

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, May 22, 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

Members Absent: Mr. Frank J. Thornton, Board of Supervisors' Representative

Others Present: 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
Mr. Rob Peterman, GIS Specialist
Ms. Edith Golden, GIS Specialist
Mr. Gary DuVall, Assistant Traffic Engineer
Mr. William Moffett, Police
Mr. Andrew Newby, Assistant County Attorney
Mr. Ben Blankinship, Zoning Division Manager
Mr. Miguel Madrigal, County Planner
Ms. Melissa Ferrante, Office Assistant / Recording Secretary

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6 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains on all**
7 **cases unless otherwise noted.**
8

9 Mr. Baka - Good morning and welcome. I call this meeting of the Henrico
10 County Planning Commission to order. This is our Plans of Development meeting for
11 May 22, 2019. At this time I'd like to ask you take a moment to silence your cellphones,
12 and please stand with the Commission for the pledge of allegiance.
13

14 At this time I just wanted to apologize briefly for my tardiness this morning to the staff and
15 to the Commission, and the public. A few technical difficulties.
16

17 Mr. Frank Thornton, our representative for the Board of Supervisors is not with us this
18 morning and we do have a majority of the Planning Commission present, good morning.

19 We do have a quorum so we can conduct business. At this point I will turn the agenda
20 over to Mr. Emerson.

21
22 Mr. Emerson - Thank you, Mr. Chair. The first item on the agenda this
23 morning are the requests for deferrals and withdrawals. There are none of those this
24 morning, so we will move on to the expedited agenda which will be presented by Ms.
25 Leslie News.

26
27 Ms. News - Thank you, Mr. Secretary and good morning members of the
28 Commission. We have five items on our expedited agenda this morning. The first is found
29 on page three of your agenda and is located in the Brookland District. This is a transfer
30 of approval for POD2014-00223 Aldi Grocery Store at Staples Mill Shopping Center, and
31 staff recommends approval.

32
33 **TRANSFER OF APPROVAL**
34

POD2014-00223 POD2019-00052 Aldi Grocery Store at Staples Mill Square Shopping Center – 8951 Staples Mill Road	Todd Goldberg for PR II/RP Staples Mill Square, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Staples Mill Holding, LLC, Staples Mill Square Associates, LLC, and Aldi, Inc. to PR II/RP Staples Mill Square, LLC and Aldi, Inc.. The 1.63-acre site is located in an existing shopping center on the eastern line of Staples Mill Road (U.S. Route 33), approximately 760 feet north of Old Staples Mill Road, on parcel 769-757-3208. The zoning is B-2C, Business District (Conditional). County water and sewer. (Brookland)
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35
36 Mr. Baka - Is there anyone present here this morning in opposition to the
37 transfer of approval POD2014-00223 Aldi Grocery Store at Staples Mill Square Shopping
38 Center? Seeing none, Mr. Witte?

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40 Mr. Witte - Mr. Chair, I move approval of the transfer of approval
41 POD2014-00223 Aldi Grocery Store at Staples Mill Square Shopping Center on the
42 expedited agenda subject to the previously approved conditions.

43
44 Mr. Archer - Second.

45
46 Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Archer.
47 All those in favor say aye.

48
49 Commission - Aye.

50
51 Mr. Baka - Opposed say no. Motion carries.

52
53 The Planning Commission approved the transfer of approval request for: ~~POD2014-00223~~
54 (POD2019-00052) Aldi Grocery Store at Staples Mill Square Shopping Center from

55 Staples Mill Holding, LLC, Staples Mill Square Associates, LLC, and Aldi, Inc. to PR II/RP
56 Staples Mill Square, LLC and Aldi, Inc., subject to the standard and added conditions
57 previously approved.

58
59 Ms. News - The next item is on page four of your agenda and is located
60 in the Brookland district. This is a transfer of approval for POD2012-00280, Staples Mill
61 Marketplace Shopping Center. Staff recommends approval.

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TRANSFER OF APPROVAL

POD2012-00280 POD2019-00055 Staples Mill Marketplace Shopping Center – 9000 Staples Mill Road	Todd Goldberg for PR II/RP Staples Mill Marketplace, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Staples Mill Marketplace, LLC and Marchetti Properties to PR II/RP Staples Mill Marketplace, LLC. The 23.7-acre site is located in an existing shopping center on the southwestern line of Staples Mill Road (U.S. Route 33), between the eastern line of Hungary Spring Road and the northern line of Lucas Road, on parcels 768-757-2032, 767-757-6829, 767-757-7059, and 767-758-8716. The zoning is B-2C, Business District (Conditional). County water and sewer. (Brookland)
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65
66 Mr. Baka - Do we have anyone present this morning who is in opposition
67 to transfer of approval POD2012-00280 Staples Mill Marketplace Shopping Center?
68 Seeing none.

69
70 Mr. Witte - I move approval of the transfer of approval for POD2012-
71 00280 Staples Mill Marketplace Shopping Center on the expedited agenda subject to the
72 previously approved conditions.

73
74 Mr. Archer - Second.

75
76 Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Archer.
77 All those in favor say aye.

78
79 Commission - Aye.

80
81 Mr. Baka - Opposed say no. Motion carries.

82
83 The Planning Commission approved the transfer of approval request for POD2012-00280
84 (POD2019-00055) Staples Mill Marketplace Shopping Center from Staples Mill
85 Marketplace, LLC and Marchetti Properties to PR II/RP Staples Mill Marketplace, LLC,
86 subject to the standard and added conditions previously approved.

87

88 Ms. News - The next item is on page five of your agenda and located in
89 the Brookland District. This is a transfer of approval for POD2014-00145 Panda Express
90 at Staples Mill Marketplace, and staff recommends approval.
91

92 **TRANSFER OF APPROVAL**
93

POD2014-00145 **Todd Goldberg for PR II/RP Staples Mill Marketplace,**
POD2019-00056 **LLC:** Request for transfer of approval as required by
Panda Express at Staples Chapter 24, Section 24-106 of the Henrico County Code
Mill Marketplace – 9100 from Staples Mill Marketplace, LLC, Marketplace Holding
Staples Mill Road LLC, and Panda Express, Inc. to PR II/RP Staples Mill
Marketplace, LLC and Panda Express, Inc. The 0.89-acre
site is located on an outparcel in an existing shopping center
on the western line of Staples Mill Road (U.S. Route 33),
approximately 700 feet south of its intersection with
Hungary Spring Road, on parcel 768-757-1974. The zoning
is B-2C, Business District (Conditional). County water and
sewer. **(Brookland)**

94
95 Mr. Baka - Is there anyone in opposition to the transfer of approval
96 POD2014-00145 Panda Express at Staples Mill Marketplace? Seeing none.
97

98 Mr. Witte - Mr. Chairman, I move approval of the transfer of approval for
99 POD2014-00145 Panda Express at Staples Mill Marketplace on the expedited agenda
100 subject to the previously approved conditions.
101

102 Mr. Mackey - Second.
103

104 Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Mackey.
105 All those in favor say aye.
106

107 Commission - Aye.
108

109 Mr. Baka - Those opposed say no. That motion carries.
110

111 The Planning Commission approved the transfer of approval request for POD2014-00145
112 (POD2019-00) Panda Express at Staples Mill Marketplace from Staples Mill Marketplace,
113 LLC, Marketplace Holding LLC, and Panda Express, Inc. to PR II/RP Staples Mill
114 Marketplace, LLC and Panda Express, Inc, subject to the standard and added conditions
115 previously approved.
116

117 Ms. News - The next item is on page six of your agenda and located in the
118 Brookland District. This is a transfer of approval for POD2015-00054 Zaxby's Restaurant
119 at Staples Mill Marketplace. Staff recommends approval.
120
121

122 **TRANSFER OF APPROVAL**

123

POD2015-00054 **Todd Goldberg for PR II/RP Staples Mill Marketplace, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Marketplace Holdings, LLC and CWC Food Properties, LLC to PR II/RP Staples Mill Marketplace, LLC and CWC Food Properties, LLC. The 1.08-acre site is located on an outparcel in an existing shopping center on the western line of Staples Mill Road (U.S. Route 33), approximately 500 feet south of its intersection with Hungary Spring Road, on parcel 768-757-0682. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

124

125 Mr. Baka - Is there anyone in opposition to POD2015-00054 Zaxby's
126 Restaurant at Staples Mill Marketplace? Seeing none.

127

128 Mr. Witte - Mr. Chairman, I move approval of transfer of approval for
129 POD2015-00054 Zaxby's Restaurant at Staples Mill Marketplace on the expedited
130 agenda subject to the previously approved conditions.

131

132 Mrs. Thornton - Second.

133

134 Mr. Baka - We have a motion by Mr. Witte and a second by Mrs.
135 Thornton. All those in favor say aye.

136

137 Commission - Aye

138

139 Mr. Baka - Those opposed say no. That motion passes.

140

141 The Planning Commission approved the transfer of approval request for POD2015-00054
142 (POD2019-00056) Zaxby's Restaurant at Staples Mill Marketplace from Marketplace
143 Holdings, LLC and CWC Food Properties, LLC to PR II/RP Staples Mill Marketplace, LLC
144 and CWC Food Properties, LLC, subject to the standard and added conditions previously
145 approved.

146

147 Ms. News - The final item is on page nine of your agenda and is located
148 in the Varina District. This is POD2019-00133 Airport Logistics Center Phase III and staff
149 recommends approval.

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157 **PLAN OF DEVELOPMENT**

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POD2019-00133
Airport Logistics Center
Phase III – 6101 South
Laburnum Avenue

Townes Site Engineering for Laburnum Land Virginia Becknell Investor and Becknell Industrial: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 187,500-square foot warehouse/distribution building with associated parking and loading areas. The 59.67-acre site is located on the eastern line of South Laburnum Avenue, the western line of Miller Road, and the northern line of Seven Hills Boulevard, on parcel 816-705-4345. The zoning is M-2C, General Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

160 Mr. Baka - Is there anyone in opposition to POD2019-00133 Airport
161 Logistics Center Phase III? Seeing no opposition, Mr. Mackey?

162
163 Mr. Mackey - Mr. Chair, I move POD2019-00133 Airport Logistics Center
164 Phase III be approved on the expedited agenda, subject to the annotations on the plans,
165 the standard conditions for developments of this type, and added conditions 29 through
166 31 on the agenda.

167
168 Mrs. Thornton - Second.

169
170 Mr. Baka - We have a motion by Mr. Mackey and a second by Mrs.
171 Thornton. All those in favor say aye.

172
173 Commission - Aye.

174
175 Mr. Baka - Those opposed say no. Motion passes.

176
177 The Planning Commission approved the plan of development for POD2019-00133,
178 Airport Logistics Center Phase III, subject to the annotations on the plans, the standard
179 conditions attached to these minutes for developments of this type, and the following
180 additional conditions:

181
182 29. The proffers approved as a part of zoning case C-75C-89 shall be incorporated in
183 this approval.

184 30. The conceptual master plan, as submitted with this application, is for planning and
185 information purposes only. All subsequent detailed plans of development needed
186 to implement this conceptual plan shall be submitted for staff review and Planning
187 Commission approval and shall be subject to all regulations in effect at the time
188 such subsequent plans are submitted for review/ approval.

189 31. The location of all existing and proposed utility and mechanical equipment
190 (including HVAC units, electric meters, junction and accessory boxes,

191 transformers, and generators) shall be identified on the landscape plans. All
192 equipment shall be screened by such measures as determined appropriate by the
193 Director of Planning or the Planning Commission at the time of plan approval.

194
195 Ms. News - That completes our expedited agenda.

196
197 Mr. Baka - Thank you.

198
199 Mr. Emerson - Mr. Chairman, we now move into the next item, which is
200 subdivision extensions of conditional approval. There are none of those this morning, so
201 we now move into the regular agenda, page seven for POD2019-00154 E.D. Lewis and
202 Associates for Midtown Land Partners. The staff report will be presented by Ms. Aimee
203 Crady.

204
205 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

206
POD2019-00154 **E.D. Lewis and Associates for Midtown Land Partners,**
Libbie Mill Pad 2 and 10 – **LLC:** Request for approval of a plan of development and
Staples Mill Road lighting plan, as required by Chapter 24, Section 24-106 of
the Henrico County Code, to construct a five-story, ~~259,000~~
382,000-square foot multifamily residential building with 350
units and amenities areas, and a one-story, 11,800-square
foot retail building with drive-through facilities. The 13.6-
acre site is located on the southwestern corner of the
intersection of Staples Mill Road (U.S. Route 33) and
Bethlehem Road, on parcel 774-740-5174 and parts of
parcels 773-740-5180 and 774-740-4456. The zoning is
UMUC, Urban Mixed Use District (Conditional). County
water and sewer. **(Brookland)**

207
208 Mr. Baka - Good morning. Is there anyone present in opposition to
209 POD2019-00154 Libbie Mill Pad 2 and 10 – Staples Mill Road?

210
211 Mr. Witte - Mr. Chairman, since there's no opposition, and since Mrs.
212 Crady and I have been extensively through this, unless the Commission would like a
213 presentation, I don't see the need for it.

214
215 Mr. Baka - Any questions from the Commissioners?

216
217 Mr. Witte - And with that, I move approval of POD2019-00154 Libbie Mill
218 Pad 2 and 10, including the lighting plan, be approved subject to the annotations on the
219 plans, the standard conditions for developments of this type, and additional conditions
220 11B and 29 through 37 as seen in the agenda.

221
222 Mr. Archer - Second.

223

224 Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Archer.
225 All those in favor say aye.

226
227 Commission - Aye.
228

229 Mr. Baka - Those opposed say no. Motion carries.
230

231 The Planning Commission approved the plan of development for POD2019-00154, Libbie
232 Mill Pad 2 and 10, subject to the annotations on the plans, the standard conditions
233 attached to these minutes for developments of this type, and the following additional
234 conditions:
235

236 11B. Prior to the approval of an electrical permit application and installation of the site
237 lighting equipment, a plan including light spread and intensity diagrams, and fixture
238 specifications and mounting heights details shall be revised as annotated on the
239 staff plan and included with the construction plans for final signature.

240 29. Outside storage shall not be permitted.

241 30. In order to maintain the effectiveness of the County's public safety radio
242 communications system within buildings, the owner will install radio equipment that
243 will allow for adequate radio coverage within the building, unless waived by the
244 Director of Planning. Compliance with the County's emergency communication
245 system shall be certified to the County by a communications consultant within
246 ninety (90) days of obtaining a certificate of occupancy. The County will be
247 permitted to perform communications testing in the building at any time.

248 31. The proffers approved as a part of zoning cases REZ2018-00044, REZ2015-
249 00018, PUP2015-00006, and PUP2018-00016 shall be incorporated in this
250 approval.

251 32. A construction staging plan which includes details for traffic control, fire protection,
252 stockpile locations, construction fencing and hours of construction shall be
253 submitted for County review and prior to the approval of any final construction
254 plans.

255 33. The developer shall install an adequate restaurant ventilating and exhaust system
256 to minimize smoke, odors, and grease vapors. The plans and specifications shall
257 be included with the building permit application for review and approval. If, in the
258 opinion of the County, the type system provided is not effective, the Commission
259 retains the rights to review and direct the type of system to be used.

260 34. A note in bold lettering shall be provided on the erosion control plan indicating that
261 sediment basins or traps located within buildable areas or building pads shall be
262 reclaimed with engineered fill. All materials shall be deposited and compacted in
263 accordance with the applicable sections of the state building code and
264 geotechnical guidelines established by the engineer. An engineer's report
265 certifying the suitability of the fill materials and its compaction shall be submitted
266 for review and approval by the Director of Planning and Director of Public Works
267 and the Building Official prior to the issuance of any building permit(s) on the
268 affected sites.

269 35. The pavement shall be of an SM-2A type and shall be constructed in accordance
270 with County standard and specifications. The developer shall post a defect bond
271 for all pavement with the Department of Planning - the exact type, amount and
272 implementation shall be determined by the Director of Planning, to protect the
273 interest of the members of the Homeowners Association. The defect bond shall
274 remain in effect for a period of three years from the date of the issuance of the final
275 occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a
276 professional engineer must certify that the roads have been designed and
277 constructed in accordance with County standards.

278 36. Approval of the construction plans by the Department of Public Works does not
279 establish the curb and gutter elevations along the Henrico County maintained right-
280 of-way. The elevations will be set by Henrico County.

281 37. The location of all existing and proposed utility and mechanical equipment
282 (including HVAC units, electric meters, junction and accessory boxes,
283 transformers, and generators) shall be identified on the landscape plans. All
284 equipment shall be screened by such measures as determined appropriate by the
285 Director of Planning or the Planning Commission at the time of plan approval.

286

287 Mr. Emerson - Mr. Chairman, we now move on to the next item, which is the
288 consideration of your minutes from the April 24, 2019 meeting. I do understand there's
289 at least one change that we need to make and of course we will make any corrections or
290 changes that the Commission puts forth.

291

292 Mr. Baka - What is the pleasure of the Commission regarding the
293 minutes?

294

295 Mr. Witte - Is that to me? Okay. Mr. Chairman, on page 29, line 1216, it
296 says "self-detained" and it should say "self-contained," c-o-n.

297

298 Mr. Archer - I like it better the other way.

299

300 Mr. Witte - Okay!

301

302 Mr. Emerson - Self-detained.

303

304 Mr. Witte - And in all fairness, I did receive a call about this, and
305 unfortunately, I didn't get back with her and, you know... that's why we don't have it in
306 writing.

307

308 Mr. Baka - Don't worry, we'll self-detain you. Can we have a motion by
309 Mr. Witte to approve the minutes as amended?

310

311 Mr. Witte - Absolutely.

312

313 Mr. Baka - Is there a second?

314

315 Mr. Mackey - Second.
316
317 Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Mackey.
318 All in favor say aye.
319
320 Commission - Aye.
321
322 Mr. Baka - Those opposed say no. Amended minutes are approved.
323
324 Mr. Emerson - Mr. Chairman, we now move on to the next item, which is a
325 discussion item. We are continuing our research into the short term rentals, the
326 ordinance, and other items that you have had in front of you over the last several months
327 regarding short term rentals. We do have more speakers for you this morning. With that,
328 I'll turn it over to Mr. Madrigal so he can bring us up to date.
329
330 Mr. Madrigal - Thank you Mr. Secretary, and good morning Mr. Baka and
331 members of the Commission. As Mr. Emerson stated, this is just a continuation of the
332 conversation we've been having on this short term rental issue.
333
334 To date, we've had County staff come and speak before you, homeowners that have a
335 specific experience with short term rentals. We've had operators here, we've had bed
336 and breakfast owners present, as well as homeowners association representatives. This
337 morning we have professional groups before you. We did reach out, and we invited
338 several folks here representing the Richmond Association of Realtors, the Virginia
339 Restaurant Lodging and Travel Association, the Retail Merchants Association
340 representing the Richmond Region Hospitality Association, as well as a few HOA
341 management groups. We did reach out to Stellar Community Management, Landmark
342 Property Services, and Community Partners. So, I don't know if everybody is here, I know
343 there was an accident on 95, so that could be playing into it. We will proceed with the
344 folks that are here. And with that I will turn it over to Mr. Emerson.
345
346 Mr. Emerson - Thank you, Miguel. The first speaker we have up, and I see
347 her back there, is representing the Richmond Association of Realtors, Joh Gehlbach.
348
349 Mr. Baka - Good morning, welcome.
350
351 Joh Gehlbach - Good morning. Thanks for the opportunity to speak. As Mr.
352 Emerson mentioned, I'm here representing the Richmond Association of Realtors. After
353 reviewing the ordinance and having conversations with staff, we support the ordinance
354 for a couple of reasons.
355
356 For us, it's striking a balance between an individual's property rights and preserving a
357 neighborhood's character and respecting the rights of the neighbors who are next to a
358 short term rental.
359

360 So our major concern is absentee owners. Absentee owners are an issue whether you're
361 a short term rental or a long term rental and it affects neighbors and tenants alike. We
362 believe in the language in the ordinance that requires the short term rental operator to be
363 the primary residence, and that the owner or responsible party be available during the
364 term of the short term rental and that a CUP should be a requirement for owners who are
365 renting for more than 30 days a year. We believe that those will address the absentee
366 owner issue.

367
368 That said, the only piece of the ordinance that we take issue with is the restriction around
369 R-4 and R-4A. Those mobile lots are smaller, those are detached single-family
370 residences, and they don't share walls with their neighbors. We believe that they, as
371 property owners, should be able to use their detached single-family home as they see fit.

372
373 So those are really the only comments that I have. And thank you again for the
374 opportunity.

375
376 Mr. Baka - Any questions of Joh Gehlbach? Thank you.

377
378 Joh Gehlbach - Thanks.

379
380 Mr. Emerson - The next speaker up, Mr. Chairman ... well I'm going to go
381 through the list, and I hope if they're not here we'll figure that out. The Virginia Restaurant
382 Lodging and Travel Association and we have either Eric Terry or Robert Melvin.

383
384 Mr. Baka - Good morning.

385
386 Mr. Terry - Good morning Mr. Chairman and members of the
387 Commission, my name is Eric Terry and I'm the president of the Virginia Restaurant
388 Lodging and Travel Association. And I'm also representing the Retail Merchants
389 Association, Jody Roth asked me to speak on their behalf as well. I actually personally
390 participated in the study commissioned enacting this law, the original legislation, so I've
391 got quite a bit of history on this issue and have seen a lot of testimony on all different
392 sides.

393
394 In general, we're supportive of moving forward on this regulation, I think that you need to
395 regulate this industry. It really is mostly about the need to have a level playing field with
396 our businesses, our hotels, bed and breakfasts, and others who operate with very strict
397 rules in terms of paying taxes and being regulated. Unfortunately, this industry has really
398 not been that case. In general, I think the language and what staff has put forward is
399 good.

400
401 I think that a couple of things that we would point out, and what one of the biggest
402 challenges has been, is the ability to regulate the platform to comply with what you're
403 requiring. So if you're requiring a permit that they would have to have, they would be
404 regulated on that. I shared with Mr. Blankinship some language from some other cities
405 the other day that have regulated the platforms and required some sort of certificate that

406 is listed on the site that they have complied with the law. Unfortunately for some operators,
407 the platforms, as we have seen around the country, don't do that unless you require it, so
408 I would encourage you to look at that as a possibility and making sure that – again – there
409 are different ways of policing that. There are third party firms that can help you do that,
410 Host Compliance being one of those, people that can help you kind of rein in that
411 regulation.

412

413 The other reason really comes to the taxes and tax collections on the TOT taxes and how
414 those are collected, as well as the sales and use taxes. Making sure that you are
415 collecting those from dollar one. State Tax Department has kind of indicated that really
416 minimal use is four nights, and those aren't necessarily continuous nights, but four nights
417 over the course of a twelve-month period. So anything above that should be collecting
418 TOT and sales taxes as well.

419

420 There is another kind of a thing that occurs, not that it would have as much impact on this
421 body, but as it relates to 1099's, there is a pretty high threshold for the platform who report
422 that income so folks don't necessarily pay their taxes on that. As you know, other home-
423 based businesses have a much lower threshold and we think that should be the threshold
424 in consideration, since it is essentially a home-based business. So you shouldn't really
425 treat it any differently than that.

426

427 The number of days for a rental is another area to look at in terms of a maximum number
428 of days. Many jurisdictions have gone with either 90 or 120 days maximum, and I think
429 that's something that you certainly ought to look at.

430

431 And finally, through the definition of the boarding house, the definition could create a
432 loophole and I think you may want to look at that language a little more closely. And I'm
433 not sure that I'm of good enough legal mind to interpret exactly what that should be, but I
434 do think that's an area of concern. Just making sure that you don't have a loophole.

435

436 One of the last things I would leave you with, is this is a very rapidly evolving industry, as
437 many of you have seen. Marriot Corporation actually got into this industry in the last few
438 weeks, so they are going to be listing homes and short term rentals on their site. I dare
439 say Marriot will comply with all of the laws that are done, but all the platforms may or may
440 not. As this evolves and changes pretty rapidly, I think it's important to try and make sure
441 you have an opportunity to maybe revisit this maybe in two or three years from now.
442 That's certainly what Fairfax County did when they implemented their regulations, they
443 gave it a kind of look back in three years, because it is changing so much and so rapidly.
444 So that may be an opportunity you want to leave open for you to consider.

445

446 With that, I'll answer any questions that you have or offer any additional information.

447

448 Mr. Baka - Any questions from the Commission for Mr. Terry?

449

450 Mr. Archer - Mr. Terry, notwithstanding your not being an attorney, can you
451 give us just briefly what in that definition troubles you?

452
453 Mr. Terry - Oh, in the boarding house?
454
455 Mr. Archer - Definition of boarding house.
456
457 Mr. Terry - It may confuse the issue, especially as it relates to a bed and
458 breakfast because of the number of bedrooms that they have, and what's considered a
459 boarding house and what's not. Again, I don't know if I've interpreted that entirely, but I
460 know that one of our members who has legal counsel had raised that issue as a concern.
461
462 Mr. Witte - Sir, would you agree with my impression that the purposes of
463 a B&B and an Airbnb was to make traveling more affordable, as well as an extra income
464 source for the homeowners? But not to be considered a full-time job.
465
466 Mr. Terry - Well I don't know about affordability; we have affordable
467 hotels. You have a number of hotels here in Henrico County. As it relates to people
468 generating income, certainly that's the case. Don't get me wrong, we're not opposed to
469 Airbnb, we think it's a viable industry and we think it's something that homeowners and
470 travelers are looking for. We just think you should have a level playing field with your
471 industry who's investing literally millions and millions of dollars in Henrico County. Like
472 any other home-based business, my wife has a dog walking business. We live in
473 Chesterfield County and she has to get a permit and do all those things and there's really
474 no reason why this industry should be treated any differently than any other home-based
475 business, I think.
476
477 Mr. Witte - Just for a personal opinion, I've been contacted by several
478 people who are concerned that it will affect resale value in their neighborhoods. Do you
479 agree with that?
480
481 Mr. Terry - As a homeowner myself, if I had an Airbnb listed next to me, I
482 would be concerned about that. And I think that's some of what we've heard from the
483 HOAs and some of the other homeowners, and we've dealt with this in particular when
484 we have large special events that people don't necessarily... you didn't buy your home
485 next to a hotel. You didn't think that's what you're next to. So I do think it does have some
486 impact on that. We've heard from a lot of homeowners' groups that are concerned about
487 what that impact would be on the resale value on their home.
488
489 Mr. Witte - Alright, thank you.
490
491 Mr. Baka - Any other questions? Alright, thank you Mr. Terry.
492
493 Mr. Terry - Thank you very much.
494
495 Mr. Emerson - Mr. Terry indicated that he was also speaking for Jody Roth,
496 but is there a Steve Kendall here?
497

498 Male - [off microphone] Jody is also with Steve.
499
500 Mr. Emerson - Oh, I'm sorry, Jody is here. Would you like to come forward?
501
502 Ms. Roth - [off microphone] I'd like to associate myself with the
503 comments of Mr. Terry, if that's okay.
504
505 Mr. Emerson - Okay, so you don't... unless there are questions from the
506 Commission for Ms. Roth.
507
508 Mr. Baka - Not at this time, thank you for being here.
509
510 Mr. Emerson - Mr. Kendall I guess isn't here. Stellar Community
511 Management, Ms. Angela Young? Is she present? She was a tentative, okay I guess not.
512 Landmark Property Services, Debbie Fifer? No. Bill Swift at Community Partners.
513
514 I think some of the larger HOA management groups, based on the information we
515 received, the communities they're managing as we noted at your last meeting have
516 addressed short term rentals years ago. It was in the Wyndham communities' covenants
517 in the 80's addressing short term rentals. They're either moving forward and addressing
518 it as they see appropriate and/or it's already been addressed. That's one of the reasons
519 we've had a little challenge getting these folks here. I think one or two of them were on
520 vacation as well, correct, Miguel?
521
522 Mr. Baka - I have a couple questions of staff.
523
524 Mr. Emerson - Absolutely.
525
526 Mr. Baka - Is this an appropriate time then?
527
528 Mr. Emerson - I would think. We're at the end.
529
530 Mr. Baka - Ok. If I may, Mr. Madrigal, may I follow up on a couple of
531 comments we heard here this morning. I just have two questions I jotted down. First, was
532 Joh Gehlbach's comments appeared to be supportive of the ordinance but questioned R-
533 4 and R-4A? Could you just briefly touch on the general logic that we have on the draft to
534 leave those out, is it because they're smaller lot sizes? And about how large are they?
535
536 Mr. Madrigal - Yes, sir. What's the lot size, I forget?
537
538 Mr. Baka - I didn't mean to put you on the spot.
539
540 Mr. Madrigal - I don't memorize them, I'm sorry.
541
542 Mr. Blankinship - That's why he brings me to the meeting. 6,000 is the minimum
543 for R-4, and 5,750 for R-4A. Are you going to talk about the exception standards thing?

544

545 Part of the complication there, as you know, is we have R-2, R-2A, and R-3 subdivisions
546 that were approved prior to 1960 and so they were subject to the old standards, what we
547 call the exception standards. Some of those lots are actually smaller than R-4 lots; those
548 can go down to 50 feet in width and 6,000 square feet in area even though they may be
549 zoned R-3 or R-2A. One of the issues that I think we want to develop a more certain
550 position on, is whether we want to separate that by actual zoning district, or by lot size,
551 or by some kind of combination.

552

553 Mr. Baka - Okay. So a smaller R-4A lot – potentially you could have
554 several of those lots on an acre, because they're so small. 5,700...

555

556 Mr. Madrigal - Right, and the overriding concern with the smaller lots, of
557 course, is the whole issue of overcrowding, over density, parking concerns, the creation
558 of nuisances being so close together. When you have a large group of people showing
559 up at a small property like that, where do they park? Do they generate a lot of noise?
560 What activities are they holding? Are they going to be creating problems for the neighbors,
561 especially if you have a cul-de-sac situation which we've already seen here? So those
562 are just some of the issues we've thought of why we're restricting it in some of these
563 higher density neighborhoods. That's specifically why we left out the R-4 and R-4A.

564

565 Mrs. Thornton - Could they just rent one room, because then they'll say well
566 that's unfair, what if I could just rent one room. You know what I mean? If they have a
567 couple coming in... We don't have to think of the big picture, you're not always going to
568 have tons of people coming in, it could just be a couple coming in. And you're going to
569 restrict them from having it because they live on a cul-de-sac.

570

571 Mr. Madrigal - We could consider that, but again, it all comes down to how
572 do we manage this? As expressed in the past, we are going to be relying on neighbors,
573 and they're going to be the primary eyes out there. That's going to be our main
574 enforcement apparatus, I guess. And we've already seen Mr. Beasley last time at the
575 meeting, and he was saying that kind of creates animosity and puts a lot of responsibility
576 on the neighbor and do we want to do that. So I think that's something we need to
577 consider. It's not something we can't put forward; it just comes down to how do we
578 manage it.

579

580 Mrs. Thornton - And then they mentioned something about maybe a sign, you
581 know, if you have a business license it has to be posted. If you run anything, certification
582 has to be posted. Can something be posted?

583

584 Mr. Madrigal - What we can do, is people come in and start registering, I'm
585 sure we'll have a registration number, and they can post that on the – in fact we should
586 probably put that in the code and be something we should consider, that they list that
587 registration number on the listings, whatever platform they're doing. And that kind of
588 speaks to Mr. Terry's issue.

589

590 Mrs. Thornton - I would think so, because when you drive around town now,
591 you see Uber or Lyft on the vehicle. So you know, okay I'm not just going to get into – you
592 know they're registered, they're legit. I think an Airbnb needs to be held accountable too,
593 somehow. We need to know that that house is an Airbnb.

594

595 Mr. Madrigal - Yes ma'am.

596

597 Mr. Witte - I've got a couple of things. One is that I think there should be
598 a way to identify the houses from the street that they're Airbnb's, whether it's on a mailbox
599 or on a window sticker. Especially at night, people won't bother others. The other thing
600 is about the issue of smaller lots. When I originally took it to Mr. Blankinship, I thought it
601 would be easiest to just go by the lot size. But of course, in their normal due diligence,
602 they dug deep and now these other issues have come up. While I thought it was a simple
603 solution, but staff, as usual, did an outstanding job and found more issues with it. That's
604 the way staff is.

605

606 Mr. Emerson - Well we could possibly address lot size when applying for a
607 CUP. Go through the BZA for a smaller lot, that way the neighbors have a chance to
608 weigh in. Any peculiarities on the property could be addressed by the BZA by adding
609 additional conditions. There are ways to work around just a straight prohibition. So it
610 might just be another hoop you have to jump through because you're on a smaller lot, just
611 so you don't impact your neighbors.

612

613 Mr. Madrigal - It does end up being a difficult question, going back to what
614 Mr. Witte had said when we did the research, because you have to consider standard
615 zoning. Then you have to consider exception lots, then you have to consider controlled
616 density, then you have to consider proffered lots. You have to look at all those different
617 standards. The proffered lots sometimes are bigger than what the norm is; exception lots
618 tend to be smaller. Controlled density, again, that's a smaller lot. So you start looking at
619 all the different aspects of zoning and it gets complicated and it comes down to how do
620 we manage this.

621

622 Mr. Archer - Sir, could you, without having to go into a lot of elaboration,
623 could you read the definition of boarding house?

624

625 Mr. Madrigal - Sure. Well the revised definition that we're proposing with the
626 ordinance is: a building other than a hotel, motel, bed and breakfast, home, or short term
627 rental where lodging is provided for compensation for three, but not exceeding nine
628 guests.

629

630 Mr. Blankinship - [Off mic] What was that last word?

631

632 Mr. Madrigal - Not exceeding nine – residents, I'm sorry. Residents. I
633 apologize. So that's where we distinguish it.

634

635 Mr. Witte - Can you read that again?

636
637 Mr. Madrigal - Yes. A building other than a hotel, motel, bed and breakfast,
638 home, or short term rental where lodging is provided for compensation for three, but not
639 exceeding nine residents.
640
641 Mr. Baka - So if you have one, it's not a boarding house? It's one person
642 that leases it...we talked about this a couple months ago for Cacao Street, two months...
643
644 Mr. Madrigal - If you have one or two, potentially those are boarders,
645 because we do have a definition for boarders in our code.
646
647 Mr. Baka - So, they're boarders but it's not a boarding house.
648
649 Mr. Madrigal - Right.
650
651 Mr. Archer - I'm still confused. When you use the term residents, exactly
652 who are you talking about?
653
654 Mr. Madrigal - People that live there long term.
655
656 Mr. Emerson - Whoever resides there.
657
658 Mr. Blankinship - I think that's the crux of the issue, Mr. Archer. That is now a
659 defined term in this amendment, and perhaps we just need to tag something on to that
660 boarding house definition to emphasize the clarification between residents and guests.
661 Because even Mr. Madrigal stumbled over it while he was reading it off his notes.
662
663 Mr. Madrigal - I looked away, I shouldn't have. So, a resident is any person
664 who lives in a dwelling, dwelling unit, or portion thereof on a long term or permanent basis,
665 as distinguished from a guest or short term renter. That's proposed in the ordinance. It's
666 a new definition that we're adding so we can distinguish.
667
668 Mrs. Thornton - So you're saying that a college student can still rent a room,
669 correct? Because it's a college student, not more than...between 3 ...
670
671 Mr. Witte - Is there a stipulation that it just has to be rented by the day,
672 the week, the hour, or whatever?
673
674 Mr. Madrigal - Well, dealing with short term rentals, it would be not less than
675 24 hours and not exceeding the 30-day limit.
676
677 Mr. Witte - Okay, thank you.
678
679 Mr. Madrigal - And the college students would essentially be long term
680 rentals.
681

682 Mr. Baka - Other questions of Mr. Madrigal from the Commission?
683
684 Mrs. Thornton - What I think of, is construction workers coming in and doing
685 work for short terms, like that one house. They rent the house until the job's done and
686 then they're gone.
687
688 Mr. Emerson - And we've had that problem in the past, during the real boom
689 times, we would have contractors from out of town who would purchase a home, or lease
690 it, and then all of the cousins that were roofers would come in and stay. And they would
691 stay until all the roofing was done. Then all the cousins that were electricians would come
692 and stay. And then all the cousins that were framers would come and stay. The economy
693 going down solved that problem. We were looking at occupancy and how to regulate that
694 at that time. With the economy going down, that issue went away. I think it's beginning to
695 come back some.
696
697 Mr. Baka - We appreciate hearing the testimony from the representatives
698 that spoke today. Where do we go from here, what's next in the process?
699
700 Mr. Emerson - Well, Mr. Chairman, I just have one question, possibly of Joh
701 Gehlbach. Did the realtors discuss anything on the impact of property values in your
702 discussions? Since it did come up, and Mr. Terry gave his opinion. I was curious.
703
704 Joh Gehlbach - Sure, that's an excellent question. In my research I have not
705 seen anything more than speculation and anecdotal evidence. I have not seen any real
706 data or research about that, so I can't speak to it.
707
708 Mr. Witte - So does that mean that you're going to be the person that
709 creates the data so we have it?
710
711 Joh Gehlbach - That might fall a little outside of my bandwidth, but I will talk to
712 Ms. Laura Lafayette and see what we can dig up.
713
714 Mrs. Thornton - Well I also think because they don't really know yet.
715
716 Joh Gehlbach - I think that's also part of it. There isn't academic research yet,
717 it hasn't kicked in. It's something that we can speak to, speak to VCU about, we can speak
718 to folks at Tech about and use our relationships there if that would be helpful to the
719 Commission. Thank you.
720
721 Mr. Emerson - I think that's a legitimate question, and I think Mrs. Thornton
722 is correct. I don't think you have the data, it's so new, you don't know.
723
724 Mrs. Thornton - And a lot of them are under the radar so you don't know
725 they're doing short term rentals.
726

727 Mr. Emerson - Well if you get to the point where you are identifying them in
728 some form, then people will know, and they may, if there's a listing next door, that may
729 impact values. But people need to be aware of what's going on in their neighborhoods.
730 And I'll say it again, I think this may disproportionately impact smaller neighborhoods –
731 those without covenants or those that don't have a property management company that
732 is staying on top of it. They may or may not want this use in their neighborhood, but they
733 may get it anyway because it's not prohibited by the covenants. I know Mr. Blankinship
734 will be speaking to a small neighborhood association next week about this, and that's a
735 decision that neighborhood needs to make in regards to whether or not they amend their
736 covenants. Of course you heard that from Mr. Beasley. A lot of the smaller
737 neighborhoods will have to be aware of what's going on. I think a lot of them are. And
738 they may, until it happens, until we set up a process that gets permitted, they may not be
739 aware of what's going on in their neighborhood.

740
741 But to answer your question, Mr. Chairman, as far as the process is concerned, this item
742 is scheduled to come back to the Commission on June 13th, and I am going to suggest at
743 that time, and I'll put it on your agenda, that you defer it either to August or September,
744 because I do think we need time for more deliberation. Staff needs time to confer with
745 County attorneys, pull in finance to talk a little bit about the taxation issue. Then we come
746 back to the Commission as well and talk with each of you in regards to how you feel the
747 code may or may not need to be changed. I think your June 13th meeting is probably too
748 soon for a Work Session. I think probably we would then have another discussion on the
749 26th, after the agenda is completed as we have this morning. But on your June 13th
750 agenda, I am very much either thinking you defer any public hearing on a code, because
751 we won't have it ready, out to September. I think September is probably a good time,
752 right? August or September. You do have the summer months upon us, that always
753 lessens people's ability to attend, I think, sometimes because they are busy doing other
754 things. But you'll go to September and it'll be school starting, so that's kind of a no win
755 deal. But also, I want to give enough time for once we land on that final draft that the
756 Commission wants to put out for hearing again, that the public has enough time to obtain
757 copies of that and be aware of it.

758
759 So you can think about that and we can discuss that on the 13th whether you're good with
760 September or August. We'll plan on discussing this issue more with you on the 26th after
761 we've had some time to confer internally with all of the other agencies that are involved
762 in this. That gives you some time individually to reflect on it as well, then we can gain from
763 your thoughts what needs to either be added or taken away, things of that nature, where
764 your concerns lie. If that makes sense.

765
766 Mr. Baka - Any other questions from the Commission at this time? Do
767 we have any other items to discuss?

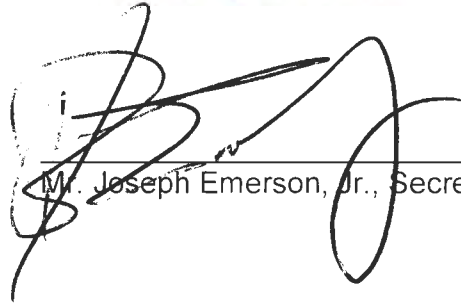
768
769 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
770 morning.

771
772 Mr. Baka - If so, a motion to adjourn –

773
774 Mr. Witte - So moved.
775
776 Mr. Baka - Is there a second?
777
778 Mr. Archer - Second.
779
780 Mr. Baka - All in favor of adjourning say aye.
781
782 Commissioners - Aye.
783
784 Mr. Baka - We stand adjourned. Thank you all for your presentation and
785 your testimony this morning.
786
787
788
789
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796
797



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 **May 22, 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 **May 22, 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 **May 22, 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 **May 21, 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 **May 22, 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 **May 21, 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 **May 22, 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 **May 21, 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 **May 22, 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 **May 21, 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 **May 22, 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 **May 21, 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.