

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 6:00 p.m., Thursday, October 10,**
4 **2024. Display Notice having been published in the Richmond *Times-Dispatch* on**
5 **September 19, 2024, and September 26, 2024.**
6

7 **Members Present:** Mr. William M. Mackey, Jr., Chairperson (Varina)
8 Mr. Robert H. Witte, Jr., Vice Chair (Brookland)
9 Mr. Bob Shippee, (Three Chopt)
10 Mr. Jaron N. Dandridge (Fairfield)
11 Mr. Brian Winterhoff, (Tuckahoe)
12 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
13 Secretary
14 Mr. Tyrone E. Nelson (Varina)
15 Board of Supervisors Representative
16

17 **Also Present:** Ms. Jean Moore, Assistant Director
18 Mr. Ben Sehl, Senior Principal Planner
19 Mr. Ben Blankinship, AICP, Senior Principal Planner
20 Mr. Livingston Lewis, County Planner
21 Ms. Ali Hartwick, County Planner
22 Mr. Michael Morris, County Planner
23 Ms. Neha Shinde, AICP, County Planner
24 Mr. Lamonte Johnson, Assistant Traffic Engineer
25

26 **Mr. Tyrone E. Nelson, the Board of Supervisors' representative, abstains from all**
27 **cases unless otherwise noted.**
28

29 Mr. Mackey - Good evening and welcome. I call this meeting back to order.
30 This is the October 10, 2024, Planning Commission meeting for Henrico County. I ask
31 you at this time if you haven't already done so, if you please would silence or turn off your
32 cell phones and everyone who can please stand and join the Commission for the Pledge
33 of Allegiance.
34

35 [Recitation of the Pledge of Allegiance]
36

37 Mr. Mackey - Thank you. Do we have anyone from the news media in
38 attendance tonight either in person or via WebEx? I don't see anyone. I'd like to take a
39 moment to welcome Supervisor Tyrone Nelson. He's sitting with the Commission this
40 year. He's representing the Board of Supervisors. It's a pleasure to have you, sir. At this
41 time I'll turn the meeting over to our Director, Mr. Joe Emerson.
42

43 Mr. Emerson - Thank you, Mr. Chairman. I would like to note that the
44 Commission did hold a work session this evening. It began approximately at 5:00 p.m.,
45 and you had dinner; you did discuss potential zoning ordinance amendments related to
46 small lots. Also we quickly went over some of the contents of the agenda in regard to the
47 request for deferrals and things of that nature. With that said, Mr. Chairman, I would also

48 join you in welcoming everybody to the Henrico County Planning Commission public
49 hearing on October 10, 2024. This evening it is requested that all public comments be
50 provided from the lectern that's located at the rear of the room. For everyone who's
51 watching the live stream on the county website, you can participate remotely in the public
52 hearings by following these guidelines. Go to the Planning department's meeting
53 webpage at henrico.gov/planning/meetings. Scroll down under Planning Commission and
54 click on WebEx event. Once you have joined the WebEx event, please click the chat
55 button in the bottom right corner of the screen and staff will send a message asking if
56 anyone would like to sign up to speak on an upcoming case. To respond, select Ali
57 Hartwick from the drop-down menu and send her a message. She will place you in the
58 queue to speak. The Commission does have guidelines for its public hearings. The
59 applicant is allowed 10 minutes to present the request, and time may be reserved for
60 responses to testimony. The opposition is allowed a cumulative 10 minutes to present its
61 concerns. That means that everyone who wishes to speak must be included in the overall
62 10-minute allowance. The Commission questions do not count into those time limits. The
63 Commission may waive the time limits at its discretion. Comments must be directly related
64 to the case under consideration. The Commission does maintain verbatim minutes of the
65 meetings. Commentors must provide their name and address prior to speaking for the
66 record. Thank you for your participation and interest in your community this evening. I
67 would add when we get to public comment on these cases sometimes if there are
68 numerous people that are saying the same thing it saves time and speeds it up to say, "I
69 agree with the previous speaker.", "ditto" or "In addition to what the previous speaker said,
70 I'd like to add a couple of points." So, sometimes that, versus repeating everything, that's
71 helpful in the process. With that Mr. Chairman, the first item on your agenda are requests
72 for withdraws and deferrals and those will be presented by Mr. Ben Sehl.

73
74 Mr. Sehl - Thank you, Mr. Emerson. Good evening, Mr. Chairman,
75 members of the Commission. Staff is aware of six deferral requests on your agenda this
76 evening. The first is in the Brookland District on Page 1 of your agenda. This is REZ-
77 2024-101247.

78
79 **REZ-2024-101247 Andrew M. Condlin for PANDEV, LLC:** Request to conditionally
80 rezone from B-2C Business District (Conditional) and R-3 One-Family Residence District
81 to B-2C Business District (Conditional) Parcels 761-754-8398, 761-755-5910, 761-755-
82 6607, 761-755-6824, 761-755-7503, and 761-755-8413 containing 2.67 acres located on
83 the north line of W. Broad Street (U.S. Route 250) between Pine Grove Drive and
84 Hollybrook Avenue. The applicant proposes a convenience store with fueling pumps. The
85 use will be controlled by zoning ordinance regulations and proffered conditions. The 2026
86 Comprehensive Plan recommends Commercial Arterial and Suburban Residential 2,
87 density should not exceed 3.4 units per acre.

88
89 The applicant is requesting you defer this item to your November 14, 2024, meeting.

90
91 Mr. Mackey - Is there anyone in the audience or via WebEx that's in
92 opposition of the granting of this deferral?
93

94 Ms. Hartwick - There's no one on WebEx for this case.
 95
 96 Mr. Mackey - I see or hear no opposition.
 97
 98 Mr. Witte - Mr. Chairman, I move REZ-2024-101247, PANDEV, LLC, be
 99 deferred to the November 14, 2024, meeting at the request of the applicant.
 100
 101 Mr. Dandridge - Second.
 102
 103 Mr. Mackey - We have a motion by Mr. Witte, a second by Mr. Dandridge to
 104 defer the case. All in favor say aye.
 105
 106 Commission - Aye.
 107
 108 Mr. Mackey - Any opposed? Motion is carried.
 109
 110 Mr. Sehl - On the same property but on Page 2 of your agenda is the
 111 companion Provisional Use Permit request, PUP-2024-101250.
 112
 113 **PUP-2024-101250 Andrew M. Condlin for PANDEV, LLC:** Request for a Provisional
 114 Use Permit under Sections 24-2306, 24-4205, and 24-4315.E of Chapter 24 of the County
 115 Code to allow for 24-hour operation of a convenience store on Parcels 761-754-8398, 761-
 116 755-5910, 761-755-6607, 761-755-6824, 761-755-7503, and 761-755-8413 located on the
 117 north line of W. Broad Street (U.S. Route 250) between Pine Grove Drive and Hollybrook
 118 Avenue. The existing zoning is B-2C Business District (Conditional) and R-3 One-Family
 119 Residence District. B-2C Business District (Conditional) zoning is proposed with REZ-2024-
 120 101247. The 2026 Comprehensive Plan recommends Commercial Arterial and Suburban
 121 Residential 2, density should not exceed 3.4 units per acre.
 122
 123 Again, the applicant is asking that you defer this item to your November 14, 2024, meeting.
 124
 125 Mr. Witte - Mr. Chairman, I move that PUP-2024-101250, PANDEV, LLC,
 126 be deferred to the November 14, 2024, meeting at the request of the applicant.
 127
 128 Mr. Shippee - Second.
 129
 130 Mr. Mackey - We have a motion by Mr. Witte, a second by Mr. Shippee. All
 131 in favor, say aye.
 132
 133 Commission - Aye.
 134
 135 Mr. Mackey - Any opposed? Motion is granted.
 136
 137 Mr. Sehl - Staying on Page 2 of your agenda and in the Brookland
 138 District is REZ-2024-101722, 4911 Willow LLC.
 139

REZ-2024-101722 Jennifer Mullen for 4911 Willow LLC: Request to amend proffers accepted with REZ2022-00033 on Parcel 773-736-5900 located on the south line of Augusta Avenue approximately 160' west of the intersection of Staples Mill Road (U.S. Route 33). The applicant proposes to amend proffers regarding the conceptual master plan and density. The existing zoning is R-6C General Residence District (Conditional). Companion case PUP-2024-101483 is proposing to revise conditions to allow additional building height, increased density, and modification of previously reduced setbacks. The 2026 Comprehensive Plan recommends Office. The site is located in the Enterprise Zone.

The applicant is requesting you defer this item to your November 14, 2024, meeting.

Mr. Mackey - Is there anyone in the audience or via WebEx in opposition to the granting of the deferral?

Ms. Hartwick - Mr. Chairman, there is no one on WebEx for this case.

Mr. Witte - Mr. Chairman, I move that REZ-2024-101722, 4911 Willow LLC, be deferred to the November 14, 2024, meeting at the request of the applicant.

Mr. Mackey - Second. We have a motion by Mr. Witte, a second by Mr. Mackey. All in favor granting a motion for deferral, say aye.

Commission - Aye.

Mr. Mackey - Any opposed? Motion is granted.

Mr. Sehl - In the companion Provisional Use Permit which proposes to amend conditions related to modifications of zoning density and design for the same property, this is PUP-2024-101483, 4911 Willow LLC.

PUP-2024-101483 Jennifer Mullen for 4911 Willow LLC: Request to revise Provisional Use Permit PUP2022-00018 under Sections 24-2306 and 24-4205 of Chapter 24 of the County Code to allow zoning modifications as part of a master-planned development on Parcel 773-736-5900 located on the south line of Augusta Avenue approximately 160' west of the intersection of Staples Mill Road (U.S. Route 33). The applicant proposes to revise conditions to allow additional building height, increased density, and modification of previously reduced setbacks. The existing zoning is R-6C General Residence District (Conditional). The 2026 Comprehensive Plan recommends Office. The site is located in the Enterprise Zone.

The applicant, again, is requesting this item be deferred to your November 14, 2024, meeting.

Mr. Witte - Mr. Chairman, I move that PUP-2024-101483, 4911 Willow LLC, be deferred to the November 14, 2024, meeting at the request of the applicant.

Mr. Shippee - Second.

187
188 Mr. Mackey - I failed to ask, did we have any opposition to this case?
189

190 Ms. Hartwick - Mr. Chairman, there is no one on WebEx for this case.
191

192 Mr. Mackey - Okay, no one in the audience. We have a motion by Mr. Witte,
193 a second by Mr. Shipee to grant the deferral. All in favor, say aye.
194

195 Commission - Aye.
196

197 Mr. Mackey - Any opposed? Motion is granted.
198

199 Mr. Sehl - Moving into the Varina District is REZ-2024-100833, Godsey
200 Properties, Inc.
201

202 **REZ-2024-100833 Andrew M. Condlin for Godsey Properties, Inc:** Request to
203 conditionally rezone 14.77 acres from B-2C Business District (Conditional) and RTHC
204 Residential Townhouse District (Conditional) to R-6C General Residence District
205 (Conditional) Parcels 834-713-8189, 834-714-5632, 834-714-7258, and 834-714-9609
206 located at the northwest intersection of Dry Bridge Road and E. Williamsburg Road (U.S.
207 Route 60). The applicant proposes multifamily residential and commercial uses as part of
208 a master-planned development. The R-6 District allows for multifamily dwellings at a
209 density of 19.8 units per acre unless modified by Provisional Use Permit (PUP). PUP-
210 2024-101660 has been submitted to allow commercial uses and zoning modifications on
211 a portion of the property. The uses will be controlled by zoning ordinance regulations and
212 proffered conditions. The 2026 Comprehensive Plan recommends Office. The site is
213 located in the Airport Safety Overlay District.
214

215 The applicant is asking you defer this item to your November 14, 2024, meeting.
216

217 Mr. Mackey - Is there anyone in the audience or via WebEx in opposition to
218 us granting this deferral?
219

220 Ms. Hartwick - There is no one on WebEx for this case.
221

222 Mr. Mackey - Seeing or hearing no opposition, I move that REZ-2024-
223 100833, Godsey Properties Inc be deferred to the November 14, 2024 meeting at the
224 request of the applicant.
225

226 Mr. Witte - Second.
227

228 Mr. Mackey - I have a motion by Mr. Mackey, a second by Mr. Witte. All in
229 favor, say aye.
230

231 Commission - Aye.
232

233 Mr. Mackey - Any opposed? Motion is carried.

Mr. Sehl - Finally, on Page 3 of your agenda and also in the Varina District is the companion Provisional Use Permit. This is PUP-2024-101660, Godsey Properties, Inc.

PUP-2024-101660 Andrew M. Condlin for Godsey Properties, Inc: Request for a Provisional Use Permit under Sections 24-4205 and 24-4315.C of Chapter 24 of the County Code to allow commercial uses and zoning modifications as part of a master-planned development on Parcel 834-713-8189 and Parts of 834-714-5632, -7258, and -9609 located at the northwest intersection of Dry Bridge Road and E. Williamsburg Road (U.S. Route 60). The existing zoning is B-2C Business District (Conditional) and RTHC Residential Townhouse District (Conditional). R-6C General Residence District (Conditional) zoning is proposed with REZ-2024-100833. The 2026 Comprehensive Plan recommends Office. The site is located in the Airport Safety Overlay District.

They are requesting you defer this item to your November 14, 2024, meeting.

Mr. Mackey - Any opposition to this case via WebEx or in the audience?

Ms. Hartwick - Mr. Chairman, there is no one on WebEx for this case.

Mr. Mackey - Having seen no opposition, I move that PUP-2024-101660, Godsey Properties, Inc be deferred to the November 14, 2024, meeting at the request of the applicant.

Mr. Dandridge - Second.

Mr. Mackey - A motion by Mr. Mackey, a second by Mr. Dandridge. All in favor, say aye.

Commission - Aye.

Mr. Mackey - Any opposed? Motion is carried.

Mr. Emerson - Mr. Chairman, that completes the deferrals for this evening. There are no requests for expedited items tonight so that takes us to the first case on your agenda which does appear on Page 1, REZ-2024-101019, BWS Enterprises LLC.

REZ-2024-101019 BWS Enterprises LLC: Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional) Parcel 795-745-9597 containing 5.028 acres located on the north line of Richmond Henrico Turnpike approximately 1,300' northeast of its intersection with Azalea Avenue. The applicant proposes data center, office, and light manufacturing uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Light Industry. The site is located in the Airport Safety Overlay District and Enterprise Zone.

281 Mr. Mackey - Do we have anyone in the audience or via WebEx who would
282 like to speak to this case?

283
284 Ms. Hartwick - Mr. Chairman, there is no one on WebEx for this case.

285
286 Mr. Mackey - Okay, Mr. Morris.

287
288 Mr. Morris - Thank you Mr. Chairman, members of the Commission. This
289 is a request to conditionally rezone 5.03 acres from A-1 Agricultural District to M-1C Light
290 Industrial District (Conditional). The subject property is located on the north line of
291 Richmond Henrico Turnpike, approximately 1,300 feet northeast of its intersection with
292 Azalea Avenue. As proposed, uses could include data centers, office, light or artisan
293 manufacturing and production. The applicant has modified the extent of the subject
294 property since the distribution of the staff report, reducing the total acreage of the request
295 from 32.04 acres to 5.03 acres in size. The B-3-zoned property at the northeast
296 intersection of Wilkinson Road and Azalea Avenue that was originally included in the case
297 has been removed from consideration. That property is located right here. To clarify, the
298 property subject to this request is now limited to the parcel directly to the east of the
299 existing self-storage facility and fronting Richmond Henrico Turnpike. That would be this
300 A-1 designated property right here. The site is surrounded on two sides by the M-1
301 District, with the aforementioned self-storage facility located directly to the west and
302 undeveloped land to the north. Adjacent property to the east and further to the north is
303 zoned M-2C General Industrial District (Conditional). A Plan of Development for an
304 industrial warehouse on this adjacent site was approved in 2022. Property across
305 Richmond Henrico Turnpike to the south is also zoned M-2C and is used as an Amazon
306 distribution warehouse. Residential uses are found to the west, across Wilkinson Road,
307 with a townhome development and apartment complexes. The Meadowood subdivision
308 is located to the southwest of the subject property, across Azalea Avenue.

309
310 You have received three handouts this evening, reflecting changes the applicant has
311 made since distribution of the staff report, including revised proffers, elevations, and the
312 concept plan shown here. This exhibit shows a single building centrally located on the
313 subject property surrounded by a driveway. Parking is located along the building's
314 southern elevation and a single point of access is shown in the southeast corner of the
315 lot. The proffered 50' transitional buffer is also shown along the property's frontage at
316 Richmond Henrico Turnpike. The applicant has submitted revised elevations that reflect
317 a revision to the building height proffer, reducing the allowed height of the building from
318 75' to 50'. These exhibits depict a warehouse building with at least one façade of windows
319 and a covered entranceway. The proffered building materials would be limited to
320 decorative concrete block, split face or smooth face block, tilt-up or pre-cast concrete,
321 brick or brick veneer, glass, metal, stone or cast stone, stucco or synthetic stucco, among
322 others.

323
324 Revisions in the proffers you received this evening include removal of all references to
325 the B-3 zoned property that was initially included with this request, and a clarification on

the location of the 50' buffer along Richmond Henrico Turnpike as well as perimeter fencing. The applicant has also revised the noise proffer, which now restricts noise levels to 70 dB at the exterior property line along Richmond Henrico Turnpike and removes noise level limitations based on time of day. The proffer still requires a baseline sound study of ambient noise that would be conducted prior to land disturbance activities on the property. Other proffers address utilities, signage, impervious surfaces, construction traffic, and alarms, among others.

The proffered fencing exhibit depicts a black aluminum security fencing product that would be located within 50' of Richmond Henrico Turnpike. The applicant has also committed to a number of best practices such as the use of solar power for aeration of stormwater management facilities, and use of LED fixtures both interior and exterior. Diesel generator use on the property would be limited to emergency purposes and testing, which would be conducted periodically in compliance with the approved permit issued by Virginia Department of Environmental Quality. While generator location is generally addressed in the proffers, the siting is not identified on the concept plan.

The applicant hosted two community meetings for this request: the first on June 26 of this year at L. Douglas Wilder Middle School with approximately 17 residents in attendance. The second meeting was held on October 1 at Henrico High School with approximately 30 residents in attendance. Topics of discussion included impact of noise on neighboring residential developments, environmental impacts of generator use, intensification of use on the subject property and surrounding area, traffic, and public safety, among others. The 2026 Comprehensive Plan designates the subject property and a portion of the surrounding area as Light Industry, which is consistent with the proposed use. Other designations in the general area include Office/Service further to the north and west, Environmental Protection Area to the east along the Chickahominy River, and various residential designations to the west, across Wilkinson Road. While staff acknowledges the concerns raised by residents throughout this process, it is noted the proposed use is consistent with the Comprehensive Plan, surrounding zoning, and other industrial and warehouse uses in the area. The applicant has provided a number of assurances that could address impacts on the surrounding area and staff notes there remain opportunities for further enhancement of this request that could be handled at time of Plan of Development. Because of the proposal's consistency with the Comprehensive Plan and the uses of the immediate surrounding area, staff recommends approval of this request. I'm available to answer any questions you might have at this time.

Mr. Mackey - Thank you, Mr. Morris. Do we have any questions for staff?
Mr. Dandridge, how would you like to proceed?

Mr. Dandridge - First off, I'd like to just thank staff for the work they've done, attending all the community meetings, preparing all the information. I'm grateful for that. Every time you came out. Also, too to DC Blox and all the folks involved, Mr. Condlin for the information he shared so, with that being said, I'll go ahead. You want to hear from...

371 Mr. Mackey - Yes, we have to hear. I don't think there was anybody on
372 WebEx.

373
374 Mr. Dandridge - We had several folks raise their hands in the back.

375
376 Mr. Mackey - If you could make your way to the podium. Please state your
377 name and address for the record.

378
379 Ms. Webster - Good evening, my name is Dorothy Webster. I am the Vice
380 President of the MCPIA and I live at 302 Lark Drive. I've been very clear in my role as
381 Vice President of Meadowood Community Preservation and Improvement Association
382 and as a resident of Henrico County for over 55 years. I'll be 78 next month. I am totally
383 against rezoning in residential neighborhoods. I have written to our county officials several
384 times on this issue. Although, I recognize that land is scarce in Henrico County, rezoning
385 land in existing residential neighborhoods is simply not protecting the community. You
386 guys mentioned the Comprehensive Plan. I would like to bring your attention to Page 38
387 of the 2026 Comprehensive Plan under Land Use and Community Character. It
388 specifically states, "Community character will also be strongly influenced by the form and
389 quality of future development. These elements will be guided by protection of
390 neighborhoods, compatibility of land uses, maximization of opportunities for economic
391 development, provision of public services and infrastructure and protection of
392 environmentally sensitive areas and historic and cultural resources." Rezoning acreage
393 near our community for a data center campus does not meet this criterion. Data centers
394 do not bring jobs to the community yet may bring health issues to the people nearby.
395 Additionally, rezoning for industrial uses near the Azalea Avenue and Chamberlayne
396 Road corridors will paralyze our infrastructure. Amazon has already created major traffic
397 issues for Azalea Avenue. We have already requested a traffic study on Azalea Avenue.
398 We know that the county will lose money with the cancellation of the June NASCAR event
399 but please don't consider that when thinking about our neighborhood. We have been good
400 neighbors therefore we ask that this Commission deny the applicant's request for
401 rezoning.

402
403 Mr. Mackey - Thank you Ms. Webster.

404
405 Mr. Skreslet - Good evening, members of the Commission. My name is
406 Nathan Skreslet. I'm a resident of the Meadowood community at 5010 Sandpiper Drive. I
407 also happen to be a member of JLARC, which is the state's research arm for the General
408 Assembly. We're some of the state's subject matter experts on data center development.
409 In fact, we produced this report in 2019 about the state's tax incentive around this area.
410 We're currently working on a broader report that's slated to be published in December. I
411 feel that based on our research this type of development is in very close proximity to
412 residential neighborhoods, churches, a high school. Due to the nature of the noise issues
413 that these things produce therefore I would urge you guys to reject the rezoning request.
414 Thank you for listening.

415
416 Mr. Mackey - Thank you, sir.

417
 418 Mr. Nelson - I have a question. You're here speaking on behalf of JLARC?
 419
 420 Mr. Skreslet - No. I'm speaking as a resident, as someone who has some
 421 knowledge in this area.
 422
 423 Mr. Dandridge - Excuse me, sir. Do you mind repeating your last name one
 424 more time?
 425
 426 Mr. Skreslet - Skreslet. I can spell that, S k r e s l e t.
 427
 428 Ms. Barnes - Good afternoon. My name is Etta Barnes. My husband, Larry
 429 and I live on Azalea Avenue. I sent you guys a detailed letter as to why we are in
 430 opposition of this data center. You keep talking about 7 dB. I don't know what 7 dB are.
 431 The only thing we know is that we went to the industrial center and we listened to that
 432 data center and it was very noisy. Again, I'm not going to go into detail. I brought my letter
 433 with me tonight. I'm not going to read it because it was supposed to be sent to you but
 434 we're in strong opposition of the data center. Amazon moved in. We didn't get any type
 435 of notice. Our lives have been impacted by Amazon and now you want to bring in a data
 436 center. I don't understand why you can't put the data center in an industrial area. What's
 437 so wrong with that? Why does it have to go in our neighborhood? The question I pose to
 438 all of you, would you want that data center in your neighborhood? Again, my husband,
 439 Larry Barnes, who resides on Azalea Avenue, we're strongly against it.
 440
 441 Mr. Mackey - Thank you, Ms. Barnes. We did receive your email.
 442
 443 Mr. McLean - Good evening, my name is Anthony McLean. I reside at 3330,
 444 Flicker Drive. I concur with everything we've heard thus far this evening. I would like to
 445 add one thing for you to consider. If you approve this rezoning for DC Blox, the residents
 446 of Meadowood to include the surrounding communities would lose all leverage at this
 447 point for us to oppose anything for that particular site. If this rezoning goes through, you
 448 are hindering what we can do in the future in terms of what the owner of the property can
 449 bring to the table because if you rezone it, it brings a lot of flexibility to the owner. We
 450 won't have any flexibility whatsoever. That's the way we are with this. Health is a concern.
 451 The noise is a concern. The traffic is a concern. We have a great community, folks. We
 452 know that you do not want this in your neighborhood so why are we going to put it in our
 453 neighborhood? Thank you very much for your time.
 454
 455 Mr. Mackey - Thank you Mr. McLean.
 456
 457 Mr. McClintock - Good evening. My name is Rob McClintock, and I live at
 458 12301 Pleasant Lake Place in the county, Henrico. I'm really here on behalf of my sister
 459 who is out of town and could not be here. My sister, Martha Peck, is a resident of this
 460 property. It's 5202 Richmond Henrico Turnpike. It's a little awkward for me to represent
 461 someone else but she's my sister and also, she knew that I'd had kind of a career in
 462 economic development and planning and zoning work, and knew something about at

463 least how some of this stuff works. She is very much in favor of this rezoning as requested
464 and modified through the community input. We're great believers in community planning
465 in our family and what it means to go into the planning process and the integrity of the
466 Comprehensive Plan. Staff and others here have talked strongly about what the
467 Comprehensive Plan has designated for this area. Those decisions were not made lightly.
468 They were made with public hearings and approved by the Board of Supervisors. It's very
469 clear that this area has been transitioning to industrial use in the last several years,
470 entirely consistent with that Comprehensive Plan for M-1 Light Industrial. I would simply
471 point out that the specific use that's being contemplated here is a data center. I worked
472 to attract a number of data centers to Virginia, including Facebook in this very county.
473 These uses are far less intrusive than most uses you will find in manufacturing districts
474 and commercial districts. Very little traffic because they don't have that many employees
475 once the initial construction is completed. We submit that the intrusion will be at a very
476 low level with this particular use and that's one reason that my sister, Ms. Peck, and her
477 life partner who's sitting right here, Ralph Norman, who's lived on this property his entire
478 life, 70 years. They've seen this property evolve and this area evolve consistently with the
479 planning and the dynamics of the development that have occurred in this modernizing
480 county. So, we would just simply want to be on record as the current landowner as being
481 in favor of the land use that's being proposed and the rezoning that's being proposed and
482 hope that you will take that into consideration. Thank you.

483
484 Mr. Mackey - Is there anyone else in the audience who would like to speak?
485 If not, we're closing the public hearing portion of the hearing at this time. I guess we'll
486 hear from the applicant.

487
488 Mr. Condlin - Mr. Chairman, members of the Board, my name is Andy
489 Condlin. I have with me Chris Gatch here on behalf of DC Blox. Thank you to Mr. Morris
490 for his presentation and for his work on this case as well. I think ultimately, I know there's
491 a lot of concern that has been raised but at the end of the day this is a pretty simple case.
492 I've marked the subject property here on the zoning with the yellow triangle. It's five acres
493 of property that's surrounded as Mr. Morris has pointed out by M-1 properties as well as
494 M-2 properties. It's over 250 acres of industrial property. This is literally in the middle, five
495 acres in the middle of 250 acres. So, not only is our request consistent with the
496 surrounding zoning but the surrounding uses include the CubeSmart which is the storage
497 facility that was talked about by Mr. Morris as well as the Amazon fulfillment center that
498 entails 2.6 million square feet as well as the over 600,000 square feet currently planned
499 by Hillwood immediately next door that can go in or has already gone in and is currently
500 consistent with that pattern of development. As Mr. Morris has pointed out it's also
501 consistent with the county's long range plan that calls for this specific property to be Light
502 Industrial and as Mr. Norman's representative had talked about they've seen everything
503 develop around them and be zoned around them. Part of the long range plan includes
504 Office/Service to be able to have a transition and a buffer protecting that neighborhood.
505 One of the things I did want to point out quickly and Mr. Morris had referenced it was that
506 we did come forward at one time with this entirety of the property of excess of 330 acres
507 to be for the data center and for a true campus. Because of the concern of the neighbors,
508 concerns related to being too close to the neighborhood we pulled back the zoning

request so that we left the corner and existing business and added a number of restrictions, but even then we didn't have a specific plan. Concerns were raised by the neighbors. They said we don't know what's going in there and so that's where we end up today where we withdrew all of that and left it as is and we tried to accommodate and listen to the community as they spoke to us to be able to put it only on five acres. It's not a campus; it's only a single building that we're proposing. We're proposing specific uses, a very detailed specific plan and a specific set of proffers that are not only consistent but match almost exactly the data center cases that you've heard in the past; data center cases that exceed 500 acres and here we're applying them to just this five-acre piece. It sits behind another already zoned M-1 property. Mr. Morris has already talked about the elevations that we provided that specifically provide for the one-story building. One of the things that we were asked about is what it is going to look like from the road. We've proffered a 50' buffer on the Richmond Henrico Turnpike to be planted to a transitional buffer 50. You can see what that would look like with the building in behind it. One of the concerns that was raised of course was traffic and as you know for a data center this is going to be very low traffic. This particular building as we've shown on the concept plan is less than 70,000 square feet and anticipation is to have four employees. Maybe five employees on this at any given time. It's obviously not creating a lot of traffic. The other concern that was raised was in respect to it being within a residential neighborhood and the noise. With respect to the residential neighborhood as it's shown on here, we've shown from the edge of our property we're 1,600' away from the apartments on Wilkinson Road and over 2,000' from Meadowood subdivision. With the storage between us as well as the flea market set at the very corner of Azalea and Richmond Henrico Turnpike. The question became about noise. I know a number of you, not all of you, visited data centers which are historically within Henrico County. The way that we've drafted the proffers and the way we've provided for them are very quiet uses but we follow all those same proffers with respect to best practices and noise attenuation. One of the things we did differently in this case as you know in the other proffers was a concern when those were actually rezoned, particularly the 500 acres in White Oak. Literally adjacent to residential neighborhoods. We said, when adjacent, we had to follow these standards. We took those out and said, we have to follow the standards whether we're adjacent or not because we're adjacent to industrial land that we have to be no greater than 70 dB at the property line. The question became, what does 70 dB mean so we asked an independent third-party sound engineer to do an analysis based on looking at this property so that there was 100% load of the noise. What would that look like from 70 dB without any interference by buildings, landscaping or any other ambient noise in the surrounding area. What would that look like from our standpoint in the worst-case scenario. With 70 dB, looking at 16,200' they'd be looking at 49 dB and 46 dB respectively in those areas. The question becomes, what does that mean? In the chart and you can go on the internet and you can look. At 70 dB, that's a washing machine or a dishwasher. That's outside noise at the maximum at 100% load which we wouldn't carry and then a residential HVAC system is at 55 dB. The residents at that point would be hearing less than that which would be a little under 50 dB which is an office environment or a refrigerator humming and that's a common term. That's outside what they could possibly hear if there wasn't any interference. We're proposing landscaping. We're behind the CubeSmart. We're behind with the ambient noise surrounding and ultimately without any interference on what this

is based on. That would be the worst case. We would propose to you, based on the history of the data centers, based on how they're developed, based on what we've seen in Henrico County. I do know that a particular address that was visited involved construction noise because my understanding in talking to the landowners so that was a little bit of a misnomer from the standpoint of what is going on in data centers. Finally, we proposed a number of proffered conditions that Mr. Morris has gone over that is very consistent and in some cases exceed those of larger data centers and this is just for one single building. We've got all these specific to the data centers again everything that you've expected and had in other cases. I'd also point out consistency with the Comprehensive Plan is more than just the land use plan but there's a number of items that have been mentioned already that talk about economic development but also the ratio and the factor that you have to have good commercial development and consistent with the neighborhood, consistent with the community. We would propose that being 1600' away, we're not in a residential neighborhood but given the fact that we're nearby and we're trying to be cognizant of that, we reduced our case to five acres. We've reduced a lot of the impacts where the data center specifically will have very little impact on noise, on traffic and there's no really outside activity and everything's interior. We've tried to accommodate all those. The other thing is there's very little impact on the infrastructure of the county itself from that standpoint. So, we would propose to you and would ask you to follow staff's recommendation that this rezoning request is consistent with surrounding uses. It's consistent with historic, recent and projected development patterns in the area including Amazon, the Hillwood Distribution facility that's proposed, the flea market and self-storage. It's consistent with the county's future land use plan. We did meet with the community twice. We've had other association meetings, including with the north Chamberlayne Civic Association. When the concerns were raised that there were too large responsive enough as to the details we pulled it back and provided the details that was asked for. Literally, this is five acres in a sea of 250 acres of industrial property. We think it is appropriate for this particular use. We think the neighbors have expressed concern and we have responded to those. This homeowner has been surrounded by these industrial uses and simply asking for consistency with the surrounding property. With that we believe we've met all the jurisdictional prerequisites for approval. We'd ask you to follow staff recommendations. I'll be happy to answer any questions you have at this time.

Mr. Mackey - Thank you, Mr. Condlin for the presentation. Do we have any questions or comments for Mr. Condlin?

Mr. Witte - I have a question. I understand, if I'm correct, it's only four or five people in that building at any time?

Mr. Condlin - After construction, for a 70,000 square foot building. This is going to be a 10-megawatt facility. We'll not have a substation. With that size of a facility they would only need that amount of people to help service the building and/or the servers that are within there for the computing equipment. Yes, they would only have four to five people in that 70,000 square feet. And that's consistent with what's happening with Meta and QTS facilities which are much larger. Those are two stories. Those are two to 300,000

601 square feet. Those have 20 employees dedicated to them typically; 20 to 30 with that
602 size.

603
604 Mr. Witte - Alright. Seems like very few people for a big facility.

605
606 Mr. Condlin - Again, it's just a lot of computing equipment that has to be
607 kept up to date. Again, that's consistent, again this is a small, one story 70,000 square
608 foot building so it's not a campus. It has even fewer than what would be needed otherwise.

609
610 Mr. Witte - I'm not saying it's bad. I think it's great you can only use four
611 people.

612
613 Mr. Condlin - It certainly impacts traffic when you only have a half dozen
614 people that come onsite.

615
616 Mr. Witte - Thank you.

617
618 **Mr. Mackey -** Any questions or comments from my colleagues?

619
620 Mr. Shippee - Andy, it's one story but it could be up to a 50' story, right?

621
622 Mr. Condlin - Yes. We're trying to accommodate one of those. We can
623 certainly adjust that better if we have to but that's why we have the elevations we provided
624 so it's just that one story. Those typically were somewhere in that 35' range and I guess
625 we're trying to from the idea and I know that in Henrico typically parapet walls are not
626 included in that but the idea would be that would cover the parapet walls would be 50'
627 total on top of that. Again, we can commit to one story and we can work with staff to
628 narrow that down as needed. Yes, that's the idea.

629
630 Mr. Shippee - My concern is with diesel generators. Do you know how many
631 you expect to use for this facility? Diesel backup generators?

632
633 Mr. Condlin - Hang on for just one second. I want to check with my client.
634 The answer is probably six or seven overall diesel generators. Those are of course
635 encased as well. They have to be screened. We proffered that they be screened. They'd
636 be behind the building so they couldn't be seen. Of course, we have the CubeSmart next
637 to us and that helps too but six or seven for a building of this size.

638
639 Mr. Shippee - Okay, that's helpful. That's my biggest concern even though
640 they're not going to be run very often is that you are putting pollution out there fairly close
641 to these residential neighborhoods and so that's what I'm struggling with.

642
643 Mr. Condlin - As you know, that's all regulated by DEQ, obviously. We've
644 put in consistent with the other proffers that you've seen in other cases that they can only
645 be used for emergency purposes, limit the testing of them during the daytime hours on
646 Monday through Friday and for emergency purposes that's the only time they can be run

at that point and that's a question of consistency and having a power source if the power goes out that they have to have.

Mr. Winterhoff - I appreciate you sharing a little more about the noise. Consideration has been taken there. The 70 dB you mentioned. Is that measured when the generators are running? Is that the maximum level that you would be focusing on or I just want to make sure I understand where that 70 dB is coming from.

Mr. Condlin - Yes, that would be at any time would be the 70 dB. It's really applicable to when we talk about maximum load it's the HVAC systems, the cooling systems that we've got that would be on the roof on the ceiling. That's where they've done the study to make sure. That's about 70 dB at that point at the actual unit and that's why at the property line at the Richmond Henrico Turnpike they're going to be able to take care of that. The diesel generators may not be they're right there at that same point the question is how do they get that designed from that standpoint? It's certainly achievable otherwise.

Mr. Winterhoff - Just a follow-up question to that too. I know we've talked about previous data center cases; I think that accommodation in the design and the placement of the generators to minimize the impact. Is that something that's been discussed as part of this application?

Mr. Condlin - I know Mr. Morris just mentioned that. I'll have to be honest. Let me just go back if I can. One of the things that we've pointed at was that they'd either be pointed towards on the opposite side of the CubeSmart, the self-storage which would be away from the residential from that standpoint or towards the existing M-2 that's going to be for additional distribution facility or it would be between the CubeSmart already screened as well behind them so it would not be seen so in any case regardless of which side they're on. I don't think they've gotten to that level of definition, but we've certainly could look at that and take care of that before the Board of Supervisors. To make sure, I'm assuming it would be preferred to be on the opposite side of CubeSmart.

Mr. Winterhoff - I think my preference would always be for the community to minimize the impact.

Mr. Condlin - I think that's one of the things I'm going on memory here based on the previous case where we had residents literally next door to the development. We used the same proffers. I think Mr. Morris referenced that a lot of the design standards would be required at the time of POD because we use the same language in the proffers to allow for in that same situation as far as the placement to make sure they were screened and located so they have the least amount of impact. That's why we do the ambient noise study too. We don't know what's going on on the opposite side. On my right side of the development. We do know that CubeSmart is there so we can make sure the placement of these and how they're screened if they're on that side how that works with that may be even better. That's something we'll have to work with staff to make sure at the time that the proffers allow for that discretion with the staff.

693
 694 Mr. Winterhoff - Thank you.
 695
 696 Mr. Mackey - Any other questions or comments? Mr. Dandridge?
 697
 698 Mr. Dandridge - I would just like to comment quickly before deliberating. I
 699 would like to thank DC Blox and Andy Condlin for taking time to share details on the
 700 strategic approach to this particular case. Also, to the community members who each
 701 spoke to share their concerns. I thank you for your time and attention to this particular
 702 case. Mr. Chairman, I move REZ-2024-101019, BWS Enterprises LLC be denied.
 703
 704 Mr. Mackey - Second. We have a motion for denial by Mr. Dandridge. A
 705 second by Mr. Mackey. All in favor, say aye.
 706
 707 Commission - Aye.
 708
 709 Mr. Mackey - Any opposed? Motion is granted.
 710
 711 **REASON:** Acting on a motion by Mr. Dandridge, seconded by Mr.
 712 Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of
 713 Supervisors **deny** the request because of citizen opposition regarding the expansion of
 714 industrial zoning when adequate zoning for the proposed use exists in the area.
 715
 716 Mr. Emerson - Mr. Chairman, we move on to the next item on your agenda.
 717 It appears on Page 3 and this is a public hearing on Zoning and Subdivision Ordinance
 718 amendments. Mr. Blankinship will review both items at the same time. One ordinance is
 719 to amend the Subdivision Ordinance, Chapter 19 of the Code of the County of Henrico, to
 720 Clarify, Correct, and Update Its Provisions, and to Conform to Changes in State Law. The
 721 second ordinance is to amend the Zoning Ordinance, Chapter 24 of the Code of the County
 722 of Henrico, to Clarify, Correct, and Update Its Provisions, and to Conform to Changes in
 723 State Law, so, again, both of those items will be presented by Mr. Blankinship.
 724
 725 Mr. Blankinship - Thank you, Mr. Emerson. Good evening, Mr. Chair, members
 726 of the Commission. We took some time with you on August 15 at a work session to review
 727 most of these items. Then, the Board of Supervisors held their retreat and on September 5
 728 we reviewed some of these items with them as well. At that time the Board brought to our
 729 attention some additional items they want to roll into this package of amendments. We
 730 brought those back to you at work session on September 12. Tonight is the public hearing
 731 on a package of amendments that we've been working on all together for more than a year
 732 but adding as we go along and developing and trying to bring things together. I'm going to
 733 go over them a little bit more quickly than before but I do want to get at least all of the
 734 important items out on the table so you can receive public comment on them tonight. I'm
 735 going to cover them in six sections. I'm going to go through the Subdivision Ordinance
 736 changes fairly quickly because they were not nearly as extensive. Then, under the Zoning
 737 Ordinance I'm going to talk about changes that are required because of state code, some
 738 new uses that have been brought to our attention, and to our Form Based Overlay District,

some updates to our development of specific standards and finally a package of clarification and housekeeping items. So, beginning with the Subdivision Ordinances. There are only a few changes. The state code only affected one of them which has to do with timelines of review. Our policies already run considerably faster than the requirements of state code. We're not bothered by those at all. They won't affect our actual day-to-day operations, but we do want to keep the code consistent with the state code. Vacation of lot lines is the process whereby if the property owner owns two lots and they want to join them together into one lot, removing the line between them is called, vacation. We want to make it simpler, faster and less expensive for property owners to do that if that's all they need to change. We want to put an alternative procedure in the code that will save our county residents time and money in going through that. There are some regulations for the approval of double frontage lots which we try to avoid but, in some cases, it is the best way to solve a particular development issue. We wanted to consolidate and to streamline some of that approval process. Also, I'll mention later, some of those requirements will be moved from the Subdivision Ordinance to the Zoning Ordinance where they'll function more efficiently. There are some requirements for entrance separation in some locations for entrances to subdivisions. Some of those, again, need to be moved to the Zoning Ordinance. That's the recommendation there. There are requirements for property line markers. You may have seen the big 6" concrete monuments that go at block corners where a residential block meets a public street. Those have gone out of style. The Department of Public Works manual now provides for a smaller steel monument that's less expensive, easier to work with and easier to work around. We want to bring the code into alignment with the DPW Design Manual requirement. Finally, in the cluster subdivision requirements there are two references to the future land use map that we think are not really necessary and could cause some confusion. There are also references to the zoning of property to be subdivided. Those would stay but the future land use map designations would be removed. That's all under subdivision. Rolling into the Zoning Ordinance amendments. First, again, are the requirements or changes that are required by changes to the state code and some of those affect the process for provisional use permits and conditional use permits. In both cases they have to do with the time limits for residential projects. The state now requires the duration of those to be at least three years which again doesn't cause us any problems but we want the codes to be in sync and also either provisional or conditional use permits for solar projects or for battery storage projects have to allow at least three years from approval to beginning of building construction because it takes so long to get those projects permitted. Again, we have no difficulty with that we're just trying to keep those ordinances aligned. In subdivisions it's the same change that I mentioned about the timelines. It affects both ordinances. One change the county was not in favor of when it went through the General Assembly is that our short-term rental regulations that the Board adopted almost five years ago now limit that opportunity to own or occupy dwellings. The state has changed the law to say that we cannot deny a use permit for short-term rentals solely on the basis that the home is a rental home rather than an owner-occupied home. We opposed that at the General Assembly, but it did pass so we're going to update our code again to stay in line with state code. Three of the new uses that have been brought forward since the code update, we've had several questions about industrial training facilities and how they would fit into our zoning ordinance. That term is not used anywhere in our zoning ordinance. We think it should be. We think it would be helpful to have guidance in the future we'll know

785 exactly how to handle those requests. Residential treatment facilities are the same way.
786 We get a lot of questions about those, and we have an interpretation, we know what the
787 answer to that question is, but we want that answer to be written in the ordinance so that
788 everybody knows what that answer is, and nobody questions the system. Small-scale
789 distilleries can be treated under the proposed revisions the same as small breweries. We
790 have several breweries in the county, several in the city. There's one distillery in the city.
791 Right now, our code doesn't allow a small-scale distillery in the county so we think that's an
792 opportunity we should provide. The Form Based Alternative Overlay District was new to us
793 in 2021, a new tool for Henrico County, and over the last three years we have seen, Virginia
794 Center Commons particularly, we've seen some form-based projects coming up out of the
795 ground. We've gained a lot of experience in how to apply the code to our particular situation
796 and we've found some unintended consequences and found some things that didn't work
797 exactly the way we intended them to. We want to make a few small changes. It's nothing
798 major as you've seen going through the draft. But, for example, it was always understood
799 and assumed that a Form-Based district would allow for a mixing of uses. That's the whole
800 point of going to form-based instead of separating by uses. There's no requirement that
801 there be mixed uses and so concern has been raised that the form-based code could be
802 used solely as a way of introducing multi-family in places where mixed use is what we
803 wanted. We're suggesting a requirement that there be a mixture of uses. Also, screening
804 of alleys. There is some requirement already for façade transparency which makes the
805 community more walkable. It makes it more inviting to pedestrians. But there are other ways
806 to handle that as well and there are some cases where the transparency doesn't work. It
807 isn't the only solution to solve the problem, and we want to provide some flexibility there.
808 So, it's just to clarify and introduce a little more consistency in some of those regulations.
809 Among the updated development standards and use-specific standards, one item that we
810 have seen in the illustration here that where you have townhouses with wider garages on
811 narrow frontages there's not much room for anything except driveway. That's fine if it's on
812 an alley or on a private street but when that's the face on a public street it's not the character
813 that we're trying to promote with our townhouse communities. We're adjusting those
814 requirements a little bit so that this kind of garage-heavy development would be on alleys
815 or private streets rather than on public streets. On the public facing streets, you'd have
816 more of a green space. The vaping shop requirement is one of the things that the Board
817 brought forward at their retreat. As you know, several months ago an amendment was
818 adopted to restrict the locations of vaping shops, and it included specific distance
819 requirements from schools, parks and existing vaping shops. The Board wanted us to also
820 add churches and daycare centers to that set of distance requirements. You can't even
821 apply to put a vaping shop near those items so that would need to be added to the
822 ordinance. A very small change in the processing of radio and tv stations just to make some
823 of them by right rather than always requiring a provisional use permit. Electrical substations,
824 you think of large facilities usually on major roads and serving very large portions of the
825 county but as you know we've recently seen some substations in the middle of industrial
826 areas that only serve a small number of the industrial facilities, so we need a different set
827 of regulations because they're two completely different kinds of impacts. Right now, we
828 only have one set of standards, so we just wanted to separate that. The double frontage
829 lots I mentioned under the Subdivision Ordinance is just a matter of streamlining the review
830 process. Parking lot lighting is another thing that we're learning as we apply the new 2021

831 regulations – just making sure we don't leave loopholes in the way the ordinance regulates
832 lighting. Some changes in fences and retaining walls, the materials in screening and
833 terracing of retaining walls. It's a lot of minor, little tweaks but important stuff. Finally, we
834 had a discussion at one of the work sessions on fences on corner lots where a change to
835 how we regulate, you know, where you have the street side that is next to somebody else's
836 front yard; we don't want it to look like a back yard next to a front yard. We want it to look
837 like a smaller front yard but when we wrote that into the 2021 ordinance it had an
838 unintended effect of moving a 7' fence 25' back into the yard. Experience showed very
839 quickly that was excessive, so we want to reduce that to allow the property owner more
840 use of their rear yard but still protect the streetscape somewhat. Beyond that it's really a
841 matter of clarification. The first item on this list again was brought forward by the Board at
842 the retreat. There were some situations in the county where we had occupants in a single-
843 family dwelling that were not a family and were not really living together as a family unit and
844 we realized as we were working through the enforcement process that the ordinance
845 doesn't actually say that only a single family can occupy a single-family dwelling. It's implied
846 by the definition of single family, but it doesn't actually say that. As we did some research
847 on how other municipalities in Virginia regulate that topic, we found Fairfax County had a
848 very clear and precise paragraph just setting out only the following groups can occupy a
849 dwelling. We thought that would really be helpful and also just to inform people of what is
850 allowed and what is not allowed in their neighborhood. Rather than just depending on that
851 terminology we want to add a clear statement to that effect and also that lead to a tweak to
852 the definition of boarding house. I'm not going to even touch on each one. I don't think it's
853 necessary. The Commission has had the time to look at them in work session and you've
854 had the draft, and you can see just from glancing down the list that these are small
855 clarifications of the existing ordinance. Then, we have a page of what we call housekeeping
856 items in areas where we changed a section number and there were cross references to
857 that section number that didn't get changed; the title of the section dealing with non-
858 conforming lots needs to be more precise. There are some section numbers that don't have
859 a section title and just for consistency we want them to have a title as well, some language
860 issues, some typographical errors, there was one map where in one of the form-based
861 overlay districts the underlying B-3 zoning was shown rather than the form-based district in
862 one small area. We just want to make sure that's correct and just some consistency of
863 terminology and then a few definitions that we felt should be added as we worked through
864 the ordinance. Terms like build-to line and frontage buildout that are not as common and
865 not something the average person is familiar with. We just thought it would be helpful to
866 state those more clearly. So, that's a very quick overview just for the basis again of teasing
867 up the public comment. You know the process and I referred to it briefly. On August 15,
868 you held a work session on these items, September 5 at the Board retreat some of them
869 were discussed and the Board was briefed on the overall package. September 12, you held
870 a second work session and then we wrapped it all into the one zoning amendment and one
871 subdivision amendment. We advertised those and we posted them to the website so
872 they've been available to the public for a couple of weeks now. Tonight of course is the
873 public hearing. We're hoping at the end of the public hearing you'll recommend this with
874 approval to the Board of Supervisors and then of course the Board will hold their own public
875 hearing before any final action is taken. With that, I'd be happy to answer your questions.

877 Mr. Mackey - Thank you, Mr. Blankinship. Does anyone have any questions?
878 Go ahead, Mr. Shippee.

879
880 Mr. Shippee - Mr. Blankinship, I just want to commend you and the
881 department on this work. There's a lot of detail here, and a lot of different aspects of what
882 goes into planning and zoning, and some of it is probably not the most glamorous work that
883 you'll do in your career, but I think it's really important, and it really ties into so many things.
884 I just want to thank you for that. I had one question while you were going through this form-
885 based overlay piece. It's just curiosity, there's no real reason behind it, but you say now
886 we're going to require mixed-use which I think is smart but do we get prescriptive about
887 what mixed-use is, or does it have to be a little bit of residential, a little bit of commercial or
888 is there flexibility there?

889
890 Mr. Blankinship - That is one I don't know off the top of my head so I'm going to
891 look it up.

892
893 Mr. Emerson - I believe Mr. Blankinship, we're setting forth Mr. Shippee, a
894 certain percentage of commercial that has to be in the form-based districts or non-
895 residential. Currently, it is a mixture of uses, but there's no specificity as to the percentage
896 of the mix. The one we're most concerned about is making sure there is a reasonable
897 percentage of commercial or office-type development. Retail or office, so I believe that
898 number Mr. Blankinship is 25%?

899
900 Mr. Blankinship - It's 25% of the core areas. So each form-based district is
901 divided into several different categories and development areas. Some of them are more
902 residential. In the core areas are where we would expect those mixed uses to occur.

903
904 Mr. Emerson - We encourage that when they come forward but we didn't put
905 that specifically in the code when we placed it in the ordinance. We do have that in the
906 Urban Mixed-Use code and other sections so we felt like we needed to go back and place
907 that in so we wouldn't get into those awkward conversations with the development
908 community.

909
910 Mr. Shippee - Thanks.

911
912 Mr. Mackey - I'd also like to commend you. You did a very good job earlier
913 going through it with us and I appreciate it. I do think this will be a good way of addressing
914 some of the density issues in the infill areas that you spoke of. I think it could address a
915 lot of challenges sometimes of those. Did anyone else have anything? We have some
916 people in the audience. Did anyone want to speak? Do we have anyone on WebEx who
917 would like to speak?

918
919 Ms. Hartwick - There is no one on WebEx for this case.

920

921 Mr. Winterhoff - Again, thank you Mr. Blankinship. I reiterate again,
 922 outstanding work and I move that we recommend approval of the revisions to the Zoning
 923 Ordinance as presented.

924

925 Mr. Witte - Second.

926

927 Mr. Mackey - We have a motion by Mr. Winterhoff, a second by Mr. Witte.
 928 All in favor, say aye.

929

930 Commission - Aye.

931

932 Mr. Mackey - Any opposed? Motion is carried.

933

934 Mr. Winterhoff - I also move that we recommend approval of the revisions to
 935 the Subdivision Ordinance as presented this evening.

936

937 Mr. Witte - Second.

938

939 Mr. Mackey - We have a motion by Mr. Winterhoff, a second by Mr. Witte.
 940 All in favor, say aye.

941

942 Commission - Aye.

943

944 Mr. Mackey - Any opposed? Motion is granted.

945

946 Mr. Blankinship - Thank you.

947

948 Mr. Mackey - Thank you, sir.

949

950 Mr. Emerson - Mr. Chairman, we now move on to the next item which as we
 951 noted in work session when we went over the zoning ordinance amendments, potential
 952 amendments that the Commission did need to adopt a resolution initiating that process.
 953 That is this request, PCR-14-24. If everything met to your liking and you want to move
 954 forward with those considerations of zoning and the amendments we discussed I would
 955 request that you pass this motion.

956

957 Mr. Winterhoff - I move that we approve, PCR-14-24, regarding the initiation
 958 of zoning ordinance amendments regarding small residential lots.

959

960 Mr. Dandridge - Second.

961

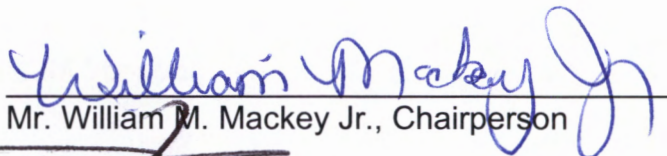
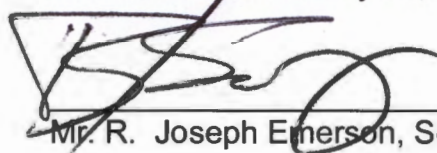
962 Mr. Mackey - We have a motion by Mr. Winterhoff, a second by Mr.
 963 Dandridge. All in favor, say aye.

964

965 Commission - Aye.

966

967 Mr. Mackey - Any opposed? Motion is granted.
968
969 Mr. Emerson - Mr. Chairman, that takes us down to the final item and that is
970 the consideration of the approval of your minutes from your work session, regular
971 meetings on September 12, 2024. We do not have an errata sheet. If you do have
972 changes of course we will make them as necessary.
973
974 Mr. Mackey - Does anyone have any changes? Do we have a motion?
975
976 Mr. Shippee - I move that we approve the minutes.
977
978 Mr. Mackey - Second. We have a motion by Mr. Shippee, a second by Mr.
979 Mackey that we approve the minutes as presented. All in favor, say aye.
980
981 Commission - Aye.
982
983 Mr. Mackey - Any opposed? Motion is granted.
984
985 Mr. Emerson - Mr. Chairman, I have nothing further.
986
987 Mr. Mackey - We are adjourned.
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Mr. William M. Mackey Jr., Chairperson

Mr. R. Joseph Emerson, Secretary