

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. May 15,
4 2014. Display Notice having been published in the Richmond Times-Dispatch on
5 April 28, 2014 and May 5, 2014.
6

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

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

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

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11 Mr. Leabough - I call this meeting of the Henrico County Planning
12 Commission to order. This is our rezoning meeting. I'd like to welcome you all.
13 As you rise with us for the Pledge of Allegiance, I ask that you silence or mute
14 your cell phones as a courtesy to others in the audience.

15
16 Is there anyone in the audience from the news media? There does not appear to
17 be.

18
19 Mr. Branin - Mr. Chairman, if I may take a moment and ask your
20 permission. Henrico County has lost in the last two weeks two gentlemen that
21 helped develop our County, and they were also pillars of our community. If you
22 wouldn't mind, can we take a moment of silence for Bob Atack and Sam
23 Kornblau.

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25 Thank you, Mr. Chairman.

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Mr. Leabough - Thank you, Mr. Branin. I'd like to take this opportunity to thank Mr. Kaechele, our Three Chopt supervisor who is sitting with us this year. Thank you for being with us, sir.

Mr. Kaechele - Thank you. I'm glad to be here.

Mr. Leabough - And all of our commissioners are present, so we have a quorum and we can conduct business tonight.

At this point, I'd like to take this opportunity to turn the agenda over to Mr. Emerson, our secretary.

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

Mr. Strauss - Thank you, Mr. Secretary. We do have five requests for deferral this evening. The first one is in the Fairfield District and is on page one of the agenda. It is REZ2014-00019, Romm Development LLC. The applicant is requesting deferral to the June 12, 2014 meeting.

REZ2014-00019 Andrew M. Condlin for Romm Development Company, LLC: Request to conditionally rezone from R-4 One-Family Residence District, R-5 General Residence District and O/SC Office/Service (Conditional) to RTHC Residential Townhouse District (Conditional) Parcels 782-757-2904, 782-756-3992, -4880, -6562, -6951, -9451,-6636, -4861, and part of Parcel 782-757-3717 containing 5.689 acres, located on the southwest line of E. Parham Road at its intersection with Villa Park Drive. The applicant proposes a residential townhouse development of no more than 49 units. The RTH District allows a maximum density of nine (9) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office and Office/Service.

Mr. Leabough - Is there anyone here in opposition to the deferral of REZ2014-00019? There doesn't appear to be any opposition.

Mr. Archer - Mr. Chairman, there being none, I will move for deferral of REZ2014-00019, Andrew M. Condlin for Romm Development Company LLC, to the June 12th meeting at the request of the applicant.

Mrs. Jones - Second.

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

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73 At the request of the applicant, the Planning Commission deferred REZ2014-
74 00019, Andrew M. Condlin for Romm Development Company LLC, to its meeting
75 on June 12, 2014.

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77 Mr. Strauss - The next requests are all in the Brookland District.
78 The first one is on page two of the agenda, PUP2014-00001. That would be for
79 Mr. Bobby Marchetti. The applicant is requesting deferral to the July 10, 2014,
80 meeting.

81

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

83 **PUP2014-00001 Malachi M. Mills for Bobby Marchetti:** Request for a
84 Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
85 Chapter 24 of the County Code in order to allow outdoor dining for a proposed
86 restaurant on part of Parcel 767-757-8360 located 95' east of the east line of
87 Hungary Spring Road approximately 1,025' south of its intersection with Staples
88 Mill Road (U.S. Route 33). The existing zoning is B-2C Business District
89 (Conditional). The 2026 Comprehensive Plan recommends Commercial
90 Concentration and Office.

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92 Mr. Leabough - Is there anyone in the audience in opposition to
93 PUP2014-00001, Malachi M. Mills for Bobby Marchetti? There is no opposition.

94

95 Mr. Witte - Mr. Chairman, I move for deferral of PUP2014-00001,
96 Malachi M. Mills for Bobby Marchetti, by request of the applicant, to the July 10,
97 2014, meeting.

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99 Mrs. Jones - Second.

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101 Mr. Leabough - We have a motion by Mr. Witte, a second by
102 Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
103 passes.

104

105 At the request of the applicant, the Planning Commission deferred PUP2014-
106 00001, Malachi M. Mills for Bobby Marchetti, to its meeting on July 10, 2014.

107

108 Mr. Strauss - Also in the Brookland District on page two of the
109 agenda, REZ2014-00005, Nobility Investments, LLC. The applicant is requesting
110 a deferral to the June 12th meeting.

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112 **(Deferred from the April 10, 2014 Meeting)**

113 **REZ2014-00005 Andrew M. Condlin for Nobility Investments, LLC:**
114 Request to amend proffered conditions accepted with Rezoning Case C-46C-83
115 on Parcel 768-747-0824 located on the north line of Glenside Drive
116 approximately 385' west of its intersection with Bethlehem Road. The applicant
117 proposes to replace all proffers to allow hotels as a permitted use. The existing

118 zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan
119 recommends Commercial Arterial.

120

121 Mr. Leabough - Is there anyone here in opposition to REZ2014-
122 00005, Andrew M. Condlin for Nobility Investments, LLC? There is no opposition.

123

124 Mr. Witte - Mr. Chairman, I move for deferral of REZ2014-00005,
125 Andrew M. Condlin for Nobility Investments, LLC, to the June 12, 2014, meeting
126 at the request of the applicant.

127

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

131

132 At the request of the applicant, the Planning Commission deferred REZ2014-
133 00005, Andrew M. Condlin for Nobility Investments, LLC, to its meeting on June
134 12, 2014.

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136 Mr. Strauss - And again in the Brookland District, page three of the
137 agenda, REZ2014-00021. This is Riverview Green Investors, LLC. The applicant
138 is requesting a deferral to the July 10, 2014 meeting.

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140 **REZ2014-00021 James W. Theobald for Riverview Green**
141 **Investors, LLC:** Request to amend proffered conditions accepted with Rezoning
142 cases C-2C-09 and C-18C-08 on Parcel 775-771-7259 located in the northwest
143 quadrant of Greenwood and Bent Pine Roads. The applicant proposes to amend
144 proffers related to age restriction, the conceptual plan, amenities, emergency
145 access, parking, recreational vehicles, tree save area, entrance feature,
146 condominiums, architectural exhibits, land for park and recreation, number of
147 units, and hours of construction. The existing zoning is R-5AC General
148 Residence District (Conditional) and R-6C General Residence District
149 (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential
150 2, density should not exceed 3.4 units per acre.

151

152 Mr. Leabough - Is there anyone here in opposition to the deferral of
153 REZ2014-00021? There's no opposition.

154

155 Mr. Witte - Mr. Chairman, I move for deferral of case REZ2014-
156 00021, James W. Theobald for Riverview Green Investors, LLC to the July 10,
157 2014 meeting at the request of the applicant.

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159 Mrs. Jones - Second.

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161 Mr. Leabough - We have a motion by Mr. Witte, a second by
162 Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
163 passes.

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165 At the request of the applicant, the Planning Commission deferred REZ2014-
166 00021, James W. Theobald for Riverview Green Investors, LLC to its meeting on
167 July 10, 2014.

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169 Mr. Strauss - And finally, also in the Brookland District, the
170 Commission is requesting deferral of REZ2013-00002, Yunus Vohra, to the July
171 10th meeting.

172

173 **(Deferred from the April 10, 2014 Meeting)**

174 **REZ2013-00002 Cameron Palmore for Yunus Vohra:** Request to
175 conditionally rezone from A-1 Agricultural District and R-2A One-Family
176 Residence District to R-2AC One-Family Residence District (Conditional) Parcels
177 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929 containing 5.14
178 acres, located on the south line of Hungary Road at its intersection with Hastings
179 Mill Drive. The applicant proposes a single-family residential development not to
180 exceed 10 residential units. The R-2A District allows a minimum lot size of
181 13,500 square feet and a maximum gross density of 3.22 units per acre. The use
182 will be controlled by proffered conditions and zoning ordinance regulations. The
183 2026 Comprehensive Plan recommends Suburban Residential 2, density should
184 not exceed 3.4 units per acre.

185

186 Mr. Leabough - Is there anyone here in opposition to the deferral of
187 REZ2013-00002, Cameron Palmore for Yunus Vohra?

188

189 Mrs. Jones - Mr. Chairman, as a point for the record, I will neither
190 be discussing nor voting on this case. I'll abstain.

191

192 Mr. Leabough - So noted. Thank you, Mrs. Jones.

193

194 Mr. Witte - Mr. Chairman, I move for deferral of case REZ2013-
195 00002, Cameron Palmore for Yunus Vohra, by request of the Commission, to the
196 July 10, 2014 meeting.

197

198 Mr. Leabough - Second. We have a motion by Mr. Witte, a second by
199 Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the
200 motion passes. We have one abstention.

201

202 At the request of the Commission, the Planning Commission deferred REZ2013-
203 00002, Cameron Palmore for Yunus Vohra, to its meeting on July 10, 2014.

204

205 The vote was as follows:

206

207 Mr. Leabough - Yes

208 Mr. Witte - Yes

209 Mr. Archer - Yes

210 Mr. Branin - Yes
211 Mrs. Jones - Abstain

212
213 Mr. Emerson - Mr. Chairman, that completes the requests for
214 withdrawals and deferrals that staff is aware of, unless the Commission has
215 anything they'd like to add at this time. If there are no more, next on the agenda
216 are the requests for expedited items. Those will also be presented by Mr. Jim
217 Strauss.

218
219 Mr. Strauss - Thank you, Mr. Secretary. We do have one request
220 this evening for approval on the expedited agenda. It is on page three of the
221 agenda. That's REZ2014-00020. This is a request to rezone from R-1AC (One-
222 Family Residence District) to the C-1C (Conservation District). This was a
223 requirement of Proffer 25 in the original zoning case. Staff is recommending
224 approval with proffers 1A through D on page four of the staff report. We are not
225 aware of any opposition.

226
227 **REZ2014-00020 Rick Melchor for North Mill Development, LLC:**
228 Request to rezone from R-1AC One-Family Residence District (Conditional) to C-
229 1C Conservation District (Conditional) part of Parcels 767-779-4103, -5918, -
230 7924, and -9912 containing 7.2 acres located on south line of the Chickahominy
231 River approximately 4775' north of the north line of Mill Road at a point 1000'
232 east of its intersection with Shae Place. The applicant proposes a conservation
233 district. The use will be controlled by zoning ordinance regulations and proffered
234 conditions. The 2026 Comprehensive Plan recommends Environmental
235 Protection Area.

236
237 Mr. Leabough - Is there anyone in the audience in opposition to
238 REZ2014-00020? There is no opposition.

239
240 Mr. Witte - Okay. Mr. Chairman, I move that case REZ2014-
241 00020, Rick Melchor for North Mill Development, LLC move to the Board of
242 Supervisors with a recommendation for approval as presented.

243
244 Mr. Archer - Second.

245
246 Mr. Leabough - Motion by Mr. Witte, a second by Mr. Archer. All in
247 favor say aye. All opposed say no. The ayes have it; the motion passes.

248
249 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
250 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
251 Board of Supervisors **grant** the request because it conforms with the
252 recommendations of the Comprehensive Plan and it would satisfy Proffer #25
253 accepted with rezoning case C-62C-04, which requires areas within the 100-year
254 floodplain to be rezoned to C-1 Conservation District.

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REZ2014-00018 **Guy Blundon:** Request to amend proffered conditions accepted with Rezoning case C-33C-04 on Parcels 784-749-1627 and 784-748-2576 located on the west line of Brook Road (U.S. Route 1), approximately 875' south of its intersection with Hilliard Road (State Route 161). The applicant proposes to amend Proffer 2 related to age restrictions and Proffer 3 related to enforcement of age restrictions. The existing zoning is R-5C General Residence District (Conditional). The 2026 Comprehensive Plan recommends Multi-Family Residential, density should not exceed 19.8 units per acre and Environmental Protection Area. Part of the site is located in the Enterprise Zone. The staff report will be presented by Mr. Ben Sehl.

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Mr. Leabough - Good evening, Mr. Sehl.

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Mr. Sehl - Good evening.

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Mr. Leabough - Is there anyone here in opposition to REZ2014-00018? There is no opposition, Mr. Sehl.

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Mr. Sehl - Thank you, Mr. Chairman.

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This request is to amend two proffers accepted with rezoning case C-33C-04 in order to reduce the minimum age requirement for an age-restricted development. The property was rezoned to R-5C in 2004 in order to develop an age-restricted residential community with up to 240 units. Proffer 2 accepted with the rezoning case states the development would be restricted to those sixty-two years of age or older. The applicant wishes to amend this proffer (Proffer 2) to lower the age limit to fifty-five and older for twelve units and amend Proffer 3 related to the implementation of enforcing the age restriction. As I said, Proffer 2 would state that only twelve units would be occupied by those between fifty-five and sixty-two.

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This request is the same as a request, or similar to a request, submitted by the applicant in 2009 and 2010. The 2009 case was denied by the Board of Supervisors because the request was deemed in conflict with the age-restriction proffer that was central to the approval of C-33C-04. The 2010 case was recommended for denial by the Planning Commission and was ultimately withdrawn prior to the Board of Supervisors taking action.

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While the proposed amendment would not alter the physical form or operation of the existing development, the concerns raised during the previous two requests remain. Based on these concerns, the Board of Supervisors denied the applicant's request in 2009. No substantial changes have been made to the applicant's request since that time. Therefore, staff does not support this request.

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I'd be happy to try to answer any questions you might have.

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303 Mr. Leabough - Any questions? Okay. Mr. Archer, how would you like
304 to proceed, sir?

305
306 Mr. Archer - I think we'd like to hear from the applicant because I
307 think he has some things he'd like to say to the Commission.

308
309 Mr. Leabough - Would the applicant please come forward? These are
310 recorded proceedings, so please state your name for the record.

311
312 Mr. Blundon - My name is Guy Blundon, 407 South Cherry Street,
313 Richmond, Virginia. Thank you for hearing me tonight.

314
315 We initially—well, the people that we bought the property from achieved this
316 change—zoning case in 2004, ten years ago now. And the zoning case states
317 clearly that it's for people sixty-two and over. And in the meantime, we built the
318 building, and we've suffered a huge recession in this country as everybody
319 knows. And I think our constituents, our people, our market has been slow, and
320 it's been tough for them to bounce back. And our occupancy has not been what
321 we projected it would be and what our market studies and whatnot projected it
322 would be. It is ninety, ninety, this and that. It's not what we need. And we—and I
323 have asked on two occasions previously to have 10 percent of our property be
324 able to be occupied by people between the ages of fifty-five and sixty-two.

325
326 Equal to or similar is exactly right. But with differences each time I've come
327 forward, it's been a little less that I've been asking for. The first time it was for the
328 entire 240 units to go to over 55. That was narrowly, I believe, defeated. The
329 second time we asked that 10 percent of the 240 units to go over 55 and 62. Ten
330 percent, that's twelve units—well that would have been twenty-four units—be
331 able to be occupied by people between the ages of fifty-five and sixty two. We
332 withdrew that. Now I'm asking for only the current building, excluding the second
333 building, zoned land, which isn't a building yet, that that be able to be occupied
334 by people between the ages of fifty-five and sixty-two.

335
336 It seems to me a completely de minimis request. I don't think anybody in the
337 County would be negatively impacted by that request. And the other important
338 difference between then and now is that the North Chamberlayne Civic
339 Association has requested that the Board of Supervisors approve this, which I
340 thought was highly important. And without that, I wouldn't have come forward to
341 make this request.

342
343 So in the meantime in these past five, six years that we've been open, I think that
344 we have proven ourselves to be good neighbors. We made a \$25,000 donation
345 to the Brook Road Improvement Fund. I think that we've proven that our people,
346 our constituents are peaceful, happy. We don't cause police calls for misconduct.
347 I think we're good neighbors. I happen to have two other properties, one in

348 western Henrico, Twin Hickory, the Atlantic at Twin Hickory; one in Chesterfield.
349 They are both over fifty-five. And they are excellent properties. I think that our
350 Atlantic at Brook Run is an excellent property. It's a handsome property. The
351 people love it. Our residents love it. We entertain them. We keep them busy. We
352 keep them active. We have parties. We have every holiday celebrated. People
353 love being there. And we are constantly turning away people between the ages
354 of fifty-five and sixty-two.

355

356 While I think that this change would be absolutely unnoticeable to any person in
357 the county, it would be very important to us because we have a lower occupancy
358 here. And why should we be referring people to Charter Colony in Chesterfield
359 because they're sixty-one? It doesn't make any sense. And here's an opportunity
360 for the County, the Planning Commission, the Board of Supervisors to help a
361 business which I think the County—you don't necessarily have to be proud of us,
362 but I think we've done a good job here. I think we're proud of what we've done.
363 Here's a chance for the County to help somebody, you know, in an important way
364 without any negative downside to the County. I just don't understand why this
365 wouldn't be an attractive thing to do for the County.

366

367 Yes, when we bought the property from the people we bought it from it was
368 zoned for sixty-two and over. It was a different world back then. It's correct that
369 we are asking for a change. Are there people that haven't suffered some
370 negative impact from this past recession that we've been through? Yes there are.
371 We, I believe, suffered a changed from this negative recession that we went
372 through. It was a huge recession. And we are here. We are very, very grateful to
373 Mr. Archer and Mr. Sehl for the work that they've done over these long years. I
374 mean, it's been ten years. But we're here asking for a change. I think the change
375 is modest, and the benefit to us would be huge. I think the benefit to our
376 residents would be huge. It keeps us going. It keeps us improving the building,
377 improving their experience in the building.

378

379 I think that's it, so thank you very much. Any questions from anybody?

380

381 Mr. Leabough - I have a question. Mr. Blundon, have many have you
382 turned away between fifty-five and—

383

384 Mr. Blundon - Oh, I can't possibly tell you. Many, many. Because of
385 age? Many.

386

387 Mr. Leabough - You don't have a number.

388

389 Mr. Blundon - I do, but not with me. It's absolutely in my records, in
390 the records in my office.

391

392 Mr. Leabough - Another question. What's your occupancy rate
393 currently?

394
395 Mr. Blundon - It's a little over ninety. Ninety-two, ninety-one. It
396 fluctuates between ninety and ninety-three.
397
398 Mr. Leabough - Mmm.
399
400 Mr. Blundon - It sounds good but—you know, the other thing that
401 happened is we've—you know, this is not your problem. But we financed this
402 thing before rates went down. And I can't refinance it because we're in a huge
403 lockout period. And I know this is not your problem or anything. Ninety sounds
404 like nice occupancy, but that's twelve units vacant. That's what I'm asking for. If I
405 had—
406
407 Mr. Leabough - Mr. Blundon, typically when you run a pro forma, what
408 vacancy rate do you assume?
409
410 Mr. Blundon - Mmm, five.
411
412 Mr. Leabough - Five?
413
414 Mr. Blundon - Right, right, right.
415
416 Mr. Leabough - Okay. All right. These are tax credit units, correct?
417
418 Mr. Blundon - They are 60 percent tax credit units, 60 percent of
419 AMI. But our rents are below our maximum rent allowable under the tax credits.
420 This has nothing to do with the rents we could charge. We could raise our rents
421 \$100 a month and be under the tax credit max. So we are not up to our tax credit
422 max. The tax credit maximum rent does not come into play.
423
424 Mr. Leabough - Are there other questions?
425
426 Mrs. Jones - I have a quick question, if I could.
427
428 Mr. Leabough - Go ahead.
429
430 Mrs. Jones - Just so I understand your operation. When you have
431 your age restriction, you check that, obviously, upon someone coming into your
432 building.
433
434 Mr. Blundon - We're very, very careful.
435
436 Mrs. Jones - How do you track that ongoing?
437
438 Mr. Blundon - That is a—we spend 80 percent of our management
439 time doing—we have to comply with our regulations, both with VHDA and the

440 County. We spend—I mean our records are wide open all the time for inspection.
441 Right now—

442
443 Mrs. Jones - Do you have folks joining—is it head of household
444 has to qualify or is it—

445
446 Mr. Blundon - No, everybody.

447
448 Mrs. Jones - Every single person. So grandparents who all of a
449 sudden have a grandchild that they are raising or whatever are out. Or anything
450 that brings someone under the age, anything.

451
452 Mr. Blundon - That's right, that's right. There is nobody under our
453 age limit living in our building. Or any of our other buildings.

454
455 Mrs. Jones - Okay. And you track that.

456
457 Mr. Blundon - We track it very carefully. Compliance is
458 tremendously important. And our institutional partner, John Hancock Life
459 Insurance Company, they want to make darn sure that we don't violate our
460 compliance. They send people down. The VHDA sends people down. We
461 welcome people from the County. We keep very, very good records. And I'll tell
462 you who else keeps an eye on compliance is the neighbors. If there is some kid
463 or somebody living in the building, the office hears about it very fast. And I
464 welcome it from the neighborhood association, from the County—any inspection
465 on compliance.

466
467 Mrs. Jones - Thank you.

468
469 Mr. Leabough - One other quick question, Mr. Blundon. The folks that
470 live there, what's they're position on this? The reason I ask that, I've developed
471 some senior deals, and there have been some challenges in some communities
472 where the residents that are sixty-two or older, when you start to infuse others at
473 a difference age group, typically the residents have concerns. So have you talked
474 to the existing residents?

475
476 Mr. Blundon - Yes I have, I have.

477
478 Mr. Leabough - What is their position?

479
480 Mr. Blundon - And then the other thing is that I'm sixty-three; I'll be
481 sixty-four in June. I mean, I feel like I'm a little bit too active to be in one of these
482 things. If you're between fifty-five and sixty-two and you want to move into our
483 building, you probably have a disability. You probably have a little wheelchair
484 icon for your rearview mirror. There is no issue here. I'll tell you one thing—

485

486 Mr. Leabough - So the existing residents support—
487
488 Mr. Blundon - I mean, you come to our building. I have issued
489 repeated invitations to people to come and visit our building. It's a sea of strollers
490 and electric wheelchairs. I mean, I think people would welcome a little bit—
491 people want a little bit of activity. People don't want to be ghettoized. We're only
492 talking fifty-five. And that fifty-five person is probably not going to be—he's going
493 to be sixty-one or sixty-two. Sixty, rather. Sixty or sixty-one.
494
495 Mr. Leabough - You've answered my question. So they are in support.
496
497 Mr. Blundon - Yes.
498
499 Mr. Leabough - Okay. Any other questions?
500
501 Mr. Archer - I have no more. Thank you, Mr. Blundon.
502
503 Mr. Blundon - Thank you, sir.
504
505 Mr. Archer - Mr. Chairman, yesterday Mr. Blundon and Mr. Sehl
506 and Ms. Blankinship and myself met to discuss this. I think Mr. Blundon left the
507 meeting with the understanding of how we would approach this tonight.
508
509 He would like to take his argument before the Board of Supervisors, which is
510 what the next step is. At one point we talked—he talked about or inquired about
511 deferring this for another month, which I think we finally resolved by saying that it
512 would just delay it that much more. And probably the faster he could get before
513 the Board to make his plea, the better it would be for all.
514
515 I remember initially when this was approved it was vetted and explored about as
516 carefully as one could do. And it's a tough case, it really is. I think the staff is right
517 in what it reported on. And if the Board decides that it would like to change its
518 policy or the way it operates these things, then that would be entirely up to them.
519 So I think Mr. Blundon understands where we're going with this. But based on
520 those facts and the fact that one month from now the Board will hear this, my
521 recommendation to the Board would be to support the staff's recommendation for
522 denial. And that's my motion.
523
524 Mr. Witte - Second.
525
526 Mr. Leabough - Motion by Mr. Archer, a second by Mr. Witte. All in
527 favor say aye. All opposed say no. The ayes have it; the motion passes.
528
529 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
530 Witte the Planning Commission voted 5-0 (one abstention) to recommend the
531 Board of Supervisors deny the request because the applicant failed to meet his

532 burden to show that the requested changes are in the best interests of the
533 welfare and future of the community.

534
535 **PUP2014-00013** **Chip Yeager for T-Mobile NE, LLC: Request for a**
536 **Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of**
537 **Chapter 24 of the County Code to regulate and bring an existing 164' high**
538 **monopole-style telecommunications tower into conformance on Parcel 736-742-**
539 **4060, located on the north line of Patterson Avenue (State Route 6)**
540 **approximately 400' west of Westbriar Drive. The existing zoning is B-1 Business**
541 **District. The 2026 Comprehensive Plan recommends Environmental Protection**
542 **Area.**

543
544 Mr. Leabough - Good evening, Mr. Lewis. Before you get started, I
545 neglected to acknowledge our media representative, Mr. Strong. He likes to
546 sneak in on us and sit where I can't see him. So thank you for being here, sir.

547
548 With that, is there anyone in opposition to PUP2014-00013, Chip Yeager for T-
549 Mobile NE LLC? There is no opposition. Mr. Lewis.

550
551 Mr. Lewis - Thank you, Mr. Chairman.

552
553 This is a request for a provisional use permit to bring an existing wireless
554 communications tower into compliance with maximum height requirements. The
555 subject site at 11330 Patterson Avenue is zoned B-1 and is designated
556 Environmental Protection Area on the 2026 Plan's future land use map because
557 of its location within a floodplain.

558
559 This photo taken from the south line of Patterson Avenue shows the tower as it
560 currently exists behind the Tuckahoe Village Merchants Square retail shops. The
561 structure is 163½ feet tall and is located in a 2,500-square-foot fenced ground
562 lease area. The applicant's request would not result in any changes to the
563 property, tower, or equipment.

564
565 The original tower was approved in 1997 with a maximum height of 150 feet. To
566 meet growing demand for wireless services, the maximum height was increased
567 to 157 feet in 2002 with approval of case P-6-02. Several building permits for
568 new antennas and equipment upgrades were filed in subsequent years, the most
569 recent submitted in August 2013.

570
571 The 2013 building permit was rejected because it showed existing antennas
572 extending to 164 feet, or 7 feet above the maximum height approved with the
573 2002 PUP. After being made aware of this discrepancy, the applicant filed this
574 request with the goal of bringing the existing tower into conformance rather than
575 removing the top set of antennas.

576

577 The tower meets all required setbacks, and because of mature tree cover, visual
578 impact on residential uses in the area is minimal. The existing tower is generally
579 consistent with the parcel's zoning and future land use designation, and it has
580 proven to be a compatible use on this property for seventeen years. Also,
581 allowing additional antenna space here helps reduce the overall need for new
582 towers elsewhere in the area. For these reasons, staff supports this request
583 subject to the recommended conditions listed in the staff report.
584

585 This concludes my presentation. I am happy to answer any questions.
586

587 Mr. Leabough - Are there any questions for Mr. Lewis?
588

589 Mrs. Jones - No. I don't.
590

591 Mr. Leabough - There do not appear to be any questions. Would you
592 like to hear from the applicant?
593

594 Mrs. Jones - I sure would. Mr. Yeager, if you would come forward
595 for us.
596

597 Mr. Yeager - Good evening. I'm Chip Yeager with NB&C
598 Consultants at Streamside Court in Glen Allen. I'd be happy to answer any
599 questions you may have.
600

601 Mrs. Jones - Well, I wanted to ask you to come forward just simply
602 to—this is one of these cases where everybody is trying to fit in the pieces and
603 figure out how we got where we got. We want to make it right. We want to go
604 ahead and get everything straight. So if you would add to that from your
605 perspective how this got to be where it is at the moment.
606

607 Mr. Yeager - The best I can tell the original PUP or the 2002 PUP
608 was approved up to 157'. It looks like—and Mr. Lewis can confirm. It looks like
609 what happened at the time is the overall structure itself didn't change, but the
610 mounting structures, the appurtenances did. And they basically raised them up to
611 about 157' elevation and then the antennas came above them. We have an FAA
612 that was done, and I guess this was done in 2009. We came into this when
613 another applicant made a request for a building permit I think back in August.
614 And Mr. Lewis brought it to our attention because T-Mobile's antennas were the
615 highest on structure. And that's how we have gotten to file the corrected PUP for
616 it. But there is a 2009 FAA report that grants approval at 164' without any
617 marking or lighting and gives that overall approval. I think that was done at that
618 point in time to make sure it was corrected. And perhaps it's the interpretation of
619 the overall height of the tower whether it's with the steel itself or whether it's the
620 appurtenances as well. This would give the overall height of the tower. I think
621 we're at—163½ is what the survey told us.
622

623 Mrs. Jones - And you've submitted revised plans to the County?
624 Everything is up to date and reflects the actual height?

625
626 Mr. Yeager - We have submitted the revised elevation for the
627 overall height of the tower.

628
629 Mrs. Jones - And for the ground equipment?

630
631 Mr. Yeager - Again, we're not the applicant of that building permit
632 that was applied for.

633
634 Mrs. Jones - Okay. And the ground equipment as well.

635
636 Mr. Yeager - The ground—yes. The ground equipment is not
637 changing. The compound, everything's remained the same.

638
639 Mrs. Jones - I know as we get into this more and more—this tower
640 has been there for a long time. It is not a source of complaints. It serves an area.
641 It's tough to find tower locations. I have no desire to take anything away. I just
642 have a great desire to make sure that everything is straight and the paperwork is
643 right. And certainly when any changes happen that all of us pay extra attention
644 because these are proliferating, as they must, in order to handle demand.

645
646 Okay. To check the tower heights before applying is an obvious thing. And to
647 streamline this process and provide consistent review is what we all want. I just
648 wanted to confirm from you that you feel that this is not a problem going forward,
649 but that this is something that just needs to be—this is somewhat of a flukey
650 situation that just needs to be handled.

651
652 Mr. Yeager - Thank you.

653
654 Mrs. Jones - Okay. Anybody else?

655
656 Mr. Leabough - Any other questions for Mr. Yeager? There doesn't
657 appear to be. Thank you, sir.

658
659 Mr. Yeager - Thank you.

660
661 Mrs. Jones - Okay. Thank you. I think it's often better to add height
662 than try to find places for new towers. I certainly don't want to diminish this one in
663 any way. So I do ask everyone associated with the tower industry to help us out
664 here. If you will pass that along and make sure we're all on the same page.

665
666 But with that I certainly don't think there is any reason to do anything but move
667 this forward to the Board of Supervisors with a recommendation for approval with
668 conditions 1 through 12 as listed in our staff report.

669
670 Mr. Leabough - Second. We have a motion by Mrs. Jones, a second
671 by Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the
672 motion passes.

673
674 **REASON -** Acting on a motion by Mrs. Jones, seconded by Mr.
675 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
676 the Board of Supervisors grant the request because it is reasonable in light of
677 the surrounding uses and existing zoning on the property, and it would not be
678 expected to adversely affect public safety, health or general welfare.

679
680 **RESOLUTION: SIA2014-00001 Henrico Police Division Central**
681 **Precinct Building: Substantially in Accord (Fairfield District).**

682
683 Mr. Leabough - Mr. Sehl, good evening.

684
685 Mr. Sehl - Thank you again, Mr. Chairman.

686
687 At the request of the Henrico County Police Division, the Planning Department
688 conducted a substantially in accord study to determine if a proposed site for the
689 Central Area Precinct building is substantially in conformance with the County's
690 adopted comprehensive plan.

691
692 The proposed 4.21-acre site is located on the south line of Villa Park Drive just
693 west of Brook Road in the Fairfield Magisterial District. The parcel is located in a
694 Villa Park office service development, and the site is zoned O/SC (Office/Service
695 District Conditional), and the proposed office and warehouse uses would be
696 permitted. Adjacent properties to the north, east, and west are either zoned for or
697 developed for office service uses with a large Bank of America operation center
698 located across Villa Park Drive to the north. The Jefferson Lakeside Country Club
699 golf course and Lakeside Hills subdivision are located directly to the south.

700
701 The 2026 Comprehensive Plan designates the subject property for
702 Office/Service. The surrounding area is generally recommended for this use as
703 well, except for the areas to the south that are designated for Open Space
704 Recreation and Suburban Residential 2. The provision of public facility
705 improvements is generally compatible and appropriate with these land use
706 recommendations.

707
708 After reviewing the proposed site in the context of existing and recommended
709 land uses, the transportation network, and other site characteristics and
710 considerations, staff concludes the proposed use of the site for a police precinct
711 presents no apparent conflict with the intent of the adopted plan and deems to be
712 substantially in accord with the goals, objectives, and policies of the Henrico
713 County 2026 Comprehensive Plan.

714

715 This concludes my presentation, and I'd be happy to try to answer any questions
716 you might have.

717
718 Mr. Leabough - Are there questions for Mr. Sehl? No questions.
719 Thank you, sir.

720
721 Mr. Sehl - Thank you.

722
723 Mr. Leabough - So the next steps are to read the resolution,
724 Mr. Emerson?

725
726 Mr. Emerson - Well, this is a public hearing so you may ask if there is
727 anyone that has a comment.

728
729 Mr. Leabough - Is there anyone in the audience that has comments to
730 make related to this SIA? There does not appear to be.

731
732 Mr. Emerson - Then next, Mr. Chairman, would be consideration of
733 the Resolution that you have in package, and I just passed you out an additional
734 copy. I will read it out into the record at this time, if you so desire.

735
736 Mr. Leabough - Please do.

737
738 Mr. Emerson - It's SIA2014-00001, Henrico Police Central Precinct
739 Building, Substantially in Accord with the Comprehensive Plan.

740
741 **WHEREAS**, Section 15.22-2232(A) of the Code of Virginia requires the Planning
742 Commission to review and to consider whether the general or approximate
743 location, character, and extent of major public facilities are substantially in accord
744 with the County's comprehensive plan; and

745
746 **WHEREAS**, the Planning Commission has reviewed the proposed Henrico
747 Police Central Precinct building for site conformance with the County's 2026
748 Comprehensive Plan; and

749
750 **WHEREAS**, a report dated May 1, 2014, presented by the Planning staff to the
751 Planning Commission found the proposed use would not be in conflict with or a
752 significant departure from the adopted plan; and

753
754 **WHEREAS**, the Planning Commission has reviewed the staff recommendations
755 and finds the proposed Henrico Police Central Precinct building site will further
756 the goals, objectives, and policies of the comprehensive plan that identify the
757 need for new public services and facilities based on projected and planned
758 growth in accordance with the 2026 future land use map; and

759

760 **WHEREAS**, the Planning Commission finds the proposed use of this site for the
761 Henrico Police Central Precinct building would be compatible with the adjacent
762 developments and existing and future residential developments in the larger
763 vicinity;

764
765 **NOW, THEREFORE, BE IT RESOLVED**, the Henrico County Planning
766 Commission finds the proposed Henrico Police Central Precinct building site
767 substantially in accord with the County's comprehensive plan.

768
769 Mr. Leabough - All right, I'll entertain a motion.

770
771 Mr. Archer - Mr. Chairman, I move that the Planning Commission
772 send this Resolution to the Board with the indication that it is substantially-in-
773 accord with the County's comprehensive plan.

774
775 Mrs. Jones - Second.

776
777 Mr. Leabough - We have a motion by Mr. Archer, a second by
778 Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the
779 motion passes.

780
781 Mr. Emerson - Mr. Chairman, now we move on to the next item,
782 which is the consideration of the approval of your minutes from the April 10, 2014
783 meeting. We do not have an errata sheet this evening.

784
785 Mr. Leabough - Okay. Are there any changes to the minutes?

786
787 Mrs. Jones - I move the minutes be approved as distributed.

788
789 Mr. Witte - Second.

790
791 Mr. Leabough - I have a motion by Mrs. Jones, a second by Mr. Witte.
792 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

793
794 Is there any other business for the Commission tonight, Mr. Secretary?

795
796 Mr. Ernerson - I have nothing else for the Commission this evening.

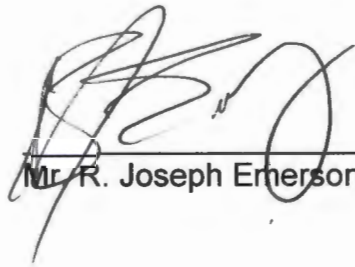
797
798 Mr. Leabough - Do members of the Commission have anything? If
799 not—

800
801 Mr. Witte - Motion to adjourn.


802
803 Mrs. Jones - Second.

804
805 Mr. Leabough - This meeting is adjourned.

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Mr. R. Joseph Emerson, Secretary



Mr. Eric Leabough, Chairman