

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**
2 **County held in the County Administration Building in the Government Center at**
3 **Parham and Hungary Springs Roads, beginning at 7:00 p.m. Thursday, June 13,**
4 **2019. Display Notice having been published in the *Richmond Times-Dispatch* on**
5 **May 27, 2019 and June 3, 2019.**
6

7 **Members Present:** Mr. Gregory R. Baka, Chairman (Tuckahoe)
8 Mr. C. W. Archer, C.P.C., Vice Chairman (Fairfield)
9 Mr. William M. Mackey, Jr. (Varina)
10 Mr. Robert H. Witte, Jr. (Brookland)
11 Mrs. Melissa Thornton (Three Chopt)
12 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
13 Secretary
14

15 **Members Absent:** Mr. Frank J. Thornton (Fairfield)
16 Board of Supervisors' Representative
17

18 **Also Present:** Ms. Jean Moore, Assistant Director of Planning
19 Mr. James P. Strauss, PLA, Senior Principal Planner
20 Ms. Rosemary D. Deemer, AICP, County Planner
21 Mr. Seth Humphreys, County Planner
22 Mr. Benjamin Sehl, County Planner
23 Mrs. Lisa Blankinship, County Planner
24 Mr. Michael Morris, County Planner
25 Ms. Luanda Fiscella, County Planner
26 Mr. William Moffett, CPTED Planner, Police
27 Ms. Sylvia Ray, Recording Secretary
28
29

30 **Mr. Baka -** Good evening and welcome. I will call this meeting of the
31 **Henrico County Planning Commission to order. This is our Rezoning Meeting for June**
32 **13, 2019. At this time I'd like to ask that you take a moment to silence your cellphones,**
33 **and please stand with the Commission for the Pledge of Allegiance.**
34

35 [Recitation of the Pledge of Allegiance]
36

37 **Do we have anyone in the audience with us tonight with the news media? Okay, seeing**
38 **none. Mr. Frank Thornton, our Board of Supervisors' representative who typically sits with**
39 **the Planning Commission is not here tonight. But we do have a majority of Commissioners**
40 **are present. We do have a quorum. At this point I'll turn the meeting over to Mr. Emerson,**
41 **our Secretary.**
42

43 **Mr. Emerson -** Thank you, Mr. Chairman. The first item on your agenda this
44 **evening are the requests for withdrawals and deferrals, and those will be presented by**
45 **Mr. Jim Strauss.**
46

47 Mr. Strauss - Thank you, Mr. Secretary. We've got a number of deferrals
48 this evening, and the first deferral is for the proposed ordinance amendment for short-
49 term rentals, and it's on page one of your agenda. Staff is recommending we defer this to
50 the September 12, 2019 meeting.

51
52 (Deferred from the March 14, 2019 Meeting)

53 **ORDINANCE** – To Amend and Reordain Section 24-3 Titled “Definitions,” Section 24-12
54 Titled “Conditional uses permitted by special exception,” Section 24-13 Titled “Accessory
55 uses permitted,” Section 24-13.01 Titled “Development standards and conditions for
56 permitted uses,” Section 24-28 Titled “Principal uses permitted,” Section 24-94 Titled
57 “Table of regulations,” Section 24-96 titled “Off-street parking requirements,” and Section
58 24-121 Titled “Conditional zoning or zone approval” of the Code of the County of Henrico.
59 This ordinance allows for short-term rentals of real estate for periods of fewer than 30
60 consecutive days. Specifically, this ordinance allows hosted short-term rentals by right in
61 the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, and R-3A residential districts up to 30 days in
62 a calendar year. For all other short-term rentals in those districts, this ordinance requires
63 the operator of the rental to obtain a conditional use permit. All short-term rentals would
64 be subject to regulations limiting rentals to the operator’s primary residence owned by
65 him and limiting the use of guesthouses, the number of short-term renters and pets, and
66 the length of rentals. The ordinance would also prohibit rentals to minors and double-
67 booking, and require: provision of life-safety equipment consistent with the building code,
68 posting of certain information within the rental, designation of responsible persons to
69 respond to complaints, keeping of records of short-term rentals, and provision of off-street
70 parking. Finally, the ordinance adds and revises definitions related to the rental of real
71 estate.

72
73 Mr. Baka - Is there anyone present in opposition to the deferral of the
74 draft ordinance regarding short-term rentals?

75
76 Mrs. Thornton - All right, Mr. Chairman, I move that we defer decision on the
77 ordinance of the short-term rentals to the September 12, 2019 meeting at the request of
78 the Commission.

79
80 Mr. Mackey - Second.

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

84
85 The Commission - Aye.

86
87 Mr. Baka - Opposed say no. Motion passes.

88
89 Mr. Strauss - The next request for deferral this evening is in the Varina
90 District on page two of your agenda. It's rezoning case REZ 2019-000001, Liberty Homes.
91 And the applicant is requesting a deferral to the July 11, 2019 meeting.

92

93 **(Deferred from the May 9, 2019 Meeting)**

94 **REZ2019-00001 RVA Land for Liberty Homes:** Request to rezone from A-1
95 Agricultural District to R-2 One-Family Residence District Parcel 821-679-0872 containing
96 5.381 acres located on the west line of Buffin Road, approximately 2,700' north of
97 Kingsland Road. The applicant proposes two single family dwellings. The R-2 District
98 allows a minimum lot area of 18,000 square feet and a maximum gross density of 2.42
99 units per acre. The use will be controlled by zoning ordinance regulations. The 2026
100 Comprehensive Plan recommends Suburban Residential 1, density should not exceed
101 2.4 units per acre and Environmental Protection Area. The site is in the Airport Safety
102 Overlay District.

103
104 Mr. Baka - Is there anyone present tonight in opposition to the deferral of
105 rezoning 2019-00001, RVA Land for Liberty Homes? I see no opposition. Mr. Mackey.

106
107 Mr. Mackey - Mr. Chairman, I move that REZ2019-00001 RVA Land for
108 Liberty Homes be deferred to the July 11th meeting at the request of the applicant.

109
110 Mr. Archer - Second.

111
112 Mr. Baka - We have a motion by Mr. Mackey, and a second by Mr.
113 Archer. All in favor say aye.

114
115 The Commission - Aye.

116
117 Mr. Baka - Opposed say no. Motion passes.

118
119 Mr. Strauss - The next request for deferral is in the Fairfield District on page
120 two of your agenda. It's Rezoning 2019-00019, it's 2352 LLC. And again, the applicant in
121 this case is requesting deferral to the July 11, 2019 meeting.

122
123 **REZ2019-00019 Youngblood, Tyler, and Associates for 2352 LLC:** Request
124 to rezone from R-5C General Residence District (Conditional) to C-1 Conservation District
125 part of Parcel 782-771-0431 containing .904 acres located approximately 770' northwest
126 from the terminus of Magnolia Ridge Drive. The applicant proposes a conservation district.
127 The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan
128 recommends Environmental Protection Area and Office.

129
130 Mr. Baka - Is there anyone present in opposition to the deferral of
131 Rezoning 2019-00019 Youngblood, Tyler and Associates for 2532 LLC? I see no
132 opposition. Mr. Archer?

133
134 Mr. Archer - Mr. Chairman, I move that REZ2019-00019 Youngblood,
135 Tyler and Associates for 2352 LLC be deferred to the July 11, 2019 meeting at the request
136 of the applicant.

137
138 Mr. Witte - Second.

139
140 Mr. Baka - We have a motion by Mr. Archer, second by Mr. Witte. All
141 those in favor say aye.
142
143 The Commission - Aye.
144
145 Mr. Baka - Opposed say no. Motion carries.
146
147 Mr. Strauss - The next request for deferral is in the Three Chopt District on
148 page three of your agenda. It's Rezoning 2019-00017, Jesse R. Penn III. And the
149 applicant in this case is requesting deferral to the August 15, 2019 meeting.
150
151 **REZ2019-00017** **Jesse R. Penn, III:** Request to rezone from A-1 Agricultural
152 District to O-1 Office District Parcel 739-755-8658 containing 1.047 acres located on the
153 north line of Church Road approximately 145' east of its intersection with John Rolfe
154 Parkway. The applicant proposes office uses which will be controlled by zoning ordinance
155 regulations. The 2026 Comprehensive Plan recommends Office.
156
157 Mr. Baka - August 15th. Is there anyone present in opposition to the
158 deferral of Rezoning 2019-00017 Jesse R. Pen, III?
159
160 Mr. Witte - Right back here.
161
162 Mr. Baka - Yes, sir.
163
164 Mr. Axarlis - (indiscernible) the application why (indiscernible) what is their
165 reason for postponing?
166
167 Mr. Baka - What is the reason for the deferral?
168
169 Mrs. Thornton - The applicant.
170
171 Mr. Baka - The applicant has requested deferral to a later meeting, and
172 in that case we are prepared to vote on their action to defer this matter to a later meeting
173 in August.
174
175 Mr. Axarlis - Are there requirements on the applicant (indiscernible) give
176 (indiscernible) to the people (indiscernible) time and date?
177
178 Mr. Witte - Can you get him to come up here?
179
180 Mr. Strauss - Could you come forward, sir and --
181
182 Mr. Baka - Could you come to the podium, please? Thank you. Good
183 evening and welcome.
184

185 Mr. Axarlis - Good evening.
186
187 Mr. Baka - Hi.
188
189 Mr. Axarlis - My name is Angelo (ph) Axaralis, A-X-A-R-L-I-S.
190
191 Mr. Baka - Okay. And your question again, sir, if I may?
192
193 Mr. Axarlis - My question is the party that decided to move the hearing to
194 a different date and time, is that party -- is the party allowed to do this without -- I mean,
195 I'm not sure -- this is the first time I've been in the hearing.
196
197 Mr. Baka - Yes, sir.
198
199 Mr. Axarlis - So because I live nearby, and I am concerned about it.
200
201 Mr. Baka - Okay.
202
203 Mr. Axarlis - And I know, in fact, that the party was not prepared for today.
204
205 Mr. Baka - If I may take an opportunity to answer your question. Yes, the
206 applicant is the one who requested that deferral, and yes, the applicant may opt to defer
207 it to a later date. In this case they're looking to defer it to the August 15th meeting, which
208 would allow for additional time to work out issues related to the plan, to the case, and to
209 the neighbors.
210
211 That also allows neighbors and citizens such as yourself time to respond and see the
212 information with Mr. Strauss and the other staff in the office, review it, perhaps submit any
213 emails or any letters or any phone calls or comments or questions that you have so you
214 can respond to that. So this does allow for time for the process to take care of itself.
215
216 Mr. Axarlis - I see. All right, thank you.
217
218 Mr. Baka - Please stay involved with the process.
219
220 Mr. Emerson - Mr. Humphreys, will you get the gentleman's name and give
221 him your contact information, please, on this case?
222
223 Mr. Humphreys - Okay.
224
225 Mr. Baka - In that case, Mrs. Thornton, how would you choose to
226 proceed?
227
228 Mrs. Thornton - Okay. Well, Mr. Chairman, I move that REZ2019-00017
229 Jessie R. Penn, III be deferred to the August 15, 2019 meeting at the request of the
230 applicant.

231
232 Mr. Witte - Second.
233
234 Mr. Baka - We have a motion by Mrs. Thornton and a second by Mr.
235 Witte. All in favor say aye.
236
237 The Commission - Aye.
238
239 Mr. Baka - Opposed say no. Motion carries.
240
241 Mr. Strauss - The next two requests for deferral are companion cases in the
242 Tuckahoe District on page three of your agenda, and the first request is Rezoning 2019-
243 00021, 1420 North Parham Road, LC. The applicant is requesting deferral to the July 11th
244 meeting.
245
246 **REZ2019-00021 James W. Theobald for 1420 N. Parham Road, LC;**
247 **Thalhimer Regency, LC et al; and Holly Hill Parham, LLC:** Request to conditionally
248 rezone from B-3 Business District to UMUC Urban Mixed-Use District (Conditional)
249 Parcels 752-743-9774, 752-744-6336, 753-743-9242, and 753-744-2141 containing
250 35.53 acres located on the south line of Quioccasin Road between Starling Drive and N.
251 Parham Road. The applicant proposes an urban mixed-use development. The uses will
252 be controlled by zoning ordinance regulations and proffered conditions. The 2026
253 Comprehensive Plan recommends Urban Mixed-Use.
254
255 Mr. Baka - Is there anyone present tonight in opposition to the deferral of
256 Rezoning 2019-00021 James W. Theobald for 1420 N. Parham Road, LC; Thalhimer
257 Regency, LC et al; and Holly Hill Parham, LLC? I see no opposition to the deferral. In that
258 case, I would move that Rezoning 2019-00021 James W. Theobald for 1420 N. Parham
259 Road, LC; Thalhimer Regency, LC et al; and Holly Hill Parham, LLC be deferred to the
260 July 11, 2019 meeting at the request of the applicant.
261
262 Mr. Mackey - Second.
263
264 Mr. Baka - We have a motion by Mr. Baka, and a second by Mr. Mackey.
265 All in favor say aye.
266
267 The Commission - Aye.
268
269 Mr. Baka - Opposed say no. Motion carries.
270
271 Mr. Strauss - And also requesting deferral this evening is the companion
272 provisional use permit, Provisional Use Permit 2019-00009, for 1420 North Parham Road.
273 Again, in this case, the applicant is requesting referral to the July 11th meeting.
274
275 **PUP2019-00009 James W. Theobald for 1420 N. Parham Road, LC;**
276 **Thalhimer Regency, LC et al; and Holly Hill Parham, LLC:** Request for a Provisional

277 Use Permit under Sections 24-32.1(a, c, e, f, g, i, j, k, l, m, n, o, p, q, r, s, t, v, x, y, z and
278 aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for outdoor vending;
279 an automotive filling station; indoor antique auction; auditorium and assembly hall,
280 coliseum, and stadium; billiard parlor; single offices, clinics and labs for medical, dental
281 and optical uses greater than 30,000 square feet of floor area; grocery or convenience
282 food store greater than 30,000 square feet of floor area; indoor recreation
283 facility/swimming pool greater than 10,000 square feet of floor area; drapery making and
284 furniture upholstering shops; drive-through service window; heliport; office-warehouse;
285 parking garage; radio and television stations and studios; outdoor recreation facilities;
286 sign printing and painting shop; television receiving antennas; buildings in excess of 60'
287 in height; density of residential development exceeding 30 dwelling units per acre; open
288 space less than 20 percent; general hospitals; extended hours of operation for any
289 business containing one or two billiard, pool, or bagatelle tables to 2:00 a.m.; number of
290 for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU
291 district; and parking plan on Parcels 752-743-9774, 752-744-6336, 753-743-9242, and
292 753-744-2141 located on the south line of Quioccasin Road between Starling Drive and
293 N. Parham Road. The existing zoning is B-3 Business District. The UMUC zoning district
294 is requested with REZ2019-00021. The 2026 Comprehensive Plan recommends Urban
295 Mixed-Use.

296
297 Mr. Baka - Is there anyone present in opposition to the deferral of
298 PUP2019-00009, James W. Theobald for 1420 N. Parham Road, LC; Thalhimer
299 Regency, LC et al; and Holly Hill Parham, LLC? I see no opposition, and therefore I would
300 move that PUP2019-00009, James W. Theobald for 1420 N. Parham Road, LC;
301 Thalhimer Regency, LC et al; and Holly Hill Parham, LLC be deferred to the July 11, 2019
302 meeting at the request of the applicant.

303
304 Mr. Witte - Second.

305
306 Mr. Baka - We have a motion by Mr. Baka, and a second by Mr. Witte.
307 All in favor say aye.

308
309 The Commission - Aye.

310
311 Mr. Baka - Opposed say no. Motion carries.

312
313 Mr. Strauss - And the final request for deferral this evening is on page three
314 of your agenda. It's in the Brookland District, Rezoning case 2019-00032 The McGurn
315 Company. And in this case, they're requesting a deferral to the July 11, 2019 meeting.

316
317 **(Deferred from the May 9, 2019 Meeting)**
318 **REZ2017-00032 Arthur McGurn for The McGurn Company:** Request to
319 conditionally rezone from R-2 One-Family Residence District and [R-6C] General
320 Residence District (Conditional) to R-3C One-Family Residence District (Conditional)
321 Parcels 767-760-8701 and 768-760-1507 containing 4.305 acres located at the northeast
322 intersection of Hungary and Hungary Spring Roads. The applicant proposes a single-

323 family development. The R-3 District allows a minimum lot area of 11,000 square feet and
324 a maximum gross density of 3.96 units per acre. The use will be controlled by proffered
325 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan
326 recommends Suburban Residential 2, density should not exceed 3.4 units per acre.

327
328 Mr. Baka - Is anyone present in opposition to the deferral of Rezoning
329 2017-00032 Arthur McGurn for The McGurn Company? I see no opposition. Mr. Witte?

330
331 Mr. Witte - Mr. Chairman, I move that REZ2017-00032 the McGurn
332 Company, be deferred to the July 11, 2019 meeting at the request of the applicant.

333
334 Mr. Archer - Second.

335
336 Mr. Baka - We have a motion by Mr. Witte, and a second by Mr. Archer.
337 All in favor say aye.

338
339 The Commission - Aye.

340
341 Mr. Baka - Opposed say no. Motion passes.

342
343 Mr. Emerson - Mr. Chairman, that completes the requests for withdrawals
344 and deferrals. The next item on your agenda will be the request for expedited items, and
345 those will also be presented by Mr. Jim Strauss.

346
347 Mr. Strauss - Thank you, Mr. Secretary. We have one request for approval
348 on the expedited agenda this evening. It's in the Fairfield District, page two of your
349 agenda. Rezoning 2019-00020, Chris Singh. This is a request to amend proffers accepted
350 in the original rezoning case related to approval of uses. The applicants are requesting to
351 revise the proffers to allow printing, publishing and photographic processing services and
352 other limited uses. Staff is recommending approval with the proffers dated June 3, 2019.
353 That will be proffers 1 through 8, and we are not aware of any opposition.

354
355 **REZ2019-00020 Tim Torrez for Chris Singh:** Request to amend proffers
356 accepted with Rezoning case C-16C-81 on Parcel 808-722-6230 located at the southeast
357 intersection of Nine Mile Road (State Route 33) and Masonic Lane. The applicant
358 proposes to amend proffers to allow printing, publishing, and photographic processing
359 services and other limited uses. The existing zoning is B-3C Business District
360 (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration.
361 The site is in the Enterprise Zone.

362
363 Mr. Baka - Very good. Is there anyone present in opposition to the
364 approval of Rezoning 2019-00020 Tim Torrez for Chris Singh? I see no opposition. Mr.
365 Archer?

366

367 Mr. Archer - Mr. Chairman, there being none, I move that REZ2019-00020
368 Tim Torrez for Chris Singh be sent to the Board with the recommendation of approval
369 with the amended proffers 1 through 8 dated June 3, 2019.

370

371 Mr. Witte - Second.

372

373 Mr. Baka - We've got a motion by Mr. Archer, and second by Mr. Witte.
374 All in favor say aye.

375

376 The Commission - Aye.

377

378 Mr. Baka - Opposed say no. Motion passes.

379

380 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the
381 Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors
382 **grant** the request because it is appropriate business zoning in this area.

383

384 Mr. Emerson - Chairman, that concludes your expedited items for this
385 evening. We now move on to the first item on your agenda, which appears at the top of
386 page two. It is an ordinance to amend and re-ordain Section 24-36.1 of the Code of the
387 County of Henrico titled "Provisional uses permitted" to allow master-planned
388 communities with mixed uses and higher residential densities in the R-6 General
389 Residence District by Provisional Use Permit.

390

391 This ordinance would allow the issuance of provisional use permits for the development
392 of mixed multi-family residential and commercial uses in the R-6 General Residence
393 District for projects up to 10 acres. The ordinance would allow any principal, accessory,
394 or provisional uses permitted in the B-2 District when located in the first or second story
395 of a building exceeding two stories in height and identified in the master plan. The
396 ordinance would set minimum and maximum floor area occupancy requirements and
397 signage allowances for commercial uses. Finally, the ordinance would allow approval of
398 higher multi-family residential densities, reduced setbacks, and reduced parking
399 requirements, in accordance with approved master plans submitted by applicants.

400

401 The staff report will be presented by Mr. Ben Sehl.

402

403 Mr. Baka - Good evening. Is there anyone present tonight who would like
404 to speak about the proposed ordinance to amend the R-6 zoning district and its standards
405 affecting provisional use permits? Yes, sir. We'll get to you in just a minute after a staff
406 presentation. Mr. Sehl, good evening.

407

408 Mr. Sehl - Good evening, Mr. Chairman. Thank you. This item was
409 discussed with the Planning Commission at a work session in late April. At that time, we
410 described how existing provisions of the R-6 General Residence District do allow mixed
411 use, specifically it allows B-1 uses on the first floor of a multi-story residential building.
412 That was first adopted in 2002, and we've had limited folks take advantage of that

413 opportunity that's in the code right now, but we only have one building in the county that
414 was constructed under that provision.

415
416 We're regularly approached by applicants who have properties, potentially infill
417 properties that can't be accommodated under the existing ordinance and, therefore back
418 in early April the Board of Supervisors directed staff to prepare amendments to the
419 Zoning Ordinance and present them to the Commission for their consideration.

420
421 In your Planning Commission packet a draft ordinance was provided to you. This
422 ordinance was slightly changed from the draft that was provided at your work session
423 after additional consideration and comment by the County Attorney's Office.

424
425 Essentially what the revised draft that's in front of you this evening would do, is set a
426 maximum project area of 10 acres. It would require a master plan in order to take
427 advantage of the provision as part of their provisional use application. It would now allow
428 B-2, instead of B-1, district uses, which widens that out a little bit and provides for
429 additional commercial flexibility for those master planned communities.

430
431 As Mr. Emerson stated, it would specify signage allowances for those commercial uses
432 in the provisional use permit, and it would also allow some flexibility that you've seen in
433 other recent development, say, our Westwood Study, or some of our mixed use zoning
434 districts to allow for flexibility with a parking study, allow increased residential density
435 over that already prescribed in the R-6 District, and also allow you to reduce setbacks
436 under the provisions of that master plan submitted as part of your application.

437
438 The draft, unless there are specific questions, would then be considered by the Board of
439 Supervisors at a work session after the Commission's consideration, and then another
440 public hearing would be held at that time.

441
442 So I'm certainly happy to answer any questions you might have about the draft. The
443 substance is largely similar to what we discussed during the work session, but if there
444 are specific questions or provisions of the ordinance amendment that you'd like to
445 discuss I'd be happy to try and answer any questions you have at this time.

446
447 Mr. Baka - Any questions of Mr. Sehl?

448
449 Mr. Witte - I do. I don't understand the reason for reduced parking.
450 People want more parking.

451
452 Mr. Sehl - What we would like to do is ensure that -- parking is one of
453 those things that we hear regularly, especially in mixed-use communities, and especially
454 when you start moving and creating structured parking.

455
456 Mr. Witte - Yes.

457

458 Mr. Sehl - Parking is very expensive. And what we are allowing an
459 applicant to do in this case, is submit something for the Planning Commission and
460 Board's consideration that is certified by a professional engineer that shows that there is
461 -- those mixed-use communities allow a much greater amount of flexible and shared
462 parking than you see in, say, a stand-alone commercial business district that's next to an
463 apartment community.

464
465 Because if you are in those situations you have to get in your car and drive everywhere.
466 In these types of communities there's a lot of what they call "internal capture" where
467 somebody might be able to come home at the end of the day, park their car, and not then
468 have to drive to the shop, it's below them. So this doesn't automatically remove or reduce
469 those parking requirements, but it does allow an applicant to submit supporting
470 documentation that, from an engineering standpoint, shows that that sharing of parking
471 allows for an additional reduction. That, obviously, would be considered by staff and by
472 our traffic engineers and by the Commission and the Board before it could be approved.

473
474 Mr. Witte - I realize the realtors are pushing for reduced parking. I've
475 heard that on --

476
477 Mr. Sehl - From a general planning standpoint reductions in parking also
478 provide benefits from an environmental perspective. If you can remove certain surface
479 parking lots or allow flexibility in those parking requirements. So there are other benefits
480 outside of just a cost perspective, which is obviously most important to the person
481 developing the property.

482
483 But from a county, and from a planning perspective we also -- it helps us address
484 Chesapeake Bay requirements and other storm-water management requirements. So if
485 there are opportunities, where appropriate, to reduce that parking, we think it's worth
486 taking a look.

487
488 Mr. Witte - I don't have to agree with that, do I?

489
490 Mr. Sehl - No, sir. That's -- it would be a provisional use permit and
491 would be part of the application that they would bring before the Commission and Board.

492
493 Mr. Witte - Yeah. Some of us like to park close.

494
495 Mr. Sehl - The large amounts of parking don't always ensure those
496 spaces are close, though, unfortunately.

497
498 Mrs. Thornton - Kind of like at Kinsale, they're going to be using during work,
499 they have spaces. Then they have spaces where people are going to be -- so it's going
500 to like rotate, like people come home from work, then they're going to have the spaces -
501 - remember that case from months ago?

502
503 Mr. Witte - In theory.

504
505 Mrs. Thornton - That was kind of like that shared parking.
506
507 Mr. Witte - In theory.
508
509 Mrs. Thornton - Correct.
510
511 Mr. Witte - I can tell you for a fact I know a place in Charlotte that doesn't
512 work.
513
514 Mrs. Thornton - Doesn't work.
515
516 Mr. Sehl - And one thing I'd note, too, Mr. Witte, but you're very correct,
517 Ms. Thornton. That one thing I'd note as well as that, right now the R-6 standards and
518 the existing provisional use permit standards don't allow any reduction in parking for that
519 mixture of uses.
520
521 Mr. Witte - Right.
522
523 Mr. Sehl - So even if it were reduced to, say, what we allow in our Urban
524 Mixed-Use District, that would still provide some reduction in parking. But they can't do
525 that without this provision in the ordinance. And that's been shown to work in, say West
526 Broad Village is said to be adequate from a parking perspective.
527
528 Mr. Witte - In that case, like Ms. Thornton brought up, I know they're
529 considering down there issuing permits where you can park from 8:00 to 5:00 or 5:00 till
530 7:00 a.m. or 8:00 a.m. so that they can't stay, which just creates more problems.
531
532 Mr. Sehl - And there --
533
534 Mr. Emerson - Mr. Witte, we do have the same provisions, and it's noted in
535 the Westwood Overlay, and also in the Urban Mixed-Use. And yes, it's not perfect, but it
536 seems to have worked pretty well thus far. And we've done it in Highwoods, and it is
537 something that it comes back to the Commission and the Commission has the right to
538 say no. But we have been encouraging this.
539
540 It also helps us from, along with everything else that's been mentioned, we don't eat up
541 as much land in areas where we don't -- either don't have it because it's infill or because
542 we're running short of land.
543
544 Mr. Witte - Yeah. I understand.
545
546 Mr. Baka - All right. I have one question, Mr. Sehl. So in the proposed
547 ordinance for R-6, if we did allow for greater flexibility for such uses such as retail uses,
548 which is often also a character or component of other districts, such as Urban Mixed-Use
549 Districts, or even Traditional Neighborhood Design Districts or the like, do you know with

550 those flexibility benefits, are there either applicants who have put off, or postponed a
551 submittal for R-6 that are waiting on this type of use? That you have a possible market?

552
553 Mr. Sehl - So we're -- the county staff is regularly approached about
554 properties throughout the county where we --

555
556 Mr. Baka - Okay.

557
558 Mr. Sehl - The projects that they have might have -- they might be able
559 to look at something that they've done in another locality that just isn't possible in any of
560 the properties in the county. So I wouldn't say there are specific developments that would
561 be, you know, contingent upon this type of change. But there certainly are ones that we
562 have had conversations within the past several years that could have been more
563 successful or could have taken advantage of these types of provisions.

564
565 Mr. Baka - And, secondly, are these standards in -- produced or drafted
566 in comparison to other localities with similar instances, and what some of those -- might
567 some of those be? Or is it more just individually tailored to Henrico County, and we see
568 that this is what our needs are, and we just organically create it ourselves?

569
570 Mr. Sehl - I would say it's more the latter, Mr. Baka.

571
572 Mr. Sehl - But it's based, essentially, because it was based on a
573 provision that was already existing in the Zoning Ordinance. So we really just built on
574 what the Board adopted in 2002 and tried to just -- the initial design was to allow those
575 B-2 uses, which aren't currently permitted, and allow that flexibility. And so what we've
576 looked at is both the existing standards in the R-6 District and then also pull things in that
577 we've done in the Overlay Districts that the Board and Planning Commission have
578 adopted recently in Westwood and in Innsbrook and try to incorporate those thoughts
579 and processes as well.

580
581 Mr. Baka - Okay.

582
583 Mr. Emerson - But there are -- there are other localities that do this. This one
584 is more crafted towards our needs. The city does something very similar with special use
585 permits. They take it a step further on parking. The city even allows compact parking
586 spaces. Where we haven't quite made that step, they allow compact parking spaces to
587 meet required parking; will allow them, if they've already met the required parking levels,
588 and they may have extra space where they think more compact spaces might work. So
589 the city does it under special use permit, and there are other localities. But this one is
590 more Henrico kind of -- kind of tailored and driven.

591
592 Mr. Baka - Any other questions of staff? I know -- okay. Thank you, sir.

593
594 Mr. Sehl - Thank you.

595

596 Mr. Baka - I know there's at least one individual who wanted to speak
597 tonight. Would you please come forward, sir?

598
599 Mr. Theobald - Good evening Mr. Chairman, members of the Commission.
600 I'm Jim Theobald, and I have a very brief comment. I fully support the effort here. And I
601 think it's a good one to promote some flexibility while, at the same time, retaining control
602 of the Commission and the Board through the provisional use process. I might add that
603 Chesterfield County would also allow you to arrive at this result through their conditional
604 use plan development process.

605
606 I would -- I've been discussing with Mr. Emerson one refinement that hopefully would not
607 hold up this paper. I would hope that you could send it on to the Board. But the two of us
608 have been working on some language that might benefit some sites in the county,
609 particularly those that might be on a major road.

610
611 Where it's currently drafted you would have to be the ground-floor, or perhaps the second
612 floor, of a three-story or taller building. I think there were some situations where the
613 county could -- would benefit by having some freestanding retail, perhaps, in front of
614 those as long as there was a balance. As long as they're connected. So you don't wake
615 up with just out-parcels. But either on a percentage basis.

616
617 We were struggling as to how to come up with it exactly, but we think the idea of
618 incorporating some freestanding retail perhaps in front of these, rather than having to be
619 part of the three-story building, might be something that would be beneficial for certain
620 properties. And, again, the control still rests with you and the Board. That's it.

621
622 Mr. Baka - Okay. Any questions of Mr. Theobald?

623
624 Mrs. Thornton - I do. So the freestanding. I'm trying to visual. In front of the --
625 let's just say it's three stories -- and then you'd have the --?

626
627 Mr. Theobald - You'd have perhaps an outparcel or two.

628
629 Mrs. Thornton - Okay.

630
631 Mr. Theobald - Traditional outparcel of some fashion, and then the building
632 behind it would be the residential building. It would still be required to have the ground-
633 floor retail space.

634
635 Mrs. Thornton - But not attached, just --

636
637 Mr. Theobald - No. Well, the ground-floor space would have to be attached in
638 that residential building, but the two --

639
640 Mrs. Thornton - No, I mean out.

641

642 Mr. Theobald - Yeah. The two outparcels would be free standing.
643
644 Mrs. Thornton - With what between? Parking?
645
646 Mr. Theobald - Well, it would all be -- it would all be part of the master plan
647 filed with the provisional use permit request.
648
649 Mrs. Thornton - Okay. So you're just saying that you want that to be part of
650 this, like, protected -
651
652 Mr. Theobald - Yes. Because we have some instances where we have
653 commercially zoned property already that might benefit from going to an R-6, but we can't
654 figure out how to do commercial development on the front, because we now having
655 business zoning, and then R-6 zoning, and we've created these buffers in between.
656 These transitional buffers under the ordinance.
657
658 And we can't figure out how to get rid of them. We've thought about building it into this
659 ordinance, but that only would impact the R-6 part, and this transitional buffers go on the
660 commercial part, which wouldn't be part of the request. So we thought maybe we could
661 come up with some sort of percentage of square footage so that there'd be a balance of
662 residential and commercial, which is what this is trying to promote. And we just ran out
663 of time to figure it out, basically.
664
665 Mr. Emerson - Yes. As Mr. Theobald mentioned, he and I have been
666 discussing this. Staff's not averse to it. What we don't want to have, as he noted as well,
667 just freestanding retail taking advantage of this. We want to make sure that we get the
668 mixture. I think it's reasonable on whatever percentage that we can come up with to allow
669 a certain amount of freestanding while you have the mixture on the site as well, because
670 that clearly is the goal of what we're trying to accomplish.
671
672 But what he and I agreed to today -- I wanted him to come tonight, I asked him to come,
673 and make the comments to the Commission so it'd be on the record that the development
674 community is interested in that. And between now and the time the Board hears it, if the
675 Commission's so inclined to send it along, we'll figure this out and get it into the code
676 section. So we'll have that allowance.
677
678 Mr. Baka - So that allowance for freestanding retail. I'm looking at page
679 three in the section where it says, "No less than 15 percent, no more than 35 percent."
680 That allowance would probably fall somewhere within that range? I'm just thinking of a
681 situation we have very small portion of road frontage and you have retail front -- in this
682 R-6 zone you'd have retail on that frontage and suddenly all the R-6 behind it and you
683 talk about you want to achieve that mix.
684
685 Mr. Emerson - And that's why we -- we want to achieve the mix.
686
687 Mr. Baka - Right.

688
689 Mr. Emerson - We want the vertical mix to occur. We don't want to have just
690 the separated uses.
691
692 Mr. Baka - Right.
693
694 Mr. Emerson - Because at that point you really haven't accomplished what
695 the goal of this is.
696
697 Mrs. Thornton - Right.
698
699 Mr. Witte - Couldn't they just slide the commercial up against the
700 residential?
701
702 Mr. Emerson - Attach it with a roof?
703
704 Mr. Witte - Yeah. I mean --
705
706 Mr. Emerson - We're sort of trying to avoid that design feature. So --
707
708 Mr. Witte - No. I'm talking about actually put a building --
709
710 Mr. Theobald - Well, you might have a drive-thru. Could get complicated.
711
712 Mr. Witte - Well, I don't want a drive thru.
713
714 Mr. Theobald - Well, that would be up to you.
715
716 Mr. Emerson - You do have -- you have quite a bit of control over this process
717 with the provisional use permit and the master plan. Since that'll have to be submitted
718 with any application.
719
720 Mr. Baka - Right.
721
722 Mrs. Thornton - Right.
723
724 Mr. Baka - So, to be clear, that provisional use permit would come back
725 before two public hearings; the Planning Commission public hearing, opportunity for the
726 public to comment, letters and mail as comment, and also the Board. So --
727
728 Mrs. Thornton - Right. Okay.
729
730 Mr. Emerson - And then a Plan of Development.
731
732 Mr. Baka - And then a POD.
733

734 Mrs. Thornton - Yes.
735
736 Mr. Theobald - It would have to be master planned up front rather than --
737 yeah.
738
739 Mrs. Thornton - Right. Just going to put --
740
741 Mr. Archer - So, Mr. Theobald, if we -- if we were to move this along, would
742 that be suitable to you if we move it along tonight?
743
744 Mr. Theobald - Yes. I would ask that you would do just that. Thank you.
745
746 Mr. Witte - You almost caught him speechless.
747
748 Mr. Theobald - It makes me nervous when he's working for me.
749
750 Mr. Archer - No. I was just trying to find out how everybody feels about it,
751 you and the Secretary, and since you all have been discussing it, want to make sure we
752 are all on one accord.
753
754 Mr. Emerson - As long as the Commission's comfortable with that, Mr.
755 Archer.
756
757 Mr. Archer - Right. Well, we have time, you know, that gives us time to
758 work on some things. And Mr. Sehl will also --
759
760 Mr. Theobald - Well, you'll certainly be included in the -- this is not your last
761 chance.
762
763 Mr. Emerson - Absolutely.
764
765 Mr. Archer - You're very kind, sir.
766
767 Mr. Theobald - Whatever we come up with we will certainly run by you all.
768
769 Mr. Baka - Any other questions of Mr. Theobald?
770
771 Mrs. Thornton - All right.
772
773 Mr. Baka - Thank you, sir.
774
775 Mr. Theobald - Thank you.
776
777 Mr. Baka - Is there anyone else who'd like to comment on this ordinance?
778
779 Mr. Hile - Yes.

780
781 Mr. Baka - Yes?
782
783 Mr. Hile - I have a question. On the --
784
785 Mr. Baka - Would you please state your name for the record, sir?
786
787 Mr. Hile - Mark Hile.
788
789 Mr. Baka - Good evening.
790
791 Mr. Hile - Good evening. Let me get my glasses on, and where I saw
792 the wording. And I would just like to ask some -- what definition of certain things mean.
793 What is R-6? What does that exactly mean as far as a --?
794
795 Mr. Emerson - R-6 is our Multi-Family Residential Zoning District.
796
797 Mr. Hile - So --
798
799 Mr. Emerson - It allows condominiums, apartments, things of that nature.
800
801 Mr. Hile - Up to how many per --?
802
803 Mr. Baka - Density?
804
805 Mr. Hile - Yeah. How high a density?
806
807 Mr. Emerson - It can -- well, it can go as high, under the current code, as 19
808 1/2 units to the acre. However, under this process, with a master plan, you could have
809 more units depending on how the property's configured and how much -- how much retail
810 and how the mix works. But that would be in the control of the Board and the Commission
811 through the provisional use permit process.
812
813 Mr. Hile - So in this ordinance it says, "Allow higher multi-family
814 residential densities." So you're going to have it higher than R-6, or you --?
815
816 Mr. Emerson - You can go higher than the current 19 1/2 units to the acre,
817 yes, sir.
818
819 Mr. Hile - And so this would apply anywhere in the county?
820
821 Mr. Emerson - No, sir. You'd have to go through a rezoning application. And
822 if you look at our Future Land Use Map in the Comprehensive Plan you'll find that there
823 are very few locations in the county where we have designated areas for multi-family
824 residential. So it's very tightly controlled.
825

826 Mr. Baka - So, to follow up on that if I may, the Secretary's comments,
827 the Future Land Use Plan Map is a guiding land-use plan policy to identify where areas
828 may be suitable for rezoning, and there're not very many slated for the multi-family
829 designation R-6. Typically, where they are planned would be near other somewhat dense
830 or busy uses, like maybe commercial or retail, or other apartments or other townhouses.
831 Typically, you're not going to find them near -- surrounded by single-family residential,
832 for example, on four sides. If that gives you any -- if that paints a clearer picture.
833

834 Mr. Hile - It helps a little bit. I'm just trying to understand and consider
835 what's going on, that's all.
836

837 Mr. Baka - Yes, sir.
838

839 Mr. Emerson - And we may also consider areas that were zoned business,
840 because we're trying to achieve a mix of, like, a walkable community type of thing. But
841 it's also limited in size of acreage to 10 acres or less, so it's really aimed at in-fill parcels
842 and trying to help revitalize some commercial properties. So that's the goal of this code.
843

844 Mr. Hile - So with part of the process in this would -- there would still be
845 time and place for public input.
846

847 Mr. Baka - Yes.
848

849 Mr. Emerson - Oh, absolutely.
850

851 Mr. Hile - Besides this.
852

853 Mrs. Thornton - Right.
854

855 Mr. Baka - To walk through that, this would allow as a provisional use
856 permit, which is a two-public-hearing process. The key on this is this does not allow this
857 by right. If you allow it by right, then it would -- It would be no further public permit --
858 public input process to alter or change the discussion. The public could still comment,
859 but it wouldn't be a hearing. So the two-public-hearing process through a provisional use
860 permit as proposed would be back before the Planning Commission and before the Board
861 of Supervisors. But also allows ample time before those public hearings to give phone
862 calls, emails, texts, letters to your -- to your representatives.
863

864 Mr. Hile - Okay. All right. I actually thought --
865

866 Mr. Baka - Does that help?
867

868 Mr. Hile - Yeah. Yeah. I just, in essence, want to understand the
869 process better and some of the definitions that I might not know.
870

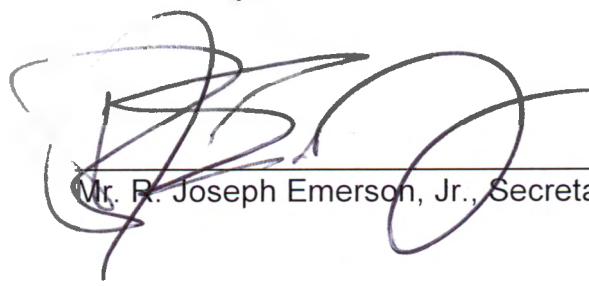
871 Mr. Baka - Sure.

872
873 Mr. Hile - Okay.
874
875 Mr. Baka - So if anyone takes -- submits for this they'll be back for public
876 hearing, Mark.
877
878 Mr. Hile - Okay. Thank you.
879
880 Mr. Baka - All right. Sir. Thank you. Anyone else would like to speak
881 regarding this ordinance? If not, Mrs. Thornton?
882
883 Mrs. Thornton - All right. Well, Mr. Chairman, I move that we approve
884 Resolution PCR-2-19 regarding Zoning Ordinance Amendment for the Masterplan
885 Communities in the R-6 General Residence District.
886
887 Mr. Mackey - Second.
888
889 Mr. Baka - We have a motion by Mrs. Thornton and a second by Mr.
890 Mackey to recommend approval forwarding this on to the Board of Supervisors for their
891 consideration at next month's meeting?
892
893 Mr. Emerson. Yes, correct.
894
895 Mr. Baka - All those in favor of that motion please signify by saying aye.
896
897 The Commission - Aye.
898
899 Mr. Baka - Opposed say no. Motion passes, and this conversation will
900 continue.
901
902 Mr. Emerson - Mr. Chairman, the next item on your agenda appears on page
903 four, and that is the consideration of the approval of your minutes from the Planning
904 Commission Meeting on May 9th, and we have no errata sheet.
905
906 Mr. Baka - Okay. Any comments regarding the minutes? Any changes?
907 If not, a motion would be in order.
908
909 Mr. Witte - So moved.
910
911 Mr. Mackey - I second.
912
913 Mr. Baka - We have a motion by Mr. Witte, and a second by Mr. Mackey.
914 All those in favor say aye.
915
916 The Commission - Aye.
917

918 Mr. Baka - Opposed say no. Motion passes.
919
920 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
921 evening.
922
923 Mr. Baka - Is there any other business to come before the Commission
924 tonight?
925
926 Mr. Witte - Nope. I just want to thank our seven people for staying. I'll
927 make it short and quick.
928
929 Mr. Baka - Thank you for staying and please stay involved. If not --
930
931 Mr. Archer - Mr. Chair, with there being no further business, I move for
932 immediate adjournment.
933
934 Mr. Witte - Seconded.
935
936 Mr. Baka - We have a motion by Mr. Archer, and a second by Mr. Witte.
937 All in favor of adjournment say aye.
938
939 The Commission - Aye.
940
941 Mr. Baka - This meeting is adjourned.
942
943 Mr. Witte - Thank you all for coming.
944
945 Mr. Baka - Thank you.
946
947
948
949
950
951
952
953
954
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956
957



Mr. Gregory R. Baka, Chairman



Mr. R. Joseph Emerson, Jr., Secretary