

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY**
3 **ADMINISTRATION BUILDING IN THE GOVERNMENT CENTER AT PARHAM**
4 **AND HUNGARY SPRING ROADS, ON THURSDAY NOVEMBER 20, 2014 AT**
5 **9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**
6 **DISPATCH NOVEMBER 3, 2014, AND NOVEMBER 10, 2014.**

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Members Present: Gentry Bell, Chairman
Greg Baka, Vice Chairman
Helen E. Harris
James W. Nunnally

Member Absent: R. A. Wright

Also Present: Benjamin Blankinship, Secretary
Paul M. Gidley, County Planner
R. Miguel Madrigal, County Planner

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10
11 Mr. Bell - Welcome to the November meeting of the Henrico
12 County Board of Zoning Appeals. I ask you to please stand and join me in
13 pledging allegiance to the flag of our country.

14
15 Thank you. Mr. Blankinship, please go ahead and read our rules.

16
17 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
18 ladies and gentlemen. Since we only have one case this morning, I'm going to
19 give the abbreviated version of the rules, which is simply that we will ask
20 everyone who intends to speak to the case to stand and be sworn in. And then
21 we'll ask the applicant to present your case. And then anyone else who wishes to
22 speak will have the opportunity. And after everyone has had an opportunity to
23 speak, the applicant and only the applicant will have an opportunity for rebuttal.

24
25 This meeting is being recorded, so we will ask everyone who speaks to speak
26 directly into the microphone on the podium, state your name, and please spell
27 your last name so we get it correct in the record.

28
29 I'm hoping that since we only have one applicant that you are familiar with the
30 conditions that have been recommended by the staff. That's an important part of
31 this process.

32
33 With that, Mr. Chairman, I would also like to introduce Natalie Moles and Thomas
34 Wysong who are interning with the Planning Department this fall. And we are
35 hoping that they are going to stay over through spring. So they're joining us here
36 this morning.

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Oh, and the other thing I wanted to mention is we are one member short this morning. Mr. Wright was not able to be with us for medical reasons. It is a requirement of state law that the Board has to have three affirmative votes in order to pass a conditional use permit. So if you wish, you can defer until next month, and hopefully Mr. Wright will be back by then and we will have all five members. Or we can certainly proceed. I see you shaking your head as if you would like to proceed.

Did I skip anything?

Mr. Bell - I believe that covers most of it.

Mr. Blankinship - All right.

CUP2014-00035 LUMOS NETWORKS, INC requests a conditional use permit pursuant to Sections 24-12(c) and 24-56(a) of the County Code to build a telecommunication facility at 2900 Hungary Spring Road (WOODLAWN FARMS) (Parcel 765-752-0302) zoned Business District (B-1) (Brookland).

Mr. Blankinship - Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hands, please. Do you swear the testimony you're about to give is the truth, the whole truth, and nothing but the truth so help you God?

Mr. White - I do.

Mr. Blankinship - Thank you.

Mr. Bell - Good morning.

Mr. White - Good morning, Mr. Chairman.

Mr. Bell - Would you please state your name and give us the spelling of it as well, please.

Mr. White - Sure. My name's James D. White—W-h-i-t-e. I'm the professional engineer of record for the project for the facility. My company is LLI Engineering, we're representing Lumos Network Systems. LLI Engineering is a mid-sized engineering company that does a lot of telecom work all over the eastern United States. Our largest clients include Verizon; Lumos is another significant client. We design these facilities for them all over.

Lumos Network Systems is a telecom company and data provider for businesses. They serve Pennsylvania, West Virginia, Virginia. Their home base is in Waynesboro, Virginia. What they're doing is expanding their network and

83 their services here in the Richmond area. What they're doing is they're building
84 what's called a point-of-presence building. It's an equipment-only building. Inside
85 this building will be pure telecom equipment and services that support that. The
86 purpose is to take signals, fiber optic signals from elsewhere, repeat them,
87 expand them, and send them out, as well as serving the local community and the
88 local businesses with telecom and data services.

89
90 The project, as you can see, is on Hungary Spring Road next to the dental office.
91 It is in the back of the lot. I'll let Mr. Custis talk about that when we get to it. Do
92 you want to do that now, and then I'll come back to the—? Okay.

93
94 I guess one of the issues that came up is how the building is going to look on the
95 site and how the site is going to look at the end of the project. As you can see,
96 we deliberately placed it towards the back of the lot. Even though there's an
97 existing curb cut on Hungary Spring Road, we've moved it around to the ancillary
98 road so that the service and any vehicles that come in are going to go to the back
99 of that.

100
101 Again, it won't be a manned building, but there will be trucks there probably two,
102 three days a week servicing equipment, connecting wires and that sort of stuff.
103 The building does run, obviously, 24/7. It needs power 24/7. So there is a
104 standby generator. There is a 150 kW standby generator. And again, we place
105 that towards the back of the building. And it's also going to be totally concealed
106 by an eight-foot-high fence so that, again, nobody will see that generator. It will
107 run for between fifteen minutes and a half hour a week, if there are no power
108 outages. And we will schedule that at the convenience and preference of the
109 neighbors. It does have a sound enclosure on it. At the property line we will be
110 below the decibels required for that. But you will be able to hear it. Again, should
111 there be a power outage of several hours, it will run continuously until power is
112 restored. There is a two-day fuel supply with the generator. And again, should
113 there be a power outage extending beyond that, they have means of getting that
114 generator refueled.

115
116 One of the questions that came up, again, was the finish of the building. If I can
117 go through—would you flip the slides? If you want to go to the pictures of the
118 building. Typically we use what's called an exposed aggregate. Staff
119 recommended we use a brick finish on it. The building has to comply with
120 something called Telcordia standards. All the telecommunication companies
121 have to comply with that. That means for the first ten feet of the building, from
122 grade it has to be concrete. Basically it has to be bulletproof. The idea is you
123 can't shoot into it as a vandal and take down the telephone service. So that's why
124 you see these concrete huts for the cell towers and other telecom facilities.

125
126 So this building right here, that is an example of what the brick will look like. And
127 again, it's a poured product. They pour the concrete down, and they put on this
128 stencil. There was a name of a vinyl brick. The vinyl actually refers to this relief

129 stencil that they put on. So they press that stencil into the concrete, and then
130 they put a powdered dye on top of it, which bleeds into the top part of the
131 concrete. And then they put a mortar on top of that to provide texture. So you can
132 see he's providing the texture for it. And then after it partially dries, they remove
133 the stencil. And you can see how it gives it the brick appearance even though it's
134 a concrete building.

135

136 And again, this is a close-up. It shows the relief of it. It shows the different color.
137 And again, this one has a little bit different texture on the brick. But again, that's
138 what it will look at. That is really just a concrete wall there. You can supplement it
139 with other stone or something or vinyl. There is variety for that.

140

141 We recognize the fact that you wanted the brick for it. If we go back to the other
142 picture of the building. We showed it the last time we were here. This is another
143 building from Chantilly, I believe.

144

145 Mr. White - This is a building that Lumos did I believe in Chantilly,
146 Virginia. This has that brick on it. Staff also recommended that they wanted a
147 residentially looking roof on top. Again, that's not what we normally do, but we'd
148 be happy to that for this one here. So this is more in keeping of what you're going
149 to see on your lot. The side edges will, like that, have a vinyl side to it. Basically,
150 the roof, it's still going to have a concrete roof protection, but it'll have that
151 pitched roof on top.

152

153 Mr. Blankinship - So this picture that we're looking at is the product that
154 you were just explaining.

155

156 Mr. White - It is.

157

158 Mr. Blankinship - This is not a brick building.

159

160 Mr. White - Correct. It's a poured concrete building.

161

162 Mr. Blankinship - This is nice looking.

163

164 Mr. Baka - It's impressive.

165

166 Mr. White - Again, one of the differences is we are going to have
167 a paved driveway for yours. I'll let Glen explain the landscaping plan and the site
168 work that's done around there.

169

170 Mr. Nunnally - You have read all of these conditions, right?

171

172 Mr. White - Yes sir.

173

174 Mr. Nunnally - Do you agree with them?

175

176 Mr. White - Yes.

177

178 Mr. Custis - I'm Glen Custis with Draper Aden Associates. Last
179 name is C-u-s-t-i-s. As James said, we prepared the site plans for the project. It's
180 normally an unmanned facility, provided with just two parking spaces. As
181 questions come up about the landscaping, we'll comply with the requirements. I
182 think there is some perimeter landscaping required. And I think we switched it.
183 Originally on our plans we had a chain link fence around the generator. I think
184 they asked us to change that to a solid board type fence, and we'll do that.
185 Initially, we just showed landscaping around the generator enclosure, but we'll
186 comply with the perimeter landscaping and other requirements placed on there.

187

188 I think all of the rest of the site plan design, as far as drainage and everything, is
189 done in accordance with the County's regulations and everything.

190

191 I'll be glad to answer any other questions that you may have about the site plan.

192

193 Mr. Blankinship - Mr. Chairman, if I could ask one question. On
194 condition #8 we had proposed: "The applicant shall remove the wooden posts
195 located at the southern street corner of the lot." Are you familiar with what we're
196 talking about there?

197

198 Mr. Custis - Let's see. I guess it—

199

200 Mr. Blankinship - There are five or six posts. They're like 4 by 4's.

201

202 Mr. Custis - I think on the demolition plan we did—yes. If we
203 didn't, I will remove those. I'm not sure what they were—

204

205 Mr. Blankinship - Okay. They're not there for any specific purposes.

206

207 Mr. Custis - No.

208

209 Mr. Blankinship - Okay. I didn't know what they were, so I was a little
210 uncomfortable telling you to remove them without knowing what you were
211 removing. They didn't look like they served any practical purpose.

212

213 Mr. Custis - I think it might have been just a—I don't know. I'm not
214 really sure of the purpose of them originally. But yes, we'll take those out.

215

216 Mr. Blankinship - Maybe to prevent people from driving onto the site.

217

218 Mr. Custis - I guess so, yes. There is not a curb right there. But
219 maybe at one time or maybe before street improvements or something people

220 were driving onto it from there or something. No, that's not a problem. They don't
221 have a purpose for our project, so we'll remove those.

222
223 Mr. Bell - Are there any more questions? How often do you
224 anticipate this facility will be used?

225
226 Mr. White - The facility is unmanned. It's a 24/7 operation for the
227 equipment. When we first set it up, they'll be vehicles there, one or two vehicles
228 there every day, one or two people in it every day probably, quite honestly, for
229 the first year. After that, once or twice a week just for service. But as they bring in
230 their equipment and they start loading their racks with telecom equipment, there
231 will be people there working.

232
233 Mr. Bell - In the report it noted that at times the lot is used for
234 parking for the adjacent buildings. Would that continue to be the case?

235
236 Mr. White - No.

237
238 Mr. Bell - Is there any twenty-four lighting?

239
240 Mr. White - There is lighting. There is exterior lighting at the exits
241 as required by code. So there is an exit light. There is also a service light over
242 the generator.

243
244 Mr. Bell - Do you have any locations like this in the
245 Richmond/Chesterfield/Henrico/Hanover areas?

246
247 Mr. White - We do not.

248
249 Mr. Bell - This is the first?

250
251 Mr. White - For Lumos, yes.

252
253 Mr. Bell - In other areas that you have it, what kind of
254 complaints, if any, have you received?

255
256 Mr. White - In all honesty, the biggest complaint that we ever get
257 is with the generator, particularly in high-end residential areas if we have houses
258 that are very close by to it. That's typically the only—

259
260 Mr. Blankinship - Complaints about the noise from the generator?

261
262 Mr. White - Yes. And again, we always comply with the local
263 codes for it, but when there's a power outage, the neighborhood gets very quiet,
264 quite frankly. And then you hear that humming noise, and you see a light over
265 there. It's just irritating for a bunch of reasons that—you know, you're suffering

266 through it and they're not. That's usually the only complaint we ever get. The nice
267 thing about these facilities is there is very little traffic that goes to them. They are
268 very quiet neighbors. And there is no cell tower. I want to make sure that's
269 perfectly clear. There is no tower associated with this. All the wiring—once we hit
270 the site, we do everything underground, so it's very clean looking. Again, there
271 are very few complaints.

272
273 Mr. Bell - I believe this might have been asked earlier, but I'll
274 ask it again. Have you read and understand all the suggested conditions and
275 agree with them if the conditional use permit is approved?

276
277 Mr. White - Yes we do.

278
279 Mr. Blankinship - I think we need to discuss a little further condition #4
280 where we specify brick. We'll just have to find some other wording. I mean it does
281 say "brick exterior wall similar to the example provided." And since that example,
282 you say, is the product we've been discussing—

283
284 Mr. White - Yes.

285
286 Mr. Blankinship - —we could probably leave it the way it is. But with
287 your permission, Mr. Chairman, I'll just tweak that a little bit to clarify that we're
288 not talking about standard brick construction; we're talking about what we
289 discussed here this morning.

290
291 Mr. Baka - Brick appearance.

292
293 Ms. Harris - Is that called stamped concrete?

294
295 Mr. White - It's similar to stamped concrete.

296
297 Mr. Blankinship - It's very similar.

298
299 Mr. White - Stamped concrete is usually horizontal; this is vertical.
300 So you can't stamp it and let it go because it would—you don't have gravity. So
301 it's actually a stenciled concrete. And they call it a vinyl stenciled concrete. And
302 that's why the word *vinyl* is in the word *finish*. So it's a vinyl stenciled concrete.

303
304 Mr. Baka - So it would be fair to say a vinyl stenciled concrete
305 with a brick appearance?

306
307 Mr. White - Yes.

308
309 Mr. Baka - Is that fair language?

310
311 Mr. White - That would be great.

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Ms. Harris - I have some questions. What about the security for the facility?

Mr. White - Lumos has what's called a NOC—a Network Operations Center. They actually have two or three NOCs that are manned 24/7. All the alarms from this building—and there are about twenty, thirty different alarms, including security. So there's perimeter security, there's card access. Anybody that goes in has to swipe in so they actually know who went into the building. There are cameras inside. Typically we don't have cameras outside, and I don't anticipate having a camera on the outside of this one. But it's something they may choose to do in the future. So it's actually a very secure facility. And should something happen, they immediately call 911 and the appropriate emergency response.

I should point out that the building has what's called an FE-25 gas fire suppression system. Recognizing that the equipment inside the building is worth much more than the building, they are very careful about protecting that. So there's an FE-25 gas fire suppression system that serves that. Again, that's tied in to the local alarm as well. So it is fully monitored.

Ms. Harris - Do you maintain your own security system or do you send it out to a third party?

Mr. White - They have an agreement with Tyco. So Tyco is the one that installs the card swipes and that sort of stuff. And then being that they're a network company, the alarm panels are actually inside this facility. So Tyco just runs their wires to that alarm panel. That panel is monitored by Lumos's network operations center.

Ms. Harris - Okay. I have another question. How close is an adjacent building to this hut?

Mr. White - I guess there's a parking lot and then we meet the setback requirements, I guess the twenty feet. And then you have a single-loaded parking lot for the dentist office. So twenty. And then the parking lot typically would be forty-two-feet wide. And then it looks like maybe a six-foot sidewalk in front of the building. So we're talking about probably sixty, almost seventy feet between the building and the dentist office. I'm trying to quickly add numbers.

Ms. Harris - So it would definitely be visible from Fountain Avenue and from Hungary Spring Road. The visibility.

Mr. White - The building, yes, will be.

358 Ms. Harris - Will be from both streets.
359
360 Mr. White - Yes.
361
362 Ms. Harris - Okay. Oh, let's see what else. You said the fence
363 would be eight feet.
364
365 Mr. White - It's an eight-foot-tall fence.
366
367 Ms. Harris - Right. But in our information, I think they discussed
368 three different heights.
369
370 Mr. White - Staff asked us to go with eight feet. They want to
371 make sure it completely covered the generator.
372
373 Ms. Harris - Okay.
374
375 Mr. White - And I think generator was a little over seven feet high,
376 so the fence is going to be eight feet.
377
378 Male - And we've also changed—the original plan had a
379 chain link fence. We've changed that to a solid screen fence.
380
381 Ms. Harris - What is the square footage of this concrete hut?
382 We've seen one-door and two-door examples.
383
384 Mr. White - It's forty feet long, twelve feet wide. And there are two
385 doors on it.
386
387 Ms. Harris - Two doors.
388
389 Mr. White - Any time we go above twenty-four feet we put two
390 doors on it to make sure that if there's somebody working in the back that they
391 have an easy way out. We don't want anybody trapped in there.
392
393 Ms. Harris - Is there any fallout from this? I know it's all electrical,
394 right.
395
396 Mr. White - Yes.
397
398 Ms. Harris - But is there any type of fallout from it, rays or anything
399 like that that we have to worry—radiation that we would have to worry about
400 that?
401
402 Mr. White - No. This is a regular telecom building.
403

404 Ms. Harris - Why do you use this over the tower?
405
406 Mr. White - Lumos network is a fiber network system. They're not
407 a cell tower system. The market that they serve is bringing wires into buildings.
408 And typically they'll bring a fiber into a business. They have access along your
409 poles. As a matter of fact, they already have loops going through Richmond right
410 now. They have a network with at least two or three loops going through your
411 area.
412
413 Ms. Harris - So you don't affect wireless communication at all?
414
415 Mr. White - No.
416
417 Ms. Harris - And you can't use it for wireless communication.
418
419 Mr. White - No. I mean they could connect to a wireless hut so it's
420 from a wireless to a wire system. But they do nothing on the wireless side.
421
422 Mr. Bell - Any other questions?
423
424 Mr. Baka - Just one other question. You mentioned this is a POP
425 site or a point-of-presence site. So the functions this site would provide, are they
426 currently being provided at other POP sites, and this would increase reliability?
427 How do—
428
429 Mr. White - We don't—Lumos does not have a point-of-presence
430 here in Richmond right now. They have some facilities nearby. The thing that's
431 smaller than this—again, this is the largest POP that they would have. The next
432 thing larger than this—should this become a great market for them what they
433 might want to come back and do is change this out and put in what's called a
434 central office. I want to point out this is Jamie White speculating on what Lumos
435 is thinking. Right now they're only here to put this point-of-presence in. And that's
436 a big hut, a forty-foot hut. That can handle a tremendous number of customers
437 and lines. I mean we're talking thousands from that.
438
439 Mr. Blankinship - Is that a manned facility or is again a—
440
441 Mr. White - A central office?
442
443 Mr. Blankinship - Yes.
444
445 Mr. White - The smaller ones are not. And again, at this site I
446 doubt it would be manned. One of the attractions to me for this lot when I was
447 talking to Lumos about it was should ten, twenty years from now they want to put
448 a central office here, they could do that. They could build a building that's thirty

449 feet by forty, fifty feet. Which again, quadruples the square footage. They would
450 at that point bring in more lines of service.

451

452 Mr. Baka - Thank you.

453

454 Ms. Harris - So do you have that type of facility anywhere else?

455

456 Mr. White - Does Lumos have those?

457

458 Ms. Harris - Yes.

459

460 Mr. White - Yes they do.

461

462 Ms. Harris - Okay. Are they all one story or are they two stories?

463

464 Mr. White - No. Their main office in Waynesboro is a three- or
465 four-story building. It depends on the market that it serves and what they use it
466 for.

467

468 Ms. Harris - Can you foresee this being changed to a three- or
469 four-story facility?

470

471 Mr. White - No. When they build something else—and again, this
472 is pure speculation on my part. If they were to build something else, they build a
473 30-foot-by-40-foot building in front of that. And then they would leave that there
474 probably for four or five years after that building is done as they start moving
475 lines into the new building. And again, if that's the case, then they have a
476 tremendous number of customers they're serving in the Richmond area. But this
477 one, again they serve thousands of customers out of this site right here.

478

479 Mr. Bell - Any other questions? Thank you. Is there anyone else
480 who wishes to speak?

481

482 Mr. Kline - My name is John Kline—K-l-i-n-e. And I own the
483 property across the street from this lot. I just want to clarify one point. Did I hear
484 you say there is a barrier between this lot and the lot next door to it, the dentist
485 office, a fence or anything like that?

486

487 Mr. White - No there's not.

488

489 Mr. Kline - Would they have access to that lot for parking or
490 walking or anything like that?

491

492 Mr. White - No. It's going to be landscaped and seeded with
493 grass seed. It's not intended for—

494

495 Mr. Bell - Would you come up and talk with the microphone?
496 Let's start with the question and go from there because it's being recorded.
497

498 Mr. White - Sure.
499

500 Mr. Kline - Is there kind of barrier between this lot and the
501 contiguous lot next door to it, where the dentist office is?
502

503 Mr. White - No. There is a—I guess right here—right in here is an
504 existing curb cut that I think they use, and we'll take that curb cut out right there
505 and make it a continuous curve just like the rest of the existing parking lot.
506

507 Mr. Baka - Mr. Kline, what is the street address of the property
508 you own, sir?
509

510 Mr. Kline - 2901 Hungary Spring.
511

512 Mr. Baka - Thank you.
513

514 Mr. Kline - My objection to it is this house—this vacant lot that we
515 look out on—you see our house there. That's the one right there. It's a brick
516 structure. Our understanding when we bought this structure several years ago
517 was that the area was in transition to an office type environment. Our structure
518 was built in 1992 as an office zoned—converted to an office structure. And the
519 houses toward Broad Street were to be converted to office. If they were for sale,
520 they would be converted to office. I understand everything's not cut in stone. The
521 Walgreens went up as commercial. And the transition was being made to
522 commercial. We looked into renting space as a possible warehouse for an online
523 business and to store online product. And we were told no, you could not do that
524 because that would be considered a mixed use for our office to rent storage
525 space for online storage. And we could absolutely not do that. And that was not
526 consistent with B-1 office use. And that would not be permissible under B-1
527 Office. So even though communications use is okay, I'm told, under B-1—, that
528 to me does not seem to be in harmony with office use.
529

530 Mr. Blankinship - Sir, the problem is that your property is zoned O-1,
531 which is the least intensive office district.
532

533 Mr. Kline - O-1, I'm sorry. I misspoke.
534

535 Mr. Blankinship - Theirs is B-1, which is a much more intensive district
536 than the O-1.
537

538 Mr. Kline - So anyway, I understand that that is—I'm told that's
539 not in harmony either. B-1 allows what?
540

541 Mr. Blankinship - B-1 would allow a retail business with storage, what
542 you described in terms of—

543
544 Mr. Kline - Okay. And then it allows, I guess, communication-
545 type things.

546
547 Mr. Blankinship - By conditional use permit, yes. But it has to be
548 approved. The specific location and the development have to be approved.

549
550 Mr. Kline - I understand now from what you said there is not
551 going to be an antenna there or a fifty-foot tower or anything like that. So
552 anyway, I just see this structure going up as not being in harmony with the type
553 of office or business-type unit. That's my primary objection to it. They're going to
554 prettify it by putting in some brick-type structure, I guess, but be that as it may,
555 the offices around there and the transition I understood going up was to be office-
556 type use. This just doesn't seem to be in harmony, even if twenty years from now
557 they do build some kind of office there. I don't know where they're going to build
558 it front of that lot.

559
560 The other objection I have is the landscaping plan. Even though there are going
561 to be some trees in the very front of it, I'm not sure it's going to be elevated
562 enough and have trees enough to block this structure, which to me is still going
563 to be something of an eyesore. So any additional landscaping and additional
564 established trees that might be planted there I think would be of benefit to the
565 neighborhood.

566
567 Ms. Harris - I have a question, Mr. Kline.

568
569 Mr. Kline - Yes.

570
571 Ms. Harris - Your home, is it an office? Is it a home office where
572 you live?

573
574 Mr. Kline - It's not a home office. It is a commercial building.

575
576 Ms. Harris - Where you live?

577
578 Mr. Kline - No, where we own across the street. It is a
579 commercial office. Strictly office.

580
581 Ms. Harris - Okay. So 2901 is your residence?

582
583 Mr. Kline - No, it's not a residence; it's a commercial office
584 building.

585
586 Ms. Harris - Okay, that's what I was trying to clarify. Thank you.

587

588 Mr. Kline - Yes.

589

590 Mr. Bell - Any other questions?

591

592 Mr. Baka - I guess I have one question. I was looking at the
593 zoning map that's on the screen. It appears that Hungary Spring Road is an
594 interstitial boundary of sorts that on the one side you have residential zoning R-3.
595 You have O-1 at your property, Mr. Kline, 2901. You have a one zoning at 2907,
596 2909. Even at 3001 there's an office zoning. When you cross the road, there's B-
597 3, Walgreens, which used to be a smaller business; it was knocked down a few
598 years ago I think. There's this vacant B-1 property. B-3C, B-2, and then
599 something at 3000.

600

601 So I understand you said that when you bought the property you had investment-
602 backed expectations that it would be office development. But just a quick glance
603 at the zoning map, it appears that the other side of the road is almost entirely
604 business zoning; your side is office zoning, meaning that there's a small
605 telecommunications building going in that appears is not going to generate very
606 much traffic, a lot of public coming to the property. It's not going to have a lot of
607 physical impact in terms of traffic and there's very limited noise. So I guess I'm
608 just trying to understand the nature of your opposition. Is it merely that you can
609 see it and there's not enough landscaping to block the view?

610

611 Mr. Kline - Largely, yes. I mean I would like to see it developed
612 as office just from an appeal standpoint, and as a businessman to have more
613 office going up there. The whole area is a mixed use. Behind us are apartments.
614 Next to us are homeowners or renters on both sides. So it's a whole mixed-use
615 area. The idea of a communication thing is just consistent with what's going on
616 there. It's all free association. So it doesn't surprise me that another whole
617 different use of the property is going in there. But it's not an attractive looking
618 structure. It doesn't have a tower. It could be a lot worse. But I would like to have
619 it—it's not an attractive looking building, but it's not a whole lot less attractive
620 than the county structure down at the corner. It doesn't have any landscaping
621 around it.

622

623 Mr. Baka - Okay. I appreciate your comments. I was just noting
624 an observation that didn't appear to have a large traffic impact or human impact.

625

626 Mr. Kline - I agree. I'm not arguing that point.

627

628 Mr. Baka - I understand. Thank you.

629

630 Mr. Kline - On the one hand I'm trying to be a good neighbor. I
631 just want it to be as pretty and attractive as possible. And they've done a nice

632 job. Staff has said let's put a nice roof on it and make it brick instead of the
633 original plan, so I appreciate that.

634

635 Mr. Baka - Okay.

636

637 Mr. Kline - So I'm just here on the front end trying to say let's put
638 as many trees in the front and block the view of it as much as possible, and put
639 the sound barriers up, and do everything you can on the front end instead of
640 complaining about it later.

641

642 Mr. Baka - I guess a question for the staff would be what is the
643 specific landscaping plan buffer—?

644

645 Mr. Kline - I think some of the trees are down toward the street.
646 Well down toward the street is fine, but you're losing about three feet of
647 elevation. If they were moved back away from the street a little bit on the higher
648 end of the land it might be a little bit better, and put some bushes down toward
649 the street.

650

651 Mr. Baka - Okay.

652

653 Mr. Kline - I'm not a landscape architect, so.

654

655 Mr. Blankinship - Condition #6 requires that they submit a detailed
656 landscaping plan, so we'll work that through with them. Of course they don't want
657 to do all of that design work up front before they even know that they're going to
658 be allowed to use the property. But once the use permit is approved, then we'll
659 get into the details of landscaping. We certainly have Mr. Kline's—

660

661 Mr. Kline - I'd like them to run a wire underground from their
662 generator to my property—. But we'll talk about that later, so.

663

664 Mr. Baka - Thank you.

665

666 Mr. Kline - Sure. Thank you for your time. Thank you very much.

667

668 Mr. Bell - Any rebuttal?

669

670 Mr. White - Unless staff has any questions—

671

672 Mr. Bell - One quick question. On the landscape concern of the
673 last person, do you have any opinions on it?

674

675 Mr. White - One of the issues is that is a heavily traveled road. I
676 would certainly not suggest putting large trees along Hungary Spring Road.
677 Maybe some sort of flowering trees a little bit back. There are some ways of

678 blocking the building without blocking access in the front. So if we did some
679 trees, I'd recommend putting them closer to the building as opposed to out near
680 the street.

681

682 Mr. Blankinship - I imagine as a matter of security the Division of Police
683 is going to recommend not blocking the view of the building. They're going to
684 want to be able to drive down the street and see if there's anybody bothering that
685 building. But we will soften the view of it.

686

687 Mr. White - Exactly.

688

689 Mr. Blankinship - We will do what we can.

690

691 Mr. Baka - The frontage along 2900 is narrow enough that you
692 could probably put a lot of trees in there, beef it up quite a bit, because you'd be
693 able to see. As you're coming from the government center, before you get to
694 2900, you're able to see at an angle across the property of 2902 where those
695 numbers are right now. And then look at the building. And if you're coming from
696 Broad Street, you can be at the intersection of Fountain Avenue and Hungary
697 Spring and see right there. So even if you put a lot of trees and make it as thick
698 as possible, you'll still be able to see it for CPTED principles.

699

700 Mr. White - Just when you're pulling off of Fountain to make the
701 right onto Hungary Spring, just blocking your view down that road.

702

703 Mr. Blankinship - Right, sight distance.

704

705 Ms. Harris - Could you pull the landscape plan that we have in that
706 packet up on the screen? Would you deviate very much from this?

707

708 Mr. White - Yes ma'am.

709

710 Mr. Baka - Yes.

711

712 Mr. White - This was just a preliminary. We'll work with the staff to
713 come up with an acceptable landscape plan.

714

715 Mr. Blankinship - This shows screening around the generator area, but
716 that's all this shows.

717

718 Ms. Harris - So do you think this will be an improvement over the
719 way it looks now?

720

721 Mr. White - I believe it will be.

722

723 Ms. Harris - Okay. I do have one question of Mr. White. Your
724 customers are all commercial businesses? The fiber optic transmission, the
725 people who you furnish this service.
726

727 Mr. White - Lumos, yes.
728

729 Ms. Harris - Yes.
730

731 Mr. White - Well no, they have residential and—
732

733 Ms. Harris - Residential and commercial.
734

735 Mr. White - But their bulk business model is business.
736

737 Ms. Harris - Okay. Thank you.
738

739 Mr. Bell - Any other questions? Thank you. Okay, we can go
740 right ahead and vote. We have one case. Do I hear a motion on this case? Well I
741 move that we approve this case based on the information we've heard. I did not
742 see any safety or health violations or concerns. We did discuss #4. We might
743 want to do a change in wording. Does that require an amendment or?
744

745 Mr. Blankinship - I think we can get it out of the minutes.
746

747 Mr. Bell - So we make that adjustment. So I go ahead and
748 make a motion that we do approve this case. Do I hear a second?
749

750 Mr. Baka - Second.
751

752 Mr. Bell - Any discussion?
753

754 Ms. Harris - Yes. I think that it needs to be noted that this might be
755 an improvement over what we see now. And this is the way of the future, you
756 know, we're going to have more facilities. We can put them in a hut rather than a
757 tower, and that might also be considered an improvement.
758

759 Mr. Bell - Any other discussion?
760

761 Mr. Baka - I'd encourage as much and as much appropriate
762 landscaping as possible, as the staff will work out. Agree with that.
763

764 Mr. Bell - After discussion, let's go ahead with the vote. All in
765 favor say aye. All opposed say nay. The ayes have it; the motion passes.
766

767 After an advertised public hearing and on a motion by Mr. Bell, seconded by
768 Mr. Baka, the Board **approved** application **CUP2014-00035 LUMOS**

769 **NETWORKS, INC's** request for a conditional use permit pursuant to Sections 24-
770 12(c) and 24-56(a) of the County Code to build a telecommunication facility at
771 2900 Hungary Spring Road (WOODLAWN FARMS) (Parcel 765-752-0302)
772 zoned Business District (B-1) (Brookland). The Board approved the conditional
773 use permit subject to the following conditions:
774

775 1. This conditional use permit applies only to the construction of a
776 telecommunication facility. All other applicable regulations of the County Code
777 shall remain in force.
778

779 2. Only the improvements shown on the site plan and building design filed with
780 the application, as amended by these conditions, may be constructed pursuant to
781 this approval. Any additional improvements shall comply with the applicable
782 regulations of the County Code. Any substantial changes or additions to the
783 design or location of the improvements shall require a new conditional use permit
784 unless required as a condition of approval.
785

786 3. The applicant shall present a complete grading, drainage, and erosion control
787 plan prepared by a certified professional in the state of Virginia to the Department
788 of Public Works for approval. This plan must include the necessary floodplain
789 information if applicable.
790

791 4. [Amended] The proposed building shall incorporate a gable or false mansard
792 roof and stenciled concrete walls with a brick appearance, similar to the example
793 provided on February 5, 2014. Ground and wall mounted equipment, such as but
794 not limited to electrical panels, meters, and air conditioning units, shall be
795 screened from view. The final design shall be reviewed and approved by the
796 Planning Director, prior to the issuance of a building permit.
797

798 5. A privacy fence shall be used to enclose and screen the emergency generator
799 instead of the proposed chain link enclosure. The design and materials of the
800 fence shall be submitted for review and approval by the Director of Planning.
801

802 6. A detailed landscaping plan shall be submitted to the Planning Department
803 with the building permit for review and approval. The landscaping plan shall
804 include a minimum 10 foot landscaping strip between the parking area and the
805 street right-of-way and a 6 foot landscaping strip adjacent to interior property
806 lines. Ground and wall mounted equipment shall be adequately screened from
807 public view via strategically placed ornamental trees and shrubs.
808

809 7. All landscaping shall be maintained in a healthy condition at all times. Dead
810 plant materials shall be removed within a reasonable time and replaced during
811 the normal planting season.
812

813 8. The applicant shall remove the wooden posts located at the southern street
814 corner of the lot.

815
816 9. All lighting shall be shielded to direct light away from adjacent property and
817 streets.

818
819 10. The parking lot and driveway shall be subject to the requirements of Section
820 24-98 of Chapter 24 of the County Code.

821
822 11. Fire lanes shall be marked and maintained in accordance with the Fire
823 Prevention Code.

824
825 12. All traffic control signs shall be fabricated as shown in the Virginia Manual of
826 Uniform Traffic Control Devices for Streets and Highways.

827
828
829 Affirmative: Baka, Bell, Harris, Nunnally 4
830 Negative: 0
831 Absent: Wright 1

832
833
834 Mr. Bell - Let's go ahead and vote on the minutes. Do I hear
835 motion on the minutes?

836
837 Mr. Baka - I move that the minutes be approved as submitted by
838 staff.

839
840 Ms. Harris - Second the motion.

841
842 Mr. Bell - Any discussion? Hearing none, all in favor say aye.
843 All opposed say nay. The ayes have it; the motion passes.

844
845 On a motion by Mr. Baka, seconded by Ms. Harris, the Board **approved as**
846 **submitted** the **Minutes of the October 23, 2014**, Henrico County Board of
847 Zoning Appeals meeting.

848
849
850 Affirmative: Baka, Bell, Harris, Nunnally 4
851 Negative: 0
852 Absent: Wright 1

853
854
855 Mr. Bell - Let's go ahead and vote on adjournment. Do I hear a
856 motion to adjourn?

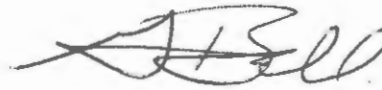
857
858 Mr. Baka - So moved.

859
860 Ms. Harris - Second.

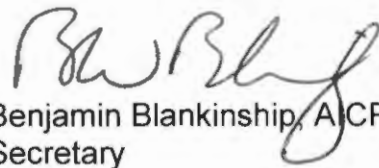
861
862 Mr. Bell - All in favor say aye. All opposed say nay. The ayes
863 have it.
864
865
866 Affirmative: Baka, Bell, Harris, Nunnally 4
867 Negative: 0
868 Absent: Wright 1
869

870
871 We are adjourned. Thank you for coming.
872

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887



Gentry Bell
Chairman



Benjamin Blankinship, AICP
Secretary