

PLANNING COMMISSION

REZONINGS AND PROVISIONAL USE PERMITS

ACTIONS

November 12, 1998

BEGINNING AT 7:00 P.M.:

REQUESTS FOR DEFERRALS AND WITHDRAWALS:

Deferred from the October 27, 1998 Meeting:

LANDSCAPE PLAN:

LP/POD-86-98
St. James Baptist Church
2169 New Market Road

Wilson Moreth Connock LTD: Request for approval of landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.8 acre site is located on the south line of New Market Road (State Route 5) approximately 700 feet east of Varina Road on parcels 226-A-10, 11, and 11A. The zoning is A-1, Agricultural District . **(Varina)**



ACTION:
Approved

The staff recommends approval subject to the annotations on the plan and the standard conditions for landscape plans.

(Staff presentation by Jim Strauss)

FAIRFIELD:

Deferred from the October 15, 1998 Meeting:

C-40C-98 Robert M. Atack for Atack Properties, Inc.: Request to conditionally rezone from R-3AC and R-2AC One Family Residence Districts (Conditional) to RTH Residential Townhouse District (Conditional), part of Parcels 23-A-72A and 32-A-94, containing 18.08 acres, located adjacent to the western terminus of proposed J.E.B. Stuart Parkway and north of the terminus of Proposed Magnolia Ridge Drive. Townhomes or condominiums for sale are

proposed. The RTH District permits densities up to 9.0 units gross density per acre. The Land Use Plan recommends Suburban Residential 1 development, 1.0 to 2.4 units net density per acre and Suburban Residential 2, 2.4 to 3.4 units net density per acre. **(Staff presentation by Nancy Gardner) Deferral required to December 10, 1998.**



ACTION: Deferred to December 10, 1998

Deferred from the October 15, 1998 Meeting:

C-57C-98 Agnes S. Moss: Request to conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District (Conditional), Parcel 147-A-77, containing 1.0 acre, located at the southeast corner of the intersection of Oakleys Lane and Yates Lane. A residential subdivision is proposed. The R-3A District permits densities up to 4.59 units gross density per acre. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. **(Staff presentation by Jo Ann Hunter)**



ACTION: Withdrawn by Applicant

Deferred from the October 15, 1998 Meeting:

P-37-98 Gloria Freye for Triton PCS, Inc.: Request for approval of a provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct, operate and maintain a communication tower up to 199' high and related equipment and improvements, on part of Parcel 41-A-24, containing 2,200 sq. ft., located on the west side of Woodman Road approximately 1450' south of its intersection with Mountain Road. The site is zoned A-1 Agricultural District. **(Staff presentation by Mark Bittner)**



ACTION: Deferred to December 10, 1998

THREE CHOPT:

Deferred from the October 15, 1998 Meeting:

C-61C-98 **Henry A. Shield:** Request to conditionally rezone from B-2 Business District to R-6C General Residence District (Conditional), Parcel 115-A-6A, containing 3.104 acres, located on the south line of Markel Road approximately 250' east of its intersection with Byrd Avenue and on the north line of Fitzhugh Avenue approximately 180' east of its intersection with Byrd Avenue. Apartments are proposed. The R-6 District permits densities up to 19.80 units gross density per acre. The Land Use Plan recommends Office and Environmental Protection Area. **(Staff presentation by Nancy Gardner)**



ACTION: Recommended for denial

Deferred from the October 15, 1998 Meeting:

P-23-98 **Gloria Freye for Triton PCS, Inc.:** Request for approval of a provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct, operate and maintain a communication tower up to 199' high and related equipment and improvements, on part of Parcel 47-A-59, containing 2,500 sq. ft., east of Interstate 64 between Cox Road and Old Cox Road (3600 Old Cox Road). The site is zoned A-1 Agricultural District. **(Staff presentation by Mark Bittner)**



ACTION: Deferred to December 10, 1998

TUCKAHOE:

Deferred from the October 15, 1998 Meeting:

P-36-98 **Ralph L. Axselle for Rite Aid of Virginia:** Request for approval of a provisional use permit in accordance with Sections 24-122.1 and 24-58.2(a) of Chapter 24 of the County Code, in order to operate a retail pharmacy 24 hours a day on Parcel 100-A-21, containing 1.289 acres, located on the south line of Patterson Avenue (Route 6) at its intersection with Gayton Road (8935 Patterson Avenue). The site is zoned B-2 Business District. **(Staff presentation by Jo Ann Hunter)**



ACTION: Withdrawn by Applicant

VARINA:

Deferred from the October 15, 1998 Meeting:

P-28-98 Gloria Freye for Triton PCS, Inc.: Request for approval of a provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct, operate and maintain a communication tower up to 199' high and related equipment and improvements, on part of Parcels 142-13-B-9 and 11, containing 2,500 sq. ft., located on the southwest line of Nine Mile Road, approximately 100' west of Battery Avenue (St. Johns Catholic Church property, 813 W. Nine Mile Road). The site is zoned R-2A and R-4 One-Family Residence Districts. **(Staff presentation by Jo Ann Hunter) (Deferral requested to December 10, 1998)**



ACTION: Deferred to December 10, 1998

Deferred from the October 15, 1998 Meeting:

C-55C-98 Roy B. Amason: Request to conditionally rezone from A-1 Agricultural District to B-3C Business District (Conditional), Parcel 260-A-36, containing 3.87 acres, located at the northeast corner of the intersection of New Market Road (Route 5) and Long Bridge Road. A business use is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Prime Agriculture. The site is also in the Airport Safety Overlay District. **(Staff presentation by Mark Bittner) (Deferral requested to December 10, 1998)**



ACTION: Deffered to December 10, 1998

Deferred from the October 15, 1998 Meeting:

C-56C-98 Roy B. Amason: Request to conditionally rezone from A-1 Agricultural District to R-1C, R-2AC and R-4AC One Family Residence Districts (Conditional), R-5C and R-6C General Residence Districts (Conditional), O-2C Office District (Conditional), B-3C Business District (Conditional) and C-1 Conservation District, Parcels 240-A-17, 250-A-48, 49, and 51A, and 251-A-4A, containing 607.68 acres, generally located along the east line of Turner Road between New Market Road (Route 5) and Camp Holly Drive; along the north line of New Market Road (Route 5) from Turner Road to Camp Hill Road and from Kingsland Road to Long Bridge Road; along the northwest line of Long Bridge Road to its intersection with Yahley Mill Road and along the west side of Yahley Mill to the Virginia Power easement. A mixed use planned community is proposed. The R-1 District permits densities up to 1.74 units gross density per acre. The R-2A District permits densities up to 3.23 units gross density per acre. The R-4A District permits densities up to 5.62 units gross density per acre. The R-5 District permits densities up 14.52 units gross density per acre. The R-6 District permits densities up to 19.80 units gross density per acre. The office and business uses will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Prime Agriculture and Environmental Protection Area. The site is also in the Airport Safety Overlay District. **(Staff presentation by Mark Bittner) (Deferral requested to December 10, 1998)**



ACTION: Deferred to December 10, 1998

Deferred from the October 27, 1998 Meeting:

P-31-98 Gloria Freye for AAT Communications Corp.: Request for approval of obstruction marking and lighting of a communication tower pursuant to the approved conditions of Provisional Use Permit P-31-98. This is a 199' communication tower located at the southwest corner of Route 5 and I-295 at the end of Fordson Farm Lane, on part of parcel 249-A-32. The tower was approved on September 9, 1998 with no obstruction marking or lighting. The applicant has now requested the tower be painted and lighted per the requirements of the Federal Aviation Administration. This action requires approval by the Henrico County Planning Commission. **(Staff presentation by Jo Ann Hunter)**



ACTION: Withdrawn by Applicant

BEGINNING AT 8:00 P.M.:

C-78C-98 James W Theobald for Laburnum Retail Center Associates, LLC: Request to conditionally rezone from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 214-A-36 and part of Parcel 214-A-45A, containing 5.951 acres, located on the west side of New Market Road (State Route 5) between S. Laburnum Avenue and Burning Tree Road. A convenience retail/office development is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre and Environmental Protection Area. The site is also in the Airport Safety Overlay District. **(Staff presentation by Jo Ann Hunter)**



ACTION: Deferred to December 10, 1998

C-70C-98 James W. Theobald for Payne 13, L.C. and Redford 131, L.C.: Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional) and M-2C General Industrial District (Conditional), part of Parcels 186-A-23 and 24 and part of Parcel 197-A-22, containing 103.793 acres (M-1C, 33.882 acres; M-2C, 69.92 acres), located on the south line of Technology Boulevard approximately 0.25 miles east of its intersection with Memorial Drive. An industrial use is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit net density per acre, and Environmental Protection Area. The site is also in the Airport Safety Overlay District. **(Staff presentation by John Merrithew)**
(Deferral requested to January 14, 1998)



ACTION: Deferred to January 14, 1999

C-71C-98 **James W. Theobald for Payne 13, L.C. and Redford 131, L.C.:** Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional), part of Parcels 186-A-22, 23 and 24, containing 26.104 acres, located on the north line of Technology Boulevard approximately 200' east of its intersection with Memorial Drive. An industrial use is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit net density per acre. The site is also in the Airport Safety Overlay District. **(Staff presentation by John Merrithew) (Deferral requested to January 14, 1998)**



ACTION: Deferred to January 14, 1999

C-72C-98 **James W. Theobald for Bradley T. Marshall, et al:** Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional) part of Parcel 186-A-22, containing 19.173 acres, located on the south line of Technology Boulevard approximately 100' east of its intersection with Memorial Drive and on the east line of Memorial Drive approximately 100' south of its intersection with Technology Boulevard. An industrial use with potential retail is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit net density per acre. **(Staff presentation by John Merrithew) (Deferral requested to January 14, 1998)**



ACTION: Deferred to January 14, 1999

C-73C-98 **James W. Theobald for W. A. Robins, et al, Redford 131, L.C., Edward M. Luck, Gerald A. Crigger:** Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 197-A-21A, 21B (part), 21C and 22 (part), Parcels 197-1-1-6 (part), 7 and 7A, and Parcels 197-4-A-1, 2 and 3, containing 58.214 acres, located on the north line of Portugee Road (beginning in the Capes of Portugee subdivision) approximately 280' east of the intersection of Portugee Road and Memorial Drive and on the east line of Memorial Drive (beginning in the Gaulding and Orange subdivision) approximately 1890' north of the intersection of Portugee Road and Memorial Drive. A zero lot line single family residential subdivision is proposed. The R-5A District permits densities up to 6.0 units gross density per acre. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit net density per acre, and Environmental Protection Area. The site is also in the Airport Safety Overlay District. **(Staff presentation by John Merrithew) (Deferral requested to January 14, 1998)**



ACTION: Deferred to January 14, 1999

C-74C-98 **David DuVal and Andrew M. Condlin for the Estate of Barbara Bannister:** Request to conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District (Conditional), Parcel 140-A-45, containing approximately 22.8 acres, located on the east line of Creighton Road approximately 2950 ' south of its intersection with Sandy Lane. A residential subdivision is proposed. The R-3A District permits densities up to 4.59 units gross density per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area. The site is also in the Airport Safety Overlay District. **(Staff presentation by Jo Ann Morgan) Deferral requested to December 10, 1998.**



ACTION: Deferred to December 10, 1998

BROOKLAND:

Deferred from the August 13, 1998 Meeting:

P-32-98 **Gloria L. Freye for Food Lion, Inc.:** Request for a provisional use permit in accordance with Sections 24-58.2(a) and 24.122.1 of Chapter 24 of the County Code in order to permit 24 hour operation on part of Parcel 70-A-68, containing 45,000 square feet, located in Merchants Walk Shopping Center (7804 W. Broad Street). The site is zoned B-2 Business District. **(Staff presentation by Mark Bittner) (Deferral requested to March 11, 1999)**



ACTION: Deferred to March 11, 1999

Deferred from October 15, 1998 Meeting:

C-46C-98 **Andrew M. Condlin for Alva E. Kimrey:** Request to conditionally rezone from R-2A One Family Residence District to M-2C General Industrial District (Conditional), Parcel 31-A-17 and part of Parcels 31-A-14 and 15, containing 4.818 acres, located 233' west of Old Washington Highway approximately 30' north of its intersection with Cemetery Road. Storage for an adjacent steel fabrication yard is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Light Industry development. **(Staff presentation by Nancy Gardner)**



ACTION: Recommended for denial

C-65C-98 **Walter L. Hooker for Rotunda Corp.:** Request to conditionally rezone from R-2 One Family Residence District to R-3AC One Family Residence District (Conditional), Parcel 93-A-62, and part of Parcel 93-A-63, containing approximately 5.54 acres, located at the southern terminus of Dickens Glen Lane and on the east line of Bethlehem Road approximately 580' south of its intersection with Dickens Road. A residential subdivision is proposed. The R-3A District permits densities up to 4.59 units gross density per acre. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. **(Staff presentation by Mark Bittner)**



ACTION: Recommended for approval

P-38-98 **James W Theobald for Mike Carter Construction, Inc.:** Request for approval of a provisional use permit in accordance with Sections 24-62.2(h), 24-58.2(b) and 24-122.1 of Chapter 24 of the County Code in order to construct and maintain a self-service storage facility, on part of Parcel 103-A-5, containing 3.0 acres, located on the north side of West Broad Street (U. S. Route 250) at its intersection with Morningside Drive. The site is zoned B-3 Business District. **(Staff presentation by Mark Bittner)**



ACTION: Recommended for approval

C-75C-98 **Ralph L. Axselle, Jr. or Andrew M. Condlin for Clear Channel Radio, Inc.:** Request to conditionally rezone from R-4 One Family Residence District and O-2C Office District (Conditional) to O-2C Office District (Conditional), part of Parcel 81-A-83, containing 6.28 acres, located on the south line of Basie Road approximately 350' east of its intersection with Count Street. Additional parking and office space for the radio station expansion are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Multi-Family, 6.8 to 19.8 units net density per acre. **(Staff presentation by Nancy Gardner)**



ACTION: Recommended for approval

Major Thoroughfare Plan Amendment **MTP-2-98** Amend the Plan by deleting Concept Road 171-1 (Major Access Road) in its entirety between Williamsburg Road and Charles City Road.
(Staff presentation by Mark Bittner)



ACTION: Recommended for approval

Acting on a motion by Ms. Dwyer, seconded by Mr. Zehler, the Planning Commission adjourned its meeting at 10:30 p.m. on November 12, 1998.

Cases acted upon by the Planning Commission on this meeting date will be scheduled to be heard by the Board of Supervisors on December 9, 1998.