

HENRICO COUNTY
PLANNING COMMISSION AGENDA
FOR
REZONINGS AND PROVISIONAL USE PERMITS

October 18, 2018

7:00 P.M.



PLANNING COMMISSION

Sandra M. Marshall, Chair (Three Chopt)
Gregory R. Baka, Vice Chair (Tuckahoe)
William M. Mackey, Jr. (Varina)
C. W. Archer, C.P.C. (Fairfield)
Adrienne F. Kotula (Brookland)
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, Senior Principal Planner
Rosemary D. Deemer, AICP, County Planner
Seth Humphreys, County Planner
Ben Sehl, County Planner
Livingston Lewis, County Planner
Lisa Blankinship, County Planner
Michael Morris, County Planner
Kristin Smith, County Planner
Luanda Fiscella, County Planner
Paul Stewart, GIS Technician
Sylvia Ray, Office Assistant/Recording Secretary

**PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
OCTOBER 18, 2018**

BEGINNING AT 7:00 P.M.

WELCOME:

PLEDGE OF ALLEGIANCE:

RECOGNITION OF NEWS MEDIA:

CALL TO ORDER:

REQUESTS FOR WITHDRAWALS AND DEFERRALS: (0); (4)

REQUESTS FOR EXPEDITED ITEMS: (2)

CASES TO BE HEARD: (4)

(Deferred from the July 12, 2018 Meeting)

ORDINANCE – To Amend and Reordain Section 24-3 Titled “Definitions,” Section 24-12 Titled “Conditional uses permitted by special exception,” Section 24-13 Titled “Accessory uses permitted,” Section 24-13.01 Titled “Development standards and conditions for permitted uses,” Section 24-28 Titled “Principal uses permitted,” Section 24-29 Titled “Conditional uses permitted by special exception,” Section 24-36 Titled “Conditional uses permitted by special exception,” Section 24-94 Titled “Table of regulations,” and Section 24-121 Titled “Conditional zoning or zone approval” of the Code of the County of Henrico, and to add a new Section 24-32.2 Titled “Conditional uses permitted by special exception,” and Section 24-38.1 Titled “Conditional uses permitted by special exception.” This ordinance allows for short-term rentals of real estate for periods of fewer than 30 consecutive days. Specifically, this ordinance allows hosted short-term rentals by right in detached, single-family dwelling residential districts up to 30 days in a calendar year. For all other short-term rentals in residential districts, this ordinance requires the operator of the rental to obtain a conditional use permit. All short-term rentals would be subject to regulations limiting rentals to the operator’s primary residence and limiting the use of guesthouses, the number of short-term renters and pets, and the length of rentals. The ordinance would also require the provision of life-safety equipment consistent with the building code, prohibit rentals to minors and double-booking, require the posting of certain information within the rental, and require the designation of responsible persons to respond to complaints. Finally, the ordinance adds and revises definitions related to the rental of real estate. **Staff – Miguel Madrigal (Deferral Requested to the February 14, 2019 Meeting)**

[Deferred to the January 10, 2019 Meeting](#)

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BROOKLAND:**(Deferred from the September 13, 2018 Meeting)**

REZ2017-00032 Arthur McGurn for The McGurn Company: Request to conditionally rezone from R-2 One-Family Residence District and [R-6C] General Residence District (Conditional) to R-3C One-Family Residence District (Conditional) Parcel 767-760-8701 and 768-760-1507 containing 4.35 acres located at the northeast intersection of Hungary and Hungary Spring Roads. The applicant proposes a single-family development. The R-3 District allows a maximum overall density of 3.96 units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. **Staff – Rosemary Deemer (Deferral Requested to the November 8, 2018 Meeting)**

Deferred to the November 8, 2018 Meeting

REZ2018-00042 Andrew M. Condlin for Marie T. Hammer: Request to conditionally rezone from R-2 One-Family Residence District to O-2C Office District (Conditional) Parcel 773-745-9522 containing 3.79 acres located on the west line of Staples Mill Road (U.S. Route 33), approximately 810' north of Dumbarton Road. The applicant proposes a medical office with an accessory dwelling unit. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Semi-Public and Environmental Protection Area. **Staff – Lisa Blankinship Recommended for Approval**

PUP2018-00014 Andrew M. Condlin for Marie T. Hammer: Request for a Provisional Use Permit under Sections 24-50.6:1(a), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow an accessory dwelling unit on Parcel 773-745-9522 located on the west line of Staples Mill Road (U.S. Route 33), approximately 810' north of Dumbarton Road. The existing zoning is R-2 One-Family Residence District. The 2026 Comprehensive Plan recommends Semi-Public and Environmental Protection Area. **Staff – Lisa Blankinship Recommended for Approval**

(Deferred from the September 13, 2018 Meeting)

REZ2018-00035 Simon Mueller for Luis Cabral: Request to conditionally rezone from B-1 Business District to B-2C Business District (Conditional) Parcel 774-759-0104 containing .85 acres located at the northwest intersection of Woodman and Hungary Roads. The applicant proposes a drive thru restaurant. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Enterprise Zone. **Staff – Ben Sehl (Expedited Agenda Requested) Recommended for Approval**

VARINA:**(Deferred from the September 13, 2018 Meeting)**

REZ2018-00014 Leroy Chiles for Quality of Life of VA LLC: Request to conditionally rezone from R-4 One-Family Residence District, B-1 Business District, and

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M-1 Light Industrial District to R-5AC General Residence District (Conditional) Parcel 805-710-1834 containing 11.7 acres located south of Darbytown Road, approximately 300' south of its intersection with Oregon Avenue. The applicant proposes detached dwellings with zero lot lines. The R-5A District allows a minimum lot area of 5,625 square feet and a maximum overall density of 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, and Environmental Protection Area. **Staff – Seth Humphreys**
Recommended for Denial

(Deferred from the September 13, 2018 Meeting)

REZ2018-00019 Mark Rempe for Liberty Homes: Request to rezone from B-3 Business District to R-3 One-Family Residence District Parcel 825-720-6242 containing .24 acres located on the west line of E. Nine Mile Road (State Route 33) approximately 150' north of its intersection with Elsing Green Way. The applicant proposes a single-family residence. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The site is in the Enterprise Zone and the Airport Safety Overlay District. **Staff – Lisa Blankinship (Deferral Requested to the November 8, 2018 Meeting)**
Deferred to the November 8, 2018 Meeting

REZ2018-00038 Viking Land Development, LLC: Request to conditionally rezone from A-1 Agricultural District to R-2AC One-Family Residence District (Conditional) Parcels 811-700-4578, 811-700-4938, and 811-700-6627 containing 17.85 acres located on the west line of Willson Road, approximately 375' south of its intersection with Messer Road. The applicant proposes a single-family residential development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the Airport Safety Overlay District. **Staff – Livingston Lewis (Expedited Agenda Requested)**
Recommended for Approval

FAIRFIELD:

REZ2018-00040 James W. Theobald for General Land Commercial Real Estate Company: Request to conditionally rezone from O-2C Office District (Conditional) to B-2C Business District (Conditional) Parcel 776-766-3128 containing 2.391 acres located at the southeast intersection of Woodman and Mountain Roads. The applicant proposes an indoor self-service storage facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Residential. **Staff – Seth Humphreys (Deferral Requested to the November 8, 2018 Meeting)**
Deferred to the November 8, 2018 Meeting

PUP2018-00013 James W. Theobald for General Land Commercial Real Estate Company: Request for a Provisional Use Permit under Sections 24-58.2 (b) and (h), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow an indoor self-service storage facility up to 34' in height on Parcel 776-766-3128 located at the southeast intersection of Woodman and Mountain Roads. The existing zoning is O-2C Office District (Conditional).

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The 2026 Comprehensive Plan recommends Urban Residential. **Staff – Seth Humphreys (Deferral Requested to the November 8, 2018 Meeting)**
[Deferred to the November 8, 2018 Meeting](#)

THREE CHOPT:

PUP2018-00012 C-Fit 4 LLC IVT for Westpark Glen Allen, LLC: Request for a Provisional Use Permit under Sections 24-58.2 (a), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow 24-hour operation of a fitness facility on part of Parcel 753-758-7318 located on the east line of Stillman Parkway approximately 500' south of its intersection with W. Broad Street (U.S. Route 250). The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial.
Staff – Kristin Smith
[Recommended for Approval](#)

TUCKAHOE:

None.

VARINA:

SIA2018-00001 Nine Mile Road Firehouse #23: The Department of Planning has received a request from the Division of Fire to initiate a Substantially In Accord study of a proposed firehouse located at 5618 Nine Mile Road. The proposed firehouse site consists of Parcel 816-726-4476, located on the northwest corner of the Nine Mile Road and Westover Avenue intersection. The property is 4.686 acres and is zoned R-3 One-Family Residence District. The 2026 Comprehensive Plan recommends Suburban Residential 2.
Staff – Kristin Smith
[Recommended for Approval](#)

ROUTE 5 PUBLIC HEARING: The Planning Commission will receive public input on the Route 5 Corridor Study, as recommended by the 2026 Comprehensive Plan. Designated an Existing Character Protection Area, the study area consists of the land located 500 feet on either side of the centerline of Route 5 from the City of Richmond to Charles City County.

[Deferred to the November 8, 2018 Meeting for Decision Only](#)

DISCUSSION ITEM: To set a Public Hearing for November 8, 2018 to Amend the 2026 Comprehensive Plan to Implement Recommendations of the Glen Allen Small Area Plan.
[Approved](#)

DISCUSSION ITEM: To set a Public Hearing for November 8, 2018 to Amend the 2026 Comprehensive Plan and Henrico County Zoning Ordinance to Implement the Recommendations of the Westwood Small Area Study.
[Approved](#)

APPROVAL OF MINUTES: **Planning Commission on September 13, 2018.**
[Approved](#)

Acting on a motion by [Mr. Archer](#) seconded by [Mrs. Kotula](#), the Planning Commission adjourned its meeting at [8:46 p.m.](#) on [October 18, 2018.](#)

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