

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico
2 County held in the County Administration Building in the Government Center at
3 Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, February 25,
4 2021. Display Notice having been published in the Richmond *Times-Dispatch* on
5 January 25, 2021 and February 4, 2021.
6
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8 Members Present: Mr. William M. Mackey, Jr., Chairman (Varina)
9 Mrs. Melissa L. Thornton, Vice Chair (Three Chopt)
10 Mr. Robert H. Witte, Jr. (Brookland)
11 Mr. Gregory R. Baka (Tuckahoe)
12 Mr. C. W. Archer, C.P.C. (Fairfield)
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
14 Secretary
15 Mrs. Patricia S. O'Bannon (Tuckahoe)
16 Board of Supervisors' Representative
17

18 Also Present: Ms. Jean Moore, Assistant Director of Planning *
19 Ms. Rosemary D. Deemer, AICP, County Planner
20 Mr. Seth Humphreys, County Planner
21 Mr. Livingston Lewis, County Planner
22 Mrs. Lisa Blankinship, County Planner
23 Ms. Kristin Smith, County Planner
24

25 * (Virtually)
26

27 **Mrs. Patricia S. O'Bannon, the Board of Supervisors' representative, abstains on**
28 **all cases unless otherwise noted.**
29

30 Mr. Mackey - I call this meeting to order of the Henrico County Planning
31 Commission. This is our February 25th rezoning meeting, which was actually scheduled
32 for February the 11th, but was postponed two consecutive weeks due to two different
33 weather events.
34

35 At this time, if you haven't already done so, I'd ask you if you would silence or turn off
36 your cellphones and stand with the Commission for our Pledge of Allegiance.
37

38 [Pledge of Allegiance]
39

40 Thank you. If there is anyone from the news media tuning in via Webex, welcome. I'd
41 also like to take a moment to welcome Mrs. Pat O'Bannon, who is the representative from
42 the Board of Supervisors who will be sitting with us this year. Thank you, ma'am. Thank
43 you for being here. All of our Commissioners are here and present, so we have a quorum;
44 we can conduct business. And, at this time, I would like to turn the agenda over to Mr.
45 Emerson.
46

47 Mr. Emerson - Thank you, Mr. Chairman. Good evening, Commission.

48
49 Mr. Archer - Good evening, Mr. Emerson.

50
51 Mr. Mackey - Good evening.

52
53 Mr. Emerson - The first item on your agenda tonight are requests for
54 withdrawals and deferrals. On page 2 of your agenda we have one withdrawal.
55 Provisional Use Permit 2020-00017, Jocelyn Senn. As that was withdrawn by the
56 applicant no action is necessary by the Commission.

57
58 **PUP2020-00017** **Jocelyn Senn:** Request for a Provisional Use Permit under
59 Section 24.12.1(b), 24-120, and 24-122.1 of the County Code to allow a bed and breakfast
60 and special events on Parcels 804-675-3435, 804-675-5989, 805-675-2498, and 805-
61 676-8116 located on the west line of Osborne Turnpike at its intersection with Battery Hill
62 Drive. The existing zoning is R-2A One-Family Residence District. The 2026
63 Comprehensive Plan recommends Rural Residential, where density should not exceed 1
64 unit per acre and Environmental Protection Area. The site is in the Airport Safety Overlay
65 District. **Staff – Lisa Blankinship (Withdrawn by applicant)**

66
67 Mr. Emerson - Moving on to deferrals. On page 1 of your agenda, REZ2020-
68 00039 Brian Kelmar.

69
70 **REZ2020-00039** **Brian Kelmar:** Request to amend proffers accepted with
71 Rezoning case C-69C-85 on Parcel 741-741-8889 located on the south line of Patterson
72 Avenue (State Route 6), approximately 125' east of its intersection with Pump Road. The
73 applicant proposes to amend Proffer #4 to allow a detached, changeable message sign.
74 The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive
75 Plan recommends Office. **Staff – Rosemary Deemer (Deferral Requested to March 11,**
76 **2021 Meeting)**

77
78 Mr. Mackey - All right. Thank you, sir. Is there anyone via Webex that is in
79 opposition of the deferral of this case?

80
81 Ms. Smith - We have no one on Webex.

82
83 Mr. Mackey - All right. Thank you.

84
85 Mr. Baka - Mr. Chairman, I have a brief question about this -- okay, or
86 perhaps for staff. We had talked about, or discussed perhaps, deferring this to the March
87 11th meeting, which I was going to point out to Mrs. O'Bannon is actually two weeks from
88 tonight. Was there any consideration given to deferring this to April 8th?

89
90 Mr. Emerson - Mr. Baka, that would have to be a request by the applicant.
91 So the applicant, of course, as the chairman noted, I believe had requested this deferral
92 prior to our two postponements of meetings.
93

94 So this was the standing request. If the Commission would like to take it further than
95 March the 11th and take it to April, like, is it the 13th?

96
97 Mrs. Thornton - Fifteenth.

98
99 Mr. Archer - Tax day.

100
101 Mr. Emerson - That would have to be done at -- those additional days would
102 have to be done at the Commission's request if you'd like to do that.

103
104 Mrs. O'Bannon - Yeah. Do that.

105
106 Mr. Emerson - But certainly that's within your discretion.

107
108 Mr. Baka - We'll hold for March 11th and see where we are in two weeks.
109 I think we need to revisit, and we'll do it that night. Mr. Chairman, I would move that we
110 recommend that this case be deferred to the March 11, 2021 meeting at the request of
111 the applicant.

112
113 Mr. Witte - Second.

114
115 Mr. Baka - All right. We have the motion by Mr. Baka, seconded by Mr.
116 Witte. All in -- for the deferral. All in favor --

117
118 Mr. Emerson - Mr. Chairman, not to -- not to interrupt, but did we ask if
119 anybody would -- wanted to comment or anybody was here? Did I miss that?

120
121 Mr. Mackey - Well, I asked if anybody was in opposition.

122
123 Mr. Emerson - Okay. Okay. I'm sorry.

124
125 Mr. Mackey - No. You're fine.

126
127 Mr. Emerson - I got carried away in the conversation, I wasn't sure -- I wanted
128 to make sure we didn't violate anything. I'm sorry.

129
130 Mr. Mackey - Let's do it again. All right. Well we have a motion for deferral
131 from Mr. Baka. A second by Mr. Witte. All in favor for the deferral say aye. Any opposed?
132 The ayes have it. The motion is carried.

133
134 Mr. Emerson - On page 2 of your agenda, REZ2021-00005, Godsey
135 Properties, Inc.

136
137 **REZ2021-00005** **Andrew M. Condlin for Godsey Properties, Inc.:** Request
138 to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District
139 (Conditional) Parcels 804-726-5470 and 804-726-5470.001 containing 120.4 acres

located on the north line of Creighton Road at its intersection with Gordon Lane (Glenwood Golf Club). The applicant proposes detached dwellings with zero lot lines. The R-5AC District allows a maximum density of 6 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the Enterprise Zone. **Staff – Livingston Lewis (Deferral Requested to March 11, 2021 Meeting)**

Mr. Mackey - Is there anyone in attendance or via Webex that is in opposition of the deferral to the March 11th meeting?

Ms. Smith - We have no one on Webex.

Mr. Mackey - Thank you.

Mr. Archer - All right, Mr. Chairman, with that I move that REZ2021-00005, Godsey Properties, Inc. be deferred to the March 11th meeting at the applicant's request.

Mrs. Thornton - Second.

Mr. Mackey - We have a motion by Mr. Archer and a second by Ms. Thornton. All in favor for the deferral say aye. Any opposed? The motion is granted.

Mr. Emerson - Mr. Chairman, staying on page 2 of the agenda, you have the companion case to the previous action. It is PUP2021-00001, Godsey properties, Incorporated.

PUP2021-00001 Andrew M. Condlin for Godsey Properties, Inc.: Request for a Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow adjustable side yard setbacks for lots within the R-5A General Residence District on Parcels 804-726-5470 and 804-726-5470.001 located on the north line of Creighton Road at its intersection with Gordon Lane (Glenwood Golf Club). The existing zoning is A-1 Agricultural District. The R-5A zoning district is proposed for the A-1 district with REZ2021-00005. The R-5A District allows an overall maximum density of 6 units per acre. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the Enterprise Zone. **Staff – Livingston Lewis (Deferral Requested to March 15, 2021 Meeting)**

Mr. Mackey - Is there anyone in opposition in person or via Webex to the deferral of this companion case to the March 11th meeting?

Ms. Smith - We have no one on Webex.

Mr. Mackey - Thank you.

Mr. Archer - Mr. Chairman, with that I will move that PUP2021-00001, Godsey Properties, Incorporated be deferred until the March 11th meeting at the applicant's request.

Mrs. Thornton - Second.

Mr. Mackey - Motioned by Mr. Archer, seconded by Ms. Thornton for deferral to the March 11th meeting. All in favor say aye. Any opposed? The motion is granted.

Mr. Emerson - Mr. Chairman, moving on to page 3 of your agenda to REZ2020-00041, Hundred Acre Woods, Incorporated.

REZ2020-00041 Andrew M. Condlin for Hundred Acre Woods, Inc.:
Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 752-773-1086 containing 33.62 acres located at the terminus of Opaca Lane. The applicant proposes a residential development of detached dwellings for sale with zero lot lines. The R-5A District allows an overall maximum density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre and Environmental Protection Area. **Staff – Seth Humphreys (Deferral Requested to March 11, 2021 Meeting)**

Mr. Mackey - Anyone in person or via Webex in opposition of the deferral for this case?

Ms. Smith - We have no one on Webex.

Mr. Mackey - Thank you.

Mrs. Thornton - Okay, well, Mr. Chairman, I move that REZ2020-00041, Hundred Acre Woods, Inc. be deferred to the March 11, 2021 meeting at the request of the applicant.

Mr. Archer - Second.

Mr. Mackey - Was that Mr. Baka?

Mr. Baka - Mr. Archer.

Mr. Mackey - We have a motion by Ms. Thornton and a second by Mr. Archer for the deferral to the March 11th meeting. All in favor say aye. Any opposed? The motion is granted.

Mr. Emerson - Mr. Chairman, continuing on page 3 of your agenda, we have REZ2021-00012, HHHunt-Hans Klinger.

REZ2021-00012 Jeffrey P. Geiger for HHHunt-Hans Klinger: Request to conditionally rezone from R-6C General Residence District (Conditional) and O-2C Office District (Conditional) to R-6C General Residence District (Conditional) Parcels 740-766-2619 and 740-766-6112 and part of Parcels 740-765-3690, 740-766-3730, 739-766-9016, 739-766-9601 containing 8.448 acres located on the north line of Twin Hickory Lake Drive approximately 263' east of its intersection with Pouncey Tract Road (State Road 271). The applicant proposes residential condominiums as an expansion of rezoning request REZ2020-00029. The R-6 District allows no more than 19.8 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The site is in the West Broad Street Overlay District. **Staff – Seth Humphreys (Deferral Requested to March 11, 2021 Meeting)**

Mr. Mackey - Is there anyone in person or on Webex that is in opposition to this deferral?

Ms. Smith - We have no one on Webex.

Mr. Mackey - Thank you.

Mrs. Thornton - Well, Mr. Chairman, I move that REZ2021-00012, HHHunt-Hans Kilger --

Mr. Archer - Klinger.

Mrs. Thornton - -- Klinger be deferred to the March 11, 2021 meeting at the request of the applicant.

Mr. Mackey - Second. I have a motion by Ms. Thornton, seconded by Mr. Mackey, all in favor of the deferral say aye. Any opposed? The motion is granted.

Mr. Emerson - Mr. Chairman, that completes the request for withdrawals or deferrals. We'll now move on to request for expedited items. And on page 2 of your agenda you will find REZ2021-00010, Shurm Homes. And, again, this is an expedited request.

REZ2021-00010 Nick Vignone for Shurm Homes: Request to conditionally rezone from B-3 Business District to R-3C One-Family Residence District (Conditional) Parcel 837-715-2339 containing .88 acres located on the south line of Old Williamsburg Road at its intersection with Old Memorial Drive. The applicant proposes single family dwellings. The R-3 District allows a minimum lot area of 11,000 square feet and a maximum gross density of 3.96 units per acre. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The

75 site is in the Airport Safety Overlay District. **Staff – Lisa Blankinship (Expedited Agenda**
76 **Requested)**

277
278 Mr. Mackey - Is there anyone in person or via Webex in opposition to this
279 case?

280
281 Ms. Smith - We have no one on Webex.

282
283 Mr. Mackey - Thank you. I move that we recommend for approval to the
284 Board of Supervisors REZ2021-00010, Shurm Homes, with the proffers dated February
285 22, 2021.

286
287 Mr. Baka - Second.

288
289 Mr. Mackey - I have a motion by Mr. Mackey, seconded by Mr. Baka. All in
290 favor say aye. Any opposed. Motion is granted.

291
292 **REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey
293 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
294 Supervisors **grant** the request because it conforms to the recommendations of the 2026
295 Comprehensive Plan, and it would permit development for residential use in an
296 appropriate manner.

297
298 Mr. Emerson - Mr. Chairman, that completes our withdrawals and deferrals
299 and expedited items. We now move on to cases to be heard on your regular agenda.
300 And as we begin into those, I would like to go over the process of which you participate
301 in this evening's meeting.

302
303 Again, we thank those of you joining us by Webex and our livestream for our February
304 25th meeting. We did try twice to have this meeting, so the third time finally worked.
305 Following the introduction and presentation of each case, attendees present in the Board
306 room will have an opportunity to comment.

307
308 For those attending virtually, staff will send a message asking if anyone would like to
309 speak about the proposal. Now this will be done using the chat feature located in the
310 bottom right corner of the Webex screen. We recommend everyone press this now at
311 this time to open that chat screen and follow staff's prompts. To be put on the list of
312 speakers you must send your request to the correct contact person. Using the chat
313 feature's drop-down menu, select Kristin Smith before replying. Please be aware this
314 feature is only being used to identify speakers. Messaged questions or comments will
315 not be answered, as they should be directed to the Planning Commission.

316
317 When it is your turn, you will be introduced, unmuted, and prompted to speak. Following
318 your question or comment, you will be muted again. Please be aware there is a time limit
319 for speakers. The Commission provides the applicant and any proponents 10 minutes to
320 speak. The opposition is also given 10 minutes. That is a cumulative 10 minutes.

Questions from the Commission do not count towards the time limit, and the applicant may reserve time to answer questions. Please keep your comments brief to allow for the greatest number of speakers.

Individuals who have chosen to attend tonight's meeting in person will be called upon first. Then staff will identify speakers waiting on Webex. For those of you present in the room, there is a lectern located to the rear of the room. You can see that there to the rear, where the applicant -- for the applicants and the public to utilize when addressing the Commission.

Also, as a reminder, there is a 10-person guideline limit on room capacity. Because of that, we would request that once the item you were in attendance for has been heard, that you vacate the room so others can enter. So that concludes my comments regarding the meeting will now move on to the first item on your agenda, which is SIA2021-00002. The staff report will be presented by Ms. Rosemary Deemer.

SIA2021-00002 County of Henrico – Proposed Park: The Department of Planning has received a request from the Division of Recreation and Parks to initiate a Substantially In Accord study for the expansion of Tuckahoe Park. The proposed site consists of Parcel 737-751-5175, containing 2.60 acres, located on the west line of John Rolfe Parkway, north of Ridgefield Parkway. The existing zoning is O-2C Office District (Conditional). The 2026 Comprehensive Plan recommends Office, Environmental Protection Area and Suburban Residential 2, density should not exceed 3.4 units per acre, for the subject site.

Ms. Deemer - Good evening, Mr. Chairman, members of the Commission.

The Commission - Good evening.

Ms. Deemer - As Mr. Emerson said, at the request of the Division of Recreation and Parks the Planning Department conducted a substantially in accord study to determine whether a proposed addition to Tuckahoe Park is substantially in conformance with the county's adopted Comprehensive Plan.

The subject site consists of a single 2.6-acre parcel located on the west line of John Rolfe Parkway, north of its intersection with Ridgefield Parkway. Surrounding uses include several residential subdivisions, the John Rolfe Commons Shopping Center, and Tuckahoe Park.

Located in the Tuckahoe Magisterial District, the parcel is zoned O-2C, Office District (Conditional) via case C-66-C-88. Other nearby properties are zoned A-1, R-3AC, R-4C, R-5C, and B-2C.

The Division of Recreation and Parks completed a master plan for Tuckahoe Park in 2008. It identified a new entrance off John Rolfe Parkway through this property, which

367 was purchased by the county in 2019. The revised master plan completed last year
368 illustrates the property will be used for additional parking as well as the main entrance to
369 the park.
370

371 The majority of the subject site is designated Office, while two smaller sections to the rear
372 of the property are recommended for Environmental Protection Area and Suburban
373 Residential 2. Although parkland is not an office use, it would be a logical expansion of
374 the adjacent Tuckahoe Park.
375

376 After reviewing the property in the context of existing and recommended land uses, the
377 transportation network, and other site characteristics and considerations, staff concludes
378 the proposed use of the site for park expansion presents no apparent conflict with the
379 intent of the adopted plan and deems it to be in substantially in accord with the goals,
380 objectives, and policies of the Henrico County 2026 Comprehensive Plan.
381

382 This concludes my presentation and I'd be happy to answer any of your questions.
383

384 Mr. Mackey - Thank you, Ms. Deemer. Does anyone on the Board have
385 any questions or statements, for Ms. Deemer, about the park?
386

387 Mrs. O'Bannon - This piece of property has a long history, especially over the
388 last 25 years. And since that shopping center was developed, the John Rolfe, what is it,
389 John Rolfe --
390

391 Ms. Deemer - Shopping Center.
392

393 Mrs. O'Bannon - -- shopping center. And if you go there and -- when -- the
394 discussions of when that particular shopping center was built, you can see at the end of
395 that entrance way there is a -- the roadway splits and portions of it go to the right. And it
396 was intended to -- originally the intent, as they were preparing their plans, their POD and
397 all that, they did put that in there with the intent of this becoming, eventually, the entrance
398 to the little league park.
399

400 The people who have -- who live backed up to the other entrance have been anticipating
401 this also for many years. So, I'll just give you that little bit of history. There's a lot more
402 to it, but I'll leave it at that.
403

404 Mr. Mackey - Thank you, Mrs. O'Bannon.
405

406 Mr. Baka - And I'd add onto those comments if I could, Mr. Chairman. I'm
407 very pleased to see this additional -- this point of connectivity from John Rolfe Parkway,
408 because you're also going to create a linkage as parents or relatives drive in for the new-
409 use sports activities and drive out where it connects them to the shopping center and,
410 perhaps if you're leaving a ball game, you'll have the opportunity to visit some of the retail
411 stores there and it creates a little more connectivity.
2

413 Mr. Mackey - Absolutely.
414
415 Mr. Baka - So I think that helps. Especially with every -- a lot of retailers
416 suffering through the recent decrease in sales.
417
418 Mrs. O'Bannon - And I should add too -- yeah. There's more. There -- and a
419 bond -- the bond referendum in, was it 2016, I think it was? This was on the last
420 referendum. And there are planned \$22-million worth of improvements to the park.
421 Notably one of them is to change the layout enough to get a different road pattern in there
422 to make it safer for the children, instead of walking across -- for the baseball players and
423 all that. Instead of walking across the road to get to facilities, the entire park is going to
424 be revamped. And this is the first thing that really needs to happen, is this particular
425 interest -- entrance needs to go in. So, it's always -- already been part of a bond
426 referendum.
427
428 Mr. Mackey - Thank you for your comments.
429
430 Mrs. Thornton - I have one question. So, the main entrance, which I've been
431 there many of times through the neighborhood, which I always thought was odd, but will
432 that be closed off and be an emergency exit -- entrance only, or can you still get in the
433 back side?
434
435 Ms. Deemer - It'll still be left open, but the main entrance, especially with
436 more parking, will be off of John Rolfe Parkway.
437
438 Mrs. Thornton - Okay.
439
440 Ms. Deemer - And if you have specific questions, I believe we have a
441 representative from Parks and Recreation on Webex.
442
443 Mr. Baka - An advantage there is while the existing entrance will still be
444 maintained and still be open, it'll be less frequently -- less, you know, accessed for traffic
445 to the park because of this new entrance. So the traffic should decrease some as a
446 positive result for some of those neighbors on the west side.
447
448 Ms. Deemer - Correct. And I just switched the slide so that you can see.
449 This is the 2008 -- so, kind of the current existing pattern. And here is Little League Lane.
450
451 Mr. Baka - Yes.
452
453 Ms. Deemer - And you can see you've got parking, bathrooms, picnic
454 shelters. Everything is right there when you first come in. And then the 2020 version that
455 was adopted shows this is now just a small access way into the rest of the park. But the
456 majority of parking will be over here and over here to the --
457
458 Mrs. Thornton - That'd be great.

59
60 Ms. Deemer - -- west. Southwest.

461
462 Mr. Baka - Great. I'm prepared to make a motion. At this time, Mr.
463 Chairman, with the report being substantially in accord with the Comprehensive Plan, I
464 recommend approval of resolution PCR-3-21 for SIA2021-00002, Tuckahoe Park
465 Expansion.

466
467 Mr. Witte - Second.

468
469 Mr. Archer - I'll second Mr. Baka's motion.

470
471 Mr. Mackey - We had a motion by Mr. Baka and a second by Mr. Witte right
472 before you, Mr. Archer. All in -- all in favor say aye. Any opposed? The motion is granted.
473 Thank you.

474
475 Mr. Emerson - Mr. Chairman, the next item on your agenda is REZ2021-
476 00011. It also appears on the first page of your agenda. This is Mr. Greg Spicer. The
477 staff report will be presented by Ms. Rosemary Deemer.

478
479 **REZ2021-00011** **Greg Spicer:** Request to conditionally rezone from A-1
480 Agricultural District to R-2AC One-Family Residence District (Conditional) Parcels 764-
81 770-8579, 764-770-8888, 764-771-9504, and 765-770-0198 containing 1.87 acres
82 located on the south line of Mountain Road at its intersection with Tiller Road. The
483 applicant proposes single family dwellings. The R-2A District allows a minimum lot area
484 of 13,500 square feet and a maximum gross density of 3.22 units per acre. The 2026
485 Comprehensive Plan recommends Suburban Residential 1, density should not exceed
486 2.4 units per acre.

487
488 Mr. Emerson - Thank you, Fred.

489
490 Mr. Mackey - All right. Is there anyone in person or via Webex in opposition
491 to REZ2021-00011, Greg Spicer?

492
493 Ms. Smith - We have no one on Webex.

494
495 Mr. Mackey - All right. Thank you.

496
497 Ms. Deemer - Good evening again.

498
499 Mr. Mackey - Good evening.

500
501 Ms. Deemer - This is a request, as Mr. Emerson said, to conditionally rezone
502 1.87 acres from A-1 Agricultural District to R-2AC One-Family Residence District
503 (Conditional) to allow for single-family residences. The subject site is comprised of four
504 individual tax parcels located at the southwest intersection of Mountain and Tiller Roads.

The land is currently undeveloped and surrounded by other A-1 properties. Nearby residential subdivisions in the area are zoned R-2C, R-2AC, and R-3. The Elizabeth Adam Crump Health and Rehab Center is located to the east and is zoned R-6C.

The original request was for the development of four single-family homes with two lots accessing Mountain Road and the others using Tiller Road.

In response to staff's concerns, the applicant has submitted revised proffers dated February 18th, 2021 reducing the total yield to three lots, all fronting on Tiller Road. The proffers also removed split block from the foundation materials, increased the finished floor area to 2,200 square feet, committed to paved driveway surfaces, provides for hours of construction, requires foundation plantings and two-car attached garages.

The property is designated Suburban Residential 1 on the 2026 Future Land Use map. With the reduction to three lots, the density, which would be 1.6 dwelling units per acre, is more in keeping with other subdivisions in the neighborhood.

As the revised proffers address the outstanding concerns identified in the staff report, staff can recommend approval of this request. This concludes my presentation. I'd be happy to answer any questions that you may have.

Mr. Mackey - Thank you, Ms. Deemer. Does anyone have any questions for Ms. Deemer?

Mr. Witte - I have one. Maybe I missed it, but the applicant has agreed to not have any driveways on Mountain Road, is that correct?

Ms. Deemer - Correct. That was added to the proffers that are dated in front of you, February 18th. Yes.

Mr. Witte - Right. Okay. I have nothing further.

Mr. Mackey - Okay.

Mr. Witte - And, Mr. Chairman, unless some Commission members would like to hear from the applicant, I'm more than satisfied.

Mr. Mackey - Are there any other questions from the Commissioners?

Mr. Witte - With that, Mr. Chairman, I move that we recommend approval of REZ2021-00011, Greg Spicer, with the proffers dated February 18, 2021.

Mrs. Thornton - Second.

Mr. Mackey - All right. We have a motion by Mr. Witte and a second by Mrs. Thornton. All in favor say aye. Any opposed? Motion is granted.

51
552 Ms. Deemer - Thank you.

553
554 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the
555 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
556 grant the request because it conforms to the recommendations of the 2026
557 Comprehensive Plan and would not adversely affect the adjoining area if properly
558 developed as proposed.

559
560 Mr. Emerson - Mr. Chairman, you now move on to page 3 of your agenda for
561 your public hearing regarding an ordinance change.

562
563 **PUBLIC HEARING: ORDINANCE –** To Amend and Reordain Section 24-54.1
564 Titled “Principal uses permitted” and Section 24-55 Titled “Provisional uses permitted” of
565 the Code of the County of Henrico to Allow Outdoor Dining Areas in the B-1 Business
566 District by Provisional Use Permit.

567
568 Mr. Blankinship - Good evening, Mr. Chairman.

569
570 Mr. Mackey - Good evening, Mr. Blankinship.

571
572 Mr. Blankinship - Pleasure to be here on a short and simple matter for a change.
573 As many of you remember, this was mentioned to you during the code update process.
574 But for various reasons it was decided to pull this item out and fast track it so that, you
575 know, the business community could take advantage of it immediately.

576
577 And I'm not going to take too long here. Just to mention that in the three business districts
578 there are slightly different requirements for outdoor dining. In the B-1 Business District is
579 currently prohibited, in B-2 it requires a provisional use permit, and in B-3 it's allowed by
580 right. We also distinguish between outdoor dining and what we call convenience seating.
581 If you see a table out in front of SweetFrog or a Starbucks or something that's not outdoor
582 dining. We call that convenience seating.

583
584 Outdoor dining is characterized either by table service or by alcohol service or by having
585 more than 24 tables within 200 feet of an R-district. Any one of those combinations will
586 characterize outdoor dining. So that's really what we're talking about here. We already
587 allow convenience seating in the B-1 District, but at this time, we want -- outdoor dining
588 is not allowed.

589
590 So, we have had requirements from restaurant owners in B-1 zoning districts to convert
591 established convenience seating areas to outdoor dining. And this is something that we
592 have allowed during the COVID-19 emergency because it hit restaurants so hard right at
593 the beginning that we were just looking for any solution to keep restaurants viable. So
594 we did allow outdoor dining even case-by-case in B-1 areas.

But there are some circumstances where rezoning to B-2 is not appropriate and rezoning only the outdoor dining patio would not be appropriate. And so we have restaurants that would like to convert convenience seating to outdoor dining who currently don't even have the opportunity to present their case.

I got ahead of myself. This is the slide about the temporary allowance. So, the proposed amendment is very simple in nature. In the B-1 District principal uses right now there is a sentence that says, "No outside dining areas shall be provided". We propose striking that sentence.

And then in the provisional uses in the B-1 District, we would add the same language that is currently in the B-2 District to say "Outside dining areas for restaurants provided the location and arrangement will not adversely affect adjacent property and uses" that would be a use allowed by provisional use permit. So, of course, every one of these would have to come through you and go on to the Board of Supervisors with your recommendation and we would have the opportunity to place conditions on them case by case.

So, where we have B-1 zoning where it would not be appropriate to have the outdoor dining, the provisional use permit can simply be denied. And where there are factors that could, in some cases, impinge on neighbors or on other businesses, we can place conditions on that specific approval to mitigate those concerns.

So the next step, if you choose to recommend this to the Board, of course, the Board may or may not hold a work session. And then the Board will hold a public hearing. I see that the March 9 date got left from an earlier draft of the slide. Apologize for that. But it would have to go to the Board of Supervisors, of course, for final approval.

And, with that, I'd be happy to answer your questions.

Mr. Mackey - Thank you, Mr. Blankinship. Are there any -- excuse me -- any questions for Mr. Blankinship?

Mr. Witte - No. I'd just like to point out that this is probably one of the few things, good things, that's come from this COVID situation. The restaurant people are excited to do. It increases their capacity, which should increase their volumes, profits hopefully, and maintain their business.

And I think there's a lot of people who enjoyed and use it rather than stay at home. So hopefully this turns out to be as good as it appears on the surface.

Mr. Mackey - I agree, Mr. Witte.

Mrs. Thornton - I agree, too. I've actually even seen dining in the parking lots over in Short Pump crossings. In the fall they made hay bales and just made it more inviting, you know, for you to want to go the restaurant. So, I think it'll be a plus.

12 Mr. Archer - I agree.

643
644 Mr. Baka - Very glad to see this proposal. Thank you.

645
646 Mrs. Thornton - Yeah. So, Mr. Chairman, I move that we recommend
647 approval to enact a new subdivision ordinance by re -- I'm sorry. I can't read with my
648 thing on.

649
650 Mr. Emerson - It doesn't bother (indiscernible).

651
652 Mrs. Thornton - -- by repealing chapter 12 -- I mean, 19 of the code of --

653
654 Mr. Blankinship - Ma'am. You're ahead of yourself. It would be one. The --

655
656 Mr. Mackey - Not that one. Yeah.

657
658 Mrs. Thornton - I'm sorry. Yeah. I'm sorry. You go ahead, then, Mr. Witte.

659
660 Mr. Witte - Okay. Mr. Chairman, I move that we recommend approval of
661 the ordinance amendment to allow outdoor dining areas in the B-1 District by provisional
662 use permit.

663
664 Mr. Archer - Second.

665
666 Mr. Mackey - All right. We have a motion for approval by Mr. Witte. A
667 second by Mr. Archer. All in favor say aye. Any opposed? Motion is granted.

668
669 Mr. Emerson - Mr. Chairman we now move on to the next two items on your
670 agenda which were deferred from your January 14th meeting for decision only.

671
672 **ORDINANCE –** To Enact a New Subdivision Ordinance by Repealing Chapter
673 19 of the Code of the County of Henrico Titled "Subdivisions" and Replacing It with a New
674 Chapter 19 Titled "Subdivisions". This Ordinance repeals the County's existing
675 subdivision ordinance in Chapter 19 of the Code of the County of Henrico (the "Code")
676 and replaces it with a new, comprehensively revised subdivision ordinance in a new
677 Chapter 19 of the Code (the "Proposed Ordinance").

678
679 This ordinance repeals the county's existing subdivision ordinance in Chapter 19 of the
680 code in the County of Henrico and replaces it with a new comprehensively revised
681 subdivision ordinance and a new Chapter 19 of the code.

682
683 And also, you have an ordinance in front of you.

684
685 **ORDINANCE –** To Enact a New Zoning Ordinance by Repealing Chapter 24
686 of the Code of the County of Henrico Titled "Zoning" and Replacing It with a New Chapter
687 24 Titled "Zoning". This Ordinance repeals the County's existing zoning ordinance in

Chapter 24 of the Code of the County of Henrico (the "Code") and replaces it with a new, comprehensively revised zoning ordinance in a new Chapter 24 of the Code (the "Proposed Ordinance").

The staff report on these two items will be presented by Mr. Blankinship.

Mr. Mackey - All right. Thank you, sir.

Mr. Blankinship - And you're all very familiar with the process we've been through for about three years now bringing this before you.

Mr. Archer - It only seems like forever.

Mr. Blankinship - Held the public hearing on January the 14th and we would characterize it as very successful. You have received a letter, copy of a letter, this was addressed to you, from the director explaining or summarizing the comments that were made at the public hearing and our responses to each.

And you have also just been handed a memorandum that was given to us just a few days ago by the Virginia Manufactured Housing Association. They have a couple of recommendations that I suppose they are instituting statewide because they are two statewide organizations working together on this and their suggestions, I think, would probably be appropriate in some locations.

But comparing them to our situation and our zoning ordinance, we have come to the recommendation that they are not appropriate here. One of those is that individual manufactured homes be allowed on single-family lots in the R-0, R-0A, R-1, R-1A, and R-2 zoning districts. And, again, I can imagine there are many places in Virginia where that would seem reasonable, but if you look at the land value in Henrico County in those particular zoning districts. They simply would not support manufactured housing in any way. So, we don't see that that gets any traction locally.

The other recommendation is that we keep the manufactured home park district in our ordinance. But, as we've explained to you, there is only one manufactured home park in the county, and it is not zoned R-MP. It is an old non-conforming use that is located in an M-1 District.

We are not at all opposed to the idea of manufactured housing being used as a form of affordable housing, or manufactured home is being brought into the county. They are a permitted use in the A-1 District, but we believe that they should be set on individual lots as a site-built home would be set on an individual lot in the A-1 District rather than clustered together (indiscernible).

So, staff's recommendation on those two issues is to stand fast with the draft provided by our consultants on which you held the public hearing last month. And so in keeping with

the other comments from last month's public hearing, the staff's recommendation is that you recommend approval of these two ordinances to the supervisors.

Mr. Mackey - Thank you, Mr. Blankinship. Does anyone on the Commission have any questions for Mr. Blankinship, or comments?

Mr. Archer - Mr. Blankinship, if I may, what is it about a manufactured home? I'm just trying to, in my mind, grapple how you can get to being a manufactured home. Is it as opposed to a trailer home? It is a residence that is pre-manufactured and put up, bolted together sort of? Is that how that process work?

Mr. Blankinship - A manufactured home what this memorandum describes is what you would call today what would have been called in the past a trailer home. It is a house that is built on a chassis with wheels and towed down the highway to the location where it's installed as opposed to a modular home which may be built in sections almost similar to a manufactured home section, but they're built on a wood foundation system and placed on a flatbed truck, hauled out to site, and the lifted with a crane off of the truck and set onto a site-built foundation.

Mr. Archer - Yep. I've seen them.

Mr. Blankinship - That's the easy way to tell the difference. But they are constructed to completely different codes.

Mr. Archer - Okay.

Mr. Blankinship - That's the important thing from our point of view.

Mr. Archer - So a manufactured home is what we used to call a trailer house in here.

Mr. Blankinship - Yes.

Mr. Archer - Okay. Makes sense.

Mrs. Thornton - I will say that there are several manufactured homes, but the type -- the key thing, as you said, is the chassis and they have wheels and can be moved. But there are several homes that have been built in Tuckahoe which were, as you said, there was a foundation there with the water and sewer pipes and everything prepared. It was lifted in two sections, one in four sections, there is a two-story home, and then it was put together. And some stick-built a garage and stick-built a front porch. Meaning constructed there on the site. So that's not -- that's okay. I mean, that's what you're talking about.

Mr. Archer - Yeah. I've seen those Mrs. O'Bannon. I know what you're speaking about. Yeah. They bring the house in. I've seen them in some subdivisions

779 that were new – they literally bring the house and dump it on the ground. All put together,
780 you know, as far as the structure is concerned. And then they'd just take the pieces up
781 and nail them together, or bolt them together, and you have a house. They do pretty well,
782 seems like. Yeah.

783

784 But you made the distinction I was looking for. I mean, that they're on the chassis. Okay.

785

786 Mr. Mackey - Any other questions for Mr. Blankinship? All right. A motion
787 would be in order.

788

789 Mrs. Thornton - All right, well, Mr. Chairman, now I'm on target. I move that
790 we recommend approval to enact a new subdivision ordinance by repealing chapter 19
791 of the Code of the County of Henrico titled, Subdivisions and replace it with a new chapter
792 19 titled, Subdivisions.

793

794 Mr. Mackey - All right. We have a motion to accept the ordinance by Ms.
795 Thornton and a second by Mr. Witte. All in favor say aye. Any opposed? Motion is
796 granted.

797

798 Mrs. Thornton - Okay. We have to do the zoning ordinance. So, Mr.
799 Chairman, I move that we recommend approval to enact a new zoning ordinance by
800 repealing Chapter 24 of the Code of the County of Henrico titled, Zoning and replace it
801 with a new Chapter 24 titled, Zoning.

802

803 Mr. Baka - Second.

804

805 Mr. Mackey - All right. We have a motion by Mrs. Thornton, second by Mr.
806 Baka to enact a new zoning ordinance. All in favor say aye. Any opposed? The motion
807 is granted. All right. Thank you, Mr. Baka. I mean, excuse me, Mr. Blankinship. I
808 apologize.

809

810 Mr. Emerson - Well, congratulations, that's a very historic action.

811

812 Mr. Mackey - It is.

813

814 Mr. Emerson - The current code is 61 years old.

815

816 Mr. Mackey - Okay.

817

818 Mr. Emerson - To give you a little background we do have a work session
819 scheduled with the Board. We'll be going through the document with them. They've got
820 a one-day session. We're going to hit all the topical areas. Mr. Blankinship's put together
821 a very good summary, and then trust in the fact you have spent a great deal of time with
822 this document.

823

24 There are still a few things that need to be cleaned up, and I'm certain the Board may
25 have a few things they may want to adjust. We still continue to work with the attorneys
826 and our consultant on getting it formatted and numbered correctly. But once the -- once
827 the Commission finishes, or -- I'm sorry, the Board finishes, with their review and any
828 changes they may wish to make, then we will -- we will advertise again as we did for the
829 Commission. And the Richmond Times Dispatch will appreciate that page and a half that
830 we use, I'm sure. And then the Board will hold their public hearing.

831
832 And we're hopeful that we'll be able to have the new code in place for you to work with
833 and the community to work with by mid to late summer. We need an active date, a go-
834 active date. Once the Board takes final action, we'll need a go-active date of about 60
835 days after they take action in order to allow us time to get some of the forms and things
836 in place that we need to take care of.

837
838 But we're very excited. This is -- this is a great time. And it's -- I think it's a very positive
839 action moving the County forward.

840
841 With that said, Mr. Chairman, I also will note to you that the items that you took action on
842 tonight, with the exception of the zoning code, will go to the Board in March, because we
843 did go ahead and make every attempt, we could to keep the schedule on track for those
844 in the system.

845
846 So, Mr. Blankinship was apologizing for the date on his slide, but it actually was correct.
847 That ordinance has been advertised for the ninth and it will appear on the Board's agenda
848 for March the 9th for them to consider along with the zoning items that you took action on
849 tonight.

850
851 At the top of page 4, Mr. Chairman, we have a discussion item. It's the Capital
852 Improvement Program, which comes to you yearly, as you know.

853
854 **DISCUSSION ITEM: CAPITAL IMPROVEMENT PROGRAM:** The Commission will
855 discuss scheduling a Public Hearing for March 11, 2021 at 6:00 p.m., to consider the FY
856 2021 - 22 through FY 2030-31 Capital Improvement Program.

857
858 And the Commission will discuss this evening scheduling the public hearing for March 11,
859 2021 at 6:00 PM to consider the Fiscal Year 2021-'22 through Fiscal Year 2030-'31
860 Capital Improvement Program. And that is for 6:00 PM, so we do start an hour early on
861 that evening. So if the Commission is so inclined, I would ask that you make a motion to
862 that effect scheduling that hearing.

863
864 Mr. Mackey - All right. Does anyone have any issues with that scheduling?

865
866 Mr. Archer - Works for me.

867
868 Mr. Mackey - Okay. If not, I make a motion that we have the public hearing
869 for the capital improvement program on March the 11th starting at 6:00 PM.

870
871 Mr. Archer - And I'll second your motion.
872
873 Mr. Mackey - Motion by Mr. Mackey and seconded by Mr. Archer. All in
874 favor. Any opposed? Motion was granted.
875
876 Mr. Emerson - The next item on your agenda this evening, Mr. Chairman, is
877 the consideration of the approval of your minutes per your meeting of January 14, 2021.
878 And I have no errata sheet. However, as always, if you have any changes or corrections,
879 please let us know and we'll make those.
880
881 Mr. Mackey - Does anyone have any changes that need to be made to the
882 minutes?
883
884 Mr. Archer - These are the minutes of January 4th? No, I'm sorry.
885
886 Mr. Emerson - Fourteenth.
887
888 Mr. Archer - From January 14th. Yeah. I did have two corrections. Very
889 minor ones. On line 1656 the word of should be changed to a. Or uh, I probably say uh
890 and not a. And on line 1689 the word wave should be w-a-i-v-e.
891
892 Mr. Mackey - Are there any other corrections?
893
894 Mr. Archer - No, sir.
895
896 Mr. Mackey - All right. A motion will be in order.
897
898 Mr. Archer - I move that the minutes be accepted as corrected.
899
900 Mr. Baka - Second.
901
902 Mr. Mackey - All right. We have a motion to accept the minutes with the
903 corrections by Mr. Archer. A second -- seconded by Mr. Baka. All in favor say aye. Any
904 opposed? The motion is granted.
905
906 Mr. Emerson - Mr. Chairman, before you adjourn the meeting, I would like to
907 mention to you that the schedule regarding your cases for your upcoming March meeting
908 will be delayed just a bit. Because we are kind of in a tight cycle here having to hear
909 Board Reports for the Board of Supervisors. A little -- these are because of the
910 compressed schedule when the meeting fell we have to -- we have to process the reports
911 in your actions of tonight into reports that need to go to the Board by the -- by early next
912 week. And I have to have them ready before approval on Tuesday morning.
913
914 So, the Board reports for your next meeting versus you getting them today, which I'm sure
915 you've noticed you didn't receive them today, we will be getting them to you on Tuesday.

916
917 Mr. Mackey - Okay.

918
919 Mr. Emerson - And with that said, Mr. Chairman, I have nothing further for
920 the Commission this evening.

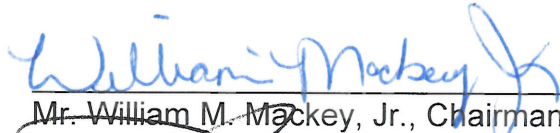
921
922 Mr. Mackey - All right. If there is no other further business a motion to
923 adjourn would be in order.

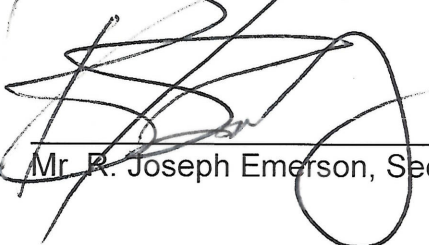
924
925 Mr. Archer - So moved.

926
927 Mr. Mackey - Motioned by --

928
929 Mr. Witte - Second.

930
931 Mr. Mackey - All right. Motioned by Mr. Archer. Seconded by Mr. Witte. All
932 in favor say aye. We are adjourned.

933
934
935
936
937
938 
Mr. William M. Mackey, Jr., Chairman

939
940
941
942
943 
Mr. R. Joseph Emerson, Secretary