

**PLANNING COMMISSION  
REZONING MEETING  
FINAL AGENDA  
JULY 12, 2007**

**BEGINNING AT 7:00 P.M.**

**CALL TO ORDER:**

**REQUESTS FOR WITHDRAWALS AND DEFERRALS: (2); (6)**

**REQUESTS FOR EXPEDITED ITEMS: (1)**

**CASES TO BE HEARD: (10)**

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**PLAN OF DEVELOPMENT - ARCHITECTURAL PLANS FOR SILVER DINER  
(Deferred from the June 27, 2007 Meeting)**

POD-34-07  
Wilton Square –  
W. Broad Street and Cox  
Road

**Grattan Associates, P.C. for The Wilton Companies, Inc.:** Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,674 square foot restaurant. The 3.51-acre site is located on the northeast corner of West Broad Street (U.S. Route 250) and Cox Road on parcels 748-760-6957 and 9546. The zoning is B-2C, Business District (Conditional). County water and sewer.  
**(Three Chopt)**

As of the preparation date of the agenda, staff had not completed its review of the architectural plans. The staff recommendation will be made at the meeting.

**(Staff Report by Kevin Wilhite)**

**(Applicant's Representative: G. Stuart Grattan) [Recommended for Approval](#)**

**TUCKAHOE:**

**Deferred from the June 14, 2007 Meeting.**

**C-21C-07 The Rebkee Company:** Request to conditionally rezone from B-2C and B-3C Business Districts (Conditional) to B-2C Business District (Conditional), Parcels 738-742-5943, 738-742-6844 and 738-742-9542, containing approximately 2.59 acres, located on the north line of Patterson Avenue (State Route 6) between Careybrook and Lauderdale Drives. The applicant proposes a pharmacy and other retail uses. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land

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Use Plan recommends Commercial Concentration and Environmental Protection Area.  
**Staff – Rosemary Deemer [Recommended for Approval](#)**

**BROOKLAND:**

**Deferred from the June 14, 2007 Meeting.**

**C-20C-07 Bill Axelle for Meridian Manor, LLC:** Request to conditionally rezone from O-3 Office District and O-3C Office District (Conditional) to R-6C General Residence District (Conditional) and O-3C Office District (Conditional), Parcels 763-756-4328, 763-755-1261 and 762-755-3882, containing approximately 31.7 acres, located on the north line of E. Parham Road approximately 510 feet west of Shrader Road and approximately 785 feet north of West Broad Street (U.S. Route 250) on the east line of Hollybrook Avenue at Lynn Avenue. The applicant proposes a gated community with up to 478 townhouse-style condominiums and multi-family apartments. The R-6 District allows a maximum gross density of 19.8 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office. **Staff – Ben Sehl (Withdrawn by Applicant) [Withdrawn by Applicant](#)**

**C-34C-07 William H. Muller, Amy B. Muller, and Robert B. Bain:** Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 759-761-4076 and 759-761-5776, containing 4.952 acres, located on the north line of Hungary Road approximately 156 feet west of River Mill Court. The applicants propose a single family residential subdivision. 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 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. **Staff – Lee Tyson [Recommended for Approval](#)**

**P-12-07 Hillorie Morrison for Clearwire US LLC:** Request for a Provisional Use Permit under Sections 24-95(a), 24-120, and 24-122.1 of Chapter 24 of the County Code to place 2 microwave dishes, 3 panel antenna, and related equipment 109' above the base of an existing 115' high power transmission tower on part of Parcel 762-759-7446, located on the north line of Woodlake Drive, east of Walton Farms Drive. The existing zoning is R-3C, One-Family Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. **Staff – Livingston Lewis (Expedited agenda requested) [Recommended for Approval](#)**

**VARINA:**

**Deferred from the April 12, 2007 Meeting.**

**P-13-06 Burke Lewis for New Cingular Wireless PCS, LLC (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 Parcels 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 – Nathalie Croft (Withdrawn by Applicant) [Withdrawn by Applicant](#)**

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**Deferred from the June 14, 2007 Meeting.**

**C-3C-07 J. Thomas O'Brien for The Tetra Group One, LLC:** Request to conditionally rezone from A-1 Agricultural District, R-3 One-Family Residence District, R-5 General Residence District and B-3 Business District to R-3C One-Family Residence District (Conditional), R-5C General Residence District (Conditional), and B-3C Business District (Conditional), Parcels 836-714-2353, 835-714-7916, 836-712-7784, 835-713-1662 and 836-713-7564, containing approximately 79.769 acres (R-3C – 9.654 ac; R-5C – 9.305 ac; and B-3C – 60.810 ac), located between the north line of E. Williamsburg Road (U.S. Route 60), the south line of Old Williamsburg Road, the east line of Dry Bridge Road and the west line of Old Memorial Drive. The applicant proposes a mixture of uses including a single-family development, age-restricted multi-family dwelling units, and general business. 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 R-5 District allows a maximum gross density of 14.52 units per acre. The uses 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, Office and Environmental Protection Area. The site is in the Airport Safety Overlay District. **Staff – Nathalie Croft Recommended for Approval**

**Deferred from the June 14, 2007 Meeting.**

**P-8-07 Gloria L. Freye for Richmond 20 MHZ LLC:** Request for a Provisional Use Permit under Sections 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 157' high telecommunications tower on part of Parcel 829-712-4591, located on the west line of Beulah Road approximately 195 feet north of Treva Road. The existing zoning is R-3 One Family Residence District. The Land Use Plan recommends OS/R Open Space Recreation. **Staff – Lee Tyson (Deferral requested to the August 9, 2007 Meeting) Deferred to the August 9, 2007 Meeting**

**C-36C-07 Shurm Construction, Inc.:** Request to amend proffered conditions accepted with Rezoning Case C-78C-05, on Parcel 803-696-9576, located on the south line of Harmony Avenue approximately 120 feet west of Woodside Street (north section) and at the northern terminus of Woodside Street (south section). The applicant proposes to amend Proffer 1 to increase the maximum number of lots from seven (7) to nine (9) lots. The existing zoning is R-3C One-Family Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. **Staff – Livingston Lewis Recommended for Approval**

**C-41C-07 Ryan Boggs for Smart Development:** Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional), Parcels 804-693-7692, 804-693-6271, 804-693-4792, 804-693-6493, 804-694-1205, and 804-694-3115, containing 9.888 acres, located on the northwest line of Burning Tree Road approximately 500 feet southwest of its intersection with S. Laburnum Avenue and Settlers Ridge Road. The applicant proposes a single family residential development with a maximum of twenty-eight (28) lots. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum density of 6 units per acre. 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. **Staff – Ben Sehl Recommended for Approval**

**FAIRFIELD:**

**Deferred from the June 14, 2007 Meeting.**

**C-30C-07 Bay Design Group for Lifestyle Builders & Developers:** Request to conditionally rezone from A-1 Agricultural District to R-5C General Residence District (Conditional), Parcel 781-756-5920 and part of Parcel 781-756-5960, containing 3.93 acres, located on the north line of Darracott Road approximately 965 feet west of its intersection with Villa Park Drive. The applicant proposes residential condominiums for sale. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre. **Staff – Ben Sehl Recommended for Approval**

**C-37C-07 Everette Felts for Joseph Allen Sattlemaier:** Request to conditionally rezone from R-2A One-Family Residence District to R-3C One-Family Residence District (Conditional), Parcel 815-724-1107, containing 0.26 acre, located at the northwest intersection of Yates Lane and Yates Court. The applicant proposes one single family residential unit. 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 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. The site is in the Airport Safety Overlay District. **Staff – Lee Tyson Recommended for Approval**

**C-38C-07 Andrew Condlin for LGA Associates, LLLP:** Request to conditionally rezone from A-1 Agricultural District and C-1 Conservation District to O-2C Office District (Conditional), part of Parcel 795-748-5865, containing 64.6 acres, located on the east line of Wilkinson Road, 1003 feet north of Azalea Avenue. The applicant proposes additional parking areas for the Richmond International Raceway complex. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office and Environmental Protection Area. **Staff – Rosemary Deemer Recommended for Approval**

**P-11-07 Andrew Condlin for LGA Associates, LLLP:** Request for a Provisional Use Permit under Sections 24-62.2(k), 24-120, and 24.-122.1 of Chapter 24 of the County Code to update the master plan for Richmond International Raceway (RIR) and permit an expansion for additional parking. The site consists of Parcels 796-747-9944, 799-745-7579, 795-743-1283, 796-745-8505, 796-740-2482, 798-740-1078, and part of Parcel 795-748-5865. The existing zoning is A-1 Agricultural District, R-6 General Residence District, O-2C Office District (Conditional), B-1, B-2, and B-3 Business Districts, M-1 Light Industrial District, M-1C Light Industrial District (Conditional), M-2 General Industrial District, and C-1 Conservation District. This application is a companion to rezoning case C-38C-07. The Land Use Plan recommends Office, Office/Service, Commercial Concentration, Light Industry, Planned Industry, and

Environmental Protection Area. **Staff – Rosemary Deemer** **Recommended for Approval**

**C-39C-07 James Theobald for Herbert S. King:** Request to conditionally rezone from R-2A and R-4 One-Family Residence Districts and O-2C Office District (Conditional) to R-6C General Residence District (Conditional), part of Parcel 808-733-2903, containing approximately 18.23 acres, located on the south line of Harvie Road approximately 1,150 feet east of Laburnum Avenue. The applicant proposes an age-restricted multi-family residential community with a maximum of two hundred ninety (290) units. The R-6 District allows a maximum gross density of 19.80 units per acre. 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 and Office. The site is in the Airport Safety Overlay District. **Staff – Ben Sehl (Deferral requested to the August 9, 2007 Meeting)** **Deferred to the August 9, 2007 Meeting**

**THREE CHOPT:**

**Deferred from the June 14, 2007 Meeting.**

**C-76C-05 Robert Atack for George M. Urban:** Request to conditionally rezone from A-1 Agricultural District to O-3C Office District (Conditional), Parcels 747-770-3395 and 746-770-9777, containing 11.18 acres, located on the west line of Nuckols Road approximately 350 feet north of New Wade Lane and between the south line of Hickory Park Drive and the north line of New Wade Lane. The applicant proposes an office development. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Rural Residential, Suburban Residential 2, 2.4 to 3.4 units net density per acre and Environmental Protection Area. **Staff – Lee Tyson (Deferral requested to the September 13, 2007 Meeting)** **Deferred to the September 13, 2007 Meeting**

**Deferred from the June 14, 2007 Meeting.**

**P-10-07 Gloria L. Freye for Richmond Strikers Soccer Club, Inc.:** Request for a Provisional Use Permit under Sections 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 157' high telecommunications tower on part of Parcel 740-768-1098, located on the east line of Pouncey Tract Road approximately 900 feet south of Shady Grove Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Open Space/Recreation and Environmental Protection Area. **Staff – Livingston Lewis (Deferral requested to the September 13, 2007 Meeting)** **Deferred to the September 13, 2007 Meeting**

**Deferred from the June 14, 2007 Meeting.**

**C-32-07 R + R Property Development, L.C.:** Request to rezone from R-5C General Residence District (Conditional) to B-1 Business District, part of Parcel 738-761-6025, containing approximately 0.15 acre, located on the east line of Spring Oak Drive approximately 240 feet south of West Broad Street (U. S. Route 250). The applicant proposes a 30-foot easement for an access driveway to adjacent retail uses. The use will be controlled by zoning ordinance regulations. The Land Use Plan

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recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre. The site is in the West Broad Street Overlay District. **Staff – Ben Sehl (Deferral requested to the August 9, 2007 Meeting) [Deferred to the August 9, 2007 Meeting](#)**

**C-40C-07 Courtenay Fisher for Boushra and Edna Hanna:** Request to conditionally rezone from A-1 Agricultural District to R-2AC One-Family Residence District (Conditional), Parcel 742-773-4344, containing 10.252 acres, located on the northeast line of Hames Lane approximately 1,550 feet north of its intersection with Shady Grove Road. The applicant proposes a single family residential development not to exceed a density of 2.0 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 use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit per acre, and Environmental Protection Area. **Staff – Lee Tyson (Deferral requested to the August 9, 2007 Meeting) [Deferred to the August 9, 2007 Meeting](#)**

**APPROVAL OF MINUTES: [Approved](#)** Planning Commission – June 14, 2007

Acting on a motion by [Mr. Branin](#), seconded by \_\_\_\_\_ the Planning Commission adjourned its meeting at [11:09 p.m.](#) on [July 12, 2007](#).

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