

## MEMORANDUM

DATE: March 12, 2019

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Case Nos. ORD-18-0010 and ORD-18-0011. Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans

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### Overview

During the 2018 session of the General Assembly, amendments were made to Section 15.2-2259 of the Code of Virginia. The amended language states: “the local planning commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews.” After consultation with the County Attorney’s office, it is staff’s understanding that this language prohibiting the requirement of “presubmission reviews” would also prohibit the requirement for conceptual plan submissions.

A process for submission and review of conceptual plan has been a part of the County’s site plan and subdivision Ordinances for many years. For most of that time, the sections covering conceptual plans were worded to encourage their submission, but not require it. However, in 2016 the site plan section of the Zoning Ordinance was amended to require “enhanced conceptual plans” prior to the submission of a site plan when the proposal was for certain types of development that triggered review by the Development Review Committee (DRC) and Planning Commission (PC). This change in 2016 was proposed to help make the plan review process more efficient and predictable, without compromising review integrity. Unfortunately, this language is now out of compliance with the State Code.

In order to comply with the State Code, staff recommends reverting to the language of Sections 24-147 and 24-148 as they existed prior to the amendments made in 2016. This reversion would mean that for the types of development triggering review by the DRC and PC, this review would again occur at the site plan stage unless the applicant(s) voluntarily chose the option of submitting an enhanced conceptual plan for review by the DRC/PC. This process remains a functional and feasible process, if not one that fully achieves the objectives stated in 2016.

In addition, in order to comply with the State Code, staff recommends a change to Section 24-144 of the Zoning Ordinance and Section 19-19 of the Subdivision Ordinance, the sections which contain the provisions for conceptual plans, to delete a sentence that states “Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary.”

### Draft Ordinance Language

The draft language is included as Attachment Nos. 1-4 and accomplishes the following:

- In the Zoning Ordinance, it amends Section 24-144 (Preapplication conference and submission of conceptual plan):
  - This revision deletes language referencing the resubmittal of conceptual plans if required by the planning director.
- In the Zoning Ordinance, it amends Section 24-147 (Criteria for review):

- This revision replaces language referencing required review by the DRC of enhanced conceptual plans with language referencing site plans and reorganizes this section.
- In the Zoning Ordinance, it amends Section 24-148 (Procedure for commission review of enhanced conceptual plans):
  - This revision replaces language referencing enhanced conceptual plans with language referencing site plans and adds language describing the voluntary submittal of enhanced conceptual plans and review procedures by the DRC.
- In the Subdivision Ordinance, it amends Section 19-19 (Preapplication conference and submission of conceptual plan):
  - This revision deletes language referencing the resubmittal of conceptual plans if required by the planning director.

#### **Changes Since the December 5, 2018 Planning Commission Meeting**

No changes.

#### **Recommendation**

At its October 11, 2018 meeting, the Policy Committee reviewed the draft Ordinance language and voted 3-0 to approve the amendments.

At its December 5, 2018 meeting, the Planning Commission voted to recommend approval to the Board of Supervisors of Case Nos. ORD-18-0010 and ORD-18-0011 by a vote of 7-0.

Staff recommends the Board of Supervisors approve the attached revisions to the Zoning and Subdivision Ordinances.

JR/md  
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#### Attachments:

1. Strikethrough Proposed Zoning Ordinance Language
2. Strikethrough Proposed Subdivision Ordinance Language
3. Clean Proposed Zoning Ordinance Language
4. Clean Proposed Subdivision Ordinance Language
5. Approved Minutes of the December 5, 2018 Planning Commission Meeting
6. Staff Report for Ordinance Changes in 2016