



City of Richmond

City Hall
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Meeting Minutes - Draft Planning Commission

Tuesday, September 8, 2020

1:30 PM

5th Floor Conference Room

This meeting will be held through electronic participation means

This meeting will be held through electronic communication means pursuant to and in compliance with Ordinance No. 2020-093, adopted April 9, 2020. This meeting will be open to participation through electronic communication means by the public and closed to in-person participation by the public.

Most, if not all, Planning Commission members and other staff will participate in this meeting by teleconference/videoconference via Microsoft Teams. Those who may be assembling for this meeting will do so in the 5th Floor Conference Room of City Hall at 900 East Broad Street in Richmond, Virginia 23219.

Special Guidelines for Public Access and Citizen Participation:

To access or participate, or both, in the Planning Commission meeting on Tuesday, September 8, 2020, at 1:30 p.m., you have several options outlined in the following document:

- 1. PDRPRES 2020.053 - Public Access and Participation Instructions - Planning Commission 9/8/20**

Attachments: [Public Access & Participation Instructions - Planning Commission -Sep 8, 2020](#)

Citizens are encouraged to provide their comments in writing to PDRLandUseAdmin@richmondgov.com in lieu of speaking through audio or video means during the meeting.

When submitting your comments by email, be sure to include in your email (i) your full legal name, (ii) any organizations you represent, and (iii) any economic or professional relationships that would be affected by the adoption of the legislation on which you are commenting.

The person responsible for receiving written comments is Mark A. Olinger, Director of the Department of Planning and Development Review.

All written comments received via email prior to 10:00 a.m. on Tuesday, September 8, 2020, will be provided to all members of the Planning Commission prior to the beginning of the meeting and will be included in the record of the meeting.

Call To Order

Mr. Poole called the regular meeting of the Planning Commission to order at 1:30 p.m.

Roll Call

- Present 9 - * Chair Rodney Poole, * Vice Chair Melvin Law, * Commissioner David Johannas, * Commissioner Vivek G. Murthy, * Commissioner Elizabeth Hancock Greenfield, * Commissioner Max Hepp-Buchanan, * Commissioner John Thompson, * Commissioner Lenora Reid, and * Commissioner Ellen Robertson

Chair's Comments

Mr. Poole welcomed all who were present.

Approval of Minutes

Director's Report

- Council Action Update

Mr. Mark Olinger stated there is no Council Action update.

- Richmond 300 Update

Ms. Maritza Pechin provided an update on Richmond 300.

Consideration of Continuances and Deletions from Agenda

2. **ORD. 2020-177** To authorize the special use of the properties known as 618 North 32nd Street and 620 North 32nd Street for the purpose of permitting the expansion of an existing adult care residence from 27 residents to 40 residents, upon certain terms and conditions.

- Attachments: [Ord. No. 2020-177](#)
[Application Form](#)
[Applicant's Report](#)
[Applicant's Letter](#)
[Management Plan](#)
[Plans & Survey](#)
[Letters of Support](#)
[Letters of Opposition](#)

A motion was made by Commissioner Elizabeth Greenfield, seconded by Commissioner Vivek Murthy, that this Ordinance be continued to the October 5, 2020 Planning Commission meeting. The motion carried unanimously with Mr. John Thompson abstaining.

3. **Location 2020-002** - Location review of an easement for public use and travel along the west side of the alley to the rear of the property known as 1801 Jefferson Davis Highway, between Webber Avenue and Royal Avenue.

A motion was made by Commissioner Elizabeth Greenfield, seconded by Commissioner Vivek Murthy, that this Ordinance be continued to the October 5,

2020 Planning Commission meeting. The motion carried unanimously.

Consent Agenda

Public Hearing: No one spoke.

A motion was made by Vice Chair Melvin Law, seconded by Commissioner John Thompson, that the Consent Agenda be approved. The motion carried by the following vote, with Commissioner David Johannas abstaining on Item 7:

Aye -- 9 - * Chair Rodney Poole, * Vice Chair Melvin Law, * Commissioner David Johannas, * Commissioner Vivek G. Murthy, * Commissioner Elizabeth Hancock Greenfield, * Commissioner Max Hepp-Buchanan, * Commissioner John Thompson, * Commissioner Lenora Reid and * Commissioner Ellen Robertson

- 4. **ORD. 2020-174** To amend and reordain Ord. No. 64-161-147, adopted Jun. 22, 1964, which authorized the use of certain real estate situated on the north side of Franklin Street beginning at a point 60.5 feet west of the west line of Adams Street, fronting 104.25 feet on the north side of Franklin Street and extending back between parallel or nearly parallel lines 200.5 feet, also known as the property located at 104 West Franklin Street, for the purpose of the construction and occupancy of an apartment building, to modify the off-street parking space requirements, upon certain terms and conditions.

Attachments: [Ord. No. 2020-174](#)
[Staff Report](#)
[Application Form & Applicant's Report](#)
[Survey](#)
[Map](#)

This Ordinance was recommended for approval to the City Council.

- 5. **ORD. 2020-175** To amend and reordain Ord. No. 2007-224-196, adopted Sept. 10, 2007, which authorized the special use of the property known as 2811 Grove Avenue, for the purpose of authorizing an owner-occupied single-family dwelling with three tourist home lodging units, together with accessory parking, to remove the condition of owner-occupancy and to allow the hosting of special events, upon certain terms and conditions.

Attachments: [Ord. No. 2020-175](#)
[Staff Report](#)
[Application Form, Applicant's Report & Survey](#)
[Map](#)
[Museum District Association Letter of No Opposition](#)

This Ordinance was recommended for approval to the City Council.

- 6. **ORD. 2020-179** To authorize the special use of the property known as 2000 Selden Street for the purpose of two single-family detached dwellings, upon certain terms and conditions.

- Attachments:** [Ord. No. 2020-179](#)
[Staff Report](#)
[Application Form & Applicant's Report](#)
[Plans & Survey](#)
[Map](#)

This Ordinance was recommended for approval to the City Council.

- 7. ORD. 2020-181** To authorize the special use of the property known as 3131 Kensington Avenue for the purpose of five single-family attached dwellings, upon certain terms and conditions.

- Attachments:** [Ord. No. 2020-181](#)
[Staff Report](#)
[Plans & Survey](#)
[Application Form & Applicant's Report](#)
[Map](#)
[Museum District Association Letter of No Opposition](#)

This Ordinance was recommended for approval to the City Council.

- 8. ORD. 2020-180** To authorize the special use of the property known as 2406 Grayland Avenue for the purpose of two single-family attached dwellings, upon certain terms and conditions.

- Attachments:** [Ord. No. 2020-180](#)
[Staff Report](#)
[Application Form and Applicant's Report](#)
[Signed Application 2406 Grayland](#)
[Plans](#)
[Survey](#)
[Map](#)
[Letter of Support Byrd Park Civic League](#)

This Ordinance was recommended for approval to the City Council.

- 9. ORD. 2020-178** To authorize the special use of the properties known as 1106 North 21st Street and 1108 North 21st Street for the purpose of two two-family attached dwellings, upon certain terms and conditions.

Attachments: [Ord. No. 2020-178](#)
[Staff Report](#)
[Application Form & Applicant's Report](#)
[Plans](#)
[Survey](#)
[Map](#)

This Ordinance was recommended for approval to the City Council.

- 10. ORD. 2020-182** To authorize the special use of the property known as 5312 Wingfield Street for the purpose of a single-family detached dwelling, upon certain terms and conditions.

Attachments: [Ord. No. 2020-182](#)
[Staff Report](#)
[Application Form & Applicant's Report](#)
[Plans & Survey](#)

This Ordinance was recommended for approval to the City Council.

- 11. ORD. 2020-176** To authorize the special use of the property known as 311 West Franklin Street for the purpose of a multifamily dwelling containing up to 128 dwelling units, upon certain terms and conditions.

Attachments: [Ord. No. 2020-176](#)
[Staff Report](#)
[Application Form & Applicant's Report](#)
[Survey](#)
[Map](#)

This Ordinance was recommended for approval to the City Council.

The consent agenda consists of items that appear relatively non-controversial in nature and for which there was no known opposition at the time this agenda was set. The Consent Agenda items will be considered by the Commission as a group, and there will be a single combined staff presentation and a single combined public hearing held for all items listed on the Consent Agenda.

Regular Agenda

- 12. ORD. 2018-324** To amend and reordain Ord. No. 2007-131-174, adopted Jul. 23, 2007, which authorized the special use of the property known as 1400 Grove Avenue for the purpose of permitting a multifamily dwelling consisting of no more than ten units and authorized the special use of the properties known as 1410 and 1412 Grove Avenue for the purpose of allowing single-family attached dwellings on substandard sized lots, together with accessory off-street parking, to remove from the ordinance the provisions pertaining to 1412 Grove Avenue, upon certain terms and conditions.

Attachments: [Ord. No. 2018-324](#)

[Staff Report](#)

[Application Form & Applicant's Report](#)

[Map](#)

Mr. Jonathan Brown provided staff's presentation.

Public Comment: No one spoke.

A motion was made by Commissioner Johannas, seconded by Vice Chair Law, that this Ordinance be recommended for denial to City Council. The motion carried by the following vote:

Aye -- 9 - * Chair Rodney Poole, * Vice Chair Melvin Law, * Commissioner David Johannas, * Commissioner Vivek G. Murthy, * Commissioner Elizabeth Hancock Greenfield, * Commissioner Max Hepp-Buchanan, * Commissioner John Thompson, * Commissioner Lenora Reid and * Commissioner Ellen Robertson

13. ORD. 2018-325

To authorize the special use of the property known as 1412 Grove Avenue for the purpose of either a single-family attached dwelling or a single-family detached dwelling and up to four rooms or groups of rooms for short-term rental use, upon certain terms and conditions.

Attachments: [Ord. No. 2018-325](#)

[Staff Report](#)

[Application Form & Applicant's Report](#)

[Plans](#)

[Survey](#)

[Map](#)

[Letters of Opposition Posted 1/8/2019](#)

[Letters of Opposition Posted 11/19/2019](#)

[Letters of Opposition Posted 9/4/2020](#)

[Public Comment Forms - Opposition](#)

[Opposition Letters.pdf](#)

Mr. Jonathan Brown provided staff's presentation.

Public Comment: No one spoke.

Based upon staff recommendation, the Planning Commission recognizes that extensive research, consideration, and effort has been given to draft and adopt the citywide short-term rental ordinance and the conditions contained therein, and that there is no justification for issuing the proposed special use permit for the subject property now that a citywide short-term rental ordinance has been adopted to regulate short-term rentals.

A motion was made by Commissioner Johannas, seconded by Vice Chair Law, that this Ordinance be recommended for denial to City Council. The motion carried by the following vote:

Aye -- 9 - * Chair Rodney Poole, * Vice Chair Melvin Law, * Commissioner David Johannas,
* Commissioner Vivek G. Murthy, * Commissioner Elizabeth Hancock Greenfield, *
Commissioner Max Hepp-Buchanan, * Commissioner John Thompson, *
Commissioner Lenora Reid and * Commissioner Ellen Robertson

- 14. ORD. 2020-103** To rezone certain properties in the areas surrounding the Science Museum of Virginia, Allison Street, and the Virginia Commonwealth University and the Virginia Union University Broad Street Bus Rapid Transit station areas.

Attachments: [PulseRezoning3_200902.FINAL](#)
[Staff Report](#)
[Ord. No. 2020-103](#)
[Rezoning Summary](#)
[Sauer Properties Letter of Support](#)
[Historic Richmond Email](#)
[Historic Richmond Letter](#)
[Carver Area Civic Improvement League Email](#)
[Fan District Association Email](#)
[Letter of Support_Nicholas Smith](#)
[Mike Casey Letter of Support](#)
[Preservation Virginia Letter](#)
[West Grace Street Association Letter](#)
[Historic Jackson Ward Association Email](#)
[Letter of Support_Urban Core Construction](#)
[Trip Pollard Preservation VA email](#)
[Additional Letters of Support](#)
[Additional Letters of Opposition](#)
[Cindy Wofford 9-7-20 #2](#)
[Gayle W. Fix 9-8-20](#)
[Cindy Wofford 9-8-20](#)
[7 Civic Associations 9-8-20](#)
[Fan District Association 9-7-20](#)
[Gayle W. Fix 9-8-20](#)
[Pulse Rezoning Phase III CPC Presentation 9-8-20 \(reduced\)](#)
[Pulse Corridor - Julia Seward](#)
[Broad Street Rezoning Issues - Chris Grandpre](#)
[Fan homeowner supports Broad Street rezoning](#)
[Pulse Corridor Rezoning - Robert Sullivan](#)
[Pulse Corridor Plan - Jared Miller](#)
[Broad street corridor rezoning - Coleen Rodriguez](#)
[Pulse Corridor - Cindy Wofford](#)

Ms. Anne Darby provided staff's presentation.

Public Comment:

Ms. Cyane Crump, Executive Director, Historic Richmond Foundation, addressed technical changes on Ordinance 2020-105.

Mr. Stuart Schwartz, Partnership for Smarter Growth, expressed concerns.

Ms. Martha Warden, President, Fan District Association, spoke in opposition.

Ms. Ashley Peace, President, Sauer Properties, spoke in support of the item.

Mr. Murthy stated we are a City, we need the density, we are 60+ square miles we don't have space to grow and generate revenue, we have to consider we are in a city that is going to have a scale that is going to go up or down, it cannot go out. It is also important to know that we are growing in the city, despite what happened in the world in 2020 where maybe we thought we would see a setback, we are seeing continued growth in the city and will probably continue to see that.

Mr. Murthy stated one of the largest landowners is Sauer's. They have been a staple of Richmond for a very long time, it is a family owned business and the work, effort, time and detail that they put into their projects, goes well above and beyond most developers because they are looking at it from a generational perspective.

Ms. Robertson stated it has been mentioned as it relates to the concern as it relates to the zoning and the lack of opportunity for us to have any influence as it relates to ensuring that affordable housing is in the mix of our growth and our development as we rezone for the purpose of meeting our target growth. Is it possible that we can include in our zoning recommendation inclusionary zoning is put in place.

Mr. Olinger stated inclusionary zoning is not an option available to the City of Richmond right now.

Mr. Neil Gibson stated, I am not aware that the city status as a locality that it has been unable to provide for inclusionary zoning. I am not aware that that has changed so beyond the existing program that we have I do not know how we could amend this to allow for inclusionary zoning.

Ms. Robertson asked when we do zoning and any provisions that we put in the zoning, do we have the option of expressing the will of the City or are we limited only to what the law allows us to do.

Mr. Gibson stated frequently what you will see in a zoning ordinance is a preamble that discusses a vision for a given zoning district, my hesitation would be inclusion of language supportive of let's say affordable housing for example, preamble to a zoning district, my concern would be that that kind of language could be interpreted as a mandate as opposed to a suggestion in favor of that kind of development.

Ms. Robertson stated as we mentioned earlier, we have real estate in the City of Richmond that is going through the roof as it relates to sale values, we are absolutely moving to a city that will be limited as to housing choices. We have a great interest in an economic inclusive community, we have a large workforce, and our own City employees cannot afford to live in the City. If zoning does not give us growth and affordability, how else can we accomplish that?

Mr. Gibson stated perhaps that is something that should be included in the Master Plan.

Mr. Olinger stated it is in the Master Plan. It is also in the Pulse Corridor Plan. We talk about providing opportunities for, particularly on City owned real estate, that as we look to using the assets that the City has in these areas, we certainly make a strong statement about what we want to see as we put those out into the parking places. When we started the process for the Pulse Corridor, one of the things that Mayor Jones at that time said was, don't forget Fulton.

A motion was made by Commissioner Johannas, seconded by Commissioner Murthy, that this Ordinance be recommended for approval to City Council. The motion carried unanimously.

**15. ORD.
2020-104**

To amend the official zoning map for the purpose of designating certain street blocks as “priority streets” and certain street blocks as “street-oriented commercial streets” in the areas surrounding the Science Museum of Virginia, Allison Street, and the Virginia Commonwealth University and the Virginia Union University Broad Street Bus Rapid Transit station areas.

Attachments: [PulseRezoning3_200902.FINAL](#)
[Staff Report](#)
[Ord. No. 2020-104](#)
[Rezoning Summary](#)
[Sauer Properties Letter of Support](#)
[Historic Richmond Letter](#)
[Historic Richmond Email](#)
[Fan District Association Email](#)
[Letter of Support Nicholas Smith](#)
[Mike Casey Letter of Support](#)
[Preservation Virginia Letter](#)
[West Grace Street Association Letter](#)
[Carver Area Civic Improvement League Email](#)
[Historic Jackson Ward Association Email](#)
[Letter of Support Urban Core Construction](#)
[Trip Pollard Preservation VA email](#)
[Additional Letters of Opposition](#)
[Additional Letters of Support](#)
[Gayle W. Fix 9-8-20](#)
[Cindy Wofford 9-7-20 #2](#)
[Cindy Wofford 9-8-20](#)
[7 Civic Associations 9-8-20](#)
[Fan District Association 9-7-20](#)
[Gayle W. Fix 9-8-20](#)
[Pulse Rezoning Phase III CPC Presentation 9-8-20 \(reduced\)](#)
[Pulse Corridor - Julia Seward](#)
[Broad Street Rezoning Issues - Chris Grandpre](#)
[Fan homeowner supports Broad Street rezoning](#)
[Pulse Corridor Rezoning - Robert Sullivan](#)
[Pulse Corridor Plan - Jared Miller](#)
[Broad street corridor rezoning - Coleen Rodriguez](#)
[Pulse Corridor - Cindy Wofford](#)

Ms. Anne Darby provided staff's presentation.

A motion was made by Vice Chair Law, seconded by Commissioner Murthy, that this Ordinance be recommended for approval to City Council. The motion carried unanimously.

**16. ORD.
2020-105**

To amend and reordain City Code §§ 30-433.2 (concerning parking lots in the UB Urban Business District, 30-440.3 (concerning yards in the B-4 Central Business

District), 30-446.2 (concerning parking lots in the B-7 Mixed-Use Business District), and 30-950.2-30-950.5 (concerning Plan of Development Overlays), for the purpose of implementing the recommendations of the adopted Pulse Corridor Plan. (As Amended)

Attachments: [Ord. No. 2020-105 - Amended 20200914](#)
[PulseRezoning3 200902.FINAL](#)
[CPC Staff Report - ORD. 2020-105](#)
[Rezoning Summary](#)
[Sauer Properties Letter of Support](#)
[Historic Richmond Letter](#)
[Historic Richmond Email](#)
[Fan District Association Email](#)
[Letter of Support Nicholas Smith](#)
[Mike Casey Letter of Support](#)
[Preservation Virginia Letter](#)
[West Grace Street Association Letter](#)
[Carver Area Civic Improvement League Email](#)
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[Gayle W. Fix 9-8-20](#)
[Cindy Wofford 9-7-20 #2](#)
[Cindy Wofford 9-8-20](#)
[Fan District Association 9-7-20](#)
[Gayle W. Fix 9-8-20](#)
[7 Civic Associations 9-8-20](#)
[20200914 Amendment of Ord. No. 2020-105](#)
[Pulse Rezoning Phase III CPC Presentation 9-8-20 \(reduced\)](#)
[Pulse Corridor - Julia Seward](#)
[Broad Street Rezoning Issues - Chris Grandpre](#)
[Fan homeowner supports Broad Street rezoning](#)
[Pulse Corridor Rezoning - Robert Sullivan](#)
[Pulse Corridor Plan - Jared Miller](#)
[Broad street corridor rezoning - Coleen Rodriguez](#)
[Pulse Corridor - Cindy Wofford](#)

Ms. Anne Darby provided staff's presentation.

A motion was made by Commissioner Johannas, seconded by Commissioner Murthy, that this Ordinance be recommended for approval to City Council with the conditions that Section 30-440.3(2) and 30-440.3(3) not include the RO-3 District in the side and rear yard exceptions in the B-4 District, and that Section 30-950.3(b)(1) should specify that Plan of Development review in the Plan of Development Overlay District shall not apply to single- and two-family dwellings. The motion carried unanimously.

Closed Session

Closed session pursuant to Virginia Code Section 2.2-3711(A)(8) to consult with legal counsel regarding what legal consequences, if any, might follow from the Commission's design and location approval of a Black Lives Matter mural on City right-of-way.

This item, PAC 2020-002, was heard and approved with conditions by the Planning Commission on August 17, 2020.

A motion was made by Commissioner Robertson, seconded by Commissioner Reid to go into Closed Session. The motion carried unanimously.

Closed Session Closed Session Motion and Certification

Attachments: [Closed Session Motion and Certification](#)

Back in open session.

The closed session was certified by Mark Olinger, Acting Secretary of the Commission.

The motion to reconsider was immediately placed before the Commission for action:

A motion was made by Commissioner Johannas, seconded by Commissioner Robertson, to reconsider the actions of the Commission at its August 17, 2020, meeting, and to continue the matter until its next regularly scheduled meeting of September 21, 2020. The motion carried unanimously with Mr. Hepp-Buchanan abstaining and Ms. Greenfield and Mr. Thompson excused.

Upcoming Items

Items tentatively scheduled for the September 21, 2020 meeting of the Planning Commission:

-Approval of new Public Art Commissioner

Adjournment

Mr. Poole adjourned the meeting at 6:00 p.m.