

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, November**
4 **10, 2022. Display Notice having been published in the Richmond *Times-Dispatch***
5 **on October 24, 2022, and October 31, 2022.**
6
7

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

17 **Also Present:** Ms. Jean Moore, Assistant Director
18 Mr. Ben Sehl, Senior Principal Planner
19 Mr. Seth Humphreys, County Planner
20 Mr. Mike Morris, County Planner
21 Mr. Livingston Lewis, County Planner
22 Mr. Brendan McDowell, County Planner
23 Ms. Molly Mallow, County Planner
24 Ms. Aimee Crady, County Planner
25 Ms. Kate McMillion, County Planner
26 Ms. Leslie News, Assistant Director
27 Mr. Paul Gidley, County Planner
28 Mr. Miguel Madrigal, County Planner
29 Mr. Justin Briggs, Henrico County Public Schools *
30 Mr. Billy Moffett, Police *
31

32 * (Virtually)
33

34 **Mr. Daniel J. Schmitt, the Board of Supervisors' representative, abstains on all**
35 **cases unless otherwise noted.**
36

37 Mrs. Thornton - Good evening, I'd like to call to order the monthly meeting of
38 November 10, 2022, for the Zoning meeting for the Planning Commissioners. Thank you,
39 guys, for joining us this evening. If you could please turn your cellphones off or put them
40 on vibrate and then stand with the Commission for the Pledge of Allegiance.
41

42 [Recitation of Pledge of Allegiance]
43

44 Mrs. Thornton - Is there anybody in the audience or on Webex that's from the
45 news media? Okay, it appears that we have all of our members here this evening and we
46 also have Mr. Schmitt from the Board of Supervisor's that sits with us on the Planning
47 Commission this year, but he resides, he can make comments on the, on each case,

48 sorry, but he will not vote. He will abstain from voting unless we've been advised. Okay,
49 I'd like to turn the meeting over to Mr. Emerson.

50
51 Mr. Emerson - Thank you Madam Chair. I'd like to join with Madam Chair and
52 welcome everyone to the Henrico County Planning Commission public hearing for
53 November 2022. This evening it is requested that all public comments be provided from
54 the lectern located in the rear of the room. For everyone who's watching the livestream
55 on the county website, you can participate remotely in the public hearings by following
56 these guidelines, which you should also be able to see on your screen. Go to the Planning
57 Department's meeting webpage at henrico.us/planning/meetings. Scroll down to Planning
58 Commission and click on Webex Event. Once you have joined the Webex Event, please
59 click the chat button in the bottom-right corner of the screen. Staff will send a message
60 asking if anyone would like to sign up to speak on an upcoming case. To respond, select
61 Michael Morris from the drop-down menu and send Mike a message. The Commission
62 does have guidelines for its public hearings. The applicant is allowed 10 minutes to
63 present the request and time may be reserved for responses to testimony. The opposition
64 is allowed a cumulative 10 minutes to present its concerns. Commission questions do not
65 count into the time limits. The Commission may waive the time limits at its discretion.
66 Comments must be directly related to the case under consideration. Commenters must
67 provide their name and address prior to speaking for the record as we keep verbatim
68 minutes. And, to clarify on the opposition being allowed a cumulative 10 minutes, that
69 means everybody that would like to speak on that issue needs to fit within that 10 minutes
70 but that can be extended, if necessary, by the Commission. Thank you again for your
71 participation and your interest in your community this evening. With that said we will begin
72 on our agenda with requests for withdrawals and deferrals. Those will be presented by
73 Mr. Ben Sehl.

74
75 Mr. Sehl - Thank you Mr. Emerson. Staff is aware of four deferral
76 requests this evening. The first is on page one of your agenda in the Brookland District.
77 This is REZ2022-00031 Rebkee Company.

78
79 **REZ2022-00031 Andrew M. Condlin for Rebkee Company:** Request to conditionally
80 rezone from R-4 One-Family Residence District, R-5C General Residence District
81 (Conditional), O-2C Office District (Conditional), and B-2C Business District (Conditional)
82 to B-2C Business District (Conditional) part of Parcels 772-749-3398 and 772-749-6261
83 containing 8.701 acres located on the west line of Staples Mill Road (U.S. Route 33)
84 approximately 300' south of Bremner Boulevard. The applicant proposes an automobile
85 filling station with a convenience store and carwash and general commercial use with drive-
86 thru. The uses will be controlled by zoning ordinance regulations and proffered conditions.
87 The 2026 Comprehensive Plan recommends Office and Suburban.

88
89 The applicant is requesting this item be deferred to the July 13, 2023, meeting.

90
91 Mrs. Thornton - Okay, is there anybody in the audience or on Webex that is
92 opposed to the deferral of REZ2022-00031, Rebkee Company? Okay.

93

94 Mr. Witte - All right, excuse me. Madam Chair, I move that REZ2022-
95 00031, Rebkee Company be deferred to the July 13, 2023, meeting at the request of the
96 applicant.

97
98 Mr. Baka - Second.

99
100 Mrs. Thornton - We have a motion by Mr. Witte a second by Mr. Mackey. All in
101 favor, say aye.

102
103 Commission - Aye.

104
105 Mrs. Thornton - All opposed? Motion passes.

106
107 Mr. Sehl - On page two of your agenda on the same property is
108 PUP2022-00019 also Rebkee Company.

109
110 **PUP2022-00019 Andrew M. Condlin for Rebkee Company:** Request for a
111 Provisional Use Permit under Sections 24-4205, 24-4315 and 24-2306 of Chapter 24 of
112 the County Code to allow a carwash and 24-hour operation on part of Parcels 772-749-
113 3398 and 772-749-6261 located on the west line of Staples Mill Road (U.S. Route 33)
114 approximately 300' south of Bremner Boulevard. The existing zoning is R-4 One-Family
115 Residence District, R-5C General Residence District (Conditional), O-2C Office District
116 (Conditional), and B-2C Business District (Conditional). B-2C Business District
117 (Conditional) zoning is proposed with REZ2022-00031. The 2026 Comprehensive Plan
118 recommends Office and Suburban Residential 2, density should not exceed 3.4 units per
119 acre. Most of the site is in the Enterprise Zone.

120
121 Again, the applicant is requesting a deferral to the July 13, 2023, meeting.

122
123 Mrs. Thornton - Okay, is there anybody in the audience or on Webex that is
124 opposed to the deferral of PUP2022-00019, Rebkee Company? Okay.

125
126 Ms. Mallow - There is no one on Webex for this case.

127
128 Mrs. Thornton - Thank you.

129
130 Mr. Witte - Madam Chair, I move that PUP2022-00019, Rebkee
131 Company, be deferred to the July 13, 2023, meeting at the request of the applicant.

132
133 Mr. Baka - Second.

134
135 Mrs. Thornton - We have a motion by Mr. Witte, a second by Mr. Baka. All in
136 favor say aye.

137
138 Commission - Aye.

139

140 Mrs. Thornton - Any opposed? Motion passes.
141
142 Mr. Witte - Can I see the sign? Somebody went through a lot of trouble.
143 Alright. Thank you.
144
145 Mr. Sehl - Also on page two of your agenda moving into the Varina
146 District is SIA2022-0001, Ironwood Renewables, LLC.
147
148 **SIA2022-00001 Ironwood Renewables, LLC - Solar Array:** The Department of
149 Planning has received a request from Ironwood Renewables, LLC to initiate a
150 Substantially In Accord study for a proposed solar array. The proposed site consists of
151 Parcel 832-697-5024 located on the south line of Charles City Road approximately 2,075'
152 east of Turner Road. The existing zoning is A-1 Agricultural District. The 2026
153 Comprehensive Plan recommends Prime Agriculture. The site is in the Airport Safety
154 Overlay District.
155
156 With this request, the applicant is asking for a deferral to the February 9, 2023, meeting.
157
158 Mrs. Thornton - Okay, is there anybody in the audience or on Webex that is
159 opposed to the deferral of SIA2022-00001 Ironwood Renewables, LLC? Anybody on
160 Webex?
161
162 Ms. Mallow - There is no one on Webex for this case.
163
164 Mrs. Thornton - Okay, thank you.
165
166 Mr. Mackey - Madam Chair, seeing no opposition, I move that SIA2022-
167 00001, Ironwood Renewables, LLC be deferred to the February 9, 2023, meeting at the
168 request of the applicant.
169
170 Mr. Witte - Second.
171
172 Mrs. Thornton - We have a motion by Mr. Mackey, a second by Mr. Witte. All
173 in favor say aye.
174
175 Commission - Aye.
176
177 Mrs. Thornton - Any opposed? Motion passes.
178
179 Mr. Sehl - Also on page two and on the same property is PUP2022-
180 00016
181
182 **PUP2022-00016 Adrian Ortlieb for Ironwood Renewables, LLC:** Request for a
183 Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County
184 Code to allow a solar array on Parcel 832-697-5024 located on the south line of Charles
185 City Road approximately 2,075' east of Turner Road. The existing zoning is A-1

186 Agricultural District. The 2026 Comprehensive Plan recommends Prime Agriculture. The
187 site is in the Airport Safety Overlay District.
188

189 Again, the applicant is requesting a deferral to the February 9, 2023, meeting.
190

191 Mrs. Thornton - Okay, is there anybody in the audience or on Webex that is
192 opposed to the deferral of PUP2022-00016, Ironwood Renewables, LLC? I assume no
193 one's on Webex?
194

195 Ms. Mallow - There is nobody on Webex for this case.
196

197 Mrs. Thornton - Thank you.
198

199 Mr. Mackey - Madam Chair, I move that PUP2022-00016, Ironwood
200 Renewables be deferred to the February 9, 2023, meeting at the request of the applicant.
201

202 Mr. Witte - Second.
203

204 Mrs. Thornton - We have a motion by Mr. Mackey and a second by Mr. Witte.
205 All in favor say aye.
206

207 Commission - Aye.
208

209 Mrs. Thornton - All opposed? Motion passes.
210

211 Mr. Emerson - Madam Chair, that completes the requests for withdrawals and
212 deferrals this evening. And, we have no requests this evening for expedited items so we
213 now will move into the regular agenda. The first two items will be presented together
214 however they will require separate motions. The first item is an Ordinance to Amend the
215 new Subdivision Chapter 19 of the Code of the County of Henrico to clarify, correct and
216 update its provisions and to implement actions of the 2022 General Assembly. And, also
217 accompanying it in this presentation is an additional Ordinance to Amend the New Zoning
218 Ordinance Chapter 24 of the Code of the County of Henrico to clarify, correct and update
219 its provisions and to implement actions of the 2022 General Assembly. The presentation
220 will be provided by Ms. Aimee Crady.
221

222 Ms. Crady - All right. I guess you don't have to ask for opposition so. All
223 right, well thank you and good evening. The new Zoning Ordinance and new Subdivision
224 Ordinance adopted last year replaced codes that have been in effect for over 60 years
225 and the new ordinance codified some well-established standards but also introduced
226 some brand-new features, such as planned development districts and form-based
227 overlays. And with that in mind, we anticipated that after giving the new code a spin for
228 about a year or so, adjustments were going to be warranted. So, these amendments
229 would enhance the new ordinances and improve the user experience.
230

231 Staff did receive some positive feedback, from both internal and external customers on
232 the new code and generally once they were acquainted with the new format, folks were
233 finding it easier to navigate, easier to understand than the old ordinance. And our internal
234 Permit Center staff have been finding it easier to explain the new regulations to their
235 customers, and our inspectors are finding it easier to do enforcement action based on it.
236 So, that's been good feedback for us.

237
238 And even with that there's always room for improvement. With fine-tuning being the goal,
239 we've identified some areas where language could be more concise and consistent
240 throughout the code. There are also a few places in the code where a cross-reference
241 would be really helpful. So, since every parcel of land and every development proposal
242 is unique, in implementing some of the new regulations in a variety of projects, we found
243 minor adjustments could make provisions more workable and yield more predictable
244 outcomes. And of course, there were a few typos, punctuation issues, and footnotes that
245 needed some cleaning up so those are falling under the housekeeping items.

246
247 Here are a few examples of the clarifications included in the code. The first one here,
248 there's a difference between saying "any front lot line" versus "any public right of way."
249 So, depending on the circumstance, you know a front lot line is typically along a public
250 right-of-way, but the exact reference point can matter depending on a multitude of factors.
251 Sometimes you have a private driveway, you know, so the terminology does matter. So,
252 we found a few areas where clarification was needed there. Another example is how we
253 apply parking ratios. Most of your uses are going to have a floor area or building but some
254 don't, so to apply parking ratios to those uses we are going to add the, we propose to add
255 the principal activity area to the terminology. There's also the temporary modular buildings
256 note here there's some areas of the code where we found the wording of some of the
257 provisions could be interpreted in such a way that is contrary to what our intent was.
258 Sometimes more restricted than it was before. So, we wanted to clarify some of those.
259 The code is currently written to allow only temporary, to allow temporary modular
260 buildings only when there are active plans for expansion in process but there are other
261 circumstances where a temporary modular building can be appropriate subject to the
262 temporary use permit process.

263
264 We also found a few examples where the provisions in the old zoning ordinance were not
265 quite translated correctly, or portions were not completely transferred to the new
266 ordinance. So, we've proposed a few text changes to restore those provisions to continue
267 business as usual. The definitions from the old sign ordinance were one example that
268 needed to be added to Article 8. The Westwood Redevelopment Overlay District has
269 specific height limitations that need to be added back in. The Innsbrook Redevelopment
270 Overlay District has different minimum acreage requirements from other mixed-use
271 development types and areas so those requirements would be restored in Article 3,
272 Division 7, in the Overlay Districts section. In keeping with the previous code, the assisted
273 living facilities would require a PUP in R-5 but should also be allowed by right in R-6 in
274 accordance with the old code. And for stem lots, we need to clarify that the area of the
275 stem portion of the lot does not apply to the minimum acreage requirement for purposes
276 of lot area. So, these are the requirements from the old ordinance that we did not intend

277 to change with the 2021 code, and we need to clarify that they still apply as they always
278 did.

279
280 Periodically we need to update ordinances to implement new state laws. An example here
281 is where the General Assembly changed state laws regarding solar farms and energy
282 storage projects after the new ordinance was adopted or after it was drafted probably
283 after adopted. Those will now require siting agreements, which would actually supersede
284 our older requirements for SIAs. So, we need to amend the Zoning Ordinance to account
285 for those changes and also to add a reference to fire protection standards for energy
286 storage projects.

287
288 The adopted Ordinance also includes new regulations regarding lighting, outdoor lighting.
289 Prior to the new zoning ordinance, the County enforced lighting requirements by way of
290 conditions of development approval, but without codified lighting standards for guidance.
291 We have received some feedback on the lighting section of the ordinance and as we've
292 applied the new code to the development applications, we found that the lighting levels
293 required by the new code are actually a bit higher than the national standard. This is
294 particularly relevant where a new development may abut an existing residential
295 neighborhood. Our primary concern is striking a balance between requiring enough light
296 for safety without creating a situation where excessive light might become a problem for
297 the adjacent property owner. We have communicated with the development community
298 and given much consideration to the input we've received. We propose this amendment
299 to include fine-tuning of the lighting level standards listed in Article 5 which will better align
300 with standards of lighting we've successfully applied prior to the new ordinance.
301 Maintaining a safe, adequate level of lighting for Henrico pedestrians and patrons of our
302 business establishments remains a high priority. Should the proposed amendment not,
303 should the proposed amendment with lighting levels not suit every situation that arises,
304 the proposed amendment also clarifies that alternative lighting plans may be reviewed by
305 the Director of Planning on a case-by-case basis for unique circumstances, to either
306 reduce or enhance the lighting. So, that is recommended to be built in.

307
308 Screening requirements for uses such as outdoor storage were also enhanced with the
309 new code. Currently, some of the requirements for visual screening are listed under use-
310 specific requirements, while others are listed in general development standards, which
311 apply to all new projects. We have found that having the requirements in two different
312 places has caused a little bit of confusion and we propose listing all the screening
313 requirements in one place: in Article 5, using consistent language throughout, and then
314 providing cross-references to that point in the use-specific standards back to the
315 screening section. So, this should make the code easier for our customers to navigate
316 and to understand.

317
318 There are new provisions for tree protection and replacement that are featured in the
319 ordinance currently. Some aspects of this section were left a bit too open-ended to
320 implement, and more detail was needed to address various situations as we navigated
321 through the development proposals so now that we have more experience with these
322 provisions, we would like to include more guidance, such as better defining what counts

323 as a protected tree, and under what standards and circumstances they must be replaced.
324 And one example, we needed to provide clarity on what to be done if a tree was removed
325 or if a group of trees were removed but we didn't have any evidence or idea what was
326 taken out or how big they were. So, the new amendment proposes that kind of guidance.

327
328 The open space requirement was a brand-new code section in 2021. This provision was
329 intended to apply not only to commercial, office, and industrial sites, but also to residential
330 subdivisions. However, when applied to a very small subdivision, we realized that the
331 maintenance of open space could be a substantial burden on an HOA with very few
332 households. We propose text to clarify that this requirement applies to residential
333 subdivisions of more than 50 lots. And the reason for that being, 50 lots is a threshold
334 that would trigger the preliminary plat process and that allows staff and the applicant to
335 evaluate the location and allocation of open space earlier in the development process
336 and more comprehensively in context of the bigger development.

337
338 So, while the amendments to the Subdivision Ordinance were few, mostly because it's a
339 much shorter chapter of the code, The General Assembly did pass a new law this year
340 that affects both the Zoning and the Subdivision Ordinances. The state law now provides
341 that certain court-ordered property divisions and boundary line adjustments are exempt
342 from subdivision review and can supersede the requirements of the Subdivision and the
343 Zoning Ordinance. We have recommended changes to both ordinances to address this
344 new state law appropriately. So, those are included in this package.

345
346 One other notable change to the Subdivision Ordinance applies to family subdivisions
347 with private drives. The new Subdivision Ordinance authorized the County Engineer to
348 modify or waive the requirement for paving the private drives. Several requests for
349 modifications have been received, and after discussing the matter with various agencies
350 such as Public Works, Division of Fire, and others, we recommend modifying the
351 ordinance to require six inches of compacted stone, rather than always requiring asphalt
352 pavement. In addition to cost savings for the family subdivider, this option has less
353 environmental impact as well. And then all of the other changes in the Subdivision
354 Ordinance are generally in the "Housekeeping" category – so, typos and formatting.

355
356 The Commission was provided a complete draft of the amendments following the work
357 session. Advertisements for these amendments were published on October 24th and
358 31st. Approximately 300 email addresses collected during the code update process
359 were notified. And then, we were contacted by a handful of individuals, including some
360 internal and external staff, with various questions. During this period, we also did receive
361 general inquiries and requests including topics unrelated to the matters tonight so we've
362 communicated to the interested parties and made note of these issues and I'll reiterate
363 now that the primary objective of this amendment is not to introduce new policy or to
364 counter any policy decisions, it's to clarify what is in the code, clean up the code text, and
365 to calibrate some of the new tools that we already have in the code now. At this point, as
366 this is a public hearing, I can take any questions that you have, and I have some subject
367 matter experts here from our department as well.

368

369 Mrs. Thornton - Does anybody have any questions for Aimee?

370

371 Mr. Baka - I have one question Madam Chairman. One question about
372 lighting. You mentioned, I believe, I think you had mentioned that the lighting standards
373 that were adopted in the Henrico Ordinance change recently that we're reviewing now
374 that they would actually be different from the national standards. My questions deals with
375 light at the perimeter or the property line. So, does the proposed ordinance change here
376 in October, November 22 does this, are there any changes that would affect the amount
377 of light, the maximum amount of light, at the property line, how we measure that and how
378 many footcandles on the property line, or is that staying the same?

379

380 Ms. Crady - That will stay the same as far as the spillover effect. There's
381 two different parts of the code to address that. One is when you're adjacent to a right-of-
382 way and one is to an adjacent property that isn't a right-of-way. So that's not factored in
383 these changes. What is factored is the minimum averages throughout the focus areas.
384 So, you would need to achieve the average minimums but while also not spilling over
385 above what is provided in the code so that's still the same.

386

387 Mr. Baka - Okay, thank you.

388

389 Mrs. Thornton - Anybody else? Okay, so just to clarify something this is
390 something that I think is intriguing. So, if I type the word, "screening" in then it would take
391 me to the one section instead of. You know that's what we were talking about in the work
392 session. So, if I type in you know, "trash screening" it will take me all the way to screening?

393

394 Ms. Crady - In the PDF you're going to get a result of everywhere that the
395 word, "screening" is in it but it's going to scroll through and most of what you're going to
396 see is telling you is to go to 5311 where "screening" is. You'll eventually get there.

397

398 Mrs. Thornton - Yeah, this is improvement of key words or if you don't use the
399 exact word, we might want to use it will take you to that area.

400

401 Ms. Crady - Some there are some cross-references that say, "see this" if
402 the terminology is not quite correct you might have to get a little bit intuitive, you know, or
403 a little more experienced, but we are still working regular hours so if you really can't find
404 something the public can call us and we'll get it to them.

405

406 Mrs. Thornton - Okay, I think that will be helpful.

407

408 Ms. Crady - Yeah, having the PDF searchable has been amazing.

409

410 Mrs. Thornton - Yes, okay.

411

412 Ms. Crady - All right, well, next steps would be to make a recommendation.
413 We'd need two separate motions.

414

415 Mrs. Thornton - Okay. Is there anybody here that would like to ask any
416 questions or make a comment or anybody on Webex?
417

418 Ms. Mallow - There is nobody on Webex for this case.
419

420 Mrs. Thornton - Okay. Is there anybody in the audience that would like to ask
421 any questions or would like to speak? Ok, thank you, Aimee.
422

423 Ms. Crady - Thanks.
424

425 Mr. Archer - Any discussion from the Planning Commission? Okay, then
426 with that Madam Chair I move that we recommend approval of the revisions to the Sub-
427 division Ordinance titled, Ordinance to Amend the New Subdivision Ordinance Chapter
428 19 of the Code of the County of Henrico to clarify, correct and update its provisions and
429 to implement actions of the 2022 General Assembly of Virginia.
430

431 Mr. Baka - Second.
432

433 Mrs. Thornton - Okay. We have a motion by Mr. Archer, a second by Mr. Baka.
434 All in favor say aye.
435

436 Commission - Aye.
437

438 Mrs. Thornton - All opposed? Motion passes.
439

440 Mr. Archer - All right. And, as for Chapter 24, I move that we recommend
441 approval of the revisions to the Zoning Ordinance titled, Ordinance to Amend the New
442 Zoning Ordinance Chapter 24 of the Code of the County of Henrico to clarify, correct and
443 update its provisions and to implement the actions of the 2022 General Assembly.
444

445 Mr. Baka - Second.
446

447 Mrs. Thornton - We have a motion by Mr. Archer, a second by Mr. Baka. All in
448 favor say aye.
449

450 Commission - Aye.
451

452 Mrs. Thornton - Any opposed? Motion passes.
453

454 Mr. Emerson - Madam Chair, we now move to page two of your agenda for
455 REZ2022-00034, Dorado Capital, LLC.
456

457 **REZ2022-00034 Dorado Capital, LLC:** Request to amend proffers accepted with C-
458 49C-07 on Parcel 833-718-6524 located on the south line of Meadow Road at its
459 intersection with Chartwood Drive. The applicant proposes to amend proffers regarding
460 entrance features, age restriction, house foundations, driveways, and internal streets.

461 The existing zoning is R-5AC General Residence District (Conditional). The 2026
462 Comprehensive Plan recommends Suburban Residential 1, density should not exceed
463 2.4 units per acre and Environmental Protection Area. The site is located in the Airport
464 Safety Overlay District.

465
466 The staff report will be presented by Mr. Brendan McDowell.

467
468 Mrs. Thornton - Hi, how are you?

469
470 Mr. McDowell - Good, how are you?

471
472 Mrs. Thornton - Nice to see you back. Is there anybody in the audience or on
473 Webex that would like to speak to this case? Anybody on Webex?

474
475 Ms. Mallow - There is nobody on Webex for this case.

476
477 Mrs. Thornton - Okay, thank you. Okay, thank you.

478
479 Mr. McDowell - Thank you, Madam Chair, members of the Planning
480 Commission. As mentioned, this is a request to amend proffers accepted with rezoning case
481 C-49C-07 regarding age-restriction, entrance features, architectural treatments,
482 driveways, and private streets. The site was rezoned from A-1 Agricultural District to R-
483 5AC General Residence District (Conditional) via Rezoning case C-49C-07 to allow a
484 residential development of up to 50 detached single-family homes.

485
486 The original request required the development to be constructed as an age-restricted
487 community with private roads. The applicant proposes to remove Proffer #4 to eliminate
488 the age-restriction requirement and to allow the development to be built with public roads
489 by revising Proffer #20. With the proposed public roads, the applicant also wishes to
490 amend the entrance feature, Proffer #3, by removing the security gate, guardhouse, and
491 landscaping which was proposed to limit access to residents and their guests.

492
493 Revised Proffer #5 would require all foundations of homes to be constructed on crawl
494 space foundations and the final proffer or the final proposed change regarding driveways
495 would be updated to include smooth concrete along with the originally proposed stamped
496 concrete.

497
498 In addition to the proffers noted above, the site would be required to be developed in
499 general conformance with the proffered concept plan and architectural elevations
500 originally accepted with C-49C-07. Other proffers that would continue to govern the site
501 address items such as minimum square footage, density, sound suppression, entrance
502 features, C-1 zoning in flood plain areas, potential archeological study, and a pocket park.
503 The site is designated Suburban Residential 1. The residential use and proposed density
504 of 1.67 units per acre are consistent with this designation.

505

506 Staff believes the proffer amendments would not greatly impact the overall development,
507 which would still be compatible with adjacent residential properties, while minimizing
508 adverse impacts on public facilities and adjacent properties. For these reasons, staff
509 supports this request. This concludes my presentation. I am happy to answer any
510 questions you may have at this time.

511
512 Mrs. Thornton - Thank you. Does anybody have any questions for staff?

513
514 Mr. Mackey - No, Madam Chair.

515
516 Mrs. Thornton - Okay. We don't have anybody that would like to speak to this
517 case.

518
519 Mr. Mackey - I would just like to hear from the applicant because I have a
520 couple questions.

521
522 Mrs. Thornton - Alright, yes, thank you.

523
524 Mr. Baker - Madam Chair, members of the Commission. I'm Mark Baker
525 with Baker Development Resources. I'm here on behalf of Dorado Capital and of course
526 this is a proffer amendment for what was the Meadow Springs Run Subdivision. I want to
527 thank staff for the report and for the presentation and all their assistance throughout the
528 process. So, this request asks for removal of 55+ age requirement. The case was
529 approved originally in 2007 there was a subsequent additional sub-division approved in
530 2009 and thirteen years later the property still remains undeveloped. And I think that site
531 just hasn't gained the traction that was originally anticipated. Obviously, the 2008
532 recession had a big part in that. As the market returned and certainly flourished since
533 then there still hasn't been an interest in that 55+ product at this location. You know it's
534 hard to say exactly why. It could be the level of service in the area, it could be the proximity
535 to the airport or some other market factor. But, at the end of the day I think the staff points
536 out rightly that without the restriction the community is still consistent with the comp plan
537 in terms of the future land use recommendation. It also remains consistent with a number
538 of other goals and objectives. The idea of a sensitive infill of a vacant parcel; the idea of
539 encouraging growth where there is existing infrastructure and promoting high quality
540 community identity as well as aesthetics. So, the goal here is to develop a quality
541 subdivision that's consistent with the original approval on all other respects, just not age
542 restricted in this case. So, this is going to be very similar to the next case. So, if you can
543 bear with me. There are five proffers that are impacted here. Number four is the actual
544 removal of the age restriction, number three eliminates the security gate and the guard
545 house which is an element that's more associated with an age restricted community than
546 a not-age restricted community. Number five eliminates the potential for a slab foundation.
547 It actually requires a crawlspace. It wouldn't preclude the idea of a basement but from a
548 quality perspective that's actually an improvement. Number nine would provide the ability
549 to use smooth concrete as one of the alternatives for driveway materials. And number 20
550 allows for public rather than private streets and so as staff notes that all the proffers would
551 remain in place, and I would continue to provide for a quality development with the same

552 protections for future residents as well as neighbors that exist today under the current
553 case. I'll take any questions you might have, or I'll try to answer any questions you might
554 have.

555
556 Mr. Mackey - Did anybody have any questions?
557

558 Mr. Witte - I'm going to ask just because I don't know. The plat on the
559 screen shows what appears to be two, let's say alleys but the other plat doesn't show any
560 alleys. It shows it with parks.

561
562 Mr. Baker - So, there's a requirement for a park within the...

563
564 Mr. Witte - There is?

565
566 Mr. Baker - They call them a...I'm sorry?

567
568 Mr. Witte - Pocket parks.

569
570 Mr. Baker - Yeah, that's right. For this particular case there is a
571 requirement for a pocket park. And I do believe this case specifically speaks to alleys.

572
573 Mr. Witte - I understand that but is it...

574
575 Mr. Baker - ...concept plan.

576
577 Mr. Witte - Is it going to look like the one on the string with the two alleys?

578
579 Mr. Baker - Well, I think the goal would be to and I think staff has it in their
580 presentation, the conditional subdivision layout that was, that was approved.

581
582 Mrs. Thornton - That's the one you're looking at.

583
584 Mr. Witte - That one?

585
586 Mrs. Thornton - Yeah.

587
588 Mr. Witte - So, that's the actual one? Right there? With the pocket park?

589
590 Mr. Baker - That's the one that was approved conditionally.

591
592 Mr. Witte - Alright, thank you.

593
594 Mr. Baker - Thank you.

595
596 Mr. Mackey - I had a couple of questions.

597

598 Mrs. Thornton - Oh, you go ahead.
599
600 Mr. Mackey - Well, you answered the first question I wanted to know why
601 you had decided to go away from the age restriction, but I understand what you're saying
602 about the market. I can respect that. In respect to the security gate. Can we go back to
603 that slide please?
604
605 Mr. Witte - It's still got alleys in there.
606
607 Mr. Mackey - Are you keeping the signage where it says, Meadow Spring
608 on the sign?
609
610 Mr. Baker - The language only, so that proffer the language in that proffer
611 that relates to the entrance feature. The only thing that was eliminated was the just the
612 gate and the guardhouse.
613
614 Mr. Mackey - Okay, so just the middle part.
615
616 Mr. Baker - That's right.
617
618 Mr. Mackey - That does look nice.
619
620 Mr. Baker - Yes, it will still have the same feel it's just not going to have
621 the gatehouse and the gates themselves.
622
623 Mr. Mackey - Okay. Those are the only questions I had.
624
625 Mrs. Thornton - I just had a question? Is every house going to have a garage?
626
627 Mr. Baker - Yes, that's the intent. Yes.
628
629 Mrs. Thornton - Okay, I don't know if that's proffered in there.
630
631 Mr. Mackey - I think I saw that somewhere.
632
633 Mr. Witte - ...80%.
634
635 Mr. Baker - There's a proffer about garage location. I don't know that it
636 that's every house. The majority of houses are required to have it by virtue of the proffers
637 but not every.
638
639 Mrs. Thornton - I was just curious because with your elevations in the back
640 they're all unique and I like their architect and style and then you threw in like a two-story
641 one with a garage. It was just out of placement. It just caught my eye.
642

643 Mr. Baker - Those would have been proffered by a previous owner and
644 developer and we'll have to maintain consistency with those throughout but that doesn't
645 mean that we have to do a two-story model. They have some ones and one and a half's
646 in there as well.
647
648 Mrs. Thornton - Right. With a minimum of 1300' square feet that would be a
649 one story. Okay.
650
651 Mr. Witte - I'm going to ask one more thing. The new proffers number 13
652 has still got the alley system in there, but it doesn't appear to be an alley on the plat.
653
654 Mr. Baker - I think that's, I believe that's the other case that's coming up if
655 I'm not mistaken.
656
657 Mr. Witte - Maybe I'm looking at the wrong one. I'm looking at thirty...
658
659 Mr. Mackey - Five.
660
661 Mr. Baker - Let me pull up the actual strike-through.
662
663 Mrs. Thornton - That would be Mr. Witte.
664
665 Mr. Mackey - Yes, that is in 35.
666
667 Mrs. Thornton - You're on 34. This one.
668
669 Mr. Witte - Yes.
670
671 Mrs. Thornton - Okay. Anybody else have any questions?
672
673 Mr. Mackey - I'm ready to make a motion.
674
675 Mrs. Thornton - Okay.
676
677 Mr. Mackey - Madam Chair I move that. Well, first I'd like to make a
678 comment. I obviously didn't have anything to do with this case but my compliments to
679 everyone who worked on this case. It's a nice-looking case. I was impressed when I
680 looked through it and everything. I definitely don't think that any of the stricken proffers
681 will be a detriment to the community going forward. So, having said that Madam Chair, I
682 move that we recommend approval of REZ2022-00034, Dorado Capital, LLC with the
683 proffers in the staff report dated September 27, 2022.
684
685 Mr. Archer - Second.
686
687 Mrs. Thornton - Okay, we have a motion by Mr. Mackey, a second by Mr.
688 Archer. All those in favor say aye.

689 Commission - Aye.

690
691 Mrs. Thornton - Any opposed? Motion passes.

692
693
694 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Archer,
695 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
696 Supervisors grant the request because it would permit development of the land for
697 residential use in an appropriate manner and the proffers continue to assure a quality
698 form of development with maximum protection afforded the adjacent properties.

699
700 Mr. Emerson - Madam Chair, we now move on to the next case which also
701 appears on page two of the agenda. It is a companion case essentially to this, but it is a
702 separate case.

703
704 **REZ2022-00035 Dorado Capital, LLC:** Request to amend proffers accepted with C-
705 62C-05 on Parcels 832-718-1235 and 832-719-2212 located on the south line of Meadow
706 Road approximately 880' west of its intersection with Chartwood Drive. The applicant
707 proposes to amend proffers regarding age restriction, house foundations, and
708 homeowners' association. The existing zoning is R-5AC General Residence District
709 (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 1,
710 density should not exceed 2.4 units per acre, and Environmental Protection Area. The
711 site is located in the Airport Safety Overlay District.

712
713 The staff report will be presented by Mr. Brendan McDowell.

714
715 Mrs. Thornton - Good evening.

716
717 Mr. McDowell - Good evening.

718
719 Mrs. Thornton - Welcome back. Is there anybody here who would like to speak
720 to the case or on Webex?

721
722 Ms. Mallow - There is nobody on Webex for this case.

723
724 Mrs. Thornton - Okay, thank you.

725
726 Mr. McDowell - Alright, thank you, Madam Chair, members of the Planning
727 Commission. As mentioned, this is a request to amend proffers accepted with rezoning case
728 C-62C-05 regarding age-restriction, house foundations, and homeowners' association
729 bylaws. This case has the same applicant and is very similar to the previously heard
730 proffer amendment case. They are located almost directly next to one another. The
731 original approval for this case happened in 2005 prior to the previous case.

732
733 The site was rezoned to R-5AC General Residence District (Conditional) via Rezoning
734 case C-62C-05 to allow a residential development for up to 48 detached single-family

735 homes. The original request required the development to be constructed as an age-
736 restricted community. The applicant proposes to remove Proffer #2 to eliminate the age-
737 restriction requirement along with the language regarding the age restriction in the
738 homeowners' association bylaw requirements in Proffer #8. The final proposed change
739 regarding Proffer #6 would require all homes to be constructed on crawl space
740 foundations.

741
742 In addition to the proffers noted above, the site would be required to be developed in
743 general conformance with the proffered concept plan and architectural elevations
744 originally proposed with C-62C-05. Other proffers that would continue to govern the site
745 address minimum house size, density, sound suppression, buffers, C-1 Zoning in flood
746 plains, etc.

747
748 The site is designated Suburban Residential 1. The residential use of the site and
749 proposed density of 2.03 units per acre are consistent with this designation.

750
751 Staff believes the proffer amendments would not greatly impact the overall development
752 which would still be compatible with adjacent residential properties while minimizing
753 adverse impacts on public facilities and adjacent properties. For these reasons, staff
754 supports this request. This concludes my presentation. I am happy to try to answer any
755 questions you may have at this time.

756
757 Mrs. Thornton - Okay, thank you. Does anybody have any questions for staff?
758 Would you like to hear from the applicant?

759
760 Mr. Mackey - I...if you would like to hear from him.

761
762 Mrs. Thornton - Does anybody have any questions? I was just curious why
763 they didn't put them together? Make one big neighborhood with a park between them.

764
765 Mr. Mackey - Oh, yeah. Mr. Baker, you can go ahead to the lectern.

766
767 Mr. Emerson - There's some significant environmental features...

768
769 Mrs. Thornton - That's why I said there's a lot of EPA...

770
771 Mr. Baker - Am I here for questions or do you want me to go ahead and
772 ...

773
774 Mr. Mackey - Well, I, if you have specific questions.

775
776 Mrs. Thornton - Do you have any questions?

777
778 Mr. Baker - I'm Mark Baker from Baker Resources just for the records.

779

780 Mr. Baka - Thank you Mr. Baker. I have a question. The Comp Plan
781 shows as SR1 but the zoning uses are industrial and commercial are there...you consider
782 that the two properties which are being developed separately are they able to be...should
783 that land become available in the middle would there be opportunities in the future land
784 use plan and the comprehensive plan in the long run to combine the properties or?
785

786 Mr. Baker - Yeah. I think that would be obviously ideal in the future. And
787 you'll see, it's not uncommon to see it there, in this layout that's being shown by staff, the
788 notion of stubbing out to allow for future connection if it were to become available but
789 that's not something he's had the opportunity to purchase at this time.
790

791 Mr. Baka - Are there any existing industrial/commercial uses on those?
792

793 Mr. Baker - So, on that A-1 piece. That middle, that's one piece of property
794 in between there. And you have A-1 at the top which was to the north and then you have
795 M-1 and -1C on either side of the C-1 portion of the parcel. There is a single-family up in
796 the A-1 parcel. I think the rest of that is vacant. If you look at the aerial it's substantially
797 wooded as well.
798

799 Mrs. Thornton - Mm Hmm.
800

801 Mr. Emerson - Mr. Baka, the two R-5A pieces that you're looking at on the
802 map at the time of the original rezoning I believe both were zoned industrial and you'll
803 note the manufactured home park is M-1 as well and M-2. So, the Comprehensive Plan
804 had changed, I think after the rezonings of these properties, as far as the designations if
805 I remember correctly. So, there's a long history to these of course.
806

807 Mr. Baka - Thank you Madam Chair.
808

809 Mrs. Thornton - Okay. Does anybody else have anything that they would like
810 to ask?
811

812 Mr. Mackey - Thank you Mr. Baker.
813

814 Mrs. Thornton - Thank you.
815

816 Mr. Mackey - Madam Chair, I move that we recommend approval of
817 REZ2022-00035, Dorado Capital, LLC with the proffers in the staff report dated
818 September 27, 2022.
819

820 Mr. Baka - Second.
821

822 Mrs. Thornton - We have a motion by Mr. Mackey, and a second by Mr. Baka.
823 All if favor say aye.
824

825 Commission - Aye.

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Mrs. Thornton - Any opposed? Motion passes.

REASON: Acting on a motion by Mr. Mackey, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would permit development of the land for residential use in an appropriate manner and the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties.

Mr. Emerson - Madam Chair, we now move on to the next item on your agenda which appears on page three and that would be the consideration of approval of the minutes from the Planning Commission work session and regular meetings of October 13, 2022, and we have no errata sheet.

Mrs. Thornton - Okay. Does anybody have any changes to the minutes?

Mr. Mackey - I don't.

Mr. Archer - Seeing that there are no changes I move that the meeting minutes of the work session of the meeting October 13, 2022, be approved as written.

Mrs. Thornton - Okay.

Mr. Baka - Second.


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

Commission - Aye.

Mrs. Thornton - Any opposed? Motion passes.

Mr. Emerson - Madam Chair, I have nothing further for the Commission this evening.

Mrs. Thornton - Okay, well thank you so much. 7:45.



Mrs. Melissa L. Thornton, Chairperson



Mr. R. Joseph Emerson, Secretary