Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico held in the County Administration Building in the Government Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. July 10, 2014. Display Notice having been published in the Richmond Times-Dispatch on June 23, 2014 and June 30, 2014.

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

Mr. David Kaechele, the Board of Supervisors’ representative, abstains on all cases unless otherwise noted.

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

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

July 10, 2014
Mrs. Jones - I'll do that, Mr. Secretary. Pursuant to Section 2.2-3711(a)(7) of the Code of Virginia, I move that the Planning Commission go into closed session for consultation with the County Attorney's Office regarding specific legal matters requiring the provision of legal advice about case number REZ2013-00002.

Mr. Branin - Second.

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

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

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

THE PLANNING COMMISSION RECONVENED FOLLOWING A CLOSED SESSION.

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

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

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

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

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

Mr. Leabough - I'll entertain a motion.

Mr. Witte - So moved.

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

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

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

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

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

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

Mr. Kaechele - Glad to be here.

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

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

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

(Deferred from the May 15, 2014 Meeting)

PUP2014-00001 Malachi M. Mills for Bobby Marchetti: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow outdoor dining for a proposed restaurant on part of Parcel 767-757-8360 located 95' east of the east line of Hungary Spring Road approximately 1,025' south of its intersection with Staples Mill Road (U.S. Route 33). The existing zoning is B-2C Business District
(Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration and Office.

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

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

Mr. Branin - Second.

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

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

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

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

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

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

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

(Deferred from June 25, 2014)

PLAN OF DEVELOPMENT – ARCHITECTURAL PLANS

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.

Mr. Leabough - Is there anyone here in opposition to POD2014-00250, Grocery Store at 5221 Brook Road? There is no opposition.

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

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

The front elevation has been further revised to include clerestory windows on the center panel with an articulated stucco area. Spandrel glass has been incorporated into the pilaster and standing seam roof features to create faux windows. These additional windows are repeated on the west building frontage that faces Brook Road, providing additional appeal from that major thoroughfare.
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.
Mr. Leabough - I would just like to comment that this is a much improved elevation over what we saw a couple weeks ago. So I appreciate the efforts of you and staff and the applicant.

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

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

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

Mr. Branin - Second.

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

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

(Deferred from the May 15, 2014 Meeting)

REZ2013-00002 Cameron Palmore for Yunus Vohra: Request to conditionally rezone from A-1 Agricultural District and R-2A One-Family Residence District to R-2AC One-Family Residence District (Conditional) Parcels 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929 containing 5.12 acres, located on the south line of Hungary Road at its intersection with Hastings Mill Drive. The applicant proposes a single-family residential development not to exceed 10 residential units. The R-2A District allows a minimum lot size of 13,500 square feet and a maximum gross density of 3.22 units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The staff report will be presented by Mr. Seth Humphreys.

Mr. Leabough - Good evening, Mr. Humphreys.

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

Mr. Leabough - Is there anyone here in opposition to REZ2013-00002, Cameron Palmore for Yunus Vohra? There is opposition.
Mrs. Jones - Before we begin, let me just reiterate for the record that I will be abstaining from the discussion as well as the vote due to a representational conflict.

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

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

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

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

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

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

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

- A maximum of ten lots;
- A minimum finished floor area of 2,100 square feet;
- Specific siding, roofing, driveway, and fencing materials;
- Brick or stone foundations;
• A minimum of one-car garages with clear space dimension at the time of construction;
• Landscaping and a planting easement along Hungary Road; and
• Hours of construction.

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

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

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

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

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

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

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

In addition to that, up until this point because of the legal descriptions of the property there has been no property dispute. A number of people have used that phrase quite a few times as long as the deeds use the legal descriptions there is no dispute. Back in May, I recently found out for the first time we have a real dispute. The County granted for itself an easement, which for the first time is
using a Balzer survey, and that survey actually joins properties together that do not have legal substantial backing. So that is the first real dispute.

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

Are there any questions?

Mr. Leabough - No ma’am. Thank you.

Ms. Wright - Thank you.

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

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

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

Right now there is a small house on the proposed new subdivision that doesn’t conform to what they’re planning to build. So I’m wondering what will happen to that house. And also the plat that I’ve seen lately is a plat that shows the ICR sewage and the parking lot drainage easement—there are two different easements—will be crossing this subdivision. The ICR sewage and the ICR water drainage easements will both be crossing lot ten. And the ICR parking lot
drainage easement crosses the center of lot six on this plat. And as far as I'm concerned, it appears to me that these drainage easements would cause lots ten and six to be unbuildable. You can't build a house on top of an easement, the way I look at it. Lot ten will have two twenty-foot easements across this lot. So what are the plans for the use of this lot? That's my question.

Thank you.

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

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

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

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

Thank you.

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

Ms. Brower - I'm Deana Brower, and I live on Honey Lane, which is one street over from Hoehns. If I understand correctly, the entrance to this new
subdivision will be on Hoehns Road. It concerns me because we're in the same situation that we have a private driveway that we own. Four people own each section of the driveway. If it's allowed that this development can go in through a private driveway, then Mr. Wilton is going to be knocking on your door next month looking for permission to build on a piece of property he's not been able to build on because they would have used our private driveway as their entrance. So I'm very concerned that they not be allowed to use the private driveway as the entrance to their housing development.

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

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

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

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

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

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

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

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

The property corners she spoke of.

Mr. Witte - Can you speak up, sir?

Mr. Schurman - Yes. The property corners, she said that the land to the south that we're possibly taking more land based on a survey she has seen. We have pulled the records for I believe it's Gart Henkle's house. He's the owner.
immediately south of Mr. Vohra. And we checked what we surveyed in the field, which is more accurate than his 1987 survey which was hand drawn. What's in the field actually gives him more property and Mr. Vohra less property. So if you want me to provide the information to you, I'd be glad to.

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

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

The existing house is being removed, for the record.

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

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

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

Any questions from the Commission?

Mr. Leabough - I have a question regarding the ownership issue. So that has been resolved?
Mr. Schurman - That has been resolved in the private court. I've got the letter here. I can e-mail you a copy or give you the copy I have here.

Mr. Leabough - I letter from—

Mr. Emerson - Judge Harris?

Mr. Schurman - From the judge.

Mr. Emerson - We have that.

Mr. Schurman - Yes sir.

Mr. Leabough - Thank you. Are there other questions for Mr. Schurman?

Female - Sir, may I speak to that point?

Mr. Leabough - No ma'am.

Mr. Schurman - Is that all?

Mr. Leabough - Thank you, sir.

Mr. Schurman - Thank you.

Mr. Leabough - How would you like to proceed, sir?

Mr. Witte - All right, Mr. Chairman. First on my agenda is to thank everybody involved in this case on both sides. It's been a long, arduous journey. The issues that have been raised on and off through this course, some of those will be decided if and when Mr. Vohra, or if he sells the property, the developer files for a subdivision, which may or may not be done.

Mr. Vohra has agreed to move the brick gates, which seem to be a real issue. The opinion of the courts appears to settle the dispute on the ingress and egress. Therefore, Mr. Chairman, I move that REZ2013-0002, Cameron Palmore for Yunus Vohra, move to the Board of Supervisors with a recommendation of approval.

Mr. Branin - Second.

Mr. Leabough - We have a motion by Mr. Witte, a second by Mr. Branin. All in favor say aye. All opposed say no. I would like to note for the record that Mrs. Jones abstains from voting on this case.
Mrs. Jones - I abstain.

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

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

(Deferred from the June 12, 2014 Meeting)

REZ2014-00005 Andrew M. Condlin for Nobility Investments, LLC: Request to amend proffered conditions accepted with Rezoning Case C-46C-83 on Parcel 768-747-0824 located on the north line of Glenside Drive approximately 385’ west of its intersection with Bethlehem Road. The applicant proposes to replace all proffers in order to allow hotels as a permitted use. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The staff report will be presented by Mr. Livingston Lewis.

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

Mr. Lewis - Good evening, Mr. Chairman.

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

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

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

This request proposes replacing the three original proffers with all new proffers, including new permitted use language which would narrow B-2 uses to a hotel and would allow O-2 uses with some exceptions. As shown on this proffered conceptual plan, the proposed hotel would be five stories with 116 rooms. The existing access on Glenside Drive which served the former restaurant would be...
closed, and access to the new hotel would instead be provided via the adjacent office condo property and Hampton Inn properties.

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

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

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

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

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

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

In light of these statements from the 2026 Plan, the primary remaining issue with this request is the use itself and if amending the prohibition of hotels on the site is warranted. Staff believes the site has ample development rights, including offices, and that the development of another hotel will create an overabundance of hotel uses in the area, potentially resulting in negative impacts from the expanding imbalance. While the applicant's proposal would redevelop a structure
recently vacated, the potential addition of a nineteenth hotel within a one-and-a-quarter-mile radius would impact existing hotels and potentially the area's long-term revitalization. Ideally, the addition of a new hotel would be accomplished by replacing an older one, but removing or retrofitting an outdated hotel structure is often cost prohibitive, given their large size and segmented interiors. A building that lends itself to easier adaptive reuse or replacement would be more suitable for this location.

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

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

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

Mrs. Jones - May I?

Mr. Witte - Please.

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

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

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

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

Mr. Leabough - Thank you.

Mr. Witte - Mr. Lewis, do you have an idea of the number of rooms that will be in that area from those two hotels?
Mr. Lewis - The Hampton Inn I think has 119, and this one would have 116, so 235.

Mr. Witte - Thank you.

Mr. Leabough - Other questions for Mr. Lewis? Thank you, sir.

Mr. Witte? The applicant, please. He looked like he was anxious to come down.

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

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

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

This property along Glenside Drive is really from Broad Street and consistent with the surrounding uses. That includes Glenside Drive being six lanes with two turn lanes, eight lanes total right outside this location. And it's in front of an existing hotel with a gas station, an existing office park, and next to the office condominiums and a former Kmart site that has 109,000 square feet of which 26,000 is vacant currently. A former Kmart site that has the Floor and Décor in there on a short-term lease.
So we do think that this is consistent, particularly when you add in the various quality standards that we provided including a twenty-five-foot buffer along Glenside and 100 percent brick and stone. One hundred percent brick and stone. Uses are limited to some of the O-2 plus a hotel. Under the current zoning, under the B-2, they take out some of the B-2 uses. We take out all those and just ask for O-2 plus hotel.

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

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

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

Instead, what we're talking about is just four hotels in the area: the Courtyard by Marriott, the Westin, the Hampton Inn, and the Embassy Suites are serving the business community. Those are it. They primarily serve the business community. They have contracts with the local major employers in the area including Walmart that just opened up a new training facility—that Walmart's training facility—as well as Southern States, Altria, and Genworth. They have their contractors, vendors, and employees coming into this area. And these are major employers that are being supported by these four hotels. I think it's also reflective of the fact...
that the Hampton Inn itself has a 70 percent occupancy rate. In the Richmond
market it’s at 55 percent. We’re at a 70 percent occupancy rate, which is really
pushing the ceiling as to where you want to be as a hotel. With a seventy-three
dollar revenue per available room. Seventy-three dollars when the market
industry in Richmond is forty-three dollars. That shows you the significant desire
and the business of economics coming into the—quite frankly, this is the number
one market in the entire Richmond area.

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

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

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

When we talk about office, it brings me to the last point, which is the proximity.
And we’re providing a twenty-five-foot buffer on our property. This exact same
building if instead of a hotel it was an office use could be a fifteen-foot setback.
So instead we’re ten feet farther back with absolutely no controls. This is a 1983
case. Someone had asked me specifically isn’t it—from a hotel, it was a reason
why they prohibited it at that time, yes. It was a completely different world in
1983. You can see there’s R-4 and single-family homes sitting in that area. In
1983, there was not the commercial corridor. And it was rezoned, quite frankly,
with three simple proffers. Just three proffers are currently sitting on the property today that takes out the liquor store, the hotels, the convenience stores, and no fast food or service stations. The only design character they have is that parking lot lighting will be reduced to a minimum of security level. I put in here all the various comparisons of what we put in to what's existing today. You can see from this fact that really there's only two provisions that the existing proffers address.

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

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

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

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

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

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

Mr. Condlin - It's a very simple way. These hotels that I named are the ones that contract with businesses specifically to house. And they have a
specific rate and time track to go with those businesses that the other hotels
don’t. Not that we don’t accept someone that’s a consumer that comes off the
street, that calls up. There’s not a limitation. But they’re primarily business. The
other hotels do not serve those businesses. Now, someone in those businesses
may choose to stay at the Days Inn, for example, but they don’t have a contact.
They don’t typically. And these are the hotels that they contract with and have
special rates and special deals with.

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

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

Mr. Archer - Okay.

Mr. Condlin - —to go in those hotels.

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

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

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

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

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

Mrs. Jones - One of the things that as we’ve been looking at this
for a number of months now has always been problematic to me is the scale of
this building along the streetscape of Glenside, albeit Glenside is, as you say, a
major road. And it is out of character with anything else that’s out there. Now,
granted, I think market forces are to be considered. I think today’s development
trends versus twenty years ago are to be considered. But we still have what
appears to me from your depictions as a somewhat monolithic kind of a building in the middle of a much smaller scale. If you're accepting the fact that you could have 119 rooms in the Hampton Inn and 119 rooms would work as well in this new building, have you considered taking it down to four stories or even three?

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

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

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

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

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

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

Mr. Condlin - Achieve the height and ten feet closer to the street. Yes sir.
Mr. Witte - Mr. Condlin, are you aware of any other buildings on Glenside Drive that the rear of buildings face Glenside Drive?

Mr. Condlin - I'm not, but I don't think the rear of building—while functionally we're pulling people in behind, this is the front face. There are no loading docks here. We've tried to create a double-faced hotel building so the front look is the same as the—on Glenside is the front look, on the other side facing Hampton Inn. So that's what we're trying to do. I think even better than on Libbie and Broad where they have those buildings that face Broad, yet the parking and you get access to—there's not a lot of activity in the front, but that's because it's Broad Street and they're trying to pull everybody back. I think that's a good look. This is probably even a more equal look from front to back.

Mr. Leabough - Any other questions for Mr. Condlin?

Mr. Branin - Mr. Condlin, have you all looked at—it sounds like a lot of the hang-up is the building on Glenside. Have you looked at turning it and putting it on the side of the property which may end up opening up—or even horseshoeing the building?

Mr. Condlin - Can I defer to my client on that one? Al, if you want to come up here.

Mr. Branin - While this gentleman's walking up. You've heard two commissioners comment on the massive building on top of Glenside. I can't see why you couldn't take it down the side property line, which would be the south property line and come down. And even turn it into a horseshoe to capture the parking. It may increase your parking.

Mr. Condlin - I don't know if he's looked at the horseshoe; I haven't seen that design. At one time when we turned it sideways, the comment we received was you're now seeing the broad side of the building from Broad and Glenside as you're driving up and down Glenside.

Mr. Branin - Well but the one side, it being 90 feet versus, you know, 450 feet or 500 feet is a far jump and a far reach.

Mr. Condlin - I don't disagree with you there.

Mr. Branin - I don't know where this case is going, but you may want to consider a redesign if it doesn't go in your favor simply because what everybody's saying is the massive size on top of Glenside. So if you address that by moving the building, you may accomplish what you and your client are looking for.
Mr. Patel - We did—

Mr. Branin - Would you state your name for the record, sir?

Mr. Patel - Oh, sorry. Al Patel. I'm a managing partner of Nobility Investments. We did actually look at a couple of different scenarios. We had some trouble with obviously the setback that is on the rear of the building itself. We're definitely up for looking at it again and revisiting it. But I know our engineers and our architects tried really hard to obviously get away from the front and the setback as well, but we weren't able to achieve. But we'll definitely take a look at it.

Mr. Branin - Mr. Patel, do you own the Hampton Inn?

Mr. Patel - Yes sir.

Mr. Branin - So I don't think you'll have problems with your neighbor in this case.

Mr. Patel - No.

Mr. Branin - Being that it's you. With that in mind, you have the property; you want to build a hotel. So I would think if the main struggle with staff and the Commission is the proximity to the road, the large mass of the building, if you rearranged your position, you may be successful in what you're hoping to do.

Mr. Leabough - Are there any other questions?

Mr. Witte - I have one. Mr. Condlin, there is one means of ingress and egress, and that's on Bethlehem Road.

Mr. Condlin - There's an entrance off of Glenside currently, sir, in the office condos and the Hampton Inn that would also serve this location. This is the entrance right here coming off. And it serves the office condos, the Hampton Inn, and there would be a break in the entrance here to be able to serve this hotel as well. You can see the property line, Mr. Branin. That's part of the issue I know when you looked at it. This would be office building and we have the hotel here. That was the property line back here in trying to create that U shape to make that work.

Mr. Witte - Right. But there's only one means of ingress and egress.

Mr. Condlin - One off Glenside and one off of Bethlehem.
Mr. Witte - The one off of Glenside is limited to right-turn only.
There's a median there.

Mr. Condlin - Yes sir. Currently there are two entrances here also, right-turn only, but those will be closed.

Mr. Witte - Right. I understand. I have no further questions. Let me ask one more. Do you know how far it is from the entrance on Bethlehem to the traffic light?

Mr. Condlin - I think maybe the staff report references that. At one time there was a comment regarding one of the entrances. We did have an entrance off of—a second entrance off of Glenside, and DPW asked us to close that because of the closeness of it to the traffic light. But I don't know the—it was approved already, that entrance, so we're just using the existing entrance.

Mr. Branin - Mr. Condlin, I know there may be a problem with the property line, but I'm sure Mr. Patel could sell himself a piece of the land to possibly make that work out.

Mr. Condlin - Yes, you're right.

Mr. Branin - I don't think he'd even haggle with himself that much.

Mr. Condlin - Tough negotiation.

Mr. Branin - I would think it would take no time whatsoever.

Mr. Leabough - Mr. Witte?

Mr. Witte - Do we have somebody from Traffic here?

Mr. Leabough - Yes we do. Mr. Cejka, would you please come forward?

Mrs. Jones - As he comes forward, may I just ask—to make sure that I understand this. The impetus in giving the suggestions—which you did, Mr. Branin—was to be able to lower the height while still obtaining the amount of rooms that makes this economically feasible. Is that correct?

Mr. Witte - That's my understanding.

Mr. Branin - It may be feasible too in horseshoeing it, which would give you the volume of rooms without the height. Or even if there was the height there, it's still not on Glenside because it would be set to the side.
Mr. Witte - It could actually be stair-stepped from Glenside towards the existing hotel and then tall along that back side. Lots of options.

Mrs. Jones - Okay. Then our motion needs to be somewhat adjusted, I guess. Okay, thank you.

Mr. Cejka - Good evening. John Cejka, Traffic Engineering.

Mr. Witte - Thank you, sir. Do you happen to know how much traffic is on Bethlehem Road in that area?

Mr. Cejka - It's a little over 18,000 cars a day.

Mr. Witte - On that section?

Mr. Cejka - Oh, of Bethlehem? I'm sorry.

Mr. Witte - Bethlehem, yes sir.

Mr. Cejka - No, I do not.

Mr. Witte - Okay.

Mr. Cejka - Glenside has about 18,000 cars.

Mr. Witte - I presume you wouldn't know the distance from the ingress and egress through the traffic light.

Mr. Cejka - On Bethlehem?

Mr. Witte - If you had 200-plus rooms trying to empty onto Bethlehem Road so they can make a left turn...I could see a major traffic hazard, not to mention people coming down Bethlehem Road trying to get to Glenside Drive. Am I correct in assuming that would be a problem?

Mr. Cejka - May or may not. It all depends on when they're leaving. If they're checking out at different times.

Mr. Witte - My understanding is that during large events in the area the hotels fill up pretty quick whether it be a soccer tournament or a race or Little League World Series or whatever it is. And I know that I have been caught in some of that traffic. Not at that location, but other locations where it's an issue. My concern would be the close proximity to that light, doubling the amount of vehicles that would try to get in and out of there.
Mr. Cejka - That is true. I'd say it's probably close to three hundred feet, four hundred feet from that entrance to the signal.

Mr. Witte - That's a little farther than I thought it might be.

Mr. Cejka - I'm just counting skip lines. Skip lines are forty feet apart. It's just a guess for now.

Mr. Witte - Okay. Well, thank you.

Mr. Leabough - Thank you, sir.

Mr. Witte - All right. Mr. Chairman—

Mr. Condlin - Mr. Chairman, I apologize. I didn't realize I was right at the ten-minute mark. We have two people that wanted to speak in favor. I didn't know if you'd like to hear from them, if it's possible to waive that. It'll just take a minute.

Mr. Leabough - Mr. Witte?

Mr. Witte - Sure, let's extend the time for three minutes, please.

Mr. Leabough - Those who want to speak in favor, please come forward. You have about three minutes.

Mr. Legette - My name is Ronnie Legette. I reside here in Henrico County. I am basically familiar with Mr. Patel. For the last nine years, I lived adjacent to his property, his resident property, and I found him to be a person who maintains his property immaculately. He basically runs his home as he does his hotel. People who frequent his home as well as his hotel are professional, have provided courtesy and respect. And I think that this project is a viable project for the County of Henrico. Just taking a look at what is there, what's being presented now gives the people an opportunity to take a dilapidated structure, revitalize it. It creates jobs and employment for those who basically are underemployed. This would be a great opportunity for them to be able to become gainfully employed. Not to mention having people come from out of town where I've other residents who have come to Henrico County to stay at his hotel at Hampton Inn. And they too felt that this was a very viable stay, one in which they indicate that they would repeat the next time they come into town. So I hope that you all will look favorably on this particular project and allow this project to come into fruition for the betterment of the community and the taxpayers here in Henrico County. Thank you.

Mr. Call - Hello fellows. My name is Billy Call—C-a-I-I. I'm from Richmond, Virginia. I'm president of the Glenside Commons Association, the
business park right next door. I've been president of that association for eleven years.

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

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

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

Thank you.

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

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

Mr. Archer - I did recall that.

Mr. Leabough - All right. Mr. Witte?

Mr. Witte - All right, Mr. Chairman.

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

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

Mr. Leabough - Is there a second?

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

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

Mr. Archer - I'll second it.

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

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

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

The vote was as follows:

Mr. Leabough - No
Mr. Witte - Yes
Mr. Archer - Yes
Mr. Branin - No
Mrs. Jones - No

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

Mr. Emerson - Well you can enter another motion.

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

Mr. Leabough - Could I ask a question? What does the deferral do in terms of—

Mr. Witte - It allows for design work.

Mr. Leabough - Okay.

Mr. Witte - Maybe we can work something out.

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

*Deferred from the June 12, 2014 Meeting*

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

Mr. Leabough - Good evening, Ms. Deemer.

Ms. Deemer - Good evening.

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

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

This request is to rezone 5.689 acres from R-4 One Family Residence District, R-5 General Residence District, and O/SC Office/Service District (Conditional) to RTHC Residential Townhouse District to allow for a townhouse development of up to forty-nine units. The site is located on the southwest line of East Parham Road adjacent to the Stonewall Manor condominium complex.
Zoning in the immediate area is a mixture of R-5 General Residence District to the west; a mix of O-1C, and O-2C Office District (Conditional), and R-4 One-Family Residence District to the north and east; and B-3C Business District (Conditional) and O/SC Office/Service District (Conditional) to the south. The 2026 Comprehensive Plan recommends Office and a small section of Office/Service for the subject site.

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

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

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

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

This concludes my presentation. I’d be happy to answer any of your questions.

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

Mr. Archer - I’d like to hear from the applicant, Mr. Chair.

Mr. Leabough - Yes sir.

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

Mrs. Jones - We thank you.

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

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

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

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

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

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

Mr. Leabough - Other questions for Mr. Condlin.

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

Mr. Archer - I also wanted to caution the neighbors that at the original meeting there were some things that were talked about that could happen there if we did not approve this. And I just want to make sure they understand that we probably wouldn’t allow most of those things that they’re afraid of. But in any event, as Ms. Deemer stated in her report, there are things that have been done that are very nice, but there are still some things that need to be worked on. And I just want to get it in the record that you agree to do that, particularly on the side and rear elevations—

Mr. Condlin - Absolutely.

Mr. Archer —before this goes to the Board. So other than that, I would also like to state that Stonewall Manor is a very nice but old development. Many of the residents who are there I think have been there for quite some time. Not all of them, but many of them have. It’s sort of a jewel out there on Parham Road.

Mr. Condlin - We actually have the agreement that has been just signed today to be able to use their pool and recreational facilities, which will help with an influx of cash there because it’s forty-nine additional units. It’s actually going to work out real well for them and for us, quite frankly, I think.

Mr. Archer - Well, I have to commend you on working with the neighborhood, because you did that quite nicely.

Mr. Condlin - Thank you.

Mr. Archer - Of course, you know I commend you all the time, don’t I?

Mr. Condlin - Well, I appreciate it; that’s why I like you so much.

Mr. Archer - Condlin?

Mr. Leabough - No sir. Are there questions?

Mrs. Jones - No.

Mr. Condlin - Thank you.

Mrs. Jones - Mine were answered.
Mr. Archer - Thank you, sir. Well, first I have to move to waive the time limits on the newly admitted proffers.

Mr. Branin - Second.

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

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

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 reflects the type of residential growth in the area and the proffered conditions would provide for a higher quality of development than would otherwise be possible.

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

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

Mr. Sehl - Thank you, Mr. Chairman.

As Mr. Emerson stated, this request is to rezone approximately thirty-one acres from a mixture of B-3C, B-2, B-1, and R-3 to B-3C to allow the redevelopment of
Fairfield Commons. The existing development on the portion of the property shown here would be removed, and new construction would occur in its place.

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

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

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

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

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

- Screening of loading docks from properties to the south, including the retention of an existing mature hedgerow along Colwyck Drive;
- Specifications for exterior building materials;
- Limitations on detached signage;
- Pedestrian access areas as shown on the concept plan, including new sidewalks along Nine Mile Road, Colwyck Drive, and Eastgate Boulevard;
- The provisions of street furniture at the bus stop along Nine Mile Road;
- Limitations on the hours of exterior construction; and
- Limits on parking lot lighting height, as well as the provision of minimum requirements for items such as the screening of mechanical equipment and dumpsters, underground utilities, and the maintenance of Eastgate Boulevard.
The applicant has also prohibited a number of potentially incompatible uses and provided limitations on the hours of operation on the property. Specifically, building A would be permitted to operate twenty-four hours per day, while the other three buildings would require approval of a provisional use permit to operate beyond the hours of 5:00 a.m. to midnight. Additional security provisions have also been included in Proffer 10 that would require security cameras for the subject site, and would require that the developer consult with the Division of Police regarding the overall security measures undertaken for the development.

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

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

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

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

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

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

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

Mr. Branin - Okay.

Mr. Emerson - Without a provisional use permit.
Mr. Sehl - Without a provisional use permit.

Mr. Branin - Do we know if it is actually going to be Walmart? Has it been announced that it is?

Mr. Sehl - They held an announcement. They announced it at two community meetings that were held, as well as the public announcement that was held at the site.

Mr. Branin - It is unknown?

Mr. Leabough - It is not unknown.

Mr. Branin - It's unofficially known. It's going to be the same question that I have, Commissioner, that has to do with twenty-four hours of safety, security, police. Are they using Henrico County off-duty police? So if you don't mind, I'd like to run through them.

Mr. Archer - Sure.

Mr. Branin - When we get to the applicant.

Mr. Archer - Okay, sure. One thing that Mr. Sehl mentioned in his presentation—and this was something that was sort of driving us in a negative direction—was having that type of security in place. Also initially there was some indication that these unnamed outparcels would be able to operate twenty-four hours. We were able to do away with that. The applicant agreed to do away with that, so the Walmart is the only one that has a 24-hour use at this time, unless a provisional use permit is filed for these unknown outparcels. So we can address that here. Thank you for asking.

Mr. Branin - It just always concerns me with any twenty-four hour, as Mrs. Jones did when the Walmart asked for twenty-four hours on Parham Road.

Mr. Leabough - All right. Other questions for Mr. Sehl? All right, thank you, sir.

Mr. Sehl - Thank you.

Mr. Leabough - Mr. Archer.

Mr. Archer - Yes. We have some people in opposition. I'd like to hear from them first before the applicant.
Mr. Leabough - Okay. And I would ask that Mr. Emerson just read really quickly the rules again just so folks are aware since it's been a good bit of time.

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

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

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

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

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

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

The other one is when you're going south on Eastgate Boulevard, there's a T-intersection. So you have trouble making a left turn. And with these big trucks out there and additional traffic, because we know it's going to be a lot more traffic if this mall is completed. Traffic making a left turn is almost nil right now. Going right it's not as bad. But when you come back on Eastgate and are coming to Laburnum Avenue—I mean Nine Mile Road—that's also a T-intersection. On both ends of Eastgate Boulevard it's a T-intersection. And trying to make a left
turn there where cars are coming east on Nine Mile Road, trucking coming out of
the service station, trucks coming out of the mall—or cars, and the business on
the north side, traffic is coming out of there, and you’re trying to make a left turn.
It’s almost impossible now. We know what it’s going to be like if they increase the
traffic there.

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

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

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

Any questions?

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

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

My concern, however, is that it is a Walmart. And in fact, a 24-hour Walmart. Our
neighborhood has always been very quiet. My concern is that, one, there will be,
as Mr. Jones just stated, a tremendous increase in traffic and crime from that
twenty-four-hour operation. My request is as this project moves forward, if the
Planning committee could institute a traffic study, if it has not already been done,
on the increase of the potential traffic, to put in a three-way stop sign at the
intersection of Colwyck and Eastgate Boulevard so that those of us that live in
the community won’t have to fight with Walmart traffic just to get in and out of our subdivision.

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

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

That is my last point. Thank you.

Mr. Leabough - Thank you.

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

Ms. Freeman - Would that be east? Yes.

Mr. Archer - Okay.

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

Mr. Archer - Okay, I know where you’re talking about.

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

Mr. Archer - Thank you, ma’am.
Ms. Freeman - Thank you.

Mr. Leabough - Is there any other opposition?

Ms. Su - My name is Yung Su. I'm a merchant from the Fairfield Commons Mall. It's been in the news. The rumor has been going on for many months. Every time there was news, I went to my landlord. Hey, what's going on? Is the place going to be sold? Is something else going to happen? They said no, nothing happened. It's all talking. It's just rumor. Nothing. So we weren't prepared to do anything. Not only me, all the other merchants are the same way. We thought the mall was going to survive for longer. So suddenly a bomb has been dropped.

Last week, I guess the new developer, they came around and they told us we have to vacate the place because they're going to demolish, they're going to rebuild. This is awesome. But to us, all the merchants, we're not prepared, actually. I asked about how long do we have. They say in the fall. I say fall? When? Timeframe? They don't know yet. Maybe September. I guess nobody knows when. But as soon as they take over, we have to move. They're going to start a new project. I say okay, that's not fair. You guys haven't even bought it yet, and you guys are going to tell us the time frame we have to leave there? I mean, I have a 4,000-square-foot store that's filled with merchandise. I have to do something with that. So I say maybe through Christmastime we'll sell a lot of merchandise, we'll move a lot of merchandise. So if we could stay through—I mean I'm not going to stay here and you guys can't do anything. Who am I to say? But if they give us time, enough time to move some inventory, move out of there, it would be very helpful to all of the merchants.

I also asked if you guys are going to pay the relocation fee? They say no. So if we want to relocate somewhere, we don't have the funds. I've been there for fourteen years already. Most of the other merchants have been there a long time. Since the economy is pretty down still, we really don't have the funds to relocate to another place. We are simply saying we need more time. Not in September. Not in October. We're able to stay through December. That's what we would like to ask. I don't know if that's a proper comment to say over here but. Okay?

Mr. Leabough - Thank you. Appreciate it. Mr. Archer, I don't believe there is any further opposition.

Mr. Archer - May I ask if Chris Livingston is here? Okay. Then we need to hear from the applicant, sir. Good evening, Mr. Rector. How are you, sir?

Mr. Rector - Very well, thank you. My name's Josh Rector. I represent Bromont Development Group. First of all, I want to thank your very, very professional staff. We're a national development company that does work...
across the country, and your staff has been a pleasure to work with, and they always held themselves very professionally. And same with the Board. I also want to thank Mr. Archer for helping coordinate several community meetings with Mr. Thornton and ourselves.

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

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

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

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

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

As it relates to locations near existing neighborhoods and twenty-four-hour operations, I’d like to have Mr. Kleine come up and help answer that question.
Mr. Kleine — Good evening, Mr. Chairman, members of the Commission. For the record, my name is Tom Kleine. I'm an attorney with Troutman Sanders, and I serve as Walmart's land use counsel for the projects they do here in Virginia.

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

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

I would say with respect to proximity to residential communities in other communities throughout the Commonwealth, there are a number of sites that come to mind. If you've headed to the Outer Banks and gone down 168 through Chesapeake, you'll see a store there called the Edinburgh store at the Edinburgh development a bit north of the North Carolina line. It sits directly adjacent to a Homearama community where homes were selling or marketed for up to a million
dollars. You literally sit in a Homearama community and you can look right over and see the Walmart store. People were buying and continued to buy right by the Walmart. And very similar to that situation, we worked with the community; we worked with the city when we put that store in. There was an architectural review process that we went through. We had some elevations. Same architects were involved for that one.

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

Mr. Branin - May I ask a question?

Mr. Archer - Sure.

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

Mr. Kleine - Any specific 24-hour issues?

Mr. Branin - Yes.

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

Mr. Branin - Check on it.

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

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

The question brought about really—it's not even centering on the brand Walmart or anything like that. It's just on a big box store, Walmart tends to always want to come in and be twenty-four hours. It's part of your marketing and operations plan. I get that. Where we have seen a problem with twenty-four hours with large box stores is when they—even with cameras. Cameras are a deterrent, and they're great for picking up employee theft and shoplifting and so forth. If there is
an issue and if there is a problem, the response time and the safety of the people
in the store, out of the store, and also being able to contain an issue as opposed
to hoping that they'll hang around long enough once you call the police. So it's a
lot in Henrico. It's recommended that you look at using Henrico County police
and working with Henrico County police to ensure rapid response and someone
being able to be detained. And the rapid response.

Mr. Kleine - Yes sir.

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

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

Mr. Witte - Mr. Kleine?

Mr. Kleine - Yes sir.

Mr. Witte - That was a very comprehensive explanation, but the
issue that I didn't hear addressed was are they going to have Henrico police's
security? You're going to work with the police to enhance your security, but you
didn't say that you would have Henrico police on the premises, off duty, as I'm
aware two other Walmarts do in the area.
Mr. Kleine - Yes sir, and I apologize. I thought I had responded. The determination as to whether or not to have off-duty security patrolling the site, they have not made that determination as of yet.

Mr. Witte - Thank you.

Mr. Kleine - Yes sir.

Mr. Leabough - Other questions for Mr. Kleine? Thank you, sir.

Mr. Rector - If I could make one small statement. I know at the beginning of this you asked if there was anyone in opposition. Would it be appropriate to ask if there’s anyone here in support from the community as well, other than ourselves?

Mr. Leabough - Sure, you can do that.

Mr. Rector - Is there anybody here in support of this development other than our team?

Mr. Archer - It's a tie.

Mr. Branin - I'm in support.

Mr. Rector - Well thank you.

Mr. Branin - I just have concerns about security.

Mr. Archer - Mr. Rector, a question was asked by Ms. Freeman, I believe it was, that you may not have anything to do with, but we need an answer because she needs an answer. The area to the east of Eastgate Boulevard. Will you control that, and is there some way to alleviate what she said was a very obnoxious problem?

Mr. Rector - Certainly. We do own a portion of that. We own Eastgate Boulevard. It's a privately owned street which we're going to improve. And then a portion of that beyond the street, we do own a small portion of that to which we are going to put a sidewalk in and re-landscape. So we are going to take care of a lot of the overgrown brush there that hasn't been maintained for years. And we've committed to putting in street trees and shrubs along there and maintenance of that landscaping. And I believe her primary concern is with some of the waterway that is down in there. We do not own that waterway. We've had some discussions both with some staff and with Mr. Thornton, actually, that the County would look into that a little bit further because that is, I believe, County maintenance. And I believe that's where it was left.
Mrs. Jones - Can I follow up with just a quick comment on the points you mentioned about landscaping and responsibility for that. I don't think there's anything that really protects a neighborhood necessarily as well and as graciously as ample landscaping and lighting that will certainly be directed away from any kind of neighborhood impacts. All of that is a discussion for another day.

Mr. Rector - Certainly.

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

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

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

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

Mrs. Jones - Very good.

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

Mr. Archer - Traffic.

Mr. Rector - Thank you.
Mr. Archer - Thank you, Mr. Rector.

Mr. Cejka - Yes sir.

Mr. Archer - Mr. Cejka, I don’t know if the County really has much responsibility for the traffic patterns that exist now at Fairfield Mall, but could you explain it? I think it’s a VDOT question, how the traffic may be or could be in any way redesigned from what it is now.

Mr. Cejka - Nine Mile Road is maintained by VDOT. So any concern for a traffic signal at Eastgate I’ll pass on to them and let them do their studies for it. I did recommend in one of my comments to move this access point opposite Cedar Fork Road, and VDOT denied that. They want to leave it where it is.

Mr. Archer - You said they denied it?

Mr. Cejka - Yes. It deals with their access management spacing of the driveways and the side streets. I just learned that today. And as he stated, trucks would have an extreme difficult time making this turn to come in here. And they’ll probably use the signal to exit, coming out this way.

Mr. Archer - That’s why I was asking if Mr. Chris Livingston was here. He is the proprietor of Pearle Vision Center across the street. He e-mailed me to tell me that there was a problem, which I guess doesn’t really have anything to do with this case, but it could. With all the right-only traffic coming out of the shopping center, people were making left turns and going through his business in order to go back west on Nine Mile Road. His business and a couple more. Again, I don’t know if that has anything to do with this or this has anything to do with that, but it seems to me like that’s more of an enforcement problem than it has to do with this development. But could you speak to that, and maybe I can relay to him how we might be able to alleviate that to some degree?

Mr. Cejka - Yes, it would be an enforcement problem. Prohibiting somebody from turning into the business, I don’t see how VDOT could do that.

Mr. Archer - Right. So it’s a police problem in essence. Okay.

Mr. Leabough - Other questions for Mr. Cejka?

Mr. Archer - That’s it for me, Mr. Cejka.

Mr. Leabough - No other questions for Mr. Cejka? All right. Thank you, sir.
Mr. Cejka - You’re welcome.

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

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

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

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

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

Mr. Emerson - That’s correct.

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

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

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

a. the closing of two entrances closest to the intersection of Byron Street and Carlton Road;

b. the location of fencing for the screening of automobiles; and

c. perimeter landscaping of the site.

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

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

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

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

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

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

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

Mr. Leabough - Good evening.

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

Mr. Wilkerson - I'm pretty good.
Mr. Archer - Well I guess you've heard the things that they've asked you to agree to, and I assume you do.

Mr. Wilkerson - Oh, no problem.

Mr. Archer - Okay. I've been by there several times since Mr. Smith is no longer there, just to sort of get an eyeball view of how the property is maintained. I'd say that you're maintaining it very well. I notice you're only using one bay. I've only seen one opened. Is that one going to be utilized also?

Mr. Wilkerson - Both of them will. I'm going to replace both doors. I just repaired them until we see what we were going to do.

Mr. Archer - Well you painted the building up very nice.

Mr. Wilkerson - We're going to do a lot of changes.

Mr. Archer - Okay. I want to get one more question in. Is that big Harley-Davidson yours?

Mr. Wilkerson - Yes.

Mr. Archer - It's pretty.

Mr. Wilkerson - Thank you.

Mr. Archer - I don't have any more questions unless someone else does.

Mr. Leabough - Are there questions for Mr. Wilkerson? Thank you, sir.

Mr. Wilkerson - Thank y'all.

Mr. Archer - Thank you, Mr. Wilkerson. Time limits not required on this one I don't believe. Okay, Mr. Chairman, with that I will move for a recommendation of approval for REZ2014-00026, Ricky Wilkerson, and send it to the Board with that recommendation.

Mr. Branin - Second.

Mr. Leabough - We have a motion by Mr. Archer, a second by Mr. Branin. 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 Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it is reasonable and the proffered conditions will provide appropriate quality assurances not otherwise available.

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

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

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

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

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

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

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

- The microbrewery shall be accessory to the home brew supply shop.
At no time shall the brewing/fermenting area and beer taps/seating area exceed 40 percent of the overall tenant space.

There shall be no sales to distributors.

Hours of operation shall be limited to 10 a.m. to 9 p.m.

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

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

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

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

Mr. Branin - To be consumed on site?

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

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

Mr. Emerson - Not any longer.

Ms. Deemer - The legislation has changed.

Mr. Branin - As of this July?

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

Mr. Branin - Okay.

Mr. Witte - Strangeways.
Ms. Deemer - That's in the Brookland District on Dabney Road.

Mr. Witte - Don't they have a brewery down there near the airport?

Ms. Deemer - No, we don't have anything else. Strangeways is the only brewery. Strangeways is on Dabney Road.

Mr. Witte - I'm familiar with that one.

Ms. Deemer - Right. But so far that's the only one that we actually have that's a microbrewery where people can come in and consume. Now whether we have other types of breweries that are just for wholesaling, we may have those.

Mr. Witte - Oh, okay. I got you now.

Mr. Branin - Mr. Secretary or Ms. Deemer, is this for just breweries? Is that where the General Assembly has changed?

Mr. Emerson - The change for breweries. I don't know if it included wineries.

Ms. Deemer - No. You could actually go to a cidery. There's Blue Bee Cider in the downtown area next to Legends. And so you could actually go down there, have a little tour. And you can have up to four ounces of cider, and that's all you're consuming; there is no food involved.

Mr. Branin - Well thank you for being so versed on this, Ms. Deemer.

Ms. Deemer - For somebody who's not a big beer drinker...

Mr. Branin - I'm not going to ask why.

Mr. Witte - I'm going to ask you one more thing. You can consume beer on Dabney Road?

Mr. Branin - Yes.

Ms. Deemer - Yes.

Mr. Witte - Okay.

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

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

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

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

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

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

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

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

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

Mr. Kaechele - Every day?

Mr. Francisco - Yes sir.

Mr. Kaechele - Thank you.

Mr. Leabough - Other questions for Mr. Francisco?

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

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

Mr. Archer - That's all I have.

Mr. Francisco - Thank you, sir.

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Mr. Archer - Thank you for coming and being so patient.

Mr. Leabough - All right, Mr. Archer.

Mr. Archer - Okay. I think these proffers are timely. So with that, Mr. Chairman, I'll move for a recommendation of approval for REZ2014-00027, Peter Francisco, to the Board.

Mr. Chairman, I'll move for a recommendation of approval for REZ2014-00027, Peter Francisco, to the Board.

Mr. Branin - Second.

Mr. Leabough - We have a motion by Mr. Archer, a second by Mr. Branin. 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 Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because the change does not greatly reduce the original intended purpose of the proffers and it is not expected to adversely impact the surrounding land uses in the area.

REZ2014-00028 Gloria Freye, Esq. for NV Retail: Request to conditionally rezone from A-1 Agricultural District to B-3C Business District (Conditional) Parcels 731-765-8473, 732-765-3978, -6671, 732-766-7723, -4043, 732-766-9300, 733-766-1630, and -6208 containing 62.33 acres located between the north line of W. Broad St. (U.S. Route 250) and the south line of Interstate 64 approximately 1,465' west of its intersection with N. Gayton Road. The applicant proposes retail and office uses. The uses will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Urban Mixed Use and Environmental Protection Area. The site is located in the West Broad Street Overlay District. The staff report will be presented by Mr. Ben Sehl.

Mr. Leabough - Is there anyone in the audience in opposition to REZ2014-00028, Gloria Freye, Esq. for NV Retail? There is no opposition. Mr. Sehl?

Mr. Sehl - Thank you, Mr. Chairman.

This request is to rezone approximately sixty-two acres from A-1 to B-3C to allow the development of a retail and office development known as West Broad Marketplace. The site is located between the north line of West Broad Street and south line of Interstate 64, west of North Gayton Road. The site is largely undeveloped, although several residential dwellings and cleared agricultural areas exist as seen on this aerial photograph.
The 2026 Comprehensive Plan recommends Urban Mixed-Use for the subject property, as well as adjacent properties to the west and east. The proposed mixture of retail and office uses are not entirely consistent with this recommendation, but when taken in conjunction with planned uses on adjacent properties, this area of West Broad Street will ultimately contain a mixture of office, retail and residential uses consistent with the Plan. The Urban Mixed-Use designation also provides guidance regarding the form of development for the subject property, with special emphasis on quality design features such as landscaping, as well as enhanced pedestrian connectivity.

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

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

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

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

- prohibit a number of potentially incompatible commercial uses;
- limit the number of potential fast food users to two;
- limit hours of operation for users less than 25,000 square feet, as well as provide for additional security provisions for those uses that operate beyond 12:00 midnight;
- provide specifications for exterior building materials, including a requirement that building elevations adjacent to West Broad Street and the internal roads contain a minimum of 40 percent brick or stone; and
limit parking lot lighting height and provide minimum requirements for items such as open space, dumpster screening, best management practice facilities, and the screening of mechanical equipment.

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

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

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

While the proposed use is not entirely consistent with the recommendation of the 2026 Comprehensive Plan, it does provide for increased retail, service, and employment opportunities for the area. Additionally, it would complement planned uses on adjacent properties and follow the general development pattern.
established on the north line of West Broad Street in this area of the county. These positive factors, in addition to the quality assurances provided by the applicant’s revised proffers, indicate this request could be appropriate. Staff therefore recommends approval, and notes that time limits would need to be waived to accept the revised proffers this evening.

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

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

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

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

Mr. Kaechele - Okay, thank you.

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

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

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

Mrs. Jones - Do you know if that’s what they will do?

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

Mrs. Jones - I see. Okay. Well I’ll ask them then.

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

Mr. Sehl - yes, they may be able to.

Mr. Archer - Okay, thank you.

Mr. Leabough - Other questions for Mr. Sehl? All right. Mr. Branin?
Mr. Branin - None for Mr. Sehl, but I would like to hear from the applicant, if I may, sir.

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

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

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

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

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

Henrico County has designated this area as a prime economic development site. This specific location between Interstate 64 and West Broad is ideal for a large retail center that’s being proposed here. With the planned 420,000 square feet of retail and 36,000 square feet of office, the West Broad Marketplace is expected to create about a thousand jobs. It will also create commercial revenue for the
County as well. And that accomplished the goals that prime economic development areas are designed to do.

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

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

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

There are many other proffers in the case. We'd be glad to discuss any of them that you might have questions about. But I think that from the exhibit that you've seen that this will be a quality retail center. There are unique architecture elevations being provided. They are very high-quality materials that have been proffered, high-quality design. This will be a walkable center. There will be connectivity both internally to the stores and to the development to the west. The
center does provide a good mix of uses. It will bring retailers that are not otherwise here in the Richmond area.

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

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

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

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

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

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

Mr. Kaechele - main entrance.

Ms. Freye - That's ninety feet, but I was just curious about this main entrance. She's an engineer with VHB.

Ms. Freye - The width of the main entrance? This is Tracy Lower.

Mr. Kaechele - Thank you.

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

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

Ms. Lower - Same thing.

Mr. Kaechele - Okay. Thank you.

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

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

Mr. Branin - Two coming in; two going out.
Mr. Witte - Well you have two left-turn lanes.

Ms. Lower - Two left-turn lanes, that's correct.

Mr. Witte - One right-turn lane?

Ms. Lower - Mmm-hmm.

Mr. Witte - And it looks like two coming out. So that would be three lanes going in. Two lefts and a right. But only two coming out.

Mr. Branin - The drawing's deceiving. You've got a left turn and a right turn coming out, and you have two right turns. So there will probably be a divider between the four lanes, correct?

Mr. Witte - Oh, okay.

Mr. Branin - It's just the way it's drawn up.

Ms. Lower - I think I know what the confusion is actually. It's actually a detail that needs to still be worked out during the design, specific design element of that.

Mr. Branin - It's two in, two out.

Ms. Lower - Yes.

Mr. Witte - Thank you.

Mr. Leabough - Any other questions from the commission?

Mrs. Jones - Cabela's?

Ms. Freye - The Cabela's is actually going to close at nine.

Wegman's is a twenty-four hour.

Mrs. Jones - And Cabela's, I guess, would open ten, nine, something like that?

Ms. Freye - Probably nine or ten, yes ma'am.

Mr. Leabough - You had another question. Well, maybe I just dreamed this. Is that consistent with other Wegman's to operate twenty-four hours?
Ms. Freye - My understanding is that it is, yes sir.

Mr. Leabough - Okay, thank you.

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

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

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

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

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

Mr. Chairman, Wegman’s is open twenty-four hours a day, but the majority of activity in a Wegman’s store beyond midnight is cleanup, prep, operations items.
They have a lot of people working in the store. The stores are immaculate. That takes a lot of cleaning, a lot of effort in those wee hours to keep it going. They have a 24-hour bakery. It's all made on site. The bakers are working overnight to produce a fine product in the morning. This is a very unique retailer for any community. You should be proud, frankly, that they've tapped Henrico County as one of their destinations because they are the premier grocery store in this nation. They continue to be as such. So it's a feather in our cap to bring them to you. I think it's a feather in your cap that they decided that this is where they want to be. And we're doing everything we can to make them successful. Part of that success, frankly, is the connectivity with next door.

If you look at the entire UMU district and the intent of that, as one of your planners has suggested, we are looking for that connectivity so someone can actually live and work in this 120 acres and walk from their home to Wegmans to shop, walk to one of our restaurants, and work at the Bon Secours Hospital. So we are very, very big proponents of that, and we'll do everything we can to make sure that that transition through the properties is as seamless as possible and obviously as attractive as we can make it.

Lastly, I think from our overall planning and development, we're transitioning now into a very serious architectural phase where we're going to refine the drawings that you've seen. And as part of that, we begin fencing with different retailers. We have about thirty retailers who are vying for twenty spots at this point. Our goal is to bring unique retailers that are not in Richmond at this time of the caliber that you see in Wegman's and Cabela's. That's a very short list. It doesn't take a lot of planning to go through and figure out who those retailers are. Again, you'll be proud if we can land them. You will be very proud of the merchandise mix we'll put together for this. We are speaking with first quality restaurants for all of our pad locations. They're national credit restaurants that produce very fine looking buildings. And those inline tenants that we're talking to are, again, unique to Richmond. And we'll also have food that will be a new experience.

So to answer your question directly, sir, I cannot tell you who we're dealing with at the moment because of confidentiality issues.

Mr. Branin - Secrecy. Secrecy. It kills me.

Mr. Waghorn - However, as soon as they become available, I will be the first person to shout it from the rooftops because I will be very proud of who we get. So again, thank you.

Mr. Kaechele - Mr. Chairman, I'd like to echo some of Mr. Branin's comments and to thank the retailers and you, Mr. Waghorn, for working with the staff, and compliment the staff as well. We don't have eleven proffers; we have eleven pages of proffers. That's a lot of attention to detail and a lot of work. So
thank you all for working on it. We'll look forward to it coming to the Board of Supervisors next month.

Mr. Waghorn - Thank you, Mr. Kaechele.

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

Mrs. Jones - Yes, we did.

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

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

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

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

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

Mr. Witte - Second.

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

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

Mr. Witte - Second.

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

REASON - Acting on a motion by Mr. Branin, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it continues a form of zoning consistent with the area, conforms with the objectives and intent of the County's
Comprehensive Plan, and the proffered conditions will assure a level of development otherwise not possible.

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

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

Ms. Deemer - Good evening. Again.

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

Mr. Leabough - Ms. Deemer.

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

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

Similar to other recent outdoor dining cases, if properly regulated, staff believes this request would be compatible with adjacent uses, would be an appropriate extension of the restaurant's services, and would complement the continued development of this area. Staff recommends approval of the request subject to conditions 1-14 in the staff report.
This concludes my presentation. The applicant’s representative is here this evening if you have any questions.

Mr. Leabough - Are there questions for Ms. Deemer?

Mr. Branin - Ms. Deemer, what time does the outdoor dining shut down?

Ms. Deemer - It would shut down at 10 p.m.

Mr. Branin - And that’s consistent with all the others?

Ms. Deemer - Yes sir.

Mr. Branin - May I hear from the applicant?

Mr. Leabough - Would the applicant please come forward?

Ms. Tussey - Good evening everybody. I’m Ann Marie Tussey. I’m the director of real estate for Zoës Kitchen.

Mr. Branin - Good evening, Ann Marie, how are you?

Ms. Tussey - I’m doing wonderful. How are you?

Mr. Branin - I’m good. I’m sorry our meeting didn’t go well, get to happen last night for the people at Wellesley.

Ms. Tussey - I know. I am as well. But we’re going to reschedule.

Mr. Branin - There was a swim meet.

Ms. Tussey - I understand.

Mr. Branin - And that takes precedent over everything. So that’s why I brought you down. They were excited, but they said there’s no way. And I went to that swim meet. There’s no parking anywhere, so it’s good that it didn’t happen.

Ms. Tussey - But I did talk to them, and we’re going to reschedule. We definitely want to start as good neighbors so.

Mr. Branin - Good, good. All right, that was it. She and I were trying to coordinate with Wellesley for a month.
Ms. Tussey - At least, yes.

Mr. Branin - And we finally got the date locked down, and then at the last minute the swim meet, can't do it. So. All right, thank you.

Mr. Leabough - Thank you, ma'am.

Ms. Tussey - Thank you.

Mr. Leabough - Mr. Branin, I'll entertain a motion.

Mr. Branin - Thank you, sir. Mr. Chairman, I'd like to move that PUP2014-00015, Zoës Kitchen, move forward to the Board of Supervisors with a recommendation for approval.

Mr. Witte - Second.

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

REASON - Acting on a motion by Mr. Branin, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it is reasonable in light of the surrounding uses and existing zoning on the property and it would not be detrimental to the public health, safety, welfare and values of the area.

Mr. Emerson - The next item on the agenda is the consideration of the approval of the minutes from your June 12, 2014 meeting. You do have an errata sheet containing corrections that we received earlier in the day. And of course we'll entertain any other corrections you may have.

Mr. Leabough - Other corrections to the minutes? If not, I'll entertain a motion for approval.

Mr. Branin - Move for approval.

Mr. Witte - Second.

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

Is there any other business for the Commission tonight?

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

Mr. Witte - Where is Montgomery County?

Male - What? It's Blacksburg.

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

Ms. Puckett - [Off microphone; inaudible.]

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

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

Ms. Puckett - [Off microphone; inaudible.]

Mr. Archer - That's the only time you'll ever hear applause, Erin.

All right, Mr. Secretary, before we close.

Mr. Emerson - Yes.

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

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

Mr. Witte - I second that.

Mr. Emerson - Well I'd like to thank the Commission because you made yourself available. And with your help we were able to get this done. A couple of these cases you know went right down to the wire.
Mr. Leabough - Well we had the assistance of a former commissioner in the back, Mr. Jernigan.

Mr. Branin - That's what I was going to say. We have a celebrity in the room. And he still hangs out until the end.

Mr. Leabough - Until the very end. I want to thank you for that, Mr. Jernigan.

Mr. Archer - Now you know where all the beer places are.

Mrs. Jones - It's educational.

Mr. Emerson - That's why he came, I think.

Mr. Leabough - He wanted to make sure that went through without a hitch. If there's no other business, I'll entertain a motion for adjournment.

Mr. Archer - So moved.

Mrs. Jones - Second.

Mr. Leabough - We're adjourned. Thank you all.

Mr. R. Joseph Emerson, Secretary

Mr. Eric Leabough, Chairman