

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. December  
4 7, 2017. Display Notice having been published in the *Richmond Times-Dispatch*  
5 on November 20, 2017 and November 27, 2017.  
6

Members Present: Mr. Eric S. Leabough, C.P.C. Chair (Varina)  
Mr. Robert H. Witte, Jr., Vice Chair (Brookland)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Gregory R. Baka (Tuckahoe)  
Mrs. Sandra M. Marshall (Three Chopt)  
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,  
Secretary  
Mr. Tyrone E. Nelson (Varina)  
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning  
Mr. James P. Strauss, PLA, Senior Principal Planner  
Mr. Seth Humphreys, County Planner  
Mr. Livingston Lewis, County Planner  
Mrs. Lisa Blankinship, County Planner  
Mr. Michael Morris, County Planner  
Mr. William Moffett, CPTED Planner, Police  
Mr. John Cejka, Traffic Engineer, Public Works  
Ms. Sylvia Ray, Recording Secretary

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8 **Mr. Tyrone E. Nelson, 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 December 7th rezoning meeting. If you all  
13 would mute or silence your cell phones. And as you do that, please rise with the  
14 Commission for the Pledge of Allegiance.

15  
16 Thank you all for taking time out of your busy schedules to be here with us  
17 tonight. I'd also like to acknowledge Rev. Nelson, our Board of Supervisors'  
18 representative who's with the Commission this year. And we have all  
19 commissioners present, so we can conduct business.

20  
21 Do we have anyone from the news media present? I don't think I see anyone but  
22 perhaps I missed someone. Okay, no new media present. With that, I'd like to  
23 turn the agenda over to our secretary, Mr. Joe Emerson

24  
25 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda  
26 tonight are the requests for withdrawals and deferrals, and there are none of  
27 those this evening. Next will be requests for expedited items. Those will be

28 presented by Mr. Seth Humphreys. He will also provide you a short report on the  
29 office's Christmas Mother efforts this year.

30  
31 Mr. Humphreys - Good evening.

32  
33 Several - Good evening.

34  
35 Mr. Humphreys - We do have a few requests for approval on the  
36 expedited agenda this evening. The first is in the Brookland District on page 1 of  
37 your agenda. This is REZ2017-00030, Mark Williams for Luis Cabral. This is a  
38 request to rezone from Office uses to Business uses for a drive-through  
39 restaurant. Staff is recommending approval, including the 11 proffers listed in the  
40 staff report. We are not aware of any opposition at this time.

41  
42 **REZ2017-00030 Mark Williams for Luis Cabral:** Request to  
43 conditionally rezone from O-2 Office District to B-2C Business District  
44 (Conditional) Parcel 770-755-3230 containing .998 acres located at the southeast  
45 intersection of Staples Mill Road (U.S. Route 33) and E. Parham Road. The  
46 applicant proposes a drive-thru restaurant. The use will be controlled by proffered  
47 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan  
48 recommends Commercial Concentration.

49  
50 Mr. Leabough - Okay. Is there anyone present who is opposed to  
51 REZ2017-00030, Mark Williams for Luis Cabral? I see no opposition. Mr. Witte.

52  
53 Mr. Witte - Mr. Chairman, I move REZ2017-00030, Mark  
54 Williams for Luis Cabral, move to the Board of Supervisors with a  
55 recommendation of approval on the expedited agenda.

56  
57 Mr. Baka - Second.

58  
59 Mr. Leabough - We have a motion by Mr. Witte, a second by Mr.  
60 Baka. All in favor say aye. Those opposed say no. Hearing no opposition, that  
61 motion passes.

62  
63 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.  
64 Baka, The Planning Commission voted 5-0 (one abstention) to recommend the  
65 Board of Supervisors **grant** the request because it conforms to the  
66 recommendations of the Land Use Plan and it would not be expected to adversely  
67 affect the pattern of zoning and land use in the area.

68  
69 Mr. Humphreys - The next case is in the Three Chopt District on page 2  
70 of your agenda. This is REZ2017-00033, Ronald Kody. This is a request for a  
71 proffer amendment to allow for a change in exterior building materials. Staff is  
72 recommending approval with the amended proffer as noted in the staff report.  
73 Once again, we are not aware of any opposition.



120  
121 Mr. Humphreys - The hat's coming down, Mr. Witte. Henrico Christmas  
122 Mother.  
123  
124 Mr. Leabough - I feel compelled to, given that you went to the trouble  
125 of wearing that suit.  
126  
127 Mr. Humphreys - I think Mr. Theobald asked if had been to the thrift  
128 store.  
129  
130 Mr. Witte - I believe he was donating, too, wasn't he?  
131  
132 Mr. Emerson - Seth, why don't you say how much we raised for you  
133 to wear the suit.  
134  
135 Mr. Humphreys - Oh. For me to wear the suit, we raised \$345.00.  
136  
137 Mr. Emerson - That was a little interdepartmental challenge there.  
138  
139 Mr. Humphreys - Next year we're thinking about buying Joe a suit.  
140  
141 Mr. Emerson - Ah, yes. We'll see how that works out  
142  
143 Mr. Archer - He's going to wear his other suit on top, right?  
144  
145 Mr. Emerson - Yes, that's right.  
146  
147 Mr. Leabough - Thank you, great job.  
148  
149 Mr. Emerson - All right. Mr. Chairman, thank you for indulging us.  
150 With that said, we now move into the regular agenda for your first case of the  
151 evening, PUP2017-00020, Drew Patterson for PI Tower Development, LLC. The  
152 staff report will be presented by Mr. Livingston Lewis.

153  
154 **(Deferred from the November 9, 2017 Meeting)**

155 **PUP2017-00020 Drew Patterson for PI Tower Development, LLC:**  
156 Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-  
157 122.1 of Chapter 24 of the County Code in order to allow a monopole  
158 communication tower up to 156.5' in height and related equipment on part of  
159 Parcel 791-740-4089 located on the north line of Oronoco Avenue at its  
160 intersection with Pilots Lane. The existing zoning is A-1 Agricultural District. The  
161 2026 Comprehensive Plan recommends Semi-Public and Environmental  
162 Protection Area. A portion of the site is in the Airport Overlay Safety District.  
163

164 Mr. Leabough - Is there anyone present who is opposed to PUP2017-  
165 00020, Drew Patterson for PI Tower Development, LLC? I see no opposition.  
166 Good evening, Mr. Lewis.

167  
168 Mr. Lewis - Good evening, Mr. Chairman, members of the  
169 Commission.

170  
171 As stated, this is a Provisional Use Permit request to allow Parallel Infrastructure  
172 to construct a telecommunication tower on the Forest Lawn Cemetery property at  
173 4000 Pilots Lane. The site is zoned A-1 and is recommended for Semi-Public  
174 and Environmental Protection Area in the 2026 Comprehensive Plan.

175  
176 As shown on this exhibit, the applicant proposes a 156-1/2-foot-tall tapered  
177 monopole-style structure with semi-flush-mounted external antennas for T-Mobile  
178 at the top and co-location spaces for other carriers below.

179  
180 The tower and related ground equipment would all be located within a 50 foot by  
181 50 foot fenced area at the north end of the cemetery, accessed via an easement  
182 extending from the cemetery's existing internal road.

183  
184 While some Semi-Public uses are naturally well suited to accommodate  
185 communications infrastructure, cemeteries are specifically identified by the Plan  
186 as sensitive areas related to tower siting. However, by carefully locating the  
187 tower and taking other steps to minimize its visual impact, these structures can  
188 be made reasonably compatible with some cemeteries while still providing  
189 additional wireless services to the community.

190  
191 The nearest residence would be approximately 515 feet to the northwest at the  
192 end of Conley Road, which is this location right here where the cursor is.  
193 According to the applicant's balloon float and photo simulations, the tower would  
194 not be visible from that vantage point; however, it would be somewhat visible  
195 from various locations throughout the cemetery and surrounding area. The  
196 applicant explored the possibility of moving the tower site eastward, further into  
197 the woods, but the property owner did not agree with making that change. As an  
198 alternative, the applicant has agreed to reduce the maximum height of the tower  
199 to 136 feet and provide for additional landscaping around the ground equipment  
200 compound.

201  
202 Staff believes these two important changes, along with the previous change to  
203 semi-flush-mounted antennas, will serve to adequately minimize the tower's  
204 visual impact. With these additional measures detailed in revised conditions #1  
205 and #3 just handed out, staff is able to support this request.

206  
207 This concludes my presentation. I am happy to answer any questions you may  
208 have.

209

210 Mr. Leabough - Are there any questions for Mr. Lewis from the  
211 Commission? Mr. Archer?

212  
213 Mr. Archer - Yes sir.

214  
215 Mr. Leabough - Would you like the applicant to come forward?

216  
217 Mr. Archer - I would like the applicant to come forward,  
218 Mr. Chairman. And while the applicant is coming forward, being a country boy  
219 raised on a tobacco farm, the word, Mr. Secretary, is *Oronoco*.

220  
221 Mr. Emerson - Thank you, sir.

222  
223 Mr. Archer - It is a type of tobacco.

224  
225 Mr. Emerson - Is it really.

226  
227 Mr. Shewmake - Good evening, Mr. Chairman, members of the  
228 Commission. My name is William Shewmake. I'm with LeClairRyan. I represent  
229 the applicant in this case.

230  
231 At the outset, I want to express my appreciation for staff, in particular, Mr. Lewis,  
232 for his hard work in working with us to try make this as good a case as possible  
233 so that we can serve the community. We're very appreciative of that, along with  
234 the guidance of Mr. Archer and others. We want to express that.

235  
236 I want to take a moment to talk a little bit about why this tower is so important.  
237 And I also think it's going to present you with what is going to come before you  
238 more and more often, which is capacity issues. When we were first having cell  
239 phones, there weren't that many of them. So all you had to do, like a two-lane  
240 road, was connect one dot to another and you could get there. But those times  
241 have changed. Now more than half the homes have totally given up their  
242 landlines, and everybody's doing everything from streaming movies and  
243 everything else on their cell phones.

244  
245 And that means on the information highway we have a traffic jam. In that traffic  
246 jam it is severely impinging and impairing service. This is now almost a utility. So  
247 like the interstate, what the towers and carriers have to do is provide other cell  
248 towers to draw off the calls and the data that's streaming to the towers to  
249 alleviate the pressure and the traffic. That's the way you can speed up the  
250 service so you don't have those circles coming at you.

251  
252 That's what, to a large extent, this tower is doing in this case. In addition to  
253 improving coverage, it's to drastically improve the service that the other cell  
254 towers are providing to the community.

255

256 What we want to do is show you what the propagation maps show, the coverage  
257 and impact it would have on that. This is the existing coverage. This is the  
258 proposed cell tower. You see where it's fitting into the other cell towers and the  
259 expanded coverage that it provides. So in the star, what we're doing is—and you  
260 see the triangle. There is a reason for that. In addition to the area that doesn't  
261 have the best of coverages, it can serve to offload a lot of the data that's  
262 streaming to the other towers.

263

264 What we did was, to show you the height differential, we went in at the different  
265 heights. When we did this test, we were requesting a 150-foot tower with a 6-foot  
266 lightning rod. These series of slides are going to show you the impact of as you  
267 lower the tower the impact it has on coverage. This is at 150 feet. This is at 140  
268 feet, 130 feet, and then 120 feet. What you can see is you're trying to get co-  
269 locators. As they're going down the pole, they get less and less coverage. And  
270 that's showing where we are in the proximity of other towers.

271

272 One thing to explain of how this works is essentially the tower, as it's locating, is  
273 trying to draw off the other calls and the other users from those towers. The  
274 reason why height is so important, putting it in layman's terms, it's not the sight  
275 distance between the two towers. Basically, you're getting an angle because  
276 you're serving the people on the ground. So in laymen's terms, the higher up you  
277 are, the broader that cone is. It's like a flashlight. You have it down, it's a narrow  
278 beam. If you pick it up, it's broader. So by being higher, you have that broader  
279 cone. And obviously, the further out you get from the perimeter, the less viable  
280 the reception is. And so as you get further away from that tower's cone or to the  
281 edge, you start competing with the other towers of where the call's going to go.  
282 And so the stronger the coverage, the more calls and data will be used on that  
283 tower. The lower you are, that means it's not taking off as many calls to the  
284 surrounding towers.

285

286 This is just an example of what this is proposed to do in terms of improving  
287 coverage. Right now, it would be basically improving coverage to 8200 potential  
288 customers in the area, residents. What this is trying to show you is the impact of  
289 lowering the height in terms of helping the other cell towers, offloading uses from  
290 them. So if you're 150 feet, it's anticipated that 35 percent of the existing  
291 residents who could be using the existing sites would actually be transferred over  
292 to this new tower. And then you can see as you go lower, you're offloading fewer  
293 and fewer. That has an impact on how you can speed up service on the other  
294 towers.

295

296 Just for information purposes, this was a study that was done in Virginia Beach  
297 that T-Mobile did. This was a tower that was needed for capacity. What they did  
298 was after that tower was built, they went in and measured the throughputs or how  
299 fast did it speed up the service on the tower it was supposed to help. This tower  
300 more than doubled, basically, the speed of the throughputs once it was put up. It  
301 was put on February 15th and had a dramatic impact.

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We did the photo sims and the balloon test. Now these are at 150 feet. Essentially, you cannot see them from the surrounding residential area, even at 150 feet. And we've now provided—basically, it's going to be 130-foot pole with a 6-foot lightning rod. Again, this is all at 150 feet. You could see it in some parts of the cemetery. Not all parts of the cemetery. For example, from this site you could see it at 150 feet. The others are just—you've already seen those.

We would ask that you approve it. We've worked hard with staff. We want to have co-locations. That's one of the primary goals. We think at, basically, 130-foot monopole we can still provide the service that T-Mobile needs. Obviously, it's not going to be as good as if we were at 150 feet, but we know that that can serve T-Mobile's needs, and we think we can get another co-location.

So that's the reason why we're here for this matter. It's always difficult to provide service to existing neighborhoods. And yet, they're the ones that desperately need it. As businesses come in and families want to move in as the residents change, one of the biggest things they're asking is what is your coverage, do you have it. It's important for every area, but especially existing communities to be afforded this vital service. And we think this helps us meet that need in this area.

I'll be glad to answer any questions. But I did think it was important to explain what the issue of capacity is all about because that is becoming more and more important because the traffic is not lessening, it's getting a lot worse. And we need to address that congestion. Thank you very much.

Mr. Leabough - Are there any questions from the Commission?

Mr. Archer - I was going to say, Mr. Shewmake, I thank you for making those explanations because it cut out some of the questions I was going to ask you. And I also thank you for the way you have cooperated with Mr. Lewis this week. And Mr. Lewis, thank you so much for all the hard work you put into this. I was sort of a bystander, to tell you the truth.

I have some questions—well you've covered most of them. My biggest question is how do you, moving forward, find sites that are suitable for an antenna and at the same time not be in violation of the policies of whatever jurisdiction it is regarding these towers. I know it's not an easy question to answer, but there is going to be more of this coming. I'm curious as to how you do that.

Mr. Shewmake - It takes a lot of work. For example, here, you're balancing the issue of wanting to be respectful to the cemetery where my parents and grandfather are buried.

Mr. Archer - I have some people there also.

348 Mr. Shewmake - So you're trying to find the best place you can to  
349 minimize the impact. You're never going to find a site at this point where you're  
350 not going to have any visual impact. But it's a lot like the telephone poles.  
351 Everybody needed electrical poles. You needed to have that service. A lot of  
352 these are, people are beginning to realize, ultimately less intrusive than a lot of  
353 the existing utilities that we have. I live in an area where there are a number of  
354 cell towers. And actually, I can see the WCVB tower. You really don't see it.  
355 Once you're there, you're accustomed to it, it's part of the background. You just  
356 don't see it, especially if it's not lit. That's an important consideration.

357

358 So I think they will continue to try to find places that can meet the guidelines as  
359 much as possible. I do think it's becoming more of a challenge. But I will say  
360 localities are also understanding how vitally important this service is. I'm in a lot  
361 of localities, more rural localities that are begging for the service and the towers  
362 because it really has an impact on their community. So I think there is a kind of  
363 realization as we're moving forward. I'm finding localities working with us. I know  
364 at one time there was a real push to have—I know we've talked about this, Mr.  
365 Archer—90- or 100-foot towers. That cuts down on co-location and the coverage  
366 isn't as good. So we're evolving over time.

367

368 That's a longwinded answer to say we're doing the very best that we can. But I  
369 also think that Planning and the Commissioners and Supervisors are trying to  
370 work with us, recognizing the need for the service.

371

372 Mr. Archer - I appreciate that. I'll go back maybe 15, 20 years ago  
373 when cell phones first came out. We didn't know how to react to them, to be  
374 honest with you. There was some federal intervention that was made that sort of  
375 said you have to. We compromised a little bit with them and came up with some  
376 things that were workable. But we were all in the mindset that let's make these  
377 things as short as we can, and we were doing them at 90 feet. A hundred was a  
378 tall one. It was only later that we began to realize that co-location possibilities just  
379 would not work on a 90-foot tower. So we ended up with a bunch of 90-foot  
380 towers instead of maybe three 150-foot towers.

381

382 As you explained to the Commission, and as Mr. Lewis did, we were shooting  
383 for—or you were shooting for at least 150 feet. By yesterday, we'd worked our  
384 way down to 140, and by this morning we'd gotten down to 130. So there has  
385 been a lot of negotiation. We made a reasonable compromise, which means  
386 everybody goes away equally mad. But in this case, we're not mad.

387

388 I'm thinking that in terms of how we have to move forward with cell phone  
389 communication and other—I guess there are other types of communications that  
390 are also involved in these.

391

392 Mr. Shewmake - You can.

393

394 Mr. Archer - Okay. It is my opinion that we need to move forward  
395 with this. I'm familiar with some localities—my home locality, for example, has  
396 awful cell phone service and internet service because they don't have the means  
397 to provide it. I'm beginning to notice this phenomenon with my own phone, and  
398 maybe you can tell me what's going on with this. For example, I called my wife  
399 on the way over here. The phone rang, but instead of the normal *ring-ring*, it  
400 kinda went *rrrrring*. And when she answered, her voice said, "Hheeeellooo?"  
401 And I hung up and called again, and the call became normal. But I've had that  
402 happen maybe four or five times in the last two weeks. Is there anything that's in  
403 knowledge as to what's happened?  
404

405 Mr. Shewmake - I would not—a lot of the problems that are being  
406 experienced, especially if you have a lot of usage at a particular time—that's why  
407 it can change depending on what time you call. What is the load? How many  
408 cars, if you will, are on the road? That is one thing that can affect your coverage.  
409 Now, on that particular item, I do have an engineer from T-Mobile. If you really  
410 want, I can get that answer.  
411

412 Mr. Archer - Well no I don't want you to fix it tonight, but  
413 [unintelligible].  
414

415 Mr. Witte - Mr. Archer, I think that's happened to me before. Can  
416 you go through that sound again so I can . . .  
417

418 Mr. Archer - *Hhheeeellooo?* She was speaking normally, but that's  
419 the way it was coming across. Something was stopping the speed of her voice  
420 transmission. Like I said, it's happened before.  
421

422 Are there any other questions from the Commission? Mr. Baka, you're more of  
423 an expert on this thing.  
424

425 Mr. Baka - No, not an expert at all by any means. But I do have a  
426 question. The marked approximate location of the proposed tower is on the  
427 northern edge of the cemetery. I realize that you may consider that to be the  
428 most appropriate location. Did you consider the locations further to the east of  
429 that site where it appears to be a little bit more open and even further from the  
430 residences? I'm looking at the zoning map.  
431

432 Mr. Shewmake - I think the way we looked it was where we were  
433 located you couldn't see it from the residential. That was one of our primary  
434 criteria. And then once we established that, you've got to work with the cemetery  
435 owner while also keeping in mind where they may have future gravesites. So in  
436 terms of the impact on the community, we felt like overall this was the best  
437 balance.  
438

439 Mr. Baka - I appreciate the presentation on the capacity issues.  
440 That answered many of the questions that I had prior to tonight. So thank you.

441  
442 Mr. Leabough - Are there any other questions from the Commission?  
443 If not, Mr. Archer.

444  
445 Mr. Shewmake - Thank you.

446  
447 Mr. Archer - Okay.

448  
449 Mr. Leabough - Thank you, sir.

450  
451 Mr. Archer - Thank you, sir. Mr. Chairman, I guess I'm seeing the  
452 case where eventually we'll probably have to initiate some more studies and look  
453 at our policies concerning these towers. But as for this one, I think  
454 Mr. Shewmake has made a compelling case, and I'm in agreement with him, my  
455 motion would be to send this to the Board with a recommendation of approval.

456  
457 Mr. Baka - Second.

458  
459 Mrs. Marshall - We have a motion by Mr. Archer, a second by  
460 Mr. Baka. All in favor say aye. Those opposed say no. Hearing no opposition,  
461 that motion passes.

462  
463 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.  
464 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the  
465 Board of Supervisors **grant** the request because it would provide added services  
466 to the community and the permit conditions should minimize the potential impacts  
467 on surrounding land uses.

468  
469 Mr. Emerson - Mr. Chairman, we now move on to page 2 of your  
470 agenda for REZ2017-00027, Scott Boze. The staff report will be presented by  
471 Ms. Lisa Blankinship.

472  
473 **REZ2017-00027** **Scott Boze:** Request to conditionally rezone from B-2  
474 Business District to B-3C Business District (Conditional) Parcel 812-724-3676  
475 containing .981 acres located on the north line of Nine Mile Road (State Route  
476 33) approximately 300' east of its intersection with Cedar Fork Road. The  
477 applicant proposes commercial uses. The uses will be controlled by zoning  
478 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
479 recommends Commercial Concentration. The site is in the Enterprise Zone and  
480 the Airport Overlay Safety District.

481  
482 Mr. Leabough - Is there anyone present who is opposed to REZ2017-  
483 00027, Scott Boze? I see no opposition. Good morning, Ms. Blankinship.

484

485 Ms. Blankinship - Thank you Mr. Chairman, members of the  
486 Commission.

487  
488 This is a request to rezone .981 acres from B-2 to B-3C. A vacant building exists  
489 on the subject site, which was most recently used as check cashing  
490 establishment.

491  
492 The subject property is located in the Enterprise Zone, is part of the Nine Mile  
493 Road Corridor Revitalization/Reinvestment Opportunity Area, and is designated  
494 Commercial Concentration on the 2026 Comprehensive Plan. Surrounding uses  
495 include a restaurant, retail, training and personal services, and a convenience  
496 store with gas pumps.

497  
498 With this request, the applicant has not indicated a specific use that would  
499 necessitate B-3 zoning. The applicant has offered to prohibit adult businesses,  
500 but has not addressed other uses allowed in the B-3 district. In addition, the  
501 hours of operation in the B-3 district would allow for 24-hour operation, by right,  
502 compared to the B-2 district's limitation of hours of operation from 6:00 a.m. to  
503 12:00 midnight

504  
505 Until a use has been identified, including the hours of operation, it is difficult for  
506 staff to analyze the potential impacts of this request. For these reasons, staff  
507 does not support this request.

508  
509 This concludes my presentation. I will be happy to answer any questions.

510  
511 Mr. Leabough - Are there any questions from the Commission for  
512 Ms. Blankinship? Okay. Thank you, Ms. Blankinship. Mr. Archer, I'm sure you  
513 want to hear from the applicant.

514  
515 Mr. Archer - I need to hear from the applicant, yes please.

516  
517 Mr. Leabough - Would the applicant please come forward? Sir, as you  
518 approach the podium, these are recorded proceedings, so could you please state  
519 your name for the record?

520  
521 Mr. Boze - Yes sir. Good evening, members of the Commission.  
522 My name is Scott Boze. I'm a manager with the applicant.

523  
524 Mr. Leabough - Okay. Thank you, sir.

525  
526 Mr. Boze - It's our understanding that there is opposition to this  
527 request. The area along Nine Mile Road there has changed somewhat in the last  
528 couple of years. It is definitely consistent with a B-3 zoning. Some of the uses  
529 right in the immediate area include a Kia automotive dealership; a McDonald's  
530 restaurant; a service station with gas; and the largest retailer in the world, also a

531 B-3 user, which is Walmart, which is operated 24 hours a day, 7 days a week  
532 and services many thousands of customers per week. Obviously, the Kia  
533 dealership is B-3 as well.

534

535 We believe that the B-3 zoning will promote employment opportunities in the  
536 area, provide opportunities for valuable services to be provided to the community  
537 at this location, help stem the declining property value, help deter crime and  
538 vandalism, and promote business. This is in an Enterprise zone.

539

540 That's pretty much our request. We hope that you will recommend approval.

541

542 Mr. Archer - Thank you, Mr. Boze. Mr. Boze, I know that you've  
543 had discussions with Ms. Blankinship concerning this and the portrayal of this in  
544 the staff report. Are you able to understand why it is that we don't like to move  
545 forward with things that we don't have any idea what would be on the property?

546

547 Mr. Boze - Yes, I do understand that. Yes sir.

548

549 Mr. Archer - Okay. Well, it is my opinion that until we can have  
550 some of that information in hand,—it would be very difficult to make a  
551 recommendation for the Board to approve this without having any knowledge of  
552 what might be on the site.

553

554 Mr. Boze - Right. Our opinion is that the purpose of having the  
555 zoning category, the B-3, is to allow the uses that are allowed in the B-3  
556 category. So that's what we're asking for. We can't very well have a use without  
557 having the ability to make the property available for potential users.

558

559 Mr. Archer - Right, and I understand that. But the B-3 category has  
560 a broad list of uses. What normally happens in cases where we're asked to go to  
561 B-3—and you don't have to do this—the applicants will proffer out those uses  
562 that would not be compatible with the surrounding area or ones that typically we  
563 would just be in disfavor of. The only thing you've proffered out is adult  
564 businesses.

565

566 Mr. Boze - Yes sir. It's our belief that all of the B-3 uses that are  
567 in the ordinance are applicable with perhaps the exclusion of the adult  
568 businesses which primarily cater to sexually-oriented items. That's the purpose of  
569 having the B-3 category. The County has determined that those uses are  
570 suitable.

571

572 Mr. Archer - Well, based on what has been brought forth in the  
573 staff report and my personal experience, I would recommend that you either  
574 defer this until you can come up with some uses that we might be able to  
575 approve—I just don't think I can send it up to the Board and recommend approval  
576 because they're going to have the same questions that I have.

577  
578 Mr. Boze - I understand. It is our request to move ahead to the  
579 Board, however.  
580  
581 Mr. Archer - You want to go ahead?  
582  
583 Mr. Boze - Yes sir.  
584  
585 Mr. Archer - Okay. All right. We have three options. We can either  
586 defer, recommend denial, or recommend approval. Whichever one we offer, it will  
587 go forward.  
588  
589 Mr. Boze - Yes sir.  
590  
591 Mr. Archer - Okay. That's what you want to do?  
592  
593 Mr. Boze - Yes sir.  
594  
595 Mr. Archer - All right. Thank you.  
596  
597 Mr. Boze - Thank you very much.  
598  
599 Mr. Archer - All right, you're welcome. Mr. Chairman, if that is the  
600 case, then I recommend that this be sent forward to the Board with a  
601 recommendation of denial.  
602  
603 Mr. Witte - Second.  
604  
605 Mr. Leabough - We have a motion by Mr. Archer, a second by Mr.  
606 Witte. All in favor say aye. Those opposed say no. Hearing no opposition, that  
607 motion passes.  
608  
609 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.  
610 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the  
611 Board of Supervisors deny the request because it failed to include the proffered  
612 conditions deemed necessary to lessen the impact of B-3 Business District  
613 zoning on the area and it represents an increase in intensity which could  
614 influence future zoning and development of adjacent properties.  
615  
616 Mr. Emerson - Mr. Chairman, now move on to the next items on your  
617 agenda. They are companion cases. It's a rezoning and provisional use permit,  
618 so we call them both at the same time. They will require separate motions once  
619 you've completed your hearing and taken public input. The first item is REZ2017-  
620 00025, James W. Theobald for The Rebkee Company.  
621  
622

623 *(Deferred from the November 9, 2017 Meeting)*

624 **REZ2017-00025** James W. Theobald for The Rebkee Company:  
625 Request to conditionally rezone from R-3 One-Family Residential District and B-1  
626 Business District to B-2C Business District (Conditional) on Parcel 754-747-0694  
627 containing 2.59 acres located at the northwest intersection of N. Parham and  
628 Three Chopt Roads. The applicant proposes a convenience store with fuel  
629 pumps. The use will be controlled by zoning ordinance regulations and proffered  
630 conditions. The 2026 Comprehensive Plan recommends Commercial  
631 Concentration and Suburban Residential 2, density should not exceed 3.4 units  
632 per acre.

633  
634 Mr. Emerson - Also combined with this item is PUP2017-00021,  
635 James W. Theobald for The Rebkee Company. The staff report will be presented  
636 by Ms. Lisa Blankinship.

637  
638 *(Deferred from the November 9, 2017 Meeting)*

639 **PUP2017-00021** James W. Theobald for The Rebkee Company:  
640 Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-  
641 122.1 of Chapter 24 of the County Code in order to allow 24 hour operation of a  
642 proposed convenience store with fuel pumps on Parcel 754-747-0694 located at  
643 the northwest intersection of N. Parham and Three Chopt Roads. The existing  
644 zoning is R-3 One-Family Residential District and B-1 Business District. The  
645 2026 Comprehensive Plan recommends Commercial Concentration and  
646 Suburban Residential 2, density should not exceed 3.4 units per acre.

647  
648 Mr. Leabough - Is there anyone present who is opposed to REZ2017-  
649 00025, James W. Theobald for The Rebkee Company or PUP2017-00021,  
650 James W. Theobald for The Rebkee Company? Okay we have opposition. Duly  
651 noted. We have some guidelines for speaking at our public hearings that I'll ask  
652 Mr. Emerson to share with the folks in opposition just after the staff report is  
653 presented by Ms. Blankinship. So Ms. Blankinship, good evening again.

654  
655 Ms. Blankinship - Thank you, Mr. Chairman, members of the  
656 Commission.

657  
658 As Mr. Emerson mentioned, the rezoning and Provisional Use Permit requests  
659 are companion cases, and I'll present them together. However, approval of the B-  
660 2C District would be necessary before consideration of the PUP for extended  
661 hours. Also, separate motions on the requests would be necessary by the  
662 Commission.

663  
664 The site is zoned B-1 and R-3. The B-1 is improved with a service station that  
665 has been in operation since 1970. The R-3 zoning on the northern portion of the  
666 site is wooded, undeveloped, and borders the Windsor Dell subdivision and  
667 single-family homes.

668

669 The applicant wishes to conditional rezone all the property to B-2C to expand the  
670 footprint of the service station for a Wawa and to potentially allow extended hours  
671 of operation with the approval of a provisional use permit. The applicant has  
672 submitted revised proffers, which I will go over momentarily.

673

674 As you can see from the concept plan, a new building would be constructed.  
675 Currently, there are four entrances to the site and this would be reduced to two.  
676 The building would be located in the center of the site with pump stations in the  
677 front of the building closer to Parham and Three Chopt Roads. A 25-foot-wide  
678 buffer and 8-foot wall would be placed along the property line adjacent to  
679 residential zoning property.

680

681 The building and canopy would adhere to these elevations. Lighting for the fuel  
682 pumps would be recessed under the canopy. As you can see, no lighting is  
683 proposed on the canopy fascia.

684

685 The applicant held community meetings on August 21st and October 23rd.  
686 Concerns expressed at the meetings pertained to extended 24-hour operation  
687 and impacts of B-2 zoning. The revised proffers are to mitigate these concerns.  
688 These include:

689

- 690 • Revising proffer #4 to install a masonry wall instead of a vinyl fence and  
691 increasing the height from seven feet to eight feet;
- 692 • Adding a height limit of 20 feet for any additional parking lot lighting  
693 fixtures;
- 694 • Limiting the use of outdoor speakers from 7 a.m. to 7 p.m. instead of 10  
695 p.m.; and,
- 696 • Adding two new proffers, 14 and 15, limiting the hours of trash pickup and  
697 hours of construction with no hours for either on Sunday.

698

699 The main revision to this request pertains to the provisional use permit. The  
700 applicant is no longer requesting 24 hours of operation and is now requesting a  
701 one-hour extension to open at 5 a.m. You have received the revised conditions  
702 that staff is recommending that includes this change, as well as nine other  
703 conditions to further regulate the site.

704

705 The 2026 Comprehensive Plan recommends Commercial Concentration for most  
706 of the site. A small triangular portion located in the northeast corner is designated  
707 Suburban Residential 2. The requested zoning and provisional use permit for one  
708 hour would be consistent with this designation. With the revised proffers and the  
709 ten recommended conditions, the requested zoning and extended hours of  
710 operation for one hour in the morning would be consistent with the  
711 recommendations of the Comprehensive Plan and existing commercial uses  
712 within the immediate vicinity. The request would also provide levels of  
713 assurances not currently in place on the property and would minimize potential

714 noise and visual impacts on adjacent property. For these reasons, staff supports  
715 both requests.

716

717 As mentioned, a motion on the rezoning request would be necessary prior to any  
718 action on the provisional use permit request.

719

720 This concludes my presentation. I'll be happy to try to answer any questions you  
721 may have.

722

723 Mr. Leabough - Are there any questions from the Commission for  
724 Ms. Blankinship?

725

726 Mr. Baka - Would you be able to put up a profile or composite  
727 sketch of the buffer on the western side of the property and just describe a little  
728 bit more of the width of the buffer and location of that wall in relation to the  
729 property line?

730

731 Ms. Blankinship - Okay. The buffer will be 25 feet, and the line here  
732 shows the outline of that transitional buffer of 25 feet. The brick wall follows this  
733 dark, heavy line here. It will come a minimum of 15 feet off the property line here.

734

735 Mr. Baka - Any trees between the wall and the property line,  
736 what would happen to those trees?

737

738 Ms. Blankinship - They would try to be maintained. As much vegetation  
739 that can be maintained would, from my understanding.

740

741 Mr. Baka - Thank you.

742

743 Ms. Blankinship - Thank you.

744

745 Mr. Leabough - When you say—the only exception would be if they  
746 were diseased or dead trees, they would probably remove those. But other than  
747 that, they would be leaving most of the trees there?

748

749 Ms. Blankinship - From my understanding. But the applicant could  
750 better address that question.

751

752 Mr. Leabough - Okay. Are there any other questions from the  
753 Commission? Okay. Mrs. Marshall? Would you like to hear from the opposition  
754 first or the applicant?

755

756 Mrs. Marshall - The opposition, please.

757

758 Mr. Leabough - Okay. Before you all come forward, I'll ask  
759 Mr. Emerson to share our guidelines for speaking at our public hearings.

760

761 Mr. Emerson - Yes sir, Mr. Chairman. As you note, the Commission  
762 does have guidelines regarding public hearings and they are as follows: The  
763 applicant is allowed ten minutes to present the request, and time may be  
764 reserved for responses to testimony. Opposition is allowed a cumulative ten  
765 minutes to present its concerns, meaning everyone should fit within that ten-  
766 minute time frame. Commission questions do not count into the time limits. The  
767 Commission may waive the limits for either party at its discretion, and comments  
768 must be directly related to the case under consideration.

769

770 Mr. Leabough - I know that there are a good number of people that  
771 are here to speak in opposition. I think I shared with you all earlier that it's a  
772 cumulative ten minutes. So to the extent that you have similar comments,  
773 hopefully you can kind of identify someone that can kind of speak to the general  
774 comments of most of the community members. And if others have other  
775 comments that they want to contribute, that would be great. We just don't want,  
776 25 people walk up to the podium and say the exact same words. So just to kind  
777 of give you all some guidance there. So whoever wants to speak first, please  
778 approach the podium. These are recorded proceedings, so please state your  
779 name for the record.

780

781 Ms. Berry - Allison Berry. This is my house right here. I feel like  
782 I'm speaking on behalf of a lot of people that couldn't be here this evening. We  
783 have a lot of elderly people in the community, a lot of people who can't drive at  
784 night, who are in bad health. So I feel like I'm speaking on behalf of them.

785

786 I adamantly oppose the rezoning. We purchased our home six months ago. The  
787 reason we purchased this home is we like the area, and we liked having the four  
788 acres of the woods behind us. We realize that a BP was there. It doesn't both us.  
789 We don't see it. We don't hear anything from it because we do have that four  
790 acres of wooded land that is buffering us from any of that.

791

792 The affect that it's going to have on not just myself but the other communities  
793 around us—several people that live in adjacent communities off Parham, off  
794 Three Chopt, the impact that it's going to have mainly—I have several points—is  
795 traffic. The infrastructure of Parham and Three Chopt, there is no way that it can  
796 handle the amount of traffic that's there now and then put a mega gas station—

797

798 Male: [Off microphone; inaudible]

799

800 Mr. Leabough - Sir? Ms. Berry is speaking. We ask that the audience  
801 not provide comments from the chairs there, if you would.

802

803 Ms. Berry - The traffic, I don't understand. It's bad enough trying  
804 to get off the interstate and onto Parham. But then you put on signs that we have  
805 this Wawa that's open not 24 hours, but 19 hours I think is what they're

806 proposing, 19 hours, which I really don't see where there's any give and take on  
807 that.

808  
809 But the public safety of being open at 5 a.m. until 12. We go from a 7 foot wall to  
810 an 8 foot wall. I mean this is literally this far from my back property line. So when  
811 I go out on my deck that's four feet high, I'm going to be looking at Wawa. I'm  
812 going to be looking at lights. I'm going to be looking at noise. I'm going to be  
813 looking at people. Potential public safety concern.

814  
815 It's my opinion that this process has been mishandled from start to finish. We  
816 purchased this home May 18th. We checked with the County. Our records were  
817 changed May 25th. We weren't even invited to the first community meeting. We  
818 got no notification. Nothing. Not a letter, nothing. We only found out about this  
819 from our neighbor who happened to tell us in September that they were trying to  
820 propose a Wawa.

821  
822 We are the ones that started this petition. We started a petition. We started a  
823 letter. And we literally have spent our nights and weekends walking around to the  
824 properties on Briardale, on Windsordale, on Freestone—every road, anything  
825 that is impacted by this so people are aware. I feel people should have been  
826 notified by whoever's responsibility it is whether it's Rebkee, whether it's the  
827 attorneys that represent them. They should have a right to know what's going on.  
828 And 95 percent of the people had no clue. No clue that this was going on. They  
829 weren't notified. They didn't get invited to the community meetings. And they  
830 would have never known about it. So that's what we've done. We've had  
831 weekends where we'd walk around and we'd get people to sign these to oppose  
832 this.

833  
834 I would say, too, I'm really confused as to—the other Wawas—we have two  
835 Wawas on Broad, we have one on Staples, we have one on Brook. They're all in  
836 areas where it's nothing but businesses. Nothing but businesses. And then we  
837 come to this area where it's highly residential. A lot of people are affected. I don't  
838 understand why it would even been thought that this is just a great place to put a  
839 Wawa. There are so many other places that are more businesses that would be  
840 more appropriate for this. There are going to be a lot of people affected by this.

841  
842 The last thing I have to say is we have Manish here, a small business owner.  
843 Owned the BP for eight years. And I'm tired of hearing people say, "Oh, it's an  
844 eyesore. It's ugly. It needs to be revamped." He's fully aware of this, and he  
845 wants to revamp it. But he can't get the funding from the bank unless he gets an  
846 extended lease. He offered to purchase. They didn't want to take his—2.8 million,  
847 I believe he offered. They didn't want to take it. I just feel like at what point does it  
848 not become about the almighty dollar and it becomes about the community and  
849 the people that it's affecting, the small business owners.

850

851 The people in the community, they're going to be affected by the traffic. The  
852 people, the noise.

853  
854 Mr. Leabough - Ms. Berry, just a quick time quick. It's about five  
855 minutes.

856  
857 Ms. Berry - I'm done. I just have one last thing to say, and I said it  
858 before in the community meeting that I actually got invited to. I'd like everyone to  
859 just think how you would feel if this was your backyard? How would you feel if  
860 you were gonna have a Wawa, big mega gas station that's open 19 hours a day  
861 in your backyard? You'd feel the same way that I do, and you'd be right here in  
862 my shoes, and you'd be right here saying the same things that I do. So I would  
863 like you to take that into consideration as well. So thank you.

864  
865 Mr. Archer - Excuse me, but I missed this. Can you point out your  
866 house again? I'm sorry.

867  
868 Ms. Berry - My house is 1805 Briardale. I am the third one right  
869 here. So this is my house.

870  
871 Mr. Archer - I got it. Thank you.

872  
873 Mr. Leabough - Just a quick time check. This 3-1/2 minutes. You have  
874 a question, Mr. Baka?

875  
876 Mr. Baka - Can we have questions from the speaker?

877  
878 Mr. Leabough - Sure. Do you have a question for Ms. Berry? I'm sorry  
879 I missed that.

880  
881 Mr. Baka - Just one. I'm sorry. I'll make it brief. Just one for  
882 Ms. Berry. The parcel here on the 2026 Future Land Use Plan Map is showing as  
883 Commercial Concentration except for that small corner on the north side. What  
884 commercial uses would you contemplate? It's master planned for Commercial  
885 Concentration at that intersection. What commercial uses would you contemplate  
886 are less impactful, less burdensome, and less onerous on you and the  
887 neighbors?

888  
889 Ms. Berry - I don't have a problem with something commercial  
890 being there. There's something commercial there. There's a BP there that is  
891 owned by this gentleman right here. He's been there many years. He's well  
892 known in the community. I don't have a problem with him being there. I have a  
893 problem with someone coming in, and they're going to mow down 3-1/2 acres of  
894 land that's been residential for—how many years. I mean that's what I have—I  
895 have a problem with thinking that it's okay to put a mega gas station 10, 15 feet

896 back from such a huge residential area. There is something there. I don't know  
897 why it's not appropriate for it to stay the way it is.

898

899 Mr. Baka - Can I clarify the question?

900

901 Ms. Berry - Yes.

902

903 Mr. Baka - Can we put up the 2026 Land Use plan.

904

905 Mr. Leabough - While Ms. Blankinship is pulling up that image, I just  
906 want to remind you all, out of respect for the person speaking, if we could limit  
907 the comments from the audience, we would appreciate it. Okay? Hear a lot of  
908 comments from the audience, we should respect whoever is at the podium and  
909 not shout from the audience.

910

911 Mr. Emerson - Right. And Mr. Chairman, if I could clarify. It is not  
912 within this Commission's jurisdiction regarding a personal property transfer  
913 between an owner and a potential purchaser and a lessee and their relationship.  
914 That's not within this body's jurisdiction. So while we hear that, understand that  
915 that's not within the jurisdiction of this body. So really, it's not a relevant topic.

916

917 Ms. Berry - Okay.

918

919 Mr. Baka - Briefly just to clarify. The area in red up against all the  
920 homes along Briardale Lane is master planned on the 2026 Future Land Use  
921 Plan for Commercial Concentration. My question I was trying to drive at in the  
922 area where the woods are right now, what commercial uses would you see as  
923 less impactful or less burdensome? Because the plan contemplates that there  
924 won't be woods forever there.

925

926 Ms. Berry - In all honestly, I really don't know. I never really  
927 thought I'd be up here speaking to what—we did our due diligence. We looked to  
928 make sure it residential before we bought it. We didn't think that this was even  
929 going to be something that I'd be fighting.

930

931 Mr. Baka - Okay. Understand. Thank you.

932

933 Ms. Berry - Mmm-hmm.

934

935 Mr. Leabough - Yes ma'am. So, we have about five minutes left. Just  
936 a quick time check.

937

938 Ms. Schoenenberger - Members of the Commission, I'm Anna  
939 Schoenenberger. I live in the Windsordale subdivision on 8700 Pinyon Road. I  
940 want to share just an experience I had at the Wawa on Broad Street just two  
941 months ago.

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As I was checking my tires, a large man came into my face yelling and wanting the air gauge. I said I've done two tires, can I finish? And he grabbed the thing. I got back in my car and locked the doors. A gentleman who was pumping gas videoed the confrontation and came and asked my husband and I if we were okay and stayed with us until the man left. We don't need this element in our neighborhood, our residential neighborhood.

Our neighbors are primarily retirees and young families with children. For years, my husband and I wrote letters, met face to face with the late Dave Kaechele, asking for sidewalks on Three Chopt Road. We still don't have them. Our concern was for those who walk along the area, both Parham and Three Chopt in this area. There's an elderly lady who walks westward on Three Chopt Road with her cane weekly going to the drug store and the grocery store. She had to precariously cross the intersection because there is no signal for walking. There's another lady who walks from the Tuckahoe Library up the middle of Parham Road north with her cane. And although there's a group home on Three Chopt and it now has a bus for transportation, their residents walk Three Chopt Road in the street going to McDonald's. There are also students from Tuckahoe.

Mr. Leabough - Ms. Schoenenberger, may I interrupt you, please?

Ms. Schoenenberger - —Middle School and Douglas Freeman High School.

Mr. Leabough - May I interrupt you real quick. Again, I'd like to remind you that your comments should be directly related to the case.

Ms. Schoenenberger - I am. I am, sir.

Mr. Leabough - You're talking about sidewalks.

Ms. Schoenenberger - When you're going to have a mega service station, and you have people walking, their safety should be primary concern to you. Chanel 12 in their last survey said that this intersection was in the top ten most dangerous intersections in the County of Henrico. We don't need a mega service station in this area. Thank you.

Mr. Leabough - Thank you, ma'am. We're at about eight minutes. Just a quick time check.

Ms. Rigney - My name is Patricia Rigney. I live on Greenhurst Drive. I know that you don't care about—well you don't have anything to do with somebody selling property to somebody else. But what we're asking you please do not rezone this area so Wawa can move in.

987 I bought my house over 20 years ago because it was a beautiful area and I loved  
988 it. I have done a lot to my house to make it look nice. Today, I could sell that for  
989 almost 300,000. If you bring a Wawa in, every one of our houses will go down.  
990 How would you like your house to go down because a Wawa moves in? Thank  
991 you.

992  
993 Mr. Leabough - Thank you, ma'am.

994  
995 Mr. Baka - One question for the speaker, if I mean,  
996 Mr. Chairman.

997  
998 Mr. Leabough - Sure.

999  
1000 Mr. Baka - Ma'am, can I ask you a brief question?

1001  
1002 Mr. Leabough - Ms. Rigney?

1003  
1004 Mr. Baka - Thank you for your comments, and yes we do have  
1005 concerns. What type of commercial uses would be appropriate at this location  
1006 that you feel would not meet the criteria in your comments?

1007  
1008 Ms. Rigney - I have no problem with the gas station being there or  
1009 a like a little business, but not a great big like Wawa. I mean you're talking about  
1010 six gas pumps. You're talking about a convenience store. You're talking about a  
1011 parking lot. I can't even get out. I do a lot of traveling from—I come out from  
1012 Freestone and I go down to Michael. I have the worst time because I don't have  
1013 any traffic lights. I have no problem with you bringing in a little, little place like a  
1014 small gas station, a small little store.

1015  
1016 Mr. Baka - Okay. Thank you.

1017  
1018 Ms. Rigney - Or leave him there. But don't bring Wa—don't bring a  
1019 big commercial. If you rezone it, who knows what's going to come in.

1020  
1021 Mr. Baka - Thank you, ma'am.

1022  
1023 Mr. Leabough - Thank you.

1024  
1025 Ms. Rigney - Thank you.

1026  
1027 Male - [Off microphone; inaudible]

1028  
1029 Mr. Leabough - Yes. We have a minute and 60 seconds left.

1030  
1031 Mr. Chew - My name's David Chew. My family had owned a  
1032 property at 8709 Pinyon Road since 1971. I'm here in opposition, obviously, to

1033 the Wawa. Due to traffic requirements at Three Chopt and Parham, if you go  
1034 there now, it can't handle what's going on right now. You put a Wawa in—like the  
1035 one at Staples Mill and Bethlehem, if you go over there at any time between the  
1036 hours of 8 and 10, or in the evening between 4 and 6, it's an absolute standstill  
1037 nightmare.

1038

1039 I know of no other Wawa around here that's backed up to a residential. Does  
1040 anybody on the Commission know that? Has anybody investigated that?

1041

1042 Mr. Leabough - There's one in Varina that's—

1043

1044 Mr. Chew - Okay, so we have one. We have one out of how many  
1045 Wawas here in town. Okay?

1046

1047 Mr. Leabough - Well that's the first one that comes to mind.

1048

1049 Mr. Chew - Okay, I'm just saying. Okay. These folks have put out  
1050 a petition. How many signatures have they gotten? Probably over, I don't know,  
1051 300? Three hundred in opposition. The community does not want the Wawa. The  
1052 community does not need the Wawa. We have plenty of other things.

1053

1054 As to your point, what could go there in a commercial? How about an office  
1055 building? Something like across the street where the Shaia law firm is. Larry  
1056 Eudaly has a real estate company across the street. Something of that nature.  
1057 Something that is not open 19 hours versus 24 hours, which is just a minor, just  
1058 to try to get something through. You've got an office building there giving you real  
1059 estate—

1060

1061 Mr. Leabough - Sir, you're over your time. I just wanted to do a quick  
1062 time check.

1063

1064 Mr. Chew - Okay. Okay.

1065

1066 Mr. Leabough - I'll give you another minute.

1067

1068 Mr. Chew - Okay. I'm just trying to answer Mr. Baka's question  
1069 that he's asked before. Put an office building there. Something like that. But to  
1070 invite a commercial business that's going to be open 19 hours a day, and  
1071 eventually it's going to get its way to 24, I don't think it's necessary.

1072

1073 The traffic issues, safety. And where I live, it's going to be a nightmare with cut-  
1074 through from Three Chopt to Parham, Parham to Three Chopt on Dresden. So  
1075 thank you.

1076

1077 Mr. Leabough - Thank you, sir. Sir? We've exceeded the time limit,  
1078 almost 11 minutes. So Mrs. Marshall, how would you like to proceed?

1079  
1080 Mrs. Marshall - He may speak.  
1081  
1082 Mr. Leabough - Yes, come on, sir. We're going to give you another  
1083 two minutes.  
1084  
1085 Mr. Patel - Hi. My name is Manish Patel. I'm the owner of the—  
1086 right now I'm a tenant of the Three Chopt and Parham Road. Because of the  
1087 Wawa, I'm going to be out of business. When I came to Henrico County, I pay  
1088 goodwill and I build myself. I'm 24 hours right there with the community. And  
1089 even though I offer them to renovate everything, I cannot do it because the big  
1090 people try to get the small people. And I'm gonna be out of business if you guys  
1091 gonna give that approval.  
1092  
1093 Mr. Leabough - Mr. Emerson kind of pointed out that's not within the  
1094 purview of the Commission. That's a matter between you and the owner.  
1095  
1096 Mr. Patel Even though I cannot get the renewal lease because  
1097 they have bigger money?  
1098  
1099 Mr. Leabough - None of that's before us. We're deciding on the  
1100 rezoning case itself, not the transaction between you and the ownership.  
1101  
1102 Mr. Patel - Okay.  
1103  
1104 Mr. Leabough - But appreciate your comments. Thank you. Sir, would  
1105 you like to speak? I think we can offer like another minute or two. Ma'am, do you  
1106 want to go first? And sir, do you want to make your way? Okay. Two minutes for  
1107 both, so kind of make it quick. And I ask that not repeat the same thing we've  
1108 already heard. So if you have some other comments to share that are new and  
1109 different, please feel free to do so.  
1110  
1111 Mr. Schoenenberger - I've lived in that neighborhood within—  
1112  
1113 Mr. Witte - State your name, please.  
1114  
1115 Mr. Baka - Your name, sir.  
1116  
1117 Mr. Schoenenberger - Name?  
1118  
1119 Mr. Emerson - Yes sir.  
1120  
1121 Mr. Schoenenberger - Michael Schoenenberger. I've lived within two blocks  
1122 of this place for over 50 years. So I know this sounds very strange, but that  
1123 corner is an extremely dangerous corner. It has been the site of people escaping  
1124 from prison and shooting up the place. It has a two-lane road coming in one way,

1125 and a four-lane road, an old four-lane road, going the other way. It is a heavily  
1126 traveled area of the city. And before you take any action on this, you better go  
1127 out and just look at it from 8:00 to 6:00. You have two schools right within that  
1128 area that put a tremendous pressure on that place. You have all kinds of  
1129 business going up and down, not to mention the people on the way to the bridge  
1130 over the James River. They use that in order to get to Southside. I think about  
1131 half of Southside works in the West End. So they come out of the West End,  
1132 come down through that intersection, and go to the Southside. You have heavy,  
1133 heavy traffic.

1134

1135 You have roads that can't handle the traffic, and you are putting something on  
1136 there that is going to become an obstacle that's going to cost people their lives.  
1137 And I'm going to remind you when you approve of this thing how you approved it  
1138 and how you were told what was going to happen. That's my opinion.

1139

1140 Mr. Leabough - Thank you, sir. Ma'am, we really have to wrap this up.  
1141 You all have kind of said the same thing. I think we heard traffic before. So if you  
1142 have something new and different to share, please do so.

1143

1144 Ms. Frye - I do, a different spin. My name is Linda Frye, and I  
1145 live at 9400 Lyndonway Drive. I'm in Pinedale Farms, which is about a half a  
1146 mile. A different neighborhood than these folks, but very close to this site.

1147

1148 Last night I was at the Walgreens, which is across the street at Three Chopt. To  
1149 get to my house, I have to turn left, and it was just about rush hour. It took me  
1150 over five minutes to get across the street there to make a left because of the  
1151 traffic on Three Chopt in both directions and coming from Parham.

1152

1153 Also to the left there is Tuckaway Drive. There's a daycare in there. And that's  
1154 very heavily traveled at rush hour, people trying to get in and out of there.

1155

1156 The neighborhood that I'm in, which again, is just not even a half a mile. The  
1157 entrance is probably a quarter of a mile. We're used as a cut-through between  
1158 Pemberton and Three Chopt. All day long. The traffic, I really believe it's going to  
1159 also increase the traffic through our neighborhood as a cut-through.

1160

1161 Mr. Leabough - So traffic is your concern.

1162

1163 Ms. Frye - Again, traffic is my concern further down Three Chopt.

1164

1165 Mr. Leabough - So anything else we should be noting because we've  
1166 heard traffic.

1167

1168 Ms. Frye - Safety, again safety.

1169

1170 Mr. Leabough - We've heard public safety. I think someone  
1171 mentioned that before. So anything else other than what we've already talked  
1172 about.

1173

1174 Ms. Frye - Well I'm not directly behind it, but I can see what an  
1175 impact it's going to have because we have such an issue currently. Okay? Thank  
1176 you.

1177

1178 Mr. Leabough - Thank you.

1179

1180 Mr. Witte - Thank you.

1181

1182 Mr. Leabough - I'm not trying to rush you all, but we'd be here all night  
1183 if we repeating the same comments. Sir, we've closed the comments. We've  
1184 allowed an additional five minutes above and beyond. Mrs. Marshall?

1185

1186 Mr. Linardos - Yeah, I'm in opposition of the Wawa being there.  
1187 Getting back again just a moment to traffic. I live on Dresden Road, which is a  
1188 few blocks of where Wawa is. However, a lot of people already come through my  
1189 neighborhood on Dresden Road and then cut up Longdale to avoid going around  
1190 the corner there on Parham Road where the Wawa's going to be to avoid the  
1191 traffic congestion that's going to be there even worse than what it is now. So it is  
1192 going to have an impact on my area as well.

1193

1194 And from a safety standpoint, you have school pickups with the kids there. You  
1195 have kids that are going up and down that street up to 50 miles an hour in some  
1196 cases. But there's no control there. And it's only going to get worse than better.

1197

1198 Mr. Baka - Thank you, sir. And your name, sir?

1199

1200 Mr. Emerson - Could you give us your name, sir, for the record

1201

1202 Mr. Linardos - Excuse me?

1203

1204 Mr. Emerson - Your name.

1205

1206 Mr. Linardos - Gus Linardos. L-i-n-a-r-d-o-s.

1207

1208 Mr. Emerson - Thank you, sir.

1209

1210 Mr. Leabough - Thank you. We're going to close the opportunity for  
1211 folks to speak in opposition and ask that the applicant please come forward to  
1212 present their case.

1213

1214 While you do that, Mr. Theobald, I know that there are a lot of people here in  
1215 opposition. Just so the Commission will see, would you all mind raising your

1216 hand? Not making a comment, but raise your hand just so we can see who's  
1217 here in opposition. All right. Thank you all.

1218

1219 Male - [Off microphone] What about support?

1220

1221 Mr. Leabough - Anybody here in support of this case? We do have  
1222 support. Are you in support, sir? I think we have one person here in support.  
1223 Two, I'm sorry. I missed that other person.

1224

1225 Male - [Off microphone] She raised both hands in opposition.

1226

1227 Mr. Leabough - Okay, thank you. It was over here in this corner. All  
1228 right. Sorry, Mr. Theobald.

1229

1230 Mr. Theobald - That's quite all right. Good evening, Mr. Chairman,  
1231 members of the Commission. My name is Jim Theobald, and I'm here this  
1232 evening on behalf of The Rebkee Company and Wawa. As many of you know,  
1233 The Rebkee Company is the owner and instrumental in repurposing Regency  
1234 Square Mall, and as such, they have a very significant interest and investment in  
1235 this area.

1236

1237 This is a request to rezone the northwest corner of Parham and Three Chopt  
1238 from unrestricted R-3 and B-1 for the development of a Wawa in lieu of the  
1239 existing BP gas station. Most importantly, and it's been said previously, but we  
1240 did amend our request such that we 're not seeking 24-hour use but merely one  
1241 extra hour above the B-2 hours in order to be open at 5 a.m. in the morning until  
1242 midnight.

1243

1244 This is the existing BP station. As discussed, there has been a station here since  
1245 about 1970. The BP station has its own share of controversy. You'll note that it  
1246 has five fueling dispensers on the site. Wawa is asking for six, so one additional.  
1247 In other words, there are ten fueling positions, five pumps, and Wawa would  
1248 have six for twelve positions.

1249

1250 The Land Use Plan as noted does denote this as for Commercial Concentration.  
1251 The little area that wasn't designated as that is the very area we are leaving  
1252 green and not making any improvements in. And this is a commercial area.  
1253 You're a block away from some of the most intense commercial concentrations  
1254 that I'm aware of in the County. You're a block away from a block that contains  
1255 McDonald's, Aldi, the U.S. Post Office, the Tuckahoe Library, and the CVS.

1256

1257 Elevations were previously shown on the screen. They're upscale. Brick and  
1258 stone building with a metal seam roof. You'll note that the materials are repeated  
1259 on all four sides for quality construction. The canopy is a traditional Wawa  
1260 canopy. There are no lights on the edges. The columns will be brick or stone as  
1261 shown in this rendering.

1262

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1307

The concept plan, if we might take a moment, just following the cursor here. As you come off Parham Road, there's one entrance and one exit. Right now there are two on that side, as there are on Three Chopt. So we've eliminated two of the four access points, which should be a help in terms of the traffic flow in the area. You'll note the green space. And as we enter over here, this line, as discussed, is the transitional buffer 25-foot line.

But this wall is well within that in many places. So here it's going to be about 30 feet. Here it's almost 50 feet. And then the closest point here would be 15 feet. But we've drawn the wall, and we've refigured the parking as much as possible. We turn the wall here, and this stays natural. It's not to be developed. And that's the part in your Land Use Plan that was still showing for some residential, although I don't know how you would develop for residential. It seems to be a bit landlocked. Now the wall over here is within five feet of the property line because the grade goes up. So when we place the wall within five feet of the line, you're providing better protection for that next-door property. If you put it back down the slope, then you're losing the benefit of this eight-foot Fencecrete-type wall, if you're familiar with that sort of construction.

We were asked to designate these spaces for employee parking only, and we have. We reduced the number of parking spaces along this side. The dumpster will be enclosed in a masonry screen. But as you look at the topography, actually the dumpster is in the hillside here as that slope goes up and won't be seen from the neighborhood.

There are no loading docks in a Wawa, so you have circulation that goes all the way around the building. We have oriented the pumps toward that corner facing Three Chopt and have drawn them into the corner. This is an air hose up here on the very corner. There is no vacuum on site.

So we've tried to address issues that we heard at the community meeting and build them into our concept plan. We are showing sidewalks on both streets, Parham and Three Chopt. We'll be providing sidewalks.

With regard to traffic, which has been much discussed this evening, these types of businesses basically are capturing, for the most part, traffic that's already there. Traffic that's already driving by that spot, and here's an opportunity to buy food and coffee in a clean operation and reasonably priced gas.

Parham carries about 35,000 cars, 35,000 average daily trips per day. It is not a residential street. It is a much commercial street and one of the most commercialized streets probably in our County. Three Chopt Road carries 12,000 average daily trips on it. This intersection is one of the most sought-after, desirable, and powerful commercial corners in your County.

1308 We think we're improving the situation by reducing the number of access points  
1309 and also by building and extending this lane, which comes from this free-flowing  
1310 right to a point as far away back on the property as we can. Right now the  
1311 entrance is much closer. So you're doing this movement, and there's this weave  
1312 trying to either go into Three Chopt or trying to get into the station. If you're  
1313 coming out and you're trying to get around the median here, you are closer to the  
1314 intersection, and it makes it very difficult. So by pulling this back and extending  
1315 this almost like an extra lane, you help the weave significantly. You allow people  
1316 time to get into the flow of traffic on Three Chopt, to be given an extended period  
1317 to turn right. And when you come out, you are much further away from the light  
1318 and the intersection and I think have at least a reasonable chance of doing that.  
1319 It's a busy intersection. There's just no doubt about that.

1320

1321 We have a number of proffered conditions. We've proffered the plan and the  
1322 elevations so what you see is what you get. Obviously, quality building materials.  
1323 We provided for the eight-foot-tall concrete wall. It's not on the property line. The  
1324 vegetation will be left there and supplemented behind that wall. Landscaping will  
1325 be determined at the time of landscape plan review, and that's when we'll take a  
1326 look as to where we might need to supplement.

1327

1328 We've placed limitations on parking lot lighting and have limited the hours of  
1329 trash pickup, parking lot cleaning, screening the trash receptacle, as well as  
1330 HVAC equipment. We've proffered out a number of undesirable uses, eliminated  
1331 the ability for there to be any outside speaker music between 10 p.m. and 7 p.m.  
1332 So it would have to be shut off—that's not right. I think we changed that to 7 p.m.  
1333 in the conditions, 7 to 7. All right.

1334

1335 No merchandise stored outside other than ice coolers. And we've limited the  
1336 hours of construction.

1337

1338 We held two community meetings and have tried to address many concerns that  
1339 we heard at those meetings. Wawa has a strong reputation for running a very  
1340 clean operation with great food and reasonable prices for gasoline. I would just  
1341 suggest that this request is consistent with your Land Use Plan. It's consistent  
1342 with the existing use, and consistent with other businesses in the Parham Road  
1343 area. Staff has recommended approval. And I would respectfully ask that you so  
1344 recommend approval to the Board of Supervisors. I'd be happy to answer any  
1345 questions.

1346

1347 Mr. Leabough - Are there any questions from the Commission for  
1348 Mr. Theobald?

1349

1350 Mrs. Marshall - Mr. Theobald, a few questions. As far as the building  
1351 of the Wawa in itself and where the 25-foot buffer is, can you talk a little bit about  
1352 how that would take place? Would there be any disturbance beyond the 25 feet?

1353

1354 Mr. Theobald - We don't need to disturb this area other than for a  
1355 utility connection. I know for drainage, for instance. And we have to construct the  
1356 wall. So we have no need to really disturb this area that's show in green.  
1357 Correct? Am I correct? Yea, okay. I don't want to misspeak. And we've agreed to  
1358 supplement.

1359

1360 So if you're in these homes here, which are eight to ten feet below the grade of  
1361 the finished Wawa—these first three lots are actually below grade, so they're  
1362 going to be looking up. So you'll have not only the existing trees, which are  
1363 probably 30 to 50 feet deep, but you'll then have an 8-foot wall to further cut off  
1364 the view. It doesn't start to reach an equal grade until you've back in almost at  
1365 the fourth lot in. And that's where the green area in this triangle is left natural.  
1366 And again, the eight-foot wall is in there.

1367

1368 This house, the third house in, by the way, we were discussing how close. It's  
1369 about 166 feet from the back of the house to the Wawa building.

1370

1371 Mr. Leabough - Do you know the distance between the back of the  
1372 house to the current station?

1373

1374 Mr. Theobald - No I don't.

1375

1376 Mr. Witte - Mr. Theobald, maybe you can help us out. One lady's  
1377 question was who was notified about these meetings, how and when?

1378

1379 Mr. Theobald - Sure. We sent out notices to about 25 people, which  
1380 is beyond the adjacents list. In her particular situation, she closed in May. We  
1381 use the assessor's records to find out where to send notices, just like the  
1382 Planning staff does.

1383

1384 Mr. Witte - Right.

1385

1386 Mr. Theobald - And apparently, they had not picked up her transfer  
1387 when we sent out notices for the first meeting, and that letter was undoubtedly  
1388 addressed to the prior owner.

1389

1390 Mr. Witte - Approximately how many notices were sent out?

1391

1392 Mr. Theobald - About 25.

1393

1394 Mr. Witte - Okay.

1395

1396 Mr. Theobald - Those notices were basically—again, technically  
1397 adjacent properties across the street including the facility here. It was both sides  
1398 of Briardale down to I think the intersection. And then four or five homes around  
1399 Tuckaway over here and the businesses over here.

1400  
1401 Mr. Witte - All right. As far as sidewalks go, you're putting  
1402 sidewalks all around this?  
1403  
1404 Mr. Theobald - Sidewalks adjacent to our property on both Parham  
1405 and Three Chopt.  
1406  
1407 Mr. Witte - Okay. Just for point of reference—and Rev. Nelson  
1408 can help me with this if I'm wrong—I believe the County is spending \$2.5 million  
1409 dollars a year on sidewalks and have been for the last three years. I think that's a  
1410 10-year project.  
1411  
1412 Mr. Nelson: That sounds accurate.  
1413  
1414 Mr. Emerson - I believe that's accurate, Mr. Witte.  
1415  
1416 Mr. Witte - Okay. And the other issue related to traffic and getting  
1417 out off of Michael Road, that was part of my district when I was in the fire  
1418 department. We looked into having a light put there, but it's too close to the light  
1419 at Three Chopt for the speed limit. It's just too close together, so that's not  
1420 feasible. But a lot of people that were at the meeting were told to use Fawn to  
1421 Pamela to Three Chopt or go the other way on Michael to get to Three Chopt at  
1422 the light over by Freeman High School. When I lived over there, that's what I did.  
1423 So if it's a safety issue, that's definitely a better shot. That's all I have. Thank you.  
1424  
1425 Mr. Leabough - All right. Any other questions?  
1426  
1427 Mr. Baka - Question, Mr. Theobald, if I may. If the northern  
1428 triangle were to remain undisturbed, how do we address stormwater  
1429 management? There's no retention pond needed for this site?  
1430  
1431 Mr. Theobald - That's underground retention. The triangle is way up  
1432 here off this screen, and it goes into a County storm sewer easement that runs  
1433 between lots 1 and 2 that's already in place.  
1434  
1435 Mr. Baka - The closest lots on Briardale, they're about you said 8  
1436 to 10 feet. So they're about 16 feet or more in grade elevation to the top of the  
1437 wall?  
1438  
1439 Mr. Theobald - These homes are somewhere between eight—oh, the  
1440 top of the wall?  
1441  
1442 Mr. Baka - To the top of the wall.  
1443

1444 Mr. Theobald - It would be about 15, 18, something like that. This first  
1445 house I think is about 190 feet away from the canopy edge. The second home  
1446 right here is 182 feet.  
1447  
1448 Mr. Baka - So they're looking up. And then that fourth home  
1449 might only be looking up at about an eighty-foot differential since the ground is  
1450 more level?  
1451  
1452 Mr. Theobald - That house is going to be closer to being on grade but  
1453 will have an 8-foot—but will still have the 15 feet of trees and then an 8-foot wall.  
1454  
1455 Mrs. Marshall - Mr. Theobald, can you go back to the previous  
1456 picture?  
1457  
1458 Mr. Theobald - This?  
1459  
1460 Mrs. Marshall - Yes, thank you.  
1461  
1462 Mr. Theobald - Okay.  
1463  
1464 Mrs. Marshall - As far as the parking, the parking that I'm looking at in  
1465 the top left, is that employee-only parking?  
1466  
1467 Mr. Theobald - It's employee only, and it's labeled as such on the  
1468 plan filed with the Planning Department.  
1469  
1470 Mrs. Marshall - Okay. Have you given any thought to the next section  
1471 down?  
1472  
1473 Mr. Theobald - This?  
1474  
1475 Mrs. Marshall - This section. Is that four spots?  
1476  
1477 Mr. Theobald - Looks like four spots. Mmm-hmm.  
1478  
1479 Mrs. Marshall - Four spots? Any thoughts of making that the same?  
1480 Therefore, you would have no need for anyone to be closer to people's homes on  
1481 that side?  
1482  
1483 Mr. Theobald - We were asked to look at that by Mr. Branin. And we  
1484 refigured this parking and pulled it back further off the line. We actually  
1485 eliminated two spaces here, but feel that we need these additional four spaces.  
1486 These four spaces are actually some of the furthest. If that's 25 feet, this is  
1487 almost 50 feet with an 8-foot wall.  
1488  
1489 Mrs. Marshall - Okay.

1490  
1491 Mr. Theobald - I think for the site to work and accommodate folks,  
1492 probably those four spaces need to remain. But we did rework them based on  
1493 the conversations we had with you and Mr. Branin on the parking lot.  
1494  
1495 Mr. Leabough - Mr. Archer, did you have a question, sir?  
1496  
1497 Mr. Archer - I had something. This is not in my district, so I guess I  
1498 can't dictate too much. But it seems to me, Mr. Theobald, from the different  
1499 people that we've heard from tonight, some of whom may or may not have been  
1500 at your meeting—were you all at the meetings?  
1501  
1502 Female - [Off microphone] We weren't told about some of the  
1503 meetings.  
1504  
1505 Female - [Off microphone] Not everyone [inaudible].  
1506  
1507 Male - [Off microphone] We missed the first meeting.  
1508  
1509 Female - [Off microphone] We went around to the  
1510 neighborhood, and nobody knew. They're the ones that came to my door. And I  
1511 saw a lady the Sunday—  
1512  
1513 Mr. Archer - Okay, ma'am. I was just going to suggest something,  
1514 and it's up to Mr. Theobald as to whether or not he might want to do this.  
1515  
1516 Mr. Theobald - We had over 50 people at the meeting. I sent out 22  
1517 or 25 notices.  
1518  
1519 Mr. Archer - Oh, I believe you. I'm not saying you didn't. But I'm  
1520 just listening at all that's going on tonight. And of course I feel compassion for the  
1521 gentleman that owns the BP station, but that's something that's beyond their  
1522 control, and ours also. But I'm just wondering in considering the use that is there  
1523 now and how it is somewhat similar to what you're proposing here, except just a  
1524 little bit larger, and looking at the footprint of the existing business. This doesn't  
1525 match it because there will be people having to go inside and out. I don't know  
1526 how much larger this footprint is than the other one. Do you know, Mr. Theobald?  
1527  
1528 Mr. Theobald - Do we know?  
1529  
1530 Male - [Off microphone; inaudible]  
1531  
1532 Mr. Theobald - More? Three or four thousand square feet larger.  
1533  
1534 Mr. Archer - Okay. I'm just thinking considering all of the stuff that  
1535 has been proffered in your restated proffers that perhaps looking at what we

1536 have responsibility over and what we're able to do, do you think maybe you all  
1537 could come a little closer to a meeting of the minds if you meet again and go over  
1538 these restated proffers?

1539

1540 Mr. Theobald - No sir, I don't.

1541

1542 Mr. Archer - You don't think so?

1543

1544 Mr. Theobald - I do not. We went to the meeting, and the issue was  
1545 24 hours, 24 hours, 24 hours. We gave up 24 hours, and now the issue is gas,  
1546 and there's already gas there.

1547

1548 Mr. Archer - Okay.

1549

1550 Mr. Theobald - We're not going to make any more progress.

1551

1552 Mr. Archer - I gotcha.

1553

1554 Mr. Theobald - We've done the very best to mitigate the impacts that  
1555 we can, I believe.

1556

1557 Mr. Archer - Okay. I'm done, Mr. Chairman.

1558

1559 Mr. Leabough - Okay. Do we have an aerial showing the existing  
1560 building footprint?

1561

1562 Mr. Theobald - I think we do. I'm not sure if this will show up.

1563

1564 Mrs. Marshall - I saw it on some picture.

1565

1566 Mr. Theobald - It's in here we would be coming—let's take a look if  
1567 we can see this. Okay, here's Tuckaway, which is going to be opposite our  
1568 buffer. Our buffer is along this line here. And so this area—

1569

1570 Mr. Leabough - Is more in line with the home to the north there. Thank  
1571 you. I'm just trying to get a reference in terms of current versus proposed. Okay.  
1572 Any other questions for Mr. Theobald?

1573

1574 Mr. Witte - I have one more. What's the possibility, if this goes  
1575 through, of putting up the wall early in the construction along the residential area  
1576 to mitigate some noise and unsightliness or whatever during the rest of the  
1577 construction process?

1578

1579 Mr. Theobald - That's an interesting idea. I'm not sure how that works  
1580 in terms of the pace of construction. Is it something that's feasible to do?

1581

1582 Male - [Off microphone] Yeah, I think it's possible.  
1583  
1584 Mr. Theobald - So it may not come out of the ground day 1, but  
1585 maybe before—clearly before the building—  
1586  
1587 Mr. Witte - I know usually it's one of the last things they do. But  
1588 as a courtesy to the neighbors, that should help to mitigate sound and everything  
1589 else.  
1590  
1591 Mr. Theobald - What would be the appropriate part of the  
1592 construction process? It would be before the building or it wouldn't be any later  
1593 than the start of the building. But you've got to get in and clear the site.  
1594  
1595 Mr. Perkins - [Off microphone] Once we get [unintelligible] utilities  
1596 in [unintelligible], we can [unintelligible].  
1597  
1598 Mr. Theobald - Okay.  
1599  
1600 Mr. Leabough - Sir?  
1601  
1602 Mr. Theobald - Our engineer—  
1603  
1604 Mr. Leabough - Could you come up?  
1605  
1606 Mr. Theobald - I'll repeat. I'll repeat, Mr. Leabough. Mr. Perkins, our  
1607 engineer, suggests that once we get our utilities basically in the ground and we  
1608 get our silt fences up, then we can put in the wall next to that silt fence.  
1609  
1610 Mr. Leabough - Might be [unintelligible] you can have that  
1611 conversation right now.  
1612  
1613 Mr. Theobald - But anyhow, it was a good idea and one that looks  
1614 like it'll work.  
1615  
1616 Mr. Witte - Thank you.  
1617  
1618 Mr. Leabough - Okay. If there are no other questions for  
1619 Mr. Theobald, would you like the traffic engineer to come forward?  
1620  
1621 Mrs. Marshall - I would, please.  
1622  
1623 Mr. Theobald - Thank you.  
1624  
1625 Mr. Leabough - Mr. Cejka. Thank you, sir. Since there were a number  
1626 of concerns raised about traffic, I figured you'd want him to come forward.  
1627

1628 Mr. Cejka - Good evening. For the record, I'm John Cejka, traffic  
1629 engineer.  
1630  
1631 Mr. Leabough - Good evening.  
1632  
1633 Mrs. Marshall - Good evening.  
1634  
1635 Mr. Leabough - Mrs. Marshall, I'll let you lead the way.  
1636  
1637 Mrs. Marshall - Mr. Cejka, could you please talk about the impact the  
1638 proposed Wawa would have on Parham and Three Chopt Roads?  
1639  
1640 Mr. Cejka - I'll compare it to the existing gas station. We use a trip  
1641 generation manual—that's an information manual from the Institute of  
1642 Transportation Engineers—to generate numbers for proposed developments.  
1643 The proposed development would have approximately 850 additional trips per  
1644 day over the existing gas station. And a trip is a movement of a vehicle. So that's  
1645 425 cars entering the new Wawa and 425 cars exiting. That would be the  
1646 increase of traffic.  
1647  
1648 For Parham Road, Parham Road can handle that. Yes, there are a lot of cars on  
1649 there. We might have to change the signal timings at the intersection of Three  
1650 Chopt and Parham. But it can be done to try to alleviate congestion.  
1651  
1652 Mrs. Marshall - Does that also work on Three Chopt Road or is it  
1653 Parham only?  
1654  
1655 Mr. Cejka - The problem is we don't know where the cars are  
1656 coming from. There are 425 cars. Are they all coming south on Parham? Are  
1657 they all coming from the west side? The east side? You won't really know until it  
1658 is built or anything is built there if it changes.  
1659  
1660 Once it's done, then we can do traffic counts at the intersection and adjust signal  
1661 timings accordingly.  
1662  
1663 Mrs. Marshall - Thank you.  
1664  
1665 Mr. Leabough - Any other questions?  
1666  
1667 Mr. Baka - Does the ITE manual estimate how many of the 850  
1668 trips come from existing traffic as far as new traffic generated by the use?  
1669  
1670 Mr. Cejka - That is new traffic. That's a 63 percent pass-by rate.  
1671  
1672 Mr. Baka - Sixty-three?  
1673

1674 Mr. Cejka - So the 850 does not count cars that are just driving  
1675 down the road going, "I need a cup of coffee," and they pull in, get the coffee.  
1676 They're existing cars that just pull into the Wawa and pull back out going to their  
1677 destination. That's a pass-by trip.  
1678  
1679 Mr. Leabough - All right. Any other questions from the Commission?  
1680  
1681 Mr. Emerson - Mr. Cejka, if you would, can you speak to the  
1682 capacity? There is adequate capacity on Parham and Three Chopt to handle this,  
1683 correct?  
1684  
1685 Mr. Cejka - There is, yes sir.  
1686  
1687 Mr. Emerson - There is. From a traffic-count perspective, has the  
1688 traffic gone up or has it gone down over the last 15 years on those roads?  
1689  
1690 Mr. Cejka - It has gone up because it's connected to  
1691 Chippenham. The bridge was built, so that increased the traffic. But when 288  
1692 was built, it actually reduced the traffic on Parham Road.  
1693  
1694 Mr. Emerson - That's what I thought. Thank you.  
1695  
1696 Mr. Leabough - Thank you, sir. Mrs. Marshall.  
1697  
1698 Mrs. Marshall - I'd like to hear from—  
1699  
1700 Mr. Leabough - The one person in support?  
1701  
1702 Mrs. Marshall - Yes.  
1703  
1704 Mr. Leabough - Sir, Mr. Theobald left you about 40 seconds if you  
1705 want to share some comments with us.  
1706  
1707 Male - I'm the applicant.  
1708  
1709 Mr. Leabough - Oh, okay. No, it's okay. And you're in support of this  
1710 case, right? Just wanted to confirm. Mrs. Marshall, a motion would be in order.  
1711  
1712 Mrs. Marshall - Actually—  
1713  
1714 Mr. Leabough - Or would you like to hear from someone else? I'm  
1715 sorry.  
1716  
1717 Mrs. Marshall - No, I have some thoughts.  
1718  
1719 Mr. Leabough - Okay.

1720

1721 Mrs. Marshall - Mr. Branin and I have met and met and met over this  
1722 and had so many conversations. There are so many pros and cons to this case.  
1723 This property has been looked at by developers in the past. I know prior a CVS  
1724 was interested in coming across the street. People were not interested in having  
1725 the CVS because of the Walgreens. And it was stated to Mr. Branin that they did  
1726 prefer a gas station. The Wawa is the same use that is currently on the property.

1727

1728 At the first community meeting for the project, a lot of people—and I would say  
1729 most people—their concerns tended to lead towards the 24-hour operation, the  
1730 buffer, the noise, the lighting, and the traffic. Not in any particular order, but I  
1731 would probably say 24 hours. If it was going to be 24 hours, we were absolutely  
1732 not interested and not going to let that to happen. We've met with the applicant  
1733 several times. They've agreed to everything that's been asked of them.

1734

1735 At the second community meeting, we still had concerns over the 24-hour  
1736 operation, the traffic, the noise. And I think some of those things have been taken  
1737 care of.

1738

1739 Some things that are similar in the area, the Walgreens. The Walgreens'  
1740 operating hours, they have what's called a provisional use permit. They're  
1741 allowed to be open from 6 a.m. until 1 a.m. The McDonald's. They are open from  
1742 5 a.m. until 12 a.m. This is just down the street. The Cook Out, they're open from  
1743 10 a.m. until 1 a.m. And the Westbury Pharmacy has a PUP to be open 24  
1744 hours, although they do not stay open during that time period.

1745

1746 This site has really progressed from citizens not wanting at CVS a number of  
1747 years ago but wanting a gas station to current citizens not wanting a 24-hour gas  
1748 station to some citizens not wanting anything to be done with the site. I've  
1749 reviewed the signatures, I've look at those. We've also had some in support. I've  
1750 listened to the concerns. We've tried to address everything that we can address.

1751

1752 Based on all the items that we have been through, I do believe that this is a good  
1753 case. It's an improvement on the site without changing the use, but having built a  
1754 much nicer facility. And I think in the long run it will serve the community well.

1755

1756 With that said, Mr. Chairman, I move that REZ2017-00025, James W. Theobald  
1757 for The Rebkee Company, be moved to the Board of Supervisors with a  
1758 recommendation of approval, including the updated amended proffers, conditions  
1759 1 through 15.

1760

1761 Mr. Witte - Second.

1762

1763 Mr. Leabough - We have a motion by Mrs. Marshall, a second by  
1764 Mr. Witte. All in favor say aye. Those opposed say no.

1765

1766 Mr. Baka - I vote nay. I realize the Comprehensive Plan calls for  
1767 commercial on nearly all of this property. But this use appears to be too intensive  
1768 for this location.

1769  
1770 Mr. Leabough - All right, we have a "no" vote from Mr. Baka, but we  
1771 do have enough votes from the Commission to move that on to the Board of  
1772 Supervisors with a recommendation of approval.

1773  
1774 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.  
1775 Witte, the Planning Commission voted 4-1 (one abstention) to recommend the  
1776 Board of Supervisors grant the request because it conforms to the Commercial  
1777 Concentration recommendation of the Land Use Plan and the proffered conditions  
1778 would provide for appropriate quality assurances not otherwise available.

1779  
1780 The vote was as follows:

1781  
1782 Mr. Archer - Yes  
1783 Mr. Baka - No  
1784 Mr. Leabough - Yes  
1785 Mrs. Marshall - Yes  
1786 Mr. Witte - Yes

1787  
1788 Mr. Leabough - And there is a companion case, Mrs. Marshall.

1789  
1790 Mrs. Marshall - Mr. Chairman, I move that PUP2017-00021, James  
1791 W. Theobald for The Rebkee Company, be moved to the Board of Supervisors  
1792 with a recommendation of approval with the hours of operation being from 5 a.m.  
1793 through 1:2 a.m. daily.

1794  
1795 Mr. Witte - Second.

1796  
1797 Mr. Leabough - We have a motion by Mrs. Marshall, a second by  
1798 Mr. Witte. All in favor say aye. Those opposed say no. Mr. Baka, I'm assuming  
1799 you're opposed.

1800  
1801 Mr. Baka - I'll vote nay on that.

1802  
1803 Mr. Leabough - So we have a no from—

1804  
1805 Mr. Archer - Mr. Chairman, if we could, could we remind these  
1806 folks when the case will come before the Board of Supervisors where the  
1807 decision will be made? We're making a recommendation tonight. That's all we  
1808 have the authority and power to do. What date is that, Mr. Secretary?

1809  
1810 Mr. Emerson - Mr. Chairman, that will be the second meeting of the  
1811 Board in January. And I believe that is the 23rd.

1812

1813 Mr. Leabough - Just to kind of close out that motion, that motion  
1814 passes. We only had one no vote, but a majority of votes in favor for that to move  
1815 it forward.

1816

1817 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.  
1818 Witte, the Planning Commission voted 4-1 (one abstention) to recommend the  
1819 Board of Supervisors **grant** the request when properly developed and regulated by  
1820 the recommended conditions, it would not be detrimental to the public health,  
1821 safety and welfare, in the area and the conditions should minimize the potential  
1822 impacts on surrounding land uses.

1823

1824 The vote was as follows:

1825

1826 Mr. Archer - Yes  
1827 Mr. Baka - No  
1828 Mr. Leabough - Yes  
1829 Mrs. Marshall - Yes  
1830 Mr. Witte - Yes

1831

1832 Mr. Leabough - Thank you, sir, for pointing that out. That's very  
1833 helpful for the folks in the audience.

1834

1835 Mr. Emerson - Mr. Chairman, we now move on to the next item on  
1836 your agenda, which is the consideration of your minutes from the November 9,  
1837 2017 meeting. We do have an errata sheet with a correction that was given to us  
1838 prior to the meeting. Of course, the minutes will be changed to reflect that  
1839 correction. If there are any others, we'll be happy to consider those.

1840

1841 Mr. Leabough - We're still in session. If you're trying to discuss the  
1842 case that was just heard, we ask that you step into the lobby and do so. Again,  
1843 we're still in session, so if you could, step into the lobby to have any  
1844 conversations you choose to have after that case was heard.

1845

1846 A motion would be in order for the minutes.

1847

1848 Mrs. Marshall - So moved.

1849

1850 Mr. Leabough - Second. So, we have a motion by Mrs. Marshall, a  
1851 second by Mr. Leabough for approving the minutes as noted on the errata sheet.  
1852 All in favor say aye. Those opposed say no. Hearing no opposition, that motion  
1853 passes. The minutes are approved.

1854

1855 Mr. Emerson - Mr. Chairman, that completes all the business I have  
1856 for the Commission this evening unless you have something else that needs to  
1857 be discussed.

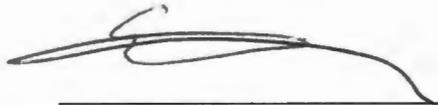
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Mr. Leabough - Is there any other business to come before the Commission? If not, a motion to adjourn is in order.

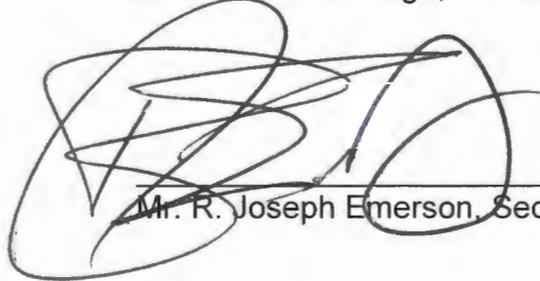
Mr. Archer - Mr. Chairman, I move for adjournment.

Mr. Witte - Second.

Mr. Leabough - We have a motion by Mr. Archer, a second by Mr. Witte. We've adjourned.



Mr. Eric S. Leabough, C.P.C., Chairman



Mr. R. Joseph Emerson, Secretary