

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**  
2 **County held in the County Administration Building in the Government Center at**  
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, December**  
4 **14, 2023. Display Notice having been published in the Richmond *Times-Dispatch***  
5 **on December 1, 2023, and December 8, 2023.**  
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7

8 **Members Present:** Mr. Robert H. Witte, Jr., Chairperson (Brookland)  
9 Mr. Gregory R. Baka, Vice Chair (Tuckahoe)  
10 Mrs. Melissa L. Thornton, (Three Chopt)  
11 Mr. C. W. Archer, C.P.C. (Fairfield)  
12 Mr. William M. Mackey, Jr., (Varina)  
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning  
14 Secretary  
15 Mr. Thomas M. Branin (Three Chopt)  
16 Board of Supervisors Representative  
17

18 **Also Present:** Ms. Jean Moore, Assistant Director  
19 Mr. Ben Sehl, Senior Principal Planner  
20 Mr. Seth Humphreys, County Planner  
21 Ms. Molly Mallow, County Planner  
22 Ms. Ali Hartwick, County Planner  
23 Ms. Kelly Drash, County Planner  
24 Mr. Michael Morris, County Planner  
25 Mr. Livingston Lewis, County Planner  
26 Mr. John Cejka, Traffic Engineer \*  
27

28 \* Virtually  
29

30 **Mr. Thomas M. Branin, the Board of Supervisors' representative, abstains from all**  
31 **cases unless otherwise noted.**  
32

33 **Mr. Witte -** Good evening, welcome to the December 14, 2023, meeting  
34 of the Planning Commission. We have all members present. I ask that you stand with us  
35 for the Pledge of Allegiance and while doing so please mute, turn off or silence your  
36 cellphones. Thank you.  
37

38 [Recitation of Pledge of Allegiance]  
39

40 **Mr. Witte -** Alright, do we have any news media in the audience? Do we  
41 have any news media on Webex? I guess we have no news media. With that, I'll turn it  
42 over to our Secretary, Mr. Emerson.  
43

44 **Mr. Emerson -** Thank you, Mr. Chairman. I would note that the Commission  
45 did hold a work session this evening. It began at 5:45 and the Commission discussed the  
46 Build Henrico Electronic Land Management System and learned about our new electronic  
47 submittal system for all land use applications. Then we recessed the meeting at 6:45 and

then of course you brought the meeting toward at 7:00 pm. With that said Mr. Chairman, I would like to join with you in welcoming everyone to the Henrico County Planning Commission public hearing for December 14, 2023. This evening it is requested all public comments be provided from the lectern to the rear of the room. For everyone who's watching the livestream on the county website you can participate remotely in the public hearings by following these guidelines. Go to the Planning Department's meeting webpage at [Henrico.us/planning/meetings](http://Henrico.us/planning/meetings). Scroll down under Planning Commission and click on Webex event. Once you have joined the Webex event, please click the chat button in the bottom right corner of your screen. Staff will send a message asking if anyone would like to sign up to speak on an upcoming case. To respond select Ali Hartwick from the dropdown menu and send her a message. She will get you placed in the queue to speak. The Commission does have guidelines for its public hearings. The applicant is allowed 10 minutes to present the request, and time may be reserved for responses to testimony. The opposition is allowed a cumulative 10 minutes to present its concerns. Meaning that everyone who wishes to speak must be included in the overall 10-minute allowance. Commission questions do not count into the time limits. The Commission may waive the time limits at its discretion. Comments must be directly related to the case under consideration. Commentors must provide their name and address prior to speaking for the record. We do maintain verbatim minutes so we have them to refer to in the future so we do need that information. Thank you for your participation and interest in your community this evening. With that, Mr. Chairman, the first item on your agenda this evening are requests for withdrawals and deferrals, and we have none of those this evening. We do have some expedited items, which is the next agenda item and those will be presented by Mr. Ben Sehl.

Mr. Witte - Good evening Mr. Sehl.

Mr. Sehl - Good evening, Mr. Chairman. Staff has two items on your expedited agenda this evening. Both are in the Fairfield District on Page 2 of your agenda. The first is REZ2023-00038.

**REZ2023-00038 Bay Companies Inc. for Godsey Properties Inc.:** Request to rezone from R-5AC General Residence District (Conditional) to C-1 Conservation District part of parcel 804-726-5470 containing 7.6 acres located on the north line of Creighton Road approximately 600' west of Stone Dale Drive. The applicant proposes a conservation district. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area.

Staff is recommending approval of this request and is unaware of any opposition at this time. I'd be happy to try and answer any questions you might have.

Mr. Witte - Any questions by the Commission? How would you like to proceed sir?

Mr. Archer - Quickly.

94  
95 Mr. Witte - Quickly.

96  
97 Mr. Archer - Mr. Chairman, I move that we recommend approval of  
98 REZ2023-00038 Godsey Properties, Inc.  
99

100 Mrs. Thornton - Second.

101  
102 Mr. Witte - We have a motion by Mr. Archer, a second by Mrs. Thornton.  
103 All in favor say aye.

104  
105 Commission - Aye.

106  
107 Mr. Witte - Opposed? Motion passes.  
108

109 **REASON:** Acting on a motion by Mr. Archer, seconded by Mrs. Thornton,  
110 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
111 Supervisors grant the request because it conforms to the recommendations of the Land  
112 Use Plan and it would provide for appropriate development.  
113

114 Mr. Sehl - Thank you. Also, in the Fairfield District and on Page 2 of your  
115 agenda is REZ2023-00039. This is a similar request to rezone property just west of the new  
116 Woodman Road extension and west of Rivermill.  
117

118 **REZ2023-00039 Jared Condon for Winfrey Road LLC:** Request to conditionally  
119 rezone from RTHC Residential Townhouse District (Conditional) to C-1C Conservation  
120 District (Conditional) part of parcels 780-771-0875 and 778-772-7200 containing 4.294  
121 acres located northwest of the intersection of Woodman Road and Rivermere Lane. The  
122 applicant proposes a conservation district. The uses will be controlled by zoning  
123 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
124 recommends Suburban Residential 2, density should not exceed 3.4 units per acre, and  
125 Environmental Protection Area.  
126

127 Staff is again recommending approval of this item and is unaware of any opposition to  
128 this request. I'd be happy to try and answer any questions you might have at this time.  
129

130 Mr. Witte - Any questions by the Commission? Anything on Webex?

131  
132 Ms. Drash - Mr. Chairman, there is no one on Webex for this case.  
133

134 Mr. Witte - Mr. Archer, once again.  
135

136 Mr. Archer - Mr. Chairman, I move that we recommend approval of  
137 REZ2023-00039, Winfrey Road LLC with the proffers dated September 12, 2023.  
138

139 Mrs. Thornton - Second.



140  
141 Mr. Witte - We have a motion by Mr. Archer, a second by Mrs. Thornton.  
142 All in favor say aye.

143  
144 Commission - Aye.

145  
146 Mr. Witte - Opposed? Motion passes.

147  
148 **REASON:** Acting on a motion by Mr. Archer, seconded by Mrs. Thornton,  
149 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
150 Supervisors grant the request because it conforms to the recommendations of the Land  
151 Use Plan and it would provide for appropriate development.

152  
153 Mr. Emerson - Mr. Chairman, now we move on to your regular agenda Page  
154 1 for REZ2023-00026, Mark Baker for Harsh Thakker, Dorado Capital, LLC.

155  
156 **REZ2023-00026 Mark Baker for Harsh Thakker, Dorado Capital, LLC:** Request to  
157 amend proffers accepted with REZ2022-00034 on Parcel 833-718-6524 located on the  
158 south line of Meadow Road at its intersection with Chartwood Drive. The applicant  
159 proposes to amend proffers regarding concept plan, density, architectural treatment, and  
160 wiring for generators. The existing zoning is R-5AC General Residence District  
161 (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 1,  
162 density should not exceed 2.4 units per acre and Environmental Protection Area. The site  
163 is located in the Airport Safety Overlay District.

164  
165 The staff report will be presented by Ms. Molly Mallow.

166  
167 Mr. Witte - Ms. Mallow, you have the floor.

168  
169 Ms. Mallow - Thank you, Mr. Chairman and members of the Commission.  
170 This case was previously presented at the September Planning Commission meeting,  
171 during which the Commission deferred this request to allow the applicant additional time  
172 to revise the architectural elevations. As mentioned, additional amendments to the  
173 proffers pertain to the conceptual plan, density, architectural treatments, and wiring for  
174 generators.

175  
176 Since September the applicant has met with staff and Mr. Mackey and has provided  
177 updated elevations shown here in 'Exhibit D'. These elevations show a variety of housing  
178 styles and building materials that are consistent with the proffers such as enhanced  
179 features on garage doors and a requirement that at least 25% of the front façade be  
180 constructed with brick or stone. For this reason, staff can now support this request. This  
181 concludes my presentation and I would be happy to answer any questions.

182  
183 Mr. Witte - Any questions?

184  
185 Mr. Mackey - No, sir. Is there anyone on Webex?

186  
187 Mr. Witte - Anybody on Webex?  
188  
189 Ms. Drash - Mr. Chairman, there is no one on Webex for this case.  
190  
191 Mr. Witte - Anybody in the audience want to speak? Nobody loves us.  
192  
193 Mr. Mackey - I'd like to hear from the applicant.  
194  
195 Mr. Witte - Would the applicant come forward please?  
196  
197 Mr. Baker - Mr. Chairman, members of the Commission. Good evening  
198 and happy holidays. I'm Mark Baker of Baker Development Resources. Again, Mark  
199 Baker of Baker Development Resources, I'm here on behalf of the owner. As staff noted,  
200 the case was heard in September and was continued in order to allow us to work on more  
201 representative architectural exhibits which I think are more in line and we had an  
202 opportunity to talk with Mr. Mackey further. We had an opportunity to talk to staff further.  
203 We had an opportunity to get them in order to allow for time for a full review by both Mr.  
204 Mackey and staff. New elevations that rendered perspective. They certainly provide for a  
205 better representation of the additional housing styles and show variation of building  
206 materials and architectural detail. I do want to keep it short. I certainly appreciate your  
207 time. I appreciate your time tonight. I appreciate your time allowing us the additional time  
208 to work through that issue and I look forward to answering any questions you might have.  
209  
210 Mr. Witte - Any comments?  
211  
212 Mr. Mackey - I have comments. Does anyone have any questions or  
213 comments? Mr. Chairman, I appreciate, Mr. Baker, I appreciate you going back and  
214 getting with the applicant and working on the new elevations. I like them much better than  
215 what we had before. I don't think we'll have any problem moving this forward to the Board  
216 of Supervisors. Mr. Chairman, I'd like to make a motion. I move that we recommend  
217 approval of REZ2023-00026, Harsh Thakker, Dorado Capital LLC with the updated  
218 elevations and proffers dated August 24, 2023.  
219  
220 Mr. Baka - Second.  
221  
222 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Baka. All  
223 in favor say aye.  
224  
225 Commission - Aye.  
226  
227 Mr. Witte - Opposed? Motion passes.  
228  
229 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Baka, the  
230 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors



grant the request because the changes do not greatly reduce the original intended purpose of the proffers.

Mr. Emerson - Mr. Chairman, we now move on to the next item on your agenda also on Page 1, REZ2023-00042, Jeffrey P. Geiger for Parham Island OZ, LLC.

**REZ2023-00042 Jeffrey P. Geiger for Parham Island OZ, LLC:** Request to conditionally rezone from C-1 Conservation District to UMU-PD Urban Mixed-Use Planned Development District parcel 754-743-2488 containing 1.19 acres located at the southeast intersection of N Parham Road and Eastridge Road. The applicant proposes a commercial expansion of the Regency Square urban mixed-use development. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Arterial.

The staff report will be presented by Mr. Michael Morris.

Mr. Witte - Mr. Morris, you have the floor.

Mr. Morris - Thank you Mr. Chairman, members of the Commission. As stated, this is a request to conditionally rezone 1.19 acres from C-1 Conservation District to UMU-PD Urban Mixed-Use Planned Development District to include additional property in the Regency UMU development originally approved with case REZ2019-00021 and amended by REZ2021-00007. The subject site sits at the southeast intersection of N Parham and Eastridge Roads and was previously used as an access drive to the Regency Square Mall site, which is now undergoing redevelopment. This access road was abandoned by the Board of Supervisors in August 2023 and, along with the subject property, conveyed to the Economic Development Authority. The majority of the surrounding area is commercial in nature, with B-3C Business District and B-2 Business District located to the north, across Eastridge Road. To the east across Eastridge Road is a fast-food restaurant, convenience store, restaurant, bank and offices. The Regency Square UMU and Firestone Auto Care Center are located to the west across N. Parham Road.

With this request, the applicant is proposing to incorporate the subject property with the Regency Square UMU development. The same proffers accepted with the previous cases in 2019 and 2021 would be applied to the subject property, with additional language restricting residential use, clarifying the method of calculating open space, and limiting building height to no more than 60', among others. These proffers also include a commitment to develop the property consistent with the Regency UMU Pattern Book, which provides design requirements for new development on site, including extensive streetscape and urban design details consistent with the goals of mixed-use development in the UMU District.

The 2026 Comprehensive Plan recommends Commercial Arterial for the subject site. This request is consistent with this designation and would facilitate redevelopment of the subject property in a manner consistent with the neighboring Regency Square UMU. The

proffers and exhibits provided with this request would also be consistent with those already approved for the adjacent property. For these reasons, staff supports this request. This concludes my presentation and I'm happy to answer any questions you may have at this time.

Mr. Witte - Any questions by the Commission? Is there anyone in the audience or on Webex that would like to speak to this?

Ms. Drash - Mr. Chairman, there is no one on Webex for this case.

Mr. Witte - We have one.

Mr. Crittendon Mr. Morris, sir. My name is Gil...

Mr. Emerson - Sir, can you please go to the lectern to the rear of the room, thank you. Mr. Chairman, I believe I heard that there was no one on Webex.

Mr. Witte - Ok, thank you.

Mr. Crittendon - Mr. Morris, sir. My name is Gil Crittendon. I own the property at 1405 Eastridge Road. I believe I am the lone residential property remaining in this area under discussion. I guess my concern is right now I do have my in-laws living there and every time they go out or coming down Parham from Patterson to take a right into the driveway I have them put their flashers on because people turning onto Eastridge think you're going all the way down to one of these other businesses you're discussing. I can count on 10 hands how many times you get an unfavorable honk of the horn as we're turning into the driveway, so I guess I want to see addressed, how the egress is going to be with traffic for this development. Thank you.

Mr. Witte - Thank you, sir. Do you want to address that?

Mr. Baka - I'd like to ask the applicant if they could address both the presentation and Mr. Crittendon's question about vehicular traffic. Thank you.

Mr. Roberts - Well, good evening, Mr. Chair, members of the Commission for the record, I'm Matt Roberts with Hirschler on behalf of the applicant. Thank you very much for having us this evening. Just very quickly before getting into any presentation or otherwise. We'll certainly address the comment. I do want to start by thanking staff, Michael and his team certainly worked to help us craft the application in a manner that this new parcel is going to really integrate very well into that previously approved Regency redevelopment and the existing Regency Development Pattern Book. Just very quickly in terms of some overview on the project beyond, I guess, what Michael gave you. The genesis of the application as the Commission knows is the closure of that underpass to the mall by the county earlier in 2023 and ultimately the sale of that parcel to the EDA was to essentially make an economically viable use of this site. As we and staff have come to see it's sort of an opportunity to maintain the link between the property and



323 Regency by applying those same development standards to this property so it can  
324 ultimately complement what's going on in the Regency redevelopment. We are planning  
325 as Michael said to rezone to UMU-PD and extend Regency's UMU rezoning to the  
326 property. That allows the opportunity to apply the approved Pattern Book to the property  
327 and adhere to those building design and streetscape requirements for the future site  
328 redevelopment. That includes among other things limiting height on this site to 60'  
329 essentially matching what's going to happen on the opposite side of Parham where  
330 Regency is going to have some of those retail uses. Just to highlight a couple things in  
331 those proffers. There is a prohibition on residential development on this site so that it  
332 essentially maintains the cap on residential uses that was previously approved for the  
333 Regency redevelopment. In terms of the uses that we are anticipating for the site the  
334 Pattern Book would show this particular parcel as Mixed Use Commercial or MUC. So, in  
335 the Pattern Book, that gives us the opportunity to do retail, office, commercial uses and  
336 such as that. Again, and essentially complimenting what's going to happen across the  
337 street at the Regency development. As was mentioned I think in the staff report in getting  
338 to the comments and the question. Access for this site is anticipated to be off of eastern  
339 frontage of Eastridge Road in line with staff comments that we received and to that point  
340 I you know the proffers as they were originally approved for Regency essentially require  
341 that every time a POD comes in we need to evaluate the traffic situation against the  
342 original TIA for this project so in the event that the numbers don't add up to what was  
343 previously reviewed and approved in terms of the traffic volumes, mitigation measures  
344 are then taken to essentially get things back up to snuff. Like I said, our anticipation is  
345 that we would use the frontage on Eastridge for our ingress and egress point. We do not  
346 have anything set in stone yet for exactly which type of use this will be but ultimately that  
347 does get reviewed and approved by staff in the POD. I would simply note that at this time  
348 our proposal to bring the UMU across the street onto this parcel has been reviewed by  
349 staff including traffic engineering. We've not received any particular comments about  
350 issues for ingress and egress with this site. With that, I'd be happy to answer any further  
351 questions that the Commission might have.

352  
353 Mr. Baka - I have a couple of questions but before I do, does anyone else  
354 on the Commission want to talk? To clarify, sir, and perhaps the question I had or the  
355 question Mr. Crittendon had might be more appropriately addressed to John Cejka, our  
356 traffic engineer if he might be available. I think the concern I heard was that you explained  
357 that when the traffic is typically handled in the POD or Plan of Development if it's not  
358 included in the TIA or Traffic Impact Analysis so Mr. Emerson, is Mr. Cejka available by  
359 Webex?

360  
361 Mr. Emerson- Yes, Mr. Baka. My understanding is that he is available on  
362 Webex.

363  
364 Mr. Baka - Ok, I guess I'll try to reframe the question to him and ask, is  
365 there a way that the county can comment on the deceleration of cars or vehicles that  
366 would turn onto Eastridge Road heading north on Parham and/or secondly is that  
367 something the county engineer, traffic engineer could even possibly take a closer look at  
368 in the field if necessary? Thanks.



369  
370 Mr. Cejka - Good evening, this is John Cejka. Definitely, we can look at  
371 that. It's hard to really say what traffic is going to be generated. We don't know really what  
372 kind of development it's going to be. We don't know if it would be best to close that section  
373 of Eastridge Road and just have an ingress/egress out of the northern end or possibly put  
374 in a turn lane going into Eastridge. This is stuff we'll have to look at based on what the  
375 development would be.

376  
377 Mr. Baka - Is that question better solved at the time of POD, at the time  
378 of the plan of development which is the second portion of this? Tonight is simply the  
379 rezoning.

380  
381 Mr. Cejka - Yes.

382  
383 Mr. Baka - The POD would be a future application.

384  
385 Mr. Cejka - Yes, sir. POD would be the appropriate time to investigate all  
386 that.

387  
388 Mr. Baka - Okay.

389  
390 Mrs. Thornton - Is there any way to address the situation now? Can Mr. Cejka  
391 look into it?

392  
393 Mr. Baka - Mr. Cejka, is that something you would be willing to at least  
394 take a look at now and between, if this were recommended for approval, between now,  
395 the Planning Commission meeting and the Board of Supervisors meeting to take a look  
396 on site if there's any minor improvements that could be made or any adjustments that  
397 could be made.

398  
399 Mr. Cejka - Yes, sir. More than love to do that.

400  
401 Mr. Baka - Very good.

402  
403 Mr. Witte - Anyone else?

404  
405 Mr. Baka - So, Mr. Crittendon to follow up on those comments we'll  
406 anticipate that Mr. Cejka, traffic engineer will be able to get on site and take a look at that  
407 from there. Based on the review of this case this is simply just a zoning change to add an  
408 acre .19 to the UMU. The Comprehensive Plan recommends Commercial Arterial so they  
409 consider the request consistent with the Comprehensive Plan and based on that I make  
410 a motion to recommend approval of REZ2023-00042, Parham Island OZ, LLC with the  
411 proffers dated November 29, 2023.

412  
413 Mr. Mackey - Second.

415 Mr. Witte - We have a motion by Mr. Baka, a second by Mr. Mackey. All  
416 in favor say aye.

417  
418 Commission - Aye.

419  
420 Mr. Witte - Opposed? Motion passes.

421  
422 Mr. Baka - Thank you.

423  
424 **REASON:** Acting on a motion by Mr. Baka, seconded by Mr. Mackey, the  
425 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
426 grant the request because it reflects the Land Use Plan and future use and zoning of the  
427 area and it is appropriate business zoning in this area.

428  
429 Mr. Emerson - Mr. Chairman, we now move on to Page 2 of your agenda  
430 where you have two companion cases which will be presented together but will require  
431 separate motions when you take action. The first item is SIA2023-00001, DE Solutions  
432 Solar Development, LLC.

433  
434 **SIA2023-00001 DE Solutions Solar Development, LLC:** The Department of  
435 Planning has received a request from DE Solutions Solar Development, LLC to initiate a  
436 Substantially In Accord study for a proposed solar array. The proposed site consists of  
437 part of Parcel 753-772-2123 located on the north line of Ford's Country Lane  
438 approximately 2,500' east of its intersection with Nuckols Road. The existing zoning is A-  
439 1 Agricultural District. The 2026 Comprehensive Plan recommends Government and  
440 Environmental Protection Area.

441  
442 Accompanying that SIA is PUP2023-00016, again DE Solutions Solar Development, LLC.

443  
444 **PUP2023-00016 DE Solutions Solar Development, LLC:** Request for a Provisional  
445 Use Permit under Section 24-4314 of Chapter 24 of the County Code to allow installation  
446 and operation of a solar array on part of Parcel 753-772-2123 located on the north line of  
447 Ford's Country Lane approximately 2,500' east of its intersection with Nuckols Road. The  
448 existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends  
449 Government and Environmental Protection Area.

450  
451 The staff reports will be presented by Mr. Michael Morris.

452  
453 Mr. Baka - Mr. Chairman, if I may. Mr. Chairman, I plan to abstain from  
454 these two cases and do not plan to participate in any discussion on these cases.

455  
456 Mr. Mackey - Mr. Chairman, I also will be abstaining from these cases due  
457 to my relationship with Dominion.

458  
459 Mr. Branin - Mr. Chairman, because these two gentlemen are abstaining,  
460 I will vote.

461  
462 Mr. Witte - You will vote?

463  
464 Mr. Branin - My project, I'll vote.

465  
466 Mr. Witte - I'm with you. Okay, thank you. Now, Mr. Morris, you have the  
467 floor.

468  
469 Mr. Morris - Thank you, Mr. Chairman, members of the Commission. The  
470 Substantially In Accord study, or SIA, under consideration was undertaken by the  
471 Planning Department, in coordination with other county divisions and departments, at the  
472 request of DE Solutions Solar Development. The goal of this study was to determine  
473 whether a proposed site for a solar electric generation facility is substantially in  
474 conformance with the county's adopted Comprehensive Plan. The subject property is  
475 located on the north line of Ford's Country Lane, east of Nuckols Road and is the site of  
476 the county-owned, decommissioned Springfield Road landfill. Surrounding properties are  
477 zoned A-1, C-1, and C-1C, and consist of large-acreage residential, common area owned  
478 by neighboring subdivisions, the Chickahominy River, Hanover County, and a quarry.  
479 Interstate 295 is located to the south, across Ford's Country Lane.

480  
481 The Comprehensive Plan recommends Government and Environmental Protection Area  
482 for the subject property, reflecting both the landfill use on the site and environmental  
483 features present on the property and surrounding area. The Government designation  
484 includes a variety of public uses and facilities that are government-owned. The Plan also  
485 supports colocation and multi-purpose use of existing public facilities. The proposed solar  
486 facility would be sited on an existing public use and would be used to power an existing  
487 county-owned sewage pump station, which would be consistent with the Government  
488 designation. For these reasons, the resolution provided in the report found the proposed  
489 use to be Substantially in Accord with the Henrico County 2026 Comprehensive Plan. In  
490 addition to the SIA review, the Henrico Zoning Ordinance requires approval of a  
491 Provisional Use Permit, or PUP, for solar arrays. This PUP request is located on the same  
492 property as the aforementioned SIA and would consist of a solar array sited on the  
493 easternmost capped hill that would generate electricity to be used to power the Allen's  
494 Branch Sewage Pump Station. The proposed solar use is consistent with the property's  
495 Government designation and policies outlined in the Comprehensive Plan that support  
496 colocation and multi-purpose use of existing public facilities. Staff also believes the use  
497 and unique nature of the landfill site provides an opportunity to efficiently utilize already  
498 impacted land. For these reasons, staff supports this request, subject to the conditions  
499 found in the PUP staff report. The Board of Supervisors authorized the approval of a Solar  
500 Power Purchase Agreement and Site Lease Agreement at their January 24, 2023, public  
501 hearing. These agreements were ultimately signed by the county in March of this year.  
502 As noted separate actions will be required for the SIA case, via the provided resolution  
503 PCR-4-23, and the Provisional Use Permit request. This concludes my presentation and  
504 I'm happy to answer any questions you may have at this time.  
505



506 Mr. Witte - Any questions by the Commission? Is there anyone in the  
507 audience or on Webex who would like to make comments?  
508

509 Ms. Drash - Mr. Chairman, there is no one on Webex for this case.  
510

511 Mr. Witte - We have one.  
512

513 Ms. Edwards - Evening, my name is Brittney Edwards, External Affairs  
514 representative for Dominion Energy. I also would like to introduce my colleagues who are  
515 here, Eric Weisberg as well as Cameron Falker and we agree with the report. If you have  
516 any questions we're happy to answer any questions that you may have.  
517

518 Mr. Witte - So, you're not opposed to it. Alright, any comments by the  
519 Commission?  
520

521 Mr. Archer - Mr. Chairman, just out of curiosity I'd like to ask a question.  
522 This is a former landfill. What is the substance of the soil?  
523

524 Mr. Weisberg - Good evening, members of the Commission. I'm actually not  
525 prepared to answer that question. We've engaged an environmental engineer.  
526

527 Mr. Witte - Would you state your name please.  
528

529 Mr. Weisberg - Oh, I'm sorry. Eric Weisberg, representative of DE Solution  
530 Solar. We've engaged an environmental and civil engineer to evaluate geotechnical and  
531 civil features. We haven't commenced that study yet but that will forthcoming following  
532 the January 23 Board meeting.  
533

534 Mr. Emerson - Mr. Archer, I might be able to help you with that.  
535

536 Mr. Branin - Mr. Archer, if he can't I can probably help you with that as well.  
537 Go ahead, you go first Joe.  
538

539 Mr. Emerson - You may know more than I do. The landfill has a cap on it  
540 which of course is required by DEQ. It's a certain thickness, I don't know the exact  
541 thickness but it's a clay cap and then if you drill through it to make things stable you have  
542 the ability to put it some form of pillar. Normally it's concrete you'll drill down in, pour the  
543 concrete until you get an area of stability that will hold a structure on ground like this, but  
544 it shouldn't be a big issue for solar panels.  
545

546 Mr. Archer - Okay, I asked more out of curiosity than anything else to be  
547 honest with you.  
548

549 Mr. Branin - That's pretty close. There's a high-density polyethylene liner  
550 that's about I think 3 1/2, 4' thick below?  
551

Mr. Weisberg - I believe that's right. I was thinking 2 to 3 but just one minor correction there. We won't be penetrating the landfill cap. It will be ballasted on top.

Mr. Branin - That's where I was going. There's a liner there, I thought it was 3-4, but that's fine, 2-3, whatever. It's high density. It's completely sealed. There's a leachate system that we're already collecting the gas methane coming off and selling that for energy as well. This system, when I proposed it to Dominion, to Mr. Beasley, that's hiding back there and Mr. Farrell, the technology wasn't there enough and to actually make it viable to do. In the past eight years technology has caught up and that's why it was brought forward. Now, I've also asked them to look at the eastern side of the county as well because we have a closed landfill there as well. We're 100% sustainable now in the Springfield landfill because that's where we create the mulch. That's where we recycle and now with solar and the methane being collected. It's one hell of a project.

Mr. Archer - It sounds like it and I was curious because landfills eventually do fill up. I guess maybe 10, 20 years ago I would have had a question, is that site just waste from that point on but I see from what you're telling me that there are uses and you can even collect more energy out of what's already there.

Mr. Branin - If you look at somewhere like Virginia Beach that has Mount Trashmore. That was one of the originals that they have consistently had problems with because of leachate going into the lakes and having fish kills. We went with the methane on this because there's no room because of the poles that are sticking up out of the ground and the piping there's no room at all to create a park setting. It would be ideal because of the Chickahominy there but because it's already being used in one fashion it couldn't be used as park safely.

Mr. Archer - Thank you, Mr. Branin.

Mr. Branin - You're welcome. Was that okay, Joe?

Mr. Emerson - I think you hit the nail on the head.

Mr. Branin - Mr. Beasley, did I do okay?

Mr. Witte - Any other questions? No one on Webex. With that, I recommend approval of Resolution PCR-4-2023 for SIA2023-00001, DE Solutions Solar Development, LLC finding the proposed solar facility to be Substantially in Accord with the county's Comprehensive Plan.

Archer - Second.

Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Archer. All in favor say aye.

Commission - Aye.

Mr. Witte - Opposed? Motion passes and we have two abstentions, Mr. Mackey and Mr. Baka. For a treat we had our Supervisor vote with us this time, the honorable Tommy Branin. Now, the companion case, I recommend approval of PUP2023-00016, DE Solutions Solar Development, LLC with the conditions listed in the staff report.

Mrs. Thornton - Second.

Mr. Witte - We have a motion by Mr. Witte, a second by Mrs. Thornton.  
All in favor, say aye.

Commission - Aye.

Mr. Witte - Opposed? Once again, they abstained. I think that's the end of our business. Is that correct?

**REASON:** Acting on a motion by Mr. Witte, seconded by Mrs. Thornton, the Planning Commission voted 4-0 (two abstentions) to recommend the Board of Supervisors grant the request because it is reasonable in light of the surrounding uses and existing zoning on the property and it would not be expected to adversely affect public safety, health or general welfare.

Mr. Emerson - Mr. Chairman, we've got another item or two. We have on your agenda on Page 2 a discussion item. The Commission will discuss the nomination of officers for the 2024 calendar year. As you know the Commission in December nominates the slate of officers for action by the Commission at their January meeting for Chairman and Vice Chairman. That is an item on your agenda this evening.

Mr. Witte - Do we have a nomination for any of the positions?

Mr. Mackey - Mr. Chairman, I nominate Mr. Bob Witte for position of Vice Chair.

Mrs. Thornton - I second.

Mr. Witte - We have a motion by Mr. Mackey, a second by Mrs. Thornton.  
All in favor say aye.

Commission - Aye.

Mr. Witte - Opposed? Motion passes. I make a motion that Mr. Mackey be next year's Chairman. Do we have a second?

Mr. Baka - Second.



644 Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Baka. All in  
645 favor say aye.  
646  
647 Commission - Aye.  
648  
649 Mr. Witte - Opposed? Motion passes.  
650  
651 Mr. Branin - You guys aren't going to call for a verbal count?  
652  
653 Mr. Witte - I do have one more thing, a couple of things to say. First off,  
654 on a lighter note for those that don't know. I received an email that this December has  
655 five Saturdays, five Sundays and five Mondays all in succession and they tell me that only  
656 happens every 823 years. You won't look for it a second time. Also, I am sad to report  
657 actually that four of our six members will not be with us next year. Two of those members,  
658 Mr. Archer and Mr. Branin, were here when I started about 12 years ago. They did some  
659 serious handholding to get me through my first year, sometimes even later than that with  
660 Mr. Branin. Mrs. Thornton and Mr. Baka will also not be with us next year. I'm going on  
661 the record saying, this is really going to cause a little bit of a problem for me losing so  
662 many not only co-commissioners but friends all at the same time. I wish them all the best  
663 and a happy future and whatever endeavors you decide. Thank you for being here and  
664 thank you for your service.  
665  
666 Mr. Branin - Mr. Chairman, if I may. Mr. Archer.  
667  
668 Mr. Archer - Yes, sir.  
669  
670 Mr. Witte - I like that.  
671  
672 Mr. Archer - Thank you, sir.  
673  
674 Mr. Branin - I believe you're the longest sitting Planning Commissioner in  
675 Henrico, are you not?  
676  
677 Mr. Archer - That's what I'm told.  
678  
679 Mr. Emerson - Yes, sir, he is.  
680  
681 Mr. Branin - What a hell of a job he has done.  
682  
683 Mr. Archer - You are very kind, sir. I appreciate that.  
684  
685 Mr. Baka - An outstanding job. Mr. Archer, you have a record of longevity  
686 that will soon not be broken and should not be broken so thank you for your service. Not  
687 only in the Fairfield District but in the entire county. Mr. Chairman, thank you Mr. Witte  
688 for your kind words. I appreciate your friendship as well. May you continue to serve next  
689 year.

690  
691 Mr. Archer - I won't be long because I've already had an opportunity to  
692 speak to everybody. I can't tell you how much I appreciate all these wonderful people that  
693 I have had to work with, including members of the Commission. There have been a lot  
694 but most especially Mr. Emerson and his staff and the people who preceded Mr. Emerson  
695 who work with staff also. You notice our staff people stay a long time. There's a reason  
696 for that, I'm sure. We have a few that have left. Some that have left I've always said that  
697 they came here to get good training and they left to go other places. This has been quite  
698 an experience. I'm trying to think how old I was, I can't remember how old I am now. Well,  
699 I'll tell you I'll be 80 in March. I was in a couple of other less decades when I first started,  
700 and I enjoyed working with Mr. Branin on the Planning Commission and also as a  
701 Supervisor. I'll feel this. I'll probably automatically head up here next month on the second  
702 Thursday. I can't say enough to thank you for the way I've been treated since I've been  
703 here and for your expertise. The other night when I was speaking, I said that the staff  
704 works for us. I didn't mean it literally, but they do. I can't think of any time I've ever felt  
705 unprepared except for the very first night I was here. My cases were both deferrals so  
706 that was easy. I knew how to do that but in all the time and all the cases since then the  
707 staff has, they're all gone except one or two, but they have prepared us so well to do what  
708 we have to do, and I can think of maybe two maybe three cases in my entire career here  
709 that my Supervisor and I ever disagreed. The way we handled it was very simple. He  
710 always told me we didn't collaborate a lot when we first had cases come up. He would tell  
711 me do what you have to do, and I'll do what I have to do. I enjoyed that. A couple of times  
712 he overruled me, I think, but for the most part this has been a great experience. My  
713 children have grown up since I've been here. As I said the other night, the youngest  
714 daughter was 11 years old when I came here. My oldest daughter is 10 years older than  
715 she is, but they've also gotten to know a lot of you on staff because when you call the  
716 office, they would answer the phone. They got to be good friends with some of you,  
717 especially from the Planning staff as they call the office, so I guess it's time for me to shut  
718 up but it's been great. It's been a great ride. I appreciate everything and I appreciate  
719 everybody. God love you all and you have a wonderful Christmas holiday many years to  
720 come.

721  
722 Mr. Mackey - Mr. Chairman, if I may. I'll be brief. First, I'd like to thank Mr.  
723 Branin for all his years of service both on the Planning Commission and also on the Board  
724 of Supervisors. Henrico County is definitely for the better for all you've done and we truly  
725 appreciate you. Mr. Archer, thank you.

726  
727 Mrs. Thornton - I'm not going to be able to speak now. I just want to thank you  
728 and Mr. Branin for trusting me to be able to be up here and serve my community. It's been  
729 an honor. You've taught me so much and I can't thank you enough.

730  
731 Mr. Branin - Not all of it good.

732  
733 Mrs. Thornton - Yes, it is. I learned so much from you. You don't realize we do  
734 live in the best county and I have faith that it will continue to be the best county. Mr.  
735 Mackey, Mr. Witte, thank you for stepping up to the plate and taking Chairman and Vice



736 Chair on hopefully next year and Mr. Baka, it's been an honor. You're so knowledgeable  
737 and I thank you for all your wisdom and the way you've taught us up here on the Planning  
738 Commission. Thank you for your service. When I came on, I was told to become friends  
739 with Mr. Archer. He'll help you get through it because I have never experienced anything  
740 like this, but you have been family to me. Mr. Witte you said you made a comment. We  
741 are still friends. You're not going to lose me as a friend. We'll still see each other, and you  
742 might see me now in the audience. Maybe I'll go up to that back podium and have a little  
743 opposition up there.

744  
745 Mr. Witte - Then we'll get you to sing the National Anthem.

746  
747 Mrs. Thornton - That's right. Thank you, staff, for everything. We couldn't have  
748 done it without you. You are wonderful and so helpful, and I appreciate everything you've  
749 done and continue to do for the county. This won't be the last time you get to see us. We'll  
750 be back. We still live here and we'll see you at the racetrack. Thank you. Mr. Branin, from  
751 the bottom of my heart, thank you for allowing me this opportunity.

752  
753 Mr. Emerson - Mr. Chairman, I have a few fun facts to share. I can't let this  
754 group off that easy. I'm a little disappointed I couldn't stir up something a little more than  
755 this to get a larger audience. We'll make sure all this gets into the minutes for posterity's  
756 sake. Just to give you a little background on the time all of you have spent here. Mrs.  
757 Thornton began her service on the Commission on January 20, 2019. She's been here  
758 five years. It's hard to believe. It seems like you just started. She served as Vice Chair in  
759 2021 and as Chair in 2022. Her first meeting, like the one that Chris mentioned the other  
760 evening got off to a little bit of a contentious start because she just got lucky enough to  
761 come into a work session, then a hearing on short-term rentals. Of course, the room was  
762 full of people for about an hour and half of public testimony. We all had a good time. While  
763 shorter than the other commissioner's terms that are here this evening she reviewed and  
764 made recommendations for over 60 planning cases. Highlights include the redevelopment  
765 and urbanization of the Innsbrook area with the approval of Silver Hills, the Dominion  
766 Development behind Dominion Power, Innsbrook, the Wells Fargo, what is now I think  
767 known as The Metropolis project and also Lingerfelt. Along with that, you have Avonlea,  
768 Hundred Acre Woods, North Gayton Woods, Bacova and many others. Mr. Baka, served  
769 for the county for 12 years. He served on BZA for five years and one month. He was  
770 appointed October, 2011 until he was appointed at the Planning Commission to replace  
771 Bonnie Lee Jones on November 10, 2016. As a Commissioner, Greg has served for over  
772 seven years. He was Vice Chair in 2018 and Chair in 2019. He has provided review and  
773 guidance for approximately 50 rezoning and Provisional Use Permits and of course  
774 Tuckahoe cases are always easy, we all know that. That comment being a little facetious  
775 in its text. Tuckahoe is a long-standing community, and the residents of Tuckahoe are  
776 very protective of their community. Highlights of some of Greg's approvals include the  
777 redevelopment of Regency Mall into a vibrant Mixed-Use community, Parham Senior  
778 Living, the Shire and the transition of communities at Church and Pump. Mr. Archer began  
779 on the Commission January 11, 1996. He has served at the end of his term which won't  
780 end until the appointment of the new Commissioners in January has served for 28 years.  
781 He is the longest-serving Commissioner in Henrico history. Congratulations Mr. Archer.



He has chaired six times; in 1998, 2001, 2006, 2011, 2016 and 2020. This is an estimate. We estimate he has provided his wisdom and guidance in 611 Planning Commission meetings for over 1,400 planning cases including plans of development and rezoning cases. Some highlights are River Mill, Stoneleigh, Retreat at One, Kensington Meadows, Cedar Run and the former Greenwood Golf Course, the transformation of Laburnum Avenue/Creighton Road corridor including the Eastern Henrico Recreation Center, the Frank Thornton Aquatic Center, the East Health Clinic and the new Fairfield Library, redevelopment of the Eastgate Town Center, Henrico Plaza now known as Springdale Park, Virginia Center Commons and Knights Inn on Brook Road and GreenCity. He was part of two major updates to the Comprehensive Plan, the 2010 Land Use Plan adopted in 1999 and the 2026 Comprehensive Plan adopted in 2009 and of course all of you have participated in the beginning of our 2045 update and let's not forget that all of you participated in the update of the Zoning and Sub-division Codes which is the first time in 60 years. That is a major, major accomplishment. You should be very proud of that. Through it all, Mr. Archer has not wavered in his integrity nor his understanding and compassion and leadership on every case before us. I, like all of you, have learned a great deal from Mr. Archer. I've had the good luck to be with him for 22 years and it's much appreciated. Mr. Branin began on the Commission on March 8, 2005, here he served for nearly 10 years until he was elected to the Board of Supervisors in 2016 giving the county eight more years of stellar service. He chaired the Commission two times in 2007 and in 2012. Tommy's first action on the Commission was for a single home to be incorporated into the Bell Tower community, C-9-C05 and thus began his commitment to the county and the quality of life here. Tommy has made the tremendous transformation of Three Chopt as one of the most desirable destinations to live, work and play. He was key for the Innsbrook Area Study and Overlay District laying the groundwork for all the development and we listed a few that were considered under Melissa's term. Of course, before that there was West Broad Village, one of the first Mixed Use communities in the county. He worked tirelessly with neighbors on infill development projects such as the re-subdivision of lots within Bridlewood which was not an easy discussion. A few lawsuits there too along the way. Other major developments include Broad Hill Center, West Broad Marketplace, Bon Secours Medical Center and GreenGate. He was instrumental in the adoption of the Comprehensive Plan and a champion on the Zoning and Subdivision Code updates. Mr. Branin in his 18 years of service has been a strong advocate for the quality of planning and development in Henrico County, embraced progressive updates to codes of the county allowing more flexibility for redevelopment and a supporter of the Planning Department. We will miss him and his thoughtful influence on the development patterns of Henrico County. All of you have been stalwart proponents of quality development and redevelopment in Henrico County as evidenced by your numerous actions in the updating of the 60+ year old Zoning and Subdivision Codes which is a major, major as I mentioned earlier, accomplishment. Your legacy will be felt throughout Henrico for many years to come. You have much, much to be proud of. On behalf of myself and the staff of the Planning Department, I would like to thank each of you for your guidance, patient support, and efforts as we worked together as a team to create and sustain a quality of life through good planning that the residents of Henrico enjoy. We wish you all the best in your future endeavors and if I can ever be of assistance to you I believe all of you have my phone numbers so don't hesitate to use it. Godspeed and

happy holidays to each of you. It's been a real pleasure. Mr. Chairman, unless there are other comments you still have minutes to approve.

Mr. Witte - Are we finished?

Mr. Emerson - I am. I don't know if you are.

Mr. Witte - Any other comments?

Mr. Archer - I have one last correction to make on the minutes. On the last printed page, Page 45, line 2031, at the last meeting I said to a new person, "That is the last applause you will ever hear." Hear was spelled incorrectly. Instead of hear, it was spelled here. I could sit here and talk and thank you all night, but we have to stop somewhere. Mr. Mackey, thank you, thank you so much sir. You didn't need to say a word. I really appreciate that. I wish all of you the best. It's been a great ride.

Mr. Witte - Thank you. It's been a good year. It's been a good several years.

Mr. Mackey - We have one more correction to the minutes. I don't know what page it's on but you do.

Mr. Witte - I don't know what you're talking about.

Mr. Mackey - I did not make the comment, the new hire would sing the National Anthem.

Mr. Witte - I think we'll handle that.

Mr. Emerson - We'll get that in there.

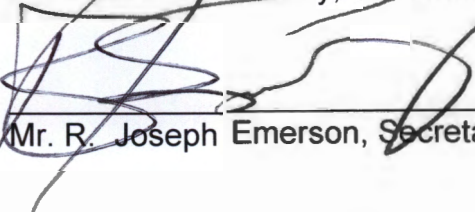
Mr. Mackey - Thank you.

Mr. Witte - Best wishes or happy new year to everyone and your families. Merry Christmas.

Mr. Archer - Thank you, Mr. Chairman.

Mr. Witte - Meeting adjourned.

  
Mr. William M. Mackey, Jr. Chairman

  
Mr. R. Joseph Emerson, Secretary