

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**  
2 **County held in the County Administration Building in the Government Center at**  
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, February 15,**  
4 **2024. Display Notice having been published in the Richmond *Times-Dispatch* on**  
5 **February 2, 2024, and February 9, 2024.**  
6

7 **Members Present:** Mr. William M. Mackey, Jr., (Varina)  
8 Mr. Robert H. Witte, Jr., Chairperson (Brookland)  
9 Mr. Brian Winterhoff, (Tuckahoe)  
10 Mr. Bob Shippee, (Three Chopt)  
11 Mr. Jaron N. Dandridge (Fairfield)  
12 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning  
13 Secretary  
14 Mr. Tyrone E. Nelson (Varina)  
15 Board of Supervisors Representative  
16

17 **Also Present:** Ms. Jean Moore, Assistant Director  
18 Mr. Ben Sehl, Senior Principal Planner  
19 Ms. Molly Mallow, County Planner  
20 Ms. Neha Shinde, County Planner  
21 Ms. Ali Hartwick, County Planner  
22 Ms. Kelly Drash, County Planner  
23 Mr. Michael Morris, County Planner  
24 Mr. Livingston Lewis, County Planner  
25 Mr. Seth Humphreys, County Planner  
26 Mr. John Cejka, Traffic Engineer  
27 Mr. Steve Hart, Senior Project Manager, Division of  
28 Recreation and Parks  
29 Ms. Kristin Owen, Floodplain & Dam Safety Manager,  
30 Department of Public Works  
31 Mr. Scott Jackson, Senior Engineer, Department of Public  
32 Works  
33  
34

35 **Mr. Tyrone E. Nelson, the Board of Supervisors' representative, abstains from all**  
36 **cases unless otherwise noted.**  
37

38 **Mr. Mackey -** Good evening. Welcome to our February 15, 2024, zoning  
39 meeting of the Planning Commission of Henrico County. Thank you for coming out to be  
40 with us this evening. At this time, I would like to ask you if you would silence or turn off  
41 your phones, so they won't be a disruption. And anyone who can and is able will you  
42 please stand with us for the Pledge of Allegiance.  
43

44 [Recitation of Pledge of Allegiance]  
45

46 **Mr. Mackey -** Thank you. Do we have anyone from the news media here  
47 tonight? We don't. If they're watching on WebEx for watching via the Web. Thank you for

48 being here. Thank you for joining us. I'd like to thank Supervisor Nelson for being here.  
49 He's representing the Board of Supervisors. He will abstain from voting on any cases, but  
50 he can interact in the cases as he sees fit if he has questions or comments. All of our  
51 Commissioners are present and accounted for so we have a quorum, so we can conduct  
52 business. So, at this time, I'll turn it over to our Secretary Mr. Joe Emerson.

53  
54 Mr. Emerson - Thank you, Mr. Chairman, and welcome everyone. I would like  
55 to note that the Commission did have a work session prior to this meeting. It convened at  
56 4:30 and recessed at 5:49. That was to discuss orientation for new Planning Commission  
57 members and other housekeeping items. With that said, said Mr. Chairman, I would again  
58 like to join with you and welcome everyone to the Henrico County Planning Commission  
59 public hearing for February 15, 2024. This evening, it is requested that all public  
60 comments be provided from the lectern to the rear of the room. For everyone who's  
61 watching the live stream on the county website you can participate remotely in the public  
62 hearings by following these guidelines. Go to the planning department's meeting  
63 webpage at [henrico.us/planning/meetings](http://henrico.us/planning/meetings). Scroll down under Planning Commission and  
64 click on WebEx event. Once you have joined the WebEx event, please click the chat  
65 button in the bottom right corner of the screen. Staff will send a message asking if anyone  
66 would like to sign up to speak on an upcoming case. To respond select Neha Shinde from  
67 the drop-down menu and send her a message. She will get you placed in the queue to  
68 speak. The Commission does have guidelines for its public hearings. The applicant is  
69 allowed 10 minutes to present the request and time may be reserved for responses to  
70 testimony. The opposition is allowed a cumulative 10 minutes to present its concerns.  
71 What that means is everyone who wishes to speak must be included in that overall, 10-  
72 minute allowance. Any questions from the Commission do not count into those time limits.  
73 And the commission does have the ability to waive those time limits at their discretion.  
74 Any comments made must be directly related to the case under consideration.  
75 Commentors must provide their name and address prior to speaking for the record. We  
76 do keep verbatim minutes. We refer back to those minutes from time to time for history  
77 on cases. And also, to rely on what was said and what was committed to. So, we do need  
78 your name and address in case we need to contact you for some reason. Thank you  
79 again for your participation and interest this evening. With that said the first item on our  
80 agenda, Mr. Chairman are the requests for withdrawals and deferrals. And those will be  
81 presented by Mr. Ben Sehl.

82  
83 Mr. Sehl - Good evening, Mr. Chairman, members of the Commission.  
84 There's one withdrawal on your agenda this evening. This is SIA2023-00004.

85  
86 **SIA2023-00004 Tuckahoe Creek Park (Virginia Farm Bureau):** The Department of  
87 Planning has received a request from the Division of Recreation and Parks to initiate a  
88 Substantially In Accord review of a proposed site for use as a boardwalk for the Tuckahoe  
89 Creek Park Trail. The site consists of a portion of parcel 729-748-6280 and is located at  
90 the terminus of Carrollwood Court. The existing zoning is C-1 Conservation District. The  
91 2026 Comprehensive Plan recommends Environmental Protection Area.

This is Tuckahoe Creek Park, the Virginia Farm Bureau portion of that property that has been withdrawn and no action is necessary by the Commission this evening.

Next are three requests for deferrals that staff is aware of. All are on Page 2 of your agenda. The first is in the Varina District. This is REZ-2023-100017.

**REZ-2023-100017 Andrew M. Condlin for HD CVA, LLC:** Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional) parcels 840-713-3163, 841-710-2304, 841-712-4360, 842-709-8618, 842-712-1529, 842-712-5063, 843-708-9028, 843-711-6375, 843-711-6508, 843-712-6388, 844-709-3698, and 844-712-3071 containing 622.1 acres located on the north and south lines of E. Williamsburg Road (U.S. Route 60) at its intersection with Technology Boulevard. The applicant proposes manufacturing and production uses, including advanced manufacturing and data centers. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office, Office/Service, Commercial Concentration, Traditional Neighborhood Development, Open Space/ Recreation, and Environmental Protection Area. Part of the site is located in the Airport Safety Overlay District.

The applicant is requesting you defer this item to your March 14, 2024, meeting.

Mr. Mackey - Is there anyone in the audience or on WebEx that's in opposition to the granting of the deferral?

Ms. Drash - There's no one on WebEx for this case.

Mr. Mackey - All right, seeing no opposition in the audience. I move that REZ2023-100017 HD CVA, LLC be deferred to the March 14, 2024, meeting at the request of the applicant.

Mr. Witte - Second.

Mr. Mackey - A motion was made by Mr. Mackey, a second by Mr. Witte. All in favor say aye.

Commission - Aye.

Mr. Mackey - Motion is carried.

Mr. Sehl - Next, also on Page 2 of your agenda in the Tuckahoe District, is a request for deferral for PUP2023-00003.

**PUP2023-00003 William Shewmake for Diamond Communications, LLC:** Request for a Provisional Use Permit under Sections 24-4205 and 24-4314.F of Chapter 24 of the County Code to allow a 155' telecommunication tower on part of Parcel 748-741-1823 located at the southwest intersection of Patterson Avenue (State Route 6) and Maybeury

139 Drive. The existing zoning is R-2A One-Family Residence District. The 2026  
140 Comprehensive Plan recommends Semi-Public.

141  
142 The applicant is requesting the Commission to defer this item to your March 14, 2024,  
143 meeting.

144  
145 Mr. Mackey - All right, is there anyone in the audience or on WebEx that's  
146 in opposition to the deferral?

147  
148 Ms. Drash - Mr. Chairman, there's no one on WebEx for this case.

149  
150 Mr. Mackey - All right. We have someone in the audience. You're in  
151 opposition to the deferral?

152  
153 Mr. Joslin - Yes, sir. My name is Douglas Joslin. I live at 907 Penola Drive.  
154 I'd like to formally object to the request for deferral by Diamond Construction for this tower.  
155 This has been deferred three times. Last time was the November 5 meeting. There has  
156 been no changes to the request to the county what's been submitted. There has been no  
157 modifications to the staff report. There have been no changes in the past 17 months to  
158 the opposition of this request made individually or collectively by the Henrico County  
159 leadership, the residents of Westmore, Sheridan Hills, Grayson Hill and Waterford Ride.  
160 I objected to this deferral to the Planning Committee hearing on the 9th and once again  
161 request that it be denied.

162  
163 Mr. Mackey - All right, thank you, sir. Mr. Winterhoff, how would you like to  
164 proceed? Oh, I'm sorry. I apologize.

165  
166 Mr. Shewmake - Mr. Chairman, my name is William Shewmake. I represent the  
167 applicant. I'm an attorney with Woods Rogers Vandeventer and Black. I would indicate  
168 that we asked for a very short deferral, we didn't want to extend it. We wanted to be able  
169 to report on the extended efforts we've made since the last time tried to come to a different  
170 solution or a different property. But also, we deferred the last time because we knew that  
171 there had been a change. There would be a new Planning Commissioner and the  
172 Supervisor now have an opportunity for them to participate in a community meeting. I  
173 coordinated with staff what I thought was the course of action. The date that worked was  
174 February 27. I've sent out notices to everybody who attended the community meetings,  
175 we've done two photo sims in summer and the winter. We've worked diligently on this  
176 case. And then I set out and what I'd represented probably 200 letters for the community  
177 meeting on February 27, which we ordained as the date. We would ask for a very short  
178 deferral. We think it would be helpful to Mr. Winterhoff and the community because the  
179 issue is whether you can bring cell coverage to this area. All right, we asked for that very  
180 short deferral.

181  
182 Mr. Mackey - Thank you, sir. Has anyone else? Mr. Winterhoff, how would  
183 you like to proceed?



185 Mr. Winterhoff - At this time, Mr. Chairman, I move that the deferral request for  
186 PUP2023-00003 Diamond Communications LLC, be denied and we hear the case on  
187 tonight's agenda.

188  
189 Mr. Mackey - All right. We need a second.

190  
191 Mr. Witte - Second.

192  
193 Mr. Mackey - Okay, we have a motion by Mr. Winterhoff, a second by Mr.  
194 Witte. All in favor to deny the deferral say aye.

195  
196 Commission - Aye.

197  
198 Mr. Mackey - Opposed? Alright, so we'll hear the case tonight.

199  
200 Mr. Emerson - Yes, sir. Mr. Chairman, that now places this case in its regular  
201 order on the agenda to be heard this evening.

202  
203 Mr. Sehl - The last deferral that staff is aware of on your agenda this  
204 evening is also in the Tuckahoe District. This is PUP2023-00018. This is Gateway  
205 Associates of Richmond II.

206  
207 **PUP2023-00018 Andrew M. Condlin for Gateway Associates of Richmond II,**  
208 **LLC:** Request for a Provisional Use Permit under Sections 24-2306 and 24-4315 of  
209 Chapter 24 of the County Code to allow commercial uses and zoning modifications as  
210 part of a master-planned development on part of parcels 753-745-6957 and 753-745-  
211 0470 located on the west line of N Parham Road approximately 240' south of its  
212 intersection with Fargo Road. The existing zoning is R-6 General Residence District. The  
213 2026 Comprehensive Plan recommends Multi-Family Residential.

214  
215 The applicant is requesting this item be deferred to your March 14 meeting.

216  
217 Mr. Mackey - Is there anyone in the audience or on WebEx that's in  
218 opposition to the request to defer the case?

219  
220 Ms. Drash - Mr. Chairman, there's no one on WebEx for this case.

221  
222 Mr. Mackey - All right, Mr. Winterhoff?

223  
224 Mr. Winterhoff - Mr. Chairman, I move that PUP2023-00018, Gateway  
225 Associates of Richmond II, LLC be deferred to the March 14, 2024, meeting at the request  
226 of the applicant.

227  
228 Mr. Shippee - Second.

Mr. Mackey - Alright, we have a motion by Mr. Winterhoff, a second by Mr. Shippee. All in favor say aye.

Commission - Aye.

Mr. Mackey - Opposed?

Mr. Emerson - Mr. Chairman that completes the requests for withdrawals and deferrals this evening. There are no requests for expedited items, so we move on to the first case on your agenda for public hearing. That is REZ2023-00041, Mark Baker for Harsh Thakker Dorado Capital LLC.

**REZ2023-00041 Mark Baker for Harsh Thakker, Dorado Capital, LLC:** Request to conditionally rezone from A-1 Agricultural District to R-4C One-Family Residence District (Conditional) parcels 815-728-4458, 815-728-6843, and 816-727-0343 containing 30.411 acres located between Orams Lane and Westover Avenue approximately 1,585' north of its intersection with Nine Mile Road (State Route 33). The applicant proposes a single-family subdivision. The uses 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 site is located in the Airport Safety Overlay District.

The staff report will be presented by Mr. Michael Morris.

Mr. Mackey - Thank you, sir. Good evening, sir.

Mr. Morris - Thank you Mr. Chairman, members of the Commission. As stated, this is a request to conditionally rezone 30.4 acres from A-1 Agricultural District to R-4C One-Family Residence District (Conditional) to construct no more than 85 single-family homes. The site is located between Orams Lane and Westover Avenue, north of Nine Mile Road and is largely made up of open, agricultural land with a wooded area in the northwest corner. The surrounding area is residential in nature, with single-family homes and townhomes located to the west, south, and east, and undeveloped land zoned R-2AC One-Family Residence District (Conditional) located to the north. The Newbridge Fire Station is under construction on a property to the south, at the corner of Westover Avenue and Nine Mile Road, and Henrico County's Robinson Park sits to the east.

A proffered conceptual plan shows all lots accessed via internal roads, which connect the development to Orams Lane to the west, Westover Avenue to the east, and Nine Mile Road to the south. Traffic calming devices would be implemented on all internal roads, with ADA ramps installed at all intersections crossing Roads A and F. The concept plan also shows proffered pedestrian connections to Robinson Park and planted buffers along portions of Orams Lane and Westover Avenue, and the property line adjacent to the fire station down here to the south.

275 Exterior building materials would also be restricted to brick, stone, cultured stone or vinyl,  
276 as shown on proffered elevations. Proffers would also require a 5' wide sidewalk and  
277 widening of Orams Lane, adjacent to the subject property. Sidewalks would also be  
278 required along one side of each internal road, as well as along the Westover Avenue  
279 frontage. The minimum finished floor area for each residence would be 1,600 square feet,  
280 75% of all homes would have a garage, and a minimum of one tree per lot would be  
281 provided along internal streets. Additional proffers address construction hours, fencing,  
282 minimum planting standards in buffers and an entrance feature. The proposed use and  
283 density of 2.8 units per acre is consistent with the site's 2026 Comprehensive Plan  
284 designation of Suburban Residential 2, where density should not exceed 3.4 units per  
285 acre. The request also supports the Comprehensive Plan's goal of encouraging new  
286 development in areas with existing services and infrastructure. The proposal would also  
287 be compatible with the overall character and residential nature of the surrounding area.  
288 For these reasons, staff supports this request.  
289

290 I should note the applicant held a community meeting on January 3, 2024, at the Fairfield  
291 Public Library. Concerns raised by those in attendance related to traffic and public safety,  
292 and potential impacts on wetlands and area flooding. This request was deferred by the  
293 Planning Commission at the January 11, 2024, public hearing. This concludes my  
294 presentation and I'm happy to answer any questions you may have at this time.  
295

296 Mr. Mackey - Does anyone on the Commission have any questions for staff  
297 at this time? All right. Do we have anyone either in the audience or on WebEx who would  
298 like to speak in support or in opposition of the case? Okay,  
299

300 Ms. Drash - Mr. Chairman, we do have someone on WebEx  
301

302 Mr. Mackey - Ok. We're going to hold the person on WebEx and we're going  
303 to have the people in the audience speak first. If you could go to the lectern in the back,  
304 please, and state your name and address for the record hearing.  
305

306 Ms. Dodson - Hello, my name is Betty Dodson. My address is 203 Natchez  
307 Road.  
308

309 Mr. Mackey - I'm sorry, you said Ms. Dodson?  
310

311 Ms. Dodson - Dodson, D o d s o n. My home is on the corner of Natchez  
312 and Orams right where they plan on putting in the driveway from the complex and come  
313 across into thing. I really don't want the 85 homes cluttering up our quiet neighborhood.  
314 But that's not my main concern. It's the traffic on Orams Lane. They say that they would  
315 widen in front where they're going to put the complex but still the street coming in from  
316 Orams and Nine Mile is really dangerous and when you come in you still have to wait for  
317 a car to pull out before you can come in. There have been several accidents there and  
318 have some deaths there also. So that concerns me and we're where we are now, my  
319 mailbox has been taken down two or three times since I've been there. And it's just a



320 dangerous situation I feel with it being there. They could you know, build a complex but  
321 not let them come in on Orams lane. I wouldn't have a problem with it.

322

323 Mr. Mackey - All right. Thank you, Ms. Dodson.

324

325 Ms. Addison - My name is Karen Addison, I'm at 116 Orams Lane. I'm going  
326 to piggyback off Ms. Dodson. I have the same concerns. I am on the corner also of Orams  
327 and Natchez. I've lived there for 15 years. Traffic over there is so bad, and they speed up  
328 and down the street first of all. My mailbox was on the agriculture side of the street and  
329 for years they've knocked it down. So finally last year I just took it upon myself to move it  
330 across the street because I'm handicapped now. My trash can has been knocked down.  
331 I had to have a doctor's letter stating that the county move my trash pickup on Natchez  
332 and Orams. My side right there, she has the fire hydrant on her side on Natchez. I have  
333 the yield sign and a big tree on my on this corner there that you can barely see. I have to  
334 keep one of my bushes cut down so people can see to take the right. All night long they're  
335 flying up and down that street. It's narrow. It was my friend's son that got killed at the  
336 corner of Orams and Nine Mile. He was run over by a hit and run at night it was dark  
337 there. It's dangerous because on Pleasant Street, it's like a diagonal red light there. So  
338 you know you're coming out Orams but the red light is facing Nine Mile Road. I don't even  
339 sometimes have to come up that way because it's so dangerous that that turn I use  
340 Bayard. It's just the concern of putting that thruway right across. I know you're going to  
341 widen the street and everything, but I just don't see it, you know being safer than what it  
342 is now. Thank you.

343

344 Mr. Mackey - All right. Thank Ms. Addison. Do we have anyone else in the  
345 audience? Okay, we're ready to hear from the person on WebEx.

346

347 Ms. Drash - Perfect. I'm unmuting Kathy now.

348

349 Mr. Mackey - Thank you. Are you there?

350

351 Ms. Drash - I've sent the request to Kathy Theado. She just needs to  
352 accept the request.

353

354 Mr. Mackey - So, she doesn't want to speak?

355

356 Ms. Drash - She was on the queue but...

357

358 Mr. Emerson - She's not connecting, is that correct Ms. Drash?

359

360 Ms. Drash - Correct.

361

362 Mr. Mackey - Is there any way she can chat with her and see if she wants...

363

364 Ms. Theado - It's not the issue that I wanted to speak on.

365



366 Ms. Drash - Oh, here's Kathy, I believe is on now.  
 367  
 368 Mr. Mackey - Okay. Alright, thank you.  
 369  
 370 Mr. Emerson - Did I understand correctly that this is not the matter to which  
 371 she wishes to speak?  
 372  
 373 Ms. Drash - I sent the request to Kathy Theado. She just needs to accept  
 374 the request.  
 375  
 376 Mr. Mackey - She doesn't want to speak?  
 377  
 378 Ms. Theado - [inaudible]  
 379  
 380 Ms. Drash - Here's Kathy unmuted now.  
 381  
 382 Mr. Mackey - Okay.  
 383  
 384 Ms. Theado - That was not the issue that I was interested in speaking on.  
 385  
 386 Mr. Mackey - All right. Thank you. Okay, well, if there's no one else who  
 387 wants to speak then on that I'll close the public comment section of this case. Before I call  
 388 the applicant. Can I have Mr. Cejka come forward and speak on some of the calming  
 389 items that they're planning to do on Orams. Is it Orams and Natchez?  
 390  
 391 Mr. Cejka - Just Orams.  
 392  
 393 Mr. Mackey - Just Orams? Okay.  
 394  
 395 Mr. Cejka - Yes, sir. Good evening, Mr. Chairman.  
 396  
 397 Mr. Mackey - Good evening, sir.  
 398  
 399 Mr. Cejka - I'm John Cejka, the traffic engineer for Henrico County. We  
 400 recently just did a seven-day study on Orams Lane to measure the speeds, excuse me,  
 401 and the volume of traffic on Orams, and it ranges between three and 400 cars a day,  
 402 depending on where it is. We did three different locations. And the speeds did vary  
 403 between 27 and 32 miles an hour. So based on that, we will be installing some speed  
 404 cushions on the road. We currently have speed cushions on Westover Avenue planned,  
 405 which are going to be installed in the next month or two depending on the weather. So  
 406 that will take care of both parallel streets on either side of the neighborhood.  
 407  
 408 Mr. Mackey - Okay, and I know one of the issues was having access from  
 409 the new subdivision coming out right at Natchez. But I mean, that wouldn't really be a  
 410 speed issue.  
 411

412 Mr. Cejka - No, sir.  
 413  
 414 Mr. Mackey - This is just access.  
 415  
 416 Mr. Cejka - A neighborhood with up to 85 homes needs to have two points  
 417 of access.  
 418  
 419 Mr. Mackey - Absolutely. Okay, does anyone have a question?  
 420  
 421 Mr. Nelson - I have a question.  
 422  
 423 Mr. Mackey - Go ahead sir.  
 424  
 425 Mr. Nelson - So, road widening. Where is that taking place?  
 426  
 427 Mr. Cejka - The road widening will only take place along the parcel along  
 428 their property outlined in yellow. It won't go any further south than that.  
 429  
 430 Mr. Nelson - So, coming off of Nine Mile, it won't start until we see the  
 431 dotted yellow lines.  
 432  
 433 Mr. Cejka - Correct.  
 434  
 435 Mr. Nelson - So is Orams one lane?  
 436  
 437 Mr. Cejka - It's two lanes. It's a very thin road. But yes, it is. It's a two-lane  
 438 road and it is passable. But obviously, it's tighter than some normal residential streets.  
 439 So, the widening along that area will help in that particular area.  
 440  
 441 Mr. Mackey - Did anyone else on the Commission have any questions? Mr.  
 442 Cejka, thank you, sir.  
 443  
 444 Mr. Cejka - You're welcome.  
 445  
 446 Mr. Mackey - All right. Like to hear from the applicant.  
 447  
 448 Mr. Baker - Good evening, Mr. Chairman, members of the Commission,  
 449 Reverend Nelson. I'm Mark Baker with Baker Development Resources. I'm here on behalf  
 450 of Dorado Capital as a contract purchaser. So again, as staff explained this is a rezoning  
 451 of thirty acres A-1C to R-4C conceptually would approve 85 dwellings. Eastwood Homes  
 452 is the slated homebuilder. They're highly regarded, they're already active in the East End.  
 453 They're building in the Castleton community with a similar product. The Comp Plan  
 454 envisions a site of Suburban Residential. So that's the same designation as the  
 455 surrounding properties. And that means single family homes up to 3.4 homes per acre.  
 456 This request is consistent with that recommendation, we're actually proposing 2.8 homes  
 457 per acre. That's under that max, but it's consistent with the surrounding area. And so, the

request is intended to be consistent with county policy compatible with nearby development. We continued the case in January. It allowed time to meet with neighbors and work on proffers. That meeting took place on January 3. We've had some email communication. We've provided some additional information. Since that time, we have revised proffers and we've also walked the site with Mr. Mackey, along with Planning and Environmental Services staff so they could sort of get the lay of the land. So, we appreciate staff's guidance both before and after the continuance as we've worked towards appropriately proffering the case with the goal of providing high quality new homes that meet the expectations of new development in the county while also being compatible with the surrounding development and as staff notes the request does meet a number of goals and objectives related to housing in the plan and they're recommending approval. We did have that meeting on the 3<sup>rd</sup>, traffic was discussed at that point. Although admittedly, I didn't get a chance to meet Ms. Dodson or Ms. Addison. I was able to meet them before the meeting. And so, I do appreciate their concerns. Some of it has already been addressed I think to some extent, but I was just prepared to say that you know, the extent that the part traffic has been mentioned it's been existing condition on Orams. In terms of our layout or actual proffers internal to the property, we do have direct access to Nine Mile via the Ainsworth Lane to the south. We have multiple access points; four access points. In the case of Ainsworth that actually relieves pressure on Orams in Westover all together with that third outlet. Again, there's multiple access points, really filter trips if you will, to four locations. The project is self-contained, and so there's no direct access to Orams, which is the street that's been a concern, but Westover as well. So, no driveways are proposed there and that eliminates the potential for any vehicular conflict arising from the proposed development. Traffic calming devices are proposed as a part of the proffers on internal streets within the development. Sidewalks, curb and gutter will be provided throughout the development and ADA ramps provided at internal main road intersections. We talked about crosswalks and so those are all things that speak to pedestrian safety within the development. Externally if we talk about outside the development, sidewalks, curb and gutter; we talked about the 18-foot widening on Orams. But sidewalk curb and gutter are to be provided along Orams and Westover frontages where none currently exists. So that's a pedestrian improvement that does not exist, it's actually going to enhance safety in that corridor. And then finally, in addition to the proffered items, we did work with staff to provide information we're hearing it here tonight that there are the speed cushions, so traffic calming measures proposed for Westover and it sounds like the same will follow suit with Orams as well, which I think is a positive. You know, certainly the use and density are what's anticipated by the Comp Plan, other than the distinct concerns on Orams in Westover have been raised, we think the development, you know, it's certainly designed to address the impact of the density to the extent that it arises from this development. And I certainly appreciate your time tonight. And I look forward to answering any other questions you might have beyond that.

Mr. Mackey - Thank you, Mr. Baker. Does anyone on the Commission have any questions for the applicant?



501  
502 Mr. Shippee - I have one question Mr. Chairman. So, the road widening of  
503 Orams is going to take place roughly, from the top of the diagram down to just south of  
504 Natchez. The line of the property, right?  
505  
506 Mr. Baker - That's right, along the actual extent of the parcel in question.  
507  
508 Mr. Shippee - But wouldn't the traffic impact mostly be from Natchez south  
509 on Orams?  
510  
511 Mr. Baker - Yes, but we weren't able to control the right-of-way certainly  
512 for the case adjacent to our property. And that was something I was asked, we're certainly  
513 willing to do. And I would assume those parcels to the south as they're developed will  
514 follow suit and do the same. In the meantime, it is a two-lane road, albeit a smaller  
515 residential road. And again, we're offsetting it with a couple other access points as well,  
516 which I think in recognition of that, whereas if you currently live on Orams, you have one  
517 a way out. If you're living in this neighborhood, you're going to have multiple alternatives  
518 to exit the community.  
519  
520 Mr. Shippee - Thank you.  
521  
522 Mr. Mackey - Any other questions or comments? Mr. Baker, looking at the  
523 proffers and we appreciate the proffers that you have presented. In proffer 15, Hours of  
524 Construction, I noticed that you have Monday through Saturday from 7am to 7pm. Is it at  
525 all possible with the closeness of this development to the surrounding communities that  
526 you could maybe lessen those hours of construction on Saturday?  
527  
528 Mr. Baker - Sure. I'm trying to think about what the Commission has  
529 probably seen in the past. Would perhaps eight in the morning until five be better?  
530  
531 Mr. Mackey - Yes, that will be better.  
532  
533 Mr. Baker - We would be willing to agree to that.  
534  
535 Mr. Mackey - Okay. All right. I appreciate that.  
536  
537 Mr. Witte - I do have one question. Can you hear me now? It says that  
538 25% of the siding on the front elevations, 25% of the homes will be partially clad. Does  
539 that partially clad include the foundation because it doesn't specify.  
540  
541 Mr. Baker - That's in addition to the foundation 25%.  
542  
543 Mr. Witte - In addition to the foundation.  
544  
545 Mr. Baker - I'd say you have that requirement for the foundation and then  
546 you have the requirement for 25% of the dwellings have a partial masonry façade.

547  
548 Mr. Witte - But there's no minimum square footage just partial,  
549  
550 Mr. Baker - Well, 25% of the given facade.  
551  
552 Mr. Witte - I'm talking about not 25% of the front of the building.  
553  
554 Mr. Baker - It would be 25% of the front of the building excluding the  
555 foundation.  
556  
557 Mr. Witte - That's a minimum.  
558  
559 Mr. Baker - That's the minimum.  
560  
561 Mr. Witte - Okay, Thank you.  
562  
563 Mr. Mackey - Any other questions? comments? Thank you, sir. I do  
564 appreciate all the work that the staff along with the applicant has done. When we had a  
565 community meeting on the 3rd, a lot of issues, well, not a lot, but issues were raised about  
566 the traffic. Some issues were raised about some concerns with water runoff. And the  
567 applicant has done a good job with their plans on controlling the runoff and not adding  
568 anything to make that situation worse, it actually appears that that will enhance it, make  
569 it make it better than it was before if this development goes forward. I would like to say  
570 our condolences to Ms. Addison and your family and your friend's family. I'm sorry to hear  
571 about the passing of their son. I know the county does take safety at the utmost  
572 importance and try to do everything they can to make, you know, make these roads as  
573 safe as they can. I'm sorry to hear that. All right. I do think that this development will add  
574 to the community. I think it will be an asset, it's always good when we can bring good  
575 quality homes to the community. There is a shortage of housing and whenever we can  
576 do something to address that; I think that's helpful. So having said that, I move that we  
577 recommend approval of REZ2023-00041 Harsh Thakker, Dorado Capital LLC with the  
578 proffers dated January 25, 2024, and the change to Proffer 15 with the hours of  
579 construction that we recommend approval.  
580  
581 Mr. Witte - Second.  
582  
583 Mr. Mackey - Okay. I have a motion by me, a second by Mr. Witte. All in  
584 favor say aye.  
585  
586 Commission - Aye.  
587  
588 Mr. Mackey - Any opposed? Motion is carried.  
589  
590 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Witte, the  
591 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
592 **grant** the request because it would not be expected to adversely affect the pattern of

zoning and land use in the area and it conforms to the Suburban Residential 2 recommendation of the Land Use Plan.

Mr. Emerson - We now move on to the next item on your agenda which appears on page one. It is REZ-2023-100260, Jeffrey P Geiger for Maggie Walker Community Land Trust.

**REZ-2023-100260 Jeffrey P. Geiger for Maggie Walker Community Land Trust:** Request to conditionally rezone from B-1 Business District to B-1C Business District (Conditional) (2.84 acres) and R-6C General Residence District (Conditional) (3.85 acres) Parcel 828-723-0639 containing 6.69 acres located at the southeast intersection of N. Airport Drive (State Route 156) and E. Washington Street. The applicant proposes an early education facility, commercial uses, multifamily residential, and townhouses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Government. The site is located in the Airport Safety Overlay District.

The staff report will be presented by Mr. Seth Humphreys.

Mr. Humphreys - Thank you Mr. Chairman, members of the Commission. As stated, this proposed development would include three residential and commercial uses with primary access on E. Washington Street. The site is currently wooded with both evergreen and deciduous trees and generally slopes downward towards N. Airport Drive. Surrounding uses include a gas station, a small amount of retail and Henrico County Fire Station #3 to the north. The R-6C zoned property to the south is occupied by a medical facility. Vacant land across Airport Drive is zoned RTH. To the east is the Fair Oaks Terrace single-family neighborhood.

The proposed development would include three main uses with primary access on E. Washington Street. As shown on the proffered conceptual plan, a community center (seen here in orange) and an early childhood education school (in blue) would be located on the western portion of the site closest to N. Airport Drive. Adjacent to those uses would be two local charitable residential facilities (located here in a kind of brown) operated by the Children's Home Society of Virginia, otherwise known as CHS, and the Richmond YWCA. Uses for the commercial buildings would be limited to daycare, educational, office, recreational, and civic uses to support the operations of these two organizations and their residential facility.

The applicant also proposes residential townhomes in the eastern portion of the site and adjacent to the Fair Oaks Terrace single-family development. The orientation of the townhomes would place their rear and side yards along with a buffer abutting the single-family development. The shared parking would be located to the west adjacent to the other uses in the development. The conceptual plan also shows a secondary access connecting to the property to the south, but the use of it would be contingent upon a cross-access agreement which is usually obtained during the plan of development phase.



639 The applicant has submitted revised proffers dated February 13, 2024. They have been  
640 handed out to you this evening and would not require a waiver of time limits.  
641

642 The submitted proffers address use limitations, dedication of land for a potential bus stop  
643 along N. Airport Drive, construction requirements for private roads, stormwater, and  
644 construction hours. The proffers also address building materials and these renderings  
645 which are being shown to you now. The proffers are broken up into two land bays: the  
646 YWCA/CHS Land Bay which is this in the front and one for the Maggie Walker Land Trust  
647 Land Bay to the townhomes in the rear. The submitted renderings are intended to show  
648 the building style for the overall development even though they do not show townhouses.  
649 Townhouses would be consistent with the submitted elevations. The proffers for the  
650 proposed townhomes in the MWLT Land Bay further address foundation material and  
651 plantings, internal sidewalks, and cantilevering. There would be no more than 22  
652 townhomes, and no more than eight being in a single row.  
653

654 The revised proffers also address concerns highlighted in the staff report in regards to  
655 landscaping and shared maintenance of the property. Staff notes external sidewalks will  
656 be required at the Plan of Development stage. Because Henrico County previously owned  
657 the property, the site's future land use recommendation is for Government uses. Even  
658 though the property would be operated by private organizations, the community and non-  
659 profit uses would be generally consistent with the Government recommendation. The  
660 proposed owner-occupied townhomes would be an acceptable transitional use to the  
661 single-family neighborhood to the east. The applicant has addressed the concerns raised  
662 in the staff report through the revised proffers. For these reasons staff can recommend  
663 approval of this request. This concludes my presentation and I would be happy to answer  
664 any questions.  
665

666 Mr. Mackey - Thank you, sir. Does anyone have any questions? Was there?  
667 Alright, is there anyone in the audience or anyone on WebEx who would like to speak to  
668 the case?  
669

670 Ms. Drash - Mr. Chairman, there is one person on WebEx.  
671

672 Mr. Mackey - Okay hold on. I think we have someone in the audience. Okay,  
673 we'll hold the person on WebEx. We have someone in the audience. A couple of people  
674 in the audience. You can go ahead.  
675

676 Ms. Rochon - Hi, I'm Deborah Rochon, R o c h o n, 206 Hodder Lane,  
677 Henrico Virginia 23075. I live on Hodder Lane behind the property, not directly behind but  
678 further up the road. My concern, I know land has to will be developed. But my main  
679 concern is why so much is put in that space. I live close, I turn the corner, I see it. And if  
680 I really had what I want it wouldn't be developed. But I would like to see either half of the  
681 development not taking place. You know, the townhomes. I'm not certain about the charity  
682 apartments. I don't know enough about that. But that was my main concern is that I really  
683 feel like you all are putting too much in a small space. Thank you very much.  
684

685 Mr. Webb - Good evening, my name is Melvin Webb. I also live on Hodder  
686 Lane, at 208 Hodder Lane. My concern sort of piggybacks on hers. The traffic coming out  
687 at the intersection of Airport Drive and East Washington Street. We have a bus stop right  
688 at the corner of Hodder and Washington Street, where school kids get on the bus there.  
689 And it seemed like it would just be too much traffic for maybe the school and whatever.  
690 The townhomes is my biggest concern, you know that the neighborhood is an older  
691 subdivision where me myself, older people live, it's a quiet subdivision. You bring in  
692 townhomes. And I'm not saying it's going to be a problem with the people. But it would, it  
693 would seem to change the neighborhood, the dynamic of the neighborhood, especially  
694 on that corner. I mean, you said you got the fire station across the street, and the traffic  
695 coming out would really be tremendous. And that's my biggest concern.

696  
697 Mr. Mackey - Okay. Thank you, Mr. Webb. Is there anyone else in the  
698 audience that would like to comment? All right, we'll hear from the person on WebEx.

699  
700 Ms. Drash - Perfect. I am sending a request to Sherry Scott now.

701  
702 Ms. Scott - I'm Sherry Scott. I'm at 320 Hodder Lane. I'm also in Highland  
703 Springs. I also agree with the two previous speakers. That corner is very busy. I'm not  
704 sure why they picked that corner to build the townhomes. It's a lot to put in that one little  
705 section. Like the gentleman just said it's a bus stop there for kids. That corner is busy with  
706 people going to FasMart. Also, the intersection is busy because of people going to the  
707 airport. It's very busy in that area and to put all of that and have them coming out on  
708 Washington Street is; it's too much. And like the lady said, I'm not sure why they're trying  
709 to put so much in that one little pocket of land, right there at that corner. There's no bus  
710 stop for adults there to go anywhere. So, it's almost like for you to put a townhome  
711 development there, a daycare. There's no bus stop; there's nothing. It just seems like too  
712 much for that area. And that's my concern also. Thank you.

713  
714 Mr. Mackey - Thank you. Is there anyone else on WebEx?

715  
716 Ms. Drash - No, not for this case.

717  
718 Mr. Mackey - Ok. That will close the public comment section. I'd like to ask  
719 Mr. Cejka, if you would mind coming forward just to speak to the traffic at that corner.

720  
721 Mr. Cejka - Good evening again, Mr. Chairman, members of the  
722 Commission. The traffic generated by the townhouses would be roughly 150 vehicles per  
723 day. I don't know. I don't want to make a guess on the amount of traffic for the other  
724 buildings. I don't know what's going to be put in there. I don't want to speculate. The  
725 intersection at Airport and East Washington Street is maintained by VDOT. They'll be  
726 consulted when the POD comes in to see if they need to adjust any signal timings or so  
727 forth to assist with the traffic.

728  
729 Mr. Mackey - Okay.

730

731 Mr. Cejka - I would not imagine, I don't know where the bus stop is. I don't  
732 know if they're talking over at this intersection. Or further down East Washington.  
733

734 Mr. Mackey - We'll have the applicant specify.  
735

736 Mr. Cejka - I don't imagine a lot of the vehicles from that area going in and  
737 out of the subdivision.  
738

739 Mr. Mackey - All right. Anybody have any questions?  
740

741 Mr. Shippee - One question. Is the only entrance on East Washington, to  
742 this development? Is that the...  
743

744 Mr. Cejka - Currently, this is the only entrance, but we've asked them to  
745 do a cross access agreement to the parcel to the south.  
746

747 Mr. Shippee - And the townhome people would have to drive between...  
748

749 Mr. Cejka - They'd be driving through here, so they could drive from both  
750 sides if they both exist.  
751

752 Mr. Shippee - Thanks.  
753

754 Mr. Mackey - Anybody else? Thank you, sir. Can we hear from the  
755 applicant? Could you at some point address the possibility of that second access and  
756 location of the bus stop.  
757

758 Mr. Geiger - Mr. Chairman, I'd be glad to. My name is Jeff Geiger, here on  
759 behalf of the applicant. Appreciate Mr. Humphreys' summary of the request before you.  
760 As he noted, I'm here before you on behalf of the Maggie Walker Land Trust, the YWCA  
761 and CHS. We've worked hard to come up with an appropriate layout for this site that  
762 meets the goals of the applicant in providing needed housing and services within Henrico  
763 County. I'd like to note and to provide some explanation on each of the types of uses that  
764 are shown. As Mr. Humphreys noted, the building in blue will be a pre-kindergarten school  
765 open to the public. We believe it will be an amenity for the area and a benefit. The building  
766 in orange, just for a little clarification, it will be our social gathering area. It will be our it'll  
767 have our gym; it'll have other offices where services can be provided. It will not be a very  
768 intensely used building, but it does provide the space that are needed by the residents  
769 and the two buildings in the middle. Each building in the middle will have about 20 units  
770 total and will be used by the clients of each of the organizations. The townhouses will be  
771 traditional for-sale townhouses. We will be working with Henrico County, who does own  
772 the property to the south to get access to that drive aisle. We will use that as our second  
773 entrance into the community, and also provide another avenue for people visiting this  
774 property, people living in this property to gain access to Airport Drive. Proffers include an  
775 obligation to give land along airport drive for a bus stop. We would like and would like to  
776 continue to have conversations with GRTC and Henrico County to bring transit on Airport



777 Drive in the future. We believe our residents will really benefit from that service. We  
778 appreciate the guidance and input that staff provided. We have worked to increase  
779 plantings along Airport Drive and to enhance the transition from the townhouses to the  
780 existing single-family homes. We had two community meetings with neighbors. We  
781 received a lot of valuable input that was incorporated into the design you see before you.  
782 This is not the original design, but their input was important in arriving at what you see. I  
783 think with that I've covered the main comments that were made. I appreciate staff's input  
784 and guidance as these three organizations have gone along the way to arrive in an  
785 appropriate layout for this property and would ask that the Commission recommend  
786 approval to the Board of Supervisors of the rezoning request that's before you. I'd be  
787 happy to answer any questions that the Commission may have.

788  
789 Mr. Mackey - Thank you, Mr. Geiger. Do any of my colleagues have any  
790 questions for Mr. Geiger?

791  
792 Mr. Witte - I have one.

793  
794 Mr. Mackey - Go ahead, sir.

795  
796 Mr. Witte - Mr. Geiger, it sounds to me like you're attempting to have a  
797 second means of ingress and egress but you didn't commit to it as it will be done.

798  
799 Mr. Geiger - It will be.

800  
801 Mr. Witte - Okay, so you said you were working with the county to do it.  
802 But you're definitely making the commitment to have a second means of ingress and  
803 egress.

804  
805 Mr. Geiger - Yes, sir.

806  
807 Mr. Witte - Okay, thank you.

808  
809 Mr. Geiger - We can clarify that between now and the Board.

810  
811 Mr. Mackey - I think that'd be appropriate.

812  
813 Mr. Nelson - Yes, sir.

814  
815 Mr. Mackey - Okay, thank you, Mr. Witte. The public comment section is  
816 closed, ma'am. We can't have any more conversation. Ma'am, we, we, we, can't have...  
817 All right, thank you. Thank you, sir. Any comments, questions?

818  
819 Mr. Nelson - I do have a question. Let's answer this young lady's question.  
820 When, Seth, when were the community meetings held? I know I attended one.

821  
822 Mr. Mackey - I attended the second one.

823  
824 Mr. Nelson - So I know there were a couple.  
825  
826 Unknown speaker - (inaudible)  
827  
828 Mr. Nelson - Well, generally we don't talk back and forth. But Geiger can  
829 answer you. He's right there. We don't usually, unfortunately, we don't talk back and  
830 forward with the people in the crowd like this.  
831  
832 Unknown speaker - I apologize.  
833  
834 Mr. Nelson - Yeah, yeah, no problem. But he's right there. He can answer  
835 your questions right there.  
836  
837 Mr. Mackey - Mr. Geiger is going to answer the question.  
838  
839 Mr. Humphreys - The second one was...I don't have that date on me. Jeff, did  
840 you have the second date? The second one was just recently, it was like, three weeks  
841 ago.  
842  
843 Mr. Mackey - I can't remember. I was there. I can't remember the actual  
844 date.  
845  
846 Mr. Humphreys - The first one was back last year.  
847  
848 Mr. Mackey - Yes. Okay. All right. Thank you.  
849  
850 Mr. Emerson - Mr. Chairman, I think it's worthwhile to note that these are  
851 community meeting sponsored by the developer. And the notifications are sent by the  
852 developer to the adjacent property owners. So, we don't, there's no obligation, our  
853 requirement that those be advertised because they are private meetings. Again,  
854 sponsored by the developer and the developer is responsible for reaching out and  
855 notifying the surrounding public.  
856  
857 Mr. Mackey - Thank you for that clarification, Mr. Secretary. Alright. I do  
858 think that this development, if it is approved by the Board of Supervisors, will be a good  
859 development for the community. The YMCA, the YWCA does a lot for battered women  
860 and children. It's a nonprofit that has, over the years has really done some remarkable  
861 things for the community. I don't think that traffic will be a huge issue. With this small  
862 amount of townhomes and the 40 additional residents in the two buildings. I'm glad that  
863 Mr. Geiger was able to clarify that they will be making sure that the second egress, ingress  
864 and egress will happen to open this up working with the county and for those reasons. I  
865 recommend approval of REZ-2023-100260, Maggie Walker Community Land Trust with  
866 the proffers dated January 31, 2024.  
867

868 Mr. Humphreys - Mr. Mackey, the proffers are actually dated February 13th.  
869 They had revised the date at the bottom of the draft was January 31 from Mr. Geiger but  
870 the signed version...

871  
872 Mr. Mackey - I was reading my motions but you said they were dated what  
873 date?

874  
875 Mr. Humphreys - February 13.

876  
877 Mr. Mackey - Thank you. Alright, I'll redo my motion. I move that we  
878 recommend approval of REZ-2023-100260, Maggie Walker Community Land Trust with  
879 the proffers dated February 13, 2024.

880  
881 Mr. Dandridge - Second.

882  
883 Mr. Mackey - We have a motion by Mr. Mackey, a second by Mr. Dandridge.  
884 All in favor say aye.

885  
886 Commission - Aye.

887  
888 Mr. Mackey - Any opposed? Motion is granted.

889  
890 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr.  
891 Dandridge, the Planning Commission voted 5-0 (one abstention) to recommend the Board  
892 of Supervisors grant the request because it conforms to the objectives and intent of the  
893 County's Comprehensive Plan and the proffered conditions will provide appropriate  
894 quality assurances not otherwise available.

895  
896 Mr. Emerson - Mr. Chairman, moving on to Page 2. We now will review  
897 PUP2023-00003 William Shewmake for Diamond Communications LLC.

898  
899 **PUP2023-00003 William Shewmake for Diamond Communications, LLC:** Request  
900 for a Provisional Use Permit under Sections 24-4205 and 24-4314.F of Chapter 24 of the  
901 County Code to allow a 155' telecommunication tower on part of Parcel 748-741-1823  
902 located at the southwest intersection of Patterson Avenue (State Route 6) and Maybeury  
903 Drive. The existing zoning is R-2A One-Family Residence District. The 2026  
904 Comprehensive Plan recommends Semi-Public.

905  
906 The staff report will be presented by Mr. Livingston Lewis.

907  
908 Mr. Mackey - Good evening Mr. Lewis.

909  
910 Mr. Lewis - Good evening, Mr. Chairman, members of the Commission.  
911 The applicant is requesting approval of a Provisional Use Permit to construct a 155-foot-  
912 tall cell tower and related equipment adjacent to Welborne United Methodist Church at  
913 920 Maybeury Drive. In addition to the church building and parking lot, the subject site



also includes a playground for the preschool on site. Surrounding uses include the Westmoor single-family neighborhood to the west and south, and Maybeury Elementary School across Maybeury Drive to the east. The Hampton Manor retirement community is planned for the vacant property north of the elementary school, and other single-family neighborhoods are located farther north across Patterson.

As illustrated on this site layout, the applicant wishes to clear part of the wooded area adjacent to the southwest corner of the church parking lot for a 2,592 square foot lease area to accommodate the tower and related ground equipment. Shown here, the monopole is proposed to be painted brown and fitted with artificial branch attachments so the structure would resemble a pine tree, known in the wireless industry as a "monopine" tower. T-Mobile and Dish would be the initial tenants, with antennas at 145' and 135' respectively. The applicant has stated Verizon Wireless and AT&T are also interested in co-locating at lower spots on the tower. The lease area would be surrounded by an 8' tall wooden fence and a row of evergreen trees, and access to the compound would be via a gate opening to the church parking lot.

The subject parcel is designated Semi-Public on the 2026 Future Land Use Map based on its use as a place of worship. While Semi-Public properties can be compatible with wireless infrastructure in the right circumstances, the 2026 Comprehensive Plan expresses a clear preference for avoiding areas zoned or planned for residential use when constructing a new cell tower. A total of nine single-family properties are adjacent to or directly across the street from the proposed structure, placing some as little as 110 feet from the tower's ground lease area. Staff believes this amount of horizontal separation from the adjacent neighborhood is not adequate based on the 2026 Plan's standard to "minimize visual obtrusion" in sensitive areas. In fact, under the 2026 Plan, this would be the closest tower placement next to pre-existing single-family residential anywhere in the county.

The applicant held community meetings on August 15, 2022 and March 15, 2023 to discuss details of the request with area residents and property owners. During those meetings and through numerous emails, citizens have expressed satisfaction with their existing wireless services and have raised a variety of concerns about the request, including: the introduction of industrial-style land use in a residential area, visual intrusion on the neighborhood, the existence of less impactful site options in the area, and the potential to explore different design alternatives. A citizen petition with 176 signatures in opposition to the request has also been submitted. To date, staff has received emails from 5 households expressing support for the request. On this map before you, the addresses of citizens opposed are represented by the black squares, and those in support are the green squares. At the Commission's November 2023 hearing, the request was deferred for three months, and the applicant has since scheduled a third community meeting for February 27th. However, the request remains as it was originally filed over a year ago and as it was presented at both previous community meetings.

Based on the overall sensitivity of the proposed site and in response to citizen concerns, the applicant has been encouraged throughout the process to identify and evaluate

alternative locations within their 1-mile search ring. Information provided by the applicant indicates they have approached other property owners, but none have been interested in leasing space to co-locate antennas or accommodate a new tower. The applicant also evaluated the possibility of moving the tower to the north side of the church parcel, but the church determined that would place the structure too close to their memorial garden.

Staff recognizes the limited amount of wireless infrastructure in the area, the applicant's efforts to evaluate other sites, and the reasons why the subject property would be ideal from the perspective of a tower owner and wireless provider, but the industrial character of the proposed use would be incompatible with its immediate surroundings, particularly given the minimal horizontal separation. Based on these considerations and the presence of other more suitable tower sites in the area, staff recommends this request be denied based on the goals, objectives, and policies of the 2026 Plan as listed in the staff report. This concludes my presentation. I am happy to answer any questions.

Mr. Mackey - Thank you Mr. Lewis. Any questions for staff? Do we have anyone in the audience or anyone on WebEx who would like to speak, either in favor or in opposition to this case?

Ms. Drash - Mr. Chairman, there is no one on WebEx for this case.

Mr. Mackey - We have some people in the audience. Sir, if you don't mind, state your name and your address for the record.

Mr. Joslin - Absolutely. My name is Douglas Joslin, I live at 907 Penola Drive. Given this hearing was going to be deferred, at least we got a letter stating there was an intent to defer. Many of the people didn't come because it's been deferred three times, and it was allowed. So, in reality, I'm kind of speaking for the 176 people that signed that document, because those people haven't changed their mind. My objections and those of the community have been made for this PUP with Henrico County leadership over the past 18 months. They focus on what Mr. Livingston has just alluded to and talked about - proximity to residential homes, inadequate concealment. It is a monopine. But you have to understand that 2200 square feet of woods would be chopped down to put this in. And the woods that protect or would hide things are what they call loblolly pines. They run about 110 feet tall. Four or five of those will come down and the tower must sit above the tree line; 5G does not like trees. It doesn't like a lot of things. So, these, this, this top, whole portion will be visible. Now there were pictures taken. They were taken in August, floated a balloon, photoshopped and I believe one was sent in with the application. The community in the second meeting kind of objected to doing this just in the summertime, because there's not a lot of woods here to hide this. So, we asked them to repeat it when there's no leaves in March, which they did. They were not put into your report. I have many pictures, and I will tell you they look significantly different than the one that was submitted to the county. One of the things I would like to kind of close with in case somebody else wants to say something, there are home values. You can find things on the internet to say it'll go up, it'll go down. But typically, I see anywhere from 9%-15%



1005 impact on homes. But you can argue that point. What I think is most important here for  
1006 the county in this meeting is the point about the Comprehensive 2026 Plan. Mr. Lewis  
1007 mentioned a little bit about it, and I'd like to read a few things that are in that plan that I  
1008 think kind of align with what the staff report is saying. In Chapter 11 of the Plan, it says,  
1009 "Discourage towers in areas zoned or planned for residential use." These are quotes out  
1010 of the Plan. The second one I'll read is, "The order of preference for land use categories  
1011 when considering a new site is industrial, commercial, or agricultural not utilized for  
1012 residential purposes." Third item is, "The use and character of public properties and  
1013 adjacent properties is not adversely affected." Chapter 4 are the Vision, Goals, and  
1014 Objectives, and Item 24 states, "Ensure telecommunication providers implement any  
1015 reasonable available technology that may reduce the number or heights of towers." There  
1016 are technologies called distributed antenna systems, you might be familiar with them.  
1017 They're 50' poles, they link communities, that have been used in our neighborhood.  
1018 Grayson Hill has one, it solved their problems. There are also low-level satellites that are  
1019 now being launched in terms of constellations all over the globe, including the US that will  
1020 now begin to assist initially in places where there's not good cell service but it can be used  
1021 anywhere. So, there are some alternatives we could use. Now some of these, the low-  
1022 level satellites are being developed, our technology is moving very, very fast. The last  
1023 thing I will read about is in Goal 8, it says, "To maintain and preserve residential character  
1024 throughout the county and its neighborhoods to promote the creation of an attractive  
1025 community." I don't think a 155-foot tower sitting in the middle of a 65-year-old residential  
1026 creates that. So, in conclusion, I would say that Mr. Lewis's statement says it about as  
1027 succinctly as I could say it. This property would not be suitable for the location of a cell  
1028 tower. I respectfully ask this be denied.

1029  
1030 Mr. Mackey - Thank you, sir. Is there anyone else that would like to speak?  
1031 How would you like to proceed Mr. Winterhoff? Hear from the applicant?

1032  
1033 Mr. Winterhoff - Yes.

1034  
1035 Mr. Mackey - Okay. We'll hear from the applicant now.

1036  
1037 Mr. Shewmake - Thank you, Mr. Chairman, members of the Commission.  
1038 Again, I'm William Shewmake, representing the applicant in this case. And what you have  
1039 here tonight is a policy decision. We've worked 18 months. You have a search ring, and  
1040 it is very apparent as I'll show you, but people that live out there will know, especially if  
1041 you're north of Patterson, it's basically a wireless cell phone desert. That's why we have  
1042 three committed carriers and expect a fourth that would sign up on this, including Verizon,  
1043 which has tried to do some spots with 50-foot towers throughout the neighborhood, but  
1044 they don't do the job. And so, right now, more than half of the homes have given up their  
1045 landlines. I think last time I saw for example, in Chesterfield County 85% of 911 calls  
1046 come on a cell phone. If you have a time of emergency, you need the cell phone. And  
1047 there's just an absolute lack of cell coverage for a lot of these folks. This could have an  
1048 impact on 10,000 homes, up to 23,000 people. That shows you the breadth of the  
1049 problem. I mean, it's been a recognized problem for a long time. And so, the issue is when



you're in an existing neighborhood like that, you can't find a perfect space. And this is the best spot that we could come... There were three, three properties that could potentially be used that was big enough to provide the woods that you could try to obscure it and be away from neighbors, and that was this site, Collegiate, Derbyshire Baptist Church. I think the YMCA, we tried diligently and were not successful. This is the only one. So, the question is should these people have this kind of coverage? To give you, Mr. Livingston, if you could do my slide for me, please.

Mr. Lewis - This one here?

Mr. Shewmake - Yeah, I think that's the one. I think maybe that will get me up. This is showing the location for you. If you go to the next one. Next slide, please. That shows you in terms of where we would be, and the woods that are around it. This is called a prop map. This is for example, T Mobile. If you're very, very light that means you have very bad coverage, the dark means you've got good coverage. If you, and there's basically no tower within a mile of this area; that's why you have this gaping hole. But if you put this tower on the Welborne site, if you let the next slide, please, you can see the dramatic difference it makes in terms of the coverage that it provides. And that's going to be true for each and every carrier that's on here, including Verizon. If you go to the next slide, we have an example for Dish. So, you see on the left, that they basically have no coverage. And then on the right when they co-locate on this tower, they have substantial coverage in that area. You go to the next slide, please. This is the letter from Verizon indicating they want to be on this tower. Next slide. This is the search ring that we went through. And as I said, there were if you look at it, you've got a lot of homes in very close proximity. How do you serve them if they're going to get this vital utility? There were, it seemed to us, only four locations; we diligently pursued them and Wellborn is the one and they couldn't be here tonight. But, I expect they will come out at the next hearing. But this is desperately important for them and their mission. And this will provide very vital resources for them to provide their mission and function as a church, and they wanted me to emphasize that tonight. Next slide, please. This is showing that the search ring where the existing towers are, and you see there, there's basically nothing here in terms of the towers for the 5G. And it's going to get worse over time. I mean, what happens is as more and more people use their phones, for everything, it takes up the capacity and it will further degrade the current coverage. It's like a, take a road, if you have a two-lane road and you have a few cars, that works. You go up to Northern Virginia, you'd be in a traffic jam for six hours. That's what the future is facing if we don't solve this problem. Next slide. Keep going, keep going. That was covered. And this is showing, what we did was in working, when we got an objection that we were showing it in the spring, we want the winter, we waited months and took second photo sims where you do a big balloon, and then you hire a company to put on and recreate what the cell tower would look like. We went over 44 sites; we went all over the neighborhood. And fortunately, in this neighborhood, you have a tremendous number of evergreens. And this is going to be as well hid as you can be and be serving a residential community. So, if you'll go to a couple of slides, Livingston. This is a site of what it would look as a cell tower right next to the property. And depending

1094 on where you are, you can, you can step over 20 feet and not see it. This is obviously,  
1095 we tried to pick the most prominent spot. Next slide. But this will show you in the upper  
1096 corner, this is at 155 feet. We want to get four carriers. And so, there are a lot of  
1097 evergreens in this whole neighborhood. So, as you can see on that location, you can  
1098 barely see, you can barely see the tower. If you go to the, and I think that's at Maybeury  
1099 across from Westmore Drive. The next slide. So, this is probably the most prominent spot  
1100 that we could find in the neighborhood. And this is at Westmore Drive or Westmore Circle.  
1101 But these things blend in. And this is one of those sites that we think the monopine works  
1102 very well. Next, next slide. This is right on the property. Next slide. And this is in the  
1103 neighborhood. So, we went through, there are a lot of places you couldn't see it, but we  
1104 took photos wherever you could. And this is a photo sim. And once it's there, people aren't  
1105 going to realize it's there. I mean, they blend into the background. Next slide. This is  
1106 across Patterson; this is the only place that you could theoretically see it and you can't  
1107 see it. Basically, north of Patterson you can't see this tower at all. Next slide. And this is  
1108 one of the 50-foot ones that carriers can put as a matter of right along in the highway, the  
1109 right-of-way highway. They don't function as well. That's why they're not used as much.  
1110 Verizon is trying to fill the gap, but it doesn't, it's not working as well. That's why they've  
1111 committed to this tower. So in conclusion, I'd be glad to answer any questions. It really is  
1112 a policy decision. I mean, this isn't that there's a great site, and we could go to somewhere  
1113 else and provide this coverage. There isn't. This is it. And the question is quite frankly,  
1114 ideally, when you have an existing neighborhood, how are you going to serve them? I  
1115 mean, it's a utility. It's a safety issue to have good coverage. And this is the solution that  
1116 can provide substantial coverage. And if we don't have it here, the people don't have it.  
1117 And it's only going to get worse. And so that is the decision you've got to make. I mean,  
1118 fire stations, for example, will have an impact on neighbors, but we build them because  
1119 we need them. So, the question is, how important, how important is having these wireless  
1120 communications in terms of public safety and health and welfare? I would note that I used  
1121 to be on a Planning Commission, and I appreciate the petition. One reason why I wanted  
1122 to have the community meeting is that you're not going to have that kind of opposition.  
1123 We think people want them. And my experience with petitions is people, someone will  
1124 knock on the door doesn't like something, you get a lot of signatures. The issue is who's  
1125 written, who's communicated with you, who comes to the meetings? One of the things we  
1126 thought that a community meeting would demonstrate is you don't have 170-some people  
1127 objecting. That's why we're very comfortable with that. That's why when we did the  
1128 community meeting, I sent out over two, I think over 200 notices to the entire surrounding  
1129 areas, because I wanted to give a very accurate picture of how people feel. And will we  
1130 have five or 10 people, yes, you'll have that on any zoning case. But this can impact the  
1131 quality of life for 20-some thousand people. And so, I would urge you to recommend  
1132 approval, because the question is, if we don't do it here, where do you do it to serve this  
1133 community? There is a reason why there is a desert. There isn't some perfect place. And  
1134 this place is situated to serve the community, and it has substantial evergreens around it,  
1135 and if you drive through, and I've got 44 photo sims, it has a minimal impact. It conceals  
1136 itself pretty well given the nature of the trees throughout that neighborhood. So, I thank



1137 you for your time. I appreciate working with staff. I appreciate working with the Planning  
1138 Commissioner, Mr. Winterhoff. I'll be glad to answer the questions but I would ask that  
1139 you recommend approval so we can provide this service that will benefit not only the  
1140 church and its mission, but the entire community out there, because there's a gaping hole,  
1141 and there isn't a cell tower within a mile of this place. And you need to have that. Thank  
1142 you very much.

1143  
1144 Mr. Mackey - Questions for Mr. Shewmake?

1145  
1146 Mr. Winterhoff - Thank you, Mr. Shewmake, and also Mr. Joslin, and many  
1147 others who have taken part in this over the last 18 months. This has not been a short  
1148 endeavor. And so, I thank everyone for their patience. And I do thank you, Mr. Lewis, and  
1149 the staff for all the hard work on this. This is not an easy decision, to your point, especially  
1150 for someone relatively new to the Planning Commission. But I thank everyone, I think, for  
1151 providing the input and for the time that we're able to spend and to hear I think a little bit  
1152 more about this. But we do need to make a choice. And I think that's why we wanted to  
1153 bring this in front of the Planning Commission tonight to help us provide us a chance to  
1154 be able to move forward. So, at this time, Mr. Chairman, I move that PUP2023-00003,  
1155 Diamond Communications LLC, be recommended for denial because the request is not  
1156 consistent with the purposes, goals and policies of the county's 2026 Comprehensive  
1157 Plan, the industrial character of the proposed tower and its ground equipment would not  
1158 be compatible with either the immediately surrounding single family homes or the  
1159 preschool play area already existing on the subject property, and the tower would impose  
1160 significant visual impacts on the neighborhood because of its height and proximity.

1161  
1162 Mr. Shippee - Second.

1163  
1164 Mr. Mackey - All right, we have a motion by Mr. Winterhoff for denial, a  
1165 second by Mr. Shippee. All in favor of the denial say aye.

1166  
1167 Commission - Aye.

1168  
1169 Mr. Mackey - Any opposed? Alright, motion granted.

1170  
1171 Mr. Emerson - Mr. Chairman We now move on to Page 3 of your agenda for  
1172 SIA2023-00005 Tuckahoe Creek Park. This is the Lakewood Manor section. The earlier  
1173 section, the Farm Bureau section, has been withdrawn.

1174  
1175 **SIA2023-00005 Tuckahoe Creek Park (Lakewood Manor):** The Department of  
1176 Planning has received a request from the Division of Recreation and Parks to initiate a  
1177 Substantially In Accord review of a proposed site for government use as a boardwalk as  
1178 part of Tuckahoe Creek Park Trail. The site runs through parts of three parcels, 734-744-  
1179 4554, 733-745-8147, and 732-744-7564 and is located southwest of Quietwood Court  
1180 and south of the Lakewood Manor Retirement Facility. The existing zoning is A-1  
1181 Agricultural District and C-1 Conservation District. The 2026 Comprehensive Plan  
1182 recommends Environmental Protection Area.



1183  
1184 The staff report will be presented by Ms. Ali Hartwick.  
1185

1186 Ms. Hartwick - Thank you, Mr. Chairman and members of the Commission.  
1187 This Substantially in Accord request was submitted by the Henrico County Division of  
1188 Recreation and Parks to determine whether the proposed site for use as a boardwalk for  
1189 the Tuckahoe Creek Park Trail is substantially in accord with the 2026 Comprehensive  
1190 Plan. The request under consideration this evening is to determine if the proposed use is  
1191 substantially in accord with the Comprehensive Plan. Should the Planning Commission  
1192 find the proposed use to be substantially in accord with the Comprehensive Plan  
1193 additional reviews, approvals and public meetings would be required. This request was  
1194 deferred by the Planning Commission at their January 11, 2024, public hearing due to  
1195 citizen concerns related to floodplain impacts and project design. While no changes have  
1196 been made to the staff report presented last month, representatives from the Department  
1197 of Public Works and the Department of Recreation and Parks are present to address  
1198 questions raised by the community in January. This concludes my presentation, and I  
1199 would be happy to answer any questions.  
1200

1201 Mr. Mackey - Any questions for Ms. Hartwick?  
1202

1203 Mr. Winterhoff - I think one if you would entertain me, again being someone  
1204 new, this idea of Substantially in Accord. It was explained to me a little bit before, but I  
1205 thought was very helpful. I know you just covered it but maybe just to reinforce this is not  
1206 approving construction at this time, correct?  
1207

1208 Ms. Hartwick - No, sir. This is just to make sure it is in accordance with the  
1209 Comprehensive Plan.  
1210

1211 Mr. Winterhoff - Okay, thank you.  
1212

1213 Mr. Mackey - Do we have anyone in the audience or on WebEx who would  
1214 like to speak to this? All right, if you would start lining up in the back.  
1215

1216 Ms. Drash - Mr. Chairman, we have two on WebEx who would like to  
1217 speak.  
1218

1219 Mr. Mackey - Okay. All right, we have, it looks like six or seven people,  
1220 eight, nine, maybe 10 people. So, they'll be on hold for a bit. Yeah, I'm going to get the  
1221 Secretary to go over the rules for the public hearing one more time, please.  
1222

1223 Mr. Emerson - Yes, sir. Mr. Chairman, as you'll recall, at the beginning of the  
1224 meeting, I did go over the guidelines that the Commission has in regard to their public  
1225 hearings. But in this case, the applicant is of course the county. But the applicant is  
1226 allowed 10 minutes to present the request. The opposition is allowed an accumulative 10  
1227 minutes to present its concerns. Again, that means everyone that wishes to speak needs  
1228 to be included in the overall 10-minute allowance. Commission questions do not count

1229 into those time limits. The Commission may waive time limits at its discretion. Comments  
1230 must be directly related to the case under consideration. We request the commentators  
1231 provide their name and address prior to speaking for the record. We do keep verbatim  
1232 minutes and one thing that is helpful possibly to remember in order to stay within that 10-  
1233 minute timeframe and be respectful of everyone's time is to try not to be repetitive. If the  
1234 individual who spoke before you said essentially the same thing just say I agree with  
1235 those comments and would like to reinforce them from my perspective and that helps  
1236 conserve time and allow everyone to speak.

1237  
1238 Mr. Mackey - Okay, thank you, sir. Okay, you may start. Will you please  
1239 state your name and your address for the record.

1240  
1241 Mr. Hollomon - My name is Chris Hollomon. I live at 1720 Quietwood Court  
1242 just in the top right-hand corner of that image right there. My backyard goes into the woods  
1243 as a tributary that goes into this particular area. I'm a Scoutmaster, two troops and a pack,  
1244 an avid kayaker and an avid hiker. I would appreciate it and I'm actually in favor of the  
1245 Tuckahoe Creek Park and the expansion of it. I'm excited to see where this goes. I love  
1246 what's currently there. But what I would like to have considered would be a Blue Water  
1247 Trail added to it and a safe kayak launch, especially and preferably an accessible one.  
1248 As part of that plan for 2020, for the extensive plan going forward. It's an exciting place,  
1249 it's a safe place to kayak and there are no safe launches currently there. So, it would be  
1250 nice that as they consider these boardwalks that are very closed off, they don't have a lot  
1251 of access to the water, which is a safety issue to try and get somebody out if somebody  
1252 tries to get in. And then people trying to launch improperly there. People do try to launch  
1253 in the areas improperly now, so it'd be nice to have a space there. I'd also like your  
1254 consideration in the tributary that does go between Lakewood and Quietwood to be  
1255 considered more protections in that area to better I guess would be the word this particular  
1256 plot and to make the park better for runoff and whatnot as some of that has tried to be  
1257 developed in the past and would be bad for runoff. That's all I had to say. Thank you.

1258  
1259 Mr. Mackey - Thank you, sir.

1260  
1261 Mr. Ferrar - Bill Ferrar, 2400 Asker Court. How will you make it  
1262 inaccessible to prevent trespassing through the various houses in cul-de-sacs that come  
1263 up there?

1264  
1265 Mr. Mackey - Are you saying, how will we control trespassing?

1266  
1267 Mr. Ferrar - Right, to prevent it.

1268  
1269 Mr. Mackey - Alright, thank you.

1270  
1271 Mr. O'Connor - Hi there, my name is Michael O'Connor 1532, Westshire  
1272 Lane. My family's lived on Tuckahoe Creek for 50 years. I'm not against progress. I'm not  
1273 against fun. I'm not against parks. But this isn't really a park and it's not really a boardwalk.  
1274 It is a boardwalk they have in Virginia Beach; they have one in New Jersey. This is a



three-and-a-half-mile elevated deck with handrails that goes through a swamp. So essentially what this is for the cost of \$10 million. One of my biggest concerns is the environmental impact that this has. I was shocked to find out at one of the previous presentations, that the contractor that's working on this project, did the environmental impact study and submitted it to the EPA. I'd be curious to know what percentage of environmental impact studies that company has done that they have said we'd love to do this \$10 million job but the turtles are a problem and we're not going to do it. I'd be curious to know how often that happens. What percentage of those studies that they do in their own self-interest actually, do they not put through? There should be at a minimum an independent third-party study done on this area. The reason that's important to me is prior to the first phase of Tuckahoe Creek Park going in, I used to never have garbage on my shoreline that's on the Tuckahoe Creek when it floods. Literally every time it floods, which is becoming more and more frequent, we have garbage in our yard. We're talking about three and a half miles of elevated boardwalk, through a swamp, through a waterway. How are we going to keep this clean? How can you feasibly get down and clean up the trash that's going to be left behind? Everywhere humans go there's garbage. Every time, the few times I've been to Tuckahoe Creek Park, there's been trash in the water. So how are we going to take this pristine environment, which is zoned for environmental protection, probably for that reason, it's one of the few clean places we have left. So, I would encourage you all to seriously consider the environment and actually doing a real comprehensive study on the impact that this can have on our environment.

Mr. Erk - My name is Keith Erk and I live at 3632 Milbury Run Street. And Tuckahoe Creek is literally five feet from my grass line in the back of my yard. This project; it has a couple of concerns for me and my neighbors. The County Supervisor and his Chief of Staff visited my home. I took them out to the back of the lot, showed them the beaver dams that had been constructed. And I was assured that this was not going to be an issue anymore. Literally, if this project continues on, which is a huge amount of money going into a bridge to nowhere. The county does not own the property other than five feet, of waterway between my property line and federal property, which owns the creek bed, I believe. So, there's not even enough property there to put a walkway in and Willie Goode who owns the property north of me, which would be the final section connecting it to Patterson Avenue, has been rumored to say that he will not sell that property to the county. So literally, this project is, you know, it's bad for the environment. It's encroaching on people's backyard. I mean, literally in my backyard, my backyard is only 15 feet wide. Then there's the water. So, I mean, for the county to stay in their property, it would literally be in my backyard. The second thing is very important from the county's liability standpoint is how do you police this? How do you rescue somebody who's hurt on that walkway, three and a half miles at the end of it. Okay, can't get a car there can't get an ambulance there. EMTs would have to run or whatever to get there. There's no site access because we don't want access ways between our houses. So, you've got a safety issue as well. And as the gentleman before me mentioned trash is unbelievable. Go down to the section that's there now. And every trash can, I guarantee you every trash can is overflowing. Okay, it's a mess. Really. Spend the money on the schools. Okay, get this off the books. There's other parks and places that we can develop to have better



properties. This is just a bad idea. That's going to create huge problems down the road.  
Thank you for your time.

Mr. Mackey - Thank you.

Mr. Pawlak - Ken Pawlak. I live at 1716 Hollandale Road. It's at the very far right of that yellow bridge to nowhere right there. This is supposed to be an environmental protection area and living there I know the wildlife that's in that space. It's often lots of migratory fowl flying through that space. Putting this boardwalk in there is going to chase them out. No question about it, people acting foolish in there. Somebody else pointed out they don't own that property. And it seems like if you follow that it actually follows the sanitary right-of-way is through that space. So, we're assuming you're probably planning to use the right-of-way for sanitary? What sort of impacts would that have on the sanitary system that goes through there if they're going to be using that right-of-way? Additionally, who's actually paying for them? Who's paying for the building on private property here? Because these properties are owned by Lakewood Manor. I hate to think the county is spending money on that. That's all I had.

Mr. Mackey - Okay, thank you, sir.

Mr. Lawrence - Hello, my name is Christopher Lawrence, 1424 Westshire Lane. I will agree with everything most people have said, the environment and the animals and everything. I actually have owls that come and mate in my trees in my backyard every year and having people going back and forth behind my yard, they'll go away. They'll find somewhere else. They've been doing it for 20 years and it would just destroy me. All of the beavers, all of those, the animal life, I agree with all of that. My mom bought this house 35 years ago because we could not have anyone build behind us, nothing could be there, because of the environment, all of that stuff. That's why we bought our Myrtle Beach house also. When that happened, they built a pier and then a park there right beside our beach house then homeless people started going there and they started breaking into our beach house. The property value of all the houses went down half. I don't like that. I am very much against the trash thing too, but I don't want to wake up in the morning, looking out my window in the backyard cooking my coffee and seeing people walking around making fun of my dogs and stuff like that. I don't want that. We like our privacy. That's the whole reason and I don't want people walking up and down the back of my yard fishing in my back yard. I don't know. I'm just trying to say I just don't like it. When it happened at my Myrtle Beach house, no one wants to go there anymore, the family members. So, I have a pet cemetery back there. I love bunnies. Who's going to pay for the parking and everything? The pool right across our neighborhood; are people going to park there? Are they going to park on my street in front of my house? All that stuff, I mean...It's a big, annoying...I just...I don't like it. Thank you.

Mr. Spencer - My name is Scott Spencer. I live at 2310 Carrollwood Court. As mentioned in the document before. I know my section of the so-called boardwalk is not being taken up today. It was deferred. How many people on the panel know what kind of endangered species we have out there? No, on the panel. Anybody on the Board know

1366 what kind of endangered species are out there? So, you guys basically don't give a shit.  
1367 But anyways...

1368  
1369 Mr. Mackey - Sir, watch your mouth, okay.

1370  
1371 Mr. Spencer - Okay, sorry about that. But basically, we probably the only  
1372 spot I know of on the east coast that has painted turtles there. They are critically  
1373 endangered. By doing this, one little, so-called, project you're going to probably wipe them  
1374 out. If you can live with yourselves with that; that's fine. But, also \$10,000,000.? You can  
1375 build a school for \$10,000,000. You can build probably 10 rec centers for \$10,000,000.  
1376 But you want to build a sidewalk for \$10,000,000? I think that's a little ridiculous. I  
1377 encourage the Board with all due respect to deny the permission for this construction.

1378  
1379 Mr. Mackey - Okay, before we go any further, we're at 12 minutes. How  
1380 many more people would like to speak. We've got several online.

1381  
1382 Unknown speaker - I can finish...

1383  
1384 Mr. Mackey - Hold on, wait for a second please. How many people do we  
1385 have online?

1386  
1387 Ms. Drash - We have two people online.

1388  
1389 Mr. Mackey - Two people online. Yes, so six people. Mr. Winterhoff, what  
1390 would you like to do as far as the time?

1391  
1392 Mr. Winterhoff - I'd love to be able to extend maybe another five or 6 minutes.  
1393 We only have a few other people. I'd love to hear from you guys too.

1394  
1395 Mr. Mackey - All the commissioners are fine with that? Alright, we'll go about  
1396 5 more minutes. Could you try not to repeat as much so everybody can speak.

1397  
1398 Mr. Tucker - My name is Richard Tucker; I live at 1510 Westshire Lane. My  
1399 property backs up to the creek. I just want to go on record and say, I've only lived there  
1400 for a few years, but the creek is as high right now as I've ever seen it. I know there was a  
1401 lot of construction done behind Lakewood Manor a couple of years ago. My main concern  
1402 with this is if you drive thousands and thousands of pylons into the wet water there it's  
1403 going to cause the creek upstream to continue to flood more. The water is not going down  
1404 now, there's trees tumbling over back there. I can see it from my backyard. That's a  
1405 serious problem. As far as the expense goes and as far as the walkway goes, I'd love to  
1406 see a sidewalk on Lauderdale Drive which I think would be a lot less expensive and a lot  
1407 more useful for the community and as far as allowing people to get from Patterson to  
1408 Broad that would be the way to go. The last thing I want to say folks is just all you guys  
1409 have to do on this Commission is just leave it as it is. It's a protected area, it's a safe area.  
1410 All the folks here bought their homes, myself included, my neighbors next door here,  
1411 everyone bought their homes because that's a protected area and we didn't think anything



1412 could be done back there. Just leave it as it is. Just deny this and say we're going to leave  
1413 that land as it is, and it will be the way it has always been for the last 50 years as long as  
1414 anyone has lived there. Thank you.

1415  
1416 Mr. Mackey - Thank you.

1417  
1418 Ms. Brubaker - I'll be really quick because everybody said pretty much  
1419 everything I wanted to say. My name is Deeann Brubaker from 1420 Westshire Lane. My  
1420 home also is, my backyard is right there at the Tuckahoe swamp, as we call it, Tuckahoe  
1421 Creek, whatever. We've lived there for 30 years. As people mentioned, the flood waters  
1422 have increased. We bought the house as everybody said because of the privacy. My one  
1423 question is, I just want to verify with Ms. Hartwick or whomever, what does the withdrawn  
1424 mean? When it says withdrawn, is that dead? The other question as they said is this a  
1425 walkway to nowhere? What is the access point? Where will that be? They've got to access  
1426 it somewhere. So, you're talking about going right in between people's homes and  
1427 neighborhoods. I mean that's totally left unopened. How are you even going to get there?  
1428 I'll let the other people speak. Thank you.

1429  
1430 Mr. Mackey - Thank you.

1431  
1432 Mr. Brubaker - My name is Jeff Brubaker. I live at 1420 Westshire Lane. I've  
1433 lived there for 31 years. It was the first house I ever bought, and it was supposed to be  
1434 the last house I ever bought, and I love it there. I look out my window every day and I see  
1435 animals. I have never seen the same thing twice. What I don't want to see is a boardwalk  
1436 behind my house. I just won't live there with that being there. I appreciate your time.

1437  
1438 Mr. Mackey - Thank you.

1439  
1440 Ms. Lowry - Can I go real quick? Jackie Lowry, 1418 Westshire Lane.  
1441 Everybody said pretty much everything I want to say. I would like to point out that there  
1442 are over 40 parks in Henrico County. I think that's plenty of places for all of us to go and  
1443 our teenage kids to go smoke weed and throw their trash in the water. I mean you know  
1444 because that's what's going to happen to this boardwalk. It's just going to become a  
1445 hangout for kids. Trash, Chik-fil-A, McDonalds and all that stuff is just going to come  
1446 washing down as my friend right here pointed out. You know it's supposed to be protected  
1447 and part of the Chesapeake Bay Watershed. That's supposed to be protected as I  
1448 understand it and to put something like this back there, I think would be just irresponsible  
1449 to the environment and to those of us who purchased these homes with the expectation  
1450 of privacy. We were told when we bought our homes that they would never develop  
1451 anything back there and so I'm just shocked that we're even having a conversation about  
1452 this. I hope that everybody, particularly what this gentleman said about the EPA and the  
1453 impact study and all that stuff because there is a lot of wildlife back there. You know, as  
1454 much as I don't like the little foxes in my backyard. They are cute and I don't want anything  
1455 to happen to them or chase them away.

1456  
1457 Mr. Mackey - Okay, thank you ma'am.



1458  
1459 Ms. Lowry - Thank you.  
1460  
1461 Mr. Mackey - Can we unmute the first person on WebEx. I'd like to let them  
1462 know we only have about two minutes. Please keep it brief.  
1463  
1464 Ms. Drash - Yes, I'm unmuting Kathy now. I've sent the request. She just  
1465 needs to accept.  
1466  
1467 Ms. Theado - Hello? Hi, my name is Kathy Theado. I live at 2308 Briargrove  
1468 Court. I have lived here for 30 years and the entire time we have lived here wished there  
1469 was a park behind our house. My husband uses the walkway regularly, there's lots of  
1470 people taking photographs out along the walkway, people enjoying the water, looking at  
1471 the wildlife, seeing what's in bloom this time of year. It's a beautiful, peaceful place to go.  
1472 Again, I live on Briargrove and my property is directly adjacent to the property in question.  
1473 My husband and I are definitely in favor of this project.  
1474  
1475 Mr. Mackey - Thank you.  
1476  
1477 Ms. Theado - Thank you.  
1478  
1479 Mr. Mackey - Can we have the last person on WebEx?  
1480  
1481 Ms. Drash - Yes, I am sending the request to Robert now.  
1482  
1483 Mr. Fulton - Hello? My name is Robert Fulton. I live at 1534 Westshire  
1484 Lane. I do want to reiterate a lot of the concerns that have been brought up by my fellow  
1485 neighbors particularly the encroachment and trespassing to property owners, the  
1486 environmental impact of human refuse on the plants and animals in this area not to the  
1487 impact of the walkway itself and the refuse on the endangered and protected species that  
1488 are back there such as the Painted Turtle and the Great Blue Herons of which there is a  
1489 pretty sizeable rookery for the herons in this area. Thank you.  
1490  
1491 Mr. Mackey - Thank you Mr. Fulton. Well, we have exceeded our time.  
1492 We're going to close the public comment section. We would need to hear from Parks and  
1493 Rec.  
1494  
1495 Mr. Emerson - Yes, sir. Mr. Chairman, if I could respond to the lady's  
1496 question on the withdrawal. What that means is that it has been withdrawn from the  
1497 agenda. There would have to be a new request from Rec and Parks for a Substantially in  
1498 Accord on that particular portion of the proposed trail. That would begin the process again.  
1499 It doesn't mean that it's gone forever. It means that it's been pulled off the agenda at this  
1500 point and they could request that this process be initiated again, and we would go through  
1501 the same thing as we have now. But at this point, that one is not under consideration. Mr.  
1502 Chairman, yes, I believe we've got Mr. Steve Hart from Rec and Parks who hopefully can  
1503 speak to many of these items that have been raised.

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Mr. Hart - Good evening, Board. There were a lot of high-level design questions that were brought up with these comments. This was an action by the Planning Commission to accept this property. Rec and Parks over many, many years has tried to acquire acreage in the Tuckahoe floodplain between Broad Street and Route 6. We've obtained some properties over the years, obtained some properties by developers and today we have about 250 acres between Broad Street and Route 6 and Al Azzarone, our landscape architect and developer; he's been trying to find connectivity when possible more connectivity for the bond project and in addition we've had some needs such as parking access. I was the at Capital Project when we built the boardwalk system at the end of Old Coach and so I'm familiar with what was constructed before. This plan doesn't talk about any of the approved Master Plan. We went through a process late last year to do a Master Plan and we have a lot of residents in this corridor. Many are favorable. There are thousands of people affected by the project. We had a Master Plan process initiated. We got a lot of feedback. We tabled the Master Plan process. We've got two new Board members in both districts from Three Chopt down to Tuckahoe. This action here is to take this small acreage and see if we can accept it and if it's usable for a future park. This action isn't designed to answer any questions related to layout, how it's connected, how you have access, how you have parking to the boardwalk. Those will come out in a Master Plan process and a POD process. There were a lot of questions just raised high level and I want to just go through a couple of them. I took a few notes. I'm going to miss a few. The federal permitting; any project that affects state, local, Army Corps of Engineers federal permitting goes through a FEPA process which is a federal environmental process. There's permitting required to do any development in a wetland, near a wetland. These are permittable uses by VMRC and Army Corps of Engineers. The first phase of Tuckahoe Creek with the Old Coach boardwalk federal process so Rec and Parks managed that process. We hired consultants, we satisfied the regulatory agencies. Floodplain analysis; the Tuckahoe floodplain gets a lot of stormwater from outside of Henrico County. Pilings, boardwalks; we've got a requirement to not affect the rise of the floodplain so we go through environmental modeling of that. That was something that was brought up by a citizen tonight. So, there is no impact to the floodplain. We have had large flood events in the Tuckahoe Creek Basin. Our current boardwalk has an area that is actually designed to actually go under water. We have on two occasions have had high-level floods in that corridor. Backyards; how close we get to backyards. That would be something that would be discussed in the Master Plan process. There's going to be backyard separation of an elevated boardwalk. Somewhere between 300 to 600 feet, so that's one to two football fields. So, that's not really been an issue with the original Old Coach boardwalk. Things like that would get reviewed during the Master Plan process. It may be with the Master Plan process that we don't build a link from Broad Street to 6. We'll find people who are interested in the project and where we're not opposed we'll do sections of boardwalk. This property is being donated by Lakewood and they want access. We have other areas that want access. You brought up these questions so I'm just trying to explain there's a lot of design work that has to take place. This project hasn't even been started. We haven't finished any Master Plans. We plan to go back out with the public and we plan to work with our two new Board members. If the Board has other questions, you know there were a lot of detailed questions that were asked today but this



1550 is a permissible use by the Corp. I was the person that just worked the Corp permit at  
1551 Glover Park and we're very aware. We follow all state, federal and local regulations.  
1552

1553 Mr. Mackey - Thank you, sir. Does anyone from the Commission have any  
1554 questions?  
1555

1556 Mr. Witte - I've got a comment. It was brought up about ingress and  
1557 egress. For right now, my fire department background tells me to get EMS three and a  
1558 half miles for a medical emergency on foot is going to take a substantial amount of time  
1559 and I think that needs to be considered.  
1560

1561 Mr. Hart - The current boardwalk at Old Coach and Ridgefield, it's a  
1562 shorter boardwalk, it has two access points, and the boardwalk is roughly 10 feet wide,  
1563 and it's designed for a heavy ATV. It's not going to be designed for a paramedic, we're  
1564 not driving pick-up trucks on the Tuckahoe boardwalk. It's not designed for that.  
1565

1566 Mr. Emerson - Yes, sir, Mr. Witte as Mr. Hart has said, this is a Substantially  
1567 In Accord with the Comprehensive Plan. It's just saying that the use is complying or is  
1568 consistent with the plan. There is a full Master Plan process and a full plan of development  
1569 that will address all these questions and of course as you well know with your background  
1570 fire is very involved in that process and their comments are not taken lightly. They're  
1571 adhered to and honored in order to make sure all these emergency accesses and things  
1572 are appropriate. If you can't acquire them then that's a challenge for the project and it will  
1573 have to be addressed in some way. You know, that's yet to be determined.  
1574

1575 Mr. Witte - The statement is like a general statement. Any place I think  
1576 EMS ought to be considered. I realize you're nowhere near that point.  
1577

1578 Mr. Hart - if a Master Plan would get approved through a public process  
1579 with our Board member. We would go through a POD process. Two of the review  
1580 agencies on a plan of development are police and fire.  
1581

1582 Mr. Witte - Thank you.  
1583

1584 Mr. Emerson - Mr. Chairman, we do have a representative from DPW, Ms.  
1585 Kristin Owen if you have any questions regarding floodplain and permitting and what a  
1586 project like this would have to go through.  
1587

1588 Ms. Owen - Good evening, Mr. Chairman, members of the Commission.  
1589 I'm happy to answer any questions. I did hear someone express concerns about the flood  
1590 heights being increased and Mr. Hart mentioned that we do have permitting requirements  
1591 for that. Here in Henrico, we do have a requirement called a no rise. We do have a No  
1592 Rise certificate which has to be signed and sealed by a professional engineer. The  
1593 proposed area is not only in the floodplain but located in what we call the floodway. So,  
1594 when something is in the floodway it requires a full engineering model so that the entire  
1595 flood study is as detailed as it can be is required. So, they are required to show through



1596 that model that the flood heights will not increase anywhere along this floodplain and that  
1597 would potentially include that tributary as well. It would depend on what the design of the  
1598 project is. So, no development can occur. Our definition of development is any man-made  
1599 change so it's much broader than other programs. Any development in the floodplain can  
1600 not occur unless it shows that no rise. So, if flood heights are increasing after this, if this  
1601 proposed project were to go through it wouldn't be because of this project. It would just  
1602 be due to some other instance, perhaps just rainfall amounts changing or things like that.  
1603 I'm happy to answer any other questions you might have.

1604  
1605 Mr. Emerson - We are held to the same standard through this process as any  
1606 other private developer, correct?

1607  
1608 Ms. Owen - Correct. It applies to all public and private development  
1609 throughout the entire county that's in a floodplain.

1610  
1611 Mr. Mackey - Alright. Any other questions for staff?

1612  
1613 Ms. Owen - Thank you.

1614  
1615 Mr. Mackey - Mr. Winterhoff?

1616  
1617 Mr. Winterhoff - Well, first, I'd like to thank everyone again for coming out. It's  
1618 important for me, for us to hear your voices and your opinions and I think as I'm going  
1619 through this process and taking part in these activities; I'm learning too what the process  
1620 entails. I think that's something that stands out for me tonight is it's a step in the process.  
1621 Tonight, we are not approving construction; we're not approving design. There are many  
1622 other opportunities for the community to continue to engage in this process. From my  
1623 understanding, tonight we are just being asked to consider, is this in accordance with our  
1624 Comprehensive Plan? So, at this time Mr. Chairman, I recommend approval of Resolution  
1625 PCR-4-24 for SIA2023-00005, Tuckahoe Creek Park (Lakewood Manor) finding the  
1626 proposed boardwalk connection to be Substantially In Accord with the County's  
1627 Comprehensive Plan.

1628  
1629 Mr. Witte - Second.

1630  
1631 Mr. Mackey - We have a motion by Mr. Winterhoff, a second by Mr. Witte.  
1632 All in favor say aye.

1633  
1634 Commission - Aye.

1635  
1636 Mr. Shippee - Abstained.

1637  
1638 Mr. Mackey - Alright, we have four ayes and one abstention. The motion is  
1639 carried.

1640

1641 Mr. Emerson - Mr. Chairman, we now move on to the next item on your  
1642 agenda which also appears on Page 3. This is a discussion item for setting a time for a  
1643 public hearing regarding the County's Capital Improvement Plan and the request is that  
1644 you schedule a public hearing for March 14, 2024, at 5:00 pm for this presentation for the  
1645 County Manager and the finance staff and to also conduct your public hearing on the  
1646 Capital Improvement Plan for FY 2024-25 through FY 2033-34.

1647  
1648 Mr. Mackey - Is everyone okay with 5:00, March 14? I make a motion that  
1649 we approve the time of 5:00 for March 14<sup>th</sup> to start our CIP public hearing.

1650  
1651 Mr. Winterhoff - Second.

1652  
1653 Mr. Mackey - A motion by Mr. Mackey, a second by Mr. Winterhoff. All in  
1654 favor say aye.

1655  
1656 Commission - Aye.

1657  
1658 Mr. Mackey - Any opposed? Motion is granted.

1659  
1660 Mr. Emerson - Mr. Chairman the next item regards a work session, and we  
1661 can do this by consensus. The Commission is being requested to set a work session for  
1662 our orientation and training program that we're working on with all of you. It's on the 29<sup>th</sup>  
1663 at 4:30. That's not a normal meeting evening and this is of course a little off because we  
1664 will be starting the March meeting at 5:00 pm. So, it's suggested that we come on the  
1665 29<sup>th</sup>. We can start at 4:30 and go as long as you can stand us.

1666  
1667 Mr. Mackey - Per our discussion earlier in the work session. Does everyone  
1668 feel good with February 29 at 4:30?

1669  
1670 Mr. Dandridge - We are.

1671  
1672 Mr. Emerson - Thank you, Mr. Chairman. The next item is the consideration  
1673 for the approval of your minutes from your work session and regular meetings on January  
1674 11, 2024. I don't have an errata sheet. If there are any changes, you'd like to make please  
1675 just advise us and we'll make those happen.

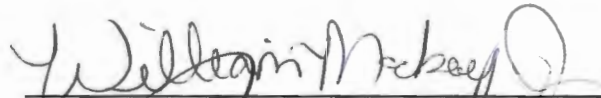
1676  
1677 Mr. Mackey - Are there any corrections to the minutes from the last  
1678 meeting? If not, a motion would be in order.

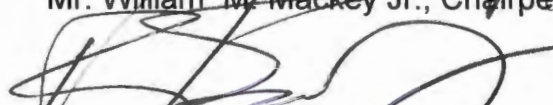
1679  
1680 Mr. Witte - So moved.

1681  
1682 Mr. Shippee - Second.

1683  
1684 Mr. Mackey - We have a motion by Mr. Witte, a second by Mr. Shippee. All  
1685 in favor say aye.

1687 Commission - Aye.  
1688  
1689 Mr. Mackey - Any opposed? Motion is granted.  
1690  
1691 Mr. Emerson - Mr. Chairman, I have nothing further.  
1692  
1693 Mr. Mackey - Meeting adjourned.  
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Mr. William M. Mackey Jr., Chairperson

  
Mr. R. Joseph Emerson, Secretary