

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 13,**
4 **2022. Display Notice having been published in the Richmond *Times-Dispatch* on**
5 **September 26, 2022, and October 3, 2022.**
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8 Members Present: Mrs. Melissa L. Thornton, Chairperson (Three Chopt)
9 Mr. Robert H. Witte, Jr., Vice Chair (Brookland)
10 Mr. Gregory R. Baka (Tuckahoe)
11 Mr. C. W. Archer, C.P.C. (Fairfield)
12 Mr. William M. Mackey, Jr., (Varina)
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
14 Secretary
15 Mr. Daniel J. Schmitt (Brookland) *
16

17 Also Present: Ms. Jean Moore, Assistant Director
18 Mr. Ben Sehl, Senior Principal Planner
19 Mr. Seth Humphreys, County Planner
20 Mr. Mike Morris, County Planner
21 Ms. Lisa Blankinship, County Planner
22 Mr. Brendan McDowell, County Planner
23 Ms. Molly Mallow, County Planner
24 Mr. Lamont Johnson, Public Works
25 Mr. Justin Briggs, Henrico County Public Schools *
26 Mr. Billy Moffett, Police
27

28 * (Virtually)
29

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

33 Mrs. Thornton - I'd like to call this meeting to order, the October 13, 2022,
34 Planning Commission meeting. We actually had a work session before this that ended at
35 6:32. So, I'd like to welcome everybody and if you could please turn your cellphones off
36 or silence them that would be greatly appreciated and then stand with the Commission
37 for the Pledge of Allegiance.
38

39 [Recitation of Pledge of Allegiance]
40

41 Mrs. Thornton - Thank you. Is there anybody in the audience or on Webex that
42 is from the news media? Okay, it appears that we have all of our members present and
43 Mr. Schmitt is the Board of Supervisor that sits with us this year. He is actually going to
44 be online he's on Webex he's right there, you know, I guess on the Webex now. I can't
45 see him, but I was told he was there. So, he abstains from all voting, but we wanted to
46 welcome him. He will, he can weigh in and make comments, but he will abstain from
47 voting. I'd like to turn the meeting over to Mr. Emerson.

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Mr. Emerson - Thank you, Madam Chair again I would like to join with you and welcome everybody to the meeting this evening and also note that the Commission did hold a work session this evening. It began at 6:00 pm and recessed at 6:32. The Commission discussed the changes upcoming to the Zoning and Subdivision Ordinance, their cleanup items as we recently as in the last year adopted a new code and as always there's always a few snafus, typos and things that need to be cleaned up. So, that's what we're working on in that regard. With that said, Madam Chair there is guidelines this evening or there are guidelines for the public participation. I'll go over those now. It is requested that all public comments be provided from the lectern located at the rear of the room. For everyone who is watching the livestream on the County website, you can participate remotely in the public hearings by following these guidelines. You can also see them on your screen. Go to the Planning Department's Meeting webpage at henrico.us/planning/meetings. Scroll down under Planning Commission and click on Webex Event. Once you have joined the Webex Event, please click the chat button in the bottom-right corner of the screen.

Staff will send a message asking if anyone would like to sign up to speak on an upcoming case. To respond, select Molly Mallow from the dropdown menu and send Molly a message and she'll get you in the queue so you can speak. The Commission does have guidelines for its public hearings. The applicant is allowed 10 minutes to present the request and time may be reserved for responses to testimony. The opposition is allowed a cumulative 10 minutes to present its concerns. Meaning, everybody that wishes to speak to the case needs to fit in within those 10 minutes. Commission questions do not count into those time limits. The Commission may waive the time limits at its discretion. So, they can add extra time to those public comments if they choose. Comments must be directly related to the case under consideration, and this is an important point. We keep verbatim minutes. So, commenters must provide their name and address prior to speaking for the record so we have those comments to be able to refer to in the future.

Thank you again for your participation and your interest in your community this evening. With that Madam Chair, the first item on the agenda are the requests for withdrawals and deferrals and those will be presented by Mr. Ben Sehl.

Mr. Sehl - Good Evening Madam Chair, members of the Commission. Staff is aware of two deferral requests this evening, both in the Varina district. The first is on page one of your agenda. This is SIA2022-00001, Ironwood Renewables. This is a request to determine if a proposed solar array is Substantially In Accord with the County Comprehensive Plan.

SIA2022-00001 Ironwood Renewables, LLC - Solar Array: The Department of Planning has received a request from Ironwood Renewables, LLC to initiate a Substantially In Accord study for a proposed solar array. The proposed site consists of Parcel 832-697-5024 located on the south line of Charles City Road approximately 2,075' east of Turner Road. The existing zoning is A-1 Agricultural District. The 2026

93 Comprehensive Plan recommends Prime Agriculture. The site is in the Airport Safety
94 Overlay District.

95
96 The applicant is asking for this item to be deferred to the November 10, 2022, meeting.
97

98 Mrs. Thornton - Okay. Is there anybody that's in the audience or on Webex
99 that is opposed to the deferral of this case?

100
101 Mrs. Thornton - We have...

102
103 Mr. Humphreys - There is no one on Webex for this case.
104

105 Mrs. Thornton - We have one that's in the audience. You're opposed to the
106 deferral of this case to be heard in November.

107
108 Unknown speaker - Oh, no.
109

110 Mr. Mackey - Thank you Madam Chair, there being no opposition to the
111 deferral, I move that SIA2022-00001, Ironwood Renewables, LLC be deferred to the
112 November 10, 2022, meeting at the request of the applicant.

113
114 Mr. Witte - Second.

115
116 Mrs. Thornton - We have a motion by Mr. Mackey, a second by Mr. Witte, all
117 in favor say aye.

118
119 Commission - Aye.
120

121 Mrs. Thornton - All opposed? Motion passes.
122

123 Mr. Sehl - On the same property, on Page two of your agenda is
124 PUP2022-00016. Also, Ironwood Renewables, LLC. This is a request for a Provisional
125 Use Permit to allow a solar array on the referenced property approximately 2000' feet
126 east of Turner Road on the south line of Charles City Road.

127
128 **PUP2022-00016 Adrian Ortlieb for Ironwood Renewables, LLC:** Request for a
129 Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County
130 Code to allow a solar array on Parcel 832-697-5024 located on the south line of Charles
131 City Road approximately 2,075' east of Turner Road. The existing zoning is A-1
132 Agricultural District. The 2026 Comprehensive Plan recommends Prime Agriculture. The
133 site is in the Airport Safety Overlay District.

134
135 Again, the applicant is requesting a deferral to the November 10, 2022, meeting.
136

137 Mrs. Thornton - Okay. Is there anybody in the audience or on Webex that is
138 opposed to the deferral of PUP2022-00016, Ironwood Renewables?

139
140 Mr. Humphreys - There is no one on Webex for this case.
141
142 Mrs. Thornton - Okay, thank you.
143
144 Mr. Mackey - Madam Chair, there being no opposition to the deferral I move
145 that PUP2022-00016, Ironwood Renewables, be deferred to the November 10, 2022,
146 meeting at the request of the applicant.
147
148 Mr. Witte - Second.
149
150 Mrs. Thornton - Okay, we have a motion by Mr. Mackey a second by Mr. Witte,
151 all in favor say aye.
152
153 Commission - Aye.
154
155 Mrs. Thornton - All opposed? Motion passes.
156
157 Mr. Emerson - Madam Chair, that concludes our requests for withdrawals
158 and deferrals this evening. We now move on to requests for expedited items. Those will
159 also be presented by Mr. Ben Sehl.
160
161 Mr. Sehl - There are two items on your expedited agenda this evening.
162 The first is in the Fairfield district on page two of your agenda. This is REZ2022-00029
163 Stanley Martin Homes.
164
165 **REZ2022-00029 Andrew M. Condlin for Stanley Martin Homes, LLC:** Request to
166 conditionally rezone from A-1 Agricultural District to R-6C General Residence District
167 (Conditional) Parcels 784-759-7649, 784-759-8468, and 785-759-2347 containing 9.18
168 acres located on the east line of Telegraph Road approximately 800' south of the
169 intersection of Magellan Parkway. The applicant proposes a townhouse development. The
170 R-6 District allows a maximum gross density of 12.0 units per acre for townhouse
171 development. The use will be controlled by zoning ordinance regulations and proffered
172 conditions. The 2026 Comprehensive Plan recommends Planned Industry.
173
174 Staff is unaware of any opposition to this request and is recommending support in the staff
175 report and I'd be happy to answer any questions you might have.
176
177 Mrs. Thornton - Thank you. Is there anybody in the audience or on Webex
178 that is opposed to the REZ2022-00029, Andrew M. Condlin for Stanley Martin Homes to
179 be on the expedited agenda?
180
181 Mr. Humphreys - We have no one on Webex for this case.
182
183 Mrs. Thornton - Okay, thank you.
184

185 Mr. Archer - Madam Chair, with that I move that we recommend approval
186 of REZ2022-00029, Stanley Martin Homes, LLC with the proffers in the staff report dated
187 September 26, 2022.

188
189 Mr. Baka - Second.

190
191 Mrs. Thornton - We have a motion by Mr. Archer a second by Mr. Baka. All in
192 favor say aye.

193
194 Commission - Aye.

195
196 Mrs. Thornton - All opposed? Motion passes.

197
198 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Baka, the
199 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
200 **grant** the request because it would permit development of land for residential use in an
201 appropriate manner and it continues a form of zoning consistent with the area.

202
203 Mr. Sehl - Next, also in the Fairfield agenda and on page two of your
204 agenda, uh, Fairfield district and on page two of your agenda is REZ2022-00030. This is
205 Greater Refuge Church Ministries.

206
207 **REZ2022-00030 Samuel R. Peters, Sr. for Greater Refuge Church Ministries:**
208 Request to conditionally rezone from R-4 One-Family Residence District to R-5C General
209 Residence District (Conditional) Parcel 801-735-7255 containing 1 acre located at the
210 northwest intersection of Thompson and Carter Streets. The applicant proposes an adult
211 day care center. The use will be controlled by zoning ordinance regulations and proffered
212 conditions. The 2026 Comprehensive Plan recommends Semi-Public.

213
214 Staff is unaware of any opposition of this request. I would note that revised proffers were
215 handed out to you in your packet this evening. And those are what will be considered with
216 your approval this evening. I'm happy to try and answer any questions you might have.

217
218 Mrs. Thornton - Okay, thank you. Is there anybody in the audience or on
219 Webex that is opposed to the approval of REZ2022-00030, Samuel R. Peters, Sr. for
220 Greater Refuge Church Ministries?

221
222 Mr. Humphreys - There is no one on Webex for this case.

223
224 Mrs. Thornton - Okay, thank you.

225
226 Mr. Archer - Madam Chair, there being no opposition I move that we
227 recommend approval of REZ2022-00030, Greater Refuge Church Ministries with the
228 revised proffers dated October 4, 2022.

229
230 Mr. Baka - Second.

231
232 Mrs. Thornton - We have a motion by Mr. Archer, a second by Mr. Baka. All in
233 favor say aye.

234
235 Commission - Aye.

236
237 Mrs. Thornton - All opposed? Motion passes.

238
239 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Baka, the
240 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
241 **grant** the request because it would not be expected to adversely affect the pattern of
242 zoning and land use in the area, and it would not adversely affect the adjoining area if
243 properly developed as proposed.

244
245 Mr. Emerson - Madam Chair, that completes the expedited items for this
246 evening. We now move into your regular agenda on page one. REZ2021-00014, Keith
247 Malatesta.

248
249 **REZ2021-00014 Keith Malatesta:** Request to conditionally rezone from A-1
250 Agricultural District to M-2C Light Industrial District (Conditional) part of Parcel 823-701-
251 8476 containing 15 acres located on the south line of Charles City Road approximately
252 4,120' east of its intersection with Monahan Road. The applicant proposes a commercial
253 and recreational vehicle storage lot. The uses will be controlled by zoning ordinance
254 regulations and proffered conditions. The 2026 Comprehensive Plan recommends
255 Planned Industry. The site is in the Airport Safety Overlay District.

256
257 The staff report will be presented by Ms. Lisa Blankinship.

258
259 Mrs. Thornton - Good evening.

260
261 Ms. Blankinship - Good evening.

262
263 Mrs. Thornton - Is there anybody in the audience or on Webex that would like
264 to speak to this case?

265
266 Mr. Humphreys - There is no one on one Webex for this case.

267
268 Mrs. Thornton - Okay, thank you.

269
270 Ms. Blankinship - Thank you, Madam Chair, members of the Commission.
271 As mentioned, this is a request to conditionally rezone part of a parcel located on the south
272 line of Charles City Road to M-2C to allow outdoor storage for recreational and
273 commercial vehicles and the rental of recreational vehicles.

274
275 The 15-acre site and surrounding parcels are zoned A-1, with a mixture of large-acreage,
276 single-family residential and wooded, undeveloped properties. To the west are parcels

277 zoned M-1C and M-2C. The applicant purchased the property in 2019 and since that time
278 has developed the site to accommodate two related businesses, Richmond Storage
279 Solutions and Richmond RV Rentals. These businesses provide for outdoor storage of
280 private recreational vehicles, campers, trailers, boats, and tractor trailers. Individuals are
281 also able to rent recreational vehicles.
282

283 Even though both businesses are currently in operation, zoning and POD approvals have
284 not been obtained. To bring the site into compliance, the applicant initiated this rezoning
285 request and submitted a preliminary concept plan in November of 2021. Other agencies
286 provided comments regarding the development of the site including Building Inspections,
287 Department of Public Works, and the Division of Fire. Staff notes, a 4,400 square foot, 4-
288 bay garage/barn exists on the site. The structure was built for farm use and was exempt
289 from building permits and inspections. Should the rezoning request be granted by the
290 Board of Supervisors, a framing and final inspection would need to be completed by
291 Building Inspections. The applicant has committed to obtaining this permit.
292

293 Sorry, I was just trying to enlarge this a little bit for you guys. There we go.
294

295 The applicant has submitted a proffered concept plan, seen here, that shows how the site
296 would be improved to meet the development standards for the proposed uses. This
297 concept plan shows a 25' wide drive aisle from Charles City Road leading to six paved
298 parking spaces and the entrance into the outdoor storage area with 69 designated parking
299 spaces. The storage area would be gravel-covered and enclosed by an 8' tall opaque fence
00 with a point of access for a vehicle entry through a security gate here. A 50' buffer would
301 be provided along the perimeter of the site and the applicant has committed to keeping
302 existing plantings in the buffer.
303

304 Staff notes that earlier this week, an inspection of the site was conducted. Three
305 inoperable vehicles were found. In response, the applicant has submitted revised proffers,
306 handed out to you this evening with revised language to Proffer 7, that would prohibit a
307 towing service or storage of inoperable vehicles. The applicant has also indicated that the
308 inoperable vehicles would be removed from the site. In addition, Proffer 9 regarding
309 signage, has been revised to clarify that any sign on the site would be limited to 16 square
310 feet in area and 11 feet in height and a sign permit would be obtained within 60 days
311 should the Board of Supervisors approve this request.
312

313 The 2026 Comprehensive Plan designates the subject property as Planned Industry. The
314 requested zoning and proposed uses are generally consistent with this designation. In
315 addition, this request would bring an existing business into compliance and existing
316 operations do not appear to have negative impacts on surrounding properties. For these
317 reasons, staff supports this request. This concludes my presentation. I'll be happy to try
318 and answer any questions. Thank you.
319

320 Mrs. Thornton - Sorry, I'm on mute. Thank you. Does anybody have any
321 questions for Ms. Blankinship?
322

323 Mr. Mackey - I do, I've a question, a couple questions. Ms. Blankinship,
324 thank you. When the inspector went down to the site did they notice whether or not the
325 fence was completed yet? I went down about a month ago and it wasn't completed.
326
327 Ms. Blankinship - No, the chain-link fence currently surrounds the outdoor
328 storage space, but that would be required at the time of plan of development.
329
330 Mr. Mackey - Okay. Alright.
331
332 Ms. Blankinship - Installation of the 8' opaque fence.
333
334 Mr. Mackey - Okay. That's the only question I had for Ms. Blankinship.
335
336 Mrs. Thornton - Okay, does anybody else have any other questions for Ms.
337 Blankinship?
338
339 Mr. Mackey - No ma'am.
340
341 Mrs. Thornton - Okay. Thank you so much.
342
343 Mr. Mackey - Can we hear from the applicant?
344
345 Mrs. Thornton - Yes. The applicant please?
346
347 Mr. Kronenthal - Madam Chair, members of the Planning Commission. My
348 name is Mark Kronenthal representing Keith Malatesta. The owner of the property on this
349 application. Again, we would like to confirm that we will be removing the three inoperable
350 vehicles this weekend. And Mr. Mackey to your comment, we will be improving the fence
351 and other materials whenever the POD is approved.
352
353 Mr. Mackey - Okay, alright.
354
355 Mr. Kronenthal - Unless you have any questions. We agree with the staff
356 recommendation.
357
358 Mr. Mackey - Would you be applying for the building permit for the building
359 the barn before approval or denial by the Board?
360
361 Mr. Kronenthal - We would be applying upon approval. I mean it's a
362 requirement. It is a requirement of the proffers, so it is a requirement that runs with the
363 land.
364
365 Mr. Mackey - Okay. Thank you, sir.
366
367 Mr. Kronenthal - Yes, sir.
368

369 Mrs. Thornton - Okay. Does anybody have any questions?
370
371 Mr. Mackey - Alright, no questions.
372
373 Mrs. Thornton - Okay.
374
375 Mr. Mackey - Alright. I'm ready to move forward a motion.
376
377 Mrs. Thornton - Okay.
378
379 Mr. Mackey - Alright, I'd like to thank Ms. Blankinship and staff for all the
380 work they've done on it with Mr. Kronenthal. I appreciate everything that you all have
381 done. It took a little bit to get it across the finish line but I'm glad we were able to meet,
382 you know come into an agreement. I do not think this will be anything that will be a
383 detriment to the community. They've already been in existence and operating just hadn't
384 been under the guise of all the ordinances that they should have been following. So,
385 having said that, Madam Chair, I move that we recommend approval of REZ2021-00014,
386 Keith Malatesta, with the revised proffers dated October 11, 2022, with the contingency
387 that all inoperable vehicles be removed from the site prior to action by the Board of
388 Supervisors.
389
390 Mr. Witte - Second.
391
392 Mrs. Thornton - We have a motion by Mr. Mackey a second by Mr. Witte. All
393 in favor say aye.
394
395 Commission - Aye.
396
397 Mrs. Thornton - All opposed? Motion passes.
398
399 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Witte, the
400 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
401 **grant** the request because it would provide for appropriate development and the proffered
402 conditions would provide appropriate quality assurances not otherwise available.
403
404 Mr. Emerson - Madam Chair, we now move on to page two of your agenda
405 for REZ2022-00031, Andrew M. Condlin for Rebkee Company.
406
407 **REZ2022-00031 Andrew M. Condlin for Rebkee Company:** Request to
408 conditionally rezone from R-4 One-Family Residence District, R-5C General Residence
409 District (Conditional), O-2C Office District (Conditional), and B-2C Business District
410 (Conditional) to B-2C Business District (Conditional) part of Parcels 772-749-3398 and
411 772-749-6261 containing 8.701 acres located on the west line of Staples Mill Road (U.S.
412 Route 33) approximately 300' south of Bremner Boulevard. The applicant proposes an
413 automobile filling station with a convenience store and carwash and general commercial
414 use with drive-thru. The uses will be controlled by zoning ordinance regulations and

415 proffered conditions. The 2026 Comprehensive Plan recommends Office and Suburban
416 Residential 2, density should not exceed 3.4 units per acre. Most of the site is in the
417 Enterprise Zone.

418

419 And a companion case PUP2022-00019, Andrew M. Condlin again for Rebkee Company:

420

421 **PUP2022-00019 Andrew M. Condlin for Rebkee Company:** Request for a
422 Provisional Use Permit under Sections 24-4205, 24-4315 and 24-2306 of Chapter 24 of
423 the County Code to allow a carwash and 24-hour operation on part of Parcels 772-749-
424 3398 and 772-749-6261 located on the west line of Staples Mill Road (U.S. Route 33)
425 approximately 300' south of Bremner Boulevard. The existing zoning is R-4 One-Family
426 Residence District, R-5C General Residence District (Conditional), O-2C Office District
427 (Conditional), and B-2C Business District (Conditional). B-2C Business District
428 (Conditional) zoning is proposed with REZ2022-00031. The 2026 Comprehensive Plan
429 recommends Office and Suburban Residential 2, density should not exceed 3.4 units per
430 acre. Most of the site is in the Enterprise Zone.

431

432 The staff report will be presented by Mr. Livingston Lewis.

433

434 Mrs. Thornton - Good evening, Livingston.

435

436 Mr. Lewis - Good evening, Madam Chair.

437

438 Mrs. Thornton - Is there anybody in the audience, which I think I can answer
439 my own question, or on Webex that would like to speak to these two cases? The
440 REZ2022-00031 and PUP2022-00019, Andrew M. Condlin for Rebkee Company?

441

442 Mrs. Thornton - Okay.

443

444 Mr. Humphreys - There is no one on Webex for these cases.

445

446 Mrs. Thornton - Okay. Thank you so much. We will hear from the staff and
447 then we'll ask Mr. Witte if he'd like to hear from you first before the applicant, okay?
448 Thanks.

449

450 Mr. Lewis - Thank you Madam Chair, members of the Commission. This
451 is a request for 8.7 acres of B-2C zoning to allow a Sheetz gas station and convenience
452 store with a carwash and one additional commercial use with drive-thru. A companion
453 Provisional Use Permit, or PUP case, has also been filed to allow 24-hour operation of all
454 proposed businesses and to permit the carwash to be a stand-alone use.

455

456 The two-parcel site is located at 7500 Staples Mill Road across from the Amtrak station.
457 Other surrounding uses include: the Glenside Woods townhome community to the west;
458 a CVS pharmacy and vacant residential zoned parcels to the north; and a strip retail
459 center and other vacant property to the south. For additional context, every developed
460 property on the west line of Staples Mill between Bremner and Glenside is zoned B-2 and

461 used for commercial purposes. In the same general area, several B-3 zoned parcels, uh,
462 properties and individual businesses are currently allowed to operate 24-hours daily –
463 these include Roy’s Express Mart, Dunkin’ Donuts, Exxon, and a Shell station a bit farther
464 south.

465
466 The property’s Office designation from the 2026 Plan generally reflects zoning approved
467 on the subject site as part of a larger project over 20 years ago which included what is
468 now Glenside Woods. However, the general office and assisted living portion of that
469 development never materialized, and the property has remained vacant. After being
470 purchased by the County in 2017 for a fire station, the site was eventually transferred to
471 the Economic Development Authority for disposition after more extensive wetland
472 limitations were discovered.

473
474 The current development request is represented on this proffered conceptual layout with
475 a Sheetz in the northeastern corner - and as a note, this is not oriented to the north so,
476 north is to the right if you’re looking at the screen - Sheetz in the northeastern corner and
477 two points of access from Staples Mill Road. The carwash would be located behind
478 Sheetz adjacent to a stormwater management pond, and the other drive-through
479 commercial use is shown on a separate pad in the site’s southeastern corner. The shaded
480 section to the rear of the site is a proffered tree preservation area ranging from 100 feet
481 at the narrowest to 320 feet at its widest point. Additional perimeter buffers would be
482 provided as shown on the plan to the north and south, and along Staples Mill Road.

483
484 The exterior appearance of the Sheetz building would be in general conformance with
485 this proffered architectural elevation exhibit, showing masonry materials covering all sides
486 of the structure. Any other building on the site would also be generally compatible with
487 this exhibit in terms of materials, lighting, and design.

488
489 Along with the layout and elevations, other proffered commitments have been provided –
490 the most recent version distributed to you this evening. These include a list of prohibited
491 uses; permitted exterior materials; installation of a 6’ fence along the western boundary
492 of Glenside Woods; two rows of 6’ evergreen trees planted along the eastern edge of the
493 preservation area; reduced hours of operation for the carwash; limits on the hours of
494 exterior construction, trash pickup, and parking lot cleaning; and a variety of other
495 assurances.

496
497 In addition to the proffers, the companion PUP case includes 12 staff-recommended
498 conditions related to site security, loitering, outside speakers, and carwash vacuum
499 compressors, among other topics. A revised list of conditions has also been distributed
500 to you, with one change to Condition #3 which adjusts the western carwash setback from
501 225’ to 200’ for consistency with the concept plan and Proffer #7.

502
503 The applicant hosted a community meeting on October 3rd to discuss their proposal and
504 receive public input. That meeting was attended by approximately 55 to 60 individuals
505 who raised a variety of concerns, many of which have also been expressed in emails to

506 Planning staff and the Commission. Copies of an online and hard copy petition have also
507 been submitted.

508

509 While a number of community concerns obviously remain, the applicant has addressed
510 all outstanding issues listed in the staff report and has included several new assurances
511 in an effort to further reduce impacts on Glenside Woods.

512

513 In closing, while the proposed development is not consistent with the 2026 Plan's Office
514 designation on the site, it would be consistent with the commercial development pattern
515 in the area and would be in keeping with previous approvals of extended operating hours
516 in the Staples Mill Road corridor. Based on these factors and the separation and
517 screening from the adjacent residential properties, staff believes the proposed uses would
518 be an appropriate land use alternative in this location if the Commission finds that
519 potential impacts have been reasonably addressed.

520

521 This concludes my presentation and I'm happy to address any questions.

522

523 Mrs. Thornton - Okay, thank you Livingston. Does anybody have any
524 questions for staff at this time?

525

526 Mr. Witte - No, I've discussed it with Mr. Lewis, oops. I've discussed it
527 with Mr. Lewis again today and I'm interested to see what the objections are.

528

529 Mrs. Thornton - Okay.

530

531 Mr. Witte - So, I would like to hear from

532

533 Mrs. Thornton - ...people in the audience...

534

535 Mr. Witte ...the opposition.

536

537 Mrs. Thornton - Okay. As you remember at the beginning. We have a 10-
538 minute cumulative. We can ask the questions, that won't go against, but if you want to
539 just line up in the back and then remember to state your name and your address. Try not
540 to duplicate, you know, what the other person says but, so everybody can have a voice.

541

542 Mr. Witte - Is anybody else going to speak other than the five over there?

543

544 Mrs. Thornton - There's seven. Well, three, four, five, six, seven. Just, yeah...

545

546 Mr. Witte - Six, seven, eight...

547

548 Mrs. Thornton - There's seven, yeah.

549

550 Mr. Witte - Alright, that's about a minute and 20 seconds apiece for the
551 10-minute total.

552
553 Ms. Ruseva - Well, I'm sorry but we have prepared more than a minute. I
554 have three minutes. We have about 10 minutes just for Glenside Woods community
555 because we were told that we will have 10 minutes in total to state our objections.
556

557 Mr. Witte - That's...

558
559 Mrs. Thornton - Ten. Yes, that's true. You have 10 minutes for all of you to
560 speak. Is anybody here for the case? I should say that. Okay.
561

562 Mr. Witte - Alright, the reason is if the eight people back there each took
563 10 minutes, you know we're here for an hour and half, two hours.
564

565 Ms. Ruseva - No, yeah, of course, I understand.
566

567 Mr. Witte - So, there's a limit and it's done with respect so that everybody
568 can have a say to a certain degree without repeating themselves and without putting
569 unnecessary connotations in. So, I would...
570

571 Ms. Ruseva - Well, the three of us are speaking you know on three separate
572 issues that our community that is going to be bordering this development. It's going to be
573 affected by. There's 14 homes there full with people so I feel like you know we kind of you
574 know we're not going to be repeating ourselves but each of us are speaking on a separate
575 issue.
576

577 Mr. Witte - I would suggest you let the people behind you know who you
578 think aren't going to get to speak.
579

580 Mrs. Thornton - Okay.
581

582 Ms. Ruseva - I'm sorry.
583

584 Mrs. Thornton - Alright. Let's go. Just state your name please and where you
585 live.
586

587 Ms. Ruseva - Thank you. Good evening, Planning Commission.
588

589 Mr. Witte - One other thing. Is there anybody on Webex?
590

591 Mrs. Thornton - No.
592

593 Mr. Witte - Oh, good.
594

595 Ms. Ruseva - Thank you Planning Commission for the opportunity to speak
596 tonight. My name Svetlana Ruseva and I live at 6918 Aldergrove Drive. I am speaking
597 today on behalf of myself and 200 people that have signed a petition against the proposed

598 rezone and provisional permit that will allow a 24-7 operation of this development. If
599 approved, the 24-7 operation will be incompatible with both existing and adjacent
600 residential uses in the area and will open the door for other businesses to do the same.
601 I'm not here because I don't like Sheetz but because I have collected large amounts of
602 data confirming the dangers of having a gas station in such close proximity to a residential
603 home. Currently, there are residents including myself that are located nearly 300' from
604 the proposed development that will be exposed to unhealthy VOC emissions as well as
605 increased pollution. As a future mother planning to raise my children here I have
606 tremendous concern about the increased health risk stemming from Benzene exposure.
607 The threats of which have been recognized by the EPA, CDC, American Cancer Society
608 and others as a human carcinogen. Proven harmful effects but not limited: childhood
609 leukemia, low birth weight, increased susceptibility to infection, cancer to the blood-
610 forming organs, anemia. My specific concern is in regard to the setback distances of
611 residences with respect to the fueling station.

612
613 Gas stations release up to 10 times higher level of carcinogens than early estimates. In
614 turn, the proven health effects of prolonged exposure extend to a minimum of 500' so that
615 raises the question of, "How close is too close?" Scientists have said that no exposure to
616 Benzene is safe. OSHA has set the worker limits to 1/1,000,000 during an eight-hour shift.
617 Just refueling your car in 10 minutes can result in that amount or higher in exposure.
618 Imagine how much exposure someone living next door to a 24-hour gas station would
619 have to endure? And if those evidence are not proof enough, think about the vapor leaks,
620 hydrocarbon release during fuel storage and transfer of gas, groundwater contamination.
621 Even a tiny gasoline spill can create a very large problem. Nevertheless, the spills don't
622 just evaporate. They'll infiltrate the concrete, groundwater, wetlands, and other public
623 water systems. The developer and Sheetz have failed to address not only the health
624 hazards associated with living so close to the gas station but also the fumes that will be
625 generated by the increased number of vehicles entering the facility. The mere fact that
626 this gas station will pose nuisance and health hazards to nearby residents should be
627 reason enough to deny this rezoning request.

628
629 In addition, the biggest financial investment I've made ever in my life has been purchasing
630 my home. When I did so, I did not choose to live next door to a 24-hour gas
631 station/convenience store. According to Zillow, the second on the list of the top 10
632 industries that lowers your property value are convenience store / gas stations. A buyer
633 with a budget of \$350,000 for a house would not choose to buy a home within such close
634 proximity. And what if a leak of any kind occurs? This can render our properties
635 completely unsaleable. Based on the facts and circumstances I have outlined before you
636 today I urge you to make the right decision and vote against the rezone of the property in
637 question. Thank you again.

638
639 Mrs. Thornton - Thank you.

640
641 Mr. Picard - Hi, my name is Claude Picard and I live at 6914 Aldergrove
642 Drive in the Glenside Woods subdivision, and I too oppose this rezoning proposal. I have
643 three primary concerns about the impacts this zoning change will have. Two of them are

644 public safety concerns. The first one is it's going to bring an increase in crime to the area.
645 Secondly, it'll increase the number of traffic accidents that we see along Staples Mill
646 Road. The third concern I have is around the need. There is no need to build a
647 convenience store on steroids that borders any quiet neighborhood in Henrico County,
648 especially one that operates 24 hours a day. Since I'll be speaking about crime, I feel it
649 necessary to qualify myself about this topic. I have 18 years law enforcement experience
650 and I'm currently still in the profession. Regarding crime, using the county public portal I
651 looked at calls for service at the Henrico County Police Department. Since April of this
652 year there's been 88 calls for service just in the 7500 block of Staples Mill Road. What's
653 interesting is when you break those calls down, 38% or 33 of those calls were for
654 disorderly or inebriated persons in the area. Somebody saw something and they picked
655 up the phone. The other thing if you break those calls down a little further what you're
656 going to find is that the peak time for those calls is between the hours of 3:00 p.m. and
657 6:00 p.m. Those 20 calls. But what is interesting is that only 9% of those calls were
658 received between the hours of 12:00 a.m. and 6:00 a.m. Why? Because there's no 24-
659 hour convenience stores along that area which is sleeping during those overnight hours.
660 The crime category "disorderly or inebriated persons" falls within the "quality of life" issue
661 category. Unfortunately, convenience stores are a revolving door for these types of
662 problems. They're magnets for quality-of-life issues and from a law enforcement
663 perspective they're one of the most difficult issues to resolve for a community. Looking at
664 the Brookland District as a whole according to Henrico County's crime publication dated
665 March 1, 2022, the Brookland District was number two in non-violent crime in 2021 and
666 number three in violent crime out of five districts. Adding a 24-hr retailer is only going to
667 present a greater crime opportunity for the area.
668

669 Going on to traffic, looking at the 2021 data, I looked at all traffic accidents from the
670 intersection at West Broad Street and Staples Mill Road going up to Hungary Road and
671 Staples Mill Road. You know where the hotspot for the traffic accidents were? It was along
672 the 7500 block of Staples Mill Road, right where these, right where this zoning proposal
673 is being made. It was 40 accidents during that time period. The need. You know there's
674 ten sellers in the area that sell alcohol. Ten. All within a one-mile radius of the 7500 block
675 of Staples Mill Road. Adding another convenience store, one that's open 24 hours, it's
676 going to add 11 alcohol sellers in the area. If you loop back around to what I said initially
677 that 38% of those 88 calls for service were for disorderly inebriated persons, I kinda
678 wonder why. There's ten sellers of alcohol within a one-mile radius.
679

680 Over the years the Glenside Woods subdivision has had to endure trespassers damaging
681 the surrounding fencing, larceny of lawn irrigation plumbing, theft from motor vehicles, a
682 stray bullet through a neighbor's home, and countless nefarious activity in the nearby
683 commuter parking lot. I'm urging the county planning and supervisory board to do the
684 right thing for the citizens that you serve and vote no for the proposed zoning change.
685 Thank you.
686

687 Mrs. Thornton - Thank you.
688

689 Mr. Wieder - Good evening. My name is Chris Weider. I live at 7013 Aspen
690 View Drive in the Glenside Woods community. I'm also here to speak against the Sheetz
691 zoning proposal. Based on other public information, Henrico County already has a vision
692 for this area, and I must say that the proposed construction here seems to fly in the face
693 of it. When considering the Comprehensive Community Plan of 2026 for the area I'd like
694 to focus on the following: Goal 1.6: To develop tools and incentives to promote small
695 business and reinvestment within the county. Sheetz claimed over \$7,000,000,000 in
696 revenue in 2021 and is based in Altoona, PA so I don't consider that small business within
697 the county. Goal 3.21: To encourage design alternatives that reduce the potential for
698 crime in residential areas. I believe we've just shown how that's projected to be violated.
699 To minimize disruption and conflict among established residential uses and new uses:
700 The Glenside Woods community was established in 2006 and includes people living
701 about 300' away from this proposed construction. How could that not be maximum
702 disruption and conflict? Goal 3.39: To protect existing development and residential areas
703 from encroachment by incompatible or inappropriate land usage. A 24-hr Sheetz would
704 add lighting, noise and hazardous materials very close to our homes while removing
705 natural obstructions from one of Henrico County's busiest roadways. Goal 4.11: To
706 discourage development in areas where the land's physical limitations may threaten the
707 safety, health and welfare of residents. Increasing the chances of exposing the residents
708 of our community to cancer and other diseases is most definitely not consistent with the
709 Henrico County Plan we heard about. Further, Chapter 7 specifically references the
710 Staples Mill Revitalization Plan and that chapter states that any redevelopment should do
711 all of the following: be sensitive to the surrounding residential neighborhoods, improve
712 safety and comfort for bikers and pedestrians, lower congestion, and reflect community
713 needs and character. This proposal bluntly in our opinion fails the Plan at each step
714 itemized.

715
716 When we spoke to Mr. Witte at the informational meeting last Monday, he indicated that
717 the Board of Supervisors is bound by legal considerations when looking at this issue. The
718 legal designation currently of the land is residential or at a commercial level that does not
719 currently accommodate a 24-hr gas station. I would cite Henrico County's zoning
720 ordinances, Section 24, Article 5, Division 6.1: The purpose and intent of the current
721 zoning was to provide proper transition from and compatibility between family dwellings
722 in residential districts and more intense forms of development. I believe you'd be more
723 hard-pressed to think of a more intense use for this particular parcel of land than a 24-
724 gas station and car wash. Perhaps the question should be, "Why have legal designations
725 if they can be discarded at the whim of big business?" A business I might add that has no
726 direct tie to Henrico County that I'm aware of except for the money that it will make off its
727 residents.

728
729 Speaking of its residents, I wish to transition to the legal concept of precedence. Our
730 research shows that there is no other community in the area that has had to endure the
731 construction of such a facility at such a close distance to its back door. Is this the
732 precedent that Henrico County wants to set? You've heard about the dangers Benzene
733 can cause, of runoff, groundwater, and more. If something tragic were to happen as a
734 result of this construction, would all culpability belong to Sheetz, or would Henrico County

735 hold a share of the burden? I also ask the community to consider, the committee to
736 consider the community of Glenside Woods. Our collective property value could be
737 approximated at \$35 million dollars on the low end when you count in the common areas
738 of this community. You've heard what a potential impact a Sheetz could do this property.
739 A hypothetical 2-3% drop in value may not be much in the case of an individual, but as a
740 community you're talking about over \$1,000,000. Are you okay with taking this much
741 money out of the hands of the citizens of Henrico County? Did you know that the EPA
742 questions whether new schools should live within a 1000' of large gas stations? We are
743 not a school, true, but children live there, elderly people live there, immunocompromised
744 people live there, and then there are the rest of us who were here first. I strongly believe
745 that this community would not have been built here had the Sheetz been in place at the
746 time. So, please let's apply the reverse here. Thank you very much for your time and
747 consideration this evening.

748
749 Mrs. Thornton - Excuse me.

750
751 Mr. Witte - Wait a minute.

752
753 Mrs. Thornton - Wait. We've already been over 10 minutes. So, we have to
754 ask the Board if we want to add more time. Okay?

755
756 Mr. Witte - We have... I see four people back there.

757
758 Mrs. Thornton - Yes.

759
760 Mr. Witte - Am I wrong? One, two, three, four...

761
762 Mr. Emerson - Mr. Witte, you're at 10 and a half minutes essentially at this
763 point.

764
765 Mr. Witte - If they can accommodate 1 minute each, I'm more than willing
766 to extend it.

767
768 Mrs. Thornton - Okay. Is everybody okay with that?

769
770 Mr. Witte - One minute. If you go over the one minute, we'll just have to
771 knock it off of the next one.

772
773 Mrs. Thornton - And we know that you all feel very strong, so please don't
774 applaud. We get it.

775
776 Mr. Witte - And...

777
778 Mrs. Thornton - Just to respect everybody.

779

780 Mr. Witte - We've heard from the first three speakers repeated issues
781 which we're trying to avoid because that takes up time.

782
783 Mrs. Thornton - Okay, thank you.

784
785 Ms. Moore - My name is Lynn Moore. I live in Lakeside, in the heart of
786 Lakeside. I come up and down Staples Mill Road all the time and the traffic is horrendous
787 especially at peak hours already. There're already three lanes plus turn lanes. It can't be
788 widened because it would be wider than 95. If you put a Sheetz there, or any kind of big
789 gas station or something where people are constantly coming and going, I worry how the
790 new responders right down the road are going to get to my house. It's going to impede
791 traffic. You already have to wait through several cycles at the adjacent light going up to
792 Glenside, like the one at the Amtrak station and the feeder road there in front of Dunkin'
793 Donuts. A lot of times you're all the way backed up from Glenside and I don't know how
794 those people would even get out of Sheetz and get back on to Staples Mill Road during
795 peak hours which is when people usually stop and get gas. And if, God forbid, a call go
796 out for the Fire Department or emergency responders and they've got to come to Lakeside
797 or Bryan Parkway or any of these subdivisions and developments down there it's just
798 going to make a difficult situation much, much worse and much more dangerous as far
799 as just trying to navigate Staples Mill Road in that area. I live in Lakeside. I don't have a
800 concern. I have a concern for y'all. But I'm concerned about the traffic and who's going to
801 take care of that. The citizens will have to make up for, you know, any improvements that
802 wind up having to be made. Thank you.

803
804 Mr. Barnard - I'm Benjamin Barnard. I live at 4112 Bremner Boulevard. A lot
805 of topics have already been retreaded. So, I just want to hit on the fact that I did a quick
806 windshield walking survey just out of my door for a 12-hour period, two days - and over
807 30 families, 30 people, many of them families walking over from the apartments over at
808 Fox Rest going down the street with no access to a sidewalk. I've lived in places inside
809 Richmond that didn't even have that kind of foot traffic. That's not safe and we're going
810 to increase the amount of traffic flow going through there? And people already do not
811 abide by that speed limit of 35 miles an hour. It's just asking for an accident.

812
813 Mr. Witte- Thank you.

814
815 Mr. Brauns - Good evening, Madam Chair, fellow Committee members my
816 name is Jon Brauns. I live at 2615 Lincoln Avenue and have two businesses in the 3000
817 block of Lafayette Avenue. I'm here about a concern I have, and if you'll note on the POD
818 or the plat, there is a separate piece of property, the long narrow strip that extends from
819 Staples Mill Road back to what is on paper, a paper road, Tatum Boulevard which is not
820 improved. That apparently is separate but is part of the parcel involved in the request.
821 Now, that has been set aside many years ago as a public right-of-way easement along
822 with an easement for the same purpose from Balmoral Avenue extension, which is not
823 included in this development, but it was, is included in the sale of the property. My concern
824 is that these right-of-ways may be extinguished by this development, and I would just like
825 to have that addressed and I've talked to Mr. Condlin about it, and he had indicated to

826 me that they would be, but I wanted it to be on record with the committee about that issue.
827 And that's all that I have. Thank you very much for your time.

828
829 Mrs. Thornton - Thank you.

830
831 Mr. Witte - Thank you.

832
833 Mr. Eljarrari Good evening. How are you doing? My name is Mourad. I live
834 at 4101 Bremner Boulevard. Everyone has already talked about everything—all the
835 issues. This property is right behind my back yard. My kids play outside. For a long, long
836 time they're having fun, but now they're going to have a gas station right behind them.
837 You can't, you know. It's going, it's not going to be good. Plus, we have like three gas
838 stations across the street from us. Three gas stations. We don't need another gas station.
839 Thank you.

840
841 Mrs. Thornton - Thank you.

842
843 Mr. Witte - Thank you.

844
845 Mrs. Thornton - Does anybody have any questions for the people that spoke?
846 Okay. Mr. Witte, you want to hear from the applicant?

847
848 Mr. Witte - Uh, yeah. Just a brief, few comments.

849
850 Mr. Condlin - Good evening, Madam Chair, members of the Commission.
851 My name is Andy Condlin, here on behalf of the applicant in this case. I appreciate your
852 time. We have made some substantial changes. I thought we had a good community
853 meeting on this matter and a number of good points were raised. We obviously have tried
854 to respond to some of the concerns. We can't respond to all of the concerns, being
855 particularly the use. Obviously, we agree with the concept that the staff has put forth that
856 given the development, the existing commercial development along Staples Mill Road,
857 U.S. Route 33, with not only B-2 on either side of us but including B-3 and M-1 and the
858 Amtrak station across the street. We do believe the use is appropriate and consistent with
859 that commercial development pattern in the area. The question becomes one of impact
860 then, and what we've tried to provide is to push obviously everything forward along
861 Staples Mill Road including, we included quality standards typically seen in these types
862 of developments including elevations and operational standards. I'll be happy to answer
863 any questions you have on that.

864
865 But the questions at the community meeting, there were a number of issues that were
866 raised. We tried to be responsive to that including the tree preservation area. There was
867 actually a discussion about whether we should be able to remove any trees in that area.
868 We said we would not. At this point, we proffered that. You can see on the concept plan
869 the hatched area that has in excess of 100' to in excess of 300' in depth. We also provided
870 for a number of... In addition to that, the concern was folks walking through the
871 neighborhood from other areas trying to get to our property, so we proffered to put the

872 fence up on the neighborhood side of that tree preservation area to again keep people
873 from walking through. The concern also was raised with respect to the removal of trees
874 for this development, so we proffered for 2 rows of evergreen plantings, whether that be
875 giant arborvitae or leyland cypress, minimum 6' in height and 10' on center. Again, we're
876 talking with the landscape architects and working with the county to provide a greater
877 shield along the existing the 100' to 300' preservation area. So, we feel like we've
878 addressed a lot of the concerns that were related to access and screening as necessary
879 that goes way above and beyond quite frankly what you typically see in any commercial
880 development adjacent to the, adjacent to residential. Finally, we also obviously dealt with
881 the carwash with a number of limitations. Not only with the, with respect to the, what was
882 already in the PUP but also what we've provided for the in the proffers themselves limiting
883 the number of hours as well as limiting the vacuum, the number of vacuums and things
884 of that nature.

885
886 So, just to address some of the concerns that were raised. We have and one of the things
887 we are able to do, and we can do is provide for a setback for the gas pumps as you see
888 on the concept plan. We can provide for that in a proffer to make sure there's a distance
889 from Glenside Woods. Also, with respect to the concern about the environmental and
890 leaks, obviously we have to go through the Plan of Development, the requirements and
891 the regulatory requirements for any gas station, a new gas station, it's quite enhanced
892 beyond what the existing gas stations and one had been done just a few years ago.
893 This particular store, while it does serve gas, also is a convenience store, but it also is a
894 restaurant as it provides food, and we would be providing for another restaurant on the
895 site so it's not solely for a gas station on that concern.

896
897 There was a comment about increase in crime. Anytime you have a business, have any
898 new development in residential we also hear that, but what we did was we looked at police
899 reports for the Sheetz at Broad and Glenside and there were nine calls in the course of a
900 year and every one of those calls were either an accident or an abandoned vehicle. The
901 other one we looked at was the Wawa at Staples Mill and Old Staples Mill, and again
902 according to Henrico Police Department reports, there were six calls, all of them related
903 to accidents, in one year's time from October of last year to October of this year. We
904 believe that part of that is Henrico's standards built into our PUP with the requirements of
905 the security including the cameras, including the lighting, including the sidewalks.

906
907 One of the things that we've provided for is a Transportation Impact Analysis on this
908 particular project, providing for certain road improvements including a turn lane into the
909 site. We're already at a traffic signal that exists, that serves the Amtrak station. We're also
910 providing as you'll see on that concept plan an ability to go through the CVS to the north
911 to another access point with a lighted intersection, so we feel like we've got from a
912 standpoint of a traffic an ability to handle that. And I think the Transportation Department
913 and the staff report has agreed with that.

914
915 Finally, I would just point out that Mr. Brauns and I have had a number of conversations.
916 While nothing shows up on our title report with respect to the access, one of the things
917 that we are talking about is Balmoral Drive. Mr. Lewis, I don't know if you can point out

918 with your mouse if you wouldn't mind, please? There's Balmoral Drive, is a public right-
919 of-way. We have a private right-of-way that you can see a little darker line, but then there's
920 a public right-of-way that's in the shaded area that connects. That's where we would
921 provide access up and through, and we have provided that access by pulling the buffer
922 out of that area, adjacent to that, and pulling the tree preservation area out of that so that
923 there would be able to be provided access to those lots that are up there. If there is, in
924 fact, a right of access per that subdivision plan, which it looks like there is per that
925 subdivision plan to that area and not all the way to Staples Mill Road, I think we'll be able
926 to accommodate that if there are easement rights which Mr. Brauns and I have talked
927 about that and be able to accommodate that from that standpoint outside of the zoning
928 case so.

929
930 I believe we've addressed all the concerns that were raised at the community meeting
931 that we're able to address. We believe this use is appropriate given the surrounding
932 commercial development and on Staples Mill Road. We believed we've addressed the
933 impacts that this is going to have. I'd be happy to answer any questions you have at this
934 time.

935
936 Mrs. Thornton - Does anybody have any questions?

937
938 Mr. Witte - Not for Mr. Condlin.

939
940 Mr. Condlin - Thank you.

41
942 Mrs. Thornton - Alright, thank you.

943
944 Mr. Baka - Mr. Condlin?

945
946 Mrs. Thornton - Oh, turn your mic on.

947
948 Mr. Baka - Could you elaborate a little more... am I?

949
950 Mrs. Thornton - Yes.

951
952 Mr. Baka - Could you elaborate a little more on the health concerns
953 raised by the first speaker?

954
955 Mr. Condlin - Well, certainly from the standpoint as you know we have to go
956 before the county. After any zoning there's a Plan of Development process and part of
957 that Plan of Development process is required that we not only meet the concept plan but
958 that we're also going to have to deal with stormwater for example. That was one of the
959 questions that was raised - infiltration or leakage within from either the gas pumps into
960 the stormwater facility. As you know in any of these developments, particularly with a gas
961 station, there's a double lining with any of the tanks. There's also the requirement for
962 stormwater not only to capture stormwater generally from impervious surface but also
963 from the standpoint of capturing any leaks from the gas pumps themselves. We believe

964 that based on our standards obviously we'll meet all those, and those requirements of
965 Henrico County quite frankly go above and beyond particularly with the Chesapeake Bay,
966 but also with requirements that Henrico County has as well from a regulatory standpoint.
967 Also, we believe that with our distance provision, that's what we have, we'll be able to
968 provide based on this concept plan where the gas pumps are located pushed forward
969 away from Glenside Woods that there would be you know from an infiltration or from the
970 gas fumes otherwise would not reach back to Glenside Woods. So, we feel like we've
971 addressed that based on the location and were already addressed based on the
972 regulatory standards that we're going to have to meet both stormwater and with any gas
973 station itself.

974

975 Mr. Witte - Good. Do we have a Police representative in here for traffic?

976

977 Mr. Moffett - Good evening.

978

979 Mr. Witte - Good evening. Thank you. One of the things that's been
980 brought up is the calls for service and evidently this is in some Zone 75 which is a bad
981 area or high calls for service. Can you explain more about how these calls for service are
982 numbered?

983

984 Mr. Moffett - Yes, sir. So, there are two ways that we document calls for
985 service. There are what are called Service Areas which are larger areas. Sixty-five,
986 Service Zone 65 or Beat 65 is generally bordered by Parham to the north, Staples Mill to
987 the east, Glenside to the south and W. Broad Street to the west. I've actually, I should
988 have a map that we can bring up on the, on the, Fred, do you have the service area map?
989 Thank you. That is Zone 65, that is Beat 65 that you are talking about.

990

991 Mr. Witte - Alright, now, as far as the number of calls for service. If, how
992 do they count those if you get five calls for the same issue or there's no issue does that
993 count as five calls or one call or how does that work?

994

995 Mr. Moffett - Yes, sir.

996

997 Mr. Witte - ...so we can all understand.

998

999 Mr. Moffett - Yes. You first asked about the number of calls for service and
1000 is this area higher. And it is. So, in the West Station, 65 does have more calls for service
1001 than any other zone or service area. And, to answer your second question, calls for
1002 service are really independent of their own. So, someone could call in for shots fired or
1003 firearms charge or a firearms call. We could arrive and we could find someone next door
1004 in their backyard setting off firecrackers but there were 10 calls for service for that. So, it
1005 does count as 10 calls for service for that. It depends on what we see when we show up
1006 whether we're going to write a report on that or not.

1007

1008 Mr. Witte - So, if you get 10 calls on one issue, it's still 10 calls for service.

1009

1010 Mr. Moffett - It is.
1011
1012 Mr. Witte - Okay, thank you.
1013
1014 Mr. Moffett - Yes, sir.
1015
1016 Mr. Witte - Okay, that explains it. Alright, I have no other questions.
1017 Anybody? Thank you.
1018
1019 Mr. Moffett - Alright, sir.
1020
1021 Mr. Witte - Alright. First of all, I want to thank the great turnout that we
1022 had. We have. It's impressive that this many people are concerned with an area that they
1023 live in in the county. I've taken notice of your comments. I've written down a lot of
1024 comments. The case that was presented by Mr. Lewis was pretty well thought out and
1025 investigated.
1026 But I have concerns with so many different issues that have been brought up that in order
1027 to look into the validity and the facts of, and the effects of the citizens' comments, I'm not
1028 sure, matter of fact, I know I don't think we've done enough research to make a decision
1029 at this time. So therefore, Madam Chair, in lieu of all this information we've received and
1030 we're going to need more time to sort it out, I move that REZ2022-00031, Rebkee
1031 Company, be deferred to the November 10, 2022, meeting at the request of the
1032 Commission.
1033
1034 Mr. Baka - Second.
1035
1036 Mrs. Thornton - We have a motion by Mr. Witte and a second by Mr. Baka. All
1037 in favor say aye.
1038
1039 Commission - Aye.
1040
1041 Mrs. Thornton - All opposed? Motion passes. You have a PUP.
1042
1043 Mr. Witte - And as far as the companion case Madam Chair, I move that
1044 PUP2022-00019, Rebkee Company, be deferred also to the November 10, 2022,
1045 commission meeting at the request of the Commission.
1046
1047 Mr. Mackey - Second.
1048
1049 Mrs. Thornton - We have a motion by Mr. Witte a second by Mr. Mackey. All
1050 in favor say aye.
1051
1052 Commission - Aye.
1053
1054 Mrs. Thornton - All opposed? Motion passes.
1055

1056 Mr. Witte - Thank you.

1057

1058 Mrs. Thornton - Thank you.

1059

1060 Mr. Emerson - Madam Chair, we now move on to the next items on your
1061 agenda this evening. They appear on page three. We again have two companion cases.
1062 REZ2022-00033, Andrew M. Condlin for 4911 Augusta, LLC.

1063

1064 **REZ2022-00033 Andrew M. Condlin for 4911 Augusta LLC:** Request to
1065 conditionally rezone from B-1 Business District to R-6C General Residence District
1066 (Conditional) Parcel 773-736-5900 containing .699 acres located on the south line of
1067 Augusta Avenue approximately 160' west of the intersection of Staples Mill Road (U.S.
1068 Route 33). The applicant proposes a master-planned development with commercial uses.
1069 The uses will be controlled by zoning ordinance regulations and proffered conditions. The
1070 2026 Comprehensive Plan recommends Office. The site is in the Enterprise Zone.

1071

1072 The companion case, PUP2022-00018, Andrew M. Condlin again for 4911 Augusta LLC.

1073

1074 **PUP2022-00018 Andrew M. Condlin for 4911 Augusta LLC:** Request for a
1075 Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County
1076 Code to allow commercial uses and zoning modifications as part of a master-planned
1077 development on Parcel 773-736-5900 located on the south line of Augusta Avenue
1078 approximately 160' west of the intersection of Staples Mill Road (U.S. Route 33). The
1079 existing zoning is B-1 Business District. R-6C General Residence District (Conditional)
1080 zoning is proposed with REZ2022-00033. The 2026 Comprehensive Plan recommends
1081 Office. The site is in the Enterprise Zone.

1082

1083 These two staff reports will be presented by Mr. Michael Morris.

1084

1085 Mrs. Thornton - Good evening, Mr. Morris. Is there anybody here in the
1086 audience or on Webex that would like to speak to these two cases? Okay.

1087

1088 Mr. Humphreys - We have no one on Webex for these cases.

1089

1090 Mrs. Thornton - Okay. We have one person in the audience. We'll hear from
1091 the staff first. Thank you.

1092

1093 Mr. Morris - Thank you, Madam Chair. These companion items would
1094 allow the development of up to 160 residential units with first-floor commercial uses on a
1095 site currently developed for office use. The property is located on Augusta Avenue, west
1096 of its intersection with Staples Mill Road, and is split between Henrico County and the
1097 City of Richmond.

1098

1099 Surrounding uses include the Willow Lawn Shopping Center to the west and office uses
1100 to the north, east and south. The applicant is requesting to rezone the property from B-1
1101 Business District to R-6C General Residence District (Conditional). A companion

1102 provisional use permit would allow commercial uses, as well as encroachment into
1103 setbacks, relief to parking and building height standards, and density. As part of this
1104 request, a parking study was submitted providing the applicant's justification for a lower
1105 parking amount.
1106

1107 The proffered concept plan shows a six-story building with a sub-level of parking.
1108 Commercial use would be located along the building's frontage, with additional parking
1109 located on the ground floor, behind the lobbies, amenity space and commercial use. A
1110 pool and courtyard would be located above the ground floor parking level, at the rear of
1111 the building.
1112

1113 The applicant has also submitted architectural renderings of the proposed building, shown
1114 here, and specific comments regarding exterior materials which would consist of brick,
1115 stone, or cementitious siding.
1116

1117 The property is in the Enterprise Zone and the 2026 Comprehensive Plan recommends
1118 Office for the subject site. Additionally, in areas well-served by transportation facilities
1119 and previously developed for commercial uses, the creation of new multi-family and
1120 mixed-use communities is not anticipated to create negative impacts on public facilities.
1121 Therefore, while the proposed residential use would not be fully consistent with the
1122 property's Office District designation on the 2026 Comprehensive Plan, it would be
1123 consistent with other goals to provide additional housing types throughout the county. For
1124 these reasons, staff supports this request, and I should note that a community meeting
1125 was held on October 5 with no area residents or property owners attending.
1126

1127 This concludes my presentation. I'm happy to answer any questions you may have at this
1128 time.
1129

1130 Mrs. Thornton - Okay, thank you Mr. Morris. Does anybody have any
1131 questions?
1132

1133 Mr. Mackey - No.
1134

1135 Mrs. Thornton - Okay. We have somebody in the audience who would like...
1136

1137 Mr. Witte - We would like to hear from the gentleman in the audience.
1138

1139 Mr. Simon - Madam Chairwoman, members of the Commission, my name
1140 is Stuart Simon. My office is at 4900 Cutshaw Avenue. I live at 24 Cricket Court in Henrico.
1141 My office is in the city, but it backs up to a portion of this massive, massive development
1142 that's being proposed. As was stated this was originally and is currently slated to become
1143 offices. One hundred sixty units, 185 bedrooms is not what this was proposed to be. That
1144 many people is going to totally change the nature of the neighborhood, the traffic patterns.
1145 There are already accidents. People coming out of Augusta, Fitzhugh, Radford onto
1146 Staples Mill Road. The parking study that was done is flawed. It took into consideration
1147 street parking on both sides of Staples Mill Road which is more than 160' from the building

1148 meaning people would have to cross Staples Mill Road if they were forced to park over
1149 there. Staples Mill Road is a dangerous road to be crossing as a pedestrian. The
1150 allocation of parking here is .85 spaces per bedroom. The county has not allowed
1151 anything that low, the current allocations range from .91 to 1 parking space per bedroom.
1152 This is a burden on the community, a burden on the streets, a burden on the neighbors.
1153 The parking study that was done looked at weekend use. You know weekend use in an
1154 office area is certainly going to be vacant and it was. In fact, many of these building have
1155 been vacant for the last several months. So, whenever the parking study was done there
1156 was no parking on the street. It was clearly flawed in that it didn't take into consideration
1157 it's use back last year not its current use. The change in the neighborhood character while
1158 there might be a requirement or a desire on the part of the county to provide residential
1159 use everything on the other side of Staples Mill are single-use family homes. Even if you
1160 were to allow 130 units that would be permissible. But 162 units on three, less than .7
1161 acres is extremely dense. Denser than anything the county has allowed so far. And I urge
1162 you to at least limit the size of this and provide for more parking. Thank you.

1163
1164 Mrs. Thornton - Thank you so much. Anybody else? Is there anybody on
1165 Webex?

1166
1167 Mr. Humphreys - There is no one on Webex at this time for this case.

1168
1169 Mrs. Thornton - Okay, thank you.

1170
1171 Mr. Witte - Let's hear from the applicant.

1172
1173 Mrs. Thornton - Okay.

1174
1175 Mr. Condlin - Madam Chair, members of the Commission, again, Andy
1176 Condlin here on behalf of the applicant. Thank you for giving us some time here and I do
1177 want to address Mr. Simon's concerns with respect to the parking and the parking study.
1178 I do want to say up front that the applicant is agreeable with the staff report and the staff
1179 recommendation and all the conditions other than I do want to address Condition Number
1180 10 on the PUP regarding utilities, but I'll get to that in a second. I do believe that this is a
1181 good quality standard that you expect of the excellent quality materials, the amenities and
1182 the design standards that have gone through the staff that you've seen in the area in
1183 these types of requests. I would point out that while it's 0.7 in the county this property's
1184 actually both in the county and the city with about 0.3 in the city itself. For what it's worth
1185 I mean from a density standpoint those aren't counted. There's about 40 units in the city
1186 specifically of the 160 that's proposed. I was wondering if Fred if you could pull up my
1187 presentation from that standpoint just so we can be able to see that area if you get a
1188 second. To address the parking, Mr. Simon's correct that based on the, there's two ways
1189 that we're developed with respect to this particular parking study was that looking at the
1190 areas around the property within what the ordinance otherwise provides for. I don't know
1191 if I've got the clicker back here. If you could just go to the, I think it's the second slide. It's
1192 the slide that shows...there you go, right there. That's the slide that I need. Right there,
1193 perfect. Thank you. Is going across Staples Mill Road. When we did the parking study

1194 and if you look at the parking analysis. The parking analysis actually shows that the onsite
1195 parking is sufficient as required by both the ITE code and as set forth in the standards as
1196 provided for in the county. The only reason we provided for, and it was actually 48 spaces
1197 and public right-of-way that provides for on Staples Mill, both sides and on Augusta
1198 Avenue. We did not provide for Fitzhugh or Cutshaw even though quite frankly that's
1199 where people I think would count but we weren't allowed to count those because those
1200 were outside the parameters of the study area that is set forth in the county standards
1201 They're only listed in there because that's where, that's part of what's available. It doesn't
1202 mean that people are going to use it. That being said we provided for with respect to this
1203 particular property that all onsite parking will be within the parking garage will be able to
1204 accommodate all the needs necessary for this particular facility. I would point out that as
1205 Mr. Simon has pointed out that when this study was done in August that in fact this area
1206 is primarily office and of the 48 spaces, they found that 85% - 90% of the spaces were
1207 available at all times outside of business hours from 8:00 am to 6:00 pm. So, outside of
1208 those areas when people are usually there in a residential area 85% to 90% of the spaces
1209 in the area because they are primarily office users in that area. I think this property also
1210 is unique in the sense that you not only have substantial public parking that we don't
1211 technically need per the studies, but it is available within the public rights-of-way.
1212

1213 But it's also within a number of bus lines and the bus rapid transit is in the area. Also, we
1214 have significant commercial with Willow Lawn Shopping Center. Ability to literally next
1215 door to walk to that and that's the expectation as folks have a number of options that in a
1216 lot of areas, they don't have those opportunities in this particular proposal people will have
1217 a lot more opportunity and not necessarily need a car so I think the parking study has
1218 fleshed all of that out as we've gone through that we are able to accommodate onsite the
1219 number of parking spaces but also when you add in the 48 spaces that are available
1220 within the study area and there's even some beyond that that weren't even included that
1221 we have a sufficient amount of parking. The last thing I think it's slide 10 Fred if you could
1222 fast forward to that. The last thing is just on Condition Number 10 with respect to, "The
1223 project must use county public utilities." There it is, right there. As you look at this, as I
1224 understand the county's, I understand the county's position and certainly not disputing it,
1225 and we've also had unfortunately conversations with the city as has the county and we're
1226 getting, we personally, are getting different, different recommendations from the city. Our
1227 concern is that with this condition that says, "We must for the project...", meaning I
1228 assume both the county and the city portion, "...use County utilities." What happens if the
1229 city itself says for the city portion, "You must use city." We've got a condition in the county
1230 saying, "The city portion must be serviced by county." now the city who has control over
1231 their own property through their POD process the city portion of the site is already zoned
1232 by right under TOD-1 to do exactly this type of development that we're proposing. As you
1233 can see on that slide that you have in front of you, we've labeled 4911 Augusta which is
1234 our property you can see right now being serviced by the building is city water and there's
1235 some confusion whether the sanitary sewer itself is a city or it's actually county-owned
1236 but it actually flows to the city and is serviced by the city. Is that a county standard? So,
1237 we would just simply ask that we have some allowance to work with the city and the
1238 county to make sure that with an agreement among all the parties that we're able to do
1239 that, so we'd ask for just an adjustment of that particular condition. We're not opposing it,

1240 but we just want a clarification because quite frankly we're finding it different answers
1241 from the city and the county and the fact that existing today we're being serviced partially
1242 by the city and partially by the county but also it flows east to the county so. We would
1243 just ask for a caveat on that to be able to work with I'll continue to work with the county to
1244 come up with an answer and I think we with working with Public Utilities and Planning in
1245 both districts by the time we get to the Board of Supervisors we'll be able to refine that
1246 and be able to define exactly where the services are going to come in and be able to
1247 agree to that. So, with that I'll be happy to answer any questions.

1248
1249 Mr. Witte - Mr. Emerson, can you enlighten us on the, this water and
1250 sewer situation?

1251
1252 Mr. Emerson - Yes, sir.

1253
1254 Mr. Witte - From a county standpoint?

1255
1256 Mr. Emerson - Yes, sir. I believe I can. There are agreements entered into by
1257 the County Board of Supervisors and the City Council I believe they're dated 1991 and
1258 1994 whereby the city and the county came to an agreement in situations like this.
1259 Wherever the majority of the project is located will be served by the locality where the
1260 majority is located. In this case it's my understanding that and you can see the majority
1261 of this project is in the county. It's also my understanding from our Department of Public
1262 Utilities they've confirmed with the city that the city really has no interest in serving this
1263 property so everyone's in agreement that the county will serve it. The condition is there
1264 to clarify that honestly the condition doesn't need to be there because those agreements
1265 by the City Council and the County Board of Supervisors really supersede it. Our codes
1266 also are very clear in this and with all due respect to Mr. Condlin in this seeming
1267 communication confusion there seems to be no confusion on our end. And...

1268
1269 Mr. Condlin - If I could just address that real quick. I don't disagree with Mr.
1270 Emerson other than I read through the agreements and obviously we don't need to get
1271 into that but that's obviously an opinion the County Attorney can opine by that. I think it's
1272 been more of a policy issue, it's not actually I don't think it's in the agreements but
1273 regardless there has been a policy that exactly he has said but I guess our question is
1274 and I would agree to his last point which is, the condition itself I don't think is necessary
1275 because if the county requires it and it's a policy and it's in the agreements and they're
1276 going to require it anyway this condition doesn't change that. We just think that there's an
1277 ability to work out because it's currently being served partially by the city, partially by the
1278 county and that there may be an opportunity we're hearing a different story from the city.
1279 I know Mr. Emerson has expressed that otherwise. We just don't think the condition is
1280 necessary if the other agreements are in place. Those would control. So, we'd like to have
1281 those agreements control as well as that ordinance and policy. Thank you.

1282
1283 Mr. Emerson - And Mr. Witte from county staff's standpoint both Planning
1284 and the Public Utilities we would like that condition to stay in there as a point of
1285 clarification. This is a...

1286

1287

Mr. Witte - I agree. I agree, thank you. Mr. Condlin?

1288

1289

Mr. Condlin - Yes, sir?

1290

1291

Mr. Witte - is there any intention to use off-street parking and if so, how many off-street parking spaces are there along the property?

1292

1293

1294

Mr. Condlin - Well, there's my understanding on Augusta itself there's 11, 11 spaces that are on Augusta itself within the study area that's permitted by the ordinance, there's 48 spaces in public right-of-way. So, I don't, when you say there's an intention, I'm certain there's going to be folks that find a parking space as they're pulling up to the parking deck see them there and take it if they live in that area. That's certainly what they're going to do. They're in a public right-of-way, the public parking is available there. That's what the parking study provides for. When you add that up, we've got more than enough parking for the parking study itself based on that not only in our facility but when you add in the public spaces and those are not going away those are continuing. Eleven spaces will continue immediately adjacent to this facility and of course the 48 plus we didn't even, we didn't even count along Cutshaw and the other public streets in that area you know that folks can park on as well and they're available.

1295

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1307

Mr. Witte - Alright, by chance, are any of these 11 spaces are all of them going to be marked as definitive spaces? Not necessarily for single-use but I'm familiar with on-street parking and some people will take up two and three spaces if they can if they're not marked.

1308

1309

1310

1311

1312

Mr. Condlin - I don't know the answer to that from a standpoint of whether county public right-of-way. I don't know if we've ever done that. I don't think we have a problem with that to be able to mark the typical parking space as long as county's okay with that I think we'd be okay with that.

1313

1314

1315

1316

1317

Mr. Witte - I think that's something that can be looked into between now and the Board of Supervisors.

1318

1319

1320

Mr. Condlin - I think that's...I think we can work with Public Works on that. I can't imagine that they would object to that. I say that out loud and probably would.

1321

1322

1323

Mr. Emerson - Mr. Witte. Mr. Witte, just as a point of clarification we're speaking to Staples Mill Road?

1324

1325

1326

Mrs. Thornton - He said Augusta.

1327

1328

Mr. Emerson - Augusta. Augusta? We're speaking to Augusta?

1329

1330

Mr. Condlin - Which partially is county and partially city

1331

131

1332 Mr. Emerson- Right. We can probably work with the Department of Public
1333 Works to have it marked along Augusta. Staples Mill of course is a...
1334
1335 Mr. Witte - No.
1336
1337 Mr. Emerson - VDOT road
1338
1339 Mr. Condlin - We do not anticipate folks quite frankly parking along the other
1340 side of Staples Mill. It's included in the report only because that's in the study area but of
1341 course we also have Cutshaw. What's the other street (inaudible)
1342
1343 Unknown speaker - (inaudible)
1344
1345 Mr. Condlin - Fitzhugh. Sorry, I totally blanked on that so...which were not
1346 included in that study area so certainly there's another 11 spaces plus on each of those
1347 as well so and readily accessible.
1348
1349 Mr. Witte - Alright, I have no other questions.
1350
1351 Mr. Condlin - Thank you.
1352
1353 Mrs. Thornton - Mr. Mackey? Anybody else have any questions for Mr.
1354 Condlin? Okay.
1355
1356 Mr. Witte - Alright, with that Madam Chair I move we recommend
1357 approval of REZ2022-00033, 4911 Augusta, LLC with the proffers in the staff report
1358 dated, September 27, 2022.
1359
1360 Mr. Archer - Second.
1361
1362 Mrs. Thornton - We have a motion by Mr. Witte, a second by Mr. Archer. All in
1363 favor say aye.
1364
1365 Commission - Aye.
1366
1367 Mrs. Thornton - All opposed? Motion passes.
1368
1369 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Archer, the
1370 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1371 **grant** the request because it would not adversely affect the adjoining area if properly
1372 developed as proposed and the proffered conditions will provide appropriate quality
1373 assurances not otherwise available.
1374
1375 Mr. Witte - Alright then. The companion case, Madam Chair, I
1376 recommend approval of Provisional Use Permit, PUP2022-00018, 4911 Augusta Ave,
1377 Augusta, LLC, with the recommended conditions listed in the staff report.

1378
1379 Mr. Archer - Second.
1380
1381 Mrs. Thornton - We have a motion by Mr. Witte, a second by Mr. Archer. All in
1382 favor say aye.
1383
1384 Commission - Aye.
1385
1386 Mrs. Thornton - All opposed? Motion passes.
1387
1388 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Archer, the
1389 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1390 **grant** the request because when properly developed and regulated by the recommended
1391 special conditions, it would not be detrimental to the public health, safety, welfare and
1392 values in the area.
1393
1394 Mr. Emerson - Madam Chair, we now move on to the next item on your
1395 agenda which is a discussion item. And it is the consideration of two resolutions, PCR-4-
1396 22 and PCR-5-22. You received these resolutions from the earlier in a letter dated
1397 October 5 and of course we discussed them this evening when we reviewed the
1398 corrections and changes to the county zoning code. These two resolutions would initiate
1399 the amendment actions of both the Zoning Code and Subdivision Ordinance and staff
1400 would request that you adopt both of these resolutions.
1401
1402 Mrs. Thornton - Okay.
1403
1404 Mr. Mackey - Alright, any comments or
1405
1406 Mrs. Thornton - Does anybody have any questions?
1407
1408 Mr. Baka - No questions.
1409
1410 Mrs. Thornton - About tonight's work session?
1411
1412 Mr. Mackey - Madam Chair, I'll make a motion. Madam Chair, I move that
1413 we approve PCR-4-22 to initiate amendments to the Zoning Ordinance.
1414
1415 Mrs. Thornton - Second.
1416
1417 Mr. Baka - Second.
1418
1419 Mrs. Thornton - Okay, we got a lot of seconds.
1420
1421 Mr. Witte - Everybody...
1422

1423 Mrs. Thornton - We have a motion by Mr. Mackey, a second by Mr. Baka all
1424 in favor say aye.
1425
1426 Commission - Aye.
1427
1428 Mrs. Thornton - All opposed? Motion passes.
1429
1430 Mr. Mackey - Alright. And Madam Chair I move that we also approve PCR-
1431 5-22 to initiate amendments to the Subdivision Ordinance.
1432
1433 Mr. Baka - Second.
1434
1435 Mrs. Thornton - We have a motion by Mr. Mackey, and a second by Mr. Witte,
1436 all in favor say aye.
1437
1438 Commission - Aye.
1439
1440 Mrs. Thornton - All opposed? Motion passes.
1441
1442 Mr. Emerson - Madam Chair, the next item on your agenda is also a
1443 discussion item relating to the same topic. The Zoning and Subdivision Ordinance
1444 amendments and staff is requesting that you set a Public Hearing and of course this will
1445 appear on your regular agenda on November 10, 2022 to hold a Public Hearing regarding
1446 these amendments.
1447
1448 Mrs. Thornton - Okay. You don't. Do we need a motion?
1449
1450 Mr. Emerson - Yes, ma'am.
1451
1452 Mrs. Thornton - Okay. Mr. Baka, you want to...?
1453
1454 Mr. Emerson - Just say, so moved.
1455
1456 Mr. Baka - To follow-up on Mr. Emerson's comments I so move.
1457
1458 Mr. Archer - Second.
1459
1460 Mrs. Thornton - We have a motion by Mr. Baka, a second by Mr. Archer. All in
1461 favor say aye.
1462
1463 Commission - Aye.
1464
1465 Mrs. Thornton - All opposed? Motion passes.
1466
1467 Mr. Emerson - Madam Chair, the next, continuing with the discussion item
1468 theme the Commission will discuss scheduling a work session for November 10, 2022, to

1469 review materials related to the 2045 Comprehensive Plan update. You could do this by
1470 consensus. Mr. Sehl, six o'clock do you think, or do we need earlier?

1471

1472 Mr. Sehl - Mr. Emerson, I would recommend if it's okay with the
1473 Commission that we put this on your calendar for 5:30. Because we potentially could have
1474 the consultant team coming in to present some items to you. And then, if that should
1475 change, we would certainly update you and update the agenda prior to the hearing on the
1476 10th.

1477

1478 Mrs. Thornton - Okay.

1479

1480 Mr. Emerson - Madam Chair, if it meets with the Commission's liking then if
1481 all of you could reserve tentatively 5:30 and as we get closer, we'll firm up that time a little
1482 better for you.

1483

1484 Mrs. Thornton - Okay. Is everybody okay with 5:30 November 10?

1485

1486 Mr. Mackey - Yes, ma'am.

1487

1488 Mr. Baka - That works.

1489

1490 Mrs. Thornton - Okay.

1491

1492 Mr. Emerson - Madam Chair, the next item is the consideration of approval
1493 of your minutes from your work session and regular meetings on September 15, 2022,
1494 and you do have an Errata sheet this evening and of course any other changes or
1495 corrections that the Commission may see fit or necessary we'll certainly make.

1496

1497 Mr. Baka - I'll make a motion to approve the minutes with the Errata sheet
1498 submitted.

1499

1500 Mr. Mackey - Second.

1501

1502 Mrs. Thornton - We have a motion by Mr. Baka and a second by Mr. Mackey.
1503 All in favor say aye.

1504

1505 Commission - Aye.

1506

1507 Mrs. Thornton - All opposed? Motion passes.

1508

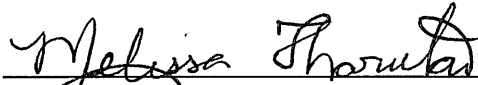
1509 Mr. Emerson - Madam Chair, I have nothing further for the Commission this
1510 evening.

1511

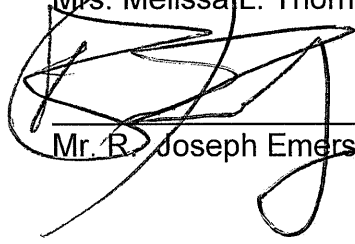
1512 Mrs. Thornton - Okay. Well then thank you so much for a great evening.
1513 Here we go. 8:21.

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Mrs. Melissa L. Thornton, Chairperson



Mr. R. Joseph Emerson, Secretary