

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 Road, beginning at 7:00 p.m. Thursday,
4 October 9, 2008. Display Notice having been published in the Richmond Times-
5 Dispatch on September 18, 2008 and September 25, 2008.

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Members Present: Mrs. Bonnie-Leigh Jones, Acting Chairperson (Tuckahoe)
Mr. Tommy Branin, (Three Chopt)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. Richard W. Glover (Brookland)
Board of Supervisors Representative
Mr. R. Joseph Emerson, Jr., Director of Planning,
Secretary

Member Absent: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. Jim Strauss, Principal Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Ms. Lisa Taylor, County Planner
Ms. Jamie Sherry, County Planner
Mr. Mike Jennings, Traffic Engineer
Ms. Sylvia Ray, Recording Secretary

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8 **Mr. Richard W. Glover, the Board of Supervisors' representative, abstains**
9 **on all cases unless otherwise noted.**

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11 Mrs. Jones - Good evening, everyone.

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13 Mr. Vanarsdall - Good evening, Madam Chairman.

14 Mrs. Jones - I would like to call to order the October 9, 2008 zoning
15 meeting of the Planning Commission. Thank you all for joining us tonight; we
16 have a full house.

17 I would like to recognize a few folks before we begin. Melodie Martin was here
18 somewhere—oh, there she is—from the Richmond Times-Dispatch. I would also
19 like to recognize Mr. Glover, who is with us this year representing the Board of
20 Supervisors.

21 Mr. Glover - Thank you.

22 Mrs. Jones - With that, I'll turn the meeting over to our secretary,
23 Mr. Emerson.

24 Mr. Emerson - Yes ma'am, Madam Chairman. The first item on our
25 agenda is request for withdrawals and deferrals, but before we go into those, I
26 would like to bring to the Commission's attention that we have filled the principal
27 planner's position in the Comprehensive Planning Division. I'm pleased to
28 announce that Jim Strauss has accepted the position of Principal Planner in the
29 Comprehensive Planning Division, and all of you are familiar with him. Jim has
30 been with the County over ten years as a Planner IV in the County's Design,
31 Development, and Review Division. He also has over 31 years of combined
32 experience in the public and private sector. Prior to coming to the County, Jim
33 managed Dewberry & Davis' Woodbridge planning office, which specialized in
34 architectural and engineering services, and he also served as Senior Landscape
35 Architect and Planner for their Arlington office. Jim holds a bachelor's degree in
36 Landscape Architecture from Virginia Tech. If you would, join me in
37 congratulating Jim on his appointment.

38 Mrs. Jones - Congratulations, Jim.

39 Mr. Vanarsdall - That's wonderful, Jim.

40 Mr. Emerson - With that, we'll move into the withdrawals and
41 deferrals, which will be presented by Ms. Jean Moore.

42 Ms. Moore - Thank you, Mr. Secretary. We do have one case for
43 withdrawal. It is on page 1 of your agenda. It is C-33C-08. The applicant was
44 Tom Ministri. This was a request to conditionally rezone from R-3 One-Family
45 Residence to O-2C Office, where a daycare and office were proposed. The site
46 was located at the intersection of Quioccasin Road and Shane Road. They have
47 withdrawn this request; therefore, no action is required by the Commission
48 tonight.

49 ***(Withdrawn)***

50 ***Deferred from the September 11, 2008 Meeting.***

51 **C-33C-08 Kristen D. Keatley for Tom Ministri:** Request to
52 conditionally rezone from R-3 One-Family Residence District to O-2C Office
53 District (Conditional), Parcels 749-745-1589, 749-745-2090, 749-745-2689, 749-
54 745-3289, 749-745-2479, 749-745-2474, 749-745-2469 and 749-745-2564,
55 containing 2.04 acres, located at the southwest intersection of Quioccasin Road
56 (State Route 157) and Shane Road. The applicant proposes a daycare and
57 office. The uses will be controlled by zoning ordinance regulations and proffered
58 conditions. The Land Use Plan recommends Office.

59 Mrs. Jones - Thank you, Ms. Moore.

60 Ms. Moore - Moving into the requests for deferrals, the first on your
61 agenda is on page 1. It's case P-7-08, Diamond Communications, LLC. The site
62 is located on the north line of Midview Road approximately 1,075 feet east of
63 New Market Road. This is a request for a provisional use permit to construct a

64 150-foot high monopole telecommunication tower and related equipment. The
65 deferral is requested to the November 13, 2008 meeting.

66 **Deferred from the August 14, 2008 Meeting.**

67 **P-7-08 Gregory S. Tully for Diamond Communications,**
68 **LLC:** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120
69 and 24-122.1 of Chapter 24 of the County Code in order to construct a 150' high
70 monopole telecommunications tower and related equipment, on part of Parcel
71 804-702-0772, located on the north line of Midview Road approximately 1,075
72 feet east of New Market Road (State Route 5). The existing zoning is R-3 One-
73 Family Residence District. The Land Use Plan recommends Suburban
74 Residential 1, 1.0 to 2.4 units net density per acre.

75 Mrs. Jones - Is there any opposition to the deferral of P-7-08,
76 Gregory S. Tully for Diamond Communications, LLC?

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78 Mr. Vanarsdall - All right. I move that P-7-08, Gregory S. Tully for
79 Diamond Communications, LLC be deferred to November 13, 2008, at the
80 applicant's request.

81

82 Mr. Archer - Second.

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84 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr Archer. All
85 in favor say aye. All opposed say no. The ayes have it; the motion passes.

86

87 At the request of the applicant, the Planning Commission deferred P-7-08,
88 Gregory S. Tully for Diamond Communications, LLC to its meeting on November
89 13, 2008.

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91 Ms. Moore - Next is on page 2 of your agenda in the Three Chopt
92 District. It is C-61C-07. The applicant is Centex Homes. The site is located at the
93 west line of Pouncey Tract Road between Kain Road and Bacova Drive. The
94 request is to conditionally rezone from A-1 to RTHC and B-2C where
95 condominiums, retail, and office uses are proposed. The deferral is requested to
96 the February 12, 2009 meeting.

97

98 **Deferred from the July 10, 2008 Meeting.**

99 **C-61C-07 James Theobald for Centex Homes:** Request to
100 conditionally rezone from A-1 Agricultural District to RTHC Residential
101 Townhouse District (Conditional) and B-2C Business District (Conditional),
102 Parcels 738-767-5405, 738-766-9367, 739-766-3768 and 739-766-2504,
103 containing approximately 32.99 acres (RTHC – 23.30 ac. and B-2C 9.69 ac.),
104 located on the west line of Pouncey Tract Road (State Route 271) between Kain
105 Road and Bacova Drive. The applicant proposes condominiums, retail and office
106 uses. The maximum density allowed in the RTH District is nine (9) units per
107 acre. The uses will be controlled by zoning ordinance regulations and proffered
108 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4

109 units net density per acre. The majority of the site is in the West Broad Street
110 Overlay District.

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112 Mrs. Jones - Is there anyone here in opposition to the deferral of C-
113 61C-07, James Theobald for Centex Homes? No opposition.

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115 Mr. Branin - I would like to move that C-61C-07, James Theobald
116 for Centex Homes, be deferred to the February 12, 2009 meeting, per the
117 applicant's request.

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119 Mr. Vanarsdall - Second.

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121 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall.
122 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

123
124 At the request of the applicant, the Planning Commission deferred C-61C-07,
125 James Theobald for Centex Homes to its February 12, 2009 meeting.

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127 Ms. Moore - Also on page 2 of your agenda is case C-20C-08. The
128 applicant is Patrick Sanderson. The site is located at the northeast intersection
129 of Pouncey Tract Road and Twin Hickory Lake Drive. The request is to
130 conditionally rezone from A-1 Agricultural to O2-C Office District where office,
131 condominiums, and a bank are proposed. This deferral is requested to the
132 November 13, 2008 meeting.

133
134 **Deferred from the September 11, 2008 Meeting.**
135 **C-20C-08 Andrew M. Condlin for Patrick J. Sanderson:** Request to
136 conditionally rezone from A-1 Agricultural District to O-2C Office District
137 (Conditional), Parcels 740-766-3730, 740-766-2619, 740-766-6112, 740-765-
138 3690, 739-766-9601 and 739-766-9016, containing 10.950 acres, located at the
139 northeast intersection of Pouncey Tract Road (State Route 271) and Twin
140 Hickory Lake Drive. The applicant proposes an office condominium park and
141 bank. The uses will be controlled by proffered conditions and zoning ordinance
142 regulations. The Land Use Plan recommends Office, Urban Residential, 3.4 to
143 6.8 units net density per acre, and Environmental Protection Area. The site is in
144 the West Broad Street Overlay District

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146 Mrs. Jones - Is there anyone here in opposition to deferring case
147 C-20C-08, Andrew M. Condlin for Patrick J. Sanderson? No opposition, Mr.
148 Branin.

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150 Mr. Branin - Madam Chairman, I would like to request deferral of
151 C-20C-08, Andrew M. Condlin for Patrick J. Sanderson, per the applicant's
152 request, to the November 13, 2008 meeting.

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154 Mr. Vanarsdall - Second.

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156 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall.
157 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
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159 At the request of the applicant, the Planning Commission deferred C-20C-08,
160 Andrew M. Condlin for Patrick J. Sanderson to its November 13, 2008 meeting.
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162 Ms. Moore - That does conclude the requests we've received for
163 deferrals.
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165 Mrs. Jones - Thank you.
166

167 Mr. Emerson - Madam Chairman, that takes us to the next item on
168 our agenda, which are the requests for expedited items. You do have one
169 request tonight, and that will be presented again by Ms. Jean Moore.
170

171 Ms. Moore - This request is in the Brookland District, and is on
172 page 1 of your agenda. It is P-17-08. The company is Noodles & Company. The
173 site is located at the southwest intersection of West Broad Street and Willow
174 Lawn Drive within the Willow Lawn Shopping Center. This is a request for a
175 provisional use permit in order to allow an outside dining area for the proposed
176 Noodles & Company Restaurant, which will be a new tenant. Staff has no issues
177 with this request, and we have not received any opposition.
178

179 **P-17-08 HD Group/Wendy Hunter for Noodles & Company:**
180 Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-
181 122.1 of Chapter 24 of the County Code in order to allow outside dining for the
182 proposed Noodles & Company restaurant, on part of Parcel 773-736-2198,
183 located at the southwest intersection of W. Broad Street (U. S. Route 250) and
184 Willow Lawn Drive (Willow Lawn Shopping Center). The existing zoning is B-2
185 Business District. The Land Use Plan recommends Commercial Concentration.
186 The site is in the Enterprise Zone.
187

188 Mrs. Jones - Do we have any opposition here tonight to P-17-08,
189 HD Group/Wendy Hunter for Noodles & Company? There is no opposition.
190

191 Mr. Vanarsdall - I move that P-17-08, HD Group/Wendy Hunter for
192 Noodles & Company, be approved on the expedited agenda, and recommended
193 to the Board of Supervisors for approval.
194

195 Mr. Archer - Second.
196

197 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer.
198 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
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200 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by
201 Mr. Archer, the Planning Commission voted 4-0 (one absent, one abstention) to
202 recommend the Board of Supervisors **grant** the request because it would provide
203 added services to the community and it is reasonable in light of the surrounding
204 uses and existing zoning on the property.

205
206 Mr. Vanarsdall - I also understand they have a good menu at Noodles
207 & Company.

208
209 Mr. Glover - Madam Chairman?

210
211 Mrs. Jones - Yes sir.

212
213 Mr. Glover - I will not be voting tonight on zoning cases because
214 they are recommended to the Board, and the Board will have a final decision on
215 them. So, I will abstain on all zoning cases.

216
217 Mrs. Jones - Thank you. So noted for the record.

218
219 Mr. Emerson - Madam Chairman, that takes us to the items on the
220 regular agenda. You have two items for public hearing tonight.

221
222 **Deferred from the July 10, 2008 Meeting.**

223 **C-44C-07 Andrew M. Condlin for Parham Road Properties,**
224 **LLC:** Request to conditionally rezone from R-4 One-Family Residence District to
225 O-2C Office District (Conditional), Parcels 783-756-0592, 782-756-7785, and
226 782-756-9285, containing approximately 1.49 acres, located along the north line
227 of E. Parham Road, the south line of Hungary Road and west line of Cleveland
228 Street. The applicant proposes office uses and/or a bank. The uses will be
229 controlled by zoning ordinance regulations and proffered conditions. The Land
230 Use Plan recommends Office and Commercial Concentration.

231
232 Mrs. Jones - I'd like to ask at this time if we have opposition here
233 tonight to case C-44C-07, Andrew M. Condlin for Parham Road Properties, LLC.
234 Is there anyone here in opposition? All right, sir. I'll ask our secretary to explain
235 how we handle the discussion on a case that has opposition. Thank you. We'll
236 call you in a minute.

237
238 Mr. Emerson - Yes ma'am. The public hearing rules set forth by the
239 Planning Commission are as follows. The applicant is allowed ten minutes to
240 present the request, and time may be reserved for responses to testimony. The
241 opposition is allowed ten minutes to present its concerns. Commission questions
242 do not count toward the time limits, and the Commission may waive the limits for
243 either party at its discretion.

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245 Mrs. Jones - Thank you. All right, Mr. Sehl.

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Mr. Sehl - Thank you, Mrs. Jones.

The subject site is zoned R-4, One-Family Residence District, and is located on the north line of E. Parham Road between Hungary Road and Cleveland Street.

The applicant is proposing office and bank uses. The 2010 Land Use Plan recommends Office for a majority of the site. A small portion of the property is designated Commercial Concentration. The proposed uses would be consistent with the 2010 Land Use Plan; however, careful consideration should be given to the overall development of this area, given its high visibility on Hungary and E. Parham Roads, the presence of a nearby existing office building and traffic concerns.

The request for rezoning originally included seven parcels and totaled 2.925 acres. Recent changes have resulted in a request to rezone three parcels at 1.49 acres. To provide flexibility, the applicant has submitted three conceptual plans. Exhibit A proposes an 8,500 square-foot office development comprised of two buildings. Exhibit B depicts one, 2-story, 12,000 square-foot office building, and Exhibit C shows a 3,000 square-foot bank with drive-thru lanes.

The applicant has submitted revised proffers, dated October 6th and distributed to you this evening. To address concerns contained in the staff report, the revised proffers limit primary building materials to brick, glass or stucco, and limit the number of drive-thrus for a potential bank to two lanes. Other proffers address site coverage, signage, buffers, screening of trash receptacles and mechanical equipment, parking lot lighting standards, and hours of construction, lot clearing, and trash pickup.

Staff believes a carefully designed development that provides adequate protection for adjacent residential uses would be consistent with the 2010 Land Use Plan's recommendations for the subject site. The proffers submitted by the applicant should ensure a high-quality development in keeping with the area; however, the Department of Public Works has noted concern regarding potential access points for this development. Given the anticipated traffic generation from the proposed uses, careful consideration must be given to the location of any entrances and their effect on traffic in the area.

If the applicant could address this issue, staff could support this request. This concludes my presentation, and I'd be happy to answer any questions you may have. The applicant's representative is also here this evening, as is the County's traffic engineer.

Mrs. Jones - Does anyone from the Commission have questions for Mr. Sehl? All right, thank you, Mr. Sehl. Would you like to hear from the applicant?

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Mr. Archer - Yes, Madam Chairman.

Mr. Vanarsdall - He's already here now.

Mrs. Jones - How would you like to handle your time?

Mr. Condlin - If I could split it between five minutes each.

Mrs. Jones - Okay.

Mr. Condlin - I don't think I need to speak quite that long. Andrew Condlin from Williams Mullen. I have with me Tom Kinter from the developer, Dominion Properties. This case has obviously been around for a little bit of time. It's gone through some changes physically as far as the amount of property, and also some of the assurances as we've tried to craft the case to what the concerns were from staff. Obviously, we think it's all for the better.

Let me address right off the bat the use issue with respect to the bank. My understanding from the staff report is that due to the existing congestion within Cleveland Street and Parham Road, there are concerns about the amount of additional traffic generated from a bank alternative. What I'd like to propose for this Planning Commission is that we eliminate the bank as "a proposed use." I would propose, if it's okay—I wasn't prepared to come in with a written proffer, but quite frankly, it's pretty easy. Proffer #4 already says, "No funeral homes or undertaking establishments shall be permitted." I would just simply add, "banks," to that line, and eliminate the rest of it. So, it would be pretty straightforward in that respect.

Mr. Emerson - Can you do that tonight and initial that?

Mr. Condlin - Yes. I can do that tonight. We would simply add, "bank" to the prohibited uses, and then eliminate the rest of that paragraph after that first sentence.

So, that would mean, then, with the concern with the bank use, and the intensity of the traffic, you know, carrying 800 cars a day, that we—Obviously, upon removing that, the only use permitted would be office use, which is consistent with the Land Use Plan. Certainly, given the amount of traffic that would be generated, we have two potential alternatives here. You can see what we have here with the two-story office building from an elevation standpoint, and a one-story office building. So, we have proffered a number of what we consider high-quality development proposals consistent with the area, and trying to bring the area up as well with this high-profile corner. These smaller buildings, these office uses, I think based on the staff report are only carrying about 20 cars in the two-hour a.m. and p.m. peak period for the general office use, and about 30 cars in

338 that two-hour period. So, it's a significant difference from the bank, we
339 understand that, and that's why given the concerns of the neighbors, the staff,
340 and the County, we're eliminating that bank use.

341

342 We feel like we've alleviated and addressed all the concerns from the staff. Mr.
343 Sehl did mention the concern about entrance location. Obviously, we have to get
344 access to this property somehow. Parham Road is probably not the appropriate
345 access point, given the amount of traffic and the high volume. That really limits
346 us as to our point of access. We have provided a couple of concept plans with
347 respect to that, both coming off Cleveland Street, which would be our only point
348 with this being Parham Road here and Cleveland Street. I would propose,
349 obviously, these are concept plans. The exact location, the configuration, and
350 road improvements would obviously be addressed as part of the POD, but right
351 now the specifics of the use are consistent with the Land Use Plan.

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353 With that, I would be happy to answer any questions, and would ask that you
354 approve this to the Board of Supervisors.

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356 Mrs. Jones - All right, thank you, Mr. Condlin. Any questions for Mr.
357 Condlin from the Commission?

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359 Mr. Archer - I don't have any, Madam Chairman. I suppose we
360 probably want to hear from the opposition first, and then Mr. Condlin will have an
361 opportunity to respond.

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363 Mrs. Jones - All right, Mr. Condlin, but don't go too far. Anyone in
364 opposition, if you would like to come and state your concerns, please, we'd like to
365 hear from you at this time. Good evening.

366

367 Dr. Jackson - Good evening. Thank you very much.

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369 Mrs. Jones - Could you state your name, please?

370

371 Dr. Jackson - Yes. My name is Lloyd Jackson.

372

373 Mrs. Jones - Mr. Jackson.

374

375 Dr. Jackson - I represent our community civic association, the
376 Middleton-Gee Community Civic Association. The reason we are opposing this is
377 because we feel that the entrance to this proposed office building, or whatever
378 building may be put there, it's just not sufficient between Parham Road and
379 Hungary Road. I'm sure you all are familiar with that. Traffic backs up to
380 Hungary Road now because of the light. We certainly think that a better
381 entrance would probably be Parham Road, rather than Cleveland Street. We
382 don't see how you're going to have an entrance to that building. That's our only
383 opposition is the traffic pattern, and the way this development is proposed.

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385 Mrs. Jones - Anyone have a question for Mr. Jackson?
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387 Mr. Archer - Dr. Jackson, I'm going to have Mr. Mike Jennings
388 from the Traffic Department come up and speak to the traffic issue, and then
389 we'll probably have some things to relay to you after he talks about it.
390
391 Dr. Jackson - Thank you, Mr. Archer.
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393 Mr. Jennings - Good evening. I'm Mike Jennings, Traffic Engineer for
394 Henrico County.
395
396 Mr. Archer - Good evening, Mr. Jennings.
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398 Mr. Jennings - Good evening, Mr. Archer.
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400 Mr. Archer - I suppose we should start by trying to explain to those
401 who are opposed why we would not want to use Parham Road as a means of
402 ingress, as opposed to the other.
403
404 Mr. Jennings - I don't have a problem with an entrance onto Parham
405 Road, Mr. Archer. I do have concerns about any entrance onto Cleveland Street.
406
407 Mr. Archer - Okay. Are you saying, then, that you would rather use
408 the Parham Road entrance?
409
410 Mr. Jennings - Yes sir. I think there is plenty of frontage along
411 Parham Road to put in a proper turn lane, and acquire adequate sight distance.
412
413 Mr. Archer - The reason I said that may have been because when
414 we initially talked about a bank, we didn't want a bank entrance off Parham
415 Road. Is that correct?
416
417 Mr. Jennings - No, we were just concerned about Cleveland Street,
418 is my understanding, with the amount of traffic. But then the more I looked into it
419 with the details, there is not enough distance between Parham and Hungary
420 Road to put any turn lanes in, any stacking to turn into this site. As Dr. Jackson
421 mentioned, it's always congested during a.m. and p.m. peak.
422
423 Mr. Archer - I apologize. I thought we didn't have any objection to
424 it.
425
426 Mr. Jennings - The bigger objection was the bank, you are correct.
427 Then the more we looked into it there is not enough room in that distance to put a
428 proper entrance in for anything. I think on Parham Road it could be designed to
429 have a right turn lane into this site, and acquire adequate sight distance.

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Mr. Archer - Can you show us on what's up there where you would prefer to see the entrance?

Mr. Jennings - It would probably be somewhere in here. I'm not sure of the exact scale—1 to 40. It would have to be probably right in here, Mr. Archer.

Mr. Archer - Okay. That means I need to talk to Mr. Condlin again. Thank you, Mr. Jennings. Mr. Condlin, looking at the configuration, is there a way that you could draw that configuration so that traffic could come in off Parham?

Mr. Condlin - I have to be honest, in talking with Planning staff—and I know Rosemary is not here. I wish I'd had an easy case; just give me a break here, all right? Parham Road was never brought up as a potential entrance. This plan has been out there for quite a while. I know Mike Jennings has to do his job, but until today, we'd never heard of that. Parham Road is carrying 33,000 cars a day. I'm a little surprised that that would be the preferred entrance, but maybe given the alternative of two, we have to get access somehow. We haven't done the engineering necessary to see how that would work given the topo. You can see where, obviously, I'm assuming that the topo falls to this area, since that's where they're showing the BMP. Whether the distances are necessary and how that would redesign that area—That, to me, is more of a POD issue. If we want to pull back the concept plans and allow that as an alternative, I mean, I can't say for sure whether Parham Road will specifically work. That's the first time we've heard of this.

Mr. Archer - Let me ask you this, then. Given the concept plans that you've shown us, and looking at the building concepts, if you change the ingress/egress, do you think you could still accomplish what you—Because we have three building plans to look at.

Mr. Condlin - Right.

Mr. Archer - Three buildings, two buildings, and one building.

Mr. Condlin - Let me backtrack a little bit. I think the answer is probably yes, but the reason we took the bank alternative off here was because there was concern—as I read in the staff report—about the traffic congestion on Cleveland and Parham. I don't know if that makes a difference. If we're going to put the access on Parham Road, I think we probably could get very close to the buildings that you're looking at.

Mr. Archer - I think a bank on Parham Road would present a problem.

476 Mr. Condlin - Right.
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478 Mr. Archer - I was working on the assumption that that's what—
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480 Mr. Condlin - I think we were, too. We were working under the
481 assumption, quite frankly, that eliminating the bank eliminated concerns, and now
482 we're hearing for the first time, I think, that Parham Road would be a preferred
483 alternative. I wouldn't have bet on that coming into tonight that that would be the
484 preferred alternative.
485
486 Mr. Archer - It's obvious, even in listening to the people from the
487 neighborhood, that the Cleveland Street entrance, regardless of what you put
488 there, is very tight.
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490 Mr. Condlin - Yes.
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492 Mr. Archer - There's not a lot of room between Hungary and
493 Parham that you have to operate in. I guess my question to you is—and I
494 understand this is just a concept plan—do you think you can accommodate and
495 accomplish that entrance if we were to go that route?
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497 Mr. Condlin - Yes.
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499 Mr. Archer - I have a couple of things I want to say back to Dr.
500 Jackson. You still have some minutes left.
501
502 Mr. Condlin - I don't have a whole lot to say. Yes, I would like to
503 move this case forward to the Board of Supervisors. I think we have time to—I'd
504 hate to be penalized by the—
505
506 Mr. Archer - I understand that. Dr. Jackson, what we do here
507 tonight is make a recommendation to the Board of Supervisors. Any action that
508 would be taken would have to be passed by the Board. We just recommend.
509 They can do anything they want to with it after it leaves here. But just so you'll
510 know—you don't need to come back up here—when we first talked about this—I
511 shouldn't say first, but we talked about it probably earlier this week.
512
513 One of the proposals was for a bank with four drive-up lanes. If we did that, the
514 traffic generation would be about 1,600 trips per day. We thought that was too
515 much. If we cut it down to a bank with two drive-in lanes, then we would
516 accomplish 810 trips a day, which I still thought was too much. The two other
517 alternatives—and I might use that term a little bit loosely, but I think that's what
518 you sort of have in mind—if we did a medical office, it would drop all the way
519 down to 300 trips per day, and of course they wouldn't all be at the same time;
520 they would be interspersed. If we just did a plain office, we'd be talking about 139
521 trips per day. So, the more we reduced it away from the bank, the more we

522 reduced the number of trips we were talking about. Personally, I could feel
523 comfortable with either one of those alternatives, the 300 or 139, being that they
524 would be all during the course of the day. If they could accomplish being able to
525 allow ingress off Parham Road away from Cleveland Street, would that sort of
526 suit?

527

528 Dr. Jackson - [Off mike.] Yes, yes.

529

530 Mr. Archer - Okay, all right.

531

532 Mr. Condlin - I think we could try to accommodate that. The
533 concern, obviously, if someone's leaving this site to go back the other way on
534 Parham Road, you now have to U-turn. Again, it seems counterintuitive, given all
535 that we do here month after month that Parham would be the preferred. What I'd
536 like to do, if the Commission is so inclined, is to recommend, but let us work out
537 without the entrance either on Cleveland. Keep Dr. Jackson informed, and let
538 him know what the conclusion is. I'd like to sit down with our traffic engineer, Mr.
539 Jennings, someone from Planning staff, and say given whole parameters, do you
540 still feel this way. If that's the case, we'll make it work off Parham Road, meet
541 with Mr. Thornton, and come to a conclusion, and let Dr. Jackson know what's
542 going on.

543

544 Mr. Archer - Do you think you could accomplish that between now
545 and the time the Board meets at its next meeting.

546

547 Mr. Condlin - Absolutely. I would like to get a recommendation in
548 favor.

549

550 Mr. Archer - I know you would. Well, thank you. Mr. Jennings,
551 thank you, too. We do have that to work with now, and if you can work with Mr.
552 Condlin and try to accomplish that, I think we might be able to pull it off. The
553 bank is definitely out, even if it had no lanes.

554

555 Mrs. Jones - All right, Mr. Archer.

556

557 Mr. Archer - Okay. Well, based on the stipulations and the new
558 proffer that Mr. Condlin is getting ready to address here, I will move for a
559 recommendation of approval of C-44C-07, Andrew M. Condlin for Parham Road
560 Properties, LLC. Hopefully, all of these traffic issues can be worked out between
561 now and the time the Board meets.

562

563 Mr. Vanarsdall - Second.

564

565 Mr. Emerson - Do you want to add that to the change to proffer #4?

566

567 Mr. Archer - Yes, I thought I included that in my motion.

568
569 Mr. Sehl - We need to waive the time limits, Mr. Archer, on that.
570
571 Mr. Archer - Oh, okay. That's right, because we're doing it tonight.
572 Then, let me first move to waive the time limits on the proffer.
573
574 Mr. Vanarsdall - Second.
575
576 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall to
577 waive the time limits. All in favor say aye. All opposed say no. The ayes have it;
578 the motion passes.
579
580 Mr. Archer - Now let me restate my motion. I move for approval of
581 C-44C-07, Andrew M. Condlin for Parham Road Properties, LLC, with the revised
582 or additional proffer as introduced.
583
584 Mr. Vanarsdall - Second.
585
586 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall.
587 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
588
589 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
590 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to
591 recommend the Board of Supervisors **grant** the request because it conforms with
592 the Land Use Plan and it is not expected to have a precedent setting effect on
593 the zoning in the area.
594
595 **Deferred from the September 11, 2008 Meeting.**
596 **P-16-08 Gloria L. Freye for New Cingular Wireless PCS,**
597 **LLC:** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120
598 and 24-122.1 of Chapter 24 of the County Code in order to construct a 120' high
599 internal array monopole telecommunications tower and related equipment, on
600 part of Parcel 789-754-3978, located on the west line of Upham Drive
601 approximately 500 feet north of its intersection with Wilkinson Road
602 (Chamberlayne Farms Shopping Center). The existing zoning is B-2C Business
603 District (Conditional). The Land Use Plan recommends Commercial
604 Concentration.
605
606 Mrs. Jones - Thank you, Mr. Secretary. Since this is the last case
607 we'll consider today, I think I know the answer to this question. Is there anyone
608 here in opposition to P-16-08, Gloria L. Freye for New Cingular Wireless PCS?
609 Thank you. You've heard the discussion of how we conduct public hearings with
610 opposition. It would be very helpful just to keep in mind that because your time is
611 limited to ten minutes, that you have a representative or two who can present
612 your concerns. All right, Mr. Lewis, hello.
613

614 Mr. Lewis - Good evening, Madam Chairman.

615

616 Mr. Archer - Mr. Lewis, how are you, sir?

617

618 Mr. Lewis - Good evening, Mr. Archer. Doing well, thank you.

619

620 As was said, this is a request to construct a wireless telecommunications tower
621 up to 120 feet in height, and install related ground equipment at the base. The
622 subject site is zoned B-2C and is part of the Chamberlayne Farms Shopping
623 Center, situated at the edge of the Chamberlayne Farms and Wildwood
624 subdivisions. Chamberlayne Elementary School is adjacent to the north, and a
625 gas station and church are located across Wilkinson Road to the south.

626

627 The Wireless Communications Element of the 2010 Land Use Plan prefers new
628 towers in developed areas be located on industrial or commercial property. The
629 subject parcel is recommended for Commercial Concentration, a designation
630 which is consistent with the applicant's request.

631

632 As shown by this elevation, the applicant proposes a tapered monopole with
633 antenna space for three wireless providers. All antennas would be concealed
634 inside the pole structure, and the ground equipment would be located at the base
635 of the tower in a 750 square-foot lease area screened from view by an 8 foot-
636 high brick wall.

637

638 As illustrated by this exhibit provided by the applicant, the structure would be
639 placed directly beside the northeast wall of the one-story retail building. In this
640 location, a 120-foot tower would meet all required setbacks from residentially-
641 zoned property and dwellings.

642

643 The applicant's balloon float and resulting photo simulations demonstrate the
644 structure would be visible from Wilkinson Road, and to varying degrees from
645 adjacent properties; however, because of mature tree cover, views of the tower
646 would be largely obscured from much of the surrounding residential area.

647

648 To further screen the proposed structure from sight lines along Dirk Drive and
649 Upham Drive, the applicant has committed to providing additional plantings to
650 supplement mature landscaping currently on the shopping center property. You
651 have received copies of revised Condition #5, as well as a letter of intent and a
652 conceptual landscaping plan, all of which would make construction of the tower
653 contingent on installation of supplemental landscaping as approved by the
654 Planning Department.

655

656 The Land Use Plan acknowledges the growing and changing need for
657 communication services, and in the absence of a suitable alternative location,
658 does make some provision for placing low-impact towers near residential areas if
659 potential impacts are minimized. By selecting a commercial site, proposing a

660 height in reasonable proportion to surrounding trees, using internal antennas,
661 screening the ground equipment with a brick wall, and providing supplemental
662 landscaping, the applicant's request does minimize the structure's overall visual
663 impact while still allowing for co-location opportunities. For these reasons, this
664 request demonstrates consistency with the 2010 Plan, and staff believes the site
665 could be an acceptable location for the proposed structure subject to the list of
666 conditions before you this evening.

667

668 This concludes my presentation, and I will be happy to take any questions.

669

670 Mrs. Jones - Questions for Mr. Lewis from the Commission? All
671 right. Mr. Archer, would you like to have the applicant come forward?

672

673 Mr. Archer - I suppose we better.

674

675 Mrs. Jones - All right.

676

677 Ms. Freye - Thank you. Good evening, Madam Chair, members of
678 the Commission. My name is Gloria Freye. I'm an attorney for McGuire Woods
679 here on behalf of AT&T Mobility. There are a couple of consultants here with me
680 this evening—Larry West, who is a radio frequency engineer, and Ian Maxwell,
681 whose company prepared the radio frequency emissions compliance report.
682 They are available for questions if needed. I would like to reserve two minutes
683 for rebuttal. There is one citizen here who would like to speak in support, and
684 I'd like to make sure that he does have time to make his comments after my
685 presentation.

686

687 Mrs. Jones - That'll be fine.

688

689 Ms. Freye - I first want to thank the staff for the thorough report,
690 and especially recognize the terrific response that they gave to all the many e-
691 mails and phone calls they received from the citizens on this case. They were
692 very, very helpful, and very informative. I also want to thank you for granting the
693 deferral at the last hearing. It gave us an opportunity to have a second
694 neighborhood meeting. Over 50 people came to that. Several people commented
695 afterward that they very much appreciated the information. Several even said
696 that they had changed their mind and they weren't opposed.

697

698 There are several key points in the staff report that Mr. Lewis raised that really
699 should be emphasized. This is commercially zoned, and commercially developed
700 existing shopping center property, which is consistent with the County's
701 guidelines. There are mature 60- to 70-foot-tall trees throughout the
702 neighborhood, which significantly limit the visibility of the pole from the residential
703 properties. This is a stealth design. All the antennas are concealed inside. It's a
704 shortened height from what you normally see for cell towers, and the base
705 equipment is totally screened from view.

706

707 This is a computer-generated photo simulation of the pole from the most visible
708 side. This is the commercial side along Wilkinson.

709

710 I know my time is limited, so I want to focus my comments on the need for the
711 facility. I'll give you just a few examples of the visibility from the balloon float,
712 show you a landscape plan and how it can ultimately create better screening for
713 the pole and the shopping center, and to give you some evidence that these
714 facilities do not reduce property values. I'm not going to spend much time talking
715 about health effects, because that's not a matter that localities can regulate.
716 However, I do have a copy of the presentation that Mr. Maxwell gave at the
717 community meeting, which shows that the emissions are in compliance with the
718 FCC regs, and that they fall within the safe range, as would a microwave oven in
719 your home, or a baby monitor. We'll pass those out so that you have them in the
720 record.

721

722 The next slides illustrate AT&T's need to have antennas to serve the homes in
723 this area. This is an existing coverage map. The dot in the center is the red,
724 which is where the proposed facility is. It's right there. That would be the
725 Chamberlayne Shopping Center. You can see that that area is yellow and blue.
726 The objective here is to turn that area green so there will be reliable service, and
727 service to people in their homes. By turning this area green, it connects with the
728 other green areas. The next slide shows that antenna at that location at 120
729 would achieve that objective.

730

731 When you draw a ring around this area, you come up with about a half-mile
732 radius, and the only commercial location in this ring is this shopping center.
733 There are other commercial properties, but they don't meet the setback
734 requirements. That's the ring I was referring to, about a half-mile radius.

735

736 This map was created to show all the existing towers in that three-mile area.
737 This is the shopping center where they need the antennas. This is the half-mile
738 ring. There are antennas outside the half-mile ring that do not meet the coverage
739 area here, so they're not meeting this need. The shopping center is a good
740 location for several reasons. It's a commercially-zoned development. The pole
741 itself would be placed next to the shopping center building. It would be 500 feet
742 from Wilkinson Road, 336 feet from the side of the closest house, and of course
743 it meets all the setbacks. Because it's in the center of the ring, we can limit the
744 height to 120 feet, and get three carriers provided service from that pole.

745

746 The other reason this is a good location is because of the mature trees that
747 minimize the view of the pole from the houses. We did do a balloon float, and
748 pictures were taken from these 12 locations shown on this map. I'm not going to
749 show you all of those. We don't have time to do that, but I will run through some
750 of them pretty quickly. This is the most visible view from Wilkinson Road and the
751 non-residential property across the street. This is from 305 Wilkinson, which is

752 west of the shopping center. This is the view from the church across the street,
753 Chamberlayne Baptist Church, and those trustees have advised me that they are
754 not opposed to this facility. This is the view from Danray. That is a street, a
755 residential street that goes behind Chamberlayne Baptist Church, and parallels
756 Wilkinson. You see the pole there. This is just an antenna that's attached to that
757 house in the foreground, but this is in the background. The next view is from
758 Wilaka Lane where it intersects with Upham, and this is the shopping center. This
759 is a residential street. The houses face the street, not the shopping center.

760
761 This is an area that's very open along the perimeter of the shopping center, and
762 we identified that as an area where additional landscaping would be helpful. This
763 next picture shows you how placing trees and shrubs in this area, which will
764 ultimately grow to 10, 20, and 50 feet tall—and this is an additional planting—
765 which would help to—as these people come to this T-intersection—block the
766 view of the shopping center, the parking lot, and then the pole over to the right.

767
768 Another location—that we took from was—you can see the pole to the edge of
769 these trees, but you do have an opening in here and an opening along here.
770 This is another area where the supplemental landscaping would be intensified by
771 adding a tree that would ultimately grow to 50 feet, and adding these shrubs in as
772 well, so that the residential areas back in here would not have a view of the pole
773 or the shopping center. This is the intersection of Dirk, Saint Charles, and
774 Upham.

775
776 This is the landscape plan that Mr. Lewis referred to. It shows additional
777 landscaping from here all the way down to this outparcel, which the shopping
778 center doesn't own. But, then It also shows landscaping along Wilkinson to help
779 improve the streetscape there. AT&T is committing to buy and install these
780 additional plants, and there is a letter in the file from the owners committing in
781 writing to maintaining that landscaping. The owner and the applicant have
782 reviewed the conditions, and they're all in agreement with being bound by those
783 conditions.

784
785 The last thing I want to talk about is property values. A 1999 study was
786 conducted in Henrico and Chesterfield counties by certified general real estate
787 appraisers. They found that communication towers have no measurable impact,
788 no measurable negative impact upon surrounding residential property values.
789 That study is copyrighted, and I wasn't able to get copies of it to put in the file. I
790 found an article about that study that was also copyrighted, but what I have to
791 submit to the record is the magazine cover and the table of contents so that
792 could be researched at the library if somebody wants to.

793
794 Mr. Emerson - Ms. Freye, your time's up.
795
796 Ms. Freye - I was afraid of that. I just have three more slides,
797 Madam Chairman.

798

799 Mrs. Jones - All right. Complete your presentation, then, please.

800

801 Ms. Freye - Thank you. What we did is we took the information
802 from that study, and went to Doubletree subdivision, which is off of Francistown
803 Road. This is a very nice subdivision. They are in proximity and view of two
804 lattice steel towers—one 305 feet, one 168 feet. This is a view at the entrance of
805 that subdivision at Singletree Lane. This is a view down the residential street,
806 and this is the view from homes looking out toward the road. It is our opinion that
807 if those towers at those heights with that obtrusive view do not have a negative
808 impact on property values, that the slim stealth design pole with trees around it to
809 help minimize its view would not have a negative impact on property values
810 either. We did research the land records for those Doubletree subdivision homes.
811 We found that the homes increased in value from 1999, 92% to 116%. They
812 have held their value and continue to do so.

813

814 We also contacted the assessors in Henrico, Hanover, Chesterfield, and
815 Goochland, and talked with them. Every one of the assessors told us, “We never
816 make value adjustments based on proximity or views of towers of any design.”

817

818 In conclusion, we ask that you follow the staff recommendation, and recommend
819 approval of this application to the Board of Supervisors. I would like Mr. Mitchell
820 to have an opportunity to speak.

821

822 Mrs. Jones - All right. You reserved two minutes for Mr. Mitchell.

823

824 Ms. Freye - Yes ma'am. Well, I'd like to save some for rebuttal as
825 well.

826

827 Mrs. Jones - Maybe Mr. Mitchell can talk quickly.

828

829 Ms. Freye - Okay.

830

831 Mr. Archer - Madam Chair, we can allow some additional time,
832 comparable additional time to the opposition, if that would make everybody feel
833 more comfortable.

834

835 Mrs. Jones - All right, then you don't have to speed-talk.

836

837 Mr. Mitchell - Thank you. My name is Tom Mitchell, and I'm very
838 surprised to be here today. Mr. Cook, who owns the shopping center, asked me
839 to come and read a letter that he wrote, and explain who I am. I know some of
840 these folks. My wife and I have owned a dry cleaners in the shopping center for
841 about 30 years. We've been through several owners, and he's the only one that
842 responded to the citizens and the tenants, and he's always attempted to keep the

843 shopping center in good condition. He's asked me to read this letter, which I'll
844 start. If it's too long, tell me.

845
846 My name is Lori Cook, and my husband Jeff and I have owned
847 Chamberlayne Farms Shopping Center for the past ten years. We're not in
848 the real estate business, this is the only property we own, and we own and
849 run Frontier Couriers, which is located in the shopping center. This is a
850 family-run business. Our daughter is the business manager of Frontier, our
851 nephew, Nathan, dispatches and helps with the shopping center, and we
852 have several other family members that work with us, including Jeff's
853 brother, Tim, who helps Jeff with the landscaping of the shopping center.

854
855 Being here for the past ten years, we understand that maintaining the
856 shopping center is an everyday process, and we strive to do the best we
857 can to keep it looking clean and appealing. When we first purchased the
858 shopping center in '98, there were four tenants. Now, we regularly have
859 most, if not all, of the spaces, rented. We've upgraded the lights and flags,
860 and Jeff personally maintains the landscaping of the grounds on an almost
861 daily basis. However, we are an older, smaller shopping center—it was
862 built in '64—and we don't generate much revenue, which is true. So,
863 remodeling or updating is difficult, and installing this tower would not only
864 benefit the shopping center, but it would benefit the community as well. We
865 believe that the tower will bring in enough funds to allow us to remodel the
866 front of the shopping center, as well as redo the parking lot, helping to
867 attract better tenants and help make the shopping center more
868 aesthetically pleasing, not to mention making the cell phone service in the
869 area better. We feel that the tower will not devalue the area. Instead, we
870 think it would enhance the overall appearance of the shopping center, and
871 make it a better shopping experience for the community and other
872 customers.

873
874 We enjoy owning and working in the shopping center, and throughout this
875 experience, we have realized that we want and need to become more
876 involved in this community. We are always open to comments,
877 suggestions, or complaints, and we encourage the community to come to
878 us. In the past, we have tried to accommodate any requests, whether it is a
879 church group asking to use the parking lot, or families wanting to use the
880 field for yard sales, and we will continue to do so. We appreciate this
881 neighborhood and its loyalty to the shopping center, and we want to
882 continue to make it better.

883
884 Thank you, Lori Cook

885
886 I agree with everything in here. They have been the best landlord that we've had
887 in 30 years, and we've had major problems maintaining that shopping center. For
888 years, it was in receivership, and my wife and I pulled the weeds out of the

889 cracks, we swept it, we maintained the lighting, along with one other person who
890 died. I think these folks are about as good as it gets. I think they are interested
891 in the community, which we were. Like I said, I'm surprised that I'm here, but
892 that's all I have to say.

893

894 Mrs. Jones - Thank you, Mr. Mitchell.

895

896 Mr. Archer - Thank you, sir.

897

898 Mrs. Jones - All right. Mr. Archer, would you like to—I didn't really
899 ask if anyone had questions for Ms. Freye. I'm sure we can ask her, if you do. If
900 not, would you like the opposition to come down?

901

902 Mr. Archer - Yes ma'am.

903

904 Mrs. Jones - All right. Let me just ask. Do we have several folks
905 who will be talking?

906

907 Mr. Wells - Just one presentation.

908

909 Mrs. Jones - One presentation. Okay, that's fine. Thank you. If
910 you'll state your name.

911

912 Mr. Wells - Good evening. My name is Friend Wells. I'm the
913 president of the North Chamberlayne Civic Association.

914

915 Mrs. Jones - Good evening, Mr. Wells.

916

917 Mr. Archer - Good evening, sir.

918

919 Mr. Wells - Good evening. If I can figure out how to make this go.
920 There we go. Thank you very much. First of all, I'd like to thank the Board for its
921 partnership with us in the past, the North Chamberlayne Civic Association over
922 the years. I won't talk about specific cases, but over the years, there have been
923 several zoning issues that have come up in our area, attempts to rezone areas in
924 our community from residential to commercial, to upgrade business zoning to
925 reduce minimum zoning requirements, etcetera, and new construction. In each
926 case, this Board has agreed with the NCCA that what is in the best interest of the
927 residents is also in the best interest of Henrico County, and that residential areas
928 need to remain residential, and that business and commercial areas need to
929 remain business and commercial.

930

931 In our case, as you know, there is a parcel of land that was zoned in the 1960's
932 as commercial with the intent that it serve as a small community shopping center.
933 As a result, the site in question tonight is sort of a hybrid between a residential
934 site and a commercial use. As you have already seen, the site is immersed in a

935 residential area. For this reason, along with some others that we'll be presenting,
936 the members of the North Chamberlayne Civic Association have voted twice to
937 respectfully request the rejection of this application, P-16-08. We also sent a
938 letter to Mr. Frank Thornton, informing him of this vote, and requesting his
939 support. That letter is in the packet you just received as Attachment #1. In
940 addition to that, many residents of the North Chamberlayne Area have signed a
941 petition expressing their opposition to the proposed cell tower; that's in your
942 information packet as Attachment #2.

943

944 Tonight, we'd just like to offer three or four concerns. The first one, I would
945 emphasize, is really the foundation of our request for this denial. We believe that
946 this site selection is inappropriate due to the residential nature of the property in
947 question. We also believe that the applicant has not demonstrated due diligence
948 in the evaluation of alternate locations. In addition to that concern, we also have
949 concerns about the possible impact on property values, potential health and
950 safety issues, and the overall aesthetics of our community. One of our members,
951 Kip Smith, is going to come and present some details of the concern that we
952 have, and the research that we've done.

953

954 Mr. Smith - Thank you, Friend.

955

956 Mrs. Jones - Could you repeat your name, please?

957

958 Mr. Smith - My full name is Charles Kipland Smith. I'm a
959 registered professional engineer also.

960

961 Mrs. Jones - Thank you.

962

963 Mr. Smith - The use permit has been applied for under Section
964 24-95(a)(3), which partially states, "The applicant must provide verifiable
965 evidence of the lack of space on existing towers, and the lack of space on
966 existing tower sites, and this evidence shall be considered in review for the PUP
967 application for any new tower."

968

969 This slide contains a voice coverage map of the proposed area. It is provided by
970 AT&T from their website. As you can see, there are absolutely no dead areas.
971 The map that was shown tonight was different from the September 29th map.
972 They actually showed less coverage, and some actual dead areas, so they've
973 updated their maps. This map right here shows that we're looking at best, good,
974 and moderate. I don't think that is any coverage problem.

975

976 At the September 29th community meeting, information was provided. There
977 were computer-generated coverage maps indicating that there were some dead
978 zones, and I've circled those on this map. As you can see once again, the AT&T
979 map shows that there are no dead zones.

980

981 Upon request, the following information on current cell tower locations was
982 provided by Gloria Freye. This map shows additional information on current cell
983 tower locations, and was provided by New Cingular Wireless. It has been
984 acknowledged that the Parham and I-95 Sprint tower is missing from the map,
985 and that the 301 and I-295 tower is slightly off the map.

986
987 This reference information is from a McGraw-Hill publication called, *Wireless*
988 *PCS*. The information shown provides worst-case predicted cell size coverage,
989 and is used in our analysis of area coverage. For the purpose of this analysis,
990 we have selected dense urban with a tower height of approximately 100 feet,
991 which is 20 feet shorter than the proposed tower, and shorter than most of the
992 existing towers. This would allow for a cell size diameter of approximately 1-1/2
993 miles, or a three-quarters-of-a-mile radius—not the half-mile mentioned earlier—
994 at the 1900-megahertz frequency. This is the worst-case condition; it only gets
995 better. An urban-area cell tower could stretch two miles, and suburban and so
996 forth, so.

997
998 This slide provides information on existing towers using worst-case analysis. The
999 green dots show known towers, and the blue dots are other AT&T towers. For
1000 towers around the proposed area, we have shown the appropriate worst-case
1001 size cell. The stated dead zone areas, which now are green, appear to be in an
1002 overlap area. The AT&T coverage viewer shows this as moderate, and not
1003 having any problems. Attachment #6 of your packet contains the New Cingular
1004 coverage maps for the cell size overlay, and we have applied those overlays.
1005 Those were the maps that were given to us during the September 29th meeting.

1006
1007 We feel that there are two locations in the industrial area north of Parham Road.
1008 Based on our analysis, these locations would provide adequate coverage for the
1009 dead zone areas identified at the September 29th meeting. One is the Parham
1010 and I-95 Sprint tower, and the other is the Scott Road RI941 tower.

1011
1012 Based on County code requirements, New Cingular has not provided verifiable
1013 proof showing other locations are unacceptable due to technical concerns. In
1014 fact, they have shown a lack of engineering rigor. I have an example in
1015 Attachment #4 of the presentation packet. Two RF emissions compliance reports
1016 were provided by Waterford Consultants, one on July 15, 2008—one day before
1017 the PUP application was entered—and one dated September 24, 2008. The
1018 second was issued when the residents questioned that the report was for another
1019 location, since the title listed the site as Parham and I-95. The residents were told
1020 it was a title error, and a second report was issued to include the exact
1021 latitude/longitude, and the street address. However, all data in the two reports is
1022 different, including the tower heights. The first report is clearly not for the
1023 Chamberlayne Farms Shopping Center tower. The information more closely
1024 matches the Sprint tower at Parham and I-95, just as the report indicates. The
1025 second report appears to include information for the Chamberlayne Farms
1026 Shopping Center tower.

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Based on this analysis, it is our belief that the decision to pursue the residential tower location, other than the industrial areas, has nothing to do with technical issues; perhaps it's a financial issue. Profitability issues of New Cingular are of no concern to the residents of the Chamberlayne Farms and Wildwood subdivisions.

I'm going to have a list of stuff up, and discuss property value.

Ms. Wilhelm - Good evening. My name is Alyssa Wilhelm.

Mrs. Jones - Ms. Wilhelm, you'll have a couple minutes.

Ms. Wilhelm - Okay.

Mrs. Jones - Not too long.

Ms. Wilhelm - Okay. Please use this particular picture of the exposed prospective cell site as a visual reference for this portion of the presentation.

We believe that the proposed cell tower would have a negative impact on our property values primarily because the applicant's proposal is inconsistent with the 2010 Land Use Plan, which is intended to minimize impact of wireless communications development on existing and planned residential communities. The plan notes that it is especially crucial to maintain and preserve the residential character of the County, and to promote the creation of an attractive and harmonious community.

The proposed cell tower site is not wooded. You can see from this picture, it is exposed. It's [unintelligible] of our residential properties, and would detract from their aesthetic appeal by introducing an industrial element that is out of character with the residential area. The 120-foot cell tower would be entirely visible from houses on Wilkinson, Upham, Dirk, Danray, and Wilaka, and would be noticeably visible in all directions to its surroundings. Because there is no planned landscaping at the corner of Wilkinson and Upham, there would be no mitigation of the cell tower's visual impact along Danray, Upham, or along that corner of Wilkinson. For the other areas, the proposed landscaping would take some time to mature. It would not prevent direct visual obtrusion caused by a cell tower, especially given that for many months of the year the leaf coverage will be inadequate. I refer to renderings provided by the applicant that seem to distort the visual impact of the proposed cell tower.

This, along with the perceived health and safety hazards of cell towers, would be unattractive to prospective homebuyers. In fact, the National Association of Realtors advises its agents that thanks to aerial mapping, such as [Zillow.com],

1073 prospective buyers are able to see nearby cell towers and are turned off to
1074 properties.

1075
1076 Where does that lead us? Well, we have some actual statistically-significant and
1077 well-founded studies that support these qualitative positions, and they support
1078 our understanding that developing a cell tower at the proposed site would
1079 interfere with our property values.

1080
1081 I'd like to first note that the applicant's argument, number one, is not entirely
1082 forthright. Unfortunately, the calculations simply of the assessed values was of a
1083 percentage change of assessed values over time, and is not inflation-adjusted.
1084 I'm sorry.

1085
1086 Mrs. Jones - We're just discussing you have two minutes.

1087
1088 Ms. Wilhelm - Okay, that's perfect. Thank you. I appreciate it.

1089
1090 I would like to point out emphatically that challenge studies on this need to be
1091 based on completed sales data. What that means is in order to be statistically
1092 reliable, they need to use methods that account and control for multiple variables,
1093 such as inflation and other external variables within the area.

1094
1095 In the fall of 2007, the *Appraisal Journal* published the findings of several studies
1096 on the impact of cell towers on home prices, and these studies used scientific
1097 methods that are customary to valuation theory. In the first study, they used
1098 multiple regression analysis, coupled with GIS mapping, and a hedonic
1099 framework quantifying qualities of the neighborhood to study the impact of cell
1100 tower proximity on the prices of almost 6,000 properties. This was over a ten-
1101 year period in Orange County, Florida. After controlling for other variables, the
1102 study found that residential properties near cell towers experienced a decline of
1103 just over 2%.

1104
1105 That same article published the findings of a second study. They utilized the
1106 same methodology, and studied 9,500 homes in New Zealand in ten different
1107 suburbs over a 16-year period. Again, these were completed transactions, and
1108 they accounted for other external variables. They found that on average, the
1109 property values of homes near cell towers declined by 15%. Cell towers had a
1110 negative impact on homes up to 1,000 feet away.

1111
1112 We believe this evidence proves there would be a material adverse effect on the
1113 residential property values. We believe that the applicant's assertion to the
1114 contrary is without merit, and that it lacks proper due diligence. Further, it comes
1115 as no surprise to the residents that those with a commercial interest, such as the
1116 landlord, and those without a residential property owner interest, would be
1117 interested in having landscaping services provided to them. But that does not
1118 speak to the potential negative impact on property values.

1119
1120 Mrs. Jones - All right. Thank you very much. I know we have some
1121 questions.
1122
1123 Mr. Archer - I have some, a couple.
1124
1125 Mr. Wells - [Off mike.] Can I have a few minutes to summarize
1126 our presentation in accordance with the extra time that's allotted to the applicant?
1127
1128 Mr. Archer - I don't object, if you don't.
1129
1130 Mrs. Jones - You don't object?
1131
1132 Mr. Archer - No.
1133
1134 Mrs. Jones - Okay, we will do that.
1135
1136 Mr. Archer - Two minutes.
1137
1138 Mr. Smith - We just have two slides left. We wanted to address
1139 the health and safety issue, and this will be real short. This slide is an attempt to
1140 convey the enormous amount of concern we have about attempting to place a
1141 tower within close proximity of an elementary school, and four daycare facilities.
1142 The children currently play in the grassy area where the base of the tower is
1143 proposed. Attachment #5 of your packet has many concerns. Our only wish at
1144 this time is to request prudent avoidance with respect to our children.
1145
1146 Mr. Wells - Thank you. To summarize, then, if we could very
1147 quickly. We believe a residential area is not the place for this proposed tower.
1148 We believe that the applicant has not done due diligence to demonstrate that
1149 alternate locations such as the industrial area at Scott Road to our north would
1150 not meet their needs. We would respectfully request that the applicant be
1151 required to complete the proposed project on Scott Road, and then general new
1152 propagation data before considering this residential site.
1153
1154 Again, I wish to thank you for your partnership in the past, and for your
1155 consideration tonight, and your commitment to the residents of Henrico County.
1156 Thank you very much.
1157
1158 Mrs. Jones - All right. Mr. Wells, and Mr. Smith, and Ms. Wilhelm, I
1159 think we probably have some question from the Commission for you.
1160
1161 Mr. Branin - Mr. Smith, can I ask you a question please? In your
1162 map that you show here, this one—
1163
1164 Mr. Smith - Yes sir.

1165
1166 Mr. Branin - Is that just showing coverage that you pulled off the
1167 website? It's just cellular coverage, correct?
1168
1169 Mr. Smith - That is from the AT&T coverage viewer provided by
1170 the company.
1171
1172 Mr. Branin - Does it break down the coverage of inside house, or
1173 does it just show coverage?
1174
1175 Mr. Smith - Yes sir. Hold on, let me—
1176
1177 Mr. Branin - Because your explanation on the side doesn't really
1178 show us, color-code wise whether it shows in-house or—
1179
1180 Mr. Smith - Well, it's broken down—
1181
1182 Mr. Branin - I hadn't finished speaking.
1183
1184 Mr. Smith - Okay, I'm sorry.
1185
1186 Mr. Branin - Your color codes don't show whether it shows in-
1187 house versus in-vehicle. I know the other one did show us in-house versus in-
1188 vehicle. Does this show us in-house versus in-vehicle?
1189
1190 Mr. Smith - You must also look at Attachment #6, which was the
1191 maps that were shown to us originally. Not only did it show in-house and so
1192 forth, but it showed a bunch of dead zones. You did not see those tonight. The
1193 maps were obviously updated based on concerns that we thought that the data
1194 was not accurate.
1195
1196 Now, the best, the good, and the moderate listed, they do have a description of it.
1197 The best, in general, the areas shown in dark orange should have the strongest
1198 signal strength and be sufficient in most in-building coverage; however, in-
1199 building coverage can and will be adversely affected by the thickness and
1200 construction, type of wall, and so forth. If good coverage— The area shown as
1201 the medium orange should be sufficient for on-street or in open coverage, most
1202 in-vehicle, and so forth. Moderate. The areas shown in the light orange, which
1203 are very few areas, should have sufficient signal strength for an on-street and in
1204 open coverage, but may not have in-vehicle or in-building coverage. They're
1205 advertising that the best and the good are adequate.
1206
1207 We're just using a second source to compare against the original information that
1208 was provided. You're looking at these coverage maps, and your information is
1209 as good as the data put in. There has been no verifiable evidence of how they
1210 were generated, what the criteria were for establishing the levels and so forth.

1211
1212 Mr. Archer - Mr. Smith, based on that, what's verifiable about what
1213 you're showing us?
1214
1215 Mr. Smith - It's as verifiable as theirs, and it's their source. I pulled
1216 it from their information; I didn't generate it myself.
1217
1218 Mr. Archer - But you're saying that the information that they
1219 presented—
1220
1221 Mr. Smith - Is contradictory to the same company. The same
1222 company is generating two different pieces of information.
1223
1224 Mr. Wells - [Off mike.] Mr. Archer, what we're suggesting is that if
1225 you want to ask AT&T whether your cell phone will work, they will say yes. If you
1226 want to ask AT&T whether they need a tower, they will also say yes. Based on
1227 two different maps.
1228
1229 Mr. Smith - That's the point.
1230
1231 Ms. Wilhelm - [Off mike.] [Inaudible.]
1232
1233 Mrs. Jones - Could you come closer to the mike, please? These
1234 are recorded; we have to hear you.
1235
1236 Ms. Wilhelm - Okay, I apologize. I'm sorry. I just wanted to note that
1237 I have AT&T in my home, and I have consistently strong coverage. I'm in the
1238 area that AT&T has represented on their site would have coverage, but then has
1239 represented would require further coverage by the proposed cell tower.
1240
1241 Mr. Archer - I have a couple of questions, Ms. Wilhelm.
1242
1243 Ms. Wilhelm - Okay.
1244
1245 Mr. Archer - Are we understanding that this tower placement, if it
1246 were allowed, would not be just for coverage in the immediate area, but also
1247 some surrounding areas that might not be touched by the present tower.
1248
1249 Ms. Wilhelm - I'm sorry, I don't think I heard the entire question.
1250
1251 Mr. Archer - I guess what I'm saying is I don't think the tower
1252 proposal is just for Chamberlayne Farms, and if I'm wrong, please correct me.
1253
1254 Mr. Smith - May I address that?
1255
1256 Mr. Archer - Sure.

1257
1258 Mr. Smith - It's not that we feel that the coverage wouldn't help
1259 Chamberlayne Farms, the argument is the industrial areas just north of Parham
1260 would provide the same coverage for Chamberlayne Farms and surrounding
1261 areas.
1262
1263 Mr. Archer - We did talk about that at the meeting. I don't know if
1264 those sites are available, or for what reason they weren't—
1265
1266 Mr. Smith - But they're supposed to provide verifiable proof or
1267 evidence that these other sites are not available, or cannot be used. By the 2010
1268 Land Use Plan, they should be doing industrial first before going into residential,
1269 and that's our argument.
1270
1271 Mr. Archer - This is commercial property, now, it's not residential.
1272
1273 Mr. Smith - Okay, I'm sorry. It's supposed to be industrial, then
1274 commercial. I'm sorry.
1275
1276 Mr. Archer - Okay. I'll have Ms. Freye address that. The other
1277 question I had for Ms. Wilhelm was this. Ms. Freye gave us some information
1278 about property values in surrounding counties, and you gave us information from
1279 Florida and New Zealand.
1280
1281 Ms. Wilhelm - Yes.
1282
1283 Mr. Archer - Don't you think there could be a difference between
1284 how things are looked at—
1285
1286 Ms. Wilhelm - I think the key is that the customary method for
1287 measuring impact of cell towers is to account for external variables. The
1288 information that Ms. Freye presented on behalf of the applicant is not statistically
1289 reliable. If you look at the customary methods that are used—This is published
1290 by *Valuation Journal*. I actually do have a copy of the study; I'm not sure about
1291 the copyright implications of sharing it. I'd be happy to share it with you. There is
1292 a growing body of knowledge of the appropriate way to measure this impact.
1293 What they do is they, through hedonic multiple regression analysis using a
1294 statistically-reliable group, or a statistically-significant group, they are able to
1295 measure that difference over time.
1296
1297 Mr. Archer - Anybody understand multiple regression analysis?
1298
1299 Ms. Wilhelm - Well, more specifically—
1300
1301 Mr. Archer - I'm not trying to belittle what you're saying.
1302

1303 Ms. Wilhelm - No, no, that's okay.
1304
1305 Mr. Archer - We have a lot we have to digest here.
1306
1307 Ms. Wilhelm - I know there's a lot of information. I think there is a
1308 challenge in presenting it because it is very complex, I think as it should be. The
1309 whole point with the methodology is to account for all of the qualities of the
1310 properties in question prior to the installation of the tower, and then measuring
1311 those same qualities, and then isolating after the tower what the impact is. The
1312 reason that it becomes statistically significant is because you're dealing with
1313 properties that have actually been sold, so you're not dealing with appraised
1314 values, you're dealing with completed sales, completed transactions. That's
1315 fundamental for statistic reliability. The second is to have it over a period of
1316 time—10 years, 16 years, multiple neighborhoods, having a control group.
1317 People have used scientific methods to ensure that they're controlling for all
1318 variables. I would be happy to show you a copy of the study.
1319
1320 Mr. Archer - I understand. Please don't misunderstand. I'm not
1321 trying to be contradictory, but I have to put all of this together to try to make a
1322 decision.
1323
1324 Ms. Wilhelm - No, I understand.
1325
1326 Mr. Archer - One of the things that I have heard in some of the
1327 studies that I've done, or studying I should say—I haven't done any studies—
1328 since our meeting the other night is there are real estate agents who say there
1329 are people who look for homes that have appropriate cell phone coverage and
1330 find them favorable. Does your analysis—
1331
1332 Mr. Branin - Mr. Archer, if you remember, in a cell phone case—
1333 and not to question the data you have. I'd like to see it, so if you could give it to
1334 one of the staff, I'd appreciate it. I'd like to review it. Mr. Archer, if you remember,
1335 in a cell tower case I had probably about six months ago, we had two real estate
1336 agents that were in the audience that said on behalf of it, that they have found in
1337 the Richmond area that, indeed, people prefer because of the change in use of
1338 cell phones inside houses as primary phones, that those real estate agents have
1339 seen that it has improved their sales. Not to contradict what you're saying, but—
1340
1341 Ms. Wilhelm - Mmm-hmm.
1342
1343 Mr. Branin - Although Ms. Freye did a great job in presenting, we
1344 have collectively here, through each and every one of our districts, have a lot of
1345 experience, and a lot of back knowledge and studies that we have to face,
1346 basically, monthly. Because there is a cell phone tower case, at least one in a
1347 district, every month.
1348

1349 Ms. Wilhelm - I certainly don't discount the experiences that you've
1350 heard of, but I think probably, based on the research that I've done, people want
1351 to have cell phone coverage that is strong, but they do not want to purchase
1352 property with a nearby cell tower. I think that's essentially the distinction that I'm
1353 making here, that we are making here, is that you're looking at citizens who,
1354 literally, after the plantings have matured—which will take some time—will have
1355 their kitchen windows blocked. If you are a prospective homebuyer entering that
1356 neighborhood, that will be off-putting. Based on studies of large numbers of
1357 homes over time who have had cell towers situated in their proximity, it's had a
1358 negative impact. Those are our findings.

1359
1360 Mrs. Jones - Thank you, Ms. Wilhelm. Does anyone else have
1361 questions?

1362
1363 Mr. Vanarsdall - I have a question. You all must be the most affected.
1364 This group tonight, about 25 or 30 of you, are you the most affected? The reason
1365 I'm asking the question is that there are 157 names on this petition. I just thought
1366 maybe you all were the ones most affected; the rest of them didn't seem to want
1367 to come.

1368
1369 Ms. Wilhelm - We did make a presentation at our civic association
1370 on Tuesday evening to make sure that the citizens were comfortable with what
1371 we would be presenting. I think many of the residents felt comfortable enough
1372 with the presentation that they saw that we're really acting as their
1373 representatives.

1374
1375 Mr. Vanarsdall- Thank you.

1376
1377 Mrs. Jones - Anyone else? Mr. Archer, would you like to call Ms.
1378 Freye back up?

1379
1380 Mr. Archer - Yes, I think Ms. Freye would probably like to answer a
1381 couple of things that have been sent her way.

1382
1383 Ms. Freye - Thank you. I would like to make a couple of
1384 responses, but I think it's probably more important for Larry West, who's right
1385 here. He is the radio frequency engineer who designs the network for the
1386 services. He can explain what is used for retail purposes, sales, out of their retail
1387 maps compared to the propagation maps, which are actually the result of drive
1388 tests on the ground, real life. We had added some maps to that. How can we go
1389 back? Can we go back to the end of my presentation, because the question did
1390 come up at the citizen meeting about the Scott Road sites? That actually is an
1391 additional search ring for AT&T. They need an antenna there. There is an
1392 existing tower there. They are trying to negotiate with that landowner to increase
1393 the height of that existing tower so they can get an antenna at a height that will
1394 help them fill in the gap that they have there.

1395

1396 We have maps that show you how those two search rings overlap, and that how
1397 one facility does not—Okay. I'm going to let Larry take over this, because he can
1398 tell you exactly where these poles are, where their antennas are, where the
1399 coverage problems are, and how they're trying to meet that need.

1400

1401 Mr. West - Hello, my name is Larry West. I'll just give you a
1402 background. I am a radio frequency engineer, senior engineer with AT&T
1403 Wireless. I have been designing networks for the various carriers since 1996, so
1404 I've been around a little bit. I've done work for Sprint, and I've done work for
1405 AT&T, as well as T-Mobile, and Cingular before the merger. So, I just wanted to
1406 put some clarity on the map that was shown to you from the AT&T store. Those
1407 maps are produced by marketing. It's just a rough idea as to where our coverage
1408 is—the good, the moderate—but it does not give—it's a different language than
1409 what engineering speaks. It does not give the, I guess you could say, the exact
1410 signal level that is required in order for you to have the in-building. The whole
1411 coverage objective for this site is strictly in-building coverage. Yes, we have
1412 coverage in this area; however, our in-building coverage is what is suffering. In-
1413 building coverage for the most part on the site of this height will only cover
1414 roughly around I'd say anywhere from a third to a half-mile radius. A cell site
1415 coverage in general can cover from a mile to a mile and a half at this very same
1416 height. Now, you're talking about just general coverage. That's not in-building
1417 coverage. It's a totally different thing. The map that was in the store is general
1418 coverage; it's not in-building coverage. You have to take into account terrain,
1419 tree density, things of that nature, as well as are these brick homes, are they
1420 stick homes, and things of that nature.

1421

1422 So roughly, the green aspect as to what we were looking for here is that is
1423 showing us where in-building coverage is, and when we do a study as to what is
1424 required in order to get actual stable coverage inside of the home itself, we do a
1425 signal test. Basically, when we look at the in-building, that's a very strong
1426 coverage. When you walk into the home, you actually see it, you have a meter
1427 itself. You will see that same signal from the outside of that home. When you
1428 walk into the home and close the door, literally, you'll see that signal, you have
1429 five bars literally drop to three bars. That's the way we estimate. We say, okay,
1430 by the time you walk into this door, it's going to drop three bars, but three bars
1431 are good, and that's good enough to hold a signal. However, if we are, for
1432 example, what the store was showing, just general coverage, what they call good
1433 coverage, that's on-street coverage, meaning that you're at two or three bars at
1434 start. Now, if you're outside, yes, you can hold a call just fine. As soon as you
1435 walk into your home and close the door, now the bars drop to one bar, or it just
1436 disappears altogether. That's just to get the understanding as to the difference
1437 between what the marketing was showing versus really what you're seeing here.

1438

1439 Mrs. Jones - Okay. Thank you, Mr. West.

1440

1441 Mr. Branin - Mr. West? How many carriers can be carried on one
1442 tower?

1443
1444 Mr. West - It depends on the structure itself. We have some
1445 towers that can hold up to five carriers. It depends on the structure. If you get into
1446 a stronger lattice tower, you can have five, six carriers.

1447
1448 Mr. Branin - Okay.

1449
1450 Mr. West - It's totally dependent on that.

1451
1452 Mr. Branin - Has AT&T investigated the surrounding towers to see
1453 if you can get the coverage needed for in-house on those towers?

1454
1455 Mr. West - Yes. Just to show you on this map here. I'm doing
1456 the same thing that you're doing. Okay. So, this is one of the sites that was in
1457 question. This is 941. This is one of our second rings that is being looked at just
1458 to cover this area here. We're trying to get in-building coverage in the business
1459 park here. As you can see, when we run the propagation study, it shows green
1460 up in here, but it does not get all the way down here where we're trying to get the
1461 other site. As an engineer, I have to look at everything. I have to look at every
1462 tower in the neighborhood. Our first objective is to go on a tower that is existing.
1463 Number one, it's faster, it's cheaper for the company, and we don't have to go
1464 through all these various zonings and things of that nature. We do prefer that
1465 when we can. We have looked at the Sprint tower. There are three towers here
1466 that are south of this Chamberlayne Farms site that I also looked at. These are
1467 the AM towers. We ran a propagation study. As you can see again, it's green in
1468 here, but it does not get up in here. This is the Sprint tower.

1469
1470 As you can see, I've run studies for pretty much every tower that was around
1471 here to see what would fit. Ideally, yes, we were targeting Sprint at first until we
1472 looked at it in more detail, and recognized that it will not provide us the in-building
1473 coverage.

1474
1475 I do have reports from our network that show the various complaints that we
1476 were getting from the neighborhood. It shows an average of 1,140 dropped calls
1477 from this site here. That is the only site that is really getting over here that's
1478 helping out, because we don't have strong enough coverage. This site is getting
1479 over here, but it's not strong enough to uphold it. It's showing that we are
1480 dropping 1,140 calls a day, or a month, rather, from this site, all due to low signal,
1481 as well as this site down here that is also struggling to get up there. That site is
1482 averaging 420 dropped calls a month. So, we do have stats that show that low
1483 signal is the main reason why we're losing—We're consistently losing customers
1484 in this area for that reason.

1485

1486 Mrs. Jones - Mr. West, I'd like ask, would you share with us
1487 alternate sites? Not just co-location sites, but alternate sites that you considered
1488 to fill in the gap here?

1489
1490 Mr. West - When I ran this study, this was the first area that was
1491 pinpointed because it was commercial and in favor of zoning. After looking at
1492 more, and running more studies, I looked on this site, ran some propagation
1493 studies to see if that would work out. There were no other properties within this
1494 ring that would provide the in-building needed that will meet zoning requirements.

1495
1496 Mrs. Jones - You heard the folks in opposition state that they
1497 thought that there were other sites industrially-zoned that might work, possibly
1498 with a taller tower that could have increased coverage, and you wouldn't have to
1499 use this site.

1500
1501 Mr. West - Right. When it comes to in-building, in-building is a
1502 little bit different than just general coverage. If we went up here to Sprint, for
1503 example—and this is a pretty tall site—because of the terrain and the tree
1504 density that surrounds this particular area, even a taller site still did not get over
1505 here to provide in-building. In-building is more of location as opposed to just
1506 going outside and building a really tall tower. The radio frequency works as well
1507 as sound. You know, sound works the same way. If I went further, really, really
1508 far away, and I increase my sound and just really blasted it, as you drove away,
1509 the sound still just kind dissipated over time. The same thing works with RF. So,
1510 it still would dissipate according to the terrain as well as the trees. Then once you
1511 get into the brick housing and things of that nature, the signal drops even more.

1512
1513 Ms. Freye - Just to follow up on that, the request that the citizens
1514 made was that AT&T explore increasing the height of the existing tower at the
1515 end of Scott Road before doing this, and seeing if it's still needed. Mr. West has
1516 already demonstrated, done the test, that they need both of those site. It's not an
1517 either/or situation. Even though they can, hopefully, get that one on the end of
1518 Scott Road increased in height, it's still only going to cover that area north of this
1519 site. It's not an either/or situation.

1520
1521 I would also like to submit to you all for the record the magazine cover, and the
1522 table of contents so that you can see that this study that was done by certified
1523 general real estate appraisers was done according to the accepted standards of
1524 the profession, and that those statistics were done with local implication. The
1525 anecdotal information that I offered was following up to see in the real world what
1526 effect on value we could find from the real estate records, and from talking with
1527 the assessors' offices. So, that is pertinent, it is relevant, it is Henrico County. It
1528 is something that's visible; anybody can go and look at that, so that'll be passed
1529 out to you. I do submit that it is professionally done. It was not any anecdotal
1530 thing.

1531

1532 The other thing is to give you, as I mentioned before, the handouts about the
1533 health affects, and to show that it is safe, and that proximity to schools and
1534 daycare centers is not an issue with this, with the antennas being 120 feet in the
1535 air.

1536
1537 The last comment I would make is this facility is a utility. It provides a service to
1538 residents. It's becoming more and more important as people give up their
1539 landlines. The fact that I learned from Henrico County Police Department is that
1540 64% of all 911 calls are made from wireless phones, and that statistic is as of
1541 October 2008. That continues to go up. Those statistics started in 2005, around
1542 51%. Every year it's gone up, and now it's up to at least 64%. That shows you
1543 how important having reliable coverage is.

1544
1545 You have heard from some folks this evening that they do not want, or feel like
1546 they need to have this service. Yet these very same folks are receiving cell
1547 phone service from towers in other people's neighborhoods. This is an
1548 installation that would have minimal impact. It's on commercial property. It would
1549 be a service. And I would like to say that while there aren't a lot of people here
1550 that say they are not opposed, there are individuals who are not opposed. You
1551 received a letter from Nick Minneti, who originally was opposed to this. He
1552 attended the second meeting, and sent you a letter and explained why he no
1553 longer had a problem. Five of the ten people who attended the first neighborhood
1554 meeting had no opposition to the pole. Eight people from the second meeting
1555 came up and told me they were not opposed. Four of the people said, "We are
1556 not personally opposed, but we're just going to go along with the association."
1557 So, this is not unanimous. The trustees of the church, the largest property
1558 across the street, huge investment in their property—they are not opposed, and
1559 they have the most direct view.

1560
1561 We ask that you follow the staff report, which this applicant has followed the
1562 guidelines and the criteria established by the County, and we ask that you
1563 approve this, recommend approval.

1564
1565 Mrs. Jones - All right. Are there more questions?

1566
1567 Mr. Archer - I just have one question. Are there any other
1568 technologies other than cell phones that these towers participate in? First Alert,
1569 or whatever these things are that you push a button because my heart stopped
1570 working?

1571
1572 Mr. West - No. Everything right now is either E911 or, you know,
1573 a cell phone. More and more people are getting into using it for data, of course,
1574 Internet, you know, things of that nature. But as far as hospital, no.

1575
1576 Mr. Archer - Okay. All right. Anybody else have more questions?

1577

1578 Mrs. Jones - Do we have comments or questions?
1579
1580 Ms. Wilhelm - A rebuttal.
1581
1582 Mr. Vanarsdall - We've been at it long enough.
1583
1584 Mrs. Jones - Mr. Archer, would you like to have additional
1585 comment from the citizens?
1586
1587 Mr. Archer - I don't know what else anybody can say. I've been
1588 trying to digest this since I've been here.
1589
1590 Mrs. Jones - If you'd like to raise a point that hasn't been raised
1591 already.
1592
1593 Ms. Wilhelm - Yes. One sentence only. Just that the 2010 Land
1594 Use Plan indicates that wireless communication development is not a utility.
1595
1596 Mr. Archer - I'm sorry, what now?
1597
1598 Ms. Wilhelm - I just wanted to remind the Commission, respectfully,
1599 that according to the 2010 Land Use Plan, wireless communications
1600 development is not a utility.
1601
1602 Mr. Archer - Okay, thank you. Before I try to wrap this up, can I get
1603 somebody to put a slide for me that shows—Livingston, there is a slide that
1604 shows some views along Wilkinson Road. These are actual photographs, I
1605 believe, and one is a simulated photograph, I think.
1606
1607 Mr. Lewis - We have 12 to choose from. Let's see if I can get
1608 lucky here.
1609
1610 Mr. Archer - That one will work. Go back to the one you had
1611 before that. Okay.
1612
1613 Mr. Lewis - That's Wilkinson in front, from the church.
1614
1615 Mr. Archer - Okay. First of all, I would like to thank all you people
1616 who came out, and who also attended the meetings that have been held. It
1617 shows that you show an interest in your community. I have a lot of notes here,
1618 so I'm going to try to pick through them as fast as I can.
1619
1620 I attended the last community meeting over at Chamberlayne Baptist last week, I
1621 guess it was. There were 51 attendees at that meeting, I think, and everybody
1622 participated very well, and they asked a lot of good questions. I thought that the
1623 applicants, staff, and the consultants were pretty detailed and clear in giving their

1624 answers, although I understand you all disagree with some of the answers that
1625 were given.

1626

1627 The reason I asked for this shot to be put up is because if you drive down
1628 Wilkinson Road, and almost any other road in the County, it seems like there are
1629 poles everywhere. Most of them have transformers hanging down from them.
1630 Along Wilkinson especially they seem to be close together. I know that there are
1631 people who—and not just you all—In every tower case we ever see, people just
1632 say, “I don’t want to see it.” I don’t, personally, understand why you would look at
1633 it. It’s a technology that we have to have if we’re going to communicate in this
1634 world. I had to approve a case I guess maybe about six months ago, that was
1635 about a quarter-mile from my house, and people had the same objections that
1636 you raise, so I understand them very well. At the meeting the other night that I
1637 attended, I counted at least five cell phone calls that you all received while you
1638 were in that meeting. I received two myself; mine was on vibrate. So, it tells you
1639 that there are people who do have the need to communicate, and if there weren’t
1640 towers that could— I guess the point I’m trying to make is that as a Planning
1641 Commission, there are things that we have to consider when trying to make a
1642 recommendation to the Board to approve or not approve a cell phone tower. The
1643 FCC told us some 10 to 12 years ago we can’t just be arbitrary about how we
1644 approve or not approve cell phone towers. We have to have good, solid reasons
1645 behind why we do it. For a while, all of this stuff slacked for a little bit. A few
1646 years ago, we were approving towers at 99 feet, when cell phones first came out,
1647 because we thought that was the easiest way to be less obtrusive. The problem
1648 was you had to have one every four or five hundred yards because 99 feet
1649 wasn’t tall enough. Then we got smart enough to realize that if it went to 199
1650 feet, it would keep us one foot below what the airport people require for having a
1651 red light on top of it. So, we started doing 199 feet, and in most of those
1652 instances, we found that we could get five or six co-locators on it instead of just
1653 the one at 99 feet. So, this is something that we strive to do now, is to have
1654 towers that are taller, generally 199 feet if we can get them that tall, so that we
1655 can have a lot of people co-locate on one tower. In this instance, we have a
1656 tower that is what we call a slick tower. The buttons that you all are wearing
1657 showing what we call a lattice tower that is wide and in a lot of cases can hold
1658 more—

1659

1660 [phone rings.]

1661

1662 Mr. Vanarsdall - I didn’t set that up either.

1663

1664 Mr. Archer - There’s good coverage up here. I really lost my train
1665 of thought. But in any event, I guess what I’m trying to say is in looking at the
1666 approvals that we have recommended to the Board, this one falls well within
1667 what some of the recent cases that we have have been. We’ve had 199 feet;
1668 we’ve had lattice towers. This is a slick pole that’s in an area that’s pretty
1669 unobtrusive. We have a landlord that’s willing to put landscaping in all around the

1670 property to make what is there now look better than what it is. In considering the
1671 cases that we have had to approve, and that I have had to stare down folks to
1672 get approval that are similar to this one, it would seem to me to be awfully
1673 arbitrary if I just don't recommend this one for a reason that's not quite as
1674 sufficient as ones that they had. I was satisfied at the meeting the other night
1675 that there were no dangerous emissions coming from these things that could
1676 harm anybody. We have a prescribed drop zone so that this thing can't fall on
1677 anybody and hurt them. I've never known of one to fall down anyway.

1678
1679 To wrap it all up, I guess considering how important communications today are,
1680 and the fact that Ms. Freye just mentioned something that I wasn't aware of, that
1681 such a large percentage of emergency calls now come from cell phones.
1682 Considering that, and the comparable cases, I don't think I have much alternative
1683 but to send this to the Board with a recommendation for approval. Now, you all
1684 will have an opportunity at that meeting to present your case, because they have
1685 the final say. All we're making here is the recommendation. Again, I appreciate
1686 you coming out, but my motion would be to send it along with a recommendation
1687 of approval.

1688
1689 Mr. Vanarsdall - I second.

1690
1691 Mrs. Jones - We have motion from Mr. Archer, seconded by Mr.
1692 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the
1693 motion passes.

1694
1695 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
1696 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to
1697 recommend the Board of Supervisors **grant** the request because it would provide
1698 added services to the community and the recommended conditions should
1699 minimize the potential impacts on surrounding land uses.

1700
1701 Mr. Emerson - Madam Chairman, that takes us to the discussion
1702 items on the agenda. Those are on page 3. The first discussion item is the
1703 Board of Supervisors will be inviting you to a joint work session on November 12,
1704 2008, to discuss public comment, and proposed revisions, regarding the draft of
1705 the 2026 Comprehensive Plan. Each of you are aware that planning staff has
1706 been meeting individually with you and your respective Board member to discuss
1707 some of the potential changes to the plan. This will be for you as a group to
1708 come together and hear the information, and also discuss some of the broader
1709 issues. At this point, I don't have a time for that meeting. You can rest assured
1710 that it will definitely be 4:30 or later.

1711
1712 Mr. Branin - It's Wednesday the 12th?

1713

1714 Mr. Emerson - That will be Wednesday the 12th, that's correct. The
1715 Board meeting is on the 12th because the 11th is Veteran's Day, and that's one of
1716 the holidays that we celebrate on the day that it falls.
1717

1718 Mr. Branin - What is it in regards to?
1719

1720 Mr. Emerson - The public comments received at the open houses on
1721 the 2026 Plan and the draft of the 2026 Plan itself.
1722

1723 Mr. Branin - Thank you.
1724

1725 Mr. Emerson - As soon as I have a time for that, I will get that out to
1726 you.
1727

1728 Mrs. Jones - Does this require a vote?
1729

1730 Mr. Emerson - I think at this point we'll just acknowledge that the
1731 meeting exists and the Board of Supervisors will be inviting you to that.
1732

1733 Mrs. Jones - Okay. We are so advised.
1734

1735 Mr. Emerson - The next item is— You have a letter in front of you,
1736 that I placed at each one of your places this evening. We will be holding our
1737 November and December Planning Commission meetings at the Glen Echo
1738 Building on Nine Mile Road next to the Eastern Government Center. That is in
1739 order to accommodate changes and renovations to the Board room.
1740

1741 Mr. Branin - When is that?
1742

1743 Mr. Emerson - Actually, I've given you a list of dates. November the
1744 19th. Your November 13th meeting, which will occur the day after your joint work
1745 session with the Board, will be the last meeting held in this room until January.
1746 So, your November 13th evening meeting will still be in this room. Then the Plan
1747 of Development meeting, which will be on November the 19th, will be at the Glen
1748 Echo Building. Your December 11th evening meeting will be at the Glen Echo
1749 Building, and then your December 17th Plan of Development meeting will be at
1750 the Glen Echo Building. After that, assuming the construction and renovation
1751 work in this room is done, we will resume meeting in this room. The other
1752 meetings also displaced during this construction period, and of course, the Board
1753 of Supervisors, and the Board of Zoning Appeals. They will also be moving to the
1754 Glen Echo Building for their meetings.
1755

1756 Mrs. Jones - Thank you, Mr. Secretary. We also do not need to do
1757 anything but acknowledge those dates.
1758

1759 Mr. Emerson - That is correct, yes ma'am.

1760
1761 Mrs. Jones - Okay.
1762
1763 Mr. Emerson - We will advertise those appropriately. Media Services
1764 is also putting forth efforts to make those changes aware to the public. Our
1765 public notices will contain that information regarding the movement of the
1766 meetings.
1767
1768 Mrs. Jones - I, for one, would like to say these changes fall in the
1769 right direction, and I think they'll be an improvement for the public, as well as to
1770 all of us.
1771
1772 Mr. Emerson - I would agree.
1773
1774 The next item is the approval of minutes from the September 11, 2008 meeting.
1775
1776 Mrs. Jones - All right, folks, do we have corrections to the minutes?
1777
1778 Mr. Archer - I have none, Madam Chair.
1779
1780 Mrs. Jones - Okay. I just have two very quick typos here. On page
1781 22, line 964, Mr. Jernigan's comment was, "Mr. Turner, any time you have
1782 something." Let's see, I have one more marked. Page 50, first line, it's Mr.
1783 Russo who was speaking, not Mr. Russ.
1784
1785 All right, with those, do I hear a motion?
1786
1787 Mr. Archer - So move for approval, Madam Chair.
1788
1789 Mr. Branin - Second.
1790
1791 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Branin. All in
1792 favor say aye. All opposed say no. The ayes have it; the motion passes.
1793
1794 I will entertain a motion for adjournment.
1795
1796 Mr. Archer - So move.
1797
1798 Mr. Branin - I second that.
1799
1800 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Branin. All in
1801 favor say aye. All opposed say no. The ayes have it; the motion passes. We are
1802 adjourned.
1803
1804 The meeting adjourned at 8:39 p.m.
1805

1806
1807
1808
1809
1810
1811
1812
1813
1814

Mr. R. Joseph Emerson, Jr., Secretary

Mrs. Bonnie-Leigh Jones, Acting Chairperson