

**PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
June 9, 2022**

BEGINNING AT 7:00 P.M.

WELCOME:

PLEDGE OF ALLEGIANCE:

RECOGNITION OF NEWS MEDIA:

REQUESTS FOR WITHDRAWALS AND DEFERRALS: (0); (3)

REQUESTS FOR EXPEDITED ITEMS: (1)

CASES TO BE HEARD: (0)

SUBDIVISION – CHESAPEAKE BAY RESOURCE PROTECTION AREA EXCEPTION

SUB2022-00056

Tuckahoe Place Section B
Block C Lot 1
– 10001 Drouin Street

Approved

Balzer and Associates, Inc. for Benjamin Tanner:

Request for approval of a Chesapeake Bay Resource Area Exception as required by Chapter 24, Section 5805 of the Henrico County Code. The 3.08-acre site of the proposal to demolish a structurally unsafe existing garage and construct a detached garage is located on the south line of Drouin Drive at its intersection with Westwick Road, on parcel 739-737-4244. The exception would allow one 1,271 square foot detached garage to encroach within the landward 50-feet of the required 100-foot-wide Resource Protection Area, a component of a Chesapeake Bay Preservation Area, adjacent to an unnamed tributary that drains to Tuckahoe Creek in the James River watershed. The zoning is R-0 One-Family Residence District. County water and on-site sewage disposal system. **(Tuckahoe)**

This request is for approval for an exception to the Henrico County Chesapeake Bay Preservation Area buffer requirement per Section 5805 of the ordinance to allow demolition of a structurally unsafe garage and construction of a replacement within the 100-foot RPA buffer adjacent to the unnamed tributary at the back of this lot. The subject property was designated as a buildable lot with recordation of Tuckahoe Place, Section B in 1980, prior to adoption of the provisions of the Henrico County Code regarding

June 10, 2022

Chesapeake Bay Protection areas. The Chesapeake Bay Preservation ordinance designates Resource Protection Area buffers to provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the bay and its tributaries, and to minimize the adverse effects of human activities on state waters and aquatic resources. The ordinance limits allowable development in the RPA to water-dependent uses; redevelopment under special conditions; roads; driveways; utilities; and flood control/ stormwater facilities. Since the request to allow the construction of this garage within the RPA is not one of these allowable uses, the owner must request an exception in accordance with the ordinance requirements. The applicant has provided a plan that shows the location of the RPA buffer on the lot and the proposed location of the new garage.

The Planning Commission, in accordance with 24-5805.A.3, shall review the request for an exception and water quality impact assessment, and may grant an exception with such conditions and safeguards as it deems necessary, only if the Planning Commission finds:

- a. Granting the exception will not confer upon the applicant any special privilege denied to similarly situated property owners;
- b. The exception request is not based on conditions or circumstances that are self-created or self-imposed, and the request does not arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
- c. The exception request is the minimum to afford relief;
- d. The exception request is in harmony with the purpose and intent of the zoning ordinance and is not of substantial detriment to water quality; and
- e. That reasonable and appropriate conditions which will prevent the exception request from degradation of water quality are imposed.

The current garage is located on a 20-foot Public Utility easement. Henrico code does not permit the erection of structures within a public easement. Public Utilities has verified that the line within the easement is abandoned, and the applicant has contacted Real Property to begin the public easement vacation process. The building permit would not be approved until the easement is vacated.

Public Works has reviewed the applicant's submittal, including the Minor Water Quality Impact Assessment. The proposed plan consists of demolishing an existing detached garage, removing a portion of the existing concrete pad that is closest to the perennial stream, expanding the existing concrete pad further landward from the perennial stream, constructing a prefabricated detached garage, and providing a vegetated buffer. These project components do help to preserve the water quality benefits of the Chesapeake Bay Preservation Areas on this lot.

A vegetated buffer equal to the increased square footage of impervious surface within the RPA is proposed to improve the water quality of the unnamed tributary on site and enhance the current RPA buffer where minimal vegetative cover is currently present. The applicant has also avoided impacts to the lower 50 feet of the RPA buffer and the new structure will be further from the perennial stream than the existing structure.

June 10, 2022

Therefore, it is the recommendation of the Department of Public Works this request for an exception to the Chesapeake Bay Preservation Ordinance Resource Protection Area buffer requirement be approved.

Should the Planning Commission grant the exception, the following conditions are recommended:

1. Additional plantings of native trees and shrubs shall be installed within the lower 50-feet of the RPA buffer to achieve an overall density of woody vegetation within the lower 50-feet of the buffer of 200 stems per acre.
2. An erosion and sediment control plan, which includes the vegetation enhancement within the RPA buffer shall be submitted for County review and approval as part of the proposed project.
3. The applicant will submit a request to the County to vacate the existing 16-foot Public Utility easement, and vacation of the easement will need to be complete prior to issuance of a building permit for the new structure.

(Staff Report by: Matthew Batdorf/Christina Goggin)
(Applicant's Representative: Taylor Goodman/Emily Salkind)
(Expedited Agenda Requested)

TUCKAHOE:

(Deferred from the May 12, 2022 Meeting)

PUP2022-00010 Simon Mueller for Hunt Gunter: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a car wash on Parcel 737-751-0413 located on the west line of John Rolfe Parkway approximately 260' north of the intersection of Ridgefield Parkway. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. **Staff – Livingston Lewis (Deferral Requested to July 14, 2022)**

[Deferred to the July 14, 2022 Meeting](#)

THREE CHOPT:

REZ2022-00019 Andrew M. Conclin for Pemberton Investments, LLC: Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to R-5AC General Residence District (Conditional) part of Parcel 739-755-4897 containing 11.85 acres located on the west and east lines of John Rolfe Parkway at its intersection with Pump Road. The applicant proposes a residential development of detached dwellings. The R-5A District allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Open Space/Recreation (OS/R), Suburban Residential 2, density should not exceed 3.4 units per acre, and Office. **Staff – Seth Humphreys (Deferral Requested to July 14, 2022)**

[Deferred to the July 14, 2022 Meeting](#)

FAIRFIELD:

REZ2022-00004 Jack R. Wilson, III PLC for Fleettree, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 807-733-2587, 807-733-4786, 807-733-8078, and 807-734-7750 containing 26.8 acres located at the northeast intersection of Goodell and Harvie Roads. The applicant proposes a residential development of single-family dwellings. The R-5A District allows for a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre for single family dwellings. The uses 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. The site is in the Airport Safety Overlay District. **Staff – Rosemary Deemer (Deferral Requested to August 11, 2022)**

Deferred to the August 11, 2022 Meeting

APPROVAL OF MINUTES: Planning Commission Work Session and Regular Meeting on May 12, 2022.

Approved

The Planning Commission adjourned its meeting at 7:12 p.m. on June 9, 2022.

View the Planning Commission agendas at
<http://henrico.us/pdfs/planning/meetnext.pdf>