

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**
2 **County held in the Board Room of the County Administration Building in the**
3 **Government Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m.,**
4 **Thursday, June 11, 2020. Display Notice having been published in the *Richmond***
5 ***Time-Dispatch* on May 25, 2020 and June 1, 2020.**
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7

8 **Members Present:** Mr. C. W. Archer, C.P.C., Chairman (Fairfield)
9 Mr. William M. Mackey, Jr., Vice Chairman (Varina)
10 Mr. Gregory R. Baka (Tuckahoe)
11 Mrs. Melissa Thornton (Three Chopt)
12 Mr. Robert H. Witte, Jr. (Brookland)
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
14 Secretary
15 Mr. Tyrone E. Nelson (Varina)
16 Board of Supervisors' Representative
17

18 **Also Present:** Ms. Jean Moore, Assistant Director of Planning
19 Mr. James P. Strauss, PLA, Senior Principal Planner
20 Ms. Rosemary D. Deemer, AICP, County Planner
21 Mr. Ben Sehl, County Planner
22 Mr. Livingston Lewis, County Planner
23 Mrs. Lisa Blankinship, County Planner
24 Ms. Kristin Smith, County Planner
25 Mr. Tyler VanGerpen, Systems Developer II, IT
26 Mr. John Cejka, Traffic Engineer, Public Works *
27

28 * (Virtually)
29

30 **Mr. Archer -** This is our Planning Commission meeting for rezoning, and
31 we are just coming back from a work session that we apparently began at 5:30. Welcome
32 everybody, whoever there is here. Those of you who are online and listening by web.
33 And first thing we'll do is stand and pledge allegiance to the flag, and I will ask the
34 Commission members to please mute or turn off your telephones while we do that.
35

36 [Recitation of the Pledge of Allegiance]
37

38 Thank you. We don't have anyone from the press here unless they are listening away
39 from here. So with that I'm going to turn things over to our secretary, Mr. Emerson.
40

41 **Mr. Emerson -** Thank you, Mr. Chairman. As you -- as you know, the
42 Commission met at 5:30 this evening for a work session to continue discussing the
43 updates for the zoning code and subdivision ordinance. You did meet in this room, and
44 that meeting was recessed at 6:32. With that said, Mr. Chairman, the first item on the
45 agenda this evening are the requests for withdrawals and deferrals, and they will be
46 presented by Mr. Jim Strauss.
47

48 Mr. Archer - Thank you, Mr. Secretary. Good evening, Mr. Strauss.

49
50 Mr. Strauss - Good evening, and thank you, Mr. Secretary. Mr. Chairman,
51 members of the Commission.

52
53 Mr. Mackey- Good evening.

54
55 Mr. Strauss - Staff is aware of four requests for deferral this evening. And
56 the first request is in the Varina District on page 1 of your agenda. That would be
57 Rezoning 2020-00015, Godsey Properties Incorporated.

58
59 **REZ2020-00015 Andrew Condlin for Godsey Properties, Inc.:** Request to
60 conditionally rezone from A-1 Agricultural District, R-5AC General Residence District
61 (Conditional), RTHC Residential Townhouse District (Conditional), and B-2C Business
62 District (Conditional) to R-5AC General Residence District (Conditional) (16.319 acres),
63 RTHC Residential Townhouse District (Conditional) (68.567 acres), and B-2C Business
64 District (Conditional) (12.946 acres) part of Parcel 834-714-5632, and Parcels 834-713-
65 8189, 834-714-7258, 834-714-9609, 836-713-7564, and 837-713-0631 containing 97.832
66 acres located at the northeast and northwest intersection of E. Williamsburg Road (U.S.
67 Route 60) and Drybridge Road. The applicant proposes a mixed-use development. The
68 R-5A District allows no more than 6 units per acre. The RTH District allows no more than
69 9 units per acre. The uses will be controlled by zoning ordinance regulations and proffered
70 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density
71 should not exceed 3.4 units per acre, Urban Residential (density between 3.4 and 6.8
72 units per acre), Office, Commercial Concentration, and Environmental Protection Area.
73 The site is located in the Airport Safety Overlay District. **Staff – Ben Sehl (Deferral
74 Requested to the July 9, 2020 Meeting)**

75
76 And in this case the applicant is requesting deferral to your July 9th, 2020 meeting.

77
78 Mr. Archer - All right. Is there anyone present here or online who is
79 opposed to the deferment of Godsey Properties, Incorporated, REZ2020-00015?
80 Hearing none --

81
82 Ms. Deemer - We have no one on Webex.

83
84 Mr. Archer - Thank you. Mr. Mackey.

85
86 Mr. Mackey - Mr. Chair, hearing that there is no opposition I would move
87 that REZ2020-00015, Andrew Condlin for Godsey Properties, Incorporated be deferred
88 to the July 9, 2020 meeting at the request of the applicant.

89
90 Mrs. Thornton - Second.

91
92 Mr. Archer - All right. Motioned by Mr. Mackey and seconded by Mrs.
93 Thornton. All in favor of the motion say aye.

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The Commission - Aye.

Mr. Archer - Anyone opposed say no. There are no nos, the ayes have it and the motion passes.

Mr. Strauss - And the next request for deferral this evening is in the Three Chopt District, page 3 of your agenda. Rezoning 2020-00021, Kain Road Investors.

REZ2020-00021 Kain Road Investors, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcels 738-767-7472 and 739-767-0559 containing 5.959 acres located on the north line of Kain Road approximately 230' west of its intersection with Pouncey Tract Road (State Route 271). The applicant proposes a residential development of detached dwellings for sale with zero lot lines. The R-5A District allows no more than 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Mixed-Use, density should not exceed 4 units per acre. **Staff – Lisa Blankinship (Deferral Requested by the Planning Commission to the July 9, 2020 Meeting)**

And with this case the Commission is requesting deferral to the July 9, 2020 meeting.

Mr. Archer - All right. Is there anyone present who is -- has an objection to the deferment of Kain Road Investors?

Ms. Deemer - We have no one on Webex.

Mr. Archer - Thank you. Ms. Thornton.

Mrs. Thornton - Okay. Mr. Chairman, I move that REZ2020-00021, Kain Road Investors, LLC be deferred to the July 9, 2020 meeting at the request of the Planning Commission.

Mr. Baka - Second.

Mr. Archer - Who was that, that made that second?

Mrs. Thornton - Mr. Baka.

Mr. Archer - Oh. Thank you. Okay. A motion made by Ms. Thornton and seconded by Mr. Baka. All in favor of the motion say aye.

The Commission - Aye.

Mr. Archer - Anyone opposed say no. No nos, the ayes have it, motion passes.

140
141 Mr. Strauss - And the next two requests for deferral this evening are companion
142 cases in the Fairfield District. The first is page 2 of your agenda, Rezoning 2020-00016,
143 Wilton Acquisition, LLC/Stanley Martin.
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145 **REZ2020-00016 Wilton Acquisition, LLC/Stanley Martin:** Request to
146 conditionally rezone from A-1 Agricultural District and R-6C General Residence Districts
147 (Conditional) to R-5AC (20.75 acres) and R-6C (11.98 acres) General Residence Districts
148 (Conditional) on part of Parcels 785-758-9980, 785-759-8052, 786-759-6600, -6815 and
149 Parcels 784-757-9571, -9581, -9390, 784-758-8345, -9103, -9251, -9817, 785-757-0889,
150 -2698, 785-758-0057, -0968, -1023, -1774, -1828, -2580, - 2935, -3304, -3485, -4243, -
151 4511, -5283, -5317, -5551, -6456, -6526, -6583, -7735, -8854, -9568, and 786-758-0555
152 containing 32.73 acres located on the north line of Scott Road between Interstate 95 and
153 Aberdeen Street. The applicant proposes a residential development of townhomes and
154 single-family dwellings. The R-5A District allows no more than 6 units per acre. The R-6
155 District allows a maximum gross density of 19.8 units per acre. The uses will be controlled
156 by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
157 recommends Planned Industry. **Staff – Lisa Blankinship (Deferral Requested to the**
158 **July 9, 2020 Meeting)**
159

160 And with this case the applicant is requesting deferral to the July 9, 2002 meeting.
161

162 Mr. Archer - All right. Anyone present who is opposed to this deferral,
163 Wilton Acquisition, LLC/Stanley Martin?
164

165 Ms. Deemer - We have no one on Webex.
166

167 Mr. Archer - Thank you. And in that event I move that REZ2020-00016,
168 Wilton Acquisition, LLC/Stanley Martin be deferred till the July 9th meeting at the
169 applicant's request.
170

171 Mr. Witte - Second.
172

173 Mr. Archer - That was Mr. Mackey?
174

175 Mr. Baka - Mr. Witte.
176

177 Mr. Mackey - Mr. Witte.
178

179 Mr. Archer - Oh. Okay. Motioned by Mr. Archer and seconded by Mr.
180 Witte. All in favor of the motion say aye.
181

182 The Commission - Aye.
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184 Mr. Archer - Anyone opposed say no. The ayes have it and the motion
185 passes.

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Mr. Strauss - And the companion case in the Fairfield District, page 2 of your agenda. Provisional Use Permit 2020-00010, Wilton Acquisitions, LLC/Stanley Martin.

PUP2020-00010 Wilton Acquisition, LLC/Stanley Martin: Request for a Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow adjustable side setbacks for lots within the R-5A General Residence District on part of Parcels 785-758-3485, -5283, 785-759-8052 and Parcels 784-757-9390, -9571, -9581, 784-758-8345, -9103, -9251, -9817, 785-757-0889, -2698, 785-758-0057, -0968, -1023, -1774, -1828, -2580, -2935, -3304, -4243, -4511, -5317, -5551 -6456, -6526, -7735 located on the north line of Scott Road between Interstate 95 and Aberdeen Street. The existing zoning is A-1 Agricultural District and R-6C General Residence District (Conditional). R-5A zoning district is proposed with REZ2020-00016. The R-5A District allows an overall maximum density of 6 units per acre. The 2026 Comprehensive Plan recommends Planned Industry. **Staff – Lisa Blankinship (Deferral Requested to the July 9, 2020 Meeting)**

And again, the applicant requesting deferral to the July 9, 2020 meeting.

Mr. Archer - Okay. Is there anyone who is opposed to the deferment of PUP2020-00010, Wilton Acquisitions, LLC/Stanley Martin?

Ms. Deemer - We have no one on Webex.

Mr. Archer - All right. So, in that event, I move that PUP2020-00010 be deferred until the July 9th meeting at the applicant's request.

Mr. Mackey - Second.

Mr. Archer - Okay. Motioned by Mr. Archer and seconded by Mr. Mackey. All in favor of the motion say aye.

The Commission - Aye.

Mr. Archer - Anyone opposed say no. The ayes have it. That motion has passed.

Mr. Emerson - Mr. Chairman, the next item would be a request for expedited items, and we have none of those this evening. You have one case left on the agenda to be heard. It appears on page 2 as Provisional Use Permit 2020-00009, William Shewmake for Skyway Towers, LLC.

PUP2020-00009 William Shewmake for Skyway Towers, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a monopole communication tower up to 199' in height and

232 related equipment on part of Parcel 812-725-4066 located on the south line of Cedar Fork
233 Road approximately 1000' northeast of its intersection with Nine Mile Road (State Route
234 33). The existing zoning is R-4AC One-Family Residence District (Conditional). The 2026
235 Comprehensive Plan recommends Suburban Residential 2, density should not exceed
236 3.4 units per acre. The site is in the Airport Safety Overlay District. The staff report will
237 be presented by Mr. Livingston Lewis.

238
239 Mr. Archer - All right. Thank you, Mr. Secretary. Anyone present who
240 objects to PUP2020-00009, Skyway Towers, LLC?

241
242 Ms. Deemer - Mr. Chairman, we have several people on Webex. We may
243 want to remind them to use the chat feature to contact staff.

244
245 Mr. Archer - Okay. All right. Then I guess we should hear the case first,
246 and then I'll -- Mr. Lewis, go ahead and make your presentation and we'll go from there.

247
248 Mr. Lewis - Yes, sir. Thank you, Mr. Chairman. This is a Provisional Use
249 Permit request to allow Skyway Towers to construct a 199-foot high telecommunication
250 tower on part of a 2.93-acre property at 211 Cedar Fork Road. The R-4AC zoned site is
251 currently undeveloped and fully wooded with mature trees. The current zoning
252 corresponds to the 2026 Comprehensive Plan's Suburban Residential 2 designation for
253 the parcel. Surrounding uses include two single-family homes to the north, one single-
254 family home to the west, commercial and industrial uses along Nine Mile Road to the
255 south, and a 16-acre Dominion Power substation adjacent to the east. Three of the high
256 voltage support structures on the substation property are currently used to colocate
257 wireless antenna arrays, at heights ranging from 125 to 145 feet.

258
259 As represented by this exhibit, the proposed 199-foot tower design would be a monopole
260 style with external antenna arrays, and room to accommodate colocated equipment for
261 several service providers, including T-Mobile, at 190 feet.

262
263 The tower is supposed to be placed on the far southern end of the subject parcel within
264 a fenced 50 by 50-foot ground-equipment compound to be accessed by a proposed 12-
265 foot-wide gravel drive extending from Cedar Fork Road.

266
267 As represented on the applicant's recently revised layout exhibit distributed this evening
268 and shown here, tree preservation areas are proposed to mitigate ground-level views of
269 the structure and surrounding equipment. However, staff has suggested modifications to
270 these buffer areas with revised Condition #3 in order to provide more substantial
271 screening for the closest residential properties.

272
273 To illustrate the signal coverage need in the area, several maps have been provided by
274 the applicant to illustrate the gap this structure is intended to fill. This first one illustrates
275 T-Mobile's gap in coverage without the tower, and this map shows the anticipated service
276 coverage with a new tower providing antennas at 190 feet.

277

278 The tower will be approximately 220 feet from the nearest residence adjacent to the west,
279 780 feet from the apartments and R-3 zoned homes to the west on Cedar Fork and a
280 quarter-mile from residential properties to the north on the opposite end of the substation.
281 All these distances meet the required 110 percent fall-zone setback from residential
282 buildings and provide adequate separation in combination with the landscape buffer areas
283 previously detailed.

284
285 The several residents who have had questions or concerns so far with this case, all live
286 north of the substation at or beyond the quarter-mile range. From these locations the
287 tower would be visible in the distance, but secondary to the more prominent views of the
288 substation infrastructure.

289
290 The applicant has also provided photo simulations from the spots on this map to illustrate
291 the varying degrees of visibility from different vantage points. Preferably network
292 enhancements would primarily be accomplished by equipment colocations on existing
293 towers, and other structures, to avoid constructing additional towers. However,
294 communication towers are allowed by Provisional Use Permit in all zoning districts, and
295 information from the applicant indicates viable colocation options of sufficient height are
296 not available in the area.

297
298 Given the adjacent commercial and industrial zoning, the existing visual impact, industrial
299 nature of the adjacent substation, and the tree preservation for screening, staff believes
300 a communication tower in this location would be reasonable.

301
302 Staff supports this request subject to the revised conditions handed out this evening. That
303 concludes my presentation, and I'm happy to answer any questions.

304
305 Mr. Archer - All right. Are there questions from the Commission for Mr.
306 Lewis?

307
308 Mr. Mackey - No.

309
310 Mr. Archer - Anybody?

311
312 Mr. Baka - No, sir. Not at this time.

313
314 Mr. Archer - Okay. I think at this point I would like to hear from those
315 people who are opposing, and then we'll have the applicant come up.

316
317 Ms. Deemer - Mr. Chairman, could you speak up? We didn't hear you.

318
319 Mr. Archer - Oh. I'm sorry. I was away from the mic. I think at this point I
320 would like to hear from those who are in opposition prior to hearing from the applicant.

321

322 Ms. Deemer - Okay. We have several people on Webex, but we also have
323 someone in person, Ms. Ross, should be coming into the room to speak with you, and
324 then we will ask the other folks on Webex if they would like to participate.
325
326 Mr. Archer - All right. Thank you. All right, Ms. Ross.
327
328 Ms. Ross - Good evening.
329
330 Mr. Archer - Good evening.
331
332 Mr. Witte - Good evening.
333
334 Ms. Ross - Hi. My name is Kalaurna Ross. I live at 271 Cedar Fork Road,
335 so I'm not too far from the area where you are trying to build the cell tower. And I oppose
336 because the risk of my health and I have little children where, you know, I feel like it would
337 affect them in a community where we don't need -- we don't want that heavy radiation in
338 the area. So I'm opposed to it.
339
340 Mr. Archer - Okay. And that is your reason? The heavy radiation?
341
342 Ms. Ross - That's correct.
343
344 Mr. Archer - All right. Any questions for Ms. Ross?
345
346 Ms. Ross - I'm sorry.
347
348 Mr. Archer - I was asking the Commission members if there were
349 questions for you.
350
351 Mrs. Thornton - Do you have T-Mobile?
352
353 Ms. Ross - I do.
354
355 Mrs. Thornton - You do?
356
357 Ms. Ross - Yes
358
359 Mrs. Thornton - And how is your coverage where you are at your house?
360
361 Ms. Ross - It's great. I have full coverage.
362
363 Mrs. Thornton - Okay. Thank you.
364
365 Mr. Archer - All right. Thank you, Ms. Ross.
366
367 Ms. Ross - Thank you.

368
369 Mr. Archer - All right. Next person.
370
371 Mrs. Thornton - I think they're online.
372
373 Ms. Deemer - Mr. Chairman, we have another person online, but I'd like to
374 just remember, or remind, those who are on Webex that, to contact us, they need to use
375 the chat feature which is at the bottom of their screen and looks like a talk bubble. If they
376 would like to speak on this case, they need to send a chat to staff and we will unmute
377 them at their appropriate time.
378
379 Mr. Archer - Thank you, ma'am.
380
381 Ms. Deemer - At this time I'm going to unmute Ms. Williams and she can
382 speak.
383
384 Mr. Archer - All right. Good evening, Ms. Williams.
385
386 Ms. Williams - Hello. Good evening. Can you hear me?
387
388 Mr. Archer - Yes.
389
390 Mr. Baka - Yes.
391
392 Ms. Williams - Yes. So my concern is also with the tower there. There is a
393 school that has young children that is not that far from there. And I don't have T-Mobile.
394 I just -- that's a -- do not think that that tower is a good fit for this neighborhood. I mean,
395 why couldn't you put it somewhere else? You got lots of other land, there's a lot of land.
396 They can go out in the middle of it instead of right there on Cedar Fork Road.
397
398 Mr. Archer - All right. Anyone on the Commission have a question for Ms.
399 Williams? Ms. Williams, when the applicant speaks, we will have him try to address the
400 issue that you have raised, as well as that of Ms. Ross. Anything else? All right. Thank
401 you, then.
402
403 Ms. Williams - Nope. Just concerned about the radiation levels and then the
404 kids in the neighborhood out having fun with that tower there. And health issues of elderly
405 people in our neighborhood.
406
407 Mr. Archer - Okay. Thank you, ma'am.
408
409 Ms. Williams - You're welcome. Thank you.
410
411 Mr. Archer - All right. Next person.
412

413 Ms. Deemer - Mr. Chairman, we have a Ms. Darden online. I'm going to
414 unmute her to see if she would like to speak.
415
416 Mr. Archer - All right. Thank you.
417
418 Ms. Darden - Can you hear me?
419
420 Mr. Archer - Yes.
421
422 Ms. Darden - My concern is also what's the risk? I haven't heard anything
423 about that.
424
425 Mr. Archer - I'm sorry, ma'am. Could you speak up a little bit, please?
426
427 Ms. Darden - My concern also is the risk. Can somebody explain the risk
428 of this tower?
429
430 Mr. Archer - Oh. The risk. Okay. I hear you. Okay. We'll have the
431 applicant address that.
432
433 Ms. Darden - Okay.
434
435 Mr. Archer - Thank you.
436
437 Ms. Darden - You're welcome.
438
439 Mr. Archer - Okay. Anyone else?
440
441 Ms. Deemer - We have no one else who's responded or requested to speak.
442
443 Mr. Archer - All right. Thank you, ma'am. So, at this time, we will hear
444 from the applicant. Mr. Shewmake.
445
446 Mr. Shewmake - Thank you, Mr. Chairman, members of the Commission. My
447 name is William Shewmake, I'm with the law firm of Woods -- may I come down here?
448
449 Mr. Emerson - No. You -- he's supposed to be back there.
450
451 Mr. Shewmake - I have to be back here? Yeah. He's going to toggle it for me I
452 think. My name is William Shewmake under this mask, and I'm with the law firm of Woods
453 Rogers, and I'm representing the applicant, Skyway Towers. If we could go to the next
454 slide, please? Skyway Towers has a lead carrier of T-Mobile, and T-Mobile is looking to
455 substantially upgrade its facilities and services in this area to accommodate not only
456 increased capacity and coverage as we mentioned. You saw a slide, and I'll go over
457 briefly, that this cell tower, being a higher height, will dramatically increase the coverage
458 in the area, but it also helps with what's known as the capacity. As we're having more

459 and more data streamed through the system it's like a traffic jam. And so what this tower
460 will do is help speed up the data. And with this pandemic crisis we, I think, all realize the
461 importance of having as strong as possible a wireless network. So this can actually help
462 the surrounding towers deliver data even faster. And if we could go through the slide, the
463 next slide. As you saw the -- and then go to the next slide that shows you the dramatic
464 impact that this has at the 195 feet.

465
466 Right now T-Mobile is actually in the substation itself at a much lower height. So this is
467 showing the increase from being able to get up higher. Also, that tower's not able to
468 sustain the 5G technology. As you probably have been reading and you know, that T-
469 Mobile is one of the leaders in providing the latest technology in terms of 5G technology.
470 This tower will be 5G compatible, and it's a fact that's part of the purpose of this is to
471 incorporate into that new system and technology.

472
473 We fully anticipate Sky Tower will own the tower. T-Mobile is committed to the site. But
474 because of the increased coverage, we expect that other carriers will colocate, and that's
475 one reason why we can provide that.

476
477 I would -- next slide, please. I would note that when we were selecting the site we wanted
478 to provide as broad a coverage for the neighborhood and the businesses as we could,
479 but try to be seamless and fit in to the area. And that's why Sky Towers looked long and
480 hard to be in the available search ring where it could provide the necessary coverage that
481 T-Mobile needed, but would fit in. And that's how we selected this site. It's almost a 3-
482 acre site, I think 2.93 acres.

483
484 What we've done is located the tower in the very back of the site. And, as you've heard,
485 this tower is right next to the Dominion substation, which is a massive structure. And
486 you've got all those massive transmission structures and the lines that are going out from
487 it. So from a visual standpoint we won't have any impact to the area, we believe. We
488 think we will fit in seamlessly. You're not going to notice this. Everyone will notice the
489 substation, but this won't be part of it. But we're right -- and that's right next to that, and
490 that's why we -- that's why we selected the site.

491
492 What we have done is offered, in addition, this is a wooded site right now. There are no
493 plans by the owner to develop, but in addition we have put in our landscape plans a buffer
494 where we would have a 20-foot tree-save buffer along the south, which is the bottom
495 there. And then all the way up the entire western line up to the -- up to the road.

496
497 And, in addition, in front of the north side of the compound, we would have a 20-foot tree-
498 save buffer as well, in the front. So we think that given the location being next to the
499 substation, which has no landscaping, that that is sufficient.

500
501 I would note -- I want to thank Mr. Lewis and the staff for all of their hard work in working
502 with us. This is obviously a difficult time, and we are very appreciative of the hard work
503 that was put in here. But we think this is more than sufficient buffer given the location

504 right next to the substation. We don't think that the compound is going to be seen. If the
505 front of the property is developed, then it's going to naturally be blocked if it's residential.

506
507 I would also note is what we are offering here is the extent we can under our lease. I
508 appreciate Mr. Lewis' suggestions and recommendations. I would note for the Planning
509 Commission and I've been working on this issue since it came to light. And what we have
510 done with this -- these proffers that we're suggesting is the maximum we're allowed to do
511 under our lease.

512
513 Next slide, please. As you mentioned, we did the balloon test with the photo simulations,
514 and I think by and large they demonstrated that we would have a minimum impact. We
515 could just quickly go through the photo sims. The number of sites where you can't see it.
516 There are a few that you can. But what we've done is we have positioned it right next to
517 the substation, so when you do see it, it's kind of blending in with the substation. You can
518 run through the computer simulations. Thank you. All right. Next slide, please.

519
520 We did have -- a few people have concerns the -- I had a couple of folks who reached
521 out, and in direction of staff, and we wanted to make sure people had plenty of notice and
522 we were notifying everybody in the area. So I would note that in working with staff we
523 sent out over 130-some notices and letters where, in addition to explaining the proposal,
524 we put online the entire application as well as my contact and Mr. Lewis' contact.

525
526 I had two or three inquiries, and with every inquiry I received I would immediately let Mr.
527 Lewis know. Two or three of them just wanted to have a little more information and were
528 satisfied. It was a very nice lady, Ms. Johnson-Warren, who is at 267 Cedar Fork, which
529 is on the other side of the substation, about a quarter of a mile away. That's what this
530 slide was in the -- depicting.

531
532 I know that -- Mr. Archer in working on this project and this proposal. We arranged,
533 actually, to have an individual telephone conference with Ms. Johnson-Warren to address
534 her concerns. I sent her quite a bit of information as a result, and I think I hopefully have
535 answered her questions in that regard. I -- as far as it was a health concern, I think I was
536 able to alleviate that. If we could do the next slide, please.

537
538 This is Ms. Johnson-Warren's house. As you can see it's right next to the substation. We
539 would be on the far other end of the substation itself. I think that kind of gives a visual
540 depiction that it's not going to have an impact on this neighborhood.

541
542 One thing I want to emphasize, because the only oppositions I've heard were about
543 health. And, as you know, the RF waves are so low that under federal law you can't take
544 that into account. We're thousands of -- by magnitude of, I think, of at least 1000 below
545 the acceptable level. But be that as it may, we think that studies indicate there is no
546 health risk. But I do want to point out to the folks that spoke that I don't think they
547 necessarily realized that the antennas are already near you. T-Mobile has it on a lower
548 level so it's closer to those homes.

549

550 And, in fact, you have, I think, three carriers in the substation. And what would happen
551 is if this proposal is approved, those antennas which were actually hundreds of feet closer
552 to the people who expressed concern are going to be removed and then transferred over
553 to this tower, which will be further away and higher.

554
555 So if that is a concern, and I appreciate that concern, we're actually moving the technology
556 further away from their house. And I don't necessarily know if that would obviously come
557 through in the proposal, but I just wanted to share that information.

558
559 Next slide, please. This is -- this is showing the distance which was, I think, over 1,300
560 feet, about 1,500 feet from Ms. Johnson-Warren's house to the proposal. The house is
561 in the red circle, and then the tower is down at the very bottom of this picture frame.

562
563 Next slide, please. We also had -- I know that there was an email, and I think it was from
564 Ms. Williams, who I believe was at 271 Cedar Fork, which I've heard that address. I
565 immediately reached out and they simply were kind enough to say that they simply
566 opposed. But I was willing to share any information. But this again shows the distance,
567 it's over 1,500 feet, from their house to where the tower is. And again, between us and
568 them is the very substantial Dominion substation. And in that substation you have the
569 cell tower antennas already located and so we think this is actually, if health is a concern,
570 we think this is a benefit to them.

571
572 Next slide. Finally, I just wanted to note, because sometimes issues come up about
573 property values and impact. We think there will be no impact on this. In fact, in the current
574 climate we think being able to provide the latest in 5G technology will improve values, if
575 anything.

576
577 But I did want to point out that York County some years ago did a thorough study where
578 they wanted to see was there any impact on residential property values if you had cell
579 towers located nearby. And so they did a study with their assessor and their county and
580 then reached out to several surrounding localities. And what they determined was there
581 was no impact.

582
583 We think that's especially true in this case with this day and age. I mean right now, as
584 you all know, more than half the people have given up their landlines. Over 70 percent
585 of 9-1-1 calls come in through cellphones. And I think you're going to have more and
586 more people working from home. So the ability to process, have good reception, and
587 stream as much data as possible I think is going to be a growing need which T-Mobile
588 wants to fill.

589
590 So that would conclude my presentation. I really appreciate the time. I really appreciate,
591 Mr. Archer, the time you took in working this case, scheduling the one-on-one calls, and
592 making sure we answered as many questions as possible. And I'll be glad to answer any
593 questions you have tonight.

595 Mr. Archer - Thank you, Mr. Shewmake. Is there anyone on the
596 Commission that has a question?
597

598 Mrs. Thornton - I just have one quick question about the health risk portion of
599 it. Right now T-Mobile is -- already has a tower and three other carriers.
600

601 Mr. Shewmake - At least two other carriers, I believe. I think.
602

603 Mrs. Thornton - Okay. And you're merging with Sprint? So --
604

605 Mr. Shewmake - Yes.
606

607 Mrs. Thornton - Okay. So I see the coverage in the areas, you know, I don't
608 feel like it's that much more in the picture. I know that you think it is but do you -- there's
609 a difference between the 5G health risk versus the regular what we get now. You're
610 saying that the voltage -- or I don't know the terminology, but --
611

612 Mr. Shewmake - I think all the studies are indicating that there isn't. And if
613 you're going to have --
614

615 Mrs. Thornton - I don't think all of the studies are.
616

617 Mr. Shewmake - but if that would be the -- that would be at your cellphone level
618 with -- if you look -- if you look at it.
619

620 Mrs. Thornton - Right.
621

622 Mr. Shewmake - What you get is multiple factors times more of where your
623 cellphone is versus the tower that will be 190 feet away and hundreds of feet away from
624 folks. So we don't see --
625

626 Mrs. Thornton - How far are you away from the school?
627

628 Mr. Shewmake - I would -- I would have, I mean, I'm sure we're hundreds of
629 feet. But as, again, as I would note under federal law that's not a consideration. But we
630 are, like I said, we would be taking down the existing antennas. So it's not like we're
631 going to have those and then add them.
632

633 Mrs. Thornton - Right.
634

635 Mr. Archer - The school we're talking about, is that Fairfield Middle?
636

637 Mrs. Thornton - Yes.
638

639 Mr. Archer - Okay. That's on Nine Mile Road. It's a pretty good distance
640 there.

641
642 Mrs. Thornton - It's a good....
643
644 Mr. Archer - Yes.
645
646 Mr. Shewmake - I would say that, if anything, I mean, that substation -- I'm not
647 saying there's an impact from the substation, but if there's any impact, I mean, we're
648 dwarfed by a substation.
649
650 Mr. Archer - All right. Any more questions? Mr. Lewis, these are revised
651 conditions. Are they what we have in place now and then Mr. Shewmake, you can just
652 nod. Are you in agreement with these conditions? I guess you'd better go back to the
653 mic.
654
655 Mr. Shewmake - Mr. Archer, we're not in a position to agree to the amount of
656 the buffer that Mr. Lewis' suggestion. That exceeds our lease. What we could do is fully
657 commit to what we have on what was - our revised site plan on Z-1. We're also willing to
658 supplement on the northern buffer, evergreens, if necessary. But we just don't have the
659 ability to legally agree to what Mr. Lewis is suggesting, and we think what we have is
660 more than sufficient given the area.
661
662 Mr. Archer - Okay. Now Mr. Lewis, having heard that, does that somewhat
663 satisfy what you are trying to achieve here if he's not able to use any more property, I
664 guess?
665
666 Mr. Lewis - Well, the purpose of what is proposed in revised Condition #3,
667 is really to respect the adjacent residential properties. So you have these two right here
668 which currently this exhibit does not show any buffering along Cedar Fork. So that's
669 something that the proposed condition would provide but this proposal from the applicant
670 does not provide.
671
672 And, just to point out the other differences, this buffer here would be similar, five feet wider
673 in what staff has proposed. And then, essentially, you've -- if you draw a large square
674 around the equipment compound, there would be some supplemental additional buffering
675 here. But I suppose if there's one area where the biggest difference lies, it would be
676 preserving trees along Cedar Fork Road in respect of the homes there. So I suppose I
677 would have to point back to that portion of the revised condition, to answer your question.
678
679 Mr. Archer - Okay. But it does offer an improvement over what we have,
680 is that what you're saying?
681
682 Mr. Lewis - Over -- certainly there -- prior to the revisions that are shown
683 here, the condition was written such that the entire property would be -- the trees would
684 be preserved on the remainder of the property.
685
686 Mr. Archer - Okay.

687
688 Mr. Baka - Mr. Chairman.
689
690 Mr. Archer - Yes.
691
692 Mr. Baka - I've got a question. I'm not sure who to address. I mean, I
693 heard the staff recommend some additional landscaping, which would seem to be an
694 asset for the community and for those neighbors. Is it a fair question to ask the applicant
695 why couldn't they simply just amend the lease to allow for the incremental request that
696 Mr. Lewis is suggesting?
697
698 Mr. Shewmake - But we've been -- we've been in intense discussions with the
699 landowner, and we just -- I don't know that we're going to be able to accomplish that.
700 We've already made the commitments to T-Mobile. I have been -- I have been in active
701 dialogue. And just so -- I just -- right now -- if I could offer it, I would. I -- but I -- but I don't
702 think it's necessary.
703
704 One thing that I would note, and that's one reason why I would -- given the buffer from,
705 across the road from Cedar Fork, I would note we're putting in a 20-foot buffer -- if this
706 property is ever otherwise developed. I mean, I will say the owner -- and it's been vacant
707 for years, and we're in the very back, that there are no current plans. But obviously an
708 owner likes to maintain its flexibility and he may want to have some homes in the front
709 which would serve as a block and a buffer.
710
711 But I would note that we are offering a 20-foot tree save buffer on the northern end, so
712 that would be the area between us and Cedar Fork Road. So there is a buffer, it's just
713 closer to -- it's closer to the compound rather than the road.
714
715 Mr. Lewis - You're referring to this, Mr. Shewmake?
716
717 Mr. Shewmake - Yes, sir. Yes, sir. And, again, we're also willing to plant
718 evergreens in there. If the issue is to block, we're willing to supplement that with that area
719 with evergreens, which would, I think, provide a sufficient shield. That's not an issue.
720 That's within our legal control.
721
722 Mr. Archer - Can I ask you a question, Mr. Lewis? Or does it have to --
723
724 Mr. Baka - That was my question, Mr. Chairman. Mr. Chairman, if I may,
725 I apologize.
726
727 Mr. Archer - Oh. I'm sorry.
728
729 Mr. Baka - Mr. Chairman, I -- and I just -- I just posed that to you. I realize
730 this is a case you've been working on very much. So didn't know to what extent it was --
731 that was imperative. Thank you.
732

733 Mr. Archer - Okay. Anybody else with a question? And please feel free to
734 ask. Well, Mr. Shewmake. I think after our conversation with Ms. Johnson-Warren, it
735 seems to be her biggest concern was how close she was to the tower. And in this
736 instance, we are -- we're more than a quarter mile away. And as Commissioners we are
737 always trying to find that fine balance between what is necessary in order for us to
738 communicate. I -- having done several of these over the years, I've not seen anything
739 that indicates that there is a health concern. Because we have had some that I can recall
740 that are much closer to schools than this one. And, in fact, I believe we may have one
741 that's on a school property, honestly. I thought we did.

742
743 But these are never easy, because I can understand they see a risk that comes from the
744 community. And at the same time we are engaged in the technology here that none of
745 us have any idea where it's going to end. I remember when 2G was something that was
746 supposedly spectacular. Now we'r looking at 5G coming up. And as we look at the
747 proliferation of cellphones and, I mean, little kids have them now. It's our way to
748 communicate. And things have changed so much since we first started doing this.

749
750 And I think you all have heard me mention that one of the things that has helped us over
751 the years is when we decided. In fact, out of necessity we started doing taller towers.
752 Because when the cellphones first came out, we were doing them at 90 feet. I mean,
753 that's, like, home plate to first base. And we didn't realize at the time that because we
754 were doing them at such a reduced height that what we were doing was creating an
755 atmosphere where we have to have so many of them.

756
757 And now with the taller towers and being able to colocate, we can get four and sometimes
758 five -- Mr. Shewmake, how many do you think we can get on this thing?

759
760 Mr. Shewmake - I can get four comfortably.

761
762 Mr. Archer - Four. And then in doing that you have four other shorter
763 towers that will come down. Or was it three?

764
765 Mr. Shewmake - I think there're at least three where the antennas would be
766 removed. Yes.

767
768 Mr. Archer - Okay. And the indication seems to be that this would take
769 them -- that this tower would be further away than those are. So what I'm trying to do in
770 my mind before I make a recommendation to the Board is figure out a good way to
771 balance between the necessity for these towers. And we have had requests to put towers
772 up because of the fact that emergency and police have had a problem sometimes with
773 not being able to communicate with the folks they need to talk to.

774
775 And what I wrestle with is this will not get any better. There'll be more cellphones and
776 more items that will need the attention of some kind of tower in order to have us
777 communicate. I don't know of anybody who likes to have a call dropped. I was on one
778 the other day got dropped and I had to drive about 6 to 7 miles before I could re-

779 communicate. Had there been some kind of an emergency, I don't know what the
780 outcome would have been. So I'm trying to be sensitive to the concerns of the community,
781 and at the same time trying to be sensitive to the fact that as time goes by we're going to
782 need even more.

783
784 So we all are probably at a point that we're going to have to share in how these things
785 are done. I am as satisfied, I guess, as I could be that there is no danger to health, and I
786 can't verify that, and I can just say that from what my experience has been I've not seen
787 it that way. And, as I said, there is at least one instance and maybe more where there
788 are antennas on school property and we've got some that are in church steeples and
789 we've got some that are in flag poles and I don't know whether we have them or not, but
790 there are some that are in disguised trees that look like antennas.

791
792 The other thing, I think, that's going for this site is that it is in an area that the look of it is
793 industrial. Being that the VEPCO substation, no not VEPCO, Dominion substation is the
794 closest thing adjacent. And the fact that they are a very good distance away from
795 residences. So based on that, and trying to balance these things out, I think it would be
796 more of a benefit to us than it would be obtrusive.

797
798 And with that, I move to send this to the Board for a recommendation of approval.

799
800 Mr. Witte - Second.

801
802 Mr. Archer - Mr. Witte, was that you? Okay. Motioned by Mr. Archer and
803 seconded by Mr. Witte. All in favor of the motion say aye.

804
805 The Commission - Aye.

806
807 Mr. Archer - Those opposed say no. The ayes have it, and the
808 recommendation is made and accepted. Motion passes.

809
810 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the
811 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
812 **grant** the request because it would provide added services to the community and the
813 recommended conditions should minimize the potential impacts on surrounding land
814 uses.

815
816 Mr. Shewmake - Thank you, Mr. Chairman, and members of the Commission.

817
818 Mr. Archer - You're welcome, sir.

819
820 Mr. Emerson - Mr. Chairman, we now move on to the next item on your
821 agenda, which appears on page 3. It is a discussion item, and it's just a reminder that we
822 -- you will hold another work session at your next meeting on July 9th at 5:30 in this room
823 to continue discussing rezoning ordinance and subdivision ordinance updates.

824

825 And, with that, the next item on your agenda is consideration of the approval of your
826 minutes from your May 14, 2020 meeting.

827
828 Mr. Archer - Okay. I'm assuming everybody's read the minutes. Are there
829 any corrections to be made? Now we have two sets. One is from the work session and
830 one is from the meeting, I believe, do we now?

831
832 Mr. Emerson - Correct. Yes, sir.

833
834 Mr. Archer - Correct. We need two motions?

835
836 Mr. Emerson - You could probably combine that into one.

837
838 Mr. Archer - Okay. Are there any corrections to either set of the minutes?
839 Nope. All right. Can I get a motion for approval?

840
841 Mr. Mackey - Mr. Chairman, I move that both of -- both the motion -- that
842 both portions of the minutes be accepted as presented from the work session as well as
843 from the meeting.

844
845 Mr. Archer - All right.

846
847 Mrs. Thornton - Second.

848
849 Mr. Archer - All right. A motion by Mr. Mackey and seconded by Mrs.
850 Thornton. Let the minutes be approved. All in favor say aye.

851
852 The Commission - Aye.

853
854 Mr. Archer - Anyone opposed say no. The ayes have it and the minutes
855 have been approved.

856
857 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
858 evening.

859
860 Mr. Archer - Any Commission member have anything further? May we
861 have a motion for adjournment?

862
863 Mr. Mackey - So moved.

864
865 Mr. Baka - Second.

866
867 Mr. Archer - Motioned by Mr. Witte and seconded by Mr. Baka that the
868 meeting be adjourned. All in favor say aye.

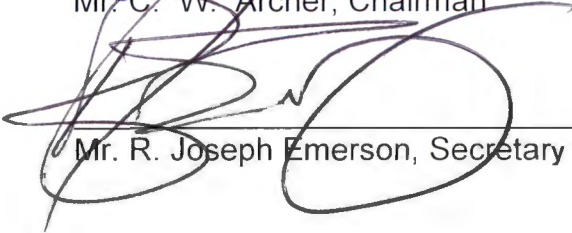
869
870 The Commission - Aye.

871
872 Mr. Archer -
873
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881

Those opposed say no. Meeting adjourned at 7:47 p.m.



Mr. C. W. Archer, Chairman



Mr. R. Joseph Emerson, Secretary