

**HENRICO COUNTY**  
**PLANNING COMMISSION AGENDA**  
**FOR**  
**REZONINGS AND PROVISIONAL USE PERMITS**

**October 15, 2015**

**7:00 P.M.**



**PLANNING COMMISSION**

Robert H. Witte, Jr., Chair (Brookland)  
C. W. Archer, C.P.C. (Fairfield)  
Eric S. Leabough, C.P.C. (Varina)  
Tommy Branin (Three Chopt)  
Bonnie-Leigh Jones, C.P.C. (Tuckahoe)  
Patricia S. O'Bannon Tuckahoe)  
Board of Supervisors Representative  
R. Joseph Emerson, Jr., AICP,  
Director of Planning, Secretary

**COMPREHENSIVE DIVISION – DEPARTMENT  
OF PLANNING**

Jean M. Moore, Assistant Director of Planning  
Jim Strauss, PLA, Principal Planner  
Rosemary D. Deemer, AICP, County Planner  
Seth Humphreys, County Planner  
Ben Sehl, County Planner  
Livingston Lewis, County Planner  
Lisa Blankinship, County Planner  
William Moffett, County Planner  
Erin Puckett, County Planner  
Paul Stewart, GIS Technician  
Eric Borchers, Planning Intern  
Michaela Martin, Planning Intern  
Sylvia Ray, Office Assistant/Recording Secretary

**PLANNING COMMISSION  
REZONING MEETING  
FINAL AGENDA  
OCTOBER 15, 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: (3)**

**CASES TO BE HEARD: (2)**

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**PLAN OF DEVELOPMENT, LIGHTING PLAN, AND MASTER PLAN (Deferred from the September 23, 2015 Meeting)**

POD2015-00286  
GreenGate Phase II -  
Commercial East – 12341  
West Broad Street (U.S.  
Route 250)

**Kimley-Horn & Associates, Inc. for ME Nuckols, LLC and Gouldin Properties, LLC:** Request for approval of a plan of development, lighting plan, and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct three one-story retail/restaurant buildings, totaling 28,261 square feet, 3,000 square feet of outdoor dining, and a three-story, 45,456 square foot office building in an urban mixed use development. The master plan reflects a total of 193,398 square feet of commercial floor area and 248 residential units for the entire development. The 9.01-acre portion of the 74.73 acre site is located along the south line of West Broad Street (U.S. Route 250), approximately 540 feet west of its intersection with North Gayton Road, on part of parcels 731-764-5533 and 733-764-4118. The zoning is UMUC, Urban Mixed Use District (Conditional), B-3C, General Business District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

**October 16, 2015**

GreenGate Phase 1, approved by the Planning Commission on July 23, 2014, covered improvements to the West Broad Street frontage and the construction of two public roads into the commercial portion of the development along with other infrastructure improvements. That phase is currently in the signature review process, with construction anticipated to begin this fall.

This plan represents the initial eastern phase of commercial development for the GreenGate urban mixed use project. It consists of the construction of four buildings, totaling 76,717 square feet, with a mix of retail/restaurant/office uses and associated access roads and parking lots. It includes the construction of a shared access drive off of West Broad Street, on the adjacent Strange's Florist property. This was not a part of the original GreenGate master plan, but was the subject of a recent rezoning case approved by the Board of Supervisors at their first meeting this month. This phase does not include the construction of the grocery store adjacent to the Strange's property. That building will be included in a future phase of the development.

The applicant has recently provided additional information to address staff comments with regards to this phase of the GreenGate development. Two additional conditions have been added to the staff recommendation.

The overall master plan is being revised to increase the amount of floor area and acreage devoted to commercial uses and to decrease the number of lots and acreage devoted to residential uses. The most recent revision submitted shows the total floor area anticipated in the commercial portion of the development to be 193,398 square feet. The original master plan showed the development of 112,000 square feet of commercial floor area. The revised master plan shows the balance of the site to be used for the development of 248 dwelling units, open space, and other amenities.

The original master plan anticipated 276 residential lots. A maximum of 300 dwelling units were permitted in GreenGate under the approved proffers.

In addition, multiple revisions to the GreenGate Master Plan Book, originally dated December 19, 2013, are included in the applicant's submission. The Director of Planning has determined that Planning Commission approval of the changes can be handled through the Plan of Development process. Plan of Development approval by the Planning Commission will be required in the future to implement the improvements on the master plan.

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

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture

- specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature.
29. The entrances and drainage facilities on West Broad Street (U.S. Route 250) shall be approved by the Virginia Department of Transportation and the County.
  30. 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.
  31. Outside storage shall not be permitted.
  32. The proffers approved as a part of zoning case REZ2014-00009, PUP2014-00006, and REZ2015-00006 shall be incorporated in this approval.
  33. A construction staging plan which includes details for traffic control, fire protection, stockpile locations, construction fencing and hours of construction shall be submitted for County review and prior to the approval of any final construction plans.
  34. 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.
  35. A note in bold lettering shall be provided on the erosion control plan indicating that sediment basins or traps located within buildable areas or building pads shall be reclaimed with engineered fill. All materials shall be deposited and compacted in accordance with the applicable sections of the state building code and geotechnical guidelines established by the engineer. An engineer's report certifying the suitability of the fill materials and its compaction shall be submitted for review and approval by the Director of Planning and Director of Public Works and the Building Official prior to the issuance of any building permit(s) on the affected sites.
  36. 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.
  37. The conceptual master plan, as submitted with this application, is for planning and information purposes only.
  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. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.
  40. Final light fixture details shall be submitted for approval by the Director of Planning prior to the Planning Department's approval of the construction plans.

- 41. Final architectural elevations and floor plans shall be submitted for approval by the Director of Planning prior to filing of the building permit application for each building.

**(Staff Report by Kevin Wilhite)**

**(Applicant’s Representative: David Ellington)**

**(Applicable Rezoning Cases and PUPS: REZ2014-00009, PUP2014-00006, and REZ2015-00006)**

**Approved**

APPROVED: _____	APPROVED ON EXPEDITED AGENDA: _____
DEFERRED BY APPLICANT TO: _____	DEFERRED BY PC TO: _____
DENIED: _____	WITHDRAWN: _____
	SEE ADDENDUM PAGE: _____
MOTIONED BY: _____	SECONDED BY: _____
	ABSTAINED: _____
REMARKS:	

**PLAN OF DEVELOPMENT AND LIGHTING PLAN (Deferred from the September 23, 2015 Meeting)**

POD2015-00321  
GreenGate Phase III -  
Commercial West – 12121  
West Broad Street (U.S.  
Route 250)

**Kimley-Horn & Associates, Inc. for ME Nuckols, LLC:**  
Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct four one-story retail/restaurant buildings, totaling 33,349 square feet, 1,500 square feet of outdoor dining, and a three-story, 45,456 square foot office building in an urban mixed use development. The 11.25-acre portion of the 74.73 acre site is located along the south line of West Broad Street (U.S. Route 250), approximately 1,030 feet west of its intersection with North Gayton Road, on part of parcel 731-764-5533. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

This phase covers the western portion of commercial development in the GreenGate urban mixed use project. It consists of the construction of five buildings, totaling 80,305 square feet, with a mix of retail/restaurant/office uses along with associated access road and parking lots. The westernmost retail/restaurant building includes a drive-through lane intended to serve a coffee shop.

The applicant has recently provided additional information to address staff comments with regards to this phase of the GreenGate development. Two additional conditions have been added to the staff recommendation.

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

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature.
29. Outside storage shall not be permitted.
30. The proffers approved as a part of zoning case REZ2014-00009 and PUP2014-00006 shall be incorporated in this approval.
31. A construction staging plan which includes details for traffic control, fire protection, stockpile locations, construction fencing and hours of construction shall be submitted for County review and prior to the approval of any final construction plans.
32. 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.
33. A note in bold lettering shall be provided on the erosion control plan indicating that sediment basins or traps located within buildable areas or building pads shall be reclaimed with engineered fill. All materials shall be deposited and compacted in accordance with the applicable sections of the state building code and geotechnical guidelines established by the engineer. An engineer's report certifying the suitability of the fill materials and its compaction shall be submitted for review and approval by the Director of Planning and Director of Public Works and the Building Official prior to the issuance of any building permit(s) on the affected sites.
34. 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.
35. The conceptual master plan, as submitted with this application, is for planning and information purposes only.
36. 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.

- 37. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.
- 38. The limits and elevations of the Special Flood Hazard Area shall be conspicuously noted on the plan and labeled "Limits of Special Flood Hazard Area." In addition, the delineated Special Flood Hazard Area 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.
- 39. Final light fixture details shall be submitted for approval by the Director of Planning prior to the Planning Department's approval of the construction plans.
- 40. Final architectural elevations and floor plans shall be submitted for approval by the Director of Planning prior to filing of the building permit application for each building.

**(Staff Report by Kevin Wilhite)**  
**(Applicant's Representative: David Ellington)**  
**(Applicable Rezoning Cases and PUPS: REZ2014-00009 and PUP2014-00006)**  
**Approved**

<b>APPROVED:</b> _____	<b>APPROVED ON EXPEDITED AGENDA:</b> _____
<b>DEFERRED BY APPLICANT TO:</b> _____	<b>DEFERRED BY PC TO:</b> _____
<b>DENIED:</b> _____	<b>WITHDRAWN:</b> _____
<b>SEE ADDENDUM PAGE:</b> _____	
<b>MOTIONED BY:</b> _____	<b>SECONDED BY:</b> _____
<b>ABSTAINED:</b> _____	
<b>REMARKS:</b>	

**SUBDIVISION (Deferred from the September 23, 2015 Meeting)**

SUB2015-00106  
 GreenGate (September 2015 Plan) – 12121 West Broad Street (U.S. Route 250)

**Kimley-Horn & Associates, Inc. for ME Nuckols, LLC:**  
 The 55.68-acre portion of the 74.73 acre site proposed for 206 townhouse lots and 42 single-family lots is located on the north line of Graham Meadows Drive, approximately 575 feet west of its intersection with North Gayton Road, on parcels 731-764-4292 and 731-764-553. The zoning is UMUC, Urban Mixed Use District (Conditional), A-1, Agriculture District, and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 248 Lots**

This submittal is a revision to the GreenGate (April 2014 Plan), approved by the Planning Commission on August 14, 2014, which covered the residential component of the GreenGate urban mixed use development. That plan approved 276 residential lots, consisting of 49 single family residential lots and 234 residential townhomes for sale. The new plan now shows 248 residential lots, containing 42 single-family residential lots and 206 residential townhomes for sale. The reduction in the number of lots is due to

the increased size of the proposed commercial acreage in GreenGate. The residential portion of the development is currently anticipated to be developed in four sections. The total number of residential dwellings permitted in GreenGate is limited to 300 units by proffer. There is a mix of both public and private streets shown on the plan. This plan includes changes in street design and lot design from the GreenGate Master Plan Book. A Plan of Development will need to be filed for Planning Commission approval of the site plan and architectural plans of all sections of this development.

The staff recommends conditional approval subject to the annotations on the plan, the standard conditions for subdivisions served by public utilities and residential townhouses for sale, and the following additional conditions:

- 15. 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."
- 16. The proffers approved as part of zoning case REZ2014-00009 and PUP2014-00006 shall be incorporated in this approval.
- 17. The final plat for recordation shall contain information showing The Chesapeake Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18), of the Henrico County Code, as determined by the Director of Public Works.

**(Staff Report by Kevin Wilhite)**  
**(Applicant’s Representative: David Ellington)**  
**(Applicable Rezoning Cases and PUPS: REZ2014-00009 and PUP2014-00006)**  
**Approved**

APPROVED: _____	APPROVED ON EXPEDITED AGENDA: _____
DEFERRED BY APPLICANT TO: _____	DEFERRED BY PC TO: _____
DENIED: _____	WITHDRAWN: _____ SEE ADDENDUM PAGE: _____
MOTIONED BY: _____	SECONDED BY: _____ ABSTAINED: _____
REMARKS:	

**BROOKLAND:**  
***(Deferred from the September 10, 2015 Meeting)***  
**REZ2015-00028 Mark Williams for B. Hunt Gunter:** Request to conditionally rezone from R-2 One-Family Residence District to O-2C Office District (Conditional) Parcels 774-743-5181 and 774-743-4179 containing .964 acres located along the south line of Dickens Road at its intersection with Manor Circle. The applicant proposes the expansion of an adjacent office development. 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 – Ben Sehl**  
[Recommended for Approval](#)

**VARINA:**

**(Deferred from the August 13, 2015 Meeting)**

**SIA2015-00002 Osborne Turnpike - Dominion Virginia Power Electric Substation:** The Department of Planning has received a request from Dominion Virginia Power to initiate a Substantially In Accord study of a proposed site for an electric substation. The proposed substation site would use 1.53 acres of part of Parcel 798-696-8886 located along the west line of Osborne Turnpike approximately 1,150 feet south of Equestrian Way. The existing zoning of the subject area is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development. **Staff – William Moffett (Deferral Recommended to the March 10, 2016 Meeting)**  
[Deferred to the March 10, 2016 Meeting](#)

**FAIRFIELD:**

None.

**THREE CHOPT:**

**(Deferred from the April 9, 2015 Meeting)**

**PUP2015-00003 John Mizell for RTF Sports and Entertainment, Inc.:** Request for a Provisional Use Permit under Sections 24-58.2(a) and (d), 24-120, and 24-122.1 of the County Code in order to amend Condition #5 of P-5-10 to reduce the width of a pedestrian path and to allow extended hours of operation until 2 a.m. for an existing restaurant (Short Pump Pour House) in Short Pump Crossing Shopping Center, on part of Parcel 738-760-8449, located on the west line of Pump Road approximately 600' north of its intersection with Three Chopt Road. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District. **Staff – Lisa Blankinship (Deferral Requested to the April 14, 2016 Meeting)**  
[Deferred to the April 14, 2016 Meeting](#)

**(Deferred from the September 10, 2015 Meeting)**

**REZ2015-00022 Bay Companies, Inc. for Duke Development, LLC:** Request to rezone from A-1 Agricultural District and O-3C Office District (Conditional) to R-3C One-Family Residence District (Conditional) Parcels 746-768-7550, 746-769-6058, -7196, -7205, -8993, and 747-769-1255 containing 32.33 acres located between the south line of New Wade Lane, the eastern terminus of Parkland Drive, and the on-ramp to Interstate 295 North. The applicant proposes a single family development of no more than 60 dwellings. 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 Office and Environmental Protection Area. **Staff – Seth Humphreys**  
[Recommended for Approval](#)

**APPROVAL OF MINUTES: Planning Commission September 10, 2015**  
[Approved](#)

October 16, 2015

Acting on a motion by [Mr. Branin](#), seconded by [Mr. Archer](#), the Planning Commission adjourned its meeting at [7:58 p.m.](#) on [October 15, 2015](#).

View the Planning Commission agendas at

<http://henrico.us/pdfs/planning/meetnext.pdf>