

**PLANNING COMMISSION  
REZONING MEETING  
FINAL AGENDA  
JUNE 15, 2006**

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**BEGINNING AT 7:00 P.M.**

**CALL TO ORDER:**

**REQUESTS FOR WITHDRAWALS AND DEFERRALS: (1); (6)**

**REQUESTS FOR EXPEDITED ITEMS: (5)**

**CASES TO BE HEARD: (4)**

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**BROOKLAND:**

**P-10-06 Roger Hughett (Ntelos) for Crown Castle:** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to increase the height of an existing telecommunications tower, approved by P-1-04, an additional 14 feet (138' proposed total height) and install unmanned communications equipment at the base of the tower, on part of Parcel 775-744-9936, located on the west side of Byrdhill Road approximately 200 feet south of Oakland Avenue. The existing zoning is M-1 Light Industrial District. The Land Use Plan recommends Light Industry. **Staff – Tom Coleman (*Expedited agenda*)**  
**Recommended for Approval**

**P-11-06 Caroline Nadal for BRC Richmond, LLC:** Request for a Provisional Use Permit in accordance with Sections 24-58.2(a), 24-58.2(d), 24-120 and 24-122.1 of the County Code to extend hours of operation to 1:00 a.m. Wednesday through Sunday and to permit an outside dining area for Ham's Restaurant, on Parcel 755-758-7804, located at the northeast intersection of West Broad Street (U. S. Route 250) and Old Springfield Road. The existing zoning is B-2 Business District. The Land Use Plan recommends Commercial Concentration. **Staff – Rosemary Deemer (*Expedited agenda*)**  
**Recommended for Approval**

**C-31C-06 Ralph Axselle, Jr. for Marchetti Properties I, LLC and Marchetti Properties V, LLC:** Request to conditionally rezone from R-3 One Family Residence District and B-2C Business District (Conditional) to B-2C Business District (Conditional), Parcels 769-756-5278, 769-756-6190 and part of Parcels 769-756-3391, 769-757-3723 and 769-757-3204, containing approximately 2.303 acres, located between the east line of Staples Mill Road (U. S. Route 33) and the west line of Old Staples Mill Road approximately 396 feet north of their intersection. The applicant proposes retail uses and an access road. The use will be controlled by zoning ordinance regulations and

proffered conditions. The Land Use Plan recommends Commercial Concentration.  
**Staff – Lee Tyson Recommended for Approval**

**C-32C-06 Courtney Fisher for Wilton Real Estate & Development Co.:** Request to amend proffered conditions accepted with rezoning case C-51C-02, on Parcel 770-745-1768, located at the northeast intersection of Interstate 64 and Bethlehem Road. The applicant proposes to amend Proffer 4 related to the company preparing the building elevations, and Proffer 7 to increase the building height limitation from thirty-five (35) feet to forty-five (45) feet. The existing zoning is C-1 Conservation District and O-2C Office District (Conditional). The Land Use Plan recommends Environmental Protection Area. **Staff – Lee Tyson Recommended for Approval**

**FAIRFIELD:**

**P-7-06 E. Thomas Rilee, III, P.C. for Padilla's Inc. (t/a Amigo's Restaurant):** Request for a Provisional Use Permit in accordance with Sections 24-58.2(a), 24-120 and 24-122.1 of the County Code in order to extend hours of operation to 1:30 a.m. on Saturday and Sunday mornings for Amigo's Restaurant, on Parcel 784-753-7530, located at the southeast intersection of Brookside Boulevard and Brook Road (U. S. Route 1). The existing zoning is B-1 Business District and B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. The site is in the Enterprise Zone. **Staff – Tom Coleman Withdrawn by applicant**

**C-25-06 James W. Fleming:** Request to rezone from R-4 One Family Residence District to R-0 One Family Residence District, Parcel 799-735-8376, containing 2.42 acres, located on the east line of Duke Street at its intersection with Young Street. The applicant proposes to construct a detached garage. The R-4 District regulations permit a maximum of 682.5 square feet of accessory structures; the R-0 District regulations permit a maximum of 3000 square feet of accessory structures. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre. The site is in the Airport Safety Overlay District. **Staff – Livingston Lewis (Expedited agenda) Recommended for Approval**

**THREE CHOPT:**

**Deferred from the May 11, 2006 Meeting.**

**C-75C-05 John J. Hanky III, for Barrington Development, Inc:** Request to conditionally rezone from R-3C One Family Residence District (Conditional) to O-2C Office District (Conditional), Parcel 740-758-4797, containing 2.215 acres, located on the east line of the proposed John Rolfe Parkway right-of-way approximately 310 feet south of Three Chopt Road. The applicant proposes an office development. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Environmental Protection Area. The site is in the West Broad Street Overlay District. **Staff – Nathalie Croft Deferred to the July 13, 2006 Meeting.**

**Deferred from the May 11, 2006 Meeting.**

**P-4-06 Gloria Freye for Bechtel Corp.:** Request for a Provisional Use Permit under Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the County Code in order to construct a 149' high telecommunication tower on Parcel 744-771-3182, located on the east line of Shady Grove Road north of Hames Lane. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. **Staff – Tom Coleman (Deferral requested to the August 10, 2006 Meeting) Deferred to the August 10, 2006 Meeting.**

**Deferred from the May 11, 2006 Meeting.**

**C-11C-06 Neil Rankins for R & R Development, LC.:** Request to rezone from [R-5C] General Residence District (Conditional) to B-2C Business District (Conditional), Parcels 739-761-2693 and 739-762-0100, containing 2.441 acres, located on the south line of West Broad Street (U. S. Route 250) approximately 195 feet east of Spring Oak Drive. The applicant proposes a retail development. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District. **Staff – Tom Coleman (Deferral requested to the July 13, 2006 Meeting.) Deferred to the July 13, 2006 Meeting.**

**P-8-06 Denise Kranich for Innsbrook Foundation:** Request for a provisional use permit in accordance with Sections 24-62.2(f), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to extend provisional use permit P-12-03 to continue operating a temporary outdoor entertainment pavilion (Innsbrook Pavilion) for an additional three (3) years, on part of Parcel 750-768-4593, containing approximately 6.4 acres, located at the northeast intersection of Nuckols Road and Interstate 295. The existing zoning is M-1C Light Industrial District (Conditional). The Land Use Plan recommends Planned Industry. **Staff – Livingston Lewis (Expedited agenda) Recommended for Approval**

**C-12C-04 Andrew M. Condlin for Water Tower Associates, LLC:** Request to conditionally rezone from B-1C Business District (Conditional) to B-3C Business District (Conditional), part of Parcel 747-757-6938, containing 1.142 acres, located at the northeast intersection of Old Cox and Three Chopt Roads. A veterinarian facility including office, hospital, grooming and day school for dogs is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration. **This case was filed in 2004, but tabled by the applicant. Staff – Tom Coleman (Deferral requested to the July 13, 2006 Meeting.) Deferred to the July 13, 2006 Meeting.**

**C-26C-06 Roy Amason for McCabe's Grant L.L.C.:** Request to conditionally rezone from A-1 Agricultural District, R-1 One Family Residence District, C-1 Conservation District, R-2A One Family Residence District, and R-3 One Family Residence District to R-2AC One Family Residence District (Conditional), Parcels 743-755-1624, 742-755-8449, 742-754-8984, 743-754-4375, and 743-754-0266, containing approximately 14.32 acres, located at the southern terminus of Crown Grant Road,

Loreine's Landing Lane and Persimmon Trek. The applicant proposes a single family residential development with a maximum of 27 dwelling units. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, Environmental Protection Area, and Suburban Residential 2, 2.4 to 3.4 units net density per acre. **Staff – Nathalie Croft** (*Deferral requested to the July 13, 2006 Meeting.*) [Deferred to the July 13, 2006 Meeting.](#)

**TUCKAHOE:**

None

**VARINA:**

*Deferred from the May 11, 2006 Meeting.*

**P-6-06 Ann Leonard Harris:** Request for a Provisional Use Permit under Sections 24-12.1(b) and 24-122.1 of Chapter 24 of the County Code in order to operate a bed and breakfast inn on Parcel 802-699-4985, located at the terminus of Equestrian Way in The Paddocks subdivision. The existing zoning is R-3 One Family Residence District. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. **Staff – Tom Coleman** (*Deferral requested to the June, 2007 Meeting.*) [Deferred to the June 14, 2007 Meeting.](#)

**C-28C-06 William W. Browning, Jr.:** Request to conditionally rezone from R-3 One Family Residence District and M-2 General Industrial District to M-2C General Industrial District (Conditional) and C-1 Conservation District, part of Parcel 799-709-0564, containing 7.48 acres, located at the northeast intersection of Old Osborne Turnpike and McCoul Street. The applicant proposes an office warehouse. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, Environmental Protection Area, and Open Space/Recreation. **Staff – Livingston Lewis** [Recommended for Approval](#)

**P-9-06 Gary Barber for National Communication Tower LLC:** Request for a Provisional Use Permit under Sections 24-92.2, 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the County Code to construct a 199' monopole telecommunications tower, on Parcel 851-666-7691, located 343' east of Carters Mill Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Prime Agriculture. The site is in the Airport Safety Overlay District. **Staff – Tom Coleman** (*Deferral requested to the July 13, 2006 Meeting.*) [Deferred to the July 13, 2006 Meeting.](#)

**C-29C-06 Ralph Axselle for Laburnum Associates LLC:** Request to conditionally rezone from PMD Planned Industrial District to B-3C Business District (Conditional), Parcel 815-718-5710, containing 136.493 acres, located on the east line of South Laburnum Avenue at its intersection with I-64. A retail shopping area is proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Planned Industry and Environmental Protection Area. The

site is in the Airport Safety Overlay District. **Staff – Lee Tyson Recommended for Approval.**

**RESOLUTION:** To study and prepare a zoning ordinance amendment regarding building height regulations. **Resolution Adopted.**

Acting on a motion by **Jernigan**, seconded by **Jones**, the Planning Commission adjourned its meeting at **8:19 p.m.** on **June 15, 2006.**

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