

## PLANNING COMMISSION

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### REZONINGS AND PROVISIONAL USE PERMITS

#### ACTIONS

AUGUST 14, 2003

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**SUBDIVISION** *(Deferred from the July 23, 2003, Meeting)*  
**Fort Gilmer Estates** (July 2003 Plan)

**Engineering Design Associates for William Rush and Dorothy W. Gardner and Lee Conner Realty:** The 45.51-acre site is located approximately 1,500 feet north of Mill Road at the eastern terminus of Fortress Place on parcel 809-687-5989. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina)** 34 Lots

The staff recommends conditional approval subject to the annotations on the plans, the standard conditions for subdivisions not served by public utilities, and the following additional conditions:

11. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-wide planting strip easement along Mill Road, shall be submitted to the Planning Office for review and approval prior to recordation of the plat.  
**(Staff Report by Ted McGarry)**

 **APPROVED**

**PLAN OF DEVELOPMENT** *(Deferred from the July 23, 2003, Meeting)*  
**POD-47-03**

Virginia Credit Union @Dominion Village – Laburnum Avenue

**Koontz-Bryant, P.C. and Skip Gelletly for VEPCO and EDJ Associates, Inc.:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, commercial bank. The 2.26-acre site is located southeast corner of Creighton Road and Laburnum Avenue on parcel 809-729-7165. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

As of the preparation date of the agenda, the staff has not received a revised plan, as requested. The staff recommendation will be made at the meeting. Should the Commission act on this request, in addition to the standard conditions for developments of this type, the following additional conditions are recommended:

**23.** The right-of-way for widening of Laburnum Avenue as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

**24.** The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

**25.** The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain must be labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the County prior to the issuance of any occupancy permits.

**26.** The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.

**27.** A standard concrete sidewalk shall be provided along the east side of Laburnum Avenue.

**28.** The proffers approved as a part of zoning case C-9C-03 shall be incorporated in this approval.

**29.** Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.

**30.** Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.

**31.** Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.

**32.** Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to issuance of a certificate of occupancy for this development.

**33.** The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.

**34.** The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

**(Staff Report by Michael Kennedy)**



**SUBDIVISION** *(Deferred from the July 23, 2003, Meeting)*  
**The Manors of Sleepy Hollow** (July 2003 Plan)

**Koontz-Bryant, P.C. for Julia Frauser Robins Estate and Wilton Development Corporation:** The 42.02-acre site is located on the east line of Sleepy Hollow Road between Sleepy Hollow Road and N. Parham Road, approximately 800 feet south of its intersection with Derbyshire Road, at 411 Sleepy Hollow Road on parcels 751-737-3739 and 751-738-3309. The zoning is R-1, One-Family Residence District and R-2, One-Family Residence District. County water and sewer. **(Tuckahoe)** 50 Lots

Staff has received numerous inquiries from citizens in the surrounding community regarding traffic and drainage issues, related both to this development and existing conditions in the area. Traffic studies in the area are being performed by the Department of Public Works. A portion of the lake on this property is proposed to be filled to accommodate development of some of the lots. The developer will be required to meet requirements and obtain all necessary permits from the U.S. Army Corps of Engineers and Department of Environmental Quality for impacts to waters of the U.S. prior to approval of the construction plans. Additionally, conditions to ensure the dam meets all applicable regulations will apply to this project.

A revised plan has been requested to address several issues, including lot layout and road design, right-of-way dedication, common area and access for the lake and dam, planting strip easements, and flood plain. The developer has scheduled a community meeting to address citizens concerns prior to the meeting.

A revised plan was received on the preparation date of the agenda and staff has not had an opportunity to complete its review. The staff recommendation will be made at the meeting. Should the Commission act on this request, the following conditions are recommended:

- 12.** 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."
- 13.** The detailed plant list and specifications for the landscaping to be provided within the 25-foot-wide planting strip easement along N. Parham Road and Sleepy Hollow Road shall be submitted to the Planning Office for review and approval prior to recordation of the plat.
- 14.** Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Planning Office for review. Such covenants and restrictions shall be

in form and substance satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.

**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.** Any lot, in previously inundated areas, to be filled within the buildable area for a principal structure or accessory structure shall be developed with engineered fill. All material shall be deposited and compacted in accordance with the Virginia Uniform Statewide Building Code and report shall be submitted for review and approval by the Building Official prior to issuance of a building permit on any lot with engineered fill. A copy of the report and recommendations shall be furnished to the Directors of Planning and Public Works.

**17.** The clearing of healthy trees measuring 6 or more inches in diameter on any lot shall be limited to areas required to accommodate dwellings, driveways, sidewalks, open yard areas, utility lines and any other areas typically required for construction of a dwelling, unless otherwise approved by the Director of Planning.

**18.** Prior to final subdivision approval, provide evidence to the Director of Public Works indicating if the dam is required to be included in the Virginia Dam Safety Program.

**19.** Prior to final subdivision approval, a dam breach analysis shall be submitted for review and approval to the Director of Public Works.

**(Staff Report by Leslie News)**

 **APPROVED**

**PLAN OF DEVELOPMENT ARCHITECTURAL ELEVATIONS ONLY** *(Deferred from the July 23, 2003, Meeting)*

**POD-48-03**

Dominion Chevrolet Parking Deck – W. Broad Street

**Timmons Group for The Linhart Company:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a three-story parking deck. The 9.13-acre site is located on the north line of W. Broad Street (U.S. Route 250) east of North Gayton Road extended (12050 W. Broad Street) on part of parcel 734-764-5375. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

As of the preparation date of the agenda, the staff has not completed its review. The staff recommendation will be made at the meeting.

**(Staff Report by Michael Kennedy)**

 **APPROVED**

VARINA:

*Deferred from the July 10, 2003 Meeting:*

**C-35C-03 Gary Weinberger:** Request to amend proffered conditions accepted with rezoning case C-43C-94, on Parcel 818-707-0077, containing approximately 5 acres, located at the southwest intersection of Charles City and Miller Roads. The applicant proposes to amend Proffer 3 related to building height. The existing zoning is M-2C General Industrial District (Conditional). The Land Use Plan recommends Heavy Industry. The site is also in the Airport Safety Overlay District.

**Staff - Tom Coleman**

 **DEFERRED TO SEPTEMBER 11, 2003**

**C-41C-03 James W. Theobald for Don Smith:** Request to conditionally rezone from B-2C Business District (Conditional) to M-1C Light Industrial District (Conditional), part of Parcel 808-729-7538, containing 6.496 acres, located at the southeast intersection of Dabbs House and Creighton Roads. A mini-storage warehouse/self-storage facility is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration. The property is located in the Airport Safety Overlay District.

**Staff - Jean Moore**

 **DEFERRED TO SEPTEMBER 11, 2003**

BROOKLAND:

*Deferred from the July 10, 2003 Meeting:*

**C-21C-03 Steven A. Williams for Carl Childress, Trustee:** Request to rezone from O-3C Office District (Conditional) and A-1 Agricultural District to R-0C One Family Residential District (Conditional), Parcels 760-770-7401, 761-769-0273 and 761-770-2421, containing 18.126 acres, located at the NW intersection of Springfield Road and Staples Mill Road. A Christian education, training and worship building is proposed. The

use will be controlled by proffers and zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

**Staff - Tom Coleman**

 **DENIED**

*Deferred from the June 12, 2003 Meeting:*

**C-27C-03 Cedarwood Development, Inc.:** Request to amend proffered conditions accepted with rezoning case C-16C-88, on part of Parcel 764-752-9441, containing approximately 1.91 acres, located on the south line of Shrader Road approximately 500 feet west of Hungary Spring Road. The proposed amendment is related to allowing automotive repair and storage as a principle use and regulating exterior lighting, hours of operation, signage, building exterior, parking setback and on-street parking, and exterior speakers on the site. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial Concentration.

**Staff - Paul Gidley**

 **WITHDRAWN**

*Deferred from the June 12, 2003 Meeting:*

**C-28C-03 Abe L. Massad for A. F. Associates:** Request to conditionally rezone from B-1 Business District to B-3C Business District (Conditional), Parcel 764-752-9619, containing 1.02 acres, located at the northwestern terminus of Fountain Avenue (unimproved) approximately 275 feet west of Hungary Spring Road. A retail, sales, service and warehouse facility relating to a motorcycle and marine business is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration.

**Staff - Paul Gidley**

 **DEFERRED TO SEPTEMBER 11, 2003**

**C-36C-03 Lakebrook Partners, LLC and F. Philip Parker, Jr.:** Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 761-771-8842, 761-770-8595 and 761-770-5494, containing 9.529 acres, located on the south line of Old Springfield Road approximately 1026 feet west of Old Mountain Road and on the east line of Staples Mill Road approximately 800 feet south of Old Springfield Road. A single family residential subdivision is proposed. The applicants proffer the maximum density shall not exceed 2.4 lots per acre. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

**Staff - Tom Coleman**

 **DEFERRED TO SEPTEMBER 11, 2003**

**C-37C-03 Ralph Axelle, Jr. for Kenneth E. Mills, Jr., James T. Mills, Karen Mills DeJarnette and Keith A. Mills:** Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 755-762-0241, containing 3.75 acres, located on the east line of Springfield Road (State Route 157) approximately 1050 feet north of Hungary Road. A residential townhouse development is proposed. The applicants proffer the number of dwellings shall not exceed six (6) units per acre exclusive of floodplain areas. Density in the RTH District cannot exceed nine (9) units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

**Staff - Tom Coleman**

 **APPROVED**

**FAIRFIELD:**

**C-38C-03 Andrew M. Condlin for Park Central Associates, L. C.:** Request to amend proffered conditions accepted with Rezoning Cases C-7C-95 and C-8C-95, on Parcels 790-759-6085 and 789-759-9448, containing 14.003 acres, located at the northeast intersection of E. Parham Road and Park Central Drive (Park Central Business Park). The applicant proposes to reduce the Parham Road buffer from 125' to 30'. The existing zoning is O-2C Office District (Conditional). The Land Use Plan recommends Office.

**Staff - Mark Bittner**

 **DEFERRED TO SEPTEMBER 11, 2003**

**C-39C-03 Andrew M. Condlin for Windsor Business Park, LLC:** Request to amend proffered conditions accepted with rezoning case C-90C-97, on Parcels 791-760-1417, 791-760-7833, 792-760-2349 and 792-760-3482, containing 18.877 acres, located on the north line of E. Parham Road at Magellan Parkway (Windsor Business Park). The applicant proposes to reduce the Parham Road buffer from 125' to 30'. The existing zoning is O-2C Office District (Conditional) and M-1C Light Industrial District (Conditional). The Land Use Plan recommends Office and Office/Service.

**Staff - Mark Bittner**

 **DEFERRED TO SEPTEMBER 11, 2003**

**C-40C-03 F. Robert Loftis:** Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcel 812-728-5668, containing approximately 18.42 acres, located on the west line of Cedar Fork Road at Meadows Run and at the eastern terminus of Mitcheltree Boulevard. A single family residential development is proposed. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4

units net density per acre. The property is located in the Airport Safety Overlay District.  
**Staff - Jean Moore**

 **APPROVED**

THREE CHOPT:

*Deferred from the July 10, 2003 Meeting:*

**C-15C-03 Andrew M. Condlin for Windsor Enterprises:** Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 740-775-9712, 740-774-4255, 739-774-4564, 740-774-1407, 740-771-4107, 740-773-4426, 740-772-8110, 740-775-5801, and part of Parcel 740-771-4780, containing 128.4 acres, located beginning on the south line of Nuckols Road, the northern terminus of Luxford Place and the southern and western boundaries of Bridlewood subdivision. A single family residential subdivision is proposed. The applicant has proffered the maximum density of 1.8 units per acre. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, Rural Residential, maximum of 1.0 unit per acre, and Environmental Protection Area.

**Staff - Mark Bittner**

 **APPROVED**

*Deferred from the July 10, 2003 Meeting:*

**C-16C-03 Ralph Axselle, Jr. for Route 271, LLC:** Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional) and RTHC Residential Townhouse District (Conditional), part of Parcel 738-772-9227 and Parcel 739-770-0693, containing 120.34 acres (107.97 - R-2AC; 12.37 RTHC), located on the east line of Pouncey Tract Road approximately 400 feet south of Perrywinkle Road and 600 feet north of Shady Grove Road. A single family subdivision, including detached condominiums for sale, is proposed. The applicant has proffered the maximum number of lots not to exceed 2.0 units per acre. The R-2A District allows a minimum lot size of 13,500 square feet. The RTH District allows a maximum density of nine (9) units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area.

**Staff - Mark Bittner**

 **APPROVED**

*Deferred from the July 10, 2003 Meeting:*

**C-23C-03 Robert Atack:** Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residential District (Conditional), Parcels 747-764-3839, 747-764-7729, and 747-764-9550, containing approximately 9.71 acres, located at the southeast intersection of Sadler Road and Thorncroft Drive. Single family subdivision is proposed. The applicant proffers a density not to exceed 2.3 units per acre. The Land



Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units per acre.

**Staff - Tom Coleman**



**DEFERRED TO SEPTEMBER 11, 2003**

*Deferred from the July 10, 2003 Meeting:*

**C-24C-03 James W. Theobald for Edward Rose Properties, Inc. and Springfield Land Development Group:** Request to conditionally rezone from A-1 Agricultural District to R-5C General Residence District (Conditional) and B-3C Business District (Conditional), Parcels 730-765-7288 and 730-766-8989, containing approximately 55.064 acres (B-3C - 16.00 ac.; R-5C - 39.064 ac.), located on the north line of W. Broad Street (U. S. Route 250) at the Goochland County Line approximately 876 feet west of Cold Hill Lane. A multi-family residential and automotive sales/repair development is proposed. The R-5 District allows a density up to 14.52 units per acre. The Land Use Plan recommends Mixed Use development and Environmental Protection Area. The site is also in the West Broad Street Overlay District.

**Staff - Mark Bittner**



**DEFERRED TO SEPTEMBER 11, 2003**

*Deferred from the July 10, 2003 Meeting:*

**C-31C-03 Robert Atack:** Request to conditionally rezone from A-1 Agricultural District to R-2C One Family Residence District (Conditional), part of Parcels 733-775-7627 and 733-777-4209, containing 101.743 acres, located on the west line of Pouncey Tract Road (State Route 271) across from Burberry Lane (Kimberwicke) and Old Wyndham Drive (Wyndham). A single family residential development is proposed. The R-2 District allows a minimum lot size of 18,000 square feet. The Land Use Plan recommends Rural Residential, not to exceed 1.0 unit net density per acre.

**Staff - Mark Bittner**



**DEFERRED TO NOVEMBER 13, 2003**

**P-8-03 Gloria Freye for Doswell Properties, Inc.:** Request for a provisional use permit under Sections 24-58.2(a) and 24-122.1 of Chapter 24 of the County Code in order to permit 24 hours of service to the general public for a proposed convenience store with fuel pump and restaurant (Great To Go - Store No. 3; POD-119-98), on part of Parcel 747-760-6472, containing 4,400 square feet, located at the northeast intersection of Dominion Boulevard and W. Broad Street (U. S. Route 250). The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Concentration.

**Staff - Paul Gidley**



**DEFERRED TO SEPTEMBER 11, 2003**

**P-9-03 Ben Lilly for Goode Land Co., Twin Hickory LLC:** Request for a provisional use permit under Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code in order to provide outside dining for a proposed restaurant, on part of

Parcel 746-773-1046, containing approximately 955 square feet, located at the southwest intersection of Old Nuckols and Nuckols Roads in the Town Center @ Twin Hickory retail center. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Concentration and Environmental Protection Area.

**Staff - Paul Gidley**

 **APPROVED**

**C-42C-03 William Shewmake for P & F LLC:** Request to conditionally rezone from R-3 One Family Residence District to O-1 Office and B-3C Business District (Conditional), Parcels 761-754-2053 and 761-754-1763, containing approximately 1.0 acre (B-3C - .23 acre, O-1 - .77 acre), located on the east line of Skipwith Road approximately 360 feet north of N. Parham Road and approximately 520 feet south of W. Broad Street (U. S. Route 250). Office uses and parking for the adjacent Infiniti car dealership are proposed. The uses will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office.

**Staff - Jean Moore**

 **DEFERRED TO SEPTEMBER 11, 2003**

TUCKAHOE:

*Deferred from the July 10, 2003 Meeting:*

**C-25C-03 Henry L. Wilton for Wilton Companies LLC:** Request to conditionally rezone from O-3C Office District (Conditional) to B-2C Business District (Conditional), Parcel 737-751-4601 and part of Parcel 737-751-4028, containing 11.495 acres, located at the northeast intersection of Ridgefield Parkway and dedicated John Rolfe Parkway right-of-way. Retail businesses with limited office uses are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Office.

**Staff - Mark Bittner**

 **DEFERRED TO SEPTEMBER 11, 2003**

**P-10-03 Katie Chernau for Betty Morris:** Request for a provisional use permit under Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code in order to permit outside dining areas for Ukrop's - Store No. 434, on part of Parcel 736-751-6741, containing 1,557 square feet (front entrance left - 408 sq. ft; front entrance right - 583 sq.ft.; café entrance, far right - 566 sq. ft.), located on the northwest intersection of Ridgefield and John Rolfe Parkways in the proposed John Rolfe Commons shopping center. The existing zoning is B-2C Business District (Conditional). The Land Use Plan

recommends Commercial Concentration and Environmental Protection Area.  
**Staff - Seth Humphreys**

 **DEFERRED TO OCTOBER 9, 2003**

**C-33C-03 Andrew Scherzer/Kristen Keatley for B K Katherman:** Request to conditionally rezone from A-1 Agricultural District, RTHC Residential Townhouse District (Conditional) and R-6C General Residence District (Conditional) to O-2C Office District (Conditional), Parcels 749-754-5736 and 749-754-5769 and part of Parcel 749-754-2538, containing 6.813 acres, located on the south line of Three Chopt Road approximately 400 feet west of Gaskins Road and on the west line of Gaskins Road approximately 200 feet south of Three Chopt Road. A condominium office park and freestanding day care development is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre.

**Staff - Jean Moore**

 **DEFERRED TO SEPTEMBER 11, 2003**

**APPROVAL OF MINUTES: Planning Commission July 10, 2003**



**APPROVED**

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The application submission deadline for this hearing date for new applications only is July 2, 2003. 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.

Cases acted upon by the Planning Commission on this meeting date will be scheduled to be heard by the Board of Supervisors September, 2003.