

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**  
2 **County held in the County Administration Building in the Government Center at**  
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, November**  
4 **9, 2023. Display Notice having been published in the Richmond *Times-Dispatch* on**  
5 **October 27, 2023, and November 3, 2023.**  
6  
7

8 **Members Present:** Mr. Robert H. Witte, Jr., Chairperson (Brookland)  
9 Mr. Gregory R. Baka, Vice Chair (Tuckahoe)  
10 Mrs. Melissa L. Thornton, (Three Chopt)  
11 Mr. C. W. Archer, C.P.C. (Fairfield)  
12 Mr. William M. Mackey, Jr., (Varina)  
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning  
14 Secretary  
15 Mr. Thomas M. Branin (Three Chopt)  
16 Board of Supervisors Representative  
17

18 **Also Present:** Ms. Jean Moore, Assistant Director  
19 Mr. Ben Sehl, Senior Principal Planner  
20 Mr. Seth Humphreys, County Planner  
21 Ms. Molly Mallow, County Planner  
22 Ms. Ali Hartwick, County Planner  
23 Ms. Kelly Drash, County Planner  
24 Mr. Michael Morris, County Planner  
25 Mr. Livingston Lewis, County Planner  
26 Ms. Neha Shinde, County Planner  
27 Mr. John Cejka, Traffic Engineer  
28

29 **Mr. Thomas M. Branin, the Board of Supervisors' representative, abstains from all**  
30 **cases unless otherwise noted.**  
31

32 **Mr. Witte -** Good evening, welcome to the November 9, 2023, meeting of  
33 the Planning Commission. To start with I'd ask that you mute, turn off or silence in some  
34 kind of way your cellphones. While doing so please stand with us for the Pledge of  
35 Allegiance.  
36

37 [Recitation of Pledge of Allegiance]  
38

39 **Mr. Witte -** Thank you. Is there any news media in the audience or on  
40 Webex? Oh, I see one down there. Welcome. With that, we'll get started. I'll turn it over  
41 to our Secretary, Mr. Emerson.  
42

43 **Mr. Emerson -** Thank you, Mr. Chairman. I would like to join you in welcoming  
44 everyone to the Henrico County Planning Commission public hearing this evening for  
45 November 9th. This evening it is requested all public comments be provided from the  
46 lectern to the rear of the room. For everyone who's watching the livestream on the county  
47 website you can participate remotely in the public hearing by following these guidelines.

48 Go to the Planning Department's meeting webpage at [Henrico.us/planning/meetings](http://Henrico.us/planning/meetings)  
49 scroll down under Planning Commission and click on Webex event. Once you have joined  
50 the Webex event, please click on the chat button in the bottom right corner of the screen  
51 and staff will send a message asking if anyone would like to sign up to speak on an  
52 upcoming case. To respond select Ali Hartwick from the dropdown menu and send her a  
53 message. She will place you in the queue to speak. The Commission does have  
54 guidelines for its public hearings. The applicant is allowed 10 minutes to present the  
55 request, and time may be reserved for responses to testimony. The opposition is allowed  
56 a cumulative 10 minutes to present its concerns. What that means is that everyone who  
57 wishes to speak must be included in the overall 10-minute allowance. Commission  
58 questions do not count into those time limits. The Commission may waive the time limits  
59 at its discretion. Comments must be directly related to the case under consideration.  
60 Commentors must provide their name and address prior to speaking for the record. We  
61 do keep verbatim minutes. Thank you again for your participation and interest in your  
62 community this evening. With that, Mr. Chairman, we'll now move on to requests for  
63 withdrawals and deferrals and those will be presented by Mr. Ben Sehl.

64  
65 Mr. Witte - Mr. Sehl, good evening.

66  
67 Mr. Sehl - Good evening, Mr. Chairman, members of the Commission,  
68 staff is aware of three deferral requests on your agenda this evening. The first is in the  
69 Tuckahoe District on Page 2 of your agenda. This is PUP2023-00003.

70  
71 **PUP2023-00003 William Shewmake for Diamond Communications, LLC:** Request  
72 for a Provisional Use Permit under Sections 24-4205 and 24-4314.F of Chapter 24 of the  
73 County Code to allow a 155' telecommunication tower on part of Parcel 748-741-1823  
74 located at the southwest intersection of Patterson Avenue (State Route 6) and Maybeury  
75 Drive. The existing zoning is R-2A One-Family Residence District. The 2026  
76 Comprehensive Plan recommends Semi-Public.

77  
78 The applicant is requesting this item be deferred to your February 15, 2024, meeting.

79  
80 Mr. Witte - Is there anybody in the audience or on Webex who would like  
81 to speak about this deferral? We have one.

82  
83 Ms. Drash - There is no one on Webex at this time.

84  
85 Mr. Witte - Sir, if you could go to the back, please?

86  
87 Mr. Baka - Do they object to the deferral?

88  
89 Mr. Witte - Oh, I'm sorry. This is expedited and not a deferral.

90  
91 Mr. Emerson - No, sir. This is a deferral.

92  
93 Mr. Witte - Do you want to talk about the deferral?

94  
 95 Mr. Baka - Do you object to the deferral?  
 96  
 97 Mr. Joslin - Yes. My name is Douglas Joslin. I live at 907 Penola Drive. I  
 98 have been following this PUP for 16 months and we've been in a lot of discussions. The  
 99 company that wants to build the tower has looked into many different options and the  
 100 option before us which is written in this document for tonight is exactly what they started  
 101 with. I have a difficult time understanding what else could be done that you need more  
 102 time to come before this committee. I think it should be addressed now. I've talked to Mr.  
 103 Baka about this and others and there's no reason to spend this unless there's something  
 104 they can say that will convince me. I think there's something else going on other than just  
 105 presenting their case and hearing it.  
 106  
 107 Mr. Witte - So, you're not against the deferral.  
 108  
 109 Mr. Joslin - I am against the deferral.  
 110  
 111 Mr. Witte - You want it to happen today?  
 112  
 113 Mr. Joslin - Yes.  
 114  
 115 Mr. Witte - Okay.  
 116  
 117 Mr. Joslin - After 16 months that's plenty of time. These people are  
 118 professionals. They know what they're doing.  
 119  
 120 Mr. Witte - Alright, well thank you for your comments. Mr. Baka?  
 121  
 122 Mr. Baka - Thank you Mr. Chairman. I've had the opportunity to work with  
 123 Mr. Joslin. Thank you for your comments, sir. I really appreciate that tonight and also with  
 124 Chris Chapin, Ben Schwartz and many others in the community. I understand your  
 125 concerns but I think these comments will be best addressed in February. Mr. Chairman,  
 126 I would move that PUP2023-00003, Diamond Communications, LLC be deferred to the  
 127 February 15, 2024, meeting at the request of the applicant.  
 128  
 129 Mr. Mackey - Second.  
 130  
 131 Mr. Witte - We have a motion by Mr. Baka, a second by Mr. Mackey. All  
 132 in favor say aye.  
 133  
 134 Commission - Aye.  
 135  
 136 Mr. Witte - Opposed? Motion passes, deferred.  
 137  
 138 Mr. Sehl - Also in the Tuckahoe District and on Page 3 of your agenda  
 139 is PUP2023-00018.



**PUP2023-00018 Andrew M. Condlin for Gateway Associates of Richmond II, LLC:** Request for a Provisional Use Permit under Sections 24-2306 and 24-4315 of Chapter 24 of the County Code to allow commercial uses and zoning modifications as part of a master-planned development on part of parcels 753-745-6957 and 753-745-0470 located on the west line of N Parham Road approximately 240' south of its intersection with Fargo Road. The existing zoning is R-6 General Residence District. The 2026 Comprehensive Plan recommends Multi-Family Residential.

With this request the applicant is asking the item be deferred to your February 15, 2024 meeting.

Mr. Witte - Is there anyone in the audience or on Webex who would like to speak to this deferral?

Ms. Drash - There is no one on Webex.

Mr. Witte - I didn't hear her.

Mrs. Thornton - There is no one on Webex.

Mrs. Witte - Anybody in the audience? You have the floor.

Mr. Baka - Thank you. I would move that PUP2023-00018, Gateway Associates of Richmond II, LLC be deferred to the February 15, 2024 meeting at the request of the applicant.

Mr. Archer - Second.

Mr. Witte - Do we have a second? We have a motion by Mr. Baka, a second by Mr. Archer. All in favor say aye.

Commission - Aye.

Mr. Witte - Opposed? Motion passes.

Mr. Sehl - The final request for deferral staff is aware of this evening is also on Page 3 of your agenda in the Varina District is REZ2023-00026, Harsh Thakker, Dorado Capital, LLC.

**REZ2023-00026 Mark Baker for Harsh Thakker, Dorado Capital, LLC:** Request to amend proffers accepted with REZ2022-00034 on Parcel 833-718-6524 located on the south line of Meadow Road at its intersection with Chartwood Drive. The applicant proposes to amend proffers regarding concept plan, density, architectural treatment, and wiring for generators. The existing zoning is R-5AC General Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 1,

density should not exceed 2.4 units per acre and Environmental Protection Area. The site is located in the Airport Safety Overlay District.

The applicant is requesting this item be deferred to your December 14, 2023, meeting.

Mr. Witte - Do we have anyone in the audience or on Webex who would like to speak to this deferral?

Ms. Drash - Mr. Chairman, there is no one on Webex..

Mr. Witte - Once again.

Mr. Mackey - Mr. Chairman, being there is no opposition, I move that REZ2023-00026, Harsh Thakker, Dorado Capital, LLC be deferred to the December 14, 2023, meeting at the request of the applicant.

Mrs. Thornton - Second.

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

Commission - Aye.

Mr. Witte - Opposed? Motion passes.

Mr. Emerson - Mr. Chairman, that completes the withdrawals and deferrals for this evening unless the Commission has any other item they wish to put on the table. If not, the next item on the agenda are the requests for expedited items. Those will also be presented by Mr. Ben Sehl.

Mr. Witte - You have the floor Mr. Sehl.

Mr. Sehl - Thank you again. Staff has two items on your expedited agenda this evening. The first is in the Fairfield District on Page 1 of your agenda. This is Masha Real Estate, LLC.

**POD2023-00413 Bowman Consulting Group, Ltd. for Masha Real Estate, LLC.:** Request for approval of a Chesapeake Bay Resource Area Exception as required by Chapter 24, Sections 5805.A of the Henrico County Code, to allow a portion of the proposed construction of a future commercial project to encroach within the seaward 50-feet of the required 100-foot-wide Resource Protection Area, a component of a Chesapeake Bay Preservation Area, adjacent to an unnamed tributary to the Chickahominy River in the Chickahominy River Watershed. This 0.56-acre portion of the overall 2.80-acre site is located at the northeastern intersection of Mechanicsville Turnpike (US Route 360) and Neale Street, on parcel 803-736-7693. The zoning is B-2C

231 Business District (Conditional) and AS-O Airport Safety Overlay District. County water  
232 and sewer.

233  
234 With this request, staff is recommending approval subject to the conditions in your staff  
235 report and is unaware of any opposition at this time and I'd be happy to try and answer  
236 any questions you might have.

237  
238 Mr. Witte - Any questions by the Commission? Anyone on Webex or in  
239 the audience who would like to speak to this case?

240  
241 Ms. Drash - Mr. Chairman, there is no one on Webex.

242  
243 Mr. Witte - You have the floor.

244  
245 Mr. Archer - Thank you, Mr. Chairman. Mr. Chairman, I move that case  
246 POD2023-00413, Masha Real Estate, LLC Chesapeake Bay Resource Area Exception  
247 be approved on the expedited agenda subject to the annotations on the plan and  
248 additions Number 1 and 2 on the agenda.

249  
250 Mr. Baka - Second.

251  
252 Mr. Witte - We have a motion by Mr. Archer, a second by Mr. Baka. All in  
253 favor say aye.

254  
255 Commission - Aye.

256  
257 Mr. Witte - Opposed? Motion passes.

258  
259 The Planning Commission approved the Chesapeake Bay Resource Protection Area  
260 exception request, subject to the annotations on the plans, and the following additional  
261 conditions:

- 262  
263 1. The applicant is required to file a Plan of Development/Site Plan in accordance  
264 with Chapter 24 of the Henrico County Zoning Ordinance prior to any construction  
265 plan approval.
- 266 2. The construction plan shall include an equivalent landscape plan as shown on the  
267 conceptual plan dated 10/18/2023 accompanying this application for an exception.

268  
269 Mr. Sehl - The second item on your expedited agenda this evening is on  
270 Page 4 in the Three Chopt District.

271  
272 **POD2023-00414 VHB, Inc. for 4501 Highwoods Parkway, LLC and 4521 Highwoods**  
273 **Parkway, LLC.:** Request for approval of a Chesapeake Bay Resource Area Exception as  
274 required by Chapter 24, Section 5805.A of the Henrico County Code, to allow a portion of  
275 a proposed deck addition to existing structures to encroach within the seaward 50-feet of



the required 100-foot-wide Resource Protection Area adjacent to Rooty Branch Creek that drains to the Chickahominy River watershed. The 1.31-acre portion of the overall 17.45-acre site is located approximately 600 feet south of the intersection of Sadler Place and Highwoods Parkway (private), on parcels 750-765-0494(pt) and 749-765-7952(pt). The zoning is UMUC Urban Mixed Use District (Conditional) and IR-O Innsbrook Redevelopment Overlay District. County water and sewer.

Let me bring that up on the map. I apologize.

Mr. Witte - Is there anyone in the audience or on Webex who would like to speak to this case?

Ms. Drash - Mr. Chairman, there is no one on Webex.

Mr. Witte - Alright, how would you like to proceed?

Mrs. Thornton - Mr. Chairman, I move that case POD2023-00414, 4501 & 4521 Highwoods Parkway, LLC, Chesapeake Bay Resource Area Exception be approved on the expedited agenda subject to the annotations on the plans and conditions 1-4 in the agenda.

Mr. Mackey - Second.

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

Commission - Aye.

Mr. Witte - Opposed? Motion passes.

The Planning Commission approved the Chesapeake Bay Resource Protection Area exception request, subject to the annotations on the plans, and the following additional conditions:

1. The applicant is required to file a Plan of Development/Site Plan in accordance with Chapter 24 of the Henrico County Zoning Ordinance prior to any construction plan approval.
2. The construction drawings must depict non-tearable black and yellow barricade tape along the LOD.
3. Environmental Site Assessment questions 1, 6, 7, 8, and 10 shall be adjusted so that the response is a "Yes."
4. Additional plantings of native trees and shrubs shall be installed within the seaward 50-feet of the RPA buffer to achieve an overall density of woody vegetation within the seaward 50-feet of the buffer of 200 stems per acre.

Mr. Emerson - Mr. Chairman, that completes the expedited items for this evening. We move on now to the first items on your agenda appearing on Page 1. You have two companion cases, REZ2023-00027, Andrew M. Conklin for General Land Company, LLC.

**REZ2023-00027 Andrew M. Condlin for General Land Company, LLC:** Request to conditionally rezone from A-1 Agricultural District to B-2C Business District (Conditional) Parcel 775-766-6864 containing 8.615 acres located at the southwest intersection of Mountain and Woodman Roads. The applicant proposes a self-storage facility and commercial uses with a drive-thru. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office, Environmental Protection Area, and Suburban Residential 2.

The companion case PUP2023-00014 again Mr. Condlin for General Land Company.

**PUP2023-00014 Andrew M. Condlin for General Land Company, LLC:** Request for a Provisional Use Permit under Section 24-4205 of Chapter 24 of the County Code to allow a self-storage facility on Parcel 775-766-6864 located at the southwest intersection of Mountain Road and Woodman Road. The existing zoning is A-1 Agricultural District. B-2C Business District (Conditional) zoning is proposed with REZ2023-00027. The 2026 Comprehensive Plan recommends Office, Environmental Protection Area, and Suburban Residential 2.

These two cases will be presented by Mr. Michael Morris.

Mr. Witte - Mr. Morris, you have the floor.

Mr. Morris - Thank you, Mr. Chairman, members of the Commission. As mentioned, these companion cases are requesting approval to develop a self-storage facility and retail center at the southwest intersection of Mountain and Woodman Roads on property recommended for Office and Environmental Protection Area in the 2026 Plan.

Surrounding uses include the Townes at Woodman townhouse development located directly to the south and the Greenhouse single-family subdivision currently under construction to the north across Mountain Road. To the west is property zoned R-5AC General Residence District (Conditional) that is approved for seven single-family homes. A vacant O-2 Office District zoned property is located at the southeast corner of Woodman and Mountain Roads.

The applicant proposes rezoning the subject property from A-1 to B-2C to allow a storage facility and retail use with drive-through. A companion Provisional Use Permit request has also been filed to allow the storage facility use in the B-2 District. Staff notes action on the rezoning would need to occur prior to consideration of the accompanying Provisional Use Permit. As shown on the proffered concept plan, the retail building would be located in the eastern portion of the property, adjacent to Woodman Road. The storage facility would



be sited to the west with a connection between the two uses provided by an internal driveway. Two access points to the overall site are shown, one each at Woodman and Mountain Roads. The 10,990 square foot multi-tenant retail building is shown oriented towards Mountain Road and surrounded on three sides by a drive through that would service the easternmost storefront, labeled here as "Coffee/Restaurant". The three-story storage building would also be oriented towards Mountain Road with a surrounding drive aisle for emergency access. Sidewalks would be provided along both Mountain and Woodman Roads, as well as internally to the site.

A Transitional Buffer 50 is required along the southern and western property lines adjacent to single-family and townhouse developments. It could also be required along the northern property line where the Mountain Road right-of-way tapers down to less than 80' wide.

The storage building would be consistent with this proffered exhibit showing a three-story structure that would consist of 70% of masonry materials where visible from public right-of-way. This proffered exhibit illustrates the multi-tenant building that would have exterior building materials of brick, glass, EIFS, stone, stone veneer, and split faced block, among others. Uses on the overall property would be restricted to those permitted in the B-1 District, with the exception of self-storage facilities, microbreweries, specialty eating establishments, and a drive through specifically associated with a multi-tenant building. Other proffers limit the hours of construction and address detached signage and parking lot lighting.

Revised proffers handed out this evening provide additional clarity on the southern buffer, timing of dumpster pick-up, and the potential bus shelter at Woodman Road. They also aim to further clarify allowed uses on the subject property. Some of these revisions were or are in response to comments received from residents during a community meeting held by the applicant on November 2<sup>nd</sup>. Additionally, revised PUP conditions or Provisional Use Permit conditions handed out this evening provide an allowance for the Woodman Road access point and utilities within the southern buffer area.

The site is designated Office and Environmental Protection Area, with a small area of Suburban Residential 2 in the northwest corner. While the proposed uses are not entirely consistent with these designations, staff believes they could be reasonable based on the increase in residential density in the area, newer connectivity provided by the Woodman Road extension to the north, and quality guarantees and protections of the surrounding community, including the buffers along the southern and western property lines. Provisional Use Permit conditions would also provide a number of assurances regarding the self-storage use and its potential impact on the surrounding area. For these reasons, staff supports these requests. This concludes my presentation. I'm happy to answer any questions you may have at this time.

Mr. Witte - Any questions by the Commission?

Mr. Mackey - No, sir.

412 Mr. Witte - Is there anyone on Webex or in the audience who would like  
 413 to speak to this?  
 414  
 415 Ms. Drash - There is no one on Webex for this case.  
 416  
 417 Mr. Witte - We have one.  
 418  
 419 Ms. Bruffey - Good evening. I'm Donna Bruffey.  
 420  
 421 Mr. Witte - Speak into the microphone please.  
 422  
 423 Ms. Bruffey - Good evening, I'm Donna Bruffey. I live at 2109 Hungary  
 424 Road. Thank you very much for being here tonight and allowing me to speak in reference  
 425 to the topic of addition of storage units at this location. So, I'm under no illusion as to how  
 426 our county is developing, especially in this community. We have the new apartments of  
 427 course that are up and running over at the corner of Woodman and Hungary. The  
 428 increasing access to growth in the roads and what's going to happen there. I am  
 429 concerned about the decision to move forward with storage given the amount of storage  
 430 that we already have in Henrico County, specifically in our area. So, I looked at this  
 431 research today. There are 11 storage facilities within four miles of Mountain Road and  
 432 Woodman. Most are within three miles. We have Laurel and Parham, we have Lakeside  
 433 Storage, we have Ample Storage, we have Public Storage, we have Extra Attic Storage  
 434 in Old Glen Allen and Laurel, we have Mini Storage, we have Extra Space both in Laurel  
 435 and the Brook Road Mini Storage. Six of them are actually in the Laurel area and I'm  
 436 guessing there not all rounding at 100% because they're offering \$1 a month storage  
 437 bargains. This is the first time I've seen the plan. I do appreciate the fact that they're going  
 438 to use the brick on the outside of the building. I also know about the growth in that area  
 439 with new housing coming up on what was where we went to the greenhouse. In addition  
 440 to the new housing, it's still an established community. We have a school, Virginia  
 441 Randolph, that's right there with the sports facilities. We have long-time residents that  
 442 have enjoyed having an area with some mature trees. That's why I'm here. Every time  
 443 I'm here I talk about these mature trees. They are at least 100 years old maybe 150 years  
 444 old. The animal habitat in those trees is also something to be considered. Often times  
 445 these trees are removed in the spring when animals are nesting. Fifty feet of buffer just  
 446 seems so limited, and I am concerned about protecting the neighbors that have been  
 447 there for years and making sure that they have a buffer from a storage facility. Also, this  
 448 idea of having the what is it, the additional, restaurant, coffee shop. I am concerned about  
 449 that. On Brook Road we now have what is Dunkin Donuts, one empty shop and a vape  
 450 shop. That community, small shopping center of three buildings has not been very  
 451 effective in terms of bringing tax dollars to the community. So, once again I'm just not  
 452 certain that we have any evidence that a coffee shop will be a very viable tax supporter  
 453 for Henrico County, especially at that location as people are racing to 295. So, I'd like to  
 454 know what is the current occupancy rate of the storage facilities, the hours of operation.  
 455

456 One of the EZ Storages at the corner of Staples Mill and Old Staples Mill allows band  
457 practice because many of the local bands cannot practice in their homes of course  
458 because it would violate HOA rules that's until 10:00 at night. I'm opposed. I would like to  
459 see something else more meaningful to our community. In that part of the community, I  
460 think the Virginia Randolph students also would be interested to have something other  
461 than a storage facility next to their school. That's all I had. Thank you.

462  
463 Mr. Witte -

Mr. Archer?

464  
465 Mr. Archer - Thank you, sir. Thank you, Ms. Bruffey. I appreciate your  
466 remarks. Well, I don't guess I'm going to go through all of what we went through when  
467 we're trying to decide what would go on this location. And how storage units could be way  
468 and above better than what was originally proposed there. Since the applicant is here,  
469 I'm going to let him come up and try to explain to you why it makes sense to them and  
470 consequently they tried to sell it to us. If you would allow him to please.

471  
472 Mr. Condlin - Evening, Mr. Chairman, members of the Commission, my  
473 name is Andy Condlin here on behalf of the applicant on these two cases. Thank you for  
474 your time this evening. I'm going to forgo a specific presentation and just respond to these  
475 questions that were raised. More specifically one of the reasons that we've actually scaled  
476 down from multiple buildings to the single building for the storage based on comments of  
477 the community including changing the material as well as no windows on the rear side for  
478 example and while it is three stories, we did try to make it from the elevations as you saw  
479 on the presentation by Mr. Morris. Did provide for trying to make it look like an office. Of  
480 course, as you know storage uses are quiet, they have limited traffic. The question  
481 became about the hours. The storage itself facility will only open as we said it, in the  
482 Proffers, which is Proffer C3, only open from 6:00 am to 9:00 pm for public access. It's  
483 gaited otherwise. You have to have a code as a member, as a customer to be able to go  
484 in at those times. We share an access with the retail center but the idea with that is this  
485 is a quiet use next to the residents that live right behind this. We met with them in May  
486 and then again last week to talk about all their concerns as we went through. There was  
487 a reference to a 50' buffer, it's actually 75' buffer. Fifty feet is undisturbed, and the other  
488 25 feet, if necessary for grading, we'd have the right to go in there but if we do disturb it  
489 we have to replant it equivalent to a transitional buffer 25 as you know in the Code,  
490 specific plantings. So, it's either going to remain as is or if it's disturbed, we'll replant  
491 based on a transitional buffer 25. As far as the market goes, yes, there are a number of  
492 storage facilities and a number of them are older. This is air conditioned and meets the  
493 Code criteria, which is pretty substantial in this case. Along with the PUP conditions to  
494 provide for a specific development standard that are not even addressed in the proffers  
495 because they're already addressed in the Code. To be able to have a quality standard  
496 that you want for interior access only once you get inside so each unit doesn't have  
497 access on the outside as well as being conditioned. We do believe based on the growth  
498 in the area but also based on the some of the other areas or services that are in this area  
499 to be able to provide for the storage use. With respect to the retail area we've again  
500 worked with the community with our meetings to come up with the plan that we have. The  
501 idea of having a coffee shop we have limited it to B-1 and a few other uses. The idea



502 being B-1 being neighborhood business the idea being that this is specific to and given  
503 the fact that we are at Woodman and Mountain. Most people know where this is because  
504 these are pretty significant roads in the county and we're just a block off of I-295. So,  
505 while people may or may not be racing to 295, they're either coming from home to 295 or  
506 going home and they can stop here if they want to from one of the retail shops. So, we  
507 believe that this is a good market, a good location that is not served by anywhere else  
508 and that given the proximity to this intersection is frankly an excellent use with the  
509 elevations and limitations we've already provided so with that I'd be happy to answer any  
510 questions. I believe I addressed all the questions that were brought up. Thank you.

511  
512 Mr. Witte - Any questions by the Commission?

513  
514 Mr. Archer - Mrs. Thornton has a question.

515  
516 Mrs. Thornton - How would you address the noise? Like, she said, I think  
517 another facility, the band goes there in the parking lot I would assume and plays.

518  
519 Mr. Condlin - We're limited to the hours of 6:00 am to 9:00 pm. I've got to  
520 be honest I've never heard of that situation before, all the activity. We certainly can  
521 provide for; I don't think we've got it in here because it just was never raised to be activity  
522 outdoors. Everything is indoors because the Code requires, I believe it's only four doors  
523 and we have emergency access doors. You go inside so if there's any activity, it would  
524 be inside but that's certainly not the intent. I've just never heard that before. I'm happy  
525 to...

526  
527 Mrs. Thornton - I hadn't either but...

528  
529 Mr. Condlin - ...activity or storage

530  
531 Mrs. Thornton - That might give reassurance.

532  
533 Mr. Condlin - We can do that. Yes, ma'am. I'll write that down.

534  
535 Mr. Archer - Anyone else? Thank you, Mr. Condlin. Ms. Bruffey, I hear  
536 where you're coming from. This site has really been difficult to work with. I can recall years  
537 and years ago there was a little store that was starting up called Food Lion. They wanted  
538 to build a store there and for some reason that fell through. It never did occur and I'm  
539 talking about a space of about 25 years that nothing else has ever occurred there that  
540 seemed to make sense. When this started out, we didn't really find it acceptable as to  
541 what the initial use was going to be. A service station with gas pumps and we were able  
542 to work with the applicant to get it pared down from that until it is something that is at least  
543 a bit more reasonable. As he indicated storage units are quiet, they're you know. People  
544 sometimes tend to think that everybody's going to the storage unit and everybody's going  
545 to leave at the same time, but it doesn't happen that way. People put their stuff in there  
546 and leave until they need it and then they go get it. The Board of course will hear this at  
547 their next, anyone know when that meeting date is?

548  
549 Mr. Emerson - I believe it's the 12<sup>th</sup> of December yes, sir.  
550  
551 Mr. Archer - Okay. The Board will hear it on the 12<sup>th</sup> of December. What  
552 we will make tonight is simply a recommendation as to how we think they should go, and  
553 they of course have the authority to do whatever they want to do with it. We did have  
554 community meetings and that particular item didn't come up at the community meeting  
555 and if it would we would probably have tried to address it there. At this point in time, I feel  
556 as though they have pared it down to the point that we can make a recommendation to  
557 the Board. So, with that, my motion is to move that we recommend approval of REZ2023-  
558 00027, General Land Company with the proffers dated November 6, 2023, which I don't  
559 think have to be approved tonight, do they? They were early enough? Okay, then with the  
560 proffer's dated November 6, 2023.  
561  
562 Mr. Mackey - Second.  
563  
564 Mr. Witte - We have a motion by Mr. Archer, a second by Mr. Mackey. All  
565 in favor say aye.  
566  
567 Commission - Aye.  
568  
569 Mr. Witte - Opposed? Motion passes.  
570  
571 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Mackey,  
572 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
573 Supervisors **grant** the request because it would not adversely affect the adjoining area if  
574 properly developed as proposed and the proffered conditions will assure a level of  
575 development otherwise not possible.  
576  
577 Mr. Archer - Don't we have to do the PUP separately or...  
578  
579 Mr. Emerson - He combined it in his presentation.  
580  
581 Mr. Archer - I move for approval of PUP2023-00014, General Land  
582 Company, LLC with the recommended conditions also dated November 6, 2023.  
583  
584 Mr. Baka - Second.  
585  
586 Mr. Witte - We have a motion by Mr. Archer, a second by Mr. Baka. All in  
587 favor say aye.  
588  
589 Commission - Aye.  
590  
591 Mr. Witte - Opposed? Motion passes.  
592

Mr. Emerson - Mr. Chairman, we now move on to Page 2 of your agenda for again two companion cases, REZ2022-00031, Andrew M. Condlin for Rebkee Company.

**REZ2022-00031 Andrew M. Condlin for Rebkee Company:** Request to conditionally rezone from R-4 One-Family Residence District, R-5C General Residence District (Conditional), O-2C Office District (Conditional), and B-2C Business District (Conditional) to B-2C Business District (Conditional) and R-5C General Residence District Parcel 772-749-6261 and part of Parcel 772-749-3398 containing 10.25 acres located on the west line of Staples Mill Road (U.S. Route 33) approximately 300' south of Bremner Boulevard. The applicant proposes townhomes, an automobile filling station with a convenience store and carwash and general commercial use with drive-thru. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office, Commercial Concentration, and Suburban Residential 2, density should not exceed 3.4 units per acre. Most of the site is in the Enterprise Zone.

And the companion case, PUP2022-00019, again Mr. Condlin for Rebkee Company.

**PUP2022-00019 Andrew M. Condlin for Rebkee Company:** Request for a Provisional Use Permit under Sections 24-4205, 24-4315 and 24-2306 of Chapter 24 of the County Code to allow a carwash and 24-hour operation on part of Parcels 772-749-3398 and 772-749-6261 located on the west line of Staples Mill Road (U.S. Route 33) approximately 300' south of Bremner Boulevard. The existing zoning is R-4 One-Family Residence District, R-5C General Residence District (Conditional), O-2C Office District (Conditional), and B-2C Business District (Conditional). B-2C Business District (Conditional) zoning is proposed with REZ2022-00031. The 2026 Comprehensive Plan recommends Office and Suburban Residential 2, density should not exceed 3.4 units per acre. Most of the site is in the Enterprise Zone.

With that Mr. Chairman, the staff report will be presented by Mr. Livingston Lewis. But before we move into this I will note the Commission would probably want to discuss after the presentation and prior to taking public input that we do have a request to extend the time limit on the opposition with the general premise that you have two cases to hear so therefore there should be 10 minutes for each case. What I would remind the Commission of is normally, you combine these. They are considered as one item, two motions, and your normal operating procedure is to follow the 10-minute rule. Certainly, it's at your discretion to extend if you choose to.

Mr. Witte - Mr. Lewis.

Mr. Lewis - Mr. Chairman, good evening. Thank you. This is a 10.25-acre request for a mix of B-2C and R-5C zoning to allow a Sheetz gas station and convenience store with a carwash, one restaurant with a drive-thru, and up to 14 townhomes - which were added to an expanded concept plan submitted in late September. A companion Provisional Use Permit case has also been filed to allow 24-hour operation of all proposed businesses and to permit the carwash to be a stand-alone use. I will present both cases



639 together, but they will need separate motions for action. A full public hearing of the previous  
640 version of these cases was held during the October 13<sup>th</sup>, 2022, Planning Commission  
641 meeting with extensive citizen comment, followed by a Commission vote to defer the cases  
642 to the following month. At subsequent Commission meetings, the applicant was then  
643 granted two deferrals for a total of 12 months, placing the matters on tonight's agenda. Over  
644 the past year, the applicant has also hosted two community meetings, held on October 3<sup>rd</sup>  
645 in 2022 and in 2023. Each was attended by over 50 citizens.

646  
647 The two-parcel site is located at 7500 Staples Mill Road across from the Amtrak station.  
648 Other surrounding uses include: the Glenside Woods townhome community to the west; a  
649 CVS pharmacy and vacant R-4 zoned residential parcels to the north; and two strip retail  
650 centers to the south. For additional context, every developed property on the west line of  
651 Staples Mill between Bremner and Glenside is zoned B-2 and used for commercial  
652 purposes. In the same general area, several B-3 zoned properties and individual businesses  
653 are currently allowed to operate 24-hours daily – these include Roy's Express Mart, Dunkin'  
654 Donuts, Exxon, and a Shell station a bit farther south. The property's Office and Commercial  
655 Concentration designations from the 2026 Plan generally reflect zoning approved for more  
656 extensive development concepts over 20 years ago, including what is now Glenside Woods.  
657 However, the office and assisted living portion of those never materialized and the remaining  
658 property has sat vacant for many years. After being purchased by the County in 2017 for a  
659 fire station, the site was eventually transferred to the Economic Development Authority for  
660 disposition due to wetland limitations.

661  
662 The current development request is represented on this proffered conceptual layout with a  
663 Sheetz in the northeastern corner and two points of access from Staples Mill Road. The  
664 carwash would be located behind Sheetz adjacent to a stormwater management pond, and  
665 the drive-through restaurant is shown on a separate pad in the site's southeastern corner.  
666 The shaded section to the rear of the site is a proffered tree preservation area ranging from  
667 100 feet to 320 feet in width. Additional perimeter buffers would be provided as shown on  
668 the plan to the north and south, and along Staples Mill Road. Aside from minor alterations  
669 to parking and drive aisle design, changing the proposed fence location, and adding the  
670 proffered evergreen plantings, this part of the concept plan remains largely the same as it  
671 was on the Commission's July 2023 agenda. The new 1.5-acre southern piece, which is  
672 part of the EDA-owned parcel, was recently added to the application in order to develop 14  
673 townhomes, a use which is already allowed by the R-5C zoning and proffers of case C-53C-  
674 00 currently regulating the site.

675  
676 Proffered elevations are included to illustrate the potential appearance of all structures  
677 except the drive-through restaurant. Shown here, the townhomes would have a traditional  
678 suburban design with gabled roofs and a mixture of siding materials and colors on the front  
679 façade. All sides of the mostly brick Sheetz and carwash buildings are shown on Exhibits  
680 C and D as illustrated here. As stated in the proffers, the drive-through restaurant would  
681 also need to be compatible with the Sheetz exhibits in terms of materials, lighting, and  
682 design.

684 Along with the layout and elevations, other proffers address: prohibited uses; permitted  
685 exterior materials; installation of a 6-foot tall fence and planting of 6-foot tall evergreen trees  
686 to provide additional screening along the eastern edge of the preservation area; reduced  
687 hours of operation for the carwash; limits on the hours of exterior construction, trash pickup,  
688 and parking lot cleaning; and commitments for the townhomes related to maximum density,  
689 sound suppression, side and rear windows, brick or stone foundations, sidewalks, and other  
690 items. In addition to the proffers, the companion PUP for the car wash and 24-hour operation  
691 includes 12 staff-recommended conditions related to site security, loitering, outside  
692 speakers, and carwash vacuum compressors, among other topics. The PUP and related  
693 conditions would apply only to the non-residential portion of the development.

694  
695 While the revised proffers and exhibits do resolve many of staff's previous issues with the  
696 request, the applicant is encouraged to also: demonstrate the layout's consistency with the  
697 Neighborhood Compatibility Standards, which apply to the northern section adjacent to R-4  
698 zoning; include assurance of a cross-access agreement with CVS; commit to Traffic  
699 Engineering's recommended improvements for the townhome access to be accepted as a  
700 public road; provide townhome elevations that accurately portray the front yards as  
701 driveways rather than lawns; properly screen the townhomes from the adjacent shopping  
702 center through the use of fencing and landscaping; and ensure the proposed townhomes  
703 would be in keeping with similar residential development in the area, as related to minimum  
704 unit size, maximum number of units in a row, driveway materials, and units being initially  
705 marketed as owner-occupied

706  
707 In closing, while the 2026 Plan's Office recommendation is not consistent with the proposed  
708 B-2C uses, several other important factors make the site generally well-suited for  
709 commercial development: its location on a major arterial road, adjacent B-2 & B-3 uses,  
710 being part of the county Enterprise Zone, and being included in the Staples Mill Road  
711 Corridor Revitalization/Reinvestment Opportunity Area. Also, while the newly proposed  
712 residential use is not consistent with the Commercial Concentration designation on that part  
713 of the property, the townhomes would be consistent with the R-5C zoning and proffers  
714 already in place on the site and would be in keeping with other townhome uses nearby.  
715 Based on these factors and the proffered mitigation measures to reduce impacts on adjacent  
716 residential properties, staff believes the proposed uses would be appropriate in this location  
717 if the applicant addresses the remaining issues detailed this evening. This concludes my  
718 presentation. I am happy to answer any questions.

719  
720 Mr. Witte - Any questions by the Commission at this point? Is there  
721 anyone... Is there anybody that doesn't want to speak? That would be better. Is there anyone  
722 on Webex or in the audience that would like to speak to this?

723  
724 Ms. Drash - Mr. Chairman, we do have someone on Webex to speak to this  
725 case.

726  
727 Mr. Witte - How many people on Webex?

728  
729 Ms. Drash - One.



730  
 731 Mr. Witte - Before we start let's discuss extending the time limits.  
 732 Personally, I don't think we need to. Okay, what did you all do? Here we go. I don't think we  
 733 need to set a time limit. We can extend it as needed, this is my personal opinion, to discuss  
 734 as long as we're not reiterating the same issues over and over again. As long as we're  
 735 getting different issues in a reasonable amount of time, I think we can go with the 10 minutes  
 736 and extend it as needed. That's open for discussion. Does anybody feel otherwise?  
 737  
 738 Mr. Archer - I'm sorry, go ahead. Ladies first.  
 739  
 740 Mrs. Thornton - Twenty minutes. Ten for each case.  
 741  
 742 Mr. Baka - Sounds fair.  
 743  
 744 Mr. Witte - I have been overruled.  
 745  
 746 Mr. Archer - I was going to ask, is there any one person, two people maybe  
 747 in your group that has knowledge of all the same issues that everybody wants to discuss,  
 748 so that everybody won't get up and discuss the same thing?  
 749  
 750 Mrs. Thornton - Is there anybody here that wants to speak for the case?  
 751  
 752 Mr. Witte - Anybody for the case that would like to speak? We do have  
 753 one?  
 754  
 755 Mrs. Thornton - Andy. The applicant.  
 756  
 757 Mr. Witte - Alright, then. We will go with 20 minutes. Now, realize there's a  
 758 lot of people there. If somebody uses 10, that really cuts back on everybody else. We  
 759 probably won't extend it past the 20. I feel like I'm at home with my wife telling me what to  
 760 do.  
 761  
 762 Mrs. Thornton - I wasn't telling you. I was just proposing.  
 763  
 764 Mr. Emerson - Please remember to state your name and address prior to  
 765 speaking.  
 766  
 767 Mr. Picard - Certainly. My name is Claude Picard. I live at 6914 Alder Grove  
 768 Drive. I appreciate the extra time. I live in the Glenside Woods subdivision. I oppose this  
 769 application and PUP. We've proven that this project is in violation of several Virginia Building  
 770 Code ordinances, such as the drive-thru stacking lanes and speaker being located within  
 771 150 feet of a residential lot. The plans should not be able to move forward until the concept  
 772 plan can demonstrate how this issue can be resolved. Also, the county has admitted that  
 773 the proposed use is not consistent with the 2026 Comprehensive Plan, but they did cite  
 774 some specific objectives that they believe are met that I'd like to rebut one by one. The first  
 775 one being the Economic Goal 1; "The county will have a strong, stable, growing and diverse



economy." On the contrary. It's proven that existing gas stations go out of business whenever a megamart gas station is built, cannibalizing patrons from existing small businesses with predatory pricing will cause more vacancies, brown sites, blight and decreased property values which are counter to the growing economy. The second is the Economic Objective 5, "The county will promote reinvestment in older neighborhoods to meet the needs for retail, services and employment and local laws." However, the needs of a gas retailer have already been met in the area. There are six other gas stations within a one-mile radius. Staples Mill has already become an auto alley with AutoZone, O'Reilly, Big O Tires, National Speed, Take 5, etc., so where's the diversity in this? Growth Coordination Objective 6, "The County will encourage the sensitive, infill development of vacant parcels." Contrary to that there's no question that this proposal is not sensitive to the surrounding residents or the environment just like the Lucky Mart a few blocks down the street. Once this parcel is made into a gas station with hazardous underground tanks, they'll render the property completely useless for any future uses. The county also admits that the hours of activities would need to be addressed in order to come into compliance with General Development Policy 2, which states, "Incompatible uses should not be closely located." Henrico County residents, your residents, we've been giving feedback to the developers of this project now for about a year. We've spent an exorbitant amount of time in the form of numerous suggestions. What changes have they incorporated? They've given us a six-foot fence and they kind of played around with the tree line a little bit. That's really it. That's the only thing we've received back. Granted I'll give the developers an A+ for giving us the appearance that they're listening to our concerns, but I give them an F for results. I'm asking the Planning Board if you can't say "No" to this development tonight, at least ensure that it will fit into our neighborhood like a well-oiled or a well-fit puzzle piece. Don't listen to the Rebkee narrative. The Rebkee narrative isn't one of cooperation. It's one of unwillingness to meet the needs of our county residents. I also encourage you too to put heavy weight on what your county residents are saying and not the Rebkee attorney. He's the one getting paid. We're not. Thank you.

Mr. Witte - Thank you, sir.

Ms. Decker - Hi, my name is Kristi Decker, I live at 3902 Aspen View Place. We understand the land will be developed. However, we bought our homes with the knowledge that the land in question wasn't zoned for 24/7 commercial business. Rezoning to allow a 24/7 gas station 50' from the closest home on Bremner is unsuitable and almost unheard of. Looking at 24-hr Sheetz and Wawas from Petersburg to Fredericksburg, none are this close to a residential community. Looking specifically in our area, no business zoned to be open 24/7 is actually open 24/7. Roy's, Mobile, and Dunkin' all close by 11:00. A zoning amendment should be for the good of the community, not at its detriment. Otherwise, this is just spot zoning for the benefit of a few. There are seven empty stores in Staples Mill Crossing and five across the street. This use will drive out more businesses leading to more empty spaces. Hanover County staff, facing a similar request from Sheetz, have recommended to their Board to deny the request that would put a Sheetz 50' from the nearest home. They recognize the issues. This application and PUP sets a dangerous

precedent for Henrico County and will have many adverse impacts on our environment. Please do not approve.

Mr. Witte - Thank you.

Ms. Gaunes - Hello, my name is Maria Gaunes and I live at 6912 Alder Grove Drive. Sheetz would be in my back yard. During other hearings, it's common for one of our committee members to ask for no construction on Sundays, and I quote, "...to give the residents a break". Well, if you approve this PUP we will have no breaks for the rest of our lives, 24 hours a day, 365 days a year. Our community will be exposed constantly to petroleum in the air and noise pollution. Where is the peaceful enjoyment of our own property that we are entitled to by Virginia law? There were several issues that were brought up to the County as concerns including, crime, decreased property values, aesthetics, and so much more. But the developer ignored it. I'd like to point out the environmental issues associated with this use. This world is facing a global warming crisis where independence on fossil fuels is essential and there's a growing political and regulatory trend to phase out gasoline vehicles. It is simply irresponsible to cut down any wooded area that is a refuge to many wildlife, including pollinators and protected bird species like hawks and owls just to invest in a declining and dirty auto-centric industry. It seems like a set-up for economic and environmental failure. I work for the Department of Military Affairs, and we have activated our National Guard to fight the wildfires in Madison. That's something that happened that we didn't know what happened. Burning of the woods and destroying and killing the wildlife. This that they want to do in our back yard is something that we can fight and avoid to take care of our wildlife and that little sanctuary in my back yard. We ask that you please do not approve this application of the PUP and thank you for your time.

Mr. Witte - Thank you.

Ms. Ruseva - Good evening, Committee members, my name is Svetlana Ruseva and I live at 6918 Alder Grove Drive. One of our largest concerns is the issue of health. We have provided complex scientific evidence supporting our concerns that benzene exposure is a serious health threat to anyone living less than 500' of a service station, especially when that station is expected to operate 24/7. The applicant pointed out their regulation in place to help mitigate this dangerous substance, but what they did not address is the very nature of the Sheetz model of self service. Sheetz cannot regulate the behavior of their customers or gas delivery drivers. Human error in operation involving gasoline pumps, I'm sorry, can lead to large leaks and spills thus resulting in exposure to harmful chemicals, ground contamination, explosion or even worse, death. Another large unaddressed issue is that the nuisances such as cut-through, vagrancy, crime, constant noise, overnight headlight intrusion and peeping toms. After a year of negotiation with Sheetz and the developer, some of our suggestions included: adding a minimum of 12' wall on the detention pond side of development, prohibiting music to play from 7:00 p.m. to 7:00 a.m. quiet hours, relocating the carwash or eliminating it completely, not operating 24/7 but limiting hours to midnight. None of these were implemented or even considered. The only last-minute change the developer made was adding a 6' fence, not a wall, which would lie



below our homes in elevation, that will do nothing to prevent noise, headlight trespass, or patrons from peering into our bedroom and bathroom windows. The excuse Sheetz gave us in the town meeting was, "It's too expensive to build a wall." Too expensive for a company that last year's revenue was a whopping \$11.7 billion dollars according to Forbes. What we're asking for is not unreasonable or without merit. Take for example the scientific fact that any noise emitted from this development will be amplified significantly during cold weather. It's simple science. Sound waves bend from hot air into cold air and refract over the earth resulting in any sound, including traffic, being stronger, louder and travel to a greater distance. Imagine what this will mean to anyone living next to this gas station. The facts I just laid in front of you come to one simple conclusion. The developer and Sheetz has simply failed the community. They have proven repeatedly that they do not want to compromise, that money means more to them than our peaceful and healthy lives, which they'll be changing forever if this project moves forward. We need a better solution, a solution that's addressing all the negative impacts this gas station proposal is posing to our community and surrounding areas. What I ask today is do not recommend this rezoning request and PUP. It's up to you, the committee, to protect us. Thank you for your time and consideration.

Mr. Witte - Thank you.

Mr. Emerson - Mr. Chairman, there's approximately nine minutes left.

Mr. Witte - Nine minutes left?

Mr. Emerson - Yes, sir.

Ms. Williams - Good evening, my name is Lee Anne Williams. I live at 1511 Hampton Street, Richmond VA 23220. I am an Ex Com/Executive Committee member of the Sierra Club Virginia Chapter of Falls of the James Group, and my comments are on behalf of that organization. There are so many reasons to oppose this destructive and dirty Sheetz project that will expand the impervious heat island that is the Staples Mill corridor, but I will focus on one. The Sheetz extractionist business model is facing a death spiral. According to the International Energy Agency, the Bloomberg NEF, and the United States Energy Information Administration, the peak and overall road fuel demand is forecast to be, the peak is forecast to be in two to three years from now, between 2025 and 2027. There will be a peak in global oil demand in all uses, not just road fuel by 2028. Passenger ICE vehicles (Internal Combustion Engine) sales peaked in 2017 before the pandemic and are now 20% off that peak with most of the growth in the auto industry being taken up by electric vehicles. By 2025, forecasts are for ICE vehicles to be 40% off that 2017 peak as folks go electric. There is no route back for growth for ICE vehicles, and Sheetz will be destroying wetlands and one of the last contiguous stands of trees in Henrico County to bring more stormwater and air pollution to an already overburdened community. It's feasible that they will abandon this site in the next decade and a half, once their profits dry up, leaving citizens' tax dollars to clean up their abandoned, rusting, leaking tanks. Vote 'No' on the proposed Sheetz project. Thank you.



910  
 911 Mr. Witte - Thank you.  
 912  
 913 Mr. Kaufman - Good evening, my name is Edward Kaufman. I live at 4009  
 914 Aspen View Court. I'm going to speak specifically about concerns for the 24-hour variance.  
 915 Noise and light pollution are a particular concern with the 24-hour variance. Moreover, the  
 916 proposal is inconsistent with the Henrico 2026 Comprehensive Plan study. Particularly,  
 917 under the Natural, Cultural and Historical Resources Objective 11, "Discourage  
 918 development in areas where the...", sorry I'm going to skip that one. Item 13, "Encourage  
 919 the development of construction standards for residents in noise impacted areas." Objective  
 920 14, "Promote the provision in the County Building Code for noise abatement measures in  
 921 the residential area." And, Provision 32, "Identify acceptable noise levels for various land  
 922 uses and promote methods for noise reduction mitigation by encouraging compatible  
 923 locations and uses and the implementation of noise and techniques." Sheetz has done none  
 924 of this. And then one final area where they're inconsistent with, inconsistent with the  
 925 Comprehensive Plan, Objective 18 under Land Use and Community Character, "Encourage  
 926 landscape buffers on the lots in addition to the minimum required setbacks along with any  
 927 boundary lines adjacent to collector or arterial streets." We have made very significant  
 928 concerns and wanted the discussion of wanting a wall versus a fence. So that is the rest of  
 929 my point. Thank you.  
 930  
 931 Mr. Witte - Thank you. We still have someone on Webex who would like to  
 932 speak.  
 933  
 934 Ms. Drash - Correct, there is one person on Webex. I will be unmuting Lynn  
 935 now.  
 936  
 937 Mr. Witte - Hello?  
 938  
 939 Ms. Moore Hello. Oh, no.  
 940  
 941 Mr. Witte - You have the floor.  
 942  
 943 Ms. Lynn Moore Oh, thank you. Okay, yes. I live in Lakeside, the heart of  
 944 Lakeside, and as poignant and on target as all the other comments are about this operation,  
 945 ...  
 946  
 947 Mr. Emerson - Ma'am, ma'am, excuse me but could you state your name for  
 948 the record, please?  
 949  
 950 Ms. Moore - Lynn Moore.  
 951  
 952 Mr. Emerson - Thank you.  
 953  
 954 Ms. Moore - Lynn Moore, 2821 Kenwood Avenue.  
 955

956 Mr. Emerson - Thank you.

957

958 Ms. Moore - Living where I live, I understand their concerns, they're  
959 certainly valid. Where I live in Lakeside, and anybody further north in Libbie Mill in their  
960 neighborhood, and over in Longdale, I'm concerned about this access to emergency  
961 services trying to get up Staples Mill Road. I recently had to call Station 20 to come to my  
962 home, and if it would have been 5:00 in the evening and there was a 24-hour Sheetz sitting  
963 there they would have probably gotten to my house too late. There's a whole lot of people  
964 that live in the heart of Lakeside and points north between that are going to need the services  
965 of that beautiful, new Station 20. The traffic there has nowhere to go, there's no way to widen  
966 the road. The Amtrak station's only going to get busier in the future, and traffic flows okay  
967 now even though it is a little nightmarish in the morning and the late afternoon, and you  
968 know how many deaths there have been in that corridor at Glenside and Staples Mill in  
969 recent years. A 24-hour operation that will probably be temporary, true, is just going to make  
970 that whole corridor there almost impassable at times. That is my selfish concern living in  
971 Lakeside. Thank you.

972

973 Mr. Witte - Thank you. I think Mr. Condlin, you're up.

974

975 Mr. Condlin - Mr. Chairman, members of the Commission, again, Andy  
976 Condlin here on behalf of the applicant regarding this request. I did have a presentation, but  
977 I'll be happy to start with the questions. I don't know if, do you have the wireless...? I'll flip  
978 through these pretty quick, Ben. I want to be able to provide from this property, it's 10.25  
979 acres that has already been... Mr. Lewis has already covered a lot of this area, but I did  
980 want to refer to this slide with respect to the area itself. You can see Staples Mill Road but if  
981 you go to the next slide, Livingston please, as you see in this particular... We're right at the  
982 light across from the train station on Staples Mill Road right next to the existing CVS. Mr.  
983 Lewis had already provided on the zoning map of course the significant business zoning in  
984 and around the area, particularly on Staples Mill Road. Go to the next slide please. What I  
985 thought I would do is I really had some comments regarding the townhomes, keep going if  
986 you don't mind Mr. Lewis. Go to the next one, and he's already shown the elevations. We  
987 heard all of his comments regarding those, and we can address those comments regarding  
988 landscaping in the back and adjusting the elevations to deal with the driveways in the front.  
989 The next one, actually two forward if you don't mind. We've provided a number of proffers  
990 already that are pretty typical of townhomes providing the quality that they're looking for in  
991 this area, so I'd be happy to answer any specific questions regarding the townhomes.

992

993 Obviously, the major issue is regarding the commercial area. If you go to the next one  
994 please, and the next one after that. So, I was going to focus a little bit on the commercial as  
995 you look at the details of the commercial area, one of the things that we provided in addition  
996 to the access to the light that already exists on Staples Mill Road, also providing for access  
997 over to CVS. That is a written easement, and we can provide that to the county as well to  
998 ensure that there is an access easement between these two businesses themselves. It's  
999 already been pointed out in addition to the convenience store and the PUP that we're asking

1000 for the carwash that sits in the rear as well as 24 hours, we're looking at our parcel to be  
1001 able to provide for a drive-thru, again consistent with other uses in and around Staples Mill  
1002 Road. If you go to the next two. I guess we can keep flipping forward. These elevations, I'm  
1003 happy to go over any of those as you see necessary. There are a couple of points that I did  
1004 want to make. Keep going, Mr. Lewis, that's the carwash. With respect to the proffers again  
1005 we provided a number of limitations including some of the things that folks had asked for  
1006 and I'm happy to go over all those changes and all the various items that we provided for,  
1007 again, most are commercial but a couple things I did have to clarify, and I do have to correct.  
1008 If you go to the next slide. We are going to ask for a reduction, a very small reduction. There  
1009 is, it's part of the subdivision for the property to the, I guess it's really to the north. There's  
1010 an access, a paper road you can see that I've marked with yellow and we're going to reduce  
1011 that just alley way. One of the folks that owns property back there had asked for access.  
1012 We'd had that originally as a buffer and we're moving the buffer back off of that so that they  
1013 can provide access. That really doesn't affect the Planning Commission itself I just wanted  
1014 to make you aware so that when we reduce, it's a nominal amount that we're going to be  
1015 reducing and I told that neighbor that I would mention that tonight.

1016  
1017 The other thing, if you go to the next slide, obviously, there you go, with the preservation  
1018 area. One of the comments that has been made is that we have not responded to the  
1019 neighbors. Pretty early on we provided for a preservation area in the rear of the site that was  
1020 going to originally be developed. There is some wetlands to the left of this area. But this area  
1021 in the back which was part of the purchase price was determined to be for development and  
1022 we were going to have a, I think it was originally I think a 50' buffer along the rear. We also  
1023 changed this to the preservation area specifically to be able to provide for natural area that's  
1024 already existing on this property to not be touched. It's a preservation area that's 100' on the  
1025 right side at the narrowest and 320' on the left side. In addition, we had originally proposed,  
1026 as we thought was requested, a fence in the rear to be able to stop cut-through traffic and  
1027 to stop at the lights. We also, I moved that to the front. I do have to make, and Ms. Picard  
1028 from the neighborhood pointed that out and I apologize, I forgot to change... My proffers  
1029 actually give the wrong direction on where that fence is going to be located. So, I'm going to  
1030 have to make that change to make the proffers. But this concept plan which has been  
1031 proffered specifically shows the fencing in the front, between the rear of the development  
1032 and the front of the preservation area also with landscaping that we've provided for. So the  
1033 preservation area, again a minimum depth of 100' but up to 320'. Which, we think does  
1034 make this a different case than most any other case in the area with a 6' tall fence and then  
1035 the row of evergreen trees being with either Green Giant Arborvitae or Leyland Cypress with  
1036 two staggered, offset rows not more than 10' apart - typical language. The other thing that  
1037 we proffered to do is that upon the development of the commercial area we would then  
1038 rezone this to a C-1, to a conservation area, even though it's not entirely wetlands, to provide  
1039 for C-1 to get rid of any use. We're not allowed to make any use of it at all. If you can go  
1040 forward, these are some of the comments I just made, but one more if you don't mind. This  
1041 is an elevation that got paper-copied if you'd like to take a look at. Basically, from a sightline  
1042 from the homes at 217' with the Sheetz and the carwash at 211' and 213'. You can see the



1043 pictures on the bottom of the existing vegetation that exists but in addition to that we would  
1044 have the fence. By no means are we saying that the fence is going to stop the noise, all the  
1045 noise. We do think the existing vegetation in that preservation area will do much of that, but  
1046 it really was the fence was to cut down on the lighting that you see from the vehicle lights,  
1047 as well as the plantings and the evergreen plantings would be doing more of that from the  
1048 standpoint of having that role of landscaping on our side of the preservation area. So again,  
1049 I'll have to, if you can go to the next one too. That's the line of sight that you can see that  
1050 someone standing at 5½ feet on the left in the neighborhood in the townhomes as they look  
1051 through the woods and then over the existing, and we've got shadowed in there both at the  
1052 time of planting and just after planting as well as the ultimate height of what those evergreen  
1053 trees would be, and being able to see and hear. So, we think we have resolved and have  
1054 offered to provide for.

1055  
1056 If you'll go to the next slide which is the last slide, which is, thank you Livingston, which is  
1057 the concept plan, so. I'd like to at least answer some of the questions or comments that were  
1058 made, particularly, and I'll go down, I'm going from the beginning as we talked about. We  
1059 do realize over on the right side; we did move a speaker based on the neighborhood  
1060 compatibility. Mr. Lewis is correct in that we have to provide for that drive-thru lane. Again,  
1061 it's right next to the CVS and our engineers will work on that between now and the Board of  
1062 Supervisors. That's not a State Code that's a County Code. It's a new code regarding  
1063 neighborhood compatibility. That's really just a matter of changing from, you know, the  
1064 parking area over on that right side, so that should be, quite frankly, easy enough to do. The  
1065 second thing was regarding crime. I looked up today and the last year of the three national  
1066 gas stations in the area, being the Sheetz at Glenside and Broad Street and the two Wawas,  
1067 one at Bethlehem and Staples Mill Road, and the other one at Bethlehem, or excuse me,  
1068 Staples Mill and Old Staples Mill. None of them had any crime reports in the last year. Of  
1069 those three there were zero crime reports. Of the three gas stations, two of them had five  
1070 calls, incident reports, and one had four. I've got the reports with me in the last year. And  
1071 those were for accidents or disabled vehicles, and there was one for traffic. So, of all those  
1072 calls, we've got 14 calls over the course of one year, so we don't think that crime quite frankly  
1073 is a big issue. This is a well-run company. They do take control of and they want to make  
1074 sure their customers feel safe and it's not... I think everyone has probably been to a Sheetz  
1075 and can understand how they operate. With respect to the environmental, we need to meet  
1076 all state, national and local requirements with respect to the construction of the gas tanks  
1077 and the holding tanks for the fuel. Those in, particularly in 2017 was a pretty significant  
1078 change, and how those are run by the state with what has to be done with respect to the  
1079 development of those. From an environmental standpoint, a lot of the problems, particularly  
1080 those that are abandoned, are the smaller, older gas stations and we do have to meet all  
1081 requirements of the laws in Virginia with that respect. The same would be the case with  
1082 health concerns. We have to meet all standards necessary in order to operate a gas station  
1083 which have been substantially enhanced in the last few years. There was a comment about  
1084 destroying wetlands. There is no wetland destruction. Actually, all the wetlands that are  
1085 being provided for, there is a small finger on the left side. There's some wetlands on the

1086 preservation area and there's a small finger on the left side. One of the concerns was in  
1087 putting in the fence that maybe the impact that we have on that area, otherwise the entire  
1088 development is outside of any wetlands. There was a concern with respect to the 24-hr  
1089 operation and the noise and light pollution and particularly the speakers. We've provided for  
1090 in our proffers for example that there be no speakers allowed that can be heard outside the  
1091 property lines 24/7 so that they're not allowed to hear otherwise. So, if the county, that would  
1092 be part of a proffered condition that we're not allowed to, and we have to operate for all the  
1093 drive-thrus or any music so that it could not be heard otherwise.

1094  
1095 There's obviously some comments that I can't control with respect to Staples Mill Road. We  
1096 think this is an appropriate use given the surrounding commercial uses on Staples Mill Road  
1097 across from an existing light from the train station. We also think that with the preservation  
1098 area, up to 320' of preserved area and a minimum of 100', is setting a precedent that has  
1099 not been done before either with respect to protecting this neighborhood at their request and  
1100 not developing in that back area. With that, I believe we've met all the criteria for legislative  
1101 approval of such a request. As provided by the staff, we feel like we can make these changes  
1102 which are nominal that have been raised by the staff and with these couple of changes that  
1103 I've commented. I'd be happy to answer any questions and ask that you follow staff  
1104 recommendation and recommend this to the Board of Supervisors.

1105  
1106 Mr. Witte - Any questions, Commissioners?

1107  
1108 Mr. Baka - I have one quick question, sir. I apologize if I missed this. On  
1109 the proposed preservation area, what's the minimum distance from east to west and then  
1110 the maximum distance of that preservation area?

1111  
1112 Mr. Condlin - It's shown on the concept plan. We put in the proffers, a  
1113 minimum of 100'. On the concept plan, it was asked for and we did provide for, it's a little  
1114 over 200' in the middle and then 320' on the left side.

1115  
1116 Mr. Baka - Thanks.

1117  
1118 Mr. Condlin - Again, that's a preservation area where there's no  
1119 development. It's to be retained as a natural area. And again we'll provide for... I'm sorry, I  
1120 misspoke it's 145' in the center, and that center line is 220' for the car wash because there's  
1121 a BMP, a stormwater facility, as you can see in the rear.

1122  
1123 Mr. Baka - Thank you.

1124  
1125 Mr. Witte - Any? You have the floor.

1126  
1127 Mr. Archer - I don't want the floor. I just want to talk to Mr. Condlin. Mr.  
1128 Condlin, you indicated, because somebody had a question about, maybe a statement would  
1129 be more or less a better way to describe it, but what would happen in the event the business



1130 closes. And you said something about there were certain laws I guess that you have to go  
1131 by in the event of closure. Could you state that for the audience, please?

1132  
1133 Mr. Condlin - Well, by reference to the state laws was more specific with  
1134 respect to the construction standards of the development of any gas station and having any  
1135 facilities underground like a double-wall system, and they've got alarms and they've got  
1136 testing that they have to do. Sheetz also has a requirement that all of their delivery trucks  
1137 are actually employees, so they're not third party. They require all that. I do know, and I don't  
1138 have the specifics and I'm happy to look into that, but under the new state laws in 2017 that  
1139 were passed there are specific provisions necessary for closure of underground storage  
1140 tanks that have to be registered, and they are registered, and then in order to close them  
1141 now there are certain financial liabilities that they are required to meet in order to be able to  
1142 do this and they have to be able to prove that they can upon closure be able to sufficiently  
1143 provide for, effectively provide for, from an environmental standpoint, these closures of these  
1144 tanks. I don't have other specifics other than that of actual State Code. So, they are  
1145 enhanced at this point from 2017 on.

1146  
1147 Mrs. Thornton - I have a quick question. How many Sheetz across the country  
1148 have car washes and a drive-thru restaurant detached?

1149  
1150 Mr. Condlin - I'm going to ask the representative from Sheetz to answer that  
1151 question because I certainly don't know the answer to that question.

1152  
1153 Mr. Casado - Hello, Todd Casado, I'm a Real Estate Site Selector for Sheetz,  
1154 Incorporated. I don't have the exact numbers in front of me. I can certainly pull them and get  
1155 back to you. We do have just over 700 stores operating regionally. We're in six states, and  
1156 probably a little over 100 of those have car washes. Most of our new stores have drive-thrus.  
1157 I think we're probably around 150-200 of those have drive-thrus. But, early 2000's we really  
1158 started to focus on food so we really try to include the drive-thrus where they can fit.

1159  
1160 Mrs. Thornton - Have you done a standalone drive-thru before?

1161  
1162 Mr. Casado - Similar to this?

1163  
1164 Mrs. Thornton - Yes.

1165  
1166 Mr. Casado - Yes this is similar to, so the drive-thru... What do you mean,  
1167 standalone?

1168  
1169 Mrs. Thornton - The building, I guess the convenience building is straight ahead,  
1170 and then you have a building toward the left side. That's the drive-thru?

1171  
1172 Mr. Casado - Page right is going to be an order point. So, you would go up  
1173 there, we use a touchscreen order point, but if you go to a quick service restaurant, you'd  
1174 go up there, you'd make an order and then you'd pull somewhere else. This is kind of the



1175 back of our building. So, you'd order over on page right and then you pull up and pick up  
1176 on the back.

1177  
1178 Mr. Condlin - Mrs. Thornton if I may? Mrs. Thornton? The standalone  
1179 building, it's going to be a totally different user. It's going to be an out parcel for a fast-food  
1180 restaurant or another restaurant, not related to Sheetz on the left side. That's not a  
1181 standalone from the drive-thru. The pick-up is on the actual Sheetz convenience store  
1182 building.

1183  
1184 Mrs. Thornton - Oh, okay because I was...

1185  
1186 Mr. Condlin - Sorry about that confusion, that's what he's talking about. To  
1187 the right side in that little "u" over in the parking lot. Yeah, there you go, thank you Livingston.  
1188 That's where the order would be. That's the area that we need to amend to be able to meet  
1189 the Neighborhood Compatibility Standards. We're close, we just need to adjust that from  
1190 that standpoint where the parking is versus the drive lane. But then the actual drive-thru is,  
1191 you go behind the building and then take a left heading toward Staples Mill Road, and you  
1192 pick it up as you're heading out towards, as you go to the left side, you pick it up on the left  
1193 side as you're pointing at Staples Mill Road. Again, trying to limit headlights. They're all  
1194 pointing, I don't know which way, I always get confused, it's south I guess, or that way to the  
1195 left and then the pickup is heading toward Staples Mill Road. But it's all attached to the  
1196 building itself.

1197  
1198 Mrs. Thornton - Ok.

1199  
1200 Mr. Condlin - So, those would be two operations, again not to add to the  
1201 confusion, that would be a convenience store and then a drive-thru restaurant. We were  
1202 hoping for some other uses. That's one of the delays we had was marketing the site to see  
1203 if we could solidify, but until it gets zoned it's kind of hard to get people to commit to and for  
1204 construction purposes.

1205  
1206 Mr. Mackey - Mr. Chairman, I had a question. I had a question for the  
1207 applicant. Several residents, Mr. Kaufman was one that brought up the 24-hour variance.  
1208 What percentage of your stores have the 24-hour variance?

1209  
1210 Mr. Casado - We operate all of our stores 24/7. We do have a handful across  
1211 the company that do not. Typically, those ones are closed for mostly on colleges or near  
1212 clubs, things like that let out and we'll typically close from midnight to 4:00 a.m. just to avoid  
1213 that crowd. But, all of ours in the Richmond area and this market all operate 24/7.

1214  
1215 Mr. Witte - Any other questions? No? Alright. This has been very  
1216 interesting over a very long period of time. We've had an enormous amount of information  
1217 from both sides, and as I see it, I don't know that anything will ever come to a complete  
1218 agreement between the parties. Staff has put an inordinate amount of time in on this, just  
1219 hundreds of issues that have been addressed, and I think it's time that the Commission

1220 move on. So, that being said, I move that we recommend approval of REZ2022-00031,  
 1221 Rebkee Company with the proffers dated, October 18, 2023, as presented.  
 1222  
 1223 Mr. Mackey - Second.  
 1224  
 1225 Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Mackey. All in  
 1226 favor say aye.  
 1227  
 1228 Commission - Aye.  
 1229  
 1230 Mr. Witte - Opposed?  
 1231  
 1232 Mrs. Thornton - Aye.  
 1233  
 1234 Mr. Witte - Motion passes.  
 1235  
 1236 Mrs. Thornton - Sorry.  
 1237  
 1238 Mr. Witte - One abstained. It was 4-1.  
 1239  
 1240 Mr. Emerson - Yes, sir.  
 1241  
 1242 Mr. Witte - Okay.  
 1243  
 1244 Mr. Emerson - The majority carries.  
 1245  
 1246 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the  
 1247 Planning Commission voted 4-1, (one opposed, one abstention) to recommend the Board  
 1248 of Supervisors grant the request because it continues a form of zoning consistent with the  
 1249 area.  
 1250  
 1251 Mr. Archer - Mr. Chairman, may I interject something before you all leave?  
 1252 You all do understand the way this process works is that this is a recommendation that has  
 1253 to go before the Board of Supervisors. I think it is scheduled for them to meet on December  
 1254 12.  
 1255  
 1256 Mr. Emerson - That's correct, Mr. Archer. It will be on the Board's agenda  
 1257 December 12.  
 1258  
 1259 Mr. Archer - That is where the final say would come is from the Board of  
 1260 Supervisors.  
 1261  
 1262 Mr. Witte - There's nothing else the Commission can do. We've  
 1263 investigated. We've done everything. We have to make a recommendation. It's just the way  
 1264 it is. The final decision is made by the Board. And with that, I move that we recommend

1265 approval of PUP2022-00019, Rebkee Company with the recommended conditions listed in  
1266 the staff report.

1267  
1268 Mr. Mackey - Second.

1269  
1270 Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Mackey. All in  
1271 favor, say aye.

1272  
1273 Commission - Aye.

1274  
1275 Mr. Witte - Opposed?

1276  
1277 Mrs. Thornton - Aye.

1278  
1279 Mr. Witte - We have one opposed. Motion passes.

1280  
1281 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the  
1282 Planning Commission voted 4-1, (one opposed, one abstention) to recommend the Board  
1283 of Supervisors grant the request because the proposed conditions should minimize the  
1284 potential impacts on surrounding land uses.

1285  
1286 Mr. Emerson - Mr. Chairman, we now move on to the next item on your agenda  
1287 which also appears on Page 2. You have two companion cases. REZ2023-00025.

1288  
1289 Mr. Branin - Mr. Secretary

1290  
1291 Mr. Emerson - Yes, sir?

1292  
1293 Mr. Branin - You want to just give it a minute and let these people clear out  
1294 so, because I can't hear you.

1295  
1296 Mr. Emerson - Okay. I can do that. Mr. Chairman, if you're ready we can now  
1297 move forward.

1298  
1299 Mr. Witte - Please do.

1300  
1301 Mr. Emerson - Again, on Page 2, you have two companion cases. The first one  
1302 being REZ2023-00025, 2000 Maywill, LLC:

1303  
1304 **REZ2023-00025 2000 Maywill, LLC:** Request to amend proffers accepted with C-52C-  
1305 93 on part of Parcels 775-737-4781 and 775-737-5724 located at the southeast intersection  
1306 of Staples Mill Road (U.S. Route 33) and Thalbro Street. The applicant proposes to amend  
1307 proffers regarding permitted uses, accessory uses, and loading facilities. The existing  
1308 zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan  
1309 recommends Office. The site is located in the Westwood Redevelopment Overlay District.

1310



Accompanying it you have PUP2023-00010, 2000 Maywill, LLC

**PUP2023-00010 2000 Maywill, LLC:** Request for a Provisional Use Permit under Section 24-3708 of Chapter 24 of the County Code to allow a mixed-use, master planned development with residential on Parcels 775-736-3570, 775-737-4781, and 775-737-5724 located at the northeast intersection of W. Broad Street (U.S. Route 250) and Staples Mill Road (U.S. Route 33). The existing zoning is B-3 Business District and B-3C Business District (Conditional). Proffer amendments are proposed with REZ2023-00025. The 2026 Comprehensive Plan recommends Office. The site is located in the Westwood Redevelopment Overlay District.

The two cases will be presented by Mr. Seth Humphreys.

Mr. Witte - Mr. Humphreys.

Mr. Humphreys Good evening, Mr. Chairman and members of the Commission

As stated, these are two companion cases to allow a Mixed-Use Development with Office, Commercial, Hotel, and Multi-family Residential uses.

The rezoning case is a proffer amendment request needed to allow the Provisional Use Permit request under the Westwood Redevelopment Overlay District, which would allow multi-family dwellings within a nonresidential zoned area subject to the approval of a PUP with a master plan. Specifically, the applicant is proposing to remove primary and accessory use limitations approved with C-52C-93, which would allow consistent uses across the entire site. To allow greater flexibility in design of a more densely developed site the applicant is proposing to amend proffer #4 to allow properly screened loading docks to face Thalbro and Westmoreland. Limiting visibility from Staples Mill Road and W. Broad Street would continue but be allowed on other streets. The zoning ordinance and companion case would govern the location and screening of any future loading and delivery docks. All other proffers accepted with C-52C-93 would remain in effect.

Looking at the overall site, which the Provisional Use Permit would apply to, we see it contains an office development, parking garage, and several surface parking lots. As proposed with the submitted master plan, the office development and parking garage would remain, and the surface parking lots would be redeveloped. The overall site extends into the City of Richmond on its southern portion along W. Broad Street.

To the east is the newly developed Kinsale office, Tapestry West apartments, which were developed subject to a provisional use permit similar to this request. Also, to the east, the Family Holdings property has also recently obtained the approval of a Provisional Use Permit, for the development of a similar Mixed-Use Development. Retail uses are located to the south and east along W. Broad Street. A series of small commercial properties, a Holiday Inn Express, and the Crossroads Shopping Center and an office building are located on the property zoned B-3 and O-2 to the west. Development to the north includes a warehouse, a pet facility, and an indoor recreation facility zoned B-3 and M-1.

1357  
1358 The applicant is proposing a phased Mixed-Use Development as described in the  
1359 submitted Master Plan. Overall, the development could include up to 700 residential units,  
1360 a hotel, approximately 30,000 square feet of retail and almost 140,000 square feet of new  
1361 office uses. As surface lots are redeveloped, parking would be replaced with structured  
1362 parking facilities both internal and external to the new uses.

1363  
1364 The applicant has submitted a pattern book as part of the Master Plan documents. It  
1365 contains architectural samples of Commercial buildings; Mixed-Use buildings; Multi-Family  
1366 buildings; and parking garages. Streetscape details for internal and external streets are  
1367 also a part of the pattern book. Civic Areas would be spread throughout the development.  
1368 They would also include outdoor furnishings and public art. As allowed in the overlay  
1369 district, the massing and setback section includes a table detailing modifications to the  
1370 standards set forth in the Zoning Ordinance. They are generally consistent with other similar  
1371 developments approved in the district.

1372  
1373 Overall, the proposed master-planned development would be in keeping with the findings  
1374 of the Westwood Area Study and the goals and objectives of the Westwood  
1375 Revitalization/Reinvestment Opportunity Area. It would also continue the development  
1376 pattern set by previous provisional use permits on adjacent parcels and the surrounding  
1377 area. For these reasons, staff recommends approval of these requests with the Provisional  
1378 Use Permit being subject to conditions as they appear in the staff report. This concludes  
1379 my presentation, and I would be happy to answer any questions.

1380  
1381 Mr. Witte - Any questions by the Commission? Do we have anyone in the  
1382 audience or on Webex that would like to speak to this case?

1383  
1384 Ms. Drash - Mr. Chairman, there is no one on Webex for this case.

1385  
1386 Mr. Witte - Would the Commission like to hear from the applicant? Would  
1387 the applicant come forward?

1388  
1389 Mr. Condlin - Mr. Chairman, members of the Commission, Andy Condlin  
1390 here on behalf of the applicant for both of these applications. As usual Mr. Humphreys has  
1391 done a pretty thorough job of providing everything. We did have a community meeting in  
1392 which one person showed up and was very supportive. It was the nicest community  
1393 meeting I've ever had. We have Joe Marchetti and the other Joe Marchetti here as well to  
1394 answer any questions that we have but this is a unique property in the sense that everyone  
1395 again knows where Staples Mill and Broad Street is, and it really is the gateway to the  
1396 Westwood Overlay Revitalization Area. What we've provided for is being able to continue  
1397 the use of over a half million square feet of Office and the existing parking deck and then  
1398 adding additional with the hotel rooms, a 147-room hotel, 30,000 square feet of retail, and  
1399 then over 350,000+ square feet of office space as well as the residential units. It's exactly  
1400 what the Westwood Overlay District was intended to do. Providing with the pattern book as  
1401 Mr. Humphreys has already provided for with respect to the architecture, streetscape

1402 pedestrian environment and uses. With that, I'd ask that you follow staff recommendation  
1403 and recommend this to the Board. I'll be happy to answer any questions you may have.

1404  
1405 Mr. Witte - Anyone? Okay, thank you.

1406  
1407 Mr. Condlin - Thank you.

1408  
1409 Mr. Witte - Let's see, I move that we recommend approval of REZ2023-  
1410 00025, 2000 Maywill, LLC with the proffers dated June 15, 2023.

1411  
1412 Mrs. Thornton - Second.

1413  
1414 Mr. Witte - We have a motion by Mr. Witte, a second by Mrs. Thornton. All  
1415 in favor say aye.

1416  
1417 Commission - Aye.

1418  
1419 Mr. Witte - Opposed? Motion passes.

1420  
1421 **REASON:** Acting on a motion by Mr. Witte, seconded by Mrs. Thornton,  
1422 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
1423 Supervisors **grant** the request because the proffer amendment is not expected to  
1424 adversely impact surrounding land uses in the area.

1425  
1426 Mr. Witte - And the companion case, I move that we recommend approval  
1427 of PUP2023-00010, 2000 Maywill, LLC with the recommended conditions listed in the staff  
1428 report.

1429  
1430 Mr. Baka - Second.

1431  
1432 Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Baka. All in  
1433 favor say aye.

1434  
1435 Commission - Aye.

1436  
1437 Mr. Witte - Motion passes.

1438  
1439 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Baka, the  
1440 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
1441 **grant** the request because it would provide added residential and commercial services to  
1442 the community and the conditions should minimize the potential impacts on surrounding  
1443 land uses.

1444  
1445 Mr. Emerson - Mr. Chairman, we now move on to Page 3 of your agenda for  
1446 REZ2023-00016, Randy Hooker for BMR Investments 4, LLC:

1447



**REZ2023-00016 Randy Hooker for BMR Investments 4, LLC:** Request to conditionally rezone from B-3 Business District and A-1 Agricultural District to M-1C Light Industrial District (Conditional) Parcel 846-712-3955 containing 5.814 acres located on the north line of Old Williamsburg Road approximately 100' west of its intersection with Antioch Church Road. The applicant proposes a mini-warehouse and office. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office.

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

Mr. Witte - Mr. Humphreys.

Mr. Humphreys - Good evening, as mentioned, this is a request to allow the development of a mini-warehouse facility and office near Old Williamsburg Road and Williamsburg Road. The southern portion of the site is zoned B-3 Business District and contains a vacant office/warehouse and accessory buildings. It is bordered to the north by I-64 and the surrounding properties are zoned A-1, with the exception of approximately 200' on each side of Old Williamsburg Road, which is zoned B-3. The only other business located in the B-3 zoned portions of the properties is a dental office located to the south. Properties to the east and west include large-lot single-family homes and the historic Antioch Baptist Church.

The conceptual plan shows the property would have a single access on Old Williamsburg Road to the western side of the property's frontage. A new office and storage building would occupy the southernmost portion of the lot where the existing office/warehouse is located. Additional storage buildings, with breaks for fire access, would face internal driveways and extend northward to a BMP at the northern end of the property.

In addition to a conceptual plan, the applicant has submitted revised proffered conditions and elevations. These have been handed out to you this evening and they would require the waiver of time limits. Proffers attempt to mitigate potential impacts on the surrounding areas by addressing use restrictions, buffer requirements, building height, lighting, signage, outside storage, loudspeakers, hours of construction, hours of operation and site maintenance, and underground utilities. The revised elevations show increased numbers of windows on the front façade, a reorientation of the roof, and additional details to reduce the warehouse look of previous iterations of the elevations.

The proposed storage facility is not fully consistent with the 2026 Comprehensive Plan's recommendation of Office for the property. Self-service storage facilities are allowed in Business districts with a Provisional Use Permit when they are similar in appearance and potential impacts to office developments. While mini warehouses are similar in their base use, they have key differences which set them apart and not make them more appropriate in some locations recommended for Office.

For these reasons, staff was concerned about this request and made several recommendations which could help the request be more consistent with the

1494 recommendations of the plan. These included aligning the visual impacts on adjacent  
1495 properties with similarly situated office developments; restricting signage to be more  
1496 consistent with Office Districts, committing to preserving any historic findings and further  
1497 limiting permitted uses to ensure objectionable retail and service uses would not be allowed  
1498 on the site. The revised proffers and accompanying exhibits have addressed the County's  
1499 outlined concerns and would make the request more consistent with an office development.  
1500 For these reasons, staff can support this request. This ends my presentation. I would be  
1501 happy to answer any questions you may have.

1502  
1503 Mr. Witte - Any questions by the Commission?

1504  
1505 Mr. Mackey - No, I don't have any questions for staff.

1506  
1507 Mr. Witte - Is there anyone in the audience or on Webex who would like to  
1508 speak to this case?

1509  
1510 Ms. Drash - Mr. Chairman, there is no one on Webex.

1511  
1512 Mr. Mackey - I would like to hear from the applicant.

1513  
1514 Mr. Witte - Would the applicant come forward please?

1515  
1516 Mr. Good evening, Mr. Chair, Planning Commission members my  
1517 name is Randy Hooker with Engineering Design Associates. I respectfully request your  
1518 consideration of this conditional rezoning. As Seth presented, our client desires to develop  
1519 subject property as a mini-storage facility. The conceptual plan shows approximately 448  
1520 units are planned. They vary in size 5x5 to 10x30. Leasing office as well as the mini-storage  
1521 walls which are exposed to Old Williamsburg Road and the neighboring properties will be  
1522 finished with brick veneer or other architectural materials. Exterior walls which are internal  
1523 to the facility with clapboard siding. In turn the access storage units will be conditioned. I  
1524 would also like to state that the facility will be monitored after hours by a remote surveillance  
1525 system.

1526  
1527 In closing we recognize that the 2026 Future Land Use Plan calls for subject neighboring  
1528 properties to utilize as Office. Due to concerns expressed by staff and those who attended  
1529 the community meeting I calculated the traffic generated by the proposed mini-storage  
1530 facility versus Office use. I estimated that 30,000 square feet of Office could be developed  
1531 on this parcel based upon the ITE Trip Generation Manual 10<sup>th</sup> Edition. That use would  
1532 generate an average of 292 vehicles trips while the mini-storage use would generate an  
1533 average of 95 vehicle trips. Additionally, I'd like to state that the soils on this property are  
1534 not conducive to septic systems. We struggled to find a small site just to serve the two  
1535 restrooms that will be placed in the office itself. With that said, thank you for your time. Any  
1536 questions, I'd be happy to try and answer any questions you have.

1537  
1538 Mr. Witte - Any questions?

1539

1540 Mr. Mackey - Yes, sir. They said no one was on Webex, correct? Okay, yes,  
 1541 I had a question. You weren't able to get any of the elevations in time? You said something  
 1542 about some drawings that could show the difference in the...  
 1543  
 1544 Mr. We revised the elevations. Those were provided in Seth's  
 1545 report.  
 1546  
 1547 Mr. Witte - I thought you were going to have a presentation; you know with  
 1548 the different colors and what you were using for the building materials.  
 1549  
 1550 Mr. Humphreys - Those were coming. We went back and forth on the elevations  
 1551 quite a bit and they didn't have time to get them to the artist.  
 1552  
 1553 Mr. Mackey - I got you. Understood, understood.  
 1554  
 1555 Mr. Humphreys - ...for this meeting but they are coming.  
 1556  
 1557 Mr. Mackey - They'll definitely be ready by the Board of Supervisors?  
 1558  
 1559 Mr. Hooker - Yes.  
 1560  
 1561 Mr. Mackey - Alright. I do appreciate the work that you've done with staff to  
 1562 change the elevations because I like these. Not that the other ones were bad product, but  
 1563 this does look better. I think with staff, with Seth saying that, wanted to go more with an  
 1564 office look instead of a residential type look for the office, I think that fits better and  
 1565 everything. I do think you've addressed almost all of the residents' complaints and concerns  
 1566 when we had the community meeting back in August. I know some people had some  
 1567 concerns about water being tampered with and we addressed that, with stormwater issues  
 1568 and the water table. That was all addressed. I forgot the person that owns the dentist's  
 1569 office. He was concerned about security monitoring and you're going to be monitoring that.  
 1570 I appreciate you reducing the hours of operation back to 7:00 pm, from 7:00 am to 7:00 pm.  
 1571 I think that would be helpful. Some people did bring up something that we heard in the  
 1572 earlier case, about people practicing bands and things like that outside at storage places.  
 1573 You said that wouldn't be allowed because you would have someone in the office that  
 1574 would deter that?  
 1575  
 1576 Mr. Hooker - It will be manned 7:00 am to 7:00 pm...  
 1577  
 1578 Mr. Mackey - Okay, and no one would have any access, other than police,  
 1579 no one would have access to the facility after that?  
 1580  
 1581 Mr. Hooker - Except for fire and police.  
 1582  
 1583 Mr. Mackey - Alright, I don't have anything else. Mr. Chairman, I move that  
 1584 we waive the time limits and accept the proffers dated November 9, 2023, for REZ2023-  
 1585 00016, BMR Investments 4, LLC.



1586  
1587 Mr. Archer - Second.  
1588  
1589 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Archer. All  
1590 in favor say aye.  
1591  
1592 Commission - Aye.  
1593  
1594 Mr. Witte - Opposed? Motion passes.  
1595  
1596 Mr. Mackey - Alright, Mr. Chairman, I move that we recommend approval of  
1597 REZ2023-00016, BMR Investments 4, LLC with the revised proffers dated November 9,  
1598 2023.  
1599  
1600 Mr. Baka - Second.  
1601  
1602 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Baka. All in  
1603 favor say aye.  
1604  
1605 Commission - Aye.  
1606  
1607 Mr. Witte - Opposed? Motion passes.  
1608  
1609 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Baka, the  
1610 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
1611 **grant** the request because the proffered conditions will provide adequate assurances not  
1612 otherwise available.  
1613  
1614 Mr. Mackey - Mr. Secretary, can we take a one-minute break?  
1615  
1616 Mr. Emerson - Absolutely.  
1617  
1618 Mr. Witte - One-minute break.  
1619  
1620 Mr. Emerson - We now move on to the next item on your agenda which is  
1621 REZ2023-00033, Andrew M. Condlin for Lingerfelt Development, LLC  
1622  
1623 **REZ2023-00033 Andrew M. Condlin for Lingerfelt Development, LLC:** Request to  
1624 conditionally rezone from A-1 Agricultural District and B-3 Business District to M-1C Light  
1625 Industrial District (Conditional) parcel 812-713-2294 containing 13.723 acres located on the  
1626 south line of Williamsburg Road (U.S. Route 60) approximately 150' east of its intersection  
1627 with Millers Lane. The applicant proposes office and industrial uses. The uses will be  
1628 controlled by zoning ordinance regulations and proffered conditions. The 2026  
1629 Comprehensive Plan recommends Office/Service. The site is located in the Airport Safety  
1630 Overlay District and Enterprise Zone.  
1631

1632 The staff report will be presented by Ms. Molly Mallow.

1633

1634 Mr. Witte - You have the floor.

1635

1636 Ms. Mallow - Thank you, Mr. Chairman and members of the Commission.

1637 This is a request to conditionally rezone a parcel located on the south line of Williamsburg  
1638 Road from A-1 Agricultural District and B-3 Business District to M-1C Light Industrial  
1639 District (Conditional) to allow for an office warehouse. The 13.7-acre site is currently  
1640 zoned A-1 Agricultural District and B-3 Business District. Surrounding land uses include  
1641 commercial structures, a Dominion Energy utility substation, and the location of rezoning  
1642 case REZ2023-00037. This case is one of four active rezoning cases for similar uses in  
1643 the surrounding area. The proffered conceptual plan shows a 124,600 square foot  
1644 office/warehouse with 24 loading docks to its rear and a cul-de-sac towards the western  
1645 property line. There is one point of access shown on Williamsburg Road and two BMPs,  
1646 one located along Williamsburg Road and one in the rear of the property. As previously  
1647 mentioned, this is one of four rezoning cases for office/warehouse uses in the  
1648 Williamsburg Road and Charles City Road area. Since the distribution of the staff report,  
1649 the applicant has provided updated proffers for these four cases that were provided in  
1650 tonight's handouts. Time limits do not have to be waived as these were received prior to  
1651 the deadline. These proffers address the concerns from the staff report including  
1652 landscape buffers, sidewalks and right-of-way dedication, parking lot lighting height,  
1653 prohibited uses, hours of operation, and permitted building materials. Additionally, the  
1654 updated proffers for this case also provide assurances regarding fencing and landscaping  
1655 for the property's frontage along Williamsburg Road. The 2026 Comprehensive Plan  
1656 recommends this site for Office/Service. The proposed development pattern with the  
1657 placement of loading areas to the rear of the building is generally consistent with this  
1658 designation and the site's location within the Enterprise Zone. Additionally, the applicant  
1659 has worked to address the concerns outlined in the staff report with the updated proffers  
1660 now providing assurances regarding prohibited uses, permitted building materials, and  
1661 the property's frontage along Williamsburg Road. For these reasons, staff supports this  
1662 request. This concludes my presentation, and I would be happy to answer any questions.

1663

1664 Mr. Witte - Any comments?

1665

1666 Mr. Mackey - No comments.

1667

1668 Mr. Witte - Is there anyone in the audience or on Webex that would like to  
1669 speak to this case?

1670

1671 Ms. Drash - Mr. Chairman, there is no one on Webex.

1672

1673 Mr. Witte - You have the floor sir.

1674

1675 Mr. Mackey - I'll hear from the applicant.

1676

1677 Mr. Witte - We'll hear from the applicant?



1678  
1679 Mr. Condlin - I'm Andy Condlin speaking on behalf of the applicant on this  
1680 case as Ms. Mallow has said it's one of four that are related in the sense that they're both  
1681 in proximity as well as the type of use but given the pretty significant transmission lines they  
1682 are separated by that. We have with us the developers as well as the engineer here to  
1683 answer any questions. I'd also like to thank Ms. Mallow for being patient with us as we kind  
1684 of missed some of the comments. She had to call me twice to make sure I got her email to  
1685 get things straight. So, I apologize, Usually, I like to get these taken care of before the staff  
1686 report but staff has been very good with us to kind of work through the remaining issues  
1687 that were identified in the staff report I think that we certainly have addressed all the issues.  
1688 I'm happy to go over any of the specific changes that we've made to the proffered conditions  
1689 but I think with these changes particularly with respect to the use and the treatment on  
1690 Williamsburg Road which has been consistent with other developments on Williamsburg  
1691 Road by providing not only the right-of-way dedication and improvements but also providing  
1692 for buffers along Williamsburg Road will provide for a quality development that you're  
1693 looking for. With all of the use we actually have a specific user for this location it's not  
1694 speculative so that we know that a commercial mover and storage facility that has recently  
1695 been acquired that will be moving into this facility. With that, we know that we're going to  
1696 be able to develop this, provide jobs and provide a good use of this property. With that I'd  
1697 be happy to answer any questions. I ask that you follow recommendation of staff and  
1698 recommend this to the Board of Supervisors.

1699  
1700 Mr. Witte - Any questions?

1701  
1702 Mr. Mackey - Yes, do you have a user for all...

1703  
1704 Mr. Condlin - Not for all. We think we may have a user when we get to the  
1705 other one that's near the landfill as well as one of the others but the one that's right next  
1706 door it would be more of a speculative at this point when it comes to development but on  
1707 this one we do have a specific user.

1708  
1709 Mr. Mackey - Alright, thank you. I appreciate you working with staff. I know  
1710 we had a little moment when we didn't get all the questions answered but I appreciate you  
1711 working together and thank Molly. You all did a good job on it. I appreciate that.

1712  
1713 Mr. Condlin - I do appreciate the time. We provided one set of proffers. We  
1714 just wanted to make sure we got it right and I think we have at this point.

1715  
1716 Mr. Mackey - I might be jumping the gun but I just want to get them all  
1717 together. Is the one that ends in 37, is that the one out on Charles City Road that faces or  
1718 is near the home where you had to lower, we had to change the lighting?

1719  
1720 Mr. Condlin - Yes. So, the Bergeson, I think. That's the long one. It's got both  
1721 frontage on Williamsburg and Charles City so as you can see on that map. The one that  
1722 we're talking about is in the upper right now is the upper right which is just on Williamsburg



1723 Road. The one we just mentioned, 37 is Bergeson which is all the way from Williamsburg  
1724 to Charles City so that's the one we do not have. I don't believe we have anyone. That  
1725 would be speculative for zoning at this point. The other two, of course the one across  
1726 Charles City from Bergeson, is right at the landfill. It does have also the light limitation  
1727 because there is some residential on the right side. I think I'm going west at that point. Is  
1728 that right? Again, we're separated by over 200' by the Dominion powerlines at that point  
1729 but we also have some limitations with respect to the lighting and the type of elevations on  
1730 Charles City and the same road improvements and buffers and finally the one on the left  
1731 most, easternmost where's there's three of them on that side of Charles City Road is again  
1732 right across from the entrance from the landfill but also right next to the Virginia Department  
1733 General Services for the library storage services, I believe at that location. That one in  
1734 particular we've provided for. The other unique nature of that one is to have for an  
1735 archeological because there may be gravesites. We've got some indication that there are  
1736 gravesites potentially on that site from a tunnel (I don't think this is tunnel, but I can't really  
1737 understand what else it could be?) works. Before we can do any development we've got to  
1738 make sure that there are none and if there are we have to be able to preserve those.

1739  
1740 Mr. Mackey - Mr. Secretary, I hope I didn't mess the case up. I know that  
1741 Molly was going to go over the basic crux of all of it and then Mr. Condlin is going to speak  
1742 to the differences of each one and then I can make motions individually.

1743  
1744 Mr. Emerson - We have to introduce each case. At this point we've only called  
1745 the 33 case. So, we have to walk through each one individually.

1746  
1747 Mr. Mackey - Understood. Okay, thank you. I don't have anything else for  
1748 that.

1749  
1750 Mr. Witte - You still have the floor.

1751  
1752 Mr. Mackey - I'd like to make a motion. Mr. Chairman, I move that we  
1753 recommend approval of REZ2023-00033, Lingerfelt Development, LLC with the revised  
1754 proffers dated November 7, 2023.

1755  
1756 Mr. Archer - Second.

1757  
1758 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Archer. All  
1759 in favor say aye.

1760  
1761 Commission - Aye.

1762  
1763 Mr. Witte - Opposed? Motion passes.

1764  
1765 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Archer, the  
1766 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
1767 **grant** the request because the proffered conditions should minimize the potential impacts on  
1768 surrounding land uses.

Mr. Emerson - Mr. Chairman, we now move on to the next item. It has been noted that are four of these cases adjacent to each other. We're going through each one somewhat individually because each one is a little different. REZ2023-00034, again Mr. Condlin for VOZ724 Park City, LLC

**REZ2023-00034 Andrew M. Condlin for VOZ724 Park City, LLC:** Request to conditionally rezone from R-4 One-Family Residence District to M-1C Light Industrial District (Conditional) parcels 810-711-9186 and 811-711-2166 containing 8.185 acres located on the south line of Charles City Road approximately 600' west of its intersection with Brighton Road. The applicant proposes office and industrial uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Planned Industry. The site is located in the Airport Safety Overlay District.

The staff report will be presented by Ms. Molly Mallow.

Ms. Mallow - Thank you, Mr. Chairman and members of the Commission. As previously stated, this is the second of four similar rezoning cases in the surrounding area for Office/Warehouse use. Surrounding land uses include the BFI Landfill to the east, south, and west of the subject property and the site of rezoning case REZ2023-00037 to the north. The proffered conceptual plan shows a 70,500 square foot office/warehouse with 30 loading docks to its rear. A 285-foot-wide power line easement separates the property from the single-family uses to the east. One point of access is shown on Charles City Road and a BMP is located in the southeastern portion of the property. As mentioned with the previous case, staff received updated proffers which now address the issues outlined in the staff report. Time limits do not have to be waived as these were received prior to the deadline. The proffers now provide assurances regarding sidewalks and right-of-way dedication along Charles City Road, hours of operation, prohibited uses, permitted building materials, and also provide an assurance for a 25-foot landscape buffer along Charles City Road. The 2026 Comprehensive Plan recommends this site for Planned Industry. This request is generally consistent with this designation and the pattern of office/warehouse development along Charles City Road. For these reasons, staff supports this request. This concludes my presentation and I'm happy to answer any questions.

Mr. Witte - Any comments? Is there anyone in the audience or on Webex that would like to speak to this case?

Ms. Drash - Mr. Chairman, there is no one on Webex for this case.

Mr. Witte - Would you like to hear from...

Mr. Mackey - Is there anything that you need to speak that's any different to this one? Ok. Well, I'll make a motion. Mr. Chairman, I move that we recommend approval of REZ2023-00034, VOZ724 Park City, LLC with the revised proffers dated November 7, 2023.

1816  
1817 Mrs. Thornton - Second.  
1818  
1819 Mr. Witte - We have a motion by Mr. Mackey, a second by Mrs. Thornton.  
1820 All in favor say aye.  
1821  
1822 Commission - Aye.  
1823  
1824 Mr. Witte - Opposed? Motion passes.  
1825  
1826 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mrs.  
1827 Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board  
1828 of Supervisors grant the request because it would not adversely affect the adjoining area  
1829 if properly developed as proposed.  
1830  
1831 Mr. Emerson - Mr. Chairman, now we move on to the third case in a series of  
1832 four for, REZ2023-00035, again Mr. Condlin for VOZ724 Park City, LLC.  
1833  
1834 **REZ2023-00035 Andrew M. Condlin for VOZ724 Park City, LLC:** Request to  
1835 conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District  
1836 (Conditional) parcel 810-712-6260 containing 5.56 acres located on the north line of  
1837 Charles City Road approximately 1,345' west of its intersection with Brighton Road. The  
1838 applicant proposes office and industrial uses. The uses will be controlled by zoning  
1839 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
1840 recommends Office/Service. The site is located in the Airport Safety Overlay District.  
1841  
1842 The staff report will be presented by Ms. Molly Mallow.  
1843  
1844 Ms. Mallow - Thank you, Mr. Chairman and members of the Commission.  
1845 As mentioned, this is also a request for Office/Warehouse uses along Charles City Road.  
1846 Surrounding land uses for this parcel include a single-family home to the north and east  
1847 of the subject property, the BFI Landfill to the south, and the Virginia Department of  
1848 General Services state library records center to the west. Since the distribution of the staff  
1849 report, the applicant has submitted a conceptual plan that was included in the handouts  
1850 for tonight along with the updated proffers for this case. This conceptual plan shows a  
1851 two-phase office/warehouse development with phase 1 showing a 3,600 square foot  
1852 structure and a phase 2 with a 9,600 square foot expansion. There is one entrance  
1853 located on Charles City Road and a BMP fronting the roadway. As mentioned in the  
1854 previous cases, the updated proffers now provide assurances regarding permitted  
1855 building materials, prohibited uses, hours of operation, sidewalks and right-of-way  
1856 dedication, and landscape buffers. An additional assurance for an archaeological study  
1857 has also been provided with this request. The 2026 Comprehensive Plan recommends  
1858 this site for Office/Service. This request is generally consistent with the Office/Service  
1859 designation and the pattern of office/warehouse development along Charles City Road.  
1860 For these reasons, staff supports this request. This concludes my presentation. I would  
1861 be happy to answer any questions.



1862  
1863 Mr. Witte - Any questions for Ms. Mallow?  
1864  
1865 Mr. Mackey - I have no questions for Ms. Mallow.  
1866  
1867 Mr. Witte - Would you like to hear from the applicant?  
1868  
1869 Mr. Mackey - Sure.  
1870  
1871 Mr. Condlin - I'm getting my steps in tonight. Again, Andy Condlin, members  
1872 of Commissioners, Mr. Chair. This is similar to the other cases we just talked about. The  
1873 only difference is that this is the one that has the potential of with I think the Virginia  
1874 Department of Historic Resources I think there was some reference to a potential  
1875 cemetery. Sometimes those aren't exactly accurate. That might be the case but that's  
1876 why we put in the proffer about the archeological study before we do any POD. We've got  
1877 to confirm that there are none out there and obviously if there is, we'll either avoid them  
1878 or go through the process to remove them but otherwise similar to the other cases  
1879 particularly along Charles City Road providing the quality standards. We ask that you  
1880 follow the recommendation of staff and recommend this to the Board of Supervisors.  
1881  
1882 Mr. Mackey - Thank you Mr. Condlin.  
1883  
1884 Mr. Witte - Any questions?  
1885  
1886 Ms. Drash - Mr. Chairman, there is no one on Webex.  
1887  
1888 Mr. Witte - Do we have opposition? My bad.  
1889  
1890 Mrs. Thornton - Right there. Sorry, one right here.  
1891  
1892 Mr. Mackey - We have one on the end.  
1893  
1894 Mr. Branin - It's one of my last meetings. I just want to stir it up a little bit.  
1895 Can I speak my position at the lectern?  
1896  
1897 Mr. Mackey - Well, Mr. Chairman, I move that we recommend approval of  
1898 REZ2023-00035, VOZ724 Park City, LLC with the revised proffers dated November 7,  
1899 2023.  
1900  
1901 Mr. Archer - Second.  
1902  
1903 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Archer. All  
1904 in favor, say aye.  
1905  
1906 Commission - Aye.  
1907

1908 Mr. Witte - Opposed? Motion passes.

1909

1910 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Archer,  
1911 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
1912 Supervisors grant the request because it conforms with the objectives and intent of the  
1913 County's Comprehensive Plan.

1914

1915 Mr. Branin - Whoa, whoa, I abstain. I want that in the record. I abstain.

1916

1917 Mr. Witte - For the record.

1918

1919 Mr. Emerson - You got it.

1920

1921 Mr. Witte - The honorable Tommy Branin abstains.

1922

1923 Mr. Branin - At least I got something in.

1924

1925 Mr. Emerson - Mr. Chairman, to close out the series of four cases we have  
1926 REZ2023-00037, again Mr. Condlin for VOZ724 Park City, LLC.

1927

1928 **REZ2023-00037 Andrew M. Condlin for VOZ724 Park City, LLC:** Request to  
1929 conditionally rezone from A-1 Agricultural District and B-3 Business District to M-1C Light  
1930 Industrial District (Conditional) parcel 811-712-4375 containing 15.936 acres located on the  
1931 north line of Charles City Road approximately 525' west of its intersection with Brighton  
1932 Road. The applicant proposes office and industrial uses. The uses will be controlled by  
1933 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
1934 recommends Office/Service. The site is located in the Airport Safety Overlay District and  
1935 Enterprise Zone.

1936

1937 The staff report will be presented by Ms. Molly Mallow.

1938

1939 Ms. Mallow - Thank you, Mr. Chairman and members of the Commission.  
1940 This is the last of four rezoning cases for Office/Warehouse uses that will be talked about  
1941 tonight. Surrounding land uses around this parcel include commercial structures and a  
1942 vacant parcel to the north, the BFI Landfill, and the site of rezoning case REZ2023-00034  
1943 to the south. West of the subject property is an automobile sales business, two  
1944 undeveloped parcels and a portion of a parcel containing a single-family home. To the  
1945 east is the location of rezoning case REZ2023-00033 and a Dominion power substation.  
1946 The proffered conceptual plan shows a 24,000 square foot office/warehouse with a 240  
1947 feet by 580 feet storage yard to its rear. There is one entrance located on Charles City  
1948 Road and two BMPs, one fronting Charles City Road and another BMP to the rear of the  
1949 storage yard. As previously mentioned, since the distribution of the staff report the  
1950 applicant has provided updated proffers that were distributed to you tonight. These  
1951 address permitted building materials, uses, hours of operation, buffers, and sidewalk and  
1952 roadway dedication along both Charles City Road and Williamsburg Road. The 2026  
1953 Comprehensive Plan recommends this site for Office/Service. Although not fully

1954 consistent with the Office/Service designation due to the presence of a storage yard on  
 1955 the site, this request is consistent with the site's location within the Enterprise Zone and  
 1956 the pattern of office/warehouse development along Charles City Road. For these reasons,  
 1957 staff supports this request. This concludes my presentation. I'd be happy to answer any  
 1958 questions.  
 1959

1960 Mr. Witte - Any questions? Is there anyone in the audience or on Webex  
 1961 that would like to speak to this case?  
 1962

1963 Ms. Drash - Mr. Chairman, there is no one on Webex for this case.  
 1964

1965 Mr. Mackey - Mr. Condlin?  
 1966

1967 Mr. Witte - Mr. Condlin, you have the floor.  
 1968

1969 Mr. Condlin - Mr. Chairman, members of the Commission and Mr. Branin,  
 1970 I'm happy to present this case tonight. Again, thank you to staff for helping us with this.  
 1971 This particular property, as you can see is really a difficult property because it's primarily  
 1972 with Dominion transmission lines running on the east side of the property between this  
 1973 and the first case that we heard. While it goes all the way to Williamsburg Road we won't  
 1974 be developing or accessing off of Williamsburg, but we will be dedicating and doing the  
 1975 right-of-way and putting a sidewalk on that frontage to be able to continue that frontage  
 1976 otherwise it's the same as that first case. With that I'd be happy to answer any questions  
 1977 and ask that you make a recommendation to the Board of Supervisors on this case as  
 1978 well and follow the one provided by the staff.  
 1979

1980 Mr. Mackey - Thank you for all you've done on these cases Mr. Condlin and  
 1981 I thank staff for all they have done to bring this together. With that, I move that we  
 1982 recommend approval REZ2023-00037, ZOV724 Park City, LLC with the revised proffers  
 1983 dated November 7, 2023.  
 1984

1985 Mr. Witte - Second. I felt left out. We have a motion by Mr. Mackey, a  
 1986 second by Mr. Witte. All in favor say aye.  
 1987

1988 Commission - Aye.  
 1989

1990 Mr. Witte - Opposed? Motion passes.  
 1991

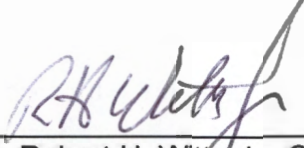
1992 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Witte, the  
 1993 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
 1994 **grant** the request because the proffered conditions will provide appropriate quality  
 1995 assurances not otherwise available.  
 1996

1997 Mr. Emerson - Mr. Chairman, we now move on to the consideration of the  
 1998 approval of your minutes from your regular meeting on October 12, 2023. I do not have



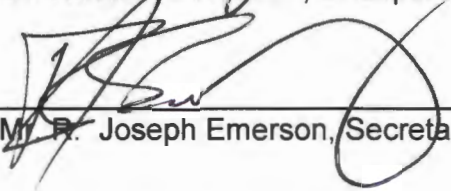
1999 an errata sheet. But, of course as always, if the Commission has any changes we need  
 2000 to make, let us know and we'll make those accordingly.  
 2001  
 2002 Mr. Witte - Anyone have any errata?  
 2003  
 2004 Mr. Mackey - Mr. Chairman, I move that the minutes be approved as  
 2005 presented.  
 2006  
 2007 Mr. Baka - Second.  
 2008  
 2009 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Baka. All  
 2010 in favor say aye.  
 2011  
 2012 Commission - Aye.  
 2013  
 2014 Mr. Witte - Opposed? Motion passes.  
 2015  
 2016 Mr. Emerson - Mr. Chairman, before I let you go this evening, I would like to  
 2017 take the opportunity to introduce you to a new member of our staff. Neha, if you'd stand  
 2018 up. This is your opportunity. This is Neha Shinde, she joined us this last week in the  
 2019 Comprehensive Planning Division as a Planner II. She has a Master of Urban and  
 2020 Environmental Planning from UVA and 15 years of professional planning experience. She  
 2021 previously worked as a planner in several different capacities including for the University  
 2022 of Miami. Neha started on November 6th, and we're excited to have her here and we  
 2023 welcome her to our team. I always hesitate to say this but for the first time in a long time  
 2024 at least the Comprehensive Planning Division is at full staff. We'll see how long that lasts.  
 2025  
 2026 Mr. Mackey - It's my understanding you're going to sing the National  
 2027 Anthem to close us out, is that right?  
 2028  
 2029 Commission - Welcome, welcome.  
 2030  
 2031 Mr. Archer - That might be the last applause you'll ever here.  
 2032  
 2033 Mr. Emerson - While we're recognizing things, I believe Livingston left but  
 2034 today was his birthday and he bailed on us too quick and yesterday was Molly's birthday.  
 2035  
 2036 Mr. Mackey - Happy belated birthday, Molly.  
 2037  
 2038 Mr. Emerson - So, we have a couple of birthdays in the room as well.  
 2039 Livingston misses out because he left early so shame on him. Mr. Chairman, with that I  
 2040 have nothing further for the Commission this evening.  
 2041  
 2042 Mr. Mackey - Anything by any other Commission members or Board  
 2043 member? With that, we're adjourned.  
 2044

2045  
2046  
2047  
2048  
2049  
2050  
2051  
2052



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Mr. Robert H. Wite Jr., Chairperson



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Mr. R. Joseph Emerson, Secretary