

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, October 15,
4 2020. Display Notice having been published in the *Richmond Time-Dispatch* on
5 September 29, 2020 and October 5, 2020.
6

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

16 Members Absent: Mr. Robert H. Witte, Jr. (Brookland)
17

18 Also Present: Ms. Jean Moore, Assistant Director of Planning
19 Ms. Rosemary D. Deemer, AICP, County Planner
20 Mr. Seth Humphreys, County Planner
21 Mr. Ben Sehl, County Planner
22 Mr. Michael Morris, County Planner
23 Ms. Kristin Smith, County Planner
24 Ms. Luanda Fiscella, County Planner
25 Ms. Ed Mekalian, Support Specialist, IT
26 Mr. John Cejka, Traffic Engineer, Public Works *
27 Mr. Michael Aust, Capital Project Manager, Public Works *
28 Mr. Billy Moffett, CPTED Planner, Police *
29

30 * Virtually
31

32 Mr. Archer - I'd like to bring this meeting to order. We are in essence
33 resuming from our work session that we had to begin at -- began at 5:30 and this is the
34 October 15th Commission Meeting for rezoning. So, I'd like to welcome everybody either
35 here or online. Which is a word I think we need to stop using. Either here or virtually.
36

37 Is there anyone here from the media? Seeing no one, I'd first like to welcome Reverend
38 Nelson from the Board of Supervisors who is an adjunct member on this Commission this
39 year. And with that I would like to ask you all to please silence your phones and let's
40 stand and salute the flag.
41

42 [Recitation of Pledge of Allegiance]
43

44 Thank you. At this point I'll turn things over to our Secretary, Mr. Emerson. And, sir, you
45 can proceed from here.
46

47 Mr. Emerson - Yes, sir. Thank you, Mr. Chairman. As you noted, the
48 Planning Commission did hold a work session that was to begin at 5:30. We were delayed
49 due to the fire alarms going off here at the building, so we began at 5:54. We recessed
50 at 6:19 and you did reconvene the meeting at 7:01.

51
52 With that said, Mr. Chairman, the first item on your agenda this evening are the requests
53 for withdrawals and deferrals. There are none. Request for expedited items being the
54 next item. There are none of those this evening. That leaves us to enter the public
55 hearing with the cases to be heard.

56
57 As we move into the public hearings, Mr. Chairman, we'll remind everyone that we do
58 have folks online, as you -- as you noted. And we would like to thank those joining us via
59 WebEx and our livestream for this October 15th meeting.

60
61 There -- we do have a process that you follow for participating through WebEx. And after
62 the introduction and presentation of each case the public will have an opportunity to
63 comment. Staff on the WebEx will send a message asking if anyone would like to speak
64 about the proposal.

65
66 Again, those of you online please follow and pay attention to these guidelines. This will
67 be done using the chat feature. If you look at the slide that's currently on your screen,
68 you will see that the chat feature is located in the bottom right corner of the WebEx screen.
69 We recommend that everybody press that chat box now to open up that screen and follow
70 staff's prompts.

71
72 To be put on the list of speakers for a case you would like to speak to you must send your
73 request to the correct contact person. In this case use the drop-down menu and select
74 Kristen Smith before replying so when you send a message Ms. Smith will receive that
75 message. Please be aware this feature is only being used to identify speakers.
76 Messaged questions or comments will not be answered because we expect, and of
77 course the process is, that those questions should be directed to the Planning
78 Commission.

79
80 When it is your turn you will be introduced through the -- through the system, unmuted,
81 and prompted to speak. Following your question or comment you will be muted again.
82 Please be aware there is a time limit for speakers. The Commission provides the
83 applicant and any proponents 10 minutes to speak. The opposition is also given 10
84 minutes. Together that's an acute -- a cumulative 10 minutes for opposition. Questions
85 from the Commission do not count towards the time limit. And the -- and time limits may
86 be waived by the Commission at their discretion.

87
88 Please keep your comments brief in order to allow for the greatest number of speakers.
89 Individuals who have chosen to attend tonight's meeting in person will be called upon
90 first, then staff will identify speakers waiting on WebEx. If you are here in person and you
91 choose to speak, we do have a microphone and lectern set up to the rear of the room,

92 and we would request that the speakers approach that lectern to converse as staff, of
93 course, is using the one in the front of the room to present and run the program.

94
95 With that said, Mr. Chairman, we'll begin with the first item this evening, and that is
96 REZ2020-00032, Hillwood Enterprises, L.P. The staff report will be presented by Mr. Seth
97 Humphreys.

98
99 **REZ2020-00032 Hillwood Enterprises, L.P.:** Request to conditionally rezone
100 from O-2C Office District (Conditional), B-2 Business District, M-1 Light Industrial District,
101 M-2 General Industrial District, and C-1 Conservation District to M-2C General Industrial
102 District (Conditional) on Parcel 796-745-8505 and part of Parcels 795-749-4431 and 796-
103 747-9944 containing 247.5 acres located on the north and south side of Richmond Henrico
104 Turnpike between the north line of Azalea and Carolina Avenues and the CSX railroad
105 right-of-way. The applicant proposes industrial uses including cold storage,
106 distribution/warehouse, and manufacturing. The uses will be controlled by zoning ordinance
107 regulations and proffered conditions. The 2026 Comprehensive Plan recommends Light
108 Industry and Environmental Protection Area. The site is in the Airport Safety Overlay
109 District.

110
111 Mr. Archer - Thank you, Mr. Secretary. Before we begin, I'd like to
112 acknowledge Ms. Rosemary Danielle Deemer and Ms. Kristen Smith who are operating
113 the WebEx features. And you don't see them because they're in another room. And with
114 that I will ask is there anyone present, either here or on a virtual device, who has an
115 objection to this case? If so, please indicate so. Don't see any.

116
117 Ms. Deemer - We have no one on WebEx.

118
119 Mr. Archer - I'm sorry. Would you repeat that?

120
121 Ms. Deemer - We have no one on WebEx.

122
123 Mr. Archer - Okay. There's no one on the WebEx and apparently there's
124 no one here, so with that, Mr. Humphreys, you may begin, sir. Thank you.

125
126 Mr. Humphreys - Thank you. Thank you, Mr. Chairman, members of the
127 Commission. As mentioned, the subject site is comprised of one entire parcel to the south
128 of Richmond Henrico Turnpike, and two additional parcels, or part of two additional
129 parcels, north of Richmond Henrico Turnpike.

130
131 The site is generally undeveloped with the exception of some infrastructure used to
132 support its current use as offsite parking for the Richmond Raceway's NASCAR Races.
133 Following the rezoning it is anticipated available portions of the site could still act as
134 overflow or offsite parking.

135
136 The property is zoned O-2C, Office District, conditional B-2, Business District, M-1, Light
137 Industrial District, M-2, General Industrial District, and C-1, Conservation District. Lots

138 JA and JB, which are north of Richmond Henrico Turnpike, up in this area, are currently
139 zoned O-2C and M-1, which would already allow some of the limited warehouse and
140 distribution activities desired by this request. Additionally, lot H is zoned M-1 and M-2 on
141 a significant portion of the property. This request would unify all of the subject land under
142 one zoning district controlled by the zoning ordinance and the submitted proffers.

143
144 The immediate eastern boundary of the site is a CSX rail line, which connect Doswell and
145 the City of Richmond. To the north and east of the site the land continues to the
146 Chickahominy River and its associated environmental areas. To the south of this is a
147 county fire station, a vacant business parcel, and across Azalea Avenue are additional
148 properties owned by the Richmond Raceway.

149
150 Immediately adjacent to the property to the west is a single house on an acreage parcel,
151 a ministorage facility, vacant industrial, and the Azalea Flea Market Property. Also to the
152 west is property zoned O-2C Office District and A-1 Agricultural District located between
153 the western border of the property and Wilkinson Road.

154
155 Other than the individual single-family unit on Richmond Henrico Turnpike, the closest
156 residential uses are several apartment complexes on the west side of Wilkinson Road
157 and Meadowood -- and the Meadowood and Fayette Park single-family subdivisions
158 south of Azalea Avenue, down here.

159
160 The applicant has submitted proffers dated October 9, 2020 and they have been placed
161 at your seat earlier this evening. The proffers address typical topics, including
162 conservation areas, utility lines, signage, building materials, lighting, trash enclosures,
163 HVAC screening, and BMP aeration.

164
165 The applicant has also addressed the treatment of Richmond Henrico Turnpike and
166 Azalea Avenue in their submitted proffers. A 50-foot setback for any building from the
167 Richmond Henrico Turnpike has been committed to. Additionally, a natural or landscape
168 buffer with a minimum width of 45 feet would be preserved or enhanced where needed
169 along both Richmond Henrico Turnpike and Azalea Avenue. At a minimum this buffer
170 would contain landscaping materials consistent with a transitional buffer of 35. This buffer
171 will help the property to keep an appearance that is not strictly industrial.

172
173 Due to the upcoming widening project to Richmond Henrico Turnpike the applicant has
174 committed to provide the necessary right of way through their property. The roadway will
175 be widened to four lanes with pedestrian and bicycle facilities through the subject property
176 ending at the railroad to the northeast.

177
178 The applicant has also addressed allowable uses in their proffers. The basis for the
179 allowable uses would be the M-1 district which would include cold storage, warehousing,
180 distribution, and fulfillment centers. M-2 uses allowed would include carpet cleaning,
181 breweries, bulk storage, and milk processing or distribution. Additional uses including
182 vehicle storage would be allowed when located at least 600 feet from any residential

183 district. The restriction of uses removes many of the more noxious uses normally allowed
184 under the M-2 district.

185
186 Some of the desired activities could already be conducted on portions of the property
187 zoned M-1 and M-2, as well as vacant and adjacent lands zoned in the same manner.

188
189 In the latest version of their proffers, the applicant removed additional uses, as mentioned
190 in the staff report. The applicant also addressed the issue of fencing, as mentioned in the
191 staff report, so that any fencing on the site visible from Richmond Henrico Turnpike would
192 be a maximum of eight feet in height and be constructed of black-metal ornamental-style
193 panels.

194
195 The 2026 Comprehensive Plan recommends light industry, office, service, and
196 environmental protection area uses for the site. The uses the applicant has limited the
197 site to through the submitted proffers would be consistent with those designations. The
198 multiple zoning districts currently governing the property would be brought together under
199 one district, which will allow a consistent pattern of development. The proffers submitted
200 by the applicant would further govern the use of the property above and beyond the
201 zoning ordinance. For those reasons, staff supports this request. That concludes my
202 presentation. I would be happy to take any questions.

203
204 Mr. Archer - Thank you, Mr. Humphreys. Are there questions for Mr.
205 Humphreys from the Commission?

206
207 Mrs. Thornton - Not at this time.

208
209 Mr. Archer - Okay. Now I understand that there is no one virtually present
210 -- well I don't know.

211
212 Mr. Emerson - Mr. Chairman, we did have someone log in in opposition
213 during the presentation.

214
215 Mr. Archer - Okay. All right. Well if that be the case, let's hear the
216 opposition first and then we'll see if the applicant can address it. So.

217
218 Ms. Deemer - Mr. Chairman, I am going to unmute Joyce Mason.

219
220 Mr. Baka - Turn up the volume.

221
222 Ms. Mason - Am I unmuted?

223
224 Mr. Archer - Yes.

225
226 Ms. Mason - Yes. I do object to this ordinance. I live in the area and - all
227 that road front extension and industrial will deteriorate our area where we live. We have
228 to deal with the heavy traffic. We already deal with that heavy traffic from the Raceway,

229 which is very inconvenient. We've got small children and I'm worried about our air
230 because of the chemicals that will be coming back from all these plants and construction
231 and any warehouse maintenance and all of that. Those are concerns for us.

232
233 We already know that (indiscernible) is already destroying our ozone. And with those big
234 buildings and all that manufacturing, that's going to deteriorate it even more. So, yes, I
235 do oppose it.

236
237 I live in this area and every time we, you know, we try to get something going that's good,
238 you want to bring these big businesses in and destroy our neighborhoods.

239
240 Mr. Archer - Thank you, Ms. Mason. Ms. Mason, what is your address,
241 please?

242
243 Ms. Mason - I live on Fayette Avenue right off of Richmond Henrico
244 Turnpike.

245
246 Mr. Archer - Okay. I'm familiar with it.

247
248 Ms. Mason - And, like I said, during race time the traffic is terrible trying to
249 get to work, trying to take the children to school, trying to get them -- get the children on
250 the busses. And so, with all of the other -- reconstructing of the street and roads, it's
251 going to be even more devastating.

252
253 Mr. Archer - All right. Thank you, Ms. Mason. Is there anyone else present
254 here who has come in late, maybe, or virtually that has another comment or opposition?

255
256 Mr. McClintock - Mr. Chair.

257
258 Mr. Archer - Ms. Deemer?

259
260 Mr. McClintock - Mr. Chair.

261
262 Ms. Deemer - We have no one else on WebEx.

263
264 Mr. Archer - All right. All right then let's --

265
266 Mr. McClintock- Mr. Chairman.

267
268 Mr. Archer - I'm sorry. Go ahead, sir.

269
270 Mr. McClintock - I -- my name is Rob McClintock.

271
272 Mr. Archer - Oh, I'm sorry. You're in the back.

273

274 Mr. McClintock - I'm affiliated with the family that lives to the -- to the west of
275 the boundary -- of the western boundary of the property. North of Richmond Henrico
276 Turnpike. And they are here, and they've asked me to just say a couple words.

277
278 They are not opposed to the rezoning case, but they do live in that, I think it's roughly a
279 four- or five-acre, property just to the west. It's been in the family for a long time and they
280 intend to stay there for probably the rest of their lives. So, while they're not opposed to
281 the request, they would definitely want to ensure that the proffers that have been
282 proposed, or might be proposed, would provide adequate buffer along that property line.
283 At least as much as is there now and perhaps even enhanced.

284
285 And I think there's some existing woods there. They were out on vacation, my family
286 members, when the letters came. And it -- they just learned of this a couple days ago.
287 So I think we had a brief meeting before this session with some of the principles, including
288 the attorney and the folks at the Raceway, and I think we'd like to work with them just to
289 make sure that those buffers are put in place.

290
291 But otherwise they have no objection to the unification in the land use and the proposed
292 uses. It's just to let them continue to have that buffer protecting their eastern border, you
293 know, basically for the rest of their lives. They would like the Commission to kind of
294 consider that and know that we'll work in good faith with the team to accomplish that.

295
296 Mr. Archer - Thank you, Mr. McClintock. We appreciate that. Anybody
297 have a question for him before he takes a seat? Okay.

298
299 Mr. Sawyer - Could I speak on that same proffer?

300
301 Mr. Archer - Yes, sir.

302
303 Mr. Sawyer - My name is Clarke Sawyer. And the property that we --
304 exactly right there. We're also a neighbor of the gentleman that just spoke. We're on the
305 other side. We have the ministorage that separates us. And we've -- we're in a similar
306 situation with our buffer on the back side of our property to your project. We don't object
307 to it, but one of our concerns would definitely be the buffer that runs along the back side
308 of that property -- their home site. The ministorage which actually backs up into my
309 property. But I'd also like to protect the back side of my property all the way out to
310 Wilkerson Road.

311
312 So, while things are being considered for that buffer on the back side of that property,
313 we'd definitely like to enter into some conversation to see where some mutual ground
314 could be made.

315
316 Mr. Archer - Okay.

317
318 Mr. Sawyer - Thank you.

319

320 Mr. Archer - So, Mr. Sawyer, you're not in opposition, but you would like
321 some clarification.

322
323 Mr. Sawyer - Yeah. No, sir. Not in opposition. You know. That piece of
324 property, what they're looking to do with it, is probably the best use for it. But I do see
325 that we that are already on these properties that are going to be the neighbor, our situation
326 needs to be looked at.

327
328 Mr. Archer - Thank you, sir.

329
330 Mr. Sawyer - Thank you for your time.

331
332 Mr. Archer - Is there anyone else who would like to speak in opposition, or
333 maybe in favor, who hasn't remarked to me? Do you have anyone, Ms. Deemer?

334
335 Ms. Deemer - No one else.

336
337 Mr. Archer - Okay. Thank you. Well with that, then, I would ask the
338 applicant to come forward. You have heard the remarks that have been made by people
339 who -- one who is opposed to, two who are not opposed but would like some clarification
340 on buffering issues. So, if the applicant would come forward, we'll try to address those
341 issues.

342
343 Ms. Cosby - Hi. Good evening Mr. Chairman and members of the Planning
344 Commission and Reverend Nelson. My name is Ann Neil Cosby, and I'm an attorney at
345 McGuireWoods.

346
347 I'm here tonight on behalf of the applicant, Hillwood Enterprises, and we have
348 representatives from Hillwood and also the property owner, NASCAR, and the president
349 of Richmond Raceway. We've got our traffic engineer as well. So, I think we've got the
350 people in the room who can make the decisions on some of these issues.

351
352 I had a presentation, but frankly I think staff did a remarkable job explaining the issue, so
353 I'll withhold that presentation and just answer the questions that were raised.

354
355 With regard to Mr. McClintock's clients and the neighbors right across the street and to
356 Mr. Sawyer, of course we're committed to working with them on those buffer issues. And
357 so we had met with Mr. Sawyer. He did attend our community meeting. We had some
358 good conversations. Again, I think all of the representatives who are, I mean, these are
359 the decision makers here in the room and spoke to these individuals at the meeting or
360 here right before this meeting. And so that's not a problem. We appreciate their being
361 here, their interest, and their support. So certainly, we can address the buffer issue.

362
363 With regard to Ms. Mason's concerns about traffic. Of course, I think that's a, you know,
364 that's a very valid concern in a lot of places and particularly in this area.

365

366 Obviously, Richmond Henrico Turnpike, the county has planned improvements that
367 they're working towards. We conducted our traffic-impact analysis. Our engineer from
368 Kimley-Horn is here. But as part of that process the planned improvements that the
369 county is proposing to make were accounted for within the traffic-impact analysis.
370

371 And so all -- the improvements that Hillwood will be required to make will, you know, take
372 those into account and hopefully some of the concerns that Ms. Mason was speaking to,
373 perhaps, will be, you know, will be made better by, you know, by not only our
374 development, but also Richmond Henrico Turnpike. And we're also committed to that
375 and really appreciate the opportunity to work with the county to make that happen. And,
376 frankly, sooner rather than later.
377

378 So, I'm happy to answer any questions. We're here and we can answer any questions.
379 I would just, as an aside, like to say how much we appreciate staff and the county
380 representatives working with us on this project. It's been something that came upon, you
381 know, Hillwood and Richmond Raceway and NASCAR very quickly, the opportunity to
382 develop these properties, but, you know, in the world we're living in today, some
383 companies need space, they need it quickly, they need approvals. And so, we've sort of
384 dumped that in Mr. Emerson's lap and, you know, in a lot of other people's lap and they've
385 responded just terrifically, and we appreciate it.
386

387 And so, sort of this push and this, you know, the getting the traffic and the PODs together
388 all at the same time, it's a little bit overwhelming. But it's a necessity and we truly
89 appreciate it. And, again, we're here to answer any questions.
390

391 Mr. Archer - Thank you, Ms. Cosby. Ms. Mason was a little bit more
392 specific in her -- she named road traffic. And I believe she talked about air quality. Which
393 I guess is something that everybody's concerned with. And Mr. McClintock and Mr.
394 Sawyer had issues with the buffering. Have you met with them, or are you willing to meet
395 with them again if necessary, to be a little bit more specific about what you plan to do in
396 terms of providing buffers?
397

398 Ms. Cosby - Yes. Absolutely.
399

400 Mr. Archer - Okay.
401

402 Ms. Cosby - We did not have the opportunity to speak to Mr. McClintock's
403 clients, but would be more than happy to do that, of course. We did speak to Mr. Sawyer,
404 as I said, he was at the community meeting. We spoke to him afterwards --
405

406 Mr. Archer - Okay.
407

408 Ms. Cosby - You know, for a length of time. But absolutely. You know.
409 We've, as I said, we've got the folks in the room that are, you know, are here and willing
410 to do that and discuss the buffer and their concerns as the adjacent neighbors for
'11 hopefully a very long time.

412
413 Mr. Archer - Can you give us just a little bit of insight as to what traffic
414 improvements will be made as a result of this?
415
416 Ms. Cosby - I would be happy to invite Dave France, our traffic engineer.
417
418 Mr. Archer - Okay.
419
420 Ms. Cosby - I think that would probably be the best. And he can sort of
421 give you a broad overview. But -- of how this will be coordinated perhaps with the county's
422 improvements. And so, with that I'll --
423
424 Mr. Archer - Okay. Please. Just briefly if you would.
425
426 Mr. France - Good evening. I'm Dave France. I'm with Kimley-Horn and
427 Associates. And I'm a civil engineer.
428
429 Mr. Archer - Good evening, Mr. France.
430
431 Mr. France - It's my pleasure to be in front of you and I'm happy to answer
432 as many questions as you have. The question I think that you wanted me to speak on
433 was, How are we interfacing with the planned improvements that are on Richmond
434 Henrico Turnpike.
435
436 As you may or may not be aware, the county has been working for a number of years on
437 widening Richmond Henrico Turnpike. And the limits of our project overlap with the limits
438 of that project, so we've been working very closely with the county's engineers. They
439 have a consultant that's developing those plans.
440
441 Those plans are at about 90 percent complete right now, so that's actually good news for
442 us, because it means that there's been a lot of work that's been done and a lot of buy-in
443 with the community. And our plan is to use those same improvements but make some
444 modifications for turn lanes and access points for the developments that come forward.
445
446 So, the size of the roadway, the orientation of the roadway, is going to be just the same
447 as the county has planned on it being all along. Our modifications will just be to add
448 storage lanes and turn lanes to allow there to be good access and safe access into the
449 sites when they're developed.
450
451 Now how we actually implement that may be a little bit of a piece that you're interested in
452 hearing. We've been working on traffic studies. We actually just resubmitted another
453 version of it today. Working closely with the county to make sure that the improvements
454 that we're proposing are not going to overwhelm that road. And the good news is they
455 do not. There's plenty of capacity with the planned improvements that are proposed with
456 the existing project.
457

158 And we will be working with the county to implement those improvements with the
159 development of the projects on these sites. So, we're not going to try to, for instance, to
460 build the projects while there's still just a two-lane road out there. If that puts a fine enough
461 point on it for you. We'll need to implement those road-widenings in order for these things
462 to function well and to be safe for the community.

463
464 Mr. Archer - Okay. Does anyone up here have questions for Mr. France?
465 Now, Mr. France, not so much for our edification but for those people listening online,
466 what would the intended use of these properties have been prior to this rezoning occurring
467 if it does occur?

468
469 Mrs. Thornton - Well he might not know.

470
471 Mr. France - What -- the intended use --

472
473 Mr. Archer - Yeah.

474
475 Mr. France - -- without the rezoning? Is that the question?

476
477 Mr. Archer - Yeah. Without it. What was the original intended use?

478
479 Mr. France - Well -- yeah. So, the use that was approved on these, I
480 believe, was for parking.

81
482 Mr. Archer - Right.

483
484 Mr. France - Overflow parking for the Raceway. What makes it challenging
485 to do something other than the parking is that there is quite a blend of different zoning
486 districts across these. And so, the request is really to unify those into a single zoning
487 district that then can be developed.

488
489 Working with developers of any sort it's difficult to put forth a plan that -- when you have
490 such a blended mix of uses. So, this really helps kind of even the playing field so that we
491 are able to come forth with a good plan that is something that the market will respond to
492 and bring jobs to the community. Frankly.

493
494 Mr. Archer - Okay. I don't have any more questions for you unless
495 someone else does.

496
497 Mrs. Thornton - Maybe -- I was just going to say or maybe you were thinking
498 or just wanted to know, like, if it was zoned if the traffic -- what would the traffic be the
499 way it's zoned now versus the way it's -- you're asking to be rezoned. Is there a difference
500 in the traffic? Less? More? Same?

501
502 Mr. France - Somewhat of a difficult question to answer, frankly.

503

504 Mrs. Thornton - Right. So.
505
506 Mr. France - Because you do have a blend of different zoning districts and
507 you could end up with a development pattern that may be the same, may be more. For
508 instance, with the office zoning you could end up with, you know, dense office users there
509 that have quite a few trips coming in and out of them every day. So, it's a very difficult
510 question to answer precisely.
511
512 What I can say is that with what we are proposing to do and with the planned
513 improvements that the county had already been well down the road on implementing,
514 we're certainly well within the capacity that was in there. So, you know, when you're
515 designing a road like that, you don't necessarily know exactly what's going to happen with
516 the undeveloped land that's along the corridor. That is kind of built into the future
517 projections. And what we're asking to be rezoned to fits well within those projections. Is
518 that helpful?
519
520 Mrs. Thornton - Mm-hmm.
521
522 Mr. France - Okay.
523
524 Mr. Archer - Anybody else? Thank you, Mr. France.
525
526 Mr. France - My pleasure.
527
528 Mr. Archer - I'm sorry. Mr. Sawyer go back to the mic, please.
529
530 Mr. Sawyer - Nice to see you again. I know with -- over the years there's
531 been talk of the construction going down to widen the road situation down through there.
532 And the problem that we're running into is at the railroad tracks. When you're going to
533 converge all of this into back into two lanes again.
534
535 I know the county has talked about it, looked at it for years. Is there any other situations
536 that are being talked about as far as that road way to get through the swamp? Because
537 that is the worst choke point coming up, you know, that road system there.
538
539 Mr. France - Yeah. Fair point. I will give you the honest answer is that, no.
540 The limits of the construction that we're proposing, the limits of the improvements that
541 we're proposing, are consistent with what the county's project was. Which does stop just
542 at the railroad track.
543
544 So now how do we mitigate that? You got to be careful about how you taper those lanes
545 down back into the existing -- the, you know, the road is going to be four lanes when
546 you're at Azalea, but by the time you get down to the railroad tracks it'll have to transition
547 back down. And that is going to bring traffic down to that little choke point.
548

549 One of the things that we're evaluating with the locality is to reduce the design speed
550 along that stretch of roadway. That would make it a little bit safer for people making those
551 transitions I believe. We're still working on that question with the traffic engineers.

552
553 But specifically, to the question, I'm not aware of any plans that the county has or has
554 been working on to further widen in the near term. I am aware that certainly in the long
555 term I think there is a plan to continue that widening. And certainly nothing that we're
556 doing would preclude that.

557
558 Mr. Archer - Okay. That answer your question, Mrs. Thornton? Okay. Mr.
559 Baka, Mr. Mackey? Any other subject?

560
561 Mr. Baka - I have a question for Ms. Cosby.

562
563 Mr. France - Thank you again.

564
565 Mr. Archer - Thank you, Mr. France.

566
567 Mr. Baka - Thank you, Mr. Chairman. I wanted to refer the proffers and
568 the set of -- recent set of proffers, the number 13, deals with the uses that are allowed on
569 the property. Page 3 under item F, it says, The following uses would be located at least
570 600 feet from the R District.

571
572 So, I guess my question may also address some of the concerns that the caller had earlier
573 regarding uses and noise. But it seems -- it appears to me that three uses were stricken
574 or eliminated from consideration on this site that may actually help to reduce some of that
575 noise or reduce some of that larger impact. Such as the uses were eliminated were sand
576 blasting, stone monument works, meat fish products, stockyards. So, I guess the
577 question, Ms. Cosby, is could you briefly explain why these uses were stricken? What
578 considerations were given to remove those as permissible uses under this development?

579
580 Ms. Cosby - Certainly. As has been indicated, these properties were
581 variously zoned. Some from M-2, M-1, you know, all the way down to some office. And
582 so, the idea really was to make, you know, to bring them all together for one development
583 purpose. But when you do that, again, all of the M-2 uses are not appropriate, you know,
584 for all areas. So, we were very diligent in going through and trying to identify really only
585 those uses that NASCAR and Hillwood and the Raceway were interested in bringing. You
586 know.

587
588 I mean they've worked together on projects and they know what works, you know, for
589 these properties and to better the communities. So, they really were focused on what do
590 we want to do as opposed to let's just open it up to the M-2. So, they did strike the more
591 noxious uses as Mr. Humphreys had said, again focused on, you know, the light
592 manufacturing type uses in the distribution and warehousing. Which is really what's, you
593 know, we think the highest and best use for these properties.

594

595 After we submitted the initial proffer staff came back and said, you know, might we
596 suggest that there are still some more that we would really appreciate you striking out?
597 And we agreed with everything that they had said. And so that's, I think, the additional
598 ones that you're speaking to.

599

600 Mr. Baka - Okay. Thank you.

601

602 Mr. Archer - Thank you, Ms. Cosby.

603

604 Ms. Cosby - Thank you.

605

606 Mr. Archer - Okay. Anybody else have any question or comment of any
607 kind before we move on? I guess not. Okay. So, I guess one of the big things about this
608 particular project, well it is a big project, covers 247 1/2 acres. And the proposed uses
609 are somewhat in limbo because a lot of it is speculative. But it has been refined down to
610 include several items. And as Ms. Cosby said, staff had recommended some things that
611 could be deleted, and they have been. Which makes this a lot more palatable.

612

613 We're looking at a situation here where the Raceway, which has been, depending on who
614 looks at it, but it has been, I think, overall a favorable thing for the county that a lot of
615 localities would probably love to have it. And they have been very cooperative in working
616 while some things come up.

617

618 But the variables and the size of the project of the things that make it a little bit difficult to
619 work with. There are other items, I will say, that may come up between now and the time
620 the Board meets, during the Board meeting, or even after the Board meeting that might
621 have to be addressed.

622

623 I think the applicant has done pretty well, and I did attend the community meeting and
624 people did have questions. And I think they were pretty well resolved. But I don't, you
625 know, I don't want to give the impression that because we've resolved all of these things
626 that there may not be more. Because it's a huge project and it very well may be more.

627

628 But for the time being I think with what has been offered and in looking at the complex
629 nature of this plan as well as the size of it, I feel like largely due to the fact that the, I guess
630 NASCAR, has changed a lot. It's not like it used to be 15-20 years ago. And the Raceway
631 has had to make adjustments. Some of the initial adjustments that were made were to
632 try to provide ways to have more traffic be able to participate. Which is how the acquisition
633 of these properties came into being some few years ago that I remember quite well. And
634 that seems to have gone away for quite some time. So, this is why the availability of
635 these properties has become an issue.

636

637 But, as I said, I think they have worked well with staff. Staff is -- has indicated things that
638 could be done to improve this case. And they have tried to comply. And I say that with
639 a caution because the Board might see some things that we haven't seen up to this point.

640 But at this point in time I feel that this is enough of a regulated case that it deserves a
641 chance to be heard by the Board of Supervisors.

642
643 So, with that, I will move that REZ2020-00032 Hillwood Enterprises be sent forward to
644 the Board with the recommendation for approval at their discretion with proffers 1 through
645 15 dated October 10, 2020.

646
647 Mrs. Thornton - Second.

648
649 Mr. Archer - Motion made by Mr. Archer and seconded by Ms. Thornton.
650 All in favor of the motion say aye.

651
652 The Commission - Aye.

653
654 Mr. Archer - Those opposed to the motion say no. The ayes have it and
655 the motion passes. And I believe the Board of Supervisors would be scheduled to hear
656 this on November the 10th. Does that sound correct?

657
658 Mr. Emerson - Yes, sir. That is correct.

659
660 Mr. Archer - Okay.

661
662 Ms. Crosby - Thank you.

663
664 Mr. Archer - All right. Thank you, Ms. Crosby.

665
666 **REASON:** Acting on a motion by Mr. Archer, seconded by Mrs. Thornton,
667 the Planning Commission voted 4-0 (one absent; one abstention) to recommend the
668 Board of Supervisors **grant** the request because it is appropriate industrial zoning in this
669 area and the proffered conditions should minimize the potential impacts of the
670 surrounding land uses.

671
672 Mr. Emerson - Mr. Chairman, we now move on to page 2 of your agenda.
673 For the next two cases which will be -- which will be presented together because they are
674 companions. REZ2020-00028, Andrew M. Condlin for Millspring Commons Apartments,
675 LLC. The staff report will be presented by Mr. Ben Sehl.

676
677 **REZ2020-00028 Andrew M. Condlin for Millspring Commons Apartments**
678 **LLC:** Request to conditionally rezone from B-2C Business District (Conditional) to R-6C
679 General Residence District (Conditional) Parcel 773-759-5623 containing 16.17 acres
680 located on the west line of Woodman Road approximately 240' north of its intersection with
681 Hungary Road. The applicant proposes a multifamily development with commercial uses.
682 The R-6 District allows no more than 19.8 units per acre. The uses will be controlled by
683 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
684 recommends Commercial Concentration. The site is in the Enterprise Zone.

685

686 On the same site is PUP2020-00013, again Mr. Condlin for Millspring Commons.
687

688 **PUP2020-00013 Andrew M. Condlin for Millspring Commons Apartments**
689 **LLC:** Request for a Provisional Use Permit under Sections 24-36.1(b), 24-120 and 24-
690 122.1 of Chapter 24 of the County Code to allow a mixed-use community on part of Parcel
691 773-759-5623 located on the west line of Woodman Road approximately 340' north of its
692 intersection with Hungary Road. The existing zoning is B-2C Business District
693 (Conditional). R-6C zoning is proposed for the Business District with REZ2020-00028. The
694 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the
695 Enterprise Zone.
696

697 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present either in
698 person or virtually who has opposition to this case?
699

700 Ms. Deemer - We have no one on WebEx.
701

702 Mr. Archer - No one here. All right. Thank you. Mr. Sehl, good evening,
703 sir.
704

705 Mr. Sehl - Good evening, Mr. Chairman. Thank you, members of the
706 Commission. The subject site was developed as Laurel Park Shopping Center beginning
707 in the 1960 and surrounding property contains a variety of residential and nonresidential
708 zoning and includes the Laurel Park and Brandon Forest subdivisions as well as a number
709 of smaller business and office uses.
710

711 As shown on this concept plan, the applicant proposes to rezone the site to R-6C to allow
712 for a mixed-use master-planned development with up to 350 residential units.
713 Approximately 12,000 square feet of retail uses are also proposed. The commercial uses
714 would be located in this building adjacent to Hungary Road while the residential units would
715 be located in these two larger buildings as well as a series of townhouse-style apartments
716 located on the northern and eastern edges of the property.
717

718 Under recent changes to the R-6 District an application for a provisional use permit could
719 also be made for a master plan with a mixed-use development as well as allowances for
720 higher density and flexibility in setbacks and parking standards. The proffered concept
721 plan, which is also a part of the companion provisional use permit, reflects this flexibility.
722 As proposed, the density of development would be approximately 27.8 units per acre.
723

724 The portion of the site where the townhouse-style units are located is not included in the
725 provisional use permit request and would meet all density and setback requirements for the
726 R-6 District.
727

728 Submitted and conditioned elevations and renderings depict the design of the site and the
729 proposed -- zoom out one more time for a minute -- the design of the site and the proposed
730 buildings. Shown here is a view looking into the site from Hungary Road. So looking -- this

731 is the retail building that I indicated earlier on the plan. While this view shows the front of
732 the -- some of the townhouse style units that are adjacent to the large interior park area.

733
734 The goal of the ordinance amendment was to encourage these types of communities where
735 a mixture of uses on infill sites could be integrated to form pockets of walkable communities.
736 These pockets when connected to the adjacent communities can help form the core of a
737 larger walkable area that could provide new services to existing and new residents.

738
739 The -- this also allows for an additional shared-parking opportunity, which is consistent with
740 the submitted parking plan and that is made a part of provisional use permit.

741
742 The applicant previously revised their plan to allow for the preservation of a notable tree
743 near the site's Woodman Road entrance. The revised plan continues to show alley access
744 for the garage styled units which helps contribute to the more urban feel of the proposed
745 development. The proffered conditions address items such as hours of construction, sound
746 suppression measures, buffering, recreational amenities, and building materials. All are
747 consistent with other recent developments of this type.

748
749 In addition to the proffers, the staff report for the PUP contains 11 recommended conditions
750 that would regulate development of the stie, including limitations on permitted commercial
751 uses, regulations for outside dining, and requirements for sidewalks, pedestrian lighting,
752 and crime prevention planning.

753
754 The proposed development is in keeping with the goals of the recent changes to the zoning
755 ordinance and is a reasonable use of an infill site has faced challenges from the
756 development of nearby commercial centers. Public facility impacts would appear to be
757 largely minimized although some impacts are anticipated at the elementary-school level.

758
759 A community meeting was held on October -- on August 26th, excuse me, and attendees
760 seemed generally supportive of this request, but did raise questions regarding buffering
761 and traffic. The submitted proffers and recommended conditions should help mitigate these
762 potential negative impacts and the design proposed as part of the master plan will foster a
763 more walkable development -- walkable development for future residents in the adjacent
764 community.

765
766 For these reasons staff supports these requests subject to the proffers and conditions
767 included in your staff report. I would note that separate actions would be necessary for
768 each item and I'd be happy to try and answer any questions you might have at this time.

769
770 Mr. Archer - Thank you, Mr. Sehl. Are there questions for Mr. Sehl from the
771 Commission?

772
773 Mr. Baka - Yes. I have two questions for Mr. Sehl. This -- it's shown briefly
774 the commercial retail outparcel -- pad site. And I guess my question was, I was rummaging
775 through the proffers and then the conditions on both, if a retail user or restaurant use came
776 in looking for a nonstandard footprint, like something larger than what you were showing,

777 such as a drive through window, would drive -- is there anything in here that would allow or
778 even prohibit drive through windows for a restaurant?

779
780 Mr. Sehl - I don't believe we have prohibited - we have prohibited some
781 automobile-oriented uses with the conditions, Mr. Baka. I don't think --

782
783 Mr. Baka - Okay. So there's flexibility to do it if they want to.

784
785 Mr. Sehl - There is if we were to determine that it was consistent with the
786 concept plan that's been provided. Which does not show a drive through. That might
787 require a little bit of clarity and the applicant to maybe speak to their intended uses for those
788 buildings.

789
790 Mr. Baka - Okay.

791
792 Mr. Sehl - But they're -- the concept plan does not show a drive through,
793 so I think that that would be a relatively major deviation from the concept plan as shown
794 here.

795
796 Mr. Baka - Okay. Could ask the applicant on that. And I guess my second
797 question may be for the applicant also. I was going to ask if there was further clarity on the
798 residential component, the PUP, on condition number four about the types of bedroom
799 units. Will that language be continued to work out by staff and the applicant?

800
801 Mr. Sehl - Yeah. Staff does -- staff understands that the applicant has
802 concerns with that condition. It's a condition that has been recommended for other similar
803 developments that are using the rezoning ordinance provisions in order to limit the public
804 facility impacts. I do know the applicant, and he can speak to this directly. I think has talked
805 to Mr. Witte and there is some consideration for potentially allowing a small number of
806 three-bedroom units within the two larger multi-family buildings. He could speak directly to
807 that.

808
809 Mr. Baka - Okay.

810
811 Mr. Sehl - At this point in time, staff's, you know, recommending that
812 condition. But certainly, if it's directed otherwise by the Planning Commission or Board
813 could revise that as it goes through the process to the Board of Supervisors.

814
815 Mr. Baka - So if the Commission were open to that, we could recommend
816 that condition number four be worked out for continued language and discussion between
817 the applicant and the staff.

818
819 Mr. Sehl - Certainly. Staff would be -- if that's the direction the
820 Commission would like to go as we move towards the Board of Supervisors, we could
821 certainly work with the applicant to revise that and come up with a solution that works for
822 the applicant.

823
824 Mr. Baka - Okay.
825
826 Mr. Sehl - But still address the staff's concerns.
827
828 Mr. Baka - All right. Thank you.
829
830 Mr. Archer - Okay. Mr. Baka, you need to hear from the applicant, I
831 suppose.
832
833 Mr. Baka - Are there any other questions? Yes.
834
835 Mrs. Thornton - The only question I had was you said minimal --
836
837 Mr. Archer - Oh. I'm sorry. I didn't mean to step on --
838
839 Mrs. Thornton - -- impact on the elementary schools. So just as we're thinking
840 about three bedrooms it's more children.
841
842 Mr. Sehl - Ms. Thornton, yes. You're correct that they do show -- Trevvett
843 Elementary is currently under capacity, but as the -- as the student yields that are shown in
844 the staff report indicate, Trevvett is one of the schools that would be directly impacted by
845 the expansion at Holladay Elementary School. And that is one of the items that the Board
846 of -- or the School Board is -- has directed their staff to be dealing with. As they kind of
847 scaled down their larger redistricting plans that portion of their redistricting plans is still
848 something that they're looking at. So, this expansion would hopefully be addressing the
849 capacity concerns of Trevvett as part of that process.
850
851 Mrs. Thornton - Okay.
852
853 Mr. Archer - Okay. Anyone else before the applicant comes up? Or he's
854 already up.
855
856 Mrs. Thornton - He's ready.
857
858 Mr. Archer - Mr. Condlin, good evening, sir.
859
860 Mr. Condlin - Good evening, Mr. chairman, members of the Planning
861 Commission, Nelson. Andy Condlin here on behalf of the applicant. And because
862 obviously no reason to go through my presentation unless you have any specific questions
863 to address some of the specific points that were raised. With respect to the drive through,
864 quite frankly, probably an oversight on our part, and I apologize. As always good catch on
865 that, Mr. Baka. That's something we -- we're happy to proffer out if there's any question.
866 Obviously, it's not intended for the plan.
867

868 One of the things that we're really looking for on this plan, as you can see on what's before
869 you, is really taking advantage and creating a lot of open space. Which would include some
870 of the created open space with the outdoor patio behind a commercial facility that'll benefit
871 not only our community, but our neighborhood -- neighbors in the surrounding communities
872 as well. No intent for and really the design doesn't work for a drive through. So if that'll
873 make the Commission feel better, certainly -- and I think that's a great point -- that we'll, if
874 that's okay, we'll proffer that out between now and the -- and the Board of Supervisors.
875

876 With respect to the three-bedroom. We're asking for seven three-bedroom units. It really
877 becomes a design issue and how everything is laid out. This applicant has already gone
878 through a lot of the architectural plans. And on these three-story buildings there's seven
879 three-bedroom units. That's what we'd be looking for. We discussed that with Mr. Witte,
880 and we'd like to continue to work with staff and the Board members prior -- after the
881 Planning Commission and before the Board of Supervisors at that point.
882

883 And with respect to the -- we do realize that that would have an affect slightly on the school-
884 aged children. And, again, it's only seven that we're looking for from a standpoint it just
885 makes for a better and cleaner design and how we're laying out the hallways.
886

887 This has got a heavy amenity component to it and that's a benefit of some of the awkward
888 spaces that we have to be able to have with the amenity spaces that we're providing for
889 them throughout the -- throughout the property within the buildings themselves. Including
890 a lot of unique features that we put into the proffers. Not only just a typical clubhouse and
891 pool, but also education centers as well as dog and dog park and bicycle storage and
892 bicycle repair shop areas and things of that nature.
893

894 So we're trying to take advantage of some unique spaces and it just makes for a better
895 layout. And that's really what we're asking for, is for the seven three-bedroom units and
896 those -- on those apartment units. With that, I'll be happy to answer any other questions
897 that you have.
898

899 Mr. Archer - All right. Questions for Mr. Condlin?
900

901 Mr. Baka - I had a couple. So, seven units you mentioned. That's out --
902 is that out of the total of 300 -- was it 300 or 350?
903

904 Mr. Condlin - That would be on the 278. Building one and two, which are the
905 two main apartment buildings that are in -- not the -- not the townhouse community
906 buildings. Those already do have -- the town-house style apartments do have two- and
907 three-bedroom units as part of those that have the two-car garage and are already built into
908 the -- into the numbers on those. So, the seven I was discussion had to do with those that
909 are part of the PUP, which are the buildings right behind the commercial area.
910

911 Mr. Baka - The 278. So that reflects a fairly small percentage of -- was
912 what I was getting at was 7/278.
913

914 Mr. Condlin - 278, yeah. Correct.

915
916 Mr. Baka - And then we can -- with the consideration about the drive-
917 through window, I wasn't necessarily suggesting, you know, should you proffer it out or was
918 not suggestion should it stay or should it go, but I guess just for clarification. So, if the
919 applicant needs that flexibility, you know, it looks like it was written to allow for flexibility for
920 things like very small retail. It might have a drive-through window. But if you're willing to
921 proffer it out, then furthermore I would think that the Board of Supervisors would probably
922 be very willing to listen to that and willing to take that addition if that's something you're
923 wanting to do. But Mr. Sehl --

924
925 Mr. Sehl - Mr. Baka, pardon me for the interruption there. But I read to
926 you quickly previously, but condition 5(Q) actually does prohibit drive through service
927 windows.

928
929 Mr. Baka - Oh, I'm sorry.

930
931 Mr. Sehl - So that's my mistake and I apologize for that oversight there.
932 So that's a use that has already been -- that staff is recommending as one of the
933 recommended conditions for it.

934
935 Mr. Baka - All right. My fault. I should've saw that earlier. Thank you for
936 pointing it out.

937
938 Mr. Sehl - No. I scanned it too quickly. I apologize.

939
940 Mr. Baka - 5(Q). Thank you, Mr. Sehl. And the only other item I have is a
941 comment. I think -- I noticed that there weren't, you know, many or any people here in the
942 room tonight, you know, to comment or even object to the case here. And -- but I think that
943 goes to show that there was a great deal of groundwork laid by the applicant back in, I
944 believe, in August at a local community meeting with at least 20 people. And then,
945 secondly, to be able to address and respond to those concerns. So, I think that was very
946 helpful to have that level of community outreach and engagement. Even, you know, even
947 prior to tonight's meeting. So -- as well.

948
949 Mr. Condlin - Thank you. I would point out that we actually did have a really
950 nice conversation -- inter -- exchange with the community. We actually had 120 hits on our
951 website when we posted this up outside of our -- outside of our firm. I would say we -- we
952 counted when we -- when we accessed our website about 120 otherwise. Which is the
953 largest number we've ever had. So, folks are looking at it, seeing it, and I think appreciated
954 a lot of the information that we're able to provide to respond to their concerns. I appreciate
955 that. Thank you.

956
957 Mr. Baka - Thank you. I don't have any further questions of the applicant.

958

959 Mr. Archer - All right. Anyone else? Mr. Mackey -- Mr. Mackey, Ms.
960 Thornton?
961
962 Mr. Mackey - No, sir.
963
964 Mr. Archer - All right. Thank you, Mr. Condlin.
965
966 Mr. Condlin - Thank you.
967
968 Mr. Archer - All right, Mr. Baka.
969
970 Mr. Baka - I guess before I make a motion is there anyone else -- no one
971 else here to speak on the matter? Okay. At this point, Mr. Chairman, based on the
972 information provided and -- I think this is a positive step to redevelop this corner of
973 Woodman and Hungary with an older aging shopping center. This type of R-6
974 redevelopment offers the flexibility and design and options to allow that to happen.
975
976 So, with that comment and the previous ones I've made, I would move that Rezoning 2020-
977 00028, Andrew Condlin for Millspring Commons Apartments, LLC be recommended for
978 approval with proffers 1 through 9 dated September 30, 2020.
979
980 Mr. Mackey - Second.
981
982 Mr. Archer - All right. Motioned by Mr. Baka and seconded by Mr. Mackey.
983 All in favor of the motion say aye.
984
985 The Commission - Aye.
986
987 Mr. Archer - Anyone opposed say no. The ayes have it and that motion is
988 passed.
989
990 **REASON:** Acting on a motion by Mr. Baka, seconded by Mr. Mackey, the
991 Planning Commission voted 4-0 (one absent; one abstention) to recommend the Board
992 of Supervisors grant the request because it would not be expected to adversely affect
993 the pattern of zoning and land use in the area and the proffered conditions would provide
994 for a higher quality of development than would otherwise be possible and should minimize
995 the potential impacts on surrounding land uses.
996
997 Mr. Baka - Mr. Chairman, I would move that PUP2020-00013, Andrew
998 Condlin for Millspring Commons Apartments, LLC be recommended for approval with
999 conditions 1 through 11 in the staff report and with consideration for some flexibility of
1000 further discussion on condition 4 as discussed. Thank you.
1001
1002 Mrs. Thornton - Second.
1003

1004 Mr. Archer - Motioned by Mr. Baka and seconded Mrs. Thornton. All in
1005 favor of the motion say aye.

1006

1007 The Commission - Aye.

1008

1009 Mr. Archer - Those opposed say no. No opposition. The ayes have it and
1010 the motion passes.

1011

1012 **REASON:** Acting on a motion by Mr. Baka, seconded by Mrs. Thornton,
1013 the Planning Commission voted 4-0 (one absent; one abstention) to recommend the
1014 Board of Supervisors **grant** the request because when properly developed and regulated
1015 by he recommended special conditions, it would not be detrimental to the public health,
1016 safety, welfare and values in the area.

1017

1018 Mr. Emerson - Mr. Chairman, we now move further down page 2 of your
1019 agenda for PUP2020-00016, DSSCJY, LLC. The staff report will be presented by Ms.
1020 Luanda Fiscella.

1021

1022 **PUP2020-00016 DSSCJY, LLC:** Request for a Provisional Use Permit under
1023 Sections 24-58.2(c), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for
1024 an auto parts service facility (Take 5 Oil Change) on Parcel 773-749-4418 located on the
1025 east line of Staples Mill Road (U.S. Route 33) at its intersection with Crockett Street. The
1026 existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan
27 recommends Commercial Concentration. The site is in the Enterprise Zone. **Staff –**
1028 **Luanda Fiscella**

1029

1030 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present virtually or
1031 present here who is in opposition to the provisional use permit 2020-00016?

1032

1033 Ms. Deemer - We have no one on WebEx.

1034

1035 Mr. Archer - And there seems to be no one here. Ms. Fiscella, good
1036 evening.

1037

1038 Ms. Fiscella - Good evening. Thank you, Mr. Chairman, members of the
1039 Commission. This is a request for a provisional use permit to allow for an oil change facility,
1040 Take 5. This proposal would allow a business on an outparcel of the shops at Staples Mill
1041 Shopping Center at Staples Mill and Glenside.

1042

1043 The B-2 District allows auto part sales, service, and/or installation as a provisional use if
1044 done within a completely enclosed, air conditioned, building no larger than 15,000 square
1045 feet of floor area. The applicant has submitted a conceptual plan, landscape plan, and
1046 architectural elevations. The applicant has indicated the total area for the enclosed tenant
1047 space would be 14,032 square feet and would be air conditioned.

1048

1049 The 2026 Comprehensive Plan recommends commercial concentration for the subject site.
1050 The proposed use would be consistent with this designation and the existing zoning. The
1051 applicant has also submitted a conceptual plan and elevations. Adherence to these
1052 exhibits has been included in condition number 2.

1053
1054 Staff believes that the provisional use permit request to allow an oil change facility would
1055 be generally consistent with other auto-related uses in the general area. If developed in
1056 general conformance with the proposed layout, staff believes the use would not negatively
1057 impact the shopping center or surrounding uses. For these reasons staff supports this
1058 request through the 13 proposed conditions. This concludes my presentation. I'll be happy
1059 to answer any questions.

1060
1061 Mr. Archer - Thank you, Ms. Fiscella. Are there questions?

1062
1063 Mr. Baka - I had a question, if I may, about access. And as you're trying
1064 to get into the site would you be able to -- there you -- thank you. So, the close -- could you
1065 describe how a car would come off of the closest point of Staples Mill Road and weave
1066 back into this site?

1067
1068 Ms. Fiscella - Well there's the intersection light on Crockett Street and
1069 Staples Mill. Additionally there are two other access points that could be entered into the
1070 shopping center, but mostly the light at Crockett Street and Staples Mill.

1071
1072 Mr. Baka - Okay.

1073
1074 Ms. Fiscella - It's the closest to this -- to the subject site.

1075
1076 Mr. Baka - And then my only other question, I guess, would be the
1077 landscaping along Staples Mill, which I know would be determined at POD, but I guess the
1078 issue in there is provided right there. So that's pretty much addresses the question. I
1079 wanted to make sure that no auto lights or car lights would shine, you know, onto cars
1080 traveling northbound or northwest-bound on 33.

1081
1082 Ms. Fiscella - No, sir. There's ample landscaping in their planting plan.
1083 There's no direct access or exiting the facility and we have conditioned for some transitional
1084 buffer along the sidewalk of Staples Mill.

1085
1086 Mr. Baka - Okay. Thank you. Thank you very much.

1087
1088 Ms. Fiscella - Yeah.

1089
1090 Mr. Archer - Okay. Anything else? Ms. Thornton? Mr. Mackey?

1091
1092 Mr. Mackey - No, sir.


1093
1094 Mr. Archer - All right. Ms. Fiscella, is this your first -- your first case, isn't it?

1095
1096 Ms. Fiscella - This is my first case.
1097
1098 Mr. Archer - You did well.
1099
1100 Mrs. Thornton - Very nice.
1101
1102 Mr. Baka - You're welcome.
1103
1104 Mr. Archer - Congratulations.
1105
1106 Ms. Fiscella - Thank you.
1107
1108 Mr. Archer - All right, Mr. Baka.
1109
1110 Mr. Baka - Mr. Chairman, I would move that PUP2020-00016, DSSCGY -
1111 - JY, LLC be recommended for approval with conditions 1 through 13 in the staff report.
1112
1113 Mr. Mackey - Second.
1114
1115 Mr. Archer - All right. Motioned by Mr. Baka and a second by Mr. Mackey.
1116 All in favor of that motion say aye.
1117
1118 The Commission - Aye.
1119
1120 Mr. Archer - Anyone opposed say no. The ayes have it. The motion
1121 passes.
1122
1123 **REASON:** Acting on a motion by Mr. Witte, seconded by Mrs. Thornton,
1124 the Planning Commission voted 4-0 (one absent; one abstention) to recommend the
1125 Board of Supervisors grant the request because it conforms to the recommendation of
1126 the Comprehensive Plan and provides added services to the community.
1127
1128 Mr. Emerson - Mr. Chairman, I also would note to you that that was Ms.
1129 Fiscella's first presentation. But she's been with the county for quite some time. She
1130 worked for Community Revitalization before she came to the Planning Department. And
1131 she has been in charge of our 3C number crunching, I'll call it, for the last year, or probably
1132 close to two years. But she is leaving us. We've -- we brought her forward to begin placing
1133 her in front of the Commission and having her have more interaction as she got more settled
1134 into her other duties, but she's accepted a position with the City of Richmond. It is an
1135 upward movement for her, and we wish her well. But we also hate to lose her at the same
1136 time.
1137
1138 Mr. Archer - Yeah. Ms. Fiscella, one and done. So, congratulations with
1139 your move.

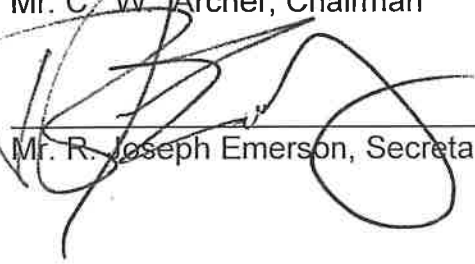
140

1141 Mr. Emerson - So she is definitely one and done.
1142
1143 Mr. Archer - I'm sure it's an improvement, and we wish you well.
1144
1145 Ms. Fiscella - Thank you, sir.
1146
1147 Mr. Emerson - Mr. Chairman, we now move on to the next time on your
1148 agenda which is the consideration of the approval of your minutes from the Commission
1149 meeting on September 10, 2020. We do not have an errata sheet, but of course, as always,
1150 we will entertain and make any changes that the Commission sees fit.
1151
1152 Mr. Archer - Okay. Anyone have any corrections or amendments to the
1153 minutes?
1154
1155 Mrs. Thornton - No, sir.
1156
1157 Mr. Archer - Okay. We have two sets to approve. May I have a motion?
1158
1159 Mr. Mackey - Mr. Chairman, I move that we accept the minutes as presented.
1160
1161 Mrs. Thornton - And I second.
1162
1163 Mr. Archer - Motioned by Mr. Mackey and seconded by Mrs. Thornton. All
1164 in favor of the motion say aye.
1165
1166 The Commission - Aye.
1167
1168 Mr. Archer - Those opposed say no. The ayes have it. The motion passes.
1169 Mr. Secretary, we okay to include the work session minutes in that?
1170
1171 Mr. Emerson - I think so. Yes, sir.
1172
1173 Mr. Archer - Okay.
1174
1175 Mr. Emerson - They're both on the same date.
1176
1177 Mr. Archer - All right.
1178
1179 Mr. Emerson - So I think we're covered with that motion.
1180
1181 Mr. Archer - Anything further to come before the Commission?
1182
1183 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
1184 evening.
1185
1186 Mr. Archer - All right. Any Commissioners have anything to present?

1187
1188 Mrs. Thornton - Just wanted to clarify, there's no work session in November?
1189
1190 Mr. Emerson - No, ma'am.
1191
1192 Mrs. Thornton - Okay.
1193
1194 Mr. Archer - You just come anyway.
1195
1196 Mr. Emerson - Good question.
1197
1198 Mr. Archer - All right. Thank you so much. Can I have a -- may I have a
1199 motion to dismiss?
1200
1201 Mr. Mackey - So moved.
1202
1203 Mrs. Thornton - Second.
1204
1205 Mr. Archer - All right. Motioned by Mr. Mackey and seconded by Ms.
1206 Thornton. We are dismissed at 8:04. Thank you.
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1220



Mr. C. W. Archer, Chairman



Mr. R. Joseph Emerson, Secretary

