

PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
JUNE 10, 2004

BEGINNING AT 7:00 P.M.

CALL TO ORDER:

REQUESTS FOR WITHDRAWALS AND DEFERRALS (1); (4)

REQUESTS FOR EXPEDITED ITEMS (0)

CASES TO BE HEARD: (5)

PLAN OF DEVELOPMENT (Deferred from the May 26, 2004, Meeting)

POD-34-04
Roma's East -
325 E Williamsburg Road

Timmons Group and Gooss & Associates AIA for Giaman, 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, 3,575 square foot restaurant and a 2,051 square foot retail building. The 0.71-acre site is located at 325 E Williamsburg Road (U.S. Route 60) on parcels 829-715-3035, 4034, and 828-715-8918. The zoning is B-1, Business District, R-3, One-Family Residence District and ASO (Airport Safety Overlay) District. County water and sewer. (**Varina**)

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

- 23 A standard concrete sidewalk shall be provided along the south side of Williamsburg Road.
- 24 The proffers approved as a part of zoning case C-18C-04 shall be incorporated in this approval.
- 25 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.
- 26 The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
- 27 The entrances and drainage facilities on Route 60 shall be approved by the Virginia Department of Transportation and the County.

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- 28 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 Planning Office prior to any occupancy permits being issued
- 29 Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans
- 30 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
- 31 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
- 32 Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit
- 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 When the residential rezoning is adopted by the Board, the additional parking spaces may be approved administratively
- 35 Prior to construction plan approval, a corrected plat shall be recorded for lots 20 and 21, Block E, Hunters Run, Section E. The plat shall show the conveyance to Giaman, and provide a continuous 16-foot drainage and utility easement along the rear property line on Lots 20 and 21
- 36 The landscape screening required by proffer #5 may be provided along the rear of the lots in Hunters Run with the permission of the property owners and by agreement from the Department of Public Works

(Staff Report and Presentation by Ted McGarry) APPROVED

PLAN OF DEVELOPMENT (Deferred from the May 26, 2004, Meeting)

POD-42-04
 Dominion Place –
 Dominion Boulevard

Foster & Miller, P.C. for Papec Richmond II LLC and Highwoods Properties: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct three, one-story office buildings and five, two-story office buildings totaling 78,100 square feet. The 6.28-acre site is located at 4403 Sadler Road on parcel 747-763-4389. The zoning is O-3C, Office District (Conditional). County water and sewer
(Three Chopt)

The plan was revised to address staff concerns regarding the proffered 200-foot setback from the ultimate right-of-way for Sadler Road. Since the revised plan increases the total floor area proposed, the plan was deferred at the applicant's request.

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from the May 26, 2004 meeting, to permit a revised public notice to be sent to the adjoining property owners

The 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 right-of-way for widening of Sadler 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.
- 24 The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 25 The required building setback shall be measured from the proposed right-of-way line and the parking shall be located behind the proposed right-of-way line.
- 26 The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
- 27 The proffers approved as a part of zoning case C-27C-99 shall be incorporated in this approval.
- 28 Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
- 29 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.
- 30 Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 31 Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
- 32 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.

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- (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 Planning Office 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.
- 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 A 30-foot-wide natural or landscaped buffer shall be provided along the northeast property line.
- 35 A 50-foot-wide natural or landscaped buffer shall be provided along the ultimate ROW for Sadler Road.
- 36 The ultimate ROW for Sadler Road shall be dedicated prior to the approval of construction plans.
- 37 All setbacks shall be measured from the ultimate ROW for Sadler Road.
- 38 An irrigation plan per the proffers shall be submitted with the landscape plan for the staff review and approval.
- 39 Covenants and restrictions per the proffers shall be submitted for staff review and approval prior to the approval of construction plans.
- 40 A 200-foot setback is required from the ultimate ROW for Sadler Road. Therefore the plan must be revised to remove three buildings from within the setback.

(Staff Report Presentation by Michael Kennedy) APPROVED

BROOKLAND:

C-24C-04 Lunsford L. Duke Request to conditionally rezone from A-1 Agricultural District to R-5C General Residence District (Conditional), Parcels 761-769-6447 and 761-769-4574, containing 10.36 acres located at the southwest intersection of Staples Mill (U.S. Route 33) and Springfield Roads. A multifamily development is proposed. The R-5 District allows a density up to 14.52 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. **Staff – Jean Moore (Deferral requested to the July 15, 2004 Meeting). DEFERRED TO JULY 15, 2004**

FAIRFIELD:

P-5-04 El Paso Restaurant Request for a Provisional Use Permit under Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code to provide 561 square feet of outside dining, on part of Parcel 783-756-9858, containing 0.556 acre, located on the north line of E. Parham Road approximately 230 feet west of Brook Road (U.S. Route 1). The existing zoning is B-2 Business District. The Land Use Plan recommends Commercial Concentration. **Staff – Jean Moore APPROVED**

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C-25C-04 Stewall Corporation: Request to amend proffered conditions accepted with rezoning Case C-40C-96, on Parcel 780-749-3330, containing 0.226 acre, located at the southeast intersection of Hermitage and Hilliard Roads. The amendments would change the proffer language pertaining to natural and landscaped buffers and delete the restriction on parking and driveways. The existing zoning is R-6C General Residence District (Conditional). The Land Use Plan recommends Office Staff – Jean Moore **APPROVED**

THREE CHOPT:

Deferred from the March 11, 2004 Meeting:

C-51C-03 Larry D. Willis: Request to rezone from A-1 Agricultural District and M-1C Light Industrial District (Conditional) to B-2C Business District (Conditional), Parcels 742-762-9861, 743-762-1862 and 743-762-1538 and part of Parcel 742-762-9178, containing 4.089 acres, located at the northern terminus of Brookriver Drive and at the I-64E/I-295 southeast cloverleaf. Restaurants and other retail uses are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Semi-Public. The site is also in the West Broad Street Overlay District. Staff – Mark Bittner (Deferral requested to the July 15, 2004 Meeting). **DEFERRED TO JULY 15, 2004**

Deferred from the April 15, 2004 Meeting:

C-52C-03 Mr. And Mrs. Hung Yim: Request to conditionally rezone from A-1 Agricultural District to B-3C Business District (Conditional), Parcel 735-763-5299, containing 1.922 acres, located on the north line of West Broad Street (U.S. Route 250) approximately 1,450 feet east of N Gayton Road. A restaurant is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Mixed Use. The site is also in the West Broad Street Overlay District. Staff – Mark Bittner (Deferral requested to the September 9, 2004 Meeting). **DEFERRED TO SEPTEMBER 9, 2004**

Deferred from the March 11, 2004 Meeting:

C-5C-04 Robert M. Attack: Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 748-772-3954, containing approximately 4.90 acres, located on the northwest line of Opaca Lane approximately 700 feet northeast of Nuckols Road. The applicant proposes no more than six (6) single-family residential lots. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan and the Nuckols Road/I-295 Small Area Land Use Study recommend Rural Residential, not exceeding 1.0 unit net density per acre, and Environmental Protection Area. Staff – Mark Bittner (Withdrawn by the applicant). **WITHDRAWN**

C-26C-04 Jeffrey Capps: Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to B-3C Business District (Conditional), on part of Parcel 740-761-8451, containing 5.05 acres, located at the southeast intersection of W Broad Street (U.S. Route 250) and Old Three Chopt Road. An automotive dealership is proposed. The use will be controlled by proffered conditions and zoning ordinance

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regulations The Land Use Plan recommends Commercial Concentration and Open Space/Recreation The site is in the West Broad Street Overlay District **Staff – Mark Bittner APPROVED**

VARINA

C-28C-04 Rogers-Chenault, Inc.: Request to conditionally rezone from A-1 Agricultural District to R-2C One Family Residence District (Conditional), Parcels 828-720-7544, 829-720-1214, 828-720-6007 and 828-720-3514, containing 17.432 acres, located along the east line of Hanover Road between the south line of Meadow Road and the north line of Early Street The applicant proffers the total number of lots not to exceed thirty-five (35) The R-2 District allows a minimum lot size of 18,000 square feet The site is in the Airport Safety Overlay District **Staff – Mark Bittner (Deferral requested to the July 15, 2004 Meeting) DEFERRED TO JULY 15, 2004**

APPROVAL OF MINUTES: Work Session May 13, 2004 Minutes **APPROVED**
 Planning Commission May 13, 2004 Minutes **APPROVED**

Acting on a motion by **Mrs. Ware**, seconded by **Mr. Marshall**, the Planning Commission adjourned its meeting at **8 20 p m** on **June 10, 2004**

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