

## REZONINGS AND PROVISIONAL USE PERMITS

Actions

January 14, 1999

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The application submission deadline for this hearing date for new applications only was December 3, 1998. The applicant can submit new material up to 48 hours prior to the public hearing; an exception to this 48-hour rule is sometimes possible but highly discouraged. The public can submit written or verbal comments at any time up to and through the public hearing.

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**BEGINNING AT 4:00 P.M.:**

**CALL TO ORDER:**

**REQUESTS FOR DEFERRALS AND WITHDRAWALS:**

**ELECTION OF CHAIRMAN:**

**ELECTION OF VICE-CHAIRMAN:**

**ADOPTION OF PLANNING COMMISSION'S RULES AND REGULATIONS:**

**VARINA:**

*Deferred from the November 12, 1998 Meeting:*

**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**



**ACTION:** Deferred to February 11, 1999

*Deferred from the November 12, 1998 Meeting:*

**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**



**ACTION:** Deferred to February 11, 1999

*Deferred from the November 12, 1998 Meeting:*

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**



**ACTION:** Deferred to February 11, 1999

*Deferred from the November 12, 1998 Meeting:*

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**



**ACTION:** Deferred to February 11, 1999

*Deferred from the December 10, 1998 Meeting:*

C-55C-98 **James W. Theobald for Roy B. Amason:** Request to conditionally rezone from A-1 Agricultural District to B-2C 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)**



**ACTION:** Deferred to February 11, 1999

*Deferred from the December 10, 1998 Meeting:*

C-56C-98 **James W. Theobald for Roy B. Amason:** Request to conditionally rezone from A-1 Agricultural District to R-1C, R-2AC and R-3AC One Family Residence Districts (Conditional), RTHC Residential Townhouse District (Conditional), R-5C and R-6C General Residence Districts (Conditional),

O-2C Office District (Conditional), B-2C Business District (Conditional) and C-1 Conservation District, Parcels 240-A-17, 250-A-48, 49, and 51A, and 251-A-4A, and 260-A-28, containing 633.61 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-3A District permits densities up to 4.59 units gross density per acre. The RTH District permits densities up to 9.00 units gross density per acre. The R-5 District permits densities up to 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)**



**ACTION:** Deferred to February 11, 1999

*Deferred from the December 10, 1998 Meeting:*

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:** Withdrawn by Applicant

C-83C-98 **Lifestyle Homes of Four Mile Run, L.L.C.:** Request to conditionally rezone from R-2AC One Family Residence District (Conditional) to R-3AC One Family Residence District (Conditional), Parcels 238-2-A-22 to 24, being part of Four Mile Run Subdivision Section A, Parcels 227-5-D-28, 29 and 100; 227-2-E-2 to 5 and 100; 238-2-C-12 to 34; 238-2-D-1 to 27; 238-2-E-1; and 238-2-G-1 to 23, being Four Mile Run Subdivision, Section B; part of Parcel 238-A-31 and Parcel 238-A-38, containing approximately 89.00 acres, located approximately 550' east of the intersection of New Market Road (State Route 5) and Doran Road. A single family subdivision is proposed. The R-3A District permits 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 Mark Bittner)**



**ACTION:** Deferred to February 11, 1999

C-1C-99 **James D. Thornton for Genuine Parts Company:** Request to conditionally rezone from B-3 Business District and M-1 Light Industrial District to B-3C Business District (Conditional), part of Parcel 162-9-3-36A, containing 2.003 acres, located on the southeast corner of Williamsburg Road and Klockner Drive. An auto parts store is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Arterial. The site is also in the Airport Safety Overlay District. **(Staff presentation by Jo Ann Hunter)**



**ACTION:** Approved

P-31-98 **Gloria L. Freye for AAT Communications Corporation:** 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 159-foot 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 to a height of 199' on September 9, 1998 with no obstruction marking or lighting. The applicant has now requested the tower be painted 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:** Deferred to February 11, 1999

**THE PLANNING COMMISSION WILL BREAK FOR DINNER AT 6:00 P.M. AND RECONVENE AT 7:00 P.M.:**

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

**BROOKLAND:**

*Deferred from the December 10, 1998 Meeting:*

C-79C-98 **Ralph L. Axselle, Jr. for Thomas B. Porterfield:** Request to conditionally rezone from O-2 Office District to B-3C Business District (Conditional), Parcel 103-A-104, containing 1.721 acres, located on the southwest corner of Staples Mill Road and Massie Road. A fueling facility and commercial building are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration. **(Staff presentation by John Merrithew)**



**ACTION:** Withdrawn by Applicant

*Deferred from the December 10, 1998 Meeting:*

P-39-98 **Gloria L. 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 communications tower up to 199' high and related equipment and improvements on part of Parcel 94-A-8A, containing 2500 sq. ft. located on the west side of Byrdhill Road approximately 1200' south of Dumbarton Road. The site is zoned M-1 Light Industrial District. **(Staff presentation by John Merrithew)**



**ACTION:** Approved

## **FAIRFIELD:**

*Deferred from the December 10, 1998 Meeting:*

C-40C-98 **Robert M. Atack for Atack Properties, Inc.:** Request to conditionally rezone from R-2C 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**



**ACTION:** Deferred to February 11, 1999

C-3-99 **Windsor Enterprises, L. L. C.:** Request to rezone from R-4 One Family Residence District and C-1 Conservation District to R-4 One Family Residence District and C-1 Conservation District, part of Parcel 73-A-18, containing 4.5 acres, located on the west side of Interstate 95 approximately 335' south of Lakeside Boulevard. A single family subdivision, recreation area and wetland mitigation area are proposed. The R-4 District permits up to 5.45 units gross density per acre. The Land Use Plan recommends Environmental Protection Area. **(Staff presentation by Nancy Gardner**



**ACTION:** Deferred to February 11, 1999 for decision only

## **THREE CHOPT:**

*Deferred from the December 10, 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 February 11, 1999

*Deferred from the December 10, 1998 Meeting:*

C-81C-98 **Jay M. Weinberg for Buckley Shuler Properties:** Request to conditionally rezone from B-3 Business District and A-1 Agricultural District to B-2C Business District (Conditional), part of Parcel 46-A-19, containing approximately 17.293 acres, located on the southwest side of the intersection of W. Broad Street (U. S. Route 250) and John Rolfe Parkway. A shopping center is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration and Office. The site is also in the West Broad Street Overlay District. **(Staff presentation by Nancy Gardner**



**ACTION:** Deferred to March 11, 1999

C-4C-99 **Gloria L. Freye for Fidelity Properties, Ltd.:** Request to conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District (Conditional), part of Parcels 27-A-26 & 44, containing 10.873 acres, located at the southwest intersection of Sadler and Trexler (private) Roads. A single family subdivision is proposed. The R-3A District permits 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. **(Staff presentation by Nancy Gardner)**



**ACTION:** Approved

#### **BEGINNING AT 8:00 P.M.:**

C-5C-99 **Glenn R. Moore for Robert M. Atack:** Request to conditionally rezone from A-1 Agricultural District to O-2C Office District (Conditional), Parcels 28-A-36A and 36B, containing approximately 2.7 acres, located on the north line of Sadler Road approximately 150' east of relocated Sadler Road. Offices and a branch banking facility are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office development. **(Staff presentation by Nancy Gardner)**



**ACTION:** Deferred to February 11, 1999

P-1-99 **Glenn R. Moore for Allen Tire, Inc.:** Request for approval of a provisional use permit in accordance with Sections 24-58.2(c) and 24-122.1 of Chapter 24 of the County Code in order to operate an auto parts sales, service and installation facility, on part of Parcels 56-10-2S & 1B, containing 1.157 acres, located at the southeast corner of Lauderdale Drive and Rutgers Drives. The site is zoned B-2C Business District (Conditional). **(Staff presentation by Mark Bittner)**



**ACTION:** Deferred to February 11, 1999

P-2-99 **Gloria L. Freye for PrimeCo Personal Communications:** Request for approval of a provisional use permit in accordance with Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to extend the height of an existing 100' communication tower monopole up to 145', on part of Parcel 58-6-2, containing 324 sq. ft., located at the southern terminus of Mayland Court (3500 Mayland Court). The site is zoned M-1C Light Industrial District. **(Staff presentation by Mark Bittner)**



**ACTION:** Deferred to January 26, 1999

C-6-99 **Jack R. Wilson, III, for West Manor Homes:** Request to rezone from R-3 One Family Residence District to R-4A One Family Residence District, Parcels 92-7-1-4,8,13; 92-7-16-20,24,46,49 and 50; 92-7-17-25 thru 43; 92-7-14-59,85,90; 92-7-15-63 thru 82; 92-7-12-102,127,128,132; and 92-7-13-104 thru 122 being part of Crestview Subdivision Section A; 92-7-2-1,2; 92-7-3-3 thru 10; 92-7-4-11 thru 18; 92-7-5-19 thru 40; and 92-7-11-41 thru 58 being part of Crestview Subdivision Section B; and 92-7-11-1 thru 16; 92-7-10-17 thru 51 and A; 92-7-6-52 thru 72 and B and C; 92-7-7-73 thru 78; 92-7-8-83 thru 94, 96 thru 101 and D; and 92-7-9-79,81,82,102 thru 124 and E being part of Crestview Subdivision Section C, containing 50.48 acres, located on the north side of Horse Pen Road generally between Harvard Road and Charles Street. A single family residential subdivision is proposed. The R-4A District permits up to 5.62 units per gross acre. The Land Use Plan recommends Urban Residential,

3.4 to 6.8 units net density per acre. **(Staff presentation by John Merrithew**



**ACTION:** Denied

**C-7-99 Jack R. Wilson, III, for West Manor Homes:** Request to rezone from R-3 One Family Residence District to R-5 General Residence District, Parcels 102-9-D-1 through 14, containing 2.63 acres, located at the northeast intersection of Charles Street and Horse Pen Road. Apartments are proposed. The R-5 District permits up to 14.52 units per gross acre. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre. **(Staff presentation by John Merrithew)**



**ACTION:** Denied

**C-8-99 Jack R. Wilson, III, for West Manor Homes:** Request to rezone from B-2 Business District to R-5 General Residence District, Parcel 102-9-B-1, containing 2.73 acres, located on the north line of Horsepen Road at its intersections with Dartmouth Avenue and Betty Lane (Crestview Shopping Center). Apartments are proposed. The R-5 District permits up to 14.52 units per gross acre. The Land Use Plan recommends Commercial Concentration. **(Staff presentation by John Merrithew)**



**ACTION:** Denied

**C-9-99 Jack R. Wilson, III, for West Manor Homes:** Request to rezone from B-2 Business District to R-5 General Residence District, Parcels 102-9-H-1 and 2, containing 2.73 acres, located on the north line of Horsepen Road at its intersections with Betty Lane and Catawba Lane (Crestview Shopping Center). Apartments are proposed. The R-5 District permits up to 14.52 units per gross acre. The Land Use Plan recommends Commercial Concentration. **(Staff presentation by John Merrithew)**



**ACTION:** Denied

## **TUCKAHOE:**

**C-10C-99 Charles H. Rothenberg for Cobblestone Properties of Virginia:** Request to conditionally rezone from RTHC Residential Townhouse District (Conditional) to R-6C General Residence District (Conditional), part of Parcel 58-A-35B, containing 9.95 acres, located at the southwest intersection of Gaskins and Three Chopt Roads. An adult care residence is proposed. The R-6 District permits up to 19.8 units per gross acre. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units per net acre. **(Staff presentation by Mark Bittner)**



**ACTION:** Approved

**DISCUSSION: Set Public Hearing for Capital Improvements Program** – February 11, 1999 (6:30 p.m.).

**DISCUSSION:** Request to authorize ordinance amendment for Flag Lots – January 26, 1999 POD Meeting.

DISCUSSION: Request to advertise MTP-1-99.

APPROVAL OF MINUTES: October 15, 1998, December 10, 1998



**ACTION:** Approved