

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads beginning at 9:00 a.m. Wednesday, April 24, 2019.

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

- Others Present: Ms. Leslie A. News, PLA, Senior Principal Planner
Mr. Michael F. Kennedy, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Doug Cole, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Ms. Aimee B. Crady, AICP, County Planner
Ms. Kate B. McMillion, County Planner
Mr. Salim Chishti, ASLA, County Planner
Mr. Spencer Norman, County Planner
Mr. Gary DuVall, Assistant Traffic Engineer
Ms. Sharon Smidler
Mr. William Moffett, Police
Mr. Andrew Newby, Assistant County Attorney
Mr. Ben Blankinship, Zoning Division Manager
Mr. Miguel Madrigal, County Planner
Ms. Melissa Ferrante, Office Assistant / Recording Secretary

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

8

9 Mr. Baka - Good morning again and welcome. I call this meeting of the
10 Henrico County Planning Commission to order. This is our plans of development meeting
11 for April 24, 2019. At this time, I'd like to ask that you take a moment to silence your cell
12 phones. And please stand with the Commission for the Pledge of Allegiance.

13

14 Do we have anyone in the audience this morning with the news media? Okay. Mr. Frank
15 Thornton is our representative from the Board of Supervisors, who sits with the Planning
16 Commission for 2019. He's absent this morning, he had a conflicting meeting. We do
7 have a majority of our Planning Commissioners present, and we do have a quorum, so

18 we can conduct business. At this point, I will turn the agenda over to Mr. Emerson, our
19 secretary.

20
21 Mr. Emerson - Thank you Mr. Chairman. First item on the agenda this
22 morning are the requests for deferrals and withdrawals. There are none of those this
23 morning. So we'll move on to the next item, which are the expedited items. They will be
24 presented by Ms. Leslie News.

25
26 Ms. News - Thank you Mr. Secretary, and good morning members of the
27 Commission. We have three items on our expedited agenda this morning. The first is
28 found on page six of your agenda and is located in the Varina District. This is POD2019-
29 00106 Airport Logistics Center Phase II and staff recommends approval.

30
31 **PLAN OF DEVELOPMENT**

32
POD2019-00106
Airport Logistics Center
Phase II – 6101 South
Laburnum Avenue

Townes Site Engineering for Laburnum Land Virginia Becknell Investor and Becknell Industrial: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two one-story warehouse/distribution buildings totaling 370,930 square feet, with associated parking and loading areas. The 59.67-acre site is located on the east line of South Laburnum Avenue, the north line of Seven Hills Boulevard, and the west line of Miller Road, on parcel 816-705-4345. The zoning is M-2C, General Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

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34
35 Mr. Baka - Anyone here in opposition to POD2019-00106 Airport
36 Logistics Center Phase II? Alright, seeing none.

37
38 Mr. Mackey - Okay, Mr. Chairman, seeing no opposition, I move POD2019-
39 00106 Airport Logistics Center Phase II be approved on the expedited agenda, subject to
40 the annotations on the plans, the standard conditions for developments of this type, and
41 additional conditions 29 through 31 on the agenda.

42
43 Mrs. Thornton - Second.

44
45 Mr. Baka - We have a motion by Mr. Mackey and a second by Mrs.
46 Thornton. All those in favor say aye.

47
48 Commissioners - Aye.

49
50 Mr. Baka - Those opposed say no. That motion passes.

51

52 The Planning Commission approved the plan of development for POD2019-00106,
53 Airport Logistics Center Phase II, subject to the annotations on the plans, the standard
54 conditions attached to these minutes for developments of this type, and the following
55 additional conditions:

- 56
- 57 29. The proffers approved as a part of zoning case C-75C-89 shall be incorporated in
58 this approval.
- 59 30. The location of all existing and proposed utility and mechanical equipment
60 (including HVAC units, electric meters, junction and accessory boxes,
61 transformers, and generators) shall be identified on the landscape plans. All
62 equipment shall be screened by such measures as determined appropriate by the
63 Director of Planning or the Planning Commission at the time of plan approval.
- 64 31. The conceptual master plan, as submitted with this application, is for planning and
65 information purposes only. All subsequent detailed plans of development needed
66 to implement this conceptual plan shall be submitted for staff review and Planning
67 Commission approval and shall be subject to all regulations in effect at the time
68 such subsequent plans are submitted for review/ approval.

69

70 Ms. News - The next item is on page eight of your agenda and is located
71 in the Fairfield District. This is POD2019-00101, which also includes the lighting plan,
72 Ample Self Storage Route 360 Revised and staff recommends approval.

73

74 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

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| POD2019-00101 (POD2015-00234 Revised) Ample Self Storage Route 360 Revised – 4201 Mechanicsville Turnpike | Bay Companies, Inc. for Ample Storage Laburnum Avenue, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct six one-story self-storage buildings, totaling 125,514 square feet. The 13.19-acre site is located on the eastern line of Mechanicsville Turnpike (Route 360) at its intersection with Evans Road, approximately 1,745 feet north of North Laburnum Avenue, on parcel 804-737-1251. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and on-site sewage disposal system. (Fairfield) |
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76

77 Mr. Baka - Is there anyone present in opposition to POD2019-00101 and
78 lighting plan, Ample Self Storage Route 360 Revised?

79

80 Mr. Archer - Mr. Chair, I move approval of POD2019-00101 Ample Self
81 Storage Route 360 Revised be approved on the expedited agenda, subject to the
82 annotations on the plans, the standard conditions for developments of this type, and
83 additional conditions 1B, 9 amended, 11B, and 29 through 41.

84

5 Mr. Witte - Second.

86
87 Mr. Baka - We have a motion by Mr. Archer and a second by Mr. Witte.
88 All those in favor say aye.

89
90 Commission - Aye.

91
92 Mr. Baka - Those opposed say no. That motion passes.

93
94 The Planning Commission approved the plan of development and lighting plan for
95 POD2019-00101, Ample Self Storage Route 360 Revised, subject to the annotations on
96 the plans, the standard conditions attached to these minutes for developments of this
97 type, and the following additional conditions:

- 98
99 1B. The owner shall enter into the necessary contracts with the Department of Public
100 Utilities for connections to public water. The septic tank location shall be approved
101 by the County Health Department before a building permit is issued. Connection
102 shall be made to the public sewer when available within 300 feet of the
103 site/building.
- 104 9. AMENDED - A detailed landscaping plan shall be submitted to the Department of
105 Planning for review and Planning Commission approval prior to the issuance of
106 any occupancy permits.
- 107 11B. Prior to the approval of an electrical permit application and installation of the site
108 lighting equipment, a plan including light spread and intensity diagrams, and fixture
109 specifications and mounting heights details shall be revised as annotated on the
110 staff plan and included with the construction plans for final signature.
- 111 29. The right-of-way for widening of Mechanicsville Turnpike (Route 360) as shown on
112 approved plans shall be dedicated to VDOT prior to any occupancy permits being
113 issued. The right-of-way dedication plat and any other required information shall
114 be submitted to the County Real Property Agent at least sixty (60) days prior to
115 requesting occupancy permits.
- 116 30. The entrances and drainage facilities on Mechanicsville Turnpike (Route 360) shall
117 be approved by the Virginia Department of Transportation and the County.
- 118 31. A notice of completion form, certifying that the requirements of the Virginia
119 Department of Transportation entrances permit have been completed, shall be
120 submitted to the Department of Planning prior to any occupancy permits being
121 issued.
- 122 32. A concrete sidewalk meeting VDOT standards shall be provided along the east
123 side of Mechanicsville Turnpike (Route 360).
- 124 33. Details for the gate and locking device at the entrance road shall be submitted for
125 review by the Traffic Engineer, Police and approved by the County Fire Marshal.
126 The owner or owner's contractor shall contact the County Fire Marshal prior to
127 completion of the fence installation to test and inspect the operations of the gates.
128 Evidence of the Fire Marshal's approval shall be provided to the Department of
129 Planning by the owner prior to issuance of occupancy permits.
- 130 34. There shall be no outdoor storage in moveable storage containers including, but
131 not limited to, cargo containers and portable on demand storage containers.

- 2 35. Outside storage shall not be permitted.
- 3 36. In order to maintain the effectiveness of the County's public safety radio
134 communications system within buildings, the owner will install radio equipment that
135 will allow for adequate radio coverage within the building, unless waived by the
136 Director of Planning. Compliance with the County's emergency communication
137 system shall be certified to the County by a communications consultant within
138 ninety (90) days of obtaining a certificate of occupancy. The County will be
139 permitted to perform communications testing in the building at any time.
- 140 37. The proffers approved as a part of zoning case REZ2014-00041 shall be
141 incorporated in this approval.
- 142 38. The applicant shall furnish proof to the Department of Planning that conditions
143 satisfactory to the Health Department have been met that insure the proposed
144 septic tank drainfield system is suitable for this project prior to the issuance of a
145 building permit.
- 146 39. Approval of the construction plans by the Department of Public Works does not
147 establish the curb and gutter elevations along the Virginia Department of
148 Transportation maintained right-of-way. The elevations will be set by the contractor
149 and approved by the Virginia Department of Transportation.
- 150 40. The owners shall not begin clearing of the site until the following conditions have
151 been met:
- 152 (a) The site engineer shall conspicuously illustrate on the plan of development or
153 subdivision construction plan and the Erosion and Sediment Control Plan, the
154 limits of the areas to be cleared and the methods of protecting the required buffer
155 areas. The location of utility lines, drainage structures and easements shall be
156 shown.
- 157 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
158 clearing or grading operations of the site, the owner shall have the limits of clearing
159 delineated with approved methods such as flagging, silt fencing or temporary
160 fencing.
- 161 (c) The site engineer shall certify in writing to the owner that the limits of clearing have
162 been staked in accordance with the approved plans. A copy of this letter shall be
163 sent to the Department of Planning and the Department of Public Works.
- 164 (d) The owner shall be responsible for the protection of the buffer areas and for
165 replanting and/or supplemental planting and other necessary improvements to the
166 buffer as may be appropriate or required to correct problems. The details shall be
167 included on the landscape plans for approval.
- 168 41. The location of all existing and proposed utility and mechanical equipment
169 (including HVAC units, electric meters, junctions and accessory boxes,
170 transformers, and generators) shall be identified on the landscape plan. All building
171 mounted equipment shall be painted to match the building, and all equipment shall
172 be screened by such measures as determined appropriate by the Director of
173 Planning or the Planning Commission at the time of plan approval.

174
175 Ms. News - The final item is found on page fourteen of your agenda and
176 is located in the Three Chopt District. This is POD2019-00111, this is an architectural
177 plan for West Broad Village – Eastern Edge, and staff recommends approval.

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PLAN OF DEVELOPMENT ARCHITECTURAL PLAN

POD2019-00111
West Broad Village –
Eastern Edge – 1900 Old
Brick Road

Eagle Construction of VA, LLC for West Broad Village IV, LLC: Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct three five-story residential condominiums with first-story structured parking totaling 48 units, and 13 one- and two-story detached and semi-detached residential condominiums. The 11.88-acre site is located on the northern and southern line of Old Brick Road extended (private), the southern line of Interstate Route 64, the eastern line of Geese Landing (private), and the northern line of Three Chopt Road, on parcel 744-760-7007. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

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Mr. Baka - Is there anyone present in opposition to POD2019-00111 architectural plan for West Broad Village – Eastern Edge? Okay.

Mrs. Thornton - Mr. Chairman, I move approval of POD2019-00111 West Broad Village – Eastern Edge architectural plan on the expedited agenda, subject to the conditions of POD2018-00529 previously approved by the Planning Commission January 23, 2019.

Mr. Mackey - Second.

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

Commissioners - Aye.

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

The Planning Commission approved the plan of development architectural plan for POD2019-00111, West Broad Village – Eastern Edge, subject to the conditions of POD2018-00529 previously approved by the Planning Commission on January 23, 2019.

Ms. News - And that concludes the expedited agenda.

Mr. Baka - Thank you.

Mr. Emerson - Mr. Chairman, we now move on to your next item, which are subdivision extensions of conditional approval. And we have none of those this morning as well. So, now we move on to page three of your regular agenda and page one of your

10 amended agenda for POD2019-00105 Townes Site Engineering for Economic
11 Development Authority of Henrico County and SWO Logistics, LLC. The staff report will
212 be presented by Mr. Tony Greulich.

213

214 **PLAN OF DEVELOPMENT AND MASTER PLAN**

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| POD2019-00105 Project Isaac – Portugee Road | Townes Site Engineering for Economic Development Authority of Henrico County and SWO Logistics, LLC: Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 359,000- square foot data center and a future one-story, 359,000- square foot data center with associated support facilities. The 72.6-acre site is located on the northern line of Portugee Road, approximately 4,680 feet west of its intersection with Technology Boulevard, on part of parcel 849-704-6939. The zoning is M-2, General Industrial District. County water and sewer. (Varina) |
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217 Mr. Baka - Good morning. Is there anyone present in opposition to
218 POD2019-00105? Okay, good morning.

219

220 Mr. Mackey - Mr. Chairman, if I may. Seeing as there is no opposition, I am
221 very familiar with this case. We've had two phone calls to discuss it, and once at the office
222 here on Monday or Tuesday, just the other day. And if it's okay with the other
223 Commissioners, I am ready to move forward with it.

224

225 Mr. Witte - Mr. Mackey, I have one question. I noticed number 40 has
226 been omitted, was that intentional or a typo?

227

228 Mrs. Thornton - Number 40 on the conditions has been omitted?

229

230 Mr. Emerson - It jumps from 39 to 41. That may just be a typo.

231

232 Mr. Greulich - Oh, that must be a typo, Mr. Witte. We will fix that on the
233 approval letter.

234

235 Mr. Baka - Any other questions?

236

237 Mr. Mackey - I don't have any. I move that POD2019-00105 Project Isaac
238 including the Master Plan and the revised plan in the addendum be approved subject to
239 the annotations on the plans, the standard conditions for developments of this type, and
240 additional conditions 29 through 44 in the agenda.

241

242 Mr. Witte - Second.

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244 Mr. Baka - We have a motion by Mr. Mackey and a second by Mr. Witte,
245 all those in favor say aye.

246
247 Commissioners - Aye

248
249 Mr. Baka - Those opposed say no. That motion passes.

250
251 The Planning Commission approved the plan of development and master plan for
252 POD2019-00105, Project Isaac, subject to the annotations on the plans, the standard
253 conditions attached to these minutes for developments of this type, and the following
254 additional conditions:

- 255
- 256 29. The right-of-way for widening of Portugee Road as shown on approved plans shall
257 be dedicated to the County prior to any occupancy permits being issued. The right-
258 of-way dedication plat and any other required information shall be submitted to the
259 County Real Property Agent at least sixty (60) days prior to requesting occupancy
260 permits.
 - 261 30. Details for the gate and locking device at the entrance road and emergency access
262 gate shall be submitted for review by the Traffic Engineer, Police and approved by
263 the County Fire Marshal. The owner or owner's contractor shall contact the County
264 Fire Marshal prior to completion of the fence installation to test and inspect the
265 operations of the gates. Evidence of the Fire Marshal's approval shall be provided
266 to the Department of Planning by the owner prior to issuance of occupancy
267 permits.
 - 268 31. In order to maintain the effectiveness of the County's public safety radio
269 communications system within buildings, the owner will install radio equipment that
270 will allow for adequate radio coverage within the building, unless waived by the
271 Director of Planning. Compliance with the County's emergency communication
272 system shall be certified to the County by a communications consultant within
273 ninety (90) days of obtaining a certificate of occupancy. The County will be
274 permitted to perform communications testing in the building at any time.
 - 275 32. A construction staging plan which includes details for traffic control, fire protection,
276 stockpile locations, construction fencing and hours of construction shall be
277 submitted for County review and prior to the approval of any final construction
278 plans.
 - 279 33. Prior to approval of construction plans, the developer must furnish a letter from
280 Dominion Virginia Power stating that this proposed development does not conflict
281 with their facilities.
 - 282 34. Approval of the construction plans by the Department of Public Works does not
283 establish the curb and gutter elevations along the Henrico County maintained right-
284 of-way. The elevations will be set by Henrico County.
 - 285 35. The owners shall not begin clearing of the site until the following conditions have
286 been met:
 - 287 (e) The site engineer shall conspicuously illustrate on the plan of development
288 or subdivision construction plan and the Erosion and Sediment Control
289 Plan, the limits of the areas to be cleared and the methods of protecting the

- 310 required buffer areas. The location of utility lines, drainage structures and
 311 easements shall be shown.
- 322 (f) After the Erosion and Sediment Control Plan has been approved but prior
 323 to any clearing or grading operations of the site, the owner shall have the
 324 limits of clearing
 325 (g) delineated with approved methods such as flagging, silt fencing or
 326 temporary fencing.
 327 (h) The site engineer shall certify in writing to the owner that the limits of
 328 clearing have been staked in accordance with the approved plans. A copy
 329 of this letter shall be sent to the Department of Planning and the Department
 330 of Public Works.
 331 (i) The owner shall be responsible for the protection of the buffer areas and for
 332 replanting and/or supplemental planting and other necessary improvements
 333 to the buffer as may be appropriate or required to correct problems. The
 details shall be included on the landscape plans for approval.
- 305 36. The conceptual master plan, as submitted with this application, is for planning and
 306 information purposes only. All subsequent detailed plans of development and
 307 construction needed to implement this conceptual plan may be administratively
 308 reviewed and approved and shall be subject to all regulations in effect at the time
 309 such subsequent plans are submitted for review/ approval.
- 310 37. The location of all existing and proposed utility and mechanical equipment
 311 (including HVAC units, electric meters, junction and accessory boxes,
 2 transformers, and generators) shall be identified on the landscape plans. All
 3 equipment shall be screened by such measures as determined appropriate by the
 314 Director of Planning or the Planning Commission at the time of plan approval.
- 315 38. No construction traffic shall use Elko Road (State Route 156), Elko Tract Road
 316 (State Route 380), Portugee Road west of the site, and Portugee Road east of
 317 Technology Boulevard.
- 318 39. No tractor trailers shall use Elko Road (State Route 156), Elko Tract Road (State
 319 Route 380), Portugee Road west of the site, and Portugee Road east of
 320 Technology Boulevard.
- 321 40. The developer shall provide a telephone number for citizen concerns during any
 322 construction activity on site in order to respond to citizen concerns and complaints
 323 as expeditiously as possible.
- 324 41. The development and operations conducted on the property shall comply with the
 325 restrictive covenants applicable to White Oak Technology Park.
- 326 42. The proposed development is subject to final Development Review Board (DRB)
 327 approval. Any required changes by the DRB must be reflected in the POD and
 328 any subsequent plans.
- 329 43. The proposed architectural elevations are subject to final approval by the
 330 Development Review Board (DRB) and the Director of Planning. Any required
 331 changes by the DRB must be reflected in the architectural elevations and any
 332 subsequent drawings.

334 Mr. Emerson - Mr. Chairman, we now move on to page twelve of your
335 agenda, for POD2019-00112 Ratchet Designs, LLC for Ultra Property, LLC. The staff
336 report will be presented by Ms. Christina Goggin.

337
338 **PLAN OF DEVELOPMENT, LIGHTING PLAN, AND TRANSITIONAL BUFFER**
339 **DEVIATION**

340
POD2019-00112 **Ratchet Designs, LLC for Ultra Property, LLC:** Request
Let's Be A Kid Daycare for approval of a plan of development, lighting plan, and
Center – 4107 Dill Road transitional buffer deviation as required by Chapter 24,
Sections 24-106 and 24-106.2(e)(3) of the Henrico County
Code, to renovate a two-story, 1,628-square foot, single-
family dwelling for use as a daycare center and add a one-
story, 210-square foot building addition. The transitional
buffer deviation would authorize a ~~25-foot reduction~~ **13-foot**
reduction in the 35-foot transitional buffer along the
western property line. The 0.34-acre site is located on the
southern line of Dill Road, approximately 200 feet west of
Mechanicsville Turnpike (U.S. Route 360), on parcel 801-
733-6588. The zoning is B-3C, Business District and ASO,
Airport Safety Overlay District. County water and sewer.
(Fairfield)

341
342 Mr. Baka - Good morning. Is there anyone present in opposition to
343 POD2019-00112 Ratchet Designs, LLC for Ultra Property, LLC? Okay.

344
345 Ms. Goggin - Okay, good morning. This proposal is to convert an existing
346 two-story, 1,628-square foot single family dwelling with a proposed 210-square foot
347 addition. The addition is proposed over on this side. The first floor of the building will
348 provide the two classrooms, office, and kitchen and the second floor of the house will be
349 the HVAC/mechanical equipment. The applicant is providing seven parking spaces
350 though five are required. Five are in the back, two are in the front.

351
352 The proposed daycare center, once renovated, will be tan vinyl siding, black doors,
353 charcoal roof, and white trim. The approximately 12,000-square foot playground is located
354 behind and beside the center.

355
356 The applicant proposes to erect a six-foot vinyl fence on the eastern side of the
357 playground adjacent to the automotive repair center, so that would be here, wrapping it
358 around the southern side of the playground, and then wrapping it along the western
359 property line with a 15' setback from Dill Road to encompass the site. Just to show you,
360 there's an automotive repair center here, so she's providing the six-foot fence separating
361 the playground from the adjacent use.

362
363 The site was zoned B-3C in 1988 and is located adjacent to a parcel that is zoned R-4.
364 This is the lone R-4 parcel in this whole lot. The applicant is requesting a 13-foot

35 transitional buffer deviation along the western property line for the encroachment of the
36 parking lot and parking spaces. The six-foot fence is permitted by the zoning ordinance
367 as an administrative transitional buffer deviation. The applicant, as previously discussed,
368 is providing a six-foot opaque vinyl fence to reduce the buffer two times the height or 12
369 feet to a required 23-foot buffer. The applicant is also providing 10 feet of planting area
370 which leaves a 13-foot deficit that would need to be approved by the Planning
371 Commission.

372
373 The applicant has also included a lighting plan for review and approval. The plan proposes
374 two freestanding LED lighting fixtures mounted at twenty feet in height, over on this side,
375 and four building mounted fixtures above the entrances to the buildings and on the front,
376 side and rear.

377
378 Staff did receive a call from Ms. Johnathan, who lives across from the proposed daycare
379 center, she lives right here, and she asked about the project and she is very happy to
380 hear that plans have been submitted to fix up the house and that it's going to be a daycare
381 center.

382
383 Should the Commission approve the transitional buffer deviation request, the staff
384 recommends approval subject to the standard conditions for development of this type, the
385 additional conditions 11B through 33 in the agenda are recommended. Cecil McNair, the
386 engineer is here should you have any questions for him. Unfortunately Mrs. Walker is not
7 able to be here as she is running a business that is staff oriented. I would be happy to
8 answer any questions the Commission may have of me.

389
390 Mr. Baka - Any questions of staff?

391
392 Mr. Archer - Ms. Goggin, would you give us a little bit of information about
393 the transitional buffer deviation? I know it's complicated.

394
395 Ms. Goggin - The transitional buffer between B-3 and R-4 is 35 feet. They
396 are providing a six-foot fence, which will allow you to reduce the buffer administratively
397 two times that height, which would take it down twelve feet to 23 feet. They are providing
398 a ten-foot landscape strip out of that 23 feet, which would then leave a 13-foot deviation
399 that the Commission would have to approve. Unfortunately, they have to provide a drive
400 aisle to get to the parking spaces, so they don't have the space to provide that land.

401
402 Mr. Emerson - And I think it's worth adding Mr. Archer, that this is a
403 redevelopment project of sorts, so we try to be flexible in these areas where we have
404 reuse of properties occurring that's to everyone's benefit in the corridor.

405
406 Mr. Archer - I didn't have a problem with it, I just wanted to make sure
407 everybody understood. I'm amazed that you can stand there and say all those numbers.

408
409 Ms. Goggin - I practiced!

411 Mr. Archer - Over and over, I'm sure. Anybody have any questions? Can
412 I hear from the applicant please?
413
414 Ms. Goggin - Well Mr. McNair is here. Oh Ms. Walker just showed up. We
415 weren't sure if she was going to make it or not.
416
417 Mr. Baka - Good morning, and welcome.
418
419 Ms. Walker - Good morning.
420
421 Mr. Baka - Thank you, and I know you just arrived. Would you please
422 state your name for the record?
423
424 Ms. Walker - Sharita Walker.
425
426 Mr. Archer - Ms. Walker, first I'd like to commend you for this undertaking.
427 It's going to be quite an undertaking. Are you going to be able to use that house or are
428 you going to have to tear it down and start over?
429
430 Ms. Walker - No, we'll be able to use it with some renovations.
431
432 Mr. Archer - On the left side facing it, is the repair shop encroaching on
433 your property?
434
435 Ms. Walker - No, it's not.
436
437 Mr. Archer - So those cars, where they're backed up, it's not on your
438 space?
439
440 Ms. Walker - Where they're backed up, it's kind of encroaching maybe
441 about two to three feet. But I spoke with the owner of the property and it's understood that
442 when our project starts, those cars are to be removed.
443
444 Mr. Archer - Okay. Well it's as I said, it's quite an undertaking and we
445 applaud you for having the courage to undertake it. But when you look at what's there
446 now, it will be a huge improvement for the neighborhood. I had some concerns with it
447 being adjacent to that business, but you already came up with the fence and we didn't
448 have to ask you for it.
449
450 Ms. Walker - Yes, sir. Christina and I and the Henrico Police Department
451 all came together for a great solution to that.
452
453 Mr. Archer - Okay. I think that's all I have, but again I commend you for that
454 undertaking.
455

6 Ms. Walker - Thank you. We have been in the community since 2008 and
7 we are a pillar in our community. A lot of parents depend on us, families depend on us,
458 to be able to go to work and be at peace knowing their children are well taken care of.
459 We come highly recommended. And not to go so in depth, but we have people that come
460 in when they're expecting to get on our waiting list so we can provide services for them.
461 So I've been here before, when I first started, and now it's just grown and so many families
462 are looking for us to serve them for their childcare needs. I thank you for your time this
463 morning.

464
465 Mr. Archer - Well good, thank you!

466
467 Mr. Baka - Thank you for all you do.

468
469 Mr. Archer - I would use you but my kids are 45 and 35...

470
471 Ms. Walker - We like volunteers in the summer time! Thank you, guys.

472
473 Mr. Archer - Any other questions for Ms. Walker? Alright, thank you
474 ma'am. And thank you Ms. Goggin for your hard work on this, because you did work hard.

475
476 Ms. Goggin - [off microphone] My applicant and her engineer worked very
477 hard as well.

8
9 Mr. Archer - Alright, if there are no questions, I think I have to do a separate
480 motion to approve the transitional buffer deviation?

481
482 Mr. Emerson - No, sir, you can do them all in one.

483
484 Mr. Archer - Okay, well in that case, I move for approval of this plan of
485 development, lighting plan, transitional buffer deviation for POD2019-00112 Let's Be A
486 Kid Daycare Center, subject to the staff report and conditions 11B and 29-33.

487
488 Mr. Witte - Second.

489
490 Mr. Baka - We have a motion by Mr. Archer and a second by Mr. Witte
491 for approval. All those in favor say aye.

492
493 Commissioners - Aye.

494
495 Mr. Baka - Those opposed say no. That motion passes. Thank you very
496 much.

497
498 The Planning Commission approved the plan of development, lighting plan, and
499 transitional buffer deviation for POD2019-00112, Let's Be A Kid Daycare Center, subject
500 to the annotations on the plans, the standard conditions attached to these minutes for
developments of this type, and the following additional conditions:

- 502
503 11B. Prior to the approval of an electrical permit application and installation of the site
504 lighting equipment, a plan including light spread and intensity diagrams, and fixture
505 specifications and mounting heights details shall be revised as annotated on the
506 staff plan and included with the construction plans for final signature.
507 29. The proffers approved as a part of zoning case C-128C-88 shall be incorporated
508 in this approval.
509 30. The certification of building permits, occupancy permits and change of occupancy
510 permits for individual units shall be based on the number of parking spaces
511 required for the proposed uses and the amount of parking available according to
512 approved plans.
513 31. Approval of the construction plans by the Department of Public Works does not
514 establish the curb and gutter elevations along the Henrico County maintained right-
515 of-way. The elevations will be set by Henrico County.
516 32. The location of all existing and proposed utility and mechanical equipment
517 (including HVAC units, electric meters, junctions and accessory boxes,
518 transformers, and generators) shall be identified on the landscape plan. All building
519 mounted equipment shall be painted to match the building, and all equipment shall
520 be screened by such measures as determined appropriate by the Director of
521 Planning or the Planning Commission at the time of plan approval.
522 33. Except for junction boxes, meters, and existing overhead utility lines, and for
523 technical or environmental reasons, all utility lines shall be underground.
524

525 Mr. Emerson - Mr. Chairman, the next item on your agenda is the
526 consideration of the approval of the minutes from the March 27, 2019 meeting. You do
527 have an errata sheet, and that correction has been included. So, if you have any further
528 changes you'd like to make, please advise us and we'll make them.
529

530 Mr. Baka - What's the pleasure of the Commission?
531

532 Mr. Archer - I move the minutes be approved with the corrections.
533

534 Mr. Witte - Second.
535

536 Mr. Baka - Motion by Mr. Archer, second by Mr. Witte to adopt the
537 minutes as corrected. All in favor say aye.
538

539 Commissioners - Aye.
540

541 Mr. Baka - Those opposed say no. Motion passes.
542

543 Mr. Emerson - Mr. Chairman, we now move into the discussion part of your
544 agenda this morning. We will continue what I will term our speakers' series on short term
545 rentals. Mr. Madrigal, will you please update the Commission as to where we are and
546 what we are doing this morning.
547

18 Mr. Madrigal - Thank you, Mr. Secretary. Good morning Mr. Chair and
19 members of the Commission. I hope everybody is doing well. As Mr. Emerson indicated,
550 this is a continuation of a conversation we've been having on our short term rental issue.
551 Staff contacted several individuals who attended your January 10th meeting and who are
552 in support of short term rentals or operate their own short term rentals. Of the five that
553 we contacted, three were able to attend today's meeting, the other two were not. With
554 that, I'll turn it over to Mr. Emerson so we can start the conversation.

555
556 Mr. Emerson - Mr. Chairman, if the Commission is ready to begin, again,
557 these are the operators. As Mr. Madrigal said, we did intend to get five of them, and we
558 were lucky enough to get three that were willing to come and speak individually. With
559 that said, we can lead off with Mr. Mike Patterson. Mr. Patterson, if you would please.

560
561 Mr. Baka - Good morning and welcome.

562
563 Mr. Patterson - Good morning. First of all, I'd like to say thank you for having
564 me this morning and for just making the attempt to understand this issue from all
565 perspectives. Hopefully we're all on the same page as far as not wanting to unnecessarily
566 restrict property rights. As a Henrico resident myself, I share the concerns for the potential
567 of unruly and disruptive behavior. I'm sure you've heard about the potential negatives
568 here.

569
0 I own 23 rental properties in Henrico County. Whether it's an Airbnb property or not, I
1 have a lot of experience of screening tenants and taking preventative measures to ensure
572 the least amount of disturbance and mayhem. Frankly, it makes my life a lot easier with
573 that many properties. I've dealt with a lot of issues over the years, from noise complaints
574 to parking issues to domestic abuse issues from tenants.

575
576 Of the 23 properties I own, only one of them is an Airbnb property, but I want to just kind
577 of say off the bat that I want regulations and restrictions on Airbnb properties. I don't think
578 that just free reign makes sense. I want those things, I want to preserve the integrity of
579 the Airbnb platform, the integrity of the Airbnb experience. And I think crafting an
580 ordinance gives us an opportunity of separating the chaff from the wheat.

581
582 You don't want just anybody running Airbnb properties. There should be barriers to entry,
583 there should be stiff penalties for noncompliance. It should not be easy. You want to
584 attract responsible homeowners to provide this service. You need people who care about
585 their homes and meticulously maintain them and actively manage who comes into their
586 homes. My wife and I clean our properties ourselves; we do all the landscaping. I can
587 assure you that we do not want parties at our properties. We do not want boisterous,
588 disorderly people at any of our properties, Airbnb or non-Airbnb properties, because we
589 are the ones that have to clean up after them. We are the ones that get the calls in the
590 middle of the night.

591
592 But the real issue for me, the consternation of why we are dealing with this issue today
3 and why this seems to be so controversial, is the Slapshack case. Hopefully you all are

594 familiar with the Slapshack case. This is a home in the Coventry neighborhood that was
595 being used and abused with any way you can make a buck under the sun. From what I've
596 seen, we're kind of allowing the facts of that case to be overlooked. The Slapshack case
597 aside, the County has received very few complaints on Airbnb properties, very few. So
598 we need to be very careful not to flush the baby with the bathwater. But I want to take a
599 look at the case of Michelle Slapshack, who has been here and gone through the appeal
600 process.

601
602 The first thing is that she was using her primary residence for her Airbnb property. So the
603 notion that limiting Airbnbs to primary residences is going to solve the behaviors that we
604 don't want, I think is misguided because the worst case is one in which they were using
605 their primary residence. The second thing is that it wasn't her Airbnb activities that made
606 Mrs. Slapshack's residence so disruptive, it was that she was using her property for
607 anything to make a buck. There were wedding rehearsals, filming commercials, big family
608 reunions, an RV parked in the driveway. She was actually carpooling people to her house
609 for events, she had that many people in her house that she was carpooling people there.
610 This is not going on at Airbnb properties across the County. She was running a group
611 fitness center. She would have upwards of 20 people in her home on occasions. These
612 are no more an accurate representation of an Airbnb property than they are a long term
613 lease property at your house or mine. I think we need to kind of recognize that case for
614 what it is.

615
616 I want to say the lodging dynamic is shifting in the current generation of this country. They
617 want their accommodations to be a part of the experience. Think about your favorite
618 vacation. If you stayed in a hotel, do you have any memories in the hotel where you
619 stayed? I'm guessing not. I can't tell you anything about a single hotel that I've stayed at.
620 There is the occasional difference, but unless it's a super expensive, super chic hotel,
621 you probably don't. But if you stay at a chalet in the Alps, or a dude ranch in New Mexico,
622 the accommodations are absolutely a part of your memories, you took a picture of those.
623 You've never taken a picture of a hotel you've stayed in, I'm guessing. Think about why
624 you stay in a house in the Outer Banks, rather than a hotel? Why do you do that? Why
625 do you stay in a house in the Outer Banks, rather than a hotel? The sense of community
626 that you have with friends in a shared space like this is unparalleled. People want that
627 nowadays. We don't in Richmond have the beaches of the Outer Banks, but we do have
628 far more attractions than the Outer Banks. We've got the breweries, we've got great
629 restaurants, we've got festivals, sporting events, museums, parks, the Capital Trail.
630 Richmond has become a destination city for travelers up and down the east coast. People
631 want that shared communal space, like a family room or an outdoor deck, for their family
632 when they travel. They don't want to just have the option of a hotel lobby. They want to
633 cook their meals if they're gluten free or vegetarian. They want that home away from
634 home feeling when they're traveling.

635
636 Our experience has been that about half of our visitors that stay with us have no affiliation
637 to Richmond. They're here because they want to stay in a place that offers them that
638 home away from home feel while they're exploring a new city. That's all of the attractions
639 I mentioned above, but these people have other options. They have Asheville,

10 Charlottesville, Annapolis, and Charleston and a lot of other midsize cities along the east
11 coast that they can just as easily go to. And these are the same consumers that don't
642 want taxis, they want the shared economy model of Uber and Lyft. I don't know anybody
643 that prefers taxis today over Uber and Lyft. There's this shared economy, and it's here
644 to stay. We refer all of our guests to nearby restaurants and attractions and leave them
645 cookies from the bakery around the corner. Studies have shown that Airbnb guests
646 typically stay twice as long as a hotel guest. These people are spending their money in
647 our county; in addition to supporting families like mine, they're spending money at the
648 local businesses, restaurants, gas stations, places like that. We can attract these people
649 and their dollars to Henrico, or we can send them to bigger cities.

650
651 The other half of our visitors are visitors that have an affiliation to Richmond, but their visit
652 may not take place without a nonhotel option. We get a lot of businessmen that want to
653 travel with their families, we get a lot of professionals that are from hospitals, businesses,
654 other municipalities with limited budgets to send multiple employees for training. Four
655 nurses training at MCV can come here because our home provides an alternative to four
656 separate hotel rooms for a week that they just don't have the budget to do. If a
657 neighboring municipality wants to send four nurses for training and get four hotel rooms
658 for a week, they don't have that budget. Nowhere near it. Our home provides staying
659 within budget for that. We've seen a lot of visits happen to our house because we offer
660 these accommodations to neighboring municipalities.

661
2 I'm assuming you are all familiar with some of the ordinances that have been passed in
3 the rest of the state. Loudon County and Fairfax have taken very different approaches to
664 it. Fairfax passed one similar to the ordinance that is being considered today, and they
665 are now being sued for it. I happen to be good friends with the attorney representing the
666 Fairfax Airbnb owners, and I've spoken with him. We can take an approach similar to
667 how Fairfax has taken it, or similar to how Loudon has taken it, which is requiring registry,
668 requiring financial – up front money to register.

669
670 The legal issue I see with the current ordinance and the current County's position, the
671 current assertion, is the owner can only use a dwelling as specifically stated in the
672 permitted uses in zoning Chapter 24. However, Chapter 24 says nothing about operating
673 a dwelling as a rental property in any regard at all. So, are any of my properties legal?
674 The code specifically defines dwelling as any building thereof to be occupied or designed
675 to be occupied exclusively for residential purposes. So the County's position that it's
676 taking is that the duration of stay is the sole determinate of defining residential use of
677 dwelling. A house with tenants that stay for 30 days is being used residentially and within
678 code, but if that same house is being used one day less, at 29 days, it's no longer being
679 used residentially – it's being used as a business or commercially. Nowhere in the County
680 zoning law does it contain any prohibition whatsoever on use of a dwelling for less than
681 30 consecutive days or any other time period for that matter. Washington, D.C.'s mayor
682 and attorney general both have acknowledged that an ordinance like is being considered
683 will likely not stand up in a court of law. Also, the Texas state's Supreme Court recently
684 ruled unanimously 9 to 0 that duration of stay has nothing to do with defining a property's
5 use as residential.

686
687 So limiting property rights is a way that I don't believe the County should go. I think we
688 can go down a path which gets to the heart of the matter, which takes head on the
689 behaviors that we want to prevent in Henrico County. We want to prevent behaviors, not
690 limit property rights.

691
692 So how do we get the benefits of Airbnb without the potential negatives? What would I
693 propose? I think there needs to be strict rules and strict enforcement, and penalties for
694 violations. The proposed rules that I would say are: no more than two adults per bedroom
695 at the house at any time; no more than one car per bedroom at the house at any time; no
696 noise or any music after 10 pm; no littering on the property; no parties, events,
697 celebrations, filming, or commercial or business use of the property; a stiff \$500 penalty
698 for any violation; any property maintenance violations, such as long grass, cars in the
699 yard, count as a violation against the short term rental. Three violations within 12 months
700 and the use of the property as a short term rental is suspended for no less than one year
701 from the date of the third violation. I would require mandatory registration for short term
702 rentals. An annual \$300 fee. I would also require no subleasing; you can't rent a house
703 on a long term rental, and then sublease it through Airbnb. Then I would also recommend
704 that house rules of all these things get posted at any entry to the house. One of the things
705 that we've noticed, and we've been running the property for seven months, is you put
706 house rules into your emails and communications and people will receive them and they
707 look for just where's the key or what's the lockbox code. So what we've done is we've
708 alleviated the concerns on our property, we've just overcommunicated. I mean we've got
709 it posted everywhere: fronts and backs of doors, laminated. We've even got a sign in the
710 yard pointing to where people can park.

711
712 So in closing, I'd just like to say I'm very grateful for your time this morning. Happy to be
713 involved in this process as much as I can be. And please take an unbiased common-
714 sense approach, and I'd be happy to take any questions.

715
716 Mr. Baka - Any questions of Mr. Patterson?

717
718 Mr. Witte - I don't really have a question, but I agree with a lot of what
719 you said, but I disagree with some of it too, especially the hotel experience. I think you've
720 been limited in where you get your hotels. I've been on the Gulf Coast, just to name one,
721 beautiful seven-story, eight-story building, open foyer all the way up, hotel rooms all
722 around the perimeter, tropical birds in the center of every floor, beautiful view of the coast,
723 concierge service was unbelievable, piano players and a grand piano in the lobby... I can
724 remember. There's a lot of great experiences in hotels, I don't think the negative
725 connotation that you threw in there was accurate. I would suggest you kind of limit those
726 comments, accusations, sorry.

727
728 Mr. Patterson - I can't afford hotels like those.

729
730 Mr. Baka - I need to go to hotels with you, Bob.

731

12 Mr. Witte - I can't afford the Bnb's.
13
734 Mrs. Thornton - I have a quick question. In the very beginning, toward the
735 beginning, you had made reference to that you take calls late at night, or you've received
736 calls late at night, of complaints. I think that's a big concern of ours, if there is an issue
737 and how to address the issue, because typically it won't happen during hours of operation
738 here in the County. Who's calling you?
739
740 Mr. Patterson - This was when we first started out, and we wanted to be
741 preemptive about things, we wanted to let the neighbors know. My property is a very odd
742 property. There's a driveway that splits right down the middle of my property and the
743 neighboring property. So it's kind of like, who does this belong to? So, it actually belongs
744 to the neighbor, so we've put in the house rules, don't park in the driveway, it's the
745 neighbor's driveway. And we've gotten two text messages this entire time. And we've
746 told the gal, if anyone parks here, here's our number and we'll shoot them a text and say
747 hey, you weren't supposed to park there. So that's the extent of what we've gotten, I
748 mean, that's it.
749
750 Two things that we've done, is we've put a sign right next to the driveway that says please
751 do not park in this driveway. We put the signs up on the door that say no parking in the
752 driveway, no more than two cars in the driveway. And we've actually installed a camera
753 on the front of the house. So at any time, we can check in and say, hey, why are you
4 parked in the neighboring driveway, you need to move your car. And we haven't had any
5 issues with that since we took precautionary measures. But at any time, we can check
756 to see – hey why are there five cars there, we only allow three actually, for the bedrooms.
757 At any time we can check that. We don't allow pets, so if we see a dog coming into the
758 house, we can get in touch with them and say we don't allow dogs, you knew that. So
759 anything we can check on any time. We don't have cameras inside the house, for obvious
760 security reasons, you're not allowed to do that. But we have them on the exterior of the
761 house to make sure that people aren't doing anything to create noise issues. Since we've
762 taken these measures, we haven't had any issues with the neighbors.
763
764 Mr. Witte - I want to commend you, you did a good job. What about, is it
765 possible for you to leave for a week, to go out of town, out of state, or even out of the
766 country and have someone in there for a week? How do you manage that unless it's
767 owner occupied? If I went to Scotland, say, and I'm gone for a week or ten days and I
768 opened up my house as an Airbnb, we are on different time schedules. How do you
769 manage that if you're not there?
770
771 Mr. Patterson - I mean, it's not that much different from a regular rental
772 property. How am I managing my properties? I'm not at my normal rental properties.
773
774 Mr. Witte - I have rental properties, too. I understand that process.
775
776 Mr. Patterson - Sure.
7

778 Mr. Witte - Most of mine are two-year leases. So I have deposits, I have
779 signed contracts, I can manage it.

780
781 Mr. Patterson - I have all of those things, I have deposits and signed
782 contracts.

783
784 Mr. Witte - The parking in your driveway... it's 7 o'clock in the evening
785 and you're out of the country and it's 4 o'clock in the morning where you are...

786
787 Mr. Patterson - We block off our properties if we are going to be out of town,
788 because we can't get in there and clean.

789
790 Mr. Witte - That's you. But that's more regulation. So, in essence, if
791 you're going to be out of town, you're blocking off your properties, you're basically saying
792 while it's not owner occupied, I'm going to be here. So, you're saying to put in regulation
793 that if you're not going to be in town, you –

794
795 Mr. Patterson - It can be done, right? I think the assertion that you can't do
796 that, well you're not trying to curtail rights, you're trying to curtail behaviors. If I can do
797 that effectively and not be in town, I leave town all the time and my 23 rental properties,
798 things happen all the time.

799
800 Mr. Witte - Absolutely.

801
802 Mr. Patterson - I have people that I put in place that I can call. I think there's
803 just two things that you do on Airbnb that allow me to get better tenants than my other
804 rental properties, that are less of a burden to the County: I can screen my tenants, okay?
805 Just like you can go on Amazon and you buy something, you go on eBay, and you can
806 go and read all of their feedback all day long and you make a decision if you want those
807 people in your home. And if there's negative reviews on them, if they went to a house
808 and partied, nope. You're not coming to my house. So we screen our tenants. And listen,
809 that's why I say stiff compliance and penalties. If you don't screen your tenants, feel free
810 to not screen your tenants, and when you get three strikes, three \$500 violations, you're
811 done for a year. You can't do it. Can it be done? Yes. If I can do it, Joe Shmo can do it?
812 Maybe not. Penalize them, hit them hard. Noncompliance, you're done, three strikes. It's
813 here, right in front of you, you knew the rules and you broke them – you're done. So that's
814 great for the County because you want to attract... it's just like requiring the registry and
815 requiring annual fees, you want barriers to entry because you do want people like me.
816 You don't want every Joe Shmo out there putting their house up for \$25 a night. But I
817 think strong screenings of tenants – we haven't had any issues in seven months and I've
818 had probably 40 families come and stay with us.

819
820 Mr. Witte - I'm not picking on you, I play devil's advocate with the other
821 side, too. That's the way I get the answers and answer my own questions and my own
822 doubts.

823

824 Mr. Baka - Mr. Archer?
825
826 Mr. Archer - Mr. Patterson. Like Mr. Witte, I have to commend you for the
827 way that you do what you do.
828
829 Mrs. Thornton - Even though it's illegal.
830
831 Mr. Archer - Yes. I don't know that we could possibly enforce some of the
832 things that you do. The stuff that you do is commendable, but it's voluntary. It's what you
833 do. I don't know if we can make everybody do that. And your restrictions are quite tough.
834 If we were to try to enforce that the way you do voluntarily, it would probably require us
835 to set up a whole new department of people who do nothing but look for people who are
836 violating regulations. And you also mentioned Fairfax being sued. Is that a precursor to
837 you suing us? If we come up with a regulation that you don't agree with?
838
839 Mr. Patterson - If Fairfax wins, absolutely.
840
841 Mr. Archer - Okay.
842
843 Mr. Patterson - This is how I pay my bills.
844
845 Mr. Archer - I understand, and again, I commend you for what you are
846 doing. But what you're doing is basically voluntary on your part.
847
848 Mr. Patterson - What I'm saying is, are we going to focus on preventing
849 behaviors? Like I said about the Slapshack case. The primary residence idea and these
850 hosted stays – I mean, have any of you ever stayed in an Airbnb? Or a VRBO?
851
852 Mr. Archer - No, I stay in some of those nice hotels with Mr. Witte.
853
854 Mr. Patterson - The idea of going to someone's house with your family, and
855 the person living there is there while you're there, that is the strangest thing.
856
857 Mrs. Thornton - It's like a bed and breakfast, in essence. Think of it like a bed
858 and breakfast. When you go to a bed and breakfast, it's a hosted stay, someone always
859 is there because it's a business and someone takes care of you.
860
861 Mr. Patterson - I get it, I just think that 95% of people would be like, "Nah,
862 that's too weird, I'm not doing that." A bed and breakfast is an understanding. But going
863 somewhere and the owner is going to be there, and even if it's not hosted, there are
864 clothes in their closet and pictures of their kids. I've done it, I've done it, I've rented a room
865 and I've rented something where you rent it and they leave and you're sleeping in their
866 bed and in their sheets and you're kind of like, this is really odd. As soon as I leave, they're
867 moving back in and sleeping in this bed. And again, you know, who's doing this? It's kind
868 of the millennials, right? The same people that are using Uber. It's not my parents, it's a
869 different generation. It's a growing phenomenon that people want. I think there's ways

870 to control it, I think we have to go after behaviors. And yes, my ideas are strict
871 enforcement and dropping a hammer, but to me, I think that's better. I would much rather
872 you say here's what's going to happen and it's going to hurt you badly if you don't keep
873 an eye on it, and you say, no we're just going to restrict the property and not allow you to
874 do that. At least it's on me, and I have no one to blame but myself if that hammer comes
875 down on me. And that right there is going to give me a vested interest in doing a pretty
876 damn good job at it.

877
878 Mr. Mackey - Thank you Mr. Patterson for coming in today and sharing your
879 expertise with us. I was jotting down some of the proposals you made, and I missed a
880 portion of it. A \$300 fee for registration, was that a one-time fee, or were you proposing
881 that annually?

882
883 Mr. Patterson - This is an annual fee. This is happening, Loudon County went
884 the opposite way of Fairfax. They have a registry and you have to pay a \$300 annual
885 fee. And I believe that's all they did, and they haven't had any problems. I'm saying, let's
886 find a balance between Fairfax and Loudon County. I understand there's going to be
887 behavior concerns. I have behavior concerns all the time with my rental properties. I get
888 domestic calls, so you just have to focus on the behaviors.

889
890 Mr. Mackey - Alright, thank you.

891
892 Mr. Baka - Alright, I have one follow up comment. I appreciate your
893 comments and the work you do. You mentioned you had about 20 rental properties and
894 most of those, or almost all of those, were standard rentals, correct? Not Airbnb?

895
896 Mr. Patterson - Correct.

897
898 Mr. Baka - And I commend you for the business that you've done on that.
899 Just a general observation, I want to step back. We've talked about a lot of details this
900 morning, but the bigger picture is we fully see and recognize that the web continues to
901 positively disrupt many industries and tax industries, music, Uber and Lyft, music
902 industries, think of DVD rentals and streaming services... This is another example of
903 modern technology/web affecting or impacting our lives and how we deliver our service
904 and what we look for when we stay in hotels and accommodations in other places.

905
906 One thing I wanted to get at was the general, step back and look at the bigger picture,
907 the general idea of if you own a home in a neighborhood and, putting yourself in someone
908 else's shoes, and your neighbor comes in and wants to have a short term rental or Airbnb
909 there for an extended stay for a period of whether it's more than a designated time frame
910 that you mentioned or less. Part of the discussion at that time I think then becomes how
911 do we look at the intersection, you know, what the perceived property rights are of the
912 homeowner and who's aiming to rent that out and understanding how to protect the quiet
913 enjoyment of the neighborhood of the folks that live there, or the 20 other – or however
914 big the neighborhood is – people that live on that street. Should there be an opportunity
915 to come to whether that's a Commission or Board of Zoning Appeals, and several of the

16 members of this Planning Commission are actually former Board of Zoning Appeals
17 members and things like that. But you can come to a Board and have the opportunity to
918 speak as a neighbor and say I have the following concerns about this type of proposed
919 use. I think the question is just whether we look at something that allows and affords
920 folks, neighbors, that live there already that type of opportunity to be able to have their
921 voice heard too, prior to Airbnbs being launched full scale. That's just an observation,
922 that's not a question or something that can be solved here this morning. Just kind of to
923 tie things up. If anyone else on the Commission has any questions of Mr. Patterson? If
924 not, we should probably proceed to our next speaker.

925
926 Mr. Emerson - Thank you Mr. Patterson. The next speaker will be Mr.
927 Rogers, Mr. Bill Rogers. You've also heard from him at a couple of your public hearings
928 at this point. He was good enough to be willing to come back and speak to you this
929 morning.

930
931 Mr. Baka - Good morning, and welcome.

932
933 Mr. Rogers - Good morning and thanks for allowing me to speak again. Mr.
934 Patterson summed up an awful lot of things about how I feel, except I'm probably not
935 going to sue you. But I'd like to tell you my situation, because all of these situations are
936 slightly different. I have a house, and it's my primary residence, on Dickens Road
937 between Broad Street and Staples Mill. It's an old farm house, it was the original farm
938 house in that area, the west end, so it's about 100 years old, it's been renovated. It's a
939 five-bedroom house. I've had it on Airbnb for about two years, maybe a little longer. On
940 Airbnb, I'm a super host, which means you have to have a star rating, on a 5-star scale,
941 of 4.8 or better. I leave, I don't stay there when people come. I go stay with my girlfriend.
942 And I agree with what Mr. Patterson said about people in that environment not wanting to
943 have someone there with them.

944
945 The types of people who come, interestingly, this is an unbelievably interesting process
946 for me, actually, to go through. I originally had this house as a rental house for several
947 years. I got tired of fighting the tenants, no matter who they were, or no matter how much
948 I screened them. If they moved out, it would take me a month to put the house back
949 together, no matter what. I'd have to repaint it and do all kinds of things. Now it gets
950 cleaned every week, I never have a problem with keeping it clean. And I love the process.
951 If you guys chose not to allow me to do this, I would turn it back into a rental house
952 because, you know, it's a good rental house too.

953
954 I've spoken with the gentleman with the County, and it seems to me that one of the major
955 sticking points is the commercialization of the County. Which are their words. And Airbnbs
956 being a part of that commercialization. But I really don't see the difference between that
957 and a rental house, as being part of that commercialization. But the difference for me is
958 that the property is cleaner, better taken care of than it was as a rental house and some
959 other rental houses. I'm in a neighborhood where it's not a development, it's on Dickens
960 Road which is sort of a major road through the County. I have a rental house on both

961 sides and across the street from me already. And they're not as well taken care of as
962 mine is.

963
964 The people behind me own one of the rental houses, and actually the people staying in
965 my house this week were directed by these people, and this goes to the types of people
966 that come. They're in between houses. They've sold their house, but they can't get into
967 the new house for ten days, so they'd rather not stay in a hotel. It's a family and they'd
968 like to be able to cook. So, they're staying as a transition between two houses, so they're
969 actually referred by my neighbor.

970
971 A couple of weeks ago, I had two ladies that have known each other forever, they're
972 elderly ladies, and they're part of a sewing group but they all live in different cities. And
973 they came with their sewing machines and their spotlights and they sat there for a week
974 and sewed together and talked and commiserated. There's no venue for something like
975 that in Henrico County. You can't do that in a hotel. So I think what Mr. Patterson is
976 saying is true; things are evolving, and this is sort of a new idea that brings people to the
977 County. And I do the same thing, I refer them to restaurants and Lewis Ginter Gardens,
978 historical sites, I have a booklet in there that helps and guides them to these different
979 places. Almost all of the people that come to my place come from out of town. And it
980 seems like a high percentage of them are people who are rendezvousing here, where it's
981 a family or extended family come in from multiple directions and rendezvous in Richmond
982 as a focal point.

983
984 I think that the issue is, and this is an issue for me as well, is hosted versus unhosted-
985 stay. And I'm really lucky because I could probably apply for either, after talking to the
986 gentleman. But I feel like, and I'm dealing with this in Augusta County with our family
987 farm actually so I'm actually talking to them about almost the same thing, and August
988 County, which is a more rural area and obviously different from here, but they're allowing
989 Airbnbs for people who live on the property or near the property. And when you go before
990 the Planning Commission, I've been several times where they've turned down
991 applications because the people live too far away, meaning out of state or in another
992 county. So I think that that makes sense. If you live in a reasonable proximity to your
993 house in a separate house where you are able to take care of it just like you would a
994 rental house – I mean I had a new hot water heater, it was a year old, it went out. And I
995 went in and I put a new hot water heater in at 9 o'clock at night. I went to Home Depot
996 and grabbed it and put it in and had it up and running. It's the same thing you would do
997 for a rental house potentially. So I'm not sure I see a difference.

998
999 I've actually looked at buying houses, I coach volleyball at Randolph Macon, so I've
1000 actually looked at buying a house somewhere between my house and Randolph Macon
1001 and using this more as an unhosted rental place. But right now, under the current
1002 ordinance, that wouldn't be possible I don't think.

1003
1004 Mrs. Thornton - It would be a different county if it's near Randolph Macon.

1005

1006 Mr. Rogers - Well it would be north Henrico, on the way, somewhere in
1007 between. I don't want to be that far away; I want to be able to maintain the property. You
1008 guys asked about going on vacation. On Airbnb, you just block out that week and don't
1009 allow it to be rented for the week that you're going to be on vacation. That's one option
1010 to deal with that so there's nobody there. The other option is, that I actually have one of
1011 my former volleyball players who works in the community now as a manager, because I
1012 do travel some. I have her locally so if I'm out of town, that it's posted to call me or text
1013 me, and then she comes in and takes care of it as well. And we have a list of repair
1014 people. So I have someone who lives within a mile of the property to come and take care
1015 of the property.

1016
1017 I don't want it to devolve into me not being a super host, because I get special attention
1018 on Airbnb. I get primary position when people do the searches, so I want that. I
1019 understand your problems with some of your complaints that you have. I feel like there
1020 are some areas that probably wouldn't be good candidates for Airbnb. I think the cul-de-
1021 sac where houses are really close together possibly aren't candidates for unhosted
1022 Airbnb. I think that the process you're going through is probably the right process, I just
1023 think the hosted versus unhosted could possibly be handled a little differently. And I'll stay
1024 as a hosted person and just go down the street, and I don't know that there's any
1025 difference for me. I think for someone who owns more of them, it might be a problem
1026 potentially.

1027
1028 Mr. Baka - Question, if I may.

1029
1030 Mr. Rogers - Yes, sir.

1031
1032 Mr. Baka - Would you be concerned at all and I don't know your context
1033 on Dickens Road of the neighbors, I've been by Dickens many times and through there.
1034 But would you be concerned at all if your next-door neighbors have unhosted stays pretty
1035 much each month, month after month, for unlimited times throughout the whole year for
1036 Airbnb?

1037
1038 Mr. Rogers - I don't think it would bother me, I don't know if I see any
1039 difference between a rental house and –

1040
1041 Mr. Baka - I guess you may see a characterization in a turnover, you may
1042 see a turnover, you may see different residents. Even when you have a rental property
1043 and a home, you have some type of long term stability, whether it's the same family, the
1044 same people coming and going for 6 months, 12 months, 18 month-rental, 2-year lease,
1045 someone mentioned.

1046
1047 Mr. Rogers - I get what you're saying.

1048
1049 Mr. Baka - I guess that would be the –

1050

1051 Mr. Rogers - And you know, in my neighborhood, kids aren't playing in the
1052 street, so it's not that kind of a neighborhood. That's why I say there may be some
1053 neighborhoods that aren't –
1054
1055 Mr. Baka - Dickens is a collector road, connects Broad to Staples Mill.
1056
1057 Mr. Rogers - The people across the street park their cars in the front yard.
1058 And I find that offensive. I wouldn't do that. So I mean, that happens at rental properties
1059 for the most part and people are coming and going.
1060
1061 Mr. Baka - I mean, I agree with you; that's a different context in a
1062 suburban neighborhood with houses closer together.
1063
1064 Mr. Rogers - I'd like to see you deal with these or have the flexibility to deal
1065 with these situations a little differently.
1066
1067 Mr. Baka - Okay.
1068
1069 Mrs. Thornton - Two questions for you. How many times a year do you feel
1070 like you do rent out your house for Airbnb? I'd just like to know...
1071
1072 Mr. Rogers - Do you mean like how many, three-day occupants would be
1073 one?
1074
1075 Mrs. Thornton - Even if they stay four nights, how many do you feel like? How
1076 about a month?
1077
1078 Mr. Rogers - Well I was about to say, it's probably about three a month
1079 except for maybe –
1080
1081 Mrs. Thornton - So your house is unoccupied the rest of the time? Or do you
1082 live there?
1083
1084 Mr. Rogers - No, I live there.
1085
1086 Mrs. Thornton - So you just leave.
1087
1088 Mr. Rogers - Either we give it to them, or my manager gives it to them, or –
1089
1090 Mrs. Thornton - So somebody physically gives it to them.
1091
1092 Mr. Rogers - No, there's a lockbox as well.
1093
1094 Mrs. Thornton - A lockbox.
1095
1096 Mr. Rogers - But all of the above.

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Mrs. Thornton - So, three times a month?

Mr. Rogers - Three times a month except in the wintertime. In the winter I'll go all of January and not rent it. It seems to not be a popular month. And sometimes February is not great. So three times a month from March to December, probably. December is interesting because families come and they want to cook Christmas dinner, or Thanksgiving and they want to cook Thanksgiving dinner. So, actually, those two months are a little more popular in the winter than January.

Mrs. Thornton - Okay.

Mr. Rogers - I've talked to my neighbors and they don't seem to have a problem. They think the property...I actually am improving the property, so I think they appreciate that.

Mr. Witte - I have a question. When you travel, do you ever use a concierge service? I mean it's free, it's an amenity, it's an awesome thing. I use it whether I'm with my grandchildren or with a bunch of retired people or anyone in between. They know about the area, they tell you what you want to know: where to eat, whatever.

Mr. Rogers - Sure.

Mr. Witte - That's a great thing.

Mr. Rogers - A concierge at the hotel, you mean?

Mr. Witte - Yes.

Mr. Rogers - Sure.

Mr. Witte - It's a great thing.

Mr. Rogers - I ask them where to eat at night.

Mr. Witte - By having an owner occupied, you're actually the concierge. You can help these people; you can make their experience better.

Mr. Rogers - These people don't want me there.

Mr. Witte - What?

Mr. Rogers - These people don't want me there.

Mr. Witte - You never know.

1143 Mr. Rogers - Oh, I do know. They don't want me there.
1144
1145 Mr. Baka - Can I follow up on that? If the question is they don't want you
1146 there, is it now more of a hotel this week than it is a house? And if it's a house in a
1147 residential neighborhood, are they intended to be homes in the first place? So, in other
1148 words, when they don't want you there, are we at a tipping point where it almost becomes
1149 more like a hotel? Get it? I mean, that's a general question I tossed out there.
1150
1151 Mr. Rogers - It's my property. I'm there every day doing something. I work
1152 in my garage, or I'm doing something.
1153
1154 Mr. Witte - That's you personally.
1155
1156 Mr. Rogers - Sure it is. I'd like to think --
1157
1158 Mr. Witte - How many other Airbnb's are going to have someone there
1159 every day?
1160
1161 Mr. Rogers - Well, I don't think they are. That's why I say we are at a tipping
1162 point between hosted and unhosted. Again, I don't see a whole big difference between
1163 that and a rental house. If it were a rental house, I wouldn't be there taking care of the
1164 property.
1165
1166 Mr. Witte - But you have somebody on the lease that is responsible and
1167 they know where you are, you know where they are, you know where they work, they're
1168 local. It's a whole different scenario.
1169
1170 Mr. Rogers - Really?
1171
1172 Mr. Baka - You have less turnover.
1173
1174 Mr. Witte - Right.
1175
1176 Mr. Rogers - You have less turnover, but they don't take care of the place
1177 like I do. I would think my neighbors think it's much better now than when it was a rental
1178 place.
1179
1180 Mr. Witte - I'm not saying that's not true; I'm just saying we're not
1181 concerned with just your situation, or just anyone's situation. We have to be concerned
1182 about all of them and how they affect everything. And not just your neighborhood, and not
1183 just your street. We've got senior citizens we have to be concerned with, young children,
1184 and everything in between. Your situation for you specifically is great, but we can't base
1185 it on one experience.
1186
1187 Mr. Rogers - But why would you want to exclude me?
1188

9 Mr. Witte - I don't want to exclude you, I want you to be there.
0
1191 Mr. Rogers - I want to be there, too. That's why I'd like to have the flexibility
1192 to buy a house nearby and use this as more of a short term rental than a long term rental.
1193
1194 Mr. Witte - Instead of buying a house, put a room over a garage. You're
1195 right there, on the property. There's a way to solve everything.
1196
1197 Mr. Rogers - Is that allowed?
1198
1199 Mr. Witte - Depending on your zoning, your area.
1200
1201 Mr. Rogers - Is that allowed? I don't think that's allowed.
1202
1203 Mrs. Thornton - You can apply for an unhosted stay.
1204
1205 Mr. Baka - I have a follow up question.
1206
1207 Mr. Rogers - No, I'd like to deal with that for just a second, because that
1208 would be an option.
1209
1210 Mr. Witte - I have a room over my garage, I can tell you. It's attached to
1 the house, but it can have a separate entrance, that's different.
2
1213 Mr. Rogers - But in my situation, I'd actually have to apply for a tenant
1214 variance. If I built something over my garage, I would have to apply for that to be a tenant.
1215
1216 Mr. Witte - No, I'm not talking about a self-contained – I'm talking about
1217 a room.
1218
1219 Mr. Roger - Well my garage is detached.
1220
1221 Mr. Witte - Attached, that's it!
1222
1223 Mr. Roger - No, it's detached.
1224
1225 Mr. Emerson - No, detached.
1226
1227 Mr. Witte - No, I'm not talking detached.
1228
1229 Mr. Rogers - I understand what you're saying, I just don't want to be
1230 excluded in the process and I'd just like you to consider if I wanted to be unhosted, I might
1231 be excluded in the process if I bought a house nearby.
1232
1233 Mrs. Thornton - In the current ordinance, correct me, but he can apply.
4

1235 Mr. Madrigal - [off microphone] He can apply for a Conditional Use Permit for
1236 unhosted stays in his primary residence.
1237
1238 Mr. Rogers - In my primary residence though.
1239
1240 Mrs. Thornton - That is your primary residence though, you just said that.
1241
1242 Mr. Rogers - I said, I'm lucky now, but what I said was, I might want to buy
1243 a house and make it not my primary residence but live nearby. Currently it's not a
1244 problem, I can work within the ordinance. But it takes away my option if I'd like to live
1245 nearby. And it takes away Mr. Patterson's option because he doesn't live in his Airbnb,
1246 it's not his primary residence. He takes really good care of it. And I would like that option
1247 to be local but not have to live on the property to do it. And in that situation, I don't see a
1248 difference between that being a long term rental or a short term rental in my situation. I
1249 do see it in some of the developments where it might be a problem. But I don't think it's a
1250 problem in my situation.
1251
1252 Mr. Baka - Question if I may about your home on Dickens Road. Do you
1253 have a larger lot size there? Or do you have setbacks that are greater than typical?
1254
1255 Mr. Rogers - I have a large lot.
1256
1257 Mr. Baka - How many acres, give or take?
1258
1259 Mr. Rogers - It's 0.9 acres.
1260
1261 Mr. Baka - So that's fairly large for a residential lot for the County. It
1262 probably gives you greater setbacks. That could be an avenue that we could also look at,
1263 dealing with, as Mr. Rogers talked about, if houses are right on top of each other, it might
1264 not be as conducive. But it may be somewhat more conducive if you had larger areas. It
1265 depends. A lot to get into there.
1266
1267 Mr. Rogers - I have a fenced in yard as well, so I allow dogs. And that's
1268 something else that people appreciate, because there's not really a venue for that. You
1269 could keep them in a hotel, but to actually have a fenced in yard where they can let the
1270 dog run.
1271
1272 Mr. Baka - Okay. Any other questions for Mr. Rogers? Thank you very
1273 much sir.
1274
1275 Mr. Emerson - Thank you, Mr. Rogers. The next individual we have is Robin
1276 Michie.
1277
1278 Mrs. Michie - [off microphone] It's Robert Michie.
1279
1280 Mr. Emerson - Robert, I'm sorry.

11
12 Mr. Michie - She's my concierge.
1283
1284 Mr. Witte - I like it.
1285
1286 Mr. Baka - Good morning, and welcome.
1287
1288 Mr. Michie - Good morning, Bob Michie and my wife Robin. 201 Walsing
1289 Drive is our residence. Just to give you a couple of background pieces. First of all, I want
1290 to commend both of you, I think you were thorough. I agree with, if not 100%, at least
1291 99.9% of what you said, and I appreciate the fact that they were comprehensive in their
1292 approach to this. So my ask, right off the bat, is that we go back and look at those
1293 comments and details, and I think they speak very strongly to the situation. Hopefully I
1294 can add to that in a qualifying way.
1295
1296 Let me give you the how, the need, the situation we're in, and then give you a couple of
1297 other thoughts that I think might be helpful. So, the how is that this house was built in
1298 1958 and has a carriage house behind it. We bought it about 13 years ago. One day, my
1299 mother was beginning to fail in her health, and we said, "Hey, look I found this great
1300 house, it's got a carriage house. But we aren't going to buy it unless you come down and
1301 live with us." And she did for 12 years, and it was fantastic, best thing we ever did. Best
1302 thing for her and the kids. She passed away about a year and a half ago, and afterwards
3 I said let's not touch it, we'll keep it just the same. She wasn't there, so a couple months
4 later, Robin said let's renovate it and turn it into an Airbnb or VRBO, the ubiquitous kind
1305 of short term piece. And we did. It has been fantastic, we have thoroughly enjoyed it.
1306 It's just been something that has served a lot of purpose.
1307
1308 I will say that I absolutely agree with the need for oversight. Back to your point, we're
1309 doing it responsibly, others may not. But if we're doing it responsibly, let us do it. And
1310 those that aren't, let's put safeguards and policy and consequences in place to make sure
1311 that if they're not, that it can be taken care of. So, we have gone virtually unnoticed in
1312 the neighborhood. I am so pleased to tell you that every one of my neighbors that I
1313 eventually, as time, as I would see them outside or what have you, saw them and said
1314 hey by the way, did you know what we're doing with mom's house? And they didn't know.
1315 And none of them had an issue with it. I think there was this peak of interest, like wow,
1316 that's really cool.
1317
1318 Now we are in a good situation, it's a larger lot, we have off street parking. The house is
1319 attached by a breezeway, but it is absolutely its own structure. Quite frankly, I was proud
1320 of that, that no one noticed what we were doing if you will. But I was very open about that.
1321
1322 Mr. Witte - Excuse me.
1323
1324 Mr. Michie - Yes, sir.
1325
5 Mr. Witte - Your Airbnb is the carriage house? Or the main house?

1327
1328 Mr. Michie - It's the carriage house.
1329
1330 Mr. Witte - So you are actually owner on the property.
1331
1332 Mr. Michie - Yes.
1333
1334 Mr. Witte - Okay great.
1335
1336 Mr. Michie - Now I've often thought about kicking my kids out of the house
1337 and renting their rooms.
1338
1339 Mr. Witte - I've got a couple I'll rent you.
1340
1341 Mrs. Thornton - What is your lot size, just so I can envision it?
1342
1343 Mr. Michie - I believe it is 0.8 acres.
1344
1345 Mrs. Thornton - Okay, so kind of like his.
1346
1347 Mr. Michie - Correct, correct. And it's a corner lot.
1348
1349 Mr. Witte - What part of town?
1350
1351 Mr. Michie - It's off River Road in Dorset Woods.
1352
1353 Mr. Witte - I know exactly where that is.
1354
1355 Mrs. Thornton - So you're in a neighborhood.
1356
1357 Mr. Michie - Very much so.
1358
1359 Mrs. Thornton - Do you have an HOA?
1360
1361 Mr. Michie - You know, it's a voluntary \$30 a year HOA. So there's no
1362 restrictions from that perspective.
1363
1364 Mr. Baka - I believe that neighborhood was built in the 50's, so there's no
1365 HOA established.
1366
1367 Mr. Michie - It was in the 80's when sewer and water came in. The other
1368 piece is the nature and length of the stay of the visitors. So we've had everything from a
1369 father who divorced, moved to a different job, comes back 55 days throughout the year,
1370 and doesn't want to stay in a hotel. He wants his daughter to have a home, if you will.
1371 So that's perfect. Frankly, from a personal standpoint, my mother would be, well she was
1372 a people person and she would have loved the fact that people are making new memories

13 in the house. So that's an emotional side of it, but it still has value, right? So we have
14 single parents doing that, we've got two instances of that. A lot of grandparents that
1375 frankly would come to town and they'd probably stay three days if they were in a hotel or
1376 stay two days if they were with their children, and they're staying two weeks. Which I
1377 think is fantastic, right? So they're staying longer. And then the others are just folks
1378 coming back into town that have retired elsewhere and want to come back and see their
1379 friends. And again, they're staying for extended periods of time. Weeks, a week, two
1380 weeks, what have you. Where they would not do that in a hotel, I don't believe. And then
1381 the sports travel piece is interesting. Because obviously the County wants to do that and
1382 is doing a great job of attracting that. It's great. So the difference there is, some people
1383 want to stay in a hotel. But others want the choice of this type of option. And so if we're
1384 going to continue to attract the sports travel, we need to have, in my estimation, those
1385 choices. That's a good thing. Those are a couple of the pieces.

1386
1387 I would say, just looking through my other notes... Airbnb, the platforms if you will, and
1388 there are multiple, have safeguards. So Robin is a super host as well, and that's a key
1389 factor. There are a lot of safeguards, there's a lot of checks and balances there in this
1390 platform, if you will, or platforms. You can see what people have been rated in previous
1391 stays, and they can see what your property has been rated at. So those are hugely
1392 important in not only how the platform works, and effectively works, but how it works with
1393 some of the concerns that you all had as well.

1394
1395 I do have a concern with the illegal comment. I believe you mentioned that earlier. The
6 first thing we did was reach out to the County to make sure we were not doing anything
1397 illegally. And technically, yes it is. And I heard that on the news the other night and that
1398 bothered me because it makes it sound like we are doing something that is just illegal.

1399
1400 Mrs. Thornton - Because right now, it's not allowed in our County. That's why
1401 I said that.

1402
1403 Mr. Michie - But you're allowing it to happen.

1404
1405 Mrs. Thornton - But we are not, they were supposed to have contacted
1406 everybody and asked them to close down until we can get –

1407
1408 Mr. Michie - That's not what I understood.

1409
1410 Mr. Blankinship - [off microphone] We are working on a complaint basis.

1411
1412 Mr. Emerson - That's right.

1413
1414 Mr. Michie - So I think there's a distinction there that I think is important
1415 and needs to be addressed. Because one –

1416

1417 Mrs. Thornton - Because if you asked a normal citizen that isn't doing it,
1418 they're like 'oh no, we don't allow Airbnb,' I mean most people don't think about Airbnbs
1419 in the general public here in Henrico.
1420

1421 Mr. Mackey - If you go home and your neighbor calls this evening and
1422 complains then someone will come to see you.
1423

1424 Mr. Michie - As they should.
1425

1426 Mr. Mackey - And tell you that you are illegally running that Airbnb.
1427

1428 Mr. Michie - Sure.
1429

1430 Mr. Emerson - And once you receive the complaint, we will enforce the code
1431 against you. This has been to Board of Zoning Appeals already three or four times. The
1432 BZA has upheld it, so we have unfortunately had to tell many people, or several people,
1433 to cease business. And we will continue to do that until we have the code in place. We
1434 did go through a process that we used Host Compliance, if you are on Airbnb, or were at
1435 the time when we did our scrape, as they call it, then you would have received a letter
1436 from us notifying you of the code. And the folks that did come to the meeting were made
1437 aware that this is an illegal use in the County.
1438

1439 Mr. Michie - Understood and thank you for further clarifying that. My
1440 concern was that somehow, by still doing this, we are breaking all kinds of rules and it
1441 sounds like that's not the case unless we –
1442

1443 Mr. Emerson - No, sir, you are. You are in violation of the code.
1444

1445 Mr. Michie - So, am I allowed to run it or am I not allowed to run it?
1446

1447 Mr. Emerson - Well, if you want my Zoning Administrator's opinion, you are
1448 not allowed to run it. What I will tell you is our approach currently is if we do not receive
1449 a complaint, we are not actively pursuing it. If we receive a complaint, you will be turned
1450 over to Community Maintenance, they will research it, they will issue an NOV to you, and
1451 you will be requested to cease operation. So that's the official answer.
1452

1453 Mr. Michie - So, what I'm hearing is there's a compromise until there are
1454 issues and then you have a way to deal with those issues. Is that fair? Somebody's got
1455 to give me an answer.
1456

1457 Mr. Emerson - Yes, and I am giving you the official answer. These are
1458 recorded minutes and that is my official position.
1459

1460 Mr. Michie - Yes, understood. I will continue to cut my neighbor's grass
1461 and keep them in good graces.
1462

1463 Mr. Baka - I think part of the dialogue here is to understand the
1464 complexities of cases such as yours. Also, interesting that it's on Walsing Drive, so it's
1465 interesting also to hear that there haven't been that many perceived disruptions to the
1466 neighborhood.

1467
1468 Mr. Michie - I don't think any perceived disruptions. It kind of reminds me
1469 of what our supervisor, his name escapes me.

1470
1471 Mrs. Thornton - Pat.

1472
1473 Mr. Michie - Pat O'Bannon, I know well, sorry the name thing gets me. Pat,
1474 when I told her we had moved in 13 years ago when I saw her at Mayberry Elementary
1475 School, she said well you know that's out of code. And I said well you're going to kick my
1476 mom out? And she said, well no, but if there's parties and you rent it out to somebody at
1477 U of R, then yes. So I get it. I just wanted some clarification. And I am certainly a law-
1478 abiding citizen. And I'd like to be understood in how I'm approaching that, we'll get over
1479 that.

1480
1481 Mr. Archer - Mr. Michie.

1482
1483 Mr. Michie - Yes, sir.

1484
1485 Mr. Archer - I know the term illegal bothers you, but you can sort of look at
1486 it as we are trying to find out a way that we can make it legal. And it's not easy because
1487 everybody has a different circumstance, and we can't come up with a hard and fast rule
1488 that applies only to certain people. [inaudible] It's difficult, we are trying to come up with
1489 some solution that will make this work. You're not a law-abiding citizen.

1490
1491 Mr. Michie - I thought this was a sanctuary County. I like to find the humor
1492 in things, otherwise it just gets too troubling.

1493
1494 Mr. Archer - This is not simple, and we are not really trying to simplify, we
1495 are trying to figure out some kind of way that we can make this work and you can come
1496 live here. And everybody has a different circumstance. Mr. Patterson for example, and
1497 Mr. Rogers and you. You all seem to be unique in the way you care for your properties.
1498 But there are a lot more that aren't. And some way, we are going to have to accommodate
1499 the things that they are not doing that they should be.

1500
1501 Mr. Michie - As I certainly agree you should.

1502
1503 Mr. Archer - I guess, just stay tuned. We're trying.

1504
1505 Mr. Michie - And much appreciated. I am in full support of that. Is this any
1506 different than any other, I mean it is, but in terms of what Planning Commission does?
1507 You determine what's allowed and what's not, and what safeguards are in place when
1508 you deviate from that. And this is no different. So I think to have those policies and

1509 consequences in place is hugely important. Because of exactly what you said, we are
1510 doing it the right way, and have from the beginning, and want to do something that is by
1511 nature of this new shared economy very much in the direction things are going.
1512

1513 But I think it would hurt the County overall with a lot of the direction – we are not Nashville,
1514 and I don't think we want to be. People are coming here because we're Richmond and
1515 Henrico County and sports.
1516

1517 Mr. Witte - Specifically Henrico County.
1518

1519 Mr. Michie - Absolutely. I think I personally think for all those reasons that
1520 there is a manageable compromise to this. And I would be very disappointed if there
1521 wasn't one. And I'm sure that it's got to come in the middle, it's got to. And if it doesn't,
1522 given what I saw in January, and frankly I was a little disappointed in what I saw in
1523 January. I saw some people that were like "stay the hell out of my business," but your
1524 business is other people's business, right? You're disrupting your neighbors, that's not a
1525 good thing; I would be deeply upset if that was happening. So at any rate, that's a
1526 universal problem these days. I hope you find a compromise; I would love to stay involved
1527 in the process. Robin and I both are reasonable in our approach to this. Get a little fired
1528 up when I think I'm doing something illegal.
1529

1530 Mr. Baka - Thank you for your comments. Any other questions for Mr.
1531 Michie?
1532

1533 Mr. Witte - Great job.
1534

1535 Mr. Emerson - Mr. Michie, when you have a guest that comes through the
1536 platform, whichever one you're using, if they don't have a history, how do you – clearly
1537 I've heard from all three of you that you're looking at these platforms, you're looking at
1538 your guests to make sure they're clean and they've got good ratings. What if you're
1539 looking at somebody that has no rating? Could you come down to the mic please?
1540

1541 Mr. Baka - Good morning and welcome. Please state your name.
1542

1543 Mrs. Michie - Good morning, I'm Robin Michie. Basically, the short term
1544 rental platform will ask for some type of verification because you are going to have new
1545 travelers that have not used a short term rental platform before. So they ask for various,
1546 you know, can you verify a phone number, an email, government issued ID. And most of
1547 the time, the traveler is also providing a little snippet of why they're coming. The host can
1548 ask for either, well you can do it two ways. You can do an instant booking, or you can do
1549 an inquiry. So the traveler has to require or request first to stay on that property, and if
1550 they do, then they also have to provide a little snippet of why they're staying. What brings
1551 them to the area, what their plans are. I think you can get red flags, those signals that it
1552 just doesn't sync up. You know if they seem new, but they're asking for things that the
1553 platform doesn't provide... you cannot see my direct address, my phone number, other
1554 personal and private identity type things are not listed initially on the platform for me as a

1555 host. But once you have booked, and I have given you access to that information, then
1556 you have it. So you have paid as a traveler, you've been verified by the platform... and
1557 I've forgotten your initial question.

1558
1559 Mr. Emerson - Just how you screen a perspective renter.

1560
1561 Mrs. Thornton - Someone that has not rented before.

1562
1563 Mrs. Michie - You're not going to get any of that information provided from
1564 them, a red flag might be, again, if they ask for things that you're not supposed to give.
1565 Or if they ask you if they can send you a check, or reroute the platform to make the
1566 payment, you cannot have a credit card. So red flags go up if you have a traveler that
1567 you don't think is appropriate. And you can turn that down. If you have an instant booking
1568 and you don't feel comfortable, you can turn that down as well through the platform. So
1569 I feel like the short term rental platforms that we are familiar with have guidelines that are
1570 in place. And also just to speak a little bit to the safety, they do ask that you have
1571 emergency procedures listed in your house guidelines, that you have a house manual
1572 that is not only digital but is on the property and visible to see. You ask travelers to text
1573 you when they arrive and when they leave. I think there are a lot of parameters within
1574 the short term rental process, for the host and the traveler. So it's definitely a two-way
1575 street.

1576
1577 I would also add that there's a lot of content out there for hosts and travelers, so if you're
1578 new to either, or you're just continuing your education as a host, there's a lot of support
1579 through all of the platforms. And also, the platforms are very aware of what this
1580 experience can be, and they want the host to level up. And the host should want to do
1581 that if they plan on making any money. They want to make sure that you're checking
1582 every box as far as safety, guidelines, possible complaints, that type of thing.

1583
1584 Mr. Michie - I just want to add two quick things. One is if we weren't doing
1585 this, we would not have spent the \$30+ thousand to renovate the house, I mean we've
1586 renovated some of it. It would probably be unused, because I just don't have the use for
1587 that. So it's a unique situation in that respect. The other thing is that we've had neighbors
1588 call and have family come in and use the house. So that's a pretty good sign too. Family
1589 and/or friends.

1590
1591 Mr. Witte - Charge neighbors double?

1592
1593 Mr. Michie - I'm going to charge them less now that I know –

1594
1595 Mr. Baka - Mr. Michie thank you so much, thank you both.

1596
1597 Mr. Emerson - Thank you, Mr. Chairman, that completes that item for this
1598 morning. The next item that I have for you is another discussion item. And I would request
1599 that you schedule a work session to discuss an amendment to the code regarding master
1600 planned communities in the R-6 District. And also we will be continuing our discussion on

1601 short term rentals on May 9, and I'd ask that you schedule that work session at 5 pm. I
1602 don't need a formal motion, but if anybody has a scheduling conflict or that creates a
1603 concern, I'd like to know so we can make adjustments as necessary.

1604
1605 Mr. Baka - I'm open to scheduling a 5 o'clock, I would just like to for future
1606 consideration, past the May 9th meeting, that perhaps we could also do some of these
1607 work sessions after the 7 o'clock hearing or at the tail end of the cases at 7 o'clock. If
1608 those cases end at 7:30 or 8:00, continue the meeting there. That's just for future
1609 consideration. Let's do 5 o'clock, and yes we can proceed with that. Do you need a
1610 motion, sir?

1611
1612 Mr. Emerson - No, that takes care of me, thank you. Mr. Chairman, I have
1613 nothing further for the Commission this morning.

1614
1615 Mr Baka - If there's no other business to conduct this morning, a motion
1616 to adjourn would be in order.

1617
1618 Mr. Witte - So moved.

1619
1620 Mr. Archer - Second.

1621
1622 Mr. Baka - We have a motion by Mr. Witte, a second by Mr. Archer, all in
1623 favor say aye.

1624
1625 Commissioners - Aye.

1626
1627 Mr. Baka - Meeting is adjourned, thank you all for attending.

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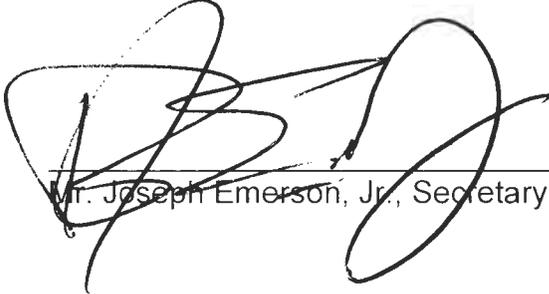
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Mr. Gregory R. Baka, Chairperson



Mr. Joseph Emerson, Jr., Secretary

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least 48 hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **April 24, 2019**, which shall be as much a part of this approval as if details were fully described herein. Nine (9) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised October 2015)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.
9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
10. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced no later than the next planting season.

11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature. **(For POD which includes lighting plan approval)**
12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
13. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan for review and approval.
14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
15. Traffic control signs shall be provided as indicated on the Department of Planning Staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
16. The assigned property number(s) shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses. **(Revised January 2008)**
17. The owner shall have a set of plans approved by the Director of Public Works, Public Utilities and Secretary of the Planning Commission available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
18. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
19. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the owner shall furnish a statement by the engineer or land surveyor who prepared the POD plan, to the effect that all construction including water and sewer is in conformance to the regulations and requirements of the POD.
20. The approved Plan of Development is granted by the Planning Commission only to the owners(s)/applicant(s) listed on the Plan of Development application on file for this project. Upon written notification to the Director of Planning, the Plan of Development approval may be transferred to subsequent owner(s) subject to approval by this Commission, or approval by the Director of Planning provided the property is transferred to new ownership no later than 24 months following initial construction plan approval. **(Revised August 2016)**

21. Vehicles shall be parked only in approved and constructed parking spaces.
22. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
23. The site, including paving, pavement markings, signage, curb and gutter, dumpster screens, walls, fences, lighting and other site improvements shall be properly maintained in good condition at all times. Any necessary repairs shall be made in a timely manner.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
25. Insurance Services Office (ISO) calculations shall be included on the final construction plans for approval by the Department of Public Utilities prior to issuance of a building permit.
26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
27. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
28. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
29. **(Start of miscellaneous conditions)**

STANDARD CONDITIONS FOR LANDSCAPE/LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **April 24, 2019**, which shall be as much a part of this approval as if all details were fully described herein. Four (4) sets of prints of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

B. In Addition to Item A, the Following Standard Conditions for Approval of All Zero Lot Line Developments shall apply:

29. Roof edge ornamental features that extend over the zero lot line, and which are permitted by Section 24-95(i)(1), must be authorized in the covenants.
30. Eight-foot easements for construction, drainage, and maintenance access for abutting lots shall be provided and shown on the POD plans.
31. Building permit request for individual dwellings shall each include two (2) copies of a layout plan sheet as approved with the plan of development. The developer may utilize alternate building types providing that each may be located within the building footprint shown on the approved plan. Any deviation in building footprint or infrastructure shall require submission and approval of an administrative site plan.
32. Windows on the zero lot line side of the dwelling can only be approved with an exception granted by the Building Official and the Director of Planning during the building permit application process.
33. The mechanical equipment for each building shall be located on its respective lot. Except for wall-mounted electric meters, in no case shall the eight-foot easement for construction, drainage, and maintenance access on the abutting lot be used to locate other mechanical equipment (such as HVAC equipment, generators, and the like) for the subject lot.

C. Standard Conditions for Approval of All Dry Cleaners and Laundries in Addition to Item A:

29. The dry cleaning establishment shall use only non-inflammable cleaning solvents and have fully enclosed cleaning and solvent reclamation processes and fully enclosed pressing equipment with no outside steam exhaust.

D. In addition to Item A, the Following Conditions for Approval of All Shopping Centers Shall Apply:

29. Only retail business establishments permitted in a **ZONE** may be located in this center.
30. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
31. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

E. In Addition to Item A, the Following Standard Conditions for Approval of All Multi-Family Shall Apply:

29. The unit house numbers shall be visible from the parking areas and drives.
30. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and such names shall be included on the construction plans prior to their approval. The standard street name signs shall be installed prior to any occupancy permit approval.

F. In addition to Item A, the Following Standard Conditions for Approval of All Service Station Developments Shall Apply:

29. This business shall not remain in operation after midnight and no exterior signs shall remain lighted after **(12:00 midnight - B-1) (1:00 o'clock a.m. - B-2) (no limit - B-3)**.
30. No merchandise shall be displayed outside of the building except that oil racks will be allowed on the pump islands.
31. This service station shall be used only for the sale of petroleum products and automobile accessories and parts. It shall not be used to sell or rent camping trailers, nor as a base of operation for truck fleets or fuel oil delivery or other such use that is not strictly a service station operation.
32. Only light repair work shall be allowed at this station, including motor tune-up, brake, generator, ignition, and exhaust repairs, and wheel balancing. The only work that can be performed outside the building is those services that are normally furnished at the pump island and the changing of tires.
33. No wrecked automobiles, nor automobiles incapable of being operated, shall be kept on the premises.
34. The prospective operator of this station shall come to the Department of Planning and sign the file copy of the special plan of development letter before he signs a lease with the oil company to operate this station.

G. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS IN A B-2 ZONE

29. Bulk storage of fuel shall be underground.
30. There shall be no exterior display of merchandise except on pump islands and on paved walkway areas within three (3) feet of building.
31. Lighting fixtures shall not exceed a height greater than twenty (20) feet.
32. No temporary storage of wrecked or inoperative vehicles or rental of vehicles, trailer campers, vans or similar equipment shall be permitted.
33. Not more than two (2) electronic amusement games shall be permitted.
34. Not more than two (2) vending machines for food and beverage and similar merchandise shall be permitted on the premises outside of an enclosed building.
35. The prospective operator of this facility shall come to the Department of Planning and sign the file copy of the special plan of development letter before he signs a lease with the oil company to operate this station.
36. The landscaping plan shall include details for screening of refuse containers and refuse storage facilities in accordance with Section 24-61(i).
37. Refuse containers or refuse storage facilities shall be serviced during business hours only.
38. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way.
39. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility. **(If Car Wash Is Proposed)**

**H. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS
IN A B-3 ZONE**

29. Bulk storage of fuel shall be underground.
30. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way. **(If Car Wash Is Proposed)**
31. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility. **(If Car Wash Is Proposed)**

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Conventional Single-Family Subdivisions Served By Public Utilities

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of sixteen (16) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on-site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 24, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 23, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be

- filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
 11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
 12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Conventional Single-Family Subdivisions Not Served By Public Utilities

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of eleven (11) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **April 24, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **April 23, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.
11. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Residential Townhouse for Sale (RTH) Subdivisions

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 24, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 23, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.
13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site
14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of **(name of subdivision)** and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Zero Lot Line Subdivisions

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 24, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 23, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.

11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers and Chesapeake Bay Act Areas.

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Road Dedication with No Lots

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of sixteen (16) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 24, 2019**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 23, 2020**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.