

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, held in the County Administration Building in the Government
3 Center at Parham and Hungary Springs Roads, beginning at 7:00 p.m. Thursday,
4 March 15, 2007. Display Notice having been published in the Richmond Times-
5 Dispatch on February 22, 2007 and March 1, 2007.
6
7

Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mrs. Bonnie-Leigh Jones (Tuckahoe)
Mr. Randall R. Silber, Director of Planning, Secretary

Also Present: Ralph J. Emerson, Jr., AICP, Assistant Director of Planning
Ms. Jean M. Moore, Principal Planner
Mr. Lee Tyson, County Planner
Mr. Thomas Coleman, County Planner
Ms. Sylvia Ray, Recording Secretary

8
9
10 Mr. Branin - Good evening, I'd like to call the March 15, 2007
11 Planning Commission Meeting to order.

12
13 Mr. Archer - Good evening, Mr. Chairman.

14
15 Mr. Jernigan - Good evening, Mr. Chairman.

16
17 Mr. Branin - We don't have a Supervisor this evening—we're
18 missing Mr. Vanarsdall—and we have no press in the room. With that, Mr. Silber,
19 I'm going to turn it over to you.

20
21 Mr. Jernigan - We have a quorum.

22
23 Mr. Branin - We do have a quorum.

24
25 Mr. Silber - We do have a quorum. Thank you, the four of you, for
26 showing up. No one can become ill. We do have a very short agenda tonight.
27 We have many deferrals, if you have noted that on the agenda. I believe we
28 have one withdrawal and we have several expedited items. So, this potentially

29 could be a very short meeting. Ms. Moore is here to tell us about the withdrawals
30 and deferrals first.

31
32 Ms. Moore - Thank you, Mr. Secretary. The first is a withdrawal on
33 page 2 of your agenda in the Three Chopt District. It is P-4-06. The applicant is
34 withdrawing this request for a provisional use permit for a telecommunication
35 tower; therefore, no action is required by you tonight.

36
37 ***Deferred from the January 11, 2007 Meeting.***
38 **P-4-06 Gloria Freye for Bechtel Corp.:** Request for a
39 Provisional Use Permit under Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of
40 the County Code in order to construct a 149' high telecommunication tower on
41 Parcel 744-771-3182, located on the east line of Shady Grove Road north of
42 Hames Lane. The existing zoning is A-1 Agricultural District. The Land Use Plan
43 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

44
45 Mr. Branin - Okay.

46
47 Ms. Moore - Moving on to deferrals. The first is on page 1 of your
48 agenda. It is P-16-06, Basilios Tsimbos. The deferral is requested to the June
49 14, 2007 meeting.

50
51 ***Deferred from the December 7, 2006 Meeting.***
52 **P-16-06 Glenn Moore for Basilios E. Tsimbos:** Request for
53 a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
54 Chapter 24 of the County Code in order to construct an outside dining area for a
55 proposed restaurant on Parcel 761-754-1383, located on the east line of Skipwith
56 Road approximately 350 feet south of West Broad Street (U. S. Route 250). The
57 existing zoning is B-2C Business District (Conditional). The Land Use Plan
58 recommends Commercial Arterial and Office.

59
60 Mr. Branin - Is anyone in opposition of P-16-06? No one? With
61 that, I'd like to move the P-16-06 be deferred to the June 14, 2007 meeting per
62 the applicant's request.

63
64 Mrs. Jones - Second.

65
66 Mr. Branin - Motion made by Mr. Branin and seconded by Mrs.
67 Jones. All in favor say aye. All opposed say no. The motion carries.

68
69 At the request of the applicant, the Planning Commission deferred Case P-16-06,
70 Glenn Moore for Basilios E. Tsimbos to its meeting on June 14, 2007.

71
72 Ms. Moore - Next is C-19C-06, Fidelity Properties, Ltd. The
73 deferral is requested to the November 8, 2007 meeting.

74

75 ***Deferred from the January 11, 2007 Meeting.***

76 **C-19C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.:**

77 Request to conditionally rezone from A-1 Agricultural District to RTHC
78 Residential Townhouse District (Conditional), Parcels 746-763-2482, -2896, -
79 1769, 746-764-3818, and 746-763-7257 containing 12.54 acres, located between
80 the east line of Glasgow Road and the west line of Sadler Road, approximately
81 600 feet north of Ireland Lane. The applicant proposes a residential townhouse
82 development not to exceed 6 dwelling units per acre. The RTH Residential
83 Townhouse District allows a maximum gross density of 9 units per acre. The
84 proposed use will be controlled by Zoning Ordinance regulations and proffered
85 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
86 units net density per acre.

87

88 Mr. Branin - Is anyone in opposition to the deferral of C-19C-06?
89 No one? Then I'd like to move that C-19C-06 be deferred to the November 8,
90 2007 meeting, per the applicant's request.

91

92 Mr. Archer - Second.

93

94 Mr. Branin - Motion made by Mr. Branin and seconded by Mr.
95 Archer. All in favor say aye. All opposed say no. The motion carries.

96

97 At the request of the applicant, the Planning Commission deferred Case C-19C-
98 06, G. Edmond Massie, IV for Fidelity Properties, Ltd., to its meeting on
99 November 8, 2007.

100

101 Ms. Moore - Also on page 1 is C-8C-05, Fidelity Properties. The
102 deferral is requested to the November 8, 2007 meeting.

103

104 ***Deferred from the January 11, 2007 Meeting.***

105 **C-8C-05 G. Edmond Massie, IV for Fidelity Properties, Ltd.:**

106 Request to conditionally rezone from A-1 Agricultural District to RTHC
107 Residential Townhouse District (Conditional), Parcel 746-764-5580, containing
108 approximately 4.54 acres, located on the west line of Sadler Road approximately
109 290 feet south of Wonder Lane. The applicant proposes a townhouse
110 development not to exceed six (6) units per acre. The maximum density allowed
111 in the RTH District is nine (9) units per acre. The uses will be controlled by
112 proffered conditions and zoning ordinance regulations. The Land Use Plan
113 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

114

115 Mr. Branin - Is anyone in opposition to the deferral of C-8C-05?
116 No one? Then I'd like to move for deferral of C-8C-05 to the November 8, 2007
117 meeting, per the applicant's request.

118

119 Mr. Jernigan - Second.

120

121 Mr. Branin - Motion made by Mr. Branin and seconded by Mr.
122 Jernigan. All in favor say aye. All opposed say no. The motion carries.

123
124 At the request of the applicant, the Planning Commission deferred Case C-8C-
125 05, G. Edmond Massie, IV for Fidelity Properties, Ltd., to its meeting on
126 November 8, 2007.

127
128 Ms. Moore - On page 2 of your agenda is C-59C-06. Towne
129 Center West, LLC. The deferral is requested to the April 12, 2007 meeting.

130
131 ***Deferred from the February 15, 2007 Meeting.***

132 **C-59C-06 Andrew Condlin for Towne Center West, LLC:**
133 Request to conditionally rezone from B-2C Business District (Conditional) to R-
134 6C General Residence District (Conditional), part of Parcel 734-764-9340,
135 containing 9.38 acres, located on the north line of West Broad Street (U. S.
136 Route 250) approximately 540 feet east of N. Gayton Road. The applicant
137 proposes retail and office uses with no more than 180 condominium units. The R-
138 6 District allows a maximum gross density of 19.80 units per acre. The uses will
139 be controlled by zoning ordinance regulations and proffered conditions. The
140 Land Use Plan recommends Mixed Use. The site is in the West Broad Street
141 Overlay District.

142
143 Mr. Branin - Is anyone in opposition to the deferral of C-59C-06?
144 No one? Then I'd like to move for the deferral of C-59C-06 to the April 12, 2007
145 meeting, per the applicant's request.

146
147 Mrs. Jones - Second.

148
149 Mr. Branin - Motion made by Mr. Branin and seconded by Mrs.
150 Jones. All in favor say aye. All opposed say no. The motion carries.

151
152 At the request of the applicant, the Planning Commission deferred Case C-59C-
153 06, Andrew Condlin for Towne Center West, LLC, to its meeting on April 12,
154 2007.

155
156 Ms. Moore - Next is P-19-06, Towne Center West, which is also
157 located at the same property that was just discussed. The deferral is requested
158 to the April 12, 2007 meeting.

159
160
161 ***Deferred from the February 15, 2007 Meeting.***

162 **P-19-06 Andrew Condlin for Towne Center West, LLC:**
163 Request for a Provisional Use Permit under Sections 24-36.1(b), 24-120 and 24-
164 122.1 of the County Code to permit retail and office uses within a proposed multi-
165 family development on part of Parcel 734-764-9340, located on the north line of
166 West Broad Street (U. S. Route 250) approximately 540 feet east of N. Gayton

167 Road. The existing zoning is B-2C Business District (Conditional). The property
168 is the subject of rezoning case C-59C-06, which proposes to rezone the property
169 to R-6C General Residence District (Conditional). The Land Use Plan
170 recommends Mixed Use. The site is in the West Broad Street Overlay District.

171

172 Mr. Branin - Is anyone in opposition to the deferral of P-19-06?
173 No one? Then with that, I'd like to move for deferral of P-19-06 to the April 12,
174 2007 meeting, per the applicant's request.

175

176 Mrs. Jones - Second.

177

178 Mr. Branin - Motion made by Mr. Branin and seconded by Mrs.
179 Jones. All in favor say aye. All opposed say no. The motion carries.

180

181 At the request of the applicant, the Planning Commission deferred Case P-19-06,
182 Andrew Conclin for Towne Center West, LLC, to its meeting on April 12, 2007.

183

184 Ms. Moore - On page 3 of your agenda is C-36C-06, Waypoint
185 Development. The deferral is requested to the May 10, 2007 meeting.

186

187 ***Deferred from the January 11, 2007 Meeting.***

188 **C-36C-06 Gloria Freye for Waypoint Development, LLC.:**

189 Request to conditionally rezone from R-4 One-Family Residence District, B-1
190 Business District and M-1 Light Industrial District to R-5AC General Residence
191 District (Conditional), part of Parcel 805-710-1834, containing 13.15 acres,
192 located on the southwest line of Darbytown Road at its intersection with Oregon
193 Avenue. The applicant proposes a single-family residential subdivision with a
194 maximum of 40 lots. The R-5A District allows a minimum lot size of 5,625 square
195 feet and a maximum gross density of six (6) units per acre. The use will be
196 controlled by zoning ordinance regulations and proffered conditions. The Land
197 Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per
198 acre, Commercial Concentration, and Environmental Protection Area.

199

200 Mr. Branin - Is anyone in opposition to the deferral of C-36C-06?
201 No one? Mr. Jernigan.

202

203 Mr. Jernigan - Mr. Chairman, I move for deferral of C-36C-06 to the
204 May 10, 2007 meeting, by request of the applicant.

205

206 Mrs. Jones - Second.

207

208 Mr. Branin - Motion made by Mr. Jernigan and seconded by Mrs.
209 Jones. All in favor say aye. All opposed say no. The motion carries.

210

211 At the request of the applicant, the Planning Commission deferred Case C-36C-
212 06, Gloria Freye for Waypoint Development, LLC, to its meeting on May 10,
213 2007.

214

215 Ms. Moore - The next is C-3C-07, The Tetra Group. The deferral is
216 requested to the April 12, 2007 meeting.

217

218 ***Deferred from the January 11, 2007 Meeting.***

219 **C-3C-07 J. Thomas O'Brien, Jr. for The Tetra Group One,**

220 **LLC:** Request to conditionally rezone from A-1 Agricultural District, R-3 One-
221 Family Residence District, R-5 General Residence District and B-3 Business
222 District to R-3C One-Family Residence District (Conditional), R-5C General
223 Residence District (Conditional), and B-3C Business District (Conditional),
224 Parcels 836-714-2353, 835-714-7916, 836-712-7784, 835-713-1662 and 836-
225 713-7564, containing 79.769 acres (R-3C - 9.654 ac; R-5C – 9.305 ac; and B-3C
226 – 60.810 ac), located between the north line of E. Williamsburg Road, the south
227 line of Old Williamsburg Road, the east line of Dry Bridge Road and the west line
228 of Old Memorial Drive. The applicant proposes a mixture of uses including a
229 one-family development, age-restricted multi-family dwelling units, and general
230 business. The R-3 District allows a minimum lot size of 11,000 square feet and a
231 maximum gross density of 3.96 units per acre. The R-5 District allows a
232 maximum gross density of 14.52 units per acre. The uses will be controlled by
233 zoning ordinance regulations and proffered conditions. The Land Use Plan
234 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Office
235 and Environmental Protection Area. The site is in the Airport Safety Overlay
236 District.

237

238 Mr. Branin - Is anyone in opposition to the deferral of C-3C-07?
239 No one?

240

241 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of C-
242 3C-07, J. Thomas O'Brien, to the April 12, 2007 meeting, by request of the
243 applicant.

244

245 Mrs. Jones - Second.

246

247 Mr. Branin - Motion made by Mr. Jernigan and seconded by Mrs.
248 Jones. All in favor say aye. All opposed say no. The motion carries.

249

250 At the request of the applicant, the Planning Commission deferred Case C-3C-
251 07, J. Thomas O'Brien, Jr. for The Tetra Group One, LLC, to its meeting on April
252 12, 2007.

253

254 Ms. Moore - On page 4 of you agenda is P-64C-06, Wistar Creek,
255 LLC. The deferral is requested to the May 10, 2007 meeting.

256

257 **Deferred from the February 15, 2007 Meeting.**
258 **C-64C-06** **Andrew M. Condlin for Wistar Creek, LLC:** Request
259 to conditionally rezone from R-3 One-Family Residence District to RTHC
260 Residential Townhouse District (Conditional), Parcels 767-750-8298, 767-751-
261 8651, 768-750-0490, 768-751-0638, 768-751-2435, 768-751-4119, and 768-751-
262 1362 containing 24.46 acres, located on the south line of Wistar Road
263 approximately 142 feet west of Walkenhut Drive. The applicant proposes a
264 residential townhouse development with a maximum of 130 dwelling units, an
265 equivalent density of 5.31 units per acre. The maximum density allowed in the
266 RTH District is 9 units per acre. The use will be controlled by zoning ordinance
267 regulations and proffered conditions. The Land Use Plan recommends Suburban
268 Residential 2, 2.4 to 3.4 units net density per ace, and Office.

269
270 Mr. Branin - Is anyone in opposition to the deferral of C-64C-06?
271 No one?

272
273 Mr. Archer - Mr. Chairman, I move for deferral of C-64C-06,
274 Andrew Condlin for Wistar Creek, LLC, to the May 10, 2007 meeting, per the
275 applicant's request.

276
277 Mrs. Jones - Second.

278
279 Mr. Branin - Motion made by Mr. Archer and seconded by Mrs.
280 Jones. All in favor say aye. All opposed say no. The motion carries.

281
282 At the request of the applicant, the Planning Commission deferred Case C-64C-
283 06, Andrew M. Condlin for Wistar Creek, LLC, to its meeting on May 10, 2007.

284
285 Ms. Moore - The last request we've received for deferrals is on
286 page 4 of your agenda, C-10C-07, Pied Venture, LLC. The deferral is requested
287 to the June 14, 2007 meeting.

288
289 **Deferred from the February 15, 2007 Meeting.**
290 **C-10C-07** **David Johannas for Pied Venture LLC:** Request to
291 conditionally rezone from B-2 Business District to R-6C General Residence
292 District (Conditional), Parcel 772-737-7160, containing 2.874 acres, located
293 between the north line of Fitzhugh Avenue and the south line of Markel Street,
294 approximately 236 feet southeast of Byrd Avenue. The applicant proposes
295 residential condominiums. The R-6 District allows a maximum gross density of
296 19.8 units per acre. The use will be controlled by zoning ordinance regulations
297 and proffered conditions. The Land Use Plan recommends Office and
298 Environmental Protection Area. The site is located within the Enterprise Zone.

299
300 Mr. Branin - Is anyone in opposition to the deferral of C-10C-07?
301 No one?

302

303 Mr. Archer - Mr. Chairman, I move for the deferral of C-10C-07 to
304 the June 14, 2007 meeting, at the request of the applicant.

305
306 Mrs. Jones - Second.

307
308 Mr. Branin - Motion made by Mr. Archer and seconded by Mrs.
309 Jones. All in favor say aye. All opposed say no. The motion carries.

310
311 At the request of the applicant, the Planning Commission deferred Case C-10C-
312 07, David Johannas for Pied Venture LLC, to its meeting on June 14, 2007.

313
314 Mr. Silber - That completes the deferrals that the staff is aware of.
315 Any deferrals by the Planning Commission? No? Well, we do have two
316 remaining cases, but both of these are on the expedited agenda. These are
317 cases for which there are no known outstanding issues, staff is recommending
318 approval of these cases, they're somewhat minor in nature, and there is no
319 known opposition. If there is opposition to any of these cases, they will be pulled
320 off the expedited agenda and heard in the order in which they're found on the full
321 agenda. I believe there are two tonight on that agenda.

322
323 Ms. Moore - Yes sir. The first is on page 2 of your agenda. It is P-
324 4-07, Cox Road, LLC. Staff has no issues with this and can support the
325 expedited request.

326
327 **P-4-07** **Walter Baietti for Cox Road, LLC:** Request for a
328 Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of the
329 County Code in order to allow outside dining on part of Parcel 748-759-3503,
330 located at the southeast intersection of Westerre Parkway and Cox Road (The
331 Shoppes at Twin Oaks). The applicant proposes outside dining for the proposed
332 Cupertino's N. Y. Bagel & Deli. The existing zoning is B-2C Business District
333 (Conditional). The Land Use Plan recommends Office.

334
335 Mr. Branin - Is anyone in opposition to P-4-07? No one? Then I'd
336 like to move that P-4-07 be approved and moved forward to the Board of
337 Supervisors on the expedited agenda.

338
339 Mr. Jernigan - Second.

340
341 Mr. Branin - Motion made by Mr. Branin and seconded by Mr.
342 Jernigan. All in favor say aye. All opposed say no. The motion carries.

343
344 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
345 Jernigan, the Planning Commission voted 4-0 (one abstention) to recommend
346 the Board of Supervisors **grant** the request because it is consistent with the
347 surrounding commercial uses, and properly developed and regulated by the

348 recommended conditions, it would not be detrimental to the public health, safety,
349 welfare and values in the area.

350

351 Ms. Moore - On page 3 of your agenda is C-17-07, McCabe's
352 Grant, LLC. Staff has heard no opposition for this request.

353

354 **C-17-07 Luke R. Lappin for McCabe's Grant, LLC:** Request
355 to rezone from R-2AC One-Family Residence District (Conditional) to C-1
356 Conservation District, part of Parcels 743-755-1624 and 742-754-8984,
357 containing .90 acres, located on the south side of Church Road at the southern
358 terminus of Loreine's Landing Lane and Crown Grant Road. The applicant
359 proposes conservation area. The Land Use Plan recommends Environmental
360 Protection Area.

361

362 Mr. Branin - Is anyone in opposition to C-17-07? No one? Then I
363 would like to move that C-17-07, McCabe's Grant, LLC be approved on the
364 expedited agenda.

365

366 Mr. Archer - Second.

367

368 Mr. Branin - Motion made by Mr. Branin and seconded by Mr.
369 Archer. All in favor say aye. All opposed say no. The motion carries.

370

371 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
372 Archer, the Planning Commission voted 4-0 (one abstention) to recommend the
373 Board of Supervisors **grant** the request because it is reasonable and it conforms
374 to the Environmental Protection Area recommendations of the Land Use Plan.

375

376 Mr. Silber - That concludes our rezoning requests for tonight. The
377 remaining item on the agenda would be consideration of the Planning
378 Commission's February 15, 2007 minutes.

379

380 Mr. Branin - Any additional changes?

381

382 Mrs. Jones - I have two or three little ones that I did not have a
383 chance to e-mail. I'll put them on the record, for what it's worth. Page 17, line
384 744, the word is "along" as opposed to "long." Page 19, line 819, it should be
385 "talking" as opposed to "talk." Page 20, line 849, the word is "relief" instead of
386 "release." On line 848, the last word is "think" instead of "thing." On line 873, it
387 should be "closed at midnight." On line 881, the sentence should read, "And they
388 could do that by right." Folks, that's all I have marked.

389

390 Mr. Silber - Thank you, Mrs. Jones. Any others? Anybody else?
391 Can I get a motion?

392

393 Mrs. Jones - I so move the minutes be approved as corrected.

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Mr. Jernigan - Second.

Mr. Branin - Motion made by Mrs. Jones and seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The minutes are approved.

Mrs. Jones - I volunteer to read the ones for tonight, every single line.

Mr. Branin - Ladies and gentlemen, thank you for coming to this evening's Planning Commission hearing. Have a great weekend.

Randall R. Silber, Secretary

Tommy Branin, Chairman