

**PLANNING COMMISSION  
REZONING MEETING  
FINAL AGENDA  
AUGUST 9, 2007**

**BEGINNING AT 6:15 P.M.**

**6:15 P.M. Work Session, Planning Department's Large Conference Room:**  
Discuss Planning Commission 2008 Calendar.

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

**CALL TO ORDER:**

**REQUESTS FOR WITHDRAWALS AND DEFERRALS: (1); (8)**

**REQUESTS FOR EXPEDITED ITEMS: (2)**

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

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**SUBDIVISION (Deferred from the July 25, 2007 Meeting)**

SUB-47-07  
Prosperity Estates  
(July 2007 Plan)  
4951 Darbytown Road

**Engineering Design Associates for Robert T & Armendia M. Royster:** The 28.54-acre site proposed for a subdivision of 21 single-family homes is located on the south line of Darbytown Road, approximately 200 feet east of Gill Dale Road on parcel 839-688-6677. The zoning is A-1 Agricultural District. Individual well and septic tank/drainfield. **(Varina) 21 Lots**

Staff has received a revised plan which addresses staff's concerns and is now recommending approval of the revised staff plans with the original conditions on the Planning Commission agenda and additional condition #16.

(Note that the subdivision plan now shows 21 lots instead of the original 20 lots previously shown).

11. Each lot shall contain at least 43,560 square feet, exclusive of the flood plain areas.
12. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-wide planting strip easement along Darbytown Road shall be submitted

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- to the Department of Planning for review and approval prior to recordation of the plat.
13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate floodplain as a "Variable Width Drainage & Utilities Easement."
  14. Any necessary offsite drainage easements must be obtained prior to approval of the construction plan by the Department of Public Works.
  15. Any future building lot containing a BMP, sediment basin or trap and located within the buildable area for a principal structure or accessory structure, may be developed with engineered fill. All material shall be deposited and compacted in accordance with the Virginia Uniform Statewide Building Code and geotechnical guidelines established by a professional engineer. A detailed engineering report shall be submitted for the review and approval by the Building Official prior to the issuance of a building permit on the affected lot. A copy of the report and recommendations shall be furnished to the Directors of Planning and Public Works.
  16. The applicant and/or developer, will continue to work with the Director of Public Works regarding the road improvements required along Darbytown Road, and the drainage improvements through the lots, and resolve any issues prior to approval of the construction plans.

**(Staff Report by Jim Strauss)**  
**(Applicant's Representative: Randy Hooker)**  
**(Expedited agenda requested)**  
**RECOMMENDED FOR APPROVAL**

**THREE CHOPT:**

**Deferred from the June 14, 2007 Meeting.**

**C-7C-07 Andrew M. Conclin for Farmer Properties, Inc.:** Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 747-773-6860, containing 5.204 acres, located on the southeast line of Twin Hickory Road, approximately 800 feet northeast of Nuckols Road. The applicant proposes a residential townhouse development with a maximum of 28 units. The RTH District allows a maximum density of 9 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 net units per acre. **Staff – Livingston Lewis (Deferral requested to the December 6, 2007 Meeting)**  
**DEFERRED TO DECEMBER 6, 2007**

**Deferred from the July 12, 2007 Meeting.**

**C-40C-07 Courtenay Fisher for Boushra and Edna Hanna:** Request to conditionally rezone from A-1 Agricultural District to R-2AC One-Family Residence District (Conditional), Parcel 742-773-4344, containing 10.252 acres, located on the northeast line of Hames Lane approximately 1,550 feet north of its intersection with Shady Grove Road. The applicant proposes a single family residential development not

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to exceed a density of 2.0 units per acre. The R-2A District allows a minimum lot size of 13,500 square feet and a maximum gross density of 3.23 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit per acre, and Environmental Protection Area. **Staff – Lee Tyson (Deferral requested to the September 13, 2007 Meeting)**  
**DEFERRED TO SEPTEMBER 13, 2007**

**Deferred from the July 12, 2007 Meeting.**

**C-32-07 R + R Property Development, L.C.:** Request to rezone from R-5C General Residence District (Conditional) to B-1 Business District, part of Parcel 738-761-6025, containing approximately 0.15 acre, located on the east line of Spring Oak Drive approximately 240 feet south of West Broad Street (U. S. Route 250). The applicant proposes a 30-foot easement for an access driveway to adjacent retail uses. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre. The site is in the West Broad Street Overlay District. **Staff – Ben Sehl**  
**RECOMMENDED FOR APPROVAL**

**P-13-07 Bruce Perretz for Maria Garcia – Lara:** Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120, and 24-122.1 of Chapter 24 of the County Code to permit outdoor dining at the Mexico Restaurant located at the Promenade Shops, on part of Parcel 738-762-3715, located on the south line of West Broad Street (U. S. Route 250) approximately 200 feet west of Spring Oak Drive. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Mixed Use Development. The site is in the West Broad Street Overlay District. **Staff – Rosemary Deemer (Expedited agenda requested)**  
**RECOMMENDED FOR APPROVAL**

**C-43C-07 Gibson Wright for John W. Gibbs, Jr.:** Request to conditionally rezone from R-2AC One-Family Residence District (Conditional) to R-3C One-Family Residence District (Conditional), Part of Parcel 739-774-4564, containing approximately 6.77 acres, located on the southeast line of Nuckols Road at its intersection with Lower Wyndham Court. The applicant proposes a single-family residential subdivision to construct 13 homes as part of the Grey Oaks development which has a proffered aggregate maximum density of 1.8 units per acre. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. 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, and Environmental Protection Area. **Staff – Livingston Lewis**  
**DEFERRED TO SEPTEMBER 13, 2007**

**TUCKAHOE:**

None.

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**BROOKLAND:****Deferred from the June 14, 2007 Meeting.**

**C-64C-06 Jennifer D. Mullen for Wistar Creek, LLC:** Request to conditionally rezone from R-3 One-Family Residence District to RTHC Residential Townhouse District (Conditional), Parcels 767-750-8298, 767-751-8651, 768-750-0490, 768-751-0638, 768-751-2435, 768-751-4119, and 768-751-1362 containing 24.46 acres, located on the south line of Wistar Road approximately 142 feet west of Walkenhut Drive. The applicant proposes a residential townhouse development with a maximum of 100 dwelling units, an equivalent density of 4.08 units per acre. The maximum density allowed in the RTH District is 9 units per acre. 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 Office. **Staff – Lee Tyson (Deferral requested to the September 13, 2007 Meeting)**

**DEFERRED TO SEPTEMBER 13, 2007**

**Deferred from the June 14, 2007 Meeting.**

**C-10C-07 David Johannas for Pied Venture LLC:** Request to conditionally rezone from B-2 Business District to R-6C General Residence District (Conditional), Parcel 772-737-7160, containing 2.874 acres, located between the north line of Fitzhugh Avenue and the south line of Markel Street, approximately 236 feet southeast of Byrd Avenue. The applicant proposes residential condominiums. The R-6 District allows a maximum gross density of 19.8 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office and Environmental Protection Area. The site is located within the Enterprise Zone. **Staff – Lee Tyson (Deferral requested to the October 11, 2007 Meeting)**

**DEFERRED TO OCTOBER 11, 2007**

**VARINA:****Deferred from the July 12, 2007 Meeting.**

**P-8-07 Gloria L. Freye for Richmond 20 MHZ LLC:** Request for a Provisional Use Permit under Sections 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 157' high telecommunications tower on part of Parcel 829-712-4591, located on the west line of Beulah Road approximately 195' north of Treva Road. The existing zoning is R-3 One Family Residence District. The Land Use Plan recommends OS/R Open Space Recreation. **Staff – Lee Tyson (Deferral requested to the September 13, 2007 Meeting)**

**DEFERRED TO SEPTEMBER 13, 2007**

**C-42C-07 Doug Blum for Capital Region Airport Commission:** Request to conditionally rezone from M-1 Light Industrial District to M-2C General Industrial District (Conditional), Parcel 818-709-9610, containing approximately 9.0 acres, located on the west line of Lewis Road, approximately 1,100 feet north of Charles City Road. The applicant proposes above-ground storage of two 30,000-gallon Liquid Propane Gas (LPG) tanks. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Light Industry. The site is in the Airport Safety Overlay District. **Staff – Ben Sehl**

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## RECOMMENDED FOR APPROVAL

**C-35C-07 Courtenay Fisher for Dtown, LLC:** Request to conditionally rezone from R-4 One-Family Residence District to R-5AC General Residence District (Conditional), Parcel 806-711-6674 and part of Parcel 806-710-8061, containing 3.563 acres, located at the eastern terminus of Oregon Avenue approximately 170 feet east of Randall Avenue. The applicant proposes a maximum of 13 single-family residential lots as an extension of East Pointe Commons. The R-5A District allows a minimum lot size 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 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. **Staff – Nathalie Croft**

## RECOMMENDED FOR APPROVAL

### FAIRFIELD:

*Deferred from the June 14, 2007 Meeting.*

**C-28C-07 Tetra Investment Group 14 LLC:** Request to conditionally rezone from R-6 General Residence District and B-3C Business District (Conditional) to O-1C Office District (Conditional), Parcel 784-746-3173, containing 1.182 acres, located on the north line of Brook Run Drive (private) at Cliffbrook Lane, approximately 830 feet west of Brook Road (U. S. Route 1). The applicant proposes an office building. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration. **Staff – Livingston Lewis (Deferral requested to the October 11, 2007 Meeting)**

## DEFERRED TO OCTOBER 11, 2007

*Deferred from the June 14, 2007 Meeting.*

**C-29C-07 Caroline L. Nadal for Creighton & Laburnum LLC:** Request to conditionally rezone from A-1 Agricultural District, B-2C Business District (Conditional) and M-1C Light Industrial District (Conditional) to B-2C Business District (Conditional) and M-1C Light Industrial District (Conditional), Parcels 807-730-9116, 808-730-6309, -4825, -3946, -3162, -2377 and -6227, containing approximately 27.04 acres (B-2C 7.37 ac; M-1C 19.67 ac), located on the northwest intersection of N. Laburnum Avenue and Creighton Road. The applicant proposes retail and office/service uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office/Service, Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area. The site is in the Airport Safety Overlay District. **Staff – Lee Tyson (Deferral requested to the September 13, 2007 Meeting)**

## DEFERRED TO SEPTEMBER 13, 2007

*Deferred from the June 14, 2007 Meeting.*

**P-9-07 Caroline L. Nadal for Creighton & Laburnum 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 in order to operate a 24-hour convenience store with gas pumps, on Parcel 808-730-6309, and part of Parcels 808-730-4825, -6227, and 807-730-9116 located at the northwest intersection of N. Laburnum Avenue and Creighton Road. The

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existing zoning is M-1C Light Industrial District (Conditional) and B-2C Business District (Conditional). The site is subject to pending rezoning case C-29C-07. The Land Use Plan recommends Office/Service. The site is in the Airport Safety Overlay District.

**Staff – Lee Tyson (Withdrawn by Applicant)**

**WITHDRAWN BY APPLICANT**

**Deferred from the July 12, 2007 Meeting.**

**C-39C-07 James Theobald for Herbert S. King:** Request to conditionally rezone from R-2A and R-4 One-Family Residence Districts and O-2C Office District (Conditional) to R-6C General Residence District (Conditional), part of Parcel 808-733-2903, containing approximately 18.23 acres, located on the south line of Harvie Road approximately 1,150 feet east of Laburnum Avenue. The applicant proposes an age-restricted multi-family residential community with a maximum of two hundred ninety (290) units. The R-6 District allows a maximum gross density of 19.80 units per acre. The uses 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, and Office. The site is in the Airport Safety Overlay District. **Staff – Ben Sehl**

**(Deferral requested to the October 11, 2007 Meeting)**

**DEFERRED TO OCTOBER 11, 2007**

**RESOLUTION:** Request to the Planning Commission to Direct Staff to Prepare a Comprehensive Plan Amendment for Consideration by the Commission, Designating the “Tree Hill Farm Site”, Generally Bordered by the James River, Old Osborne Turnpike, Osborne Turnpike, and Mill Creek as an Urban Mixed Use Development Area.

**APPROVED**

**DISCUSSION ITEM:** Set Public Hearing date to consider an amendment to the County Code to increase the permitted height of accessory buildings in residential zoned districts.

**PUBLIC HEARING TO BE SCHEDULED FOR SEPTEMBER 13, 2007**

**DISCUSSION ITEM:** Set work session to consider amendments the County Code in regards to sign regulations for Business Districts.

**WORK SESSION TO BE SCHEDULED FOR SEPTEMBER 13, 2007 AT 5:47 P.M.**

**DISCUSSION ITEM:** Consideration of amendment to “Planning Commission Rules and Regulations”

**APPROVED**

**APPROVAL OF MINUTES:** Planning Commission – July 12, 2007

**APPROVED WITH CORRECTIONS**

Acting on a motion by \_\_\_\_\_, seconded by \_\_\_\_\_ the Planning Commission adjourned its meeting at \_\_\_\_\_ on \_\_\_\_\_.

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View the Planning Commission agendas at

<http://www.co.henrico.va.us/planning/meetnext.htm> and  
<http://www.co.henrico.va.us/planning/podnext.htm>