

1 Work Session Summary of the Planning Commission of the County of Henrico held in the
2 Manager's Conference Room, County Administration Building in the Government Center
3 at Parham and Hungary Spring Roads, beginning at 5:15 p.m., January 10, 2019.
4

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

Also Present: Ms. Jean Moore, Assistant Director of Planning
Ms. James P. Strauss, PLA, Senior Principal Planner
Mr. Ned Smither, Director, Finance
Mr. Leo Marsh, Revenue Division Director, Finance
Mr. Ben Blankinship, AICP, Senior Principal Planner
Mr. Seth Humphreys, County Planner
Mr. Miguel Madrigal, County Planner
Ms. Sylvia Ray, Recording Secretary

5 **The Commission convened a work session in the Manager's Conference Room at**
6 **5:00 p.m.**

7
8 Mr. Baka called the work session to order, then turned the meeting over to the Secretary
9 of the Planning Commission, Mr. Joe Emerson, Director of Planning.
10

11 Mr. Emerson welcomed the two new Commission members, Mr. Bob Witte and Mrs.
12 Melissa Thornton, then went on to introduce Miguel Madrigal, County Planner who made
13 a presentation on Short-Term Rentals (STRs).
14

15 Commission members discussed the following items related to STRs, noting they may
16 need further clarification and/or discussion:
17

18 Hosted vs. unhosted stays; primary residence; responsible party; process for
19 responding to complaints (especially after hours); parking requirements; limitation
20 to six adults, not counting children, nor bedrooms; the party does not have to be
21 related but have to be "one" party; process for responding to complaints;
22 availability of public registry online; STR is prohibited at this time; County Code
23 and HOA covenants; other localities have adopted similar regulations, but none
24 have banned STRs; comparison of STRs and Bed & Breakfast Inns; liability in case
25 of bed bugs; insurance status; difference in enforcement between hosted and
26 unhosted stays when complaints are received after hours (responsible party

27 versus homeowner); and, two different uses of "30-days" (definition vs by right);
28 and the need for clarification on expectations at Hearing (option to close Hearing,
29 defer action).

30
31 It was also noted there was considerable demand for STRs.

32
33 The Commission recessed their meeting at 6:20 p.m.

1 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A WORK**
2 **SESSION.**

3
4 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
5 held in the County Administration Building in the Government Center at Parham and
6 Hungary Springs Roads beginning at 7:00 p.m. Thursday, January 10, 2019. Display
7 Notice having been published in the Richmond Times-Dispatch on December 24, 2018
8 and December 31, 2018.
9

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

Also Present: Mr. Randy Silber, Deputy County Manager
Ms. Jean Moore, Assistant Director of Planning
Mr. Andrew Newby, Assistant County Attorney
Mr. Ned Smither, Director of Finance
Mr. Leo Marsh, Revenue Division Director, Finance
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Benjamin Blankinship, Senior Principal Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Michael Morris, County Planner
Mr. William Moffett, CPTED Planner, Police
Ms. Sharon Smidler, Public Works, Traffic
Ms. Sylvia Ray, Recording Secretary

10
11 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains on all**
12 **cases unless otherwise noted.**

13
14 Mr. Baka - Good evening and welcome.

15
16 Mr. Archer - Good evening, Mr. Chairman.

17
18 Mr. Baka - I call this meeting of the Henrico County Planning Commission
19 to order. This is our Rezoning meeting for January 10, 2019. At this time, I like to ask that

20 you take a minute and silence your cell phones; and, please stand with the Commission
21 for the Pledge of Allegiance.

22

23

... PLEDGE OF ALLEGIANCE IS RECITED ...

24

25 Mr. Baka - There are some extra seats down in front, and seats towards
26 the middle.

27

28 Before we begin, I did have one car in the parking lot that I want to call your attention to
29 ... If anyone has a Honda Van, its license plate, Virginia Plates VB_ _ _ 08. There's a
30 dome light on in the Honda Van, VB_ - _ _ 08.

31

32 At this time, do we have anyone in the audience tonight here with the news media?
33 Recognition of the media ... yes, sir. Welcome. Thank you for being here tonight. We're
34 also pleased to welcome Mr. Frank Thornton, our representative from the Board of
35 Supervisors this year who is sitting with the Planning Commission for calendar year 2019.
36 Thank you for being here, Mr. Thornton. Mr. Thornton abstains on all cases unless
37 otherwise noted. We're also delighted to welcome two new members to the Planning
38 Commission. One is a new member, and one is a returning member. First welcome to
39 Mrs. Melissa Thornton from the Three Chopt District; and welcome to Mr. Bob Witte from
40 the Brookland District. Glad you could be here.

41

42 We do have all Commissioners present tonight. We have a quorum so we can conduct
43 business. At this point, I'll turn it over to Mr. Emerson, our Secretary.

44

45 Mr. Emerson - Thank you, Mr. Vice Chair. The first item on the agenda this
46 evening are the requests for withdrawals and deferrals; and, those will be presented by
47 Mr. Jim Strauss.

48

49 Mr. Strauss - Thank you, Mr. Secretary. We have one request for deferral
50 this evening, and it's in the Varina District. It's on page 2 of your agenda, RVA Land,
51 REZ2019-00001. In this case, the applicant is requesting a deferral to the February 14,
52 2019 meeting.

53

54 **REZ2019-00001 RVA Land for Liberty Homes:** Request to rezone from A-1
55 Agricultural District to R-2 One-Family Residence District Parcel 821-679-0872 containing
56 5.381 acres located on the west line of Buffin Road approximately 2,700' north of
57 Kingsland Road. The applicant proposes two single family dwellings. The R-2 District
58 allows a minimum lot area of 18,000 square feet and a maximum gross density of 2.42
59 units per acre. The use will be controlled by zoning ordinance regulations. The 2026
60 Comprehensive Plan recommends Suburban Residential 1, density should not exceed
61 2.4 units per acre and Environmental Protection Area. The site is in the Airport Safety
62 Overlay District.

63

64 Mr. Baka - At this time, is there anyone here in opposition to deferral of
65 REZ2019-00001, Liberty Homes? Anyone? I see no opposition. Mr. Mackey.

66
67 Mr. Mackey - Mr. Chair, I move that REZ2019-00001, RVA Land for Liberty
68 Homes, be deferred to February 14, 2019 meeting at the request of the applicant.
69
70 Mr. Archer - Second.
71
72 Mr. Baka - We have a motion by Mr. Mackey, and second by Mr. Archer.
73 All who's in favor, say aye.
74
75 Commission - Aye.
76
77 Mr. Baka - Opposed, say no. Motion passes.
78
79 Mr. Emerson - Mr. Chairman, we now move on to the request for expedited
80 items. And, those will also be presented by Mr. Jim Strauss.
81
82 Mr. Strauss - Thank you, Mr. Secretary. We have one request for approval
83 on the Expedited Agenda this evening, in the Fairfield District, on page 3 of your agenda.
84 It's REZ2019-00003, Dominion Youth Services. This is a request to conditionally rezone
85 from O-2 Office District to B-1 Business District. We are recommending approval with
86 proffers 1-13 in the staff report, and we are not aware of any opposition.
87
88 **REZ2019-00003 Joshua Lutz for Dominion Youth Services:** Request to
89 conditionally rezone from O-2 Office District to B-1C Business District (Conditional) Parcel
90 787-746-2041 containing .613 acres located on the west line of Chamberlayne Road
91 (U.S. Route 301), approximately 500' north of its intersection with Wilmer Avenue. The
92 applicant proposes a private, therapeutic day school. The use will be controlled by zoning
93 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
94 recommends Office.
95
96 Mr. Baka - Is there anyone present here in opposition to REZ2019-
97 00003, Joshua Lutz for Dominion Youth Services. I see no opposition. Mr. Archer.
98
99 Mr. Archer - Mr. Chairman, I move that the REZ2019-00003, Dominion
100 Youth Services be deferred to February 14 meeting, at the request of the applicant.
101
102 Mr. Emerson - Sir?
103
104 Mr. Baka - We have a motion by Mr. Archer.
105
106 Mr. Emerson - Mr. Archer, this is an expedited case.
107
108 Mr. Archer - Oh, I'm sorry.
109
110 Mr. Baka - Sorry, too.
111

112 Mr. Emerson - This is expedited for approval.
113
114 Mr. Archer - Disregard what I just said. Mr. Chairman, I move that the
115 REZ2019-00003, Dominion Youth Services be recommended for approval on the
116 expedited agenda.
117
118 Mr. Witte - Second.
119
120 Mr. Baka - A motion by Mr. Archer and second by Mr. Witte to
121 recommend that this be approved on the expedited agenda. All those in favor say aye.
122
123 Commission - Aye.
124
125 Mr. Baka - All those opposed, say no. Motion passes.
126
127 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the
128 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
129 **grant** the request because it would not be expected to adversely affect the pattern of
130 zoning and land use in the area and the proffered conditions will provide quality
131 assurances not otherwise available.
132
133 Mr. Emerson - Mr. Chairman that completes the requests for expedited
134 items.
135
136 Mr. Baka - Ok, at this time, I'll turn the meeting over to Mr. Emerson for
137 our election of officers.
138
139 Mr. Emerson - Thank you, Mr. Chairman. As you know, the first meeting in
140 January is the organizational meeting of the Planning Commission; and at this time, you'll
141 elect officers for the calendar year 2019. With that in mind, I will open the floor for
142 nominations for the election of Chairman of the Commission for calendar year 2019.
143
144 Mr. Archer - Mr. Secretary, I would like to place a name in nomination,
145 Gregory Baka.
146
147 Mr. Mackey - Second.
148
149 Mr. Emerson - The nomination has been made and seconded. Are there any
150 other nominations for the seat?
151
152 Mr. Witte - I move the nominations be closed.
153
154 Mr. Emerson - Therefore, that would be ... therefore, all in favor say aye.
155
156 Commission - Aye.
157

158 Mr. Emerson - All opposed?
159
160 Mr. Emerson - We now would like to have ... or, we need a motion to elect
161 Mr. Baka Chairman for calendar year 2019.
162
163 Mr. Archer - Ok, I move that Mr. Baka be elected Chairman for 2019.
164
165 Mr. Emerson - Second? Mr. Mackey.
166
167 Mr. Mackey - Second.
168
169 Mr. Emerson - All in favor, say aye.
170
171 Commission - Aye.
172
173 Mr. Emerson - Mr. Baka, congratulations.
174
175 Mr. Baka - Thank you.
176
177 At this time, we'll take nominations for office of Vice Chairman of the Planning
178 Commission.
179
180 Mr. Mackey - Mr. Chairman, I'd like to make a motion to nominate Mr. Chris
181 Archer for position of Vice-Chair.
182
183 Mr. Witte - Second.
184
185 Baka - We have a motion by Mr. Mackey, and a second by Mr. Witte
186 to nominate Mr. Archer for Vice Chairman of the Commission. Are there any other
187 nominations?
188
189 Mr. Witte - I move the nominations be closed.
190
191 Mr. Baka - Is there a second to that?
192
193 Mr. Mackey - Second.
194
195 Mr. Baka - Second by Mr. Mackey that the nominations be closed. We
196 need a vote to go ahead and close. All those in favor of closing the nominations, vote by
197 saying aye.
198
199 Commission - Aye.
200
201 Mr. Baka - Opposed, say no. Ok, the nominations are now closed. At this
202 point, we'll need a vote to ... a motion to elect Mr. Archer.
203

204 Mr. Witte - So moved.
205
206 Mr. Mackey - Second.
207
208 Mr. Baka - Moved by Mr. Witte. Second by Mr. Mackey to elect Mr.
209 Archer. All those in favor, say aye.
210
211 Commission - Aye.
212
213 Mr. Baka - Opposed, say no. The ayes have it. Motion carries.
214 Congratulations, Mr. Vice Chair.
215
216 Mr. Archer - This is how government is supposed to work.
217
218 Mr. Baka – That’s right, working hard.
219
220 Mr. Emerson - Nice and smooth.
221
222 Mr. Chairman, we now move into your regular agenda with your first item appearing on
223 page one. It is an ORDINANCE – To Amend and Reordain Section 24-3 Titled
224 “Definitions,” Section 24- 12 Titled “Conditional uses permitted by special exception,”
225 Section 24-13 Titled “Accessory uses permitted,” Section 24-13.01 Titled “Development
226 standards and conditions for permitted uses,” Section 24-28 Titled “Principal uses
227 permitted,” Section 24-94 Titled “Table of regulations,” Section 24-96 titled “Off-street
228 parking requirements,” and Section 24-121 Titled “Conditional zoning or zone approval”
229 of the Code of the County of Henrico. This ordinance allows for short-term rentals of real
230 estate for periods of fewer than 30 consecutive days. Specifically, this ordinance allows
231 hosted short-term rentals by right in the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, and R-3A
232 residential districts up to 30 days in a calendar year. For all other short-term rentals in
233 those districts, this ordinance requires the operator of the rental to obtain a conditional
234 use permit. All short term rentals would be subject to regulations limiting rentals to the
235 operator’s primary residence owned by him and limiting the use of guesthouses, the
236 number of short-term renters and pets, and the length of rentals. The ordinance would
237 also prohibit rentals to minors and double-booking, and require: provision of life-safety
238 equipment consistent with the building code, posting of certain information within the
239 rental, designation of responsible persons to respond to complaints, keeping of records
240 of short-term rentals, and provision of off-street parking. Finally, the ordinance adds and
241 revises definitions related to the rental of real estate. And, the staff report will be
242 presented by Mr. Miguel Madrigal.
243
244 Mr. Madrigal - Good evening, Mr. Chair. Congratulations.
245
246 Mr. Baka – Thank you.
247
248 Mr. Madrigal - ... Members of the Commission. As mentioned by Mr.
249 Emerson, I’m here to present the revised version of the draft ordinance addressing the

250 issue of Short Term Rentals. The driving force behind this proposal is our overriding
251 concern in the preserving the health, safety and welfare of our residents. This
252 encompasses preserving the residential character of our neighborhoods, and protecting
253 the peaceful enjoyment of our homes. As mentioned last time ...

254
255 Mr. Emerson - Miguel, could you pull the microphone a little closer, please?

256
257 Mr. Madrigal - Yes, sir.

258
259 Mr. Emerson - Thank you.

260
261 As mentioned last time, the few complaints that were received by the county were the
262 result of un-hosted stays creating issues relating to noise, safety, parking, late night
263 activity, traffic, and the concerns regarding the preservation of property values. These are
264 central themes addressed by way of the revised proposal.

265
266 The proposed ordinance can be broken down into five main components. First, new
267 definitions are added to specifically define short-term rental and other important terms.
268 The short-term rental use gets inserted into specific residential districts either by right or
269 by conditional use permit. Third, a new section was added establishing specific
270 requirements governing short-term rentals. Four, the parking standards have been
271 modified to address parking concerns brought up at your last meeting; and five, we finish
272 up by clarifying a few existing terms found in the code, in order to avoid conflicts and
273 create consistency between existing and new terms.

274
275 Additionally, there are a few housekeeping items with this proposal. The registry
276 component is being handled by the County Attorney's office, and the goal with that part
277 of the amendment would be that it coincide with the adoption of this draft ordinance.

278
279 Since your last meeting in May, we've revised the draft ordinance to address the issues
280 and concerns brought up by you at that meeting. These included limiting the short-term
281 rental use to low and moderate density residential districts, and prohibiting the use in
282 dense residential and multi-family districts. Limiting the short-term rental use to an
283 operator's property and their primary residence. The proposal requires that the property
284 owner/operator be the responsible person, during the hosted stay, limits the number of
285 short-term rentals to a maximum of six adults in the dwelling. It requires one additional
286 onsite parking space for each bedroom available for rent, and it requires operators to
287 maintain a rental log for two years and that it be made available upon request. This is to
288 help facilitate the verification of a 30-day limit per calendar year; and that would be a
289 cumulative 30 days per calendar year. Additionally, the county has contracted with an
290 experienced consultant to help us identify and manage short-term rentals as we move
291 forward with this proposal.

292
293 By way of review, these are the new definitions that will be added to the code. I'd like to
294 call your attention to just a few. Let's start with "booking transaction." As defined, this is
295 any transaction where there's a charge to one or more renters by an owner/ operator in

296 exchange for the occupancy of a short-term rental. Next is the “short-term rental”
297 definition. Briefly, it’s the provision of a room or space suitable or intended for occupancy
298 of a dwelling for sleeping or lodging for a period of fewer than 30 consecutive days in
299 exchange for a fee. And, just for clarification, there are two 30-day limits here, one is for
300 defining short-term rental, which is 30 consecutive days. And, then this is for the hosted
301 stay, is for fewer than 30 cumulative days in the year, just for clarification.

302

303 The code also distinguishes between a hosted stay versus an unhosted stay. In a hosted
304 stay, the owner/operator is present during the rental versus not being present during the
305 rental for an unhosted stay.

306

307 The code proposal then establishes the use in certain one-family districts. As outlined
308 here, hosted stays are permitted by right as an accessory use in the R-0 through the R-3
309 districts provided that the short-term rentals did not exceed 30 cumulative days in one
310 calendar year. Unhosted stays or hosted stays exceeding the 30-day limit would require
311 a conditional use permit in these same districts.

312

313 The short-term use rental would be prohibited in the R-4 and R-4A districts, and in multi-
314 family districts consisting of the R-5, R-6, UMU, and RTH districts. This is due to the
315 concerns of overcrowding, nuisance potential, and avoiding parking conflicts in these
316 districts. In the one-family districts where short-term rentals are proposed, operators will
317 have to comply with the new rules and regulations as outlined in Section 24-13.01(b).

318

319 This is the heart of the proposal governing short-term rentals applying to both hosted and
320 unhosted stays. Briefly, item one limits short-term rentals to a person’s property and
321 primary residence.

322

323 Item two requires the operator to be available during hosted stays to address any issues
324 or complaints that arise during the rental. For unhosted stays, the operator must
325 designate a responsible person to act in his or her stead in case of complaints or
326 emergency. That person has to be an adult and be available 24-hours a day, seven days
327 a week while the home is being rented, to address concerns in person.

328

329 Item three sets a maximum limit on the number of short-term rentals allowed in a dwelling
330 to no more than six adults. Item four prohibits short-term rentals in guesthouses and
331 accessory buildings, trailers, boats, RVs, and yard space.

332

333 Item five prohibits short-term rentals in homes being used for daycare, a group home,
334 assisted-living, massage therapy, taxi, or carrier service, or a non-commercial kennel. It
335 also prohibits commercial rental activities for parties, banquets, weddings, meetings, and
336 filmmaking.

337

338 Item six prohibits double-booking to two unrelated parties at the same time.

339

340 Item seven prohibits renting to minors.

341

342 Item eight sets minimum and maximum rental period to less than 24 hours, and no more
343 than 30 consecutive days.

344
345 Item nine requires all safety equipment in the residence to be in good working order; and
346 this would include smoke and carbon monoxide detectors and fire extinguishers, as
347 required by law.

348
349 Item ten requires posting contact information for the owner/operator and responsible
350 person of the short-term rental, county recycling and trash schedules, and the county
351 noise ordinance.

352
353 Item eleven sets a maximum limit on the number of pets allowed at the residence to no
354 more than three. This includes the operator's pets and the short-term renters' pets,
355 consistent with county code as it stands now.

356
357 Item twelve requires the operator maintain a renter's log for two years and it be made
358 available on request.

359
360 At the last meeting, there were concerns with respect to providing sufficient onsite parking
361 so that this use does not impact neighbors by reducing or eliminating on-street parking.
362 With this in mind, the code proposes to modify the off-street parking requirements. It
363 requires short-term rentals provide one additional onsite parking space for each bedroom
364 available for rent, in addition to the minimum parking required for the residence. This
365 requirement should help avoid parking issues on neighborhood streets.

366
367 The last component of the draft ordinance is to clean up and clarify some existing
368 definitions, to remove antiquated terms from the code, in addition to a few housekeeping
369 items.

370
371 That is the extent of the proposed code changes regulating short-term rentals. As always,
372 our guiding principal for this proposal is the health, safety, and welfare of our residents,
373 and preserving the residential character of our neighborhoods. This encompasses the
374 protection and peaceful enjoyment of our homes.

375
376 Although we have not received a large volume of complaints regarding this use, of the
377 complaints that we have received, residents have been very upset. Homeowners have
378 an expectation of neighborhood stability, and familiarity with their neighbors when
379 purchasing a home. This vested interest is diminished when a homeowner habitually rents
380 out a home for short-term lodging. Especially, if it is an unhosted rental. We hope this
381 proposed amendment helps to address and alleviate these concerns.

382
383 As a side note, letters have been received in opposition and in support. They are a part
384 of your packet. And, staff has fielded many phone calls in respect to this issue.

386 With respect to next steps, would be the referral of this item to the Board of Supervisors
387 for recommendation, and then scheduling the draft ordinance for a Board of Supervisors
388 meeting for review and adoption. Of course, that's depending on today's hearing.

389
390 That is my presentation. I'll be happy to answer your questions.

391
392 Mr. Baka - What questions does the Commission have of Mr. Madrigal or
393 staff?

394
395 I have a couple. Miguel, if you could go back to the list of draft ordinance standards one
396 through six, few pages back in the PowerPoint.

397
398 My first question is about the ownership and primary residence requirement. So, if you
399 could explain ... going into a little bit more in detail, explain that if running an Airbnb ...
400 they'd have to ... or running a short-term rental, one of the two, they'd have to both own
401 the property and it also be their primary residence ... So, would that disqualify someone
402 from owning multiple properties and doing this activity on multiple sites?

403
404 Mr. Madrigal - That's correct. Yes, sir. It would. You have to be the property
405 owner of the property that's available for rent and it has to be your primary residence. And
406 the primary residence as defined by code, you have to live there at least 185 days out of
407 the year.

408
409 Mr. Baka - And how would you track that? Is that through the registration
410 process?

411
412 Mr. Madrigal - Yes, sir.

413
414 Mr. Baka - And, one other point of clarification, the 30-day rental days per
415 year ... that is a total ... it's not 30 consecutive days, it's a total of 30 days scattered
416 throughout the year such as ...(UNINTELLIGIBLE)... weekends

417
418 Mr. Madrigal - Fourteen weekends.

419
420 Mr. Baka - Fourteen weekends or what not ...

421
422 Mr. Madrigal - Right, that is correct.

423
424 Mr. Baka - ... that would allow for ...

425
426 Mr. Madrigal - It's just a distinction between what a short-term rental is
427 defined as. A short-term rental is anything less than 30 days. And then for having the
428 hosted stay, it would be a cumulative total of not more than 30 days throughout the
429 calendar year.

430

31 Mr. Baka - So, right now, the draft ordinance would say the use is
432 permitted by right, if you do not exceed 30 days cumulative throughout the year?

433
434 Mr. Madrigal - for hosted stays.

435
436 Mr. Baka - for hosted stays ... hosted. But if you did exceed 30 days,
437 then you would need a conditional use permit from the Board of Zoning Appeals?

438
439 Mr. Madrigal - Yes, sir. Whether you exceed the 30-days or whether you
440 want to do the unhosted stay, you would still need a Conditional Use Permit. So, you
441 would have to own the property, it would have to be your primary residence, you would
442 have to register and then you would have to apply for a Conditional Use Permit and be
443 successful in obtaining it.

444
445 Mr. Baka - And, that's the summary of the hosted stays. The summary
446 of the unhosted stays is what duration of an unhosted stay would require a Conditional
447 Use Permit from the Board of Zoning Appeals?

448
449 Mr. Madrigal - If you do any unhosted stays, say if you rented one weekend
450 unhosted, it would kick in at that time.

451
452 Mr. Baka - Thank you. Other questions from the Commission?

453
454 Mr. Thornton - Mr. Chairman ... May I ask a question of the Planning
455 Director?

456
457 Mr. Baka - Yes.

458
459 Mr. Thornton - Mr. Emerson, would you explain to someone who is in here
460 this evening ... maybe for the first time, maybe not be... but, why do we even have to
461 look at this type of ordinance anyway because there may be some people feel that we
462 don't want this in our particular neighborhood anyway. So, can you explain to me the
463 rationale why we have to go through this?

464
465 Mr. Emerson - Sure. Currently, there are quite a few short-term rentals or
466 Airbnb operations in the county. The county's zoning code does not allow short-term
467 rentals. They are not a legal use in the county. We have operated on a complaint basis.
468 We have received several complaints regarding short-term rentals. We've had to take
469 actions against short-term rentals. Those actions have been upheld by the Board of
470 Zoning Appeals. So, it is ... it's been very clear and defined that short-term rentals are
471 not legal in Henrico County. So, this action is being considered tonight ... that based upon
472 the new economy and the changes in the way things are shared in the economy currently,
473 that it should be considered to allow some avenue of short-term rentals.

474
475 The Code of Virginia allows us a zoning code that defines uses in the county, and the
476 General Assembly also provided the Registry as a way of regulating this new industry.

477 So, that is why we are here tonight. That's why we are considering this code ... because
478 this would be to allow the use. The use, currently, is not allowed.

479
480 Mr. Thornton - Thank you, Mr. Emerson.

481
482 Mr. Baka - Any questions of staff?

483
484 Mr. Mackey - Yes, Mr. Chairman. I have question ... of Mr. Madrigal. Would
485 the Registry be available for public view?

486
487 Mr. Madrigal - The Registry Ordinance?

488
489 Mr. Mackey - Yes.

490
491 Mr. Madrigal - Yes, sir. I have copies here if anybody wants ... would like a
492 copy.

493
494 Mr. Witte - And, there will be a place that homeowners can ... a site they
495 can check to make sure or check on if any of their neighbors are on this list ... so that they
496 know if their next door neighbor, or two houses down is registered for Airbnb, short-term
497 rental?

498
499 Mr. Madrigal - We are working with a consultant that is helping us to be able
500 to identify and manage this issue. That's something that will probably require further
501 discussion. We probably will envision something to that effect, sometime in the future.

502
503 Mr. Archer - Mr. Madrigal, I have a question that you can answer. When
504 we were doing our Work Session, we talked about rules and regulations as they applied
505 to the person who would be operating an Airbnb. Did we address whether or not there
506 would be any rules and regulations that would apply to the renter, posted in a conspicuous
507 place, where they could be aware of what they are supposed to and not supposed to be
508 doing?

509
510 Mr. Madrigal - So ... I mean ... these rules are part of the zoning ordinance
511 and would apply to the property owner, and the property that's being rented out.

512
513 Mr. Archer - I'm talking about in terms of a lessor or renter.

514
515 Mr. Madrigal - Oh, a lessor?

516
517 Mr. Archer - ... so that, you know, when they are in this place, they would
518 know what actions they are supposed to be ...

519
520 Mr. Madrigal - Oh, short-term renters are what you are referring to?

521
522 Mr. Archer - Yes.

523
524 Mr. Archer - Maybe we could figure out a way ... if this goes ... if that could be
525 done. Because some people might rent under the auspices that I'm renting this place
526 and I can do whatever the heck I want.
527
528 Mr. Madrigal - I'm not sure how you would impose that on the renter.
529
530 Mr. Archer - I don't either.
531
532 Mr. Madrigal - It's a person coming out, typically coming out for vacation or
533 visiting family and generally they wouldn't be familiar with our county code or ordinances.
534
535 Mr. Archer - I understand.
536
537 Mr. Madrigal - I don't know how you would achieve that.
538
539 Mr. Archer - I don't either, but I just thought it was something we might
540 want to consider.
541
542 Mrs. Thornton - I have a question.
543
544 Mr. Madrigal - Yes, Ma'am.
545
546 Mrs. Thornton - In there, you had mentioned something about fire
547 extinguishers, smoke detectors, after they have applied and become part of your Registry.
548 Is there a county inspector that's going to go out prior to you giving them permission to
549 begin this service to inspect the property, or are they going to just check that they have
550 done all these things?
551
552 Mr. Madrigal - I think that's still to be determined. We have had discussions
553 about potentially sending a building inspector or, if not, a fire inspector to go check those
554 items. ...but again, that's something to be determined and we haven't ...
555
556 Mrs. Thornton - Well, what are the fees associated?
557
558 Mr. Madrigal - That will probably be part of the registration fee.
559
560 Mrs. Thornton - Ok, and what was that?
561
562 Mr. Madrigal - The enabling Registry ... ordinance, right now, allows us to
563 have a Registry and to charge an appropriate fee for that Registry and the fee is
564 determined based on the administrative costs on maintaining and running this program.
565 That fee has still not been determined.
566
567 Mr. Baka - So, the actual fee has not been determined?
568

569 Mr. Emerson - And that fee will be set by the Board of Supervisors. That is a
570 separate Code, and that decision will be made by the Governing Body at the time they
571 consider this ordinance and hold a public hearing.

572

573 Mr. Baka - So, I have a question Mr. Madrigal. What happens if I'm a
574 neighbor and I have a concern about one of my neighboring property owners with a short-
575 term rental that may be in violation of this? Who do I call during office hours or work
576 hours? And, if it's the weekend, secondly, then who do I call if I complain at that point?

577

578 Mr. Madrigal - This ... any complaint ... This whole ordinance will be
579 complaint driven. We're not going to be out looking for these issues. And that's consistent
580 with our policy as it stands today. If it is during work hours, during the week day, then you
581 would just call the county, call the Planning Department. You can call our business
582 license folks and you'll eventually end up with the person who can check to see if the
583 person is on the Register. If it is on the weekend, if it is in the evening, then at that point
584 it'll depend on the nature of the call or complaint, you'll probably end up calling the Police
585 Department.

586

587 Mr. Mackey - Mr. Chairman, I had one other question. Has the county
588 determined whether or not there will be any fines levied against people who are found in
589 violation of the ordinance?

590

591 Mr. Madrigal - The Registry component of the ordinance does allow for fines.
592 So, if people are renting their home through Airbnb and they are not registered, they can
593 be fined through the Registry Ordinance. And, that's again enabling legislation that was
594 set and adopted by the State; and, if you are registered and there are violations ... as you
595 are part of the Registry ... if you have three or more violations, then you could be removed
596 from the Registry and you will not be able to conduct that activity.

597

598 Mr. Mackey - Thank you.

599

600 Mr. Emerson - The Code has a top limit for that fine. Does it not, Mr.
601 Madrigal?

602

603 Mr. Madrigal - I believe ... yes ... if you are not registered, violating the
604 registration requirement, I believe its five-hundred dollars per violation.

605

606 Mr. Emerson - That's what I thought. Thank you.

607

608 Mr. Mackey - Thank you.

609

610 Mr. Baka - Other questions from the Commission?

611

612 Alright, at this time, before we open up the floor for public comment for the public hearing.
613 I would like to ask if Mr. Emerson, our Secretary, if he could read the Commission's
614 guidelines and rules for public hearings.

615
616 Mr. Emerson - Yes sir. Mr. Chairman, as you note, the Commission does
617 have guidelines that are utilized to govern its public hearings. And, of course, one of the
618 first things we ask is when you approach the podium, please state your name and your
619 address so we can have that in the record. We do keep verbatim minutes of the meetings.

620
621 The guidelines are as follows. The applicant is allowed ten minutes to present their
622 request. Time may be reserved for responses to testimony. The opposition is allowed a
623 cumulative ten minutes to present their concerns, and of course these rules govern all
624 sorts of different codes. That's the reason they are written the way they are. The
625 Commission's questions do not count into the time limits. The Commission may waive the
626 limits for either party at its discretion. And, the comments made must be directly related
627 to the case under consideration. So, the comments are limited to 10 minutes. And so we
628 would like for you ... if you are interested in speaking on this topic that you begin to queue
629 up at the back of the room. Please come down, one at a time. State your name for the
630 record ... your name and address for the record, and we will keep time and if the
631 Commission sees fit to extend that time, they certainly will.

632
633 ... INAUDIBLE CONVERSATION ...

634
635 Mr. Emerson - No, sir. I would start at the back of room and line up in a way
636 to where you can flow down to the lectern here in front.

637
638 Mr. Baka - First, we'd also like to thank ... We received a number of
639 emails and letters on this topic in support and opposition of this topic.

640
641 Please say your name, sir.

642
643 Citizen #1- Yes, my name is Matt Walton and I live at 9712 Taylor's
644 Crossing Court, Glen Allen.

645
646 Mr. Chairman and Commission members ... members of the Commission, I speak in
647 opposition to any regulation of short-term rentals such as VRBO or Airbnb for the sheer
648 fact that this is a property rights issue and a free-market issue; and, I would encourage
649 the Commission to examine and look at a couple of bigger things as you are looking into
650 this issue. An example, you do not regulate shared ride services such as Lyft or Uber.
651 That is a personal property that is taxed through the County of Henrico, much like a house
652 is. Also, this is going to require staff and taxpayer money to be spent on overseeing this
653 and oversight.

654
655 Talk about the need for a database. The free market has already created a database. By
656 going onto Airbnb or VRBO, you can search already who has their property listed on
657 there. So, that work has already been done. We do not need to waste taxpayer dollars
658 to create another government-run data base.

659
660 Additionally, we need to ...

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

... AUDIENCE INTERRUPTS WITH CLAPPING ...

We need to look at ways to encourage people who want to come into Henrico County. We have a vibrant sports tourism business here in this county, and we need to encourage unique ways for those people to come into this county to spend their tax dollars to support our public schools, support our infrastructure and, furthermore, we need to get the government out of private transactions within the county.

... MORE CLAPPING FROM THE AUDIENCE ...

Mr. Baka - Excuse me, sir. Excuse me, Mr. Walton. If I can exhort the audience for one moment to let the speaker finish and to hold off all applause at this time. We have a large number of speakers that have lined up and ready to speak. Typically, they have ten minutes each.

Mr. Witte - They can have one minute a piece.

Mr. Walton - In conclusion, having been a candidate for Republican office for the Virginia House of Delegates in 2015, I travelled and met with many constituents here in Henrico County, and one of the big things that I learned on the campaign trail was that we need to support property rights, getting the government out of private transactions ... and that is why I would encourage this Commission to open up the Airbnb's, the VRBO's, and embrace the innovative spirit of what this county has become and allow us to move forward in a direction in this county that promotes the entrepreneurial spirit and get government out of the regulation business. And I'd like thank this Commission for their time.

Mr. Baka - Thank you very much, Mr. Walton.

... AUDIENCE CLAPPING ...

Mr. Baka - Miss...

Citizen #2 - My name is Charlene Batkins; address is 7908 Penniman Place. I got a couple of questions. Were we notified about the May 2018 meeting so we could have known what was going on? And I need to know what's R-1, 2's, zeros, the A, B, C's and what that all means.

My property value has actually gone up since I had Airbnb at my house, because I've been able to make repairs and improvements that I wouldn't have been able to make. I'm on dis ...

... AUDIENCE CLAPPING ...

706 I'm on truly disability and this is the only way I can keep my home. My neighbors all know
707 I've got it. We recently redid our Covenants last year, for the next 30 years, and my
708 Covenants do not say I cannot do this in my neighborhood. My neighbors all know and I
709 think, I believe that they have told me that they are much happier with the nice people
710 that come in and stay at my house, and a few might buy my house if I want to sell. And,
711 finally, what else could I Say? Oh, we don't know what the appropriate fee is. I need to
712 know more about Conditional Use Permits. So, where do we get all this information?
713 Those are my questions to you.

714

715 Mr. Baka - Thank you.

716

717 ... AUDIENCE CLAPPING ...

718

719 Mr. Baka - Please come forward. Please come forward. We're taking all public
720 comments at this time.

721

722 Citizen #3 - Were you planning on answering any of those questions?

723

724 Mr. Baka - Please come forward and state your name for the record. If you have
725 comments, the staff will respond to these comments afterwards. Thank you.

726

727 Citizen #3 - Ok, thank you. Mark Rosenbaum, 5233 Monument Avenue, Unit 3A,
728 Richmond, Virginia 23226. I'm not ... Have any of you actually stayed at an Airbnb?

729

730 ... AUDIENCE CLAPPING ...

731

732 Mr. Baka - If I can, please, encourage the audience to let the speakers finish
733 without interruption. We have such a large number of speakers. Please continue. I don't
734 want you to be interrupted, sir.

735

736 Mr. Rosenbaum - Thank you. No problem. So, there's a review process so that
737 anyone who does become a problem is very quickly identified, as far as people who stay?
738 And, that's almost a self-regulating thing within the Airbnb platform itself. Also, you talk
739 about nuisance neighbors, and there's no doubt that occasionally that may happen but,
740 it's a little bit of throwing out the baby with the bath water because there are nuisances
741 for people who don't run Airbnb's. There are neighbors who are just a nuisance all the
742 time and they are not running Airbnb. Ok? So, rather than saying there are a few Airbnb's
743 that may be a nuisance, let's get rid of all of them. Why not use the mechanism already
744 in place to handle nuisances and not discriminate against people in Airbnb?

745

746 I'm not sure you are aware of this but, a typical Airbnb'er is a retired person who is looking
747 to supplement a fixed income. I have a friend who runs an Airbnb. She is retired and she
748 is disabled. She is on a fixed income and the only way that she can keep her house is to
749 run her Airbnb. And, for this ordinance to put her out of the county would be
750 unconscionable. Thank you for your time.

751

752 ... AUDIENCE CLAPPING ...

753

754 Mr. Baka - Good evening.

755

756 Citizen #4 - Hello, good evening. John Howarth, H-O-W-A-R-T-H, 5010
757 Stoneleigh Road 23228. I can understand the safety implications but, I do agree with
758 things that have been said. We have long-term rentals across the street from us that are
759 a nuisance. You can just check the police records, it happens all the time. So, that aspect
760 of it, I can understand why you want it to be there but, it's just not that big of a deal ... at
761 least not in my neighborhood.

762

763 The parking issue, that seems a little over the top. There is no problem parking in our
764 neighborhood. I can see where some parking in some neighborhoods is affected by it
765 but, certainly not in ours.

766

767 The 30-day limit for the calendar year is an abomination of your power. That, I don't know
768 where it came from but, I would love to know how you came up the 30-days. I think it
769 should be at least 90-days, at least. If you are going to stay on this track ... come on,
770 give us a chance. I mean, I don't know what it takes to get a special permit but, I can only
771 imagine its red tape and money ... which I don't want to spend or do. One thing I would
772 like you to understand that Airbnb does verify all the guests. They have to have three
773 different forms of identification. They have comments from every other place they've
774 stayed, so I can turn them down if I want to. We've only gotten the best people. We've
775 had a great time and met so many wonderful people and it would be a shame to have to
776 limit us to just a few each year. We've had great experiences. We pull them in, and we
777 even driven them around. We've had people from the Richmond Marathon. We got up
778 at 4 o'clock in the morning to drive them there so that they could have a better experience.
779 I think limiting that to 30-days is just crazy. I don't know where you came up with that but,
780 if you get nothing else out of what I had to say, make 30-days 90-days, at least.

781

782 Mr. Baka - Thank you.

783

784 Mr. Harwarth - So, other than that, yeah, that's all I have to say. Thank you.

785

786 Mr. Baka - Thank you, sir.

787

788 ... AUDIENCE CLAPPING ...

789

790 Mr. Baka - Good evening.

791

792 Citizen #5 - Good evening. May I give a handout to you, please?

793

794 Mr. Baka - Yes.

795

796 Citizen #5 - Mr. Chair, members of the Commission, good evening. My
797 name is Valerie Acosta. I spoke to you all in May about our concerns in the Coventry

98 neighborhood about the Airbnb that's been operating. I spoke with you about why we do
799 not want an Airbnb in Henrico County; and, tonight I have some very specific questions
800 that relate to some very specific situations on our very small cul-du-sac that's been
801 operating since September of 2015. Since there are so many new people here ... just to
802 give a back story ... unbeknownst to us, our neighbor moved out of her home and began
803 renting her entire home, her house on Airbnb. She converted bedrooms and other parts
804 of her house, put several mattresses in and rented it in excess of 17 people. She had a
805 wedding reception held there for over 75 people, and we're a small cul-du-sac of eight
806 homes. Five of those residents have moved out of Henrico County, since this has
807 happened, because of the disruption ... people coming in and out who have not been
808 spoken to about the rules, people checking in and out day and night. Routinely, we were
809 being awoken early in the morning and late at night with car doors slamming and large
810 groups of people; and, many of those individuals would bring a large number of guests
811 into their home and they were not checked through Airbnb or VRBO.

812
813 In addition, this homeowner rented out her entire house for filming. Three television
814 commercials have been filmed at this residence, and I'd like to mention that after the
815 county closed the Airbnb, she's continued to have filming at that home and I've shared
816 the pictures and I'd like to talk about that in just a moment with you. So, we have had
817 tremendous problems with the Airbnb that's been operating on our street.

818
819 My main purpose for being here this evening is that I want to ensure that if this ordinance
820 is approved, that the efforts that my neighbors who are here with us tonight and myself
821 and my family have gone through to have that Airbnb closed, that it will not reopen. And,
822 in the Notice of Violation that the county issued after the Zoning Commission, it states in
823 there that a short-term rental is not a permitted use in the 1-Family Resident District. That
824 was the reason for the Notice of Violation. If you move forward with this ordinance that is
825 not in effect any longer. There have been egregious violations by this homeowner of
826 county code with regards to virtually everything. So, that was one of my main questions.
827 I ask that your ordinance that you are moving forward with please contain a provision that
828 Airbnb's that have previously been shut down by the Zoning Commission and the Board
829 not to be allowed to reopen; and, if you consider for any reason that they would be allowed
830 to ... that they would have to go before the Board for a Conditional Use Permit but, not
831 be allowed to simply reopen since they have been found in violation.

832
833 My second comment is with regards to enforcement. I mentioned just a moment ago that
834 this homeowner was issued a Notice of Violation because of the many issues that we had
835 on our street and was shut down in January of 2018.

836
837 The last page that you have of the handout that I gave to you is a copy of pictures of the
838 most recent television commercial filming that was going on at that residence on
839 Willagepage Place. This is a picture of our driveway. We were having some siding put
840 on our home but, directly across the street... It's a poor quality picture but, I'd be happy
841 to email this to you. You can clearly see a tripod, a camera, and filming going on.

843 This is a picture of our very small street and the fact that there is absolutely no parking.
844 This picture was taken by our neighbor who was unable to get out of her driveway
845 because she was blocked in, and it was shared with the county. Now, with regards to
846 enforcement, why I'm bringing all this up is that it was mentioned that with regards to
847 enforcement that during the week, homeownership called the county and we did this. We
848 sent these pictures. We called county staff, Mr. Blankinship, Mr. Madrigal, and Mr.
849 Johnson were contacted about this. The pictures were sent to them. We also called
850 Henrico County Police because of the traffic. Many people were not permitted to park in
851 certain areas. Henrico County Police came to the residence. They did not see filming
852 going on but, immediately it was disbanded. Additionally, someone from enforcement, I'm
853 not sure what the proper name of that group, showed up after and because no one
854 witnessed the filming, there was no Notice of Violation. But beyond that, the homeowner
855 who was not present at that time has never been contacted by the county regardless. And
856 that's what I've gotten from Mr. Johnson when I emailed him to say, why has that
857 homeowner still not been told that ... that not to use the residence, not only at this time
858 for an Airbnb because of its Notice of Violation but, you're not to be using it for filming.
859 So, I have very grave and serious concerns about the county's ability to do enforcement.

860

861 There are serious problems going on. We've had numerous ... we literally have been
862 dealing with this for about two and a half to three years before the county shut this down.
863 So, I'm very concerned about the quality of life and safety in our county.

864

865 The next question I'd like to ask ... Is Airbnb in any way giving anything to the county for
866 allowing this practice? VRBO, Airbnb, are there any incentives or anything to the county
867 for doing this? And I go back to ... well, apparently, we haven't even touched the issue
868 of taxes in terms of being a business owner. These are business owners. I'm a small
869 business owner and as far as I have read in the ordinance, this is tax-free money in
870 revenue.

871

872 ... LAUGHTER AND UNTELLIGIBLE COMMENTS FROM THE AUDIENCE ...

873

874 Mr. Baka - Please let the speaker finish her comments at this time.
875 Ma'am, if you can go ahead and summarize your comments at this point.

876

877 Mrs. Acosta - I'd like to also ask that we go into further detail about how
878 Airbnb ... what is the county getting out of changing this code? Thank you.

879

880 Mr. Baka - Thank you very much. Let me ask the Commission are there
881 are any questions of anyone who has spoken? At this time, Mr. Emerson reminds me
882 that we have hit a limit of ten minutes, although I'm going to request that we extend the
883 comment period here to allow the folks who are standing an opportunity to speak.

884

885 Thank you. Thank you for speaking. Sir, will you come forward? Good evening.

886

887 Mr. Emerson - Mr. Chairman, do you have a time you would like to add to ...
888 we're at 14-minutes now, approximately. So would you like to add ...

889
890 Mr. Baka - Time for ... two minutes each for the six or seven people that
891 are standing to comment.

892
893 Mr. Emerson - ok, so twelve minutes.

894
895 Mr. Baka - These folks right here.

896
897 Good evening, sir.

898
899 Citizen #6 - Good evening. I'll keep it short so everybody else has a
900 chance to speak. What I'm going to talk about is on that paper, so I'm not going to talk
901 about it at all. I'm Robert Acosta. I live in Covington subdivision, Three Chopt District.
902 That is my wife that spoke before me. Our experience is from the Airbnb that's in our cul-
903 du-sac and that's where we are basically basing this out of. Obviously, in other parts of
904 Henrico, Airbnb probably is fine. I have no problem with that but, going over the
905 documents that I got from Mr. Madrigal on the ordinance and stuff ... This document that
906 I gave you has some of the things that I'd like to see, in my opinion, I would like to see in
907 the ordinance such as there should be a specific time for check-ins and check-outs for
908 Airbnb's. You know, a certain amount of hours where they can check in and check out
909 because we have had people checking in at all times of the night when they were across
910 the street, and in that small cul-du-sac you hear everything.

911
912 The document, from what I read, doesn't cover the amount of hours of a hosted stay.
913 Someone has to be hosting that stay. The problem is, the person across the street was
914 saying they were hosting the stay place but, they would leave right before the renters
915 showed up and then they would show up right after the renter left. So, they were hosted,
916 but they were never there to host. So, we had all kinds of problems with the renters doing
917 all kinds of stuff while they were there causing problems. So, it was nobody there onsite.

918
919 There was no requirement in there for the host to meet the renters for the hosted stay.
920 There was another problem. She would just leave a key outside her house and the
921 renters could show up anytime of the day and get in the house. There is no mention of
922 the neighborhood being notified via the Registry, and no method in the registry in
923 appealing an Airbnb that's been allowed to work in the neighborhood that's causing
924 problems. There's no remedy in the Registry for neighborhood issues or complaints.
925 There should be something in there that you can go on the Registry and log complaints
926 and stuff and the county can check with and you can provide evidence or something.

927
928 Airbnb's that have already been closed for violating the law or just ignoring Henrico law,
929 if they've already been closed, they should not be allowed to re-register when you allow
930 people to register Airbnb's.

931
932 The Registry, instead of Airbnb having a book in their house saying who's there and what
933 dates they were there, why can't the Registry add that so Airbnb people can just log into

934 that and say I'm renting it for this time period and stuff and you guys can verify whether
935 or not they've had 30-days or not on there. Why do they need to keep a paper document?
936

937 The Registry should be publicly available for safety reasons. My reason for that is we
938 were not notified that Airbnb was across the street. If we had gone on a Registry and
939 saw that, our neighbors across the street are operating an Airbnb, we would not have
940 called the cops one time because we did not know that was the renters looking for the
941 house. They were driving in every driveway in our cul-du-sac trying to find the house.
942 They didn't know where the house was. So, we called the police on them. Because it's
943 like, who are these people? So, you know, that could save some money and time.
944

945 Mr. Baka - Thank you.
946

947 Mr. Acosta - Safety inspections, you covered that. I'm not going to go
948 through the rest of this, because you are cutting back on time. If you get some time,
949 please look through the documents. ... (INAUDIBLE) ...
950

951 Mr. Baka - Thank you, sir. Thank you for your comments.
952

953 Citizen #7 - Good evening. Thank you all for taking the time to hear our
954 comments. I hope that these people will be given a chance to speak as well. I have two
955 principal concerns.
956

957 Mr. Baka - And your name, sir?
958

959 Citizen #7 - My name is Adam Borne. I live at 5302 Monument Avenue. I
960 have two principal concerns. One, I'm concerned about the notion that we should create
961 a public Registry that documents that my house is periodically unoccupied. That seems
962 to be a safety concern. I, vehemently, oppose the idea that I should be required to publicly
963 provide my name to anybody who wishes to look at my property and see who lives there.
964 I don't agree with that. My second concern is the notion that I should be required to get
965 a Conditional Use Permit. And, I don't know about everyone else's experience with Airbnb
966 but, we use it when we travel to rent our house out so that when we are gone, people can
967 enjoy the great County of Henrico and the City of Richmond when we are not there. It's a
968 good tax benefit for both the county and City of Richmond, and I really don't understand
969 what the concern is here. Every time I've come back to my home, it's been cleaner than
970 when I left it. I've never had an issue. If you are concerned about noise and safety, we
971 have police for that. We have existing statutes for noise complaints, regarding animals,
972 regarding all the things being covered in this regulation.
973

974
975 The idea that we need to control what individual person is in the home or how many
976 people are in the home just seems unnecessary to me. If there are problem people, the
977 people these two previous people mentioned, great, let's take care of that. I have no
978 issue with that. If you want to create a not allow Airbnb because they're filming whatever
979 they are filming in there, in that house ... so be it. But the idea that I can't rent my house

80 out while I'm on vacation, it just seems insane to me. That's all I have to say. Thank you
981 for your time.

982

983 Mr. Baka - Thank you, sir. Thank you for your comments.

984

985 ... AUDIENCE CLAPPING ...

986

987 Mr. Baka - Evening.

988

989 Citizen #8 - Hello, Elizabeth Smith, 8505 Layne Avenue and I thank you
990 for the extra time. First, I want to say to the Coventry neighborhood, I'm very sorry that
991 that's happened and it's unfortunate. I wish it didn't happen but, I think those are things
992 that could have happened with or without Airbnb. It would be a shame to reduce good
993 upstanding citizens' ability to produce income for their families because of one, or a few
994 bad actors.

995

996 We've heard a little bit about noise complaints and complaints from neighbors, and I'd be
997 curious if there is data to show number of complaints for Airbnb's and compares that to
998 the number of complaints for non-Airbnb.

999

1000 ... AUDIENCE LAUGHTER ...

1001

1002 Ms. Smith - Because I've definitely lived in neighborhoods in Henrico where there
1003 were plenty of complaints, frequently, with my neighbors that were legally renting and
1004 owning their homes as well. I don't think that Airbnb is the actual cause of that issue.

1005

1006 Something else to consider, is that many people are actually employed in the service of
1007 making Airbnb a nice place to stay. For many people that own Airbnb's, they don't do all
1008 of their own cleaning, photography, staging, all these kinds of things. And, a good friend
1009 of mine, she's actually a single mom, wonderful person and with her situation, it's very
1010 hard to keep a steady hourly-type job with her childcare situation but, she can work
1011 Airbnb's and help clean and do that and pay the bills for her family.

1012

1013 And then finally, I think the first gentleman mentioned freedom and that is really the issue
1014 that appears to me. I believe that we should have the freedom to be able to allow guests
1015 into our homes if we want to. Whether they are family members or friends or whether or
1016 not they are future friends that are paying us for the right to stay there. I think that should
1017 be a freedom that we should have. And all of these issues of people misusing
1018 neighborhoods could happen with or without them being there paying for the right to stay
1019 for a few days.

1020

1021 Additionally, the 30-day rule is ... and that would decimate people's Airbnb income. The
1022 people I know that do Airbnb's have their extra bedroom rented out almost constantly. So
1023 to go from, you know, 300 to 350 days a year down to 30 days would completely wipe out
1024 their income. So, thank you for your time.

1025

1026 Mr. Baka - Thank you.

1027

1028 ... AUDIENCE CLAPPING ...

1029

1030 Mr. Baka - Thank you for your comments.

1031

1032 Good evening and welcome. We'd like to hear from you and the four people also behind
1033 you. Welcome.

1034

1035 Citizen #9 - Hi, my name is Rosie Young. I live at 2807 Darnell Road in
1036 Henrico in the Brookland District and I am a host on Airbnb. And, I will tell you, I was
1037 nervous when I started. We'd had renters renting a room in our house and when they left
1038 they left, the house in such bad shape after less than a year and violating their lease in
1039 multiple ways where I had to spend, just hours and hours doing more work than I can
1040 possibly describe just resetting the space, re-patching the paint and holes in the walls
1041 from regular sublease renters that were living in our home with us. And, I was nervous
1042 going to Airbnb. I didn't know who was going to be there, who would be living with us. I
1043 will tell you I have met the most wonderful people. I have gained friendships and I have
1044 gained so much more than a sense of community with how wonderful our guests have
1045 been. And, I have had them over for dinner. I have done things out in the community with
1046 them, and just for fun because I truly actually like them and, they typically leave my house
1047 so clean. It's really, really great and that ... I have neighbors who own their homes and
1048 they cause disruptions, and just double-park in the cul-du-sac all the time and my guest
1049 never do that. There are specific rules. Each home can have a policy on Airbnb and I tell
1050 all of my guest, please respect the noise, please respect my neighbors, and be very
1051 cautious of the noise when you are outside in the evening hours. You can have quiet
1052 hours in your stay and house rules that Airbnb will back you up on in your listing. So,
1053 those things are really helpful but, to say that we can only have 30-days or, you know,
1054 four per year ... that's just ... I mean it's really taking a big sledge hammer to small
1055 business for ... Who are we benefiting here? Like one or two people that might have a
1056 difficulty. I mean, the HOA would typically take care of and really we are giving the
1057 preference to the hotels. The big business is really the one threatened by this. When
1058 these small businesses' families, and single moms, and single dads, and retired people
1059 are trying to earn to take care of their families and loved ones and provide financial
1060 stability for themselves are really ... we don't want to be in a county that says we don't
1061 want small business. We want to make sure we are giving the preference to these big
1062 hotels over these small businesses that are run by families. So, thank you guys.

1063

1064 Mr. Baka - Thank you very much.

1065

1066 ... (AUDIENCE CLAPPING) ...

1067

1068 Mr. Baka - There are four speakers remaining, I encourage you if you
1069 could try to keep your comments very brief.

1070

71 Citizen #10 - I'll try to be very brief. My name is Victor Hines, Jr. I live at
1072 10621 Falconbridge Drive in the Tuckahoe District. I became concerned and attended
1073 the meeting tonight when I read a neighborhood blog where people are trying to just
1074 completely stop the use of Short-Term Rentals. And, I think ... when I sat here and
1075 listened to the ordinance it seems pretty reasonable to me except the length of ... the 30-
1076 day limit really would hurt a lot of the people that are doing Short-Term Rentals, as they
1077 have been described, would be pretty much out of business. But, I did want to remind the
1078 citizens that in some research I've done is if we did what they wanted and completely
1079 outlawed Short-Term Rentals, the county would be sued. Right now, a federal judge
1080 issued an injunction against New York ... New York City which had severe limitations on
1081 Airbnb's. There are pending lawsuits in Florida, and I think the best solution is similar to
1082 the one that you've outlined, which is reasonable regulations that will prevent the kinds of
1083 horror stories we have heard tonight and still allow citizens the right to run their own
1084 private little enterprise and earn extra money. Thank you.

1085

1086 Mr. Baka - Thank you for your comments.

1087

1088 Welcome, good evening.

1089

1090 Citizen #11- Hi there. My name is Mike Patterson. I reside at 9502
1091 Pineshadow Drive, Richmond, Virginia 23238. Um ... you know, the opposition that we've
1092 heard tonight, I've heard those stories before from neighbors, renters. It's not like an
1093 Airbnb thing. Right? I have neighbors who are awful; they are such a total nightmare. I
1094 want you guys to look at the facts. Let's look at the facts. The facts are, there is high
1095 demand from out of town visitors for rental, for residential short stay options in Henrico.
1096 It's high demand. What are we doing about that? Are we going to outlaw them and send
1097 them all to Richmond City? You know, or Hanover ... to counties who are taking more
1098 progressive stances? It reminds me of New York City when the taxi cabs were trying to
1099 ban Uber and the consumers want it. The consumers want Uber. You can't fight it. The
1100 consumers want Airbnb. Be responsible with it but, recognize that they want it.

1101

1102 The second fact is ... this opportunity puts money into the pockets of hard-working
1103 Henrico families and not big corporate hotel chains.

1104

1105 ... (AUDIENCE CLAPPING) ...

1106

1107 And then thirdly I want to say this is how many people provide for their families, including
1108 ours. My wife goes over twice a week and she cleans up after these people.

1109

1110 The last point I'll make is the Airbnb guests are under the same rules and laws as
1111 homeowners or long-term tenants. And, Airbnb guests as opposed to them are actually
1112 incentivized to abide by house rules and treat their property and neighborhood with
1113 respect. Because if you don't, and I come in, I'm going to leave you a negative review.
1114 Just like on EBay, right? Which you find on EBay. If they come in and I get calls about
1115 them, and they trash my house then I'm going to leave them a negative review, no one
1116 else is going to rent to those people. We come across them all the time.

1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162

Mr. Baka - Right.

Mr. Patterson - People request to stay at our house, we look at their reviews, whoa! No, no, no, no, no. We're get calls about you. So, there's actually incentives for people to do that. The same accountability cannot be said ... We have 20 rental properties, one Airbnb. Our Airbnb property tenants take such better care of every other 20 rental properties that we own, by far. I mean, the last thing I would say is at the gentleman, this is my property. This is my property. I pay real estate taxes on this property. I pay income, I report the income that I make on this Airbnb property. I pay income taxes on that. Both of these go to the property, to the ... I'm sorry, to the county. And, I understand there needs to be rules ... and we abide by the rules, and that's fine. But some of the rules that are out there are a little crazy, particularly the 30-day ... but also the requirement that it be your primary residence. Primary residence should not be required either. We bought the house next to us. It's perfect. It's great. And it was dilapidated. We increased the property values by fixing it up, and now we keep an eye on it and my wife is able to walk next door and clean it. So, there is a lot of anecdotal opinions out there but, when you look at the facts, it's a no-brainer to make Airbnb legal in Henrico County. Thank you very much.

... (AUDIENCE CLAPPING) ...

Mr. Baka - Thank you for your comments.

Welcome. Two final speakers here tonight.

Citizen #12 - Hi, my name is Jocelyn Senn. I live at 2 San Ramon Way, Henrico, Virginia in the Varina District. I have worked my entire life to build a house on the river. You know I bought it 25 years ago when it was pretty much agricultural. I spent a year hauling trash off this property, upgrading this ... you know ... area and now all the properties around me have gotten so expensive ... you know ... my property taxes are actually becoming almost as much as my mortgage. So, for me ... you know ... I would like to retire one day and not have to pay this absorbent amount of taxes because this area has gotten so expensive ... and I have rented my place on Airbnb. It's been a great experience. I live on 17 1/2 acres, so it's very private. You know, I'm surrounded by the Battlefields, the Capital Trail, the Marinas, the ??? Tournaments, it's close to downtown ... the breweries. Those things don't just happen in a 30-day window. People come to the battlefield parks every day, you know, or to go fishing ... or cat fishing on the river or ride bikes. So, you know, so why should we limit this experience to 30-days? People come to my place because it is an experience. So, I think 30-days is absolutely unreasonable. I can't pay my property taxes on that. A 30-day rental? And, I can't tell you how many wonderful people I've met from around the world that come there to do races or boating, a number of things. The other thing is, for me, it says yeah, you have to live in the house ... well, I bought my neighbor's house next door. I don't necessarily want people in my house, you know. But they can stay in my neighbor's house, which I have renovated it. It was completely dilapidated for 20 years. It was in falling down condition So, I bought

1163 it and renovated it to keep development at bay. So, I don't have a bunch of crappy houses
1164 built all around there. So, I don't see why I can't rent that house that I own that is attached
1165 to my property just because I don't live in that particular house. The other thing is I own a
1166 house boat. You know, it's a 30, 40-ft. house boat that I renovated that's on my pier.
1167 Again, speaking to the experience, people come to my place to experience the river and
1168 all it has to offer. So, why can't I rent a house boat to a guest ... you know ... it's tied up,
1169 there's safety equipment on that boat. Like ... do I have to live there on that boat with
1170 them?

1171

1172 ... (AUDIENCE LAUGHTER) ...

1173

1174 You know ... anyway ... that is, I think that my point is 30-days is not reasonable for the
1175 amount of experiences we have in the Varina District. And two, if they want to sleep in a
1176 barn or a camper on the land that is very private, or sleep on a house boat ... Why
1177 shouldn't they be allowed to?

1178

1179 Audience Member or a treehouse

1180

1181 Ms. Senn - or a treehouse

1182

1183 Mr. Baka - Thank you for your comments.

1184

1185 Ms. Senn - Yeah, thank you.

1186

1187 Mr. Baka - Welcome. Good evening, sir.

1188

1189 Citizen #13 - Hi. Bill Rogers. I have a Short-Term Rental property and I
1190 was, if you may remember, I was the one who was here in May, the only one. And I spoke
1191 to most of these issues that many of these Airbnb people discussed. I won't go into details.
1192 I think they have done a good job. I am not opposed to the regulations and ordinances.
1193 But it seems like something's happened since May where it's evolved in a more strict
1194 direction from what was in May and it concerns me. I've been in touch with Mr.
1195 Blankinship and Mr. ... I'm sorry, I can't pronounce your name.

1196

1197 Mr. Madrigal - Madrigal.

1198

1199 Mr. Rogers - Mr. Madrigal and they have been extremely cooperative in
1200 answering my questions via email. I've also offered to be more involved and I haven't
1201 been taken up on that. I feel like there should be some sort of a community group or
1202 subcommittee from the district who would get more involved from the community point of
1203 view. Maybe appointed by each person in the district who would get more involved from
1204 a community point of view and flush out some of the experiences that we have. The
1205 experiences for 95% of the time are excellent in dealing with these people who come to
1206 visit ... and I won't go into it but, I think they did done a good job.

1207

1208 A couple of issues that have evolved that I'd like to just bring out and ask questions about.
1209 One is, I think there is a difference between an Airbnb single room or room rental and a
1210 whole house rental; and, I think the county should address those a little more
1211 independently, instead of trying to group them into a couple of paragraphs because they
1212 are distinctly different.
1213

1214 After reading this ordinance, I have a hard time understanding what an unhosted stay is
1215 if it's my primary residence, and I'd like to understand more about what that entails. Does
1216 that mean that, for instance, I have a four bedroom house that I've been renting to up to
1217 eight people and it's my primary residence? I travel a lot. I'm not always there. I have
1218 someone responsible nearby to answer questions but is that an unhosted rental or is that
1219 a hosted rental? Unhosted? I'm not sure. Because if it's my primary residence and I'm
1220 traveling, it's still my residence. I have people responsible. My point is that I don't
1221 understand exactly what an unhosted rental is. And then ... now there is a six person
1222 limit. In May, there wasn't a six person limit. There was a provision for more people and
1223 I said I had a four-bedroom house. I feel like, at the very least, you should allow two
1224 people per bedroom in a house.
1225

1226 Audience Member - Yep.
1227

1228 Mr. Rogers - And if someone had a five-bedroom house, I would
1229 think ten. I think I have one of the sixteen houses in Henrico County that offer more than
1230 eight or more people hosted. And that's not very many, and I think we do a pretty good
1231 job of hosting. And again, I'm not opposed to regulation but, I think we should be more
1232 involved. I feel like, somehow, the county has hired a consultant and things have gotten
1233 strict.
1234

1235 Mr. Baka - Thank you. Thank you for your comments ...
1236 (INAUDIBLE) ...
1237

1238 ... (AUDIENCE CLAPPING) ...
1239

1240 Mr. Baka - This concludes our Public Hearing and at this time, the motion
1241 that serves for Mr. Emerson to close a Public Hearing...
1242

1243 Mr. Emerson - Yes that would be appropriate I believe.
1244

1245 Mr. Baka - So, after receiving this comment and multiple emails and
1246 multiple letters prior to meeting, you people will still have the opportunity submit your
1247 emails and letters after this meeting. Is there a motion to close the public hearing on this
1248 matter tonight?
1249

1250 Mr. Witte - So moved.
1251

1252 Mr. Baka - A motion by Mr. Witte and second by Mr. Archer to close the
1253 Public Hearing tonight on this. All those in favor, say aye.

1254
1255 The Commission - Aye.
1256
1257 Mr. Baka - Opposed, say no. Motion carries.
1258
1259 I do have a couple brief questions for staff. I know we need to move on to a number of
1260 other cases, and then make a motion on this case also but, Mr. Madrigal, I have a couple
1261 of brief questions.
1262
1263 Briefly, R- one or two or three or four, the different residential zoning designations with
1264 different minimum lot sizes? Is that correct? That's already characterized?
1265
1266 Mr. Madrigal - Yes, sir, that is correct.
1267
1268 Mr. Baka - And your single-family residences in RTH, which is a
1269 residential townhouse, a UMU Urban Mixed-Use, those are higher density residential
1270 zoning districts. And this proposed ordinance ...this is a proposal. This proposed
1271 ordinance does not allow for the same provisions in those higher density units?
1272
1273 Mr. Madrigal - That's correct. Yes, sir.
1274
1275 Mr. Baka - Ok. The notice from the May 2018 hearing ... Who was that
1276 notice sent to? I realize we have a much larger group here tonight due, in part, to
1277 spreading the word.
1278
1279 Mr. Madrigal - At that time, we sent notices out to the people who had shown
1280 interest in this regulation.
1281
1282 ... AUDIENCE DISRUPTION ...
1283
1284 Mr. Archer - Please. Please folks.
1285
1286 Mr. Emerson - I'll be happy to address that. The ordinance was advertised
1287 per state code in the newspaper of record. It also was on our website. It was on our
1288 Facebook site. We did everything we could to encourage participation in that code. We
1289 took the extra step because we only had two participants in that Public Hearing and hired
1290 a consultant that could navigate the internet with their format to find you so we could direct
1291 mail you. So, there was no action taken that night. We took the extra step to gain your
1292 input. There was no effort to exclude anyone. This has been an inclusive process. That
1293 was the reason for the delay and the mailing, and the state code was followed
1294 appropriately in terms of notification.
1295
1296 Mrs. Thornton - Thank you.
1297
1298 Mr. Baka - Thank you. I appreciate that. Mr. Madrigal, I want to combine
1299 two questions. I heard one earlier in the night and one towards the end. If I were to leave

1300 a key outside my house and go somewhere else, under this proposed ordinance ... I
1301 realize this is just a draft ordinance, proposed ordinance ... Is that considered a hosted
1302 stay or an unhosted stay if I leave a key for someone and I'm not there while they are
1303 renting?

1304
1305 Mr. Madrigal - I couldn't answer that. I mean, really, a hosted stay is when
1306 the host is present during the rental. An unhosted stay is when the person is not present,
1307 at all, during the rental. So that's the distinction. You know, it could be that a hosted stay
1308 ... (INAUDIBLE) ... the host may say I will not be there when you check in but, says I will
1309 be there later in the evening. Then I would say yes, that's a hosted stay. Because the
1310 host isn't going to be there all weekend, and the rental is for the weekend, then that ends
1311 up being a unhosted stay.

1312
1313 Mr. Baka - Thank you. Those are the remainder of the questions I have.
1314 Do other members of the Commission have any questions of staff?

1315
1316 Mr. Witte - I have a comment. I've been to an Airbnb and had a wonderful
1317 experience. I have my own properties and in essence, if I wanted to, I could ruin a cul-du-
1318 sac. I can make all my residences just Airbnb's, except for one or two that I don't own,
1319 and bring all these strangers in and how would the people feel that have kids that want to
1320 play in the cul-du-sac when they've got all these strangers in every week, every night,
1321 whatever? It's a safety concern for me. So, there has to be some regulations.

1322
1323 The property rights issue, nothing better than this country and in this county, because we
1324 have property rights that we have controls on. You don't want your back door neighbor,
1325 at two o'clock in the morning, shooting at a tree in his house ... (INAUDIBLE) ... aimed
1326 at your house. Because we have rights to shoot our guns... (UNINTELLIGIBLE)
1327 Property rights are like everything else. ... (INAUDIBLE) ... restrictions for common
1328 sense. You just can't eliminate property rights. So, there's a lot going on with this.

1329
1330 This is a big deal. A lot of people were loud and boisterous about it and I understand that.
1331 I'd probably be too. ... (UNINTELLIGIBLE) ... What I was trying to do was make it right for
1332 the most people under the best circumstances to continue the Henrico way of life. And
1333 not to wipe out any private owners. I mean ... most people don't know but for years,
1334 Henrico County had over 50% of the hotels in the whole central area, and there's a
1335 shortage. There's a shortage most of the time. We need the Airbnb's but, we don't want
1336 to ruin neighborhoods. We don't want to cause any danger. There's got to be ways to
1337 work it out, and everybody's input is important in doing that but, getting loud and rowdy is
1338 not the way to do it. Let's use common sense, look at it from both sides. Don't look at it
1339 just from your side. I own 20 houses. Ok, well I don't quite own 20 but, I got a few. I'm
1340 not going to subject the neighbors in those houses to strangers every weekend because
1341 they got kids. Now that's my preference. That's my preference. That doesn't have to be
1342 everybody's preference. Anyway, I'm just saying look at everything from both sides of the
1343 street. There is good to be had on both sides. There is bad to be had on both sides. So,
1344 let's minimize it and make it the best we can for everybody. I'm sorry I took your time but,
1345 I had to say that.

46
1347 ... (AUDIENCE CLAPPING)
1348
1349 Mr. Archer - Mr. Chairman, May I make a comment also?
1350
1351 Mr. Baka - Yes.
1352
1353 Mr. Archer - I was trying to count pros and cons while you were sitting
1354 there, and by my count, we had ten pros, two cons, and one person I couldn't determine
1355 ... (INAUDIBLE) ... there were a myriad of comments that were made. Everybody had
1356 their own story to tell. All the stories are different. People who had horror stories to tell I
1357 don't think they would be very much impressed by those who did not. It doesn't mean that
1358 they don't have the right to say whatever it is they want to say.
1359
1360 Going through this process is not something that's easy. Staff has spent a lot of time on
1361 this and we've spent a lot of time listening to them trying to figure out how to make this all
1362 work. It's good that you all came out tonight so that we could hear what you had to say.
1363 Sometimes it was loud but, at the same time, we've got to reach a logical conclusion at
1364 some point in time. And, right now, we don't really know what that is or what the resolution
1365 is going to be. If you were to just count the beans, then the pros tonight would be way
1366 ahead of the cons. But that doesn't mean that folks that are against it don't have the
1367 same equal rights. So, you know, bear with us. We'll get there. We need your help and
1368 we need your participation. But ... as Mr. Witte says, it's not always the loudest man that
1369 gets the ... (INAUDIBLE).... So, work with us and we will try our best to work with you.
1370 Thank you.
1371
1372 ... (AUDIENCE CLAPPING)
1373
1374 Mr. Baka - And I would like to ... (INAUDIBLE) ... Mr. Archer's
1375 comments. The Commission is very fortunate to receive your feedback and comments
1376 here tonight ... very candid and frank comments from many people directly affected on
1377 all sides of the issue. These are complex questions, to say the least. I encourage you to
1378 send emails and follow-up ... emails, comments, letters to the Planning staff, Mr.
1379 Madrigal, in particular.
1380
1381 At this point, are there any other questions or comments from the Board ... the
1382 Commission? Does the Commission wish to make any type of motion on this case
1383 tonight?
1384
1385 Mr. Archer - Are we going to have another hearing on this?
1386
1387 Mr. Emerson - I'm sorry...
1388
1389 Mr. Archer - Are we to have another hearing on this?
1390

1391 Mr. Emerson - Well, you closed your public hearing on this. Certainly, you
1392 could schedule another one on this if you chose to. What you may want to do is defer
1393 the action for consideration but, you have closed your Public Hearing.
1394

1395 Mr. Archer - I suppose it would be good to set aside the Short-Term Rental
1396 to defer any action for maybe 60 days.
1397

1398 Mr. Emerson - You could do that, yes, sir.
1399

1400 Mr. Baka - So now, staff has time to ...
1401

1402 Mr. Archer - Right.
1403

1404 Mr. Baka - ... to work through the ordinance questions.
1405

1406 Mr. Emerson - We certainly received a lot of constructive input.
1407

1408 Mr. Witte - I'll second it.
1409

1410 Mr. Baka - OK.
1411

1412 Mr. Emerson - 60 days?
1413

1414 Mr. Baka - Is that a formal motion?
1415

1416 Mr. Archer - I call it a motion, yeah.
1417

1418 Mr. Witte - And, I second.
1419

1420 Ms. Thornton - 60 days?
1421

1422 Mr. Baka - 60 days. Do we have a motion to clarify the motion by Mr.
1423 Archer and seconded by Mr. Witte is to defer consideration of voting on this matter for a
1424 60-day time period to the March ...
1425

1426 Mr. Emerson - March 14th
1427

1428 Mr. Baka - March 14th Planning Commission Meeting to allow for
1429 additional time input and additional time for revisions for staff on the ordinance.
1430

1431 Mr. Witte - So be it.
1432

1433 Mr. Baka - I need discussion on that motion.
1434

1435 Mr. Witte - Just to let everyone know, after the Planning Commission
1436 finishes with this, it still goes to the Board of Supervisors for the final decision on anything.
1437 So, this isn't the end.
1438
1439 Mr. Baka - This is the beginning.
1440
1441 Mr. Witte - This has got a ways to go.
1442
1443 Mr. Baka - Any other questions about the motion?
1444
1445 Mr. Emerson - Hold on one second, I've got to verify the date.
1446
1447 ... (INAUDIBLE) ...
1448
1449 Mr. Archer - Fourteenth, I believe.
1450
1451 Mr. Emerson - ... (INAUDIBLE) ...
1452
1453 Mr. Archer - Sixty days.
1454
1455 ... (INAUDIBLE) ...
1456
1457 Mr. Emerson - I just wanted to make sure.
1458
1459 Mr. Baka - I believe that's Thursday, March 14th.
1460
1461 Mr. Emerson - Of course there is ...
1462
1463 Mr. Baka - Yeah.
1464
1465 Ms. Thornton - Yep.
1466
1467 Mr. Baka - so that's the motion.
1468
1469 Mr. Witte - It's over with.
1470
1471 Mr. Baka - All those in favor of the motion, say aye.
1472
1473 The Commission - Aye.
1474
1475 Mr. Baka - Motion carries. This case is deferred for 60 days.
1476
1477 Mr. Archer - Ok, we didn't hide the date. It's March 14th.
1478
1479 ... (AUDIENCE LAUGHTER) ...
1480

1481 Mr. Baka - Thank you everyone for your comments tonight. Thank you
1482 very much.

1483
1484 ... (LOTS OF BACKGROUND NOISE) ...

1485
1486 Mr. Baka - We need to call a recess.

1487
1488 ... (LOTS OF BACKGROUND NOISE) ...

1489
1490 **THE PLANNING COMMISSION RECONVENED FROM A BRIEF RECESS.**

1491
1492 Mr. Baka - We'll continue with the next case. I ask the Planning
1493 Commission to come back and take their seats. Please feel free to converse further in the
1494 hallway.

1495
1496 Mr. Emerson - Mr. Chairman, we've now been brought to the next item on
1497 your agenda which appears on page 2.

1498
1499 **Glen Allen Small Area Study – Comprehensive Plan Amendment:** The Planning
1500 Commission will receive public input and consider an amendment to the 2026
1501 Comprehensive Plan to designate the study area of the Glen Allen Small Area Study as
1502 a Special Focus Area and to change the recommended future land use classifications on
1503 select parcels in the study area from Suburban Residential 1 to Government and
1504 Commercial Concentration. The study area generally consists of the following properties:
1505 2851-3017, 3024, 3028, and 3032 Mountain Road, 10728-10791 Old Washington
1506 Highway, 10710 John Cussons Drive, 2760 Peace Lane, 10598-10710 Purcell Road,
1507 2700-2717 Bowles Lane, 10510-10630 Jordan Drive, and parcels 769-768-8344, 770-
1508 767-7982, 770-767-8401, 771-769-3907, 771-766-9344, and 772-766-1763.

1509
1510 The staff report will be presented by Mr. Seth Humphreys.

1511
1512 Mr. Baka - Welcome. Good evening.

1513
1514 Mr. Humphreys - Thank you, Mr. Chairman, members of the Planning
1515 Commission.

1516
1517 I wanted to come here and talk to you again and review the history and contents of the
1518 Study. So, tonight here, and with the public I wanted to go over the comments that we
1519 had received and kind of where we are in the process.

1520
1521 We did hold, on December 4th, an Open House as requested by the Planning Commission
1522 at their November 8th meeting. That was at the Cultural Arts Center. We had
1523 approximately 40 people there. Tonight, on January 10th we are continuing our Planning
1524 Commission Public Hearing.

1525

1526 We do have a website for this project and as I mentioned before, when we set up the
1527 notifications for the November 8th Public Hearing, activity on the survey on the site started
1528 to pick up again. So, we wanted to break some of those comments out and report to you
1529 on those comments. Since the notices went out ...we've got this ... The general topics
1530 people are talking about when filling out the survey include traffic in general, pedestrian
1531 and bike infrastructure, commercial uses including the Dollar General. Some people
1532 specifically mentioned that ... historic sites and preservation, and the small town and rural
1533 character of the area and preservation of it.

1534

1535 Then specifically to the Open House that we had, we had 40+ attendees including elected
1536 and appointed officials. We held it at the Glen Allen Cultural Arts Center in the middle of
1537 the Study area.

1538

1539 From our exit surveys, people had a keen interest in the zoning. As you will see, that's in
1540 the graph to the right. A few had interest in the zoning and future land use for the area,
1541 or what could happen. We heard, repeatedly, in the exit survey and in verbal comments,
1542 that people did not want another Dollar General; and that they wanted to preserve the
1543 existing character of the area. Many people also mentioned a pedestrian bike
1544 infrastructure; and also, the Overlay District was perhaps the biggest topic actually
1545 discussed at the Open House, both the contents and the extent of the overlay were
1546 questioned. However, as that is not up for adoption currently, we will not go into that in
1547 as much detail tonight.

1548

1549 Overall, we heard largely positive comments on our efforts to protect the character of the
1550 area through the recommended actions; and, we will continue to communicate with both
1551 you and the citizens regarding details of those recommendations as they continue to
1552 come in over time. All this continues to similar trends with what we saw at the first Open
1553 House about a year and a half ago, August 2017.

1554

1555 Specifically, I want to get into some of the responses and some of the comments that we
1556 got and give some of the responses to those to maybe clear up some misconceptions
1557 and some of these other things.

1558

1559 So, we got the comment about too much urban infrastructure ruining the rural character
1560 of Glen Allen and that they didn't want curb and gutter and crosswalks. There are
1561 differences of opinions, and what we would say to that is in the document would remove
1562 just the word infrastructure when that appears. Our intention was not to make Glen Allen
1563 urban. The intent with this whole study was to maintain the rural village character such
1564 as the ditches on the side of the road ... the ditch cross sections. They do give that rural
1565 character and we don't want to do curb and gutter unless it was absolutely necessary for
1566 some safety reason. So, perhaps removing the word ... individual word ... infrastructure
1567 and be more descriptive where that is being referenced which would be better ... So,
1568 that's one of the things we had there.

1569

1570 The pedestrian bicycle facilities ... we have extensive comments of people wanting ... um
1571 ... concerns both about their own safety and the safety of others that are using this like

1572 Route 1 and some of the other major roadways. And when walking to and from different
1573 places within there ... so, as we have this ... but we did also have ... what's the other
1574 side of the story where people did not want those things. They were concerned about
1575 taking up the front of their property, that type of stuff.

1576

1577 So, in terms of pedestrian bicycle facilities desired, we did have more on the desire side
1578 than the other side but, in general, I think the attitude we are taking towards this is to
1579 insure that any future facilities developed or planned for in a manner that would be
1580 consistent with the rural character of the area. They should be addressed in terms of that
1581 manner in terms of the right materials, general locations ... that type of thing. Now in the
1582 Study, in the context of the rural character.

1583

1584 We did introduce some new things to pay for some of those items that may be desired,
1585 Sanitary Districts. We heard a lot of people don't want that and that's fine. That was only
1586 an option of what could be done.

1587

1588 Tourism zones ... People had questions about Tourism Zones. That is an item that we
1589 thought would help, or potentially help the businesses in the area, both current and future,
1590 to capitalize on the sports tourism and cultural tourism of the area whereby it operates
1591 kind of like an Enterprise Zone. They can get grants and that type of thing, and it also
1592 helps with the Cultural Arts Center and any improvements that they want to make.

1593

1594 That brings us to the Cultural Arts Center. We only had positives. So I think we hear loud
1595 and clear everyone likes the Cultural Arts Center ... and I think we're going to continue to
1596 bring that into the community and I think the community likes it and we'll bring it in better.

1597

1598 The Overlay District, we did have a lot of comments on that. That's probably the biggest
1599 thing because people are concerned about what could go on those commercial properties
1600 both that are already zoned or that could be zoned ... and are already developed or ...
1601 you know, it could be redeveloped. So, that is something that would address those. We
1602 are not recommending that we go forward with that at this time. That would be a future
1603 item but, we are keeping that ... we do want to keep that recommendation that the Overlay
1604 District would happen in some fashion but, at the same time we also want to work with
1605 the existing business owners who have expressed, or property owners who have
1606 expressed concerns about their rights and property rights much as the previous
1607 discussion that we just had. And, we want to keep the recommendation that the Overlay
1608 District provide a greater flexibility for potential redevelopment of properties. The Overlay
1609 District can do two things, it can both restrict uses, but, it can also reduce regulations in
1610 terms of setbacks and reflect the existing development pattern and also provide
1611 opportunities for new uses that could be an incentive to develop, ah... or redevelop
1612 properties.

1613

1614 So, that was all that I had for you this evening. If you have any questions, I'd be happy to
1615 answer them at this time.

1616

1617 Mr. Baka - Any questions of staff? Seeing none, thank you. Thank you
1618 Mr. Humphreys.

1619
1620 At this time, we'd like to open the Public Hearing for the Glen Allen Small Area Study. Is
1621 there anyone present who would like to speak regarding this proposed amendment to the
1622 Comprehensive Plan? Could you please come forward and say your name.

1623
1624 Good evening.

1625
1626 Citizen - Hi, I'm Patricia Bahen and my husband Joe is with me. We
1627 live at 9529 Hagan Road in the Brookland District. We are both life-long Henrico residents.
1628 We were born and raised here.

1629
1630 My comments about this Study is purely sentimental. I went to Glen Allen Elementary
1631 School and what is now called the Cultural Arts Center. My husband and I got married at
1632 the Cultural Arts Center, and I grew up in a house across the street from what was then
1633 called Glen Allen Elementary School. That house has since burned down, several
1634 decades ago and another one built. I do not want the area to be too commercialized or
1635 too much industry. I like the small town, small village feel there. And, I love that Dollar
1636 General, I'm sorry.

1637
1638 ... (BACKGROUND LAUGHTER) ...

1639
1640 But, I do. I love that Dollar General and now that our children are grown, we don't frequent
1641 the parks at all, that sort of thing like we did. But, I do want to see that area stay pretty
1642 much as it is. You know, I appreciate progress and taking care of things. But, I even got
1643 drink bottles out of the ditches to take them to Glen Allen Supermarket to get a nickel for
1644 each bottle. So, Chuck Allen said "don't bring me anymore of those dirty bottles." So, we
1645 couldn't do that anymore. So, as I said, it's surely sentimental. I want it to be taken care
1646 of, but not too progressive.

1647
1648 Mr. Baka - Ok, thank you.

1649
1650 Ms. Bahen - Thank you.

1651
1652 Mr. Witte - Thank you, Ma'am.

1653
1654 Mr. Baka - Anyone else present who would like to speak? Please come
1655 forward.

1656
1657 Citizen - Good evening.

1658
1659 Mr. Baka - Welcome.

1660
1661 Citizen - Thank you. My name is Randall Moseley. I live at 10700
1662 Purcell Road; lived there for 15 years. Great area! I've raised two sets of children ... 18,

1663 19, 20, and college; and, working and doing all that ... and then backed up with a nine
1664 year old. ... (LAUGHTER) ... That's right, call me crazy but, what I will say is the area is
1665 certainly historic and we love the area and that's what drew us to the location. Nice bit of
1666 property, nice 1937 old-style farmhouse. But, what it does limit, at least for children in the
1667 area, is the ability to travel from ... say my location on Purcell Road with only ditches that
1668 are filled, occasionally, glass bottles that we pick out but, not nearly as much. To even
1669 across the street, the road has zero shoulder on it. What it does have is low ditches, and
1670 a fall off the ditch with, you know, a driver who's not paying a lot of attention creates quite
1671 a havoc. We've had ... I can't tell you how many accidents we've had in front of our house,
1672 in our yard, neighbor's yard and it limits us in allowing our children to go anywhere else.
1673 But, without a doubt, they do ride around in the area. They ride on bicycles once they get
1674 old enough and they do travel. So, I'm here to say that keeping the l... there has to be
1675 some sort of compromise between keeping the place and the history that it has and then
1676 allowing travel, safe travel whether it walking or it's a bike and walk path, Whether it's
1677 something beside the road ... not even attached to the road. Obviously, we have a
1678 railroad track to contend with, going over, under, or past. But, there's plenty of areas in
1679 the Glen Allen area that I think could use a little more ability for transportation by foot and
1680 by bike. Thank you.

1681
1682 Mr. Baka - Thank you.

1683
1684 Welcome.

1685
1686 Citizen - Good evening. My name is Daniel Lisbon. L-I-S-B-O-N. 10905
1687 Hunting Hollow Court, Glen Allen.

1688
1689 I'm just trying to understand a little bit better about the Study, concerning the commercial
1690 side of it. Whereas, like infrastructure being used ... but, specifically, on the commercial
1691 side ... What are we trying to develop? What businesses are we trying to entice to come
1692 into the area? So, is it a small business or is it a CVS, or is it a WaWa, is it a Wal-Mart?
1693 What? If we knew that better that would kind of help understanding exactly what the
1694 objective is. And, kind of ... it seems like some of the benefits are tied to the commercial
1695 side of things such as benefits for the Cultural Arts Center, the bike paths, the sidewalks.
1696 Those seem like they are tied into if the commercial goes forward, then these other
1697 benefits go forward. So, I think we should definitely look at each thing separately and not
1698 combine them together as a consequence of one thing happening, the other things can
1699 happen. Thank you.

1700
1701 Mr. Baka - Thank you.

1702
1703 Please come forward. Good evening.

1704
1705 Citizen - Good evening. I'm Fred Kirby with Old Glen Allen Properties
1706 and we have property at 3016 Mountain Road, across from the Old Glen Allen Post Office.
1707 I apologize, I'm a little behind on the learning curve on this. This is my first meeting that
1708 I've attended here. So, some of my questions are: How much more time available is there

1709 for input? When will firm decisions be made on the Study or how long is the ongoing
1710 process going to continue? And, I would like to know what specific action is planned for
1711 the property owned by Old Glen Allen Properties? If anybody can address that, I'd
1712 appreciate it.

1713

1714 Mr. Baka - Ok. Does anyone else ... yes, sir?

1715

1716 Good evening.

1717

1718 Citizen - Hi, my name is Tom Kelley and I live at 2808 Pine Lodge
1719 Court, Glen Allen ... right there off of Mountain Road.

1720

1721 I guess I'm trying to understand what exactly is going on, one, tonight since the Overlay
1722 has been removed, which is fine. I guess it's been put on the back burner. But, you know,
1723 that area of Mountain Road that's in question, the properties that are involved ... I
1724 understand that trying to close them down a little bit, trying to keep certain things from
1725 being built on it, this that and the other ... We all learned the rules and regulations of the
1726 lay of the land when Dollar General came in. Back in the 70's, 80's when those original
1727 things were put into place to lock down what can be put on a piece of property and what
1728 can't ... well, we learned. Who, back in the 70's and 80's, thought that a Dollar General
1729 would want to go at Mountain Road and John Cousins? The entrance to my subdivision?
1730 Well, it's about the Dollar General. But we moved in Glen Allen when we did and people
1731 are still, still, trying to get into Glen Allen ... the Old Glen Allen area ... the way that it is.
1732 Sidewalks, curbs, gutters, lighting, this, that and the other ... I'm sorry, I might blow
1733 whatever chance I have on account of what I'm getting ready to say but, all of that kind of
1734 stuff ... if you want that kind of ... if people want that, then they won't move to where we
1735 are.

1736

1737 ... (AUDIENCE CLAPPING) ...

1738

1739 And, that may have just shot both of my feet off ... and some people know me well and
1740 some people don't but, I do speak what I think is the truth. I commend you guys for going
1741 through this and trying to do what you're trying to do. You're trying to save an area and
1742 it's very difficult because properties are zoned for what they are zoned for, and they were
1743 zoned for that years ago. Times have changed. Put an Overlay on. Yes, it creates an
1744 issue for existing property owners. Sure it does but, show a proof or a guide or line where
1745 ... that if an Overlay is put in place, that that piece of property may not be worth as much
1746 marketability. Show us. Show us that when the Dollar General went on Mountain Road
1747 and John Cossins and my property values went down. Well guess what? My assessment
1748 value didn't go down. So, I don't think my property value went down. Ok?

1749

1750 Streets, curbs, gutters, lightings, the Sanitary Act, the water removal, this, that, and the
1751 other. That's all part of life but, there's a compromise. Asphalt paths maybe, and you
1752 know what, it doesn't have to be done on Mountain Road. I just rebuild a golf cart and I
1753 go from my house all the way up to the Fire Station up on Mill Road through the back
1754 ways. On a golf cart, not four-wheel drive. No paths, no asphalt. I agree with trying to

1755 connect Cultural Arts, Glover Field, Crump Park. Put all that together. And it all can be
1756 done without affecting Mountain Road. So, I commend you for what you've got on your
1757 hands. I just wanted to speak that everybody that's moving into this area doesn't
1758 necessarily want sidewalks, curb, gutters, and lighting, everything that's in this proposal.
1759 And I would like clarity on the Overlay, and actually what this meeting was for tonight
1760 since this Overlay has been removed. Thank you for your time and I appreciate it.

1761
1762 Mr. Baka - Thank you, sir. Thank you for your comments. Anyone else
1763 wish to speak?

1764
1765 Good evening.

1766
1767 Citizen - Good evening, my name is Jeffrey Abernathy. I currently own
1768 five properties that are within the parcel, within the Study area now. And, the comments
1769 that have come before us tonight that Seth has put up, that's the first time we have seen
1770 these comments that's in there. Speaking with you, Mr. Witte and stuff, we haven't had
1771 enough time to digest the information that we're getting here tonight and stuff. Mr. Kirby,
1772 here, is the business owner across the street from me and he is expressed a desire of
1773 being able to review material that's been set before us. Again, I would like more time to
1774 review these comments and to see how it affect my properties that I own inside the Study
1775 area. This is the first step to an Overlay District and I want to get these steps right to
1776 benefit Glen Allen but, also to benefit the property owners that are inside the Study area.
1777 Thank you.

1778
1779 Mr. Baka - Thank you.

1780
1781 One more speaker tonight? Thank you. Come on to the podium and ... Welcome.

1782
1783 Citizen - Thank you. My name is Casey Starr. I live at 10832 Old
1784 Washington Highway. According to the letter I received in the mail, you guys are going
1785 to be changing a couple of properties across the street from my house to Government.
1786 And, I get if you are changing it to like commercial use you don't really know what's going
1787 to happen there in the future. It's going to depend on what developers come in and all of
1788 that. But being that you are changing it to Government, I would think that somebody has
1789 a pretty good idea of what's going to happen there, and I would just ask that that be
1790 shared so that we have a perspective or idea. Thanks.

1791
1792 Mr. Baka - Thank you.

1793
1794 Mr. Witte, my first question would be for staff to address the last question that was just
1795 raised.

1796
1797 Mr. Humphreys - Sure. And, I got all the questions so if you want I can just run
1798 through them all.

1799
1800 Mr. Baka - Yes, sir.

1801 Mr. Humphreys - And if there is anything else, we can go over that as well.
 1802
 1803
 1804 Mr. Baka - Thank you.
 1805
 1806 Mr. Humphreys - Would you like me to do that?
 1807
 1808 Mr. Baka - Yes, sir.
 1809
 1810 Mr. Humphreys - Ah ... let's see here. In terms of what's going on tonight ...
 1811
 1812 Mr. Baka - Mr. Humphreys, could you pull the mic closer to you?
 1813
 1814 Mr. Humphreys - Sure.
 1815
 1816 Mr. Baka - Thank you, sir.
 1817
 1818 Mr. Humphreys - Sorry about that.
 1819

1820 A couple of things ... This is a continuation of the Public Hearing that we had in November
 1821 at which we were considering two things, or one thing which was an amendment to the
 1822 Comprehensive Plan which would accomplish two things. One of the first things it would
 1823 do would be to change proposed or change the future land use recommendations on four
 1824 parcels. Um, two of those parcels are the parcels that were just mentioned and ... um
 1825 ...they're on Old Washington Highway, right here. This is the Cultural Arts Center, or the
 1826 old Glen Allen Elementary School as some people know it. Um ... and those two
 1827 properties were purchased by the county since we did the Comprehensive Plan. So, the
 1828 thought here was to ... ah ... and those are being given and added to the Cultural Arts
 1829 Center as part of the complex. And that's the intention of those properties.
 1830

1831 The Master Plan for the Cultural Arts Center shows some different ... um ... things going
 1832 on in that area. Both ... that's where they envision the Farmers Market to go. Um ... back
 1833 towards their parking lots. Um ... and also some event space, if you will. And, also some
 1834 ... ah ... pedestrian infrastructure, some internal sidewalks ... more internal sidewalks for
 1835 them. So, that's what the intention with that one is.
 1836

1837 Mr. Kirby's property is here. Um, as he mentioned, I think he mentioned he that property
 1838 since the last time we did the Comprehensive Plan. He rezoned it from a residential use
 1839 to a commercial use and we wanted to reflect that in the Comprehensive Plan and say
 1840 the future recommended land use for that property, which would be commercial. I think
 1841 ... I'll make sure I contact Mr. Kirby and we can talk further about that.
 1842

1843 Um ... then the last one was the Old ... or ... it's old, but it's still there, the Glen Allen Post
 1844 Office. Um ... since that was not owned by the Federal Government, I think in the last
 1845 Comprehensive Plan, it was listed as Suburban Residential. So, we wanted to move that

1846 to Government as well just to clarify and do some housekeeping while we were going in
1847 and doing that.

1848
1849 Mr. Baka - Just on that post office property?

1850
1851 Mr. Humphreys - Just the post office property. So, only those four properties
1852 are the ones where the future land use recommendations will be changing. The zoning
1853 will not be changing on any property within the Study area.

1854
1855 The other thing that would be considered would be to add the Glen Allen Study Area as
1856 a Special Focus Area to the Comprehensive Plan, which would include the Vision, Goals,
1857 Objectives and Design Guidelines that were listed in the Study. Um ... and some of those
1858 are what we got those responses for. I went over with you this evening and those are
1859 some of my responses to those responses. Um, let's see what else we have.

1860
1861 Um ... What are the actions that we are taking? The Planning Commission ... um ... um
1862 ... the Director can go over with you further but, actions could be taken by the Planning
1863 Commission this evening or deferral could be done. It is up to the Planning Commission.
1864 This is up to the Planning Commission. This is a Public Hearing going over a
1865 Comprehensive Plan Amendment. Um ... and I think that just about covered it. Was there
1866 anything else that you have, Mr. Baka?

1867
1868 Mr. Baka - Not me.

1869
1870 Mr. Humphreys - Or, anybody else?

1871
1872 Mr. Baka - Comments from the Commission?

1873
1874 Mr. Emerson - Mr. Humphreys, there were some questions regarding use of
1875 the terms commercial, use of the term infrastructure. What are our goals? What are we
1876 trying to bring to the area.

1877
1878 Mr. Humphreys - We are not necessarily trying to bring in any individual
1879 business. We would just say retail uses are allowed within those commercial
1880 concentrations, and this is just a general guide. If something were to go there, we would
1881 want it to be commercial. The current foundry property, the steel pipe manufacturer ... is
1882 listed. Office for any type of office use and that would be ... you know ... up for discussion
1883 when they came in. They have a long list of things that they could do at that property by
1884 right whether we have that on our Plan or not. So, we are not looking for any specific
1885 business to come into this area. We're more responding to the desires that we've heard
1886 from the public that they don't want certain businesses coming in.

1887
1888 Mr. Emerson - Mr. Kirby was interested in what specific improvements would
1889 be required at this property.

1890
1891 Mr. Humphreys - Um ... none at this time.

1892 Mr. Emerson - Ok. There's one other thing you didn't touched on.

1893

1894

1895 Mr. Mackey - Was it the land use thing?

1896

1897 Mr. Emerson - The improvement to the area whether or not they would make

1898 it more commercial in nature ... the paths, the pedestrian improvements ... would you

1899 explain one more time. You went over that in your presentation.

1900

1901 Mr. Humphreys - Yes.

1902

1903 Mr. Emerson - Would you explain the thought processes on that?

1904

1905 Mr. Humphreys - Our intention is not to make it more urban, at all. Our intention

1906 is to respect the desires of what we've heard, the comments that we've heard ... Um ... I

1907 think one of the previous speakers said it best ... is ... there has to be some safety

1908 measure or something where people are desiring pedestrian and bicycle facilities for

1909 safety ... Um ... but, how do you work those in to a rural village environment? Um ...

1910 that's what our recommendations were intended to do to strike that balance, not to

1911 urbanize the area at all.

1912

1913 Mr. Emerson - And, the actions tonight ... or the Study is a Focus Area

1914 amendment to the Comp Plan. There's a question about the difference about the Overlay

1915 and what this action was ...

1916

1917 Mr. Humphreys - Yeah, that's what I was just went over there ... There is two

1918 actions, one to change the recommended future land uses and one to add the area as a

1919 Special Focus Area which would affect it if a property needs to be rezoned. The Planning

1920 Commission and Board of Supervisors could look at that as a guide to assess that

1921 rezoning. The Overlay District which is very detailed, you know. And we want more

1922 discussions on ... that's why we originally did not come forward with it ... that does get to

1923 the zoning ordinance and that would be on properties that don't necessarily need

1924 rezoning. They have a lot those things by right. Things that may be disruptive to the

1925 current ... um ... the current community ... the current character of the area.

1926

1927 Mr. Witte - When you pointed out those four specific properties that were

1928 affected, I saw some faces kind of strain ... Can you show those again?

1929

1930 Mr. Humphreys - I'm sorry. It's kind of hard to see on this map. It kind of got

1931 flooded out but, they're hatched. There are two right to the north of ... um ... the Cultural

1932 Arts Center, right along Old Washington Highway right across from the gentleman's

1933 house which I believe is one of these two right in here. Um ... and then ... there's Mr.

1934 Kirby's house right here which is to the west of the Dollar General, on the north side of

1935 Mountain Road, and then the old ... the Glen Allen Post Office is right across the street I

1936 believe next to the service stations.

1937

1938 Mr. Witte - Right.

1939

1940 Mr. Humphreys - Is that a better description? I hope.

1941

1942 Mr. Witte - I think we're getting there. Thank you.

1943

1944 Mr. Humphreys - Ok, great.

1945

1946 Mr. Witte - You've already answered the question about no plans for the
1947 Glen Allen properties.

1948

1949 Mr. Humphreys - No, we don't have any recommendations for specific
1950 improvements to his property.

1951

1952 Um ... we just wanted to change the recommended land use to recommend what he had
1953 it zoned it.

1954

1955 Mr. Witte - Alright, and if somebody asked what uses could be there now
1956 with some of these zonings?

1957

1958 Mr. Humphreys - I've got a whole stack of things ... if you bear with me for a
1959 second.

1960

1961 Mr. Witte - How many approximately?

1962

1963 Mr. Humphreys - How many?

1964

1965 Mr. Witte - Yes.

1966

1967 Mr. Humphreys - If you look at this page with all these little tiny uses, I've got
1968 this whole stack.

1969

1970 Mr. Witte - Ok, never mind.

1971

1972 Mr. Humphreys - So ...

1973

1974 Mr. Witte - We'll look at that later.

1975

1976 Mr. Humphreys - It is quite extensive. One of those properties is zoning M-2,
1977 which is one of our most liberal zonings, they can have just about anything. They can
1978 have heavy industry.

1979

1980 Mr. Witte - That's where the pipeline come in ... so, there's plenty of
1981 uses.

1982

1983 Mr. Baka - Which one is that?

84
1985 Mr. Humphreys - Yes, that's where the pipe manufacturer is ... That's M-2
1986 property. Almost anything can go there that we allow in our ordinance.
1987
1988 Mr. Witte - Yep, and ... um ...
1989
1990 Mr. Humphreys - Except for residential.
1991
1992 Mr. Witte - I know years ago, there was talk about trying to put a Tech
1993 Center in there for ... I don't know what you call it ... robots for the high school kids, to
1994 obtain that property but, I don't know whatever happened to it. I don't know. Maybe the
1995 guy wouldn't sell it or whatever but, some people thought that was going to be converted
1996 into part of the Cultural Arts Center... which that could be a good thing too but ... alright.
1997
1998 Mr. Witte - Those answer the questions that I heard.
1999
2000 Mr. Humphreys - I did have a conversation with that representative of that
2001 property right before the Open House. And, they do intend to continue operating for the
2002 foreseeable future. Um ... and ...
2003
2004 Mr. Witte - The concrete plant ...
2005
2006 Mr. Humphreys - The pipe manufacturer ...
2007
2008 Mr. Witte - The pipe manufacturer.
2009
2010 Mr. Humphreys - Yeah ... and, but they did say that they would welcome ideas
2011 and possibilities for helping redevelopment of their property at some future date if they
2012 decide to do that. So, they were open to discussing what we were doing.
2013
2014 Mr. Witte - Alright.
2015
2016 Mr. Baka - Any other questions of staff at this time? Does the
2017 Commission wish to take any action for this Comprehensive Plan Amendment?
2018
2019 Mr. Witte - Sir, based on some of the information we've received this
2020 evening, and the fact that there's been so much added to the initial proposal as far as
2021 sidewalks, lights, etc., etc... And, the fact that we have a relatively new Supervisor and
2022 the fact that I've just gotten back on this position and have access to more information ...
2023 um ... Mr. Chairman, I don't know if we can defer this action on Resolution PCR-9-18 to
2024 the February 14th meeting, 2019.
2025
2026 Mr. Baka - Thirty days?
2027
2028 Mr. Witte - Basically 30 days. So that we can continue to ... I, personally,
2029 can continue to research this and eliminate and add or whatever suits the public the best.

2030
2031 Mr. Baka - Ok. Motion made by Mr. Witte. Is there a second?
2032
2033 Mr. Archer - I second that motion.
2034
2035 Mr. Baka - Motion made by Mr. Witte, and seconded by Mr. Archer to
2036 defer the Glen Allen Small Area Study Plan until the Thursday, February 14th Planning
2037 Commission meeting. All those in favor, say aye.
2038
2039 Commission - Aye.
2040
2041 Mr. Baka - All those opposed, say nay. Motion carries. Case has been
2042 deferred until February 14th.
2043
2044 Mr. Archer - That's Valentine's Day. Everybody should be nice.
2045
2046 Mr. Baka - Yes. We'll were wear a red tie.
2047
2048 Before we being our next case, and we do have five cases to get to ... I know many of
2049 you have been waiting patiently for your case to arrive. I do want to request the
2050 Commission take a brief five-minute recess and we'll be back.
2051
2052 Mr. Baka - I call the meeting back to order and Mr. Emerson will
2053 announce our next case.
2054
2055 Mr. Emerson - Thank you, Mr. Chairman. The next item on your agenda
2056 appears on page 2, and actually there are two companion items. They are REZ2019-
2057 00002 Virginia Supportive Housing for the City of Richmond: Request to conditionally
2058 rezone from A-1 Agricultural District to R-6C General Residence District. And, you also
2059 have a Provisional Use Permit PUP2019-00001, again, Virginia Supportive Housing for
2060 City of Richmond: Request for a Provisional Use Permit to allow approximately 10,000
2061 square feet of office within a multifamily development, and this is a parcel approximately
2062 5.34 acres located on Cool Lane, east of Mechanicsville Turnpike. The applicant
2063 proposed a multi-family development. The R-6 district allows 19.8 units per acre. The
2064 use will be controlled by Zoning Ordinance regulations and proffered conditions. The 2027
2065 Comprehensive Plan recommends Semi-Public. While Mr. Morris when he present the
2066 cases, he will present them combined because they are companion cases but, they will
2067 require separate motions at the time you take action. So, with that said, Mr. Chairman,
2068 the staff report will be presented by Mr. Mike Morris.
2069
2070 **REZ2019-00002 Virginia Supportive Housing for the City of Richmond:**
2071 Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence
2072 District (Conditional) Parcel 799-726-0294 containing 5.34 acres located on the north line
2073 of Cool Lane approximately 150' east of Mechanicsville Turnpike (U.S. Route 360). The
2074 applicant proposes a multifamily development. The R-6 District allows a maximum gross

2075 density of 19.8 units per acre. The use will be controlled by zoning ordinance regulations
2076 and proffered conditions. The 2026 Comprehensive Plan recommends Semi-Public.

2077
2078 **PUP2019-00001 Virginia Supportive Housing for City of Richmond:**
2079 Request for a Provisional Use Permit under Sections 24-36.1(b), 24-120 and 24-122.1 of
2080 Chapter 24 of the County Code to allow approximately 10,000 square feet of office within
2081 a multifamily development on Parcel 799-726-0294 located on the north line of Cool Lane,
2082 approximately 150' east of Mechanicsville Turnpike (U.S. Route 360). The existing zoning
2083 is A-1 Agricultural District. The R-6C zoning district is requested with REZ2019-00002.
2084 The 2026 Comprehensive Plan recommends Semi-Public.

2085
2086 Mr. Baka - Ok, welcome. Before the staff presentation is there anyone
2087 present who would like to speak regarding REZ2019-00002 Virginia Supportive Housing
2088 for the City of Richmond? Ok, Mr. Morris will have a presentation and we will get to you
2089 all afterwards.

2090
2091 Good evening.

2092
2093 Mr. Morris - Thank you, Mr. Chairman, members of the Commission.

2094
2095 As stated, these next two cases are companion cases to allow the redevelopment of a
2096 vacant building into multi-family apartment building with accompanying office space.
2097 Office use is allowed in the R-6 District upon the issuance of a Provisional Use Permit.

2098
2099 The subject property is located on the north line of Cool Lane, approximately 150' east of
2100 its intersection with Mechanicsville Turnpike (U.S. Route 360) and is zoned A-1
2101 Agricultural District. Adjacent properties to the north and east are zoned R-4 General
2102 Residence District and consist of the I-64 interchange with Mechanicsville Turnpike and
2103 Cool Lane Court subdivision, respectively. To the south are Faith Community Baptist
2104 Church zoned B-3 Business District and Cool Lane Shopping Center zoned B-1 Business
2105 District. The property is bounded to the west by the City of Richmond corporation line,
2106 followed by a convenience store and parking lot.

2107
2108 The applicant is requesting to rezone the property to R-6C General Residence District
2109 (Conditional) to renovate a vacant building for use as an apartment building with no more
2110 than 105 dwelling units. A proffered concept plan shows upgrades to the building's
2111 exterior and entranceway.

2112
2113 The proffered conceptual site plan shows additional parking located in the front and rear
2114 yards to accommodate the requested uses. Access to Cool Lane will be provided by two
2115 existing entrances. With the Provisional Use Permit application, the applicant is proposing
2116 no more than 10,000 square feet of office to be used by the site's developer, Virginia
2117 Supportive Housing.

2118
2119 A community meeting was held on December 17th by Virginia Supportive Housing. The
2120 2026 Comprehensive Plan recommends Semi-Public for the subject property, which

2121 reflects the building's former use as an age-restricted facility. While the proposed use is
2122 not entirely consistent with the land use designation, it would be appropriate
2123 redevelopment of a vacant property and could be beneficial to the community. The
2124 building would not be significantly changed in terms of mass and the offices (proposed
2125 with the companion provisional use permit) would add services to the development.
2126 Additionally, the proposed conditions listed in the PUP report would help to ensure the
2127 office uses do not have any adverse impacts on future residents or surrounding uses. For
2128 these reasons staff supports these requests subject to the proffers and conditions in the
2129 two companion staff reports. I will note that separate actions will be required by the
2130 Commission for each request.

2131
2132 This concludes my presentation. I am happy to answer any questions you may have.

2133
2134 Mr. Baka - Thank you. Any questions of Mr. Morris? Ok, not at this time.
2135 Thank you, sir.

2136
2137 At this time, we'd like to open the Public Hearing and ask ... (INAUDIBLE) ... the applicant
2138 ... Will the applicant please come forward?

2139
2140 Mr. Baka - Welcome.

2141
2142 Ms. Bogdanovic - Good evening, Mr. Chairman, members of the Commission,
2143 Mr. Secretary. My name is Allison Bogdanovic and I am the Executive Director of Virginia
2144 Supportive Housing on behalf of the Applicant.

2145
2146 Thank you for considering request to rezone 1900 Cool Lane to create a supportive
2147 housing community. Virginia Supportive Housing has been developing, owning and
2148 managing supportive housing for 30 years. We have 17 apartment communities in our
2149 portfolio. Here are some photos of our communities.

2150
2151 We propose to take the vacant assisted-living facility and create up to 105 apartments,
2152 mostly one-bedrooms for people in need of affordable housing and people who have
2153 experienced homelessness. On-site amenities will include laundry facilities, an elevator,
2154 computer room, and community room with kitchen. Each apartment will have its own
2155 complete kitchen and bathroom. On-site support services will be available to help
2156 residents set up and maintain their home, improve their health, and develop skills to live
2157 independently from budgeting, transportation to medication management.

2158
2159 Our evidence-based supportive housing model works. Nine-seven percent of the
2160 residents we serve do not return to homelessness.

2161
2162 Mr. Witte - Excuse me one second. We've lost our screens.

2163
2164 Mr. Baka - Ah ... just go back ...

2165
2166 Mr. Witte - Oh, thank you.

67

2168 ... (INAUDIBLE) ...

2169

2170 Ms. Bogdanovic - I'm going to just say the last one again. Our evidence-based
2171 supportive housing model works. Nine-seven percent of the residents we serve do not
2172 return to homelessness.

2173

2174 Our property management will be at the front desk 16-hours each day, with a night monitor
2175 who lives onsite on duty in the evenings. Cameras will monitor the hallways and interior
2176 and exterior public spaces. The residents will have an initial one-year renew lease and
2177 will pay rent. We will be building rules and expectations. Our average length of stay is 4
2178 ½ years.

2179

2180 In addition to apartments, the building will contain office space for our services and
2181 administrative staff, and space for partner organizations who provide services. We have
2182 two guests with us tonight, Dr. Patricia Gould-Champ, founder and Pastor of Faith
2183 Community Baptist Church, located across the street from the proposed site. We
2184 anticipated Dr. Gould-Champ and her team will be using office space for her programs
2185 and services. And, we also have Kelly King-Horn, Executive Director of Homewood, the
2186 planning organization for our region's Homelessness Services System.

2187

2188 We estimate that there are 600-700 people experiencing homelessness each night in our
2189 region.

2190

2191 This site at 1900 Cool Lane is a good one for supportive housing. We looked at it in 2010
2192 but, didn't have the necessary political support. Since then we have been collaborating
2193 with the county staff about potential sites and last summer, this site was suggested as a
2194 good candidate.

2195

2196 The building is in horrible shape and we anticipate investing over 25 million dollars into
2197 the almost 6-acre site. We will be creating short-term construction jobs, long-term
2198 property management and service positions and look forward to partnering with Dr.
2199 Gould-Champ and the community to create positive change.

2200

2201 This concludes our presentation and I would ask that we reserve the balance of my time
2202 for rebuttal to will answer any questions that may arise during public comment. I'll also
2203 be happy to answer your questions too.

2204

2205 Mr. Baka - Any questions of the applicant?

2206

2207 Mr. Thornton - Yes, I have one question. What can you say ... what would
2208 you say that could allay the fears of some of those people who might say, "hey, we haven't
2209 had anybody in that space for 20-something years and somebody's getting ready to move
2210 in it and that's just change." You know how as humans sometimes we have a little fear
2211 there. What would you say, what could you say to those residents to give them some

2212 type of psychological support? Say, well, maybe I hadn't thought of that, maybe it could
2213 work. What would you say?

2214

2215 Ms. Bogdanovic - I'd say that we're coming to be a part of your community and
2216 that a vacant building has been blighting the community and we are going to invest
2217 resources and make it look like a home for other folks. We're going to be there 24-hours
2218 a day. If there is any problems, we should actually have better response time than what
2219 they have now. Which is boarded up, fenced and folks living in it inappropriately. So,
2220 we're here to be a part of the neighborhood. We've done this 17 times in other
2221 communities for the last 30-years. And, we have residents in both of our buildings that we
2222 serve who can attest to our being good long-term neighbors.

2223

2224 Mr. Thornton - You know, I appreciate the response. My question was not
2225 easy and I think you probably characterized it as well as you could but, I do think that if
2226 someone asked that question again, because this has to come before the Board of
2227 Supervisors, you want to ... are going to find out some other good features of this. Just
2228 because you've done some other good missions in the past it doesn't necessarily mean
2229 that this one has to work. But, you want to make sure you're going to tell the people you
2230 are going to make it work. Also, explain to them and elucidate to them how it can work.
2231 You mention the 25 million dollars, that's a lot of investment. You don't just throw money
2232 at things. So, you need to hone that message a little bit better because this is something
2233 new and if you do it right, it's going to be a template for things to come. Thank you ...

2234

2235 Ms. Bogdanovic - Thank you.

2236

2237 Mr. Thornton - ... for your response.

2238

2239 Mr. Baka - Other questions of the applicant? Thank you. At this time,
2240 we'd like to open the Public Hearing. ... (INAUDIBLE) ... Please come forward.

2241

2242 Ms. Gould-Champ - Hello, my name is Patricia Gould-Champ and I am the Sr.
2243 Pastor of Faith Community Baptist Church which is located at 1903 Cool Lane, which is
2244 directly across the street from what we like to refer to or had referred to as the old nursing
2245 home.

2246

2247 One of the things I'd like to say in support of the proposal is that for probably about 15
2248 years, we have watched this property deteriorate. And, we have wondered as residents
2249 of the church that serves the community, "What would go into the building that would add
2250 value to our community?" One of the things is that many people have looked at it. Many
2251 people have come with proposals over the years. And, when we first heard about it, there
2252 are other residents here, and when we first heard about it ... all we heard was that it was
2253 going to be a facility that would provide housing for homeless persons. And, of course,
2254 there were all kinds of questions ... that you even raised Mr. Thornton ... We were
2255 concerned about would it provide a safety issue for our children who would be walking
2256 back and form Armstrong and from other schools and so I immediately had a conversation
2257 with Allison from Virginia Supportive Housing. I was able to visit their facility on Hull and

2258 I was truly, truly impressed with the work and the ministry that they do. And, even as I first
2259 approached the facility ... how it was maintained, the staff behind the desk ... and even
2260 as I went on the tour and learned how the residents actually lived in the building. And, as
2261 I had further conversation ... one of the things that ... the reason why I'm standing to
2262 support this is because it will be in partnership with the things we do in the community
2263 and that there will be an opportunity for the building will be used for community resources
2264 for other kinds of persons to be there to minister to not only the residents of the facility
2265 but, also the community will be able to come in ... meeting ... being able to share, so that
2266 some of the residents feel part of the community. And so, we're continuing our
2267 conversation. Many of the residents that are here tonight were at the Public Hearing and
2268 we are continuing to be in dialogue to make that a facility that not only provides transitional
2269 housing for those who are homeless but, also becomes a resource center for residents
2270 to go and to be able to receive services there as well. I would say that in my own
2271 congregation, there is a person that just came out of a homeless shelter and this is the
2272 type of facility that she would have been able to go into had it been ready at that time,
2273 and so ... thank you, we are in support of the proposal.
2274

2275 Mr. Baka - Thank you. At this time, we would like to go ahead and open
2276 the Public Hearing. Would anyone else like to speak? Would you please come forward
2277 to the podium?
2278

2279 Good evening.

2280
2281 Mr. Smith - Good evening. My name is Anthony Smith. I reside at 2901
2282 Lafayette ... (INAUDIBLE) ... here in Henrico, and the reason I'm up here is because ...
2283 I've been in Henrico for over 30-years and thoroughly enjoying Henrico County. But I
2284 also my first stage of my life ... I graduated from Armstrong High School, which is over at
2285 ... which is ... Kennedy. So I am very familiar with the area. That location, right there, I
2286 totally support supportive housing because not only do they help homeless, they help a
2287 lot of homeless Veterans, and I'm a Veteran of the United States Army and that's a big
2288 thing for me. Any time you can enhance an area with people that ... (UNINTELLIGIBLE)
2289 ... a home and have an understanding of responsibility on what to do to take care of a
2290 home. That's a big plus ... (INAUDIBLE) ... Not only would it help the homeless, it would
2291 help the community, it would help tax revenue, it would help the business in that area.
2292 And I'm familiar with ... (INAUDIBLE) ... a little bit. All I see is all good and I hope you
2293 guys see that also when you present it to the Board. Thank you.
2294

2295 Mr. Baka - Thank you. Thank you for your comments.
2296

2297 Good evening. Welcome.
2298

2299 Ms. Thomas - Good evening, Mr. Chairman and other Planning committee
2300 members. My name is Margarite M. Thomas. I reside at 2314 Blue Stone Drive, Henrico,
2301 in the Fairfield District. I'm in favor of the rezoning but, I would like to say a few things. I
2302 think if we had known about it a little earlier ... we had one of our ministers, she didn't
2303 know anything about the letter until yesterday. We had a meeting up at Dr. Champs'

2304 church, which was very rewarding. There was a number of questions I asked because
2305 that was the first time I knew what was going to be in that facility. My backyard joins that
2306 backyard and I was concerned. I asked several people questions, no one could give me
2307 until I think I talked to Ms. ... (INAUDIBLE)... she mentioned it to me and I was so excited,
2308 I called the Supervisor, I called ... (INAUDIBLE) ... and I said I talked with someone ...
2309 (UNINTELLIGIBLE)... the church. I said I found someone that is interested in the building.
2310 I said I heard nothing until we had our meeting on December 17th at Faith Community
2311 Baptist Church. Well ... I asked several questions ... and why I asked the questions was
2312 ... my backyard is there. I've resided there since 1963 when the subdivision was opened.
2313 So, naturally, I wanted to know who will be residing in the building or what it will be
2314 changed to because as an elder, a senior person, I wanted to know. And, then that
2315 meeting ... the questions I asked, they were answered. And, while Dr. Champs spoke,
2316 said she had been on the tour and we would be able to go later. Due to the weather, we
2317 didn't attend. I knew then, if her faith in the building of a church, an anointed lady ... if she
2318 mentioned it, that it would be a nice facility, I had ... (UNINTELLIGIBLE)... and I hope
2319 that when we have other meetings, let the residents know about it. Send us a notice so
2320 we can be aware of what's going on. I want to know, and I sure the other members here
2321 want to know what's going on in the community. Anything could be placed there or build
2322 there ... (UNINTELLIGIBLE) ... that we know. Oh, I thank you for letting me ... and I'm
2323 sure the others here tonight representing their home wanted to know. If you let us know,
2324 we'd be aware. We don't want to be left in the dark. We're a small community. We have
2325 been there since '63 ... 1962 or 1963 when they were first opened. And, we want to live
2326 comfortably now and we want to have residents that we can feel comfortable in the back
2327 of us. And, I believe that at the meeting you said that, if I'm correct, I think you said 91
2328 apartments but tonight you said a hundred and something ... but, at the meeting, I think
2329 you said 91 ... if I can remember. Right, you did.

2330
2331 ... (INAUDIBLE BACKGROUND CHATTER) ...

2332
2333 Ninety-one. We want to know and we would like for you, as it had been ...
2334 (INAUDIBLE)... Hump Lodge and then the City changed it and built the second level. And
2335 at that time, it was well lighted, well patrolled, and the yard ... if the grass grew too high,
2336 I would call the county because I can look right out into the yard. That's one concern.
2337 Please let us know if something ... write us a card. I mean we don't want to be left out in
2338 the dark because I had started to get worried because every time I receive a card ... "We
2339 to buy your property." So, I said, "I wonder if another group is trying to buy out." We've
2340 been living here. That's my concern. Please let us know if things change. I'm not
2341 opposing, and I'm speaking for myself, I would like to know what is going on behind me,
2342 adjoining to me because you don't know ...

2343
2344 Mr. Baka - Thank you.

2345
2346 Ms. Thomas - ... (UNINTELLIGIBLE)...

2347
2348 Mr. Baka - Thank you for ...

2349

2350 Ms. Thomas - I want to thank you for listening and thank you for the
2351 opportunity that I can share my thoughts with you and others.

2352

2353 Mr. Baka - Thank you for your comments Ma'am. I appreciate it very
2354 much.

2355

2356 Welcome. Good evening.

2357

2358 Ms. Thompson - Hi. My name is Diane Thompson and I'm here on behalf of my
2359 mother who still in that area. Her name is Shirley Alston, 2310 Marvin Drive. Marvin Drive
2360 and Bluestone backs up to each other. And as Ms. Thomas said, her property backs up
2361 to the parking lot of this vacant building and it has been vacant for a lot of years. And
2362 every time I've gone to visit my mother I check the surroundings, and it's so much blight
2363 right now it's very disconcerting.

2364

2365 So, now I've noticed that they are finally trying to do something on the corner of
2366 Mechanicsville and Cool Lane where that service station was. They tore it down and now
2367 I think there's some movement on that.

2368

2369 On the two adjacent corners, there are marts ... Well, I'm talking about the 7-11 kind of
2370 stores on both corners. Then you have a supermarket. There's an old store that has
2371 been there for over 50 something years, and has been everything in world and then you
2372 have the school down the street. So, it's a lot going on there. I've considered a lot of times
2373 wanting to move my mother but, she's been there for over 55 years ... where's she's
2374 going ... and she loves the community. So, I'm happy to know that there is movement
2375 going on in that area. My concern was, what type of movement and how was it going to
2376 affect their neighborhood. It's good that the money is going to be invested but, I'm
2377 concerned about the safety and the increased traffic because as you know, that corridor
2378 on Mechanicsville from Downtown to Mechanicsville is very congested. So, what kind of
2379 investment is going to help with that situation? Plus, Cool Lane is a small one- ... two-
2380 way traffic and so, that's my concern. So, I am happy to know ... because I even went to
2381 the City to find out just what are the plans for this area because it needs a lot of stimulus.
2382 Ok. Thank you.

2383

2384 Mr. Baka - Thank you very much.

2385

2386 Mr. Archer - Thank you Ma'am.

2387

2388 Mr. Baka - Anyone else wish to speak tonight on this matter?

2389

2390 Yes, sir. Good evening.

2391

2392 Mr. Garthwright - Good evening. I'm Arthur Garthwright, Fairfield District, 1907
2393 N. Battery Drive, Richmond, VA 23222.

2394

2395 First of all, I did not know about the meeting they had at the church. Mr. Thornton knows
2396 me and knows I'm quite involved in that neighborhood. I head up the Crime Watch in the
2397 Glen Lea area. I run the Civic Association, right there in Glen Lane. Of course, I've been
2398 with Mr. Thornton and met with a lot of the county people with him and they are paying a
2399 big interest to that particular area, 360 and Laburnum and on up that way. I'm not
2400 in that neighborhood and if those people in the neighborhood, as I told Mr. Archer, want
2401 this, it behooves me to say no, it shouldn't be done. But, here are my couple of concerns.

2402
2403 As one lady just mentioned, that area is probably one of the highest drug crime areas
2404 around ... in that area ... maybe in the county barring a few of them. I ride with the Police
2405 from time-to-time. Normally, in a month's time from say from 360 and Laburnum on up
2406 to the City line, Fire and Police probably respond to within a month's time on a monthly
2407 basis anywhere from 350 calls. It's just an area just infested with crime, top to bottom.

2408
2409 I guess my biggest concern is ... I know this ... I remember thinking that piece of property
2410 if it had belonged to an individual instead of the City, it would have been condemned
2411 years ago and probably been demolished by now. It's been an eyesore. One lady up
2412 there that spoke about the grass, I remember some years ago going to a meeting and
2413 she probably doesn't remember me but, I went to a neighbor crime meeting up there and
2414 it was one of the things she said the grass was so tall ... and this was some years ago ...
2415 and the City never would ... it was hard to get them to take care of it. But anyway, these
2416 people are going in and spend some money.

2417
2418 I guess my concern is you are dealing with a group of people who have problems to start
2419 off with. Some of these homeless people have severe problems. Not all of them do but,
2420 some of them do. You are moving them into a facility where it's sort of the same type of
2421 problems that they are dealing with right now. You are moving them into an area that has
2422 those problems. Which I'm not sure that these people can police this facility. I know it will
2423 put more work onto the Police and Fire because you are going to have those many people
2424 in there.

2425
2426 I did do some checking out and I noticed that they have two places in Norfolk. I tried to
2427 do some checking on those and I couldn't get no cooperation from the Norfolk City Police
2428 Department but, I did check on the one on Hull Street and I looked at some statistics. At
2429 5409 Hull Street in 19 ... 2017, there were 155 EMS / Police calls to that facility. And
2430 then in 2018, there were 113 calls to that facility on Hull Street. And when you look at that
2431 place on Clay Street, which they closed up for renovation, that's in a different area. That's
2432 in an area where folks are familiar with it ... Clay and Harrison I believe it is. That an area
2433 that's been renovated a whole lot. Well, the facility that they have in that area is entirely
2434 different. They had 49 in one year, and 19 in the next year and of course it closed in
2435 October. Like I say, that's my only concern. I know if you are homeless you don't have
2436 nowhere, then putting you in a building, that's a help and I understand that. And, I'm a
2437 church person and I believe in helping anybody that I possibly can. But, I think sometimes
2438 you got to ... it's almost like this is a bad situation here so I'll take anything to get rid of a
2439 bad situation. So, I think this is something ah ... ah ... I talked with the Planning
2440 Commission ... I don't how much background work they do as to how these facilities work.

2441 I wish I could have found out some information about the two in Norfolk but, like I said, I
2442 got nowhere trying to deal with them. But that's just my only and I just hope ... ah ... it
2443 just works out. I know they're spending a lot of money and that area is an area that's
2444 totally run down. The lady was exactly right. I don't think ... I was thinking about that like,
2445 what would be something good for the area. One thing is those folks up there don't have
2446 a grocery store. They got the little ole broke-down stores and, you know, they take
2447 advantage of them. I guess probably getting 12% but, they take advantage because most
2448 of the people walking to the stores so they don't have too much choice. So whatever they
2449 charge you have to pay. It would be a fantastic place for a nice grocery store or something
2450 commercial that would upgrade the community. And I guess the folks up there thinking
2451 get rid of that old building setting there and give us something that looks good. But you
2452 just got to make sure ... I know some of these things ... I've seen some of these
2453 apartments when they started off they were going to be gated apartments and they were
2454 going to have security around the clock and it was just going to be just wonderful ... and
2455 I can tell you one right on Wilkinson Road, the gates are still there, the house is still there
2456 and the place is full of crime and after a little while, that all wears off. So, you just got to
2457 be careful. I guess if we put proffers in to it and it's going to be a nice facility, it's going to
2458 be maintained, it's going to have security, you know, I say Amen ... it's a good thing for
2459 the community but if it starts off good and then a couple of years then ... and I thank you
2460 for your time.

2461
2462 Mr. Baka - Thank you, sir, for your time. Thank you for your comments.

2463
2464 Anyone else wish to speak on this matter tonight?

2465
2466 Mr. Archer, how would you like to proceed?

2467
2468 Mr. Archer - Well, we've heard from everybody, I guess. It's my job to try
2469 to sum everything up. I did attend that meeting on December 17 ...

2470
2471 Mr. Baka - ... (INAUDIBLE) ...

2472
2473 Mr. Archer - I don't think so. Let me ask the Applicant one question. Ms.
2474 Bogdanovic? I believe in the meeting you indicated that the people who would populate
2475 this place would go through some sort of screening. Is that correct?

2476
2477 Ms. Bogdanovic - That's correct. Yes.

2478
2479 Mr. Archer - Ok. Does anybody have any questions about that?

2480
2481 Mr. Witte - What type of screening?

2482
2483 Ms. Bogdanovic - Since the building will have a combination of people who are
2484 experiencing homelessness and also people who are just in need of affordable housing.
2485 The people who experienced homelessness will be coming from referrals from our
2486 Greater Homeless Response System. So, when they come to us they'll have already sort

2487 of been receiving services and it will have been decided that this type of housing plus this
2488 type of support service is what they need in order to be successful. And so once we
2489 receive the referral, we do criminal and credit background checks. Obviously, folks who
2490 have experienced homelessness are going to have issues, in both their criminal and credit
2491 backgrounds. We're going to be aware. We do interviews with both are property
2492 management and our services staff to make sure that folks can live independently and
2493 that folks can live safely in the community.

2494
2495 Mr. Archer - And is it true also that all of these people ... maybe I shouldn't
2496 use "all," but many of these people even though they may be homeless, they're not
2497 jobless.

2498
2499 Ms. Bogdanovic - No, they are not jobless. That's correct. Folks pay rent. For
2500 folks who are low income, they are going to be paying a fixed rent probably around six ...
2501 six or seven-hundred dollars a month. And folks who are experiencing homelessness,
2502 they will be paying a percentage of their income, at least a \$50 dollar a month rent. Most
2503 of our residents are paying about \$200 to \$250 dollars a month in rent. That's across our
2504 portfolio.

2505
2506 Mr. Archer - Ok. The night I was there you were offering, I believe, to take
2507 a bus load of folks so they could examine the place in Southside?

2508
2509 Ms. Bogdanovic - Taking a bus of residents? Or just ... come and see us. We
2510 have staff there all the time and they are used to visitors.

2511
2512 Mr. Archer - Ok. I don't have any more questions.

2513
2514 Mrs. Thornton - I have a question. How many rooms are designated for
2515 homeless versus the affordable housing units?

2516
2517 Ms. Bogdanovic - So, we're asking for up to 105 units; and the mix of the units,
2518 we haven't decided yet. But what we found with the last ... most recent last three deals,
2519 that they're usually about half and half.

2520
2521 Mrs. Thornton - Half for people who experience homelessness and half for
2522 people who are in need of affordable housing? And then, after the four years, they must
2523 ...

2524
2525 Ms. Bogdanovic - No. There's no ... This is just an apartment complex. And so
2526 their initial lease is one-year, after which it rolls into a month-to-month lease and so it's
2527 just like ... the average length of stay is 4 ½ years. Some stay shorter. Some stay longer.

2528
2529 Mr. Archer - And it's also true, I believe, that your organization is going to
2530 relocate to that building.

2531

2532 Ms. Bogdanovic - That's right. All of our administrative offices are going there.
2533 We're going there. We can't wait!

2534
2535 Mr. Archer - I don't have anything else.

2536
2537 Mr. Baka - Thank you very much.

2538
2539 Mr. Archer - Anyone else?

2540
2541 Mr. Thornton - Mr. Chairman, May I make a comment before Mr. Archer
2542 takes some action on this?

2543
2544 Mr. Baka - Go ahead. Yes, sir.

2545
2546 Mr. Thornton - I want to thank you and neighbors who had an opportunity to
2547 go to that public meeting. Particularly, I want to thank a champion in that particular area
2548 of that corridor and that's Dr. Patricia Gould-Champ. And when Dr. Champ comes out
2549 and speaks in favor of something, you've got to listen. She does not promote and she
2550 does not come to things that are junk. And she is highly respected in the community. And
2551 just in another way, if I can use my metaphor, we're going to be talking about celebrating
2552 the birthday of another champion and that Dr. Martin Luther King, Jr. One of the things
2553 that Dr. King talked about was the down-trodden. And in one of his speeches he talk
2554 about street sweepers and I bring that up because sometimes when you have Veterans,
2555 people who have given up parts of their bodies and parts of their lives and, sometimes
2556 come back here, and are disrespected. And then you have sometimes people who don't
2557 have a place to stay and we know not about their background ... and some of us,
2558 sometime, insensitively don't care. But we have to be careful how we treat people. And
2559 this is a method of making sure that we look out for our brother and our sister, and we've
2560 got to be careful that we don't get so ???nimified in our homes that we just don't care. I
2561 say these things to says that Dr. King says be the best that you can be. If you are street
2562 sweeper, be the best street sweeper like Michael Angelo's painted pictures. So, I think
2563 that that decimated place over there which used to be called City Home, it's going to get
2564 a new life span and those of us on the county side, you know, it will be ours not
2565 Richmond's any more. It's going to be our side and we are going to make sure it's done
2566 properly. And those who were once homeless or veterans who didn't have a place to
2567 stay, and others, will have a super place ... and America, they're deserving of that. And
2568 so let us make sure now that we kind of ... don't be Christians just on Sunday's, but every
2569 day with whatever faith we have. And I think this is a good improvement for Cool Lane,
2570 and for some of you who don't know Cool Lane ... I will conclude with this ... what I admire
2571 about Dr. Patricia Gould-Champ is ... I remember when Dr. Patricia Gould-Champ started
2572 her church in an old ... (INAUDIBLE)... and you have seen a metamorphosis in that
2573 building when you look at her new church, Faith Community. And good things are going
2574 to happen in that corridor. Oh, by the way, a person mentioned having a better food store
2575 ... well, we're going to improve this part. And when there is improvement, others will
2576 come. At least, we're going to do our best to do that. So, I want to say that because some
2577 of those people don't get a chance to come up here and speak, so I want to be their

2578 spokesperson. I'm trying to be a spokesperson for those people who don't get an
2579 opportunity. And, so with that, Mr. Chairman, I appreciate you allowing me to say that.

2580
2581 Mr. Baka - Absolutely. Mr. Archer?

2582
2583 Mr. Archer - Well, that takes care of my summary. Thank you, Mr.
2584 Thornton. I again would like applaud those people who live in those communities and who
2585 came out tonight and who came to the meeting the other night. Dr. Gould-
2586 Champ would say, the poor will always be among us. And, for the gentleman who spoke
2587 about the Veterans, I think it's shameful that anybody that's served their country has to
2588 sleep outside at night. I can't imagine anybody sleeping outside tonight, its 30 degrees
2589 out there. There may be some downside to this but, what I see about it is practically all
2590 positive. A 25.9 million dollar renovation to anything has to improve it, and the
2591 neighborhood is in support of this and so is the church across the street. I firmly believe
2592 that we would be doing something positive. There are homeless people and even after
2593 this is done, there will still be more homeless people. And I do think we owe them some
2594 sort of compensation because some of them have served us well and we're not even
2595 aware of it. So with that, unless there are any other questions, I move to approve
2596 REZ2019-00002 City of Richmond and send it to the Board with a recommendation of
2597 approval.

2598
2599 Mr. Mackey - Second.

2600
2601 Mr. Archer - And also, while I'm talking ...

2602
2603 Mrs. Thornton - You are doing one, right?

2604
2605 Mr. Archer - Yes, I am doing one.

2606
2607 Mr. Baka - Ok, there's a motion by Mr. Archer and a second by Mr.
2608 Mackey to approve rezoning for this case. All in favor say, aye.

2609
2610 The Commission - Aye.

2611
2612 Mr. Baka - Opposed say, no. Motion passes. Now, Provisional Use
2613 Permit.

2614
2615 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Mackey,
2616 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
2617 Supervisors grant the request because it would permit reuse of the existing development
2618 in an appropriate manner and it would not adversely affect the adjoining area if developed
2619 properly as proposed.

2620
2621 Mr. Archer - Now, I move to send the Provisional Use Permit 2019-00001
2622 City of Richmond, send it to the Board for the recommendation for approval.

2623

2624 Mrs. Thornton - Second.
2625
2626 Mr. Baka - We have a motion made by Mr. Archer and second by Mrs.
2627 Thornton. All in favor say, aye.
2628
2629 The Commission - Aye.
2630
2631 Mr. Baka - No? Motion passes.
2632
2633 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Mackey,
2634 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
2635 Supervisors **grant** the request because it would permit reuse of the existing development
2636 in an appropriate manner and it would not adversely affect the adjoining area if developed
2637 properly as proposed.
2638
2639 Mr. Witte - I'd like to make one comment to the Pastor. I hope you found
2640 your sanctuary, too. There are a lot of souls that need your assistance.
2641
2642 Mr. Baka - Thank you.
2643
2644 Mr. Emerson - Mr. Chairman, we now move on to page 3 of your agenda to
2645 REZ2018-00041 Andrew M. Condlin for Aurelie Capital. Request to conditionally rezone
2646 from R-2A One-Family Residence District and R-5 General Residence District to R-5C
2647 General Residence District 15.559 acres located on Hungary Spring Road south of its
2648 intersection with Staples Mill Road. The applicant proposes an addition to an existing
2649 multifamily development. The R-5 District allows a maximum gross density of 4.69 units
2650 per acre. The use will be controlled by zoning ordinance regulations and proffered
2651 conditions. The 2026 Comprehensive Plan recommends Multi-Family Residential and
2652 Environmental Protection Area. The staff report will be presented by Mr. Michael Morris.
2653
2654 **REZ2018-00041 Andrew M. Condlin for Aurelie Capital:** Request to
2655 conditionally rezone from R-2A One-Family Residence District and R-5 General
2656 Residence District to R-5C General Residence District (Conditional) Parcels 766-758-
2657 9104 and 766-758-9453 (part) containing 15.559 acres located on the west line of
2658 Hungary Spring Road approximately 130' south of its intersection with Staples Mill Road
2659 (U.S. Route 33). The applicant proposes an addition to an existing multifamily
2660 development. The R-5 District allows a maximum gross density of 4.69 units per acre.
2661 The use will be controlled by zoning ordinance regulations and proffered conditions. The
2662 2026 Comprehensive Plan recommends Multi-Family Residential and Environmental
2663 Protection Area
2664
2665 Mr. Baka - Is there anyone present tonight in opposition to Rezoning
2666 2018-00041 Andrew M. Condlin for Aurelie Capital? Anyone at all?
2667
2668 Citizen - We're not sure because we need to hear the presentation.
2669

2670 Mr. Baka - Mr. Morris will give his presentation.
2671
2672 Mr. Morris - Thank you, Mr. Chairman, members of the Commission.
2673
2674 The applicant has requested to conditionally rezone 15.559 acres from R-2A One-Family
2675 Residence District and R-5 General Residence District to R-5C General Residence
2676 District (Conditional) to construct additional apartment units within the Millspring
2677 Commons development. The new units would be located in a single building along the
2678 northern border on the portion of the site currently zoned R-2A. ... So, right here.
2679
2680 The property is bordered to the north and west by floodplains, Laurel Heights subdivision,
2681 and large-acreage single-family residences zoned R-2A. Millspring Townes, zoned
2682 RTHC Residential Townhouse District (Conditional) is located to the west beyond the
2683 floodplain. To the east, across Hungary Spring Road is Staples Mill Marketplace. Located
2684 to the south is Dumbarton Elementary school.
2685
2686 Proffered elevations show a three-story building with façade comprised of a combination
2687 of brick, stone, or cementitious siding. Based on the proffered overall site density of no
2688 more than 209 units, and the existing 159 residential units in Millspring Commons, this
2689 apartment building would have no more than 50 units. To buffer the new units and the
2690 school, the applicant has also proffered a 15' wide buffer on the R-2A parcel to be planted
2691 as a Transitional Buffer 25 along the shared property line. And, that would be right down
2692 here ...
2693
2694 The applicant has also proffered new finishes for the existing apartments, which are
2695 intended to incorporate colors and features of the new apartment building and clubhouse
2696 in an effort to blend in the new development with the existing development.
2697
2698 The new clubhouse, shown here, will replace the existing one. As proffered, no final
2699 certificate of occupancy for any dwelling unit in the new apartment building shall be issued
2700 until a final certificate of occupancy is issued for the clubhouse and a minimum of 25% of
2701 the existing apartments have been improved, per elevations shown on the previous slide.
2702
2703 The 2026 Comprehensive Plan recommends Environmental Protection Area and Multi-
2704 Family with a recommended density not to exceed 19.8 units per acre. This request is
2705 consistent with the Multi-Family Residential designation. It would serve as infill
2706 development and is generally compatible with the surrounding multi-family development.
2707 For these reasons staff supports this request.
2708
2709 This concludes my presentation. I am happy to answer any questions you may have.
2710
2711 Mr. Baka - Any questions of the Commission for Mr. Morris?
2712
2713 Thank you.
2714
2715 Mr. Morris - Thank you.

2716
2717 Mr. Baka - Mr. Witte?
2718
2719 Mr. Witte - Can we hear from the young lady over there that had some
2720 questions?
2721
2722 Citizen - Yes
2723
2724 Mr. Baka - Please state your name for the record, please?
2725
2726 Ms. Bahen - You don't know me. (...LAUGHTER...) Um ... Patricia Bahen,
2727 that's B-A-H-E-N, 9529 Hagen Road, Glen Allen.
2728
2729 Our property is adjacent to the Millspring Commons Apartments, on the other side of the
2730 floodplains. So, I was anxious to see this ... um ... slide and see what the deal is and I
2731 don't think we have any objections to it.
2732
2733 Mr. Baka - Ok.
2734
2735 Ms. Bahen - Especially with the new owners and renovations coming to the
2736 apartments, I rode down through there today to make sure I knew what I was talking about
2737 and I'm all good.
2738
2739 Mr. Baka - Thank you Ma'am. Anyone else who would like to speak to
2740 this matter tonight? Mr. Witte?
2741
2742 Mr. Witte - I don't believe I even need to hear from the Applicant unless
2743 somebody else want to. Any questions?
2744
2745 Mr. Baka - No, sir.
2746
2747 Mr. Witte - Alright. Well with that, Mr. Chairman, I move that REZ2018-
2748 00041 Andrew M. Condlin for Aurelie Capital be approved with the proffers dated
2749 December 24th ... wait a minute ... yes, December 24, 2018 be moved to the Board of
2750 Supervisors for approval.
2751
2752 Mr. Mackey - Second.
2753
2754 Mr. Baka - Approved by Mr. Witte an second by Mr. Mackey recommend
2755 approval by the Board. All those in favor say, aye.
2756
2757 The Commission - Aye.
2758
2759 Mr. Baka - Opposed say, no. Motion passes.

2760

2761 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the
2762 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
2763 **grant** the request because it continues a form of zoning consistent with the area and it
2764 would not adversely affect the adjoining area if developed properly as proposed.
2765

2766 Mr. Emerson - We move on to the next case which also appears on page 3.
2767 It is REZ2019-00005 Kerry Hutcherson, Esquire for Par 5 Development Group, LLC. It is
2768 a request to amend proffers accepted with Rezoning case C-70C-86, located on
2769 Woodman Road, north of its intersection with Hungary Road. The applicant proposes to
2770 amend proffers regarding landscape buffers, access drives, and architectural treatment.
2771 The existing zoning is B-2C Business District. The 2026 Comprehensive Plan
2772 recommends Commercial Concentration. The site is located in the Enterprise Zone and
2773 the staff report will be presented by Mr. Ben Sehl.
2774

2775 **REZ2019-00005 Kerry Hutcherson, Esquire for Par 5 Development Group,**
2776 **LLC:** Request to amend proffers accepted with Rezoning case C-70C-86 on Parcels 773-
2777 759- 8944 and 773-759-9232 located on the west line of Woodman Road, approximately
2778 365' north of its intersection with Hungary Road. The applicant proposes to amend
2779 proffers regarding landscape buffers, access drives, and architectural treatment. The
2780 existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan
2781 recommends Commercial Concentration. The site is in the Enterprise Zone.
2782

2783 Mr. Baka - Is there anyone present tonight who is in opposition to
2784 rezoning case REZ2019-00005 Kerry Hutcherson, Esquire for Par 5 Development
2785 Group?
2786

2787 Mr. Baka - I see no opposition. Mr. Sehl.
2788

2789 Mr. Sehl - Thank you, Mr. Chairman. As Mr. Emerson stated. This
2790 request is to amend proffers accepted with Rezoning case C-70C-86 to allow an
2791 additional access point on Woodman Road, as well as modify conditions regarding
2792 architecture and buffering on Woodman. The purpose of this request is to allow the
2793 existing Dollar General retail store within Laurel Park Shopping Center to relocate to an
2794 undeveloped outparcel along Woodman Road. This exhibit, which is not proffered, was
2795 provided by the applicant to show how the site might be developed.
2796

2797 The proffer amendment is necessary because the proffers accepted with C-70C-86 only
2798 allowed two access points to the property subject to that rezoning. That property includes
2799 the main shopping center building and a parking area to the west, as well as the adjacent
2800 Little Caesar's to the south of the subject site in this location.
2801

2802 As you can see on this photo, the main shopping center is to the north and Little Caesar's
2803 entrance to the south, meaning two access points already exist along Woodman Road.
2804 Limiting access to Woodman Road was a major point of discussion during the during the
2805 1986 rezoning request. In the past, county practices limit new access points to shopping
2806 centers Road with a focus to providing internal access for outparcel development. The

2807 applicant's request would be in conflict with these standards. In addition, piece meal
2808 redevelopment of the shopping center property that includes new access points is
2809 discouraged without a knowledge of what might happen with the overall shopping center.
2810

2811 While redevelopment of Laurel Park is desirable, and the existing zoning and proposed
2812 use are consistent with the 2026 Comprehensive Plan, existing B-2 zoning, and the
2813 property's location within the Enterprise Zone, staff does not believe this request is
2814 appropriate at this time.
2815

2816 The property could be developed under the site's current zoning utilizing existing access
2817 points, or existing access points could be modified to serve the site while still being
2818 compliant with the current proffers. Staff does not object to the proffer modifications
2819 regarding landscaping and architecture, as they are minor in scope and largely provide
2820 clarification. However, staff does not support the request to allow additional access to
2821 Woodman Road for the proposed development and therefore recommends denial of this
2822 request. I'll be happy to answer any questions you might have at this time.
2823

2824 Mr. Baka - Any questions of the staff? Mr. Sehl?

2825
2826 Mr. Sehl - Thank you.

2827
2828 Mr. Baka - Thank you.

2829
2830 Mr. Witte - I'd like to hear from the applicant, please?

2831
2832 Mr. Baka - Good evening. Welcome.
2833

2834 Mr. Hutcherson - Good evening Mr. Chairman and members of the
2835 Commission. My name is Kerry Hutcherson, for the record, and I'm here on behalf of my
2836 client Par 5 Development Group. Thanks for having us here. This case is really about
2837 finding a way to facilitate economic growth and revitalization of this area.
2838

2839 The county wants to reinvest in the Laurel Park area. My client is answering that call by
2840 coming forward with this application and proposal to move a Dollar General from a very
2841 old, very outdated building that was built in 1968 to a new site, a new building pretty much
2842 in keeping with modern architecture and revitalize the area by investing over a million
2843 dollars into the site to increase tax revenues; and, we would only be a catalyst for further
2844 redevelopment in this area. When developers see us as taking the dive here and building
2845 something on this spot, our hope and our belief is that the others will follow us.
2846

2847 In order to do this, we're going to have to address our access in some way. We've been
2848 talking with the staff for several months now and I just spoke with Mr. Witte yesterday and
2849 tried to explain all the various different options we have explored for providing an access
2850 to this site.
2851

2852 The big problem and really the reason why we came forward with our application for
2853 amending the proffered conditions and the existing zoning to allow a third access is that
2854 our seller, who's the owner of the adjacent parcels to the rest of the shopping center has
2855 not been willing to allow us access through the shopping center. He wants us to provide
2856 our own access. We have provided a couple of alternatives to using the existing most
2857 northern access and the Little Caesar's access but, so far, the seller hasn't been
2858 interested in either of those proposals. Both of those would be great for us because they
2859 would allow us to avoid rezoning. We could get straight through the site plan process and
2860 work with the county on developing a good site. Instead, we're in this position where we
2861 really need to move forward with either access with the existing accesses or a proposal
2862 for a new access.

2863
2864 In terms of trying to address the redevelopment of the rest of the shopping center, which
2865 I know is a major concern of staff and the rest of the county. Y'all, for good reasons, are
2866 not interested in piecemeal development. We'd like to be able to come forward with a
2867 more comprehensive plan but, we're not under contract with the rest of the property.
2868 There's another buyer who's under contract for the rest of the shopping center property,
2869 and despite our asking the seller for further details about what might go there and the rest
2870 of the shopping center in the future, the seller's been very short on details. So, we don't
2871 have much in the way of telling the County ... this is how our proposal would fit in with the
2872 large scheme and that brings us to where we are today. And so, we're looking for a way
2873 to partner with the county on revitalizing this area, short of getting access from the
2874 shopping center from our seller who has been unwilling to give it to us so far. The only
2875 other thing we can come up with is this amendment to this current zoning. So, with that, I
2876 would respectfully ask that you recommend approval of our case and I'd be happy to
2877 answer any questions that you have about our proposed development or what brought
2878 us to this.

2879
2880 Mr. Witte - Um ... ok, Mr. Hutcherson, I appreciate it. I have a ... my initial
2881 question is, who is the client?

2882
2883 Mr. Hutcherson - Par 5 Development Group is the preferred developer of the
2884 Dollar General, Corp.

2885
2886 Mr. Witte - Ok, because on your application, you wrote in your hand, the
2887 Par 5 Development Group.

2888
2889 Mr. Hutcherson - Par 5 Development Group is under contract to purchase this
2890 property.

2891
2892 Mr. Witte - So ...

2893
2894 Mr. Hutcherson - And we had the owner of the property, JD Properties, also fill
2895 out the paperwork.

2896
2897 Mr. Witte - So, you are not an owner?

2898 Mr. Hutcherson - Par5 Development Group is not an owner. JD Properties ...
2899
2900
2901 Mr. Witte - Now ... now it's listed here as Kerry Hutcherson, Agent,
2902 Owner, and Applicant.
2903
2904 Mr. Hutcherson - Yes, sir. I'm not an owner. I'm sorry if there was something
2905 confusing about that application.
2906
2907 Mr. Witte - It was written by hand. It wasn't typed in and signed. So, I had
2908 some issues with that. Secondly... let me see here ... I have concerns you don't have
2909 enough transparency here. As you've seen earlier today, we get the public involved a lot
2910 and I know staff asked you about a community meeting and that didn't work out. I still
2911 think that absolutely needs to be done. I have concerns about the ingress and egress on
2912 Woodman Road. And another one could affect the traffic patterns and create safety
2913 issues, which is Proffer 9, I believe that is C-70C-86. And I've got staff recommendations
2914 for denial. So, I don't believe you've given me any reason to recommend approval. Can
2915 you help me with any of those issues?
2916
2917 Mr. Hutcherson - Well, the best I can do is explain our circumstances what
2918 brings us to ask for the additional access which I have done. I'm looking at the application
2919 here. This is one thing I can help you with. I believe what I wrote here on the application
2920 that I was Agent for the owner/applicant and that's because the owner and applicant
2921 signed Powers of Attorney appointing me as their Agent. So, I'm sorry if that was unclear
2922 to you.
2923
2924 Mr. Witte - Ok, as I said, Agent/Owner and Applicant ... so I was just
2925 confused.
2926
2927 Mr. Hutcherson - Well, I hope I've cleared that up.
2928
2929 Mr. Witte - I have no further questions.
2930
2931 Mr. Hutcherson - I will also add ... about addressing your comments about the
2932 community meeting. We did make an attempt to book some venues. It was very difficult
2933 to find anything to use in the area. The closest I could find was way over at the Gayton
2934 Library and I figured it would be better to not have a meeting, rather than to insult people
2935 by offering to meet way far away from where the property's located.
2936
2937 Mr. Witte - I agree with that but, just out of curiosity ... Did you happen to
2938 see if there were any vacancies in that shopping center?
2939
2940 Mr. Hutcherson - (he laughs) ... I certainly did not. I wasn't sure if that was
2941 where y'all typically wanted your community meetings but, I'm sure, there are plenty of
2942 vacancies in that shopping center. Dollar General might be the last tenant there.
2943

2944 Mr. Baka - I'm sure Mr. Witte can recommend some additional venues, if
2945 you like. I would echo Mr. Witte's concern about having an unproffered concept plan with
2946 no definitive plan of where the access would be and why it would be directly opposite the
2947 other ingress/egress on the east side of the road or not but regardless, I'd underscored
2948 some of the concerns he had echoed.

2949
2950 At this point, does anyone else have any questions of the Applicant from the Commission?
2951

2952 Mr. Baka - Thank you, sir.

2953
2954 Mr. Hutcherson - Ok, thank you.

2955
2956 Mr. Baka - Mr. Witte, how would you like to proceed tonight?

2957
2958 Mr. Witte - Well, based on the issues brought up tonight and concerns
2959 from staff, I'm going to deny REZ2019-00005 Kerry Hutcherson, Esquire for Par 5
2960 Development Group, LLC. I move to the Board of Supervisor with a recommendation for
2961 denial.

2962
2963 Mr. Baka - I'll second that motion.

2964
2965 With a motion by Mr. Witte and a second by Mr. Baka, to move forward this case for a
2966 recommendation for denial. All those in favor, say aye.

2967
2968 The Commission - Aye.

2969
2970 Mr. Baka - Opposed say, nay. Aye's have it, motion passes.

2971
2972 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Baka, the
2973 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
2974 **deny** the request because it would not represent logical land use practices and would not
2975 be in the best interest of the health, safety and welfare of the community.

2976
2977 Mr. Emerson - Mr. Chairman, we move on to the next item on your agenda
2978 which also is on page 3. PUP2019-00002 Kinsale Capital Group, Inc. request a
2979 Provisional Use Permit to allow a master planned development with office and multifamily
2980 uses on Parcel 776-736-1392 located on Thalbro Street between its intersections with
2981 Maywill and Westmoreland Streets. The existing zoning is M-1 Light Industrial District.
2982 The 2026 Comprehensive Plan recommends Heavy Industry. The site is in the Westwood
2983 Redevelopment Overlay District, and the staff report will be presented by Mr. Ben Sehl.

2984
2985 **PUP2019-00002 Kinsale Capital Group, Inc.:** Request for a Provisional Use
2986 Permit under Sections 24-92.5(c), 24-120 and 24-122.1 of Chapter 24 of the County Code
2987 to allow a master planned development with office and multifamily uses on Parcel 776-
2988 736-1392 located on the west line of Thalbro Street between its intersections with Maywill
2989 and 4 January 18, 2019 Westmoreland Streets. The existing zoning is M-1 Light Industrial

2990 District. The 2026 Comprehensive Plan recommends Heavy Industry. The site is in the
2991 Westwood Redevelopment Overlay District.

2992
2993 Mr. Baka - Is there anyone here tonight in opposition to PUP2019-00002
2994 Kinsale Capital Group, Inc.? Anyone? I see no opposition, Mr. Sehl.

2995
2996 Mr. Sehl - This is a request to allow a master planned
2997 development with office (150k) and multifamily (250 units) uses under a new code section
2998 for the Westwood Redevelopment Overlay District. The new overlay, which was
2999 discussed a number of times with the Commission prior to adoption by the Board in
3000 December, allows for an applicant to file a PUP to reduce setbacks, increase building
3001 heights, set parking standards, and allow multifamily residential uses within the
3002 Westwood area.

3003
3004 As shown here, the site is zoned M-1 and located in an area that is generally industrial
3005 and commercial in nature. No residential uses are in close proximity, and the area is
3006 expected to transition as new uses are introduced. The form of this redevelopment is
3007 anticipated to be more urban in nature per the Westwood small area study, and reduced
3008 setbacks, greater building height, and a mixture of uses could therefore be appropriate.

3009
3010 The applicant has submitted a number of documents that constitute the master plan for
3011 the development. The overall conceptual plan, demonstrating full development of the
3012 subject site, is shown here. The new office building would be located closest to the
3013 intersection of Maywill and Thalbro, and would be accompanied in the first phase by the
3014 parking structure located here. The proposed multifamily building would be located here.

3015
3016 The applicant has also submitted a number of architectural renderings showing the
3017 proposed buildings. Here is the office building ... the parking deck ... and multifamily
3018 building. Additional details would be provided as part of the POD process, and we
3019 anticipate review of the POD would follow closely after Board of Supervisors
3020 consideration of this request.

3021
3022 In addition to the residential use, increased building height of up to 100', and the reduced
3023 setbacks shown on the master plan, the Westwood Overlay allows reduced and shared
3024 parking subject to a parking plan. As noted in the staff report, the initial analysis by the
3025 applicant showed a deficit of parking at certain times of day. Using parking ratios
3026 developed for mixed-use communities elsewhere in the County, the applicant has re-
3027 analyzed the parking for the site and provided a revised letter describing the parking for
3028 the development. That has been distributed to you this evening and addresses the only
3029 outstanding item noted in the staff report.

3030
3031 Overall, staff believes this request would facilitate redevelopment in keeping with the
3032 recommendations of the Westwood Study. The Westwood Overlay was adopted
3033 specifically to encourage developments such as this, and the submitted documents
3034 demonstrate the development will support the redevelopment goals of the County for

3035 Westwood. For these reasons, staff supports this request subject to the conditions noted
3036 in the staff report.

3037
3038 That does conclude my presentation, and I'd be happy to answer any questions you might
3039 have at this time.

3040
3041 Mr. Baka - Any questions of Mr. Sehl of this revitalization proposal?

3042
3043 Mr. Witte - No, sir.

3044
3045 Mr. Baka - Thank you.

3046
3047 Mr. Sehl - Thank you.

3048
3049 Mr. Baka - How would you like to proceed?

3050
3051 Mr. Witte - Would the applicant like to address the Commission? If you
3052 prefer not to, I'm fine with that. But to enlighten you ... it would be appreciated.

3053
3054 Applicant - Sure. I'm Michael Kehoe and I'm the CEO of Kinsale Capital
3055 Group. And, we are a special insurance company. We write in all 50 states. We are a
3056 publicly traded company as of two and a half years ago. And, we are currently in the
3057 general area but, we are out of space in the building that we currently occupy and so we
3058 are looking to develop this new property to continue the expansion of the business. I think
3059 it's a neat part of town, very centrally located. We employee people from Mechanicsville,
3060 Western Henrico, Western Chesterfield, City of Richmond and, you know, it's close to a
3061 150,000 sq. ft. building is what we are proposing. It a Class A building and I think it will
3062 complement the Anthem Regional Headquarters there, right across the street. And you
3063 know the multi-family and office development kind of complement each other in terms of
3064 the parking usage. And, I figure, it helps the economics of the project quite a bit.

3065
3066 Mr. Baka - Thank you. Any questions of Mr. Kehoe?

3067
3068 Mr. Witte - No, I have none.

3069
3070 Mr. Baka - Thank you for bring your investment to Henrico County.

3071
3072 Mr. Kehoe - Thank you.

3073
3074 Mr. Witte - With that, Mr. Chairman, I move that PUP2019-00002 Kinsale
3075 Capital Group, Inc., move to the Board of Supervisors with a recommendation of approval.
3076 With the condition numbers going through 1-10 in the staff report.

3077
3078 Mrs. Thornton - Second.

3079

3080 Mr. Baka - We have a motion by Mr. Witte and a second by Mrs.
3081 Thornton. All those in favor say, aye.

3082
3083 The Commission - Aye.

3084
3085 Mr. Baka - Opposed, no. Motion passes.

3086
3087 **REASON -** Acting on a motion by Mr. Witte, seconded by Mrs. Thornton,
3088 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
3089 Supervisors **grant** the request because it would provide added services to the community
3090 and when properly developed and regulated by the recommended special conditions, it
3091 would not be detrimental to the public health, safety, welfare and values in the area.

3092
3093 Mr. Emerson - Mr. Chairman, the next item on your agenda this evening is a
3094 discussion item.

3095
3096 **DISCUSSION ITEM:** And, as you know every February, the County Manager and
3097 the Finance staff come and present to you the Capital Improvements Program. So, it's
3098 that time of the year again and I would like that the Commission schedule a Public Hearing
3099 for February 14, 2019, at 6:00 p.m. to consider the Fiscal Year 2019/20 through Fiscal
3100 Year 2023/24 Capital Improvement program.

3101
3102 Mr. Mackey - So moved.

3103
3104 Mr. Archer - Second.

3105
3106 Mr. Baka - So, we have a motion by Mr. Mackey, second by Mr. Archer
3107 to schedule a Public Hearing for February 14, at 6:00 p.m.

3108
3109 Mr. Archer - That's it!

3110
3111 Mr. Baka - Yeah.

3112
3113 Mr. Emerson - Yeah.

3114
3115 Mr. Baka - ... you missed one ... All in favor say, aye.

3116
3117 The Commission - Opposed say, no. Motion passes.

3118
3119 Mr. Emerson - Thank you, Mr. Chairman, if the Commission would like to
3120 come at 5:30, we can have some food available for you.

3121
3122 Mr. Archer - I think it'd be very kind of you.

3123
3124 Mr. Baka - I'll second that.

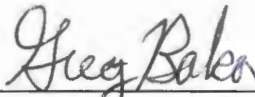
3125

3126 Mr. Emerson - We'll be happy to do that. We may not have a Work Session
3127 item. We'll see how that works out. Let's plan on 5:30. I don't know if the Manager's
3128 conference room is available. I'll give you the location ... but it will be in this building.
3129
3130 Mr. Archer - We'll find a place. We can eat here.
3131
3132 Mr. Emerson - If the Manager's conference room is available, that's where
3133 we will be.
3134
3135 Mr. Baka - Thank you.
3136
3137 Mr. Emerson - Because it accommodates us better but, as you are aware,
3138 sometimes it's not available.
3139
3140 Mr. Archer - Thank you, Mr. Secretary.
3141
3142 Mr. Emerson - Not a problem, Mr. Archer.
3143
3144 The next item on the agenda will be the approval of the Minutes from your December 6,
3145 2018 meeting, and we have no errata sheet. So, if you do have any corrections, please
3146 let us know and we'll make those as the Commission deems appropriate.
3147
3148 Mr. Archer - Do I have any?
3149
3150 Mr. Witte - I'm going to abstain, since I wasn't here.
3151
3152 Mrs. Thornton - Me, too.
3153
3154 Mr. Archer - Then, I move the Minutes be approved as written.
3155
3156 Mr. Mackey - Second.
3157
3158 Mr. Baka - Moved by Mr. Archer, second by Mr. Mackey to approve the
3159 Minutes as written. All in favor say, aye.
3160
3161 The Commission
3162 (*Minus Mr. Witte*
3163 *& Mrs. Thornton*) - Aye.
3164
3165 Mr. Baka - Opposed say, no. Motion passes.
3166
3167 Mr. Archer - Mr. Mackey and I are the only ones ... (INAUDIBLE) ...
3168
3169 Mr. Baka - Because of two abstentions ...
3170
3171 Mr. Emerson - Mr. Chairman, I have nothing further for the Planning
3172 Commission this evening.

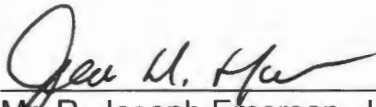
3173
3174 Mr. Archer -
3175
3176 Mr. Witte -
3177
3178 Mr. Baka -
3179 Meeting is adjourned.

Mr. Chairman, I move for adjournment.
Second.
Motion to adjourn made by Mr. Archer, second by Mr. Witte.

3180
3181
3182
3183
3184
3185
3186
3187
3188
3189
3190
3191
3192



Mr. Greg Baka, Chairman



Mr. R. Joseph Emerson, Jr., Secretary

