

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. April 11,
4 2013 Display Notice having been published in the Richmond Times-Dispatch on
5 March 25, 2013 and April 1, 2013.
6

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

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Al Ciarochi, Director, Construction & Maintenance-
Schools
Mr. John Cejka, Traffic Engineer
Ms. Kim Vann, Henrico Police
Ms. Sylvia Ray, Recording Secretary

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

10
11 Mrs. Jones - I'd like to call this meeting of the Planning
12 Commission for Henrico County, April 11, 2013, to order. Welcome to all of you.
13 Thank you for taking the time to be here; we appreciate it. I'd like to ask that you
14 please mute or turn off your cell phones. That will help us not have the
15 proceedings interrupted tonight. Please stand and join me in pledging allegiance
16 to the flag.

17
18 Thank you. I do not believe we have news media with us in the room, so we
19 cannot recognize them. All right. We have all of our commissioners with us
20 tonight. We do have a quorum; we can conduct business. Our secretary,
21 Mr. Emerson, will handle the meeting. And with that, I will turn it over to him.
22

23 Mr. Emerson - Thank you, Madam Chair. First on your agenda
24 tonight are the requests for withdrawals and deferrals. Those will be presented
25 by Mr. Jim Strauss.
26

27 Mr. Strauss - Good evening, Mr. Secretary, and good evening
28 members of the Commission.

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30 Mrs. Jones - Good evening, Mr. Strauss.

31
32 Mr. Strauss - We have one request for deferral this evening; it is in
33 the Tuckahoe District and is on page two of the agenda. It is PUP2013-00003,
34 Richmond 20MHz, nTelos. The applicant is requesting a deferral to the May 9,
35 2013 meeting.

36
37 **(Deferred from the March 14, 2013 Meeting)**
38 **PUP2013-00003 Gloria L. Freye, Esquire for Richmond 20MHz, LLC**
39 **(nTelos):** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-
40 120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 184'
41 telecommunications tower on part of Parcel 748-746-6665 located on the north
42 line of Quiocasin Road (State Route 157) approximately 850' northeast of its
43 intersection with Farmington Drive (Byrd Middle School). The existing zoning is
44 A-1 Agricultural District. The 2026 Comprehensive Plan recommends
45 Government.

46
47 Mrs. Jones - Is there anyone with us who has an objection to the
48 deferral of PUP2013-00003, Gloria L. Freye, Esquire for Richmond 20MHz, LLC
49 (nTelos)? If not, then I will move for the deferral of PUP2013-00003, Gloria L.
50 Freye, Esquire for Richmond 20MHz, LLC (nTelos), to the May 9, 2013 meeting
51 by request of the applicant.

52
53 Mr. Branin - Second.

54
55 Mrs. Jones - Motion by Mrs. Jones, seconded by Mr. Branin. All in
56 favor say aye. All opposed say no. The ayes have it; the motion passes.

57
58 At the request of the applicant, the Planning Commission deferred PUP2013-
59 00003, Gloria L. Freye, Esquire for Richmond 20MHz, LLC (nTelos), to its
60 meeting on May 9, 2013.

61
62 Mr. Emerson - Madam Chair, that completes the requests for
63 withdrawals and deferrals this evening unless the Commission has any additional
64 deferrals they would like to entertain at this time.

65
66 Mrs. Jones - Any other deferrals? There are none.

67
68 Mr. Emerson - Madam Chair, that now moves us to our next item,
69 which are the requests for expedited items. Those will also be presented by
70 Mr. Jim Strauss.

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72

73 Mr. Strauss - We have one request on the expedited agenda this
74 evening. It's in the Fairfield District on page two of the agenda. It's REZ2013-
75 00006, 5801 Lakeside Avenue LLC. The applicant proposes to amend proffers
76 related to uses and hours of operation, specifically the applicant requests to
77 amend Proffers 1 and 2 to allow a beauty salon. Staff is recommending approval.
78 We are not aware of any opposition.

79
80 **REZ2013-00006 Allyson Wyld for 5801 Lakeside Avenue LLC:**
81 Request to amend proffered conditions accepted with Rezoning Case C-30C-92
82 on Parcel 782-746-0342 located at the northeast intersection of Lakeside Avenue
83 (State Route 161) and Forest Street. The applicant proposes to amend proffers
84 related to uses and hours of operation. The applicant proposes a beauty salon.
85 The existing zoning is B-3C Business District (Conditional). The 2026
86 Comprehensive Plan recommends Office. The site is located in the Enterprise
87 Zone.

88
89 Mrs. Jones - Mr. Strauss, would you mind just coming closer to the
90 microphone when you talk? Thank you. All right. Is there anyone with us tonight
91 who opposes REZ2013-00006, Allyson Wyld for 5801 Lakeside Avenue LLC?
92 There is no one in opposition.

93
94 Mr. Archer - Madam Chair, I move to recommend for approval
95 REZ2013-00006, Allyson Wyld for 5801 Lakeside Avenue LLC

96
97 Mr. Leabough - Second.

98
99 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Leabough. All
100 in favor say aye. All opposed say no. The ayes have it; the motion passes.

101
102 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
103 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
104 the Board of Supervisors grant the request because it is not expected to
105 adversely impact surrounding land uses in the area and the changes do not
106 greatly reduce the original intended purpose of the proffers.

107
108 Mr. Emerson - Madam Chair, that concludes the requests for
109 expedited items. That now takes us to the first item on your regular agenda.

110
111 **REZ2013-00005 James W. Theobald for Attack ME Tech Park**
112 **Partners LLC:** Request to amend proffered conditions accepted with Rezoning
113 Case C-60C-97 on Parcel 844-704-9230 located on the east and west lines of
114 Techpark Place south of its intersection with Technology Boulevard. The
115 applicant proposes to amend Proffer 1 related to uses to allow outside storage.
116 The existing zoning is M-2C General Industrial District (Conditional). The 2026
117 Comprehensive Plan recommends Office, Office/Service, and Environmental
118 Protection Area.

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Mrs. Jones - Good evening, Mr. Sehl.

Mr. Sehl - Good evening.

Mrs. Jones - Is there anyone with us this evening in opposition to REZ2013-00005, James W. Theobald for Atack ME Tech Park Partners LLC? Any opposition? There is none.

Mr. Sehl - Thank you, Madam Chair.

This is a request to amend proffer number 1 accepted with rezoning case C-60C-97 to allow certain principal uses in the M-2 district to operate outdoors, provided certain screening requirements are met. The 64-acre site is part of a 111-acre area that was subject to the original rezoning request. The amended proffer would be applicable only on those portions of the site shown on this aerial photo.

The site's M-2C zoning was put in place to allow complementary uses to locate in close proximity to the White Oak Technology Park. At the time, White Oak Semiconductor was under development, and it was anticipated that other high tech uses would locate in close proximity. The level of development anticipated at that time has not happened, so the applicant has requested to allow certain uses that might require outside storage, while maintaining the high quality appearance and level of development for the subject site.

To that end, the applicant has submitted revised proffers that would require any outside storage not be located between any building and adjacent roadways, and would require that outside storage areas be screened with a berm a minimum of eight feet in height. The height of the berm would be supplemented with landscaping achieving a level of screening consistent with a Transitional Buffer 35, and would require that the berm be irrigated to ensure the long-term health of the landscaping.

The screening would be in addition to the other proffers accepted with C-60C-97 that would continue to regulate the subject property, and address items such as building materials, signage, building setbacks, open space, and lighting and utilities. The goal of these proffers was to be consistent with the covenants applicable to White Oak Technology Park, and this request would not alter this consistency.

In conclusion, staff believes the revised proffers distributed to you this evening would continue to ensure the high quality development envisioned in 1997, while allowing flexibility in the types of users able to locate on the site. For these reasons, staff supports this request. I would note that time limits would need to be waived on the proffers, as they were handed in today.

165 Thank you, and I'd be happy to try and answer any questions you might have.
166
167 Mr. Leabough - I do have a question, Madam Chair.
168
169 Mrs. Jones - Please.
170
171 Mr. Leabough - Mr. Sehl, the parcel closest to Technology Boulevard?
172
173 Mr. Sehl - Yes sir.
174
175 Mr. Leabough - Does the amended proffer allow for the storage of
176 materials on the parcel closest to Technology Boulevard?
177
178 Mr. Sehl - No sir, Mr. Leabough. That property I believe was
179 included because it is part of the holdings of the applicant. There are setback
180 requirements from Technology Boulevard of 100 feet, which would preclude the
181 use of that property. It's just a little over 100 feet deep, I believe, in its deepest
182 area. And that site is also encumbered by some deep wetlands.
183
184 Mr. Leabough - Okay, thank you.
185
186 Mr. Sehl - Yes sir.
187
188 Mrs. Jones - Other questions for Mr. Sehl? I do. Because I was not
189 on the Planning Commission, please maybe give me just a little bit of history.
190 Why do you think that the proffer was written in the way it was written originally?
191
192 Mr. Sehl - Well as you'll note, the types of uses that were
193 allowed by the existing proffer were extremely wide, allowing all M-2 uses. It
194 basically only proffered out the retail uses not otherwise regulated in the
195 Office/Service District. So that allowed, essentially, all of the industrial uses that
196 are permitted in the M-2 District, with the proviso that they would be located
197 indoors. I think that was to ensure that there weren't any unknown type uses that
198 might be complementary for the development that was anticipated in the Tech
199 Park to occur. So that's why I think the zoning went in the direction it did at that
200 time.
201
202 What you've seen with those properties in White Oak Technology Park is that
203 you had—at that time, White Oak Semiconductor was developing, and it ran for
204 several years at that location. That use is now not what it was anticipated at the
205 time. It's still a viable use there; they use it for data storage.
206
207 And then you've also had, since that time, the development of the U. S Postal
208 Service facility, which is partially located on property that was subject to the 1997
209 case. That's altered a little bit the development vision for that area that was done

210 both with the rezoning case and the small area land use study that was done at
211 that time.

212
213 Mrs. Jones - In the 2026 Plan, what is the vision for this property?

214
215 Mr. Sehl - The 2026 Land Use designation right now is
216 Office/Service. And that's achieved even though the industrial uses, as stated in
217 the staff report are not entirely consistent with that designation. But the proffers
218 help achieve that through the screening of the loading areas that is currently
219 required and what you've seen, similar to this building, that the two buildings that
220 have been constructed other than the postal service facility that effectively screen
221 loading areas and those types of things. So it allows a wider range of uses, but
222 has those types of elements that make it a little bit more consistent with that
223 Office/Service designation.

224
225 Mrs. Jones - I don't mean to be giving you twenty questions, but
226 these are the thoughts I think—Are there other areas of the County that carry
227 with it the same vision—I think I know the answer to this, but I wanted to ask
228 you—the same vision, the same purposes, the same type of standards that
229 White Oak Technology Park has with it?

230
231 Mr. Sehl - Not to the extent, I would believe, as White Oak
232 Technology Park. There are still approximately 1800 acres that haven't been
233 developed in the technology park. But I would note that the proffers, even with
234 the proposed outdoor storage at this location, would be consistent with the
235 covenants that were put in place for the technology park. That also allows some
236 outside storage.

237
238 Mrs. Jones - And an eight-foot berm with vegetation, in staff's
239 opinion, is sufficient to block the view of large vehicles associated with contractor
240 yards, large storage materials, and any other piled-up—

241
242 Mr. Sehl - We've tried to combat that in a couple of ways,
243 Mrs. Jones. One way is through the proffer that the applicant has submitted. The
244 landscaping itself, obviously, will continue to grow. And then the applicant, at our
245 request, also added the last couple of sentences that you'll see in the proffer in
246 front of you that is consistent with what we do with outside storage in our B-3
247 District, which requires that no materials be stacked or stored such that they
248 exceed the height of the screen. Obviously, equipment can sometimes be a little
249 bit taller than that. But what we wanted to ensure was that those types of cherry
250 pickers or those things that sometimes will extend their boom at night to store
251 that, that was also prohibited by proffer. So we've tried to address that concern to
252 the extent that we feel we can with the proffered language that the applicant
253 submitted.

254

255 Mrs. Jones - With the thought of any kind of vertical development,
256 this doesn't seem to be a problem to staff.

257
258 Mr. Sehl - No ma'am, not at this time. With the conditions that
259 they have submitted with the revised proffers today, we are comfortable with the
260 application at this time.

261
262 Mrs. Jones - I'm having a hard time thinking that White Oak isn't
263 something special to be preserved in a special way for a use that we all hope will
264 come. I realize the economy is what it is. Uses change. Development patterns
265 change. That was the reason behind my questions.

266
267 Mr. Sehl - Yes ma'am.

268
269 Mrs. Jones - Any others? You'd like to hear from the applicant? All
270 right.

271
272 Mr. Theobald - Good evening, Madam Chairman, ladies and
273 gentlemen. My name is Jim Theobald. I'm here on behalf of the applicant. This is
274 a request to amend one proffer in a case that was done originally in 1997. And a
275 couple of you—Mr. Glover and Mr. Archer—certainly lived through the Motorola
276 Siemens exciting times as that project was being developed, and the County put
277 a building inspector out there on site. And Charlie Pike helped pull it off.

278
279 Shortly thereafter, I zoned everything going west to the residential lots that you
280 see here, in 1997 and again, I think, a year or two later. And the idea at the time
281 was to allow for uses that were complementary to White Oak Semiconductor
282 business. And as such, we envisioned, you know, nifty hermetically sealed
283 businesses like the cleaning of clean suits and things like that. Unfortunately, that
284 has not happened. But when we did those cases, we negotiated the proffers that
285 are still there today in conjunction with not only the County, but in meeting with
286 the folks at White Oak because White Oak is zoned M-2 unconditional; there are
287 no proffers on that piece. But there are a set of restrictive covenants, which can
288 be amended under certain conditions. But our proffers basically tried to address
289 the development guarantees and protections, and we spent a lot of time worrying
290 about uses that would cause vibrations that would disrupt the Motorola Siemens
291 chip processing, etcetera.

292
293 So unfortunately, that vision was short lived, and Motorola Siemens exited. And
294 we were most fortunate that we have the data storage operations that we do
295 today, plus I guess some secure warehouses next door. Perhaps what was not
296 really foreseen was the Post Office distribution facility, which clearly we
297 desperately need. But that facility that you see on this drawing in this location, of
298 course, exists without having to adhere to the many proffered conditions that I
299 negotiated at the time. And that facility, as you know from reading the papers, is
300 about to become much busier with the consolidation of services from Norfolk.

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So why are we here tonight. Specifically, we have a user that desires to relocate from Hanover County and locate on this site right here, directly behind the Post Office. And it's a business that develops BMPs—Best Management Practice facilities—and pump stations. Because of the nature of their business, they have some outside storage, of pipes in particular. But because of that, that use was not deemed to be accessory to their other business use. Keep in mind that the existing proffers on this piece, as well as the covenants at White Oak, do allow outside storage. So we're not asking for something that doesn't exist in that sense. But the fact that this particular business required a use that was deemed to be the primary principal use, it conflicted with the proffered condition that said all principal uses be located in an enclosed building. And so while we're trying to open up the proffer to allow what was deemed by staff to be a contractor storage yard or equipment storage, we also went a step further and proffered the types of screening that would occur for all outdoor storage, which was not done in the original proffers. So outdoor storage is allowed, it just really wasn't said how it was going to occur. Although when you look in your—and this is M-2 zoning. When you look in your M-1 zoning, it does talk about screening with a berm or a fence, etcetera, which is consistent with White Oak.

So, we are seeking the ability to allow these two uses that have been deemed to be primary principal uses on an outdoor basis. But we spent a lot of time trying to develop the screening condition. If you've been out here—and I guess Mr. Sehl is correct that this piece cannot be developed; it's burdened by the proffers and the buffer, etcetera. The buildings here are at least occupied partly by Aramark, and they run a distribution business out of there for their products. And as you're aware, the Post Office Distribution Center exists here with just scores and scores and scores of semi tractor-trailers parked around it. And that site is screened somewhat ineffectively by a black chain link fence. There really is no other screening out there.

But I don't want you to get the impression that because the Post Office is there we're trying to strip out these proffers. All of the proffers still exist on this case that were negotiated back in 1997. We're just asking to open up that one proffer to basically allow these two types of uses with significant screening to occur. And here's why it's not going to bother anybody.

If you look at this map, you see in yellow the property that's impacted by the proffer change. But note that this piece over here is owned by a different owner. This is the piece that's actually next to White Oak Semiconductor. But just notice the floodplain, and the wetlands, and the creek that really runs the whole perimeter of this site. When you go out there, the effect is being literally in the hole of doughnut. And so regardless of all the buffer proffers and all the materials proffers and everything else, this property is well ringed by environmental features and woods that cannot be disturbed. The Post Office is over here. And

346 again this particular site, although this change applies to everything in yellow,
347 would be located in this location.

348
349 This is a little closer-up of the aerial that you saw during staff's presentation. The
350 Post Office and their employees park here. And the tractor-trailers park literally
351 around here. Our site would be in this area over here. And the data storage site
352 is in this area.

353
354 So our revised proffer does a number of things. It allows building material, sales
355 yards, and contractors' equipment as a principal use to be partly outside provided
356 that we don't place that use between the front of a building and the front street.
357 This is consistent with the development guidelines for White Oak. Screened with
358 an eight-foot tall berm with irrigated plantings, the equivalent of Transitional
359 Buffer 35, as determined at the time of landscape plan by the Planning
360 Commission. This is coming back to you to make sure that on a site-by-site basis
361 you are comfortable with the view sheds. This is actually a higher standard than
362 White Oak. White Oak calls for eight-foot-tall berms, but not necessarily any
363 plantings whatsoever. And again, we cannot stack materials higher than the
364 screening. And as to the equipment, it cannot extend any extendable features.

365
366 The existing proffers detailed everything from safe conduct of operations, buffers,
367 setbacks, open space, limitation on vibration-causing activity, materials, median
368 landscaping, etcetera. So none of those are being disturbed, and it was an
369 extensive list of proffered conditions.

370
371 I think it's exciting that we have a user initially. This is five acres of the sixty-five
372 that is up before you this evening who would like to relocate from Hanover
373 County into our County. I would hope that you might recommend approval of this
374 case to the Board of Supervisors. We worked very hard with staff in crafting this
375 condition to make sure that we have maintained the viability of those original
376 proffers, while at the same time encouraging new businesses and acknowledging
377 the changes that have occurred since 1997. I'd be happy to answer any
378 questions.

379
380 Mrs. Jones - Questions for Mr. Theobald?

381
382 Mr. Leabough - Yes. Mr. Theobald, could you talk about potential
383 users, just give us some examples of potential users for the site? I know you
384 mentioned the firm that does the BMP and pump stations.

385
386 Mr. Theobald - Yes sir. When we first filed it, I guess we inadvertently
387 opened up the proffer a little too much, and that's what we've been working on.
388 So I've not allowed outdoor M-2 uses but for the material storage yard and
389 contractors' equipment. So those are the only two specific uses that can now
390 occur. You could always do outside storage, and so really that's really it. We do
391 get inquiries about outside storage. Those, again, were always permitted. But

392 this particular user and potentially some others, they would have to be only in the
393 nature of an outside storage that staff deemed to be a principal permitted use
394 rather than an accessory use. So if you ran some other kind of cleaning
395 business, for instance, and your cleaning equipment or your cleaning supplies
396 were stacked outside, you could do that currently; you'd just have to screen it.
397 And now you'll have to screen it even better.
398
399 Mr. Leabough - Do you have a question?
400
401 Mrs. Jones - Of course I do.
402
403 Mr. Leabough - I have a question; I'm just trying to locate something
404 in the staff report first, so you go ahead.
405
406 Mrs. Jones - Okay. Mr. Theobald, would you mind—you've already
407 done it. You've gone back from proffers to this graphic. Point, please, just so I'm
408 clear on this, to the parcel you envision having this user that has spurred this
409 entire case. It's this lower parcel.
410
411 Mr. Theobald - Mmm-hmm.
412
413 Mrs. Jones - And the berm would exist around the entire perimeter.
414
415 Mr. Theobald - Yes ma'am.
416
417 Mrs. Jones - And should the middle parcel also be developed with
418 a user that requires this kind of outside storage, it also could be bermed around
419 the entire—
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421 Mr. Theobald - It must be, yes.
422
423 Mrs. Jones - Right. But it will be the entire perimeter.
424
425 Mr. Theobald - Mmm-hmm.
426
427 Mrs. Jones - Of that particular part of the parcel. And we're
428 assuming that the smaller parcel is not at the moment envisioned for a
429 development that would include outside storage.
430
431 Mr. Theobald - No. The initial development would.
432
433 Mrs. Jones - No, the third parcel, the one up by Technology
434 Boulevard.
435
436 Mr. Theobald - This one?
437

438 Mrs. Jones - The small one.
439
440 Mr. Theobald - Oh. This one cannot be developed at all.
441
442 Mrs. Jones - Can't be developed at all.
443
444 Mr. Theobald - No.
445
446 Mrs. Jones - Not a thing.
447
448 Mr. Theobald - It's encumbered by setbacks, buffers, and wetlands.
449
450 Mrs. Jones - Okay. All right. I was just thinking about the effect, the
451 bowl effect, as we're looking at these properties and the remaining properties in
452 between yours. Are you telling me, if I'm understanding you correctly, that those
453 are inherently a problem with wetlands and with other things that may cause
454 them not to be developed?
455
456 Mr. Theobald - Which piece?
457
458 Mrs. Jones - Right next to yours.
459
460 Mr. Theobald - This?
461
462 Mrs. Jones - Mmm-hmm. And then moving towards Technology
463 Boulevard.
464
465 Mr. Theobald - This piece is owned by others; I'm not sure by whom.
466 But let's go back to this map. This shows all the streams. There we go. I'm not
467 aware who owns this piece, but note the streams, the floodplain. This is probably
468 the delineation of the RMA and the RPA line.
469
470 Mrs. Jones - Right.
471
472 Mr. Theobald - And this land is also owned by others, but it is likely
473 not particularly useable based on what we're seeing here on this map.
474
475 So when you're out here and you drive down here, it's kind of tall grass on both
476 sides of the street with tall trees ringing this to the extent you can't even see the
477 streams and low-lying features. But it's just totally insulated from stuff on both
478 sides. Over here it's still zoned M-2, transitioning I think to M-1. So there's still a
479 ton of industrial land out here, as well as 2,000 acres, I guess, that the County
480 Economic Development Authority owns. So lots of opportunities for industrial
481 development.
482
483 Mrs. Jones - Eighteen hundred. Okay.

484
485 Mr. Leabough - Question for you, Mr. Theobald. Building materials.
486 So this proffer change does not preclude or prevent the construction of a
487 building.
488
489 Mr. Theobald - Oh no.
490
491 Mr. Leabough - And the previous—
492
493 Mr. Theobald - It doesn't change the prior proffers.
494
495 Mr. Leabough - Prior proffers around the building materials, etcetera.
496
497 Mr. Theobald - Right.
498
499 Mr. Leabough - Okay. Now, I know the intent is not to turn all of the
500 64-acre parcels into just outside storage as principal uses.
501
502 Mr. Theobald - Correct.
503
504 Mr. Leabough - But there is no requirement as far as a percentage of
505 the property that could be developed into outside storage as a principal use.
506
507 Mr. Theobald - Well, the outside storage, I mean it's—
508
509 Mr. Leabough - I'm sorry. So one could essentially develop all sixty-
510 four acres as outside storage. Potentially.
511
512 Mr. Theobald - Well there would typically be, you know, some sort of
513 building or structure with them. Then if there were outside storage for all sixty-five
514 acres, it would all be behind an eight-foot-high berm and very tall plantings.
515
516 Mr. Leabough - Okay.
517
518 Mr. Theobald - But you'd have a lot of business in Henrico County
519 that you don't have today.
520
521 Mr. Branin - Would you ask that question again?
522
523 Mr. Leabough - What's that?
524
525 Mr. Branin - I'm not sure I understood your question.
526
527 Mr. Leabough - The one question that I was asking is that—you see
528 all the parcels in yellow with the exception of the parcel that fronts Technology
529 Boulevard. We're allowing outside storage, potentially, like a contractor storage

530 yard, to be a principal use. So that means that every single parcel here, all the
531 yellow, could be potentially outside storage.

532
533 Mr. Branin - Okay. It's a big concern.

534
535 Mr. Leabough - Yes. That's something that—

536
537 Mr. Branin - When I was reviewing the case, what came to my
538 mind, changing outside storage to principal, was—the only thing that came to my
539 mind was you see in Tidewater, and in Northern Virginia, and some other places,
540 chain link parks where you have nothing but outside storage. Not a single
541 building. I pulled back from my concerns because of the berm.

542
543 Mr. Leabough - It started kind of hitting me a little bit now. This whole
544 thing could just turn into outside storage, potentially. With no buildings being on
545 site. There is no requirement.

546
547 Mr. Theobald - Well, I suppose that's true. I don't think that's very
548 likely. Contractors don't make money when their equipment is sitting in storage;
549 it's being stored on the site that's working.

550
551 Mr. Witte - But in essence they could scatter their equipment all
552 across there.

553
554 Mr. Theobald - If it was behind a berm.

555
556 Mrs. Jones - Do we have other questions for Mr. Theobald?

557
558 Mr. Archer - Mr. Theobald, I have one question. You indicated that
559 the berms would be covered with plantings. Would these be low-lying plantings
560 or trees that would grow or?

561
562 Mr. Theobald - No. What we've discussed is they would have to have
563 the same screening equivalent as a Transitional Buffer 35.

564
565 Mr. Archer - Oh, okay.

566
567 Mr. Theobald - So that would be a combination of tall-growth trees,
568 some significantly tall-growth trees—twenty, thirty feet perhaps at some point.

569
570 Mr. Archer - You've answered my question. Thank you.

571
572 Mrs. Jones - All right. Other questions?

573
574 Mr. Witte - No, I'm good. Thank you.

575

576 Mrs. Jones - Other questions?
577
578 Mr. Branin - I have none.
579
580 Mr. Leabough - Madam Chair, I think we're going to need some more
581 time to work on this case. I think we need to look at potentially some smaller
582 percentages of the site that could be only outside storage. With that, I'm going to
583 move that we defer REZ2013-00005, James W. Theobald for Attack ME Tech
584 Park Partners LLC, to the May 9, 2013, meeting.
585
586 Mrs. Jones - And that is by request of?
587
588 Mr. Leabough - The Planning Commission.
589
590 Mrs. Jones - Of the Commission.
591
592 Mr. Witte - Second.
593
594 Mrs. Jones - All right. I have a motion by Mr. Leabough, second by
595 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
596 passes.
597
598 At the request of the Commission, the Planning Commission deferred REZ2013-
599 00005, James W. Theobald for Attack ME Tech Park Partners LLC, to its meeting
600 on May 9, 2013.
601
602 **(Deferred from the February 14, 2013 Meeting)**
603 **PUP2013-00004 Andrew Condlin and Jennifer Mullen for The**
604 **Rebkee Company:** Request for a Provisional Use Permit under Sections 24-
605 58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow
606 24 hour operation of a proposed convenience store with fuel pumps (Wawa) on
607 part of Parcel 807-730-9116 located in the northwest quadrant of the intersection
608 of N. Laburnum Avenue and Creighton Road. The existing zoning is B-2C
609 Business District (Conditional). The 2026 Comprehensive Plan recommends
610 Office. The site is located in the Airport Safety Overlay District.
611
612 Mrs. Jones - Do we have anyone with us this evening in opposition
613 to PUP2013-00004, Andrew Condlin and Jennifer Mullen for The Rebkee
614 Company? We do have opposition. Okay. What we'll do, just so you know, is to
615 have the staff present the staff report. Then our secretary will give us the
616 guidelines for having opposition, and then we'll proceed with the case. And
617 you're welcome to come on up and give us your comments. But first the staff
618 report.
619
620 Ms. Blankinship - Thank you, Madam Chair.
621

622 This is a request for a Provisional Use Permit to allow the 24-hour operation of a
623 Wawa convenience store with fuel pumps proposed at the northwest intersection
624 of North Laburnum Avenue and Creighton Road.

625
626 The site is 4.64 acres and was rezoned to B-2C via case C-29C-07. The
627 proposed use is currently permitted by right from 6 a.m. to midnight in the B-2
628 District. However, a PUP is necessary to extend the hours of operation between
629 the hours of midnight and 6 a.m. The site is recommended for Office on the 2026
630 Comprehensive Plan.

631
632 The subject property was part of a larger rezoning case, which rezoned
633 approximately seven acres to B-2C and approximately twenty acres to M-1C.
634 The M-1C portion is proffered to allow uses first permitted in the Office/Service 2
635 District, which is generally consistent with the 2026 Comprehensive Plan's
636 recommendation for Office.

637
638 The Laburnum Avenue/Creighton Road intersection has limited commercial uses
639 geared toward community uses and services. This is in keeping with the future
640 land use designations and past zoning trends. It also provides an appropriate
641 transition to the surrounding residential area. Hours of operation were important
642 considerations in the approval of the adjacent commercial uses, and each use is
643 prohibited to have extended hours either by its zoning district classification or by
644 proffer.

645
646 For instance, the northeast corner of the intersection is a mix of B-3C and O-2C.
647 A convenience store with fuel pumps is located in the B-3C portion. The proffers
648 accepted with the rezoning of that property limit the hours of operation from 6
649 a.m. to midnight.

650
651 The southeast corner is zoned B-3C and is also governed by proffers which limit
652 the hours of operation of the small shopping center from 6 a.m. to midnight.

653
654 The southwest corner is zoned A-1, M-1C, and B-2C and consists of single-
655 family residences of at least one acre, a self-service storage facility, a
656 convenience store with fuel pumps, and an automobile oil changing facility. The
657 hours of operation for the convenience store are 6 a.m. to midnight as regulated
658 by the B-2C zoning district. The hours of operation for the automobile oil
659 changing facility are also limited by proffers from 7 a.m. to 9 p.m.

660
661 This area is also characterized by civic uses that support the surrounding
662 residents including the Eastern Henrico Recreation Center and Harvie Road
663 Elementary School. The County is also in the preliminary stages of developing a
664 13,000-square-foot public health clinic to the north of the subject site.

665 As mentioned, the Wawa convenience store with fuel pumps is an allowed use
666 that could be constructed today and operate from 6 a.m. to midnight. Staff
667 believes that extended hours are not warranted and that it would significantly

668 change the character of this intersection toward one with high intensity uses
669 more typically located on commercial strip corridors such as West Broad Street,
670 Mechanicsville Turnpike, and Nine Mile Road.

671
672 Staff also believes it would establish a precedent for other extended hours of
673 operation requests at the intersection of Laburnum Avenue and Creighton Road
674 which have specifically been limited from 6 a.m. to midnight.

675
676 The cumulative impact of expanded operating hours in this area could be
677 detrimental to the 2026 Comprehensive Plan's vision of civic uses in close
678 proximity to small-scale commercial uses serving nearby residential
679 developments and properties designated for Suburban Residential development.

680
681 Because of its high intensity attributes in a predominately residential area, the
682 impacts and duration of light and noise, the precedence of extended hours for
683 other commercial uses, and the availability of property that is zoned to allow
684 24-hour uses along Nine Mile Road and Mechanicsville Turnpike, staff does not
685 support this request.

686 This concludes my presentation and I would be happy to answer any questions.

687

688 Mrs. Jones - Are there questions for Ms. Blankinship from the
689 Commission? None? All right, I thank you very much. Probably don't go too far.
690 All right. Mr. Archer, how would you like to proceed with your case?

691

692 Mr. Archer - The applicant first, Madam Chair.

693

694 Mrs. Jones - All right. Applicant, please?

695

696 Mr. Condlin - Madam Chair, members of the Planning Commission,
697 my name is Andy Condlin from Roth Doner, here to tell the Wawa story. I'm not
698 as good as Mr. Theobald and Penny with an impressive PowerPoint. I'm just
699 going to leave it on here until we get to Tom Boyer from Wawa. We just have a
700 few slides. I have with me as well from Rebkee, Jason Chinnis and Dan Hargett.
701 And also we have Nate Rhodes from Wawa.

702

703 As Ms. Blankinship had pointed out this property—and actually, Fred, if you
704 wouldn't mind, if I could go back—skip the PowerPoint and go back to the zoning
705 presentation.

706

707 Mr. Emerson - Mr. Condlin, if I could ask you, do you want to reserve
708 any time? You're aware of our rules. We haven't gone over them yet, but you
709 have ten minutes. Do you want to reserve any of that time for rebuttal?

710

711 Mr. Condlin - Yes, I'd like to reserve a couple minutes. Two
712 minutes.

713

714 Mr. Emerson - Two minutes? Okay.

715

716 Mrs. Jones - I apologize. I should have done that first, so sorry.

717

718 Mr. Condlin - I'll start here. This property, as you can tell, is zoned
719 B-2C and actually has 19.6 acres of M-1C behind. Ms. Blankinship described the
720 proffers in the area as well as the property. It was actually zoned in January of
721 2008 for M-1C; 24-hour use is allowed right behind it. She also points out the
722 other acreage. As a matter of fact, when this was zoned, the hours of operation
723 weren't limited. Interestingly, under the other proffers on the other properties they
724 were limited, except for this one corner piece. It's the only one with the B-2. I
725 know it's labeled B-2C.

726

727 When this was zoned in 2008, it could have been, but wasn't specifically limited
728 to midnight in the proffers. It's allowed by code. And we do think that's a
729 significant difference.

730

731 The request is for a Wawa Convenience and Food Store. I'm going to let
732 Mr. Boyer talk a little bit about that. He's going to go into this with respect to the
733 unique features of Wawa. But I would say that this has the exact same
734 elevations, it's the exact same layout as what has recently been seen at Staples
735 Mill and Bethlehem Road.

736

737 I'm going to cover three points. We have incredible community support. I'm going
738 to go over the PUP standards. And I am going to make reference to the recently-
739 approved case at Staples Mill and Bethlehem. Not to say that there is a
740 precedent; I don't believe there is a precedent. I don't believe you should look at
741 precedent; it's not a factor. But only to show you that, in fact, the staff is
742 inconsistent in its review of the two cases. I don't want to say that you approved
743 Staples Mill, you should therefore approve this case. I think it's a good case. I
744 think you should have approved Staples Mill. I, of course, think you should
745 approve this one. I disagree with staff in their recommendation for denial.

746

747 The community support you're going to hear tonight. We've had community
748 meetings. We had a lot of e-mails, a lot of calls. We got a little bit overwhelmed
749 by the people reaching out to us. We had a petition that we submitted; it wasn't
750 mentioned tonight. We had 284 people sign in favor of please put a Wawa here.
751 Two hundred and eighty-four people signed that. And that was put in last night—
752 or yesterday. We actually had a neighborhood meeting, which Mr. Thornton
753 attended, of people as late as last night trying to approve this case—or asking for
754 approval of this case at a homeowners association.

755

756 The PUP standards; Section 24-122.1. To approve a PUP, location is
757 appropriate. Staff says this is a residential area. I'm just going to go over a
758 couple of points. The existing zoning is B-2C. It has M-1C behind it. The other
759 corners are M-1C and B-2C. As a matter of fact, let me read the surrounding

760 zoning on the staff report. It's B-2C, M-1C, B-2C, A-1, O-2C, B-3C, and M-1C.
761 That to me does not sound like residential zoning.

762
763 Look at the 19.7 acres. There is no residential actually adjoining this property.
764 I've listed the existing and surrounding zoning in Staples Mill on the chart on the
765 bottom of what I handed out to you. The one thing I'd point out to you is that
766 within 500 feet—and I only use it as an example with respect to the residential. It
767 was not a residential area at Staples Mill and Bethlehem. But within 500, and
768 1,000, and 2,000 feet, Staples Mill and Bethlehem actually has more residents.
769 They actually have twice as many existing homes than we do at this location if
770 we're considered a residential area.

771
772 I'd also point out Laburnum Avenue. Fifty-five miles an hour. A major arterial road
773 on the Major Thoroughfare Plan. Allow me to read to you what the Major
774 Thoroughfare Plan says.

775
776 Major arterials are to connect major centers of activity within the
777 metropolitan area next to controlled access roads—I-64, I-95. Major
778 arterials are the highest traffic volume corridors. The function of
779 major arterials are to provide high-traffic volume. And major
780 arterials will allocate land use activities to effectively distribute
781 intensity along the road.

782
783 Along the road. We're not asking to go behind the M-1C that's currently zoned
784 twenty-four hours.

785
786 This is a commercial corridor. It's a commercial area. It's a commercial
787 intersection. We do think it's an appropriate location.

788
789 The question comes up is it in conflict with the intent of the Land Use Plan. It
790 doesn't say the classification of the Land Use Plan. I'll throw it out there. I put it
791 on here. The Land Use Plan does call for Office. I'm not quite sure how that
792 came about. Obviously we all know the Land Use Plan is a guide. But this was
793 actually zoned in 2008 for B-2C and M-1C, so I'm not sure exactly what the intent
794 is with the Land Use Plan from that point.

795
796 But the staff was concerned in the staff report that in 2008 when we rezoned this
797 we did provide for a PUP and it was withdrawn. Just like at Laburnum and
798 Eubank, we had a general use without a specific user. We did not have Wawa;
799 we didn't have Sheetz; we didn't have anyone specific. We wanted to see if we
800 could get twenty-four hours. As staff has always done—they're very consistent—
801 they said you want a PUP, come forward with a specific user because when you
802 approve this, it's specific to Wawa. If we change the user, we no longer have our
803 provisional use permit. And as you know under a PUP, if we violate the
804 conditions, the PUP is taken out.

805

806 Interestingly, Office does allow 24-hour uses, but you have to look at it in a
807 broader context when you look at the Land Use Plan with commercial
808 concentration on the other corners and looking at those in what I consider—with
809 Laburnum Avenue, with the existing zoning with 19.6 acres of M-1 behind it, that
810 this designation is different than the intent. I'd also like to read to you because,
811 quite frankly, you can pick out and choose the intent. But these are from the
812 Staples Mill and the Bethlehem staff reports that the vision, goal, objective, and
813 policies under the Comprehensive Plan, General Development Policy 6,
814 encouraged compatible infill redevelopment and development to avoid leapfrog
815 growth patterns that result in higher service costs.

816
817 Infrastructure Service Provision and Growth Coordination, Objective 6,
818 encourage the sensitive infill development of vacant or underutilized parcels.

819
820 Land Use of Community Character, Objective 8, encourage diverse mixtures and
821 forms of development to support the economic tax base of the property.

822
823 Land Use and Community Character, Objective 30, minimize disruption and
824 conflict among established residential, commercial, and industrial uses.

825
826 And Land Use and Community Character, Objective 41, promote public safety
827 through the use of crime prevention through environmental design.

828
829 I don't think anyone would deny that—I think these things apply to Staples Mill,
830 but they also apply to Laburnum and Creighton. And that Wawa as a best of
831 class operator actually provides for good economic development, it provides for a
832 clean, safe operation, which brings me to the public health, safety, morals, and
833 general welfare.

834
835 What I don't understand is with the zoning to B-2C that this is an appropriate use
836 for an independent operator, for any operator, until midnight, but all of a sudden
837 at midnight it becomes an intense use, it becomes, I guess, unhealthy, unsafe,
838 immoral, and against the general welfare. I don't understand. There's a look at 12
839 to midnight. In this area in particular we have to look at shift workers. In this area,
840 people want to be able to go to a place that's safe and clean. I know Ms. Vann is
841 here. And I sat in front of you, some of my cases and some cases that weren't
842 mine. We've talked about Wawa extensively and how their operations are
843 viewed. Incredibly safe. They are the top-of-the-class operator anywhere. That's
844 why the County wants it. That's why it's good for entire areas that are already
845 zoned for commercial.

846
847 Finally, the necessary—the utilities I don't have to describe. I'll be happy to go
848 into those, but certainly we have the utilities. And finally necessary safeguards
849 that we've provided for the protection of surround property.

850
851 Right now we're happy to go ahead and—

852
853 Mrs. Jones - Mr. Condlin, you're close to the end of your time if you
854 wish to have follow-up.
855
856 Mr. Condlin - Right now we're happy to accept the conditions that
857 were applied to Staples Mill. Finally, I'll look at precedent. I don't think precedent
858 applies. I think we qualify for the provisional use permit. Nowhere within the
859 standards does it say you can't approve it because it's setting a precedent.
860 Instead, I would point out you have Staples Mill and Bethlehem, you have
861 Laburnum and Eubank. You have 19.6 acres of industrial land sitting behind us,
862 between us and the residential. That's the precedent that's been set. And it's a
863 positive precedent that we're looking at, where we're trying to bring in jobs,
864 economic development, community support—
865
866 Mr. Emerson - Mr. Condlin, you're at eight minutes.
867
868 Mr. Condlin - Okay. I'll finish up. Raising the bar for other operators
869 and attracting quality.
870
871 So with that, I'd ask that you approve this case. Mr. Boyer does want to speak a
872 little bit as well as someone to talk a little bit about the Wawa operation. I'll be
873 happy to answer any questions.
874
875 Mr. Branin - Would you like to forego your two minutes and allow
876 him to speak?
877
878 Mr. Condlin - He's speaking on behalf of himself, as a citizen, too.
879 On Wawa, not as much on my presentation. Technically with Rebkee, the
880 applicant.
881
882 Mr. Emerson - I believe he'd be considered part of the application,
883 Mr. Condlin.
884
885 Mr. Branin - He is the applicant.
886
887 Mr. Glover - I don't usually say anything at the Planning
888 Commission. Are you zoning Staples Mill and Bethlehem, or are you asking for a
889 zoning case somewhere else. And why do you compare Staples Mill and
890 Bethlehem to something—how many miles away is that?
891
892 Mr. Condlin - It's quite a few miles.
893
894 Mr. Glover - How many?
895
896 Mr. Condlin - Well, I didn't—
897

898 Mr. Glover - What is it around Staples Mill compared to what's
899 around Creighton Road down there? And my point is this, you're using a case
900 that's been approved—two cases.

901
902 Mr. Condlin - Yes sir.

903
904 Mr. Glover - And I'm not sure—I've never heard that done by an
905 attorney. Now, an individual that doesn't know what he's doing may come up and
906 do that. But I'm serious. I resent the fact that you're coming here and making a
907 comparison to a case that's in my district that we have spent a lot of time
908 devoting our effort to it, and you're making some remarks that it may not be an
909 acceptable use as Staples Mill and Bethlehem if this one is denied. And I'm not
910 saying it should be. So I would recommend that you stick to your case and leave
911 the cases that other people have tried to other people.

912
913 Mr. Branin - Mr. Glover, can I also point out something?
914 Mr. Condlin also stated to start with that every case has its own merit and doesn't
915 set its own precedent, but then he started singling out different cases. And he
916 neglected to point out that the Wawa on Staples Mill is going across the street
917 from an Urban Mixed-Use that's about to come out of the ground.

918
919 Mr. Glover - I just don't think you need to take a case in the
920 western part of this County and say that your feelings would be that we don't
921 need to have a zoning case here since you can point out those cases that are
922 similar. So the Planning Commission is not necessary.

923
924 Mr. Condlin - That's not at all what I'm saying. I apologize.

925
926 Mr. Glover - Well that's what you're saying to me.

927
928 Mr. Branin - If he was indeed doing that, he should have pointed
929 out also the case in the Three Chopt District that was denied, and the one on
930 Laburnum that the Planning Commission denied, but then the Board of
931 Supervisors ended up turning it around. Those were two denials of projects
932 which he neglected to mention.

933
934 Mr. Glover - I think this case has to stand on its own.

935
936 Mr. Condlin - I agree.

937
938 Mr. Glover - Would you like it to be like Staples Mill? You like that
939 western corridor.

940
941 Mr. Condlin - I think the Staples Mill case is fantastic. The only
942 reason—

943

944 Mr. Glover - Well I appreciate your liking it.
945
946 Mr. Condlin - I know that doesn't matter. But at the end of the day,
947 the reason I brought it up was because staff said this is setting an inappropriate
948 precedent.
949
950 Mr. Glover - But you know what?
951
952 Mr. Condlin - I don't agree.
953
954 Mr. Glover - Your philosophy would be that since it's zoned at
955 Staples Mill and Bethlehem, you don't need to come before the—
956
957 Mr. Condlin - No sir.
958
959 Mr. Glover - —Commission nor the Board to zone what you're
960 asking for.
961
962 Mr. Condlin - With all due respect, I'm not asking that. And I
963 apologize if that's the way it—
964
965 Mr. Glover - With all due respect, that's what you're saying.
966
967 Mr. Condlin - —if that's the way it came across. What I was saying
968 is that staff points out—
969
970 Mr. Glover - Do you want to argue about it?
971
972 Mr. Condlin - Well, I would like to clarify it.
973
974 Mr. Glover - Would you like to argue about it?
975
976 Mr. Condlin - I would like to clarify it, if I may.
977
978 Mr. Glover - Okay.
979
980 Mr. Condlin - Staff points out that it's a residential area, yet they
981 didn't point that out at Staples Mill. I don't agree that calling this a residential—
982
983 Mr. Glover - There you go again. You're going back to Staples Mill.
984 Do you want to zone Staples Mill?
985
986 Mr. Condlin - That's why I'm telling you I'm referencing it. That's the
987 only reason. I don't think a precedent has a point here, but the staff raised the
988 point that it had been setting a precedent. My point is the precedent was set with
989 the M-1 when that was zoned right behind us.

990
991 Mr. Glover - I might even tell staff they don't need to relate to the
992 two. But I'm saying to you as an attorney representing Wawa, you need to zone
993 the case with the land that they're dealing with.
994
995 Mr. Condlin - I appreciate that.
996
997 Mr. Glover - And leave the cases alone that have been zoned by
998 this Commission and Board.
999
1000 Mr. Condlin - And the only reason I brought it up was as a
1001 reference to precedent. I usually don't bring that up. And usually staff doesn't
1002 bring that up. I don't think that's an appropriate reference—
1003
1004 Mr. Glover - Like I said, do you still want to argue about it?
1005
1006 Mr. Condlin - No, I'm just trying to clarify. And I appreciate your
1007 point, and I agree with your point, quite frankly.
1008
1009 Mr. Glover - Thank you.
1010
1011 Mrs. Jones - All right. Are there other questions for Mr. Condlin?
1012 Mr. Condlin, you may continue or bring Wawa up as you wish.
1013
1014 Mr. Branin - Did you want Mr. Archer to request an extension of
1015 time?
1016
1017 Mr. Emerson - This would cut into the remaining approximately two
1018 minutes as part of Mr. Condlin's presentation.
1019
1020 Mrs. Jones - Mr. Archer, should we hear from the representative
1021 from Wawa and then reserve the two minutes?
1022
1023 Mr. Archer - He bothered to come, so I'd like to hear from him.
1024
1025 Mrs. Jones - Yes.
1026
1027 Mr. Archer - And we can restrict it to two minutes.
1028
1029 Mr. Archer - Sir, if you wouldn't mind, these are recorded
1030 proceedings, so if you could state your name for the record we'd appreciate it.
1031 Thank you.
1032
1033 Mr. Boyer - Tomm Boyer—B-o-y-e-r.
1034
1035 Mrs. Jones - Excuse me. Could we bring the PowerPoint up?

1036
1037 Mr. Branin - I'm sorry, sir, what was your name?
1038
1039 Mr. Boyer - Tomm Boyer—B-o-y-e-r.
1040
1041 Mr. Branin - Thank you, sir.
1042
1043 Mrs. Jones - Good evening, Mr. Boyer.
1044
1045 Mr. Boyer - Good evening. Let me just make sure this works.
1046 Okay.
1047
1048 Again, my name is Tomm Boyer. I'm real estate manager for Wawa. On behalf of
1049 Wawa I'd like to thank you for having the opportunity to be here tonight, and also
1050 the opportunity to share a little bit about the Wawa brand.
1051
1052 So to fully understand Wawa's operation, you need to understand Wawa's core
1053 values. We make a daily effort from our corporate office all the way down to our
1054 local stores to embrace and implement our core values in every single thing that
1055 we do, including our submission tonight.
1056
1057 So just to give you a little example of how important this is to us, our core values
1058 and how we embrace it in our daily operation, my first day at Wawa, I met with
1059 Human Resources. Human Resources told me that even though you're in real
1060 estate, even though you have a job responsibility list, for two months, you are not
1061 going to do that responsibility. You are going to learn Wawa's core values and
1062 how we implement our core values in our daily operation. With that, for two
1063 months I worked in the stores, I shadowed different departments. I learned the
1064 core values and also the Wawa way. So what are these core values that I'm
1065 talking about?
1066
1067 These are six principles that we use that simply help us to focus on one goal;
1068 simplify our customers' daily lives. So I'm not going to go through all six just due
1069 to time, but I do believe there are three that I need to focus on that are very
1070 important and relevant to this application.
1071
1072 Number one: Value people. Every single employee and every single customer is
1073 valued very importantly and significantly by Wawa's organization. This is from
1074 believing that the customer is always right, from giving them the benefit of the
1075 doubt, and believing that our employees, our associates, are human capital, not
1076 just labor.
1077
1078 Embrace change. Without this principle and this core value, Wawa would not
1079 have been successful. Importantly for this application, we had to change our
1080 model to make sure that, number one, we added convenience kiosks for ordering

1081 our prepared foods, added gas pumps, and also added 24-hour operation, which
1082 is a big—

1083
1084 Mrs. Jones - Could you stop right there a moment, please?
1085 Mr. Archer, would you like to add sufficient time for Mr. Boyer to finish?

1086
1087 Mr. Archer - How much longer do you have to go, sir?

1088
1089 Mr. Boyer - Four minutes and thirty-eight seconds, or so.

1090
1091 Mr. Archer - Let's limit it to two minutes. Can you cut it some?

1092
1093 Mr. Boyer - Yes, absolutely.

1094
1095 Mr. Archer - Okay.

1096
1097 Mrs. Jones - I'm sorry to interrupt you.

1098
1099 Mr. Boyer - No, that's okay.

1100
1101 Mrs. Jones - But we had to get that straight.

1102
1103 Mr. Branin - I would have given him four minutes and twenty-
1104 seven seconds.

1105
1106 Mr. Boyer - So embracing change and those amenities we feel
1107 are very important. They accommodate the time-starved customer. I'm one of
1108 those customers. My wife works; we have two kids. Without having the ability of
1109 the twenty-four hours, especially when we had newborns, it would have been
1110 very difficult. It was very imperative for us. It also accommodates the late-night
1111 shift worker. It accommodates the nurse or doctor who is on an emergency call. It
1112 also accommodates our law enforcement officers during the nights in which we
1113 provide free coffee to them daily. It is the least that we can do as they patrol our
1114 streets and our neighborhoods.

1115
1116 And last, do the right thing. We provide best-class service in our store operation
1117 and exceptional customer service. We do not compromise that from store to
1118 store. We are not a competitor grocery store who you can go to one of their
1119 locations and you get a great experience, and then you go to another one of the
1120 brands right a mile down the road and get a totally different experience. Our
1121 customers have certain expectations, and we will not disappoint them. Therefore,
1122 we must have a consistent brand from store to store, and that is our focus. So
1123 those amenities, including the twenty-four hours, is something that we must
1124 provide to our customers and our associates. Thank you.

1125
1126 Mr. Glover - Could I ask you a question?

1127
1128 Mr. Boyer - Yes.
1129
1130 Mrs. Jones - Please.
1131
1132 Mr. Glover - Do you think we should revisit Staples Mill and
1133 Bethlehem to see if we need to do something there that we're not doing?
1134
1135 Mr. Boyer - I appreciate—I have no comment on that. All I can
1136 say is I do appreciate the comments of the Board. So that's what we're here for.
1137
1138 Mr. Glover - I was beginning to wonder if we'd made a mistake in
1139 my district.
1140
1141 Mrs. Jones - I'd like to ask a question, Mr. Boyer. Is there a chance
1142 that Wawa—and by the way, I'm a former Pennsylvanian, and so Wawa is near
1143 and dear to my heart. This has less to do about Wawa, certainly, as it does about
1144 the appropriateness of the specific site we're talking about right now. Would
1145 Wawa consider coming to this parcel without 24-hour operation?
1146
1147 Mr. Boyer - As I stated before, we must provide the same
1148 amenities to one location, to one neighborhood, as we do to others. We do not
1149 want to get in the position where certain residents in certain locations have
1150 certain amenities and others do not. We are focusing very hard on making a
1151 consistent brand. We opened stores in Florida recently. We're making
1152 improvements, changing their model. Those improvements are now being rolled
1153 out to stores in Virginia, Pennsylvania. So therefore, when you go to a store in
1154 New Jersey, it's the same experience that you're going to receive in Virginia. We
1155 need that consistent brand. Now, may that change five years from now, ten years
1156 from now? Anything's possible. But a 24-hour operation is imperative for our
1157 operation.
1158
1159 Mrs. Jones - I'll take that as a no.
1160
1161 Mr. Boyer - No.
1162
1163 Mrs. Jones - Okay.
1164
1165 Mr. Leabough - I have a quick question. Mr. Boyer, quick question for
1166 you regarding security. Do you all hire security after a certain time at night for
1167 some of your locations in this area alone?
1168
1169 Mr. Boyer - I am not particularly aware of a specific location that
1170 we have hired security. I do know that we work very closely with law
1171 enforcement, local law enforcement. They police our stores very frequently
1172 throughout the night. We do not have that many customers coming through

1173 during this time period, so for us it's not an intensive use. It's just an added
1174 amenity for someone who is out at that time for whatever reason. But we have
1175 great communication with them. If we felt that there was a threat for a
1176 neighborhood, for our associates, or our customers, we would not build that
1177 store. And we have stores in very diverse areas. And to my knowledge, we have
1178 not closed the store because of some issue. Now could something happen?
1179 Absolutely. You cannot control every single individual that comes in our store.
1180 But we work very closely with the local law enforcement to make sure and
1181 mitigate any problems that may arise.

1182

1183 Mr. Leabough - The only reason I ask that question is because it was
1184 stated earlier that nothing changes after twelve o'clock. So that's part of the
1185 reason I asked that question. And Ms. Vann, do you know the answer to that?
1186 Does anyone on the applicant's side know the answer to that question? I believe
1187 I've gone into Wawas that have had uniformed security at a certain time at night.

1188

1189 Mr. Boyer - I can defer to one of our store managers

1190

1191 Mr. Leabough - Maybe they were just getting a cup of coffee as well.

1192

1193 Mr. Boyer - This is Nate Rhodes. He is one of our store
1194 managers. He has been with us for twenty-one years.

1195

1196 Mrs. Jones - I'm sorry, I didn't hear—your name, please?

1197

1198 Mr. Rhodes - Nate Rhodes.

1199

1200 Mrs. Jones - Mr. Rhodes. All right.

1201

1202 Mr. Rhodes - We do not have security in any of stores.

1203

1204 Mr. Branin - Mr. Rhodes, what store are you manager of?

1205

1206 Mr. Rhodes - Well, I manage the store in Portsmouth, Virginia. But
1207 I've been all over the state.

1208

1209 Mrs. Jones - Mr. Rhodes, how many people are in the Wawa
1210 after—when I say after hours, the 12-to-6 time frame. How many employees do
1211 you have in there normally?

1212

1213 Mr. Rhodes - We usually have three or four associates working
1214 during that time.

1215

1216 Mrs. Jones - Three to four.

1217

1218 Mr. Rhodes - Yes. And they also have two-way radios to stay in
1219 communication with one another. And we do have a very high police presence
1220 during that time. I recently stopped in my store, say, three in the morning, and
1221 you'd be surprised. There were more working people than anyone else.
1222

1223 Mrs. Jones - Do they buzz people in and out, or are the doors
1224 open?
1225

1226 Mr. Rhodes - The doors are open.
1227

1228 Mrs. Jones - More questions for—
1229

1230 Mr. Branin - Mr. Boyer, so all Wawas are twenty-four hours now?
1231

1232 Mr. Boyer - There are previous Wawas before we took on this
1233 strategy that due—that we have previously agreed with our old format—we call
1234 them our legacy stores—that are restricted. I believe it was a few years ago we
1235 decided with our new model, our new gas format, and amenities, that going
1236 forward all our stores would be twenty-four hours.
1237

1238 Mr. Branin - That's a good answer, Mr. Boyer, because when you
1239 made your presentation, you said all Wawas are twenty-four hours. And when
1240 you said that I went whoa, whoa, whoa. You're new?
1241

1242 Mr. Boyer - I am new.
1243

1244 Mr. Branin - To Henrico and presenting for Wawa? Welcome.
1245 That's been stated many times, and I gave some other Wawa people lists of New
1246 Jersey, Delaware, Maryland, where—
1247

1248 Mr. Boyer - I thought—I believe in my presentation—I could be
1249 wrong—that I was stating our amenities going forward. So when I talked about
1250 embracing change and how we had to change, I said that we added gas. I stated
1251 that we added the kiosk for our prepared foods. And then third I said we added
1252 the 24-hour commitment. So it was something that was added, not something
1253 that was previous for the historical purposes of Wawa.
1254

1255 Mr. Branin - Thank you.
1256

1257 Mrs. Jones - Are there any other questions?
1258

1259 Mr. Witte - I have a question for staff, not for Mr. Boyer.
1260

1261 Mrs. Jones - All right. Thank you very much, gentlemen.
1262

1263 Mr. Boyer - Thank you very much.

1264
1265 Mr. Archer - Thank you, Mr. Boyer and Mr. Nate Rhodes.
1266
1267 Mr. Witte - Are you aware of any other 24-hour businesses in
1268 that immediate area of Creighton and Laburnum?
1269
1270 Ms. Blankinship - No sir. There are none that I'm aware of, but there are
1271 several on Nine Mile Road and Mechanicsville Turnpike.
1272
1273 Mr. Leabough - Okay. So this, in essence would, by being open
1274 twenty-four hours, increase police presence in the area during normal closed
1275 hours?
1276
1277 Ms. Blankinship - I would have to defer that to Ms. Kim Vann, I would
1278 think.
1279
1280 Mr. Witte - Just from all the information that we've heard today
1281 and from my particular experiences at Wawas, it seems to be about the only
1282 place that they can stop and use the facilities or get a cup of coffee or sandwich
1283 or whatever at that time.
1284
1285 Ms. Blankinship - Yes sir.
1286
1287 Mr. Witte - Okay, thank you.
1288
1289 Mrs. Jones - I would like to hear from Ms. Vann. Mr. Archer, is that
1290 all right?
1291
1292 Mr. Archer - Go right ahead, Madam Chair.
1293
1294 Mrs. Jones - Okay.
1295
1296 Ms. Vann - Good evening. Kim Vann, Henrico Police.
1297
1298 Mrs. Jones - Good evening. Ms. Vann, we count on you to kind of
1299 make sure we have the full story here. We're trying to make good judgments
1300 about something that could impact a lot of folks' lives and be in an area where we
1301 haven't had twenty-four hours before. From the police perspective, what is it that
1302 would concern you about adding a 24-hour presence to this particular location,
1303 and what is it that you might not have any concerns about? I need to have your
1304 take on this.
1305
1306 Ms. Vann - Okay. As far as the question whether police would
1307 have a concern, I think for the hours of operation, we would have to defer to what
1308 Planning would think best. We do go on the philosophy that I've heard often that
1309 an increased hour or operation brings out more people. Whether that's a good

1310 thing or a bad thing, it depends on the business and what the people are up to. I
1311 know in the past when we've had requests to be open for Black Friday, there was
1312 a concern by the police department for the number of businesses that would start
1313 to be open all night long that normally would not be. So if I could use that as one
1314 example, you know, that would be one night. But this would be something that
1315 would be open 24/7, 365 days a year.

1316
1317 As far as increased presence of police, the point is a very good one. I'm not a
1318 police officer, but I know that they often look for a place where they are able to
1319 stop, feel comfortable. It's not necessarily going to increase the number of folks
1320 driving by because we hope that they're in the neighborhoods already. But the
1321 fact that they did move the East End location a little bit further down, so now the
1322 Fair Oaks is off of Airport. I know Dabbs House used to be the back way coming
1323 up from this area, that they would go to Laburnum and Creighton, if you will.

1324
1325 As far as calls for service, this area, it's hard to say what it would do because we
1326 don't have any uses out here that are between 12 midnight and 6 a.m. We have
1327 a lot of statistics for Wawas that are open throughout the County with that 24-
1328 hour operation. It is a good number of calls because they are calling the police; at
1329 least that's what our hope is. We never want to penalize a business or a
1330 residence for calling the police because that's what we're here for. So just
1331 because the number of calls may be low or high, it doesn't necessarily mean it's
1332 a safe area or not a safe area. No calls for service might mean that it's a very
1333 unsafe area. So it can go either way. But, you know, police are often in
1334 convenience stores that are open twenty-fours, especially in the East End where
1335 there are not as many businesses. So I know as White Oak and some of the
1336 areas along Laburnum have increased, that has been a positive for the officers
1337 working the midnight shift.

1338'
1339 Mrs. Jones - All right, thank you.

1340
1341 Mr. Archer - I have no questions.

1342
1343 Mrs. Jones - All right.

1344
1345 Mr. Archer - We do have some opposition, Madam Chair, we need
1346 to hear from.

1347
1348 Mrs. Jones - Mr. Secretary, would you tell the folks how we operate
1349 with opposition and comments?

1350
1351 Mr. Emerson - Yes ma'am, Madam Chair. The Commission does
1352 have rules governing their public hearing procedures, and they are as follows.
1353 The applicant is allowed ten minutes to present the request, and time may be
1354 reserved for responses to testimony. The opposition is allowed ten minutes to

1355 present its concerns. Commission questions do not count into the time limits, and
1356 the Commission may waive the limits for either party at its own discretion.

1357

1358 Mrs. Jones - So I think we had two ladies who'd like to make some
1359 comments? If you'd like to—or whoever would like to come down, we have ten
1360 minutes to hear your concerns. And then the applicant hopefully can respond and
1361 answer the questions you've raised.

1362

1363 Ms. Hawks - Yes. Madam Chairman and Commission members,
1364 my name is Bessie Hawks, and good evening to all of you.

1365

1366 Mrs. Jones - Hello, Ms. Hawks.

1367

1368 Ms. Hawks - My initial opposition when I heard about Wawa
1369 coming in at Creighton and Laburnum, I had some concerns along with some of
1370 the other neighbors. And I know I have some neighbors in here tonight who really
1371 want to have that happen. But my thing is—we live at Creighton and Laburnum.
1372 And on Creighton Road, when traffic increases it is just—it's awful. And we live in
1373 a subdivision, Huntwood subdivision, and we only have one way to get in and
1374 out, and there's a pond on the other side. And I just heard today that we will be
1375 getting some relief, hopefully next year, in having Creighton Road widened. But
1376 the thing is, if one business comes in and we have them to be twenty-four hours,
1377 that just gives other businesses a chance to say well, if they can get it then we
1378 can. I know when we had the initial meeting, we were told that Wawa would have
1379 an entrance coming from North Laburnum. But I know that there is going to be
1380 some traffic, a lot of traffic, on Creighton, and Creighton Road at Dabbs House
1381 come in there. And it's just a short entrance that you're going to have from
1382 Laburnum, and you're going to have to make a turn into that Wawa. And I'm all
1383 for business; I have a small business of my own. But it's just going to open up a
1384 lot of requests for twenty-four hours. And we are a quiet neighborhood. And I
1385 know it is going to be increased foot traffic and vehicle traffic. I'm just concerned
1386 about that. And maybe I'm standing all alone on that, but I do have some other
1387 neighbors who have concerns also. So I'm just saying that I just hope that you
1388 will all not approve a 24-hour use. Thank you.

1389

1390 Mrs. Jones - Thank you. Does anyone have questions for Ms.
1391 Hawks? I needed to ask. Thank you very much for your comments. Anyone else
1392 who would like to address the Commission? Sir? Sure.

1393

1394 Male - [Unidentified male peaking off microphone.] Does this
1395 have to be opposition or can it be for?

1396

1397 Mrs. Jones - Well, let's get our opposition together. Did we not
1398 have someone else who wanted to come speak in opposition? Okay. If you'd like
1399 to, please come forward; this is the time. We'll get to you, sir.

1400

1401 Mr. Archer - Sir, you don't have to come up, are you opposed to it
1402 or are you for it?
1403
1404 Male - [Unidentified male peaking off microphone.] I'm for it.
1405
1406 Mr. Archer - Okay. Well I think we've exhausted all the time for the
1407 proponents, I believe.
1408
1409 Mrs. Jones - Let's let you go ahead and make your comments. If
1410 you wouldn't mind stating you name for the record, please.
1411
1412 Ms. Paula Katrenia-Missouri - Good evening. My name is Paula Katrenia-
1413 Missouri. I'm an Eastern Henrico resident, and I just want to echo the comments
1414 of Ms. Hawks. I agree immensely about the congested area. It's not that I
1415 opposed Wawa. As a crisis intervention social worker for the city of Richmond, I
1416 live in Eastern Henrico, and so I travel that area. And of course midnights I visit—
1417 I always visit the Wawa. My concern is the midnight hours. Traffic, foot traffic. It's
1418 a residential area.
1419
1420 Also, I have friends who leave early in the morning, and they're right at the
1421 Dominion Towns area. So it's difficult for them to probably leave out if you have
1422 the twenty-four hours. I'm fine with Wawa, who they support. They're community
1423 oriented. But the twenty-four hours may present a problem. Thank you.
1424
1425 Mrs. Jones - Could you just tell me—I didn't hear. Where is it,
1426 Ms. Missouri that you live?
1427
1428 Ms. Missouri - In Eastern Henrico. I'm an Eastern Henrico resident.
1429
1430 Mrs. Jones - Are you near Laburnum and Creighton?
1431
1432 Ms. Missouri - I'm off of Nine Mile.
1433
1434 Mrs. Jones - I see.
1435
1436 Ms. Missouri - Yes. And I travel that area en route home.
1437
1438 Mrs. Jones - All right. Questions? Okay, thank you very much.
1439 Mr. Condlin has two minutes that he's reserved.
1440
1441 Mr. Condlin - I, quite frankly, didn't realize that the people that came
1442 to speak tonight in favor it were going to be part of our ten minutes. I thought the
1443 applicant had ten minutes. I may be wrong, but in the past we've had those that
1444 support, ten minutes, those against, ten minutes. We have a number of people
1445 here that did want to speak in support of it. I would like the Planning

1446 Commission's discretion, if we can. I'll be happy to forego my two minutes if it's
1447 worth it.

1448
1449 Mr. Archer - How much extra time have we used already?

1450
1451 Mr. Emerson - You have approximately six minutes left on the ten
1452 that's allowed by opposition. You have allowed the applicant at this point about
1453 five extra minutes. And that's not including the additional two minutes that Mr.
1454 Condlin—

1455
1456 Mr. Condlin - A number of folks did want to come and speak in
1457 favor. It's a little difficult when you have a staff report that's quite lengthy with a
1458 lot of points to address. But again, I'd like your deference, if we could, just to
1459 allow people to speak in favor it. Just be quick and state the reasons why they
1460 support it in this specific property.

1461
1462 Mr. Archer - I'll tell you what, Mr. Condlin, let's do this. Let's give
1463 two people one minute each to speak. Mr. Condlin, you still have time to answer
1464 questions if there are any to answer.

1465
1466 Mrs. Jones - When you come down, if you wouldn't mind stating
1467 your name. And because this is a timed thing, if you wouldn't mind not repeating
1468 what perhaps your neighbors or friends have already mentioned. Okay? Thank
1469 you.

1470
1471 Ms. Ellis - My name is Leslie Ellis. I live in the Eastern Henrico
1472 district. I've been living there for quite a while, and I'm very familiar with the area.
1473 I would hope that you would at least ask those people who are in support to
1474 stand so you would at least know who's represented here because we did come
1475 expecting to be able to speak.

1476
1477 Mr. Archer - That would be fine.

1478
1479 Ms. Ellis - Let me say that I am very much in favor of the Wawa
1480 being in the area specifically because it is twenty-four hours. I get up in the
1481 morning early, sometimes to get into work, and specifically on Sunday morning
1482 when I'm going to church. I go to early service across town. There's nothing safe
1483 for me to go to, to put gas in my car. That's not a good feeling for a woman. I love
1484 having the Wawa that's twenty-four hours. I'm familiar with Wawas; they're
1485 around the state. And when I see them, they're clean. Often police officers are
1486 there, and I like that. I like very much the fact that our kids will have some work.
1487 We need it in Eastern Henrico. Hurray for the mall that we have, but we could
1488 use the Wawa too. They give good benefits; they give scholarships. Our kids in
1489 the East End deserve that. So please consider the Wawa. There are a number of
1490 people here who are very much in favor of it. They've brought a compelling
1491 argument to us. I have done the research about Wawas over the years, and I

1492 think they're one of the better things that we can have on that corner. We could
1493 have a whole lot on that corner that's a lot worse. So I compel you, please bring
1494 good things, continue to bring good things to the East End. Thank you.

1495

1496 Mr. Archer - Thank you, Ms. Ellis.

1497

1498 Mrs. Jones - Thank you, Ms. Ellis. Excuse me. Ms. Ellis?

1499

1500 Mr. Leabough - Ms. Ellis, where do you live in relationship to the
1501 potential—

1502

1503 Ms. Ellis - Walking distance. I am in the Huntwood subdivision.

1504

1505 Mr. Leabough - Thank you, ma'am.

1506

1507 Ms. Ellis - Walking distance. Right across from the pond.

1508

1509 Mr. Leabough - Thank you.

1510

1511 Mr. Ragland - My name is Kenneth Ragland—R-a-g-l-a-n-d. I want
1512 to thank the Commission for allowing me to speak. I, too, am in favor of the
1513 Wawa. I've been shopping at Wawa for twenty-five years. To kinda give you my
1514 background, I've been here for twenty years here in Henrico. I live in the East
1515 End. I am the president of the HOA at Hillcrest Farms, which is on the corner of
1516 Creighton and Cedar Fork. I also have a home where two Wawas are located,
1517 right off of Brook Road at Wilkerson.

1518

1519 I think it comes down to two issues—convenience and quality of life. And I think
1520 Wawa will bring that to that East End corridor on Laburnum. It will bring lower
1521 prices in terms of gasoline. It will bring better food quality, better food choices.
1522 I've lived in the East End over there at Hillcrest Farms for four years now. There
1523 are limited places where you can go that's convenient that's going to have quality
1524 food choices. I've lived out in the West End here in Henrico County. There are a
1525 number of quality food choices here. We're very limited in the East End. Wawa
1526 will bring quality and convenient food choices. And on top of that, they don't
1527 charge anything when you use the ATM machine, which is another convenience.

1528

1529 I've been a police officer for twenty-four years. I can tell you—I'm not speaking
1530 for the police department; I am speaking as a law enforcement person. I drive up
1531 and down 95. I'm from Philadelphia; don't hold it against me. I drive up and down
1532 95 every month. I do not stop anywhere when I'm riding up and down 95 or
1533 anywhere else unless it's a Wawa because I know I'm going to get quality when I
1534 stop, and the food is good.

1535

1536 And I would ask that the Commission really consider—I don't know anything
1537 about the Planning or the condition parts, but I do know about the quality of life.

1538 and I do know about the convenience. And I can tell you Wawa is a first-class
1539 operation.

1540
1541 Mr. Glover - Do you ever travel 64?

1542
1543 Mr. Ragland - Yes I have.

1544
1545 Mr. Glover - Well then you'll be coming off of Staples Mill Road...

1546
1547 Mr. Ragland - I would tell you this, Mr. Glover, I eat at the Wawa
1548 right there at Staples Mill probably four days a week. My office that I work out of,
1549 the Wawa is right there, and I eat there at least four days a week.

1550
1551 Mr. Glover - Within a few months you'll be able to come off of
1552 Staples Mill, drive about two blocks, and they'll be a Wawa. And you can get
1553 anything you want. At Bethlehem Road.

1554
1555 Mr. Ragland - I would like for you to really consider—as a resident
1556 there on Creighton Road, to have to drive to the West End or have to go all the
1557 way down to Airport Drive just to be able to get quality food, low prices in
1558 gasoline. I would really like the Commission to consider passing this.

1559
1560 Mrs. Jones - Thank you. All right. Are there questions for
1561 Mr. Ragland.

1562
1563 Mr. Leabough - Can we just clarify something in terms of the request
1564 tonight?

1565
1566 Mrs. Jones - Certainly. Would you like the applicant to come
1567 forward?

1568
1569 Mr. Leabough - No. You mentioned to be able to go to a Wawa. The
1570 request tonight is just for extended hours of operation, correct?

1571
1572 Mr. Emerson - That is correct, yes sir. The Wawa could go there if
1573 they adhered to from 6 a.m. to midnight. So they're not prohibited to locate there
1574 now. This is merely a request for twenty-four hours. Their current corporate
1575 policy is they would like to have twenty-four anywhere they locate, otherwise they
1576 do not consider that site.

1577
1578 Mr. Witte - I think Ms. Ellis, when she spoke, brought up the fact
1579 that she would frequent in the early mornings on Sunday and sometimes in the
1580 evenings.

1581
1582 Mrs. Jones - All right. Do we have some time remaining?

1583

1584 Mr. Archer - I think we've exhausted all the time, but if anybody
1585 has questions that Mr. Condlin would answer, I don't mind him answering that.
1586 And just to be fair, the folks who came in support, somebody asked that you
1587 should be identified. Could you just raise your hands, if you would? Okay, thank
1588 you.

1589
1590 Mr. Witte - Wow.

1591
1592 Mr. Archer - Questions for Mr. Condlin from anybody? Maybe for
1593, the opposition? I don't know if anybody had a question from the opposition.
1594

1595 Mr. Condlin - There were a couple points made about the BMP,
1596 which are being improved through the County and through this project, as well as
1597 traffic improvements. There was concern about traffic. And Dabbs House Road is
1598 being relocated. There are substantial improvements being made because of the
1599 Wawa in this development. The question was are there other 24-hour uses;
1600 there's not. But there is on this corner allowed to be 24-hour uses. And the
1601 question became could we do a Wawa? You can do a lot of things on this B-2
1602 property from 6 a.m. to midnight. Our point is it's specific to Wawa. This
1603 request—we don't get a Wawa unless we get twenty-four hours. This PUP is
1604 specific to Wawa. If there's a safety concern—and Mr. Leabough, you raised that
1605 question. If there's a safety concern, the Board of Supervisors can pull it. It's
1606 specifically in the code, if you're in violation of any of the terms—which includes
1607 health, safety, and general welfare—they can pull the PUP. If it's a Sheetz, have
1608 to come back here. If it's another independent operator, we have to come back
1609' here. Only for a Wawa. And I think that makes the difference. If another business
1610 can show the same safe operations on this corner, just like a Wawa, then maybe
1611 they should get it. Maybe that brings up the whole area, the economic
1612 development in an area that needs it. And as you heard the police officer state,
1613 it's an area that's need it.

1614
1615 Mr. Archer - Thank you, Mr. Condlin.

1616
1617 Mrs. Jones - Mr. Archer?

1618
1619 Mr. Archer - That's all I have. All right. I don't know where to start.
1620 First of all, I'd like to say that I attended, along with staff, the initial neighborhood
1621 meeting that was held for Wawa. And I know a lot of people raised their hands
1622 here tonight that are in support of it, but there were a lot of people at the initial
1623 neighborhood meeting that were not in support, and they voiced their concern.
1624, We've heard from all sides, and I want to thank everybody who participated,
1625 whether you are against it or for it. But we appreciate your interest and
1626 involvement.

1627
1628 Ms. Blankinship, in my opinion, prepared and presented a report that gives an
1629 excellent perspective of how and why the Planning staff takes its position. And

1630 Mr. Condlin has worked very diligently and passionately, I should say, in his effort
1631 to present the applicant's view. And I can't think of anything he could possibly
1632 have included that he did not present. And he has been extremely cordial in my
1633 dealings with him.

1634

1635 In summarizing what has been laid out, I've heard from people who favor this
1636 project and those who are just as adamantly opposed. There have been petitions
1637 signed, and I have looked them over. Now, petitions are generally, and should
1638 be, presented by those in either the pertinent community or the adjacent
1639 communities, or at least in an area that would be impacted by the case in
1640 question. In reading the petitions, I discovered signatures from folks who live in
1641 Sandston, Highland Springs, North Side Richmond, South Richmond, Midlothian,
1642 Glen Allen, Nuckols Road, Emerywood Parkway, Alberta, Virginia, which I
1643 believe is in Brunswick County—to name just a few. There were many that had
1644 no ZIP codes so it was difficult to determine their origin. But because of this
1645 randomness, their value—although I don't discount it altogether—is somewhat
1646 diminished. All of them were in favor of the case. And I don't know if anybody
1647 circulated a petition amongst the people who opposed it.

1648

1649 In trying to make a recommendation, there are many factors to consider. And just
1650 counting heads is part of it, but not necessarily a huge determining factor. We
1651 appreciate the fact that we allow a public venue, and we welcome and applaud
1652 everybody who comes and speaks on any case.

1653

1654 Now historically, this area has been carefully developed and has long been
1655 recognized as one of the gateways into Henrico because of its proximity to
1656 Hanover and also to the city of Richmond. There are many instances where 24-
1657 hour public uses have been requested. Those cases have been carefully
1658 proffered and/or conditioned to prevent such extended uses. The result has
1659 been, I think, an orderly and attractive mix of development that has become quite
1660 desirable in this area. Recently, we have seen the opening of the excellent,
1661 second-to-none, Eastern Henrico County Recreation Center. There are plans
1662 existing right now to build a new library and also a health facility nearby. The
1663 Land Use Plan for this area has been formulated with input from all of the
1664 surrounding community, and no doubt many of you participated when that was
1665 being done.

1666

1667 When making decisions on development, we must make the historical handling
1668 of similar applications a pertinent part of present and future decisions.
1669 Consistency is the hallmark of both fairness and credibility. If we make decisions
1670 that are contrary to prior decisions under similar circumstances, then we are
1671 neither credible nor fair. There are consequences that come from zoning cases
1672 and provisional use permits. Now, as an example, at the community meeting that
1673 I attended there was a neighboring business, similar business, that was opposed
1674 to this Wawa. In the last two days, we received a letter from that same person
1675 saying please go ahead and approve it so my business can be twenty-four hours

1676 also. I'm not being facetious, but this is what happens if we don't pay attention to
1677 precedent and if we arbitrarily approve things.

1678

1679 Now, Wawa has an opportunity to open at this location under the current zoning
1680 with an approved plan of development, so we're not anti-Wawa at all. But they
1681 would have to abandon their own self-imposed rule of twenty-four hours.

1682

1683 So again, I want to thank Mr. Condlin for his presentation, as well as staff. And
1684 Mr. Condlin gets another crack at this at the Board meeting. But under the
1685 circumstances and based on the content of the staff report, I feel the proper
1686 course is to follow the staff recommendation, and maintain the consistency of our
1687 previous rulings, and send this to the Board with a recommendation for denial.
1688 Therefore, Madam Chairman, my motion is to recommend denial of PUP2013-
1689 00004, Andrew Condlin and Jennifer Mullen for The Rebkee Company.

1690

1691 Mr. Leabough - Second.

1692

1693 Mrs. Jones - I have a motion from Mr. Archer, seconded by
1694 Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the
1695 motion passes.

1696

1697 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
1698 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
1699 the Board of Supervisors deny the request because it could have a precedent
1700 setting impact on existing land uses in the area, it does not conform to the
1701 recommendation of the Land Use Plan nor the Plan's goals, objectives, and
1702 policies, and it could influence future land use decisions in the area.

1703

1704 Mr. Glover - Madam Chairman, would you note that I do abstain.

1705

1706 Mrs. Jones - Mr. Glover has abstained.

1707

1708 Mr. Glover - It will come to the Board of Supervisors; a decision
1709 will be made there.

1710 Mrs. Jones - Yes. Thank you very much. That motion does pass.

1711

1712 **PUP2013-00006 Tom Sciroto for Sprint:** Request for a Provisional
1713 Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of
1714 the County Code in order to replace an existing light pole with a 124' monopole-
1715 style telecommunications tower and related equipment, on part of Parcel 743-
1716 770-4669, located approximately 750' northwest of the intersection of Twin
1717 Hickory Lake Drive and Twin Hickory Road (Deep Run High School). The
1718 existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan
1719 recommends Government.

1720

1721 Mrs. Jones - Do we have anyone with us this evening in opposition
1722 to PUP2013-00006, Tom Sciroto for Sprint? We do have opposition.
1723 Mr. Secretary has presented the rules for opposition once before, but if you could
1724 just quickly summarize them for us, please.

1725
1726 Mr. Emerson - Yes ma'am. Again, the applicant is allowed ten
1727 minutes to present the request, and time may be reserved for responses to
1728 testimony. Opposition is allowed ten minutes to present its concerns.
1729 Commission questions do not count into the time limits, and the Commission may
1730 waive time limits for either party at its discretion.

1731

1732 Mrs. Jones - All right. Mr. Lewis, it's all yours.

1733

1734 Mr. Lewis - Thank you, Madam Chair.

1735

1736 This is a Provisional Use Permit request to allow Sprint to replace an existing light
1737 pole with a light-pole-style communication tower at the Deep Run High School
1738 football field. The property is zoned A-1 Agricultural and the 2026 Comprehensive
1739 Plan recommends Government use for the site.

1740

1741 As illustrated on Exhibits A through D, the applicant proposes removing an existing
1742 110-foot-tall stadium light pole and installing a new 120-foot-tall monopole
1743 approximately eight feet north of the original structure. Three panel antennas would
1744 be flush mounted at the top of the pole, and ground equipment would be placed
1745 under the adjacent bleachers. The lease area totals 247 square feet, and the
1746 maximum height of the new structure would be 124 feet to the top of the lightning
1747 rod.

1748

1749 The height and overall appearance of the new pole and equipment would be very
1750 similar to the existing structure identified here which was approved with case P-2-
1751 11, and installed at the northern end of the bleachers in August 2012. The primary
1752 visual difference between the existing and proposed communication facilities would
1753 be the type of equipment shed. Instead of using the tan concrete-style shelter seen
1754 at the base of the first approved tower on the site, this request proposes a more
1755 compact gray metal enclosure that can be fully recessed several feet under the
1756 bleachers.

1757

1758 Because the property is owned by Henrico County Schools, the applicant consulted
1759 with the School Board, Schools Administration, and Deep Run staff prior to
1760 submitting this permit request. That preliminary process with Schools included a
1761 time for public comment and a public hearing to approve contingent lease terms
1762 during the School Board meetings in September and October 2012.

1763

1764 With low-profile antennas, a compact equipment enclosure, and use of existing site
1765 development features, the proposed tower would be appropriate for improving
1766 wireless communication services in the area with minimal visual impact and

1767 minimal impact on school operations. The use is consistent with the goals and
1768 objectives of the 2026 Plan, and staff supports this request subject to the conditions
1769 listed in the staff report.

1770

1771 This concludes my presentation. I am happy to answer any questions you may
1772 have.

1773

1774 Mrs. Jones - Do we have questions for Mr. Lewis?

1775

1776 Mr. Branin - I have one. Mr. Lewis, would you pull up—I just
1777 wanted to make sure no one else did before I started. Mr. Lewis, would you pull
1778, up an area map, please? With your mouse, can you show us where the existing
1779 tower is currently?

1780

1781 Mr. Lewis - The existing tower is approximately 200 feet north of
1782 this orange dot.

1783

1784 Mr. Branin - So the other end of the stands.

1785

1786 Mr. Lewis - The other end of the stands.

1787

1788 Mr. Branin - About right where the hand is.

1789

1790 Mr. Lewis - The top of the hand.

1791

1792 Mr. Branin - Okay. Have we had any complaints since that tower
1793 went in from anyone?

1794

1795 Mr. Lewis - None.

1796

1797 Mr. Branin - Has the school had any issues with the equipment
1798 and the placement of the equipment at the existing one?

1799

1800 Mr. Lewis - I have not been made aware of any.

1801

1802 Mr. Branin - Thank you, sir. May I hear from opposition, first,
1803 please?

1804

1805 Mrs. Jones - Of course you may. Thank you, Mr. Lewis.

1806

1807 Mr. Branin - I like to shake it up a little.

1808

1809, Mrs. Jones - Sir, if you would come down, and state your name for
1810 the record, we'd be happy to hear what you have to say.

1811

1812 Mr. Coe - Good evening. My name is Joon Coe—J-l-o-o-n C-o-e.

1813

1814 Mr. Branin - Good evening, Mr. Coe. How are you?

1815

1816 Mr. Coe - Very good. Thank you very much.

1817

1818 Before I officially oppose this, can I just ask a quick question?

1819

1820 Mr. Branin - That's why we're here.

1821

1822 Mr. Coe - Yes. The relationship between the Cingular tower that
1823 was established in August of last year and the new proposed one?

1824

1825 Mr. Lewis - The gentleman asked the relationship between the
1826 existing tower that went up in 2012 and the one that would go up with this
1827 request, if it were approved. This pole—this stadium pole right here is the one
1828 that would be removed. And then, if you shift eight feet to the north, the new pole
1829 would be just to the side of this image that you see here. So essentially not exact
1830 replication, but very similar. Take this image, transfer it over here, and you would
1831 have two side by side.

1832

1833 Mr. Coe - Thank you very much. That confirms that this will be a
1834 totally new pole with a telecommunication tower that emits all the radio
1835 frequency, the—what do you call it?—the bad stuff, so to speak. Okay. I'm not
1836 that much interested in the property value. Once these go up, the majority of the
1837 opposition will be their property value going down, but I'm not against that. What
1838 I'm concerned about is our neighborhood—I mean on that little area map that you
1839 saw, I reside in that one small little pocket of residents on the northwest side.
1840 That's approximately less than 300 feet from our house. And our neighborhood is
1841 unique in that there are above a dozen young children under the age of ten.

1842

1843 Mr. Branin - Mr. Coe, what neighborhood do you live in?

1844

1845 Mr. Coe - Ellis Meadows Lane.

1846

1847 Mr. Branin - Meadows Lake?

1848

1849 Mr. Coe - Ellis Meadows Lane.

1850

1851 Mr. Branin - Ellis Meadows Lane.

1852

1853 Mr. Coe - If you take a look at this map right here, this is my
1854 neighborhood. Okay. And the preexisting Cingular tower. We are very much
1855 concerned about the effect of that, and let alone another one going up will be a
1856 very concern. More concerning now is what kind of an effect this will have with
1857 the remaining cellular providers. They will all be interested in erecting their stuff.
1858 And if that happens—I mean, there are two additional poles on the west side of

1859 the stadium, and those are all potentially to be replaced with these types of
1860 telecommunication towers. And as a family who has very young children, I
1861 mean—also as person who is a care provider in the health field, my basic
1862 approach is that whenever you have something that has a potential negative
1863 impact on human health, you have to do the research. And as far as if there's
1864 any evidence that potentially could raise concerns about that, you have to think
1865' twice.

1866
1867 Mr. Branin - Mr. Coe, do you have any evidence with you?

1868
1869 Mr. Coe - I don't have it currently with me, but I did my research
1870 before I came here. There is definitely scientific research that raises concerns
1871 about the relationship of these radio waves and the brain cancers.

1872
1873 Mr. Branin - Everything that I've read so far—because we've had
1874 cell towers. We've been tackling cell towers ever since I've been on the
1875 Commission for ten years. And that always comes up as a potential problem with
1876 every case we've had. To the best of my recollection—and I'll get someone from
1877 the cell company to come up and speak on it, the applicant to speak on it—it's
1878 more dangerous to have a cell phone to your head than a cell tower in the air.

1879
1880, Mr. Coe - True. But the cell phone, you don't constantly operate
1881 it inside your head. As a resident there, this cell tower operates 24/7 with no
1882 break, and we're constantly exposed to that. Essentially, it's like sticking your
1883 head into the microwave oven.

1884
1885 Mr. Emerson - Mr. Coe, are you familiar with the Federal
1886 Communications Commission?

1887
1888 Mr. Coe - Yes, I'm aware of the name.

1889
1890 Mr. Emerson - That's the federal government's agency that regulates
1891 the radio frequencies that come from cell tower emissions, things of that nature.
1892 And there has been a ruling that neither the Commission nor the Board can
1893 consider radio frequency impacts from these types of facilities, from the courts
1894 and the federal government, based on the FCC's findings at this point, that there
1895 are no detrimental health effects from those. Now, I understand that there is
1896' research out there that gives you some leanings possibly in the other direction,
1897 but at this point that's the court's position and the federal government's position.
1898 We're somewhat restricted in the decisions that the Commission makes. They
1899 can't consider that in their findings.

1900
1901 Mr. Branin - Thank you, Mr. Secretary. That was where I was
1902 taking you next, on what we've been instructed. Okay. Is there anything else?
1903 Okay. We have a special guest from the School Board in the room. Can you

1904 come down? Not from the School Board, from Henrico Schools. State your name
1905 for the record.

1906
1907 Mr. Ciarochi - Al Ciarochi, Director of Construction and Maintenance
1908 with Henrico County Public Schools.

1909
1910 Mr. Branin - Thank you for coming, Mr. Ciarochi. Have you had
1911 any issues or complaints since the first tower went up on the north side of the
1912 stands?

1913
1914 Mr. Ciarochi - Upon the commencement of the construction this past
1915 summer of 2012, we have not received any communication that I'm aware of
1916 from faculty, students, community members, or any calls to our local School
1917 Board office.

1918
1919 Mr. Branin - Okay. I just wanted to make sure because sometimes
1920 you all may have received calls there that we wouldn't be aware of.

1921
1922 Mr. Ciarochi - That does happen at times, yes.

1923
1924 Mr. Branin - That's all I needed from you. Is the applicant here?

1925
1926 Mr. Sciroto - Good evening. Tom Sciroto. I'm representing Sprint. I
1927 don't know much more to add to it. He's pretty much covered the FCC ruling on
1928 the radio frequency.

1929
1930 Mr. Branin - Mr. Sciroto, I can barely hear you. Can you speak
1931 into the microphone more, sir?

1932
1933 Mr. Sciroto - Sorry. He's pretty much covered the ruling on the
1934 FCC regarding radio frequency. We are pretty much mirroring the AT&T
1935 installation there at the site, as was pointed out, except for the shelter that we
1936 would be using. We have not had any opposition or anything to this point. I could
1937 answer any questions, if you have any.

1938
1939 Mr. Branin - Okay. I'm going to ask something in one second. But I
1940 need to speak to staff first, so don't go anywhere.

1941
1942 Mr. Sciroto - Okay.

1943
1944 Mr. Branin - Okay? Livingston, can I have you back for one
1945 second? Condition 13 with the screening; in review of the case, I went out and
1946 looked at the existing, and compared it to what would be going in. The screening
1947 is the only thing that concerns me because no matter how UV-resistant a
1948 polypropylene/polyethylene screen is, it's eventually going to break down. Okay?
1949 And I don't know if this proffer covers enough that at time when the schools find

1950 the screening to tear because of wind, get weak because of UV, what may have
1951 you, the onus to be on the owner of the tower to come back and replace the
1952 screen immediately. Do you think thirteen covers that well enough? The screen is
1953 going to become ratty in a short amount of time because of wind and UV. And I'm
1954 looking at thirteen, and I don't think thirteen covers it strong enough that the
1955 maintenance is immediate. Do you think it covers it well enough? I don't.
1956
1957 Mr. Lewis - It doesn't seem to cover long-term maintenance and
1958 how that functions just reading it. It could be tightened up.
1959
1960 Mr. Branin - Okay. This is why I didn't want you to go anywhere,
1961 sir. Step back up to the mike. I'd like to change this proffer and have you
1962 guarantee that immediately, if the schools find this screening in poor condition or
1963 damaged in any way, that you guys will be replacing it immediately. Do you have
1964 issue with that?
1965'
1966 Mr. Sciroto - No.
1967
1968 Mr. Branin - Okay.
1969
1970 Mrs. Jones - Mr. Branin, you could almost just add the wording
1971 after the word "maintained in good condition."
1972
1973 Mr. Branin - Is that how you would do it?
1974
1975 Mr. Emerson - Either that or we could add a sentence that says, "If
1976 notified by Henrico County Schools or Henrico County staff, the screening shall
1977 be replaced and/or repaired appropriately within a period of two weeks," or
1978 something like that. We could add a sentence along those lines.
1979
1980 Mr. Branin - Are you comfortable with that?
1981
1982 Mr. Sciroto - Absolutely.
1983
1984 Mr. Witte - Would that apply with subsequent owners?
1985
1986 Mr. Emerson - Yes sir.
1987
1988 Mr. Branin - The proffer goes with whoever the owner is, and we
1989 cover that in—
1990
1991 Mr. Emerson - This is a condition.
1992
1993 Mr. Branin - Right. We cover that in the condition, sir.
1994
1995 Mr. Glover - It's not a proffer.

1996

1997 Mr. Branin - I misspoke. But those conditions transfer, don't they?

1998

1999 Mr. Emerson - Yes, they would stay with the facility. We would
2000 require a transfer of the Provisional Use Permit, so if it changed hands these
2001 conditions—and you may add more conditions to it at that time.

2002

2003 Mr. Witte - So they'll be back if there's a transfer of ownership.

2004

2005 Mr. Emerson - Yes sir. If there's a transfer of ownership, we require
2006 transfer of the Provisional Use Permit.

2007

2008 Mr. Witte - Okay, thank you.

2009

2010 Mrs. Jones - Mr. Sciroto, you look a little hesitant. This is wording.

2011

2012 Mr. Sciroto - No, no—

2013

2014 Mr. Glover - Mr. Secretary, are you saying that you have to have
2015 another public hearing if it transfers ownership?

2016

2017 Mr. Emerson - Normally what we do is not required of a transfer of
2018 ownership. We can do it administratively, but usually we discuss it with the Board
2019 member and Planning Commissioner. And if they request that, we can require it.
2020 So it's an optional thing.

2021

2022 Mr. Glover - What does the ordinance say?

2023

2024 Mr. Emerson - The ordinance, I believe, allows us that. Livingston,
2025 do you have the ordinance in front of you on that?

2026

2027 Mr. Lewis - Pardon me while I find it at the end here.

2028

2029 Mr. Emerson - If I'm remembering it correctly, it's within the
2030 discretion.

2031

2032 Mr. Lewis - Near the very end of the ordinance, it is essentially
2033 the last section in the zoning code, 24-122.1, the second half of that where it
2034 begins, "The director of planning may consider a request for transfer of a
2035 provisional use permit to a new owner/operator pursuant to the following
2036 conditions." It gives four conditions and lays out a little bit of the process.
2037 Typically, if we become aware of a new owner, we'll request that they submit a
2038 letter requesting the transfer and written confirmation that they agree to all of the
2039 conditions that have been placed on the property. And we return a simple letter
2040 confirming and that we will place the update in our file.

2041

2042 Mr. Emerson - But before I do that, I always contact the Board
2043 member and the Planning Commission—
2044

2045 Mr. Glover - You do, but does a subsequent Planning Director do
2046 that?
2047

2048 Mr. Emerson - I can't guarantee that, no sir.
2049

2050 Mr. Glover - Why don't you just put a statement on the end of your
2051 condition that requires it?
2052

2053 Mr. Emerson - We can do that, yes sir.
2054

2055 Mr. Glover - I'm asking Mr. Branin...
2056

2057 Mr. Branin - I agree with it. I agree. We can put a condition on.
2058 Mr. Lewis, how would you state that condition?
2059

2060 Mr. Lewis - And this condition is related to what—I'm sorry—as
2061 far as transferring the—
2062

2063 Mr. Emerson - Transfer of ownership.
2064

2065 Mr. Branin - Transfer of ownership and that conditions will transfer.
2066' If owner changes, all conditions will apply to new owner.
2067

2068 Mr. Lewis - I guess my approach might be just to reference the
2069 code section, that that transfer would officially take place per Section 122.1.
2070

2071 Mr. Glover - And that gives the Planning director the—
2072

2073 Mr. Branin - I prefer it just being stated that all conditions would
2074 transfer with—if ownership changes, all conditions will transfer to new owner in
2075 its entirety.
2076

2077 Mr. Lewis - Yes sir.
2078

2079 Mr. Branin - Okay? Do you agree with that, sir?
2080

2081 Mr. Sciroto - Yes.
2082

2083 Mr. Branin - Okay. So with the change of Condition 13, and an
2084 additional Condition 15, we'll have those by the time this comes before the Board
2085 written up, Mr. Lewis? All right. I have no further questions for you. Does
2086 anybody else?
2087

2088 Mrs. Jones - Anyone else have questions? All right.
2089
2090 Mr. Branin - Mr. Coe, I understand your concerns, I do. It's all of
2091 our concerns, but we also are governed and restricted in what we can and can't
2092 do. And that's why I tried to also point out here also, that it's more this than
2093 towers. I hear you.
2094
2095 Mr. Coe - Just one more question.
2096
2097 Mr. Branin - Absolutely. You have to come forward and state your
2098 name for the record.
2099
2100 Mr. Coe - Joon Coe. Just one more question. Is there a
2101 possibility that all the rest of the carriers can get into that location, establish their
2102 towers?
2103
2104 Mr. Branin - All of those towers currently have multiple users, I
2105 believe, don't they?
2106
2107 Mr. Lewis - No. The trade off with this type of construction is
2108 that—I suppose another carrier could probably go—I should switch over to the—I
2109 suppose another carrier could go between the existing antennas and the lights,
2110 the field lights, but it's tight. So that's why this carrier is going over here, because
2111 not only is the space a little bit tight, but there is a condition for aesthetic reasons
2112 that the wiring go inside of the structure as opposed to outside, so that
2113 bottlenecks up at the top and allows less at the top of the structure.
2114
2115 Mr. Branin - Okay. So to answer your question, sure, some more
2116 carriers could come in and request other poles in the future.
2117
2118 Mr. Coe - I hope that doesn't happen.
2119
2120 Mr. Archer - Mr. Coe, I don't think there's a district representative
2121 here tonight that has not had this discussion about emission of radio frequency
2122 waves. And of course it's a concern to everybody. And I have listened to
2123 testimony from some independent engineers. The last one I remember attending,
2124 the engineer reported—and I don't know how true it is, but this is what was
2125 said—that there is more emitted from a baby transponder than there is from one
2126 of these towers. And I think the FCC has to regulate that. So, you know, I
2127 applaud your research, but do some more. Try to make your mind at ease
2128 anyway. But that's what I've heard at one of these meetings concerning that. And
2129 I hope it's right.
2130
2131 Mr. Coe - What we really don't want is this area getting
2132 bombarded by—I mean, one or two companies might be okay.
2133

2134 Mr. Archer - Well, I understand.
2135
2136 Mr. Coe - Seventeen of them may not be okay.
2137
2138 Mr. Archer - The problem is, as we move forward, this particular
2139 form of communication is what's going to be happening. Landlines are probably
2140 going to be obsolete in another ten years maybe. So we have to study it and stay
2141 behind it. But I don't know that there is going to be much relief from it. We're not
2142 ever going to stop using cell phones.
2143
2144 Mr. Coe - Thank you.
2145
2146 Mr. Branin - Thank you, Mr. Coe. All right. Madam Chair, may I
2147 make a motion?
2148
2149 Mrs. Jones - You may, Mr. Branin.
2150
2151 Mr. Branin - I'd like to move that PUP2013-00006, Tom Sciroto for
2152 Sprint, move forward to the Board of Supervisors with a recommendation for
2153 approval with Conditions 1 through 15, 13 amended, and 15 added.
2154
2155 Mr. Leabough - Second.
2156
2157 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Leabough. All
2158 in favor say aye. All opposed say no. The ayes have it; the motion passes.
2159
2160 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
2161 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
2162 the Board of Supervisors grant the request because it would provide added
2163 services to the community and it is reasonable in light of the surrounding uses
2164 and existing zoning on the property.
2165
2166 Mr. Glover - I abstain, Madam Chair.
2167
2168 Mrs. Jones - Thank you, Mr. Glover. One abstention.
2169
2170 Mr. Emerson - Madam Chair, that takes us to the next item on your
2171 agenda, which is the consideration of the approval of your minutes from your
2172 March 14, 2013 meeting. It is my understanding that the Commission has been
2173 polled by staff and there were no changes suggested or corrections to the
2174 minutes that you received.
2175
2176 Mrs. Jones - I'll entertain a motion for approval of the minutes.
2177
2178 Mr. Archer - So moved.
2179

2180 Mr. Branin - Second.
2181
2182 Mrs. Jones - All right. I have multiple motions, but I think Mr.
2183 Archer, and seconded by Mr. Branin to approve the minutes as distributed. All in
2184 favor say aye. All opposed say no. The ayes have it; the motion passes.
2185
2186 Mr. Secretary, is there other business for the Commission?
2187
2188 Mr. Emerson - Yes, Madam Chair. I would like to note to you—and
2189 some of you may not be aware of these individuals; I know that some of you are.
2190 But, we did have two former Planning Department employees or staff that have
2191 passed away in the last month. One of those was Mr. Jim Sealy who was a long-
2192 term employee of our office. I guess he retired—I don't have the exact number. I
2193 believe he retired about four or five years ago. He was with our department over
2194 twenty-five years. He'd been with VDOT before. And he retired to Florida to be
2195 with his family, and played a lot of golf, and spent a lot of time at Disneyworld, as
2196 I understand. But he did pass away recently.
2197
2198 And there is an obituary in today's newspaper of a lady that spent quite a bit of
2199 time with the office as well. She retired I believe about three years ago. And that
2200 is Audrey Anderson. And I know that many of you know her as well.
2201
2202 So I did want to note to you that those two individuals passed away. And there
2203 was another long-term employee of the County, Mr. Bill Rutledge, that also
2204 passed away recently. He had a long career with the County. So I did just want to
2205 bring that to your attention.
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2207 Mr. Glover - Audrey was from Chase City. And she let you know it.
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2209 Mrs. Jones - My goodness. I'm sorry.
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2211 Mr. Branin - One of the Public Works traffic engineers, Tommy
2212 Catlett, is moving to VDOT. He's leaving the County.
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2214 Mr. Leabough - I had the privilege to work with both Jim and Audrey,
2215 two great people to work with. They will be sorely missed, so sorry to hear that.
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2217 Mr. Witte - While we're running the obits from the Henrico family,
2218 a friend of mine, Captain Bill Lang, passed away this past weekend also. He had
2219 thirty-one years of service with the County.
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2221 Mrs. Jones - Well, as you refer to the Henrico family, I think you're
2222 exactly right. Thank you all for bringing that to our attention, and certainly our
2223 condolences to the families of those mentioned.
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2225 Is there anything else to come before the Commission?

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Mr. Emerson - Madam Chair, I have nothing else this evening.

Mrs. Jones - I just want to make sure that all of the Commissioners are aware of the ULI event, which has been planned and has gathered momentum over the last year. It's called Reality Check. It will be held May 14th. It will be an exercise to bring together folks from all over the region to do some brainstorming of regional solutions, regional trends. And if you are interested at all in that, certainly either I, or I'm sure the Planning Office, can direct you to folks who can give you more information, if you'd like to participate.

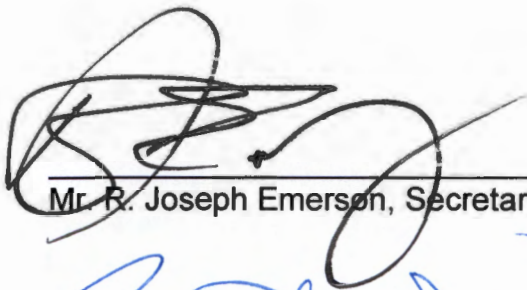
With that, no more business to come before the Commission? I will entertain a motion for adjournment.

Mr. Branin - Move to adjourn.

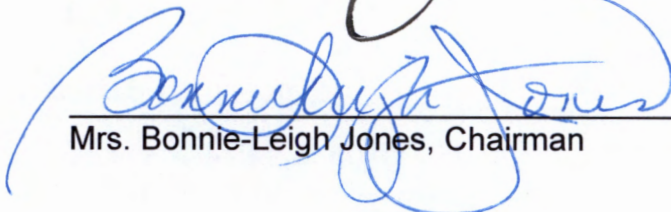
Mr. Archer - Second.

Mrs. Jones - All right. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

We are adjourned.



Mr. R. Joseph Emerson, Secretary



Mrs. Bonnie-Leigh Jones, Chairman