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Henrico County Board of Supervisors Regular Meeting, Tuesday, May 14, 2024

Date Tuesday, May 14, 2024
Place Henrico County Board of Supervisors, Virginia
Length 4h 54m (video)

- Official meeting video (Swagit): <https://henricocountyva.new.swagit.com/videos/305192>
- Official agenda (Henrico County): <https://henrico.gov/pdfs/manager/meetings2024/051424ag.pdf>
- Official minutes (Henrico County, regular meeting): <https://henrico.gov/pdfs/manager/meetings2024/051424regmins.PDF>
- Agend-O-Gram, May 28, 2024 (records the Board's approval of these minutes): <https://henrico.gov/pdfs/manager/meetings2024/5-28-24Agend-O-Gram.pdf>

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-26. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:00:03] Good evening. Welcome to the May 14th, 2024 Board of Supervisors meeting. We are glad that you have decided to be with us, whether here in person or watching online. For those of you who will at some point give public comments, you'll be giving them from the lectern in the back.

[00:00:25] For everyone who's watching the live stream of tonight's meeting on the county website, you can also participate remotely in the public hearing. public comment portion public hearings and public comment portion of the meeting those of you who are watching remotely or you can and you want to encourage somebody to join they need to go to henrico.us/supervisors there you can click on the guideline for board of supervisors meeting scroll down and

[00:00:59] click on WebEx and a moderator will let you know when it is your time to speak. I'm going to ask that you join us for our reciting of the Pledge of Allegiance and

[00:01:14] invocation prayer. Join me for a word of prayer. Dear God, bless our gathering tonight. We ask for your power to instill in us the presence of the Almighty. God, give us wisdom and knowledge.

[00:01:54] God, help us to operate in the spirit that will help make Henrico County the best place possible. use us. This is our prayer in your name. Amen. Mr. Manager. Mr. Chairman, we have a request for approval of minutes from both the regular and special meetings of April 23rd, 2024 and the

[00:02:25] April 11th, 2024 special meeting. So moved. Motion by Mr. Smith, second by Reverend Cooper. All in favor say aye. Aye. Any opposed? Thank you. Mr. Manager. Mr. Chairman, members of the board, members of the audience, every now and again we stop and we do something to recognize service or something exceptional that's happened within our midst. And I'm going to ask our fire chief, Jackson Boehner, to come forward. And I'm also going to ask battalion chief John Schaefer and

[00:03:02] his wife to come forward. And all of the men and women that are here with the division of fire, if you would also come forward. So for those of you in the audience, we have a long record of service, public service within Henrico. And when an employee reaches a milestone, as you're going to hear, there is a special recognition perpetually for that employee. That milestone is just at 45

[00:03:39] years and with some time i think uh battalion chief schaefer has met and in fact exceeded that when you think about all of the time and 44 plus 44 years plus 10 months is that correct that's about right so i'm not going to take any more of your words chief if you would recognize this exceptional individual to the members of our community as we send them off yes sir mr chairman members of the board. I'm humbled to stand before the board today celebrating Battalion Chief John

[00:04:14] Schaefer's service to Enrico County. Chief John Schaefer started his career with Enrico Division of Fire in 1979. During his tenure with the division, John has served stations across the county at various ranks. His leadership has been an essential element of the technical rescue team, special events team, mass casualty team, as well as many fire stations in which he serves as station captain. John's an incredibly efficient and effective Battalion Chief, instant commander, and administrator. He is one of the most solid fire commanders that the division has known.

[00:04:43] He has also been influential in envisioning and developing many of the current operational administrative policies that guide the department. John Schaefer's leadership has influenced many Henrico fire leaders both past and present. John has been a consistent present on the A-Shift command team, helping mentor numerous chiefs, captains, and lieutenants. I feel fortunate that I had Chief Schaefer as a supervisor when I was a captain. I also had the opportunity to serve alongside Chief Schaefer as a battalion chief and then again as a shift commander. He's a member of the team that others seek out for advice and counsel. John leads with his heart

[00:05:20] and will always find a way to help someone under his command. John is consistently led with humility and empathy. When we talk about Henrico County having heart, leaders like John Schaefer are what I think about. He was recognized for his leadership by the Virginia Fire Chiefs Association in 2019 receiving the Glenn A. Gaines Leadership Legacy Award. It's now an honor to recognize Chief John Schaefer as he becomes part of the Legacy Leadership Circle.

[00:05:58] Mr. Schaefer, I'm sure you have a couple words. I know I'm going to pay for this later, sir.

[00:06:16] But we'll be placing this name on the plaque, on the Leadership Legacy Circle, but also from the county to you, sir. A few words is about what I'm limited to because I'm not a man of many words, but members of the board, Mr. Manager, I am very humbled to be standing here before you and want to thank

you for this recognition. I am very grateful to many persons who have supported me throughout my career and want to recognize a few of them. First, I'm grateful to the county for even giving

[00:06:55] me the opportunity 45 years ago to become a part of one of the world's greatest fire departments and also in the nation. What an honor it has been to serve our customers as part of this tremendous team. A few of them you see behind me here. Next, I want to, I'm very grateful to the county manager who has been an inspiration to me in many ways.

[00:07:24] Mr. Manager, you've always made me feel valued and appreciated in every encounter that we've had with each other. Your genuine interest in each employee is rare in such a large organization, and I don't think you know what an impact you had on my career. We're very blessed to have you as a leader and to have been a part of our team is an honor.

[00:07:45] Finally, I want to recognize my wife, Terry, who has been my biggest supporter throughout these many years. She has always been my biggest fan and has always had faith in me when I didn't feel worthy of it. She's the one that assured me that I could when I wasn't sure I could.

[00:08:03] She is truly a gift from God to me. As I move into a new phase of life, I will not ever forget how fortunate I am to have been part of the greatest county in the nation. To be one of the few selected to wear the Henrico Division of Fire uniform has been an honor that will always be a part of me.

[00:08:24] pray that god will continue to bless this county and those that lead and serve it including all of

[00:08:31] y'all thank you so much chairman um for the second comment i'd like to ask um raj josh joshi to come

[00:09:24] forward and rakesh if you want to come forward as well members of board members the audience raj is the Asian American Society of Central Virginia Board Chair, and we are celebrating Asian American, Native Hawaiian, and Pacific Islander Heritage Month this month. These are people who invest their talents, intellect, and ingenuity into the day-in-day operations and strategic planning

[00:09:57] essential to how we deliver services and serve at all levels. Specifically in May, we take time to appreciate individuals whose creativity understanding and experience are rooted in the care we provide everyone ensuring their well-being and strong connection to the county the vast contributions from county employees in the community past and present are central to how we govern and serve and how we partner and uplift and how we innovate with future generations in mind so I want to Raj I

[00:10:35] I want to ask you to make some comments, if you will. I know there was an event, was it last week? I think, Ms. Whitehead, you were there. And thank you for hosting that event, that cultural event, every year.

[00:10:51] So the floor is yours. Thank you. Good evening, everyone. Thank you, Board of Supervisors, County Manager John, and various county officials for giving me this opportunity to present my remarks in honor of the Asian American Native Hawaiian and Pacific Islander Heritage Month.

[00:11:11] I'm Raj Yoshi, and I'm the current chair of Asian American Society of Central Virginia. Those of you who do not know, it is a nonprofit that was established in the year 1998 to promote unity and diversity in Central Virginia region and promote cultural awareness about various Asian culture.

[00:11:30] Those of you who have not heard about ASOCV, We are the organization that hosts Asian American Celebration, or fondly known as Asian Festival, in Greater Richmond Convention Center for the

past 26 years. And we just recently hosted the 26th AAC, and it was attended by some of the board of supervisors as well.

[00:11:53] And I must take this opportunity to thank you all for being a partner and supporting us and letting us provide this platform where people can enjoy diversity and a huge festival. Let me tell you a little bit about myself.

[00:12:10] I'm a first generation Asian American immigrant who immigrated to the United States back in 2008. I was just thinking about yesterday, I just completed 16 years of my life in the U.S. i first landed in richmond international airport and when i came to landed in richmond international airport i didn't know anything about what county i'm going to live in the only thing that i knew was that i was going to live the next few months of my life in a city called glen allen which is also a suburbs of richmond and a few days later i went to dmv to apply for my learner's permit

[00:12:47] and i was asked what is the county that you live in i called in my friend and guess what i live in the county of Henrico. And irrespective of the fact whether I knew about the county name or not, there was one thing that I was very sure about, that I love this place that I live in. I happened to attend an event hosted by the county, and I loved the feeling of community, the power of community, and the diversity that was showcased in that event. Almost 16 years have passed then, and the months became years, and I've been living in this county for 16 years now. And as I mature

[00:13:25] over the years in giving back to the community that I live in, working through various non-profits such as ASCV and the India Association, the one thing that I've realized is that we live in a county that engages its residents. It cares about its residents irrespective of your race, religion, or ethnicity. As you all know, a few years earlier, there were unfortunate incidents of hate crime, which happened in some parts of the country, and when that incident happened, the county officials were prompt in reaching out to the Asian American diaspora and assuring

[00:14:03] that, come what may, Henrico is not a place where such incidents would happen. We worked together in engaging and educating people, and guess what? We never had any issues. And over the past few years and months, that engagement has changed and evolved to more proactive working together on initiatives to making Henrico more engaging, promoting cultural diversity, and keeping Henrico beautiful. So once again, thank you all of you for giving me this opportunity to present my

[00:14:40] remarks. And again, I'd like to thank Rakesh, who is the Governance Chair of ASOS CV, in accompanying me to this meeting. Thank you once again. Thank you, everyone. mr. chairman i have no other comments this evening thank you mr manager colleagues do you have any comments tonight mr chairman raj's comments reminded me that i um forgot to bring they presented henrico county with um a plaque and i accepted it proudly on the county's behalf on the stage at that event but i left it in my car so um somebody please remind me to grit but

[00:15:18] thank you for presenting that to the county and i was very glad to accept it on the county's behalf thank you miss whitehead anybody else all right seeing none uh as it relates to recognition of news media uh linden german from vpm is here is there anybody else who is here representing the media all right mr manager presentations mr chairman we have two presentations uh this evening the first one for the chair members of the audience is for law enforcement officers

[00:15:52] week, which is May the 12th through the 18th, 2024. This is a proclamation. There is no vote of the board that will be taken, but this proclamation will actually be presented at the police memorial on Thursday, May the 16th, this week at 6 o'clock by our chairman. The second proclamation is for Older Americans Month, May 2024, and this proclamation recognizes that month is Older Americans Month and is presented by our chair Tyrone Nelson to the following individuals

[00:16:29] and if you all would come forward Amy Strife executive director of senior connections Ashley Giles our advocate for the aging and is there anyone else here Sheila Cunningham recreation coordinator thank you all for being here this evening it's a proclamation of the board of

[00:16:56] Supervisors of Henrico County Older Americans Month, May 2024, whereas Henrico County includes more than 71,000 residents who are age 55 and older, over. And whereas these residents enrich our communities through their diverse life experiences that have enabled them to, quote, connect, create, and contribute, unquote.

[00:17:20] And whereas May is Older Americans Month, a time for us to acknowledge and honor Henrico older adults and their immense influence on every facet of our community. And whereas Henrico County includes a growing number of older Americans who contribute their strength, wisdom, and experience to our community.

[00:17:39] And whereas the 2024 theme for Older Americans Month is powered by connection, which recognizes the profound impact that meaningful relationships and social connections have on the health and well-being of older residents.

[00:17:55] And whereas communities benefit when people of all ages, abilities, and backgrounds are welcomed, included, and supported. And whereas Henrico County recognizes the need to create a community that provides the services and supports older Americans need to thrive and live independently for as long as possible.

[00:18:16] And whereas Henrico County continues to enhance the community for older residents by offering services and programs through Division of Recreation and Parks, the Advocate for the Aging, and other county agencies. And in collaboration with Seeing Connections, the Capital Area Agency on Aging that promotes independence, explores the positive aspects of aging, and increases access to services that support aging in place.

[00:18:43] Now, therefore, be it proclaimed by the Board of Supervisors of Henrico County, Virginia, that May 2024 is Older Americans Month. The Board of Supervisors urges every resident to recognize the contributions of our older residents, help to create an inclusive society, and join efforts to support older Americans' choice about how they age in their communities.

[00:19:09] Signed by myself, Chair of Board of Supervisors, also by Clerk Tonya Brackett, May 14, 2024. Good evening. Again, my name is Amy Streit, and I'm the Executive Director of Senior Connections, the capital area agency on aging and I am with so very simply we would like to say thank you we are truly grateful for your decision to once again proclaim May

[00:19:44] as older Americans month in Henrico County we are honored to accept this proclamation and celebrate in our partnership with you as together we share commitment to serve older adults and their caregivers so thank you thank you for your commitment to cherish all residents and your dedication to making Henrico County a wonderful place to live and grow old thank you all right mr.

[00:20:21] moon mr. chairman we move into appointments and resignation agenda item 149 - 24 is a resolution for appointment of members to the Finance Board this board paper would appoint our internal auditor Vaughn Crawley and finance official from the schools to that finance board for terms equal in May 24th 2026 is Vaughn here all right Vaughn if you would come forward but first a motion would be necessary mr. chairman second all right motion made by Reverend

[00:20:56] Cooper second by everybody we'll give it to mr. roguish all in favor say aye

[00:21:01] any opposed thank you next mr. chairman is agenda item 150 - 24 this is a

[00:22:08] resolution also in this case for a resignation of member from the Henrico area mental health and developmental services board this paper would accept the resignation of Rupinder Kaur from that board again mr. chairman so motion second all right motion made by mr. roger second by mr. Smith all in favor say aye any opposed thank you mr. manager next mr. chairman members of board public hearings rezoning cases in provisional use permit the first case of the evening tuckahoe magisterial district 117-24 before you is gateway associates of richmond 2

[00:22:45] llc with a request for a provisional use permit under chapter 24 of the county code to allow commercial uses and zoning modifications as part of a master plan development on several parcels located uh near or on param road near its intersection with fargo road in this case this item was as a point of information deferred from the april 9th 2024 meeting mr seal thank you mr manager members of the board this is a request to modify and expand a previously approved

[00:23:22] provisional use permit to redevelop part of the larger gateway apartment complex with the new mixed-use building the proposed changes would increase the number of units modify setbacks in parking and alter the resident amenities and planned commercial space within the development the subject property is located on the west line of north parham road south of its intersection with fargo road surrounding uses include a shopping center to the south offices to the north and east across north parham road and the remainder of the gateway apartment complex which is located to the west in this location as noted this request would modify a previously approved provisional

[00:23:59] use permit that allows for the re-development of the property currently notable changes between the previous approval and the one under consideration this evening include an increase in building height from five stories to six stories an increase in new residential units from 80 to 100 units a change in the dedicated first floor commercial square footage from slightly over 14 000 square feet with the previous approval down to 9200 square feet additionally a clubhouse that was shown as a standalone building would now be included on the first floor of the proposed building as an 8000 square foot clubhouse and fitness center and an additional 1500 square feet of the first floor would be used as community space similar to the already approved pup the

[00:24:38] applicant is requesting modification to the existing r6 setbacks in the north side yard and rear yard adjacent to the pool area the concept plan also shows the closure of a northernmost access point to north param road in this location with the southernmost access being retained this change would allow for the construction of a turn lane from param road into the site but would also have the effect of bringing the proposed building slightly closer to the roadway per the zoning ordinance any modification to parking standards must be accompanied by a parking study signed by an engineer which provides justification for the proposed change

[00:25:13] a parking analysis outlining this justification has been provided showing a total of 201 parking spaces or approximately 1.58 spaces per unit which is comparable to parking calculations of similarly approved developments concerns raised by nearby residents the planning commission hearing included potential traffic impacts on north parham road pedestrian safety height of the proposed building noise associated with the building's height and orientation and potential precedent setting redevelopment of the site on the department of public works traffic division has not raised concerns about the increase in traffic however staff does acknowledge that both the existing

[00:25:49] approval and the proposed revision would be a significant shift from the existing pattern of development in the area should the board consider the proposed changes acceptable staff would recommend the conditions contained in your staff report the planning commission recommended approval of this case at their march 14th meeting the request as the manager mentioned was deferred by the board at your april 9th meeting no changes have been made since that time and the applicant and their representative are here this evening to speak to the request should you have any questions that does conclude my presentation and i'd certainly be happy to try and answer any questions you might have at this time thank you mr seal we're gonna um just for the sake of

[00:26:26] colleagues we're going to do the same thing for all of our cases tonight here from the from staff first and then here from the applicant then here from the public is there anyone who has questions for that for the staff person mr. see

[00:26:43] all right applicant if you're here come on share mr. Connor chairman members of the Florida Supervisors mr. manager my name is Andy Tomlin I have with me here

[00:27:21] Stephen Alexander, who's the managing member of Gateway Associates, thank you for the opportunity to present this case this evening. This 2.47 acre site, as Mr. Seale has already pointed out, has a number of surrounding uses around it. I did want to show you the 2019 approved provisional use permit for this property that generally approves this for five stories with the commercial on the first.

[00:27:43] And as Mr. Seale described, 80 residential units, which included the 20 existing plus additional 60. And you can see the clubhouse and pool that were going to be new, that were actually outside the building one of the changes or two of the changes he described which I provided in circles here is taking that clubhouse and moving it into the first floor of the existing building and closure of that Garam Road access which you can see on this which is the revised and new proposed layout which is an increase in the pool deck and increase in the size of the pool but again bringing the clubhouse into the first floor of the existing building and you can see here we have one existing access point which we do believe and has been

[00:28:22] been presented at the Planning Commission is one less conflict point and provides for a turn lane that we can be able to provide along Harum Road as well. I did want to talk a little bit about the new layout with the additional floors which we'll talk about in a second. We did have as a confirmation as Mr. Seale talked about was the confirmation of two setback revisions with 10 feet on the north side and then 4 feet on the pool side and modification of the commercial space.

[00:28:48] I'll address each of those as well. This is the 2019 elevation that was approved with 5 stories and as you can see it's at grade with Parham Road. The new elevation which we believe is more of an updated with a more modern elevation adds the 6th floor and while it is providing for an additional floor the actual proposed height of the new building is 334 feet which is 8 feet taller than the existing approval at 326 feet.

[00:29:17] The other difference is that because we're closing the one entrance onto Parham Road we can use the existing grade in a better way, and it's actually lower by four feet. So, in essence, the totality of the change of the height of this building is four feet greater than what we had otherwise.

[00:29:33] Still with an additional 20 units, but it's still four feet taller than what the existing approval is, even though it's an additional floor. The other thing that we've looked at that has come up as part of the discussions was the truest building at the corner of Quiaqueson and Parham Road.

[00:29:52] Looking north, you can see that this particular building sits exactly at 334 feet when you take into account the elevations, which is exactly the proposed height of the new building. And then looking from the north side, north of the site itself, you can see as Parham Road continues to fall dramatically.

[00:30:11] This makes a big change in the ability from the height of the building on Parham Road because it has such a great change throughout the entire, as you drive along Parham Road. One of the concerns raised that was mentioned was bringing the building closer to Parham Road.

[00:30:28] We overlaid the existing footprint over top of the proposed footprint. You can see they're almost identical. And the difference being that the actual road itself we believe is the small change which still within the requirements is the road coming closer to the building because the building itself does not move.

[00:30:44] At the planning commission a concern was raised about pedestrian connectivity and you can see we're establishing a sidewalk network along Parham Road, constructing that to make the connections created not only along Parram Road and within our site itself, but also as you go further north on Parram Road and head to the Henrico Library and facilities further north.

[00:31:05] And then you'll be able to go back, there we go. The one last item, two items that were of concern were about the landscaping at the northeast corner of the property.

[00:31:25] We provided for as part of our site plan enhanced landscaping standards. And then the last item I wanted to address for parking was just the commercial space. It is true that we've reduced it from 14,500 down to 9,200 square feet, but we have increased the community space, not only with the 8,000 square foot clubhouse, but an increase of the pool, but also the 1,500 square foot community space.

[00:31:47] It was a little confusing at the planning commission, so we wanted to clarify that. But this particular clubhouse is available not just for these residents, it's been expanded because it's going to be available for all the gateway residents and rent it to them. So while it's not true commercial space, nor is it just true community or amenity space for this particular project, it is serving for property beyond this and it's actually enhancing the redevelopment of the remainder of the gateway facility.

[00:32:13] And then finally, as has been mentioned by Mr. Seal, the parking, we're staying consistent with the 2019 approved parking, which is one space per studio and one bedroom and one and a half per two bedroom and this is born true of the ITE standards and that's part of the parking study that says that there is excess parking available even with the decrease from the code standard being able to address one bedroom and studios.

[00:32:43] So with that, we are in agreement with the conditions that the staff has suggested in the staff report. This comes to you with the planning commission recommendation and I believe Mr. Alexander would like to say a few words as well if he may and we'll be happy to answer any questions at this point

thank you and good evening thank you for your time tonight I'm Steven Alexander I'm president of colony apartment homes and we have been invested in the Henrico area since 1968 I represent the Gateway apartments

[00:33:20] colony management and the partners of Gateway Associates we have been an integral part for the past 56 years we are like we are a legacy developer property owner and property management company who has built retained and managed our property we do not build and sell we do not churn and burn it is not our business model in fact since 1968 in those 56 years of doing business in Henrico County we have only sold one residential property in Henrico County

[00:33:58] the gateway currently holds a zoning approval for hat for five stories on the property being discussed we are requesting the modification to add that sixth floor that eight actually four additional feet in height due to the proposed drop in grade and 20 units the reason for this request is it makes the project economically feasible staff has recommended the modification in its current plan the Planning Commission has voted unanimously to recommend that

[00:34:36] board of supervisors grant this request we have spent an additional six months in delays from our original december hearing date spent huge sums of money in architectural engineering and legal fees and lost revenue we've modified the plan with the help of planning and staff a vote against this minor modification recommendation recommended by staff and the planning commission will lead the the development community bewildered and unsettled the only opposition to this

[00:35:10] request is an enclave of homes located across harem road from the gateway this subdivision already backs up to commercial office many restaurants and retail establishments plus a chick-fil-a actually the gateway is was there prior to many of those homes being built so the neighborhood knew what they were getting in the in the area in which it was being built there is no opposition from any contiguous neighbor does this area of Henrico want the

[00:35:47] change that we are willing to bring after 50 years of doing business in and with Henrico County in this quarter don't you think that we now we would do something now that would be detrimental to the area the proposed modifications simply make the project economically feasible a very limited but necessary change to bring more life into the Regency quarter the new property will be cornerstone in the revitalization of the Regency corridor. It will bring

[00:36:21] additional walkability and vitality. The merits of this modification of the current approved plan, an additional 4 feet and 20 units, far outweigh its negatives. We bring investment into the corridor, new housing, and a quality development. Like you, I have a responsibility to others, our partners and investors it is my fiduciary responsibility to be a good steward of their investment and of their partnership the way we have been doing this property since it was first constructed unfortunately

[00:37:00] this project will not move forward without this approval it simply does not make financial sense we therefore respectfully request the board of supervisors to grant this request thank you thank you that's it mr connor all right victoria is there anybody on webex just for knowledge sake there's no one to speak to this item all right this is a public hearing is there anyone here to speak to this particular case if you are here to speak to the case then we ask that you go to

[00:37:33] the microphone in the back share your name and address my name is jeremy raw i live at 1610 renmark road in the little enclave neighborhood that was just referred to uh one of the points i want to

make about this is the the sheer deceptiveness of this presentation when they they talk about oh 334 feet that's above sea level folks not above the ground second point they're comparing it to a point mile down the road at the corner of param road yes it slopes down from all the houses along renmark road which is one narrow property away from param road on the on the east

[00:38:10] side from all of those neighborhood houses we see treetops this building will exceed those treetops by double the height locking out sunlight and creating a sound wall that will reflect noise from Parham Road. The traffic already at the intersection that's going to remain open at the south side of this property is already congested at rush hour. Cars back up from Fargo Road all the way past that intersection now. That was even before the Chick-fil-A reopened with its new innovation and even more traffic. I'm saying that this project was ill-considered because it only

[00:38:48] looks narrowly at this property. It doesn't consider the effects at a distance and it doesn't consider the effects on the larger corridor up and down Parham Road so I deeply request that the Board of Supervisors reject this proposal and send the developers back to do something that will be better suited for the larger community in this neighborhood thank you thank you sir is there any other persons here to speak to this particular case all right seeing none questions comments colleagues I have a couple questions I think for mr. Conlon probably so part of the challenge on this case for me getting it originally

[00:39:27] was what was approved in 2019 five years ago versus what's actually on site right now. And just to confirm, one of the comments was that the neighbors knew that the gateway was already there. The current density at gateway is R6, right, which is no more than 20 units per acre.

[00:39:48] And you're in a line with that with where you are. You're at 19.8. The 2019 PUP actually allowed you to double that to 43 units per acre. And in this 2023 PUP, you're now asking for an additional 20% on top of what was already given on the 100% more.

[00:40:09] So while residents maybe moved in knowing it was R6, this is a lot more density in this area. Yeah, in that specific area. There's 20 units already existing on that site, which is under the 20 units an acre since it's a 2.5 acre site. But you're right. is increasing density overall than what would be permitted by the r6 on this particular site and with the additional height the setbacks are actually we're giving a little bit more on the setbacks too correct well there's uh the answer is that under the original approval yes uh but as it's been revised uh during the pod phase but it's just on the not along param road it's just

[00:40:45] on the north side and on the pool side which i guess would be the west side those are the only differences that are occurring from the code itself, which is permitted under the PUP, but yes, those are being changed. The other issue I have is the 2019 PUP, it talks about the Freeman was over capacity by 3.6%, and students might need to utilize trailers. And today, the actual number at Freeman is 1843, which is 4.5% over capacity. So, you know, I know I heard Mr. Alexander talk about responsibility to his fiscal investors.

[00:41:23] I mean, I have a responsibility to the students at Freeman to not go over capacity by this much. I mean, I know that in this report, it's only saying 10 more people, 10 more students estimated, but the reality is that'll take us over 5% capacity at Freeman. So where does the line stop on this?

[00:41:40] And I'm not sure that's a rhetorical question I don't know if you can answer, but I know it's only 10 students, and that doesn't seem like a lot, but it's now over 100 more students at freemen than capacity the only the only thing i can answer to that is the design of the actual building and the amenities that go

with that with primarily studios and one bedrooms with a limitation on two bedrooms and no three bedrooms at all the number of children quite frankly i think has proven true throughout the county that facilities like this that don't have tot lots and children's areas for play areas don't really produce that many kids but your point is well

[00:42:16] taken with already over capacity and that you know there's going to be a few a few kids certainly which is fair um the 2019 pup said it was over 3.6 percent we didn't do the 2019 pup and we're already at 4.5 percent so without your project we already added a one percent over frame so i i have a concern about that and i do believe i have responsibility the the fourth thing i have is the commercial use and i think everybody um has said this but the commercial use has gone down by 35 percent or 33 percent it's gone from 14 400 square feet to 92 50 so it's it's kind of going

[00:42:52] against what that multi-use person that mixed-use purpose is right certainly it's gone down but our amenity space has gone up in the again i'm just repeating myself but it is the increase in the clubhouse and it's serving not just this property but the rest of gateway as part of their rent They'll have a right to use this as well, and they'll have to rent for it.

[00:43:11] The traffic, although traffic engineers have said it's not a problem, with only one entrance, that U-turn with the Chick-fil-A, Chick-fil-A just added a drive-thru. We all know Chick-fil-A can produce some cars. They can get people through the drive-thru pretty quickly.

[00:43:28] But there's also a daycare going across the street, and so that intersection is going to be, we're putting more on the intersection at Fargo as well as the little u-turn there so i know traffic has commented that said that it's going to be fine but i do have a little concern about the traffic in that little area there at the end of the day the elimination of one of the entrance points and putting in a turn lane at least for this site and for the traffic flowing uh heading south on parham road does make it a safer at that segment now i can't speak to the lights that we had we didn't do a study on those lights well again it's just it's just a comment the and i know the building has not moved right

[00:44:04] but it did get wider is that correct it went um about 12 feet wider is that what i'm looking at you know along param road no no no the actual size of the building um got it looked in you're going back to your overlay but it looks to me like it's about 12 feet wider i don't i don't believe so i don't i haven't come across that okay it may not be um and then the last point is truthfully you know this is only on 25 percent of the overall gateway 10 acres so we are going to increase the density 20 over the 100 so we're going to change it to that's a considerable amount

[00:44:44] on only 25 of the property i do have a concern of what precedent that sends on the rest of it and i will say to to your client i was i had the opportunity twice to walk with him through his property he's a he's done a great job of keeping of updating the existing units the 27 units that are in the middle and i'm encouraging that to continue i would like to see that redeveloped but truthfully that height is something that i cannot get over and that's a that's a big height difference i mean i know it's just one story it's only eight feet four feet etc but that's a big building for parham road i'm not aware and and maybe you can answer this but i'm going parham

[00:45:23] road especially south of three chop there's nothing on parent road that's that but that's that's all I don't know if anybody else has any comments colleagues any other responses I think you think you covered it all sir so I would like to address your question about the the clubhouse the clubhouse is actually

not only going to be available for rent for other gateway residents but also for other colony management and colony and properties that are in the

[00:46:01] area we own a number of apartment communities that will have the opportunity to rent that space as well as the public can actually rent it as well and therefore it is a commercial space defined by definition and the footprint of the building has not changed at all it has not gotten 12 feet water it is identical and in the identical spot that it that it was it did however um as you noted um at the

[00:46:38] request of um of planning and uh traffic we felt it was safer for all concerned and for the the intersection to have a dedicated turn lane in so the turn lane actually came into the property not the property going out into the turn lane so i wanted to actually uh clarify that that uh you know the building's not come closer to the street but the street has actually come closer to uh the building by virtue of adding a safety feature of being that turn lane the building hasn't moved

[00:47:18] closer to the road the road got closer to the building i i that's in order to accommodate a train lane which was requested right and the commercial is responsible for um something that has been requested by planning um as a negative and i realize that the commercial space uh correct if i'm wrong if we if we open that up the commercial space then that changes a lot of the parking um assessment as well so that we can't we can't do that because the parking is right on the amount so i think mr rock um the uh community known as cloisters is walking distance to our property

[00:47:55] and it contains over 300 units there as well as it would be open to the homes across the street in the um subdivision so it is open to the public any other comments uh mr chairman i move that pup 2023 00018 gateway associates of richmond 2 llc be that be denied because the requested increase in building height and density is not consistent with the character of the surrounding

[00:48:33] area could negatively impact neighboring properties in the north param road corridor and also set a precedent for similar sites second motion made by mr roger is second by mr smith all in favor say aye aye any opposed thank you mr manager next mr chairman agenda item 151-24 out of the brooklyn district is costco wholesale corporation with a conditional rezoning request from o2c office district b2c business district and b3c business district to b3c business district

[00:49:09] conditional the parcel contains just over 17.8 acres it's located at the intersection of West Broad and Springfield Road and the applicant proposes an expansion of existing retail operations and the relocation of existing fuel pumps mr. seal good evening mr. manager I understand that there have been some changes and mr. Schmidt I'd like to speak to that so yes service you'll thank you I've had an opportunity to speak with the applicant today and while the case is overall is overall an open case and it's been

[00:49:49] relatively discussed with residents there's a piece of conversation my from my colleagues information piece of conversation about sidewalk that we have not been able to finish yet so I'm going to recommend for a deferral this evening and to save everyone's time and presentation we're gonna hear again in a month I do believe it's a public hearing mr. newbie is that right so to see if anyone in the audience is here they want to speak to that deferral that's correct anyone here want to speak to the case period is there anyone on Webex Victoria there's no one to speak to this

[00:50:24] item all right thank you Mr. Chairman I move that rezoning case RZ2023100258 Costco Wholesale Group be deferred till the June 11th 2024 meeting at the request of the board member all right

motion made by mr. Smith second by Reverend Cooper all in favor say aye any opposed thank you mr. Matthew next mr. chairman agenda item 152 - 24 out of the

[00:51:00] Verona district is HD CVA LLC with a conditional rezoning request from a1 agricultural to m1c light industrial district several parcels containing 622 point 1 acres they're located at the north and south lines of East Williamsburg road at its intersection with technology boulevard the applicant proposes manufacturing and production uses include including advanced manufacturing and data centers in this case planning commission voted to recommend approval mr emerson thank you mr

[00:51:37] manager mr chairman members of the board hd cva llc proposes a development that would include advanced manufacturing and data centers on approximately 623 acres located on the north and south sides of east williamsburg road adjacent to and along the intersections of interstate 64 interstate 295 technology boulevard and old memorial drive the subject property is mostly wooded containing a small pond two residential structures and an open field located between old

[00:52:11] williamsburg road and interstate 64. surrounding properties are zoned a1 and m1c containing a mix of wooded lots and residences a solar farm single family homes vacant land and fire station number 14. the majority of the site is designated in the 2026 plan as office office service commercial concentration and environmental protection area portions of the site are also designated as prime economic development sites number 26 and a part of site number 27. The traditional neighborhood

[00:52:49] development designation extending into the site is more associated with a larger area to the southwest and the open space recreation designation reflects a previous ownership by a local soccer organization. The request for light industrial zoning is generally consistent with the site's primarily commercial and office recommendations encouraging economic development. Many of the uses proposed by the applicant, including data center development, are permitted in the county's office, office service, and business zoning districts, consistent with the plan's future

[00:53:24] land use recommendations. While the site is currently zoned for agricultural uses, and inquiries regarding the loss of agricultural land have been received, long-term agricultural use of the site is not envisioned by the 2026 plan. Development of the 2026 plan balanced future uses throughout the county to ensure adequate housing and economic opportunities for residents and property owners this balance included the designation of prime agricultural on the future land use map for areas best suited to continued agricultural use over the plan's

[00:54:00] time frame the subject site does not include a prime agricultural designation and based on the plan would not be considered lost agricultural land the applicant has provided a developable area plan developable area plan reflecting how portions of the property may be developed in addition to the total developable area the exhibits show buildable areas where buildings

[00:54:33] and associated structures would be located a commitment limiting impervious area to 65 percent of the site has been proffered this commitment provides for a minimum 35 percent of the site to remain in open space and that is an increase from the required 10 by the zoning code the applicant also included several enlargements of this plan in order to show specific areas in greater detail here we go this shows the different quadrants and the potential footprints and those are buildable

[00:55:09] areas not necessarily buildings so don't be confused by by those descriptive graphics a second series of exhibits showing the buffers and potential flood zone areas has also been submitted and these

are the buffer area plans building setbacks and buffers have also been proffered perimeter buffers and building setbacks for multiple borders of the property are described in proffer number three and their locations are shown on the submitted exhibits

[00:55:46] in some locations mostly along the resource protection area and adjacent residential areas there would be a hundred foot buffer and setback in other areas mostly adjacent to roadways there would be a 50-foot buffer in conjunction with a 100-foot building setback proffers would require existing vegetation to be retained to the greatest extent possible and where the buffer areas do not meet transitional buffer 50 planning standards supplemental landscaping would be added the applicant is committed that fencing located within these buffers and setback areas

[00:56:20] would be decorative the provided provided setbacks and buffers are consistent with the existing development requirements in the white oak technology park and with other approved developments along technology boulevard the applicant has provided a commitment that 50 of all plantings installed are native species that's a 15 increase over the code requirements the proffers address permitted uses allowing those listed in the office category in the manufacturing and production category

[00:56:56] minor utilities and accessory uses electrical substation switch stations water and sewer facilities would be allowed any additional m1 use could be permitted with the approval of a provisional use permit our conditional use permit per the zoning ordinance which of course as you're aware requires a public hearing process and we come back in front of the planning commission and in this body as well for approval data centers are permitted use and have been the subject of much public discussion in this case data centers as a use is first permitted in the o1 office

[00:57:32] district requiring all cooling ventilating and emergency generators power supply equipment to be located within an enclosed building the equipment for data centers in the m1 m2 and m3 districts is not required to be fully enclosed but must be screened the applicant has included a proffer detailing the safe conduct of operations for these uses it includes additional language to what already appears within your zoning code architectural elevations with specific building

[00:58:08] materials are proffered any buildings no matter the use must be in general conformance with the quality of design massing architecture and variety of features contained in the exhibits the applicant is committed to joining the white oak technology park property owners association which would also require approval of the park's design review board which of course is made up of all the property owners within the park signage will be provided similar to the surrounding developments monument style with materials consistent with the associated buildings

[00:58:42] no digital message signs or boards would be permitted proffers limit building heights to 93 feet lower than the 110 feet allowed by code white oak technology park allows a height up to 110 feet but currently the tallest existing building is 75 feet building appearance and height would be generally consistent with other developments in the area and the applicant has committed to incorporating best practices with regard to environmentally friendly building construction the proffers include a commitment to develop future buildings including data centers consistent

[00:59:22] with an established environmental building program such such as lead or ashray third-party certification of the buildings design and construction will be provided according to those standards and we do have a second elevation general construction and site considerations are addressed in a series of proffers related to floodplain conservation stormwater pond treatment

[01:00:01] underground utilities lighting fencing hours of construction and many others hours of construction have been limited to 7 a.m to 7 p.m monday through saturday in 9 a.m through 6 p.m on sundays within 500 feet of existing residential uses except in emergencies there have been inquiries about other construction and site considerations such as soil retention techniques retention pond construction techniques and screening of mechanical equipment all these items are addressed in your

[01:00:36] county codes and state statutes and therefore they do not need to be addressed in the applicant's proffers comments provided by recreation and parks indicate the subject property falls within the area of both savage station and seven pines battlefields primarily towards old williamsburg road while there have been no earthworks or other features identified on site the applicant has proffered a phase one archaeological and cultural resource study to be conducted prior to the first

[01:01:14] plan of development any artifacts found would be offered for donation to the county the applicant is also committed to dedicate a portion of the property along the north side of old williamsburg road to the county for placement of a historic marker or other improvements we would like to note that the savage station battlefield already has several markers located on meadow road and this is where the civil war websites primarily the uh civil war trail direct individuals wishing

[01:01:47] to visit the battlefield so it's uh it's well well marked along meadow road prior to or concurrent with the approval of the initial plan of development on each track a document setting forth covenants and restrictions related to related to development and maintenance of the track would be recorded and by which that portion of the property would become part of white oak technology park this would include setback requirements a design review board and development guidelines addressing various topics signage external lighting location of service areas

[01:02:25] landscaping construction standards site coverage and circulation as they have been applied to the existing developments within the white oak technology park the applicant will also be required to provide sewer infrastructure the department of public utilities has identified the need for a pump station and force main to serve the site the applicant would be required to demonstrate such infrastructure is available or under construction prior to plan of development approval county water can be supplied by a 24-inch water line located in old williamsburg road

[01:03:02] however citizens have raised questions about the project's potential water usage based on staff research of data center industry standards the amount of water used to operate such facilities is greatly decreased with technological improvements the applicant is committed to these best practices of water usage and on-site stormwater runoff for irrigation Bentley Chan, the Director of Public Utilities, is present and is available to answer any questions you may have.

[01:03:31] And of course, I know all of you understand most of these facilities are now air-cooled versus water-cooled using the evaporative method. So therefore, the water usage is essentially dropped down to sanitary. Noise has been a major concern expressed during citizen engagement.

[01:03:50] This includes both construction noise and ongoing noise from potential uses, particularly data centers. To address these concerns, the applicant is proffered to mandate the use of best practices in the industry of any use on the site at the time of construction.

[01:04:08] Emergency generators are a typical accessory use for data centers and other potential uses of the site. These need to be tested regularly to maintain their readiness, thereby producing some noise. The

applicant is proffered to limit the testing as approved by a required Virginia Department of Environmental Quality permit.

[01:04:27] The applicant has also provided a general framework of times when the generators could be tested, as well as providing a definition of an emergency event that may create a need for the emergency use of the generators. Testing would be restricted between 7 a.m. and 7 p.m. Monday through Friday.

[01:04:46] In order to reduce noise in the direction of existing homes, the applicant is committed to placing buildings and generators in a manner to minimize potential noise impacts during any operation. And, of course, we'll assure that design through the plan of development process.

[01:05:05] Decommissioning of these generators, which has also been a question, is addressed through the building and fire codes already and does not need to be addressed in the proffers. At the Planning Commission meeting, Mr. David Paler, the retired director of DEQ, provided testimony detailing the regulatory and environmental concerns regarding the use of generators at this location and required permitting by DEQ.

[01:05:31] He is unable to be here this evening, but a copy of the minutes containing his comments was included with your staff report. Mr. Yob also has spoken extensively with Mr. Paler on this topic, and he is available to respond to questions if needed. Other impact mitigating best practices included in the proffers are minimization of impervious surfaces in landscaped areas, use of solar power for aeration of stormwater facilities, electric vehicle parking spaces, LED light fixtures, recycling of construction material waste, and heat reflective roofing materials.

[01:06:09] The county and the applicant have received inquiries regarding installation of solar panels on the roofs of the data center buildings. Due to the equipment, which covers the large amounts of the roof surface, which of course is the cooling equipment, the applicant has indicated they cannot install roof solar without possible disruption to the operation of the facility.

[01:06:30] In lieu of this, the applicant has provided the county with a letter of intent, committing \$5 million towards the installation of rooftop solar panels, tiles, or shingles on homes within Henrico County. It is anticipated this level of commitment would equate to approximately 200 to 250 homes.

[01:06:51] The intent of the program would be focused on new affordable housing in the county, but would not be limited to only that product. The proffers address access and necessary traffic improvements as determined by a traffic impact analysis.

[01:07:08] The analysis would be required based on cumulative trips generated by the entire site and is recommended by the Department of Public Works as we move through the plan of development process. General vehicular access for the majority of the site would be obtained from Williamsburg Road or Technology Boulevard.

[01:07:26] Additional emergency access could be granted from Old Williamsburg Road and Old Memorial Drive, dependent on which roadway is adjacent. Exempt is a portion of the site that currently only has access to Old Williamsburg Road, which access would continue for any allowed recreational purposes.

[01:07:44] All construction traffic must come from Williamsburg Road or Technology Boulevard. Pharrell Hughes, the Director of Public Works, is also present this evening and available for any transportation questions you may have. In addition to future land uses, the comprehensive plan contains a major

thoroughfare plan, which I know you're all familiar with, which contains conceptual roadways intended to ensure adequate access to all parcels consistent with future land use recommendations.

[01:08:13] The site contains several MTP concept roads, including an extension of Memorial Drive to Williamsburg Road, an extension of Technology Boulevard north of Williamsburg Road, continuing it past and over Interstate 64, and Concept Road 80, which would provide access from Technology Boulevard to properties on the west side of Old Memorial Drive.

[01:08:37] The extensions of Memorial Drive and Technology Boulevard were meant to ensure access in the event those sites were developed under multiple ownerships. If developed as a single use over the entire site as envisioned tonight, some roads may not be necessary.

[01:08:56] Concept Road 80 would provide access to property not involved in this case and help to relieve traffic pressure from Old Memorial Drive. Concept roads will be considered and finalized during the plan of development phases of these projects.

[01:09:14] Staff were requested to review policy documents created by Fairfax and Fauquier counties regarding data center development. Obviously, some portions of those documents are not applicable to Henrico, simply because every locality is different. After reviewing those documents, staff believes the proposed proffered conditions, zoning ordinance requirements, and plan of development review process would ensure the development is reasonably consistent with those documents.

[01:09:43] So your zoning code contains much of what already exists or what is mentioned in those documents developed by other communities. You should feel good about that.

[01:09:54] Community engagement. The applicant held two community meetings at Seven Pines Elementary School on December 7, 2023 and January 17, 2024. An additional meeting was held by the Henrico Conservation Action Network on January 18, 2024 at Sandston Library. Staff have received communication from citizens throughout this process and distributed this information both to the Planning Commission and the Board of Supervisors.

[01:10:25] This request would allow a large site to be consolidated under a single zoning district with unified proffers, and the proposed uses would be consistent with the majority of the 2026 plan's future land designations on the site.

[01:10:41] The proffered commitments provide assurances of quality development, including buffers, landscaping, building setbacks, architectural exhibits and materials, height limitations, use limitations, archaeological studies, land dedication, protective covenants, hours of construction, generator testing hours, MTP roads, DEQ permitting, membership in the White Oak Tech Park Property Owners Association, certification of building efficiency additional noise standards and many more best practices

[01:11:17] and i would note the county is also a member of the white oak design review board the applicant has addressed concerns raised by staff and would be in keeping with development standards and best practices for other facilities elsewhere in virginia and i would note to you as well as as i close out i want to show you this we've been it's been mentioned that data centers are clustered only in one part of the county you have data centers all throughout the county as evidenced by the stars on this map they exist in many forms and shapes in many different areas

[01:11:54] from business parks to the larger ones at white oak technology park but it is something that that isn't necessarily new to the county we've been working with these for a long time and this is the latest data center tax revenue chart and you'll see that in 2024 data centers generated 18 million five hundred sixty nine thousand three hundred seventy six dollars to the county's coffers staff believes this request will be generally consistent with the recommendations

[01:12:29] of the 2026 comprehensive plan and the pattern of development in the area established by the nearby white oak technology park staff supports this request and the planning commission concurred recommending approval to the board of supervisors at their april 11th meeting if you have any questions i am here to try to answer them as well as other staff i mentioned also have with me mr ben seal and mr seth humphries this has been a quite a team effort to bring this together so we'll be happy to try to answer any questions you may have miss emerson is it possible that we

[01:13:04] can um let us just go ahead hear from the applicant and then um then we'll come back and ask our questions and then we'll do public comments absolutely all right mr connor probably pull up the powerpoint again my name is andrew common from roth jackson have with me uh mark horrigan

[01:13:40] and many others consultants and resources as needed uh as we go forward uh as mr emerson had pointed out i also want to thank uh numerous members of the county including the planning Commission this board and the staff for spending hours on this case but also for the community was more than just a couple of meetings that were public but also a number of discussions and conversations and meetings and as well we don't necessarily agree on everything certainly it's made our I believe it's made our case better and I hope we've been to the best extent that we can responsive but also this has been a unique in the number of proffers that mr. Emerson has described that we've never proffered in any other case that I'm aware of in Henrico County that's really gone above and beyond what

[01:14:17] for protections that people are looking for so as mr. Emerson has described this is about 622 acres the thing I'm going to point out here is that which everyone knows it's bounded by two highways being 295 and 64 but also route 60 along the south and the Technology Boulevard that's goes into the site itself I think this is also important from a proximity standpoint that it's we're deeming it really an extension of White Oak Technology Park and it which has really set the precedent of good business practices and the pattern of rezoning is the area go towards industrial zoning but this proposal which is located near white oak technology

[01:14:55] park is designed and presented as an extension of that and it benefits from the existing and planned infrastructure of the surrounding area not just the road network and the fiber optic cables but the high capacity electric power and quite frankly the large buffers that are provided throughout the area as well there are a number of factors that we see uh feel like this this particular property is well cited those that have already been mentioned by mr emerson and his presentation but in particular to focus on the last item which is really the buffer so as you can see as you go up along Technology Boulevard near approaching the site which is on both sides of technology and then of course

[01:15:31] across route 60 it's a heavily treed site and therefore when we talk about creating wide natural buffers the trees are already there that landscaping and the screening is already available not only from adjacent roads but also from adjoining residential properties mr. Emerson has pointed out the specific buffering plan our buffers not only include 50 feet and 100 feet in specific places but variable width buffers

that go up to 170 and past 220 feet along the rpa areas that are designated specifically on this plan mr emerson has also referenced the developable area plan and this is important not

[01:16:08] only with respect to the building sightings but also for two other points that is the building setbacks that we've identified and designated specifically in conjunction with and proximity to some of the residential surrounding and adjacent residential to have building setbacks in excess of not just a hundred feet but an excess of over 280 feet in specific locations.

[01:16:29] Also important and I don't have this slide when we get into the historic area but if you look at the very top Old Williamsburg Road is paralleling and just below 64 there's a piece of property that's between that's what I call the 17 acres in which the historic designated area where a portion of it be dedicated pursuant to the proffers you can see that's a different color that there's a legend on the one that Mr. Emerson showed it didn't show up on this particular one but it's not blue it's shown as white and it's designated as open space it's not developable area I think that's important as we get to and as referred to and I can certainly go back to that as we need to but in addition to those

[01:17:06] items with respect to the setback and the natural buffers, we've extended these additional setbacks to the limit to clearing and to achieve, like White Oak Technology Park, limited sight lines. We have provided in our various presentations, and I'm not going to go through all these views, but we've created various view shed cross sections to be able to show, for example, on this one off of Old Memorial Drive, these particular perspectives to show how far the setback is and the landscaping that's quite frankly already existing and will be supplemented as mr. Emerson talked about and this one in particular is from old Williamsburg and route 64 perspective 7 from old Williamsburg road

[01:17:45] perspective 8 the bottom one from 64 that's an already cleared area so you can see there's less available there but we still have to have buffering that is provided for on those areas so these are just a couple of examples mr. Emerson has already talked about so I won't talk about the elevations and the materials but certainly to the extent that you can see them we have proffered these specific elevations and tried to make them look as if they're quasi office looking buildings i think many people many of you have toured these particular data centers that are out in wangado technology park existing and and many of them have 10 to 30 percent of their spaces are dedicated specifically to office and we can provide for that from the look and that standpoint we have

[01:18:24] to comply with those as has already been shown mr emerson did a very thorough job of talking about the proffers and the only thing i'll say i'll just comment on a couple of that are highlighted but we have provided typical proffers that henrico county expects for quality development plus we provided as i mentioned at the beginning additional protections unique to this particular property and this particular industry that we're proposing which is not just data centers but advanced manufacturing and office uses for example the lighting standards and in response to some of the community comments we provided for all led lighting and no building lights to face residential homes and limiting parking lot lightings to 25 feet in height there's concern about construction

[01:19:01] traffic we've limited construction traffic specifically to williamsburg road and technology boulevard and that the only access we can use old memorial and old williamsburg for is for emergency purposes and then of course access to that northern 17 acres mr emerson has talked about the protective covenants one of the things that we added at the comments were made during the planning commission was safe conduct of operations consistent with the code that we have in the zoning ordinance but also

consistent with previous zoning cases and then finally i'll mention on this slide the open space that mr emerson had talked about that 35 we've got 70 acres in rpa but we're also proffering that we have 220 acres of open space of the overall so

[01:19:40] we're exceeding uh that 35 for our our site itself we have uh mr emerson mentioned the concept road 80 so i'm not going to mention that i will point out that we are proffering that sidewalks along the entirety of our frontage along technology boulevard and williamsburg road knowing the importance of pedestrian access even if it's not immediate in this area but we think that it is important i did want to spend one second on the noise proffer that we provided for noise attenuation proffer which we think is a unique resolution of the concern that has been raised so we'll talk a little bit and very little bit about the generators but you've been out at the existing

[01:20:17] facilities there's a current way that they are designed there's really no external noise beyond what we'd see in an office building and delivery trucks so regardless of that we've committed to specific guarantees for noise attenuation at 70 decibels during the daytime which is equivalent to a dishwasher or washing machine and 55 decibels at nighttime again trying to provide for specifically that we can we can live up to that commitment that we've made before we even get our first plan of development we have to do a baseline study to be able to establish ambient noise prior to any land disturbance the last thing i'll say about specifically about the

[01:20:56] proffers is that we've created specific standards related to all buildings to be constructed and operated using best practices in the industry that's something again from our side of the equation we're looking at that and saying we can meet the best practices but we have to prove that to the planning staff and as we go through the pod process this includes committing to lead silver standards or an equivalent but also recognizing that data center buildings use a energy efficiency standard that's maybe different because of the way that they operate and that they're unique we have referenced specifically the ASHRAE standard 90.4 which is a metric creating specific requirements for mechanical and

[01:21:36] electrical systems to ensure continued energy efficiencies while encouraging innovation so it's something we're committed to and that we can commit to And Mr. Emerson has also referenced the \$5 million commitment that we've made to the county. One thing I will mention that the energy use is obviously a significant concern.

[01:21:55] It's continually evolving as this industry is fully incentivized to create as great of efficiency as possible. I'm going to quickly go over. I'm happy to talk about this in any more detail. But the example is a chart on the right. You can see where in 2010, if you continue the energy efficiencies in 2010, that would be the red arrow.

[01:22:14] That's where it would have ended up continuing with respect to the projected total U.S. data center energy uses. But instead, around 2010, there was a wholesale change in the ability of the efficiencies that are being used with respect to the operations. And you can see, in essence, under that blue arrow that it's really flatlined with respect to the energy usage that is being used by the data center energy industry.

[01:22:37] From 2010 to 2020, we saw an Internet traffic increase of 17 times. Data storage increased 26 times, and yet energy usage went up 10%. That's an incredible testament to the way that they're continuing to evolve and try to create better and more efficient.

[01:22:53] It only saves them money and is better for them. The last two items I'll mention back last month, the Department of Energy created a policy that's trying to interconnect clean energy and actually referenced from the Berkeley National Laboratory that 2,600 gigawatts of generation and storage capacity is waiting for interconnection.

[01:23:10] And just yesterday, FERC has passed new rules with respect to trying to come up with incentives and regulatory requirements for connecting and planning transmission and cost allocation necessary to benefit to create these greater interconnections. And that's, again, these things are happening last month and yesterday, and they're continuing to happen to create more efficiencies in the network that are already existing.

[01:23:32] And we're proud to be a part of that. I'm happy to talk about generators. Another important part and concern, but we have made major limitations, as Mr. Emerson has pointed out. This is an example of a generator, and I think many of you who toured the site also toured.

[01:23:51] We opened up the doors to the generators that are encased to be able to create not only noise attenuation, but reduction in emissions through their muffler system as well. So happy to go over any details of that. The reason I show these, these are the changes, not all the changes, but most of the changes we've made in response to staff comments as well as the community comments, specific language changes that we've had and provided for.

[01:24:15] There is a, from a historic standpoint, I think Mr. Emerson covered that well. We have a number of items that were provided for. This is a little fancier PowerPoint than I'm used to come through. And Mr. Emerson pointed out the number of markers that are in the area.

[01:24:34] And in this particular overlay that came from the Civil War Trust, you can see our properties in yellow, where most of the battles happened both west of 295 and north of 64. That's only the activity on this property was the 20th Massachusetts moving along Old Williamsburg Road into the battle itself.

[01:24:51] I did mention, and there was a clarification request regarding the blue area that I made at the Planning Commission. Again, that's north of 64. That's part of the solar farm that's in that area. That's the old Savage Farm, and that area is preserved and protected as part of that case, as well as the historic resource, DOPR, has approved that as well.

[01:25:14] And so as part of that, as Mr. Emerson has pointed out, is that we have committed, no matter what, despite that, that we'll do a Phase I archaeological study pursuant to Section 106 standards before any POD on the property, on every part of the property. So that's not something that's necessary, but that's something we've committed to, as well as the land dedication that has been referenced.

[01:25:39] Then finally, from an economic impact, one of the things that not only from the data centers, but well-cited modern technology campuses are very good neighbors, is they contribute, obviously, in a major way to the community while having a minimal impact on core infrastructure and trying to, from that standpoint, one of the things that we've looked at is not only from Magnum Economics has cited that for every one direct data center job, there are 4.1 indirect jobs.

[01:26:09] And in White Oak Technology Park alone, you can see the impact that that's had on the community and is continuing as construction continues to happen, and this is just existing off in that area. And then finally, I'll just mention that from a job standpoint, there was a complaint during one of the

community meetings that while traffic is low in impact from these type of facilities, that employment is low.

[01:26:29] Actually, employment, as you can see from the previous slide from White Oak, is not. But also, these are higher-paying jobs. These are from a standpoint of what's being serviced within the specific data center energy industry. And then, you know, for every dollar that's spent on data centers, Henrico County receives, according to the analysis of the Economic Development Office, \$8.70, which I think is a fantastic return on investment from this standpoint.

[01:26:53] So with that, the rezoning as proposed would enable the establishment of a 21st century industrial development that is well-sited next to major road networks with the existing infrastructure that can accommodate it significant buffers and setbacks natural buffers within the area and with these proffers not only protecting the surrounding properties but creating jobs and tax revenue that benefits the local community and Henrico as a whole I would ask that you follow staff recommendation follow Planning Commission recommendation and we'll be happy to answer any questions at this time thank

[01:27:28] you mr. Conlon just hang out in the back if you don't mind all right mr. Emerson I'm I got quite a few questions and it'll just bounce between the two of you and then I know my colleagues may have a lot of questions too so and then we're moving to public comments so you don't have to over answer them because there's a lot of it's a lot of questions so just answer what you um what you can and some of this might be for you Andy so just be ready what's the White Oak

[01:28:06] Tech Park what's the um what's the age and can you give me a can just give me a quick history give us a quick history of the tech park sure what a tech park actually goes back to pre-world war ii as you probably know the land belonged to the state and the federal government i believe it was set up as a decoy city and decoy airport for protection of the city of richmond in case of any type of attack and then over the years it passed on to the state the state had plans for relocation of state government at one time to move many of the state buildings out to

[01:28:44] out to where white oak tech park is today and then later as as we moved into the 1990s there was a big effort in the region regarding semiconductors and many many of you may recall that of course the current qts building was was originally infineon which was a partnership between motorola and another company and they named it infinion the other company escapes my escapes my memory at this point the uh the site at west creek that is the west creek striker fields

[01:29:20] the state developed for motorola for motorola to do a fab plan or chip manufacturer there so as that occurred the there was this big push for technology so the state turned over the management of the property there at white oak to the county for development for these high technology uses and with with infineon locating there there was a great deal of of effort and money put forth to bring utilities build roads get all the infrastructure in necessary to support

[01:29:56] a high technology type of type of type of park at that location so that was late 90s that was late 90s yes sir about 1996 if I remember correctly and it and it has evolved over the years to what it is today but the intent has always been that that area would be some form of economic development industrial development in Henrico County so the county took on so you said preparing the land for what is to come so we incurred the expenses for sewer expansion and all

[01:30:35] that sewer sewer water technology Boulevard was our was our expense so we invested a lot of money into it wetlands analysis all the different things that you've seen over the years the Economic Development Authority undertook in in teamwork with the county of course all right so that was I think the man of manager might have told me earlier 1997 so the tech park is almost 30 years old and what's out there now so almost 30 years ago we started the management of

[01:31:12] the tech part yes it started out with Infineon and of course now you've got meta formerly Facebook you've got Bank of America you've got lumber liquidators has a distribution facility there you've got Hewlett Packard one of the original one of the original folks that located out there that makes printers and things of that nature so it's not just data centers it's manufacturing correct and what else is well around the periphery not necessarily on white oak proper property itself but generated certainly by the

[01:31:48] energy from white oak tech park is the the large sandstone postal distribution facility you've got several other entities a beverage distribution facility are all located there They're a paper company, so there are a large number of entities located in and around the tech park that are part of the efforts put forth by the county to develop that area.

[01:32:15] All right, so I think the first data center was like Bank of America. First data center was QTS when they bought the former Infineon building and began to renovate it. Okay, then Bank of America. So when you look at that map, that cluster is mainly Facebook and QTS, I think.

[01:32:34] Yes, sir, that's correct. There's eight data centers in the Tech Park. One looks like seven in the Tech Park, one outside, and then it looks like seven or eight in the western part of the county. Yes, sir, they're scattered throughout the county.

[01:32:49] okay um all right so go back to the data center um and these questions are going to bounce all all over the place so uh the impervious areas uh 65 35 yes sir uh required zoning ordinance is 10 on each project yes sir and 35 was committed for this so open space 35 yes sir on 622 acres correct mr. Conlon spoke to it he gave an acreage number they've actually they actually plan to exceed that 35% all right so what makes up the 65 that's the

[01:33:27] building parking lots yes sir the impervious areas building the parking lot things of that nature all right I know um and I'll mention H can a couple of times as a hierarchical conservation area network has a provided some strong advocacy efforts for this particular case a lot of conversations with the applicant about proffers profit conditions etc it actually has moved a

[01:33:59] needle on a lot of it one of the one of the requests was a 300 foot buffer and a 100 foot buffer whereas a 50 foot buffer I think but the is it the White oak tech park um so it's 150 in the product 150 in the proper 50 foot 50 foot uh buffers and 100 foot buffers it depends where on the site it's located and what it's adjacent to but there's a

[01:34:32] hundred foot building setback so is that uh tech park regulation i guess so that that came from um so a lot of what the applicant used was standards from the tech park yes sir we encouraged them to to use the tech park covenants because obviously there was a great deal of effort put into developing those and we want the area to continue to be reflective of that quality all right um one of the and this may be a question for andy and i'm just reading straight off of something that

[01:35:10] that we did get from H-CAM back in March prior to the planning commission meeting, a proposed proffer as it relates to lead goal. So I feel like I might have read this wrong.

[01:35:29] The H-CAM proposed proffer, all buildings on the property must be constructed using best practices are better in the industry with respect to building construction, noise, actuation, and cooling technologies.

[01:35:46] All buildings will be constructed to lead gold. All data center buildings will be constructed to lead BD plus C. We've been talking a lot about lead gold and lead silver, but it didn't hit me until like a week or two ago that the proposal was for data centers to be constructed to lead BD plus C.

[01:36:11] Now, the ASHRAE standard 90.4, I think you fixed that in the proffer. But the LEED BD plus C for the data centers, all of the other buildings, and John or Greg, when it's public comment, you guys can speak to that. But I'm just reading off of this paper.

[01:36:29] I don't remember any conversation about BD plus C in the planning commission meeting. I think from the standpoint of looking at it, the problem is that with respect to specific consideration of the unique type of development that data centers are that are not geared towards specifically for human occupation or more for, obviously, for servers from that standpoint.

[01:36:49] That's why we focus more on the ASHRAE standard versus any of the LEED standards, and really it's a matter of we're not aware of anywhere in the United States where a newly constructed building for data centers has met LEED gold unless they're the hyperscale, unless they're a specific industry.

[01:37:06] If they're a co-locator in a new building, there's no one that's been able to achieve the LEED gold. And quite frankly, we think that's an unattainable level that, regardless of the type of lead that you're looking for, that we can't achieve, just because of the nature of the data center building, we think it's more appropriate for the ASHRAE standards related to the mechanical and electrical systems focusing more on the energy usage as opposed to the operation.

[01:37:29] So we'll let, we'll put an asterisk by that one and come back to it. i don't want to speak for um h can you know particularly the bd plus c so i if you guys can speak to that and if they're i do see some examples here um but i'll let you guys speak to that let me keep going um andy uh you are um i think the profit did call for third party certification

[01:38:04] for lee silvert right that's correct that's equivalent all right uh i'm joe i'm coming back to you you did mention soil retention techniques retention pond construction techniques screening of mechanical equipment you said it didn't need to be proffered because it's covered in the county zoning zoning ordinances speak more today yeah but say more so what did we hear what were some of the concerns that we were hearing and then how does how does the code speak to that well it speaks to it through storm water management erosion and sediment control how we mark our areas of clearing

[01:38:43] when we have our precons uh the state of course steps into wetlands management and things of that nature so those those are the codes that that really didn't need to be replicated through the proffers all right so we have a mechanism to make sure that those things are being followed it's absolutely all right just jumping around again the the markers for the acknowledgement of savage station on metal road were put there by who is that we didn't put that there I believe one of the boards may be

[01:39:22] ours the Civil War trails put several of those there there's one of the private markers that exists in many places around Richmond there's a name for them I've read about them before it's the they have the stone base and they've got that brass marker on them I forget what the name I'm sure some of the more the historian folks here from the battlefield battlefield preservation groups could tell you what the

exact name of that was Freeman markers thank you but there are many of those in the area there's one of those there so

[01:39:56] so what was proffered as it relates to what's in a proffer as it relates to this the applicant has proffered a quarter acre on old Williamsburg Road on the the portion where the troop movement occurred going into the battlefield that's now essentially underneath the or appears to be underneath the interchange they proffered a quarter acre for a marker and it's right at this location if you can see the slide in front of you that's it right there all right and you sent an

[01:40:31] email this morning to mark mark parole did that where did that email have anything to do beyond to verification with that blue area that's north of and where the where that preservation is again we gave that from mr. Dutton and then I also commented as I said tonight the the difference in the concept plan for that north 17 acres is to remain open space with the dedication to be able to look out over that open space Joe utility infrastructure calls for the project is this is not a cost that we're taking on correct no sir the the

[01:41:08] applicant will pay for the sewer extension the water and the water was is already in old Williamsburg Road and there were improvements underway on the water system now but mr. Chan can speak to those more accurately than I can Where is Mr. Channon? Come on up, Bentley, if you don't mind.

[01:41:24] While he's doing that, stormwater retention, and I think Mr. Mackey asked this question during the planning commission. I think one of the first questions he asked was about whether or not the BMPs and stuff, the stormwater tools that were being used, could they be used for some of the cooling mechanisms?

[01:41:52] And that would be a question. Bentley Oh mr. Connelly, okay What do you want to say anything about water usage capacity again real quick before mr? Check mr. Chan comes up other than we're using as you saw that currently in the modern industry is continuing to evolve Where we're getting away from the evaporative cooling systems. So literally we're using just what's in essence necessary for kitchen and restrooms and some Some of them are using that with enclosed loop water systems where it's a one-time fill and it lasts for 20 to 30 plus years So that you know, there's not a continuing continuing need and I think that's been mr. Chan's

[01:42:31] Experience with the new data centers if they're not using that we're not going to use the stormwater facilities for Anything other than for stormwater themselves and it won't be used we be using public water for our facilities I'm sorry and I want to make sure I'm hearing you You say you're saying that it's evolving so based upon this case and these data centers Are you saying that's that's what's going to happen? That's the best practice That's what the intent was on the best practices that we actually use cooling technologies in the proffers themselves We specifically mentioned that because we don't want to commit to saying only You know the way where you were cooling now because again the industry evolves

[01:43:11] We can come up with a new system that may not even you know do anything You know, maybe it's something we haven't thought of so we wanted to leave the door open to continually evolve But that that's our intent with the best practices that they're not using these evaporative systems anymore I'm in the industry. All right, so Not talking two steps down the road one step down the road. The one step down the road is where we're not using the evaporative Systems, that's correct. Okay Bentley You know getting questions about

[01:43:44] You know, we have been for the past six months about, you know, residents worrying about, you know, not being able to have adequate water. You know, sinks running, being able to fill up bathtubs. What's the impact of the data centers?

[01:44:04] What has the impact been, and what will the impact be? If I can remember, during the planning commission, did you say something like the data centers weren't in the top ten water users or something? That's correct. And we expect the water use to be minimal.

[01:44:22] But overall, the county has adequate capacity. It was more than adequate capacity built for White Oak Tech Park, the original White Oak Tech Park, that is underutilized right now because of what has gone in.

[01:44:37] It's not heavy manufacturing, not the chip manufacturers that went in. And so now the use in White Oak Tech Park is under capacity. is excess capacity that is available as well as efforts by this board to ensure that there is additional capacity through the the Cops Creek reservoir what's our waters what's our water situation now period I mean where are we water wise we have a plenty to a fair amount of water to be used for for this

[01:45:13] and and for other other uses I will say that the the infrastructure that is going in is part of our capital improvement plan and it serves a regional effort to eventually bring water to the rest of the eastern part of the county all right thank you Andy what's the you know I know you've heard this from several of us now you just say it one more time for public record um tier two versus tier four and then joe

[01:45:51] just i think you explained uh as some of us were asking questions individually of you what the standard is etc but andy i know i know a couple of us have asked you specifically about tier four over the past month or two and what's your answer again publicly four generators are certainly a current standard, but not for emergency purposes, Tier 4 generators are designed to be used as a primary source of power.

[01:46:21] We proffered and it's been very important for the community that these only be emergency backup. We proffered that the generators not be allowed to be used as a primary source of power, which really takes us out of the Tier 4 and that's where Tier 2 are. That's also a DEQ is a preference and required by Virginia DEQs to meet the Tier 2 standards.

[01:46:40] The other thing that's a concern and some of the concerns that we had was from the standpoint of doing the monthly testing and talking with engineers the tier 4 take a longer time to what they call a transfer delay that's a warm-up period so they have to warm up longer for them to be used they also have an extended cool down period and they have longer and more frequent testing cycles because they're not intended to be emergency generators they're not designed for that purpose they're designed for primary power purposes and that's not what we'd be using them for that's not what we committed to and no one wants that so it's kind of a Balancing Act we're being asked to use tier 4 generators, but that's not what they're intended for for backup generators

[01:47:18] They're intended for primary primary power purposes. So you were asked earlier as well So what about proffering Tier fours for for the future and the response was what well One the same response. I just gave a number two is there's an unavailability of tier 4 generators currently someone threw up And through one of the comments, five years, we would already be installing tier two for five years and they'd be perfectly functionable because they actually last for 20 to 30 plus years.

[01:47:52] And to ask us to replace those after just a few years would one be a waste of resources, not just monetary resources, but a waste of the generation of the tier two generators. We just have to get rid of them at that point. That's not very repurposing in an appropriate way. And then we have no ability to currently tier four generators are just not even available.

[01:48:10] There's almost, I think it's, what, an eight- or nine-month, a year-plus wait for those currently. And so we can't guarantee that those are either going to be available on the market. All right. Thanks for that. Joe, back to you. You mentioned earlier that we had received some proffers or policies from other localities.

[01:48:38] I know I have. I know my colleagues have. What did we do with that? What did we do with that information? I've got visuals here we did a complete analysis along with the requests that that H camp provided us which as you noted earlier their efforts have have been helpful and assisted and in many of the changes that have occurred in the proffers and how this case was built but we took those along with the the documents from Fairfax and the documents from Falk here we created large

[01:49:14] spreadsheets and just compared it back against the proffers on the case our zoning code our plan of development processes and as i noted in my presentation you know i'm reasonably confident that that we're we're equal to if not better than those policies and i think it's demonstrated by the number of data centers that appear across the county your your county codes cover these uses very well and and have been successful with that the differences would be just

[01:49:48] like the the differences between anything I mean there there are different items of concern and interest that are particular to different communities and that is based on different geographies different locations where you're building things of that nature and and that would be really the differences that I would I would see between those where it's not an apples to apples comparison so what stay up so what you're saying is staff has taken the proffers that have been set up proffers that have been offered by the applicant

[01:50:27] side-by-side them with h cans recommended proffer side-by-side them with Fairfax zoning policy side by side them with for choir etc to just kind of see where we lined up at this point that's what we did all right back to you Andy real quick and you and so so we sent you some questions last week you answered them you know I'm asking you these questions again for the sake of my

[01:51:06] colleagues and they'll take your answers into consideration when they vote and you know doesn't mean that just because you say it can't be done that we're just going to accept that it can't be done um air monitoring has been another thing um energy air monitoring energy usage air monitoring and i know we had uh the former uh uh yes and he was what deq he was the director of deq yes sir

[01:51:39] Yeah, he was with us at the last meeting, at the Planning Commission meeting, talking about air monitoring and how the state did it, I mean, how DEQ did it, et cetera. He thought that what was in place was adequate, if I can remember.

[01:52:00] Yes, sir, that's correct. But some of the community concern is, why isn't the applicant open to doing some monitoring of its own facilities itself with its own monitoring? And from what we understand, it's, you know, I'm certain for the amount of money that's going to be made at this site, the cost of air monitoring is not out of, you know, it's not cost prohibitive.

[01:52:33] Well, the reality is that we already are required pursuant to Virginia DEQ regulations. They actually will as part of our first POD, even if it's for a portion of the site, they will look at the entirety of the project at full build out and analyze the total emissions that would be permitted on the site.

[01:52:52] Based on that, so that's one other example of why a Tier 2 versus Tier 4 doesn't matter, because regardless of the generator, we're limited based on the DEQ analysis at the time of our first POD for the entirety of the project to a total emission standard, which we have to continue to meet and prove that we meet, including not only providing for emissions that occur from the generators through testing or through use as necessary in an emergency situation, but also air quality standards that we have to meet throughout an annual report that goes to DEQ.

[01:53:22] So with all due respect, you know, putting it in a proffer, I'm a little afraid that state law might change and become more restrictive or there's some flexibility from the standpoint of the DEQ standards to be able to require what they have that we would otherwise have to meet the DEQ requirements and standards for air quality.

[01:53:41] So while we may not put an actual air quality monitoring site that there's two currently within 10 miles of this site and two more within 16 miles that are state run, those are expensive and those are pursuant to kind of like a traffic light by VDOT, we can't just put one in and say DQ you've got to monitor it they won't do that they instead say we will monitor the sites and if we feel it's necessary we'll impose that on you then we're gonna set your total emissions so it's a DQ standard that we have to meet it's subject to their standards all right I'm gonna I got a couple more I'm gonna pause and give my colleagues opportunity ask questions I got I got more so I don't I just you know we're gonna be

[01:54:19] here for a minute um let me uh don't sit down let me um generators so generators are so based upon the manufacturer that controls how many times how often per month they are to be tested they have recommendations and then of course it's eventually governed by deq's permit okay so there has to be

[01:54:59] balance there I'm sure. Andy what are we doing here I think is it once a month 30 minutes at a time? Yes sir and that's to meet the manufacturer's warranty depending upon the type of generator it is tier 2 or tier 4 but it's in order to meet the warranty that the generator provides for because as you know this is critical infrastructure the data centers are for health care and and public safety as well as other industries and and having immediate reliable standards of generators so we that's what they recommend is testing currently under these existing to testing it takes about 20 to 30 minutes yeah so you do them

[01:55:37] make sure they work you're doing them one at a time how does that work yeah usually the way we were told that it works typically is that they'll have two different testing to hook up it takes a little bit of time to hook them up so they'll test one and hook up the other one and then the next one will get tested while they hook up the third one and then they'll continue on until all All of them are tested.

[01:55:54] They do it during the course of the day, from that standpoint. All right. 20 to 30 minutes per the test. All right. So that – okay, I'm going to go back. I'll come back to noise in a minute. How many undeveloped acres do we have in White Oak Tech Park?

[01:56:10] I should have asked you that, really. I'm sorry. Ben or Seth, do you know that number? Yeah, I think the last I heard was a little over 400. I believe it's around 400, yes. So the question that has been asked, you know, why create a new area and not infill with this particular project?

[01:56:38] So first of all, this project is bigger than the infill that we have, but why not just piecemeal it throughout the tech part? Now, a part of the answer is some of the parcels that don't have anything on it, and Mr. Manager, you can tell me if I'm wrong.

[01:56:56] what i understand some of those parcels are already spoken for they just don't have they just don't have buildings on them yes um but joe what else would you know well that's the primary reason we obviously need area to grow this is designated correctly on the comprehensive plan the infrastructure is here to support these uses but the uh the bottom line is there really is nothing available in white oak tech park any longer it's either sold or under contract all right um so andy i think i have a question for you and then i do want to just reiterate what

[01:57:32] you said i do have more but i know miss i know miss whitehead has something mr rogers may have something um so i do want to give you guys a um opportunity mr chairman i have a i have a message from our economic development director he said a thousand acres gross in the tech park yet to to develop, all sold except 60.

[01:57:55] Oh, wow. Okay. That's Tony Romanelli. Yes, sir. Thank you, Mr. Romanello. We appreciate you listening in. We do have a letter from Dominion that you mentioned earlier, and some of this came out of, no, not this letter that I want to read.

[01:58:20] Where's the other letter? Not from Dominion, from the applicant. Yeah, do you have that letter, Jill? Yes, sir, I have it. Would you like to have it, or would you like me to read it? Yeah, okay, I have it right here. So, Horgan, dear Mr. Emerson, as you know, there's been significant interest in the ability of the applicant of Case REZ 2023 to address concerns related to renewable energy offsets for the anticipated energy consumption from the uses to be located on the subject property.

[01:58:47] And just an aside, these concerns came from the advocacy group, H-CAN. They also have come from at least half of the Board of Supervisors. That's correct. All right. There are many alternatives with respect to renewable energy sources, and it is simply not feasible for the applicant to commit in the profits of buying a specific alternative form of energy to be used on the property, in particular with the continually changing technology available in the industry.

[01:59:20] Instead, the applicant, by this letter, commits an amount of \$5 million to fund a program to install rooftop solar panels, tiles, or shingles on homes within Henrico County, which will fund improvements to approximately 200 to 250 homes in total.

[01:59:39] While it is intended that this program will be for housing in Henrico, It will not necessarily be limited as such by the Verona District, et cetera, et cetera. Please note that this commitment is subject to the unappealed approval of the case.

[01:59:54] So we get it. You won't do it unless the case is approved. But, Mr. Manager, Mr. Planning Director, sounds like this is a \$5 million commitment that we will work with the applicant on if this case is approved in that they will fund approximately 200 to 250 homes with solar panels, towels, shingles, which we estimated, I think, at about \$20,000 per home.

[02:00:25] Correct. All right. So make sure that we... Mr. Emerson, I don't want to put words in your mouth, but do you recall in cases prior a proffer similar to this? No, sir.

[02:00:42] No, sir. This is breaking new ground. All right. Well, I'll hold that comment. \$5 million commitment. Just hold that to the end. Lee, BD plus C, you said you haven't heard of it before.

[02:01:01] I'm sure Mr. Montgomery and Ms. Montrose will bring up Microsoft. Also, Equinox DA2, I think, in Texas. And I think that Microsoft is in Iowa. Does that sound right, Mr. Montgomery? All right.

[02:01:16] So they are the places that did it. Those are important to know. Those are what they call in the industry hyperscalers, where they are an industry that's serving one user. Meta is another example, Amazon is another, and Microsoft is certainly an example, and there's others. They're able to control, and some of these are just to be able to, while it's important, they're either repurposing an existing building or it's just for that.

[02:01:36] When you're a co-locator, it's really where you have multiple users leasing from your space. We're not aware of any that have been able to achieve the lead goal in the United States from that standpoint. It's a different type of industry. It's a different type of market. Again, what are we trying to achieve?

[02:01:52] We're trying to achieve energy efficiency through that. We can do that instead, we think, better for ASHRAE because LEED is really set up for the building envelope and the design of the building versus the operations where ASHRAE is able to achieve that. We're committed to both, actually. Yeah, one more question, and then, Joe, if you want to rest your legs, you might want to take a second to do it now.

[02:02:14] One more question, then I'll open it up for my colleagues, and then I'll come back for part two. This was a question that was asked in the Planning District Commission meeting, the Planning District Commission, the Planning Commission meeting, and I don't know if we've heard it yet. Who and what will be in what you call White Oak Tech Part Two?

[02:02:40] Like, the buildings. Like, you've got to be able to tell us more than it's just going to be a data center. Like, it's AI, I mean, you know, it's not like it's a secret that QTS is going to be very involved in it. But please tell us more beyond you don't know.

[02:03:00] A couple of points. You asked a little bit about the history of White Oak Technology Park. Real quick history of this, you know very well that we had originally proposed a distribution center on this portion of the site. This will not be a distribution center. This will not be heavy manufacturing.

[02:03:15] In fact, our proffers, which we've worked with, not only the community, but the planning staff as well, we're limiting it, the proffers, the uses to offices, which include business and business schools and business training facilities and professional services, but also light manufacturing and what the code calls artisan manufacturing.

[02:03:34] So it's not just limited to data center. We really do believe it's the best parts of White Oak Technology Park. Part of the property is, as you've already designated with QTS, but also Mr. Horrigan and his company have the other parts under contract, which subject to certain sales, they would purchase the property and then sell the property.

[02:03:55] It could be to different industries, it could be to different data center users. The expectation is that the major users, those that are called hyperscalers, are finishing out and building out of White Oak Technology Park, that the folks that would be doing any data centers, if the data centers that are in White Oak Technology Park 2 would be co-locators.

[02:04:15] We're also anticipating office uses and advanced manufacturing that has been described, typical users that have been described at White Oak Technology Park. None of those have been identified. There's a number of users that have expressed great interest. And that goes back to your question of why this property, why zone it now? And the real answer is from an economic development standpoint, it's much easier to get these folks because they have such a short timeframe in order to build, to have the property already zoned so they can go right into the POD.

[02:04:41] And that's the benefit of having this and that's why we're committing to the proffers because we do know there's a market already out there for many of the industries that I've just said, which includes data center and light manufacturing at this point. So that was a lot. I still don't know if I know the answer.

[02:04:59] So are you saying you just implied that it may not be all data centers? That is correct. It may not be. You know, it's open to the market, just like we had Oak Technology Park is open to the market for different uses. We're limited to those uses. We have interest and have already received requests for some of those specific uses, which would include data center and advanced manufacturing.

[02:05:20] What those specific users are, we're not at liberty to say at this point because we don't have them. So we get the property zone. We can't make a contract with them. All right. So, so, so Andy, you muddy in the water just a little bit. Yes, sir. All right. So don't say it if you don't mean it. Okay. Like we, we've been talking about data centers, so we get it. So now I'm hearing you say that there may be some office and some, um, some manufacturing. Those are permitted uses. Right. I know, I know that. I know we've had interest. Okay. If we could, we have enough interest in data centers, the entire site could go to data centers.

[02:05:58] Yes, sir. Absolutely. We also have had interest from people that are looking for advanced manufacturing. Okay. We haven't made any commitments to any of those specific users other than potentially the one that you've already described, which I'm not allowed to say. Okay. So we're fine with office.

[02:06:15] Oh, I just want to let you know that. I don't think we've gotten any, I don't believe we've gotten any interest. I'm getting a lot of head shakes of no for just pure office. That being said, as you know, data centers have a substantial office. You're getting head shakes of nowhere to your right? Okay.

[02:06:31] All right. All right. Last question, then Misty, Jody, y'all get ready. So this is about noise. Joe. Yes, sir. So we all went and visited META, QTS, you know, throughout the, you know, some of us have been there more than once at this point now.

[02:06:58] And so, you know, it is quiet out there. Yes, sir. You know, but one of the concerns is, just like water is a concern, that noise is a concern. And there's been some conditions that have, profits have been made, I think 70 decibels for the day, 55 for the night.

[02:07:17] Yes, sir. You know, I was looking at one of the couple emails, probably one of the most connected people to this case, Lynn Wilson, who I don't see tonight. She may be in here, but, you know, even though she called me unable and unprepared to converse on this issue and said I was a, you know, she regretted me being in office at this point, I do want her to know I read every single one of her emails.

[02:07:47] And she did send an article from the Bristol Beat back in February 2023 that talked about data centers that start apart, that started off like ours, but then it expanded.

[02:08:02] And so Gainesville, Haymarket, Manassas, Bristol, and, you know, some of these data centers pushed up against neighborhoods within the context of schools. And there was a NASA scientist, Dr. Lyre, I think, L-Y-E-R, who actually called for an official sound study.

[02:08:26] Now, I don't know if the localities did the study or not, but I do know that they really were focusing on the two-and-a-half-mile travel radiance for sound and chillers and, you know.

[02:08:45] Yes, sir. And other, you know, so there's a light hum that has the ability to make its way across the sound waves. And so Ms. Wilson's concern was outside of the decibels for the proffered conditions with this particular property, what other kind of sound safeguards are there?

[02:09:15] Do we need them, and, like, who actually is going to monitor this? So is this the responsibility, is this going to be the responsibility of the applicant, or is it going to be the responsibility of the police?

[02:09:31] So when people hear, they actually have to make phone calls to the police to come out, check decibel units, et cetera. So speak to that if you don't mind. Well, I have inspectors on my staff, and we have sound monitors, and if we receive a complaint, we'll go out and check.

[02:09:50] We did go out and do some ambient noise level checks ourself, and Ben and Seth, what did those numbers come back? I believe they were all below 60, as I recall. they bumped they bumped up when a truck went by the uh honestly the the bigger the bigger issue in this area in terms of sound are is the airport and planes taking off and uh and i know one of miss wilson's concerns was distance from schools and uh and we did take a look at that in terms of park but of course the closest school is elko middle school which is um i think self somebody

[02:10:29] did the numbers i think they're up there elko is less than a mile yes sir it's 0.94 miles seven pines is 1.86 miles sandstone elementary school is 2.4 and uh donahoe is 1.93 from my understanding from people who've worked in some of those schools the airplanes you know they have to kind of pause when the airplanes go across we've had no no noise complaints from any of those schools again the my understanding is most of the noise generated was through the older evaporated cooling system with cooling towers and that is

[02:11:07] some of what has has brought the complaints in in northern virginia prince william in particular i think somewhere around gainesville is what some of my discussion with my peers throughout the state we don't have that in henrico and and we're now in that stage where they're moving away from high water usage based on the prospects that we've been dealing with as mr chan said and they're primarily a sanitary water user so they're not doing the evaporative and the the air air chillers

[02:11:40] are don't create those noise levels i think the um i think the study uh i think it was 50 to 100 data center buildings that were in that in that area i think that's what the study spoke to now the m1 district does it it excludes um noise for emergency generators hvac and chillers does that sound right yes sir okay that's in that that's under this under the noise ordinance okay so then

[02:12:13] how does that if the proffer is saying not above 70 decibels how does that apply when there are exceptions well that's that is the noise ordinance the proffers are separate from the from the noise ordinance okay this particular property the the proffers would would govern would exit okay yes sir all right all right yes if I may under the proffers to for all uses not just data centers built proper 24

[02:12:48] and 31 reference that all buildings must be constructed and operated to address one of those is noise attenuation and proper 31 says up the best practices need to be as well for noise attenuation so those are something that gives additional power to the planning director to be able to enforce that base not only in design but an operation all right thank you colleagues I may not have as many as you think just because we've had so many discussions about this but I'll start with so we seem to talk about the the air quality concern which

[02:13:25] seems largely in connection to to the generator usage is that fair yes outside of that is there anything inherent about data centers that um that infringe on on health like are there radiation concerns or you know just um anything like that that is inherent to the use of data centers not that i'm aware of mr connor nor am i aware of and we talk about air quality one of the critical aspects is that uh that particle particles not be in within the building itself so we're also concerned about air quality and making sure that they're we're meeting the deq standards but also

[02:14:04] the interior but otherwise there's no standard that we know or any other impact that has been brought up i know the noise has been as mr emerson pointed out from the evaporative cooling towers which are not used those are up in northern virginia and other than that that would be it that we're aware of that are unique to data centers so you're saying and again we talked about it being you know less than a mile away from a school you're saying that in all of the research and everything that's been done thus far there's been no connection to data centers to any health impacts from the data centers themselves outside of the things like things like the generator usage of going

[02:14:42] to the generator usage and one of the changes that was made I think was to define specifically what an emergency was and I know in the planning committee meetings there was a discussion i think mr chairman used catastrophic and that word is not in the proffers now but how did you define when those generators could be used um well i actually think i was the one that used the word catastrophic and reverend nelson was the one that repeated it what i had said but uh the language in the proffers says for purposes of this proffer emergency means a need for the generators because of a failure in electrical power being provided to the property

[02:15:19] from the main typical source of electrical power caused by a weather event, power grid outage, natural or other failure event. But the reality is that they have redundant power. So power is actually provided on these centers from two different ways because it is a critical infrastructure.

[02:15:37] So really the diesel generators are the last core. So what happens is there's a very small battery backup after failure of both of the redundant power sources. And then battery, just enough time for the generators to have to kick in, which is a concern with the Tier 4 generator, because it takes longer for that to warm up.

[02:15:57] So it's only during that time in an emergency that's how we define it, based on a failure of the primary power source. And these cannot be used as a primary power source. Do you have any idea how long power would have to be out before the need for the generator usage kicked in? Would have to be out for both of those.

[02:16:13] And because, again, these are immediate need, because there cannot be any interruption of service. That would happen almost immediately. It's within a few minutes I think after the power outage that these generators would be back up. And the interesting thing, at least I found it interesting, is that there's not only redundancy in electrical power, there's also redundancy in the users so that they usually

have a backup. That's why you get the spinning wheel, I was told, when you're on your phone. And it may take a second because it's getting looped into a different system. But that's some of the things that they can do to try to reduce that power but you know they don't want to run on generator either but if they

[02:16:49] have to during an emergency because it's again health care and critical infrastructure they feel like they have to from the industry to be able to be up and responsive immediately. So there was a discussion or you discussed a little bit about the DEQ standards and it seems like you relied pretty heavily on DEQ and I know you sent us materials you know touting that Virginia does have, I think, fifth in the state, or excuse me, fifth in the country as far as DEQ. So, sure, we have a great DEQ department, but I'm not always one to just rely on the minimum. So,

[02:17:25] other than saying we're relying on DEQ standards, what is prohibiting or stopping the usage of some type of monitoring, right? And even if it's just for, you know, light of day, even if it's just to say we are going to publish quarterly the figures that we've run ourselves um just as a as a gesture of goodwill so that folks have those numbers is there something stopping that from being able to happen i believe that's a public record that gets reported to deq required to i'm talking about an internal monitoring that is done not not talking you're talking about what's done within by deq

[02:18:02] within 10 mile radius or something like that right well no we have to do it for our on-site our entire project is going to have a limitation on the emissions and the type of emissions the type of nitrous oxide for example and carbon dioxide etc they've got a long list that we're limited to and we have to do an annual reporting the deq and i believe i believe that that's public so what's the difference between that and what was requested which was i believe to to implement or put in um the property's own air control monitors my understanding was that uh there was a request that the air quality monitor be placed and in our discussion with DEQ is

[02:18:38] that just like a traffic light as I said that Virginia DEQ will only authorize those and they've already authorized what they consider the necessary ones that they would monitor themselves. Now could we put our own in there? Obviously I think from a process and operation standpoint they have to do their own testing which they do but I'm not sure what quite frankly I don't know what that is other than they have to do the reporting to DEQ to prove that they're meeting the standards that DEQ has set.

[02:19:03] So it's not, they can't force DEQ to have an air monitoring station like they have within two, within 10 miles. But we certainly, you know, we have to do it ourselves. And what the technology is, for that, I've got to be honest, I don't really know what they do in order to assure compliance with DEQ standards, but they have to do it internally.

[02:19:23] The discussion, you were asked about evaporative versus air cooling and one step versus two steps away. So I just wanted to pin that down a little bit because it sounded a little bit hedgy is that the is that what is going to be in place when and i don't even not even understanding or not even you know making sure that we're clear with the one step away so when these are built will they be running on air cooling or air chilling systems versus evaporative and we've got the best we have to meet the best industry standards and we did not i want to be clear i want to be from that standpoint is that we did not proffer that

[02:20:03] would not use evaporative water systems the reality is we have to use public water we're standing here today and you guys control the public water uh through the department of public utilities and so if if we use an evaporative system contrary to what i just said one we're not meeting the best practices and two you control it anyway through the water system so there's really based on my

commitment here tonight i'm not even going to look at my client over there that uh for uh we're not going to be using evaporative systems and you can control that the question was raised about um ai data centers or at least was mentioned is that your understanding

[02:20:37] that ai data centers do require a higher level of energy consumption you know that's uh to be understood it's such a new industry and again not only the industry but the energy usage is evolving in such a way um i can't say one way or the other and i haven't seen studies certainly there's been some people and they can find studies that say yes and some people that can say no that ai is not changing that. It's just what it is, it's causing more use of data and so that in and of itself will cause more energy but there's also a reflection of that that it's more efficient.

[02:21:09] For example, I know that I think it was Microsoft that used AI to reduce their energy usage. They were able to use that technology to actually reduce substantially. I go in with 20 some percent, 40 percent, 40 percent reduced the energy uses on the particular facility by percent by using AI for that purpose so while AI may cause more energy it's actually helping to reduce energy usage so what's the net result you know I don't know the answer to that it just depends on the user and the type of use potentially let me just let me much of what's out there does say though the AI

[02:21:46] uses more energy so we're going to use of data but it's also also using it's also saving energy by creating more efficient standards okay efficient I just want to, we hear you, but I don't know if I agree with you on that one. So let me just, Ms. Whitehead, before, so can you say whether or not they're going to be AI users, AI companies in this particular complex? I would think so, yes. Even with a co-locator or what they call edge facilities, sometimes we use AI as part of, and it depends on who they rent to and part of who the users are.

[02:22:24] I think almost all facilities and all companies are using some sort of AI, however you define that. But yes, and I don't disagree with you, and you're 100% right. AI, it's going to require more data because it's just using more data. But there's also great benefits that come with it, which, you know, that's a standpoint. All right, go ahead. I'm sorry, Ms. William.

[02:22:39] No worries. The, I know the letter stated that it's sort of in lieu of other concessions that could have been made or that were asked, I should say, regarding energy efficiency, that that's the reason for the \$5 million, right?

[02:22:55] It's not just an unsolicited gesture of goodwill, significant as it is, but that is in lieu of requests to commit to a certain percentage or something like that of renewable energy sources, correct?

[02:23:11] You are 100% correct. The concern was, why can't you put them on the roof? Mr. Emerson pointed, when you put them on the roof, you got to put your HVAC systems down on the ground, and these are such heavy systems because we don't want to use water. We're using HVAC heavy systems, mechanical systems, and putting them on the ground increases noise.

[02:23:26] So then where do you put the solar panels, the solar facilities, and I'm going on memory here, but if we cleared all of the open space and filled it with all solar power, we weren't even obtaining close to 10% of what the total energy that we would use.

[02:23:43] And again, we've committed to not, and there's no guarantee that it would be accepted on the grid, and there's a number of things, the factors that we weren't in control. this is something that's in our control and so in order instead of doing those things and trying to figure out a solution to that this was our

solution which I think was a pretty creative solution that goes towards not only affordable housing but I'll actually gets to what we're trying to get to which is coming up with affordable or excuse me clean energy and alternative energy sources and that's we're able to do that through this program you can always come back around this way if you need to we'll have it we'll have another just I'm almost done the comprehensive I'm not rushing you I'm just saying it felt that

[02:24:23] way uh mr emerson so the comprehensive plan did note that this it's agricultural right now right so it's signed agriculture yes ma'am so even the comp plan with as it's written is not consistent with the current zoning correct correct so uh more than likely i mean it was always i guess envisioned that some type of rezoning would occur yes ma'am that's the weather future land use and And the term commercial concentration, meaning retail spaces, things like that?

[02:24:58] It could be any number of intensive retail spaces. B3 allows many, many uses, including data centers. How long is the construction phase supposed to be? That's a hard one to answer.

[02:25:15] I've been told I'm a little shady in hedging, so I'm going to hedge even more on this insert, is that White Oak is continuing under construction, you know, and it just depends on the market. Our anticipation is based on the market that we have probably 10 years. About 10 years is what I remember presenting in the community.

[02:25:34] That would be the anticipation. It's not like all the buildings are going to come online at one time. If we start it today, if we get approval, and that's a big if, I understand that, and we go through the POD process, we're two to three years out before we start construction is what our anticipation is, about two years, a year and a half to two years, maybe even longer, because we have to do the Section 106.

[02:25:51] So at the end of the day, the best practices that we know today are going to completely change, and technology is continuing to change, and that's what we're going to have to achieve those based on at the time that we file, and it'll be based on each individual area. It won't be all at one time. We're going to have to phase the product as we go through.

[02:26:07] Is there a commitment to use union labor for construction? No, ma'am. I don't believe we've asked that. I've never committed to that in any other process. I don't know the answer. I don't have any other questions. All right. Next up, but Mr. Connelly, we're hearing that I think if you don't speak into the mic, they can't hear you on Webex.

[02:26:29] Apologize. It's one of the first times someone said they couldn't hear me. Yes, sir. All right. Mr. Wilkes? I'll keep mine a little brief here. And I know you mentioned this a few times, but for the fire chief, we might not have quite got it yet. But the hyperscale and the co-locators, that is an important difference in the types of data centers.

[02:26:51] And we talk about the hyperscales we visited. I think all of us have visited both. The hyperscales, when you walk into those, they can run those at 85 degrees because they can control it. The co-locators, they are different. They are based on the business, the driver of the decision.

[02:27:08] If the federal government is storing their data at a co-locator and they want to keep the temperature at 71 degrees, that's what they have to do. And I say that because I think that does affect the LEED standards that are out there. And I think that's one of the differences between the hyperscales and the co-locators that I understand, at least.

[02:27:25] That is correct. Yes, sir. We talked a little bit about the tax revenue and the jobs, and I just want to touch on these two things, that we are now saying for 2024 we're at \$18 million currently.

[02:27:40] Yes, sir, that's correct. And the jobs, you know, data centers get, say that again? I'm sorry. I was asking the manager, there are some things that have been approved not even online yet but that's 18 million for what's online okay gotcha thank you and the jobs we talk about data centers not being a huge job producer um which there's not a lot of people running around on the jobs which doesn't tax our schools and our fire and our police etc but one thing that's it's not sort of lost on me if the build out is five to ten years and i've

[02:28:19] heard little differences but those are construction jobs for the next five or ten years that's that's That's a big deal that we're putting construction people to work for 5 to 10 years. Am I understanding that correctly? Yes, sir. I mean, there will be many, many construction jobs generated from the activity of building these buildings, and it could be longer than 5 to 10 years.

[02:28:41] The Economic Development Director told us via technology that we had 1,000 acres that were undeveloped. I mean, some of that has plans of development already approved on it, are close to approval for META and other users. When those facilities begin construction, along with what you're talking about tonight, those are going to be hundreds and hundreds and hundreds of jobs for a decade or longer, certainly.

[02:29:07] And there's also indirect jobs. You talked about specifically the data center jobs, but there's also the operation of the buildings themselves, but it's also the facilities and putting together. They're not the data center operators themselves, but actually putting within the facilities themselves and the server.

[02:29:22] So, you know, that's what they call a multiplier. The multiplier on data center jobs is 4.1. For every data center job, there's 4.1 additional jobs that are generated. I know my colleagues are rushing me here, so I'm going to be quick. But just to be sure, the 1,200 acres that were recently approved near us in a different locality, at least the building height and the noise, our profits are better.

[02:29:46] Is that my understanding? I understand, yes, sir. The height is down to 93, and the noise is actually 70 or 55, depending on the time. And I think there's just like 70. Correct. I'd also add that we have the infrastructure in place where the infrastructure is not in place for that other acreage.

[02:30:01] So that goes to saying that, you know, really, is this a good land use for here? I mean, environmentally, the 1,200 acres that's in a different locality, they have to run fiber, utilities. They have to dig a lot of things for roads.

[02:30:17] that's all in place at our location it's in place that's all i have right now sir thank you mr rogers mr smith then reverend cooper after that my instinct tell me to take a second a break for a couple minutes but i know there's a lot of you here to speak for public um for public speaking so we're here to public speakers and then we'll take a break so let's go to mr rogers then reverend cooper and um you know andy i still got all this stuff so just letting you know i still got more

[02:30:50] i'm ready i'll speak into the microphone yeah go ahead thank you mr chair i um i don't have a direct question for you right now andy i just i actually want to take this opportunity during question answer period to share with the folks who are tuned in with the folks in this room for the benefit of my constituents in my district and not and and constituents across this county that um it's important to share

the work that's been done i have i have had and and have dozens of questions on this project but what might not be known to folks in this room and folks online

[02:31:24] are my colleagues and i have toured the facility recently it was my second trip through these facilities i think i was with mr roguish on my last trip we had the ability to ask a litany of questions i've met with several advocacy groups collected their questions with regard to air quality monitoring generator use lead gold standards noise water use so on so on shared those questions with staff gotten answers asked those questions of of the attorney gotten pages of answers to those questions I watched the entire

[02:32:01] Planning Commission meeting front to back read every single email multiple times that has been received my colleagues I'm speaking on behalf of them as well we have read them and seen them read every staff briefing document my point here is to let the constituency know that this is a long process this evening there's a lot of questions being asked mr nelson is doing his due diligence on behalf of this case um questions are being asked by my colleagues but please know there is also questions and pages of work and hours of conversation and hours of meetings that have gone in even before

[02:32:37] this evening to receive um answers to our questions so mr chair thanks for the opportunity to share that um and onward with the next set of questions thank you mr jamming a quick question so could you just talk about the opportunity to this is kind of on the job creation and economic benefits to mr smith's points i mean all my questions about environmental we've kind of been talking about um air cooled amount of water being used emergency generation um water consumption electricity

[02:33:12] noise generation but but um will this construction provide opportunities for local hiring or will you be bringing in talent from outside the area absolutely well i can i can look to white Oak Technology Park specifically and you can see up in the slide there White Oak has over 1500 construction jobs these are these are Henrico's numbers I don't have a breakdown of the specific where they're the workers are from but at the end of the day yes they come from local from particularly in Varina and the Sanston area but also from businesses in the Richmond area specifically for these type of facilities particularly with subcontractors

[02:33:49] Is previously, even now, any kind of commitment can be made for partnering with Henrico Public Schools and other local colleges, universities? No, not at this point. We certainly talked about that as the best way to foster, because one of the important parts is being able to provide for a labor force that is well-educated and that has meeting the needs for the technology that we're providing for.

[02:34:14] So there's a continuing discussions among a lot of the users, as well as this applicant, to help fund additional education, but no specific commitment. Are there any opportunities for local businesses to provide goods and services to the data center, thereby stimulating economic growth in ancillary sectors?

[02:34:33] Absolutely, and I know that's been done as well in the existing data center facilities, and we'll continue to do so. know this applicant will certainly uh foster that and has done so in the past and almost all of his projects and as being a construction company but yeah that's that's that's absolutely something that's important to that industry miss emerson i don't know if you can kind of specify but how will the presence of the data center impact property values it should increase property values in the area certainly from uh from a demand standpoint of this industry but you also have a lot of activity in the area surrounding this now you have you have over a thousand residential units

[02:35:11] approved just just west of this interchange that are currently under construction in the form of townhomes one over ones some detached single-family residential there's commercial under development that this will provide even more more support for that commercial to be successful and of course the the village of sandstone will will reap benefits from the activity here as well and the the main street of sandstone i think we'll see a resurgence from this activity appreciate that what what mechanisms this is community input and concerns what mechanism are in place to ensure

[02:35:49] ongoing communication and collaboration between the data center and the surrounding community if the rezoning is approved that would be the uh yeah can we stay in constant contact with all of our all of our economic entities industrial entities businesses in the county but specific yeah one of the interesting things and when the tour i took uh that uh the question was asked what has been the biggest failure of the data center industry the answer was communication uh with the community because they are have to be secure uh facilities but they've started to do a lot more tours just not only for the county but for public schools and uh for colleges uh for job creation and job

[02:36:27] job fairs uh so there's there's uh there's each one of these i know has someone that you can contact to specifically talk about talk with them not only with respect to the company itself but also that specific facility that they're uh opening up to be able to have those and we certainly uh mr emerson knows through the pod process and through the construction but also we'll know through the operation we'll have the contacts with the county as well the specific person on site as well as company-wide thank you all right thank you um joe and mr connelly you can take a break i do want to just share i reverend cooper just asked and and i guess you were saying no it wasn't profit but

[02:37:03] i'm certain that mr horgan and his team are not saying no they wouldn't partner with hcps um for internships and all of that stuff i know that's just something that you didn't you were saying no to not proffering it but i'm sure you guys are going to work with the school system if this case passes okay we've already been talking about how to best do that from that standpoint that benefits It's everybody in the community, the schools, and ourselves.

[02:37:30] All right. Thank you. Victoria, how many people do we have on WebEx to speak? We have two individuals lined up to speak, sir. All right. Everyone that is here to speak to the case, if you don't mind, go ahead and line up. Well, no.

[02:37:46] No, I'm sorry. I apologize. Hold, pause for a second. We have some persons that have already signed up. Yes, sir. So we're going to call those persons first. I think it's like six or seven persons. And then if you did not sign up, then you can go to the back and line up.

[02:38:04] All right. So the first speaker that has signed up is Mr. John Montgomery. Mr. Montgomery. Thank you, Mr. Manager. Mr. Chairman, members of the board, and Mr. Manager, my name is John Montgomery.

[02:38:20] My address is 2666 Kingsland Road, Henrico. And I'm here tonight speaking on behalf of the Henrico Conservation Action Network. Mr. Montgomery, I'm sorry. Hold on for one second. colleagues do we need to take a restroom break yeah sir i'm sorry i just looked at the time and so it'll be almost three hours that we've been here like literally we're going to be we're going to be good with this we're going to take four minutes to go to the bathroom and we're

[02:38:55] going to come back at 8 43 and you're first up when we come back okay thank you all right right

[02:43:55] good people we're calling the meeting back to order we are we are at 8 44 um as i shared the manager does have some people who officially signed up to speak so we'll call them first and then I know some of you all are here you're not signed up and so we'll give you the opportunity to speak then we'll come back to the board and if there are other additional questions for or we might we'll you know

[02:44:33] if we need another break colleagues will let me know but after the public comment we'll come back to the board for any more discussion before we either vote yay or nay all right um well after let's do this signed up speakers first and then victoria will come up to you to get the two webex nelson i'm not i'm not sure your microphone's on can you hear me hello okay okay all right so after the signed up speakers then we'll go to webex to get the two there then we'll take the other persons here so floor is yours thank thank you reverend nelson

[02:45:11] And again, my name is John Montgomery. I'm here tonight to speak on behalf of the Henrico Conservation Action Network, or HCAN, that's been mentioned a couple of times. I think it's important to begin by acknowledging some really positive and good conservation news and environmental news that's come out of the county over the last, really, 12 to 24 months and even beyond that.

[02:45:33] And I just want to list a few of those as we begin, beginning with the purchase of Wilton Farm, which was just almost 1,200 acres with significant James River frontage, the recent purchase of 2,100 acres at the Varina Farm in Henrico, the work at Malvern Hill and the fields around that in the Gravel Hill community, and then even beyond Varina.

[02:45:58] You know, when we were here at the Planning Commission, the conversation was about the expansion of the boardwalk at the Tuckahoe Creek area. And I also note the formation of the Hart Council and the good work that's been done there. And so we acknowledge that, and we are pleased to be partners in that effort.

[02:46:18] But it's against that backdrop of really positive news that I must rise on behalf of each candidate to speak in opposition to this particular application because I think it cuts against that grain. And I'll take just a few minutes to say why.

[02:46:33] I also jotted down some of the questions that Reverend Nelson provided as well as some of the answers that were offered in response. And I will try to hit those as well. First of all, we have advocated from the beginning that there should be a delay or deferral of this while further standards are considered and developed.

[02:46:54] I know the staff looked at some of what was provided from other localities and so forth. But I will tell you tonight, I wrote down the number of times that the applicant said either, I don't know exactly what that is. Or once it was told the way we were told it is done.

[02:47:11] Let's see if I can find another couple of examples. When we were talking about the energy, I beg your pardon, we were talking about the air quality monitoring. The notion was, well, what we understand is it will be reported to DEQ.

[02:47:29] And so my suggestion to you is this, is we're relying on a whole bunch of what we've been told and a whole bunch of what we think might be the case. When indeed what we need to have is we need to have an opportunity for some experts. You know, the county brought in Mr. Paylor on one particular question because it was something that we felt like there was a need for some outside resources.

[02:47:49] I would earnestly suggest that there are other areas as well, including as Mrs. Whitehead asked about the air quality monitoring. How hard could it be? And the noise monitoring, it should be something to be relatively straightforward for the applicant to do, but we're not even sure from what we've been told, we're not even sure how it works with DEQ.

[02:48:11] Somehow there's some internal reporting and somehow another us as citizens are supposed to go find it. And somehow as another, we're supposed to make sense of it so that we can then monitor it. All we're asking is transparency. Monitor it in one place at least on the property lines. So I kind of jumped ahead to the air quality issue.

[02:48:29] But that's an example of why it would be important for us to slow down and get it right. Because as we've been, the other thing that we've learned tonight and perhaps already knew is there's 13 data centers across the county. And I would suggest to you while they're spread in many areas of the county, if you drive by some of those or even pull up the real estate tax parcel on some of those, they look nothing, almost nothing, like what we're being proposed here tonight.

[02:49:03] Most of those in other parts of the county are office buildings, and they're not multi-story or they're one- or two-story office buildings. Only in the Fairfield District was I able to find one, and only in the Verona District was able to find others. And so early on in this process at Seven Pines Elementary School, the applicant provided a sketch and provided an exhibit that I think that they had to have thought out beforehand, but it showed 13 buildings where now they show buildable area.

[02:49:32] So I would suggest to you that while we're looking at buildable area today, we're in fact looking at 13 or so buildings, which would, in one fell swoop, double what we have in the county right now. And we've also learned that, in fact, the rest of White Oak Technology Park is already spoken for, I think is the word that was mentioned.

[02:49:51] So whatever those, I believe it was 400 acres of undevelopment, and I heard 1,000, so I'm not sure what the number is. But between what is being proposed here tonight and what is already underway at White Oak Technology Park, and by the way, there's more M1 adjacent to this that by right, I believe, could be continued as data centers.

[02:50:11] Suddenly, we go from a place where they're spread across the county to a place where they're concentrated in one particular location. Moreover, we go from a place where there's roughly 13 or so to a place where there's double, maybe even triple those. And so suddenly, and tonight, we could find ourselves right on the heels of where our neighbors to the north of us are, trying to unring the bell and trying to fix the problems that we created for ourselves.

[02:50:36] So we would suggest, again, that time is now to take it right and take it slow. There has been a conversation about the amount of electricity that are used by these and how there was a picture of like a hockey stick, how it would have been, how there had not been improvements along the way.

[02:50:52] But let's not lose sight of the fact that Virginia Power states that 21% of its generation capacity today is used for data centers, not 1%, which is across the country. Right here in Virginia, 21%. They've also recently reported that that will climb to, I believe, 25%.

[02:51:12] It may be 24 point something, but over a quarter of the power generated by Dominion Power will go to data centers. And suddenly we go from a place where we were beginning to reduce our reliance

on fossil fuels, and instead we're going to a place where we're having to crank back up those sorts of generation capacity.

[02:51:32] And so while you may think, we may think, not just you, we may think that in fact this is a global issue or a national issue or a regional issue, and it is all of those things, But it is certainly a local issue. And that's the one thing that we have something to do something about tonight.

[02:51:49] And so that would counsel you as well to decline and deny this offer. Now, let's talk about, if we can, some of the actual proffers that are here. Let's talk with water because that seems to be the one that's gone away. I suggest to you that now is a perfect time for it to go away.

[02:52:06] I believe Ms. Whitehead asked, or someone asked, is there indeed not going to be evaporation cooling here? And there was a whole bunch of what I think was, I'm not sure, or I can't commit to that, or whatever the case may be. If, in fact, we're down to flushing the toilet and washing dishes and washing our hands, let's proffer that.

[02:52:24] Because one day electricity may become so expensive that suddenly we go back to having to use water. And so if it is, in fact, the way it is now, let's just proffer it. Put your money where your mouth is. That's an easy one. It seems to me that's a giveaway, but maybe it's not as certain as we've been led to believe.

[02:52:46] Beyond the water, we talked about the electricity. We have seen the proffers improved, and thank you to your work on that regard and to the staff and to Seth Humphries with the improvement to the proffers so that now the standards, the ASHRAE and the other standards, are no longer simply as commercially practicable but are, in fact, written in the proffers.

[02:53:10] Mr. Nelson asked, Reverend Nelson asked about the BC&D standard under the Green Building Council as well as ASHA. I would point to that and say that's another reason for us to take it slow, to take it easy, because, frankly, you rely on a couple of lawyers up here to give you a lot of science, all right?

[02:53:30] And that ought to cause everybody a lot of pause right there. But beyond that, what we have discovered is that those are standards that are included. So the BC&D is Building, Construction, and Design under the Green Building Code, and there are those who are meeting it.

[02:53:46] And ASHA is the Heating and Air Condition Engineer Operational Standards. But both of those are applicable, and we have seen examples, and we offered some examples where they are in place. And then I will close with two things.

[02:54:01] I've talked about the air quality, and I've talked about the noise. What we're asking for, we're not suggesting that the air quality standard be different than what DEQ requires. And so that is a red herring. That's a smokescreen. We're not suggesting that at all.

[02:54:17] What we're asking, however, is what was requested, and that it be monitored, that it be monitored publicly, and it be disclosed publicly. And if things are as clean as they are, then we can all feel good about it. But if, in fact, there is a violation or there is some level of violation, then we'll know about it as well.

[02:54:36] And DEQ can do its job. Relying on DEQ is relying on the minimum. We have an opportunity to do it the Henrico way and rely on more than the minimum, and we would ask that you do that. And then the same thing with noise, simply monitor it.

[02:54:52] And then there's a way, if there's a complaint, we've got an ability to look at it and see and the ability to enforce the standards and figure out what's wrong and make it right for the citizens. We support the preservation of the open space at Savage Station. h can stands for preserving our land air and keeping our water clean and so we support the efforts of those who are supporting that request as well i i have tried to answer the questions but i know reverend nelson actually uh referenced h can and and me in particular so if there was something else sir that i can help with i will try to do so otherwise that concludes my remarks

[02:55:31] i i think that was it but if for some reason i can think of something else i'll just call you back up. Thank you, sir. Thank you. Thank you for your time. Next, Mr. Chairman. Ann Marie Leek, Ms. Leek. She's on WebEx, sir. Okay. Well, she was next up, so go ahead and let her speak now, Victoria.

[02:55:58] All right. Ms. Marie, you can unmute. Ms. Leek, you can unmute. All right. I suggest we move to the next person. She's not unmuting. Thank you. All right. Next is Gray Montrose. Ladies and gentlemen

[02:56:32] of the board i'm gray montrose i live in montrose my address is 4300 eanes lane i'm a resident of varina i have to say some of the new information we heard tonight is very concerning that we're now potentially talking about a totally different kind of development with different manufacturing uses that concerns me in particular because i see it as piling on to the factories upon factories already in the east end, especially in my neighborhood of Montrose, but also you heard tonight about all the investment that's gone into White Oak Technology Park. It was originally

[02:57:11] planned as an industrial development shielded by layers of offices and these commercial developments that are going to be amenities for the community, and now it's all industrial. This same landowner owns another enormous tract already rezoned M1 north of 64, so you can expect that not only is White Oak Technology Park going to be jam-packed, now this development is going to be packed and then there's potentially more coming north of 64. This is what we're talking about when we talk about the sprawling industrial development that is concentrated in the east end. I am very

[02:57:50] concerned that this board cannot make a good decision when we have so little information about what's actually going on this site. We're not even talking about buildings anymore. Now we're talking about potentially multiple tenants with different needs in these buildable envelopes, that's very concerning to me. We did talk about air quality with regard to these generators. We may be talking about air quality issues with these new industries coming in that we don't know what they are. All the concerns that we've talked about traffic, about trucks, about diesel fumes, we don't know what's

[02:58:25] going into this site. It may be more manufacturing that's going to have more deliveries. We just can't make a good decision because we don't know what's going on. And air quality is a serious issue when you're also talking about destroying 622 acres of trees, of forest, that right now is a buffer for 64 and 60. These are interstates. These are highways. These are large roads where we already have issues with particulate matter, with diesel fumes, with car exhaust. What does that mean? Well, this data center development alone, if it is data centers, we're talking about

[02:59:03] hundreds of box car size generators. We're talking about what amounts to a fifth of a power plant. Power plant they're talking about building across the river in Chesterfield, one fifth of that pollution will be right here in Henrico County. Five years, that's a power plant that we're putting in Henrico County into the east end. And they'll be running these generators that if they do the tier twos, that's 90% more polluting than the tier fours. And they say, oh, well, we can't get them.

[02:59:34] Oh, that's not what they're for. The ones that they want to use are 90% more polluting. They use dirty diesel, not the ultra low sulfur, but the dirty diesel. And they'll be running them up to 400 hours a year just in testing. What does that mean? It means up to an 80% increased risk for conditions like breast cancer, a disease more likely to be a death sentence for women of color in particular because of systemic disparities in health care. That particulate matter, that PM 2.5 that hundreds of diesel generators will be putting into the air, that's what that means. We were

[03:00:12] promised a 76-acre park. We were promised grocery stores, offices, and a traditional neighborhood development. How is it possible for staff to say with a straight face that 13, 93-foot-tall data center buildings fenced off, barred to the public except for these goodwill tours, are consistent with a traditional neighborhood development? And you're looking at subjecting the neighborhoods that are already there to 10 years of construction. You heard that tonight, 10 years of trucks and noise seven days a week potentially, because they didn't set limits in terms of noise on the

[03:00:51] construction phase. So 10 years, and we're talking about adding even more industrial manufacturing. What staff said about where data centers are located was so misleading that I personally feel comfortable calling that a lie, because the only hyperscale data centers, the only enormous ones under the M1 designation that are 90 plus feet tall, millions of square feet, the only ones like that, they're in the East End. The nice ones under the office designations, those are the ones you find in Innsbruck, that's not what we're talking about here. It also amounts to a lie,

[03:01:28] in my personal opinion, to say that there's been a major commitment by the applicant to land preservation when they are barred by federal law from building on much of this site because of wetlands. It's not a proactive choice, it's the law, and they shouldn't get credit for what is the bare minimum under federal law. Well, folks have said, well, if we don't give them everything they want, they'll go elsewhere. That's why we've spent \$45 million of taxpayer money to bring them here. But it looks like projects are going elsewhere and other counties are getting better deals. Information just dropped two days ago that Powhatan County,

[03:02:06] little old Powhatan County to the west of us, is getting three times the investment. They're getting a \$3 billion data center. They're getting a sixth of a size, 119 acres versus 622. And And they're getting three 75-foot buildings, as opposed to 13 93-foot tall buildings for \$3 billion in investment.

[03:02:28] And they have a \$3.40 tax rate. Henrico has a \$0.40 tax rate. So you can't say to any of the schools in the East End, anywhere in Henrico, do better when you're leaving that kind of money on the table. Why is Henrico getting out-negotiated by a county like Powhatan?

[03:02:47] Thank you for your time. Pause for a second, Mr. Manager. Mr., that was a whole lot there. I just want to make sure that, Joe, once we finish this, can you speak to permissible uses for zoning cases?

[03:03:18] Like, we usually, there's not a requirement for us to know it's the use that we approve, not the person. But not now. I just want you to hold that. I want to make sure that I just heard African-American breast cancer caused by the exhaust.

[03:03:43] Can you come back, Ms. Montrose? I just want to make sure I'm hearing. You said Tier 4 versus Tier 2, Tier 2. Now, what we were told is that Tier 2 is DEQ permissible, but you said 90% more dirty, fossil, dirty, what'd you say?

[03:04:04] So the Tier 2 generators, now again, this is part of DEQ's modeling, but the Tier 2 generators are up to 90% more polluting than the Tier 4s. They're an older technology, and they use what they call dirty diesel, which is not what is the current standard and the best quality, which is the ultra-low sulfur.

[03:04:24] Okay, and what did you say about breast cancer? So there are studies out there that show the impacts of PM2.5, that is particulate matter 2.5, which is the very, very fine particulate matter, the fine dust that is coming out of these combustion reactions.

[03:04:44] There is evidence out there that it can cause a serious increase in risk for certain types of cancers, including breast cancer risk. And the reason that I say that it is more likely to be a death sentence for women of color in particular, because statistically, and this information is available on the Virginia Health Department's cancer dashboard, this information is available for you to take a look at, there are serious disparities in how breast cancer in particular is diagnosed, and women of color are more likely to be diagnosed at a late stage because of these systemic health disparities.

[03:05:21] So where there is exposure to pollution, air pollution in particular, there is an elevated cancer risk. And we know that when these cancers are present, that there are disparities in how folks are diagnosed and how folks are treated. Okay. Just want to make sure I heard it right. Thank you.

[03:05:39] Thank you, sir. Next is Mr. Richard Sullivan. Thank you, Mr. Supervisor and the Board of Supervisors for allowing me the opportunity to speak.

[03:05:59] My name is Richard Sullivan. I'm 1212 West Valley Drive in RICO. live over in the Tuckahoe district I've been fortunate enough to be around the data centers as they've been constructed over the past five years there is some noise during the construction phase once these buildings are built and let's be honest most of these are going to be data centers we have high speed transmission lines that come into the county but you don't see pretty much

[03:06:37] anywhere else on the East Coast but once these buildings are built there's no noise out there you'll hear the noise when the generators run but again that's nothing compared to the Postal Service trucks that rumble up and down that road constantly you won't even hear those generators compared to those Postal Service trucks these data centers will bring millions of dollars of revenue to the county um as to um mrs whitehead's question about property values when altria came in and

[03:07:15] repurposed the reynolds property property values in and around there went through the roof they almost doubled in five years for most of the people that will be working out there as far as all the technicians and all that those are as you saw the slides very high paying jobs property values in the east end are going to go up with that as well qts is building buildings out there

[03:07:51] there's a large need by these companies google microsoft for these data centers and i personally believe that this is a great use for this area the buffers that white oak technology park have what they're proposing is well beyond the buffers that are currently set by the county and i yield the rest of my time you all thank you very much thank you next is mr michael keegan

[03:08:29] mr keegan hi my name is michael keegan and i live in the three chop district this evening i'm here to talk about the serious risk of climate change in our related data center zoning case we've been talking about for a few minutes scientists know that climate change disasters will be deadly and very expensive no one can predict future disasters so let me provide you with just a few

[03:09:08] examples from the nuts from the fairly recent past in 2022 the monsoon rains flooded one-third of Pakistan more than 1100 people died over a million homes were destroyed with over 10 billion dollars in damages to infrastructure, homes, and farms. To put this in perspective, one-third of Pakistan is two and a half times larger than the state of Virginia. In October 23, Hurricane Otis intensified from a tropical storm to a Category 5 hurricane in less than 24 hours. The peak wind

[03:09:47] gusts hit 205 miles an hour in Acapulco. The damages were estimated at 12 to 16 billion dollars. Over 98% of the homes and around 80% of the hotels were damaged. In 2023, over 6,500 Canadian wildfires burned over 45 million acres.

[03:10:12] You probably remember those fires since the air quality here in Virginia and Henrico was severely impacted by the fires. To put that in perspective, 45 million acres is 1.6 times bigger than the state of Virginia.

[03:10:29] But Canada is not done burning. The 2024 candidate Canadian wildfire season has already started, with 37 of the 141 current wildfires labeled out of control. Today is May.

[03:10:46] Over 100 fires burned underground over this past winter, all winter long. As the Canadian Minister of Environment and Climate Change said, we must take more action to combat and mitigate climate change and adapt to its very real and costly impacts.

[03:11:05] This is not a future problem. It is here now. Just in the last two weeks, both Brazil and Houston, Texas, have again been hit with disastrous flooding. And things are only going to get worse.

[03:11:23] Global sea surface temperatures have hit record highs every day for more than 12 months. The amount of heat stored within the sea's top two kilometers has been increasing for decades. And the rate of that increase is accelerating.

[03:11:40] Air temperatures keep rising as well. The global mean temperature for February 23 to January 24 is the highest on record. And carbon dioxide? This month it was reported that atmospheric levels of planet-warming carbon dioxide aren't just on their way to yet another record high this year.

[03:11:59] They're rising faster than ever. The Henrico Board of Supervisors doesn't determine national or state laws. But you do pass Henrico laws, and you approve or deny zoning cases. I understand you can't require developers to use 100% clean energy.

[03:12:19] I also know that you don't have to approve zoning requests, especially requests that'll cause even more global warming through the use of large amounts of fossil-fueled power. Data Center seems innocuous, but as you've heard tonight, they can require vast amounts of energy.

[03:12:37] The developer told us that no new power plants are needed to provide this energy. But Dominion Tower told us in a different meeting that six to seven new gas-fired power plants are needed to meet the needs of all the new data centers being planned in Virginia.

[03:12:52] As Reverend Nelson alluded to earlier, a recent Forbes article estimated that artificial intelligence data centers requires four times as much energy as data centers hosting cloud applications. Scientific American estimated that AI data centers will use 10 times more energy than current data centers.

[03:13:14] If data centers need 4 times or 10 times more energy than current data centers, then the data centers you are considering approving will need 4 to 10 times more backup diesel generators with 4 to 10

times the testing hours and 4 to 10 times the pollution.

[03:13:33] If I understood county staff correctly, and Mr. Humphrey, please correct me when you get a chance. If I am wrong, I'm not trying to misquote you. County staff did not know if they looked at any AI data centers in their comparisons. Enrico is not required to approve rezoning cases that require large amounts of new fossil-fueled energy, especially when the developer doesn't know who the clients will be, doesn't know how many generators will be needed, doesn't know how many hours of generator testing a month will be needed, and doesn't know how much pollution will be generated.

[03:14:09] We keep hearing that phrase 30 minutes a month, but that's per generator. And if you have 40, which was the number I heard the developer mention a few meetings ago, I believe it was in Horecho County planning meeting, that 40 would be just for regular data centers.

[03:14:30] But if we're using AI data centers, or is that really 160? Or 10 times, is it 400? And the truth of the matter is they don't know. And they haven't said that they know. don't get me wrong, but they don't know and we don't know what is being approved. Once this gets approved, there's no turning back. My original opinion was that the developer has shown little interest in using clean energy. However, in today's meeting, I heard for the first time of the \$5 million offer for solar power in Henrico. But if my memory is correct, that'll only cover,

[03:15:06] I believe it's about one-tenth of the energy usage for that plant. So if it's one-tenth the energy usage of that plant, then 90% of what they have is coming from fossil-fueled new gas plants. It's still not acceptable. You were elected to serve the citizens of Henrico. Please serve those citizens by denying this zoning case. It won't stop climate change. I'm not delusional, but it will help slow it down, and we have to all do our part. Trading tax revenue now for our children's

[03:15:45] future is a trade-off that is simply not worth it. It is never too late to do the right thing. I urge you to deny this rezoning request from my children and grandchildren and yours. Humanity is facing a climate change crisis that is barreling down on us at lightning speed. Just ask the people of Acapulco. We must all do our part. We can't afford to throw away, we can't afford to throw more gas plant fuel on the climate change fire simply because of data centers thank

[03:16:22] you next we have uh mike o'brien mr o'brien are you here yes sir and then um family leak is yeah victoria we'll circle back and pick up miss leak mike o'brien uh 4300 eanes lane 20 million dollars a year it's a big number right and that's what we're talking about here you put up the number. For instance, we're raking in \$18 million a year from the current data centers we have.

[03:17:01] With the current property tax rate, that means that we're leaving \$20 million on the table. It's actually \$17 million, but assuming that was split between 15 data centers and this new complex will have less than half of the equipment there, which is a very safe assumption that that will not be the case, then we're talking about \$20 million a year.

[03:17:24] what we are saying, this is providing our community, this is providing our county per year. Now, my car is taxed at a higher rate than what equipment is taxed for these data centers.

[03:17:39] So to make up for that, what does that mean? It means that we shifted from \$3.50 per \$100 of equipment to \$0.40 of equipment. That is what we're losing.

[03:17:55] Let me double check here. So it was really nice they put up and said there's value added in terms of every dollar spent, we're getting \$8.70 back. That's a pretty big number. That's pretty impressive. That's a 770% return per dollar.

[03:18:10] The issue is that we look at the money that we're spending. We need a 775% return to break even. So we look at this and we say, okay, this is what we're willing to do to attract this industry. This is what we're willing to do to spend \$20 million a year to bring them here.

[03:18:28] Are we getting this back? This is, at this point, an extractive industry on our Commonwealth in terms of energy expenditure. There's been multiple articles out there that I'm sure you've been aware of saying that this is driving our return to coal and other fossil fuels.

[03:18:44] So it's not helping us there. These are zoned and originally were planned for open space and community use. We will not be allowed on this property. That's not going to be open space. It's not going to be community use unless we schedule a tour.

[03:19:00] So we're not making \$20 million back there. I'm sorry. I shouldn't say \$20 million. It was just in borrowing the figures that were put up for the all data centers. We could assume probably maybe \$2 million a year. So \$2 million a year are we getting from this that we're leaving out there? If I went and I told my wife, hey, I sold my \$350,000 house for \$40,000.

[03:19:19] Aren't you happy? Here's the cash. I think I would be divorced on the spot. I think I would be sent out and I still wouldn't have that \$35,000 cash. So we go back there and we often say, is this worthwhile? Are we making back \$20 million a year in our community?

[03:19:39] is that worth paying that? I argue no, and I argue that that guy that I sold my \$350,000 house for \$40,000 with is going to come back and try to fleece me again. And we see that by what was White Oak. Didn't have a White Oak, didn't have a one, but now it does. Now there's White Oak too.

[03:19:59] Then we move on again, and we move on again, because at this point, we are spending millions and millions of dollars a year to bring an extractive industry into our county. And I argue that while the props here as had been said are pretty uh all-encompassing they do a lot of good stuff is that worth 20 million dollars a year to our county and that's what i want you to think about thank you very much if you can see if miss uh emery leak can be unmuted now she should be

[03:20:36] available miss leak you can speak yes thank you very much good evening chairman nelson supervisors and county staff my name is ann marie leak and i am a resident of tuckahoe district and a member of the board of directors of Henrico Conservation Action Network. Thank you to everyone who has given significant time to listen, learn, and share information throughout this process. It truly is very much appreciated. The heart of this issue is a gap in smart growth policy. On one hand,

[03:21:11] the Henrico Economic Development Authority operates under the policy that data centers are a highly prized target sector granted fast-track permitting and processing because of the economic benefit to the county. On the other hand, while we have ample evidence indicating that data centers have significantly greater resource requirements than other industry types allowed in an M1 light industrial district, we have not yet developed and implemented adequate policy to protect public health and the environment from the impacts of this heavy resource usage. You are being asked

[03:21:49] to make a significant and precedent setting zoning decision, one with long lasting and widespread impacts that reach beyond a single district and even beyond a single county, but without the necessary guiding policy in place to fully bridge this gap. It is critical that this gap be filled before data centers have by right development status in an M1 district. The most concerning aspects of this gap surround environmental justice and climate change action in 2020 the virginia deq issued the results of an 18-month study of environmental justice which

[03:22:28] included the recommendation that localities consider environmental justice in their comprehensive plans and zoning ordinances since the legislation to codify this requirement has not yet been passed by the General Assembly and Henrico has not yet adopted an environmental justice policy.

[03:22:47] It's particularly important as we invite data centers into Henrico that we have ways to ensure that the people of the surrounding community are fully protected from disproportionate and adverse human health and environmental effects and hazards and that they have equitable access to a healthy, sustainable and resilient environment as henrico works to develop and implement climate change policy through their collaboration with plan rva i need to make sure that the zoning actions taken now and any resulting by right development status or fast track permitting and processing

[03:23:26] do not negate the goals of the climate plan including the goals to accelerate and support DEPLOYMENT OF ENERGY EFFICIENCY SOLUTIONS AND TO INCENTIVIZE THE TRANSITION TO CLEAN ENERGY FOR RESIDENTIAL AND COMMERCIAL BUILDINGS.

[03:23:42] AS YOU DELIBERATE THIS CASE, PLEASE BE CERTAIN YOU HAVE CONSIDERED HOW AND WHEN YOU WILL BRIDGE THE GAP BETWEEN THE DESIRE TO BRING DATA CENTERS TO HENRIKO AND THE DUTY TO PROTECT OUR CITIZENS AND OUR ENVIRONMENT FROM THEIR IMPACT BEFORE IT'S TOO LATE.

[03:24:00] THANK YOU. TORI, IS THAT IT ON WEBEX? No, sir, we have two more individuals lined up. Okay, so, but we are done here with the signed up people.

[03:24:16] We are done with the signed up folks. Okay, how many, if you want to speak, you can go ahead and go to the back so we can get a sense of how many more persons we have. So it looks like about 10, 7, all right, 8, no, 7, and 2 on Webex.

[03:24:41] So let's just go ahead, we'll take 4, and then we'll go to your 2 on Webex, and then we'll finish with the 3 in the back of the line. yes sir thank you mr chairman members of the board of supervisors my name is mark perot i'm president of the richmond battlefields association i reside at 15 alexis drive in verina in 1860 june 1862 eastern enrico was the center of the universe for the united states future the union army had

[03:25:16] brought 110 000 men under george mcclellan to the outskirts of richmond and the southern army had its back to the wall. Then followed the Seven Days Campaign in late June, early July of 1862. Of those battles, Savage Station is the only one of those battles where significant land preservation has not occurred, and this is our last opportunity to do so. The land just south of I-64, just east of I-295, and bordering

[03:25:53] old Williamsburg Road is pristine land, and it's our last opportunity to preserve a significant part of that battlefield. And fortunately, 76 acres of that land is restricted by a deed restriction that precludes any activity other than recreation, education, and conservation in perpetuity.

[03:26:21] the applicant and Henrico County have both acknowledged that that restriction is binding on them. And that means that there's very little reason for you to rezone that 76 acres to manufacturing because it could never be used for manufacturing. So at a minimum, you should exclude that 76 acres from any rezoning. But I join Mr. Montgomery in urging that you, if not deny this application, you defer it so that adequate provision can be made between the applicant

[03:26:59] and preservationists like the Richmond Battlefield Association to preserve as much of that battlefield as we can. I want to point out a couple things that the applicant said about the north side of 64, where all that signage is that was emphasized so much by Mr. Emerson and Mr. Conlon. That signage up there was not where the fighting was. Why that signage was put there I suppose was something the solar developer agreed to do in the context of their application, but that's not the significant

[03:27:38] portion of the battlefield. And whether any of that battlefield has been preserved or not is pretty irrelevant to preserving history. The Civil War Sites Advisory Commission is the national expert on what land is historic, and they have set aside 100 acres in the northwest corner of the 622-acre tract as core battlefield land of Savage Station. None of the proffers really

[03:28:11] address any kind of battlefield preservation. A 0.25-acre site with a sign on it or giving some archaeological remnants to the county is not battlefield preservation. Battlefield preservation is preserving the land in perpetuity. We need to get to preserving as much of this core battlefield land in perpetuity as we can. Therefore, I think we ought to defer this rezoning until some dialogue and consideration of that can be made. The Richmond Battlefield Association has made known to the

[03:28:49] developer that we are willing to hold the land with a conservation easement on it or to purchase it from him and put a conservation easement on it to make sure that happens. Thank you very much. Thank you. Thank you next. Oh, my name is Jeff Dawes I live at 75 10 Yaley Mill Road since 1986. I'm a lifelong Resident of Eastern Henrico I'm also with the

[03:29:23] Richmond Battlefields Association and I wanted to thank the county government and Mr. Harrigan for bringing the savages station all up up to comment and recognize that as an important battlefield we all we as the Association we do lectures like on Old Williamsburg Road and the farmland that's in between Old Williamsburg Road and 64 East that's 17 acres that was the Union command during the war and it's still pristine as far as the topography

[03:30:01] and and how the creeks and I'll run through that I'll just to mention the heavy fighting took West of about 295 there and I just wanted to mention the the Union sacrifice of one Vermont regiment there were four regiments approximately 400 men each it was the Vermont the second the third went to the right and the fifth and the sixth were to the left which is which is a brigade

[03:30:33] and the fifth caught the main cannon fire from the Confederates and they went into the battle with 406 men and they lost over 200 to casualties and one one family the Cummings family which was from Manchester Vermont they were in In Company E of the Equinox, it was seven relatives in the 5th Regiment, and five were brothers, all related, and one cousin and one brother-in-law.

[03:31:11] Well, in that one battle on June the 29th in the afternoon, six of those men were killed right there, and the last surviving brother, he went home, he returned home wounded.

[03:31:28] Those are the kind of details. We we try to bring out with the sacrifice of of both sides for that that terrible war And so we just asked it considered to consider We want to save that 100 acres of the core

battlefield and we appreciate your attention. Thank you next Good evening Chairman Nelson and the board. My name is Aileen Rivera

[03:32:00] I'm here to ask that you consider voting no for the rezoning case for White Oak Technology data centers or that at the very least you defer your vote until the JLARC study comes out at the end of the year.

[03:32:23] We need to come up, we need you to come up with standards of protections for us, your constituents. you're going to err I ask please err on the side of people. Knowing all the information you should know by now, knowing that every day there is new research showing that the devastating effect that poor choices made by our governments have on most vulnerable in our community and how choices that only benefit corporations continue to deplete local economies,

[03:32:58] strain families' health and finances, I hope you mindfully consider the devastating implications of allowing data centers like the ones Horrigan proposes in the community of Irina and Henrico County.

[03:33:14] The Horrigan data centers are a liability to our community, to our economy, and to our environment. Can you please answer, how does it hurt the county to wait till the JLARC study comes out?

[03:33:30] like like what's the rush like can because we haven't heard what is the rush to make this happen can we just wait if if it worked for the state legislators for them to wait on on um on passing any legislation till the jaylark study comes out why can't it work for the county i mean it's just common sense to make sure that you're erring on the side of caution and on the side especially after everything that came out tonight by, I mean, you can rewind the recording of Mr. Conlon

[03:34:09] and how many times have he said, it's my understanding, I believe, he said, best practices are evolving, they don't want to commit, they understand, but there's like no commitment, there's no precision.

[03:34:28] we have given facts and we have given science we're not hearing that from the other end so why can't we just wait we're not saying no at no point we have said no we just say no to this can we wait till the jailer study comes out and in the meantime they can go back to the drawing board and do something better the other thing too is that it's not clear they have not committed if there's going be AI data centers. And if there is going to be AI data centers, you can look it up online

[03:35:03] all over the place. It's not well regulated. AI is still pretty dark. And we do not want to invest money in corporations coming into our county that have anything to do with continued bowling with continued civil unrest, to contribute to what happens in the dark places of AI.

[03:35:32] That has to be regulated and it's not well regulated right now. And we can't get an answer if we're going to get those AI. And then on top of that, as you well know, the energy consumption is horrible. We're all going to be paying more.

[03:35:47] So those \$5 million that they're saying that they're going to give to solar panels and other for other homes, that's nothing compared to what the whole state of Virginia is going to be paying in their electric bills when we get the bill.

[03:36:04] I mean, it's already pretty bad. It's already doubled the energy consumption. So I'm sure you all get your electric bills. You know what I'm talking about. And on the side we keep getting all those fees added, this will be another fee added to those bills.

[03:36:22] So that \$5 million is not that charitable. There's an old saying that says, think globally, act globally. That thought is more important today than ever. May is mental illness awareness.

[03:36:42] We need to be mindful with what we do with our land because we need green spaces for our people. For our kids, we need green spaces more than ever. So let's just be mindful with what is built. We have to address the effects of continued development and degradation of natural resources in our communities that doesn't involve, that doesn't solve the problems of the people.

[03:37:10] The state of the environment is directly linked to poverty, equity, and social justice. Giving a pass to every corporation that takes more than they give doesn't solve people's problems. We are disconnected.

[03:37:28] If we are disconnected to our environment, it just doesn't resolve the problem. We have to thank people first. It is said, enough is a decision, not an amount. When is it enough development for Henrico County?

[03:37:47] I'm not talking about housing, because that we could use, housing that we need or buildings that we need. I'm talking about data centers that we don't need, especially when it has not been said what kind of data centers we're getting. Please resolve to find better ways to obtain the resources we need for the community with companies that really do care to coexist with our environment and with our communities.

[03:38:13] Relating to DEQ, I just wanted to say, DEQ, if you're not familiar with how DEQ works, sometimes, depending on the administration, on the state administration, DEQ might do a good job, and sometimes they don't.

[03:38:30] DEQ, we can't trust everything that they said because, for example, 895, this is before Mr. Nelson's time on board, they passed 895, and look at that disaster. That has a lot of people DQ are like, oh, no, no, it's not gonna dry your wells.

[03:38:47] Hundreds of people dried their wells dried. And then look at that, that disaster, how that turned out. This is before your times. I just wanna say that we need to be mindful of how we're using the land.

[03:39:05] We should have learned with COVID that when we have prime soils, we need to conserve them because it's getting, you can turn on the TV every day see the disasters and we don't want to be that when when cobs creek was proposed it was proposed because the county was looking further out to provide water for the citizens of henrico county and richmond and so because we're looking to the future ahead in the future so we need to be mindful how that water is being used because we're being we're building a reservoir so we can have

[03:39:41] water in the future um please like i said please please please defer costco got a deferment for less than they probably didn't have even have a quarter of the questions we have but it seems to me like there's a lot of questions there's still a lot to answer and it doesn't hurt anybody it doesn't hurt to to defer this vote thank you thank you we're going to take one more here and then

[03:40:10] we'll go to Webex. Good evening, everyone. I had a prepared statement, but since we started this conversation last year, things have changed so many times that there's no point. There may be a couple of things that I can say from this, but those of you who toured QTS, Facebook,

[03:40:43] wherever you went. You saw the bright, shiny side of the penny. You didn't see construction and the decimation of the land. The dead animals on site, by the road, in the road.

[03:41:01] Yeah, there have been proffers. We're going to plant 20% natives. What's the point if you wipe out 80% of them? The math's not working out. The environmental consequences, the health consequences. I've worked and helped build many of these data centers, the East End and the West End.

[03:41:34] And I have Union Brothers behind me that are probably shooting darts through my back. We have made a lot of money building these, but the county's not getting back its due because they cut the tax rate. I think the Henrico County Board of Supervisors is in a unique position of showing The data centers are coming, whether we want them to or not.

[03:42:08] But you can put the brakes on this and make sure that it is done in the best possible way. And I don't think clustering them all off of Technology Boulevard is the way to go.

[03:42:27] Thank you for your time. Thank you. Let's go to the WebEx real quick, Victoria. All right. We have Ms. Carol Ribley. You can now unmute. And he's in the bottom of the board.

[03:42:44] My name is Carol Ringer-Grebley. I live at 1402 Stony Creek Road in Tuckpahoe. And the following remarks are taken from an email that I recently sent to Supervisor Rogish. So obviously, this is a very complex issue, to say the least.

[03:43:02] And we all want to make the right decisions for Enrico County. What we do know is that the project will generate more tax revenue than that could be used for any meritorious purposes. And we all like that part. But at the same time, you know, many of us have expressed concerns, and you've heard them endless tonight, about the negative impacts of such a large development.

[03:43:28] And I think it's important that if we're all to live together amicably, these concerns be heard and reflected in our plans for the data center. The biggest stumbling block is not as much as the efficiency of the data center system itself, but that the electricity needed to power this large project will not be generated by enough systems that are renewable.

[03:43:54] That's the bottom line. And we heard tonight that a more renewable approach would break new ground. But that's exactly what needs to be done if we want to control emissions and manage global warming for our healthy neighborhood here in our county.

[03:44:10] So what I'm urging you to do is not to rush into this project, as others have said, and know that we're not alone. In fact, Georgia legislators just passed a Republican-led bill to suspend that state's data center tax subsidies for two years, pending the results of a study of their grid capacity.

[03:44:33] So, let's take a breath, explore what it would take to create a better mix of renewable and fossil fuel sources, get the results of the JLARC study, and then make a considered decision. Thank you for this opportunity.

[03:44:54] Thank you. Next, Victoria. Next is Ms. Goodwin. Ms. Goodwin, you can unmute yourself. You're good to speak, ma'am.

[03:45:23] Ms. Goodwin, are you there? All right, let's come back to the room, Victoria. if miss goodwin gets it um if she unmutes or something then we'll squeeze her back in yes sir good evening mr chairman board mr manager thank you all for the time to speak my name is charles skelly i'm the business manager

of the international brotherhood of electrical workers local 666 we're located 1400 east nine mile road we i represent approximately 1400 electricians in

[03:46:03] central Virginia several hundred of which live in Henrico County we support this rezoning we support this project when projects like this and uses like this come up my members get excited gives us the opportunity to put them to work on complicated projects that bring good jobs to the community it also gives us the opportunity to take our apprenticeship program and grow it and give the next generation a chance at a career in the building trades we're approximately 300 apprentices right now and some of the some of that number is

[03:46:39] due to previous projects in that technology park across the way so this will open up more opportunities for more apprentices for more growth for for great construction jobs we support this project and we hope you will too thank you thank you next thank you for your patience this evening and your thorough consideration of these issues my name is Glenn Vesa I actually live in Chesterfield County, where Dominion proposes to build a gas plant. Earlier, someone spoke quite eloquently about the climate change issues. I'll just mention that every day there's other

[03:47:14] disasters happening because of severe weather. Right now, massive heat waves in Southeast Asia have closed the schools in the Philippines. Hundreds of people have died in Kenya and in Afghanistan in just the last few days. Just these are the examples that keep coming up, I won't bore you with others. Actually, I shouldn't say bore. I won't just mention that there's so many others happening here. Houston has been underwater last week. So it's only a matter of time before those disasters visit us. I do want to say that Dominion's plans right now are to double their greenhouse gas emissions. Their last IRP was to take them from 17 million

[03:47:53] tons per year to 36 million tons per year. What does that mean? That means that they're not going to retire the three coal plants that they rely on to serve Virginia, even though they were supposed to be phased out in 2030, 2035. They're going to keep all the gas plants that they have open now and are going to start building several more. I call the one in Chesterfield county the first one they want to knew when they want to build as the down payment on climate chaos i think it's wise for you to delay this we all have to do our part to address climate change

[03:48:30] and issues like air pollution and i think that you as the governing body for henrico county can take that action on behalf of the citizens of henrico county and say we're going to stand up for clean air we're going to stand up for adequate water we're going to stand up for climate change, and we're going to delay this permit until we find better ways to do this.

[03:48:53] Thank you so much for your time this evening. Thank you. Good evening. My name is William Merriman. I'm a 19-year resident of Eastern Henrico. I'm also a tradesman. I worked on several of them data centers down there on Technology Boulevard. They are great paying jobs. Those jobs afforded me the opportunity to take care of my family, to put them in a home,

[03:49:32] afford a lot of other tradesmen opportunity to take care of their family and put them in a home. It also generates a lot of money in those communities where these tax dollars, the corporations may not pay them, but the people that make them \$100,000 a year on them jobs, they are paying them in them homes and goods they buy and they take care of their family.

[03:49:59] We support these jobs that come into our community. And I pray and ask y'all to think hard about it. some good arguments made in here but these jobs take care a lot of families you got 1500 construction workers that go on one of these projects and these construction workers are making a lot of money if you don't put it here in eastern henrico they're going up the road somewhere and our members and our construction workers are going to have to travel to go there

[03:50:32] to get that money if you look on the news technology is not going away these data centers gonna be built somewhere and what better place to put them at than in our community we have we we have laws we have regulations in place they have some of the best regulations they come in there when you come in these data centers the only noise you hear is with these construction workers that's working when these jobs when these uh data centers are up and running you go inside and tour them you You don't hear anything.

[03:51:12] Only noise you hear is when you go inside these rooms where these services are being run. And that is minimum noise. So I pray that y'all make this thing about it. That y'all grant Eastern Henrico, which we need those jobs, to take care of some of our residents in them areas.

[03:51:31] And we have them jobs. Thank you. All right. Is that it? I think that's it. We do have one more on Webex. All right. Yes, ma'am. That's a good one. Victoria.

[03:51:48] Give Ms. Goodwin one more try. Okay. okay i'm not sure if you can hear me yes we can hear you okay um i came in late and i just want to make a comment about four things i'd like to remind mr nelson and mr vitolkis about the six year battle with the trucks that ended up on white oak road and the in the neighborhoods during the construction of lumber liquidators and if we're going to have trucks again we're

[03:52:24] going to have the same nightmare that we had for six years so i'd like for that to be considered um three years ago i believe it was uh there was a problem with well water and as you know that the majority of us in this area are on well water and there are no water lines for public water in a large portion of White Oak Road and the Elko section. Some wells were tainted

[03:53:02] and I'm not sure how the county rectified that situation. As far as the noise from these data centers, I can hear humming occasionally even inside my home with my windows closed. I don't know if they're testing generators or what, but there's definitely a humming noise that can be heard inside of a closed up house. And occasionally you can get smell. I don't know where the smell

[03:53:36] is coming from. I don't know if it's the cosmetic center, but I've read down Portuguese Road and I can smell. And it breaks my heart to see the destruction of the forest, the trees for the data centers that is there and the ones that are going in. And I'm requesting that you deny this rezoning until, from what I've heard, there's a lot of research that needs to be done, a lot of

[03:54:10] answers that need to be given, definite answers. And I would prefer that you either deny it or defer it for a couple of years. Thank you. Thank you. All right. Is that it? All right, Mr. Emerson, Mr. Conlon, as we head toward the conclusion of this now three hours plus case,

[03:54:45] is there anything that you heard you want to speak to? Unless you want me to bring it up specifically i can i can try to answer at least some of the major questions that were resolved but i don't want to waste your time either but i think um i can run through some of the questions well let me let me

just um i think the air and noise monitoring is still something that um you know is it is it and i don't know if it's if it's proffered you know but is there some responsibility

[03:55:24] that can be taken for air and noise monitoring from the applicant well I do think that the proper do address certainly the noise standpoint this is a we've placed not only in the proffers are there specific decibel level requirements I don't want to lose sight of the fact that this property is located in between two interstates along an airport route and we profit the specific decibel levels are the monitoring has to be done mr. Emerson's talked about the enforcement we're going to have to prove through a death through a noise study that we have to do

[03:56:01] before we even start any construction I'm not sure you know whether we're being asked to take noise levels and report them on a periodic basis I think currently we're data centers are as most people have said other than the last speaker they don't they don't hear them there's just no noise coming from it I'm not sure why this industry is different than other industries that we have with respect to It's not something we've ever proffered.

[03:56:25] With respect to air quality, I know it's not the answer that you want, but I'm going to go back to DEQ covers it. There's many examples that we have. VDOT, stormwater, where the state steps in and sets the standards. It's not a minimum standard. They set the standard that we have to meet, and we're going to have to meet that, including, and I looked it up.

[03:56:43] I used the Internet to look up under the DEQ website specifically provides for information that's provided in the monitoring of specific sites, and that's going to be made public knowledge. So I'm not sure why we have to go above and beyond that, why this industry is different than any other industry.

[03:56:58] That's not something we're going to proffer specifically. We're going to meet whatever the DEQ standards are in the state standards. I know that's not the answer people want to hear, but that's actually the standard that everyone is held to. And there's a reason for that, because it's continuing across the state. So we don't have different standards, different jurisdictions for different industries based on the whim of whatever the concern is at that particular time.

[03:57:19] It's a consistent standard meeting requirements of the state. And that's what we can do. pause for one second joe have you seen where we've had different standards from deq or above deq that we've put on particular industries etc no sir normally deq governs those areas in which they have purview and as mr paler said at the uh at the planning commission meeting the deq would they will come in they will hold their public hearings on their permits

[03:57:54] So that's a public process that everybody is, it's open and available to them to participate. If they have concerns at that time, it would be to raise it at their hearings and through their public process. All right, so DEQ does have its own public process as well as in this case.

[03:58:12] And my understanding, and I'm sure everybody doesn't want to hear me say that, my understanding is that if there is public input, they will go into more public input than they normally do. okay um so great just come up real quick just pretty please real quick because usually we don't reopen it back up for public comments i just wanted to rebut what mr emerson has said i have no knowledge that deq would have a public process for a simple minor source permit i have no knowledge that deq is considering a public process i have no information at this time that there will

[03:58:50] be any kind of public process we have raised concerns to the environmental justice arm of deq but beyond that i do not know of any public process all right thank you um the evaporation um i thought i heard you make that you made i thought you made that commitment i thought i made it clear yes sir all right i believe i did i think that was a misstatement on their part to say that i didn't so so you're making a commitment that the evaporation process will not be a part of um the cooling technology the cooling technology in the case that we are voting on today i'm not

[03:59:27] not going to equivocate the answer is no it will not okay all right um so joe the tier so the tier two generators and i've heard a couple of times about 90 dirty diesel fuel polluting but i feel like we asked this question during the during the planning commission and we heard that though tier tier two may not be a fan favorite of those who are environmentally um you know focused per se

[04:00:03] it is a deq permissible use correct it is a standard use tier 2 that is so so if we if we if we made them proffer tier 4 then we'll be again trying to we'll be making them proffer something above deq standard yes sir that's correct mr paler also stated that the air quality would be from deq standpoint their air quality requirements would be the same on a tier two as it would be on a tier four okay so the quality of the air would be the same according to his

[04:00:40] comments all right the the promise the T&D the promised part can you speak to that piece a little bit I've always been told that Bob Attie gave the county that land for a soccer part well used for Richmond Strikersfield or something I didn't know that it was supposed to be a part of our park catalog or something?

[04:01:11] No, sir. It was never intended to be part of our park catalog. What occurred here in the 2010 plan, this entire area was a prime economic development site. It was commercial concentration at that time. Mr. Addick bought that portion, I believe, from the Harmons and used it for tax purposes.

[04:01:33] to gain tax credits through the IRS by placing restrictions on the property and then he gifted it to strikers which of course is a public entity and i assume there was some sort of tax benefit related to that as well it was never gifted to the county the open space recreation designation was placed on that with the 2026 plan because of the the tax document that was on it in the the ownership at the time but it's always been the county's intention that

[04:02:06] this was a prime economic development area okay and in in cases in general where wetlands are part of the case are they are they usually included as open space how do we deal with you know is it is it misleading to use West wetlands as a part of open space designation no sir i don't believe it is so what so do we usually

[04:02:46] exclude wetlands no sir normally what we do and it's proffered in this case but let's just say it wasn't this case let's say it was another case uh well in any any of the cases that we that come in front of you uh that have wetlands in them we always request a proffer that during the engineering phase that those those lands come back and be zoned conservation C1 once they've been delineated and that's also offered in this case as well the ownership doesn't change but the designing category does change and rubber Nelson there's 70 acres estimated of wetlands we have 220 acres of open

[04:03:25] space so that's that's a significant amount of open space already that's beyond the wetlands that we're proffering in the property um so talk about the deed restriction again with this property that we're talking about with savage station like what the the tax do you do the tax deed so it's a part of the because i

think i actually asked this question so it's it's being rezoned to m1 though nothing can happen on it that's correct so why is it being rezoned it assists with setbacks and of

[04:04:03] course the uh the restrictions and this is something that the uh that the owner applicant and the IRS will have to come to resolution. There are uses for, again, open space and also for parking and things like that that are allowed on the site as well as recreational uses.

[04:04:23] But it cannot be built on? Correct. Okay. Even if it's rezoned, data centers won't go on it? Correct. So what will? I mean, they can do what with it?

[04:04:38] You said parking box? is listed in those those restrictions is allowable i know that it allows soccer fields recreational uses parking uh open space uses also allows utilities utilities but zoning this part we must comply with the uh easement and we will comply with the easement but there are specific uses that are permitted on there that could be used for um j-lark so the question has been asked about j-lark um so i think on back in december i guess i don't i don't know when the j-lock study

[04:05:18] was commissioned i've spoken to several of the legislators i thought and i don't know if mike sherman i hate to i know he was here he might be gone now but he is here somewhere yes okay um so i mean j-lock studies as it relates to the county of henrico is not anything that's new mr manager i mean we've i mean we've been involved in j-lock studies i think mr emerson the actual J-LARC commission is actually interviewing our staff on what we're doing.

[04:05:57] Yes, sir. They're interviewing other localities, et cetera. So, I mean, the J-LARC, there'll be a study. They'll make a presentation to the General Assembly, and then the General Assembly will decide what they want to do with it. But if they do recommend that there are laws to be passed, then the legislators have to go through committee, get the laws passed.

[04:06:19] If they're passed, then what happens here? Well, I mean, oftentimes what we've seen over the years, Mr. Nelson, is that J-LARC, something ends up in J-LARC because there wasn't consensus in the general assembly.

[04:06:36] So it's easy to say, okay, we'll study it and come back. So you've got voices on both sides, ultimately, that will line up again next year and decide. But there's no guarantee. That's my point. One way or another, when it goes to J-LARC, what the outcome is.

[04:06:54] and a lot of time it's politically expedient to send it there. Which is kind of what I heard from the legislators that I talked to. Many of them that represent Henrico either talked to me or my colleagues, and one of them told us they thought we needed to hold this case up because of the JLARC study.

[04:07:13] Anything that the General Assembly would come forward with under state law would impact the data centers currently in operation? But the point is, if there is something that is, if there is a law, a policy that is brought forward, then we have to line up with it.

[04:07:36] Yes, sir, we do. And so then that means that the companies have to line up with it. Yes, sir. Reverend Nelson, I would like to revisit the DEQ permit for just a second. Yeah, I'm getting the same information, Mr. Emerson. There actually are public notices.

[04:07:51] yeah i've got a i've got a memo from mr paler to mr yob and i i can i'll just read directly to you what what he stated one question that i've heard in this current case is a concern that the data center would be issued a general permit one that assumes there would be a very minimum impact on ambient air

and for which permit conditions are already established by regulation these permits are protective of air quality but this would mean there is no individual analysis of the proposal and no opportunity for public comment virginia deq has always avoided using this process for

[04:08:29] data centers and has always issued what it calls individual permits that include a site-specific assessment of potential air quality impacts the expectation is that this potential project would be categorized as a minor permit according to the regulations due to the intermittent nature of the operations of these engines with emissions that fall below the major threshold minor permits are not automatically required to go to public notice again because they generally do not threaten naaqs however when there's significant public interest and concern

[04:09:04] about an application that qualifies for minor thresholds deq has generally had those draft permits sent through public comment period before making a final decision that's a decision that will be made by deq once it sees an application for the permit but i would expect that they would require public comment periods in this instance and that's from the former executive director all right let me um let me do this colleagues um we still have more business i'm sorry that we um

[04:09:40] yeah anybody else have any other questions comments or anything before we move into closing remarks joe can you talk to us about the comp plan yes sir what's the comp plan process and i i heard a couple people saying that we were purposefully being slow with the comp plan to get this case to go through i don't i am 100 sure that's not your intention to get this to make sure

[04:10:17] that this data center case passes you know we've been talking about the comp plan for a couple years it's an extensive process so can you just talk about the comp plan where we are with it settle sure absolutely we're still in the process of developing the background data we're nearing completion on that we're we'll be holding a work session i believe with uh with the board soon to bring you up to date on those final documents we have been drafting trying to put together some rough drafts of some of the chapters so we're reasonably on schedule uh probably have fallen

[04:10:52] behind about six or eight months but that's not abnormal it took about five years to develop the 2026 plan so i imagine by this fall we'll have draft chapters out for public comment as well as i've got some information i need to review with each of you individually but there has been no no deliberate attempt to delay this for any pending land use applications what about pushing this and why are we doing this um andy i'm gonna ask that you go talk to your um client um and

[04:11:31] just talk about air monitoring you taking that responsibility on your own to do some reporting on that so just if you can please walk away from the mic go talk to them see if there's some level of commitment that will come um with your own monitoring of of the air slash noise all right Can you talk to us about rezoning on the process?

[04:12:00] Because it also has been implied that we have, we've been rushing this case through. Now, if, you know, I purposefully kept asking last year to not hear this case for two reasons.

[04:12:16] First of all, I knew that this was going to be a case that was going to probably take some time. And I knew we had some retiring colleagues. It also was right in the middle of an election if we would have brought this case forward like in the fall. um the first it was proposed to be on the planning commission agenda in january which just didn't make sense so we asked for it to be moved to february february is still i mean we had

[04:12:50] a brand new um planning commission that you're trying to onboard so we asked for it to be deferred or either we asked the applicant to defer it or we deferred i can't remember march we still there was still some things that were outstanding so that's why i was deferred again and then it came to us in april now if it's something else that happened tell me otherwise no so that's that's correct i'm just looking at the dates uh from the uh from the first time it appeared on the planning commission agenda which was february 15th and it was deferred at that time it was deferred

[04:13:26] on march 14th and was not uh not heard by the commission until april and ben you have the file When was the case actually filed? Was it December? If anything, the process has been very long on this case.

[04:13:49] And this is generally the zoning process. You know, generally if there are community meetings that are held, like I did have a community meeting for a residential case last year, but the generally community meetings for these zoning cases are the responsibility of the applicant.

[04:14:12] the applicant held two of those meetings i was at both of them with the planning commission member um and then henrico um hk had their meeting like a day after one of their meetings we were at that meeting as well um but the public process generally the hearing the hearings happen at the planning commission and the board of supervisors meeting yes sir that's correct So, you know, those meetings were held.

[04:14:48] Yes, sir. Ben, did you find the filing? It was filed in November, Reverend Nelson. So you could, this case is probably taken easily two times normal length. If you just go by normal advertising on a zoning case, just the requirements of state code with the filings at three to four months, so you're well beyond that.

[04:15:12] All right. I didn't hear anything from my colleagues. so I'm just trying to wait for the applicant to come back in. Hopefully them standing out in the hall talking longer means they're coming up with something. Transmission lines that are not a part of this case.

[04:15:31] Mr. Manager, you or Joe can answer this. There was some implication where it was being implied. Again, I feel like it's only in Verona cases, where the application starts in my district that people just say all kinds of stuff to you.

[04:15:54] make a difference what they say there's a level of respect towards you um but there is there was and it was being implied that this was a part of some big scheme that I or the county was involved in Dominion Dominion separately from this case I didn't even know much about this case came and said that they that they were going before the SEC with some

[04:16:27] options for new transmission lines. I can't remember when that started. It might have been the end of 22 or the beginning of 23. Again, I said the same thing when I heard something about this case. Whatever you want to say, why in God's name would you be doing this during an election year? So we were not rushing to try to get anything done. There were three options that were given one of the options the majority of the line or the greater

[04:17:05] portion of the land went through Henrico County property so I think it went through the school property and some other land that we might have owned around the school and if I can remember that is the line that is where we recommended support because it went through our property it impacted

the fewest property touch the least amount of property owners but can I so there you go back in time if the the root cause for Dominion needing more power

[04:17:39] lines was a change that was made at the regional level at where where the PJM the connectivity between states and power that sold between companies so this was a FERC requirement if you will I mean there was a there's an article in today's or yesterday's Washington Post about the fact that we don't have enough power in this nation that has nothing to do with one data center project it is a national problem and this line that came about from White

[04:18:16] Oak was partly that was partly the reason that Dominion explained to us so that goes back to 22 Mr. Nelson. And then there were two or three meetings, as I recall, at different schools in Verona. Yeah, needless to say, I didn't want to have anything to do with it. So I wasn't trying to have my head handed to me over transmission lines. So it was not a part of any big plan to hurt anybody or to connect to this case. So I just want to make sure that I did speak to that.

[04:18:49] I didn't want to ignore that. I do have one or two other comments before we go to a motion, unless somebody else has something to say. Yes, sir. You went in the hall for a couple minutes. Yes, sir. We discussed it, and while this is something we wish we could do, it's not typical in a land use case.

[04:19:06] I've never done that, and to be honest, Virginia is ranked number three in air and quality with the highest concentration of data centers. This is a good land use case. I want to keep that in perspective. We've proffered a lot of economically viable but protective standards, and it's just something ultimately from an industry standard that we could provide for.

[04:19:27] DEQ provides the standard that we have to meet, and we're going to continue to do that. I don't even know what that looks like to say what a commitment is to do air quality monitoring and what kind of monitoring, what level we'd have to achieve. I just don't have any basis for that at this point, and it's highly unusual to be able to do that in a land use case.

[04:19:44] We don't feel like we can do it at this time. So you don't feel like you can, the applicant can purchase air monitors and just put outside of the project area and run some data monthly?

[04:20:05] And I'm not saying that it doesn't even have to be proffered in this. What I'm saying is we need to, this conversation hopefully can continue. This is important.

[04:20:21] So, Mark, I'm going to ask you this. So you. I understand the question. I think for us, it's a couple of things. I think we'd be happy to work with you and others to lobby DEQ to do that monitoring. They're setting the standards. And so they're the right people to do it. As I think Andy was trying to explain, the air quality issue really is not a big issue in Virginia. We are in a phenomenal state where we're doing more in green energy. We're doing more and DEQ is doing a great job in the air monitoring. So it's just not something we need to do. The cost of it, I have no idea what the cost of that is and what it would

[04:21:00] take and what to do, and so I don't want to make a commitment, especially if I've got a user. I don't have a user for this land until the zoning case is approved, if it is approved. Assuming it's approved, it's difficult for me to make a commitment on someone who I don't know what the end use is going to be, and so it just becomes a very unusual and uncharacteristic ask at this time we're happy to work with you and and with deq to get the monitoring in place but they should be the people that should do it and so we're happy to support that all right so what i'm hearing is

[04:21:33] joe you just said based upon what you read from and we're going to take that as somebody who may know what they're talking about that this application is going to trigger some type of hearing with the significant public input it will based on what it's a three and a half hour public hearing. We've gotten, you know, a lot of conversation. So we need to make sure we do everything we can to trigger this as a significant piece. Yes, sir. What I'm hearing Mark Horrigan

[04:22:06] say is he would, at the hearing, go and lobby DEQ on more air monitoring around this particular facility is that that's what i'm hearing you say correct and i think i would also say deq has exceptional standards they will set the right height they will go through everything they need to location on site they're the right people to do yeah i get what you're saying so therefore i'm okay supporting that yeah so you're okay with being an advocate correct with deq correct to

[04:22:45] make sure that there is proper level of air monitoring there and then we can make sure steve Is Steve here somewhere so we can make sure that we that we stay on top of this. All right. Thank you Colleagues, do you have anything else to say and I'm sure all of you gonna make me sit through a three-and-a-half hour case hearing one day Oh each one of you all that. So yes, sir. Mr. Lover. You gonna say something? Yeah

[04:23:28] just whenever. So here's where I am with it. I mean, the data centers, there's a demand for them. We all have kind of agreed with that. And I think even Mr. Keegan at one point said he's not opposed to them. He's opposed to them being there with fossil fuels, being operated from fossil fuels.

[04:23:46] And I'm not 100% quoting him, but I think so. You know, no one's talked about why there are four subsea cables. I think most of the people know that, but there are four subsea cables and like 99, 96 percent of international internet traffic goes on subsea cables. And so that's why this is such a great area for this, is because the fiber comes literally into Virginia Beach, it comes up 64, and it comes right into the back door. So it's a good spot for it. You know, one of the things as an elected official that I've contemplated, I mean, I'm speaking for the

[04:24:24] District of Tuckahoe, but all of Henrico, I mean, we do need to look at the tax benefits. We do need to look at the jobs. But we also, thirdly, we have the ability to put the guardrails in place. And I feel like that's what we've been talking about, the proffers that the applicant has put in.

[04:24:41] We've been able to set some standards, and I'm pretty proud of that. You know, if this data center, if these data centers are going in the western part of Virginia, you know, that's not operated by Dominion. Dominion does about 65%, 68% of our power in the Commonwealth.

[04:25:00] There's another company out there in western Virginia that is mostly generated from coal. So just I think that that's an important piece that if we don't put them here, and I'm not saying, you know, it's the greatest, but if we don't put them here, they're going to go somewhere else, and they could be powered by coal.

[04:25:18] And I think that's an important piece environmentally. You know, the concerns that I have, I think that the battlefield people leave, I don't see them here anymore, so I'm going to skip over the battlefield. The water issue, the noise, I think we've addressed some of that.

[04:25:34] The air quality, the generators. You know, when power goes out, the first thing that's going to happen is it's not that they fire up the generators. They do fire up the generators. But the first thing that

happens is they go to batteries because they cannot lose connectivity. So there are batteries that we've seen in all these places.

[04:25:50] And as technology is developing, the battery technology, the private world will figure this out. They must figure this out. I mean, the batteries need to get better. I'm assuming that the people would love to use more battery technology and not have to fire up the Tier 2 generators.

[04:26:06] They don't want to run them any more than anybody else wants to run these generators. So I do think that the batteries, the generators, I think they've done is they have to be tested. And so they're going by the manufacturer's recommendation on that. So for me, the biggest issue is the power.

[04:26:23] And I've said this from the beginning, and I think it was Ms. Bradley, I'm sorry, from Tuckahoe that was on the WebEx. The power is the biggest issue. and how we generate this if we are looking at one data center produces 30 to 40 megawatts of power and we're going to put 30 possibly 30 buildings over there i mean that's another one one and a half gigawatts of power it has to be produced somewhere and so that is the the really that's for me that's the biggest issue is where's that power come from one and a half gigawatts is a lot of power to be generated and so i'm appreciative i wish it was 50 million dollars but i'm appreciative

[04:27:01] that it was \$5 million to put it on for solar because that to me those are buildings that are already there putting solar on buildings how we determine how that's going to be advocated we can do that if we had \$50 million from tax revenue maybe we would say that we should put that into solar more but for me that's the biggest issue and I'm appreciative that there's a 5 million so my comments are finished mr. chair I'll say you mind for after Ms. Whitehead because I'll make a motion either way so I hope you know for one I hope that the

[04:27:37] time that that has been spent this evening dispels any any fallacy that when we make decisions especially ones of this import that we just defer to you know the person whose district it is we have all all five of us been very very much involved and not quite as long as Reverend Nelson has been but I can personally say that you know he's never approached it as a hey you just had me defer to me this is my district kind of thing it's quite the opposite he gave me attorney condolins number you know hey call him with any questions that you have he's got an accordion file for

[04:28:14] full of documents um i i'm not here to to cape for to defend uh reverend nelson but he's been living and breathing this for so long i feel kind of bad for him um because every time i see him he has a stack of materials um you know i wrestled with this decision not because i was under any illusion necessarily that my vote would be the determining vote um but really because i want any vote that i make regardless of whether i think it's going to impact the outcome or not overall to be one that i can stand behind and one that i believe stands true to the things that i talked

[04:28:50] about when i was trying to get in this seat and one um and how i hope to to keep this seat with my decisions going forward i've read a lot and heard a lot and and the one question um well one of the questions that i think i did wrestle with a lot is one that i heard a lot here tonight which is you know why why not wait why not defer why not wait for the jlark study and i did i like reverend nelson reached out to some of our counterparts in the state level to try to get an understanding um of what that is because it does seem like you know an easy thing to say well there's more

[04:29:25] information coming and so we need that information and and why not just wait for it um what i've concluded about jlark it is it is in my mind not the panacea that i think you know we may think that it is um there were a gazillion bills being proposed at the state level to address data centers right from all sides and so it was sort of a no-brainer at that point i think i'm not speaking i'm not at the state level um but i think that it made good sense at that point for them to say hey we have all of these competing bills from all of these different legislators why don't we just

[04:30:01] get a study and kind of compile it and i think you know politically expedient is one way to look at it but i think it made sense to do it at that level but when we look at what might actually come from that and it was you know conveyed to us that the the folks that are doing that study are reaching out to localities because they want the insight from us at the ground level and so that begs the question as to you know whether there really is any additional information that is to be gleaned if we wait for the jlark study um i think what the the thought the thought is with that is that they will come up with rep with recommendations um that would then be taken to the

[04:30:39] state legislators and then hopefully they will put in things that do address things that are beyond our bailiwick here like how we're what we're going to do about dominion and other um entities that you know i think are really kind of the bigger elephant in the room here right a lot so much of this discussion is you know well if we approve this does this then spoon feed you know dominion the ability to say well now we need to build this this plant in chesterfield because we've got to feed this right that's that's beyond this candidly whether this goes forward or not that discussion

[04:31:10] is still going to be had um so i do not think that waiting for jlark um is the answer um and the risk is and i don't ever want to say you know we need to do this because we don't want somebody else to beat us for the punch. But, you know, it was even raised here today. Every day it feels like we're opening the paper and seeing another jurisdiction that is being proposed for data centers. It is the hot ticket item for a reason. You know, and I did search, and I didn't realize I could have saved myself a whole lot of effort if I had realized staff had put in so many hours gathering all of the proffers from different localities. But I did my own search, and, you

[04:31:50] the one of the more recent ones was the one from hanover and um not to throw our colleagues across the way into the river but their proffers i mean pale pale in comparison to what we have arrived at here um with this particular case i mean seriously there there's not a lead mention in here that all of the ashtrays and abbreviations and words that i've had to google and look up over the past several months no mention of it at all they talk about you know foliage and and facades on buildings and things like that that is the reality of if we do not

[04:32:27] take as my colleague mr. ogish said the opportunity to set a standard here and to try to make this product as good as possible because there is so much that can be benefited from a project like this you know Voltaire says the the perfect is the enemy of the good and so often we are looking for a perfect product when the good is really going to help us get to our finish line and part of that is the balancing of acts I use this analogy all of the time when I'm considering decisions that you know I'm a criminal justice reform advocate at my heart but I have to take that hat off when I sit in this seat because that

[04:33:06] can't be the driving force beside behind all of my decisions it can inform it but it can't be the driving force behind it and similarly although I am certainly very much you know climate change is real and all of these things I believe in and I know that we have to protect this earth for our children but there

are competing I'm not even necessarily competing interests but there are other interests as well and mr. Skelly articulated them and the other individual articulated them and things that you guys haven't even heard yet that trust me we have been talking about behind the scenes so that this isn't just a corporate gimme or a giveaway this is the opportunity for us to be

[04:33:41] able to do really transformative important game-changing things you all elected us all five of us thinking that there was going to be a new day in Henrico some of you not all of you elected us many of you did thinking that there was going to be a new day in Henrico and I'm telling you that there is this is not about backdoor dealing this is not about anything shady this is about us taking all of the factors into consideration and coming up with the very best product that we can so that we can then take those benefits and use it for you so please trust us I I'm sure I'm foreshadowing that I am going to vote yes it is my intention to vote yes to approve this project but I thought it

[04:34:20] was very important to explain to you why I intend to do so and also to say that I will continue to make sure that we are good stewards going forward even for those of you who disagree with this vote tonight thank you thank you colleagues Let me first start by, Mr. Smith just made a good point to me that, you know, part of the reason why other localities may not have as tight of proffers or restrictions, et cetera, is that they don't have the advocacy community that we have here in RICO.

[04:34:58] And so, honestly, a lot of things that have come out, and even though it's not everything that you may want, a lot of these things that have been pushed, changed, that have pushed and prodded us, have been because of those persons who are speaking out, those persons who are sharing, those persons who are, you know, sending emails and calling and all the things that you do.

[04:35:31] And so I do want to say, even though you may leave frustrated if we don't vote the way you want us to vote, you know, I pray and hope that you can see value in the work. You know, and I had not given to the level of thought as it relates to data centers, you know, the level of focus that, you know, I have picked up over the last half a year to a year

[04:36:02] just simply by articles that have been sent, conversations that have been had, et cetera. So I want to close by saying this.

[04:36:23] There are a couple – it's kind of difficult sometimes to serve in these positions when you really care if you have a heart. And it's not always easy when you're being personally attacked and, you know, people who don't know you and they think they know you based upon what they hear about you and then they say things that are inaccurate.

[04:36:52] I think one of the things that has bothered me is that when I read people sending me emails saying splitting the spoils or, you know, we already have figured out what we're going to do beforehand, you know, I benefit nothing from Dominion at all.

[04:37:12] I mean, they're not giving me anything. One of the things that triggered my thought a couple of months ago when talking to the county manager was, you know, I see localities with this huge amount of tax revenue coming in when they approve these cases.

[04:37:33] What are they actually doing with it? And most of it seems to just go to their operating budget or the bottom line. And nobody was doing anything transformational or transformative. There was like no dedicated revenue stream that spoke to anything.

[04:37:55] And so I didn't want to jump out too far at the planning commission. So I did mention that if this case passed, and at that point I did not know where my colleagues were in the case. So I did mention if we did pass it, we would have to do something transformative.

[04:38:13] And then that turned into Nelson slightly alluding the spoils already divided before he heard the case. you know i mean all of this stuff he's acting like a kid appears unable and unprepared to converse defers the staff for responses you know i mean all of this stuff that because i'm a human being it does bother me sometimes and you know i don't need to stand up here and say what we have

[04:38:43] done in varana that i am very proud of the work that we have done in eastern henrico and so because i can i can say that uh i don't let that stuff um bother me but so much you know territorial is the word yeah i am territorial about varana why wouldn't i be you know that's that's where i live that's where i grew up that's where my people are why wouldn't i care about the area and i will hope that the rest of you who are up here you better you were elected i hope that you a little territorial

[04:39:21] you too about the areas that the areas that you are a part of and so a couple things you know i hear the word i hear environmental justice and i'm a justice person justice is what guides me it's not just one kind of justice though and there's all kind of things that we need you know in 2017 i was the only person on this board when we voted to decrease the machinery tax for data centers. I had no clue at that time what we really were doing. All I knew is data centers

[04:40:01] were behind places like Meta and Facebook at the time, and it seemed to be the right thing if it could drive some business into the tech part. There are a lot of things that have come forward about the impact of data centers in communities that I had no idea in 2017 that would come forward.

[04:40:21] 2017, it made sense to have a \$0.40 tax rate for us to drive business. You know, maybe it doesn't make sense anymore. I don't know, you know. And I mentioned this to the manager and, you know, my colleagues and I will discuss it going forward in the next budget season.

[04:40:43] You know, we may have to just raise the data center tax back to what it was, you know. And if data centers are bringing in revenue that they're bringing in, then we raise the data center tax and lower the real estate tax.

[04:40:58] So to me, that's a win-win for our community. Right now, you know, there's a lot of revenue that will come in because of this case alone. And, you know, I've got commitments that if folk voted, if they voted, because they don't have to, they could still vote no.

[04:41:23] That's up to them. But if they voted, everybody was on one accord that we need to just dedicate this funding towards something that can really help people, help people who don't even know that we're even having this conversation, that next year, two years from now, three years from now, they're going to look back at the county that they live in and say, wow, my county led the way in something.

[04:41:48] and that's what i want to be a part of and um that is what has um kind of shaped my thinking to a certain degree um the five million dollars you know somebody made light of it it ain't no big deal i feel like it'll be a big deal to 200 250 homes who don't have um you know solar panels and roof and solar roof and tiles and shingles and there's a lot more that we need to do in this area. I hope we don't have another case anytime soon. I don't want to go through this anymore

[04:42:26] anytime soon. This case has aged me. I'm older now because of this case. But I do want to thank my colleagues. Four hours. So we have just broken a record for the longest public hearing on the case. I move that we follow the recommendations of the Planning Commission and approve REZ 2023-1000178 the cva llc with the proffers that were dated may 6 2024 say it been moved in a second all in favor

[04:43:02] say aye any opposed thank you mr manager mr chairman uh we move into public hearing other items i'm going to ask staff to keep your presentations uh very brief in light of the hour 153-24 is a resolution this was discussed in work session declaration of surplus property signatory authority this is for the a center that abuts Hermitage high school which is in the Brooklyn district mr. Anthony thank you mr. manager mr. chairman members of the board skip this authorizes all actions necessary to

[04:43:37] create a minor subdivision parcel seven six seven seven five four five three eight seven the county to convey approximately nine acres to the county school board by gift of deed donated property abuts Hermitage high school that will be used for the a center and parking lot this is a public hearing is there anyone here to speak to this case or against this case is there anyone on web Victoria is there anyone on webex at all yes sir it is okay all right all

[04:44:13] right is there anyone to speak anyone to speak to this particular case there's no way to speak to this item all right any comments questions okay is there motion all right motion by Reverend Cooper second by Miss Whitehead all in favor say aye any opposed thank you mr. manager next 154 - 24 is a resolution this is a condemnation allowing us to go to court for a property that is associated with the Magellan Parkway Extension project mr. Anthony yes sir

[04:44:50] thank you once again mr. manager mr. chairman members of the board at the property owners request mr. Barksdale w Higgins requested that we move towards condemnation and filing clot for a variety of easements needed and or rights of way uh totaling 2093 square feet i'll be happy to answer any questions uh questions colleagues it's a public hearing anyone here to speak to the case anyone on webex there's no one to speak to the item is there a motion second all right motion by mr rogers second by mr smith all in favor say aye

[04:45:29] all right any opposed thank you miss magic max 155-24 and 156-24 both of these are ordinances vacation of building line the first one is in the fairfield district the second one in tacahoe mr anthony these are front porches both of them uh yes sir the property owners requested these vacations one at 35 feet uh building line and the other one is uh i'm sorry both at 35 feet building line vacations all right all right thank you sir any questions for my colleagues all right hearing none is there anyone here to speak to this case

[04:46:06] anyone on Webex there's no one to speak to this item all right is that motion second motion made by Reverend Cooper his whitehead by inch with the second all in favor right any opposed thank you last last one mr. Mitch and 156 - 24 was covered in the comments mr. chairman you see if anyone else is here is there anyone here for public comments oh oh for the last one okay any any public

[04:46:42] comments here for the case for the resolution for the ordinance 156 days 24 anyone on Webex there's no one to speak to this item all right need another motion second you you're removing your motion yes yes yes We need a timeout. We need a timeout. We need a regroup right here. Motion made by Mr. Rogan, second by Reverend Cooper. All in favor, say aye. Aye.

[04:47:20] All right, so moved. Now we're ready for public comments. So, I do have several individuals that have signed up to speak. Is Vijay Kant here? Mr. Kant, are you on WebEx? He is not, sir. Okay. Is Mr. Frank Jones here or on WebEx?

[04:47:39] He's not on WebEx as well. Is Ms. Chantel Lewis here or on WebEx? He's not on WebEx. Okay. Victoria, do you have anyone waiting to speak? No, sir. Not at this time. All right. Mr. Chairman, then I suggest you move into your general agenda.

[04:47:56] Mr. Tina covered the first item in work session, \$10,000 plant RVA grant. Anything you'd like to add, Carrie? This will just help the Hart Committee better identify urban agricultural purposes. The Hart Committee recommends approval. The county manager concurs.

[04:48:13] Mr. Chairman, help the Hart Committee move the resolution. Second. All right, motion made by Mr. Smith, second by Mr. Rogers. All in favor, say aye. Aye. Any opposed? Thank you. And 158- Hold on for a second. Yes, sir. Victoria, you said somebody was on Webex, so they hung up?

[04:48:30] We still have 10 people listening in, sir. Oh, okay, but no comments. Okay, all right, okay. Thank you, sorry. So 158-24 is an award of contract. This is from General Services Annual Engineering Services. The recommendation is for these four companies?

[04:48:48] To be awarded to Mark McLennan, Agency Environmental, and Koontz Bryant, Johnson & Williams. So the first two of the four that have been? Yes, sir. Okay. Mr. Chairman, members of the board, any questions on this item? Sir. No. Have you made presentations to us before?

[04:49:07] I was here in December during the last marathon meeting and actually got it approved. Oh, wait a minute. I'm not speaking. So hold on. You're the common thread. So this is your second time presenting, and the first time was? The sheets one.

[04:49:23] Yes. Oh, my gosh. So we need to make sure that he does not whenever we have. I'm the common denominator. You may have just gotten a reserved parking spot. Yeah, right, right. All right, did we get a motion for this?

[04:49:41] All right, motion by Ms. Whitehead, second for Reverend Cooper. All in favor, say aye. Aye, any opposed. Thank you. Next, Mr. Chairman, is again discussed in work session, award of contract. This is Mr. Zanino, low bid, Henrico Sports and Events Center.

[04:49:57] Yes, HVAC project, three bidders, low bid, \$1,000,000, \$8,350. Hershey's in director, executive director of the Sports and Entertainment Authority, and myself, present this board of paper.

[04:50:12] Happy to answer any questions. Buildings in Fairfield, sir. Second. Motion made by Reverend Cooper. Second by Mr. Smith. All in favor, say aye. Aye. Any opposed? Thank you. Next, Mr. Chan, 160-24 is award of contract.

[04:50:28] is low bid yes sir and what would you like to add work on the project is anticipated to begin in July and be completed within 200 to count 210 calendar days this is number 14 of 30 of our ARPA infill projects mr. Chan the only question I have is based on those three bids you have full confidence in that bid and their ability to finish the product of the project you see the reason I'm asking right yes sir so crown construction was recently on another waterline project for us they did very very well we're glad to have them back so they're here they recognize a business there for their bid

[04:51:05] separation gotcha yes sir mr. chairman with resolution motion made by mr. Smith second by Reverend Cooper all in favor say aye aye any opposed thank you mr. man 161 - 24 mr. Tran is a construction change order yes sir so this is an expansion of the Greenwood Estates waterline improvements project and adding additional waterline to query and query Road and Vestley Lane fantastic work on this one mr. Chan move the resolution sir most of me but mr. Smith

[04:51:42] second mr. roguish all in favor aye in your polls and 162 - 24 is an award of contract Woodcliffe subdivision this is in Fairfield it is yes sir this is number 15 of 30 of the ARPA infill projects also to begin in July and be completed within 390 calendar days all right motion by Reverend Cooper second by Miss Whitehead all in favor say aye aye any opposed thank you there's a manager

[04:52:16] and 163 - 24 this is the annual contract for unidirectional flushing yes sir and this is the proactive method of cleaning the the water pipes to improve water quality and restore capacity the contract will be for one year with the option to renew for two additional one-year terms anybody will make a most moves resolution all right that's it all right motion made by mr. Smith second by Miss Whitehead all in favor say aye aye and 164 - 24 is an arrest is a

[04:52:54] resolution this is not accepted this is an actual award of contract for Bethlehem Road improvements these projects are in the Brooklyn district mr. Hughes can you describe the actual project for Bethlehem Road yeah building a roundabout at Bethlehem and Libby and adding a trail on Bethlehem it's it's all I managed that I'm so far who I would have loved to have done this one before you got to that podium but I got I got to ask the same question a huge difference in bids did this fit in your budget and where did they come in with regard to your

[04:53:30] expectations no it came exactly on budget for the low bid did so that was exactly where our estimate was we've got 2.6 million from vdot and there's about a million 1.4 million in water and sewer repairs so this came in perfect and work on this will start soon um later september 24 what's that 2024 2024 this year thank you mr chairman please move the resolution second all right motion made Second by Mr. Smith, second by Mr. Rogus.

[04:54:03] Y'all in favor, say aye. Aye. Any opposed? Terrell, as soon as you got up and stopped walking, I was begging him to make the motion, but he had a question, so. Seven million bucks. Yeah, that's a good question. Mr. Manager, any other business? Yes, sir. Colleagues? All right.

[04:54:21] Adjourned.



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