



PUP2017-00016

Dignus Holdings LLC

Staff Report for Board of Supervisors Public Hearing
Prepared August 22, 2017

This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter.

I. PUBLIC HEARINGS:

Planning Commission:	August 10, 2017	Recommended for approval
Board of Supervisors:	September 12, 2017	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request:	24-hour operation of an existing fitness facility (Planet Fitness)
Existing Zoning:	M-1C Light Industrial District (Conditional)
Acreage:	Planet Fitness lease area = approximately 15,000 square feet Parcel = 9.94 acres
Existing Use:	Health Club
Location:	South line of Nine Mile Road (State Route 33) approximately 900' southeast of its intersection with S. Laburnum Avenue
Magisterial District:	Fairfield
2026 Comprehensive Plan Recommendation:	Commercial Arterial (CA)
Parcel Number:	Part of Parcel 811-723-6565
Zoning of Surrounding Properties:	North: B-3C Business District (Conditional) South: B-3C Business District (Conditional) East: B-3C Business District (Conditional) West: M-1C Light Industrial District (Conditional)

III. SUMMARY OF STAFF REPORT COMMENTS:

This provisional use permit (PUP) request would allow 24-hour operation for Planet Fitness at 4951 Nine Mile Road. The gym is located in the recently redeveloped Eastgate Town Center Shopping Center and is surrounded by other commercial uses. The site is zoned M-1C Light Industrial District (Conditional) and hours of operation are limited to those permitted in the B-2 District by proffers accepted with C-69C-04, meaning a provisional use permit is required to operate outside the hours of 6:00 a.m. to 12:00 midnight.

The 2026 Comprehensive Plan recommends Commercial Arterial for the subject parcel. It is also within the Airport Safety Overlay District and Enterprise Zone.

The redevelopment of Eastgate Town Center is anchored by a Walmart Supercenter, which is permitted to operate 24 hours per day. While concerns have been noted regarding 24-hour operations for smaller retail uses in the vicinity, the membership nature of the existing fitness facility should address a number of the concerns noted during the review of those requests. Additionally, the proffered buffers provided as part of the rezoning cases for the surrounding shopping center should mitigate any impacts from the proposed operation. Staff believes this request is appropriate subject to the recommended conditions in Section IV of this report. The Planning Commission recommended approval of this request at their August 10, 2017 meeting.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The existing fitness facility is located in a recently constructed building in Eastgate Town Center, located on the south line of Nine Mile Road just east of S. Laburnum Avenue. Eastgate is located on the site of the former Fairfield Commons mall, which was demolished and is being redeveloped into a shopping center containing a variety of business uses anchored by a Walmart Supercenter. The majority of the shopping center was rezoned B-3C Business District (Conditional) via REZ2014-00023. After this rezoning, the developer of the shopping center acquired additional acreage that had previously been zoned M-1C via C-69C-04 to allow for an indoor self-storage facility. The fitness facility is located within the portion of the shopping center zoned M-1C.

Both the B-3 and M-1 District allow for 24-hour operations; however, both rezoning cases governing the shopping center contain proffers limiting the hours of operation. Proffers accepted with C-69C-04 limit the hours of operation for uses such as the existing fitness facility to those permitted in the B-2 District, which restricts operations to 6:00 a.m. to 12:00 midnight unless a provisional use permit is approved. REZ2014-00023 contained similar restrictions, although the proposed Walmart can operate 24 hours per day provided certain security conditions noted in the proffers are met. Planet Fitness indicates their typical business model is to operate, with staff, 24 hours per day, giving rise to this request.

Surrounding property to the north, east, and south are part of Eastgate Town Center and are zoned B-3C. To the west is the Ample Storage facility zoned M-1C. Farther to the south, across Colwyck Drive, is the Hechler Village subdivision, zoned R-3. Buffers provided as part of the redevelopment of Eastgate Town Center separate the subdivision from the subject parcel.

The most recent request for 24-hour operation in the vicinity was for a small convenience store located across Nine Mile Road to the north (PUP2017-00005 – Chuckey's Bodega). This request was denied due to concerns regarding potential impacts on public safety. The retail nature of that request increased those concerns. This request is not for a retail, and users would consist of an established membership base with full-time staff on the premises. The Police Division has indicated the proposed use could be accommodated, provided certain security measures are in place. Some of these security recommendations have been included

in the proposed conditions below; however, staff notes the uniformed security recommendations for the overall shopping center are not in place at this time. At the Planning Commission public hearing, the developer of the shopping center stated they are working on providing security which will be in place in the near future.

The proposed 24-hour Planet Fitness would be consistent with the site's M-1C zoning and Commercial Arterial designation on the 2026 Comprehensive Plan. Additionally, the subject business is part of a shopping center that has a coordinated security plan, and has identified several security features within the business as detailed in the attached letter from Planet Fitness's project coordinator. The buffers provided as part of the redevelopment of Eastgate Town Center will also help minimize any potentially negative impacts from the proposed use. For these reasons, staff believes this request is appropriate, subject to the following conditions:

1. All proffered conditions accepted with case C-69C-04 shall be made a part of this Provisional Use Permit.
2. This permit shall apply only to the tenant space occupied by Planet Fitness as shown on Exhibit A.
3. The owner and/or operator of the establishment shall allow the Crime Prevention Unit of the Division of Police to conduct a security survey of the location to identify potential security risks and to recommend additional prevention measures, if any, to be implemented by the business.
4. The owner and/or operator of the establishment shall install and maintain a security camera and video system designed by a security specialist. The security system shall include the following items:
 - a. Exterior surveillance cameras monitoring the entrance(s), parking area(s), and any other areas deemed necessary by the Division of Police. Such security cameras shall provide clear imagery of the establishment's patrons and their vehicles.
 - b. Tapes or digital files showing recorded activities in the areas under surveillance shall be preserved for a period of thirty (30) days. Authorized representatives of the Henrico County Police Department and the Henrico County Planning Department shall have access to such tapes upon request.
5. The owner and/or operator of the establishment shall provide adequate lighting for the entrances, exits, and parking areas serving the business. Adequate lighting shall be defined as lighting sufficient for clear visual and security camera surveillance.
6. Trespassing enforcement authorization, including the placement of "no trespassing" signage, shall be provided to the Police Division prior to 24-hour operation.
7. Extended hours of operation shall not result in loitering, criminal activity, traffic or public nuisance in the area surrounding the business. In the event that evidence (i.e. police calls to the premises or complaints) indicates the extended hours of operation are having an adverse effect (i.e. increased public nuisance, loitering, excessive noise outside the building, criminal assault, traffic, etc.) on the surrounding area, the Board of Supervisors may hold a public hearing to consider revoking the provisional use permit.

The Planning Commission recommended approval of this request at their August 10, 2017 meeting.

V. COMPREHENSIVE PLAN ANALYSIS:

Comprehensive Plan Recommendation:

The 2026 Comprehensive Plan's recommended future land use for the site is Commercial Arterial. This request would be consistent with this designation.

Vision, Goal, Objectives, and Policies:

With the recommended conditions identified in Section IV of this report, the request would be consistent with the following Goals, Objectives and Policies of the 2026 Comprehensive Plan:

- Land Use and Community Character Objectives 41: Promote public safety through the use of Crime Prevention Through Environmental Design (CPTED) methods.
- General Development Policy #6: Encourage compatible infill, redevelopment and development in proximity to existing development and services when appropriate to avoid leap frog growth patterns which may result in higher service costs.
- Retail/Commercial Keystone Policy #1: Strongly encourage all Retail/Commercial development to meet quality standards related to site layout; building configuration, materials, massing, shape and height; landscaping; signage; parking lot aesthetics and functional design; vehicular and pedestrian circulation; lighting; stormwater management; environmental protection; mass transit access; and others.
- Retail/Commercial Keystone Policy #6: Strongly encourage redevelopment of existing Retail/Commercial areas which have become less competitive or obsolete due to market changes. Redevelopment should be encouraged to use existing public facility availability, prevent vacant structures and continue providing Retail/Commercial services to established neighborhoods in the county.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

Traffic Engineering has no objections to this request.

Drainage:

No comment.

Public Utilities Services:

The tenant, Planet Fitness, in the retail building at Eastgate Town Center is currently served with water and sewer. The Department of Public Utilities has no objections to the applicant's request for 24-hour operation at the fitness facility.

Schools:

This case does not involve the addition of any housing thus it does not have any educational impacts.

Community Revitalization:

No comment.

Division of Fire:

No comment.

Division of Police:

The Police Division met with the Planet Fitness Club Manager and Project Coordinator at the gym on Friday, July 7th at 10 a.m. At that meeting, the Police Division conducted a security survey of the property including the interior and exterior of the building and researched calls for

service for the shopping center (Eastgate Town Center). Because the shopping center has been under construction and tenants have been recently opening, calls for service beginning January 1, 2017 to July 6, 2017 were researched and indicate the following:

There were 21 calls for service during this period for Eastgate Town Center. Two calls for service occurred between midnight and 6 a.m. for "commercial alarms." Two "disorderly/drunk" calls occurred at Planet Fitness around 8pm on April 25th regarding a disorderly male inside the gym. When Police arrived, the subject left the gym and no further action was needed. For purposes of confidentiality, the Police Division will provide the applicant written recommendations based on the completed security survey that could assist in making the gym a safer environment during all hours of operation.

Before the site was rezoned to permit the new shopping mall, agreements were made between the Police Division and the developer (Bromont Group) regarding the following:

24/7 Uniformed Security – It was agreed upon that 24-hour uniformed security would be provided to support the shopping center's tenants and especially, businesses with approved extended hours of operation. At a meeting on Thursday, July 13th, Bromont Group informed the Police Division that 24/7 uniformed security for the shopping center will be provided; however, no details were specified.

Lease Agreements & Tenant Security Cameras - The developer also agreed to require tenants to have a minimum of two functional security cameras inside their store to supplement the shopping center's camera system. This requirement was to be added to each tenant's lease agreement. At this time, Bromont Group has provided the Police Division the lease agreement for one tenant in the shopping center; however, the other tenant's lease agreements are needed.

Trespassing Enforcement Authorization - The last item agreed upon was to provide the Police Division a completed Trespassing Enforcement Authorization form and perform any ancillary requirements to enact the authorization. At this time, the Trespassing Enforcement Authorization form has been submitted to the Police Division and a meeting with Bromont Group was held Thursday, July 13th to discuss placement of "no trespassing" signage; the final requirement before authorization is granted.

Should the requested extended hours of operation be deemed appropriate for Planet Fitness at Eastgate Town Center, the Police Division requests Bromont Group provide detailed information regarding 24/7 uniformed security, additional lease agreements requiring tenants to have a minimum of two functional internal security cameras, completion of the Trespassing Enforcement Authorization and the applicant (Dignus Holdings LLC.) shall enact security survey recommendations provided by the Police Division.

While our requirements do not guarantee a crime-free environment, it is our experience that the application of the concepts of Crime Prevention Through Environmental Design (CPTED) will reduce the opportunity for crime to occur and will enhance the quality of life.

Recreation and Parks:

No park or recreation facilities, historical, archeological or battlefield impact.

Libraries:

No comment.

Topography and Land Characteristics Adaptability:

There are no known topographic issues limiting this request.

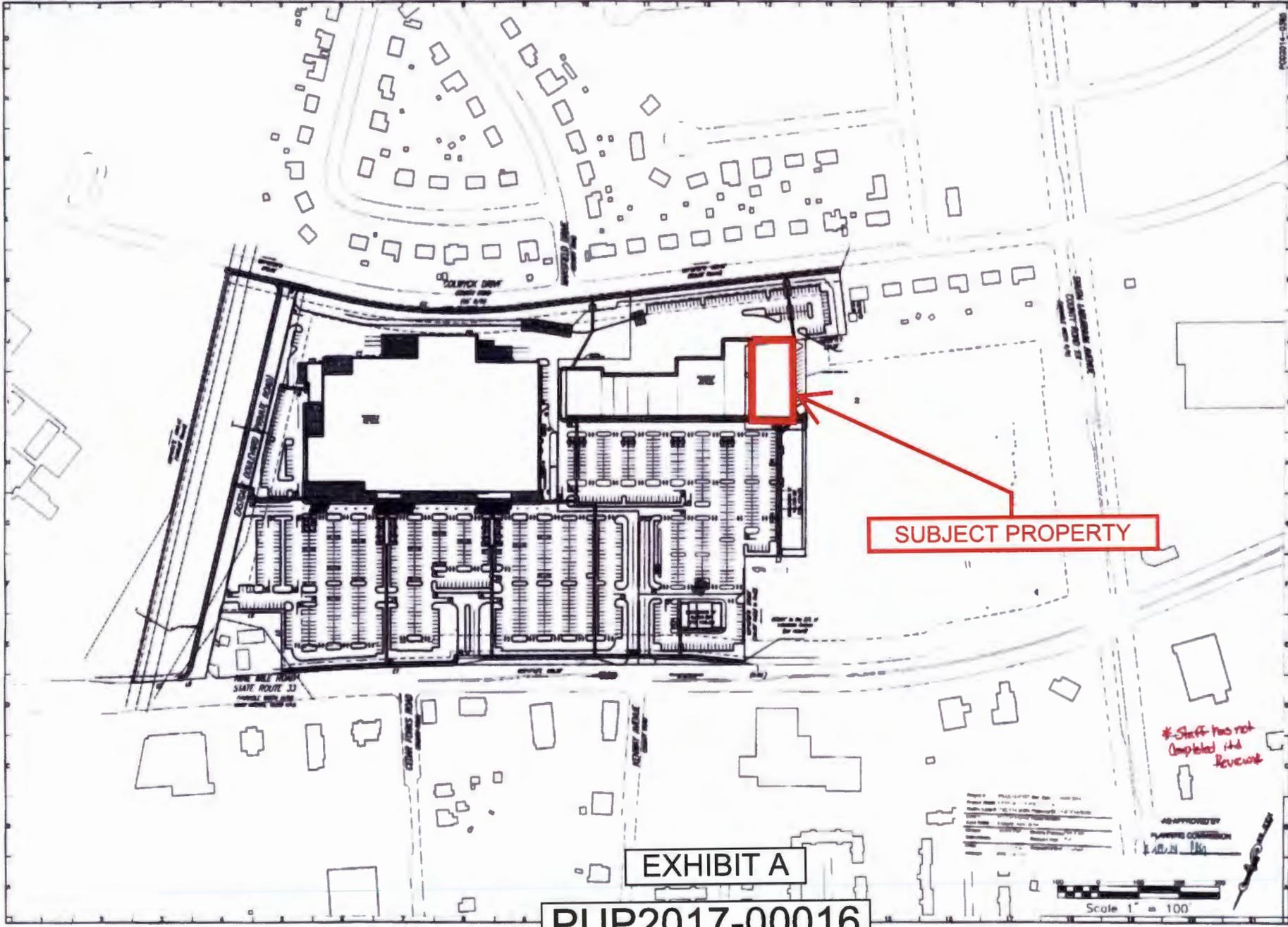


EXHIBIT A

PUP2017-00016

SUBJECT PROPERTY

**Staff has not completed i/d Review*

BALZER
 CONSULTANTS
 1001 City View Drive, Suite 200
 Alexandria, VA 22310
 800-705-0271
 FAX 800-704-0288

DESIGNED BY
 DATE 02-23-2014
 SCALE 1" = 100'
 SHEET NO. C01.1

EASTGATE TOWN CENTER
 4800 NINE MILE ROAD
 CONTEXT SITE PLAN
 FAIRFIELD DISTRICT
 FAIRFIELD COUNTY, VIRGINIA

APPROVED BY
 PLANNING COMMISSION
 DATE 10/21/10

Scale 1" = 100'

RD 2041 - 00306

11/19/14

Staff Eater Shopping Center possible Plan. for information only

ATTN: County of Henrico – Planning Department Rezoning

Subject: Internal security measures for PUP application form

This letters intent is to inform the County of Henrico’s Department of Planning what internal security measures we have taken to ensure a safe 24/7 environment at Planet Fitness located in Eastgate Town Center.

Planet Fitness nationwide is fully staffed 24/7. We have two full-time overnight staff members from 10pm-6am Monday-Friday. We have an additional 2 employees with the same schedule/responsibilities on Saturday and Sunday. Our company regulations state that one employee must remain behind the desk at all times, while a second employee monitors the gym floor. There is ALWAYS a staff member behind the front desk, located near the entrance.

We have set up a security contract through AFA Protective Systems, Inc. This agreement provides us with 12 HD security cameras, a monitor to view all 12 stations simultaneously, and a DVR that allows us to record and burn to a CD any incidents taking place inside the gym. This DVR allows us to go back 90 days to search the cameras inside the club.

Upon joining, members must present a driver’s license or photo ID, with a valid bank account to sign up. They then must take a photo for identification purposes. This photo shows up every time they check in to work out and ensures that the staff recognizes it is the same person. If they elect to bring in a guest under our Black Card Membership, that guest must bring in photo ID every time they workout. The ID is held at the front desk until they leave. They also have an option to be entered into the system as a “prospect” member which requires a picture to be taken. These steps go a long way towards keeping the gym safe. Anyone attempting to workout that has not completed these steps is denied entry.

Last, Planet fitness has over 1,200 locations nationwide ranging from the Bronx in New York and other rough areas such as Shreveport Louisiana that I have personally managed and worked at for over a year. These locations are all 24/7. While I realize every State, County, Etc. is different, I believe this demonstrates Planet Fitness as a Corporation’s dedication and effectiveness to keeping their members safe. With the added external measures Josh Rector will be providing, I feel confident that this pup application will be accepted so we can remain a 24/7 club.

Thank you for your time and consideration,

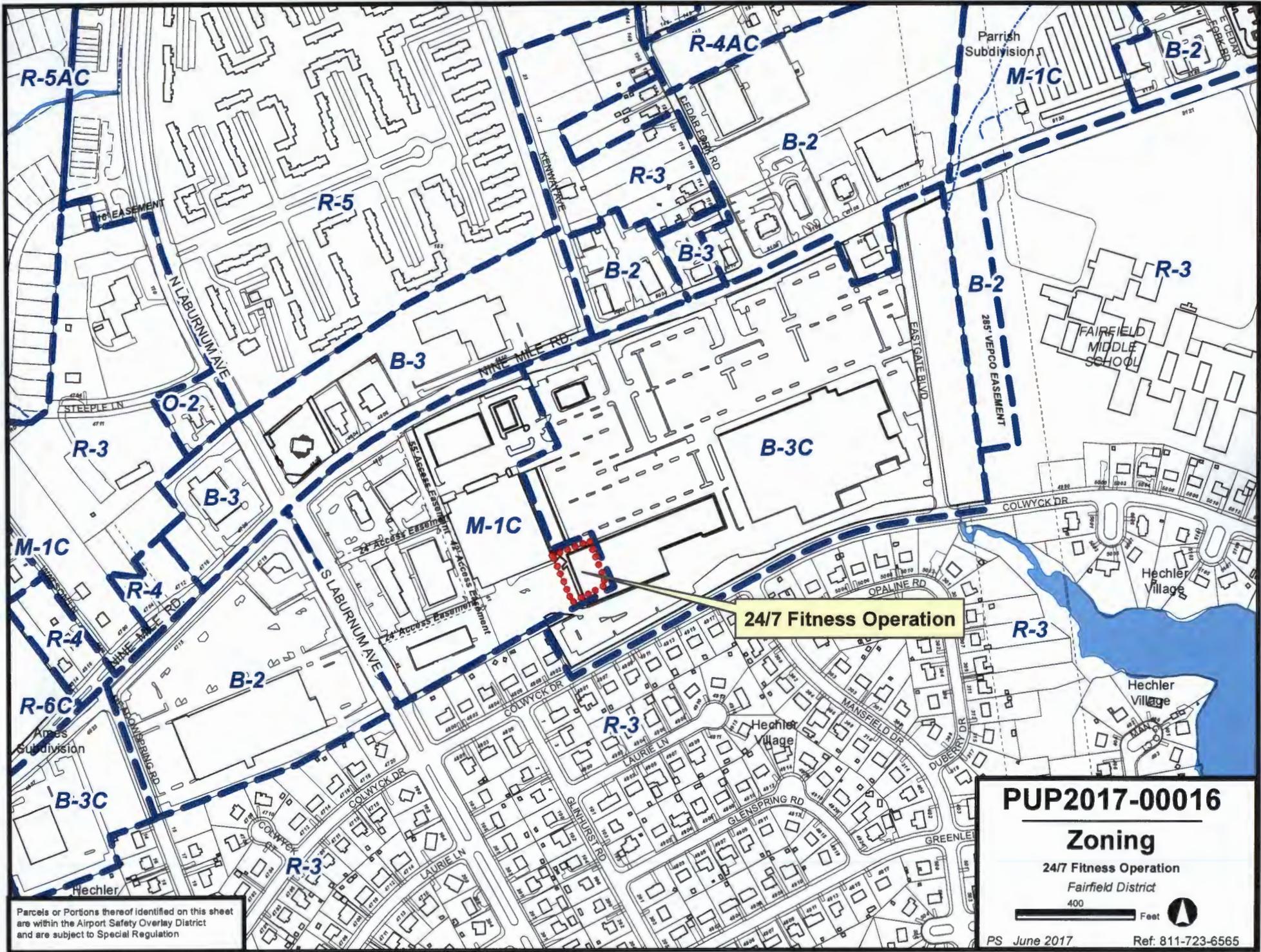
Elijah Tozar

Project Coordinator – Planet Fitness

(540) 580-3258

Elijah@asbellplanet.com

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24/7 Fitness Operation

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

PUP2017-00016

Zoning

24/7 Fitness Operation

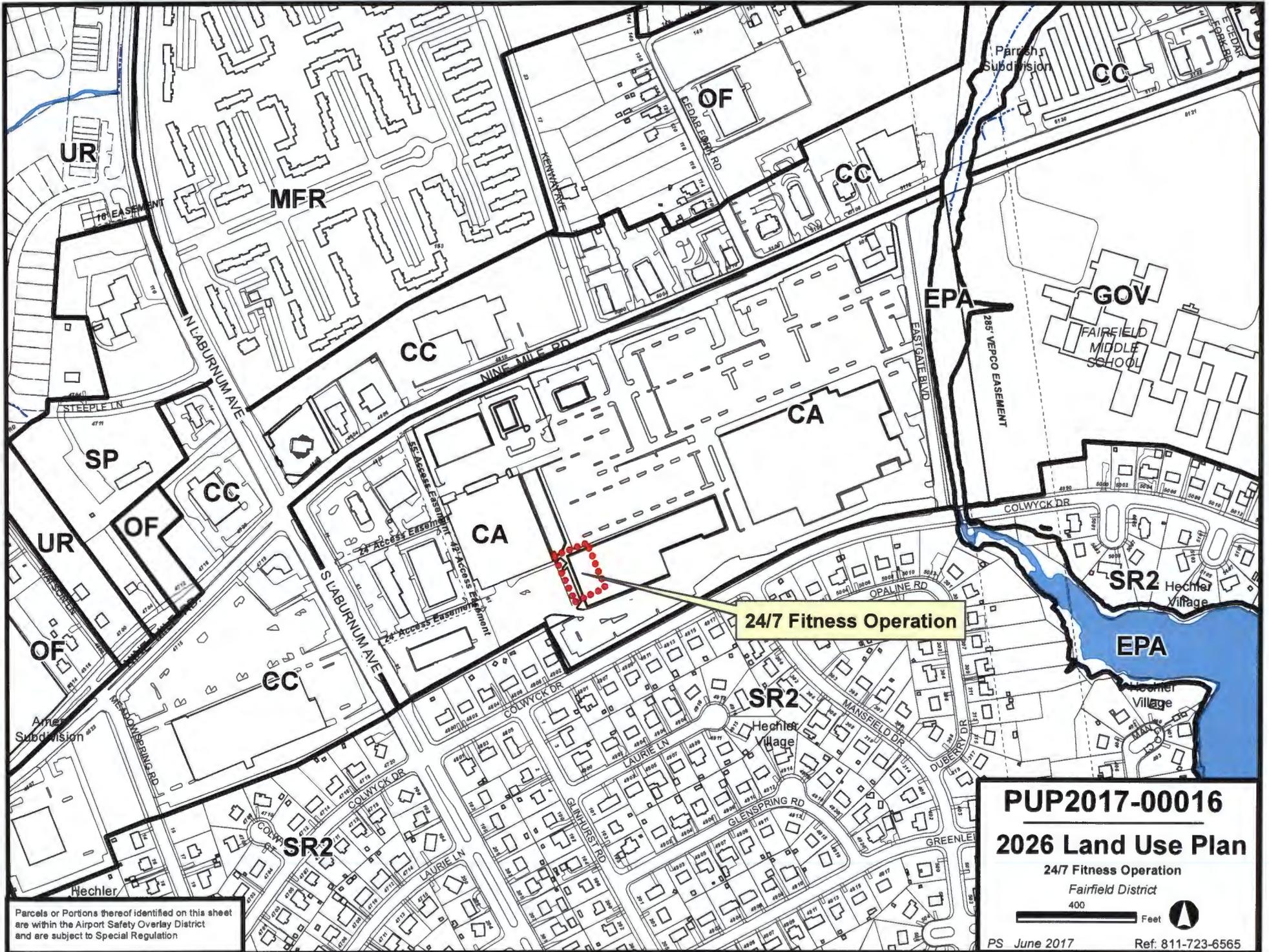
Fairfield District

400



PS June 2017

Ref: 811-723-6565



Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

24/7 Fitness Operation

PUP2017-00016
2026 Land Use Plan
 24/7 Fitness Operation
 Fairfield District
 400 Feet
 PS June 2017 Ref: 811-723-6565