

HENRICO COUNTY
PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT

November 20, 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 (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: None Present

ROLL CALL:

REQUEST FOR DEFERRALS AND WITHDRAWALS: Leslie News

EXPEDITED AGENDA: Leslie News

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL: Lee Pambid

FOR INFORMATIONAL PURPOSES ONLY

TRANSFER OF APPROVAL

POD-30-76 and 31-92
POD2013-00177 and
POD2013-00184
Hooters Restaurant
(Formerly Ponderosa
Steakhouse)- 7912 W. Broad
Street (U.S. Route 250)

Sean Hufford for Spirit Master Funding III, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Mr. James E. Cornett, III/Cornett-Kinchloe, Inc. to Spirit Master Funding III, LLC. The 1.45-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 750 feet west of its intersection with Hungary Spring Road, on parcel 764-752-4724. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

APPROVED
SEE ADDENDUM PG. 1

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. Deficiencies, as identified in the inspection report dated June 28, 2013, included missing, dead, or unmaintained landscaping, faded and leaning traffic control signs, unkempt dumpster corral, and leaning and rusted bollards.

As of the preparation date of the agenda, only one deciduous tree needed to be replaced. The applicant expects to complete this work prior to the Planning Commission meeting. All other deficiencies have been addressed. The staff recommendation will be made at the meeting.

(Staff Report by Lee Pambid)
(Applicant's Representative: Sean Hufford)

TRANSFER OF APPROVAL

POD-25-84
POD2013-00299
Wendy's Restaurant - 5212
Brook Road (U.S. Route 1)

Gina M. Guzman for Broadstone WI East, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Mildred C. Featherstone and Wendy's International to Broadstone WI East, LLC. The 0.84-acre site is located on the west line of Brook Road (U.S. Route 1), approximately 350 feet north of Dumbarton Road, on parcel 785-744-6553. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

APPROVED
SEE ADDENDUM PG. 1

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. Deficiencies, as identified in the inspection report dated September 17, 2013, included missing landscaping, an unscreened dumpster, faded parking lot and drive aisle striping, and damaged asphalt.

As of the preparation date of the agenda, the landscaping has been planted, and the dumpster has been removed. Work on the pavement has begun. The applicant expects to complete this work prior to the Planning Commission meeting. The staff recommendation will be made at the meeting.

(Staff Report by Lee Pambid)
(Applicant's Representative: Gina Guzman)

TRANSFER OF APPROVAL

POD-151-85
POD2013-00204
Quick 'N' Easy (Formerly
Breez-in Convenience
Center) - 10003 Three Chopt
Road

APPROVED

Abdul Gillahi for SEG Investments, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from David R. Bogese and Iqbal K. & Femida I. Virani to SEG Investments, LLC. The 0.55-acre site is located on the southwest corner of the intersection of Three Chopt Road and Pemberton Road (State Route 157), on parcel 750-753-8350. The zoning is B-1, Business District. County water and sewer. **(Tuckahoe)**

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. The site deficiencies, as identified in the inspection report dated July 30, 2013, included 11 missing trees. All of the trees have been replanted. The staff recommends approval of this transfer request.

(Staff Report by Greg Garrison)
(Applicant's Representative: George Patel)

TRANSFER OF APPROVAL

POD-45-07
POD2013-00135
Westport Rehabilitation and
Nursing Center - 7300 Forest
Avenue

APPROVED

Matt Marcos for 7300 Forest Avenue Real Estate, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Southern SNF Holding Company, LLC to 7300 Forest Avenue Real Estate, LLC. The 6.85-acre site is located on the north side of Forest Avenue, approximately 1,200 feet east of Skipwith Road, on parcel 763-745-0565. The zoning is R-6C, General Residential District. County water and sewer. **(Tuckahoe)**

The new owner accepts and agrees to be responsible for continued compliance with the conditions of the original approval. The site deficiencies, as identified in the inspection report dated May 28, 2013, have been corrected. Site deficiencies included four missing or dead trees. The staff recommends approval of this transfer request.

(Staff Report by Greg Garrison)
(Applicant's Representative: Matt Marcos)

TRANSFER OF APPROVAL

POD-132-86 and 29-88
POD2012-00284; POD2012-00286
Parkside Marketplace
Shopping Center and M & T
Bank (Formerly Fidelity
Federal Savings and Loan) –
W. Broad Street (U.S. Route
250) and Cox Road

Robin Mathews and Steve Anderson for Square Mark, Inc.:
Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Westwood Commercial Association and Goodman, Segan, Hogan to PMK Ltd. Partnership. The 6.02-acre site is located on the southeastern corner of the intersection of W. Broad Street (U.S. Route 250) and Cox Road, on parcel 748-759-5797. The zoning is B-3, Business District, and B-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

APPROVED

The new owner accepts and agrees to be responsible for continued compliance with the conditions of original approval. The site deficiencies as identified in the staff report dated April 1, 2013, which included screening dumpsters and replacement of 10 missing shade trees, have been corrected. The staff recommends approval of this request.

(Staff Report by Christina Goggin)
(Applicant's Representative: Robin Mathews)
(Applicable Rezoning Cases and PUPS: C-37C-86)

TRANSFER OF APPROVAL

POD-168-86
POD2013-00272
Interchange Corporate Center
- 3850 Gaskins Road

Hirschler Fleicher for Interchange Corporate Center L.C.:
Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Deep Run Technical Partnership and Urban Development and Investment, Ltd. to Interchange Corporate Center, L.C. The 2.05-acre site is located on the west line of Gaskins Road, approximately 400 feet north of Mayland Drive, on parcel 752-758-0577. The zoning is M-1, Light Industrial District, and C-1C, Conservation District (Conditional). County water and sewer. **(Three Chopt)**

APPROVED

The new owner accepts and agrees to be responsible for continued compliance with the conditions of original approval. The site deficiencies, as identified in the staff report dated August 29, 2013, which included filling potholes, striping the parking lot, removing litter from the BMP and replacement of missing landscaping, have been corrected. The staff recommends approval of this request.

(Staff Report by Christina Goggin)
(Applicant's Representative: Penny Koch)
(Applicable Rezoning Cases and PUPS: C-07C-81)

TRANSFER OF APPROVAL (Deferred from the September 25, 2013 Meeting)

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

**DEFERRED BY
APPLICANT TO 12/11/13**

Thalhimer 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 Associates, LP, S.L. Nusbaum Realty Company, 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 Pemberton Road (State Route 157) and W. Broad Street (U.S. Route 250), on part of parcels 753-758-7318, 753-758-8965 and 754-758-2409. Phase II is a 3.57-acre site located approximately 240 feet south of W. Broad Street (U.S. Route 250) on the west line of Stillman Parkway, on part of parcel 753-758-7318. The zoning is B-2C Business District (Conditional). County water and sewer. **(Three Chopt)**

Staff has worked with project representatives to address site deficiencies identified in the inspection report dated June 15, 2011. Since that time the applicant has corrected several deficiencies related to the construction of dumpster enclosures, and removal of unauthorized recycling and metal cargo containers. In addition the applicant has recently completed several repairs throughout parking lot which included patchwork, resealing and re-striping.

The applicant also submitted a revised landscape plan on August 9, 2013 to replace the originally approved landscape plan. Since that time staff has advised the applicant that additional landscaping needs to be provided in the interior parking area and along Pemberton Road. At this time the applicant continues to review staff's comments, which request additional landscaping.

Since resolution of the landscaping deficiencies has not been fully addressed at this time, the applicant has requested a deferral to the December 11, 2013 meeting.

**(Staff Report by Matt Ward)
(Applicant's Representative: Rob Buie)
(Applicable Rezoning Cases and PUPS: C-77C-89)**

LANDSCAPE PLAN

POD2013-00357
Kroger Fuel Center at
Willow Lawn Shopping
Center - 1599 Willow Lawn
Drive

**APPROVED
SEE ADDENUM PG. 2**

Robertson Loia Roof, P.C. for Federal Realty Investment Trust and Kroger Limited Partnership I: Request for approval of a landscape plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 0.75-acre portion of the 20.332-acre site is located in an existing shopping center, on the east line of Willow Lawn Drive, approximately 1,500 feet south 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 is requesting approval of a landscape plan for the Kroger Fuel Center at Willow Lawn Shopping Center. As of the preparation date of the agenda, the staff is discussing several recommendations with the applicant, including provision of additional plant material adjacent to Willow Lawn Drive and additional plantings in the landscape islands, as well as a provision of a maintenance agreement for the five trees proposed in the median. The staff recommendation will be made at the meeting.

Should the Commission act on this request, the standard conditions for landscape plans are recommended.

(Staff Report by Greg Garrison)
(Applicant's Representative: Benjamin Robertson)

SUBDIVISION - DOUBLE FRONTAGE EXCEPTION (Deferred from the October 23, 2013 Meeting)

SUB2013-00131
Dumbarton
(September 2013 Plan) -
3030 Greenway Avenue

**DEFERRED BY
APPLICANT TO 1/22/14**

Balzer and Associates, Inc. for Village Bank: The 3.07-acre site proposed for a subdivision of 4 single-family homes is located on the north line of Greenway Avenue, and the south line of Irisdale Avenue, approximately 195 feet east of Greendale Road, on parcels 775-745-9842, 776-745-1246, 775-745-8761, 775-745-9463, 776-745-0165, and 776-745-0968. The zoning is R-4, One-Family Residential District. County water and sewer.
(Brookland) 4 Lots

This case was deferred at the Planning Commission October 23, 2013 meeting at the applicant's request. **The applicant has requested deferral to the January 22, 2014 meeting.**

This subdivision layout proposes 4-double frontage lots for single-family development facing both Irisdale and Greenway Avenues. A dedication of 2.5 feet is required for the property frontage along Greenway Avenue. In addition, road widening of 18 feet from centerline and construction of curb and gutter along Irisdale Avenue has been required by Public Works.

The Army Corps of Engineers has required the majority of the wetlands on the property to be preserved. They have authorized minimal impacts to provide buildable areas for 4 lots fronting on Irisdale Avenue. Effectively these are not double frontage lots because a majority of the rear yards will be occupied by wetlands to be preserved. As required a 10 foot no ingress and egress easement will be provided along Greenway Avenue. In addition a minimum of 150 feet of preserved wetlands separates the buildable area of each lot from Greenway Avenue.

When double frontage lots are proposed to have frontage on two minor streets an exception to Henrico Subdivision Ordinance, Section 19-135 is required in accordance with Section 19-4 of the Subdivision Ordinance. Staff has no objection to this request.

Previous conditional subdivision approval by the Planning Commission for 8 lots in February 2009 required a seven-foot fence to be constructed along the western property line as a visual barrier from the adjacent industrial property. That conditional approval expired February 2010. Staff has requested the applicant provide a fence along the western property line to separate the lots from the adjoining industrial property. The applicant is considering this request.

Should the Commission act on this request, staff recommends conditional approval subject to the annotations on the plans, the standard conditions for conditional subdivisions served by public utilities and the following additional conditions:

13. Each lot shall contain at least 8,000 square feet.
14. 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: Cameron Palmore)

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2013-00351

BJ's Restaurant at Towne Center West - 12010 W. Broad Street (U.S. Route 250)

**APPROVED
SEE ADDENDUM PG.2**

**ARCHITECTURALS
DEFERRED BY P.C. TO
12/5/13**

Bohler Engineering for Towne Center West, LLC and BJ's Restaurants, Inc.: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 8,376 square-foot restaurant building in an existing shopping center. The 2.45-acre site is located at the northwest corner of the intersection of W. Broad Street (U.S. Route 250) and Town Center West Boulevard (private), on parcel 735-764-0017. 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, staff has yet to receive revised site plans, lighting plans, and architectural plans, as requested.

The site plan needs to be revised to show realignment of the parking spaces in the southwest corner of the parking lot, raised landscape islands of corrected dimensions in various locations, and pedestrian sidewalk connections where indicated on the staff plan.

The site lighting plan must be revised to show the light poles moved out of the landscape islands, confirmation that they will not be placed in drainage and utility easements, and that they meet the proffered height limitations. The original plan also did not include any wall-mounted light fixture locations and details as is required.

Architectural elevations need to be revised to address the proffered requirements for exterior elevations of the zoning cases and to ensure compatibility with the rest of the Towne Center West development.

The applicant has also filed a provisional use permit application for extended hours of operation for this proposed restaurant. This case (PUP2013-00015) is pending an appearance on the Planning Commission agenda on December 5th.

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

- 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. Outside storage shall not be permitted.
30. The proffers approved as a part of zoning cases C-49C-04 and C-27C-09 shall be incorporated in this approval.
31. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.
32. The 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.
33. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
34. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

(Staff Report by Kevin Wilhite)

(Applicant's Representative: Mark Joyce)

(Applicable Rezoning Cases and PUPS: C-49C-04; C-27C-09; PUP2013-00015)

PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION (Deferred from the October 23, 2013 Meeting)

POD2013-00323
Car Pool - 5816 W. Broad
Street (U.S. Route 250)
(POD-34-02 Rev.)

APPROVED

Bowman Consulting Group, Ltd. for Mercer Island Holdings, LLC and Car Pool, LLC: Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 106.2 of the Henrico County Code, to demolish an existing 3,153-square-foot fast food restaurant, and construct a one-story, 5,000-square-foot car wash facility with a 1,144-square-foot canopy structure. The transitional buffer deviation would allow a reduced buffer width along the eastern property line at the rear of the site. The 1.0-acre site is located at the northeast corner of the intersection of W. Broad Street (U.S. Route 250) and Bremo Road, on parcel 771-740-3047. The zoning is B-3, Business District.
(Brookland)

This plan of development was deferred from the October, 23 2013 Planning Commission meeting to allow the applicant an opportunity to meet with staff to discuss the architectural plans and canopy. Since then the applicant has provided a glass tower feature on the front of the

building and has agreed to use a grey brick with blue and yellow accents on the building. The angle of the canopy will mimic the roof of the tower feature on the building.

A 35-foot transitional buffer is required on the eastern property line, adjacent to the R-3 zoning. The applicant is providing 16 feet in addition to an existing six-foot tall brickcrete wall. The wall reduces the buffer width requirement to 23 feet. A transitional buffer deviation of seven feet is being requested for the corner of the building, a drainage ditch, and parking lot. The property adjacent to the area of the requested deviation is not used for residential purposes. The staff has no objection to this request.

Should the Commission grant the transitional buffer deviation, the staff recommends approval, subject to the annotation on the plans, the standard conditions for developments of this type and the following conditions:

29. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be approved by the Virginia Department of Transportation and the County.
30. 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.
31. Outside storage shall not be permitted except as shown on the approved plan.
32. The existing water easement in conflict with the building footprint shall be vacated prior to approval of the building permit for the said building.
33. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility.
34. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junctions and accessory boxes, transformers, and generators) shall be identified on the landscape plan. All building mounted equipment shall be painted to match the building, and all equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

(Staff Report by Greg Garrison)

(Applicant's Representative: Ryan Ritterskamp)

PLAN OF DEVELOPMENT (Deferred from the October 23, 2013 Meeting)

POD2013-00280
Children of America at West
Broad Village - 2513 Old
Brick Road

APPROVED
SEE ADDENDUM PG. 3

Bay Companies, Inc. for Excel WBV V, 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, 10,000-square-foot day care center. The 0.95-acre site is located at the southwest corner of the intersection of Old Brick Road (private) and Brownstone Boulevard (private), on part of parcels 741-760-8084, 743-760-2155, 741-760-7785, 741-760-8989, and 742-760-0387. The zoning is UMUC, Urban Mixed Use District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

This proposed 10,000-square-foot daycare center would replace a previously proposed 10,000-square-foot daycare center, and an attached 5,000-square-foot retail building shown on the A14 pad site on the West Broad Village UMU Master Plan. The revised plan would also relocate the 5,000-square-foot playground from the west side of the building to the south side of the building, providing additional separation between the proposed building and the residential townhouses currently under construction to the south across Perch Lane. The applicant has provided complete elevations and a material sample board as previously requested by staff. Staff notes that the proposed building design appears to comply with the proffered design guidelines contained in the West Broad Village Sketchpak. Staff indicates the proposed design is pedestrian in scale, has a tower element that will serve as a focal point at the western end of Old Brick Road Park, and is primarily finished in brick and HardiPlank. Staff also notes the proposed building design has residential design features that provide transitional elements between the adjoining residential and commercial development.

The review of the plan was deferred by the Planning Commission at their October 23, 2013 meeting to permit the applicant the opportunity to provide evidence that the West Broad Village Architectural Review Board has approved the proposed design. The applicant has now received an approval letter from the West Broad Village Architectural Review Board. 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. The subdivision plat for West Broad Village, Section 18 shall be recorded before any building permits are issued.
30. The proffers approved as a part of zoning cases C-12C-06 and P-02-06 shall be incorporated in this approval.
31. 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.
32. All exterior lighting fixtures shall be designed and arranged so the source of light is not visible from the roadways or adjacent residential properties. The lighting shall be low intensity, residential in character, and the height or standards shall not exceed 15 feet.
33. Prior to issuance of a building permit, the developer must furnish a letter from Plantation Pipeline, stating that this proposed development does not conflict with their facilities.
34. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junctions and accessory boxes, transformers, and generators) shall be identified on the landscape plan. All building mounted equipment shall be painted to match the building, and all equipment shall be screened by such

measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

(Staff Report by Mike Kennedy)

(Applicant's Representative: Daniel Caskie)

(Applicable Rezoning Cases and PUPS: C-12C-06; P-02-06)

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2013-00336

Bojangle's at 8833 Staples
Mill Road - 8833 Staples
Mill Road (U.S. Route 33)

APPROVED

SEE ADDENDUM PG. 3

Balzer and Associates, Inc. for Flagstop Corporation and Redco Properties, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to build a one-story, 3,431 square-foot fast food restaurant with drive-through facilities. The 1.24-acre site is located on the east line of Staples Mill Road (U.S. Route 33), approximately 175 feet south of its intersection with Old Staples Mill Road, on parcel 769-756-9510. The current zoning is B-1C, Business District (Conditional), M-1, Light Industrial District, and M-1C, Light Industrial District (Conditional). The proposed zoning currently under separate consideration with zoning case REZ2013-00016 is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

The applicant requests approval to construct a new Bojangle's restaurant with drive-through facilities on the front portion of a parcel currently occupied by the Flagstop carwash on Staples Mill Road (U.S. Route 33). The proposed restaurant will also be located between Wawa to the north and Cobb Office Technology parking lot to the south. The proposed building will be entirely red, tan and white brick with cornices to match the adjacent Wawa convenience store.

The applicant is also requesting approval of a lighting plan in conjunction with POD approval. The proposed lighting meets the proposed proffers and does not exceed 25 feet in height from grade level, and complies with the County's lighting policy.

As of the preparation date of this agenda, the parcel is currently undergoing rezoning with rezoning case REZ2013-00016. The current zoning of the property is B-1C, Business District (Conditional), M-1, Light Industrial, and M-1C, Light Industrial (Conditional), and the property owner is requesting B-2C, Business District (Conditional). All three current zoning classifications permit a restaurant, but B-2 zoning, at a minimum, is required to permit the drive-through facilities. The rezoning case will be heard at the November 12, 2013 Board of Supervisors meeting. The layout plan, architectural elevations and lighting plan in the packet complies with the proposed proffers associated with the rezoning case.

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, annotations on the plans 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. A concrete sidewalk meeting VDOT standards shall be provided along the east side of Staples Mill Road (U.S. Route 33).
 30. The proffers approved as a part of zoning case REZ2013-00016 shall be incorporated in this approval.
 31. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.
 32. Prior to issuance of a building permit, the developer must furnish a letter from Dominion Virginia Power stating that this proposed development does not conflict with their facilities.
 33. In the event of any traffic backup which blocks the public right-of-way as a result of congestion caused by the drive-up delivery facilities, the owner/occupant shall close the drive-up delivery facilities until a solution can be designed to prevent traffic backup.
 34. 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.
 35. 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.
 36. 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 Christina Goggin)
(Applicant's Representative: Christopher Shust)
(Applicable Rezoning Cases and PUPS: REZ2013-00016)

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2013-00356
 University of Richmond
 South Campus Road and
 Parking Improvements - 24
 UR Drive

APPROVED

Draper Aden Associates for University of Richmond: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, for construction of street and parking improvements on an existing university campus. The 32.59-acre site is located on the north line of River Road, approximately 1,100 west of its intersection with Huguenot Road (State Route 147), on parcel 761-732-3993. The zoning is R-1, Residential District. County water and sewer. **(Tuckahoe)**

The plan proposes the realignment of UR Drive and the reconfiguration of several parking areas in the vicinity of office and dormitory buildings. The main roadway improvements include the removal of a sharp turn to be replaced with a smoother curve and a turn off point with wayfinding map and signage and an observation point.

The parking improvements net a total of 382 spaces with 70 of the spaces surrounding the Special Programs Building.

The proposal calls for the demolition of six buildings with 41 units of 1980s style townhouse apartments to make way for the road and parking revisions. The net total of apartment units after demolition is 120 units, including the units currently under construction.

The engineers have indicated that the university wants to move previously approved sidewalk on the north line of UR Drive to the opposite side as shown on this POD. Staff has requested additional information on future sidewalk plans to determine appropriate interior sidewalk locations prior to final approval of construction plans.

The 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. Outside storage shall not be permitted.
30. The conceptual master plan, as submitted with this application, is for planning and information purposes only.
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. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.
33. Additional information on future sidewalks on the South Campus shall be provided prior to signature of construction plans in order to determine the final location of the sidewalk on UR Drive.

(Staff Report by Lee Pambid)

(Applicant's Representative: Charles Kreye)

PLAN OF DEVELOPMENT (Deferred from the October 23, 2013 Meeting)

POD2013-00279
Enviroscape Inc. Office and
Service Building - Techpark
Place

**DEFERRED BY
APPLICANT TO 12/11/13**

Draper Aden Associates for Atack ME Tech Park Partners, LLC and Enviroscape, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 10,000-square foot-office warehouse facility. The 4.07-acre site is located along the west line of Techpark Place, approximately 1,590 feet south of Technology Boulevard, on part of parcel 844-704-9230. The zoning is M-2C, General Industrial District (Conditional). County water and sewer. **(Varina)**

This case was originally appeared on the Planning Commission's September 25, 2013 agenda and was deferred to this meeting at the applicant's request. Since then, the applicant has submitted a revised plan which provides for dedication of a 55-foot right-of-way for a future road along the northern property line. The revised plan also eliminates a second driveway which failed to satisfy Department of Public Works design standards, which require a minimum 150 feet of separation between the centerlines of driveways and the future road.

As of preparation of the agenda, Department of Public Works staff continues to work with the applicant to address their concerns regarding the future road's design. DPW staff is concerned that there is insufficient right of way to accommodate construction of the future road.

Planning staff has not completed its review of the revised grading plan. The plan is required by Proffer Number 1 of zoning case REZ2013-00005 to provide an 8-foot-tall berm surrounding the vehicular storage area that is planted to the requirements of the 35-foot transitional buffer. In addition, staff has not received the additional information requested, related to building material color and percentage of metal siding. The additional information is required to evaluate compliance with Proffer Number 9 of zoning case C-60C-97 regarding building design.

The staff recommendation will be made at the meeting, once the developer provides the additional information. Should the Planning Commission act on this request, the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions are recommended:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
29. The subdivision plat for dedication of the future road along the northern property line shall be recorded before any occupancy permits are issued.
30. All repair work shall be conducted entirely within the enclosed building.
31. Outside storage shall not be permitted between the front of the building and the front street boundary.
32. The proffers approved as a part of zoning cases C-60C-97 and REZ2013-00005 shall be incorporated in this approval.
33. The conceptual master plan, as submitted with this application, is for planning and information purposes only.
34. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junctions and accessory boxes, transformers, and generators) shall be identified on the landscape plan. All building mounted equipment shall be painted to match the building, and all equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.
35. The future road must be cleared and graded to meet Department of Public Works engineering and traffic standards, as determined by the Director of Public Works, prior to issuance of a Certificate of Occupancy.

(Staff Report by Matt Ward)

(Applicant's Representative: Glenn Custis)

(Applicable Rezoning Cases and PUPS: C-60C-97; REZ2013-00005)

SUBDIVISION

SUB2013-00161
Liesfeld Farm at Bacova
(November 2013 Plan)
12130 Bacova Drive

APPROVED

Youngblood, Tyler & Associates, P.C. for Lawrence H. Liesfeld, et al., Trustees: The 2.21-acre site proposed for a subdivision of 2 single-family homes is located on the north and west lines of Bacova Drive, approximately 750 feet west of Pouncey Tract Road (State Route 271), on part of parcel 738-765-2372. The zoning is R-3C, General Residential District (Conditional). County water and sewer. **(Three Chopt) 2 Lots**

The applicant proposes two additional single-family residential lots within the area previously reserved for future development in the Liesfeld Farm at Bacova (April 2012 Plan), granted conditional approval by the Planning Commission on May 23, 2012. The existing BMP on site has been modified with this plan to increase the available area for buildable lots. The property is subject to the proffers of zoning case C-9C-11. The plan provides a 20-foot access and maintenance easement and pedestrian path between the two lots to access the common area and park amenities. The details for the landscaping, pedestrian path, and other amenities will be provided with the landscape plan for Planning Commission review and approval.

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

13. 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.
14. The approval includes only that area outlined in red on the Planning Staff plan dated **November 20, 2013**.
15. The proffers approved as part of zoning case C-09C-11 shall be incorporated in this approval.

(Staff Report by Aimee Crady)

(Applicant's Representative: Anne Tignor)

(Applicable Rezoning Cases and PUPS: C-9C-11)

LANDSCAPE PLAN

SUB2013-00163
Liesfeld Farm at Bacova,
Section 1 - 12130 Bacova
Drive

DEFERRED BY APPLICANT TO 12/11/13

Youngblood, Tyler and Associates, P.C. for Lawrence H. Liesfeld, Charles P. Liesfeld, Jr., and Robert M. Liesfeld trustees: Request for approval of a landscape plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 31.36-acre site is located on the north and west lines of Bacova Drive, approximately 750 feet west of Pouncey Tract Road (State Route 271), on parcel 738-765-2372. The zoning is R-3C, One-Family Residential District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

As of the preparation date of the agenda, the staff has not received a revised plan, as requested. The staff recommendation will be made at the meeting. The current plan lacks sufficient detail to fully evaluate the application. Should the Commission act on this request, in addition to the annotations on the plan, staff recommends the standard conditions for landscape plans.

(Staff Report by Aimee Crady)
(Applicant's Representative: Anne Tignor)
(Applicable Rezoning Cases and PUPS: C-09C-11)

APPROVAL OF MINUTES: October 23, 2013 Minutes/Approved

ADJOURN @ 10:13 A.M.

**PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT
November 20, 2013**

ADDENDUM

PAGE 3 - REVISED STAFF REPORT AND RECOMMENDATION

TRANSFER OF APPROVAL

POD-30-76 and 31-92 POD2013-00177 and POD2013-00184 Hooters Restaurant (Formerly Ponderosa Steakhouse)- 7912 W. Broad Street (U.S. Route 250)	Sean Hufford for Spirit Master Funding III, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Mr. James E. Cornett, III/Cornett-Kinchloe, Inc. to Spirit Master Funding III, LLC. The 1.45-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 750 feet west of its intersection with Hungary Spring Road, on parcel 764-752-4724. The zoning is B-3, Business District. County water and sewer. (Brookland)
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APPROVED

Since the distribution of the packet, the applicant has planted one deciduous Pin Oak tree as requested. Therefore, all deficiencies have been addressed. The staff recommends approval of this transfer request.

PAGE 4 - REVISED STAFF REPORT AND RECOMMENDATION

TRANSFER OF APPROVAL

POD-25-84 POD2013-00299 Wendy's Restaurant - 5212 Brook Road (U.S. Route 1)	Gina M. Guzman for Broadstone WI East, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Mildred C. Featherstone and Wendy's International to Broadstone WI East, LLC. The 0.84-acre site is located on the west line of Brook Road (U.S. Route 1), approximately 350 feet north of Dumbarton Road, on parcel 785-744-6553. The zoning is B-3, Business District. County water and sewer. (Fairfield)
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APPROVED

Since the distribution of the packet, the applicant has completely milled, repaved, and striped the parking lot. Therefore, all deficiencies have been addressed. The staff recommends approval of this transfer request.

PAGE 10 - REVISED PLAN AND REVISED RECOMMENDATION

LANDSCAPE PLAN

POD2013-00357
Kroger Fuel Center at
Willow Lawn Shopping
Center - 1599 Willow Lawn
Drive

APPROVED

Robertson Loia Roof, P.C. for Federal Realty Investment Trust and Kroger Limited Partnership I: Request for approval of a landscape plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 0.75-acre portion of the 20.332-acre site is located in an existing shopping center, on the east line of Willow Lawn Drive, approximately 1,500 feet south 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 revised plan addresses staff's outstanding concerns. The staff recommends approval, subject to the standard conditions for landscape plans.

PAGE 13 - REVISED PLAN AND REVISED ARCHITECTURALS

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2013-00351
BJ's Restaurant at Towne
Center West - 12010 W.
Broad Street (U.S. Route
250)

APPROVED

**ARCHITECTURALS
DEFERRED BY P.C. TO
12/5/13**

Bohler Engineering for Towne Center West, LLC and BJ's Restaurants, Inc.: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 8,376 square-foot restaurant building in an existing shopping center. The 2.45-acre site is located at the northwest corner of the intersection of W. Broad Street (U.S. Route 250) and Town Center West Boulevard (private), on parcel 735-764-0017. The zoning is B-2C, Business District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

PAGE 17 - REVISED PLAN

PLAN OF DEVELOPMENT (Deferred from the October 23, 2013 Meeting)

POD2013-00280
Children of America at West
Broad Village - 2513 Old
Brick Road

APPROVED

Bay Companies, Inc. for Excel WBV V, 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, 10,000-square-foot day care center. The 0.95-acre site is located at the southwest corner of the intersection of Old Brick Road (private) and Brownstone Boulevard (private), on part of parcels 741-760-8084, 743-760-2155, 741-760-7785, 741-760-8989, and 742-760-0387. The zoning is UMUC, Urban Mixed Use District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

PAGE 19 - REVISED CAPTION, REVISED CASE MAP, AND REVISED RECOMMENDATION

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2013-00336
Bojangle's at 8833 Staples
Mill Road - 8833 Staples
Mill Road (U.S. Route 33)

APPROVED

Balzer and Associates, Inc. for Flagstop Corporation and Redco Properties, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to build a one-story, 3,431 square-foot fast food restaurant with drive-through facilities. The 1.24-acre site is located on the east line of Staples Mill Road (U.S. Route 33), approximately 175 feet south of its intersection with Old Staples Mill Road, on parcel 769-756-9510. The ~~current~~ zoning is ~~B-1C, Business District (Conditional), M-1, Light Industrial District, and M-1C, Light Industrial District (Conditional).~~ ~~The proposed zoning currently under separate consideration with zoning case REZ2013-00016~~ is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

Rezoning of the property to B-2C, Business District, was approved by the Board of Supervisors on November 12, 2013. The staff recommends approval of the plan of development, subject to the annotations on the plans, the standard conditions for developments of this type, and the additional conditions listed in the agenda.