

HENRICO COUNTY
PLANNING COMMISSION AGENDA
FOR
REZONINGS AND PROVISIONAL USE PERMITS

February 17, 2014

7:00 P.M.



PLANNING COMMISSION

Eric S. Leabough, C.P.C., Chair (Varina)
Robert H. Witte, Jr. (Brookland)
C. W. Archer, C.P.C. (Fairfield)
Tommy Branin (Three Chopt)
Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
David A. Kaechele (Three Chopt)
Board of Supervisors
Representative
R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary

**COMPREHENSIVE DIVISION – DEPARTMENT
OF PLANNING**

Jean M. Moore, Assistant Director of Planning
Jim Strauss, PLA, Principal Planner
Rosemary D. Deemer, AICP, County Planner
Seth Humphreys, County Planner
Ben Sehl, County Planner
Livingston Lewis, County Planner
Lisa Blankinship, County Planner
William Moffett, County Planner
Paul Stewart, GIS Technician
Sylvia Ray, Office Assistant/Recording Secretary

**PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
FEBRUARY 17, 2014**

BEGINNING AT 7:00 P.M.

WELCOME:

PLEDGE OF ALLEGIANCE:

RECOGNITION OF NEWS MEDIA:

CALL TO ORDER:

REQUESTS FOR WITHDRAWALS AND DEFERRALS: (1); (4)

REQUESTS FOR EXPEDITED ITEMS: (5)

CASES TO BE HEARD: (7)

BROOKLAND:

REZ2014-00005 Andrew M. Condlin for Nobility Investments, LLC: Request to amend proffered conditions accepted with Rezoning Case C-46C-83 on Parcel 768-747-0824 located on the north line of Glenside Drive approximately 385' west of its intersection with Bethlehem Road. The applicant proposes to amend Proffer 1 to allow hotels as a permitted use. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. **Staff – Livingston Lewis (Deferral Requested to the March 13, 2014 Meeting)**
[Deferred to the March 13, 2014 Meeting](#)

PUP2014-00001 Malachi M. Mills for Bobby Marchetti: 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 allow outdoor dining for a proposed restaurant on part of Parcel 767-757-8360 located 95' east of the east line of Hungary Spring Road approximately 1,025' south of its intersection with Staples Mill Road (U.S. Route 33). The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration and Office. **Staff – Lisa Blankinship (Deferral Requested to the March 13, 2014 Meeting)**
[Deferred to the March 13, 2014 Meeting](#)

PUP2014-00002 Malachi M. Mills for Bobby Marchetti: 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 allow outdoor dining for a proposed restaurant on part of Parcel

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767-757-8360 located 490' east of the east line of Hungary Spring Road approximately 1,200' south of its intersection with Staples Mill Road (U.S. Route 33). The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration and Office. **Staff – Lisa Blankinship**
Recommended for Approval

PUP2014-00003 Thomas D. Mincher, Jr. for Tripps Properties II, LP: Request for a Provisional Use Permit under Sections 24-58.2(a), 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow extended hours of operation until 2 a.m. and outdoor dining for a proposed restaurant on part of Parcel 757-757-0843 located on the north line of W. Broad Street (U.S. Route 250) approximately 1,060' west of its intersection with Tuckenuck Drive. The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Commercial Arterial. **Staff – William Moffett**
Recommended for Denial

VARINA:

(Deferred from the January 9, 2014 Meeting)

REZ2013-00022 D. Bryant Gammon: Request to conditionally rezone from R-3 One-Family Residence District to B-1C Business District (Conditional) Parcel 815-688-4303 containing 1.88 acres located on the north line of New Market Road (State Route 5) approximately 970' west of its intersection with Strath Road. The applicant proposes retail uses. The uses will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Commercial Concentration and the site is located in the Varina Village Mixed-Use/Village Special Focus Area. The site is in the Airport Safety Overlay District. **Staff – Ben Sehl (Deferral Requested to the March 13, 2014 Meeting)**
Deferred to the March 13, 2014 Meeting

PUP2014-00004 Brian Zachariasen for WOVA Gyms, LLC: Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to extend hours of operation for a gym on part of Parcel 813-718-3411 located on the west line of S. Laburnum Avenue approximately 660' from its intersection with Gay Avenue. The applicant proposes opening daily at 5:00 a.m. instead of 6:00 a.m. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. This site is in the Airport Safety Overlay District. **Staff – William Moffett (Expedited Agenda Requested)**
Recommended for Approval

FAIRFIELD:

REZ2014-00001 Phillip Parker for Monarch Land LLC: Request to amend proffered conditions accepted with Rezoning Case C-32C-09 on Parcels, 799-732-4991, -8887, -8597, -6697, 799-733-5351, -8231, -8525, -8819, -9113, -9209, -9504, -8204, -7808, -7023, -6143, -5223, -5614, and -5810 located between the east line of the Chesapeake and Ohio Railway right-of-way and the west line of Barrington Road at its

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intersection with Springton Road. The applicant proposes to amend Proffer 2 related to exterior materials and Proffer 12 related to garages. The existing zoning is R-5AC General Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre, and Environmental Protection Area. **Staff – Rosemary Deemer**

Recommended for Approval

REZ2014-00008 Andrew M. Condlin for Carolyn C. Penniston Family Trust: Request to conditionally rezone from A-1 Agricultural District and C-1 Conservation District to O-3C Office District (Conditional) Parcel 790-762-3014 containing 75.677 acres located between the south line of Interstate 295, the northern terminus of Magellan Parkway and Park Central Drive. The applicant proposes office uses. The uses will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. **Staff – Ben Sehl**

Recommended for Approval

THREE CHOPT:

(Deferred from the December 5, 2013 Meeting)

REZ2013-00015 dAb Engineering Services for Kain Road, Inc.: Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional) Parcel 738-767-2794 containing 7.45 acres located on the north line of Kain Road approximately 1,100' west of its intersection with Pouncey Tract Road (State Route 271). The applicant proposes a single-family residential development not to exceed 18 units. The R-3 district allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Suburban Mixed-Use. **Staff – Ben Sehl (Deferral Requested to the March 13, 2014 Meeting)**

Deferred to the March 13, 2014 Meeting

REZ2014-00003 Andrew M. Condlin for Towne Center – West, LLC: Request to conditionally rezone from B-3C Business District (Conditional) to M-1C Light Industrial District (Conditional) part of Parcel 734-764-9340 containing 1.98 acres located approximately 275' north of W. Broad Street (U.S. Route 250) and 545' east of its intersection with N. Gayton Road. The applicant proposes a self-service storage facility. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Commercial Arterial. The site is located in the West Broad Street Overlay District. **Staff – Ben Sehl (Withdrawn by Applicant)**

Withdrawn

PUP2014-00005 Jeff Percey for Serve It Up, LLC: 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 allow outdoor dining for a proposed restaurant on part of Parcel 747-759-8591 located on the south line of W. Broad Street (U.S. Route 250) at its intersection with Cox Road. The existing zoning is B-2C Business District (Conditional).

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The 2026 Comprehensive Plan recommends Urban Mixed-Use. **Staff – Lisa Blankinship (Expedited Agenda Requested)**
[Recommended for Approval](#)

REZ2014-00009 Gloria L. Freye for ME Nuckols, LLC: Request to conditionally rezone from A-1 Agricultural District to UMUC Urban Mixed-Use District (Conditional) part of Parcels 731-764-5533 and 731-764-4292 containing 66.9 acres located on the south line of W. Broad Street (U.S. Route 250) approximately 600' west of its intersection with N. Gayton Road. The applicant proposes an urban mixed-use development, GreenGate, with approximately 80,000 square feet of commercial area and no more than 300 residential units. The uses will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is located in the West Broad Street Overlay District. **Staff – Ben Sehl**
[Recommended for Approval](#)

PUP2014-00006 Gloria L. Freye for ME Nuckols, LLC: Request for a Provisional Use Permit under Sections 24-32.1(a), 24-32.1(i), 24-32.1(k), 24-32.1(n), 24-32.1(s), 24-32.1(w), 24-120 and 24-122.1 of Chapter 24 of the County Code related to a Master Plan for the proposed GreenGate Development and to permit certain uses and exceptions to permitted uses, heights, and square footages of uses within the proposed urban mixed-use development on part of Parcels 731-764-5533 and 731-764-4292 located on the south line of W. Broad Street (U.S. Route 250) approximately 600' west of its intersection with N. Gayton Road. The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is located in the West Broad Street Overlay District. **Staff – Ben Sehl**
[Recommended for Approval](#)

REZ2014-00010 James W. Theobald for Atack Properties: Request to conditionally rezone from O-3C Office District (Conditional) and B-2C Business District (Conditional) to RTHC Residential Townhouse District (Conditional) Parcel 747-770-3395 containing 5.66 acres located on the west line of Nuckols Road approximately 465' south of its intersection with Hickory Park Drive. The applicant proposes a residential townhouse development not to exceed 37 units. The RTH District allows a maximum density of nine (9) units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Office. **Staff – Seth Humphreys**
[Recommended for Approval](#)

REZ2014-00011 Andrew M. Condlin and Jennifer Mullen for Seven Hills Group, LLC: Request to amend proffered conditions accepted with Rezoning Case C-43C-05 and C-44C-06 on part of Parcels 735-764-8708 and 735-763-9381 located on the north line of W. Broad Street (U.S. Route 250) approximately 1,870' east of its intersection with N. Gayton Road. The applicant proposes to amend Proffer #17 related to site coverage. The existing zoning is B-2C Business District (Conditional). The 2026

Comprehensive Plan recommends Commercial Arterial. The site is located in the West Broad Street Overlay District. **Staff – Rosemary Deemer (Expedited Agenda Requested)**

Recommended for Approval

REZ2014-00012 Andrew M. Condlin and Jennifer Mullen for Seven Hills Group, LLC: Request to amend proffered conditions accepted with Rezoning Case C-49C-04 and C-27C-09 on Parcels 736-764-0871, -1136, and -3961 located 700' north of W. Broad Street (U.S. Route 250) approximately 1,940' east of its intersection with N. Gayton Road. The applicant proposes to amend Proffer #23 related to site coverage. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The site is located in the West Broad Street Overlay District. **Staff – Rosemary Deemer (Expedited Agenda Requested)**

Recommended for Approval

TUCKAHOE:

PUP2014-00007 Kristine Riley for West End Farmers' Market: Request for a Provisional Use Permit under Sections 24-62.2(g), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow the continued operation of an existing farmers' market on parts of Parcels 732-751-4078, -0561, and 731-751-8088 located at the southwest intersection of Ridgefield Parkway and Gayton Road. Condition #15 of P-8-11 required the permit to expire December 31, 2013. The existing zoning is B-3 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. **Staff – Livingston Lewis (Expedited Agenda Requested)**

Recommended for Approval

APPROVAL OF MINUTES: Planning Commission January 9, 2014

Approved

Acting on a motion by **Mrs. Jones**, seconded by **Mr. Archer**, the Planning Commission adjourned its meeting at **8:48 p.m.** on **February 17, 2014.**

View the Planning Commission agendas at
<http://www.co.henrico.va.us/planning/pdfs/meetnext.pdf>