

Minutes of the regular monthly meeting of the Planning Commission of Henrico County held in the County Administration Building in the Government Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, January 9, 2020. Display Notice having been published in the *Richmond Time-Dispatch* on December 24, 2019 and December 31, 2019.

Members Present: Mr. C. W. Archer, C.P.C., Chairman (Fairfield)
Mr. William M. Mackey, Jr., Vice Chairman (Varina)
Mr. Gregory R. Baka (Tuckahoe)
Mrs. Melissa L. Thornton (Three Chopt)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
Secretary

Members Absent: Mr. Robert H. Witte, Jr. (Brookland)
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors' Representative

Also Present:

Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Benjamin Sehl, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Michael Morris, County Planner
Ms. Kristin Smith, County Planner
Mr. William Moffett, CPTED Planner, Police
Ms. Sylvia Ray, Recording Secretary

Mr. Baka - Welcome. I call this meeting of the Henrico County Planning Commission to order. This is our rezoning meeting for January 9, 2020. At this time I'd like to ask you to please take a moment to silence your cellphones and please stand with the Commission for the Pledge of Allegiance.

Do we have anyone in the audience tonight with the news media? Okay. A majority of the Planning Commissioners are present, and we do have a quorum and we can conduct business. So, at this point, I'll turn the agenda over to Mr. Emerson, our secretary.

Mr. Emerson - Thank you, Mr. Chairman. I will note Mr. Witte isn't here with us this evening because he is out of town, and the Board hasn't held their reorganizational meeting at this point, so they will appoint a Board Member to serve with the Commission next Tuesday evening. And we'll have whomever that may be with us for the second meeting of the month.

With that said, the request for withdrawals and deferrals are next, and there are none of those, so we move on to the request for expedited items, and those will be presented by Mr. Jim Strauss.

48 Mr. Strauss - Thank you, Mr. Secretary. We do have five requests for
49 approval on the expedited agenda this evening. And the first two are companion cases
50 in the Tuckahoe District. On page 1 we have Rezoning 2020-00002, New Market -
51 Gayton Crossing, LLC.

52
53 **REZ2020-00002 James W. Theobald for New Market – Gayton Crossing, LLC:**
54 Request to amend proffers accepted with Rezoning case C-2C-87 on part of Parcel 746-
55 745-0311 located on the west line of Gaskins Road (State Route 157), approximately 400'
56 north of its intersection with Gayton Road. The applicant proposes to amend proffers
57 regarding fast casual restaurants with drive thru service on an outparcel. The existing
58 zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan
59 recommends Commercial Concentration. **Staff – Rosemary Deemer (Expedited**
60 **Agenda Requested)**

61
62 In this case the applicant is requesting to amend proffers regarding fast casual
63 restaurants with drive-through service on an outparcel. Staff is recommending approval
64 with amended proffer 3 in the staff report. We are not aware of any opposition.

65
66 Mr. Baka - Is there anyone present this night, tonight, in opposition to the
67 companion cases for Rezoning 2020-00002, James W. Theobald for New Market -
68 Gayton Crossing, LLC, or PUP 2020-00001, James W. Theobald for New Market - Gayton
69 Crossing, LLC? Anyone in opposition? Seeing none, I would move for -- move that
70 Rezoning 2020-00002, James W. Theobald for New Market - Gayton Crossing, LLC be
71 recommended for approval with amended proffer number 3 in the staff report.

72
73 Mr. Mackey - Second.

74
75 Mr. Baka - We have a motion by Mr. Baka and a second by Mr. Mackey.
76 All in favor say aye.

77
78 The Commission - Aye.

79
80 Mr. Baka - Opposed say no. Motion carries.

81
82 **REASON -** Acting on a motion by Mr. Baka, seconded by Mr. Mackey, the
83 Planning Commission voted 4-0 (two absent) to recommend the Board of Supervisors
84 **grant** the request because the changes do not reduce the original intended purpose of
85 the proffers and they continue to assure a quality form of development with maximum
86 protection afforded to the adjacent properties.

87
88 Mr. Strauss - Also in the Tuckahoe District, page 2, is Provisional Use
89 Permit 2020-00001, New Market - Gayton Crossing, LLC.

90
91 **PUP2020-00001 James W. Theobald for New Market – Gayton Crossing, LLC:**
92 Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of
93 Chapter 24 of the County Code to allow a proposed coffee shop (Starbucks) to open at

94 5:30 a.m. on part of Parcel 746-745-0311 located on the west line of Gaskins Road (State
95 Route 157), approximately 400' north of its intersection with Gayton Road. The existing
96 zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan
97 recommends Commercial Concentration. **Staff – Rosemary Deemer (Expedited Agenda**
98 **Requested)**

99
100 The applicant's requesting to extend hours for a proposed coffee shop. The opening hour
101 will be 5:30. Staff is again recommending approval with the revised condition handed out
102 this evening in front of you, and we are not aware of any opposition.

103
104 Mr. Baka - Okay. I'll go ahead and ask again. Is there anyone in
105 opposition tonight to PUP2020-00001, James W. Theobald for New Market - Gayton
106 Crossing, LLC for extended hours? Anyone in opposition? Seeing none, I would move
107 that PUP2020-00001, James W. Theobald for New Market - Gayton Crossing, LLC be
108 recommended for approval with revised conditions number 1 through 9.

109
110 Mrs. Thornton - Second.

111
112 Mr. Baka - We have a motion by Mr. Baka and a second by Mrs.
113 Thornton. All in favor say aye.

114
115 The Commission - Aye.

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

118
119 **REASON -** Acting on a motion by Mr. Baka, seconded by Mrs. Thornton,
120 the Planning Commission voted 4-0 (two absent) to recommend the Board of Supervisors
121 grant the request because it would provide added services to the community and the
122 conditions should minimize the potential impact on surrounding land uses.

123
124 Mr. Strauss - Moving on to the Fairfield District on page 2. We have
125 Rezoning 2020-00001, First of Virginia, LLC.

126
127 **REZ2020-00001 First of Virginia, LLC:** Request to rezone from O-1 Office District to
128 O-2C Office District (Conditional) Parcel 784-753-4738 containing .39 acres located on the
129 west line of Brook Road (U.S. Route 1) approximately 450' south of the intersection with
130 Villa Park Drive. The applicant proposes an electrical contractor's office. The use will be
131 controlled by zoning ordinance regulations and proffered conditions. The 2026
132 Comprehensive Plan recommends Office. The site is in the Enterprise Zone. **Staff – Mike**
133 **Morris (Expedited Agenda Requested)**

134
135 The applicant is requesting to rezone from the O-1 Office District to the O-2C Office
136 District to allow electrical contractor's office. Staff is recommending approval with the
137 proffers 1 through 5 in the staff report. And, again, we're not aware of any opposition.

139 Mr. Baka - Is there anyone present tonight in opposition of Rezoning
140 2020-00001 First of Virginia, LLC? Seeing none.

141
142 Mr. Archer - Mr. Chairman, I move that REZ2020-00001 First of Virginia,
143 LLC be recommended for approval with proffers 1 through 5 dated December 11, 2019.
144

145 Mr. Mackey - Second.

146
147 Mr. Baka - We have a motion by Mr. Archer and a second by Mr. Mackey.
148 All in favor say aye.

149
150 The Commission - Aye.

151
152 Mr. Baka - Opposed say no. Motion carries.

153
154 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Mackey,
155 the Planning Commission voted 4-0 (two absent) to recommend the Board of Supervisors
156 grant the request because it conforms to the recommendations of the Land Use Plan and
157 it is not expected to have a precedent setting effect on the zoning in the area.
158

159 Mr. Strauss - Also in the Fairfield District on Page 2 Rezoning 2020-00005.
160 Westminster Canterbury Corporation.

161
162 **REZ2020-00005 Charlene Harper for Westminster Canterbury Corp.: Request to**
163 conditionally rezone from O-3 Office District, B-2 Business District, and B-3 Business
164 District to R-6C General Residence District (Conditional) Parcel 784-743-7079 containing
165 10.61 acres located on the south line of Dumbarton Road approximately 900' west of its
166 intersection with Brook Road. The applicant proposes a life care facility. The use will be
167 controlled by zoning ordinance regulations and proffered conditions. The 2026
168 Comprehensive Plan recommends Urban Mixed Use. The site is in the Enterprise Zone.
169 **Staff – Lisa Blankinship (Expedited Agenda Requested)**

170
171 A request to rezone from O-2 Office District, B-2 and B-3 Business Districts to the R-6C
172 General Residential District for a life care facility. Staff is recommending approval of
173 proffers -- with proffers 1 and 2 in the staff report, and we are not aware of any opposition.
174

175 Mr. Baka - Okay. Is there anyone present tonight in opposition to
176 Rezoning 2020-00005 Charlene Harper for Westminster Canterbury Corporation? Okay.
177

178 Mr. Archer - Mr. Chairman, I move that REZ2020-00005 Westminster
179 Canterbury Corp be recommended for approval with proffers 1 and 2 dated November
180 14, 2019.
181

182 Mr. Baka - Second. We have a motion by Mr. Archer and a second by
183 Mr. Baka. All in favor say aye.
184

185 The Commission - Aye.

186

187 Mr. Baka - Opposed say no. Motion carries.

188

189 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Baka, the
190 Planning Commission voted 4-0 (two absent) to recommend the Board of Supervisors
191 grant the request because it would assist in achieving the appropriate development of
192 adjoining property and it would permit infill development with the proper connection for
193 roads and other public facilities.

194

195 Mr. Strauss - And, finally, also in the Fairfield District, the companion case,
196 Provisional Use Permit 2020-00003, Westminster Canterbury Corporation again.

197

198 **PUP2020-00003 Charlene Harper for Westminster Canterbury Corp.: Request for**
199 a Provisional Use Permit under Sections 24-36.1(a), 24-120 and 24-122.1 of Chapter 24 of
200 the County Code to allow for the expansion of a life care facility on Parcels 782-742-9080,
201 783-742-4699, and 784-743-7079 located on the south line of Dumbarton Road
202 approximately 900' west of its intersection with Brook Road. The existing zoning is R-6
203 General Residence District, R-6C General Residence District (Conditional), O-3 Office
204 District, B-2 Business District, and B-3 Business District. R-6C zoning is proposed for the
205 Office and Business Districts with REZ2020-00005. The 2026 Comprehensive Plan
206 recommends Multi-family Residential and Urban Mixed-Use. Part of the site is in the
207 Enterprise Zone. **Staff – Lisa Blankinship (Expedited Agenda Requested)**

208

209 This is a request for approval of a Provisional Use Permit to allow the expansion of the
210 life care facility. Staff is recommending approval with conditions 1 through 9 in the staff
211 report. And, again, we're not aware of any opposition.

212

213 Mr. Baka - Is there anyone present in opposition tonight to PUP2020-
214 00003, Charlene Harper for Westminster Canterbury Corporation?

215

216 Mr. Archer - All right, Mr. Chairman, there being no opposition, I move the
217 approval of PUP2020-00003, Westminster Canterbury Corp be recommended for
218 approval with conditions 1 through 9 in the staff report.

219

220 Mrs. Thornton - Second.

221

222 Mr. Baka - Motion by Mr. Archer and a second by Mrs. Thornton. All in
223 favor say aye.

224

225 The Commission - Aye.

226

227 Mr. Baka - Opposed say no. Motion carries. Thank you, sir.

228

229 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs. Thornton,
230 the Planning Commission voted 4-0 (two absent) to recommend the Board of Supervisors

231 **grant** the request because the conditions should minimize the potential impact on
232 surrounding land uses and it would provide added services to the community.

233
234 Mr. Strauss - Thank you.

235
236 Mr. Emerson - Mr. Chairman, we now move on to the next item on your
237 agenda. This is the time for your annual reorganization of the Commission, and the item
238 on the agenda is the election of the Chairman for calendar year 2020.

239
240 Mr. Baka - Okay. At this time does the Planning Commission wish to
241 make a nomination for the role of Chairman in 2020?

242
243 Mr. Mackey - Mr. Chairman, I would like to nominate Mr. Chris Archer for
244 the position of Chairman for the year of 2020.

245
246 Mr. Baka - Okay.

247
248 Mrs. Thornton - And I'd like to move to close the nomination.

249
250 Mr. Baka - Let me just clarify, do we need a second on Mr. Mackey's
251 motion?

252
253 Mr. Emerson - You have to have a second on all motions, yes, sir.

254
255 Mr. Baka - Okay. I --

256
257 Mrs. Thornton - I second.

258
259 Mr. Baka - All right. The motion is made by Mr. Mackey and seconded
260 by Mrs. Thornton to nominate Mr. Archer as Chairman. Are there any other nominations?

261
262 Mrs. Thornton - Okay. I'd move to close the nomination for chairman.

263
264 Mr. Baka - Okay. I'll second -- can I second that motion?

265
266 Mr. Emerson - Yes.

267
268 Mr. Baka - I'll second that motion. Make sure there's no procedural
269 hurdle.

270
271 Mr. Emerson - No, you're good.

272
273 Mr. Baka - Motion by Mrs. Thornton and -- first we'll vote on closing the
274 nominations. Motion by Mrs. Thornton and a second by Mr. Baka to close the nominations
275 for Chairman. All in favor say aye.

277 The Commission - Aye.

278

279 Mr. Baka - Opposed say no. Motion carries to close nominations. Now
280 we'll vote on the motion to approve -- to appoint Mr. Archer as the Chairman for 2020. All
281 those in favor say aye.

282

283 The Commission - Aye.

284

285 Mr. Baka - Opposed say no. Motion carries. Congratulations, Mr.
286 Archer.

287

288 Mr. Emerson - Before we do a little musical chairs, I would like to thank Mr.
289 Baka, on my behalf and staff's behalf. It's been a very -- a very smooth 2019 working
290 with you as Chairman. So, thank you.

291

292 Mr. Baka - Thank you, sir.

293

294 Unknown Speaker - Thank you.

295

296 Mr. Baka - Appreciate the opportunity.

297

298 Mr. Emerson - And congratulations to the incoming Chairman, and I'm not
299 going to ask you how many times you've been chairman. I don't guess. Do you know off
300 the top of your head?

301

302 Mr. Archer - I think this will be number seven.

303

304 Mr. Emerson - Congratulations.

305

306 Mr. Archer - And I hope I get it right this time.

307

308 Mr. Emerson - I have every confidence in you, Mr. Archer.

309

310 Mr. Archer - Okay, I -- my first order of business will also be to thank Mr.
311 Baka and congratulate him for a great year of service serving as chair, sir. Did a
312 wonderful job, we appreciate it.

313

314 Mr. Baka - It was great experience.

315

316 Mr. Archer - Okay.

317

318 Mr. Emerson - Mr. Chairman, the next item of business [indiscernible]
319 election of Vice Chairman for the 2020 calendar year.

320

321 Mr. Baka - I would nominate Mr. William Mackey for vice chairman.

322
323 Mrs. Thornton - I second.
324
325 Mr. Archer - I move the nomination be closed.
326
327 Mrs. Thornton - I second.
328
329 Mr. Archer - All right. It's been moved and seconded that the nomination
330 for Vice Chair be closed on Mr. William Mackey. All in favor say aye.
331
332 The Commission - Aye.
333
334 Mr. Archer - All those opposed say no. The ayes have it. Congratulations,
335 Mr. Mackey.
336
337 Mr. Emerson - Now that we have our slate of officers for the 2020 year, Mr.
338 Chairman, the first item of business is on the regular agenda, SAI2019-00001, the South
339 Precinct Relocation.
340
341 **SIA2019-00001 South Precinct Relocation:** The Department of Planning has
342 received a request from the Division of Police to initiate a Substantially In Accord study of
343 a proposed site for the relocation of the South Precinct police station, to be located at 640
344 N. Airport Drive. The proposed police station site consists of Parcel 828-724-9181, located
345 along the north line of N. Airport Drive approximately 900' north of its intersection with E.
346 Washington Street. The property is 11.2 acres and zoned A-1. The 2026 Comprehensive
347 Plan recommends Suburban Residential 1. **Staff – Kristin Smith**
348
349 The staff report will be presented by Ms. Kristin Smith.
350
351 Mr. Archer - Thank you, Mr. Chairman. Before she begins, is there anyone
352 here who is opposed to this Substantially in Accord item? Or maybe I should ask is there
353 anyone here? All right, Ms. Smith.
354
355 Ms. Smith - All right. Thank you, Mr. Chairman, members of the
356 Commission. At the request of the Henrico County Division of Police, the Planning
357 Department conducted a Substantially in Accord study to determine whether a proposed
358 site for the relocation of the South Precinct police station is substantially in conformance
359 with the 2026 Comprehensive Plan.
360
361 The site includes one parcel, approximately 11.2 acres, and is located on the -- along the
362 northern line of North Airport Drive, approximately 900 feet northeast of its intersection
363 with East Washington Street in the Varina Magisterial District.
364
365 The property is zoned A-1, which will allow county facilities as the principal use.
366 Surrounding zoning is primarily residential in nature, with R3A to the south and A-1 to the
367 north, east, and west.

368
369 The 2026 Comprehensive Plan recommends Suburban-Residential-1 uses for the subject
370 site, the same as the surrounding properties to the north, east, and west. The Suburban-
371 Residential-1 designation encourages neighborhoods limited to detached single-family
372 residential uses. While a public facility such as a police station is not fully consistent with
373 the Suburban-Residential-1 designation, police stations are appropriate when located
374 near residential areas for rapid-response times, and could be designed to be compatible
375 with the surrounding existing land uses.

376
377 After reviewing the proposed location in the context of existing and recommended land
378 uses, the transportation system and other critical site characteristics and considerations,
379 staff concludes the proposed use of this site for a police station presents no apparent
380 conflict with the intent of the adopted 20206 Comprehensive Plan.

381
382 The proposed police station is deemed to be substantially in accord with the goals,
383 objectives, and policies of the 2026 Comprehensive Plan, and there's a resolution, PCR-
384 1-20, that was included in your staff report for your consideration. This concludes my
385 presentation. I'll be happy to take any questions.

386
387 Mr. Archer - Okay. Are there any questions for Ms. Smith?

388
389 Mr. Baka - Just one comment. Thank you for the staff report, very well
390 done, and for the Substantially in Accord with the Comp Plan. Just a quick question on
391 the intersection. Would the -- would any proposed access point be directly opposite of
392 Renee Lane in the future to create a four-way intersection? Or is that not determined yet
393 at this time?

394
395 Ms. Smith - Traffic weighed in and they mentioned that -- there would have
396 to be -- a new intersection, I'm sorry, a new median break.

397
398 Mr. Baka - That's okay.

399
400 Ms. Smith - It would end up being due to the minimum 800 feet required
401 between median openings, and minimum 250 feet between access points on Airport
402 Drive. Any new median openings would need to occur 800 feet south of the median break
403 to the east of Renee Lane, and a minimum 200 feet south of Renee Lane. So they did
404 not mention that it -- there'd be a four-way intersection.

405
406 Mr. Emerson - But, Mr. Baka, that will be worked out when we -- when the
407 police general services come forward with a Plan of Development.

408
409 Mr. Baka - Okay.

410
411 Mr. Emerson - And we'll determine exactly where that median break will be
412 located. And, certainly, if it -- if it can line up with Renee Lane that would be where we'd

413 like to have it, but whether or not that can be accomplished we'll just have to wait and
414 see.

415
416 Mr. Baka - Okay. Thank you.

417
418 Mr. Archer - All right. Any further questions or comments?

419
420 Mr. Mackey - I have a comment, Mr. Chairman. I also wanted to thank Mr.
421 Emerson and his staff for the fine job they did in the study. And I also want to go on
422 record and say thank you to the police department for all the hard work that they do and
423 look forward to the new facility for them.

424
425 Mr. Archer - All right. Thank you, sir. Mr. Mackey.

426
427 Mr. Mackey - Yes, Mr. Chairman. With the report being Substantially in
428 Accord, I move that -- I recommend approval of resolution PCR-1-20 for SIA2019-00001,
429 Henrico County Police South Precinct Relocation.

430
431 Mrs. Thornton - I second.

432
433 Mr. Archer - All right, thank you. It has been moved and properly seconded
434 that this SIA be sent with a recommendation of approval. All in favor of this motion say
435 aye.

436
437 The Commission - Aye.

438
439 Mr. Archer - Those opposed say no. The ayes have it. The proposal is
440 approved.

441
442 Mr. Emerson - Mr. Chairman, moving on to the next item on your agenda.
443 We do have two discussion items. It's that time of the year again when the Capital
444 Improvement Program needs to be placed upon your agenda for your consideration. As
445 you know, that normally happens in February. So tonight, I would request the Commission
446 schedule a public hearing for your February 13, 2020 meeting at 6:00 p.m. to consider
447 the fiscal year 2020 through 2020 - 2021 through fiscal year 2024, '25. Capital
448 Improvement Program.

449
450 Mr. Archer - All right. This is a discussion item. Any discussion from the
451 members of the Commission? The date --

452
453 Mr. Baka - No. Be glad to make a motion. If -- we need a motion for that,
454 sir?

455
456 Mr. Emerson - Yes, sir, Mr. Baka.

457
458 Mr. Baka - Okay.

459
460 Mr. Emerson - We would like to have a motion on this one because you're
461 scheduling a public hearing.
462
463 Mr. Baka - And that's for February 13th?
464
465 Mr. Emerson - February 13th at 6:00 p.m.
466
467 Mr. Baka - Okay. I would move that we schedule a public hearing for the
468 2020 CIP, Capital Improvement Plan, for Thursday, February 13th at 6:00 p.m.
469
470 Mr. Mackey - Second.
471
472 Mr. Archer - All right. Motion by Mr. Baka and seconded by Mr. Mackey.
473 All in favor of the motion say aye.
474
475 The Commission - Aye.
476
477 Mr. Archer - Anyone opposed say no. The ayes have it, it shall be done.
478
479 Mr. Emerson - Mr. Chairman, the next item I'll be happy just to have a
480 consensus of the Commission. I don't think it requires a motion. But if you're amenable
481 to it, we would also like to have a work session that evening beginning at 5:00 p.m. And
482 we do have the, what I'm going to call the, final draft of the first module of the zoning
483 code. And we would like to present that to you and so you can begin to look at it.
484
485 We're in the middle of reviewing Module 2 of the zoning code has three modules to it.
486 We anticipate that you're going to be in public hearings by the fall of this year on this
487 document. But we would like to -- like to present that to you. It's quite a gift. I hope
488 you're ready for some reading. But we would like to present that to you at 5:00 p.m. on
489 the 13th. And of course, since you're coming in early, we will provide some food for you.
490 I think the 13th agenda, unless some items change, may be fairly voluminous so you may
491 be here a little while.
492
493 Mr. Archer - Okay. So that'll give us an hour to go through that before we
494 come down for the CIP.
495
496 Mr. Emerson - Yes, sir.
497
498 Mr. Archer - You think that's enough time?
499
500 Mr. Emerson - If you'd like to come in earlier we can accommodate you. I
501 think an -- I think an hour is fine.
502
503 Mr. Archer - Okay.
504

505 Mr. Emerson - We're not going to go through it --
506
507 Mr. Baka - I'll try to be early.
508
509 Mr. Emerson - Yeah. We're not going to go through it page for page.
510
511 Mr. Baka - Okay.
512
513 Mr. Emerson - We're basically going to give it to you and hit some of the
514 highlights, let you take it, familiarize yourself a little bit with it. Then we'll have to come
515 up with some kind of strategy of how to walk you through it and me with you so you can
516 get a little more acclimated to it.
517
518 Mr. Archer - So this is going to be sort of a revamp -- revamping of the
519 zoning ordinances?
520
521 Mr. Emerson - The entire zoning ordinance and subdivision ordinance.
522
523 Mr. Archer - Wow.
524
525 Mrs. Thornton - So this is phase one?
526
527 Mr. Emerson - This is Module one.
528
529 Mrs. Thornton - Module one.
530
531 Mr. Emerson - It's module one. The code's broken up into three modules.
532 So the first module are zoning categories and uses, primarily.
533
534 Mrs. Thornton - Okay.
535
536 Mr. Emerson - But we're changing the code dramatically. It had not been
537 updated since 1959, so it had --
538
539 Mr. Archer - I wasn't -- I wasn't here then.
540
541 Mr. Emerson - It had been -- it had had a few amendments. Well, actually
542 numerous amendments. I think over 200. But we should have updated it some time ago,
543 and we're a little bit behind the curve on it.
544
545 Now you -- I say that, but there are other communities out there that are in the same
546 situation you are. Because updating a zoning code sometimes can be controversial. But
547 we are -- we are updating it, we're modernizing it, we're adding more graphics so it's more
548 easily understood, we're adding uses, we're clarifying uses, we're adding zoning
549 categories, we're suggesting that you add back some smaller, residential lot sizes that
550 were taken away some time ago.

551
552 We're trying to recognize some new development styles that the market is bringing to us,
553 and we're looking at more mixed uses to work with redevelopment of the county, because
554 that's what we're seeing quite a bit of. We're seeing redevelopment, as you know, and
555 infill projects. So we need special codes that are different from what we have traditionally
556 worked with to accomplish those things. So that's what -- that's what we're planning on
557 bringing forward.

558
559 Mr. Archer - Okay. Mr. Secretary, how does this -- or how would it coincide
560 with any comment or whatever from the General Assembly?

561
562 Mr. Emerson - Well, the General Assembly, by the time we get to public
563 hearing we'll have this session closed, but certainly the code is subject to whatever rules
564 that the general assembly provides to us.

565
566 Mr. Archer - Right. Because I was thinking about what affect it may have
567 on other jurisdictions. All of our -- I guess everybody has their own separate way of doing
568 the code.

569
570 Mr. Emerson - Yes, sir.

571
572 Mr. Archer - Although collectively it kind of has to all fall under
573 [indiscernible].

574
575 Mr. Emerson - It does, yes, sir. I don't foresee anything the general assembly
576 would do as impacting the code in the way we're approaching it. Will it impact specific
577 uses? It certainly could. And I'll give you a for instance. There was a bill introduced
578 today. I believe it was either today or yesterday, it came to our attention today, regarding
579 short-term rentals. That essentially usurps our ability to do most of what you held your
580 public hearing on, and sent to the Board.

581
582 But what it doesn't take away from you is the ability to just not allow them. And I'm not, I
583 don't know if they noticed that or not when they put that in. So, you know, you could say,
584 Okay, we can't -- if you pass this law, you're not going to allow us to regulate the days
585 that they're rented, or their placement, or things like that. But you didn't tell us that we
586 had to place it as a use in our zoning code. At least the way I read it right now I need to
587 go back and look at it. I was actually pondering it on my way walking down the hall. And
588 I believe -- I believe they did not specify that it has to be an allowed use, did they?

589
590 Mrs. Thornton - I think that -- I think it was assumed that.

591
592 Mr. Emerson - Yeah, I think they left that out.

593
594 Mr. Baka - So that could be amended in committee any which way.

595
596 Mr. Emerson - It could be.

597
598 Mr. Baka - It could be amended to put that back in, or amend the
599 standards -

600
601 Mr. Emerson - It could be. Well, they just didn't think about it, probably.

602
603 Mr. Baka - Okay.

604
605 Mr. Emerson - Somebody will catch that. But right now, obviously, we're
606 going to oppose that. Because it's not good for our neighborhoods, and it's not consistent
607 with what this group heard in a public hearing process. The bill was introduced by John
608 McGuire, just for your information. Surprised us.

609
610 Mr. Archer - Yeah. Well, I guess when we look back at all the discussions
611 we've had on this, if you paid attention, there are so many other jurisdictions that were
612 right along with us in having problems. And I don't think most of us even realized that
613 there were problems with this thing when we started. But it's not just germane to us.
614 Richmond, Chesterfield, Hanover. Everybody's having some problems.

615
616 Mrs. Thornton - Cities similar.

617
618 Mr. Archer - So I guess I thought we were sort of done with this, but we're
619 not.

620
621 Mr. Emerson - Well, the Board -- the Board's schedule on that right now is a
622 work session at the second January meeting, and a public hearing at the second February
623 meeting. I'm not sure what this legislation being introduced really does to that schedule.
624 Because, clearly, we would want to wait until we see what happens with that before the
625 Board adopted anything. So -- but that's how we could be impacted. It wouldn't be the
626 code as a whole, it may be specific to certain items that you might consider. Cluster
627 zoning is a good example.

628
629 They, a number of years ago they said you shall include a section in your zoning code
630 that allows for cluster zoning. So you do get specific directive like that from time to time.

631
632 Mr. Archer - Okay. I got one question, and then I guess we'll just get out
633 of here. Other than new zoning -- what's the word you use?

634
635 Mrs. Thornton - Modules?

636
637 Mr. Archer - Modules.

638
639 Mr. Emerson - Yes, sir.

640
641 Mr. Archer - Are we adding any classifications and are we deleting any
642 classifications?

643
644 Mr. Emerson - We're adding classifications. We're adding -- we're
645 recommending, at this point, to add back the R-3A, R-4, R-4A. We've created --
646

647 Mr. Archer - I applaud -- I applaud that.
648

649 Mr. Emerson - We've created several new categories in terms of lot
650 configuration. I've had a lot of input from the development community regarding a
651 narrower, deeper lot allowance for that where you get more of a row-style home being
652 allowed to be built that's narrower and taller and that seems to be popular. So we're
653 adding that into the code. We're clarifying definitions. We're allowing the mixtures of
654 some uses. We're adding in traditional neighborhood development, we're adding another
655 urban mixed-use category.
656

657 One of the things we've heard from the development community is, "We really like urban
658 mixed use, but we'd like not to have to spend so much money getting it together." Well,
659 the option for that is, if you don't want the flexibility that you get, by this process we can
660 give you another process, but it's going to have more fixed set rules and regulations in it.
661 So you can kind of choose between the two what do you want to do. So we are adding
662 things like that.
663

664 Mr. Archer - Okay.
665

666 Mr. Emerson -or recommending that those be added.
667

668 Mr. Archer - All right. Thank you, Mr. Secretary, anything else to bring
669 before the Commission?
670

671 Mr. Emerson - No, sir. If 5:00 p.m. works for the Commission.
672

673 Mr. Baka - Yes, 5:00 p.m. works.
674

675 Mr. Archer - And that's February the 13th.
676

677 Mr. Emerson - February the 13th, yes sir. We'll start at 5:00 p.m. and we'll
678 be in this room at 6:00 p.m. for the public hearing on the CIP.
679

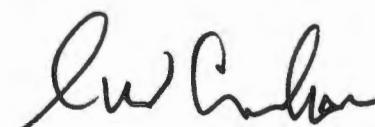
680 Mr. Archer - We'll do the other part upstairs, then.
681

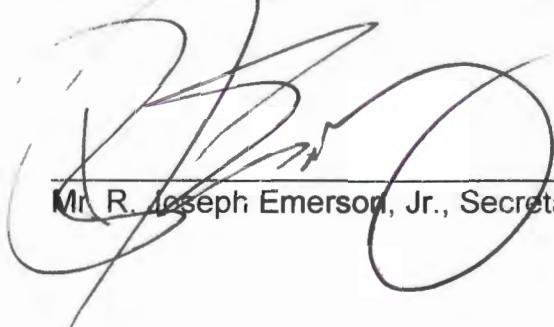
682 Mr. Emerson - Yes, sir. We will.
683

684 Mr. Archer - Okay.
685

686 Mr. Emerson - And with that, Mr. Chairman, the next item would be the
687 approval of the minutes for your December 5th. Or the consideration for the approval of
688 your minutes for your December 5th, 2019 meeting.

689
690 Mr. Archer - All right.
691
692 Mr. Emerson - There is not errata sheet.
693
694 Mr. Archer - Okay. Minutes were very short. Did anybody note anything
695 that needed to be corrected? Nope. All right. Is there a motion for approval?
696
697 Mr. Mackey - I move for approval of the minutes as presented.
698
699 Mr. Archer - All right.
700
701 Mrs. Thornton - Second.
702
703 Mr. Archer - All right. Motioned by Mr. Mackey and approved -- and
704 seconded by Mrs. Thornton. All in favor say aye.
705
706 The Commission - Aye.
707
708 Mr. Archer - Opposed say no. The ayes have it. The minutes are
709 approved such as they were.
710
711 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
712 evening.
713
714 Mr. Archer - All right. Is there a motion to adjourn?
715
716 Mr. Baka - So moved.
717
718 Mr. Archer - Second. We are adjourned. 7:30 exactly.
719
720
721
722
723
724 Mr. C. W. Archer, C.P.C., Chairman
725
726
727
728
729
730





Mr. R. Joseph Emerson, Jr., Secretary