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MINUTES

**LOUDOUN COUNTY PLANNING COMMISSION WORK SESSION**

**SEPTEMBER 8, 2022**

At a work session of the Planning Commission of Loudoun County, Virginia, held at the County Government Center in the Board of Supervisors' Meeting Room, 1 Harrison Street, S.E., Leesburg, Virginia on Thursday, September 8, 2022, at 6:00 PM.

Present: Forest Hayes, Chair, At-Large  
Jeff Salmon, Vice Chair, Dulles District (Arrived at 8:08 PM)  
Ad Barnes, Leesburg District  
Eric Combs, Ashburn District  
Michelle Frank, Broad Run District  
Jane Kirchner, Algonkian District  
John Merrithew, Sterling District  
Mark Miller, Catoclin District  
Roger Vance, Blue Ridge District

Webcast of this meeting is available via the following link:  
[https://loudoun.granicus.com/player/clip/7048?meta\\_id=215519](https://loudoun.granicus.com/player/clip/7048?meta_id=215519)

### **Call to Order**

Chair Hayes called to order the meeting. He wanted to remind everyone that the meeting is a work session and there is no opportunity for public comment.

The Chair's full opening remarks are available at the following link:  
[https://loudoun.granicus.com/player/clip/7048?meta\\_id=215519](https://loudoun.granicus.com/player/clip/7048?meta_id=215519)

### **Adoption of Previous Meeting Minutes**

Commissioner Combs moved that the Planning Commission approve the Loudoun County Planning Commission Work Session Minutes for July 14, 2022, and July 20, 2022, as presented. (Seconded by Commissioner Frank. The motion passed 8-0-1: Vice Chair Salmon absent for the vote.)

### **Disclosures**

#### Commissioner Combs

- September 6 – Virtual meeting with Michael Romeo, Angela Rassas and Mark Simms representing Toll Brothers to discuss the airport impact overlay zone.

Commissioner Frank

- September 7 – Zoom call with Tony Calabrese and applicant representatives regarding the Loudoun Station application and the Rivana application.

Commissioner Kirchner

- September 2 – Virtual meeting with Michael Romeo, Angela Rassas and Mark Simms representing Toll Brothers to discuss the airport impact overlay zone.

Commissioner Miller

- July 13 – Met with Chris Garland regarding the Dulles Landing project.
- July 20 – Met with Taylor Chess and John Peterson with Peterson Companies regarding various projects in Loudoun County.
- August 5 – Met with Chris Garland regarding the Dulles Landing project.
- August 15 – Met with Steve Schulte with Brambleton Group and Colleen Gillis regarding Brambleton Group projects.
- August 17 – Sat in on a community meeting with neighbors regarding Village of Clear Springs and Hobie Mitchel’s project
- September 8 – Call with Scott York representing Dulles regarding the airport impact overlay district.

**Work Session Items**

1. Solar Project at Washington Dulles International Airport, ZOAM-2022-0002 & ZMAP-2022-0011

Mark Stultz with the Department of Planning and Zoning, presented an overview to the Commission to consider amendments to the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) and the Loudoun County Zoning Map to permit Dominion Energy to establish a utility-scale solar generation and storage project at Washington Dulles International Airport (Solar Project).

Planning Commission Requests/Comments:

Commissioner Frank moved that the Planning Commission forward ZOAM-2022-0002, included as Attachment 1 to the September 8, 2022, Planning Commission Work Session Memorandum, to the Board of Supervisors with a recommendation of denial based on maintaining the current Zoning Ordinance. (Seconded by Commissioner Vance. The motion passed 6-2-1: Commissioners Merrithew and Miller opposed; Vice Chair Salmon absent for the vote.)

Commissioner Frank moved that the Planning Commission forward ZMAP-2022-0011, included as Attachment 2 to the September 8, 2022, Planning Commission Work Session Memorandum, to the Board of Supervisors with a recommendation of approval. (Seconded by Commissioner Miller. The motion passed 6-2-1: Commissioners Barnes and Kirchner opposed; Vice Chair Salmon absent for the

vote.)

The full discussion can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7048?meta\\_id=215532](https://loudoun.granicus.com/player/clip/7048?meta_id=215532)

## 2. Zoning Ordinance Rewrite, ZOAM-2020-0001

Judi Birkitt with the Department of Planning and Zoning, presented information regarding the text being developed for solar facilities in the Draft Zoning Ordinance and sought input from the Commission. regarding the draft text the Commission will consider at a future public hearing.

Planning Commission Requests/Comments:

Chair Hayes:

- expressed support for small scale solar facilities on farms to help property owners retain their farms. Chair Hayes recommended that Commissioners visit a small-scale solar facility on a farm and that a solar expert speak to the Commission; and
- requested that staff provide additional information regarding the smallest acres needed for a solar facility to generate enough energy to sell to an off-site user.

Commissioner Frank:

- requested that staff clarify the solar facility definitions; and
- requested that staff review the possibility of allowing solar facilities in other zoning districts [in addition to industrial zoning districts].

Commissioner Kirchner:

- expressed concerns regarding allowing solar facilities in small scale areas and over retention ponds;
- requested that staff look at the reality of solar alongside habitat and wildlife corridors; and
- requested that staff clarify the twenty-foot height limitation applies only to ground mounted panels.

Commissioners Kirchner and Merrithew:

- expressed support for solar facilities on a rooftop parking canopy and selling the excess power to the grid;
- requested that staff revisit setbacks and lot coverage for small scale solar; and
- requested that staff clarify that site-specific solar does not preclude net metering. Define net metering.

Commissioner Barnes requested that staff not use the term "solar farms" as it suggests solar belongs on a farm.

Commissioner Vance requested that staff consider a solar facility overlay district. Commissioners Combs and Salmon requested that staff review the possibility of a three-tiered approach with an in-between small scale solar facility, such as if a group of neighboring property owners joined together to build a facility for their collective need and how that would be regulated.

Commissioner Miller:

- requested that staff draft specific criteria for solar facilities such as proximity to other solar facilities;
- requested that staff clarify whether a solar facility can cross property lines and if a solar facility must be contiguous or on adjacent parcels; and
- requested that staff clarify the difference between a residence that is "off the grid" and stores energy onsite and a residence that has solar and is still on the grid.

Vice Chair Salmon requested that staff provide the Commission a sample solar ordinance, or the best example solar ordinance, from other jurisdictions.

No action was taken on this item.

The full discussion and questions can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7048?meta\\_id=215551](https://loudoun.granicus.com/player/clip/7048?meta_id=215551)

3. Moorefield Station Southmoore, FIDP-2022-0002

Ronald Dunbar with the Department of Building and Development, presented a comprehensive overview to the Commission to consider a Final Development Plan (FDP) for the buildout of a 41.71-acre portion of the Moorefield Station development.

Planning Commission Requests/Comments:

Commissioner Frank moved that the Planning Commission approve FIDP-2022-0002, Moorefield Station Southmoore, based on conformity with ZMAP-2001-0003, ZCPA-2007-0004, ZCPA-2014-0002 and ZCPA-2017-0007 Concept Development Plans and Proffer Statements, and the Revised 1993 Loudoun County Zoning Ordinance. (Seconded by Commissioner Miller. The motion passed 9-0.)

The full discussion can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7048?meta\\_id=215563](https://loudoun.granicus.com/player/clip/7048?meta_id=215563)

4. Loudoun Station Phases 2 and 3, FIDP-2020-0001

Eric Jewell with the Department of Building and Development, presented a comprehensive overview to the Commission to consider a Final Development Plan (FDP) for the remaining undeveloped area of the Comstock controlled portion (northeastern two thirds) of the Loudoun Station development.

Planning Commission Requests/Comments:

Commissioner Frank moved that the Planning Commission approve FIDP-2020-0001, Loudoun Station Phases 2 and 3, based on conformity with ZMAP-2002-0005, ZCPA-2012-0001, and ZCPA-2015-0012 Concept Development Plans and Proffer Statements, SPEX-2015-0033, and the Revised 1993 Loudoun County Zoning Ordinance. (Second by Commissioner Miller. The motion passed 9-0.)

The full discussion can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7048?meta\\_id=215570](https://loudoun.granicus.com/player/clip/7048?meta_id=215570)

5. Airport Overlay Impact District Update, CPAM-2021-0001, ZMAP-2021-0011 & ZOAM-2021-0002

Joshua Peters with the Department of Planning and Zoning, presented an overview to the Commission regarding the proposed amendments to the *Loudoun County 2019 General Plan* (2019 GP) and the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) that would amend the County's policies and zoning regulations for land development in areas where aircraft noise impacts occur.

Michael Cooper, Richard Golanouzki, Greg Wallard and Michael Jet with Metropolitan Washington Airports Authority (MWAA) presented additional information to the Commission to consider.

Planning Commission Requests/Comments:

Vice Chair Salmon moved that the Planning Commission adopt the proposed Resolution Recommending Approval of CPAM-2021-0001, ZMAP-2021-0011 & ZOAM-2021-0002, Airport Impact Overlay District Update, included as Attachment 11 to the September 8, 2022, Planning Commission Work Session Memorandum and further recommends that staff research notifications for all resales and new sales to the Board of Supervisors. (Seconded by Commissioner Frank. The motion passed 6-3: Commissioners Barns, Combs, and Kirchner opposed.)

The full discussion can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7048?meta\\_id=215576](https://loudoun.granicus.com/player/clip/7048?meta_id=215576)

6. Short Term Residential Rentals, ZOAM-2018-0001

Michelle Lohr with the Department of Planning and Zoning, presented an overview to the Commission regarding Zoning Ordinance Amendment (ZOAM)-2018-0001 (STRR ZOAM) to amend the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to add new short-term residential rental (STRR) uses to include: 1) the Short-Term Rental-Residential Accessory (STR-RA) use, which is an accessory use to an owner's principal dwelling unit; and 2) the Short Term Rental-Commercial Whole House (STRCWH) use, which is a principal use located

in a single family detached dwelling that is solely used as a STRR use. Commissioner Merrithew requested that staff work provide additional information regarding compliance enforcement.

Planning Commission Requests/Comments:

Chair Hayes requested that staff provide additional information regarding the five-acre requirement subdivision for each short-term rental structure in AR-1 zoning district.

Vice Chair Salmon requested that staff ensure that staff or the vender are veted and clear who is responsible for which aspect of compliancy regarding the regulations within the proposed amendments.

Commissioner Combs requested staff review and possibly add in a notice requirement for the commercial whole-house permitted use to neighboring properties.

Commissioner Merrithew requested that staff provide the Commission with draft motions at the next Work Session that separate out accessory and stand-alone uses.

Commissioner Miller requested addition information regarding proposed parking allotment for this use type.

*Pursuant to the Loudoun County Planning Commission Bylaws and Procedures Article XII Section D: Vice Chair Salmon motioned to suspend the County Rules of Order regarding the time a work session shall adjourn, to extend the meeting past 11:00 PM. (Seconded by Commissioner Miller. The motion passed 9-0.)*

Commissioner Miller moved that the Planning Commission forward ZOAM-2018-0001, included as Attachments 1, 2, and 3 to the September 8, 2022, Planning Commission Work Session Memorandum to the Board of Supervisors with a recommendation of approval. (Seconded by Vice Chair Salmon.)

Commissioner Miller withdrew his motion.

Commissioner Merrithew moved that the Planning Commission forward Short-Term Residential Rentals, ZOAM-2018-0001, to a Planning Commission Work Session for further discussion. (Seconded by Commissioner Combs. The motion passed 9-0.)

The full discussion can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7048?meta\\_id=215586](https://loudoun.granicus.com/player/clip/7048?meta_id=215586)

7. Beach Commercial, SPEX-2021-0033, SPEX-2021-0034, SPEX-2021-0037 & SPMI-2021-0006

Grace Oestenstad with the Department of Planning and Zoning, presented an application for Special Exception (SPEX) requests for a convenience store, retail sales establishment use, and a fast-food restaurant without a drive-thru in the CLI (Commercial/Light Industry) zoning district.

Planning Commission Requests/Comments:

Vice Chair Salmon moved that the Planning Commission forward SPEX-2021-0033, SPEX-2021-0034, SPEX-2021-0037, & SPMI-2021-0006, Beach Commercial, to the Board of Supervisors with a recommendation of approval subject to Conditions of Approval dated August 27, 2022, and based on Findings for Approval provided as Attachments 1 and 2 to the September 8, 2022, Planning Commission Work Session Memo. (Seconded by Commissioner Combs. The motion passed 8-0-1: Commissioner Kirchner absent for the vote.)

The full discussion can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7048?meta\\_id=215599](https://loudoun.granicus.com/player/clip/7048?meta_id=215599)

### **Administrative Items**

Commissioner Merrithew moved that the Planning Commission add a Work Session to the calendar after the September 27, 2022, Planning Commission Public Hearing. (Seconded by Commissioner Combs. The motion passed 9-0.)

### **Adjourn**

Chair Hayes adjourned the Work Session.

(These minutes include a summary of the discussion on matters proposed, deliberated, or decided at this meeting. For a complete and detailed record of the discussions, please consult the video webcast for the meeting, available on the County's website, [www.loudoun.gov](http://www.loudoun.gov).)

MINUTES

**LOUDOUN COUNTY PLANNING COMMISSION WORK SESSION**

**OCTOBER 13, 2022**

At the work session of the Planning Commission of Loudoun County, Virginia, that was held at the County Government Center in the Board of Supervisors' Meeting Room, 1 Harrison Street, S.E., Leesburg, Virginia on Thursday, October 13, 2022, at 6:00 PM.

Present: Forest Hayes, Chair, At-Large  
Jeff Salmon, Vice Chair, Dulles District  
Ad Barnes, Leesburg District  
Eric Combs, Ashburn District  
Michelle Frank, Broad Run District  
Jane Kirchner, Algonkian District (Participated Remotely)  
Mark Miller, Catoctin District  
Roger Vance, Blue Ridge District (Participated Remotely)

Absent: John Merrithew, Sterling District

Webcast of this meeting is available via the following link:

<https://loudoun.granicus.com/player/clip/7095>

**Call to Order/Opening Remarks**

Chair Hayes called the meeting to order.

Pursuant to Code of Virginia Section 2.2-3708.2 and the Planning Commission Remote Participation Policy, Commissioners Kirchner and Vance have requested to participate in this work session by electronic communication from a remote location that is not open to the public. Commissioners Kirchner and Vance have each communicated that they cannot attend this meeting due to a medical condition that prevents their physical attendance at this meeting, and that each will be joining the meeting from their respective homes in Loudoun County.

As required by law, a physical quorum of the Planning Commission is present in the Board Room and the Commission has arranged for the voice of Commissioners Kirchner and Vance to be heard by all persons in the Board Room.

Commissioners Kirchner and Vance each made the request within the timeframe required by policy and the County Attorney's Office has determined that their

requests meet the requirements for remote participation. The Commission will record in its minutes the reason for Commissioners Kirchner and Vance's remote participation and the location from which each participated.

The Chair's full opening remarks are available at the following link:

[https://loudoun.granicus.com/player/clip/7095?meta\\_id=217285](https://loudoun.granicus.com/player/clip/7095?meta_id=217285)

## **Disclosures**

### Chair Hayes

- October 11<sup>th</sup> – Meeting with Beth Erickson of Visit Loudoun to discuss Short Term Residential Rentals.

### Vice Chair Salmon

- October 13<sup>th</sup> – Meeting with Beth Erickson of Visit Loudoun to discuss Short Term Residential Rentals.

### Commissioner Combs

- October 7<sup>th</sup> – Attended the Waxpool apartments groundbreaking ceremony.
- October 13<sup>th</sup> – Meeting with Theos Amados of the Loudoun Chamber regarding the Zoning Ordinance Rewrite.

### Commissioner Frank

- September 26<sup>th</sup> – Meeting with Dominion Energy and Supervisor Glass regarding projects in the Broad Run District.

### Commissioner Kirchner

- October 11<sup>th</sup> – Email with Gem Bingol of Piedmont Environmental Council and Michael Myers of Loudoun Wildlife Conservancy regarding the Zoning Ordinance Updates.
- October 12<sup>th</sup> – Conversation with Gem Bingol of Piedmont Environmental Council and Michael Myers of Loudoun Wildlife Conservancy regarding solar development around the airport.

### Commissioner Miller

- October 6<sup>th</sup> – Attended a community meeting with people regarding the Clear Springs application.

## **Work Session Items**

### 1. ZOAM-2018-0001, Short Term Residential Rentals

Michelle Lohr with the Department of Planning and Zoning, presented an overview to the Commission regarding the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to add new short-term residential rental (STRR)

uses to include: 1) the Short Term Rental-Residential Accessory (STR-RA) use, which is a an accessory use to an owner's principal dwelling unit; and 2) the Short Term Rental-Commercial Whole House (STRCWH) use, which is a principal use located in a single family detached dwelling that is solely used as a STRR use.

Planning Commission Requests/Comments:

Vice Chair Salmon moved that the Planning Commission forward the amendments regarding Short-Term Rentals – Residential Accessory, proposed in ZOAM-2018-0001, included as Attachment 1 to the October 13, 2022, Planning Commission Work Session Memorandum, to the Board of Supervisors with a recommendation of approval.

Vice Chair Salmon further moved that the Planning Commission forward the amendments regarding Short Term Rentals – Commercial Whole House, proposed in ZOAM-2018- 0001, included as Attachments 2 and 3 to the October 13, 2022, Planning Commission Work Session Memorandum, to the Board of Supervisors with a recommendation of approval. (Seconded by Commissioner Miller.)

Vice Chair Salmon accepted Commissioner Combs friendly amendment to include noticed adjoining property owners would reference back to manager/owner.

The motion, as amended, passed 8-0-1: Commissioner Merrithew absent for the vote.

The full discussion and questions by the Committee can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7095?meta\\_id=217290](https://loudoun.granicus.com/player/clip/7095?meta_id=217290)

## 2. ZOAM-2020-0001, Zoning Ordinance Rewrite

Judi Birkitt with the Department of Planning and Zoning, presented the Zoning Ordinance Rewrite project topics and issues the Commission plans to discuss during future Work Sessions.

Vice Chair Salmon moved that the Planning Commission endorse the Work Session schedule and topics as presented in Table 1 of the October 13, 2022, Planning Commission Work Session Memo with no revisions. (The motion was not recognized by Chair Hayes.)

Chair Hayes tabled the discussion on the proposed work session schedule.

This Work Session item has six companion memorandums, numbered 2a through 2f, with each memorandum focusing on a specific topic or chapter from the draft Zoning Ordinance.

### **Item 2a – Digital Sign Regulations**

Planning Commission Requests/Comments:

Vice Chair Salmon requested that staff provide the number of digital signs the Board of Supervisors has denied. Staff responded none.

Commissioner Kirchner requested that staff review all the impacts of digital signs in allowed spaces.

Vice Chair Salmon moved that the Planning Commission endorse the digital sign regulations in the draft Zoning Ordinance, including those in Sections 8.04 - 8.06, as presented in Attachment 1 to the October 13, 2022, Planning Commission Work Session memo, with the following revisions:

- a. A six second hold on digital signs.

(Seconded by Commissioner Frank.)

Vice Chair Salmon accepted the friendly amendment by Commissioner Miller to add the following revisions:

- b. Further consider increasing the maximum size allowance of digital signs across the varied sign types. Vice Chair Salmon and Commissioner Miller accepted the addition to Commissioner Miller's friendly amendment by Commissioner Combs to specifically consider increasing the maximum size allowance for De Minimis signs.

Vice Chair Salmon accepted the friendly amendment by Commissioner Kirchner to add the following revisions:

- c. Add hours of operation for digital signs.
- d. Tie the sign ordinance to the lighting ordinance, which includes the dark sky regulations.

The motion, as amended, passed 8-0-1: Commissioner Merrithew absent for the vote.

### **Item 2a – Freestanding Signs**

Commissioner Miller moved that that the Planning Commission direct staff to revise Section 8.04 (Freestanding Signs) of the draft Zoning Ordinance to establish a sign category and associated standards for Entry Signs as described in the October 13, 2022, Work Session Memo and as drafted in Attachment 1. (Seconded by Vice Chair Salmon. The motion passed 8-0-1: Commissioner Merrithew absent for the vote.)

### **Item 2a – Mural Regulations**

Planning Commission Requests/Comments:

Commissioner Combs requested that staff further review [increase] the dimensions of a mural as well as the number of and area being removed from the maximum allotted wall signs.

Commissioner Vance requested that staff review murals being removed from the overall sign allocation.

Commissioner Combs moved that the Planning Commission endorse the mural regulations as provided in Section 8.05.D of Attachment 1 to the October 20, 2022, Planning Commission Work Session Memo, with the following revisions:

- a. Individual sign area limitations be increased in size; and
- b. Murals are not counted towards the total sign allowance in any of the zoning districts.

(Seconded by Commissioner Barnes. The motion passed 7-0-2: Commissioner Hayes absent for the vote, Chair Hayes and Commissioner Merrithew absent.)

### **Item 2a – Original Art Display**

Planning Commission Requests/Comments:

Commissioner Frank requested staff to review original art being removed from the overall sign allotment.

Commissioner Vance requested that staff provide additional information regarding different parameters [volume versus square feet] for public art.

Commissioner Frank moved that the Planning Commission endorse the original art display regulations in the draft Zoning Ordinance, including those in Table 8.04-5, as presented in Attachment 1 to the October 13, 2022, Work Session Memo, with the following revisions:

- a. Artwork be counted separately from signs and are not counted towards the overall sign restrictions; and
- b. Review [increase] size limitations outlined in the sign tables; and
- c. Incorporate the same review process currently proposed for the murals section.

(Seconded by Vice Chair Salmon. The motion passed 8-0-1: Commissioner Merrithew absent for the vote.)

### **Item 2a – Signs in Rural Zoning Districts**

Planning Commission Requests/Comments:

Chair Hayes requested that staff consider not requiring for temporary sign permit for farmers to sell produce from a farm truck in western Loudoun. Chair Hayes

asked staff to clarify that a sign associated with a farm truck selling produce is a temporary sign.

Commissioner Combs requested that staff consider separate sign regulations regarding villages (i.e., banners and sandwich signs).

Commissioners Vance and Combs requested that staff consider different ways of allocating the number and size of signs based on road frontage or road speed rather than on acreage.

Commissioner Combs moved that the Planning Commission endorse the sign regulations for Rural zoning districts as written in Attachment 1 to the October 13, 2022, Work Session Memo with the following revisions:

- a. Call out separate regulations for signage in rural villages; and
- b. Explore a different way of allocating the number of signs to parcels based on road frontage or some other type of metric rather than on acreage; and
- c. Draw a distinction between residential and non-residential signage in the rural policy designations.

(Seconded by Commissioner Miller.)

Commissioner Combs accepted Commissioner Vance's friendly amendment to include:

- d. Further consider sign dimensions.

The motion, as amended, passed 8-0-1: Commissioner Merrithew absent for the vote.

## **Item 2a – Chapter 8: Signs**

Planning Commission Requests/Comments:

Vice Chair Salmon requested that staff make revisions set forth in the deliberations of this work session and bring back Chapter 8 in its entirety to a future work session for review.

Vice Chair Salmon moved that the Planning Commission endorse Chapter 8: Signs in the draft Zoning Ordinance as presented in the October 13, 2022, Work Session Memo. (Seconded by Commissioner Barnes.)

Vice Chair Salmon withdrew his motion.

Vice Chair Salmon moved that the Planning Commission review Chapter 8: Signs after revisions by staff at a future work session. (Seconded by Commissioner Combs. The motion passed 8-0-1: Commissioner Merrithew absent for the vote.)

The full discussion and questions by the Committee can be viewed at the following link: [https://loudoun.granicus.com/player/clip/7095?meta\\_id=217292](https://loudoun.granicus.com/player/clip/7095?meta_id=217292)

### **Item 2b – NER Buffers, Landscaping, Native Plants Information Item**

Planning Commission Requests/Comments:

Vice Chair Salmon requested that staff provide an analysis of the associated tax revenue lost due to preserving the three-hundred-foot River and Stream Corridor Resources buffers.

Commissioner Combs requested that staff provide a parcel analysis showing the place type and zoning of the land that would be impacted by the draft River and Stream Corridor Resources buffer.

Commissioner Kirchner asked if staff included specific incentives for providing the buffers. Staff responded that incentives are not included as the draft buffers would be required.

The full discussion and questions by the Committee can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7095?meta\\_id=217296](https://loudoun.granicus.com/player/clip/7095?meta_id=217296)

### **Items 2c-2f**

The Planning Commission did not discuss the remainder of the items listed on the proposed agenda. These items will be moved to the next Planning Commission Work Session on October 20, 2022.

### **Administrative Items**

Dan Galindo, with the Department of Planning and Zoning had no administrative items.

### **Adjourn**

Chair Hayes adjourned the Work Session.

(These minutes include a summary of the discussion on matters proposed, deliberated, or decided at this meeting. For a complete and detailed record of the discussions, please consult the video webcast for the meeting, available on the County's website, [www.loudoun.gov](http://www.loudoun.gov).)

MINUTES

**LOUDOUN COUNTY PLANNING COMMISSION WORK SESSION**

**OCTOBER 20, 2022**

At the work session of the Planning Commission of Loudoun County, Virginia, that was held at the County Government Center in the Board of Supervisors' Meeting Room, 1 Harrison Street, S.E., Leesburg, Virginia on Thursday, October 20, 2022, at 6:00 PM.

Present: Forest Hayes, Chair, At-Large  
Jeff Salmon, Vice Chair, Dulles District  
Eric Combs, Ashburn District  
Michelle Frank, Broad Run District  
Jane Kirchner, Algonkian District (*Remote Participation*)  
John Merrithew, Sterling District  
Mark Miller, Catoctin District  
Roger Vance, Blue Ridge District (Arrived at 6:01 PM)

Absent: Ad Barnes, Leesburg District

Webcast of this meeting is available via the following link:

<https://loudoun.granicus.com/player/clip/7095>

**Call to Order/Opening Remarks**

Chair Hayes called the meeting to order.

Pursuant to Code of Virginia Section 2.2-3708.2 and the Planning Commission Remote Participation Policy, Commissioner Kirchner requested to participate in this work session by electronic communication from a remote location that is not open to the public.

As required by law, a physical quorum of the Planning Commission was present in the Board Room and the Commission arranged for the voice of Commissioner Kirchner to be heard by all persons in the Board Room.

Commissioner Kirchner made the request within the timeframe required by policy and the County Attorney's Office determined that the request met the requirements for remote participation.

The Chair's full opening remarks are available at the following link:

[https://loudoun.granicus.com/player/clip/7098?meta\\_id=217785](https://loudoun.granicus.com/player/clip/7098?meta_id=217785)

## **Disclosures**

### Vice Chair Salmon

- October 14 – Phone call with Packie Crown regarding the Belmont Green Gas Station Application.
- October 17 – Conversation with Hobie Mitchel regarding the Village at Clear Springs.
- October 19 - Conversation with Hobie Mitchel regarding the Village at Clear Springs.
- October 20 – Meeting with Packie Crown regarding the Belmont Green Gas Station Application.

### Commissioner Frank

- October 18 – Meeting with Beth Erickson from Visit Loudoun regarding initiatives, research, and statistics they have access to.
- October 20 – Call with Molly Novotny with Cooley and representatives of Peterson Companies regarding the University Center Application.

### Commissioner Merrithew

- September 28 – Attended community meeting regarding Red Hill Comprehensive Plan Amendment. Since the meeting, residents have reached out, however exact dates were not recorded.
- October 6 – Remote meeting with Colleen Gillis, Amanda Williams, Ryan Dorset, Matt Souder, and John Stephenson regarding the Vantage Data Center Application.
- October 19 – Toured the Vantage Data Center with Ryan Dorset and Colleen Gillis.

## **Work Session Items**

### 1. ZOAM-2020-0001, Zoning Ordinance Rewrite

Judi Birkitt with the Department of Planning and Zoning presented the Zoning Ordinance Rewrite project topics and issues the Commission plans to discuss during future Work Sessions.

This Work Session item had seven companion memorandums, numbered 1a through 1g, with each memorandum focusing on a specific topic or chapter from the draft Zoning Ordinance.

**Item 1a Chapter 7: Development Standards – 7.03 Tree Planting, Replacement, and Preservation and 7.04, Landscaping, Buffers, and Screening**

Planning Commission Requests/Comments:

Commissioner Kirchner requested that staff review the definition of regional native to exclude hybrids.

**Motion 1:**

Commissioner Kirchner moved that the Planning Commission direct staff to revise the draft minimum native plant requirement in Section 7.04 of the draft Zoning Ordinance from 50% to 80% as presented in the October 20, 2022, Work Session Memo. (Seconded by Commissioner Merrithew. The motion passed 8-0-1: Commissioner Barnes absent for the vote.)

**Motion 2:**

Commissioner Merrithew moved that the Planning Commission direct staff to add to the draft Zoning Ordinance the definition for "Native Plant" as presented in the October 20, 2022, Work Session Memo. (Seconded by Commissioner Kirchner.)

Commissioner Merrithew accepted the friendly amendment by Commissioner Combs to remove Pennsylvania and North Carolina from the definition of regional native.

The motion, as amended, passed 6-2-1: Commissioners Frank and Salmon opposed. Commissioner Barnes absent for the vote.

**Motion 3:**

Commissioner Merrithew moved that the Planning Commission endorse Section 7.03 Tree Planting, Replacement, and Preservation, and Section 7.04 Landscaping, Buffers, and Screening, as presented in Attachment 1 to the October 20, 2022, Work Session Memo. (Seconded by Commissioner Combs.)

Commissioner Merrithew did not accept the friendly amendment by Commissioner Kirchner for staff to make the following revisions:

- a. The prioritization of the preservation of mature trees with greater ecological value and high quality; and
- b. Require replacement of mature trees at a 3-1 ratio of young trees for every young tree lost; and
- c. Require use of native plants in all landscaping for use at all Loudoun County Government buildings, sites, parks, and properties; and
- d. Require bio-retention systems, rain gardens, parking lot landscaping to include that islands are sized or developed to support mature tree roots, and work as stormwater green infrastructure; and
- e. Include sustainability measures and support for wildlife corridors which can be further described in Facilities Standards Manual (FSM); and

- f. Maintenance of necessary conditions to provide habitat function for species along wildlife corridors and species of greatest conservation need as identified by the Virginia Wildlife Action Plan.

The motion passed 8-0-1: Commissioner Barnes absent for the vote.

### **Item 1b Chapter 13: Definitions and Rules of Interpretation**

Planning Commission Requests/Comments:

Commissioner Combs elaborated on his previous request on the definition of historic regarding a previous work session discussing signs.

Commissioner Merrithew requested that staff provide additional information in the Original Art Display definition to reflect consultation with the County's Art Advisory Committee. Commissioner Merrithew also requested that entry sign and other sign type definitions be reviewed and more fully developed.

Vice Chair Salmon moved that the Planning Commission endorse Chapter 13: Definitions and Rules of Interpretation, as presented as Attachment 1 to the October 20, 2022, Work Session Memo. (Seconded by Commissioner Frank. The motion passed 8-0-1: Commissioner Barnes absent for the vote.)

### **Item 1c – Chapter 11: Procedures**

Planning Commission Requests/Comments:

Vice Chair Salmon requested that staff provide further information regarding Sign Development Plan (SIDP) applications at a future work session discussion.

Commissioner Combs requested that staff provide ways to reduce the process with applications, give clarity on the zoning modification criteria, provide clarity on the term 'innovative design', provide clarity on criteria surrounding applications in suburban mixed use developments proposing to develop as a suburban compact neighborhood, provide a specific way to assess the legislative review process, and review incorporating parking tabulation illustrations into Concept Development Plans (CDP). Commissioner Combs also suggested staff revise the language for withdrawn applications to remove the wording "treated as denied".

Commissioner Kirchner requested to have additional discussions with staff regarding items pertaining to Site Plans and if it needs addressed in the Zoning Ordinance Rewrite or Facilities Standards Manual (FSM).

Commissioner Merrithew requested revising zoning modification criteria to remove the word innovative design and specify what that modification must do, as well as an addition to have prerequisites to allow modifications.

Commissioner Miller encouraged staff to remove Section 11.01.D, the Pre-Review Process from the Zoning Ordinance.

**Motion 1:**

Commissioner Miller moved that the Planning Commission reject the Pre-Review regulations in Section 11.01.D of the draft Zoning Ordinance as included as Attachment 1 to the October 20, 2022, Work Session Memo. (Seconded by Vice Chair Salmon. The motion passed 8-0-1: Commissioner Barnes absent for the vote.)

Commissioner Miller did not accept Commissioner Merrithew's friendly amendment that the Planning Commission consider the following revisions:

- a. Establish a briefing process for the Planning Commission that would have the Project Managers present a description of the project prior to the Planning Commission Public Hearing so that issues are on the table in advance of whatever timeframe staff feels is appropriate; and
- b. Consider setting a fixed date in the ordinance so many days after the acceptance of the application to force application improvement before a Planning Commission Public Hearing; and
- c. Ask the Board of Supervisors (Board) to establish a set of rules for review that suggests that if there is a certain condition associated with the application coming before the Board that it not be sent to the Transportation and Land Use Committee (TLUC) or any other Board Committee, and that it be sent back to the Planning Commission for review.

The motion passed 8-0-1: Commissioner Barnes absent for the vote.

Commissioner Merrithew moved that the Planning Commission ask staff to examine the alternatives to the Pre-Review action that were rejected earlier, to include:

- a. A briefing process for the Planning Commission that involves more project manager presentation to the Commission prior to the Planning Commission Public Hearing so that the Commission can put issues on the table in advance of whatever timeframe that staff feels is appropriate; and
- b. That staff looks at setting a date in the ordinance so many days after acceptance of the application to force application improvement; and
- c. That the Board establishes a firmer backstop in terms of the type of review and negotiation and application that they will accept for the Board Public Hearing to that applicants have less room to circumvent the process.

(Seconded by Vice Chair Salmon.)

Commissioner Merrithew did not accept Chair Hayes' friendly amendment to consider a provision that sets narrow criteria for the Board of Supervisors to send applications to any standing committee outside the regular order.

The motion passed 8-0-1: Commissioner Barnes absent for the vote.

**Motion 2:**

Commissioner Combs moved that that the Planning Commission endorse the regulations for review of legislative applications in Chapter 11 of the draft Zoning Ordinance as included as Attachment 1 to the October 20, 2022, Work Session Memo with the following revisions:

- a. Any discussion surrounding Sign Development Plans (SIDPs) be deferred to the Planning Commission's further discussion on Chapter 8: Signs; and
- b. Criteria for evaluating zoning modifications be modified to address concerns Commissioner Merrithew raised.

(Seconded by Vice Chair Salmon.)

Commissioner Combs accepted Commissioner Merrithew's friendly amendment to consider the following revisions:

- a. Remove innovative; and
- b. Remove further the public purpose and replace them with criteria that relates more to the specific need and compliance with the General Plan, for example, accomplish a county policy or objective that can't be accomplished by the same use in another zoning district; and
- c. Preserve desirable site features; and
- d. Accomplish as an infill adaptive reuse that is consistent with the Comprehensive Plan.

The motion, as amended, passed 8-0-1: Commissioner Barnes absent for the vote.

**Motion 3:**

Vice Chair Salmon moved that the Planning Commission endorse draft Chapter 11: Procedures, as included as Attachment 1 to the October 20, 2022, Work Session Memo with the following revisions:

- a. A withdrawn application is considered withdrawn [rather than denied] and cannot be refiled for one year.

(Seconded by Commissioner Combs. The motion passed 8-0-1: Commissioner Barnes absent for the vote.)

**Item 1d – Chapter 12: Officials, Boards, and Commissions**

Planning Commission Requests/Comments:

Commissioner Combs moved that the Planning Commission endorse draft Chapter 12: Officials, Boards, and Commissions, as included as Attachment 1 to the October 20, 2022, Work Session Memo. (Seconded by Commissioner Frank. The motion passed 8-0-1: Commissioner Barnes absent for the vote.)

**Item 1e – Appendix A: Acronyms and Appendix B: Land Development Fees**

Planning Commission Requests/Comments:

Commissioner Combs moved that the Planning Commission endorse Appendix A and Appendix B as presented in Attachments 1 and 2 of the October 20, 2022, Planning Commission Work Session Memo. (Seconded by Commissioner Merrithew. The motion passed 8-0-1: Commissioner Barnes absent for the vote.)

**Item 1f – Chapter 7: Development Standards –7.05 Light, Noise, and Vibration and 7.09 Owners Associations**

Planning Commission Requests/Comments:

Commissioner Kirchner encouraged staff to include light zones in accordance with dark sky standards, consider sky-glow and light trespass as an exemption, and consider revisiting the codified noise ordinance.

Commissioner Merrithew requested that staff revise the draft standards to exclude pedestrian walkways such as sidewalks and trails from having a time for lights to be shut off.

**Motion 1:**

Vice Chair Salmon moved that the Planning Commission endorse Section 7.05 Light, Noise, and Vibration, as presented in the October 20, 2022, Work Session Memo. (Seconded by Commissioner Combs.)

Vice Chair Salmon accepted Commissioner Merrithew’s friendly amendment to consider the following revisions:

- a. Staff to review the exemptions list to consider the additions of off-street trails and off-street sidewalks.

The motion, as amended, passed 8-0-1: Commissioner Barnes absent for the vote.

**Motion 2:**

Vice Chair Salmon moved that the Planning Commission endorse Section 7.09 Owners Associations, as presented as Attachment 1 to the October 20, 2022, Work Session Memo. (Seconded by Commissioner Combs. The motion passed 8-0-1: Commissioner Barnes absent for the vote.)

**Item 1g – Chapter 9: Attainable Housing – Information Item**

#### Planning Commission Requests/Comments:

Chair Hayes requested the new Director of the Department of Housing and Community Development be introduced to the Planning Commission at a future meeting.

Commissioner Frank requested that staff consider combining the Affordable Dwelling Units (ADU) and Unmet Housing Needs Units (UHNU) programs for clarity and clarifying Board of Supervisors' policy regarding what per unit contributions (i.e., capital facilities, regional road, and transit) are anticipated for ADUs and UHNUs.

Commissioner Miller suggested that staff consider basing qualifications on regional loan limits rather than Area Median Income. Commissioner Miller also raised the question whether the option to dedicate land to the County in lieu of providing units or a cash contribution is desirable.

The full discussion and questions by the Committee can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7098?meta\\_id=217795](https://loudoun.granicus.com/player/clip/7098?meta_id=217795)

#### **Administrative Items**

Mark Stultz with the Department of Planning and Zoning had no administrative items. Judi Birkitt reminded the Commissioners to send responses for scheduling additional Work Sessions.

#### **Adjourn**

Chair Hayes adjourned the Work Session.

(These minutes include a summary of the discussion on matters proposed, deliberated, or decided at this meeting. For a complete and detailed record of the discussions, please consult the video webcast for the meeting, available on the County's website, [www.loudoun.gov](http://www.loudoun.gov).)

MINUTES

**LOUDOUN COUNTY PLANNING COMMISSION WORK SESSION**

**NOVEMBER 12, 2022**

At a work session of the Planning Commission of Loudoun County, Virginia, held at the County Government Center in the Board of Supervisors' Meeting Room, 1 Harrison Street, S.E., Leesburg, Virginia on Saturday, November 12, 2022, at 9:00 AM.

Present: Forest Hayes, Chair, At-Large  
Jeff Salmon, Vice Chair, Dulles District  
Ad Barnes, Leesburg District (Arrived at 11:10 AM; Departed at 2:04 PM)  
Eric Combs, Ashburn District (Departed at 2:00 PM)  
Michelle Frank, Broad Run District  
John Merrithew, Sterling District  
Mark Miller, Catoctin District (Arrived at 9:18 AM; Departed at 1:05 PM)  
Roger Vance, Blue Ridge District

Absent: Jane Kirchner, Algonkian District

Webcast of this meeting is available via the following link:

[https://loudoun.granicus.com/player/clip/7124?meta\\_id=219133](https://loudoun.granicus.com/player/clip/7124?meta_id=219133)

**Call to Order**

Chair Hayes called to order the meeting.

The Chair's full opening remarks are available at the following link:

[https://loudoun.granicus.com/player/clip/7124?meta\\_id=219133](https://loudoun.granicus.com/player/clip/7124?meta_id=219133)

**Adoption of Previous Meeting Minutes**

Vice Chair Salmon moved that the Planning Commission approve the Loudoun County Planning Commission Public Hearing Minutes for August 30, 2022, as presented. (Seconded by Commissioner Frank. The motion passed 6-0-3: Commissioners Barnes, Kirchner, and Miller absent for the vote.)

Vice Chair Salmon moved that the Planning Commission approve the Loudoun County Planning Commission Work Session Minutes for September 8, 2022, as presented. (Seconded by Commissioner Frank. The motion passed 6-0-3: Commissioners Barnes, Kirchner, and Miller absent for the vote.)

Vice Chair Salmon moved that the Planning Commission approve the Loudoun County Planning Commission Public Hearing Minutes for September 27, 2022, as presented.

(Seconded by Commissioner Combs. The motion passed 6-0-3: Commissioners Barnes, Kirchner, and Miller absent for the vote.)

Vice Chair Salmon moved that the Planning Commission approve the Loudoun County Planning Commission Work Session Minutes for September 27, 2022, as presented. (Seconded by Commissioner Combs. The motion passed 6-0-3: Commissioners Barnes, Kirchner, and Miller absent for the vote.)

Vice Chair Salmon moved that the Planning Commission approve the Loudoun County Planning Commission Work Session Minutes for October 13, 2022, as presented. (Seconded by Commissioner Combs. The motion passed 6-0-2-1: Commissioners Barnes and Kirchner absent; Commissioner Merrithew abstained from the vote.)

## **Disclosures**

### Chair Hayes

- Had two phone conversations with Hobie Mitchel regarding the Villages at Clear Spring earlier in the week.

### Vice Chair Salmon

- November 1 – Met with Eric Zicht regarding the Rural Cluster Zoning Ordinance.
- November 8 – Met with Amanda Williams, Ryan Dorsett, Colleen Gillis, Kaitlin Monaghan, and Jeff Ferrara from Vantage Data Centers regarding the Vantage Data Center application.
- November 9 – Met with Madhava Reddy Madireddy, Matt Leslie, Hobie Mitchel, Erin Swisshelm and Mike Wilkens to discuss the Villages at Clear Spring application.
- November 10 – Met with Taylor Chess from Peterson Companies regarding a potential ad in rezoning.
- November 10 – Met with Eric Zicht regarding the Prime Soils application.

## **Work Session Items**

### 1. ZOAM-2020-0001, Zoning Ordinance Rewrite (Countywide)

Judi Birkitt with the Department of Planning and Zoning presented the Zoning Ordinance Rewrite project topics and issues the Commission plans to discuss during future Work Sessions.

This Work Session item had four companion memorandums, numbered 1a through 1d, with each memorandum focusing on a specific topic or chapter from the draft Zoning Ordinance.

#### **Item 1a – Chapter 7: Development Standards**

##### 7.01 Site Development

Planning Commission Requests/Comments:

Chair Hayes requested staff to consider the need for flexibility with buffers, yards, and setbacks in terms of affordable housing.

Commissioner Combs requested that staff clarify which product types apply within draft Section 7.01.02, Lot Requirements. Commissioner Combs also requested that staff keep in mind that varying lots between attached versus detached units would require very different regulations; therefore, staff should provide clarity as to which types of units are applicable to varied lot sizes.

Commissioner Frank requested that staff consider including product types in relation to the development standards, to include single family attached and detached units, as well as two over two stacked units.

Commissioner Merrithew requested that staff provide further clarification when lots are varied, how yard and setback variations are affected. Furthermore, Commissioner Merrithew requested additional detail above and beyond the language that there should be 500 feet between each lot.

Commissioner Merrithew moved that the Planning Commission endorse Sections 7.01.01 through 7.01.05, as presented as Attachment 1 to the November 12, 2022, Work Session Memo with the following revisions:

- a. That the variation options be expanded to include lot width, setbacks, pipe stem lots, and alley lots, and height and story flexibility in order to satisfy diversification in residential developments.

(Seconded by Vice Chair Salmon. The motion passed 7-0-2: Commissioners Barnes and Kirchner absent for the vote.)

7.07 Transportation

Planning Commission Requests/Comments:

Vice Chair Salmon requested that staff better define the addition of a design requirement for a smooth traffic flow (Section 7.07.02 D2.)

Commissioners Combs, Merrithew, and Miller recommended staff reduce the widths or build in flexibility regarding width requirements for shared use paths and sidewalks, as outlined in Table 7.07.03-1. Staff responded by stating more narrow widths could be incorporated into the Commission recommended draft; however, staff will recommend the widths as reflected in Table 7.07.03-1, as these are the widths reflected in the Countywide Transportation Plan and the 2019 General Plan, to create the overall envisioned streetscapes.

Commissioner Frank requested that staff provide additional information regarding examples of when an applicant would request a smaller, reduced width.

Commissioner Merrithew requested that staff consider adding a level of service standard to intersections and street segments.

Commissioner Miller inquired about road pattern and distance between intersections, as outlined in Table 7.07.02, with regards to the applicability being for grid or curvilinear lines. Given there are many requirements already that exist to build a roadway (found in the County's Facilities Standards Manual), feedback was that the value of this table is minimal and requested staff to look at this in more detail. Commissioner Miller also asked staff if the widths of shared use paths affect a developer's open space calculation. Staff responded and stated that this topic would be covered during review of Section 7.02, Open Space, scheduled for a future Work Session.

Commissioner Merrithew moved that the Planning Commission request staff to revise Table 7.07.03-1. Minimum Widths for Pedestrian and Bicycle Facilities, as presented as Attachment 1 to the November 12, 2022, Work Session Memo to include the following:

- a. Add flexibility to the sidewalk and shared use path widths based on the context or the expected uses on the property.

(Seconded by Vice Chair Salmon. The motion passed 7-0-2: Commissioners Barnes and Kirchner absent for the vote.)

Vice Chair Salmon moved that the Planning Commission endorse the overall Section 7.07 Transportation, as presented as Attachment 1 to the November 12, 2022, Work Session Memo. (Seconded by Commissioner Frank.)

Vice Chair Salmon accepted Commissioner Merrithew friendly amendment to clarify that Table 7.07.01-1, Road Access Standards, reflects private roads only.

The motion, as amended, passed 7-0-2: Commissioners Barnes and Kirchner absent for the vote.

### 7.08 Utilities

Planning Commission Requests/Comments:

Commissioner Frank requested that staff continue to focus on comments made by the public regarding utility conformance and topography (Section 7.08 B.3), stating the draft language is very 'high-level' and questioned whether or not it is adequately robust to administer, yet not too prescriptive.

Discussion ensued regarding the extension of central water into the Rural Policy Areas. Staff confirmed that not implementing central water in the Rural Policy Areas has been a County growth strategy for many years.

Commissioner Merrithew moved that the Planning Commission endorse Section

7.08 Utilities, as presented as Attachment 1 to the November 12, 2022, Work Session Memo. (Seconded by Vice Chair Salmon. The motion passed 6-0-3: Commissioners Barnes, Kirchner, and Miller absent for the vote.)

The full discussion and questions from the Commission can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7124?meta\\_id=219151](https://loudoun.granicus.com/player/clip/7124?meta_id=219151)

## **Item 1b – Chapter 7: Development Standards – Parking**

### Village Parking

Planning Commission Requests/Comments:

Commissioner Frank moved that the Planning Commission endorse the removal of village parking regulations in the draft Zoning Ordinance and develop village parking regulations as part of the future village plans as presented in the November 12, 2022, Work Session Memo. (Seconded by Commissioner Miller. The motion passed 7-0-1: Commissioner Kirchner absent for the vote.)

### Maximum Parking Ratios For Residential Uses

Planning Commission Requests/Comments:

Vice Chair Salmon requested staff modify the parking ratio requirements as well as revise the language.

Commissioner Combs requested that the suburban policy area district be included in the parking ratios for residential uses and restricting a tandem approach.

Commissioner Frank requested staff consider evaluating tandem parking and how parking spaces are counted towards the minimums.

Commissioner Merrithew requested staff revisit the entire parking section and clarify the parking reduction text to be condensed for clarity. Commissioner Merrithew also requested Section 7.06.B1, Parking Multiple Principal Uses, reference Section 7.06.08, Parking Adjustments, for ease of reference.

Vice Chair Salmon moved that the Planning Commission endorse the removal of maximum parking ratios for residential uses, except for new live/work dwelling units that would be permitted in UPA and TPA zoning districts as presented in the November 12, 2022, Work Session Memo.

Vice Chair Salmon further moved the Planning Commission form an Ad Hoc Committee consisting of Commissioners Frank, Miller, and Salmon to review the residential parking ratios for multiple types of products in all policy area zoning districts.

Vice Chair Salmon further moved to add staff to support the Ad Hoc Parking

Committee. (Seconded by Commissioner Miller.)

Commissioner Merrithew made a friendly amendment to request the Ad Hoc Parking Committee look at the parking ratios for single family detached units to confirm the ratios are sufficient or if the .5 space allocation will address the issue of insufficient parking for these unit types. Vice Chair Salmon accepted Commissioner Merrithew's friendly amendment.

The motion, as amended, passed 8-0-1: Commissioner Kirchner absent for the vote.)

### Parking For Attainable Housing

Planning Commission Requests/Comments:

Commissioner Combs requested text be added to the draft Zoning Ordinance to reflect how parking is affected when a Low-Income Housing Tax Credit (LIHTC) project moves to a market rate project. Commissioner Combs also requested that staff include more specific language into the draft Zoning Ordinance to reflect that parking for attainable rental units must be included in the rental price.

Commissioner Miller requested attainable housing parking be a topic that is further discussed with the Ad Hoc Parking Committee.

Vice Chair Salmon moved that the Planning Commission move the discussion to endorse the reduction for attainable housing provided in Section 7.06.02.E to provide for automatic reductions, reduce the required parking based on Area Median Income levels, and require parking be provided as part of future rents for attainable dwelling units as presented in the November 12, 2022, Work Session Memo to the Ad Hoc Parking Committee. (Seconded by Commissioner Combs.)

Vice Chair Salmon accepted Chair Hayes' friendly amendment allowing the Chair to attend and comment during the subcommittee meetings, stating the meetings will be open to the public.

The motion, as amended, passed 7-0-2: Commissioners Kirchner and Miller absent for the vote.

### Parking Rate For Day Care

Planning Commission Requests/Comments:

Vice Chair Salmon requested that staff review a day care application to confirm the parking ratio standards presented are applicable and that they work in accordance with state law regulations for day care centers.

Commissioner Frank requested that staff confirm state regulations regarding how many children are allowed in a day care center in order to confirm parking ratios are adequate.

Commissioner Combs moved that the Planning Commission endorse the proposed parking rate for day care as presented in the November 12, 2022, Work Session Memo. (Seconded by Commissioner Frank.)

Commissioner Combs withdrew his motion.

Commissioner Combs moved that the Planning Commission endorse the proposed parking rate for day care as presented in the November 12, 2022, Work Session Memo and include the analysis that Vice Chair Salmon requested to look at a sample day care application to confirm the standards are applicable and they work. (Seconded by Commissioner Frank. The motion passed 7-0-2: Commissioners Kirchner and Miller absent for the vote.)

#### Parking Rate For UPA Zoning Districts

##### Planning Commission Requests/Comments:

Commissioner Combs requested that staff provide additional information regarding the difference in reduction based on a parking structure being above-grade versus below-grade.

Vice Chair Salmon moved that the Planning Commission endorse revised parking standards in the Urban Policy Area Zoning Districts as presented in the November 12, 2022, Work Session Memo. (Seconded by Commissioner Frank. The motion passed 7-0-2: Commissioners Kirchner and Miller absent for the vote.)

#### Electric Vehicle, Long-Term Bicycle, Motorcycle/Scooter, And Car Share Parking

##### Planning Commission Requests/Comments:

Commissioner Frank moved that the Planning Commission endorse the revised electric vehicle, long-term bicycle, motorcycle/scooter, and car-share parking regulations, as presented in the November 12, 2022, Work Session Memo. (Seconded by Vice Chair Salmon. The motion passed 7-0-2: Commissioners Kirchner and Miller absent for the vote.)

#### Parking Adjustments – Administrative and Special Exceptions

##### Planning Commission Requests/Comments:

Commissioner Merrithew asked staff to consider when the Zoning Administrator is tasked with making a decision to adjust parking up to 35% (as authorized and outlined in draft Section 7.06.08), that the same process used for legislative application traffic studies, which recently changed to utilize County consultation versus Applicant traffic study submissions, is used in this type of situations as well.

Commissioner Merrithew moved that the Planning Commission endorse Section 11.17 Administrative Parking Adjustments and Section 11.11.05 Special Exception for Parking Adjustment, as presented in the November 12, 2022, Work Session

Memo and subject to the additional analysis above, as agreed to by staff. (Seconded by Vice Chair Salmon. The motion passed 6-1-2: Commissioner Barnes opposed; Commissioners Kirchner and Miller absent for the vote.)

The full discussion and questions from the Commission can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7124?meta\\_id=219181](https://loudoun.granicus.com/player/clip/7124?meta_id=219181)

### **Item 1c – Chapter 10: Nonconformities and Adaptive Reuse**

Planning Commission Requests/Comments:

Vice Chair Salmon requested that staff consider providing additional information regarding foot candles and uses in nonconformities.

Commissioner Merrithew requested that staff consider modifying the language regarding boundary line adjustments to be less restrictive.

Vice Chair Salmon moved that the Planning Commission endorse Sections 10.01-10.04 Nonconforming Uses, Lots, and Structures, as presented as Attachment 1 to the November 12, 2022, Work Session Memo. (Seconded by Commissioner Frank. The motion passed 6-0-3: Commissioners Combs, Kirchner, and Miller absent for the vote.)

The full discussion and questions from the Commission can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7124?meta\\_id=219194](https://loudoun.granicus.com/player/clip/7124?meta_id=219194)

### **Item 1d – Chapter 1: Introduction – Information Item**

Judi Birkitt with the Department of Planning and Zoning provided information regarding draft Chapter 1, Introduction, which will be presented to the Commission during the January Commission Public Hearing.

Planning Commission Requests/Comments:

Commissioner Merrithew requested that staff clarify the importance of legacy districts in a future Commission Work Session discussion.

The full discussion and questions from the Commission can be viewed at the following link:

[https://loudoun.granicus.com/player/clip/7124?meta\\_id=219198](https://loudoun.granicus.com/player/clip/7124?meta_id=219198)

### **Administrative Items**

Charles Yudd, Deputy County Administrator, provided the Commission with an update on recent stakeholder outreach initiatives regarding the Zoning Ordinance Rewrite project. Mr. Yudd also provided an update to the Commission regarding the project schedule and noted that adjustments may need to be made to the overall schedule.

## **Adjourn**

Chair Hayes adjourned the Work Session.

(These minutes include a summary of the discussion on matters proposed, deliberated, or decided at this meeting. For a complete and detailed record of the discussions, please consult the video webcast for the meeting, available on the County's website, [www.loudoun.gov](http://www.loudoun.gov).)