

HENRICO COUNTY
PLANNING COMMISSION AGENDA
FOR
REZONINGS AND PROVISIONAL USE PERMITS

March 12, 2015

7:00 P.M.



PLANNING COMMISSION

Robert H. Witte, Jr., Chair (Brookland)
C. W. Archer, C.P.C. (Fairfield)
Eric S. Leabough, C.P.C. (Varina)
Tommy Branin (Three Chopt)
Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Patricia S. O'Bannon Tuckahoe)
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
Erin Puckett, County Planner
Paul Stewart, GIS Technician
Thomas Wysong, Planning Intern
Sylvia Ray, Office Assistant/Recording Secretary

**PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
MARCH 12, 2015**

BEGINNING AT 5:30 P.M.

DINNER AND WORK SESSION: County Manager's Conference Room. The Commission will hear a presentation provided by Laura Lafayette of the Richmond Association of Realtors.

BEGINNING AT 7:00 P.M.

WELCOME:

PLEDGE OF ALLEGIANCE:

RECOGNITION OF NEWS MEDIA:

CALL TO ORDER:

REQUESTS FOR WITHDRAWALS AND DEFERRALS: (0); (3)

REQUESTS FOR EXPEDITED ITEMS: (1)

CASES TO BE HEARD: (4)

PLAN OF DEVELOPMENT (Deferred from the February 25, 2015 Meeting)

POD2014-00175
Family Dollar at 1276 New
Market Road - New
Market Road (State Route
5)

**Deferred to the May 14,
2015 Meeting**

Balzer and Associates, Inc. for Felts & Kilpatrick Construction Company, Inc. and Twin Rivers Capital, LLC: 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, 8,770 square-foot retail store. The 2.50-acre site is located at the southeast corner of the intersection of New Market Road (State Route 5) and North James Estates Drive, on parcels 802-702-9916, 802-702-8535, 802-702-8929, and 803-702-1005. The zoning is B-1C, Business District (Conditional). County water and sewer. **(Varina)**

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This Plan of Development was deferred to the March 12, 2015 Planning Commission hearing at the developer's request, to accommodate rescheduling citizen informational meetings which were cancelled due to inclement weather. The developer, Twin Rivers Capital, has rescheduled the informational meeting to March 2, 2015.

The developer first requested deferral of the plan at the June 25, 2014 Planning Commission hearing to revise the layout plan, the architectural elevations and hold a community meeting to discuss their proposed 8,770 square foot retail building with concerned citizens.

The layout provides the proffered 100 foot building setback from the ultimate right-of-way of New Market Road. A 40-foot wide bermed landscape strip, to be planted to meet the requirements of a 35-foot transitional buffer, is provided between New Market Road and the parking lot. There is a 20-foot proffered buffer, required to be planted to a 25-foot transitional buffer, along North James Estates Drive. A 10-foot transitional buffer and an 8-foot tall white vinyl fence are provided along the northern property line adjacent to North James Estates subdivision. The applicant has designed the plan to retain existing mature trees adjacent to the subdivision, and supplemental planting will be added to meet the 10-foot transitional buffer requirements.

The building provided is a colonial-style building with brick as the primary building material and a shingle roof. Additional building details such as dentil moulding for the cornice detail, brick lintels above the windows and window mullions are provided, ensuring compliance with the architectural proffers.

VDOT has reviewed the plan and approved an entrance waiver request on New Market Road based on the fact that the site is comprised of four parcels, each with their individual access rights. VDOT determined that it was better to grant one full entrance access to serve all 4 parcels. The entrance will be served by a tapered turn lane into the development. A new sidewalk is provided along the frontage of the site.

Landscape and lighting is not part of the current review. Staff recommends that the landscape and lighting plan be returned to the Planning Commission for review and approval.

The proposed development meets all of the proffered and technical requirements. Staff recommends approval subject to the annotations on the plan, the standard conditions for developments of this type and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height

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- details shall be submitted for Department of Planning review and Planning Commission approval.
29. The right-of-way for widening of New Market Road (State Route 5) 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.
 30. The entrances and drainage facilities on New Market Road (State Route 5) shall be approved by the Virginia Department of Transportation and the County.
 31. 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.
 32. A concrete sidewalk meeting VDOT standards shall be provided along the east side of New Market Road (State Route 5).
 33. Outside storage shall not be permitted.
 34. The proffers approved as a part of zoning case C-22C-10 shall be incorporated in this approval.
 35. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the Henrico County Code.
 36. 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.
 37. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junctions and accessory boxes, transformers, and generators) shall be identified on the landscape plan. All building mounted equipment shall be painted to match the building, and 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 Christina Goggin)
(Applicant's Representative: Christopher Shust)
(Applicable Rezoning Cases and PUPS: C-22C-10)

FAIRFIELD:

None.

THREE CHOPT:

PUP2015-00002 Nicholas Stoyer for WC Phase I, LC: 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 to increase the size of an existing outdoor dining area for Bertucci's Italian Restaurant on part of Parcel 737-762-4724 located in the southeast quadrant of W. Broad Street (U.S. Route 250) and Lauderdale Drive (The Shoppes at Westgate). The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive

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Plan recommends Commercial Arterial. The site is located in the West Broad Street Overlay District. **Staff – William Moffett (Expedited Agenda Requested)**
[Recommended for Approval](#)

TUCKAHOE:

REZ2014-00037 James W. Theobald for Rebkee Replacement, LLC: Request to amend proffered conditions accepted with Rezoning Case C-27C-06 on part of Parcel 739-754-7156 located on the south line of Church Road at its intersection with John Rolfe Parkway. The applicant proposes to amend proffers related to the conceptual plan, architectural elevations, and density to allow eight (8) additional townhouse units. The existing zoning is RTHC Residential Townhouse District (Conditional) and C-1C Conservation District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration and Open Space/Recreation. **Staff – William Moffett**
[Recommended for Approval](#)

REZ2015-00005 James W. Theobald for ME JRS, LLC: Request to conditionally rezone from R-5AC General Residence District (Conditional) to RTHC Residential Townhouse District (Conditional) Parcels 739-755-9019 and 740-755-3511 containing 10.8 acres located in the southeast quadrant of John Rolfe Parkway and Church Road. The applicant proposes a detached condominium development of no more than 40 units. The RTH District allows a maximum density of nine (9) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Residential, density should range from 3.4 to 6.8 units per acre. **Staff – Ben Sehl**
[Recommended for Approval](#)

BROOKLAND:

REZ2014-00050 R. Christian Sowers for RCS Development Corporation: Request to conditionally rezone from [R-6C] General Residence District (Conditional) and R-2 One-Family Residence District to RTHC Residential Townhouse District (Conditional) Parcels 768-760-1507, 768-759-3393 and 767-760-8701 containing 5.432 acres located on the east line of Hungary Spring Road between Hungary Road and Old Route 33. The applicant proposes a residential townhouse development of no more than 30 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 Suburban Residential 2, density should not exceed 3.4 units per acre. **Staff – Rosemary Deemer (Deferral Requested to the April 9, 2015 Meeting)**
[Deferred to the April 9, 2015 Meeting](#)

REZ2015-00006 James W. Theobald for Laurel Lakes Associates, LLC: Request to conditionally rezone from [R-6C] General Residence District (Conditional), and R-4 One-Family Residence District, to O-1C Office District (Conditional) part of Parcel 769-758-6374 containing 1.075 acres located on the west line of Old Staples Mill Road approximately 450' south of its intersection with Hungary Road. The applicant proposes office uses. The uses will be controlled by zoning ordinance regulations and proffered

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conditions. The 2026 Comprehensive Plan recommends Office. **Staff – Rosemary Deemer**
Recommended for Approval

VARINA:

(Deferred from the February 12, 2015 Meeting)

REZ2014-00016 Ross Run, LLC: Request to conditionally rezone from R-2AC One-Family Residence District (Conditional) and A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcel 824-689-0488 and Parcel 824-694-2155 containing 139.66 acres, located between the south line of Darbytown Road at its intersection with Macallan Parkway and the east line of Doran Road approximately 960' south of its intersection with Macallan Parkway. The applicant proposes a single-family residential development. The R-5A District allows a maximum density of six (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre, and Environmental Protection Area. The site is located in the Airport Safety Overlay District. **Staff – Lisa Blankinship**
Deferred to the April 9, 2015 Meeting

REZ2014-00040 Steve Smith for Antioch Plan Developers, LLC: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) part of Parcel 848-710-9248 containing 8.33 acres located 370' north of the intersection of Elko Road and Elko School Road. The applicant proposes a home for the aged with a maximum of 120 units. The R-6 District allows a minimum lot size of 2,200 square feet and a maximum gross density of 19.8 units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends, Semi-Public and Suburban Residential 1, density should not exceed 2.4 units per acre. **Staff – Livingston Lewis (Deferral Requested to the April 9, 2015 Meeting)**
Deferred to the April 9, 2015 Meeting

RESOLUTION: SIA2015-00001 Fire Station #19: Substantially in Accord (Three Chopt District). **Staff – Livingston Lewis**
Approved

APPROVAL OF MINUTES: Planning Commission February 12, 2015
Approved

Acting on a motion by Mr. Branin, seconded by Mrs. Jones, the Planning Commission adjourned its meeting at 9:21 p.m. on March 12, 2015.

View the Planning Commission agendas at

<http://henrico.us/pdfs/planning/meetnext.pdf>

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