

Clarification of Misstatements in Planning's Staff Report

SUMMARY & RECOMMENDATION

The subject property is located in the R-4 Single-Family Residential zoning district and stadium lighting is a permitted use. However, Section 30-408.7 of the zoning ordinance states that no building or structure shall exceed 35 feet in height. The proposed lighting plans call for lighting structures that exceed 35 feet in height. Therefore a special use permit is necessary for this request.

Planning's responses are purely subjective and not fact based. Facts related to lights, noise, health, and environmental consequences to neighbors living directly adjacent to the fields, other localities denying similar field lighting requests, as well as the overall City of Richmond environment have been blatantly ignored in Planning's response. Extended exposure to LED lights, noise exceeding day time 75dBA maximums Facts have been excluded, details incorrect, and documentation missing, which questions if a FOIA investigation / financial audit is needed – see items 1 to 4 below. **See Health publications and Workgroup Denial Recommendation of Field Lighting, attached.**

The Notice of Public Hearing **1)** did not get sent to all neighbors in a timely manner. A Notice was received January 22nd **2)** incorrectly stating City Council deadline for comments was 10AM, January 24th deterring the public from responding. The correct date is 10AM, February 14th. **3)** Background states Henri Street borders STC property to the North, and purposefully excludes Kensington Avenue, (the only residents that will have their health and environment severely impacted). **See attached Notice, and updated STC map.** STC failed to provide context of the field locations and homes bordering on the property line.

4) Friday afternoon, February 4th, I became aware that emails relevant to this project were missing from the February 7th Meeting Details/Agenda. David Watson, Planning responded that all documentation was included, when in fact it was not. Richard Saunders asked that I provide the documentation... documentation that Planning received but somehow lost? Deleted? Intentional? What other public documents are missing from projects that could have adversely impacted project decisions?

Planning has made a concerted effort to ignore details related to this project in an effort to streamline a project for a few white privileged families that do not live in the City but have a passion for Friday night football – for a project that has no economic value for the City of Richmond and will cost the City money with calls to RPD and EMS. A project that adds no educational value... and will negatively impact the health, well-being, environment and safety of City residents. **See attached Friday night fights.**

Staff finds the use of the property would remain consistent with the recommendations of the Richmond 300 master plan where the primary uses include institutional, cultural, government and open space.

A subjective statement, not fact based. The sentence is purposefully vague and could be used to subjectively, for financial or political gain, to pass any request. Planning has not respond to a request asking for justification how their reference to the Richmond 300 master plan warrants approval of zoning changes to a 100 year old densely populated single-family residentially zoned neighborhood. Planning is giving precedence to an organization and

destroying a neighborhood and subjecting families with babies, and elderly to health and environmental risks that will not be celebrated on our 300th anniversary as something to be proud of. Does the Planning staff live in the City to care enough about the decisions they are making?

Planning has failed to consider *Goal 5: Planning Engagement – Foster a planning engagement culture that effectively and equitably builds people’s capacity to organize to improve the city and their neighborhoods.* To the contrary, Planning is going against improvement of neighborhoods and opting to destroy a 100 year old neighborhood because of their bias toward white privilege, political pressure, and financial gain.

Staff notes that the lighting of the athletic fields is a permitted use in the R-4 zoning district. However, the applicant wishes to use lighting towers that exceed 35 feet in height in order to provide field lighting utilizing fewer tower structures.

Not a fact based decision. A subjective statement based on the “wishes” of a few families that live in the county that will not have their families exposed to the negative light, noise, and environmental health issues associated with the 70’ light poles. 35’ poles achieve the same goal while maintaining neighborhood aesthetics, with financial incentive losses.

David Watson, Planning, was specifically asked why tech equipment should be allowed on light poles in a single family residential neighborhood

- David denied that “wireless facilities” referenced in the SUP was for tech equipment; which was/is not true
- David proceeded to compare St. Christopher’s athletic field, a school with an enrollment of ~300 boys to UVA’s 61,000 seat Scott Stadium, which is not comparable
- David compared St. Christopher’s located in a densely populated single family residentially zoned neighborhood to other High Schools in mixed use, commercially zoned neighborhoods, bordered by main roads/highways and commercial property

A decision for 70’ light poles comes with short term and long term financial gain for the school and certain individuals... to the detriment of neighbors and the neighborhood. Tech companies can attach their equipment to 70’ poles, not 35’ poles. 1st District Councilperson submitted legislation that was approved specifically for attaching tech equipment to City light poles.

Lack of responses along with inaccurate, vague, and misleading response from Planning and 1st District Council give the perception that they do not respect public feedback, or more specifically female feedback. Or, Planning does not consider a female smart enough to realize that they are purposefully trying to derail the conversation to avoid the real issues.

Staff finds the proposed development would not alter the availability of on-street parking in the area.

A subjective statement not based on fact; ignoring Objection letters related to on-street parking and illegal parking; and ignores Andreas Addison’s acknowledgment and attempt to mitigate the known parking issues and traffic congestion; and St. Christopher’s acknowledgement to hire a third party parking company to manage traffic and parking. The attempts to mitigate known issues created new issues and risk to the public. **See January 26th email** which contains Andreas’ mitigation efforts and a response to his email.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. Specifically, staff finds that the proposed use would not be detrimental to the general welfare of the community involved and would not create additional congestion in the streets in the area involved.

A biased and subjective statement granting the “wishes” of the requestor to do whatever they want. Planning has ignored known health issues, as stated earlier; they also contradict both the school acknowledging the need for 3rd party parking services to manage traffic and parking; and Andreas Addison’s acknowledgment of traffic congestion (see above).

The Ordinance is purposefully worded so vaguely, there are no conditions or safeguards in place to protect residents from harm. Includes attaching tech equipment for the benefit and profit of the school and individuals; while excluding a cutoff time for lights to protect neighbors; it does not prohibit special event usage for lighted fields; nor does it prohibit use of lights prior to 7AM etc. etc. The Ordinance is one sided, written solely on behalf of St. Christopher’s benefit, a Richmond 300 “institution”, whatever that means.

If Planning cannot be objective, who is accountable for the welfare of City of Richmond residents.

Therefore, staff recommends approval of the Special Use Permit

As a result of Planning’s lack of effort to either acknowledge the light and noise harm that will be inflicted on residents OR deny there is any potential for harm, along with other misrepresentations, the Planning Commission should unequivocally **deny** the Special Use Permit.

As a citizen new to this process, the questionable behavior and lack of transparency experienced, creates the appearance of collusion for personal and professional benefit.

FINDINGS OF FACT

Site Description

The 27 acre subject property is located in the Three Chopt neighborhood and is bounded by St. Christopher’s Road to the west; Wesley and Ferguson Roads to the south; Maple Street to the east; and Henri Street to the north.

See above. Purposefully excluded Kensington Avenue homes on the STC property line, immediately adjacent to the athletic fields that will be lit. The only residents that will have their health and environment severely impacted.

Proposed Use of the Property

The property is a school containing fields currently used for athletic events and practice. The lighting of the fields will allow greater flexibility for scheduling events, and accommodating weather delays. Sporting events that utilize lighting shall be limited to 15 sporting events per calendar year which includes a maximum of five football games per year.

Due to the lack of educational value associated with this proposed project, flexibility for scheduling events and accommodating for weather delays is a veiled attempt to find purpose for the project, the request of a few white privileged STC families... living in the county and not impacted by this project.

The proposed lighting of the athletic fields does not introduce a new use for the properties. Sporting events and practices that currently occur as permitted uses today shall continue with the approval of the requested special use permit.

Use of the property will be expanded to Friday night events being marketed by STC as a healthy, family friendly event. The same events that STC and Andreas Addison have acknowledged will require additional security, including RPD, and third party parking services. Friday night events where fan fights are more prevalent and STC has a history of fights occurring with key rivals, the same rivals that will play Friday night games. **See attached Friday Night examples.**

Master Plan

The City's Richmond 300 Master Plan designates the property for Institutional uses. These uses typically are public and quasi-public entities, such as local, state, and federal government, hospitals, universities, schools, and religious institutions.

Development Style: Several buildings owned by an institution are often connected by an engaging character that creates a campus-like environment.

Mobility: Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveway entrances are prohibited on priority and principal street frontages and minimal driveway entrances are allowed on secondary streets. Ground floor parking is prohibited on principal street frontages.

REQUEST: Where does the City's Richmond 300 Master Plan support and address single family residences and what is being done to maintain and ensure homeowner expectations for quality of life associated with the purchasing of a home in the City?

Intensity: Varies.

Primary Uses: Institutional, cultural, government, and open space.

Secondary Uses: Retail/office/personal service and multi-family.

The Property is currently located within the R-4 Single-Family Residential District. Zoning Administration noted the following:

The subject property is zoned R-4 Single-Family Residential district. This proposal is to install new athletic field lighting at an existing private school. The proposed heights of the lighting structures exceed 35' and a Special Use Permit is required to be adopted by City Council to authorize this use

If adopted, the Special Use Permit would impose the following conditions on the properties:

(a) The Special Use of the Property shall be as athletic fields illuminated by lighting structures in excess of 35 feet in height, substantially as shown on the Plans.

(b) The Owner shall not operate the Special Use past 8:00 p.m., except in the case of interscholastic sports competitions. Exposes residents to extended loud noise, foul language, inappropriate music, and lights 365 days a year. Elderly, working families with toddlers and infants will have no expectation for quiet to get children to sleep. Home owners will lose the ability and expectation to enjoy a family event in their backyard without being exposed to athletic events. Audio of the sound from a homeowners family room

(c) The Owner shall not operate the Special Use past 8:00 p.m. for more than 15 interscholastic sports competitions per calendar year and no more than five such competitions may be football competitions. Benefits STC to continue athletic events until any time for enjoyment of the white privileged families that live in the county. Complete disregard for residents expectations to be able to sleep in their homes; enjoy family time in the privacy of their home or backyard, since no cutoff time is required.

(d) No football competition involving the Special Use shall begin later than 7:00 p.m. An arbitrary time to benefit and accommodate the school and family schedules; with total disregard for adjacent homeowners by allowing continued exposure to loud noise and lights to extend later into the night. No consideration to the sleep or well-being of City of Richmond citizens.

(e) The Owner shall post on the calendar on the St. Christopher's School website the varsity fall athletics schedule by June 15 and the varsity spring athletics schedule by January 15 each year. Accommodates the school and does not address rescheduling, and timely notices of rescheduled games. Nor does it address how rescheduling of events will effect homeowners that planned family social events in their homes and backyards based on posted scheduled events. Now the challenges scheduling and bad weather is expanded to negatively impact and effect adjacent homeowners.

(f) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.

(g) Wireless communications equipment may be co-located on the lighting structures, subject to the applicable provisions of the Code of the City of Richmond (2020), as amended. [Note: Wireless communications equipment would not need a special use permit to be installed on the Property. This condition would allow such equipment to be located above 35' in height, provided all other City requirements are met. Contradicts Proposed Use of the Property that states "does not introduce a new use for the properties". Purposefully creates an unhealthy environment in a single family residentially neighborhood, where it does not belong and such use would be prohibited by existing zoning requirements. `Creates a profitable condition where the school and City staff associated with decision making will financially gain; to the detriment of adjacent homeowners health and well-being. **See attached Tech equipment.**

(h) All ground-level mechanical equipment pertaining to the Special Use and not affixed to the lighting structures shall be located or screened so as not to be visible from any public right-of-way.

Surrounding Area

Properties in the surrounding area **generally** contain single-family dwellings. This statement would be accurate stating, *the surrounding area is completely single-family dwellings.*

Neighborhood Participation

Staff notified area residents and property owners as well as the Westhampton Citizens association and the Westhampton Merchants Association. A number of letters in support and in opposition have been received.

Notification was not timely and contained incorrect and missing information that can mislead and impact decision makers vote on this project. Many of the effected individuals and property owners work for STC and cannot speak regarding this project without fear of retribution by STC.

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