

**PLANNING COMMISSION  
REZONING MEETING  
FINAL AGENDA  
December 10, 2020**

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

**WELCOME:**

**PLEDGE OF ALLEGIANCE:**

**RECOGNITION OF NEWS MEDIA:**

**CALL TO ORDER:**

**REQUESTS FOR WITHDRAWALS AND DEFERRALS: (1); (3)**

**REQUESTS FOR EXPEDITED ITEMS: (3)**

**CASES TO BE HEARD: (3)**

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**PLAN OF DEVELOPMENT**

POD2020-00393  
Lightbridge Academy at  
Dominion Place – 4403  
Sadler Road (POD-042-04  
Rev.)

**Sekiv Solutions, LLC for Highwood Services, Inc. and UVP Holdings, 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 two-story, 11,600 square foot child care center in an existing office condominium complex. The 2.14-acre site is located at 4403 Sadler Road, on part of parcel 747-763-2893. The zoning is O-3C, Office District (Conditional) and IRO, Innsbrook Redevelopment Overlay District. County water and sewer. **(Three Chopt)**

The proposed development would substitute a 2-story 11,600-square foot child care center, with an approximate 5,000 square foot outdoor playground area, for a previously proposed 2-story 18,150 square foot office building identified as Building “A” approved with POD-042-04 Dominion Place (office) Condominiums.

The Dominion Place property is zoned O-3C Office District (conditional) and is subject to the conditions proffered with zoning case C-027C-99. Principal permitted uses in the

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O-3 Office District include childcare centers. The proffers establish additional development standards for the property addressing: access restrictions to Sadler Road, perimeter buffer areas, building setback from Sadler Road, architectural treatment, parking lot lighting, site coverage, underground utilities, HVAC & dumpster screening, irrigation, and development controls consistent with the Innsbrook Corporate Center covenants. In general, the proffered development standards applicable to the overall property were previously addressed with the original POD.

Staff has received several emails from other property owners in the Dominion Place condominiums, as well as a letter from the President of the Dominion Place Condominium Unit Owners Association expressing concerns regarding compatible use, traffic safety, and playground noise resulting from the operation of the proposed Lightbridge Academy Child Care Center in the condominium development.

The architectural design of the proposed building will be substantially consistent with the previously developed office buildings. Should the proposed childcare center ever permanently close, it could be converted into an office building. Setbacks and parking requirements would already be satisfied.

The Traffic Engineer did not require a traffic study during plan review, as he felt the impacted streets and drives had adequate capacity. Staff notes the turning movements within the Dominion Place parking lot would limit speed within the site.

There are no proffers or zoning code standards regarding playground noise applicable to the proposed childcare center. The County's noise ordinance does not address playground noise impact upon office property like Dominion Place. The County Code only limits noise impact between 11pm and 7am on residential property.

The Developer submitted the development plan for review by the Innsbrook Architectural Review Committee (ARC) as required by the proffers. The Innsbrook ARC approved the plan. As a condition of approval, the ARC required the developer to indemnify the ARC and the Innsbrook Corporate Association from playground noise complaints but did not specify any requirement to control or abate playground noise. Enforcement of the Innsbrook Corporate Center covenants is the responsibility of the Innsbrook Owners Association.

In response to the Innsbrook ARC's noise concerns, the developer has agreed to provide an 8-foot high solid PVC fence along the sides of the playground facing other buildings in Dominion Place and to provide 6-foot high Green Giant arborvitaes 10-foot on center along the outside of the 8-foot high fence sections on the final landscape plan. As a condition of approval, the developer will be required to submit a final landscaping and lighting plan for review and approval. Staff will ensure the final POD landscape plan includes the taller fence and additional landscaping agreed to by the developer.

County staff have reviewed the proposed POD and have determined that it complies with the zoning code requirements, the additional proffered development standards, and technical design requirements. Staff recommends approval subject to the annotations

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on the plans, standard conditions for developments of this type, and the following additional conditions:

29. The proffers approved as a part of zoning case C-27C-99 shall be incorporated in this approval.
30. A construction staging plan which includes details for traffic control, fire protection, stockpile locations, construction fencing and hours of construction shall be submitted for County review and prior to the approval of any final construction plans.
31. 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 Mike Kennedy)**  
**(Applicant's Representative: Stuart Little)**  
**(Applicable Rezoning Cases and PUPS: C-27C-99)**  
**Deferred to the January 2021 Administrative POD Agenda**

**VARINA:**

**(Deferred from the November 12, 2020 Meeting)**

**PUP2020-00017 Jocelyn Senn:** Request for a Provisional Use Permit under Section 24.12.1(b), 24-120, and 24-122.1 of the County Code to allow a bed and breakfast and special events on Parcels 804-675-3435, 804-675-5989, 805-675-2498, and 805-676-8116 located on the west line of Osborne Turnpike at its intersection with Battery Hill Drive. The existing zoning is R-2A One-Family Residence District. The 2026 Comprehensive Plan recommends Rural Residential, where density should not exceed 1 unit per acre and Environmental Protection Area. The site is in the Airport Safety Overlay District. **Staff – Lisa Blankinship (Deferral Request to the February 11, 2021 Meeting)**  
**Deferred to the February 11, 2021 Meeting**

**REZ2020-00045 Ann Neil Cosby/Adena M. Patterson for Gwendolyn B. and William C. Turner and B&B Properties LC:** Request to conditionally rezone from M-2C General Industrial District (Conditional) and B-3 Business District to M-2C General Industrial District (Conditional) Parcels 809-713-6877, 809-713-2028 and 809-713-2362 containing 13.902 acres located between the northeast line of Charles City Road and the south line of Williamsburg Road (U.S. Route 60), approximately 1250' east of its intersection with Brittles Lane. The applicant proposes an expansion of a contractor's equipment storage yard; sandblasting and cutting within enclosed buildings; and up to 10,000 gallons of underground bulk storage of inflammable liquids. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration and Office/Service. Part of the site is in the Enterprise Zone. **Staff – Livingston Lewis (Expedited Agenda Requested)**  
**Recommended for Approval**

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**FAIRFIELD:****(Deferred from the November 12, 2020 Meeting)**

**PUP2020-00019 Lawrence Creeger for EventMakers-USA, Inc.:** Request for a Provisional Use Permit under Sections 24-62.2(f), 24-66(a), 24-70(a), 24-120 and 24-122.1 of Chapter 24 the County Code to allow outdoor special events on Parcels 771-756-5980, 771-756-7746, and 771-757-8224 located at the northwest intersection of E. Parham Road and Ackley Avenue. The existing zoning is M-1 Light Industrial District and M-2 General Industrial District. The 2026 Comprehensive Plan recommends Light Industry and Environmental Protection Area. **Staff – Ben Sehl**

**(Withdrawn by the Applicant)**

**Withdrawn**

**(Deferred from the November 12, 2020 Meeting)**

**REZ2020-00036 Jeffrey P. Geiger for Gouldin Properties, LLC:** Request to conditionally rezone from B-1 and B-3 Business Districts and R-4 One-Family Residence District to B-3C Business District (Conditional) and C-1C Conservation District (Conditional) Parcels 801-733-8844, 802-733-0431, and 801-733-9618 containing 2.06 acres located on the east line of Mechanicsville Turnpike (U.S. Route 360) approximately 615' north of its intersection with Harvie Road. The applicant proposes business uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. Part of the site is in the Enterprise Zone. **Staff – Mike Morris**

**Recommended for Approval**

**REZ2020-00043 James W. Theobald for HHHunt:** Request to conditionally rezone from A-1 Agricultural District and R-5AC General Residence District (Conditional) to R-5AC General Residence District (Conditional) and RTHC Residential Townhouse District (Conditional) Parcels 779-774-2612 and 779-774-4438 and part of Parcels 780-772-3392, 781-773-2686, 779-772-5161, 779-773-9041, and 779-774-9533 containing 35.52 acres located at the terminus of Porter Park Lane. The applicant proposes detached dwellings for sale with zero lot lines and townhome units. The R-5AC District allows an overall maximum density of 6 units per acre. The RTHC District allows a maximum density of 9 units per acre. The uses 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.

**Staff – Seth Humphreys (Expedited Agenda Requested)**

**Recommended for Approval**

**PUP2020-00023 James W. Theobald for HHHunt:** Request for a Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow adjustable side setbacks for lots within the R-5AC General Residence District (Conditional) on Parcels 779-774-4438, 779-774-2612, 779-772-5161 located at the terminus of Porter Park Lane. The existing zoning is A-1 Agricultural District. The R-5AC zoning district is proposed for the A-1 district with REZ2020-00043. The R-5A District

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allows an overall maximum density of 6 units per acre. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre and Environmental Protection Area. **Staff – Seth Humphreys (Expedited Agenda Requested)**

**Recommended for Approval**

**THREE CHOPT:**

**REZ2020-00044 James W. Theobald for Dominion Realty Partners:** Request to conditionally rezone from O-3C Office District (Conditional) to UMUC Urban Mixed Use District (Conditional) part of Parcel 748-763-6189 containing 12.58 acres located approximately 200' west of the western terminus of Waterfront Place. The applicant proposes a multifamily development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed Use. The site is in the Innsbrook Redevelopment Overlay District.

**Staff – Ben Sehl (Deferral Requested by Planning Commission to the January 14, 2021 Meeting)**

**Deferred to the January 14, 2021 Meeting**

**PUP2020-00024 James W. Theobald for Dominion Realty Partners:** Request for a Provisional Use Permit under Sections 24-32.1(n, v, w, z), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a parking garage with no associated ground floor retail or useable floor space for residential or nonresidential uses along a façade facing street; open space within a development of less than 20 percent; commercial or office square footage of less than 25 percent of the total building square footage of the UMU district; and the number of for-lease multifamily dwelling units to exceed 30 percent of total units of the UMU district on part of Parcel 748-763-6189 located at the terminus of Waterfront Place. The existing zoning is O-3C Office District (Conditional). UMUC zoning is proposed with REZ2020-00044. The 2026 Comprehensive Plan recommends Urban Mixed Use. The site is in the Innsbrook Redevelopment Overlay District. **Staff – Ben Sehl**

**(Deferral Requested by Planning Commission to the January 14, 2021 Meeting)**

**Deferred to the January 14, 2021 Meeting**

**TUCKAHOE:**

None.

**BROOKLAND:**

**REZ2020-00042 Andrew M. Condlin for Baker-Properties Limited Partnership:** Request to amend proffers accepted with Rezoning case C-42C-90 on Parcels 769-757-9710 and 769-757-8802 and part of Parcels 770-757-1644, 770-757-2519 located on the east line of Old Staples Mill Road, approximately 645' north of its intersection with Staples Mill Road (U.S. Route 33). The applicant proposes to amend Proffer #5 related to building height. The existing zoning is M-1C Light Industrial District (Conditional). The 2026 Comprehensive Plan recommends Light Industry. **Staff – Mike Morris**

**Recommended for Approval**

**DISCUSSION ITEM: Zoning and Subdivision Ordinances:** The Commission will discuss scheduling a Public Hearing for 6:00 p.m. on January 14, 2021 to consider the Zoning and Subdivision Ordinances updates.

**Approved**

**APPROVAL OF MINUTES: Planning Commission on November 12, 2020**

**Approved**

Acting on a motion [Mr. Mackey](#) seconded by [Mr. Baka](#), the Planning Commission adjourned its meeting at [8:23 p.m.](#) on [December 10, 2020](#).

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