



# City of Richmond

City Hall  
Richmond VA, 23219  
(p) 804.646.6304  
(f) 804.646.5789

## Meeting Minutes - Draft Planning Commission

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Monday, January 6, 2020

1:30 PM

5th Floor Conference Room

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### 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.

#### - 2020 Officers

A motion was made by Commissioner Robertson, seconded by Commissioner Murthy, that Chairman Poole continue as Chairman and Vice Chairman Law continue as Vice Chairman for 2020. The motion carried unanimously.

### Approval of Minutes

### Director's Report

#### - Council Action Update

Mr. Matthew Ebinger 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

#### 10. ORD. 2019-302

To authorize the special use of the property known as 1620 Park Avenue for the purpose of a multifamily dwelling, upon certain terms and conditions. (As

**Attachments:** [Ord. No. 2019-302 - Amended 20200413](#)  
[Staff Report](#)  
[Application Form](#)  
[Updated Applicant's Report](#)  
[Updated Plans 15 January 2020 and Survey](#)  
[Initial Plans & Survey](#)  
[Map](#)  
[Letter of No Opposition Fan District Association](#)  
[Petition of Opposition](#)  
[Letter of Opposition](#)  
[Public Comment Letters Opposition Feb 3, 2020 Planning Commission Meeting](#)  
[Letters of Support](#)  
[20200210 Amendment of Ord. No. 2019-302](#)  
[20200413 Amendment of Ord. No. 2019-302](#)  
[Public Hearing Comment - Theresa Singleton](#)

**A motion was made by Commissioner Robertson, seconded by Commissioner Thompson, that this Ordinance be continued to the February 3, 2020 meeting of the Planning Commission. The motion carried unanimously.**

## **Consent Agenda**

Mr. Poole asked what effect, if any, would the short-term rental have.

Mr. Ebinger stated it would not effect this item, the short term rental citywide ordinance covers that use within residential districts and residential properties essentially, this is more of a commercial request within a mixed use area, so it would not fall under the short-term rental citywide ordinance.

Ms. Reid asked what would it fall under.

Mr. Ebinger stated hotel in the broad sense, in terms of use it would be more of a bed and breakfast hotel type of use.

Public Hearing:

Item 3: Cyane Crump, Historic Richmond Foundation, raised concerns with this case and its relation to short-term rental regulations.

**A motion was made by Vice Chair Law, seconded by Commissioner Murthy, that the Consent Agenda be approved. The motion carried by the following vote (with Commissioner Johannas abstaining from Item 1 and Commissioner Hepp-Buchanan abstaining from Item 9):**

**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

1. **ORD. 2019-344** To authorize the special use of the property known as 1000 West Franklin Street for the purpose of multifamily dwellings containing an aggregate of up to 18 dwelling units, upon certain terms and conditions.

**Attachments:** [Ord. No. 2019-344](#)

[Staff Report](#)

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

[Plans & Survey](#)

[Map](#)

**This Ordinance was recommended for approval to the City Council.**

2. **ORD. 2019-345** To authorize the special use of the property known as 1512 North 27th Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

**Attachments:** [Ord. No. 2019-345](#)

[Staff Report](#)

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

[Plans & Survey](#)

[Map](#)

**This Ordinance was recommended for approval to the City Council.**

3. **ORD. 2019-346** To authorize the special use of the property known as 18 West Franklin Street for the purpose of a tourist home with up to five rooms or groups of rooms, upon certain terms and conditions.

**Attachments:** [Ord. No. 2019-346](#)

[Staff Report](#)

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

[Plans & Survey](#)

[Map](#)

[Letter of Support\\_Downtown Neighborhood Assoc](#)

**This Ordinance was recommended for approval to the City Council.**

4. **ORD. 2019-347** To authorize the special use of the property known as 1817 Floyd Avenue for the purpose of limited special events, upon certain terms and conditions.

**Attachments:** [Ord. No. 2019-347](#)  
[Staff Report](#)  
[Application Form & Applicant's Report](#)  
[Plans & Survey](#)  
[Map](#)  
[Letter of No Opposition FDA](#)  
[Applicant's Letter to Community](#)  
[Petition of Support](#)  
[Public Response Form Support Jan 6, 2020 Planning Commission Meeting](#)

**This Ordinance was recommended for approval to the City Council.**

5. **ORD. 2019-348** To amend and reordain Ord. No. 92-169-108, adopted May 26, 1992, which authorized the special use of the property known as 2820 West Cary Street for the purpose of operating a proposed 5,086 square foot shopping center within an existing building, waiving the off-street parking requirement, to modify the permitted uses, upon certain terms and conditions.

**Attachments:** [Ord. No. 2019-348](#)  
[Staff Report](#)  
[Application Form and Applicant's Report](#)  
[Plans](#)  
[Map](#)

**This Ordinance was recommended for approval to the City Council.**

6. **ORD. 2019-349** To amend and reordain Ord. No. 84-309-31, adopted Feb. 25, 1985, as previously amended by Ord. No. 2001-310-283, adopted Oct. 8, 2001, and Ord. No. 2019-087, adopted Apr. 22, 2019, which authorized the special use of the property known as 5612 Grove Avenue for the purpose of non-medical office use, to authorize a freestanding sign, upon certain terms and conditions.

**Attachments:** [Ord. No. 2019-349](#)  
[Staff Report](#)  
[Application Form & Applicant's Report](#)  
[Plans & Survey](#)  
[Map](#)

**This Ordinance was recommended for approval to the City Council.**

7. **ORD. 2019-350** To authorize the special use of the property known as 806 West Clay Street for the purpose of the construction of an addition to an existing single-family attached dwelling, upon certain terms and conditions.

**Attachments:** [Ord. No. 2019-350](#)  
[Staff Report](#)  
[Application Form & Applicant's Report](#)  
[Plans & Survey](#)  
[Map](#)  
[Letter of No Opposition\\_Carver Area Civic Assoc \(CACIL\)](#)

**This Ordinance was recommended for approval to the City Council.**

8. **ORD. 2019-351** To amend Ord. No. 2015-5-30, adopted Feb. 9, 2015, which authorized a Preliminary Community Unit Plan permitting the development of a residential community of up to 300 dwelling units on approximately 21.76 acres of land located at 1501 North 31st Street and 1611 North 31st Street, to modify the phasing requirements.

**Attachments:** [Ord. No. 2019-351](#)  
[Staff Report](#)  
[Resolution](#)  
[Application Form](#)  
[Applicant's Letter](#)  
[Phasing Diagram](#)  
[Map](#)

**This Ordinance was recommended for approval to the City Council.**

9. **ORD. 2019-352** To amend section 30-800.3 of the City Code, concerning changes in nonconforming uses, for the purpose of requiring a minimum lot area of 750 square feet per dwelling unit when a nonconforming use is changed to a multifamily dwelling within certain residential zoning districts.

**Attachments:** [Ord. No. 2019-352](#)  
[Staff Report](#)

**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**

11. **ORD. 2019-324** To authorize the special use of the property known as 1703 Maury Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

**Attachments:** [Ord. No. 2019-324](#)  
[Staff Report](#)  
[Application Form & Applicant's Report](#)  
[Plans and Survey](#)  
[Map](#)  
[Letter of Opposition](#)  
[Staff Presentation to Planning Commission](#)

Mr. David Watson provided staff's presentation.

Mr. Josh Lewis stated he is set to close Monday, January 13, 2020. He plans to rent the units.

Public Hearing: No one spoke.

**A motion was made by Commissioner Greenfield, seconded by Commissioner Reid, that this Ordinance be recommended for approval. The motion carried unanimously, with Commissioner Thompson abstaining.**

**12. ORD.  
2019-328**

To authorize the special use of the property known as 1900 Chamberlayne Parkway for the purpose of office, group home, [~~shelter,~~] and social service delivery uses, upon certain terms and conditions. (As Amended)

**Attachments:** [Ord. No. 2019-328 - Amended 20200113](#)  
[Staff Report](#)  
[Application Form](#)  
[Applicant's Report and Management Plan](#)  
[Plans & Survey](#)  
[Map](#)  
[Letters of Support or Non-Opposition](#)  
[Letters of Opposition](#)  
[Applicant Presentation to Planning Commission](#)  
[Staff Presentation to Planning Commission](#)  
[Applicant's Updated Report and Management Plan](#)  
[Edgehill Chamberlayne Court Civic Association Letter](#)  
[Salvation Army letter of support](#)  
[Chamberlayne Industrial Center Association Petition](#)  
[Chamberlayne Industrial Center Association Petition Additional Signatures](#)  
[Letter of Opposition Lufteknik, LLC](#)  
[Howard letter for SA](#)  
[Sharon Blount letter for SA](#)  
[20200113 Amendment of Ord. No. 2019-328](#)

Mr. Matthew Ebinger provided staff's presentation.

Mr. Preston Lloyd provided applicant's presentation.

Mr. Steven Bachie spoke about the Salvation Army's search for their new location.

Public Hearing:

Spoke in Favor:

Kelly King Horne, Executive Director, Homeward  
Karen Stanley, President and CEO, Caritas  
Annette Cousins, Greater Richmond Continuum of Care  
Several raised hands in support.

Spoke in Opposition:

Councilman Chris Hilbert, Richmond City Council – Read letter from Virginia Union University  
Parker Dillard, Business Owner  
David Kohler, Business Owner – Read letter from Audra Scott in opposition  
Alesa Hemenway, Secretary to Chamberlayne Industrial Center of Association  
One person raised hand in opposition

Mr. Lloyd made a two minute rebuttal.

Mr. Law thanked the Salvation Army for considering this site. He has lived in the 3rd District since coming to Richmond in 1964. He stated to the Salvation Army, I hope none of your clients were harmed by what was heard here today. His hope is the 3rd District will become better as the City becomes better. He stated, Salvation Army, I hope you make it clear that you are not a liability.

Ms. Robertson stated, she is grateful for the way the Salvation Army has operated their business. She has served on City Council for 17 years and have not gotten any complaints from neighbors as it relates to Salvation Army clientele and what their clientele have done to negatively impact the community. She stated we want our businesses to thrive, to do well, we want to do everything we can to support them in an effort to making that happen. A lot of the challenges that have been articulated by those in opposition, based on what they have experienced, is not directly related to what the Salvation Army does and it does not reflect the community that you are located in. Ms. Robertson stated she is in support of this paper.

Mr. Hepp-Buchanan stated he is also a 3rd District resident. His 3 year old goes to school on Graham Road a couple of blocks from this location. He has no hesitation keeping him in that school with this facility being built. We have a responsibility, we should embrace the opportunity to provide for less fortunate neighbors.

Mr. Johannas stated he is in favor of this paper. The comments that were stated are based from personal experience. Being a person that goes downtown a lot, he has never noticed any issues. Sometimes we are intimidated by what we do not know or by not feeling familiar with people that are around us. We have to think about the difficult part which is housing people.

Mr. Murthy stated he is in support. He stated he remembers growing up in Richmond, the Chamberlayne corridor needs change, it needs life, it needs activity, having people there,

people that work there day in and day out being part of that community is just as important.

Ms. Reid stated this is one step toward a strategic plan that the administration is working on for homelessness. Because it is in a targeted enforcement zone it is protection to the other residents and also to the businesses in that area coupled with the wrap around services. She stated I like the wrap around services because it is not just providing shelter or temporary shelter, it is providing services that individuals can get back on their feet and find permanent housing. That is one of the things that is missing in the City so it is a benefit.

Mr. Poole stated he served on the Board of Zoning Appeals for 24 years, on this Commission for 9 years and this is not the first time that I have been faced with this exact same situation in various parts of the City, and have heard many of the same concerns and arguments from the opposition that I have heard all over the City. In this particular case, I think Mr. Dillard, Mr. Kohler and Ms. Hemenway have a particularly cogent argument in that we as a City went to them as owner and said we are going to help you by putting together a master plan that outlines what we are going to do in your area. We have what is called a special use permit in the City of Richmond. Special use permits are for things of this nature precisely. That is why the special use permit exist in the City of Richmond so that you can put the kind of structure and limitations in areas that perhaps it was not intended. Mr. Poole stated he plans to support this paper.

**A motion was made by Vice Chair Law, seconded by Commissioner Hepp-Buchanan, that this Ordinance be recommended for approval. The motion carried unanimously.**

**13. ORD.  
2019-343**

To amend City Code §§ 30-402.2, 30-411.3, 30-412.2, 30-413.3, 30-413.13, 30-414.2, 30-416.2, 30-418.2, 30-419.4, 30-420.1, 30-426.1, 30-428.1, 30-430.1, 30-433.2, 30-433.11, 30-434.1, 30-436.1, 30-438.1, 30-440.1, 30-442.1, 30-444.2, 30-446.2, 30-447.2, 30-447.11, 30-448.1, 30-450.1, 30-457.1, concerning permitted principal uses, and 30-1220, concerning definitions related to zoning, and to amend ch. 30, art. VI of the City Code by adding therein a new div. 14 (§§ 30-697-30-697.3), concerning short-term rentals. (As Amended)



**Attachments:** [Ord. No. 2019-343 - Amended 20200113](#)  
[Staff Report](#)  
[Comparison of Short-Term Rental Regulations](#)  
[Short-Term Rental Survey Questions](#)  
[Short-Term Rental Summary of Survey Responses](#)  
[Letters of Support](#)  
[Letters of Opposition](#)  
[Petition in Opposition](#)  
[Public Response Forms Opposition Jan 6, 2020 Planning Commission Meeting](#)  
[Public Response Forms Support Jan 6, 2020 Planning Commission Meeting](#)  
[Staff Presentation to Planning Commission](#)  
[Dane Cho Ord. 2019-343 Letter](#)  
[Matthew Logan Ord. 2019-343 Letter](#)  
[20200113 Amendment of Ord. No. 2019-343](#)  
[ORD. 2019-343 Norfleet Letter to Council](#)  
[Ord. No. 2019-343 Clements Letter to Council](#)  
[Ord. No. 2019-343 RE-MAX Commonwealth Letter to Council](#)  
[ORD. 2019-343 Garrett Letter to Land Use Chair](#)  
[ORD. 2019-343 Courtney Correspondence to Council](#)  
[Operator Proposals on STRs](#)  
[STR 2-17-2020](#)  
[Tyler Rackley - Letter to Council 3-8-2020](#)

Meeting went into brief recess and reconvened at 4:14 PM.

Mr. Mark Olinger provided staff's presentation.

Public Hearing:

Ms. Jesse Wright expressed concern with the ordinance.

Ms. Stacy Vann-Cherry expressed concern with 185 day requirement.

Mr. Bill Hamell, President, Westhampton Citizen's Association spoke in support.

Mr. Dane Cho is not supportive of the 185 day requirement.

Ms. Cyane Crump is in favor of the ordinance as written.

Mr. Matthew Logan is not supportive of the 185 day rule.

Ms. Susan Keeney is supportive of short term rentals but has concerns with conditions of the ordinance.

Mr. William Damron is not supportive. He is opposed to the ordinance. He wants

assurance of control of Short Term Rentals.

Mr. Chad Kane supports the Short Term Rentals, he has concerns with the ordinance.

Mr. Tyler Rackley, "Go Real Estate", has concerns with the ordinance.

Ms. Christy Santelli-Carter, has concerns with the ordinance.

Ms. Anne Frances Lambert, supports Short Term Rentals, she is opposed to certain regulations in the ordinance.

Mr. Dave Edney, supports Short Term Rentals.

Ms. Natalie Gordon, supports Short Term Rentals, she is opposed to certain regulations in the ordinance.

Mr. John Charlotte, supports Short Term Rentals..

Mr. Justin Chesney supports Short Term Rentals. Opposed to the restriction of 185 day occupancy.

Mr. Tim Cooper supports Short Term Rentals.

Mr. Russ Jameson is not supportive or opposed.

A motion was made by Commissioner Thompson, seconded by Commissioner Greenfield, that this Ordinance be approved with the following amendments:

1. Remove the restriction prohibiting tenants from operating a short-term rental.
2. Remove the 185-day residency requirement.
3. Allow licensed real estate brokers to serve as operators of short-term rentals.
4. Include a provision that the ordinance will be revisited by the Planning Commission one year after implementation.

Chairman Poole directed the Planning Commission to vote on each amendment individually, with the following results:

Amendment 1:

Aye: Thompson

Nay: Poole, Law, Johannas, Murthy, Greenfield, Hepp-Buchanan

Amendment 2:

Aye: Greenfield, Thompson, Murthy

Nay: Poole, Law, Johannas, Hepp-Buchanan

Amendment 3:

Aye: Greenfield, Johannas, Thompson, Poole

Nay: Law, Hepp-Buchanan, Murthy

Amendment 4:

Aye: Poole, Law, Johannas, Murthy, Greenfield, Hepp-Buchanan, Thompson

Nay: None

A motion was made by Commissioner Law, seconded by Commissioner Murthy, that this

Ordinance be approved with Amendments 3 and 4 listed above:

The motion did not carry by the following vote:

Aye: Poole, Johannas, Thompson  
Nay: Law, Murthy, Greenfield, Hepp-Buchanan

**A motion was made by Commissioner Law, seconded by Commissioner Thompson, that this Ordinance be recommended for approval with an amendment to include a provision that the Ordinance will be revisited by the Planning Commission one year after implementation.**

**The motion carried by the following vote:**

**Aye --** 4 - \* Chair Rodney Poole, \* Vice Chair Melvin Law, \* Commissioner Max Hepp-Buchanan and \* Commissioner John Thompson

**No --** 3 - \* Commissioner David Johannas, \* Commissioner Vivek G. Murthy and \* Commissioner Elizabeth Hancock Greenfield

**Excused --** 2 - \* Commissioner Lenora Reid and \* Commissioner Ellen Robertson

**Upcoming Items**

Mr. Ebinger summarized the list of items tentatively scheduled for the January 21, 2020 meeting of the Planning Commission.

**Adjournment**

Mr. Poole adjourned the meeting at 6:16 PM.

*All persons attending the meeting are requested to register on the attendance sheets that have been placed on the chairs and are also available at the table by the conference room entrance. Once you have completed an attendance sheet, it should be provided to the Commission staff.*

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Rodney M. Poole, Chair

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Matthew J. Ebinger, Secretary