

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 6:00 p.m., Thursday, April 11,**  
4 **2024. Display Notice having been published in the Richmond *Times-Dispatch* on**  
5 **March 29, 2024, and April 5, 2024.**  
6  
7

8 **Members Present:** Mr. William M. Mackey, Jr., (Varina)  
9 Mr. Robert H. Witte, Jr., Chairperson (Brookland)  
10 Mr. Brian Winterhoff, (Tuckahoe)  
11 Mr. Bob Shippee, (Three Chopt)  
12 Mr. Jaron N. Dandridge (Fairfield)  
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning  
14 Secretary  
15 Mr. Tyrone E. Nelson (Varina)  
16 Board of Supervisors Representative  
17

18 **Also Present:** Ms. Jean Moore, Assistant Director  
19 Mr. Ben Sehl, Senior Principal Planner  
20 Ms. Neha Shinde, County Planner  
21 Mr. Michael Morris, County Planner  
22 Mr. Seth Humphreys, County Planner  
23 Ms. Rosemary Deemer, AICP, County Planner  
24 Mr. John Cejka, Traffic Engineer  
25

26 **Mr. Tyrone E. Nelson, the Board of Supervisors' representative, abstains from all**  
27 **cases unless otherwise noted.**  
28  
29

30 Mr. Mackey - Evening. Welcome to our April 11, 2024, Planning  
31 Commission hearing on rezoning for Henrico County. We are reconvening from our work  
32 session that was at 4:30 this evening and we adjourned at 5:30. So we're reconvening  
33 now. I'd like to welcome everyone if you haven't already done so, would you please turn  
34 off or silence your cell phones? Will you please stand with us for the Pledge of Allegiance?  
35

36 [Recitation of the Pledge of Allegiance]  
37

38 Mr. Mackey - Alright, do we have anyone from the news media either here  
39 or online? Would you like to state your affiliation?  
40

41 Unknown speaker - Yes. I'm (inaudible).  
42

43 Mr. Mackey - Thank you. Do we have anyone from news media online?  
44

45 Ms. Deemer - We have no one online from the news media or the press.  
46

47 Mr. Mackey -                     Alright, thank you. At this time, I'll turn the meeting over to our  
48 secretary Mr. Emerson, Mr. Joe Emerson.

49  
50 Mr. Emerson -                     Thank you, Mr. Chairman. As you noted, the Commission did  
51 have a work session this evening to discuss zoning ordinance amendments regarding  
52 vape shops. And you did convene that work session around 4:41 and adjourned it at 5:30  
53 p.m. With that said, I'd like to join with you, Mr. Chairman, welcoming everyone to the  
54 Henrico County Planning Commission public hearing for April 11, 2024. For this evening,  
55 it is requested that all public comments be provided from the lectern to the rear of the  
56 room. For everyone who's watching the live stream on the county website, you can  
57 participate remotely in the public hearings by following these guidelines. Go to the  
58 planning department meetings webpage at [henrico.us/planning/meetings](http://henrico.us/planning/meetings). Scroll down  
59 under Planning Commission and click on WebEx event. Once you have joined the WebEx  
60 event, please click the chat button in the bottom right corner of the screen. Staff will send  
61 a message asking if anyone would like to sign up to speak on an upcoming case. To  
62 respond, please select Neha Shinde from the drop-down menu and send her a message.  
63 She will place you in the queue to speak. The Commission does have guidelines for its  
64 public hearings. The applicant is allowed 10 minutes to present the request and time may  
65 be reserved for responses to testimony. The opposition has allowed a cumulative 10  
66 minutes to present its concerns. And what that means is that everyone who wishes to  
67 speak must fit into that overall, 10-minute allowance. So please be considerate of all your  
68 fellow citizens that would like to speak with you. Commission questions do not count into  
69 any of those time limits. The Commission does have the discretion to waive the time limits  
70 if it determines it appropriate or necessary. Comments must be directly related to the case  
71 under consideration. And the Commission does maintain verbatim minutes of the  
72 meetings. We do this so we can refer back to them and see who spoke and see if there's  
73 anything we need to follow up on or if there are additional questions that we need to  
74 answer and might reach out to someone. So, because of that commentors must provide  
75 their name and address prior to speaking for the record. So those will be in those verbatim  
76 minutes. Thank you again for your participation and interest in your community this  
77 evening. With that, Mr. Chairman, the first item on your agenda are the requests for  
78 withdrawals and deferrals. We have none of those this evening. Following that are  
79 requests for expedited items and you have none of those. Moving into your regular  
80 agenda. You do have two cases to be heard. With the first being REZ-2023-100258.

81  
82 **REZ-2023-100258 Matthew Roberts for Costco Wholesale Corp.:** Request to  
83 conditionally rezone from O-2C Office District (Conditional), B-2C Business District  
84 (Conditional), and B-3C Business District (Conditional) to B-3C Business District  
85 (Conditional) Parcels 754-758-1687, 754-758-7677, 754-759-3406, and 754-759-7616  
86 containing 17.81 acres located at the northwest intersection of W. Broad Street (U.S.  
87 Route 250) and Springfield Road (State Route 157). The applicant proposes an  
88 expansion of existing retail operations and the relocation of existing fuel pumps. The uses  
89 will be controlled by zoning ordinance regulations and proffered conditions. The 2026  
90 Comprehensive Plan recommends Commercial Arterial and Office.

93 The staff report will be presented by Mr. Michael Morris.

94  
95 Mr. Mackey - Do we have anyone in the audience or via WebEx who would  
96 like to speak to this case?

97  
98 Ms. Deemer - We have no one on WebEx for this case.

99  
100 Unknown speaker - (inaudible)

101  
102 Mr. Mackey - Okay, thank you. Sir, we're going to let you know when it's  
103 time to speak. I'm sorry. We just wanted to identify if we had anyone who wanted to speak.

104  
105 Mr. Morris - Thank you Mr. Chairman, members of the Commission. As  
106 stated, this is a request to conditionally rezone 17.81 acres from B-3C, B-2 and O-2C to  
107 B-3C to allow the expansion of an existing retail use and relocation of existing fuel pumps.  
108 The property is located at the northwest corner of W. Broad St. and Springfield Road and  
109 is the current location of a Costco Wholesale Warehouse and accessory fuel pumps, an  
110 office building, and vacant retail building. Both the office and retail buildings would be  
111 removed as part of this request. Surrounding uses include offices to the north and west,  
112 zoned O-2C and O-2, respectively. A townhouse development also sits to the north of the  
113 subject property, sharing a portion of the northern property boundary north of the  
114 proposed expansion. A bank sits to the west of the subject site at the corner of Stillman  
115 Parkway and W. Broad Street, on property zoned O-2C.

116  
117 As proposed, the approximately 20,355-square-foot warehouse expansion would be  
118 located at the rear of the existing 131,542-square-foot building. Existing fuel pumps  
119 located at the northeast corner of the site, along Springfield Road, would also be relocated  
120 to the southwest corner of the site. The proposal would combine multiple parcels, allowing  
121 for cross access between the front of the building where the store entrance is located and  
122 the fuel pumps. The property would retain a total of five access points with one at Stillman  
123 Parkway, two at Springfield Road, and two at W. Broad Street. The westernmost access  
124 on W. Broad Street would be shifted to the east, aligning it with a drive aisle that runs  
125 parallel to the rear of the proposed addition.

126  
127 The concept plan and proffered landscape plan show transitional buffers along the  
128 property line adjacent to the RTH and Office Districts. While modifications to the buffer  
129 width and planting level are allowed by code, any proposed changes to these required  
130 buffers would be addressed at the time of Plan of Development review. Pedestrian  
131 amenities that would allow customers to safely navigate the drive aisles and parking lots  
132 of the subject property is an important consideration and will also be addressed at time  
133 of Plan of Development review. An additional 25' parking setback along W. Broad Street  
134 and a 10' parking setback along Springfield Road are identified on the concept plan, which  
135 is consistent with the existing conditions. Other proffers address uses, restricting funeral  
136 homes, automotive repair, painting and body shops, and indoor shooting ranges, among  
137 others. Hours of operation for the filling station would be limited to 6:00 am to 9:30 pm.  
138 Finally, hours of construction would be between 7:00 am to 9:00 pm.



139  
140 The majority of the site is designated Commercial Arterial on the 2026 Comprehensive  
141 Plan, with a small sliver recommended for Office along the northern boundary. The  
142 request is consistent with the Commercial Concentration or Arterial designation, which is  
143 intended for wholesale and retail sales and service establishments. The site is also in the  
144 W. Broad Street Corridor – Central Revitalization/Reinvestment Opportunity Area. This  
145 request is consistent with the vision of this area, which states there should be continued  
146 revitalization, modernization and redevelopment of the infrastructure, buildings and  
147 pattern of development in the area. The request is substantially similar to the existing  
148 uses on the subject property and could provide opportunities for a more efficient use of  
149 the site. Lastly, the proposed use is consistent with the commercial nature of the W. Broad  
150 Street corridor. For these reasons, staff can support this request. This concludes my  
151 presentation and I'm more than happy to try and answer any questions you may have at  
152 this time.

153  
154 Mr. Mackey - Thank you Mr. Morris. Do we have any questions for Mr.  
155 Morris from any of the Commissioners? Okay, you may go to the lectern. Please state  
156 your name and address for the record when you get to the back.

157  
158 Mr. Edwards - Good evening. My name is Ben Edwards. I live at 9701 Green  
159 Meadow Circle, Glen Allen, 23060. I represent the Springfield Woods Homeowners  
160 Association. I'm the president of the HOA and I do have some questions and some  
161 thoughts on this program that Costco wants to come up with. The main thing, the main  
162 concern that we have in the community and with the Board is Stillman Parkway. Stillman  
163 Parkway is narrow. It's busy now. Ever since Tesla moved in, they've occupied both sides  
164 of the street which makes driving through on Stillman Parkway a nightmare to be quite  
165 honest with you. Additionally, there's tractor trailers that will stop on one of the lanes on  
166 Stillman Parkway and unload whatever they unload which causes a hazard such as  
167 yesterday. There was a tractor trailer unloading now we had one lane on Stillman  
168 Parkway, two cars were facing each other, collided, and hit four of the Tesla cars that  
169 were parked there that they considered part of their showroom. So that was a six-car  
170 accident in a nice residential area. Now from what I understand that you're going to put  
171 in 24 gas pumps in an area where right behind the Bank of America building. There's an  
172 exit going out to an ingress and an egress to Stillman Parkway and from a letter that I  
173 received from the attorney is that they will probably have one car per minute come out of  
174 that exit going on Stillman Parkway. That's 60 cars a minute. The community cannot  
175 handle it, Stillman Parkway cannot handle it. It's going to devalue our property. We have  
176 a really nice community and I'm really concerned that bad things are going to happen  
177 such as yesterday and thank goodness from what I understand in that six-car pileup  
178 yesterday on Stillman Parkway; there were no injuries. Thank goodness. Now the  
179 question is with the noise when they do the demolition of the buildings, will they please, I  
180 don't think we can do anything about it but please limit the time to 6:00 or 7:00 at night.  
181 Last time they did some construction over there they were at 11:00/12:00 at night. For the  
182 residents of Springfield was it was really quite noisy and uncomfortable. So, my concern  
183 and the Board's concern for Springfield Woods is Stillman Parkway, and the congestion

184 and the potential of more hazards like yesterday. And really that's all I have for right now.  
185 I thank you for letting us speak on behalf of Springfield Woods Homeowners Association.

186  
187 Mr. Mackey - Thank you, Mr. Edwards. Any questions or comments? Is  
188 there is there anyone online who would like to speak to the case?

189  
190 Ms. Deemer - We have no one online for this case.

191  
192 Mr. Mackey - Thank you.

193  
194 Mr. Witte- Let's hear from the applicant please.

195  
196 Mr. Roberts - Good evening, Mr. Chair, members of the commission, Matt  
197 Roberts on behalf of the applicant with Hirschler. I want to start tonight by thanking staff,  
198 Ali and Michael for all their efforts on the application. And obviously for their positive  
199 recommendation for our application as well. I'm just going to wait here a second if Michael  
200 has our presentation ready. Perhaps while we're waiting, I guess provide a little bit of the  
201 background.

202  
203 Mr. Sehl - Mr. Roberts, was it the PDF that you had done? Here we go.

204  
205 Mr. Roberts - Yes, sir.

206  
207 Mr. Sehl - There we go. We were looking for a PowerPoint. My  
208 apologies.

209  
210 Mr. Roberts - No worries. Well, wonderful. I might ask if we might go to the  
211 next slide. Wonderful. So just quickly, by way of background and some history on the site.  
212 This property has been within the Costco network since the early 1990s. Costco just  
213 recently purchased those adjoining parcels in 2023 with the plans to expand the  
214 operations. As Michael mentioned, the current zoning for the site is varied both in terms  
215 of the districts and the proffers that are associated with it. Presently those proffers reflect  
216 a range of uses and operational conditions and they also restrict the fueling station  
217 location, which we have proposed to remove. Candidly, the situation is not ideal for a  
218 consolidated operation, like Costco is proposing. Next slide please. I know you're familiar  
219 with the site, so I won't spend too much time on this. But obviously the Costco facility is  
220 on West Broad with existing access to Springfield Road, Stillman Parkway through the  
221 site. Next slide, please. If you've been there before, you'll be familiar with the next couple  
222 of slides. This is the existing view from West Broad Street into the warehouse. That  
223 warehouse is set to remain and so will the existing architecture which is primarily mason  
224 and block. Next slide please. This is a view of these existing fuel pumps, as was  
225 mentioned, there are presently 12 on site today first constructed in the 1990s. Those are  
226 proposed to be demolished and relocated. Next slide please. Well, we'll jump ahead a  
227 little bit, I think it's appropriate. In terms of the application itself, we're looking to  
228 accomplish two things primarily. One is create a consistent zoning for the site as well as



operations for the conditions for the operation on the site, and then secondarily, remove the restriction on the fueling location and allow all of that to move closer to West Broad Street. As Michael mentioned, this is consistent with the Comprehensive Plan. Costco will expand the warehouse and parking to service its customers. That is not directly implicated by this application. That can occur today under the existing proffers and the existing zoning. But again, creating that consistent zoning and proffers moving ahead, is going to make all of that easier to accomplish. We also do, as I mentioned, plan to relocate and replace the existing fuel pumps and expand those to 24 positions. We want to locate those along West Broad Street. From an operational perspective, it's better for visibility, but also, it's going to allow Costco to expand the onsite fueling capacity and relieve some of that existing pressure at the default fuel pumps. Next slide, please Michael if you're able to. Hopefully, it'll load. But this, in your packet you should have a site plan view of the project as well; a few notable things to point out for you. As Michael mentioned, at the staff suggestion, we did shift the secondary entrance on West Broad Street to the east to reduce the onsite traffic conflict between the gas traffic and the entry and exit location there. We also have indicated on that plan; a future right turn lane is required by VDOT during the Plan of Development review. And as Michael mentioned, we'll be implementing transitional buffers across the site. Again, the site plan also reflects the building expansion, the parking conditions, and the relocated gas facilities. This is an image we're a little bit ahead of where I was going to be but the just to let you know the proposed expansion will be architecturally consistent with the existing warehouse. And as you can see, the fuel pump and canopy architecture are typical of those in the Costco network. Next slide, please, Michael if you're able to. So as was mentioned, we do plan to move the fuel pumps closer to West Broad. Again, this is a better location from an operations perspective. It's going to allow the expansion to relieve the existing queuing pressures at the site. In your packets, there should be if it's not going to populate on the image up here, we are accommodating 72 vehicles in the stacking space. By comparison, we look for comparable sites in the network to determine you know what is going to be useful here, particularly when we look at those with the highest volume sales. And what you find is the highest volume sales sites typically have about 61 vehicles, the max queuing capacity. And so, what that means here when planning for 72 is that we have adequate stacking capacity, but also a margin of safety. We did appreciate the opportunities to review site with staff. We worked collaboratively with them to address the issues and took the time to actually complete a pre-application meeting on a future Plan of Development to try and address up front some of the staff concerns that were raised. But we did also appreciate hearing from the community. We met with the office operator on our Northwest via Zoom meeting recently. We also appreciated the recent opportunity to exchange emails with the Springfield Woods HOA about the site and their concerns. Tonight, you know with Mr. Edwards here we're happy to go ahead and work with them and conduct a community meeting prior to a meeting with the Board of Supervisors. We're happy to offer that up. We did want to address several issues that came up in those discussions. First, as was mentioned tonight was site noise. Particularly, I appreciate Mr. Edwards clarification of that. If site noise related to construction is a concern, we have proffered currently 7:00 to

272 9:00 p.m. in the proffers but we would happily bring that down from 7:00 to 7:00 which is  
273 a standard time you know that we would operate under. So, Costco does strive to be a  
274 good neighbor in that respect. We'd be happy to make that change to the proffers prior to  
275 the Board meeting. Fuel vapors were also mentioned. As I said before, we are removing  
276 older fuel stations and replacing them with models that implement current vapor reduction  
277 technology. That modern fueling technology operates by essentially recapturing the  
278 vapors and either keeping them in the vehicle's tank or essentially bringing them back  
279 into the underground fueling tanks. There's very little escaping of vapors, as you might  
280 imagine, that's also heavily regulated by federal and state law. Lighting was also  
281 mentioned in the email that we received. Costco will comply with all county requirements  
282 on that front. Among other things near that HOA property line; if a light is required 15 feet  
283 is the maximum height that's permitted. Those are also full cut off fixtures, they must be  
284 directed downward. And as we've mentioned, there is a transitional buffer being proposed  
285 along that line. And lastly, as was mentioned tonight by Mr. Edwards as well as traffic.  
286 You know, I will say from Costco's perspective, site safety both for our customers and the  
287 community is a primary concern. It's important to note that much of the site traffic is  
288 existing. And so Costco's approach is to find the best way to manage it moving forward.  
289 As Michael showed and mentioned, the site design retains the five existing entry and exit  
290 points on Springfield, Broad and Stillman. And we feel that creates the safest and most  
291 efficient condition for the site and avoiding potentially dangerous terrain movements out  
292 of the site. We especially studied the second West Broad Street entrance and exit point,  
293 and Stillman Parkway. As already mentioned, from the staff discussions, we did make  
294 some alterations to West Broad to make a better condition there. So, we appreciate staff's  
295 input on that. We also very heavily studied the best way to maneuver traffic on Stillman.  
296 We'll continue to study this as the case progresses. But a few important things to just note  
297 very quickly as I come up on the end here. That entrance was actually suggested by the  
298 county with the original site rezoning back in 1994. Because then in today's we have a  
299 median break on West Broad Street. So, the effort was to essentially push traffic across  
300 the site to where it can most easily disperse. And so, we have today studied additional  
301 alternatives to that. And do like I said, plan to continue to study that ahead of the Board  
302 of Supervisors meeting. But ultimately, we do think that retaining an all-way movement is  
303 best from an access management perspective. We appreciate staff support on that point  
304 as well and understand that staff does not have a concern on that front. That exit point,  
305 as you can see, is actually aligned with the access directly across the street at the Tesla.  
306 And so, from an access management perspective, that's really one of the best scenarios  
307 you can have. And it also permits turning movements north and south of the light. One  
308 point of clarification about northbound traffic: it is not 60 cars per minute, that is 60 would  
309 be 60 cars per hour during the peak movement. So, one car per minute at peak hours.  
310 So that is not an all the time figure that is at the peak hours typically on a Saturday. One  
311 thing just to say again, as you try to align this with best access management principles,  
312 you want to safely disperse and distribute the traffic. One example of something that we  
313 did look at was what happens if you close down the outbound movements onto Stillman  
314 Parkway. And as an example, we would anticipate two consequences from that and why

we would ultimately want to keep this open. One is that it does not eliminate northbound traffic onto Stillman Parkway. Customers simply exit onto West Broad and then form a right back on to Stillman Parkway. But really that pushes that additional traffic down to West Broad where you have higher speeds and such as that. Next slide, please, Michael, if you could. And last but not least, the other consequence that we would anticipate and more fundamentally why we would not propose this particular example. If you eliminate access to the traffic light, what's going to ultimately happen as folks who decide to go eastbound on Broad need to find a way to do that. And again, they might either circulate all the way back to the neighborhood to Springfield and come on down. Or more likely, they're going to do a three-lane cut and try to do a U turn on West Broad Street. Fundamentally, we think that of the options retaining the all way movement is the best of those possible worlds. But as I mentioned, we are more than happy to continue to study that with staff, the community and bring that back before the Board. So, with that, thank you all very much for your time. Happy to answer any questions that you all may have.

Mr. Mackey - All right, thank you, sir. Do we have any questions?

Mr. Witte - I have several. First off, I am really familiar with that area, I used to deal with the bank on the corner until my wife got so frustrated trying to get out there. She said, we're never going back and that's been years ago. It hasn't gotten any better. I've spent 11 different trips down there in the past two weeks at different times. Traffic doesn't take an hour sitting there watching before it's backed up and jammed up at that intersection. In my opinion, you're creating another hardship for people that are using the shopping center, that are using Stillman, that are using Costco, that are living on Stillman Parkway by exiting at that location. It doesn't take long, I took videos, it doesn't take long for traffic to back up, and then if Tesla's got anything going on, it's even worse. So, I've got an issue with that. The community meeting, we've had more than a fair amount of interest in the past week from the community. And I think we're going to need a community meeting to address these concerns. Especially the residents of Springfield Woods because they're the main residential affected by that. And my next question is, what are you doing about sidewalks?

Mr. Roberts - Internal or external to the site?

Mr. Witte - Do what?

Mr. Roberts - Internally or externally to the site? You asked about sidewalks.

Mr. Mackey - Internally or externally.

Mr. Witte - I don't understand.

Mr. Roberts - I'm asking where are you asking me about the sidewalks?



360 Mr. Witte - You're putting sidewalks on the roadway, correct?  
361  
362 Mr. Roberts - There would be...Phil, do you have the existing proposal on  
363 that?  
364  
365 Mr. Pryor - If you could go to the last slide.  
366  
367 Mr. Emerson - If you could sir, go to the back. I think to help clarify the  
368 question. I believe Mr. Witte was asking you about sidewalks externally. I believe there's  
369 one along Broad. But is there one along Springfield?  
370  
371 Mr. Witte - Exactly.  
372  
373 Mr. Roberts - Currently, not that I'm aware of and that we're showing on the  
374 plan.  
375  
376 Mr. Pryor - Sorry, Phil Pryor here, Colliers Engineering. So, we are  
377 keeping all the existing sidewalks along the perimeter of the site. They're going to remain  
378 as is. And we're adding a sidewalk from the new parking expansion to the front door of  
379 the warehouse for pedestrian access.  
380  
381 Mr. Witte - What about a crosswalk off from where the sidewalk goes  
382 down?  
383  
384 Mr. Pryor - We're going to paint a crosswalk across the drive aisles. But  
385 we'll have a new ingress sidewalk coming up to the rear of the site as well per staff's  
386 recommendations.  
387  
388 Mr. Emerson - And along Springfield?  
389  
390 Mr. Pryor - We couldn't get a proposed sidewalk to come in off of the  
391 Stillman entrance due to the existing site constraints. Springfield, sorry.  
392  
393 Mr. Roberts - I don't believe there's one existing there today, we could  
394 certainly study it with staff. We haven't proposed one in the current condition.  
395  
396 Mr. Emerson - Mr. Witte, the site does include the entirety of the property.  
397 So, the applicant could proffer sidewalk improvement along Springfield if they chose to.  
398  
399 Mr. Witte - I would hope so. And one more thing, this last slide that you  
400 put up, showing that people come out and make a U turn on Broad Street and cross all  
401 those lanes. Correct me if I'm wrong, but there are two entrances and exits on Springfield  
402 Road, that people can go up that way, turn on the light and not have to go and make a U  
403 turn. So, if a no U turn sign was put there, they would still have easy access using one of  
404 the Springfield Road's. Is that correct?  
405

406 Mr. Roberts - That's certainly true. But as a practical matter, we would not  
407 expect customers to cut through the site and do that. I mean, there's a lot of operational  
408 data that Costco has from across the country. You know, folks who are going to ingress  
409 and egress from the site are going to use the easiest point to do so. And for those folks  
410 exiting at the gas especially, and they're exiting onto West Broad, needing to go east, it  
411 is very likely that they would attempt to do the U turn.

412  
413 Mr. Witte - I'd have to disagree with you on that. I have no questions.  
414 Anyone else?

415  
416 Mr. Mackey - Any other questions?

417  
418 Mr. Witte - Alright, let me let me put one more to you. I feel the need to  
419 have the community meeting before this goes to the Board of Supervisors in a few weeks.

420  
421 Mr. Roberts - Yes, sir.

422  
423 Mr. Witte - I feel the need to have some type of change, even if it's  
424 ingress only off Stillman Parkway to alleviate some of that problem and keep traffic from  
425 going down to the residential area. I feel very strongly about that. And do you feel like you  
426 can present something to the County for the Board before the Board meeting where  
427 you've come up with a solution for those two situations?

428  
429 Mr. Roberts - We will certainly continue to study it. As I've said, if there is a  
430 solution that can be proposed at that intersection; we would certainly implement it. You  
431 have our commitment on that. We do not have tonight; I do not have a solution to present  
432 to you on that. But we will absolutely and fundamentally continue to study it.

433  
434 Mr. Witte- Alright, but if we move this forward, instead of deferring it, take  
435 care of it. Are you confident that you can take care of these issues? Now I'm going to call  
436 traffic engineering up here in a minute and they're going to express interest that I've  
437 discussed with them. So, you can think about that until after we hear from him. But in my  
438 opinion, something's got to be done. And that right turn out exit onto Springfield is just a  
439 bad idea. It's a safety issue, it's a congestion issue, it's a time issue, it's a frustration issue.  
440 It's just a bad issue. Now, traffic engineering please.

441  
442 Mr. Cejka - Good evening, Mr. Mackey, members of Commission. I'm  
443 John Cejka, traffic engineer.

444  
445 Mr. Witte - Mr. Cejka, thank you. We had discussed an ingress only at  
446 that intersection. Is that feasible?

447  
448 Mr. Cejka - It is feasible. Yes, sir.

449  
450 Mr. Witte - Would it accomplish reducing the amount of traffic going down  
451 Springfield Road towards Stillman Parkway towards the residential area?

452  
 453 Mr. Cejka - I believe it would.  
 454  
 455 Mr. Witte - Have you got anything else you'd like to share about that  
 456 intersection or any other one?  
 457  
 458 Mr. Cejka - Just one other comment is that it is only 50 feet from the exit  
 459 of the Bank of America, and we normally require 150 feet.  
 460  
 461 Mr. Witte - Exactly. Alright, I have no other questions. Anybody?  
 462  
 463 Mr. Mackey - Any other questions for traffic?  
 464  
 465 Mr. Witte - Mr. Roberts, I'd like your opinion on this.  
 466  
 467 Mr. Roberts - I want to introduce John Harter, who is our traffic engineer on  
 468 the project.  
 469  
 470 Mr. Harter - Good evening, John Harter, H A R T E R, I'm Senior Vice  
 471 President with Atlantic Traffic based out of New York City, but I have worked on COSTCO  
 472 projects for 20 years and currently working on Costco sites in about 10 states. This issue,  
 473 I think, was described a bit earlier about access management principles. And one very  
 474 basic one is to have roads that are secondary roads to provide access to sites such as  
 475 this. And as you know, Broad Street is a right in, right out divided highway. So, in a case  
 476 like that, it's preferable to have full movement driveways on the side street to gain access  
 477 to a signal. So yes, if you would make the ingress only situation for the Stillman Parkway  
 478 access, you'd have less volume there. But it's the right place to have the movements as  
 479 both of these diagrams show. And what we find is that motorists with the alignment as we  
 480 have with the southbound one-way flow through the fuel facility. It's adjacent to the  
 481 Western access on Broad Street and people will definitely and patrons of Costco will  
 482 definitely use that site and make a right out. And it's the most proximate access, they  
 483 wouldn't have to travel through the site where there's a lot of parking maneuvers to get to  
 484 the Springfield access. So, we would expect this movement to be made as described  
 485 here or shown here if we were to restrict the left out. So, it's the right way to design this  
 486 site. We're aligned properly with the Tesla axis on the opposite side of the street. And the  
 487 operation of the signal is a split phase operation. So, Stillman southbound obtains a green  
 488 light at Broad Street traffic with clear and that would give us the ability to egress. So, we  
 489 will be studying that access and collecting data to look at that more closely. But this is  
 490 really the proper appropriate design for those reasons.  
 491  
 492 Mr. Witte - It sounds to me like your opinion can be valid, but it also  
 493 seems like our traffic engineer, in my opinion, are valid. So maybe the path of least  
 494 resistance is to close that, not make it available ingress/egress. Now, what's your thought  
 495 on that?  
 496



497 Mr. Harter - Well, I think it ultimately results in the two movements we've  
498 just shown. Right turn movement, motorists that want to go up Stillman are still going to  
499 go there because they're going to leave the fuel and make that first movement to head  
500 north and return north. And then secondly, this more concerning movement, we want a  
501 side street access, we want the side street movement for uses. I can't think of any. There  
502 are about 12 access points along Stillman, between Springfield and Broad Street and  
503 none of them have restrictions. So consistent with those other driveways, we're looking  
504 for full movement. The fact that Tesla's parking along Springfield is not something that  
505 we're creating, it's an existing condition. That U turn would happen. And I don't want to  
506 see people crossing three lanes of traffic abruptly to get into the left turn lane.  
507

508 Mr. Roberts - Mr. Witte, I think the interesting thing, too, is Mr. Cejka's  
509 opinion tonight. It's the first opportunity for us to have heard that as well. I would certainly  
510 appreciate an opportunity to put both of these, you know, very much smarter than my  
511 heads together to have that discussion and see what we might do.  
512

513 Mr. Witte - Now, would you like to do that in the short time period between  
514 now and the Board of Supervisors? Or would you prefer it to be deferred for 30, 60 or 90  
515 days?  
516

517 Mr. Roberts - No, I think this is a discussion that we can have pretty quickly.  
518 It's a dedicated team and this is an issue that has been top of mind for us for much of this  
519 application. And we will continue to be working on it.  
520

521 Mr. Witte - Alright, well, I don't see the need to put any more burden on  
522 Stillman Parkway, and I use it a lot. And I'm sure neither of y'all do. So, you're really not  
523 familiar with it. All right. Well, I have no further.  
524

525 Mr. Mackey - Anyone else have anything?  
526

527 Mr. Witte - All right, Mr. Chairman. I move we recommend approval of  
528 REZ-2023-100258, Costco Wholesale Corp. with the proffers dated March 26, 2024, in  
529 the staff report, and on the condition that a community meeting be held before the Board  
530 meeting and an acceptable change to the access on Stillman Parkway prior to that  
531 meeting and it's acceptable to all parties involved.  
532

533 Mr. Dandridge - Second.  
534

535 Mr. Mackey - We have a motion by Mr. Witte, a second by Mr. Dandridge.  
536 All in favor say aye.  
537

538 Commission - Aye.  
539

540 Mr. Mackey - Any opposed? Motion is carried.  
541

542 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Dandridge,  
543 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
544 Supervisors **grant** the request because it is not expected to have a precedent setting effect  
545 on the zoning in the area and it is appropriate business zoning in this area.

546  
547 Mr. Emerson - Mr. Witte, you also would like the minutes to reflect I assume  
548 the sidewalk on Springfield and the construction hours.

549  
550 Mr. Witte - Yes, let me amend that.

551  
552 Mr. Emerson - I think just by mentioning it, it's in the minutes and Mr. Roberts  
553 understands he needs to work on it.

554  
555 Mr. Witte - Okay. They had me on the traffic situation.

556  
557 Mr. Emerson - Mr. Chairman, we now move on to the next item on your  
558 agenda this evening, REZ-2023-100017, Andrew M Condlin for HD CVA, LLC.

559  
560 **REZ-2023-100017 Andrew M. Condlin for HD CVA, LLC:** Request to conditionally  
561 rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional) parcels  
562 840-713-3163, 841-710-2304, 841-712-4360, 842-709-8618, 842-712-1529, 842-712-  
563 5063, 843-708-9028, 843-711-6375, 843-711-6508, 843-712-6388, 844-709-3698, and  
564 844-712-3071 containing 622.1 acres located on the north and south lines of E.  
565 Williamsburg Road (U.S. Route 60) at its intersection with Technology Boulevard. The  
566 applicant proposes manufacturing and production uses, including advanced manufacturing  
567 and data centers. The uses will be controlled by zoning ordinance regulations and proffered  
568 conditions. The 2026 Comprehensive Plan recommends Office, Office/Service,  
569 Commercial Concentration, Traditional Neighborhood Development, Open Space/  
570 Recreation, and Environmental Protection Area. Part of the site is located in the Airport  
571 Safety Overlay District.

572  
573 The staff report will be presented by Mr. Seth Humphreys. We also have present Mr.  
574 Bentley Chan, our Director of Public Utilities for any questions you may have and of  
575 course, Mr. Cejka, the traffic engineer, and also Mr. David Paylor, the retired Director of  
576 DEQ, to assist in answering any and all questions you may have this evening.

577  
578 Mr. Mackey - Thank you. Before we start, I have a statement I would like to  
579 read. I would like to address a concern raised by two residents about my ability to  
580 participate fairly in this case because of my employment with Dominion, Virginia Energy.  
581 I've consulted with the County Attorney who assures me that I do not have a personal  
582 interest in this case that would prevent me from participating. Nevertheless, for  
583 transparency, I would like to read the following statement into the record. I am one of  
584 approximately 6,400 full-time employees of Dominion Energy. Virginia Dominion provides  
585 electric services in Virginia and is the sole provider of electric services in the area. I have  
586 been employed; I have been an employee of Dominion for nearly 35 years. I work in the  
587 metering department providing complex metering services for electric facilities. My job

588 does not involve recommending or approving plans for expansion of electric services in  
589 the community. As a member of the Planning Commission, I am responsible for voting to  
590 recommend approval or denial of rezoning cases to the Board of Supervisors. However,  
591 the Board of Supervisors not the Planning Commission makes the final decision on  
592 whether rezoning cases are approved or denied. The Board's decision may affect  
593 development rights that could marginally influence demand for electricity provided by  
594 Dominion, depending on how a landowner exercises its developmental rights. The  
595 Planning Commission's vote by contrast has no such effect. Nevertheless, to the extent  
596 my vote on the Planning Commission may somehow impact Dominion I am able to  
597 participate in the matter pursuant to code of Virginia Section 2.2-3112.B.1 because I am  
598 a member of a business professional occupation or group of three or more persons, the  
599 members of which may be affected by the transaction and I am able to participate in this  
600 case fairly objectively and in the public interest. Thank you. Do we have anyone here in  
601 public or via WebEx who would like to speak to this case? Okay.

602  
603 Ms. Deemer - We have several people on WebEx.

604  
605 Mr. Mackey - Okay, when we get to that point, we'll start with the people in  
606 person first. Thank you, Mr. Humphreys.

607  
608 Mr. Humphreys - Good evening, Mr. Chairman and members of the  
609 Commission. As stated, this proposed development would include manufacturing and  
610 production uses, including advanced manufacturing and data centers. It is located on both  
611 sides of E. Williamsburg Road and encompasses most of the area between Interstate 64,  
612 Interstate 295, Old Williamsburg Road, Technology Boulevard and Old Memorial Drive.  
613 The subject property is wooded except for a small pond, two residential structures, and  
614 an open field located between Old Williamsburg Road and Interstate 64. Properties to the  
615 north and east are zoned A-1 and contain a similar mix of wooded lots and residences.  
616 North of Interstate 64 is an existing solar farm, zoned M-1C. Parcels to the south are  
617 zoned A-1 and M-1C including single-family homes which is Old Cannon Estates on this  
618 side and vacant land. Technology Boulevard bisects the southern portion of the site,  
619 providing access to Fire Station #14. To the west are single-family homes along Old  
620 Memorial Drive and the ramps for Interstate 295.

621  
622 The majority of the site is designated in the 2026 Plan as Office, Office/Service,  
623 Commercial Concentration, and Environmental Protection Area which corresponds to the  
624 pond and 100-year flood plain. Portions of the site are also designated as Prime Economic  
625 Development Site #26 and a part of Site #27 in Chapter 7 of the 2026 Comprehensive  
626 Plan. The Traditional Neighborhood Development designation extending into the site is  
627 more closely associated with a larger area to the southwest, and the Open  
628 Space/Recreation designation remains because of previous ownership by a soccer  
629 organization. The request for Light Industrial zoning is generally consistent with the site's  
630 primarily Commercial and Office recommendations which encourage economic  
631 development. Many of the uses proposed by the applicant, including data center  
632 development, are permitted in the County's Office, Office/Service, and Business zoning



633 districts, indicating this request could be consistent with the Plan's Future Land Use  
634 recommendations.

635  
636 While the site is currently zoned for agricultural uses, and inquiries into the mitigation of  
637 the loss of agricultural land have been received by the County, staff notes long-term  
638 agricultural use of the site is not recommended by the 2026 Plan. Development of the  
639 2026 Plan balanced future uses throughout the County, not on single sites, to ensure  
640 adequate housing and economic opportunities for residents and that includes Agricultural  
641 uses. This balance included the designation of Prime Agricultural on the Future Land Use  
642 map for areas best suited to continued agricultural uses over the Plan's timeframe. The  
643 subject site does not include a Prime Agricultural designation and based on the plan  
644 would not be considered lost agricultural land.

645  
646 A developable area plan shows what portions of the property could be developed. In  
647 addition to the total developable area, the exhibits show buildable areas where buildings  
648 and associated structures would be located. Stormwater retention ponds and other  
649 accessory uses could also be located in the buildable areas shown on the exhibit. A  
650 commitment by the applicant limiting impervious areas to 65% of the site has been  
651 included in the proffers. This commitment would require a minimum of 35% of the site to  
652 remain in open space, instead of the 10% required by the zoning ordinance. The applicant  
653 has also included several enlargements of this plan in order to show specific areas in  
654 greater detail. I'll go through those here. The southeast quadrant, the southwest quadrant  
655 and the north quadrant. A second series of exhibits showing the buffers and potential  
656 flood zone areas has also been submitted. This one also has the more detailed ones so  
657 we can show those if they load.

658  
659 Building setbacks and buffers have been proffered. Perimeter buffers and building  
660 setbacks for multiple borders of the property are described in Proffer 3 and their locations  
661 are shown on the submitted exhibits. In some locations, mostly along the Resource  
662 Protection Area or RPAs and adjacent residential areas, there would be a 100' buffer and  
663 setback. In other areas, mostly adjacent to roadways, there would be a 50' buffer in  
664 conjunction with a 100' building setback. So, buildings or parking lots and retention ponds  
665 could go within that 50' to 100' space and those buffers along the roadways but the first  
666 50' would have to remain wooded.

667  
668 Proffers would require existing landscaping be retained to the greatest extent possible  
669 and, where the buffer areas do not meet Transitional Buffer 50 planting standards,  
670 supplemental landscaping would be added. The applicant has also committed to any  
671 fencing located within these buffers both along the roadways and along all borders within  
672 these buffers and setback areas being of a decorative nature. These setbacks and buffers  
673 are consistent with the existing development requirements in White Oak Technology Park  
674 and with other approved developments along Technology Boulevard. The applicant has  
675 also included a requirement that 50% of all plantings installed must be native species.  
676 This is an increase over the 35% required by the code.

The proffers also address permitted uses, allowing those listed in the Office category and Manufacturing and Production category. Minor utilities and accessory uses such as electrical substations, switch stations, water and sewer facilities would also be allowed. Any additional M-1 uses could be permitted but only with the approval of a Provisional Use Permit or Conditional Use Permit per the Zoning Ordinance which involves a public hearing process such as this one.

Data centers as a permitted use have been the subject of much public input in this case. This use is first permitted in the O-1 Office District, which requires all cooling, ventilating, and emergency generator/power supply equipment to be located within an enclosed building. This equipment for data centers in the M-1, M-2, and M-3 districts is not required to be fully enclosed but must be screened per the Zoning Ordinance which is what would happen with this case. These architectural elevations are proffered. You have two examples that would have been in the staff report, that you received, of data centers that currently are planned or approved or built out there at the site. Any buildings, no matter the use, must be in general conformance with the quality of design, massing, architecture, and variety of features exhibited. Specific building materials have also been listed in a separate proffer. The applicant has committed to joining the White Oak Technology Park, which would require approval of the park's Design Review Board. Signage has also been addressed in the proffers in a manner similar to the surrounding developments. It would be monument style with bases of similar material to the associated buildings. No digital message signs would be permitted.

The proffers limit building height to 93', which is lower than the 110' height allowed by code. White Oak Technology Park allows a height of up to 110', where the tallest building is 75'. A use with a portion of its manufacturing structures taller than 75' has been approved but has not yet been constructed. While building appearance and height would be generally consistent with other developments in the area, and the applicant has committed to incorporating best practices with regard to environmentally friendly building construction. The revised proffers include a commitment to develop future buildings, including data centers, consistent with an established environmental building program, such as LEED certification. The applicant would be required to provide third party certification of the building's design and construction according to the standards which are utilized.

General construction and site considerations are addressed in a series of proffers related to floodplain conservation, stormwater pond treatment, underground utilities, lighting, fencing, hours of construction, and other topics. The hours of construction have been limited to 7:00 a.m. - 7:00 p.m. or dusk, Monday through Saturday and 9:00 a.m. through 6:00 p.m. on Sundays within 500' of a residential use and that will be identified on all plans of development based on the residential uses nearby. The only exception would be in emergencies, if something broke and had to be moved or something of that nature. Given the size of the subject site, staff does note that the 500' limit would be difficult to enforce, and limitations for the entire site should be considered. Additionally, other similar cases have completely prohibited construction on Sundays. There have been inquiries about other construction and site considerations such as soil retention techniques,

724 retention pond construction techniques, and screening of mechanical equipment. Staff  
725 notes these subjects are addressed in County or State statutes and, therefore, do not  
726 need to be addressed in the applicant's proffers.

727  
728 The Division of Recreation and Parks has noted the subject property falls within the area  
729 of both the Savage Station and Seven Pines Battlefields, primarily toward Old  
730 Williamsburg Road. While there have been no known earthworks or other features of note  
731 identified on the site, the applicant has proffered a Phase 1 Archeological and Cultural  
732 Resource Study to be conducted prior to the first Plan of Development. Any artifacts found  
733 would be offered for donation to the County. The applicant has also committed to dedicate  
734 a portion of the property along the north side of Old Williamsburg Road to the County for  
735 the placement of a historic marker or other improvements. Staff notes the Savage Station  
736 Battlefield already has several markers located on Meadow Road and this is where the  
737 Civil War Trail website points people looking to visit the battlefield. Prior to or concurrent  
738 with the approval of the initial Plan of Development on each tract, a document setting  
739 forth covenants and restrictions relating to development and maintenance of the tract  
740 would be recorded, and by which that portion of the property would become a part of the  
741 White Oak Technology Park. This would include setback requirements, a design review  
742 board, and development guidelines addressing various topics including signage, external  
743 lighting, the location of service areas, landscaping, construction standards, site coverage,  
744 and circulation as they have been applied to existing developments within the White Oak  
745 Technology Park. Because these subjects are already addressed in the existing  
746 covenants, the applicant has removed their reference to specific subjects in the revised  
747 proffers.

748  
749 The applicant will also be required to provide sewer infrastructure. The Department of  
750 Public Utilities has identified the need for a pump station and a force main to serve the  
751 site. The applicant would be required to demonstrate such infrastructure is available or  
752 under construction prior to the Plan of Development approval. County water can be  
753 supplied via a 24" water line located on Old Williamsburg Road; however, citizens have  
754 raised questions about the project's potential water usage. Based on staff research of  
755 data center industry standards, the amount of water used to operate such facilities has  
756 greatly decreased with technological improvements. The applicant has committed to  
757 these best practices of water usage and on-site stormwater runoff for irrigation. The  
758 Director of Public Utilities is here and can answer any questions you may have about  
759 those subjects.

760  
761 Noise has been a major concern expressed during citizen engagement. This includes  
762 both construction noise and ongoing noise from potential uses, particularly data centers.  
763 To address these concerns, the applicant has proffered to mandate the use of best  
764 practices in the industry of any use on the site at the time of construction. Emergency  
765 generators are a typical accessory use for data centers and other potential uses of the  
766 site. These need to be tested regularly to maintain their readiness status that is required  
767 by the manufacturers of the devices and therefore they would produce some noise. The  
768 applicant has proffered to limit the testing as approved by a required Virginia Department  
769 of Environmental Quality permit. The applicant has also provided a general framework of



770 times when generators could be tested. Testing would be restricted to between 7:00 a.m.  
771 and 7:00 p.m. Monday through Friday. In order to reduce noise in the direction of existing  
772 homes, the applicant has committed to placing buildings and generators in a manner to  
773 minimize potential noise impacts during testing and emergencies. The desire for a  
774 decommissioning plan for generators was also expressed by citizens; however, this topic  
775 is already addressed by the Building Code and Fire Code. We do have Mr. Paylor, the  
776 retired Director of DEQ, here and he can answer questions about the requirements for  
777 these types of generators if you have any. Other impact-mitigating best practices included  
778 in the proffers are minimization of impervious surfaces in landscaping areas, use of solar  
779 power for aeration of stormwater facilities, electric vehicle parking spaces, LED lighting  
780 fixtures, recycling of construction material waste, and heat-reflective roofing materials.

781  
782  
783 The proffers continue to address access and necessary traffic improvements, as  
784 determined by a Traffic Impact Analysis. The analysis would be required based on  
785 cumulative trips generated by the entire site, as recommended by the Department of  
786 Public Works. Previously they had done one for the north and one for the south but now  
787 they have come in and made it cumulative for the entire site. General vehicular access  
788 for the majority of the site would be obtained from Williamsburg Road or Technology  
789 Boulevard. Additional emergency access could be granted from Old Williamsburg Road  
790 and Old Memorial Drive depending on which roadway is adjacent to each portion of the  
791 site. The exemption to this is a portion of the site currently only having access to  
792 Williamsburg Road, it's this parcel to the north. This would be allowed to continue  
793 accessing Old Williamsburg Road for any allowed recreational purposes. Similarly, all  
794 construction traffic must come from Williamsburg Road or Technology Boulevard.

795  
796 In addition to future land uses, the Comprehensive Plan contains a Major Thoroughfare  
797 Plan or MTP, which contains conceptual roadways meant to ensure adequate access to  
798 parcels for development consistent with the future land use recommendations. The site  
799 contains several MTP concept roads, including an extension of Memorial Drive to  
800 Williamsburg Road, an extension of Technology Boulevard north of Williamsburg Road  
801 and continuing past Interstate 64 on here, and Concept Road 80 which bisects the site  
802 here, which would provide access from Technology Boulevard to properties on the west  
803 side of Old Memorial Drive. The extensions of Memorial Drive and Technology Boulevard  
804 were meant to ensure access in case those portions of the site were developed under  
805 multiple ownerships. However, if developed as a single use over the entire site, a public  
806 road through that would not be as critical.

807  
808 This is not the case with Concept Road 80, which would provide access to additional  
809 property not involved in this case and help relieve future traffic pressure from Old  
810 Memorial Drive. If additional property is developed, the developable area plans show a  
811 potential location of Concept Road 80; however, the placement is not ideal as it would  
812 potentially have impacts on adjacent residential properties. The proffers offer a  
813 commitment to dedication of the right-of-way for this concept road in a location to be  
814 determined during the Plan of Development. Staff was provided with policy documents  
815 created or adopted by Fairfax and Fauquier Counties. There are some portions of these

documents that do not apply to Henrico simply because every locality is different. After review of those documents, staff believes the proposed proffered conditions, Zoning Ordinance requirements, and Plan of Development review process would ensure the development is largely consistent with their recommendations.

For community engagement, the applicant held two community meetings at Seven Pines Elementary School on December 7, 2023, and January 17, 2024. An additional meeting was held by the Henrico Conservation Action Network or HCAN on January 18, 2024, at the Sandston Library. The Planning Department has received communication from citizens and distributed this information to the Planning Commission.

This request would allow a large site to be consolidated under a single zoning district with unified proffers, and the proposed uses would be consistent with the 2026 Plan's Future Land Use designations on a majority of the site. The proffered commitment to providing necessary right of way for future Concept Road 80 in a manner determined at the time of plan of development review should ensure consistency with the intent of the concept roads listed in the Major Thoroughfare Plan. The applicant has proffered some assurances of quality development including buffers, landscaping, building setbacks, architectural exhibits and materials, height limitations, use limitations, archeological studies, land dedication, protective covenants, and several best practices. The revised proffers also address limited hours of construction on Sundays, generator testing hours, a DEQ permit for the emergency generators, joining the White Oak Technology Park, third party certification of building efficiency, additional noise standards, and a consolidated traffic impact statement. These revisions have addressed the major concerns previously noted by staff and would be in keeping with the development standards and best practices for other facilities elsewhere in Virginia. For these reasons, staff believes this request would be generally consistent with the recommendations of the 2026 Comprehensive Plan and the pattern of development in the area established by the nearby White Oak Technology Park therefore staff recommends approval of this request. This ends my presentation. I'd be happy to take any questions you may have.

Mr. Mackey - Thank you for the presentation. Mr. Humphreys. Do any of the commissioners have any questions for Mr. Humphreys? I have a question. If there is any infrastructure that needs to be put in place, the applicant will be responsible for all of those.

Mr. Humphreys - Yes, sir.

Mr. Mackey - None of those will be incurred? I heard you say something about a pumping station.

Mr. Humphreys - Yes.

Mr. Mackey - And the applicant will be paying for that.

861 Mr. Humphreys - Yes, they would be required to do that because that would be  
862 serving their property.

863  
864 Mr. Mackey - Okay. All right. I do have some questions. Mr. Chan, Director  
865 of Public Utilities, would you please come forward please? Good evening, sir.

866  
867 Mr. Chan - Thank you, Mr. Chairman. Good evening.

868  
869 Mr. Mackey - I just had some questions. A question about water, we were  
870 hearing a lot of issues about residents was concerned with, with the water usage. Could  
871 you explain, you know, the capabilities that the county has, in order to supply the water  
872 to the data center?

873  
874 Mr. Chan - So the County currently has an 85 million gallon per day water  
875 treatment facility off of Three Chopt Road that provides the majority of water for the  
876 county. The county also has an ongoing contract with the city of Richmond to purchase  
877 water. I don't have that exact number in front of me, but that supports our overall supply.  
878 And with the imminent completion of the Cox Creek Reservoir project in Cumberland  
879 County, that adds an additional 47 million gallons per day that we have available in  
880 capacity to produce and provide for the entire county. And so, from a usage standpoint,  
881 we've seen a high of maybe 50 million gallons per day, normally we're kind of in the 20 to  
882 30. So there's a pretty big Delta in what we have available versus what we actually use  
883 from a county standpoint. And I guess also to speak to usage; I know that there's been  
884 some talk about data centers. What we've seen in the new models of data centers, very,  
885 very low usage, akin to warehouses, because mostly, they are air cooled and take very  
886 little water from our system, maybe to the detriment of our business, but they're air cooled  
887 and mostly just the water usage is restroom facilities for any employees.

888  
889 Mr. Mackey - Okay, one other question, not sure if you can answer this and  
890 maybe more for the applicant, I'm not sure, just some more thoughts. If they have  
891 stormwater retention ponds is there any way, they can use any of that water for the  
892 cooling?

893  
894 Mr. Chan - Yes, sir. We are working, The Department of Public Utilities is  
895 part of a study through the Water Research Foundation to look at beneficial reuse of  
896 stormwater eventually for production of drinking water. But for right now, it's beneficial  
897 reuse for process water. And there is the additional benefit of detaining stormwater for  
898 irrigation, which again, offsets the use of county provided drinking water.

899  
900 Mr. Mackey - Thank you, Mr. Chan. Any other commissioners have any  
901 questions for Mr. Chan?

902  
903 Mr. Nelson - I want to wait, I want to hear from the applicant first. I have a  
904 whole lot of questions, but I'll wait.

905



906 Mr. Mackey - Ok. Alright. I would like to ask Mr. Paylor, if he would come  
907 forward, please. How are you doing, sir?  
908  
909 Mr. Paylor - Afternoon members of the Board.  
910  
911 Mr. Mackey - Thank you. Thank you for being here. We went on a tour of  
912 the QTS site. And we spoke with one of their representatives. And they were talking about  
913 diesel generators. And they were saying that they were using the industry standard of  
914 Tier 2 diesel generators emergency generation, and we have some people who  
915 requesting us to use Tier 4. Can you kind of explain the difference between Tier 2 and  
916 Tier 4?  
917  
918 Mr. Paylor - The Tier 4, as I understand it, has some better removal of  
919 nitrogen oxide and a couple other constituents. The way that the DEQs first of all, the  
920 DEQ has had a lot of experience with data centers, as you probably know, there are  
921 hundreds of them in Northern Virginia. And we've been through a lot. All of the permits  
922 that are issued by DEQ are based on air quality standards that are established by the  
923 EPA to make sure that the public is protected with a significant margin of safety. And so  
924 whether it's, I am not up to speed on whether or not DEQ has the authority to require Tier  
925 4 rather than Tier 2, but I do know that any permit that would be issued by DEQ is going  
926 to evaluate the emissions and is going to require controls on those emissions so that  
927 there's no negative impact on air quality. And in fact, that's one of the ones that we have  
928 required in northern Virginia on data centers is instant installation of SNRs that reduce  
929 nitrogen oxide, so...  
930  
931 Mr. Mackey - So that those could be added to Tier 2?  
932  
933 Mr. Paylor - They're probably Tier 2s with additional emissions controls on  
934 them to make sure that the emissions meet all their quality standards.  
935  
936 Mr. Mackey - But you feel comfortable that the Tier 2 is substantial?  
937  
938 Mr. Paylor - What I feel comfortable with is that DEQ will require emissions  
939 controls that meet all their quality standards.  
940  
941 Mr. Mackey - So, you're pretty certain that this site will require DEQ  
942 permitting?  
943  
944 Mr. Paylor - It's certainly my understanding that it would require a permit.  
945 Any condition that allows DEQ to waive permit requirements would only be based on the  
946 fact that there is a minimal air quality impact to begin with. So, it's my understanding, and  
947 would be my expectation that a permit would be required here.  
948  
949 Mr. Mackey - Do you think they would need any air quality monitors at that  
950 site?  
951

952 Mr. Paylor - I do not expect that the regulations will require air quality  
953 monitors. There are some air quality monitors, you know, that the agency maintains that  
954 are maybe 20 miles away, I don't know the exact mileage. So, there are some that are  
955 relatively close. But DEQ's protection of air quality is based on a lot math and a lot of  
956 modeling to make sure that under a worst-case condition, there's not going to be a  
957 violation of air quality standards. Even close in.

958  
959 Mr. Mackey - Okay, alright. Thank you.  
960

961 Mr. Shippee - Dave, I know it's been a couple of years since you've been at  
962 the agency but on that point, the math may check out but how are you sure that the  
963 immediate location is not experiencing a degradation in air quality? Are there temporary  
964 air monitors you can bring in or that you would that the agency would bring in?  
965

966 Mr. Paylor - That certainly could be requested that the agency could do  
967 that. They have done things like that in the past. I would have to defer to them on that. I  
968 will say that, that the modelling looks at the math, looks at near term impacts. And we can  
969 tell you at least, I say we, I mean they now can tell you what the impacts would be 100  
970 yards out 200, 300, 400. So, they look at near field impacts as well to protect that. And in  
971 fact, of the things that is part of the way that the rules go together is you have to define  
972 what the fence line is and everything outside of the fence line is what gets modeled.  
973

974 Mr. Shippee - Thanks.  
975

976 Mr. Mackey - Any other questions? Thank you, sir. We appreciate you being  
977 here. All right, at this time, I'd like to hear from the applicant.  
978

979 Mr. Condlin - Members of the Commission, Mr. Chairman, my name is  
980 Andrew Condlin on behalf of Roth Jackson. I have with me Mark Hourigan of Hourigan  
981 Development and Construction and a host of other folks here as consultants and  
982 resources as we need them. Mr. Humphreys has described in quite detail, and I want to  
983 try to avoid rehashing a lot of what he's already covered. But this is 622 acres well located  
984 in many respects. As you can see, it's bounded by two major highways 295, and 64, as  
985 well as Route 60 and Technology Boulevard. We're also well located as an extension of  
986 White Oak Technology Park. It's really set the precedent of good business practices in  
987 the area, not profit, necessarily, but through the restrictive covenants and through the  
988 design standards, and the review guidelines that they require of their businesses we  
989 would be consistent with those but also with the pattern of rezonings in the area that  
990 rezone for industrial.  
991

992 As you can see in the purple, we've got the White Oak Technology Park shown in red,  
993 more recent industrial rezoning the pattern development in the pink is shown here. And  
994 then what we're proposing in the blue along 295, 64, Williamsburg Road and the  
995 extension with Technology Boulevard coming through. It really is designed and is  
996 intended to be a reflection of White Oak Technology Park and the success that they've  
997 been able to achieve. It also benefits from the existing and planned infrastructure of the

998 surrounding area, including the road network, but also the fiber optic cables and the  
999 undersea cables, as well as high-capacity electric power that's already been approved  
1000 and was intended for White Oak Technology Park coming across our property, so we're  
1001 able to use that electrical power as well. This is literally the site is also literally buffered  
1002 by existing trees and landscaping to provide screening for many, many of uses that are  
1003 located on the property from adjacent roads as well as adjoining residential property.  
1004

1005 Mr. Humphreys described our proper buffering plan that showed not only the 50' and 100'  
1006 buffers, but we also have on the property edges variable with buffers along the RPA and  
1007 wetlands, a minimum of 100' but up to 220' proffers that are provided on the plan. And in  
1008 our proffers, we have to meet those buffer conditions. We've also provided for a  
1009 developable area that combined with the buffer plan shows not only our potential  
1010 development of the area and the building development, but also specific setbacks with  
1011 respect to buildings that are enhanced beyond those that are already proffered in the  
1012 buffer area. So, we have the increased building setbacks that go up to 280' in certain  
1013 areas where the buffer the buildings will be setback. In addition to significant natural  
1014 buffers, and by major road networks, we have extended setbacks. And we're also limiting  
1015 clearing with respect to the amount of development on this property. Like White Oak  
1016 Technology Park off Technology Boulevard, we have limited sight lines for the properties  
1017 themselves.  
1018

1019 We proffered two elevations which will set the standard for the type of development that  
1020 we have. So, to the extent that you can see development but again, I would offer to you  
1021 that like White Oak Technology Park, Technology Boulevard, very limited sight lines that  
1022 would be able to see the actual buildings. We proffered the elevations to reflect a sense  
1023 of a quasi-office look that can be provided for the development and is required for all  
1024 development, which is, as one of the uses permitted includes Office uses. Most of the  
1025 data centers have anywhere from 30,000 to 80,000 square feet of office space so it is  
1026 important to have that office component and that look as part of the overall development.  
1027 We've also put together a number of viewshed pictorials to be able to find the sightlines.  
1028 I'm not going to go over each of those. I'd be happy to get them later in the presentation.  
1029 I'll give you an example of a few. This is off of Old Memorial Drive, which we've got  
1030 viewsheds three and four. And you can see off of there that someone standing on the  
1031 opposite side of the road, the extent and the length of the sightlines but also the buffer  
1032 and the trees that are located in between our existing tree cover with the maximum height  
1033 of the buildings that we've shown. I also thought it important to show as we've shown up  
1034 here view seven and eight which is on Old Williamsburg Road and also, I-64. The top one  
1035 is off of Old Williamsburg Road. Again, you can see the existing tree cover but also off of  
1036 I-64 the distance as well as existing tree cover and inability from our perspective to be  
1037 able to see the buildings themselves with the natural buffering that we have.  
1038

1039 We provided for, as has been reflected by and described by Mr. Humphreys, a significant  
1040 number of proffers and proffer commitments that are consistent with and expected of any  
1041 development but also go above and beyond proffers that we have not provided for in my  
1042 memory in any case. I'm not going to go through each and every one of these as they  
1043 have been described. I was going to touch upon some of them that we found important



to respond to particularly community comments and concerns. I've highlighted those with underlined and bold. So, for example, under Number 7, Lighting Standards, we proffered that we will be Dark Sky compliant. Specific lights that are within and near the residential areas to be limited to 25' in height, all lights will be LED. And as was requested specifically by one of the neighbors that no building lights would be facing towards single family homes. There's limited construction traffic, as has been noted to Williamsburg Road and Technology Boulevard. We've also limited access, all access to the property, other than emergency access to those two roads as well.

The protective covenants have already been talked about as well as a screening of loading docks, as well as the equipment areas. One of the things that wasn't talked about is I should list it as new Proffer Number 31. There was a concern that was raised that we found last week someone asked about consistent with existing zonings in the area for industrial zonings Safe Conduct of Operations that historically we provided for with the new ordinance that covers most of it. We're willing to if the Planning Commission is willing to accept it, willing to provide for a Safe Conduct of Operations proffer that would reflect what has been done in the past and are consistent with other areas.

Lastly, on this slide, I'd mentioned again, the open space, which is 35%. A minimum of the development area has to be retained in open space, we have 70 acres of RPA, and wetlands. But we also are providing for over 220 acres of open space beyond or as part of that, in addition, to those 70 acres. So, we think that's significant, and certainly unique and well beyond what the code otherwise requires. We've also has already been talked about the limited access and the concept of access but we're also providing sidewalks along Technology Boulevard and Williamsburg Road which is significant from that standpoint to help encourage pedestrian access in the area. Something that I've never proffered before and I don't think I've seen anywhere in Henrico, and quite frankly anywhere else, is proffering for all buildings, regardless, not limited to data centers would be constructed and operated using best practices in the industry. So that includes construction, noise attenuation and cooling technologies. And that's something that you know, as technology evolves, we didn't want to specify specific standards, because quite frankly, using water as an example, no longer using evaporative systems. Even we're getting away from closed loop systems. And the technology continues to evolve so that there's almost no water usage beyond the kitchen and restrooms.

But with respect to data centers, we have committed to a LEED Silver Standard or equivalent, which is in Proffer 24. We were asked by the community to provide a LEED standard, which we have then proffered. And with that comes a number of benefits and a number of requirements that we have to meet with respect to not only the building structure, but also operations. There was a comment that was we've received just recently, in the last I think 24 hours asking us to provide for a Gold standard. Quite frankly, having LEED Silver as we think an enhanced standard to be able to meet and the Gold Standard, not able to meet from a standpoint, while we might be able to it's typically looking at operations related to human occupancy and the ability of the efficiency of the operations for HVAC systems for occupancy for that standard. With respect to data centers, there's limited human occupancy, and it's really more of the data halls and for

1090 the IT equipment. And it's a different type of HVAC, and we're concerned about and quite  
1091 frankly, there hasn't been to our knowledge, any new enterprise and Colocation Data  
1092 Centers that have been built that are built to the Gold Standard. We feel like we can meet  
1093 the Silver Standard, we might be able to meet the Gold Standard. But we can't commit to  
1094 that at this point. Because it is a different type of operation than you typically find for being  
1095 able to meet with a Gold Standard. So that's a part of our commitment. We've also  
1096 designed in construction to use recognized energy industry energy efficiency standards,  
1097 such as the ASHRAE, standard 90.4, which is again, something that I have not seen in  
1098 any other case and providing for that standard.

1099  
1100 Mr. Humphreys is provided a unique resolution, I think in describing the concern raised  
1101 for noise attenuation, and providing for a baseline study, and providing for specific decibel  
1102 standards, both during the day and night. And making sure we meet those. So again,  
1103 that's something that's been talked about quite a bit. One of the things that has caused a  
1104 lot of concern is generators. And we have certainly done a lot of research and certainly  
1105 have a lot of experience on that. And one of the things that we've provided for was we  
1106 called them emergency generators, there was a concern about making sure that we  
1107 proffered that we were required to get all DEQ permits that would apply to emergency  
1108 generators. I'm willing to take out and we're willing to remove the word emergency so that  
1109 if DEQ requires any generator, we would have to apply for DEQ permitting for that  
1110 generator not limited to emergency. But we're also willing to limit the use of generators  
1111 for only emergency power. I'm happy to revise that and work with the staff. There's no  
1112 intention to use the generators for anything else other than emergency power.

1113  
1114 As you can see, and from our description, Mr. Humphreys, discussion of the proffers, we  
1115 provided for operation and testing. Testing is limited to 7 a.m. to 7 p.m., Monday through  
1116 Friday, and screening of the generators a part of the equipment. And while certainly we  
1117 didn't proffer the specific technology, this is an example of a generator design eliminating  
1118 both noise and emissions, using a number of different equipment, different tools in order  
1119 to limit those specifically. Talking about with respect to DEQ and I know from talking to  
1120 our environmental attorneys and the DEQ experience with respect to an overall emission  
1121 that we have to provide for the entire project as it comes forward and gets permitted by  
1122 DEQ. And so regardless of the type of generator, whether it's Tier 2 or Tier 4 there are  
1123 differences. The industry standard is currently Tier 2, because of reliability and availability.  
1124 We still have to meet those emissions control standards for the project, regardless of the  
1125 type of generator, and we can't exceed those from that standpoint. We'll be monitored  
1126 specifically. We're also incentivized by the fact that we have to, because of the IT  
1127 equipment, you have to make sure we're using the cooling standards that we have with  
1128 the air intake to make sure that we're monitoring the interior, and that we're not having  
1129 any degradation with respect to particles, and other pollutants that are within the site itself  
1130 within our buildings. We have to be careful with the IT and servers that are provided for  
1131 and that's required of us as far as our operations. So, we're all obviously incentivized from  
1132 that standpoint.

1133  
1134 And lastly, with respect to the proffers mentioned, I'm happy to obviously answer any  
1135 questions with respect to historic preservation. Mr. Humphreys actually pulled up a couple

1136 more of state historical markers that are in the area than we picked up on Meadow Road  
1137 and Route 60. But also speaking of the biggest concern was the Savage Station Battle  
1138 and picking up the map of the battlefield overlaid on this property by the Civil War Trust.  
1139 And I'll zoom in a little bit, you can see 64 running from left to right, 295 running north and  
1140 south. You can see on the bottom left of route 60, our property is highlighted the portion  
1141 that's north of Route 60 is highlighted in yellow. You can see a majority of the battle  
1142 happened in the interchange at 64 and 295. And you can see in the light blue, where it  
1143 says Sumner and Savages Station just above north of 64. That's the area where the solar  
1144 farm is and that area that's in the blue is a preserved area that is the Savage Farm in  
1145 which the hospital was located that's a preserved area. You can see on our property; we  
1146 only have one area in which the 20th Massachusetts moved along the Old Williamsburg  
1147 Road. That's the exact area in which we've offered to dedicate a quarter acre for further  
1148 signage as necessary as the county deems appropriate, dedicated to whomever ought to  
1149 be able to go out there. That particular area and that 17 acres that's north of Old  
1150 Williamsburg Road on our concept plan does not have any specific development on that  
1151 particular portion of the property. So that would remain open as it is. In addition, we've  
1152 offered to do an archeological study. We don't know exactly what's out there. But we've  
1153 offered to do it and on the entirety of the property and follow the Section 106 requirements  
1154 prior to any POD approval. We'll provide for that study to the county so that we would  
1155 know if there's anything out there based on that study. And then we can then take the  
1156 necessary actions. As part of Section 106 we will also be subject to the federal regulations  
1157 with their requirements based on the results of that study. And as I pointed out, as Mr.  
1158 Humphrey's has described the dedication of the area with which we believe is the only  
1159 area that has been impacted by Savages Station.

1160  
1161 I'm certainly not going to go over this entire chart as I can't even read it. But these are the  
1162 number of items that we've responded to specifically that we feel are unique to this  
1163 property that were in response to staff, as well as the community comments that we've  
1164 tried to be responsive with a number of comments and meetings as well as large scale  
1165 community meetings. And then finally, I will point out that we have with respect to  
1166 regardless of whether it's data center, or advanced manufacturing, one of the benefits of  
1167 not having distribution uses is while maybe not having as many jobs, they're well-paying  
1168 jobs. And as part of what we're trying to provide for and which the county has provided  
1169 for from an economic opportunity area is to be able to provide for jobs and employment  
1170 base for the area. And these are the people that would be living in the area, and these  
1171 are some samples and examples of the types of employment opportunities that we have  
1172 for what we're providing for.

1173  
1174 In conclusion, I would point out to you that we believe that this is the best location to have  
1175 this type of use with major road networks surrounding with the infrastructure available  
1176 and with the natural landscaping and screening with the enhanced buffers and setbacks  
1177 that we provided for, and primarily with respect to unique and new proffers, including best  
1178 practices, and LEED Silver. We'd ask that you follow staff recommendation, and we'd ask  
1179 for your recommendation to the Board of Supervisors as we've met all legislative  
1180 prerequisites for that recommendation. With that, Mr. Hourigan has helped me answer  
1181 any questions that you may have at this time.



1182  
1183 Mr. Mackey - Okay.  
1184  
1185 Mr. Nelson - Mr. Mackey?  
1186  
1187 Mr. Mackey - Yes? Go ahead.  
1188  
1189 Mr. Nelson - I'm going to call you back up Andy, after the community  
1190 comments. I do want to hear from the community before I get too deep into asking all  
1191 these questions. One, one question jumped out at me. What conditions actually qualify  
1192 as emergency when we talk about emergency power? And how do you actually define  
1193 that? I saw somewhere that actually a need for more power can be qualified as  
1194 emergency. And that can't be. Right?  
1195  
1196 Mr. Condlin - Certainly, for our purposes, and we can certainly dive into that,  
1197 if we need to with respect to the proffers. The way that it has been described to me that  
1198 is if the generators have to go on that it is temporary, and it's based on the lack of existing  
1199 power. That's one of the reasons that they locate in this area is because they want to  
1200 have redundancy of power. It's not, it's not cheap nor good to be able to use the  
1201 generators for extended periods of time. So, the idea would be that we would have  
1202 redundant power, otherwise, we'd have battery source for very temporary for bridging  
1203 certain gaps that we have. But to the extent that's needed for a catastrophic situation  
1204 where the power has gone out, versus with redundant areas, that we'd be able to have to  
1205 use the generators at that point. That is the industry standard and the only reliable one.  
1206 When it gets to that point, having diesel generators because of the diesel fuel, they're  
1207 looking for alternative fuels which are unavailable. But emergency would specifically be  
1208 towards the lack of available power that's already provided through Dominion through a  
1209 catastrophic situation. So, during that process we can define what power comes to  
1210 the site.  
1211  
1212 Mr. Nelson - So, we need you to put that into the proffer, catastrophic. The  
1213 definition of catastrophic in the proffer, I think. That needs to be clear what catastrophic  
1214 is and so that there's not any wiggle room for anything else like more power.  
1215  
1216 Mr. Condlin - One of the things that was raised by the community was not  
1217 to use the generators to produce power to work off site. And we've committed to that in  
1218 the proffers. Also, I'm not sure the exact language, but not use it as a primary source. And  
1219 that's why I wanted to use it as an emergency source. So, I need to define what that  
1220 means an emergency, I can certainly work with the county attorney, the county planning  
1221 staff to come up with a catastrophic situation in which the generators would only be used  
1222 in that short period of time as necessary. As you know, it is necessary from the standpoint  
1223 of health and safety, public safety. Certainly, hospitals are everything from the standpoint  
1224 of having digital records. So that's why, quite frankly, I find this is really important to be  
1225 able to continue online, are why these data centers are important from that standpoint.  
1226

1227 Mr. Nelson - Alright, another couple of other quick questions. Those Safe  
 1228 Conduct of Operations language, we've been getting emails about that. I feel like we  
 1229 talked about. Is that now added in the proffers?  
 1230

1231 Mr. Condlin - The Safe Conduct of Operations? I have not submitted it  
 1232 because the timecode had already changed by the time I got that. We've actually on  
 1233 Tuesday evening, on some of those cases had that exact same language. Obviously, I  
 1234 don't remember the case numbers, but those are the Williamsburg Road in the Charles  
 1235 City Road cases all have that Safe Conduct of Operations. And that's what we'd be willing  
 1236 to work with staff to make sure that that's applicable. Obviously, it's language that's been  
 1237 used in other cases, it's...  
 1238

1239 Mr. Nelson - So, the answer is yes?  
 1240

1241 Mr. Condlin - The answer is yes, yes, sir.  
 1242

1243 Mr. Nelson - Savage Station, we'll come back to that. The scale earlier that  
 1244 Seth was using, it looked like I saw eight buildings, not 13. Unless I was, unless I was  
 1245 missing something. I know we had seen a number 13 before. I think this only had eight. I  
 1246 just wanted to make sure that I was seeing correctly.  
 1247

1248 Mr. Hourigan - Good evening, I'm Mark Hourigan, the co-founder of Hourigan  
 1249 Group and the applicant here. My address is 14 Franklin Street in Richmond, Virginia  
 1250 23219. Those can be misleading. What we're trying to show is the buildable area not the  
 1251 actual buildings. So that would be the limits of construction in those areas. And it could  
 1252 be 10, it could be 12, it could be 13 buildings in that area, but nothing would be outside  
 1253 those footprints.  
 1254

1255 Mr. Nelson - Okay, so seven buildable areas is what I see.  
 1256

1257 Mr. Hourigan - Correct.  
 1258

1259 Mr. Nelson - Alright, and the buffer? No, I hold that until I ask staff. Diesel  
 1260 fuel backup generators, how many on site? Do you know?  
 1261

1262 Mr. Hourigan - I don't think we know at this time. It would generally be one  
 1263 per building. They'd be in the enclosures that you saw, and the monitoring would take  
 1264 place as DEQ explained earlier,  
 1265

1266 Mr. Mackey - Would they have the NOX enhancers on them?  
 1267

1268 Mr. Hourigan - I don't know because we don't know the use of what's going  
 1269 there. Right now, we're in the land use piece so we don't know. But if they would be  
 1270 required to meet the DEQ standards, then they would certainly be provided.  
 1271

1272 Mr. Nelson - All right, last question for you now. I got more, but I'm going to  
1273 wait. You're confusing me with the LEED Silver versus Gold. So, I think and I think even  
1274 HCAN. Sorry, I'm confused. So, I think HCAN sent in something that actually said that  
1275 LEED Silver was one of the top distinctions. Achieving LEED certification can be a tall  
1276 order for data centers. In fact, LEED data centers are surprisingly rare. Fewer than 5% of  
1277 all US data centers have achieved LEED certification. So, 5% of data centers have  
1278 achieved LEED and you're saying you're going to be one of the 5% for LEED Silver?  
1279 That's just a yes or no.

1280  
1281 Mr. Hourigan - Correct.

1282  
1283 Mr. Nelson - Alright. Now, so explain to me again, why you can't do LEED  
1284 Gold. Try to make that in layman terms, like I was kind of confused. And another because  
1285 you said you can't do LEED Gold by also something they came from HCAN, furthermore,  
1286 no, no, no Cisco, something in here says that. QTS or maybe it wasn't. I don't know. It  
1287 was either Sierra Club or HCAN says that you guys recently did commit to LEED Gold on  
1288 a building.

1289  
1290 Mr. Hourigan - Let me see if I can back up and explain LEED. So, there are  
1291 several designations inside LEED. LEED certified, LEED Silver, LEED Gold, LEED  
1292 Platinum. As you move up the scale, the requirements on the building change rather  
1293 dramatically. And so, we can achieve LEED Silver on these buildings, but not LEED Gold.  
1294 When you get to LEED Gold, it primarily focuses on HVAC systems, and daylighting. It  
1295 changes the building footprint and configuration, and what can be in there. And LEED  
1296 Platinum takes all that to another level. So, in a building that is filled with IT equipment,  
1297 there are no windows. The footprint of the building would not allow daylighting even if  
1298 windows were in that building. So, you just can't get there on those issues. There are a  
1299 couple of Gold data centers, but they have been in renovated buildings where the  
1300 requirements were different in those areas. And so, in this type of application, we cannot  
1301 achieve that. Does that clarify?

1302  
1303 Mr. Shippee - Yeah, I just had one follow up if I could. So, I hear you on the  
1304 LEED Gold. How would you feel about substituting in because I know you mentioned  
1305 ENERGY STAR and Energy Star with a 90-point sort of certification scores. That's  
1306 something that you all have done before it would be willing to commit to in that proffer.

1307  
1308 Mr. Hourigan - We've used ENERGY STAR across many buildings, so I'll  
1309 back up and give you just a quick on Hourigan itself. We've been doing development  
1310 construction in the Richmond area for over 30 years. In those 30 years, we've done over  
1311 40 sustainable buildings in excess of 5 million square feet from LEED Certified all the way  
1312 up to LEED Platinum. So, we have a lot of knowledge and expertise in this area. I've got  
1313 a dedicated group inside the company that only focuses on sustainability. So, we are  
1314 always trying to design and build the most sustainable buildings possible. LEED is one  
1315 standard. And I would say we do LEED Silver or its equivalent in ENERGY STAR. I don't  
1316 know the ENERGY STAR number that equates to LEED Silver, but it would be along



1317 those lines. And there are multiple entities that rate the sustainability of buildings, but  
 1318 LEED and ENERGY STAR are probably the most recognized.  
 1319

1320 Mr. Condlin - Regardless of what we achieve, it needs to be certified by the  
 1321 architect that we've been able to achieve that to the county. So, it's not just, this is  
 1322 somebody that has a wing and a prayer, it has to be certified to be LEED.  
 1323

1324 Mr. Nelson - I'm sorry, Mr. Mackey. One more.  
 1325

1326 Mr. Mackey - That's alright. Take your time sir.  
 1327

1328 Mr. Nelson - Is there anybody here from QTS? Or are you, you answering  
 1329 all the questions Andy? You and Mark?  
 1330

1331 Mr. Hourigan - We're going to handle it between the two of us.  
 1332

1333 Mr. Nelson - Alright. So, when we took the QTS tour, and all of us went on  
 1334 the QTS tour I think except for one, and we've had a couple of people actually take a  
 1335 couple Board of Supervisors members I think. The power standard. So, it's kind of  
 1336 pressing why you can't commit to the 1.2.  
 1337

1338 Mr. Hourigan - On the PUE?  
 1339

1340 Mr. Nelson - Yes, on the PUE and there was an explanation that made  
 1341 sense to me when I heard it, but it still seems like there are some, you know, in the  
 1342 advocacy world, there is some dispute as to whether or not you can commit to a PUE.  
 1343 So, from what I understand, if you commit to a certain PUE number, then you gotta make  
 1344 it up somewhere. There's like a balancing act between the PUE and water consumption,  
 1345 etc. So, speak to that part of it, and why, you know, a proffer request came in, asking  
 1346 specifically for you to achieve a power utilization efficiency of 1.2 or lower and why you  
 1347 guys won't proffer it?  
 1348

1349 Mr. Hourigan - Sure. That's a great question. So, let's first start with the  
 1350 definition of PUE, which is the power use effectiveness. And it's the ratio of comparing  
 1351 energy usage operation of the total facility, including all building operations, HVAC, cool  
 1352 air, all the things that go in pulling heat out of the building, versus the IT equipment. And  
 1353 so there are multiple variables that can change that from water used to upgraded  
 1354 technology in the heating, cooling issues. And so, it's a number that can be moved with a  
 1355 bunch of different variables. And you're not always in control of those, I think, in the  
 1356 analogy that I was given is, it's kind of like the fuel economy label on your car. Whether  
 1357 you're driving in hot weather, cold weather, accelerating quickly, using your brakes a lot  
 1358 doing all this other, how much load are you carrying, you will get varying outcomes. And  
 1359 it's the same thing with a PUE. And so, for a building like this, we don't know the uses.  
 1360 We don't know who's coming and we don't want to hurt the marketability of the land. It  
 1361 makes it very difficult to lock in on a PUE. So, the industry doesn't. It's good for measuring

1362 what's happening in that one building. It's not good for measuring from one building to the  
1363 next.

1364  
1365 Mr. Nelson - Okay. I'm just saying, okay, I hear you. I'm not saying okay, I  
1366 agree. I'm just saying, Okay.

1367  
1368 Mr. Hourigan - I heard okay.

1369  
1370 Mr. Condlin - I would also add that PUE is with respect to the operations of  
1371 the building itself. I know the General Assembly is looking at that at this point to create a  
1372 more comprehensive and studying that. They had to delay this year to be able to study  
1373 that. What we're dealing with here is from a land use standpoint, and what's the  
1374 appropriate use, but from an operation standpoint, the PUE's an average number that,  
1375 quite frankly, as Mark has pointed out, if we have less office space, that actually lowers  
1376 our number. I think we want to encourage office space; we want to be able to encourage  
1377 amenities. Because if you have things that are doing using energy outside of the IT  
1378 equipment, then that increases your number. We want to be able to create the most  
1379 efficient number and use energy efficiencies through the LEED rating or the Energy Star  
1380 rating, as opposed to an artificial number that quite frankly, you're discouraging and  
1381 having unintended consequences by trying to get that number artificially lower if we set a  
1382 standard that's not a metric that's really achievable from that standpoint. You'd be able to  
1383 get all the benefits you want otherwise.

1384  
1385 Mr. Nelson - I'm sorry, one more question. The water part of it. I've been  
1386 reading millions of gallons of water being used, etc. We were told that water would be  
1387 and you used the word. I don't want to because I don't want to say a word and then I'd  
1388 see somebody tweet about it or something. Water is being reused, and it's not new water.  
1389 So, what's the deal with the water?

1390  
1391 Mr. Hourigan - So that's the data from early on. There are lots of uses, I mean  
1392 heavy water usage. Hundreds of thousands of gallons per day, maybe a million gallons a  
1393 day in some of the older data centers. The new ones have been drastically improved, as  
1394 Mr. Humphrey said earlier, down to a couple thousand gallons per day. And just to give  
1395 you an equivalent, the average house uses about 300 gallons a day. So, if we are using  
1396 3000 gallons, maybe up to 5000 gallons, it would be the equivalent of something like 10  
1397 to 15 houses. So, the water use is way down. They're in a closed loop system. So first  
1398 initial water comes in, and they recirculate that water. So, they're using much, much less.  
1399 And they're getting to the point where that numbers should come down. As Mr.  
1400 Humphreys said, to simply what comes out of the sink, and what's used in the toilets is  
1401 not used for the cooling of the IT equipment. All that's being done through evaporative  
1402 cooling through air cooling. So, the water usage is, for all practical purposes, a complete  
1403 nonissue.

1404  
1405 Mr. Nelson - And what about noise?

1407 Mr. Hourigan - Same thing with noise. I think you were out there and walked  
 1408 around to see. The average noise coming out of a datacenter is something equivalent of  
 1409 two people having a conversation like we are now. It's just simply they've improved the  
 1410 efficiency of all the operating equipment significantly. And we did proffer that.  
 1411

1412 Mr. Nelson - And the generator usage was 15 minutes a month. Is that  
 1413 what I heard?  
 1414

1415 Mr. Hourigan - Their required testing is 30 minutes per month. And we'll keep  
 1416 that during normal, I'll call it normal, 7:00 to 7:00, other than a catastrophic event. And I  
 1417 think we can come back with some definitions of what that is. I liken it to Hurricane Gaston  
 1418 where we were out of, you know, power everywhere, whether it was the gas station or a  
 1419 grocery store or whatever. That's when an emergency generator is going to be used. It's  
 1420 the only purpose for emergency use, catastrophic use. And everyone will be using  
 1421 generators or without power. So, these buildings will be mission critical. They'll serve fire  
 1422 departments, police stations, hospitals, every bank use and whatever. You want these  
 1423 buildings up and running as quickly as possible. And so other than a catastrophic event,  
 1424 30 minutes of testing per month in enclosed housing, which will reduce emissions and  
 1425 reduce the sound.  
 1426

1427 Mr. Nelson - I had a renewable energy emissions question but I'll ask that  
 1428 after the public comment. Joe, I have some questions for staff too. But I'll wait.  
 1429

1430 Mr. Mackey - I have a question about the commitment to sustainability.  
 1431 Would you be purchasing some green initiatives certification?  
 1432

1433 Mr. Condlin - In talking with some of the users in this area, that's certainly  
 1434 one of the things that they pick up for the renewable energy certificates that they had,  
 1435 which is certainly within that. That becomes part of the development process in order to  
 1436 create that. And that's certainly the capability. We don't have any specifics as that it just  
 1437 becomes what's available, but to be able to purchase those in order to offset the energy  
 1438 use that we have otherwise.  
 1439

1440 Mr. Mackey - Does anyone else have any questions?  
 1441

1442 Mr. Shippee - So Andy, on that point, yes, you can purchase renewable  
 1443 energy certificates. But I think you all in other projects have committed to some renewable  
 1444 energy direct purchases? And would you be willing to proffer that in this case, you know,  
 1445 some reasonable figure not all that, but maybe 30%? Or something?  
 1446

1447 Mr. Condlin - I'm not sure. We'd have to look at that. I wasn't prepared to do  
 1448 that. I've never done that in any other case, from the standpoint. Is that limited to data  
 1449 centers? Is that if you're looking at obviously, that's a heavier energy use.  
 1450



1451 Mr. Shippee - We could define it in the proffer that, you know, 30% of the  
 1452 power for the data center buildings would be renewable energy. It could be a power  
 1453 purchase agreement. Some could be on site.  
 1454

1455 Mr. Condlin - I'm just not well versed enough to know what if that's the right  
 1456 number, and certainly we didn't ask...  
 1457

1458 Mr. Shippee - I just threw it out, yeah.  
 1459

1460 Mr. Condlin - I know that's something they do to try to push the sustainability  
 1461 up but and they continue to do that. Sometimes they'll invest in solar projects themselves.  
 1462 And while I've not dedicated energy solely to that specific project, that's part of their  
 1463 investment that you're otherwise trying to obtain, we can certainly consider that. I just  
 1464 can't commit to that tonight. So, we commit to the other things that we talked about.  
 1465

1466 Mr. Hourigan - I might also add there is such continued improvement in the  
 1467 energy technology space that I don't know that we'd want to proffer that in. We'll certainly  
 1468 look for best practices and standards that are going to certainly do what they need to. But  
 1469 I don't know that we would want to proffer that in just yet... Again, we want to take  
 1470 advantage of all the technology that is driving energy efficiency, down, down.  
 1471

1472 Mr. Shippee - Yeah, I'm sure your customers are asking for it when they  
 1473 occupy your building. Thanks.  
 1474

1475 Mr. Hourigan - Thank you.  
 1476

1477 Mr. Nelson - So, I changed my mind. I'm going to go ahead and ask staff  
 1478 now. Joe, you're up here. You want me to talk to you or just start?  
 1479

1480 Mr. Emerson - We can handle it however you choose.  
 1481

1482 Mr. Nelson - Alright, so let me start here. You know, I will say back in 2017,  
 1483 2016, whenever we reduced the tax rate for data centers. I had no idea that we'd be here  
 1484 with data centers and energy consumption and just some of the potential challenges that  
 1485 come with oversaturation of them. And so yes, we did reduce the data center rate. And,  
 1486 you know, the EDA does say on their website that they recruit data centers. We're here.  
 1487 I don't think that we have an oversaturation. So, I've actually asked you how many data  
 1488 centers that we have if you know, and then talk about, you know, I saw somewhere,  
 1489 somewhere, somebody said that you know, we're not... Well, let me just pause there. I'll  
 1490 just pause there.  
 1491

1492 And I'm asking you that because if for some reason the Board of Supervisors passes this  
 1493 case, what has been the benefit to the county of Henrico so far without this case? From  
 1494 the tax payment to the county, from what we already have? If you don't have an exact  
 1495 number, then give us an estimate of where we are, you know, I constantly hear there's  
 1496 no benefit. And you know, one thing we haven't talked about, yet. I don't know where, I

1497 don't know where I am, or where my colleagues will be when we vote on this next month.  
1498 But if we for some reason pass this case, it will not be without a significant historic  
1499 investment back into the community because of the tax revenue that comes from this,  
1500 and I'm talking about for a specific need. So, we won't just be passing this case, and then  
1501 nothing comes out of it. It will be transformational for the entire county what we will do  
1502 specifically, but we'll talk more about that after today. Just tell me what the tax revenue  
1503 looks like, for data centers. And how many of them do we have around?  
1504

1505 Mr. Emerson - Revered Nelson, I can't, I can tell you, it's substantial. But I  
1506 don't have that exact number, I will get that and get back to you. I think some of the  
1507 benefits that we've seen from these entities, they do pay substantial taxes. They are  
1508 overall a low impact industrial land use from the standpoint of there's not a lot of traffic  
1509 generated from them. And conversely, say comparing it to a distribution center, you may  
1510 have more jobs, you have more traffic, and you have more activity level. We get more  
1511 complaints from a noise basis and things from different industries that are that are more  
1512 active. Whereas, with the data centers, the only complaints that I have ever received,  
1513 have been during construction. And I believe Seth has the list of data centers in his hand.  
1514 Do you have that number Seth?  
1515

1516 Mr. Humphreys - Yes, sir. It's 16. And they're located all over the county,  
1517 including Innsbrook.  
1518

1519 Mr. Emerson - We do have an overall location in the county because they  
1520 vary in size. I would not characterize the county as being saturated with data centers.  
1521

1522 Mr. Nelson - So is it and I guess this is something that... So the young man  
1523 who spoke earlier about DEQ, I mean, well, he was a former what for DEQ?  
1524

1525 Mr. Emerson - He's the retired Director of the Department of Environmental  
1526 Quality, and he's still with us if you would like to hear from him. Well, I do have a question.  
1527 Can I ask you a question if you don't mind.  
1528

1529 Mr. Emerson - Mr. Paylor, would you mind?  
1530

1531 Mr. Nelson - Former Director of DEQ? Ok.  
1532

1533 Mr. Paylor - That's correct. Yes.  
1534

1535 Mr. Nelson - Temporary air monitors. Somebody asked that earlier. How  
1536 often did you hear that? As it relates to cases that came forward? I mean, is that unusual  
1537 ask for a particular...  
1538

1539 Mr. Paylor - I would say that it's not frequent. DEQ does have some  
1540 monitors that they can place temporarily but in terms of the percentage of, of permitted  
1541 facilities, it's pretty low. And it's been when there was a significant community concern  
1542 that we wanted to...

1543  
1544 Mr. Nelson - So, who would? So, DEQ would put that monitor up? The  
1545 applicant wouldn't be responsible for that. You would be responsible. Not you but the  
1546 organization would have been responsible.  
1547  
1548 Mr. Paylor - The question as I understood it was, was DEQ and DEQ does,  
1549 in fact, in some instances, put temporary monitors in certain locations to validate what,  
1550 what modeling has shown.  
1551  
1552 Mr. Nelson - So, who.... The locality would request DEQ to do air  
1553 monitoring at XYZ location?  
1554  
1555 Mr. Paylor - That you certainly could do. Yes. And there has been some of  
1556 that done in the past. Your question was how much? It's, it's not? It's not frequent?  
1557 Because it's not inexpensive.  
1558  
1559 Mr. Nelson - Okay. All right. Thank you. Hold on. So, talk, say more about  
1560 the Tier 2 and Tier 4. I mean, if you can talk more about that?  
1561  
1562 Mr. Paylor - Well, I don't know. A lot of technology between the two. I  
1563 haven't gotten versed on that, what I was, other than to say that emissions are lower,  
1564 especially if nitrogen oxide in Tier 4 than they are in Tier 2. And as the gentleman said  
1565 earlier, that's not currently what's required. What I was referencing in, in northern Virginia  
1566 is that those are Tier 2 generators. And if in some of those instances, when modeling  
1567 showed that there would be an air quality problem with that additional emissions controls  
1568 were required as a part of the permit. So, I'm suggesting it all goes, goes back to the  
1569 modeling to make sure that the APA's air quality standards are met. And there was a  
1570 question about distance, and I made a reference to fence line, they have to be met at the  
1571 fence line.  
1572  
1573 Mr. Nelson - So the DEQ can require based upon monitoring and  
1574 deficiencies there, DEQ can require an industry, a company to do Tier 4 based upon  
1575 deficiencies in what they already have set up.  
1576  
1577 Mr. Paylor - Perhaps, or the equivalent of Tier 4. It doesn't necessarily  
1578 have to be based on monitoring, it can be based on modeling, which was, I believe the  
1579 case in some of the cases in Northern Virginia, where, and in Northern Virginia, you've  
1580 got a lot of other sources of nitrogen oxide in particular. And all of those have to be taken  
1581 into account to make sure that the that the end result is meeting all air quality standards.  
1582  
1583 Mr. Nelson - Okay. Mr. Secretary, where did you say DEQ's connection to  
1584 this case is what?  
1585  
1586 Mr. Emerson - They will do the permitting for the air quality on the generators.  
1587  
1588 Mr. Nelson - So once or before they go into operation.



1589  
1590 Mr. Emerson - That is correct, Reverend Nelson, what happens is, the first  
1591 action is land use. DEQ will not start the permitting process until the land use is in place.  
1592 When the end user makes an application for an air quality permit. There'll be a form that  
1593 DEQ will send to my office certifying that asking me to certify that the zoning is correct for  
1594 that use. Once they receive that back from my office, then they will embark on their  
1595 process with the permitting. And as I understand it, it involves public hearings before  
1596 those permits are issued. But they don't become involved in the process until after the  
1597 locality has made the land use decision.

1598  
1599 Mr. Nelson - Okay. It's the Planning Commission. I'll stop for now. I get  
1600 another shot at this later, so.

1601  
1602 Mr. Mackey - All right. If there are no other questions from the Commission,  
1603 then we'll start hearing from the opposition or anyone in support. Who wants to be first?

1604  
1605 Mr. Emerson - Mr. Chairman, did you want to set an amount of time before  
1606 public comments start? The applicant used 15.38 minutes.

1607  
1608 Mr. Mackey - Alright, we'll start with 16 minutes.

1609  
1610 Mr. Montgomery - Mr. Chairman, members of the Commission, Reverend  
1611 Nelson, John Montgomery, address, 2666 Kingsland Road Henrico, 23231. Thanks for  
1612 the opportunity to speak tonight, and I'll be brief and concise. We've offered some  
1613 material, and we made sure to have a copy we offered ahead of time and you have a  
1614 copy of it in front of you. And we would propose that, in fact, there is the ability to establish  
1615 some operational standards, not just about building standard, which we've heard that the  
1616 LEED certification addresses the construction design and construction, but we're most  
1617 interested in now is the operation itself and Reverend Nelson asked a number of  
1618 questions I think that were important. I want to address a few of those, at least directly.

1619  
1620 One was with air quality, and air quality monitoring. And Mr. Paylor, who I've known for a  
1621 long time, actually provided some explanation. I will tell you that there's nothing that would  
1622 prevent the applicant itself from monitoring and reporting the air quality, which would go  
1623 a long way in transparency with the neighborhood and with the county as a whole. So,  
1624 there is that opportunity. We do not have to rely upon DEQ getting the call to come check  
1625 it out. Beyond that, I would just offer this: if the applicant says no standards for operation,  
1626 then what -and they say the monitoring standards are wrong or HCAN standards are  
1627 wrong -then ask them what standard should it be? Because there are standards in this  
1628 industry. We know JLARC is looking at them. We received a letter from the University,  
1629 from a professor at the University of Richmond, just in the last few days, which we've  
1630 provided another copy. And she points out that there's sort of a three-legged stool that  
1631 you balance, but there are standards, and they can be met, and they can be established  
1632 and they can be required of the applicant. So, when the applicant comes back and says  
1633 it's not their standard. What standard should it be? What I heard when that question was  
1634 put to a roundabout way, there was a lot of talk.

1635  
 1636 And the last word I heard was marketability of the property. Marketability of the property.  
 1637 I suggested that why they're unwilling to include a standard, not because there's not one,  
 1638 but because it makes it holds people to a higher standard. Then ask them this. They said  
 1639 seven buildable areas. At one point we saw, I think, 11 or 13 buildings, we did some  
 1640 calculations. Ask how many square feet of buildable data centers that will be and then  
 1641 how many megawatts of electricity that will be and how many standby generators that will  
 1642 be. Somebody said one per building. And I find that I may be completely misinformed but  
 1643 I find that shockingly wrong. And then finally, ask them who is going to build this?  
 1644 Hourigan has mentioned another time that we have built great buildings, we have done  
 1645 great things. We have held things to great standards. Ask them if Hourigan is going to be  
 1646 building these buildings. I've suggested if they're not that's all the more reason to..  
 1647  
 1648 Mr. Nelson - Can you repeat those again? I know you got them  
 1649 somewhere.  
 1650  
 1651 Mr. Montgomery - Those questions?  
 1652  
 1653 Mr. Nelson - Yes. You said, ask them...  
 1654  
 1655 Mr. Montgomery - Thank you, your honor, I mean Reverend.  
 1656  
 1657 Mr. Nelson - That's good, that's good.  
 1658  
 1659 Mr. Montgomery - If not then we propose, first of all, why no standards? What I  
 1660 heard was marketability. Secondly, if it's not the standards that HCAN proposes, and we  
 1661 may very well not have the right ones, we, you know, JLARC is looking at it. And I would  
 1662 suggest we wait to see what JLARC says. And you'd say, well, why would we treat this  
 1663 industry different than any other? Well, we already do. We slash their tax rate. We build  
 1664 infrastructure for them, you know, somebody said that they're paying for all the  
 1665 infrastructure. They're not paying for the transmission line. We're paying for the  
 1666 transmission line. And that's one of the largest costs of infrastructure. So, we do treat  
 1667 them differently. That's not one of the questions though by the way. You asked that so  
 1668 why should we wait, I suggested that. What is the standard, if it's not ours? How many  
 1669 square feet of data center are they suggesting could be built, not just buildable area, but  
 1670 at one point, there were actually buildings. You can assign a megawatt power usage to  
 1671 each of those buildings. And I suggest to you that is somewhere north of 100 generators,  
 1672 not one per building, and then finally asked who is going to build this and if it's not the  
 1673 applicant, if it's not the folks telling us trust us, we know what we're doing in then it's all  
 1674 the more reason for you to hold strict, stringent standards so that whoever does come  
 1675 along, does meet the utilization of energy, water and our other scarce resources and  
 1676 protects the air of those around it. Thank you for the time.  
 1677  
 1678 Mr. Mackey - Thank you, Mr. Montgomery.  
 1679  
 1680 Mr. Montgomery - I think that was about a minute and a half.

1681  
1682 Mr. Mackey - I think it was a little over but not bad.  
1683  
1684 Ms. Goddin - I'm Bland Goddin. I live at 1091 Dotson Road in Henrico in  
1685 Varina District. Good evening.  
1686  
1687 Mr. Mackey - Evening.  
1688  
1689 Ms. Goddin - ...Members, Chairman, Reverend Nelson. I'm representing  
1690 Henrico Conservation Action Network. In talking about this case in regard to the Comp  
1691 Plan. The 2026 Comprehensive Plan has a vision for these 622 acres located along  
1692 Williamsburg Road that's a main thoroughfare between Sandston and Elko. This was  
1693 planned through the future land use designations to be a corridor with opportunities for  
1694 businesses offering sales services and employment for the two communities. A  
1695 neighborhood to the south of Williamsburg Road would allow for a walkable community  
1696 and public transportation along Williamsburg Road could have been supported. Open  
1697 Space was planned. There's schools to the west and east with Williamsburg Road serving  
1698 as the only direct route. Proximity to the interstates was determined to be of high value to  
1699 a commercial concentration land use as larger scale businesses could be supported as  
1700 well. The Comp Plan designates two sites here as prime economic development areas  
1701 for Office use. The Comp Plan states these prime sites should be preserved and  
1702 prevented from use by types of development other than those recommended. In this case  
1703 Office use. We know that hyperscale data centers are not Office use. With hyperscale  
1704 data centers here, Sandston and Elko lose their hope for a local grocery store and other  
1705 services. These two communities will be cut off from each other by data center alley, with  
1706 hyperscale data centers here will not provide the employment opportunities for these two  
1707 communities. And with hyperscale data centers here, there's a loss of planned green  
1708 space that would honor Savages Station Battlefield. Mr. Mackey and Reverend Nelson  
1709 do the right thing for the communities that you represent. And I hope all of you will do  
1710 some soul searching. This case has impacts far beyond Varina. Thank you very much.  
1711 Say no to this proposal.  
1712  
1713 Mr. Keegan - Hi, my name is Michael Keegan, 2844, Hampton Woods  
1714 Drive. I'm in the Three Chopt District. What gets me tonight is what hasn't been said and  
1715 what hasn't been discussed. I was at one of the meetings at Seven Pines Elementary.  
1716 The applicant says no new power plants would be needed for this data center. I was also  
1717 at a meeting with Dominion Energy about the Chesterfield gas fired power plant that they  
1718 want to build in order to support new data centers. They seem to think we need six to  
1719 seven new data centers. And they've said although there's a Virginia Clean Economy Act  
1720 that requires them to retire fossil fuel plants by 2045, they have a loophole around that  
1721 because they can apply for an exception, and they don't have to deal with it. They didn't  
1722 use those words, but they did say they can apply for an exception to that clean Economy  
1723 Act. So, my whole recommendation is please, for our children and grandchildren deny  
1724 this request. The only way I can see approving this request is if the applicant commits to  
1725 100%, new, clean, non-fossil fuel energy to power the plant. Thank you.  
1726



1727 Ms. Rivera - Good evening, my name is Aileen Rivera, 1200 Dotson Road,  
1728 Richmond, Virginia 23231. I'm a resident of the Varina District and I'm asking that you  
1729 vote no on REZ-2023-100017. Rezoning such a large tract of land with no environmental  
1730 impact studies prior to considering any development and agreeing to some subpar  
1731 proffers that the county staff recommended is a huge mistake. The science and the facts  
1732 that prove that those properties are detrimental to our area, environmentally and to the  
1733 well-being of the residents have been made available to everyone to you all and the  
1734 planners. The proffers recommended by the county only protects the developers. There  
1735 has been no proof of the benefits of the residents of Henrico County. It is the county's job  
1736 to show the taxpayers of Henrico why the benefit, why it benefits us. All we see is doubling  
1737 energy overconsumption, higher rates in our electric bills, health risk for the air pollution  
1738 and unregulated water overconsumption. A datacenter that doesn't include the controls  
1739 to manage its energy use will produce the kind of carbon footprint that PlanRVA climate  
1740 resilience.

1741  
1742 The Plan, which Henrico County is part of is proposing. Remember that we're talking  
1743 about hundreds of boxcar size diesel generators on site and hundreds of megawatts of  
1744 dirty power coming down those transmission lines doubling our county energy profile.  
1745 Another serious factor is the high volume, water usage, kind of water consumption  
1746 needed by these data centers is staggering. I included I emailed everyone included a  
1747 study from 2023, that proved that the amount of water that is used by the data centers.  
1748 You're all aware that water is a commodity in many parts of the world. I ask that you  
1749 please keep that in mind. In the future, it can become a commodity in Henrico County too  
1750 and Henrico County must do this part to protect our natural resources. And I'm going off  
1751 script, because I'm hoping that this Planning Commission is not territorial. I'm hoping that  
1752 you consider when you're taking the case, considering this case, this is going to affect not  
1753 just for Varina, not just Henrico, like Mr. Nelson just said, it's transformational for the entire  
1754 county. It's going to affect the East Coast, and Virginia, it's going to affect taxpayers. And  
1755 so I'm hoping that you do consider all the information that has been provided. More  
1756 importantly, we do have because this is such an impactful zoning case, you have the  
1757 opportunity to do the right thing. If you defer, if you defer until the JLARC large study  
1758 comes out, then you have done the maximum and you can to make sure to ensure that  
1759 we get the best data centers that we can. Remember we're not saying, no, we're just  
1760 saying that we want the best we can have that it's available and we know it's available.  
1761 So, I hope that you will consider and please vote no to this data center. Thank you.

1762  
1763 Mr. Nelson - Can I, excuse me? Can we just pause the time for a second?  
1764 I just want to ask Joe a question with the proffers in particular maybe for my newer  
1765 colleagues. Proffers are voluntarily brought to us by applicants, not created by staff.

1766  
1767 Mr. Emerson - Yes, sir. That is correct. In the state of Virginia proffers have  
1768 to be voluntary.

1769  
1770 Mr. Nelson - So, what is staff's involvement with proffers?  
1771

1772 Mr. Emerson - Staff's involvement with proffers as accepting them from the  
1773 developer when they're submitted, reviewing them, making sure they're consistent, and  
1774 also relaying back to the applicant, how they can make their property work better if they  
1775 want to include additional buffer areas or things that would be make the project work  
1776 better in the community. They take those suggestions from us and hopefully come back  
1777 with something, but nothing requires them to do that.

1778  
1779 Mr. Nelson - So if a proffer is deemed substandard, then it is not staff's  
1780 substandard proffer, but it is the applicant's proffer that was offered that we have  
1781 interpretative thoughts about it. But it's not stated. I just want to make sure that yes, then  
1782 everyone understands that staff doesn't make proffers.

1783  
1784 Mr. Emerson - Yes, sir. Staff does not make proffers. Staff receives proffers.  
1785 We discuss with the applicant different things we feel that they might be able to do to  
1786 make their project more acceptable or enhance it; do things that the community might find  
1787 more acceptable based on input that we receive through community input, through the  
1788 community meetings, from the Planning Commission from the board members. Then it's  
1789 up to the applicant, what they feel they can put forward but they actually craft those  
1790 proffers.

1791  
1792 Mr. Nelson - So the key word to use is voluntary. The law, the law dictates  
1793 that we're not supposed to impose proffers on the applicant. The applicant voluntarily  
1794 offers them. So that's the reason that the Board of Supervisors members or Planning  
1795 Commission members should not be taking proffers but can discuss proffers once  
1796 introduced.

1797  
1798 Mr. Emerson - That is correct.

1799  
1800 Mr. Nelson - Thank you, sir.

1801  
1802 Mr. Perreault - Mr. Chairman, members of the Planning Commission. My  
1803 name is Mark Perreault. I'm president of the Richmond Battlefields Association, a  
1804 nonprofit organization dedicated to the preservation of battlefields in the Richmond  
1805 general area. We have saved battlefield lands at four of the seven days campaign  
1806 battlefields, Hoover Dam Creek, Gaines Mill, Malvern Hill, and Glendale. This is this  
1807 battlefield, Savages Station was a major battle of the Seven Days campaign where almost  
1808 nothing has been preserved. We have a great opportunity here to preserve about 100  
1809 acres of core battlefield that lies within these 622 acres. With all due respect to staff and  
1810 Mr. Condlin have sort of downplayed the history of this site. Old Williamsburg Road was  
1811 the core of that battle with the Confederate Army moving east on it and the Union Army  
1812 moving west directly over this land. Artillery was placed on a field that's within this area  
1813 and died in this area. Mr. McNamara, who wrote, the local man who wrote the history of  
1814 Henrico County in the Civil War, placed major fighting right on the Hourigan property. And  
1815 I'm not so sure as far as the solar field across I-64. That was not the sight of major fighting.  
1816 It's true enough, there was major fighting west of 295. And in the median, that was

1817 unfortunate that that was allowed to happen without preserving it. But now we have the  
1818 opportunity to preserve a significant slice of the Battle of Savages Station.  
1819

1820 And if you're not up on your history, the Seven Days Campaign was a major event in  
1821 American history. Because if McClellan's army had taken Richmond in 1862, we don't  
1822 know what would have happened, but it could well have been the end of the war, there  
1823 would have been a settlement between the North and the South, which would not have  
1824 resulted in the abolition of slavery. But because the war continued for three years, the  
1825 war evolved into a major fight over the future of slavery. And the North was dedicated to  
1826 ending slavery, which it did. So, this battlefield is something we want our young people to  
1827 be able to go see and understand. And if you destroy the battlefield, that history, that  
1828 outdoor classroom is lost forever. Putting up a sign on .25 acres. We're digging up some  
1829 artifacts and putting them in a museum somewhere. I don't know if there's any there or  
1830 not, is not battlefield preservation. It's not what we... It's not... The American Battlefield  
1831 Trust has preserved 58,000 acres of battlefield land in the United States.  
1832

1833 We should do something significant on this battlefield while we have the opportunity. You  
1834 have also downplayed the 76 acres in the northwest corner that is subject to a deed  
1835 restriction, precluding any development on that property other than recreation,  
1836 conservation or education, which is entirely consistent with battlefield preservation, and  
1837 public access. Old Williamsburg Road, I'm not it's very vague what the county intends to  
1838 do with Old Williamsburg Road. It appears that Hourigan wants to privatize that road and  
1839 control access down to it. Which would mean even if all we get a sign on that battlefield,  
1840 the public can't see that sign except by special permission. The Richmond Battlefield  
1841 Association regrettably opposes your recommending approval of this application, given  
1842 its current status. And we urge that something major be done to protect and preserve this  
1843 battlefield. By the way, we have indicated to Mr. Condlin and some of you that the  
1844 Richmond Battlefield Association is willing to acquire and interpret this land for the benefit  
1845 of the American people. And we're willing to negotiate a purchase of those 100 acres.  
1846 That by the way, was dedicated Corps Battlefield by the Federal Civil War Sites Advisory  
1847 Commission, which is a panel of experts far more qualified than Mr. Condlin or myself to  
1848 determine the historical significance of that land. It is historically significant, and by  
1849 approving this and recommending this application at this point with its current status, you  
1850 are essentially recommending its destruction and the last opportunity for us to preserve  
1851 a significant slice of Savages Station Battlefield. Thank you.  
1852

1853 Mr. Mackey - We've used up the first 16 minutes. We will need to waive the  
1854 time limit and allow some more time if all the Commissioners... How many more people  
1855 need to speak?

1856  
1857 Mr. Nelson - Ten. You've got online people too.

1858  
1859 Mr. Mackey - Rosemary, do you know how many people online who would  
1860 like to speak?  
1861



1862 Ms. Deemer - Mr. Chairman, I believe only one person has expressed an  
1863 interest in speaking.  
1864  
1865 Mr. Mackey - Okay. What we'll do then is we'll allow them another 15  
1866 minutes?  
1867  
1868 Mr. Nelson - Just go ahead. I mean if... I'm sorry.  
1869  
1870 Mr. Mackey - We can't set a precedent. Unlike the Board of Supervisors, we  
1871 do have time limits and we can't set a precedent for any case that we don't allow for any  
1872 other case. So, we'll allow 15 more minutes. Please be brief, because we would like to  
1873 hear from everyone.  
1874  
1875 Mr. Witte - If you don't repeat what's already been said that speeds time  
1876 up so that everybody gets their opportunity to express something.  
1877  
1878 Ms. Montrose - Thank you. My name is Gray Montrose. I live at 4300 Eanes  
1879 Lane in Henrico. I wanted to point out that as the gentleman who came before me said  
1880 this is 76 acres that we were promised would be for recreational use. This is a park we're  
1881 losing a park; we were promised in the Comp Plan that we would have this as a  
1882 recreational use. So, if this community is losing a park, we want to make sure that we  
1883 understand exactly what we're losing. Light Industrial is not Office use. That's another  
1884 broken promise. We were promised that this would be Office use. The White Oak  
1885 Technology Park would be buffered, that is not happening. We are more or less extending  
1886 White Oak Technology Park even through the use of the word White Oak II they're  
1887 extending the industrial use. So that's concerning.  
1888  
1889 Light Industrial means under a roof and enclosed. That's the light part of Light industrial.  
1890 But these generators that we've talked a lot about tonight are not enclosed. They are  
1891 going to be in the equipment yards adjacent to the buildings. We're talking about enclosed  
1892 housing, but that just means what's commonly called a boxcar. It is a housing over the  
1893 generator. We're talking about dozens, if not hundreds of boxcar sized generators. We  
1894 did some math. There are about 1.7 megawatts per generator. Dominion has cited in their  
1895 own paperwork that this data center complex could draw up to 200 megawatts of power.  
1896 Minimum, we're looking at least 40 megawatts of power. So, you can do the math at 1.7  
1897 megawatts per boxcar. And that's about how big they are is a boxcar. So that kind of  
1898 defeats the purpose of having industrial activity under a roof if the most polluting activity  
1899 is still outside. If this facility uses Tier 2 generators, that's going to amount to about 1/5 of  
1900 a gas fired power plant's emissions, 1/5, 90% dirtier emissions, using dirtier fuel, and  
1901 newer Tier 4 technology. And when we say new, I mean, 2008. That's not really that new.  
1902 So there really shouldn't be issues of availability. And in Northern Virginia, they have a  
1903 mixture of both. I'm very pleased that the applicant has proffered the Safe Conduct  
1904 Operations clause. Because the code section that staff had said was protective. We  
1905 received confirmation from staff this week that it's been enforced zero times since it was  
1906 passed in 2021. So, I would hazard that this code section is not in fact protective. So, I'm  
1907 very glad that we have this Safe Conduct of Operations clause. So, if we're going to do

1908 all of this, if we're going to build these buildings, which the renderings show as one  
1909 building in a sea of trees, that is obviously not going to be the case. It's going to be many  
1910 buildings on a highly developed site. With a 50-foot buffer. This room is about 50 feet  
1911 wide. So that's your image there of how much space there will be before you get to a  
1912 parking lot and a building. We're going to do all that we might as well get as much money  
1913 as other localities. Because we did the math. Fairfax and Fauquier, they're going to be  
1914 getting 10 times the tax rate on these data centers on the equipment than Henrico does.  
1915 It's about \$700,000 a year for them. Again, with size caveats \$700,000. We're getting  
1916 about a 10th of that. So that's 12 teachers and firefighters, school, over time. Remember,  
1917 we're losing a 76-acre park. So, if all of that is going to happen, we should at least get out  
1918 of it what every other locality is getting out of it, which we are not at this time. So, thank  
1919 you for your time.

1920  
1921 Ms. Cappiello - I'll keep this brief. Good evening. My name is Kelsey  
1922 Cappiello. I live at 5001 Hurop Road, Sandston. Thank you for this opportunity for  
1923 comment and response and for extending the time. I've sent an email outlining my  
1924 concerns as a citizen about what data centers can do for us or won't do for us. They will  
1925 further divide the Elko community and the environmental impacts and implications.  
1926 Further, I also have concerns about a conflict of interest on the part of Mr. Mackey. I know  
1927 that we said that there were only two people who have voiced their concerns. But I would  
1928 like to add my voice to that. We know that Dominion has a strong interest in the  
1929 recruitment of data centers. Their website says so. And the Code of Virginia section 2.2  
1930 warns against even the appearance of a conflict of interest. Can you please provide your  
1931 written statement? Finally, I ask that you deny this case until the General Assembly's  
1932 JLARC review concludes. Our community is already hosting 2200 acres of industry. I  
1933 think future development should have as much opportunity for advantage as possible.  
1934 And the current planning tools do not yet adequately address data center impacts. Thank  
1935 you for your time.

1936  
1937 Mr. Mackey - I believe the statement I read will be in the minutes.

1938  
1939 Mr. Emerson - Yes, sir. Mr. Chairman. That's correct. You read it into the  
1940 minutes.

1941  
1942 Mr. Mackey - It would be public knowledge.

1943  
1944 Mr. Emerson - Yes, sir.

1945  
1946 Ms. Westlink - Well, hello, I'm Paige Westlink. I'm with the Sierra Club,  
1947 Virginia Chapter. I will be brief, because I really want you to hear from the community.  
1948 But I just wanted to add that we know that Virginia is the data center capital of the world.  
1949 That means that we are essentially, as you have heard, footing the bill for the world's  
1950 internet. We have not put in any safeguards in place for people. Yet we are the capital of  
1951 the world for data center development. If we continue to accept the developments as  
1952 they're being proposed, we're gonna hit an energy crisis. And we will see the production  
1953 of fossil fuels across our state, not only hurt our health, but also be on our bills. Everyone

1954 that is right there will be paying those costs. And we have we are at a pivotal moment  
 1955 where we can say no until we have safeguards in place for people. We are recommending  
 1956 that we do that, and that you all will do that. Thank you for your time.  
 1957  
 1958 Mr. Nelson - Don't go anywhere Paige. Ms. Westlink, I have a question. Did  
 1959 you have a hand in the letter?  
 1960  
 1961 Ms. Westlink - The letter? Yeah, it was from our local group, I believe.  
 1962  
 1963 Mr. Nelson - Okay, but I can talk to you about it.  
 1964  
 1965 Ms. Westlink - You probably want to talk to either Aileen or one of our group  
 1966 members.  
 1967  
 1968 Mr. Nelson - Okay. Oh, that's your...okay. Who is that behind you?  
 1969  
 1970 Ms. Westlink - This is Glenn.  
 1971  
 1972 Mr. Vesta - I am not representing the Sierra Club.  
 1973  
 1974 Mr. Nelson - I had some questions. It's a good letter. I just have some  
 1975 questions.  
 1976  
 1977 Ms. Westlink - Yeah. I just don't want to take time from the community  
 1978 members who want to speak.  
 1979  
 1980 Mr. Nelson - No, no, no, I'm not going to ask you now. What I'm actually  
 1981 saying is can I come to you specifically and ask you questions?  
 1982  
 1983 Ms. Westlink - Oh, yeah. Okay. Okay. I don't want to take any time.  
 1984  
 1985 Mr. Nelson - Oh, no, no, no, no.  
 1986  
 1987 Ms. Westlink - That's fine. Thank you. I appreciate it.  
 1988  
 1989 Mr. Vesta - My name is Glen Vesta. I actually live in Chesterfield County.  
 1990 Mr. Michael Reagan and his wife earlier addressed some of the issues relative to the new  
 1991 gas plant that they've proposed in Chesterfield. I just want you to know that one of those  
 1992 costs that you will all pay is the cost of new gas plants that Dominion plans to build  
 1993 effectively in violation of the Virginian Clean Economy Act if DEQ lets them do that. And  
 1994 I really want to talk about the diesel generators for just a moment here. I just want to say  
 1995 that just last year DEQ seriously considered a major across the board waiver for diesel  
 1996 generators in Northern Virginia. And there was such an uprising from the citizens that  
 1997 they pulled back from that. So, we have no assurances that our air will be protected from  
 1998 these diesel generators, because DEQ almost waived the rules, in the case of what they  
 1999 call catastrophic situations. I do want to point out that years ago, I did work for the Sierra



2000 Club when Mr. Paylor was also the director of DEQ. And during that time, we actually put  
2001 monitors, we had a professor from North Carolina State installed 10. That's particulate  
2002 matter monitors in a community that was being impacted by seriously impacted by coal  
2003 dust. We determined, as scientists determined, that the air quality was four times over the  
2004 EPA standard. And DEQ's response was, we don't care that doesn't matter. Because the  
2005 air monitor that's some 10 miles away shows we're in compliance. So, you really do have  
2006 a problem with regard to that. And I guess I'll just ask when all of us here sort of define  
2007 who we represent. The developers did, good citizens have done as well. I don't mean any  
2008 disrespect but I'm not sure who Mr. Paylor is working for. So, I'll ask you that question.  
2009 Thank you.

2010  
2011 Mr. Mackey - Mr. Paylor is retired but he's on retainer for Henrico County?

2012  
2013 Mr. Emerson - Yes, sir that's correct.

2014  
2015 Mr. Mackey - For questioning and answering.

2016  
2017 Mr. Laudner - Hi, good evening, Chuck Lardner representing the American  
2018 Battlefield Trust. The Trust is a national nonprofit who's dedicated to preserving  
2019 battlefields. The American Revolution War of 1812 and the Civil War. As mentioned  
2020 earlier, the Civil War Advisory Commission, the Sites Advisory Commission, for over 30  
2021 years has been the handbook that we use with our partners locally, like the Richmond  
2022 battlefield Association, and with the National Park Service. That study shows us what is  
2023 significant. There are 384 significant civil war sites. That's one of them right there.  
2024 Savages Station is the open-air classroom that people expect to go to, to understand the  
2025 battle. And that's why it's our priority to preserve as much as possible. Fifty-eight, almost  
2026 59,000 acres nationally in 25 states. And its pieces of property like that, and everybody  
2027 loves our maps. Everybody loves our maps. But the issue with it is you can use that map  
2028 that that was shown earlier tonight. And if you think that Union soldiers from Vermont and  
2029 Minnesota came and stood in boxes all day long and fought to a standstill and then just  
2030 disappeared. The core battlefield is that upper left on both sides of Old Williamsburg  
2031 Road, that is core battlefield. The 100 acres that was mentioned earlier, that is core  
2032 battlefield, both sides of Old Williamsburg Road, and that fighting was there all day long.  
2033 We want these hallowed grounds to be preserved. Obviously, that's our mission. These  
2034 hallowed grounds is where people can go, descendants of those who fought and died  
2035 there. It's there for future generations. It's open space. It is that classroom that we so  
2036 desperately need. I'm here on behalf of the Battlefield Trust to urge the developer and the  
2037 county to do as much as we can to preserve that valuable piece. The only piece that  
2038 remains. It's undeveloped of Savage Station Battlefield and a key link in those crucial  
2039 seven days. Thank you for your time.

2040  
2041 Ms. Wagner - Good evening. I'm Susan Wagner 1420 Southbury Avenue,  
2042 Henrico. I respectfully request that you table this until the General Assembly makes some  
2043 wiser choices. The folks who spoke for it painted a pretty rosy picture. I have been a union  
2044 electrician for close to 40 years. I made a lot of money working Dutch Gap, Hogen Station

in Varina. Four different data centers, western Henrico as well as eastern, please. Let's not rush in.

Mr. Cobb - My name is Mike Cobb 106 Stanley Drive, Williamsburg, Virginia. I'm a retired historian and curator. I'd like to say today that second what Mark Perreault and Chuck have said, this land is valuable historic land to Henrico County and to America. It is a classroom. I remember very well, many years ago, meeting Mr. Adams. Maris Adams, who owns a large part of the Gaines' Mill and Cold Harbor Battlefield. In fact, I met him in his 90s. His family had been there well before the Civil War, and they're still on that hallowed ground. I remember Mr. Adams talking about as he got older, how this land became more important to him, more important to him. And he said, and he kind of looked over towards part of his farm. And he says when I was a boy, I remember the soldiers on both sides coming back to this land, and with tears in their eyes. They often didn't say much. They looked and you could tell they were thinking back. That land, I learned a lot from Mr. Adams, he was transporting what the people who were there during the Civil War the soldiers felt and saw. And it's very important that that land is preserved. Now, the Adams farm, as you may well know, a large part of that is preserved. But there's a gap between Mechanicsville and Malvern Hill and that's Savage Station and most of that is not preserved. And I think it's vital for us to do to save the portion that Chuck outlined of that battlefield. And I can tell you after 34 years of being in the museum business, and seeing battlefield land lost, and homes, historic homes lost nobody and nobody, 50 years or 100 years later said, "I'm sure glad we tore it down, I'm sure glad we developed it." Thank you very much.

Mr. O'Brien - Hello, my name is Mike O'Brien, I live at 4300 Eanes Lane in Varina. I just wanted to bring up that there were a lot of things asked and provided by the applicants today. And there's a term thrown around a lot, that makes me a little bit nervous. And that's kind of industry standard, as was noted already, one of the industry standards is now old enough to drive. And anybody who's had anything done in their house done with contractor grade equipment and fittings knows that that's industry standard. And that just means long enough to get them out of the job site. So, in terms of what we're looking for, especially if we're getting a 1/10 of the income that other localities are getting, it is right and fine to ask for more and make sure that we're getting a good deal here if we're subsidizing this. Secondly, by profession, I'm an environmental scientist and geospatial modeler. So, I appreciate the information that former Director Paylor brought up. However, there's an adage that goes around that says, all models are wrong, and some models are useful. Unfortunately, with the data that we have available, the closest air quality monitoring station is at the Math Science Center, which is eight miles away. Between the Math Science Center and this location there are two interstates, five dumps, and 1/5 of the City of Richmond and an airport. So, to say that that site might be representative of the air quality at this site, I think is incorrect. The next closest site to the north is in Springfield, Virginia, the closest site to the south is fair enough at Shirley Plantation and the next closest site to the east is in Williamsburg. So, when you have this data and you put it into a model, you get a model that is both wrong and not useful. So, looking at this, and we say yeah, it does cost fair enough about \$15,000 to put one of these stations closer and full-fledged DEQ station because it involves instrumentation,

2091 technicians, etc. I encourage everyone to go look up a recent report provided by the  
2092 Government Accountability Office to a litany congress people including our  
2093 Congresswoman Jennifer McClellan, noting how different things can work even if we use  
2094 air sensors that are inefficient in purple air to get an idea of what's going on. If you look  
2095 at the purple area map now, we just don't have anything. We have no information about  
2096 what's going on here. So, we don't know what the impact would be because we don't  
2097 know how impacted we currently are. So going here and trying to go through that and say  
2098 we're subsidizing this industry, and we should know what we're getting ourselves into.  
2099 That's fair and the right to ask for more. I think going in and saying getting some baseline  
2100 documentation, getting some baseline knowledge about what's going on here. So that we  
2101 can know where we are, how impacted we are, we can know where we're going if things  
2102 change are necessary to get out of this loophole of a model that is both wrong and not  
2103 useful.

2104  
2105 Ms. Choi - Hey, good evening. My name is Annie Choi and I reside at  
2106 2107 E Nine Mile Road in Sandston 23150. I've already submitted my comment via email.  
2107 I just wanted to point out based on Hourigan's presentation, the slew of proffers that that  
2108 they've submitted and I even if they're subpar, I am grateful that we have them. And I am  
2109 asking that you do not approve this rezoning case so that we continue to have the ability  
2110 to have that conversation and have our input. Because as soon as you approve this, you  
2111 are taking that away from us. So, thank you for your time.

2112  
2113 Ms. Simms - Good evening, Jessica Simms in the Brookland District 4309  
2114 Long Leaf Drive 23294. Just want to reiterate that my concerns are sort of broader than  
2115 just the district. They're the county, they're the state and that's the accelerated loss of  
2116 viable agricultural land. Even if it's not prime agricultural land its areas of rural character.  
2117 That's what a one is at the loss of that statewide and then there would still be a strain,  
2118 potentially on the county's water supply through the electricity generation required for this  
2119 data center. We've seen 85% of Henrico farmland converted in the past 40 years. It  
2120 parallels Virginia where we've lost almost 500,000 acres between 2017 and 2022. Typical  
2121 data centers are water intensive. We are talking millions of gallons. Even in best practices,  
2122 you have to have a large amount of that coming from cooling the facilities that provide the  
2123 electricity generation, and those are the fossil fuel facilities. So, although you may be  
2124 talking about just restroom facilities at that location, it's broader than just that physical  
2125 building. It's Dominions power plants across the state. It's Darbytown, it's an issue that is  
2126 much more than just flushing the toilet. Even with those upgrades, I appreciate how much  
2127 the county has put into planning ahead for its residents and want future water use. You've  
2128 been incredibly proactive in preserving land also with the purchase of Varina Farms, and  
2129 with the Cobbs Creek Reservoir in Cumberland. But I feel that forward thinking could be  
2130 misapplied if it is used for data centers, specifically instead of residents. So, I would  
2131 respectfully ask the Commission to please reject the rezoning request. And short of that  
2132 delay your decision until the JLARC study is completed. And to please hold on to what  
2133 we have. Thank you for your time.

2134  
2135 Mr. Mackey - Alright, I'm going to ask the remaining three of you if you could  
2136 be as short as possible because we're well over our time limits.



2137  
 2138 Ms. Pruitt - Caroline Pruitt, Brookland District 4908 Finnegan Court,  
 2139 Henrico. I just wanted to quickly say that I also would encourage the Commission to reject  
 2140 this rezoning request. And I think there's clearly a lot of issues that have been raised that  
 2141 will need to be addressed. Thank you.  
 2142  
 2143 Mr. Mackey - Thank you.  
 2144  
 2145 Mr. Dawes - I'll be quick. Jeff Dawes, 7510 Daily Mail Road since 1986. I'm  
 2146 a member of the Richmond Battlefields Association and I want to speak about the 18  
 2147 acres of farmland that's currently being farmed. It's in between Old Williamsburg Road  
 2148 and 64 East. You've probably read Henrico Field of Varina Book Volume One. If you go  
 2149 to page 180 and go forward the author describes the battlefield precisely. The topography,  
 2150 the skirts, protective skirts, the creek that runs in between them. The fortifications I've  
 2151 given I believe, Mr. Humphreys, a couple of overlays of the battlefield. Well, General  
 2152 Sumner of the III Corps, he was a commander of the Union Army. I gave him the 1884  
 2153 overlay of the battlefield. And that's when the government got all the records together  
 2154 from all the different offices and all. And it shows directly his headquarters on those 18  
 2155 acres. And then General Franklin, another Corps Commander, he's right beside on 64  
 2156 east, and that's right across from Savage Station. And this land is really important. It's a  
 2157 corps battlefield but it's one of the most important parts of the battlefield of Savage  
 2158 Station, and nothing has been saved to date for this battlefield. So, I would just I would  
 2159 ask if, if Hourigan would allow us to, to buy that property, or to save it for history.  
 2160  
 2161 Mr. Mackey - Thank you.  
 2162  
 2163 Mr. Williams - My name is Clyde Williams; I live at 1708 West Chafin Road  
 2164 in Henrico County. And I would just like to recommend that being that Henrico County  
 2165 has spent \$400 million with White Oak, that you fill White Oak up with data centers instead  
 2166 of rezoning 600 acres of land to compete with Henrico center for data centers, thank you  
 2167 very much.  
 2168  
 2169 Mr. Mackey - Rosemary, do we still have the one person online?  
 2170  
 2171 Ms. Deemer - No one has indicated that they want to speak any longer.  
 2172  
 2173 Mr. Mackey - Okay, thank you. This time then the public hearing portion is  
 2174 up. I'm going to ask the applicant if he'd come back and answer those questions.  
 2175  
 2176 Mr. Condlin - Members of the Commission again, Andy Condlin. I tried to  
 2177 take as many good notes as I could. I'll rely on you to fill in any gaps that I miss. I'm going  
 2178 to address first the historic aspect. We don't doubt at all the importance of this area. And  
 2179 we also understand that there's been a number of areas of Savage Station that weren't  
 2180 preserved either because of other developments or because of the, in fact, the  
 2181 interchange and the construction of 295 and 64. The reality is that we're getting different  
 2182 information that the Civil War sites Advisory Commission study in 2009, from the National

2183 Park Service had designated the battle of Savages Station in this area as a preservation  
2184 priority four out of four. So, priority one being the best. At the end of the day, whether  
2185 we're, whether information we're getting is correct, or whether we're hearing tonight is  
2186 correct, it doesn't matter, because we've proffered that we're going to do a Phase 1 study,  
2187 that's going to be subject to the section 106 requirements. So, we are going to do that  
2188 study. And whatever comes out as a result of that study, we're going to have to follow and  
2189 that's going to be part of our POD. So, the two answers will come out. And at that time,  
2190 whether the preservation is what we provided for or in addition to what we provided for,  
2191 we're going to have to comply with the federal and state law with respect to that. And as  
2192 has been noted in the staff report, the Parks and Rec has also agreed with our  
2193 assessment. But at the end of the day, that's why we agreed we were asked to do that by  
2194 the community, and to do it pursuant to section 106. And so we are.

2195  
2196 I know that there has been a number of comments made with respect to, I'll first address  
2197 the comments about the proffers. They are voluntary. But we are also subject to that we  
2198 have to be in compliance with federal and state law and regulatory aspects. And they  
2199 have to be enforceable. And we have to write them so that they are enforceable. And  
2200 there has to be a nexus between the actual land use. And we're trying to do that we're  
2201 going above and beyond quite frankly, what we've ever done before and trying to  
2202 accomplish the concerns and rectify some of the concerns that the neighbors have  
2203 brought up. I'm going to speak to the water usage in the sense that I think Mr. Chan has  
2204 talked about already. We have, you know, the industry is already moving towards that,  
2205 from a standpoint of almost zero water usage. And those hundreds of 1000s of gallons is  
2206 no longer a concern in the modern data centers. From our standpoint, with respect to  
2207 energy and water, you know, Virginia has benefited even though it is the data center  
2208 capital of the world. We're ranked number five as of 2023, Virginia was ranked number  
2209 five in air quality, number three in air and water quality combined. The technology  
2210 continues to improve to allow for both emissions and water quality use. As a matter of  
2211 fact, speaking specifically to energy, internet traffic has increased in the last 10 years 17  
2212 times, data storage has increased 20 times. And that's not just individuals that's dealing  
2213 with public safety that's dealing with government services. Some are central, some are  
2214 not, and certainly health and safety concerns as well. And in that same 10-year period of  
2215 time, despite a 17-to-20-time increase, energy use has only gone up 10 times 10% excuse  
2216 me, not 10 times, but 10%. And so, what you're seeing is that from that standpoint of from  
2217 up until 2005 to 2010, there was almost a doubling of the energy use. And since that time,  
2218 it's gone up 1% a year, 1% a year so that in fact, the energy usage has flatlined, while  
2219 data and internet traffic has increased substantially.

2220  
2221 So, as we continue as we continue to look at the power, we're working with Dominion  
2222 Power. We are continuing to work with Dominion Power. We can't dictate how Dominion  
2223 Power does create its power. It's a state regulatory issue. We understand the concerns  
2224 with respect to waiting for JLARC and the General Assembly. But the true answer is that  
2225 this is from a land use application, we still have to go through a number of steps. The  
2226 General Assembly I've been assured by a number of folks that are interested in this will  
2227 be passed within the next year. The General Assembly rules and regulations; we're going  
2228 to have to comply with that. And one of the comments was made about what standards



2229 are we meeting. Certainly, we're meeting the standards of the federal government, state  
2230 and local. You have to meet all of those regulations and laws and those are the standards  
2231 we have to meet. In addition, we're providing for in our proffers a number of standards  
2232 that are not only typical, unexpected, but also unique. We can talk about some of the  
2233 specific standards that have never been asked for in any other project. And does that  
2234 mean that we can't do them? No. But it also means that we have to be able to achieve  
2235 them, not just because of the marketplace, but also because of the government, whether  
2236 it's already regulated. We talked about the air quality and the generators, and DEQ. We  
2237 can talk about Tier 4 and Tier 2, the technology continues to evolve in a question of  
2238 availability and reliability and being able to have the control systems in Tier 4, the systems  
2239 aren't set up from a reliability standpoint, at this point. That's just where the technology  
2240 is, it can be done. Mr. Hourigan did misspeak with respect to one generator. It depends  
2241 on the type of use of the building and the amount of data that's being used by that building  
2242 as to how many generators are needed, in order to be able to function from that  
2243 standpoint, it could be it could be 10, it could be 20, it just depends upon the type of the  
2244 size of the building and the type of use that's within that building.  
2245

2246 I believe I've tried to go over I know there's a reference to from some of the other as far  
2247 as who will build it, that quite frankly, we're still from a standpoint of working with trying to  
2248 come up with colocators from a data center, but also from advanced manufacturing. It will  
2249 depend upon the ultimate user and who they choose to build from that standpoint.  
2250 Obviously, Hourigan has experience, will be involved but it's not a guarantee at that point.  
2251 I believe I think I've gone through my notes, as I've talked. I don't know if I missed anything  
2252 that has to be addressed. Otherwise, the one thing I didn't address, there was a reference  
2253 to just 50-foot buffers. The proffers in the proffer specifically, we provide for 50-foot  
2254 buffers, 100 foot buffers, and 220 foot buffers. So, there's a variation of all those as well.  
2255 Again, I'm just rolling through there. I don't know if there's anything else that I missed that  
2256 you would prefer that I address at this point, I'll be happy to but at the end of the day, we  
2257 have staff recommendation. We have provided for quality standards. I ask that you follow  
2258 the staff recommendation.  
2259

2260 Mr. Nelson - I have a couple of questions. So, Savage Station, you're going  
2261 to...what did you say you're going to do again?  
2262

2263 Mr. Condlin - Phase 1 archeological study to meet the federal section 106  
2264 requirements. And then we'll have to follow the requirements on that.  
2265

2266 Mr. Nelson - You do that after the rezoning?  
2267

2268 Mr. Condlin - We'll do that as part of each POD. So, we would not  
2269 necessarily, it just depends on we could do the entirety of the property. But that includes  
2270 property that hasn't been designated, or hasn't been talked about, including south of  
2271 Route 60. That we would do it for the entirety of the property. Or we'd do it based on each  
2272 POD probably. So, as we as we come forward with a POD, we have to do that Phase 1,  
2273 and submit that has having been done for that section most likely, so that we couldn't do  
2274 any land disturbance until we get a POD in any case.



2275  
2276 Mr. Nelson - So we could still actually we have some further conversations  
2277 about Savage Station between now and...  
2278

2279 Mr. Condlin - The reality is as you go through the process and do your  
2280 section 106 review, the federal government has the right to, the National Park Service will  
2281 have the right as well to dictate as to what dedications based on what's found by that  
2282 those archaeological studies. So, if what the folks have said is true and accurate, we'll  
2283 have to comply with that and preserve that land. That's been done before. It's federal law.  
2284

2285 Mr. Nelson - So we could still have some conversation, though, between  
2286 now and the Board of Supervisors?  
2287

2288 Mr. Condlin - Absolutely. I just don't know what the extent of the historic  
2289 sites are on the property until we do that full study.  
2290

2291 Mr. Nelson - Yes, but I'm talking about between now and the Board of  
2292 Supervisors meeting we could...  
2293

2294 Mr. Condlin - As far as the preservation, absolutely. I'm sorry I  
2295 misunderstood.  
2296

2297 Mr. Nelson - As far as the preservation, so that conversation still could be  
2298 open between now and then?  
2299

2300 Mr. Condlin - Yes, sir.  
2301

2302 Mr. Nelson - Alright. So, I did have one question. I think you may have  
2303 misspoken earlier, or maybe not have understood the question. Oh, okay. I'm sorry. I went  
2304 to the restroom. So, you just covered. You just covered the generators on the back of the  
2305 building. What did you say?  
2306

2307 Mr. Condlin - Well, I covered from the standpoint of being regulated by  
2308 DEQ, that the number of generators that was a miss reference to one. It depends on the  
2309 size of the building and the type of use that's within the building, not just even if it's a data  
2310 center, it could be the type of customers that are in there. And based on the user's  
2311 requirements from that standpoint, how many generators and what size? Typically, as  
2312 you saw on our tour, the one building that was I think it was 300,000 square feet with, I  
2313 think it had 60,000 square feet of office that we counted there was 20 generators.  
2314

2315 Mr. Nelson - Thank you for clearing that up. I think that's all I have for you,  
2316 I think. Yes. Mr. Emerson?  
2317

2318 Mr. Emerson - Yes, sir.  
2319

2320 Mr. Nelson - The Comp Plan is described as a what?

2321  
 2322 Mr. Emerson - A guide. It's a general overall guide for the development of  
 2323 county.  
 2324  
 2325 Mr. Nelson - Okay, so it guides at the time of creation, what we hope to  
 2326 see, expect, the countless rezoning cases that we have every time we meet practically  
 2327 amends the guide?  
 2328  
 2329 Mr. Emerson - Yes, sir each time it amends it. It's a general guide. The code  
 2330 treats it as a general guide. And I think it's worthwhile noting that the land that is subject  
 2331 to the tax covenants that originally was designated in the 2010 plan is I believe  
 2332 Commercial Concentration. The county has always considered this entire area Prime  
 2333 Industrial. It was a site considered for several different projects, including the relocation  
 2334 of the State Fair years ago. So, it's always been a site that's been viewed as a revenue  
 2335 producing industrial type site by the virtue of its location with the interstate, highways, and  
 2336 Route 60. And its proximity on the east coast. It's just easily accessible.  
 2337  
 2338 Mr. Nelson - So what were we looking at? HCAN and its analysis  
 2339 Commercial Concentration, Office Space, and all of that. What was that?  
 2340  
 2341 Mr. Emerson - I think at the time the Comp Plan was put together, of course,  
 2342 that's it's getting somewhat long in the tooth now is the 2026 plan, and we're updating it.  
 2343 The 2010 plan treated it similarly. But we were looking at more of a mixture of uses in this  
 2344 area. But until you start, you began to see the development of the area, you didn't know  
 2345 what the prevailing market was going to be. And one of the things you always look at is  
 2346 what is the prevailing land use in the area. And of course, the current trend is towards a  
 2347 little more Heavy Industrial than Office, the Office market essentially doesn't exist right  
 2348 now. And hasn't for some time, because the pandemic essentially created a total work  
 2349 from home environment type of market that is going to push us into reusing existing Office,  
 2350 let alone sites that we had planned for future Office.  
 2351  
 2352 Mr. Nelson - So what were some of the, in the past, some potential uses  
 2353 for a new site? What are some of the things that have come forward, they've been  
 2354 conversation pieces or even serious considerations?  
 2355  
 2356 Mr. Emerson - We've had serious consideration about distribution centers  
 2357 locating in this in this same area. And on some of the properties, it's currently under  
 2358 considerations, fairly large distribution centers. We had the state fair, that would have  
 2359 been a very large use on this property along with a mixture of other uses. There was a  
 2360 flyover that's still in the Comp Plan, you can see the MTP right on the graphic in front of  
 2361 you, that continues over to what I still refer to as the Brill farm. It's the Cooke property with  
 2362 the solar panels. It was envisioned that a flyover would be there going across the road,  
 2363 there's a rail line there, that goes out to a deepwater port in West Point that the papermill  
 2364 uses. So that rail line would be a perfect attraction for a heavy industrial user, in this case,  
 2365 this industry is, a reasonably clean user. Yes, some people are concerned about some of  
 2366 its heavier aspects. But every industry has its impact. And I did get that revenue number

2367 for you, from those existing data centers, the 16 that we have in the county, and it is a  
2368 little over \$13 million. It's in 2023. And of course, the 2024 number hasn't been completed.  
2369 That's not the value of everything; that is the tax revenue realized. It's \$13,258,847. That's  
2370 a significant number. That funds your schools, improvements to schools, services that  
2371 you provide, along with being a relatively low impact industry. So, it's all in keeping with  
2372 what, what the county has always envisioned for this area.  
2373

2374 Mr. Nelson - Again, I just want to go on record and make sure I'm in the  
2375 minutes, as you know, I've been talking to my colleagues about if they if this is passed,  
2376 setting aside a historic amount of money for a particular use. So, we'll talk more about  
2377 that as we move forward the Board of Supervisors piece but so the last question, well  
2378 actually two questions. I'm still confused about the water piece. I'm hearing the applicant  
2379 say, not a lot of water, the water usage is trending down, etc. And then I think I heard  
2380 somebody else say that we still hundreds of millions of gallons of water use. Which is it, I  
2381 guess?  
2382

2383 Mr. Emerson - I think there's a general misunderstanding the technology in  
2384 the industry, as I understand it has changed. And even our water usage numbers have  
2385 gone down from the initial Infineon Qimonda conversion that QTS has done in that  
2386 building to today's product. And as they've transitioned, even that building, to the air  
2387 cooling, that has reduced the amount of water that these industries used to the point is  
2388 you heard from Mr. Chan, that we really are down to sanitary, sanitary use, similar to a  
2389 warehouse for the employees and maybe some fire protection for these types of entities.  
2390 Because they have gone to this air-cooled use, of course, the converse of that they lower  
2391 their water usage, their power usage goes up because they're doing the constant turnover  
2392 of air in order to cool the facilities. So, it's a one or the other type of thing, but they have  
2393 moved away from the water cooling and the evaporative nature of that. So, their water  
2394 consumption is not as high as it once was. So, I think there's a misunderstanding out  
2395 there right now, because of the newness of the technology.  
2396

2397 Mr. Nelson - Alright, last question for you. I've been talking all the time with  
2398 my mic off so hopefully they got all of what I've said. The code section. I actually had the  
2399 same question in my mind that I know, under Community Revitalization, I think we have  
2400 inspectors that go on.  
2401

2402 Mr. Emerson - Yes, sir.  
2403

2404 Mr. Nelson - Let's say somebody had an abandoned car, on the street in a  
2405 neighborhood. Our inspectors technically don't go around to neighborhoods looking for  
2406 abandoned cars. They respond when there's a complaint.  
2407

2408 Mr. Emerson - Yes, sir.  
2409

2410 Mr. Nelson - I think that's the way that works. So, is that how code  
2411 enforcement is in a tech park? And is that why there have been zero infractions?  
2412



2413 Mr. Emerson -                      Infractions of that particular language? Yes, sir. That was  
2414 included in our, our new zoning code. It doesn't contain the complete language that you  
2415 see in many of the older proffers. But we have not had a complaint from many adjacent  
2416 properties that might be infringed upon to investigate. And as you know, we are primarily  
2417 complaint driven. Somebody needs to call in and tell us this is occurring, then we'll go out  
2418 and research it and issue notifications of violations. And if they don't correct the violations,  
2419 we end up in court just like we had with the landfills and some of the other entities we've  
2420 been to the supreme court twice with, with one landfill in particular.

2421

2422 Mr. Nelson -                      And that landfill is closed now.

2423

2424 Mr. Emerson -                      It is closed. Yes, sir.

2425

2426 Mr. Nelson -                      That landfill is in Varina, and I had a lot to do with closing that  
2427 landfill. Mr. Emerson, traditionally, Board of Supervisor members don't vote on Planning  
2428 Commission cases.

2429

2430 Mr. Emerson -                      Yes, sir. That's correct. That's been the practice. But Board of  
2431 Supervisors members on the Planning Commission in the past have chosen to vote on  
2432 certain cases. So, there's no rule, and there's no law against you participating. You  
2433 actually cast a vote each time because it's an abstention, because you are recognized as  
2434 a member of the Commission, appointed by the Board.

2435

2436 Mr. Nelson -                      But this is a recommendation so it's kind of weird for me to  
2437 vote to recommend something because then that already shows my hand for the next  
2438 step. So, if I voted to recommend, then the applicant knows well, we already got Mr.  
2439 Nelson's vote, right? Pretty much.

2440

2441 Mr. Emerson -                      Yes, sir. You'd be you'd be somewhat giving that indication. I  
2442 would agree. However, you can always change your vote between now and the meeting.

2443

2444 Mr. Nelson -                      That is smart, but I don't want the applicant to think they have  
2445 my vote locked up. So, I'm going to abstain. I am going to ask Mr. Condlin, there was one  
2446 of the residents, they bring up 100% new, clean energy, I think no fossil fuel. Where are  
2447 you with clean energy, renewable energy, carbon emissions? You know, the standard for  
2448 data centers and then in particular, you're at, the applicant?

2449

2450 Mr. Condlin -                      Specifically with respect to data centers are currently using  
2451 about 1% of the total energy use in America as of 2023, that's about 1%. The data center  
2452 industry is trying to achieve greater and greater efficiencies in sustainability. And they're  
2453 continuing to work with that. As I said, there's no, I don't think there's any set standards  
2454 specifically to say this is where data centers are they have been evolving, like the rest of  
2455 the other industries have been as well, what was occurring 10 years and even 15 years  
2456 and even 10 years ago, it's completely different than what they're doing currently with  
2457 respect to renewable energy sources. And providing for that, there's been a number of  
2458 comments to say, hey, we maybe should go to all battery for emergency services, the

2459 technology is just not there to be able to do that. And plus, the production of batteries is  
2460 a different discussion of whether that's clean energy or not as well. We talked a little bit  
2461 about using RECs as far as the energy certificates and being able to purchase those as  
2462 well as implementation for some solar use and an investment into various solar.

2463  
2464 We've determined one of the questions that people asked the most was, could you put  
2465 solar power? Why don't you use more solar power on site, we're trying to maintain that  
2466 35% green space that no longer is, if we have to put that on there from that standpoint, if  
2467 you put them on the roof, and that means the HVAC units have to come down, and we  
2468 can't shield them. And protecting both from a noise standpoint up on the roof was where  
2469 we'd like to have them. So, they're always looking for different. Again, it's a balancing act  
2470 as to what you can do. From that standpoint, I don't think there's enough I can't point to  
2471 specifically depends on each user and how they do. There's also a difference between  
2472 co locators. And what they call enterprise data centers. Enterprise Data centers are those  
2473 that are the big ones, like Meta, and Amazon, that are building them just for themselves.  
2474 and not anyone else versus the ones that you toured, for example, QTS is a collocator  
2475 where they're going out and for the federal government, state and local governments, but  
2476 also private industries, providing for data service and IT service for them as well. So,  
2477 they're having to compete and trying to be as efficient as possible and get those energy  
2478 bills down as much as possible. And that's why they're buying the certificates. That's why  
2479 they're investing in solar power, so that they can compete with other co locators. So,  
2480 there's a different type is you talk data centers, there's different types of data centers in  
2481 which category we're talking about impacts that and how they're addressing that from that  
2482 standpoint.

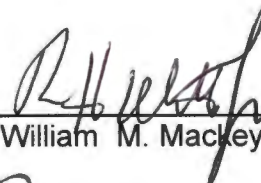
2483  
2484 Mr. Mackey - Does anyone have any other questions for the applicant? All  
2485 right, if not, I'm ready to make a motion. I appreciate all the time everyone has put into  
2486 this as one of the biggest cases I've been involved in, in my short time as a Commissioner.  
2487 We went to two community meetings, they were very, very productive. We went to the  
2488 HCAN meeting, have had multiple meetings with staff, some phone conversations with  
2489 Mr. Condlin trying to you know, get some things put in place. I would like to thank staff  
2490 and residents, for all they have done on this case for you know, getting the proffers that  
2491 they were able to get because as Supervisor Nelson stated before, and as I stated in, I  
2492 believe it was the first community meeting, maybe the second, I can't remember, by law,  
2493 we're not allowed to ask for proffers. So that kind of, you know, limits us to what we can  
2494 do, or we really can do is I know it sounds like a dirty word, but hold him to the industry  
2495 standards. Because those are the tools that we have to work with right now. And I don't  
2496 think we have to wait for the JLARC to move forward on this because any findings that  
2497 they come forward with, the applicant, if this is approved would have to abide by those  
2498 that will supersede anything that we have in place as of right now. So having said that, I  
2499 move that we recommend approval of REZ-2023-100017 HD CVA LLC with the proffers  
2500 dated March 21, 2024, with the understanding the applicant will make the changes  
2501 discussed this evening prior to consideration by the Board of Supervisors. Those new  
2502 new proffers that came in and then the changes that you made. We need those before it  
2503 goes to the Board of Supervisors




2505 Mr. Witte - Second.  
 2506  
 2507 Mr. Mackey - I have a motion by Mr. Mackey, a second by Mr. Witte. All in  
 2508 favor say aye.  
 2509  
 2510 Commission - Aye.  
 2511  
 2512 Mr. Mackey - Any opposed?  
 2513  
 2514 Mr. Shippee - Nay.  
 2515  
 2516 Mr. Mackey - We have four ayes and one nay. Motion is granted.  
 2517  
 2518 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Witte, the  
 2519 Planning Commission voted 4-1 (one abstention) to recommend the Board of Supervisors  
 2520 grant the request because it reflects the type of non-residential growth in the area, the  
 2521 proffered conditions will assure a level of development consistent with surrounding uses,  
 2522 and it reflects the commercial and industrial nature of the comprehensive plan  
 2523 recommendations.  
 2524  
 2525 Mr. Emerson - And one abstention.  
 2526  
 2527 Mr. Mackey - I'm sorry, and one abstention.  
 2528  
 2529 Mr. Emerson - Yes, sir, Mr. Chairman, the next item on your agenda is a  
 2530 discussion item. Based on our work session you do have a Zoning Ordinance Amendment  
 2531 that staff has brought forward to you that we would like to set for public hearings so you  
 2532 can take public input. We were thinking about May 9<sup>th</sup> but Mr. Chairman, you did remind  
 2533 me you weren't going to be here on May 9<sup>th</sup> so June the 13<sup>th</sup> would be fine with staff if  
 2534 that works for the Commission.  
 2535  
 2536 Mr. Mackey - Does June 13<sup>th</sup> work for you all? Do I need to make a motion?  
 2537  
 2538 Mr. Emerson - Yes, sir, since we're setting it for the public hearing the agenda  
 2539 I'd like a motion on that.  
 2540  
 2541 Mr. Mackey - I'll make a motion that we have a public hearing on June 13  
 2542 for the location standards for vape stores.  
 2543  
 2544 Mr. Shippee - Second.  
 2545  
 2546 Mr. Mackey - A motion by Mr. Mackey, a second by Mr. Shippee. All in favor  
 2547 say aye.  
 2548  
 2549 Commission - Aye.  
 2550



2551 Mr. Mackey - Any opposed? Granted.  
2552  
2553 Mr. Emerson - Mr. Chairman, the next item on your agenda would be the  
2554 consideration of your minutes from the Capital Improvement Program hearing and regular  
2555 meetings on March 14, 2024, and the work session on March 28, 2024.  
2556  
2557 Mr. Mackey - I move. Go ahead.  
2558  
2559 Mr. Emerson - Excuse me, I was just going to say if you have any changes  
2560 or corrections, please let us know.  
2561  
2562 Mr. Mackey- Alright. I move that minutes from both meetings be approved  
2563 as presented.  
2564  
2565 Mr. Witte - Second.  
2566  
2567 Mr. Mackey - We have a motion by Mr. Mackey, seconded by Mr. Witte. All  
2568 in favor?  
2569  
2570 Commission - Aye.  
2571  
2572 Mr. Mackey - Any opposed? Motion granted.  
2573  
2574 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this  
2575 evening.  
2576  
2577 Mr. Mackey - Meeting adjourned.  
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Mr. William M. Mackey Jr., Chairperson

  
\_\_\_\_\_  
Mr. R. Joseph Emerson, Secretary