

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, September**  
4 **12, 2019. Display Notice having been published in the *Richmond Times-Dispatch***  
5 **on August 26, 2019 and September 2, 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 Mrs. Melissa Thornton (Three Chopt)  
11 Mr. Robert H. Witte, Jr. (Brookland)  
12 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning  
13 Secretary  
14 Mr. Frank J. Thornton (Fairfield)  
15 Board of Supervisors' Representative  
16

17 **Also Present:** Ms. Jean Moore, Assistant Director of Planning  
18 Mr. James P. Strauss, PLA, Senior Principal Planner  
19 Mr. Ben Blankinship, AICP, Senior Principal Planner  
20 Mr. Seth Humphreys, County Planner  
21 Mr. Benjamin Sehl, County Planner  
22 Mr. Livingston Lewis, County Planner  
23 Mrs. Lisa Blankinship, County Planner  
24 Mr. Michael Morris, County Planner  
25 Mr. Miguel Madrigal, County Planner  
26 Mr. Andrew Newby, Assistant County Attorney  
27 Mr. Leo Marsh, Finance Department  
28 Mr. John Cejka, Traffic Engineer, Public Works  
29 Mr. William Moffett, CPTED Planner, Police  
30 Mr. Cole Rainey, Planning Intern  
31 Ms. Sylvia Ray, Recording Secretary  
32  
33

34 **Mr. Baka -** Good evening and welcome. I call this meeting of the Henrico  
35 **County Planning Commission to order. This is our rezoning meeting for September 12,**  
36 **2019. At this time, I'd ask that you please take a moment to silence your cellphones, and**  
37 **please stand with the Commission for the Pledge of Allegiance.**  
38

39 [Recitation of the Pledge of Allegiance]  
40

41 Do we have anyone in the audience tonight with the news media? Okay. We are pleased  
42 to welcome Mr. Frank Thornton, our representative from the Board of Supervisors who is  
43 sitting with the Planning Commission this year, for 2019.  
44

45 **Mr. Thornton -** Thank you, Mr. Chairman.  
46

47 Mr. Baka - Thank you for being here, Mr. Thornton. Mr. Thornton does  
48 abstain on all cases unless otherwise noted. The majority of the Commissioners are  
49 present, and we have all Commissioners present in fact, so we do have a quorum, we  
50 can conduct business. At this point I'll turn the agenda over to Mr. Emerson our secretary.

51  
52 Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda this  
53 evening are the requests for withdrawals and referrals, and those will be presented by  
54 Mr. Jim Strauss.

55  
56 Mr. Strauss - Thank you, Mr. Secretary, we have three requests for deferral  
57 this evening. The first two are companion cases in the Three Chopt District on page one  
58 of your agenda. That would be Rezoning 2019-00018, Wells Fargo Bank and the  
59 Commission is requesting a deferral to the October 10, 2019 meeting.

60  
61 **REZ2019-00018 James W. Theobald for Wells Fargo Bank, N.A.:** Request  
62 to conditionally rezone from O-3C Office District (Conditional) to UMUC Urban Mixed-Use  
63 District (Conditional) part of Parcels 746-762-8251 and 747-763-3334 containing 13.292  
64 acres located on the east line of Sadler Road, approximately 550' south of Thorncroft Drive.  
65 The applicant proposes an urban mixed-use development. The uses will be controlled by  
66 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
67 recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay  
68 District.

69  
70 Mr. Baka - Okay. Is there anyone present here tonight in opposition to  
71 the deferral of Rezoning 2019-00018, James W. Theobald for Wells Fargo Bank, N.A.? I  
72 see no opposition.

73  
74 Mrs. Thornton - All right, Mr. Chairman, I move that REZ 2019-00018, James  
75 W. Theobald for Wells Fargo Bank, N.A. be deferred to the October 10, 2019 meeting at  
76 the request of the Commission.

77  
78 Mr. Mackey - Second.

79  
80 Mr. Baka - We have a motion by Mrs. Thornton and a second by Mr.  
81 Mackey. All in favor say aye.

82  
83 The Commission - Aye.

84  
85 Mr. Baka - Opposed say no. Motion carries.

86  
87 Mr. Strauss - And again in the Three Chopt District, on page one of your  
88 agenda, Provisional Use Permit 2019-00008 Wells Fargo Bank again. Commission  
89 requesting deferral for the October 10, 2019 meeting.

90  
91 **PUP2019-00008 James W. Theobald for Wells Fargo Bank, N.A.:** Request  
92 for a Provisional Use Permit under Sections 24-32.1(a, d, i, k, n, p, s, t, v, w, z and aa),

93 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for outdoor vending;  
94 carwash; single offices, clinics and labs for medical, dental and optical uses greater than  
95 30,000 square feet of floor area; drive-through service window; parking garage with no  
96 associated ground floor retail uses; commercial outdoor recreation facilities including  
97 skating rinks, swimming pools or other standard facilities of this type of development;  
98 buildings exceeding 60' in height; density of residential development exceeding 30  
99 dwelling units per acre; open space within a development of less than 20 percent;  
100 commercial or office square footage of less than 25 percent of the total building square  
101 footage of the UMU district; number of for-lease multifamily dwelling units to exceed 30  
102 percent of the total units of the UMU district; and a parking plan on part of Parcels 746-  
103 762-8251 and 747-763-3334 located on the east line of Sadler Road, approximately 550'  
104 south of Thorncroft Drive. The existing zoning is O-3C Office District (Conditional). The  
105 UMUC zoning district is requested with REZ2019-00018. The 2026 Comprehensive Plan  
106 recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay  
107 District

108  
109 Mr. Baka - Is there anyone present here tonight to the deferral of PUP  
110 2019-00008, James W. Theobald for Wells Fargo Bank, N.A.? Seeing no opposition.

111  
112 Mrs. Thornton - All right, Mr. Chairman, I move that PUP 2019-00008 James  
113 W. Theobald for Wells Fargo, N.A. be deferred to the October 10, 2019 meeting at the  
114 request of the Commission.

115  
116 Mr. Archer - Second.

117  
118 Mr. Baka - We have a motion by Mrs. Thornton and a second by Mr.  
119 Archer. All in favor say aye.

120  
121 The Commission - Aye.

122  
123 Mr. Baka - Opposed say no. The motion carries.

124  
125 Mr. Strauss - And the third request for deferral this evening in the Fairfield  
126 District on page two of your agenda, Rezoning 2019-00025 Stanley Martin Companies,  
127 LLC. And in this case the applicant is requesting deferral to the October 10, 2019  
128 meeting.

129  
130 **REZ2019-00025 Andrew M. Condlin for Stanley Martin Companies, LLC:**

131 Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to  
132 R-6C General Residence District (Conditional) Parcels 784-759-7593, 784-760-9147, 784-  
133 760-9470, 785-759-0085, 785-759-8052, 785-760-0184, 785-760-2106, 785-760-2751,  
134 785-760-6689, 785-760-8637, 785-761-1615 and part of Parcel 784-760-1564 containing  
135 64.79 acres located on the west line of Telegraph Road, approximately 150' south of  
136 Georgia Avenue and the east line of Telegraph Road at its intersection with Georgia  
137 Avenue. The applicant proposes a condominium and townhouse development. The use  
138 will be controlled by zoning ordinance regulations and proffered conditions. The 2026

139 Comprehensive Plan recommends Office/Service, Government, and Planned Industry.  
140 Part of the site is in the Enterprise Zone.

141  
142 Mr. Baka - Is there anyone present in opposition to the deferral of  
143 Rezoning 2019-00025 Andrew Condlin for Stanley Martin Companies, LLC? I can see  
144 no opposition.

145  
146 Mr. Archer - Mr. Chairman, I move that we grant the applicant's request to  
147 defer this case until the October 10, 2019 meeting.

148  
149 Mr. Witte - Second.

150  
151 Mr. Baka - We have a motion by Mr. Archer and a second by Mr. Witte.  
152 All in favor say aye.

153  
154 The Commission - Aye.

155  
156 Mr. Baka - Opposed say no. Motion carries.

157  
158 Mr. Emerson - Mr. Chairman, that completes the requests for withdrawals  
159 and referrals this evening. We now move on to the requests for expedited items. Those  
160 will also be presented by Mr. Jim Strauss.

161  
162 Mr. Strauss - Thank you, Mr. Secretary. We had three requests for  
163 approval in the expedited agenda this evening. The first is in the Varina District on page  
164 two of your agenda, Provisional Use Permit 2019-00012 Verizon Wireless. This is a  
165 request for approval of a provisional use permit to allow construction of a monopole  
166 communication tower up to 199 feet in height. Staff is recommending approval with the  
167 conditions in the staff report, and we are not aware of any opposition.

168  
169 **PUP2019-00012 Andrew Condlin for Verizon Wireless:** Request for a  
170 Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of  
171 the County Code to allow a monopole communication tower up to 199' in height and related  
172 equipment on part of Parcel 853-686-0145 located on the north line of Warriner Road,  
173 approximately 1400' west of its intersection with Cookes Farm Drive. The existing zoning  
174 is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Prime Agriculture.  
175 The site is in the Airport Safety Overlay District.

176  
177 Mr. Baka - Okay. Is there anyone present in Opposition to PUP 2019-  
178 00012 Andrew Condlin for Verizon Wireless? Seeing no opposition.

179  
180 Mr. Mackey - Mr. Chairman, seeing no opposition, I move that PUP 2019-  
181 00012 Andrew Condlin for Verizon Wireless be recommended for approval with  
182 conditions 1 through 12 in the staff report.

183  
184 Mrs. Thornton - I second.

185  
186 Mr. Baka - We have a motion by Mr. Mackey and a second by Mrs.  
187 Thornton. All in favor say aye.

188  
189 The Commission - Aye.

190  
191 Mr. Baka - Opposed say no. Motion passes.

192  
193 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mrs.  
194 Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board  
195 of Supervisors **grant** the request because it would provide added services to the  
196 community and the recommended conditions should minimize the potential impacts on  
197 surrounding land uses.

198  
199 Mr. Emerson - The second request for approval in the expedited agenda this  
200 evening is in the Fairfield District, page two of your agenda, Rezoning 2019-00029  
201 Staples Mill Investments, LLC.

202  
203 **REZ2019-00029 Staples Mill Investments, LLC:** Request to rezone from O-  
204 2C Office District (Conditional) to R-5AC General Residence District (Conditional) part of  
205 Parcel 793-760-5253 containing 11.074 acres located on the north line of E. Parham Road  
206 at its intersection with Ashbury Hills Drive. The applicant proposes a zero-lot line single  
207 family development. The R-5A District allows a minimum lot area of 5,625 square feet and  
208 a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance  
209 regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office  
210 and Environmental Protection Area.

211  
212 This is a request to rezone from the O-2C Office District to the R-5AC General Residential  
213 District. Zero lot line. Single family development's proposed, and staff is recommending  
214 approval with conditions in the staff report. And, again, we're not aware of any opposition.

215  
216 Mr. Baka - Is there anyone present in opposition to Rezoning 2019-  
217 00029 Staples Mill Investments, LLC? Seeing no opposition.

218  
219 Mr. Archer - Okay, Mr. Chairman. In that case, I move that REZ 2019-  
220 00029 be forwarded to the Board of Supervisors with the recommendation for approval.

221  
222 Mr. Witte - Second.

223  
224 Mr. Baka - We have a motion by Mr. Archer and a second by Mr. Witte.  
225 All in favor say aye.

226  
227 The Commission - Aye.

228  
229 Mr. Baka - Opposed say no. Motion passes.

230

231 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the  
232 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
233 **grant** the request because the proffered conditions will assure a level of development  
234 otherwise not possible and it would not adversely affect the adjoining area if properly  
235 developed as proposed.

236

237 Mr. Emerson - And the third request for approval on the expedited agenda  
238 this evening, page three of your agenda, from the Tuckahoe District, Rezoning 2019-  
239 00027 Ridge Homes, LLC.

240

241 **REZ2019-00027 Eric Walker for Ridge Homes, LLC:** Request to  
242 conditionally rezone from O-1 Office District to R-3C One-Family Residence District  
243 (Conditional) Parcel 766-741-8137 containing .695 acres located at the southeast  
244 intersection of Horsepen and Roxbury Roads. The applicant proposes two single family  
245 dwellings. The R-3 District allows a minimum lot area of 11,000 square feet and a maximum  
246 gross density of 3.96 units per acre. The use will be controlled by zoning ordinance  
247 regulations and proffered conditions. The 2026 Comprehensive Plan recommends  
248 Suburban Residential 2, density should not exceed 3.4 units per acre.

249

250 This is a request to rezone from O-1 office district to R-3C one-family residential district.  
251 Two lots are proposed. The staff is recommending approval with the proffers distributed  
252 this evening, and we are not aware of any opposition.

253

254 Mr. Baka - Okay. Is there anyone present in opposition to Rezoning  
255 2019-00027 Eric Walker for Ridge Homes, LLC? That case, seeing no opposition, I move  
256 that Rezoning 2019-00027 Eric Walker for Ridge Homes, LLC be recommended for  
257 approval with proffers one through number six, dated September 9, 2019.

258

259 Mr. Witte - Second.

260

261 Mr. Baka - We have a motion by Mr. Baka and a second by Mr. Witte, all  
262 in favor say aye.

263

264 The Commission - Aye.

265

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

267

268 **REASON -** Acting on a motion by Mr. Baka, seconded by Mr. Witte, the  
269 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
270 **grant** the request because it continues a similar level of single family residential zoning  
271 as currently exists in the area and it conforms to the Suburban Residential 2  
272 recommendation of the Land Use Plan.

273

274 Mr. Emerson - Mr. Chairman, that completes the request for expedited items  
275 this evening. We now move on to your regular agenda on page one, the REZ 2019-00017  
276 Jesse R. Penn, III.

277  
278 **REZ2019-00017**                    **Jesse R. Penn, III:** Request to rezone from A-1 Agricultural  
279 District to O-1C Office District (Conditional) Parcel 739-755-8658 containing 1.047 acres  
280 located on the north line of Church Road, approximately 145' east of its intersection with  
281 John Rolfe Parkway. The applicant proposes office uses which will be controlled by  
282 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
283 recommends Office.

284  
285 The staff report will be presented by the -- Seth Humphreys.

286  
287 Mr. Baka -                            Good evening. Is there anyone present here tonight in  
288 opposition to Rezoning 2019-00017 Jesse R. Penn, III? Okay. Please proceed.

289  
290 Mr. Humphreys -                    All right. Good evening, Mr. Chairman, members of the  
291 Planning Commission.

292  
293 Mr. Baka -                            Good evening.

294  
295 Mr. Archer -                         Good evening, sir.

296  
297 Mr. Humphreys -                    As stated, this request is to rezone a single parcel from A-1 to  
298 O-1C. The surrounding area is dominated by the nearby intersection of Church Road  
299 and John Roth Parkway, which borders the site to the north and south along with a strip  
300 of County owned property associated with the construction of John Rolfe Parkway to the  
301 north and west.

302  
303 Other surrounding uses include single-family homes to the east, a condominium  
304 community to the south, and vacant properties approved for non-residential uses across  
305 John Rolfe.

306  
307 The applicant has submitted revised proffers which differ slightly from those you received  
308 in your staff reports. The new proffers are dated September 11th and are being handed  
309 out to you. They would require time limits to be waived. I wanted to make sure we note  
310 that.

311  
312 The proffers address materials, hours of operation, construction hours, signage, lighting,  
313 and other items typically addressed in office requests. The proffers differ from those in  
314 the staff report in three ways. In proffer number six outdoor speakers have been -- have  
315 now been prohibited on the property entirely. In proffer eight the maximum height for  
316 detached signage is now six feet, and will be made of the same materials as the building.  
317 And there is a prohibition on lighting, whether internal or external on the detached sign.

318  
319 Lastly, a new proffer for landscaping was added, proffer number 14. Along Church Road  
320 the landscape buffer shown in the conceptual plan will be planted using evergreen trees  
321 and a continuous evergreen hedge to block car lights from their parking area. The  
322 applicant has proffered this conceptual plan in several elevations. The conceptual layout

323 shows the building outlined in blue on the side of the parcel closest to the intersection of  
324 Church Road and John Rolfe Parkway.

325  
326 Some parking would be located along Church Road, as previously mentioned, but the  
327 majority of the parking would be located along the eastern side of the site as requested  
328 by traffic. The applicant has proffered a left turn lane on Church Road to allow for safer  
329 U-turn movements to access the property.

330  
331 Seen here is the elevation of the building. The applicant has indicated the second floor  
332 would be a dental office, and at this time they do not have to a tenant for the first floor, so  
333 that would be built out at a future date as tenants are obtained. The proffered elevation  
334 shows a two-story building with the upper story being predominately glass, the lower story  
335 being predominantly masonry materials.

336  
337 The request is generally consistent with the Future Land Use recommendations of office  
338 and based on the submitted conceptual plan and elevation will be consistent with some  
339 of the design guidelines outlined in the Church Road/Pump Road study completed in  
340 2004.

341  
342 The applicant has submitted revised proffers that address concerns previously outlined  
343 by staff, as well as those brought up at a community meeting this past Monday.

344  
345 At this time staff recommends support of this request. That concludes my presentation.  
346 I would be happy to take any questions.

347  
348 Mr. Baka - Any questions from the Commission of Mr. Humphreys?  
349 Okay. Thank you. How would you like to proceed?

350  
351 Mrs. Thornton - If the applicant could come up.

352  
353 Mr. Baka - Okay. Could the applicant please come forward?

354  
355 Mr. Penn - I'm Jesse.

356  
357 Mr. Baka - Good evening.

358  
359 Mr. Penn - How you doing?

360  
361 Mr. Baka - Please state your name, full name, for the record.

362  
363 Mr. Penn - I'm Jesse Penn, Jesse R. Penn, III.

364  
365 Mr. Baka - Thank you.

366  
367 Mrs. Thornton - Do you want to go -- oh, okay.

368



369 Mr. Penn - Yeah, sure. Just got to get it going here. So, as stated, we're  
370 here to seek rezoning for O-1 Office District use, which includes general office,  
371 administrative, professional, medical offices, childcare centers, studio for artists,  
372 designers, writers, photographers and musicians, and no sales.

373  
374 The building occupants, as stated, the first floor would be just general office use. Second  
375 floor would be a dental office practice. The building is positioned on a 1.04-acre lot. The  
376 building would be 1,200-square-feet, two story, 6,000 the first floor, 6,000-square-foot the  
377 second floor.

378  
379 There'd be a total of 54 parking spaces with 4 EDA spaces provided. The building would  
380 be 30 feet in total height as required. Building foundation to be slab concrete. Building  
381 superstructure would be steel framing, steel beams and columns. The building skin would  
382 be steel stud framing.

383  
384 The exterior would be predominantly brick the entire perimeter of the first floor, with punch  
385 windows. Second floor would be all glass around the entire perimeter. The roof will have  
386 a parapet with metal panels to hide HVAC equipment. There would be a large overhang  
387 with stained wood panels at the roof level. Glass and stained wood canopy over the front  
388 main entrance. There would be a dumpster on site that would be brick enclosed. And  
389 there will be professional landscaping around the perimeter of the building.

390  
391 At the interior, the first level will be billed as a shell. We do not have tenants at this  
392 moment, so it would just be a shell to be built out later. It will have common bathroom  
393 spaces at the front foyer, there will be a staircase and elevator at the front foyer leading  
394 to the dentist's office.

395  
396 As stated, the second level will be a professionally designed dentist practice with front  
397 reception area, bathrooms, offices, and individual treatment areas. Here we have an  
398 example. This is not exactly what the second floor will be, but an example of what we're  
399 proposing, with the individual treatment areas around the perimeter, offices and  
400 bathrooms and reception area in the center.

401  
402 Exterior color renderings. Here we have an aerial view. You can see Church on the left,  
403 John Rolfe Parkway in the rear. This is an isometric view. You could see Church in the  
404 front. Again, you could see all brick around the perimeter of the first floor. Glass second  
405 floor. Metal panel roof. Here's an eye-level isometric view.

406  
407 Moving on to conceptual layouts. As you can see, the outline of the building total parking  
408 spaces. You can see the dumpster. It's called out at the top of the building. You can  
409 also see Church and John Rolfe. As you can see, there's only one entrance and exit to  
410 the property, which is why we need the left U-turn lane. So the front of the building would  
411 be facing the adjacent property. Rear of the building will be facing John Rolfe.

412  
413 So the community impacts, we talked about the U-turn lane needed for the single entrance  
414 and exit. Dumpsters referring to trash and pickup, parking lot cleaning and leaf blowing.

415 Dumpsters and trash receptacles will be screened from view at ground level with brick  
416 veneer enclosure, with painted steel gate. No trash pickup, parking lot cleaning and leaf  
417 blowing before 7:00 a.m. or 7:00 p.m. Monday through Friday, or 10:00 a.m. or after 7:00  
418 p.m. on Saturdays. No trash pickup, parking lot cleaning or leaf blowing on Sundays.

419  
420 Parking lot lighting: Lighting standards shall not exceed 15 feet in height, above ground  
421 level. All lighting fixtures will be of low intensity and shall be positioned in such a manner  
422 as to minimize impact of such lighting on adjacent properties. Lighting shall produce a  
423 minimum lighting intensity of one-foot candles at a minimum of 10-foot outside the  
424 boundary lines of the property. Lighting would be reduced to security-level following the  
425 closing of business operations day.

426  
427 Outside speakers, as stated, will be prohibited. Security alarms: No external alarm bells  
428 and warning devices shall be audible beyond the boundary lines of the property. Signage:  
429 Any detached signs shall be ground-mounted and shall not exceed six feet in height.  
430 Lighting of these signs, whether internal or external, will be prohibited.

431  
432 Utility lines: Except for junction boxes and access boxes, meters, and existing overhead  
433 utilities, all utilities shall be installed underground. Building hours of operation will be  
434 within the business hours of 7:00 a.m. to 10:00 p.m. Monday through Friday. Construction  
435 hours would be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday.

436  
437 And, finally, landscaping: The 10-foot buffer of landscape -- the 10-foot landscape buffer  
438 shown on the conceptual plan would be placed -- planted using evergreens and a  
439 continuous line of evergreen shrubbery would be at least two feet high when planted and  
440 shall be regularly trimmed for appearance and height not to exceed three and a half feet,  
441 and that's it. That concludes.

442  
443 Mr. Baka - All right. Thank you. Does anyone on the Commission have  
444 any questions for Mr. Penn?

445  
446 Mrs. Thornton - I just want to say, thank you for listening to the community on  
447 Monday.

448  
449 Mr. Penn - Yes, ma'am.

450  
451 Mrs. Thornton - And changing some of the proffers to accommodate the  
452 neighbors that this will directly impact. I do appreciate you taking the time and effort this  
453 week to make it all work out.

454  
455 Mr. Penn - No problem. No problem.

456  
457 Mr. Baka - I concur with that. I especially appreciate the proffer changing  
458 regarding outside speakers, so number six, thank you.

459  
460 Mr. Penn - Thank you.

461  
462 Mr. Baka - All right. Any other questions? Thank you, Mr. Penn.  
463  
464 Mr. Penn - Mm-hmm.  
465  
466 Mr. Baka - We already asked for public input.  
467  
468 Ms. Clevenger - [\*Indiscernible 00:20:11]  
469  
470 Mr. Baka - Is -- would you like to address the Commission on this case?  
471  
472 Ms. Clevenger - Yeah.  
473  
474 Mr. Baka - All right. Would you please come forward to the podium?  
475 Thank you.  
476  
477 Mr. Witte - Is this opposition?  
478  
479 Mr. Baka - Good evening.  
480  
481 Ms. Clevenger - Hi.  
482  
483 Mr. Baka - Please state your name for the record.  
484  
485 Ms. Clevenger - My name is Wanda Clevenger, and I'm a resident of Lake  
486 Loreine. And my question just has to do with has the County made any plans or  
487 consideration of drainage around that area. Just because with the heavy rain flows --  
488 falls that we've been experiencing, there has been a lot of flooding, especially, you know,  
489 from developments or construction that come into the lake that we live on. And, you  
490 know, we're having to incur expenses to dredge the lake, and drain it, and there's a lot of,  
491 you know, debris. And I'm just concerned, you know, what kind of drainage is being  
492 considered for the parking area and parking lot since, you know, a lot of the natural  
493 absorption capacity of the landscape will be changing with this plan.  
494  
495 Mr. Baka - Okay.  
496  
497 Mr. Emerson - Mr. Chairman, all the --  
498  
499 Mr. Baka - Thank you Ms. Clevenger.  
500  
501 Mr. Emerson - All those items, ma'am, will be taken care of with the more  
502 detailed site engineering, which hasn't been done at this time. But this'll be at least a  
503 50/10 site, if not more so than that, which means they'll have to retain more runoff than  
504 what currently comes off the property and release it at a slower rate. So it will be handled  
505 with the -- with the detailed construction engineering of the site as per state and local  
506 regulations.

507  
508 Mr. Baka - Thank you. All right, Mrs. Thornton, how would you like to  
509 proceed at this time?  
510  
511 Mrs. Thornton - All right, Mr. Chairman, I move that we wave the time limits for  
512 the REZ 2019-00017 Jesse R. Penn, III.  
513  
514 Mr. Mackey - Second.  
515  
516 Mr. Baka - We have a motion by Mrs. Thornton and a second by Mr.  
517 Mackey to wave the time limits accepted for the proffers. All in favor say aye.  
518  
519 The Commission - Aye.  
520  
521 Mr. Baka - Opposed say no. Motion passes.  
522  
523 Mrs. Thornton - And, Mr. Chairman, I move that REZ 2019-00017 Jesse R.  
524 Penn, III be recommended for approval with the proffers number 1 through 14, dated  
525 September 11, 2019.  
526  
527 Mr. Archer - Second.  
528  
529 Mr. Baka - We have a motion by Mrs. Thornton and a second by Mr.  
530 Archer, all in favor say aye.  
531  
532 The Commission - Aye.  
533  
534 Mr. Baka - Opposed say no. Motion passes.  
535  
536 **REASON -** Acting on a motion by Mrs. Thornton seconded by Mr. Archer,  
537 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
538 Supervisors **grant** the request because the proffered conditions will assure a level of  
539 development otherwise not possible and it is consistent with the recommendations of the  
540 2026 Comprehensive Plan.  
541  
542 Mr. Emerson - Mr. Chairman, we now move on to the next case on the  
543 agenda this evening, which appears at the top of page three. It is REZ 2019-00026  
544 Ukrop's Homestyle Foods, LLC.  
545  
546 **REZ2019-00026 Ukrop's Homestyle Foods, LLC:** Request to conditionally  
547 rezone from O-1 Office District to B-2C Business District (Conditional) Parcel 762-740-9594  
548 containing 2.808 acres located at the northeast intersection of Patterson Avenue (State Route  
549 6) and Horsepen Road. The applicant proposes commercial, catering, and office uses. The  
550 uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026  
551 Comprehensive Plan recommends Semi-Public.  
552  
553 The staff report will be presented by Mr. Bert Sehl.

554  
555 Mr. Baka - Is there anyone present in opposition here tonight to Rezoning  
556 2019-00026 Ukrop's Homestyle Foods?  
557

558 Mr. Witte - Got one, two, three, four, five.  
559

560 Mr. Baka - Okay. We do have some folks. We'll get to you in just a  
561 minute after Mr. Sehl makes the staff presentation. Thank you. Good evening.  
562

563 Mr. Sehl - Good evening, Mr. Chairman. Thank you very much. The  
564 applicant is requesting to rezone 2.8 acres from O-1 to B-2C to allow the development of  
565 a food hall within an -- existing church sanctuary. A second phase planned to be  
566 developed as an office building, is also proposed.  
567

568 The site is in the triangle formed by Patterson Avenue, Horsepen Road, and Three Chopt  
569 Road, and is adjacent to the Triangle Park office and retail complex, the Tuckahoe  
570 Volunteer Rescue Squad, and a county water storage facility. Residential uses are  
571 located across Horsepen Road and Patterson Avenue to the west and south, respectively.  
572

573 The 2026 Comprehensive Plan recommends Semi-Public for the site, which is reflective  
574 of its longtime use as a church. Adjacent property is designated Commercial  
575 Concentration in government. While not fully consistent with the Semi-Public designation  
576 the proposed business zoning would be in line with Commercial Concentration  
577 designation immediately to the east.  
578

579 The applicant has proffered this concept plan which shows how one of the buildings on  
580 site, which was previously used as educational administrative space, would be removed.  
581 The existing sanctuary building closest to Horsepen and Patterson will be converted into  
582 a food hall for the sale of various Ukrop's Homestyle Food Items, as well as an eat-in  
583 area and catering services. The first phase of development would utilize the existing  
584 parking on the site, along with some modifications to the site's Horsepen Road entrance.  
585 Or -- excuse me, the site's Patterson Avenue entrance.  
586

587 Additional development of the site would include modifications to the parking area, along  
588 with the revised Horsepen Road entrance. Recent commitments in the proffers handed  
589 out to you this evening would also provide additional pedestrian enhancements as part of  
590 phase two, including the installation of pedestrian improvements at Patterson Avenue. I  
591 should have also noted that during phase one pedestrian improvements would be  
592 provided at the intersection with Normandy Drive, including a crosswalk and flashing  
593 pedestrian signal. Details regarding the specifics of the site's Horsepen Road entrance  
594 would be determined during the review of the required plan of development.  
595

596 In addition to the concept plan, the applicant has submitted a number of proffers that  
597 would regulate future development of the site. These include recent commitments  
598 regarding architecture for any future building on the property, and a prohibition of a  
599 number of potentially incompatible uses.

600  
601 Other proffers address items such as road improvements, landscape buffers along  
602 Horsepen and Patterson, screening of the mechanical equipment, dumpsters and loading  
603 areas, and limitations on signage and parking lot lighting, as well as limits on the hours of  
604 construction, trash pickup and parking lot cleaning.

605  
606 The applicant has held two community meetings and several smaller meetings with the  
607 adjacent community. Residents at those meetings expressed concerns with pedestrian  
608 access across Horsepen Road, as well as other traffic improvements, such as the  
609 installation of an additional through lane northbound on Horsepen Road. The applicant  
610 has attempted to address these concerns by phasing some of the road improvements,  
611 allowing for additional review at the time of plan of development, as well as providing a  
612 commitment to installing a crosswalk and flashing signal near Normandy and Horsepen.

613  
614 With the revised proffers regarding pedestrian accommodations as well as the  
615 commitment to construct any new building in a manner consistent with the existing  
616 sanctuary, staff believes the applicant has addressed staff's concerns as noted in the staff  
617 report. While not fully consistent with the site's 2026 Plan designation, business zoning  
618 on the property would be consistent with adjacent uses, and a logical continuation of the  
619 development pattern in the area. The site's location within a triangle bounded by major  
620 roadways indicates further expansion of commercial uses would be unlikely and impacts  
621 on adjacent residents should therefore be minimized.

622  
623 For these reasons staff supports this request, and I'd be happy to try and answer any  
624 questions you might have at this time.

625  
626 Mr. Baka - Any questions of Mr. Sehl from the Commission? I have a  
627 couple, Mr. Sehl. So, at the risk of sounding like I'm repeating a couple items that you  
628 just mentioned, I just wanted to kind of walk through some of the improvements you  
629 mentioned, kind of separate them into phase one, phase two idea.

630  
631 So, again, correct me if I'm wrong, but phase one involves a proposed food hall to enter  
632 the existing four walls of the existing church building there. Is that --

633  
634 Mr. Sehl - Correct, Mr. Baka.

635  
636 Mr. Baka - Okay.

637  
638 Mr. Sehl - Minor site improvements will be required, including the  
639 revision of the entrance here at Patterson Avenue, as well as some exterior construction  
640 of some sidewalks and areas along here as well as some modifications to the building to  
641 address ADA requirements, items like that, to provide additional accessibility into the  
642 building.

643

644 Mr. Baka - So the biggest changes in phase -- proposed phase one  
645 would be that right in, right out on Patterson Avenue where right now I could turn left -- I  
646 turned left the other night in off Patterson. We -- that would be prohibited.

647  
648 Mr. Sehl- Yes, Mr. Baka.

649  
650 Mr. Baka - And then the sidewalks that the developers proffered, is that  
651 also phase one?

652  
653 Mr. Sehl - So, excuse me. The proffer regarding the sidewalks indicates  
654 the phasing of those sidewalks would be determined at the time of Plan of Development  
655 Review.

656  
657 Mr. Baka - Okay.

658  
659 Mr. Sehl - These improvements would require a Plan of Development,  
660 so that would be determined in conjunction with the Commission and the Department of  
661 Public Works during that review. So there's additional improvements that are -- that would  
662 be discussed during that, as well as the specifics. Their conceptual plan here shows that  
663 right in, right out, continued discussion is required with the Department of Transportation,  
664 with VDOT, regarding that access and exactly what would be required of that. So some  
665 of those specifics will be necessary during the review of the POD to determine the full  
666 extent of those and the specifics of those improvements.

667  
668 Mr. Baka - Okay. And, to revisit what you said just a few minutes ago,  
669 phase one also would include an addition of a crosswalk from the west side of Horsepen  
670 across the street just south of Normandy?

671  
672 Mr. Sehl - Yes, sir. Yes. Proffer three requires that that sidewalk be  
673 installed prior to a new CO being issued for the sanctuary building. The applicants can  
674 speak to that as well. But that's what they've committed to at this point.

675  
676 Mr. Baka - So phase two would involve a proposed demolition of the  
677 existing administrative office building, and a construction of office on that site. The fourth  
678 lane that you spoke of, right now when I drove through Horsepen the other night at rush  
679 hour, there's three lanes, but the proposed fourth lane you spoke of would not need to be  
680 installed until the time that -- of phase two would be occurring?

681  
682 Mr. Sehl - The proffer commits in that manner, Mr. Baka, some of those  
683 specifics will still continue to need to be discussed with the Plan of Development. They  
684 did hear the community expressing some concern about that, which is why they've  
685 phrased the proffer the way it has been phrased. And I would also note that the -- my  
686 understanding is their intent is to remove that existing -- the former sanctuary building  
687 and office building, with -- as part of phase one, too. So I think that they would remove  
688 that a little bit earlier in the process.

689

690 Mr. Baka - Okay.  
691  
692 Mr. Sehl - But, yes. The road improvements along Horsepen Road,  
693 which include the installation of a through lane, the full pavement-widening, curb, and  
694 gutter, storm sewer, those items would be, as per proffered, part of phase two.  
695  
696 Mr. Baka - All right. Does anyone else have any questions of Mr. Sehl?  
697 Thank you.  
698  
699 Mr. Sehl - Thank you.  
700  
701 Mr. Baka - This is a public hearing, so we'd like to go ahead at this time  
702 and open the floor up for those speaking in opposition to the case. Who would like to  
703 come forward and address the Commission with their comments? Please come forward,  
704 sir. Mr. --  
705  
706 Mr. Emerson - Mr. Chairman, as the gentleman's approaching the podium I  
707 will --  
708  
709 Mr. Baka - Yes, sir.  
710  
711 Mr. Emerson - I will go over the Commission's guidelines for public hearings.  
712 They are as follows: The applicant is allowed 10 minutes to present the request. Time  
713 may be reserved for responses to testimony. Opposition is allowed a cumulative 10  
714 minutes to present its concerns, meaning everybody that wishes to speak needs to fit  
715 within 10 minutes. Commission questions do not count against time limits, and the  
716 Commission may wave the limits for either part at its discretion, and comments must be  
717 directly related to the case under consideration.  
718  
719 Mr. Baka - Okay. Good evening.  
720  
721 Mr. Russell - Good evening. Hi.  
722  
723 Mr. Baka - Please state your name for the record.  
724  
725 Mr. Russell - John Russell, I live half a block off Patterson on Borden Road.  
726 And I'm here speaking for my family, but also for a neighbor who lives on the corner of  
727 Ridge Top and Patterson, right across from the church. She can't be here tonight, her  
728 name is Marion Poliquin.  
729  
730 Widening to the fourth -- with a fourth lane we think is a good idea, actually. That would  
731 improve flow significantly. One question is how big is that office building going to be?  
732 And how do you add an entrance off Patterson Avenue at that location? We all know  
733 several people have been killed in Patterson Avenue in the last several years trying to  
734 cross that street at night. And maybe this would improve that danger.  
735



736 But my friend noted that the trucks delivering to Ukrop's and Martin's caused her house  
737 to shake and was damaging her foundation. She talked to Pat O'Bannon who arranged  
738 for the stripes to be moved about four feet north, causing the trucks to be just a little off  
739 the curb, which reduced the shaking of her house. But she wanted me to bring this to  
740 you tonight.

741  
742 On a related point that we worry about is people come over the Westham Hill heading  
743 east on Patterson flying, they're doing 60 miles an hour, and it's -- the drop is to 35. And  
744 we have many accidents where Westham meets Patterson, especially at night. And a  
745 yellow flashing light might help those drivers learn to slow down at that point. But we're -  
746 - this is a standard problem that we all talk about and may contribute to those deaths.  
747 And that's all I have to say. Thank you.

748  
749 Mr. Baka - Okay. Any questions, before you leave, sir, any questions  
750 from the Commission of Mr. Russell?

751  
752 Unknown Speaker - Nope, good.

753  
754 Mr. Baka - Thank you.

755  
756 Mr. Russell - All right, thanks.

757  
758 Mr. Baka - Would anyone else like to come forward and speak in  
759 opposition to this case? Please come forward. Good evening, welcome.

760  
761 Ms. Hart - Good evening. Thank you for allowing me time to speak. My  
762 name's Katherine Hart and I live at 1008 Horsepen Road, which is south of the  
763 intersection of Patterson and Horsepen, so one block, basically, across Patterson. And I  
764 just wanted to point out a few things.

765  
766 I already have concerns about what is known about what's going to happen with this  
767 development, but I have real concerns about what is really not known. There're kind of  
768 too many may's, could, should, not quite sure, you know, the plan, that'll be in the different  
769 phase. And it's very concerning to me that that intersection is not going to be addressed  
770 until phase two. Or, even really kind of addressed at all. I understand there really hasn't  
771 been a whole lot of agreement with VDOT, and that's not been ironed out. And, again,  
772 on Horsepen itself it's just been very vague. Well, we might have to build a fourth. That  
773 kind of thing.

774  
775 And on my side of Patterson it is residential on each side. And, unfortunately, I didn't  
776 really realize this until I actually got in there, but people use Horsepen as a major cut  
777 through. They come down River, get onto Westham, you know, come around, and a lot  
778 of people like to use that light.

779  
780 So I'm concerned a great deal about the increased traffic. And I think currently, you know,  
781 people have to sit through several lights. Often traffic is being -- blocking the intersection

782 to the point of even, you know, blocking the rescue squad. And on our block we have 15  
783 kids, 5th grade and under, that get on the bus at 6:55. In the winter it's very dark, but  
784 people are whizzing -- just going up and down Horsepen like crazy.

785  
786 Then you have the additional problem of people heading east on Patterson. I think the  
787 gentleman raised this point, but it's 45 farther down west. Which nobody really goes 45,  
788 it's typically much faster. And then there's like a little sign that brings it down to 35, but, I  
789 mean, people do not go 35. They're, like, 60, 65 miles an hour. And I just see that  
790 increasing more as well as potential accidents. There are a good bit of accidents at that  
791 particular place.

792  
793 Mr. Baka - Okay.

794  
795 Ms. Hart - And, as the gentleman pointed out, someone was killed. My  
796 three-year-old and some other friends, we were walking down the teeny little sidewalk on  
797 Patterson going east, and, you know, a car ran a red light and the speed was such that a  
798 black SUV, like, flipped on its side and skidded over to the sidewalk. And I flipped out.  
799 And that kind of stuff shouldn't be happening anyway. So I really would like y'all to take  
800 into consideration the traffic.

801  
802 Mr. Baka - Okay.

803  
804 Ms. Hart - Particularly speed and red light runs and cut throughs. And  
805 some things that might help I know, for example, down on Bremo they have kind of that  
806 speed -- I don't think you call it a speed bump, but a speed hump, or something like that,  
807 to make sure that people are not, you know, flooring it to get to the top of Horsepen to  
808 cross -- get through the light.

809  
810 Mr. Baka - So the traffic is a big concern, and safety at the intersection is  
811 a big concern.

812  
813 Ms. Hart - Yes.

814  
815 Mr. Baka - Are there any other additional concerns you could add to your  
816 comments?

817  
818 Ms. Hart - Just that I think that that particular intersection and speed and  
819 everything else needs to be addressed prior to any development.

820  
821 Mr. Baka - Okay. All right. Thank you.

822  
823 Ms. Hart - Thank you.

824  
825 Mr. Baka - All right, any questions of the Commission of Mrs. Hart?  
826 Thank you, ma'am.

827

828 Ms. Hart - Thank you.  
829  
830 Mr. Baka - Thank you for caring. Is there anyone else who would like to  
831 speak? Please come forward. Good evening, welcome.  
832  
833 Mr. Kelly - Good evening, sir. My name is Peter Kelly. I live on West  
834 Durwood Crescent, which is a little to the left. Is there any way we can get a slightly  
835 different view of the map?  
836  
837 Mr. Baka - Just you're one block to the -- two blocks to the west.  
838  
839 Mr. Kelly - Yeah, two blocks to the west.  
840  
841 Mr. Kelly - Great, thanks. So this is Normandy right here, which is going  
842 to be adjacent to one of the entrances and exists to the proposed Ukrop's facility. A big  
843 concern that all of the neighbors have that live along Normandy, as well as West Durwood  
844 Crescent which is right over here to the left, is the pass throughs, the people driving  
845 through there, usually at an excessive rate of speed.  
846  
847 As it sits today, Durwood, between Three Chopt up here and Patterson is used very  
848 frequently as a cut through. When I walked out of the house today to come to this meeting  
849 I stood on my front porch for about a minute and a half, and I counted 15 to 20 cars  
850 coming up -- excuse me. Coming through that intersection, and not a single one of them  
851 stopped. All of them stepping on the gas and flying down that street. That street is used  
852 by many, many families who have lots of small children, lots of people walking their dogs,  
853 lots of people just letting their kids go ride their bicycles, and it's turned into a racetrack.  
854 It's being used, I don't know exactly by whom, but plenty of people who are cutting across  
855 Patterson Avenue or continuing down Patterson Avenue, and it's also both ways.  
856  
857 We think that with the additional traffic that's going to happen on Horsepen that a lot of  
858 that is going to deflect and turn into further pass throughs to our neighborhood. And we  
859 would like to see speed bumps along Normandy as well as West Durwood to help deflect  
860 some of that traffic and to help slow some of those folks down to make it safer for the  
861 residents who live there.  
862  
863 Mr. Baka - Okay. Thank you, Mr. Kelly.  
864  
865 Mr. Kelly - Thank you.  
866  
867 Mr. Baka - Any questions to the Commission of Mr. Kelly? Thank you.  
868  
869 Mr. Kelly - Thank you.  
870  
871 Mr. Baka - All right. Is there anyone else who'd like to speak in  
872 opposition? Please come forward. We do have about two minutes of additional time  
873 remaining for those in opposition. Good evening, welcome.

874  
875 Ms. Wyatt - Thank you. My name is -- my name is Mia Wyatt (ph). I want  
876 to say that I'm listening and I'm trying to follow along and I just want to ask Ms. Thornton  
877 a question. At one point did you raise a proposal to stop any additional more proffers on  
878 a proposal and the Board approved that? Did that happen?

879  
880 Mr. Baka - Ma'am, at this point we don't need to typically question  
881 Commissioners during meeting. But if you do -- if you do pose a question, we can have  
882 it on the record.

883  
884 Ms. Wyatt - Okay. So my question is, I'm here -- okay. I'm here to say  
885 that, as you know, because you've been in the meetings, the two meetings that we've  
886 had with the Ukrop's have not been meetings where everybody is happy with what's going  
887 on. You've heard some of the complaints already.

888  
889 I'm concerned that we're moving so quickly that the members of the community actually  
890 haven't finished having the conversations they need to have this, so I would like to ask  
891 you all to not close debate on it, not to take votes that would stop us from continuing to  
892 work. They have a great lawyer who's been very responsive. I would like to be able to  
893 keep that conversation going a little bit further.

894  
895 Mr. Baka - Okay.

896  
897 Ms. Wyatt - Because, as someone else said, a lot of this is maybes and  
898 possibly's and in stage two and in stage four. And I don't think the community is there  
899 yet. So I would like to ask you all not to stop our conversations yet. Thank you.

900  
901 Mr. Baka - Okay. Well, thank you. Any questions from the Commission  
902 of Mrs. Wyatt? All right, seeing none. Is there anyone else who'd like to speak in  
903 opposition to this case? Yes, please come forward. Welcome.

904  
905 Ms. Kelly - Hi.

906  
907 Mr. Baka - Hi.

908  
909 Ms. Kelly - I would just like to add, I also live on West Durwood Crescent.

910  
911 Mr. Baka - Would you please state your name for the record?

912  
913 Ms. Kelly - Adriene Osteria Kelly (ph), and I am at the corner of  
914 Normandy and West Durwood. And something that, outside of all of the concerns  
915 everyone has stated, which I feel strongly about as well, I would like to mention someone  
916 said, well, we're not sure what phase two is going to be. And it has been extremely vague.  
917 But at the last community meeting they did tell us that it would be a 17,000-square-foot  
918 building, right? Am I right? Isn't that what they said? Just want to confirm that. That  
919 building, I believe, would then more than double in size.

920 So I think going from -- and I realize this -- we're trying to change the zoning, but I think  
921 it's really going to change the dynamics of what happens a little further down where most  
922 of us don't live, but still impacts our community, and where we live. Where the light at  
923 Monument Avenue and the church, let's see, right at the top of Monument Avenue, and  
924 coming up to Horsepen, if you guys can visualize that. That whole intersection, Three  
925 Chopt, Horsepen, Monument, that one turn lane, all the U of R kids, that is just a disaster  
926 of traffic already.  
927

928  
929 And changing from what was a school, a small school, and Sunday church to this type of  
930 operation is very concerning. And, again, I don't think it's truly been addressed all of the  
931 issues. There are a lot of vague things, and I think that we really need to slow down, as  
932 others have said, and really comprehend what's going to happen to the traffic and the  
933 safety all around. Not just those of us that live there. Although, of course, being someone  
934 that lives there we deal with it every day. Thank you.  
935

936 Mr. Baka - Thank you. Any questions of Ms. Kelly? Thank you. All right.  
937 We're about just at time. And, at this point, we appreciate the comments. We do have  
938 many of them written down. And, at this point, I'd like to ask if I can hear from the  
939 applicant. If the applicant would come forward. Good evening.  
940

941 Mr. Condlin - Evening Mr. Chairman, members of the Commission. My  
942 name's Andy Condlin. If we're keeping time I know we have a couple people that want  
943 to speak in favor, so if you don't mind cutting me off around eight minutes, if I get that far,  
944 I don't think I'll take that long. But, you know how I get sometimes, so I appreciate that.  
945

946 Mr. Baka - Would you be able to address some of the comments that we  
947 also just heard?  
948

949 Mr. Condlin - Absolutely.  
950

951 Mr. Baka - Thank you.  
952

953 Mr. Condlin - Would you like me to address those first?  
954

955 Mr. Baka - Your choice.  
956

957 Mr. Condlin - Well, let me start a little bit with, so we have a number of folks  
958 from Ukrop's here as well, and Mr. Sehl, of course, already talked a little bit about the  
959 property itself and the former Bon Air Baptist Church campus. Obviously, a beautiful  
960 property, and a number of folks have already talked about the location and Patterson  
961 Avenue and Horsepen and some of the frustration with the traffic.  
962

963 But I thought I'd at least go through and talk a little bit about what we're proposing. Very  
964 excited for this to preserve this existing sanctuary building for an adaptive reuse for a food  
965 hall. And what we wanted to do, and I'll do it real quick, is to show you a couple of the

966 renderings that we've been working on to add to that existing sanctuary. If you're -- if  
967 you're standing in the -- in the parking lot behind the building on the opposite side of  
968 Horsepen, for example, that's what you would see. And then, with some -- potentially  
969 with, in the future with outdoor dining, that would -- I'll show you where that would be.

970  
971 There's also adding an additional area where the -- a smaller box truck would come in for  
972 deliveries. Wheel carts up to the -- up to the delivery area. Again, screened, as you can  
973 see there. And then we also have, wanted to show you, along Patterson Avenue with the  
974 buffer as it would go in, and the same with Horsepen with the -- with the screening. And  
975 we have a couple of other items to show you from different angles.

976  
977 And, apparently, I like the buffer so much I put it in twice, so I apologize for that. So, but  
978 obviously there's a couple things that we wanted to do that, from a standpoint of looking  
979 at the sanctuary building itself, and that is Ukrop's is passionate about food and service,  
980 and this is going to offer both of those things. From a standpoint of providing something  
981 that's not currently what you're seeing, but also the marketplace. But, also, primarily  
982 providing for what you also see from a Ukrop's homestyle food products, including the  
983 White House Rolls, Mrs. Marshall's products, and the deli salads. But, of course, the --  
984 also Rainbow Cookies, which are always an important part of when you talk about  
985 Ukrop's.

986  
987 But, also, there's been a question of reintroducing certain items, like fried chicken and the  
988 breakfast pizza, potato wedges, that you can't produce centrally. They have over 350  
989 employees in 2 different locations in Henrico and Chesterfield to produce, that you so  
990 often see in the grocery stores, but they can't keep that quality that they expect, be able  
991 to provide for the grocery store, so a number of people are asking for that.

992  
993 They also want to have a better experience for more personal service with respect to  
994 catering and specialized items like cakes, and obviously the pickup and the food service.  
995 So I think we've talked about his quite a bit, but the idea is to bring the best of Ukrop's to  
996 this location. Ninety-five percent of the cooking will be done offsite and brought to the --  
997 brought with a single delivery each day, is the -- is the intent.

998  
999 We've got the inside of the existing sanctuary building with the vestibule, you see, as I'll  
1000 just walk through quickly, with the entryway and the customer service and elevator that  
1001 goes up to the second floor that I'll describe in a little bit. And you also have a bake shop  
1002 where the balcony sits over top of that. Coffee and the marketplace with a lot of those  
1003 prepackaged goods and salads and then a beverage center. The hot foods are would be  
1004 the, that you see in that area, would be the paninis and the breakfast pizza and the fried  
1005 chicken.

1006  
1007 And then there's, of course, the back of house that helped prepare for the food. And then  
1008 we, of course, whenever you think of Ukrop's and even their grocery stores, is that there's  
1009 a community space and seating space. They're actually going to be reusing the pews  
1010 that are in the church currently, for the seating area. Also, on the second floor, you can  
1011 see the -- as the elevator would go up and you see some employee areas and operations

1012 areas, but also a celebration room that looks down over the first-floor area. So that's  
1013 generally what's anticipated. Again, we're very excited for this kind of a unique food  
1014 market, and food hall that would go in here.

1015  
1016 There's been some statements and questions regarding the second floor, or the second  
1017 phase, regarding the building. Currently there is, on that build -- on this entire site, 17,000  
1018 square feet to give you a sense of scale. The intent is that with this existing sanctuary  
1019 building we would add potentially a maximum that you could get on there is 17,000 based  
1020 on setbacks, buffers and parking, can only fit a certain amount on there. We don't have  
1021 specific plans, as has been described, that would come off on phase one, because that -  
1022 - those buildings are very dated. A lot of them don't have air conditioning, and they're just  
1023 not well main -- hadn't been well maintained. So they would be coming down as part of  
1024 the first phase.

1025  
1026 And that would be left in its -- at that -- at that phase while we're working on phase one  
1027 until a later time. So that's -- the anticipation is that it would be about a 17,000-square-  
1028 foot maximum. Which is, again, from a scale standpoint what's currently out there. We  
1029 have one of our original plans showed where the -- how, conceptually, the property would  
1030 look. But one of the things we did provide for as part of our meetings was -- as has been  
1031 described on Patterson Avenue, this is an existing entrance, pursuant to VDOT's  
1032 comments, and that we've been giving tentative approved from VDOT to be able to have  
1033 a right in and right out only, so you can't turn left into the site, nor can you turn left out of  
1034 the site as you currently can. We think that improves the situation on Patterson Avenue  
1035 from the standpoint we're not adding an additional entrance, but that's an existing  
1036 entrance, for that standpoint.

1037  
1038 There has been some discussion about Horsepen, and while some folks like the fourth  
1039 lane, other folks don't. And as you know, it's County policy. We're going to -- sorry, we're  
1040 going to put it back in the County's hands.

1041  
1042 And we're putting it off from a phase two, so when we do the sanctuary building for the  
1043 food hall, the anticipation is that there would not require the additional lane on Horsepen.  
1044 But as you can see on this right of way is, and where the lanes are, and where that would  
1045 go, a lot of folks used this for parking and gravel -- there's a gravel way that they used for  
1046 parking, and some folks just don't want that from an increase in traffic. That's what they're  
1047 concerned about.

1048  
1049 We're going to put that off until phase two. It's not necessary until phase two, and then  
1050 only if required by the County. We're willing to do it, we don't necessarily want to do it,  
1051 but if the County says at that time, We think it's an appropriate thing. Then we're willing  
1052 to, you know, be on the hook as is -- as is typical for that kind of situation.

1053  
1054 The other thing that we're doing from a standpoint of -- and I'll have to say that I -- from  
1055 the scrivener error on the proffer itself, as I committed to this the last few days, is  
1056 regarding that crosswalk. And this is the example. Of course, we didn't specifically proffer  
1057 this, but I didn't put in there about the sidewalks. And, as you can see on the Horsepen

1058 side, there would be a connection to -- for a sidewalk so folks can come up and walk  
1059 along Horsepen and cross over the crosswalk and then again come along another  
1060 sidewalk would be built and that -- and that would all be part of phase one.

1061  
1062 Those two are what I'd call sidewalk connections, which I haven't included in my proffer,  
1063 I'll work with staff. That was the intent, we just didn't get that in there. Because quite  
1064 frankly the sidewalk was addressed with respect to Horsepen and Patterson. I didn't think  
1065 about the opposite side of Horsepen and missed that.

1066  
1067 The other thing that we've proffered, and you can see there's another rendering of what  
1068 it might look like from that connection is to be able to put a pedestrian crossing. So our -  
1069 - you push the button, the lights go off, it just grabs attention. So for folks who want to  
1070 cross there. Again, trying to create pedestrian safety, we cannot address, and we can't,  
1071 as far as our application, impose speed humps or other traffic-calming devices on other  
1072 streets that are outside of our -- outside of our property. We can certainly encourage that  
1073 and would ask that the County continue to look at those, but that's not something we can  
1074 do. But these are things that we can do as part of our proffers, and to provide a safer  
1075 entryway.

1076  
1077 Mr. Sehl has already talked a little bit about the phase one, which is, that's what we've  
1078 proffered as a conceptual plan. So one of the benefits of providing for this is that obviously  
1079 we can see where the buildings are going to be with the parking away from the residents.  
1080 And then with phase two, again, we don't know the exact footprint of what we're  
1081 proposing, because we don't have anything at this point. One of the things that we did  
1082 provide for was architecture with respect to -- consistent with that existing sanctuary  
1083 building so that everything would be very similar to that from a standpoint of the type of  
1084 architecture, the elements, the material, and things of that nature.

1085  
1086 So, with that, I'll be happy to answer any questions. I know that there was -- I looked  
1087 through my -- as I looked through my list of folks that -- of the concern was, you know,  
1088 how big was the second building. I said it's going to be a maximum of 17,000, again,  
1089 from a scale of what's existing. The widening, some people like it, some people don't, on  
1090 that fourth lane. I'm going to leave it to the County at the time that we come forward with  
1091 our POD as to what's appropriate for the professional. We just don't know at this point.

1092  
1093 And then, of course, traffic. There's nothing we can do about the existing traffic as it's  
1094 coming up Patterson Avenue, or cut throughs, or the red light runs. Certainly, from our  
1095 standpoint, we're trying to do what we can. The other thing that we proffered was a  
1096 pedestrian crosswalk and work on the signal on Patterson Avenue, so folks on the other  
1097 side of Patterson can get across. That would be part of Phase two. Again, that has  
1098 subject to VDOT that they haven't approved that at this point, but that would be something  
1099 that we would put in at a -- at a later time as well.

1100  
1101 So, with that, I'll be happy to answer any questions that you have.

1102  
1103 Mr. Baka - Any questions from the Commission of Mr. Condlin?



1104  
1105 Mrs. Thornton - I do.  
1106  
1107 Mr. Baka - Yes, ma'am.  
1108  
1109 Mrs. Thornton - So, from the drawing, you only can go in on that one  
1110 intersection take a right in and right out.  
1111  
1112 Mr. Condlin - On Patterson Avenue. We also have another entrance that's  
1113 currently existing on Horsepen would be full entrance we're in -- just, we're in discussions  
1114 with the County. Right now you've got the rescue squad which kind of all of, you know,  
1115 from the standpoint of coming in, they're having a little trouble getting their service  
1116 vehicles backing in and stopping traffic for that. In talking with the County of course they  
1117 have access to these water facilities back here to create a merged access that would  
1118 serve all three of those uses, and I think that would be great, we're all for it. We're waiting  
1119 on the County to kind of bring that together. So that would be -- I think that would help.  
1120 And we'd do -- some improvements would also occur on Normandy from that standpoint.  
1121 But that would be all part of phase two from that standpoint.  
1122  
1123 Mrs. Thornton - Okay. Because my thinking is, you come in on the right of  
1124 Patterson, you got to go out on the right on Patterson, you've got to go out on the right on  
1125 Patterson.  
1126  
1127 Mr. Condlin - Correct. Right.  
1128  
1129 Mrs. Thornton - They're going to circle around onto Horsepen and come back.  
1130  
1131 Mr. Condlin - Well, and that's the nice thing about this entrance is, you  
1132 know, of course as you know in this area, Three Chopt, you can take a right here if you  
1133 want to head east. If you can't take a left out of this site. And a number of folks, I'll be  
1134 quite honest, a number of folks talked about the backup on Horsepen.  
1135  
1136 Mrs. Thornton - Yeah.  
1137  
1138 Mr. Condlin - And, you know, unfortunately, with that backup sometimes  
1139 traffic takes care of itself. Folks are saying they can't turn left out of this site or turn left in  
1140 it. That's going to take care of itself as, you know, people understand how to go, they'll  
1141 take a right here and just go to Three Chopt and move from there.  
1142  
1143 Mrs. Thornton - Okay. You mentioned box trucks. Is that the largest truck that  
1144 will be entering the property?  
1145  
1146 Mr. Condlin - That's the -- that's from the Ukrop's standpoint, you know, but  
1147 --  
1148  
1149 Mrs. Thornton - From a catering, thinking catering truck type of --

1150  
1151 Mr. Condlin - Yeah. Exactly, like a Coca Cola truck or something like that.  
1152  
1153 Mrs. Thornton - For the guy that was concerned that Ukrop's brought in the  
1154 big trucks on the right-hand side, so nothing like that --  
1155  
1156 Mr. Condlin - Oh, no. No. It's a hand truck that is, again, it's that -- it's that,  
1157 like, delivery, that catering size. And that's what --  
1158  
1159 Mrs. Thornton -- That would be really hard to get in.  
1160  
1161 Mr. Condlin - Yeah. That's absolutely correct.  
1162  
1163 Mrs. Thornton - Onto --  
1164  
1165 Mr. Condlin - And so the idea would be that this, in this area here, it would  
1166 back up. We'd have a parking space for that and unload it here, and that would come in  
1167 once a day for the deliveries at the morning in anticipation of --  
1168  
1169 Mrs. Thornton - And how much traffic do you see going in and out daily? Like  
1170 how many trips per day? Have you --?  
1171  
1172 Mr. Condlin - Right, well we've taken a look at that, and we've try to come  
1173 up with a number from the standpoint of what we anticipate on, you know, both pass by  
1174 traffic and those that are coming on bikes or on foot. We're think -- we're thinking of  
1175 crossing about 360 per day, is the -- is additional traffic from that standpoint. That again,  
1176 it could be by passthrough traffic that's already existing on, was really what we  
1177 anticipated, but also, you know, foot traffic, bicycle traffic. But, you know, that's about 30  
1178 cars an hour, you know.  
1179  
1180 Mrs. Thornton - I feel like college students would be coming over, you know,  
1181 so I think you have -- going to have increased traffic.  
1182  
1183 Mr. Condlin - Yeah, families. Yeah. Yeah, I think so. Yeah, I think so.  
1184 There's no doubt that currently it's been -- it's been a vacant church for a little while, and  
1185 it was a quiet church before then with the school buildings here, so it, you know, we'll be  
1186 honest, it didn't -- it didn't generate a lot of traffic. But this area does generate a lot of  
1187 traffic, and there's a lot of pass by traffic, as you know, with the Village Shopping Center  
1188 and other commercial uses. That's why, with this shopping center, it makes a lot of sense,  
1189 we think, to make that transition from the residential and retain that building. That's an  
1190 important part.  
1191  
1192 Mrs. Thornton - Okay. And then, sorry, I have one question.  
1193  
1194 Mr. Baka - Oh, please.  
1195

1196 Mrs. Thornton - That's all right.  
1197  
1198 Mrs. Thornton - I saw the bus symbol on one of your slides.  
1199  
1200 Mr. Condlin - Is that the one?  
1201  
1202 Mrs. Thornton - Very, very beginning.  
1203  
1204 Mr. Condlin - I don't know. Oh, maybe.  
1205  
1206 Mrs. Thornton - Okay. That's not going to --  
1207  
1208 Mr. Condlin - There was a bus on one of the pictures. Is that what you're  
1209 talking about?  
1210  
1211 Mrs. Thornton - Right.  
1212  
1213 Mr. Condlin - There's a bus there.  
1214  
1215 Mrs. Thornton - What is that up here on Patterson?  
1216  
1217 Mr. Condlin - I'm not sure what you're speaking of.  
1218  
1219 Mrs. Thornton - Right there where your pointer is.  
1220  
1221 Mr. Emerson - The bus stop.  
1222  
1223 Mr. Condlin - Yeah.  
1224  
1225 Mrs. Thornton - Is that a bus stop?  
1226  
1227 Mr. Condlin - Oh, I think Google -- it's built into Google Maps at that point.  
1228 I don't -- I don't know is that a bus stop or not?  
1229  
1230 Mr. Baka - It's a Google Maps.  
1231  
1232 Mr. Condlin - Right. Yeah, I think it is. I think it -- city bus service.  
1233  
1234 Mrs. Thornton - Okay. Because I'm like, wow, that's going to drop a bus, you  
1235 know, I was thinking, okay, so yeah, it's not something --  
1236  
1237 Unknown Speaker - Good question.  
1238  
1239 Mr. Condlin - Yeah, not part of our service.  
1240

1241 Mrs. Thornton - Because then I was like, pedestrian walkways going to need  
1242 to go in.  
1243  
1244 Mr. Condlin - Right.  
1245  
1246 Mrs. Thornton - Because they're going to get off the bus and then walk over  
1247 to --  
1248  
1249 Mr. Condlin - Yeah. That, quite frankly, haven't, that's right, I -- and now  
1250 that I think about it, it's dropping off in this area. So that's right. So --  
1251  
1252 Mrs. Thornton - I'm just thinking if you want walkability, if you're going to have  
1253 a bus stop.  
1254  
1255 Mr. Condlin - But we're not going to -- I don't think it's going to be on our  
1256 side. It's on the -- across the way. I think is where it is currently. It's on our side?  
1257  
1258 Mr. Emerson - It's not on the side of the road. South, which is where --  
1259  
1260 Mr. Condlin - Okay. Well, that's part of where --  
1261  
1262 Mr. Emerson - It's not in the center.  
1263  
1264 Mrs. Thornton - Okay.  
1265  
1266 Mr. Condlin - Yeah. No, they're not dropping off in the center and having to  
1267 cross the way they are. That's just in the Google maps. But, no, that's one of the things.  
1268 That's why the phasing of the sidewalks as well, you know, from the standpoint of, again,  
1269 putting it in.  
1270  
1271 Part of the concerns on the sidewalk was where do you put it on Horsepen Road if we're  
1272 not putting that fourth lane and tying it in with that.  
1273  
1274 Mrs. Thornton - Right.  
1275  
1276 Mr. Condlin - But, you know, again, that's having to come back before this  
1277 Commission, as you know, as part of the POD and getting the sidewalk straight and that  
1278 pedestrian access. So --  
1279  
1280 Mrs. Thornton - Okay.  
1281  
1282 Mr. Archer - Mr. Condlin, I have a question.  
1283  
1284 Mr. Condlin - Yes, sir.  
1285

1286 Mr. Archer - You showed a slide a little while ago that indicated all of the  
1287 interior uses of the building.

1288

1289 Mr. Condlin - Yes, sir.

1290

1291 Mr. Archer - Right. Now considering what will be in there, what do you  
1292 think -- which one of those uses would be the most intense? Have you figured that out?

1293

1294 Mr. Condlin - No, sir.

1295

1296 Mr. Archer - What's going to draw the most traffic?

1297

1298 Mr. Condlin - Well, you know, the -- when you talk to the Ukrop's family I'm  
1299 happy to let, you know, anyone who wants to come up here, they're all laughing at me  
1300 trying to figure out how to answer this question. But they're all going to be very popular.  
1301 But they're getting a lot of -- a lot of requests for their hot foods from the breakfast pizza  
1302 and the fried chicken. Now, is that -- and also, it's important to do the catering. They want  
1303 some more specialized service. They're doing the cake sales that they had to be able to  
1304 sit down and talk about the catering and talk about these specialty items, to be able to do  
1305 that, and to pick up a meal and then go and take it home as an already prepared meal  
1306 just to be able to pop it in the microwave or already heated. So --

1307

1308 Unknown Speaker - But you don't know which one might be the most popular?

1309

1310 Mr. Condlin - We don't know. And, you know, quite frankly one of the -- one  
1311 of the great things about the Ukrop's if you remember, this is not a grocery store, but it is  
1312 for a food hall where you can go in and the idea is to get food, either eat it there or take it  
1313 with you and bring it home or to your work, but having the community space where people  
1314 like to sit and have coffee, have a -- have a birthday party, something of that nature.  
1315 That's what you're trying to foster is some of that community space as well.

1316

1317 So the answer is, if you remember the old Ukrop's stores what was the most popular, it's  
1318 a lot, you know, some folks sitting around having their coffee and grabbing something to  
1319 eat. But there's also the specialty items that we talked about in the catering.

1320

1321 Mr. Archer - So what would be vended from the area that's called Market?

1322

1323 Mr. Condlin - The market? That would be a lot of their already prepared  
1324 foods that you already see in a lot of the other supermarkets already, such as their deli  
1325 salads and things of that nature. So that and sandwiches that are already premade and  
1326 things of that nature we can just grab and pull them up and we can go. So, and then  
1327 that's the idea, is that you can pick up a couple different things, or you and I could go to  
1328 lunch and you don't want to get pizza and I'm just, you know, having to have my pizza.  
1329 So I can go get pizza and you get something else and we can have our meeting.

1330

1331 Mr. Archer - Okay.

1332  
1333 Mr. Witte - I have a question, just out of curiosity.  
1334  
1335 Mr. Condlin - Yes, sir.  
1336  
1337 Mr. Witte - I think I know the answer, but I'm going to ask it. Are they  
1338 going to serve alcohol?  
1339  
1340 Mr. Condlin - No, sir.  
1341  
1342 Mr. Witte - I didn't think so.  
1343  
1344 Mr. Condlin - Nor would they -- nor do they operate on Sundays. So --  
1345  
1346 Mr. Witte - I had, years ago, back in the '70s and '80s that I've met with  
1347 Mr. Joe several times down at the farm, and that wasn't going to be an issue.  
1348  
1349 Mr. Condlin - That's not going to be an issue. No, sir. That's not -- that's  
1350 not -- but I do want to be honest, we have not proffered out alcohol sales. The idea being  
1351 that, you know, if there's a restaurant that wants to come in, you know, that they might  
1352 want to serve alcohol. That might -- that may occur.  
1353  
1354 Mrs. Thornton - Or rent the space and have an event.  
1355  
1356 Mr. Condlin - Right, so --  
1357  
1358 Mr. Baka - So it's not proffered, okay. I appreciate the -- I appreciate the  
1359 -- sorry. I was glad to see the more recent proffer that just came in regarding the  
1360 crosswalk just south of Normandy, because I think at the public meetings, and there were  
1361 two community meetings, and that was a start and the conversation continues with other  
1362 neighborhood meetings. But the biggest concerns we heard there were traffic and  
1363 access, traffic and access.  
1364  
1365 Mr. Condlin - Yeah. It's been -- it's been hard for us -- I can't really control  
1366 cut throughs and what's going on in other streets. I understand that the concern being  
1367 that are we increasing that issue. But we can control, and that's -- this is one thing, as  
1368 we were talking about the County, what would they allow us to do and what could we do?  
1369 And the pedestrian access we thought was sort of something that we could, you know,  
1370 commit to. So that's why we did that, done that.  
1371  
1372 Mr. Baka - Right. So and that -- and it helps on that point of allowing,  
1373 say, crossing of the Horse -- of Horsepen Road.  
1374  
1375 Mr. Condlin - Right.  
1376

1377 Mr. Baka - We heard one, not one, actually two questions earlier about  
1378 more specifics about the phasing, so your answers tonight, phase one, involves reuse of  
1379 the existing building with crosswalk and permanent --

1380  
1381 Mr. Condlin - Right, so if we were going to -- if we were going to do a  
1382 summary of phase one would be to --

1383  
1384 Mr. Baka - Quick summary.

1385  
1386 Mr. Condlin - Demolish this existing building, the entry work on Patterson  
1387 Avenue to make it a right in, right out, only. And the crosswalk and blinkers on -- off of  
1388 Normandy across Horsepen here for the -- for the blinkers. And then, obviously, to the  
1389 extent that the County, as we go through, was -- would be the landscaping, you know, put  
1390 it in as you see necessary of that --

1391  
1392 Mr. Baka - Landscape buffering.

1393  
1394 Mr. Condlin - Right. And then phase two would be --

1395  
1396 Mr. Baka - Phase two would involve that road.

1397  
1398 Mr. Condlin - When this new building -- when a new building would go in,  
1399 when new construction not taking down the building, but phase two would be the new  
1400 building going in. That, what I'll call the fourth lane on Horsepen, again I'm putting that  
1401 on you, if you all think it's necessary, we'll construct that at that time. Also, doing the  
1402 approve and align the Horsepen entry, the idea, as we talked about, by that time we  
1403 expected it to work out, if not before, with the County and the rescue squad and that  
1404 entryway to make that a more unified entryway for all those uses.

1405  
1406 And then to finish up whatever is necessary for the sidewalks on Patterson and Horsepen  
1407 in conjunction with this fourth lane. Whatever landscaping. And then the crosswalk on  
1408 Patterson Avenue from a standpoint of getting across and having that work -- the  
1409 crosswalk and then working on the signal the timing for pedestrian access across.

1410  
1411 Mr. Baka - Crosswalk on the east -- on that eastern side of Patterson --  
1412 eastern side of Horsepen.

1413  
1414 Mr. Condlin - Correct, correct.

1415  
1416 Mr. Baka - Okay. That helps clarify a couple questions I had. I  
1417 appreciate that. It was a couple questions on specifics. The other comment or concern  
1418 I heard earlier was about keeping the conversation going. So can you describe -- one  
1419 thing I hadn't heard tonight was I know there were two neighborhood meetings that I had  
1420 the opportunity to attend, but there were also a series of individual meetings with  
1421 neighbors?

1422

1423 Mr. Condlin - I think there's about five scheduled individual meetings that  
1424 went out to specific neighborhoods to have meetings on site for folks that either didn't get  
1425 notice on the first go around in the first community meeting, or had additional questions  
1426 to sit down with them, and then we have the two large community meetings. That's --  
1427

1428 Mr. Baka - Are you willing to continue those individual --  
1429

1430 Mr. Condlin - Absolutely. Absolutely. That's one of the things that we've  
1431 been talking with sending the information to the individuals that have been spreading it  
1432 out to the neighborhood. They've been doing a great job and appreciative of that. Of  
1433 course we're going to be able to continue that. We've got 30 days before the Board  
1434 meeting to get whatever questions. Our point is, ultimately, we've proffered and I think  
1435 we've committed to everything that we think we can, and that are appropriate that we've  
1436 heard that we were able to at this point, and that's why we think the case is ready to move  
1437 forward.  
1438

1439 Mr. Baka - And so the fourth lane wouldn't come in phase two, so I guess  
1440 my final question I was thinking is, do you have an estimated timeframe of how much time  
1441 would laps between the end of phase one and when would phase two come?  
1442

1443 Mr. Condlin - Not at all, because quite frankly, that's --  
1444

1445 Mr. Baka - Right.  
1446

1447 Mr. Condlin - They're putting all their energy to see what happens with this  
1448 -- the food hall and then their expectations, what's most popular, hopefully everything.  
1449 But it's to see what the impact is and where they're going to go with this. Again, phase  
1450 two is subject to the market, what we can bring in. The idea is that based on parking and  
1451 all the other development criteria that you know, including stormwater and buffers and  
1452 setbacks, that we're limited to about 17,000-square-feet. So --  
1453

1454 Mr. Baka - Market considerations will drive that specific answer.  
1455

1456 Mr. Condlin - Yeah. We still got some interest for some office uses, but not  
1457 for the entire thing. But we're not going to go anywhere until we establish and get this  
1458 taken care of, and, you know, hopefully they open up before Thanksgiving of next year.  
1459

1460 Mr. Baka - All right. Any other questions of Mr. Condlin?  
1461

1462 Mr. Thornton - Mr. Chairman,  
1463

1464 Mr. Baka - Yes.  
1465

1466 Mr. Thornton - If I may, in the interest of -- one citizen did mention speed  
1467 humps. In the interest of clarity and illumination I think it'd be helpful for someone from



1468 public works if they would explain the process in Henrico and protocol for the speed  
1469 humps.

1470

1471 Mr. Baka - Mr. Cejka, would you please come forward? Welcome.

1472

1473 Mr. Cejka - Thank you. Good evening, Mr. Chairman, members of the  
1474 Board, Mr. Thornton. We have a traffic calming program that's County wide that citizens  
1475 can submit a request to do traffic calming on their street. And I believe Horsepen and  
1476 West Durwood Crescent already have signs that have the \$200 fine sign. And that's  
1477 phase one of the program. Phase two of the program is the installation of speed humps  
1478 if it qualifies. So they submit the form, we do speed studies for seven days, we analyze  
1479 the data, then we make the determination at that point.

1480

1481 Mr. Baka - So you say they submit the form, if I may, Mr. Thornton, who  
1482 decides in that if there are, you know, a dozen or a couple dozen residents on a certain  
1483 street, how is that decided whether you proceed to that second stop?

1484

1485 Mr. Cejka - Somebody who lives on the street, like somebody on West Durwood  
1486 Crescent or Normandy or Horsepen can submit the form requesting the speed studies.  
1487 Just one individual can request that. We'll do the speed studies and determine what the  
1488 speed is and if it qualifies for the program or not, or phase two or phase one, depending  
1489 on the street. If it does qualify, we notify the person that it does, and we give them a list  
1490 of addresses to get signatures in favor of the installation of signs or speed humps. And  
1491 then, once they return, they need to get 75 percent in favor of it and then they return it to  
1492 us, and then we'll progress from there.

1493

1494 Mr. Baka - And then how do you determine? Seventy-five percent of  
1495 which neighbors? Just on that one particular street?

1496

1497 Mr. Cejka - It is the street that it's being requested, plus a couple of houses on  
1498 either side of the intersecting streets. It's like West Durwood Crescent would have two or  
1499 three houses on Normandy on either side, because they will use West Durwood Crescent  
1500 as a -- as a way to get to and from their house. So -- and we don't do the whole  
1501 neighborhood. We try to confine it as best we can so it minimizes the number of houses.

1502

1503 Mr. Thornton - Thank you, Mr. Cejka.

1504

1505 Mr. Baka - Thank you for the question, Mr. Thornton. I think that was  
1506 very applicable. Before you sit down, Mr. Cejka, could I also ask a follow up question?

1507

1508 Mr. Cejka - Sure.

1509

1510 Mr. Baka - I think I mentioned to Mr. Conclin that traffic and access were  
1511 the two questions. The applicant's done some work to address the access, so I wanted  
1512 to ask you a little bit more about traffic not just at the corner of Horsepen and Patterson,

1513 but I guess really in that -- in the area from all the way north up to, you know, Horsepen  
1514 and Glenside.

1515  
1516 Is there a way that -- I know that timing of the traffic lights and changes in the -- small  
1517 changes in timing can have a positive effect on reducing the lines backing up at the lights.  
1518 Is there a way that the entire, you know, three to four intersections there from there north  
1519 up to where it turns into Glenside, is there a way that can be studied for improvements to  
1520 traffic within this area? I'm talking about if general traffic study is called for?

1521  
1522 Mr. Cejka - Yeah. We can do that. Currently, the three intersections on  
1523 Horsepen at Three Chopt, Monument and Glenside are all coordinated in the a.m. and  
1524 p.m. peak. During the rest of the day they do operate free, so you -- may be a little bit of  
1525 congestion during the off-peak hours, but during the peak hours they are coordinated.

1526  
1527 And I know there was a -- City of Richmond got a consultant to try to time the signals on  
1528 Patterson between the city and VDOT, because the city -- there's one at Three Chopt and  
1529 Patterson, the state has got Horsepen and Patterson, and the county has Three Chopt  
1530 and Horsepen. So that triangle has three different municipalities, you know. So it's really  
1531 hard to signalize -- to coordinate the timings at the signals when they have different cycle  
1532 lengths and different priorities. But we will do our best with our signals to try to make it  
1533 as more -- most efficient as possible.

1534  
1535 Mr. Baka - Okay. Any other questions of Mr. Cejka? All right. Thank  
1536 you. Any other questions of Mr. Condlin at this time?

1537  
1538 Mr. Condlin - I believe we had a few people that wanted to speak as well.

1539  
1540 Mr. Emerson - You have about two minutes left. You timed that very well.

1541  
1542 Mr. Baka - Is there anyone else who'd like to speak in favor of this  
1543 application here tonight? Would you please come forward. And, again, the questions we  
1544 just had from the Planning Commission do not count towards the time limits. Good  
1545 evening and welcome.

1546  
1547 Mr. Matthews - Good evening. I'm Larry Matthews. My wife, Susanne, and I  
1548 live in the neighborhood on Ridgetop Road across Patterson from the property under  
1549 consideration here. We encourage your support of the rezoning petition. We were thrilled  
1550 to learn of the plan to repurpose the existing church building into a Ukrop's food hall. We  
1551 feel this development adds to and enhances the already attractive village concept of this  
1552 neighborhood that offers close, quality shopping.

1553  
1554 In other places we've lived we've seen that nearby shops like this make neighborhoods  
1555 more popular and increased property values. Also, the project updates and beautifies a  
1556 corner property that has long appeared shabby even when the church was operating.  
1557 The addition of sidewalks and nice landscaping will give the corner a quality finished look.  
1558 We think this beautification will also enhance nearby property values.

1559  
1560 Frankly, we don't expect much increased traffic generated by the new business. We think  
1561 that many customers will come from the adjacent neighborhoods. These are large  
1562 neighborhoods, and we think that people will go to the food hall at times that are -- that  
1563 make sense, and we think that business will come from people who regularly pass by  
1564 anyway. Thank you for considering our support.

1565  
1566 Mr. Baka - Thank you. Any questions of Mr. Matthews from the  
1567 Commission? Thank you, sir. Anyone else who'd like to speak? Would you please come  
1568 forward, ma'am? Good evening, welcome.

1569  
1570 Ms. Darden - My name's Billy Jo Darden, I live in the neighborhood in West  
1571 Durwood Crescent, and I'm a retailer at Libbie and Grove, so I know very well how quickly  
1572 a neighborhood can turn over, and you get somebody that you don't want in your  
1573 neighborhood, and what better person to have in our neighborhood besides Ukrop's.  
1574 We're thrilled. We love the food. We're so excited. I agree with Mr. Matthews that I think  
1575 it's going to improve our property values, and we're happy. And that's all I had to say,  
1576 thank you.

1577  
1578 Mr. Baka - Any questions of Ms. Darden? Thank you. Is there anyone  
1579 else who'd like to speak in favor of this application? All right. Seeing none, the public  
1580 hearing would be closed. Is there any other additional questions of the -- from the  
1581 Commission? From staff?

1582  
1583 Mr. Witte - Hello. I'd like to make a comment. I kept hearing speeding was an  
1584 issue. I believe that needs to be taken up with the Police Department. We had an issue  
1585 like that in -- at my house, and several of the neighbors called the police several times  
1586 and they set up radar and one thing led to another and now we have speed bumps. So  
1587 it works. But we went through the Police Department and you may want to consider that  
1588 if you're serious about speed issues. Thank you, sir.

1589  
1590 Mr. Baka - Okay, thank you. And actually, Mr. Cejka, I do have one more  
1591 question regarding traffic, if I could. Thank you. Call you back up. As they talk about the  
1592 idea of perhaps studying the traffic all the way up for this three or four intersections along  
1593 Horsepen, is it possible that part of that study, and I don't know if this would be  
1594 appreciated or not, but is it possible a part of that study you could consider the idea of  
1595 there's a 35-mile-an-hour speed limit right now on Horsepen from Three Chopt to  
1596 Patterson. Possible to consider reducing it to 30 miles an hour as part of your review,  
1597 and just look at whether --

1598  
1599 We're going through the process of considering to install a crosswalk at Normandy. It's  
1600 going to have flashing lights. We're going to know to slow -- I went through there rush  
1601 hour last couple nights, but we're going to know to slow down, but there's always going  
1602 to be somebody who may not slow down as much. So I guess I'm just wondering if  
1603 reducing the speed on that short segment would have any added benefit. Particularly  
1604 because you can't get anywhere there very quickly at rush hour anyway.

1605  
1606 Mr. Cejka - Yeah. We could investigate that as part of our studies. That's  
1607 fine.  
1608  
1609 Mr. Baka - Reducing it to 30, perhaps. Okay.  
1610  
1611 Mr. Cejka - Yes, we'll look at that.  
1612  
1613 Mr. Baka - All right. Thanks. Any other questions? I would -- I would  
1614 add a couple comments. And looking back in perspective on this, this is a site that is  
1615 zoned O-1, not that many churches, existing church buildings, are zoned O-1. The staff  
1616 report pointed out that there were four or five churches for many, many years that have  
1617 occupied this site and held church to varying degrees of success. And each one of them  
1618 tapering out their use of the church. It sat vacant for a couple years now, give or take,  
1619 and, you know, one of the concerns of what happens if we don't move forward with this  
1620 type of approach.  
1621  
1622 And office O-1 zoning, there is existing zoning on the property in which the County would  
1623 not receive any proffers whatsoever if an office building were constructed in the current  
1624 zoning. So in some odd way, the request to rezone for business district actually affords  
1625 the County the opportunity to accept proffers to business. And I think that was a little  
1626 more technical nuance that may have -- may or may not have been emphasized  
1627 previously.  
1628  
1629 With that in mind, I think the potential for long term success is there at the site. With traffic  
1630 and access, traffic and access being two key concerns here. I think the applicant has  
1631 made some strides to look at improving the access and also understanding that the  
1632 County Department of Public Works can conduct a traffic study in this stretch of Horsepen  
1633 and possibly consider looking at the speeds there.  
1634  
1635 This conversation continues. I also heard the applicant say that they'd be willing to meet  
1636 with other additional neighbors that had affected concerns, and I appreciated hearing the  
1637 concern about the -- even the foundations shaking that Mrs. Thornton alluded back to on  
1638 the one home owner's house previously as in the size of the trucks.  
1639  
1640 So I would encourage the applicant to continue to have those conversations, whether  
1641 they are the formal community meeting in the church building, or rather the informal in  
1642 folk's living rooms like they've had recently.  
1643  
1644 With that, I'm prepared to make a recommendation, and I would move that rezoning 2019-  
1645 00026 Ukrop's Homestyle Foods, LLC be recommended for approval with proffers 1  
1646 through 17, dated September 10, 2019.  
1647  
1648 Mr. Mackey - Second.

1649  
1650 Mr. Baka - We have a motion by Mr. Baka and a second by Mr. Mackey.  
1651 All those in favor to recommend approval to the Board say aye.

1652  
1653 The Commission - Aye.

1654  
1655 Mr. Baka - Opposed say no. Motion passes. And this goes on to the  
1656 Board of Supervisors at their October meeting.

1657  
1658 **REASON** - Acting on a motion by Mr. Baka, seconded by Mr. Mackey, the  
1659 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
1660 **grant** the request because it continues a form of zoning consistent with the area and the  
1661 proffered conditions will assure a level of development otherwise not possible.

1662  
1663 Mr. Emerson - Yes. It is October the 8th.

1664  
1665 Mr. Baka - October -- Tuesday, October 8th, 7:00. Thank you.

1666  
1667 Mr. Emerson - Mr. Chairman, we now move on the next item --

1668  
1669 Mr. Baka - [\*indiscernible 01:20:15]

1670  
1671 Mr. Emerson - Absolutely.

1672  
1673 Mr. Baka - If I may, at this point the Commission will take a five-minute  
1674 recess. We'll try to be back here very quickly, and I know you're all waiting patiently for -  
1675 - to have your case heard. We'll be back in five minutes.

1676  
1677 [A Break Was Called]

1678  
1679 Mr. Emerson - -- agenda, which appears on page three is the ordinance  
1680 regarding short-term rentals.

1681  
1682 **ORDINANCE** – To Amend and Reordain Section 24-3 Titled “Definitions,” Section 24-12  
1683 Titled “Conditional uses permitted by special exception,” Section 24-13 Titled “Accessory  
1684 uses permitted,” Section 24-13.01 Titled “Development standards and conditions for  
1685 permitted uses,” Section 24-13.2 Titled “Accessory uses permitted,” Section 24-13.3  
1686 Titled “Conditional uses permitted,” Section 24-28 Titled “Principal uses permitted,”  
1687 Section 24-39 Titled “Accessory uses permitted,” Section 24-94 Titled “Table of  
1688 regulations,” Section 24-96 Titled “Off-street parking requirements,” and Section 24-121  
1689 Titled “Conditional zoning or zone approval” of the Code of the County of Henrico. This  
1690 ordinance allows for short-term rentals of real estate for periods of fewer than 30  
1691 consecutive days. Specifically, this ordinance allows hosted short-term rentals by right in  
1692 the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, and R-4A residential districts and  
1693 A-1 agricultural district if (i) the property owner remains at the property during the rental,  
1694 (ii) the short-term renters lodge in the principal dwelling, and not a guesthouse (iii) the

1695 property is on a lot with 80 feet or more of road frontage, (iv) no more than six short-term  
1696 renters occupy the property during the rental, and (v) the property is used as a short-term  
1697 rental no more than 60 days in a calendar year. For all other short-term rentals in those  
1698 districts, this ordinance requires the operator of the rental to obtain a conditional use  
1699 permit. All short-term rentals would be subject to regulations restricting other commercial  
1700 uses at short-term rentals and limiting rentals to the operator's primary residence owned  
1701 by him. The ordinance would also limit the number of short-term renters and pets and the  
1702 hours when check-in and check-out services may be offered. The ordinance would  
1703 prohibit rentals to minors and double-booking. The ordinance would require: provision of  
1704 life-safety equipment consistent with the building code, posting of certain information  
1705 within the rental, designation of adults to respond to complaints, keeping of records of  
1706 short-term rentals, and provision of off-street parking. Finally, the ordinance would add  
1707 and revise definitions related to the rental of real estate.

1708  
1709 And just, as a note, Mr. Chairman, I would -- I would like to mention as well, that I'm sure  
1710 everybody did notice what this code does, it allows short-term rentals. Currently short-  
1711 term rentals are not allowed by the codes of Henrico County. So this is a regulation that  
1712 would allow the use. Currently the use is not allowed.

1713  
1714 This is the third public hearing that this body has held. We have -- we have conducted  
1715 two other public hearings, and you have done mailings of well over 200 for the second  
1716 public hearing, and for this public hearing there were over 350 direct mailings. There  
1717 have been eight Planning Commission work sessions with County residents, short-term  
1718 rental operators, homeowner's associations, hotel and motel associations, The Richmond  
1719 Realtors Association, bed and breakfast operators, and many others.

1720  
1721 So, with that said, Mr. Chairman, it's also my understanding that you would like to limit  
1722 comments two minutes per speaker during this hearing this evening, and the presentation  
1723 will be made by Mr. Andrew Newby, one of our Assistant County Attorneys.

1724  
1725 Mr. Baka - Correct. And, if I may, I propose a three-step process here.  
1726 Mr. Newby will make a presentation by the staff first, and then we'll have opportunity to  
1727 hear from those in opposition. And, thirdly, have opportunity to hear those in favor of this  
1728 request. Good evening.

1729  
1730 Mr. Newby - Good evening.

1731  
1732 Mr. Baka - Welcome.

1733  
1734 Mr. Newby - Thank you very much. It's a pleasure to be here again. My  
1735 name is Andrew Newby, I'm the Assistant County Attorney, and it's my privilege and duty  
1736 tonight to present a summary of this short-term rental proposal. And Mr. Emerson has  
1737 done a good job of giving a background on what's got us here. But just to add to that,  
1738 very briefly, it's important always to define your terms, so just for the benefit of the  
1739 Commission and everyone in the audience: A short-term rental was a definition that  
1740 comes to us from state code, both in this context and the context of taxation and is simply

1741 a rental that's for fewer than 30 days. That's all we're talking about today is a rental for  
1742 fewer than 30 consecutive days. That's a short-term rental, and that comes to us from  
1743 state code.

1744  
1745 As Mr. Emerson pointed out, it's currently prohibited in all residential districts. The only  
1746 short-term rentals in the County are in hotels in commercial districts and in, I guess,  
1747 permitted bed and breakfast establishments who are regulated in various ways.

1748  
1749 Now the Planning Commission has received a charge from the Board of Supervisors to  
1750 recommend zoning amendments that would legalize short-term rentals with the condition  
1751 that there are regulations put in place that would maintain the harmony of neighborhoods  
1752 if that balance be possible, and that's really what that exercise is about. It's about seeking  
1753 a balance.

1754  
1755 On the one hand, you have homeowners who wish to supplement their income through  
1756 short-term rentals and, as a citizen noted to me this morning, also to receive people from  
1757 out of town. There's also very much a social aspect to this. Homeowners who rent for  
1758 short-term rentals enjoy having company in their house and meeting new people from out  
1759 of town. And that does provide a service to the community.

1760  
1761 But, second, on the other hand of the scales, we have to balance the expectation of  
1762 neighbors to the peaceful enjoyment of their homes. There's a certain expectation when  
1763 you move into a residential neighborhood that you're going to know your neighbors, good  
1764 or bad, and it's going to be a relatively stable neighborhood where residential purposes  
1765 take place. And short-term rentals, for better or for worse, have a feel of a commercial  
1766 purpose that can, in some cases, if not regulated appropriately, detract from that peaceful  
1767 enjoyment of a neighborhood.

1768  
1769 Mr. Emerson has always -- already pointed this out, but we've considered numerous draft  
1770 ordinances in seeking this balance. This process is nearly two years long now. We have  
1771 gone above and beyond what the law requires as far as holding public meetings,  
1772 advertising public meetings, and reaching out to stakeholders from every conceivable  
1773 angle, to try to gather as much input as we can. Because this really is a community  
1774 project. It affects all of us who live in Henrico County. And so it was important to get  
1775 everybody a seat at the table, a recent opportunity to give us feedback.

1776  
1777 You know, staff doesn't claim to have a monopoly on good ideas, certainly not.  
1778 Particularly when it comes to new technologies. And that's exactly what this is. So I  
1779 believe the Planning Commission and staff can say positively that all legal requirements  
1780 have been met, and certainly a great amount of public input has been gathered so far.  
1781 And, of course, we also have a public meeting tonight.

1782  
1783 But enough of background, let's talk about the brass tacks of what's actually being  
1784 proposed. There's two pieces, and I have just a couple slides on each. And the first  
1785 piece is the most important piece, that's the zoning ordinance. And that's what's being  
1786 considered tonight for Commission action after the public hearing. That's your purview.

1787 How can we amend the zoning ordinance, if it be your will, to legalize short-term rentals  
1788 and what regulations to impose. And in the next couple slides I'll talk about what those  
1789 regulations are in a little more detail.

1790  
1791 Finally, there's this second component you see on the screen that's the result of feedback  
1792 over all the meetings we've had, and that's the registry and tax ordinance. Now that's  
1793 really, as the slide notes, for information only. You're not required or under any charge  
1794 to vote on that or take any action on that. But for the Commission, and for the benefit of  
1795 the public that's here, we thought it was important to give the full picture. And the registry  
1796 and tax ordinance helped paint that full picture, so I'll devote two slides at the end of this  
1797 presentation to explaining how that fits into this puzzle.

1798  
1799 Here we go. So this is, of course, the most important element. Currently, short-term  
1800 rentals are prohibited in all residential districts. They're currently illegal. And the proposal  
1801 is to allow them, in certain residential districts, R-0 through R-4A and A-1, which I'll say  
1802 are the single-family one-dwelling residential districts. And it will continue to prohibit  
1803 short-term rentals in your multi-family district, your single-lot-line district, your townhome  
1804 districts, your urban-mixed-use districts where it's thought that it's too dense to support a  
1805 short-term rental use.

1806  
1807 So that's the proposal. Legalize short-term rentals in certain districts. But to seek that  
1808 balance and try to preserve neighborhood harmony, there are regulations that would be  
1809 put in place.

1810  
1811 And the first is a distinction that Mr. Emerson pointed out in his summary. There is certain  
1812 short-term rentals that we proposed could just be done by right. And what that means is  
1813 you wouldn't need any extra permit. You could, if you met these conditions that are on  
1814 the screen, operate your short-term rental, and you wouldn't need special permission from  
1815 the County.

1816  
1817 So let's go through what those five requirements would be to do short-term rentals without  
1818 a permit. First, the owner would have to be at the property during the rental. That's what  
1819 you might think of as a hosted stay. A lot of this, and we see it, a great deal of it, in our  
1820 community already, is that you have an owner, maybe a husband and wife that got an  
1821 extra bedroom or two, and they're going to rent it out periodically. They're going to be  
1822 there during the stay to answer any concerns from the renter, and they know their  
1823 neighbors, and they can provide that stability to the community.

1824  
1825 Those hosted stays we've found in our research and I think the feedback we've received  
1826 from the public are, without a doubt, the least problematic kinds of rentals for  
1827 neighborhood harmony, tranquility, and stability.

1828  
1829 The second requirement to do a short-term rental without a permit is that'd be the owner's  
1830 principal dwelling. And all that means is you're not renting a guest house in the backyard  
1831 or an RV or a tent or whatever you want, a treehouse, whatever you might imagine, it has  
1832 to be in the principal dwelling.



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Third, the property has to have road frontage of at least 80 feet. And what that means, is you look at the front property line along the street and you measure it. And if it's 80 feet or more, you wouldn't need a permit, but if it's less than 80 feet you would have to come and get a conditional use permit. And the thought behind that, after doing a lot of research, is we wanted to find the spot where you had a lot that was big enough that it wasn't so dense that the frequent coming and going of transient occupancies would affect the tranquility and harmony of the neighborhood. And that 80-foot road frontage appeared to be the sweet spot for that.

Fourth, the rental has to have no more than six occupants at a time. This is just a limit on the max amount of people. So if a short-term renter said, Well, I've got a very big house, and I'd like to sometime have 8, and maybe 10. They would have to come in and get a permit. They couldn't do that by right. But if you're going to limit it, and you're a renter to just six or less, that's something you could do without a permit, assuming you met all the other requirements.

And, finally, this is the one that some people in the audience and the Commission will certainly be familiar with. We used to have an idea that it would have to be rented no more than 30 days a year, but listening to a lot of feedback we think it's fair and reasonable to increase that to a 60 day per year threshold, so that you wouldn't need to come in and get a permit if you were just going to rent every weekend, let's say, a day every weekend, or wherever it might be in a year.

So that's the idea behind that, for better or worse, that's the balance that staff thought based on all of the feedback is fairest to both sides as far as balancing people's desires to do rentals with their property and keeping tranquility. So if you meet all of those requirements and if this proposal were adopted, someone could proceed to do a rental without a permit.

This next slide is just the flip side. If any one of those conditions weren't met, you'd have to come in and get a conditional use permit as a shot-term rental operator. And what that means, for those who might not be familiar with the process, is there's an application, it goes to the Board of Zoning appeals, they notify all of the neighbors in the nearby vicinity and hold a public hearing and the Board of Zoning Appeals then gets to consider all of that feedback from the neighborhood to decide whether the short-term rental is appropriate in that location and whether there are any conditions that should be imposed to keep the tranquility in that neighborhood.

And what that's picking up is, first, it's the big one, an un-hosted stay. If you plan to have a property where you want to rent it while you're away out of town, the thought would be that you should get a conditional use permit for that so that your neighbors have a chance to weigh in and the BZA has a chance to consider whether that's an appropriate use in the neighborhood. Whether it can be done in a way that doesn't disturb that residential feel.

1879 Second, if you want to rent a guest house you can come in and get a conditional use  
1880 permit. If you had a relatively smaller lot that didn't have 80 feet or more of road frontage  
1881 you could come in and get a conditional use permit. If you wanted to rent to more than  
1882 six people you could get a permit. And, finally, if you wanted to rent 180 days, or 90 days,  
1883 or something over 60. You could come in and get a -- get a conditional use permit. There  
1884 is a way to go about that.

1885  
1886 So that's the difference between permit or no permit. And then, this is going to seem like  
1887 a lot. There's two slides of it. My -- I promise you, most of this is pretty common sense  
1888 stuff. There are 12 rules that would apply to everybody. Starting I'll just take them one  
1889 at a time.

1890  
1891 First, the property's got to be the owner's principal residence. One of the concerns, and  
1892 it's not always the case, but there are concerns that people will buy multiple properties,  
1893 not be there, and just use them as short-term rentals. And there's no doubt there -- that  
1894 there are certain people who do a great job in that. And the neighbors will be fine. But  
1895 the most feedback we've gotten is that's where the problems really tend to be.

1896  
1897 And, again, it's not that everyone has a problem doing that, but that does seem to be one  
1898 of the bigger problem spots is where people, you know, buy multiple properties and  
1899 they're essentially absentee and they rent on a short-term basis. This would not be  
1900 allowed under Henrico County Ordinance that's proposed. It would not be allowed at all  
1901 apart from [\*indiscernible 00:14:27].

1902  
1903 Second, someone's got to be available to address problems, so if you're an un-hosted  
1904 stay you'd still need to designate a responsible adult who could come and help somebody  
1905 if there was a problem during the rental. I like to think of that as the equivalent at a hotel  
1906 of having a front-desk clerk. There has to be someone who can be called in the middle  
1907 of the night if the smoke alarm's going off. Or if, you know, whatever needs to be  
1908 addressed at the property. I think that's a fairly common-sense proposal.

1909  
1910 The third rule that would apply to everyone is a maximum cap on occupancy. No more  
1911 than twice the number of bedrooms. So if you had three bedrooms, you could have six  
1912 people. Four bedrooms, max eight people. That's the proposal here to keep the party  
1913 house that I know is everyone's worst fear from happening. Where there are 20, 30, 50  
1914 people there raging all night.

1915  
1916 Number four, commercial uses prohibited. The idea is that the -- one commercial use is  
1917 enough, so if you're using this for a short-term rental you can't use it as a taxi service,  
1918 you can't use it for weddings and receptions, filming, massage therapy, a fairly lengthy  
1919 list of other commercial uses. That would just be too much. It would overload the property  
1920 if it were a short-term rental and an additional commercial use.

1921  
1922 Five, I think this is common sense, one rental at a time, you can't double book. Six, at  
1923 least one adult has got to be on the rental transaction. The idea is you couldn't rent to  
1924 just kids. I know that's been a concern that's been expressed by a lot of people.

1925  
1926 Rolling right along to the second half of the rules, there was a lot of feedback we've gotten  
1927 over the last two years that late check-ins, early check-outs have been problem with  
1928 people coming and going at all hours. I know the Commission has heard that multiple  
1929 times. So we tried to craft something to address that where we can limit the operator  
1930 from offering check-in or check-out services to between 7:00 a.m. to 11:00 p.m. And  
1931 those are times that were chosen, you got a pick a bright line, we chose those lines to  
1932 match up with the noise ordinance. That's what's on the books for most noise in the  
1933 County. So that's where those numbers come from.

1934  
1935 But it has to be admitted, and I think everyone agree, people are going to still come and  
1936 go as they need to. If there're emergencies, or they need to be somewhere, they may  
1937 leave in the middle of the night. That's just how it is. But the proposal is to make the  
1938 operator limit when those services are offered.

1939  
1940 Number eight, I hope everyone would agree to as just a safety feature. They've got to  
1941 have smoke detectors, got to have carbon monoxide detectors, whatever is required with  
1942 the building code. That's not really an additional regulation, it's just a re-iteration of you've  
1943 got to have your house up to code.

1944  
1945 Number nine, and this was a public safety thing too, a lot of our public safety's officials  
1946 wanted us to make sure certain information was posted within the rental so that someone  
1947 who's unfamiliar with the property knows what their address is if they have to call 9-1-1,  
1948 what the noise ordinance is, where the breaker box is, where the water shut off is in the  
1949 event of an emergency.

1950  
1951 It's the kind of thing, if you've ever rented a beach house or someplace else, you'll see  
1952 just about everywhere. So we've put that in there as a recommendation based on  
1953 community feedback.

1954  
1955 Number 10's already true in residential districts. Only three pets allowed, and that  
1956 includes the renter's pets and the occupant's pets. Number 11, we want the renters to  
1957 keep really basic information. Just what dates did you rent and how many people were  
1958 there. Just so we had a lot of feedback saying, Well how are you going to enforce these?  
1959 How are you going to make people comply?

1960  
1961 You know, a lot of it's going to be on complaints, and a lot of it's going to be on trusting  
1962 people to be honest from time to time, and keeping a log of what information, excuse me,  
1963 what rentals have happened. And, finally, we had a lot of feedback saying, There's  
1964 parking problems in these neighborhoods that could be engendered if there's not enough  
1965 off-site parking. So what we said is, Okay, well every residence requires at least one,  
1966 excuse me, on-site parking that is off the street, you know, a driveway or something, and  
1967 then at least one space per guest room that's offered. So, if you have you plus three  
1968 guest rooms you're offering, you'd have to have at least three other cars be able to fit in  
1969 that driveway. Thus you have a total of four.

1970

1971 Mr. Witte - Plus yours.

1972

1973 Mr. Newby - Excuse me?

1974

1975 Mr. Witte - Plus yours.

1976

1977 Mr. Newby - Plus -- exactly.

1978

1979 Mr. Witte - So you'd need four.

1980

1981 Mr. Newby - So a total of four, exactly.

1982

1983 Mr. Witte - For three bedrooms. Okay.

1984

1985 Mr. Newby - Yeah. If you were going to -- going to rent on that level. Again,

1986 we thought these were fairly common-sense regulations. Most of the owner operators

1987 that have given feedback over the last two years, they meet and exceed these

1988 requirements already. Most of them have best practices where that's just good business

1989 practices, and they're going to limit it in that way, too.

1990

1991 So that's a summary of what the proposed zoning ordinance amendments are to make it

1992 legal. And I should point out to you, I imagine there's probably a lot of operators in the

1993 room. There are lots of communities we know that aren't in favor of making this legal.

1994 There are many HOAs that you heard from, and feedback who, if they didn't have a

1995 covenant that already made it prohibited, were interested in learning how they could

1996 prohibit it.

1997

1998 So there is definitely push and pull on both sides. We have neighborhoods that don't

1999 want it at all, and some owners who think, It's my property and I ought to be allowed to

2000 take advantage of this new technology. So we hope this strikes the balance after many

2001 meetings, and that's what's in front of you today on the zoning ordinance.

2002

2003 And then, very briefly, unless there are questions, we can circle back to zoning ordinance,

2004 but just to fill in the blank, there's this registry and tax piece that we're also going to bring

2005 to the Board of Supervisors who would have purview over that, and they would hold and

2006 advertise public hearing on that. We would expect on the same schedule as the zoning

2007 ordinance piece comes from you, the Planning Commission, to the Board should you

2008 recommend approval, or whatever you might recommend on the zoning ordinance.

2009

2010 So what's the tax piece? I was stunned. I know I've mentioned it to you before, and how

2011 many people said, even the operator said, tax us, you know, it's fair. Hotels are taxed,

2012 bed and breakfasts are taxed. Impose a transient occupancy tax on short-term rentals

2013 as a matter of competitive fairness. And so that's what's being proposed.

2014

2015 For those who aren't familiar, transient occupancy tax is a monthly tax that hotels in the

2016 counties all pay. It's collected from the transient, that is the guest who's come and stayed,

2017 and it's remitted on a monthly basis to the County. It's not a money maker for the County  
2018 by state code. The majority if that money, the vast majority, goes to fund the Greater  
2019 Richmond Convention Center downtown in the City of Richmond. But it's something that  
2020 all hotels collect, bed and breakfasts collect. And so it's the same business, essentially.  
2021 The proposal of short-term rentals would be on that same playing field.  
2022

2023 The second thing is, and this is nothing new, in 2017 the Virginia General Assembly gave  
2024 localities the authority to establish a registry so that a locality might know who is a short-  
2025 term rental within that locality and what properties are renting. And so this ordinance  
2026 would simply establish that so that every year an operator would come in and say, I'm  
2027 renting my home at this address for short-term rentals. Here's my name, here's my  
2028 contact information. Basic information like that.  
2029

2030 And then, finally, what's interesting about the registry ordinance, is that's the actual, really  
2031 the best, enforcement mechanism for any violations that might come about. Let's say  
2032 you have a short-term rental that's not complying with the rules that you recommend be  
2033 put in place. The registry ordinance under state law provides the best mechanism for  
2034 enforcing those rules. Because if someone violates the rules just a couple times we have  
2035 authority under state law, and this ordinance would allow the County to prevent that  
2036 property from being rented further if they can't comply with the rules.  
2037

2038 And, as I mentioned just on timing, it's a little bit odd that I'm talking to you about a tax  
2039 ordinance, you're a planning Commission, but again, this is for the full picture. It's  
2040 something that we would intend, as a staff, to bring before the Board of Supervisors with  
2041 the zoning piece for, again, another public hearing. This wouldn't be the only opportunity  
2042 to weigh in on these particular materials.  
2043

2044 But that's our proposal as a staff. We've really, really listened to everybody. There's  
2045 push and pull on both sides. We think there's an opportunity as a County to legalize  
2046 Airbnbs, bring them out of the shadow, so to speak, but have regulations that maintain  
2047 the tranquility that residents of this County have come to expect. And that's my  
2048 presentation.  
2049

2050 Mr. Baka - Any questions of Mr. Newby from the Planning Commission?  
2051

2052 Mr. Witte - I do have one. The short-term for 30 days without going to  
2053 the Board of Zoning Appeals continuous 30 days. Does that have to be the same party,  
2054 or can that be the 30 different parties?  
2055

2056 Mr. Newby - Thirty different, sir.  
2057

2058 Mr. Witte - Okay.  
2059

2060 Mr. Newby - Yes, sir.  
2061

2062 Mr. Witte - Where once they rent for the 31st day consecutively then they  
2063 need the Board of Zoning Appeals?  
2064  
2065 Mr. Newby - Well, actually, and that's what's changed in this proposal.  
2066 Now it'd be 60. The 30 consecutive days just makes it a short-term rental. If you do 31  
2067 consecutive days, well then you're just on a lease at that point if you had the same person  
2068 running for 31 days.  
2069  
2070 Mr. Witte - Okay.  
2071  
2072 Mr. Newby - The idea would be if you want to rent for more than 60 days  
2073 you'd have to get a permit. That's the current proposals sir, yes sir. So 61st day you'd  
2074 need a permit.  
2075  
2076 Mr. Baka - Can I follow up on that, question?  
2077  
2078 Mrs. Thornton - Mm-hmm, go ahead.  
2079  
2080 Mr. Baka - Mr. Newby, if I may, if you have a summer rental for a student  
2081 for four months, does that -- how does that play into this?  
2082  
2083 Mr. Newby - Not affected.  
2084  
2085 Mr. Baka - Okay.  
2086  
2087 Mr. Newby - That's just a lease. That's essentially a residential use.  
2088 There's a certain expectation that people are on leases of that length in a residential  
2089 neighborhood. And, you know, the proponents of short-term rentals will say, Well, what's  
2090 the difference? You know, there's turnover with leases anyway.  
2091  
2092 The line has to be drawn somewhere, A, and state code provides us that 30-day line as  
2093 the bright line between a short-term rental and what it considers a longer-term rental. Its'  
2094 the same rule that applies to hotels.  
2095  
2096 Mr. Baka - Thanks.  
2097  
2098 Mr. Newby - Yes, sir.  
2099  
2100 Mr. Baka - Other questions?  
2101  
2102 Mrs. Thornton - I have a couple. All right. So I know you have on there that  
2103 UMUs cannot be short-term rentals.  
2104  
2105 Mr. Newby - Yes.  
2106  
2107 Mrs. Thornton - And they cannot apply to have that opportunity. Correct?

2108  
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2152

Mr. Newby - Yes. Under this proposal, correct.

Mrs. Thornton - Okay, good. All right. And then, how long, just so the community knows, when you apply to the BZA, so -- because, I mean, you might get in on Monday that you want a party of, you know, more than six in the house and they need to apply to the BZA. How long does it take for the BZA to get back to them to approve or disapprove?

Mr. Newby - It does take some time, and I couldn't answer specifically on the turnaround. Ben, if you could help. Mr. Blankinship, I should say.

Mr. Blankinship - Yes. I'm Ben Blankinship from the Planning Department. And the BZA meets once a month and there is a schedule of filing deadlines and meeting dates. So depending on when you apply it's between five and eight weeks.

Mrs. Thornton - Okay.

Mr. Newby - Yeah but -- oh, please.

Mrs. Thornton - Right. So that's where I just want them to understand that if they are going to want more than 60 days and they're getting to that 50-day mark, you know, 50 renters, they need to apply, because they know it's going to take some time. So it's not like you have a party that's booked. You know, you can apply and then have a turnaround time in a week. They have to plan ahead for certain things that you have in your proposal.

Mr. Newby - Yeah. I would certainly piggy-back on that and say that's absolutely right. If you're thinking you want to exceed any of those limits as an operator, it's a business planning thing. You'd want to say, I'm of this kind of rental, I want to do these types of rentals. I'm going to apply today. And that permit could be good for years. I mean, it's not something you'd need to just come in and get every time. You could set up, and I hate to call it a business, but you could set up your business that way and just plan it and come in and get that permit from day one.

Mrs. Thornton - Right. But each year, I want to clarify, each year it starts over. You cannot have it for years. So if you are applying for 180 days, it doesn't continuously go. You said, I thought, the registry every year, in January you re -- come back in, re-apply, pay your registry fee. Each year it starts over.

Mr. Newby - That's a registry to track who's doing short-term rentals. I would distinguish with that from the conditional use permit. I think the BZA could issue a permit for a longer period of time, but you would still have to register annually just to make sure we have you updated on our list.

2153 Mr. Baka - The BZA in all likelihood could issue a permit for either a  
2154 limited number of years or put a reasonable limit of a couple years to a few years  
2155 depending on the situation and then feedback at that hearing.  
2156  
2157 Mrs. Thornton - Okay.  
2158  
2159 Mr. Emerson - That's correct. But you would, as you -- as you stated, have  
2160 to continue to register.  
2161  
2162 Mrs. Thornton - Each year.  
2163  
2164 Mr. Emerson - Because that's a component of it. But if you were an operator  
2165 and you anticipated that you might have these occurrences where you either exceed the  
2166 number of days or exceed the number of allowed residents or renters at one time, you  
2167 would plan ahead and you would come to the Board of Zoning Appeals as Mr. Newby  
2168 has said, with your business plan, and the Board of Zoning Appeals would consider it,  
2169 take input from your adjacent property owners and determine if that was an allowable use  
2170 that they could approve.  
2171  
2172 Mrs. Thornton - So un hosted stays, too.  
2173  
2174 Mr. Emerson - Yes, ma'am.  
2175  
2176 Mrs. Thornton - Okay.  
2177  
2178 Mr. Newby - Absolutely.  
2179  
2180 Mrs. Thornton - Just want to clarify that.  
2181  
2182 Mr. Newby - Thank you.  
2183  
2184 Mrs. Thornton - Okay. That's all I have.  
2185  
2186 Mr. Baka - I have a couple questions. Oh, go ahead.  
2187  
2188 Mrs. Thornton - Oh, sorry. I had one more. Just I had looked down at my  
2189 notes. So you said to keep track of the log. You -- can you ask the person who's operating  
2190 the short-term rental any time, or why would, you know, like you have the log? Do you  
2191 just randomly check people? Or how is that?  
2192  
2193 Mr. Newby - Yeah. I wouldn't imagine there'd be any kind of random audit.  
2194 The County operates on a zoning basis, on a complaint basis, typically, which is why we  
2195 have hundreds of offerings in the County on something that's technically illegal. If no  
2196 one's complaining we're not going to come bug anybody over how they're using their  
2197 property.  
2198



2199 Mrs. Thornton - Okay.  
2200  
2201 Mr. Newby - But if we did get a complaint, or there was some, I don't know,  
2202 I'm just imagining some problem with the tax return you could ask to see the log and say,  
2203 "Well, how many days did you rent last month?"  
2204  
2205 Mrs. Thornton - Right. Because they're supposed to be paying -- I know we're  
2206 not dealing with the tax thing.  
2207  
2208 Mr. Newby - Yes, ma'am.  
2209  
2210 Mrs. Thornton - But I see that that's where it's going to be. You haven't really  
2211 been getting your revenue. But that's a different --  
2212  
2213 Mr. Newby - Yeah. And, again, the County's not in this to push for revenue.  
2214 Of course, I know that wasn't the brunt of your question. But I expect that there are some  
2215 operators who wouldn't report income any month. And it wouldn't be innocuous. You  
2216 know, some pay -- some months they may not rent, they may be out of town.  
2217  
2218 Mrs. Thornton - Okay.  
2219  
2220 Mr. Newby - So, yeah.  
2221  
2222 Mr. Emerson - But we will have a service that will help track that through the  
2223 -- through all the different platforms that people rent from, and if the Department of  
2224 Taxation, when they run their yearly check, it turns up, they may come ask for that registry  
2225 and crosscheck that information at that time.  
2226  
2227 Mr. Newby - I think that's right. And here again, it was to address concerns  
2228 from residents who say, Well how are you going to force that 60-day limit? At the time it  
2229 was a 30-day limit. And how you going to enforce it?  
2230  
2231 Mrs. Thornton - Right.  
2232  
2233 Mr. Newby - And so we said, Well, let's require some very minimal record  
2234 keeping. Just what date was it rented, how many people were there. We don't need  
2235 names, we don't need anything else like that, you know.  
2236  
2237 Mrs. Thornton - Okay.  
2238  
2239 Mr. Baka - First, I appreciate the modification the -- in the proposed draft  
2240 ordinance from 30 days to 60 days. I know we heard a lot of comment about that at  
2241 previous meetings and I think that's helpful. So but the five by right items went through  
2242 that. I understand that if you don't meet one of those five by right items you have to apply  
2243 for a conditional use permit. Several members of the Commission here are familiar with

2244 the BZA and the process they have for that. It's a good process that allows public  
2245 feedback and input from neighbors.

2246  
2247 I do have a question about the 12 rules. So, to look at it, you mentioned a balanced  
2248 approach between neighborhood enjoyment and the rights of individuals to rent out their  
2249 properties for short-term rentals. In your opinion are these 12 rules, is this a balanced  
2250 and fair approach to include all of these items, are all of these necessary?

2251  
2252 Mr. Newby - Yes. I think they are, for the most part, all very much common  
2253 sense what a good host is going to be doing anyway in the majority of these cases. But  
2254 you're absolutely right. To continue to hammer on that word balance. There's push and  
2255 pull on both sides, and I don't doubt some people would think one rule or another might  
2256 be nudged here or there. And, you know, it'll be a process. Currently they're not legal  
2257 and it could be that a couple years from now if rule seven isn't working, or rule five it could  
2258 be tweaked to, you know, we could continue to balance as everyone gains more  
2259 experiences with this.

2260  
2261 Mr. Baka - All right. I do have a question about the on street parking. So  
2262 some of the neighbors in my neighborhood have flag lots, or cul-de-sac lots, so how would  
2263 that provision about parking work if you had a cul-de-sac, for example, if you're living in -  
2264 - fronting on a cul-de-sac.

2265  
2266 Mr. Newby - Are you concerned about that they wouldn't have the 80 feet  
2267 of road frontage? Or that they wouldn't have on site parking in the driveway?

2268  
2269 Mr. Baka - So I guess both.

2270  
2271 Mr. Newby - Yeah.

2272  
2273 Mr. Baka - So, first of all, they would be illegible for -- they would be  
2274 eligible for conditional use permits based on my understanding of the draft proposal. And  
2275 they could apply and they might be reasonable to set back far as, you know, certain  
2276 situations that's not imposing, it may be approved. But, number 12, even if they're eligible  
2277 to apply for a CUP they may not have road frontage for parking space. Is that correct?

2278  
2279 Mr. Newby - Yeah. I think 12 gets away from on-street parking and goes  
2280 to you need, like, a driveway I think, or a garage.

2281  
2282 Mr. Baka - Oh, I'm sorry. That may be my misunderstanding.

2283  
2284 Mr. Emerson - Correct. That's correct.

2285  
2286 Mr. Newby - So, but you're right, because those two provisions that we  
2287 thought of as having relation. Because one of the concerns we did keep having from the  
2288 community was while people are parking in front of my house that people who come to  
2289 stay, the short-term rental next door, they don't know where to park, they're pulling in my

2290 driveway in the middle of the night, they're parking at my house, you've got construction  
2291 trucks and all sorts of people from who knows where.

2292  
2293 So part of that road frontage requirement was to get at when, you know, things do spill  
2294 over in the street. Maybe you have some spots in front of the street. But we did put in  
2295 this requirement that you're going to need to at least have some available off-street  
2296 parking, per-room parking. So, yeah, so your flag lot situation, they're going to need a  
2297 driveway or a garage, certainly.

2298  
2299 Mr. Baka - Okay. That's helpful. Thank you. Any other questions of Mr.  
2300 Newby? Thank you, sir. Appreciate it. All right, at this time before we take public  
2301 testimony, I did want to let everyone know that typically we have 10 minutes for speakers  
2302 and 10 minutes in opposition. Chairman's implemented an idea here tonight to go ahead  
2303 and request that all -- we allow an exception to allow that all speakers can speak who  
2304 would like to speak, and that you'd limit yourselves to two minutes, as Mr. Emerson  
2305 referred to earlier, so that gives others an opportunity to speak.

2306  
2307 And, to the extent possible, if you've heard previous speakers state some of the same  
2308 issues you had, perhaps you have new issues or new comments to bring up . So with  
2309 that minded to piggy-back on Mr. Emerson's comments earlier. So, at this point, do we  
2310 have -- oh, go ahead. I was going to invite speakers --

2311  
2312 Mr. Witte - You going to find out how many people want to speak?

2313  
2314 Mr. Baka - Sure. At this point --

2315  
2316 Mr. Witte - We only have a couple.

2317  
2318 Mr. Baka - Is there anyone here who would like to speak in opposition to  
2319 this proposed rezoning -- or proposed ordinance request? Ordinance request.

2320  
2321 Mr. Witte - After the 2 hours and 12 minutes.

2322  
2323 Mr. Baka - Okay. We have several, many. So that's why we wanted to  
2324 do this. At this point who would like to come forward first? And, if you would, if a second  
2325 speaker could also, you know --

2326  
2327 Mrs. Thornton - I would just line them up.

2328  
2329 Mr. Baka - Line up on this side of the room, that would be helpful.

2330  
2331 Mrs. Thornton - Yeah. Then we know how many.

2332  
2333 Mr. Baka - Please come forward.

2334  
2335 Mrs. Thornton - Oh, gosh. There's how many?

2336  
2337 Mr. Emerson - And please state your name and address for the record.  
2338  
2339 Ms. Lawson - Good evening, Mr. Chairman --  
2340  
2341 Mr. Baka - Good evening. Welcome.  
2342  
2343 Ms. Lawson - -- and members of the Planning Council. My name is  
2344 Catherine Lawson (ph). I live at 8101 Michael Road, a home which my husband and I  
2345 bought in 2018. One of the benefits of the property is separately accessible living space  
2346 which we have recently chosen to offer to visitors through Airbnb. I want to be legal, so I  
2347 want this to pass. Under the current proposed ordinance, our operation's completely  
2348 compliant with all of your requirements. Aside from a small income we generate it was  
2349 our intention to offer hospitality to strangers who want to experience the many things  
2350 Henrico County has to offer.  
2351  
2352 We strive to ensure the best quality of welcome and support to our guests. We have strict  
2353 house rules, stricter than your requirements, and we set aside block days for cleaning,  
2354 block days for visitors in the family. We're very responsible, and we want to maintain our  
2355 property.  
2356  
2357 In the guidebook we created that's posted on Airbnb.com listing, our guests can see our  
2358 recommendations on tourist attractions in Virginia. Chief among these are the ones our  
2359 County offers in close proximity to where our home is located. Frankly, we love  
2360 introducing people to the County's advantages.  
2361  
2362 I would ask that the Board, oh, sorry, the Commission consider setting the number of  
2363 collective rental days to a private residence of the -- of this type to -- for an annual basis  
2364 to 180. We should keep in mind that these visitors, just like those hotels and bed and  
2365 breakfast operations, generate tax revenue, they're diners, they're attendees to cultural  
2366 and sports and entertaining events. And as they pay for gifts, groceries and gasoline, it  
2367 increases our coffers. Because they stay in our home and other personal residence their  
2368 presence in the County is short-term and demands to the County are light.  
2369  
2370 I understand from the Planning Commission staff that there would be consideration tax  
2371 increases, taxes on what we do, and I think that's appropriate, but I'd like for you to  
2372 consider a cost-benefit analysis. Because we've invested a huge amount of money in  
2373 order to operate. Thank you.  
2374  
2375 Mr. Baka - Okay. Any questions of Mrs. Lawson?  
2376  
2377 Mr. Witte - Yes. You are owner occupied, correct?  
2378  
2379 Mrs. Lawson - I'm an illegal operator.  
2380  
2381 Mrs. Thornton - No, this is your primary residence, is that what you're asking?

2382  
2383 Mrs. Lawson - I'm sorry. Yeah.  
2384  
2385 Mr. Witte - You live at the residence?  
2386  
2387 Mrs. Lawson - I'm sorry, yes.  
2388  
2389 Mr. Baka - Do you live at the residence in which you are renting out?  
2390 That's [\*indiscernible 00:37:31].  
2391  
2392 Mrs. Lawson - I am. Yes.  
2393  
2394 Mrs. Thornton - That's all he means.  
2395  
2396 Mrs. Lawson - I am.  
2397  
2398 Mr. Baka - That's all I asked.  
2399  
2400 Mrs. Lawson - I want to be legal.  
2401  
2402 Mr. Witte - I think you are.  
2403  
2404 Mr. Baka - Thank you, Ms. Lawson.  
2405  
2406 Mr. Archer - Mr. Chairman.  
2407  
2408 Mr. Baka - Yes.  
2409  
2410 Mr. Archer - May I make a suggestion. The folks there from maybe the  
2411 third or the fourth back, if you all don't feel like standing, there's some empty seats you  
2412 can sort of -- instead of having to wait 25 minutes until you get up --  
2413  
2414 Mr. Baka - Please feel free to sit if you'd like. Please come forward, sir.  
2415  
2416 Mr. Archer - You won't -- you won't lose your place.  
2417  
2418 Mr. Baka - Ma'am. Good evening to both of you. Welcome.  
2419  
2420 Mr. Morris - Good afternoon. My name is Joseph Morris (ph), this is my  
2421 wife, Jaqueline. We are long-term residents from Northland Estates. I apologize for not  
2422 being here before, but I just found out about it when I received a letter from the County  
2423 addressed to Northland Estates residents.  
2424  
2425 Mr. Witte - Can you speak into the microphone, please?  
2426  
2427 Mr. Morris - Yes, sir. Can you hear me better now?

2428  
2429 Mr. Baka - Yes, sir. Thank you.  
2430  
2431 Mr. Archer - State your name, please.  
2432  
2433 Mr. Morris - My name is Joseph Morris.  
2434  
2435 Mr. Archer - Morris.  
2436  
2437 Mr. Morris - And Jaqueline Morris. We're long-time residents of Northland  
2438 Estates. Pardon [\*indiscernible 00:38:23] for not being here before, but we just found out  
2439 about this from a letter from the County addressed to Northland Estates residents.  
2440  
2441 I'm speaking on behalf of a lot of neighbors upper 60s, 70s, 80s way, up Northland Estates  
2442 way. We like to live up there kind of peacefully in that neighborhood that we're trying to  
2443 maintain and keep good without worrying about our new neighbor next door pulling up in  
2444 the yard to the driveway -- I mean, to the front door.  
2445  
2446 And perhaps my first one would be is Fairfield only -- this is being targeted for an  
2447 ordinance change, rezoning for Airbnb?  
2448  
2449 Mrs. Thornton - No. This is all --  
2450  
2451 Mr. Baka - No, this is County-wide.  
2452  
2453 Mr. Morris - Countywide, okay. Is Northland Estates in Fairfield the only  
2454 subdivision being targeted?  
2455  
2456 Mr. Baka - No. This is County-wide. No.  
2457  
2458 Mr. Morris - Okay. Well, you had a question?  
2459  
2460 Mrs. Morris - My concern is we already have people within our  
2461 neighborhood who are -- is rental property. We live in a cul-de-sac. So it's several cars  
2462 parked on the street. Look like a city street now versus a well-kept neighborhood. We  
2463 have trucks with ladders and dogs running and grass growing. So our concern is, since  
2464 we've been there, the whole neighborhood is changing because people are starting to  
2465 rent out their property. They move out, we don't know they're moving, we don't know who  
2466 these people are.  
2467  
2468 Basically, the whole neighborhood, everybody knew who everybody was for years. And  
2469 now you just come out and there's a new person with five cars in the yard, five cars on  
2470 the street. So it's just -- and then we were just concerned with this Airbnb coming in to  
2471 the neighborhoods, what does that mean?  
2472

2473 Mr. Morris - What my wife is saying I think here is that neighbors moved  
2474 out [\*indiscernible] get that that neighbors have to encourage people to keep their  
2475 property that [\*indiscernible] and maintain that property. Right? And that's what we we're  
2476 concerned there. We represent a lot of people, like 70, 80 years old. They can't be calling  
2477 -- they don't want to be calling the police every time there's a disturbance next door.  
2478 They'd like to live out their time peacefully in a well-maintained neighborhood.  
2479

2480 Mr. Baka - Okay.

2481  
2482 Mr. Archer - Mr. Morris, can I ask a question before you all sit? The people  
2483 that you said they're renting out their houses, are those short-term rentals, or just rentals?  
2484

2485 Mrs. Morris - Well, we had one that was rental, they just moved out. And  
2486 now it's cleaned up and look decent. But now we have a new neighbor. We're not sure  
2487 if they're buying it or --  
2488

2489 Mr. Morris - He's buying it.

2490  
2491 Mrs. Morris - Well, he said that, but they moved out, and then there's a  
2492 whole set of new people in the house within the last couple weeks.  
2493

2494 Mr. Archer - But that's not a short-term rental, though, right? You don't  
2495 think?  
2496

2497 Mr. Morris - We don't know.

2498  
2499 Mrs. Morris - It's not a what?  
2500

2501 Mr. Morris - A short-term. Yes.  
2502

2503 Mrs. Thornton - Short-term, you know, less than 30 days.  
2504

2505 Mr. Morris - We don't know. We don't know.  
2506

2507 Mrs. Morris - No.  
2508

2509 Mrs. Thornton - Yeah. You can always call the County and then they can look  
2510 into it for you. But this is a good thing, you know, just kind of -- that's -- we don't know  
2511 and, like, you -- and then they can go out and take a look for you.  
2512

2513 Mrs. Morris - Okay, all right.  
2514

2515 Mrs. Thornton - And investigate.  
2516

2517 Mrs. Morris - Okay, thank you.  
2518

2519 Mr. Baka - Thank you. Thank you very much for your comments tonight.

2520  
2521 Mrs. Morris - Thank you.

2522  
2523 Mr. Baka - Please come forward. Welcome.

2524  
2525 Ms. Acosta - Thank you. Mr. Chairman, members of the Commission, Mr.  
2526 Thornton, I'm Valerie Acosta, my husband Robert and I are here. We've been here since  
2527 the beginning, and we want to thank you for listening to us and factoring in our concerns.

2528  
2529 I just had two very brief comments I wanted to make. We weren't aware of this evening's  
2530 hearing until today when we got home. We see this was mailed in August, but we didn't  
2531 receive it until today. There may have been other people who wanted to come who  
2532 weren't notified. The concerns that we had have been addressed, and what you've  
2533 presented. My main concern was that while the majority of the Airbnb operators have  
2534 very positive intent and want to do a good thing.

2535  
2536 We want to make sure that for those of us who've lived in a neighborhood that has been  
2537 significantly impacted in a negative way by an Airbnb and that had to be shut down, that  
2538 the complaint process is very clearly communicated on the County website in any way  
2539 possible so that we don't overtax the Police Department. That people know how -- who  
2540 to call during working hours and who to call in the evening hours.

2541  
2542 And I'd also like to request an edit to the change in the ordinance where the sentence  
2543 says, All short-term rentals would be subject to regulations restricting other commercial  
2544 uses of short-term rentals and limiting rentals to the operator's primary residence owned  
2545 by him, that there just be a period after residence. Thank you.

2546  
2547 Mr. Baka - Any questions of Ms. Acosta? Thank you. Welcome.

2548  
2549 Mr. Rolando - Hi there. Chairman, vice chairman, rest of the Commission,  
2550 thank you for your time tonight. My name is Tony Rolando. I'm here on behalf of myself  
2551 and my wife, Bethany. First of all, I'd like to thank you for acknowledging that this -- we're  
2552 not in a sharing economy, and me -- and I applaud you all for making steps to get ahead  
2553 of this.

2554  
2555 The proposed ordinances hurt low-income families and create a barrier to entry via  
2556 restricting use of sophisticated businesses, as they were referred to. But what this really  
2557 is, is discrimination against the individual who are very concerned voting constituents.

2558  
2559 Peaceful enjoyment of the home also means freedom from government of overreach into  
2560 private property. If I wanted to live in an HOA, I would've chose to live -- I would've done  
2561 so. In January this year the Southern District of the New York Federal Court determined  
2562 that the data shared on these platforms being shared with the government is a violation  
2563 of the Fourth Amendment rights of illegal search and seizure of information. So that's still  
2564 playing out.



2565  
2566 I've heard nothing from Mr. Newby about the negative externalities proposed of these  
2567 ordinances. Is it a new position to scour homes, excuse me, to scour home-sharing sites,  
2568 and if so, at what cost to the taxpayer? There is already an outlook for concern on specific  
2569 and as-needed basis. Who will be enforcing these ordinances?  
2570

2571 There is an economic benefit: It was already mentioned, so I won't go back into that.  
2572 These by-right ordinances are border-line income and home discrimination, because it  
2573 states I have to live in a certain size household or lot in order to fully utilize and monetize  
2574 my own private property.  
2575

2576 Conditional use permit: This is in direct contention with private property rights, and can  
2577 contribute to the stagnation of home values. Why 60 days? Mr. Newby was speaking  
2578 very specifically and when he said one day a weekend, because that is, essentially, what  
2579 it is. What negative benefits you look from the 61st day, and what is that information  
2580 based off? I've heard nothing.  
2581

2582 This is the example of encouragement on private property rights as determined by a local  
2583 neighborhood. It should be handled on a case-by-case basis. A blanket proposal causes  
2584 more harm than good, because it penalizes those who do cause -- who do not cause  
2585 problems. And the ones that do will find a way around it.  
2586

2587 The last portion of these ordinances should be completely struck. Double booking is  
2588 already addressed within the home rental platforms. Provision of life safety equipment is  
2589 already addressed in the home rental platforms. Designation of adults to respond to  
2590 complaints already address in the home rental platforms.  
2591

2592 No renting to kids: Are you meaning those that can legally fight for a country, or those  
2593 that can buy tobacco? Thank you for your time.  
2594

2595 Mr. Baka - Any questions -- any questions from the Commission of Mr.  
2596 Rolando?  
2597

2598 Mr. Witte - Yeah, I have a question. If we handled this on a case-by-case  
2599 basis, that means that everybody that wants to rent or use their property would have to  
2600 come and present their case.  
2601

2602 Mr. Rolando - Correct.  
2603

2604 Mr. Witte - So they would have to come to the Commission or the Board  
2605 of Zoning Appeals, which seems like it would be more constraints on them.  
2606

2607 Mr. Rolando - Well there's already constraints in place in terms of noise  
2608 ordinances, so that whole party house idea is already enforced by noise ordinances.  
2609

2610 Mr. Witte - And the other thing, these things are already covered by  
2611 Airbnb?  
2612  
2613 Mr. Rolando - Airbnb, [\*indiscernible 00:46:31] -- yes, sir.  
2614  
2615 Unknown Speaker - I think that's great but that doesn't keep another company, or  
2616 organization, from coming up without those and offering the same service.  
2617  
2618 Mr. Baka - That's true.  
2619  
2620 Mr. Rolando - That's a hypothetical, sir.  
2621  
2622 Mr. Witte - Everything's hypothetical.  
2623  
2624 Mr. Rolando - Yeah. Well, there's laws.  
2625  
2626 Mr. Baka - Okay. Any other questions of Mr. Rolando? Any other  
2627 questions of Mr. Rolando?  
2628  
2629 Mr. Rolando - Thank you.  
2630  
2631 Mr. Baka - Thank you. Thank you. Yes, sir. Good evening.  
2632  
2633 Mr. Rudy - Good evening, Mr. Chairman, and Mr. Thornton. My name's  
2634 Ralph Rudy (ph), I'm a retired transportation engineer. Been a resident of Henrico County  
2635 for 46 years, and for the last 40 years I've lived at 1801 Murdoch Road, in the Windsordale  
2636 Subdivision. It's approximately a half-mile north of the intersection of Parham and Three  
2637 Chopt.  
2638  
2639 While I've lived at this location I've seen some rezoning cases. The land right across the  
2640 street from me was rezoned for a telecommunication facility in the mid -- about 2006. The  
2641 property at 2001 Murdoch Road, an example of where the County has not been able to  
2642 control the number of cars, motorcycles, house trailers, work trailers, et cetera. The  
2643 property is like a junkyard in the impacted -- in the Windsordale Civic Association. It's  
2644 right on the eastern limits of our association.  
2645  
2646 And so I ask how the causal -- the County will manage and control all these numerous  
2647 classes and issues in this zoning ordinance. They include short-term parking occupancy,  
2648 more than 60 days a year. The owner be on the property when rented. Off-street parking  
2649 as many as these driveways in Windsordale have room for only one car. The number of  
2650 folks in the rented house.  
2651  
2652 We have a road called Dresden Road that serves as a collector. It's a cut through  
2653 between Three Chopt Road and Lawndell Road. People use that to bypass the  
2654 congested intersection at Parham and Three Chopt. Will apartments on Dresden and  
2655 Claymont be covered to be permitted to rent units out?

2656  
2657 And, finally, at Parham and Three Chopt there's a huge wall-off (sp) site currently under  
2658 construction, and some of that traffic may bleed through the Windsordale Civic  
2659 Association.

2660  
2661 As a -- as a resident of Windsordale, I do not support this rezoning, as it will cause many  
2662 of the aforementioned problems. I'm concerned about additional cars parking on a street.  
2663 Every time you drive by a parked car there's a probability of a small child or somebody  
2664 else stepping out between vehicles. And all of the sudden you have no time to react as  
2665 a driver. This is particularly true near the apartments at Dresden and Claymont where, in  
2666 the evening, the 100 percent of the parking spaces are occupied on both sides of Dresden  
2667 Road.

2668  
2669 I think that this study needs additional reviews by the Board. I would suggest we look at  
2670 maybe the 10 largest counties in the State of Virginia, find out how many of them have  
2671 gone with this type of rental properties of private homes and see what their reactions is.  
2672 Just take a look at the last 2017, 2018 and see what the responses have been among  
2673 people, perhaps, in Chesterfield County, Hanover County, et cetera. Or even some of  
2674 those in northern Virginia.

2675  
2676 Thank you for your time, and this is a very sensitive issue impacting a lot of residents.

2677  
2678 Mr. Baka - Thank you, sir. Any questions of the speaker?

2679  
2680 Mrs. Thornton - I just want to make a comment. No apartments are allowed  
2681 to do this.

2682  
2683 Mr. Rudy - Okay. Thank you very much. They're pretty full anyway. That  
2684 answers that. Thank you once again for your time this evening.

2685  
2686 Mr. Baka - Thank you. Please come forward. Welcome.

2687  
2688 Mr. Rosenbaum - Thank you. Mark Rosenbaum and I'm here, actually, for a  
2689 friend. I think it's -- she's a pretty good representation of people who would be doing  
2690 Airbnb. She's a grandmother, a widow, she recently had a stroke, so she's just -- she's  
2691 living on a fixed income. So this is very important, and we -- and I'm supposed to be  
2692 critical of it, but thank you so much addressing it. Now that's the good news.

2693  
2694 The bad news, a couple of issues that I think that you could improve the process. You  
2695 need to -- if you're, basically, asking the majority of operators to get a CUP, a conditional  
2696 use permit, before they can go over the 60 days, you need to open up that process, where  
2697 you allow them to do that well before this has passed so that you give them enough time.  
2698 Because, as someone mentioned, that you need six -- at least two months to do that. So  
2699 you need to open up that petitioning for the conditional use permit well before this goes  
2700 into effect. Either that or extend temporarily the beginning of it for 90 days or 180 days

2701 or whatever you think is a reasonable time to make sure that you don't negatively impact  
2702 folks.

2703  
2704 Because, again, these are, you know, you look around the room. You don't see people  
2705 in three-piece suits trying to game the system. You see, hard working folks just trying to  
2706 get by and those are the people that are your true constituents that you really need to be  
2707 helping.

2708  
2709 Okay. The other one is about parking. It's a little confusing where the 80 foot came in.  
2710 Just doing some quick math. It looked like it was four parking spaces, and it might be  
2711 easier to convey to people what it is you're looking for. If you could mention it in terms of  
2712 parking spaces rather than in number of linear feet of frontage, because that's really not  
2713 particularly useful.

2714  
2715 In fact, when we're discussing it with other folks, my wingspan is six feet. That's how we  
2716 figured out what 20 feet was. Okay. So these are things that in order to make it easier  
2717 for the people that -- your constituents that are trying to take advantage of this in order to  
2718 allow them to understand it better, that would be something else that I think would be  
2719 useful.

2720  
2721 And it's additional -- it should be additional parking. So if -- to be fair to everyone, so if  
2722 only one car is there on a permanent basis, then you would need additional spaces. But  
2723 if two or three cars were there on a permanent basis, you know, from the people who  
2724 actually live there. Then you would need additional parking for them to be fair to their  
2725 neighbors as well.

2726  
2727 And, finally, I would say that --

2728  
2729 Mr. Baka - Just one more comment if you would, sir, time's almost up.  
2730 Yes, go ahead.

2731  
2732 Mr. Rosenbaum - Okay. Very quickly, there's this whole notion of neighbors  
2733 behaving badly, and I can tell you that you don't need to be an Airbnb to have neighbors  
2734 behave -- to have people behave badly.

2735  
2736 Mr. Baka - Correct. That's true. Thank you. Any --

2737  
2738 Mr. Rosenbaum - And I would encourage you to make sure that -- and I've heard  
2739 this from other -- from other Airbnb operators, that their neighbors actually behave much  
2740 worse than their guests do.

2741  
2742 Mr. Baka - Absolutely. Thank --

2743  
2744 Mr. Rosenbaum - -- to make sure that people behaved well regardless of  
2745 whether they're an Airbnb.

2746

2747 Mr. Baka - Any questions of Mr. Rosenbaum at this time from the  
2748 Commission?

2749  
2750 Mr. Rosenbaum - Thank you very much.

2751  
2752 Mr. Baka - Thank you very much. Thank you. Good evening.

2753  
2754 Mr. Price - Good evening.

2755  
2756 Mr. Baka - Welcome.

2757  
2758 Mr. Price - Thank you. I'm David Price. I live in a single-family  
2759 neighborhood that I think it would be covered by the same proposed ordinance. Many of  
2760 my neighbors, I think, do have the 80-foot frontage that would -- okay, beg your pardon.  
2761 Many of my neighbors do have the 80-foot -- meet the 80-foot limit and so this ordinance  
2762 would certainly directly affect where I live.

2763  
2764 And I have concerns about an ordinance that would allow people on my block to operate  
2765 a hotel as a matter of right one night out of six for much the same reason that I would be  
2766 concerned about an ordinance that allows a neighbor of mine to operate a restaurant as  
2767 a matter of right, or a medical clinic as a matter of right under similar conditions. I'm  
2768 concerned because there's obviously a significant impact that's to be expected in some  
2769 cases to the quiet enjoyment of people's property.

2770  
2771 So there's two things that I would like, respectfully, to ask the Commissioners to consider  
2772 doing as they are considering this ordinance. I mean, one is I hope you might do some  
2773 independent research on experiences that homeowners have had with Airbnb properties  
2774 in their neighborhood. Go to Google or your favorite search engine. Look up Airbnb  
2775 neighbor horror stories. Airbnb nightmare neighbors. Airbnb destroying neighborhoods,  
2776 and you may get a different perspective, or at least it'll supplement the perspectives that  
2777 you've heard already.

2778  
2779 Mr. Baka - Okay.

2780  
2781 Mr. Price - And I ask you also to bear in mind that some of the conditions  
2782 that are embodied in the ordinance realistically are not going to be enforced as a matter  
2783 of practice of the summary says the property owner remains at the property during the  
2784 rental as a condition. No more than six short-term renters occupy the property during the  
2785 rental.

2786  
2787 I think everyone understands we are not going to have law enforcement knocking on  
2788 doors checking to see whether the owners is there, or that there's only six guests.

2789  
2790 Mr. Baka - Correct.

2791

2792 Mr. Price - Now if law enforcement has been brought there by virtue of  
2793 someone complaining, well obviously if you're calling law enforcement then your quiet  
2794 enjoyment of your property has already been disturbed. There was mention --  
2795  
2796 Mr. Baka - Sir, if I could, an additional comment and then we're at time.  
2797  
2798 Mr. Price - Oh, I apologize.  
2799  
2800 Mr. Baka - One additional comment and we're at time.  
2801  
2802 Mr. Price - All right. Well, I hope that you would consider allowing  
2803 homeowner's associations to maintain the right to impose their own restrictions. In other  
2804 words, have people subject to the covenants that they bought into when they bought in  
2805 their neighborhoods. HOAs regulate all kinds of things. They should be able to regulate  
2806 this as well. Thank you so much.  
2807  
2808 Mr. Baka - Yes, they do. Any questions of the speaker before we  
2809 proceed? The homeowner's associations already do. Any additional questions from the  
2810 Commission?  
2811  
2812 Mr. Witte - No.  
2813  
2814 Mr. Baka - Okay, thank you very much. That is true. Please come  
2815 forward. Welcome.  
2816  
2817 Ms. Badkins - Hi, thank you.  
2818  
2819 Mr. Baka - Hi.  
2820  
2821 Ms. Badkins - I'm Charline Badkins (ph), and I have an Airbnb. And I prefer  
2822 to call it home sharing, which is the way they refer to it, as opposed to short-term rentals.  
2823 And I like a lot of the stuff y'all have come up with tonight with the exception of the 60  
2824 days. And what he said, maybe one night a weekend. People come here for, like,  
2825 homecoming at U of R, they're going to stay two nights.  
2826  
2827 So maybe 120 days, or 60 weekends, you know, would make more sense. Because  
2828 nobody's going to come and stay at your house one night. They want to stay two nights,  
2829 they come in at my house at 4:00 p.m., they leave at noon, they're gone. That's it. that's  
2830 less than 48 hours. So that's, basically, the things that I mostly object to at this point in  
2831 time.  
2832  
2833 And my -- oh, I know what to tell you. We just recently renewed our covenants in my  
2834 neighborhood homeowner's association, and they did not come -- everybody in there  
2835 knows that I do Airbnb. You know where I live. And everybody knows in there that I do  
2836 Airbnb, and they did not add that into the covenants this year, and so these go for the  
2837 next 20 years.

2838  
2839 Mr. Baka - Good. Any questions of Mrs. Badkins?  
2840  
2841 Mr. Witte - No.  
2842  
2843 Mr. Baka - Thank you. Thank you. Good evening.  
2844  
2845 Mr. Peters - Good evening. Thank you for listening. I made some copies,  
2846 I wasn't sure what technology was in here. I was wondering if I could just pass them to  
2847 you guys.  
2848  
2849 Mr. Baka - Please.  
2850  
2851 Mr. Peters - It's basically just before and after at my house.  
2852  
2853 Mr. Baka - So would you address your comments from the microphone,  
2854 because we're all being recorded, and then also please state your name for the record.  
2855  
2856 Mr. Peters - My name's Robert Peters. I live in Henrico County kind of  
2857 near the interstate, near the Amtrak Station. But I kind of set the photos up as a before  
2858 and after of my house. Granted the before pictures are not very pleasant. But since I  
2859 started on Airbnb, I've basically made the house nicer and nicer and nicer to where it gets  
2860 to the point to where now in my neighborhood, I think I'm the nicest house now. So thank  
2861 you Airbnb.  
2862  
2863 Based on my history as I've [\*indiscernible 00:59:03] the holiday and [\*indiscernible] year  
2864 ago and Marriot and the [\*indiscernible] with that. So I'm familiar with the hotel industry.  
2865 And, basically, it's not very flattering anymore, and that's why I got out of it. And a lot of  
2866 people don't like to staying hotels anymore. They're just not friendly. That's why I started  
2867 Airbnb. So, personally, I'm proud. I got 25 reviews, I've been doing this for a few months,  
2868 and they're all five stars.  
2869  
2870 I think a lot of people don't understand bnb, and that's why a lot of people are scared of  
2871 the unknown. I use Uber as an example. Years ago I didn't even know what Uber was.  
2872 I lived in the country. I told people, Well I got Goober. Goober lives up the street. He'll  
2873 take me to the store. But I know Uber it taxi, and I learned how to use Uber and now I  
2874 love Uber. I think if people learned what Airbnb is, they would understand it more.  
2875  
2876 Basically, I just want to give my love of this stuff, basically changed my life and  
2877 neighborhood. I enjoy people staying there. I've had people stay there from Norway,  
2878 from Thailand. I got some dude now staying there from frickin Pakistan. Because his  
2879 dad had a heart attack and he had a -- he needed a place to stay. He had to go back to  
2880 Pakistan, take care of his dad for nine months, then he had to come back and needed a  
2881 place to stay so he can find an apartment. A nice guy.

2882

2883 So, anyway, I agree with some of the stuff you guys are saying, but maybe not as much  
2884 --

2885  
2886 Mr. Baka - Sir, if I may, you're at time. Would you be able to give us  
2887 something, any specific example, where you refer -- of what you refer to?

2888  
2889 Mr. Peters - Yes. Registry is good, permit's good. I'll pay \$50 for a permit,  
2890 but maybe, you know, limit the obligations. There's just too much you guys are asking  
2891 for us, you know. I don't mind paying taxes and paying for a permit but, you know, give  
2892 us less restrictions. That's what I wanted to say.

2893  
2894 Mr. Baka - Okay. Any questions of Mr. Peters? Thank you.

2895  
2896 Mr. Peters - All right.

2897  
2898 Mr. Baka - Welcome.

2899  
2900 Ms. Smith - Thank you, can you hear me?

2901  
2902 Mr. Baka - Yes.

2903  
2904 Ms. Smith - Okay, great. My name's Elizabeth Smith, I live in Henrico  
2905 County also near the Amtrak but probably different neighborhood, don't know.

2906  
2907 Anyway, I had a couple of concerns with this ordinance. I appreciate that you are  
2908 endeavoring to make Airbnb legal. Definitely appreciate that. A couple of my concerns  
2909 are the 80-foot limit. That would prevent most cul-de-sac homes, that would prevent  
2910 most, like, condo-style or rowhouse homes, which does smack of discrimination.

2911  
2912 The other concern I have is with the 60 days, because if we're saying that this is -- this is  
2913 a business then, like, what other business would we limit to only a certain number of days  
2914 in the year? Think of, you know, daycares in the home, or people working from their  
2915 home on different small type businesses and it would be crazy to limit the number of days.

2916  
2917 Honestly, I don't see a reason to limit the number of days at all. If we could rent a home,  
2918 you know, to someone for 30 days and then 30 days and then 30 days, you know, different  
2919 tenants 12 months out of the year and that would be okay, why could we not do that for  
2920 20 days and then 20 days and then 20 days? That just seems kind of silly to me.

2921  
2922 The other thing is that I think it's been mentioned maybe by all of the issues that people  
2923 are concerned about come up with Airbnbs also come up with rentals. You know, people  
2924 do move into neighborhoods that you don't know and maybe you won't like, but this is just  
2925 the nature of, you know, living in a community. You know, it's unfortunate and we try to  
2926 make friends, but we can't always do it.

2927



2928 I would agree with whoever suggested that the rules should stay with the HOA. If you're  
2929 living in a community that the community can be self-governing and you can choose to  
2930 be part of agreeing to those rules or not or, you know, leaving if you need to, but I would  
2931 not like to leave all of Henrico County if Airbnbs are not able to be run in a reasonable  
2932 way.

2933  
2934 And, finally, I have a concern with the last line of the page that says, Finally the ordinance  
2935 would add and revise definitions related to the rental of real estate. I feel that is very  
2936 much very vague and much too vague for anyone to either agree or disagree with it, that  
2937 it's just going to be added and revised. So, thank you.

2938  
2939 Mr. Baka - Any questions of Mrs. Smith. Thank -- oh.

2940  
2941 Mrs. Thornton - I just want to clarify, the HOAs, they have the option to change  
2942 theirs, and a lot of them already have it, the verbiage, in there.

2943  
2944 Ms. Smith - Right.

2945  
2946 Mrs. Thornton - And you have to live off of what they do. They're higher than  
2947 we are at the --

2948  
2949 Ms. Smith - Yes.

2950  
2951 Mrs. Thornton - So -- okay.

2952  
2953 Ms. Smith - Yes. I agree. And if you live somewhere with -- the home is  
2954 somewhere with an HOA, it makes sense to comply with that, because it's such a small  
2955 area.

2956  
2957 Mrs. Thornton - Right.

2958  
2959 Ms. Smith - But all of Henrico is -- it's a large place to apply one rule across  
2960 the Board. Thank you.

2961  
2962 Mr. Baka - Thank you. Good evening, welcome.

2963  
2964 Ms. Smith - Hi.

2965  
2966 Mr. Baka - Hi.

2967  
2968 Ms. Smith - My name is Ruby Smith, and I am an Airbnb Superhost. I  
2969 have been a Superhost for 12, or sorry, for 2 years, and I have multiple listings.

2970  
2971 And I would say that a lot of your concerns about things like safety regulations and  
2972 communication standards were already in place and going way beyond what you're  
2973 asking for. I actually go so far as to introduce myself to my neighbors and ask them like,

2974 Hey, if you ever have any questions, if you ever have any concerns, if you ever have any  
2975 ideas for how I can be a better neighbor to you, let me know. Because I want to make  
2976 sure it's a good experience for you, too. And I want my guests to feel like they are at  
2977 home when they come to my home.

2978  
2979 Ms. Smith - And that hosts already pay property income tax, and the  
2980 Airbnb has already started paying transient occupancy tax. And they have notices all  
2981 over the website for a couple months now that they are already paying to the local  
2982 communities the transient occupancy tax. So, I mean, whatever you guys do, but they're  
2983 already doing that.

2984  
2985 But I just wanted to say that I know with the Fairfax lawsuit that's been going on between  
2986 the hosts and the County, they have, like, the residents have -- their rights have been  
2987 being upheld in the state courts so far in the appeals process, because I'm following it  
2988 very closely. But it is going very well for the residents maintaining their property rights.

2989  
2990 Also, our Airbnbs support local businesses. I hire housekeepers, plural, contractors, pest  
2991 control, lawn companies, and I encourage my guests to go to local shops and photo --  
2992 and we also had professional photography of our homes, because it makes a big  
2993 difference in how a home is perceived.

2994  
2995 A lot of my guests are first-time users of Airbnb, which tells you guys that it's very much  
2996 on the rise. Airbnb guests go to -- I send them to local restaurants. They don't want to  
2997 go to the same chains that they can go to back home. But, also, a lot of my guests do  
2998 come for longer stays because they have a job interview, and they're trying to see if they  
2999 like this city versus other cities. And -- or they're coming because they have a medical  
3000 residency and they're going to be here for a month or two.

3001  
3002 If a host gets a 4.3 rating or below then it triggers Airbnb to start messaging them to  
3003 improve their home. If I could encourage my neighbors that had a 4.3 or less home to  
3004 improve their yard or whatnot that would be almost ridiculous.

3005  
3006 Mr. Baka - That would be great.

3007  
3008 Ms. Smith - But our homes are definitely well maintained.

3009  
3010 Mr. Baka - That'd be great. Ma'am, if you could we're at time. Would  
3011 you be able to add another additional comment and another specific comment and let us  
3012 wrap-up?

3013  
3014 Ms. Smith - Yeah. Specifically, the 60-day limit just about puts us out of  
3015 business. We can't even stay profitable like that. Like, it's just -- it's decimating us. And  
3016 that limit alone is going to crush us, and it feels very discriminatory. Just, like, we're small-  
3017 businesses, micro-businesses, if you will. And we're hustling. I get calls at 6:00 a.m. and  
3018 12:00 a.m. because somebody found a bug in their room, and I have to take care of it. I,

3019 no, I really do. And -- or, Somebody ate my sandwich out of the fridge. You know.  
3020 Whatever it is. You know that --

3021

3022 Mr. Baka - Thank you.

3023

3024 Ms. Smith - Whatever complaint that they can come up with.

3025

3026 Mr. Baka - Right.

3027

3028 Ms. Smith - And as picky as you can imagine, we have to deal with all  
3029 hours of the day. We work so hard. I can't even tell you. And to have these kind of  
3030 restrictions imposed, it feels -- it feels very much.

3031

3032 Mr. Baka - Appreciate that. Any questions of Mrs. Smith from the  
3033 members of the Commission before you go?

3034

3035 Mr. Baka - Thank you very much for your comments. Good evening,  
3036 welcome.

3037

3038 Ms. Pasternack - Hi, good evening. I'm Lori Pasternack(ph). I live near the  
3039 Patient First on Parham Road in Henrico.

3040

3041 First of all, thank you so much for legalizing this. Most of the people here not only love  
3042 hosting people in their homes, but as you've heard many times, the way that people make  
3043 money. And so my concern is that by limiting it to 60 days is significantly limiting our  
3044 ability for the main reason that we do what we do.

3045

3046 I understand that we can obtain a conditional use permit if we go over the 60 days, so I  
3047 just have a few questions that I don't feel have been answered. What is the cost of the  
3048 permit? We haven't been told what the permit. And what is the difficulty in obtaining that  
3049 permit. They sort of talked about the process of checking with our neighbors. But -- and  
3050 it might take a couple months.

3051

3052 But does the permit say once you get use you can rent it out any time during the year?  
3053 Are you still limited to a number of days once you get this conditional use permit? That  
3054 hasn't been clarified. Because I know some months I might have two people and -- the  
3055 whole month, and some might -- months I might book out every night. And so, I can't  
3056 stand here and tell you how many nights I'm going to be able to book for. So I was  
3057 wondering about the conditional use permit, if that opens it up to unlimited, or if that still  
3058 is going to limit the number of days. The other question --

3059

3060 Mr. Baka - We can revisit that question.

3061

3062 Ms. Pasternack - Okay. The other question I had was I've never heard of a  
3063 transient occupancy tax, so I don't know how much that is. And so I'm just curious about  
3064 that. And then, finally, just to reiterate, you know, every industry has bad players. Airbnb

3065 I'm sure you can find a zoo of complaints, but to every 1 complaint there's probably at  
3066 least 10,000 happy people.

3067  
3068 Mr. Baka - Thank you. Any questions of Mrs. Pasternack?

3069  
3070 Mr. Witte - No. I'm good.

3071  
3072 Mr. Baka - Oh. I thought you said yes. Okay. Thank you. Good evening.

3073  
3074 Ms. Chen - Hi.

3075  
3076 Mr. Baka - Hi. Welcome.

3077  
3078 Ms. Chen - My name is [\*indiscernible 01:10:23] Chen. I own rental  
3079 properties. I do shelters. So I actually object all of those terms, especially the first one,  
3080 the property owner remains at the property during the rental.

3081  
3082 This actually hurt all of those financially underprivileged homeowners. That has single  
3083 moms and the family with young children, because nobody wants to -- nobody wants to  
3084 invite strangers to come to their house and sexually harass me. I tell you -- I tell you the  
3085 truth, you know, whenever I hire a contractor to do my yardwork or people who install my  
3086 water heater, and those men, they -- eventually they wanted to date me. You know, I  
3087 really don't want to strangers to come to my house and do those kinds of -- so those  
3088 people, those single moms, families with young children, they are the working class, and  
3089 they really need the income.

3090  
3091 So you actually eliminating by saying that the property owner have to stay in the property  
3092 and then they have to be, you know, just you -- they are all those financially  
3093 underprivileged people. They are the one -- you actually -- those ones who are retired,  
3094 who don't have children, and all those young people. People who don't have children,  
3095 they're okay to do this. But the rest, they're not, you know, they're -- they get hurt.

3096  
3097 So, the other thing is, there's no more than six days. That is not good, because there is  
3098 56 weeks. So usually Richmond is not a tourist city, it's not like New York or Washington,  
3099 D.C., people can come and stay any time of the day any time of week. They usually come  
3100 on a Friday and leaving on a Sunday, so if people make it income for them, make it  
3101 profitable, it has to be, like, 180 days, maybe 3 days, Thursday, Friday, Saturday.

3102  
3103 Usually I used to rent my house, my properties, for like Friday and Saturday, two days  
3104 minimum. I realized that I do encounter people who use my house as a party zone. Like,  
3105 now I don't do that anymore. I only do minimum three days, because three days that  
3106 means I get most of the people that come they actually -- those are the people who come  
3107 to their relative's weddings. Most of them for their relative's weddings and college  
3108 graduations. Then we have parking.

3109

3110 Mr. Baka - Okay. Ms. Chen, if I may, if I may, could you add one final  
3111 summary question. We're at time. I need you to wrap up your comments, please.

3112

3113 Ms. Chen - Okay.

3114

3115 Mr. Baka - Thank you. Thank you.

3116

3117 Ms. Chen - So what my -- what my suggestion is you really need to do a  
3118 consumer survey, and you can survey all those consumers of who used Airbnb shelter  
3119 rentals or ask them what they want. There is a market demand here. You cannot -- you  
3120 cannot curb this demand. It's just like in the early days, you say that alcohol is illegal.  
3121 Eventually alcohol is illegal, smoking's illegal, actually, you know, [\*indiscernible] is illegal  
3122 now, everything is illegal, but there's a market demand. You can't stop it. There's a trend.

3123

3124 Mr. Baka - Okay.

3125

3126 Ms. Chen - It's going to be more and more like that.

3127

3128 Mr. Baka - Thank you.

3129

3130 Ms. Chen - Especially with the artificial intelligence and robot and  
3131 everything. There're a lot of people that would not have -- that would not be joining the  
3132 workforce, they will be individuals, sole proprietors that's doing things by themselves.

3133

3134 Mr. Baka - Okay. Thank you Ms. Chen, thank you. Are there any  
3135 questions from the members of the Commission? Any questions at all from the members  
3136 of the Commission for Ms. Chen before she leaves?

3137

3138 Mr. Witte - Nope.

3139

3140 Mr. Baka - Anybody? No? Thank you. Good evening.

3141

3142 Ms. Clifton - Hi, welcome.

3143

3144 Mr. Baka - Welcome. Welcome.

3145

3146 Ms. Clifton - Welcome. I'm Janice Clifton (ph). I didn't really plan to speak,  
3147 but I'll just be very brief. I appreciate very much all of the hard work, consideration, years  
3148 of work that you've put into where you've gotten now. I think the summary was excellent.  
3149 I think that the guidelines you've presented are great. I think that it probably is true that  
3150 it's a trend that's going to happen, so we probably definitely need to deal with it.

3151

3152 But I keep hearing people talk over and over about it being their business, and so I think  
3153 for me, my comment would be if it is a business then Airbnb or any kind of leasing your  
3154 home or running a business in your home does really fall under running a business for

3155 profit, which comes into having a business permit, a commercial use permit, or a  
3156 conditional use permit to operate a business for profit.

3157  
3158 So I think that's where the distinction for me comes in. If you're using your home, which  
3159 is residential property, which most people consider that that is separate from running  
3160 businesses, that's why the restrictions are tough, and should be tough, because that  
3161 separates a business from a residential area and where most people want quiet, peaceful  
3162 enjoyment.

3163  
3164 To me, that's just a distinction. If it's a business, if it's for profit, if it's to bring in money  
3165 for your living, for additional money to improve your home, then you're running a business.

3166  
3167 If it's just because you might have people that are coming in to visit or need a place, or  
3168 maybe there's a tournament going on and you can do this once or twice, or a few times  
3169 a year, then obviously you probably don't want to go through the business process just  
3170 for that. So I think for me that's just my comment as far as why there should be limits  
3171 onto the different between a business and a residential area.

3172  
3173 Mr. Baka - Okay, thank you.

3174  
3175 Ms. Clifton - Thank you, but I think you've done an excellent job at trying  
3176 to make it work.

3177  
3178 Mr. Baka - Any questions of Ms. Clifton? Thank you.

3179  
3180 Ms. Clifton - You're welcome.

3181  
3182 Mr. Baka - Good evening.

3183  
3184 Ms. Castleberry - Good evening.

3185  
3186 Mr. Baka - Welcome.

3187  
3188 Ms. Castleberry - Hi. My name is Janie Castleberry (ph), and I am actually a  
3189 housekeeper with Airbnb. I started out with a hotel, extended stay, and I can promise  
3190 you, you people that are worried about the Airbnbs next door to you, the extended stay I  
3191 ran into police more on a daily basis five, six, seven times a day. I have now been working  
3192 with Airbnb probably about two or so, maybe three months. Never once have I had an  
3193 encounter with a police officer, an unruly guest, they've been nothing but polite. They  
3194 leave the homes just as if they were their own.

3195  
3196 These guests are there because for many reasons. Someone said that Virginia is not a  
3197 tourism state. Meet me outside and I can take you for months to visit all of what Virginia  
3198 has to offer.

3199  
3200 Mr. Baka - Right.

3201  
3202 Ms. Castleberry - These people are own -- they're also here because they've  
3203 internships. They're getting jobs here. They're coming to plant themselves in Virginia  
3204 and help build our economy. Putting this cap of 60 days, who works for 60 days? These  
3205 interns work for more than 60 days.  
3206

3207 Like I said, I don't have much more than that to say than people that are against this really  
3208 need to give it a second thought. Meet with the people, the guests that have stayed in  
3209 the Airbnb in the Henrico area. And I can promise you they'll give you nothing but 100  
3210 percent. Thank you.

3211  
3212 Mr. Baka - Thank you. Any questions of Ms. Castleberry before she  
3213 leaves? Thank you. Welcome.  
3214

3215 Mr. Young - Hi. My name's Luke Young. I live in the Brookland District.  
3216 And I'm not sure what the numbers are for Henrico, but I went to Richmond City meetings,  
3217 and in the year of 2008 they had four complaints from Airbnbs, and there are 800 listings  
3218 in the City of Richmond. And I've come to these meetings and I've only heard one  
3219 complaint from one couple. So it seems like a lot of laws and a lot of rules being imposed  
3220 on us people that are running Airbnbs for a small amount of complaints.  
3221

3222 I'm concerned about the cul-de-sacs rule, because I know that I can apply for a special  
3223 use permit, but I live on a cul-de-sac, I have an acre or property. We have plenty of  
3224 parking in the back, but because of that I'm going to have to pay for a special use permit  
3225 and apply for it and then there's no -- we haven't had any guidelines on how that's going  
3226 to be handled. Whether if we apply for something if we're going to get it or not.  
3227

3228 And in Richmond the price for a special use permit is \$1800, so if someone runs their  
3229 Airbnb for 60 days and they want to continue doing it, we try to rent a room out for \$50 a  
3230 night, but often it lists for \$45 or \$30 because of the market and how many other people  
3231 are competing with us in Airbnb. So you're making less than \$3000, and then paying all  
3232 of that to get your special use permit. So it really is hurting small families and people that  
3233 want a little extra income if they want to make a little extra income over \$3000 they're  
3234 going to have to give half of it back and start over. So I'd be interested in seeing what  
3235 that process is in the Henrico County.  
3236

3237 Mr. Baka - Any questions of Mr. Young? Thank you, sir. Is there anyone  
3238 present here tonight who would like to -- who would like to speak on this matter?  
3239

3240 Mr. Witte - Here we got.

3241  
3242 Mr. Baka - One more?

3243  
3244 Mr. Witte - Two more.

3245

3246 Mr. Baka - Two more. Please come forward and these'll be the  
3247 Penultimate speaker.  
3248  
3249 Mr. Upsure - Is this the line that -- for supporting?  
3250  
3251 Mr. Baka - Oh. I think what happened, let me clarify. I -- originally I did  
3252 say that we'd ask for people speaking against, and I've noticed as everyone did that  
3253 people spoke both for and against it. So --  
3254  
3255 Mr. Upsure - Sure. I'll just make some quick comments.  
3256  
3257 Mr. Baka - If anyone also would like to speak in favor of a case then they  
3258 can do that at this, at this time. But please proceed. State your name for the record, sir.  
3259  
3260 Mr. Upsure - Sure. My name's Conway Upsure (ph). I live on West Valley  
3261 Drive in the Tuckahoe District, zoned for R-3. I just want to say I support the proposed  
3262 changes specifically the changes that require rentals in neighborhoods like mine to be the  
3263 primary residence. Mr. Newby's presentation was very comprehensive and hit on all the  
3264 points that I was going to make, so I won't be redundant. But I would just piggyback on  
3265 the notion that I think the guidelines are a good compromise. Both sides have to give a  
3266 little bit here. This technology is here and this is a good way for the County to kind of  
3267 learn to deal with the issue as time goes on. That's what I wanted to say. Thank you.  
3268  
3269 Mr. Baka - Any questions of Mr. Upsure?  
3270  
3271 Mr. Witte - No. Thank you, sir.  
3272  
3273 Mr. Baka - Thank you.  
3274  
3275 Mr. Upsure - Thank you.  
3276  
3277 Mr. Baka - Please come forward. Good evening, sir. Welcome.  
3278  
3279 Mr. Rogers - Hi. Bill Rogers, 5401 Dickens Rd. I just had a question about  
3280 the process. I'm neither for nor against it at this moment. What's the process going  
3281 forward and the timeline and the benchmarks, and more specifically for the CUP and  
3282 when you would actually make that application based on what the proposals are?  
3283  
3284 In other words, is this going to go to the Board of Supervisors , is this going to be voted  
3285 on? And then -- and earlier someone said something about the time lag between its --  
3286 when it's adopted and when the CUPS could actually be applied for. I'd like just to  
3287 understand that a little bit.  
3288  
3289 Mr. Baka - Okay. Any questions of Mr. Rogers before the staff would  
3290 address those type of questions?  
3291



3292 Mr. Witte - Nope.  
3293  
3294 Mr. Baka - Thank you, sir. Before we ask the staff to address any  
3295 comments or questions, this is a public hearing, so does it make sense, Mr. Emerson, for  
3296 us to have a vote to actually close the hearing at this time?  
3297  
3298 Mr. Emerson - Yes, sir. I think it would.  
3299  
3300 Mr. Baka - Okay. Unless there's anyone else who is interested to speak  
3301 on this matter, do I hear a motion?  
3302  
3303 Mr. Mackey - I move that we close the public hearing portion.  
3304  
3305 Mr. Baka - Okay.  
3306  
3307 Mr. Witte - Second.  
3308  
3309 Mr. Baka - We have a motion by Mr. Mackey and a second by Mr. Witte  
3310 to close the public hearing. All those in favor say aye.  
3311  
3312 The Commission - Aye.  
3313  
3314 Mr. Baka - Opposed say no. Okay, so public hearing's closed. So we  
3315 have a number of notes, a number of questions. Mr. Blankinship, if you could come  
3316 forward, would you be able to tackle those questions?  
3317  
3318 Mr. Blankinship - I'll try to answer the ones that I remember, and then remind  
3319 me of the ones that I've forgotten.  
3320  
3321 Mr. Emerson - And I think primarily, Mr. Blankinship, it's the cost of the CUP.  
3322  
3323 Mr. Blankinship - Right.  
3324  
3325 Mr. Emerson - And the time frame that it will take to get one.  
3326  
3327 Mr. Blankinship - Well the fee has not been set. That will be set by the Board  
3328 of Supervisors . So, as has been observed, this whole package of ordinances has to go  
3329 to the Board of Supervisors , and they're the only ones with the authority to enact it. They  
3330 are also the ones who set the fees. We have very few fees that reach anywhere close to  
3331 \$1800.  
3332  
3333 Right now conditional use permits there're different kinds, and some of the fees are \$300,  
3334 some are \$450, some are \$600. We don't currently have any fees higher than that for  
3335 conditional use permits. But, again, the Board can set this fee wherever they feel that it's  
3336 appropriate.  
3337

3338 I mentioned that the time for processing an application is between five and eight weeks  
3339 depending on when it's submitted. We have discussed again when the Board takes this  
3340 matter up as well as, you know, whether they adopt it. If they choose to adopt it the Board  
3341 will have to set an effective date. Most ordinances are effective upon passage, but among  
3342 staff we've discussed among ourselves that this probably will not be an ordinance that's  
3343 effective upon its passage, because there will be some additional things for us to put in  
3344 place, processes for us to put in place.

3345  
3346 As, again, has been mentioned many times, all of these uses are currently unlawful, so  
3347 it's not like when this is adopted they're suddenly going to be unlawful unless they get a  
3348 conditional use permit. Technically they're already unlawful. We're enforcing them on a  
3349 complaint basis, and we will -- I imagine that we would continue to do that if the Board  
3350 adopted this with an effective date of 60 or 90 or 120 days into the future. So there would  
3351 be a period of time where the rules would stay the same as they are today until all of  
3352 those processes are in place.

3353  
3354 Mr. Baka - That would be a grace period, in effect Correct?.

3355  
3356 Mr. Blankinship - Yes. Now nobody can say whether or not any particular  
3357 conditional use permit will be approved or denied. That's the whole point of the process  
3358 is to hold a public hearing and find out from the neighbors what the specific concerns of  
3359 that piece of property are. But as the name implies, the real key to a conditional use  
3360 permit are the conditions that are placed upon it and they are specific to the site.

3361  
3362 So the one gentleman mentioned the cul-de-sac, How am I going to get parking? That's  
3363 a perfect example of something that would be addressed on a case by case basis. Some  
3364 properties on a cul-de-sac have five or six spaces for cars to park. Maybe they're not  
3365 paved, but they have gravel or something else. And, in those cases, that would be easy  
3366 to resolve.

3367  
3368 Some cases they may not have that, and the Board would have to place -- the Board of  
3369 Zoning Appeals I'm speaking of, would have to place some additional condition on that  
3370 permit to resolve any parking issues. So --

3371  
3372 Mr. Baka - But some lots on a cul-de-sac, not all, have -- sometimes have  
3373 longer driveways. So if you were able to provide parking spaces on site in the driveway,  
3374 then that is sufficient under the proposed draft rule. Correct?

3375  
3376 Mr. Blankinship - Yes, sir. So once we're looking at it case by case those issues  
3377 can be resolved case by case.

3378  
3379 Mr. Baka - All right. What are the questions for the BZA?

3380  
3381 Mr. Emerson - Think that covered most of the BZA questions, Mr. Chairman.  
3382 There was a question regarding the transient occupancy tax, and I saw Mr. Marsh follow

3383 the lady and probably explain to her. But if you would come forward, Mr. Marsh, and  
3384 explain the occupancy tax and what those charges are, just so people understand that.

3385

3386 Mr. Marsh - Mr. Chairman --

3387

3388 Mr. Baka - Welcome.

3389

3390 Mr. Marsh - Members of the Commission, Mr. Thornton. My name is Leo  
3391 Marsh. I work with the Finance Department. And my office has administered the transient  
3392 occupancy tax since it was first enacted by Henrico County back in 1985. Currently it's  
3393 imposed upon hotels and their obligation is to collect the tax from the guest and turn it  
3394 over to the County. It's an eight percent tax on the transient stay on the guest. It does  
3395 not include stays that are longer than -- 30 consecutive days or longer.

3396

3397 The funds that come from this are actually turned over to the Richmond Convention  
3398 Center Authority, and this is required by state code. It's something that is required of all  
3399 the localities, the counties: Henrico, Chesterfield, and Hanover, and the city of Richmond  
3400 to fund tourism in the Richmond region. And this, of course, was something at the time  
3401 that was heavily favored by the hospitality industry.

3402

3403 Mr. Baka - Any other questions of Mr. Marsh? Got additional --

3404

3405 Mr. Marsh - We have not received any revenue from Airbnb on this.

3406

3407 Mr. Emerson - I was going to ask you to state that. Even though there have  
3408 been comments made that Airbnb is collecting, we are not receiving any revenue,  
3409 because we don't have a tax in place.

3410

3411 Mr. Marsh - It's -- correct. And currently we would not impose the tax on  
3412 this type of activity, because under the current County code in order to be subject to this  
3413 tax there'd have to be four or more rooms, and a lot of these -- a lot of these homes  
3414 they're not renting that much space.

3415

3416 The other thing that I think I can add to that, and I appreciate Andrew bringing it to my  
3417 attention, the Airbnb has an agreement with the State of Virginia to collect the sales tax,  
3418 which is a 5.3% tax around here, on the sale of goods and services that are taxable. And  
3419 I think that has caused some confusion where we have Airbnb operators that are -- the  
3420 company is taking the, or collecting the, sales tax from their guests. But we have no  
3421 agreement in place with any of the platforms for them to collect the transient tax and turn  
3422 it over to us.

3423

3424 Mr. Baka - All right, so that's two different vehicles.

3425

3426 Mr. Marsh - Yes.

3427

3428 Mr. Baka - Any other questions?

3429  
3430 Mrs. Thornton - But that will have to be the tax, once this is all said and done,  
3431 will be between the company and Henrico County.  
3432  
3433 Mr. Marsh - It would be between the operator and Henrico County. One  
3434 of the reasons why I don't think we would agree with the platforms, is they're very  
3435 restrictive. They don't allow -- there's a lot of things they don't allow the localities to do.  
3436 I'm aware of maybe one or two localities that have gone ahead and signed agreements  
3437 with, I believe it was Airbnb. And most of the other localities are of the same mind that  
3438 we are, but that the restrictions that are placed on how we can fairly enforce it and  
3439 administer it are compromised by those types of agreements.  
3440  
3441 Mr. Baka - Any additional questions from the Commission of Mr. Marsh?  
3442  
3443 Mrs. Thornton - No, thank you.  
3444  
3445 Mr. Baka - Thank you.  
3446  
3447 Mr. Emerson - Mr. Chairman, I can address the question regarding the  
3448 process from this point forward. Of course, the Commission's taken action and you've  
3449 closed public comment on this topic at this time. Again, you have held three hearings  
3450 and gone through extensive research and community outreach in your process, you  
3451 know, getting to where you are this evening.  
3452  
3453 Once the Commission has made a decision of a recommendation to the Board of  
3454 Supervisors and you're comfortable with what you're sending. Then the Board of  
3455 Supervisors will also have to hold public hearings. Now it's my understanding that the  
3456 Board will want work sessions on this topic. If the Commission were to make a decision  
3457 tonight, and I don't know what the Commission may choose to do as they move through  
3458 this meeting, and this issue this evening.  
3459  
3460 However, this would not be on the Board's agenda, I would think, before December or  
3461 January at the earliest. The Board is a very busy body. They already have their work  
3462 sessions and their items scheduled months in advance. It will take me, you know, four to  
3463 eight weeks to determine even a date where the Board could begin to discuss this. I think  
3464 the Board will have quite a bit of deliberation over it before they even go to public hearing.  
3465 So I wouldn't anticipate even getting it to work session with the Board before the end --  
3466 somewhere near the end of this year if the Commission made a decision tonight. This is  
3467 a recommendation.  
3468  
3469 Mr. Archer - Mr. Chairman, can I make a comment before we --  
3470  
3471 Mr. Baka - Please.  
3472

3473 Mr. Archer - As the secretary said when we initially started our  
3474 conversation, we're trying to make an effort to make sure that everybody who runs this  
3475 kind of business is legal, from that aspect, we're on their side.  
3476

3477 We didn't come in with the attitude of being confrontational, antagonizing about it. This  
3478 is a difficult process, and it's something that's been going on for a long time that's involved  
3479 a lot of work. [\*indiscernible] the people who have staffed us in doing this, some of the  
3480 things what you all have mentioned has been looking what such a County is doing and  
3481 look what it's doing, we looked at all of it. There is no one size fits all answer to this. And  
3482 sometimes we have to accept some pretty harsh realities and realize that everything won't  
3483 fit in the shoe. Depends on the size of your foot. And I don't know what the answer is,  
3484 but we have to come up with some answers so that you all can do what you're doing  
3485 legally. We've heard some nice stories about things that have gone on that was very, I  
3486 guess I would say, very stable.  
3487

3488 But we haven't heard too much about things that were not stable that go on, and there  
3489 are those things that do occur. And it's not an easy process to try to fit all of this into  
3490 something that it's -- we can't make everybody happy. That's what the bottom line.  
3491

3492 We, if you can see from the way we address you all, we don't -- we don't sit here and try  
3493 to be hostile toward anybody, we problem solve, that's what we were trying to do. If you  
3494 have to accept the fact that there may be some instances at which these situations just  
3495 won't fit. A small cul-de-sac or whatever it is that might exist that doesn't work for you.  
3496 Unfortunately, it just may not fit.  
3497

3498 So if you all will bear with us, we trying the best that we know how to come up with a  
3499 solution that won't work for everybody, but that will work for the majority of the people and  
3500 give us at least something to drop off on. And we have to send something to the Board.  
3501 We just can't keep beating this thing to death and keep having hearings and keep having  
3502 meetings and do all kind of other stuff and you applaud when you hear something you  
3503 like and some of you grumble when you hear something you don't.  
3504

3505 But we have to do something and send it to the Board, and they have to start almost a  
3506 new process all over again to try to come up with a solution. And I think all of you would  
3507 agree that we do need a solution. You don't want to keep operating something illegal. I  
3508 don't think you do. You know. I do [\*indiscernible 01:36:04] people usually [\*indiscernible]  
3509 consider [\*indiscernible]. [\*indiscernible] made a lot of people happy, because the one  
3510 gentleman that I remember became the -- became very rich selling [\*indiscernible] and  
3511 bought every [\*indiscernible] two or three weeks [\*indiscernible] and whatever vehicle he  
3512 was using to haul [\*indiscernible] most of the time was a [\*indiscernible] truck, they'd take  
3513 his truck. Well he didn't care. [\*indiscernible] het got a new truck. And I [\*indiscernible]  
3514 some years, but he had about seven or eight brand new trucks, paid cash for all of them.  
3515 [\*indiscernible]  
3516

3517 Mr. Archer - But please try to understand. We're not -- we're not trying to  
3518 hurt anybody. We're trying to make what you can do legal, and it's not an easy process.  
3519 And some people would be acceptable of where did we get to 30 days from?

3520  
3521 Mr. Baka - I was going to ask that question.

3522  
3523 Mr. Emerson - It came -- it came from other codes that we looked at,  
3524 basically.

3525  
3526 Mr. Archer - Right. So it apparently worked somewhere. And we've  
3527 doubled it. We set it to 60 days.

3528  
3529 Mr. Baka - Yeah, we did double it.

3530  
3531 Mr. Archer - And now we hear that's not enough. So if anybody has a good  
3532 solution as to how this should come up, we'd like to hear from you. Well, I would dare  
3533 say none of you would have a good solution. So if you bare with us and we try to make  
3534 this into something that's workable. But still bear in mind that we have to, as a body,  
3535 make a decision as to what we would recommend to the Board of Supervisors .

3536  
3537 At that point, they'll take it and the process will start literally almost all over again. So,  
3538 you know, bear that in mind whatever decision we make tonight that we're doing it -- trying  
3539 to do it in the interest of all of you, and unfortunately we just can't -- we won't be able to  
3540 make everybody happy. And hopefully we'll be able to make most of you happy to at  
3541 least get it to the point where it's legal. I'm done. [\*indiscernible 01:38:06] part about the  
3542 history.

3543  
3544 Mr. Baka - I was just going to add. I think at some point the 30 day and  
3545 the 60 day you just have to somewhere draw a line in the sand of what could be sound  
3546 and reasonable practice and fair.

3547  
3548 Mr. Witte - Right.

3549  
3550 Mr. Baka - I mean, the number doesn't matter as much as trying to make  
3551 a fair approach. And is 61 a significant difference than 60? Not necessarily. But at some  
3552 point you need to draw a line and try to make decisions and move forward. Does anyone  
3553 else have any other questions of staff at this time?

3554  
3555 Mrs. Thornton - I just have one comment. That 60 days, I understand that  
3556 we're giving them an option, the County has had an option to do it longer. So it's not like  
3557 you can only do 60 and you're cut off.

3558  
3559 Mr. Baka - Well, that's correct. The option is to apply for the conditional  
3560 use permit.

3561

3562 Mrs. Thornton - It's just -- right. And it's just, I feel like, for that piece and that  
3563 neighborhood feeling. So if it's not going so well in that 60 days, you know, if it's going  
3564 really well and you want to continue your business and your neighbors are okay with it,  
3565 then you can have 180 days, 300 days. It gives you the option. It's not cutting you off  
3566 like before. It's giving you an option to do longer.

3567  
3568 Mr. Baka - That's good. It also gives the neighbors an option to have --  
3569 come and speak or write emails prior to the meeting.

3570  
3571 Mrs. Thornton - Right, so it's kind of like a balance.

3572  
3573 Mr. Baka - And say they are for it --

3574  
3575 Mrs. Thornton - Right.

3576  
3577 Mr. Baka - -- or against it. And they can be for it and I've seen -- I've  
3578 never seen any --

3579  
3580 Mrs. Thornton - Right.

3581  
3582 Mr. Baka - I've never seen any issues, and my neighbor's house is the  
3583 greatest BnB.

3584  
3585 Mrs. Thornton - Correct. They can do it every day. Yes.

3586  
3587 Mr. Baka - Greatest Airbnb. So, in some ways, that's a very more  
3588 publicly inclusive process.

3589  
3590 Mrs. Thornton - Correct.

3591  
3592 Mr. Baka - Actually that allows for greater comment.

3593  
3594 Mrs. Thornton - It's the best ways.

3595  
3596 Mr. Baka - All zoning laws draw a line in some areas, R-1 districts are  
3597 different from R-2 and R-3 are different, et cetera. So they all have certain minimum  
3598 restrictions.

3599  
3600 Mr. Mackey - Mr. Chairman, if I may, I'd like to add that this wouldn't be set  
3601 in stone. It's on that recommendation and the number could change when it went to the  
3602 Board. I mean, if they saw fit to change the number it could possibly change and be more  
3603 than 60.

3604  
3605 Mr. Witte - And, one other comment, y'all are more than welcome, folks  
3606 are more than welcome to show up for the Board meetings. It's open to the public.

3607

3608 Mr. Baka - And to continue to write emails. The conversation continues  
3609 to write emails before, also.  
3610  
3611 Mr. Witte - Ready for a motion?  
3612  
3613 Mr. Baka - What's the pleasure of this Commission at this time?  
3614  
3615 Mr. Mackey - Mr. Chairman, I move that we recommend approval of the  
3616 proposed ordinance for short-term rentals and forward it to the Board of Supervisors .  
3617  
3618 Mrs. Thornton - I second.  
3619  
3620 Mr. Baka - We have a motion by Mr. Mackey and a second by Mrs.  
3621 Thornton to move the -- recommend approval of the draft ordinance as submitted. Any  
3622 discussion, further discussion, by the Commission? All those in favor say aye.  
3623  
3624 The Commission - Aye.  
3625  
3626 Mr. Baka - Opposed say no. Motion passes. This recommendation goes  
3627 forward to the Board at a future date.  
3628  
3629 Mr. Emerson - Yes. We don't have a firm schedule from this point. But it will  
3630 be advertised, and you will be notified.  
3631  
3632 Mr. Baka - Please stay involved in the process.  
3633  
3634 Mr. Emerson - Mr. Chairman, we now move on to the next item on your  
3635 agenda, which is at the bottom of page three. It's a discussion item. And I am requesting  
3636 that the Planning Commission schedule a work session for your October 10th meeting at  
3637 6:00 p.m. to discuss the Bridlewood Subdivision land use study and Comprehensive Plan  
3638 amendment.  
3639  
3640 Mr. Baka - Okay, 6:00 p.m. October 10th, any concerns, or do we have  
3641 agreement on that date?  
3642  
3643 Unknown Speaker - Works for me.  
3644  
3645 Mrs. Thornton - Works for me.  
3646  
3647 Mr. Baka - All right, agreed.  
3648  
3649 Mr. Emerson - Okay, consensus falls.  
3650  
3651 Mr. Baka - So consensus falls.  
3652



3653 Mr. Emerson - Mr. Chairman, the next item on your agenda this evening is  
3654 the consideration of your minutes from your April 15, 2019 meeting. I do not have an  
3655 eratta sheet. Of course, if the Commission has any changes you'd like to be made, we  
3656 certainly will consider them at this time and make those as directed.  
3657

3658 Mr. Baka - Any changes to the minutes? Seeing none.  
3659

3660 Mr. Archer - Mr. Chairman, seeing none, I move the minutes be approved  
3661 as is.  
3662

3663 Mr. Witte - Second.  
3664

3665 Mr. Baka - Motion by Mr. Archer and second by Mr. Witte to approve the  
3666 minutes as stated. All in favor say aye.  
3667

3668 The Commission - Aye.  
3669

3670 Mr. Baka - Opposed say no. The minutes are approved.  
3671

3672 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this  
3673 evening.  
3674

3675 Mr. Baka - Any other discussion items from members of the  
3676 Commission? If not, a motion to adjourn would be in order.  
3677

3678 Unknown Speaker - So moved.  
3679

3680 Unknown Speaker - Second.  
3681

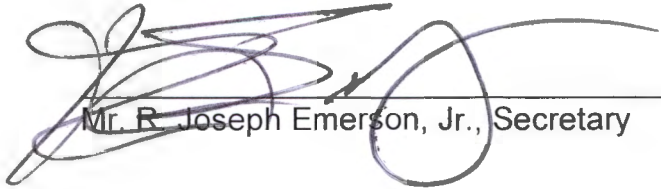
3682 Mr. Baka - All in favor say aye.  
3683

3684 The Commission - Aye.  
3685

3686 Mr. Baka - This meeting is adjourned. Thank you.  
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\_\_\_\_\_  
Mr. Gregory R. Baka, Chairman

3699  
3700  
3701



Mr. R. Joseph Emerson, Jr., Secretary