield**)

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 March 2, 2011, shall be corrected by November 1, 2011.

The site deficiencies include missing landscaping.

(Staff Report by Greg Garrison)
(Applicant's Representative: Gloria Freye)

TRANSFER OF APPROVAL

POD-73-99
POD2011-00055
Strange's Florist – 12111 W.
Broad Street (U.S. Route
250)

APPROVED/EXPEDITED

McGuire Woods for Gouldin Properties, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Strange's Florist, Inc. to Gouldin Properties, LLC. The 12.63-acre site is located on the southwest corner of the intersection of W. Broad Street (U.S. Route 250) and Gayton Road, on parcel 733-764-4118. The zoning is B-3C, Business District (Conditional), R-6C, General Residential District (Conditional), A-1, Agricultural District, and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

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 March 3, 2011, shall be corrected by November 1, 2011.

The site deficiencies include missing landscaping.

(Staff Report by Greg Garrison)
(Applicant's Representative: Gloria Freye)
(Applicable Rezoning Cases and PUPs: C-5C-88)

TRANSFER OF APPROVAL

POD-37-90
POD2011-00193
Villa Park I (Formerly
Sovran Financial Corp., Villa
Park, Phase I) – 8040 Villa
Park Drive
(POD-154-86 Rev.)

APPROVED/EXPEDITED

Thalhimer for DRV, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Villa Park Associates, LTD and US Bank National Association Trust to DRV, LLC. The 6.72-acre site is located on the north line of Villa Park Drive, approximately 1,600 feet southwest of the intersection of Villa Park Drive and E. Parham Road, on parcel 781-755-6052. The zoning is O/SC, Office Service District (Conditional). County water and sewer.

(Fairfield)

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 May 13, 2011, shall be corrected by November 1, 2011.

The site deficiencies include missing landscaping and dumpster screening. The applicant has submitted evidence of contracts to correct the deficiencies identified by staff.

(Staff Report by Greg Garrison)
(Applicant's Representative: Mark Douglas)
(Applicable Rezoning Cases and PUPs: C-87C-86)

TRANSFER OF APPROVAL

POD-135-86
POD2011-00213
Hungary Brook Shopping
Center – 1200 Concord
Avenue

APPROVED/EXPEDITED

Rappaport Management Company for 1200-1300 Concord Avenue Holdings, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from FH Properties, LLC and WCC Development Group to 1200-1300 Concord Avenue Holdings, LLC. The 9.68-acre site is located on the northeast corner of Concord Avenue and Hungary Road, and the west line of Brook Road (U.S. Route 1), approximately 700 feet north of Parham Road, on parcel 783-757-5816. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

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 June 24, 2011, shall be corrected by November 1, 2011.

The site deficiencies include missing landscaping and dumpster enclosures.

(Staff Report by Greg Garrison)
(Applicant's Representative: Sam Rank)
(Applicable Rezoning Cases and PUPs: C-87C-86)

TRANSFER OF APPROVAL

POD-25-08 and 03-11
POD2011-00226; POD2011-
00271; POD2011-00272;
POD2011-00273; POD2011-
00310; POD2011-00311
The Corner at Short Pump –
11801 and 11895 W. Broad
Street (U.S. Route 250)

DEFERRED BY PC TO 10/26/11

The Rebkee Company for Short Pump Investors, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from W2005 WRL Realty, LLC to Short Pump Investors, LLC. The 41.07-acre site is located on the southwest corner of W. Broad Street (U.S. Route 250) and Lauderdale Drive, on parcels 735-762-9743, 735-761-8792, 736-762-2221 and 7338. The zoning is B-2C, Business District (Conditional), RTHC, Residential Townhouse District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

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 August 8, 2011 shall be corrected prior to issuance of a certificate of occupancy for future buildings.

The site deficiencies include missing landscaping, as the site is currently under construction.

(Staff Report by Greg Garrison)
(Applicant's Representative: David Todd)
(Applicable Rezoning Cases and PUPs: C-65C-07)

TRANSFER OF APPROVAL

POD-115-88
POD2011-00297

Mondial Assistance
(Formerly Circuit City
Headquarters) – Deep Run –
9950 Mayland Drive

Higgins & Gerstenmaier for DRCC Properties, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Circuit City Stores, Inc. to DRCC Properties, LLC. The 18.47-acre site is located at the western terminus of Mayland Drive and the southern terminus of Deep Rock Road, approximately 1,000 feet west of Gaskins Road, on parcel 750-758-3831. The zoning is M-1, Light Industrial District. 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. A revised and enhanced landscaping plan has been submitted addressing the landscape deficiencies as identified in the inspection report, dated August 12, 2011. The staff recommends approval of this transfer request.

(Staff Report by Greg Garrison)

(Applicant's Representative: Randy Biltz)

(Applicable Rezoning Cases and PUPs: C-7C-81; C-38C-87; C-24C-88)

TRANSFER OF APPROVAL

POD-93-00
POD2011-00304

Richmond Custom Cars
(Formerly Capitol Floors and
Decorating) – 4200
Brookriver Drive

Brad Evans for Raedar, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from C & V Ventures, LLC to Raedar, LLC. The 3.36-acre site is located on the east line of Brookriver Drive, approximately 800 feet north of the intersection of Brookriver Drive and W. Broad Street (U.S. Route 250), on parcel 743-762-4433. The zoning is M-1C, Light Industrial District (Conditional) and A-1, Agricultural District. 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. All identified deficiencies, including landscaping, restriping and sealing of the parking lot, and general maintenance items, have been satisfactorily addressed; therefore, the staff recommends approval of this transfer request.

(Staff Report by Tony Greulich)

(Applicant's Representative: Brad Evans)

(Applicable Rezoning Cases and PUPs: C-30C-86; C-74C-94; C-4C-96)

LANDSCAPE AND LIGHTING PLAN

LP/POD-19-10
POD2011-00287; POD2011-00288
Willow Lawn
Redevelopment - Phase II –
1601 Willow Lawn Drive
(POD-08-05 Rev.)
APPROVED

Vanasse, Hangen, Brustlin, Inc. for Federal Realty Investment Trust: 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 35.27-acre site is located at the southeast corner of W. Broad Street (U.S. Route 250) and Willow Lawn Drive, on parcels 773-736-2198 and 6272. The zoning is B-2 Business District. County water and sewer. **(Brookland)**

The proposed landscape and lighting plan addresses the new open courtyard that replaces the former enclosed food court. The new courtyard provides 68 parking spaces, 5 convenience seating areas, stamped concrete crosswalks with rumble strips, as well as a 9,000 square foot pedestrian plaza with a stage, children's play area, seating wall, and benches.

The staff recommends approval subject to the standard conditions for landscape and lighting plans.

(Staff Report by Mike Kennedy)
(Applicant's Representative: Bryan Stevenson)

PLAN OF DEVELOPMENT (Deferred from the July 27, 2011 Meeting)

POD-20-11
POD2011-00225
Wawa at Laburnum and
Eubank – 5301 S. Laburnum
Avenue
(POD-80-07 Rev.)

**APPROVED/SEE
ADDENDUM PG. 2**

Townes Site Engineering, P.C. for Laburnum and Eubank C-Store, 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, 5,500 square-foot convenience store with fuel pumps. The 1.78-acre site is located at the northeast corner of the intersection of S. Laburnum Avenue and Eubank Road, approximately 1,700 feet south of Williamsburg Road (U.S. Route 60), on parcel 816-712-7504. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer.
(Varina)

As of the preparation date of the agenda, the staff has not received a revised plan, as requested, addressing staff's outstanding concerns related to traffic circulation, security measures, gas canopy enhancement, and treatment of the proffered buffer along Robins Road.

The Traffic Engineer has requested a revised layout plan eliminating the westernmost entrance on the common access drive and relocating the entrance on Robins Road. The entrance locations must be revised to provide adequate separation distance between the proposed entrances and both Eubank Road and S. Laburnum Avenue, which are major thoroughfare roads. In addition, the Traffic Engineer has indicated the Traffic Impact Analysis must be updated to reflect the revised entrance locations. The applicant is not in agreement with the Traffic Engineer's comments.

Planning staff has requested the proposed flat canopy roof over the gas pumps be replaced with a mansard style roof to complement and blend with the development adjacent to this site.

The staff is unable to recommend approval of this Plan of Development because outstanding issues have not been addressed. Should the Commission act on this request, in addition to the standard conditions for developments of this type, the following additional conditions are recommended:

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 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.
29. The right-of-way for widening of Eubank 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.
30. A concrete sidewalk meeting County standards shall be provided along the east side of S. Laburnum Avenue and the north side of Eubank Road.
31. Outside storage shall not be permitted.
32. The proffers approved as a part of zoning cases C-60C-06 and ~~C-63C-06~~ shall be incorporated in this approval.

33. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the Henrico County Code.
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. The owners shall not begin clearing of the site until the following conditions have been met:
 - (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision construction plan and the Erosion and Sediment Control Plan, the limits of the areas to be cleared and the methods of protecting the required buffer areas. The location of utility lines, drainage structures and easements shall be shown.
 - (b) After the Erosion and Sediment Control Plan has been approved but prior to any clearing or grading operations of the site, the owner shall have the limits of clearing delineated with approved methods such as flagging, silt fencing or temporary fencing.
 - (c) The site engineer shall certify in writing to the owner that the limits of clearing have been staked in accordance with the approved plans. A copy of this letter shall be sent to the Department of Planning and the Department of Public Works.
 - (d) The owner shall be responsible for the protection of the buffer areas and for replanting and/or supplemental planting and other necessary improvements to the buffer as may be appropriate or required to correct problems. The details shall be included on the landscape plans for approval.
36. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Department of Planning and approved prior to issuance of a certificate of occupancy for this development.
37. All subsequent detailed plans of development needed to implement this conceptual plan shall be submitted for staff review and Planning Commission approval, and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/ approval.
38. 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.
39. The applicant shall incorporate into the construction plans for signature any comments generated by the County's Traffic Engineer from his review of the Traffic Impact Study for this development.

(Staff Report by Matt Ward)

(Applicant's Representative: Jason Wilkins)

(Applicable Rezoning Cases and PUPs: C-60C-06; ~~C-63C-06~~; P-11-11)

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD-29-11
POD2011-00306
McDonald's at 7118 W.
Broad Street (U.S. Route
250)
(POD-101-84 Rev.)

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

Carter Design for McDonald's Corporation: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 53 square-foot addition to an existing 4,175 square-foot restaurant and alterations to the parking and drive-through facilities. The 1.01-acre site is located at the northeast corner of the intersection of Deep Run Avenue and W. Broad Street (U.S. Route 250), on parcel 766-747-9382. The zoning is B-2C, Business District (Conditional), B-3, Business District, and B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

The proposed plan would permit the addition of a second drive-through order lane to an existing restaurant with a single drive-through lane. The plan also proposes the addition of a shared payment window, as well as a revised dumpster enclosure and parking layout to accommodate additional vehicular stacking. The revised parking and stacking area would extend into a previously wooded portion of the site. The existing dumpster enclosure located along Deep Run Avenue would be removed and replaced with an 8-foot high double wide masonry enclosure, located at the southeast corner of the site. The new enclosure would accommodate recycling and would have solid Trex board (plastic wood) gates. The applicant has agreed to provide an equivalent alternative landscape area along the eastern side of the site to satisfy peripheral landscaping requirements.

Staff has requested the addition of a public sidewalk along the eastern line of West Broad Street (U.S. Route 250), where it abuts the property. The applicant has submitted an exception request to the Director of Public Works requesting the sidewalk requirement be waived.

The lighting plan indicates the removal of 2 pole-mounted fixtures, the addition of 5 new pole-mounted fixtures on 4 new 21-foot high poles, and the retention of 5 existing pole-mounted light fixtures on 20-foot high poles. In addition, 6 new wall mounted fixtures (sconces) would be provided.

The exterior of the existing restaurant would be re-modeled to be more consistent with the prototype design of the franchise. The existing standing seam metal mansard cornice will be removed and replaced with a vertical corrugated metal parapet band. A cultured stone veneer will be added to the front elevation facing West Broad Street and around one of the side building entrances facing to the east. A combination aluminum wall trellis/fascia and canopy will extend around the sides and rear of the building. The existing brick walls will be painted in a variety of earth tones to match the new building elements. A colored elevation plan is included with the agenda.

The staff recommends approval 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.

- 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.
29. A concrete sidewalk shall be provided along the east side of West Broad Street (U.S. Route 250) where it abuts the property.
30. Outside storage shall not be permitted except as shown on the approved plan.
31. The proffers approved as a part of zoning cases C-72C-84 and C-10C-08 shall be incorporated in this approval.
32. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.
33. In the event of any traffic backup which blocks the public right-of-way as a result of congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up facilities until a solution can be designed to prevent traffic backup.
34. 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.
35. In accordance with C-42C-84 Proffer 6, the exterior lighting shall be reduced to security level during hours when any business conducted on the Property is unoccupied.
36. In accordance with rezoning case C-42C-84 Proffer 9, the hours of operation shall be limited. Both business and deliveries shall not commence before 6:00 a.m. and shall not be later than 11:00 p.m. Monday through Wednesday, and 12:00 a.m. Thursday through Sunday.

(Staff Report by Matt Ward)

(Applicant's Representative: Michele Carter)

(Applicable Rezoning Cases and PUPs: C-122-73; C-72C-84; C-10C-08)

PLAN OF DEVELOPMENT

POD-28-11
POD2011-00305
Brown Distributing
Warehouse Expansion –
7986 Villa Park Drive
(POD-59-05 Rev.)

**APPROVED/SEE
ADDENDUM PG. 3**

AES Consulting Engineers for Brown Distributing Company, 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, 60,000 square-foot warehouse addition to an existing office/warehouse and distribution building. The 2.05-acre portion of the 18.79-acre site is located along the western side of Villa Park Drive, approximately 2,500 feet southwest of its intersection with Parham Road, on parcel 781-754-0930. The zoning is O/S-2C, Office Service District (Conditional). County water and sewer.
(Fairfield)

As of the preparation date of the agenda, the staff has not received a revised plan addressing provision of architectural details on the north elevation consistent with the existing building, which adequately address Proffer #8, as requested. The staff recommendation will be made at the meeting.

Should the Commission act on this request, in addition to the standard conditions for developments of this type, the following additional conditions are recommended:

29. There shall be no outdoor storage in moveable storage containers including, but not limited to, cargo containers and portable on demand storage containers.
30. The proffers approved as a part of zoning case C-23C-05 shall be incorporated in this approval.
31. 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.

(Staff Report by Greg Garrison)
(Applicant's Representative: Steven Worthington)
(Applicable Rezoning Cases and PUPs: C-23C-05)

PLAN OF DEVELOPMENT

POD-30-11
POD2011-00309
The Townes at Oakley's
Bluff – Section One – 4201
Oakleys Lane

**APPROVED/EXPEDITED
SEE ADDENDUM PG. 3**

Bay Design Group, P.C. for Godsey Properties, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 45 residential townhouses for sale. The 28.67-acre site is located on the north side of Oakleys Lane, approximately 100 feet east of Oakleys Place and 300 feet west of S. Holly Avenue, on part of parcel 817-721-5981. The zoning is RTHC, Residential Townhouse District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

This proposed development recently underwent rezoning from M-1 to RTHC to allow residential townhomes for sale. The Commission granted conditional approval to the subdivision, for 131 lots at the June 22, 2011 Planning Commission hearing. This request is for the subsequent Plan of Development for the first phase, proposing to construct the first 45 lots and the westernmost entrance to Oakleys Lane. Proffers of rezoning case C-1C-11 dictate the phasing for this project to allow the initial 45 units with the construction of the westernmost entrance to the current alignment of Oakleys Lane. After January 1, 2015, Certificates of Occupancy for up to 82 total units may be granted, providing that the developer has constructed the second, easternmost entrance at that time. Phasing restrictions for the final units apply until Oakleys Lane is realigned. The Oakleys Lane realignment is currently in the design phase.

By proffer, the right-of-way for the realignment of Oakleys Lane and any mutually agreed upon easements for drainage conveyance systems shall be dedicated by the property owner upon the request of the County. The proposed plan shows the approximate location of Oakleys Lane relocated. The exact alignment of Oakleys Lane will be determined during the design phase. The developer has acknowledged that the appropriate right-of-way will be dedicated with this development by proffer and as indicated by the note on the staff plan. The Department of Public Works Traffic Division can recommend approval based on the right-of-way dedication shown on the plan.

As of the preparation date of the agenda, staff has not received revised architectural renderings and elevations, as requested, showing additional windows on the side elevations and verifying the amount of brick on the front façade of each building meets or exceeds 35%, as required by proffer. In addition, staff has requested that all side elevations and any rear elevations of buildings facing Oakleys Lane have shutters added to all windows where appropriate. At the time of conditional subdivision approval, staff had requested the details for the common area and pocket park amenities be provided with the submittal of the Plan of Development. The applicant has not provided any information to address this request.

The staff recommendation will be made at the meeting. Should the Commission act on this request, in addition to the standard conditions for development of this type, the following additional conditions are recommended:

29. The subdivision plat for The Townes at Oakleys Bluff – Section One shall be recorded before any building permits are issued.
30. Prior to issuance of a certificate of occupancy for any building in this development, the engineer of record shall certify that the site has been graded in accordance with the approved grading plans.

31. The proffers approved as a part of zoning case C-1C-11 shall be incorporated in this approval.
32. 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 and prior to the approval of any final construction plans.
33. A note in bold lettering shall be provided on the erosion control plan indicating that sediment basins or traps located within buildable areas or building pads shall be reclaimed with engineered fill. All materials shall be deposited and compacted in accordance with the applicable sections of the state building code and geotechnical guidelines established by the engineer. An engineer's report certifying the suitability of the fill materials and its compaction shall be submitted for review and approval by the Director of Planning and Director of Public Works and the Building Official prior to the issuance of any building permit(s) on the affected sites.
34. The pavement shall be of an SM-2A type and shall be constructed in accordance with County standard and specifications. The developer shall post a defect bond for all pavement with the Department of Planning - the exact type, amount and implementation shall be determined by the Director of Planning, to protect the interest of the members of the Homeowners Association. The defect bond shall remain in effect for a period of three years from the date of the issuance of the final occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a professional engineer must certify that the roads have been designed and constructed in accordance with County standards.
35. 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.
36. The owners shall not begin clearing of the site until the following conditions have been met:
 - (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision construction plan and the Erosion and Sediment Control Plan, the limits of the areas to be cleared and the methods of protecting the required buffer areas. The location of utility lines, drainage structures and easements shall be shown.
 - (b) After the Erosion and Sediment Control Plan has been approved but prior to any clearing or grading operations of the site, the owner shall have the limits of clearing delineated with approved methods such as flagging, silt fencing or temporary fencing.
 - (c) The site engineer shall certify in writing to the owner that the limits of clearing have been staked in accordance with the approved plans. A copy of this letter shall be sent to the Department of Planning and the Department of Public Works.
 - (d) The owner shall be responsible for the protection of the buffer areas and for replanting and/or supplemental planting and other necessary improvements to the buffer as may be appropriate or required to correct problems. The details shall be included on the landscape plans for approval.
37. The conceptual master plan, as submitted with this application, is for planning and information purposes only.
38. The developer shall provide signage, the wording and location as deemed appropriate by the Director of Public works, which addresses the possible future extension of any stub street.

39. The limits and elevations of the Special Flood Hazard Area shall be conspicuously noted on the plan and labeled "Limits of Special Flood Hazard Area." In addition, the delineated Special Flood Hazard Area must be labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the County prior to the issuance of any occupancy permits.
40. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.
41. The unit house numbers shall be visible from the parking areas and drives.
42. 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.

(Staff Report by Aimee Berndt)

(Applicant's Representative: Daniel Caskie)

(Applicable Rezoning Cases and PUPs: C-1C-11)

SUBDIVISION

SUB-10-11
SUB2011-00092
Townsend
(September 2011 Plan) –
Creekwalk Court

APPROVED

Jennings-Stephenson, P.C. for Townsend Development Company, LLC, Townsend Homeowners Association, Inc., and Stylecraft Homes: The 0.976-acre site proposed for a resubdivision of 2 detached dwellings for sale with zero lot lines and adjoining common area, previously approved as Lots 27 and 28, is located along the southern line of Creekwalk Court, approximately 185 feet south of the intersection of Creekwalk Court and Townsend Park Drive, on parcels 758-767-8206, 9408, and 9915. The zoning is R-5AC, General Residential District (Conditional). County water and sewer. **(Brookland) 2 Lots**

The applicant has requested a resubdivision to relocate a 20-foot wide common area strip from the east side of Lot 28, to the west side of Lot 28. The resubdivision would relocate the common area currently located between Lots 28 and 29 and incorporate that area into Lot 28. In its place, the 20-foot wide common area strip would be relocated from the west side of Lot 28 to establish a common area between Lots 27 and 28. The purpose of the revised layout is to revise the zero-lot line orientation of Lot 28 from the east line of the subject lot to the west line of the subject lot. A 20-foot wide utility easement would continue to occupy the former common area strip previously located between Lots 28 and 29. Therefore, a principal structure on proposed Lot 28 could be constructed no closer to Lot 29 than was previously permitted, from former Lot 28, when the area between the 2 lots was designated as common area.

The staff recommends conditional approval subject to the annotations on the plans, the standard conditions for zero lot line subdivisions served by public utilities, and the following additional conditions:

13. The proffers approved as part of zoning cases C-61C-04 and C-82C-05 shall be incorporated in this approval.
14. At least sixty days prior to recordation of the plat, a draft of the covenants and deed restrictions for the maintenance of the common area shall be submitted to the Department of Planning for review. Such covenants and restrictions shall be in form and substance, satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.

(Staff Report by Mike Kennedy)
(Applicant's Representative: Troy Stephenson)

SUBDIVISION AND EXCEPTION

SUB-30-05
SUB2011-00093
Townsend
(March 2006 Plan)
Reconsideration of Lot 38,
Block D – Francistown Road

APPROVED

Youngblood, Tyler, and Associates, P.C. for Townsend Development Company, LLC and Stylecraft Homes: Request for a reconsideration of a conditional subdivision for detached dwellings for sale with zero lot lines for an exception request pursuant to Sections 19-4(a) and 24-13.1(2) of the Henrico County Code, to reduce the increased setback along the street side yard of Lot 38 from Townsend Park Drive. The 0.314-acre site is located at the southwest corner of Francistown Road and Townsend Park Drive, on parcel 759-767-7115. The zoning is R-5AC, General Residential District (Conditional). County water and sewer. **(Brookland) 1 Lot**

The requested exception would authorize a reduction of the street side yard setback on Lot 38 from 25 feet to 20 feet. In cases where the side yard of a zero lot-line lot is adjacent to a public secondary street, the zoning ordinance increases the side yard setback from 20 feet to 25 feet. The zoning ordinance permits the Planning Commission to reduce the increased setback pursuant to the exception standards of the subdivision ordinance as set forth in Section 19-4(a).

The applicant has requested an exception to reduce the required setback to provide a larger buildable area on Lot 38. The increased buildable area would accommodate construction of a larger single-family dwelling, as proposed. The applicant notes the proposed dwelling would satisfy the increased public street side yard setback from Townsend Park Drive at the front of the proposed structure. However, due to the curvature of the street, the rear corner of the proposed dwelling would encroach approximately 5 feet into the increased public street side yard setback. The applicant notes the increased street side yard setback would not be required if the adjoining street was privately maintained.

As is customary, staff makes no recommendation on the proposed exception. The applicant will present their exception request at the meeting.

Should the Commission act on this request, the original conditions of conditional approval, dated March 22, 2006, continue to apply.

(Staff Report by Mike Kennedy)
(Applicant's Representative: John Cochran, P.E.)

APPROVAL OF MINUTES: July 27, 2011 Minutes/APPROVED AS CORRECTED

PUBLIC HEARING: Zoning Ordinance Amendment: Places of Worship/WORK SESSION SCHEDULED FOR 10/13/11

ORDINANCE - To Amend and Reordain Section 24-3 Titled “Enumerated,” Section 24-10 Titled “Distance requirements,” Section 24-11 Titled “Principal uses permitted,” Section 24-13 Titled “Accessory uses permitted,” Section 24-15 Titled “Principal uses permitted,” Section 24-32 Titled “Principal uses permitted,” Section 24-50.2 Titled “Principal uses permitted,” Section 24-50.6 Titled “Principal uses permitted,” Section 24-50.18 Titled “Principal uses permitted,” Section 24-52 Titled “Conditional uses permitted by special exception,” Section 24-54.1 Titled “Principal uses permitted,” Section 24-57 Titled “Development standards and conditions for permitted uses,” Section 24-58.1 Titled “Principal uses permitted,” Section 24-61 Titled “Development standards and conditions for permitted uses,” Section 24-65 Titled “Development standards and conditions for permitted uses,” Section 24-67 Titled “Conditional uses permitted by special exception,” Section 24-77 Titled “Principal uses permitted,” Section 24-88 Titled “Principal uses permitted,” Section 24-89 Titled “Conditional uses permitted by special exception,” Section 24-91 Titled “Principal uses permitted,” Section 24-94 Titled “Table of regulations,” Section 24-95 Titled “Additional requirements, exceptions and modifications,” Section 24-96 Titled “Off-street parking requirements,” Section 24-98 Titled “Parking lot regulations,” Section 24-99 Titled “Service stations and public garages,” and Section 24-104 Titled “Signs” of the Code of the County of Henrico, All to Revise the County’s Zoning Ordinance to Permit Places of Worship as a Matter of Right in Additional Zoning Districts.

ADJOURN @ 10:05

**PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT
September 28, 2011**

ADDENDUM

PAGE 4 – REVISED RECOMMENDATION AND ADDED CONDITIONS

TRANSFER OF APPROVAL

POD-149-86
POD2009-00051
Laurel Park Shopping Center
-2314 Hungary Road

APPROVED

Marvin Alan Rosman, Esq. for J.D. Properties, LP: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Resolution Trust Corporation to J.D. Properties, LP. The 16.8-acre site is located at the northwest intersection of Hungary and Woodman Roads, on parcels 773-759-3965, 5623, 7681, 8362, 8944, 9232, and 9426. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

Since the preparation date of the agenda, additional areas in need of pavement repair as well as recent graffiti on the rear of the building have been noted. The applicant has been notified and has made arrangements to repair these items.

The staff recommends approval of this transfer request with the following conditions:

1. The site deficiencies, as identified in the inspection report dated September 26, 2011, shall be corrected by October 17, 2011.
2. 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.

PAGE 17 – REVISED STAFF REPORT

PLAN OF DEVELOPMENT (Deferred from the July 27, 2011 Meeting)

POD-20-11
POD2011-00225
Wawa at Laburnum and
Eubank – 5301 S. Laburnum
Avenue
(POD-80-07 Rev.)

APPROVED

Townes Site Engineering, P.C. for Laburnum and Eubank C-Store, 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, 5,500 square-foot convenience store with fuel pumps. The 1.78-acre site is located at the northeast corner of the intersection of S. Laburnum Avenue and Eubank Road, approximately 1,700 feet south of Williamsburg Road (U.S. Route 60), on parcel 816-712-7504. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

Since the preparation date of the agenda, the applicant has resolved 2 traffic related concerns. The Traffic Engineer has agreed to the construction of the entrance onto Robins Road, as shown. The Traffic Impact Analysis has also been submitted and reviewed per staff's request.

The Traffic Engineer continues to request the applicant provide additional separation distance between the proposed entrance and S. Laburnum Avenue since there is no right turn lane along S. Laburnum Avenue. The applicant has not agreed to provide the additional separation requested between the proposed entrance and S. Laburnum Avenue.

In addition, the applicant has still not addressed Planning Staff's concern regarding canopy design. The Division of Police also has unresolved concerns.

The staff is unable to recommend approval of this Plan of Development because these issues have not been resolved.

PAGE 20 – REVISED RECOMMENDATION AND REVISED CONDITION

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD-29-11
POD2011-00306
McDonald's at 7118 W.
Broad Street (U.S. Route
250)
(POD-101-84 Rev.)

APPROVED/EXPEDITED

Carter Design for McDonald's Corporation: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 53 square-foot addition to an existing 4,175 square-foot restaurant and alterations to the parking and drive-through facilities. The 1.01-acre site is located at the northeast corner of the intersection of Deep Run Avenue and W. Broad Street (U.S. Route 250), on parcel 766-747-9382. The zoning is B-2C, Business District (Conditional), B-3, Business District, and B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

The final details for construction of a sidewalk along W. Broad Street are under review by the Director of Public Works and VDOT. The sidewalk will be constructed unless it is

determined that the required cross section cannot be accommodated within the existing area. Condition #29 has been modified as follows:

29. **REVISED** - A concrete sidewalk shall be provided along the east side of West Broad Street (U.S. Route 250) where it abuts the property **unless otherwise approved by the Director of Public Works and the Director of Planning.**

PAGE 22 – REVISED ELEVATIONS AND REVISED RECOMMENDATION

PLAN OF DEVELOPMENT

POD-28-11
POD2011-00305
Brown Distributing
Warehouse Expansion –
7986 Villa Park Drive
(POD-59-05 Rev.)

APPROVED

AES Consulting Engineers for Brown Distributing Company, 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, 60,000 square-foot warehouse addition to an existing office/warehouse and distribution building. The 2.05-acre portion of the 18.79-acre site is located along the western side of Villa Park Drive, approximately 2,500 feet southwest of its intersection with Parham Road, on parcel 781-754-0930. The zoning is O/S-2C, Office Service District (Conditional). County water and sewer. **(Fairfield)**

Staff has received revised architectural elevations for the north elevation that adequately address Proffer #8 and are consistent with the existing building.

Staff can now recommend approval subject to the standard conditions for developments of this type and the additional conditions listed in the agenda.

PAGE 23 – REVISED ELEVATIONS AND REVISED RECOMMENDATION

PLAN OF DEVELOPMENT

POD-30-11
POD2011-00309
The Townes at Oakley's
Bluff – Section One – 4201
Oakleys Lane

APPROVED/EXPEDITED

Bay Design Group, P.C. for Godsey Properties, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 45 residential townhouses for sale. The 28.67-acre site is located on the north side of Oakleys Lane, approximately 100 feet east of Oakleys Place and 300 feet west of S. Holly Avenue, on part of parcel 817-721-5981. The zoning is RTHC, Residential Townhouse District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

Staff has received revised architectural renderings and elevations showing additional windows on the side elevations, as required by proffer. The front elevations provided now demonstrate brick veneer finishes on front building elevations at ratios between 51 and 69 percent, exceeding the

minimum required by proffer. The developer has agreed that any side or rear elevations of buildings facing and adjacent to Oakleys Lane will have shutters added to all windows where appropriate. A letter of commitment has been provided describing common area and pocket park amenities to include picnic areas with tables, benches, grills, and trash receptacles.

Staff can now recommend approval subject to the standard conditions for developments of this type and the additional conditions listed in the agenda.