

1 Minutes of the regular monthly meeting of the Planning Commission of the  
2 County of Henrico held in the County Administration Building in the Government  
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. May 12,  
4 2016. Display Notice having been published in the Richmond Times-Dispatch on  
5 April 25, 2016 and May 2, 2016.  
6

Members Present: Mr. C. W. Archer, C.P.C., Chair (Fairfield)  
Ms. Bonnie-Leigh Jones, C.P.C., Vice-Chair (Tuckahoe)  
Mr. Eric Leabough, C.P.C. (Varina)  
Mrs. Sandra M. Marshall (Three Chopt)  
Mr. Robert H. Witte, Jr., (Brookland)  
Ms. Jean M. Moore, Assistant Director of Planning,  
Acting Secretary

Members Absent: Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,  
Secretary  
Mr. Frank J. Thornton (Fairfield)  
Board of Supervisors' Representative

Also Present: Mr. James P. Strauss, PLA, Senior Principal Planner  
Planner  
Mr. Benjamin Sehl, County Planner  
Mr. Livingston Lewis, County Planner  
Ms. Lisa Blankinship, County Planner  
Ms. Sylvia Ray, Recording Secretary

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

10  
11 Mr. Archer - The Planning Commission will come to order. Good  
12 evening, ladies and gentlemen. Welcome to the May 12th, 2016, rezoning  
13 meeting. In a moment, I'm going to ask you to please stand and salute the flag  
14 with me. And as we do, if you have not already, please turn off or silence your  
15 telephones. Alright.

16  
17 Thank you. I believe I see Mr. Robinson from the *Times-Dispatch*. How are you,  
18 sir?

19  
20 Mr. Thornton will not be here this evening and neither will Mr. Emerson. Acting  
21 secretary in his stead is Ms. Jean Moore. Ms. Moore, I'll turn the meeting over to  
22 you.

23  
24 Ms. Moore - Thank you, Mr. Chairman. The first order of business  
25 would be to go over the requests for withdrawals and deferrals. Our Principal  
26 Planner, Jim, Strauss, will be going over those.  
27

28 Mr. Archer - Good evening, Mr. Strauss.

29  
30 Mr. Strauss - Good evening. Thank you, Ms. Moore. We have two  
31 requests for deferrals that staff is aware of at this time. The first request for  
32 deferral is in the Three Chopt District. It's on page 1 of the agenda. It's REZ2016-  
33 00009, Wellesley LLC. The applicant's requesting a deferral to the June 9th  
34 meeting.

35  
36 **(Deferred from the April 14, 2016 Meeting)**

37 **REZ2016-00009 James W. Theobald for Wellesley LLC:** Request to  
38 amend proffered conditions accepted with rezoning case C-109C-86 on Parcel  
39 735-759-2130 located at the southwest intersection of Lauderdale and Park  
40 Terrace Drives. The applicant proposes to amend Proffer 8 pertaining to the  
41 detached signage in an existing shopping center. The existing zoning is B-1C  
42 Business District (Conditional). The 2026 Comprehensive Plan recommends  
43 Commercial Concentration.

44  
45 Mr. Archer - Okay. Is there anyone present who is opposed to the  
46 deferral of REZ2016-00009, James W. Theobald for Wellesley, LLC, to the June  
47 9th meeting? I see no opposition.

48  
49 Mrs. Marshall - Mr. Chairman, I move that REZ2016-00009, James  
50 W. Theobald for Wellesley, LLC, be deferred to June 9, 2016, at the request of  
51 the applicant.

52  
53 Mr. Leabough - Second.

54  
55 Mr. Archer - Okay. Motion by Mrs. Marshall and seconded by  
56 Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the  
57 motion passes.

58  
59 At the request of the applicant, the Planning Commission deferred REZ2016-  
60 00009, James W. Theobald for Wellesley, LLC, to its meeting on June 9, 2016.

61  
62 Mr. Strauss - The second request for deferral this evening is in the  
63 Tuckahoe District. It's on page 2 of the agenda. REZ2016-00010, Wilkins-  
64 Bradley Realty Partners, LLC. The applicant is requesting a deferral to the June  
65 9th meeting.

66  
67 **(Deferred from the April 14, 2016 Meeting)**

68 **REZ2016-00010 Andrew M. Condlin for Wilkins-Bradley Realty**  
69 **Partners, LLC:** Request to conditionally rezone from R-0C One-Family  
70 Residence District (Conditional) to RTHC Residential Townhouse District  
71 (Conditional) Parcel 737-750-7485 containing 7.57 acres located on the  
72 southwest line of Ridgefield Green Drive between John Rolfe and Ridgefield  
73 Parkways. The applicant proposes no more than 61 residential townhomes. The

74 RTH District allows a maximum of nine (9) units per acre. The use will be  
75 controlled by proffered conditions and zoning ordinance regulations. The 2026  
76 Comprehensive Plan recommends Semi-Public.

77

78 Mr. Archer - All right. Is there anyone present who is opposed to  
79 this deferment, REZ2016-00010, Andrew M. Condlin for Wilkins-Bradley Realty  
80 Partners, LLC? There being none—

81

82 Ms. Jones - All right. I move the deferral of REZ2016-00010,  
83 Andrew M. Condlin for Wilkins-Bradley Realty Partners, LLC, at the request of  
84 the applicant, to the June 9th meeting.

85

86 Mr. Witte - Second

87

88 Mr. Archer - Motion by Ms. Jones, seconded by Mr. Witte. All in  
89 favor say aye. All opposed say no. The ayes have it; the motion passes.

90

91 At the request of the applicant, the Planning Commission deferred REZ2016-  
92 00010, Andrew M. Condlin for Wilkins-Bradley Realty Partners, LLC, to its  
93 meeting on June 9, 2016.

94

95 Ms. Moore - Mr. Chairman, that completes our requests for  
96 deferrals.

97

98 Mr. Archer - I do have one more, Madam Secretary.

99

100 Ms. Moore - Okay.

101

102 Mr. Archer - After a long conversation with Mr. Blundon, he had  
103 made the request that we defer his case until June 9th, and that case is  
104 REZ2016-00008.

105

106 **REZ2016-00008** **Guy Blundon:** Request to amend proffered  
107 conditions accepted with rezoning case C-33C-04 on Parcels 784-749-1627 and  
108 784-748-2576 located on the west line of Brook Road (U.S. Route 1),  
109 approximately 875' south of its intersection with Hilliard Road (State Route 161).  
110 The applicant proposes to amend Proffer 2 related to age restrictions and Proffer  
111 3 related to enforcement of age restrictions. The existing zoning is R-5C General  
112 Residence District (Conditional). The 2026 Comprehensive Plan recommends  
113 Multi-Family Residential, density should not exceed 19.8 units per acre, and  
114 Environmental Protection Area. Part of the site is located in the Enterprise Zone.

115

116 Mr. Archer - Is there anyone here who is opposed to the deferment  
117 of REZ2016-00008, Guy Blundon, to June the 9th? I see no opposition. So  
118 therefore, I move that REZ2016-00008, Guy Blundon, be deferred to the June  
119 9th meeting at the applicant's request.

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Ms. Jones - Second.

Mr. Archer - Motion by Mr. Archer, seconded by Ms. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

At the request of the applicant, the Planning Commission deferred REZ2016-00008, Guy Blundon, to its meeting on June 9, 2016.

Ms. Moore - Mr. Chairman, we do not have any requests for expedited items, so now we move to our regular agenda. The first is on page 1 of your agenda. It is in the Three Chopt District. It is REZ2016-00005, Youngblood, Tyler & Associates for Farmbrown, LLC. The staff report will be presented by Mr. Livingston Lewis.

**(Deferred from the April 14, 2016 Meeting)**

**REZ2016-00005 Youngblood, Tyler & Associates for Farmbrown, LLC:** Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional) Parcel 737-768-1291 containing 10.244 acres located at the northeast intersection of N. Gayton and Kain Roads. The applicant proposes a single-family residential development of no more than 25 units. The R-3 District allows a minimum lot area of 11,000 square feet and a maximum gross density of 3.96 units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Suburban Mixed-Use; density should not exceed 4 units per acre.

Mr. Archer - Good evening, Mr. Lewis.

Mr. Lewis - Good evening, Mr. Chairman.

Mr. Archer - Is there anyone present with any opposition to REZ2016-00005, Youngblood, Tyler & Associates for Farmbrown LLC? I do see opposition. We'll get to you. Thank you.

Ms. Moore - Should I read the rules and regs?

Mr. Archer - I suppose you may as well, yes.

Ms. Moore - Because we have people who want to speak just in general, the Planning Commission does establish rules that each speaker or representative gets ten minutes, and that's ten minutes in the aggregate. Typically, they can hold some time, hear the public speak. And again, in the aggregate you have ten minutes to address the Planning Commission for either support or concerns.

166 If the Commission does have questions for you, that does not go against your  
167 clock. We'll stop it so they can ask their questions. The Planning Commission  
168 could choose and vote to extend that time at their will. Thank you.

169

170 Mr. Archer - All right. Thank you, Madam Secretary. Mr. Lewis.

171

172 Mr. Lewis: Thank you, sir.

173

174 This is a request to rezone 10.244 acres from A-1 to R-3C for developing up to  
175 25 single-family homes. The site is located east of the intersection of North  
176 Gayton and Kain Roads.

177

178 The parcel is surrounded by R-2AC or A-1 zoned single-family properties in all  
179 directions, and the 2026 Comprehensive Plan recommends Suburban Mixed Use  
180 residential development—up to 4.0 units per acre.

181

182 Exhibit A shows the anticipated layout after filling in the 1.3 acre man-made  
183 pond. The design is for 23 residential lots and approximately 2.5 acres of  
184 reserved and common areas, which may include some wetlands in the  
185 southeastern corner of the parcel. The only access would be from Kain Road,  
186 although stub streets proposed by the applicant could provide future connection  
187 opportunities. Additional details provided on this exhibit have also addressed  
188 previous questions posed by the Public Works Traffic Division regarding the  
189 location of the Kain Road entrance. Therefore, given the proposal's consistency  
190 with the 2026 Plan and surrounding uses, staff is able to support this request.

191

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

194

195 Mr. Archer - All right, thank you, Mr. Lewis. Are there questions  
196 from the Commission for Mr. Lewis? Okay. Would you like to hear from the  
197 opposition first or the applicant?

198

199 Mrs. Marshall - Opposition.

200

201 Mr. Archer - Okay. Will the opposition please come forward?

202

203 Ms. Powell - Good evening, my name is Sarah Powell, and I live  
204 on Axe Handle Lane.

205

206 Mr. Archer - Good evening, Ms. Powell.

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208 Mrs. Marshall - Would you mind spelling your name? I'm sorry to  
209 interrupt you.

210

211 Ms. Powell - Powell—P-o-w-e-l-l.

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Mrs. Marshall - Thank you so much.

Ms. Powell - My main objection is—well, as you all know, probably, I object to another subdivision. I believe Road A is too close to the intersection with North Gayton. That's a hill. And in the winter sometimes when we're trying to get in Kain Road and get up to the stoplight, it's kind of tough. If there are too many cars coming out there at that time, we're going to have a problem.

I also think that we need another exit out onto North Gayton Road. It would eliminate lot 7 and possibly part of lot 6. But it would allow anybody living in that subdivision a way out to go right toward Shady Grove. Everybody doesn't need to come out and come to the light and go either direction. I think for them it would be a good a way out, altogether there may be no more trees left. But I think it would help the people who use Kain Road as well as the residents in the subdivision. If they lose two houses—you know, we don't need that density anyway.

They talk about filling in the pond. The County spent a great deal of money cleaning out that pond and fixing the drainage under the road not too long ago. Now they're going to fill it in. And they want to put in a retaining pond, a smaller retaining pond. At our meeting, they talked about possibly a dry pond. We need a wet pond, because slowly all these developers are filling in the water sources that feed the animals and birds and what we need in nature. It definitely needs to be a wet pond and aerated. And I don't know what they decided to do because the gentleman didn't say. But it needs to be a wet pond.

Basically, that's my beef with it. I appreciate your consideration.

Mr. Archer - Thank you, ma'am. How much time do we have left, Madam Secretary?

Ms. Moore - We have seven minutes and ten seconds.

Mr. Archer - Okay.

Ms. Hamilton - My name is Karen Hamilton, and I live on Kain Road. I can tell you that we already have enough density out there. This building has an occupancy limit. The planet has an occupancy limit. Tonight you said the Pledge of Allegiance, and you said the words *under God*. The Bible says that humans were to procreate, specifically it says to fill the earth and subdue it. It's time that we put an end to the population explosion in Short Pump. You have control over this, and you do nothing about it. We don't need the density on Kain Road. We don't need any more people out in Short Pump. The traffic out there is terrible.

257 As Sally said, they need an exit onto North Gayton Road. Well I'm against the  
258 whole thing. But if you're going to do this, they need an exit onto North Gayton  
259 Road and not any way, shape, or form to get onto Kain Road at all. There should  
260 not be a road coming onto Kain Road at all. I walk Kain Road a lot, and I can tell  
261 you that people—even if you plan on widening Kain Road a little bit, we just still  
262 don't need the density. And you just have no idea what you're doing to the earth  
263 itself. Out there we've just got so much density.

264

265 There was an interesting ad in last Saturday's paper for the Bentley II subdivision  
266 that's being built off of Kain Road as they're expanding. The ad says that you will  
267 have peace and tranquility. Really? Because that's what we had before you  
268 interrupted us and destroyed all of our peace and tranquility. Ask Kay Cole, who  
269 lives right beside the Bentley II subdivision; her peace and tranquility has been  
270 shot. It's gone. You have destroyed many wetlands out there.

271

272 And my greatest fear of all is not just the destruction of all the trees, but that  
273 you're going to dry up my well. I have a 34-foot shallow well. All of these  
274 developments impact our well water out there.

275

276 There are so many concerns that you don't take into consideration. Government  
277 exists to propagate itself, to keep itself going. And you all have kept your jobs  
278 going for many, many years. But this is one thing that you could say no to, and  
279 you don't. You never say no to development. I'm asking you, say no to this. Don't  
280 fill in those wetlands. Henrico County paid a great deal of money to drain that  
281 pond. While it was drained, I would walk by and I would see these beautiful blue  
282 herons—one of them in particular at a time, usually, and sometimes two. And  
283 they would be in the bottom of the pond thinking, where's the water? You could  
284 just tell those birds were wondering, what happened to our water supply?

285

286 You have devastated Short Pump. You have devastated Henrico County. It's  
287 time for you to say no.

288

289 Mr. Archer - Thank you, Ms. Hamilton. Does anyone on the  
290 Commission have any questions for either of the speakers?

291

292 Mrs. Marshall - I'd like to hear from the applicant.

293

294 Mr. Archer - Okay. Would the applicant please come forward?

295

296 Mr. Browning - Good evening. Andrew Browning with Youngblood,  
297 Tyler & Associates.

298

299 Mr. Archer - How are you, Mr. Browning?

300

301 Mr. Browning - I'm doing well. How about yourself?

302

303 Mr. Archer - Fine, sir.

304

305 Mr. Browning - I can speak to Ms. Powell's comments, if you would  
306 like, first. She had a couple questions about the roads and the access.

307

308 We chose to have access on Kain Road versus North Gayton for a couple of  
309 reasons. There is no median break in North Gayton in that area. There are a  
310 bunch of culverts and storm sewer that dumps out into that pond. The elevation  
311 is not a good spot for having an entrance. Kain Road is quite a bit higher than the  
312 ground in that area today. There are a bunch of storm sewer structures that we're  
313 going to have to move around and divert around, so that affected that as well.

314

315 I think as the area develops further towards Pouncey Tract, there will be another  
316 access onto North Gayton. We're providing the stub street, and ultimately they  
317 would hook up, and that would be the access to North Gayton where there's a  
318 median break just up the street.

319

320 As far as the separation between North Gayton and Road A, the County requires  
321 I think 250 feet; we have 278 feet. The County had also asked about that  
322 separation. We're proposing to widen Kain Road and put in an additional right-  
323 turn lane onto Road A. That turn lane would continue all the way to North Gayton  
324 Road. So we're doing a substantial amount of road widening and installing curb  
325 and gutter, storm sewer, and improvements on Kain Road. We think with that it  
326 will be able to handle the traffic.

327

328 She also spoke something about filling in the pond and creating another wet  
329 pond. Typically, the County does not like a wet pond and Public Works does not  
330 like a wet pond in a subdivision. We have done them in the past. We usually  
331 have to request a waiver and it's not preferred. We have not done all of the  
332 stormwater design at this point. That will be something that comes along with the  
333 POD and subdivision plans. At this point, it could be perhaps a wet pond,  
334 probably more like some type of bioretention or perhaps a dry detention pond  
335 with some bioretention as well. We haven't gotten quite that far along with the  
336 design of it.

337

338 I think those were most of the questions from Ms. Powell and Ms. Hamilton had.  
339 Do you have any other questions of me?

340

341 Mrs. Marshall - I do. About the wet pond. The question for you is you  
342 said you hadn't spent a lot of time with different things that you could do with it.  
343 Why is that?

344

345 Mr. Browning - We ran some preliminary numbers. We haven't done  
346 a final design, so we ran some preliminary numbers and determined how much  
347 detention we would need to have on site and then what kind of treatment we  
348 would have to have. This site is one that we could buy offsite nutrient credits, so

349 we could perhaps not have to do treatment on site. We could buy nutrient credits  
350 offsite. But then there's a detention requirement as well with the stormwater  
351 regulations. What we've found is the County doesn't just want us to do a  
352 detention pond, if we were going to do a detention pond, they wanted to have  
353 treatment in that pond as well.

354  
355 So we have some preliminary numbers. We've done some preliminary design.  
356 We think there's enough room in the common area that we could put something  
357 in there that works, but I haven't done the final design of it to determine exactly  
358 what that's the going to be. More than likely, it's not going to be a wet pond. It  
359 has to be enough water to sustain a wet pond. A lot of this water is coming from  
360 the other side of North Gayton Road or off of North Gayton Road. We're going to  
361 divert that through the site and take that beyond us so we won't have to treat all  
362 of that water on the other side. That volume of water is a substantial amount, and  
363 that storm sewer outfalls now. So we're going to run that through the site and  
364 outfall that below us and not into our stormwater basin. The concern would be  
365 that there's not enough water to sustain a wet pond in there as well.

366  
367 Mrs. Marshall - Okay. As far as having an entrance on North Gayton,  
368 I know that you're talking that you're going to have a stub road that may go  
369 through. Any thought to why you would not put that road through from the  
370 beginning?

371  
372 Mr. Browning - Onto North Gayton?

373  
374 Mrs. Marshall - Yes.

375  
376 Mr. Browning - Again, like I said, the elevation doesn't work very well  
377 in that area. The pond is quite lower and North Gayton's quite higher. And there  
378 are a bunch of drainage structures that come out right where—if you had the  
379 correct separation from the intersection of Kain and North Gayton where the  
380 entrance should go, there are a bunch of drainage structures there. You would  
381 have to do a lot of work to move those structures all around to get them out of  
382 your intersection that you're proposing. That was a big reason why we did not put  
383 that there.

384  
385 Mr. Leabough - Were you asking about the stub road or the  
386 connection to Gayton Road?

387  
388 Mrs. Marshall - The connection to Gayton.

389  
390 Mr. Leabough - Okay.

391  
392 Mr. Browning - We are proposing to build a third northbound lane  
393 along North Gayton like the Bacova development did south of us. So we are  
394 improving North Gayton in that area too. It was ultimately to have a fixed lane

395 section on North Gayton. So we're building another lane and curb and gutter and  
396 storm sewer as well up North Gayton.

397  
398 Mrs. Marshall - When will that happen?

399  
400 Mr. Browning - That will take place with this. It has to go concurrently  
401 with the subdivision.

402  
403 Ms. Jones - May I ask a quick question? Would you speak just a  
404 moment, please, to the question about how development in the area affects  
405 shallow wells for the residents?

406  
407 Mr. Browning - All we're proposing is on public water. I'm not sure  
408 where Ms. Hamilton lives. In this area most—I'm not sure if it's a deep well or a  
409 shallow well, but I think in this area everybody in this quadrant will ultimately  
410 have public water. I don't know how we would affect their shallow well  
411 somewhere off the site, I guess.

412  
413 Ms. Jones - Okay.

414  
415 Mr. Witte - I have a question. It appears that a third or so of the  
416 lots—seven, eight—will be affected by—the building area will be affected by the  
417 filling in of the pond? Have you done any testing of the soil to make sure we're  
418 good in the area? I don't know how deep the pond was.

419  
420 Mr. Browning - We're expecting to drain the pond and have to do  
421 some undercut and take the—I'm sure there is some bad soil in the bottom of  
422 that pond.

423  
424 Mr. Witte - I do too.

425  
426 Mr. Browning - So we're expecting to bring in a lot of fill. And we'll  
427 have a geotechnical engineer on site and do compacting tests. We'll have to  
428 keep a record of all that to prove that we have—

429  
430 Mr. Witte - Do you know what CBR will be required for that area?

431  
432 Mr. Browning - I don't know what they are right now, no sir. But I'm  
433 expecting to do a bunch of undercutting. There is a substantial amount of dirt on  
434 the project south of us that we need to get rid of, and we're intending to bring it  
435 here and utilize it.

436  
437 Mr. Witte - So it's good compactable fill.

438  
439 Mr. Browning - Yes sir.

440

441 Mr. Witte - Okay. I have no further questions.  
442  
443 Mr. Archer - Mr. Browning, would you explain CBR so people in  
444 the audience will know?  
445  
446 Mr. Browning - That's California Bearing Ratio. And I'm not a  
447 geotechnical engineer, but basically that is how good the soil is to support a  
448 structure or a road or a foundation, that type of thing. The bearing capacity of the  
449 soil.  
450  
451 Ms. Moore - Mr. Witte, I can tell you after doing construction at our  
452 home, our Building Inspections will scrutinize that to no end.  
453  
454 Mr. Witte - Good, good.  
455  
456 Mr. Archer - All right, any further questions for Mr. Browning.  
457  
458 Mrs. Marshall - I need to hear from the traffic engineer, please.  
459  
460 Mr. Archer - Surely. Will the traffic engineer come up, please.  
461 State your name for the record.  
462  
463 Mr. Cejka - Good evening, Mr. Chair.  
464  
465 Mr. Archer - Good evening, sir.  
466  
467 Mr. Cejka - My name is John Cejka, traffic engineer.  
468  
469 Mr. Archer - All right, Mrs. Marshall has a question for you.  
470  
471 Mrs. Marshall - I was wondering if you could address for me the North  
472 Gayton corridor. I've looked at the numbers—I drive that route every single day.  
473 As far as them adding an additional lane to that road and also adding a turn lane  
474 on Kain Road, what kind of alleviation from traffic do you think that's going to  
475 help with?  
476  
477 Mr. Cejka - The extension of the turn lane on Kain Road will help  
478 the traffic signal. It'll get the people out of the way. If people are waiting to go  
479 across North Gayton to go to the far West Side, you can sneak around them, go  
480 in the right lane, and turn right on North Gayton. So that will help alleviate the  
481 traffic at the signal, which will give a better level of service at the intersection.  
482  
483 The additional lane on North Gayton is part of the extension of—currently, there's  
484 a northbound lane that was built down near Bacova, and now it's extended as far  
485 north as Liesfield Farm Drive. It's going to extend further and further as  
486 development goes on.

487  
488 Mrs. Marshall - So eventually it will develop all the way to Broad.  
489  
490 Mr. Cejka - Northbound is three lanes all the way to Liesfield  
491 Farm right now. Eventually it will go all the way to Pouncey Tract.  
492  
493 Mrs. Marshall - To Pouncey Tract, okay.  
494  
495 Mr. Witte - Mr. Cejka, do you have an idea of how long that turn  
496 lane will be, how many vehicles you can get in it?  
497  
498 Mr. Cejka - The one that's shown on this diagram?  
499  
500 Mr. Witte - Yes.  
501  
502 Mr. Cejka - It's approximately 400 feet. Roughly 25 feet per car,  
503 so that's eight cars.  
504  
505 Mr. Witte - No, ten cars.  
506  
507 Mr. Cejka - Sixteen cars.  
508  
509 Mr. Witte - So that will dramatically reduce the congestion at the  
510 light, in your opinion?  
511  
512 Mr. Cejka - Correct.  
513  
514 Mr. Witte - Thank you.  
515  
516 Mrs. Marshall - In your opinion, the distance between the entrance on  
517 Kain Road and North Gayton, is that adequate space?  
518  
519 Mr. Cejka - Yes ma'am. Kain Road is a minor collector road, and  
520 we actually only require 150 feet separation. This exceeds that by over 100 feet.  
521 In future development where they would get another access point on North  
522 Gayton, we'll shift the traffic volumes there a little bit.  
523  
524 Mr. Archer - So Mr. Cejka, how many projected trips will there be  
525 from a development of this size? Daily.  
526  
527 Mr. Cejka - Roughly 300 trips per day. That's 150 in and 150 out.  
528  
529 Mr. Archer - Okay, thank you.  
530  
531 Ms. Jones - I have a question. This is general policy, maybe not  
532 specific only to this case. When stub roads are included in a plan in an area such

533 as this, which is developing quickly and has many projects as development  
534 moves west, is the stub road from one development a proactive obligation to a  
535 subsequent development to hook up with it. Or is it simply available as a  
536 suggested connectivity issue? In other words, a stub road on one development  
537 does not mind the neighboring development to using it, does it?  
538

539 Mr. Cejka - Not to my knowledge.  
540

541 Ms. Moore - No ma'am. Typically, if we have that, it would be  
542 phased over time with the same developer. In past cases, they may have a more  
543 intent by proffer to do that. We've seen that as well. But this is the most common  
544 way of showing the intent. What happens sometimes if that doesn't develop—  
545 might be a different developer or a neighborhood, and they may not wish to  
546 connect. We see that too. But at least this provides the appropriate opportunity  
547 to.  
548

549 Ms. Jones - All right, thank you.  
550

551 Mr. Archer - All right, any further questions for Mr. Cejka? I'm  
552 sorry. Did you have a question, Ms. Powell?  
553

554 Ms. Powell - [Off microphone.] Yes.  
555

556 Mr. Archer - Could you come up, please?  
557

558 Ms. Powell - At the neighborhood meeting that we did have about  
559 this property, Tommy Branin was there, and I don't believe he's here. The  
560 discussion of the retaining pond, or the wet pond or dry, and the draining of the  
561 large pond came up. And they hedged that that night. And they said well they  
562 preferred to put in a dry pond. And we discussed whether we needed a wet pond,  
563 and everybody I think was in agreement that it should probably be a wet pond  
564 because all our water sources for the animals and birds are disappearing. We  
565 still have deer out there.  
566

567 The water from the big pond at this time—and he's talking about sewer pipes and  
568 I don't know where they're going. But the big pond overflow goes down into the  
569 creek across the road, across Kain Road. So I don't know. It seems to me these  
570 things should be ironed out before it comes to the Planning Commission. Some  
571 questions need to be answered. The creek across Kain Road takes a whole lot of  
572 water when we get a good storm or whatever. And then they want to put in a dry  
573 pond, which is the overflow pond. I think this needs to be examined further.  
574

575 As far as taking a road out the other side onto Kain Road so that they may turn  
576 right, he brought up that there is no access to going left. Well they don't need to  
577 go left there. If they want to go left, they can come out onto Kain. But it would

578 alleviate the traffic coming onto Kain Road if they could go right toward Pouncey  
579 Tract. That's all I'm saying about that.

580

581 I think this needs to be examined. Tommy Branin said at that meeting that it  
582 doesn't cost any more money, and the state and the County don't care whether  
583 it's wet or dry. And he agreed with me that it should be wet. So why they're  
584 hedging that, I don't know. You'd have to ask them that.

585

586 I appreciate your listening.

587

588 Mr. Archer - Thank you, Ms. Powell. Mr. Browning, would you like  
589 to speak to that?

590

591 Mr. Browning - Yes sir. All the formal design or finish design will be  
592 done during the construction plan review and that type of thing. So she's right,  
593 the water comes down and ultimately goes in a culvert under Kain Road. It was  
594 my understanding that that culvert was replaced when North Gayton Road came  
595 through to make it bigger to handle more of the flow. We will have to prove during  
596 design that that culvert is adequate. And if it's not, we'll have to replace it or add  
597 a culvert or something at that time.

598

599 When we talk about having a wet pond, again, that's normally not allowed in a  
600 subdivision, and it's not preferred. I'm not really hedging, I guess, I just don't  
601 want to commit to having a wet pond when I don't know that I can have one that'll  
602 meet all the criteria of the stormwater regs and it will hold enough water and I can  
603 meet all the setbacks and all that type of thing when it may not be required for  
604 this small of a subdivision. We're going to go through the arduous process of the  
605 stormwater rules and regulations and meet all the criteria. So even if we did a  
606 wet pond, it would be a smaller wet pond. It's not going to have the same feel as  
607 that pond that's there, I guess. And it's going to be stormwater pond.

608

609 Ms. Jones - So this is basically an engineering decision based on  
610 the needs of the community and what the options are. Wet or dry is an  
611 engineering decision. Is that what you're saying?

612

613 Mr. Browning - Yes. It's possible that it could be wet. Normally, they  
614 want—a wet pond has to have at least ten acres of drainage. Like I say, a lot of  
615 that water that's coming off of North Gayton and on the other side, we're going to  
616 bypass it through our site and out to the culvert of North Gayton Road because  
617 we would not be required to treat the offsite stormwater from North Gayton Road.  
618 And if we were, that would probably be a huge pond like what's there now. In  
619 order to get something on the property, we were filling in the pond.

620

621 We have already gone through that permitting process and we have the permit  
622 from DEQ. Believe it or not, the Corps of Engineers and DEQ don't see a lot of  
623 value in a manmade pond. They call it a wetland, which is the opposite of what

624 you would think. But we have gotten the permit from DEQ. The Corps permit is  
625 signed and we have most of the permitting on that.

626

627 As far as stormwater, like I said, we'll finalize those designs with the construction  
628 plans and with the POD portion of that.

629

630 Mrs. Marshall - Do you think that you've done due diligence in  
631 meeting with the neighbors and discussing wet versus dry in the one meeting  
632 that you had?

633

634 Mr. Browning - I think so. And when you put in a wet pond it, it also  
635 brings up a bunch of setbacks. You have these huge setbacks off of a wet pond.  
636 And then all of a sudden the property's consumed and the numbers may not  
637 work. With the number of lots here, we start having huge setbacks around that  
638 pond. So like I said, what we would be required to treat with stormwater is just  
639 whatever impervious area we create. That small amount of impervious area  
640 wouldn't normally dictate having a wet pond.

641

642 The stormwater regulations now try to divert you away from a wet pond. They  
643 want you to do something else. They want you to try to get the water back into  
644 the ground and soak it back in with some type of bioretention or something like  
645 that. The last resort is to put in a wet pond. They've taken a lot of removal  
646 efficiencies away from the wet ponds because they want you to do other things  
647 rather than just dumping it into a wet pond.

648

649 Ms. Moore - In this case, Mr. Browning, I'm not sure the setbacks  
650 would apply. It depends on what kind of hierarchy the road is.

651

652 Mr. Browning - I'm talking about setbacks off the BMP. Like it would  
653 be setbacks off of the water surface and that type of thing. Those get a lot bigger  
654 when it's a wet pond.

655

656 Mrs. Marshall - In my opinion, I think we really need to have more  
657 discussion as far as wet pond/dry pond. I think that it's necessary. With that, I'm  
658 ready to make my motion.

659

660 Mr. Archer - Okay. Before you do, Mrs. Marshall, Ms. Hamilton,  
661 you raised your hand. Did you have something that you wanted to ask? You've  
662 exceeded your time, but I don't mind entertaining a question from you if you have  
663 one.

664

665 Ms. Hamilton - [Off microphone] I just—

666

667 Mr. Archer - You need to come up, ma'am.

668

669 Ms. Hamilton - I would like to know how many here of you here on  
670 the panel have actually been to this site. Because across—one person. Okay,  
671 two. Three? Well, across the street it's sloped—Kain Road already goes downhill  
672 from the corner of Gayton and Kain. But across the street from this, Kathy  
673 White's house and the property that belongs to Lee—no, Timmy and Ray Willis,  
674 they have a creek that runs between—I'm not sure if it's Kathy's creek or Tim and  
675 Ray's creek. But there's a creek—the wetlands that runs. And Kathy White's  
676 house in particular, the land slopes. She already has trouble with flooding issues  
677 on her property. She couldn't be here tonight. Channing Perkins, as far as I  
678 know, couldn't be here tonight. He told me he'd try to make it, but I don't think he  
679 showed up tonight. He's not thrilled with it. Channing has wetlands that run  
680 between his property—the wetlands I believe join Channing's property and this  
681 wetlands.

682

683 I think you're rushing. If you make the decision to postpone this, I'd be thrilled  
684 with you people. I don't believe you've ever done that for me before. But I would  
685 consider that a real coup tonight if you would just put this off for a little while at  
686 least.

687

688 Mr. Archer - Thank you, Ms. Hamilton.

689

690 Mr. Witte - Can we call the—excuse me.

691

692 Mr. Browning - Yes sir.

693

694 Mr. Witte - You're not creating more stormwater runoff, is my  
695 understanding. You're just diverting what comes down to that creek to a different  
696 direction. Is that correct?

697

698 Mr. Browning - Yes, as far as—yes, we're in—we're adding more  
699 impervious area, so we will be creating more runoff.

700

701 Mr. Witte - But what came over North Gayton Road won't be  
702 running through here.

703

704 Mr. Browning - Right. What comes through North Gayton Road, there  
705 are some culverts on the other side that pick up some water.

706

707 Mr. Witte - I saw that.

708

709 Mr. Browning - It goes through the storm sewer, dumps out into the  
710 pond at North Gayton. So we're going to pick that water up and divert it through  
711 the site and dump it out at the culverts that cross Kain Road, because we  
712 wouldn't be responsible for treating the stormwater.

713

714 Mr. Witte - I understand that, and that's an expense. Where does  
715 the stormwater that goes into the creek end up? Does it end up in wetlands,  
716 another pond?

717  
718 Mr. Browning - Yes. There's an SPA area just downstream of Kain  
719 Road. And that creek ultimately comes in together with another creek, and those  
720 two creeks go together and go across—I think it's Little Tuckahoe Creek,  
721 ultimately, it goes across, 64. But there are a bunch of wetlands, and there's RPA  
722 buffer and an SPA buffer downstream.

723  
724 Mr. Witte - So the water's not just shooting straight down the  
725 river. It'll still be there.

726  
727 Mr. Browning - Right.

728  
729 Mr. Witte - Okay. Thank you.

730  
731 Mrs. Marshall - Do you think you can address the reserve area before  
732 it would head to the Supervisors?

733  
734 Mr. Browning - Yes. If you want us to do a further design and actually  
735 to the stormwater design, we could do that. And like I said, I don't want to  
736 guarantee that I can have a wet pond and then I can't get it through Public Works  
737 if they don't want me to have a wet pond.

738  
739 The preliminary design that we had done, what we had preferred to do was put in  
740 a smaller either bioretention or some type of extended detention dry pond and  
741 perhaps buy some of our nutrient credits offset, which had been allowable. That's  
742 what we had preferred to do. But we could look at keeping a wet pond.

743  
744 Mrs. Marshall - Could you explain nutrient credits?

745  
746 Mr. Browning - It's been approved where development is occurring in  
747 town and we're required to remove a certain amount of phosphorous, and in  
748 some cases nitrogen, there are banks created in other areas where they are—a  
749 lot of what will happen is that most of them that are being done is converted crop  
750 land. In theory, in the farming areas, they're throwing fertilizer on the property  
751 and phosphorous, nitrogen, and potassium, growing corn or wheat. Farmers are  
752 converting the fields back into woods. A lot of times, they're planting loblolly  
753 pines. And they put a conservation easement on it. By doing that, they're  
754 reducing the load on that property, and they determine the amount of credits that  
755 they can get for how much nitrogen, phosphorous that they were putting on that  
756 area. And they can in turn—it was approved by DEQ they can sell those credits.  
757 They can create a bank and sell those credits to developers in town, basically to  
758 offset—it's kind of like a wetlands offset, mitigating wetlands. It's a similar deal,  
759 but with nutrients phosphorous and nitrogen.

760  
761 Mrs. Marshall - Can you explain a little bit about what actions you  
762 would take if we were to pass this today before it got to the supervisor level?  
763  
764 Mr. Browning - We normally typically don't do the full stormwater  
765 design at this level of the case, just going through rezoning. But we have enough  
766 information that we could do a full stormwater design of the site, and I could  
767 come with a couple of options or this is our option and determine what we could  
768 do to the Supervisors. There's enough time to do the final design.  
769  
770 Mrs. Marshall - Any more questions?  
771  
772 Mr. Archer - Any more questions from anyone? I think we're done.  
773  
774 Mrs. Marshall - Thank you.  
775  
776 Mr. Witte - Thank you.  
777  
778 Mrs. Marshall - Mr. Chairman, I move that we follow the  
779 recommendation of the Planning staff and approve case number REZ2016-  
780 00005, Youngblood, Tyler & Associates for Farmbrown LLC, to conditionally  
781 rezone from A-1 Agricultural District to R-3C One-Family Resident District Parcel  
782 737-768-1291. The use will be controlled by proffered conditions 1 through 23  
783 and zoning regulations.  
784  
785 Mr. Witte - Second.  
786  
787 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Witte.  
788 All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
789  
790 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.  
791 Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board  
792 of Supervisors **grant** the request because it conforms to the recommendations of  
793 the Land Use Plan and it is appropriate residential zoning at this location.  
794  
795 Ms. Moore - Just for the record and for the applicant, too, that's  
796 moving forward on the basis that you'll research those pond alternatives or  
797 scenarios.  
798  
799 Mr. Witte - And we see it again on the POD, correct?  
800  
801 Mrs. Marshall - Yes we do.  
802  
803 Mr. Archer - And the Board meeting on this will be on the 14th of  
804 June. All right, thank you.  
805

806 Before you move on, I would like to recognize a guest, Ms. Gloria Freye.  
807 Ms. Freye, as you know, recently retired and stayed retired all of a week, I  
808 believe. She is now a member of the Chesterfield Planning Commission. Is that  
809 correct? She's here to find out what goes on in a Planning Commission meeting  
810 as part of her studies.

811  
812 Mr. Witte - She's been to more meetings than I have.

813  
814 Mr. Archer - Nice to have you, Ms. Freye. All right, Madam  
815 Secretary.

816  
817 Ms. Moore - Thank you. The next case is on page 2 of your  
818 agenda, also in the Three Chopt District. It is REZ2016-00012, Andrew M.  
819 Condlin for SP Hotel LLC. And also, if you don't mind, Mr. Chairman, I would like  
820 to read these together because they are companion cases. Also PUP2016-  
821 00004, Andrew M. Condlin for SP Hotel, LLC. As you know, Mr. Chair, any action  
822 on the rezoning request would have to occur before approval or a decision on the  
823 provisional use permit. This will be presented by Mr. Sehl.

824  
825 **REZ2016-00012 Andrew M. Condlin for SP Hotel, LLC:** Request to  
826 conditionally rezone from A-1 to B-2C Business District (Conditional) Parcel 731-  
827 764-4292 containing 7.67 acres located on the south line of W. Broad Street  
828 (U.S. Route 250) approximately 2000' west of its intersection with N. Gayton  
829 Road. The applicant proposes a hotel. The use will be controlled by proffered  
830 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan  
831 recommends Traditional Neighborhood Development and Environmental  
832 Protection Area. The site is located in the West Broad Street Overlay District.

833  
834 **PUP2016-00004 Andrew M. Condlin for SP Hotel, LLC:** Request for  
835 a Provisional Use Permit under Sections 24-58.2(h), 24-120 and 24-122.1 of  
836 Chapter 24 of the County Code to allow a six-story hotel on Parcel 731-764-4292  
837 located on the south line of W. Broad Street (U.S. Route 250) approximately  
838 2000' west of its intersection with N. Gayton Road. The existing zoning is A-1  
839 Agricultural District. The 2026 Comprehensive Plan recommends Traditional  
840 Neighborhood Development and Environmental Protection Area. The site is  
841 located in the West Broad Street Overlay District.

842  
843 Mr. Archer - Thank you, Madam Secretary. Is there anyone here  
844 who is opposed to either of these case, REZ2016-00012, Andrew M. Condlin for  
845 SP Hotel, LLC, or PUP2016-00004, Andrew M. Condlin for SP Hotel, LLC? We  
846 do have opposition. We'll get to you. Thank you. Mr. Sehl.

847  
848 Mr. Sehl - Thank you, Mr. Chairman.

849

850 As Ms. Moore mentions, the rezoning request and the provisional use permit for  
851 height are companion cases. As she mentioned, I would like to combine my  
852 presentation.

853

854 The subject property is located on the south line of West Broad Street across  
855 from West Broad Marketplace, which is currently under development. The site is  
856 zoned A-1, with adjacent properties zoned for a variety of uses including Urban  
857 Mixed-Use, B-3C, O-3C, and B-2C.

858

859 The site is designated TND, as are all other properties on the south line of West  
860 Broad Street west of North Gayton Road. Immediately to the east and south is  
861 the GreenGate mixed-use development, which is currently under development as  
862 well. Properties to the north are designated UMU and are being developed for a  
863 variety of commercial and residential uses. Further to the south is the Graham  
864 Meadows community, designated SR2 and zoned R-3AC.

865

866 The applicant proposes to develop a six-story hotel approximately 75 feet in  
867 height on the subject site. As part of the rezoning request, the applicant has  
868 submitted a number of proffers that would regulate the site, including this  
869 conceptual plan. The plan shows how the site would access West Broad Street,  
870 as well as the large areas of environmental constraints separating the site from  
871 adjacent properties to the east and south. The main entrance, located on the  
872 eastern portion of the site, would access a recently installed traffic signal that  
873 was put in as part of West Broad Marketplace, which is the development that has  
874 the Cabela's and planned Wegmans across West Broad.

875

876 The applicant has also proffered that the building constructed on the property  
877 would be constructed of brick and consistent with these architectural elevations.  
878 Other proffers address lighting, refuse containers, and prohibited uses, items of  
879 that nature. These proffers were recently revised, and distributed to you this  
880 evening. Recent revisions were provided in an effort to address concerns raised  
881 at the two community meetings, including a prohibition on signage on the rear of  
882 the building, requirements for security-level lighting after 11 p.m., and a  
883 screening and tree save area between the building and proposed and existing  
884 developments to the south.

885

886 The request for a provisional use permit, PUP2016-00004, is to allow for the  
887 proposed building height of six stories or approximately 75 feet. As noted in the  
888 staff report, buildings of this height could also be approved by the Commission as  
889 part of the plan of development process, but the applicant has requested the  
890 PUP to ensure their vision can be achieved as part of this request.

891

892 Staff has evaluated this request in context of surrounding and planned  
893 developments, as well as other buildings of similar height in the county. Given  
894 the planned mixed-use development to the south and east, planned and under-  
895 development high-intensity commercial uses in the vicinity, and the variety of

896 uses appropriate with the site's TND designation on the 2026 Comprehensive  
897 Plan, staff believes the proposed building height could be reasonable, given  
898 similarly situated buildings elsewhere in the county and the urbanizing nature of  
899 the West Broad Street corridor. However, given the concerns noted by residents  
900 as part of the two community meetings, staff believes careful consideration  
901 should be given to the potential impacts of this building height. I believe the  
902 applicant will be able to provide additional context and information regarding this  
903 topic.

904

905 Overall, staff believes the requests for rezoning and increased building height  
906 could be in keeping with other recent developments of this type elsewhere in the  
907 county and in the immediate vicinity. The revised proffers provide a number of  
908 quality guarantees and should mitigate impacts to the greatest extent practical.  
909 For these reasons, staff supports the requested rezoning. Should the applicant  
910 address the potential impacts from the proposed building height to the  
911 Commission's satisfaction, staff could also support the requested PUP subject to  
912 the conditions identified in the staff report.

913

914 As Ms. Moore noted, a motion on the rezoning request would be necessary prior  
915 to any action on the provisional use permit.

916

917 This concludes my presentation. I will be happy to answer any questions you  
918 might have.

919

920 Mr. Archer - Okay, thank you, Mr. Sehl. And thank you for those  
921 explanations also. Are there questions from the Commission for Mr. Sehl?

922

923 Ms. Jones - I'd like to just clarify that with the TND designation, is  
924 a hotel an appropriate use in that context?

925

926 Mr. Sehl - Staff believes that all of our mixed-use districts can  
927 provide for a variety of commercial uses. The UMU that's to the south,  
928 GreenGate, has a variety of commercial uses located there. Hotels can often  
929 complement those uses. This site is also somewhat separated by the  
930 environmental features that are here, making it difficult to integrate it with the  
931 larger mixed-use community consistent with the TND designation. But as  
932 evidenced by other mixed-use developments elsewhere in this corridor, hotels  
933 can be a complementary use within those developments.

934

935 Ms. Jones - All right. Thank you.

936

937 Mr. Archer - Okay. Anything further?

938

939 Mr. Sehl - Thank you.

940

941 Mr. Archer - Thank you, Mr. Sehl. Mrs. Marshall, who would you  
942 like to hear from?

943  
944 Mrs. Marshall - The applicant, please.

945  
946 Mr. Archer - All right. Would the applicant please come down and  
947 identify yourself for the record.

948  
949 Mr. Condlin - Good evening, members of the Commission. My  
950 name is Andy Condlin. I'm here on behalf of Shamin Hotels, who is the owner of  
951 SP Hotels. I also have folks from Kimley-Horn with me as well. Not that I need it,  
952 but I'd like to reserve a couple minutes, two minutes.

953  
954 Mr. Archer - Good evening, Mr. Condlin.

955  
956 Mr. Condlin - Good evening.

957  
958 This particular property, as has already been pointed out, is 7.6 acres next to  
959 GreenGate along West Broad Street. A number of developments within the area.  
960 What we're proposing, obviously, is the hotel. On this site, you can see that we're  
961 actually proposing the property for development area of about 3.7 acres out of  
962 the total of 7.6, so over 50 percent of the property is actually in the RPA and is  
963 going to be open space.

964  
965 We're looking for 122 rooms. This particular property actually sits in a bowl with  
966 the topography with Broad Street and the RPA surrounding it with the  
967 Schafstede property just to the west of us also with a TND designation. As you  
968 can see on the site plan, everything is oriented towards West Broad Street. And  
969 based on the community comments that we received, we made a number of  
970 changes, some of which you have in your packet that was handed out this  
971 evening with respect to changes to the proffers that we provided to the neighbors  
972 as well in one of the community meetings.

973  
974 We provided a number of typical quality proffers that Mr. Sehl has already gone  
975 over, that you would see any commercial development within Henrico County. I'd  
976 be happy to go over any of those specifically, if you have any questions. We  
977 have also provided a number of hotel-specific proffers that address not only  
978 hotels and their operations—and Mr. Witte, some of these will be familiar to you  
979 with respect to the security operations that we worked on, some of the specific  
980 language in your district. But this is also with respect to concerns that the  
981 neighbors had to make sure that, for example, no outdoor speakers, no signage  
982 on the rear, no lighted signage can be seen from the rear property line. We have  
983 very specific proffers related to, for example, concerns with the hotel and some of  
984 the transient nature of customers. People were concerned about folks that were  
985 staying at the hotel. We've provided for screening, which will provide not only a  
986 visual screening, but also a physical barrier along the rear of the entire property

987 behind the hotel of a wall and a fence a minimum of eight feet in height, as well  
988 as a tree save area. It's over 1,100 feet between the hotel and where the  
989 residential area is. They would have to go through an RPA area. Adding all of  
990 that together, these were all intended to respond to concerns of a hotel over  
991 1,000 feet, over 1,100 feet.

992

993 It's a very busy area, and this is a very busy chart. I'm not going to go through  
994 the entire thing. But I did want to point out a couple of things with respect to this  
995 property. When you look at the height of a property, it's not only the building  
996 height itself, but it's also where it sits from a finished elevation. Within this  
997 property, everything on 64 is much higher and falls down towards Broad Street,  
998 and from Broad Street, from our property, to Graham Meadows. Graham  
999 Meadows, the homes are right here. There has been a reference to GreenGate.  
1000 And of course there's also a reference to some of the development that's across  
1001 the street.

1002

1003 For example, our particular property, we're requesting a height of up to 75 feet.  
1004 When you add the finished elevation where we are, we get a total of 260 feet.  
1005 Compare that, for example, to Wegman's, which at its top height would be 80  
1006 feet. With its finished elevation there, it would be a total of 308 feet. So it sits  
1007 quite a bit higher than we would, for example. The same with Cabela's and even  
1008 the office building. One of these Bon Secours office buildings over here had—  
1009 according to the plans submitted to the County—a height of 77 feet added to the  
1010 finished elevation. Again, sitting higher than us.

1011

1012 I certainly understand and appreciate the fact that that's across Broad Street.  
1013 That was raised at the community meeting that they don't care what happens  
1014 across Broad Street. But I would point out there is some pretty significant  
1015 development on the south side of Broad Street starting with GreenGate. These  
1016 two buildings are already—they're the only buildings in GreenGate that we are  
1017 aware of that have actually had plans submitted. We pulled those as well. As you  
1018 can see, there is actually a 55-foot-high office building proposed. Obviously, a  
1019 smaller retail along Broad Street. But 55-foot-high with the finished elevation at  
1020 213 actually will sit about eight feet taller than where we will be. In GreenGate.  
1021 That's already approved zoning and the plans have been approved. Beyond that,  
1022 pursuant to the master plan as part of the UMU, this red area on the approved  
1023 area has buildings that can go up to 70 feet. We're asking for 75 feet, and this  
1024 particular property in GreenGate actually sits higher than us, as you can see on  
1025 these plans.

1026

1027 Further, along this area, we have attached units that can go up to 55 feet in  
1028 height in the orange, and in the yellow up to 40 feet, right next to GreenGate,  
1029 blocking, certainly being so close to the properties along Graham Meadows,  
1030 blocking much of the view if not entirely the view.

1031

1032 There is obviously some concern with respect to the folks that are at the end of  
1033 the cul-de-sac and Graham Meadows Drive here and what their point of view can  
1034 be to the hotel. This entire area is an RPA. This is part of the GreenGate  
1035 property. It will be planned as part of a park and is to be preserved. As well as  
1036 our area that we've got—over half of our area, over three acres here. Again, part  
1037 of our proffer and the RPA requirements will be kept as a tree preserve area.  
1038 We'll actually have to do some plantings within the RPA area to provide  
1039 additional screening.

1040  
1041 Obviously, within this area, a lot of development is occurring. We do think a hotel  
1042 is appropriate. Of the two concerns that we heard, one is a hotel appropriate.  
1043 Again, we believe Broad Street is an appropriate place for a hotel. Next to  
1044 GreenGate, we really do see this as an extension of the development of  
1045 GreenGate and the mixed use that's already occurring. As a matter of fact, we  
1046 bought it from the developers of GreenGate, this particular property.

1047  
1048 Also important to say is that with the RPA being preserved and a lot of the area  
1049 between us and any residential area, including our three acres and the entirety of  
1050 the GreenGate area back here and the part that's part of that, that will also help  
1051 shield, as will GreenGate itself, any of the viewpoints that we believe people will  
1052 have along Graham Meadows.

1053  
1054 Finally, I would point out that if any place is appropriate, it's along the West  
1055 Broad corridor in Short Pump for a hotel. I would ask that you follow staff's  
1056 recommendations. We believe we've addressed all of the concerns, and  
1057 understand the comments of staff. We'd be happy to answer any comments at  
1058 this time.

1059  
1060 Mr. Archer - Thank you, Mr. Condlin. Are there questions from the  
1061 Commission?

1062  
1063 Mr. Witte - I have one about proffer number 2, I believe it is.  
1064 Architectural treatment. It says that the building should be constructed entirely of  
1065 brick exclusive of windows, doors, and architectural treatments, which may be  
1066 constructive of EIFS or compatible materials. If you can show that front elevation,  
1067 it shows metal on the front elevation.

1068  
1069 Mr. Condlin - Yes sir. I'm not sure how to get back to that. That's on  
1070 the awning part. The metal is on the awning itself.

1071  
1072 Mr. Witte - I couldn't see it real well.

1073  
1074 Mr. Condlin - It's hard to tell because it's two-dimensional.

1075  
1076 Mr. Witte - But it said no metal on the rear.

1077

1078 Mr. Condlin - We actually referenced that plan so that we have that  
1079 plan with that reference. One of the concerns of the neighbors was it shows it on  
1080 the plan as an architectural treatment. It's just a band of metal that goes around  
1081 there. So we said no exposed metal on the rear of the building so there wouldn't  
1082 be any concern.  
1083  
1084 Mr. Witte - How wide is that band?  
1085  
1086 Mr. Condlin - Where did my architect go? I'm told three feet, three  
1087 feet in width.  
1088  
1089 Mr. Witte - So that has no purpose other than as an  
1090 architectural—  
1091  
1092 Mr. Condlin - As an architectural treatment. And you'll see it again  
1093 when it comes forward at the time of Planning Commission review of the POD.  
1094  
1095 Mr. Witte - Okay, thank you.  
1096  
1097 Mr. Condlin - That's why we have that no metal band—no metal on  
1098 the rear of the building.  
1099  
1100 Mr. Witte - One other thing. When we were discussing  
1101 Mr. Patel's hotel, we found that Henrico County has over 50 percent of the hotels  
1102 in the region. We had a surprisingly high occupancy rate, much greater than  
1103 anybody else in the region. Is that still the case?  
1104  
1105 Mr. Condlin - This is in a different area from a hotel area in the  
1106 Glenside area where that case was. This particular property, actually Shamin  
1107 owns Towne Center West, the Hilton with the conference center. They're finding  
1108 that their hotel cannot accommodate all the conference space that they have  
1109 there and that they're having to have people stay at other local hotels. So the  
1110 capacity, particularly from a business standpoint, it is quite a bit. What they're  
1111 going to propose to do is to have a shuttle bus between. This would serve a  
1112 couple purposes. One, it would serve as an overflow for the Hilton. Number two,  
1113 it would also serve as a support to the businesses. So not only for the residents  
1114 in the area, but also for the businesses in the area and west of here, too, in West  
1115 Creek. It's underserved in this area. The market is crying for more hotel rooms in  
1116 a specific area, based on the business on Broad Street.  
1117  
1118 Mr. Witte - I kind of feel the same way. One other question—and  
1119 you brought up the conference space. It said that any conference or boardroom  
1120 space that exceeds—will not contain any—exceed 750 square feet in area.  
1121  
1122 Mr. Condlin - Right.  
1123

1124 Mr. Witte - Is that per room or is that the total for the hotel?  
1125  
1126 Mr. Condlin - That would be the total. I probably should add the  
1127 word "total" in there.  
1128  
1129 Mr. Witte - You could have three that are 200 square feet one  
1130 that's 150 square feet?  
1131  
1132 Mr. Condlin - I guess. You can put that in here if necessary, that  
1133 there just be one space, one conference space, just for a quick business meeting  
1134 if someone wants that. It would be 750. The intent was to put this in based on  
1135 conversations with neighbors that there wouldn't be a huge conference space,  
1136 weddings, music, and a lot of activity other than for the hotel room. That was a  
1137 concern that they didn't want to hear the music that might come with a reception.  
1138 That's in the Hilton. That's what the intent is. The Hampton is intended just for  
1139 business purposes and the community surrounding this. There is no need for it.  
1140  
1141 Mr. Witte - All right. Thank you.  
1142  
1143 Mr. Archer - Thank you, Mr. Witte. Are there other questions from  
1144 the Commission?  
1145  
1146 Ms. Jones - May I ask one?  
1147  
1148 Mr. Archer - Certainly, Ms. Jones.  
1149  
1150 Ms. Jones - I do understand the concerns of the neighbors, of  
1151 course, and they want to make sure that what is built there is a complement to  
1152 their area and isn't intrusive upon them.  
1153  
1154 You've addressed lighting, security level as well as the lack of lighting on the  
1155 building in the rear. Is that correct?  
1156  
1157 Mr. Condlin - That is correct. One of the concerns was what's going  
1158 on in the back of the building. So we limited parking lot lighting and exterior  
1159 lighting not on the building to 25 feet, but said there would be no lighting attached  
1160 to the building.  
1161  
1162 Ms. Jones - No wall packs.  
1163  
1164 Mr. Condlin - That's exactly what the concern was, so there will be  
1165 no wall packs on that.  
1166  
1167 Ms. Jones - Okay. I do—  
1168

1169 Mr. Condlin - And we still have a ten-foot wall too—an eight-foot  
1170 wall, too, as well. So there's a patio area in the back, and that was really meant  
1171 to screen that. And there will be some decorative lighting related to that that's no  
1172 attached to the building. But again, pedestrian style.

1173

1174 Ms. Jones - And landscaping in the developed area in between  
1175 the wall and the neighborhood side so that—

1176

1177 Mr. Condlin - The landscaping is an already existing RPA that's  
1178 three and a half acres.

1179

1180 Ms. Jones - Right. But will there be additional landscaping?

1181

1182 Mr. Condlin - We hadn't planned on it. We didn't think it was  
1183 necessary because there is already quite bit of wooded area. And we would have  
1184 to plant some already. That's part of the landscape plan that we expect to have  
1185 to plant within the RPA. That would have to be a part of our planning  
1186 requirements in the landscape plan review. So it would really be up to the  
1187 Commission as to what's the appropriate landscaping along that area and the  
1188 other parts of the RPA.

1189

1190 Ms. Jones - You don't happen to have any line-of-sight graphics or  
1191 anything from the Graham Meadows area to—?

1192

1193 Mr. Condlin - These are some of the pictures that we'll be able to  
1194 show you. You can see the green area. This is GreenGate in the cleared area,  
1195 and then this is the stream that goes through there, and then the stream comes  
1196 off this way. So all of that you can see. And this came from Google Maps. Those  
1197 two houses that are marked—again, this is not a picture of those houses, but  
1198 there's a one-story and two-story house that we're trying to obtain from there.  
1199 You can see some of the property in GreenGate, and that would be the hotel in  
1200 the distance. That's what you're looking at. These are typical buildings that you'd  
1201 see based on the heights for GreenGate with these two homes. Again, there are  
1202 homes all along this area. There's the hotel in the distance. That's the office  
1203 building that's already been approved in GreenGate and the residential. With  
1204 GreenGate, that's not really a perspective.

1205

1206 With all this populated with all the trees that we tried to be able to provide for at  
1207 the rear of the house, you see again, there's the hotel in the distance with some  
1208 of the other development in the area that's surrounding that.

1209

1210 Ms. Jones - Is development across Broad Street visible?

1211

1212 Mr. Condlin - I drove out there yesterday to see the Wegmans.  
1213 That's without GreenGate being there. That's a pretty substantial area. That's

1214 some of the development, the existing homes. All these, of course, wouldn't be  
1215 able to see. It falls down a bit. This area falls down this way.

1216  
1217 Ms. Jones - I realize it's difficult to portray that.

1218  
1219 Mr. Condlin - We gave it our best shot based on what we have in  
1220 that area, based on the plans and the master plan from GreenGate. When you  
1221 look at this, I think it's pretty telling from this specific area that—these are the  
1222 homes that we were looking at. Again, this is the green area. If you can see  
1223 GreenGate, which is right here, that's blocking much of the view. It's pretty  
1224 substantial. It's over 1100 feet. We measured at 1300 feet. It says 1100 feet in  
1225 the staff report. So we're over 1100 feet anyway. It's going to have to be  
1226 replanted as part of the RPA on our property, but also preserved as part of the  
1227 GreenGate property.

1228  
1229 Ms. Jones - All right. Thank you.

1230  
1231 Mr. Archer - Mr. Condlin, would you do me a favor, please? We  
1232 use a lot of acronyms and initials around here. You were talking about an RPA,  
1233 which has a significant impact on this. Would you just briefly explain what RPA  
1234 means?

1235  
1236 Mr. Condlin - Sure. And I have some engineering help with me too.  
1237 But it's a resource protection area. From the County rules and the state and  
1238 federal rules, there are two things that will happen. One is that it has to be  
1239 preserved as an area that can't be built in. We've put that in our proffers as well  
1240 as calling it tree-save area so if there's ever an exception that would otherwise  
1241 be allowed by law, we can't get it because we've already placed it within the  
1242 proffers. The second thing is we cannot remove any trees unless dead or  
1243 diseased, which is a typical tree-save proffer. In addition, the RPA, because it's a  
1244 wetland and it's a resource protection area along this stream, this entire stream,  
1245 the County will also require that if there are any areas—this used to be farmland,  
1246 a lot of it—that are clear, we have to replant those as part of our landscape plan  
1247 approval, as part of our development plan. So there are two parts: preserve the  
1248 existing and replant. But it's all along the stream that runs through that property.

1249  
1250 Mr. Archer - Okay. Thank you. Well done. I just wanted to do that  
1251 because I think we sometimes take for granted everybody knows all this stuff.

1252  
1253 Mrs. Marshall - Mr. Condlin, if you could maybe address for some of  
1254 us the RPA with the constraints as far as where the building is going to sit, why  
1255 we can move it—I can go left, I can go right, forward, back. Can you explain that  
1256 a little bit?

1257  
1258 Mr. Condlin - Right. Based on our first community meeting,  
1259 afterward we looked at a lot of different iterations to try to reduce the mass and

1260 height. You can see it's a product of any development that you have to be able to  
1261 park your use. We have certain parking requirements that are placed for a hotel  
1262 use. As we spread the building out, we ate up parking. You can see the RPA line,  
1263 which is right here. It's 100 feet off generally as the wet area goes. You can see  
1264 the wet area is up here. Following the RPA line, you can see our development  
1265 right along the edge, which is one of the reasons we'll have a wall. There is an  
1266 area here where the light is going. We have to put our access through there  
1267 based on the light, based on the best design. So there will be some development  
1268 from the road here. But otherwise, we'd have to get that exception. That's why  
1269 we provided for the wall along this entire area.

1270  
1271 So the RPA prevents you from doing any development. Further than that, we've  
1272 added a proffer that said we wouldn't be doing any development in that area.  
1273 Only as shown on the concept plan.

1274  
1275 Mr. Leabough - There's an operational sweet spot, I guess, if you will,  
1276 in terms of the number of rooms—around 100, 120 rooms. That's kind of the  
1277 sweet spot for a limited service hotel of this nature. Is that correct?

1278  
1279 Mr. Condlin - That's correct.

1280  
1281 Mr. Leabough - So there are some financial and operational items that  
1282 sort of drive you to developing a 120-room hotel.

1283  
1284 Mr. Condlin - That's right. Again, it's not being driven by the  
1285 conference space like the Hilton. But like you said, it's a limited service, and  
1286 that's what it's intended for. Again, you're constrained on this property. It is really  
1287 an island when you look at this with the wetlands. Obviously, there's a hope that  
1288 we'll be able to provide some pedestrian access. There's a sidewalk along  
1289 Broad, but even something different next to GreenGate. That'll help the  
1290 restaurants in that area. Getting 120 rooms from a development standpoint and  
1291 being able to have that return to be able to make sense. And parking. That's  
1292 pretty much your three acres right there.

1293  
1294 Mr. Leabough - Is this consistent with other limited service hotels that  
1295 we've seen in the area of this size?

1296  
1297 Mr. Condlin - Yes. Most of them are five or six stories, but they can  
1298 spread out more. The Hilton is seven or eight. The Hilton is eight stores, but it  
1299 has that conference space too. But again, that's along 64, so.

1300  
1301 Mr. Leabough - Thank you.

1302  
1303 Mr. Archer - Anything further for Mr. Condlin? Do you want to hear  
1304 from the opposition?

1305

1306 Mrs. Marshall - Yes, please.  
1307

1308 Mr. Archer - Earlier in the meeting, Madam Secretary went over  
1309 the rules of the time limits, and most of you were here. So do you understand  
1310 what they are regarding the ten-minute limit? Okay, thank you. Anyone who'd like  
1311 to come up first, please come up. State your name for the record if you would,  
1312 sir.

1313  
1314 Mr. McCann - Good evening to the Commission. My name is William  
1315 McCann. It is my honor and great privilege to be the president of the  
1316 homeowners association, of Graham Meadows Homeowners' Association.

1317  
1318 I want to start off by acknowledging the efforts of Shamin Hotels at this point.  
1319 There's no question that they've spoken at length at this point on some of the  
1320 considerations that they've made for the members of the community. They've  
1321 given us more than a fair hearing regarding our concerns and have been very fair  
1322 with the proffers. They've addressed some concerns and put some specific items  
1323 in the proffers specific to lighting, specific to security fencing and that sort of  
1324 thing, which we most assuredly appreciate.

1325  
1326 If you were going to build a hotel on this piece of property—and that's an *if*. If you  
1327 were going to build a hotel on this piece of property, this is the type of hotel that I  
1328 think the community would want. I'm not going to overstep my bounds and speak  
1329 for everybody, but certainly from my perspective. We're not going to have—as  
1330 said earlier—space for parties. We're not going to hear—[imitating music beat]—  
1331 at 11:00 at night. So we have a relatively quiet facility. They've been very clear  
1332 about the lighting. They've listened very closely to our concerns about visibility of  
1333 lighting and so on and so forth.

1334  
1335 I tend to believe that if this hotel was three stories in height, we would all be  
1336 home watching Netflix right now. Certainly from my perspective, the principal  
1337 objection that I would have to the hotel is the height. Currently, there is a limit.  
1338 The 2026 Plan limits development in this area to 45 feet. So to extend that to  
1339 somewhere between 75 and 80, depending on the enhancements along the top  
1340 of the roof, comes close to doubling the size of the allowable space, which is  
1341 currently zoned TND. I believe that's not consistent with the existing plan.

1342  
1343 Mr. Leabough - That's not right, is it?  
1344

1345 Ms. Moore - Basically, it's the Zoning Ordinance, not the  
1346 Comprehensive Plan that regulates height. Under the current zoning, they could,  
1347 as mentioned before, if it's rezoned business, I believe it is 45. But they could  
1348 have a special exception. As far as the terms of a TND, we don't actually have a  
1349 TND district. We call upon some other zoning classifications. However, it's in line  
1350 and typically promotes higher heights with that. I don't know, staff, if Ben, you  
1351 can address that clearer.

1352

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Mr. Sehl - What Mr. McCann might be referencing is there are some heights referenced to talk about different things in the TND areas. As you recall, GreenGate as substantially taller—I mean it's a similar height with this. And as you mentioned, Ms. Moore, there is no height limitation in the—we don't have a TND ordinance at this point. So in the UMU district, they brought it down. But the 45-foot height that Mr. McCann mentioned—I don't know if this is what you're looking for. The B-2 district is actually what they're rezoning to. As you also note in there, that also allows up to 110 feet for the special exception.

Ms. Moore - Thank you. And your point is well taken. I just wanted to clarify that.

Mr. McCann - Sure, absolutely. I apologize for the misunderstanding there.

So the rezoning is to B-2, which is a 45-foot height. So if we're going up to 75 feet, we are significantly increasing the allowable height of the development in that area. It's concerning to the neighbors for several reasons. One, obviously, is the visibility, particularly with those homes at the end of the first cul-de-sac where visibility is at a maximum.

The second one, frankly, is that we're concerned that it sets a precedent for further exceptions. It's noted that this piece of property, obviously being along the waterway, sits at a lower elevation than some of the property around it. There is property directly to the west, which is up for consideration now. If an exception was made to nearly double the size of the allowable construction in that area, would we see similar size-heighted buildings in that development to the west, which would again be even more visible, perhaps, to the community. We are concerned about that.

It was raised earlier that GreenGate would allow up to a 75-foot elevation. It is true that they are permitted for a 75-foot elevation, but there is nothing in the plan that goes to 75 feet. In our work with Eagle|Markel, they were also very good partners with us, and there was nothing in their plan. That was a concern that we expressed to them at that time. So although they are permitted for it, the plan that we were shown and that we as a community came into agreement was a viable development plan does not call for development that high. So this really would be the tallest structure on this side of Broad Street in that area. It would create a visible eyesore, particularly for specific homes in the community. And I think it would stand out from the character of the development that is going on in the GreenGate development right now.

The property itself certainly has its share of restrictions. It's been noted that it has environmental restrictions, the RPA and whatnot, which really do limit the placement of the building. It was noted earlier that in our very first meeting with

1398 the developer and speaking with Tommy Branin, it was long point of discussion  
1399 as to whether or not the same number of rooms could be had by simply lowering  
1400 the building and making it a broader structure with the lower height. My  
1401 understanding is that Shamin Hotels went and did a whole bunch of tests to  
1402 figure out how they could reorient the thing or could they spread it out wider and  
1403 shorter. They came back and said basically no they can't, that it has to be where  
1404 it is. For economic reasons, it has to be the height that it is.

1405

1406 What a lot of us are kind of left with is—do you just have the wrong development  
1407 for this particular piece of property? Are you trying to stick a square peg in a  
1408 round hole? This is a very kind of odd-shaped property with a lot of necessary  
1409 restrictions. It seemed to us a pretty reasonable request to go lower and wider  
1410 with your facility. If we can't do that because the property simply doesn't allow it,  
1411 then it seems to many of us that perhaps we simply have the wrong  
1412 development, that there may be a better use of this space that is more consistent  
1413 with the GreenGate development, that is a better fit for the residents of Graham  
1414 Meadows and of GreenGate who will be close to the property. Maybe we're really  
1415 trying to make something happen here that really shouldn't be made to happen.

1416

1417 The spirit and intent, as I understand it, of a provisional use permit is to enable  
1418 exceptions to the current status that facilitate development that blends with the  
1419 existing development and that creates a better community and a greater  
1420 experience for the residents. In this particular case, because the height I believe  
1421 is inconsistent with the other developments, and because the property itself is so  
1422 tenuous, that reasonable accommodations cannot be made in adjusting the  
1423 height of the facility. I believe that if the Commission recommended granting the  
1424 provisional use permit, it could amount to a violation of the spirit and intent of the  
1425 provisional use permit. Again, to facilitate development that is harmonious with  
1426 the local community. This, I believe, is really the opposite of that.

1427

1428 That kind of sums up my concerns and I know the concerns of many of the  
1429 others. I would invite anybody else in Graham Meadows who would like to speak  
1430 to please do so, but that's kind of my perspective. If you have questions or  
1431 concerns for me, I'd be happy to address them if I can.

1432

1433 Mr. Archer - Thank you, Mr. McCann. We have almost three  
1434 minutes left if there is someone else who wants to speak. Does the Commission  
1435 have questions for Mr. McCann?

1436

1437 Mr. Witte - I think I do. My concern is with the 75-foot-height  
1438 restriction that's allowed in GreenGate. That not being in the bowl that this hotel  
1439 would be in would give them a much higher elevation than the hotel. While there  
1440 are no plans for that now, it's certainly open for that. In which case, wouldn't it be  
1441 reasonable to permit the same height elevation right next door? I have issues  
1442 with denying one when there's one already there.

1443

1444 Mr. McCann - That's an excellent question. Again, what I would say  
1445 is when we met with Eagle|Markel, we were granted extensive input into the  
1446 design. Some of those meetings were quite contentious with some of the prior  
1447 builders. I'm sure you're familiar with the history of that. But there were two other  
1448 developers that tried to take on that piece of property and put in development  
1449 that was not consistent, we felt, with the character of the area. We challenged  
1450 those things, and eventually a third developer, Eagle|Markel, came in. In meeting  
1451 with us, they heard our concerns and assured us that their plan of development,  
1452 while permitted to go higher, was not going to go any higher.

1453

1454 I guess what I would say is that when the community sort of signed off and got on  
1455 board with Eagle|Markel taking over that property, we did so on the  
1456 understanding that construction would not go any higher than the existing plan.

1457

1458 Mr. Witte - Thank you.

1459

1460 Mr. Archer - All right, anything further?

1461

1462 Mr. McCann - I guess my only question for the Commission would  
1463 be given that we're considering two matters simultaneously, is that a 20-minute  
1464 limit then that would facilitate the others speaking?

1465

1466 Mrs. Marshall - I'm willing to have more people talk.

1467

1468 Mr. McCann - Thank you very much.

1469

1470 Mr. Witte - Thank you.

1471

1472 Mr. Archer - How much more time would you like to grant,  
1473 Mrs. Marshall?

1474

1475 Mr. Witte - Very well done, Mr. McCann.

1476

1477 Mr. Archer - Did you want to grant additional time?

1478

1479 Mrs. Marshall - Please, yes.

1480

1481 Mr. Archer - We can do that. The next speaker, if you would,  
1482 please. Mrs. Marshall is asking to grant some more time, and we'll do that. You  
1483 have almost three minutes. Is an additional two minutes okay, and then we'll see  
1484 where it goes from there?

1485

1486 Mrs. Marshall - Sure.

1487

1488 Mr. Archer - Okay. State your name for the record please, ma'am.

1489

1490 Ms. Sullivan - My name is April Sullivan, and I also live in Graham  
1491 Meadows. I just wanted to also say that working with the folks on the  
1492 development side, they have been very open and transparent, and it has been  
1493 actually an enjoy—well I wouldn't say enjoyable, but it's been a good back-and-  
1494 forth. And we definitely appreciate that.

1495

1496 I want to reiterate some of the things that Will said. The precedent is one of the  
1497 main issues that I personally have. Where I live in Graham Meadows, I will not  
1498 see either GreenGate or this hotel. I happen to be in that one little fortunate  
1499 section where I will see neither.

1500

1501 But to the west, there's a whole other piece of property that is going to be even  
1502 more visible from Graham Meadows that I understand could potentially already  
1503 be under contract. One of the questions that I have is if we allow a six-story  
1504 building on this piece of property, then the next people who come up and say,  
1505 "Well, how about an eight-story building? What's two more stories?" And then it  
1506 just goes on from there. If we wanted to see tall buildings in our backyards, we  
1507 would live in the city. There's a reason that we live where we do, and one of the  
1508 reasons is because we don't want to see that.

1509

1510 I do feel like when we had our first community meeting there was a different line-  
1511 of-sight diagram that was shown to us that showed further down with the cul-de-  
1512 sacs, further down in Graham Meadows. It's not just two homes that are going to  
1513 have a view of this hotel; it's further down. And then that piece of property that's  
1514 to the west of it is going to be directly in line of sight from Graham Meadows.

1515

1516 So the precedent—and not just in Short Pump, but in any of the districts that this  
1517 could set, you know, that somebody could go, "Well you allowed it in Short  
1518 Pump, why won't you allow it in Varina?" I find that a little bit concerning.

1519

1520 The very definition of the provisional use permit on the Planning Commission  
1521 website is to be a procedure designed to provide for certain uses which are  
1522 permitted in a district in which—may be approved with conditions or restrictions  
1523 that make them *compatible* with surrounding properties. Compatible. Not different  
1524 from, but compatible. Not an exception to the rule, but compatible with. Maybe I  
1525 misunderstand what that means, but to me it means inclusiveness.

1526

1527 In the 2026 Master Plan, also on the Planning Commission website. When many  
1528 of us purchased our homes in Graham Meadows, this was designated TND,  
1529 which I understand is no longer an existing, whatever, zoning. Now it's marked  
1530 as Suburban Mixed Use. Across Broad Street on the other side where Wegman's  
1531 and Cabala's is it's marked Urban Mixed Use, which is different. That is a  
1532 different animal than what is on this side of Broad Street.

1533

1534 For many of us, Broad Street is—maybe it a mental or emotional dividing line of  
1535 what development should go on what side of Broad Street. A hotel many of us

1536 feel goes on the other side of Broad Street. It's the way that everything has fit in.  
1537 Mr. Condlin mentioned that they see this hotel as an extension of GreenGate.  
1538 One of the very proffers in GreenGate was no hotels. So you've kind of going in  
1539 the back door there, in a way, if you can look at it that way, if you're going to  
1540 consider it an extension of GreenGate. They proffered no hotels, no motels.

1541  
1542 They talked about some of the buildings in GreenGate that are going to be tall.  
1543 Well, yes, they may be tall. But if you look at the way that the land is laid out, that  
1544 round section, that blank field, is where the residential is going to be. So you're  
1545 going to be put three-story residence there. There's a family living there. They  
1546 own that home. They're invested in that property. That's much different than a  
1547 commercial building. So if I'm going to be looking at a tall building and it's a  
1548 residence, I'm okay with that because that's a family, they live in our community,  
1549 they have an investment in our community, they have a reason to protect our  
1550 community. And it's one family living there. It might even be somebody I know.  
1551 So there's a big difference between saying there could be a three-story building  
1552 in GreenGate. Well yes, there could be, but it's going to be someone's home. It's  
1553 not going to be a hotel with a transient population coming and going.

1554  
1555 I understand that the County and, by extension the citizens of the County, do  
1556 benefit from the hotels, the taxes, and things of that nature. We benefit from the  
1557 people who come here and spend their money at the restaurants and the meal  
1558 tax. And I get that, I completely get that. I think it's one of the reasons why we  
1559 have such a high quality of living in Henrico. But as Will said, this piece of  
1560 property just probably is not the right fit for this hotel. Something can go there,  
1561 but not a six-story building. I don't want to then turn around and see an eight-  
1562 story building and then another eight-story building. It's just not the right fit for  
1563 that piece of property.

1564

1565 Thank you.

1566

1567 Mr. Archer - Thank you, Ms. Sullivan. You timed is just about right.  
1568 Are there any questions for Ms. Sullivan before she takes her seat?

1569

1570 Mr. Witte - I have a comment, Ms. Sullivan. While Eagle|Markel  
1571 has stated that they will only go 45 feet, there is nothing that restricts them to  
1572 that. They could very possibly—and have been known to in the past—change  
1573 and put in 75-foot apartment buildings there, if they can get approval on it.

1574

1575 Mr. Archer - Ms. Sullivan, I'm sorry, but would you come back up  
1576 please?

1577

1578 Ms. Sullivan - For one thing, if they did come back and ask for  
1579 apartments, they know that we would be all over them because that was one of  
1580 the issues that we had with one of the previous developers was rentals and  
1581 apartments in the piece of property.

1582  
1583 But my point is that if this is—this is residential. The way that our neighborhood is  
1584 laid out, the retail and the tall office buildings are going to be further up near  
1585 where the school is, not where we are located with our direct line of sight. The  
1586 hotel and whatever is going to go to the left, west of it, is going to be directly  
1587 within our line of sight. In fact, like I said, on a previous diagram which they don't  
1588 have with them this evening or didn't show, they had three different  
1589 representations of line-of-sight for different areas within Graham Meadows.  
1590 Basically, from where those two homes are down, you could see the hotel from  
1591 your window.

1592  
1593 Mr. Witte - I understand that. And I shouldn't have said  
1594 apartments. Maybe I should have said condos. Either way, they have the  
1595 possibility of putting up tall buildings.

1596  
1597 Ms. Sullivan - But they are single-family homes.

1598  
1599 Mr. Witte - And my other concern with lowering the height of it is  
1600 all of a sudden you're not a hotel, you're a motel.

1601  
1602 Ms. Sullivan - And I understand that completely.

1603  
1604 Mr. Witte - I think it's more beneficial to have a hotel than a  
1605 motel.

1606  
1607 Ms. Sullivan - I agree. I wouldn't want to see a motel on that piece of  
1608 property either. But I think like Mr. Mr. McCann said, this is just not the right piece  
1609 of property for this particular building if you can't do it lower than six stories,  
1610 because of the fact that we will be able to see it.

1611  
1612 One of the other things Mr. Condlin mentioned was that he believes that they  
1613 have addressed all of staff's concerns. That was one of the things he said in his  
1614 presentation. However, in the staff report, it very clearly states that this "would be  
1615 highly visible from surrounding properties. For this reason, the applicant is  
1616 encouraged to explore ways to minimize impacts to residential uses. Should the  
1617 applicant address this issue, staff could support this." Well, the height was one  
1618 thing that they did not address. We had two meetings. The first one it was six  
1619 stories, the second one it was six stories. So no, they did not address all of staff's  
1620 concerns. In the staff report itself it points out that the height is a concern.

1621  
1622 Mr. Witte - Thank you, ma'am.

1623  
1624 Mr. Archer - Thank you, Ms. Sullivan. We have exhausted—  
1625 Mrs. Marshall, there is someone in the back who wants to speak.

1626  
1627 Mrs. Marshall - They may.

1628

1629 Mr. Archer - Okay. Come on up, sir.

1630

1631 Mr. Mincoff - Good evening. Thank you for hearing me. Especially  
1632 since we're over our time allotment, I'll try and keep this short and as sweet as  
1633 possible. I also would like to say—

1634

1635 Mr. Archer - Your name for the record?

1636

1637 Mr. Mincoff - Oh, my name for the record is Scott Mincoff.

1638

1639 Mr. Archer - Mincoff?

1640

1641 Mr. Mincoff - Yes. M-i-n-c-o-f-f. My family and I moved to this  
1642 community recently because of the type of neighborhood and environment it was.  
1643 I have some very different concerns than what was expressed earlier. While  
1644 everyone has been quite pleasant on the other side to deal with, nothing has  
1645 been mentioned about the types of problems that I am concerned about.

1646

1647 I come from New York City, originally, and I travel a lot as a contractor in IT. So  
1648 I've had to stay in a lot of hotels as I travel, including hotels like the one  
1649 proposed, Hampton Inn & Suites.

1650

1651 Any quick research about Hampton Inn & Suites and resident-type hotels of that  
1652 sort will show you that it brings—in addition to business and in addition to a lot of  
1653 services, it also brings in a lot of crime. Many neighborhoods such as ones in  
1654 areas like San Antonio, Austin, Atlanta, and other suburban areas have seen  
1655 crime go up in the immediate vicinity of a hotel specifically like Hampton Inn &  
1656 Suites or Residence Inn and businesses such as that. They bring a transient and  
1657 sometimes criminal element in that use the long-term residence in a hotel such  
1658 as this as a business address to give them legitimacy. There is also attached  
1659 crime that goes along with that. Usually that crime is specific to the area of the  
1660 hotel. But since specifically this hotel plans to have a walkway into GreenGate,  
1661 and GreenGate will have a walkway through into our community, running right by  
1662 the school where my oldest child goes and my younger one will soon, I have  
1663 serious concerns. I'd like to know how that will be addressed in this plan.

1664

1665 That's my major concern.

1666

1667 Mr. Archer - Okay, thank you, sir.

1668

1669 Mrs. Marshall - Mr. Condlin, would you like to address that please?

1670

1671 Mr. Archer - Mr. Condlin, while you're coming, you did reserve  
1672 some rebuttal time. You said two minutes, but I think you had about three and  
1673 half minutes.

1674  
1675 Mr. Condlin - Do you want me to address everything? I can't  
1676 remember everything.

1677  
1678 Mr. Archer - I guess you may as well while you're here.

1679  
1680 Mr. Condlin - I'll address the security first. The question with  
1681 respect to the connection, we're not showing one right now, but there is a  
1682 sidewalk on Broad Street. I became somewhat of a hotel expert about a year,  
1683 year and a half ago with respect to the criminal element with respect to hotels. It  
1684 really comes down to operations. A simple example is that a lot of hotels are  
1685 required to have cameras, but the police tell me they're not required to maintain  
1686 them. That seems kind of contrary to what you would think. We have in our  
1687 proffers that we will not only have cameras but will we'll maintain them. Requiring  
1688 credit cards and proof of ID, locking down at 11:00, etc., and only being able to  
1689 access with a key tag. Those are the kinds of provisions that we've provided for.  
1690 This particularly operator is a very good operator, and the County has a very  
1691 good track record.

1692  
1693 There are certain hotels that are declining, and that is a problem in the West End  
1694 here. Maybe the Extended Stay hotels have had some problems with that  
1695 particular item that he's talked about. But again, these are limited-service hotels,  
1696 and the full-service hotels do not usually have—based on the police reports,  
1697 when you look at those specific categories, which this would be, again with the  
1698 Hampton Inn.

1699  
1700 I do appreciate the neighbors. They did put a lot of time in, and I do appreciate  
1701 what they were able to provide for us.

1702  
1703 Interestingly enough, under the B-2, we could have waited and not applied for  
1704 height other than at POD. We thought that was a little disingenuous to do that.  
1705 We wanted to do it all at one time. Contrary to what you've heard, we do believe  
1706 that based on the green and the RPA, there is a substantial buffer already  
1707 existing that not only has existed, but we have tried to—and I think we have  
1708 responded to the concerns regarding the height. The only way to address height  
1709 is not just to reduce the height of the building. We've provided the screening wall.  
1710 And one of the things we did was we took a long look at some of those things  
1711 that she talked about, the point of view that Ms. Sullivan talked about. The impact  
1712 of GreenGate, some of the points of view that I showed earlier. Not only that, but  
1713 also of the screening.

1714  
1715 Will you be able to see it? At some points, probably yes. I would disagree that  
1716 says there's no building; even a 55-foot building that's proposed on the height is  
1717 actually going to be eight feet taller than where we are right there. It's going to be  
1718 closer to Graham Meadows than we are, over 1,100 feet away.

1719

1720 And I would propose to you that where is it appropriate? Certainly is it  
1721 appropriate within the neighborhood? No. Again, we're over 1,100 feet away on  
1722 the other side of an RPA with a security wall and a fence. And along Broad  
1723 Street. Broad Street is a corridor, a major corridor that provides for a lot of  
1724 business in this area, and this will help support that, but it is also appropriate  
1725 along that area. We pushed everything forward to Broad Street and tried to  
1726 deaden any impact with the lighting in the back, with the wall, with the screening,  
1727 and the RPA. We think that makes a lot of sense. We have addressed, we  
1728 believe, the concerns with respect to the hotel. At the end of the day, given the  
1729 surrounding uses, we do think it is fitting within that precedent. If the Schafstedde  
1730 property that was referred to over there can also provide for not only the quality  
1731 proffers, but also the specific proffers we've dealt with respect to the height and  
1732 the hotel, and also providing the buffers and the screening that we're looking at  
1733 as well.

1734

1735 With that, I would hope that you follow the staff recommendation. I'm happy to  
1736 answer any further questions.

1737

1738 Mr. Archer - All right. Thank you, Mr. Condlin. Questions?

1739

1740 Mr. Witte - Mr. Condlin, I'm kind of disappointed you couldn't  
1741 quote the same statistics on police calls that you quoted to me six or eight  
1742 months ago. They were impressive. It was very small. And the hotels, motels  
1743 were—

1744

1745 Mr. Condlin - The motels and the older hotels—it was a substantial  
1746 number. I don't have that number on me right now.

1747

1748 Mr. Witte - They were very rare, I do remember that.

1749

1750 Mr. Condlin - That's right. It was based on the operations when you  
1751 look at those and the type of hotel it is. Those are the ones that were very rare  
1752 that you have those types of criminal activities.

1753

1754 Mr. Leabough - The one other thing I'd like to point out, Mr. Condlin—  
1755 and correct me if I'm wrong—this is a local owner and operator, so they not only  
1756 own the hotel, they operate it too?

1757

1758 Mr. Condlin - Yes sir.

1759

1760 Mr. Leabough - And they do have some level of reputational risk if  
1761 they were to allow those criminals that we just heard about.

1762

1763 Mr. Condlin - Right.

1764

1765 Mr. Leabough - And they have a hotel down the street.

1766  
1767 Mr. Condlin - They have a hotel down the street. They have a  
1768 number of hotels throughout the area. It's not just business. And even in the ones  
1769 we talked about at Glenside, we found, for example, there's a certain business  
1770 that uses over 500 room nights a year within the immediate area. Five hundred  
1771 room nights a year that they rent out, that they're providing for. It's amazing the  
1772 businesses around here that need that support. We found a letter in the file from  
1773 the developer related to Cabela's that they find that the average length of a visit  
1774 is over four hours, some spouses notwithstanding, but a lot of people stay  
1775 overnight to go there, and will stay a couple of days to go to Cabela's. It's often  
1776 they want a hotel, and they do not have room for a hotel on their site. That  
1777 developer wants that to help support Cabela's to continue to increase the  
1778 business there.

1779  
1780 Mr. Archer - All right. Any further questions for Mr. Condlin?

1781  
1782 Mr. Condlin - Thank you.

1783  
1784 Mr. Archer - Any questions for anybody? Mrs. Marshall, you have  
1785 the floor.

1786  
1787 Mrs. Marshall - This request is most consistent with the following  
1788 goals, objectives, and policies of the 2026 Comprehensive Plan:

1789  
1790 Number one, land use and community character, Objective #8, which is:  
1791 Encourage diverse mixtures and forms of development to support the economic  
1792 tax base of the County; encourage balanced growth that maintains a ratio of non-  
1793 residential and residential land uses that supports a tax base ratio of at least 65  
1794 percent residential to 35 percent commercial. As stated, there are developments  
1795 in GreenGate that can be built at a taller height.

1796  
1797 With that said, I move that we follow the support of the Planning staff and  
1798 approve REZ2016-00012, Andrew M. Condlin for SP Hotel, LLC, and its findings  
1799 that the rezoning had a variety of uses in TND, developments and other mixed-  
1800 use projects in the County that have incorporated hotels to provide additional  
1801 services to complement retail, office, and residential uses. Staff also believes the  
1802 proposed use could be consistent with the site's TND designation as well as a  
1803 mixture of commercial uses that exist or are planned along West Broad Street  
1804 and vicinity. Also included would be all proffers that were presented by Mr.  
1805 Condlin this evening.

1806  
1807 Mr. Leabough - Second.

1808  
1809 Mr. Archer - All right. Motion made by Mrs. Marshall and seconded  
1810 by Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the  
1811 motion passes.

1812  
1813 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.  
1814 Leabough, the Planning Commission voted 5-0 (one absent) to recommend the  
1815 Board of Supervisors grant the request because it continues a form of zoning  
1816 consistent with the area, the business use is compatible with surrounding  
1817 development, and the proffered conditions will assure a level of development  
1818 otherwise not possible.  
1819  
1820 Do we need to recall the PUP case?  
1821  
1822 Ms. Moore - You can just make a vote on the PUP. They were  
1823 heard together.  
1824  
1825 Mr. Archer - It was contingent on this case being approved, so  
1826 we'll entertain a motion, Mrs. Marshall.  
1827  
1828 Mr. McCann - [Off microphone.] Can I just ask a question?  
1829  
1830 Mrs. Marshall - Yes.  
1831  
1832 Mr. Witte - Step up to the microphone please, Mr. McCann.  
1833  
1834 Mr. McCann - I just want to seek a point of clarification. I'm sorry.  
1835 Sandra, is it?  
1836  
1837 Mrs. Marshall - Yes.  
1838  
1839 Mr. McCann - You were obviously reading from a prepared  
1840 statement, correct.  
1841  
1842 Mrs. Marshall - That I prepared.  
1843  
1844 Mr. McCann - That you prepared.  
1845  
1846 Mrs. Marshall - Yes.  
1847  
1848 Mr. McCann - So is it accurate to say then that you had made your  
1849 decision before we were ever heard?  
1850  
1851 Mrs. Marshall - No. Actually, I prepare deferrals, rejections,  
1852 everything. I like to be prepared. I like to have it all written down. That's what I  
1853 do.  
1854  
1855 Mr. McCann - So you have one that's a negative?  
1856  
1857 Mrs. Marshall - I do.

1858  
1859 Mr. McCann - Can I see it?  
1860  
1861 Mrs. Marshall - It's on my computer at home.  
1862  
1863 Mr. McCann - It is.  
1864  
1865 Mrs. Marshall - It is.  
1866  
1867 Mr. McCann - Okay. I just want to say that—but you didn't bring it,  
1868 right? So it would certainly seem that your mind was made up before you ever  
1869 heard the residents' concerns at this meeting. Is that a fair statement?  
1870  
1871 Mrs. Marshall - No.  
1872  
1873 Mr. McCann - That is not a fair statement. So you wrote up two  
1874 different documents. One was in support of it and one was opposed to it. You  
1875 have two documents that you could produce.  
1876  
1877 Mrs. Marshall - And I have a deferral.  
1878  
1879 Mr. McCann - But you didn't bring the one in opposition to it. So that  
1880 certainly would seem to the residents of Graham Meadows, and anybody else  
1881 present, that you had made up your mind long before you heard anybody voice  
1882 any of their concerns. So I guess I would just ask at this point, what was the point  
1883 of us not being with our children this evening? Why did we even come for this if  
1884 your mind was made up?  
1885  
1886 Mrs. Marshall - That is your opinion.  
1887  
1888 Mr. McCann - It's not my opinion. You have a piece of paper that  
1889 you read from that you prepared before we got here. You had clearly made up  
1890 your mind before this meeting ever took place, before you ever heard any of the  
1891 concerns.  
1892  
1893 Mr. Witte - Mr. McCann?  
1894  
1895 Mr. Archer - I'll speak to that if I may.  
1896  
1897 Mr. Witte - It still takes three of the five commissioners to pass it.  
1898 And if you go back a couple of meetings, I made a proposal on an issue in my  
1899 district. Not only was I opposed, all four of my other members were opposed.  
1900 Regardless of how you prepare, it still takes three of the five votes.  
1901  
1902 Mr. McCann - Understood. My concern is not with the rest of the  
1903 Commission. It's with my representative.

1904  
1905 Mr. Witte - It's our job to prepare for our district and what we  
1906 think is best for the district. Now whether the rest of the Commission agrees with  
1907 us is another issue. On all my cases I play devil's advocate—what if this, what if  
1908 that, this is good, this is bad.  
1909  
1910 Mr. McCann - Which is good government. That's exactly what you  
1911 should do.  
1912  
1913 Mr. Witte - That's what we're taught to do.  
1914  
1915 Mr. McCann - My concern is that she didn't bring her written  
1916 statement that opposed this development, which tells us as a community that the  
1917 person that represents the Three Chopt District in this Commission had made her  
1918 mind up before she'd ever heard anything that we said.  
1919  
1920 Mr. Witte - I don't bring any of mine. I do it at home. I do it at the  
1921 County in the Planning Department. I have that in my mind when I come, both  
1922 sides of it.  
1923  
1924 Mr. Archer - Mr. McCann, I just want to say each of us has a  
1925 different style in which we operate. I do the same thing Mrs. Marshall does. I'll  
1926 write things up, but I don't always bring them with me. I might jot down some  
1927 notes. And I can go in either direction when a case comes up. I can vote for it, I  
1928 can defer it. So I have in my mind all of the ways that I would speak to it. But you  
1929 can't speak to it until everybody has had a say up here, and then you can speak  
1930 to it. So I'm sure Mrs. Marshall would have been prepared to vote either way on  
1931 this.  
1932  
1933 Mr. McCann - Except that she only prepared to vote one direction.  
1934  
1935 Mrs. Marshall - Again, that's your opinion.  
1936  
1937 Mr. McCann - It's not an opinion. You came prepared to say yes,  
1938 and you did not come prepared to say no. If I bought a quarter that had one side  
1939 and all I could flip was heads—  
1940  
1941 Mr. Archer - Okay. Mr. McCann, we have to close this one.  
1942  
1943 Mr. McCann - Thank you very much.  
1944  
1945 Mr. Archer - Thank you. Madam Secretary, where are we?  
1946  
1947 Ms. Moore - We need a motion for the provisional use permit.  
1948  
1949 Mr. Archer - Okay. Go ahead, Mrs. Marshall.

1950  
1951 Mrs. Marshall - Mr. Chairman, I move that REZ—I'm sorry, I'm sorry.  
1952  
1953 Mr. Leabough - You're making a recommendation to the Board of  
1954 Supervisors.  
1955  
1956 Mrs. Marshall - I'm sorry, I'm sorry. I recommend that PUP2016-  
1957 00004, Andrew M. Condlin for SP Hotel, LLC, follow the recommendation of the  
1958 Planning staff and be approved with the following conditions 1 through 5 on  
1959 pages 3 and 4 of the staff report.  
1960  
1961 Mr. Witte - Second.  
1962  
1963 Mr. Archer - Okay. Motion by Mrs. Marshall and seconded by  
1964 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion  
1965 passes.  
1966  
1967 **REASON -** Acting on a motion by Mrs. Marshall, seconded by  
1968 Mr. Witte, the Planning Commission voted 5-0 (one absent) to recommend the  
1969 Board of Supervisors **grant** the request because when properly developed and  
1970 regulated by the recommended special conditions, it would not be detrimental to  
1971 the public health, safety, welfare and values in the area.  
1972  
1973 Ms. Jones - Mr. Chairman, may I just say something. Folks are  
1974 aware that this is a recommendation, I would hope, to the Board of Supervisors,  
1975 and that it will be heard at the Board in a month and so, if the folks who have left  
1976 possibly do not understand that, I would hope at some point there would be an  
1977 outreach to them so that that they're clear about what happens now.  
1978  
1979 Mr. Archer - Good observation, Ms. Jones. I think they're well  
1980 aware of it, but it's a good observation. We can see that that's done.  
1981  
1982 All right, Madam Secretary, where are we on the agenda?  
1983  
1984 Ms. Moore - Next we have on page 2 a resolution. This is  
1985 Resolution PCR-4-16. This is a resolution for the Planning Commission to  
1986 consider or to initiate or begin a consideration of amendments to the Zoning  
1987 Ordinance regarding signage. The resolution is fairly short. I can certainly read it  
1988 out loud if you wish.  
1989  
1990 **RESOLUTION PCR-4-16:** The Planning Commission will consider a resolution to  
1991 initiate consideration of an Amendment to the Zoning Ordinance regarding Signs.  
1992  
1993 Mr. Archer - Yes. I think we all have a copy, but you can read it.  
1994  
1995 Ms. Moore - Okay.

1996

1997

**WHEREAS**, the Code of Virginia authorizes localities to amend their zoning ordinance when appropriate; and

1998

1999

2000

**WHEREAS**, the Sign Ordinance codified in Section 24-104 of the County Code was adopted in 1987, and

2001

2002

2003

**WHEREAS**, the Planning Commission wishes to consider the need for amendments to Chapter 24 of the County code related to signs;

2004

2005

2006

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission requests the Department of Planning to research and prepare for the Planning Commission's review amendments to the Zoning Ordinance regarding sign regulations and any changes required by actions of the 2016 General Assembly.

2007

2008

2009

2010

2011

Mr. Archer - Okay. Members of the Commission, you've heard the resolution. Is there a motion to accept it?

2012

2013

2014

Mr. Witte - So moved.

2015

2016

Mr. Archer - All right. Is there a second?

2017

2018

Mr. Leabough - Second.

2019

2020

Mr. Archer - Motion by Mr. Witte and seconded by Mr. Leabough that this resolution be passed. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

2021

2022

2023

2024

Ms. Jones - I just want to make a comment, if I could, to my fellow commissioners.

2025

2026

2027

Mr. Archer - Ms. Jones, you may certainly comment.

2028

2029

Ms. Jones - I just wanted to say that I'm glad we're doing this. I think the sign ordinance is something that impacts every single project that we handle in some way or another, especially those that happen to be involved with electronic signage and messaging and moveable boards. I know I sound like a broken record, but even those kinds of things that might lead to discussions about billboards and signage designated to specific drivers as they drive by. We have an incredible amount of technology at work with signage.

2030

2031

2032

2033

2034

2035

2036

2037

Basically, I think it's important for us to decide what roles signs play in our different districts, and exactly how we should approach it, because right now it's kind of all over the map. So I appreciate the fact that I know are reasons why we may have to visit the General Assembly requirements and this kind of thing, but

2038

2039

2040

2041 we can also really have a good discussion with our own Henrico County  
2042 guidelines.

2043

2044 Mr. Archer - Thank you, Ms. Jones. I can echo what you're saying  
2045 a little bit. About seven, eight years ago, I guess, as the technology evolved to  
2046 where we had moving signs and blinking signs and winking signs, different  
2047 colored signs, we did have to make some adjustments to the Sign Ordinance to  
2048 accommodate them. I tell you, it turned into a huge issue. I think it took two or  
2049 three meetings to get it resolved. And as the technology continues to move, we'll  
2050 have to keep up with it. So I think your observations are astute.

2051

2052 Do we have anything else other than the minutes?

2053

2054 Ms. Moore - No sir.

2055

2056 Mr. Archer - Before we do the minutes, I need to make an  
2057 observation and make you all aware of something. About a month or so ago,  
2058 Mr. Thornton called to my attention that he visited one of the Dollar Stores, and I  
2059 can't remember whether it was Family Dollar or Dollar General. He said, "I  
2060 walked in and there was no ceiling."

2061

2062 Mrs. Marshall - There was no what?

2063

2064 Mr. Archer - No ceiling. I said, "What do you mean there was no  
2065 ceiling?"

2066

2067 Mr. Leabough - There was a roof, though, right?

2068

2069 Mr. Archer - He said, "I walked in, and all I saw was insulation." I  
2070 said well, I'm sure that the roof was leaking and they took the ceiling down to  
2071 keep it from being leaked on. He said, "No, I'm not sure." So I said I'd check into  
2072 it. Sure enough, I was coming from church the other day, and I went in the store.  
2073 There's no ceiling. When you look up, all the lights are dropped, and they are  
2074 neo-style lights, and all you see up there is the wiring and the air conditioning  
2075 ducts, etc. So I did some research.

2076

2077 Mr. Leabough - It's probably in the Brookland District, I'm sure.

2078

2079 Mr. Witte - No chance.

2080

2081 Mr. Archer - But anyway, I needed to make you aware of that  
2082 because from what I understand, we can't enforce.

2083

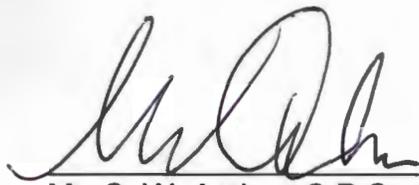
2084 Mr. Leabough - No ceiling?

2085

2086 Mr. Archer - No ceiling. I think it was a by-right zoning piece, so  
2087 the zoning was already in place. All he had to do was match the POD to the  
2088 minimum specifications.  
2089  
2090 Mr. Leabough - But there are some uses and some architectural  
2091 styles. If you go into Chipotle's, they don't have a ceiling, per se, either.  
2092  
2093 Mr. Archer - I understand, but this is no style. This is just a—  
2094  
2095 Mr. Leabough - But if it's just no ceiling just for the sake of saving a  
2096 dollar, then that's a challenge.  
2097  
2098 Mrs. Marshall - No building code requirement to have exposed  
2099 insulation and wiring?  
2100  
2101 Mr. Archer - Apparently there's not. And the wiring is not what  
2102 you'd called exposed. It has the little ducts, I guess—  
2103  
2104 Mr. Leabough - It has the conduit that it's in.  
2105  
2106 Mr. Archer - It's not attractive at all to me.  
2107  
2108 Ms. Jones - It's not urban chic, kind of a loft style?  
2109  
2110 Mr. Archer - You might say *chick* instead of *chic*. I just wanted to  
2111 make you all aware of that. What we need to do if you don't want to have that is  
2112 we have to in some sort of way make sure a proffered zoning case or a condition  
2113 of the POD. Right now, we can't make them do that. We need to be aware of  
2114 that.  
2115  
2116 Ms. Jones - I would love to have someone actually—and I  
2117 certainly—  
2118  
2119 Mr. Archer - I have pictures if you want to see them.  
2120  
2121 Ms. Jones - Oh, no, no, no. I do not doubt you. It's just that I would  
2122 love to know what the Building Code requirements are for those kinds of issues.  
2123 Surely we can't just have buildings with unfinished interior surfaces.  
2124  
2125 Mr. Witte - I thought all insulation had to be covered.  
2126  
2127 Mr. Archer - It's not. It's not the insulation that you may be thinking  
2128 over like fiberglass or whatever. This has plastic over it. I'll have the picture by  
2129 the time we adjourn and I can show you what I'm talking about.  
2130  
2131 Mr. Witte - Thank you.

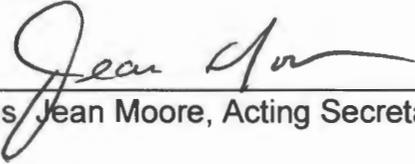
2132  
2133 Mr. Archer - Those are the stores. And again, I don't know whether  
2134 it was Family Dollar or Dollar General, but it was one of the "dollar" stores. We  
2135 have that kind of thing at Costco. Costco has an open ceiling, and probably  
2136 Sam's does too. But it's a warehouse. And I think there's a difference between a  
2137 warehouse and a store. But I need to make you all aware of that because I'll pop  
2138 up on you and it'll surprise when it does. And you can't do anything.  
2139  
2140 Mr. Leabough - That's in Chesterfield, right?  
2141  
2142 Mr. Witte - Ms. Freye is getting ready to jump out of her seat to  
2143 go.  
2144  
2145 Mr. Archer - Ms. Freye is a student.  
2146  
2147 Mr. Witte - I would like to thank her again for—  
2148  
2149 Mr. Archer - Working on her CPC.  
2150  
2151 Mr. Witte - —enlightening our presence here today.  
2152  
2153 Mr. Archer - Okay. We need to have a motion on the minutes.  
2154  
2155 Mr. Leabough - I move that the minutes be approved subject to the  
2156 changes noted on the errata sheet.  
2157  
2158 Mr. Witte - Second.  
2159  
2160 Mr. Archer - Motion by Mr. Leabough, seconded by Mr. Witte. I  
2161 don't think we need to vote on it. The minutes are approved.  
2162  
2163 Anything else, Madam Secretary?  
2164  
2165 Ms. Moore - I have nothing else to report.  
2166  
2167 Mr. Archer - Let me compliment you on doing a great job tonight,  
2168 Madam Secretary.  
2169  
2170 Ms. Moore - Thank you.  
2171  
2172 Mr. Archer - All right. The meeting is adjourned.  
2173  
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Mr. C. W. Archer, C.P.C., Chairman



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Ms. Jean Moore, Acting Secretary