

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

**March 28, 2012**

**9:00 A.M.**

**ADDENDUM ATTACHED**



**PLANNING COMMISSION**

Tommy Branin, Chairperson (Three Chopt)  
Bonnie-Leigh Jones, C.P.C. Vice-Chairperson (Tuckahoe)  
C. W. Archer, C.P.C. (Fairfield)  
Eric S. Leabough (Varina)  
Robert H. Witte, Jr. (Brookland)  
Frank J. Thornton, 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  
Eric Dykstra, 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: Lee Pambid**

## TRANSFER OF APPROVAL

POD-21-70  
POD2010-00358  
Townhomes of Oakleys  
(Formerly Wedgewood  
Village Apartments) – 4633  
Needham Court

**Jeffrey Bisger for Oakleys Townhouses, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Foundation Housing, Inc. to Oakleys Townhouses, LLC. The 11.5-acre site is located 415 feet north of the intersection of Finlay Street and Sydclay Drive, on parcel 816-716-9044. The zoning is R-5, General Residential District and ASO, Airport Safety Overlay District. County water and sewer. (**Varina**)

**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 November 18, 2010 shall be completed by June 30, 2012.

The site deficiencies include adding gates to all dumpster corrals, building a new concrete pad and replacing curbing at the existing dumpster enclosure area located at 4659 Sydclay Drive, as well as turf renovation and erosion control in certain areas. To date the applicant has repaired a damaged front stoop at 4636 Demaree Court, replaced missing trees, and added new stop signs and fire lane signs.

The applicant has provided staff a copy of signed contracts to resolve all remaining deficiencies.

**(Staff Report by Matt Ward)**  
**(Applicant's Representative: Jeffrey Bisger)**

## TRANSFER OF APPROVAL

POD-130-83  
POD2011-00481  
Brother's Keeper, Inc.  
(Formerly Jody's Music  
Store) – 54 E. Cedar Fork  
Rd.

**David Banks for Brother's Keeper, Inc.:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Jouda and Virginia Hadad and Jody's Music Store to Jong Lim. The 0.44-acre site is located on the west line of E. Cedar Fork Road, approximately 215 feet north of the intersection of E. Cedar Fork Road and Nine Mile Road (State Route 33), on parcel 813-725-4634. The zoning is B-2, Business District and ASO, Airport Safety Overlay District. 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 applicant has addressed all deficiencies identified in staff's inspection report dated January 17, 2012. The deficiencies included repairing and resealing of the parking lot as necessary, repairing curb and gutter, and replacement of missing landscaping, one stop sign and one stop bar. The staff recommends approval of this transfer request.

**(Staff Report by Matt Ward)**  
**(Applicant's Representative: David Banks)**

## TRANSFER OF APPROVAL

POD-59-80, 34-83, 55-85,  
and 13-86  
POD2010-00335, POD2010-  
0036, POD2010-00337, and  
POD2010-00338  
Parham One Shopping  
Center – 8101 Brook Road  
(U.S. Route 1)

**Thalhimer and Kalikow Bros., Inc. for Parham Shopping Center, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Robert B. Ball and Parham One Center, LLC to Parham Shopping Center, LLC. The 7.85-acre site is located on the southeast corner of the intersection of Brook Road (U.S. Route 1) and E. Parham Road, on parcels 784-756-6908, 784-756-6533, 785-756-0316, and 784-755-5085. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

### APPROVED/EXPEDITED

The new owner accepts and agrees to be responsible for the continued compliance with the conditions of the original approval. Deficiencies identified by staff included pavement and curb and gutter repair, missing dumpster enclosures, repainting of stop bars at points of egress, and replacement of missing landscaping. Replacement of missing landscaping, paving and curb and gutter repair, and repainting of stop bars have been completed as of the date of preparation of this agenda. Replacement dumpster corrals are currently under construction and will be completed no later than March 30, 2012. The staff recommends approval of this transfer request with the following condition:

1. All deficiencies, as identified in staff's letter dated October 4, 2010, shall be corrected no later than March 30, 2012.

**(Staff Report by Aimee Berndt)**

**(Applicant's Representative: Brandon Lewis)**

## TRANSFER OF APPROVAL

POD-102-85  
POD2011-00384  
Olde Towne Shopping  
Center – 7801 W. Broad  
Street (U.S. Route 250)

**CB Richard Ellis for Olde Towne Retail Investments, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from 2001 of Richmond, Inc. and Poag and Thomason to Old Towne Retail Investments, LLC. The 9.99-acre site is located on the south line of W. Broad Street (U.S. Route 250), approximately 550 feet east of the intersection of Hungary Spring Road and W. Broad Street, on parcel 764-750-7286. The zoning is B-3, Business District. County water and sewer. **(Tuckahoe)**

### APPROVED SEE ADDENDUM PG. 1

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. Deficiencies include missing landscaping, faded crosswalks and stop bars, missing or damaged stop signs, handicap parking signs, and unscreened dumpsters. The owner is working towards correcting the deficiencies, and a contract for the dumpster enclosures is forthcoming.

The staff recommendation will be made at the meeting.

**(Staff Report by Lee Pambid)**

**(Applicant's Representative: Robin Chamberlin)**

## TRANSFER OF APPROVAL

POD-02-00 (Part)  
POD2011-00433  
Park Central III – 8831 Park  
Central Drive

**DEFERRED BY PC  
TO 4/25/2012**

**CB Richard Ellis for C.S. Richmond Corporation:** 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 Park Central Associates, LC and Robinson Development Group, Inc. to C.S. Richmond Corporation. The 6.37-acre site is located on the east line of Park Central Drive, approximately 2000 feet north of the intersection of Park Central Drive and East Parham Road, on parcel 789-760-7494. The zoning is M-1C, Light Industrial 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. Deficiencies include missing, damaged, and dead landscaping, damaged dumpster enclosure doors, litter, and a missing stop bar.

The staff recommendation will be made at the meeting.

**(Staff Report by Lee Pambid)**  
**(Applicant's Representative: Mildred Gray)**  
**(Applicable Rezoning Cases and PUPs: C-91C-97)**

## TRANSFER OF APPROVAL

POD-33-03  
POD2011-00278  
Sheehy Short Pump, LLC  
(Formerly Victory Nissan) –  
11401 W. Broad Street (U.S.  
Route 250)

**APPROVED/EXPEDITED**

**Skip Jabbar for Sheehy Short Pump Property, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Victory Automotive Group to Sheehy Short Pump Property, LLC. The 5.05-acre site is located at the southwest corner of the intersection of W. Broad Street (U.S. Route 250) and John Rolfe Parkway, on parcel 740-761-8451. The zoning is B-3C, Business 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. The site deficiencies, as identified in the inspection report, dated August 8, 2011 have been corrected.

**(Staff Report by Greg Garrison)**  
**(Applicant's Representative: Skip Jabbar)**  
**(Applicable Rezoning Cases and PUPs: C-26C-04)**

## TRANSFER OF APPROVAL

POD-50-06  
POD2012-00018  
St. Mary's Hospital Maple  
Avenue Parking Lot – 6202  
W. Franklin Street

### **APPROVED/EXPEDITED**

**Howie Long for 6203 Monument Avenue, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from St. Mary's Hospital of Richmond and Maple Avenue Holdings, LLC to 6203 Monument Avenue, LLC. The 1.84-acre site is located on the southwest corner of the intersection of Monument and Maple Avenues, north of W. Franklin Street, on parcels 768-738-1260 and 2447. The zoning is O-3C, office 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. The staff recommends approval of this transfer request. No site deficiencies were identified in the inspection report dated January 31, 2012.

**(Staff Report by Greg Garrison)**  
**(Applicant's Representative: Howie Long)**  
**(Applicable Rezoning Cases and PUPs: C-26C-04)**

## SUBDIVISION (Deferred from the February 22, 2011 Meeting)

SUB-09-11  
SUB2011-00088  
Westin (October 2011 Plan)  
– Axe Handle Lane

### **DENIED**

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

A well and septic subdivision plan for 34 lots on this parcel, the Westin (January 2005 Plan), received conditional approval by the Planning Commission on January 26, 2005, and is valid until July 1, 2014. This new proposal changes the street layout, proposes extension of public water from Stonehurst subdivision, and creates an additional 6 lots, bringing the total to 40 lots. The original approval already exceeded the County policy of 50 single-family lots on a single point of access, and staff does not support the new layout that creates additional lots. The applicant has held a neighborhood meeting on the new proposal, and there was much concern expressed by residents on the additional traffic through the existing neighborhood.

The applicant has been exploring options regarding a second point of access to serve this development. These options include the extension of Sawdust Drive to connect to Heather Grove Road south of this parcel, or the extension of Road A in this subdivision through the adjacent parcel to the east and an undeveloped lot in Shady Grove Estates subdivision to connect to Heather Grove Road.

As of the preparation date of the agenda, staff has not received a revised plan providing a second point of access as well as additional information on wetland impacts, as requested. The staff recommendation will be made at the meeting.

The applicant has provided additional written information for the Commission's reconsideration, which has been included with the staff plan.

Should the Commission act on this request, in addition to the standard conditions for subdivisions served by public water and individual on-site sewage disposal, the following additional conditions are recommended:

- 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.
13. 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 the stub street.
14. Any future building lot containing a BMP, sediment basin or trap and located within the buildable area for a principal structure or accessory structure, may be developed with engineered fill. All material shall be deposited and compacted in accordance with the Virginia Uniform Statewide Building Code and geotechnical guidelines established by a professional engineer. A detailed engineering report shall be submitted for the review and approval by the Building Official prior to the issuance of a building permit on the affected lot. A copy of the report and recommendations shall be furnished to the Directors of Planning and Public Works.
15. The status of the existing “old roads” shown on the subdivision plat shall be resolved to the satisfaction of the County Attorney and Director of Planning prior to the recordation of a plat containing any impacted lots.

**(Staff Report by Kevin Wilhite)**

**(Applicant’s Representative: William Browning)**

## **PLAN OF DEVELOPMENT AND REVISED MASTER PLAN AMENDMENT**

POD2012-00060

(POD-42-06 and POD-66-08  
Revised)

Diamonds Direct at West  
Broad Village – 2040 Old  
Brick Road

**APPROVED**

**Balzer and Associates, Inc. for West Broad Village V, LLC:**

Request for approval of a plan of development and revised master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to authorize the construction of a one-story, 5,700 square foot retail store; and master plan revisions for the urban mixed use site to include minor alterations to the common area and future development layout and amenities. The 0.7-acre Diamonds Direct site is located on the south line of W. Broad Street (U.S. Route 250), approximately 500 feet east of Brookriver Drive, on parcel 744-760-0779. The 115.04-acre overall West Broad Village urban mixed use site is located along the south line of W. Broad Street (U.S. Route 250), the north line of Three Chopt Road, and the east line of John Rolfe Parkway, on parcels 744-760-7007, -4764, -6050, and -3257; 743-760-2155, and -2942; 744-759-1143 and 743-759-2698. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

The applicant requests approval to construct a one-story, 5,700 square-foot jewelry store in West Broad Village urban mixed use district. The proposed building is located adjacent to the existing

REI retail store along W. Broad Street, and north of the existing Homegoods retail store. Utilizing primarily face brick with EIFS accents and cornice, the building is compatible and an attractive addition to the surrounding buildings in the UMU.

With this plan of development, the applicant is also requesting approval of revisions to the overall West Broad Village Master Plan. The revisions primarily reflect as-built conditions differing from the previous approvals. These include the accurate building footprint for the Bonefish Grill, which opened in December of 2011, the current proposed footprint for Diamonds Direct, the revised footprint for ACAC, currently under construction, the revised footprint of the outdoor community pool, completed in May of 2010, and the layout of the organic garden located in the area previously approved for office development. A tot lot is now shown south of the intersection of Brownstone Boulevard and Liesfield Way. The revised master plan also indicates that the final design for the Thomasville building pad, formerly planned to be constructed with the phase three approval with REI and Homegoods, will be designed with a future phase.

Sidewalk and pedestrian trail locations and phasing are also addressed with this revised master plan. The redundant serpentine sidewalk previously approved to be located along John Rolfe Parkway has been eliminated from the plan. Sidewalk was installed along this frontage with the John Rolfe Parkway road construction and currently exists, providing adequate pedestrian connectivity. Sidewalk location has also been shifted along West Broad Street between Gathering Place and Fish Pond Lane to reflect changes in the landscape buffer along that frontage, including that adjacent to the REI retail store. The multipurpose trail within the Three Chopt Road buffer has been reduced from 12 feet to 8 feet wide to be consistent with proffers of C-12C-06, and a pedestrian connection has been added from this trail to the intersection of Thamesford Way and Three Chopt Road, serving the adjacent subdivision. A revised grading and landscape plan has been approved in this area to reflect field conditions and post-construction grades. The sidewalk along the frontage of Three Chopt Road, which is required in addition to the interior pedestrian trail, will be installed by the County with the Three Chopt Road widening project. The redundant pedestrian trail has been eliminated along the south line of Liesfield Way between Brownstone Boulevard and John Rolfe Parkway, as sidewalk has been constructed along the north line of Liesfield Way.

The original master plan specified entry monuments at each point of entry from John Rolfe Parkway and West Broad Street. These monuments have been redesigned to be more compatible in scale to other features on site, including outparcel buildings fronting West Broad Street, and also to provide identification signage where appropriate. A pedestal sign adjacent to the proposed Diamonds Direct building is to be removed from the plan, as no point of ingress/egress is provided at this location.

Other changes to the master plan reflect block layout changes that have been revised with subdivision plan approvals, as well as a revised intersection layout at Liesfield Way and Brownstone Boulevard.

Staff recommends approval of both the plan of development for Diamonds Direct, as well as the revised master plan. Should the Commission act on these requests, staff recommends that the conditions for POD-42-06 and POD-66-08 previously approved by the Planning Commission at its meeting on October 22, 2008 shall continue to apply with the following revisions and additional conditions:

2. **REVISED** - 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 24 ~~48~~ hours prior to the start of any County water or sewer construction.

7. **REVISED** - The plan of development plan shall be revised as annotated on the staff plan dated ~~October 22, 2008~~ **March 28, 2012**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application.
16. **REVISED** - 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.**
20. **REVISED** - ~~The approved plan of development is not transferable except that the holder of the first mortgage of the property may assume responsibility under this plan after written notification to this Commission.~~ 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.
47. **REVISED** - A ~~12-foot~~ 8-foot curvilinear sidewalk shall be constructed within the Three Chopt Road streetscape buffer with a corresponding pedestrian access easement granted to the County.
48. **DELETED** - ~~A 5-foot curvilinear sidewalk shall be constructed within the John Rolfe Parkway streetscape buffer with a corresponding pedestrian access easement granted to the County.~~
68. 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.

**(Staff Report by Aimee Berndt)**  
**(Applicant's Representative: Justin Fournier)**  
**(Applicable Rezoning Cases and PUPS: C-12C-06)**

## PLAN OF DEVELOPMENT

POD2012-00064  
(POD-09-06 Revised)  
Chipotle at Staples Mill  
Square Shopping Center –  
Staples Mill Road (U.S.  
Route 33)

**APPROVED**  
**SEE ADDENDUM PG. 1**

**Bowman Consulting Group, LLC for Staples Mill Square Holding and H231 Partners, 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 2,215 square foot restaurant with convenience outdoor seating. The 1.26-acre site is located on an outparcel in an existing shopping center along the north line of Staples Mill Road (U.S. Route 33), approximately 980 feet west of Old Staples Mill Road, on part of parcel 769-757-3208. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

As preparation date of the agenda, the staff has not received a schematic landscaping plan, as requested to address the proffered buffer along Staples Mill Road (US Route 33) and peripheral  
March 16, 2012

parking lot landscaping requirement. 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. Outside storage shall not be permitted.
30. The proffers approved as a part of zoning case C-77C-94 shall be incorporated in this approval.
31. 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.
32. The conceptual master plan, as submitted with this application, is for planning and information purposes only.
33. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junctions and accessory boxes, transformers, and generators) shall be identified on the landscape plan. All building mounted equipment shall be painted to match the building, and 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 Matt Ward)**

**(Applicant's Representative: Ryan Ritterskamp)**

**(Applicable Rezoning Cases and PUPS: C-77C-94)**

## **PLAN OF DEVELOPMENT – CHESAPEAKE BAY RESOURCE PROTECTION AREA EXCEPTION**

POD-018-11  
Rocketts Landing Phase 3  
5000 Old Osborne  
Turnpike  
(POD-051-07 Rev.)  
Chesapeake Bay Resource  
Protection Area Exception

**APPROVED**

**Timmons Group for CVI/Rocketts Landing and WVS/Rocketts Landing Construction Management:** Request for approval of a Chesapeake Bay Resource Area Exception as required by Chapter 24, Sections 106.3(f) and 106.3(l) of the Henrico County Code. The applicant requests approval to encroach into the required 100-foot wide buffer of the Resource Protection Area (RPA) associated with the James River to construct proposed buildings and related hardscape improvements. The proposed encroachment includes two elevated one story buildings totaling 12,800 square feet, two elevated decks totaling 6,720 square feet, and related site improvements in the landward 50-feet of the RPA buffer. The proposed encroachment also includes shoreline stabilization totaling approximately 8,750 square feet in the seaward 50-feet of the RPA buffer. The 16.154 acre parcel is located along the western line of Old Osborne Turnpike (State Route 5) north of its intersection with Bickerstaff Road, on parcel 797-711-6071. The zoning is UMUC, Urban Mixed Use District (Conditional). City of Richmond water and sewer. **(Varina)**

WVS Companies, LLC has proposed construction of two elevated one-story restaurant buildings totaling 12,800 square feet and two elevated decks totaling 6,720 square feet, as well as related

site improvements at the Village of Rocketts Landing Block 19. The proposed development would encroach into the landward 50-feet of the 100-foot Resource Protection Area (RPA) adjacent to the James River. The plan also proposes approximately 8,750 square feet of shoreline stabilization within the seaward 50-feet of the 100-foot wide RPA buffer. Both the proffers and the concept plan approved by the Board of Supervisors for rezoning case C-55C-04 contemplated development in the landward 50-feet of the RPA, in previously disturbed areas of the site.

In accordance with State Code, Henrico County established Chesapeake Bay Protection Areas including Resource Protection Areas (RPAs) adjacent to tributaries of the Chesapeake Bay within the County on November 13, 1991. The purpose of the RPA is to protect those tributaries from the adverse impact of development, and more specifically non-point source pollution. Aside from permitted uses, existing encroachments and permitted clearing, the RPA is intended to maintain a vegetated buffer 100-feet in width located adjacent to and landward of designated perennial tributaries and other sensitive lands.

County Code generally limits development in the RPA to: water dependent uses, redevelopment of isolated redevelopment sites with no increase of imperviousness, limited private roads and driveways, and flood control and storm water management facilities. The Code also permits limited administrative encroachments for: shoreline stabilization, agricultural use, and to allow reasonable use of existing lots. In addition the Code provides limited exemptions for: regulated utility lines, railroads, public roads, public utilities, wells, passive recreational and historic preservation activities, and silvicultural use.

The Code also assigns the Planning Commission jurisdiction to grant exceptions to permitted development in RPAs, and to buffer requirements in RPAs. The Code requires the applicant requesting an exception to submit a schematic plan and a water quality assessment and requires the Planning Commission to consider the exception request at a public hearing.

The exception may be granted by the Commission, if they find:

- a. The exception would not confer a special privilege denied to a similarly situated property owner;
- b. The exception is not based on conditions that are self-created;
- c. The exemption is the minimum necessary to afford relief;
- d. The exception is in keeping with the intent of the Code and is not of substantial detriment to water quality; and
- e. The Planning Commission has imposed reasonable conditions to the exception which would prevent degradation of water quality.

In addition, the Code provides that this section will not be applied so as to constitute an unconstitutional taking of property.

The Department of Public Works (DPW) has indicated the proposed shoreline stabilization is permitted. However, DPW has determined the proposed buildings and related features are not permitted uses, permitted administrative encroachments, or exempt activities in the RPA. Therefore, an exception by the Planning Commission would be required to authorize construction of those improvements.

The applicant has submitted a Water Quality Assessment prepared by Stuart Toraason, PE of Timmons Group and a Water Quality Impact statement prepared by soil scientists David M. Sayre, PG and John T. Voorhees of S & ME, to accompany the proposed schematic layout plan.

Due to the complexity of this case, the staff requested additional information from the applicant's consultants. The applicant has submitted the requested information. However as of the preparation of this agenda staff has not completed their review. A revised staff report will be presented at the meeting.

**(Staff Report by Mike Kennedy)**

**(Applicant's Representative: Stuart Toraason)**

**(Applicable Rezoning Cases and PUPS: C-55C-04, P-14-04)**

## **SUBDIVISION**

SUB2012-00020

Osborne Glen (March 2012 Plan) – 7200 Osborne Turnpike

**Burgess and Niple for Wilton Investment Corp.:** The 65-acre site proposed for a subdivision of 43 single-family homes is located at the northwest corner of the intersection of Osborne Turnpike and Sholey Road on parcel 800-695-7559. The zoning is A-1, Agricultural District. County water and sewer. **(Varina) 43 Lots**

**DEFERRED BY  
APPLICANT TO 4/25/2012**

This proposed subdivision is a revision to the Crowder Farms (October 2004 Plan) which was approved by the Planning Commission on October 27, 2004 and is still currently valid. That approval was for 43 lots to be served by wells and septic systems. The new proposal will have lots served by public water and public sewer. In order to be served by public sewer the applicant will have to construct a public sewage pump station to serve this development.

As of the preparation date of the agenda, the staff has not received a revised plan, as requested. The plan needs to address buildable areas for lots, the location of the road relative to the existing ponds, access to the Jordan property, and the Stream Protection Area buffers. In addition, the extent of road improvements to Osborne Turnpike is still being discussed. 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 conditions are recommended:

13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously noted on the plat and construction plans and labeled "Limits of Special Flood Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width Drainage & Utilities Easement."
14. Each lot shall contain at least 43,560 square feet, exclusive of the floodplain areas.
15. The plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of Osborne Glen, 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.
16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Department of Planning for review. Such covenants and restrictions shall be in a form and

- substance satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.
17. The details for the landscaping to be provided within the 25-foot wide planting strip easement along Osborne Turnpike shall be submitted to the Department of Planning for review and approval prior to recordation of the plat.
  18. A County standard sidewalk shall be constructed along the west side of Osborne Turnpike.
  19. Any future building lot containing a BMP, sediment basin or trap and located within the buildable area for a principal structure or accessory structure, may be developed with engineered fill. All material shall be deposited and compacted in accordance with the Virginia Uniform Statewide Building Code and geotechnical guidelines established by a professional engineer. A detailed engineering report shall be submitted for the review and approval by the Building Official prior to the issuance of a building permit on the affected lot. A copy of the report and recommendations shall be furnished to the Directors of Planning and Public Works.
  20. The developer shall provide evidence to the Planning Department of the vacation of the existing 15-foot right-of-way easement prior to the recordation of the subdivision plat.
  21. There shall be no access to Sholey Road from the strip of land currently shown as part of Lot 20. If the said strip of land is not transferred to an adjacent property owner or held in reserve for future development, a 10-foot planting strip easement shall be provided along the portion of the lot abutting Sholey Road.

**(Staff Report by Kevin Wilhite)**  
**(Applicant's Representative: John Schwartz III)**  
**(Applicable Rezoning Cases and PUPs: )**

#### **SITE LIGHTING PLAN**

POD-33-11  
POD2012-00099  
Collegiate Upper School –  
Academic Commons – 201  
N. Mooreland Road

**Keith Whipple for Collegiate School:** Request for approval of a site lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 4.0-acre portion of the 52.9-acre site is located at the southeast corner of the intersection of N. Mooreland Road and Tarrytown Drive, on part of parcels 748-736-1139 and 748-737-1411. The zoning is R-2, One-Family Residential District. County water and sewer. **(Tuckahoe)**

**APPROVED**  
**SEE ADDENDUM PG. 2**

As of the preparation date of the agenda, staff has not received a revised plan as requested. The plan submitted lacks information on the location of utilities and easements, and information on proposed wall-mounted fixtures. The staff recommendation will be made at the meeting. Should the Commission act on this request, the standard conditions for lighting plans are recommended.

**(Staff Report by Kevin Wilhite)**  
**(Applicant's Representative: Keith Whipple)**

**APPROVAL OF MINUTES: February 22, 2012 Minutes APPROVED AS CORRECTED**

**ADJOURN @ 11:54 AM**

# ADDENDUM

## PAGE 6 – REVISED RECOMMENDATION AND ADDED CONDITIONS

### TRANSFER OF APPROVAL

POD-102-85  
POD2011-00384

Olde Towne Shopping  
Center – 7801 W. Broad  
Street (U.S. Route 250)

**DEFERRED BY  
APPLICANT TO 4/25/2012**

**CB Richard Ellis for Olde Towne Retail Investments, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from 2001 of Richmond, Inc. and Poag and Thomason to Old Towne Retail Investments, LLC. The 9.99-acre site is located on the south line of W. Broad Street (U.S. Route 250), approximately 550 feet east of the intersection of Hungary Spring Road and W. Broad Street, on parcel 764-750-7286. The zoning is B-3, Business District. County water and sewer. **(Tuckahoe)**

All deficiencies including missing landscaping, faded crosswalks and stop bars, missing or damaged stop signs, and handicap parking signs have been corrected. The applicant has provided evidence of a contract for the construction of the trash enclosures. The staff recommends approval of this transfer request, with the following condition:

1. The dumpster enclosures shall be completed by June 30, 2012.

## PAGE 15 – ADDED SHOPPING CENTER REQUIREMENT CONDITIONS AND SUBMITTED SCHEMATIC LANDSCAPING PLAN

### PLAN OF DEVELOPMENT

POD2012-00064  
(POD-09-06 Revised)  
Chipotle at Staples Mill  
Square Shopping Center –  
Staples Mill Road (U.S.  
Route 33)

**APPROVED**

**Bowman Consulting Group, LLC for Staples Mill Square Holding and H231 Partners, 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 2,215 square foot restaurant with convenience outdoor seating. The 1.26-acre site is located on an outparcel in an existing shopping center along the north line of Staples Mill Road (U.S. Route 33), approximately 980 feet west of Old Staples Mill Road, on part of parcel 769-757-3208. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

As of preparation date of the addendum the staff and applicant have resolved the landscaping concerns to ensure that the proffered buffer and peripheral parking lot landscaping requirements have been addressed.

Staff requested new architectural plans to coordinate some of the buildings features with the existing shopping center's principal building colors and materials. However a revised architectural plan has not yet been provided. The current building's elevations show a two-tone brick color, a charcoal gray store front which matches the rooftop metal cornice, as well as a light gray knee-wall to delineate the outdoor convenience seating.

The staff recommendation will be made at the meeting. Should the Commission act on this request, the standard conditions for developments of this type, additional conditions 29 through 33 listed in the agenda, and the following conditions 34 through 36 are recommended:

34. Only retail business establishments permitted in a B-2 zone may be located in this center.
35. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
36. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

## **PAGE 20 – REVISED PLAN AND REVISED RECOMMENDATION**

### **SITE LIGHTING PLAN**

POD-33-11  
POD2012-00099

Collegiate Upper School –  
Academic Commons – 201  
N. Mooreland Road

**Keith Whipple for Collegiate School:** Request for approval of a site lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 4.0-acre portion of the 52.9-acre site is located at the southeast corner of the intersection of N. Mooreland Road and Tarrytown Drive, on part of parcels 748-736-1139 and 748-737-1411. The zoning is R-2, One-Family Residential District. County water and sewer. **(Tuckahoe)**

**APPROVED**

Staff recommends approval of the revised plan subject to the standard conditions for lighting plans.