

PLANNING COMMISSION

REZONINGS AND PROVISIONAL USE PERMITS

ACTIONS

September 10, 1998


BEGINNING AT 7:00 P.M.:

CALL TO ORDER:

REQUESTS FOR DEFERRALS AND WITHDRAWALS:

PLAN OF DEVELOPMENT & SPECIAL EXCEPTION

POD-80-98
The Glens at Millers
Lane Apartments
(POD-110-89
Expired)

 **ACTION:**
Deny Special
Exception
Grant POD w/Cond.
#30

Koontz-Bryant, P.C. for Varina Station Associates, LLC: Request for approval of a special exception for building height and a plan of development as required by Chapter 24, Sections 24-2 and 24-106 of the Henrico County Code to construct 12, three-story apartment buildings totaling 144 units and clubhouse with pool. The 24.5-acre site is located along both sides of Millers Lane approximately 250 feet south of Gay Avenue on parcels 162-A-13, 14, 15 and part of 162-A-10A. The zoning is R-6, General Residence District and R-4, One-Family Residence District and ASO (Airport Safety Overlay District). County water and sewer. (**Varina**)

Background

The plan of development was deferred from the Commission's August 25, 1998 meeting at the applicant's request. A revised site plan is included in the Commission's packet along with the first staff plan.

The multi-family dwellings in a R-6 General Residence District must not exceed 35 feet in height. If the number of stories in a dwelling is to exceed 2 ½, it may be constructed pursuant to the condition of approval of a special exception. The story limitation in the R-6 General Residence District does not regulate the number of dwellings in a structure or the development. It is a bulk requirement, not a density control.

Special Exception

In keeping with normal procedure, the staff makes no recommendation regarding the applicant's request for a special exception. The applicant will make a presentation to the Commission

regarding the reasons why they believe the Commission should approve the special exception for three story buildings.

Plan of Development

The revised plan meets the minimum building setbacks from the property line, the BOCA building code for minimum building separation and does not exceed the maximum density permitted by the Code. Staff recommends approval subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.

24. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.

25. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.

26. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.

27. 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.

28. Prior to issuance of a building permit, the developer must furnish a letter from the Virginia Power and the natural gas company stating that this proposed development does not conflict with their facilities.

29. Prior to construction plan approval, the Director of Public Works shall grant approval of an off-site BMP, and Virginia Power shall grant permission for the BMP/storm sewer in their easement subject to the County Attorney's approval of the easement agreement.

(Staff Presentation by Ted McGarry)

TUCKAHOE:

NONE.

VARINA:

Deferred from the August 13, 1998 Meeting:

P-28-98 **James D. Thornton for Triton PCS, Inc.:** Request for approval of a provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct, operate and maintain a communication tower up to 199' high and related equipment and improvements, on part of Parcels 142-13-B-9 and 11, containing 2,500 sq. ft., located on the southwest line of Nine Mile Road, approximately 100' west of Battery Avenue (St. Johns Catholic Church property, 813 W. Nine Mile Road). The site is zoned R-2A and R-4 One-Family Residence Districts. **(Staff presentation by Lee Yolton)**



ACTION: Deferred to October 15, 1998.

Deferred from the August 13, 1998 Meeting:

P-25-98 **Heidi H. Parker for 360 Communications Company:** Request for approval of a provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct, operate and maintain a communication tower up to 199' high and related equipment and improvements, on part of Parcel 249-A-30, containing 4,200 sq. ft., located on the east line of Buffin Road, approximately 1200' northwest of Interstate 295. The site is zoned A-1 Agricultural District. The site is also located in the Airport Safety Overlay District. **(Staff presentation by Jo Ann Morgan Hunter)**



ACTION: Withdrawn

BROOKLAND:

Deferred from the July 9, 1998 Meeting:

C-46C-98 **Andrew M. Condlin for Alva E. Kimrey:** Request to conditionally rezone from R-2A One Family Residence District to M-2C General Industrial District (Conditional), Parcel 31-A-17 and part of Parcels 31-A-14 and 15, containing 4.818 acres, located 233' west of Old Washington Highway approximately 30' north of its intersection with Cemetery Road. Storage for an adjacent steel fabrication yard is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Light Industry development. **(Staff presentation by Nancy Gardner)**



ACTION: Deferred to October 15, 1998

Deferred from the August 13, 1998 Meeting:

C-51C-98 Strange-Bosten & Associates for Woodmen, LC: Request to conditionally rezone from R-3 One Family Residence District to R-6C General Residence District (Conditional), Parcels 51-A-98 and 99, containing 3.919 acres, located on the southwest line of Woodman Road approximately 340' northwest of its intersection with Parham Road. An assisted living facility is proposed. The Land Use Plan recommends Office development. **(Staff presentation by Mark Bittner)**



ACTION: Approved

P-35-98 James Thornton for Triton PCS, Inc.: Request for approval of a provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct, operate and maintain a communication tower up to 199' high and related equipment and improvements, on part of Parcel 22-A-11B, located in RF&P Park on the south side of Interstate 295. The leased area is about 5,000 square feet, located approximately 100' east of the existing communication tower (or as more particularly described on a plat kept on file in the Henrico Planning Office). The site is zoned M-2 General Industrial District. **(Staff presentation by Lee Yolton)**



ACTION: Approved

FAIRFIELD:

Deferred from the February 12, 1998 Meeting:

C-34C-97 J. Barry Lynn: Request to conditionally rezone from B-1C Business District (Conditional) to B-3C Business District (Conditional), Parcel 96-A-3, containing 2.175 acres, located at the northwest corner of Azalea Avenue and Wilkinson Road. The Land Use Plan recommends this site for Commercial Concentration development. A self-service car wash is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. **(Staff presentation by Mark Bittner)**



ACTION: Denied

Deferred from the August 13, 1998 Meeting:

C-14C-98 James Thornton for Virginia Center, Inc.: Request to conditionally rezone from O-3C Office District (Conditional) to M-1C Light Industrial District (Conditional), part of Parcel 24-A-8D, containing approximately 61.74 acres, located on the east line of I-95 approximately 1,620' north of Virginia Center Parkway within the Virginia Center development. Light Industrial uses are proposed. The uses will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office development. **(Staff presentation by John Merrithew)**



ACTION: Deferred to October 15, 1998

Deferred from the August 13, 1998 Meeting:

C-40C-98 Robert M. Attack for Attack Properties, Inc.: Request to conditionally rezone from R-3AC and R-2AC One Family Residence Districts (Conditional) to RTH Residential Townhouse District (Conditional), part of Parcels 23-A-72A and 32-A-94, containing 18.08 acres, located adjacent to the western terminus of proposed J.E.B. Stuart Parkway and north of the terminus of Proposed Magnolia Ridge Drive. Townhomes or condominiums for sale are proposed. The RTH District permits densities up to 9.0 units gross density per acre. The Land Use Plan recommends Suburban Residential 1 development, 1.0 to 2.4 units net density per acre and Suburban Residential 2, 2.4 to 3.4 units net density per acre. **(Staff presentation by Lee Yolton)**



ACTION: Deferred to October 15, 1998

Deferred from the August 13, 1998 Meeting:

C-52C-98 A. G. Bertozzi for Addon Associates, LLC: Request to conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District, on Parcel 43-A-43, containing 3.97 acres, located at the east line of Telegraph Road, approximately 200' north of Pennsylvania Avenue. A residential subdivision is proposed. The R-3A District permits densities up to 4.59 units gross density per acre. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. **(Staff presentation by Mark Bittner)**



ACTION: Approved

C-57C-98 Joe Parker for Agnes S. Moss: Request to conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District (Conditional), Parcel 147-A-77, containing 1.0 acre, located at the southeast corner of the intersection of Oakleys Lane and Yates Lane. A residential subdivision is proposed. The R-3A District permits densities up to 4.59 units gross density per acre. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. **(Staff presentation by Jo Ann Morgan Hunter)**



ACTION: Deferred to October 15, 1998

C-58C-98 **James W. Theobald for Archstone Communities Trust:** Request to amend proffered conditions accepted with rezoning case C-115C-88 on part of Parcels 33-A-8 and 9, containing approximately 6.3 acres, located at the northwest corner of Brook Road (U.S. Route 1) and Virginia Center Parkway. The proposed amendment relates to the freestanding sign on the property that identifies the project. The current zoning is R-6C, General Residence District (Conditional). The Land Use Plan recommends Commercial Concentration and Multi-Family, 6.8 to 19.8 units per acre. **(Staff presentation by Jo Ann Morgan Hunter)**



ACTION: Deferred to September 22, 1998

BEGINNING AT 8:00 P.M.:

THREE CHOPT:

Deferred from the July 9, 1998 Meeting:

P-8-97 **J. Thomas O'Brien, Jr. for Short Pump Investors, L.P.:** Request for approval of a provisional use permit in accordance with Sections 24-58.2(a)(d) and 24-122.1 of Chapter 24 of the County Code to permit outside dining and extended hours of operation to 2:00 a.m. for proposed restaurants, on Parcels 36-A-19D (pt.), 21, 22, 23, and 24 located on the north line of W. Broad Street, 450' west of its intersection with Pouncey Tract Road. The site is zoned B-2C Business District (Conditional) and M-1 Light Industrial District. The site is also within the West Broad Street Overlay District. **(Staff presentation by John Merrithew)**



ACTION: Withdrawn

Deferred from the August 13, 1998 Meeting:

C-48C-98 **James W. Theobald for The Snyder-Hunt Corp.:** Request to conditionally rezone from A-1 Agricultural District to R-2C, R-3C and R-4C One Family Residence Districts (Conditional), RTHC Residential Townhouse District (Conditional), R-5C, R-5AC and R-6C General Residence Districts (Conditional), O-2C Office District (Conditional), B-2C and B-3C Business Districts (Conditional) and M-1C Light Industrial District (Conditional), Parcels 18-A-11, 26-A-27A (pt), 30-32, 73, 27 (pt), 27-A-3A, 5A, 6, 7, 8, 9A, 11 and 10 (pt.), and 37-A-1,10,12 (pt.),13 (pt.), containing 425.92 acres located at the southeast corner of the intersection of

Shady Grove Road and Nuckols Road. A mixed use planned community is proposed. The R-2 District permits densities up to 2.42 units gross density per acre. The R-3 District permits densities up to 3.96 units gross density per acre. The R-4 District permits densities up to 5.45 units gross density per acre. The RTH District permits densities up to 9.0 units gross density per acre. The R-5 District permits densities up to 14.52 units gross density per acre. The R-5A District permits densities up to 6.0 units gross density per acre. The R-6 District permits densities up to 19.8 units gross density per acre. The office, business and industrial uses will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Government, Environmental Protection Area, Light Industry, Urban Residential 3.4 to 6.8 units net density per acre, Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Rural Residential, not exceeding 1.0 unit net density per acre. **(Staff presentation by John Merrithew)**



ACTION: Deferred to October 15, 1998

Deferred from the August 13, 1998 Meeting:

C-54C-98 Glenn R. Moore for ESA Management, Inc.: Request to amend proffered conditions accepted with rezoning case C-12C-88 on Parcel 47-A-11A, containing 4.67 acres, located at the southwest corner of Dominion Boulevard and Sadler Road. The current zoning is B-3C, Business District (Conditional). The amendment would delete or revise proffers regarding numerous issues including site plan, elevations, building materials, uses, and access. The Land Use Plan recommends Commercial Concentration development. **(Staff presentation by Jo Ann Morgan Hunter)**



ACTION: Deferred to October 15, 1998

C-59C-98 E. Delmonte Lewis for Greensprings, Inc.: Request to conditionally rezone from A-1 Agricultural District and R-3AC One Family Residence District (Conditional) to R-3AC One Family Residence District (Conditional) and C-1 Conservation District, part of Parcels 38-A-30D and 30E, containing 30.78 acres, located at the eastern terminus of Toston Lane (Lexington Subdivision) and southern terminus of Anna Marie Drive (Greensprings Subdivision) or as more particularly described in the files kept in the Henrico Planning Office. A residential subdivision is proposed. The R-3A District permits densities up to 4.59 units gross density per acre. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Environmental Protection Area. **(Staff presentation by Lee Yolton)**



ACTION: Deferred to October 15, 1998

C-60C-98 **E. D. Lewis & Associates for The Kittrell Company:** Request to amend proffered conditions accepted with rezoning case C-29C-97 on Parcel 38-15-A-2 (4204 Riverdale Avenue, Stewart Meadows Subdivision), containing 0.629 acre, located on the west line of Riverdale Avenue at its intersection with Thorncroft Drive. The proposed amendment relates to the front yard depth of Lot 2. The current zoning is R-2C, One Family Residence (Conditional). The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. **(Staff presentation by John Merrithew)**



ACTION: Approved

C-61-98 **Henry A. Shield:** Request to rezone from B-2 Business District to R-6 General Residence, Parcel 115-A-6A, containing 3.104 acres, located on the south line of Markel Road approximately 250' east of its intersection with Byrd Avenue and on the north line of Fitzhugh Avenue approximately 180' east of its intersection with Byrd Avenue. Apartments are proposed. The R-6 District permits densities up to 19.80 units gross density per acre. The Land Use Plan recommends Office and Environmental Protection Area. **(Staff presentation by Nancy Gardner)**



ACTION: Deferred to October 15, 1998

P-34-98 **Julian's Restaurant:** Request for approval of a provisional use permit in accordance with Sections 24-58.2(d) and 24.122.1 of Chapter 24 of the County Code in order to construct an approximately 1,200 square foot patio for outdoor dining on part of Parcel 47-A-56D, located at the southwest corner of the intersection of Three Chopt Road, Church Road and Cox Road. The site is zoned B-2C Business District (Conditional). The Land Use Plan recommends Commercial Concentration. **(Staff presentation by Nancy Gardner)**



ACTION: Approved

Approval of Minutes: August 13, 1998.

Adoption of Planning Commission Rules and Regulations.

Cases acted upon by the Planning Commission on this meeting date will be scheduled to be heard by the Board of Supervisors on October 14, 1998.