

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, September**  
4 **14, 2023. Display Notice having been published in the Richmond *Times-Dispatch***  
5 **on September 1, 2023, and September 8, 2023.**  
6  
7

8 **Members Present:** Mr. Robert H. Witte, Jr., Chairperson (Brookland)  
9 Mr. C. W. Archer, C.P.C. (Fairfield)  
10 Mr. William M. Mackey, Jr., (Varina)  
11 Mr. Thomas M. Branin (Three Chopt)  
12 Board of Supervisors Representative  
13

14 **Members Absent:** Mr. Gregory R. Baka, Vice Chair (Tuckahoe)  
15 Mrs. Melissa L. Thornton, (Three Chopt)  
16 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning  
17 Secretary  
18

19 **Also Present:** Ms. Jean Moore, Assistant Director  
20 Mr. Ben Sehl, Senior Principal Planner  
21 Mr. Livingston Lewis, County Planner  
22 Ms. Molly Mallow, County Planner  
23 Ms. Rosemary Deemer, County Planner  
24 Ms. Ali Hartwick, County Planner  
25 Mr. Lamont Johnson, Assistant Traffic Engineer  
26

27 **Mr. Thomas M. Branin, the Board of Supervisors' representative, abstains on all**  
28 **cases unless otherwise noted.**  
29

30 **Mr. Witte -** Good evening, welcome to the September 14, 2023, meeting  
31 of the Planning Commission. We have a quorum. We also have the honorable Tommy  
32 Branin from the Three Chopt District as our representative from the Board of Supervisors.  
33 I'd ask that you mute or silence or turn off your cell phones and while doing so stand with  
34 us for the Pledge of Allegiance.  
35

36 [Recitation of Pledge of Allegiance]  
37

38 **Mr. Witte -** Do we have any news media in the audience? No. Okay, well  
39 with that I'll turn it over to our Secretary, Ms. Moore.  
40

41 **Ms. Moore -** Thank you, with Mr. Branin, our Board representative, thank  
42 you for being here tonight. With his presence, we do have a quorum. We do have two  
43 Planning Commissioners absent but we do have the necessary quorum to move forward  
44 with the meeting. With that, I'll go over how to participate in the meeting as well as some  
45 of the rules of the Commission. So, in participating in tonight's meeting and items on the  
46 agenda we ask that those in the room who want to speak to any items on the agenda to  
47 go to the lectern at the rear of the room. For those who wish to participate online, you can

48 do so by going to the Planning Department's meeting webpage at  
49 henrico.us/planning/meetings. If you scroll down once you get to that Webpage, under  
50 the Planning Commission click on Webex Event to join the meeting. Once you have joined  
51 the Webex Event, please click the chat button in the bottom-right corner of the screen.  
52 Staff will send a message asking if anyone would like to sign up to speak on an upcoming  
53 case. To respond, click Ali Hartwick from the drop-down menu and send her a message.  
54 She will then place you in the queue to speak. Overall, the Commission does have some  
55 guidelines for its public hearing. After a brief presentation by staff the applicant is allowed  
56 10 minutes to present, and time may be reserved to respond to any later testimony. The  
57 opposition is also allowed a total of 10 minutes, but this is a cumulative 10 minutes. Any  
58 questions to the Commission do not count toward those 10 minutes. The Commission  
59 may extend the time limit at their discretion. When speaking please start by giving your  
60 name and address for our records and with that we can move onto our next agenda item.  
61 The next agenda item is the request for withdrawals and deferrals, and we have none for  
62 either which means we move into our regular agenda. We have none for expedited as  
63 well. So, next on your agenda in the Fairfield District is REZ2023-00023. It's Andy Conclin  
64 for Merritt Acquisitions, LLC.

65  
66 **REZ2023-00023 Andrew M. Conclin for Merritt Acquisitions, LLC:** Request to  
67 conditionally rezone from O-2C Office (Conditional) to M-1C Light Industrial District  
68 (Conditional) Parcels 789-759-9448 and 790-759-6085 containing 14.001 acres located  
69 at the northeast intersection of East Parham Road and Park Central Drive. The applicant  
70 proposes a light industrial business facility. The uses will be controlled by zoning  
71 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
72 recommends Office.

73  
74 The presentation will be given by Mr. Livingston Lewis.

75  
76 Mr. Witte - Mr. Lewis.

77  
78 Mr. Lewis - Good evening. This is a request to conditionally rezone 14  
79 acres at the entrance of the Park Central Office Park from O-2C to M-1C to allow a  
80 potential mix of Light Industrial, Office/Service, and Commercial. Surrounding land uses  
81 include light industrial and office/service to the north and west, as well as single-family  
82 residential to the south across Parham Road. The 2026 Comprehensive Plan  
83 recommends the subject site for Office. As illustrated on this proffered conceptual layout,  
84 the development would include two 1-story buildings with parking areas on three sides  
85 and loading docks to the rear. A 70-foot-wide landscape buffer would provide screening  
86 along Parham Road, and additional landscaping would be provided to the rear to screen  
87 the loading area from the adjacent office property to the north. Two points of access would  
88 be provided, one on Parham aligned with Fredonia Road and one on Park Central Drive.

89  
90 The applicant has also proffered this architectural rendering to illustrate the potential  
91 exterior design of the buildings. This example shows tilt-up masonry panel construction  
92 with alternating sections partially faced with brick. Staff believes this is an improvement  
93 to previously not having proffered elevations, however, discussions with the applicant

94 remain ongoing regarding the extent of brick on the most visible façades and the degree  
95 of consistency with other buildings in Park Central.

96  
97 Also included in the revised proffers distributed this evening are: a list of prohibited and  
98 limited uses; a list of permitted building materials; tree preservation and minimum  
99 landscaping requirements for the Parham Road buffer; loading areas to be oriented away  
100 from Parham Road; a 90-foot-wide building setback from Parham; a 45-foot building  
101 height maximum; hours of exterior operation limited to 6:00 a.m. to 8:00 p.m.; accessory  
102 outdoor storage standards; road improvements and pedestrian infrastructure; and  
103 commitments related to signage, lighting, and other topics.

104  
105 While the 2026 Plan recommends Office for the property, staff believes it is reasonable  
106 to consider compatible alternatives based on adjacent industrial zoning, the current office  
107 market, and the site's extended period of vacancy. Also, given the north-facing loading  
108 area, wide landscape buffer and deep building setback along Parham, and the extensive  
109 list of prohibited uses, potential impacts on the neighborhoods to the south are anticipated  
110 to be minimal. Based on these factors, staff supports the request, with the understanding  
111 discussions will continue regarding exterior building materials prior to consideration by  
112 the Board of Supervisors.

113  
114 This completes my presentation. I am happy to answer any questions. The time limits  
115 would need to be waived for the proffers.

116  
117 Mr. Witte - Any questions?

118  
119 Mr. Archer - I don't have any. Mr. Lewis do we know when the initial  
120 development of this property started? In the 90s I guess, wasn't it?

121  
122 Mr. Lewis- I think it actually...the zoning dates to the 80s so it probably  
123 was the early 90s, yes, sir.

124  
125 Mr. Archer - Alright, just curious.

126  
127 Mr. Witte - How would you like to proceed?

128  
129 Mr. Archer - I'd like to hear from the applicant please.

130  
131 Mr. Witte - Would the applicant come forward?

132  
133 Mr. Mackey - I don't want to step on any toes.

134  
135 Mr. Condlin - Mr. Chairman, members of the Commission, my name is Andy  
136 Condlin here on behalf of the applicant, Merritt Development, regarding the application  
137 put forth before you this evening. Mr. Lewis as usual has done a nice job of giving an  
138 overview of what our request is, and after the staff report we've made a number of  
139 changes to respond to some of the concerns that were raised. Ultimately, this comes

140 down to, while this property is currently zoned Office, the industrial and office market has  
141 changed to actually come closer together. No longer is industrial really more about  
142 production and distribution with high ceilings and tractor trailers. Now we're also looking  
143 at industrial reflecting smaller employers needing to have accommodation regarding  
144 smaller spaces that are customizable and scalable as their businesses grow. So, this flex  
145 space that we're proposing for these buildings that were provided for in the conceptual  
146 plan that are around 69,000 or 70,000 square feet will have multiple bays but also really  
147 to be able to be multifunction in order to allow for different uses under one roof including  
148 office and R&D such as labs and light assembly as well as storage space, which is really  
149 where a smaller industrial space no longer just distribution, no longer just industrial and  
150 manufacturing and production. So, with that we feel like we've accommodated the  
151 concerns that were raised by the staff. Also reflecting the fact that the development of  
152 Park Central and knowing that we're at the entry way into Park Central providing for a  
153 number of quality assurances that you expect from not only industrial but also for office.  
154 We are going to, I'll make the commitment on behalf of my client to continue to work with  
155 staff in order to accommodate what they feel is necessary for that Parham Road buffer,  
156 excuse me, the Parham Road frontage with respect to the elevations. We'll continue to  
157 work on that, to give the assurances on that when we have a couple weeks after the  
158 Planning Commission. So, with that, we'd ask you to follow with the staff's  
159 recommendation and recommend this to the Board of Supervisors subject to working with  
160 staff on the elevations. With that I'll be happy to answer any questions that you may have.

161  
162 Mr. Witte - Any questions by the Commission?

163  
164 Mr. Archer - Mr. Chairman, I don't have any questions. If some of the rest  
165 of the Commissioners have a question, I'd be glad to chime in if there's anything I can  
166 help with.

167  
168 Mr. Witte - Is anybody on Webex who would like to speak to this case?

169  
170 Ms. Deemer - We have no one on Webex for this case.

171  
172 Mr. Witte - Anybody in the audience who would like to speak to this case?  
173 We have one.

174  
175 Ms. Bruffey - Hello, I'm Donna Bruffey. I live at 2109 Hungary Road in the  
176 Fairfield District. I also would like to thank Livingston Lewis for first of all fielding my phone  
177 calls the moment I saw the blue signs go up. And he's always quite gentlemanly and very  
178 professional. In addition, I was pleased to hear I noted the 70' wide screening from  
179 Parham Road and the landscaping. My primary concern about this is what the client refers  
180 to as landscaping and the protection of those trees, those 100, 150-year-old trees that  
181 line Parham. And Park Central still has those trees in front of their offices and I would like  
182 for the Planning Commission as well to consider the needs to maintain as much as that  
183 frontage as possible. The hours, 6:00 a.m. to 8:00 p.m. - I have no problem with those  
184 hours. I'm concerned about increased truck traffic since I've heard the word distribution.  
185 Now when you spend any time in Hanover County where the new facility has gone up in

186 Mechanicsville you can see that this is causing quite a problem for commuters and the  
187 communities of the homeowners there. My primary concern and why I'm here today to  
188 speak again on protecting those trees on Parham, and again considering the hours for  
189 operation at the site.

190

191 Mr. Witte - Any questions for Ms....

192

193 Mr. Archer - Ma'am, I'm sorry. I didn't get your last name.

194

195 Ms. Bruffey - Bruffey. "B-r-u-f-f-e-y".

196

197 Mr. Archer - Mr. Condlin could you come back up again please? I would  
198 like you to speak to the concern that she raised if you could.

199

200 Mr. Condlin - Yes, sir. I noted three things. With respect to the buffers first,  
201 we did make some changes from what were originally proposed before the staff report  
202 where we increased the buffer width from 50' to 70'. We'll of course continue to work with  
203 staff. We had a retention of the natural trees that already exist in the area. We know it's  
204 a well-treed area. We want to be able to maintain that buffer, but we do have an access  
205 road going through there. There's sometimes you do have to do some grading, but we've  
206 also put in the proffers that we'd have a 50' transitional buffer plus 20%, knowing that we  
207 have to plant in additional with a 50' buffer since we're a little bit wider from that  
208 standpoint. There's also with respect to the question of the hours we actually switched  
209 back from 6:00 a.m. - 8:00 p.m. to 7:00 a.m. - 7:00 p.m. from that standpoint on the  
210 construction itself. But also, on the outdoor storage that continues. The last comment was  
211 about distribution. Quite frankly these buildings aren't the size to be able to do distribution  
212 for large trucks. Truck traffic will be minimal. These are really for small growing  
213 businesses that will be able to go in there. So, true distribution uses particularly those  
214 you're seeing in Hanover with 500,000, 750,000 square feet. These are going to be  
215 70,000 square foot buildings, 69-72, so they really don't suffice for that type of use. With  
216 that, I'd be happy to answer any questions you have.

217

218 Mr. Archer- Okay, Ms. Bruffey, did that alleviate some of your concerns?

219

220 Ms. Bruffey - I would like, again, to go back to the hours and nail that down.

221

222 Mr. Witte - Can you go back and speak...

223

224 Mr. Archer - It's in the revised proffers I believe.

225

226 Ms. Bruffey - I would like to nail down these hours. Is it 7:00 a.m. - 7:00  
227 p.m. during the construction period because that's different than 7:00 a.m. to 8:00 p.m.?  
228 And is that 7:00 a.m. to 7:00 p.m. operating hours? Of course, people come in and out  
229 and if there's an office space but has the Merritt Acquisitions made any decisions about  
230 this?

231 Mr. Condlin - I was specifically referencing the construction hours which  
232 went from 6:00 a.m. previously to 8:00 a.m. We switched that to 7:00 to 7:00, 7:00 a.m.  
233 to 7:00 p.m. With respect to the hours of operation, we have that any uses not conducted  
234 outside of a building is limited to 6:00 a.m. to 8:00 p.m. So, anything outside the building  
235 cannot operate after that 8:00 p.m. time. We did not change that. We do not have as  
236 most, nothing in Park Central has a limitation on the hours of operation as you know.  
237 Certainly, interior in the building folks are able to operate and that's how we're going to  
238 be working. These are going to be an estimate of an average of 7,000 square foot tenants  
239 and they'll typically be normal business hours, but some people need to, I've got a client  
240 that does paper production and prints flyers and a printing company. Sometimes for a big  
241 job they need to extend their hours. They like to have that flexibility. That's really what  
242 we're looking at. Outdoor activity is limited, construction hours are limited but not the  
243 interior.

244  
245 Ms. Bruffey - Thank you.

246  
247 Mr. Archer - Thank you Mr. Condlin.

248  
249 Mr. Condlin - Yes, sir.

250  
251 Mr. Archer - Anybody else have a question for him before he takes a seat?

252  
253 Mr. Mackey - No, sir.

254  
255 Mr. Witte - You have the floor Mr. Archer.

256  
257 Mr. Archer - Alright, thank you. First of all, I'd like to thank Ms. Bruffey for  
258 the very professional way in which she asked her questions. Got along with everybody so  
259 far. Mr. Chairman, I've got a couple of motions that I need to make here. First of all, I  
260 move that we grant a waiver of time limits and accept the proffers that are dated  
261 September 13, 2023, for REZ2023-00023, Merritt Acquisitions, LLC.

262  
263 Mr. Mackey - Second.

264  
265 Mr. Witte - We have a motion by Mr. Archer, second by Mr. Mackey. All  
266 in favor say aye.

267  
268 Commission - Aye.

269  
270 Mr. Witte - Opposed? Motion passes.

271  
272 Mr. Archer - And, as for the case itself, Mr. Condlin is well aware of the  
273 items that Mr. Lewis mentioned that we still think might be of some concern and that they  
274 would probably have to be, some conclusion has to be reached on it before it goes to the  
275 Board for their approval because they do have the authority to not approve it. But other  
276 than that we've worked pretty well on this case for quite some time, and I think that we've

277 come quite a ways in agreeing with each other where we could. As Mr. Lewis noted in his  
278 staff report, this development will put a long idle site to productive use. And when we go  
279 back to where this whole project started on Parham Road all those years ago, it didn't  
280 fully develop as was expected at that time so a lot of it has been sitting. But with that and  
281 with the acknowledgment of the fact that some work still has to be continued on doing the  
282 things that Mr. Lewis mentioned in his report, I move that we recommend approval of  
283 REZ2023-00023, Merritt Acquisitions, LLC with the revised proffers dated September 13,  
284 2023.

285  
286 Mr. Mackey - Second.

287  
288 Mr. Witte - We have a motion by Mr. Archer, a second by Mr. Mackey. All  
289 in favor say aye.

290  
291 Commission - Aye.

292  
293 Mr. Witte - Opposed? Motion passes.

294  
295 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Mackey,  
296 the Planning Commission voted 3-0 (two absent, one abstention) to recommend the  
297 Board of Supervisors grant the request because it is reasonable in light of the industrial  
298 zoning in the area and the proffered conditions should minimize the potential impacts on  
299 surrounding land uses.

300  
301 Ms. Moore - Moving on to the next part of your agenda in the Varina  
302 District, it is REZ2023-00026. The applicant is Mark Baker for Harsh Thakker, Dorado  
303 Capital, LLC. The staff report will be presented by Ms. Molly Mallow.

304  
305 **REZ2023-00026 Mark Baker for Harsh Thakker, Dorado Capital, LLC:** Request to  
306 amend proffers accepted with REZ2022-00034 on Parcel 833-718-6524 located on the  
307 south line of Meadow Road at its intersection with Chartwood Drive. The applicant  
308 proposes to amend proffers regarding concept plan, density, architectural treatment, and  
309 wiring for generators. The existing zoning is R-5AC General Residence District  
310 (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 1,  
311 density should not exceed 2.4 units per acre and Environmental Protection Area. The site  
312 is located in the Airport Safety Overlay District.

313  
314 Mr. Witte - Ms. Mallow, you have the floor.

315  
316 Ms. Mallow - Thank you, Mr. Chairman and members of the Commission.  
317 As mentioned, this is a request to amend proffers originally accepted with rezoning case  
318 C-049C-07 and subsequently amended with REZ2022-00034 regarding the conceptual  
319 plan, density, architectural treatments, and wiring for generators. This site was rezoned  
320 from A-1 Agricultural District to R-5AC General Residence District (Conditional) in 2007  
321 to allow for the development of up to 50 detached single-family homes. With this request,  
322 the applicant proposes amending the conceptual plan in Proffer 1, reducing the overall

323 density from 50 to 46 single-family homes in Proffer 4, and revising the architectural  
324 treatments listed in Proffer 5. This request also seeks to remove Proffer 22 pertaining to  
325 wiring for generators and proposes a new proffer for landscaping along the front  
326 foundations of the proposed homes.

327  
328 In addition to the proffer amendments, the applicant has submitted additional architectural  
329 renderings of the proposed homes in Exhibit D shown here. These would be added to the  
330 previously approved elevations in Exhibit C. Since the distribution of the staff report, the  
331 applicant has worked to address concerns regarding the consistency of the architectural  
332 renderings with the approved proffers, amended proffers, apologies. The updated 'Exhibit  
333 D' now shows a variety of homes consistent with the proffered foundations and materials.  
334 The 2026 Comprehensive Plan recommends this site for Suburban Residential 1 and  
335 Environmental Protection Area. The residential use and proposed density of 1.54 units  
336 per acre is consistent with the Suburban Residential 1 designation. Since the distribution  
337 of the staff report, the applicant has worked to address concerns regarding the  
338 architectural renderings of the proposed homes. Staff believes that this request would not  
339 drastically change the intent of the previously approved case and is consistent with the  
340 Suburban Residential 1 designation. For these reasons, staff supports this request. This  
341 concludes my presentation, and I would be happy to answer any questions.

342  
343 Mr. Witte - Any questions?

344  
345 Mr. Mackey - No, I don't have any questions for Ms. Mallow. Thank you for  
346 the presentation. I would like to hear from and speak to the applicant.

347  
348 Mr. Witte - Would the applicant come forward?

349  
350 Mr. Baker - Mr. Chairman, members of the Commission. I am Mark Baker  
351 with Baker Development Resources. I'm here on behalf of Dorado Capital, LLC. Harsh  
352 Thakker is also here. I want to thank staff for their presentation and their assistance  
353 throughout the process. We enjoyed working with Ms. Mallow. The case was originally  
354 approved in 2007. It was amended last year primarily to remove the original age restriction  
355 requirement. To position the case for success in the current market the owner now has  
356 identified a builder K. Hovnanian Homes. They're a quality homebuilder with over 60  
357 years of experience. They're operating in northern Virginia, Fredericksburg and have at  
358 least one development underway near Charlottesville in the Ruckersville area. Moving  
359 towards POD approval which has been applied for and as staff noted has been tabled  
360 until November pending this case in final review. This request is primarily needed in order  
361 to ensure compatibility with the builder's product and to make some housekeeping  
362 changes and along the way, we also added some additional quality assurances within the  
363 proffers. Staff points out that the proposal remains consistent with the Comp Plan where  
364 future land use is concerned while also remaining consistent with a number of other goals  
365 and objectives. Things like a sense of infill, bigger parcels, and encouraging growth where  
366 there is infrastructure promoting high-quality community identity as well as aesthetics. In  
367 addition, staff also points out that we revised our elevations to address concerns about  
368 compatibility with the proffered conditions as it was originally mentioned in the reports.

369 So, we did work with them to try and address that. So, with that, the goal here is to develop  
370 high-quality subdivisions consistent with the original case approval. I thank you for your  
371 time. I can answer any questions you have. I can certainly talk to the proffers in more  
372 detail on a case-by-case basis if that's something you'd like.

373

374 Mr. Mackey - Yes. Mr. Archer, do you have anything?

375

376 Mr. Archer - I don't sir.

377

378 Mr. Mackey - Okay. Yes, I definitely want to talk about it. I understand that  
379 when you decided to change from assisted living there wasn't really a need for the wiring  
380 on the generators and everything. But my biggest concern is the Exhibit D elevations. Are  
381 these all supposed to replace Exhibit C elevations?

382

383 Mr. Baker - These are not meant to replace. They are added in addition  
384 to C.

385

386 Mr. Mackey - Right. Because I had to wait a little while to get them. Not that  
387 you took long or anything before we saw them, but they look nothing like the elevations  
388 in C. I understand you saying that you needed to have some more variety to address  
389 some of the building materials. Is it that you think that this builder that you have has a  
390 problem and won't be able to build the ones in Exhibit C and they need these types of  
391 elevations to address it?

392

393 Mr. Baker - These are obviously in addition to...I'm moving forward right  
394 now as it is currently planned. We would be leaning towards D and not as likely that C will  
395 be developed if we just left them in the case because they would be options.

396

397 Mr. Mackey - That really changes the case. Because it looks like a totally  
398 different subdivision now. It looks nothing...

399

400 Mr. Baker - Are there particular concerns from an architectural  
401 perspective?

402

403 Mr. Mackey - Well, you want to pull up, let's pull up what some of C  
404 elevations look like. These houses look a lot different. In my opinion, I would prefer any  
405 of these.

406

407 Mr. Baker - The C product to the extent that those elevations were  
408 provided. That was a different time and that's...

409

410 Mr. Mackey - So, you're saying that was, they can only build those for the  
411 other community?

412

413 Mr. Baker - They're elevations and floor plans that would be attractive to  
414 a 55+ living, which may not be as desirable in today's market with this current builder.

415  
416 Mr. Mackey - I understand but...  
417  
418 Ms. Moore - One of the things I note Mr. Mackey, as you mention these do  
419 have a different style, more craftsman, more masonry all around I think there are things  
420 that pop out. Certainly, those things could be incorporated in D if the applicant is willing.  
421  
422 Mr. Branin - Mr. Chairman, may I?  
423  
424 Mr. Mackey - Please.  
425  
426 Mr. Branin - Where is this new builder from?  
427  
428 Mr. Baker - They're operating in northern Virginia, Fredericksburg. Again,  
429 they've expanded to Ruckersville, wanting to get into the Richmond market. They have a  
430 number of projects currently underway.  
431  
432 Mr. Branin - Are they from Northern Virginia?  
433  
434 Mr. Baker - My understanding.  
435  
436 Mr. Branin - Ok. Were they a big builder in the 80s?  
437  
438 Mr. Baker- You know they've been at it for 60 years.  
439  
440 Mr. Branin - So, all of the elevations that you've brought forth are late 80s,  
441 early 90s.  
442  
443 Mr. Mackey - Yes.  
444  
445 Mr. Branin - So, are they just trying to enter the market with junk that they  
446 did before?  
447  
448 Mr. Baker - I don't think that was their intent. We submitted these for  
449 review and certainly there's a necessary discussion that needs to go along with that in  
450 terms about the perceived quality of those or design detail that's certainly something  
451 we've to the extent that we've received comments from staff we've tried to diligently  
452 address those and certainly to the extent that we get comments from you we would want  
453 to do the same.  
454  
455 Mr. Branin - Did you meet with the Commissioner?  
456  
457 Mr. Baker - Yes, my client did.  
458  
459 Mr. Mackey - Well, I'm talking about when we got these elevations until I  
460 see the elevations there's nothing really for me to talk about. The other issues like I said

461 were no brainers. We didn't have a problem with not wiring the generators. We would  
462 have agreed to lowering the density so that was no issue at all, but until I saw new  
463 elevations there's really nothing to talk about and I didn't think it would be that big of a  
464 disparity. It was quite, I'm going to be honest with you it was quite shocking when I saw  
465 it.

466  
467 Mr. Baker - We can certainly work with you.

468  
469 Mr. Mackey - Oh, we're going to have to, we're going to have to work. I don't  
470 think in my opinion that this is ready to go to the Board.

471  
472 Mr. Branin - No, we would eat that alive.

473  
474 Mr. Mackey - I wouldn't want them to feel like I just pushed this down the  
475 road at all.

476  
477 Mr. Baker - We want to respect that. That's certainly why we're here.

478  
479 Mr. Mackey - I wanted, you know, to get everything on record. I wanted it to  
480 be a meeting. I don't want you to feel like this is not an ambush or anything like that. I  
481 wanted everyone to see it and we go from there.

482  
483 Mr. Branin - Just for the record, so you know we have a fantastic staff.  
484 They're not the ones that vote.

485  
486 Mr. Baker - Absolutely.

487  
488 Mr. Mackey - Having said that, that's not saying that staff did anything  
489 wrong. They have a totally different job. I do think that this addressed the different  
490 variations of the elevations that you want but maybe not quite the style that we're looking  
491 for. That's our job. That is what we have to do as we represent the constituents of our  
492 district and everything.

493  
494 Mr. Baker - What you're saying makes sense. Even when you put a  
495 design together it meets the individual proffer requirement, materials, crawl space all sorts  
496 of things, when you add up the details, it's not what you're looking for. We're certainly  
497 willing to continue the conversation as something you'd want to see a continuance to  
498 address.

499  
500 Mr. Mackey - Yes, we definitely do. We'll be getting together, having a  
501 meeting, and kind of get a direction that we're looking to go in and talk about that.

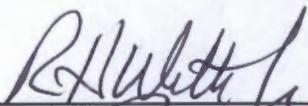
502  
503 Mr. Witte - Let's see if we have any opposition.

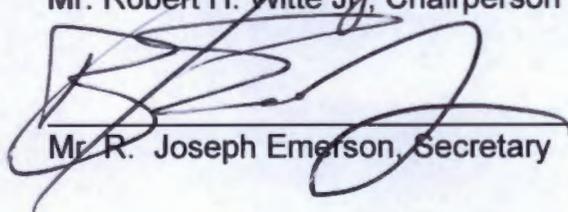
504  
505 Mr. Mackey - Absolutely.

506

507 Mr. Witte - Is there anyone on Webex to speak to this case?  
508  
509 Ms. Deemer - We have no one on Webex for this case.  
510  
511 Mr. Witte - Is there anyone in the audience who would like to speak to  
512 this case? I see none.  
513  
514 Mr. Mackey - I did have another question for Mr. Baker. One quick question.  
515 I feel confident. Do you think this is something we can get done in about 30 days?  
516  
517 Mr. Baker - I think we would involve the builder in the actual discussion  
518 and do that and if schedules allow for us to meet.  
519  
520 Mr. Mackey - Alright, that helps me. Thank you, sir. Alright, Mr. Chairman,  
521 I'm ready to make a motion.  
522  
523 Mr. Witte - You have the floor.  
524  
525 Mr. Mackey - Mr. Chairman, I move that REZ2023-00026, Harsh Thakker  
526 for Dorado Capital, LLC, be deferred to the October 12, 2023, meeting at the behalf of  
527 the Commission.  
528  
529 Mr. Archer - I second.  
530  
531 Mr. Witte - We have a motion by Mr. Mackey, second by Mr. Archer. All  
532 in favor say aye.  
533  
534 Commission - Aye.  
535  
536 Mr. Mackey - Opposed? Motion passes.  
537  
538 Ms. Moore - All right, that moves us to our last item on the agenda. That's  
539 the approval of minutes from the meeting on August 10, 2023. We do have an errata for  
540 this evening.  
541  
542 Mr. Witte - Is there any additional changes to the meeting minutes? Mr.  
543 Archer?  
544  
545 Mr. Archer - No, I have none.  
546  
547 Mr. Witte - We have one motion on Page 13, line 555. We eliminate the  
548 word Mackey and put the word Witte in. Anybody else? Do we have a motion?  
549  
550 Mr. Mackey - Yes, sir. I move that we accept the minutes from the August  
551 10, 2023 Planning Commission meeting with the corrections made from the errata sheet.  
552

553 Mr. Witte - Second.  
554  
555 Mr. Archer - Okay.  
556  
557 Mr. Witte - He took too long. We have a motion by Mr. Mackey, a second  
558 by Mr. Witte. All in favor say aye.  
559  
560 Commission - Aye.  
561  
562 Mr. Witte - Opposed? Motion passes.  
563  
564 Ms. Moore - Mr. Witte, I have no more business for you tonight.  
565  
566 Mr. Witte - Adjourned, thank you for coming.  
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\_\_\_\_\_  
Mr. Robert H. Witte Jr., Chairperson

  
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Mr. R. Joseph Emerson, Secretary