

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. July 10,
4 2014. Display Notice having been published in the Richmond Times-Dispatch on
5 June 23, 2014 and June 30, 2014.
6

Members Present: Mr. Eric S. Leabough, C.P.C., Chairman (Varina)
Mr. Robert H. Witte, Jr., Vice-Chairman (Brookland)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Tommy Branin (Three Chopt)
Mrs. Bonnie-Leigh Jones, C.P.C., (Tuckahoe)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. David A. Kaechele,
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Mrs. Leslie News, PLA, Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mrs. Aimee Crady, AICP, County Planner
Ms. Erin Puckett, County Planner
Ms. Tiona Johnson, Intern
Mr. Tom Tokarz, Deputy County Attorney
Mr. John Cejka, County Traffic Engineer, Public Works
Ms. Kim Vann, County Planner, Police
Ms. Sylvia Ray, Recording Secretary

7
8 **Mr. David Kaechele, the Board of Supervisors' representative, abstains on**
9 **all cases unless otherwise noted.**

10
11 Mr. Leabough - I call this meeting of the Henrico Planning
12 Commission to order. This is our July 10, 2014 rezoning meeting. Mr. Secretary, I
13 do believe that we have a closed session scheduled for today.
14

15 Mr. Emerson - Yes, Mr. Chairman, we do have a special closed
16 session scheduled to begin at 6:30, and it is to receive consultation from the
17 County Attorney's office regarding specific legal matters requiring the provision of
18 legal advice about rezoning case REZ2013-00002. If someone would like to
19 make a motion, we can proceed into that session.
20

21 Mrs. Jones - I'll do that, Mr. Secretary. Pursuant to Section 2.2-
22 3711(a)(7) of the Code of Virginia, I move that the Planning Commission go into
23 closed session for consultation with the County Attorney's Office regarding
24 specific legal matters requiring the provision of legal advice about case number
25 REZ2013-00002.

26
27 Mr. Branin - Second.

28
29 Mr. Leabough - We have a motion by Mrs. Jones, a second by
30 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
31 passes.

32
33 Mr. Emerson - Mr. Chairman, if everyone would just move towards
34 the HR office to the left, we will utilize their conference room.

35
36 [Commission moves to closed session at 6:30 p.m.]

37
38 **THE PLANNING COMMISSION RECONVENED FOLLOWING A CLOSED**
39 **SESSION.**

40
41 Mr. Emerson - I will read the Certificate of Closed Meeting. And then
42 there will need to be a vote by the Commission.

43
44 **WHEREAS**, the Henrico County Planning Commission has convened a closed
45 meeting on this date pursuant to an affirmative recorded vote, and in accordance
46 with the provisions of the Virginia Freedom of Information Act; and

47
48 **WHEREAS**, Section 2.2-3712 of the Code of the Virginia requires a certification
49 by this Commission that such closed meeting was conducted in conformity with
50 Virginia law;

51
52 **NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission certifies
53 that to the best of each member's knowledge, only public business matters
54 lawfully exempted from open meeting requirements by Virginia law were
55 discussed in the closed meeting to which this certification resolution applies, and
56 only such public business matters as were identified in the motion convening the
57 closed meeting were heard, discussed, or considered by the Planning
58 Commission.

59
60 Mr. Emerson - We'll need a motion, a second, and a vote.

61
62 Mr. Leabough - I'll entertain a motion.

63
64 Mr. Witte - So moved.

65
66 Mr. Branin - Second.

67

68 Mr. Leabough - We have a motion by Mr. Witte, a second by
69 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
70 passes.

71

72 Mrs. Jones - I abstain from the vote due to a representational
73 conflict and my absence from the meeting.

74

75 Mr. Leabough - Thank you, Mrs. Jones. Please make sure that the
76 record notes that.

77

78 All right, I would like to welcome you all to the Henrico County Planning
79 Commission meeting. This is our July 10, 2014 rezoning meeting. For those of
80 you all in the audience who happen to have cell phones on you, I ask that you
81 silence or mute your cell phones. And as you do that, please rise with me for the
82 Pledge of Allegiance.

83

84 Next I would like recognize the news media in the audience. If you could, please
85 stand or wave your hand to be recognized. Thank you all.

86

87 I would like to also acknowledge that we have a quorum; we can conduct
88 business tonight. And we also have with us Mr. Kaechele from the Board of
89 Supervisors. I always like to take the opportunity to thank him for sitting on the
90 Commission this year. Thank you, Mr. Kaechele.

91

92 Mr. Kaechele - Glad to be here.

93

94 Mr. Leabough - All right. Now I would like to turn the agenda over to
95 our secretary, Mr. Emerson.

96

97 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda today
98 are requests for withdrawals and deferrals. We do have two deferral requests,
99 and those will be presented by Mr. Jim Strauss.

100

101 Ms. Strauss - Thank you, Mr. Secretary and members of the
102 Commission. Good evening. The first request for deferral this evening is on page
103 2 of the agenda. It's in the Brookland District. It is PUP2014-00001, Bobby
104 Marchetti. The applicant is requesting a deferral to the October 9, 2014 meeting.

105

106 **(Deferred from the May 15, 2014 Meeting)**

107 **PUP2014-00001 Malachi M. Mills for Bobby Marchetti:** Request for a
108 Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
109 Chapter 24 of the County Code in order to allow outdoor dining for a proposed
110 restaurant on part of Parcel 767-757-8360 located 95' east of the east line of
111 Hungary Spring Road approximately 1,025' south of its intersection with Staples
112 Mill Road (U.S. Route 33). The existing zoning is B-2C Business District

113 (Conditional). The 2026 Comprehensive Plan recommends Commercial
114 Concentration and Office.

115
116 Mr. Leabough - Is there anyone here in opposition to the deferral of
117 PUP2014-00001, Malachi M. Mills for Bobby Marchetti? There is no opposition.

118
119 Mr. Witte - Mr. Chairman, I move deferral of PUP2014-00001,
120 Malachi Mills for Bobby Marchetti, to the October 9, 2014 meeting at the request
121 of the applicant.

122
123 Mr. Branin - Second.

124
125 Mr. Leabough - We have a motion by Mr. Witte, a second by
126 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
127 passes.

128
129 Mr. Strauss - The second request for deferral this evening is also in
130 the Brookland District. It's on page 2 of the agenda. It's REZ2013-00021,
131 Riverview Green, LLC. The applicant is requesting a deferral to the October 9,
132 2014 meeting.

133
134 **(Deferred from the May 15, 2014 Meeting)**
135 **REZ2014-00021 James W. Theobald for Riverview Green**
136 **Investors, LLC:** Request to amend proffered conditions accepted with Rezoning
137 cases C-2C-09 and C-18C-08 on Parcel 775-771-7259 located in the northwest
138 quadrant of Greenwood and Bent Pine Roads. The applicant proposes to amend
139 proffers related to age restriction, the conceptual plan, amenities, emergency
140 access, parking, recreational vehicles, tree save area, entrance feature,
141 condominiums, architectural exhibits, land for park and recreation, number of
142 units, and hours of construction. The existing zoning is R-5AC General
143 Residence District (Conditional) and R-6C General Residence District
144 (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential
145 2, density should not exceed 3.4 units per acre.

146
147 Mr. Leabough - Is there anyone in the audience in opposition to the
148 deferral of REZ2014-00021, James W. Theobald for Riverview Green Investors,
149 LLC? There's no opposition.

150
151 Mr. Witte - Mr. Chairman, I move that REZ2014-00021, James
152 Theobald for Riverview Green Investors, LLC., be deferred to the October 9,
153 2014 meeting at the request of the applicant.

154
155 Mrs. Jones - Second.

156

157 Mr. Leabough - We have a motion by Mr. Witte, a second by Mrs.
158 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
159 passes.

160
161 Mr. Emerson - Mr. Chairman, that completes all of the deferrals we
162 have for this evening unless the Commission has any they would like to enter. If
163 they do not, we have no expedited items today. That leaves nine cases to be
164 heard. The first case appears on page 1 of your agenda.

165
166 (Deferred from June 25, 2014)

167 **PLAN OF DEVELOPMENT – ARCHITECTURAL PLANS**

168

POD2014-00250 Grocery Store at 5221 Brook Road – Brook Road (U.S. Route 1)	Balzer and Associates, Inc. for Makan Investments, Inc. and MVG Development, LLC: Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to demolish an existing motel, and construct a one-story, 41,839 square-foot grocery store with pharmacy drive-through facilities and a detached fueling center. The 5.617-acre site is located on the east line of Brook Road (U.S. Route 1), the south line of Wilmer Avenue, and the west line of W. Seminary Avenue, on part of parcel 785-745-9803. The zoning is B-3, Business District. County water and sewer. (Fairfield) The staff report will be presented by Ms. Aimee Crady.
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169
170 Mr. Leabough - Is there anyone here in opposition to POD2014-
171 00250, Grocery Store at 5221 Brook Road? There is no opposition.

172
173 Ms. Crady - Thank you. The site plan for the grocery store tenant
174 building to replace the Virginia Inn on Brook Road near Wilmer Avenue was
175 approved by the Planning Commission on June 25, 2014, during the day
176 meeting. Tonight we are considering for approval the revised architectural
177 elevations which were deferred from that meeting to today.

178
179 Previous revisions to the plan included a change from painted to integral color
180 CMU and stucco as primary building materials and the addition of three standing
181 seam metal and pilaster accent features along the north and west building walls
182 facing Brook Road and the front parking lot, and a smooth CMU band was added
183 to all building sides with a uniform base element of a darker CMU.

184
185 The front elevation has been further revised to include clerestory windows on the
186 center panel with an articulated stucco area. Spandrel glass has been
187 incorporated into the pilaster and standing seam roof features to create faux
188 windows. These additional windows are repeated on the west building frontage
189 that faces Brook Road, providing additional appeal from that major thoroughfare.

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Here is an angled rendering as you would see from the central entrance to the site from Brook Road. The corner portion of the building has been raised in height as well to enhance that approach.

Rear elevations continue to include the masonry compactor screening and a wall added along the recessed loading dock. The fuel center and kiosk incorporate the integral color CMU as well to match the primary building materials with vinyl vertical siding on the upper portion of the kiosk. The columns of the fuel canopy are wrapped with the same integral color CMU with the smooth CMU banding to match the primary building as well. And the architectural plans have been annotated to reiterate that all the CMU is the integral color, not painted.

A detail for a pallet enclosure to the rear of the building is also included in the architecturals and will match the primary building material and color.

With these additions, staff can now recommend approval of the architectural elevations that are provided. The applicant's representative, Chris Shust with Balzer and Associates, is here to answer any questions you may have of the applicant. And I am happy to answer any questions the Commission may have of me.

Mr. Leabough - Are there any questions for Ms. Crady?

Mr. Witte - I do have. Is there going to be a 24-hour grocery store? Do you know?

Ms. Crady - We don't have confirmation, but the zoning permits 24-hour operation at this location.

Mr. Witte - Thank you.

Mr. Leabough - Mr. Archer, would you like to hear from the applicant?

Mr. Archer - I think the applicant would probably feel like I've heard enough from him. Mr. McNeish, Mr. Rosemann, Ms. News, Mr. Shust, and Ms. Crady and I met Tuesday.

Ms. Crady - Yes.

Mr. Archer - And we were able to—as you recall, this was carried over from our last POD meeting. And we were able to accomplish all the things that we were trying to. So I won't trouble Mr. Shust with any questions now unless you all have some.

235 Mr. Leabough - I would just like to comment that this is a much
236 improved elevation over what we saw a couple weeks ago. So I appreciate the
237 efforts of you and staff and the applicant.

238

239 Mr. Archer - I thank Ms. Crady for her work and for having to come
240 out to a night meeting, which she doesn't usually have to do.

241

242 Mr. Leabough - With that, Mr. Archer, I'll entertain a motion.

243

244 Mr. Archer - Okay, Mr. Chairman. With that I will move for approval
245 of POD2014-00250, the unnamed grocery store at 5221 Brook Road, subject to
246 staff recommendations.

247

248 Mr. Branin - Second.

249

250 Mr. Leabough - We have a motion by Mr. Archer, a second by
251 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
252 passes.

253

254 The Planning Commission approved POD2014-00250, architectural plans for
255 Grocery Store at 5221 Brook Road, subject to the terms and conditions
256 previously approved for POD2014-00182 by the Planning Commission on June
257 25, 2014.

258

259 **(Deferred from the May 15, 2014 Meeting)**

260 **REZ2013-00002**

261 **Cameron Palmore for Yunus Vohra:** Request to
262 conditionally rezone from A-1 Agricultural District and R-2A One-Family
263 Residence District to R-2AC One-Family Residence District (Conditional) Parcels
264 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929 containing 5.12
265 acres, located on the south line of Hungary Road at its intersection with Hastings
266 Mill Drive. The applicant proposes a single-family residential development not to
267 exceed 10 residential units. The R-2A District allows a minimum lot size of
268 13,500 square feet and a maximum gross density of 3.22 units per acre. The use
269 will be controlled by proffered conditions and zoning ordinance regulations. The
270 2026 Comprehensive Plan recommends Suburban Residential 2, density should
271 not exceed 3.4 units per acre. The staff report will be presented by Mr. Seth
272 Humphreys.

272

273 Mr. Leabough - Good evening, Mr. Humphreys.

274

275 Mr. Humphreys - Good evening, Mr. Chairman, Commissioners.

276

277 Mr. Leabough - Is there anyone here in opposition to REZ2013-
278 00002, Cameron Palmore for Yunus Vohra? There is opposition.

279

280 Mrs. Jones - Before we begin, let me just reiterate for the record
281 that I will be abstaining from the discussion as well as the vote due to a
282 representational conflict.

283
284 Mr. Leabough - So noted. And before the case is presented, I would
285 like to ask Mr. Emerson, our secretary, to read our rules for speaking at our
286 hearing.

287
288 Mr. Emerson - Certainly, Mr. Chairman. As you noted, the
289 Commission does have rules that guide the public hearing process and they are
290 as follows: The applicant is allowed ten minutes to present the request, and time
291 may be reserved for responses to testimony. Opposition is allowed ten minutes
292 to present its concerns. That is ten cumulative minutes for all speakers inclusive,
293 not ten minutes per speaker. Commission questions do not count into the time
294 limits. The Commission may waive the time limits for either party at its own
295 discretion. Comments must be directly related to the case under consideration.

296
297 Mr. Leabough - The reason I asked that Mr. Emerson read those rules
298 is so that folks that are wanting to speak can sort of organize and figure out how
299 you're going to divide the ten minutes that you have. So while Mr. Humphreys is
300 presenting the case, you all may want to organize and figure out how you're
301 going to divide up your time for speaking in opposition. Mr. Humphreys.

302
303 Mr. Humphreys - Thank you Mr. Chairman, Commissioners.

304
305 This request is to rezone approximately 5.14 acres from A-1 and R-2A to R-2AC
306 to allow for the development of single-family residences. The site is designated
307 Suburban Residential 2 in the 2026 Comprehensive Plan with a recommended
308 density not to exceed 3.4 units per acres. The applicant's request for a maximum
309 of ten lots would equate to approximately two units per acre, which is below the
310 recommendation.

311
312 Development within the immediate area consists primarily of single-family
313 subdivisions with the exception of a few remaining A-1 zoned lots to the west and
314 south. The A-1 zoned property to the west includes a place of worship. To the
315 south are nine single-family homes on large acreage lots and a portion of
316 Hungary Ridge subdivision zoned R-5C. To the north, directly across Hungary
317 Road, is the Brittany subdivision, zoned R-2AC.

318
319 The applicant has submitted proffers to assure several quality aspects of the
320 development including, but not limited to:

- 321
322
- 323 • A maximum of ten lots;
 - 324 • A minimum finished floor area of 2,100 square feet;
 - 325 • Specific siding, roofing, driveway, and fencing materials;
 - Brick or stone foundations;

- 326 • A minimum of one-car garages with clear space dimension at the time
327 of construction;
328 • Landscaping and a planting easement along Hungary Road; and
329 • Hours of construction.
330

331 Previous questions of ownership have been resolved based on the ruling of the
332 Circuit Court; however, it should be noted resolution of any easement issues will
333 need to be concluded prior to approval of a final subdivision. Overall, this request
334 is consistent with the land use recommendations of the 2026 Plan and would
335 continue the residential development pattern in the area. The applicant has also
336 provided a number of assurances to help define the development's overall quality
337 and mitigate potential impacts. For these reasons, staff is generally supportive of
338 this request and recommends approval.
339

340 This concludes my presentation. I will be happy to take any questions.
341

342 Mr. Leabough - Are there questions for Mr. Humphreys? There are no
343 questions. Would you like the applicant or the opposition first?
344

345 Mr. Witte - I would like to hear from the opposition first.
346

347 Mr. Leabough - Opposition. Okay. Would the opposition please come
348 forward to the podium? I would like to remind you all that these are recorded
349 proceedings. So if you would, please state your name for the record. And please
350 keep in mind the rules that Mr. Emerson read.
351

352 Ms. Wright - Good evening. My name is Sylvia Hoehns Wright. I
353 heard a comment just made that I thought was very interesting. I believe I heard
354 that this issue of ownership has been resolved in Circuit Court. I'm here to tell
355 you that it has not been resolved; it's been disputed. We're still in a dispute state,
356 so nothing in the Circuit Court has resolved this ownership.
357

358 As the land rights owner and the property rights owner, that is precisely why I'm
359 here tonight. This is a proposal that overstates the ownership. Back in March of
360 2011, Mr. Vohra bought property to the east of our road called Hoehns Road.
361 And then in September of 2011, he purchased land to the west. There is no deed
362 of record in the records room that supports the concept that he owns this road; it
363 is not there. Along with that I've heard that because he has title insurance that
364 that is what has given him this ownership. His own title policy exempts any claim
365 of coverage related specifically to our road.
366

367 In addition to that, up until this point because of the legal descriptions of the
368 property there has been no property dispute. A number of people have used that
369 phrase quite a few times as long as the deeds use the legal descriptions there is
370 no dispute. Back in May, I recently found out for the first time we have a real
371 dispute. The County granted for itself an easement, which for the first time is

372 using a Balzer survey, and that survey actually joins properties together that do
373 not have legal substantial backing. So that is the first real dispute.

374

375 The main point that I want to make tonight is when you approve this zoning, you
376 will be headed for the second real dispute with this. Not only does the Balzer
377 survey overstate the boundary to the east, it overstates the boundary to the
378 south. You now not [only] have one landowner but two landowners and two
379 insurers involved in this. Now, what is really interesting, while you have this
380 overstatement in front of you tonight as a rezoning, in the civil court, Mr. Vohra
381 has actually recognized that we do have these rights. In fact, he's actually
382 demanded of the court that these rights be turned over to him. So on one side
383 there's an overstatement; on another side he admits that these rights exist. Until
384 these issues are truly resolved, I urge you to not make a decision that's going to
385 create another land dispute in which we're going to have to have further litigation
386 to move forward in resolving these issues.

387

388 Are there any questions?

389

390 Mr. Leabough - No ma'am. Thank you.

391

392 Ms. Wright - Thank you.

393

394 Mr. Wray - My name is John Wray, and that's W-r-a-y. I live on
395 Hoehns Road. At present there are nine single-family homes already on Hoehns
396 Road. It's a private road. Each lot is either an acre or greater. The lot of ours is
397 three and a half acres. We're requesting that the number of houses be reduced
398 to one house per point eight tenths acre so that we're closer to conforming to the
399 houses that are already on Hoehns Road. We feel that ten houses at the
400 beginning of this private road will reduce the value of the nine houses already on
401 Hoehns Road because of how close they are and all the other lots are on bigger
402 lots and bigger houses.

403

404 I request that if you do pass this that Hoehns Road be left open at all times
405 during construction because it's the only entrance and exit we have. We have no
406 other way of getting in and out of these nine properties.

407

408 The present entrance on Hoehns Road, a private road, has two brick gates at the
409 front. If this is approved, we would request that these gates be moved down to
410 the new beginning of Hoehns Road, the private road.

411

412 Right now there is a small house on the proposed new subdivision that doesn't
413 conform to what they're planning to build. So I'm wondering what will happen to
414 that house. And also the plat that I've seen lately is a plat that shows the ICR
415 sewage and the parking lot drainage easement—there are two different
416 easements—will be crossing this subdivision. The ICR sewage and the ICR
417 water drainage easements will both be crossing lot ten. And the ICR parking lot

418 drainage easement crosses the center of lot six on this plat. And as far as I'm
419 concerned, it appears to me that these drainage easements would cause lots ten
420 and six to be unbuildable. You can't build a house on top of an easement, the
421 way I look at it. Lot ten will have two twenty-foot easements across this lot. So
422 what are the plans for the use of this lot? That's my question.

423
424 Thank you.

425
426 Mr. Leabough - Thank you, sir. I'd just like to remind the speakers that
427 you've used about six minutes of your ten-minute time.

428
429 Mr. Lucas - My name is William Lucas. I live at 9400 Hoehns
430 Road. I've got a few copies of what I was going to go over. I want to expand a
431 little bit on what John Wray was saying with the single-family home that's
432 currently at the front entrance of the neighborhood that's proposed, the white
433 house. We discussed this a little bit at the last meeting where this case came up.

434
435 That house is not planned on being brought up to the standards, from what we
436 understood at the last meeting. And that house actually covers two of those lots.
437 It kind of cuts right through the middle. So not only does the house cut through
438 the middle, but there are a couple outbuildings there that take up all of the first
439 three lots. So my concern is if that house is not brought up to standards, we're
440 actually talking about three lots potentially that won't be built on. It will just be this
441 one house remaining. So that's my first concern.

442
443 Second—and I'll do this quickly. In the case that they just discussed in court,
444 there's a comment here that Mr. Vohra filed that kind of concerns me a little bit.
445 And this is the first time we had heard this. He says he intends to sell these
446 newly constructed homes to persons of the Muslim faith to attend Masjid Yusut.
447 And it's a for-profit business venture that the plaintiff undertook. And he's doing
448 this to create a viable Muslim community. My concern is if we have a
449 neighborhood of homes there that are for-profit that the County is contributing to
450 the roads and the facility's infrastructure, and essentially they won't be for sale to
451 anyone beyond the Muslim community there, that kind of concerns me. I have a
452 copy of the fair housing law in here where it specifically says you can't advertise
453 or in any way distribute or publish anything that says that's your intent to do this.
454 So he has done that in writing that's filed with the County. We just want to
455 address that a little bit here today if we could.

456
457 Thank you.

458
459 Mr. Leabough - Just a quick time check as you approach the podium.
460 You're at now eight minutes, thirty seconds.

461
462 Ms. Brower - I'm Deana Brower, and I live on Honey Lane, which is
463 one street over from Hoehns. If I understand correctly, the entrance to this new

464 subdivision will be on Hoehns Road. It concerns me because we're in the same
465 situation that we have a private driveway that we own. Four people own each
466 section of the driveway. If it's allowed that this development can go in through a
467 private driveway, then Mr. Wilton is going to be knocking on your door next
468 month looking for permission to build on a piece of property he's not been able to
469 build on because they would have used our private driveway as their entrance.
470 So I'm very concerned that they not be allowed to use the private driveway as the
471 entrance to their housing development.

472
473 Mr. Witte - Excuse me, ma'am. What did you say your name
474 was?

475
476 Ms. Brower - Deana Brower—B-r-o-w-e-r.

477
478 Mr. Witte - Brower. Thank you, ma'am.

479
480 Mr. Leabough - I believe that's it in terms of opposition, Mr. Witte.

481
482 Mr. Witte - Can we have the applicant, please?

483
484 Mr. Leabough - Yes. Would the applicant please come forward.
485 Please keep in mind that these are recorded proceedings, so please state your
486 name for the record.

487
488 Mr. Schurman - My name is Brad Schurman, and I'm with Balzer and
489 Associates. I'm here in favor of Yunus Vohra's rezoning and to answer any
490 questions you may have. Pardon my voice; I'm getting kind of sick. I would like to
491 address the questions I just heard first. And then if you have anything additional,
492 I'll answer that as well.

493
494 I'll start with Mrs. Wright. I've been advised that we just don't need to keep
495 commenting on the civil matter of the property dispute. Mr. Vohra went through
496 the process of hiring a lawyer and getting that process done, which delayed this
497 for a very long time. And to my knowledge, he has resolved this dispute as far as
498 the County is concerned and letting us move forward with design plans. So we've
499 been advised by Mr. Vohra and his counsel that we can move forward with our
500 plans. I do believe that the County is not going to delay us anymore because of
501 the land dispute. That's all I have for that one.

502
503 The property corners she spoke of.

504
505 Mr. Witte - Can you speak up, sir?

506
507 Mr. Schurman - Yes. The property corners, she said that the land to
508 the south that we're possibly taking more land based on a survey she has seen.
509 We have pulled the records for I believe it's Gart Henkle's house. He's the owner

510 immediately south of Mr. Vohra. And we checked what we surveyed in the field,
511 which is more accurate than his 1987 survey which was hand drawn. What's in
512 the field actually gives him more property and Mr. Vohra less property. So if you
513 want me to provide the information to you, I'd be glad to.

514

515 Next is John Wray. Honestly, you know, wanting to reduce the number of homes.
516 It just wouldn't be feasible for Mr. Vohra as a developer to do so. The new storm
517 water regulations just went into effect. More than likely, it will get pinched some,
518 but I'm not going to promise anything. But certainly he has the right to maximize
519 his profit potential. He's already been reduced from 3.4 units per acre down to
520 two, as Mr. Humphreys said. That's just based on an odd-shaped parcel.

521

522 Hoehns Road will be open at all times during construction. We can simply build
523 things to the road, divert the road, build under it. It always stays open. He's going
524 to do that. And the plans will show that as well.

525

526 The existing house is being removed, for the record.

527

528 Water and sewer easements. They cross on the ICR property. They were
529 designed with respect to Mr. Vohra's conceptual design so far. They straddle the
530 property lines. And that would also be on us to design something that would run
531 through a property. So I thank you for bringing it up, but we'll handle making sure
532 that the houses do fit on the lots.

533

534 Mr. Lucas. Once again, that house is being removed. So that's probably one of
535 your major concerns. I can't speak to Mr. Vohra saying that he maybe is going to
536 sell these to certain people. To my understanding with him, that is not the case.
537 He definitely wants to make profit off of these, so he'll go by whatever laws are
538 needed when it comes to the point of trying to market these houses or the lots or
539 even the property before that. He hasn't totally decided, in my opinion, on
540 whether he's even going to develop this or not, you know. There are several
541 steps in the development process where the property is still marketable. The
542 development procedures are still unsure at this point; he's just trying to get his
543 zoning underway.

544

545 The last person is Deana Brower on the private drive. We're dedicating a public
546 road, fifty-foot of right of way over top of the easement that's there now. But then
547 the private drive will be after that, which is everyone else's houses to the south
548 on Hoehns Road.

549

550 Any questions from the Commission?

551

552 Mr. Leabough - I have a question regarding the ownership issue. So
553 that has been resolved?

554

555 Mr. Schurman - That has been resolved in the private court. I've got
556 the letter here. I can e-mail you a copy or give you the copy I have here.
557
558 Mr. Leabough - I letter from—
559
560 Mr. Emerson - Judge Harris?
561
562 Mr. Schurman - From the judge.
563
564 Mr. Emerson - We have that.
565
566 Mr. Schurman - Yes sir.
567
568 Mr. Leabough - Thank you. Are there other questions for Mr.
569 Schurman?
570
571 Female - Sir, may I speak to that point?
572
573 Mr. Leabough - No ma'am.
574
575 Mr. Schurman - Is that all?
576
577 Mr. Leabough - Thank you, sir.
578
579 Mr. Schurman - Thank you.
580
581 Mr. Leabough - How would you like to proceed, sir?
582
583 Mr. Witte - All right, Mr. Chairman. First on my agenda is to thank
584 everybody involved in this case on both sides. It's been a long, arduous journey.
585 The issues that have been raised on and off through this course, some of those
586 will be decided if and when Mr. Vohra, or if he sells the property, the developer
587 files for a subdivision, which may or may not be done.
588
589 Mr. Vohra has agreed to move the brick gates, which seem to be a real issue.
590 The opinion of the courts appears to settle the dispute on the ingress and egress.
591 Therefore, Mr. Chairman, I move that REZ2013-0002, Cameron Palmore for
592 Yunus Vohra, move to the Board of Supervisors with a recommendation of
593 approval.
594
595 Mr. Branin - Second.
596
597 Mr. Leabough - We have a motion by Mr. Witte, a second by
598 Mr. Branin. All in favor say aye. All opposed say no. I would like to note for the
599 record that Mrs. Jones abstains from voting on this case.
600

601 Mrs. Jones - I abstain.

602

603 Mr. Leabough - The ayes have it, the motion passes.

604

605 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
606 Branin, the Planning Commission voted 4-0 (two abstentions) to recommend the
607 Board of Supervisors **grant** the request because it is consistent with the future
608 land recommendations of the 2026 Comprehensive Plan.

609

610 ***(Deferred from the June 12, 2014 Meeting)***

611 **REZ2014-00005 Andrew M. Condlin for Nobility Investments, LLC:**

612 Request to amend proffered conditions accepted with Rezoning Case C-46C-83
613 on Parcel 768-747-0824 located on the north line of Glenside Drive
614 approximately 385' west of its intersection with Bethlehem Road. The applicant
615 proposes to replace all proffers in order to allow hotels as a permitted use. The
616 existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive
617 Plan recommends Commercial Arterial. The staff report will be presented by Mr.
618 Livingston Lewis.

619

620 Mr. Leabough - Is there anyone here tonight in opposition to
621 REZ2014-00005, Andrew M. Condlin for Nobility Investments, LLC? There is no
622 opposition. Mr. Lewis, good evening.

623

624 Mr. Lewis - Good evening, Mr. Chairman.

625

626 This is a request to amend proffers accepted with rezoning case C-46C-83 to
627 allow construction of a hotel at 5416 Glenside Drive.

628

629 The 1.3 acre parcel is zoned B-2C and the 2026 Comprehensive Plan
630 recommends the site for Commercial Arterial. The property is also located in the
631 West Broad Street Corridor, Central Revitalization/Reinvestment Opportunity
632 Area. Adjacent uses include Floor & Décor, the Glenside Office Condominiums,
633 and a Hampton Inn and Suites, which is one of eighteen existing hotels located
634 within a mile and a quarter of the subject site.

635

636 The approval of rezoning case C-46C-83 included three accepted proffers: one
637 addressing lighting, and two prohibiting hotels, motels, and seven other uses on
638 the site. The applicant developed the Hampton Inn on the adjacent property to
639 the north and is now requesting to construct a hotel on this property which
640 requires amending the proffers.

641

642 This request proposes replacing the three original proffers with all new proffers,
643 including new permitted use language which would narrow B-2 uses to a hotel
644 and would allow O-2 uses with some exceptions. As shown on this proffered
645 conceptual plan, the proposed hotel would be five stories with 116 rooms. The
646 existing access on Glenside Drive which served the former restaurant would be

647 closed, and access to the new hotel would instead be provided via the adjacent
648 office condo property and Hampton Inn properties.

649

650 A Transitional Buffer 25 and a sidewalk would be installed along Glenside Drive
651 and other supplemental landscaping would be planted throughout the site as
652 shown. The hotel would be constructed in accordance with two proffered
653 elevations which illustrate the front, rear, and one side of the building, as well as
654 provide exterior material details. This view is the front of the building which faces
655 north toward the Hampton Inn, and this is the rear of the building which faces
656 south toward Glenside Drive.

657

658 In addition to the exhibits, other major aspects of the proffers dated May 23, 2014
659 include:

660

- 661 • Prohibition of several O-2 uses;
- 662 • Any building exterior to be all brick or other masonry material;
- 663 • Conference space limited to 2,000 square feet;
- 664 • Side-facing HVAC vents that are color-matched to the exterior walls;
- 665 • A ground-mounted, landscaped entrance sign; and
- 666 • A series of security provisions related to lighting, surveillance, and
667 access.

668

669 Because this request would continue the potential of O-2 development on the
670 site, the applicant has also proffered Exhibit C to demonstrate a potential office
671 layout. Under this scenario, the building footprint would likely be different, but the
672 general configuration and landscaping would be nearly identical.

673

674 The proffers do address some of the issues previously raised by staff, but several
675 concerns remain regarding parking as well as the size and location of the
676 building. The new five-story structure may eclipse the height of the existing hotel
677 behind the subject site, and the massing of the proposed building would be out of
678 character in relation to its proximity to Glenside Drive.

679

680 Land use diversification is important in revitalizing established areas of the
681 County. This is recognized in Land Use and Community Character Objective 8 of
682 the 2026 Comprehensive Plan which states: "The County will encourage diverse
683 mixtures and forms of development to support the economic tax base." In
684 addition, Land Use and Community Character Goal 5 says: "The County will
685 have strong and sustainable neighborhoods and business districts."

686

687 In light of these statements from the 2026 Plan, the primary remaining issue with
688 this request is the use itself and if amending the prohibition of hotels on the site is
689 warranted. Staff believes the site has ample development rights, including
690 offices, and that the development of another hotel will create an overabundance
691 of hotel uses in the area, potentially resulting in negative impacts from the
692 expanding imbalance. While the applicant's proposal would redevelop a structure

693 recently vacated, the potential addition of a nineteenth hotel within a one-and-a-
694 quarter-mile radius would impact existing hotels and potentially the area's long-
695 term revitalization. Ideally, the addition of a new hotel would be accomplished by
696 replacing an older one, but removing or retrofitting an outdated hotel structure is
697 often cost prohibitive, given their large size and segmented interiors. A building
698 that lends itself to easier adaptive reuse or replacement would be more suitable
699 for this location.

700

701 While a hotel use is generally consistent with the site's Commercial Arterial land
702 use category, several aspects of this request are not fully consistent with other
703 important elements of the 2026 Plan. Full consistency with the plan requires
704 addressing the remaining issues of parking, visual impact of the building, and
705 revitalization sustainability. For these reasons, staff remains concerned about the
706 appropriateness of the proposed development on this particular site.

707

708 This concludes my presentation. I am happy to answer any questions you may
709 have.

710

711 Mr. Leabough - Are there questions from the Commission? Mrs.
712 Jones?

713

714 Mrs. Jones - May I?

715

716 Mr. Witte - Please.

717

718 Mrs. Jones - Did I understand you to say that the parking issues
719 are still outstanding, that they have not met parking requirements to date?

720

721 Mr. Lewis - The plans show a parking deficiency of somewhere in
722 the range of eleven to fourteen parking spaces. The applicant has stated that
723 they feel that they can make up that deficiency, but without a plan in place to
724 accomplish that, we have to list it as an outstanding issue.

725

726 Mr. Leabough - Have the issues regarding the materials in the design
727 of the building been resolved?

728

729 Mr. Lewis - Yes. The previous issues in the staff report regarding
730 those issues—the previous statements regarding those issues have been
731 resolved.

732

733 Mr. Leabough - Thank you.

734

735 Mr. Witte - Mr. Lewis, do you have an idea of the number of
736 rooms that will be in that area from those two hotels?

737

738 Mr. Lewis - The Hampton Inn I think has 119, and this one would
739 have 116, so 235.

740
741 Mr. Witte - Thank you.

742
743 Mr. Leabough - Other questions for Mr. Lewis? Thank you, sir.
744 Mr. Witte?

745
746 Mr. Witte - The applicant, please. He looked like he was anxious
747 to come down.

748
749 Mr. Condlin - I wasn't anxious, but I was ready. Thank you. Mr.
750 Chairman, members of the Commission, Andy Condlin. I'm here to represent the
751 applicant. Mr. Patel's here. I will try to keep it to the basics. I wanted to thank you
752 first for your patience. I know this has been continued a number of times while
753 we were trying to work out particularly some of the operational issues that have
754 been made part of the proffers themselves. Along with the quality, really much
755 more significant than any hotel before it in defining the type of operational issues.
756 And it's important because this is a business hotel, and we want to have a clean,
757 safe, well-lit site, and I'll get into that in a little bit.

758
759 As Mr. Lewis—who has also done a great job—has described—let me see if I
760 can get this going. He's already described the fact that the property is already
761 zoned B-2 with very few conditions, to be honest, back in 1983, and that the
762 Comp Plan calls for Commercial Arterial, which specifically references hotels.
763 The Comprehensive Plan specifically references hotel for Commercial Arterial.
764 And I think it's important that we're part of the West Broad Street Corridor
765 Revitalization Area. He made a number of things that maybe we're contrary to.
766 We're also consistent with proposing investment in the area and reusing vacant
767 buildings, as well as reusing property that's lived out its existing life.

768
769 So we feel that the request is actually consistent with the surrounding zoning,
770 including B-2, O-2, and B-3 zonings. It's also consistent—you've already seen
771 these. That's the existing building. I'd say that building is a little bit dated and
772 really not for reuse for any particular use that's otherwise allowed in the O-2
773 district, even though it's zoned B-2. It has a number of B-2 uses that could go
774 there.

775
776 This property along Glenside Drive is really from Broad Street and consistent
777 with the surrounding uses. That includes Glenside Drive being six lanes with two
778 turn lanes, eight lanes total right outside this location. And it's in front of an
779 existing hotel with a gas station, an existing office park, and next to the office
780 condominiums and a former Kmart site that has 109,000 square feet of which
781 26,000 is vacant currently. A former Kmart site that has the Floor and Décor in
782 there on a short-term lease.

783

784 So we do think that this is consistent, particularly when you add in the various
785 quality standards that we provided including a twenty-five-foot buffer along
786 Glenside and 100 percent brick and stone. One hundred percent brick and stone.
787 Uses are limited to some of the O-2 plus a hotel. Under the current zoning, under
788 the B-2, they take out some of the B-2 uses. We take out all those and just ask
789 for O-2 plus hotel.

790

791 It gets rid of the two extra entrances that are currently on Glenside Drive and sets
792 design standards that quite frankly haven't been met I think by any other hotel in
793 the area. It has a coordinated development with adjoining Hampton Inn, which
794 often the Planning staff says good planning involves coordination, reducing the
795 number of conflicts out on Glenside Drive. We've done both of that in
796 coordinating by pushing the building up front and parking in behind. Again, trying
797 to have good land planning.

798

799 Despite all this, staff has recommended denial for what I can gather are three
800 reasons, which I will address: the parking, too many hotels in the area, and the
801 size and location in proximity to Glenside Drive. With respect to parking, this is a
802 conceptual plan. We can redesign and reconfigure the parking and be able to
803 meet—there's probably a half dozen ways we can do that. In order to go through
804 the POD, we have to do that. You know in order to pass the plan of development
805 we have to meet one parking space per hotel [sic] and that's a number of ways
806 we can do that including renting the excess parking on the office condominiums
807 next door, which has proximity per the code. We could also ask for a waiver
808 based on the fact that we'll be sharing staff and sharing operational staff, as well
809 as simply reducing the number of rooms. We're asking for a maximum of 116. If
810 we have to we can reduce the number of rooms. My understanding is that there
811 are 116 rooms in the Hampton Inn as well. They'd be matching. Not 119 but 116
812 each.

813

814 With respect to the hotels first, I think there's a fundamental difference here
815 between business hotels and consumer hotels. When Mr. Lewis talks about the
816 eighteen—I believe it was seventeen or eighteen hotels in the area—he's
817 lumping all hotels together. That's like saying as we look up and down Broad
818 Street there are too many fast food restaurants so we shouldn't allow a Ruth's
819 Chris. Too many fast food restaurants to even allow an Olive Garden because
820 there are too many restaurants.

821

822 Instead, what we're talking about is just four hotels in the area: the Courtyard by
823 Marriott, the Westin, the Hampton Inn, and the Embassy Suites are serving the
824 business community. Those are it. They primarily serve the business community.
825 They have contracts with the local major employers in the area including Walmart
826 that just opened up a new training facility—that Walmart's training facility—as
827 well as Southern States, Altria, and Genworth. They have their contractors,
828 vendors, and employees coming into this area. And these are major employers
829 that are being supported by these four hotels. I think it's also reflective of the fact

830 that the Hampton Inn itself has a 70 percent occupancy rate. In the Richmond
831 market it's at 55 percent. We're at a 70 percent occupancy rate, which is really
832 pushing the ceiling as to where you want to be as a hotel. With a seventy-three
833 dollar revenue per available room. Seventy-three dollars when the market
834 industry in Richmond is forty-three dollars. That shows you the significant desire
835 and the business of economics coming into the—quite frankly, this is the number
836 one market in the entire Richmond area.

837
838 It really comes down to simple economics. Are we overburdening the hotel
839 industry here in this area? Or are we really trying to say bring in more up to date,
840 modern, consumer friendly, what the consumer wants. It not only brings up the
841 standard, but it forces out the older product to reinvest or restructure. We only
842 have to look at the very first case tonight; the Walmart is at a former hotel site.
843 That's what happens when you bring in new product and force it out. The
844 Sheraton. And just today, the Days Inn had gone through a closing. The Days Inn
845 in this area will be closing. That's what happens when you reinvest and bring in
846 new hotels the service the consumer, and in this case serving the business
847 industry because not only is it good for the hotel industry, it's good for economic
848 development in the business.

849
850 It's also interesting to hear staff say that there are too many hotels. In 2007,
851 when the Hampton Inn was rezoned, staff recommended that despite the fact
852 that there were actually more hotels in 2007 than there are today. Today there
853 are seventy-six less hotel—excuse me. I said hotels, I should say hotel rooms.
854 That are seventy-six less hotels [sic], and then when you take out the Days Inn,
855 which is going to be reflagged and redone—at least that's the proposal after it's
856 closed—we're looking at net minus 181. I had 119, which is the wrong number. It
857 should be 116. But we're at close to sixty-five hotel rooms less when we add in
858 the new hotel that we're proposing than there was in 2007 when staff
859 recommended the Hampton Inn when it was in the Comp Plan for Office.

860
861 Staff says that Office is more appropriate, yet there's 3.4 million square feet of
862 office space within one mile. There is 6.2 million square feet within two miles. Yet
863 staff has not done an office study to say well maybe there's too much office when
864 we already have in this area, in the Richmond metropolitan area, over 12 percent
865 vacancy in office. And what will this do when we put in more office at this
866 location. No study has been done with respect to that.

867
868 When we talk about office, it brings me to the last point, which is the proximity.
869 And we're providing a twenty-five-foot buffer on our property. This exact same
870 building if instead of a hotel it was an office use could be a fifteen-foot setback.
871 So instead we're ten feet farther back with absolutely no controls. This is a 1983
872 case. Someone had asked me specifically isn't it—from a hotel, it was a reason
873 why they prohibited it at that time, yes. It was a completely different world in
874 1983. You can see there's R-4 and single-family homes sitting in that area. In
875 1983, there was not the commercial corridor. And it was rezoned, quite frankly,

876 with three simple proffers. Just three proffers are currently sitting on the property
877 today that takes out the liquor store, the hotels, the convenience stores, and no
878 fast food or service stations. The only design character they have is that parking
879 lot lighting will be reduced to a minimum of security level. I put in here all the
880 various comparisons of what we put in to what's existing today. You can see from
881 this fact that really there's only two provisions that the existing proffers address.

882
883 It's interesting as well that the code requires a twenty-five-foot setback for hotels
884 already reflective of a difference for hotels because of the anticipation of a
885 greater height. If this was an office building, again we can push it forward ten feet
886 closer without any buffer, without any change in the access.

887
888 So, when the Hampton Inn moved in next door—you'll hear from some of the
889 folks—that it actually decreased crime and increased property values. That to me
890 is a successful zoning. That's a good thing. And we're here tonight to go beyond
891 that to support that existing market for the hotels and the business community.
892 We believe we've met all jurisdictional prerequisites for approval as consistent
893 with the Comprehensive Plan designation, consistent with the surrounding
894 zoning, consistent with surrounding uses. We're supporting economic
895 development by supporting those employment centers, those corporate citizens
896 that are in this specific area. We have the support of our neighbors without
897 opposition. And we think that we're consistent with staff's prior recommendation
898 in 2007 when the Comp Plan actually called for Office and there were more hotel
899 rooms at that time.

900
901 We will and have to solve the parking. Again, we can have the exact same
902 building with no quality and design control. I'm just going to stress that point one
903 last time. If this gets denied, they can build an office building and they can build
904 whatever they want in this exact same building ten feet closer. So wouldn't it be
905 better to have better design controls and have the articulation and the
906 architectural controls that we're providing for as well as the layout? And then
907 there's a real need for this hotel in the market. That's the bottom line. The market
908 does call for this. And it's a simple market analysis that goes through and
909 replaces old hotels.

910
911 Mr. Leabough - Mr. Condlin, you've used your ten minutes. I just—

912
913 Mr. Condlin - With that, I'll be happy to answer any questions.

914
915 Mr. Archer - Mr. Condlin, you mentioned that this particular
916 enterprise would be more for business than for consumers, I believe is the term
917 you used. How do you determine, based on the figures that I guess you have
918 cited, room usage between business and normal consumers?

919
920 Mr. Condlin - It's a very simple way. These hotels that I named are
921 the ones that contract with businesses specifically to house. And they have a

922 specific rate and time track to go with those businesses that the other hotels
923 don't. Not that we don't accept someone that's a consumer that comes off the
924 street, that calls up. There's not a limitation. But they're primarily business. The
925 other hotels do not serve those businesses. Now, someone in those businesses
926 may choose to stay at the Days Inn, for example, but they don't have a contact.
927 They don't typically. And these are the hotels that they contract with and have
928 special rates and special deals with.

929
930 Mr. Archer - Okay. So if you're a business person, a contract
931 already exists that allows you to get a better rate than if you stayed—

932
933 Mr. Condlin - If you're with—and I just named a few. There are a
934 number of businesses, more than just the few I named. There's Walmart,
935 Southern States, Altria, and Genworth are some of the major employers that
936 have a contract to say when we bring people in whether it's a contractor, vendor,
937 or employees—

938
939 Mr. Archer - Okay.

940
941 Mr. Condlin - —to go in those hotels.

942
943 Mr. Leabough - So the existing Hampton has a contract with—

944
945 Mr. Condlin - Yes sir, yes sir. Yes sir. We've provided Mr. Lewis
946 and staff with some letters from some of those businesses and other travel
947 agents that book a lot of those travels that they already have them set up. They
948 just fly them in, and they can just go ahead and go right to the hotel.

949
950 Mr. Leabough - Have you had a conversation with the office condos
951 regarding how you could possibly address the parking issue?

952
953 Mr. Condlin - There's a gentleman here who can speak to that. But
954 I think they're happy to have, from their associate's standpoint, some benefit from
955 there. But they're also supportive of this. We've had conversations with them, but
956 we haven't signed a lease or gotten any further than that other than to say it's
957 available. We have to meet the parking. There's nothing we can do. But there's a
958 number of ways in the code that we can do that.

959
960 Mr. Leabough - Other questions for Mr. Condlin? Mrs. Jones?

961
962 Mrs. Jones - One of the things that as we've been looking at this
963 for a number of months now has always been problematic to me is the scale of
964 this building along the streetscape of Glenside, albeit Glenside is, as you say, a
965 major road. And it is out of character with anything else that's out there. Now,
966 granted, I think market forces are to be considered. I think today's development
967 trends versus twenty years ago are to be considered. But we still have what

968 appears to me from your depictions as a somewhat monolithic kind of a building
969 in the middle of a much smaller scale. If you're accepting the fact that you could
970 have 119 rooms in the Hampton Inn and 119 rooms would work as well in this
971 new building, have you considered taking it down to four stories or even three?
972

973 Mr. Condlin - We've had the discussion. It's really, quite frankly, a
974 factor of having a number of hotel rooms to service and the demand that they
975 feel is necessary. This hotel fits within the setback and height limitations of the B-
976 2 ordinance. I mean we're fitting within what's allowed by B-2. I would say that it's
977 not actually out of character. It actually maybe changes the character in a better
978 way because it is pulling the parking in behind it. So we have looked at lowering
979 the height. That immediately solves the parking issue, which again this is a
980 conceptual plan. I wish we hadn't written down the exact number of parking spots
981 that put down. A lot of times we don't. They just say here's a sample of the
982 parking areas. From the character of it, it actually fits in and has a lot more
983 articulation, which is one of the reasons we wanted to do that, because it is close
984 to the street, providing for a lot more articulation. So it's a lot different than some
985 of the older hotels that just are blank walls.
986

987 Mrs. Jones - I may not have stated this right. My problem is not the
988 proximity to the street. I think the buffer is going to be well done and this kind of
989 thing. It's the height. If you're going to have 119 rooms in both structures—
990

991 Mr. Condlin - It's 116, but yes ma'am.
992

993 Mrs. Jones - Excuse me. Could it not be a four-story structure? I'd
994 just look at this differently if you were coming in with a three-story hotel or
995 something that was not going to dwarf the rest of the streetscape.
996

997 Mr. Condlin - And this would be suites, so they're larger rooms.
998 That's part of the problem is that it needs to be up to the same number of rooms
999 yet an extra floor. Part of it is some of the amenities that they have on the first
1000 floor that are even better than what they anticipated in 2007 with the Hampton
1001 Inn. And they also have larger rooms. So that's why they need the extra space.
1002 That's what the market's calling for with the business travelers that come in. They
1003 need the office space, the space to be able to work as well as when they're there
1004 for the week as well as to sleep. That's the reason that they're looking at this.
1005 Again, from the market standpoint, we provided the market study to staff as well
1006 as to some Planning Commissioners. And it fits within the code. It certainly fits
1007 within existing zoning and the code today.
1008

1009 Mr. Leabough - Mr. Condlin, you could actually build an office building
1010 here with no conditions and achieve the same height, correct?
1011

1012 Mr. Condlin - Achieve the height and ten feet closer to the street.
1013 Yes sir.

1014
1015 Mr. Witte - Mr. Condlin, are you aware of any other buildings on
1016 Glenside Drive that the rear of buildings face Glenside Drive?
1017
1018 Mr. Condlin - I'm not, but I don't think the rear of building—while
1019 functionally we're pulling people in behind, this is the front face. There are no
1020 loading docks here. We've tried to create a double-faced hotel building so the
1021 front look is the same as the—on Glenside is the front look, on the other side
1022 facing Hampton Inn. So that's what we're trying to do. I think even better than on
1023 Libbie and Broad where they have those buildings that face Broad, yet the
1024 parking and you get access to—there's not a lot of activity in the front, but that's
1025 because it's Broad Street and they're trying to pull everybody back. I think that's
1026 a good look. This is probably even a more equal look from front to back.
1027
1028 Mr. Leabough - Any other questions for Mr. Condlin?
1029
1030 Mr. Branin - Mr. Condlin, have you all looked at—it sounds like a
1031 lot of the hang-up is the building on Glenside. Have you looked at turning it and
1032 putting it on the side of the property which may end up opening up—or even
1033 horseshoeing the building?
1034
1035 Mr. Condlin - Can I defer to my client on that one? Al, if you want to
1036 come up here.
1037
1038 Mr. Branin - While this gentleman's walking up. You've heard two
1039 commissioners comment on the massive building on top of Glenside. I can't see
1040 why you couldn't take it down the side property line, which would be the south
1041 property line and come down. And even turn it into a horseshoe to capture the
1042 parking. It may increase your parking.
1043
1044 Mr. Condlin - I don't know if he's looked at the horseshoe; I haven't
1045 seen that design. At one time when we turned it sideways, the comment we
1046 received was you're now seeing the broad side of the building from Broad and
1047 Glenside as you're driving up and down Glenside.
1048
1049 Mr. Branin - Well but the one side, it being 90 feet versus, you
1050 know, 450 feet or 500 feet is a far jump and a far reach.
1051
1052 Mr. Condlin - I don't disagree with you there.
1053
1054 Mr. Branin - I don't know where this case is going, but you may
1055 want to consider a redesign if it doesn't go in your favor simply because what
1056 everybody's saying is the massive size on top of Glenside. So if you address that
1057 by moving the building, you may accomplish what you and your client are looking
1058 for.
1059

1060 Mr. Patel - We did—
1061
1062 Mr. Branin - Would you state your name for the record, sir?
1063
1064 Mr. Patel - Oh, sorry. Al Patel. I'm a managing partner of Nobility
1065 Investments. We did actually look at a couple of different scenarios. We had
1066 some trouble with obviously the setback that is on the rear of the building itself.
1067 We're definitely up for looking at it again and revisiting it. But I know our
1068 engineers and our architects tried really hard to obviously get away from the front
1069 and the setback as well, but we weren't able to achieve. But we'll definitely take a
1070 look at it.
1071
1072 Mr. Branin - Mr. Patel, do you own the Hampton Inn?
1073
1074 Mr. Patel - Yes sir.
1075
1076 Mr. Branin - So I don't think you'll have problems with your
1077 neighbor in this case.
1078
1079 Mr. Patel - No.
1080
1081 Mr. Branin - Being that it's you. With that in mind, you have the
1082 property; you want to build a hotel. So I would think if the main struggle with staff
1083 and the Commission is the proximity to the road, the large mass of the building, if
1084 you rearranged your position, you may be successful in what you're hoping to do.
1085
1086 Mr. Leabough - Are there any other questions?
1087
1088 Mr. Witte - I have one. Mr. Condlin, there is one means of
1089 ingress and egress, and that's on Bethlehem Road.
1090
1091 Mr. Condlin - There's an entrance off of Glenside currently, sir, in
1092 the office condos and the Hampton Inn that would also serve this location. This is
1093 the entrance right here coming off. And it serves the office condos, the Hampton
1094 Inn, and there would be a break in the entrance here to be able to serve this
1095 hotel as well. You can see the property line, Mr. Branin. That's part of the issue I
1096 know when you looked at it. This would be office building and we have the hotel
1097 here. That was the property line back here in trying to create that U shape to
1098 make that work.
1099
1100 Mr. Witte - Right. But there's only one means of ingress and
1101 egress.
1102
1103 Mr. Condlin - One off Glenside and one off of Bethlehem.
1104

1105 Mr. Witte - The one off of Glenside is limited to right-turn only.
1106 There's a median there.
1107
1108 Mr. Condlin - Yes sir. Currently there are two entrances here also,
1109 right-turn only, but those will be closed.
1110
1111 Mr. Witte - Right. I understand. I have no further questions. Let
1112 me ask one more. Do you know how far it is from the entrance on Bethlehem to
1113 the traffic light?
1114
1115 Mr. Condlin - I think maybe the staff report references that. At one
1116 time there was a comment regarding one of the entrances. We did have an
1117 entrance off of—a second entrance off of Glenside, and DPW asked us to close
1118 that because of the closeness of it to the traffic light. But I don't know the—it was
1119 approved already, that entrance, so we're just using the existing entrance.
1120
1121 Mr. Branin - Mr. Condlin, I know there may be a problem with the
1122 property line, but I'm sure Mr. Patel could sell himself a piece of the land to
1123 possibly make that work out.
1124
1125 Mr. Condlin - Yes, you're right.
1126
1127 Mr. Branin - I don't think he'd even haggle with himself that much.
1128
1129 Mr. Condlin - Tough negotiation.
1130
1131 Mr. Branin - I would think it would take no time whatsoever.
1132
1133 Mr. Leabough - Mr. Witte?
1134
1135 Mr. Witte - Do we have somebody from Traffic here?
1136
1137 Mr. Leabough - Yes we do. Mr. Cejka, would you please come
1138 forward?
1139
1140 Mrs. Jones - As he comes forward, may I just ask—to make sure
1141 that I understand this. The impetus in giving the suggestions—which you did,
1142 Mr. Branin—was to be able to lower the height while still obtaining the amount of
1143 rooms that makes this economically feasible. Is that correct?
1144
1145 Mr. Witte - That's my understanding.
1146
1147 Mr. Branin - It may be feasible too in horseshoeing it, which would
1148 give you the volume of rooms without the height. Or even if there was the height
1149 there, it's still not on Glenside because it would be set to the side.
1150

1151 Mr. Witte - It could actually be stair-stepped from Glenside
1152 towards the existing hotel and then tall along that back side. Lots of options.
1153
1154 Mrs. Jones - Okay. Then our motion needs to be somewhat
1155 adjusted, I guess. Okay, thank you.
1156
1157 Mr. Cejka - Good evening. John Cejka, Traffic Engineering.
1158
1159 Mr. Witte - Thank you, sir. Do you happen to know how much
1160 traffic is on Bethlehem Road in that area?
1161
1162 Mr. Cejka - It's a little over 18,000 cars a day.
1163
1164 Mr. Witte - On that section?
1165
1166 Mr. Cejka - Oh, of Bethlehem? I'm sorry.
1167
1168 Mr. Witte - Bethlehem, yes sir.
1169
1170 Mr. Cejka - No, I do not.
1171
1172 Mr. Witte - Okay.
1173
1174 Mr. Cejka - Glenside has about 18,000 cars.
1175
1176 Mr. Witte - I presume you wouldn't know the distance from the
1177 ingress and egress through the traffic light.
1178
1179 Mr. Cejka - On Bethlehem?
1180
1181 Mr. Witte - If you had 200-plus rooms trying to empty onto
1182 Bethlehem Road so they can make a left turn...I could see a major traffic hazard,
1183 not to mention people coming down Bethlehem Road trying to get to Glenside
1184 Drive. Am I correct in assuming that would be a problem?
1185
1186 Mr. Cejka - May or may not. It all depends on when they're
1187 leaving. If they're checking out at different times.
1188
1189 Mr. Witte - My understanding is that during large events in the
1190 area the hotels fill up pretty quick whether it be a soccer tournament or a race or
1191 Little League World Series or whatever it is. And I know that I have been caught
1192 in some of that traffic. Not at that location, but other locations where it's an issue.
1193 My concern would be the close proximity to that light, doubling the amount of
1194 vehicles that would try to get in and out of there.
1195

1196 Mr. Cejka - That is true. I'd say it's probably close to three
1197 hundred feet, four hundred feet from that entrance to the signal.
1198
1199 Mr. Witte - That's a little farther than I thought it might be.
1200
1201 Mr. Cejka - I'm just counting skip lines. Skip lines are forty feet
1202 apart. It's just a guess for now.
1203
1204 Mr. Witte - Okay. Well, thank you.
1205
1206 Mr. Leabough - Thank you, sir.
1207
1208 Mr. Witte - All right. Mr. Chairman—
1209
1210 Mr. Condlin - Mr. Chairman, I apologize. I didn't realize I was right
1211 at the ten-minute mark. We have two people that wanted to speak in favor. I
1212 didn't know if you'd like to hear from them, if it's possible to waive that. It'll just
1213 take a minute.
1214
1215 Mr. Leabough - Mr. Witte?
1216
1217 Mr. Witte - Sure, let's extend the time for three minutes, please.
1218
1219 Mr. Leabough - Those who want to speak in favor, please come
1220 forward. You have about three minutes.
1221
1222 Mr. Legette - My name is Ronnie Legette. I reside here in Henrico
1223 County. I am basically familiar with Mr. Patel. For the last nine years, I lived
1224 adjacent to his property, his resident property, and I found him to be a person
1225 who maintains his property immaculately. He basically runs his home as he does
1226 his hotel. People who frequent his home as well as his hotel are professional,
1227 have provided courtesy and respect. And I think that this project is a viable
1228 project for the County of Henrico. Just taking a look at what is there, what's being
1229 presented now gives the people an opportunity to take a dilapidated structure,
1230 revitalize it. It creates jobs and employment for those who basically are
1231 underemployed. This would be a great opportunity for them to be able to become
1232 gainfully employed. Not to mention having people come from out of town where
1233 I've other residents who have come to Henrico County to stay at his hotel at
1234 Hampton Inn. And they too felt that this was a very viable stay, one in which they
1235 indicate that they would repeat the next time they come into town. So I hope that
1236 you all will look favorably on this particular project and allow this project to come
1237 into fruition for the betterment of the community and the taxpayers here in
1238 Henrico County. Thank you.
1239
1240 Mr. Call - Hello fellows. My name is Billy Call—C-a-l-l. I'm from
1241 Richmond, Virginia. I'm president of the Glenside Commons Association, the

1242 business park right next door. I've been president of that association for eleven
1243 years.

1244
1245 I'm excited about this hotel coming in here. Before the last hotel was placed
1246 there, we had people shooting guns. We had drugs, and we had a huge crime
1247 rate on that corner. I thought we were going to lose our properties there until they
1248 built that first hotel. When they put that buffer in there, it stopped a lot of the
1249 vagrants from coming across there. There is a wooded area up here where they
1250 used to sleep, the homeless people. They're gone. Ever since they started
1251 spending money on that pond [?], it has improved the entire neighborhood. Our
1252 values are going up. Our properties are selling. I own one of the properties in the
1253 condominium association.

1254
1255 No matter how tall this building is or no matter how short this building is,
1256 whatever they put there is a far improvement over what is sitting on that corner
1257 now. We have a vacant building there and anything could happen there. We are
1258 all very, very excited. If there is a parking issue, we are so excited we will do
1259 anything with these people. We will provide parking. We will rent them spaces.
1260 We will sell them spaces. We will do whatever they need done to put that hotel
1261 up there. We are very, very excited, and it has changed everything. Ever since
1262 Kmart closed, that eliminated a lot of crime. Now we have businesses in there,
1263 people are spending money, and it's improving very, very well.

1264
1265 I don't know if I have anything else here. That's about it. But we are very, very
1266 excited. I hope you all will please put this building up and let it not be delayed
1267 anymore. The whole neighborhood is doing well. As far as the Patels are
1268 concerned, I negotiated with him when they put that first hotel in there and that
1269 parking. They are a delight to work with. I have never worked with a finer
1270 businessman in my life.

1271
1272 Thank you.

1273
1274 Mr. Leabough - Thank you, sir. I would like to note for the record that
1275 we do have a beautiful woman up here with us as well. You said "fellows."

1276
1277 Mrs. Jones - I wasn't sure where that was coming from, but thank
1278 you.

1279
1280 Mr. Archer - I did recall that.

1281
1282 Mr. Leabough - All right. Mr. Witte?

1283
1284 Mr. Witte - All right, Mr. Chairman.

1285
1286 Mr. Leabough - I'll entertain a motion.

1287

1288 Mr. Witte - I have met with Mr. Patel, and he has been most
1289 gracious. And Mr. Condlin always does his job well. I really like the design; I like
1290 the materials. I do have concerns about the height, as did Mrs. Jones. I think
1291 some design work could make this work out for everybody. I also have traffic
1292 concerns.

1293
1294 I have visited Mr. Patel's hotel, and it is meticulous. Very well groomed and
1295 operated, and that's very impressive. But at this time, Mr. Chairman, I move that
1296 REZ2014-00005, Andrew M. Condlin for Nobility Investments, LLC, move to the
1297 Board of Supervisors with a recommendation of denial due primarily to the
1298 design issue and ingress and egress.

1299
1300 Mr. Leabough - Is there a second?

1301
1302 Mr. Archer - We have to have a second to move this to the Board
1303 one way or the other, do we not?

1304
1305 Mr. Emerson - Yes sir. You have to have a second to vote, otherwise
1306 the motion dies.

1307
1308 Mr. Archer - I'll second it.

1309
1310 Mr. Leabough - We have a motion by Mr. Witte, a second by
1311 Mr. Archer. All in favor say aye. All opposed say no. Was that a "yes" or a "no"?

1312
1313 Mr. Branin - It's a "no."

1314
1315 Mr. Leabough - Okay, that motion does not pass.

1316
1317 The vote was as follows:

1318
1319 Mr. Leabough - No
1320 Mr. Witte - Yes
1321 Mr. Archer - Yes
1322 Mr. Branin - No
1323 Mrs. Jones - No

1324
1325 Mr. Witte - So, Mr. Chairman, what's our next issue?

1326
1327 Mr. Emerson - Well you can enter another motion.

1328
1329 Mr. Witte - My only other motion that I feel comfortable with
1330 would be a deferral until the design is corrected and the issues are addressed.
1331 So in that, Mr. Chairman, I move for deferral of REZ2014-00005, Andrew M.
1332 Condlin for Nobility Investments, LLC, to the August 14th meeting at the request
1333 of the Board.

1334
1335 Mr. Archer - And I'll second that.
1336
1337 Mr. Leabough - Could I ask a question? What does the deferral do in
1338 terms of—
1339
1340 Mr. Witte - It allows for design work.
1341
1342 Mr. Leabough - Okay.
1343
1344 Mr. Witte - Maybe we can work something out.
1345
1346 Mr. Leabough - Okay. We have a motion by Mr. Witte, second by
1347 Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
1348 passes.

1349

(Deferred from the June 12, 2014 Meeting)

1350
1351 **REZ2014-00019 Andrew M. Condlin for Romm Development**
1352 **Company, LLC:** Request to conditionally rezone from R-4 One-Family
1353 Residence District, R-5 General Residence District and O/SC Office/Service
1354 (Conditional) to RTHC Residential Townhouse District (Conditional) Parcels 782-
1355 757-2904, 782-756-3992, -4880, -6562, -6951, -9451, -6636, -4861, and part of
1356 Parcel 782-757-3717 containing 5.689 acres, located on the southwest line of E.
1357 Parham Road at its intersection with Villa Park Drive. The applicant proposes a
1358 residential townhouse development of no more than 49 units. The RTH District
1359 allows a maximum density of nine (9) units per acre. The use will be controlled by
1360 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive
1361 Plan recommends Office and Office/Service. The staff report will be presented
1362 by Ms. Rosemary Deemer.

1363

1364 Mr. Leabough - Good evening, Ms. Deemer.

1365

1366 Ms. Deemer - Good evening.

1367

1368 Mr. Leabough - Is there anyone here in opposition to REZ2014-
1369 00019, Andrew M. Condlin for Romm Development Company, LLC? There is no
1370 opposition.

1371

1372 Ms. Deemer - Good evening, Mr. Chairman, members of the
1373 Commission.

1374

1375 This request is to rezone 5.689 acres from R-4 One Family Residence District, R-
1376 5 General Residence District, and O/SC Office/Service District (Conditional) to
1377 RTHC Residential Townhouse District to allow for a townhouse development of
1378 up to forty-nine units. The site is located on the southwest line of East Parham
1379 Road adjacent to the Stonewall Manor condominium complex.

1380
1381 Zoning in the immediate area is a mixture of R-5 General Residence District to
1382 the west; a mix of O-1C, and O-2C Office District (Conditional), and R-4 One-
1383 Family Residence District to the north and east; and B-3C Business District
1384 (Conditional) and O/SC Office/Service District (Conditional) to the south. The
1385 2026 Comprehensive Plan recommends Office and a small section of
1386 Office/Service for the subject site.

1387
1388 The applicant has proffered the following concept plan showing forty-nine units
1389 laid out on the triangular property with a BMP on the northwestern end and a
1390 landscaped island. The equivalent density of the proposal is 8.61 units per acre.

1391
1392 The applicant has also submitted revised proffers handed to you this evening,
1393 dated July 10, 2014, major aspects of which include:

- 1394
- 1395 • A minimum finished floor area of 1,350 square feet for each unit;
 - 1396 • The proffered elevations you see before you;
 - 1397 • Exterior materials will be limited to brick, stone, Dryvit, vinyl siding
1398 and/or cementitious siding with at least 50 percent of the front
1399 elevations to include brick or stone;
 - 1400 • All units will have a front porch or stoop, and front and side yards will
1401 be sodded and irrigated;
 - 1402 • The side of each end unit will include at least two windows and the rear
1403 of each unit will include at least two windows per floor. The roof on the
1404 rear of each building shall include varying features to provide
1405 articulation, such as dormers;
 - 1406 • And there will be a ten-foot planting strip along Stonewall Manor.
- 1407

1408 While not consistent with the Comprehensive Plan's designation of Office and
1409 Office/Service, the request is a logical extension of the multi-family residential in
1410 the area and the applicant has provided assurances of quality design and
1411 development. Staff could support this request with the revised proffers and the
1412 recommendation that the applicant provide side and rear elevations prior to
1413 review and action by the Board of Supervisors. Time limits would have to be
1414 waived on the proffers.

1415
1416 This concludes my presentation. I'd be happy to answer any of your questions.

1417
1418 Mr. Leabough - Are there questions for Ms. Deemer? There are no
1419 questions. Thank you, Ms. Deemer. Mr. Archer?

1420
1421 Mr. Archer - I'd like to hear from the applicant, Mr. Chair.

1422
1423 Mr. Leabough - Yes sir.

1424
1425 Mr. Archer - Hello again, Mr. Conclin.

1426

1427 Mr. Condlin - Hello again, Mr. Chairman, members of the
1428 Commission. Just for the record, that's two cases in a row without any
1429 opposition, which may be a new record for me.

1430

1431 Mrs. Jones - We thank you.

1432

1433 Mr. Condlin - You're welcome. We're pretty excited as well. Other
1434 than the staff on the first case.

1435

1436 Obviously, Ms. Deemer has done a good job going through the various quality
1437 standards. I'll be happy to do that if needed. I'm going to thank them again for
1438 their patience, once again, and Mr. Archer, and the staff, and the Planning
1439 Commission, because we did have to defer this a number of times as we worked
1440 out some road issues that were internal and some older title issues. These have
1441 all been worked out to the satisfaction of folks. As well as working with Stonewall
1442 Manor on some issues that we had with the use of their pool and recreational
1443 amenities, which we've now done as well, as of today. So I think we're in good
1444 shape.

1445

1446 The obvious significant quality standards are provided. We're also in agreement
1447 that while the issue just came up with regard to the side and rear elevations, we
1448 have proffered in a number of architectural assurances. But in the meantime,
1449 we'll be working with staff to know exactly what they're looking for. It's just a
1450 matter of time then to get those rear and side elevations.

1451

1452 We see this truly as a transitional site, appropriate for both office and townhome.
1453 As a matter of fact, in the previous iteration of the comprehensive plan, it was
1454 Urban Residential that allowed for a townhome development. At the request of
1455 that prior owner, they asked for commercial concentration, which would have
1456 been inappropriate here. Based on the neighbors' desires—and there are some
1457 people here that would like to speak in favor it. You have to put a label on it.
1458 Something. If you don't have a transitional label, you're either going to have
1459 Office or you're going to have Urban Residential.

1460

1461 With that, given the support of the neighbors, given the quality controls that we
1462 have, the fact that this is a transitional site, we will commit to go ahead and put in
1463 the additional elevations and work with staff closely and quickly to get that done.

1464

1465 I'd be happy to answer any questions. And much less than ten minutes.

1466

1467 Mr. Leabough - Other questions for Mr. Condlin.

1468

1469 Mr. Archer - Mr. Condlin, I called you up because—well as you
1470 know, we've met on this more than once. And we've also met with the neighbors
1471 in Stonewall Manor. This has come a long way since the first time we met.

1472
1473 Mr. Condlin - Yes sir.
1474
1475 Mr. Archer - I also wanted to caution the neighbors that at the
1476 original meeting there were some things that were talked about that *could*
1477 happen there if we did not approve this. And I just want to make sure they
1478 understand that we probably wouldn't allow most of those things that they're
1479 afraid of. But in any event, as Ms. Deemer stated in her report, there are things
1480 that have been done that are very nice, but there are still some things that need
1481 to be worked on. And I just want to get it in the record that you agree to do that,
1482 particularly on the side and rear elevations—
1483
1484 Mr. Condlin - Absolutely.
1485
1486 Mr. Archer - —before this goes to the Board. So other than that, I
1487 would also like to state that Stonewall Manor is a very nice but old development.
1488 Many of the residents who are there I think have been there for quite some time.
1489 Not all of them, but many of them have. It's sort of a jewel out there on Parham
1490 Road.
1491
1492 Mr. Condlin - We actually have the agreement that has been just
1493 signed today to be able to use their pool and recreational facilities, which will help
1494 with an influx of cash there because it's forty-nine additional units. It's actually
1495 going to work out real well for them and for us, quite frankly, I think.
1496
1497 Mr. Archer - Well, I have to commend you on working with the
1498 neighborhood, because you did that quite nicely.
1499
1500 Mr. Condlin - Thank you.
1501
1502 Mr. Archer - Of course, you know I commend you all the time,
1503 don't I?
1504
1505 Mr. Condlin - Well, I appreciate it; that's why I like you so much.
1506
1507 Mr. Archer - Does anyone else have any questions for Mr.
1508 Condlin?
1509
1510 Mr. Leabough - No sir. Are there questions?
1511
1512 Mrs. Jones - No.
1513
1514 Mr. Condlin - Thank you.
1515
1516 Mrs. Jones - Mine were answered.
1517

1518 Mr. Archer - Thank you, sir. Well, first I have to move to waive the
1519 time limits on the newly admitted proffers.

1520
1521 Mr. Branin - Second.

1522
1523 Mr. Leabough - We have a motion by Mr. Archer, a second by
1524 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
1525 passes.

1526
1527 Mr. Archer - Thank you, sir. And also with that I will move for a
1528 recommendation for approval to the Board of Supervisors of REZ2014-00019,
1529 Andrew M. Conclin for Romm Development Company, LLC.

1530
1531 Mrs. Jones - Second.

1532
1533 Mr. Leabough - We have a motion by Mr. Archer, a second by
1534 Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
1535 passes.

1536
1537 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs.
1538 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
1539 Board of Supervisors **grant** the request because it reflects the type of residential
1540 growth in the area and the proffered conditions would provide for a higher quality
1541 of development than would otherwise be possible.

1542
1543 **REZ2014-00023 Joshua Rector, Bromont Group:** Request to
1544 conditionally rezone from R-3 One-Family Residence District, B-1 Business
1545 District, B-2 Business District, and B-3C Business District (Conditional) to B-3C
1546 Business District (Conditional) Parcel 812-723-1692 containing 30.644 acres
1547 located on the south line of Nine Mile Road (State Route 33) approximately 750'
1548 east of its intersection with S. Laburnum Avenue. The applicant proposes retail
1549 uses. The uses will be controlled by proffered conditions and zoning ordinance
1550 regulations. The 2026 Comprehensive Plan recommends Commercial Arterial,
1551 Environmental Protection Area, and Government. The site is located in the
1552 Airport Safety Overlay District and the Enterprise Zone. The staff report will be
1553 presented by Mr. Ben Sehl.

1554
1555 Mr. Leabough - Good evening, Mr. Sehl. Is there anyone here in
1556 opposition to REZ2014-00023, Joshua Rector, Bromont Group? We do have
1557 opposition. Mr. Sehl.

1558
1559 Mr. Sehl - Thank you, Mr. Chairman.

1560
1561 As Mr. Emerson stated, this request is to rezone approximately thirty-one acres
1562 from a mixture of B-3C, B-2, B-1, and R-3 to B-3C to allow the redevelopment of

1563 Fairfield Commons. The existing development on the portion of the property
1564 shown here would be removed, and new construction would occur in its place.

1565

1566 The site is located just east of South Laburnum Avenue on the south line of Nine
1567 Mile Road. Hechler Village subdivision is located to the south, and various retail
1568 uses are located in the vicinity along Nine Mile Road.

1569

1570 The 2026 Comprehensive Plan recommends Commercial Arterial for the majority
1571 of the subject site, meaning that commercial development could be appropriate
1572 on the property. The site is also located in the Enterprise Zone and Nine Mile
1573 Road Revitalization/Reinvestment Opportunity Area, meaning special attention
1574 should be paid to design features of the proposed development to ensure a level
1575 of quality in keeping with other recent projects in the area.

1576

1577 The applicant has submitted revised proffers, dated today, that commit to a
1578 number of development features and quality measures. These proffers were just
1579 distributed to you, and now reference the following exhibits: A proffered
1580 conceptual plan showing how the site would be developed. The large retail
1581 tenant, labeled as Building A, would be a Walmart.

1582

1583 Other inline retail space would be located in an "L" shape adjacent to the existing
1584 Ample Storage facility on the adjacent property, and one small outparcel building
1585 would be located close to Nine Mile Road in this location. The applicant has also
1586 proffered architectural elevations for the various buildings including this, the front
1587 elevation from Nine Mile Road and the proposed Walmart; side and rear of that
1588 same building; the various small shops and junior anchor tenants; and the
1589 outparcel building adjacent to Nine Mile Road.

1590

1591 In addition to the proffered exhibits, the conditions submitted by the applicant
1592 address many of the items typical for development of this type, including the
1593 following:

1594

- 1595 • Screening of loading docks from properties to the south, including the
1596 retention of an existing mature hedgerow along Colwyck Drive;
- 1597 • Specifications for exterior building materials;
- 1598 • limitations on detached signage;
- 1599 • pedestrian access areas as shown on the concept plan, including new
1600 sidewalks along Nine Mile Road, Colwyck Drive, and Eastgate
1601 Boulevard;
- 1602 • the provisions of street furniture at the bus stop along Nine Mile Road;
- 1603 • limitations on the hours of exterior construction; and
- 1604 • limits on parking lot lighting height, as well as the provision of minimum
1605 requirements for items such as the screening of mechanical equipment
1606 and dumpsters, underground utilities, and the maintenance of Eastgate
1607 Boulevard.

1608

1609 The applicant has also prohibited a number of potentially incompatible uses and
1610 provided limitations on the hours of operation on the property. Specifically,
1611 building A would be permitted to operate twenty-four hours per day, while the
1612 other three buildings would require approval of a provisional use permit to
1613 operate beyond the hours of 5:00 a.m. to midnight. Additional security provisions
1614 have also been included in Proffer 10 that would require security cameras for the
1615 subject site, and would require that the developer consult with the Division of
1616 Police regarding the overall security measures undertaken for the development.

1617

1618 Given the existing zoning on the property, pattern of development in the area,
1619 and general level of quality required by the submitted proffers, this request would
1620 provide for a higher-quality level of development than currently exists on the site.
1621 Additionally, the applicant has addressed a number of the concerns outlined in
1622 the staff report, including recent revisions just distributed to you. These include:

1623

- 1624 • further revisions to the hours of operation to allow only Building A to
- 1625 operate twenty-four hours per day;
- 1626 • a prohibition on payday and title loan lenders;
- 1627 • enhanced landscaping along Nine Mile Road and Eastgate Boulevard,
- 1628 as well as a commitment that the landscape and lighting plan would be
- 1629 reviewed and approved by the Planning Commission;
- 1630 • additional pedestrian features as shown on the concept plan; and,
- 1631 • prohibiting the previously referenced pole sign along Nine Mile Road.

1632

1633 The proposed use and zoning are generally consistent with the
1634 recommendations of the 2026 Comprehensive Plan and should provide for the
1635 high-quality redevelopment of an underutilized property. With the recent proffer
1636 revisions regarding hours of operation, permitted uses, landscaping, and lighting,
1637 staff believes this request is appropriate and recommends it be approved. Staff
1638 notes that time limits would need to be waived on the revised proffers.

1639

1640 This concludes my presentation, and I will be happy to answer any questions you
1641 might have at this time.

1642

1643 Mr. Leabough - Are there any questions for Mr. Sehl? No questions?

1644

1645 Mr. Branin - Would you repeat the hours of operation for Building
1646 A?

1647

1648 Mr. Sehl - Yes sir. Building A, located here, the proposed
1649 Walmart, would operation twenty-four hours per day. That would be the only use
1650 on the property that could operate that way.

1651

1652 Mr. Branin - Okay.

1653

1654 Mr. Emerson - Without a provisional use permit.

1655
1656 Mr. Sehl - Without a provisional use permit.
1657
1658 Mr. Branin - Do we know if it is actually going to be Walmart? Has
1659 it been announced that it is?
1660
1661 Mr. Sehl - They held an announcement. They announced it at
1662 two community meetings that were held, as well as the public announcement that
1663 was held at the site.
1664
1665 Mr. Branin - It is unknown?
1666
1667 Mr. Leabough - It is not unknown.
1668
1669 Mr. Branin - It's unofficially known. It's going to be the same
1670 question that I have, Commissioner, that has to do with twenty-four hours of
1671 safety, security, police. Are they using Henrico County off-duty police? So if you
1672 don't mind, I'd like to run through them.
1673
1674 Mr. Archer - Sure.
1675
1676 Mr. Branin - When we get to the applicant.
1677
1678 Mr. Archer - Okay, sure. One thing that Mr. Sehl mentioned in his
1679 presentation—and this was something that was sort of driving us in a negative
1680 direction—was having that type of security in place. Also initially there was some
1681 indication that these unnamed outparcels would be able to operate twenty-four
1682 hours. We were able to do away with that. The applicant agreed to do away with
1683 that, so the Walmart is the only one that has a 24-hour use at this time, unless a
1684 provisional use permit is filed for these unknown outparcels. So we can address
1685 that here. Thank you for asking.
1686
1687 Mr. Branin - It just always concerns me with any twenty-four hour,
1688 as Mrs. Jones did when the Walmart asked for twenty-four hours on Parham
1689 Road.
1690
1691 Mr. Leabough - All right. Other questions for Mr. Sehl? All right, thank
1692 you, sir.
1693
1694 Mr. Sehl - Thank you.
1695
1696 Mr. Leabough - Mr. Archer.
1697
1698 Mr. Archer - Yes. We have some people in opposition. I'd like to
1699 hear from them first before the applicant.
1700

1701 Mr. Leabough - Okay. And I would ask that Mr. Emerson just read real
1702 quickly the rules again just so folks are aware since it's been a good bit of time.
1703

1704 Mr. Emerson - Just to refresh everybody on the guidelines for
1705 Planning Commission public hearings: The applicant is allowed ten minutes to
1706 present the request. Time may be reserved for responses to testimony. The
1707 opposition is allowed ten minutes to present its concerns, and that is ten
1708 cumulative minutes for the opposition. Commission questions do not count into
1709 the time limits. The Commission may waive the time limits for either party at its
1710 discretion. Comments must be directly related to the case under consideration.
1711

1712 Mr. Leabough - Thank you, sir. Would the opposition please come
1713 forward and state your name for the record.
1714

1715 Mr. Jones - Good evening. My name is Willie C. Jones. I live in
1716 the Hechler Village neighborhood area. When I moved there it was Eastbourne.
1717 And I don't know we got a change from Eastbourne to Hechler Village, but that's
1718 not the issue.
1719

1720 I'm here tonight in opposition to the twenty-four hours. I was glad the question
1721 came up because that's the first thing I have on my mind. Our homes back up to
1722 the back of the business. You walk across the street, and houses are all the way
1723 across the street facing this location. You go about a half a block east and you're
1724 right back in the neighborhood community of houses. You go across Laburnum
1725 on the other side and there's a whole community of houses.
1726

1727 I feel that with the twenty-four hours, we're going to have additional crime in the
1728 area. I think we need to try to alleviate crime in the beginning, not after it gets into
1729 the neighborhood. We have had some crime since Fairfield Mall has been there,
1730 but it hasn't been as bad as it could be because they didn't stay open twenty-four
1731 hours a day. Even White Oaks, which just opened, I think they only stay open
1732 until 9:00 at night weekdays and open until 6 p.m. on weekends.
1733

1734 The other thing is the truck traffic. Now this is a residential area. Traffic coming
1735 off of Laburnum Avenue would have to come down Colwyck, make a left turn
1736 onto Eastgate (which is a narrow street), and then I don't know which entrance
1737 they're going to use to come into the mall. But that will be another hazard with
1738 the trucks.
1739

1740 The other one is when you're going south on Eastgate Boulevard, there's a T-
1741 intersection. So you have trouble making a left turn. And with these big trucks out
1742 there and additional traffic, because we know it's going to be a lot more traffic if
1743 this mall is completed. Traffic making a left turn is almost nil right now. Going
1744 right it's not as bad. But when you come back on Eastgate and are coming to
1745 Laburnum Avenue—I mean Nine Mile Road—that's also a T-intersection. On
1746 both ends of Eastgate Boulevard it's a T-intersection. And trying to make a left

1747 turn there where cars are coming east on Nine Mile Road, trucking coming out of
1748 the service station, trucks coming out of the mall—or cars, and the business on
1749 the north side, traffic is coming out of there, and you're trying to make a left turn.
1750 It's almost impossible now. We know what it's going to be like if they increase the
1751 traffic there.

1752
1753 We have discussed with the planners about getting a traffic light there because
1754 otherwise it's no way you're going to get out of there. Right now with the increase
1755 of traffic coming from White Oaks, it's almost sometimes—especially around 12
1756 noon and in the evening and the early morning, it's almost impossible to make
1757 your turns either left or right. Even with the traffic light, I think that is one of the
1758 sections that had one of the highest accidents rates next to Nine Mile at
1759 Laburnum Avenue, which is one block away, and that's the highest accident rate
1760 in the East End.

1761
1762 The other thing I would like to know—we never got an answer. This mall is
1763 directly backed up to a residential area. We do not know from the builders or
1764 developers what other malls with Walmart are that close to a residential area that
1765 stay open twenty-four hours a day.

1766
1767 Really, the opposition we have is the twenty-four hours, the crime, the truck
1768 traffic, the vehicle traffic, the traffic making a left turn at a T on one end, which is
1769 the south end. And then you go to the north end and you still have a T to make a
1770 turn right or left there.

1771
1772 Any questions?

1773
1774 Mr. Leabough - Are there questions for Mr. Jones? Thank you sir.
1775 Please come forward. You have about five minute remaining.

1776
1777 Ms. Freeman - Good evening. My name is LaDonna Freeman. I am
1778 also a resident in Hechler Village. I live off Colwyck Drive. As they were flashing
1779 up the previous pictures, I could see my roof. I am very close to this mall. My
1780 family has owned a home in Hechler Village since 1969, so I have seen the
1781 change in the mall over the years from when it had Sears at one end as the
1782 anchor and Thalhimers at the other end when it was a very vibrant mall. I'm
1783 excited that it is going to be revitalized. It has needed to be revitalized for a very
1784 long time.

1785
1786 My concern, however, is that it is a Walmart. And in fact, a 24-hour Walmart. Our
1787 neighborhood has always been very quiet. My concern is that, one, there will be,
1788 as Mr. Jones just stated, a tremendous increase in traffic and crime from that
1789 twenty-four-hour operation. My request is as this project moves forward, if the
1790 Planning committee could institute a traffic study, if it has not already been done,
1791 on the increase of the potential traffic, to put in a three-way stop sign at the
1792 intersection of Colwyck and Eastgate Boulevard so that those of us that live in

1793 the community won't have to fight with Walmart traffic just to get in and out of our
1794 subdivision.
1795

1796 A few weeks ago there was an accident on Laburnum, and the traffic was
1797 diverted down Colwyck from Friday evening until Saturday morning around noon.
1798 It was a nightmare to try to turn left from Eastgate Boulevard onto Colwyck.
1799 There were a number of people who really just had to kind of bogart their way to
1800 make a turn. So if that one day created that problem, I can only imagine what it
1801 would be like with a Walmart there. I also would like there to be a stoplight at
1802 Eastgate Boulevard and Nine Mile Road.
1803

1804 And then my final concern is that area you see to the left where you see the
1805 trees. That is an area between Eastgate Boulevard and Fairfield Middle School.
1806 Over the years, the trees and the brush and all of that has grown tremendously
1807 and there is a problem there with the water drainage through there. Any time
1808 during the summer when it's really hot, when you drive through there if your
1809 windows are down, the stench just really knocks you down. So our question
1810 when we attended the planning meeting a few weeks ago was who is really
1811 responsible for that. It was our understanding that the developer is going to have
1812 part responsibility on that are because they're going to install a sidewalk there.
1813 And so I would imagine that that they own part of that. But, you know, the County
1814 is also responsible for that. So in this development and while you're in the
1815 planning stages, I would like to see that area addressed there. One, it's an
1816 eyesore, and two, it just smells incredibly awful all the time. And it's been like that
1817 for years.
1818

1819 That is my last point. Thank you.
1820

1821 Mr. Leabough - Thank you.
1822

1823 Mr. Archer - Ms. Freeman. The smelly area that you're talking
1824 about is that east of—what is it, Eastgate Boulevard? Is that where you're
1825 speaking of?
1826

1827 Ms. Freeman - Would that be east? Yes.
1828

1829 Mr. Archer - Okay.
1830

1831 Ms. Freeman - Yes. It's the area between Eastgate Boulevard—
1832 Fairfield Middle School is here. It's that area right there—
1833

1834 Mr. Archer - Okay, I know where you're talking about.
1835

1836 Ms. Freeman - —that joins into the lake on the other side. That area.
1837

1838 Mr. Archer - Thank you, ma'am.

1839
1840 Ms. Freeman - Thank you.
1841
1842 Mr. Leabough - Is there any other opposition?
1843
1844 Ms. Su - My name is Yung Su. I'm a merchant from the
1845 Fairfield Commons Mall. It's been in the news. The rumor has been going on for
1846 many months. Every time there was news, I went to my landlord. Hey, what's
1847 going on? Is the place going to be sold? Is something else going to happen?
1848 They said no, nothing happened. It's all talking. It's just rumor. Nothing. So we
1849 weren't prepared to do anything. Not only me, all the other merchants are the
1850 same way. We thought the mall was going to survive for longer. So suddenly a
1851 bomb has been dropped.
1852
1853 Last week, I guess the new developer, they came around and they told us we
1854 have to vacate the place because they're going to demolish, they're going to
1855 rebuild. This is awesome. But to us, all the merchants, we're not prepared,
1856 actually. I asked about how long do we have. They say in the fall. I say fall?
1857 When? Timeframe? They don't know yet. Maybe September. I guess nobody
1858 knows when. But as soon as they take over, we have to move. They're going to
1859 start a new project. I say okay, that's not fair. You guys haven't even bought it
1860 yet, and you guys are going to tell us the time frame we have to leave there? I
1861 mean, I have a 4,000-square-foot store that's filled with merchandise. I have to
1862 do something with that. So I say maybe through Christmastime we'll sell a lot of
1863 merchandise, we'll move a lot of merchandise. So if we could stay through—I
1864 mean I'm not going to stay here and you guys can't do anything. Who am I to
1865 say? But if they give us time, enough time to move some inventory, move out of
1866 there, it would be very helpful to all of the merchants.
1867
1868 I also asked if you guys are going to pay the relocation fee? They say no. So if
1869 we want to relocate somewhere, we don't have the funds. I've been there for
1870 fourteen years already. Most of the other merchants have been there a long time.
1871 Since the economy is pretty down still, we really don't have the funds to relocate
1872 to another place. We are simply saying we need more time. Not in September.
1873 Not in October. We're able to stay through December. That's what we would like
1874 to ask. I don't know if that's a proper comment to say over here but. Okay?
1875
1876 Mr. Leabough - Thank you. Appreciate it. Mr. Archer, I don't believe
1877 there is any further opposition.
1878
1879 Mr. Archer - May I ask if Chris Livingston is here? Okay. Then we
1880 need to hear from the applicant, sir. Good evening, Mr. Rector. How are you, sir?
1881
1882 Mr. Rector - Very well, thank you. My name's Josh Rector. I
1883 represent Bromont Development Group. First of all, I want to thank your very,
1884 very professional staff. We're a national development company that does work

1885 across the country, and your staff has been a pleasure to work with, and they
1886 always held themselves very professionally. And same with the Board. I also
1887 want to thank Mr. Archer for helping coordinate several community meetings with
1888 Mr. Thornton and ourselves.

1889
1890 We've gone through multiple revisions on our plan and on our proffers with your
1891 staff—as I mentioned, two community meetings and a formal announcement on
1892 site, as well as numerous individual meetings with both existing tenants and
1893 neighbors. It has been our process from the beginning to put forth the best
1894 possible project for this site. I hope you'll realize, as evidenced by our
1895 architecture and all of the efforts we've done to provide a great plan, the
1896 extensive proffers that we've worked on with your staff to provide the best benefit
1897 to the community. Bromont intends to retain ownership of this property for a long
1898 time. We own twelve properties across the East Coast that we have done
1899 redevelopment efforts similar to this one on. And we really enjoy operating these
1900 properties and being part of the local community for a long period of time. We've
1901 put forward enhanced landscape and sidewalk plans to try and benefit the
1902 community.

1903
1904 We would like to request approval of this project pending any questions you may
1905 have for myself or any of the other members of my team who are here to help
1906 answer those questions.

1907
1908 Mr. Archer - Thank you, Mr. Rector. I said somewhat jokingly in
1909 the first case that you and I and Mr. Shust had about talked each other to death, I
1910 guess, in the last week or so because we've met quite a few times.

1911
1912 I would specifically like you to speak to the issues raised by Mr. Jones and
1913 Ms. Freeman. Mr. Jones's questions had to do with twenty-four hours, truck
1914 traffic, mall traffic, and what other mall is next to a residential area that's open
1915 twenty-four hours.

1916
1917 Mr. Rector - Certainly. Well, I'd like to rely on some of my team to
1918 help address some of the 24-hour questions as they're a little bit more versed in
1919 that specific dialogue. But as it relates to truck traffic, truck traffic is going to be
1920 routed through the center, using some of the Ample Storage space property. So
1921 we do not intend to have trucks on Colwyck Drive. As our traffic engineers have
1922 pointed out to me, if they did use Colwyck Drive, they wouldn't be able to make
1923 the turn to come into the shopping center to go to where the service is needed.
1924 So truck traffic is not intended, nor is it likely that any truck would want to go
1925 down Colwyck Drive because it would not function correctly.

1926
1927 As it relates to locations near existing neighborhoods and twenty-four-hour
1928 operations, I'd like to have Mr. Kleine come up and help answer that question.
1929

1930 Mr. Kleine - Good evening, Mr. Chairman, members of the
1931 Commission. For the record, my name is Tom Kleine. I'm an attorney with
1932 Troutman Sanders, and I serve as Walmart's land use counsel for the projects
1933 they do here in Virginia.

1934
1935 With respect to the security, we are proposing that this store would be a 24-hour
1936 store. That's not inconsistent with what our business model has been here in
1937 Virginia for the supercenter stores that we've operated. We do pay a lot of
1938 attention—and I've worked on a number of rezoning cases for the projects that
1939 we've done throughout the Commonwealth—to the security issues, particularly
1940 when they have a store, no matter what the hours of operation are. We have also
1941 worked with the Planning staff on specific language addressing security issues
1942 that is incorporated into the proffers, and I'll just read that because it talks
1943 about—this is some of the new language, but it says: The owner and/or
1944 management company of this site shall install and maintain operational video
1945 surveillance cameras throughout the exterior of the site at all times, providing
1946 surveillance coverage from the front, side, rear exterior areas of all of the
1947 buildings on the site. Any video from the surveillance cameras shall be retained
1948 for at least thirty days from the date the video is taken. And the owner and/or
1949 management company of the site agrees to consult with the Henrico County
1950 Police Department regarding the implementation of the video equipment and to
1951 cooperate with the Police Department during any investigations where the video
1952 equipment may be necessary. And we also will advise the Police Department of
1953 the overall security measures undertaken within the development.

1954
1955 I'd also say that Walmart has a very sophisticated asset management and
1956 security program that they manage internally as well. With every site and every
1957 community where they open a store, they look at the specific individual needs of
1958 that store. That goes to where the cameras would be placed, how many
1959 additional cameras may be needed, the training that they provide, the staff that's
1960 on duty. And also they design the site with security in mind with respect to the
1961 exterior lighting, with the access points, with monitor points that they have on the
1962 ingress and egress points within the store. And then in some case—and I know
1963 the question was asked—they will—as part of that evaluation, they will consider
1964 whether or not they do need to also bring on additional onsite security that may
1965 be patrolling the parking lot or patrolling the exterior and interior of the store.
1966 That's an individualized decision they make once they get into the market, once
1967 they've communicated with the local police, and evaluated what they think the
1968 specific security concerns would be at that location.

1969
1970 I would say with respect to proximity to residential communities in other
1971 communities throughout the Commonwealth, there are a number of sites that
1972 come to mind. If you've headed to the Outer Banks and gone down 168 through
1973 Chesapeake, you'll see a store there called the Edinburgh store at the Edinburgh
1974 development a bit north of the North Carolina line. It sits directly adjacent to a
1975 Homearama community where homes were selling or marketed for up to a million

1976 dollars. You literally sit in a Homearama community and you can look right over
1977 and see the Walmart store. People were buying and continued to buy right by the
1978 Walmart. And very similar to that situation, we worked with the community; we
1979 worked with the city when we put that store in. There was an architectural review
1980 process that we went through. We had some elevations. Same architects were
1981 involved for that one.

1982
1983 There's another store that we did at the corner of Jefferson and Mercury in
1984 Newport News. Again, that site backs up to a residential community. In Orange
1985 County there's a new store that we just opened last year off of Route 3. Again,
1986 there is a residential community behind that store. You come along the side of
1987 our store as you go into that. Tyson's Corner, there is a community directly
1988 behind the store that just opened. And in Washington, DC, we just opened one
1989 store. And it's odd that it actually has residential above it, within the store. And
1990 there's another one that's under construction that has residential as part of it. It's
1991 a mixed-use development, and there's a Walmart on one level and there's
1992 residential directly above it. So yes, we have a lot of experience being directly
1993 adjacent to residential communities.

1994
1995 Mr. Branin - May I ask a question?

1996
1997 Mr. Archer - Sure.

1998
1999 Mr. Branin - Thank you for that great explanation. Have you had
2000 any issues at the Jefferson and Mercury that you're aware of?

2001
2002 Mr. Kleine - Any specific 24-hour issues?

2003
2004 Mr. Branin - Yes.

2005
2006 Mr. Kleine - I would have to—I haven't—I mean I'm in
2007 communication with—

2008
2009 Mr. Branin - Check on it.

2010
2011 Mr. Kleine - —the city of Newport News but—

2012
2013 Mr. Branin - Check on it, because I'm aware of people that were
2014 concerned prior and are even more concerned now. So I would check on it.

2015
2016 The question brought about really—it's not even centering on the brand Walmart
2017 or anything like that. It's just on a big box store, Walmart tends to always want to
2018 come in and be twenty-four hours. It's part of your marketing and operations
2019 plan. I get that. Where we have seen a problem with twenty-four hours with large
2020 box stores is when they—even with cameras. Cameras are a deterrent, and
2021 they're great for picking up employee theft and shoplifting and so forth. If there is

2022 an issue and if there is a problem, the response time and the safety of the people
2023 in the store, out of the store, and also being able to contain an issue as opposed
2024 to hoping that they'll hang around long enough once you call the police. So it's a
2025 lot in Henrico. It's recommended that you look at using Henrico County police
2026 and working with Henrico County police to ensure rapid response and someone
2027 being able to be detained. And the rapid response.

2028
2029 Mr. Kleine - Yes sir.

2030
2031 Mr. Branin - Many of the Walmart stores refuse to even take that
2032 step. So my recommendation to you would be please take that step. Our concern
2033 as a commission is to our citizens. And whether there's a bad apple that comes
2034 in from out of state, our concern is our citizens. And if a retailer isn't willing to
2035 help us protect our citizens, we're going to keep asking why. So that's why I
2036 brought it up. And this may be your first meeting here. Any time there's a twenty-
2037 four hour, I bring it up.

2038
2039 Mr. Kleine - Right. And sir, I appreciate that. They had passed
2040 along that concern. It was an issue when we briefed the community, that
2041 question we were asked whether it would be twenty-four hour. We indicated that
2042 that was the plan. And that was also—knowing that that is a concern, that's also
2043 why we worked on some of the specific language to put in the proffer and to talk
2044 about in addition to the video surveillance that we would coordinate with the
2045 Henrico police. We would advise them of what the security plan was. Not only for
2046 the Walmart store, but of course that also applies to the remainder of the
2047 development. For Walmart it is also an ongoing dialogue. When we have a store
2048 open, we'll certainly communicate with Mr. Archer, and we're open to feedback
2049 from any of the commissioners if they hear about issues after our stores are
2050 open. But it is an ongoing dialogue that we will be engaged in. We wanted to put
2051 that into the proffer, but we also want to assure you that that will be the case. We
2052 will evaluate—and we evaluate each store as it's opened. If there are issues that
2053 present themselves, we want to work with the community. The last thing—again,
2054 the last thing that we want is a reputation here in the commonwealth of having
2055 stores that aren't a safe place to go at any time of the day.

2056
2057 Mr. Witte - Mr. Kleine?

2058
2059 Mr. Kleine - Yes sir.

2060
2061 Mr. Witte - That was a very comprehensive explanation, but the
2062 issue that I didn't hear addressed was are they going to have Henrico police's
2063 security? You're going to work with the police to enhance your security, but you
2064 didn't say that you would have Henrico police on the premises, off duty, as I'm
2065 aware two other Walmarts do in the area.

2066

2067 Mr. Kleine - Yes sir, and I apologize. I thought I had responded.
 2068 The determination as to whether or not to have off-duty security patrolling the
 2069 site, they have not made that determination as of yet.
 2070
 2071 Mr. Witte - Thank you.
 2072
 2073 Mr. Kleine - Yes sir.
 2074
 2075 Mr. Leabough - Other questions for Mr. Kleine? Thank you, sir.
 2076
 2077 Mr. Rector - If I could make one small statement. I know at the
 2078 beginning of this you asked if there was anyone in opposition. Would it be
 2079 appropriate to ask if there's anyone here in support from the community as well,
 2080 other than ourselves?
 2081
 2082 Mr. Leabough - Sure, you can do that.
 2083
 2084 Mr. Rector - Is there anybody here in support of this development
 2085 other than our team?
 2086
 2087 Mr. Archer - It's a tie.
 2088
 2089 Mr. Branin - I'm in support.
 2090
 2091 Mr. Rector - Well thank you.
 2092
 2093 Mr. Branin - I just have concerns about security.
 2094
 2095 Mr. Archer - Mr. Rector, a question was asked by Ms. Freeman, I
 2096 believe it was, that you may not have anything to do with, but we need an answer
 2097 because she needs an answer. The area to the east of Eastgate Boulevard. Will
 2098 you control that, and is there some way to alleviate what she said was a very
 2099 obnoxious problem?
 2100
 2101 Mr. Rector - Certainly. We do own a portion of that. We own
 2102 Eastgate Boulevard. It's a privately owned street which we're going to improve.
 2103 And then a portion of that beyond the street, we do own a small portion of that to
 2104 which we are going to put a sidewalk in and re-landscape. So we are going to
 2105 take care of a lot of the overgrown brush there that hasn't been maintained for
 2106 years. And we've committed to putting in street trees and shrubs along there and
 2107 maintenance of that landscaping. And I believe her primary concern is with some
 2108 of the waterway that is down in there. We do not own that waterway. We've had
 2109 some discussions both with some staff and with Mr. Thornton, actually, that the
 2110 County would look into that a little bit further because that is, I believe, County
 2111 maintenance. And I believe that's where it was left.
 2112

2113 Mrs. Jones - Can I follow up with just a quick comment on the
2114 points you mentioned about landscaping and responsibility for that. I don't think
2115 there's anything that really protects a neighborhood necessarily as well and as
2116 graciously as ample landscaping and lighting that will certainly be directed away
2117 from any kind of neighborhood impacts. All of that is a discussion for another
2118 day.

2119
2120 Mr. Rector - Certainly.

2121
2122 Mrs. Jones - But just to let you know that kind of thing is always
2123 important to us when we have these kinds of uses so close together. And we
2124 would hope that that would be extremely important to you as well.

2125
2126 Mr. Rector - It most certainly is. It has been from day one of our
2127 plan. I think it goes on many fronts, both from maintaining some of the existing
2128 mature landscaping that is there during the construction process and making
2129 sure it doesn't get damaged, and then supplementing it further so that it is even
2130 more beautified during the process. So yes, it will be of the utmost importance to
2131 us throughout the process.

2132
2133 Mr. Archer - Mr. Rector, you mentioned at one of the
2134 neighborhood meetings about the existing landscaping along Colwyck Drive that
2135 will be maintained. I believe you all were going to supplement that. You might
2136 explain that to Mrs. Jones so she'll understand it better.

2137
2138 Mr. Rector - Yes. If you're familiar with it, there's actually a quite
2139 large mature hedgerow around there and several mature pine trees. We're going
2140 to leave all of that in place. We're going to add to it several native tree species
2141 and some additional shrubs in some of the places where that has fallen down a
2142 little bit. We're going to also add some screening and privacy fencing along there.
2143 And we will be lighting it, but we're going to extensive lengths to make sure that
2144 lighting is appropriate to not affect the neighborhood in a negative way. In fact,
2145 we're also going to be using LED lighting, which is one of the best lighting
2146 fixtures for having light in the appropriate place and not dispersing it beyond
2147 where it should be. So that's just the beginning of many things that will get
2148 presented back to this Commission with our landscape and lighting plan when it
2149 comes here.

2150
2151 Mrs. Jones - Very good.

2152
2153 Mr. Leabough - Are there other questions for Mr. Rector?

2154
2155 Mr. Archer - No, but I need to hear from Mr. Cejka, please, from
2156 Traffic.

2157
2158 Mr. Rector - Thank you.

2159
2160 Mr. Archer - Thank you, Mr. Rector.
2161
2162 Mr. Cejka - Yes sir.
2163
2164 Mr. Archer - Mr. Cejka, I don't know if the County really has much
2165 responsibility for the traffic patterns that exist now at Fairfield Mall, but could you
2166 explain it? I think it's a VDOT question, how the traffic may be or could be in any
2167 way redesigned from what it is now.
2168
2169 Mr. Cejka - Nine Mile Road is maintained by VDOT. So any
2170 concern for a traffic signal at Eastgate I'll pass on to them and let them do their
2171 studies for it. I did recommend in one of my comments to move this access point
2172 opposite Cedar Fork Road, and VDOT denied that. They want to leave it where it
2173 is.
2174
2175 Mr. Archer - You said they denied it?
2176
2177 Mr. Cejka - Yes. It deals with their access management spacing
2178 of the driveways and the side streets. I just learned that today. And as he stated,
2179 trucks would have an extreme difficult time making this turn to come in here. And
2180 they'll probably use the signal to exit, coming out this way.
2181
2182 Mr. Archer - That's why I was asking if Mr. Chris Livingston was
2183 here. He is the proprietor of Pearle Vision Center across the street. He e-mailed
2184 me to tell me that there was a problem, which I guess doesn't really have
2185 anything to do with this case, but it could. With all the right-only traffic coming out
2186 of the shopping center, people were making left turns and going through his
2187 business in order to be able to go back west on Nine Mile Road. His business
2188 and a couple more. Again, I don't know if that has anything to do with this or this
2189 has anything to do with that, but it seems to me like that's more of an
2190 enforcement problem than it has to do with this development. But could you
2191 speak to that, and maybe I can relay to him how we might be able to alleviate
2192 that to some degree?
2193
2194 Mr. Cejka - Yes, it would be an enforcement problem. Prohibiting
2195 somebody from turning into the business, I don't see how VDOT could do that.
2196
2197 Mr. Archer - Right. So it's a police problem in essence. Okay.
2198
2199 Mr. Leabough - Other questions for Mr. Cejka?
2200
2201 Mr. Archer - That's it for me, Mr. Cejka.
2202
2203 Mr. Leabough - No other questions for Mr. Cejka? All right. Thank
2204 you, sir.

2205

2206 Mr. Cejka - You're welcome.

2207

2208 Mr. Archer - Mr. Chairman, I don't have any more questions, but
2209 there are some things that I need to speak to, one in particular I was going to
2210 speak to anyway. But Ms. Su came up and brought up the concern.

2211

2212 There is always a concern for people who could or would be displaced anytime
2213 there is a new development that comes along. I can tell you that this is not lost on
2214 Mr. Thornton, and he is preparing—and I can't put a time frame or whatever on it,
2215 but I know he's trying to prepare a meeting to see if there's anything that might
2216 be done that could help you, Ms. Su, and some other people who would be
2217 displaced by this move.

2218

2219 There were some areas of great concern that the proffers that were submitted
2220 today really helped to alleviate. One of the things that I'm reminded of every time
2221 I talk about traffic or anything that occurs in this area is this does represent—
2222 whether it's good or bad for everybody—a great opportunity to renew, and
2223 salvage, and redevelop a property that is really timeworn and outdated at best.
2224 But one of the things that people keep reminding me of—and I won't name
2225 anybody—is this has always been a mall. So the traffic situation or whatever else
2226 exists there now is what was planned for that when the mall was existing in its
2227 infancy. And for a time it was sort of the place to be in East Richmond or Henrico.
2228 And I used to frequent it quite a bit. And there were traffic problems. And I think
2229 the answer that VDOT has given us mostly is that the reason there's no
2230 significant change to be made is because it was designed for the mall anyway as
2231 it sits.

2232

2233 This is probably best described as a work in progress. This of course as you all
2234 know has to go to the Board for final approval. And I'm sure there will be many
2235 recommendations and concerns that will be exhibited before them before their
2236 final approval. I do think that overall this would be a great improvement to an
2237 area that is deteriorating and does need to be updated in some fashion. And I
2238 think when you examine it as a whole, the overall benefit is something that would
2239 be good for the community.

2240

2241 So with that and with the realization that the Board will be made aware of what
2242 your concerns are. I'll see personally that Mr. Thornton is aware of the issues
2243 that you've mentioned here tonight so that he can have a chance to either try to
2244 rectify them or at least think about them and make a decision before the Board's
2245 decision. But based on what we have here, I guess I first have to move to waive
2246 the time limits on the new proffers.

2247

2248 Mr. Emerson - That's correct.

2249

2250 Mr. Archer - Okay.

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Mrs. Jones - Second.

Mr. Leabough - We have a motion by Mr. Archer, a second by Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

Mr. Archer - And next I will move to recommend to the Board of Supervisors that REZ2014-00023, Bromont Group, receive a recommendation for approval.

Mrs. Jones - Second.

Mr. Leabough - We have a motion by Mr. Archer, a second by Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

REASON - Acting on a motion by Mr. Archer, seconded by Mrs. Jones, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it conforms to the Commercial Arterial recommendation of the Comprehensive Plan and the proffered conditions would provide for a higher quality of development than would otherwise be possible.

REZ2014-00026 **Ricky Wilkerson:** Request to conditionally rezone from B-1 Business District to B-3C Business District (Conditional) Parcel 803-733-5576 containing .3961 acres, located on the south line of Byron Street at its intersection with Carlton Road. The applicant proposes an auto repair shop. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the Airport Safety Overlay District and the Enterprise Zone. The staff report will be presented by Mrs. Lisa Blankinship.

Mr. Leabough - Good evening, Ms. Blankinship.

Ms. Blankinship - Good evening.

Mr. Leabough - Is there anyone here in opposition to REZ2014-00026, Ricky Wilkerson? There is no opposition. Ms. Blankinship.

Ms. Blankinship - Good evening.

This is a request to rezone .396 acres from B-1 to B-3C to allow the continuation of an auto repair use established on the site since 1983.

2297 Auto repair is first permitted in a B-3 District; therefore, the applicant is
2298 requesting to rezone the site to bring the use into compliance.
2299

2300 The site is located in the Airport Safety Overlay District and Enterprise Zone. The
2301 2026 Comprehensive Plan recommends Commercial Concentration. The
2302 requested B-3 zoning would be consistent with the Plan's recommendation.
2303

2304 Since the staff report, the applicant has submitted revised proffers that have
2305 been handed out to you this evening. These revised proffers address staff's
2306 concerns outlined in the staff report. The applicant is committing to limiting the
2307 number of bays on the site to two and additional site improvements which
2308 include:

- 2309
- 2310 a. the closing of two entrances closest to the intersection of Byron Street
2311 and Carlton Road;
 - 2312 b. the location of fencing for the screening of automobiles; and
 - 2313 c. perimeter landscaping of the site.
- 2314

2315 An administrative site plan will be submitted to the Planning Department for
2316 approval by the Director of Planning within ninety days of the approval of this
2317 request.
2318

2319 Staff believes the revised proffers address staff's concerns and will further
2320 regulate the site and help mitigate negative impacts on adjacent property owners.
2321 For these reasons, staff supports this request.
2322

2323 This concludes my presentation. I will be happy to answer any questions.
2324

2325 Mr. Leabough - Any questions for Ms. Blankinship? There are no
2326 questions. Thank you, Ms. Blankinship. Mr. Archer?

2327

2328 Mr. Archer - I'd like to hear from the applicant, please.
2329

2330 Mr. Leabough - Okay. Would the applicant please come forward?
2331 Please, sir, as you approach the podium, please remember to state your name
2332 for the record.
2333

2334 Mr. Wilkerson - I'm Ricky Wilkerson, Wilkerson and Son.
2335

2336 Mr. Leabough - Good evening.
2337

2338 Mr. Archer - How are you, Mr. Wilkerson?
2339

2340 Mr. Wilkerson - I'm pretty good.
2341

2342 Mr. Archer - Well I guess you've heard the things that they've
2343 asked you to agree to, and I assume you do.
2344
2345 Mr. Wilkerson - Oh, no problem.
2346
2347 Mr. Archer - Okay. I've been by there several times since
2348 Mr. Smith is no longer there, just to sort of get an eyeball view of how the
2349 property is maintained. I'd say that you're maintaining it very well. I notice you're
2350 only using one bay. I've only seen one opened. Is that one going to be utilized
2351 also?
2352
2353 Mr. Wilkerson - Both of them will. I'm going to replace both doors. I
2354 just repaired them until we see what we were going to do.
2355
2356 Mr. Archer - Well you painted the building up very nice.
2357
2358 Mr. Wilkerson - We're going to do a lot of changes.
2359
2360 Mr. Archer - Okay. I want to get one more question in. Is that big
2361 Harley-Davidson yours?
2362
2363 Mr. Wilkerson - Yes.
2364
2365 Mr. Archer - It's pretty.
2366
2367 Mr. Wilkerson - Thank you.
2368
2369 Mr. Archer - I don't have any more questions unless someone else
2370 does.
2371
2372 Mr. Leabough - Are there questions for Mr. Wilkerson? Thank you, sir.
2373
2374 Mr. Wilkerson - Thank y'all.
2375
2376 Mr. Archer - Thank you, Mr. Wilkerson. Time limits not required on
2377 this one I don't believe. Okay, Mr. Chairman, with that I will move for a
2378 recommendation of approval for REZ2014-00026, Ricky Wilkerson, and send it to
2379 the Board with that recommendation.
2380
2381 Mr. Branin - Second.
2382
2383 Mr. Leabough - We have a motion by Mr. Archer, a second by
2384 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
2385 passes.
2386

2387 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
2388 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
2389 Board of Supervisors grant the request because it is reasonable and the
2390 proffered conditions will provide appropriate quality assurances not otherwise
2391 available.

2392
2393 **REZ2014-00027** **Peter Francisco:** Request to amend proffered
2394 conditions accepted with Rezoning Case C-55C-07 on Parcel 780-749-9410
2395 located on the west line of Lakeside Avenue at its intersection with Timberlake
2396 Avenue. The applicant proposes to amend Proffer 1 to allow a microbrewery
2397 accessory to a home brew supply store as a permitted use. The existing zoning
2398 is B-3C Business District (Conditional). The 2026 Comprehensive Plan
2399 recommends Commercial Concentration. The site is located in the Enterprise
2400 Zone. The staff report will be presented by Ms. Rosemary Deemer.

2401
2402 Mr. Leabough - Is there anyone here in opposition to REZ2014-
2403 00027, Peter Francisco? There's no opposition. Good evening again,
2404 Ms. Deemer.

2405
2406 Ms. Deemer - Good evening again, Mr. Chairman, members of the
2407 Commission.

2408
2409 This request is to amend Proffer 1, related to permitted uses, accepted with
2410 rezoning case C-55C-07. The original case changed the zoning from B-2C
2411 Business District (Conditional) to B-3C to allow an outdoor farmers' market at
2412 Lakeside Town Center. As part of the conditions of the case, the applicant
2413 proffered the only B-3 use would be the outdoor farmers' market.

2414
2415 A tenant wishes to operate a small microbrewery which would be accessory to a
2416 home brew supply store within the Town Center. Based on a review of the
2417 Zoning Ordinance, a microbrewery that is not part of a restaurant is first
2418 permitted in the B-3 Business District. The proffer that limits B-3 uses to only a
2419 farmers' market is the reason for the proffer amendment.

2420
2421 The site is surrounded by Business zoned property on all sides except for a
2422 portion of the west side where it abuts vacant property zoned R-6C for an
2423 assisted care facility. The existing retail store, Original Gravity, currently sells
2424 supplies and ingredients to customers who brew beer or wine from their home.
2425 The tenant is looking to relocate to larger space and expand his business to brew
2426 beer on site and offer it for sale.

2427
2428 The applicant has submitted proffers, handed out this evening, dated July 7,
2429 2014, which would further restrict operations:

- 2430
2431
- The microbrewery shall be accessory to the home brew supply shop.

- 2432 • At no time shall the brewing/fermenting area and beer taps/seating
- 2433 area exceed 40 percent of the overall tenant space.
- 2434 • There shall be no sales to distributors.
- 2435 • Hours of operation shall be limited to 10 a.m. to 9 p.m.
- 2436

2437 The 2026 Comprehensive Plan recommends Commercial Concentration and the
 2438 proposed use and zoning are consistent with this designation. With the latest
 2439 proffers, the applicant has addressed the issues in the staff report and staff could
 2440 support this request. I'd be happy to answer your questions.

2441
 2442 Mr. Leabough - Are there questions for Ms. Deemer? Mr. Branin.

2443
 2444 Mr. Branin - He's going to serve beer on the premise?

2445
 2446 Ms. Deemer - He will have a brewer's license which would allow on-
 2447 premise and off-premise use. And the applicant, Mr. Francisco, is here. He is the
 2448 owner of Lakeside Town Center. And also his tenant is here, Mr. Ammendolia.
 2449 So they both can answer the questions. But yes, he would be able to brew the
 2450 beer. He would have a brewer's license. So yes, he would be able to brew the
 2451 beer, and he would be able to serve you some. The General Assembly allows
 2452 this—

2453
 2454 Mr. Branin - To be consumed on site?

2455
 2456 Ms. Deemer - On site. And he would be able to pour you a pint. He
 2457 would be able to serve you a flight, and he would be able to fill you a growler to
 2458 take it home.

2459
 2460 Mr. Branin - Isn't that something. Now the reason why I ask this is
 2461 I always thought—well my understanding was in Virginia the ABC laws state that
 2462 a certain percent of food would have to be served.

2463
 2464 Mr. Emerson - Not any longer.

2465
 2466 Ms. Deemer - The legislation has changed.

2467
 2468 Mr. Branin - As of this July?

2469
 2470 Ms. Deemer - No. Actually, it was changed a couple of years ago.
 2471 And that's why places like Strangeways Brewery, which operates in Henrico, is
 2472 just a brewery.

2473
 2474 Mr. Branin - Okay.

2475
 2476 Mr. Witte - Strangeways.

2477

2478 Ms. Deemer - That's in the Brookland District on Dabney Road.
2479
2480 Mr. Witte - Don't they have a brewery down there near the
2481 airport?
2482
2483 Ms. Deemer - No, we don't have anything else. Strangeways is the
2484 only brewery. Strangeways is on Dabney Road.
2485
2486 Mr. Witte - I'm familiar with that one.
2487
2488 Ms. Deemer - Right. But so far that's the only one that we actually
2489 have that's a microbrewery where people can come in and consume. Now
2490 whether we have other types of breweries that are just for wholesaling, we may
2491 have those.
2492
2493 Mr. Witte - Oh, okay. I got you now.
2494
2495 Mr. Branin - Mr. Secretary or Ms. Deemer, is this for just
2496 breweries? Is that where the General Assembly has changed?
2497
2498 Mr. Emerson - The change for breweries. I don't know if it included
2499 wineries.
2500
2501 Ms. Deemer - No. You could actually go to a cidery. There's Blue
2502 Bee Cider in the downtown area next to Legends. And so you could actually go
2503 down there, have a little tour. And you can have up to four ounces of cider, and
2504 that's all you're consuming; there is no food involved.
2505
2506 Mr. Branin - Well thank you for being so versed on this,
2507 Ms. Deemer.
2508
2509 Ms. Deemer - For somebody who's not a big beer drinker...
2510
2511 Mr. Branin - I'm not going to ask why.
2512
2513 Mr. Witte - I'm going to ask you one more thing. You can
2514 consume beer on Dabney Road?
2515
2516 Mr. Branin - Yes.
2517
2518 Ms. Deemer - Yes.
2519
2520 Mr. Witte - Okay.
2521
2522 Mr. Leabough - Other questions for Ms. Deemer?
2523

2524 Mr. Archer - No. I just wanted to explain to everybody that
2525 Ms. Deemer knows all this brewery terminology because of her research, not
2526 because she's... I think that's the reason, isn't it? Thank you, Ms. Deemer.
2527

2528 Mr. Leabough - Mr. Archer, would you like to hear from the applicant?
2529

2530 Mr. Archer - Yes. Mr. Francisco, you've been sitting here since
2531 before we got here, so I don't want you to waste your whole evening.
2532

2533 Mr. Francisco - [Off microphone.] I wanted to make sure I got a seat.
2534

2535 Mr. Leabough - Please remember to state your name for the record.
2536

2537 Mr. Francisco - Mr. Chairman and members of the Planning
2538 Commission, my name is Peter Francisco. My wife and I are the managing
2539 owners of Lakeside Town Center LLC. I'm here to answer any questions on the
2540 rezoning case REZ2014-00027. I wish to thank Rosemary Deemer also for all the
2541 research she did, along with the Planning staff that worked so hard on it to make
2542 so many good recommendations.
2543

2544 Mr. Archer - I don't really have any questions. Do any of you have
2545 some?
2546

2547 Mr. Kaechele - I was just going to ask what are the hours of
2548 operation?
2549

2550 Mr. Francisco - The hours of operation are limited to 10 a.m. to 9 p.m.
2551

2552 Mr. Kaechele - Every day?
2553

2554 Mr. Francisco - Yes sir.
2555

2556 Mr. Kaechele - Thank you.
2557

2558 Mr. Leabough - Other questions for Mr. Francisco?
2559

2560 Mr. Archer - No, but I expect probably two of our members here
2561 will be visiting, sounds like.
2562

2563 Mr. Witte - I don't know. I'll have to pay a visit to Strangeways
2564 tomorrow.
2565

2566 Mr. Archer - That's all I have.
2567

2568 Mr. Francisco - Thank you, sir.
2569

2570 Mr. Archer - Thank you for coming and being so patient.
2571
2572 Mr. Leabough - All right, Mr. Archer.
2573
2574 Mr. Archer - Okay. I think these proffers are timely. So with that,
2575 Mr. Chairman, I'll move for a recommendation of approval for REZ2014-00027,
2576 Peter Francisco, to the Board.
2577
2578 Mr. Branin - Second.
2579
2580 Mr. Leabough - We have a motion by Mr. Archer, a second by
2581 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
2582 passes.
2583
2584 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
2585 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
2586 Board of Supervisors **grant** the request because the change does not greatly
2587 reduce the original intended purpose of the proffers and it is not expected to
2588 adversely impact the surrounding land uses in the area.
2589
2590 **REZ2014-00028 Gloria Freye, Esq. for NV Retail:** Request to
2591 conditionally rezone from A-1 Agricultural District to B-3C Business District
2592 (Conditional) Parcels 731-765-8473, 732-765-3978, -6671, 732-766-7723, -4043,
2593 732-766-9300, 733-766-1630, and -6208 containing 62.33 acres located between
2594 the north line of W. Broad St. (U.S. Route 250) and the south line of Interstate 64
2595 approximately 1,465' west of its intersection with N. Gayton Road. The applicant
2596 proposes retail and office uses. The uses will be controlled by proffered
2597 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan
2598 recommends Urban Mixed Use and Environmental Protection Area. The site is
2599 located in the West Broad Street Overlay District. The staff report will be
2600 presented by Mr. Ben Sehl.
2601
2602 Mr. Leabough - Is there anyone in the audience in opposition to
2603 REZ2014-00028, Gloria Freye, Esq. for NV Retail? There is no opposition.
2604 Mr. Sehl?
2605
2606 Mr. Sehl - Thank you, Mr. Chairman.
2607
2608 This request is to rezone approximately sixty-two acres from A-1 to B-3C to allow
2609 the development of a retail and office development known as West Broad
2610 Marketplace. The site is located between the north line of West Broad Street and
2611 south line of Interstate 64, west of North Gayton Road. The site is largely
2612 undeveloped, although several residential dwellings and cleared agricultural
2613 areas exist as seen on this aerial photograph.
2614

2615 The 2026 Comprehensive Plan recommends Urban Mixed-Use for the subject
2616 property, as well as adjacent properties to the west and east. The proposed
2617 mixture of retail and office uses are not entirely consistent with this
2618 recommendation, but when taken in conjunction with planned uses on adjacent
2619 properties, this area of West Broad Street will ultimately contain a mixture of
2620 office, retail and residential uses consistent with the Plan. The Urban Mixed-Use
2621 designation also provides guidance regarding the form of development for the
2622 subject property, with special emphasis on quality design features such as
2623 landscaping, as well as enhanced pedestrian connectivity.

2624

2625 Properties to the east are zoned A-1, and to the west is the recently approved
2626 Broad Hill Center project, which includes a variety of office and residential uses,
2627 in addition to a small retail component. To the south is the Greengate Urban
2628 Mixed-Use project, which also contains a mixture of residential and
2629 nonresidential uses.

2630

2631 The applicant has submitted revised proffers, dated today, that commit to a
2632 number of development features and quality measures. These proffers were just
2633 distributed to you, and now reference the following exhibits:

2634

- 2635 • A revised conceptual plan showing how the site would be developed.
2636 In general, the two large retail users, a proposed Cabela's outdoors
2637 store and Wegmans grocery, would be located on the northern portion
2638 of the site. The southern portion of the site would be developed with
2639 smaller retail and office users. Major changes to the concept plan
2640 include additional pedestrian areas within the proposed Wegman's
2641 parking lot, and the depiction of additional landscaping in the planned
2642 spine road, and within the various parking areas.
- 2643 • Revised architectural elevations for the proposed Cabela's, Wegman's
2644 and various streetscape exhibits through the retail areas have also
2645 been submitted and included in the packet handed to you.
- 2646 • A proffered entrance and signage feature, as shown here.

2647

2648 In addition to the proffered exhibits, the conditions submitted by the applicant
2649 address typical use restrictions and development features for projects of this type
2650 in Henrico County. Specifically, the proffers:

2651

- 2652 • prohibit a number of potentially incompatible commercial uses;
- 2653 • limit the number of potential fast food users to two;
- 2654 • limit hours of operation for users less than 25,000 square feet, as well
2655 as provide for additional security provisions for those uses that operate
2656 beyond 12:00 midnight;
- 2657 • provide specifications for exterior building materials, including a
2658 requirement that building elevations adjacent to West Broad Street and
2659 the internal roads contain a minimum of 40 percent brick or stone; and

- 2660 • limit parking lot lighting height and provide minimum requirements for
2661 items such as open space, dumpster screening, best management
2662 practice facilities, and the screening of mechanical equipment.
2663

2664 Overall, the proffers are consistent with other recent requests of this type, and
2665 would provide for a high-quality development in keeping with the pattern of uses
2666 in this area of West Broad Street; however, given the emphasis on pedestrian
2667 connectivity and design features such as landscaping, staff requested the
2668 applicant address a number of items such as screening of loading areas along
2669 Interstate 64 and the western property line, signage, and interior parking lot
2670 landscaping and pedestrian features. To address these concerns, the applicant
2671 provided the revised proffers before you this evening. These proffers include a
2672 number of improvements regarding these elements of the case, including:
2673

- 2674 • a proffer committing to Planning Commission review and approval of a
2675 landscape plan that addresses such items as:
2676 o shade trees within parking lot islands;
2677 o planting areas along building frontages;
2678 o decorative lighting; and,
2679 o screening methods for areas along the western property line.
2680 (Specifically, staff is concerned about this area adjacent to an
2681 access road that will be provided for the property to the west.)
2682 • additional proffer language requiring Planning Commission review and
2683 approval of a pedestrian plan for the property;
2684 • a requirement that street trees along the spine and entrance road be a
2685 minimum of 3.5 inches in caliper at the time of planting;
2686 • a provision of street furniture such as benches and refuse containers
2687 within the linear park on the spine road, as well as along the entrance
2688 road;
2689 • clarification that the proffered plantings along the entrance road would
2690 be in addition to code required parking lot perimeter landscaping; and,
2691 • a commitment to limit internal access points to those shown on the
2692 concept plan to ensure this landscaping is provided and not negatively
2693 impacted by additional entrance points.
2694

2695 These revisions provide additional assurances that the landscaping and
2696 pedestrian features within the development would be in keeping with the
2697 recommendations of the Comprehensive Plan; however, staff encourages the
2698 applicant to continue working to enhance the landscaping and pedestrian access
2699 within the larger parking areas as the proffered landscaping and pedestrian plans
2700 are developed.
2701

2702 While the proposed use is not entirely consistent with the recommendation of the
2703 2026 Comprehensive Plan, it does provide for increased retail, service, and
2704 employment opportunities for the area. Additionally, it would complement
2705 planned uses on adjacent properties and follow the general development pattern

2706 established on the north line of West Broad Street in this area of the county.
2707 These positive factors, in addition to the quality assurances provided by the
2708 applicant's revised proffers, indicate this request could be appropriate. Staff
2709 therefore recommends approval, and notes that time limits would need to be
2710 waived to accept the revised proffers this evening.

2711
2712 This concludes my presentation, I will be happy to answer any questions.
2713

2714 Mr. Leabough - Are there questions for Mr. Sehl?
2715

2716 Mr. Kaechele - Yes. One question, Mr. Sehl. The revised proffers
2717 dated July 10th, there were some revised proffers on July 8th as well?
2718

2719 Mr. Sehl - Yes. The black line proffers in front of you, Mr.
2720 Kaechele, incorporate all of the changes that have happened since the Planning
2721 Commission staff report was issued.
2722

2723 Mr. Kaechele - Okay, thank you.
2724

2725 Mr. Leabough - Other questions for Mr. Sehl? Mrs. Jones?
2726

2727 Mrs. Jones - I may have missed. Could you just confirm the hours
2728 for the two anchor tenants, Wegman's and Cabela's?
2729

2730 Mr. Sehl - If they are larger than 25,000 square feet, they could
2731 potentially operate twenty-four hours, consistent with the B-3C zoning on the
2732 property. So any smaller—
2733

2734 Mrs. Jones - Do you know if that's what they will do?
2735

2736 Mr. Sehl - My understanding—and the applicant and several of
2737 their representatives are here this evening could speak to that. My understanding
2738 is that the Wegman's is largely the one that would operate extended hours of
2739 operation.
2740

2741 Mrs. Jones - I see. Okay. Well I'll ask them then.
2742

2743 Mr. Archer - Is that fairly usual for them, Mr. Sehl?
2744

2745 Mr. Sehl - I could not speak specifically to that, Mr. Archer, but
2746 yes, they may be able to.
2747

2748 Mr. Archer - Okay, thank you.
2749

2750 Mr. Leabough - Other questions for Mr. Sehl? All right. Mr. Branin?
2751

2752 Mr. Branin - None for Mr. Sehl, but I would like to hear from the
2753 applicant, if I may, sir.

2754
2755 Mr. Leabough - Sure. Good evening, Ms. Freye.

2756
2757 Ms. Freye - Good evening. My name's Gloria Freye and I'm an
2758 attorney with McGuire Woods here on behalf of NV Retail, along with Jack
2759 Waghorn, the developer. And also with us this evening is Tracy Lower. She's the
2760 engineer with BHB. So she can help us with questions that may come up.

2761
2762 We sincerely thank Henrico County. All its representatives—Mr. Emerson, Mr.
2763 Sehl, the Planning Staff, actually all the County departments that came together
2764 from the very beginning to look at this project and to brief us and educate us on
2765 issues that would need to be addressed so that we could do our homework as
2766 best we could to bring this case forward. From the very beginning with the
2767 meetings with the representatives from Cabela's earlier this year, the County has
2768 been very forthcoming, very helpful. And that has been so very much appreciated
2769 by all of us.

2770
2771 As with any project of this size, there are a lot of details to get worked out. That's
2772 why we have been continually working on the proffers and revising them,
2773 tweaking them, and addressing the issues, questions, and concerns that have
2774 been raised by the staff so that the most recent proffers that you got today do
2775 enhance the landscaping. It does require the landscape plan to be approved by
2776 the Planning Commission along with a pedestrian plan with additional screening
2777 details being provided and additional architectural treatment. One of the exhibits
2778 that you received today shows more stone piers in the back, the rear of the
2779 Cabela's building. But I assure you we will continue to work with the staff to
2780 develop specific details about the landscaping and the pedestrian connectivity as
2781 we go forward. And we will be working on that before the Board of Supervisors
2782 as well to make sure that we have the case in the best position possible by the
2783 time it gets to the Board of Supervisors.

2784
2785 As has been reported, the two anchor tenants for this are Cabela's, a very high-
2786 end outdoor gear retailer that's ranked number one in the country in this
2787 category. Cabela's plans to employ 175 full- and part-time employees. The other
2788 anchor tenant is Wegman's. They're ranked the number one grocery in the
2789 country, which a lot of folks here in Henrico County are delighted to have come,
2790 have a store here. They plan to employ 550 to about 600 people, full- and part-
2791 time positions.

2792
2793 Henrico County has designated this area as a prime economic development site.
2794 This specific location between Interstate 64 and West Broad is ideal for a large
2795 retail center that's being proposed here. With the planned 420,000 square feet of
2796 retail and 36,000 square feet of office, the West Broad Marketplace is expected
2797 to create about a thousand jobs. It will also create commercial revenue for the

2798 County as well. And that accomplished the goals that prime economic
2799 development areas are designed to do.

2800

2801 We have reached out to the adjacent landowners around this property and talked
2802 with citizens in that area. The people that we have talked with are very supportive
2803 of this development. They're very supportive especially of Wegman's. One of the
2804 residents I talked to said she's been writing letters to Wegman's for years asking
2805 them to bring a store here. But the owners and the property owners, the
2806 developers to the west of this property, the owners of the property to the east,
2807 even an owner on the other side of 64 have all expressed that they do support
2808 this project.

2809

2810 We were made aware of a flier that talked about concerns, Concerned Citizens of
2811 Short Pump. I did reach out to try to contact that group. I was not able to identify
2812 an individual with that group. But what we did do in looking at the follow-up from
2813 some of the reports that were made on the news channels, news services, is that
2814 there was a Facebook posting. There have been hundreds of comments made
2815 about the Wegman's. And not surprisingly, they are by far all very positive, very
2816 excited, and very welcoming for the Wegman's to come. But in that flier, there
2817 was a concern expressed about traffic. That flier singled out the traffic from
2818 Wegman's being a problem. But in fact, the traffic study that was submitted for
2819 this project covers all the commercial development, all the traffic that would be
2820 generated by the restaurants, the retailers, and the offices that are planned for
2821 the center.

2822

2823 So to address the traffic issue for the record, the developer is going to be using
2824 an existing access point. Based on previous studies that have been done in
2825 connection with other development that's been approved in this area, the
2826 developer is proffering road improvements to West Broad. This exhibit shows
2827 that there would only be one access into the center, and that is planned with a
2828 traffic signal. There will be a right turn lane installed off of West Broad into the
2829 entrance. And the developer will dedicate the right of way for that lane. There will
2830 also be an additional left-turn lane added into the center for folks that are
2831 traveling eastbound on West Broad. The engineers are going to continue to work
2832 with the county and with VDOT to finalize the traffic impact analysis, and we
2833 expect that to be completed before we get to the Board of Supervisors' hearing.
2834 That will be done to make sure that all the traffic impact will be properly
2835 addressed.

2836

2837 There are many other proffers in the case. We'd be glad to discuss any of them
2838 that you might have questions about. But I think that from the exhibit that you've
2839 seen that this will be a quality retail center. There are unique architecture
2840 elevations being provided. They are very high-quality materials that have been
2841 proffered, high-quality design. This will be a walkable center. There will be
2842 connectivity both internally to the stores and to the development to the west. The

2843 center does provide a good mix of uses. It will bring retailers that are not
2844 otherwise here in the Richmond area.

2845

2846 We will be glad to discuss any of the proffers that you have or respond to any
2847 questions that you have. We do ask that you waive the 48-hour rule and accept
2848 the proffers and exhibits that were submitted today, and ask that you recommend
2849 approval to the Board of Supervisors.

2850

2851 Mr. Leabough - Are there questions for Ms. Freye?

2852

2853 Mr. Kaechele - One question. What you're showing now on the right
2854 of way going north at the main entrance to the property, how wide is that?

2855

2856 Ms. Freye - I cannot answer that. Tracy, can you answer the width
2857 of the right of way?

2858

2859 Mr. Kaechele - And your spine road is a major thoroughfare in itself?

2860

2861 Ms. Freye - Internally, yes sir. Yes sir, it will be a full—

2862

2863 Mr. Kaechele - That's ninety feet, but I was just curious about this
2864 main entrance.

2865

2866 Ms. Freye - The width of the main entrance? This is Tracy Lower.
2867 She's an engineer with VHB.

2868

2869 Mr. Kaechele - Thank you.

2870

2871 Ms. Lower - The width of the entrance road is going to be a ninety-
2872 foot distance.

2873

2874 Mr. Kaechele - And the spine road is the same thing?

2875

2876 Ms. Lower - Same thing.

2877

2878 Mr. Kaechele - Okay. Thank you.

2879

2880 Mr. Witte - While you're still here, you have three lanes of traffic
2881 going into the facility, but you only have two coming out. Do you see the issue
2882 with that?

2883

2884 Ms. Lower - We actually have four lanes total—two coming in and
2885 two exiting.

2886

2887 Mr. Branin - Two coming in; two going out.

2888

2889 Mr. Witte - Well you have two left-turn lanes.
2890
2891 Ms. Lower - Two left-turn lanes, that's correct.
2892
2893 Mr. Witte - One right-turn lane?
2894
2895 Ms. Lower - Mmm-hmm.
2896
2897 Mr. Witte - And it looks like two coming out. So that would be
2898 three lanes going in. Two lefts and a right. But only two coming out.
2899
2900 Mr. Branin - The drawing's deceiving. You've got a left turn and a
2901 right turn coming out, and you have two right turns. So there will probably be a
2902 divider between the four lanes, correct?
2903
2904 Mr. Witte - Oh, okay.
2905
2906 Mr. Branin - It's just the way it's drawn up.
2907
2908 Ms. Lower - I think I know what the confusion is actually. It's
2909 actually a detail that needs to still be worked out during the design, specific
2910 design element of that.
2911
2912 Mr. Branin - It's two in, two out.
2913
2914 Ms. Lower - Yes.
2915
2916 Mr. Witte - Thank you.
2917
2918 Mr. Leabough - Any other questions from the commission?
2919
2920 Mrs. Jones - Yes. Could you confirm the hours of Wegman's and
2921 Cabela's?
2922
2923 Ms. Freye - The Cabela's is actually going to close at nine.
2924 Wegman's is a twenty-four hour.
2925
2926 Mrs. Jones - And Cabela's, I guess, would open ten, nine,
2927 something like that?
2928
2929 Ms. Freye - Probably nine or ten, yes ma'am.
2930
2931 Mr. Leabough - You had another question. Well, maybe I just
2932 dreamed this. Is that consistent with other Wegman's to operate twenty-four
2933 hours?
2934

2935 Ms. Freye - My understanding is that it is, yes sir.

2936

2937 Mr. Leabough - Okay, thank you.

2938

2939 Mr. Branin - I have a couple comments and a couple questions.
2940 Mr. Waghorn might want to get up and address this as well as the attorney.
2941 You've heard my concerns with safety on any twenty-four hour. We have an
2942 extensive proffer, Proffer 12, in regards to it. And as you know from talking to Ms.
2943 Vann, our representative from the police and Ms. Freye, in dealing with Henrico
2944 for a long time, we always prefer to have that extra bonus safety, if possible, with
2945 Henrico County Police. And it's because of response time. So that was my
2946 comment in regards to safety.

2947

2948 I want to thank both of you all. It's been very demanding on you all, as well as on
2949 Henrico staff because this is a large project. We've asked for a lot, and you guys
2950 have come through and been able to work with us and give us what we need to
2951 ensure the quality that we were looking for.

2952

2953 A couple things that I want to make apparent still that's very important, and that is
2954 that spine road. As Broad Street has progressed out, Three Chopt has been
2955 coming out with it as it gets developed. The spine road that goes through the mall
2956 and comes across will come through you all and continue into the adjoining
2957 property. Because this whole area is being developed and your neighbor has the
2958 residential, the connectivity, the paths, the pedestrian access is all vital and I
2959 wanted to thank you because that was one of the things that we've been working
2960 on so hard in the last couple weeks. Thank you for working on that. And the
2961 landscaping and the buffering is essential to maintaining the quality, the beauty,
2962 and also the higher-end development of this corridor. So thank you. And as we
2963 move forward into POD, remember we're going to be pushing really strongly to
2964 make sure the quality of that spine road is maintained.

2965

2966 I do have one question. Outparcels. Can you can say—because, you know,
2967 we've had a grocery store that we don't know about and we have buildings in
2968 another shopping center that we don't know about. You have outparcels in the
2969 front of these two large anchor boxes. Do you have any people that have
2970 committed to coming into those outparcels?

2971

2972 Mr. Waghorn - Jack Waghorn, the president of NV Retail, for the
2973 record. Before I answer your question, let me first echo the previous speaker's
2974 compliments to Mr. Emerson and his staff. It has been demanding on both sides,
2975 I'll agree. We've fought for what we believed in, we've compromised, and I think
2976 we've come up with a tremendous plan. We're very proud of this. So my
2977 compliments to you, sir, for your staff.

2978

2979 Mr. Chairman, Wegman's is open twenty-four hours a day, but the majority of
2980 activity in a Wegman's store beyond midnight is cleanup, prep, operations items.

3026 thank you all for working on it. We'll look forward to it coming to the Board of
3027 Supervisors next month.

3028

3029 Mr. Waghorn - Thank you, Mr. Kaechele.

3030

3031 Mr. Branin - Now are you ready for the good one? It's only fitting
3032 that the number one grocery store and the number one sporting goods store
3033 would want to come to the number one county in the state. They thought I was
3034 going to throw district.

3035

3036 Mrs. Jones - Yes, we did.

3037

3038 Mr. Branin - I wasn't going to do that to my fellow commissioners.

3039

3040 Mr. Archer - I knew where you were going, Mr. Branin.

3041

3042 Mr. Branin - All right. Mr. Chairman, I'm through, and everybody
3043 else in this room is getting ready to go to sleep here. May I make a motion or do
3044 you have anything else?

3045

3046 Mr. Leabough - Yes sir, I'm ready for a motion.

3047

3048 Mr. Branin - All right. First, Mr. Chairman, I'd like to move that we
3049 waive the time limits.

3050

3051 Mr. Witte - Second.

3052

3053 Mr. Leabough - We have a motion by Mr. Branin, a second by
3054 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
3055 passes.

3056

3057 Mr. Branin - Mr. Chairman, I'd like to move that REZ2014-00028,
3058 Gloria Freye, Esq. for NV Retail, move forward to the Board of Supervisors with a
3059 recommendation for approval.

3060

3061 Mr. Witte - Second.

3062

3063 Mr. Leabough - We have a motion by Mr. Branin, a second by
3064 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
3065 passes.

3066

3067 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
3068 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the
3069 Board of Supervisors grant the request because it continues a form of zoning
3070 consistent with the area, conforms with the objectives and intent of the County's

3071 Comprehensive Plan, and the proffered conditions will assure a level of
3072 development otherwise not possible.

3073

3074 **PUP2014-00015 Matt Wells for Zoës Kitchen:** Request for a
3075 Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
3076 Chapter 24 of the County Code in order to allow outdoor dining for a proposed
3077 restaurant (Zoës Kitchen) on part of Parcel 736-762-7338 located in the
3078 southwest quadrant of the intersection of W. Broad Street (U.S. Route 250) and
3079 Lauderdale Drive. The existing zoning is B-2C Business District (Conditional).
3080 The 2026 Comprehensive Plan recommends Commercial Arterial. The site is
3081 located in the West Broad Street Overlay District. The staff report will be
3082 presented by Ms. Rosemary Deemer.

3083

3084 Mr. Leabough - Is there anyone in the audience in opposition to
3085 PUP2014-00015, Matt Wells for Zoës Kitchen? There is no opposition.
3086 Ms. Deemer.

3087

3088 Ms. Deemer - Good evening. Again.

3089

3090 Mr. Branin - Ms. Deemer, would you like me to wait for them? I
3091 don't mind waiting. I thought they were here to actually film the Zoës Kitchen. I'm
3092 deeply offended that you guys are leaving.

3093

3094 Mr. Leabough - Ms. Deemer.

3095

3096 Ms. Deemer - Mr. Chairman, members of the Commission, this is a
3097 Provisional Use Permit request to allow outdoor dining for Zoës Kitchen, a new
3098 2,620-square-foot restaurant being built at The Corner at Short Pump located at
3099 West Broad Street and Lauderdale Drive. The proposed location is zoned B-2C
3100 Business District Conditional, as are all other portions of the shopping center.
3101 The site is located in the West Broad Street Overlay District, and the 2026
3102 Comprehensive Plan recommends Commercial Arterial.

3103

3104 As shown, the applicant proposes an outdoor dining area, which would occupy
3105 approximately 404 square feet along the southern exterior of Building 3 at The
3106 Corner at Short Pump. In this area here. This is Building 3, and this would be the
3107 Zoës Kitchen. The dining area would be located on a patio built to accommodate
3108 approximately twenty-four patrons and be enclosed by a 36-inch-high steel railing
3109 with access from the interior of the restaurant. The outdoor dining area will not be
3110 in operation between 10:00 p.m. and 7:00 a.m.

3111

3112 Similar to other recent outdoor dining cases, if properly regulated, staff believes
3113 this request would be compatible with adjacent uses, would be an appropriate
3114 extension of the restaurant's services, and would complement the continued
3115 development of this area. Staff recommends approval of the request subject to
3116 conditions 1-14 in the staff report.

3117
3118 This concludes my presentation. The applicant's representative is here this
3119 evening if you have any questions.
3120
3121 Mr. Leabough - Are there questions for Ms. Deemer?
3122
3123 Mr. Branin - Ms. Deemer, what time does the outdoor dining shut
3124 down?
3125
3126 Ms. Deemer - It would shut down at 10 p.m.
3127
3128 Mr. Branin - And that's consistent with all the others?
3129
3130 Ms. Deemer - Yes sir.
3131
3132 Mr. Branin - May I hear from the applicant?
3133
3134 Mr. Leabough - Would the applicant please come forward?
3135
3136 Ms. Tussey - Good evening everybody. I'm Ann Marie Tussey. I'm
3137 the director of real estate for Zoës Kitchen.
3138
3139 Mr. Branin - Good evening, Ann Marie, how are you?
3140
3141 Ms. Tussey - I'm doing wonderful. How are you?
3142
3143 Mr. Branin - I'm good. I'm sorry our meeting didn't go well, get to
3144 happen last night for the people at Wellesley.
3145
3146 Ms. Tussey - I know. I am as well. But we're going to reschedule.
3147
3148 Mr. Branin - There was a swim meet.
3149
3150 Ms. Tussey - I understand.
3151
3152 Mr. Branin - And that takes precedent over everything. So that's
3153 why I brought you down. They were excited, but they said there's no way. And I
3154 went to that swim meet. There's no parking anywhere, so it's good that it didn't
3155 happen.
3156
3157 Ms. Tussey - But I did talk to them, and we're going to reschedule.
3158 We definitely want to start as good neighbors so.
3159
3160 Mr. Branin - Good, good. All right, that was it. She and I were
3161 trying to coordinate with Wellesley for a month.
3162

3163 Ms. Tussey - At least, yes.
3164
3165 Mr. Branin - And we finally got the date locked down, and then at
3166 the last minute the swim meet, can't do it. So. All right, thank you.
3167
3168 Mr. Leabough - Thank you, ma'am.
3169
3170 Ms. Tussey - Thank you.
3171
3172 Mr. Leabough - Mr. Branin, I'll entertain a motion.
3173
3174 Mr. Branin - Thank you, sir. Mr. Chairman, I'd like to move that
3175 PUP2014-00015, Zoës Kitchen, move forward to the Board of Supervisors with a
3176 recommendation for approval.
3177
3178 Mr. Witte - Second.
3179
3180 Mr. Leabough - We have a motion by Mr. Branin, a second by
3181 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
3182 passes.
3183
3184 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
3185 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the
3186 Board of Supervisors grant the request because it is reasonable in light of the
3187 surrounding uses and existing zoning on the property and it would not be
3188 detrimental to the public health, safety, welfare and values of the area.
3189
3190 Mr. Emerson - The next item on the agenda is the consideration of
3191 the approval of the minutes from your June 12, 2014 meeting. You do have an
3192 errata sheet containing corrections that we received earlier in the day. And of
3193 course we'll entertain any other corrections you may have.
3194
3195 Mr. Leabough - Other corrections to the minutes? If not, I'll entertain a
3196 motion for approval.
3197
3198 Mr. Branin - Move for approval.
3199
3200 Mr. Witte - Second.
3201
3202 Mr. Leabough - We have a motion by Mr. Branin, second by Mr. Witte.
3203 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
3204
3205 Is there any other business for the Commission tonight?
3206
3207 Mr. Emerson - Yes. Mr. Chairman, I would like just to take a brief
3208 moment to introduce you to our newest member of our staff. Erin, if you would

3209 stand up so that the Commission can get a good look at you. Lady and
3210 gentlemen, this is Erin Puckett. She's our new County Planner 1. If you
3211 remember, David Conmy left us and went to work with the state several months
3212 ago. Well Erin has accepted that position, and we're very excited to have her
3213 here. She just started last week, I believe, for a couple of days. And she came
3214 back, which was a good thing. She comes to us from Montgomery County,
3215 Virginia, the Planning and GIS Services. She conducted staff analysis, prepared
3216 maps, drafted the update to Montgomery County's transportation data chapter of
3217 their comprehensive plan. She has a bachelor's degree in Environmental
3218 Science from the University of Virginia and a master's degree in Urban and
3219 Regional Planning from Virginia Tech. So we're very happy to have her.

3220

3221 Mr. Witte - Where is Montgomery County?

3222

3223 Male - What? It's Blacksburg.

3224

3225 Mr. Branin - Is it? You're not going to leave us and go to the state,
3226 are you?

3227

3228 Ms. Puckett - [Off microphone; inaudible.]

3229

3230 Mr. Branin - It really offends us when that happens.

3231

3232 Mr. Leabough - And you heard that you're in the number one locality
3233 in the country. You heard that, didn't you?

3234

3235 Ms. Puckett - [Off microphone; inaudible.]

3236

3237 Mr. Archer - That's the only time you'll ever hear applause, Erin.
3238 All right, Mr. Secretary, before we close.

3239

3240 Mr. Emerson - Yes.

3241

3242 Mr. Archer - We had a very extensive and busy schedule tonight.
3243 And Mr. Secretary, I want to compliment you and your staff on all the fine, hard
3244 work you all did because we had some tough ones.

3245

3246 Mr. Emerson - Thank you very much. Thank you very much.

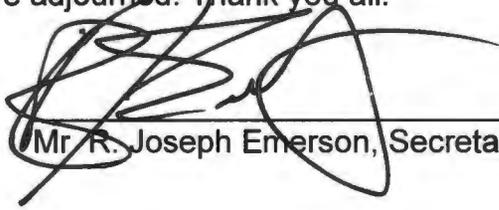
3247

3248 Mr. Witte - I second that.

3249

3250 Mr. Emerson - Well I'd like to thank the Commission because you
3251 made yourself available. And with your help we were able to get this done. A
3252 couple of these cases you know went right down to the wire.

3253

3254 Mr. Leabough - Well we had the assistance of a former commissioner
3255 in the back, Mr. Jernigan.
3256
3257 Mr. Branin - That's what I was going to say. We have a celebrity in
3258 the room. And he still hangs out until the end.
3259
3260 Mr. Leabough - Until the very end. I want to thank you for that,
3261 Mr. Jernigan.
3262
3263 Mr. Archer - Now you know where all the beer places are.
3264
3265 Mrs. Jones - It's educational.
3266
3267 Mr. Emerson - That's why he came, I think.
3268
3269 Mr. Leabough - He wanted to make sure that went through without a
3270 hitch. If there's no other business, I'll entertain a motion for adjournment.
3271
3272 Mr. Archer - So moved.
3273
3274 Mrs. Jones - Second.
3275
3276 Mr. Leabough - We're adjourned. Thank you all.
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3281 _____
3282 Mr. R. Joseph Emerson, Secretary
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3285 _____
3286 Mr. Eric Leabough, Chairman