

HENRICO COUNTY
PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT

May 22, 2013

9:00 A.M.

ADDENDUM ATTACHED



PLANNING COMMISSION

Bonnie-Leigh Jones, C.P.C., Chairperson (Tuckahoe)
Eric S. Leabough, C.P.C., Vice-Chairperson (Varina)
C. W. Archer, C.P.C. (Fairfield)
Tommy Branin, Chairperson (Three Chopt)
Robert H. Witte, Jr. (Brookland)
Richard W. Glover, 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, PLA, 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
Greg Garrison, AICP, County Planner
Matthew Ward, County Planner
Lee Pambid, C.P.C., County Planner
Aimee B. Crady, AICP, County Planner
Robert Peterman, GIS Technician
Eric Dykstra, Office Assistant/Recording Secretary

WELCOME:

PLEDGE OF ALLEGIANCE:

RECOGNITION OF NEWS MEDIA:

ROLL CALL: MR. BRANIN ABSENT

REQUEST FOR DEFERRALS AND WITHDRAWALS: Leslie News

EXPEDITED AGENDA: Leslie News

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL: Lee Pambid

FOR INFORMATIONAL PURPOSES

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2012-00042 Liesfeld Farm Drive (April 2012 Plan)	0	0	0	Three Chopt	5/22/2014
SUB2009-00048 (SUB-08-09) Staples Mill Centre (May 2009 Plan)	52	52	3	Brookland	7/1/2017

**FOR PLANNING COMMISSION APPROVAL
SUBDIVISION WITHDRAWAL REQUESTS**

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District
SUB-05-03 West Hermitage Park (July 2003 Plan)	4	4	6	Brookland

TRANSFER OF APPROVAL

POD-94-87, 109-89, and
POD-118-89
POD2011-00196; POD2011-
00197; POD2011-00194;
POD2011-00259
Westpark Shopping Center
Phases I and II – 9645 and
9669 W. Broad Street (U.S.
Route 250)

**DEFERRED BY
APPLICANT TO 6/26/2013**

Thalheimer for Westdale Westpark I, II, LP: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from SLN Broad Street Association, LP and NP/I&G Westpark, LLC to Westdale Westpark, I, II, LP. Phase I is a 18.36-acre site located at the southwest corner of the intersection of Pemberton Road (State Route 157) and W. Broad Street (U.S. Route 250), on part of parcels 753-758-7318, 754-758-2409, and 753-758-8965. Phase II is a 3.57-acre site located at the intersection of W. Broad Street and Stillman Parkway, on part of parcel 753-758-7318. The zoning is B-2C Business District (Conditional). County water and sewer. **(Three Chopt)**

The new owner accepts and agrees to be responsible for the continued compliance with the conditions of the original plan of development approval. Corrected deficiencies include construction of dumpster enclosures and removal of unauthorized metal cargo containers.

A revised landscape plan has been submitted to address landscape deficiencies, which provides a significant amount of new landscaping material to be installed by the end of June. Also, parking lot deficiencies such as patchwork, resealing and re-striping pavement will be completed by December 31, 2013. Evidence of signed contracts addressing the outstanding landscaping and parking lot deficiencies has been received. The staff recommends approval of this transfer request subject to the following conditions:

1. All outstanding parking lot deficiencies, as identified in the inspection report dated June 15, 2011 shall be corrected by December 31, 2013.
2. All landscaping deficiencies shall be corrected per the revised landscape plan by July1, 2013.

(Staff Report by Matt Ward)

(Applicant's Representative: Sean Davis)

(Applicable Rezoning Cases and PUPS: C-77C-89)

SUBDIVISION

SUB2013-00059
Wistar Place (May 2013
Plan) – 4301 Wistar Road

**APPROVED
SEE ADDENDUM PG. 1**

Youngblood, Tyler & Associates for Frances P. Keaton Estate and Yaowu Liu, property owners, and Neil Farmer, Developer, of Wistar Place, LLC: The 8.31-acre site proposed for a subdivision of 16 single-family homes and residual acreage reserved for future development is located along the south line of Wistar Road, approximately 100 feet east of Elmbrook Road, on parcels 769-751-7755, 769-751-6726, and 769-751-7510. The zoning is R-3, One-Family Residential District and R-5, General Residential District. County water and sewer. **(Brookland) 16 Lots**

The proposed subdivision layout provides 16 lots for single-family development. The residual acreage partially located in the R-5 District is reserved for future development. A common area with accessible walking trails has been provided to reduce wetland impacts.

A 4 foot wide sidewalk is provided along Wistar Road within the ultimate 66' right-of-way. Also, the applicant agreed for a permanent fence to be provided where the subdivision abuts a family cemetery on the adjacent property.

Staff recommends approval, subject to the annotations on the plan, the standard conditions for subdivisions served by public utilities, and the following additional conditions:

13. Each lot shall contain at least 11,000 square feet.
14. 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.
15. The details for the landscaping to be provided within the 10 foot wide planting strip easement along Wistar Road and the rear of lots 8 and 9 shall be submitted to the Department of Planning for review and approval prior to recordation of the plat.
16. A concrete sidewalk meeting County standards shall be constructed along the south side of Wistar Road.
17. Any necessary offsite drainage easements must be obtained prior to final approval of the construction plan by the Department of Public Works.

(Staff Report by Matt Ward)

(Applicant's Representative: Jonathan M. Cosby)

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2013-00096
Grayson Hill, Section 5 -
9514 Derbyshire Road
(POD-31-05 Rev.)

APPROVED

E.D. Lewis and Associates, P.C. for GGC Associates, LLC and Gaskins and Patterson, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 17, two-story townhouse units for sale. The 6.16-acre site is located on the north line of Derbyshire Road, approximately 200 feet west of its intersection with Lakewater Drive, on parcels 745-740-3611, 745-740-4804, 745-739-5887, 745-739-7086, 745-739-7474, and 745-739-8598, and part of parcel 744-740-8632. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Tuckahoe)**

These 17 townhouses comprise the last section of the Grayson Hill development. This section received conditional subdivision approval by the Planning Commission under the Grayson Hill (May 2007 Plan). The architectural design of the dwelling units and the site lighting are consistent with earlier sections of this development.

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

- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature.

29. 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 the Director of Planning, 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 subdivision plat for Grayson Hill, Section 5 shall be recorded before any building permits are issued.
32. Outside storage shall not be permitted.
33. The proffers approved as a part of zoning cases C-08C-07 and C-35C-04 shall be incorporated in this approval.
34. A note in bold lettering shall be provided on the erosion control plan indicating that sediment basins or traps located within buildable areas or building pads shall be reclaimed with engineered fill. All materials shall be deposited and compacted in accordance with the applicable sections of the state building code and geotechnical guidelines established by the engineer. An engineer's report certifying the suitability of the fill materials and its compaction shall be submitted for review and approval by the Director of Planning and Director of Public Works and the Building Official prior to the issuance of any building permit(s) on the affected sites.
35. The pavement shall be of an SM-2A type and shall be constructed in accordance with County standard and specifications. The developer shall post a defect bond for all pavement with the Department of Planning - the exact type, amount and implementation shall be determined by the Director of Planning, to protect the interest of the members of the Homeowners Association. The defect bond shall remain in effect for a period of three years from the date of the issuance of the final occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a professional engineer must certify that the roads have been designed and constructed in accordance with County standards.
36. 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.
37. 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.
38. A paved pedestrian path shall be provided along the north side of Derbyshire Road in accordance with proffer #10 of zoning case C-08C-07.

(Staff Report by Kevin D. Wilhite)

(Applicant's Representative: Monte Lewis)

(Applicable Rezoning Cases and PUPS: C-08C-07; C-35C-04)

PLAN OF DEVELOPMENT

POD2013-00103

West Broad Hyundai – Car
Storage Addition – 9001 W.
Broad Street (U.S. Route
250)
(POD-97-93 Rev.)

**DEFERRED BY
APPLICANT TO 6/26/2013**

E.D. Lewis and Associates, P.C. for Page Broad Street, LC and Page Imports, LC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a car storage and display lot at an existing car dealership. The 5.5-acre site is located at the southwest corner of the intersection of W. Broad Street (U.S. Route 250), and Homeview Drive, on parcel 759-755-0982. The zoning is B-3C, Business District (Conditional) and B-3, Business District. County water and sewer. **(Three Chopt)**

The applicant is requesting approval of a car storage and display lot with 61 spaces located south of the existing car storage and display lot, and directly east of the existing building.

As of the preparation date of the agenda, the staff has not received a revised plan as requested, providing a sidewalk along the south side of West Broad Street and west side of Homeview 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. Outside storage shall not be permitted.
30. The proffers approved as a part of zoning case C-61C-86 shall be incorporated in this approval.

(Staff Report by Greg Garrison)

(Applicant's Representative: Monte Lewis)

(Applicable Rezoning Cases and PUPS: C-61C-86)

PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION

POD2013-00106
Crown BMW Building and
Parking Addition – 8710 W.
Broad Street (U.S. Route
250)
(POD-54-85, POD-06-86,
POD-17-03, POD-32-05, and
POD49-06 Rev.)

APPROVED
SEE ADDENDUM PG. 2

E.D. Lewis and Associates, P.C. for Crown RIB, LLC:
Request for approval of a plan of development, as required by Chapter 24, Section 24-106 and Section 24-106.2 of the Henrico County Code, to construct a one story, 3,000 square foot storage building and parking lot at an existing car dealership. The transitional buffer deviation eliminates the required buffer along the B-3/O-2 zoning line. The 9.16-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 185 feet west of the intersection of W. Broad Street (U.S. Route 250) and N. Skipwith Road, on parcels 760-756-7631 and 760-755-5474. The zoning is B-3, Business District, B-3C, Business District (Conditional), O-2C, Office District (Conditional), and C-1C, Conservation District (Conditional). County water and sewer. (**Brookland**)

This plan proposes the construction of a 3,000 square foot building and parking behind the Crown BMW dealership on West Broad Street. This POD is intended to provide additional space for storage of cars and for employee parking as well as a building is intended for storage of files and parts only. A former church building is located on the site and is currently being used for files and parts storage by Crown.

Previous inspections of the site revealed several deficiencies, including unscreened trash dumpsters and parking in areas not appropriately improved or zoned for that use. This POD will alleviate these two deficiencies.

The proposed improvements will be screened by 10' high pre-cast concrete walls on the east and west sides. There is an existing 10' high wall that screens the eastern property line. A matching 10' high wall is proposed for the western side. The northern portion of the site is zoned C-1C, within which no development or use of the property will occur with the exception of a stormwater drainage pipe. The remainder will remain in its current natural state.

The applicant has requested a transitional buffer deviation to eliminate the required buffer along the B-3 / O-2 zoning line, which falls within a portion of the site that is to be developed or is already appropriately buffered. Staff has no objection to the requested deviation.

The proposed 3,000 square foot building is 14 feet tall at the eave and features a low pitched roof. Metal siding to match the off-white color of the existing rear portion of the BMW dealership building is proposed. One roll up door and one personnel door are proposed for the each of the east and south elevations.

As of the preparation date of the agenda, staff has not received revised elevations showing higher quality building materials as requested. The staff recommendation will be made at the meeting.

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

29. Outside storage shall not be permitted.
30. The proffers approved as a part of zoning cases C-40C-04, C-40C-02, C25C-12, and C-67C-02 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 site deficiencies as identified in the inspection report dated May 20, 2011, shall be corrected prior to the issuance of a Certificate of Occupancy.

(Staff Report by Lee Pambid)

(Applicant’s Representative: Monte Lewis)

(Applicable Rezoning Cases and PUPS: C-40C-04; C-40C-02; C-25C-12; C-67C-02)

PLAN OF DEVELOPMENT

POD2013-00080

Wawa at Staples Mill Road
and Bethlehem Road –
Staples Mill Road (U.S.
Route 33)

APPROVED
SEE ADDENDUM PG. 2

E.D. Lewis and Associates, P.C. for GGC Associates, Arch Creek Venture, LLLP, and JG Virginia, LP: 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, 6,049 square foot convenience store with fuel pumps. The 2.16-acre site is located on the southeast corner of Staples Mill Road (U.S. Route 33) and Bethlehem Road, on parcels 774-740-8236, 774-740-7574, 774-740-8370, and 774-740-7856. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

The proposal calls for the redevelopment of four parcels into a 6,049 square foot convenience store with fuel pumps at the intersection of Staples Mill Road and Bethlehem Road on four parcels. The plan features two entrances, one on each frontage. The Staples Mill Road entrance will line up with one entrance to the proposed Staples Mill Centre, also being considered by the Planning Commission this month.

Zoning case REZ2013-00003 proffered the site layout, conceptual landscaping arrangement, building appearance, and restrictions on outside storage, certain uses, outside speakers, and lighting.

The building conforms to the proffers, featuring red brick, light brown stone, white synthetic PVC trim, and grey standing seam metal roof. A recessed vestibule on the east side where the proposed loading area will be located is required so that the door will not swing out into the drive aisle.

The canopy over the fuel pumps features the sloped “wing” design. Staff recommends that brick pedestals for the canopy support columns be the same height or higher than the fuel pumps.

As of the preparation date of the agenda, staff has not received revised elevations showing taller brick columns as requested. The staff recommendation will be made at the meeting.

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

29. The right-of-way for widening of Bethlehem Road, as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way

- dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
30. The entrances and drainage facilities on Staples Mill Road (U.S. Route 33) 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. The proffers approved as a part of zoning case REZ2013-00003 and conditions of provisional use case PUP2013-00005 shall be incorporated in this approval.
 33. 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.
 34. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
 35. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
 36. A concrete sidewalk meeting VDOT and County standards shall be provided along the east side of Staples Mill Road (U.S. Route 33), and the south side of Bethlehem Road.
 37. Outside storage shall not be permitted.
 38. 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.

(Staff Report by Lee Pambid)

(Applicant's Representative: Monte Lewis)

(Applicable Rezoning Cases and PUPS: REZ2013-00003; PUP2013-00005)

PLAN OF DEVELOPMENT

POD2013-00107
Staples Mill Centre, Phase
1B – Staples Mill Road (U.S.
Route 33)
(POD-55-07 Rev.)

APPROVED
SEE ADDENDUM PG. 3

E.D. Lewis and Associates, P.C. for Midtown Land Properties, LLC and GGC Associates, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct Phase 1B of an urban mixed use development, consisting of a two-story office/retail building with 22,511 square feet of retail space and 24,878 square feet of office space, and a one-story, 52,963 square foot, retail grocery store with an accessory restaurant. The 11.56-acre portion of the 46-acre site is located on the west line of Staples Mill Road (U.S. Route 33), approximately 600 feet south of Bethlehem Road, on parcels 773-740-5043, 774-739-3999, 774-739-4569, 773-739-8155, and 774-739-5043. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. **(Brookland)**

This POD would revise the UMU master plan for Staples Mill Centre to accommodate construction of the Southern Season grocery/retail store. The proposed POD would authorize construction of the proposed 53,000 square foot grocery/retail building with an accessory restaurant, as well as a 2-story 47,389 square foot mixed use retail /office building. The proffered UMU design manual for Staples Mill Centre contains an alternative development plan which contemplated the possibility of a grocery/retail store at this location. The proposed UMU master plan revision is consistent with the alternative plan. The UMU master plan for Staples Mill Centre was recently amended by the Planning Commission to accommodate a pad site for the relocation of the Dumbarton Library. A POD for the construction of the Library is currently under development and will be introduced for action by the Board of Supervisors in the near future.

Staff has requested a revised plan providing additional screening of the loading area for the grocery retail store building. As of the preparation date of the agenda, the staff has not received a revised plan, as requested. The staff recommendation will be made at the meeting. Should the Commission act on this request, in addition to the standard conditions for developments of this type, the following additional conditions are recommended:

29. The right-of-way for widening of Staples Mill Road (U.S. Route 33) 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 Staples Mill Road (U.S. Route 33) 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 VDOT standards shall be provided along the west side of Staples Mill Road (U.S. Route 33).
33. Outside storage shall not be permitted.
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. The proffers approved as a part of zoning case C-05C-07 shall be incorporated in this approval.
 36. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
 37. All subsequent detailed plans of development needed to implement this conceptual plan shall be submitted for staff review and Planning Commission approval, and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.
 38. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, 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. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.
 40. The limits and elevations of the **Special Flood Hazard Area** shall be conspicuously noted on the plan and labeled “**Limits of Special Flood Hazard Area.**” In addition, the delineated **Special Flood Hazard Area** must be labeled “Variable Width Drainage and Utility Easement.” The easement shall be granted to the County prior to the issuance of any occupancy permits.

(Staff Report by Mike Kennedy)
(Applicant’s Representative: Monte Lewis)
(Applicable Rezoning Cases and PUPS: C-05C-07)

PLAN OF DEVELOPMENT – RECONSIDERATION OF A CONDITION (Deferred from the April 24, 2013 Meeting)

POD2013-00068
 Tom Leonard’s at
 Brookhollow – Seasonal Tent
 – 4150 Brookriver Drive
 (POD-71-02 Rev.)

**DEFERRED BY
 APPLICANT TO 6/26/2013**

Timmons Group for G3 Investments and Tom Leonard:
 Request for approval of a reconsideration of a condition for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to locate a 2,400 square foot tent in the seasonal sales area of an existing grocery store. The 6.290-acre site is located along the north line of Brookriver Drive and along the south line of Interstate 64, approximately 650 feet north of W. Broad Street (U.S. Route 250), on parcel 743-762-6518. The zoning is M-1C, Light Industrial District (Conditional) and WBSO, West Broad Overlay District. County water and sewer. **(Three Chopt)**

This is the fifth request for a seasonal sales tent at this location. The last approval by the Planning Commission was on February 23, 2011, with the following condition added to the original approval:

35. The temporary tent, to be located in the seasonal sales area as shown on the revised plan, shall be removed from the site no later than February 28, 2013. An additional one-year

extension may be granted by the Director of Planning if plans for a permanent structure to replace the tent are submitted for County approval prior to the aforementioned deadline.

The tent has remained on the site past the scheduled date for its removal. The applicant has not submitted plans for a permanent structure to date and, thus, was not able to obtain the one-year extension from the Director of Planning. Instead, the applicant has submitted a request for the tent to remain for an additional three year period.

The existing tent may be approved on a permanent basis if the Commission approves the use of alternative building materials as specified in Proffer #5 of zoning case C-31C-97 which govern this site. The existing structure is of wood frame construction with a fabric roof. If that is not desired, the alternative would be to modify the existing condition by substituting a new removal date for the tent.

The staff recommends the following condition:

35. The temporary tent, to be located in the seasonal sales area as shown on the revised plan, shall be removed from the site no later than May 31, 2014. An additional one-year extension may be granted by the Director of Planning if plans for a permanent structure to replace the tent are submitted for County approval prior to the aforementioned deadline. In no case shall the temporary tent remain on site past May 31, 2015, even if a permanent structure has not been constructed.

The other conditions of the Planning Commission approval of this site, dated September 25, 2002, would remain unchanged.

(Staff Report by Kevin Wilhite)
(Applicant's Representative: Joseph Vilseck)

PLAN OF DEVELOPMENT

POD2013-00110
Hickory Place – 5412 Twin
Hickory Road

DEFERRED BY
APPLICANT TO 6/13/2013
REZONING MEETING

Bay Companies, Inc. for David A. Turner, Trustee and Eagle Construction of Virginia, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 30, 2-story and 3-story, residential townhomes for sale. The 5.21-acre site is located on the south line of Twin Hickory Road, approximately 800 feet east of Nuckols Road, on parcel 747-773-6860. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

The layout of this proposed 30-unit residential townhouse development for sale conforms to the conditional plat approved by the Planning Commission at its April 24, 2013 meeting. At this time, the applicant has requested Planning Commission review and approval of the POD site plan only, as an application to amend the proffers of zoning case C-07C-07 applicable to the subject property has been submitted.

The proposed proffer amendments would prohibit chain-link and stockade fencing, and allow use of additional exterior architectural materials. The amendment would not impact the proposed site layout.

The Planning Commission heard the request for the proposed proffer amendments at its May 9, 2013 meeting and recommended approval of the revised proffers to the Board of Supervisors. The Board of Supervisors is scheduled to hear the proposed revision to the proffers at their June 11, 2013 meeting. Once the Board of Supervisors has acted upon the proposed proffer amendments, the final architectural plans will be forwarded to the Planning Commission for review and approval.

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

29. The subdivision plat for Hickory Place, Section 1 shall be recorded before any building permits are issued.
30. The right-of-way for widening of Twin Hickory 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.
31. A concrete sidewalk meeting County standards shall be provided along the east side of Twin Hickory Road.
32. Outside storage shall not be permitted.
33. The proffers approved as a part of zoning cases C-07C-07 and REZ2013-00008 shall be incorporated in this approval.
34. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
35. The owners shall not begin clearing of the site until the following conditions have been met:
 - (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision construction plan and the Erosion and Sediment Control Plan, the limits of the areas to be cleared and the methods of protecting the required buffer areas. The location of utility lines, drainage structures and easements shall be shown.
 - (b) After the Erosion and Sediment Control Plan has been approved but prior to any clearing or grading operations of the site, the owner shall have the limits of clearing delineated with approved methods such as flagging, silt fencing or temporary fencing.
 - (c) The site engineer shall certify in writing to the owner that the limits of clearing have been staked in accordance with the approved plans. A copy of this letter shall be sent to the Department of Planning and the Department of Public Works.
 - (d) The owner shall be responsible for the protection of the buffer areas and for replanting and/or supplemental planting and other necessary improvements to the buffer as may be appropriate or required to correct problems. The details shall be included on the landscape plans for approval.
36. 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
37. The unit house number shall be visible from the parking areas and drives.
38. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and Director of Planning, and such names shall be

included on the construction plans prior to their approval. The standard street name signs shall be installed prior to any occupancy permit approval.

(Staff Report by Matt Ward)

(Applicant's Representative: Daniel Caskie)

(Applicable Rezoning Cases and PUPS: C-07C-07; REZ2013-00008)

PLAN OF DEVELOPMENT

POD2013-00105

Kroger Fuel Center at
Willow Lawn Shopping
Center – 1601 Willow Lawn
Drive
(POD-19-10 Rev.)

APPROVED
SEE ADDENDUM PG. 3

Robertson Loia Roof, P.C. for Federal Realty Investment Trust and Kroger Limited Partnership I: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a fuel facility with 5 pump islands and a 112 square foot kiosk in an existing shopping center. The 0.75-acre portion of the 20.332-acre site is located at the southeast corner of the intersection of W. Broad Street (U.S. Route 250) and Willow Lawn Drive, on parcel 773-736-2198. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

This request is for approval of a fuel facility with 5 pump islands and a 112 square-foot kiosk to be constructed in an existing parking area in the Willow Lawn Shopping Center.

As of the preparation date of the agenda, the staff has not received a revised plan as requested showing raised landscape islands along the main drive aisle, and revised shopping center calculations. 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 ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
30. There shall be no exterior display of merchandise except on pump islands and on paved walkway areas within three (3) feet of building.
31. Outside storage shall not be permitted.

(Staff Report by Greg Garrison)

(Applicant's Representative: L. Taylor Robertson)

PLAN OF DEVELOPMENT AND MASTER PLAN

POD2013-00109
University Park, Phase 2 -
Building 1A & Master Plan-
2422 Pemberton Road (State
Route 157)
(POD-47-08 Rev.)

APPROVED
SEE ADDENDUM PG. 4

Willmark Engineering for University Park RE Inv., LLC and Smith-Packett, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct Phase 2 of a life care facility consisting of Building 1A, a 156,217 square foot, 4-story building with a basement, containing 122 independent living units, and accessory community and limited retail space, along with a master plan for four future 4-story buildings (Buildings 1B-4) with 299 additional independent living units. The 25.45-acre site is located on the east line of Pemberton Road (State Route 157), and on the south line of Interstate 64, on parcel 753-754-0908. The zoning is R-6C, General Residential District. County water and sewer. **(Three Chopt)**

This POD would revise the previously approved master plan for University Park, a Life Care Facility. The proposed revision would revise the layout of the site, but would not increase the density of development. The revised master plan would substitute surface parking for a garage parking level previously proposed under Buildings 1A and 1B. The net effect would be to reduce the previously approved height of those buildings. The revised master plan would also revise the orientation of Buildings 1-4 in Phase 2 to provide a central mall along the main access drive, instead of individual courtyards facing the perimeter. The proposed central mall would provide protection of the community's open space from I-64. The revised master plan would also relocate the main entrance drive on Pemberton Road, south of its previously approved location, so that the entrance would align with Oakley Pointe Drive. The revised entrance location would provide greater separation from the I-64 overpass along Pemberton Road, provide improved sight distance for the entrance drive and reduce conflict points along Pemberton Road (State Route 157).

The POD would also authorize construction of Building 1A in Phase 2. Building 1A would have 122 independent living apartments. The master plan provides for the future construction of 299 additional independent living multi-family units in Buildings 1B, 2, 3, and 4, as well as 42 future independent living townhouse units. The overall site is currently occupied by an existing 194 bed nursing home, 2 existing detached cottage units and a recently constructed 100 bed assisted living facility.

Staff has requested a revised plan updating the master plan and providing additional architectural information. As of the preparation date of the agenda, the staff has not received a revised plan, as requested. The staff recommendation will be made at the meeting. Should the Commission act on this request, in addition to the standard conditions for developments of this type, the following additional conditions are recommended:

29. The right-of-way for widening of Pemberton Road (State Route 157) 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 Pemberton Road (State Route 157) 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 VDOT standards shall be provided along the east side of Pemberton Road (State Route 157)
33. 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.
34. The proffers approved as a part of zoning cases C-42C-06 and C-17C-11, and provisional use case P-15-06 shall be incorporated in this approval.
35. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
36. The 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.
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.
39. The limits and elevations of the **Special Flood Hazard Area** shall be conspicuously noted on the plan and labeled "**Limits of Special Flood Hazard Area.**" In addition, the delineated **Special Flood Hazard Area** must be labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the County prior to the issuance of any occupancy permits.

(Staff Report by Mike Kennedy)

(Applicant's Representative: Mark Williams)

(Applicable Rezoning Cases and PUPS: C-42C-06; C-17C-11; P-15-06)

APPROVAL OF MINUTES: April 24, 2013 Minutes **APPROVED AS CORRECTED**

ADJOURN @ 10:08 A.M.

**PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT
May 22, 2013**

ADDENDUM

PAGE 2 – NAME CHANGE - CONDITIONAL SUBDIVISION EXTENSION

SUB2009-00048 (SUB-08-09) Staples Mill Centre (May 2009 Plan) Libbie Mill (Formerly Staples Mill Centre) (May 2009 Plan)	52	52	3	Brookland	7/1/2017
--	----	----	---	------------------	-----------------

PAGE 4 – REVISED RECOMMENDATION, ADDED CONDITION, AND REVISED PLAN

SUBDIVISION

SUB2013-00059
Wistar Place (May 2013
Plan) – 4301 Wistar Road

APPROVED

Youngblood, Tyler & Associates for Frances P. Keaton Estate and Yaowu Liu, property owners, and Neil Farmer, Developer, of Wistar Place, LLC: The 8.31-acre site proposed for a subdivision of 16 single-family homes and residual acreage reserved for future development is located along the south line of Wistar Road, approximately 100 feet east of Elmbrook Road, on parcels 769-751-7755, 769-751-6726, and 769-751-7510. The zoning is R-3, One-Family Residential District and R-5, General Residential District. County water and sewer. **(Brookland) 16 Lots**

The plan has been annotated to show extension of the proposed right-of-way for Road B to the eastern property line to accommodate future potential access to the adjacent parcel. The staff recommends approval subject to the annotations on the revised plan, the standard conditions for developments of this type, the additional conditions in the agenda, and additional Condition #18.

18. The driveway locations and sight distance for lots fronting Wistar Road shall be shown on the construction plan for approval by the traffic engineer prior to final approval of the construction plans.

PAGE 8 – REVISED RECOMMENDATION

PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION

POD2013-00106
Crown BMW Building and
Parking Addition – 8710 W.
Broad Street (U.S. Route
250)
(POD-54-85, POD-06-86,
POD-17-03, POD-32-05, and
POD49-06 Rev.)

APPROVED

E.D. Lewis and Associates, P.C. for Crown RIB, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 and Section 24-106.2 of the Henrico County Code, to construct a one story, 3,000 square foot storage building and parking lot at an existing car dealership. The transitional buffer deviation eliminates the required buffer along the B-3/O-2 zoning line. The 9.16-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 185 feet west of the intersection of W. Broad Street (U.S. Route 250) and N. Skipwith Road, on parcels 760-756-7631 and 760-755-5474. The zoning is B-3, Business District, B-3C, Business District (Conditional), O-2C, Office District (Conditional), and C-1C, Conservation District (Conditional). County water and sewer. **(Brookland)**

Since the preparation of the agenda, the developer has agreed to use EIFS on the south elevation of the proposed storage building. Staff can recommend that this plan be approved with the annotations on the plan, the standards conditions for developments of this type, and additional conditions #29 through #32.

PAGE 10 – REVISED RECOMMENDATION

PLAN OF DEVELOPMENT

POD2013-00080
Wawa at Staples Mill Road
and Bethlehem Road –
Staples Mill Road (U.S.
Route 33)

APPROVED

E.D. Lewis and Associates, P.C. for GGC Associates, Arch Creek Venture, LLLP, and JG Virginia, LP: 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, 6,049 square foot convenience store with fuel pumps. The 2.16-acre site is located on the southeast corner of Staples Mill Road (U.S. Route 33) and Bethlehem Road, on parcels 774-740-8236, 774-740-7574, 774-740-8370, and 774-740-7856. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

Since the preparation of the agenda, the developer has agreed to increase the extent of brick wrap on the canopy columns to a height of 6'. Staff can recommend that this plan be approved with the annotations on the plan, the standards conditions for developments of this type, and additional conditions #29 through #38.

PLAN OF DEVELOPMENT

POD2013-00107
Libbie Mill, Phase 1B
~~Staples Mill Centre, Phase~~
~~1B~~ – Staples Mill Road (U.S.
Route 33)
(POD-55-07 Rev.)

APPROVED

E.D. Lewis and Associates, P.C. for Midtown Land Properties, LLC and GGC Associates, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct Phase 1B of an urban mixed use development, consisting of a two-story office/retail building with 22,511 square feet of retail space and 24,878 square feet of office space, and a one-story, 52,963 square foot, retail grocery store with an accessory restaurant. The 11.56-acre portion of the 46-acre site is located on the west line of Staples Mill Road (U.S. Route 33), approximately 600 feet south of Bethlehem Road, on parcels 773-740-5043, 774-739-3999, 774-739-4569, 773-739-8155, and 774-739-5043. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. **(Brookland)**

The caption has been revised to reflect a name change for the overall development, which has been requested by the Applicant. The Applicant has submitted a revised site plan, a copy of which is attached to the addendum. The revised site plan addresses staff's previous concerns regarding the loading area for the Southern Season Grocery grocery/retail store. The revised plan provides that all loading along the southern side of the building will be contained within an enclosed loading area, that will be screened by both a masonry wall and landscaping from Staples Mill Road. Staff recommends approval of the Plan of Development subject to the annotations on the plans, the standard conditions for developments of this type and additional conditions #29 through #40 on the agenda.

PAGE 18 – ADDED CONDITIONS, ADDITIONAL INFORMATION, AND REVISED RECOMMENDATION

PLAN OF DEVELOPMENT

POD2013-00105
Kroger Fuel Center at
Willow Lawn Shopping
Center – 1601 Willow Lawn
Drive
(POD-19-10 Rev.)

APPROVED

Robertson Loia Roof, P.C. for Federal Realty Investment Trust and Kroger Limited Partnership I: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a fuel facility with 5 pump islands and a 112 square foot kiosk in an existing shopping center. The 0.75-acre portion of the 20.332-acre site is located at the southeast corner of the intersection of W. Broad Street (U.S. Route 250) and Willow Lawn Drive, on parcel 773-736-2198. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

The applicant has provided additional information showing the provision of raised landscape islands along the main drive aisle and revised shopping center calculations. The staff recommends approval, subject to the annotations on the plan, additional conditions #29 through #31 in the agenda, and the added conditions on the addendum, as follows:

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.
32. Hours of construction shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday.
33. Hours of operation, including fuel delivery, shall be limited to 7:00 a.m. to 10:00 p.m.

PAGE 19 – REVISED PLAN AND RECOMMENDATION

PLAN OF DEVELOPMENT

POD2013-00109
 University Park, Phase 2 -
 Building 1A & Master Plan–
 2422 Pemberton Road (State
 Route 157)
 (POD-47-08 Rev.)

APPROVED

Willmark Engineering for University Park RE Inv., LLC and Smith-Packett, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct Phase 2 of a life care facility consisting of Building 1A, a 156,217 square foot, 4-story building with a basement, containing 122 independent living units, and accessory community and limited retail space, along with a master plan for four future 4-story buildings (Buildings 1B-4) with 299 additional independent living units. The 25.45-acre site is located on the east line of Pemberton Road (State Route 157), and on the south line of Interstate 64, on parcel 753-754-0908. The zoning is R-6C, General Residential District. County water and sewer. **(Three Chopt)**

The Applicant held a community meeting on-site on May 8, to present the revised POD to the adjoining property owners. The meeting was attended by both Planning staff and the Planning Commissioner for the Three Chopt Magisterial District. Thirteen neighboring residents were in attendance and no opposition to the proposed POD was expressed.

Since preparation of the agenda the applicant has submitted a revised University Park Master Plan (Overall Site Layout) that provides density information and calculations required by the code for life care facilities. The applicant has not proposed an increase in either unit density or site coverage from the previous University Park Master Plan approval. The R-6 zoning district permits a maximum density of 30 units per acre. Both the previous and the proposed University Park Master Plan would authorize a density of 14.28 units per acre. The R-6 zoning permits life care facilities to have a maximum site coverage of 65% for 1 and 2 story buildings and a maximum site coverage of 50% for three or more story buildings. The previous University Park Master Plan authorized a site coverage of 42.78 % and the proposed University Park Master Plan would authorize a reduced site coverage of 37.17%. Any increase in either site coverage or unit density, as the project builds out, would require Planning Commission review and approval.

The Applicant is working with Planning staff to address their concerns regarding architectural details of the proposed building and has requested deferral of the architectural elevations until the June 26, 2013 Planning Commission meeting. The Applicant’s architect is preparing revised architectural elevation plans that would provide additional architectural detailing to break up the mass of the proposed building.

Should the Commission act on this request, staff recommends deferral of the elevations until the June 26, 2013 Planning Commission meeting and approval of the POD Master Plan, site plan and floor plans, subject to the annotations on the plans, the standard conditions for developments of this type and the additional conditions #29 through #39 on the agenda.