

**PLANNING COMMISSION  
REZONING MEETING  
FINAL AGENDA  
DECEMBER 9, 2004**

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

**CALL TO ORDER:**

**REQUESTS FOR WITHDRAWALS AND DEFERRALS: (1); (6)**

**REQUESTS FOR EXPEDITED ITEMS: (0)**

**CASES TO BE HEARD: (16)**

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**PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION  
(Deferred from the October 27, 2004, Meeting)**

POD-73-04  
Villas @ Laburnum  
1401 N Laburnum  
Avenue

**Engineering Design Associates for KCA/Laburnum, LLC and Attack Properties:** Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106 2(e)(3) of the Henrico County Code, to construct 78, two-story condominiums units. The 10.33-acre site is located at the southeast corner of Laburnum Avenue and Watts Lane on parcel 808-731-7728. The zoning is RTHC, Residential Townhouse District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer **(Fairfield)**

As of the preparation date of this agenda there is one outstanding issue. The County's Traffic Engineer is requiring the extension of Watts Lane to Harvie Road and the applicant does not agree with this decision. 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 unit house numbers shall be visible from the parking areas and drives
- 24 The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and such names shall be included on the construction plans prior to their approval. The standard street name signs shall be ordered from the County and installed prior to any occupancy permit approval.
- 25 The right-of-way for widening of N Laburnum Avenue and Watts Lane as shown on approved plans shall be dedicated to the County prior to any occupancy permits being

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- 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
- 26 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
- 27 The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire
- 28 A standard concrete sidewalk shall be provided along the east side of Laburnum Avenue and a portion of the south side of Watts Lane
- 29 A 25-foot planting strip to preclude ingress or egress along the east side of Laburnum Avenue shall be shown on the approved plans The details shall be included with the required landscape plans for review and approval
- 30 The proffers approved as a part of zoning case C-68C-03 shall be incorporated in this approval
- 31 Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans
- 32 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
- 33 The pavement shall be of an SM-2A type and shall be constructed in accordance with County standard and specifications The developer shall post a defect bond for all pavement with the Department of Planning - the exact type, amount and implementation shall be determined by the Director of Planning, to protect the interest of the members of the Homeowners Association The bond shall become effective as of the date that the Homeowners Association assumes responsibility for the common areas
- 34 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
- 35 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
- 36 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.
- 37 The subdivision plat for the extension of Watts Lane shall be recorded before any occupancy permits are issued

**(Staff Report by Christina Goggin) APPROVED**

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**VARINA:****Deferred from the November 10, 2004 Meeting:**

**C-47C-04 Garry Gallagher:** Request to conditionally rezone from O-2C Office District (Conditional) to B-2C Business District (Conditional), Parcel 834-714-1831, containing 2 307 acres, located at the eastern corner of the intersection of Williamsburg Road (U S Route 60) and Whiteside Road The applicant proposes a retail use The use will be controlled by zoning ordinance regulations and proffered conditions The Land Use Plan recommends Office The site is in the Airport Safety Overlay District **Staff – Paul Gidley (Deferral requested to the January 13, 2005 Meeting). DEFERRED TO JANUARY 13, 2005**

**C-54C-04 Craig Erdmann for Chimilson Acres, LLC:** Request to rezone from M-1 Light Industrial District, R-4 One Family Residence District and B-1 Business District to RTHC Residential Townhouse District (Conditional), part of Parcel 805-710-1834, containing approximately 13 07 acres, located on the southwest line of Darbytown Road opposite Oregon Avenue Residential townhouses are proposed The maximum density in the RTH District is nine (9) units per acre The use will be controlled by zoning ordinance regulations and proffered conditions The Land Use Plan recommends Multi-Family Residential, 6 8 to 19 8 units net density per acre, Commercial Concentration, and Environmental Protection Area **Staff – Seth Humphreys (Deferral requested to the January 13, 2005 Meeting). DEFERRED TO JANUARY 13, 2005**

**Deferred from the November 10, 2004 Meeting:**

**PUBLIC HEARING· AMENDMENT TO THE HENRICO 2010 LAND USE PLAN MAP:** The Planning Commission will consider an amendment to the Henrico County 2010 Land Use Plan Map to designate Wilton Farm – comprised of approximately 1,184 8 acres and bordered by the James River to the west and south and Osborne Turnpike to the east and straddling the Pocahontas Parkway (Route 895) – as an Urban Mixed Use Development Area (UMU) **Staff – Lee Tyson/Tom Coleman APPROVED**

**Deferred from the November 10, 2004 Meeting:**

**C-56C-04 James Theobald for HHHunt Corporation:** Request to rezone from A-1 Agricultural District and M-1 Light Industrial District to UMUC Urban Mixed Use District (Conditional), Parcel 798-683-5459, containing approximately 1,184 8 acres, located between the James River and Osborne Turnpike and along the north and south lines of the Pocahontas Parkway (State Route 895) The applicant proposes a mixed use development with no more than three thousand two hundred nine (3,209) residential units developed on the property The uses will be controlled by zoning ordinance regulations and proffered conditions The Land Use Plan recommends Rural Residential, not exceeding 1 0 unit per acre, Suburban Residential 1, 1 0 to 2 4 units net density per acre, and Environmental Protection Area **Staff – Lee Tyson/Tom Coleman APPROVED**

**Deferred from the November 10, 2004 Meeting:**

**P-15-04 James Theobald for HHHunt Corporation:** Request for a Provisional Use Permit under Sections 24-32 1, 24-34 1 and 24-122 1 of the County Code in order to submit a Master Plan for the proposed Wilton Urban Mixed Use District, on Parcel 798-683-5459, containing approximately 1,184.8 acres, located between the James River and Osborne Turnpike and along the north and south lines of the Pocahontas Parkway (State Route 895). The existing zoning is A-1 Agricultural District and M-1 Light Industrial District. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit per acre, Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area. **Staff – Lee Tyson/Tom Coleman APPROVED**

**Deferred from the November 10, 2004 Meeting:**

**P-16-04 James Theobald for HHHunt Corporation:** Request for a Provisional Use Permit under Sections 24-32 1 and 24-122 1 of the County Code in order to include single family detached homes in the proposed Wilton Urban Mixed Use District, on Parcel 798-683-5459, containing approximately 1,184.8 acres, located between the James River and Osborne Turnpike and along the north and south lines of the Pocahontas Parkway (State Route 895). The existing zoning is A-1 Agricultural District and M-1 Light Industrial District. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit per acre, Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area. **Staff – Lee Tyson/Tom Coleman APPROVED**

**Deferred from the November 10, 2004 Meeting:**

**P-17-04 James Theobald for HHHunt Corporation:** Request for a Provisional Use Permit under Sections 24-32 1 and 24-122 1 of the County Code as required for the Urban Mixed Use District in order to exceed the 10,000 square foot maximum floor area for principal uses in the proposed Wilton Urban Mixed Use District, on Parcel 798-683-5459, containing approximately 1,184.8 acres, located between the James River and Osborne Turnpike and along the north and south lines of the Pocahontas Parkway (State Route 895). The existing zoning is A-1 Agricultural District and M-1 Light Industrial District. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit per acre, Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area. **Staff – Lee Tyson/Tom Coleman (Withdrawn by the applicant). WITHDRAWN**

**Deferred from the November 10, 2004 Meeting:**

**C-60C-04 J. Thomas O'Brien for The Tetra Group One, LLC:** Request to conditionally rezone from A-1 Agricultural District, and R-5 General Residence District to M-1C Light Industrial District (Conditional), Parcels 817-717-4199 and 816-717-4209, containing 61.243 acres located at the northwest corner of Audubon Drive and Oakley's Lane. An M-1 development is proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends

Planned Industry and Environmental Protection Area The site is in the Airport Safety Overlay District **Staff – Paul Gidley APPROVED**

**C-66C-04 Todd Borden for FON-SAW LLC:** Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 820-686-4881 and part of Parcel 821-687-2291, containing approximately 12.73 acres, located at the eastern terminus of Goldeneye Lane The applicant proposes a density of no more than two (2) 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 and Environmental Protection Area The site is in the Airport Safety Overlay District **Staff – Tom Coleman (Deferral requested to the January 13, 2005 Meeting). DEFERRED TO JANUARY 13, 2005**

**BROOKLAND:**

*Deferred from the November 10, 2004 Meeting:*

**C-61C-04 Dominion Land & Development Partnership** Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 759-767-5161, 759-767-2638, 759-767-6934, 759-767-6516 and 758-767-8413, containing approximately 14.2 acres, located on the west line of Francistown Road at Castle Point Road The applicant proffers to develop no more than thirty (30) single-family units The R-3 District allows a minimum lot size of 11,000 square feet The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area **Staff – Seth Humphreys (Deferred to the January 13, 2005 Meeting). DEFERRED TO JANUARY 13, 2005**

**C-67-04 Courtney Fisher for Hugh W. Owens:** Request to rezone from O-2C Office District (Conditional) to C-1 Conservation District, part of Parcel 770-745-1768, containing approximately 1.87 acres, located on the east line of Bethlehem Road between the north line of Interstate 64 and the intersection of Old Bethlehem and Copelin Roads A conservation area is proposed The Land Use Plan recommends Environmental Protection Area **Staff – Lee Tyson/Samantha Brown APPROVED**

**FAIRFIELD:**

*Deferred from the November 10, 2004 Meeting:*

**C-59C-04 Joe Gray:** Request to conditionally rezone from O-1 Office District to B-1C Business (Conditional), Parcel 784-752-5293, containing 0.64 acre, located at the northwest intersection of Brook (U.S. Route 1) and Ridge Roads A martial arts studio office, and retail shops are proposed The use will be controlled by zoning ordinance regulations and proffered conditions The Land Use Plan recommends Office **Staff – Lee Tyson/Samantha Brown APPROVED**

**C-68C-04 Jeff Cox for Chiocca-Talley Malls, Inc.:** Request to conditionally rezone from B-2 Business District to B-3C Business District (Conditional), part of Parcel 812-723-1692, containing 9.28 acres, located on the south line of Nine Mile Road approximately 200 feet east of Cedar Fork Road (Fairfield Commons Shopping Center) A boat and trailer sales, service and storage business is proposed The use will be

controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration and Environmental Protection Area. The site is in the Airport Safety Overlay District, Nine Mile Road Special Strategy Area and the Nine Mile Road Enterprise Zone. **Staff – Seth Humphreys APPROVED**

**C-69C-04 Steve Gray for Lampe Management Company:** Request to conditionally rezone from B-2 Business District to M-1C Light Industrial District (Conditional), Parcel 811-723-1052, containing approximately 13.76 acres, located at the southeast intersection of Nine Mile Road and S Laburnum Avenue. Self-storage, office and retail uses are proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay District, Nine Mile Road Special Strategy Area and the Nine Mile Road Enterprise Zone. **Staff – Seth Humphreys DENIED**

### **THREE CHOPT:**

#### **Deferred from the November 10, 2004 Meeting:**

**C-51C-03 Larry D. Willis** Request to rezone from A-1 Agricultural District and M-1C Light Industrial District (Conditional) to B-2C Business District (Conditional), Parcels 742-762-9861, 743-762-1862 and 743-762-1538 and part of Parcel 742-762-9178, containing 4.089 acres, located at the northern terminus of Brookriver Drive and at the I64E/I295 southeast cloverleaf. Restaurants, offices, and other commercial uses are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Semi Public. The site is also in the West Broad Street Overlay District. **Staff – Tom Coleman APPROVED**

#### **Deferred from the November 10, 2004 Meeting:**

**C-22C-04 James W. Theobald for Reynolds Development, LLC** Request to conditionally rezone from O-3C Office District (Conditional), B-3 Business District and M-1 Light Industrial District to B-2C Business District (Conditional), B-3C Business District (Conditional) and O-3C Office District (Conditional), Parcels 767-744-9052, 767-744-6325, 765-744-6557, 766-745-8230, and 767-745-5402, containing approximately 71.021 acres (54.317 ac – B-2C, 2.997 ac – B-3C, 13.707 ac – O-3C), located along the southeast intersection of I-64 and Glenside Drive and the southwest intersection of I-64 and W Broad Street (U.S. Route 250). A retail, hotel, and office development is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Planned Industry and Government. The site is in the Henrico County Enterprise Zone. **Staff – Paul Gidley APPROVED**

#### **Deferred from the November 10, 2004 Meeting (For Decision Only):**

**PUBLIC HEARING: INNSBROOK URBAN MIXED USE AREA** The Planning Commission will consider an amendment to the 2010 Land Use Plan that would redesignate a portion of the Innsbrook office park to Urban Mixed Use (UMU). The site is generally comprised of the area bordered by Cox Road, Sadler Place, Highwoods Parkway, and Waterfront Lake. Plans may be examined in the Planning Department on the second floor of the County Administration Building. **Staff – Tom Coleman APPROVED**

**Deferred from the November 10, 2004 Meeting (For Decision Only):**

**C-27C-04 James W Theobald for Highwoods Realty LP, etal:** Request to rezone from O-3C Office District (Conditional) to UMUC Urban Mixed Use District (Conditional), Parcels 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494, containing approximately 36 13 acres, located along the southwest intersection of Cox Road and Sadler Place. A mixed use development is proposed. All uses will be controlled by proffered conditions and zoning ordinance regulations. The applicant proffers any residential use will not exceed three hundred forty-four (344) units. The Land Use Plan recommends Office and Environmental Protection Area. **Staff – Tom Coleman APPROVED**

**Deferred from the November 10, 2004 Meeting (For Decision Only):**

**P-6-04 James W. Theobald for Highwoods Realty LP, etal:** Request for a Provisional Use Permit under Sections 24-32 1(a) and 24-122 1 of Chapter 24 of the County Code in order to permit the activities listed in Section 24-32 1(a) of the UMU ordinance, on Parcels 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494, containing approximately 36 13 acres, located along the southwest intersection of Cox Road and Sadler Place. The existing zoning is O-3C Office District. The Land Use Plan recommends Office and Environmental Protection Area. **Staff – Tom Coleman APPROVED**

**Deferred from the November 10, 2004 Meeting (For Decision Only):**

**P-7-04 James W. Theobald for Highwoods Realty LP, etal:** Request for a Provisional Use Permit under Sections 24-32 1(u) and 24-122 1 of Chapter 24 of the County Code in order to permit a thirteen (13) foot increase in the permitted height of office buildings in the UMU District, on Parcels 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494, containing approximately 36 13 acres, located along the southwest intersection of Cox Road and Sadler Place. The existing zoning is O-3C Office District. The Land Use Plan recommends Office and Environmental Protection Area. **Staff – Tom Coleman APPROVED**

**Deferred from the November 10, 2004 Meeting:**

**C-44C-04 Andrew Condlin for David E. Cottrell** Request to amend proffered conditions accepted with Rezoning Case C-39C-95, on part of Parcel 740-765-2150, containing 1 4019 acres, located on the east line of Pouncey Tract Road, approximately 350 feet south of Twin Hickory Lake Drive. The amendment is related to use restrictions and hours of operation and would permit a car wash. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial Concentration, Office and Environmental Protection Area. **Staff – Paul Gidley (Deferral requested to the January 13, 2005 Meeting) DEFERRED TO JANUARY 13, 2005**

**TUCKAHOE:****Deferred from the October 14, 2004 Meeting:**

**C-36C-04      The Episcopal Diocese of Virginia:** Request to conditionally rezone from O-3C Office District (Conditional) and B-2C Business District (Conditional) to R-0C One Family Residence District (Conditional), Parcel 737-750-7485 and part of Parcel 737-751-4601, containing 7.577 acres, located at the northwest intersection of Ridgefield Green Drive and Ridgefield Parkway. A church is proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Office Staff – Tom Coleman (Deferral requested to the January 13, 2005 Meeting).  
**DEFERRED TO JANUARY 13, 2005**

**APPROVAL OF MINUTES:**      Planning      Commission      November      10,      2004  
**APPROVED**

Acting on a motion by **Mr. Archer**, seconded by **Mr. Vanarsdall**, the Planning Commission adjourned its meeting at **11:15 P.M.** on **December 9, 2004**.

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