

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. October
4 12, 2017. Display Notice having been published in the *Richmond Times-Dispatch*
5 on September 25, 2017 and October 2, 2017.
6

Members Present: Mr. Eric S. Leabough, C.P.C., Chair (Varina)
Mr. Robert H. Witte, Jr., Vice Chair (Brookland)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Gregory R. Baka (Tuckahoe)
Mrs. Sandra M. Marshall (Three Chopt)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mr. Tyrone E. Nelson (Varina)
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. Leslie A. News, PLA, Senior Principal Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mr. Anthony Greulich, County Planner
Mrs. Lisa Blankinship, County Planner
Ms. Erin Puckett, County Planner
Mr. Mike Morris, County Planner
Mr. William Moffett, CPTED Planner, Police
Mr. John Cejka, Traffic Engineer, Public Works
Ms. Sylvia Ray, Recording Secretary

7
8 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A**
9 **WORK SESSION.**

10
11 **Mr. Tyrone E. Nelson, the Board of Supervisors' representative, abstains on**
12 **all cases unless otherwise noted.**

13
14 Mr. Leabough - I call this meeting of the Henrico County Planning
15 Commission to order. We are reconvening from a work session held earlier. This
16 is our October 12th rezoning meeting. With that, I'd like to acknowledge that all
17 Planning Commission members are present. Also I'd like to thank Rev. Nelson
18 who is our Board member representative with us this year. Thank you for being
19 here sir.

20
21 Mr. Nelson: Thank you for having me.
22

23 Mr. Leabough - As you mute or silence your cell phones, I ask that
24 you rise with the Commission for the Pledge of Allegiance.

25
26 [Reciting the Pledge of Allegiance]

27
28 Mr. Leabough - Do we have anyone in the audience from the news
29 media? I don't believe so.

30
31 All right. With that I'd like to turn the agenda over to Mr. Emerson our secretary.

32
33 Mr. Emerson - Thank you, Mr. Chairman. As you noted, we did begin
34 this evening at 5:30 with dinner and a work session to discuss the Glen Allen
35 Comprehensive Plan amendment and also a code amendment to consider new
36 regulations to an Overlay zone for that area.

37
38 With that said, Mr. Chairman, next on your agenda are the Requests for
39 Withdrawals and Deferrals. Those will be presented by Mr. Jim Strauss.

40
41 Mr. Strauss - Thank you, Mr. Secretary. Staff is aware of two
42 requests for deferral this evening, and they are both in the Three Chopt District.
43 The first request for deferral is on page 1 of the agenda, POD2017-00308,
44 Innslake Place at 4235 Innslake Drive. The applicant requested a deferral to the
45 October 25, 2017 meeting.

46
47 **(Deferred from the September 27, 2017 Meeting)**
48 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**
49

POD2017-00308 Innslake Place – Building 1 – 4235 Innslake Drive	Koontz-Bryant for WAM Associates, LLC and CATO Development: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a five-story apartment building with 100 units above a ground floor parking deck in an urban mixed-use development. The 4.08-acre site is located on the southeastern corner of the intersection of Innslake Drive and Dominion Boulevard, on parcel 747-761-9275. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. (Three Chopt)
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50
51 Mr. Leabough - Is there anyone present who is opposed to the
52 deferral request for POD2017-00308, Innslake Place, Building 1? I see no
53 opposition. Mrs. Marshall.

54
55 Mrs. Marshall - Mr. Chairman, I accept the deferral request for
56 POD2017-00308, Innslake Place, Building 1, to the October 25th meeting, per

57 their request. But I also would like to add from myself for the district, I want to
58 extend it until November the 15th. I think it'll give everybody a little bit more time
59 with the project, and maybe we can get things back on track.

60
61 Mr. Witte - Second.

62
63 Mr. Leabough - So we have a motion by Mrs. Marshall to defer that
64 case until the November 15th meeting, and we have a second by Mr. Witte. All in
65 favor say aye. Those opposed say no. Hearing no opposition, that motion
66 passes.

67
68 At the request of the applicant, the Planning Commission deferred POD2017-
69 00308, Innslake Place, Building 1, to its meeting on November 15, 2017.

70
71 Mr. Strauss - The second request for deferral this evening is on
72 page 4 of your agenda, also in the Three Chopt District. This is REZ2017-00022,
73 Bacova Texas, LLC and Bacova, LLC. In this case, the applicant's requesting a
74 deferral to the November 9, 2017 meeting.

75
76 **Deferred from the September 14, 2017 Meeting)**
77 **REZ2017-00022 Andrew M. Condlin for Bacova Texas, LLC and**
78 **Bacova, LLC:** Request to amend proffers accepted with REZ2016-00033 on
79 Parcels 736-768-6361, 736-768-5323, and 736-767-2166 containing 23.1 acres
80 located on the east line of N. Gayton Road between Liesfeld Farm Drive and
81 Kain Road. The applicant proposes to amend Proffer 22 regarding N. Gayton
82 Road improvements. The existing zoning is R-5AC General Residence District
83 (Conditional). The 2026 Comprehensive Plan recommends Suburban Mixed-
84 Use, density should not exceed 4 units per acre, and Environmental Protection
85 Area.

86
87 Mr. Leabough - Is there anyone present who is opposed to the
88 deferral request for REZ2017-00022, Andrew M. Condlin for Bacova Texas, LLC
89 and Bacova, LLC? I see no opposition again, Mrs. Marshall.

90
91 Mrs. Marshall - Mr. Chairman, I move REZ2017-00022, Andrew M.
92 Condlin for Bacova Texas, LLC and Bacova, LLC, be deferred to the November
93 9th meeting per the applicant's request.

94
95 Mr. Archer - Second.

96
97 Mr. Leabough - We have a motion by Mrs. Marshall, a second by
98 Mr. Archer. All in favor say aye. Those opposed say no. Hearing no opposition,
99 that motion passes.

100
101 Mr. Emerson - Mr. Chairman, that completes the requests for
102 withdrawals and deferrals this evening unless the Commission has additional

103 ones to enter. In the event that they don't, next on the agenda are the expedited
104 requests. We have none of those this evening. So we move into our regular
105 agenda to page 4 to REZ2017-00015. The staff report will be presented by
106 Ms. Erin Puckett.

107
108 *(Deferred from the August 10, 2017 Meeting)*

109 **REZ2017-00015 Andrew M. Condlin for JG Laburnum, LLC and**
110 **Robins Laburnum, LLC:** Request to conditionally rezone from B-2C Business
111 District (Conditional) and B-3C Business District (Conditional) to B-3C Business
112 District (Conditional) Parcel 817-711-0712 and part of Parcels 817-711-0454 and
113 816-711-8151 containing 3.31 acres located approximately 290' south of Eubank
114 Road approximately 270 feet east of its intersection with S. Laburnum Avenue.
115 The applicant proposes an automotive body and paint shop. The use will be
116 controlled by zoning ordinance regulations and proffered conditions. The 2026
117 Comprehensive Plan recommends Office and Commercial Concentration. The
118 site is in the Airport Safety Overlay District.

119
120 Mr. Leabough - Is there anyone present who is opposed to REZ2017-
121 00015, Andrew M. Condlin for JG Laburnum, LLC and Robins Laburnum, LLC?
122 We have opposition. Okay. We're going to have staff present the case, and then
123 you can come forward and share your comments and concerns. Before you
124 come forward, I'll ask that Mr. Emerson share guidelines related to speaking at
125 our public hearings. Just wanted to make you aware that you can approach the
126 podium, but as you do so, Mr. Emerson will share those guidelines. Good
127 evening, Ms. Puckett.

128
129 Ms. Puckett - Good evening. Thank you, Mr. Chairman and
130 members of the Commission.

131
132 The applicant is requesting to rezone approximately 3.31 acres from B-2C and B-
133 3C to B3-C to allow an automotive body and paint shop in the rear of the Eubank
134 and Laburnum Commercial Center. The subject property includes one parcel and
135 portions of two adjacent parcels and is located just south of Eubank Road, east
136 of its intersection with South Laburnum Avenue.

137
138 In 2007, the Board of Supervisors approved rezoning request C-63C-06. That
139 case rezoned a larger area of approximately 7.85 acres to B-2C and B-3C for the
140 commercial center. A master plan for this overall area was approved for the
141 Eubank and Laburnum Commercial Center earlier this year. Surrounding uses
142 include vacant land to the north and west, which is also part of the Eubank and
143 Laburnum Center. A DMV office and part of the Byrd Center III industrial flex
144 development are adjacent to the south and west. The Robinwood single-family
145 subdivision surrounds the site on two sides to the south and east.

146
147 The 2026 Comprehensive Plan's recommended future land use for the majority
148 of the subject property is Office with a small area along the western edge of the

149 property in commercial concentration. The proposed auto body shop use is not
150 consistent with the Office designation. Furthermore, the area recommended for
151 office serves to provide a transition area between the commercial concentration
152 along Laburnum and the residential area to the east. An intense commercial use
153 at this location would represent a further departure from the plan in this regard.
154

155 The applicant has submitted updated proffers dated September 26, 2017, which
156 include reference to new concept plans and elevations in an attempt to mitigate
157 some of the impacts of the proposed auto body shop. However, the requested
158 zoning and use are not compatible with the adjacent single-family subdivision or
159 the recommendations of the Comprehensive Plan. For these reasons, staff
160 recommends denial of this request.
161

162 This concludes my presentation, and I would be happy to answer any questions.
163

164 Mr. Leabough - Are there any questions from the Commission for
165 Ms. Puckett?

166
167 Mr. Baka - I have one, Mr. Chairman.

168
169 Mr. Leabough - Yes sir.
170

171 Mr. Baka - Is there something specific about the Office and
172 Commercial Concentration Comprehensive Plan designations that implies that
173 there has to be a transition area? Or are you saying that this particular use, an
174 auto body shop, is not an appropriate transition?
175

176 Ms. Puckett - That particular use, the auto body shop, is not, we
177 feel, an appropriate transition use in that area. We feel something less intensive
178 would be more appropriate, closer in keeping to that Office future land use
179 classification.
180

181 Mr. Baka - So along those lines, would additional changes in
182 proffers make a suitable difference in your mind? Or is just the type of use that
183 regardless of proffers you're saying is not an appropriate transition.
184

185 Ms. Puckett - Correct. Regardless of the proffers, the use itself we
186 feel is just too intense. Something more in keeping with the existing B-2 zoning or
187 the Office future land use classification would be more appropriate. We're most
188 concerned about the use regardless of the proffers. The applicant has made
189 every attempt to proffer this case well, but the use itself is what—it's just so close
190 to that residential neighborhood and really not in line with the goals and
191 objectives of the plan.
192

193 Mr. Baka - Thank you.
194

195 Mr. Leabough - Are there any other questions from the Commission?
196

197 Mr. Archer - Mr. Chairman, I'd like to make just an observation.
198 The amended rezoning proffers that we received shows the magisterial district as
199 Fairfield, but it is in Varina.
200

201 Mr. Leabough - We moved it to Fairfield while you were asleep last
202 night.
203

204 Mr. Archer - Thank you.
205

206 Mr. Leabough - We wanted to do you a favor. No, that is correct; it is
207 Varina. Any other questions for Ms. Puckett? If not, Mr. Emerson, do you mind
208 sharing the guidelines for our public hearings for folks that would wish to speak?
209

210 Mr. Emerson - Absolutely, Mr. Chairman. As the Chairman has
211 noted, the Commission does have guidelines in the governance of the public
212 hearing process and they are follows: The applicant is allowed ten minutes to
213 present the request. Time may be reserved for responses to testimony. The
214 opposition is allowed a cumulative ten minutes to present its concerns, meaning
215 each person that needs to speak or would like to speak needs to speak within
216 that ten-minute time frame.
217

218 Commission questions do not count into the time limits. The Commission may
219 waive the limits for either party at its discretion. Comments must be directly
220 related to the case under consideration.
221

222 Mr. Leabough - Thank you, sir. Those that wish to speak in
223 opposition, if you all could please approach the podium. These are recorded
224 proceedings, so if you would, please state your name for the record.
225

226 Mr. Withrow - Good afternoon, ladies and gentleman. My name is
227 Clint Withrow. I currently own a body shop over on Masonic Lane not too far from
228 this position.
229

230 One of my biggest problems is the residential area behind this. I think they're
231 very exactly right as to what they're stating as the intense use of this. We have
232 wreck trucks coming in our place all hours of the day and night. We have paint
233 booths that have stacks on them. Even though they're filtered, these things still
234 get out. These fumes and other stuff still get out into the residential area. It's
235 going to be a nightmare for these people. It's going to be a slow, accumulating
236 nightmare, but it's still going to be a nightmare because this is going to impact
237 them in a way that they are not ready for. I don't think any of them know about it.
238

239 I had to drive by to try to find information about it, and I did find a sign stating that
240 this was going to be done. But it was pretty well hidden. I had to hunt for it to see

241 the sign about the meetings and stuff. That wasn't, I don't think, the correct place
242 to display the sign. It should've been out there where people could see it plainly.
243 More people would have seen it.

244

245 We have body shops, too, in the general area—three, actually, in the general
246 area. Adding a fourth is not going to do anything but just destabilize the economy
247 of the three shops that are already there. Myself, I've got 18 employees. I know
248 most of the other shops have approximately the same number of employees. In
249 the 17 years that we've been in business, we've paid Henrico County in excess
250 of a million dollars just in sales taxes. So we've paid our dues in this County and
251 established ourselves as a solid business here.

252

253 This is a consolidation effort here to just—it's going to destabilize all of these
254 other shops. It's going to destabilize the residential neighborhood. I just don't
255 think it's what we want coming in there on Laburnum Avenue. I think Laburnum
256 Avenue is a beautiful place. We just got a few new businesses in, Wawa and
257 what have you. And I think it's looking really good down there. If you put a body
258 shop up there, I don't think it's conducive to what's going on there.

259

260 Mr. Leabough - Sir, a question for you. Do you live in the area and do
261 you have property in close proximity to this location.

262

263 Mr. Withrow - On Masonic Lane. And then I live in Eastern Henrico
264 also.

265

266 Mr. Baka - How far is your property from this location?

267

268 Mr. Withrow - Less than five miles. It's about 2-1/2, 3 miles.

269

270 Mr. Leabough - Okay. I was just wondering if you live in the homes
271 directly behind there.

272

273 Mr. Withrow - No. But I have lived around body shops before, and
274 like I said, I own one, and I know what it does in my general area. And I'm not
275 backed up to a community. I've got 65,000 square feet all around the back of my
276 shop. And even the cars that are there waiting on repairs and stuff get films and
277 stuff on them. There's nothing we can do. The wind blows just the right way. And
278 we've got a triple filtering system on all of our paint booths, which is required by
279 law. And we keep them current. On the exhaust fumes going out. They still get
280 out, some of these fumes and stuff. And some of these particles still get out. It's
281 just not conducive backed up right to a neighborhood. A little bit more open area,
282 I would say great. But right in a neighborhood area, that's not right to the people
283 that live there.

284

285 Mr. Leabough - Thank you.

286

287 Mr. Withrow - All right.
288
289 Mr. Baka - I have a couple of questions for the gentleman, if I
290 may, Mr. Chairman.
291
292 Mr. Leabough - Sure.
293
294 Mr. Withrow - Sure.
295
296 Mr. Baka - To clarify, your business is not in this immediate
297 vicinity nor is your home. I just wanted to clarify what is your personal opposition
298 to this case. I'm not suggesting that this an optimal location for a body shop. I'm
299 not suggesting this be approved or not approved. But what is your personal
300 objection to this use going in at this location?
301
302 Mr. Withrow - Personally for that location I'm—for the residential
303 area behind there. These people have worked many—
304
305 Mr. Baka - But you're not in that neighborhood. What's *your*
306 opposition to it? You don't live in that neighborhood. I don't understand.
307
308 Mr. Withrow - Well I know what's going to happen in this
309 neighborhood because I have a body stop, and I have the same facility they're
310 trying to put in. And I know what an impact it's had on my area. I've had two. I
311 had one on Nine Mile and this one over here.
312
313 Mr. Baka - Right. And I'm not saying that a body shop is an
314 optimal use at this location. But my concern is with your comment that there are
315 other body shops in the area. Are you concerned about the competition that
316 another shop anywhere near you would create?
317
318 Mr. Withrow - Competition is good for business.
319
320 Mr. Baka - I would think so.
321
322 Mr. Withrow - Yes. Competition is going to keep me more
323 aggressive in what I'm doing, better repairs, better marketing, these kinds of
324 things. I'm not afraid of competition. I just don't want to see this happen to this
325 residential area. I think Laburnum Avenue is beautiful the way it's looking right
326 now. And I know what kind of traffic is going to be generated with a busy body
327 shop.
328
329 Mr. Baka - All right. I appreciate your concern.
330
331 Mr. Withrow - Yes sir.
332

333 Mr. Nelson: Mr. Chair, it does sound like to us from the Board's
334 perspective—you're not in the area. Your business is on Masonic, which is a
335 couple miles away. I can't speak for everybody else, but it sounds like to me that
336 it's less about the neighborhood and more about competition. I mean that's fine
337 because the other people have to speak to it as well.

338

339 Mr. Withrow - Well I also live probably two miles away from there
340 too.

341

342 Mr. Nelson: Okay. I don't know if you said that initially.

343

344 Mr. Leabough - That's where I was trying to go when I asked you the
345 question about how close do you live.

346

347 Mr. Withrow - I'm sorry.

348

349 Mr. Nelson: You probably should have spoke more to it not as a
350 collision shop owner and more as just a concerned citizen. But I don't think either
351 one of us are speaking whether we're for or against it.

352

353 Mr. Withrow - Like I say, I'm within two miles of that shop. And I
354 don't know that it would impact me directly; it may or may not. From what I've
355 seen, I probably would see some slight impact from it. But I gain my experience
356 as a body shop owner of 42 years. So I know what body shops generate.

357

358 Mr. Leabough - Thank you.

359

360 Mr. Withrow - Right, thank you.

361

362 Mr. McLaren - Good evening. My name is Ronald McLaren. I'm
363 representative of Bill Talley Ford Collision Center. My major concern is the fact
364 that this body shop is basically being built directly across the street from where
365 our location is. I'm not going to sugarcoat it. It's definitely the fact of this business
366 that I'm actually representing has been servicing this community for roughly 40
367 years. To have another corporation build directly across the street is definitely a
368 major impact on our direct income as far as a business in the area that, here
369 again, has been servicing the area for 40 years.

370

371 The other situation is the fact that there is a residential neighborhood—it will
372 have impact—directly behind it. I do not live in that neighborhood, but speaking
373 as a representative for Bill Talley Collision, it's a major conflict as far as the area.
374 There's myself, Mr. Withrow. There are several other body shops that have been
375 in this area for quite a while. My major concern is directly competitive. Like I said,
376 I don't want to sugarcoat anything. But building a shop directly across the street
377 from another shop is, in my opinion, just not good practice.

378

379 Mr. Baka - I'll follow up with the same question. To clarify again,
380 sir, you mentioned you don't live in this neighborhood. You're across the street.
381 Your concern is with competition from a similar business? Is that what you're
382 stating your concern is?

383

384 Mr. McLaren - Absolutely.

385

386 Mr. Baka - This is just my opinion; I'm not speaking for the
387 Board. And again, I'm not suggesting that this is an appropriate location for this
388 particular body shop use. But this Board does not get into the position—and I
389 wouldn't think we should, but this is just one opinion—of saying who the winners
390 are and who the losers are, who opens their business and who doesn't. If more
391 competition in the marketplace allows businesses to sharpen their pencils and
392 get ready to perform the best for their customers, then so be it. And may those
393 best businesses be successful. I'll stop.

394

395 Mr. McLaren - Understand.

396

397 Mr. Leabough - We wouldn't have half the grocery stores we have in
398 the County that are directly across the street and are doing well.

399

400 Mr. McLaren - Absolutely.

401

402 Mr. Leabough - Competition is not a concern for me. Thank you.

403

404 Mr. McLaren - Yes, sir.

405

406 Mr. Leabough - Anybody else that would like to speak in opposition?

407 All right, Mr. Condlin.

408

409 Mr. Condlin - Mr. Chair, members of the Commission, Andy Condlin
410 here on behalf of JG Laburnum. I've got one speaker in support, so could you
411 limit us to 9 minutes and 30 seconds just so he can get and up speak for a few
412 minutes. I've done that before when I've run right through the time. I wanted to
413 make sure he has an opportunity.

414

415 Mr. Leabough - Don't worry; we won't let you go over.

416

417 Mr. Condlin - I don't think I need that time anyway. I appreciate the
418 time and the comments we just heard. We are requesting to add this one use to
419 what's existing out there under the B-2 for the automotive body and paint shop.

420

421 I wanted to take a second to talk a little bit about Caliber Collision, and I do have
422 some representatives here from Caliber Collision if you have any questions about
423 their operations, as well as Jordan Moran who's an acoustical engineer, who's
424 going to talk a little about the impact.

425

426 So Caliber's trying to change what you typically think of when you think of a body
427 shop. They have 525 centers nationwide and 10,000 employees. This particular
428 facility will employ 25 to 30 people. They see themselves as a retail facility more
429 than they do as a body shop. They're trying to raise the bar.

430

431 Usually they're stuck in the back of an industrial park that looks and feels
432 unwelcome. But 70 percent of their customers are families. They are people that
433 coming in, moms with kids that are dropping their cars off. Caliber's trying to
434 present more of a retail look and feel as people are able to choose their body
435 shop. The insurance companies no longer are able to do that or have to do that.
436 The customers themselves can.

437

438 So in addition to being clean and very presentable, they want to be along main
439 roads, as I said, not stuck back in industrial parks, with ease of access, name
440 recognition, near other retail and customer services, to be part of the community
441 so their customer can choose Caliber.

442

443 This is a new development. The way cars are fixed now is a little bit different with
444 new construction. The bumper or side panel is no longer hammered. Typically
445 what you think of. It's now taken off, recycled, and put back on with a brand new
446 panel or brand new bumper.

447

448 There's a bit of discussion about the paint and the painting on there. This is
449 water-based paint. They do use air filters. A number of their facilities are in inner
450 cities with residential 20 feet away. And it's an entirely contained area within the
451 building itself.

452

453 Most tools are battery operated, so it's not what people think of right now when
454 you could have otherwise from a body shop. But it's also not any worse than—
455 and it's actually better than, as I'm going to explain some of our changes in our
456 proffers that we put in there—what can go on there. While it's in the
457 Comprehensive Plan for Office, it's actually zoned B-2 with the right to put in fast
458 food with a drive-through right to putting in a service station and a gas station,
459 currently today, without any other approvals. What we're trying to do is take it a
460 step up from that and have actually less impact than what they would have
461 otherwise.

462

463 The staff is worried about the impact to residential, and they should be, as are
464 we. And we've made a number of changes to address the impact. What I wanted
465 to point out was based on a number of conversations with the surrounding
466 community—we had a community meeting, which we advertised. We sent out the
467 notice. We had two people show up; both were in favor. I'm going to provide—
468 Jim, if I could provide that letter, or Lisa, to you. There's a letter from an adjacent
469 owner on 5412 Raleigh Road. Those folks that attended the neighborhood
470 meeting, one lady I believe is right there. Right Mike? The lady right there.

471
472 Male - [Off microphone] The letter came from the person
473 right behind [unintelligible].

474
475 Mr. Condlin - Right behind, yes. And then the—

476
477 Male - [Off microphone] Right in the middle [inaudible].

478
479 Mr. Condlin - Right. And then—in that area. The letter that came
480 from there is on Raleigh Road. And the lady that attended the meeting was on
481 one of these two lots.

482
483 We had a number of calls as well. And we have someone else who's going to be
484 coming and speaking in support.

485
486 As to the impact, we did change the plan substantially. This is the existing
487 elevation that we provided. Originally, we had five bays that drove through
488 towards the neighbors. Based on the comments of the neighbors, we changed
489 this so that there are only two bays, and they're the only ones that are facing
490 Laburnum Avenue. In the back is a solid wall. There's nothing facing the
491 neighbors. We also increased the area for the building with the 50 feet. We took
492 the parking out between the building and the buffer.

493
494 So we've tried to accommodate the issues with respect to what would be the
495 impact. We have a buffer of 50 feet that's required by the existing zoning. We
496 added that we do a transitional buffer 50-foot planting. The fencing is a six-foot
497 vinyl fence that we put on our plan as well.

498
499 Most significantly, we have also limited our hours. It's currently zoned B-2 with B-
500 2 hours from 6 a.m. to midnight. As you know, we just got approval for the
501 Bojangles' to open at 5:30. We've limited per the proffers, if this is used for
502 automotive services, from 7 to 7, Monday through Friday, and 8 to 5 Saturday,
503 and no Sundays. And that includes tow truck operators. No drop-off for the tow
504 truck. I didn't proffer that. I kind of assumed in that. I'd be willing to proffer that
505 from a condition standpoint that no operations from tow truck delivery and no
506 operations of the business outside those hours.

507
508 All of these I think are designed to increase [sic] the impact, particularly the
509 hours, the change of the building itself, so that the only bay doors that are
510 available are the bay doors facing Laburnum. We proffered that. Those will
511 remain closed during operations as well, only to move cars in and out.

512
513 So certainly compared to existing uses, we believe that this will have less impact
514 for noise, sound, and light than what's currently allowed. But to his credit,
515 Mr. Leabough said that's all good and well, but what we really want to know is
516 there a way to really study this and figure this out.

517

518 So we did hire Mr. Moran who's going to come up and talk for a second. He
519 studied the background noise of the area as it exists today. Then he went—
520 Caliber as a number of localities here—facilities here in this area. He went to the
521 Caliber facility, and he'll explain what he did. He took a number of noise readings
522 from there. And then based on that, he's got a lot more information and science
523 behind it than I could come up with. He found that the actual noise from this
524 facility will be 10 decibels below that which is the background noise. I'm just
525 going to read from his conclusions, which would be completely non-contributing
526 to the background noise that already exists and is designated as inaudible, the
527 noise from this facility as to the neighbors and what you'll hear because of the
528 amount of traffic on Laburnum and the other noises that are currently out there.

529

530 This building also serves to block noise from Laburnum and block lights from
531 Laburnum from cars going in as they pull into the shopping center. It'll actually
532 serve as a buffer for that purpose.

533

534 I did want to turn it over to Jordan. Fred, if you could pull up his presentation, if
535 you don't mind.

536

537 Mr. Leabough - Before you turn it over, are there any questions for
538 Mr. Condlin from the Commission? Thank you, sir.

539

540 Mr. Moran - Good evening everyone. I have a PowerPoint.

541

542 Mr. Leabough - State your name for the record, please.

543

544 Mr. Moran - Oh, sorry. My name is Jordan Moran. I work for a
545 company called Acoustical Solutions.

546

547 Mr. Nelson: You work for what company again?

548

549 Mr. Moran - Acoustical Solutions, based on Grenoble Road here
550 in Henrico.

551

552 Mr. Nelson: Is it near this location?

553

554 Mr. Moran - Twenty minutes away. It's more near Glenside Drive.

555

556 Mr. Witte - Three Chopt District.

557

558 Mr. Moran - Okay.

559

560 Mr. Leabough - What type of company is that, sir?

561

562 Mr. Moran - We specialize in acoustical materials and acoustical
563 consulting, which is my arm of the business. I'm an acoustical consultant by
564 trade. I have a master's in acoustical engineering from the Institute of Sound and
565 Vibration, which is accredited by both the Institute of Mechanical Engineers UK
566 and the Institute of Acoustics UK. So those are my credentials just to know the
567 background.

568
569 Mr. Leabough - We're just trying to understand what company—

570
571 Mr. Moran - Oh yes, I don't mind.

572
573 This is a preliminary acoustic review. We took existing noise measurements at
574 6:30, 12:00, and 6 p.m. Just try and get a feel for what the existing noise level is
575 on the adjacent road and also on Raleigh Road where the residents would be.
576 Based on that, at 6 a.m. you get 66 and 56. I'll skip through these quite quickly
577 because really the impact is the reason I need to speak. So 66 and 52, 67 and
578 56. Pretty typical of a sort of light roadway. Those kinds of noise levels are to be
579 expected.

580
581 So how loud is the Caliber Collision Center? So taking some measurements at
582 the one that's down near the center of the city, we took some measurements in
583 what they call the small shop and the large shop. The small shop mainly deals
584 with cosmetic damage, more so paint scrapes and things like that. The large
585 shop dealt with the serious damage, which involved frame straightening and
586 things like that.

587
588 We surveyed for an hour and a half a piece—once in the morning and once in
589 the afternoon. Based on this, you see that levels are 71 and 74, 83 and 81. The
590 measurement position was the entry doorway. So this is the kind of noise that
591 would be radiated out of the front of a similar Caliber facility. So the two
592 doorways that we mentioned are on those elevation plans.

593
594 To take the absolute worst, the maximum a-weighted slow response—so that's
595 the one-second measurement period—was 88 dBA. Sort of in line with people
596 doing activity in a commercial space.

597
598 Then we have to look at, okay, what will that actually impact upon the residential
599 houses. If you take that backyard fence line as your measurement position,
600 which is only 60 feet away from the building edge, the noise reduction due to just
601 traveling that distance is 33 dBA. So if you take the worst-case noise level that
602 we measured over the entire survey period at any location in Caliber, and you
603 decay it by 33 dB, you'll get 55 at the back boundary fence line of the properties.
604 So that's the nearest location. Not the actual dwelling itself, but the back of that
605 fence line.

606

607 And this all assumes that the doorways are facing the residents because we
608 wanted the absolute worst case. If the doorways were facing the residents this is
609 what you'd expect to see at that boundary line.

610

611 So if you add the two things together, I will say dBs don't add neatly so 55 plus
612 52 does not equal 107 because of logarithms. At the boundary of their property
613 you'd see 57. What does that actually mean in terms of an increase? Would it be
614 noticeable? Well a 3 dB increase would be just noticeable and a 6 dB would be
615 noticeable. So if the doors were facing—and there was one door—it would be a
616 noticeable increase. However, they recently changed the plans so that the doors
617 were facing away. That means that you'll have the insertion loss, as we call it, of
618 there being a wall in the way.

619

620 Mr. Leabough - Sir, may I just interrupt you for a second.

621

622 Mr. Moran - Sure.

623

624 Mr. Leabough - You're at 10 minutes and 30 seconds.

625

626 Mr. Moran - Apologies everyone.

627

628 Mr. Leabough - I'll give you another minute to wrap up your
629 presentation.

630

631 Mr. Moran - Thank you very much. Sorry everyone. Just to say
632 that wall will give you over 20 dB of reduction easily. It'll actually give you more.
633 So if you add in that additional 20 dB of reduction, you'll be 10 dB below what the
634 existing background noise level is. And if you're 10 dB below the existing
635 background noise level then it will be inaudible. That's just the function of
636 hearing. If something's louder than 10 dB above another noise source it becomes
637 inaudible. So that leads into the conclusion that has already been given.

638

639 I'll stop there because I'm over. Apologies.

640

641 Mr. Leabough - No problem.

642

643 Mr. Moran - Are there any questions?

644

645 Mrs. Marshall - I have a question. Are the buildings surrounding this
646 Caliber center that you did all these measurements on the same as the buildings
647 that will be surrounding at Laburnum?

648

649 Mr. Moran - No. It's much more of a commercial area. It's actually
650 got quite a lot of owned land around it. It's a slightly different layout of facility at
651 that Caliber.

652

653 Mrs. Marshall - So your readings could be different because of—
654
655 Mr. Moran - No. Because we took the measurements inside the
656 Caliber facility it means that we were getting the noise inside the Caliber facility
657 independent of what might be going on outside. So we were close to the noise
658 source, which means where it might be doesn't really matter. It's what's
659 happening inside that dictated my noise measurements, if that makes sense.
660
661 Mrs. Marshall - Then how does that relate to the neighborhood that
662 will be behind this new Caliber center?
663
664 Mr. Moran - What you do is you take the noise that would be
665 inside the building, and then you work how much of that noise would get to the
666 property line of the adjacent building which is that minus 33 dB I spoke of. So you
667 take the noise level inside. You say okay, how far away is it, sound decays as it
668 travels distance. The further you go away the quieter it gets. And so from that
669 doorway it starts to lose energy as it leaves. So that's where the prediction
670 element comes in because we have to predict the amount of noise that will be
671 lost as it travels.
672
673 Mrs. Marshall - So it's not the factual; it's just a prediction?
674
675 Mr. Moran - It is a prediction, yes.
676
677 Mrs. Marshall - Okay. Thank you.
678
679 Mr. Leabough - Mr. Archer, you had a question, sir?
680
681 Mr. Archer - I do. Being just a lay person, I'm not sure I understand
682 exactly how these measurements are calculated. For example, I think you
683 mentioned at some point your presentation something would be at like 53
684 decibels.
685
686 Mr. Moran - Mmm-hmm.
687
688 Mr. Archer - What can you give us as an example that you could
689 compare that with?
690
691 Mr. Moran - So the noise level inside this room—we'll stop talking.
692 That's about 45.
693
694 Mr. Archer - When you stop talking.
695
696 Mr. Moran - Yes. When I'm talking—communication with humans
697 at about three feet or this distance that I'm talking now, this is about 60 to 65, to
698 give you a feel for what 53 or 56 would be.

699

700 Mr. Archer - Okay. And if you stop talking, like right now, we're at
701 45?

702

703 Mr. Moran - It's really not a linear scale, that's the problem. That's
704 45, but this is 60. It's very difficult to understand where it stands in between.

705

706 Mr. Leabough - So how does the—I'm going to use the wrong term.
707 But the frequency. So it's the difference between people talking and tools
708 running.

709

710 Mr. Moran - Yes.

711

712 Mr. Leabough - In terms of disturbance and noise and the impact
713 on—

714

715 Mr. Moran - Yes. It's a very good point with characteristics. Tools
716 have a slightly different frequency or characteristic.

717

718 Mr. Leabough - They're going to be more annoying than people
719 talking at the decibels that you're talking about.

720

721 Mr. Moran - If there was a tonal content, it can be much more
722 annoying. But that's the good thing. I didn't see any tonal content in the noise
723 created. And like I say, because the whole a-weighted spectrum is 10 dB below
724 what would be considered background noise level, even if it does have an
725 annoying spectrum, you wouldn't be able to hear it because the absolute a-
726 weighted—and I should mention *a-weighted* represents what humans hear, not
727 the absolute sound pressure. So the a-weighting tries to account for that. You
728 can hear it like this. And because it's 10 dB below when you hear it like that, you
729 just can't hear it above background noise.

730

731 Mr. Baka - So it wouldn't be much louder. But wouldn't you hear
732 the noise of a garage door going up and the noise of a garage door going down?
733 It would be a different tone.

734

735 Mr. Moran - If it was loud enough, yes. I mean I can't speak to the
736 exact noise level of a garage door going up, so I wouldn't be able to comment on
737 exactly what that would sound like. But if it was loud enough, yes. But the
738 characteristics—as long as the characteristics aren't above, like I say, 10 dB
739 above background noise level, then you won't be able to hear it either. Does that
740 answer—I'm happy to clarify anything further.

741

742 Mr. Leabough - I think that testing another location's rate rather than
743 really testing in this environment is going to produce probably different results
744 because there are different factors here. But I appreciate your comments.

745
746 Mr. Moran - I will talk to sort of the scientific method behind this is
747 well established. The idea of taking noise sources at a representative facility and
748 then using those to predict the noise levels. It's pretty much how all of the studies
749 that haven't got a built facility currently have to be done.
750
751 Mr. Leabough - I understand. I was just saying it's going to be
752 different if you were to test it here. I'm not looking for a comment; I was just
753 making a statement.
754
755 Mr. Moran - Oh, okay.
756
757 Mr. Leabough - So thank you, sir. Appreciate it. Any other questions
758 from the Commission? All right.
759
760 Mr. Witte - I actually have one for Mr. Condlin.
761
762 Mr. Leabough - I have one for Mr. Condlin as well. So go ahead; you
763 go first.
764
765 Mr. Witte - Mr. Condlin, is this a heated and air conditioned
766 building?
767
768 Mr. Condlin - Yes sir.
769
770 Mr. Witte - And the bay doors will be closed while work is
771 performed?
772
773 Mr. Condlin - Yes sir. Yes sir. And their work is limited to those
774 hours that we're talking about, which are daytime hours.
775
776 Mr. Witte - Okay. The people objecting to it, both of them
777 mentioned paint fumes?
778
779 Mr. Condlin - Well certainly from a brand new facility we're going to
780 be able to use the latest and greatest technology that they have. And there are
781 other facilities in the County that they've either purchased the existing
782 businesses or taken over the existing building itself from that business. But this
783 will be a brand new facility, and so they are going to be using that. As I said, it's a
784 water-based paint. It's going to be contained within the building itself. Not just
785 open in the building, but it will be contained in a paint room in the building. They
786 have not had any problems with these types of facilities that are using the current
787 technology that are next to existing residential. The gentlemen are here that can
788 speak to that as well if you have any further questions on that.
789
790 Mr. Witte - Thank you.

791
792 Mr. Leabough - I think I'm good. Does anybody else have any
793 questions for Mr. Condlin?
794
795 Mr. Condlin - I think we have one gentleman who would like to
796 speak as well, if that's all right.
797
798 Mr. Leabough - Well you're at 11 minutes.
799
800 Mr. Condlin - You asked a lot of questions, though.
801
802 Mr. Leabough - Commission questions don't count into that time
803 frame, Mr. Condlin. Yes, you can have your person come up. And I hope he lives
804 in the homes behind the proposed location.
805
806 Mr. Hogg - Good evening. I'm pleased to be here. My name is
807 Thomas Hogg. I live at 8909 Ginger Way Court in 23229, the West End of
808 Henrico. I also work at 5106 Glen Alden Drive, which is about a block to the west
809 of the Laburnum Avenue corridor. So I'm in that area on a very frequent basis. I
810 pay attention to what's going on in that part of the world. I see this as a
811 tremendous business cluster for eastern Henrico County. I see a lot of
812 automotive services in this area—Firestone, Goodyear, the auto dealerships, as
813 the gentleman mentioned, Bill Talley. Meineke Mufflers is right down Laburnum
814 Avenue. So I see this as a very consistent use as to what is also happening in
815 that area.
816
817 As I said, I work in the area on a daily basis. I pay attention to economic activity
818 in the area. I see this from a jobs standpoint as very positive to the County. And
819 any organization, any business that's going to come in and train young people in
820 a trade, in a profession is something that I'm very, very supportive of in this
821 community.
822
823 That's basically all I have to say. Happy to answer any questions.
824
825 Mr. Leabough - Thank you, sir. Any questions from the Commission?
826
827 Mrs. Marshall - I have a question for Mr. Condlin.
828
829 Mr. Condlin - Yes ma'am.
830
831 Mrs. Marshall - Interesting question. Would you be happy living
832 behind the Caliber Collision Center?
833
834 Mr. Condlin - The way it was originally designed, probably not. But
835 actually I live right next to a shopping center and that has a Dunkin' Donuts that
836 has a drive-through that was just recently put in. I can see it. My son wants to get

837 a zip line from our house to it. But I can actually hear it at night. Not so much
838 during the day, which goes to the background noise. And quite frankly, it doesn't
839 bother us one bit. So no, this wouldn't bother me, especially with the hours. I've
840 actually complained about one particular store in that area that there's nothing
841 we can do about as a zoning attorney, but my wife made me call to complain
842 about that particular store. And I understand. That's what it's for.

843
844 So I'm used to a shopping center. I think it's fine. And it's nice to walk to that
845 shopping center. And it's nice to have these facilities in a nice area. I would say
846 this is a nice addition to that area.

847
848 Mr. Leabough - So we're going to put a body shop right behind your
849 house.

850
851 Mr. Condlin - Just don't tell my wife.

852
853 Mr. Leabough - The public comment part of this is closed. So thank
854 you. Go ahead.

855
856 Mr. Emerson - Yes sir. Mr. Chairman, I'd just like to add that it isn't in
857 your purview to consider economic competition. I know that came up and was
858 questioned very heavily. The staff's opposition to this is that it does not fit the
859 Land Use Plan. There are ample industrial opportunities in the reasonable area
860 for this type of use.

861
862 If you look back at the original rezoning, which was an O6 action, it prohibited
863 many things in close proximity to this neighborhood. Again, this land was
864 designated originally for residential uses. It prohibited: Laundromats; self-service
865 dry cleaning establishments; sign printing and painting shops; funeral homes;
866 mortuaries; crematoriums; and drive-through service within any portion of the
867 property zoned B-2C. It prohibited truck stops. It prohibited permanent on-site
868 recycling facilities; sewer water pump stations; automobile/truck/recreational
869 vehicle storage lots for new or used cars; farm supply and service
870 establishments; implement sales; schools for industrial training, trade or
871 business; sheet metal shops or roofing companies. None of these uses are
872 compatible next to a neighborhood.

873
874 The property immediately in front of this was given some B-3 zoning because it
875 was closer to Laburnum. As you proceed across Laburnum, land transitions to
876 industrial and then industrial uses are appropriate. This is directly adjacent to
877 single-family residential, and that's the reason that staff recommends that this
878 case not receive a recommendation of approval. It doesn't support it. It's clearly a
879 land use question and its incompatible uses.

880
881 Mr. Nelson: Mr. Chair, a question for Mr. Emerson. The staff
882 reports, those who are bringing the case forward beyond us, do they get to see

883 them as well? Does the applicant know that staff either supports or does not
884 support before we hear it here?

885
886 Mr. Emerson - Yes sir, they are aware.

887
888 Mr. Leabough - Fully aware of that. I met with Mr. Condlin and one of
889 the applicants when you all were in the initial stages of this project. I think the
890 applicant in looking at his notes, his paper, the first thing at the top was noise and
891 community concerns. So even the applicant acknowledged the concerns about
892 the proximity to the residential uses and the incompatibility there.

893
894 Rev. Nelson, you and I were in the same room. I think it was right after you were
895 elected. And there was adamant opposition to a Wawa operating 24 hours that
896 was approved on that agenda that night. It was standing room only, if I'm not
897 mistaken. Regarding a Wawa, not even that an intensive of a use. I have to keep
898 that in the back of my mind that the community was really concerned about who
899 their neighbor was going to be. If they're concerned about a Wawa, I know
900 they're definitely concerned about a body shop.

901
902 You've done a lot to try to make this case as palatable as it can be. It's just not a
903 compatible use, so we can't ignore that. Competition is great. I have no concerns
904 about that. If we had 50 body shops in Varina, that wouldn't be a factor in this
905 decision in this case at all. So competition has nothing to do with this.

906
907 With that, I move that REZ2017-00015, Andrew M. Condlin for JG Laburnum,
908 LLC and Robins Laburnum, LLC, move to the Board of Supervisors with a
909 recommendation of denial.

910
911 Mr. Archer - Second.

912
913 Mr. Leabough - We have a motion by Mr. Leabough, a second by
914 Mr. Archer. All in favor say aye. Those opposed say no. Hearing no opposition,
915 that motion passes.

916
917 **REASON -** Acting on a motion by Mr. Leabough seconded by Mr.
918 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
919 Board of Supervisors deny the request because it would have a detrimental
920 impact on the adjoining residential neighborhood, and it does not conform to the
921 recommendation of the Land Use Plan.

922
923 I again want to thank you for all of your work to try to address concerns.

924
925 Mr. Emerson - Mr. Chairman, we now move on to the next case on
926 your agenda, which also appears on page 4. It's PUP2017-00019, Andrew Mr.
927 Condlin for Ryal Tayloe, National Speed, Incorporated. The staff report will be
928 presented by Ms. Lisa Blankinship.

975 Mr. Leabough - Okay. If there are no questions, would the opposition
976 please come forward. Again, these are recorded proceedings, so please state
977 your name for the record. And I'd like to remind you all, because it's been a bit of
978 time, that you have a cumulative total of 10 minutes.

979
980 Mr. Nash - Yes sir. My name is James Nash. I'm a County
981 resident in a home adjacent in Glenside Woods, a subdivision. Just to give you a
982 little perspective on me, I'm a 21-year Navy veteran, retired in 2013. I'm sorry.
983 Retired in 2003. I've been a small business owner in the County. I'm also a
984 County employee. I drive a school bus now for the County. And I'm a 35-roughly-
985 plus-year automotive enthusiast, automotive hobbyist. I've built engines. I've
986 painted cars. I have done just about everything that you might consider National
987 Speed will do. I've done it for myself; I've done it for other people. I consider
988 myself something of a backyard mechanic and kind of an expert in these areas. I
989 do things mostly for myself. I have a car now. You could consider me perspective
990 customer of National Speed, other than the location of where it's going to go.

991
992 The Commission report states conditions 4 and 6 have been kind of set aside to
993 address concerns of residents and the general public around. I'll speak to those
994 in just a moment.

995
996 I specifically want to speak to the noise that's going to be associated with the
997 dyno. I find it kind of disconcerting that in the report it says that National Speed
998 intends to sell parts, service, and/or install, but they don't mention anything about
999 testing. Specifically, you're going to test on a dyno. If you're going to build an
1000 engine that's going to have to be putting out 6 to 800 horsepower, which is legal
1001 on the street, or you're going to be building an engine that's going to be putting
1002 out in excess of 2,000 horsepower, which is going to be driven on a track,
1003 whether it's a drag strip or anything like that, it's going to be tested. And it's going
1004 to be tested on this site because that's the only way you have to determine if that
1005 engine's efficient. So there's going to be an enormous amount of noise
1006 generated by the dyno.

1007
1008 Now to cut the holes in the concrete northern face of that building and put in two
1009 garage doors is not going to do a whole lot to reduce the noise associated with
1010 that dyno. I've been doing this for a lot of years. I drive a car that generates a fair
1011 amount of noise. It's street legal. But the first thing you do when you build one of
1012 these engines is you increase the amount of air going in the engine, and you
1013 increase the amount of air coming out of the engine through exhaust. You open
1014 up the exhaust. That itself increases noise. And then you're going to have to test
1015 that motor between idle and 6,000 RPM for a street car, and potentially 10,000
1016 RPM for a race car.

1017
1018 So if you go to your own experience in your car, if you're operating an engine at
1019 6,000 RPM on the street and you have an opened-up exhaust, and then you take

1020 that car and put it in a room with a dyno where it's going to be tested on a regular
1021 basis daily, you're going to be generating a lot of noise in the area of this shop.

1022

1023 I have a direct line of sight from my bedroom. Many of neighbors in Glenside
1024 Woods, we have a direct line of sight from our bedroom straight to that northern
1025 wall where those doors are going to be.

1026

1027 So those are my concerns. I want to yield the balance of my time to my
1028 neighbors. And I can answer any questions that you guys may have. And I thank
1029 you.

1030

1031 Mr. Leabough - Thank you, sir. There are about six minutes left.

1032

1033 Mr. Picard - My name is Claude Picard. I live at 6914 Alder Grove
1034 Drive, Henrico, Virginia. My front doorstep is approximately 600 feet from the
1035 back of this proposed National Speed shop. So I've got some concerns as well
1036 regarding noise in the area, and I oppose the provisional use permit.

1037

1038 My biggest concern—and I hope the Board understands this—is that this site or
1039 this National Speed shop is not a standard automotive repair shop. It's not a
1040 Midas. It's not a Jiffy Lube. It's not a Bill Crompton Tire and Auto. This is a speed
1041 shop and it brings in hobbyists that customize their exhaust systems, they
1042 customize their engines, which create an exorbitant amount of noise.

1043

1044 I know the speed shop has made a proposal to have an inside dyno, like a room
1045 inside a room. But my biggest concern is what the outside noise issues are going
1046 to be in the neighborhood. And again, I live probably within just a couple minutes
1047 walk from where this proposed site is going to be.

1048

1049 As soon as I got the letter about this proposal, I spent about two or three hours
1050 just doing some online research. They have a site right now in Wilmington, North
1051 Carolina. So I thought what better way to determine what will happen in my
1052 neighbor is go back, look at some historical facts and some information about
1053 what's going on in Wilmington, North Carolina.

1054

1055 Now, the information I'm going to give you, it's not authenticated. I found it online.
1056 I don't have the key holder for Google Earth Maps and those types of things. But
1057 what I found out I think will kind of surprise you.

1058

1059 The first thing I did, I want to look and see where the current National Speed
1060 shop is in Wilmington, North Carolina. As I was going and looking at Google
1061 Earth Maps, one thing I noticed that was kind of unusual, right in front of the shop
1062 are these dark marks, right in front of the shop. Not being an expert in what
1063 people do or hobbyists do, but I suspect those are probably from cars either
1064 peeling out or testing whatever maybe they just purchased within the National

1065 Speed shop. You're more than welcome to take a look at it. You can create that
1066 Google Earth Map print yourself.

1067

1068 The second thing I did was go online to see if there were any videos that were
1069 online through YouTube. Again, I can't stand up here and attest to who posted
1070 those videos. There were at least two videos that I found online. There's a yellow
1071 Corvette in one situation and a black Cadillac in another. In both situations it
1072 appears that the person is standing out in front of the National Speed shop,
1073 making as much noise as the possibly can with their exhaust system that they
1074 just installed.

1075

1076 Again, I know the National Speed Shop will propose that they have this indoor
1077 dyno that's going to prevent noise and so forth. But again, my concern is what's
1078 going to go on outside of the speed shop.

1079

1080 Again, just in some quick searches, one article I found was labeled, "The Absurd
1081 Spectacle of Noise and Numbers That Is an Open Dyno Day."

1082

1083 I present you this information so you understand this is not a Midas shop. This
1084 isn't a shop that's going to do inspections and fix a headlight. This is a shop for
1085 high-performance cars. A person who's going to bring a high-performance car in
1086 to the area is not necessarily going to be testing everything inside. But when they
1087 leave, coming and going from the neighborhood itself you're going to hear those
1088 loud pipes, potentially hear screeching tires. Again, I didn't go to Wilmington,
1089 North Carolina to take a direct picture. This is just all the information I found
1090 online looking for two to three hours of my own time.

1091

1092 One other thing I did, too, is I made some phone calls to some of the businesses
1093 nearby. I made a phone call to the apartment complex, which ironically looks to
1094 be in a very similar situation to where my home is in relation to the proposed site.
1095 Some of the comments I heard from some of the young ladies I spoke with at
1096 work at the apartment complex were that yes, we hear the noise. It sounds like a
1097 turbine. I hear it ten seconds at a time. It's not consistent. It's infrequent. They
1098 haven't seen car shows over in the area; however, they do hear it from inside
1099 their building. They did state that it doesn't interfere with their business. They
1100 haven't received complaints. But again, this is an apartment complex where you
1101 have the option of just moving out. I'm a homeowner. I purchased my home. I've
1102 been living in the neighborhood for eight years. I don't have the option of putting
1103 a "for sale" sign up at my home any time soon.

1104

1105 I strongly recommend that you do not approve this provisional use permit for the
1106 sake of myself, my wife, and my neighborhood. Any questions?

1107

1108 Mr. Leabough - Thank you, sir.

1109

1110 Mr. Witte - No sir. I've got a comment. We will not be approving
1111 or denying this; we're just making a recommendation.
1112
1113 Mr. Picard - Okay, that's fine. I understand.
1114
1115 Mr. Leabough - Thank you, sir.
1116
1117 Mr. Picard - Thank you.
1118
1119 Mr. Leabough - Any other questions from the Commission? Would
1120 you like to speak in opposition, sir?
1121
1122 Mr. Galer - Is there any time left?
1123
1124 Mr. Leabough - Yes there is. So we've heard comments about noise,
1125 primarily. So if you have something different to share, sure, go ahead.
1126
1127 Mr. Galer - One of my biggest concerns is noise. My name is
1128 Gordon Galer, and I live at 6916 Alder Grove. So I'm only about 20 feet further
1129 away than Mr. Picard is in Glenside Woods. This is a community of a hundred
1130 homes.
1131
1132 In addition to all the noise that we're concerned about and the fact that National
1133 Speed is going to put the dyno inside, what's going to happen out in the parking
1134 lot. Although perhaps permits are required for that. What stops any group of
1135 enthusiasts—2, 3, 4, 5, 6 of them—getting together to put up the hoods and—I'll
1136 use the words *showing off*. And I use that word because on National Speed's
1137 website, and I quote: "National Speed is considered the best speed shop in North
1138 Carolina and is the Southeast's hot-spot for meets, cruise-ins, and dyno days.
1139 Think cars, models, prizes, music, food, and friends. As enthusiasts, we
1140 understand the importance of showing off."
1141
1142 One of our concerns, in addition to the noise that may come from the shop itself,
1143 is going to be what happens with the gathering—official or unofficial—in the
1144 parking lot. And they have these high-performance machines to show them off
1145 and to see what they sound like and how they go. Our concern is that that is
1146 going to be coming directly out of the parking lot at whatever time they get
1147 together and come straight down the street into our subdivision.
1148
1149 Thank you.
1150
1151 Mr. Leabough - Thank you. They would have to drive out onto
1152 Glenside and then drive into the subdivision. There would be no [inaudible].
1153
1154 Mr. Emerson - No.
1155

1156 Mr. Leabough - Okay. Would the applicant please come forward?
1157

1158 Mr. Condlin - Good evening, again. Andy Condlin here on behalf of
1159 National Speed. I wanted to at least go over a couple of things. I'll respond to the
1160 comments from that standpoint.
1161

1162 This is part of a larger facility that's been vacant for quite some time in a
1163 shopping center that is zoned B-2 (Unconditional). Surrounded by commercial.
1164 And yes there is a single-family—let me roll through here a little bit to get where I
1165 want to go. That's where I wanted to be. Crockett Street runs beside this
1166 property. This is also zoned Business. The homes that we're talking about are
1167 back here.
1168

1169 This particular facility, O'Reilly just moved in from the other part of the shopping
1170 center. There's a theme here with respect to—National Speed is again trying to
1171 change the conversation from a typical speed shop that are independently owned
1172 as they continue to grow their business. There are some differences between
1173 what you're heard from Wilmington and what they're business profile is as they
1174 do their first expansion outside of Wilmington that was described.
1175

1176 And I think it's an important distinction is that we did have two doors and now we
1177 have just the one door. You go into the bay door, and then again you have to go
1178 through two different doors. This dyno room is intended to be able to have all the
1179 testing go on inside. In Wilmington, for example, all the doors are open because
1180 it's in an industrial area despite the apartments being right next door. And the
1181 industrial area allows for the uses, and they are allowed to have outdoor events.
1182 Which is different than what we've got here where we have to come back to have
1183 any outdoor events. We have to get a permit from the County and have a public
1184 hearing I understand from the BZA, the code section. So we'd have to come
1185 before the BZA and ask for a specific permit, which would have parameters on it.
1186 And of course a provisional use permit can be withdrawn at any time. Those I
1187 think are pretty critical conditions that occur in this situation.
1188

1189 The other ones are the dyno room is part of the lobby. This is more of a retail
1190 service, again, that we're trying to provide for. There's this window here. They've
1191 got all the soundproofing to be able to have conversations, carry on their
1192 business in the lobby area, which is literally next door to the dyno room. So the
1193 idea is that with the building itself, with the bay door, and the second bay door
1194 coming outside, that there will be imperceptible noise. Now we didn't do a noise
1195 study in this instance because—
1196

1197 Mr. Leabough - I was going to ask you that question.
1198

1199 Mr. Witte - It's coming.
1200

1201 Mr. Condlin - Yes, I can see it coming, that's right. And we did have
1202 a community meeting, and a couple people showed up. Didn't have opposition.
1203 It's nice to have some business here. Everything will be indoors. They can
1204 actually store up to 60 cars indoors. And all the work that we're doing. Now this is
1205 not mechanical work. They're not doing your typical mechanical work or
1206 bodywork, which is an issue near residential. It's more high performance. They're
1207 taking after-purchase equipment and putting it on for better performance. And it's
1208 not just for racing, but it is for better performance of cars. That includes the
1209 brakes and the engines and the suspension. Again, no outside storage. All
1210 service is within the completely enclosed building. We still have to go through a
1211 POD, and any outdoor events must have County approval.

1212
1213 The videos that they are talking about were planned events. Those are
1214 employees that have the training. Those are controlled events that they were
1215 talking. Again, it's a different situation that they've got there in Wilmington. It's a
1216 little bit different from that standpoint being industrial and they own the building.
1217 Here, they are leasing the building. Which again, they're not going for that.
1218 They've got the indoor dyno room and no open-bay doors.

1219
1220 I wanted to introduce Ryal Tayloe, who is one of the owners and head of National
1221 Speed to talk a little bit about that as well.

1222
1223 Mr. Tayloe - Thank you, Mr. Condlin. So yes, I'm Ryal Tayloe. I'm
1224 CEO of National Speed. We intend to be very upstanding citizens here, as we
1225 have been in Wilmington for the last ten years. We've never had any complaint of
1226 noise filed in Wilmington, even with the apartments next door, as is noted by
1227 Mr. Picard.

1228
1229 I actually had a nice conversation with Mr. Picard on the phone a couple weeks
1230 ago. And I offered to connect him with the New Hanover County Sheriff's
1231 Department and the Wilmington Police Department if he'd be interested to speak
1232 with them about our history as upstanding citizens there.

1233
1234 We're really excited about our second location being in Henrico County. We're
1235 trying to take every step necessary to be great citizens of this shopping center
1236 and of the community. We're very appreciative of the staff recommending us.
1237 And as been stated, all the work takes place indoors. This is not a body shop
1238 with frame equipment. We're not cutting and sanding all day. We're installing
1239 turbochargers on cars, intake systems, things like that, and then testing to make
1240 sure that the car still operates and operates at optimal performance after those
1241 after-market parts are put on.

1242
1243 We're also not a metal fabricator. We don't have any blueprint tables. We don't
1244 have jigs. We have high-precision TIG welders for one-off-the-spoke custom
1245 projects that we do to help our customers make their street cars perform better.

1246

1247 We also felt like this would be a great location for us because there are 38,000
1248 cars that drive by this shopping center every day, which is wonderful from a
1249 customers-checking-us-out standpoint. But also from a noise standpoint. We
1250 don't anticipate our shop creating any more noise than the current travelers that
1251 go by. It takes 50 different types of cars to make up 80 percent of our volume.
1252 We're not working with just Corvettes and Cadillacs. We have a Hyundai in the
1253 shop in Wilmington right now. We have all sorts of different cars. It's very similar
1254 to a sample of cars that you might just pick out of those 38,000 that drive by on
1255 Staples Mill every day.

1256

1257 I'm happy to answer any questions that you may have.

1258

1259 Mr. Witte - Good. I have several. One of my concerns that has
1260 come up a couple of times is the exterior noise that will be heard outside. Are the
1261 walls insulated or are there sound-suppression systems installed so it won't
1262 exceed the County decibel levels for the Noise Ordinance?

1263

1264 Mr. Tayloe - Yes, we—well we believe so. We haven't, of course,
1265 contracted the work to be done yet. Soundproofing is included in the bid request
1266 that we'll send for the dyno room. And then we're fortunate this building is a brick
1267 building with thick walls. The doors will be fire rated. The roll-up doors will be fire
1268 rated.

1269

1270 Mr. Witte - I'm more interested in the sound suppression itself as
1271 per the conditions in here, especially #6. Well, all of them actually. Exceeding the
1272 decibel units and disturbing the neighbors or creating problems is reason to pull
1273 the provisional use permit. So I think you need to go into this knowing you need
1274 to do everything you can to protect the neighbors.

1275

1276 Mr. Tayloe - We understand that our provisional use permit can be
1277 revoked later if we don't keep it under those decibel levels. And we're
1278 comfortable with that.

1279

1280 Mr. Witte - Okay.

1281

1282 Mr. Leabough - May I ask a quick question?

1283

1284 Mr. Witte - Sure.

1285

1286 Mr. Leabough - You're not using noisy equipment. You're using TIG
1287 welders. You're not going to hear it at all unless you're using it. So what
1288 equipment would even create a sound loud enough to permeate from the
1289 building?

1290

1291 Male - The dyno.

1292

1293 Mr. Tayloe - The cars themselves on the dyno.
1294
1295 Mr. Leabough - Yes, but that's soundproof, right? You've done noise
1296 attenuation. So I think Mr. Condlin said that if your dynoing the vehicle, you can't
1297 have it but so loud because you have sales happening next door.
1298
1299 Mr. Tayloe - Yes.
1300
1301 Mr. Leabough - So that room is soundproof, correct?
1302
1303 Mr. Tayloe - Yes.
1304
1305 Mr. Leabough - So what other equipment would be loud enough to
1306 exceed—to have noise kind of permeate from the building itself?
1307
1308 Mr. Tayloe - Not any that I'm aware of.
1309
1310 Mr. Leabough - I thought maybe I was missing something.
1311
1312 Mr. Witte - No, no. I was just making sure that we understood
1313 that there is a County Noise Ordinance and certain decibels have to be
1314 maintained.
1315
1316 Mr. Tayloe - Yes.
1317
1318 Mr. Witte - Okay.
1319
1320 Mrs. Marshall - Mr. Witte, can I jump in for one sec? Thank you
1321
1322 Mr. Witte - Please.
1323
1324 Mrs. Marshall - Would you be willing to make condition #9 that the
1325 dyno room *will* be soundproof?
1326
1327 Mr. Tayloe - Yes.
1328
1329 Mrs. Marshall - You would?
1330
1331 Mr. Tayloe - I think that we'd be fine with that.
1332
1333 Mr. Witte - Okay. That was one of my questions. The outside
1334 events seem to be a concern. As Mr. Condlin expressed, you do need a permit
1335 for those. And my understanding is there is a regular event that you have to show
1336 off your equipment and the vehicles.
1337

1338 I'm not sure the legalities of it, but I think you would be held responsible for the
1339 activities that go on out there. So we can't have people racing their cars and
1340 revving their engines and disturbing the peace. Once again, that's a violation.
1341 And once again, be concerned with the citizens who have been there and they
1342 want their peace and tranquility not being disturbed on a regular basis.

1343

1344 The only other comment I have is Mr. Nash, thank you for your service.

1345

1346 I have no other questions.

1347

1348 Mr. Leabough - Any other questions from the Commission? All right,
1349 thank you.

1350

1351 Mr. Tayloe - Just one last comment, Mr. Witte. I don't think this
1352 was mentioned. The square footage of the Wilmington facility is less than 9,000
1353 square feet. This facility is much larger. I think Mr. Condlin mentioned the amount
1354 of cars we can store indoors, which is nice for the citizens. Also, the event, we
1355 kind of have to have people outside in Wilmington. Whereas here we have so
1356 much space. And the events are called Dyno Days. We anticipate four or five a
1357 year total. We really don't like to have those events to begin

1358 with because it takes us away from our normal work. Our customers really enjoy
1359 them because they basically queue up and want to get their cars on the dyno to
1360 see how they perform. Because this all indoors, that's different than Wilmington
1361 as well. We don't anticipate having to have—we anticipate our customers
1362 mingling around indoors and not having to be outdoors.

1363

1364 Mr. Leabough - Thank you, sir. Mr. Witte.

1365

1366 Mr. Witte - Any other questions? Well, with that, I think it's been
1367 very interesting. I think that National Speed could be an asset to the community if
1368 all goes as planned. So with that, Mr. Chairman, I move that PUP2017-00019,
1369 Andrew Mr. Condlin for Ryal Tayloe, National Speed, Inc., move to the Board of
1370 Supervisors with a recommendation of approval.

1371

1372 Mr. Leabough - Subject to conditions 1 through 8 and additional
1373 condition 9, right?

1374

1375 Mr. Witte - Exactly.

1376

1377 Mr. Emerson - And additional condition 9, we'll draft it, but that is to
1378 read the dyno room will be soundproofed.

1379

1380 Mr. Baka - How about equipped with soundproofing material,
1381 because it will be soundproofed.

1382

1383 Mr. Emerson - We'll work on that language.

1384
1385 Mr. Leabough - Second. So we have a motion by Mr. Witte, a second
1386 by Mr. Leabough. All in favor say aye. Those opposed say no. Hearing no
1387 opposition, that motion passes.

1388
1389 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
1390 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
1391 the Board of Supervisors **grant** the request because the conditions should
1392 minimize the potential impacts on surrounding land uses and it is reasonable in
1393 light of the surrounding uses and existing zoning on the property.

1394
1395 Thank you all.

1396
1397 Mr. Nelson: Mr. Chair, the two cases that you guys just voted on,
1398 they come to the Board when?

1399
1400 Mr. Emerson - December the 12th, I believe, Mr. Nelson, would be
1401 the date.

1402
1403 Mr. Nelson: Okay.

1404
1405 Mrs. Marshall - November.

1406
1407 Mr. Emerson - Oh, I'm sorry. November. It would be November the
1408 14th. I'm sorry.

1409
1410 Mr. Nelson: Okay. Thank you.

1411
1412 Mr. Emerson - I'm a month ahead of myself. It's time for my eye
1413 exam. Mr. Chairman, next on your agenda is the discussion item.

1414
1415 **DISCUSSION ITEM:** The Planning Commission will discuss setting a
1416 Public Hearing for the Glen Allen Comprehensive Plan Amendment and Code
1417 Amendment.

1418
1419 Mr. Emerson - Of course earlier this evening we discussed the Glen
1420 Allen Plan Amendment and Code Amendment, and we also had some discussion
1421 regarding potential dates for public hearings. I heard that you may be interested
1422 in going out as late as February the 15th, but certainly no earlier than January
1423 the 11th. We have time to consider that. If you want me to place this on your
1424 November agenda, I certainly can, and we talk about it again.

1425
1426 Mr. Leabough - How does the Commission feel? Push it out to
1427 November?

1428
1429 Mr. Witte - I'm good with that.

1430
1431 Mr. Archer - Are we doing this just for the purpose of setting the
1432 date?
1433
1434 Mr. Emerson - Yes sir.
1435
1436 Mr. Archer - Well, when we were in the work session, I think we all
1437 agreed that February would probably be the best date. So if we still agree with
1438 that, then I move that we just set it for February.
1439
1440 Mrs. Marshall - I second.
1441
1442 Mr. Leabough - Okay. We have a motion by Mr. Archer—
1443
1444 Mr. Witte - I'll second that.
1445
1446 Mr. Archer - It's already been second that.
1447
1448 Mr. Witte - Oh.
1449
1450 Mrs. Marshall - You can third it.
1451
1452 Mr. Leabough - Do you know the exact date?
1453
1454 Mr. Emerson - I would be February the 15th.
1455
1456 Mr. Leabough - Okay. So we'll set that public hearing for February
1457 15th.
1458
1459 Mr. Emerson - Now you do have your CIP that evening as well. We
1460 usually do that at six. This will be on your regular agenda at that point. We do
1461 6 p.m. for your CIP and then add this to your regular agenda. I don't know how
1462 big of a crowd you may or may not get for that. I also don't know at this time what
1463 else may be on your February agenda. I don't have to advertise this until
1464 January. By December, I'll have a general idea of what your February agenda
1465 will look like.
1466
1467 Mr. Leabough - Okay.
1468
1469 Mr. Emerson - If there's concern, we'll come back to you and talk
1470 about it.
1471
1472 Mr. Leabough - All right, sounds great. Thank you all. Is there any
1473 business to come before the Commission? Or we have the minutes.
1474

1475 Mr. Emerson - Approval of the minutes, yes sir. I'm in December and
1476 you're going to miss the minutes.
1477
1478 Mr. Leabough - That's why we are a dynamic duo.
1479
1480 Mr. Emerson - That's exactly the thing, Mr. Chairman. This would be
1481 the consideration of the Commission's minutes for September the 14th. We have
1482 no errata sheet.
1483
1484 Mr. Leabough - All right.
1485
1486 Mr. Archer - Mr. Chairman, I move that the minutes be accepted
1487 as written.
1488
1489 Mr. Leabough - Second.
1490
1491 Mr. Leabough - We have a motion by Mr. Archer, a second by
1492 Mr. Leabough. All in favor say aye. Those opposed say no. The minutes are
1493 approved.
1494
1495 Anything else for the Commission, Mr. Secretary.
1496
1497 Mr. Emerson - Yes, Mr. Chairman. I would like to remind everybody
1498 that next Thursday evening, a week from tonight on the 19th there is a
1499 continuation of the Route 5 Study process. We have a meeting scheduled at the
1500 John Rolfe Middle School to begin at 6:30 p.m., which will be an interactive
1501 exercise with the community. We have some technology set up that will allow the
1502 audience to vote remotely on different items. And we'll be able to gauge their
1503 thoughts regarding some of the goals and objectives that have come out of the
1504 previous workshops that we have conducted. So we are excited about that.
1505
1506 There's another item I'd like to note to you. I think all of your—or I hope all of you
1507 have met Mike Morris. Mike, if you'll stand up. Mike has been with us for a while.
1508 He was planning tech on the design side. He recently received a promotion to a
1509 County Planner 2 in Comp Planning. He will be working on special projects and
1510 rezoning cases. He has a master's degree in Urban Planning from Hunter
1511 College CUNY, and has worked for the New York City Department of Planning,
1512 Grow New York City, as an independent contractor. Prior to coming to us, Mike
1513 worked for Community Revitalization. So he's moving up in our office. We're
1514 excited about that.
1515
1516 Mr. Leabough - Great. Congratulations.
1517
1518 Mr. Witte - Congratulations.
1519

1520 Mr. Archer - Let's give him his applause. That's the only applause
1521 you'll ever here.
1522
1523 Mr. Emerson - Mr. Chairman, with that I have nothing further.
1524
1525 Mr. Leabough - All right. I just wanted to take this opportunity before
1526 we adjourn to thank you all for working on the mailings for the Route 5 plan and
1527 the signage. We do appreciate it.
1528
1529 Mr. Emerson - Not a problem.
1530
1531 Mr. Leabough - We look forward to seeing you next week. If there's
1532 nothing else, I'll entertain a motion for adjournment.
1533
1534 Mr. Witte - So moved.
1535
1536 Mrs. Marshall - Second.
1537
1538 Mr. Leabough - We're adjourned.
1539
1540
1541
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Mr. Eric S. Leabough, C.P.C., Chairman

Mr. R. Joseph Emerson, Secretary