

1 **Minutes of the regular monthly meeting of the Planning Commission of the County of**
2 **Henrico, Virginia, held in the Board Room of the County Administration Building, Parham and**
3 **Hungary Spring Roads at 7:00 p.m., on October 11, 2001, Display Notice having been**
4 **published in the Richmond Times-Dispatch on Thursday, September 20, 2001 and Thursday,**
5 **September 27, 2001.**
6

7 Members Present: C. W. Archer, C.P.C., Chairperson, Fairfield
8 Elizabeth G. Dwyer, C.P.C., Vice-Chairperson, Tuckahoe
9 Ernest B. Vanarsdall, C.P.C., Brookland
10 Allen J. Taylor, C.P.C., Three Chopt
11 Eugene Jernigan, Varina
12 John R. Marlles, AICP, Secretary, Director of Planning
13

14 Member Absent: David A. Kaechele, Board of Supervisors, Three Chopt
15

16 Others Present: Randall R. Silber, Assistant Director of Planning
17 David D. O'Kelly, Jr., Principal Planner
18 Mark Bittner, County Planner
19 Thomas M. W. Coleman, County Planner
20 Lee Householder, County Planner
21 Debra M. Ripley, Recording Secretary
22

23 Mr. Archer - The Planning Commission will come to order. Before we began tonight
24 we need to pause for a moment to acknowledge the passing away of Mrs. Mary Wade. Mrs. Wade
25 served on this Commission for some twenty (20) odd years and she was a friend to all of us and a
26 mentor to many of us and she will be sorely missed. Her funeral will be at 11:00 tomorrow.
27

28 We also need to acknowledge the passing of Charlie Pike. Some of you may not know Charlie, but
29 Charlie was an engineer for Timmons and he and his wife were killed along with the, I think, seventeen
30 (17) altogether on the boat accident in Belize, and he was just here last month, to be honest with you.
31 But he was known to be a master at his craft and he will also be sorely missed. So, please remember
32 both of their families in your thoughts and prayers. All right. Mr. Secretary.
33

34 Mr. Marlles - Mr. Chairman, we do have a quorum tonight. Mr. Kaechele will not be
35 joining us. We can conduct business. The first item on the agenda is Requests for Withdrawals and
36 Deferrals. We do have several Deferrals and Mr. Bittner will review those with us.
37

38 Mr. Archer - Good evening, Mr. Bittner.
39

40 Mr. Bittner - Good evening. As Mr. Marlles stated, we have some Deferrals. There are
41 no Withdrawals. Deferrals that we do have are all for the VoiceStream Wireless Provisional Use Permit
42 Applications in Varina. I believe Mr. Marlles needs to call each case individually.
43

44 Mr. Archer - OK. Mr. Secretary.
45

46 Mr. Marlles - Mr. Bittner, do you want me to call each of the cases that are requested
47 for deferral?
48

49 Mr. Bittner - Or I could just read them out one at a time, if you like me to.
50

51 Mr. Marlles - Generally I don't call them.
52

53 Mr. Vanarsdall - That's what we have to do.

54
55 Mr. Marlles - I just review them.
56
57 Mr. Bittner - The first case is in the Varina District. It's case P-14-01.
58
59 **P-14-01 VoiceStream Wireless:** Request for a provisional use permit under
60 Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and operate a
61 195' telecommunications tower and related equipment on part of Parcel 165-A-74A, containing 10,000
62 square feet (0.223 acre) located on the east side of Drybridge Court, west side of I-295, and north side
63 of the Southern Railroad right-of-way. The existing zoning is A-1 Agricultural District. The Land Use Plan
64 recommends Planned Industry. The site is also in the Airport Safety Overlay District.
65
66 Mr. Archer - All right. Thank you, Mark. Is there anyone here who opposes this
67 deferment, P-14-01, VoiceStream Wireless? No opposition. Mr. Jernigan.
68
69 Mr. Jernigan - Mark, what do they want? Thirty days?
70
71 Mr. Bittner - No, they're asking for three (3) months to the February 14, 2002
72 meeting.
73
74 Mr. Jernigan - All three of them?
75
76 Mr. Bittner - Yes, sir.
77
78 Mr. Vanarsdall - February 14, 2002, Mr. Jernigan. Valentine's Day.
79
80 Mr. Jernigan - Thank you sir. All right, Mr. Chairman, I make a motion to defer
81 Provisional Use Permit P-14-01 to February 14, 2002.
82
83 Mr. Archer - By request of the applicant.
84
85 Mr. Vanarsdall - Second.
86
87 Mr. Archer - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All those in
88 favor of the motion say aye—all those opposed by saying nay. The vote was 5-0. Mr. Kaechele was
89 absent.
90
91 At the request of the applicant, the Planning Commission deferred Case P-14-01, VoiceStream Wireless,
92 to its meeting on February 14, 2002.
93
94 **P-15-01 VoiceStream Wireless:** Request for a provisional use permit under
95 Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and operate a
96 138' telecommunications tower and related equipment on part of Parcel 206-A-43, containing 2,500
97 square feet (0.057 acre), located near the southeast intersection of I-295 and Charles City Place (4029
98 Charles City Place). The existing zoning is A-1 Agricultural District. The Land Use Plan recommends
99 Rural Residential, up to 1.0 units net density per acre. The site is also in the Airport Safety Overlay
100 District.
101
102 Mr. Archer - OK. Same deferment date, February 14, 2002?
103
104 Mr. Bittner - Yes, February 14, 2002.
105
106 Mr. Archer - Is there opposition to deferment of P-15-01? None. Mr. Jernigan.

107
108 Mr. Jernigan - Mr. Chairman, I make a motion to defer Provisional Use Permit P-15-01
109 to February 14, 2002 at request of the applicant.
110
111 Ms. Dwyer - Second.
112
113 Mr. Archer - Motion made by Mr. Jernigan, seconded by Mrs. Dwyer. All those in favor
114 of the motion say aye—all those opposed by saying nay. The motion is granted. The vote was 5-0, Mr.
115 Kaechele was absent.
116
117 At the request of the applicant, the Planning Commission deferred Case P-15-01, VoiceStream Wireless,
118 to its meeting on February 14, 2002.
119
120 **P-16-01 VoiceStream Wireless:** Request for a provisional use permit under
121 Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and operate a
122 195' telecommunications tower and related equipment on part of Parcel 277-A-7, containing 10,000
123 square feet (0.223 acre), located on the south side of Old Varina Road near the southeast intersection of
124 I-295 and Varina Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends
125 Prime Agriculture. The site is also in the Airport Safety Overlay District.
126
127 The applicant has requested a deferral to February 14, 2002.
128
129 Mr. Archer - OK. Is there opposition to this deferment, P-16-01? Mr. Jernigan.
130
131 Mr. Jernigan - Mr. Chairman, I make a motion to defer Provisional Use Permit P-16-01,
132 to February 14, 2002 by request of the applicant.
133
134 Ms. Dwyer - Second.
135
136 Mr. Archer - Motion by Mr. Jernigan and seconded by Mrs. Dwyer. All those in favor
137 of the motion say aye—all those opposed by saying nay. The ayes have it. The motion is granted. The
138 vote is 5-0. Mr. Kaechele was absent.
139
140 At the request of the applicant, the Planning Commission deferred Case P-16-01, VoiceStream Wireless,
141 to its meeting on February 14, 2002.
142
143 Mr. Marlles - OK. Mr. Chairman, the next item on the agenda is Request for
144 Expedited Items, and again those will be handled by Mr. Bittner.
145
146 Mr. Archer - All right. Mr. Bittner.
147
148 Mr. Bittner - Thank you, Mr. Archer. The first expedited case is on page one of your
149 agenda.
150
151 **C-56C-01 Gary Banks:** Request to rezone from A-1 Agricultural District to O-1C
152 Office District (Conditional), part of Parcel 74-A-22, containing 0.7780 acre, located on the east line of
153 Wilkinson Road approximately 80 feet south of Sausiluta Drive (6001 Wilkinson Road). Office use is
154 proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land
155 Use Plan recommends Government.
156
157 Mr. Archer - Is there opposition to C-56C-01?
158
159 Ms. Dwyer - Mr. Chairman, I have a question.

160
161 Mr. Archer - Sure.
162
163 Ms. Dwyer - There were two points in the staff report, one about threshing the
164 reference to the property line and one about dedicating right-of-way. Have those been...
165
166 Mr. Householder - Those proffers were changed and they were included with your second
167 packet and it should have been delivered to you.
168
169 Ms. Dwyer - OK.
170
171 Mr. Archer - Thank you, Mr. Householder. Any other questions from the Commission?
172 OK. Then I move to recommend approval of C-56C-01, Gary Banks, to the Board.
173
174 Ms. Dwyer - Second.
175
176 Mr. Archer - Motion by Archer and seconded by Mrs. Dwyer. All in favor of the
177 motion say aye—all those opposed by saying nay. The ayes have it. The approval will be recommended.
178 The vote is 5-0. Mr. Kaechele was absent.
179
180 REASON: Acting on a motion by Mr. Archer, seconded by Ms. Dwyer, the Planning Commission voted 5-0
181 (one absence) to recommend that the Board of Supervisors **grant** the request because the proffered
182 conditions would provide for a higher quality of development than would otherwise be possible and
183 because the aesthetic qualities of the site would be improved over current conditions.
184
185 Mr. Bittner - Our second and final expedited case tonight is on the second page of
186 your agenda, in the Varina District, Case C-37C-01.
187
188 **C-37C-01 Robert Stout for The Dakota Group, Ltd.:** Request to conditionally
189 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcel 192-A-20,
190 containing 8.254 acres, located on the west line of Midview Road approximately 70 feet south of
191 Habersham Drive and on the north property line of Varina Station Subdivision. Single-family residential
192 development is proposed. The applicant proposes no more than twenty (20) lots. The Land Use Plan
193 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
194
195 Mr. Archer - Thank you, Mr. Bittner. Is there opposition to C-37C-01? No opposition.
196
197 Mr. Jernigan - Mr. Chairman, I make a motion to approve zoning case C-37C-01,
198 Dakota Group.
199
200 Mr. Vanarsdall - Second.
201
202 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor of
203 the motion say aye— those opposed by saying nay. The ayes have it. The motion is granted. The vote
204 is 5-0. Mr. Kaechele was absent.
205
206 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning Commission
207 voted 5-0 (one absence) to recommend that the Board of Supervisors **grant** the request because it
208 reflects the type of residential growth in the area and the proffered conditions would provide for a higher
209 quality of development than would otherwise be possible.
210
211 Mr. Bittner - That concludes deferrals and expedited for tonight.
212

213 Mr. Archer - All right. Thank you Mr. Bittner. All right Mr. Secretary. Are we going
214 to do the Ordinance now?

215
216 Mr. Marlles - Yes, sir.
217

218 **An Ordinance** to Amend and Reordain Subsection (a) of Section 24-5 of the Code of the County of
219 Henrico Pertaining to Zoning District Boundaries and Maps, to reestablish zoning district maps based on
220 digital geographic information systems data.

221
222 The staff report will be given by Mr. Jim Uzel.
223

224 Mr. Archer - Mr. Uzel.
225

226 Mr. Uzel - Good evening. Thank you Mr. Chairman, members of the Commission,
227 Mr. Marlles. At your September 13th meeting, the Planning Commission adopted a resolution to initiate a
228 zoning ordinance amendment to adopt new digital zoning district maps. Tonight I would like to present
229 examples of those maps and a little bit of explanation to the reasoning for the change in the zoning
230 maps. In the late 1990's the County began development of an extensive geographic information system
231 or GIS. The digital GIS zoning file was completed in August of the year 2000, and since then we have
232 been making monthly updates after the Board of Supervisors made any zoning amendments. The GIS
233 parcel line work has been maintained by the Real Estate Assessment Division of the Finance Department
234 since the spring of this year. The Real Estate Assessment Division plans on adopting new GIS property
235 identification maps and the accompanying geographic parcel identification numbering system, or GPIN
236 system, to be effective January 1, 2002. We would like the zoning maps to match the parcel
237 identification maps.
238

239 I'll give a brief explanation of GPIN since it will be a change in the way that parcels are identified.
240 Currently we identify parcels by map, block or acreage, subdivision and lot number and sub-lot. With the
241 geographic information system, the new parcels numbering is derived from the centroid of a parcel, the
242 center point, and the state plane coordinants of that point. That way every parcel in the County can
243 have a unique identifier that's tied to its geographic location.
244

245 This is an example. I'll zoom into a couple of parcels (referring to slide). If we look at the center of this
246 parcel, the GIS displays the x and y direction, the 11,759,429 and the 3,756,733. The GPIN is derived
247 from the numbers in the x and y direction, dropping the millions place and taking the thousandths place
248 for the x, in this case 759, and the thousandths place for the y, 756, and then the hundredths and tens
249 places together for the x and y, 42 and 73. Thereby, the GPIN becomes 759-756-4273. It sounds rather
250 complicated, but once you get use to it it's very logical and very easy to use. I'll show you a couple of
251 other examples a little bit later, as we look at the maps. This is an example of what one of the zoning
252 maps will look like (referring to slide). As you can tell, it's in color. The present zoning maps are just
253 black and white prints. With the geographic information system we have several options in using the
254 different features of the mapping system. We can use colors to print the maps out. We can also print
255 them out in black and white. We can add features that aren't on the current zoning maps. We can zoom
256 in to get more detail and we're not constrained necessarily to the map page. A lot of cases end up being
257 in the corner of four sheets. With this system we can zoom, we can make the parcel the center of the
258 sheet, with the mappings surrounding it. The next slide is an example of the same sheet in black and
259 white. I'll zoom in a little bit, too, so you can see some of the details.
260

261 We tried to make the same look and feel of the current maps, with the index to surrounding map sheets,
262 an overall sheet location for the County. There are some instructions on the geographic parcel ID, the
263 GPIN number and, of course, the sheet number and the seal of the County. Also, we have the zoning
264 designations with the dashed lines delineating each district.
265

266 You'll notice along the bottom and along the sides the three digits that make up the first six digits of the
267 GPIN. If we were looking at, for instance, this parcel right here (referring to slide), its GPIN would be 7,
268 I believe that's a 61 and slide back over to this 757 and then finally that number 3570.
269

270 In addition to the map sheets produced on the grid, there will be several projects that will serve both in
271 the Permit Center and for staff to use throughout several departments in the County where we can easily
272 identify a parcel, bring up the zoning, and print out a sheet. Again, it doesn't have to be tied to the grid.
273 In this case, if you look at the matching sheets, the shaded area is the printout of this sheet. So we can
274 print out any area of the County at the zoning map scale.
275

276 Finally, this will be beneficial to the public. They'll be able to receive maps printed on demand. They'll
277 be able to have a choice of the standardized sheets, based on the index or any customized maps. They
278 will also be able to purchase a CD with all of the sheets on it. I will demonstrate that next. Starting off
279 with the sheet index, the CD contains every map sheet in the County, and the user simply has to click on
280 one of the sheets and it displays. As I mentioned before you can zoom in to get better detail and
281 resolution of the image (referring to slide).
282

283 We're hoping to have this ordinance in effect for January 1, 2002, and in the meantime, in the next
284 couple of months I will be training staff in the use of the new GIS zoning tools. We will be notifying
285 developers and attorneys of the change in the mapping system and the next year, 2002, there will be an
286 overlap where the Real Estate Division maintains the current parcel ID system in addition to the GPIN's
287 numbering system. So there will be a transition period where we have cross-reference for the existing
288 map numbers, parcels numbers, to the geographic parcel identification numbers. With that, I will be glad
289 to answer any questions you might have.
290

291 Mr. Archer - Mr. Uzel, in looking at how you arrived at the coordinants, and I believe
292 you had it down to thousandths; that is pretty precise, isn't it?
293

294 Mr. Uzel - Well, first it goes to the thousandths, then it actually goes to the
295 hundredths and the tens of feet. So this is in state plane coordinants, which are in feet. So the centroid
296 of the parcel is really, if you think about it, within a 10 foot radius of the actual location. Using that
297 number we can locate the parcel precisely.
298

299 Mr. Archer - How much, you indicate this will be available on a CD. How much can
300 you get on one CD, can you get all of it?
301

302 Mr. Uzel - All of it.
303

304 Mr. Archer - So it doesn't require a lot of room on the hard drive.
305

306 Mr. Uzel - No, not really. The CD holds about 700 mega bits.
307

308 Mr. Archer - Yes, generally 674, I believe. That's amazing. Will the public be able to
309 pull this up and download it or at least view it on line?
310

311 Mr. Uzel - We've talked about that. We haven't finalized any plans with that. To
312 pull the whole set down, the whole 650 to 700 mega bytes will take quite awhile. What might be
313 possible is to view an individual sheet. They're generally around 2 to 3 mega bytes each, which can be
314 used, especially if you are on a dial up, it can take quite awhile. What might be possible is to, if someone
315 has the CD and then we might post the updates on a monthly basis, and then they could download those
316 to have a complete set without having to purchase a CD every month.
317

318 Mr. Archer - OK. Anybody else have any questions for Mr. Uzel? Quite a process.
319 No questions. All right Mr. Secretary what do we need to do?

320
321 Mr. Marllles - Mr. Chairman, we do need to take action on it. This is an Ordinance
322 Amendment, so we do need to make a recommendation to the Board of Supervisors.

323
324 Mr. Archer - All right.

325
326 Mr. Taylor - Mr. Chairman, I move that we adopt the ordinance to Amend and
327 Reordain Section A of Section 245 of the Code, County of Henrico, pertaining to zoning district
328 boundaries and maps.

329
330 Mr. Vanarsdall - Second.

331
332 Mr. Archer - Motion by Mr. Taylor, seconded by Mr. Vanarsdall. All those in favor of
333 the motion say aye—all those opposed by saying nay. The ayes have it and the recommendation will be
334 made to the Board. The vote is 5-0. Mr. Kaechele was absent.

335
336 Thank you, Mr. Uzel.

337
338 Mr. Uzel - Thank you.

339
340 Mr. Archer - All right, Mr. Secretary.

341
342 **FAIRFIELD:**

343 **P-12-01 Edward Wisz for AAT Communications Corp.:** Request for a
344 provisional use permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order
345 to construct and operate a 190' telecommunications tower and related equipment on part of Parcel 32-A-
346 54, containing 5,625 square feet (0.13 acre), located on the southwest side of Greenwood Road and
347 northeast side of Old Woodman Road. The existing zoning is A-1 Agricultural. The Land Use Plan
348 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

349
350 The staff report will be given by Mr. Lee Householder.

351
352 Mr. Archer - Thank you, Mr. Secretary. Is there anyone here in opposition of case P-
353 12-01? All right, Mr. Householder.

354
355 Mr. Householder - Thank you Mr. Chairman, members of the Commission. This request is
356 to allow the construction of a 190' telecommunication tower. Support equipment would be placed on the
357 ground within a .13 acre leased area at the tower's base. The property is zoned A-1 currently and the
358 adjacent property on all sides is also zoned A-1. The leased area for the tower is located at the end of
359 Old Woodman Road on the northeast side. To the west of the subject property is the exit ramp and
360 cloverleaf or I-295, and there are residential dwellings located to the south and east.

361
362 I'll try and zoom in and give you an idea where the residents are (referring to slide). There is actually a
363 trailer right here (referring to slide) and there is a single-family home right here (referring to slide).

364
365 The applicant has indicated that this tower will be built for Sprint PCS to provide telecommunication
366 service in this area and staff has received a Letter of Intent from Sprint to locate equipment on this
367 tower. The applicant also indicated that the capacity of this tower will be able to handle up to six
368 providers. The proposed location of the tower, as I've shown, is adjacent to the cloverleaf on 295. Staff
369 feels that a location that was within this cloverleaf is typically more consistent with the goals and
370 objectives of our wireless technology element and the 2010 Land Use Plan, and the applicant has

371 indicated that they've investigated this location and they just feel it's not best suited to their needs at this
372 time.
373

374 The zoning ordinance does permit telecommunication towers and antenna up to 50' by right in the A-1
375 District. If the Provisional Use Permit is granted by the Board of Supervisors, the ordinance requires that
376 the base of the tower would be set back at least 50' from all property lines. In addition to set the tower
377 in this area would have to be set back 110% of the height or in this case 209'. There is an error in the
378 staff report. I have 219' and it's actually 110% which is 209 and that would be from any R District or
379 nearest dwelling. Concern in the staff report was that there were no setbacks shown to this location and
380 what I would like to see, if I have the survey, that was done showing the distance from the structures in
381 this area. This would be the tower location, and the applicant is showing us that it would be 210' from
382 the existing house trailer and then the house sets across from Old Woodman Road. So they have met
383 the setback requirements in relationship to this slide.
384

385 The applicant has also provided a propagation map that shows the potential coverage of this tower and
386 they've provided a letter that I've handed out to you that states there is a lack of coverage, a lack of
387 service in this area, due to absence of telecommunication facilities in the area. Staff typically prefers to
388 see a more detail propagation map. In this case, the applicant has shown us this map, which shows the
389 coverage of this single tower. A better understanding we feel could be had if it was shown where other
390 towers in the areas are, so where there is gaps in the coverage. This does show substantial coverage,
391 and we feel like if they were able to at least address the concern of staff to provide further justification of
392 this location that would be helpful.
393

394 Staff feels the proposed location is reasonable concerning that it's adjacent to 295 and that the tower be
395 located in a heavily wooded area. It does meet this and it also meets the setback requirements of the
396 zoning ordinance. If the applicant can address staff's concern with this propagation issue that I just went
397 over, staff is prepared to recommend approval of this request. If it is recommended for approval, the
398 Provisional Use Permit would be subject to the standard conditions that were listed in the staff report. I
399 will take any questions that you may have.
400

401 Mr. Archer - Mr. Householder, I guess I can ask the applicant this when he comes up,
402 but is there anywhere else on this site that this tower could be located? You know, it's so close to Old
403 Woodman, and it's not centrally located within the site. Does the property owner own all of it, that A-1
404 piece that we're looking at?
405

406 Mr. Householder - It's my understanding, yes that they do. The property owner is also
407 here tonight.
408

409 Mr. Archer - Yes, I spoke with him earlier this evening.
410

411 Mr. Householder - I don't see a reason why you couldn't place it somewhere else other
412 than for access. You would have to probably have a small dirt road or something, gravel road to get to
413 the base of the tower. So, logically, it seems that they might have placed it there.
414

415 Mr. Archer - I understand that it really doesn't make that much difference, but it's a
416 rather wide lot there and I was just wondering from your point of view if we did use everything that's in
417 that A-1 piece would this be the best location within that spot or does it really make any difference, as
418 long as they meet the required setback from the residents?
419

420 Mr. Householder - My initial thoughts to that would be that this makes logical sense to
421 place it so that you could get to it for access. But if you look at the survey, this is as close as they can
422 possibly get to this house in this location.
423

424 Mr. Archer - I was wondering why not the other side, the other corner.
425
426 Mr. Vanarsdall - I think what you are saying, Mr. Chairman, is there is so much property
427 there, why is it up in the corner there by Old Woodman?
428
429 Mr. Archer - I think I have a pretty good idea of why it's in that corner, but I was
430 wondering why not the other one closer to that exit ramp. There are no dwellings on that side. There
431 are some dwellings on Old Woodman. One of them appears to be an abandoned house, but the one
432 down at the end of Old Woodman, where it butts up against the exit ramp is occupied, and I believe Mr.
433 Harris owns the trailer that you're speaking about on the property and he is the property owner.
434
435 Mr. Householder - I received a fax today from this property owner here, which was
436 addressed to all the members of the Commission in opposition to the request.
437
438 Mr. Archer - Oh, there was opposition to the request?
439
440 Mr. Householder - The opposition was based on the concerns that have now been meet.
441
442 Mr. Archer - OK.
443
444 Mr. Householder - Listed in the letter were all the things that were listed in the staff report.
445
446 Ms. Dwyer - Do we know why location within the cloverleaf as staff suggested is not,
447 has not met with favor by the applicant?
448
449 Mr. Householder - The answer that was given to me was economical reasons. It is much
450 more expensive to place it in a VDOT in cloverleaf.
451
452 Mr. Archer - OK, any more questions for Mr. Householder from the Commission?
453 Thank you, sir. We might need you again, but we will hear from the applicant now if we may.
454
455 Mr. Wisz - Good evening, Edward Wisz, with AAT Communications.
456
457 Mr. Jernigan - What's your last name, sir?
458
459 Mr. Wisz - It's Wisz.
460
461 Mr. Marlles - I think the question, Mr. Wisz, is would it be possible to locate the
462 communication tower in the opposite corner near the exit ramp on the property, as opposed to maybe
463 where it's located in closer, currently in closer proximity to Woodman Road?
464
465 Mr. Wisz - Absolutely. I mean technologically speaking, it is feasible. The reason
466 that we choose that particular location actually was, well, there were several reasons. Number one was
467 to minimize any potential inconvenience to the property owner, Mr. Harris. He has let us know that down
468 the line he would like to potentially construct a regular home, that would basically not be taking up or
469 cutting into his land or risk anything that he wanted to do with it in the future going forward. Number
470 two, the corner that you are seeing right now where we propose to put it is heavily forested, so that way
471 we wanted to put it there where we would have to minimize any kind of aesthetically displeasing site,
472 minimizing a line of site issues except where basically if you looked out, standing as a normal person
473 would on the road, you're still going to see just those tress as opposed to having to look at a piece of
474 tower. Third, was, obviously, economic liability. That it is where it stands, or where it's proposed to
475 stand, the quickest route in and out. Again, that's going to minimize any burdensome impact on Mr.
476 Harris.

477
478 Mr. Archer - I didn't ask that question just randomly. I sort of figured that and he
479 has explained to me that for different economic reasons he would like to use some of the proceeds from
480 the use of this tower to construct a house and move his family from the trailer. I am in sympathy with
481 that, and I can also understand how ease of access could be acquired going down Old Woodman Road
482 from it. I just wanted to make sure that if we approved this and recommend it to the Board that we
483 answer all these questions before we go that far with it. Obviously, if we put it in the circle, that
484 property belongs to the State, to VDOT, and would be of no benefit at all to Mr. Harris. And really when
485 you examine it visually, it won't have that much of an effect, you'll still see the tower regardless of where
486 it is because you are taking maybe 100 to 150 feet. I think that's what I needed to know, if it were
487 possible to move that to another spot on the site would it interfere with what his construction plans are
488 and probably it would. So, I can understand that. Any other questions from the Commission?
489
490 Ms. Dwyer - I noticed, Mr. Wisz, that the site that is being leased here is a little over
491 5,000 square feet, and, typically, if we look at sites on the other tower applications that we have tonight
492 they're 10,000 or greater. This looks like a fairly small site, so you're not going to have control over
493 those woods, the control that you would have if you had a larger site that you were leasing.
494
495 Mr. Wisz - Well, correct. What we're looking to do, is again remove as few trees as
496 possible and keep the actual compound size as small as possible.
497
498 Ms. Dwyer - So I guess we'll just, in light of the particular circumstances here, rely on
499 the landowner to have an interest in maintaining all those woods for his own protection. So, maybe, it's
500 not as imperative that you maintain control over that property.
501
502 Mr. Wisz - I'm sorry. I see what you're driving at. Yes, anything that's in, adjacent
503 to, would be a right-of-way to the leased area, actually, as per the agreement is our responsibility to
504 maintain.
505
506 Ms. Dwyer - All right.
507
508 Mr. Wisz - Anything outside of that would be that of the property owner as it is
509 currently.
510
511 Ms. Dwyer - So will you clear this 5,000 feet?
512
513 Mr. Wisz - That would be cleared, correct.
514
515 Ms. Dwyer - So everything in the wooded area would then belong to the landowner
516 who lives there and presumably would want to maintain those trees?
517
518 Mr. Wisz - Correct.
519
520 Mr. Archer - Mr. Wisz, one more question. In clearing the woods for that site, would
521 there be any wooded area at all left between the edge of the site and Old Woodman?
522
523 Mr. Wisz - Yes, with the exception of an access route, it's our intention to leave the
524 trees.
525
526 Mr. Archer - So you're not just going to flatten everything in there, because it is
527 heavily wooded and probably offers as good a screening as you can find right now, if you don't take it
528 out.
529

530 Mr. Wisz - That is exactly why we chose there.
531
532 Mr. Archer - Any idea, the staff report does mention that the co-location is
533 speculative at this point. Any idea of who would co-locate or have any offers been made?
534
535 Mr. Wisz - We do currently have a Letter of Intent to locate on the tower from
536 Sprint PCS. We have additionally contacted every licensed PCS provider in the area, and currently have a
537 Letter of Interest, which should be differentiated from a Letter of Intent from Verizon Wireless.
538
539 Mr. Archer - OK. So now the indication was up to six. So you could actually co-
540 locate six users on that tower?
541
542 Mr. Wisz - Correct. The tower is being designed to, engineering wise, to be to
543 accommodate up to six PCS carriers. As we are a "co-location company" it's in our interests to try to
544 have as many people on that tower as possible as opposed to building more and more towers.
545
546 Mr. Archer - OK. Mr. Householder also mentioned, and I mentioned this to you
547 because you may need this even if we should recommend this tonight, by the time you get to the Board,
548 that you could have done a little bit more extensive propagation matter. Is it possible to get that or do
549 you have it now?
550
551 Mr. Wisz - The actual propagation map that he was referring to is what is going to
552 show each other site in the area. That's something we can obtain. Normally, the map that was provided
553 was actually provided by Sprint PCS, and it is showing where they would anticipate their coverage being
554 at this site from their tests.
555
556 Ms. Dwyer - I have just an informational question. We've had lots of tower cases
557 several years ago and at that time it was not possible to get six co-locations on one tower like this. How,
558 to a layperson, how has technology changed to allow that many on one tower?
559
560 Mr. Wisz - I think, actually, just between the modifications that have gone on in the
561 foundation and also the quality of steel, we're able to basically, six is the maximum that I can go on
562 tower of this height. Now mind you there are issues that can potentially arise where someone is looking
563 to locate on the tower that has got a larger system or a larger cable then is "the norm". That can cause
564 you potential problems down the road in getting up to that full six on there. Additionally you can have,
565 run into certain issues, where even though it's designed for six if everyone has taken the top places on
566 the tower, the places that are now currently available, lets say if there are five on there are so low that
567 certain companies potentially could not make that space work within their network.
568
569 Ms. Dwyer - There's still an issue in having separation between?
570
571 Mr. Wisz - Yes. Currently we provide for two foot between tips of antennas,
572 depending on the system.
573
574 Ms. Dwyer - I think that's closer than it use to be.
575
576 Mr. Wisz - Yes, and exactly, the technology has evolved as such that I think before
577 you ran into a lot more of those issues.
578
579 Mr. Archer - We used to max out at three or four, I believe, at one time when it first
580 started doing that.
581

582 Mr. Wisz - Well the equipment was bigger, the equipment was bulkier, and the
583 cables were bigger. You're seeing what is typically the norm right now for a PCS and cell system are
584 typically six foot or less panels that you'll commonly see as you drive around.
585
586 Ms. Dwyer - Thank you.
587
588 Mr. Wisz - You're welcome.
589
590 Mr. Archer - I have another question sir and it slipped my mind. Maybe it will come
591 to me if I keep talking. One thing I did want to ask about is, when you typically begin putting users on
592 the tower, do you start at the bottom or the top?
593
594 Mr. Wisz - That depends on each particular customer, where they would need to be
595 in that system. For example, Sprint on this location is proposing to have their equipment centered at
596 160', at the 160' mark on the tower, I should say.
597
598 Mr. Archer - Which does not stop there?
599
600 Mr. Wisz - Correct. That's where they would need to be to configure that location
601 within the rest of their network, whereas that way we have the space available above them to try to
602 bring additional carriers onto the same site. We have the space available below them to do the same.
603
604 Mr. Archer - Ok. Now when you lease space on these towers, is the lease amount
605 some kind of way configured to how high you are on the tower? Does the lowest guy pay the least?
606
607 Mr. Wisz - We'll say the "prime space".
608
609 Mr. Archer - Yes, is there prime space? It seems like it would be the top space.
610
611 Mr. Wisz - If you consider a tower, to over simplify, but to consider it simply vertical
612 real estate. If you are in the penthouse of the building, you might pay more than if you are on the
613 basement floor. So the place on the tower can have an impact on it, the amount of equipment can have
614 an impact that they propose, and how that equipment is going to effect the loading. In other words, if
615 they are putting so much up there that now it's going to prevent me from getting up to six on there, that
616 could have an impact on the price as well.
617
618 Mr. Archer - OK. I don't think I have any more. Go ahead Mr. Taylor.
619
620 Mr. Taylor - I have one, since we are into some of the technology here. Some of the
621 arrays that I see are triangular extrusions, I guess, that come out radially and then there's a vertical.
622 You're saying there are panels on this one. Are the panels different from the radial allowed and a
623 transducer or vertical or...
624
625 Mr. Wisz - What it is, it's going to be depending on each particular site is dependent
626 upon, obviously you run into topography and geography issues where they are either trying to point a
627 signal in a certain direction or send it out all over. The antennas where I mentioned, the panels, that's
628 just because it's a typical set up that you tend to see a lot. There are also those, that are called omni or
629 with antennas, they look like big sticks that are up there. Those are used, you'll typically see those and
630 will say a Nextel, where you'll see those commercials with the, it's almost like a walkie-talkie. It's called a
631 SMR, like a specialized mobilized radio system. It's also used in certain applications for PCS, but what
632 Sprint is proposing is actually the panel antennas.
633

634 Mr. Taylor - Yes, I have seen some that look like they have a typically structure a
635 ...structure with a panel. My concern is that if you're talking about large panels like that in an area that is
636 residential, I wasn't sure that's going to be in keeping with the residential neighborhood.

637
638 Mr. Wisz - What they are proposing, I believe they are 51" in length, is the
639 equipment that's Sprint's using.

640
641 Mr. Taylor - But they're just a vertical?

642
643 Mr. Wisz - Correct, they are straight square panels.

644
645 Mr. Taylor - That's all I have.

646
647 Mr. Archer - Ok. Anyone else? I think that's all I have too, sir.

648
649 Mr. Wisz - Thank you.

650
651 Mr. Archer - While you're going back to your seat, you don't need to answer this, but
652 I will tell you that these cases do have a tendency to take on another life between the time they leave us
653 and they come to the Board. All right. I had discussed it with Mr. Householder and I did have some
654 questions that I think were fairly well answered here tonight, and I can very much appreciate and
655 understand Mr. Harris' desire to use his property so that it will be a benefit to him in being able to move
656 his family into better quarters and I think that is commendable, and also bearing in mind there may be
657 things that you need to do between now and the Board time. But, with that, I believe I'll move to
658 recommend approval of P-12-01 to the Board.

659
660 Mr. Vanarsdall - Second.

661
662 Mr. Archer - Motion by Archer and seconded by Mr. Vanarsdall. All in favor of the
663 motion say aye—all those opposed by saying nay. The ayes have it. The motion is granted. The vote is
664 5-0. Mr. Kaechele was absent.

665
666 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning Commission voted
667 5-0 (one absence) to recommend that the Board of Supervisors **grant** the request because it is
668 reasonable in light of the surrounding zoning and land uses and it would provide added services to the
669 community.

670
671 Mr. Marlles - Mr. Chairman, the next case is in the Three Chopt District. It's case C-
672 57-01.

673
674 **C-57-01 John T. Cochran for HHHunt Corporation:** Request to rezone from
675 R-3C One Family Residence District (Conditional) to C-1 Conservation District, part of Parcels 11-A-3 and
676 4, containing approximately 3.9 acres, located along the Chickahominy River and northeast of the new
677 Chappell Ridge subdivision. A conservation area is proposed. The Land Use Plan recommends Suburban
678 Residential 2, 2.4 to 3.4 units net density per acre, and Environmental Protection Area.

679
680 The staff report will be given by Mr. Mark Bittner.

681
682 Mr. Archer - Is anyone here opposed to C-57-01? All right. Mr. Bittner.

683
684 Mr. Bittner - Thank you, Mr. Chairman. This conservation area would be within the
685 new Rivers Edge at Wyndham Forest Subdivision and that subdivision is adjacent to Chappell Ridge.
686 Filing this application fulfills a proffer requirement approved by the Board of Supervisors with case C-18C-

687 99. This application is consistent with the 2010 Land Use Plan, the requirements of G-18C-99 and
688 surrounding land uses. Staff recommends approval of this application. I would be happy to answer any
689 questions you may have.
690

691 Mr. Archer - Thank you, sir. Are there questions from the Commission for Mr.
692 Bittner?
693

694 Mr. Taylor - Do we have a GIS view on this?
695

696 Mr. Bittner - We have the aerial photos, we have the zoning map, and we also have
697 the Land Use map. Then we have a subdivision plan that was prepared by the applicant and we've
698 superimposed the conservation area on it over here (referring to slide).
699

700 Mr. Taylor - What is the distance, generally the distance, between the river and the
701 edge of the conservation zone, or the adjacent residential area? What is that on here?
702

703 Mr. Bittner - I don't know off the top of my head and I'm not finding anything on here
704 I can really reference to try and estimate the distance. Maybe Mr. Cochran might be able to answer that
705 question. Do you have any idea?
706

707 Mr. Taylor - The scale down at the bottom looks like it would be from 100 yards to
708 200 yards. Do you have something to clarify that or to confirm that?
709

710 Mr. Bittner - Well that is scaled in feet, so using my eye I would guess that this varies
711 between 100 feet and maybe as much as 300 feet in depth.
712

713 Mr. Taylor - And then the area along River's Edge, that road is probably, looking on
714 that scale, 100 yards?
715

716 Mr. Bittner - Are you referring to this road here (referring to slide)?
717

718 Mr. Taylor - No, yes, River's Edge, and then look down at the lower scale, which has
719 feet. It looks like that's 100 yards to me. Confirm that?
720

721 Mr. Bittner - This distance here, is that what you are referring to (referring to slide)?
722

723 Mr. Taylor - No, the distance between the road...
724

725 Mr. Bittner - From here to here.
726

727 Mr. Taylor - Right, in that area.
728

729 Mr. Bittner - Again, I guess maybe that is about 300 feet. That's about 100 yards.
730

731 Mr. Taylor - Have there been any discussions, Mr. Bittner, with regard to any
732 improvements in that conservation area? Is there going to be a trail, will there be amenities?
733

734 Mr. Bittner - Not to my knowledge.
735

736 Mr. Taylor - Will it just remain...
737

738 Mr. Bittner - Common natural area.
739

740 Mr. Taylor - Wild common area. OK. But no development, no intrusion of any type?
741
742 Mr. Bittner - None that I'm aware of.
743
744 Mr. Taylor - Thank you.
745
746 Mr. Archer - Anything further? Do you need to hear from the applicant, Mr. Taylor?
747
748 Mr. Taylor - Is the applicant here?
749
750 Mr. Bittner - Yes sir, he is.
751
752 Mr. Taylor - Would the applicant like to present the case?
753
754 Mr. Archer - OK.
755
756 Mr. Taylor - Anybody have any particular desire to hear the case?
757
758 Mr. Archer - That's up to you, Mr. Taylor.
759
760 Mr. Taylor - That's what worries me. See, I'm satisfied with the case.
761
762 Mr. Vanarsdall - We don't have any opposition, you better...
763
764 Mr. Taylor - Speaking for myself, knowing that area of the Chickahominy, it is an
765 area that I think bears preservation, and I believe that HHHunt in agreeing to preserve this provides an
766 additional amenity for the HHHunt properties. So with that, I'll move approval of case C-57-01, HHHunt
767 Corporation.
768
769 Mr. Vanarsdall - Second.
770
771 Mr. Archer - Motion by Mr. Taylor, seconded by Mr. Vanarsdall. All in favor of the
772 motion say aye—all those opposed by saying nay. The ayes have it. The motion is granted. The vote is
773 5-0. Mr. Kaechele was absent.
774
775 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning Commission voted
776 5-0 (one absence) to recommend that the Board of Supervisors **grant** the request because it conforms to
777 the recommendations of the Land Use Plan.
778
779 **P-13-01 Gloria L. Freye for 4M Communications, Inc.:** Request for a
780 provisional use permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order
781 to construct and operate 8 radio towers between 175' and 270' in height and related equipment on part
782 of Parcel 19-A-31, containing approximately 20 acres, located west of the northern terminus of Fords
783 Country Lane, south of the Chickahominy River, and north of the Henrico County Landfill (10620 Fords
784 Country Lane). The existing zoning is A-1 Agricultural District. The Land Use Plan recommends
785 Government and Environmental Protection Area.
786
787 The staff report will be given by Mr. Mark Bittner.
788
789 Mr. Archer - All right. Is there opposition to P-13-01? No opposition. Mr. Bittner.
790
791 Mr. Bittner - Thank you, Mr. Archer. This application would allow the construction
792 and operation of eight radio communication towers on a portion of the Henrico County Landfill along the

793 Chickahominy River. The towers would broadcast signals for two radio stations, AM 1480 and WLEE AM
794 990. Four towers would be 175' in height, while three towers would be 255'. The last tower would be
795 270' in height and would provide at least two co-location opportunities. The applicant has stated that
796 these co-location opportunities would be above the radio communications equipment, which is the reason
797 for the increased height. Because of the multiple number of towers proposed, staff would prefer to
798 maximize co-location opportunities on this site. It is possible that this site could someday provide
799 increased cellular service to the Wyndham and Twin Hickory Communities, as well as other surrounding
800 neighborhoods.

801
802 Since the printing of the staff report, much new information has been submitted by the applicant.
803 Because of this, staff is now recommending revised conditions for this Provisional Use Permit. We've just
804 passed those out and they should be in front of you. The revisions are as follows: Condition one has
805 been amended to reflect the applicant's plan to provide at least two co-location spaces. Staff had asked
806 the applicant to consider providing more than one tower with co-location spaces. The applicant informed
807 staff that radio towers are not as strong as cellular telephone towers and the expense of providing more
808 than one co-location tower would be significant. However, staff has also learned that the process of
809 removing an existing tower and replacing it with a stronger tower can be fairly simple. Crump Memorial
810 Park is an example of where this has happened. To address the maximization of co-location
811 opportunities, the applicant has submitted a letter stating their willingness to cooperate with the County
812 and any future co-locators in providing additional co-location space beyond the initial two. This
813 cooperation would extend to the possible removal and replacement of a second co-location tower. The
814 applicant has also submitted information indicating differing communication technologies, such as AM
815 radio and cellular telephone facilities, could exist side by side. Because of the new information submitted
816 by the applicant, staff is comfortable that the wording of condition one would provide significant co-
817 location opportunities.

818
819 Staff is also recommending new wording for condition two. In accordance with the applicant's plans, it
820 would allow four of the eight towers to be above 175' but to be no taller than 270'.

821
822 Condition five regarding FAA requirements has also been reworded. The applicant wishes to limit review
823 time by obtaining approval for FAA required lighting now. The FAA has not yet said what their
824 requirements will be. However, the applicant is fairly certain that it will include the following: a white
825 strobe light at the top of the towers during daylight operating hours; a flashing red beacon at the top of
826 the towers during nighttime hours, and steady burning red lights on the legs of the towers also operating
827 at night. Staff does not object to any of this equipment and has reworded the condition to allow its
828 installation. The condition also now states that if the FAA requires anything different from this list, such
829 as orange or white stripping, the applicant must obtain approval for it from the Planning Commission.

830
831 In summary, staff feels that this is an appropriate location for the proposed use and it would have limited
832 impacts on residential areas. Staff is also comfortable that the site would provide several co-location
833 opportunities for varied wireless communication technology. Staff recommends approval of this
834 application with the conditions presented tonight. I'd be happy to answer any questions you may have.
835 The applicant's representatives from Richmond Radio are here tonight to provide answers, as well.

836
837 Mr. Archer - Thank you, Mr. Bittner. Are there questions from the Commission?
838

839 Ms. Dwyer - I have a question Mr. Bittner. I got the understanding from your staff
840 report that, and I think you reiterated here, that the County is interested in as many co-location
841 opportunities at this site as possible, particularly given the fact that we were being asked to allow eight
842 towers, tower farm really. So your original conditions said that if any tower were built less than 270,'
843 then it had to be capable of being extended. And, so that all went to address the desire of the County to
844 have tall towers that will allow co-location. So why are we stating now in condition two that no more
845 than four towers can be constructed to a height greater than 175'?

846
847 Mr. Bittner - The reason for that is the original wording would have allowed all eight
848 towers to perhaps go up to 270'. When we started looking at it again, we felt it might have been just a
849 little extreme, so what that condition now would do is basically allow four of them to go up to 270'
850 perhaps, someday, but no more than four.
851
852 Ms. Dwyer - All right. There is the potential to tear down a tower and rebuild it so
853 that it is strong enough to allow telephone communication equipment. Is that what I understood you to
854 say?
855
856 Mr. Bittner - Yes.
857
858 Ms. Dwyer - But out of eight towers, we're only getting two opportunities for co-
859 location for telephone communications?
860
861 Mr. Bittner - That is what the applicant has specifically said they will cooperate with
862 us on. I would just like to add, though, that I think the applicant has been very cooperative up to this
863 point. And if we do someday get to the point where perhaps all eight towers could accommodate other
864 users, I would like to think the applicant would be willing to work with us to bring that about. I don't
865 know whether that would be technologically possible or not, but I do think that they are very
866 cooperative.
867
868 Ms. Dwyer - Is there room on this site to build additional towers solely for telephone
869 communication?
870
871 Mr. Bittner - Probably, because you are talking about the landfill which itself has a
872 good amount of acreage. And this particular site within the landfill is 20 acres; so probably within that
873 20-acre space you could build other towers as well.
874
875 Ms. Dwyer - There's no incompatibility then between the radio signal and the
876 telephone signal?
877
878 Mr. Bittner - I would probably let the applicant get into more detailed answers on
879 this. But my understanding is sometimes you'll reach snags when you are mixing those technologies so
880 close to each other. But for the most part they can be corrected and that those two uses can coexist
881 with each other.
882
883 Mr. Archer - OK. Any further questions from the Commission?
884
885 Mr. Taylor - Mr. Chairman, I would like to ask Mr. Bittner if he'd like to comment a
886 little bit about the state of the landfill as we inspected it for this particular use and the condition now of
887 the first cell of the two cells, and the opportunity that we have in the future for recreational facilities.
888
889 I just want to bring into focus that Virginia Beach has a similar situation where several years ago they
890 had a landfill and they capped it, and then put some fill on it, landscaped it, and presently it serves as a
891 Mount Trashmore, which is like the only hill in Virginia Beach. And if it ever snows in Virginia Beach,
892 which occasionally it does, and the children who are there have sleds, which most of them perhaps have,
893 that's maybe one time in a lifetime that they get to sleigh ride on Mount Trashmore. This particular
894 landfill is really, buffers to Henrico the same opportunity for winter recreation. And if it doesn't, it will
895 make a very challenging golf course, and it's site by the river is a really nice site to preserve, and in
896 working with the applicant we have tried to consider all of the potential reuses for the site and
897 recognizing, too, it's right adjacent to Twin Hickory and the schools. It offers particular attractiveness as
898 a potential area for parks, picnicking, whatever. And the towers have been sited and designed with that

899 compatibility in mind, and that's why we had the differences in the towers, and the differences in the
900 sizes. I am delighted to say that the applicant in working with us has been very enthusiastic and very
901 cooperative in doing a balloon test, working with us for long hours over the different uses, and I want to
902 both make sure that the Commission is aware of the potential of this site, the state of the landfill, and
903 then not lose sight of the fact that in the meantime we would have this opportunity to improve radio
904 telecommunication facilities in Henrico County as we wait for it to snow.

905
906 Mr. Archer - All right. Mr. Taylor would you like to hear from the applicant?
907

908 Mr. Taylor - I would or by the applicant's attorney, who joined us on the landfill, and
909 the balloon test and saw these strange creatures running up the landfill which she wasn't quite sure...she
910 thought they were ostriches, but I assured her there are only ostriches in her mind. They're really
911 turkeys.

912
913 Mrs. Freye - Good evening, Mr. Chairman, members of the Commission. My name is
914 Gloria Freye. I am an attorney here on behalf of the applicant, who is 4M Communications trading as
915 Radio Richmond. Also here this evening is Mike Mazursky, Chuck Milkis, of Radio Richmond, as well as
916 their consultant, Don Williams, who will be available to help us answer some of those questions about co-
917 location and compatibility if we need them. But Mr. Bittner has done a really good job explaining the
918 request for the two sets of towers that we're asking for on this property. Radio Richmond is committed
919 to building the 270' tower, which will allow for co-location. The commitment is for the two, the increased
920 height at the top allows for two PCS carriers to go with that increased height. The other nice thing about
921 that tower is it is being designed technologically to have an antenna, an AM antenna that is also
922 compatible with other types of users, whereas the PCS carrier might not be compatible, there are other
923 types of carriers that could be. And in this market their consultant, and a letter has been submitted to
924 the County that lays out the potential users, there could be up to seven on that tower. But the condition
925 does require two, and that extra height will allow that to happen. They're also willing to allow some of
926 the other towers to be replaced with stronger technologically designed towers that would allow for other
927 co-locations. So if the demand for other collocation is filled by the 270, then the other tower locations
928 would be available. It would disrupt their service temporarily, but typically these replacements can be
929 done in a couple of days. So, that's something that they are willing to do and would be accommodating
930 to the County to make the maximum co-location available. We did do two balloon tests on this because
931 of the height. The nice thing is that in Henrico the closest resident is about a half of mile away. We
932 called adjacent landowners, advised them about the balloon test. We got calls back from people across
933 295 from Summerberry saying that they could not see the balloons and that lady had a two-story house
934 right close to the interstate. The other call we got was from Todd Pitts from Hartley Plantation saying
935 that he could not see the towers' balloons from the test. And we took photographs from Nuckols Road,
936 Opaca Lane and from 295, and could not see the balloons. We also went around to the County of
937 Hanover and I talked with one of the landowners there, Mr. Grayson Murphy, who also was on the
938 lookout for the balloons. And he's probably the closest Hanover resident and said that he could not see
939 the balloons either. He did ask me a question about whether there would be any vibration or noise
940 associated with the radio towers. And we assured him that there would not be. So we are very happy
941 that this is such a good location and locating it at the rear of the landfill behind the cap cell has really
942 provided a lot of coverage so that these towers are just not visible. The only place that we could see
943 them was on the landfill itself. Looking right down the drive where there was an opening in the trees,
944 that's where you could see the towers. But driving by on 295 you couldn't see them, either. Radio
945 Richmond has worked very closely with Mr. Bittner and Mr. Taylor to address the issues, the concerns
946 that were raised. They are very much in agreement with the revised conditions that were passed out to
947 you today. We would be glad to answer and questions that you have about the technology or how radio
948 stations work, and any other questions that you might have.

949
950 Mr. Archer - Thank you Mrs. Freye. Are there questions for Mrs. Freye from the
951 Commission?

952
953 Mr. Vanarsdall - Would this be known as an eight tower? How many does it take to
954 become known as a tower farm, if there is such a thing?
955
956 Mrs. Freye - I guess that's really a very subjective question. I have heard as many as
957 three being called a tower farm. But I think that in this situation with the landfill and with the adjacent
958 development around it, it's a very compatible use. There's minimal visibility. It's not close to residences.
959 It won't have an adverse impact even on the landfill, like Mr. Taylor was suggesting that future uses of
960 the landfill for recreational purposes, these towers would not interfere with that at all. It is very low
961 power. Of course, they comply very strictly with the FCC regulations for safety and OSHA requirements.
962 Each of the bases of the towers would be fenced, so there's not a problem there, and also the landfill
963 there itself is locked and gated. So that's another security feature that exists there. So we feel like, I
964 just can't imagine that there's a better site for eight radio towers than the landfill site.
965
966 Ms. Dwyer - I think it's a great site, too. That's why I just want to make sure that
967 given the difficulties we had sitting towers for locations that there's ample opportunity to use this site for
968 those purposes, as well. So additional towers could be built, if, say, a company wanted to come in and
969 build their own tower and work and negotiated with...
970
971 Mrs. Freye - Right. The engineers would have to do their testing to make sure that
972 the technologies were compatible. It would probably be more compatible for the company to actually
973 replace a tower and to use the special antennas for the radio transmissions to be compatible with
974 whatever the new user would be, rather than just have somebody come in and put another tower in that
975 20-acre space. They would have to coordinate with the radio station and the other co-locators anyway to
976 make sure that all the technologies were compatible. But the company is, the radio station is very willing
977 to coordinate with any other user at all.
978
979 Ms. Dwyer - Since we don't really know whether that's cost prohibitive for someone
980 coming in to cause that to happen, do you have a thought on that?
981
982 Mrs. Freye - I really don't know how to address that. I think that's one of the
983 reasons that the company was willing to go ahead and commit to the extra expense of the taller,
984 stronger tower that uses the special antennas to permit as much co-location as possible, so that right off
985 the bat there's a potential for seven co-locators on that 270' tower. But recognizing demand, we don't
986 know what technologies are going to be, then they're also willing to allow another tower to go up and a
987 replacement of one of theirs if that works out.
988
989 Ms. Dwyer - Thank you.
990
991 Mr. Taylor - Mr. Mazursky made be able to answer what the future in radio
992 technology might be that would change the patterns.
993
994 Mr. Mazursky - Thank you, Mr. Taylor. Could I defer that to Don Williamson, our
995 engineer?
996
997 Mr. Taylor - Well, we don't have to do it now. I just wanted to say you might be
998 available as a resource to address that. I didn't mean to put you on the spot.
999
1000 Mr. Mazursky - Thank you, sir.
1001
1002 Mr. Archer - Mrs. Freye, I did have one question.
1003
1004 Mrs. Freye - Yes, sir.

1005
1006 Mr. Archer - In looking at the revised condition number 5, where the bold print
1007 specifies what might have to be done to comply with the FAA requirement, the paragraph below that
1008 said, "The applicant shall obtain approval from the Planning Commission should the FAA require the
1009 addition of any obstruction marking and lighting and white stripping, orange and white stripping, to any
1010 of the towers that is different from the above listed equipment. Applicant shall notify the Director of
1011 Planning prior to making any changes to the original galvanized finish of any tower." Now what would
1012 happen if, because I don't know what period of time this is specific to, what would happen if after these
1013 towers are constructed, the FAA should come back and say you've got to add obstruction markings and
1014 you have to come back and get approval from the Planning Commission?
1015
1016 Mrs. Freye - Yes, sir.
1017
1018 Mr. Archer - And at that time we may have been replaced by people who are not as
1019 nice as we are, and they say no. Does that mean the towers would have to come down?
1020
1021 Mrs. Freye - Yes, sir. I mean it could mean that because Provisional Use Permits are
1022 revocable, and if for some reason the County felt that that marking or that painting made them so much
1023 more visible that it became a negative impact on surrounding properties, the County would be within its
1024 rights to revoke that permit. So that is a risk that every applicant, everybody who receives a Provisional
1025 Use Permit runs.
1026
1027 Mr. Archer - OK. I really just wanted to make sure that everybody was aware of that
1028 this provision is there and could come to fruition. You know, hopefully not.
1029
1030 Mrs. Freye - Understood. Well, and I think that the experience in the industry is that
1031 typically the FAA doesn't require the orange and white painting until towers are 350' or more, and
1032 particularly in this location it's very highly unlikely that that is going to happen. But if it did, it might be a
1033 factor that the County would want to look at again and because of that, the applicant is willing to come
1034 back to the County if that should happen.
1035
1036 Mr. Archer - And I would suppose that, also, typically they'll tell you that upfront...
1037
1038 Mrs. Freye - Yes, sir.
1039
1040 Mr. Jernigan - Mr. Archer, I don't think you will have that problem. We have a tower in
1041 the east end that's less than that height, but it's close to the airport. So I think at that point, there's no
1042 runway out here, so I don't think we'll run into that.
1043
1044 Mr. Archer - OK.
1045
1046 Mr. Vanarsdall - Do you remember, Mr. Archer, at one time the FAA was so far behind?
1047 You remember that, Mrs. Freye?
1048
1049 Mr. Archer - I do remember that.
1050
1051 Mrs. Freye - Yes, sir.
1052
1053 Mr. Vanarsdall - We might approve it tonight and we never even know whether it needed
1054 a light or not till the end of next year.
1055
1056 Mr. Archer - I can remember that coming up...
1057

1058 Mr. Vanarsdall - Wonder if they ever got...
1059
1060 Mrs. Freye - And they are still pretty far behind.
1061
1062 Mr. Vanarsdall - The government.
1063
1064 Mr. Jernigan - I think this gentleman has a question here.
1065
1066 Mr. Turner - Mr. Archer, I have a question
1067
1068 Mr. Archer - Could you come up sir, and identify yourself please.
1069
1070 Mr. Turner - I'm Andy Turner and I live in the general district and the map is a little
1071 bit confusing to me, and what I'm wondering is what is the main access to this project, and will it be
1072 going through, using the landfill road or you know, when all this work is done and whatever? Like I said,
1073 it's not very clear. I can't look at the map and tell.
1074
1075 Mr. Taylor - Mrs. Freye will handle that.
1076
1077 Mrs. Freye - Mr. Turner, the access is through the landfill so they have to come down
1078 Fords Country Lane and it's the second entrance into the landfill.
1079
1080 Mr. Turner - You follow the same road like you are going in right now?
1081
1082 Mrs. Freye - Yes, sir. That's right.
1083
1084 Mr. Turner - You have a lot of work going on. Everything going to the tower and
1085 whatever, you know...
1086
1087 Mrs. Freye - Yes, sir. That's correct. It's the second entrance to the landfill that goes
1088 down by the pump house and then comes back along the Chickahominy. So, it's the furthest road back.
1089
1090 Mr. Turner - From Nuckols Road you will going the same as you go around by, what's
1091 the name?
1092
1093 Mrs. Freye - Fords Country Lane.
1094
1095 Mr. Turner - Yes, Fords Country Lane, you will be going in that way right there?
1096
1097 Mrs. Freye - Yes, sir.
1098
1099 Mr. Taylor - Ok, that answers it.
1100
1101 Mr. Archer - All right, thank you sir. Thank you, Mrs. Freye.
1102
1103 Mr. Taylor - And just to repeat, the landfill site is locked, normally locked during non-
1104 operating hours.
1105
1106 Mr. Archer - All right. Any further questions? Comments?
1107
1108 Mr. Taylor - Mr. Chairman, I don't know if Mr. Mazursky wants to address that
1109 question of future look for additional technologies or antennas.
1110

1111 Mr. Mazursky - I appreciate the opportunity, sir. Do you want to say something, Don?
1112 I'm going to defer to Mr. Don Williamson.
1113
1114 Mr. Taylor - We'd we happy to hear from Mr. Williamson.
1115
1116 Mr. Mazursky - Thank you, sir.
1117
1118 Mr. Archer - Good evening, Mr. Williamson.
1119
1120 Mr. Williamson - I would express my thanks to be allowed to address you. I'm a
1121 professional engineer. I graduated from McGill University in Montreal, Canada in 1950 and got my
1122 license in 1952. And since 1956 I've been an international consultant engineer, dealing mostly with
1123 broadcasting, television and relative communications. We've been involved with this particular project for
1124 some years, and Mr. Milkis and Mr. Mazursky are very good friends of mine, and I offered to assist them
1125 on this matter.
1126
1127 The matter of co-location of antenna structures is very common. It's common throughout the world. The
1128 difference in the frequencies that these stations operate under will allow the use of radio broadcast
1129 antennas for FM telecommunications, cellular, you name it. The methods of decoupling are well known.
1130 They're established. There are some things which we have to consider in that it as much to be advisable
1131 to co-locate stations where you have mixed use. It's much easier to isolate the various services to the
1132 FCC requirements by having them all on one antenna site. I've been involved in many of these things,
1133 notably the Canadian National tower in Toronto, which has 64 licensees on board. All the television
1134 stations in the city, all the FM stations in the city, microwave, telephone, cellular, you name it. So, if you
1135 can possibly locate them together, particularly where you're mixing it with AM radio, it's to be desirable.
1136 But when one moves an antenna into the same general, for instance, erecting another tower on a site
1137 where an AM station is close by, the detuning of these antennas, one from the other, becomes a major
1138 project. It can be done, but it's expensive, and it does not add anything really to the operational aspect
1139 of it, and it's much, much simpler if one puts them altogether.
1140
1141 Mr. Archer - All right.
1142
1143 Mr. Taylor - Is it your current feeling, overall, that with the versatility of these
1144 antennas, that these antennas could service well into the future as a site?
1145
1146 Mr. Williamson - As far as we know. Now, the cellular business is going ahead with leaps
1147 and bounds, and I know in some areas we've run into aspects where the cellular companies have been
1148 mandated to combine their facilities rather than having antennas all over the place for cellular. Now,
1149 where they can cooperate, it makes life much easier for everybody. But I know, particularly, if you use
1150 them on AM towers with AM radio stations, it's virtually necessary that you put them all together. Makes,
1151 from an engineer's point of view, I'm speaking now, I don't know, sometimes, politically, it's not possible,
1152 but from a technical point of view, I would agree.
1153
1154 Mr. Taylor - I would think from a business point of view, too, it's also difficult to get
1155 everybody to do it.
1156
1157 Mr. Williamson - Well...
1158
1159 Mr. Taylor - But I agree with you that co-location where it's technically possible has
1160 an advantage to allowing the extra antennas as well as futuristic approach to it.
1161
1162 Mr. Williamson - When you are looking at the structural advisability of these things, and
1163 you're into hundreds of thousands of dollars most of the time, to put one structure up just makes sense.

1164 You are right. Economically, it is, it does make sense that way, but as I say sometimes politically it isn't.
1165 I've been dealing with cellular companies on either side of the fence, and finding that they can't agree
1166 one with the other. And they all say, "Ike I'm not going on with Joe," you know, because of some
1167 reason.

1168
1169 Mr. Taylor - Thank you, sir.

1170
1171 Mr. Archer - Thank you, Mr. Williams.

1172
1173 Mr. Taylor - We have that one moment in time when seemingly everybody agrees,
1174 Mr. Chairman. So I'll move for approval of Provisional Use Permit, P-13-01, 4M Communications.

1175
1176 Mr. Vanarsdall - Second.

1177
1178 Mr. Archer - Motion by Mr. Taylor, seconded by Mr. Vanarsdall. Those in favor of the
1179 motion say aye — those opposed by saying nay. The ayes have it the motion is granted. The vote is 5-0,
1180 Mr. Kaechele absent.

1181
1182 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning Commission voted
1183 5-0 (one absence) to recommend that the Board of Supervisors **grant** the request because it is
1184 reasonable in light of the surrounding uses and existing zoning near the property and it would provide
1185 added services to the community.

1186
1187 **THE COMMISSION TOOK A BRIEF RECESS AT THIS TIME.**

1188
1189 **THE COMMISSION RECONVENED AT THIS TIME.**

1190
1191 Mr. Archer - The Planning Commission will reconvene. Mr. Secretary, moving right
1192 along.

1193
1194 Mr. Marlles - OK, the next case was deferred from the September 13, 2001 meeting.
1195 It's case P-10-01.

1196
1197 ***Deferred from the September 13, 2001 Meeting***

1198 **P-10-01 Richard Moseley for American Tower:** Request for a provisional use
1199 permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and
1200 operate a 150' high telecommunications tower and related equipment on part of Parcel 235-A-17,
1201 containing 10,000 square feet (0.223 acre), located on the west side of Osborne Turnpike south of
1202 Cornelius Creek and approximately 1,000 feet south of proposed I-895 right-of-way (under construction).
1203 The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Rural Residential, up to
1204 1.0 units net density per acre, and Environmental Protection Area.

1205
1206 The staff report will be given by Mr. Tom Coleman.

1207
1208 Mr. Archer - Is there anyone here opposed to P-10-01, American Tower? All right,
1209 Mr. Coleman.

1210
1211 Mr. Coleman - This request is to construct and operate a 150' monopole style
1212 communication tower. Support equipment would be placed on the ground within with a 100' x 100'
1213 leased area at the tower's base.

1214
1215 The subject property is zoned A-1, and much of the surrounding area is A-1 and R-2A. A portion of the
1216 adjacent Hadad's Palisades Club and Lake is zoned B-3. The proposed site is located along an entrance

1217 road to the Hadad's Palisades Club and Lake. The tower would be placed along a gravel portion of the
1218 entrance road approximately 900' west of Osborne Turnpike and 800' south of Interstate 895.
1219 Construction of this major roadway is well underway and the proposed tower would be visible from the
1220 interstate. Osborne Heights Subdivision is approximately 240' to the south. The applicant has submitted
1221 evidence that this area currently lacks coverage and staff is not aware of any existing structures in the
1222 area that have co-location potential. The Land Use Plan recommends Rural Residential. This application
1223 is not consistent with the County's Policy of discouraging tower sites in areas planned for residential uses,
1224 and it is not consistent with the Comprehensive Plan amendment addressing the sighting of wireless
1225 communication facilities. The Comprehensive Plan policies include towers in areas zoned or planned for
1226 residential uses are strongly discouraged and non-stealth towers adjacent to or in close proximity to
1227 existing residential areas or areas recommended for residential use are discouraged. In this area
1228 (referring to slide), Interstate 895 lies approximately 1,000' from Osborne Heights Subdivision. Staff
1229 would prefer that a tower in the vicinity be closer to the interstate and a location immediately adjacent to
1230 the interstate could be acceptable. There is industrial zoning in the area along the James River, and a
1231 use permit to extract materials has been approved on a nearby property. There is another parcel
1232 between the subject property and Interstate 895 and locating a tower on this property would move the
1233 tower hundreds of feet closer to the interstate, and away from Osborne Heights and the residential uses
1234 along Mill Road. The location of the tower would be downhill from Osborne Heights. The topography
1235 would reduce the visibility and effectively reduce part of the impact of the proposed tower site from
1236 Osborne Heights. The site is also heavily treed. Stealth tower design is a critical consideration for a
1237 tower proposed at this location. The applicant has demonstrated a need for additional coverage and very
1238 few towers currently exist in this area. The construction of the interstate will intensify the demand for
1239 additional services in this area. Stealth technology with limited tower visibility would generate less
1240 impact on the nearby residential area. The topography, combined with existing trees, could enhance the
1241 effectiveness of a stealth tower design at this location.
1242

1243 In summary, there may be more appropriate choices for tower sites along the I895 corridor. The
1244 applicant has chosen one of the few areas along the interstate corridor close to a residential area, close
1245 to residential subdivision. However, if this site is determined to be appropriate for a tower, the applicant
1246 should incorporate an appropriate stealth design providing as many co-location opportunities as
1247 technically feasible. Should the Planning Commission find this proposal to be acceptable, it is
1248 recommended the request be granted subject to the conditions included in the staff report except for
1249 number 8. I would be happy to answer any questions.
1250

1251 Mr. Archer - Thank you, Mr. Coleman. Are there questions from the Commission?
1252

1253 Mr. Jernigan - Mr. Coleman, we discussed before on the stealthing and I think at this
1254 point, after finding out more, that once you stealth it, that's the way it has to stay. I'm compelled that I
1255 would rather leave it as a monopole, so we can have additional people get onto that tower when the time
1256 comes. I want to be able to use every tower we can in Varina to the utmost use. And, also that tower is
1257 setting out in the middle of the open, and I know the topography is backed up by woods and there's
1258 nowhere else. I mean, we've looked this site over, and if you leave off of where they are right now,
1259 they're in a floodplain, and they are not going to build it in a floodplain. That's all I've got to say.
1260

1261 Mr. Archer - All right. Any of the other Commission have any comments or
1262 questions? Ok. Do you need to hear from the applicant, Mr. Jernigan?
1263

1264 Mr. Jernigan - Yes, sir.
1265

1266 Mr. Archer - Would the applicant come forward, please?
1267

1268 Mrs. Freye: Good evening, Mr. Chairman, members of the Commission, my name is
1269 Gloria Freye. I am an attorney here on behalf of American Tower. And also from American Tower this

1270 evening, here with us is Dorothy Brunetti. American Tower did defer this case last month so that they
1271 could take another opportunity to look at this property and see if there might be other locations that
1272 would move it further away from Osborne Heights that might make it less visible. What we found are the
1273 two other possibilities were going to have an impact on the floodplain, and that was going to be a
1274 problem for the company to do that. The other thing, in looking at this, is that we're actually back at the
1275 original location that we started at, which is about 240' south of Osborne Heights. But it is well below
1276 the elevation that Osborne Heights fits, and I think that you can see in the photo simulation, when they
1277 did the balloon test, that's on your screen now (referring to slide), that it's only the tip top of the tower
1278 that would actually be visible from Osborne Heights. I think it is also helpful to note that the citizens
1279 have not opposed this, because, actually one of the residents said, "he needs better cell coverage down
1280 here." It's a very badly needed facility in this area. There's very poor coverage. There's an existing
1281 demand for better service right now and with the construction of I895, that demand is only going to
1282 increase. By having the tower at 150, but keeping the standard monopole triangular array, we can have
1283 collocation for up to four carriers on this pole and still keeping it at the height where it's just barely visible
1284 above the trees, and not have a negative impact on the residential area but still be able to serve the area
1285 and 895 as well.

1286
1287 The property, Mr. Coleman did talk about the goals and policies of the County and discouraging towers in
1288 close proximity to residential development. The nice thing about this property is that it is zoned A-1 and
1289 B-3. It is actually developed for commercial use, and so in that regard, even though the land use plan
1290 might like for that property someday to be residential, the existing development is commercial. And
1291 that's why we think this is an appropriate site for this tower, particularly on balance by restricting the
1292 height to 150'. Restricting the height to 150' also helps, because the less visible it will be if it doesn't
1293 have to be lighted, and, typically, it's the 200' mark that towers have to be lighted. So it also helps to
1294 keep it less obtrusive at this height, less obtrusive on the neighbors, but still allowing co-location for up
1295 to four carriers. Stealth design was an issue that was raised by the staff. We did look into that as well.
1296 VoiceStream, the carrier that wants to be on this tower, has told us that any lower profile of the antennas
1297 would reduce their effectiveness, that they would not be able to transmit as far. At this point they can
1298 get a range of about three miles, but with the more narrow profile, or flush mounted or omni directional
1299 type antennas, it's going to reduce that about half. They are trying to connect to where they co-locate
1300 on an existing tower behind Varina High School and also an existing tower; I believe it's on Fordson Lane,
1301 next to 295 on this Osborne property. So the stealth design would not allow them to do that, and would
1302 not be effective and would not really be effective for promoting the co-location just as Mr. Jernigan has
1303 pointed out. The company is in the business of finding co-location, finding tenants for these towers, so I
1304 think that you can be assured that if they are granted the provisional use permit, they will do everything
1305 in their power to get the maximum co-location on this tower.

1306
1307 The company is in agreement with the conditions, especially with the deletion of number 8. We feel that
1308 even though this may not be the perfect site, and not one that staff feels particularly good about, on
1309 balance, we think there are very good reasons to support this site. It is far downhill from Osborne
1310 Heights, so that it's just the top that the folks, the residents would be able to see. At this location,
1311 there's no impact on the floodplain or the wetlands. The property is already commercially developed. It
1312 would provide co-location for up to four uses. It would also help to reduce the risk of another tower in
1313 the close proximity of this area (referring to slide). It would provide badly needed coverage and
1314 providing telecommunications facilities is very similar to the County providing other utility services to the
1315 public, like sewer and road and water. One of the statistics that American Tower has told me is that over
1316 50,000 calls are made to 911 everyday from cell phones. So we feel that approving the facility here
1317 would not have a negative impact on the adjacent landowners, but would actually enhance the general
1318 welfare because it would be providing a service that's lacking in the area. And, we ask that you
1319 recommend approval of this request to the Board of Supervisors. We'll be glad to answer any questions
1320 that you have.

1321
1322 Mr. Archer -

Thank you Mrs. Freye. Questions from the Commission?

1323
1324 Mr. Marlles - Mr. Chairman, I do have a question for Mrs. Freye. What type of stealth
1325 technology did you actually consider?
1326
1327 Mrs. Freye - We looked at flush-mounted antennas and omni-directional antennas,
1328 which are the very low profile, they're close into the pole, but that reduces the range that they can
1329 transmit and receive signals. The array that you see in the photo simulation is a triangular platform that
1330 you could fit the antennas further out from the pole.
1331
1332 Mr. Marlles - Mrs. Freye, I'm going to put you on the spot a little bit, but I know
1333 around the country there's other types of stealth design for these types of telecommunication towers. I
1334 mean, I've seen them actually look like trees and other things, the use of color. Was any of that
1335 considered?
1336
1337 Mrs. Freye - Actually, we did look at the idea of color. The idea was to maybe paint
1338 the top of the pole a green. The only time that's really going to be effective is if you have a backdrop of
1339 trees for it to blend into. In this case the trees are in front, so that visibility would make it stand out
1340 really worse, to do that in this situation. The nice way that that does work is if you are on a hillside, and
1341 you have trees below and above and around, then it can blend in. That's when you can do the pole itself
1342 in a brown or actual bark kind of design, and then have the green. It would blend in, but in this situation
1343 it really would stand out worse.
1344
1345 Mr. Archer - All right. Any further questions from the Commission? All right then, Mr.
1346 Jernigan.
1347
1348 Mr. Jernigan - Mr. Chairman, I've checked this property pretty good and really there is
1349 no, even though this is A-1 property, and I know the County doesn't like putting it on A-1, there is
1350 nowhere else to relocate this pole that I feel that it would be better than the spot that it is. We can't
1351 move it down any, because it would defiantly be in floodplain, and I know they are not going to build it
1352 there. So with that, and also Mr. Hadad, in the neighborhood, next door, I did go to and talk to the
1353 neighbors. And we don't have any opposition to it, so I think everybody is pretty comfortable with the
1354 situation. So with that, I would like to make a motion to approve Provisional Use Permit P-10-01, with
1355 conditions 1 through 7.
1356
1357 Mr. Taylor - Second.
1358
1359 Mr. Archer - Motion by Mr. Jernigan, seconded by Mr. Taylor. All those in favor say
1360 aye – those opposed say nay. The ayes have it. It will be recommended. The vote was 5-0. Mr.
1361 Kaechele was absent.
1362
1363 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Taylor, the Planning Commission voted
1364 5-0 (one absence) to recommend that the Board of Supervisors **grant** the request because it is
1365 reasonable in light of its relationship to the surrounding zoning and land uses and it would provide added
1366 services to the community.
1367
1368 Mr. Vanarsdall - Mr. Chairman.
1369
1370 Mr. Archer - Yes, sir. Mr. Vanarsdall.
1371
1372 Mr. Vanarsdall - Since we've had so many towers tonight, we would have had three
1373 more, but they were deferred, I wanted to mention something on one of the towers we have.
1374

1375 You remember the tower we had out in front of North Carolina Furniture Company at Pemberton and
1376 Broad Street, and I think Mike Bittner had that case. They put, they couldn't put it behind the building
1377 because they're going to expand, they couldn't find anywhere else, and they tried to locate it over at the
1378 new water works, and that didn't work, and so Mr. Taylor they decided on a flag pole type, and Mr.
1379 Taylor, and I'm bringing this up mainly because the American Legion is here tonight and you all will enjoy
1380 this. Mr. Taylor asked them to put a plaque in front of the flagpole and they did. They put a nice looking
1381 bronze plaque and it's dedicated to the Veterans of World War II. I thought that was a clever way to do
1382 something and North Carolina Furniture got a lot of mileage out of it. Mr. Taylor, I think that was a very
1383 good idea you had.

1384
1385 Mr. Taylor - Thank you, sir. In light of the activities as the past month, I do too.

1386
1387 Mr. Archer - Thank you for that observation Mr. Vanarsdall.

1388
1389 Mr. Vanarsdall - The timing was right.

1390
1391 Mr. Archer - All right. Moving right along, Mr. Secretary.

1392
1393 Mr. Marlles - Ok, Mr. Chairman the next case is C-58C-01.

1394
1395 **C-58C-01 Andrew M. Condlin for Martin J. Bannister/Luke O. Bannister,**
1396 **Sr.:** Request to amend proffered conditions accepted with rezoning case C-74C-98, on part of Parcel 140-
1397 A-45, containing approximately 7.77 acres, located on the east line of Creighton Road approximately
1398 1,600 feet northeast of Caddie Lane. The amendment is related to Proffer 9, home frontage on
1399 Creighton Road and landscape buffers; and Proffer 11, dedicating property for Concept Road 140-1. The
1400 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and
1401 Environmental Protection Area. Part of the site is also in the Airport Safety Overlay District.

1402
1403 The staff report will be given by Mr. Lee Householder.

1404
1405 Mr. Archer - All right. Thank you. Is there opposition to C-58C-01? Mr.
1406 Householder.

1407
1408 Mr. Householder - OK. Thank you, Mr. Chairman.

1409
1410 This application would amend the proffers for an undeveloped 7.77 acre-property that was originally
1411 zoned as part of a 22.8-acre tract with case C-74C-98. This case included several proffers, including the
1412 quality of single family residential development that included house size, type of building foundations,
1413 materials, landscape buffers, density, etc. The 15 acre-portion of this original request is named Stony
1414 Run Estates and is pictured right here on this map (referring to slide). It has received final subdivision
1415 approval for 42 lots in August of this year. The remaining 7.77 acres, which is the irregular shape parcel
1416 here, (referring to slide), is the subject of this case and was not included in the Stony Run Estates
1417 Subdivision plan. This is considered to be a left over piece of property, with an awkward shape that has
1418 varying topography, floodplain and does not appear to be suitable for a multi lot subdivision. Instead the
1419 applicant in this case has indicated they intend to build one single-family home on the property. In order
1420 to develop the property for this purpose, they would like to delete the following proffers, and I'll go over
1421 them very quickly. Proffer 9 states that no homes shall face front on Creighton Road and a twenty-five
1422 foot landscape buffer would be provided along Creighton Road. Because the Stony Run Estates
1423 Subdivision does not have any stub roads to this subject property, this property would only apply to this
1424 85' wide portion that is left over. Staff feels the request to delete this proffer is reasonable, because it
1425 does only apply to this portion of the property, and there would be no other alternative access points.
1426 Proffer 11 states that the developer should dedicate the right-of-way for this Concept Road that runs in
1427 this area, which is named 140-1. This road would connect Creighton Road with Dabbs House Road and

1428 would be a minor collector road on the County's Major Thoroughfare Plan when it is constructed. The
1429 County Public Works Department has stated that there are future plans to construct this concept road
1430 and removing this proffer, they feel, would impact the right to reserve and obtain right-of-way. This
1431 proffer is an important aspect of this case and significant portions have already been dedicated with this
1432 subdivision here, which is called Hallwood Farms, and the concept road actually comes in to this little tip
1433 here and a portion was dedicated with Stony Run. The applicant addressed this concern this evening,
1434 which now I have got a proffer that they've decided not to delete proffer 11. This originally, staff
1435 thought this was the solution. If we left this proffer in, it would take care of it, but as we met with the
1436 applicant and thought about the case, the more we've learned that the way the proffer is written, it reads
1437 that the only way that we could get dedication of this right-of-way is at the time of subdivision. The
1438 applicant has indicated they do not intend on further subdividing this property and, therefore, they do not
1439 intend to dedicate the right-of-way that was approved with the original zoning case. Staff is concerned
1440 because this is still a very important issue and it was at the time of rezoning for the Stony Run Estates.
1441 And, we do not feel that we could recommend approval of this request until the applicant has addressed
1442 this right-of-way dedication. I'll answer any questions that you may have.

1443
1444 Mr. Archer - Thank you Mr. Householder. Are there questions from the Commission?
1445

1446 Mr. Jernigan - Mr. Householder, I guess in the meeting that we had the other day, now
1447 I think everybody will confirm that the only dedication for the concept road would be on the subdivision,
1448 if they only put one single-family dwelling on there, they do not subdivide, and then the County will have
1449 to negotiate with them on a price.

1450
1451 Mr. Householder - That is exactly right.
1452

1453 Mr. Jernigan - OK.
1454

1455 Ms. Dwyer - May I follow-up that with just a question? It seems to me that the
1456 County is really being put in an unfair position if that's the case. Because, I am assuming that at the
1457 time this property was rezoned that everyone understood that when this was developed, the whole piece
1458 was developed, that the dedicated road, dedication of the road would be made by this landowner. Is
1459 that correct?

1460
1461 Mr. Householder - That was, the proffer made that very clear.
1462

1463 Ms. Dwyer - So this Stony Gap Run, that wasn't part of this original zoning?
1464

1465 Mr. Householder - Well, what happened was that this entire piece was rezoned. But then
1466 when they came in to subdivide they decided to draw this as their parcel, and, therefore, leaving out this
1467 residual, which was not really developable at the time.

1468
1469 Ms. Dwyer - Right, but since this proffer applied to the whole piece, once any part of
1470 it is subdivided it seems to me that that should trigger the dedication obligation.

1471
1472 Mr. Householder - Yes. We did not interpret it that way at the time of subdivision review
1473 and that's, at the time this subdivision was approved, in my review of the minutes, there was a concern
1474 that leaving residual piece and not addressing this dedication, they wanted to have, we were holding the
1475 approval up of the subdivision based upon that issue. It was my understanding that the applicant
1476 indicated that they would address that issue by filing this amendment of proffers, which would give them
1477 access to Creighton Road, but we did not clearly decide on the disposition of the right-of-way at that
1478 time.
1479

1480 Ms. Dwyer - So, there's an unwillingness on the part of this applicant to dedicate
1481 anything to this road? Is that ...
1482
1483 Mr. Householder - That is correct...
1484
1485 Ms. Dwyer - ...am I reading that correctly?
1486
1487 Mr. Householder - That is my understanding.
1488
1489 Mr. Jernigan - Well, only if they subdivide it.
1490
1491 Mr. Householder - Yes.
1492
1493 Mr. Jernigan - They will have to dedicate it.
1494
1495 Ms. Dwyer - But just putting one lot on this remaining piece is not subdivided.
1496
1497 Mr. Jernigan - Right.
1498
1499 Ms. Dwyer - Whereas the intention at the time of zoning, the reason this whole parcel
1500 was rezoned was in part because this road would be dedicated. I mean, there is always a give and take
1501 in the zoning case, and I'm just trying to be clear on that. Part of the condition of rezoning this 3 AC
1502 property was that this road would be dedicated, and now it looks like because this was done in phases,
1503 that now the applicant saying, well no, I've got my rezoning now; I don't have to dedicate the road.
1504
1505 Mr. Householder - I feel like the applicant would probably be best to answer that...
1506
1507 Ms. Dwyer - OK.
1508
1509 Mr. Householder - ...but that's my interpretation.
1510
1511 Mr. Jernigan - This was a complicated case from the word go. Because when it came
1512 through, it was the original 22 acres. And then when it came up for subdivision, it was only the 15, and I
1513 guess we're going to mask Mr. Condlin on this because he pulled out the legal terms on it.
1514
1515 Mr. Condlin - Mr. Chairman, members of the Commission, my name is Andy Condlin,
1516 and I'm from Williams Mullin. I have with me Luke and Martin Bannister here. I had a nice little spiel
1517 here, but let me try to answer some of the questions in the course of my discussion.
1518
1519 As Mr. Householder has pointed out, the first case was not filed by, although Mr. Bannister, Mr. Luke and
1520 Mr. Martin Bannister did own the property, and as is usual the contract purchaser was the applicant.
1521 Contract purchaser had purchased for the full 22 acres and filed for the full 22 acres. It was intended to
1522 purchase the full 22 acres and Lord know I can't run the camera, but we've actually had and there were
1523 plans for the entire 22 acres to be subdivided, and you can see on this plan that they're putting up
1524 (referring to slide), after the zoning case, the plan was, and there was no ulterior motive here, certainly
1525 not by the Bannisters nor by the original contract purchaser to try to get away without dedicating the
1526 road. Sorry, I always jinx this thing (referring to slide). Take my word, it looks good, it's a nice
1527 subdivision over there. They've included, that included the right-of-way would be part of the dedication
1528 and the lots would go right up to the road that's showing on the Major Thoroughfare Plan. And you can
1529 see it there, (referring to slide), that would be on this area around, the 22 acres goes right up to the
1530 original location of the concept road. So that's what, that was the plan. Then the 22-acre contract did
1531 not go through. I didn't represent the applicants at the time; I don't know why the 22-acre contract did
1532 not go through. The new folks came in for the, I think they're called the Glenwood Investors, came in

1533 and they took a look at this and unfortunately there was a revision of what you see here. There was a
1534 substantial change of that road. It was 135' north of what you see of what the original location was
1535 during the zoning case. It pushed it 135'. A lot of the buildable lots that were going to be able to help
1536 pay for the road and help pay for what were then potentially unbuildable lots with landfill in it and some
1537 wetlands in it was divided by this new location of the road. And I think we have, if I can get you to put
1538 up one more thing, (referring to slide), this shows together with the other previous map that was on
1539 there, shows where the new location went and how it really changed the look of the property. You can
1540 see it really bows up there. The reason for that was the subdivision, and I think I'm going to the east,
1541 but the subdivision to the right as you look at this picture really changed that because they ended up
1542 dedicating a different area than what was shown on the Major Thoroughfare Plan, which pushed the
1543 whole road north. Now the people who bought the 15 acres, that left the seven acres obviously, and the
1544 Stony Run Subdivision was applied for and was approved by the Planning Commission. And obviously
1545 there was a lot of controversy about whether the road would have to be dedicated as part of that Stony
1546 Run Estates. I will actually say the staff took the position that it did need to be dedicated, even though it
1547 was off-site, the whole road had to be dedicated as part of the 15 acres subdivision. I would point out a
1548 couple of things. The staff or the County staff, I think, changed the position to say that it did not need to
1549 be, and I will give an example. If you have a 1,000-acre rezoning case with 1,000-acre potential
1550 subdivision, and the road is to be dedicated on the farthest north end and we do 200 acres on the south
1551 end, I don't think the County would require. I think that is consistent with what a typical policy would be
1552 to not require off-site dedication, even though required by the proffers. It was unfortunate that no one
1553 foresaw the phasing of this property and the potential for this road being moved. I don't think the
1554 Bannisters had anything to do with that. They were just trying to sell the property; the contract fell
1555 through, the road came in and got moved and now they were able to sell the 15 acres and only the 15
1556 acres. In the course of that approval, I would like to read from the minutes in here where Mr. McGarry,
1557 representing the staff and the County to the Planning Commission said, "Staff understands that the seller
1558 of the original parcel, Mr. & Mr. Bannister, will submit for revised proffers to allow proper use of the
1559 remaining portion for at least a single family dwelling, and with that understanding staff can now
1560 recommend approval of the 15 acre subdivision." Mr. Jernigan, he and I talked before the case, wanted
1561 me to make it a record. So he called me up and he said, "The reason I asked Mr. Condlin, this Stony Run
1562 Estates has been under a lot of controversy, and the deal was finished off this morning so I wanted it
1563 entered into the record that you had talked to both Mr. Luke Bannister, Sr. and Martin Bannister, the
1564 owners that are setting there." That you have come to an amendable agreement. And that is correct.
1565 My answer was that is correct. He said, "You have given them permission to go ahead and grant an
1566 approval as they are the additional landowners." I said that is correct. He asked me and he said, "You
1567 are going to work closely with them to take care of the additional proffers." I said, "Yes sir." And he said
1568 on that face, excuse, and on the lot that faces Creighton Road, we will work to have that, if things don't
1569 work out otherwise for our 15 acre parcel owner to buy the rest of the property, that if things don't work
1570 out, they can access from Creighton. I said yes that we will amend the proffers to allow for that access.
1571 Yes, sir. Based on that, and Mr. Jernigan said all right, and he said based on that we'll approve the case
1572 for the 15 acres. That's exactly what we are doing. I technically represented Glenwood Investments in
1573 the 15-acre case and the subdivision because I gave my commitment to Mr. Jernigan publicly to help this
1574 case through. We filed the application, Glenwood actually paid for the application and asked me to come
1575 and help them out to make the application, and the rest of this is on my time, because I made the
1576 commitment to get them access to Creighton Road. Unfortunately, through a misunderstanding, we
1577 thought that the County was agreeable to deleting the provision, the proffer that said, "we will have to
1578 sub, or upon subdivision we will dedicate." A complete misunderstanding, we've since learned our lesson
1579 and that's completely not the case, that the staff still wants a dedication of that road. So we've
1580 eliminated that request and all we're asking for is one lot. There is nothing to say that if you look at this
1581 picture that upon the road going through that that yellow lot, that does have some landfill material on it,
1582 cannot be used for a second lot. There is nothing to say that, and may come to a point where they may
1583 want to use that as a second lot. And upon that subdivision we still have to dedicate the road. All we're
1584 asking for is a single proffer to be eliminated regarding Creighton Road access so we can build one home.
1585 This is no different than what the case was before upon a subdivision of this property, we had to

1586 dedicate the road, and upon a subdivision of the property we will dedicate the road, and that is all that
1587 the Bannister's are asking for, to be able to get one access point. They have no other access. The
1588 subdivision that was approved provides no access to this property. They either access it through the
1589 road on the Major Thoroughfare Plan or Creighton Road. One lot is not going to be able to get the
1590 money to build the road that is shown on the Major Thoroughfare Plan.

1591
1592 Ms. Dwyer - But your position is, and I'm asking you for clarification, ...

1593
1594 Mr. Condlin - Sure.

1595
1596 Ms. Dwyer - ...that if one house is put on this remaining seven acres, then no, that
1597 does not trigger the dedication of the road, because it's not a subdivision. Is that your position?

1598
1599 Mr. Condlin - That is absolutely correct.

1600
1601 Ms. Dwyer - So all a person has to do is come in to get a rezoning, promise yes, I'll
1602 dedicate that road, and then phase it in such a way that there not subdividing the last phase, and they
1603 don't have to dedicate the road. I mean, that's the result here and I don't think that's right.

1604
1605 Mr. Condlin - Well, that's an unfortunate result. Certainly the Bannisters who are
1606 technically applicants but were contract sellers. I can say that we've accomplished this a couple of ways
1607 as we've learned from experience. This was, no ulterior motives here at the very beginning, but we've
1608 done this whereupon a first subdivision request on the property, you must dedicate the road. In that
1609 case, I think the 15 acres would have triggered that. In this case, the Bannisters, I think are the
1610 unfortunate holders of this bag, where they're being demanded to dedicate the road for building one
1611 house. I represented and still represent Glenwood Investors, so I've got to be careful technically, my
1612 clients are not, we're just doing them a favor and not the Bannisters. But, when the 15-acre project
1613 came through, the County policy was consistent that because it was off-site it was not being required.
1614 Things get phased all the time. And you know, that's the way we've accomplished, have accomplished it
1615 in proffers before, to give the County some comfort on that issue is say upon a first dedication, before
1616 the first CO, before the first something, that something else must be done. And unfortunately, and I
1617 know, I can say I didn't write these proffers.

1618
1619 Mr. Marlles - Mr. Condlin, when the original rezoning though was submitted, I think
1620 the understanding of staff and the Commission was that the entire property would be subdivided.

1621
1622 Mr. Condlin - Right.

1623
1624 Mr. Marlles - Was that not so?

1625
1626 Mr. Condlin - Absolutely, it was the understanding of the sellers and the purchasers at
1627 that time, the applicants at that time.

1628
1629 Mr. Marlles - So what I'm getting at is the original intent though and I think what was
1630 presented was that the entire parcel was going to be subdivided, and I think the Commission, I think
1631 many members of Commission approved it on that basis.

1632
1633 Ms. Dwyer - I think it was without a doubt that's why it was approved. And there has
1634 been a subdivision, ...

1635
1636 Mr. Condlin - Yes, ma'am.

1637

1691
1692 Ms. Dwyer - That's not what happened.
1693
1694 Mr. Condlin - That is not at all what happened, no. And I understand that.
1695
1696 Ms. Dwyer - What we have is a subdivision on this 22 acres. And I think that there's
1697 a, just looking at it, and not having researched it, I would say there is a viable legal argument that the
1698 County has. If there has been a subdivision on the property that was rezoned, and that the County is
1699 due that road dedication.
1700
1701 Mr. Condlin - And I would agree with that, that there's potentially an argument.
1702 We've discussed that in the 15-acre case in the subdivision, that was a concern of the staff. They
1703 brought that up, and it was decided at that time, as I read to you in the minutes, that that was not, that
1704 that could not be done since it was off-site. Now, I wasn't involved in the original case. I can't tell you
1705 what the intent is. I can obviously read the intent; I think I would agree with you.
1706
1707 Ms. Dwyer - Well the intent is this proffer covers the entire 22 acres.
1708
1709 Mr. Condlin - But I think it is unfair to the Bannisters to allow the 15-acre site to not
1710 have to dedicate, and then make them dedicate when they are not, you know, subdividing their portion
1711 of the property.
1712
1713 Ms. Dwyer - Did they sell the whole 22 acres?
1714
1715 Mr. Condlin - No, they currently have the seven acres. They are the applicants in this
1716 case, because they hold the seven acres.
1717
1718 Ms. Dwyer - Did they own the whole parcel when it was original rezoned?
1719
1720 Mr. Condlin - I believe so. When it was zoned, you owned the property.
1721
1722 Mr. Bannister - Yes.
1723
1724 Mr. Condlin - Yes, I believe so.
1725
1726 Ms. Dwyer - So then they've had control over what happened to the property since...
1727
1728 Mr. Condlin - Well, I can't deny that. Yes ma'am. That's absolutely right.
1729
1730 Voice from the Audience - I have a questions, if I can.
1731
1732 Mr. Archer - Sir, you have to come up and identify yourself, please.
1733
1734 Mr. Luke Bannister - I'm half owner of this property. And at the time we purchased this piece
1735 of property, the concept road was described to me, I never saw a picture of it, as coming across the
1736 bottom of this piece of land, (referring to slide), mostly in the wetlands along a little creek line. If you
1737 see that line that is coming off, just up about right to where the concept road starts to turn, on the right
1738 hand side, you can see that it leaves a line there that if it came right straight on through and tied in over
1739 here, you could then subdivide the parcel of land up above it to the north. But as it is now, if that
1740 concept road comes through there, I don't even know if you would have a buildable lot for one house,
1741 much less subdivide the piece of property. And moving concept road, you could not even subdivide the
1742 whole 22 acres that was originally asked for as a subdivision. The road cuts off even making a

1743 subdivision if it was treated as 22 acres instead of this south 15. So, you've lost houses anyway
1744 regardless of whether it's one piece or two pieces.
1745
1746 Ms. Dwyer - Well, I don't want to belabor the point. I think that you have a point
1747 that there may be some room for negotiations because of the hardship caused by the moving of the
1748 road. But I don't think that it should equal no dedication of the road, in light of the fact that that was
1749 promised as part of the original rezoning. That is my point.
1750
1751 Mr. Jernigan - Well proffer number 11, this has been a tough case from day one, and
1752 the triggering of the road moving made a lot of difference. But we're not, the only proffer that we're
1753 looking to eliminate tonight is number 9, and that gives them access to Creighton Road, which I think is
1754 something that regardless of what happens down the road on number 11, they should have access to
1755 Creighton Road. Because if they don't, that land is worthless, and I don't think that we should leave any
1756 piece of property worthless for a landowner. So, Mr. Condlin and I are going to work to try to get the
1757 concept road maybe moved down where it was. I think we have a little wiggle room, but what we want
1758 to do tonight is just take care of proffer number 9.
1759
1760 Ms. Dwyer - But if proffer number 9 is eliminated, then one house can be put on the
1761 remaining property and no roadway has to be dedicated. So eliminating proffer...
1762
1763 Mr. Jernigan - Well, that's the way it stands right now. Changing number 9 is not going
1764 to change the way it is legally as far as number 11.
1765
1766 Ms. Dwyer - Then why do we want to remove 9?
1767
1768 Mr. Jernigan - So they can have access to Creighton Road.
1769
1770 Ms. Dwyer - So if they can have access, can the lot go, can a house be built on this
1771 lot?
1772
1773 Mr. Jernigan - If they don't have access?
1774
1775 Ms. Dwyer - Right.
1776
1777 Mr. Jernigan - No.
1778
1779 Ms. Dwyer - OK.
1780
1781 Mr. Jernigan - Because they, I mean...
1782
1783 Ms. Dwyer - Then the question is still, what I'm saying is if you eliminate 9 that
1784 allows these events to take place. That is, a house can be placed on that lot, it will not be subdivided
1785 itself, and therefore no road dedication will probably ever be required. If 9 is not removed then...
1786
1787 Mr. Jernigan - They still don't have to dedicate the road.
1788
1789 Ms. Dwyer - The County is still not giving something away, that it can't negotiate it
1790 later.
1791
1792 Mr. Jernigan - Well, they don't have to dedicate the road even if 9 is not eliminated.
1793
1794 Ms. Dwyer - Right, then it's not buildable.
1795

1796 Mr. Jernigan - Well, I don't think it's right to leave a piece of property with seven acres
1797 not, that we don't have access to.
1798
1799 Ms. Dwyer - Well, I'm not saying, I'm just suggesting that maybe this whole, all the
1800 issues ought to be resolved before anything else is given away by the County, since it looks like we may
1801 not get the road that was promised when the property was originally zoned.
1802
1803 Mr. Jernigan - Well, and to...
1804
1805 Ms. Dwyer - That's just my opinion.
1806
1807 Mr. Jernigan - It's a concept road, it may never be built, you know. But the Bannisters
1808 are aware of that possibility of that road coming through. It could be five years, two years or never, but
1809 what I would like to do is give them access to Creighton Road, and then we'll work in the future on 11
1810 and there's nothing to say that if we move the road down that there's not negotiations there that can get
1811 back to what the original case. I'm not saying that, but I'm saying it's the possibility. I think...
1812
1813 Mr. Householder - Can I make a suggestion?
1814
1815 Mr. Jernigan - Yes, let me just say that. What they're looking to do is get one buildable
1816 lot on seven acres with access to Creighton Road.
1817
1818 Mr. Householder - OK. Staff has thought about this case quite a bit. If, you know, if we're
1819 lending toward the fact that it might be approved as it is with just one proffer, we think that possibly the
1820 case should at least address reserving the right-of-way for this concept road.
1821
1822 Mr. Marlles - So what you're suggesting, Mr. Householder, is that if we are leaning,
1823 the Commission is lending toward approving it, at least there should be some sort of restriction or maybe
1824 agreement that the house would not be located within the right-of-way to be reserved for the future
1825 concept road.
1826
1827 Mr. Householder - Yes, that's exactly right.
1828
1829 Mr. Jernigan - Well, I don't know that we need to reserve a spot right now because
1830 we're not sure the road is, this is a concept road, we're not sure it's going to be in position that it is now.
1831 It could move back down a 100'. What I want to do is talk to Public Works and firm up, see what we can
1832 do as far as the concept road. Like I said tonight, you know, we weren't going to mess with number 11.
1833 We just wanted to clear up number 9, so they would have access to their property and work with Public
1834 Works to see what we can do on the concept road.
1835
1836 Mr. Archer - Mr. Jernigan. Just by way of suggesting, since there seems to be a level
1837 of discomfort with trying to put this through piece meal, might it not be better to defer it until you can
1838 have a conversation with Public Works and see if we can do it all at once? And again it's your decision,
1839 I'm just suggesting that.
1840
1841 Mr. Jernigan - Well, Mr. Archer, that conversation could take some time and if we take
1842 this property and at least give it access to Creighton Road, if they decided they wanted to sell the
1843 property, even the landowner coming in knowing that there's a concept road there would give it
1844 feasibility to sell. At this point right now they can't sell that property with no access from Creighton.
1845
1846 Mr. Archer - Yes, and I understand.
1847

1848 Mr. Jernigan - And I'm not saying for sure that they will do that, but they may do that.
1849 But I know that they're not going to build a house right now on it, and I think we have some time to
1850 work on the concept road.
1851
1852 Mr. Vanarsdall - And what you want to do is send it onto the Board and you have 30 days
1853 from now to do something else?
1854
1855 Mr. Jernigan - Just for the access to the property.
1856
1857 Mr. Vanarsdall - Tough.
1858
1859 Mr. Jernigan - And Mrs. Dwyer, I understand your situation on it. And what happened,
1860 and I missed one of these meetings and somewhere along the line something got misconstrued.
1861
1862 Ms. Dwyer - Well, what this means, I guess, I'm just setting here trying to think how
1863 to prevent this from happening again, is that whenever we rezone a piece of property...
1864
1865 Mr. Jernigan - It will not happen again in my district.
1866
1867 Mrs. Dwyer - ...you can't let it be.
1868
1869 Mr. Jernigan - I can say to that.
1870
1871 Mrs. Dwyer. Well I mean it can happen, because someone could come in and say,
1872 well I'm just going to do this phase right here and that doesn't include the concept road. So let's just
1873 subdivide parcel, this part of the parcel that was rezoned, and then, if for whatever reason the other part
1874 of that parcel is never subdivided, then the road never has to be dedicated. And that's clearly not what
1875 the intent of the original rezoning was.
1876
1877 Mr. Jernigan - And I understand that. And when I went into the meeting Tuesday, I
1878 was under the assumption that it had to be dedicated myself. I mean, that's the way I saw it. But Mr.
1879 Condlin, being the attorney that he is, found a loop, found where it states that only if that property is
1880 subdivided. So what we're doing is, it is not that we are trying to pull anything; it's the law.
1881
1882 Ms. Dwyer - Well, I would disagree with that, because I think I would argue that the
1883 requirement to dedicate this property is valid and alive because this property has been subdivided. So,
1884 I'm not sure I would agree with that understanding.
1885
1886 Mr. Jernigan - Well, I'm just going by what Mr. Condlin told me.
1887
1888 Mr. Condlin - If I may, regardless, and I am by no means any ultimate opinion on the
1889 law, but I do think that's the staff's position. Generally, is that if, just because you have a concept road
1890 doesn't mean you can't get a building permit on a piece of property. I think the unfortunate situation
1891 here that the 15-acre subdivision was approved under, the understanding that they did not have to
1892 dedicate the road because it was off-site. Now the Bannisters are here holding the bag, saying you can't
1893 even use your property because we let the other 15 acres go. Well, I think we should have closed this
1894 door before hand, and I know Randy is probably steaming back there because he and Dave O'Kelly, and
1895 the rest of the staff did at one time attempt to close the door, but the policy was, whatever reason the
1896 decision was changed and, you know, we had this discussion and I think it's unfair to the Bannisters to
1897 now impose upon them that which you didn't impose upon the original subdivision. And I have to say
1898 that we have tackled this, as we said before, by putting in the proffer to read upon the first subdivision,
1899 upon the first CO. We've done this before in other instances requiring certain property improvement and

1900 things of that nature where it puts in the time frame that when you apply for subdivision, any subdivision
1901 you must dedicate.
1902
1903 Phasing happens, funny things happen, environmental studies happen, wetland studies happen,
1904 subdivisions can be a funny thing, and you know these things could happen because of that language.
1905
1906 Mr. Jernigan - Mr. Condlin I tell you, I think I'm going to take Mr. Archer's advice.
1907 We've got to many problems here, and I think what I would like to do is, before this goes any further, to
1908 talk to Public Works and let's clear it up some.
1909
1910 Mr. Condlin - OK. Well, I don't have authority to defer the case.
1911
1912 Mr. Jernigan - Well, I do so. I mean, not sarcastically...
1913
1914 Mr. Condlin - I understand what...
1915
1916 Mr. Jernigan - I'm not going to ask them to do it. What I'm going to do is I will use my
1917 commission deferral to defer this for 30 days to, what is the next meeting, the 15th.
1918
1919 Mr. Marlles - Yes, our next meeting.
1920
1921 Mr. Archer - November 15th.
1922
1923 Mr. Jernigan - November 15th by request of the Commission.
1924
1925 Mr. Taylor - Second. I think that's a good alternative.
1926
1927 Mr. Archer - Motion by Mr. Jernigan, seconded by Mr. Taylor. All in favor of the
1928 motion say aye—all those opposed by saying nay. The vote is 5-0, Mr. Kaechele absent. The deferment
1929 is granted.
1930
1931 The Planning Commission deferred C-58C-01, Andrew M. Condlin for Martin J. Bannister/Luke O.
1932 Bannister, Sr. to its meeting on November 15, 2001.
1933
1934 Mr. Taylor: Before we turn the page, Mr. Chairman, I'd like to go back to the last
1935 sheet there because I did have one question. And that was with regard to the contours. Mr. Jernigan, it
1936 looks to me like this, the gray lump in here, is that a hollow area that has to be filled? Is that what is
1937 causing the pushing of that road up to the north?
1938
1939 Mr. Jernigan - Mr. Taylor, yes, the topo is pretty rough right there. What happened,
1940 they moved the road, not so much because of the topo, but to line up with Dabb's House Road. Dabb's
1941 House Road came up to neck to Hallwood Subdivision, that road is up a little closer, I guess, then what
1942 they anticipated. What I would like to see Public Works do is maybe, we found out that the County owns
1943 property, has a dedicated property where they can actually move the road down some.
1944
1945 Mr. Taylor - Yes, with all of that contour, with that open area, that it would seem to
1946 me, that filling that might be possible.
1947
1948 Mr. Jernigan - Yes.
1949
1950 Mr. Taylor - And then moving the road to its original location and with that, it seems
1951 to me everybody would win if we would fill that and allow that road to go to the south.
1952

1953 Mr. Jernigan - When, the reason that the 15 acres got taken out of the 22 was because
1954 the on-coming landowner was afraid of the fill that had been used and in case there was some hazardous
1955 materials, but there's not. So, that's what happened originally. But I think there is a possibility, like I say
1956 with that road moving 135', it did make a difference in the lay of the land. And I guess what we'll do is
1957 we'll just work to see if we move it back.
1958
1959 Mr. Taylor - I mean in a win-win situation might to be fill the hollow and move the
1960 road back and then you have access, as you would hope to both sides.
1961
1962 Mr. Jernigan OK.
1963
1964 Mr. Taylor - Anyway.
1965
1966 Mr. Archer - All right. Thank you for that discussion, Mr. Taylor. All right Mr.
1967 Secretary where are we?
1968
1969 Mr. Marlles: Mr. Chairman, our next case is in the Brookland District. This was
1970 deferred from the September 13, 2001 Meeting.
1971
1972 **Deferred from the September 13, 2001 Meeting**
1973 **P-11-01 Ralph Axelle, Jr. for The American Legion, Dept. of VA, Inc.:**
1974 Request for a provisional use permit under Sections 24-51.1(a) and 24-122.1 of Chapter 24 of the County
1975 Code in order to use the property and existing building as a meeting place and offices for the Virginia
1976 Division of the American Legion and the American Legion Auxiliary, on Parcel 93-A-11, containing 3.558
1977 acres, located on the east line of Bethlehem Road approximately 170 feet north of Dickens Road. The
1978 existing zoning is A-1 Agricultural District. The Land Use Plan recommends Government.
1979
1980 The staff report will be given by Mr. Tom Coleman.
1981
1982 Mr. Archer - Thank you, Mr. Secretary. Is there opposition to P-11-01? No
1983 opposition. Mr. Coleman.
1984
1985 Mr. Coleman - Revised PUP conditions have been distributed to you. This request is for
1986 a Provisional Use Permit authorizing the American Legion to use the existing building and property at
1987 5500 Bethlehem Road for their State Headquarters Office.
1988
1989 The property is zoned A-1 and currently serves as a meeting place and offices for two Masonic Lodges.
1990 Charles Johnson Elementary School and athletic fields border the property to the north, Christ
1991 Presbyterian Church to the east, and three single-family dwelling units lie adjacent to the subject
1992 property and would potentially be impacted by activities occurring on the site. The rest of the
1993 surrounding area is predominantly residential. The existing building is approximately 7,500 square feet
1994 and includes four offices and a meeting space for Masonic Lodge functions. The site has a large existing
1995 parking lot is partially wooded.
1996
1997 This application proposes to use the site for a similar use. However the applicant will convert a portion of
1998 the existing meeting space into additional office space. Five full time employees will work out of this
1999 location. The American Legion will conduct training and host area, regional, and statewide meetings
2000 here. As a result, the number of people using the facility on a daily basis and the number of people using
2001 this site for periodic training and meetings will be significantly more than the current owners.
2002
2003 The conditions recommended by staff address the concerns that arise from the additional people using
2004 this site. The conditions limit the amount of office space, limit the number of people using the facility for
2005 training and conferences, prohibit post meetings, limit hours of operation, limit and regulate changes to

2006 the building and the property and address many other issues. Overall, the site is not objectionable for
2007 the proposed use and the PUP conditions address the concerns arising from the increased use of this
2008 facility. Staff recommends approval of this application subject to the revised conditions. And I will be
2009 happy to answer any questions.

2010

2011 Mr. Archer - Thank you, Mr. Coleman. Are there questions for Mr. Coleman from the
2012 Commission?

2013

2014 Mrs. Dwyer - I wasn't clear, is the Legion going to use it in addition to the Masons or
2015 is the American Legion taking it over?

2016

2017 Mr. Coleman - The American Legion will be there, they're purchasing and taking it over.

2018

2019 Mrs. Dwyer - Sole user.

2020

2021 Mr. Vanarsdall - I would like to hear from the applicant, Mr. Chairman.

2022

2023 Mr. Archer - All right. Will the applicant come forward please? Mr. Condlin.

2024

2025 Mr. Condlin - Mr. Chairman, Members of the Commission, Andy Condlin from Williams
2026 Mullen. Not all my cases are difficult ones. Nor is this a tower case. I should get some benefit then I
2027 think as well. I have with me Caroline Browder from my firm who's helped me on the case as well as
2028 Dale Chapman, adjutant of the Department of Virginia of the American Legion. Just so you know, the
2029 American Legion is an organization for veterans of the US Arm Forces during wartime periods chartered
2030 by Congress in 1919 for patriotic and community service organizations. Nationally, there are 2.8 million
2031 members of the American Legion. This is, would be the meeting and administrative space for the Virginia
2032 Branch of the American Legion. It's called the department. It's about 52,000 members in the
2033 Commonwealth of Virginia, which consists of about 70-80 posts, and the districts would be underneath
2034 the department, which is a statewide. The districts have about 10-20 posts and then the post, which
2035 most of us are familiar with, which would be the local members for the American Legion. This building
2036 would again be for the meeting and administrative space for the Department of Virginia of the American
2037 Legion. It is not to be a meeting place for local post. I can't say that enough. If you look at condition
2038 number 3, it actually says that it can only be used by the American Legion Department of Virginia, and it
2039 does say the American Legion post meetings and activities are prohibited. Further number 6, alcoholic
2040 beverages are strictly prohibited and not only that, since they are prohibited they can't be served,
2041 consumed, or sold. So there is no doubt that this would only be used for again administrative and
2042 meeting spaces. The Virginia Department at a State level provides assistance to the posts and districts.
2043 It has programs related to membership, general programs, compliance with rules, lobbying. For
2044 example, the State Department is responsible for the Virginia War Memorial. They have multiple youth
2045 programs that they help facilitate through the post program, or through the post, such as scholarships,
2046 baseball leagues, Boys State and Boys Nation and the High School ROTC competitions. They host on a
2047 weekly basis; one or two meetings for various committees of the State level, such as internal affairs,
2048 lobbying membership, where they might have eight or so members from the State Department, the
2049 Virginia Department of the American Legion. On rare occasions up to 40, and once a year have more
2050 than 50 for the Day on the Hill. Also, with the American Legion, this building would also house the
2051 American Legion Auxiliary, which is part of the department, which a lot of people are familiar with. This
2052 building is a very unique building. It's a very unique property, and it's a very unique use. Currently used
2053 by the Masons, I must say that more and more in the recent years it's gone into disrepair, because the
2054 Masons have fewer and fewer members. The property is currently zoned A-1 and the Masons use of it is
2055 grandfathered. It is in the Land Use Plan for Governmental Use. So this is a non-profit agency, using it
2056 for meeting space and administration space, and we made the application, the American Legion made the
2057 application, to be able to clean up this issue, to make sure that it was clear that they could use this
2058 property for what they wanted to use it for. They do plan to do substantial improvements, to what I

2059 would say is a currently decaying building and property. And, such as improvements to the parking lot,
2060 to the entranceways, putting in some flagpoles, landscaping, adding some windows, handicap ramps,
2061 things of that nature. Almost exclusively all of the work will be done and the improvements will be done,
2062 as well, inside as well.
2063

2064 Having said that, there are a few issues with the conditions. These conditions with a Provisional Use
2065 Permit, I think what are there, there are 18 conditions. This is a pretty extensive case for what I
2066 consider somewhat of a minimal use. The conditions, the issues I have, and I would like to point them
2067 out, have to do with proffer number 10. It's the first one on the second page, I believe it is. There is no
2068 problem with the office space being limited to 2,300 square feet. The problem is, says the number of full
2069 time or full time equivalent employees, employed at this location shall be limited to 6. The reason that
2070 we have an issue with this is that we've already got a square foot limitation on office space limited to
2071 2,300 square feet. If you flip back to proffer number 2, we're limited to how many meetings we can
2072 have, and we are limited to the hours that we can have this facility opened for office uses. They are
2073 already limited and the same way the County, based on the last case has fears about attorneys such as
2074 myself finding loopholes, attorney's representing private users are concerned with how things are going
2075 to be interpreted, and, quite frankly, I have not a clue what full time and full time equivalent means as 6
2076 employees. Whether that means on the payroll, they do have some part-time folks. I don't know how
2077 you monitor that. And quite frankly it's just something we would like to have eliminated. Number 12, I
2078 think works both ways. Both to the County's advantage to change the wording a little bit and to the
2079 applicant's. What I would like to do, if you can follow along on number 12. It says, "Any new exterior
2080 lighting shall be designed and arranged to direct light and glare away from adjacent property and
2081 reduced after hours."
2082

2083 Mr. Vanarsdall - Mr. Condlin.

2084
2085 Mr. Condlin - Yes, sir.

2086
2087 Mr. Vanarsdall - May I interrupt you a minute?

2088
2089 Mr. Condlin - Absolutely.

2090
2091 Mr. Vanarsdall - You are on one set of proffers.

2092
2093 Mr. Condlin - I have the wrong set.

2094
2095 Mr. Vanarsdall - And so on the set of proffers, the final ones, it's number 13.

2096
2097 Mr. Coleman - Mr. Vanarsdall, Mr. Condlin is not in possession of the same. They were
2098 edited prior to being distributed to you so.

2099
2100 Mr. Vanarsdall - All right. The new has already been taken out.

2101
2102 Mr. Condlin - They're mind readers. They do pretty well.

2103
2104 Mr. Vanarsdall - The new is already gone.

2105
2106 Mr. Condlin - All right. OK, you already got me on that one.

2107
2108 Mr. Vanarsdall - The same thing, just different numbers.

2109
2110 Mr. Condlin - Yes. So it's number 13. So what we were concerned about, I think all
2111 exterior lighting should avoid being, having a glare on adjacent properties. The thing I would like to add

2112 at the very end of that was, well, I think they've already changed the language as well, where it says any
2113 exterior lighting added to the property shall be no more than 20', shall be concealed sources of light.
2114 There are a couple of lights out there that may or may not be deemed concealed sources that are
2115 currently existing. Certainly, I would think that the interpretation, unless you tell me otherwise would be
2116 that new lighting would be concealed sources. Any new lighting would obviously be 20'

2117
2118 Mr. Vanarsdall - Right.
2119

2120 Mr. Condlin - All right, I just want to be sure I'm reading that correctly based on the
2121 staff's interpretation. So again, we don't have an interpretational issue. The intent is that any new
2122 lighting would certainly, so there's no change on number 12, I don't believe. Finally on number 14, it
2123 says, "Only once per calendar year, see condition number 3, will overflow parking be permitted on the
2124 grass." The reason for that I believe is that only once per calendar year may we have a meeting where
2125 more than 50 people attend. We have 54 parking spaces on the current parking lot. We're required to
2126 maintain the parking lot; we're required to resurface the parking lot as part of this case. I will tell you
2127 this that there maybe plans to reduce the amount of parking. If you take a look at the square footage, if
2128 you consider this building an entire office building by the County Code, we would only need, I believe we
2129 calculated 32 or 34 spaces. Currently there are 54 spaces. I think it's to everyone's advantage to say,
2130 "hey" maybe we could make more green space, cut this in half. Because quite frankly on a day to day
2131 basis 95% of the year, 360 days out of the year, there would be no problems, there will be 8 or so cars
2132 out there at the most, but there may be an occasion more than once a year where they might want to
2133 park on the grass that they create by taking and reducing the parking lot. It seems to be a simple issue.
2134 These are the only conditions we have that we request to have change. Otherwise, we agree with all the
2135 conditions that would be requested by the staff. I believe this use could be a win-win for everyone. The
2136 Masons, everyone, I think, agrees, are not able to keep up the property and it is deteriorating. We had a
2137 number of neighbors, number 4, I don't have many people in support of a case that actually comes. So if
2138 I get more than one I concern that a great number. They had to leave because the case was so late and
2139 so, but they were here in support of the case. The Masons can now get a viable return on the property.
2140 There's a 7,500 square foot building in the middle of this property. It's in the Land Use Plan for
2141 government; I'm not sure what else it could be used for other than a use very similar to what we're
2142 talking about here. There will be some, but very minimal, day-to-day activity. This is, I believe, we've
2143 meet all jurisdictional prerequisites.

2144
2145 Mr. Archer - All right. Thank you.

2146
2147 Mr. Condlin - All jurisdictional prerequisites, you want to just check on number 14.

2148
2149 Mr. Vanarsdall - I've never had a case with that many copies of proffers.

2150
2151 Mr. Condlin - Well, I was on my conclusion here. I had a real crescendo coming here.
2152 I think this use is consistent with the existing use, compatible with the neighborhoods, and quite frankly I
2153 think it's consistent with the Land Use Plan, calling for Governmental use, or at least as close to
2154 consistent as we can without it being actual Governmental use. The last case, I seem to have quite a
2155 few of the last cases recently, so I'll be quiet and I'll be happy to answer any questions you might have.
2156 And request that you recommend this to the Board of Supervisors for approval with the conditions as
2157 we've requested to be changed.

2158
2159 Mr. Archer - Thank you, sir. Are there questions from the Commission? Comments?

2160
2161 Mr. Taylor - I have one Mr. Chairman. It relates to earlier, Mr. Vanarsdall's earlier
2162 statement. I think that you said that one of the prerequisites for it being an American Legionnaire is
2163 service to our Country during wartime.

2164

2165 Mr. Condlin - During wartime periods, I believe this is considered a wartime period. I
2166 believe during the Gulf War and continuing on from the Gulf War because there's still action that, that's
2167 considered a war. I used my own phrase, but it's a wartime period.
2168

2169 Mr. Taylor - As I count there are 7/8 people here, affiliated with the American Legion.
2170 Am I correct?

2171

2172 Members of the
2173 American Legion - Yes, sir.
2174

2175 Mr. Taylor - Of that there are World War II Veterans?
2176

2177 Members of the
2178 American Legion - Yes, sir.
2179

2180 Mr. Taylor - Would you raise your hands?
2181

2182 Members of the
2183 American Legion - (Hands raised).
2184

2185 Mr. Taylor - That plaque is for you. (Applause)
2186

2187 Mr. Vanarsdall - Very good.
2188

2189 Mr. Archer - All right. Any further questions from the Commission? Comments?
2190

2191 Mr. Vanarsdall - Thank you, Mr. Condlin.
2192

2193 Mr. Taylor - And thank you for your service.
2194

2195 Mr. Vanarsdall - I appreciate all the American Legion coming out tonight. Don, you did a
2196 good job getting all your...and Dale Chapman, Mr. Chapman who just stood up is the Adjutant General of
2197 the State for American Legion. He travels continuously and he didn't have any idea when we took that
2198 job he was going to have to get into zoning, and proffers. Let me begin by saying it seems like we tried
2199 to put a lot of conditions and trying to sew you all up really good. Their State Headquarters is on
2200 Chantilly Street now, it's behind the Crazy Greek, it's probably the most noted way to put it, in the City of
2201 Richmond. They have 11 parking spaces. So I guess whether you have 32 or 48 you're really... This
2202 Masonic Lodge that's been there since a long time. Masonic Lodge Number 10 and 36 met in this
2203 building and the reason we were so restricted, was so strict on it, is it's sandwiched between the School,
2204 Charles Johnson School and the Church. Mr. and Mrs. Davis were over here earlier in the evening, who
2205 live next door. I went to see them one Saturday afternoon, and they have no objection, no one has any
2206 objection, I talked to the minister. That's the reason we restricted the alcohol, so forth like that. The
2207 only thing we're concerned about is that the Masonic Lodge did not meet regularly with staff people. And
2208 so that's why we put a lot of things on there. And we appreciate your cooperation on it.
2209

2210 I would, I'll go ahead and make the motion and then change those things that Mr. Condlin talked about.
2211 I move that P-11-01 be recommended to the Board of Supervisors for approval and I want to change
2212 condition number 15. I want to delete, it looks like the third sentence, "Only once per calendar year will
2213 overflow parking be permitted on the grass". Then on number, go back up to number 10, the last
2214 sentence I'd like omit/delete, "The number of full time employees employed at this location to be limited
2215 to 6".
2216

2217 Mr. Archer - You want to delete that altogether?

2218
2219 Mr. Vanarsdall - Delete that too. I don't think you can have more than six or seven in
2220 there anyway. Could you, Mr. Chapman?
2221
2222 Mr. Chapman - No sir. The only way that we would ever have more than that would be,
2223 much larger growth than what we've been experiencing, although we did experience this past year
2224 almost a 3% increase in membership. When I came on board last year, I eliminated one person on the
2225 staff, as it was anyway. I combined two jobs, just being a little bit more efficient. But there is a
2226 possibility that sometime in the future I may need a couple more of employees. And, but we are limited
2227 on the office space in one of the other provisions there. So it's going to eliminate, limit the number of
2228 people I can have anyway, as an employee there so. Six or eight, right now we're at five full-time
2229 employees, one part-time and then there's a possibility of a couple more down the road.
2230
2231 Mr. Vanarsdall - Thank you.
2232
2233 Mr. Archer - All right.
2234
2235 Mr. Vanarsdall - You see how he got his job. He was giving a sales pitch about how
2236 much the membership increased and everything. Sitting directly behind him is the finance man, Don
2237 Johnson. I was making a motion to recommend approval of P-11-01 to the Board of Supervisors with the
2238 following condition changes and conditions 1 through 18 and the annotations on plan.
2239
2240 Mr. Taylor - Second.
2241
2242 Mr. Archer - Motion by Mr. Vanarsdall, seconded by Mr. Taylor. All in favor of the
2243 motion say aye—all those opposed by saying nay. No opposition, the recommendation will be made
2244 before the Board. The vote was 5-0. Mr. Kaechele was absent.
2245
2246 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission voted
2247 5-0 (one absence) to recommend that the Board of Supervisors **grant** the request because, when
2248 properly developed and regulated by the recommended special conditions, it would not be detrimental to
2249 the public health, safety, welfare and values in the area.
2250
2251 Mr. Vanarsdall: This will come before the Board on the 13th.
2252
2253 Mr. Archer - Mr. Vanarsdall, some of the good guys are wearing black hats.
2254
2255 Mr. Archer - All right. Mr. Secretary is there any thing further on this agenda.
2256
2257 Mr. Marlles - No, sir.
2258
2259 Mr. Archer - Well with that, I entertain the motion for adjournment. All right.
2260
2261 Ms. Dwyer - I move we adjourn.
2262
2263 Mr. Jernigan - Second.
2264

2264
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2277

We have a motion by Mrs. Dwyer, seconded by Mr. Jernigan. The Planning Commission adjourned its meeting at 9:45 p.m. on October 11, 2001.

Chris W. Archer, C.P.C., Chairman

John R. Marlles, AICP, Secretary