

**PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
February 10, 2022**

BEGINNING AT 5:30 P.M.

DINNER AND WORK SESSION: The Planning Commission will have dinner and a work session in the County Manager's Conference Room to discuss existing conditions reports prepared for the 2045 Comprehensive Plan Update.

BEGINNING AT 7:00 P.M.

WELCOME:

PLEDGE OF ALLEGIANCE:

RECOGNITION OF NEWS MEDIA:

CALL TO ORDER:

REQUESTS FOR WITHDRAWALS AND DEFERRALS: (0); (6)

REQUESTS FOR EXPEDITED ITEMS: (3)

CASES TO BE HEARD: (8)

POD2021-00318

One Pouncey – 4545
Pouncey Tract Road
(State Route 271)

Approved

Bohler Engineering for Pouncey Place LLC c/o Blackwood Development Company, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-2314 of the Henrico County Code, construct a mixed-use community, consisting of two 4-story multi-family residential buildings with a total of 227 dwelling units, two 1-story detached garage buildings with a total of 12 parking spaces, and four 1-story commercial use buildings totaling 19,700-square feet of floor area. An existing 1-story 10,508 square foot commercial building occupied by an automotive repair business and an animal care business would be retained on the property. The 9.75-acre site is located at the southeast intersection of Pouncey Tract Road (State Route 271) and Twin Hickory Lake Drive, on parcel 740-765-2150. The zoning is R-6C, General Residence District (Conditional) and WBS-O West Broad Street Overlay District. County water and sewer.
(Three Chopt)

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This plan would authorize a mixed-use development consisting of two apartment buildings, with two detached accessory garage buildings, and four commercial (retail) buildings, to be located at the southeast corner of Twin Hickory Lake Drive and Pouncey Tract Road. In addition, an existing one-story, 10,508- square foot commercial building occupied by an animal care business and an automotive repair business would be maintained. The property is subject to the conditions of recent R-6C zoning approvals of zoning case REZ2020-00018 and provisional use permit case PUP2020-00008, approved by the Board of Supervisors on September 8, 2020.

Commercial/Retail Buildings 1 and 2 located at the northwest corner of the property are proposed to be one-story in height and contain 11,000-square feet of floor area cumulatively, with approximately 2,000 additional square feet in outdoor dining areas, which would be subject to specific conditions imposed by the provisional use permit. Commercial/Retail Buildings 3 and 4 proposed at the southwest corner of the property would also be one-story in height, and together contain approximately 8,550-square feet of floor area.

Two apartment buildings with a total of 227 dwelling units are proposed as follows:

Apartment Building 1 (identified as Building 3 on the Zoning Concept Plan), located to the east of the Commercial/Retail Buildings 3 and 4, varies in height from three-stories (40-feet) within the 80-feet of building closest to the Townes at Pouncey Place, with the remaining 160 feet of the building closer to Pouncey Tract Road at four-stories (52-feet) in height. It will contain 93 one-bedroom, 39 two-bedroom units, 2,491-square feet of indoor amenity space, and a 7,534-square foot enclosed courtyard, with an outdoor pool. Apartment Building 2 (identified as Building 1 on the Zoning Concept Plan), located east of the Commercial/Retail Buildings 1 and 2, at four-stories (52-feet) in height, would contain 7 studio units, 49 one-bedroom units, and 39 two-bedroom units.

Two detached one-story accessory garage buildings are proposed adjacent to the shared property line with the Townes at Pouncey Place and located east of Apartment Building 1. The northern garage building would contain 5 standard garage units, one handicapped accessible garage unit and a maintenance garage unit. The southern garage building would contain 6 standard garage units. The garages are intended to provide a structural barrier as a screen for the Townes at Pouncey Place, with no doors or windows on the sides facing the existing townhomes. The walls of the garages facing the townhomes will be enhanced with green wall trellises to soften their appearance.

The existing commercial uses are legal non-conforming uses, that may be maintained but not expanded. The existing outdoor exercise yards related to the animal care business will be reconfigured to accommodate the widening of, and screening from Twin Hickory Lake Drive. A minimum 6-foot-high opaque fence will be provided along the perimeter of the exercise yard, along with a continuous evergreen hedgerow having a minimum height of 6-feet at planting, and a minimum ultimate height of 10-feet. The animal care business's continued operation must be in accordance with Zoning Code Sections 24-4317 A and B, regarding fully enclosed boarding areas for animals and prohibiting use of the outdoor pens between 10 PM and 8 AM. The existing parking,

service drives and vehicular storage area for the non-conforming uses will be reconfigured to accommodate proposed access drives, serving the entire development from Twin Hickory Lake Drive. The automotive repair business's continued operation must be in accordance with Zoning Code Sections 24.4324 A 2-6, regarding the prohibition of repair to vehicles outside of an enclosed building, the requirement to store parts and equipment in an enclosed building, the prohibition of the storage of inoperable vehicles, the screening of vehicles awaiting service, and the removal of vehicles after 30-days. The reconfigured vehicular storage area will be screened along its perimeter by a minimum 7-foot high opaque fence, along with a continuous evergreen hedgerow having a minimum height of 6-feet at planting, and a minimum ultimate height of 10-feet. Additional landscaping will be provided to define the access drives and dedicated parking spaces serving the existing building. Dedicated access drives will be paved and improved with curb and gutter in accordance with DPW design standards.

The architectural elevations and floor plans of the proposed buildings are generally consistent with the proffered elevations and floor plans. A 6-foot-high wooden board-on-board fence will be provided along the property lines abutting the Townes at Pouncey Place in accordance with the proffers. The previously proposed carriage house units have been replaced with garage units to satisfy building setbacks and provide access drives with adequate widths. The garage buildings will have no windows or doors facing the Townes at Pouncey Place, and the buildings will have shed roofs, with the taller side facing the Towns at Pouncey Place to direct roof drains to internal drives and increase screening.

A conceptual landscape plan is included for informational purposes to demonstrate ability and intent to conform with proffered buffers. Subsequent lighting, landscaping, and fence plans, to include provisions for required fencing, will be reviewed in detail after construction plan approval. These plans will be required to address all requirements of the code, proffers, PUP conditions, and the West Broad Street Overlay District.

A site lighting plan must be submitted for staff review and approval. Site lighting of the areas related to the existing building will be illuminated with light fixtures consistent with the remainder of the proposed development. Per Condition # 7 of PUP 2020-00008 site lighting must include pedestrian lighting along abutting public streets and internal roadways.

An amenity improvement plan will be submitted for review and approval with the building permit for the proposed apartment buildings, to ensure they are consistent with the conditions of approval. A separate site layout plan for each outdoor dining area must be submitted for staff review and approval.

The Developer has revised the layout plans to address concerns expressed by the Traffic Engineer regarding vehicular conflicts along Pouncey Place and the access drive from Pouncey Tract Road, as well as sight distance required for full access from Twin Hickory Lake Drive. The developer has agreed to provide a traffic island in the Pouncey Place cul-de-sac and an additional splitter island in the approach from Pouncey Tract Road. These additional right of way improvements would function like a mini-round-about to

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reduce vehicular conflict points on Pouncey Place. The Developer has also reduced conflict points along the interior access drives and has demonstrated adequate sight distance along Twin Hickory Lake Drive necessary to provide full access at the easternmost drive. The Traffic Engineer can now recommend approval of the plan. The Developer has revised the layout plan to provide adequate setbacks and maneuvering space for the proposed garage buildings as requested by planning staff.

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

- 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.
15. The unit house numbers shall be visible from the parking areas and drives.
16. The names of streets, drives, courts, and parking areas shall be approved by the Richmond Regional Planning District Commission and such names shall be included on the construction plans prior to their approval. The standard street name signs shall be installed prior to any occupancy permit approval.
17. A plat for the widening of Twin Hickory Lake Drive and Pouncey Place right-of-way, as shown on the approved plan, shall be submitted to the Director of Real Property prior to approval of the construction plan, and shall be recorded prior to requesting occupancy permits. The developer shall provide evidence of recordation to the Director of Public Works.
18. A plat for the widening of Pouncey Tract Road (State Route 271) right-of-way, as shown on the approved plan, shall be submitted to the Director of Real Property prior to approval of the construction plan, and shall be recorded prior to requesting occupancy permits. The developer shall provide evidence of recordation to the Director of Public Works.
19. The entrances and drainage facilities on Pouncey Tract Road (State Route 271) shall be approved by the Virginia Department of Transportation and the County.
20. 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 Director of Public Works prior to any occupancy permits being issued.
21. A concrete sidewalk meeting County standards shall be provided along the north side of Pouncey Place and the south side of Twin Hickory Lake Drive.
22. A concrete sidewalk meeting VDOT standards shall be provided along the east side of Pouncey Tract Road (State Route 271).
23. The proffers approved as a part of zoning case REZ2020-00018 and the conditions of Provisional Use Permit PUP2020-00008 shall be incorporated in this approval.
24. 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.

25. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
26. 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.

(Staff Report by Mike Kennedy)

(Applicant's Representative: Ryan Yauger)

(Applicable Rezoning Cases and PUPS: REZ2020-00018 and PUP2020-00008)

(Expedited Agenda Requested)

BROOKLAND:

(Deferred from the January 13, 2022, Meeting)

PUP2021-00024 Joe Marchetti for Holland Associates, LLC: Request for a Provisional Use Permit under Sections 24-2306 and 24-3708 of Chapter 24 of the County Code to allow a multifamily development with office and commercial uses on Parcel 774-740-9115 located on the east line of Staples Mill Road (U.S. Route 33) approximately 600' south of its intersection with Bethlehem Road. The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Light Industry. The site is in the Westwood Redevelopment Overlay District and the Enterprise Zone.

Staff – Lisa Blankinship (Deferral Requested to March 10, 2022)

[Deferred to the March 10, 2022 Meeting](#)

(Deferred from the January 13, 2022, Meeting)

PUP2022-00002 T. Preston Lloyd, Jr. for Spy Rock Real Estate Group: Request for a Provisional Use Permit under Sections 24-2306 and 24-3708 of Chapter 24 of the County Code to allow a multifamily residential development with commercial uses on Parcel 778-735-0109 located on the east line of Dabney Road approximately 500' north of its intersection with Westwood Avenue. The existing zoning is M-1 Light Industrial District. The 2026 Comprehensive Plan recommends Heavy Industry. The site is in the Westwood Redevelopment Overlay District. **Staff – Lisa Blankinship**

[Recommended for Approval](#)

REZ2022-00007 Nathalie Croft for Eagle Construction of VA, LLC: Request to conditionally rezone from A-1 Agricultural District to R-2C One-Family Residence District (Conditional) Parcel 769-774-5336 containing 7.59 acres located on the south line of Mill Road approximately 200' east of its intersection with Wyatt Farm Drive. The applicant proposes a residential development of single-family dwellings. The R-2 District allows a minimum lot area of 18,000 square feet and a maximum gross density of 2.42 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. **Staff – Michael Morris**

[Recommended for Approval](#)

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REZ2021-00058 Andrew M. Condlin for Crenshaw Realty: Request to conditionally rezone from B-1 Business District to R-6C General Residence District (Conditional) Parcels 772-736-3855, -4241 and -4766 containing 2.432 acres located on the west line of Willow Lawn Drive approximately 135' north of its intersection with Grace Street. The applicant proposes a master-planned development with multifamily dwellings and commercial uses. The R-6 District allows a density of 19.8 units per acre for multifamily. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Environmental Protection Area. The site is in the Enterprise Zone. **Staff – Michael Morris (Deferral Requested to March 10, 2022)**

[Deferred to the March 10, 2022 Meeting](#)

PUP2021-00021 Andrew M. Condlin for Crenshaw Realty: Request for a Provisional Use Permit under Sections 24-4315.C and 24-2306 of Chapter 24 of the County Code to allow commercial uses and zoning modifications as part of a master-planned development on Parcels 772-736-3855, -4241 and -4766 located on the west line of Willow Lawn Drive approximately 135' north of its intersection with Grace Street. The existing zoning is B-1 Business District. R-6C General Residence District (Conditional) zoning is proposed with REZ2021-00058. The 2026 Comprehensive Plan recommends Environmental Protection Area. The site is in the Enterprise Zone.

Staff – Michael Morris (Deferral Requested to March 10, 2022)

[Deferred to the March 10, 2022 Meeting](#)

REZ2021-00059 Andrew M. Condlin for Crenshaw Realty: Request to conditionally rezone from O-2 Office District to R-6C General Residence District (Conditional) Parcels 772-738-5115 and 772-738-6931 containing 1.764 acres located on the west line of Byrd Avenue approximately 150' north of its intersection with Old Richmond Avenue. The applicant proposes a master-planned development with multifamily dwellings and commercial uses. The R-6 District allows a density of 19.8 units per acre for multifamily. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The site is in the Enterprise Zone. **Staff – Michael Morris (Deferral Requested to March 10, 2022)**

[Deferred to the March 10, 2022 Meeting](#)

PUP2021-00022 Andrew M. Condlin for Crenshaw Realty: Request for a Provisional Use Permit under Sections 24-4315.C and 24-2306 of Chapter 24 of the County Code to allow commercial uses and zoning modifications as part of a master-planned development on Parcels 772-738-5115 and 772-738-6931 located on the west line of Byrd Avenue approximately 150' north of its intersection with Old Richmond Avenue. The existing zoning is O-2 Office District. R-6C General Residence District (Conditional) zoning is proposed with REZ2021-00059. The 2026 Comprehensive Plan recommends Office. The site is in the Enterprise Zone. **Staff – Michael Morris (Deferral Requested to March 10, 2022)**

[Deferred to the March 10, 2022 Meeting](#)

THREE CHOPT:

REZ2022-00003 Andrew M. Condlin for SKM, LLC: Request to conditionally rezone from A-1 Agricultural District and B-2C Business District (Conditional) to R-6C General Residence District (Conditional) part of Parcel 733-765-4819 containing 6.229 acres located at the northwest intersection of W. Broad Street (U.S. Route 250) and N. Gayton Road. The applicant proposes a multifamily residential development. The R-6 District allows a maximum gross density of 19.8 units per acre for multifamily. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. The site is in the West Broad Street Overlay District. **Staff – Seth Humphreys**
[Recommended for Approval](#)

(Deferred from the December 9, 2021 Meeting)

PUP2021-00025 Andrew M. Condlin for SKM, LLC: Request for a Provisional Use Permit under Sections 24-4315.C and 24-2306 of Chapter 24 of the County Code to allow commercial uses and zoning modifications as part of a master-planned development on part of parcel 733-765-4819 located at the northwest intersection of W. Broad Street (U.S. Route 250) and N. Gayton Road. The existing zoning is A-1 Agricultural District and B-2C Business District (Conditional). R-6C General Residence District (Conditional) zoning is proposed with REZ2022-00003. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. The site is in the West Broad Street Overlay District. **Staff – Seth Humphreys**
[Recommended for Approval](#)

TUCKAHOE:

REZ2022-00006 Warrem Almeida: Request to rezone from O-1 Office District and O-2C Office District to O-2 Office District Parcel 753-741-2016 containing 0.437 acres located on the west line of N. Parham Road approximately 210' south of its intersection with Patterson Avenue (State Route 6). The applicant proposes a beauty salon and office uses. The uses will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Office. **Staff – Livingston Lewis**
[Recommended for Approval](#)

PUP2022-00004 Warrem Almeida: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a personal service establishment (beauty salon) on part of Parcel 753-741-2016 located on the west line of N. Parham Road approximately 210' south of its intersection with Patterson Avenue (State Route 6). The existing zoning is O-1 Office District and O-2C Office District (Conditional). O-2 Office District zoning is proposed with REZ2022-00006. The 2026 Comprehensive Plan recommends Office. **Staff – Livingston Lewis**
[Recommended for Approval](#)

FAIRFIELD:

REZ2022-00010 Eric Walker: Request to conditionally rezone from A-1 Agricultural District to R-3AC General Residence District (Conditional) Parcel 779-760-6327 containing 1.05 acres located on the northeast line of Hungary Creek Lane approximately 260' southeast of its intersection with Tweed Road. The applicant proposes a single-family dwelling. The R-3A District allows for a minimum lot area of 9,500 square feet and a maximum gross density of 4.6 units per acre. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre.

Staff – Seth Humphreys (Expedited Agenda Requested)

Recommended for Approval

PUP2022-00003 William Shewmake for Skyway Towers, LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow for a freestanding wireless communication tower on part of Parcel 812-725-4066 located on the southeast line of Cedar Fork Road approximately 1000' northeast of its intersection with Nine Mile Road (State Route 33). The existing zoning is R-4AC One-Family Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The site is in the Airport Safety Overlay District. **Staff – Livingston Lewis (Expedited Agenda Requested)**

Recommended for Approval

VARINA:

REZ2022-00008 Jon Beckner: Request to rezone from B-1 and B-3 Business District to B-3 Business District Parcel 823-722-8996 containing 0.295 acres located on the west line of E. Nine Mile Road (State Route 33) approximately 30' north of its intersection with S. Oak Avenue. The applicant proposes automobile sales. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the Airport Safety Overlay District and in the Enterprise Zone. **Staff – Seth Humphreys (Deferral Requested to March 10, 2022)**

Deferred to the March 10, 2022 Meeting

REZ2022-00009 John W. Montgomery, Jr. for Godsey Properties, Inc.: Request to conditionally rezone from R-5 General Residence District, RTH Residential Townhouse District, and M-1C Light Industrial District (Conditional) to R-2AC One-Family Residence District (Conditional) (4.18 acres) and R-5C General Residence District (Conditional) (50.02 acres) Parcels 838-713-1395 and 838-713-4773 containing 54.2 acres located on the east line of Old Memorial Drive and its intersection with Betner Road. The applicant proposes a residential development of single-family dwellings and condominiums. The R-2A District allows for a minimum lot area of 13,500 square feet and a maximum gross density of 3.23 units per acre. The R-5 District allows for a minimum lot area of 12,000 square feet and a maximum gross density of 14.5 units per acre for multifamily. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Residential, density should range from 3.4 to 6.8 units per acre, and Light Industry. The site is in the Airport Safety Overlay District.

Staff – Lisa Blankinship

Recommended for Approval

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REZ2021-00057 Oliver Investments Fund, LLC: Request to conditionally rezone from R-3 and R-4 One-Family Residence Districts to R-5C General Residence District (Conditional) Parcels 822-722-1753, -1872, -2780 and -4258 containing 2.273 acres located at the southeast intersection of S. Kalmia Avenue and E. Beal Street. The applicant proposes a multifamily development. The R-5 District allows a density of 14.5 units per acre for multifamily. 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. The site is in the Airport Safety Overlay District. **Staff – Rosemary Deemer**
Recommended for Approval

DISCUSSION ITEM: RESOLUTION: PCR-1-22: The Commission will discuss initiating consideration of Zoning Ordinance Amendments regarding Solar Arrays.
Approved

DISCUSSION ITEM: The Commission will discuss setting a Public Hearing for March 10, 2022, for Zoning Ordinance Amendments regarding Solar Arrays.
Approved

DISCUSSION ITEM: The Commission will discuss scheduling a work session for March 10, 2022, to review materials related to the 2045 Comprehensive Plan Update.
Approved

DISCUSSION ITEM: CAPITAL IMPROVEMENT PROGRAM: The Commission will discuss setting a Public Hearing for March 10, 2022, at 6:00 p.m., to consider the FY 2022 - 23 through FY 2031-32 Capital Improvement Program.
Approved

APPROVAL OF MINUTES: Planning Commission on January 13, 2022.
Approved

The Planning Commission adjourned its meeting at **8:42 p.m.** on **February 10, 2022**.

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