

1 Work Session Summary of the Planning Commission of the County of Henrico held in the  
2 Manager's Conference Room, County Administration Building in the Government Center  
3 at Parham and Hungary Spring Roads, beginning at 5:00 p.m., May 9, 2019.  
4

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

Staff Present: Ms. Jean Moore, Assistant Director of Planning  
Mr. James P. Strauss, PLA, Senior Principal Planner  
Mr. Ben Blankinship, AICP, Senior Principal Planner  
Mr. Ben Sehl, County Planner  
Mr. Miguel Madrigal, County Planner  
Ms. Sylvia Ray, Recording Secretary

Citizens Present: Mr. Rai Beasley, Old Hermitage Homeowners Association  
Mr. Dennis Berman, Wyndham Homeowners Association

5  
6 **The commission convened a work session in the Manager's Conference Room at**  
7 **5:00 p.m.**

8  
9 Mr. Baka called the work session to order, then turned the meeting over to the Secretary  
10 of the Planning Commission, Mr. Joe Emerson, Director of Planning.  
11

12 Mr. Emerson stated the work session had two items on the agenda. First was for a  
13 discussion on master-planned communities in the R-6 District. Second, on Short Term  
14 Rentals (STRs) where representatives of a few homeowners' associations will share their  
15 concerns.  
16

17 Mr. Emerson noted a few associations are in the process of prohibiting Airbnb's. Staff  
18 has expressed concern about smaller associations, as they may not be aware of this  
19 potential use in their neighborhood.  
20

21 Mr. Sehl proceeded with a presentation on master-planned communities in R-6 District.  
22 He stated there's a current provision in the Zoning Ordinance that allows B-1 uses on the  
23 first floor of a multi-storied building in an R-6 District via the issuance of a Provisional Use

24 Permit. Also, noting that this section of the zoning ordinance was added in 2002; and,  
25 since that time, only two properties have been approved using that provision. Only one  
26 building has been constructed and completed; that is the Faison Apartments near the  
27 Willow Lawn shopping center on W. Broad Street. The second project approved by the  
28 Board of Supervisors was in Towne Center West (where Plaza Azteca / Virginia Family  
29 Dentistry are now located), which was intended to be a multi-storied, mixed-use building;  
30 however, due to various factors was not constructed.

31  
32 Mr. Sehl mentioned that the Board of Supervisors directed the Planning Commission and  
33 Planning staff on April 9, 2019, to look at ways to amend the Zoning Ordinance to allow  
34 B-2 uses as part of the provisional use process, as well as determine if other changes  
35 were needed.

36  
37 He stated staff is often approached by developers looking to have their innovative mixed-  
38 use projects accommodated; however, due to limitations within the current zoning  
39 ordinance, they have not been able to move those projects forward. More use of outdoor  
40 space and added density are viable components of mixed-use projects that are not  
41 currently possible.

42  
43 Mr. Sehl explained that the proposed revisions would allow B-2 Business District uses  
44 instead of B-1 as part of the PUP process, as well as provide for increased density,  
45 modified setbacks, and parking modifications subject to a master plan. Developments  
46 using this new PUP process could be a maximum of 10 acres in size. Commercial uses  
47 would occupy no less than 15 percent and no more than 35 percent of the floor area of  
48 the overall project unless a different percentage is approved by the Board of Supervisors.

49  
50 Mr. Emerson noted this is intended to be more of an in-fill type of ordinance to help the  
51 county work with some of the more challenging sites where flexibility and extra density  
52 would make it worthwhile to be developed. Staff is looking to keep it smaller than the  
53 Urban Mixed-Use projects. He stated this would not be that much different than what was  
54 done with the Westwood Overlay.

55  
56 Mr. Baka wanted clarity on the interpretation of the mixed-use piece of the draft ordinance,  
57 specifically, as it pertained to access for applicants who may ask to locate within an  
58 interior corridor where they wouldn't have direct access from the exterior of the building.

59  
60 Mr. Sehl gave a brief explanation of how the referenced section detailed signage  
61 requirements and explained that matters related to access for those who may locate  
62 within an interior corridor would continue to be allowed.

63  
64 Mr. Emerson said he planned to request this item be scheduled for public hearing at the  
65 Commission's June 13, 2019 meeting. Then he proceeded to introduce Miguel Madrigal.

66  
67 Mr. Madrigal briefly brought the commission up to date on the Airbnb matter. He stated  
68 representatives from some of the area homeowners' associations had been contacted to

69 speak before the Planning Commission; however, due to conflicts, only a few were able  
70 to attend.

71  
72 Mr. Madrigal stated the Airbnb issue had become more widespread and some  
73 associations are adopting restrictive covenants. Noting, for example, a recent change in  
74 the Twin Hickory community, which has adopted a two-year residency requirement before  
75 anyone would be able to do any sort of leasing.

76  
77 Mr. Madrigal informed the commission that at their next discussion on the Airbnb topic  
78 there would be a few industry professionals coming to speak, i.e., Board of Realtors,  
79 Retail Merchants Association, and local hotel reps, to name a few.

80  
81 He went on to introduce the first speaker, Mr. Rai Beasley, of Old Hermitage Homeowners  
82 Association.

83  
84 Mr. Beasley shared his community's concerns about the possibility of lifestyle changes  
85 should Airbnb(s) be allowed to operate. He spoke of a personal unpleasant experience  
86 with renters while away on vacation with his family. His community is now looking at their  
87 covenant to see how they may be able to protect themselves in the future. Residents are  
88 concerned about people who may rent a home strictly for entertainment purposes versus  
89 having that activity at a hotel. Says his community is small and quaint, one way in, one  
90 way out, and not appropriate for large-scale entertainment activities. They don't want the  
91 risk of having to deal with transient individuals; specifically, when that renter is  
92 entertaining and one of the neighbors must ask them to tone it down. He and the  
93 community feel this may create a safety issue.

94  
95 Mr. Beasley said no corporation should be allowed to de-stabilize the quality of life in a  
96 community. The fear is that once word gets around, there will be more people renting and  
97 the decline in his community's home values will be in motion. The residents are expecting  
98 the county's protection; they feel the county should be accountable.

99  
100 Mr. Thornton mentioned Henrico County has become a bit more urbanized. He asked  
101 Mr. Beasley, "What advice and/or suggestions would he give to the County if for whatever  
102 reason this particular use cannot be avoided? What would make a community more  
103 livable if we have to live with Airbnb's?"

104  
105 Mr. Beasley suggested an insurance security mechanism be put in place, i.e. required  
106 liability protection, in case of common area property damage and any other economic  
107 damage to the community.

108  
109 Mr. Archer asked Mr. Beasley if he had experienced adverse problems with an Airbnb.  
110 Mr. Beasley responded that his community had a situation where a homeowner moved  
111 out of a house and did not wish to sell it but, instead, they began renting out rooms. Says  
112 it was as close to an Airbnb situation as you can get, and there were all types of transients  
113 who didn't care about the property. So, learning that corporations like Marriott may begin  
114 looking to buy properties just to rent them out like Airbnb's, he believes should the county



115 allow this to happen, it will be a threat to the community in that property values will decline  
116 as well as a lost sense of community.

117  
118 Mr. Witte commented on the liability issue and noted he understood the importance of  
119 having that protection.

120  
121 Mr. Emerson asked Mr. Beasley if he were aware of the Airbnb potential before he was  
122 contacted and he replied, "No." He also asked if he had covenants in his neighborhood,  
123 and Mr. Beasley answered, "Yes, we do, but they were never designed to defend  
124 ourselves against a situation like Airbnb's."

125  
126 Again, Mr. Emerson expressed his concern about the smaller HOA's not being aware of  
127 the trend until it pops up amongst them. He noted River Mill, a large community currently  
128 under construction, will have in their covenant that STRs are not be allowed. He told Mr.  
129 Beasley covenants would be his neighborhood's greatest protection.

130  
131 At this point, Mr. Baka brought up the matter of hosted stays versus unhosted stays and  
132 asked Mr. Beasley if it would make him feel a little better knowing that neighbors may  
133 have an opportunity to request that a stay is hosted. While he thought it was a good idea,  
134 it concerned him that it could possibly lead to long-term hostilities between neighbors.

135  
136 Mr. Beasley requested the commission to "think long and hard" about whatever decisions  
137 they make on this matter and not to rush it. He says in the event Airbnb's are permitted,  
138 he would like to see a permit process in place for potential owners to operate; and a  
139 special permit if the renters plan to have cookouts, fireworks, and other large-scale  
140 outdoor activities that would cause parking issues. Also, in case of damages, he would  
141 like to see a condition made where owners are required to have an insurance rider in  
142 place where upon the value would be no less than the least expensive home in the  
143 subdivision.

144  
145 Mr. Baka stated the Commission is very concerned about protecting the effect Airbnb's  
146 could have on our citizens; and neighborhoods.

147  
148 Mr. Beasley was complimentary of Henrico's leaders and staff for all their efforts in making  
149 Henrico a great place to live.

150  
151 Everyone thanked Mr. Beasley for coming in to share his thoughts and concerns.

152  
153 Mr. Witte acknowledged Mr. Beasley's active involvement in his community and how  
154 much he appreciated it.

155  
156 Mr. Emerson introduced the next speaker, Mr. Dennis Berman, who was there to  
157 represent the Wyndham Homeowners Association.

158

159 Mr. Berman thanked everyone for having him and proceeded to describe Wyndham as a  
160 1700 home subdivision with 47 neighborhoods. Says he is 101% in agreement with Mr.  
161 Beasley's stance.

162  
163 Mr. Berman says he interviewed approximately 17 neighborhoods within Wyndham,  
164 spoke with his Board members, community associations, and community managers.  
165 They view Airbnbs as a security concern. They are fearful of who's coming, property  
166 damage, and transients potentially over-running the amenities for which the residents  
167 are paying.

168  
169 Says the community feel the county is doing a good job with this process and is trying to  
170 protect them.

171  
172 He noted that Wyndham has some rather restrictive covenants; running a business out  
173 of your home is one of them. The community looks at Airbnb as a business. They  
174 regularly review internet listings for Airbnbs in the neighborhood but don't really have  
175 the resources to do such. Wyndham is not totally against Airbnbs, but think that if they  
176 can't be controlled, then they should be regulated.

177  
178 Mrs. Thornton asked Mr. Berman how the community has gone about trying to stop  
179 Airbnbs and he replied, through covenants, education, and putting articles in the  
180 newsletter. Residents are provided with a copy of the association's covenants at  
181 closing and should be aware of the various restrictions. He indicated the HOA relies on  
182 inspections by their site manager, neighbors and self-reporting. Those in violation can  
183 be fined \$10 a day, up to 90 days. For those small or older neighborhoods without  
184 associations, Mr. Berman suggested providing copies of existing HOA covenants as a  
185 guide.

186  
187 Mr. Emerson suggested that, if a property is within a neighborhood that has an HOA,  
188 the owner be required to get the approval of the association. There was consensus that  
189 staff look into adding such a provision.

190  
191 Mr. Witte asked whether the penalty was enough of a deterrent to prevent short-term  
192 rentals. Mr. Berman replied that it wasn't.

193  
194 Mr. Baka noted the proposed ordinance is geared toward assisting those communities  
195 without homeowners' associations and restrictive covenants.

196  
197 Mr. Thornton suggested time be taken to get the ordinance right. He mentioned parking  
198 in the front yard not being permitted in the county but during races, nearby homeowners  
199 rent their lawns out for parking. The issue wasn't pursued, and the practice has  
200 continued, creating deterioration within residential areas. He indicated he may consider  
201 holding a community meeting to inform his constituents of the short-term rental issue.

202  
203 Mr. Emerson mentioned the commission would hear from realtors, HOA management  
204 groups and the hotel/motel associations at their May 22<sup>nd</sup> meeting. Staff is likely to request

205 extending discussions beyond the June 13<sup>th</sup> public hearing in order to further review the  
206 issue with the commission, gather more information from the Finance Department and  
207 discuss changes with the County Attorney's Office. He indicated the topic may be ready  
208 for further commission discussion at the August public hearing, with a recommendation  
209 in September. He proposed each commissioner confer with their respective Board  
210 members, as they (BOS) will need to consider the issue before holding public hearings.  
211 Mr. Mackey suggested Mr. Thornton's idea of holding town hall meetings in each district  
212 may be something to consider.

213  
214 The commission considered Marriott's plans to purchase single-family homes and use  
215 them as short-term rentals. Discussion ensued on whether the current proposal's  
216 requirement of hosted stays would prohibit such efforts.

217  
218 Mr. Emerson indicated the City of Richmond is also working on a short-term rental  
219 ordinance and getting similar feedback as the county. Based on previous discussions  
220 with Mr. Olinger, the city's Planning Director, he believes the ordinance could go to city  
221 council in August or September.

222  
223 The commission discussed the potential of the General Assembly, and perhaps the  
224 federal government, imposing additional land use restrictions as large corporations get  
225 further involved in the issue. Fees imposed by localities are limited by state code, which  
226 may not be sufficient to recoup the costs of enforcement. As a Dillon Rule state, the  
227 county lacks the ability to enact restrictions to protect our citizens.

228  
229 The Commission recessed their work session at 6:44 p.m.

1 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A WORK**  
2 **SESSION.**

3  
4 Minutes of the regular monthly meeting of the Planning Commission of Henrico County  
5 held in the County Administration Building in the Government Center at Parham and  
6 Hungary Springs Roads beginning at 7:00 p.m. Thursday, May 9, 2019. Display Notice  
7 having been published in the *Richmond Times-Dispatch* on April 22, 2019 and April 29,  
8 2019.  
9

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

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  
Mr. Livingston Lewis, County Planner  
Mrs. Lisa Blankinship, County Planner  
Mr. Michael Morris, County Planner  
Ms. Sylvia Ray, Recording Secretary

10  
11 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains on all**  
12 **cases unless otherwise noted.**

13  
14 Mr. Baka - Good evening and welcome. I call this meeting of the Henrico  
15 County Planning Commission to order. This is our rezoning meeting of May 9, 2019. At  
16 this time, I'd like to ask you to please take a moment to silence your cell phones, and  
17 please stand with the Commission for the Pledge of Allegiance.

18  
19 ... PLEDGE OF ALLEGIANCE IS RECITED ...  
20

21 Mr. Baka - Do we have anyone with us tonight from the news media? Ok.  
22 We are pleased to welcome Mr. Frank Thornton, our representative from the Board of  
23 Supervisors, who is sitting with the Planning Commission this year for 2019. Thank you  
24 for being here, Mr. Thornton.

25  
26 Mr. Thornton - Thank you.



27  
28 Mr. Baka - Thank you for being here, sir. And, Mr. Thornton abstains  
29 from all cases unless otherwise noted.

30  
31 The majority of the Commissioners are present. We have a quorum and can conduct  
32 business. So, at this point, I'll turn the agenda over to Mr. Emerson, our Secretary.

33  
34 Mr. Emerson - Thank you, Mr. Chairman. The Commission did hold a work  
35 session this evening, beginning at 5:00 p.m., to discuss master planned communities in  
36 the R-6 District and continuing discussion on Short Term Rentals. That meeting was  
37 concluded at 6:44 p.m., the meeting was recessed, and, of course, we have reconvened.  
38 With that said, the first item on the agenda this evening are the requests for withdrawals  
39 and deferrals and those will be presented by Mr. Jim Strauss.

40  
41 Mr. Strauss - Thank you, Mr. Secretary, we have two requests for deferral  
42 this evening, and the first is in the Brookland District, on page two of your agenda. And,  
43 that would be REZ2017-00032 The McGurn Company. The applicant is requesting  
44 deferral to your June 13, 2019 meeting.

45  
46 **(Deferred from the March 14, 2019 Meeting)**

47 **REZ2017-00032 Arthur McGurn for The McGurn Company:** Request to conditionally  
48 rezone from R-2 One-Family Residence District and [R-6C] General Residence District  
49 (Conditional) to R-3C One-Family Residence District (Conditional) Parcels 767-760-8701  
50 and 768-760-1507 containing 4.305 acres located at the northeast intersection of Hungary  
51 and Hungary Spring Roads. The applicant proposes a single-family development. The R-3  
52 District allows a minimum lot area of 11,000 square feet and a maximum gross density of  
53 3.96 units per acre. The use will be controlled by proffered conditions and zoning ordinance  
54 regulations. The 2026 Comprehensive Plan recommends Suburban Residential 2, density  
55 should not exceed 3.4 units per acre.

56  
57 Mr. Baka - Is there anyone present in opposition to the deferral of  
58 REZ2017-00032 Arthur McGurn for The McGurn Company?

59  
60 Mr. Witte - Mr. Chairman, I move that the REZ2017-00032 The McGurn  
61 Company be deferred to the June 13, 2019 meeting, at the request of the applicant.

62  
63 Mr. Archer - Second.

64  
65 Mr. Baka - We have a motion by Mr. Witte, a second by Mr. Archer to defer  
66 this case. All in favor, say aye.

67  
68 The Commission - Aye.

69  
70 Mr. Baka - Opposed, say no. Motion passes.

71



72 Mr. Strauss - The second request for deferral this evening is in the Varina  
73 District on page two of your agenda. It is REZ2019-00001 Liberty Homes. Again, the  
74 applicant in this case is requesting deferral to your June 13, 2019 meeting.  
75

76 **(Deferred from the March 14, 2019 Meeting)**

77 **REZ2019-00001 RVA Land for Liberty Homes:** Request to rezone from A-1  
78 Agricultural District to R-2 One-Family Residence District Parcel 821-679-0872 containing  
79 5.381 acres located on the west line of Buffin Road, approximately 2,700' north of  
80 Kingsland Road. The applicant proposes two single family dwellings. The R-2 District  
81 allows a minimum lot area of 18,000 square feet and a maximum gross density of 2.42  
82 units per acre. The use will be controlled by zoning ordinance regulations. The 2026  
83 Comprehensive Plan recommends Suburban Residential 1, density should not exceed  
84 2.4 units per acre and Environmental Protection Area. The site is in the Airport Safety  
85 Overlay District.  
86

87 Mr. Baka - Is there anyone present tonight in opposition to the deferral of  
88 REZ2019-00001 RVA Land for Liberty Homes? Ok, I see no opposition. At this point, I  
89 would move that REZ2019-00001 RVA Land for Liberty Homes be deferred to the June 13,  
90 2019 meeting, at the request of the applicant.  
91

92 Mrs. Thornton - Second.  
93

94 Mr. Baka - We have a motion by Mr. Baka, and a second by Mrs.  
95 Thornton. All in favor, say aye.  
96

97 The Commission - Aye.  
98

99 Mr. Baka - Opposed, say no. Motion passes.  
100

101 Mr. Emerson - Mr. Chairman, that concludes the withdrawals and deferrals for  
102 this evening. We'll now move on to the expedited items, which also will be presented by  
103 Mr. Strauss.  
104

105 Mr. Strauss - Thank you, Mr. Secretary. We have three requests for  
106 approval for the expedited agenda this evening. The first request is in the Fairfield District  
107 on page one of the agenda. It's REZ2019-00016 SLA Construction, LLC. This is a request  
108 to conditionally rezone from A-1 Agricultural District to the R-3C District. The applicant  
109 proposes to develop two single-family dwellings. Staff is recommending approval with  
110 proffers one through seven, dated April 12, and we are not aware of any opposition.  
111

112 **REZ2019-00016 Andrew Browning for SLA Construction, LLC:** Request to  
113 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District  
114 (Conditional) part of Parcel 778-766-8307 containing 1.302 acres located on the north line  
115 of Francis Road, approximately 80' east of its intersection with Knotty Drive. The applicant  
116 proposes two single-family dwellings. The R-3 District allows a minimum lot area of 11,000  
117 square feet and a maximum gross density of 3.96 units per acre. The use will be controlled

118 by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
119 recommends Suburban Residential 2, where density should not exceed 3.4 units per acre.  
120

121 Mr. Baka - Is there anyone present in opposition to REZ2019-00016  
122 Andrew Browning for SLA Construction, LLC? I see no opposition. Mr. Archer?  
123

124 Mr. Archer - Mr. Chairman, I move that REZ2019-00016 Andrew Browning  
125 for SLA Construction, LLC go to the Board with a recommendation of approval with  
126 amended proffers one through seven, dated April 12, 2019.  
127

128 Mr. Witte - Second.  
129

130 Mr. Baka - Motion made by Mr. Archer, and a second by Mr. Witte. All  
131 those in favor, say aye.  
132

133 The Commission - Aye.  
134

135 Mr. Baka - Opposed, say no. Motion passes.  
136

137 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the  
138 Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of  
139 Supervisors grant the request because it would permit development of the land for  
140 residential use in an appropriate manner.  
141

142 Mr. Strauss - And, the second request for approval on the expedited agenda  
143 is on page one of your agenda, in the Three-Chopt District, REZ2019-00013 for 11934 W.  
144 Broad LLC. This is a request to amend proffers accepted with the original rezoning cases,  
145 and the amendment is regarding the attached signage. Staff is recommending approval  
146 with the amended proffer dated May 6, 2019. We are not aware of any opposition.  
147

148 **REZ2019-00013 Andrew M. Condlin for 11934 W. Broad LLC:** Request to  
149 amend proffers accepted with Rezoning cases C-49C-04 and C-43C-05 on Parcel 735-  
150 763-9381 located on the north line of W. Broad Street (U.S. Route 250) approximately  
151 1800' west of its intersection with Lauderdale Drive. The applicant proposes to amend  
152 proffers regarding detached signage. The existing zoning is B-2C Business District  
153 (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The site  
154 is in the West Broad Street Overlay District.  
155

156 Mr. Baka - Is there anyone present here tonight in opposition to  
157 REZ2019-00013 Andrew M. Condlin for 11934 W. Broad LLC? I see no opposition.  
158

159 Mrs. Thornton - Mr. Chairman, I move that REZ2019-00013 Andrew M. Condlin  
160 for 11934 W. Broad LLC be recommended for approval with the amended proffer dated  
161 May 6, 2019.  
162

163 Mr. Witte - Second.

64  
165 Mr. Baka - We have a motion made by Mrs. Thornton, and a second by  
166 Mr. Witte. All those in favor, say aye.

167  
168 The Commission - Aye.

169  
170 Mr. Baka - Opposed, say no. Motion passes.

171  
172 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Witte,  
173 the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board  
174 of Supervisors **grant** the request because it is not expected to adversely impact  
175 surrounding land uses in the area.

176  
177 Mr. Strauss - And, the third request for approval on the expedited agenda is  
178 on page two of the agenda in the Tuckahoe District. Provisional Use Permit 2019-00005  
179 Jonathan Bremer. This is a request for approval of a Provisional Use Permit for continued  
180 operation of an existing farmers' market with expanded vendor operations. Staff is  
181 recommending approval with conditions 1-15 in the staff report and we are not aware of  
182 any opposition.

183  
184 **Deferred from the April 11, 2019 Meeting)**

185 **PUP2019-00005 Jonathan Bremer:** Request for a Provisional Use Permit under  
186 Sections 24-62.2(g), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow the  
187 continued operation of an existing farmers' market with expanded vendor operations on  
188 part of Parcels 732-751-4078, -0561 and 731-751-8088 located at the southwest  
189 intersection of Gayton Road and Ridgefield Parkway. The existing zoning is B-3 Business  
190 District. The 2026 Comprehensive Plan recommends Commercial Concentration

191  
192 Mr. Baka - Is there anyone present in opposition to PUP2019-00005  
193 Jonathan Bremer? I see no opposition.

194  
195 At this time, I would move that PUP2019-00005, Jonathan Bremer, be recommended for  
196 approval with conditions 1-15 in the staff report.

197  
198 Mr. Archer - Second.

199  
200 Mr. Baka - We have a motion made by Mr. Baka, a second by Mr. Archer.  
201 All in favor, say aye.

202  
203 The Commission - Aye.

204  
205 Mr. Baka - Opposed, say no. Motion passes.

206  
207 **REASON -** Acting on a motion by Mr. Baka, seconded by Mr. Archer, the  
208 Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of



209 Supervisors **grant** the request because it is reasonable in light of the surrounding uses and  
210 existing zoning on the property.

211  
212 Mr. Emerson - Mr. Chairman that completes the expedited agenda for this  
213 evening. We now move into your regular agenda beginning on page two with REZ2019-  
214 00015 Jason Bumgarner for JR Properties request to conditionally rezone from B-1  
215 Business District to B-3C Business District it is a .55 acres located on Woodman Road  
216 north of its intersection with Hungary Road. The applicant proposes a residential heating  
217 and air conditioning shop. The use will be controlled by zoning ordinance regulations and  
218 proffered conditions. The 2026 Comprehensive Plan recommends Commercial  
219 Concentration. The site is located in the Enterprise Zone. The staff report will be presented  
220 by Mr. Ben Sehl.

221  
222 **REZ2019-00015 Jason Bumgarner for JR Properties:** Request to conditionally  
223 rezone from B-1 Business District to B-3C Business District (Conditional) Parcel 773-759-  
224 9815 containing .55 acres located on the west line of Woodman Road approximately 165'  
225 north of its intersection with Hungary Road. The applicant proposes a residential heating  
226 and air conditioning shop. The use will be controlled by zoning ordinance regulations and  
227 proffered conditions. The 2026 Comprehensive Plan recommends Commercial  
228 Concentration. The site is in the Enterprise Zone.

229  
230 Mr. Baka - Good evening Mr. Sehl.

231  
232 Mr. Sehl - Good evening Mr. Chairman.

233  
234 Mr. Baka - If I may, Is there anyone present in opposition to REZ2019-  
235 00015 Jason Bumgarner for JR Properties? Ok.

236  
237 Mr. Sehl - Thank you Mr. Chairman. This request is to rezone to B-3C to  
238 allow for a HVAC contractor to locate within an existing building adjacent to the Laurel  
239 Park shopping center. The site is located on Woodman Road, just north of Hungary Road,  
240 and shares an existing entrance with the adjacent Little Caesars pizza.

241  
242 The applicant has provided the revised proffers handed out to you this evening, which  
243 reference the previous POD as a concept plan, as no changes are proposed to the site  
244 layout at this time.

245  
246 The proffers also reference these elevations, which are consistent with the existing brick-  
247 front building. Other proffers address typical items for similar requests, and limit hours of  
248 operation and signage to that permitted in the B-2 District. This would also be consistent  
249 with the adjacent shopping center. The revised proffers also prohibit outside storage and  
250 the use of shipping containers as storage, to ensure the site is maintained in an  
251 appropriate manner.

252  
253 This request would be generally consistent with the pattern of zoning in the area and the  
254 Commercial Concentration designation on the 2026 Plan. Staff is generally supportive of

255 the proposed use, but notes it could be enhanced by committing to sidewalk along  
256 Woodman Road to provide for additional pedestrian access in the area.

257  
258 That concludes my presentation and I'd be happy to try and answer any questions you  
259 may have.

260  
261 Mr. Baka - Any questions of Mr. Sehl? If not ...how would you like to  
262 proceed?

263  
264 Mr. Witte - Would anyone like to hear from the applicant? I don't think so.  
265 Alright, Mr. Chairman, I'll make a comment that the addition of the sidewalk would be  
266 somewhat of an improvement. I think that the situation with the electrical pole and the fire  
267 hydrant, and this not being in the POD makes it unnecessary. So with that, I move that  
268 REZ2019-00015 Jason Bumgarner for JR Properties be recommended for approval with  
269 proffers 1-12 dated May 6, 2019.

270  
271 Mr. Baka - We have a motion by Mr. Witte, a second by Mr. Archer to  
272 recommend approval. All in favor, say aye.

273  
274 The Commission - Aye.

275  
276 Mr. Baka - Opposed, say no. Motion passes.

277  
278 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Archer, the  
279 Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of  
280 Supervisors grant the request because the business use is compatible with surrounding  
281 development and the proffered conditions will assure a level of development otherwise not  
282 possible.

283  
284 Mr. Emerson - Mr. Chairman, we now move on to page three of your agenda  
285 for REZ2019-00014 The Site Design Company for Monument Hospitality II, LLC. Request  
286 to amend proffers accepted with Rezoning cases C-67C-89 and C-34C-98 on parcels  
287 located on the west line of Trampton Road north of its intersection with Audubon Drive.  
288 The existing zoning is M-1C Light Industrial District. The 2026 Comprehensive Plan  
289 recommends Planned Industry. The site is also in the Airport Safety Overlay District, and  
290 the staff report will be presented by Mr. Ben Sehl.

291  
292 **REZ2019-00014 The Site Design Company for Monument Hospitality II, LLC:**  
293 Request to amend proffers accepted with Rezoning cases C-67C-89 and C-34C-98 on  
294 Parcel 823-717-5204 located on the west line of Trampton Road approximately 125' north  
295 of its intersection with Audubon Drive. The applicant proposes to amend proffers  
296 regarding building height, architecture, and site plan. The existing zoning is M-1C Light  
297 Industrial District (Conditional). The 2026 Comprehensive Plan recommends Planned  
298 Industry. The site is in the Airport Safety Overlay District.

299

300 Mr. Baka - Ok, is there anyone present in opposition to REZ2019-00014  
301 The Site Design Company for Monument Hospitality II, LLC? Alright, seeing none, Mr. Sehl.  
302

303 Mr. Sehl - Thank you Mr. Chairman. This request would allow for  
304 increased height for a planned hotel near Richmond International Airport. The site is  
305 adjacent to two other hotels, and several other hotels are located across Airport Drive to  
306 the west.

307  
308 The proffered concept plan shows how the 74-room hotel would be oriented on the site.  
309 Access would be provided from Trampton Road, which provides access to Williamsburg  
310 Road and Audubon Drive.

311  
312 The applicant proposes to amend proffers because the currently allowed height of 45'  
313 would not allow the proposed 5-story hotel. The applicant proposes to increase the  
314 proffered maximum height to 65', which would be consistent with the adjacent Homewood  
315 Suites, which is 67' high. The applicant is required to obtain FAA approval for the  
316 proposed building, and the FAA has provided a determination that the proposed building  
317 would not be a hazard to air navigation.

318  
319 To address concerns noted in the staff report, the applicant provided revised elevations,  
320 which have been handed out to you this evening. These elevations provide for additional  
321 masonry materials on the first floor of the proposed building. This will ensure consistency  
322 with other hotels in the area, and the increase in quality materials should minimize  
323 maintenance concerns for the building.

324  
325 The proposed use is currently allowed on the site, and the increased height proposed  
326 by the applicant would be in keeping with other hotels in the area. For these reasons,  
327 staff supports this request. I'd be happy to try and answer any questions about this.

328  
329 Mr. Baka - Very good. Does anyone have any questions of Mr. Sehl?

330  
331 Mr. Witte - I have an observation. How does that canopy ... (INAUDIBLE)  
332 ... What holds it up?

333  
334 Mr. Baka - That was the same question I was going to ask.

335  
336 Mr. Witte - It looks pretty large.

337  
338 Mr. Sehl - I hadn't quite noticed that, Mr. Witte. ... (LAUGHTER) ... I'm  
339 not sure if it's the resolution on the screen that's skewing that a little bit or ... but that's quite  
340 the cantilever there.

341  
342 Mr. Witte - Yeah.

343  
344 Mr. Sehl - The good news is that this will be coming back for a POD,  
345 where they will be submitting...

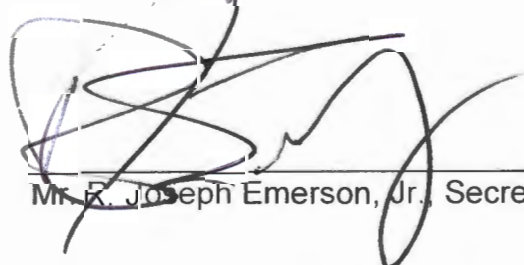


46  
347 Mr. Witte - I'm glad.  
348  
349 Mr. Sehl - ... more details and the exact dimensions of that canopy can  
350 be provided.  
351  
352 Mr. Emerson - It'll have supports under it.  
353  
354 Mr. Sehl - The applicant is also here if you have specific questions.  
355  
356 Mr. Baka - Ok, so we can address that at POD and that will be taken care  
357 of at that time. Any other questions for Mr. Sehl?  
358  
359 Mr. Sehl - Thank you.  
360  
361 Mr. Baka - Thank you.  
362  
363 At this time, does anyone have any specific questions of the applicant? I do not. I  
364 appreciate the revised architectural drawings and I believe this is consistent with what's in  
365 the area as cited by staff. Seeing none at this point and hearing no opposition, I would move  
366 that REZ2019-00014 The Site Design Company for Monument Hospitality II, LLC be  
367 recommended for approval with amended proffers 11 and 16 in the staff report, with revised  
368 elevations as handed out here this evening.  
369  
370 Mrs. Thornton - Second.  
371  
372 Mr. Baka - I have a motion by Mr. Baka, and a second by Mrs. Thornton.  
373 All in favor, say aye.  
374  
375 The Commission - Aye.  
376  
377 Mr. Baka - Opposed, say no. Motion passes. Thank you.  
378  
379 **REASON -** Acting on a motion by Mr. Baka, seconded by Mrs. Thornton,  
380 the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board  
381 of Supervisors **grant** the request because the changes do not greatly reduce the original  
382 intended purpose of the proffers and the change is compatible with surrounding  
383 development.  
384  
385 Mr. Emerson - Mr. Chairman, moving on to the next item on your agenda, you  
386 have the approval of minutes for consideration from your Planning Commission meetings  
387 on April 11<sup>th</sup> and also on February 14<sup>th</sup>. There is an errata sheet for the February 14  
388 minutes indicating changes that have been provided to us at this time, and of course we  
389 will entertain and make any other changes that the Commission may desire or request or  
390 put forward.  
391

392 Mr. Baka - Ok. You have the errata sheet. Any other comments or  
393 observations about the February minutes?  
394  
395 Mr. Witte - I move they be approved with the errata sheet.  
396  
397 Mr. Archer - Second.  
398  
399 Mr. Baka - A motion by Mr. Witte, and second by Mr. Archer, to approve  
400 the February minutes. All in favor say, aye.  
401  
402 The Commission - Aye.  
403  
404 Mr. Baka - Opposed, say no. Motion passes.  
405  
406 Mr. Emerson - Ok, is that just the February minutes ... or the April?  
407  
408 Mr. Baka - I'm sorry. I took it one at a time. I guess we need a second  
409 motion for the April minutes.  
410  
411 Mr. Emerson - Yes, that's correct.  
412  
413 Mr. Baka - I'll move that the April minutes be approved as submitted.  
414  
415 Mr. Archer - I'll second that.  
416  
417 Mr. Baka - Motion by Mr. Baka, second by Mr. Archer, to approve April  
418 minutes as submitted. All in favor say, aye.  
419  
420 The Commission - Aye.  
421  
422 Mr. Baka - Opposed, say no. Motion passes.  
423  
424 Mr. Emerson - Mr. Chairman, as I noted during our work session, and it's not  
425 on your agenda, but I would request that the Commission set the amendments to the R-6  
426 District for public hearing at your June ... I believe it's your June 13<sup>th</sup> meeting.  
427  
428 Mr. Witte - June.  
429  
430 Mr. Emerson - And we'll advertise accordingly if the commission does agree  
431 to it.  
432  
433 Mr. Witte - 5:00 o'clock or 5:30 p.m.?  
434  
435 Mr. Baka - Seven.  
436  
437 Mr. Emerson - No sir, that would be at 7:00 p.m..

38  
 439 Mr. Witte - Seven?  
 440  
 441 Mr. Emerson - Yes sir. It would go on your regular agenda at 7:00 p.m.  
 442  
 443 Mr. Witte - So moved.  
 444  
 445 Mr. Archer - Second.  
 446  
 447 Mr. Baka - A motion by Mr. Witte, and second by Mr. Archer, to schedule  
 448 the R-6 zoning ordinance changes for June 13. All in favor, say aye.  
 449  
 450 The Commission - Aye.  
 451  
 452 Mr. Baka - Opposed, say no. Motion passes.  
 453  
 454 Mr. Emerson - Thank you Mr. Chairman. I have nothing further for the  
 455 Commission this evening.  
 456  
 457 Mr. Baka - Does the Commission have any other business to discuss this  
 458 evening?  
 459  
 460 Mr. Archer - Mr. Chairman, there being no other business to discuss, I  
 461 move for dismissal.  
 462  
 463 Mr. Witte - Second.  
 464  
 465 Mr. Baka - We have a motion by Mr. Archer and second by Mr. Witte for  
 466 adjournment. All in favor, say aye.  
 467  
 468 The Commission - Aye.  
 469  
 470 Mr. Baka - This meeting is adjourned.  
 471  
 472  
 473  
 474  
 475  
 476  
 477  
 478  
 479  
 480  
 481  
 482

  
 \_\_\_\_\_  
 Mr. Gregory R. Baka, Chairman

  
 \_\_\_\_\_  
 Mr. R. Joseph Emerson, Jr., Secretary