

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**
2 **County held in the County Administration Building in the Government Center at**
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, May 12,**
4 **2022. Display Notice having been published in the Richmond *Times-Dispatch* on**
5 **April 25, 2022, and May 2, 2022.**
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8 **Members Present:** Mrs. Melissa L. Thornton, Chairperson (Three Chopt)
9 Mr. Robert H. Witte, Jr., Vice Chair (Brookland)
10 Mr. Gregory R. Baka (Tuckahoe)
11 Mr. C. W. Archer, C.P.C. (Fairfield)
12 Mr. William M. Mackey, Jr., (Varina)
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
14 Secretary
15 Mr. Daniel J. Schmitt (Brookland)
16 Board of Supervisors' Representative
17

18 **Also Present:** Ms. Jean Moore, Assistant Director
19 Mr. Ben Sehl, Senior Principal Planner
20 Mr. Livingston Lewis, County Planner
21 Mr. Seth Humphreys, County Planner
22 Mr. Michael Morris, County Planner
23 Ms. Lisa Blankinship, County Planner
24 Ms. Rosemary Deemer, County Planner
25 Mr. Spencer Norman, County Planner
26 Mr. John Cejka, Traffic Engineer, Public Works
27 Mr. Billy Moffett, Police *
28

29 (Virtually)
30

31 **Mr. Daniel J. Schmitt, the Board of Supervisors' representative, abstains on all**
32 **cases unless otherwise noted.**
33

34 Mrs. Thornton - Good evening, everyone, and welcome to the Planning
35 Commission rezoning meeting for May 12, 2022. We are reconvening from a work
36 session that we ended at 6:40 this evening. And at this time, I'm going to -- if everybody
37 could turn their cellphones off and stand for the Pledge of Allegiance.
38

39 [Recitation of Pledge of Allegiance]
40

41 I apologize. My mic was not on. So, if you all didn't hear me, I apologize. I just realized
42 that. So, if you didn't turn your cellphone off, could you please do that? Do we have
43 anybody in the audience or on Webex from the media? Okay.
44

45 We have all of our Board members here this evening and we have Mr. Dan Schmitt who's
46 sitting with us this year on the Planning Commission. So, thank you so much. He

May 12, 2022

47 abstains from all votes but he's here and he can make comments to any case. So, thank
48 you so much for joining us. And I will turn the meeting over to Mr. Emerson our secretary.

49
50 Mr. Emerson - Thank you, Madam Chair. I'll join with you and welcome
51 everyone to the Henrico County Planning Commission public hearing for May 10th. As
52 you noted, the Planning Commission did hold a work session this evening. It began at
53 6:00 p.m. and the Planning Commission discussed the continuing work on the 2045 Plan.
54 You did recess that meeting at 6:40 and, of course, reconvened at 7:00 p.m.

55
56 This evening it is requested that all public comments as we move through the hearings
57 be provided from the lectern to the rear of the room. For everyone who is watching the
58 livestream on the County website, you can participate remotely in the public hearings by
59 following these guidelines. And you can also see them on your screen hopefully.

60
61 Go the Planning Department's meeting webpage at henrico.us/planning/meetings. Scroll
62 down under Planning Commission and click on Webex Event. Once you have joined the
63 Webex event, please click the chat button in the bottom-right corner of the screen. Staff
64 will send a message asking if anyone would like to sign up to speak on an upcoming case.
65 To respond, select Spencer Norman from the dropdown menu and send Spencer a
66 message.

67
68 The Commission does have guidelines for its public hearings. The applicant is allowed
69 10 minutes to present the request and time may be reserved for responses to testimony.
70 So that's 10 minutes for the applicant. The opposition is allowed a cumulative 10 minutes
71 to present its concerns meaning everyone that needs or wants to speak has a 10-minute
72 timeframe in which to speak, so please be respectful of everyone's time. The
73 Commission's questions do not count into those time limits. The Commission may waive
74 the time limits at its discretion so they can make a decision whether or not they want to
75 extend that.

76
77 Comments must be directly related to the case under consideration. Commentors must
78 provide their name and address prior to speaking for the record. These meetings are
79 recorded. We do produce verbatim minutes for our records. And your name and address
80 are important for those records. Thank you for your participation and interest this evening
81 in the work of the County.

82
83 With that said, Madam Chair, the first item on your agenda this evening are the requests
84 for withdrawals and deferrals. We do have one deferral, and that will be presented by Mr.
85 Ben Sehl.

86
87 Mr. Sehl - Good evening. As Mr. Emerson noted, staff is aware of one
88 deferral request this evening. This is on page 3 of your agenda in the Tuckahoe District.
89 This is PUP2022-00010 Hunt Gunter.

90
91 **PUP2022-00010 Simon Mueller for Hunt Gunter:** Request for a Provisional Use Permit
92 under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a car

93 wash on Parcel 737-751-0413 located on the west line of John Rolfe Parkway
94 approximately 260' north of the intersection of Ridgefield Parkway. The existing zoning is
95 B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends
96 Commercial Concentration.

97
98 With this request the applicant is requesting to defer their item to the June 9, 2022,
99 meeting.

100
101 Mrs. Thornton - Okay, is there anyone present or on Webex opposed to the
102 deferral of PUP2022-00010 Hunt Gunter?

103
104 Ms. Deemer - We have no one on Webex against this case.

105
106 Mrs. Thornton - Okay, thank you. And nobody in the audience.

107
108 Mr. Baka - Madam Chair, I move that PUP2022-00010 Hunt Gunter be
109 deferred to the June 9, 2022, meeting at the request of the applicant.

110
111 Mr. Archer - Second.

112
113 Mrs. Thornton - Okay, we have a motion by Mr. Baka and a second by Mr.
114 Archer. All in favor say aye.

115
116 The Commission - Aye.

117
118 Mrs. Thornton - All opposed? Motion passes.

119
120 Mr. Emerson - Madam Chair, we now move on to the next item, which are
121 requests for expedited items. We have one of those this evening and it will also be
122 presented by Mr. Ben Sehl.

123
124 Mr. Sehl - Thank you again. On page 1 of your agenda in the Fairfield
125 District is a request for expedited approval for REZ2022-00017, Archibald Hunt, Jr.

126
127 **REZ2022-00017 Archibald Hunt, Jr.:** Request to conditionally rezone from A-1
128 Agricultural District to R-3AC One-Family Residence District (Conditional) Parcel 809-
129 731-5615 containing .562 acres located at the northeast intersection of Harvie Road and
130 Harvest Crest Court. The applicant proposes an additional single-family dwelling. The R-
131 3A District allows a minimum lot area of 9,500 square feet and a maximum gross density
132 of 4.59 units per acre. The use will be controlled by zoning ordinance regulations and
133 proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential
134 2, density should not exceed 3.4 units per acre. The site is in the Airport Safety Overlay
135 District.

136
137 Staff is supportive of this request and is unaware of any opposition and is therefore
138 recommending approval.

139
140 Mrs. Thornton - Okay. Thank you. Is there anyone present who is opposed
141 to the approval of REZ2022-00017, Archibald Hunt, Jr.? There's one in the audience.
142 Anybody on Webex?
143
144 Ms. Deemer - We have no one on Webex for this case.
145
146 Mr. Emerson - Madam Chair, since there is opposition --
147
148 Mrs. Thornton - No, no. He's -- wrong.
149
150 Mr. Emerson - Wrong case.
151
152 Mrs. Thornton - Wrong case?
153
154 Mr. Sehl - He's the applicant, Madam Chair.
155
156 Mrs. Thornton - You are the applicant? Okay, so, I would say that you are in
157 favor of moving this forward. Thank you.
158
159 Mr. Archer - So there's no opposition after all?
160
161 Mrs. Thornton - No. No, sir.
162
163 Mr. Archer - All right then. Thank you, Madam Chair. Being no opposition,
164 I move that REZ2022-00017 Archibald Hunt, Jr. be sent to the Board with a
165 recommendation for approval from the expedited agenda with the proffers in the staff
166 report dated March 25 -- I'm sorry, that's the wrong -- the proffers in the staff report dated
167 April 18, 2021 [sic].
168
169 Mr. Baka - Second.
170
171 Mrs. Thornton - Okay, we have a motion by Mr. Archer, a second by Mr. Baka.
172 All in favor say aye.
173
174 The Commission - Aye.
175
176 Mrs. Thornton - All opposed? Motion passes.
177
178 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Baka the
179 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
180 **grant** the request because it conforms to the recommendations of the Land Use Plan and
181 it represents a logical continuation of the one-family residential development which exists
182 in the area.
183

184 Mr. Emerson - Madam Chair we now move into the regular agenda with the
185 first case appearing on Page 1 of your agenda. It is REZ2022-00013 Jeffrey P. Geiger
186 for RDK Land Holdings, LLC.
187

188 **REZ2022-00013 Jeffrey P. Geiger for RDK Land Holdings, LLC:** Request to
189 conditionally rezone from R-3 One-Family Residence District, and B-1 Business District
190 to R-6C General Residence District (Conditional) Parcel 787-745-5839 and part of Parcel
191 787-744-3995 containing 16.712 acres located on the east line of Chamberlayne Road
192 (U.S. Route 301) approximately 250' south of Wilmer Avenue. The applicant proposes a
193 townhouse development. The R-6 District allows a density of 19.8 units per acre for
194 multifamily and 12 units per acre for townhouses. The uses will be controlled by zoning
195 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
196 recommends Commercial Concentration and Urban Residential, density should range
197 from 3.4 to 6.8 units per acre.
198

199 The Staff Report will be presented by Mr. Michael Morris.
200

201 Mrs. Thornton - Okay, is there anybody in the audience or on Webex that
202 would like to speak to the case? Okay, we will hear from Mr. Morris and then we'll hear
203 from you. Okay, thank you so much.
204

205 Mr. Morris - Thank you, Madam Chair, members of the Commission. This
206 is a request to rezone the subject property from R-3 One-Family Residence District and
207 B-1 Business District to R-6C General Residence District Conditional to allow a
208 townhouse development of no more than 160 units. The property is located on
209 Chamberlayne Road, south of its intersection with Wilmer Ave.
210

211 This request was deferred by the Planning Commission at its April 14, 2022, public
212 hearing to allow the applicant time to address concerns related to pedestrian amenities
213 along Chamberlayne Road and Wilmer Avenue.
214

215 In response to these concerns, the applicant has provided revised proffers as reflected in
216 the latest staff report. Changes include a commitment to lighting the proffered sidewalk
217 along Chamberlayne Road and the construction of a 4-foot wide, asphalt path along the
218 property's Wilmer Avenue frontage.
219

220 These changes address staff's remaining concerns and staff can now recommend
221 approval of this request.
222

223 This concludes my presentation. I'm more than happy to try and answer any questions
224 you may have at this time.
225

226 Mrs. Thornton - Thank you. Mr. Archer.
227

228 Mr. Archer - All right.
229

230 Mrs. Thornton - We have somebody here that would like to speak to the case
231 in the audience.
232
233 Mr. Archer - (Indiscernible).
234
235 Mrs. Thornton - Okay, Rosemary?
236
237 Ms. Deemer - Yes, ma'am. We have someone in opposition on Webex.
238
239 Mrs. Thornton - Okay, good. We'll get to them in just a minute. Thank you.
240
241 Ms. Lawes - Yes. My name is Lisa Lawes. I saw you at our last meeting
242 and I thank you for listening again. I talked to Mr. Morris and am aware of the
243 amendments that the developer has made for the walkways. We appreciate that very
244 much.
245
246 And I just have two questions that I would like to pose to the developer. We have not
247 heard -- I know one of our other neighbors asked me at the last meeting what the price
248 range on these units would be and we have not heard any information about that, and Mr.
249 Morris does not have any either. And I know the building supply market is fluctuating at
250 this time just like every other market. But what is at least the ballpark price range of these
251 units that are being proposed?
252
253 Also, given the rise to building and the rise in housing costs, what is the possibility that
254 eliminating the leg of units along Wilmer Avenue could be a probable option? That would
255 create a secluded, private, highly desirable neighborhood for them bordered and
256 insulated on the four sides by woodlands for the new development. What developer can
257 offer that in middle of the city in this day and age? That creates a beautiful setting for the
258 new neighborhood. It also maintains the integrity of the people who already live there.
259 That's all.
260
261 Mrs. Thornton - Thank you.
262
263 Mr. Archer - Thank you, Ms. Lawes, (indiscernible).
264
265 Mrs. Thornton - Yeah, yes. He's got it on mute. There you go.
266
267 Mr. Archer - Did everybody hear me? My mic wasn't on. Well, I'll repeat
268 what I said. We'll have the developer's attorney come forward and try to answer those
269 questions. But let's hear from the other opponent first. Thank you, Ms. Lawes.
270
271 Mrs. Thornton - I think --
272
273 Ms. Deemer - Ms. Chairperson, Denise Smith is now unmuted.
274
275 Mr. Archer - Go ahead, Ms. Smith.

276 Ms. Smith - Thank you. Hello everybody. I just wanted to say that while I
277 get that that piece of land is obviously for sale and prime to be developed, I just feel like
278 residential housing is not a good idea for that location.
279
280

281 As I said during the last meeting, you know, it would be adjacent to a post office. Adjacent,
282 you know, one of the exits I'm guessing would be adjacent to the newly opened Family
283 Dollar, to the 7-Eleven, to an already existing convenience store, to -- as long as I can
284 remember -- existing -- not too far from an existing cemetery. The area itself has
285 challenges. Anybody familiar with this area would know what those challenges are.
286

287 And to the prior speaker that mentioned the selling price points, that would be interesting.
288 Because, you know, my guess would be in this day and age probably very high twos or
289 threes, like \$300,000. And that just makes me kind of scratch my head about an area
290 that is slated to be a stone's throw from the city bus line.
291

292 So, yeah. I'm just opposed to this residential development in this area. I just am. And
293 that pretty much concludes what I have to say.
294

295 Mrs. Thornton - Okay. Thank you so much.
296

297 Ms. Smith - Thank you.
298

299 Mr. Archer - All right. Thank you, Madam Chair. I guess we can hear from
300 Mr. Geiger now.
301

302 Mr. Geiger - Good evening, Madam Chair, members of the Commission.
303 My name is Jeff Geiger here on behalf of the applicant. I appreciate the opportunity to
304 answer the questions and I would like to thank the Commission for the opportunity over
305 the last 30 days to work with the Planning staff, to work with others involved in this project,
306 to come to a resolution and an ability to provide the pedestrian improvements along
307 Chamberlayne and along Wilmer.
308

309 I'd like to highlight one of the reasons that we spent some time looking at the improved -
310 - kind of the existing conditions along Wilmer. There's a large oak tree that we'd like to
311 save. Appreciate the flexibility to do that. Giving some design flexibility to preserve to
312 the best we can some of that vegetation along Wilmer. I know that was important with
313 some of the comments that we got last month.
314

315 As we talked about last month, this is a goal, and this is a project that's aimed to add
316 supply in the middle market. That missing middle that we talked about. We are looking
317 -- this is -- the woman on Webex kind of articulated correctly. That's the price point we're
318 looking at. High twos, threes, mid-threes. That's the best guess that we can give you
319 today. Where the market plays out and how the market, where construction costs are in
320 18 months when this project will start coming out of the ground, that will influence the
321 information I just shared with you.

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We do believe that the townhouse you see here does provide that transition use from the existing townhouses to the commercial. Will add more activity and vibrancy to the area. We have a great park to the south that we hope we will see more activity through by the addition of these homes. And we will add the consumers that will be supporting the businesses in the shopping center across the street and the new businesses at the corner.

With that, I would be glad to answer any Commission -- any questions that the Commission may have. Otherwise, I'd ask the Commission -- ask you to recommend approval of the rezoning request before you.

Mr. Archer - Mr. Geiger, it was brought up the possibility of eliminating the Wilmer Avenue side of the property, so I guess you have to speak to it.

Mr. Geiger - Eliminating Wilmer side we've kind of done our best to -- we cannot eliminate the homes. If the request is to eliminate the homes on the -- on the -- on the Wilmer side, the answer is we can't do that --

Mr. Archer - Okay.

Mr. Geiger - -- with this project and still achieve our goals for investment in this area.

We are trying to be respectful of her comments that she has shared both the request to us to think of adding some pedestrian improvements along there and also to do our best to provide -- to maintain that vegetative view. We've identified a tree that we'll be working around and then we will be also adding plantings along the trail so that we have that vegetative look along Wilmer, but the homes will be there as well. Okay.

Mr. Archer - Okay, thank you. So, does anyone else up here have questions? Nobody? All right, then. Thank you, Mr. Geiger. All right. It's time for a motion so let me see if I can summarize what was talked about and bring this to a conclusion.

Price range was asked about. The applicant has answered that. As well as the possibility of eliminating the Wilmer Avenue side. And Ms. Smith, who was on Webex, she asked questions about price points also. And the points that we raised the attorney has answered so at this point I don't see that we have too much of a choice.

Make sure you understand that what we will do tonight is make a recommendation. The Board will meet on this case I believe on June the 14th. So, our recommendation will be considered by them, and their answer will be based on whatever else they can come up with. If anything needs to be answered, if anything, between now and then.

366 From what staff has done now, they have -- we asked for several things last month that
367 the applicant has responded to and there's nothing at this point that would preclude us
368 from making this recommendation.

369
370 So, with that and bearing in mind that you all have the opportunity to come back and
371 speak to this again on June the 14th when the real decision will be made. But bearing
372 that in mind, I move we recommend approval of REZ2022-00013 RDK Land Holdings,
373 LLC with the proffers in the staff report dated March 25, 2022.

374
375 Mr. Baka - Second.

376
377 Mrs. Thornton - We have a motion by Mr. Archer, a second by Mr. Baka. All
378 in favor say aye.

379
380 The Commission - Aye.

381
382 Mrs. Thornton - All opposed? Motion passes.

383
384 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Baka the
385 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
386 **grant** the request because it would permit infill development with the proper connection for
387 roads and other public facilities and the proffered conditions should minimize the potential
388 impacts on surrounding land uses.

389
390 Mr. Emerson - Madam Chair, as we move on to the next case at the top of
391 Page 2, I would like to remind everyone who speaks, as you announce your name, please
392 also include your address for the record.

393
394 Again, the next case is on the top of Page 2. It is REZ2022-00015 Andrew M. Condlin
395 for Franklin RE Partners, LLC.

396
397 **REZ2022-00015 Andrew M. Condlin for Franklin RE Partners, LLC:** Request to
398 conditionally rezone from O-3C Office District (Conditional) to M-1C Light Industry District
399 (Conditional) part of Parcel 842-707-9113 containing 19.173 acres located at the
400 southwest intersection of Technology Boulevard and Memorial Drive. The applicant
401 proposes industrial uses. The uses will be controlled by zoning ordinance regulations and
402 proffered conditions. The 2026 Comprehensive Plan recommends Office. Part of the site
403 is in the Airport Safety Overlay District.

404
405 The staff report will be presented by Mr. Seth Humphreys.

406
407 Mrs. Thornton - Is there anybody in the audience or on Webex that would like
408 to speak to this case?

409
410 Ms. Deemer - We have no one on Webex for this case.

412 Mrs. Thornton - Okay, great. Thank you.

413
414 Mr. Humphreys - Thank you, Mrs. Chair, members of the Commission. As
415 stated, this request is to allow industrial uses such as distribution, warehouse, or data
416 center facilities.

417
418 The property was rezoned to O-3C with case C-62C-00. Proffers accepted with that case
419 are similar to the other developments in the White Oak Technology Park and are intended
420 to provide a unified and an attractive streetscape as well as provide protection to nearby
421 residences.

422
423 Properties to the north, west, and east are zoned A-1 Agricultural District. That includes
424 approximately 530 acres to the north and extending across East Williamsburg Road that
425 are currently proposed for M-2C General Industrial District with case REZ2021-00056.
426 To the west are several A-1 vacant and single-family acreage parcels. To the south is
427 land zoned M-1C by case C-47C-00.

428
429 If this was -- if this request is approved, the applicant has indicated they wish to combine
430 this property with the property zoned M-1C to the south to develop one or several
431 distribution, warehouse or data center buildings. The applicant has submitted two
432 conceptual plans for the property. Both plans show how the subject site could be
433 incorporated with the vacant M-1C property to the south, which would include the area
434 between this rezoning -- which is actually outlined here -- and the United States Postal
435 Service which is located here. Both options show two points of access to the overall site
436 from Technology Boulevard and Tech Park Way. Tech Park Way is ex -- is intended to
437 be extended and looped to the south and east to provide interconnectivity.

438
439 In terms of building layout, the first plan shows a single structure, approximately 560,000
440 square feet in size, that would be used as a distribution center or could be constructed as
441 a data center. Loading bays would face Technology Boulevard and a fleet parking area
442 would extend to the south. This plan could be -- staff believes this plan could be improved
443 by better segregating potential car or truck traffic on the northern portion of the site here.
444 Perhaps moving the entrance further to the north.

445
446 The second conceptual plan shows a series of three buildings for multiple smaller-scale
447 distribution or data center uses with exterior equipment yards along the side facades.
448 The two buildings closest to Memorial Drive, here and here, would be partially located on
449 the subject property.

450
451 The remainder of the development, including a potential fourth building and what is
452 described as "flex space", would be located on the existing M-1C property and would not
453 be included with anything on this case. That could be developed without approval of this
454 case. In order to clearly indicate how a future road extension would be -- would impact
455 development of the overall site, the extension of Tech Park Way would be -- should be
456 shown on both concept plans. It is shown on the previous one here, but not on this one
457 here.

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In addition to the conceptual plans the applicant has submitted proffers addressing underground utilities, building materials, uses, safe conduct of operations, height, access, cultural resources, exterior alarms, hours of construction, signage, parking lot lighting, trash enclosure and HVAC screening, on-site burning, and BMP/retention ponds.

The proffers also specify buffers of 50 feet in width along the Technology Boulevard and Memorial Drive and buildings setbacks of at least 100 feet from those same roadways, as well as the western property line. An additional setback of 150 feet would be required for buildings exceeding two stories in height and a prohibition on vehicular access to Memorial Drive has also been included. These are consistent with the proffers accepted with adjacent industrial properties

The 2026 Comprehensive Plan designates the property for Office uses and is part of Prime Economic Development Site #27. While this request is not consistent with the recommendation for Office, if the Commission believes a deviation is acceptable, staff feels this use could be reasonable based on the prevailing use pattern in the area and the mitigation measures addressed by the applicant.

The applicant held a community meeting for this request on April 7th, 2022, at Elko Middle School. The majority of the discussion centered around visual and noise impacts as well as traffic impacts on Memorial Drive which then the applicant has attempted to address.

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

Mrs. Thornton - Thank you. Does anybody have any questions for Mr. Humphreys?

Mr. Mackey - Nah, I don't have any questions Mr. Humphreys. Applicant, please.

Mrs. Thornton - Okay.

Mr. Condlin - Madam Chair, members of the Commission, my name is Andy Condlin, here on behalf of the applicant, Franklin RE Partners in this case.

As Mr. Humphreys has already outlined in a very comprehensive way and -- Mr. Humphreys, if you don't mind just going to the first concept plan, I think that's all we'll need -- is that this is a 19. acre request that's going to be combined with the adjacent property that's already zoned M-1C. And with the neighborhood meeting one of the critical issues was access to Memorial Drive, which we've proffered both in the proffers themselves, but also on the conceptual plan that we would not be accessing as well as providing the necessary proffers.

502 And we've provided pretty substantial proffered conditions that are equal or exceed what
503 has currently been done in the area, recently done in industrial cases, to be able to create
504 streetscape for the protection of the surrounding neighborhood.

505
506 With that that includes none -- in addition to the buffer and the screening of loading areas,
507 as well as no exterior alarms or speakers, and safe conduct of operation of general
508 capacity from that standpoint.

509
510 So, with that, I believe we've met all legislative attention necessary for a recommendation
511 from this case, so we ask you to follow the recommendation of staff. I'm happy to answer
512 any questions that you may have.

513
514 Mr. Mackey - Okay, I don't have really any questions. I have a comment. I
515 spoke with you earlier and you relayed to me that they -- while the applicant didn't have
516 a user right now, that they would not build until they acquired one for the property.

517
518 Mr. Condlin - Yeah, so at least part of that -- and I will -- I will correct a little
519 bit. Mr. Humphreys had said -- had talked about data centers and warehouse. One of
520 the -- really the big factors in the market today are smaller users that are looking for 20-
521 25-, 30,000 square feet, and so that these are flex users and a lot of clean users, from
522 that standpoint, to be able to provide for these smaller bays. And so, what they would do
523 is get a portion of those, if they can get those from a market standpoint, and then build
524 the remainder as a spec.

525
526 So, they build one of the buildings, you know, and then we have those three buildings in
527 a row they might build one of those buildings at a time and phase it based on filling those
528 in the marketplace. So, the intention is to be able to market it. It's hard to market property
529 that's not zoned property -- properly -- and folks want to be able to move in almost
530 immediately. They just want to go right to the POD process, so that's how they -- that
531 would function.

532
533 Mr. Mackey - Okay, also, I wanted to -- we had a very good community
534 meeting. Most of the concerns were some of the appearances of the building, screening
535 of it, the access to Memorial Drive. I appreciate you proffering that and taking that away.
536 Because if we stayed with the current zoning, they would have access to Memorial Drive
537 and to office. So that is a plus that we're get that taken away. So, I appreciate that. I
538 didn't have any other questions for Mr. Condlin.

539
540 Mrs. Thornton - Does anybody else?

541
542 Mr. Mackey - All right. All right. Well, I'm ready for make a motion. All right.
543 Madam Chair, I move that we recommend approval of REZ2022-00015 Franklin RE
544 Partners, LLC with the proffers in the staff report dated April 25, 2022.

545
546 Mr. Witte - Second.

547

548 Mrs. Thornton - We have a motion by Mr. Mackey, a second by Mr. Witte. All
549 in favor say aye.

550
551 The Commission - Aye.

552
553 Mrs. Thornton - All opposed? Motion passes.

554
555 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Witte the
556 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
557 **grant** the request because it continues a form of zoning consistent with the area and the
558 proffered conditions will provide appropriate quality assurances not otherwise available.

559
560 Mr. Emerson - Madam Chair, we now move on to the next item on your
561 agenda, also appearing on Page 2, PUP2022-00005 William Shewmake for Foster's
562 Reach, LLC.

563
564 **PUP2022-00005 William Shewmake for Foster's Reach, LLC:** Request for a
565 Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County
566 Code to allow a marina and accessory uses, including a restaurant with outdoor seating,
567 on Parcel 807-671-2121 located on the west line of Osborne Turnpike approximately 350'
568 north of its intersection with Kingsland Road. The existing zoning is A-1 Agricultural
569 District. The 2026 Comprehensive Plan recommends Environmental Protection Area and
570 Rural Residential, density should be a maximum of 1 unit per acre. The site is in the
571 Airport Safety Overlay District.

572
573 The staff report will be presented by Ms. Lisa Blankinship.

574
575 Mrs. Thornton - Is there anybody -- well I already know the answer to this one
576 -- but is there anybody here that would like to speak to the case on Webex or in person?

577
578 Ms. Deemer - We have heard from no one on Webex regarding this case.

579
580 Mrs. Thornton - Okay, we'll hear from the staff first and then we'll hear from
581 the people in the audience. I will have our secretary read the directions for how we handle
582 this many speakers.

583
584 Mr. Emerson - Yes, ma'am. Madam Chair, to review those again the
585 applicant is allowed 10 minutes to present the request and time may be reserved for
586 responses to testimony. The opposition is allowed a cumulative 10 minutes to present its
587 concerns, meaning everyone that wants to speak needs to spit with -- speak within those
588 10 minutes. Commission questions do not count into the time limits. The Commission
589 does have the discretion to waive time limits as it chooses. All comments must be directly
590 related to the case under consideration.

591
592 And, again, please the commenters must provide their name and address prior to
593 speaking for the record. Comments are to be provided from the lectern in the rear of the

594 room. The name and address is important for the process because we do keep verbatim
595 minutes of these meetings and your name and address is important to that process.

596
597 Ms. Blankinship - Thank you, Mr. Secretary, Madam Chair, members of the
598 Commission. This is a Provisional Use Permit request to reflect the expansion of an
599 existing marina with accessory uses including a restaurant with outdoor dining. Kingsland
600 Marina is located on a 10.7-acre parcel on the west line of Osborne Turnpike near its
601 intersection with Kingsland Road and is zoned A-1 Agricultural District. The majority of
602 the site is designated Environmental Protection Area, with a small portion designated
603 Rural Residential.

604
605 Kingsland Reach Marina was established in 1961 under a conditional use permit by the
606 Board of Zoning Appeals. Between 1961 and 1994, several additional conditional use
607 permits were approved and included transfers to different marine operators, expansion of
608 the marina, and the construction of a storage building and drain field. Since 2020, the
609 most recent property owners have made significant improvements to the site including
610 the expansion of the restaurant and footprint of the outdoor dining area including the stage
611 with live music.

612
613 These improvements are not reflected on the previously approved plans for the marina.
614 To bring the site into compliance, the owners have filed for a provisional use permit. To
615 provide additional information, the applicant has recently submitted a revised concept
616 plan which has been handed out to you this evening. Specifically, page 2 seen here
617 which delineates the existing uses on the property, including parking areas, parking
618 spaces, and drive aisles. A parking tabulation also shows the required and provided
619 parking for the marina and restaurant use.

620
621 Approval of a PUP, with appropriate conditions, would take steps to minimize negative
622 impacts on adjacent property owners, as well as require the applicant to obtain any
623 necessary permits required by other governmental agencies, including any that may be
624 required due to environmental impacts associated with the site's location on the James
625 River.

626
627 Since the staff report, staff has had ongoing discussions with the applicant and adjacent
628 property owners' representative regarding the recommended conditions of the PUP.
629 Some revisions have been made to the recommended conditions in the staff report and
630 have also been handed out to you this evening.

631
632 These revisions include Condition 1 regarding the concept plan, the date of the reference
633 concept plan have been updated and language has been added to clarify that any
634 physical expansion of the marina and/or restaurant, including the use of watercraft as
635 dining or entertainment areas would require modification to the PUP.

636
637 Conditions 3 and 4 have been revised to increase the timeline to apply for outstanding
638 permits and site plan from 30 to 60 days after the Board of Supervisors approval unless
639 an extension is requested and approved by the Director of Planning.

640
641 Condition 6 regarding the hours of operation has been revised to limit any outdoor
642 entertainment activity involving amplification, live or recorded music, to the following days
643 and hours: Wednesdays 5:00 p.m. to 9:00 pm, Thursdays through Saturdays 5:00 p.m.
644 to 11:00 pm, Sundays 1:00 p.m. to 6:00 p.m.

645
646
647 Conditions 8 and 9 which regulate decibel levels at the property lines adjacent to
648 residential uses have been increased from 55 to 60 decibels. The applicant has indicated
649 that an average sound decibel level of 55 at the property lines would be maintained.
650 However, to account for any possible spikes in the sound level, increasing the decibel
651 level from 55 to 60 would be more manageable.

652
653 Condition 11 regarding the tree buffer along the southeastern property line; language has
654 been added that would allow for access and utility easements within the buffer.

655
656 A community meeting was hosted by the applicant and held at the Lilly Pad on April 4th.
657 It is estimated that over 300 individuals attended. All individuals who spoke were in
658 support of the PUP. No one spoke in opposition.

659
660 Overall, staff believes this request would allow for a reasonable expansion of a long-
661 established use that benefits from the site's location on the James River providing for
662 additional service options for County residents in the area. Properly conditioned, staff
663 believes negative impacts from the use can be minimized. For these reasons, staff
664 supports this request subject to the revised conditions handed out to you this evening.

665
666 This concludes my presentation. I'll be happy to try and answer any questions you may
667 have.

668
669 Mrs. Thornton - Thank you. Does anybody have any questions for Ms.
670 Blankinship?

671
672 Mr. Mackey - No questions for Ms. Blankinship. I think at this time I
673 probably would like to hear from the speakers.

674
675 Mrs. Thornton - Okay, do you --

676
677 Mr. Mackey - I want -- I would like to hear -- I don't want to confuse anyone.
678 I would like to hear from the people who not necessarily are in opposition but may have
679 concerns with the PUP.

680
681 Mrs. Thornton - Okay, anybody with concerns want to head to the back?

682
683 Mr. Mackey - And I just -- I just want to remind you, Mr. Condlin -- I'll wait till
684 you get to it.

685

686 Mrs. Thornton - Okay.
687
688 Mr. Mackey - How -- other than Mr. Condlin -- how many people have issues
689 with or concerns with the -- with the PUP?
690
691 Mr. Condlin - Think there's just two other speakers after me.
692
693 Mr. Mackey - Okay, I just want to remind you and ask you --
694
695 Mr. Emerson - Yes.
696
697 Mr. Mackey - Please be as brief as you can. You have a cumulative of 10
698 minutes to share with the people that's in support of it. All right?
699
700 Mr. Condlin - Yes, sir.
701
702 Mrs. Thornton - Then they have 10 minutes.
703
704 Mr. Condlin - Appreciate that. My name is Andy Condlin. I'm here on behalf
705 of some of the various homeowners and neighbors in the area. I want to say that no one,
706 first, is in opposition to this request. We want this business to succeed, and it's a great
707 benefit to the entire area, obviously.
708
709 I was engaged not to oppose the case, but to interpret the conditions for the homeowners
710 and understand what is reasonable and what has been done previously in the County.
711 So, we thank you for the conditions and the adjustment in the hours and adjustment of
712 the buffer. But obviously the major concern is the impact and the noise from the outdoor
713 music.
714
715 I wanted -- and what I handed out today was just research that was done in the last few
716 years of PUP cases in the County for outdoor dining. Five cases since 2018 that I've
717 outlined on that sheet that I handed you and also gave to Mr. Shewmake. Everyone uses
718 language entitled, "Outdoor sound systems shall not be audible beyond the property line."
719 That seems to be the standard that's been set in Henrico County for outdoor dining and
720 for audible amplified music.
721
722 Obviously, every case is unique. The decibel level for some reason has gone up from 55
723 to 60 in the suggested conditions and it's okay and we do support outdoor dining and
724 music, but just request it be intentional to the extent that it's going to be more than audible
725 beyond the property line, as has been done previously in the County.
726
727 As the marina can and should enjoy the use of their property, so should the neighbors
728 also enjoy their property and their investment and certainly do not want to be burdened
729 by the marina's success. I appreciate it and I'll turn it over to the next one. Thank you.
730
731 Mr. Mackey - All right.

732
733 Mrs. Thornton - Thank you.
734
735 Mr. Mackey - All right before you -- excuse me. Before you speak just to
736 address what -- a part of Mr. Condlin's -- the reason it went up from 55 to 60 was because
737 during the sound study they had spikes at 57, 58. We thought we could move it up to 58,
738 but then we're told that they move in increments of 5, so we had to take it to 60 to adjust
739 that.
740
741 Mrs. Thornton - All right.
742
743 Ms. Steele - Madam Chair, members of the Planning Commission and Mr.
744 Schmitt, good evening. My name is Elizabeth Steele. My husband, John, and I live at
745 9700 Osborne Turnpike which is right next door to Kingsland Reach Marina.
746
747 When Max and Karen purchased the business several years ago -- pardon me?
748
749 Mr. Mackey - I think that's outside.
750
751 Mrs. Thornton - Oh, sorry. Go ahead.
752
753 Ms. Steele - When Max and -- is it on?
754
755 Mrs. Thornton - Yes, ma'am.
756
757 Mr. Mackey - Yes, we can hear you. Yes, ma'am.
758
759 Ms. Steele - Okay, when Max and Karen purchased the business several
760 years ago, we were delighted to see the tasteful improvements they were making to the
761 restaurant and marina. We docked our boat there and were very impressed by Max and
762 his excellent marina staff.
763
764 My husband and I have no issues with the restaurant and the marina. Our issue is with
765 the loud music and entertainment that takes place at the Lilly Pad. The volume of the
766 music and the frequency of the concerts have disrupted our otherwise peaceful existence
767 on the river.
768
769 Max and Karen are very hard workers. Likewise, John and I have worked hard to create
770 a peaceful home and outdoor environment to enjoy in our retirement. Our favorite place
771 to relax with our family and friends is on our screened-in porch. When the music starts,
772 it's been pretty impossible to enjoy ourselves on our porch or anywhere on our property
773 as we have to raise our voices considerably to hear each other. Seeking refuge inside
774 our home doesn't provide relief either, as we can hear it there as well.
775
776 Last year the Lilly Pad hosted live bands, DJs, or karaoke on Tuesdays, Thursdays,
777 Fridays, Saturdays, and Sundays. That's five nights a week until 11:00 p.m. During that

778 time, I was undergoing 19 rigorous chemotherapy treatments to prepare for my bone
779 marrow transplant in late September. The last thing I needed was to be texting Max at
780 10:30 at night to kindly ask him to turn the volume down so I could get some rest.

781
782 The Lilly Pad had live music several weeks ago. Even at the recommended 60 decibel
783 level at the property line we could hear the music inside our home. Those enjoying the
784 music at the Lilly Pad are seated just a few feet from the bandstand, so why must the
785 volume be turned up so high? I mean, they're just a few feet from the music. I can't
786 imagine lowering the volume will have an adverse impact on their business.

787
788 We're grateful to the Planning Commission staff for their commitment to a 100-foot buffer.
789 Maintaining this buffer is essential in keeping the volume at an acceptable level. This too
790 should not jeopardize the Lilly Pad's bottom line.

791
792 In conclusion, although my husband and I appreciate Max and Karen's efforts to resolve
793 the sound issue, we are skeptical the 60-decibel level is low enough to prevent us from
794 hearing the music inside our home. We need a permanent solution to this problem. Max,
795 Karen, John, and I do not want this to be an ongoing struggle. Thank you.

796
797 Mr. Mackey - Thank you.

798
799 Mackey. Thornton - Thank you.

800
801 Mr. Mackey - Excuse me, sir. Are you also in opposition?

802
803 Mr. Harlan - Yes.

804
805 Mr. Mackey - Yes, okay. Go ahead.

806
807 Mr. Harlan - I'd like to speak not in opposition to the provisional use permit,
808 but with concerns about particular items. Primarily the sound. The noise.

809
810 My name is Will Harlan. I -- my wife and I live at 915 Kingsland Road. We've lived there
811 33 years. We have during the 33 years lived with the Lilly Pad in a previous version of
812 the Lilly Pad, which was a great part of the community and neighbor. Ours is agriculturally
813 zoned and it's a very rural, peaceful environment.

814
815 Since the improvements have been made that has changed. We cannot as well sit on
816 our porch and have a conversation without having to pause for spikes in the music and it
817 is not -- the process by which the improvements were made seemingly did not go through
818 the proper permitting, zoning ordinance consideration and what not, and as a result we
819 feel that a lot of our interest as existing landowners, adjacent land -- not immediately
820 adjacent, but landowners in close proximity, were not taken into account. And we hope
821 that the County through the standard permitting, and ordinance process will see to that.

822

823 The other thing is the provisional use permit that's being sought. We understand through
824 that the County has the legislative ability to allow or deny the outdoor music, which is
825 allowed -- is not currently allowed by the conditional use permit. We are not interested in
826 seeing the Lilly Pad suffer tremendously by any of our considerations but ask for their
827 consideration with regard to us and our use of our property.
828

829 We ask that by condition attached to the provisional use permit that the County limit the
830 number of days per week to three that outdoor music can take place, and limit it to 9:00
831 p.m. This is a restaurant, outdoor seating, ABC license. All that's great. The outdoor
832 music is sort of ancillary to those items. This is not a music venue or club. And we hope
833 that that allowance to use the outdoor music that way would support their business and
834 they would be successful. But we think that that would be a consideration to our -- to the
835 local folks. Thank you.
836

837 Mr. Mackey - All right, thank you, Mr. Harlan. Is there anyone else that was
838 in opposition or had some concerns with it? Okay, I misspoke earlier. The remaining
839 people that want to speak in favor of it, that comes off of the 10 minutes that you have,
840 Mr. Shewmake, so if you want to you can do your presentation or you can have them
841 speak first. Whichever way you prefer to do it.
842

843 Mr. Shewmake - Thank you, Mr. Mackey. I'll be very, very, very brief.
844

845 Mr. Mackey - Okay.
846

847 Mr. Shewmake - If that's the case. And we've talked earlier and we can answer
848 any questions.
849

850 Mr. Mackey - Yes, sir. I understand.
851

852 Mr. Shewmake - As it relates to -- can fast forward this. I'm William Shewmake.
853 I represent the applicant in this case. As it relates to the -- in terms of the sound, one of
854 the things we've done is worked very closely with the community and we engaged an
855 acoustical expert to do a sound study, as you know. Had people come out and actually
856 run it to ground to verify.
857

858 60 decibels is a normal voice as you're having a conversation. What they've agreed to
859 do as part of this case is to -- is to actually pay thousands of dollars for a sound limiter
860 that will monitor and keep the noise down as part of the amplification in addition to the
861 decibel level at the -- at the property line to help ensure that that decibel level is met.
862

863 As it relates to the -- as it relates to the buffer -- move forward to the site -- we believe
864 that 50 feet is more than appropriate. There's, certain places that it's already 50 feet. It's
865 heavily vegetated. And we believe in that case more than 50 feet is -- that's more than
866 sufficient. That's what the standard commercial standard is for 35 to 50 feet for
867 commercial next to agriculture or residential uses. I'd note that the Lilly Pad is something

868 like 945 feet away. So, we think 50 feet on this 200-foot-long boundary line is sufficient.
869 And we also think we ought to be able to have a fence. We think that that is appropriate.

870
871 I would also note that we have several speakers that I'll defer to. I'd like to reserve a little
872 time to address the issues. But at 60 decibels you're not going to hear it inside a house.
873 And this is a special jewel of an area that you're trying to maintain that atmosphere while
874 still minimizing impact. And so, this is a unique area. Anybody who supports this case,
875 I'd ask that you stand. Thank you.

876
877 And I -- at this time, I know that -- thank you. I know that Natalia Vargas, with the
878 Richmond Jeep and Richmond Latina Community, Aileen Rivera with the Route 5
879 Corridor. Andy Edmunds who's a neighbor and Director of the Virginia Film Office. And
880 Senator Joe Morrissey indicated they'd like to speak in favor of it.

881
882 Mr. Mackey - Okay, all right, thank you. Oh, did anyone have any questions
883 of Mr. Shewmake at this time?

884
885 Mr. Archer - I had one question.

886
887 Mr. Shewmake - I'll be glad to answer questions.

888
889 Mr. Archer - Of the people that stood, how many live adjacent to the -- to
890 the property?

891
892 Unknown Speaker - I live (indiscernible).

893
894 Unknown Speaker - Stone's throw away.

895
896 Unknown Speaker - We live in the marina.

897
898 Mr. Mackey - All right. Thank you. All right. Go ahead, Ms. Rivera.

899
900 Ms. Rivera - Good evening, Madam Chair and members of the
901 Commission. My name is Aileen Rivera. I live in 1200 Dotson Road, Henrico 23231. I'm
902 also a member of the Route 5 Corridor Coalition.

903
904 Just to give you a quick briefing of who we are, Route 5 Corridor Coalition is a group of
905 local, regional, and state organizations seeking to maximize the economic potential the
906 corridor area offers while ensuring the proper preservation and respectful development
907 to sustain it. We work to unite residents, landowners, and experts in tourism, agriculture,
908 and planning to achieve this goal.

909
910 The Route 5 Corridor Coalition stands in support of the Lilly Pad and asks that the Henrico
911 County and the Planning Commission do the same by approving their provisional use
912 permit. The Lilly Pad has gone above and beyond everything the County has required of
913 them. The Planning Commission needs to do their part and approve the PUP.

914
915 The Lilly Pad exemplifies the kind of business that we promote and support in our
916 community along Route 5. They define smart economic development by supporting local
917 farmers, providing jobs, contributes to the community, not just financially but as a
918 supporter in anything that brings innovation and growth. They have been a tremendous
919 influence in the tourism growth of our area.

920
921 They have brought a lot of PR to Varina and Route 5. Look at all the celebrities,
922 governors, legislators that attend the place. They are resilient -- they are a resilient, local
923 business that is inclusive of all. They have brought people from all races, backgrounds,
924 and generations. The younger generation that the County talks about bringing our way
925 is here. It also is a great place for families to have a meal and the kids have fun.

926
927 A strong diversified local business community is essential for any town to thrive. We have
928 here a successful entrepreneurship and a healthy local economic model. They have
929 brought tremendous revenues to the County. We are on board with supporting our local
930 businesses and especially the Lilly Pad.

931
932 We ask Henrico County get -- Commission -- Planning Commission to get on Board too
933 and support and embrace the Lilly Pad in everything that they need as they make our
934 County better by bring -- being a bright star business model. Much needed to complement
935 our end of the County. Please support our community by approving this provisional use
936 permit.

937
938 Mr. Mackey - All right, thank you.

939
940 Mrs. Thornton - Thank you.

941
942 Ms. Vargas - Good evening. My name is Natalia, and I am a leader for the
943 Latino community as well as the RVA Jeep community. I'd like to think we are all here --

944
945 Mr. Mackey - Excuse me, excuse me. You need to state your name and
946 your address.

947
948 Ms. Vargas - Natalia Vargas.

949
950 Mr. Mackey - And your -- and your address.

951
952 Ms. Vargas - 3819 Newbys Bridge Road, Chesterfield, Virginia.

953
954 Mr. Mackey - All right.

955
956 Ms. Vargas - I'd like to think we are all gathered here today with the same
957 motive, and that is to grant -- to be granted the required permit so Lilly Pad can continue
958 to operate as it has been. However, let's go ahead and address the elephant in the room.

959 Everyone here has their own biased opinions and agendas they want to meet, need to
960 meet, or have agreed to meet.

961
962 Truthfully speaking most of you walked into this meeting already having your mind made
963 up. As any good person -- as any good business-person knows, most investors walk into
964 a meeting looking for a reason not to do a deal but are open to being convinced otherwise.

965
966 So aside from the financial wealth that benefits this county in allowing the Lilly Pad to
967 proceed and the substantial taxes that were contributed towards the economy, the city,
968 and the State of Virginia. Let's not also forget the amount of jobs that were given during
969 a time when no one else was hiring and people were desperate to work and leave their
970 homes just to keep their mental health.

971
972 None of those things would have been possible without both the diversity the Lilly Pad
973 has created as well as the events that follow that diversity through music. Is the glass
974 half empty or half full? I believe that's a common question asked when trying to
975 understand the narrative in which a scenario is being viewed from. However, we all know
976 that perspective has two sides to it.

977
978 In this case, growth has come in an area where comfort in all ways is preferred, and
979 change isn't easily welcomed. Neighbors who are upset by the music and have every
980 right to be upset and right to exercise their rights to speak in a world today where we are
981 silenced. I assure you silencing those voices is not what we are trying to do. We are
982 simply trying to find a common ground where all parties can feel heard, understood, and
983 satisfied.

984
985 The opposing perspective is one in which isn't support of change, growth, and adding
986 diversity in a growing area. An area that shares a view and a little piece of RVA paradise
987 on the river that we all crave from time to time. A different view than the rest of RVA has
988 to offer. A place that for me has given me a little piece of home away from home, the
989 beautiful island of Puerto Rico. A place that loves salsa as much as I do and has taught
990 other communities to love it too. A place that has brought *cultura* to Richmond. Culture.
991 My culture.

992
993 Isn't that why we love it here so much? The diversity? The famous Gandhi once said,
994 "The nation's culture resides in the people's hearts and the soul of its people." I'd like to
995 take a moment to rewind back to COVID when it was first introduced to the world where
996 millions across the world all had the same worries, doubts, fears of what this tragic spread
997 would bring causing us to have -- to quarantine, be isolated, feeling alone, causing
998 depression, and severe mental health.

999
1000 Hope is what came -- hope is what kept most alive. I remember walking past the TV at
1001 work that displayed the news covering a story in Italy that was later the example set for
1002 the rest of the world to follow. And that was the hope through music. To think it all started
1003 with people on their balconies singing the national anthem.

1004

1005 When words fail, music speaks. Written by the unknown. The power behind music is
1006 medicinal. It has improved mental health. Music frequency is what unites us. What cures
1007 us, especially when we don't know how to communicate it.
1008

1009 So, when I am asked why salsa nights at the Lilly Pad matter so much, it's much deeper
1010 than just being another place that plays music. It's a place that offered what no one else
1011 wanted to offer during a time when it was desperately needed. I believe the Lilly Pad has
1012 met the biggest interest, most investors and -- seek, and that is the financial benefits. In
1013 addition, it is also offering what money cannot buy and a cure to a grand disease that isn't
1014 talked about enough -- and that is mental health -- through music.
1015

1016 So, I'll ask you again, is the glass half empty or half full? And before you answer that
1017 question, please keep in mind the perspective you choose to see it from determines where
1018 you choose to remove culture from or add to it. Thank you.
1019

1020 Mrs. Thornton - Thank you.
1021

1022 Mr. Mackey - All right.
1023

1024 Mr. Emerson - Madam Chair, just to give you an idea of where you are on
1025 time, Mr. Shewmake did ask to reserve some time. They've used nine minutes of their
1026 time, so they have less than one minute left.
1027

1028 Mrs. Thornton - Okay.
1029

1030 Mr. Mackey - All right, how many more people need -- everyone up here
1031 needs to speak? All right. I would just ask you to please be as brief as possible because
1032 we're about to go over the time limit.
1033

1034 Ms. Upshur - Okay, my name is Michaele Upshur. I live at 6440 Osborne
1035 Turnpike. I'll -- my husband -- excuse me -- my husband and his late partner of 40 years
1036 were the own -- were the owner of Kingsland Reach Marina prior to Max. And the County
1037 has stopped us in the past from doing many things down there that we try -- we tried to
1038 do, and that the community wanted, and the County wanted.
1039

1040 We are an older generation. The County has stopped an older generation from doing it.
1041 I'm asking that the County not stop the next generation, because this is something that
1042 everybody can be proud of. Max can handle the sound thing. If that's all it is, the sound
1043 can be handled.
1044

1045 As far as the improvements that were done there, and I know that Will Harlan had
1046 mentioned that they were on -- not aware of the improvements. The County was aware
1047 of what was going on down there. Max didn't hide anything. He did it and he cleaned it
1048 up in front of everybody. So, I'm asking that the County help Max.
1049

1050 He has to deal with other agencies as well. He has to deal with the EPA, Army Corps of
 1051 Engineers, Marine Resources, DEQ. There are many agencies that he has to deal with
 1052 and what he has tried to do is bring everything up to today's standards.
 1053
 1054 Tidewater has this, Portsmouth has it. There are only two marinas in Henrico County.
 1055 Max owns both of them. If anyone can do it, he can do it, but the County needs to help
 1056 him.
 1057
 1058 Mr. Mackey - Okay.
 1059
 1060 Ms. Upshur - I'm not saying that permits are not important.
 1061
 1062 Mr. Mackey - All right.
 1063
 1064 Ms. Upshur - I'm not saying that they need to be ignored. I'm just asking.
 1065
 1066 Mr. Mackey - All right.
 1067
 1068 Ms. Upshur - Because when I came in here it's proud of our progress,
 1069 excited about our future. If you're proud of the progress and excited about the future, try
 1070 not to stop it and help him.
 1071
 1072 Mr. Mackey - All right, thank you.
 1073
 1074 Mrs. Thornton - Thank you so much.
 1075
 1076 Mr. Mackey - Excuse me, sir. Excuse me for one second. We have four
 1077 speakers left. You need to decide which two of you want to speak and we'll give -- I will
 1078 be willing to give each one of them one minute. Just two -- just two speakers left.
 1079
 1080 Mrs. Thornton - Mr. Archer --
 1081
 1082 Mr. Edmunds - Thank you so much for your time. I'm Andy Edmunds. I live
 1083 at 9510 Osborne Turnpike. Lived there for about 30 years. And it's interesting hearing
 1084 the different points of view. And I totally believe my friends and neighbors, John and
 1085 Elizabeth, if they could hear it a little bit at their house, I understand that. If Will can hear
 1086 it.
 1087
 1088 But one man's annoyance apparently is another man's pleasure or added value. Because
 1089 sometimes I would sit on the back deck of my house, I would hear a little music. I never
 1090 heard noise. I would hear music every now and then and I kind of enjoyed it, you know.
 1091 It's not quite as loud as it was before, but I enjoyed it.
 1092
 1093 But I -- one thing I think we can all agree upon, that even with John and Elizabeth and
 1094 Will, that what Karen and Max and their family have done to turn this into a community
 1095 asset is really amazing. It really has been something to behold. And I think we could all

1096 agree to this little brief kind of a statement I wanted to say, a proclamation we could make
1097 on their behalf that everyone could get behind.

1098
1099 Whereas a global pandemic recently shut down many Henrico businesses, reducing
1100 revenues and eliminating jobs, and whereas during this crisis Henrico citizens had very
1101 limited options to dine out, socialize, and feel less isolated, and whereas the James River
1102 is a beautiful feature of Henrico County, worthy of promotion, and whereas the Lilly Pad,
1103 a destination on the James River, became a safe refuge for dining and socialization for
1104 our community during this difficult time, and whereas the Lilly Pad has brought global and
1105 positive attention to Henrico County and the James River as a result of visiting celebrity
1106 patrons. Now therefore be it resolved that all of us fans of Lilly -- of the Lilly Pad do hereby
1107 proclaim June 1, 2022, Lilly Pad Day in Henrico County.

1108
1109 Mr. Mackey - All right, Mr. Morrissey, Senator Morrissey will be the last
1110 speaker.

1111
1112 Mr. Morrissey - Good evening, Madam Chair, members of the Planning
1113 Commission. My name is Joe Morrissey and I'm here in my capacity as a longtime
1114 resident of Varina. I have a residence at 8700 Osborne Turnpike. I have been going
1115 down there for 30 years. Been going to the Lilly Pad or some iteration of it for the last 20
1116 years. On almost every weekend I'm down there with four of my young children and we're
1117 skiing and tubing and then we always go over to the Lilly Pad.

1118
1119 I just want to give you some flavor of what I see when I'm down there. One of the most
1120 well run, organized restaurants I've ever seen. The people that are -- that are visiting the
1121 Lilly Pad are people that enjoy that marina for fishing, they may be there for dance,
1122 dancing to salsa music, there may be tournaments that are down there. James River
1123 Cleanups. I've participated in a dozen of them, and they go there afterwards.

1124
1125 The -- if you were -- I'm not going to comment on the number of jobs and the hundreds of
1126 thousands of dollars in revenue, but consider this, in the next decade, Lilly Pad is likely
1127 to contribute almost \$2 1/2 to \$3,000,000 in tax revenue.

1128
1129 And if you want to discuss entrepreneurial spirit you would look at Max and his -- and his
1130 wife. He bought a dredge. Dredged that marina. He also dredged the outlet going into
1131 the James River so that other people that are boating there can have ingress and egress
1132 to the marina. He did that on his own and on his own dime.

1133
1134 I want you to consider the fact that local farmers supply their goods there. Every year the
1135 Christmas Boat Parade they're there to support it. Varina High School they are there to
1136 contribute and raise money for their athletic programs. The local fishing tournaments
1137 count on them. And, as I said, the James River Cleanups are always there.

1138
1139 If you wanted to look in the dictionary under the definition of entrepreneurial spirit, you'd
1140 see a picture of the Lilly Pad and Max there.

1142 So, what I'm asking you to consider is this. And I don't want to trespass on any more of
1143 your time. The people that are going down there are enjoying it. It's a very diverse group.
1144 And the fact of the matter is some of those loud boats or the people that play music on
1145 their boats are louder than the actual concerts that are being played there. And we're not
1146 talking about continual concerts, we're talking about a set.

1147
1148 I live right along the river. I am a neighbor. I've been supporting the Lilly Pad -- excuse
1149 me -- that marina for a long time and I hope that you will allow the provisional use permit
1150 that you will grant it and allow this gem in Eastern Henrico to continue. Thank you very
1151 much for your time.

1152
1153 Mr. Mackey - All right, thank you. Thank you.

1154
1155 Mrs. Thornton - Thank you.

1156
1157 Mr. Mackey - All right.

1158
1159 Mrs. Thornton - Okay, we've exceeded. It's 16 minutes, over 16 minutes, so -
1160 -

1161
1162 Mr. Mackey - Yes, yeah. You can close the public comments.

1163
1164 Mrs. Thornton - We'll -- we're going to close the public comments. Thank you
1165 all for coming and speaking. And now do you have a -- some more questions?

1166
1167 Mr. Mackey - I don't have any questions for Mr. Shewmake.

1168
1169 Mrs. Thornton - Thank you.

1170
1171 Mr. Mackey - Does anyone on this Commission have any questions?

1172
1173 Mrs. Thornton - I have one question. Under the hours of operation, you say
1174 Wednesday, you specify Wednesdays, Thursdays, Saturdays, Sundays. No outdoor
1175 music on Monday and Tuesdays?

1176
1177 Mr. Mackey - No. Just --

1178
1179 Mr. Shewmake - Yeah, we're closed on Monday and Tuesdays. The one thing
1180 I would note. It was our understanding, Madam Chair, that that wouldn't prevent the little
1181 house stereo. But I heard this afternoon that it's being interpreted that it wouldn't even
1182 allow the house stereo, which nobody complains of. We think we ought to be able to play
1183 the house stereo on the patio. But yes. We would say no active music, live music,
1184 anything like that on Tuesdays. Which is -- it's a change, but we wanted to work with the
1185 community.

1186
1187 Mrs. Thornton - Okay.

1188 Mr. Mackey - Madam Chair.
 1189
 1190
 1191 Mrs. Thornton - Yes.
 1192
 1193 Mr. Mackey - I don't -- I don't want to step on any toes or anything, but this
 1194 isn't like, you know, a rezoning case.
 1195
 1196 Mrs. Thornton - Right.
 1197
 1198 Mr. Mackey - Where he didn't present those conditions. These are the
 1199 conditions that we are putting on them.
 1200
 1201 Mrs. Thornton - Yes.
 1202
 1203 Mr. Mackey - If they want to go along with it. Those are the days that we
 1204 are allowing.
 1205
 1206 Mrs. Thornton - Yeah.
 1207
 1208 Mr. Mackey - We're -- it doesn't matter if they were open Monday or
 1209 Tuesday. We are allowing it --
 1210
 1211 Mrs. Thornton - I just wanted -- clarity.
 1212
 1213 Mr. Mackey - Yeah, exactly.
 1214
 1215 Mrs. Thornton - Just in case they decide to sell and then somebody else
 1216 comes along.
 1217
 1218 Mr. Mackey - Well, yes. It'll foll -- it will follow it. Yes, ma'am.
 1219
 1220 Mrs. Thornton - Okay.
 1221
 1222 Mr. Shewmake - My point was we -- and he talked to me, so we didn't object to
 1223 that. We didn't object.
 1224
 1225 Mrs. Thornton - Okay.
 1226
 1227 Mr. Mackey - Okay, all right. I don't have anything else. All right. Madam
 1228 Chair, I recommend approval of -- oh I -- first I'd like to thank staff for all the hard work
 1229 they did on it. I'd also like to thank Mr. Shewmake and Mr. Condlin for their input to help
 1230 staff come up and work with us so we could come up with these conditions.
 1231
 1232 I believe these conditions are fair for everyone involved. We took something from each
 1233 side, something that everybody asked for or didn't ask for, and we worked with it best we

1234 could. You're never going to make everybody happy 100 percent, but these are more
1235 than fair conditions.

1236
1237 Like I said earlier, this is not like a rezoning case where, you know, you come in, you put
1238 an application in, you present the Commission with, you know, some conditions that
1239 you're willing to do and everything. This is a provisional use permit that if the Board of
1240 Supervisors allows this to go forward, these are the conditions they give you and it's up
1241 to you to accept them if you want to continue to go forward like that. So that's why it's not
1242 really a negotiating, you know, point and everything.

1243
1244 So, having said that Madam Chair, I recommend approval of Provisional Use Permit
1245 PUP2022-00005 Foster's Reach, LLC with the recommended revised conditions dated
1246 May 12, 2022.

1247
1248 Mr. Witte - Second.

1249
1250 Mrs. Thornton - We have a motion by Mr. Mackey, a second by Mr. Witte. All
1251 in favor say aye.

1252
1253 The Commission - Aye.

1254
1255 Mrs. Thornton - All opposed? Motion passes. Okay.

1256
1257 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Witte the
1258 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1259 **grant** the request because the conditions should minimize the potential impacts on
1260 surrounding land uses and when properly regulated by the recommended conditions, it
1261 would not be detrimental to the public health, safety, welfare and values in the area.

1262
1263 Mr. Emerson - And just one point of clarification. One point of clarification for
1264 the group. The Board will hear this on the 14th of June. This is just a recommendation.
1265 I don't think they heard me, but -- hey, David. How are you?

1266
1267 Mr. Archer - What's next?

1268
1269 Mrs. Thornton - If you all could just proceed out. We've got a couple more
1270 cases to be heard. Thank you.

1271
1272 Mr. Emerson - Madam Chair, we now move on to the next item on your
1273 agenda which is PUP2022-00011 Amelia Wehunt for Justin Donaldson.

1274
1275 **PUP2022-00011 Amelia Wehunt for Justin Donaldson:** Request for a Provisional Use
1276 Permit under Sections 24-2306 and 24-3708 of Chapter 24 of the County Code to allow
1277 a multifamily residential development on Parcels 776-735-8125 and 777-735-0170
1278 located on the northeast line of W. Broad Street (U.S. Route 250) approximately 745' east
1279 of the intersection of Westmoreland Street. The existing zoning is M-1 Light Industrial

1280 District. The 2026 Comprehensive Plan recommends Heavy Industry. The site is in the
1281 Westwood Redevelopment Overlay District.

1282
1283 The staff report will be presented by Mr. Michael Morris.

1284
1285 Mrs. Thornton - Is there anybody in the audience or on Webex that would like
1286 to speak to this case?

1287
1288 Ms. Deemer - We've not heard from anyone for this case.

1289
1290 Mrs. Thornton - Okay, thank you.

1291
1292 Mr. Morris - Thank you, Madam Chair, members of the Commission.
1293 This is a request for a provisional use permit to allow the redevelopment of a vacant site
1294 with two multi-family residential buildings and parking garage. Located on West Broad
1295 Street between Westmoreland Street and Dabney Road, the M-1 zoned subject property
1296 is located within the Westwood Redevelopment Overlay District. With the approval of a
1297 provisional use permit, this District allows multifamily residential uses otherwise prohibited
1298 by underlying zoning, as well as flexibility in development standards, such as setbacks,
1299 height, and parking.

1300
1301 Adjacent properties to the northwest and southeast are zoned M-1 and developed as a
1302 furniture store and mini-storage facility, respectively. Properties to the northeast are
1303 zoned M-3 Heavy Industrial District and are the site of a one-story office/service
1304 development and warehouse. The City of Richmond is located to the south.

1305
1306 The 5.75-acre site consists of two parcels, with the larger of the two split between
1307 Richmond City and Henrico County, as shown on this overall site layout. And that
1308 jurisdiction line is right here. Two internal roads are shown running north from West Broad
1309 Street, intersecting a central road that could serve as cross access should adjacent
1310 properties be redeveloped.

1311
1312 The applicant is proposing a total of 340 residential units spread between two buildings.
1313 The concept plan, shown here, illustrates Building 1 with two east-facing courtyards and
1314 internal parking deck. The building is bisected by the Henrico-Richmond boundary and
1315 commercial uses would be located on the ground floor of the West Broad Street frontage.
1316 The 128-unit Building 2 would be located in the northern portion of the subject property,
1317 adjacent to the rear property line.

1318
1319 Elevations are consistent with similar developments in the County and show both
1320 buildings with varying amounts of cementitious and masonry exterior materials and
1321 balconies.

1322
1323 Conditions address building height, the master plan and elevations, cross-access,
1324 emergency services, prohibited uses, density, streetscape and sidewalks. Newly revised
1325 conditions passed out this evening include conditions that address the timeline of the

1326 project's approval and ensure the overall development's compliance with conditions of
1327 this request.

1328
1329 The Westwood Redevelopment Overlay District allows for modifications to parking
1330 requirements with a parking study prepared by a licensed engineer. The applicant has
1331 submitted a parking analysis, proposing a total of 412 parking spaces for the project,
1332 equating to 1.21 spaces per dwelling unit or .81 spaces per bedroom, both of which are
1333 comparable to parking calculations of similar approved developments and is consistent
1334 with the recommendations of the Westwood Overlay District.

1335
1336 Overall, the proposed master-planned development would be in keeping with the findings
1337 of the Westwood Area Study and stated purpose of the Westwood Redevelopment
1338 Overlay District. The submitted documents also indicate the proposed buildings and site
1339 development would provide a level of quality consistent with other recent developments
1340 in the county. For these reasons, staff believes this request would be reasonable and
1341 recommends it be approved, subject to the conditions dated May 12, 2022.

1342
1343 A virtual community meeting was held by the applicant on April 4, 2022, and this request
1344 was deferred by the applicant at the April 14, 2022, Planning Commission hearing.

1345
1346 This concludes my presentation. And I'm more than happy to try and answer any
1347 questions you may have at this time.

1348
1349 Mrs. Thornton - Thank you. Does anybody have any questions? Mr. Witte.

1350
1351 Mr. Witte - Would anybody like to hear from the applicant? I've been
1352 through it.

1353
1354 Mr. Baka - No, sir.

1355
1356 Mr. Witte - All right. Well, with that, Madam Chair, I'm going to make a
1357 comment here. A lot of time's gone into this, especially with Mr. Morris and Mr. Emerson,
1358 and staff. All the way up until 2:00 or so this afternoon we were still working on it. It
1359 appears that we have a very good provisional use permit with the 20 revised conditions
1360 that were revised this afternoon. Mr. Dobson and his attorney have been more than
1361 amicable in this process, and I appreciate it.

1362
1363 And with that, Madam Chair, I will recommend approval of Provisional Use Permit
1364 PUP2022-00011 Justin Donaldson with the revised conditions dated May 12, 2022.

1365
1366 Mr. Mackey - Second.

1367
1368 Mrs. Thornton - We have a motion by Mr. Witte, a second by Mr. Mackey. All
1369 in favor say aye.

1370
1371 The Commission - Aye.

1372
1373 Mrs. Thornton - All opposed? Motion passes.
1374

1375 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Mackey the
1376 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1377 **grant** the request because it would permit infill development with the proper connection
1378 for roads and other public facilities and the conditions will provide appropriate quality
1379 assurances not otherwise available.
1380

1381 Mr. Emerson - Madam Chair, we now move on to the next two cases as they
1382 are companion items. The first one is -- and these both appear on Page 2. The first case
1383 is REZ2022-00018. It is Andrew M. Condlin for Hampton Manor of Richmond, LLC.
1384

1385 **REZ2022-00018 Andrew M. Condlin for Hampton Manor of Richmond, LLC:** Request
1386 to conditionally rezone from R-5AC General Residence District (Conditional) to R-6C
1387 General Residence District (Conditional) Parcel 748-741-8046 containing 6.117 acres
1388 located at the southeast intersection of Patterson Avenue (State Route 6) and Maybeury
1389 Drive. The applicant proposes an assisted living facility. The R-6 District allows for
1390 multifamily dwellings at a density of 19.8 units per acre. The use will be controlled by
1391 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
1392 recommends Urban Residential, density should range from 3.4 to 6.8 units per acre.
1393

1394 And the companion case, Provisional Use Permit 2022-00014. Again, Mr. Condlin for
1395 Hampton Manor of Richmond, LLC.
1396

1397 **PUP2022-00014 Andrew M. Condlin for Hampton Manor of Richmond, LLC:** Request
1398 for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the
1399 County Code to allow an assisted living facility on Parcel 748-741-8046 located at the
1400 southeast intersection of Patterson Avenue (State Route 6) and Maybeury Drive. The
1401 existing zoning is R-5AC General Residence District (Conditional). R-6C General
1402 Residence District (Conditional) zoning is proposed with REZ2022-00018. The R-6
1403 District allows for multifamily dwellings at a density of 19.8 units per acre. The 2026
1404 Comprehensive Plan recommends Urban Residential, density should range from 3.4 to
1405 6.8 units per acre.
1406

1407 The rest of the description remains the same. The two presentations will be provided by
1408 Ms. Lisa Blankinship and, of course, at the end of those this will require separate action
1409 on each item by the Commission.
1410

1411 Mrs. Thornton - Okay, thank you. Is there anybody in the audience or on
1412 Webex that would like to speak to the case? Okay, great. Anybody on Webex?
1413

1414 Ms. Deemer - We have -- Ms. Chairman, we have someone with a comment.
1415 I don't know that they are in opposition or in support.
1416

1417 Mrs. Thornton - Okay, great. We'll get to them after the presentation. Thank
1418 you.

1419 Ms. Blankinship - Thank you, Madam Chair, members of the Commission.
1420

1421
1422 As Mr. Emerson stated, this request is comprised of two cases, a request to conditionally
1423 rezone approximately 6 acres from R-5AC to R-6C and a request for a provisional use
1424 permit to allow for an assisted living facility in the R-6 zoning district. Approval of the
1425 rezoning case would be required before consideration of the PUP.

1426
1427 Adjacent uses are a mixture of public and semi-public uses and a residential townhome
1428 development. To the south is Maybeury Elementary School, zoned R-3. Welbourne
1429 Methodist Church is located to the west and zoned R-2A. The Tuckahoe YMCA, zoned
1430 R-5, is to the east. To the north across Patterson Avenue is the Waterford Rhye
1431 development, zoned RTHC. Patterson Avenue is a divided four-lane road classified as a
1432 Major Arterial on the Major Thoroughfare Plan. Other developments in the general vicinity
1433 consists of a variety of residential uses, including single-family homes and multi-family
1434 apartments.

1435
1436 The proposed facility would include 63 assisted living units and 35 memory care units for
1437 a total of 98. The 80,000-square-foot structure would be limited to one story, not to
1438 exceed 25 feet in height. And building materials would be of brick, stone, cementitious
1439 siding or a combination thereof as seen here in this proffered exhibit.

1440
1441 Since the staff report, the applicant has submitted revised proffers and exhibits that have
1442 been provided to you this evening.

1443
1444 These proffers and exhibits provide further commitments including increased plantings
1445 along Patterson Avenue, stormwater retention, and signage.

1446
1447 The applicant held a community meeting on March 21st at Welbourne United Methodist
1448 Church. Several citizens attended in person and virtually. Many items were discussed
1449 including landscape buffers, construction, signage, and traffic.

1450
1451 The 2026 Comprehensive Plan recommends Urban Residential for the site. The
1452 proposed use is not entirely consistent with this recommendation; however, the proposed
1453 use could be appropriate given the surrounding uses including a public school, church,
1454 and an indoor recreation facility. In addition, assisted living facilities typically have
1455 reduced impacts on public facilities. In addition, the applicant has limited the building
1456 height and provided other commitments that should minimize impacts on the adjacent
1457 semi-public uses.

1458
1459 For these reasons, staff supports this request and believes the proposed use could be
1460 appropriate. In addition, staff also supports the provisional use permit request subject to
1461 the three conditions in the staff -- in the staff report. As a reminder, as Mr. Emerson stated

1462 earlier, time limits would need to be waived to accept the proffers that were received
1463 today, and this would have -- the rezoning would have to be voted on prior to the PUP.
1464
1465 This concludes my presentation. I'll be happy to answer any questions you may have.
1466
1467 Mrs. Thornton - Okay, great. Thank you so much. Mr. Baka?
1468
1469 Mr. Baka - I have questions for Ms. Blankinship. I believe you mentioned
1470 that the proposed building is about 80,000 square feet.
1471
1472 Ms. Blankinship - Yes, sir.
1473
1474 Mr. Baka - Pardon me. The proposed building was approximately 80,000
1475 square feet and about 98 rooms when you combine assisted living and memory care. So,
1476 if I round 98 to 100 quickly, about 180,000. So that's a -- correct me if I'm wrong, it's
1477 about 800 square feet per --
1478
1479 Ms. Blankinship - Correct.
1480
1481 Mr. Baka - -- per room. All right. So just to get a balance that this, you
1482 know, while these are rooms or units, they're not necessarily the size of a standard single-
1483 family home.
1484
1485 Ms. Blankinship - Yes, sir.
1486
1487 Mr. Baka - Second question. I guess that was more of a comment.
1488 Second question is this was rezoned -- there were plans for 30-some urban residential
1489 smaller lots about a dozen years ago. Is this request for a single-story assisted living
1490 building -- is this incompatible with -- entirely incompatible with today's comprehensive
1491 plan in your view?
1492
1493 Ms. Blankinship - It's not totally consistent, but I believe -- we believe it would be
1494 compatible with the existing surrounding uses like I mentioned, the church, the school,
1495 and the recreational facility. And so other semi-public uses. So, we believe it will be
1496 compatible.
1497
1498 Mr. Baka - Okay, thank you. No other questions of staff.
1499
1500 Mrs. Thornton - Okay.
1501
1502 Mr. Baka - Unless anyone else does.
1503
1504 Mrs. Thornton - I don't at this time. I might about the traffic. But.
1505
1506 Mr. Baka - There were three speakers in the audience and at least one
1507 online, I'm not sure. I'd like to ask, I'd guess, if folks that -- if there's anyone that may

1508 support the case could speak first and then anyone that's opposed to the case speak
1509 next. Is anyone here in support? Okay. And then, Mr. Conclin, I can reserve time for
1510 you after the other speakers in opposition. Good evening.

1511
1512 Ms. Marichak - Good evening. Thank you for the opportunity to speak with
1513 you this evening. My name is Katherine Marichak. I live at 1102 Waterford Rhye Drive
1514 in the Waterford Rhye Townhouse Association or community.

1515
1516 I'm here to -- here to speak on behalf of myself and some of my neighbors whose homes
1517 are located along Patterson Avenue so that they are really going to be -- felt that we were
1518 the most impacted immediately for this development.

1519
1520 After opportunities to attend the community meetings and meet with representatives at
1521 Hampton Manor, we want to express our support of this rezoning. The revised proffers
1522 addressed our concerns and -- that we thought would impact our homes or communities.
1523 So, we are definitely in favor.

1524
1525 Mr. Baka - Okay, thank you.

1526
1527 Mrs. Thornton - Good. Okay, great. Thank you.

1528
1529 Mr. Baka - Anyone else other than Mr. Conclin who I guess will speak
1530 later in support of the case? How many folks would like to speak in opposition? Okay.
1531 If one of you would head to the podium in the back. And I guess, as Mr. Emerson
1532 mentioned, we have a cumulative 10 minutes available. Yes, sir.

1533
1534 Mr. Grim - Thank you. My name's Mike Grim. I live at 9211 Venetian
1535 Way. And, full disclosure, I am the President of the Waterford Rhye/Westmoor Lake
1536 Maintenance Association, which owns the lake where the little -- where it says EPA.
1537 That's Upper Cabin Branch Pond.

1538
1539 I say if the project's approved, yay, because even more tax revenue. If it's not, I can still
1540 look at the beautiful pine trees. What I am very concerned about its another possible
1541 catastrophic event happening to Upper Cabin Branch Pond, which is just a block north of
1542 the proposed project and it's just out -- and the pond is just outside my back door.

1543
1544 The Virginia Department of Transportation and all of its abilities had a massive failure last
1545 August of erosion and sediment controls. And somewhere between 300 and 700 cubic
1546 yards of material flowed from their project at Patterson/Parham where the road -- turning
1547 lanes are being added and it took them weeks, them and their contractor, to get this under
1548 control. And we're still suffering the effects because nothing's been done to remove it.

1549
1550 VDOT didn't discover the problem. Who discovered the problem? An inspector with
1551 Henrico County's Erosion and Sediment Control Unit after a complaint was made with the
1552 Virginia Department of Environmental Quality. They issued a report on August 11, 2021,

1553 and it showed where VDOT's controls had failed. And it took VDOT and its contractors
1554 weeks -- weeks -- to get it under control.

1555
1556 I applaud Mr. Condlin for his listening to us previously, but all our suggestion -- not --
1557 many of our suggestions were accepted, but not all of them. And so, we would like to go
1558 back to the -- with the -- with the -- with staff and suggest that we have more stringent
1559 controls.

1560
1561 I urge the Planning Commission to require the most stringent environmental controls as
1562 we don't want -- as I don't want to fight this fight again. I'm doing one fight with VDOT. I
1563 don't want to fight Mr. Condlin. He's a nice guy. Thanks.

1564
1565 Mr. Baka - Understood, thank you.

1566
1567 Mrs. Thornton - That's on record, too.

1568
1569 Ms. O'Meara - Hello, my name is Colleen O'Meara. I reside in the
1570 Tuckahoe District. My address is 1121 Lakeland Circle. Tonight, I am representing a
1571 group of concerned community neighbors. This is an ad hoc group that folks with shared
1572 interests have opted into. We are the group who sent a letter to the Planning Commission
1573 earlier today.

1574
1575 All the people in our group are listed by name and carbon copied on the email. You have
1576 their names. I thought I might just summarize where they live, how they fit into the
1577 neighborhood. We have two people who live in the Westmoor Subdivision. We have four
1578 people who live in the Westmoor Subdivision and also are members of the Lake Owner's
1579 Association. We have three people who live in Waterford Rhye and are also members of
1580 the Lake Owner's Association. And we have eight people who are members of Waterford
1581 Rhye.

1582
1583 We currently number 17 people. We have many more people who are interested who
1584 have received our email. They wanted to read it. They wanted to opt in. They just didn't
1585 have time to read it. We didn't get it sent out to start getting signatures until 9:15 last
1586 night. We were slowed down a little bit because we didn't receive the final version of
1587 proffers and some final information from the County until yesterday.

1588
1589 I guess I understand there's a process where the proffers are finalized and then they
1590 make it through the County Attorney's review and then on to the Planning Commissioner's
1591 review and then we get them after that. And we received them from Linda Blankinship
1592 just as soon as they were available.

1593
1594 But it did slow our process down a little bit. And I think that we would have many more
1595 numbers. In fact, as I was walking in today, I was getting emails from people asking to
1596 add their name, that they approve the letter as written, in support.

1597
1598 We know that there were very many valid community concerns raised at the community
1599 meeting for REZ2022-00018. And we're -- we are not saying that those are not concerns

1600 to some of the members in our group, but they're not our focus. We have a very narrow
1601 focus. We're asking the Planning Commission to reject REZ2022-00018 and its
1602 associated PUP due to its inconsistency with the Henrico County 2026 Comprehensive
1603 Plan until such time as the impact of the proposed more intensive and commercial use is
1604 properly mitigated.

1605
1606 Our letter is very long, but our request is very streamlined. We're focused on two main
1607 areas. You can see in our letter that we talk in the beginning about the Comprehensive
1608 Plan calling for an urban residential land use classification with a density of 3.4 to 6.8
1609 units per acre.

1610
1611 You know, zoning is about segregating different types of land use, and the
1612 Comprehensive Plan, the 2026 Comprehensive Plan called for Urban Residential right
1613 across from Waterford Rhye Townhomes, which also has a land use classification of
1614 Urban Residential. The Planning Department's own staff report states that the rezoning
1615 request is inconsistent with the comprehensive plan. The proposal calls for changing
1616 from a residential use, household living; to a commercial use, a healthcare facility.
1617 They're also requesting to far exceed the comprehensive plans upper density limit of 6.8
1618 units per acre and instead request a density of 16 units per acre.

1619
1620 Our group is asking that the Planning Commission will reinforce the purpose of the
1621 Henrico County Planning Ordinance and that purpose is to ensure all development within
1622 the County's jurisdiction is consistent with the goals and policies of the adopted
1623 comprehensive plan.

1624
1625 We also direct your attention toward one keystone policy and three general development
1626 policies in Chapter 5 Land Use of Henrico County Vision 2026. Keystone Policy number
1627 4 says, "Avoid encroachment of nonresidential uses into residential areas. Use
1628 transitional uses, open space, creative site configurations to buffer and reduce the impact
1629 of nonresidential uses in residential areas."

1630
1631 General Policy number 2, "Encourage the design of new development to be compatible
1632 with and complementary to existing land uses. Incompatible uses should not be closely
1633 located. Site design and buffering should be used to the maximum extent feasible."

1634
1635 We point your attention to General Development Policy number 8 concerning
1636 environmental quality protection measures and to General Policy -- General Development
1637 Policy number 10 which says, "To ensure that individual developments ultimately function
1638 together as an integrated system."

1639
1640 Our community neighbors are asking you to reject the rezoning application due to its
1641 inconsistency with the Henrico County 2026 Comprehensive Plan until such time as the
1642 impact of the proposed more intensive land use is properly mitigated. We put forward
1643 two items as currently needing mitigation.

1644

1645 The current site configuration and the proposed 10-foot landscape buffer does not
1646 adequately screen the residential area across the street from the commercial activities
1647 proposed in the rezoning application, The assisted living facility as proposed will introduce
1648 a constant stream of commercial deliveries. They're going to be feeding three -- people
1649 meals three times a day. They're going to have deliveries of food and sundries associated
1650 with daily living requirements of 98 residents. The facility will generate commercial levels
1651 of trash with a corresponding commercial trash dumpster and commercial frequency for
1652 trash pick-ups.

1653
1654 There will be constant level of commercial traffic associated with occupant turnover at the
1655 facility. The average length of stay in an assisted living facility is 22 months, so they will
1656 be constantly selling their services with tours to new customers.

1657
1658 The lighting in the parking lot and on the canopied entrance which will extend above the
1659 allowed 25-foot height, are of particular concern to residential neighbors with the meager
1660 buffering that's currently proposed.

1661
1662 The proposed development is a healthcare facility and the site layout shared at the
1663 community meeting has a driveway reserved for emergency vehicles along almost all of
1664 the frontage with Patterson Avenue. This is a major concern to residents whose
1665 townhomes back up to Patterson across the street. Our neighborhood knows from
1666 experience that the ambulances always arrive with a companion fire truck and even if
1667 they arrive without the sirens blaring, they always keep the lights flashing and the vehicles
1668 running. These are large vehicles that can be heard at significant distances.

1669
1670 When neighbors shared these concerns with Andy Conclin, they were told that the words
1671 identifying this lane as a reserved emergency vehicle lane could be removed from the
1672 written plan, but no actual change would be made to the site layout.

1673
1674 Mr. Baka - Ms. O'Meara, if I may, we're at 10 minutes. I just wanted to
1675 ask if you could give us a summary of your comments in the next two minutes and allow
1676 time for the other speaker. Thank you.

1677
1678 Ms. O'Meara - Sure.

1679
1680 Mr. Baka - Thank you so much.

1681
1682 Ms. O'Meara - There is two areas that we're focusing on. The first is the
1683 buffering so that the folks whose townhomes back up to Patterson Avenue are not looking
1684 out at the commercial lighting, it's not lighting up their homes, and the commercial
1685 activities, and that they aren't disturbed by ambulance and fire truck traffic.

1686
1687 We, in our letter, point to other buffering that's in the neighborhood that is significantly
1688 more. It's a 50-foot landscape buffers at Grayson Hill Townhome. We also point to other
1689 assisted living facilities that have a 50-foot landscape buffer. We point to Manorhouse
1690 Assisted Living. And by comparison, the proposal is -- does not even match Waterford

1691 Rhye right across the street which has a requirement of a 25-foot buffer -- landscape
1692 buffer.

1693
1694 We also are very concerned, the second item, the scale of the construction site is orders
1695 of magnitude greater than the scale of construction site for 30 zero lot line homes. And
1696 we think despite the developer's best efforts, that project sediment is going to end up in
1697 the lake. And when that happens, it will impact a vital resource for the entire
1698 neighborhood. Right now, it's a volunteer group, a laker's association, that takes care of
1699 the lake.

1700
1701 Mr. Baka - Correct.

1702
1703 Ms. O'Meara - And they are looking for assurances. Not a proffer, but
1704 something that would ask the new developer, the new neighbor who's proposing rezoning,
1705 to be a good neighbor. That if they've put something that damages the lake in place that
1706 they'll assume financial responsibility for correcting the problem.

1707
1708 Mr. Baka - Okay.

1709
1710 Ms. O'Meara - That the person who causes the problem would bear the cost
1711 of repairing that. And those are the two items that we had hoped. There's more
1712 information. We hope you will read our letter.

1713
1714 Mr. Baka - Thank you. Yes. Thank you.

1715
1716 Mrs. Thornton - Thank you.

1717
1718 Mr. Baka - Madam Chair, I believe we have one speaker online. Correct?

1719
1720 Mr. Emerson - Madam Chair, we're also at 13, almost 14 minutes at this
1721 point.

1722
1723 Mrs. Thornton - Okay, Ms. Deemer, can you unmute the person online?

1724
1725 Ms. Deemer - Yes.

1726
1727 Mrs. Thornton - Okay.

1728
1729 Ms. Deemer - Madam Chair, the speaker is Gwynn Newman, and they are
1730 now unmuted.

1731
1732 Mrs. Thornton - Okay, we're over our time limit, so if you could just, like, one
1733 minute --

1734
1735 Ms. Newman - Sure, not a problem.

1736
1737 Mrs. Thornton - Okay, thank you.

1738
1739 Ms. Newman - My name's Gwynn Newman. I live at the corner of Patterson
1740 and Maybeury. I'd like to support Colleen, but I'd also like the commercial development.
1741 And I'm not pro or against it, I'm just very concerned about the traffic on Patterson Avenue,
1742 the noise. I'm wondering if there's -- could be any modification whether it's to the fencing
1743 on -- could there be allowances for Waterford Rhye to have a greater barrier of some sort,
1744 because the traffic is already unbearable as it is regardless of what goes in across the
1745 street. So, thank you for listening to this.
1746
1747 I feel it's unsafe. We've got people crossing the street to go to the Y. You know. I would
1748 never just cross that Patterson Avenue. The traffic is whizzing by. Zooming by. You
1749 know.
1750
1751 If there's stuff that can be done to slow the traffic and to provide some kind of fencing or
1752 vegetation or, you know, it'd be lovely to have a large buffer, as Colleen was talking about,
1753 to provide us with some, I don't know, I want to say safety from the traffic on Patterson.
1754 Thank you very much.
1755
1756 Mr. Baka - Thank you. Mr. Condlin, we reserved time for the applicant in
1757 support of the case.
1758
1759 Mr. Emerson - Mr. Baka, the applicant gets an additional 10 minutes.
1760
1761 Mr. Condlin - Ms. Blankinship, would you mind putting the concept plan up?
1762 That'd be all right. Madam Chair, members of the Commission, my name is Andy Condlin
1763 here on behalf of Hampton Manor.
1764
1765 I have a couple folks here to help answer questions as need be. I did want to say, and I
1766 really do appreciate everyone's time. We've had over a dozen community meetings both
1767 for large-scale one and the individual community meetings. Including one that got
1768 canceled because of the power was out at the church at one time when we were going to
1769 have a large-scale community meeting.
1770
1771 But really appreciate the time. And as Katherine had spoken on behalf of the folks at --
1772 on the other side of Waterford Rhye spend a lot of time with them, because they're the
1773 most affected. And really tried to tailor the proffer specifically not only to the concerns
1774 from the previous case, but also to concerns with this -- any development. I was just
1775 going to touch upon. I'm happy to go over the case. Happy to go over any of the proffers
1776 that you have questions. I was going to just touch upon some of the comments that were
1777 made starting with the traffic.
1778
1779 For those that know the area, in Maybeury, when people pull up from Maybeury onto
1780 Patterson Avenue it's just one lane. So, if someone's taking a right, they block everybody
1781 out past the elementary school. Part of the improvements that we're making is adding a
1782 dedicated right turn lane.

1784 In addition, the previous case with the 30 homes only had one access point off of
1785 Maybeury, we're actually providing a second access point, as you can see, on the right
1786 side of your screen off of what's a shared driveway to make it to the YMCA. Again, trying
1787 to disperse the traffic so that it gets off of Maybeury, which is a more residential property.
1788 We're also making other road improvements including for the timing of the light, sidewalks
1789 on both Maybeury and Patterson Avenue, and also crosswalks are going to be required
1790 as part of VDOT improvement -- the improvements that're required by VDOT.

1791
1792 Mr. Baka - Can you explain what you mean by the crosswalks, you know,
1793 in more detail?

1794
1795 Mr. Condlin - Both across Maybeury, but more importantly across Patterson
1796 Avenue, in conjunction with the lighting and timing of the lights. Any time you do
1797 improvements, you have to change the light timing. But, also, you're going to have to put
1798 in with the sidewalks the crosswalk improvements as well. We're obviously not doing
1799 sidewalks beyond our property line, but we have to start somewhere. And a lot of folks
1800 actually, amazingly, still walk along Patterson Avenue.

1801
1802 Mr. Baka - Thanks.

1803
1804 Mr. Condlin - I do want to comment, one thing, on behalf of the folks that
1805 supported the case. I committed I would. We deleted proffer 13 with respect to the
1806 lighting despite our best intentions as to the height of the lighting, Ms. Blankinship
1807 informed me we were just quoting code, the new code that came in September. Like to
1808 think I know the code, but I don't have any close knowledge of the code. We deleted that
1809 proffer only because it's already required by the code. So, I just wanted to make that
1810 comment that we are committed to the height of the lights as we've provided for otherwise,
1811 but that's why they're not in the proffers themselves.

1812
1813 I did want to speak also with respect to the Comprehensive Plan, obviously a guide,
1814 obviously it takes a look at a lot of different factors but includes where this property is
1815 located next to an elementary school, across from a -- the street from a church, and next
1816 to the YMCA. This is a use that I think is consistent with that.

1817
1818 I'm not going to opine as to the 30 single-family homes that were there from a -- from the
1819 previous case, but when we talk about density, one of the things that we're concerned
1820 about with the Comprehensive Plan is the impact. This is an assisted living facility, one
1821 story. From an operational standpoint it's an incredibly quiet use. And, yes, we will have
1822 deliveries as does single-family homes, as does any business, as does any residence,
1823 versus the 30 homes with the back yards.

1824
1825 And with respect to construction, this site would have to be graded based on the topo
1826 regardless of the type of use. Would be graded completely from the standpoint of other
1827 than the -- from the buffering that we -- we'll talk about in a second.

1828

1829 With respect to the buffer itself the folks that were most concerned were the ones across
1830 Patterson Avenue. We've taken the 10-foot buffer that was otherwise required next to
1831 Patterson Avenue, which is a 110-foot-wide divided roadway with four lanes total with turn
1832 lanes. It's obviously a very busy roadway. And we've enhanced that based on the
1833 proffers. We can't fit in a full 25-foot transitional buffer within that 10 foot because of the
1834 power lines. But we've amended that to be able to have the same number of trees, just
1835 shorter because of the power lines, from that standpoint.
1836

1837 And I would suggest that those are most affected I've spoken to, like Katherine,) do
1838 support this case. Because we have worked with them specifically to provide for
1839 protection of their homes.
1840

1841 I will leave one clarification with respect to the emergency access which is along Patterson
1842 Avenue. And my fault for not better explaining it. That was labeled as emergency access.
1843 The concern was that there was going to be access to Patterson Avenue. There is no
1844 access to Patterson Avenue. It's only on the YMCA entrance and on Maybeury. So, we
1845 took off that label of emergency access.
1846

1847 We're required by fire code to have 360-degree access for emergency vehicles. Whether
1848 they be fire or safety, otherwise for ambulances. They have to be able to go around the
1849 entirety of the building itself for fire access.
1850

1851 Henrico County on average, for these type of facilities, average two calls per month or
1852 just it's slightly over two calls per month. We don't think that's burdensome to the area.
1853 This is actually a smaller facility than is typical. We expect to have fewer calls than that
1854 with respect to that.
1855

1856 And, finally, I do want to address the environmental issues. Obviously, stormwater is very
1857 important and even more so here. Hampton Manor recognizes that, has been very
1858 careful, and wants to be able to be a good neighbor and do -- does want to commit. We
1859 did receive the dozen comments that we received from the Lake Association. We believe
1860 through the proffers, particularly proffer number 5, we responded to almost all of them but
1861 for getting access to the site and getting reports specifically to the -- to the association.
1862

1863 We obviously from a liability standpoint do not want folks that are not part of the
1864 construction on the construction site. Obviously County inspectors will come on from that
1865 standpoint. We've provided for, I think, a significant number of best management
1866 practices, but also from a stormwater and environmental practices that were requested
1867 by the association, and we've complied with and put those in the proffers.
1868

1869 There's a few things that we can't obviously. Making payment to a -- to a private institution
1870 or a private entity can't be placed within the -- within the proffers themselves. We provided
1871 -- based on discussion with Mr. Emerson as a Director -- we had provided originally in the
1872 proffers that there is a forebay which is a stormwater facility that collects.
1873

1874 This particular area, in general terms, is about 400 acres that drains to these areas. Many
1875 of these are sheet flowing because they preceded the Chesapeake Bay Act. We
1876 obviously have to comply with all Federal and State regulations. We actually have to pick
1877 up a lot of that stormwater that's already sheet flowing onto the site and collect it and
1878 make sure that it's held and from a quantity and quality standpoint to be equal or better
1879 than predevelopment rate. That's required. That's what's done in every POD. That's
1880 required in every development.

1881
1882 We're providing for enhanced BMP measures. We're providing for enhanced silt fencing
1883 on the site itself. I go above and beyond even the existing case. We think that makes it
1884 better for the area. And we are going to have to collect the water and then release it at
1885 better than predevelopment rates for both quality and quantity.

1886
1887 In addition to that, that forebay that we're talking about, we're not even hooking up to that.
1888 But that's a collection facility that needs to be cleaned out. The silt that comes from that
1889 goes into these lakes. And we've committed, even though we're not touching it ourselves
1890 from the stormwater facilities, to help clean out and we're going to pay -- and we thought
1891 it was a county facility -- for up to \$15,000 was the estimate to be able to clean that out.
1892 So, we've taken that out, we've committed to make that to the Association. We know that
1893 this is not the only answer, but we feel like with the construction and this payment, that
1894 ultimately that'll help with that.

1895
1896 If we're responsible for any impact and any negative impact with respect to the lakes for
1897 causing any damage, obviously that's a responsibility that we have to -- have to adhere
1898 to. That's going to be enforced by the County. And it's also a liability claim that we, you
1899 know, from a construction standpoint that if we cause any of those, that we need to be
1900 able to clean those up.

1901
1902 I'm not sure what other commitment we can make beyond that point. I think we've met
1903 that with all the proffers and the commitment we've made otherwise here publicly and in
1904 our letters.

1905
1906 With that, I'll be happy to answer any question.

1907
1908 Mr. Baka - Mr. Condlin, first of all I appreciate your comments. At 6:00
1909 tonight the Planning Commission held a work session and we reviewed survey results
1910 from a recent public survey in the County. And the number one concern for planning-
1911 related services that additional resources are wanted by many of the citizens was
1912 protecting environmental quality in the County.

1913
1914 I mean, when I hear the residents in Waterford Rhye and Lakeland Circle talk about this
1915 and I hear what Mr. Grim said about the road situation or the road construction, and I
1916 understand that's -- Mrs. O'Bannon's aware of that and it's to be fixed, to be repaired to -
1917 - in process. The biggest question I think residents want some assurances are, are can
1918 you assure us that your development will not cause additional damage to their lake. And
1919 if it does, what happens? What do you do?

1920
1921 Mr. Condlin - Sure. If because of the construction or the operation of this
1922 facility -- and that's why we put in the proffers these enhanced stormwater retention
1923 provisions that were requested by the Association and that are consistent -- I've forgotten
1924 the name of the other case that's on Parham and Derbyshire.
1925
1926 Mr. Baka - Anthology.
1927
1928 Mr. Condlin - Yes, Anthology. Consistent with those case -- that case as
1929 well. So, we've tried to follow a lot of those standards and place those within the proffers.
1930 But to answer your question specifically, obviously if because of the construction and the
1931 -- and even despite the enhanced measures -- that there is damage to the lake that is
1932 caused by this. Then, yes, this developer would be responsible. That's the law and that's
1933 the right thing to do. And they've committed to do that as well.
1934
1935 Obviously, we don't anticipate. We've got good engineers. We've got construction
1936 manager that's done many of these in this -- in the past. Things do happen. If they're
1937 responsible for it, they will take responsibility for it and do what's necessary to correct that
1938 issue.
1939
1940 Mr. Baka - If the residents have a concern during the construction phase
1941 of the process, whose phone number should they call?
1942
1943 Mr. Condlin - Well, they've got my number and they don't want to have to
1944 pay me to help the -- track anybody down. But we got actually the construction manager,
1945 Mike, I've forgotten your last name.
1946
1947 Mr. Baka - Okay.
1948
1949 Mr. Condlin - But when we've met with the neighbors with him before, he's
1950 handed out his card. He'll do that as well. He'll be on site. We've talked about phasing
1951 the construction and how the construction will be done specifically to help protect the
1952 neighbors that are immediately across the street. Same with the stormwater.
1953
1954 We haven't had the chance, really, to sit down and talk with a lot of the folks from the
1955 Lake Association but, you know, you have his number, and he can provide his number
1956 as well to the -- to those members as well.
1957
1958 Mr. Baka - Okay, I don't have any other questions of Mr. Condlin. But I
1959 do have, in a minute, I have some questions for Public Works. Does anyone else have
1960 questions for --
1961
1962 Mrs. Thornton - Mr. Baka, there's a lady in the audience that would like to say
1963 -- not both, one. Would you allow her, or we closed public comment? She -- I think it's
1964 about the HOA, from what I gathered. Would you allow her to speak?
1965

1966 Ms. Motley It's --
1967
1968 Mr. Baka - Yes. Would one of you please go to the podium in the back
1969 for a minute?
1970
1971 Mrs. Thornton - One of you in the back.
1972
1973 Ms. Motley - Sure.
1974
1975 Mr. Baka - Thank you. We appreciate your --
1976
1977 Ms. Motley - Thank you for your exception. My name is Beth Motley and I
1978 live at 9209 Venetian Way. And I am on the Lake Board. I think you'll find my name
1979 attached to the letter that you received today.
1980
1981 Mr. Baka - Yes.
1982
1983 Ms. Motley - And, yes, Mr. Condlin you did bring in a number of our proffers
1984 that we are happy about. However, the proffer that was re -- withdrawn today for cleaning
1985 out the forebay and was placed -- was suggested that the Lake Association would be
1986 given the funds to do it. We don't own the Forebay. It's not our property to have access
1987 to, to clean. Which is what I responded back to you this afternoon once I got that email
1988 about quarter to 4:00 today. So, I don't know where we stand with the forebay.
1989
1990 Mr. Baka - Okay.
1991
1992 Ms. Motley - We appreciate that offer. It needs to be done. But I don't
1993 know who owns it. What you're saying about taking responsibility for damages is the first
1994 I've heard of this today. And I've been fighting this since the first meeting that was virtual.
1995 And if there have been 12 meetings, I've only been aware of 2. Okay. And I've been at
1996 both of those. So, I appreciate your time. We're very concerned. As Mike blatantly
1997 stated, the 700 cubic yards of project sediment is sitting in my back yard. I don't want
1998 anybody to have to have that in their back yard.
1999
2000 Mr. Baka - Understood.
2001
2002 Ms. Motley - This is a community asset, and it should be protected. We're
2003 a tributary to the Chesapeake Bay and we should be protected.
2004
2005 Mr. Baka - Thank you.
2006
2007 Ms. Motley - So thank you.
2008
2009 Mr. Baka - Thank you.
2010
2011 Mrs. Thornton - Thank you.

2012
2013 Mr. Baka - I'll take care of that comment by saying that that money which
2014 is not in a specific proffer because there's not any proffer that the County is in a position
2015 to accept, that money should go to the owner. And we can determine who the owner is
2016 after such time after tonight.
2017
2018 Mr. Condlin - I can make the commitment that -- we've already made the
2019 commitment that we think it's going to take about \$15,000 to clean. But that was the --
2020 that was the -- that's actually exceeds what we think is the estimate. Nobody seems to
2021 want to take ownership of it. It was built by, I think, the --
2022
2023 Mr. Baka - Somebody owns it.
2024
2025 Mr. Condlin - Somebody has responsibility. We can't necessarily access it.
2026 And I understand the Association. We'll put the \$15,000. We'll make the commitment.
2027 We'll figure that out between now and the Board, if that's the case, to be able to make
2028 that come in to make that --
2029
2030 Mr. Baka - Okay, so, I hear a couple things. I hear concern to be
2031 extremely conscientious about their environmental concerns going to this lake. I hear a
2032 commitment, which is not a proffer, a commitment going to whoever the owner is to help
2033 clean that out.
2034
2035 Mr. Condlin - Yes, sir.
2036
2037 Mr. Baka - And then I also have a question for Mr. Young of Public Works
2038 dealing with the drainage if I could make a transition. Mr. Young, could I call you to the
2039 stand? Mr. Grim, if you could bear with me for just a minute. I've -- we had a chance --
2040 and Mr. Grim appreciate the testimony you gave about the VDOT. I know that's in process
2041 to be worked out. But I don't want to penalize a current applicant for what VDOT in the
2042 past.
2043
2044 Mr. Young, thank you for being here tonight. And would you -- would you state your name
2045 and position for the record?
2046
2047 Mr. Young - Good evening, Madam Chair, and Mr. -- and Commission. My
2048 name is Doug Young. I am an Engineer 2 with the Department of Public Works.
2049
2050 Mr. Baka - Okay, and we had the opportunity couple days ago to sit down
2051 with Mr. Young and walk through -- there was a list of 12 concerns that Ms. Motley had
2052 sent in and -- around April 2nd or so. On those concerns one of them was to place the
2053 stormwater management underground and that was agreed to.
2054
2055 Mr. Young - Correct.
2056

2057 Mr. Baka - Number 2 dealt with stormwater retention facilities designed
2058 to exceed the legally required volume by 20 percent. Can you talk a little bit about that?
2059 Is that -- is that a common practice, or is this something unusual you don't see very often
2060 here?
2061
2062 Mr. Young - Yeah, that additional 20 percent runoff volume is for the
2063 construction facility, not the permanent facility. So, what that means is when the area is
2064 denuded it will be able to accept more volume of sediment than the law legally requires a
2065 construction -- a constructed sediment trap to absorb.
2066
2067 Mr. Baka - Okay, and to my knowledge that's not something very typical.
2068 I've only heard of that on one other project in the County, are there others?
2069
2070 Mr. Young - That is correct. I have never seen it myself.
2071
2072 Mr. Baka - You've never seen it. Okay. Some of the other questions
2073 dealt with the use of silt -- super silt fencing. We talked about per the E&S book that was
2074 noted is a standard depth of 18 inches.
2075
2076 Number 4, EPA practices. Best management practices were agreed to. Five, the E&S
2077 handbook governs the additional information about silt fence. How often are these
2078 inspections required to be done? Every how many business days for E&S inspections?
2079
2080 Mr. Young - So Henrico County policy is -- gives two options for inspection
2081 and the operator chooses which one. It's going to be at least every four business days
2082 or at least once every five business days and no later than 48 hours following any
2083 measurable storm event.
2084
2085 Mr. Baka - Okay, 6 we talked about sediment being removed from the
2086 trap. Seven also is addressed by the stormwater erosion handbook. Eight through 12 on
2087 the concerns by Ms. Motley had requested -- looked at the topic of inspections. Can you
2088 explain how inspections are done, or who does those inspections during a construction
2089 phase of the project? Who typically does the E&S?
2090
2091 Mr. Young - So, E&S is usually installed by the construction operator. And
2092 they will have their own inspectors who will generally follow the Virginia Erosion and
2093 Sediment Control Handbook. At the same time, Henrico County has inspectors who we
2094 send out to follow up and make sure that erosion and sediment control laws are being
2095 followed.
2096
2097 Mr. Baka - And that involves inspections of stormwater management
2098 also?
2099
2100 Mr. Young - That is correct.
2101
2102 Mr. Baka - Okay. So, it is --
2103

2104 Mr. Young - And that is during the lifetime of the construction that we do
2105 the inspections.
2106

2107 Mr. Baka - During the lifetime of the construction until project closeout.
2108

2109 Mr. Young - Correct.
2110

2111 Mr. Baka - So, in addition to talking to the site superintendent, which is
2112 excellent to have a direct linkage to the primary source, residents also have the
2113 opportunity to contact a stormwater management inspector? Is that the correct term?
2114

2115 Mr. Young - That is correct. They could contact anyone in DPW, and they
2116 would be routed to the inspector. We have -- we all kind of know each other. If they call
2117 me, I will get them to the inspector.
2118

2119 Mr. Baka - Okay, I want to appreciate -- I would say I appreciate you
2120 taking the time to kind of walk through some of those questions and concerns. Does
2121 anyone on the Commission have any questions for Mr. Young? Thank you.
2122

2123 Mr. Young - All right, thank you.
2124

2125 Mr. Baka - Let's see. The main concerns that I've heard tonight are, you
2126 know, don't silt up our lake. Which is extremely important for the environmental quality of
2127 the area. Is there a violation of the Comprehensive Plan if this case is approved? What
2128 about the question of, well it's a permitted use by right or it's allowed by a Provisional Use
2129 Permit? And then the inspection process, fourthly, that Mr. Young just covered.
2130

2131 And I appreciate very much Ms. Motley in the letter that you sent. You expressed it and
2132 I did read through it, and I have it here. Especially the emphasis of it -- we have volunteer
2133 -- you all have volunteers taking care of this lake and it's also -- often -- many volunteer
2134 organizations, as you know, can be a fragile coalition to hold together to get people
2135 motivated to help make it a better -- make the neighborhood a better place and be
2136 involved to do that.
2137

2138 With the -- with the process of the concerns that both Ms. Motley and Ms. O'Meara and
2139 others had mentioned, I think the -- at this -- at this stage I think the applicant has
2140 adequately addressed concerns about stormwater management and erosion and
2141 sediment control. First of all, we have an underground facility. If we had 30 homes on
2142 site you'd have construction at 30 different times with 30 different realtors, no pun
2143 intended, 30 different real -- 30 different construction times. The construction phase
2144 would often last much longer than a year, year and a quarter or so, year and a half to
2145 build. And you'd hear continual construction noise for, I would say, a longer time frame.
2146

2147 As far as don't silting up the lake. When we have an underground facility that Mr. Young
2148 described, we also have certain intervals to clean that trap out, get the sediment out, and
2149 get assurances to the community that their development project's not causing an adverse
2150 impact on your lake.

2151
2152 Mr. Condlin mentioned the commitment, which is to the owner of the forebay, and we can
2153 address that. If there are any runoff problems from this into the lake, I anticipate that
2154 you'll be hearing about it, Mr. Young, or you'll be hearing about it, sir, right away. And I
2155 want to encourage and ask you all to stay very involved in the process and be involved
2156 with that.

2157
2158 As far as the inspections or who does the inspections, the appropriate folks are going to
2159 be EPA inspectors or, I'm sorry, DPW inspectors, soil erosion and stormwater that is --
2160 that is -- that's where that authority rests and the best -- the best approach for it.

2161
2162 There was a question earlier about is there a violation in the comprehensive plan as we
2163 approve this. We heard from Lisa Blankinship earlier that staff did not see that this was
2164 in breaking with the -- with the comprehensive plan or -- sorry. There was a comment
2165 earlier that the staff's report might say that this request is inconsistent with the
2166 comprehensive plan. I didn't find that entirely accurate. Or what I'm reading the staff
2167 wrote is that this request -- while this request is not entirely consistent with a -- with this
2168 designation the proposed use at this location could be appropriate.

2169
2170 I think you've got a use here it's single-story. You've got assisted living and memory care.
2171 You don't have a two-story use, which is what I thought the first application was. We're
2172 glad to see that this single-story option. I think it's -- clearly, we can agree it's not the
2173 same. It's not exactly the same as 30 single-family homes to be built at all different times.
2174 But it is not inconsistent. It's still similar. It's not the same, but it's similar to the type of
2175 affects you may see there.

2176
2177 You'd actually see the staff report suggests there'd be less traffic generated. 135 trips in
2178 during the day and out. But if you have 30 homes with about 10 trips a day, you're looking
2179 at about 300 vehicles per day. You're possibly look -- possibly looking at more traffic
2180 generation from that.

2181
2182 For better or worse, being on Patterson Avenue, on Route 6, just major road, straight
2183 arterial road from city to Goochland years been -- that road's been straight as an arrow
2184 for, you know, it's been there for years. It's about 20,000 cars a day based on 2019
2185 statistics and it's probably a bit higher now I'd say. But it is a heavily, well-traveled road.

2186
2187 As I talked to Ms. Blankinship earlier, you know, there's zero buffer required on a road
2188 with this much right-of-way so the 10-foot buffer planted to 25-foot transitional buffer
2189 where possible with the shorter trees is helpful, it's an improvement, it's not intended to
2190 and I'm not purporting -- I'm not purporting it's going to screen the building entirely, but it
2191 could be used to deflect some of those views.

2192
2193 And in fact, Ms. Blankinship, when we get to POD, you know, we may even look to see if
2194 there's certain places or locations, we can plant some of those trees. I'm looking
2195 specifically at that western drive aisle as you're heading north. If cars head north there
2196 in that direction, you know, maybe there could -- is -- could be some greater attention

2197 given to that and to the speaker on the phone that said she lived near the corner, near
 2198 the intersection. I heard the applicant adding a right-turn lane on Maybeury.
 2199
 2200 Adding a second access point. Adding sidewalks and crosswalks, buffer. So, I don't see
 2201 a violation of the comprehensive plan. I see it as being somewhat similar to what's there.
 2202 It's not -- it's not in conflict with that.
 2203
 2204 Permitted use versus provisional use permit. In some ways it's prob -- it could be better
 2205 to have something as a provisional use permit, because Ms. Blankinship and other staff
 2206 have the opportunity to look at conditions for the use and if some of these are permitted
 2207 by right, those conditions may not be there.
 2208
 2209 Those were the major concerns about the lake, the comp plan, the use, and the inspection
 2210 process. This is a recommendation to the -- to the Board of Supervisors. And unless any
 2211 members have any objections, at this point, Madam Chair, I'd entertain a motion.
 2212
 2213 Mr. Emerson - Time limits.
 2214
 2215 Mr. Baka - I need to waive the time limits.
 2216
 2217 Mr. Emerson - Yes sir.
 2218
 2219 Mr. Baka - I make a motion we waive the time limits and accept the
 2220 proffers submitted for this case, Rezoning 2022-00018 Hampton Manor.
 2221
 2222 Mr. Mackey - Second.
 2223
 2224 Mrs. Thornton - We have a motion by Mr. Baka and a second by Mr. Mackey
 2225 to waive the time limits. All in favor say aye.
 2226
 2227 The Commission - Aye.
 2228
 2229 Mrs. Thornton - All opposed? Motion passes.
 2230
 2231 Mr. Baka - Madam Chair, I move that we recommend approval of
 2232 Rezoning 2022-00018 Hampton Manor of Richmond, LLC with the proffers submitted in
 2233 the staff report dated May 12, 2022.
 2234
 2235 Mr. Archer - Second.
 2236
 2237 Mrs. Thornton - We have a motion by Mr. Baka, a second by Mr. Archer. All
 2238 in favor say aye.
 2239
 2240 The Commission - Aye.
 2241
 2242 Mrs. Thornton - All opposed? Motion passes.

2243
2244 **REASON:** Acting on a motion by Mr. Baka, seconded by Mr. Archer the
2245 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
2246 **grant** the request because it is reasonable and would not adversely affect the adjoining
2247 areas if properly developed as proposed.

2248
2249 Mr. Baka - Madam Chair, I do recommend approval of the Provisional
2250 Use Permit PUP2022-00014 Hampton Manor of Richmond, LLC with the recommended
2251 conditions listed in the staff report.

2252
2253 Mr. Archer - Second.

2254
2255 Mrs. Thornton - We have a motion by Mr. Baka, a second by Mr. Archer. All
2256 in favor say aye.

2257
2258 The Commission - Aye.

2259
2260 Mrs. Thornton - All opposed? Motion passes.

2261
2262 **REASON:** Acting on a motion by Mr. Baka, seconded by Mr. Archer the
2263 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
2264 **grant** the request because the conditions should minimize the potential impacts on
2265 surrounding land uses and not be expected to adversely affect public, safety, health or
2266 general welfare.

2267
2268 Mr. Baka - And this is a recommendation that goes on to the Board future
2269 hearing. Thank you.

2270
2271 Mr. Emerson - June the 14th.

2272
2273 Mrs. Thornton - Yes.

2274
2275 Mr. Emerson - Madam Chair, we now move on to the next item on your
2276 agenda which appears on page 3. It is a discussion item. And as we spoke about earlier
2277 this evening during our work session, staff doesn't foresee a need for a work session in
2278 June. However, we would like to request that the Planning Commission schedule a work
2279 session for July 14, 2022, to continue to review materials related to the update of the
2280 Comprehensive Plan and the -- to be known as the 2045 Comprehensive Plan. We would
2281 suggest 6:00 p.m.

2282
2283 Mrs. Thornton - Okay, is that okay with everybody?

2284
2285 Mr. Archer - Works for me.

2286
2287 Mr. Baka - Yes.

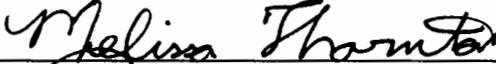
2288

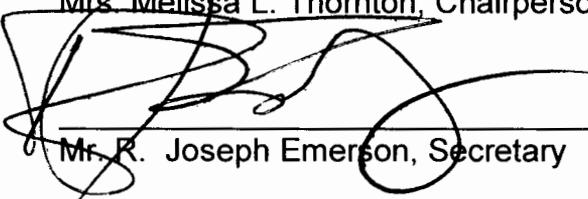
289 Mrs. Thornton - You won't be here?
290
291 Mr. Mackey - I won't -- I think I'm on vacation. I've got to double check.
292
293 Mrs. Thornton - Okay.
294
295 Mr. Mackey - Sorry.
296
297 Mr. Witte - Get your priorities straight.
298
299 Mr. Mackey - I know, I've got (indiscernible)
300
301 Mrs. Thornton - Well the rest of us will be here.
302
303 Mr. Mackey - I will let you know.
304
305 Mr. Witte - What's that date again?
306
307 Mr. Emerson - I'm sorry. What, sir?
308
309 Mr. Witte - What was the date again?
310
311 Mrs. Thornton - July --
312
313 Mr. Emerson - July the 14th.
314
315 Mr. Witte - Yeah that should work all right.
316
317 Mr. Baka - Yes, that works.
318
319 Mr. Emerson - Mr. Mackey, we'll catch you up.
320
321 Mr. Mackey - All right. I was there (indiscernible) had to make sure --
322
323 Mrs. Thornton - Just cancel your vacation.
324
325 Mr. Mackey - Well wherever I am, I'll just came back from there to make it.
326
327 Mr. Witte - I'll go (indiscernible).
328
329 Mr. Emerson - If that's a -- if that's a bad day, all you have to do is tell us. We
330 can -- we can -- we can set one up in August. I know the summer can be a little -- a little
331 challenging. So, it's up to all of you.
332
333 Mrs. Thornton - Would you like the 2020 -- 2045 Comprehensive Plan -- would
334 you like us to push it to August?

2335
2336 Mr. Mackey - Oh, no. No, no, no.
2337
2338 Mr. Emerson - It won't hurt us if you do.
2339
2340 Mr. Mackey - I mean, we're going to have enough people aren't we?
2341
2342 Mrs. Thornton - I know. But you would probably want to know what's going
2343 on.
2344
2345 Mr. Mackey - Yeah, I know. Yeah.
2346
2347 Mrs. Thornton - So.
2348
2349 Mr. Baka - Can we have it -- can we have it at the Lilly Pad?
2350
2351 Mr. Mackey - Let's go ahead and have it -- yes.
2352
2353 Mrs. Thornton - In August. We meet at 5:00.
2354
2355 Mr. Mackey - No, let's have it July. I think I'm -- I think I can make it.
2356 Because I can always wait till Friday like I usually do.
2357
2358 Mr. Emerson - It's, I mean, we can. It's not -- I don't want you to -- if there --
2359 it is -- it is the summer. If all of you would rather be somewhere else, that -- other than
2360 here for the regular meeting.
2361
2362 Mr. Mackey - No worry.
2363
2364 Mr. Emerson - We can just -- we can meet a half an hour earlier in August.
2365 You know. So, it's not going to impede our ability to get things done. I'm just try -- we're
2366 doing this as an -- in an effort to try to keep the Commission involved and up to speed of
2367 everything that's coming in through the planning. Because I think a lot of it's very
2368 interesting and impacts your decisions, obviously.
2369
2370 Mrs. Thornton - How about August and do it at 5:30. That be better?
2371
2372 Mr. Mackey - I am not -- I have no issues at all.
2373
2374 Mrs. Thornton - Would that be okay? 5:30 in August?
2375
2376 Mr. Mackey - Sure.
2377
2378 Mr. Emerson - I'm not sure what date that is.
2379
2380 Mrs. Thornton - Well, actually, let's check.

2381
2382 Mr. Witte - Yeah, that's fine.
2383
2384 Mr. Sehl - It's the 11th.
2385
2386 Mr. Emerson - It would be August --
2387
2388 Mr. Mackey - 11th.
2389
2390 Mrs. Thornton - 11th.
2391
2392 Mr. Baka - That works for me.
2393
2394 Mr. Emerson - -- the 11th. Yes.
2395
2396 Mr. Baka - Okay.
2397
2398 Mr. Archer - If I'm away, I can probably (indiscernible).
2399
2400 Mr. Emerson - I don't think we'll make you do that, Mr. Archer. Well let's go
2401 with August the 11th at 5:30 and we'll revisit that at the July meeting and if there's
2402 conflicts, we'll figure something out. How about that?
2403
2404 Mrs. Thornton - Okay, thank you.
2405
2406 Mr. Emerson - Madam Chair, the next item on your agenda is the
2407 consideration of approval of your work session and regular meeting minutes of April 14,
2408 2022. We do have an errata sheet with some changes which, of course, we will
2409 incorporate and if the Commission has any other changes they would like to make, just
2410 let us know.
2411
2412 Mrs. Thornton - Does anybody have any additional changes to the minutes?
2413
2414 Mr. Archer - No, ma'am. Is this the work session minutes?
2415
2416 Mrs. Thornton - Work session and regular minutes.
2417
2418 Mr. Emerson - Yes, sir, it's both sets.
2419
2420 Mr. Archer - I had one.
2421
2422 Mrs. Thornton - You have one?
2423
2424 Mr. Archer - I did make some changes (indiscernible).
2425
2426 Mrs. Thornton - We have an errata sheet. Yes, sir.

2427
2428 Mr. Emerson - Yeah.
2429
2430 Mr. Archer - Okay, other than that, no changes.
2431
2432 Mrs. Thornton - Okay, does anybody?
2433
2434 Mr. Mackey - I move that we accept the minutes as presented with the
2435 errata sheet.
2436
2437 Mr. Witte - Second.
2438
2439 Mrs. Thornton - Okay, we have a motion by Mr. Mackey, a second by Mr.
2440 Witte. All in favor?
2441
2442 The Commission - Aye.
2443
2444 Mrs. Thornton - All opposed? Motion passes.
2445
2446 Mr. Emerson - Madam Chair, I have nothing further for the Commission this
2447 evening.
2448
2449 Mrs. Thornton - Okay, does anybody have anything else? All right. Done.
2450 Adjourned.
2451
2452
2453
2454
2455
2456
2457
2458
2459
2460



Mrs. Melissa L. Thornton, Chairperson


Mr. R. Joseph Emerson, Secretary