

HENRICO COUNTY
PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT

March 23, 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-23-81
POD2010-00132
Canterbury Green
Professional Centre – 1006
Pump Road

APPROVED

William Swift for 1006 Pump, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Dr. Bernard Hurowitz, Melbern Properties, and Cherryhill Investments LLC and Deep Blue Water, LLC to 1006 Pump, LLC. The 0.46-acre site is located on the west line of Pump Road, approximately 180 feet south of Patterson Avenue (State Route 6), on parcel 741-741-4583. The zoning is R-6C, General Residential District (Conditional). County water and sewer. **(Tuckahoe)**

The new owner accepts and agrees to be responsible for continued compliance with the conditions of original approval. Site deficiencies that have been corrected include repairing a retaining wall, repairing a dumpster enclosure, and replacing stop and accessible parking signs. The staff recommends approval of this transfer request with the following condition:

1. The parking lot repairs shall be corrected by June 1, 2011.

Parking lot deficiencies include filling potholes, pavement overlay, re-striping and painting a stop bar.

(Staff Report by Christina Goggin)
(Applicant's Representative: William Swift)
(Applicable Rezoning Cases and PUPs: C-62C-80)

TRANSFER OF APPROVAL

POD-03-71, 36-71, 108-73,
47-75, 121-83, 78-91, and
21-00
POD2011-00322; POD2011-
00323; POD2011-00324;
POD2011-00325; POD2011-
00326; POD2011-00327;
POD2011-00328
Glen Lea Shopping Center –
3800 Mechanicsville
Turnpike (U.S. Route 360)

APPROVED/EXPEDITED

Thalhimer for PCS Glen Lea, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Macquarie Countrywide – Regency Centers and URSPI, LLC to PCS Glen Lea, LLC. The 9.21-acre site is located on the northwest corner of the intersection of Mechanicsville Turnpike (U.S. Route 360) and E. Laburnum Avenue, on parcel 802-736-8028. The zoning is B-2, Business District. County water and sewer. **(Fairfield)**

The new owner accepts and agrees to be responsible for the continued compliance with the conditions of the original approval. The applicant has provided evidence of contracts to correct all deficiencies identified by staff. The staff recommends approval of this transfer request with the following condition:

1. The site deficiencies, as identified in staff's letter dated October 12, 2011, shall be corrected no later than April 15, 2011.

The site deficiencies include dumpster screening, replacement of missing landscaping, repainting of stop bars at points of egress, and paving repairs.

(Staff Report by Aimee Berndt)
(Applicant's Representative: Joann Gaskins)

TRANSFER OF APPROVAL

POD-12-77
POD2010-00403
El Caporal Restaurant
(Formerly Long John Silvers)
– 1417 Eastridge Road

Cawthorn, Picard, Rowe, Deskevich & Gavin, P.C. for Bankomer, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from John H. Ingram and ICM Ridge, LLC to Bankomer, LLC. The 0.67-acre site is located on the east line of Eastridge Road, approximately 425 feet north of the intersection of N. Parham Road and East Ridge Road, on parcel 754-743-5379. The zoning is B-1, Business District. County water and sewer. **(Tuckahoe)**

APPROVED/EXPEDITED

The new owner accepts and agrees to be responsible for the continued compliance with the conditions of the original approval. The deficiencies, as identified in staff's letter dated December 16, 2010, have been corrected by the applicant with the exception of paving repair and maintenance. The applicant has constructed a new dumpster enclosure and replaced missing stop signs and stop bars. The staff recommends approval of this transfer request with the following condition:

1. All paving repairs shall be completed no later than April 15, 2011.

(Staff Report by Aimee Berndt)
(Applicant's Representative: Andrew Harris)

TRANSFER OF APPROVAL

POD-102-86 (Part)
POD2010-00230, POD2010-00231
Laburnum Park Shopping
Center – 4350 S. Laburnum
Avenue

Thalhimer for PCS Laburnum, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from S.L.N. Laburnum Assoc., Ukrops Supermarkets, Inc., United Dominion Realty, First Washington Realty, and USRP I, LLC to PCS Laburnum, LLC. The 7.42-acre site is located on the northwest line of Gay Avenue, approximately 250 feet southwest of S. Laburnum Avenue, and the southern line of Interstate-64, on parcels 813-717-5694, 813-718-3037, and part of parcel 813-718-6145. The zoning is B-2C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

APPROVED/EXPEDITED

The new owner accepts and agrees to be responsible for the continued compliance with the conditions of the original approval. The applicant has provided evidence of contracts to correct all site deficiencies identified by staff. The staff recommends approval of this transfer request with the following condition:

1. The site deficiencies shall be corrected by April 29, 2011.

The site deficiencies include fixing broken curb and gutter in various areas within the complex, removing and screening dumpsters, filling potholes, resealing and striping the parking lot, and replacing 49 trees and 15 shrubs.

(Staff Report by Christina Goggin)
(Applicant's Representative: Joann Gaskins)
(Applicable Rezoning Cases and PUPs: C-32C-86)

TRANSFER OF APPROVAL

POD-130-86
POD2010-00227
Union Bank and Trust
Outparcel (Formerly
Investor's Savings and Loan
and First Market Bank) at
Laburnum Park Shopping
Center – 4390 S. Laburnum
Avenue

Thalhimer for PCS Laburnum, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Investor's Savings and Loan, Anne Mallory & et als., United Dominion Realty, First Washington Realty, and USRP I, LLC to PCS Laburnum, LLC. The 0.78-acre site is located at the northwest corner of Gay Avenue and S. Laburnum Avenue, on parcel 813-718-8415. The zoning is B-2, Business 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 original approval. The applicant has provided evidence of contracts to correct all site deficiencies identified by staff. The staff recommends approval of this transfer request with the following condition:

1. The site deficiencies shall be corrected by April 29, 2011.

Site deficiencies include filling potholes, resealing and striping the parking lot, and replacing 2 trees.

(Staff Report by Christina Goggin)
(Applicant's Representative: Joann Gaskins)
(Applicable Rezoning Cases and PUPs: C-32C-86)

TRANSFER OF APPROVAL

POD-31-88
POD2010-00228
Wachovia Outparcel
(Formerly Jefferson National
Bank) at Laburnum Park
Shopping Center – 4300 S.
Laburnum Avenue

Thalhimer for PCS Laburnum, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from S.L.N. Laburnum Associates, Jefferson National Bank, Anne Mallory and et als., United Dominion Realty, and USRP I, LLC to PCS Laburnum, LLC. The 0.72-acre site is located on the west line of S. Laburnum Avenue, approximately 450 feet north of Gay Avenue, on parcel 813-718-6145 and part of parcel 813-718-3037. The zoning is B-2C, Business District (Conditional), B-3, Business 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 original approval. The applicant has provided evidence of contracts to correct all deficiencies identified by staff. The staff recommends approval of this transfer request with the following condition:

1. The site deficiencies shall be corrected by April 29, 2011.

The site deficiencies include filling potholes, resealing and striping the parking lot, and replacing 1 tree and 16 shrubs.

(Staff Report by Christina Goggin)
(Applicant's Representative: Joann Gaskins)
(Applicable Rezoning Cases and PUPs: C-32C-86)

TRANSFER OF APPROVAL

POD-53-95
POD2010-00346
Applebee's at Laburnum
Park Shopping Center – 4306
S. Laburnum Avenue

APPROVED/EXPEDITED

Ralph, Ruth, and Ernst Nussbaumer: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Margaret E. Waldrep, United Dominion Realty, Apple South Inc., Applebee's of VA, Inc., and Dbapplef, LLC to Ralph, Ruth, and Ernst Nussbaumer. The 1.7-acre site is located at the southwestern corner of Interstate-64 and S. Laburnum Avenue, on parcel 813-718-3956. The zoning is B-2C, Business District (Conditional), 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 original approval. The staff recommends approval of this transfer request with the following condition:

1. The missing landscaping shall be installed prior to issuance of a Certificate of Occupancy for the façade renovation.

The missing landscaping includes 3 trees and 2 annual beds to be replaced.

(Staff Report by Christina Goggin)
(Applicant's Representative: Ralph Nussbaumer)
(Applicable Rezoning Cases and PUPs: C-32C-86)

TRANSFER OF APPROVAL

POD-67-93
POD2010-00388
Ridgefield Exxon at Glen
Eagles Shopping Center
(Formerly McCray Oil
Company Convenience
Store) – 10400 Ridgefield
Parkway

APPROVED/EXPEDITED

Michael P. Lafayette, Esq. for Sara Holdings, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from McCray Oil Company and Venture Investments, LLC to Sara Holdings, LLC. The 0.9-acre site is located on the north line of Ridgefield Parkway, approximately 460 feet east of Glen Eagles Drive within the Glen Eagles Shopping Center, on parcel 740-750-2862. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

The new owner accepts and agrees to be responsible for continued compliance with the conditions of original approval. Site deficiencies that have been corrected include filling potholes, painting directional arrows and a stop bar, and cleaning debris from the BMP. The staff recommends approval of this transfer request with the following condition:

1. The missing landscaping shall be installed by April 20, 2011.

The missing landscaping includes 2 trees and seasonal landscaping.

(Staff Report by Christina Goggin)

(Applicant's Representative: Michael P. Lafayette, Esq.)

(Applicable Rezoning Cases and PUPs: C-32C-89)

TRANSFER OF APPROVAL

POD-132-85
POD2011-00034
Glenside Center – 4034
Crockett Street

APPROVED/EXPEDITED

Brandon Choe for Taekyeun, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Glenside Center Associates, Berkshire Life insurance Company, and Joyner C. F., Jr. and Sons, LP to Taekyeun, LLC. The 1.95-acre site is located on the north side of Crockett Street, approximately 250 feet from its intersection with Staples Mill Road (U.S. Route 33) on parcel 772-749-6306. The zoning is B-3C, 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. The applicant has provided evidence of contracts to correct all deficiencies identified by staff. The staff recommends approval of this transfer request with the following conditions:

1. The site deficiencies, as identified in the inspection report, dated February 14, 2011, shall be corrected by March 31, 2011.
2. The fence as shown on the approved landscape plan will be constructed to the specifications stated in the landscape plan at such time that the adjacent residentially-zoned property is developed or the neighboring, commercially-zoned property owner requests it.

Deficiencies include missing landscaping, stop signage, and the re-sealing and re-stripping of the parking lot.

(Staff Report by Tony Greulich)

(Applicant's Representative: Brandon Choe)

(Applicable Rezoning Cases and PUPs: C-45C-85, C-91C-88)

PLAN OF DEVELOPMENT AND SPECIAL EXCEPTIONS

POD-04-11
POD2011-00038
BAC VA Greenfield – White
Oak Technology Park

APPROVED
SEE ADDENDUM PG. 1

Draper Aden Associates for Industrial Development Authority of the County of Henrico and Bank of America Corporation: Request for approval of a plan of development and 2 special exceptions, as required by Chapter 24, Sections 24-106, 24-2, 24-12 (c) and 24-94 (b) of the Henrico County Code, to construct 2, two-story 400,000 square-foot processing center buildings with associated support facilities in phases, and a future electrical substation. The first special exception would authorize a building exceeding a height of 50 feet. The second special exception would authorize a public utility facility. The 65-acre site is located on the north side of Technology Boulevard, approximately 1,800 feet southeast of the intersection of Elko Tract Road and Technology Boulevard, on part of parcel 851-705-6413. The zoning is M-2, General Industrial District. County water and sewer. (**Varina**)

This Plan of Development is for construction of a two-story, approximately 400,000 square-foot processing center and its associated infrastructure, including a generator building, and fuel and thermal energy storage enclosures. The plan also includes a future two-story, approximately 400,000 square-foot processing center and associated infrastructure, similar to the currently-proposed building as well as an electrical substation.

This request includes the approval for 2 special exceptions. The first special exception is to allow a building height of approximately 60 feet, exceeding the allowable height of 50 feet in an M-2 District. The second special exception is for construction of an electrical substation to serve the facility, which is permitted in the M-2 District with the approval of a special exception for a public utility structure.

The proposed development is within the White Oak Technology Park and, therefore, is subject to review and approval by the White Oak Technology Park Development Review Board (DRB). The DRB has requested revisions to the plan to enhance the appearance of the facility from the public road, including architectural enhancements to the entrance and front façade, additional tree save areas along the road, enhancement to the entrance features to the property, and additional landscaping.

The applicant has agreed to all of the County and DRB comments and is preparing revised plans to address those comments. The final 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 subdivision plat for White Oak Technology Park (March 2011 Plan) shall be recorded before any occupancy 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. An emergency access shall be constructed within the proposed 40-foot wide offsite utilities easement to Elko Road, and shall be constructed and gated in a manner acceptable to the Division of Fire and the Director of Public Utilities.

32. Details for the gate and locking device at the entrance roads and emergency access road shall be submitted for review by the Traffic Engineer, Police and approved by the County Fire Marshall. The owner or owner's contractor shall contact the County Fire Marshall prior to completion of the fence installation to test and inspect the operations of the gates. Evidence of the Fire Marshall's approval shall be provided to the Department of Planning by the owner prior to issuance of occupancy permits.
33. Outside storage shall not be permitted except as shown on the approved plan.
34. In order to maintain the effectiveness of the County's public safety radio communications system within buildings, the owner will install radio equipment that will allow for adequate radio coverage within the building, unless waived by the Director of Planning. Compliance with the County's emergency communication system shall be certified to the County by a communications consultant within ninety (90) days of obtaining a certificate of occupancy. The County will be permitted to perform communications testing in the building at anytime.
35. Evidence that an engineer has certified the height of the building shall be provided to the Director of Planning prior to the issuance of a Certificate of Occupancy.
36. 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.
37. 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.
38. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.
39. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.
40. 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.
41. The easement for the temporary construction road to Elko Tract Road shall be recorded prior to construction plan approval.

42. No construction traffic shall use Elko Road, Portugee Road east of Technology Boulevard, and Elko Tract Road north of the temporary construction entrance.
43. The developer shall provide a telephone number for citizens concerns during any construction activity on site in order to respond to citizen concerns and complaints as expeditiously as possible.
44. Rooftop mechanical equipment and other mechanical equipment shall be screened from view. A plan indicating sight lines shall be submitted to the Planning Department ofr review and approval prior to issuance of a building permit.
45. The development and operations conducted on the property shall comply with the restrictive covenants applicable to White Oak Technology Park.
46. The proposed development is subject to Final Development Review Board (DRB) approval. Any required changes by the DRB must be reflected in the POD and any subsequent plans.
47. The POD and any subsequent plans must be updated when approved alterations to the proposed road plans associated with SUB-001-11, White Oak Technology Park (March 2011 Plan), affect these plans.

(Staff Report by Tony Greulich)

(Applicant's Representative: W. Charles Kreye II)

SUBDIVISION

SUB-01-11
SUB2011-00009
White Oak Technology Park
(March 2011 Plan) – Street
Dedication

APPROVED

Draper Aden Associates and Page Southerland Page, LLP for Industrial Development Authority of the County of Henrico and Bank of America Corporation: The 3.94-acre site proposed for a public road dedication within White Oak Technology Park is located on the north side of Technology Boulevard, approximately 1,800 feet from its intersection with Elko Tract Road, on part of parcel 851-705-6413. The zoning is M-2, General Industrial District. County water and sewer.
(Varina) 0 Lots

This subdivision is for the construction and dedication of a public road intersecting Technology Boulevard in conjunction with the development of the BAC VA Greenfield site. The plan calls for a road, approximately 260 feet long, containing a 40-foot paved surface within 66 feet of County Right-of-Way. It would terminate in a temporary cul-de-sac, until such time as it is extended into the adjoining property.

The proposed development is within the White Oak Technology Park and, therefore, is subject to review and approval by the White Oak Technology Park Development Review Board (DRB) for conformance with the covenants and design guidelines for the property. Street lighting, irrigation, and supplemental landscaping will be provided in accordance with DRB requirements.

The applicant has agreed to all of the County comments. Staff recommends approval subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities for a road dedication, and the following additional conditions:

11. The proposed development is subject to Final Development Review Board (DRB) approval. Any required changes by the DRB must be reflected in the subdivision and any subsequent plans.
12. This conditional plan and any subsequent plans shall be updated when approved alterations to the proposed road entrances associated with POD-004-11, BAC VA Greenfield, affect these plans.

(Staff Report by Tony Greulich)
(Applicant's Representative: W. Charles Kreye II)

PLAN OF DEVELOPMENT

POD-08-11
POD2011-00040
Virginia Eye Institute at
Towne Center West – W.
Broad Street (U.S. Route
250)

APPROVED
SEE ADDENDUM PG. 1

Timmons Group for ESR West End 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, 16,680 square foot medical office building in an existing shopping center. The 2.08-acre site is located along the north line of W. Broad Street (U.S. Route 250), approximately 330 feet west of Towne Center West Boulevard (private), on parcel 734-764-7132. 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 revised architectural plans, as requested. The revisions are intended to bring the architectural design more in line with the proffered requirements. 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 cases C-49C-04, C-27C-09, and C-28C-09 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.
32. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
33. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

(Staff Report by Kevin Wilhite)

(Applicant's Representative: John J. Bennett)

(Applicable Rezoning Cases and PUPs: C-49C-04; C-27C-09; C-28C-09)

PLAN OF DEVELOPMENT

POD-06-11
POD2011-00037
Eubank Road Warehouse
Storage Yard Modification –
Eubank Road
(POD-35-75 Rev.)

McKinney and Company for Liberty Property Limited Partnership: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 2 entrance driveways, one each on Eubank Road and Glen Alden Drive into an existing storage yard for an existing warehouse. The 9.24-acre site is located at the southwest corner of Eubank Road and Glen Alden Drive, on parcels 815-711-0290 and 4868. The zoning is M-1, Light Industrial District and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

APPROVED

This plan is for 2 driveway entrances in to an existing storage yard. The parcel is located on a corner lot, and there will be an entrance into the site from Glen Alden Dr. and another on Eubank Rd. These entrances will permit large truck access into the site without driving through the employee parking lot of the adjacent warehouse. The storage yard is enclosed by a black, 9.5-foot tall fence, and the applicant proposes black vinyl sliding gates at both entrances where the fence is located. The sliding gate on Glen Alden Dr. is 160 feet from the road; thus, Public Works Traffic Division has required bollards and chain limiting access into the site from Glen Alden Dr. to mitigate the chance of trucks needing to back out into the right-of-way.

The development will retain an approximately 60 feet x 300 feet tree save area at the intersection of Glen Alden Dr. and Eubank Rd and will plant 8-foot tall Nellie Stevens Hollies and Green Giant Arborvitae along Eubank Road to screen the storage lot from public view.

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

29. Details for the gate and locking device at the entrances shall be submitted for review by the Traffic Engineer, Police and approved by the County Fire Marshall. The owner or owner's contractor shall contact the County Fire Marshall prior to completion of the fence installation to test and inspect the operations of the gates. Evidence of the Fire Marshall's approval shall be provided to the Department of Planning.
30. Outside storage shall not be permitted except as shown on the approved plan.
31. 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.

(Staff Report by Christina Goggin)

(Applicant's Representative: Mark Georgallis/Stacey Burcin)

PLAN OF DEVELOPMENT AND SPECIAL EXEPTION

POD-07-11
POD2011-00039
The Gardens at Almond
Creek – 1401 Bickerstaff
Road

APPROVED
SEE ADDENDUM PG. 2

Townes Site Engineering for Bickerstaff Townhomes, LLC and Bridgeland Development, LLC: Request for approval of a plan of development and special exception, as required by Chapter 24, Sections 24-106, 24-2, and 24-94(b) of the Henrico County Code, to construct 3 three-story apartment buildings, totaling 60 units. The special exception would authorize a building exceeding a height of 45 feet. The 5.07-acre site is located on the southwest corner at the intersection of Bickerstaff Road and Oakano Road, on parcel 804-708-1236. The zoning is R-5, General Residential District. County water and sewer.
(Varina)

This Plan of Development includes a request for approval of a Special Exception for buildings exceeding 45-feet in height. The proposed buildings are 47.5 feet in height. The additional setbacks for tall buildings are satisfied. Additionally, the applicant has submitted requests to the Director of Planning for approval of a waiver of recreational vehicle parking requirements and to the Director of Public Works for approval of a waiver of sidewalk construction along the south side of Bickerstaff Road, a minor collector road on the 2026 MTP Plan.

The property is approximately 275 feet in width, and the grade drops approximately 45 feet across the property. The plan proposes a maximum 22-foot high retaining wall along the south side of the property, a 10-foot high wall across the middle of the property, and an 8-foot retaining wall across the north side of the property. Staff notes the grade challenges on the property prevent full evaluation of the POD plan without submission of a conceptual landscape plan and a cross-section of the property for staff review. The landscape plan and cross-section would need to address pedestrian and vehicular protection along the proposed retaining walls, as well as satisfaction of tree canopy and buffer planting requirements without compromising retaining wall design.

As of the preparation of this agenda, the staff has not received the additional information to permit adequate review of the proposed plan, as requested. The staff recommendation will be made at the meeting. Should the Planning Commission act on this request, in addition to the annotations on the plans and the standard conditions for developments of this type, the following 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 unit house numbers shall be visible from the parking areas and drives.
30. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and such names shall be included on the construction plans prior to their approval. The standard street name signs shall be installed prior to any occupancy permit approval.

31. The right-of-way for widening of Bickerstaff 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.
32. 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.
33. Evidence that an engineer has certified the height of the building shall be provided to the Director of Planning prior to the issuance of a Certificate of Occupancy.
34. 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.
35. Prior to issuance of a building permit, the developer must furnish a letter from CSX Railroad stating that this proposed development does not conflict with their facilities.
36. 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.
37. 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.
38. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.

(Staff Report by Mike Kennedy)

(Applicant's Representative: Jason P. Wilkins)

PLAN OF DEVELOPMENT (Deferred from the February 23, 2011 Meeting)

POD-02-11
POD2011-00006
Kneading Therapy –
Entrance Road – 3851
Springfield Road
(POD-65-93 Rev.)

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

Goodfellow, Jalbert, Beard & Associates, Inc. for AJB Properties, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct an additional entrance from Old Springfield Road to an existing retail building site. The 1.0-acre site is located on the east line of Springfield Road and the west line of Old Springfield Road, at the intersection of Huron Avenue and Springfield Road, on parcel 755-758-3580. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

The subject property was recently granted proffer amendments in November 2010. The amended proffers now allow a certified massage therapist practice as principle use where formerly only businesses whose principle market is the sale or rental of formal apparel and related products and services for formal events was permitted. In addition, the proffers were amended to permit ingress/egress onto Old Springfield Road where formerly a continuous 20-foot landscape buffer was required.

The applicant proposes a 24-foot wide private driveway to access the site from Old Springfield Road. The majority of the driveway is to be located within the existing unimproved right-of-way of Old Springfield Road with the provision of a non-maintained County right-of-way agreement with the Department of Public Works. The parking space layout will remain the same with the exception of the driveway addition at the east end of the parking lot. Drainage improvements, as required by the Department of Public Works, and as required by the conditions of approval of C-6C-10, will be addressed with this Plan of Development. This includes installation of curb and gutter, piping, ditch fill and grading, and erosion and sediment control measures. The applicant has already made progress in cleaning up the existing BMP on site and other overgrown landscaping.

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

29. Outside storage shall not be permitted.
30. The proffers approved as a part of zoning cases C-36C-92 and C-6C-10 shall be incorporated in this approval.
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.

(Staff Report by Aimee Berndt)

(Applicant's Representative: Paul Jalbert)

(Applicable Rezoning Cases and PUPs: C-36C-92; C-6C-10)

APPROVAL OF MINUTES: February 23, 2011 Minutes/APPROVED AS CORRECTED

BREAK 9:59

RECONVENE 10:16

WORK SESSION:

Discuss potential amendments to the County Code regarding the following:
Menu Order Board Signs at Drive-Through Restaurants
Temporary Family Health Care Structures
Group Homes and Assisted Living Homes

ADJOURN @ 11:40

**PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT
March 23, 2011**

ADDENDUM

PAGE 12 - REVISED PLANS

PLAN OF DEVELOPMENT AND SPECIAL EXCEPTIONS

POD-04-11
POD2011-00038
BAC VA Greenfield – White
Oak Technology Park

APPROVED

Draper Aden Associates for Industrial Development Authority of the County of Henrico and Bank of America Corporation: Request for approval of a plan of development and 2 special exceptions, as required by Chapter 24, Sections 24-106, 24-2, 24-12 (c) and 24-94 (b) of the Henrico County Code, to construct 2, two-story 400,000 square-foot processing center buildings with associated support facilities in phases, and a future electrical substation. The first special exception would authorize a building exceeding a height of 50 feet. The second special exception would authorize a public utility facility. The 65-acre site is located on the north side of Technology Boulevard, approximately 1,800 feet southeast of the intersection of Elko Tract Road and Technology Boulevard, on part of parcel 851-705-6413. The zoning is M-2, General Industrial District. County water and sewer. (**Varina**)

PAGE 16 – REVISED ARCHITECTURALS

PLAN OF DEVELOPMENT

POD-08-11
POD2011-00040
Virginia Eye Institute at
Towne Center West – W.
Broad Street (U.S. Route
250)

APPROVED

Timmons Group for ESR West End 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, 16,680 square foot medical office building in an existing shopping center. The 2.08-acre site is located along the north line of W. Broad Street (U.S. Route 250), approximately 330 feet west of Towne Center West Boulevard (private), on parcel 734-764-7132. The zoning is B-2C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. (**Three Chopt**)

PLAN OF DEVELOPMENT AND SPECIAL EXEPTION

POD-07-11
POD2011-00039
The Gardens at Almond
Creek – 1401 Bickerstaff
Road

APPROVED

Townes Site Engineering for Bickerstaff Townhomes, LLC and Bridgeland Development, LLC: Request for approval of a plan of development and special exception, as required by Chapter 24, Sections 24-106, 24-2, and 24-94(b) of the Henrico County Code, to construct 3 three-story apartment buildings, totaling 60 units. The special exception would authorize a building exceeding a height of 45 feet. The 5.07-acre site is located on the southwest corner at the intersection of Bickerstaff Road and Oakano Road, on parcel 804-708-1236. The zoning is R-5, General Residential District. County water and sewer. **(Varina)**

Since the preparation date of the agenda, staff has received the additional information to permit adequate review of the retaining walls on the proposed plan, as requested. Copies of the revised plans are attached to the agenda addendum. The proposed locations of the retaining wall have been revised to address pedestrian and vehicular protection along the retaining walls, as well as satisfaction of tree canopy and buffer planting requirements.

The applicant has requested approval from the Director of Planning for a waiver of recreational vehicle parking requirements, which has been granted. The Department of Public Works has not requested sidewalk construction along the south side of Bickerstaff Road, a minor collector road on the 2026 MTP Plan, as no demand exists for pedestrian access in that area.

The applicant has requested Planning Commission approval of a Special Exception for buildings exceeding 45-feet in height. The proposed buildings are approximately 48 feet in height. The additional setbacks for tall buildings are satisfied. Given the topography of the area and the extreme change in grade across the property, the impact of the additional building height is negligible. Staff expresses no opposition to this request.

Should the Planning Commission approve the special exception, staff recommends approval of the POD, subject to the annotations on the plans, the standard conditions for developments of this type, and additional conditions listed in the agenda.

PLAN OF DEVELOPMENT (Deferred from the February 23, 2011 Meeting)

POD-02-11
POD2011-00006
Kneading Therapy –
Entrance Road – 3851
Springfield Road
(POD-65-93 Rev.)

Goodfellow, Jalbert, Beard & Associates, Inc. for AJB Properties, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct an additional entrance from Old Springfield Road to an existing retail building site. The 1.0-acre site is located on the east line of Springfield Road and the west line of Old Springfield Road, at the intersection of Huron Avenue and Springfield Road, on parcel 755-758-3580. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

APPROVED/EXPEDITED

The applicant proposes a 24-foot wide private driveway to access the site from Old Springfield Road. The majority of the driveway is to be located within the abandoned portion of right-of-way of Old Springfield Road. The Department of Public Works had previously recommended approval of the driveway entrance with the provision of a non-maintained County right-of-way agreement to be executed by the applicant. However, based on new information and counsel from the County’s Attorney, the ownership of the abandoned right-of-way has not been determined. Therefore, the County, without clear title to the abandoned portion of right-of-way, recommends approval with the added Condition #32, which requires the applicant to exercise 1 of 2 options. The applicant, prior to construction plan approval, must either (1) submit evidence of ownership of the abandoned portion of right-of-way; or, (2) provide evidence of permission to construct the required improvements thereon.

The staff continues to recommend approval subject to the annotations on the plans, the standard conditions for developments of this type, additional Conditions #29 through #31 in the agenda, and the following added condition addressing the abandoned right-of-way:

32. Prior to approval of final construction plans, the applicant shall submit evidence of ownership of the abandoned section of Old Springfield Road. In the alternative, the applicant shall submit evidence satisfactory to the County Attorney's Office that the owner of the abandoned section of Old Springfield Road has given permission to construct the required improvements thereon.

ADDED CASE

TRANSFER OF APPROVAL

POD-46-06
POD2011-00066
Wistar Commons – 8171 and
8191 Staples Mill Road (U.S.
Route 33)

APPROVED

Robert Borum for Borum Staples Mill, LLC and Wistar Commons Condominium Association: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from JCD Properties, LTD and Rastek Construction & Development to Borum Staples Mill, LLC and Wistar Commons Condominium Association. The 2.12-acre site is located on the east side of Staples Mill Road (U.S. Route 33), on parcels 772-752-0526 and 772-752-0526.020. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Brookland)**

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

1. The site deficiencies, as identified in the staff report dated January 18, 2011, shall be corrected by April 30, 2011.

The site deficiencies include missing landscaping.

(Staff Report by Greg Garrison)
(Applicant's Representative: Robert Borum)
(Applicable Rezoning Cases and PUPs: C-11C-08; C-15C-10)