

**PLANNING COMMISSION
REZONING MEETING
FINAL AGENDA
OCTOBER 14, 2021**

BEGINNING AT 7:00 P.M.

WELCOME:

PLEDGE OF ALLEGIANCE:

RECOGNITION OF NEWS MEDIA:

CALL TO ORDER:

REQUESTS FOR WITHDRAWALS AND DEFERRALS: (2); (5)

REQUESTS FOR EXPEDITED ITEMS: (1)

CASES TO BE HEARD: (9)

SIA2021-00003 County of Henrico – Proposed Park: The Department of Planning has received a request from the Division of Recreation and Parks to initiate a Substantially In Accord study for the Phase III expansion of Glover Park. The proposed site consists of Parcel 777-772-0070 containing 6.459 acres located at the terminus of Bent Pine Road, just north of Greenwood Road in the Brookland District. The existing zoning is A-1 Agricultural District and R-6C General Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. **Staff – Kristin Smith**
[Recommended for Approval](#)

VARINA:

REZ2021-00047 Alvin S. Mistr, Jr.: Request to amend proffers accepted with C-17C-05 and C-81C-05 on Parcels 806-702-5656, -6251, -6735, and -8243 located at the northwest intersection of Midview Road and Lindsey Gabriel Drive. The applicant proposes to delete Proffer #21 regarding Midview Road improvements. The existing zoning is R-2AC One-Family Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. **Staff – Kristin Smith**
[Recommended for Approval](#)

October 14, 2021

REZ2021-00049 T. Preston Lloyd, Jr. for Better Housing Coalition: Request to conditionally rezone from M-1C Light Industrial District (Conditional) to R-5C General Residence District (Conditional) Parcel 807-723-6293 containing 10.328 acres located approximately 300' southeast of the intersection of Dabbs House Road and Shillingford Drive. The applicant proposes a multifamily development and townhouses for sale. The R-5 District allows a minimum lot area of 5,625 square feet and a maximum gross density of 12 units per acre for townhouses and 14.5 units per acre for multifamily. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office/Service, Suburban Residential 2, density should not exceed 3.4 units per acre and Environmental Protection Area. The site is located in the Enterprise Zone and a portion of the site is located in the Airport Safety Overlay District. **Staff – Michael Morris**
[Recommended for Approval](#)

BROOKLAND:

(Deferred from the September 9, 2021 Meeting)

REZ2021-00046 Andrew M. Condlin for Pemberton Investments, LLC: Request to conditionally rezone from A-1 Agricultural District to R-3 One-Family Residence District (.559 acres) and R-5AC General Residence District (Conditional) (15.635 acres) Parcels 763-771-2993, 763-772-3261, 763-772-4812, and 763-772-5853 containing 16.194 acres located on the north line of Old Mountain Road, approximately 120' north of its intersection with Mountain Road. The applicant proposes a single-family residence and detached dwellings for sale. The R-3 District allows a minimum lot area of 11,000 square feet and a maximum gross density of 3.96 units per acre. The R-5A District allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 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 – Kristin Smith (Withdrawn by Applicant)**
[Withdrawn by Applicant](#)

REZ2021-00041 Andrew M. Condlin for Laurel Land, LLC: Request to conditionally rezone from R-2 One-Family Residence District and [R-6C] General Residence District (Conditional) to R-6C General Residence District (Conditional) Parcels 767-760-8701, 768-759-3393, and 768-760-1507 containing 5.30 acres located at the northeast intersection of Hungary Spring and Hungary Roads. The applicant proposes a condominium development. The R-6 District allows a maximum gross density of 19.8 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. **Staff – Rosemary Deemer (Deferral Requested to November 10, 2021)**
[Deferred to the November 10, 2021 Meeting](#)

REZ2021-00051 Andrew M. Condlin for Dragon Spike LLC: Request to conditionally rezone from M-1C Light Industrial District (Conditional) and M-1 Light Industrial District to M-2C General Industrial District (Conditional) part of Parcel 777-742-5090 containing 21.206 acres located at the northwest intersection of Byrdhill Road and

October 14, 2021

Burley Avenue. The applicant proposes metal fabrication. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Light Industry. The site is in the Enterprise Zone. **Staff – Rosemary Deemer (Expedited Agenda Requested)**

Recommended for Approval

THREE CHOPT:

(Deferred from the September 9, 2021 Meeting)

REZ2021-00028 Andrew M. Condlin for Lingerfelt Office Properties, LLC: Request to conditionally rezone from O-3C Office District (Conditional) and M-1C Light Industrial District (Conditional) to UMUC Urban Mixed-Use District (Conditional) Parcels 752-767-4970 and 752-768-2795 containing 12.217 acres located on the east line of Cox Road at its intersection with North Park Drive and the west line of Cox Road approximately 990' north of its intersection with North Park Drive. The applicant proposes an urban mixed-use development. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. The site is in the Innsbrook Redevelopment Overlay District. **Staff – Livingston Lewis**

Recommended for Approval

(Deferred from the September 9, 2021 Meeting)

PUP2021-00011 Andrew M. Condlin for Lingerfelt Office Properties, LLC: Request for a Provisional Use Permit under Sections 24-32.1 (n, s, t, v, w, z, aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow the following: a parking garage with no associated ground floor retail or useable floor space for residential or nonresidential uses along a façade facing street; building and structures exceeding 60' in height; residential density exceeding 30 units per acre; open space 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; number of for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU district; and a parking plan on Parcels 752-767-4970 and 752-768-2795 located on the east line of Cox Road at its intersection with North Park Drive and the west line of Cox Road approximately 990' north of its intersection with North Park Drive. The existing zoning is O-3C Office District (Conditional) and M-1C Light Industrial District (Conditional). UMUC zoning is proposed with REZ2021-00028. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. The site is in the Innsbrook Redevelopment Overlay District.

Staff – Livingston Lewis

Recommended for Approval

(Deferred from the September 9, 2021 Meeting)

REZ2021-00029 Andrew M. Condlin for Lingerfelt Office Properties, LLC: Request to conditionally rezone from O-3C Office District (Conditional) and B-2C Business District (Conditional) to UMUC Urban Mixed Use District (Conditional) Parcels 748-761-5174, 749-761-0971, and 750-765-5718 containing 16.486 acres located at the southwest and southeast intersection of Cox Road and Innslake Drive and on the west line of Cox Road at its intersection with Village Run Drive. The applicant proposes an urban mixed-use development. The uses will be controlled by zoning ordinance regulations and proffered

October 14, 2021

conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. The site is in the Innsbrook Redevelopment Overlay District. **Staff – Livingston Lewis**
[Recommended for Approval](#)

(Deferred from the September 9, 2021 Meeting)

PUP2021-00012 Andrew M. Conclin for Lingerfelt Office Properties, LLC: Request for a Provisional Use Permit under Sections 24-32.1 (n, s, t, v, w, z, aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow the following: a parking garage with no associated ground floor retail or useable floor space for residential or nonresidential uses along a façade facing street; buildings and structures exceeding 60' in height; residential density exceeding 30 units per acre; open space 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; number of for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU district; and a parking plan on Parcels 748-761-5174, 749-761-0971, and 750-765-5718 located at the southwest and southeast intersection of Cox Road and Innslake Drive and on the west line of Cox Road at its intersection with Village Run Drive. The existing zoning is O-3C Office District (Conditional) and B-2C Business District (Conditional). UMUC zoning is proposed with REZ2021-00029. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. The site is in the Innsbrook Redevelopment Overlay District. **Staff – Livingston Lewis**
[Recommended for Approval](#)

REZ2021-00002 Jeffrey P. Geiger for Edward Rose Properties, Inc.: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) Parcels 733-765-8245, 734-765-0271, 734-765-1326, 733-765-9428, 734-765-1094, 734-765-1456, 734-765-3041, and part of Parcel 734-765-1504, containing 17.2 acres located at the northwest intersection of N. Gayton and Old Three Chopt Roads. The applicant proposes a multifamily development. The R-6 District allows a maximum gross density of 19.8 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. The site is in the West Broad Street Overlay District. **Staff – Seth Humphreys (Deferral Requested to November 10, 2021)**
[Deferred to the November 10, 2021 Meeting](#)

REZ2021-00044 Andrew M. Conclin for SKM, LLC: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) (5.095 acres) and B-2C Business District (Conditional) (7.562 acres) Parcels 733-764-9576 and 733-765-4819 containing 12.657 acres located at the northwest intersection of W. Broad Street (U.S. Route 250) and N. Gayton Road. The applicant proposes a condominium and commercial development. The R-6 District allows a maximum gross density of 19.8 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. The site is in the West Broad Street Overlay District. **Staff – Seth Humphreys (Deferral Requested to November 10, 2021)**
[Deferred to the November 10, 2021 Meeting](#)

October 14, 2021

REZ2021-00048 James W. Theobald for Triple J Farms, LLC, ME Taylor LLC, and ME Payne LLC: Request to conditionally rezone from A-1 Agricultural District to UMUC Urban Mixed-Use District (Conditional) Parcels 731-768-6671, 731-769-1848, 731-770-6865, 732-768-3835, 732-768-9107, and 734-767-2531 containing 183.011 acres located on the north line of Bacova Drive at its intersection of N. Gayton Road. The applicant proposes an urban mixed-use development. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office, Rural Residential, density should not exceed 1 unit per acre, and Environmental Protection Area. **Staff – Livingston Lewis (Deferral Requested to November 10, 2021)**

Deferred to the November 10, 2021 Meeting

PUP2021-00018 James W. Theobald for Triple J Farms, LLC, ME Taylor LLC, and ME Payne LLC: Request for a Provisional Use Permit under Sections 24-32.1 (a, f, i, k, n, p, s, t, u, v, w, x, z, aa, bb), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow outdoor vending; auditorium and assembly hall; offices greater than 30,000 square feet, indoor recreation greater than 10,000 square feet, retail stores or shops greater than 10,000 square feet; drive-through services; parking garage with no associated ground floor retail; buildings in excess of 60' in height; residential density in excess of 30 units per acre; one-family dwellings exceeding 25 percent of total dwelling units; open space less than 20 percent; commercial or office square footage of less than 25 percent of the total building square footage; general hospitals; number of for-lease multifamily dwelling units to exceed 30 percent of total units; parking plan; and other uses of the same general character on Parcels 731-768-6671, 731-769-1848, 731-770-6865, 732-768-3835, 732-768-9107, and 734-767-2531 located on the north line of Bacova Drive at its intersection of N. Gayton Road. The existing zoning is A-1 Agricultural District. UMUC Urban Mixed-Use (Conditional) District zoning is proposed with REZ2021-00048. The 2026 Comprehensive Plan recommends Office, Rural Residential, density should not exceed 1 unit per acre, and Environmental Protection Area. **Staff – Livingston Lewis (Deferral Requested to November 10, 2021)**

Deferred to the November 10, 2021 Meeting

TUCKAHOE:

REZ2021-00013 Andrew M. Condlin for 6531 Broad LLC: Request to conditionally rezone from R-6 General Residence District, B-2 Business District, and B-3 Business District to R-6C General Residence District (Conditional) Parcel 767-743-7902 containing 6.67 acres located between the west line of W. Broad Street (U.S. Route 250) and the east line of Betty Lane. The applicant proposes residential apartments and commercial uses. The R-6 District allows a maximum gross density of 19.8 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Arterial. The site is in the Enterprise Zone. **Staff – Ben Sehl**

Recommended for Approval

PUP2021-00004 Andrew M. Condlin for 6531 Broad LLC: Request for a Provisional Use Permit under Sections 24-36.1 (b), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a master planned community on Parcel 767-743-7902 located between the west line of W. Broad Street (U.S. Route 250) and the east line of Betty Lane. The existing zoning is R-6 General Residence District, B-2 Business District, and B-3 Business District. the R-6 District is proposed with REZ2021-00013. The 2026 Comprehensive Plan recommends Commercial Arterial. The site is in the Enterprise Zone. **Staff – Ben Sehl**
Recommended for Approval

FAIRFIELD:

(Deferred from the September 9, 2021 Meeting)

REZ2021-00036 Randy Hooker for B&B Properties II LLC: Request to conditionally rezone from M-1 Light Industrial District and R-4 One-Family Residence District to M-1C Light Industrial District (Conditional) Parcel 797-737-0449 containing 5.696 acres located on the east line of Walnut Avenue at its intersection with Ratcliffe Avenue. The applicant proposes office/warehouse uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Light Industry. Part of the site is in the Airport Safety Overlay District and the Enterprise Zone. **Staff – Michael Morris (Withdrawn by Applicant)**
Withdrawn by Applicant

DISCUSSION ITEM: The Commission will discuss scheduling a work session for November 10, 2021.
Approved

APPROVAL OF MINUTES: Planning Commission on September 9, 2021
Approved

Acting on a motion by [Mr. Baka](#) seconded by [Mr. Archer](#) the Planning Commission adjourned its meeting at [9:02 p.m.](#) on [October 14, 2021](#).

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