

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads beginning at 9:00 a.m. Wednesday, February 27, 2019.
4

Members Present: Mr. Gregory R. Baka, Chairperson (Tuckahoe)
Mr. C. W. Archer, C.P.C., Vice-Chairperson (Fairfield)
Mr. William M. Mackey, Jr. (Varina)
Mrs. Melissa L. Thornton (Three Chopt)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mr. Frank J. Thornton, Board of Supervisors' Representative

Others Present: Ms. Jean Moore, Assistant Director of Planning
Ms. Leslie A. News, PLA, Senior Principal Planner
Mr. Michael F. Kennedy, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Doug Cole, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Ms. Aimee B. Crady, AICP, County Planner
Ms. Kate B. McMillion, County Planner
Mr. Salim Chishti, ASLA, County Planner
Mr. Spencer Norman, County Planner
Ms. Edith Golden, GIS Specialist
Mr. Gary DuVall, Assistant Traffic Engineer
Mr. William Moffett, Police
Mr. Ben Blankinship, Zoning Division Manager
Mr. Miguel Madrigal, County Planner
Ms. Melissa Ferrante, Office Assistant / Recording Secretary

5
6
7
8
9

Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains on all cases unless otherwise noted.

10 Mr. Baka - Good morning and welcome. I call this meeting of the
11 Henrico County Planning Commission to order. This is our plans of development
12 meeting for February 27, 2019. At this time, I ask that you take a moment to silence
13 your cell phones. And as you do, please stand with the Commission for the Pledge of
14 Allegiance.

15

16 Do we have anyone in the audience this morning with the news media? Okay. We are
17 pleased to welcome Mr. Frank Thornton, our representative from the Board of
18 Supervisors who is sitting with the Planning Commission this year in 2019. Thank you
19 for being here Mr. Thornton. Mr. Thornton abstains on all cases unless otherwise noted.

20 We do have all Planning Commissioners present, and we do have a quorum, so we can
21 conduct business. At this point, I will turn the agenda over to Mr. Emerson, our
22 secretary.

23
24 Mr. Emerson - Thank you, Mr. Chair. I will apologize ahead of time, I have a
25 little swelling in my jaw and it's interfering with my speech a little bit, but it's temporary.
26 So if I'm not pronouncing something clearly, let me know. The first item is the request
27 for deferrals and withdrawals. There are none of those this morning. The second item
28 on your agenda is the expedited agenda, which will be presented by Ms. Leslie News.

29
30 Ms. News - Thank you Mr. Secretary and good morning members of the
31 Commission. I am sorry, we seem to be having a little problem with our graphics, but I
32 think they're trying to get it straight there. We can go ahead with the expedited agenda,
33 unless you'd like to wait for those graphics.

34
35 Mr. Baka - Please proceed.

36
37 Ms. News - Okay. The first item is on page three of your agenda and is
38 located in the Fairfield District. This is a transfer of approval for POD-22-71, POD-05-73
39 (pt), and POD-120-84 DaVita/Retail at Brookhill Azalea Shopping Center, and this is
40 located in the Fairfield District. Staff recommends approval.

41
42 **TRANSFER OF APPROVAL**

43
44 **POD-22-71, POD-05-73 (pt), and POD-120-84 DaVita/Retail at Brookhill Azalea Shopping Center – 5270 Chamberlayne Road** **Tall Tree East, Inc. for Healthcare Associates, LLC:**
Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from US Investment Properties, LLC to Healthcare Associates, LLC. The 1.74-acre site is located in an existing shopping center on the west line of Chamberlayne Road, approximately 675 feet north of its intersection with Azalea Avenue, on parcel 736-745-7800. The zoning is B-3C, Business District (Conditional). County water and sewer.
(Fairfield)

45 Mr. Baka - Is there anyone here today in opposition to the transfer of
46 approval for POD-22-71, POD-05-73 (pt), and POD-120-84 DaVita/Retail at Brookhill
47 Azalea Shopping Center? I see no opposition.

48
49 Mr. Archer - Mr. Chairman, I move approval of transfer of approval for
50 POD-22-71, POD-05-73 (pt), and POD-120-84 subject to staff's recommendation.

51
52 Mr. Witte - Second.

53
54 Mr. Baka - A motion by Mr. Archer, a second by Mr. Witte. All those in
55 favor say aye.

56
57 Commissioners - Aye.

58
59 Mr. Baka - Those opposed say no. That motion passes.

60
61 The Planning Commission approved the transfer of approval request for POD-22-71,
62 POD-05-73 (pt), and POD-120-84 (POD2017-00165, POD2017-00166, and POD2017-
63 00167) DaVita/Retail at Brookhill Azalea Shopping Center, from US Investment
64 Properties, LLC to Healthcare Associates, LLC, subject to the standard and added
65 conditions previously approved.

66
67 Ms. News - The second item is on page six of your agenda and located
68 in the Varina District. This is POD2018-00538 Kingsridge Apartments Phase II. Staff
69 recommends approval.

70
71 **PLAN OF DEVELOPMENT AND MASTER PLAN**

72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

| | |
|--|---|
| POD2018-00538 Kingsridge Apartments Phase II – Kingsridge Parkway | Engineering Design Associates for Community Housing Partners Corporation: Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct three, three-story, 38,040-square foot apartment buildings totaling 72 units and a future phase of one three-story, 12-unit, 12,680-square foot apartment building and accessory parking. The 7.09-acre site is located at the southwestern corner of the intersection at Kingsridge Parkway and North Laburnum Avenue, on parcel 809-726-6606. The zoning is R-5, General Residential District and ASO, Airport Safety Overlay District. County water and sewer. (Varina) |
|--|---|

73
74 Mr. Baka - Is there anyone here in opposition to POD2018-00538
75 Kingsridge Apartments Phase II? I see none, Mr. Mackey.

76
77 Mr. Mackey - Alright Mr. Chairman, I move POD2018-00538 Kingsridge
78 Apartments Phase II be approved on the expedited agenda subject to the annotations
79 on the plans, the standard conditions for developments of this type, and additional
80 conditions 29 through 33 in the agenda.

81
82 Mr. Baka - Second. We have a motion by Mr. Mackey and a second by
83 Mr. Baka. All those in favor say aye.

84
85 Commissioners - Aye.

86
87 Mr. Baka - Those opposed say no. The motion passes.

88

89 The Planning Commission approved the plan of development and master plan for
90 POD2018-00538, Kingsridge Apartments Phase II, subject to the annotations on the
91 plans, the standard conditions attached to these minutes for developments of this type,
92 and the following additional conditions:
93

- 94 29. The unit house numbers shall be visible from the parking areas and drives.
95 30. The names of streets, drives, courts and parking areas shall be approved by the
96 Richmond Regional Planning District Commission and such names shall be
97 included on the construction plans prior to their approval. The standard street
98 name signs shall be installed prior to any occupancy permit approval.
99 31. Outside storage shall not be permitted.
100 32. The location of all existing and proposed utility and mechanical equipment
101 (including HVAC units, electric meters, junction and accessory boxes,
102 transformers, and generators) shall be identified on the landscape plans. All
103 equipment shall be screened by such measures as determined appropriate by
104 the Director of Planning or the Planning Commission at the time of plan approval.
105 33. The conceptual master plan, as submitted with this application, is for planning
106 and information purposes only. All subsequent detailed plans of development
107 and construction needed to implement this conceptual plan may be
108 administratively reviewed and approved and shall be subject to all regulations in
109 effect at the time such subsequent plans are submitted for review/ approval.
110

111 Ms. News - The third item is on page eight of your agenda and is located
112 in the Three Chopt District. This is a landscape plan for POD2018-00533 Short Pump
113 Manor at Bacova Section 3. Staff recommends approval.
114

115 Mr. Baka - Is there anyone here in opposition to the landscape plan for
116 POD2018-00533 Short Pump Manor at Bacova Section 3?
117

118 Mrs. Thornton - Mr. Chairman, I move for approval of POD2018-00533 Short
119 Pump Manor at Bacova Section 3, subject to the standard conditions for landscape
120 plans on the expedited agenda, please.
121

122 Mr. Mackey - Second.
123

124 Mr. Baka - We have a motion by Mrs. Thornton, a second by Mr. Baka.
125 All those in favor say aye.
126

127 Commissioners - Aye.
128

129 Mr. Baka - Those opposed say no. That motion passes.
130

131 The Planning Commission approved the plan of development for POD2018-00533,
132 Short Pump Manor at Bacova Section 3, subject to the annotations on the plans and the
133 standard conditions attached to these minutes for landscape plans.
134

135 Ms. News - The final item is on page nine of your agenda and located in
136 the Three Chopt District. This is a landscape plan for POD2019-00010 Dominion Park
37 at Wyndham Phase 2. Staff recommends approval.

138
139 **LANDSCAPE PLAN**

140
141 **POD2019-00010** **HG Design Studio for HHHunt Corporation:** Request for
142 Dominion Park at approval of a landscape plan, as required by Chapter 24,
143 Wyndham Phase 2 – 5999 Sections 24-106 and 24-106.2 of the Henrico County
144 Pouncey Tract Road Code. The 14.08-acre site is located at the end of
145 Donahue Road, on the eastern and western lines,
146 approximately 450 feet north of Wyndham West Drive, on
147 parcel 734-781-9479. The zoning is RTHC, Residential
148 Townhouse District, (Conditional). County water and
149 sewer. **(Three Chopt)**

141
142 Mr. Baka - Is there anyone present in opposition to the landscape plan
143 for POD2019-00010 Dominion Park at Wyndham Phase 2?

144
145 Mrs. Thornton - I move approval for the landscape plan for POD2019-00010
146 Dominion Park at Wyndham Phase 2 subject to the standard conditions for landscape
147 plans on the expedited agenda.

148
149 Mr. Witte - Second.

50
51 Mr. Baka - We have a motion by Mrs. Thornton and a second by Mr.
152 Witte. Those in favor say aye.

153
154 Commissioners - Aye.

155
156 Mr. Baka - Those opposed say no. That motion passes.

157
158 The Planning Commission approved the plan of development for POD2019-00010,
159 Dominion Park at Wyndham Phase 2, subject to the annotations on the plans and the
160 standard conditions attached to these minutes for landscape plans.

161
162 Ms. News - That completes our expedited agenda.

163
164 Mr. Baka - Thank you.

165
166 Mr. Emerson - Mr. Chairman, the next item on your agenda this morning is
167 the subdivision extensions for conditional approval, and there are none of those this
168 morning as well. So, we move on to your regular agenda to page four for POD2018-
169 00526, Timmons Group for 2001 Maywill, LLC. The staff report will be presented by
170 Aimee Crady.

171

172 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

173

POD2018-00526
Kinsale Insurance –
Maywill Street

Timmons Group for 2001 Maywill, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a five-story, 146,600-square foot office building at a height of 83 feet, a four-level, 186,760-square foot parking deck at a height of 50 feet with approximately 630 parking spaces, and a future building pad. The 5.75-acre site is located on the southeastern corner at the intersection of Maywill Street and Thalbro Street, on parcel 776-737-0463. The zoning is M-1, Light Industrial District and WRO, ~~Westmoreland~~ **Westwood** Redevelopment Overlay District. County water and sewer. **(Brookland)**

174

175 Mr. Baka - Is there anyone in opposition this morning to POD2018-
176 00526 Kinsale Insurance? Thank you.

177

178 Mr. Emerson - Mr. Chairman, if I could right before we get started, that is
179 the Westwood Redevelopment Overlay District. There is a mistake on the agenda, so
180 that is the correct name for that, Westwood.

181

182 Ms. Crady - Good morning. The applicant proposes the first phase of
183 redevelopment of property located within the recently established Westwood
184 Redevelopment Overlay District, which was adopted on December 11, 2018.

185

186 The property is subject to the recent provisional use permit (REZ2019-00002) approved
187 by the Board of Supervisors on February 12, 2019 which allows the master planned
188 development containing office, multifamily dwellings, and structured parking facilities in
189 the M-1 zone.

190

191 The location of a future building is also shown on these plans and is conceptual in
192 nature. Any future building at that location will require additional Planning Commission
193 review and approval of a plan of development.

194

195 The current phase includes the five-story office building and a four-level parking garage.
196 Let me skip to the colored renderings. The office building façade is to be constructed
197 primarily of face brick in beige tones, and bronze and white metal paneling system. The
198 garage proposes finishes of brick and concrete. The total height of the office building is
199 proposed at 83 feet and the garage is at 50 feet above grade.

200

201 Sidewalks will be provided along both Thalbro and Maywill Streets and will connect to
202 the main building entrances according to the Westwood Redevelopment Overlay
203 standards.

204

205 Streetscape elements include street lighting and conceptual landscaping, and those are
206 shown on the conceptual landscape plan here. Interior site lighting will be a
07 combination of bollard, building, and pole mounted lighting ranging up to 16 feet
208 mounting height, and then the streetscape fixtures along Thalbro and Maywill Streets
209 will be mounted at 25 feet in height.

210
211 With that, the staff recommends approval subject to the annotations on the plans, the
212 standard conditions for developments of this type, and conditions 11B and 29 through
213 33 listed in the agenda. Greg Smith of Timmons Group as well as Ben McMunn with
214 Hourigan are here representing the applicant, and I believe Mr. Marchetti may be here
215 as well. I am happy to answer any questions you may have of staff.

216
217 Mr. Baka - Does the Commission have any questions of staff?

218
219 Mr. Witte - Would anyone like to hear from the applicant? Because I'm
220 fine with it. Okay, thank you.

221
222 With that said, I move approval of POD2018-00526 Kinsale Insurance including the
223 lighting plan, subject to the annotations on the plans, standard conditions for
224 developments of this type, and conditions 11B and 29 through 33 on the agenda.

225
226 Mr. Archer - Second.

227
228 Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Archer
29 to approve this plan of development. All those in favor say aye.

230
231 Commissioners - Aye.

232
233 Mr. Baka - Those opposed say no. That motion passes. Thank you.

234
235 The Planning Commission approved the plan of development and lighting plan for
236 POD2018-00526, Kinsale Insurance, subject to the annotations on the plans, the
237 standard conditions attached to these minutes for developments of this type, and the
238 following additional conditions:

- 239
240 11B. Prior to the approval of an electrical permit application and installation of the site
241 lighting equipment, a plan including light spread and intensity diagrams, and
242 fixture specifications and mounting heights details shall be revised as annotated
243 on the staff plan and included with the construction plans for final signature.
244 29. A concrete sidewalk meeting County standards shall be provided along the
245 eastern side of Maywill Street and the western side of Thalbro Street.
246 30. Outside storage shall not be permitted.
247 31. The proffers approved as a part of zoning case PUP2019-00002 shall be
248 incorporated in this approval.
249 32. The conceptual master plan, as submitted with this application, is for planning
250 and information purposes only. All subsequent detailed plans of development

251 needed to implement this conceptual plan shall be submitted for staff review and
252 Planning Commission approval and shall be subject to all regulations in effect at
253 the time such subsequent plans are submitted for review/ approval.

254 33. The location of all existing and proposed utility and mechanical equipment
255 (including HVAC units, electric meters, junction and accessory boxes,
256 transformers, and generators) shall be identified on the landscape plans. All
257 equipment shall be screened by such measures as determined appropriate by
258 the Director of Planning or the Planning Commission at the time of plan approval.

259
260 Mr. Emerson - Thank you Mr. Chairman, and I'd also like to thank Kinsale
261 for their continued investment in the County. Thank you.

262
263 The next item on the agenda, the Planning Commission will continue their discussion
264 regarding short term rentals. That will be presented by Mr. Madrigal, and we will pick up
265 where we left off at the last meeting.

266
267 Miguel, if you would, please follow the same format. Pause after each slide for
268 discussion.

269
270 Mr. Madrigal - Thank you, Mr. Emerson. Good evening Mr. Chair and
271 members of the Commission. This morning's presentation is a continuation on the
272 discussion we commenced at your Work Session on February 14th. Staff has
273 summarized the public comments received on the draft short-term rental ordinance and
274 our responses to those comments. We wrapped up that meeting discussing item
275 number five and we will pick up this morning on item number six.

276
277 Item six is up on the board here. Neighbors need to have a say in the process. Several
278 folks that were in opposition to the short-term rental use felt that they needed more of a
279 say prior to a short-term rental use being established. They wanted some form of
280 appeal. The primary intent of the draft ordinance is to protect the quality of life in our
281 residential communities and protect neighborhood character, yet balance competing
282 interests. As proposed, the ordinance allows hosted stays as long as they do not
283 exceed the 30-days per year. Any host who wishes to exceed the 30-day limit or offer
284 their home for un-hosted stays can apply for a Conditional Use Permit, which requires
285 notification to neighbors and gives them an opportunity to voice their concerns at a
286 public hearing. The ultimate decision to approve or deny a request will rest with the
287 Board of Zoning Appeals after their consideration of all the facts surrounding the
288 particular request. Staff feels this is a fair and balanced way to address this use whether
289 it is a hosted stay or un-hosted stay request. Staff recommends leaving the ordinance
290 as proposed. Any discussion or questions?

291
292 Mr. Baka - There was a lot of concern about the 30-day limit at the
293 previous meeting so if the proposed draft ordinance stays with the recommendation that
294 it has, what type of communication or outreach would take place to inform the folks that
295 were highly against a shorter time frame to let them know about this process?

296

297 Mr. Emerson - We will go through a similar presentation at your next public
298 discussion explaining the 30-day limit and how they can make application for a CUP to
299 extend beyond 30 days.

300
301 Mr. Madrigal - I think the emphasis here is that the 30-day limit for hosted
302 stays is permitted by right, and they're not prohibited from doing more than that, but
303 they would have to take that extra step and apply for a Conditional Use Permit and that
304 would notify the neighbors, give them a say in the process, that they've been a good
305 host and there haven't been any complaints from the neighbors and there shouldn't be
306 any issues.

307
308 Mrs. Thornton - Is there a fee?

309
310 Mr. Madrigal - For the Conditional Use Permit? Yes, there is.

311
312 Mrs. Thornton - And you haven't decided that?

313
314 Mr. Madrigal - We haven't decided what that will be. It will be either \$450 or
315 \$600.

316
317 Mr. Baka - Thank you.

318
319 Mr. Madrigal - Item number seven: Clear distinction between room rental
320 versus whole house rentals – don't penalize room renters.

321
322 One speaker who offers hosted stays felt that the draft ordinance was penalizing room
323 renters by grouping them with whole-house renters. They felt that there was a clear
324 distinction between the two and that proposed requirements were overly burdensome
325 on room renters. Staff's position is that the proposed ordinance does not penalize either
326 form of short-term rental use. It allows hosted stays as a matter of right provided it does
327 not exceed 30 days per year. Any host that wishes to offer their home in excess of the
328 30-day limit or wants to have un-hosted stays, has the ability to do so with the approval
329 of a CUP. The proposed code clearly distinguishes between the two and provides an
330 opportunity for interested hosts to request a CUP. As part of that process, it gives
331 neighbors, who have a vested interest, to express their concerns. Again, the BZA would
332 weigh the information provided at the hearing and render a decision based on staff's
333 findings, the applicant's and the public's testimony. Staff recommends leaving the
334 ordinance as proposed.

335
336 Mr. Baka - Any questions?

337
338 Mrs. Thornton - Actually I do, I'm sorry. I can't remember because it's been
339 a while, is it in every zone the same ordinance? I want to verify in my mind that way out
340 in Varina where you have 100 acres –

341
342 Mr. Madrigal - Yes. That would probably be an A-1 district, and that would
343 be – yes. It's just a manner of management, we have so many districts. We just have

344 one general rule, and everyone complies with the same rule. The distinctions would be
345 made during the CUP process.

346
347 Item number eight: limit on number of guests too restrictive – go back to the original
348 proposal.

349
350 Folks in support of the short-term rental use felt that the proposed cap of six guests in a
351 residence was too limiting. They wanted the county to go back to the original proposal
352 which allowed two guests per bedroom instead of the six adult guest limit. The proposed
353 ordinance is consistent with what other jurisdictions have adopted to control the number
354 of short-term rental guests in a residence. Blacksburg, Charlottesville, and Fairfax
355 County have similar standards, while Roanoke City limits guests to no more than four
356 per residence. Staff has put forth the six-guest limit for consistency and to establish a
357 simple and manageable standard. The total number of people in a home could include
358 the host and family plus guests, potentially increasing the number of people to eight or
359 more which could impact parking and create other nuisances. Staff recommends
360 leaving the ordinance as proposed.

361
362 Mr. Baka - Would a 'guest' refer to overnight guests? Or are you talking
363 about guests that they had over for just that evening? If they had ten people or 20
364 people...

365
366 Mr. Madrigal - No, this would just be for short-term rental guests.

367
368 Mr. Baka - And how would this go about being enforced?

369
370 Mr. Madrigal - Complaint basis, essentially. Everything would be complaint
371 based as far as this, unfortunately. When people come in, they register and go through
372 the motions, and we'll be asking a lot of questions and they will be making certain
373 certifications in writing and signing. From there we will handle it on a complaint basis.

374
375 Mr. Baka - If a complaint is made on a Friday night or Saturday night, is
376 that complaint addressed that evening, while the people are there, or the following week
377 with the owner by another method?

378
379 Mr. Madrigal - I guess it would depend on the nature of the complaint. If it
380 was something that warranted a police response, then we'll have to set up some
381 mechanism for us to be made aware of what that violation was and then for us to move
382 forward with Community Maintenance or staff to address it with the owner. And then
383 from there we would start keeping track under the registry ordinance. Three violations
384 on three occasions would warrant vocation of the CUP.

385
386 Mr. Witte - Did you say the six-person limit includes the homeowner?

387

388 Mr. Madrigal - No, it would just be the six guests in addition to the
389 homeowner and the homeowner's family. Could be two, could be four, could be six, just
390 really depends on the situation.

391
392 Mr. Witte - Okay, thank you.

393
394 Mrs. Thornton - And last time, it was in one party, remember?

395
396 Mr. Madrigal - Yes, so the ordinance is written that you cannot rent a
397 residence or a space in a residence to two unrelated parties. So that way we don't have
398 multiple reservations created at one time. That would be more appropriate for a bed
399 and breakfast as opposed to a short-term rental.

400
401 Mr. Mackey - I have a question. I can't remember, did we state what the
402 cutoff age was for the children? Because there's no limit on children. Is it nineteen?

403
404 Mr. Madrigal - I guess it would just be eighteen, at that point they would be
405 considered adults. And the code does specify adults.

406
407 Mr. Baka - How would the neighbor necessarily know if they can
408 complain, if there's a dozen people next door, you're not necessarily knowing if they're
409 overnight guests or not?

410
411 Mr. Madrigal - How would they know if they can complain?

412
413 Mr. Baka - Yes, you could lodge a complaint and actually lodge an
414 invalid complaint because they could be under 18 and may not be staying the night.

415
416 Mr. Madrigal - I guess they would just complain based on the nature of
417 what's happening next door. If it's loud, if it's rowdy, if there's a lot of traffic, a lot of
418 people you don't know. The assumption would probably be that they're having a party,
419 but unless they know that the neighbor is doing short-term rentals then I guess at that
420 point they would complain. But if it's just a party, it's up to that individual, if it's a good
421 neighbor, you don't really say much if it happens once in a blue moon. If it's something
422 that's continually happening every weekend, then I think people would be more
423 sensitive about that.

424
425 Mr. Thornton - I have a question. I recall in the past there were persons that
426 would contact the Board about family housing, where they think there are too many
427 people living in homes. So, my question is, although this is different, does this in any
428 way impact that at all, or have an impact on things like that?

429
430 Mr. Emerson - On occupancy levels? Those will still be measured by the
431 building code, unless you're running an AirBnb. This specifically deals with AirBnbs.

432

433 Mr. Thornton - So this would be totally different? It wouldn't have an
434 impact?

435
436 Mr. Emerson - No sir, that will still be determined based on building code
437 which is what we have relied on.

438
439 Mr. Thornton - Thank you.

440
441 Mr. Madrigal - Item number nine: require short-term rental hosts to be
442 present at check-in.

443
444 Folks in opposition of the short-term rental use, felt that the short-term rental hosts
445 should be physically present at the time of guest check-in. This would alleviate
446 problems and confusion associated with the arrival of guests and be an additional
447 control over this new use. Staff believes that in hosted stay situations this would
448 probably happen, but it would be difficult in un-hosted stay situations. In those
449 instances, where an un-hosted stay host is not available, a designated responsible
450 person would have to be present at time of check-in. Staff could certainly put forth this
451 proposal for the Commission's consideration, but it would be difficult to manage, prove,
452 and enforce if it became part of the code. Consequently, staff recommends leaving the
453 ordinance as proposed.

454
455 Mr. Baka - Any questions?

456
457 Mr. Archer - This one is tricky. I don't know another way to describe it. I
458 think we had someone here who indicated that they were guests and they had a key left
459 for them.

460
461 Mrs. Thornton - Or they use lockboxes. And they would just give them the
462 code and they would just go in. I think that's where this whole issue came from.

463
464 Mr. Madrigal - That was one item that was brought up, yes. Another issue
465 that was brought up was people arriving late at night, unloading, slamming doors,
466 waking people up that might have to work the next day.

467
468 Mr. Archer - Well, the difficult to enforce part, is that that's absolutely true.
469 I wish we could think of something, but I don't know what it is.

470
471 Mrs. Thornton - Kind of like a hotel, where you can only check in at certain
472 times. I don't know, it's hard.

473
474 Mr. Madrigal - I guess you have to consider if it's something that's
475 continually happening on a consistent basis, people would get fed up with it. But if it's
476 something that happens every now and then, you might not know if it's the homeowner
477 arriving late, a family member arriving late, family showing up on occasion. But if it's

478 something happening every weekend or every other day, I think at that point it would
479 raise some concerns for some folks and there would probably be some complaints.

30

481 Mr. Archer - Without someone specifically watching, and knowing what
482 they were watching, I just don't know how you would ever know. And I'm sure it
483 happens a lot, because from what I gathered from the crowd that was there, there were
484 a lot of people who had repeat guests, it was a regular thing. They came all the time.
485 And the key is under the flower pot by the door next to the doghouse and they get it.

486

487 Mr. Emerson - That's correct, and some of the people were such regulars,
488 they weren't even going through the system. This whole thing is fraught with
489 enforcement challenges.

490

491 Mr. Archer - It is, and I don't think we'll be able to solve it.

492

493 Mr. Emerson - No.

494

495 Mr. Witte - Will that [inaudible] unhosted stays?

496

497 Mr. Emerson - Well currently, we don't the way it's proposed.

498

499 Mr. Witte - Well, that's good. That eliminates –

500

501 Mr. Emerson - I think staff's position is that unhosted stays are where the
502 problems exist. However, you know there's a big push for unhosted stays. You had
503 people speak that owned as many as 20 homes. That to me is not someone renting a
504 room out for a little extra money, like people did during the Depression. That's a
505 business. And that is a hotel.

506

507 What would you do if someone went in and bought a whole cul-de-sac and did that? In
508 the middle of a neighborhood?

509

510 Mr. Baka - I'd be concerned.

511

512 Mr. Emerson - Maybe these 20 homes this gentleman mentioned are
513 spread out. But nothing prohibits someone from coming in and buying three or four
514 houses right next to each other and doing that. So, I don't know. If you're going to
515 allow unhosted stays, I would strongly suggest that it would require a Conditional Use
516 Permit and let the BZA conduct a public hearing on it so the neighbors had a chance to
517 speak. That's not something you'd want to allow by right, I don't believe.

518

519 Mrs. Thornton - Well you've eliminated for them to buy multiple houses,
520 because you said it had to be their primary residence.

521

522 Mr. Emerson - Correct.

523

524 Mrs. Thornton - So then, now they can't do that. So, the guy that lived next
525 door and the wife went over and cleaned the house, the little ranch, they wouldn't be
526 able to do that.

527
528 Mr. Emerson - That's correct.

529
530 Mrs. Thornton - Correct. But that's what he's saying, they're not allowed to
531 according to the ordinance. They can do long-term rentals all they want. But the short-
532 term rentals, they are trying to eliminate – like the one guy that goes for work, you know,
533 he leaves to go out of town and rents his house out while he's gone for work.
534 Remember him? The older gentleman? So that will help with the unhosted/multiple
535 houses, because you have it as the primary residence.

536
537 Mr. Baka - For non-AirBnbs, long-term rentals means full month leases
538 are common, I guess, but what if someone had 6-month leases versus 3-month leases?
539 How do we delineate between long-term rentals and short-term rentals?

540
541 Mr. Madrigal - The clear distinction is if it's 30 days or less.

542
543 Mr. Baka - I could rent for two months and it's considered long-term
544 consecutively, and the renter leaves and didn't stay 6 months.

545
546 Mr. Emerson – You could do a 90-day lease.

547
548 Mrs. Thornton - Typically they run a background check.

549
550 Mr. Madrigal - At your last public hearing, I had a couple of people
551 approach me after the meeting and they were concerned with this ordinance because
552 they rent to nurses. So, nurses come in from other states and other countries, and they
553 were doing rentals at three to six-month intervals, and they were concerned this applied
554 to them, and I told them no, this is only for 30 days or less. So that's considered long-
555 term rental and wouldn't apply.

556
557 Mr. Baka - Like a summer job working here in Richmond from May
558 through August.

559
560 Mrs. Thornton - And maybe when you present you could specify for the
561 normal public that might not understand the difference that this is for 30-day only.
562 Because it might bring out some concern.

563
564 Mr. Madrigal - Sure.

565
566 Mr. Archer - It seems to me that at some point in time, we will probably
567 get talked about really bad for doing this, but we will probably have to establish a
568 penalty that is severe enough that it will get your attention. Because if we don't...
569 What's the fine then? Is there a fine?

570
571 Mr. Emerson - Well it would be through the registration, and that could be
72 as high as \$500 per act. Miguel?
573
574 Mr. Madrigal - That is for the non-registry, that is correct.
575
576 Mr. Emerson - But we could, if somebody wasn't registered, that could be
577 \$500, they could be taken off the registry if they violate the code. Isn't there a fine of
578 \$500 associated with that, or no?
579
580 Mr. Madrigal - No.
581
582 Mr. Emerson - So we could take them off the registry and then if they
583 continue then they would be subject to the \$500 fine the way it is currently set up.
584
585 Mr. Madrigal - Those are state guidelines. So, it's three violations, three
586 times or more, then at that point we could remove them off the registry.
587
588 Mr. Emerson - But we will be talking to you at your March 14th meeting
589 regarding penalties and fines and changing those in the code. So, I'm not sure how
590 those would apply to this, so we will look at that and advise you then. Because it still
591 would be a violation to the zoning code. The judge may be able to levy through the
592 penalties. Mr. Blankinship, would that be correct? Based on what we're looking at on
593 the 14th?
594
595 Mr. Blankinship - Yes sir, I think you both put it exactly right. If it's a violation
596 of the registry ordinance, it would be subject to a fine that can be set by the Board up to
597 \$500. If it's a violation of the zoning ordinance, it would be subject to our normal court
598 process, subject to the fines that yes, we will be talking about in March.
599
600 Mr. Emerson - So, those would both be applicable to this?
601
602 Mr. Blankinship - Yes, sir.
603
604 Mr. Emerson - Okay, thank you. I don't know if that helped or not.
605
606 Mr. Archer - Well, it does, and it doesn't. I guess that at some point in
607 time, that's one phase of it that we're going to have to look at quite deeply. How to
608 make a penalty severe enough that it matters. I was reading something just yesterday
609 that somewhere in a neighborhood, there was somebody that had this nuisance going
610 on and the fine was \$100, and if it was five or six thousand bucks... But it was \$100, so
611 they paid the fine and kept doing it. That's kind of what we're up against here, if we
612 don't do enough of a penalty to get their attention, because you know, for every time
613 you got caught, it means about ten times that you didn't get caught. Like people that
614 speed. You get two speeding tickets, but you probably could have gotten a hundred. So

615 I don't know what the answer is, but I think it's something we've got to discuss in some
616 detail at some point.

617

618 Mr. Emerson - Yes sir, I don't disagree. It's a challenge.

619

620 Mr. Witte - Was it experience on the speeding?

621

622 Mr. Archer - Of course not.

623

624 Mr. Mackey - I know who got caught!

625

626 Mr. Madrigal - Item number ten: establish check-in/check-out standards.

627

628 Folks in opposition of the short-term rental use wanted another layer of control.
629 Because of past experiences, they wanted to prohibit check-in and check-out of short-
630 term rental guests late at night. At the discretion of the Commission, this item could be
631 added to the draft ordinance. If directed staff could add a provision restricting check-in
632 and check-out activities between the hours of 11pm and 6am, seven days a week. We
633 did not include it simply because it would be difficult if not impossible to enforce. By the
634 nature of the requirement, any complaints would happen after hours, when there are no
635 staff available to respond to complaints. Of course the Police are always available if the
636 situation is bad enough to warrant police intervention, but we would not encourage
637 people to call the police every time they hear a car door slam at night. It is not
638 uncommon for people to arrive at their home after hours, sometimes carrying luggage or
639 packages. A neighbor might hear someone come home from work and assume that
640 they were short-term renters. Staff recommends addressing this issue through the CUP
641 process, which allows for conditions on a case-by-case basis. A CUP could be revoked
642 based on repeated complaints from neighbors.

643

644 This is a distinction from nine, that the host be present. This is basically specific to the
645 check-in/check-out hours.

646

647 Mr. Baka - If this is addressed by the CUP process, is this measure only
648 applicable to stays greater than 30 days? Unhosted stays? In other words, if you have
649 hosted stays less than 30 days, you aren't going through the CUP process. So does
650 this standard not apply?

651

652 Mr. Madrigal - Right now there are no requirements for check-in/check-out,
653 so it would only apply during the CUP process. If it's a condition that's proposed on
654 use, at this point I don't know what the nature of the complaints have been – I tend to
655 think that they were more so for unhosted stays when people were there for probably a
656 week or so, maybe a long weekend.

657

658 Mr. Baka - This may be a measure that lets the owner know that it's a
659 good faith effort that they need to adhere to this. It's difficult to enforce, but we are
660 asking that they make the effort.

661
662 Mr. Emerson - I think you could put a standard in, but I don't know that we
663 can enforce it and that's going to be the problem.

664
665 Mr. Baka - Would it help to make a list of pure regulations that are
666 regulated, and then have a list of non-standards, but not design guidelines, but
667 guidelines? At Hanover County we used to say design guidelines a lot, but you have
668 what's regulated and then you have a second set of items that are recommended
669 guidelines. Just a thought.

670
671 Mr. Emerson - We could do it.

672
673 Mr. Baka - We are getting into so many issues, you want to focus on
674 what's most important and make sure you get success on those elements that don't
675 disrupt your neighborhood or cul-de-sac or street.

676
677 Mr. Madrigal - Keep in mind that through the AirBnb platform, there are
678 house rules that a host can impose. So, some hosts do employ that, others don't, I
679 guess it just depends on their experience with the use and if they've had any issues in
680 the past. But it's definitely something that we could come up with, a recommend list of
681 guidelines that we could hand out when people come in to register. With respect to
682 what's restricted, what's allowed and what's not allowed, again they would just follow
683 the ordinance.

684
685 Mr. Baka - Would you be able to turn up your microphone? Is it on this
686 morning?

687
688 Mr. Madrigal - Can you hear me? Sorry I'll talk more into it.

689
690 Mr. Baka - Thanks.

691
692 Mr. Emerson - I think one of the items that gave rise to this concern was
693 people coming in and not being able to find the home that they've rented. And then
694 they're wandering around the neighborhood, knocking on the wrong door. I think that's
695 more of a concern, then people loading and unloading. Because that's momentary,
696 that's over quickly if you're in the right place.

697
698 Mrs. Thornton - And they saw a suspicious car and they thought someone is
699 stalking the cul-de-sac, because they kept going around. Because there isn't an exact
700 address when you go to pull up some of those houses.

701
702 Mr. Madrigal - Once you come into an agreement, at that point you
703 exchange the information and figure out –

704
705 Mr. Emerson - And when someone is trying to find an address at night,
706 even though it should be conspicuously posted, people can't always find it. And that

707 gives rise to people going to the wrong door. And in the age of home invasions and
708 things like that, it becomes a security issue. And that's not what people move into a
709 single-family home for, they want to feel secure there. So I can understand the
710 concern, but I don't think it's something we can police and enforce.

711
712 Mrs. Thornton - Maybe if the guidelines specify that the address has to be
713 bold. A lot of people don't have numbers. I have it on my mailbox, but...

714
715 Mr. Madrigal - It is a building code requirement. Every house that gets built
716 before they get a CO, has to have an address on the home.

717
718 Mr. Emerson - Well it's a County code requirement too, not just a building
719 code. It is a County code requirement, it has to be posted and the Fire Department has
720 final approval.

721
722 Mr. Madrigal - The other thing that happens is over time, people don't
723 maintain their property or address and sometimes numbers fall off or get painted over,
724 or they end up moving them to the sidewalk, the mailbox. It ends up being something
725 that is a maintenance issue for the homeowner.

726
727 Mr. Baka - Thank you.

728
729 Mr. Madrigal - Alright. Item number eleven: anyone who has been
730 convicted of a violation should be excluded from the registry.

731
732 Folks in opposition of the short-term rental use requested that short-term rental
733 violators, those are hosts that have had their short-term rental operations shut-down by
734 the county, be excluded from the registry. Staff's position on this is that this provision
735 already exists and is part of the enabling legislation adopted by the State. By default, it
736 is also part of the registry ordinance proposal. Under Sec. 10.8(b) "any operator
737 required to register shall be prohibited from offering a specific property for short-term
738 rental use upon three or more violations on more than three occasions of applicable
739 state and local laws, ordinances, and regulations, as they relate to the short-term
740 rental." Thus, no change is necessary.

741
742 Mr. Baka - Any questions?

743
744 Mr. Madrigal - Alright. Item number twelve: property values have increased
745 due to short-term rentals.

746
747 Folks in support of the short-term rental use, pointed out that their business efforts have
748 led to significant investment and improvement of homes, raising property values, and
749 benefiting the community. Staff does not dispute this fact.

750
751 Home improvements tend to add value to a home, especially if significant improvements
752 like a new roof, kitchen and bathroom remodels, additions, and major landscaping

753 projects are performed. Home improvements that positively affect curb appeal are
754 always beneficial, not only to the subject property but also to the immediate
755 neighborhood. This holds true regardless whether a home is being used for short-term
756 rental, long-term rental, the home is being flipped, or a homeowner is making
757 improvements. The proposed ordinance does not prohibit investment and income
758 generation within the parameters that this use does not commercialize one-family
759 neighborhoods. Staff recommends leaving the ordinance as proposed

760
761 Mr. Baka - Any questions? Thank you.

762
763 Mr. Madrigal - Alright, item number thirteen: there should be some revenue
764 to County

765
766 Folks in opposition of the short-term rental use, pointed out that homeowners who are
767 involved in short-term rentals are business owners. As such, they should be subject to
768 taxation and the County should get its fair share of revenue for this activity. The
769 Department of Finance has determined that, at this time, few if any short-term renters
770 will earn enough to meet the threshold for the business license tax or the transient
771 occupancy tax. They have determined that the amount of revenues the County would
772 be likely to collect would not justify the additional administrative costs of collecting those
773 taxes from short-term rentals.

774
775 Currently, state code and the proposed registry ordinance would allow the County to
776 collect a reasonable fee in the administration and maintenance of a registry. This would
777 include fees for consultants, staff time, and maintenance fees associated with the
778 registry. This fee has not been set and will be under the purview of the Board of
779 Supervisors. Beyond this, property owners pay real property tax. As noted before, many
780 short-term rental operators invest in their property, which increases the value, leading to
781 higher property tax. In addition, those who apply for a Conditional Use Permit will pay a
782 separate fee to defray the cost of advertising, holding the public hearing, and
783 processing the request. Again, staff recommends leaving the draft ordinance as
784 proposed.

785
786 Mr. Emerson - And just as an addition, the County Manager and I have
787 discussed this at length. Because these operations fall below the tax thresholds, the
788 goal is to set the fee to where this is no cost to the County. Because his directive is that
789 I don't want the tax payer supporting a business entity that is not generating additional
790 income. So, we don't want to set up an unfair situation for your business owners that
791 are moving into the business zones and setting up operations. So, we're trying to keep
792 this fair and equitable as much as possible. That's why there's a little give right now, we
793 can't right now tell you what the fees are until we get the process established and we
794 know what the costs are.

795
796 Mr. Witte - Makes sense.

797

798 Mr. Baka - So there's been a provision in the County between the BPOL
799 tax collection that there used to be \$100,000, now I think it's \$200,000, and unless your
800 business creates that much revenue on an annual basis, gross receipts, then you're not
801 bound by the BPOL tax, so that makes sense. And if that issue comes up, I think you
802 have a good justification.

803
804 Mr. Emerson - And I think they may be bumping it to \$300,000 if I
805 remember correctly.

806
807 Mr. Baka - So there you have it. Thanks.

808
809 Mr. Madrigal - Item number fourteen: registry information should be publicly
810 available.

811
812 Folks in opposition of the short-term rental use, wanted the registry information to be
813 made publicly available. Some of the short-term rental operators were opposed to this,
814 citing security concerns. The Commission also had questions with respect to this issue.
815 This item is a matter of county policy and does not need to be addressed in the zoning
816 ordinance. Currently, certain business license information is provided upon request, but
817 is not posted on the county's web page. Registry information could be provided in the
818 same way. If the County determines this information is a matter of public interest, it
819 could be provided in some other format such as a web page. Staff contacted six Virginia
820 localities with short-term rental Registry ordinances, they included Arlington County,
821 Virginia Beach, Fairfax County, Norfolk, Blacksburg, and Charlottesville. Of these,
822 Virginia Beach was the only jurisdiction that publishes registry information by way of a
823 web portal. For all other jurisdictions that responded, the information was not published
824 online, but could be obtained by calling or walking-in. Staff has taken no position on this
825 item at this time, but it does not need to be addressed in the zoning ordinance.

826
827 Mr. Baka - Any questions? Thank you.

828
829 Mr. Madrigal - Alright, as far as next steps, that's essentially the extent of
830 the public comments. The public hearing has been closed, so unless the Commission
831 wants additional public input, it is now up to you to make a recommendation. With
832 respect to what is happening next, the next public hearing is set on the schedule for
833 March 14th. Also, Joe I believe had an additional item I think he wanted to discuss.

834
835 Mr. Emerson - I guess all that is as clear as mud at this point. I think there's
836 a lot of things to be considered. We certainly want the Commission to do a thorough
837 job. We as staff have heard a lot. We established an internal committee and spent a lot
838 of time working through this. This is my suggestion to the Committee: if you so desire,
839 we have a list that we have come up with internally with some AirBnb operators, County
840 staff, like the Fire Marshall, Building Inspections, Health Department, people like that; I
841 think you might want to have questions for. Police, so forth and so on. Some
842 homeowners' association representatives, we've got some realtor association people on

843 the list. And Miguel, is that everyone? Did I cover everyone on the list? There may have
844 been another one that I missed?

45
846 Mr. Madrigal - Yes, I believe that that's everybody. Oh, the BnB folks.

847
848 Mr. Emerson - That's right, the bed and breakfast folks. We have heard
849 from the AirBnb operators. They're not so sure they like this because they see it as a
850 different standard and in competition, and in comparison, to what they're regulated by.
851 So my suggestion is this: as Miguel noted, you did close your public hearing. I think at
852 your March 14th hearing, I would suggest you either continue this item to May 9th or
853 June 13th, and we will continue this discussion. We will line up these folks to come up
854 to make a few comments regarding their thoughts about AirBnb, what it means as far as
855 impact, their agencies, their concerns, and you can raise any concerns you may have,
856 any questions that might help you understand a little better. And then you can make
857 final decisions regarding what you put forth. You might want to hold another public
858 hearing at that point. I do want to make sure you work through every issue before it
859 goes through to the Board of Supervisors. Because I don't see this being an issue that
860 everyone is going to agree on. Not every item, as you know, that goes forth to the Board
861 is as clean as we would like it to be. But we want it to be as clean as it possibly can be.
862 And you've looked under every stone that there is to look underneath. So that is my
863 recommendation, certainly that is up to your discretion what you'd like to do.

864
865 Mr. Baka - So you mentioned a large group of people, what would they
866 be doing, or should they be reviewing?

57
58
59 Mr. Emerson - Well, I think we'll give them our code, which they should
60 already have. And we have them come in individually to speak, one at a time, stand in
61 front of you and state this is our perspective on AirBnb, this is what we see in your code,
62 do you have any questions of us?

63
64 Mr. Baka - At the March 14th hearing?

65
66 Mr. Emerson - I think you would continue your public hearing, you would do
67 this at a work session. This would be over a series of meetings. That's why I'm
68 suggesting going to May 9th or June 13th, those are evening meetings. And if you defer
69 or continue it until that time, in the interim you would continue to hold work sessions.
70 We would bring these folks in at the end of the Wednesday meeting like we just did this
71 morning and prior to your evening meeting so we don't overburden you and you have
72 time to give it some consideration and it may be that you may want to go out further
73 than June, it depends on how long it takes you to get through this. You just have to
74 make that decision at that time. I wouldn't want to continue it too long if you move
75 through that piece of it quicker than I think you will.

76
77 Mr. Baka - So at some point in time, previously we had conversations
78 with staff about perhaps some of the homeowner's association groups who are
79 proponents for an ordinance to come in and talk, and some of the people who were

889 concerned the other night or some proponents of certain measures, of certain standards
890 within the proposed ordinance. Is there any opportunity for us to discuss with the
891 proponents and opponents? Meet at a table and discuss at a conference table in the
892 Planning Department prior to Thursday, March 14th?

893
894 Mr. Emerson - To be honest with you, I think that is something that is under
895 the purview of the Board of Supervisors. They set up this Commission to have these
896 deliberations. Once you send it to the Board, if the Board is so compelled to appoint
897 another committee to look at it, I would see that as their purview and not this group's
898 purview, with all due respect. That's something that really is their choice. So I think you
899 need to do your work, send it to the Board, then staff will present to the Board what your
900 work has been. If one of your recommendations to the Board has been to set up that
901 Committee, I think that at that point that is the Board choosing their constituents to
902 serve on a committee or commission and that is in their realm, not your realm.

903
904 Mr. Thornton - May I add to that? We're going into new territory and also I
905 would use the analogy that this is a new tool. As a new tool, sometimes when we use
906 that tool, it works. And sometimes we find we have to hold that tool. I think it's exciting,
907 and we don't really know what it's going to look like and do – we have a concept of what
908 we want it to do. So this is what new tools do, a new territory. We're in the 21st century
909 and these are the things we are going to be getting. I think Mr. Emerson is giving us
910 good advice, let's look at this as a new tool. If we have to appoint it, we will do that.

911
912 Mr. Witte - June 13th sounds good to me, gives us a few months.

913
914 Mr. Baka - Three months might be needed.

915
916 Mr. Witte - I would think.

917
918 Mr. Archer - I suspect as we go along, we'll find there are going to be
919 even more complications that are going to come up. If we put any unnecessary time
920 restraints on ourselves just to get an answer, we're going to miss something. And even
921 then, I don't know if we'll be able to solve it. Well, we won't be able to solve everything,
922 but we make it as palatable as we can. I don't think we need to rush through this, it is
923 what it is now.

924
925 Mr. Mackey - I think it's going to be a timely effort. I think we're going to
926 end up scratching our heads a little longer, but I don't think it would be wrong to pencil
927 in June 13th. I guess we have to have a starting point.

928
929 Mrs. Thornton - And on that list was there a zoning person?

930
931 Mr. Emerson - Well that would be us.

932
933 Mr. Madrigal - I didn't hear your question.

934

935 Mrs. Thornton - Only because with the number of occupants in a home,
936 maybe that could be... since I'm in real estate, I already know, but maybe they don't
37 know. Also when a complaint is done, what department, who is that?

→38
939 Mr. Emerson - Community Maintenance.

940
941 Mrs. Thornton - Community Maintenance. Because I've already had an
942 issue with the Community Maintenance meeting, like when you know you have a case,
943 and it's hard to pinpoint how many people are in a home? And if they're there only for
944 that one or two nights, it's just going to be a messy thing. Because this has been an
945 ongoing thing. I just don't know how, how are we going to handle a complaint, because
946 then they're gone? How fast do we react?

947
948 Mr. Emerson - Yes ma'am, I believe we have Paul Johnson on our list from
949 Community Maintenance who heads up the existing zoning enforcement. And home
950 occupancy is really governed by the building code and we do have the Building Official
951 on that list as well. We'll be happy to share that list with you, we are just finetuning it
952 right now of who we think you should hear from. And once we work through that, if there
953 are additional folks you want to hear from, we just need to know, and we'll get them
954 lined up. I'm hesitant to share the list with you right now because it's something we've
955 been working on internally, and we haven't even reached out to some of the people on
956 the list that we think it would be good for you to hear from. So we'd like to ask them and
957 make sure they're willing before we share a name with you. I feel sure they will,
958 certainly our internal people will. Some of the HOA representatives and stuff may or
959 may not be comfortable. So I'd like to ask them first before we go public with 'hey these
960 are the folks we'd like you to talk to.'

961
962 Mr. Madrigal - And I think the format had suggested them coming in
963 individually with staff, not all together, but staggered might help to ease those concerns.

964
965 Mr. Baka - As we look at the March public hearing, I just want to take a
966 broader view here for a second and step back. As we prepare comments and remarks
967 for that meeting, I know we went through about fourteen different points, but even
968 before the individual points are addressed, I would just like to encourage staff to state a
969 general overall broad purpose of why, make sure that's clear on the onset, why we feel
970 reasonable regulations are necessary. We have single-family home neighborhoods and
971 also, we can enjoy the protection of house safety and welfare of their own properties
972 and also have the quiet enjoyment of their neighborhoods. Certain situations came up,
973 we had, maybe not name the specific properties at that time, but there were complaints
974 at such and such time about AirBnb and certain areas or certain neighborhoods. And in
975 response to that, we've gone through that. I really feel that we almost need to set some
976 type of foundation or groundwork on which these fourteen standards might be built on,
977 otherwise we might lose folks in the discourse.

978

979 Mr. Emerson - Well on March 14th, I really thought if you're going to
980 continue, nothing would really be on your agenda – well it has to appear on your
981 agenda, but it would just be an action to continue the discussion.
982

983 Mr. Baka - So we wouldn't have any hearing, we would just continue it
984 right away?
985

986 Mr. Emerson - You closed your hearing.
987

988 Mr. Baka - Okay. Well in that case, those comments can be saved for
989 June.
990

991 Mr. Emerson - Right. Once you get to the end of the process, I think it's a
992 long presentation. I think we re-advertise the hearing, we renotify the AirBnb
993 community. And we may get more people because when we did our scrape, it was
994 wintertime. If we do a scrape at the beginning of summer, around graduation time,
995 you're going to get a whole lot more people. So we'll go through that notification process
996 again. One thing we want, is to be transparent, be inclusive. When we first had our
997 hearing, I don't think we had good participation, we had maybe two or three people.
998 The second time we notified everybody, we got more AirBnb people, but we really didn't
999 hear from the community interests. You really need to hear from the community
1000 interests because this is a big picture. The last thing I want to have happen is the
1001 County to set up a framework for something and there's no way to avoid this, it happens
1002 with Comprehensive Plans and everything else, like what do you mean this is
1003 happening next to my house? So I think you need to be able to go through a good
1004 process. We've got to try to get these concerns and interests addressed as much as we
1005 can. That's my goal.
1006

1007 Mr. Archer - I think that's a good goal.
1008

1009 Mr. Madrigal - Mr. Baka, just to address your concerns with respect to
1010 setting a base, we've been kind of doing that at every presentation and public hearing.
1011 I've been kind of trying to stress the fact that we need a balanced approach. People's
1012 homes are probably the largest investment they'll make in their lifetime, and we want to
1013 balance that with the interest of the businessfolk that want to make the extra buck. So
1014 our primary mission with this ordinance has always been protecting the character and
1015 viability of our residential neighborhoods and not the commercialization of them.
1016

1017 Mr. Baka - Right, I would totally agree with you that you have done that
1018 and you've expressed that. On the second level, I'm not sure if that message was
1019 effectively received by a lot of the folks in the audience. But I agree that you have done
1020 that and will continue to explore ways to produce communications so that the message
1021 goes through.
1022

1023 Mr. Madrigal - Yes, sir.
1024

1025 Mr. Emerson - Well we have to protect the County's tax base, quality of life,
1026 there's a lot of issues here. So it's a really heavy burden in a lot of ways. It's not a
27 simple topic at all.

1028
1029 Mr. Witte - Can HOAs ban them?

1030
1031 Mr. Emerson - Oh yes, restrictive covenants can prohibit it.

1032
1033 Mrs. Thornton - And not all of them have to end there, that's the reason we
1034 want them to come. They're just not – you've got to think; our zoning was done years
1035 ago. Some associations are thirty years old, and so they didn't have them. Who
1036 thought to rent a room, you wouldn't dare do that. So that's what I'm saying, if they're
1037 new associations, they might be up to par, but none of the old ones if you really read
1038 them. That's why it's good to get the HOAs involved.

1039
1040 Mr. Emerson - I'd really like to get some of the smaller neighborhoods, and
1041 I'm not sure how to get them. Ones that are 20 or 30 houses, that have covenants and
1042 they sort of have a little group that manages things, but they don't have a big
1043 management company. A management company is probably on top of this, a small
1044 neighborhood that could be easily impacted by this might not even realize this is going
1045 on, that we're having this discussion. It might not even be covered by their covenants.

1046
1047 Mr. Baka - That's a good point.

1048
1049 Mrs. Thornton - Hungary Creek is the perfect example. As soon as a smaller
1050 development is done, 20 or less homes, where they do at first have the covenants, they
1051 turn it over as soon as the neighborhood is complete. So it's up to the homeowners
1052 typically to form their own. A lot of the time we do have 20 or less as you all see in
1053 Henrico county, little subdivisions going in. So, it's true. Hungary Creek is a perfect
1054 example, that's the one I brought to Community Maintenance because they're renting a
1055 room.

1056
1057 Mr. Emerson - And those are the ones that will have let their covenants
1058 expire, and they never think about amending them. When all of a sudden somebody
1059 violates it, and it's not effective – we've seen this – Bridlewood is a good example. I'm
1060 not sure how many of you are familiar with Bridlewood, but Bridlewood allowed their
1061 restrictive covenants to expire. A lot of that property got subdivided because of that.
1062 Away from the original intent of that development. And it's certainly much smaller now
1063 than it was at one time because of that. There was a lawsuit over that amongst the
1064 property owners because one side felt the covenants were still in effect and one didn't
1065 and the court said no, they expired. So you have to rerecord your covenants. There are
1066 a lot of management issues for neighborhoods that they never think about until they
1067 have a problem.

1068
1069 Mr. Baka - So one question, if we may have about three months more
1070 until the next hearing in June – there was a book, I have an older copy of the Director of

1071 Organizations put out about the Communications Department – will there be ample
1072 opportunity to go ahead and update some of those homeowners association contacts in
1073 that book over the next three months, because then we could use them in June to
1074 contact smaller HOA groups?

1075
1076 Mr. Emerson - We've reached out through that document already, and
1077 that's updated annually by media services. It's incumbent on the associations to send
1078 that information in, that's really about the only way we can do that. But it's annually
1079 updated, and we've been using it.

1080
1081 Mr. Baka - Okay.

1082
1083 Mr. Emerson - It's just that people don't seem to pay attention. That's the
1084 challenge. Alright well we'll put an action on your March 14th agenda to continue that
1085 item to June. And Mr. Chairman, with that said, the next item for your consideration is
1086 approval of the minutes from January 23rd.

1087
1088 Mr. Baka - Do we have any changes or a motion on the minutes?

1089
1090 Mr. Witte - So moved.

1091
1092 Mr. Archer - Second.

1093
1094 Mr. Baka - Motion by Mr. Witte, second by Mr. Archer to approve the
1095 minutes as presented, all in favor say aye.

1096
1097 Commissioners - Aye.

1098
1099 Mr. Baka - Those opposed say no. That motion passes.

1100
1101 Mr. Emerson - Mr. Chairman, I have two other quick items for you. You
1102 should have received a letter from me regarding the ordinance amendment, regarding
1103 penalties for violations. We will be having a work session on Thursday, March 14th for
1104 that item. I don't know if we'll take up anything on STR's that evening or not. I will
1105 communicate with you a time. Does 5:30 work okay for everybody? We'll try to hit
1106 around 5:30 if that's okay. And I will communicate that to you.

1107
1108 Also I would like to take this opportunity to introduce to you a new staff member that we
1109 have. Doug, if you want to stand up. We are very happy to welcome Doug Cole to our
1110 staff. He accepted the County Planner IV position in DRD. Doug has a bachelor's
1111 degree in landscape architecture from Virginia Tech. He has over 33 years of large-
1112 scale planning, design, and landscape architectural experience. His portfolio includes
1113 high profile projects from Virginia and South Carolina. He has prepared design
1114 guidelines for zoning cases and rewritten zoning classifications throughout his career.
1115 He was operating his own firm. You know actually I feel very honored that he would

1116 come to work with us and join our team, I really do. I feel good that he felt comfortable
1117 with us to come work with us. So I'd just like to welcome him to the staff.

1118

1119 Mr. Cole - I feel very happy to be here. I was also on the City Planning
1120 Commission for six years, so I've been in your seat. It's not always easy, but it's
1121 rewarding.

1122

1123 Mr. Baka - Well welcome Mr. Cole. I'm glad you can bring your
1124 experience blending the public and private sectors here to the staff.

1125

1126 Mr. Archer - And Doug, that's the last applause you'll ever hear from this
1127 group.

1128

1129 Mr. Witte - You'll just have to remember there's the wrong way and the
1130 Henrico way and you'll be good.

1131

1132 Mr. Emerson - Mr. Chairman I have nothing further this morning.

1133

1134 Mr. Baka - Okay at this point, is there a motion to adjourn?

1135

1136 Mr. Archer - So moved.

1137

1138 Mr. Witte - Second.

1139

1140 Mr. Baka - We have a motion by Mr. Archer and a second by Mr. Witte.
1141 We are adjourned.

1142

1143

1144

1145

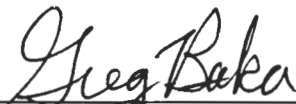
1146

1147

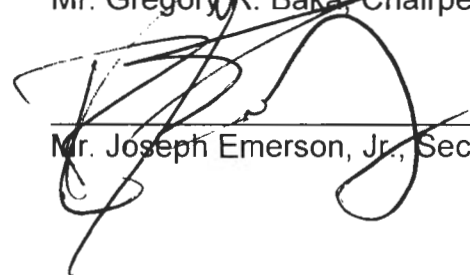
1148

1149

1150



Mr. Gregory R. Baka, Chairperson



Mr. Joseph Emerson, Jr., Secretary

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least 48 hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **February 27, 2019**, which shall be as much a part of this approval as if details were fully described herein. Nine (9) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised October 2015)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.
9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
10. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced no later than the next planting season.

11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature. **(For POD which includes lighting plan approval)**
12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
13. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan for review and approval.
14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
15. Traffic control signs shall be provided as indicated on the Department of Planning Staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
16. The assigned property number(s) shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses. **(Revised January 2008)**
17. The owner shall have a set of plans approved by the Director of Public Works, Public Utilities and Secretary of the Planning Commission available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
18. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
19. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the owner shall furnish a statement by the engineer or land surveyor who prepared the POD plan, to the effect that all construction including water and sewer is in conformance to the regulations and requirements of the POD.
20. The approved Plan of Development is granted by the Planning Commission only to the owners(s)/applicant(s) listed on the Plan of Development application on file for this project. Upon written notification to the Director of Planning, the Plan of Development approval may be transferred to subsequent owner(s) subject to approval by this Commission, or approval by the Director of Planning provided the property is transferred to new ownership no later than 24 months following initial construction plan approval. **(Revised August 2016)**

21. Vehicles shall be parked only in approved and constructed parking spaces.
22. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
23. The site, including paving, pavement markings, signage, curb and gutter, dumpster screens, walls, fences, lighting and other site improvements shall be properly maintained in good condition at all times. Any necessary repairs shall be made in a timely manner.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
25. Insurance Services Office (ISO) calculations shall be included on the final construction plans for approval by the Department of Public Utilities prior to issuance of a building permit.
26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
27. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
28. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
29. **(Start of miscellaneous conditions)**

STANDARD CONDITIONS FOR LANDSCAPE/LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **February 27, 2019**, which shall be as much a part of this approval as if all details were fully described herein. Four (4) sets of prints of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

B. In Addition to Item A, the Following Standard Conditions for Approval of All Zero Lot Line Developments shall apply:

29. Roof edge ornamental features that extend over the zero lot line, and which are permitted by Section 24-95(i)(1), must be authorized in the covenants.
30. Eight-foot easements for construction, drainage, and maintenance access for abutting lots shall be provided and shown on the POD plans.
31. Building permit request for individual dwellings shall each include two (2) copies of a layout plan sheet as approved with the plan of development. The developer may utilize alternate building types providing that each may be located within the building footprint shown on the approved plan. Any deviation in building footprint or infrastructure shall require submission and approval of an administrative site plan.
32. Windows on the zero lot line side of the dwelling can only be approved with an exception granted by the Building Official and the Director of Planning during the building permit application process.
33. The mechanical equipment for each building shall be located on its respective lot. Except for wall-mounted electric meters, in no case shall the eight-foot easement for construction, drainage, and maintenance access on the abutting lot be used to locate other mechanical equipment (such as HVAC equipment, generators, and the like) for the subject lot.

C. Standard Conditions for Approval of All Dry Cleaners and Laundries in Addition to Item A:

29. The dry cleaning establishment shall use only non-flammable cleaning solvents and have fully enclosed cleaning and solvent reclamation processes and fully enclosed pressing equipment with no outside steam exhaust.

D. In addition to Item A, the Following Conditions for Approval of All Shopping Centers Shall Apply:

29. Only retail business establishments permitted in a **ZONE** may be located in this center.
30. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
31. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

E. In Addition to Item A, the Following Standard Conditions for Approval of All Multi-Family Shall Apply:

29. The unit house numbers shall be visible from the parking areas and drives.
30. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and such names shall be included on the construction plans prior to their approval. The standard street name signs shall be installed prior to any occupancy permit approval.

F. In addition to Item A, the Following Standard Conditions for Approval of All Service Station Developments Shall Apply:

29. This business shall not remain in operation after midnight and no exterior signs shall remain lighted after **(12:00 midnight - B-1) (1:00 o'clock a.m. - B-2) (no limit - B-3)**.
30. No merchandise shall be displayed outside of the building except that oil racks will be allowed on the pump islands.
31. This service station shall be used only for the sale of petroleum products and automobile accessories and parts. It shall not be used to sell or rent camping trailers, nor as a base of operation for truck fleets or fuel oil delivery or other such use that is not strictly a service station operation.
32. Only light repair work shall be allowed at this station, including motor tune-up, brake, generator, ignition, and exhaust repairs, and wheel balancing. The only work that can be performed outside the building is those services that are normally furnished at the pump island and the changing of tires.
33. No wrecked automobiles, nor automobiles incapable of being operated, shall be kept on the premises.
34. The prospective operator of this station shall come to the Department of Planning and sign the file copy of the special plan of development letter before he signs a lease with the oil company to operate this station.

G. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS IN A B-2 ZONE

29. Bulk storage of fuel shall be underground.
30. There shall be no exterior display of merchandise except on pump islands and on paved walkway areas within three (3) feet of building.
31. Lighting fixtures shall not exceed a height greater than twenty (20) feet.
32. No temporary storage of wrecked or inoperative vehicles or rental of vehicles, trailer campers, vans or similar equipment shall be permitted.
33. Not more than two (2) electronic amusement games shall be permitted.
34. Not more than two (2) vending machines for food and beverage and similar merchandise shall be permitted on the premises outside of an enclosed building.
35. The prospective operator of this facility shall come to the Department of Planning and sign the file copy of the special plan of development letter before he signs a lease with the oil company to operate this station.
36. The landscaping plan shall include details for screening of refuse containers and refuse storage facilities in accordance with Section 24-61(i).
37. Refuse containers or refuse storage facilities shall be serviced during business hours only.
38. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way.
39. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility. **(If Car Wash Is Proposed)**

**H. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS
IN A B-3 ZONE**

29. Bulk storage of fuel shall be underground.
30. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way. **(If Car Wash Is Proposed)**
31. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility. **(If Car Wash Is Proposed)**

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Conventional Single-Family Subdivisions Served By Public Utilities

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of sixteen (16) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on-site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 27, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **February 26, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be

- filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
 11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
 12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Conventional Single-Family Subdivisions Not Served By Public Utilities

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of eleven (11) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **February 27, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **February 26, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.
11. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Residential Townhouse for Sale (RTH) Subdivisions

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 27, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **February 26, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.
13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site
14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of **(name of subdivision)** and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Zero Lot Line Subdivisions

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 27, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **February 26, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.

11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers and Chesapeake Bay Act Areas.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Road Dedication with No Lots

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of sixteen (16) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 27, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **February 26, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.