

**PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
MAY 14, 2015**

BEGINNING AT 7:00 P.M.

WELCOME:

PLEDGE OF ALLEGIANCE:

RECOGNITION OF NEWS MEDIA:

CALL TO ORDER:

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

REQUESTS FOR EXPEDITED ITEMS: (0)

CASES TO BE HEARD: (5)

PLAN OF DEVELOPMENT (Deferred from the March 12, 2015 Meeting)

POD2014-00175
Family Dollar at 1276 New
Market Road - New
Market Road (State Route
5)
Approved

Balzer and Associates, Inc. for Felts & Kilpatrick Construction Company, Inc. and Twin Rivers Capital, 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, 8,770 square-foot retail store. The 2.50-acre site is located at the southeast corner of the intersection of New Market Road (State Route 5) and North James Estates Drive, on parcels 802-702-9916, 802-702-8535, 802-702-8929, and 803-702-1005. The zoning is B-1C, Business District (Conditional). County water and sewer. **(Varina)**

The developer, Twin Rivers Capital, first requested deferral of the plan at the June 25, 2014 Planning Commission hearing to revise the layout plan and architectural elevations, and hold a community meeting to discuss their proposed 8,770 square foot retail building with concerned citizens.

On March 2, 2015, Twin Rivers Capital held an informational meeting for parties interested in this proposed development. Various County and State agencies attended

May 15, 2015

the meeting to answer citizen questions and provide information on the proposed site layout, architectural design, drainage, and existing and anticipated traffic concerns. At their March 12, 2015 public hearing, this Plan of Development was deferred to the May 14, 2015 Planning Commission hearing by the Planning Commission's motion. The applicant submitted two letters in regard to the Planning Commission's action, which are included in this agenda for your reference.

The layout provides the proffered 100 foot building setback from the ultimate right-of-way of New Market Road. A 40-foot wide bermed landscape strip, to be planted to meet the requirements of a 35-foot transitional buffer, is provided between New Market Road and the parking lot. There is a 20-foot proffered buffer, required to be planted to a 25-foot transitional buffer, along North James Estates Drive. A 10-foot transitional buffer and an 8-foot tall white vinyl fence are provided along the northern property line adjacent to North James Estates subdivision. The applicant has designed the plan to retain existing mature trees adjacent to the subdivision, and supplemental planting will be added to meet the 10-foot transitional buffer requirements.

The building provided is a colonial-style building with brick as the primary building material and a shingle roof. Additional building details such as dentil moulding for the cornice detail, brick lintels above the windows, and window mullions are provided, ensuring compliance with the architectural proffers.

VDOT has reviewed the plan and approved an entrance waiver request on New Market Road based on the fact that the site is comprised of four parcels, each with their individual access rights. VDOT determined that it was better to grant one full entrance access to serve all 4 parcels. The entrance will be served by a tapered turn lane into the development. A new sidewalk is provided along the frontage of the site.

The proposed development meets all of the proffered and technical requirements. Staff recommends approval subject to the annotations on the plan, the standard conditions for developments of this type and the following additional conditions:

29. The right-of-way for widening of New Market Road (State Route 5) 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.
30. The entrances and drainage facilities on New Market Road (State Route 5) shall be approved by the Virginia Department of Transportation and the County.
31. 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.
32. A concrete sidewalk meeting VDOT standards shall be provided along the east side of New Market Road (State Route 5).
33. Outside storage shall not be permitted.

34. The proffers approved as a part of zoning case C-22C-10 shall be incorporated in this approval.
35. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the Henrico County Code.
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. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junctions and accessory boxes, transformers, and generators) shall be identified on the landscape plan. All building mounted equipment shall be painted to match the building, and 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.

**(Staff Report by Christina Goggin)
 (Applicant's Representative: Christopher Shust)
 (Applicable Rezoning Cases and PUPS: C-22C-10)**

BROOKLAND:

REZ2015-00011 Harry Snipes: Request to amend proffered conditions accepted with rezoning case C-14C-06 on Parcel 759-765-0133 located on the south line of Nuckols Road at its intersection with Francistown Road. The applicant proposes to amend proffers to increase the density from 36 to 37 lots, decrease the minimum interior width of garages from 24' to 21', and require 50% of all homes to have side or rear loaded garages. The existing zoning is R-3C One-Family Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. **Staff – Livingston Lewis**
[Deferred to the June 11, 2015 Meeting](#)

REZ2015-00012 George B. Duke for Greenwood Road, LLC: Request to rezone from A-1 Agricultural District to R-1AC One-Family Residence District (Conditional) Parcels 768-778-6296 and 769-778-3901 containing 55.459 acres located on the west line of Greenwood Road between the south bank of the Chickahominy River and the north line of Appling Road. The applicant proposes a residential development of no more than 50 single family homes. The R-1A District allows a minimum lot area of 21,500 square feet and a gross density of 2.03 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Rural Residential and Environmental Protection Area. **Staff – Ben Sehl**
[Recommended for Approval](#)

PUP2015-00005 Gloria Freye, Esq. for FM RVA LLC: 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 allow outdoor dining for an existing restaurant (Family Meal) in Willow Lawn Shopping Center, on part of Parcel 773-736-2198, located approximately 825' south of the intersection of W. Broad Street (U.S. Route 250) and Willow Lawn Drive. The existing

zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the Enterprise Zone. **Staff – Lisa Blankinship**

Recommended for Approval

VARINA:

None.

FAIRFIELD:

REZ2015-00013 Bruce Hulcher for Oak Knoll, LLC: Request to conditionally rezone from R-2A One-Family Residence District to R-3C One-Family Residence District (Conditional) Parcels 777-760-6526 and 777-759-6295 containing 13.126 acres located on the north line of Hungary Road at its intersection with Lydell Drive. The applicant proposes a residential development of no more than 32 single family homes. The R-3 District allows a minimum lot area of 11,000 square feet and a gross density of 3.96 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. **Staff – Rosemary Deemer**

Recommended for Approval

THREE CHOPT:

REZ2015-00008 Bay Companies, Inc. for Eagle Construction of VA, LLC: Request to rezone from A-1 Agricultural District and R-3 One Family Residence District to R-5AC General Residence District (Conditional) Parcels 743-755-9852 and 743-755-8828 containing 5.11 acres located on the east line of Crown Grant Road at its intersection with Cedar Hill Court. The applicant proposes 16 single family detached homes on zero lot lines. The R-5A District allows a maximum density of six (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. **Staff – Lisa Blankinship (Deferral Requested to the July 9, 2015 Meeting)**

Deferred to the July 9, 2015 Meeting

REZ2015-00014 James W. Theobald for HHH Land, LLC: Request to rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) and RTHC Residential Townhouse District (Conditional) part of Parcel 749-771-6494 containing 63.409 acres (44.203 acres proposed for R-5AC and 19.206 acres proposed for RTHC) located on the east line of Nuckols Road approximately 800' southeast of its intersection with Opaca Lane. The applicant proposes no more than 130 single family detached homes on zero lot lines and no more than 130 attached townhomes. The R-5A District allows a maximum density of six (6) units per acre and the RTH District allows a maximum density of nine (9) units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office and Environmental Protection Area. **Staff – Seth Humphreys (Deferral Requested to the June 11, 2015 Meeting)**

Deferred to the June 11, 2015 Meeting

TUCKAHOE:

None.

APPROVAL OF MINUTES: Planning Commission April 9, 2015
Approved

Acting on a motion by Mr. Archer, seconded by Mr. Branin, the Planning Commission adjourned its meeting at 9:22 p.m. on May 14, 2015.

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