

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**
2 **County held in the County Administration Building in the Government Center at**
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, May 14,**
4 **2020. Display Notice having been published in the *Richmond Time-Dispatch* on**
5 **Monday, April 27, 2020 and Monday, May 4, 2020.**
6
7

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

18 **Also Present:** Ms. Jean Moore, Assistant Director of Planning
19 Mr. James P. Strauss, PLA, Senior Principal Planner
20 Ms. Rosemary D. Deemer, AICP, County Planner
21 Mr. Ben Sehl, County Planner
22 Mr. Livingston Lewis, County Planner
23 Mrs. Lisa Blankinship, County Planner
24 Ms. Kristin Smith, County Planner
25 Mr. Kenny Mitchell, Senior Systems Developer, IT
26 Mr. John Cejka, Traffic Engineer, Public Works *
27 Mr. William Moffett, CPTED Planner, Police *
28 Ms. Sylvia Ray, Recording Secretary
29

30 * (Virtually)
31

32 **Mr. Archer -** The meeting will come to order. This is the May 14th meeting
33 for rezonings. And at this point I'll turn the meeting over to the secretary. Well, before
34 we do that, kind of getting things out of order. Let us stand and pledge allegiance to the
35 flag. And there's nobody here to ask to turn off their telephones, so I won't that.
36

37 I would like to welcome Reverend Tyrone Nelson from the Board of Supervisors, and now
38 there's no news media here that we can see. So, with that, I'll turn things over to Mr.
39 Emerson.
40

41 **Mr. Emerson -** Thank you, Mr. Chairman. Good evening, everybody.
42

43 **The Commission -** Good evening.
44

45 **Mr. Emerson -** I would note that you did hold a work session -- the Planning
46 Commission did -- in this room, that began around 5:32 and ended around 6:45 and the

47 meeting was recessed to 7:00 p.m. During that work session you discussed the update
48 to the zoning code and reviewed Article 4 of that update.

49
50 With that said, Mr. Chairman, you do have several items on your agenda this evening,
51 but I will note to you that this meeting is being livestreamed, and it also is on Webex, so
52 there are two ways you can view it, and of course if you participate remotely that will be
53 through Webex.

54
55 To note to you following the introduction a presentation of each individual case this
56 evening. The public will have an opportunity to comment through that Webex function.
57 This request will be -- will be made using the chat feature. And this is for those of you
58 that are tuned in so you can understand. So, for everyone that's watching us through
59 Webex, please pay close attention.

60
61 If you would like to comment, you do need to use the chat feature on Webex. If you move
62 your mouse and your cursor to the bottom of the screen, you'll see that there is a -- there
63 are some icons that come up. And one of those has a -- has a little, what I'll call a caption
64 box like above a cartoon. That's the chat feature. So, you need to click on that, that'll
65 open up on the right side of your screen, the chat feature, and you can send a message
66 to staff who are monitoring the Webex.

67
68 If you would open that chat screen and request if you desire to be put on that list of
69 speakers, select Kristin Smith. You'll have an opportunity at the bottom of the screen as
70 to who you want to send a message to and it'll show everyone that is participating in the
71 meeting, or that is logged in. But choose Kristin Smith. And Ms. Smith is a member of
72 the Planning staff, and she's monitoring this chat feature. And note to her your name and
73 that you would like to speak, be placed on the list to speak, and -- or may have
74 questions -- and tell her which case that you would like to comment on. And she will take
75 care of you from that point and explain to you what you need to do in order to be
76 recognized through the system to speak.

77
78 And with that said, Mr. Chairman, the first items on your agenda this evening are the
79 withdrawals and deferrals and expedited items, and Mr. Strauss will step forward and take
80 you through those items.

81
82 Mr. Archer - Thank you, sir. Good evening, Mr. Strauss.

83
84 Mr. Strauss - Good evening, members of the Commission, and thank you,
85 Mr. Secretary. Thank you, Mr. Chairman. We have three requests for deferral this
86 evening, and the first request is in the Varina District on page 2 of your agenda. It's
87 Rezoning 2020-00015, Godsey Properties, Inc. And with this case the applicant is
88 requesting a deferral to the June 11, 2020 meeting.

89
90
91 **REZ2020-00015 Andrew Condlin for Godsey Properties, Inc.:** Request to
92 conditionally rezone from A-1 Agricultural District, R-5AC General Residence District

93 (Conditional), RTHC Residential Townhouse District (Conditional), and B-2C Business
94 District (Conditional) to R-5AC General Residence District (Conditional) (16.319 acres),
95 RTHC Residential Townhouse District (Conditional) (68.567 acres), and B-2C Business
96 District (Conditional) (12.946 acres) part of Parcel 834-714-5632, and Parcels
97 834-713-8189, 834-714-7258, 834-714-9609, 836-713-7564, and 837-713-0631
98 containing 97.832 acres located at the northeast and northwest intersection of E.
99 Williamsburg Road (U.S. Route 60) and Drybridge Road. The applicant proposes a
100 mixed-use development. The R-5A District allows no more than 6 units per acre. The RTH
101 District allows no more than 9 units per acre. The uses will be controlled by zoning
102 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
103 recommends Suburban Residential 2, density should not exceed 3.4 units per acre,
104 Urban Residential (density between 3.4 and 6.8 units per acre), Office, Commercial
105 Concentration, and Environmental Protection Area. The site is located in the Airport
106 Safety Overlay District. **Staff – Ben Sehl (Deferral Requested to the June 11, 2020
107 Meeting)**

108
109 Mr. Archer - All right. Is there anyone here who is opposed to the deferral
110 of this case, Godsey Properties Incorporated? Mr. Mackey.

111
112 Mr. Mackey - Mr. Chairman, seeing no opposition.

113
114 Ms. Deemer - We have no one signed up.

115
116 Mr. Archer - Thank you.

117
118 Mr. Mackey - Okay. Mr. Chairman, seeing -- hearing that there is no
119 opposition, I move that REZ2020-00015, Andrew Conclin for Godsey Properties, Inc. be
120 deferred to the June 11, 2020 meeting at the request of the applicant.

121
122 Mr. Baka - Second.

123
124 Mr. Archer - Who made that second? Mr. Baka?

125
126 Mr. Baka - Yes.

127
128 Mr. Archer - Okay. A motion has been made by Mr. Mackey and seconded
129 by Mr. Baka. All in favor of the motion say aye.

130
131 The Commission - Aye.

132
133 Mr. Archer - Anyone opposed say no. The ayes have it and that deferral
134 is granted.

135
136 Mr. Strauss - And in the Fairfield District, this next request for deferral is on
137 page 2 of your agenda. Rezoning 2020-00016, Wilton Acquisition, LLC/Stanley Martin.
138 And the applicant is requesting deferral to your June 11, 2020 meeting.

139
140 **REZ2020-00016** **Wilton Acquisition, LLC/Stanley Martin:** Request to
141 conditionally rezone from A-1 Agricultural District and R-6C General Residence Districts
142 (Conditional) to R-5AC (20.75 acres) and R-6C (11.98 acres) General Residence Districts
143 (Conditional) on part of Parcels 785-758-9980, 785-759-8052, 786-759-6600, -6815 and
144 Parcels 784-757-9571, -9581, -9390, 784-758-8345, -9103, -9251, -9817, 785-757-0889,
145 -2698, 785-758-0057, -0968, -1023, -1774, -1828, -2580, -2935, -3304, -3485, -4243,
146 -4511, -5283, -5317, -5551, -6456, -6526, -6583, -7735, -8854, -9568, and 786-758-0555
147 containing 32.73 acres located on the north line of Scott Road between Interstate 95 and
148 Aberdeen Street. The applicant proposes a residential development of townhomes and
149 single -family dwellings. The R-5A District allows no more than 6 units per acre. The R-6
150 District allows a maximum gross density of 19.8 units per acre. The uses will be controlled
151 by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
152 recommends Planned Industry. **Staff – Lisa Blankinship (Deferral Requested to the**
153 **June 11, 2020 Meeting)**

154
155 Mr. Archer - Okay. Is there anyone present here or by web that is opposed
156 to the deferment of this case, Wilton Acquisitions?

157
158 Ms. Deemer - We have no one on Webex.

159
160 Mr. Archer - Thank you. In that case, then I will move for deferral of Wilton
161 Acquisitions, LLC/Stanley Martin, REZ2020-00016 to the June meeting at the applicant's
162 request.

163
164 Mr. Witte - Second.

165
166 Mr. Archer - Motioned by Mr. Archer and seconded by Mr. Witte. All those
167 in favor of the motion say aye.

168
169 The Commission - Aye.

170
171 Mr. Archer - Anyone opposed say no. The ayes have it, and that deferral
172 is granted.

173
174 Mr. Strauss - And the third request for deferral is also in the Fairfield District
175 companion case to the previous case, page 2 of your agenda. Provisional Use Permit
176 2020-00010, Wilton Acquisition, LLC/Stanley Martin. And, again, the applicant's
177 requesting deferral to the June 11, 2020 meeting.

178
179 **PUP2020-00010** **Wilton Acquisition, LLC/Stanley Martin:** Request for a
180 Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of
181 the County Code to allow adjustable side yard setbacks for lots within the R-5A General
182 Residence District on part of Parcels 785-758-3485, -5283, 785-759-8052 and Parcels
183 784-757-9390, -9571, -9581, 784-758-8345, -9103, -9251, -9817, 785-757-0889, -2698,
184 785-758-0057, -0968, -1023, -1774, -1828, -2580, -2935, -3304, -4243, -4511, -5317, -

185 5551 -6456, -6526, -7735 located on the north line of Scott Road between Interstate 95
186 and Aberdeen Street. The existing zoning is A-1 Agricultural District and R-6C General
187 Residence District (Conditional). R-5A zoning district is proposed with REZ2020--00016.
188 The R-5A District allows an overall maximum density of 6 units per acre. The 2026
189 Comprehensive Plan recommends Planned Industry. **Staff – Lisa Blankinship (Deferral
190 Requested to the June 11, 2020 Meeting)**
191

192 Mr. Archer - Okay. Thank you, sir. Anyone present either here or on the
193 web who is opposed to the deferment of PUP2020-00010, Wilton Acquisitions?
194

195 Ms. Deemer - We have no one on Webex.
196

197 Mr. Archer - Thank you. Hearing no one, I move that PUP2020-00010,
198 Wilton Acquisitions LLC and Stanley Martin be deferred to the June 11th meeting at the
199 applicant's request.
200

201 Mr. Baka - Second.
202

203 Mr. Archer - Motion by Mr. Archer and seconded by Mr. Baka. All in favor
204 of the motion say aye.
205

206 The Commission - Aye.
207

208 Mr. Archer - Anyone opposed say no. The ayes have it, and that PUP has
209 been deferred.
210

211 Mr. Strauss - Moving on to the expedited agenda this evening we have four
212 requests for approval on the expedited agenda. The first is in the Varina District, page 1
213 of your agenda. Rezoning 2020-00013, Steeple Lane Development.
214

215 **REZ2020-00013 Richard Kuhn for Steeple Lane Development:** Request to
216 amend proffers accepted with Rezoning case C-20C-06 on part of Parcel 809-724-5973
217 located between the east line of East Richmond Road and the west line of N. Laburnum
218 Avenue approximately 800 feet north of Nine Mile Road (State Route 33). The applicant
219 proposes to amend proffers regarding architectural elevations, minimum house size,
220 garages, foundations, and mailboxes. The existing zoning is R-5AC General Residence
221 District (Conditional). The 2026 Comprehensive Plan recommends Urban Residential,
222 density should range from 3.4 to 6.8 units per acre. **Staff – Lisa Blankinship (Expedited
223 Agenda Requested)**
224

225 This is a request to amend proffers regarding architectural elevations, minimum house
226 size, garages, foundations, and mailboxes. Staff is recommending approval, and we are
227 not aware of any opposition.
228

229 Mr. Archer - Thank you. Anyone present who is opposed to hearing this
230 case on the expedited agenda, Steeple Lane Development, REZ2020-00013?

231
232 Ms. Deemer - We have no one on Webex.
233
234 Mr. Archer - Thank you. Mr. Mackey.
235
236 Mr. Mackey - Mr. Chairman, hearing there is no opposition, I move that
237 REZ2020-00013, Richard Kuhn for Steeple Lane Development be approved with the
238 amended proffers, number 4, number 7, number 9, number 10, and number 14, dated
239 March 16, 2020.
240
241 Mrs. Thornton - Second.
242
243 Mr. Archer - All right. Motion by Mr. Mackey and seconded by Ms.
244 Thornton. All in favor say aye.
245
246 The Commission - Aye.
247
248 Mr. Archer - Those opposed say no. The ayes have it and the motion
249 passes.
250
251 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mrs.
252 Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board
253 of Supervisors grant the request because the changes do not greatly reduce the original
254 intended purpose of the proffers and they are not expected to adversely impact surrounding
255 land uses in the area.
256
257 Mr. Strauss - The next three requests for approval on the expedited agenda
258 are all in the Three Chopt District. Beginning with page 3 of the agenda Rezoning
259 2020-00017, Wilton Commercial I, LLC.
260
261 **REZ2020-00017 Simon Mueller for Wilton Commercial I, LLC:** Request to
262 conditionally rezone from B-2C Business District (Conditional) to B-3C Business District
263 (Conditional) part of Parcel 748-760-9546 containing .002 acres located on the north side
264 of W. Broad Street (U.S. Route 250) approximately 300' east of its intersection with Cox
265 Road. The applicant proposes an Automated Teller Machine (ATM). The use will be
266 controlled by zoning ordinance regulations and proffered conditions. The 2026
267 Comprehensive Plan recommends Urban Mixed-Use. **Staff – Kristin Smith (Expedited
268 Agenda Requested)**
269
270 This is a request to conditionally zone from B-2C to B-3C to allow construction of an
271 automated teller machine. Staff is recommending approval, and we are not aware of any
272 opposition.
273
274 Mr. Archer - Thank you. Is there anyone present either here or on the web
275 that is opposed to REZ2020-00017, Wilton Commercial I, LLC?

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Ms. Deemer - We have no one on Webex.

Mr. Archer - Thank you.

Mrs. Thornton - Okay. Mr. Chairman, I move that REZ2020-00017, Simon Mueller for Wilton Commercial I, LLC be approved for -- with proffers number 1 and 2, dated March 18, 2020.

Mr. Witte - Second.

Mr. Archer - Motion by Ms. Thornton and seconded by Mr. Witte. All in favor of that motion say aye.

The Commission - Aye.

Mr. Archer - Anyone opposed say no. The ayes have it. The motion passes.

REASON: Acting on a motion by Mrs. Thornton, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it is reasonable and the use is compatible with surrounding development.

Mr. Strauss - The next two requests for approval on the expedited agenda are companion cases. On page 3 of the agenda, Rezoning 2020-00020, Robinson Development Group.

REZ2020-00020 Jeffrey P. Geiger for Robinson Development Group Inc.: Request to conditionally rezone from O-3C Office District (Conditional) to UMUC Urban Mixed-Use District (Conditional) part of Parcel 747-763-3334 containing 1.073 acres located on the east line of Sadler Road, approximately 1100' south of Thorncroft Drive. The applicant proposes an urban mixed-use development. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay District. **Staff – Livingston Lewis (Expedited Agenda Requested)**

This is a request to conditionally rezone from O-3 Office District to the UMUC District. The applicant is simply making a request to add after rezoning the 1.07 acres to the adjacent property, which this commission rezoned to UMUC District at their October meeting. The same proffers of that case will apply to this case. That case was Rezoning 2019-00018. Staff is recommending approval of those proffers 1 through 20 and we are not aware of any opposition.

Mr. Archer - Thank you. Is there anyone present here or on the web that is opposed to Robinson Development Group Inc, REZ2020-00020?

322
323 Ms. Deemer - We have one person, Mr. Keith Barker.
324
325 Mr. Archer - Is Mr. Barker online?
326
327 Mr. Barker - Can you hear me?
328
329 Mr. Archer - Yes. We can.
330
331 Mrs. Thornton - Yes.
332
333 Mr. Archer - Please state your --
334
335 Mr. Barker - Oh. Excellent. My name's Keith Barker. I looked over the
336 plan of PUP2020, four zeros and a six. I am in the adjacent property. When the -- this
337 came up before the Board of Supervisors, the 15-foot setback line was supposed to have
338 a connection to the parking lot of what is presently Wells Fargo.
339
340 On the document that I received, there is no indication of that connection between this
341 project and the Wells Fargo parking lot, so effectively what happens is this puts the
342 parking over in the complex that I'm located at, which is Dominion Place Condominiums.
343 And this is Wells Fargo's sale of property. And so, we'd talked about that before, and I
344 understood that the Planning Commission was directed through the Board of Supervisors
345 to see that there was a connection to the Wells Fargo parking lot. So, I wanted to find
346 out what the status of that was, please.
347
348 Mr. Archer - All right.
349
350 Mr. Strauss - I believe we have a staff member present that can help us with
351 that question. Mr. Livingston Lewis.
352
353 Mr. Archer - Mr. Barker, Mr. Lewis will be with you in just a second.
354
355 Mr. Lewis - Yes. I believe the question is regarding three points of
356 pedestrian access that have been proffered. Those -- I don't know what plan Mr. Barker
357 was referring to, if it's the concept plan. Let's see. We can switch over.
358
359 Mr. Archer - Now Mr. Barker did reference the PUP, and not the rezoning
360 case, but I assume since they're companion cases it doesn't make any difference here.
361
362 Mr. Lewis - It's all -- it's all -- it should all be the same documents.
363
364 Mr. Archer - Right. Okay.
365
366 Mr. Lewis - So I don't believe -- I'm not sure that those were ever
367 specifically drawn on the concept plan. That does not prohibit them from being present

368 when the development actually takes place. They have been proffered, so they are
369 required. I believe that might be the last proffer. If we can --

370

371 Mrs. Thornton - He was talking about the access point from Wells Fargo
372 parking lot over to the new development?

373

374 Mr. Lewis - Yes. There are supposed to be three.

375

376 Mrs. Thornton - Yes.

377

378 Mr. Witte - I believe one of them was in the back in the turnaround.

379

380 Mrs. Thornton - Back in the back. Mm-hmm.

381

382 Mr. Lewis - Well they didn't specify exactly where they would be. The
383 proffer reads, proffer number 20: A minimum of three asphalt pedestrian paths extending
384 from the right-of-way along the property's southern boundary line -- so that would be
385 essentially this drive aisle here -- to the existing parking lot located on GPIN
386 746-762-8251, which is the Wells Fargo property.

387

388 The exact location of the paths shall be determined by the owner at the time of plan of
389 development review. The plan of development, the first one, was just recently filed. It
390 did not include some information that staff needed to see, so they're working on re-filing
391 that. That's for the first 400 and -- 436 apartments and 13,000 square feet of commercial.
392 Basically, this section down here. So, if those -- it doesn't necessarily mean that a
393 pedestrian connection needs to happen here. All three could technically, according to the
394 proffer, be up here. But I would assume that we might see at least one pedestrian
395 connection in this location. So, if that's not shown on the Plan of Development, then we
396 can address that with the applicant.

397

398 Mr. Archer - Mr. Barker, does that answer satisfy you, or do you have
399 additional questions?

400

401 Mr. Barker - Well, thank you for the opportunity to address that. I did a
402 word search on that PUP2020 four zeros and a six and I didn't see a minimum of three.
403 But I will take your word it's there. And at some point I think we -- they need to be sufficient
404 enough to access the parking over in the Wells Fargo lot because our complex, the
405 parking is unlimited. People can come over and park in our parking lot. And that's going
406 to be an issue.

407

408 Mr. Lewis - If I might respond. I guess the provisional use permit was not
409 the location where that -- those pedestrian paths were dealt with. It was in the rezoning.
410 So that comment was heard loud and clear and responded to in proffer number 20 of
411 the -- it's not -- basically the current rezoning 2020 number 20 is replicating all of the
412 proffers from case 2019-00018. And you'll notice the proffer number 20 in there does
413 speak to the three pedestrian paths.

414
415 Mr. Archer - Mr. Barker, are you familiar with that? I could read that proffer
416 to you if you'd like to hear it.
417
418 Mr. Barker - Yeah. I'm not -- have not seen it, but I'm assuming that that
419 is there. If it's not too long I would like to know what the status of it --
420
421 Mr. Archer - It's not all that long. Proffer number 20 in the rezoning case
422 reads: Adjacent Property Pedestrian Connection. Prior to the issuance of the first
423 permanent certificate of occupancy, the owner shall install a minimum of three asphalt
424 pedestrian paths extending from the pedestrian/vehicular way along the property's
425 southern property line to the existing parking lot located on GPIN 746-762-8251. The
426 exact location of the asphalt pedestrian paths shall be determined by the owner at the
427 time of plan of development and shall be located in a manner that avoids existing utility
428 improvements. The width of the -- the width of these paths shall match the width of the
429 existing asphalt pedestrian path located along GPIN 76 -- I'm sorry, 746-762-8251's
430 frontage on Dominion Boulevard. Does that sound satisfactory, Mr. Barker?
431
432 Mr. Barker - Thank you.
433
434 Mr. Witte - Mr. Lewis --
435
436 Mr. Barker - Can you hear me?
437
438 Mrs. Thornton - Yes.
439
440 Mr. Archer - Yeah.
441
442 Mr. Barker - Okay. Yeah. Okay. I appreciate that. I don't have that
443 document, but --
444
445 Mr. Archer - Correct. This is -- this was taken from the proffers in the
446 rezoning case, not the PUP.
447
448 Mr. Witte - Do we have an estimate of when the POD is going to be --
449
450 Mrs. Thornton - Are they all --
451
452 Mr. Witte - Completely filed and brought to the Commission?
453
454 Mr. Lewis - I don't have a specific date. I did follow up with the Design
455 Review Division in Planning today and... I'm sorry, yeah. ... I did follow up with the Design
456 Review Division, and they said that the applicant is working on fixing deficiencies in the
457 original filing. But they did not say when they expected those to be back filed with staff.
458
459 Mr. Witte - Okay. So just -- just to --

460
461 Mr. Lewis - I would expect soon.
462
463 Mr. Witte - When the POD comes Mr. Barker will have an opportunity --
464
465 Mrs. Thornton - To look at it.
466
467 Mr. Witte - To address his issues then, and to make sure they're in an
468 acceptable area to everybody involved.
469
470 Mr. Lewis - Absolutely. That's the idea.
471
472 Mr. Archer - All right, Mr. Barker, how does that suit you?
473
474 Ms. Deemer - We do have the applicant online if necessary.
475
476 Mr. Archer - Mr. Barker, are you there?
477
478 Ms. Deemer - Mr. Barker has been muted. We do have Mr. Geiger, the
479 representative, available if he needs to speak.
480
481 Mr. Archer - Ms. Thornton, how you want to proceed?
482
483 Mr. Emerson - Do you have a question for Mr. Barker?
484
485 Mr. Archer - I'm sorry. Say again, Mr. Secretary.
486
487 Mr. Emerson - Did you have questions for Mr. Barker?
488
489 Mr. Archer - Yes. I was just asking him how -- what we read and the
490 discussion on the POD is acceptable.
491
492 Mr. Emerson - Ms. Deemer, could you put Mr. Barker back into the room so
493 the Commission can ask him questions?
494
495 Mr. Lewis - Ms. Deemer -- if Ms. --
496
497 Ms. Deemer - Yes. Could you please repeat the request.
498
499 Mr. Lewis - Yes. If Mr. Barker could be unmuted, the Chairman had a
500 question for him.
501
502 Mr. Barker - Hello.
503
504 Mr. Archer - Hello, Mr. Barker.
505

506 Mr. Barker - Yes, sir.
507
508 Mr. Archer - I was going to ask you after reading proffer number 20 of the
509 zoning case and the explanation that was given about what would happen at the time of
510 plan of development, does that satisfy your question?
511
512 Mr. Barker - Yeah. I appreciate that. And I would look at the -- that after
513 design review is finished with that plan. I appreciate the opportunity to look at that.
514
515 Mr. Archer - You are more than welcome, sir.
516
517 Ms. Thornton - The applicant's online. Do you have any questions? Any
518 other questions?
519
520 Mr. Barker - I do not.
521
522 Mr. Witte - Great.
523
524 Mr. Archer - All right. Thank you, sir.
525
526 Mr. Lewis - And, if I may interject, the plan of development identification
527 is POD2020-00117 for Dominion Boulevard Apartments Phase I. If he would like to be
528 on the lookout for that.
529
530 Mrs. Thornton - Thank you.
531
532 Mr. Archer - All right. Thank you, sir. All right. Mrs. Thornton.
533
534 Mrs. Thornton - Well, if there's no more questions, Mr. Chairman, I move that
535 REZ2020-00020, Robinson Development Group Inc, be approved subject to the proffers
536 1 through 20 of rezoning case REZ2019-00018.
537
538 Mr. Mackey - Second.
539
540 Mr. Archer - Motion by Mrs. Thornton and seconded by Mr. Mackey. All in
541 favor of the motion say aye.
542
543 The Commission - Aye.
544
545 Mr. Archer - Those opposed say no. The ayes have it. That motion
546 passes.
547
548 **REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr.
549 Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board
550 of Supervisors grant the request because it conforms to the UMU recommendation of the

551 2026 Comprehensive Plan and the proffered conditions will provide appropriate quality
552 assurances not otherwise available.

553
554 Mr. Strauss - And then moving on to the provisional use permit
555 PUP2020-00006, Robinson Development Group Incorporated.

556
557 **PUP2020-00006 Jeffrey P. Geiger for Robinson Development Group Inc.:**
558 Request for a Provisional Use Permit under Sections 24-32.1 (a, d, i, k, n, p, s, t, v, w, z
559 and aa) 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for outdoor
560 vending; carwash; single offices, clinics and labs for medical, dental and optical uses
561 greater than 30,000 square feet of floor area; drive-through service window; parking
562 garage with no associated ground floor retail uses; commercial outdoor recreation
563 facilities including skating rinks, swimming pools or other standard facilities of this type of
564 development; buildings exceeding 60' in height; density of residential development
565 exceeding 30 dwelling units per acre; open space within a development of less than 20
566 percent; commercial or office square footage of less than 25 percent of the total building
567 square footage of the UMU district; number of for-lease multifamily dwelling units to
568 exceed 30 percent of the total units of the UMU district; and a parking plan on part of
569 Parcel 747-763-3334 located on the east line of Sadler Road, approximately 1100' south
570 of Thorncroft Drive. The existing zoning is O-3C Office District (Conditional). The UMUC
571 zoning district is requested with REZ2020-00020. The 2026 Comprehensive Plan
572 recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay
573 District. **Staff – Livingston Lewis (Expedited Agenda Requested)**

574
575 This is simply the companion case to the previous rezoning case, provisional use permit
576 for various uses as stated in the agenda and staff report. And the staff is recommending
577 approval of this case, and we have conditions 1 through 15 in the staff report. And we
578 are not aware of any opposition at this point.

579
580 Mr. Archer - Okay. Is there anyone opposed to the PUP2020-00006,
581 Robinson Development Group?

582
583 Mrs. Thornton - Okay. Anybody --

584
585 Ms. Deemer - We have no one else on Webex.

586
587 Mr. Archer - Thank you.

588
589 Mrs. Thornton - Mr. Chairman, I move that REZ2020-00020, Robinson
590 Development Group Inc, be approved with the conditions 1 through 15 in the staff report.

591
592 Mr. Baka - Second.

593
594 Mr. Archer - I think you misstated. I think you meant PUP2020-00006. I
595 think you restated the zoning case, did you not?

596

597 Mrs. Thornton - Oh. I'm sorry.
598
599 Mr. Archer - No problem. I'm not mad with you.
600
601 Mrs. Thornton - Yes. I did.
602
603 Mr. Archer - All right. We have a motion and a second by Mr. Mackey --
604 what -- Mr. Baka?
605
606 Mr. Mackey - Mr. Baka.
607
608 Mr. Archer - All in favor of the motion say aye.
609
610 The Commission - Aye.
611
612 Mr. Archer - Anyone opposed say no. The motion passes.
613
614 **REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr.
615 Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board
616 of Supervisors **grant** the request because it is reasonable in light of the surrounding uses
617 and existing zoning on the property.
618
619 Mr. Strauss - Thank you.
620
621 Mr. Archer - And that ends the expedited agenda I believe. Thank you, Mr.
622 Lewis.
623
624 Mrs. Thornton - Thank you.
625
626 Mr. Emerson - Mr. Chairman, as you stated, that completes the withdrawals
627 and deferrals and the expedited items for this evening. You do have a case to hear this
628 evening, which appears on page 2 of your agenda. It is REZ2020-00008, Nicholas H.
629 Grainger, Esq. for DealPoint Merrill, LLC. The staff report will be presented by Ms. Lisa
630 Blankinship.
631
632 **REZ2020-00008 Nicholas H. Grainger, Esq. for DealPoint Merrill, LLC:**
633 Request to conditionally rezone from B-2 Business District to M-1C Light Industrial
634 (Conditional) Parcel 810-723-3605 containing 9.735 acres located on the south line of
635 Nine Mile Road (State Route 33), approximately 245' west from its intersection with S.
636 Laburnum Avenue. The applicant proposes a self-storage facility. The use will be
637 controlled by zoning ordinance regulations and proffered conditions. The 2026
638 Comprehensive Plan recommends Commercial Concentration. The site is in the
639 Enterprise Zone. **Staff – Lisa Blankinship**
640
641 This is the former Kmart building. I believe many of you may recognize it from its years
642 as a Kmart.

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Mr. Archer - Thank you, Mr. Secretary. Is there anyone who is opposed to this case, the REZ2020-00008, DealPoint Merrill, LLC?

Ms. Deemer - We have no opposition on Webex. However, we do have the applicant when appropriate.

Mr. Archer - Okay. Thank you so much. Ms. Blankinship.

Ms. Blankinship - Thank you, Mr. Chairman, members of the Commission. This is a request to rezone 9.735 acres from B-2 to M-1C to allow for a self-service storage facility on the south line of Nine Mile Road, approximately 240 feet west of its intersection with South Laburnum Avenue.

Surrounding uses consist of a law firm, a variety of retail uses, including Eastgate Town Center, a single-family subdivision, and a self -- another self-service storage facility. As shown in this proffered concept plan the existing single-story 8,940-square-foot building would be expanded with a two-story 40,000-square-foot addition on the eastern exterior. The existing loading dock located to the rear of the building would be utilized to provide access to the 1,100 storage lockers.

In addition to the self-service storage use, two retail out parcels would front Nine Mile Road.

Proffered elevations seen here show the general exterior appearance of the proposed building from two perspectives; Nine Mile Road, this one; and then South Laburnum Avenue is here.

The 2026 Comprehensive Plan recommends Commercial Concentration for the subject property. It is also located within the county's Enterprise Zone, and part of the Nine Mile Road Corridor Revitalization Reinvestment Opportunity Area.

The proposed light industrial zoning and self-service storage use are inconsistent with the 2026 Comprehensive Plan's designation. It is also inconsistent with the vision of the Nine Mile Road Corridor Special Focus Area, which encourages and supports new and existing uses around the intersection of Nine Mile Road and Laburnum Avenue that would continue to make the area a focal point. For these reasons staff does not support this request.

Since the staff report the applicant has submitted revised proffers dated May 12, 2020 that have been handed out to you this evening. The revised proffers increase the number of prohibited uses; limit hours of operation for customers; enhance exterior appearances, that would include architectural elements no greater than 30 feet apart, provide for an 8-foot split-face CMU wall along the southern property boundary, and sidewalks along all road frontages. Items such as security cameras, lighting, and screening have also been addressed.

689
690 While staff does not support this request due to its inconsistency with the Comprehensive
691 Plan, the revised proffers addressed a number of concerns identified in the staff report,
692 and would provide a number of quality assurances and impact-mitigation measures if the
693 self-service storage use is deemed an acceptable alternative within the 2026
694 Comprehensive Plan's Commercial Concentration designation.

695
696 This concludes my presentation. I'll be happy to answer any questions.

697
698 Mr. Archer - Thank you, Ms. Blankinship. Are there any questions for Ms.
699 Blankinship from the members of the Commission?

700
701 Mr. Nelson - I just have a question. Have we done any research on how
702 many of those self-storage unit pieces that we actually have within a couple of mile
703 framework, footprint, of that particular area? I know there's a huge self-storage unit piece
704 on the other side of Laburnum connected to the new Eastgate Town Center.

705
706 Mr. Mackey - You're right.

707
708 Mr. Nelson - And I feel like it's another one not too far up the road. I feel
709 like that area is, like, inundated with self-storage. And maybe I'm wrong, but it's --

710
711 Ms. Blankinship - No. You're right. If you look at this map, there are
712 approximately 10 other self-service storage facilities around the yellow subject property.

713
714 Mr. Nelson - Right. Okay.

715
716 Ms. Blankinship - And you were referring to this site. This is the Ample Storage.

717
718 Mr. Nelson - Yeah. It's just like, yeah. It's like the Dollar Stores in eastern
719 Henrico. We have, like, one every other block. So, okay. Thank you.

720
721 Ms. Blankinship - You're welcome.

722
723 Mr. Archer - Thank you, Reverend Nelson.

724
725 Mrs. Thornton - Is there a demand? Are the other ones full?

726
727 Mr. Nelson - I have a hard time believing that there is a pent-up demand
728 for self-storage units in eastern Henrico.

729
730 Mr. Archer - I'll have the applicant address that, Ms. Thornton. Anyone
731 else with a question? Thank you, Reverend Nelson. Okay, then. I guess I think we have
732 several speakers representing the applicant who wish to speak. And, Mr. Secretary, if
733 you would give the rules as to -- we don't have any opposition, I don't believe.

734

735 Mr. Emerson - Yes, sir.
736
737 Ms. Deemer - I'm sorry, Mr. Chairman, could you speak up? We can't hear
738 you.
739
740 Mr. Archer - Oh. I'm sorry.
741
742 Mr. Emerson - Ms. Deemer can just hold for just a second. Mr. Chairman,
743 you do have the applicant, I believe, wishes to make a presentation, and then there are
744 three other representatives of the applicant.
745
746 And as the Commission is aware, you do have rules and guidelines that govern your
747 procedures for input and also comment from the public. And they are as follows: You
748 allow 10 minutes for comments from the public, and all those comments, once 10 minutes
749 is up, that's a cumulative 10 minutes. And then you have 10 minutes for the presentation
750 and comments from the -- from the developer and/or applicant. So, the presentation and
751 the comments from the three individuals with the applicant need to be contained within
752 those 10 minutes. And, of course, there can be -- there can be from the applicant time
753 reserved to respond to any comments from the public. And any questions from the
754 Commission do not count into those 10 minutes.
755
756 Mr. Archer - Thank you, Mr. Secretary. Ms. Deemer, I was simply asking
757 the secretary to read the rules regarding who speaks to this case. So, that's what you
758 didn't hear, I believe. Okay, then. Will someone representing the applicant please come
759 forward, or speak online, either way.
760
761 Mr. Grainger - Yes. Hi, Mr. Commissioner. This is Nick Grainger, with
762 Troutman Sanders. We're representing the applicant DealPoint Merrill.
763
764 Mr. Archer - Good evening.
765
766 Mr. Grainger - I'm just making sure everyone can hear me.
767
768 Mr. Archer - Yes. We can hear you clearly.
769
770 Mr. Grainger - Great. Thank you. And just to clarify, just so I'm aware of my
771 time, as the applicant's representative are we entitled to 10 minutes and the owner of the
772 property, who's not the applicant, are they also entitled to 10 minutes? Or is that 10
773 minutes total?
774
775 Mr. Archer - No, sir. That is 10 minutes total, and you will need to decide
776 who wants to speak and for how long.
777
778 Mr. Grainger - Okay. Thank you for the clarification.
779
780 Mr. Archer - You're welcome.

781
782 Mr. Grainger - And thank you to Lisa, Jim, and Commissioner Archer all for
783 all of their time and efforts and input over the last few months as we've worked on this
784 application. Given the short amount of time for the -- all of us to speak, I think I just want
785 to first touch on the concern that was just raised with the question, and that's whether the
786 area is oversaturated with these types of facilities.

787
788 Candidly, we disagree with your conclusion that it is oversaturated. Our client has done
789 a lot of research in this market, as they do in every market where they build these facilities
790 -- this would be right around their 20th one -- and they determined that in this area all the
791 facilities are actually stabilized at a 90-percent occupancy, which is very high. And based
792 on that research they see either somewhere between 175- and 225,000 square feet of
793 storage space that actually could be built out immediately and occupied.

794
795 So, you know, I know that it looks like when you look at the map that there are a number
796 of storage facilities in the area, but from one end to the other that's, you know, a seven- or
797 eight-mile drive, and all of the market research that's been done sort of points in the other
798 direction.

799
800 The other thing I point out is that these facilities are very stable uses. In down economic
801 times they're a good user. In up economic times they're a very good user. So, it's the
802 kind of thing that can weather issues with the economy like we're seeing right now.

803
804 One of the things that I think, as Ms. Blankinship mentioned, we've submitted some
805 additional proffers. And I think we've addressed most of the quality assurance and
806 mitigation measures that were suggested in the staff report. But what this really boils
807 down to, in our opinion, is whether this facility is the highest and best use of this site. I
808 know it doesn't check all of the boxes in the Comprehensive Plan, but I do think it really
809 meets a lot of the over-arching principals.

810
811 If you look at the Comprehensive Plan for this area, things jump out at me. It's
812 revitalization, it's reinvestment. If you look at the Nine Mile Corridor Special Focus Area
813 and that is expressly called out in the staff report, we're pushing to promote
814 redevelopment that will prevent vacant structures, which is what we have here. This
815 property has been vacant for about two years during what is an enormous economic boom
816 and a real-estate boom. And that's because it's just not viable as a retail or entertainment
817 source of -- what staff is suggesting would be a better use for the property.

818
819 The building -- the renovation costs of this building are astronomical relative to the rents
820 that you could get. It's been viewed and assessed by dozens, if not hundreds, of potential
821 developers, all of whom have reached the same conclusion. Ceilings are too low, it's not
822 big enough for a big-box retailer, the floor layout doesn't work for modern retailers.

823
824 The other thing we've got going on in this area is the Walmart Super Center across the
825 street. It's very difficult for any sort of large retailers to survive in the trade area of a
826 Walmart Super Center. So not only would the users that go in here have to be Walmart

827 proof, they would also have to be Amazon proof. You are looking at service retailers and
828 other kinds of users who don't want to use this kind of building, or if they did, the rent
829 would be so low that it would be impractical.

830
831 We also think that we've provided a good mix of uses here. We've got the two pads sites
832 along the frontage to provide some additional retail. There's 10,000 square feet of
833 existing retail that would be refurbished and kept in place. It would be part of the upgrade
834 with the rest of the building. And we've got a use that, you know, produces no noise,
835 produces very limited traffic, increases the tax base. It doesn't require a lot of time from
836 fire and police departments. It's a highly secure site.

837
838 When we met with the community members we didn't have a large crowd, but what we
839 did find out was that everyone was very excited about the prospect of the site being
840 redeveloped to avoid, you know, the public gatherings and the dumping of trash and
841 things like that, that have been happening since the site was vacated two years ago.

842
843 So, I want to make sure that the owner of the property also has some time to speak. I'll
844 close out there. But, again, what I would say is we've done a lot of research to assess
845 what would be viable. The owner has met with countless other purchasers and
846 determined -- and they've all determined that retail just isn't going to work on this site.

847
848 I think we've got a good use. I think we are going to bring some additional retail along
849 the frontage of Nine Mile Road that will revitalize this property. They'll be investing double
850 what they're paying for the property in refurbishing it and they'll, you know, provide
851 opportunities for businesses and for home owners in the area who need storage at a sort
852 of high-quality, high-end facility. It's not like the other types of storage facilities they are
853 used to. It is all indoors, it's climate-controlled, the rents are higher. It draws a lot of
854 businesses and different type of user.

855
856 So, we really think it's something different, something that works well here, and we think
857 that the market has plenty of space to accommodate this use if not more. I'll cede the rest
858 of my time over to the property owner, who I believe is there in person. Thank you for
859 your time. If you have any questions, I'm happy to --

860
861 Mr. Archer- Thank you, Mr. Grainger. Are there questions for Mr. Grainger
862 from the Commission members?

863
864 Mr. Baka - No.

865
866 Mr. Mackey - None.

867
868 Mr. Archer - There are no questions, Mr. Grainger. Is there another person
869 who wishes to speak?

870

871 Mr. Emerson - Mr. Chairman, as the speaker comes in, of course they speak
872 from the rear of the room, based on our current situation there are -- there is five minutes
873 left.

874
875 Mr. Archer - Okay.

876
877 Mr. Nelson - Can I ask one question of you, Mr. Emerson, before we go
878 on? Or staff?

879
880 Mr. Emerson - Yes, sir.

881
882 Mr. Nelson - The assertion that was made that there were dozens, possibly
883 hundreds, of people who've looked at this site. You don't have to answer that now, but I
884 want to know what's the truth level to that. So, I know it's technically in the Fairfield
885 District, but it borders Varina, and I'm not -- and maybe I'm just missing out. But I know
886 there's some challenges with the site. I don't agree that it is a -- I disagree with the
887 assertion that it is a bad place for retail. I mean, it was a retail hub at that corner for
888 decades. I mean, unless I'm wrong, Mr. Archer?

889
890 Mr. Archer - I think you're right.

891
892 Mr. Nelson - I think the challenge was Walmart pretty much came in and
893 gobbled up Kmart and the business. But I don't think that corner is dead as it relates to
894 it being a retail spot in the future. So, you know, it's hard for me to sit here and listen to
895 that assertion. And I hear what the market research is, but I also am a part of the
896 community, and I don't know if I agree with the fact that retail is dead in that spot.

897
898 Mr. Emerson - Yes, sir. I guess my response would be, one, it's hard for me
899 to say just exactly how many people looked at the property. I'm sure many have. I would
900 note that it is an aging building. It, I believe, is close to 40 years old. Buildings do have
901 a timeframe by -- within which they're depreciated out and they are torn down and new
902 structures are built.

903
904 Many people like to re-use buildings as many times as they can, there's certainly nothing
905 wrong with that, but there is a certain value balance between an aging structure. We
906 have other structures that are similar to this in the county, I can think of one on Parham
907 near 64, that was an aging office building and it was in very much a similar situation.
908 Storage was proposed for it as well, and that was denied at that location, as well as some
909 other in -- incompatible uses within that neighborhood. And that building has been
910 marketed, I believe it is in use right now. But certainly, there comes a time when
911 properties have to be refurbished and/or replaced after a certain length of time versus a
912 continual reuse.

913
914 I do know the EDA has suggested this site to several different users, one being a call
915 center. So certainly, there are other uses out there for these types of buildings. And I
916 agree this site at this point I wouldn't say, and of course as you know from staff's report,

917 that we feel that a storage facility is the highest and best use. We think there are other
918 uses that could go on this corner, so we agree with you.

919
920 Mr. Archer - Thank you, Mr. Secretary. All right, sir. Would you give your
921 name for the record, please?

922
923 Mr. Madures - I will. I'm John Madures.

924
925 Mr. Archer - Good evening, Mr. Madures.

926
927 Mr. Madures - I'm a real-estate broker with Divaris Real Estate here in
928 Richmond, Virginia.

929
930 Mr. Archer - Go right ahead, sir.

931
932 Mr. Madures - Good evening. Thank you for your time. As I said, I'm a
933 35-year experienced commercial realtor. To answer Mr. Nelson's questions, we've had
934 over 100 major companies and local companies visit this property in the past 3 years.
935 I've been with the property over 10 years. I was the lease agent, and I've handled most
936 of the issues with the property. The property is over 40 years old.

937
938 The problem we have, is the Plan of 2026 did not include the Coronavirus. It didn't include
939 the changes that are happening in the commercial market. It didn't include Nordstrom's
940 going bankrupt. It didn't include the budget for Henrico being \$100-million in shortfalls,
941 probably to increase before the end of the year. We should be looking at taxpaying
942 companies that are going to be here in five years. Not commercial companies, not mom
943 and pop businesses that are floundering to get back up and get running, many of which -
944 - up to 25 percent -- may not.

945
946 The purchaser of this property is DarylPoint Merrill -- DealPoint Merrill. It's a national
947 company. They have these properties all over the United States and do a wonderful job
948 with them. They would strengthen the tax base by increasing the improvements, adding
949 outparcels, adding enhancements to the building, and adding an increase in the tax base,
950 not a decrease. If this building sits vacant for another two years, the owners are certainly
951 going to be coming for the county to cut the taxes with no major tenant in 90,000 square
952 feet of space.

953
954 The buyer's research report shows a strong demand, and that is true. All of the facilities
955 around it, the 10 within a 5-mile radius, all are at 90 percent occupancy. Their research
956 shows this would run at 90 percent occupancy in the Knart building.

957
958 In the past three years I said I have personally shown the building to companies from all
959 over the United States. We used 3 major websites: CoStar, LoopNet, Divaris, that cover
960 all 50 states. I've had people from California, New York, Chicago, Mississippi, Atlanta,
961 Richmond, Virginia to come in. I've had major companies, Rebkee Company evaluated
962 the property from many different angles, and spent \$100,000 trying to get an involvement

963 with the county, all of which did not work. Because the cost of the property and the cost
964 of the improvements creates a downfall in the return on the investment over a 10-year
965 period. So, these companies have all turned away from it.

966
967 I understand Henrico has a 2026 Plan, but that 2026 Plan is going to be altered by what
968 we're seeing right today with the coronavirus extinguishing many of these small
969 businesses that won't start back up, and taking JC Penny's down. Taking Kmart and
970 Sears down. Which they were down to start with, but they are going down completely
971 now. Nordstrom's. All of these companies are subject who are paying taxes in Henrico
972 County. This company can come in, buy the property, improve the property, take out
973 parcels on the front, and then develop a higher tax base for the county.

974
975 I'm asking that you consider this plan, and not just turn it down based on hearsay and
976 whimsical statements. I've been earning my living in commercial real estate, specifically
977 with this property, for a long time. I'm 75 years old, and believe me I've seen it all, up
978 until the coronavirus. I ask you to rethink this in a more positive attitude and consider this
979 project. Thank you.

980
981 Mr. Archer - Thank you, Mr. Madures. Are there questions from the
982 Commission?

983
984 Mr. Witte - Yeah. I do. Are you familiar with the Nine Mile Road's special
985 storage -- excuse me -- strategy?

986
987 Mr. Madures - Certainly. Yes, I am, a little bit.

988
989 Mr. Witte - Do you think this fits into that?

990
991 Mr. Madures - I think with the adaptation of the retail part of this mixed-use
992 plan that it would fit in with that. I think that the outparcels are large enough, and I think
993 that it would draw a whole retail group -- new retail group -- into the center along with the
994 10,000 square feet of retail that's already there. And so that will give us about 20,000
995 square feet of retail business along with the storage facility.

996
997 Mr. Witte - And how many people is this storage facility going to employ?

998
999 Mr. Madures - On a day-to-day operation probably no more than five.

1000
1001 Mr. Witte - And, just for example, Mr. Secretary mentioned the call center
1002 in reference, how many people you think that would employ in this time of needed
1003 employment?

1004
1005 Mr. Madures - Well, I evaluated the call center, and I met with the people
1006 representing the call center to come in there. And when they came in and saw that it was
1007 going to cost \$1.3-million to renovate to make it into a call center after buying the center,

1008 or even to lease the center, they decided that it wasn't financially feasible. So, it wasn't -
1009 - it wasn't a practical application.

1010
1011 I have been involved with retail stores, grocery stores, clothing stores, car sales,
1012 gambling, office, call centers, and athletic venues. Now that's just a small number of the
1013 companies that we have taken through, shown the property, evaluated it, some of which,
1014 like this one, have spent 50- to \$100,000 doing phase 1 and phase 2 studies to determine
1015 the feasibility, and also investing in engineering work to determine if it's going to work for
1016 their business.

1017
1018 Most of these companies cannot afford that. Most of these companies come in and they
1019 see a 40-year-old building and they say that it just won't work financially. You can't make
1020 a return on investment if you have to spend 10- to \$15-million on a business that's not
1021 going to return that. And that is the truth. I'm not exaggerating that, but I'm stating the
1022 facts. And if this building does not get accepted by this company and this deal does not
1023 go through, you're probably going to see a vacant building there for about four or five
1024 years and a lower tax base for additional four or five years. Whereas the other way, you'll
1025 see an improved and increased tax base immediately and you'll have solidarity.

1026
1027 There are no retail businesses right now on the horizon. And I have been doing this for
1028 three years searching the United States from company to company.

1029
1030 Mr. Witte - All right. Thank you.

1031
1032 Mr. Madures - Thank you. Any other questions?

1033
1034 Mr. Nelson - Mr. Chair, I've got a question.

1035
1036 Mr. Madures - Yes, sir.

1037
1038 Mr. Nelson - You've mentioned Rebkee spending \$100,000 on this site. Is
1039 that what I hear you -- heard you say?

1040
1041 Mr. Madures - Yes. That's correct.

1042
1043 Mr. Nelson - Okay.

1044
1045 Mr. Madures - Rebkee did spend a lot of money and a lot of time evaluating
1046 this site.

1047
1048 Mr. Nelson - Okay. Where -- did they say what the use is where -- what
1049 were they looking into with it?

1050
1051 Mr. Madures - Well one was the swimming exhibition project that Henrico
1052 County ventured into with his company. And now he's at Regency doing this project with
1053 Henrico.

1054
1055 Mr. Nelson - Yeah. Right. So, they were looking to do it there.
1056
1057 Mr. Madures - Yes, sir. Initially they were.
1058
1059 Mr. Nelson - Even though we were building a swimming facility a couple of
1060 miles up the road.
1061
1062 Mr. Madures - Well, to my knowledge he was looking at it prior to that.
1063
1064 Mr. Nelson - Okay. I mean, it's just -- I --
1065
1066 Mr. Madures - This goes back three years ago.
1067
1068 Mr. Nelson It's interesting -- and I get your passion and I feel -- it's just
1069 interesting to me that I've not had one person, one company, maybe one or two, come to
1070 me and you have said hundreds of folk have been interested.
1071
1072 Mr. Madures - That's correct.
1073
1074 Mr. Nelson - I've not had anyone come to me seriously about this building.
1075 I have a hard time -- and I've got really great relationships with Hargett and Rebkee
1076 people, and Gecker (ph). It just amazes me that none of them -- they would spend 100K
1077 on prepping for that building --
1078
1079 Mr. Madures - Well, let me expand on that just a little bit. Well, no. I didn't
1080 say he spent \$100K. I said that he spent quite a bit of money, between \$50- and \$100,000
1081 with engineering. Balzer Engineering has been out there and evaluated the property.
1082
1083 Mr. Nelson - Okay.
1084
1085 Mr. Madures - Done drawings, the architectural work. He looked at it for
1086 other uses, too. There were two or three other uses.
1087
1088 Mr. Nelson - Okay. I was just -- I was just curious. Yeah. Okay.
1089
1090 Mr. Madures - Yeah. Mr. Hargett's a neighbor of mine, by the way. Next
1091 door. We know each other very well, and his wife and my wife are very good friends. So,
1092 I can assure you that he was. And he'll be glad to tell you that if you want to talk to him.
1093 Any other questions?
1094
1095 Mr. Archer - Thank you, Mr. Madures. Are there other questions from the
1096 Commission? All right. Thank you, sir.
1097
1098 Mr. Madures - Thank you.
1099

1100 Mr. Archer - Mr. Emerson, do we have time for -- is there someone else
1101 who wanted to speak, Mr. Madures?
1102
1103 Mr. Madures - Do you have time to listen just for a minute for -- to the owner?
1104 Because the owner is part --
1105
1106 Mr. Archer - How much do we have?
1107
1108 Mr. Emerson - You have approximately one minute left.
1109
1110 Mr. Archer - We have a minute, Mr. Madures.
1111
1112 Mr. Madures - Okay. I'll tell Mr. Park that and he would just like to introduce
1113 himself. He's been the owner paying the taxes here and supporting this business for
1114 about 15 years.
1115
1116 Mr. Archer - Thank you, sir.
1117
1118 Mr. Madures - Thank you, sir. Thank you for your time.
1119
1120 Mr. Archer - You're welcome. Is the speaker present, or are you listening
1121 by way of -- oh. Thank you, officer.
1122
1123 Ms. Deemer - We have no one else on Webex, but I believe the other
1124 owners are outside.
1125
1126 Mr. Archer - Okay. Thank you, Ms. Deemer.
1127
1128 Mr. Witte - Here we go.
1129
1130 Mr. Archer - Good evening.
1131
1132 Mr. Park - Good evening.
1133
1134 Mr. Archer - Good evening.
1135
1136 Mr. Park - Thank you for I'm being here. I know time is almost gone, so
1137 I just want to say --
1138
1139 Mr. Archer - Please state your name, sir, if you would.
1140
1141 Mr. Park - Hueng Park. I'm the president of East End Resources, which
1142 is Kmart Shopping Center
1143
1144 Mr. Archer - Okay. Thank you, Mr. Park.
1145

1146 Mr. Park - I asked Lisa to distribute you all my letter. Did you -- you got
1147 all my letter?
1148
1149 Mr. Archer - Yes.
1150
1151 Mr. Park - I made the -- around a month ago. And --
1152
1153 Mr. Archer - We were all sent copies of your letters.
1154
1155 Mr. Park - Please -- yes. Okay. Please look at it. I think the same stories
1156 I understand 2026 your masterplan, but time is changing, market is changing. So, what I
1157 ask you is market trend, top trend, the self-storage, that's not like old storage business.
1158 They're going to finish the really fancy outside, yard work, even inside around that area,
1159 like John Madures mentioned about the tax income things.
1160
1161 Let me ask this, how long shut down the Eastgate Mall long time ago? I think I remember
1162 10, 15 years. I thought about it. Go to my property. So please accept this project and
1163 then take the day asking -- taking your time, and then please look at this plan. Thank you
1164 very much.
1165
1166 Mr. Archer - Thank you, sir. Are there questions for Mr. Park from anyone
1167 on the Commission?
1168
1169 Mr. Baka - No. Thank you.
1170
1171 Mr. Park - Thank you very much.
1172
1173 Mr. Archer - All right. Thank you, sir.
1174
1175 Mr. Park - All right.
1176
1177 Mr. Archer - Okay. Let me just say that we have met and discussed this
1178 project probably two, three times I guess, Ms. Blankinship, Mr. Emerson. There was a
1179 community meeting on February 19th and that was held at the Henrico Mental Health
1180 Facility, and Ms. Blankinship, Mr. Strauss, and I attended. There were only three
1181 residents present from the adjacent community, which is mostly Hechler Village.
1182
1183 The presentation was made by the applicant, and it seemed to meet approval of the three
1184 people that were in attendance. The applicant answered questions that were presented
1185 by the residents, and these are what my observations were: The proposed request was
1186 well-represented by the applicant, and I don't think anyone could complain about the style
1187 and grace of what they propose to build. It was acknowledged to be somewhat above
1188 the standards of the older structures of the same type. However, no one in attendance
1189 there indicated they were likely to use the facility.
1190

1191 In considering this proposed project as a whole, and in trying to assess how it would fit
1192 within the community I reached some conclusions based on the area's overall
1193 configuration based on the immediate surroundings and a somewhat expanded footprint.
1194 And the conclusions that I reached were not just anecdotal but real verification with feet
1195 on the ground.

1196
1197 To the east of this site, on Nine Mile Road, about a half-mile away is the Blue & Gray
1198 Storage facility. Coming closer to the site, about a block away, is the Ample Storage
1199 facility and the rather recently completed annex to the Ample Storage facility. Less than
1200 a half-mile to the west of this site is the Nine Mile Road storage facility. About a mile
1201 north on Laburnum Avenue is the facility near the rec center called the Extra Space
1202 Storage facility. About two and a half miles away, near the intersection of Mechanicsville
1203 and Laburnum, is the construction site of a new Ample Storage facility. And around
1204 three-quarters of a mile north on Laburnum is the Laburnum Racetrack storage facility.

1205
1206 Now out of all of those that makes four storage facilities within a roughly one-mile radius.
1207 And if you expand it out a little bit further the total is six, and if you threw in those that are
1208 nearby in Varina you can add four or five more. So that would be somewhere between
1209 10 and 12, I believe, if not more.

1210
1211 I have no particular aversion to the presentation that was presented, and I think these
1212 gentlemen are honest in their concern. The style and quality of the physical plans that
1213 they showed us are certainly commendable. The problem is that with all these storage
1214 facilities that you can almost throw a blanket over, I do not feel that this is the best and
1215 highest use of this tract. The Kmart has not been closed all that long -- in fact I think it's
1216 a little bit less than two years -- and something that would make a better and more useful
1217 option to this old and well-established community could very well be in the offing.

1218
1219 Ample Storage was actually the beginning, I believe, of the redevelopment of Eastgate
1220 Mall. That was the first real thing that went in that made some difference there. And,
1221 again, the saturation even that Reverend Nelson talked about is confirmed by the facts
1222 on the ground. It's not anecdotal, it's what's real.

1223
1224 What we have to do here is make a recommendation to the Board, and the Board may
1225 see this in an entirely different light, and their decision has precedent over whatever we
1226 say here. But for the reasons that I stated above, my motion to the Commission is to
1227 send it to the Board with a recommendation of denial.

- 1228
1229 Mr. Witte - Second.
1230
1231 Mr. Archer - Motion by Mr. Archer and seconded by Mr. Witte. All in favor
1232 of the motion say aye.
1233
1234 The Commission - Aye.
1235

1236 Mr. Archer - Anyone opposed say no. The ayes have it and the motion is
1237 passed.

1238
1239 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the
1240 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1241 **deny** the request because it does not conform to the recommendation of the Land Use
1242 Plan nor the Plan's goals, objectives and policies and it would set an adverse zoning and
1243 land use precedent for the area.

1244
1245
1246 Mr. Emerson - Mr. Chairman, the next item on your agenda this evening is a
1247 discussion item, and it's a reminder that you do have a work session prior to your June
1248 11th meeting at 5:30 p.m. to continue discussion revisions to the zoning code. Based on
1249 my understanding now as the situation presents itself, we will probably follow the same
1250 format we did today.

1251
1252 Mr. Archer - Okay.

1253
1254 Mr. Emerson - We'll be in this room, and we will simulcast that work session.
1255 With that said, Mr. Chairman, the next item on your agenda is consideration of approval
1256 of your minutes from your April 14, 2020 meeting.

1257
1258 Mr. Archer - Okay, Mr. --

1259
1260 Mr. Emerson - And there is not an errata.

1261
1262 Mr. Archer - Okay. Thank you. I was just going to say before we do that,
1263 could someone ask Ms. Ray to step inside for a moment, please?

1264
1265 Mr. Emerson - Yes. We can. I think you surprised her, Mr. Chairman.

1266
1267 Mr. Archer - I'm sure I did. Good evening, Ms. Ray.

1268
1269 Ms. Ray - Good evening.

1270
1271 Mr. Archer - I know this is unexpected, but it is my understanding that you
1272 are retiring as of the end of this month and I wanted to make sure that the Commission
1273 got a chance to thank you for your years of service and how well you have treated us.
1274 And we've tried to treat you well, too. And for all of us up here, we have received the last
1275 call from you asking if there are any corrections to the minutes. But I hope you enjoy your
1276 retirement and good health and stay safe.

1277
1278 Ms. Ray - Thank you.

1279
1280 [Applause]

1281

1282 Mr. Nelson - Yeah. We don't usually -- we been getting these -- we been
1283 getting these retirements on the board level. We had a, you know, Deputy, you know, a
1284 Deputy County Manager is retiring. It's just too much at one time. You know, I want make
1285 a motion that we just, you know, get you to hang around for a little while.
1286
1287 Mr. Mackey - Second.
1288
1289 Mr. Nelson - No. But enjoy it, though.
1290
1291 Ms. Ray - Thank you.
1292
1293 Mr. Nelson - We, you know, I know these guys work a lot closer with you
1294 than I do, but your professionalism and your attending to everybody means a whole lot.
1295 So, enjoy it, because you deserve it.
1296
1297 Ms. Ray - Thank you.
1298
1299 Mr. Archer - Thank you so much, Ms. Ray. You stay safe.
1300
1301 Ms. Ray - Thank you.
1302
1303 Mr. Witte - Thank you for all you've done. I always look forward to seeing
1304 you. But I hope you enjoy your retirement.
1305
1306 Mr. Baka - Had we known we -- had we known we would have had a lot
1307 more changes in the minutes this month.
1308
1309 Mr. Archer - Thank you, Ms. Ray.
1310
1311 Ms. Ray - Thank you so much.
1312
1313 Mrs. Thornton - Thank you.
1314
1315 Mr. Archer - All right, Mr. Secretary, we can conclude.
1316
1317 Mr. Nelson - Enjoy yourself. Man.
1318
1319 Mr. Emerson - I did try to talk her out of retiring, but she refused to retract her
1320 letter.
1321
1322 Ms. Ray - He did.
1323
1324 Mr. Emerson - So that was -- but I did my best.
1325
1326 Mr. Archer - We appreciate it.

1327
1328 Mr. Emerson - Mr. Chairman, the minutes, they will be Ms. Ray's last set of
1329 minutes, the Planning Commission for April 14th, there is no errata. If you have any
1330 changes certainly, we'll consider them.
1331
1332 Mr. Archer - All right. What is the pleasure of the Commission?
1333
1334 Mr. Mackey - I move that we accept the minutes as presented.
1335
1336 Mr. Baka - Second.
1337
1338 Mr. Archer - Motioned by Mr. Mackey and seconded by Mr. Baka that the
1339 minutes be accepted. All in favor say aye.
1340
1341 The Commission - Aye.
1342
1343 Mr. Archer - Anyone opposed say no. The ayes have it. The motion is
1344 passed. The minutes are approved.
1345
1346 Mr. Emerson - Mr. Chairman I -- we don't have a discussion item on this, but
1347 I've -- I haven't -- I know several of you are aware of our processes, and probably all of
1348 you are now, as far as the community meetings. But real quickly I'll just review with you
1349 what we're doing.
1350
1351 Fairfield and Varina are going to be the first two out of the box with the -- with this
1352 approach, and Three Chopt and Tuckahoe are going to follow close behind. Mr. Witte's
1353 going to have to get to work in Brookland and see if he can get somebody moving, I
1354 guess.
1355
1356 Mr. Witte - We've got it under control.
1357
1358 Mr. Emerson - Do you? That's good. But, as you know with --
1359
1360 Mr. Archer - That means it needs work.
1361
1362 Mr. Emerson - With the -- with the current health situation it has put
1363 constraints on is in regards to how we can conduct community meetings, so we have put
1364 together a policy for the cases that come to you and to the Board. And we are requesting
1365 that the applicants develop a website explaining their case and putting all the information
1366 out on that website. And then of course they go through the notification process that you
1367 always request that they do. They work with us on a list, they go beyond what the State
1368 Code requires, and they notify the residents of their request, give them some information
1369 and also direct them to their website. On that website you can find their elevations, their
1370 site plans, number of units planned if it's residential -- whatever the details are of the case
1371 -- and also a place for the citizens to register their comments.
1372

1373 Now the applicants have taken two separate approaches. We had asked that they -- if
1374 they have just one tag for comments, that they direct that behind the webpage
1375 electronically to where the staff planner receives the comments along with the company
1376 or -- and/or the applicant's representatives.
1377

1378 Legacy Land, which has a case on Kain Road in Three Chopt, they do have a webpage
1379 out as well, Mrs. Thornton, if you haven't seen it. They just put the planner's name on
1380 there, which is fine as well, to where they can contact the staff planner and/or comment
1381 back to Legacy Properties.
1382

1383 And then after they go through that process, we gather the comments. And in some
1384 cases, there's already a decision made we know there's going to be a community meeting,
1385 such as with the Varina and the Fairfield case. On the Legacy Land case I don't know if
1386 that decision's been made yet. But based upon the input from the website then there'll
1387 be a determination made whether or not there needs to be a community meeting. If there
1388 is, we are utilizing the county's infrastructure to assist the developers in conducting a
1389 community meeting.
1390

1391 Right now this room -- I use the term broadcast. I know technically that's not correct. But
1392 we'll broadcast it from this room. It will be similar to your other community meetings
1393 except there'll be no one present. They'll be present on the internet through the Webex.
1394 They'll be notified in the same fashion. If they've requested information to the website
1395 that'll be a step up, because then we'll have their email address. They can be sent an
1396 email invitation to the Webex and they can just click on it.
1397

1398 But they're -- that is the way that the participation will occur for these meetings. And of
1399 course you'll be able to be in attendance along with the applicant and staff will be here
1400 with you, and we'll operate in that manner until this health crisis, I guess, leaves us. Which
1401 I'm not sure when it will, and when people will be comfortable to come back together in
1402 large groups. But that was the best way we could come up with to address your
1403 community meetings, so I did want you to be aware of that. And with that said I have --
1404

1405 Mr. Archer - Mr. Secretary, I think you've handled that quite well. And I
1406 also need to congratulate you on how smooth this one went tonight. We had a few little
1407 hacks in the first meeting, but this one was like we've been doing it for a long time.
1408


1409 Mr. Emerson - Well thank you. I appreciate that. I felt it was a little clunky.
1410 It just feels strange.
1411

1412 Mr. Archer - Yeah.
1413

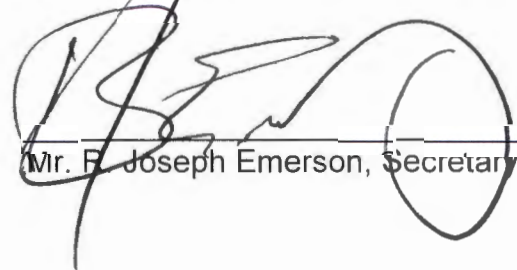
1414 Mr. Emerson - But as we continue to do it, we're going to get better at it. So,
1415 thank you, Mr. Chairman, I appreciate that.
1416

1417 Mr. Archer - Okay.
1418

1419 Mr. Emerson - With that said, I have nothing further for you this evening.
1420
1421 Mr. Archer - Yeah. I have -- just a thought that I have. I think sometimes
1422 we may not take this COVID-19 as seriously as it seems to be. I don't know if it'll be within
1423 my lifetime that we ever see things go back to what we used to call normal. This could
1424 last some time. I'm hoping that there'll be some kind of miracle cure or whatever that
1425 comes out so that the -- we can resist the temptation to do the things we used to do. But
1426 I have a feeling that it'll be a while before we ever -- we may not ever see normal again
1427 as to what we were used to. But, anyway, just a remark I wanted to make. Anyone else
1428 have anything?
1429
1430 Mrs. Thornton - No, sir.
1431
1432 Mr. Mackey - No, sir.
1433
1434 Mr. Archer - All right. There a motion for adjournment?
1435
1436 Mr. Witte - So moved.
1437
1438 Mrs. Thornton - Second.
1439
1440 Mr. Archer - Motioned by Mr. Witte and seconded by Ms. Thornton. All in
1441 favor say aye.
1442
1443 The Commission - Aye.
1444
1445 Mr. Archer - Anyone opposed can leave. The ayes have it. We are
1446 adjourned.
1447
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1459



Mr. C. W. Archer, Chairman



Mr. F. Joseph Emerson, Secretary