

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. June 14,
4 2018. Display Notice having been published in the *Richmond Times-Dispatch* on
5 May 28, 2018 and June 4, 2018.

6

Members Present: Mr. Gregory R. Baka, Acting Chair (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mrs. Adrienne F. Kotula (Brookland)
Mr. Eric Leabough, C.P.C., Chair (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mrs. Patricia O'Bannon (Tuckahoe)
Board of Supervisors' Representative

Members Absent: Mrs. Sandra M. Marshall, Chair (Three Chopt)
Ms. Jean M. Moore, Assistant Director of Planning

Also Present: Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Seth Humphreys, County Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Benjamin Sehl, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Michael Morris, County Planner
Mr. John Cejka, Traffic Engineer, Public Works
Mr. William Moffett, CPTED Planner, Police
Ms. Sylvia Ray, Recording Secretary

7

8 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
9 **on all cases unless otherwise noted.**

10

11 Mr. Baka - Good evening and welcome. I call this meeting of the
12 Henrico County Planning Commission to order. This is our rezoning meeting for
13 June 14, 2018. At this time, I'd like to ask that you take a minute to please
14 silence your cell phones. And please stand with the Commission for the Pledge
15 of Allegiance.

16

17 Do we have anyone in the audience with the news media this evening? Okay.

18

19 We are pleased to welcome Mrs. Pat O'Bannon, our representative from the
20 Board of Supervisors who is sitting with the Planning Commission for this year.
21 Thank you, Mrs. O'Bannon, for being here. Mrs. O'Bannon abstains on all cases
22 unless otherwise noted.

23

24 The majority of the Planning Commissioners are present tonight, so we do have
25 a quorum and we can conduct business. At this point, I'll turn the agenda over to
26 Mr. Emerson, our Secretary.

27
28 Mr. Emerson - Thank you, Mr. Vice Chairman. As you said, we do
29 have a quorum. We do have one Planning Commissioner absent tonight. She
30 had a graduation in her family, and that took precedence, of course, over the
31 meeting.

32
33 With that said, Mr. Chairman, first on the agenda are the requests for withdrawals
34 and deferrals. Those will be presented by Mr. Jim Strauss.

35
36 Mr. Strauss - Thank you, Mr. Secretary. Staff has received five
37 requests for deferral this evening. The first request for deferral is in the Brookland
38 District, and it's on page 2 of your agenda. That would be REZ2018-00029, Jeff
39 Small. The applicant is requesting a deferral to the July 12, 2018 meeting.

40
41 **REZ2018-00029 Aaron Breed and Roger Bowers for Jeff Small:**
42 Request to conditionally rezone from B-3 Business District and R-6 General
43 Residence District to B-3C Business District (Conditional) Parcel 766-749-2740
44 containing 1.78 acres located on the east line of W. Broad Street (U.S. Route
45 250) approximately 480' south of its intersection with Sunnybrook Road. The
46 applicant proposes a car wash. The use will be controlled by zoning ordinance
47 regulations and proffered conditions. The 2026 Comprehensive Plan
48 recommends Commercial Arterial.

49
50 Mr. Baka - Is there anyone present who is opposed to the
51 deferral of REZ2018-00029, Aaron Breed and Roger Bowers for Jeff Small? I see
52 no opposition.

53
54 Mrs. Kotula - All right, Mr. Chairman. I move that REZ2018-00029,
55 Aaron Breed and Roger Bowers for Jeff Small, be deferred to the July 12, 2018,
56 at the request of the applicant.

57
58 Mr. Archer - Second.

59
60 Mr. Baka - We have a motion by Mrs. Kotula and a second by
61 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
62 this motion passes.

63
64 At the request of the applicant, the Planning Commission deferred REZ2018-
65 00029, Aaron Breed and Roger Bowers for Jeff Small, to its meeting on July 12,
66 2018.

67
68 Mr. Strauss - The next four requests for deferral this evening are all
69 in the Varina District, and the first request is on page 2 of your agenda,

70 REZ2018-00014, Quality of Life of VA LLC. In this case, the applicant is
71 requesting deferral to the July 12, 2018 meeting.

72
73 *(Deferred from the May 10, 2018 Meeting)*

74 **REZ2018-00014 Leroy Chiles for Quality of Life of VA LLC:**
75 Request to conditionally rezone from R-4 One-Family Residence District, B-1
76 Business District, and M-1 Light Industrial District to R-5AC General Residence
77 District (Conditional) Parcel 805-710-1834 containing 11.7 acres located south of
78 Darbytown Road approximately 300' south of its intersection with Oregon
79 Avenue. The applicant proposes detached dwellings with zero lot lines. The R-5A
80 District allows a minimum lot area of 5,625 square feet and a maximum overall
81 density of 6 units per acre. The use will be controlled by zoning ordinance
82 regulations and proffered conditions. The 2026 Comprehensive Plan
83 recommends Suburban Residential 2, density should not exceed 3.4 units per
84 acre, and Environmental Protection Area.

85
86 Mr. Baka - Is there anyone present who is opposed to the
87 deferral of REZ2018-00014, Leroy Chiles for Quality of Life of VA LLC? I see no
88 opposition, Mr. Leabough.

89
90 Mr. Leabough - Yes, Mr. Chair. I move that REZ2018-00014, Leroy
91 Chiles for Quality of Life of VA LLC, be deferred, at the applicant's request, to the
92 July 12th meeting.

93
94 Mr. Archer - Second.

95
96 Mr. Baka - We have a motion by Mr. Leabough and a second by
97 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
98 this motion passes.

99
100 At the request of the applicant, the Planning Commission deferred REZ2018-
101 00014, Leroy Chiles for Quality of Life of VA LLC, to its meeting on July 12, 2018.

102
103 Mr. Strauss - The next request for deferral is on page 2 of the
104 agenda, REZ2018-00019, Liberty Homes. The applicant is requesting deferral to
105 the July 12, 2018 meeting.

106
107 **REZ2018-00019 Mark Rempe for Liberty Homes:** Request to rezone
108 from B-3 Business District to R-3 One-Family Residence District Parcel 825-720-
109 6242 containing .24 acres located on the west line of E. Nine Mile Road (State
110 Route 33) approximately 150' north of its intersection with Elsing Green Way.
111 The applicant proposes a single-family residence. The use will be controlled by
112 zoning ordinance regulations. The 2026 Comprehensive Plan recommends
113 Suburban Residential 2, density should not exceed 3.4 units per acre. The site is
114 in the Enterprise Zone and the Airport Safety Overlay District.

116 Mr. Baka - Is there anyone present who is opposed to the
117 deferral of REZ2018-00019, Mark Rempe for Liberty Homes? I see no
118 opposition.

119

120 Mr. Leabough - Mr. Chair, I move that REZ2018-00019, Mark Rempe
121 for Liberty Homes, be deferred, at the applicant's request, to the July 12th
122 meeting.

123

124 Mrs. Kotula - Second.

125

126 Mr. Baka - We have a motion by Mr. Leabough and a second by
127 Mrs. Kotula. All in favor say aye. Those opposed say no. There is no opposition;
128 this motion passes.

129

130 At the request of the applicant, the Planning Commission deferred REZ2018-
131 00019, Mark Rempe for Liberty Homes, to its meeting on July 12, 2018.

132

133 Mr. Strauss - The next request for deferral, also on page 2 of your
134 agenda, is REZ2018-00028, Salvatore Cangiano. In this case, the applicant,
135 again, is requesting deferral to the July 12, 2018 meeting.

136

137 **REZ2018-00028 Andrew M. Condlin for Salvatore Cangiano:**
138 Request to conditionally rezone from R-3C One-Family Residence District, R-5C
139 General Residence District (Conditional), and B-3C Business District
140 (Conditional) to R-5AC General Residence District (Conditional), RTHC
141 Residential Townhouse District (Conditional) and B-2C Business District
142 (Conditional) Parcel 836-713-7564 containing 78.9 acres located at the northeast
143 intersection of E. Williamsburg Road (U.S. Route 60) and Dry Bridge Road. The
144 applicant proposes detached dwellings with zero lot lines, townhomes, and retail.
145 The uses will be controlled by zoning ordinance regulations and proffered
146 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2,
147 density should not exceed 3.4 units per acre; Urban Residential with a
148 recommended density range of 3.4 to 6.8 units per acre; Commercial
149 Concentration; and Environmental Protection Area. The site is in the Airport
150 Safety Overlay District.

151

152 Mr. Baka - Is there anyone present who is opposed to the
153 deferral of REZ2018-00028, Andrew M. Condlin for Salvatore Cangiano? I see
154 no opposition.

155

156 Mr. Leabough - Mr. Chair, I move that REZ2018-00028, Andrew M.
157 Condlin for Salvatore Cangiano, be deferred, at the request of the applicant, to
158 the July 12, 2018 meeting.

159

160 Mr. Baka - Second. We have a motion by Mr. Leabough and a
161 second by Mr. Baka. All in favor say aye. Those opposed say no. There is no
162 opposition; this motion passes.

163
164 At the request of the applicant, the Planning Commission deferred REZ2018-
165 00028, Andrew M. Condlin for Salvatore Cangiano, to its meeting on July 12,
166 2018.

167
168 Mr. Strauss - The final request for deferral this evening is on page 3
169 of your agenda, CUP2018-0009, Salvatore Cangiano. Again, the applicant is
170 requesting deferral to the July 12, 2018 meeting.

171
172 **PUP2018-00009 Andrew M. Condlin for Salvatore Cangiano:**
173 Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-
174 122.1 of Chapter 24 of the County Code to allow 24-hour operation of a proposed
175 convenience store with fuel pumps on part of Parcel 836-713-7564. The existing
176 zoning is B-3C Business District (Commercial). The 2026 Comprehensive Plan
177 recommends Commercial Concentration. The site is in the Airport Safety Overlay
178 District.

179
180 Mr. Baka - Is there anyone present who is opposed to the
181 deferral of PUP2018-00009, Andrew M. Condlin for Salvatore Cangiano?

182
183 Mr. Leabough - Mr. Chair, there being no opposition, I move that
184 PUP2018-00009, Andrew M. Condlin for Salvatore Cangiano, be deferred, at the
185 applicant's request, to the July 12, 2018 meeting.

186
187 Mr. Archer - Second.

188
189 Mr. Baka - We have a motion by Mr. Leabough, a second by
190 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
191 this motion passes.

192
193 At the request of the applicant, the Planning Commission deferred PUP2018-
194 00009, Andrew M. Condlin for Salvatore Cangiano, to its meeting on July 12,
195 2018.

196
197 Mr. Emerson - Mr. Chairman, that completes the requests for
198 withdrawals and deferrals, unless the Commission has others they wish to enter.
199 If not, next on the agenda are the requests for expedited items. There are none
200 of those this evening. That takes us to the first case of the evening, which
201 appears on page 1 of your agenda, REZ2018-00026, Andrew M. Condlin for
202 McGeorge Financial 8225, LC and Waco Street, LLC. The staff report will be
203 presented by Mr. Seth Humphreys.

204

205 **REZ2018-00026** **Andrew M. Condlin for McGeorge Financial 8225,**
206 **LLC and Waco Street, LLC:** Request to conditionally rezone from R-3 One-
207 Family Residence District and O-2 Office District to B-3C Business District
208 (Conditional) Parcels 761-754-2327, 761-754-2436, 761-754-2518 and 761-754-
209 3722 containing 1.784 acres located at the northeast intersection of N. Parham
210 and Skipwith Roads. The applicant proposes an automobile storage lot and
211 services. The uses will be controlled by zoning ordinance regulations and
212 proffered conditions. The 2026 Comprehensive Plan recommends Office.

213
214 Mr. Baka - At this time, is there anyone present who is opposed
215 to REZ2018-00026, Andrew M. Condlin for McGeorge Financial 8225, LLC and
216 Waco Street, LLC? I see none. Okay, thank you. Mr. Humphreys?

217
218 Mr. Humphreys - Thank you, Mr. Chairman, members of the Planning
219 Commission

220
221 As stated, this request is to conditionally rezone 1.784 acres from R-3 and O-2,
222 Office District to B-3C, Business District Conditional. The request is for office
223 uses and an overflow car lot with detailing facility for McGeorge Mercedes-Benz,
224 which is located on an adjacent parcel between the subject property and West
225 Broad Street. Similar to the adjacent Pearson Kia dealership that was approved
226 over here with REZ2016-00044 and REZ2018-00018. The request would provide
227 additional inventory storage and grant the dealership limited access to Skipwith
228 Road.

229
230 Surrounding uses are both residential and non-residential in nature. Residential
231 uses include single-family dwellings in the Pine Dale subdivision south of N.
232 Parham Road and a single R-3 zoned lot to the west of Skipwith Road. Other
233 uses surrounding the subject property include offices to the east and west, the
234 Pearson Kia dealership to the north, and the McGeorge Mercedes-Benz
235 dealership to the east.

236
237 The conceptual plan, dated January 24, 2018, shows a fenced inventory lot with
238 a building that would house the automobile detailing uses. There are two existing
239 offices and a house on three of the parcels. The conceptual plan shows one of
240 the offices being removed, which would have been here. Another office being
241 retained and the house remaining here eventually being converted to an office.

242
243 The applicant has submitted revised proffers dated, June 11, 2018, which have
244 been distributed to you this evening. These would not require a waiver of time
245 limits. In addition to proffering the conceptual plan, major topics the proffers
246 address include allowed uses, vehicular access, fencing/landscaping, lighting,
247 and signage. The revised proffers address the concerns raised by staff in the
248 staff report you received in your packet.

249

250 The subject property and the surrounding properties along Skipwith Road and N.
251 Parham Road are designated Office in the 2026 Comprehensive Plan. This
252 request would continue the transition of residential to non-residential uses in this
253 area and is generally consistent with the Comprehensive Plan's
254 recommendation. It is also generally consistent with recent uses approved along
255 the Skipwith Road corridor in the section between N. Parham Road and West
256 Broad Street. For these reasons, staff recommends approval of this request.

257
258 This ends my presentation and I would be happy to answer any questions you
259 may have.

260
261 Mr. Baka - Any questions of the staff? If there are no questions of
262 the staff . . . just one second. Prior to this case I guess I asked. Is there anyone
263 in the audience that would like to express opposition to this case, REZ2018-
264 00026? Would you like to speak on the matter?

265
266 Ms. Akompong - [Off microphone] Yes sir.

267
268 Mr. Baka - Okay. Please come down to the podium. Thank you.

269
270 Ms. Akompong - I apologize.

271
272 Mr. Baka - That's fine. Would you please state your name for the
273 record?

274
275 Ms. Akompong - I'm Cordelia Akompong. I am a homeowner on N.
276 Parham Road across from where the lots are. My question is, what contingency
277 do they have for safety for the kids walking to school? There is no biking path in
278 that area. I have always been the unfortunate recipient of vehicles jumping the
279 curb onto my property. Every single summer and spring it's constant. I don't have
280 crash details in front of me, but I'm very concerned about heightened crashes
281 and traffic and danger to the children who get on the bus, off the bus, and walk to
282 and from school in the afternoon. So what contingencies do they have?

283
284 Mr. Baka - Yes ma'am. Would you please point out your house
285 on the map or give us a general idea of where you are on Skipwith?

286
287 Ms. Akompong - Somewhere at the fork of Old Parham.

288
289 Mr. Archer - Oh yes, Old Parham.

290
291 Mr. Baka - Oh, further east.

292
293 Ms. Akompong - Yes.

294
295 Mr. Emerson - You need to keep coming.

296
297 Ms. Akompong - Somewhere here, I'm sure.
298
299 Mr. Archer - Okay.
300
301 Ms. Akompong - So somewhere here. Even right now, the traffic over
302 here, there are accidents and, for lack of a better terminology, hit-and-run in front
303 of my fence. My mailbox has gone down. I can't imagine what traffic the
304 automobile lot is going to impact, our quality of life, and our safety, especially
305 those of our children.
306
307 Mr. Archer - Ma'am, excuse me. Does your house front on
308 Skipwith or on Parham?
309
310 Ms. Akompong - It fronts on N. Parham.
311
312 Mr. Archer - N. Parham.
313
314 Ms. Akompong - Yes.
315
316 Mr. Archer - So you are up where the little loop goes around onto
317 Old Parham?
318
319 Ms. Akompong - That's right. That's right.
320
321 Mr. Archer - And you're behind the loop. Or are you directly
322 against Parham Road?
323
324 Ms. Akompong - I'm directly at the fork where Parham forks by Old
325 Parham. Skipwith and then Old Parham.
326
327 Mr. Archer - Okay.
328
329 Ms. Akompong - Yes, Old Parham and Parham.
330
331 Mr. Archer - But you're not on the side that this lot is going to be
332 on.
333
334 Ms. Akompong - I'm not on the Skipwith side. I'm across Parham.
335
336 Mr. Archer - Okay, I think I have it.
337
338 Ms. Akompong - Yes.
339
340 Mr. Archer - Thank you.
341

342 Ms. Akompong - Thank you.

343

344 Mr. Baka - At this time, could we ask the applicant to approach?

345

346 Mr. Condlin - Mr. Chairman, members of the Planning Commission,
347 Andy Condlin on behalf of the applicant. Based on the comments, I just wanted
348 to point out a couple of things.

349

350 Obviously, the two buildings that are remaining on Parham Road are to be,
351 pursuant to the proffers, used for—this one's currently a medical office and will
352 continue to be used as such. Access will be provided on Skipwith Road. And
353 then this currently is a residence and will remain a residence until it's converted
354 to an office, pursuant to the rules of Henrico County. It has access and will
355 continue to have access on Parham Road. That access won't change at all. You
356 can see it's a small office area with limited parking in that area.

357

358 Otherwise, with respect to traffic on Skipwith Road, this will be limited access
359 with the primary access serving as a secondary access at most for this lot. But
360 access will also be connected to the existing McGeorge-Mercedes dealership.
361 And that's really what it's to be served for, just like the Pearson would as well on
362 Skipwith Road. So it's limited access. They wanted to be able to use it certainly
363 for emergency purposes and for some employees. But customers won't be
364 coming in through there. There will be lot inventory.

365

366 So traffic will be coming in and bringing cars in to the front of the building along
367 Broad Street. So we don't anticipate much of an increase, certainly a lot less
368 traffic than would be with office or other uses that might be put in here with a lot
369 of buffering. We've also provided for buffering with respect to the cars so that
370 vehicle inventories won't be seen along Parham Road, both along Parham Road
371 or an alternative along the parking area as well for the area for the inventory.

372

373 With that, I'll be happy to answer any questions you may have.

374

375 Mr. Archer - Mr. Condlin, there are three converted residences
376 along Parham. One is a chiropractor.

377

378 Mr. Condlin - That's on the corner, yes sir.

379

380 Mr. Archer - And then the optometrist is across from the corner.
381 And there's a security firm. Which of those buildings are coming down?

382

383 Mr. Condlin - I don't think the security firm is in there; I'm not sure.
384 There is a building right here on Skipwith Road. I'm not sure.

385

386 Mr. Archer - The security firm is closer to the bank.

387

388 Mr. Condlin - Yes, that's right.
389
390 Mr. Archer - It might not be one. I was just curious which ones.
391 How about the chiropractor?
392
393 Mr. Condlin - That's staying. He has a lease, and that's going to
394 continue to be used as an office. It is currently an office and will continue to be
395 used as an office. We just thought it would be best to include this in the entire
396 case so they could have the proffers added to it with respect to signage and
397 things of that nature.
398
399 Mr. Archer - Okay.
400
401 Mr. Condlin - What you're talking about, there's an office next door.
402 I think there's a dental office right there, and then the County has their facilities
403 as you head towards Broad Street.
404
405 Mr. Baka - With respect to the comments and the questions
406 we've heard from the neighbor regarding traffic on Parham. As I understand the
407 conceptual plan here, any traffic leaving the lot would be going onto Skipwith
408 Road, turning right or left on Skipwith. If they turn left onto Skipwith, they'd have
409 to use the traffic light at Skipwith or Parham before proceeding through. So any
410 traffic added to Parham Road would simply be coming through that light. And
411 there's only a small parking lot shown there, several spaces, that would access
412 directly onto Parham.
413
414 Mr. Condlin - That's right. And it currently does. That's no change
415 from its current status.
416
417 Mr. Baka - I guess my observation would be that this use may
418 not add a lot of direct impact onto Parham. And I guess the other question would
419 be, are there speed limit signs posted in this? I know the chiropractor's office,
420 and I know these other buildings I've been by. But I didn't notice there are speed
421 limit signs posted in this area or if there are other measures other than this
422 applicant's case that the County can take to help alleviate some of the concerns
423 of traffic or cars even hitting a curb on the property there.
424
425 Mr. Emerson - We certainly could take a look at it, Mr. Chairman.
426 Mr. Cejka with the Public Works Department is here, and you may want to ask
427 him to come up and respond to those questions or thoughts.
428
429 Mr. Baka - Thank you. Mr. Cejka? Would you have any general
430 thoughts on that question?
431
432 Mr. Cejka - Yes. Let me go back. Okay, got it. The lady lives right
433 here on Old Parham Road, this first house right here. Currently in that curve

434 there are four chevron signs, florescent chevron signs that we have installed at
435 her request. There used to be three, and we've upped it to four. We've added
436 yellow post panels underneath the signs to bring more visibility to the signs.
437 There is a "curve warning" sign leading up to it. So yes, I do agree. There have
438 been accidents there, so we've responded to her concerns and added more
439 signs.

440
441 Mr. Baka - Now that you say that, I recall seeing those as I was
442 driving by one time. About how tall is the chevron sign?

443
444 Mr. Cejka - They're about five feet off the ground. And there is a
445 yellow post panel from the ground to the bottom of the sign. Her concern about
446 people walking, children going to school and so forth. DPW does have a project
447 underway—it's in the design phase—to add sidewalk all along Parham Road
448 from Homeview up to Broad Street. That will help any students in the area
449 walking to school. I don't know when it's going to be built or anything.

450
451 Mr. Archer - Mr. Cejka, a lot of kids walk from Tucker up towards
452 Broad Street. Right now there are no sidewalks at all on either side. And I think
453 Parham has been stretched out about as wide as it can get. The utility poles are
454 almost in the street. So will the sidewalk have to go behind the utility poles or
455 would they relocate the utility poles?

456
457 Mr. Cejka - I do not have that kind of information, I don't know if is
458 going to run along the north side of Parham from the school.

459
460 Mr. Archer - From Homeview?

461
462 Mr. Cejka - It's going to run up here. And at the intersection, it will
463 cross over and run along this side.

464
465 Mr. Archer - So it's going to be one side up to Skipwith and then
466 it's going to cross over.

467
468 Mr. Cejka - Right. And we'll have walk signals and crosswalks at
469 the signal here so they can cross over safely and then walk along up here to go
470 to Broad Street.

471
472 Mr. Baka - Any estimate of what year that might be completed?

473
474 Mr. Cejka - I didn't bring the list with me. Sorry.

475
476 Mr. Baka - That's fine, that's fine. That's good to know it's in the
477 works.

478
479 Mr. Archer - It might be good to ask what decade.

480
481 Mr. Baka - All right. Thank you very much, sir. Any other
482 questions of the Commission?
483
484 Mr. Leabough - I have a quick question for Mr. Emerson. Operable
485 vehicles, would that exclude vehicles that are maybe operable in that they're
486 running but are awaiting body repairs or anything like that?
487
488 Mr. Emerson - There's a time limit in the code that you can keep a
489 vehicle like that for work. I think it's thirty days. So in excess of that we would
490 come and tell them that they need to move those along.
491
492 Mr. Leabough - So even if it's in the building it won't have long-term
493 storage of body shop vehicles.
494
495 Mr. Emerson - Correct. It wouldn't be long term. Thirty days at the
496 most I believe is what the code allows.
497
498 Mr. Leabough - And they still wouldn't be visible. They will be
499 screened with fencing.
500
501 Mr. Emerson - Correct, correct.
502
503 Mr. Leabough - Okay. And then the only other question I have is the
504 ability for the—could you all pull up the concept plan, please? They wouldn't be
505 using that drive gate. Are they planning on—I guess that's a question for the
506 applicant; I shouldn't be asking you, Mr. Emerson. I'm sorry. There is going to be
507 a drive gate somewhere, right? Looking at the asphalt detail, you're planning to
508 have that as emergency access?
509
510 Mr. Condlin - Our expectation is not just to limit it to emergency
511 access, to allow employees to bring inventory into the site in here so that they
512 don't have to drive through and disturb customers. And the drive through the
513 inventory is a kind of long and narrow way. It's a little easier to get in through
514 here.
515
516 Mr. Leabough - So then it does speak to her concern about additional
517 traffic. It's just not from the office and the chiropractor use.
518
519 Mr. Condlin - Sure, there will be some traffic. It's not going to be
520 limited to emergency access. It will be employees only; it won't be customer
521 traffic. We have a proffer that specifically follows the Pearson case that does not
522 allow for any offloading of any trucks. We don't anticipate any truck—
523
524 Mr. Leabough - So they can't pull the—yes, trucks there.
525

526 Mr. Emerson - Right. They can't park in the road. They have to come
527 in from the Broad Street side for that.

528
529 Mr. Leabough - That's the main concern I had.

530
531 Mr. Condlin - Their expectations are to mostly come in through
532 Broad. There will be some coming in and out just because they're in their car in
533 there.

534
535 Mr. Emerson - This case is essentially a mirror image of what was
536 done for Pearson next door.

537
538 Mr. Condlin - I let Mr. Theobald do all the work, and then I just
539 copied his work for this case. Tell him that.

540
541 Mr. Leabough - All right, thank you, sir. Appreciate it.

542
543 Mr. Baka - Any other questions from the Commission? Seeing
544 none, I would recognize that the proposed use does not appear to adversely
545 affect the health, safety, or welfare of neighboring properties. Mr. Cejka
546 mentioned that there are measures in place to help alleviate the traffic and
547 recognize the depth of that curve with the five-foot chevron signs and future
548 sidewalk plans. Therefore, at this point I would move that REZ2018-00026,
549 Andrew M. Condlin for McGeorge Financial 8225, LLC and Waco Street, LLC, be
550 forward on to the Board of Supervisors with a recommendation of approval with
551 proffers 1 through 10 dated April 12, 2018.

552
553 Mr. Leabough - June 11th, right?

554
555 Mr. Baka - I'm sorry. Dated June 11, 2018.

556
557 Mr. Leabough - Second.

558
559 Mr. Baka - We have a motion by Mr. Baka and a second by
560 Mr. Leabough. All in favor say aye. Those opposed say no. There is no
561 opposition; this motion passes.

562
563 **REASON -** Acting on motion by Mr. Baka, seconded by Mr.
564 Leabough, the Planning Commission voted 4-0 (one absent, one abstention) to
565 recommend the Board of Supervisors **grant** the request because it continues a
566 form of zoning consistent with the area and the business use is compatible with
567 surrounding development.

568
569 And Mr. Emerson, for those in the audience, this would go onto the July Board of
570 Supervisors' meeting?

571

572 Mr. Emerson - July 10th, yes sir.

573

574 Mr. Baka - Tuesday, July 10th, Board of Supervisors' meeting.
575 This is a recommendation to that Board.

576

577 Mr. Emerson - Mr. Chairman, next on your agenda also appears on
578 page 1, and it is REZ2018-00027, Staples Mill Investments, LLC. The staff report
579 will be presented by Mr. Ben Sehl.

580

581 **REZ2018-00027 Staples Mill Investments, LLC:** Request to
582 conditionally rezone from A-1 Agricultural District to R-5AC General Residence
583 District (Conditional) Parcel 756-761-2574 containing 9.85 acres located on the
584 north line of Hungary Road approximately 240' west of its intersection with
585 Fairlake Lane. The applicant proposes detached dwellings with zero lot lines.
586 The use will be controlled by zoning ordinance regulations and proffered
587 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2,
588 density should not exceed 3.4 units per acre and Environmental Protection Area.

589

590 Mr. Baka - Is there anyone present who is opposed to REZ2018-
591 00027, Staples Mill Investments, LLC? A couple. We'll get to you in just a few
592 minutes. Mr. Sehl?

593

594 Mr. Sehl - Thank you.

595

596 The applicant proposes to develop twenty-three detached homes on zero lot
597 lines just east of Springfield Road adjacent to the Broad Meadows subdivision.
598 The property has frontage on Hungary Road, as well as two stub streets that
599 were platted as part of Broad Meadows Section A in 1974.

600

601 The site is designated Suburban Residential 2 on the 2026 Comprehensive Plan,
602 which recommends single family dwellings up to 3.4 units per acre. This request,
603 with an equivalent density of 2.33 units per acre, is consistent with this
604 designation.

605

606 The applicant has proffered architectural elevations as well as this conceptual
607 plan. As shown here, the site would be accessed via Horizon Road, one of the
608 stub streets platted in 1974. The submitted proffers address typical items for
609 developments of this type, as well as various quality guarantees. They also
610 include details regarding the buffer along Hungary Road, which would include
611 plantings equivalent to a transitional buffer 35.

612

613 The applicant held a community meeting on May 15th, where residents noted
614 some concerns regarding buffering, but no specific concerns about the proposed
615 use. Staff notes a transitional buffer 10 is required between the development and
616 adjacent homes to the east and north.

617

618 Overall, staff believes this request is largely consistent with the recommendations
619 of the Comprehensive Plan and would allow for additional housing options in the
620 area. Staff notes the request could be enhanced by ensuring sidewalk is
621 constructed along the site's Hungary Road frontage, to the extent allowed by the
622 site's environmental constraints. The applicant is also encouraged to address
623 staff's concerns regarding the orientation of lot 1, which would be located to the
624 rear of three lots as shown on the concept plan. The applicant has indicated a
625 willingness to address the sidewalk issue, and has also provided this potential
626 concept plan revision, showing additional common area adjacent to lot 1 to
627 provide additional separation between that lot and the rear of the adjacent
628 homes. Staff notes the plan is conceptual in nature, meaning final engineering
629 during the subdivision and plan of development process may result in additional
630 changes to the layout shown and would determine the ultimate the viability of
631 lot 1.

632
633 This concludes my presentation. I will be happy to answer any questions.

634
635 Mr. Baka - Any questions of staff? Very good. Mrs. Kotula, how
636 would you like to proceed?

637
638 Mrs. Kotula - Let's hear from the opposition first, and then we can
639 hear from the applicant.

640
641 Mr. Baka - Thank you. Mr. Secretary, would you please discuss
642 the guidelines for our time limits for our public hearings?

643
644 Mr. Emerson - Yes sir, Mr. Chairman. As you mention, the
645 Commission does have guidelines that govern the conduct of their public
646 hearings and they are as follows: The applicant is allowed ten minutes to present
647 the request, and time may be reserved for responses to testimony. Opposition is
648 allowed a cumulative ten minutes to present its concerns, meaning everyone that
649 wants to speak needs to speak within that ten-minute time frame. Commission
650 questions do not count into those time limits, and the Commission may waive the
651 limits for either party at its own discretion, and comments must be directly related
652 to the case under consideration.

653
654 Mr. Baka - Thank you. At this time, would anyone who would like
655 to speak please come forward to the podium. Please state your name for the
656 record.

657
658 Ms. Kammeter - My name is Debbie Kammeter. I live at 4604 Fairlake
659 Lane in Broad Meadows. This property will be in my backyard. My concern is that
660 of traffic. I was so grateful that we had our first meeting, and we were able to
661 explain some of that. But at the intersection of Hungary and Fairlake Lane there
662 are several accidents that occur there all the time. It's even getting worse. My
663 concern is now you're going to be bringing in more traffic onto Fairlake, and I'm

664 concerned about people getting in and out. Even if you come either way on
665 Hungary Road to turn into Fairlake, when you're in those turn lanes, you have
666 poor visibility to try to get into there. So I always ask people please drive that
667 area yourself. Be there, sit there in peak times and see what happened. I've been
668 a sitting duck several times just sitting there trying to get out and accidents right
669 in front of you both ways, coming and going.

670

671 We have had several community meetings for Broad Meadows and have
672 expressed this to the County because of our concerns. I don't want to call 911
673 anymore. I'm only three houses in, so I hear it all the time. So there's an impact
674 there through EMS. I don't want anybody to die because somebody says you
675 can't have a traffic light at Springfield, Fairlake, and Francistown. So I just
676 wanted to bring that forth.

677

678 I'm not opposed to the development. I'm more concerned about the traffic. We
679 originally were told it was twenty-four homes. So you figure probably minimally
680 you're going to have forty-eight cars. They're all going to go by me because
681 we're closer to Hungary Road.

682

683 What people are doing now in our development, they're going out Broad
684 Meadows Road. They're going right or left. So they're going to Francistown to the
685 traffic light or they're going left on Broad Meadows and going out to Springfield,
686 which has no traffic light. People have learned how to navigate in the community.
687 But there's a lot of housing back where we're at. But my concern is what's
688 happening.

689

690 And I have to tell you that is a freeway. People who want to say Hungary Road is
691 not, it is a freeway. People are not going the speed limit, so they're sailing
692 through there.

693

694 I thank you for letting me have this opportunity.

695

696 Mr. Baka - Any questions from the Commission?

697

698 Ms. Kammeter - And I've lived there for 45-1/2 years.

699

700 Mrs. Kotula - Thank you for coming.

701

702 Mr. Baka - Yes ma'am.

703

704 Ms. Kammeter - I knew then it was a windy road.

705

706 Mrs. Kotula - And thank you for coming to the community meeting.

707

708 Ms. Kammeter - Thank you.

709

710 Mr. Baka - Welcome, and please state your name for the record.

711

712 Ms. Salo - Good evening. My name is Jayne Salo, and I am a
713 resident at 9404 Coleson Road, which is just one or two streets down from where
714 you're going to be going through.

715

716 I also am very concerned about the traffic. Making a left-hand turn onto Fairlake
717 from Hungary Road, you take your life in your hands because you can't see the
718 oncoming traffic. If there is a car turning in the opposite direction, you can't see
719 oncoming traffic. The lady is correct about it being a freeway. During peak hours,
720 you can be sitting there forever. And I have tried all kinds of different ways. Yes, I
721 go down to Packard. I go down Broad Meadows to go out to Francistown or
722 down Broad Meadows to come out onto Springfield. None of it is necessarily
723 helpful. So I am very concerned about traffic.

724

725 I'm very concerned about putting roads through. If I understood correctly, there're
726 going to extend Horizon and not Coleson. Coleson is also a dead-end street. And
727 it backs up to the woods there. There's also a creek and a walking trail back in
728 there, and I don't know if that's going to remain or not. But it's been a real benefit
729 in that area.

730

731 I'm very concerned about it. It's bad enough being on the tacky light tour. I'm very
732 grateful to be on the part of Coleson that's the dead end and not the other part.
733 But that's my concern.

734

735 Mr. Baka - I've been by that house.

736

737 Ms. Kammeter - Mmm-hmm. Well I'm on the other end. But that is my
738 concern. And I've been a resident there for thirty years.

739

740 Mr. Baka - Any questions from the Commission?

741

742 Mrs. Kotula - Thank you for coming out.

743

744 Mr. Baka - How would you like to proceed? Would you like to
745 hear from the applicant?

746

747 Mrs. Kotula - Yes, let's hear from the applicant.

748

749 Mr. Geiger - Good evening, Mr. Chairman, members of the
750 Commission. My name is Jeff Geiger with Hirschler Fleischer here on behalf of
751 the applicant Staples Mill Investments LLC.

752

753 As staff mentioned, the request before you is a request to rezone the property to
754 R-5A for a quality infill zero lot line, single-family detached community consisting
755 of twenty-three new homes.

756

757 We did hold a community meeting on May 15th, and we presented to the
758 community a project that we have taken great care to design in a way that is
759 compatible with the surrounding neighborhood. The request before you includes
760 proffered conditions that will help ensure the quality of the development and the
761 homes that are in there. The request before you is in compliance with the Land
762 Use Plan.

763

764 With respect to the questions that were raised about traffic, it was a topic that
765 was discussed. I think there was some good information presented at the
766 community meeting. The applicant worked closely with Mr. Cejka in designing the
767 layout for the new community and presenting options to him for how the road
768 network should be laid out within the community. The ultimate layout within the
769 community that we have shown you is what was preferred from a safety
770 perspective. As you'll note in the staff report, a connection to Hungary Road was
771 not permitted.

772

773 In addition, at the community meeting there was talk—if I could switch back to
774 the staff presentation.

775

776 Mr. Leabough - Do you need some help, Mr. Geiger?

777

778 Mr. Geiger - Yes. Which one is it? Sorry.

779

780 Mr. Emerson - Can somebody step up?

781

782 Mr. Geiger - If we zoom in here, there is a tree at that intersection,
783 and staff has conveyed to the community that there was some work being done
784 to trim that back in order to improve sightline. In addition, part of Mr. Cejka's
785 review of the road plan that was presented was concern about not adding
786 additional safety concerns along Hungary Road.

787

788 Also, just to address the comments. We're obviously not connecting to Coleson
789 Road. That walking trail is on the property to the rear and will be remaining.

790

791 As staff noted, we have been working with the staff on the design for lot 1. It was
792 designed as a legal lot. We do believe it will be one of the more attractive lots
793 within the development. It has open space on three sides: the rear, the side, and
794 the front. I would also note that from a fire perspective, the Fire Department did
795 not have any concerns with the lot, as noted in the staff report.

796

797 As staff mentioned, we have proposed an alternate layout here, providing a 25-
798 foot-wide common area. The applicant is willing to work with the Planning staff
799 between here and the Board on a landscape plan to provide screening within that
800 common area. Or the applicant is willing to work with the Planning staff at the
801 time of landscape plan review, as staff may prefer.

802

803 We believe that this request brings in a new quality development into this area. It
804 represents the last phase of the Broad Meadows subdivision. With this new
805 investment in these homes, it will encourage reinvestment and rejuvenation in
806 the surrounding housing stock.

807

808 I'll be glad to answer any questions the Commission may have. I otherwise
809 request that you recommend approval of the request before you.

810

811 Mr. Baka - Any questions of the applicant?

812

813 Mrs. Kotula - I had a couple questions. The sidewalk along
814 Hungary Road, could you just update us where you all are on that?

815

816 Mr. Geiger - The applicant is willing to provide and has
817 communicated to staff that the applicant is willing to provide the sidewalk along
818 Hungary road.

819

820 Mrs. Kotula - And then I had heard concerns about the preservation
821 of the creek in addition to the trail. Could you address that a little bit?

822

823 Mr. Geiger - Sure. As you can see in the layout we have, there is
824 an existing—Meredith Creek runs here, and that will all be preserved with an
825 open space. There is an intermittent stream that runs generally with this dotted
826 line. There is also an existing sewer line running through here. These areas will
827 not be disturbed. What looks like a lot here will be open space. And similarly
828 here, what looks like a lot will also be open space. The walking trail, if that is
829 what you were referring to, again, is off the property and will not be disturbed.

830

831 Mrs. Kotula - Lot 1, could you describe the planned orientation of
832 the home that is to be built there?

833

834 Mr. Geiger - Sure. Lot 1 has a full lot frontage here and will extend
835 back. It'll have driveway access coming to the back. Orientation will be front to
836 this large common area. And then one side will be presented to the common
837 area over here and the rear will have a view of the large common area here. And
838 then with the modification, we'll also have landscape screening on the other side.

839

840 Mr. Archer - Before you leave that, go over that again with me,
841 could you?

842

843 Mr. Geiger - Sure.

844

845 Mr. Archer - The front of the house on that lot will face what
846 direction?

847

848 Mr. Geiger - The common area here towards Hungary Road.
849
850 Mr. Archer - And the driveway will be off the cul-de-sac?
851
852 Mr. Geiger - It will be off the cul-de-sac coming along here.
853
854 Mr. Archer - Okay.
855
856 Mr. Geiger - And we have full lot width road frontage with the lot
857 here.
858
859 Mr. Archer - What is the width of the face?
860
861 Mr. Geiger - Forty feet. Fifty feet?
862
863 Mrs. Kotula - It has to be fifty, right?
864
865 Mr. Emerson - Yes, it has to be fifty.
866
867 Mr. Geiger - Fifty feet.
868
869 Mr. Leabough - So you've expanded the size of the lot based on
870 what's shown in red on the concept plan?
871
872 Mr. Geiger - We have shifted the lot up.
873
874 Mr. Leabough - So it's just shifted over from where the original lot line
875 was.
876
877 Mr. Geiger - Yes sir, that's correct.
878
879 Mr. Leabough - Another question. The common area, will this be a
880 part of an HOA?
881
882 Mr. Geiger - Yes. One of the proffers includes the recordation of a
883 declaration to form that HOA and provide quality controls within the community.
884
885 Mr. Leabough - I'm assuming that most of the common area you're
886 just going to leave natural?
887
888 Mr. Geiger - Yes sir.
889
890 Mr. Leabough - There is no requirement to mow.
891
892 Mr. Geiger - No. It will remain in its natural state just due to some
893 of the environmentally sensitive areas within the common area.

894

Mr. Leabough - Okay. Thank you. No further questions.

896

Mr. Baka - Other questions of the applicant? I have a question regarding the traffic of Mr. Cejka, if I may. And others may also.

899

Mr. Cejka - Good evening, Mr. Chair.

901

Mr. Baka - Good evening. As I understand it, this development would extend Horizon Road to access the lots that we see on the concept plan in front of us. You take Horizon, and you drive out Fairlake Lane past existing homes that have been there many years, and then on to Hungary. This would add the amount of vehicles from twenty-four homes on that road. Would you have the approximate traffic counts available for Hungary Road from east of Springfield?

909

Mr. Cejka - Yes sir. The approximate count is roughly 21,000 vehicles a day.

912

Mr. Cejka - So this would add the vehicles from about twenty-four homes. Okay. Are there any reasonable accommodations for safety? Hungary is a straightaway. As you come down—and I've done it many times—Springfield Road and head east, you're heading downhill. Are there any reasonable traffic accommodations that could be made along Hungary for traffic safety?

918

Mr. Cejka - There is currently a speed limit sign just past Springfield Road, east of Springfield Road. Approaching Fairlake there are intersection warning signs in both directions.

922

In reference to that tree that's an issue at the intersection he spoke about, we did go out in March and cut a good section of that tree off to increase the sight distance. It is probably an annual thing. Sometimes every two years, we do go out there and trim that tree.

927

Mrs. Kotula - The tree is on private property, so you're working with the owners or?

930

Mr. Cejka - That's correct. The part that's on the right of way we just take care of. But this last time we actually went further back so we don't have to return as quickly. And we did contact the homeowner, and they gave permission to cut it back.

935

Mr. Baka - Other questions?

937

Mrs. Kotula - I think that's it.

939

940 Mr. Cejka - Thank you.
941
942 Mr. Baka - Thank you. Any other questions from staff?
943
944 Mrs. Kotula - Well hopefully we can continue to work with the traffic
945 folks to address the community concerns on Hungary Road. It sounds a little bit
946 more of a larger issue than specifically with this development site. But having
947 said that, I do appreciate the community members coming out, not just tonight,
948 but also to the community meeting last month. I always appreciate the
949 engagement.
950
951 I think most of my concerns with this site had been addressed at this point, so I
952 move, Mr. Chairman, that REZ2018-00027, Staples Mill Investments, LLC, be
953 forwarded to the Board of Supervisors with a recommendation of approval with
954 proffers 1 through 16 dated May 22, 2018, with the commitment that you all will
955 work with the Planning staff on that additional common area piece before the
956 Board meeting.
957
958 Mr. Emerson - And the sidewalk.
959
960 Mrs. Kotula - And the sidewalk.
961
962 Mr. Leabough - Second.
963
964 Mr. Baka - We have a motion by Mrs. Kotula, a second by
965 Mr. Leabough. All in favor say aye. Those opposed say no. There is no
966 opposition; this motion passes. And again, this is a recommendation to the Board
967 of Supervisors for their Tuesday, July 10th Board of Supervisors' meeting.
968
969 **REASON -** Acting on a motion by Mrs. Kotula, seconded by Mr.
970 Leabough, the Planning Commission voted 4-0 (one absent, one abstention) to
971 recommend the Board of Supervisors **grant** the request because it conforms to
972 the recommendations of the Comprehensive Plan, is appropriate residential
973 zoning at this location, and the proffered conditions will assure a level of
974 development otherwise not possible.
975
976 Mr. Emerson - Mr. Chairman, we now move on to page 3 of your
977 agenda for your first discussion item. This is consideration of Resolution PCR-4-
978 18.
979
980 The County Attorneys have requested that the Commission adopt this Resolution
981 so we may begin this work. We don't have detailed ordinance information at this
982 time. We'd like to get that together and bring it to you. I will be asking you for a
983 work session on the next discussion item. It may actually be a public hearing on
984 these items at your July 12th meeting, but we'll go over the changes with you in
985 work session prior to that meeting. We want to try to get them to the Board as

986 quickly as possible. They're minor in nature for the most part. Mr. Humphreys,
987 who follows the legislation for us, is going to briefly go over some of those
988 changes.

989

990 **DISCUSSION ITEM: RESOLUTION: PCR-4-18:** To Initiate Consideration
991 of Zoning Ordinance Amendments to Implement Legislative Enactments of The
992 2018 Virginia General Assembly.

993

994 Mr. Humphreys - Good evening, Mr. Chairman, members of the
995 Planning Commission. Before you this evening is a resolution to direct the
996 Planning Department to research and prepare code amendments to the Zoning
997 Ordinance made necessary by legislation passed by the Virginia General
998 Assembly during their 2018 session.

999

1000 There are several specific bills the Planning Department will need to look at.
1001 HB 709 and its companion bill Senate bill 187 regarding zoning violation penalty
1002 amounts which raise the maximum amount that we could charge for those. We
1003 need to look at that in terms of our code.

1004

1005 HB 796 is in regard to granting of variances for ADA needs. That would deal with
1006 the BZA and their responsibilities.

1007

1008 And then Senate bill 993, which is regarding plan submissions and allowable
1009 times for review by the County. We need to look at our code and determine if we
1010 need to make any changes with that.

1011

1012 There may be other bills passed by the General Assembly that will affect the
1013 procedures of the Planning Department, but these are the only ones that would
1014 require amendments to the Zoning Ordinance. The Planning Department will
1015 work with the County Attorney's Office on the exact language for each of the
1016 needed amendments and present them to you at a future meeting, as
1017 Mr. Emerson just discussed with you.

1018

1019 This concludes my portion of the presentation. I'd be happy to answer any
1020 questions you may have.

1021

1022 Mr. Baka - Any questions of Mr. Humphreys?

1023

1024 Mr. Archer - Mr. Humphreys, we're all friends here. Anything in
1025 particular you can think of that sticks out that we need to pay particular attention
1026 to?

1027

1028 Mr. Humphreys - Just these items, as far as we're aware. The one
1029 major item that came up this year that is not on here but is regarding our
1030 procedures is regarding telecommunications infrastructure. That may affect some

1031 of the conditions that we're allowed to place on those. But other than that, there's
1032 nothing—this was actually kind of a light year—

1033
1034 Mr. Archer - Well good.

1035
1036 Mr. Humphreys - —in terms of planning, which is always a good thing.
1037 After the proffer legislation that we had a few years ago, I think they're giving us
1038 a little bit of a break from some of those things. And we're continuing to watch the
1039 developments in regard to that legislation as well. I went down to the General
1040 Assembly a month or two ago and listened to a session on that and where
1041 they're planning to go with some of the bills that were carried over that would
1042 amend that legislation.

1043
1044 Mr. Archer - Okay.

1045
1046 Mrs. Kotula - Let me know when you come down; my office is in the
1047 building.

1048
1049 Mr. Humphreys - The temporary building?

1050
1051 Mr. Baka - Other questions?

1052
1053 Mr. Emerson - I was just going to say, Mr. Chairman, unless you
1054 have other questions, we'd like to have a motion moving this resolution.

1055
1056 Mr. Baka - Okay, a motion is in order.

1057
1058 Mr. Leabough - I move approval of Resolution PCR-4-18.

1059
1060 Mr. Archer - And I second.

1061
1062 Mr. Baka - We have a motion by Mr. Leabough and a second by
1063 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
1064 this motion passes.

1065
1066 Mr. Emerson - Mr. Chairman, next on your agenda is another
1067 discussion item.

1068
1069 **DISCUSSION ITEM:** The Planning Commission will consider holding a
1070 work session on Thursday, July 12th to discuss the Route 5 Corridor Study.

1071
1072 Mr. Emerson - I am requesting that you hold a work session on
1073 Thursday, July 12th at 5:30 p.m. That time frame was not on your agenda, but
1074 that was the determination I came up with after discussion with staff in trying to
1075 determine how much time we need to go over the revised study with you.

1076

1077 I'm sure many of you are aware Mr. Leabough will be leaving us. We'll have a
1078 new Varina representative. I'd like to give that representative every opportunity.
1079 Of course we'll meet with them prior to their first meeting, but also we would like
1080 to go through in depth the Route 5 Corridor Study.
1081

1082 After we go over this with you, I believe we've gotten to the point where we're
1083 prepared to hold a public hearing. So if it meets with your desires, after the
1084 work session I would request that you schedule a public hearing probably in
1085 September on this document.
1086

1087 So we would request 5:30. Now we've had an addition from the County attorney
1088 to request that we consider these ordinances and these ordinance changes. So
1089 we need a little extra time to go over that with you as well. So if it meets with your
1090 liking, I would like to schedule a work session for 5:30 on Thursday, July 12th.
1091

1092 Mr. Baka - Very good. Do you need a motion for that or just go
1093 with consent?
1094

1095 Mr. Emerson - Consent is fine.
1096

1097 Mr. Leabough - I was hoping that we could wrap that up before the
1098 end of the month, Mr. Emerson. You don't think that's possible?
1099

1100 Mr. Emerson - Well we can try.
1101

1102 Mr. Leabough - It's a work session.
1103

1104 Mr. Emerson - You're more than welcome to attend. We'll even order
1105 an extra meal for you. We do have the board meeting room on the third floor
1106 reserved for you, so that's where we will hold it. And we will provide a meal.
1107

1108 With that, Mr. Chairman, the next item is the consideration of the approval of the
1109 minutes from the May 10th meeting. We did not receive any comments for an
1110 errata sheet, but certainly we'll entertain any changes you may have.
1111

1112 Mr. Baka - Any changes to the minutes? A motion would be in
1113 order.
1114

1115 Mr. Archer - I move approval of the minutes as written.
1116

1117 Mrs. Kotula - Second.
1118

1119 Mr. Baka - We have a motion by Mr. Archer and a second by
1120 Mrs. Kotula. All in favor say aye. Those opposed say no. There is no opposition;
1121 this motion passes.
1122

1123 Mr. Emerson - Mr. Chairman. I have nothing further for the
1124 Commission this evening.

1125
1126 Mr. Archer - Mr. Chairman, if I may interject something.

1127
1128 Mr. Baka - Yes sir.

1129
1130 Mr. Archer - You know that magazine we get every month that
1131 nobody reads that's called *Planning*? There's an interesting article in the last
1132 issue on Airbnb. So read this one. You only have to read the one article.

1133
1134 Mr. Emerson - Mr. Archer, since you brought up Airbnb, I will tell you
1135 we will show the hearing for the Airbnb ordinance next month. However, I'll be
1136 asking you to again defer that out probably to September or October as we
1137 continue to work with finance to get the details of the registry worked out. We
1138 need to get that straight, determine what that final number is. As we said before,
1139 it's kind of hard for everybody to understand that entire package without fully
1140 understanding the registry. So we're working on the final details on that.

1141
1142 Now that we've made those decisions, we have to look at a software package to
1143 assist with some of those things. There are two private entities that provide that.
1144 As you'll recall, I was planning on using one of those entities just to gain the
1145 addresses of all the operators in the County. That's all I need it for, because I'm
1146 not going to be handling the registry end as far as collecting the money and
1147 doing the things that Finance will be doing. There are many other modules to that
1148 software or to that platform that works with the Airbnb licensing and collection
1149 and things of that nature. So Finance is becoming more involved, and they're
1150 having to weigh in as far as what pieces of that platform that they may need or
1151 would like to have. So we have to get all that determined because it quite
1152 honestly doesn't make any sense for me to go spend five thousand dollars to get
1153 that one one-time service when we're going to need this continuing service. So
1154 we need to get those decisions made.

1155
1156 I still desire to do that mailing in order to notify everyone that we're working on
1157 this.

1158
1159 One thing that was interesting. I interviewed the two platform operators, and they
1160 did what they call a scrape of the operations in Henrico County. They look at over
1161 fifty, I believe, platforms where these are advertised. We had thought we were
1162 seeing around three hundred of these. One of the platforms told me we have
1163 between four fifty and five fifty and the other one said we had in excess of six
1164 hundred.

1165
1166 I take that with a grain of salt because that hasn't been washed, and people
1167 advertise in multiple locations. So that number would come down, but that's a

1168 higher number than what I anticipated. The flip side of that is we've only had one
1169 real complaint out of all those operators.

1170

1171 Mrs. O'Bannon - Mr. Emerson, is that impacting the hotel business? By
1172 that I mean if we had more hotels would it help?

1173

1174 Mr. Emerson - Mrs. O'Bannon, we're working with the regional
1175 tourism group on this as well, and I had that same question. I always felt like the
1176 Airbnb industry would be opposed by the traditional hospitality industry. But as
1177 it's been explained to me by Jack Berry, it's an additional amenity or opportunity
1178 the region can offer to a tourist. The hotel/motel industry is not opposed to it.
1179 According to the documents I've seen and what I hear from our hospitality folks,
1180 we have a shortage of hotel and motel rooms.

1181

1182 Mrs. O'Bannon - Well that's what I mean.

1183

1184 Mr. Leabough - I'm sure it was a quality [unintelligible].

1185

1186 Mr. Emerson - Certainly, Mr. Leabough, that's correct. A lot of people
1187 prefer this.

1188

1189 Mr. Leabough - Quick question, Mr. Emerson.

1190

1191 Mr. Emerson - Yes sir.

1192

1193 Mr. Leabough - How do the Airbnbs verify that individuals are over—
1194 and you all probably answered this during the meeting. But how do they verify
1195 that people are at least twenty-one years of age—or is it eighteen? Eighteen
1196 years of age or older.

1197

1198 Mr. Emerson - How does an operator verify that?

1199

1200 Mr. Leabough - Yes.

1201

1202 Mr. Emerson - I have no idea.

1203

1204 Mr. Leabough - You book online, and then you get there. They may
1205 be under age.

1206

1207 Mr. Emerson - Right. Just like any rental property, that's all within the
1208 purview and the quality control of the operator themselves. Hotels/motels, unless
1209 there's an issue, we're not going to find out how they're renting their rooms.

1210

1211 Mr. Leabough - I would hope that they have a check-and-balance in
1212 place to make sure that individuals are at least eighteen years of age or older.
1213 But with private operators that are not—I don't know if there are enough checks

1214 and balances from that perspective to make sure that they're not under-age
1215 individuals renting through Airbnb.

1216

1217 Mr. Emerson - Right. And certainly we could place some type of
1218 regular like that, but how you enforce it . . .

1219

1220 Mr. Leabough - Yes, you couldn't enforce it; that's the problem.

1221

1222 Mr. Emerson - The only time you'd be able to enforce it would be if
1223 something happened involving an individual under that age and it came to the
1224 attention of the County in some sort of regulatory fashion and it just became part
1225 of an overall action.

1226

1227 Mr. Archer - I think the hearing that we had, whenever it was that
1228 we had it, was one of the better ones we've had. For one time we had people
1229 here who presented both sides of the argument. Even though only the one
1230 gentleman came . . . what he said sounded pretty positive to me when everything
1231 else in here was all negative from the folks that are concerned about these
1232 things.

1233

1234 Mr. Baka - That was particularly due to the impact on that one
1235 neighborhood and the history they had. Some of that's been cleaned up, from
1236 what I understood.

1237

1238 Mr. Archer - If you look at the number that Mr. Secretary just said
1239 we could possibly have, that wasn't even the tip of the iceberg.

1240

1241 Mr. Emerson - And you have to remember is one thing you don't
1242 want to encourage, I think, is the commercialization of the neighborhoods. That's
1243 the reason people move into single-family neighborhoods. That is the whole
1244 concept of zoning is to try to keep some of these uses separated. In a limited
1245 fashion, I think there are two sides to the story, and there has to be a way to
1246 accommodate both entities and both philosophies in some balanced manner. So
1247 the question is, how do you split the baby?

1248

1249 Mrs. O'Bannon - One of the things I remember in years past, thirty and
1250 fifty years ago, a bed and breakfast or a B&B had to be on a road that was wider
1251 and had a lot more traffic. You couldn't put them in a neighborhood. A road like, I
1252 don't know, Parham or something. Some road that has extra traffic. That was one
1253 of the criteria. But we're not doing that with this.

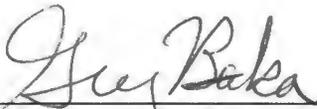
1254

1255 The other thing about a lot of the Airbnbs that you can rent if you look online,
1256 they're on a river or have a pretty view or something, in the mountains. What
1257 we're talking about is exactly what you said; they're just regular old houses in a
1258 regular old neighborhood.

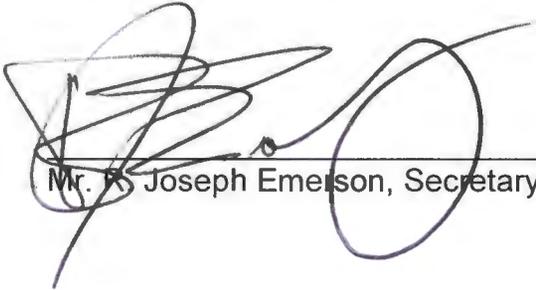
1259

1260 Mr. Emerson - I've been told there's a treehouse for rent in
1261 Tuckahoe. And it gets rented.
1262
1263 Mrs. O'Bannon - It does?
1264
1265 Mr. Emerson - Yes ma'am.
1266
1267 Mrs. O'Bannon - Does it have water and electricity?
1268
1269 Mr. Emerson - No.
1270
1271 Mrs. O'Bannon - You're kidding?
1272
1273 Mr. Emerson - It had a nice view of the river, I understand. According
1274 to the website.
1275
1276 Mr. Archer - Mr. Secretary, depending on where you are, people
1277 have varying reasons for liking or disliking bed and breakfasts. I was in
1278 Cooperstown a couple of week ago. When I was online looking for hotel space, if
1279 you wanted to be anywhere in Cooperstown, it had to be a bed and breakfast.
1280 That was about it. And some old hotels that I know my wife wouldn't want to stay
1281 in even though they're probably pretty neat. So we ended up staying about four
1282 miles out of Cooperstown, and then we drove into Cooperstown, which is
1283 probably about as big as this complex. I was really surprised how small it was.
1284 But it was the home of James Fenimore Cooper.
1285
1286 But in certain areas of the country, people would really prefer a bed and
1287 breakfast over a hotel. It just depends on where you're from and what you're
1288 looking for. Anyway, that's neither here nor there.
1289
1290 Mr. Emerson - It's a broad-ranging topic, and we're far from finishing
1291 it. And all your points are well taken, and that's what we want to hear. If there are
1292 changes that need to be made in what staff's put forward, we need know that.
1293
1294 Mr. Baka - Very good. Is there any more business to come
1295 before the Commission tonight? Now a motion would be in order.
1296
1297 Mr. Archer - I move that we adjourn the meeting before something
1298 else does come up.
1299
1300 Mr. Leabough - I second.
1301
1302 Mr. Baka - We have a motion and a second. The meeting is
1303 adjourned.
1304
1305

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Mr. Gregory R. Baka, Acting Chairman



Mr. Joseph Emerson, Secretary