

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 Spring Roads, beginning at 7:00 p.m. August 10,  
4 2017. Display Notice having been published in the *Richmond Times-Dispatch* on  
5 July 24, 2017 and July 31, 2017.  
6

Members Present: Mr. Eric S. Leabough, C.P.C., Chair (Varina)  
Mr. Robert H. Witte, Jr., Vice Chair (Brookland)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Gregory R. Baka (Tuckahoe)  
Mrs. Sandra M. Marshall (Three Chopt)  
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning  
Secretary  
Mr. Tyrone E. Nelson (Varina)  
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning  
Mr. James P. Strauss, PLA, Senior Principal Planner  
Mr. Benjamin Blankinship, AICP, Senior Principal Planner  
Ms. Rosemary D. Deemer, AICP, County Planner  
Mr. Benjamin Sehl, County Planner  
Mr. Anthony Greulich, County Planner  
Mrs. Lisa Blankinship, County Planner  
Ms. Erin Puckett, County Planner  
Mr. Mike Morris, Planning Technician  
Mr. William Moffett, CPTED Planner, Police  
Mr. John Cejka, County Traffic Engineer, Public Works  
Ms. Sylvia Ray, Recording Secretary

7  
8 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A**  
9 **WORK SESSION.**

10  
11 **Mr. Tyrone E. Nelson, the Board of Supervisors' representative, abstains on**  
12 **all cases unless otherwise noted.**

13  
14 Mr. Leabough - We'll reconvene this meeting of the Henrico County  
15 Planning Commission. This is our rezoning meeting. We convened earlier for a  
16 work session upstairs in the Planning Conference Room. As you mute or silence  
17 your cell phones, I ask that you rise with the Commission for the Pledge of  
18 Allegiance.

19  
20 Is there anyone in the audience with the news media? I don't believe I see  
21 anyone, but if I missed you, please raise your hand. There's no one with news  
22 media. I'd like to recognize our Board Member representative, Rev. Nelson.  
23 Thank you, sir, for serving with us this year. All Commissioners are present, so

24 we have a quorum. With that, I'd like to turn the agenda over to our secretary.  
25 Mr. Joe Emerson.

26  
27 Mr. Emerson - Thank you, Mr. Chairman. As you noted, the  
28 Commission did hold a work session this evening at 5:30 in the Planning  
29 Department Large Conference Room. The Commission did receive a  
30 presentation on the Glen Allen Study, and also, we discussed the 2018 Planning  
31 Commission calendar and meeting dates, which does appear for your  
32 confirmation later in the agenda this evening.

33  
34 With that said, the requests for withdrawals and deferrals are the first item on  
35 your agenda, and those will be presented by Mr. Jim Strauss.

36  
37 Mr. Strauss - Thank you, Mr. Secretary. I do have three requests  
38 for deferral this evening. The first request is in the Three Chopt District, page 1 of  
39 your agenda, POD2017-00308, Innslake Place. The applicant is requesting a  
40 deferral to the September 27, 2017 meeting.

41

#### 42 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

43

POD2017-00308 Innslake Place – 4235 Innslake Drive	<b>Koontz-Bryant for WAM Associates, LLC and CATO Development:</b> Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a five-story apartment building with 100 units above a ground floor parking deck; and a four-story mixed-use building with 123 apartments in the northern half of the building and a four-story parking deck in the southern half of the building, in an urban mixed-use development. The 4.08-acre site is located on the southeastern corner of the intersection of Innslake Drive and Dominion Boulevard, on parcel 747-761-9275. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. <b>(Three Chopt)</b>
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44

45 Mr. Leabough - Is there anyone present in the audience in opposition  
46 to POD2017-00308, Innslake Place? Mrs. Marshall, I see no opposition.

47

48 Mrs. Marshall - Mr. Chairman, I move POD2017-00308, Innslake  
49 Place, including the lighting plan, be deferred to the September 27, 2017  
50 meeting, per the applicant's request.

51

52 Mr. Archer - Second.

53

54 Mr. Leabough - We have a motion by Mrs. Marshall, a second by  
55 Mr. Archer. All in favor, say aye. Those opposed, say no. Hearing no opposition,  
56 that motion passes.  
57

58 At the request of the applicant the Planning Commission deferred the plan of  
59 development and lighting plan for POD2017-00308, Innslake Place, to its  
60 meeting on September 27, 2017.  
61

62 Mr. Strauss - The next request for deferral is in the Three Chopt  
63 District on page 4 of your agenda, REZ2017-00020, B. Hunt Gunter. The  
64 applicant in this case has requested deferral to the September 14, 2017 meeting.  
65

66 **REZ2017-00020 Mark Williams for B. Hunt Gunter:** Request to  
67 conditionally rezone from B-1 Business District to B-2C Business District  
68 (Conditional) Parcel 741-742-5027 containing .523 acres located at the northwest  
69 intersection of Pump Road and Patterson Avenue (State Route 6). The applicant  
70 proposes a drive-thru restaurant. The use will be controlled by proffered  
71 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan  
72 recommends Commercial Concentration and Environmental Protection Area.  
73

74 Mr. Leabough - Is there anyone in audience in opposition to the  
75 deferral request for REZ2017-00020, B. Hunt Gunter? I see no opposition,  
76 Mr. Baka.  
77

78 Mr. Baka - Mr. Chairman, I move that REZ2017-00020, B. Hunt  
79 Gunter, be deferred to the September 14, 2017 meeting at the request of the  
80 applicant.  
81

82 Mr. Witte - Second.  
83

84 Mr. Leabough - We have a motion by Mr. Baka, a second by  
85 Mr. Witte. All in favor, say aye. Those opposed, say no. Hearing no opposition,  
86 that motion passes.  
87

88 At the request of the applicant the Planning Commission deferred REZ2017-  
89 00020, B. Hunt Gunter, to its meeting on September 14, 2017.  
90

91 Mr. Emerson - Mr. Chairman, before Mr. Strauss continues, just for  
92 the record, I believe he stated that was in the Three Chopt District and it is in the  
93 Tuckahoe District.  
94

95 Mr. Strauss - Oh, I'm sorry for the error.  
96

97 Mr. Leabough - Thank you.  
98

99 Mr. Strauss - The third request for deferral this evening is in the  
100 Varina District, page 4 of the agenda, REZ2017-0015, JG Laburnum LLC. The  
101 applicant in this case is requesting deferral to the October 12, 2017 meeting.  
102

103 **(Deferred from the June 15, 2017 Meeting)**

104 **REZ2017-00015 Andrew M. Condlin for JG Laburnum, LLC and**  
105 **Robins Laburnum, LLC:** Request to conditionally rezone from B-2C Business  
106 District (Conditional) and B-3C Business District (Conditional) to B-3C Business  
107 District (Conditional) Parcel 817-711-0712 and part of Parcels 817-711-0454 and  
108 816-711-8151 containing 3.31 acres located approximately 290 feet south of  
109 Eubank Road approximately 270 feet east of its intersection with S. Laburnum  
110 Avenue. The applicant proposes an automotive body and paint shop. The use  
111 will be controlled by zoning ordinance regulations and proffered conditions. The  
112 2026 Comprehensive Plan recommends Office and Commercial Concentration.  
113 The site is in the Airport Safety Overlay District.  
114

115 Mr. Leabough - Is there anyone in the audience in opposition to the  
116 deferral of REZ2017-00015, Andrew M. Condlin for JG Laburnum, LLC and  
117 Robins Laburnum, LLC? I see no opposition, so with that I move REZ2017-  
118 00015, Andrew M. Condlin for JG Laburnum, LLC and Robins Laburnum, LLC,  
119 be deferred at the request of the applicant to the October 12, 2017 meeting.  
120

121 Mr. Witte - Second.  
122

123 Mr. Leabough - We have a motion by Mr. Leabough, a second by  
124 Mr. Witte. All in favor, say aye. Those opposed, say no. Hearing no opposition,  
125 that motion passes.  
126

127 At the request of the applicant, the Planning Commission deferred REZ2017-  
128 00015, Andrew M. Condlin for JG Laburnum, LLC and Robins Laburnum, LLC, to  
129 its meeting on October 12, 2017.  
130

131 Mr. Emerson - Mr. Chairman, that completes the requests for  
132 withdrawals and deferrals this evening. Next item are the requests for expedited  
133 items, and we have none of those this evening, so we will move into the first  
134 public hearing item on your agenda, which is an ordinance amendment. The staff  
135 report will be presented by Mr. Ben Blankinship.  
136

137 **PUBLIC HEARING: ORDINANCE** – To amend and reordain Section 24-12.1  
138 titled “Provisional uses permitted,” Section 24-94 titled “Table of regulations,” and  
139 Section 24-95 titled “Additional requirements, exceptions and modifications” of  
140 the Code of the County of Henrico. This ordinance would allow by right, in  
141 subdivisions approved prior to 1960, a front porch on a one-family dwelling to  
142 extend up to eight feet into the front yard setback, provided the porch is no wider  
143 than the front of the dwelling. The porch extension would no longer require a  
144 provisional use permit. The staff report will be presented by Mr. Ben Blankinship.

145

146 Mr. Blankinship - Thank you, Mr. Emerson. Good evening,  
147 Mr. Chairman, members of the Commission. We looked at this in a work session  
148 last month, so I'm sure you remember it.

149

150 On November 9th of last year, the Board of Supervisors amended the Code to  
151 allow, by provisional use permit, a front porch to extend up to eight feet in older  
152 subdivisions, pre-1960 subdivisions. That was prompted by a case over on  
153 Rockwood Road where a contractor had built some front porches that everybody  
154 agreed were great improvements to the neighborhood, but unfortunately were in  
155 violation of the front yard setback. By amending the Code, we were able to  
156 resolve that issue. At the same time, the Board of Zoning Appeals in their review  
157 of the case noted that it could be helpful in many neighborhoods to allow people  
158 to build front porches to spur re-investment and help people to revitalize their  
159 neighborhoods. So we presented the amendment last year, and the Board, as I  
160 say, had been allowing these porches by a provisional use permit.

161

162 But our experience has shown now that the level of scrutiny that we give a  
163 provisional use permit is a little bit of overkill for a front porch extending a few  
164 feet. It's an unnecessary expense and some additional time for the applicant. So  
165 just in the interest of streamlining government, it was proposed that we should  
166 change the process to just review these front porches on a building permit to  
167 allow in the pre-1960 subdivisions a front porch up to eight feet deep just as a  
168 matter of right that we could review on a building permit.

169

170 So that's the amendment that is before you. There was one sentence in section  
171 12.1 that would be deleted entirely. It was just added last year and would be  
172 deleted now. There's one sentence in 24-94 that was added last year and would  
173 be deleted. And then there would be a change to 24-95(i)(1) just to state rather  
174 than a provisional use permit these front porches would be allowed as a matter of  
175 right.

176

177 That is the end of my presentation. This is a public hearing. If this is  
178 recommended for approval by you this evening, it would tentatively go to the  
179 Board of Supervisors for a public hearing on September 12th. I'll be happy to  
180 answer your questions. And as I say, it's a public hearing, so it would be  
181 appropriate to open the floor for comments.

182

183 Mr. Leabough - Are there any questions for Mr. Blankinship from the  
184 Commission? This is a public hearing, so anyone in the audience that would like  
185 to speak to the item that Mr. Blankinship just presented, please approach the  
186 podium. I will remind you all that these are recorded proceedings, so please state  
187 your name for the record if you choose to speak. Don't everyone rush to the  
188 podium at once.

189

190 If there is no one here to speak, then we'll close the public comment period. If  
191 there are no questions from the Commission, I'll entertain a motion.

192

193 Mr. Baka - Mr. Chairman, if I may, I supported this amendment  
194 as a member of the BZA to allow for the front porches on Rockwood Drive. That  
195 was in the Tuckahoe District. I also would support this measure to simplify the  
196 process and streamline it to allow it to go more quickly. So at this point, I make a  
197 motion to recommend approval of the public hearing to amend and reordain  
198 Section 24-12.1, and 24-94 as listed here in the agenda.

199

200 Mr. Witte - Second.

201

202 Mr. Leabough - We have a motion by Mr. Baka, a second by  
203 Mr. Witte. All in favor, say aye. Those opposed, say no. Hearing no opposition,  
204 that motion passes.

205

206 Just for the record, that's moving that on to the Board of Supervisors with a  
207 recommendation of approval.

208

209 Mr. Blankinship - Thank you, Mr. Chair.

210

211 Mr. Emerson - Mr. Chairman, we now move on to page 4 of your  
212 agenda for REZ2017-00019, Wilton Acquisition, LLC. The staff report will be  
213 presented by Mr. Ben Sehl.

214

215 **(Deferred from the July 13, 2017 Meeting)**

216 **REZ2017-00019 Wilton Acquisition, LLC:** Request to conditionally  
217 rezone from RTHC Residential Townhouse District (Conditional) to R-6C General  
218 Residence District (Conditional) Parcel 767-751-2632 containing 15.17 acres  
219 located on the south line of Wistar Road at its intersection with Shrader Road.  
220 The applicant proposes a condominium development of no more than 180 units  
221 or a townhome development of no more than 80 units. The R-6 District allows a  
222 maximum gross density of 19.8 units per acre. The use will be controlled by  
223 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive  
224 Plan recommends Urban Residential, density should range from 3.4 to 6.8 units  
225 per acre.

226

227 Mr. Leabough - Is there anyone in the audience in opposition to  
228 REZ2017-00019, Wilton Acquisition, LLC? I see no opposition. Good evening,  
229 Mr. Sehl.

230

231 Mr. Sehl - Good evening, Mr. Chairman. Thank you, members of  
232 the Commission.

233

234 The subject property is located close to the intersection of Wistar and Shrader  
235 Roads and is currently undeveloped, but located in an area surrounded by

236 existing and ongoing new development including a new townhouse community  
237 immediately to the east that is also being developed by the applicant.

238  
239 The site was re-zoned RTHC in 2005 to allow for a 66-unit townhouse  
240 community, which was never constructed, although a plan of development was  
241 approved. Surrounding properties are zoned RTHC, O-2C and B-3 and B-2. The  
242 business uses include Merchants Walk shopping center and a Dominion Energy  
243 facility here.

244  
245 The applicant, with the revised proffers and concept plan distributed to you this  
246 evening, now proposes to construct a maximum of 160 units—versus the 180  
247 that were in the earlier agenda—consisting of 136 two-over-two condominium  
248 units and 24 townhouses. This results in an equivalent density of 10.5 units per  
249 acre, which is higher than that recommended with the 2026 Plan designation of  
250 Urban Residential, but generally in line with the nine units per acre permitted in  
251 the RTH District. The new proffers combine the three sets that were included in  
252 your staff report, meaning that black lines weren't provided. However, the  
253 proffers as a whole are largely the same and incorporate all elements of those  
254 three sets previously with some minor changes being grammatical purposes and  
255 the removal of a proffered fence along the eastern property line where a fence  
256 will already be provided as part of the adjacent development.

257  
258 The revised plan shows that the townhouse units would abut proposed  
259 townhouses to the east, while the taller four-story condominiums would be  
260 located closer to the adjacent business-zoned property. Overall, the layout  
261 should provide for an appropriate transition from the residential uses to the east  
262 and south towards the more intense uses along the West Broad Street corridor.

263  
264 In addition to the concept plan, the applicant has proffered several building  
265 elevations showing the proposed condos and townhouses. The applicant has  
266 also provided a number of other proffers consistent with townhouse and  
267 condominium developments elsewhere in the county.

268  
269 A community meeting was held by the applicant on July 10th, although no nearby  
270 residents or other concerned citizens attended. Overall, staff believes this  
271 request would allow for an appropriate level of development on the subject site.  
272 While not fully consistent with the recommendations of the Comprehensive Plan  
273 with regards to overall residential density, the increase may benefit surrounding  
274 commercial areas that are within walking distance of the subject property.

275  
276 Staff notes that the issues regarding potential student generation noted in the  
277 staff report continue to give some level of concern. However, it should be noted  
278 that the already approved townhouses on the property would lead to similar  
279 elementary school capacity issues and that as part of the most recent bond  
280 referendum, a new elementary school is planned in the area to help address  
281 capacity issues at Johnson and other nearby elementary schools.

282

283 For these reasons, staff believes this request could be a reasonable use of the  
284 subject property and would not negatively impact adjacent properties. Therefore,  
285 staff recommends approval of this request, and notes that time limits would need  
286 to be waived on the new proffers.

287

288 This concludes my presentation. I will be happy to answer any questions.

289

290 Mr. Leabough - Are there any questions from the Commission for  
291 Mr. Sehl? There are no questions. All right, Mr. Witte.

292

293 Mr. Witte - I'd like to have the applicant come down, please, just  
294 for a quick question.

295

296 Mr. Wilton - Yes sir. For the record, my name is Henry Wilton, and  
297 I represent Wilton Acquisitions.

298

299 Mr. Witte - Thank you, sir. My question regards square footages.  
300 Do you happen to know the square footage of the townhomes?

301

302 Mr. Wilton - The square footages of the two-story townhomes that  
303 are being built right now are approximately 2,300 square feet. Our minimum,  
304 obviously, is lower than that, and it was with the other case. We proffered the  
305 same under that. The four-story units have a minimum, I think, of 1,400. But they  
306 go from 1,507 to 2,500 square feet. So again, only minimum suggested, but what  
307 we're building there is 1,500 square feet all the way up to 2,500 square feet. The  
308 minimums are there in case the market changes. Before, we didn't even have  
309 this two-of-two four-story unit that actually looks like one unit altogether.

310

311 Again, as times change, we want to be flexible. But as you can see, we're  
312 building 1,800, 2,300, and 2,500 square-footers.

313

314 Mr. Witte - That answers the question I've been asked. The other  
315 question is what's the largest unit in the two-over-twos?

316

317 Mr. Wilton - It's 2,500 plus.

318

319 Mr. Witte - 2,500 plus.

320

321 Mr. Wilton - Plus, yes sir.

322

323 Mr. Witte - Okay.

324

325 Mr. Wilton - They have models open over at Broad Street, if you  
326 want to go through them. They look extremely nice.

327

328 Mr. Witte - I was just asked that question earlier today. I didn't  
329 have a solid answer, but I do now. Thank you. I have no further questions.

330  
331 Mr. Wilton - Thank you, sir.

332  
333 Mr. Leabough - Are there any other questions from the Commission?  
334 All right, thank you, sir.

335  
336 Mr. Witte - All right, Mr. Chairman, this development, in addition  
337 to being a great location for where it is, I am certain it will increase the economic  
338 activity in the shopping center, which has slowed over the years. The sidewalks  
339 between the existing townhomes that they've put in with their sidewalks and this  
340 sidewalk will certainly make it much safer for people walking to the shopping  
341 center. So I think that's good on top of good.

342  
343 With that, Mr. Chairman, I move we waive the time limits on this case.

344  
345 Mrs. Marshall - Second.

346  
347 Mr. Leabough - We have a motion by Mr. Witte, a second by  
348 Mrs. Marshall. All in favor, say aye. Those opposed, say no. Hearing no  
349 opposition, that motion passes.

350  
351 Mr. Witte - With that, Mr. Chairman, I move that case REZ2017-  
352 00019, Wilton Acquisition, LLC, move to the Board of Supervisors as on the  
353 agenda and presented with a recommendation of approval.

354  
355 Mr. Baka - Second.

356  
357 Mr. Leabough - We have a motion by Mr. Witte, a second by  
358 Mr. Baka. All in favor, say aye. Those opposed, say no. Hearing no opposition,  
359 that motion passes.

360  
361 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.  
362 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the  
363 Board of Supervisors **grant** the request because it would provide for appropriate  
364 development and would not be expected to adversely affect the pattern of zoning  
365 and land use in the area.

366  
367 Mr. Emerson - Mr. Chairman, we move on to the top of page 5 with  
368 PUP2017-00016, Dignus Holdings LLC. The staff report will be presented by Mr.  
369 Ben Sehl.

370  
371 **PUP2017-00016 Dignus Holdings LLC:** Request for a Provisional  
372 Use Permit under Section 24-58.2(a), 24-120, and 24-122.1 of the County Code  
373 to allow 24-hour operation of a fitness facility on part of Parcel 811-723-6565

374 located on the south line of Nine Mile Road (State Route 33) approximately 900'  
375 southeast of its intersection with S. Laburnum Avenue. The existing zoning is M-  
376 1C Light Industrial District (Conditional) and B-3C Business District (Conditional).  
377 The 2026 Comprehensive Plan recommends Commercial Arterial. The site is in  
378 the Enterprise Zone.

379

380 Mr. Leabough - Is there anyone in the audience in opposition to  
381 PUP2017-00016, Dignus Holdings LLC? I see no opposition. Good evening  
382 again, Mr. Sehl.

383

384 Mr. Sehl - Thank you again, Mr. Chairman.

385

386 This request is for a provisional use permit to allow a 24-hour operation of a  
387 fitness facility located in the new redeveloped shopping center on the south line  
388 of Nine Mile Road. The facility is in the interior corner of several in-line retail  
389 tenants, just west of the recently opened Walmart Supercenter, which is at this  
390 location.

391

392 The property is located in an area of Nine Mile Road that contains a variety of  
393 zoning districts, including B-2, B-3, and M-1. The subject site is zoned M-1C,  
394 which normally permits 24-hour operation. However, proffers accepted with C-  
395 69C-04 limit hours to those permitted in the B-2 District, meaning a PUP is  
396 required to operate between 12 midnight and 6 a.m.

397

398 The B-3 and M-1 zoning districts in the area also allow 24 hours, although most  
399 of the businesses within the vicinity limit their hours by choice or by proffers. The  
400 remainder of Eastgate Town Center is zoned B-3C, but with the exception of  
401 Walmart, all other businesses would also be required to obtain a PUP prior to  
402 extended hours of operation.

403

404 While concerns have been raised in the past regarding 24-hour operation of retail  
405 uses, the membership nature of the fitness facility should minimize the public  
406 safety concerns expressed regarding those applications. Additionally, the subject  
407 property is located on property zoned M-1C and designated Commercial Arterial  
408 on the 2026 Plan, meaning extended operating hours could be more appropriate.  
409 Finally, based on the conditions proposed within the staff report and existing  
410 security measures in place for the facility, public safety should be ensured.

411

412 Staff does note that uniformed security for the overall shopping center continues  
413 to be discussed with the developer of Eastgate Town Center. However, the  
414 applicant for this request has minimal control over that aspect of site security,  
415 and the limited impacts of the fitness facility should not negatively affect adjacent  
416 properties. For these reasons, staff supports this request subject to conditions 1-  
417 7 as noted in the staff report.

418

419 That does conclude my presentation. I'd be happy to try to answer any questions  
420 you might have.

421  
422 Mr. Leabough - Are there any questions from the Commission for  
423 Mr. Sehl?

424  
425 Mr. Archer - Mr. Sehl, can you give us any indication as to what  
426 state of readiness we are with regard to the security?

427  
428 Mr. Sehl - Not specifically, Mr. Archer. I know Mr. Rector is in  
429 the audience this evening and might be able to speak to that somewhat.  
430 Mr. Moffett from the police might also be able to speak directly to that. I know  
431 discussions are ongoing. It was part of the discussions when the original  
432 rezoning took place. But as you and I have discussed, although Walmart did not  
433 open at this time, they're allowed to, but they did not initiate as a 24-hour  
434 operation.

435  
436 Mr. Archer - Okay. That's all I had.

437  
438 Mr. Leabough - Are there any other questions? Would you like to hear  
439 from the applicant?

440  
441 Mr. Archer - I'd like to hear from Mr. Rector, if I may. Good  
442 evening, Mr. Rector.

443  
444 Mr. Rector Good evening, Mr. Archer.

445  
446 Mr. Archer - How are you, sir?

447  
448 Mr. Rector I'm well. How about yourself?

449  
450 Mr. Archer - Pretty good.

451  
452 Mr. Rector For the record, I'm Josh Rector, representing  
453 Eastgate Town Center.

454  
455 Mr. Archer - Mr. Rector, I'm just trying to get some indication. The  
456 staff report does indicate that there is discussion going on about this is.

457  
458 Mr. Rector There is.

459  
460 Mr. Archer - Can you bring us any closer to where we are?

461  
462 Mr. Rector Sure. And I presume you're specifically referring to  
463 security as a specific concern?

464

465 Mr. Archer - Yes.  
466  
467 Mr. Rector Yes. We've actually got a contract in place with a  
468 security guard firm. We're actually just trying to work on coordination with  
469 Walmart. Since the plan, meaning Walmart's property and our property were all  
470 approved together under one application, we're trying not to overlap the security  
471 forces. We're trying to make sure that they work hand in hand, basically, that we  
472 don't have two security guards and we're not sort of wasting money.  
473  
474 So we have an agreement in place with Walmart that both properties will be  
475 covered when a security guard is on site. We're just working on the coordination  
476 aspects of it. I would expect that security guards will be present out there within  
477 the next couple of weeks.  
478  
479 Mr. Archer - Okay we do know that Walmart is right now opening  
480 until 12.  
481  
482 Mr. Rector That's correct.  
483  
484 Mr. Archer - Do you know if there are any specific plans for them  
485 to stay open later and when that might occur?  
486  
487 Mr. Rector I have not been I informed of any such plans. I've  
488 been told by individuals at Walmart that some day that might be something they'll  
489 look into doing. But at the moment, they think that these are the best hours of  
490 operation.  
491  
492 Mr. Archer - Okay. Anybody else have questions?  
493  
494 Rev. Nelson - I have a question. This is more about the Walmart  
495 and security and policing. I was with an officer maybe about two weeks ago.  
496 They told me there have been some security challenges, some calls, and it  
497 seemed like quite a few. What are we doing to try to level that out? I know you're  
498 not the Walmart general manager.  
499  
500 Mr. Rector I can't speak for Walmart, to be clear. I would  
501 presume that was probably Officer Lewis, who's been out there and who's  
502 absolutely fantastic to work with. I've been please with the police department  
503 from the beginning, so I just wanted to say that.  
504  
505 I know that they had several issues when they were first opening up and they  
506 were first stocking their store. They even had some employee theft issues. I  
507 know Walmart is very professional in terms of taking care of that. I know the  
508 camera network they put in place is bar none. I know the camera network we put  
509 in I think is also bar none. I know the fact that we provided direct access for the  
510 police department to that camera network ought to help eliminate a lot of the

511 steps in terms of tracking down and trying to at least eliminate the problems after  
512 the fact.

513

514 In terms of preventing if, I don't know what else we can do other than security  
515 guards and making a solid presence out there. I do think that for the number of  
516 people out there and for being something new, the number of incidents really  
517 have been pretty minor. All crimes are significant, but in terms of the activities out  
518 there, they've been relatively insignificant compared to other developments of  
519 this size.

520

521 Mr. Leabough - Are there other questions? Thank you, sir.

522

523 Mr. Rector Thank you everyone.

524

525 Mr. Leabough - Mr. Archer?

526

527 Mr. Archer - Mr. Chairman, I'd like for the applicant to come down  
528 for just a moment, please.

529

530 Mr. Tozar - How's it going?

531

532 Mr. Archer - Good evening, sir.

533

534 Mr. Tozar - For the record, Elijah Tozar. I'm the project  
535 coordinator with Planet Fitness.

536

537 Mr. Archer - Sir, the main reason I had you come down was  
538 because I wanted to see if anybody else had any questions for you.

539

540 Mr. Leabough - Can you repeat your last name? I didn't catch it.

541

542 Mr. Tozar - Tozar (T-o-z-a-r).

543

544 Mr. Leabough - Thank you, sir. So are there any questions?  
545 Mr. Archer, did you a particular question?

546

547 Mr. Archer - No, nothing in particular. I visited the place the other  
548 day, and I was thoroughly impressed with it.

549

550 Mr. Tozar - Thank you.

551

552 Mr. Archer - I note that there are other Planet Fitness facilities  
553 around. I passed by one today over in Chesterfield County. I think it will be a nice  
554 addition to the Fairfield District and surrounding districts. Of course you aware  
555 that there is a stipulation in here that if the police department determines that

556 incidents have gotten beyond where they should be that the Board could  
557 adversely affect this, if I might put it that way.

558

559 Mr. Tozar - Certainly.

560

561 Mr. Archer - I want to make sure everybody else is aware of that.

562

563 Mr. Tozar - Certainly.

564

565 Mr. Archer - Okay? But I was impressed with your operation.

566

567 Mr. Tozar - Well thank you. We do a lot of internal security  
568 measures with cameras, as well as what Josh told us in terms of externally with  
569 the police department. We try to do tape backup. I think Planet Fitness in terms  
570 of check-in and procedures with members and checking in members. Everybody  
571 has photo identification that works out in the club. It's a requirement. And also we  
572 do checking accounts, which we think the actual process of signing up with  
573 checking accounts helps us.

574

575 I've gone to many Planet Fitness facilities throughout the country; the vast  
576 majority are 24/7. So we certainly hope this will be approved, and I think we're  
577 certainly able to do our best to keep the place safe.

578

579 Mr. Archer - In terms of having anything valuable, particularly in  
580 terms of cash, you wouldn't have very much on hand?

581

582 Mr. Tozar - Certainly.

583

584 Mr. Archer - So I would have to walk out of there with a treadmill or  
585 something.

586

587 Mr. Tozar - Right. The treadmill is probably going to be the most  
588 expensive thing in there, and that's hard to carry out. We start our drawers at 50  
589 dollars. We also do bank drops into a safe and then deposit weekly. So we do  
590 keep a small amount of cash. We also have very little cash sales. Most of it is  
591 through the auto draft process through your bank account. Credit card sales and  
592 cash sales are generally drinks and smaller items.

593

594 Mr. Archer - Okay. Anybody else have any questions? All right, I'm  
595 good.

596

597 Mr. Tozar - Thank you.

598

599 Mr. Archer - Thank you.

600

601 Mr. Leabough - Mr. Archer, how would you like to proceed, sir?

602  
603 Mr. Archer - Mr. Chairman, I would like to move that PUP2017-  
604 00016, Dignus Holdings LLC, be passed to the Board with a recommendation of  
605 approval.

606  
607 Mrs. Marshall - Second.

608  
609 Mr. Leabough - We have a motion by Mr. Archer, a second by  
610 Mrs. Marshall. All in favor, say aye. Those opposed, say no. Hearing no  
611 opposition, that motion passes.

612  
613 **REASON -** Acting on a motion by Mr. Archer seconded by Mrs.  
614 Marshall, the Planning Commission voted 5-0 (one abstention) to recommend the  
615 Board of Supervisors **grant** the request because it would provide added services  
616 to the community and when properly regulated by the recommended conditions,  
617 it would not be detrimental to the public health, safety, welfare and values in the  
618 area.

619  
620 Mr. Emerson - Mr. Chairman, we now move on to the next item,  
621 which is SIA2017-00002, Staples Mill Fire Station #20. The staff report will be  
622 presented by Ms. Rosemary Deemer.

623  
624 **SIA2017-00002 Staples Mill Fire Station #20:** The Department of  
625 Planning has received a request from the Division of Fire to initiate a  
626 Substantially In Accord study of a proposed fire station located at 7500 Staples  
627 Mill Road. The proposed fire station site consists of Parcel 772-749-6261,  
628 located along the west line of Staples Mill Road approximately 285 feet south of  
629 the intersection with Bremner Boulevard. The property is 9.573 acres and is  
630 zoned R-5C General Residence District (Conditional) and O-2C Office District  
631 (Conditional). The 2026 Comprehensive Plan recommends Office and  
632 Commercial Concentration.

633  
634 Mr. Leabough - Is there anyone here in opposition to SIA2017-00002,  
635 Staples Mill Fire Station #20? Ms. Deemer, good evening.

636  
637 Ms. Deemer - Good evening, Mr. Chairman, members of the  
638 Commission.

639  
640 At the request of Henrico County Division of Fire, the Planning Department  
641 conducted a Substantially In Accord Study to determine if a proposed site for a  
642 fire station, located on the west line of Staples Mill Road is substantially in  
643 conformance with the county's adopted Comprehensive Plan. The proposed site  
644 consists of a single, divided tax parcel located approximately 285 feet south of  
645 the intersection with Bremner Boulevard in the Brookland Magisterial District. It is  
646 directly across the street from the Staples Mill Amtrak station.

647

648 The development pattern in the area is a mix of low-density, single-family homes  
649 to the northwest and slightly more-dense townhouse development to the west.  
650 Directly to the north and south are retail spaces, while to the east are several  
651 vacant commercial properties which have been cleared of previous structures to  
652 accommodate parking at the Amtrak station.

653  
654 The property is zoned O-2C Office District (Conditional) and R-5C General  
655 Residence District (Conditional). Property in and around the area is zoned a mix  
656 of R-4 One Family Residence District, RTHC Residential Townhouse District  
657 (Conditional), and B-2 and B-3 Business District.

658  
659 The 2026 Comprehensive Plan designates the subject property for a combination  
660 of Office and Commercial Concentration, similar to most of the properties to the  
661 north, east, and south. The Amtrak parcel directly east of the site is designated  
662 Government, as is the park-and-ride location to the southwest. The area to the  
663 west is designated Urban Residential, reflecting the townhome development of  
664 Glenside Woods. The remaining area to the north is designated Suburban  
665 Residential 2. The provision of public facility improvements is generally  
666 compatible and appropriate with these land use recommendations.

667  
668 After reviewing the proposed site in the context of existing and recommended  
669 land uses, the transportation network, and other site characteristics and  
670 considerations, staff concludes the proposed use of the site for a fire station  
671 presents no apparent conflict with the intent of the adopted Plan and deems it to  
672 be "substantially in accord" with the goals, objectives, and policies of the Henrico  
673 County 2026 Comprehensive Plan.

674  
675 I'd be happy to answer any of your questions.

676  
677 Mr. Leabough - Are there any questions from the Commission for  
678 Ms. Deemer?

679  
680 Mr. Baka - I have one question. I realize this is an SIA, so we're  
681 in accord with the plan. When you get to the development stage of a fire station  
682 next to the residential areas . . . I guess maybe this is a POD question. What type  
683 of buffer or setbacks are required on those western and northern property lines?

684  
685 Ms. Deemer - Excuse me while I flip through my notes. There is a  
686 rezoning case that rezoned it to O-2C and R-5C. The applicable proffers would  
687 include a minimum front yard setback of 50 feet a 35-foot landscaped greenbelt  
688 along the ultimate right of way of Staples Mill Road to be planted to the standards  
689 of a 35-foot transitional buffer and a 10-foot transitional buffer between the O-2  
690 portion of the property and the adjacent single-family subdivision to north and  
691 southwest, as well as along the RTHC development to the west.

692  
693 Mr. Baka - Okay.

694  
695 Mr. Emerson - Mr. Baka, I might also add this site has a large  
696 amount of wetlands surrounding the developable portion of the property. Those  
697 will remain undisturbed. So this actually would have more buffer than you might  
698 normally find.

699  
700 Mr. Baka - Okay. Thank you.

701  
702 Mr. Leabough - Are there any other questions from the Commission?  
703 Thank you, Ms. Deemer.

704  
705 Mr. Witte - Well, Mr. Chairman, I recommend approval of  
706 resolution of substantially in accord with the Comprehensive Plan for SIA2017-  
707 00002, Staples Mill Fire Station #20.

708  
709 Mrs. Marshall - Second.

710  
711 Mr. Leabough - We have a motion by Mr. Witte, a second by  
712 Mrs. Marshall. All in favor, say aye. Those opposed, say no. Hearing no  
713 opposition, that motion passes.

714  
715 Mr. Emerson - Mr. Chairman, we now move on to the next item on  
716 your agenda, which is SIA2017-00003, Mental Health and Developmental  
717 Services East Clinic. The staff report will be presented by Ms. Erin Puckett.

718  
719 **SIA2017-00003 Mental Health and Developmental Services East**  
720 **Clinic:** The Department of Planning has received a request from General  
721 Services to initiate a Substantially In Accord study of a proposed mental health  
722 facility to be located at 3908 Nine Mile Road. The proposed site consists of  
723 Parcel 807-722-5968, located along the north line of Nine Mile Road  
724 approximately 240 feet east of its intersection with Dabbs House Road. The  
725 property is 4.04 acres and is zoned A-1 Agricultural District. The 2026  
726 Comprehensive Plan recommends Office/Service (O/S).

727  
728 Mr. Leabough - Is there anyone present in the audience in opposition  
729 to SIA2017-00003, Mental Health and Developmental Services East Clinic?  
730 There is no opposition. Good evening, Ms. Puckett.

731  
732 Ms. Puckett - Good evening. Thank you Mr. Chairman, and  
733 members of the Commission.

734  
735 At the request of Henrico County General Services, the Planning Department  
736 conducted a Substantially In Accord Study to determine whether a proposed  
737 clinic for Mental Health and Developmental Services on the north line of Nine  
738 Mile Road, east of its intersection with Dabbs House Road, is substantially in  
739 conformance with the 2026 Comprehensive Plan.

740

741 The site is located in the Varina Magisterial District and includes one parcel of  
742 approximately 4.04 acres. Surrounding uses include Carter Woods apartments to  
743 the north, the apartment access drive and single-family acreage parcels to the  
744 east, the Masonic Home of Virginia to the south and the county-owned Hilliard  
745 House shelter to the west. The Henrico County Eastern Government Center is  
746 also located to the west, across Dabbs House Road. The subject property also  
747 surrounds a smaller parcel on three sides.

748

749 The property is zoned A-1, which would allow county facilities as a principal use.  
750 Surrounding zoning is primarily agricultural and residential in nature.

751

752 The 2026 Comprehensive Plan recommends Office/Service uses for the subject  
753 property. While not entirely consistent with this designation, a clinic and/or office  
754 would be similar in nature to uses supported by this designation. The site is also  
755 adjacent to county-owned properties to the west which are designated  
756 Government on the Future Land Use Map. Other surrounding future land uses  
757 include multi-family residential to the north and east, office/service to the east,  
758 and semi-public to the south. A public facility would also be generally compatible  
759 with these land use recommendations.

760

761 Planning staff recognize the importance of providing necessary public facilities  
762 and services to serve a growing population. The site in question provides  
763 adequate area and minimal constraints for the proposed clinic use and presents  
764 no apparent conflict with the intent of the Comprehensive Plan. Staff therefore  
765 concludes the proposed use of the site is "substantially in accord" with the goals,  
766 objective and policies of the Plan.

767

768 This concludes my presentation. I will be happy to take any questions.

769

770 Mr. Leabough - Are there any questions from the Commission for  
771 Ms. Puckett? There are no questions. Okay. Just for the record, fellow  
772 commissioners and Mr. Chairman [sic], I play on abstaining from voting on this  
773 case. I work for a state agency that has a performance contract with the  
774 Community Services Board and has administrative oversight. So I will not vote on  
775 this.

776

777 Mr. Archer - Mr. Chairman, are there any other questions from the  
778 Commission or anyone else?

779

780 Mr. Leabough - I don't think so.

781

782 Mr. Archer - All right. There being no objection, then as pertains to  
783 Resolution PCR 517, SIA2017-00003, Mental Health and Developmental  
784 Services East Clinic, I move that it be sent to the Board with a recommendation  
785 of approval.

786

787 Mr. Baka - Second.

788

789 Mr. Leabough - We have a motion by Mr. Archer, a second by  
790 Mr. Baka. All in favor, say aye. Those opposed, say no. I abstain from voting on  
791 this case, for the record. Hearing no opposition, that motion passes.

792

793 Vote:

794

795 Archer Yes

796 Baka Yes

797 Leabough Abstain

798 Marshall Yes

799 Witte Yes

800

801 Mr. Emerson - Mr. Chairman, next on your agenda, which we did  
802 review and discuss during your work session, is your 2018 Planning Commission  
803 meeting dates. If the Commission is comfortable with this calendar, a motion  
804 confirming that this is your schedule for the 2018 year would be appropriate.

805

806 Mr. Witte - So moved.

807

808 Mr. Leabough - We have a motion by Mr. Witte. I second. So we have  
809 a motion by Mr. Witte, a second by Mr. Leabough. All in favor, say aye. Those  
810 opposed, say no. There is no opposition; that motion passes.

811

812 Mr. Emerson - Mr. Chairman, the next item on your agenda will be  
813 the consideration of the approval of your minutes from the Commission meeting  
814 on July 13th. We have no errata sheet, but of course we'll entertain any  
815 corrections or changes that the Commission wishes us to make.

816

817 Mr. Leabough - Are there any changes? If not, a motion is in order.

818

819 Mr. Witte - So moved.

820

821 Mrs. Marshall - Second.

822

823 Mr. Leabough - We have a motion by Mr. Witte, a second by  
824 Mrs. Marshall. All in favor say aye. Those opposed, say no. That motion passes.

825

826 Is there any other business, Mr. Emerson, to come before the Commission  
827 today?

828

829 Mr. Emerson - Mr. Chairman. I have nothing more for the  
830 Commission this evening.

831

832 Mr. Leabough - All right. Anything else from Commission members?  
833 There being none, I'll entertain a motion to adjourn.

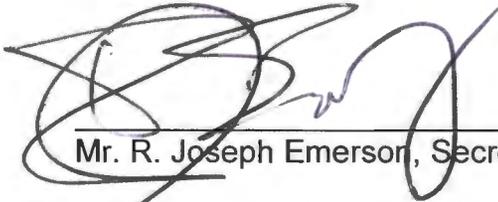
834  
835 Mr. Archer - There being no further business, I move for  
836 adjournment.

837  
838 Mr. Witte - Second.

839  
840 Mr. Leabough - We have a motion by Mr. Archer, a second by  
841 Mr. Witte. All in favor say aye. We are adjourned.

842  
843 Mr. Witte - Thank you, staff.

844  
845  
846   
847 \_\_\_\_\_  
848 Mr. Eric S. Leabough, C.P.C., Chairman

849  
850   
851 \_\_\_\_\_  
852 Mr. R. Joseph Emerson, Secretary  
853  
854