

**PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
AUGUST 10, 2006**

BEGINNING AT 7:00 P.M.

CALL TO ORDER:

REQUESTS FOR WITHDRAWALS AND DEFERRALS: (0); (8)

REQUESTS FOR EXPEDITED ITEMS: (1)

CASES TO BE HEARD: (8)

PLAN OF DEVELOPMENT (Deferred from the July 26, 2006 Meeting)

POD-42-06 West Broad Village – W. Broad St./Three Chopt Road	Timmons Group for West Broad Village, LLS, West Broad Village II, LLC and Unicorp National Developments, 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, 60,000 square foot grocery store and a one-story, 4,500 square foot bank building, along with additional site grading, infrastructure and landscaping in an urban mixed use development. The 115.04-acre site is located along the south line of W. Broad Street (U. S. Route 250), the north line of Three Chopt Road, and the east line of the future John Rolfe Parkway on parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. (Three Chopt)
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As of the preparation date of the agenda, the staff was still reviewing the plans submitted for this development which encompasses most of the West Broad Village property except for the two high-rise office buildings and the accompanying parking deck. Due to the size of this development, the applicant agreed to consideration of a partial approval of the project by the Commission and requested deferral of the rest of the plan to September 27.

The portion of the development to be considered currently includes a one-story, 60,000 sq. ft. grocery store and a one-story, 4,500 sq. ft. bank building. The request does not

August 10, 2006

include the architectural plans for these buildings at this time. In addition, approval of the landscaping in the buffer along Three Chopt Road is requested, as well as approval of the overall drainage plans including the BMPs, the overall utility plans, and the overall grading plans including the erosion and sediment control measures.

The master plan has recently been updated for this site and it involves many changes from the original March 2006 plan included with the rezoning and provisional use permit approval by the Board of Supervisors. These changes are being reviewed by staff and will be addressed at the September 27 Planning Commission hearing.

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

24. The right-of-way for widening of W. Broad Street, Three Chopt Road and John Rolfe Parkway 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.
25. 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.
26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain 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.
27. 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.
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 Department of Planning prior to any occupancy permits being issued.
29. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
30. Outside storage shall not be permitted.
31. The proffers approved as a part of zoning case C-12C-06 and the conditions approved as part of provisional use permit case P-2-06 shall be incorporated in this approval.
32. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.

33. 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.
34. 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.
35. In the event of any traffic backup which blocks the public right-of-way as a result of congestion caused by the drive-up teller facilities, the owner/occupant shall close the drive-up teller facilities until a solution can be designed to prevent traffic backup.
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. 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.
38. 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.
39. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and such names shall be included on the construction plans prior to their approval. The standard street name signs shall be ordered from the County and installed prior to any occupancy permit approval.
40. Prior to issuance of approval of the construction plans, the developer must furnish a letter from Plantation Pipeline Gas stating that this proposed development does not conflict with their facilities.
41. A 5-ft. curvilinear sidewalk shall be constructed within the West Broad Street streetscape buffer with a corresponding pedestrian access easement granted to the County.
42. A 12-ft. curvilinear sidewalk shall be constructed within the Three Chopt Road streetscape buffer with a corresponding pedestrian access easement granted to the County.
43. Evidence of the vacation of the existing VDOT service road right-of-way along West Broad Street and its transfer to the applicant shall be provided prior to the approval of the construction plans for any portion of the development impacted by the said access road right-of-way.
44. This approval is contingent upon the abandonment of the Three Chopt Lane and Three Chopt Road right-of-ways and its transfer to the applicant in accordance with the letter from the County Manager to RJS and Associates, Inc., dated August 23, 2005.
45. A traffic control plan shall be approved by the County Traffic Engineer, prior to the final approval of construction plans, for any restricted structured parking.

46. A construction staging plan which includes details for traffic control, fire protection, stockpile locations, construction fencing, construction trailer locations, and hours of construction shall be submitted for County review and prior to the approval of any final construction plans.

(Staff Report by Kevin Wilhite and Michael Kennedy)

(Applicant's Representative: Joseph R. Vilseck, III)

Recommended for Approval

VARINA:

Deferred from the July 13, 2006 Meeting.

P-9-06 Gary Barber for National Communication Tower LLC: Request for a Provisional Use Permit under Sections 24-92.2, 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the County Code to construct a 199' monopole telecommunications tower, on Parcel 851-666-7691, located 343' east of Carters Mill Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Prime Agriculture. The site is in the Airport Safety Overlay District. **Staff – Tom Coleman** **Deferred to the October 12, 2006 Meeting**

Deferred from the July 13, 2006 Meeting.

C-79C-05 Larry Horton for StyleCraft Homes Development Corp.: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional), RTHC Residential Townhouse District (Conditional), and B-3C Business District (Conditional), Parcel 813-701-0425, containing 81.45 acres, located at the southwest intersection of Darbytown Road and Laburnum Avenue. The applicant proposes a retail and residential development with density of no more than one hundred and sixty (160) single family and townhouse units. The uses will be controlled by zoning ordinance regulations and proffered conditions. The R-5A District allows a minimum lot size of 5,625 square feet with a maximum gross density of 7.7 units per acre. The maximum density in the RTH District is nine (9) units per acre. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, Office, and Environmental Protection Area. **Staff – Lee Tyson** **Deferred to the September 14, 2006 Meeting**

C-35C-06 E. F. Moseley, LLC: Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 820-689-0994 and -3688 and part of Parcels 819-689-8194, 820-689-1644, and 818-688-9639, containing 21.33 acres, located on the west line of Doran Road approximately 3,300 feet north of New Market Road (State Route 5). The applicant proposes a single-family residential subdivision at a density of not more than 2.3 units per acre. The R-2A District allows a minimum lot size of 13,500 square feet and a maximum gross density of 3.23 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The site is in the Airport Safety Overlay District. **Staff – Nathalie Croft** **Deferred to the September 14, 2006 Meeting**

C-36C-06 Gloria Freye for Waypoint Development, LLC.: Request to conditionally rezone from R-4 One Family Residence District, B-1 Business District and M-1 Light Industrial District to R-5AC General Residence District (Conditional), part of Parcel 805-710-1834, containing 13.15 acres, located on the southwest line of Darbytown Road at its intersection with Oregon Avenue. The applicant proposes a single family residential subdivision with a maximum of 40 lots. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum gross density of 7.7 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre, Commercial Concentration, and Environmental Protection Area. **Staff – Lee Tyson**
Deferred to the September 14, 2006 Meeting

P-13-06 Burke Lewis for New Cingular Wireless PCS, L.L.C (Lessee): Request for a provisional use permit under Sections 24-95(a), 24-120 and 24-122.1 of the County Code in order to construct a 199' high telecommunications tower, on parts of Parcel 855-689-5504 and 855-688-7082, located approximately 1,450 feet south of Charles City Road and 400 feet west of Upper Western Run Lane. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Prime Agriculture. **Staff – Tom Coleman**
Deferred to the October 12, 2006 Meeting

BROOKLAND:

None.

FAIRFIELD:

None.

THREE CHOPT:

Deferred from the June 15, 2006 Meeting.

P-4-06 Gloria Freye for Bechtel Corp.: Request for a Provisional Use Permit under Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the County Code in order to construct a 149' high telecommunication tower on Parcel 744-771-3182, located on the east line of Shady Grove Road north of Hames Lane. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. **Staff – Tom Coleman**
Deferred to the October 12, 2006 Meeting

Deferred from the July 13, 2006 Meeting.

C-26C-06 Roy Amason for McCabe's Grant, L.L.C.: Request to conditionally rezone from A-1 Agricultural District, C-1 Conservation District, and R-1, R-2A, and R-3 One Family Residence Districts to R-2AC One Family Residence District (Conditional), Parcels 742-755-8449, 742-754-8984, 743-754-4375, and 743-755-1624, containing approximately 14.32 acres, located at the termini of Crown Grant Road, Loreine's Landing Lane and Persimmon Trek. The applicant proposes a single-family residential development with a maximum of 26 dwelling units. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, Environmental Protection

Area, and Suburban Residential 2, 2.4 to 3.4 units net density per acre. **Staff – Nathalie Croft [Recommended for Approval](#)**

C-40C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd: Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcel 743-763-9533 and part of Parcel 743-763-9020, containing approximately 3.046 acres, located on the west line of Belfast Road approximately 270 feet north of Edinburgh Road. The applicant proposes a single family residential subdivision with no more than three (3) dwelling units per acre. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. The use will be governed by zoning ordinance regulations and proffered conditions. **Staff – Tom Coleman [Recommended for Approval](#)**

P-14-06 Gloria Freye for Richmond 20MHz, LLC (NTELOS): Request for a provisional use permit under Sections 24-95(a), 24-120 and 24-122.1 of the County Code in order to construct a PCS wireless communications facility with a 102' high flagpolestyle antenna, on part of Parcel 752-749-9473, located on the east side of Three Chopt Road at its intersection with Ridgefield Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Semi Public and Environmental Protection Area. **Staff – Livingston Lewis [Deferred to the September 14, 2006 Meeting](#)**

C-41C-06 Gloria Freye for RER/New Boston Cox Road LLC: Request to amend proffered conditions accepted with Rezoning Case C-61C-89, on part of Parcel 747-759-4312, located at the northwest intersection of Interstate 64 and Cox Road at the Westmark Office Park. The applicant proposes to amend Proffer 1 to reduce the open space from 35% to 25% and include two new proffers to provide a buffer along Cox Road and language to address severance of proffers. The existing zoning is O-3C Office District (Conditional). The Land Use Plan recommends Office and Commercial Concentration. **Staff – Livingston Lewis [Recommended for Approval](#)**

C-42C-06 James Theobald for Smith Packett Med-Com: Request to conditionally rezone from A-1 Agricultural District, R-3 One Family Residence District, and R-5C General Residence District (Conditional), to R-6C General Residence District (Conditional), Parcels 752-753-3276 and 753-754-0908, containing approximately 46.73 acres, located on the east line of Pemberton Road (State Route 157) between the north line of Fordson Road and the south line of Interstate 64. The applicant proposes a life care facility and community with retail uses. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Multi-Family Residential, 6.8 to 19.8 units net density per acre, Semi-Public, and Environmental Protection Area. **Staff – Nathalie Croft [Deferred to the September 14, 2006 Meeting](#)**

P-15-06 James Theobald for Smith Packett Med-Com: Request for a provisional use permit under Sections 24-36.1, 24-120 and 24-122.1 of the County Code to

construct and operate a life care facility with retail uses, on Parcels 752-753-3276 and 753-754-0908, containing approximately 46.73 acres, located on the east line of Pemberton Road (State Route 157) between the north line of Fordson Road and the south line of Interstate 64. The existing zoning is A-1 Agricultural District, R-3 One Family Residence District and R-5C General Residence District (Conditional). The property is the subject of rezoning case C-42C-06, which proposes to rezone the property to R-6C General Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Multi-Family Residential, 6.8 to 19.8 units net density per acre, Semi-Public, and Environmental Protection Area. **Staff – Nathalie Croft** [Deferred to the September 14, 2006 Meeting](#)

C-43C-06 Glenn Moore for Basilios E. Tsimbos: Request to conditionally rezone from B-1C Business District (Conditional) to B-2C Business District (Conditional), Parcel 761-754-1383, containing approximately 0.773 acres, located on the east line of Skipwith Road approximately 350 feet south of West Broad Street (U. S. Route 250). A restaurant is proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Arterial and Office. **Staff – Lee Tyson** [Recommended for Approval](#)

P-16-06 Glenn Moore for Basilios E. Tsimbos: Request for a provisional use permit under Sections 24-58.2(d), 24-120 and 24-122.1 of the County Code in order to construct an outside dining area for a proposed restaurant on Parcel 761-754-1383, located on the east line of Skipwith Road approximately 350 feet south of West Broad Street (U. S. Route 250). The existing zoning is B-1C Business District (Conditional). The property is the subject of rezoning request C-43C-06, which proposes to rezone the property to B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial and Office. **Staff – Lee Tyson** [Deferred to the October 12, 2006 Meeting](#)

C-44C-06 Andrew Condlin for Kalyan Plaza II, Inc.: Request to amend proffered conditions accepted with Rezoning Case C-43C-05, on Parcel 735-763-7898, located on the north line of West Broad Street (U. S. Route 250) approximately 1,650 feet east of North Gayton Road. The applicant proposes to amend Proffer 13 related to use restrictions and square footage, Proffer 15 related to exterior elevations, and Proffer 17 related to site coverage. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District. **Staff – Nathalie Croft** [Deferred to the September 14, 2006 Meeting](#)

TUCKAHOE:

Deferred from the July 13, 2006 Meeting.

P-12-06 Simon Mueller for Neil Desai: Request for a provisional use permit under Sections 24-55(a), 24-120 and 24-122.1 in order to allow fuel pumps at an existing convenience store, on Parcel 751-753-0230, located at the southeast intersection of Three Chopt and Pemberton Roads. The existing zoning is B-1 Business District. The

Land Use Plan recommends Commercial Arterial. **Staff – Nathalie Croft**
Recommended for Denial

RESOLUTION: SIA-03-06 – Northwest Elementary School Site #9 –
Substantially In Accord with the County Comprehensive Plan (Three Chopt District).
Staff – Lee Tyson Recommended for Approval

DISCUSSION ITEMS: Initiate discussion and set public hearing date for a
resolution to amend the County Code to allow replacement of nonconforming structures.
Approved – Work session scheduled for September 14, 2006 at 6:30 p.m.

APPROVAL OF MINUTES: Planning Commission July 13, 2006 Approved
with Corrections

Acting on a motion by [Vanarsdall](#), seconded by [Branin](#), the Planning Commission
adjourned its meeting at [10:14 p.m.](#) on [August 10, 2006](#).

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