

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

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

Member Absent: Mr. Tommy Branin (Three Chopt)

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

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

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

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

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

21  
22 Mr. Kaechele - Thank you.  
23

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

26  
27 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda tonight are  
28 the requests for withdrawals and deferrals. Those will be presented by Mr. Jim  
29 Strauss.

30  
31 Mr. Strauss - Thank you, Mr. Secretary. This evening we have one  
32 request for withdrawal of a case. It's in the Brookland District, page two of the  
33 agenda. That is case REZ2014-00007, Wilton Acquisition, LLC. The applicant  
34 has requested to withdraw this case and no action is required by the Planning  
35 Commission.

36  
37 **(Deferred from the March 13, 2014 Meeting)**

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

47  
48 REZ2014-00007, Wilton Acquisition, LLC, was withdrawn at the request of the  
49 applicant.

50  
51 Mr. Strauss - Moving on to the deferrals. Staff is aware of one  
52 request for deferral for deferral this evening. It's in the Brookland District also. It's  
53 on page one of the agenda. It's case REZ2014-00005, Nobility Investments, LLC.  
54 The applicant is requesting a deferral to the May 15, 2014 meeting.

55  
56 **(Deferred from the March 13, 2014 Meeting)**

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

64  
65 Mr. Leabough - Is there anyone here in opposition to the deferral of  
66 REZ2014-00005, Andrew M. Condlin for Nobility Investments, LLC? No  
67 opposition.  
68

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

72  
73 Mr. Archer - Second.

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

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

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

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

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

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



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

Mrs. Jones - Second.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

236  
237 Mr. Corrigan Yes sir.

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

240  
241 Mr. Corrigan Yes sir.

242  
243 Mr. Witte - And it's May—

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

249

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



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

298  
299 And we request that the—they don't show it on this, but on the drawings they've  
300 made for the subdivision it shows where the cul-de-sac at the end of the  
301 subdivision and New Hoehns Road begins there would be a turn that would not  
302 be very amenable to us. They could just straighten that out somewhat and make  
303 a straighter entrance into Hoehns Road so we don't have to make a right turn to  
304 get on our new private road.

305  
306 And what's going to happen to the old house that's on one of the lots at the  
307 beginning of the subdivision? Is it just going to be demolished? At the present, it  
308 won't conform to anything around there. It's just a small old house. It wouldn't  
309 conform to the rebuilding of anything.

310  
311 Thank you.

312  
313 Mr. Leabough - Thank you.

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

317  
318 Mr. Wray - Yes. At present, if you've been over to look at this  
319 proposal and you've come onto Hoehns Road, there's an entrance gate, a brick  
320 entrance gate, a brick structure on each side of the road announcing the  
321 subdivision, Hoehns Road subdivision. Well, that will have to be torn down in  
322 order to build a county road there. Well, we are asking that when it's torn down,  
323 it'll be rebuilt at the beginning of the new starting of Hoehns Road, which is a  
324 private road.

325  
326 Mr. Witte - So you don't want it up on Hungary Road—

327  
328 Mr. Wray - Oh no, no. No. I want it where—right now it—  
329 whenever this is approved for the subdivision, or if it's ever approved, they'll have  
330 to tear that down and put a county road through there, through the subdivision.  
331 Then Hoehns Road will start at the end of the subdivision again, the private road.

332  
333 Mr. Witte - Thank you, sir.

334  
335 Mr. Wray - Thank you.

336  
337 Mr. Leabough - As you're approaching the podium, sir, you all have  
338 about five minutes remaining. I just wanted to remind you of that.

339



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

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

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

351  
352 Mr. Witte - Thank you.

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

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

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

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

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

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

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

389

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

393

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

397

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

401

402 Mr. Witte - Mr. Palmore.

403

404 Mr. Palmore - Yes sir.

405

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

408

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

411

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

413

414 Mr. Palmore - I understand.

415

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

418

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

420

421 Mr. Witte - Okay. Thank you.

422

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

424

425 Mr. Palmore - Thank you.

426

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

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

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

Mrs. Jones - I abstain.

Mr. Leabough - Mrs. Jones abstains.

The vote was as follows:

Mr. Leabough -	Yes
Mr. Witte -	Yes
Mr. Archer -	Yes
Mr. Branin	Absent
Mrs. Jones	Abstain

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

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

Mr. Leabough - Good evening, Ms. Deemer.

Ms. Deemer - Good evening.

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

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

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



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

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

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

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

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

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

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

I'd be happy to answer your questions.

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

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

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

521 Mr. Witte - The opposition, please.  
522  
523 Mr. Leabough - Okay. Would the opposition please come forward and  
524 please state your name for the record. Please keep in mind the rules for public  
525 speaking that Mr. Emerson read earlier.  
526  
527 Mr. Vye - My name is Bud Vye (V-y-e), 3015 Birchbrook Road. I  
528 and my neighbors who live on Birchbrook and Elmbrook all will come by this  
529 property at least once or twice a day on our way out to Broad Street. For years,  
530 we have been complaining about no sidewalk along Wistar Road. There is a  
531 tremendous amount of foot traffic on Wistar Road going in both directions: to  
532 Staples Mill Road, which is not affected by this project, but to Broad Street  
533 there's an awful lot of foot traffic going out there from Wistar Gardens Apartments  
534 primarily, but from other areas also. And we desperately need a sidewalk along  
535 there. Now I see a sidewalk is proffered. Other than that, I'm not really concerned  
536 about the layout of this development.  
537  
538 But this sidewalk really should stay in so we can get them off the road. There is  
539 no shoulder along Wistar Road at all. No shoulder. And a lot of it has a ditch right  
540 alongside. So the people that are walking have to walk in the roadway. It's a real  
541 problem. We've not had anybody killed yet, but you have to pay attention when  
542 you're driving there because there are people walking there all the time. So I  
543 would like to see this stay in. It did not stay in for Wister Place, which has now  
544 just started under construction. I understand that was proffered to have  
545 sidewalks, and that was removed. Please don't remove this. Leave the sidewalk  
546 in there. That's one link in the sidewalk between Staples Mill and Broad Street,  
547 and we may live to see it completed all the way. But this is a good start. Thank  
548 you.  
549  
550 Mr. Leabough - Are there questions for Mr. Vye?  
551  
552 Mr. Witte - Thank you, sir.  
553  
554 Mr. Leabough - Thank you.  
555  
556 Mr. Keeling - My name is Daryl Keeling. And I'm really not in  
557 opposition. I agree with what the gentleman just said. I live on Wistar Road at the  
558 corner of Wistar and Wistar Village, those apartments back there. There is an  
559 awful lot of foot traffic and so please keep the sidewalk in. Also, it would be nice if  
560 it could go all the way up to Broad.  
561  
562 The other concern that I have is that Wistar Road with all this new development  
563 of this complex—which I think looks really wonderful and it will be an asset—the  
564 vehicle traffic is going to greatly increase along there. And I think something  
565 should—I don't know if it's up to you or the Board of Supervisors to improve  
566 Wistar Road to accept all this additional traffic. It's going to make it a little bit

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

570  
571 Mr. Leabough - Thank you, sir. Are there others that wish to speak in  
572 opposition? Would the applicant please come forward?

573  
574 Mr. Wilton - For the record, my name is Henry Wilton. I represent  
575 Wilton Acquisitions, LLC tonight. And just to take care of some of the things the  
576 gentlemen were talking about, certainly the sidewalk is staying there because it is  
577 a proffered part of my plan. In fact, we also added an additional two feet for  
578 utilities. We also went ahead and we have our wrought iron fencing, and there  
579 are columns I think every ten to—every twenty-five to thirty feet, something like  
580 that. We have brick or stone columns to make it substantial. And we're up-  
581 lighting the trees as you go by so that during the night as people walk by there  
582 that there will be some up-lighting. Again, a safety issue that we put in ourselves.

583  
584 Don't worry about—the sidewalk stays. We have interior sidewalks too for the  
585 other people. And obviously if they want to go on Wistar Road, a sidewalk is  
586 there too.

587  
588 As far as safety and vehicular traffic, sight distance, we need about 450 feet and  
589 we have 600 and a thousand feet one way and one the other. So that does help  
590 with the safety issue at the same time.

591  
592 I'll go over the proffers in a moment. Just a couple of comments, please, because  
593 we worked on this for a long time—or Rosemary's worked on this for a long time  
594 helping us with it. And so has Mr. Witte.

595  
596 Basically we are rezoning the twenty-five acres. This was submitted to you a  
597 number of years ago; it was turned down. Reasons why it was turned down were  
598 ones that we have corrected now. One, the units were too small; we've gone to  
599 an 1800-square-foot—not minimum, but 1800-square-foot average. We have a  
600 1500-square-foot minimum because they wanted a minimum. Part of the property  
601 was not assembled so that you had a piece right in the middle. Actually half of  
602 the donut wasn't there. And we were lucky enough to go ahead and get that  
603 under contract too and again use that to help us with trails and picnic areas,  
604 water storage, and so on. You'll see that with the plan if it comes back up. What  
605 did I do? Okay, there it is. So we'll have two of them. And trying to use—  
606 obviously they'll be areas in the ponds as usual. But all that other upper area  
607 that's green right now going towards Wistar are trees that are there that we are  
608 leaving. And then we're also coming in and doing landscaping very similar to the  
609 Glenside Woods townhouse project at Glenside and Staples Mill. So you can  
610 actually see that.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

698  
699 Mrs. Jones - And where are they?

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

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

705

706 Mrs. Jones - Okay.

707

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

710

711 Mr. Leabough - When you say interior—

712

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

716

717 Mr. Leabough - Okay, thank you.

718

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

725

726 Mrs. Jones - Thank you.

727

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

730

731 Mr. Wilton - Thank you.

732

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

737

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

740

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

743

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

745

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

748



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

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

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

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

760  
761 Mr. Cejka - No sir.

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

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

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

769  
770 Mr. Cejka - Correct.

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

776  
777 Mr. Archer - Second.

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

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

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

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

800  
801 Mr. Leabough - Is there anyone here in opposition to REZ2014-  
802 00015, James W. Theobald for Attack Properties? We do have opposition. Good  
803 evening, Mr. Sehl.

804  
805 Mr. Sehl - Good evening, Mr. Chairman. Thank you.

806  
807 As Mr. Emerson stated, this request for rezoning would allow up to fifty-four  
808 townhouses on the site, as well as continued use of an existing office/service  
809 building shown here.

810  
811 The subject property is zoned O/SC and is located on the west line of Staples  
812 Mill Road. A portion of the site, which is proposed for M-1C zoning, is currently  
813 developed with an office/service building constructed in the late 1980s. The  
814 requested M-1C would allow this use to remain conforming, as Office/Service  
815 developments require a minimum of twenty acres. The remainder of the site  
816 would be rezoned to RTHC to allow for the development of the proposed  
817 townhouses. The existing 100-year floodplain area, zoned C-1C, would remain.

818  
819 The 2026 Comprehensive Plan recommends Office/Service for the site. The  
820 requested M-1 and RTHC zoning is not entirely consistent with this request;  
821 however, given the close proximity of residential uses to the west, high-quality  
822 residential development could be appropriate.

823  
824 To ensure that level of quality for the proposed townhouses, the applicant has  
825 provided a number of proffers that address items such as landscaping,  
826 amenities, hours of construction, sidewalks, and sound suppression. The  
827 applicant has also proffered a number of architectural elevations depicting  
828 potential development styles and illustrating the proposed level of quality. Each  
829 home would be a minimum of 1500 square feet in size and would contain a  
830 minimum of 35 percent brick or stone on the front elevation.

831  
832 The applicant has also proffered this conceptual plan, which illustrates the  
833 general layout of the site as well as certain proffered features, such as the  
834 twenty-five-foot buffer along Staples Mill Road in this location.

835  
836 Overall, staff believes this request could be appropriate and create a reasonable  
837 transition from Staples Mill Road to the existing single-family development to the  
838 west. However, staff recommends that the applicant consider addressing the  
839 items noted in the staff report regarding garage clear area and the provision of an

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

842

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

845

846 Mr. Witte - I have no questions.

847

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

850

851 Mr. Witte - Yes, please.

852

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

855

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

858

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

862

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

868

869 Mr. Leabough - Thank you.

870

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

882

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



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

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

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

903  
904 Thank you.

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

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

912  
913 Mr. Cramer - That's right.

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

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

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

930  
931 Mr. Cramer - No.

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

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

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

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

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

1005 Thank you for your time.  
1006

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

1010 Mr. Witte - The applicant, please.  
1011

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

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

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

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

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

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

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

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

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

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



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

1074  
1075 We believe that the townhomes are, frankly, a better transitional use in this area  
1076 than the existing Office/Service zoning. We have a strip center across Staples  
1077 Mill to our east. We have the office/service building with a courtyard, loading  
1078 areas to our south. Floodplain that's already been zoned C-1 to our north, and a  
1079 huge buffer and retention areas in the back.

1080  
1081 We think this development will promote jobs and increase the tax base in the  
1082 County. And I would note to you that staff generally supports this request. We are  
1083 working with Mr. Goodall to make sure we can provide some emergency access.  
1084 We have contacted him. He has no problem with that conceptually. We need to  
1085 make sure that we're not going to interfere with any easements over here. So we  
1086 have the opportunity to possibly connect in this area or through this area to get to  
1087 his access drive. That would be a chained emergency type access suitable to the  
1088 fire department. The reason for that is that Staples Mill Road—guess what?—is  
1089 in the floodplain down here, as is just a little corner of this entrance road. And we  
1090 want to make sure that we can safely battle any emergencies in the event of a  
1091 flood.

1092  
1093 A few comments in response to the earlier speakers. We are prepared to put a  
1094 six-foot solid white vinyl fence along the back of this row of units up against these  
1095 homes. And again, we will be submitting that between now and the Board.

1096  
1097 As to drainage, the drainage goes here to the creek. So it runs north. So the  
1098 properties down here that may be experiencing some difficulties, their properties  
1099 also drain to the north through our property. As was stated, you're not allowed to  
1100 release water at a greater rate post-development than you are pre. You do have  
1101 more impervious area, but that's why you hold it. You hold it and you slow  
1102 release it so you don't blow out the downstream channels. That's the law; those  
1103 are the regulations. You don't have a choice but to obey that. So none of our  
1104 water goes south towards that neighborhood.

1105  
1106 This is the entire project. This is it. Phase one and done. There is no more land  
1107 there to be developed. You can't develop the C-1 land. All the other surrounding  
1108 property is owned. I believe Mr. Yuhas is one of these homes back here, and  
1109 none of this is being touched. This is not grass and cattails; these are trees. I  
1110 was out there today. This is very significantly vegetated through this area. And  
1111 we are just not allowed to touch it.

1112  
1113 I hope I've addressed the concerns of our earlier speakers. We certainly intend to  
1114 be good neighbors. I hope that's evident by some of the additional things we've  
1115 offered this evening. And I would respectfully request that you recommend

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

1118

1119 Mr. Witte - Mr. Theobald.

1120

1121 Mr. Theobald - Sir.

1122

1123 Mr. Witte - As far as the garages.

1124

1125 Mr. Theobald - Yes sir.

1126

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

1128

1129 Mr. Theobald - Okay.

1130

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

1132

1133 Mr. Theobald - We can do that.

1134

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

1137

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

1140

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

1142

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

1145

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

1147

1148 Mr. Theobald - No.

1149

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

1152

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

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



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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Lewis - It was.

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

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

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

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

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

1393

1394 Mr. Kaechele - Okay.

1395

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

1398

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

1400

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

1403

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

1407

1408 Ms. Mullen - Good evening.

1409

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

1411

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

1417

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

1426

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

1433

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



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

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

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

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

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

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

1483

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

1491

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

1498

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

1504

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

1510

1511 Mr. Leabough - I have a question.

1512

1513 Ms. Mullen - Yes.

1514

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

1517

1518 Ms. Mullen - The flea market site does.

1519

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

1522

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

1525

1526 Mr. Leabough - Okay. Since the primary users of the tower would be  
 1527 the racetrack?  
 1528  
 1529 Ms. Mullen - The primary users would be the racetrack during race  
 1530 week. So folks coming—they have 100,000 people, I think, per race. But you also  
 1531 have other events. So any user of the track as well as—they know that there is a  
 1532 capacity need now, and they're building up their network for the future. So that  
 1533 includes all of the residential areas behind as well as all the businesses. So  
 1534 you've seen a trend in businesses moving from a typical cash register to a  
 1535 wireless system. So Verizon is moving throughout the county and throughout the  
 1536 region to build up their network capacity, again, based on their high market share  
 1537 and the capacity needs that they've seen.  
 1538  
 1539 Mr. Leabough - So my question. Since a lot of the discussion was  
 1540 around the racetrack, why not put it on the racetrack property?  
 1541  
 1542 Ms. Mullen - Because the racetrack has an exclusive with a  
 1543 different carrier. So based on their title sponsorship, we are on one tower within  
 1544 the racetrack, and that is owned by a third party. We are also on the other towers  
 1545 that are in the area, and there's no additional room for additional equipment to  
 1546 serve these needs.  
 1547  
 1548 Mr. Leabough - Thank you.  
 1549  
 1550 Mrs. Jones - Is there any chance that there would be an internal  
 1551 versus external array?  
 1552  
 1553 Ms. Mullen - No ma'am, not for this type of specific antenna  
 1554 direction. If you were to do that it just goes straight up and down. So it doesn't  
 1555 achieve—I guess there is always the opportunity, but it doesn't achieve the goals  
 1556 that Verizon is trying to reach. They have an array to head towards the  
 1557 residential section as well as be able to direct them specifically into the track and  
 1558 then the surrounding areas, again trying to minimize any interference with other  
 1559 signals to make sure that those signals are strong and can handle the data  
 1560 traffic.  
 1561  
 1562 Mrs. Jones - Okay.  
 1563  
 1564 Mr. Kaechele - Is there plenty space for future co-location?  
 1565  
 1566 Ms. Mullen - There are—there are five total positions available, so  
 1567 there would be four additional positions.  
 1568  
 1569 Mr. Kaechele - And for space on the ground too?  
 1570  
 1571 Ms. Mullen - Yes.



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



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

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

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

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

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

1657  
1658 Mrs. Jones - Second.

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

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

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

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

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

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

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

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

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

1717

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

1720

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

1723

1724 Mr. Moffett - Thank you.

1725

1726 Mr. Leabough - Mr. Archer?

1727

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

1731

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

1734

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

1737

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

1740

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

1742

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

1744

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

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



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

1802

1803 Is there any other business, Mr. Secretary?

1804

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

1807

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

1810

1811 Mrs. Jones - So moved.

1812

1813 Mr. Archer - Second.

1814

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

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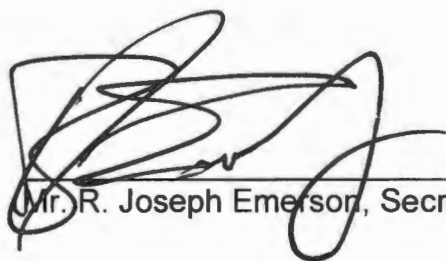
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Mr. R. Joseph Emerson, Secretary



Mr. Eric Leabough, Chairman