

COUNTY OF HENRICO

PLANNING COMMISSION REZONING HEARING



PLANNING COMMISSION

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Ralph J. Emerson, Jr., Director of Planning, Secretary

PLANNING STAFF

Jean M. Moore, AICP, Asst. Director of Planning
Jim Strauss, Principal Planner
Rosemary Deemer, AICP, County Planner
Seth Humphreys, County Planner
Ben Sehl, County Planner
Livingston Lewis, County Planner
Roy Props, County Planner
Lisa Taylor, County Planner
Jamie Sherry, County Planner
Audrey Anderson, County Planner
Paul Stewart, Technology Support Technician
Planning Technician
Sylvia Ray, Office Assistant

**PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
JULY 9, 2009**

BEGINNING AT 7:00 P.M.

CALL TO ORDER:

REQUESTS FOR WITHDRAWALS AND DEFERRALS: (0); (2)

REQUESTS FOR EXPEDITED ITEMS: (2)

CASES TO BE HEARD: (5)

SUBDIVISION *(Deferred from the June 24, 2009 Meeting)*

SUB-10-09
Oakleys Chase
(June 2009 Plan)
Thornhurst Street

Balzer and Associates, Inc. for Edward E. Jr. and Steven N. West, EJD Associates, Inc., Thornhurst Land Company, LLC, and Colwyck Land Company: The 107.31-acre site proposed for a subdivision of 146 single-family homes is located at the southeast intersection of S. Laburnum Avenue and Thornhurst Street and on the south line of Colwyck Drive, approximately 150 feet west of Gretna Court, on parcels 815-721-3551 and 813-720-2876 and part of parcel 813-721-9111. The zoning is R-3C, One Family Residence District (Conditional), C-1, Conservation District, M-1, Light Industrial District, and ASO, Airport Safety Overlay District. County water and sewer.
(Fairfield) 145 Lots

Staff has received a revised plan showing a tot lot 0.40 acre in area per the proffers, and furthermore, it shows amenities in the common area. These amenities include a walking trail leading to a picnic area, which the applicant has indicated would include picnic tables and grills.

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

13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously noted on the plat and construction plans and labeled "Limits of Special Flood Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width Drainage & Utilities Easement."

July 10, 2009

14. The plan must be redesigned to provide at least the 80-foot minimum lot width required and as regulated by Chapter 24, of the Henrico County Code.

15. 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.

16. Prior to requesting recordation, the developer must furnish a letter from Dominion Virginia Power, stating that this proposed development does not conflict with its facilities.

17. The proffers approved as part of zoning cases C-58C-07 and C-9C-09 shall be incorporated in this approval.

18. A subdivision landscape plan shall be submitted to the Department of Planning for review and approval prior to recordation of the plat.

(Staff Report by Lee Pambid)

(Applicant's Representative: Cameron Palmore)

(Applicable Rezoning Cases and PUPs: C-9C-09; C-58C-07)

(Expedited Agenda Requested)

Approved

VARINA:

C-17C-09 Randy Hooker for Kenneth A. & Yvonne H. Germain: Request to conditionally rezone from B-1 Business District to B-3C Business District (Conditional), part of Parcel 823-723-6612, containing 0.073 acre, located on the southeast line of S. Mapleleaf Avenue approximately 150 feet southwest of E. Nine Mile Road (State Route 33). The applicant proposes an expansion of an adjacent motorcycle shop. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Arterial. The site is in the Airport Safety Overlay District and the Enterprise Zone. **Staff – Rosemary Deemer (Expedited Agenda Requested) Recommended for Approval**

C-18C-09 Gene Davis for Extra Enterprises, LLC: Request to amend proffered conditions accepted with Rezoning Case C-23C-06, on Parcel 822-722-0609, located at the southeast intersection of S. Kalmia Avenue and E. Jerald Street. The applicant proposes to amend Proffer 1 related to the minimum unit size and Proffer 4 related to architectural design. The existing zoning is RTHC Residential Townhouse District (Conditional). The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre, Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Environmental Protection Area. The site is in the Airport Safety Overlay District. **Staff – Jamie Sherry Recommended for Approval**

P-9-09 Mitch Mitchell for Burgerbusters, Inc.: Request for a Provisional Use Permit required under proffered condition #28 accepted with C-29C-06 to allow extended hours operation of a restaurant (Steak 'n Shake) on part of Parcel 815-718-5710, an out parcel within the Shops at White Oak Village, located approximately 400

July 10, 2009

feet east of S. Laburnum Avenue at its intersection with Gay Avenue. The applicant proposes opening daily at 5:00 a.m. instead of 6:00 a.m. and closing daily at 1:00 a.m. instead of 12:00 a.m. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Planned Industrial. The site is in the Airport Safety Overlay District and the Enterprise Zone. **Staff – Lisa Taylor Recommended for Approval**

FAIRFIELD:

Deferred from the June 11, 2009 Meeting.

C-11C-09 Sandra Verna for Wilton Development Corp: Request to amend proffered conditions accepted with Rezoning Case C-12C-05, on Parcels 804-737-7961, 804-736-0481, and 804-737-1251, located at the northeast intersection of Mechanicsville Turnpike (U. S. Route 360) and Neale Street. The applicant proposes to amend various proffers including those related to the conceptual plan, architectural treatment, and height limitations. The existing zoning is R-5C General Residence District (Conditional) and B-2C Business District (Conditional). The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, Commercial Concentration, and Government. The site is in the Airport Safety Overlay District.

Staff – Jim Strauss Recommended for Approval

THREE CHOPT:

Deferred from the June 11, 2009 Meeting.

C-8C-09 James W. Theobald for CP Other Realty, LLC: Request to conditionally rezone from B-2C Business District (Conditional) to B-3C Business District (Conditional), part of Parcel 735-763-7898, containing approximately 1.680 acres, located on the north line of West Broad Street (U. S. Route 250) approximately 1,650 feet east of N. Gayton Road. The applicant proposes a car wash. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District.

Staff – Jamie Sherry Deferred to the July 22, 2009 Meeting

Deferred from the June 11, 2009 Meeting.

C-8C-05 G. Edmond Massie, IV for Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 746-764-5580, containing approximately 4.54 acres, located on the west line of Sadler Road approximately 290 feet south of Wonder Lane. The applicant proposes a residential townhouse development not to exceed six (6) dwelling units per acre. The RTH District allows a maximum gross density of 9 units per acre. The proposed 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 (Deferral requested to the August 13, 2009 Meeting) Deferred to the August 13, 2009 Meeting**

Deferred from the June 11, 2009 Meeting.

C-19C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse

July 10, 2009

District (Conditional), Parcels 746-763-2482, 746-763-2896, 746-763-1769, and 746-764-3818, containing 10.79 acres, located on the east line of Glasgow Road, approximately 600 feet north of Ireland Lane. The applicant proposes a residential townhouse development not to exceed six (6) dwelling units per acre. The RTH District allows a maximum gross density of 9 units per acre. The proposed 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 (Deferral requested to the August 13, 2009 Meeting) [Deferred to the August 13, 2009 Meeting](#)**

TUCKAHOE:

None.

BROOKLAND:

C-19C-09 Anthony Battaglia for 3900 Bremner Blvd., LLC: Request to conditionally rezone from B-2 Business District to B-3C Business District (Conditional), Parcels 772-750-8652 and 773-750-0152, containing 0.54 acre, located on the north line of Bremner Boulevard at its intersection with Compton Road. The applicant proposes a pest control company and associated storage facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Arterial. The site is in the Enterprise Zone. **Staff – Ben Sehl [Deferred to the August 13, 2009 Meeting](#)**

DISCUSSION ITEM: Street Frontage Requirements: The Commission will discuss scheduling a work session to consider amendments to the County Code relating to street frontage requirements for July 22, 2009.

[Approved](#)

APPROVAL OF MINUTES: Planning Commission June 11, 2009

[Approved](#)

Acting on a motion by [Mr. Jernigan](#), seconded by [Mr. Archer](#), the Planning Commission adjourned its meeting at [8:22 p.m.](#) on [July 9, 2009.](#)

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<http://www.co.henrico.va.us/planning/meetnext.htm> and
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