

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. April 10,
4 2014. Display Notice having been published in the Richmond Times-Dispatch on
5 March 24, 2014 and March 31, 2014.
6

Members Present: Mr. Eric S. Leabough, C.P.C., Chairman (Varina)
Mr. Robert H. Witte, Jr., Vice-Chairman (Brookland)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mrs. Bonnie-Leigh Jones, C.P.C., (Tuckahoe)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. David A. Kaechele,
Board of Supervisors' Representative

Member Absent: Mr. Tommy Branin (Three Chopt)

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. William Moffett, County Planner
Mr. Kenny Dunn, Assistant Chief, Division of Fire
Mr. John Cejka, County Traffic Engineer, Public Works
Ms. Kim Vann, County Planner, Police
Ms. Sylvia Ray, Recording Secretary

7
8 **Mr. David Kaechele, the Board of Supervisors' representative, abstains on**
9 **all cases unless otherwise noted.**

10
11 Mr. Leabough - I call this meeting of the Henrico County Planning
12 Commission to order. This is our April 10th Rezoning meeting. Welcome. I ask
13 that before we get started you mute or silence your cell phones. And once you've
14 done that, please rise for the Pledge of Allegiance.

15
16 Is there anyone in the audience from the news media? Welcome.

17
18 Mr. Branin, who's the planning commissioner for the Three Chopt District, is not
19 able to be with us tonight. But we have Mr. Kaechele, who is on the Board of
20 Supervisors from the Three Chopt District. So welcome, Mr. Kaechele.

21
22 Mr. Kaechele - Thank you.
23

24 Mr. Leabough - We have a quorum and we can conduct business. I'd like to
25 now turn the agenda over to Mr. Emerson, our secretary.

26

27 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda tonight are
28 the requests for withdrawals and deferrals. Those will be presented by Mr. Jim
29 Strauss.

30

31 Mr. Strauss - Thank you, Mr. Secretary. This evening we have one
32 request for withdrawal of a case. It's in the Brookland District, page two of the
33 agenda. That is case REZ2014-00007, Wilton Acquisition, LLC. The applicant
34 has requested to withdraw this case and no action is required by the Planning
35 Commission.

36

37 **(Deferred from the March 13, 2014 Meeting)**

38 **REZ2014-00007 Wilton Acquisition, LLC:** Request to conditionally
39 rezone from M-1 Light Industrial to RTHC Residential Townhouse District
40 (Conditional) Parcels 777-742-4840, -5527, -6412, -3702, and 777-741-7198
41 containing 8.295 acres, located on the north and south lines of Gresham Avenue
42 approximately 665' west of its intersection with Byrdhill Road. The applicant
43 proposes a residential townhouse development of no more than 55 units. The
44 RTH District allows a maximum density of nine (9) units per acre. The use will be
45 controlled by zoning ordinance regulations and proffered conditions. The 2026
46 Comprehensive Plan recommends Light Industry.

47

48 REZ2014-00007, Wilton Acquisition, LLC, was withdrawn at the request of the
49 applicant.

50

51 Mr. Strauss - Moving on to the deferrals. Staff is aware of one
52 request for deferral for deferral this evening. It's in the Brookland District also. It's
53 on page one of the agenda. It's case REZ2014-00005, Nobility Investments, LLC.
54 The applicant is requesting a deferral to the May 15, 2014 meeting.

55

56 **(Deferred from the March 13, 2014 Meeting)**

57 **REZ2014-00005 Andrew M. Conclin for Nobility Investments, LLC:**
58 Request to amend proffered conditions accepted with Rezoning Case C-46C-83
59 on Parcel 768-747-0824 located on the north line of Glenside Drive
60 approximately 385' west of its intersection with Bethlehem Road. The applicant
61 proposes to replace all proffers to allow hotels as a permitted use. The existing
62 zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan
63 recommends Commercial Arterial.

64

65 Mr. Leabough - Is there anyone here in opposition to the deferral of
66 REZ2014-00005, Andrew M. Conclin for Nobility Investments, LLC? No
67 opposition.

68

69 Mr. Witte - Mr. Chairman, I move for deferral of case REZ2014-
70 00005, Andrew M. Condlin for Nobility Investments, LLC, to the May 15th
71 meeting, at the request of the applicant.

72
73 Mr. Archer - Second.

74
75 Mr. Leabough - We have a motion by Mr. Witte, a second by
76 Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
77 passes.

78
79 At the request of the applicant, the Planning Commission deferred REZ2014-
80 00005, Andrew M. Condlin for Nobility Investments, LLC, to its meeting on May
81 15, 2014.

82
83 Mr. Emerson - Mr. Chairman, that completes the requests for
84 withdrawals and deferrals. Next on your agenda are the requests for expedited
85 items, and you do have one of those this evening as well. That will be presented
86 by Mr. Jim Strauss.

87
88 Mr. Strauss - As the secretary said, we do have a request for
89 approval on the expedited agenda this evening. It's on page three of your
90 agenda. It's in the Fairfield District, REZ2014-00017, HHHunt Providence LLC.
91 This is a request to rezone 15.8 acres from the R-3C One-Family Residence
92 District and the RTHC Residential Townhouse District to the C-1C Conservation
93 District. This is a required of Proffer 3 of the original rezoning case C-8C-12 to
94 rezone the floodplain area to C-1. Staff is recommending approval, and we're not
95 aware of any opposition.

96
97 **REZ2014-00017 Youngblood, Tyler & Assoc. for HHHunt**
98 **Providence LLC:** Request to conditionally rezone from R-3C One-Family
99 Residence District (Conditional) and RTHC Residential Townhouse District
100 (Conditional) to C-1C Conservation District (Conditional) parts of Parcels 775-
101 765-2697 and 774-765-4773 containing 15.8 acres, located on the west line of
102 Woodman Road approximately 1425' south of its intersection with Mountain
103 Road. The applicant proposes a conservation district. The use will be controlled
104 by zoning ordinance regulations and proffered conditions. The 2026
105 Comprehensive Plan recommends Environmental Protection Area, Suburban
106 Residential 2 (density should not exceed 3.4 units per acre), and Urban
107 Residential (density from 3.4 - 6.8 units per acre).

108
109 Mr. Leabough - Is there anyone here in opposition to REZ2013-
110 00017, Youngblood, Tyler & Associates for HHHunt Providence LLC? There's no
111 opposition.

112

113 Mr. Archer - Mr. Chairman, I move that REZ2013-00017,
114 Youngblood, Tyler & Associates for HHHunt Providence LLC, be forwarded to
115 the Board with a recommendation for approval.

116

117 Mrs. Jones - Second.

118

119 Mr. Leabough - We have a motion by Mr. Archer, second by
120 Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
121 passes.

122

123 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs.
124 Jones, the Planning Commission voted 4-0 (one absent, one abstention) to
125 recommend the Board of Supervisors **grant** the request because it conforms to
126 the recommendations of the Land Use Plan.

127

128 Mr. Emerson - Mr. Chairman, that now moves us into the regular
129 agenda with your first item.

130

131 **(Deferred from the March 13, 2014 Meeting)**

132 **REZ2013-00002** **Cameron Palmore for Yunus Vohra:** Request to
133 conditionally rezone from A-1 Agricultural District and R-2A One-Family
134 Residence District to R-2AC One-Family Residence District (Conditional) Parcels
135 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929 containing 5.14
136 acres, located on the south line of Hungary Road at its intersection with Hastings
137 Mill Drive. The applicant proposes a single-family residential development not to
138 exceed ten residential units. The R-2A District allows a minimum lot size of
139 13,500 square feet and a maximum gross density of 3.22 units per acre. The use
140 will be controlled by proffered conditions and zoning ordinance regulations. The
141 2026 Comprehensive Plan recommends Suburban Residential 2; density should
142 not exceed 3.4 units per acre. The staff report will be presented by Mr. Seth
143 Humphreys.

144

145 Mrs. Jones - Before we begin, Mr. Secretary, I need to note for the
146 record that I won't be discussing or voting on this case due to a representational
147 conflict.

148

149 Mr. Leabough - So noted. Is there anyone here in opposition to
150 REZ2013-00002, Cameron Palmore for Yunus Vohra? We have opposition.
151 Mr. Humphreys?

152

153 Mr. Humphreys - Thank you, Mr. Chairman and commissioners.

154

155 This request is to rezone approximately 5.14 acres from A-1 and R-2A to R-2AC
156 to allow for the development of single-family residences. The site is designated
157 Suburban Residential 2 in the 2026 Comprehensive Plan. And the applicant's

158 request for a maximum of ten lots would equate to approximately two units per
159 acre, which is below the recommended density.

160

161 Development within the immediate area consists primarily of single-family
162 subdivisions with the exception of a few A-1 zoned lots to the west and south.
163 The A-1 zoned property to the west includes a place of worship. To the south are
164 three single-family homes on large acreage lots and a portion of Hungary Ridge
165 subdivision zoned R-5C. To the north, directly across Hungary Road, is the
166 Brittany subdivision, zoned R-2AC.

167

168 The applicant has submitted proffers to assure several quality aspects of the
169 development including, but not limited to:

170

- 171 • A maximum of ten lots;
- 172 • A minimum finished floor area of 2,100 square feet;
- 173 • Specific siding, roofing, driveway, and fencing materials;
- 174 • Brick or stone foundations;
- 175 • A minimum of one-car garages with clear space dimension;
- 176 • Hours of construction; and
- 177 • Landscaping and a planting easement along Hungary Road.

178

179 Overall, this request is consistent with the land use recommendation of the 2026
180 Comprehensive Plan and would continue the residential development pattern in
181 the area. The applicant has also provided a number of assurances to help define
182 the development's overall quality and mitigate potential impacts.

183

184 For these reasons, staff is supportive of this request. However, staff notes there
185 is a lawsuit regarding the ownership of this property before the Circuit Court for
186 the County of Henrico. As a measure of caution and consistent with the Planning
187 Commission assigned duty to review changes to district boundaries shown on
188 the County zoning maps, staff recommends the Planning Commission use their
189 ability to defer—to move this case to the May 15, 2014, Planning Commission
190 meeting.

191

192 This concludes my presentation. I will be happy to take any questions.

193

194 Mr. Leabough - Are there questions from the Commission for
195 Mr. Humphreys? Okay. Before we move forward, Mr. Emerson, would you mind
196 reading our rules for speaking at a public hearing?

197

198 Mr. Emerson - Yes, Mr. Chairman. As you noted, the Commission
199 does have guidelines for the public hearing process, and they are as follows: The
200 applicant is allowed ten minutes to present the request, and time may be
201 reserved for responses to testimony. Opposition is allowed ten minutes to
202 present its concerns. These ten minutes are cumulative for all of those opposed.
203 The Commission questions do not count into the time limits. The Commission

204 may waive the time limits for either party at its discretion, and the comments
205 must be directly related to the case under consideration.

206
207 Mr. Leabough - Thank you. Mr. Witte?

208
209 Mr. Witte - I think I'd like to hear from the opposition first.

210
211 Mr. Leabough - Would the opposition please come forward? And
212 please keep in mind the rules that Mr. Emerson just read.

213
214 Mr. Corrigan Thank you, sir. My name is David Corrigan. I'm an
215 attorney. I'm representing Sylvia Wright, who is a person who lives in that house
216 behind where this development is being contemplated. The opposition that I'm
217 raising is that there is this lawsuit, which was mentioned by Mr. Humphreys. And
218 the case is *Eunice Vohra vs. Sylvia Hoehns Wright*, case number CL 13 29 12.
219 Originally filed by Mr. Vohra, Ms. Wright has filed counter claims. And directly at
220 issue in the lawsuit is the question of the ownership of a private road which runs
221 right through the middle of the—what you see here in this proposed
222 development. It's called Hoehns Road. And there's a question of who owns
223 Hoehns Road. And with that lawsuit pending—with the question of ownership of
224 Hoehns Road pending in this lawsuit, I would ask that the Commission not take
225 this up today because there's a question of ownership.

226
227 Judge Harris has the case. We have demurrer hearings on May the 12th, and we
228 will have a hearing before him to address this issue of ownership on June 20th.
229 So it's not too far out that this issue would be addressed. But that's what I came
230 forward today to talk to you about is to address the question of whether this
231 should go forward today given that there's a question of ownership of a portion of
232 the parcel at issue pending at the time that you're considering whether to rezone
233 it or not. Thank you.

234
235 Mr. Witte - Excuse me. Mr. Corrigan?

236
237 Mr. Corrigan Yes sir.

238
239 Mr. Witte - This is already filed in Henrico Circuit Court?

240
241 Mr. Corrigan Yes sir.

242
243 Mr. Witte - And it's May—

244
245 Mr. Corrigan May 12th is the demurrer hearing, which probably
246 won't affect the ownership question. June 20th is when Judge Harris will take up
247 the substantive issues of who owns the road and the effects of the easements
248 and other issues that are in play with respect to this piece of land.

249

250 Mr. Witte - Thank you.
251
252 Mr. Corrigan Thank you.
253
254 Mr. Archer - Mr. Corrigan, before you leave. Apparently there is
255 more than one entity that thinks it owns this road.
256
257 Mr. Corrigan Yes.
258
259 Mr. Archer - Are you liberty to tell us who they are?
260
261 Mr. Corrigan Well, in the lawsuit the question is—it's not whether
262 Ms. Wright owns it or not, it is the presentation in the evidence and in the
263 pleadings that we filed is that it is actually owned by a trust of an estate that—
264 when Mr. Vohra bought the two pieces of land on either side of the road, he did
265 not buy the road itself. So it reverted back to—it's actually Ms. Wright's—I think
266 it's her grandmother who owned it previously.
267
268 Mr. Archer - Okay.
269
270 Mr. Corrigan Thank you.
271
272 Mr. Archer - Thank you.
273
274 Mr. Leabough - Is there other opposition? Please come forward. And
275 remember, please state your name for the record.
276
277 Mr. Wray - John Wray. And I also live on Hoehns Road. And
278 that's W-r-a-y. On page two, section four of this, it states that to the south of the
279 proposed subdivision that there are three single-family homes on large acres.
280 Well there happens to be nine homes on large acres, not three. So that's a
281 misstatement. And the statement is not complete. And we are requesting that
282 only six houses be built—if this subdivision's approved now or at a later date—at
283 about 0.8 acres, about eight-tenths of an acre each so they will conform to the
284 existing houses on Hoehns Road. All the houses on Hoehns Road have an acre
285 or more. The house I have has three and a half acres, and some of the other
286 houses have large acreage too.
287
288 The ten houses close together at the beginning of Hoehns Road would lower the
289 value of the existing nine homes that are on this private road. That's my belief.
290 And we request that when this subdivision is approved, if it is approved, that
291 Hoehns Road would be left open at all times during construction because it's the
292 only entrance and exit we have to get in and out of the nine homes on this road.
293 It's a private road.
294

295 And we request that the present entrance gate on Hoehns Road, when it's torn
296 down, to be rebuilt with something very similar to it at the new beginning of
297 private Hoehns Road at the end of the subdivision.
298

299 And we request that the—they don't show it on this, but on the drawings they've
300 made for the subdivision it shows where the cul-de-sac at the end of the
301 subdivision and New Hoehns Road begins there would be a turn that would not
302 be very amenable to us. They could just straighten that out somewhat and make
303 a straighter entrance into Hoehns Road so we don't have to make a right turn to
304 get on our new private road.
305

306 And what's going to happen to the old house that's on one of the lots at the
307 beginning of the subdivision? Is it just going to be demolished? At the present, it
308 won't conform to anything around there. It's just a small old house. It wouldn't
309 conform to the rebuilding of anything.
310

311 Thank you.

312
313 Mr. Leabough - Thank you.

314
315 Mr. Witte - Mr. Wray. Explain to me what you want done in the
316 front of the subdivision, the existing homes. You wanted something built?
317

318 Mr. Wray - Yes. At present, if you've been over to look at this
319 proposal and you've come onto Hoehns Road, there's an entrance gate, a brick
320 entrance gate, a brick structure on each side of the road announcing the
321 subdivision, Hoehns Road subdivision. Well, that will have to be torn down in
322 order to build a county road there. Well, we are asking that when it's torn down,
323 it'll be rebuilt at the beginning of the new starting of Hoehns Road, which is a
324 private road.
325

326 Mr. Witte - So you don't want it up on Hungary Road—
327

328 Mr. Wray - Oh no, no. No. I want it where—right now it—
329 whenever this is approved for the subdivision, or if it's ever approved, they'll have
330 to tear that down and put a county road through there, through the subdivision.
331 Then Hoehns Road will start at the end of the subdivision again, the private road.
332

333 Mr. Witte - Thank you, sir.
334

335 Mr. Wray - Thank you.
336

337 Mr. Leabough - As you're approaching the podium, sir, you all have
338 about five minutes remaining. I just wanted to remind you of that.
339

340 Mr. Lucas - William Lucas, Jr. I live on Hoehns Road also. I just
341 had one quick item I wanted to address. In the zoning staff report that you guys
342 have, there's one inaccuracy that may make a difference as to the calculations
343 for schools and density and what have you that I wanted to let you know about.
344 On page two, there is mention of three houses south of Hoehns Road; it's
345 actually nine houses. So I think that needs to be factored into that report to make
346 sure it's accurate as far as the way they calculated it.

347
348 Mr. Leabough - I think Mr. Wray just mentioned that to us.

349
350 Mr. Lucas - He may have. Thank you.

351
352 Mr. Witte - Thank you.

353
354 Mr. Leabough - Thank you, sir. Is there anyone else here in
355 opposition? Okay.

356
357 Mr. Witte - May I speak to the applicant?

358
359 Mr. Leabough - Yes. Would the applicant please come forward?

360
361 Mr. Palmore - Good evening, Mr. Chairman, Planning
362 commissioners. My name is Cameron Palmore from Balzer and Associates,
363 representing the applicant tonight.

364
365 We have filed proffers that are consistent with current development standards
366 and providing standards for the quality development that's expected in Henrico
367 County. This case was originally to be heard in September and has been
368 deferred multiple times to answer—to address the questions of the ownership.
369 From our property research, we have found no evidence of ownership by others.
370 We do acknowledge there is an existence of an easement that would be—an
371 access would be provided through the new public road. To address one of the
372 questions of access during construction, that would be something that we would
373 provide, access. It may not be along the existing alignment of Hoehns Road
374 because what we're proposing is new construction in that area. But we would
375 have to provide access for them throughout the construction.

376
377 As mentioned, there was a case filed in the courts in late January to resolve the
378 ownership. I believe Mr. Corrigan mentioned dates of those hearings. Until
379 yesterday, the County attorney's office had no problem with us moving forward
380 with this after some initial questions were answered. We were notified yesterday
381 that the attorney's office now had a concern. But from a land use standpoint, we
382 feel that this case should be voted on and sent to the Board of Supervisors
383 where the final zoning action will be taken.

384

385 I guess to address some of the other questions, I think that we certainly would be
386 able to relocate the sign to the proposed cul-de-sac. The existing sign, I thought
387 we certainly should be able to move that back to where the private road would
388 then continue.

389

390 As far as the alignment at the end of the cul-de-sac, nothing is set in stone at this
391 point. We can certainly work with the neighbors to provide an amenable access.
392 That's something that we've tried to do from different layouts.

393

394 The house at the front, I don't know what the disposition of that would be. It
395 would be on one of the new created lots, but it is an existing home so I don't
396 know what the disposition of that would be at this time.

397

398 Other than that, like I said, we've submitted proffers consistent with the
399 development standards here in Henrico. And we would ask for your favorable
400 vote in moving this forward.

401

402 Mr. Witte - Mr. Palmore.

403

404 Mr. Palmore - Yes sir.

405

406 Mr. Witte - The existing house that's going to be on one of those
407 lots, does that meet all the proffers that you're agreeing to?

408

409 Mr. Palmore - No sir, I do not believe so. I believe there's a
410 separability clause in the proffers.

411

412 Mr. Witte - I have a little problem with that.

413

414 Mr. Palmore - I understand.

415

416 Mr. Witte - If it's part of the rezoning, I think it should be brought
417 up to the—

418

419 Mr. Palmore - Well we can certainly discuss that with our client.

420

421 Mr. Witte - Okay. Thank you.

422

423 Mr. Leabough - Any other questions for Mr. Palmore?

424

425 Mr. Palmore - Thank you.

426

427 Mr. Witte - All right. Mr. Chairman, in light of the situation with the
428 pending litigation, I have a difficult time moving this case forward on a property
429 that may or may not have the proper ingress. So I'm going to move for deferral of

430 case REZ2013-00002, Cameron Palmore for Yunus Vohra, to the May 15, 2014,
431 meeting, at the request of the Planning Commission.

432

433 Mr. Leabough - Second. We have a motion by Mr. Witte, a second by
434 Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the
435 motion passes.

436

437 Mrs. Jones - I abstain.

438

439 Mr. Leabough - Mrs. Jones abstains.

440

441 The vote was as follows:

442

443 Mr. Leabough - Yes

444 Mr. Witte - Yes

445 Mr. Archer - Yes

446 Mr. Branin Absent

447 Mrs. Jones Abstain

448

449 **(Deferred from the March 13, 2014 Meeting)**

450 **REZ2014-00006 Hank Wilton for Wilton Acquisition, LLC:** Request
451 to conditionally rezone from R-3 One-Family Residence District to RTHC
452 Residential Townhouse District (Conditional) Parcels 768-751-4119, -2435, -
453 0638, -1362, 767-750-8298, 767-751-8651, and 768-750-0490 containing 24.54
454 acres, located on the south line of Wistar Road approximately 160' west of its
455 intersection with Walkenhut Drive. The applicant proposes a residential
456 townhouse development of no more than 109 units. The RTH District allows a
457 maximum density of nine (9) units per acre. The use will be controlled by zoning
458 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
459 recommends Suburban Residential 2; density should not exceed 3.4 units per
460 acre. The staff report will be presented by Ms. Rosemary Deemer.

461

462 Mr. Leabough - Good evening, Ms. Deemer.

463

464 Ms. Deemer - Good evening.

465

466 Mr. Leabough - Is there anyone here in opposition to REZ2014-0006,
467 Hank Wilton for Wilton Acquisition, LLC? We have opposition. Ms. Deemer.

468

469 Ms. Deemer - Good evening, Mr. Chairman, members of the
470 Commission, Mr. Kaechele.

471

472 The applicant is requesting to rezone 24.54 acres from R-3 One-Family
473 Residence District to RTHC Residential Townhouse District (Conditional) to allow
474 the construction of 109 townhomes. The property is bounded by single- and

475 multi-family development to the north, south and east, and a vacant, wooded
476 parcel to the west.

477

478 Adjacent zoning in the immediate area is also a combination of single- and multi-
479 family zoning districts. Commercially zoned property owned by Dominion Power
480 abuts the southern end of the property.

481

482 The 2026 Comprehensive Plan recommends Suburban Residential 2 at a density
483 not to exceed 3.4 units per acre.

484 The applicant has submitted proffers to assure several quality aspects of the
485 development including, but not limited to:

486

- 487 • A proffered concept plan;
- 488 • No more than 109 units, which equates to an equivalent density of
489 4.44 units per acre;
- 490 • Average home size of 1,800 square feet;
- 491 • Exterior materials limited to brick, stone, and/or vinyl siding with at
492 least 30 percent of the front façade in the aggregate being brick or
493 stone;
- 494 • A twenty-foot buffer along Walkenhut Estates and a twenty-five-foot
495 buffer along Wistar Road;
- 496 • A six-foot white vinyl fence adjacent to Walkenhut Estates, along the
497 western property line and along the southern development area; and
- 498 • Elevations, an entrance feature, and a four-foot sidewalk along
499 Wistar Road.

500

501 The proposed use is consistent with the residential use/though not entirely
502 consistent in terms of the density and type of units recommended in the
503 Comprehensive Plan. Staff believes the request could be enhanced if the
504 applicant would reduce the density to be more consistent with the
505 recommendation of the Plan, but given the existing multi-family in the area, this
506 request could be acceptable.

507

508 Staff also recommends the applicant denote the location of the various size
509 townhomes on the concept plan and proffer architectural features on the sides of
510 end units to break up the visual mass. Staff supports the request.

511

512 I'd be happy to answer your questions.

513

514 Mr. Leabough - Are there any questions for Ms. Deemer?

515

516 Mr. Witte - No. Thank you, Ms. Deemer.

517

518 Mr. Leabough - Thank you. All right. How would you like to proceed,
519 Mr. Witte?

520

521 Mr. Witte - The opposition, please.

522

523 Mr. Leabough - Okay. Would the opposition please come forward and
524 please state your name for the record. Please keep in mind the rules for public
525 speaking that Mr. Emerson read earlier.

526

527 Mr. Vye - My name is Bud Vye (V-y-e), 3015 Birchbrook Road. I
528 and my neighbors who live on Birchbrook and Elmbrook all will come by this
529 property at least once or twice a day on our way out to Broad Street. For years,
530 we have been complaining about no sidewalk along Wistar Road. There is a
531 tremendous amount of foot traffic on Wistar Road going in both directions: to
532 Staples Mill Road, which is not affected by this project, but to Broad Street
533 there's an awful lot of foot traffic going out there from Wistar Gardens Apartments
534 primarily, but from other areas also. And we desperately need a sidewalk along
535 there. Now I see a sidewalk is proffered. Other than that, I'm not really concerned
536 about the layout of this development.

537

538 But this sidewalk really should stay in so we can get them off the road. There is
539 no shoulder along Wistar Road at all. No shoulder. And a lot of it has a ditch right
540 alongside. So the people that are walking have to walk in the roadway. It's a real
541 problem. We've not had anybody killed yet, but you have to pay attention when
542 you're driving there because there are people walking there all the time. So I
543 would like to see this stay in. It did not stay in for Wister Place, which has now
544 just started under construction. I understand that was proffered to have
545 sidewalks, and that was removed. Please don't remove this. Leave the sidewalk
546 in there. That's one link in the sidewalk between Staples Mill and Broad Street,
547 and we may live to see it completed all the way. But this is a good start. Thank
548 you.

549

550 Mr. Leabough - Are there questions for Mr. Vye?

551

552 Mr. Witte - Thank you, sir.

553

554 Mr. Leabough - Thank you.

555

556 Mr. Keeling - My name is Daryl Keeling. And I'm really not in
557 opposition. I agree with what the gentleman just said. I live on Wistar Road at the
558 corner of Wistar and Wistar Village, those apartments back there. There is an
559 awful lot of foot traffic and so please keep the sidewalk in. Also, it would be nice if
560 it could go all the way up to Broad.

561

562 The other concern that I have is that Wistar Road with all this new development
563 of this complex—which I think looks really wonderful and it will be an asset—the
564 vehicle traffic is going to greatly increase along there. And I think something
565 should—I don't know if it's up to you or the Board of Supervisors to improve
566 Wistar Road to accept all this additional traffic. It's going to make it a little bit

567 more difficult for those of us that live along there to get in and out of our homes
568 from this development. But other than that, I think what we were presented by the
569 developer is really great. Thank you.

570

571 Mr. Leabough - Thank you, sir. Are there others that wish to speak in
572 opposition? Would the applicant please come forward?

573

574 Mr. Wilton - For the record, my name is Henry Wilton. I represent
575 Wilton Acquisitions, LLC tonight. And just to take care of some of the things the
576 gentlemen were talking about, certainly the sidewalk is staying there because it is
577 a proffered part of my plan. In fact, we also added an additional two feet for
578 utilities. We also went ahead and we have our wrought iron fencing, and there
579 are columns I think every ten to—every twenty-five to thirty feet, something like
580 that. We have brick or stone columns to make it substantial. And we're up-
581 lighting the trees as you go by so that during the night as people walk by there
582 that there will be some up-lighting. Again, a safety issue that we put in ourselves.

583

584 Don't worry about—the sidewalk stays. We have interior sidewalks too for the
585 other people. And obviously if they want to go on Wistar Road, a sidewalk is
586 there too.

587

588 As far as safety and vehicular traffic, sight distance, we need about 450 feet and
589 we have 600 and a thousand feet one way and one the other. So that does help
590 with the safety issue at the same time.

591

592 I'll go over the proffers in a moment. Just a couple of comments, please, because
593 we worked on this for a long time—or Rosemary's worked on this for a long time
594 helping us with it. And so has Mr. Witte.

595

596 Basically we are rezoning the twenty-five acres. This was submitted to you a
597 number of years ago; it was turned down. Reasons why it was turned down were
598 ones that we have corrected now. One, the units were too small; we've gone to
599 an 1800-square-foot—not minimum, but 1800-square-foot average. We have a
600 1500-square-foot minimum because they wanted a minimum. Part of the property
601 was not assembled so that you had a piece right in the middle. Actually half of
602 the donut wasn't there. And we were lucky enough to go ahead and get that
603 under contract too and again use that to help us with trails and picnic areas,
604 water storage, and so on. You'll see that with the plan if it comes back up. What
605 did I do? Okay, there it is. So we'll have two of them. And trying to use—
606 obviously they'll be areas in the ponds as usual. But all that other upper area
607 that's green right now going towards Wistar are trees that are there that we are
608 leaving. And then we're also coming in and doing landscaping very similar to the
609 Glenside Woods townhouse project at Glenside and Staples Mill. So you can
610 actually see that.

611

612 I also did the project across the street, which is Willow Run. We've been in the
613 area before and we know some of the people. And we had a nice neighborhood
614 meeting in March, and they gave us some other things to basically redo the plan
615 or to add to the plan. We instituted a number of walking trails for people. As you
616 can see, we did not go ahead and disturb the wetlands to the back of the
617 property even though there was property in the back we could have gotten to.
618 The earlier layout showed people going through the wetland to get to the usable
619 property. We did not take that route; we decided to stay away from impacting the
620 wetlands.

621
622 We have two types of units here: twenty-eight-foot units, which are two story
623 units, and then we have the three-story units which are twenty-foot units. The
624 twenty-foot units are on the interior or away from the single-family. Only the two-
625 story units back up to the single-family.

626
627 In the community, Walkenhut, right beside us, we placed a twenty-foot—the cut
628 zone or tree-save area, then we put another six-foot vinyl fence across it. And
629 then we have to go in and—there are some dead trees and so on. We go down,
630 we pick up, and we take it out. We clean it out periodically also.

631
632 So I think that the issue about the density, under the Comprehensive Plan they
633 want Suburban 2, which is a single-family density of up to 3.4. We're at 4.4, one
634 unit per acre over what would be an R-3 or an R-4. You can tell we have R-4
635 around us, we have R-5 around us, B-3 around us. We have every zoning that
636 you want around us and densities with the apartments up to over ten units per
637 acre. So I think the 4.4 that we've got now with the 4.3, which is already zoned
638 next door to us and has been there for a number of years, I think we are
639 somewhat in conformity with the plan given all the different types of zoning in the
640 area.

641
642 The proffers are extensive. If anybody would have any questions about them, I'll
643 just go through them quickly, if you would like. Or if you have some that you have
644 a particular question about, I'll be happy to try to answer them. But it is a long list
645 of proffers.

646
647 Obviously the number of units, we have 109. At our maximum density right now it
648 looks like it's going to be 107. So our density will be a little lower. When we know
649 that for good—if we know that by the supervisor's date, we will go ahead and
650 lower that.

651
652 We have, again, the 1600-square-foot minimum versus the 1500-square-foot
653 minimum. And then we have, again, the 1800 square feet on an average that we
654 keep. The conceptual plan shows—

655
656 Mr. Leabough - While you're pulling out the elevations, you have
657 about three minutes left.

658
659 Mr. Wilton - Okay. Thank you. We have Craftsman architecture
660 here. And this is a little different from what we've seen before, but it's cropping up
661 everywhere. Southside, it's here. It's being done in Hunton right now in the
662 single-family market. We'll be doing some of that later on in the same district that
663 we're getting ready to do right now. It's a little bit of everything it looks like. You're
664 getting brick, you're getting stone. You're getting vertical boards. You're getting
665 horizontal boards. I think it comes together nicely. Everybody has been moving
666 towards this for a number of years. And you'll be seeing more and more of this.

667
668 The buffers we already talked about. Basically, we gave a larger buffer and they
669 already had big trees between us—between us and the single-family
670 neighborhood. And then down on the side against the wetlands, they were
671 already protected, but we still put a fence in.

672
673 The signage you have in your packet. Actually, the signage has already been
674 approved. And obviously the sound coefficient is at the standard of 54.

675
676 We will have two model homes because we have two different types of units
677 here. We have a large conservation area, which we will make sure that it stays
678 that way. Our BMPs can be made to be useful and pretty, and again, a great
679 place to go for picnicking and so on. We are going to go ahead and also put a
680 pavilion in. It's a 20-by-20 pavilion. It looks like that.

681
682 Mr. Leabough - Mr. Wilton, you have about thirty seconds.

683
684 Mr. Wilton - Okay. Given, I guess, the changes to the plan—I think
685 that now it should be a plan that you can support. And I hope that I have
686 addressed these concerns, that you can support it tonight. Thank you.

687
688 Mr. Leabough - Thank you. Are there questions for Mr. Wilton?
689 Ms. Jones.

690
691 Mrs. Jones - Can I ask a quick question? If you will go back to the
692 site plan for me. I'm not testing this. There you go. Would you just show me with
693 the cursor so I'm sure that I have your layout right? Which will be the two-story
694 and which will be the three-story and how many of each?

695
696 Mr. Wilton - I think there are fifty-five of the two-stories and fifty-
697 two of the three-stories.

698
699 Mrs. Jones - And where are they?

700
701 Mr. Wilton - All of the three-stories are on the interior site. Except
702 for this one right here, I believe that's it. That's the only one that's—that's the

703 only way we could fit it there. Over here are townhouses that are already zoned
704 with the same—pretty much the same density that we have.

705

706 Mrs. Jones - Okay.

707

708 Mr. Wilton - And then actually there's a little road there, and
709 there's a ten-foot buffer. And again, our six-foot fence also.

710

711 Mr. Leabough - When you say interior—

712

713 Mr. Wilton - Interior meaning they could not be adjacent to the
714 single-family here. They can be here, obviously. They can be on the interior here
715 and here.

716

717 Mr. Leabough - Okay, thank you.

718

719 Mr. Wilton - They cannot be on the exterior except for this. These
720 are apartments here, obviously. They just don't go that far. So the only three
721 units that are actually on the boundary line is this one right here. And again,
722 that's adjacent to the townhouses here, which haven't been built, and I don't
723 know when they'll be built. They probably will be redesigned before they come
724 back to you. That's my opinion.

725

726 Mrs. Jones - Thank you.

727

728 Mr. Leabough - Are there any other questions for Mr. Wilton? Thank
729 you, sir.

730

731 Mr. Wilton - Thank you.

732

733 Mr. Witte - All right, Mr. Chairman. First, I'd like to thank
734 Mr. Wilton for his cooperation with staff and the citizens. And I'll make note that
735 the lighted area by the sidewalk will definitely help improve visibility and safety of
736 pedestrians.

737

738 Mr. Leabough - There was a question, Mr. Witte, raised regarding
739 traffic. Would you like to hear from the traffic engineer?

740

741 Mr. Witte - Oh, yes. I'm sorry. I forgot that. Can we have the
742 traffic engineer please?

743

744 Mr. Cejka - Good evening. John Cejka, Traffic Engineering.

745

746 Mr. Witte - Good evening. Can you address the concerns about
747 the traffic and improvements to Wistar Road? Are there any plans?

748

749 Mr. Cejka - The plan for this development is to widen the roadway
750 to twenty-six feet from the center line along the parcel. Ultimately, in the long
751 term, that road is going to be a four-lane roadway.

752
753 Mr. Witte - It's not approved to four lanes now is it?

754
755 Mr. Cejka - It's on the Major Thoroughfare Plan as a four-lane.
756 But as development goes it's—

757
758 Mr. Witte - It hasn't been approved or suggested by anybody that
759 that four-lane take place anytime soon?

760
761 Mr. Cejka - No sir.

762
763 Mr. Witte - Okay. And the existing road from the center line now
764 is what distance?

765
766 Mr. Cejka - It's approximately twelve feet.

767
768 Mr. Witte - And we're going to improve it to twenty-six feet?

769
770 Mr. Cejka - Correct.

771
772 Mr. Witte - That's substantial. Thank you. Now, Mr. Chairman, I
773 move that case REZ2014-00006, Hank Wilton for Wilton Acquisition, LLC, move
774 to the Board of Supervisors as presented with conditions 1 to 31 with a
775 recommendation for approval.

776
777 Mr. Archer - Second.

778
779 Mr. Leabough - Motion by Mr. Witte, a second by Mr. Archer. All in
780 favor say aye. All opposed say no. The ayes have it; the motion passes.

781
782 **REASON** - Acting on a motion by Mr. Witte, seconded by Mr.
783 Archer, the Planning Commission voted 4-0 (one absent, one abstention) to
784 recommend the Board of Supervisors grant the request because it reflects the
785 type of residential growth in the area, and it would not adversely affect the
786 adjoining area if properly developed as proposed.

787
788 **REZ2014-00015** **James W. Theobald for Attack Properties:** Request
789 to conditionally rezone from O/SC Office/Service District (Conditional) to RTHC
790 Residential Townhouse District (Conditional) and M-1C Light Industrial District
791 (Conditional) part of Parcels 770-752-3830, 770-752-7621, and 771-752-1713
792 containing 12.45 acres (8.1 acres proposed RTHC and 4.35 acres proposed M-
793 1C), located on the west line of Staples Mill Road (U.S. Route 33) approximately
794 400' north of its intersection with Wistar Road. The applicant proposes a

795 residential townhouse development of no more than 54 units and continued office
796 service uses. The RTH District allows a maximum density of nine (9) units per
797 acre. The use will be controlled by zoning ordinance regulations and proffered
798 conditions. The 2026 Comprehensive Plan recommends Office/Service. The
799 staff report will be presented by Mr. Ben Sehl.

800

801 Mr. Leabough - Is there anyone here in opposition to REZ2014-
802 00015, James W. Theobald for Attack Properties? We do have opposition. Good
803 evening, Mr. Sehl.

804

805 Mr. Sehl - Good evening, Mr. Chairman. Thank you.

806

807 As Mr. Emerson stated, this request for rezoning would allow up to fifty-four
808 townhouses on the site, as well as continued use of an existing office/service
809 building shown here.

810

811 The subject property is zoned O/SC and is located on the west line of Staples
812 Mill Road. A portion of the site, which is proposed for M-1C zoning, is currently
813 developed with an office/service building constructed in the late 1980s. The
814 requested M-1C would allow this use to remain conforming, as Office/Service
815 developments require a minimum of twenty acres. The remainder of the site
816 would be rezoned to RTHC to allow for the development of the proposed
817 townhouses. The existing 100-year floodplain area, zoned C-1C, would remain.

818

819 The 2026 Comprehensive Plan recommends Office/Service for the site. The
820 requested M-1 and RTHC zoning is not entirely consistent with this request;
821 however, given the close proximity of residential uses to the west, high-quality
822 residential development could be appropriate.

823

824 To ensure that level of quality for the proposed townhouses, the applicant has
825 provided a number of proffers that address items such as landscaping,
826 amenities, hours of construction, sidewalks, and sound suppression. The
827 applicant has also proffered a number of architectural elevations depicting
828 potential development styles and illustrating the proposed level of quality. Each
829 home would be a minimum of 1500 square feet in size and would contain a
830 minimum of 35 percent brick or stone on the front elevation.

831

832 The applicant has also proffered this conceptual plan, which illustrates the
833 general layout of the site as well as certain proffered features, such as the
834 twenty-five-foot buffer along Staples Mill Road in this location.

835

836 Overall, staff believes this request could be appropriate and create a reasonable
837 transition from Staples Mill Road to the existing single-family development to the
838 west. However, staff recommends that the applicant consider addressing the
839 items noted in the staff report regarding garage clear area and the provision of an

840 emergency access to the adjacent office/service development. Should the
841 applicant address these items, staff could support this request.

842

843 That does conclude my presentation, and I'll be happy to try to answer any
844 questions you might have.

845

846 Mr. Witte - I have no questions.

847

848 Mr. Leabough - Are there any questions from the Commission? Okay,
849 thank you, sir. Would you like to hear from the opposition first?

850

851 Mr. Witte - Yes, please.

852

853 Mr. Leabough - Would the opposition please come forward and state
854 your name for the record.

855

856 Mr. Johnson - Hi, my name is Eric Johnson, and I'm on Wistar Road
857 just around the corner from this at 4121 Wistar Road.

858

859 My only concerns would be where the entrance and exits to this would be. Would
860 they be limited to Staples Mill? I would not like to see—I'm opposed to any kind
861 of entrances or exits that come out on Wistar Road.

862

863 And also I'm curious as to what type of fencing or barrier there would be between
864 the side of this that faces—that backs up to Wistar Road. There's an industrial
865 type building near and there are a few residential homes there too. I would just
866 like to know what kind of buffer, fence, trees, whatever we would have there to
867 keep that out of our sight.

868

869 Mr. Leabough - Thank you.

870

871 Mr. Cramer - My name's George Cramer—C-r-a-m-e-r. I represent
872 my mother and father, Herbert L. and Norma R. Cramer of 4138 Wistar Road.
873 Just have a couple points here. I'm not in opposition of it, I just have some
874 concerns. The number one concern I have is that there is a natural drain that's
875 on my parents' property. I don't want that to be flooded after it's built. It also has
876 the adjoining properties there as well. I looked on the plat that I saw and it is
877 listed there. I did talk briefly—and I think it was Mr. Sehl at the County. He said
878 they're going to have storm sewers and drainage so hopefully it wouldn't be a
879 problem. I just want it for the record that there's not going to be any backup of
880 water left on my parents' or any type of properties there because there is a
881 natural drain that goes through there. That's number one.

882

883 Number two, the security of the nature trails. I think they mentioned, you know,
884 walking trails. Back in the day, '60s and '70s we had some problems with just
885 trespassers. We don't want any type of mischief going on. Would there be any

886 signs that the nature trails are closed, you know, dusk to dawn like a park or
887 something? I don't know. That's just a concern how that—you know, is it gated. I
888 don't know. It's going to be back there. It's kind of a not-a-very-well-known-about
889 little piece of property. Most of the people now have always just kept an eye on it,
890 kept people out and all the problems.

891
892 Is there a phase two, phase three to this or right now this is the only phase
893 proposed? Also mentioning as well, just thought I'd throw it out there. They had
894 talked earlier about sidewalks. Definitely. My father's been out there seventy-two
895 years. And I don't see how no one's gotten killed yet. Bike riders, whatever. And I
896 think it should be something for the community. At least I think it's already on
897 Staples Mill and I think we need to continue that all the way to Parham Road.
898 And also as Wistar Road develops, it does need to be four lanes eventually, but
899 definitely sidewalks. Definitely sidewalks, please.

900
901 One other thing. It's mentioned in there 1500 minimum. I'd like to see 1600
902 minimum square feet and 1800 average to go with the other project as well.

903
904 Thank you.

905
906 Mr. Witte - Mr. Cramer. Mr. Sehl, do we have a plat that will show
907 the property that he's concerned with flooding?

908
909 Mr. Sehl - [Off microphone.] I think this is Mr. Cramer's parents'
910 house here. And this is I think the drainage swale that's he's discussing right
911 here.

912
913 Mr. Cramer - That's right.

914
915 Mr. Archer - Mr. Cramer, is there flooding now?

916
917 Mr. Cramer - It's an area about as big as this room. You know how
918 it's been wet this winter? You can't really walk through there or run the
919 lawnmower through it. But it just needs to be cleared out. I think if it's cleared out
920 and the elevation of the project's right it would be fine. Just want to make sure.
921 When you have a really hard storm, Gaston or something, I've seen water from
922 Gaston and Camille—and I think it was another hurricane—almost all the way
923 back to our house. So I'm going to tell you I've seen five, six feet over Staples
924 Mill Road. So if they're going to build something that close to that creek down
925 there, that creek can get wild. And it's draining right off of this property right here.
926 On that pond right over there. That's where it goes.

927
928 Mr. Archer - I guess what I'm asking is just normally is it a normal
929 occurrence for flooding to happen.

930
931 Mr. Cramer - No.

932
933 Mr. Archer - It has to be a real gully washer.
934
935 Mr. Cramer - That's right. If you went down there right now, it's
936 probably got enough water on it about that wide.
937
938 Mr. Archer - Yes. Well it has been raining for a while.
939
940 Mr. Cramer - That's right.
941
942 Mr. Archer - All right. Thank you, sir.
943
944 Mr. Cramer - Yes sir.
945
946 Mr. Stanley - My name's Bruce Stanley. I'm an adjoining property
947 owner, the first piece of property on Wistar Road. My concern is sort of what this
948 first gentleman—I don't how tall these units are going to be. And how tall are the
949 trees or any kind of barrier that's going to be there because it will be looking right
950 into, you know, my backyard. That's kind of what I'm concerned about. I noticed
951 you know, there's talk about widening the road. And there are probably going to
952 be a lot of people that are going to be kind of mad because all the telephone
953 poles are on the other side of the road.
954
955 That is my concern right there. And I think that's about it. Thank you.
956
957 Mr. Leabough - Thank you.
958
959 Mr. Yuhas - Mr. Chairman and everyone, thank you for listening to
960 us. I'm not very good at this kind of thing.
961
962 Mr. Leabough - Excuse me.
963
964 Mr. Yuhas - Oh. First off—sorry. My name is Tim Yuhas. It's
965 spelled Y-u-h-a-s. I live on Cornelia Road which would be the northern section of
966 the development across from the floodplain. My concern mostly about that is I
967 was told the height of these units is going to be approximately thirty-five feet.
968
969 Mr. Leabough - Can you speak a little closer to the microphone?
970
971 Mr. Yuhas - Sorry, sir. I was told the height of these units is going
972 to be around thirty-five feet. I don't have elevations from my backyard or my
973 house since I know from that creek that's there now and the floodplains that that
974 elevation does go up towards Wistar Road. So my concern also is how high are
975 these units going to be and what kind of view are they going to have of the
976 surrounding neighborhoods and what am I going to see of theirs.
977

978 I don't know how all this zoning works. My understanding is since there is no
979 longer a twenty-acre minimum that's able to be met for the office use area, so
980 now we just decided, okay, we'll throw something else in there, and so now we
981 can just throw up townhouses? So we change to whatever fits our needs? That's
982 my question on that. I'm not sure how that all works, why we can change that.
983

984 I was told that there was not going to be any type of privacy fencing on the north
985 side of the development. I'm just curious about that. If there is a difference in
986 elevation between our units, our housing and that up there or how much are we
987 going to have to see of that parking lot area, their lighting for their parking, and
988 the buildings themselves?
989

990 I'm concerned a little bit about additional noise. Generally, the office space that's
991 there that's been used, you never hear them. Or if you do, it's during the day,
992 usual business hours. Now that you're going to have fifty-some units in there,
993 there's always a chance for more nighttime, you know, 24/7. So I just have some
994 concerns about throwing that type of unit in there.
995

996 The creek. The gentleman was saying about he's worried about flooding. Since
997 I've been in that area when I believe is when Gaston came through, that creek
998 did take on its 100-year floodplain look and, you know, came into my backyard.
999 I've been told that the storm drainage from that will not exceed what is already
1000 coming off of this. But because we're putting more pavement up there, and even
1001 though you do have this pond that's supposed to help slow that down before it
1002 gets down in there, I'm still concerned about we're going to be adding more than
1003 what's there right now.
1004

1005 Thank you for your time.
1006

1007 Mr. Leabough - Thank you. Is there anyone else here to speak in
1008 opposition?
1009

1010 Mr. Witte - The applicant, please.
1011

1012 Mr. Leabough - Would the applicant please come forward?
1013

1014 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen.
1015 My name is Jim Theobald. I'm here this evening on behalf of Atack Properties.
1016

1017 This property was originally zoned to an Office/Service category—which as you
1018 know is sort of a cross between light industrial, distribution and office—back in
1019 1987. Mr. Goodall developed an attractive office/service distribution facility on the
1020 corner of Wistar and Staples Mill Road. But in the twenty-seven ensuing years
1021 there's been no further interest in buying or developing additional office/service
1022 land on the eight-plus acres that we are seeking to rezone for townhomes.
1023

1024 Atack Properties wishes to develop the undeveloped land; it's about eight acres
1025 of developable area, for a high-quality townhome development. In order that the
1026 existing building owned by Mr. Goodall does not become a non-conforming
1027 feature, the Office/Service District requiring twenty acres of land—and if we take
1028 eight acres away, then he's not short a few—we're asking to rezone basically the
1029 corner to an M-1 Light Industrial category. But we have proffered that it will be
1030 subject to all the Office/Service standards but for the acreage. Okay? So what
1031 you see is what you get. And all the prior conditions that were negotiated with
1032 that industrial case have been brought forward and still exist. So really the
1033 difference in this case is the eight acres that is currently zoned for Office/Service,
1034 distribution type of use, is now being asked to be allowed for townhome
1035 development. So a fairly intense commercial category to a residential one.

1036
1037 I put this map together just to show you. This is our property basically in here.
1038 Here is the existing building. Here is the C-1 floodplain area. But you see all this
1039 light blue. I mean there is a sea of M-1 zoning in this area, and so our conversion
1040 of the corner here from Office/Service subject to those proffers is really
1041 consistent with the zoning throughout the area. We still have a 100-foot buffer
1042 across the back that was negotiated with the original case.

1043
1044 Our townhome community is limited to fifty-four homes. We do have a twenty-
1045 five-foot greenbelt along Staples Mill Road. We do believe, Mr. Witte, we can get
1046 probably a three-foot berm and some plantings in that area from the entrance
1047 road coming south. And I'll fix that between now and the Board.

1048
1049 We have landscaping throughout as shown on this plan. We didn't really talk
1050 about walking trails or nature trails, so I'm not really sure where that came up.
1051 We do have a little area in the back here where we may put a gazebo or some
1052 benches or whatever. But we're not planning—we really don't want to touch this
1053 C-1 area. So if it's wetlands it's all floodplain at a minimum. And so that remains
1054 absolutely undisturbed.

1055
1056 We have an entrance feature along the front. We will just need to make sure that
1057 our berm doesn't block our entrance feature here, so we have some nice brick
1058 walls, some wrought iron appearing fencing.

1059
1060 Elevations you've seen. These are three-story units. They are about thirty-five
1061 feet tall. Each has a one-car garage. Our proffers once again maintain that 100-
1062 foot buffer adjacent to the far western edge. Parking lot lighting has been limited.
1063 Conceptual plan, and the elevations, and the entrance plan have all been made
1064 part of this case. So again, what you see is that you get.

1065
1066 We will work on this buffer along the front in terms of a berm and plantings. We'll
1067 have to see if the TB25 still works in there. But the idea once again is to mitigate
1068 the visual impact of the rear of those units on Staples Mill Road.

1069

1070 Thirty-five percent of the front of each building is to be of brick, stone, or stone
1071 veneer. We have sound coefficient ratings of fifty-four between units, a cap on
1072 development of fifty-four units. Front yards are sodded and irrigated. And we've
1073 limited the hours of exterior construction.
1074

1075 We believe that the townhomes are, frankly, a better transitional use in this area
1076 than the existing Office/Service zoning. We have a strip center across Staples
1077 Mill to our east. We have the office/service building with a courtyard, loading
1078 areas to our south. Floodplain that's already been zoned C-1 to our north, and a
1079 huge buffer and retention areas in the back.
1080

1081 We think this development will promote jobs and increase the tax base in the
1082 County. And I would note to you that staff generally supports this request. We are
1083 working with Mr. Goodall to make sure we can provide some emergency access.
1084 We have contacted him. He has no problem with that conceptually. We need to
1085 make sure that we're not going to interfere with any easements over here. So we
1086 have the opportunity to possibly connect in this area or through this area to get to
1087 his access drive. That would be a chained emergency type access suitable to the
1088 fire department. The reason for that is that Staples Mill Road—guess what?—is
1089 in the floodplain down here, as is just a little corner of this entrance road. And we
1090 want to make sure that we can safely battle any emergencies in the event of a
1091 flood.
1092

1093 A few comments in response to the earlier speakers. We are prepared to put a
1094 six-foot solid white vinyl fence along the back of this row of units up against these
1095 homes. And again, we will be submitting that between now and the Board.
1096

1097 As to drainage, the drainage goes here to the creek. So it runs north. So the
1098 properties down here that may be experiencing some difficulties, their properties
1099 also drain to the north through our property. As was stated, you're not allowed to
1100 release water at a greater rate post-development that you are pre. You do have
1101 more impervious area, but that's why you hold it. You hold it and you slow
1102 release it so you don't blow out the downstream channels. That's the law; those
1103 are the regulations. You don't have a choice but to obey that. So none of our
1104 water goes south towards that neighborhood.
1105

1106 This is the entire project. This is it. Phase one and done. There is no more land
1107 there to be developed. You can't develop the C-1 land. All the other surrounding
1108 property is owned. I believe Mr. Yuhis is one of these homes back here, and
1109 none of this is being touched. This is not grass and cattails; these are trees. I
1110 was out there today. This is very significantly vegetated through this area. And
1111 we are just not allowed to touch it.
1112

1113 I hope I've addressed the concerns of our earlier speakers. We certainly intend to
1114 be good neighbors. I hope that's evident by some of the additional things we've
1115 offered this evening. And I would respectfully request that you recommend

1116 approval of this case to the Board of Supervisors. I would be happy to answer
1117 any questions.

1118

1119 Mr. Witte - Mr. Theobald.

1120

1121 Mr. Theobald - Sir.

1122

1123 Mr. Witte - As far as the garages.

1124

1125 Mr. Theobald - Yes sir.

1126

1127 Mr. Witte - Let's start with that.

1128

1129 Mr. Theobald - Okay.

1130

1131 Mr. Witte - I would like to see a minimum depth of eighteen feet.

1132

1133 Mr. Theobald - We can do that.

1134

1135 Mr. Witte - Okay. We are putting in a fence as a buffer along the
1136 back, the side of the property behind the townhomes?

1137

1138 Mr. Theobald - Behind that one row, these three sections, these three
1139 buildings. Yes sir.

1140

1141 Mr. Witte - Right. Okay. There are no walking trails.

1142

1143 Mr. Theobald - Certainly not in the C-1 area. We'll let people get back
1144 to this area back in here.

1145

1146 Mr. Witte - And there is no room any place else.

1147

1148 Mr. Theobald - No.

1149

1150 Mr. Witte - The storm drain. You're not allowed to—explain that
1151 again.

1152

1153 Mr. Theobald - Basically the law is such that they don't want you to
1154 pave or put rooftops up, make more impervious area and then cause water to run
1155 off at a faster rate and more volume than before development occurs. And so the
1156 laws and regulations require you to account for the additional impervious areas
1157 and require you to hold it and slowly release it so that the rate that it comes off is
1158 not greater than the rate that it comes off today. I mean all the water today is still
1159 going in that direction, you know, from all these homes, including the
1160 undeveloped portion here. So when we add more impervious area, we have to

1161 provide extensive drainage calculations that are vetted by the Public Works
1162 Department before our plan of development and building permits are approved.
1163
1164 Mr. Witte - So in plain English, it's not going to affect the amount
1165 of water going to these homes.
1166
1167 Mr. Theobald - No sir. The water goes the other direction.
1168
1169 Mr. Witte - Okay. The only ingress and egress is on Staples Mill?
1170
1171 Mr. Theobald - Yes sir. There is no—
1172
1173 Mr. Witte - There will be no access on Wistar Road other than
1174 the emergency—
1175
1176 Mr. Theobald - Well, and that's not directly on Wistar. And that's a
1177 chained entrance over here. But the proffers were basically only this one
1178 entrance onto Wistar. It's from the original case, I believe. We don't touch Wistar
1179 Road, so.
1180
1181 Mr. Witte - Okay. But eventually if emergency ingress or egress
1182 is required it will come out on Wistar Road.
1183
1184 Mr. Theobald - It will, and I imagine everybody will be very grateful.
1185
1186 Mr. Witte - Yes, I do too. Okay, thank you. I have no more
1187 questions, Mr. Chairman.
1188
1189 Mr. Leabough - Mrs. Jones.
1190
1191 Mrs. Jones - Yes. I'm sorry. It's interesting we have two cases in
1192 such close proximity here on the same evening. I think the residents have raised
1193 some interesting points. I just wanted to make sure. *Sidewalk* seems to be the
1194 word of the evening. You will have sidewalks on the interior of this?
1195
1196 Mr. Theobald - Yes.
1197
1198 Mrs. Jones - But you will not have a sidewalk on Staples Mill. Is
1199 that correct?
1200
1201 Mr. Theobald - No ma'am. No. There's no existing sidewalk here;
1202 there's no sidewalk in front of the floodplain. Hm? It does exist? Where? For how
1203 far? Is this it? Oh, okay. Okay, I'm sorry. Done.
1204
1205 Mrs. Jones - I just needed to be clear on that.
1206

1207 Mr. Theobald - Yes, I never thought that was a sidewalk. Okay.
1208
1209 Mrs. Jones - I'm interested just because I think it's good to be
1210 mindful of the demographics. You have a 1500 minimum?
1211
1212 Mr. Theobald - Yes.
1213
1214 Mrs. Jones - But do you anticipate that there will be many of these
1215 that will be significantly larger than that? How many models are you
1216 representing?
1217
1218 Mr. Theobald - We've shown you two different models. This would be
1219 the minimum. More likely they'll be closer to 1700 square feet, frankly.
1220
1221 Mrs. Jones - To accommodate young families? Is that the
1222 anticipated group maybe?
1223
1224 Mr. Theobald - Mmm. I don't really know the answer to that.
1225
1226 Mrs. Jones - Well, I just think it's—yes. It's interesting to see where
1227 this development is targeting. And I think it's a good area, and good schools, and
1228 hopefully will be very successful. But the 1500 will remain the minimum.
1229
1230 Mr. Theobald - Mmm-hmm.
1231
1232 Mrs. Jones - You're not going to consider going to 1600 or
1233 anything, as one of the speakers asked.
1234
1235 Mr. Theobald - Well we can bump it to 1600.
1236
1237 Mrs. Jones - Okay. Just was trying to get an idea of what you were
1238 thinking. The noise of this and the visual impacts on the homes to the north, it
1239 seems to me that with the natural lay of the land that that's really not going to be
1240 an issue. Would you agree with that?
1241
1242 Mr. Theobald - Well yes. And certainly less than if you continued on
1243 with the Office/Service development. Even though they require internal loading
1244 areas, you're not sure which way those are oriented. And that would certainly
1245 promote trucks and fleet-type traffic.
1246
1247 Mrs. Jones - Okay. Well, I just wanted to clarify those few points,
1248 that's all.
1249
1250 Mr. Leabough - Along those lines, have you—the uses that would be
1251 allowed in M-1, are those consistent with those in office/service or have you
1252 proffered those out?

1253
1254 Mr. Theobald - We've proffered that all the uses would be M-1 uses.
1255 And all the development standards would be office/service standard but for the
1256 twenty-acre minimum.
1257
1258 Mr. Leabough - That's what I was thinking.
1259
1260 Mr. Theobald - That was the way to sort of keep it like it was and not
1261 change anything.
1262
1263 Mr. Leabough - And then the heights of the units I think are thirty-five
1264 feet?
1265
1266 Mr. Theobald - They're roughly thirty-five feet, I think. Three stories.
1267
1268 Mr. Leabough - I think Mr. Emerson just looked in the code and it
1269 allows up to forty-five feet in height. So this in my opinion would be less
1270 impactful.
1271
1272 Mr. Theobald - That's a good point.
1273
1274 Mr. Leabough - In terms of what could be developed there today. I
1275 think that was it. The screening question was addressed with the fencing.
1276
1277 Mr. Witte - I have no further questions.
1278
1279 Mr. Leabough - Are there other questions from the Commission?
1280
1281 Mr. Theobald - Thank you.
1282
1283 Mr. Leabough - Thank you.
1284
1285 Mr. Witte - All right, Mr. Chairman. I move that case REZ2014-
1286 00015, James W. Theobald for Atack Properties, move to the Board of
1287 Supervisors, as presented with conditions 1 to 31 with a recommendation for
1288 approval.
1289
1290 Mr. Leabough - And the increase in the square footage and some of
1291 the other things they were going to work on between now and the Board?
1292
1293 Mr. Witte - With the increased square footage to 1600.
1294
1295 Mr. Leabough - Second. We have a motion by Mr. Witte, a second by
1296 Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the
1297 motion passes.
1298

1299 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
1300 Leabough, the Planning Commission voted 4-0 (one absent, one abstention) to
1301 recommend the Board of Supervisors grant the request because it is reasonable
1302 in light of the residential and business zoning in the area, would not adversely
1303 affect the adjoining area if properly developed as proposed, and the proffered
1304 conditions will provide quality assurances not otherwise available.

1305
1306 **PUP2014-00009** **Stuart Squier for Verizon Wireless:** Request for a
1307 Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of
1308 Chapter 24 of the County Code in order to construct a monopole-style
1309 telecommunications tower up to 199' in height and related equipment on part of
1310 Parcel 794-745-8161, located on the north line of Azalea Avenue between
1311 Wilkinson Road and Richmond-Henrico Turnpike. The existing zoning is B-3
1312 Business District. The 2026 Comprehensive Plan recommends Office/Service.
1313 The site is located in the Airport Safety Overlay District. The staff report will be
1314 presented by Mr. Livingston Lewis.

1315
1316 Mr. Leabough - Good evening, Mr. Lewis.

1317
1318 Mr. Lewis - Good evening, Mr. Chairman.

1319
1320 Mr. Leabough - Is there anyone here in opposition to PUP2014-
1321 00009, Stuart Squier for Verizon Wireless? We have one person in opposition.
1322 Mr. Lewis.

1323
1324 Mr. Lewis - Thank you. This is a provisional use permit request to
1325 allow Verizon Wireless to construct a permanent telecommunication tower on the
1326 north end of the flea market property at 5209 Wilkinson Road. The site is zoned
1327 B-3 and is recommended for Office/Service on the 2026 Comprehensive Plan's
1328 future land use map.

1329
1330 As shown on this exhibit, the applicant proposes a 199-foot-tall monopole-style
1331 structure with standard external antenna arrays. The tower and related ground
1332 equipment would be all located within a 40-foot by 40-foot fenced portion of the
1333 2500-square-foot lease area and would be accessed via the parcel's
1334 northernmost entrance from Wilkinson Road. Supplemental landscaping would
1335 be provided around the base and surrounding trees on the property would be
1336 preserved according to Condition #13.

1337
1338 A similar related request for a 154-foot-tower on Meadowbridge Road has been
1339 filed concurrently by the same applicant and is next on tonight's agenda. As
1340 explained by the applicant, this and the Meadowbridge tower have been
1341 engineered to cooperatively address issues reported by area residents and
1342 Richmond International Raceway visitors during the twice-annual NASCAR
1343 races.

1344

1345 As part of an overall effort to improve their customers' signal coverage and data
1346 capacity within the RIR grandstands and around the entire raceway complex, the
1347 applicant has received previous conditional use permit approvals for deploying
1348 120-foot-tall temporary mobile towers in several locations, including the subject
1349 parcel. The most recent such permit for this property was approved on February
1350 27, 2014. However, given the temporary towers' limited height with a fixed
1351 number and configuration of antennas, the applicant has found that signals from
1352 these towers can only reach minimally inside the grandstands, and their technical
1353 capabilities only partially address data capacity deficiencies arising from the
1354 surge in usage during race weeks.

1355
1356 Because of the need to include information from the community meeting and
1357 balloon float, neither of which had occurred at the time, staff's original
1358 recommendation in Condition #6 was to limit the tower height to 120 feet based
1359 on previous temporary tower approvals. After hearing no opposition to this
1360 request at the community meeting and having evaluated the photo simulations,
1361 staff believes a 199-foot-tower would have minimal visual impact on residential
1362 uses and other properties in the area. Revised conditions have been handed out
1363 to reflect the resulting change to Condition #6.

1364
1365 The proposed tower is compatible with the site's B-3 zoning and is consistent
1366 with the property's Office/Service future land use designation. In addition, the
1367 facility would provide improved services to the community throughout the year,
1368 would reduce the need for additional towers in the area by offering more co-
1369 location opportunities, and would support economic development by enhancing
1370 the experience of race attendees. For these reasons, staff supports this request
1371 subject to the revised conditions dated April 10, 2014.

1372
1373 This concludes my presentation. I am happy to answer any questions.

1374
1375 Mr. Leabough - Was a balloon float or some other simulation done?

1376
1377 Mr. Lewis - It was.

1378
1379 Mr. Leabough - It was, okay. Are there photos that show that?

1380
1381 Mr. Lewis - I do not have them in this presentation. I believe the
1382 applicant probably can handle that. I was just going to grab the date for you on
1383 that. The balloon float was April 3rd.

1384
1385 Mr. Leabough - Thank you, sir. And I probably missed that in your
1386 presentation; I apologize. Other questions for Mr. Lewis.

1387
1388 Mr. Kaechele - How far is this site from the raceway grandstand?

1389

1390 Mr. Lewis - The distance from the grandstands—, that's tough
1391 with it not on that image. That's one distance I didn't measure, sir. But I do have
1392 some other distances and might be able to estimate it for you.

1393

1394 Mr. Kaechele - Okay.

1395

1396 Mr. Lewis - It looks like it's probably going to be—close to a mile
1397 would be my guess, judging from another map that I made.

1398

1399 Mr. Kaechele - That's close enough. All right.

1400

1401 Mr. Leabough - Thank you, sir. Mr. Archer, would you like to hear
1402 from the opposition?

1403

1404 Mr. Archer - I think I'd like to hear from the applicant first so that
1405 she can answer some of those questions that were raised. And she can reserve
1406 some time to speak to the opposition.

1407

1408 Ms. Mullen - Good evening.

1409

1410 Mr. Archer - Good evening, Ms. Mullen.

1411

1412 Ms. Mullen - Would you mind cueing up the PowerPoint
1413 presentation for me? I'm Jennifer Mullen here on behalf of Verizon Wireless.
1414 Mr. Chair, members of the Planning Commission. As Mr. Lewis mentioned, this is
1415 at Wilkinson Road, which is located off of Azalea. This is Wilkinson here.
1416 Richmond-Henrico Turnpike is here.

1417

1418 Our request is for a provisional use permit for this portion of the property up here
1419 to have a tower up to 199 feet. This is a monopole, and it would be unlit. And as
1420 Mr. Lewis mentioned, this is in the Comprehensive Plan for office services, which
1421 is consistent with the Comprehensive Plan. It is also zoned B-3. And this map
1422 here shows the adjacent zonings. This property back here is owned by the
1423 raceway as well. Some M-1 uses. B-2 across Azalea. And then on this side we
1424 have some residential uses with apartments and moving back into townhouses
1425 and single-family.

1426

1427 As you can see, the property is very well screened with the existing trees here.
1428 And that is one of our conditions to maintain the tree line on our property. The
1429 base of the equipment would also be screened with a fence and additional
1430 landscaping on the site. The site is cleared. This is the site of the Azalea Flea
1431 Market, so the site is cleared as you come in, but for the back by Wilkinson Road
1432 as the property drops off in elevation as you go north on Wilkinson Road.

1433

1434 As Mr. Lewis mentioned, these sites are very important for Verizon. Verizon has
1435 in excess of 60 percent of the market share in the Richmond area, which means

1436 that they have a very large amount of data demands. So you have many more
1437 wireless devices not only used by individuals but also businesses. So the data
1438 increase with the number of devices and the type of—between web surfing and
1439 picture posting and texting, in addition to calls, all of that data just increases the
1440 capacity. And as you have a race at RIR or some of their larger events, the
1441 capacity is taxed. So you have multiple towers around; however, what happens
1442 with towers if you have the increase in data. That causes what they call noise. So
1443 interference with the signals so that you need to essentially silo the signals to
1444 separate these into smaller areas in order to direct your signal into the area that
1445 is needed for coverage. And the capacity allows you to off-load some of the noise
1446 so that you don't have the slowdown in the data and your calls can be initiated
1447 and maintained as a normal standard.

1448
1449 So what we've done is we've taken this plan here. And this shows both sites,
1450 which I'll talk about the second as it's presented. But, you know, your site up
1451 here. It's a little bit hard to show, but the red dotted line shows how you can get
1452 into the stadium itself on the south side as well as the areas in between. So you
1453 have a lot of parking lots here that includes many people who are tailgating,
1454 many parkers. There are a lot of people that come to the races and stay. And
1455 what the 199-foot tower does at this location is it allows you to reach down into
1456 the stadium further. So while the 120-foot temporary towers have been helpful,
1457 they know with those uses over time that the 120 feet, it doesn't get you into the
1458 stadium. It essentially crosses over the top of the stadium and the signal will
1459 bounce. With the 199 feet they can have the antennas directed specifically into
1460 the stadium for those locations, and that gets you about a seventy-foot swing
1461 down into the stadium to get to those stands, again, alleviate the capacity
1462 pressure within, as well as provide the capacity for the outside of the stadium, as
1463 I showed on this area here in between with all those parking lots.

1464
1465 So what you want to do with cell towers is create dominance. And the 199 feet
1466 not only allows for co-location but also allows to create dominance and really
1467 direct those signals specifically where they need to be.

1468
1469 This plan shows the location of the site again. We're about 600 feet off of
1470 Wilkinson Road and tucked back into the area. This is the tree line here. This
1471 property is owned by RIR, and this property is the flea market site itself. This just
1472 shows the base equipment, and it'll be screened both with a solid fence as well
1473 as landscaping. Mr. Lewis already showed the monopole itself, which is
1474 consistent with the Comprehensive Plan.

1475
1476 This map shows the visibility. So based on the balloon test on April 3rd, we have
1477 photo simulations done. So what I'll show in a moment are photo simulations, the
1478 red on this map. They're done from a wide range, but these we picked based on
1479 their location. These are the residential areas that are of the most concern. The
1480 red shows areas that are visible, and the blue shows the areas that were not

1481 visible. The red, as you moved over the Pony Farm Drive, the visibility, as you'll
1482 see, even in the wintertime, is fairly limited.

1483

1484 So this is at the entrance. So here's the existing entrance. This is my
1485 photographer here. This is the existing entrance as you go in. This would be the
1486 height of the tower. So this is the most visible location, generally, of the tower
1487 itself. As you move, again, down Kirkland Drive, this is the shot of the tower. It is
1488 a galvanized steel tower so it tends to blend in, and then as you move further
1489 down, here's the tower here. So it becomes very challenging to see, again, even
1490 in times when the trees don't have leaves on them.

1491

1492 This is at Pony Farm Drive at the midpoint between Kirkland and Azalea, which
1493 shows it is not visible. It's not visible in the townhouses in this general area here.
1494 It's not visible further down. And again, it's not visible—this is across the street at
1495 Thrush Lane, so it's a single-family. This is the market on Azalea itself. And
1496 further into the single-family. Again, not visible. The tower would be in this
1497 general area. Not visible along the single-family.

1498

1499 This is on the south side of Azalea, so it is visible there. However, again,
1500 mitigated from your visual impact by the telephone poles as you cross the street,
1501 as well as Azalea Avenue is a heavily-trafficked major road. And this is the view
1502 as you move north on Wilkinson looking back up at the site. You can see it's
1503 essentially covered by the trees again in the wintertime.

1504

1505 Therefore, there's a need for additional capacity. This tower provides the means
1506 to achieve the goal of providing the capacity and the coverage for Verizon. And it
1507 also has the opportunity for co-location, which would decrease on additional
1508 towers needed in the future. We request your recommendation approval. I'd be
1509 happy to answer any questions.

1510

1511 Mr. Leabough - I have a question.

1512

1513 Ms. Mullen - Yes.

1514

1515 Mr. Leabough - So who owns the property that you're proposing to
1516 build the tower on?

1517

1518 Ms. Mullen - The flea market site does.

1519

1520 Mr. Leabough - Okay, okay. I thought you mentioned the raceway. I'm
1521 sorry.

1522

1523 Ms. Mullen - It's adjacent. So if you see—sorry. So this O-2
1524 property is the raceway property.

1525

1526 Mr. Leabough - Okay. Since the primary users of the tower would be
1527 the racetrack?

1528

1529 Ms. Mullen - The primary users would be the racetrack during race
1530 week. So folks coming—they have 100,000 people, I think, per race. But you also
1531 have other events. So any user of the track as well as—they know that there is a
1532 capacity need now, and they're building up their network for the future. So that
1533 includes all of the residential areas behind as well as all the businesses. So
1534 you've seen a trend in businesses moving from a typical cash register to a
1535 wireless system. So Verizon is moving throughout the county and throughout the
1536 region to build up their network capacity, again, based on their high market share
1537 and the capacity needs that they've seen.

1538

1539 Mr. Leabough - So my question. Since a lot of the discussion was
1540 around the racetrack, why not put it on the racetrack property?

1541

1542 Ms. Mullen - Because the racetrack has an exclusive with a
1543 different carrier. So based on their title sponsorship, we are on one tower within
1544 the racetrack, and that is owned by a third party. We are also on the other towers
1545 that are in the area, and there's no additional room for additional equipment to
1546 serve these needs.

1547

1548 Mr. Leabough - Thank you.

1549

1550 Mrs. Jones - Is there any chance that there would be an internal
1551 versus external array?

1552

1553 Ms. Mullen - No ma'am, not for this type of specific antenna
1554 direction. If you were to do that it just goes straight up and down. So it doesn't
1555 achieve—I guess there is always the opportunity, but it doesn't achieve the goals
1556 that Verizon is trying to reach. They have an array to head towards the
1557 residential section as well as be able to direct them specifically into the track and
1558 then the surrounding areas, again trying to minimize any interference with other
1559 signals to make sure that those signals are strong and can handle the data
1560 traffic.

1561

1562 Mrs. Jones - Okay.

1563

1564 Mr. Kaechele - Is there plenty space for future co-location?

1565

1566 Ms. Mullen - There are—there are five total positions available, so
1567 there would be four additional positions.

1568

1569 Mr. Kaechele - And for space on the ground too?

1570

1571 Ms. Mullen - Yes.

1572
1573 Mr. Leabough - Any other questions for Ms. Mullen?
1574
1575 Mr. Archer - No. I'd like to hear from the opposition now,
1576 Mr. Chairman.
1577
1578 Ms. Mullen - Thank you.
1579
1580 Mr. Giles - My name is Christopher Giles. I live in the
1581 Meadowbridge subdivision, which is behind the strip mall. And my problem is
1582 this. We have all kind of—what should I say?—strip malls. On one corner it's a
1583 gas station. On the next corner there's a mechanical shop. It's the flea market.
1584 There's storage back there. Now all of a sudden we have a strip mall. You have
1585 Henrico High School down the street. And now you want to bring in another
1586 eyesore. This is my first time doing this so I'm kind of nervous.
1587
1588 Mr. Archer - Take your time, sir; you're doing fine.
1589
1590 Mr. Giles - My thing is this. My property value is constantly going
1591 down now. Constantly. And this is not going to help it any because it's still going
1592 to be an eyesore. When I get up in the morning time and on my deck, because
1593 I'm right behind the strip mall. Okay. And it's going to be 199 feet high. And then
1594 they have another one coming up I guess. I don't know where that one is going to
1595 be or what distance it is. So I'm against it. I think it's an eyesore and I'm tired of
1596 my property going down. And I don't think it's going to help it any. That's just my
1597 thought.
1598
1599 Mr. Leabough - Sir, I'm sorry. What was your last name again?
1600
1601 Mr. Giles - Giles. G-i-l-e-s.
1602
1603 Mr. Archer - I don't have any questions.
1604
1605 Mr. Giles - Okay.
1606
1607 Mr. Leabough - Thank you, sir.
1608
1609 Mr. Giles - Thank you.
1610
1611 Mr. Archer - Mr. Chairman, as always, tower cases can be
1612 difficult. I really have to look at what the proposed purpose will do to the overall
1613 general good of the community. And there are reasons I understand what
1614 Mr. Giles is saying. We've had that same topic come up over the years. The
1615 question has been asked before, but we've not seen any studies that indicate
1616 that property values are affected by communication towers.
1617

1618 I don't need to, I guess, talk about the economic impact of Richmond
1619 International Raceway. It's a tremendous benefit not just to Henrico but to the
1620 metro area at large. It brings a tremendous economic input for all of these areas.

1621
1622 There was a time when telephone towers first began to come out that the logic
1623 was to have shorter towers so they wouldn't be visible. It didn't take us long
1624 to realize that if you use shorter towers you have to have many more of them.
1625 And as a result of that, we began to go to taller towers which would allow co-
1626 location on those towers and cut down on the number of towers that you had to
1627 have to serve. Now this won't just serve the raceway; it will also serve the
1628 surrounding community.

1629
1630 It may seem sad to some, but we are approaching the time—well, we've already
1631 gotten there actually—when telecommunications towers are just like telephone
1632 poles when they first sprung up out of the ground. When you look down the
1633 average street whether it's a commercial street or a residential street, you'll see
1634 inside of five or six blocks maybe ten or twelve telephone poles with lines
1635 dripping down. And we can't do anything about them because we have to have
1636 them. We are fast moving away from using landlines as a means of
1637 communication. Probably everybody in here has a cell phone...some maybe
1638 more than one. We have to turn ours off so we won't disturb the meeting. And I'm
1639 not saying that to be facetious. I'm just saying that it's a technology that is here.
1640 It'll never turn around and go backwards. We'll always have cell towers and we'll
1641 have more. As long as we have that need, that insatiable need that we have to
1642 text and talk and instant message, there's no way we can get around that. So I'm
1643 in sympathy with what Mr. Giles is saying, but at the same time I think that having
1644 the capacity that this would bring is probably going to be an overall benefit to the
1645 greater community.

1646
1647 Mr. Giles, what we do tonight is to make a recommendation to the Board of
1648 Supervisors, so you have an opportunity to voice your concern again when the
1649 Board meets in a month to discuss this same thing. And I'm not taking lightly
1650 what you said; I understand exactly what you're saying. But based on the impact
1651 or the perceived impact that these towers would have, I think in this instance we
1652 would be better served to be with them than to be without them.

1653
1654 With that reasoning and including the new conditions that we received today—
1655 there are thirteen of them—I will move to send this to the Board with a
1656 recommendation for approval.

1657
1658 Mrs. Jones - Second.

1659
1660 Mr. Leabough - We have a motion by Mr. Archer, a second by
1661 Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
1662 passes.

1663

1664 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs.
1665 Jones, the Planning Commission voted 4-0 (one absent, one abstention) to
1666 recommend the Board of Supervisors grant the request because it would provide
1667 added services to the community and it is reasonable in light of the surrounding
1668 uses and existing zoning on the property.

1669
1670 **PUP2014-00010 Stuart Squire for Verizon Wireless:** Request for a
1671 Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of
1672 Chapter 24 of the County Code in order to construct a monopole-style
1673 telecommunications tower up to 154' in height and related equipment on Parcel
1674 794-737-7079 located between Richmond Henrico Turnpike and Meadowbridge
1675 Road approximately 510' south of their intersection with E. Laburnum Avenue.
1676 The existing zoning is B-3 Business District. The 2026 Comprehensive Plan
1677 recommends Commercial Arterial. The site is located in the Enterprise Zone.
1678 The staff report will be presented by Mr. Billy Moffett.

1679
1680 Mr. Leabough - Is there anyone here in opposition to PUP2014-
1681 00010, Stuart Square for Verizon Wireless? There's no opposition. Mr. Moffett.

1682
1683 Mr. Moffett - Thank you. This is a request for a provisional use
1684 permit to allow a 154-foot-tall monopole wireless telecommunications tower and
1685 related equipment at 3810 Meadowbridge Road. The tower and equipment area
1686 would be located on an undeveloped portion of the Crawley Funeral Home
1687 property between Richmond Henrico Turnpike and Meadowbridge Road. As
1688 noted in the previous tower presentation, the applicant has stated that these two
1689 towers would collectively provide wireless telecommunication coverage for the
1690 raceway complex and the surrounding community.

1691
1692 The 2026 Comprehensive Plan's future land use recommendation for this
1693 property is Commercial Arterial, and the property is currently zoned B-3 Business
1694 District. The Zoning Ordinance allows telecommunication towers to exceed fifty
1695 feet in height in a B -3 District with the approval of a provisional use permit.

1696
1697 The ordinance also requires wireless telecommunication towers to meet specific
1698 setbacks and, as required, the base of the proposed 154-foot-tower would
1699 comply with the fifty-foot minimum setback to all property lines and be located at
1700 least 110 percent of the tower height or 169.4 feet away from any residential
1701 property line or dwelling.

1702
1703 The proposed tower would consist of a 150-foot monopole tower with a four-foot
1704 lighting rod. The monopole tower will have an array of external antennas and
1705 have co-location opportunities for other wireless providers. The tower and
1706 associated ground equipment would be located in a 2500-square-foot leased
1707 area that would be enclosed and screened by privacy fencing and landscaping.

1708

1709 The applicant has recently provided additional information based on the
1710 community meeting held on March 27th and the balloon float held on April 3rd.
1711 Based on the photo simulations received from the applicant and the lack of public
1712 comment, staff recommends approval and believes the impacts from this tower
1713 would be minimal on the surrounding community. Please note the conditions
1714 have been revised to reflect the change in height from 120 feet to the requested
1715 154 feet on condition number six and the landscape plan changed from Exhibit B
1716 to Exhibits E and F on condition number eleven.

1717
1718 That concludes my presentation and I'd be happy to answer any questions you
1719 have for me.

1720
1721 Mr. Leabough - Are there any questions for Mr. Moffett? Thank you,
1722 sir.

1723
1724 Mr. Moffett - Thank you.

1725
1726 Mr. Leabough - Mr. Archer?

1727
1728 Mr. Archer - I'd like to hear from the applicant again. Ms. Mullen,
1729 could you pull up the pictures that you were showing and let us see some
1730 pictures of the other poles in the area, telephone poles?

1731
1732 Ms. Mullen - Yes sir. Would you pull up the other PowerPoint
1733 presentation please?

1734
1735 Mr. Archer - Can you switch to the street view where you could
1736 actually see telephone poles?

1737
1738 Ms. Mullen - I cannot, but I've got some picture that will show you
1739 some poles. This is the access point here. And as we go through—

1740
1741 Mr. Archer - I think I saw a few in the last presentation.

1742
1743 Ms. Mullen - This one will show you. Here are your poles.

1744
1745 Mr. Archer - You can stop right here for a second. I guess the
1746 point that I'm trying to illustrate—and I say this quite often—is if I had to have a
1747 choice between those—one, two, three, four, five, six—telephone poles with all
1748 the wires and the stuff hanging from the top and them and one tower, I think that
1749 one tower is a lot less obtrusive. If you look at it, it doesn't do a whole lot to
1750 change the landscape from the view of the person who's looking at it. And as
1751 these towers come up, you'll probably hear me say this again. But I think we get
1752 transfixed on looking at those towers. At some point we have to realize that there
1753 are poles all around us. I don't know if it's a good point to make or not, but I'm
1754 going to make it anyway.

1755
1756 That was basically what I wanted to show. And I know you did have some other
1757 pictures that show other poles. This comes up all the time when we have these
1758 cell tower cases to talk about. As soon as you show us a streetscape you see all
1759 these poles. Again, it's a communication necessity that we have to have. We will
1760 not go backwards. People are not going to give up their phones. My hip has
1761 buzzed five times since I've been in here. But anyway, that was all I wanted from
1762 you, Ms. Mullen, unless you have something else you'd like to present.
1763
1764 Ms. Mullen - That's all. Thank you.
1765
1766 Mrs. Jones - As long as we don't have the red arrows. Okay? We
1767 don't want the red arrows.
1768
1769 Mr. Archer - I went to both of the balloon floats, and I tried
1770 desperately to make the meeting, the community meeting that was held. I think
1771 there were some 300-and-some communications sent out. By the time I got to
1772 the meeting it was over. Four people attended out of the 300-and-some letters
1773 that were sent out. So again, based on the same reasoning that we had for the
1774 previous case, I will move to send this to the Board of Supervisors with a
1775 recommendation for approval, and also based on the fourteen new conditions
1776 that we received tonight. I include that in the motion.
1777
1778 Mrs. Jones - Second.
1779
1780 Mr. Leabough - We have a motion by Mr. Archer, a second by
1781 Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
1782 passes.
1783
1784 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs.
1785 Jones, the Planning Commission voted 4-0 (one absent, one abstention) to
1786 recommend the Board of Supervisors grant the request because it would provide
1787 added services to the community and it is reasonable in light of the surrounding
1788 uses and existing zoning on the property.
1789
1790 Mr. Emerson - Mr. Chairman, the next item on your agenda would be
1791 the consideration of approval of your minutes from the March 13, 2014 meeting.
1792 We do not have an errata sheet.
1793
1794 Mr. Leabough - Are there any changes to the minutes? If not, I'll
1795 entertain a motion.
1796
1797 Mr. Archer - I move that the minutes be approved as written.
1798

1799 Mr. Leabough - Second. We have a motion by Mr. Archer, a second
1800 by Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the
1801 motion passes.

1802
1803 Is there any other business, Mr. Secretary?
1804

1805 Mr. Emerson - Mr. Chairman, I have nothing further for the
1806 Commission this evening.

1807
1808 Mr. Leabough - All right. There being no other items for the agenda,
1809 I'll entertain a motion for adjournment.

1810
1811 Mrs. Jones - So moved.

1812
1813 Mr. Archer - Second.

1814
1815 Mr. Leabough - We're adjourned. Thank you.

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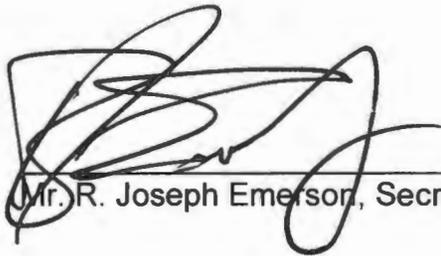
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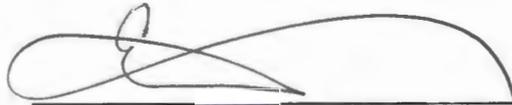
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Mr. R. Joseph Emerson, Secretary



Mr. Eric Leabough, Chairman