

PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT

November 18, 2009

9:00 A.M.

ADDENDUM ATTACHED



PLANNING COMMISSION

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

DEVELOPMENT REVIEW AND DESIGN
DIVISION – DEPARTMENT OF PLANNING

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

ROLL CALL:

REQUEST FOR DEFERRALS AND WITHDRAWALS: Leslie News

EXPEDITED AGENDA: Leslie News

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL: Lee Pambid

FOR INFORMATIONAL PURPOSES ONLY

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2008-00292 (SUB-026-08) Stable Hill (Formerly Holman Ridge) (November 2008 Plan)	91	46	0	Three Chopt	07/01/2014
SUB2008-00065 (SUB-056-07) Morgan Estates (October 2007 Plan)	3	3	1	Three Chopt	07/01/2014
SUB2008-00167 (SUB-019-05) Pemberton Grove (November 2005 Plan)	16	16	3	Brookland	07/01/2014
SUB2008-00168 (SUB-010-04) River Mill Estates (October 2004 Plan)	12	12	4	Brookland	07/01/2014
SUB2008-00170 (SUB-017-05) Sweetbay Hill (October 2005 Plan)	144	144	3	Fairfield	07/01/2014
SUB2008-00068 (SUB-062-07) The Village at Olde Colony (November 2007 Plan)	9	3	1	Varina	07/01/2014
SUB2008-00181 (SUB-002-01) Woodman Hills (November 2001 Plan)	34	1	4	Fairfield	07/01/2014

TRANSFER OF APPROVAL

POD-34-88
POD2009-00215
Westbury Pharmacy
Shopping Center – 8903
Three Chopt Road

APPROVED/EXPEDITED

Joseph Oley for Westbury Properties, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Safeway, Inc. and Pacific Realty Assoc., LP to Westbury Properties, LLC. The 4.27-acre site is located at the northwest corner of the intersection of Three Chopt and Eastridge Roads, on parcel 755-744-0869. The zoning is B-1, Business District and B-2C, Business District (Conditional) and O-2, Office District. County water and sewer. **(Three Chopt)**

The corrected site deficiencies include installation of new stop signs, parking lot improvements and relocation of dumpsters.

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: Joseph Oley)
(Applicable Rezoning Cases and PUPs: C-65C-96)

TRANSFER OF APPROVAL

POD-124-87
POD2009-00322
Aaron Rents – 7256 W.
Broad St

APPROVED/EXPEDITED

Lytle Cartwright and Smith, PLC for Cole AN Portfolio IV, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Aaron Rents, Inc. to Cole AN Portfolio IV, LLC. The 0.89-acre site is located on the east line of W. Broad St. (U.S. Route 250), approximately 600 feet north of Bethlehem Rd. on parcel 766-749-4004. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

The site deficiencies identified in the inspector's report, dated September 8, 2009, have been corrected, including repair of an existing wood fence and removal of unscreened containers.

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 Kevin Wilhite)
(Applicant's Representative: Todd Weiss)

TRANSFER OF APPROVAL

POD-122-73
POD2009-00184
Cobb Office Technologies
(Formerly BISYS Computer
Center) – 8827 Staples Mill
Road

Freddy Cobb for Hokie Associates, LLC and 8827 Staples Mill Road, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Data Systems Corp. to Hokie Associates, LLC and 8827 Staples Mill Road, LLC. The 1.31-acre site is located on the east line of Staples Mill Road (State Route 33), approximately 500 feet north of E. Parham Road, on parcel 770-755-2887 and part of parcel 770-755-0488. The zoning is M-1, Light Industrial District. County water and sewer. (**Brookland**)

APPROVED/EXPEDITED

The site deficiencies, as identified in staff's letter dated, May 18, 2009, have been corrected by the applicant. These included paving improvements, traffic control measures, address numbering, and the addition of a dumpster gate.

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 Aimee Berndt)
(Applicant's Representative: Freddy Cobb)

LANDSCAPE & LIGHTING PLAN

LP/POD-56-08
POD2009-00289
POD2009-00294
Mayland Medical Center –
Mayland Court

Higgins and Gerstenmaier for Commonwealth Foundation for Cancer Research and Tropoli, Inc.: 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 3.60-acre site is located along the east line of Mayland Court, approximately 375 feet south of Mayland Drive, on parcel 752-757-8824. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (**Three Chopt**)

APPROVED

The plan in the agenda has been revised to provide additional plant material throughout the site and to relocate shrubs to the residential side of the fence, per staff's request. Additionally, the applicant has agreed to provide shrubs between Mayland Court and the parking lot to mitigate car headlights.

The applicant held a community meeting on October 22, 2009, to present the landscape plan and to discuss the transitional buffer south of the property. No changes have been made to the landscape plan as a result of that meeting.

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

(Staff Report by Greg Garrison)
(Applicant's Representative: Randy Biltz)
(Applicable Rezoning Cases and PUPs: C-7C-81)

LANDSCAPE PLAN

LP/POD-17-09
POD2009-00346
Quaker Steak and Lube -
8000 West Broad Street

APPROVED/EXPEDITED

Willmark Engineering, PLC for Virginia Lube Partners, LLC: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.56-acre site is located on the north line of W. Broad Street (U.S. Route 250) at the northeast corner of the intersection of Colyer Street and W. Broad Street (U.S. Route 250), on parcel 764-752-2945. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

The plan in the agenda has been revised to provide interior and perimeter landscaping that meets current requirements for this existing site. Additional trees and shrubs were provided, as requested.

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

(Staff Report by Greg Garrison)

(Applicant's Representative: Mark Williams)

PLAN OF DEVELOPMENT AND REVISED MASTER PLAN

POD-32-09
POD2009-00349
Sonic Drive-In at
Brookhollow Shopping
Center – 11260 W. Broad
Street (U. S. Route 250)

APPROVED
SEE ADDENDUM PG. 1

Resource International, Ltd. for Basswood Holdings and HD Development of MD, Inc. (The Home Depot): 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 construct a one-story 1,645 square foot outdoor restaurant with drive-through facilities in an existing shopping center. The 1.29-acre site is located on the north line of W. Broad Street (U. S. Route 250), approximately 1,000 feet west of Brookriver Drive, on part of parcel 742-762-4307. The zoning is M-1C, Light Industrial District and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

A revised plan has been requested by staff to address a variety of concerns. First, staff has requested submission of a revised conceptual master plan for the shopping center, as required by proffer #20 of Zoning Case C-52C-94.

Second, staff has requested relocation of the trash enclosure a minimum of 200 feet from West Broad Street (U.S. Route 250), as required by proffer #10 of Zoning Case C-52C-94.

Finally, staff has requested revised architectural plans showing details that are compatible with the architectural details of the shopping center, as required by proffer #4 of Zoning Case C-52C-94 and the design standards of the West Broad Street Overlay District. In particular, the proposed grey split-faced block does not match block within the center, which is primarily beige and brown. The canopy design for both the fabric dining canopy and the flat service canopies appear inconsistent with the center. Staff recommends masonry columns at the dining canopy and standing seam metal pitched roofs for both the dining area and service canopies that would match the proposed tower element.

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. The proffers approved as a part of zoning cases C-31C-86 and C-52C-94 shall be incorporated in this approval.
30. 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.
31. 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.
32. 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.
33. The conceptual master plan, as submitted with this application, is for planning and information purposes only.

34. 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.
35. Only retail business establishments permitted in an M-1 Zone may be located in this center.
36. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
37. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

(Staff Report by Mike Kennedy)

(Applicant's Representative: Jim Sharp)

(Applicable Rezoning Cases and PUPs: C-31C-86; C-52C-94)

PLAN OF DEVELOPMENT (Deferred from the October 28, 2009 meeting)

POD-41-06
 POD2009-00348
 Reconsideration
 Kroger Fuel Center – 9480
 W. Broad Street –
 (Reconsideration of POD
 Condition)

**Balzer and Associates, Inc. for Kroger Limited Partnership I
 c/o Kroger Mid-Atlantic:** Request to amend a condition of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, relating to outdoor display of merchandise at a fuel center in an existing shopping center. The 0.31-acre site is located on the north side of W. Broad Street (U.S. Route 250), approximately 800 feet east of Old Springfield Road, at 9480 W. Broad Street, on part of parcel 756-758-4127. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

WITHDRAWN

The original POD was approved by the Planning Commission at its June 28, 2006 meeting with condition #33 that stated, “No merchandise shall be displayed outside of the building.” The applicant is now requesting that this condition be amended to allow merchandise for sale outside of the building in accordance with a plan that has been included in your packet.

The staff recommendation will be made at the meeting.

(Staff Report by Tony Greulich)

(Applicant's Representative: Christopher Shust)

PLAN OF DEVELOPMENT (Deferred from the October 28, 2009 meeting)

POD-23-09
POD2009-00291

AutoZone – 9450 W. Broad Street

WITHDRAWN

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

The applicant proposes to demolish the existing 3,036 square-foot retail building and to construct a 7,147 square-foot retail building for the sale of automobile parts and accessories. The building is proposed to be constructed of integrated color split face block and EIFS consistent with the existing building materials in the surrounding shopping center.

This case was deferred at the applicant's request last month after staff received additional information indicating the possible existence of a private agreement among the shopping center property owner and the outparcel owner, limiting the size of any building on the outparcel property to 5,000 square feet. Staff does not typically enforce such private legal agreements or restrictive covenants among private property owners as part of the POD approval process. However, the applicant has been negotiating a revised private agreement and has reported progress in resolving this issue. The applicant seeks approval of the plan with the expectation that the revision, once recorded, will allow the proposed building without violating any private legal agreements.

Staff can recommend approval of this request. 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. 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.
31. 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.
32. Only retail business establishments permitted in a B-2 Zone may be located in this center.
33. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
34. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

(Staff Report by Aimee Berndt)
(Applicant's Representative: Rebecca Cull)

**PLAN OF DEVELOPMENT AND MASTER PLAN
(Deferred from the October 28, 2009 meeting)**

POD-41-07
POD2007-00101
Pouncey Place, Phase I –
Pouncey Tract Rd. and Twin
Hickory Lake Dr.
(POD-57-86 Rev.)

DEFERRED TO 01/27/10

Bay Design Group, P.C. for Pouncey Place, LLC: Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a shopping center with Phase 1 consisting of 3 one-story buildings totaling 32,500 square feet and a future phase consisting of 2 one-story buildings totaling 57,200 square feet. The 9.89-acre site is located on the southeast corner of Pouncey Tract Road (State Route 271) and Twin Hickory Lake Drive on parcel 740-765-2150. The zoning is B-2C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

As of the preparation date of the agenda, the staff has not received a revised layout and landscaping plan, as requested.

Staff's outstanding concerns relate to the traffic study, landscaping and screening. On October 16, 2009, the Department of Public Works Traffic Division received a copy of the Pouncey Place Development Traffic Impact Analysis. However, staff cannot recommend approval until requirements of a traffic analysis have been approved by Virginia Department of Transportation.

A revised layout plan related to access through VDOT controlled property has been resolved. In addition, adequate separation distance between parking spaces and Pouncey Tract Road have been provided.

Revised architectural plans show more white brick veneer and utility screen walls on the rear of Building B facing Twin Hickory Lake Drive. Per proffers in rezoning case C-27C-05, the buildings are required to be generally consistent in quality and style with the architecture of Belgrade Shopping Center.

A schematic landscape has been provided showing how existing landscape would be affected by the proposed turn lane and sidewalk along Twin Hickory Lake Drive. However, staff has requested more clarification from the landscape architect in regard to removal of existing landscaping and screening of service areas along Twin Hickory Lake Drive.

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. The right-of-way for widening of Twin Hickory Lake Drive 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. The entrances and drainage facilities on Pouncey Tract Road (State Route 271) shall be approved by the Virginia Department of Transportation and the County.
31. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Department of Planning prior to any occupancy permits being issued.

32. A concrete sidewalk meeting County standards shall be provided along the south side of Twin Hickory Lake Drive.
33. 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.
34. The proffers approved as a part of zoning case C-27C-05 shall be incorporated in this approval.
35. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the Henrico County Code.
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. The conceptual master plan, as submitted with this application, is for planning and information purposes only.
38. 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.
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.
40. Only retail business establishments permitted in a B-2 Zone may be located in this center.
41. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
42. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

(Staff Report by Matt Ward)

(Applicant's Representative: Kenneth Barnes)

(Applicable Rezoning Cases and PUPs: C-27C-05)

APPROVAL OF MINUTES: October 28, 2009 Minutes/APPROVED

ADJOURN @ 09:24

**PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT
November 18, 2009**

ADDENDUM

PAGE 8 – REVISED PLAN AND REVISED ELEVATIONS

POD-32-09
POD2009-00349
Sonic Drive-In at
Brookhollow Shopping
Center – 11260 W. Broad
Street (U. S. Route 250)

APPROVED

Resource International, Ltd. for Basswood Holdings and HD Development of MD, Inc. (The Home Depot): 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 construct a one-story 1,645 square foot outdoor restaurant with drive-through facilities in an existing shopping center. The 1.29-acre site is located on the north line of W. Broad Street (U. S. Route 250), approximately 1,000 feet west of Brookriver Drive, on part of parcel 742-762-4307. The zoning is M-1C, Light Industrial District and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**