

**PLANNING COMMISSION  
REZONING MEETING  
FINAL AGENDA  
OCTOBER 12, 2006**

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

**CALL TO ORDER:**

**REQUESTS FOR WITHDRAWALS AND DEFERRALS: (1); (7)**

**REQUESTS FOR EXPEDITED ITEMS: (1)**

**CASES TO BE HEARD: (7)**

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**PLAN OF DEVELOPMENT & MASTER PLAN (*Deferred from the September 27, 2006 Meeting*)**

**POD-42-06**

West Broad Village –  
W. Broad St./Three Chopt  
Road

**Timmons Group for West Broad Village, LLS, West Broad Village II, LLC and Unicorp National Developments, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct an urban mixed use development with a total of 526,500 square feet of commercial space, 88,000 square feet of office space, 130 hotel rooms with conference space, 545 townhouse units, 339 multi-family units, a 6,000 square foot community club house, and 6,686 parking spaces (surface and structured) and a master plan for a future 300 room hotel and future office space totaling 600,000 square feet. The 115.04-acre site is located along the south line of W. Broad Street (U. S. Route 250), the north line of Three Chopt Road, and the east line of the future John Rolfe Parkway on parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

The staff recommends approval subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

24. The subdivision plat for West Broad Village shall be recorded before any building permits are issued for the townhouse units.
25. The right-of-way for widening of W. Broad Street, Three Chopt Road and John Rolfe Parkway 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

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- 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 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.
  28. The entrances and drainage facilities on W. Broad Street (U. S. Route 250) shall be approved by the Virginia Department of Transportation and the County.
  29. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Department of Planning prior to any occupancy permits being issued.
  30. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
  31. Outside storage shall not be permitted.
  32. The proffers approved as a part of zoning case C-12C-06 and the conditions approved as part of provisional use permit case P-2-06 shall be incorporated in this approval.
  33. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.
  34. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
  35. 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.
  36. 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.
  37. 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. Prior to the issuance of the last Certificate of Occupancy, a

- professional engineer must certify that the roads have been designed and constructed in accordance with County standards.
38. In the event of any traffic backup which blocks the public right-of-way as a result of congestion caused by the drive-up teller facilities, the owner/occupant shall close the drive-up teller facilities until a solution can be designed to prevent traffic backup.
  39. 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.
  40. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
  41. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Department of Planning and approved prior to issuance of a certificate of occupancy for this development.
  42. 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.
  43. The unit house numbers shall be visible from the parking areas and drives.
  44. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and such names shall be on the construction plans prior to their approval. The street name signs shall be installed prior to any occupancy permit approval.
  45. Prior to the approval of the construction plans, the developer must furnish a letter from **Plantation Pipeline Gas** stating that this proposed development does not conflict with their facilities.
  46. A 5-ft. curvilinear sidewalk shall be constructed within the West Broad Street streetscape buffer with a corresponding pedestrian access easement granted to the County.
  47. A 12-ft. curvilinear sidewalk shall be constructed within the Three Chopt Road streetscape buffer with a corresponding pedestrian access easement granted to the County.
  48. A 5-ft. curvilinear sidewalk shall be constructed within the John Rolfe Parkway streetscape buffer with a corresponding pedestrian access easement granted to the County.
  49. Evidence of the vacation of the existing VDOT service road right-of-way along West Broad Street and its transfer to the applicant shall be provided prior to the approval of the construction plans for any portion of the development impacted by the said access road right-of-way.
  50. This approval is contingent upon the abandonment of the Three Chopt Lane and Three Chopt Road right-of-ways and its transfer to the applicant in accordance with the letter from the County Manager to RJS and Associates, Inc., dated August 23, 2005.

51. A traffic control plan shall be approved by the County Traffic Engineer, prior to the final approval of construction plans, for any restricted structured parking.
52. A construction staging plan which includes details for traffic control, fire protection, stockpile locations, construction fencing, construction trailer locations, and hours of construction shall be submitted for County review and prior to the approval of any final construction plans.
53. The developer shall dedicate to the County or its assigns that portion of land necessary for the widening of Three Chopt Road as shown on the plans provided to Timmons Group by EarthTech on September 7, 2006.
54. The architectural plans for the buildings shall be submitted for review and approval by the Director of Planning or Planning Commission prior to the approval of construction plans for any site improvements immediately adjacent to said buildings, except for roads, utilities and storm sewer.
55. The conceptual master plan for the future hotel and office buildings, as submitted with this application, is for planning and informational purposes only. Submittal of a Plan of Development for Planning Commission approval shall be required for this portion of the development.
56. The height of any future office building and associated parking area shall be limited to 13 stories above ground level, which in no case shall exceed 160 feet from ground level (thus not including underground levels, foundations, mechanical penthouses or rooftop screening).

**(Staff Report by Kevin Wilhite and Michael Kennedy)**

**(Applicant's Representative: Joseph R. Vilseck, III)**

**APPROVED**

**SUBDIVISION (*Deferred from the September 27, 2006, Meeting*)**

**West Broad Village**

(July 2006 Plan)

W. Broad Street/Three  
Chopt Road

**Timmons Group for West Broad Village, West Broad  
Village II, LLC and Unicorp National Developments,**

**Inc.:** The 35.72-acre site proposed for a subdivision of 545 residential townhomes located along the north line of Three Chopt Road and the east line of the proposed John Rolfe Parkway on part of parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 545 Lots**

The staff recommends conditional approval subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, and the following additional conditions:

12. 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 Department of Planning 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.

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13. Prior to requesting recordation, the developer must furnish a letter from the Plantation Pipeline stating that this proposed development does not conflict with its facilities.
14. Any necessary offsite drainage easements must be obtained prior to approval of the construction plan by the Department of Public Works.
15. The proffers approved as part of zoning cases C-12C-06 and P-2-06 shall be incorporated in this approval.

**(Staff Report by Kevin Wilhite and Michael Kennedy)**

**(Applicant's Representative: Joseph R. Vilseck, III)**

**APPROVED**

**THREE CHOPT:**

**Deferred from the August 10, 2006 Meeting.**

**P-4-06 Gloria Freye for Bechtel Corp.:** Request for a Provisional Use Permit under Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the County Code in order to construct a 149' high telecommunication tower on Parcel 744-771-3182, located on the east line of Shady Grove Road north of Hames Lane. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. **Staff – Tom Coleman (Deferral requested to the November 9, 2006 Meeting) DEFERRED TO NOVEMBER 9, 2006**

**Deferred from the September 14, 2006 Meeting.**

**C-49C-06 Caroline L. Nadal for Rockwood, Inc:** Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 738-771-6301, -4105, and -2400, containing approximately 7.081 acres, located on the east line of Pouncey Tract Road approximately 1,412 feet north of its intersection with Shady Grove Road. The applicant proposes a single family residential subdivision with a maximum density not to exceed 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 Suburban Residential 1, 1.0 to 2.4 units net density per acre. **Staff – Lee Tyson (Deferral requested to the November 9, 2006 Meeting) DEFERRED TO NOVEMBER 9, 2006**

**Deferred from the August 10, 2006 Meeting.**

**P-16-06 Glenn Moore for Basilios E. Tsimbos:** 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 in order to construct an outside dining area for a proposed restaurant on Parcel 761-754-1383, located on the east line of Skipwith Road approximately 350 feet south of West Broad Street (U. S. Route 250). The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial and Office. **Staff – Lee Tyson (Deferral requested to the December 7, 2006 Meeting) DEFERRED TO DECEMBER 7, 2006**

**TUCKAHOE:**

**C-27C-06 James Theobald for The Rebkee Company:** Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to RTHC Residential Townhouse District (Conditional), B-2C Business District (Conditional) and C-1C Conservation District (Conditional), Parcel 739-754-7156, containing 21.493 acres (RTHC – 10.445 ac.; B-2C – 10.413 ac.; C-1C – 0.635 ac.), located at the southwest intersection of Church and Pump Roads. The applicant proposes retail uses and residential townhouses with a density of no more than sixty-nine (69) units. The use will be controlled by zoning ordinance regulations and proffered conditions. The RTH District allows a maximum of nine (9) units per acre. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, Commercial Concentration, and Open Space / Recreation. **Staff – Nathalie Croft (Deferral requested to the November 9, 2006 Meeting) DEFERRED TO NOVEMBER 9, 2006**

**C-50C-06 James Theobald for Manor Associates, Ltd.:** Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 740-755-3511, containing 12.281 acres, located at the southeast intersection of Church and Pump Roads. The applicant proposes a maximum of forty (40) condominium units, an equivalent density of 3.26 units per acre. The maximum density in the RTH District is nine (9) units per acre. 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 Commercial Concentration. **Staff – Nathalie Croft (Deferral requested to the November 9, 2006 Meeting) DEFERRED TO NOVEMBER 9, 2006**

**VARINA:**

*Deferred from the August 10, 2006 Meeting.*

**P-9-06 Gary Barber for National Communication Tower LLC:** Request for a Provisional Use Permit under Sections 24-92.2, 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the County Code to construct a 199' monopole telecommunications tower, on Parcel 851-666-7691, located 343' east of Carters Mill Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Prime Agriculture. The site is in the Airport Safety Overlay District. **Staff – Tom Coleman (Withdrawn by the Applicant)**

*Deferred from the August 10, 2006 Meeting.*

**P-13-06 Burke Lewis for New Cingular Wireless PCS, L.L.C:** 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 199' high telecommunications tower, on parts of Parcel 855-689-5504 and 855-688-7082, located approximately 1,450 feet south of Charles City Road and 400 feet west of Upper Western Run Lane. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Prime Agriculture. **Staff – Tom Coleman (Deferral requested to the January 11, 2007 Meeting) DEFERRED TO JANUARY 11, 2007**

**Deferred from the September 14, 2006 Meeting.**

**C-36C-06 Gloria Freye for Waypoint Development, LLC.:** Request to conditionally rezone from R-4 One Family Residence District, B-1 Business District and M-1 Light Industrial District to R-5AC General Residence District (Conditional), part of Parcel 805-710-1834, containing 13.15 acres, located on the southwest line of Darbytown Road at its intersection with Oregon Avenue. The applicant proposes a single family residential subdivision with a maximum of 40 lots. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum gross density of 7.7 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 – Lee Tyson (Deferral requested to the November 9, 2006 Meeting) DEFERRED TO NOVEMBER 9, 2006**

**Deferred from the September 14, 2006 Meeting.**

**C-45C-06 Caroline L. Nadal for Raj Jain:** Request to amend proffered conditions accepted with Rezoning Case C-10C-89, on part of Parcel 818-717-5830, containing 3.071 acres, located between the north line of Audubon Drive and the southern terminus of International Trade Court. The applicant proposes to amend Proffer 6 to include hotels in the list of permitted uses and add eleven (11) new proffers regarding conceptual plan, franchise hotel, exterior materials, height, setbacks, access, buffers, signage, lighting, trash receptacles and severance. The applicant proposes an extended-stay hotel. 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 DEFERRED TO NOVEMBER 9, 2006**

**Deferred from the September 14, 2006 Meeting.**

**C-35C-06 E. F. Moseley, LLC:** Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 820-689-0994 and -3688, and part of Parcels 819-689-8194, 820-689-1644, and 818-688-9639, containing 21.33 acres, located on the west line of Doran Road approximately 3,300 feet north of New Market Road (State Route 5). The applicant proposes a single-family residential subdivision at a density of not more than 2.2 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 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 APPROVED**

**C-52C-06 Caroline Nadal for Susan Ware:** Request to conditionally rezone from A-1 Agricultural District to B-1C Business District (Conditional), Parcel 814-688-7044, containing approximately 1.896 acres, located at the northwest intersection of New Market Road (State Route 5) and Recreation Road. The applicant proposes a veterinary clinic. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Environmental Protection Area

and Suburban Residential 1 (1.0 to 2.4 units net density per acre). The site is in the Airport Safety Overlay District. **Staff – Ben Sehl APPROVED**

**BROOKLAND:**

None.

**FAIRFIELD:**

**Deferred from the September 14, 2006 Meeting.**

**P-17-06 Jacqueline Karp for Verizon Wireless:** Request for a Provisional Use Permit under Sections 24-92.2, 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 150' high monopole telecommunications tower on part of Parcel 802-736-8028, located at the northwest intersection of E. Laburnum Avenue and Mechanicsville Turnpike (US Route 360). The existing zoning is B-2 Business District. The Land Use Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay District. **Staff – Tom Coleman APPROVED**

**C-53-06 Terry Cave for Rogers-Chenault Inc:** Request to rezone from R-3C One Family Residence District (Conditional) to C-1 Conservation District, part of Parcel 777-764-6922, containing 5.81 acres, located approximately 1,700 feet west of the intersection of Mountain Road and Megan Drive. The applicant proposes a conservation area. The Land Use Plan recommends Environmental Protection Area and Open Space/Recreation. **Staff – Livingston Lewis (Expedited agenda requested) APPROVED**

**C-54C-06 Andrew Conclin for Shuler Acquisitions, LLC:** Request to conditionally rezone from R-4 One Family Residence District and B-1 Business District to B-2C Business District (Conditional), Parcels 784-754-6140, 784-754-6324, 784-754-6505, 784-754-8004, 784-754-8014, and 784-754-7628 containing approximately 3.08 acres, located at the northeast corner of Brook Road (US Route 1) and Wilkinson Road. The applicant proposes a retail center. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Arterial and Suburban Residential 2 (2.4 to 3.4 units net density per acre). A portion of the site lies within the Brook Road Special Strategy Area and in the Enterprise Zone. **Staff – Tom Coleman DEFERRED TO NOVEMBER 9, 2006**

**APPROVAL OF MINUTES: Planning Commission – September 14, 2006  
APPROVED**

Acting on a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the Planning Commission adjourned its meeting at 9:44 on 10/12/2006.

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<http://www.co.henrico.va.us/planning/meetnext.htm> and  
<http://www.co.henrico.va.us/planning/podnext.htm>