

**PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
SEPTEMBER 13, 2007**

BEGINNING AT 5:45 P.M.

5:45 P.M. Dinner and Work Session, County Manager's Conference Room:
Discuss a zoning ordinance amendment regarding sign regulations in Business Districts.

BEGINNING AT 7:00 P.M.

CALL TO ORDER:

REQUESTS FOR WITHDRAWALS AND DEFERRALS: (0); (11)

REQUESTS FOR EXPEDITED ITEMS: (3)

CASES TO BE HEARD: (6)

PUBLIC HEARING: To Amend and Reordain Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico to increase the maximum height of accessory structures in residential and agricultural districts. [Recommended for Approval](#)

FAIRFIELD:

Deferred from the August 9, 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 at 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 [Deferred to the October 11, 2007 Meeting](#)**

C-45-07 Caroline L. Nadal for First Centrum of Virginia, Inc.: Request to rezone from R-6C General Residence District (Conditional) to C-1 Conservation District, part of Parcel 783-772-1148, containing approximately 3.1 acres, located on the west side of

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Brook Road (U.S. Route 1) at Presbytery Court. The applicant proposes a Conservation Area. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Environmental Protection Area. **Staff – Ben Sehl (Expedited agenda requested) Recommended for Approval**

THREE CHOPT:

Deferred from the July 12, 2007 Meeting.

C-76C-05 Robert Atack for George M. Urban: Request to conditionally rezone from A-1 Agricultural District to O-3C Office District (Conditional) and B-2C Business District (Conditional), Parcels 747-770-3395 and 746-770-9777, containing 11.18 acres, located on the west line of Nuckols Road approximately 350 feet north of New Wade Lane and between the south line of Hickory Park Drive and the north line of New Wade Lane. The applicant proposes an office and hotel development. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Rural Residential, Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Environmental Protection Area. **Staff – Lee Tyson Recommended for Approval**

Deferred from the July 12, 2007 Meeting.

P-10-07 Gloria L. Freye for Richmond Strikers Soccer Club, Inc.: 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 740-768-1098, located on the east line of Pouncey Tract Road approximately 900 feet south of Shady Grove Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Open Space/Recreation and Environmental Protection Area. **Staff – Livingston Lewis (Deferral requested to the December 6, 2007 Meeting) Deferred to the December 6, 2007 Meeting**

Deferred from the August 9, 2007 Meeting.

C-40C-07 Courtenay Fisher for Boushra and Edna Hanna and Donald and Shearin Whitehorn: Request to conditionally rezone from A-1 Agricultural District to R-2AC One-Family Residence District (Conditional), part of Parcels 742-773-4344 and 742-773-5604, containing 7.127 acres, located on the northeast line of Hames Lane approximately 1,550 feet north of its intersection with Shady Grove Road. The applicants propose a single family residential development not 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 November 8, 2007 Meeting) Deferred to the November 8, 2007 Meeting**

Deferred from the August 9, 2007 Meeting.

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 the November 8, 2007 Meeting](#)

C-46C-07 James Theobald for Atack Properties: Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional), Parcel 750-773-1173 and part of Parcel 751-773-4286, containing approximately 34.9 acres, located between the terminus of Opaca Lane and the Chickahominy River. The applicant proposes a single-family residential subdivision with a maximum of 90 units. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum density of 3.96 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Rural Residential, not to exceed 1.0 unit per acre, Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Environmental Protection Area. **Staff – Livingston Lewis (Deferral requested to the October 11, 2007 Meeting)** [Deferred to the October 11, 2007 Meeting](#)

C-47C-07 Andrew M. Condlin for Gregory A. Windsor: Request to conditionally rezone from A-1 Agricultural District to R-2AC One-Family Residence District (Conditional), Parcels 740-770-9386, 741-770-1920, 741-771-6359, and part of parcels 740-772-8110 and 741-770-0218, containing approximately 20.81 acres, located on the north line of Shady Grove Road approximately 590 feet west of its intersection with Twin Hickory Road. The applicant proposes a single family subdivision. 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 Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area. **Staff – Ben Sehl (Deferral requested to the October 11, 2007 Meeting)** [Deferred to the October 11, 2007 Meeting](#)

P-15-07 Malachi Mills for Reynolds Holdings, LLC: 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 for a proposed restaurant (Max and Erma's) at the Broad Street Retail Center at Reynolds Crossing, on part of Parcel 767-744-9052, located at the northwest intersection of West Broad Street (U.S. Route 250) and Forest Avenue (private). The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Planned Industrial. The property is in the Enterprise Zone. **Staff – Livingston Lewis (Expedited agenda requested)** [Recommended for Approval](#)

P-16-07 Malachi Mills for Reynolds Holdings, LLC: 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 for a proposed restaurant (Bookbinder's) at the Broad Street Retail Center at Reynolds Crossing, on part of Parcel 767-744-9052, located at the northwest intersection of West Broad Street (U.S. Route 250) and Forest Avenue (private). The existing zoning is B-2C Business District (Conditional). The Land Use Plan Recommends Planned Industrial. The property is in the Enterprise Zone. **Staff – Livingston Lewis (Expedited agenda requested) Recommended for Approval**

TUCKAHOE:

None.

BROOKLAND:

Deferred from the August 9, 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 November 8, 2007 Meeting) Deferred to the November 8, 2007 Meeting**

C-48C-07 Gloria L. Freye for Cadence Capital Investments: Request to conditionally rezone from R-3 One-Family Residence District to B-2C Business District (Conditional), Parcels 769-756-6351, -6059, and -5766, containing 1.3815 acres, located at the northwest intersection of Staples Mill (State Route 33) and Old Staples Mill Roads. The applicant proposes a commercial development. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration. **Staff – Lee Tyson Recommended for Approval**

VARINA:

Deferred from the August 9, 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 144' 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. The site is in the Airport Safety Overlay District. **Staff – Lee Tyson (Deferral requested to the November 8, 2007 Meeting) Deferred to the November 8, 2007 Meeting**

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C-49C-07 Bay Design Group for Williams Realty and Development Corp.: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional), Parcel 833-718-6524, containing 29.91 acres, located between the north line of I-64 and the south line of Meadow Road at its intersection with Chartwood Drive. The applicant proposes a maximum of 50 age-restricted, zero-lot line detached dwellings. 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. The site is in the Airport Safety Overlay District. **Staff – Nathalie Croft Recommended for Approval**

C-50C-07 Caroline L. Nadal for Audubon Hospitality, LLC: Request to amend proffered conditions accepted with Rezoning Case C-45C-06, on Parcel 819-717-6812, located at the southeastern terminus of International Trade Court adjacent to Audubon Drive. The applicant proposes to amend Proffer 8 related to the conceptual master plan and Proffer 9 related to architectural treatments. The existing zoning is M-1C Light Industrial District (Conditional). The Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District and Enterprise Zone. **Staff – Nathalie Croft Recommended for Approval**

C-51C-07 Alvin S. Mistr, Jr. for WWLP Development, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional), Parcel 815-691-3804, containing 73.609 acres, located on the west line of Strath Road approximately 580 feet north of Lammrich Road. The applicant proposes a zero-lot line development with a maximum of one hundred seventy-six (176) lots. 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. The site is in the Airport Safety Overlay District. **Staff – Nathalie Croft (Deferral requested to the December 6, 2007 Meeting) Deferred to the December 6, 2007 Meeting**

AMENDMENT TO THE HENRICO 2010 LAND USE PLAN MAP (LUP-2-07): The Planning Commission will consider an amendment to the Henrico County 2010 Land Use Plan Map to designate the Tree Hill Farm Site – comprised of 530.9 acres and generally bordered by the James River, Old Osborne Turnpike, Osborne Turnpike, and Mill Creek as an Urban Mixed Use Development Area (UMU). **(Staff recommends deferral to the October 11, 2007 Meeting) Deferred to the October 11, 2007 Meeting**

C-52C-07 Daniel K. Slone and Gloria L. Freye for Gray Land and Development Company-Tree Hill, LLC: Request to conditionally rezone from A-1 Agricultural District and M-2 General Industrial District to UMUC Urban Mixed Use District (Conditional), part of Parcel 797-706-5048, containing 530.9 acres, located between the James River and the west line of Osborne Turnpike and Old Osborne Turnpike, generally located

between McCoul Street and the intersection of New Market Road and Osborne Turnpike. The applicant proposes an urban mixed use development including office, commercial and civic uses and a maximum of 2,770 residential units (including single-family, townhouse, condominium, and multi-family units). 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 Environmental Protection Area. **Staff – Lee Tyson (Deferral requested to the October 11, 2007 Meeting) [Deferred to the October 11, 2007 Meeting](#)**

P-17-07 Daniel K. Slone and Gloria L. Freye for Gray Land and Development Company-Tree Hill, LLC: Request for a Provisional Use Permit under Sections 24-32.1(a), 24-32.1(b), 24-32.1(e), 24-32.1(g), 24-32.1(k), 24-32.1(l), 24-32.1(m), 24-32.1(p), 24-32.1(t), 24-32.1(u), 24-32.1(v), 24-32.1(w), 24-34.1(c), and 24-122.1 of Chapter 24 of the County Code, related to a Master Plan for The Town of Tree Hill Urban Mixed Use development and to permit certain uses and exceptions to permitted height, density, and design for uses within the proposed UMU, on part of Parcel 797-706-5048, containing 530.9 acres, located between the James River and the west line of Osborne Turnpike and Old Osborne Turnpike, generally located between McCoul Street and the intersection of New Market Road and Osborne Turnpike. The existing zoning is A-1 Agricultural District and M-2 General Industrial District. The property is also subject to rezoning request C-52C-07. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area. **Staff – Lee Tyson (Deferral requested to the October 11, 2007 Meeting) [Deferred to the October 11, 2007 Meeting](#)**

RESOLUTION: SIA-3-07 – West Area Middle School Site – Substantially In Accord with the County of Henrico Comprehensive Plan. (Three Chopt District) **Staff – Lee Tyson [Recommended for Approval](#)**

APPROVAL OF MINUTES: Planning Commission August 9, 2007
[Approved With Corrections](#)

Acting on a motion by [Mr. Branin](#), seconded by _____, the Planning Commission adjourned its meeting at [9:04 p.m.](#) on [September 13, 2007](#).

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