

1 **Minutes of the Work Session of the Planning Commission of Henrico County held**
2 **in the Planning Department's Conference Room, County Administration Building**
3 **in the Government Center at Parham and Hungary Spring Roads, beginning at 5:30**
4 **p.m. Thursday, March 12, 2020.**
5
6

7 Members Present: Mr. C. W. Archer, C.P.C., Chairman (Fairfield)
8 Mr. William M. Mackey, Jr., Vice Chairman (Varina)
9 Mr. Gregory R. Baka (Tuckahoe)
10 Mrs. Melissa Thornton (Three Chopt)
11 Mr. Robert H. Witte, Jr. (Brookland)
12 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
13 Secretary
14 Mr. Tyrone E. Nelson (Varina)
15 Board of Supervisors' Representative
16

17 Also Present: Ms. Jean Moore, Assistant Director of Planning
18 Mr. James P. Strauss, PLA, Senior Principal Planner
19 Mr. Ben Blankinship, Senior Principal Planner
20 Ms. Sylvia Ray, Recording Secretary
21

22 Mr. Archer - In that case, I declare this work session to be in order. Mr.
23 Blankinship.

24
25 Mr. Blankinship - Thank you, sir. A month ago, we met and handed out the
26 binders that I see everybody remembered to bring back.
27

28 Mr. Baka - I had my binder and then --
29

30 Mr. Blankinship - That's too -- that's too bad.
31

32 Mrs. Thornton - I'm doing that next time.
33

34 Mr. Archer - That's a good idea.
35

36 Mr. Baka - What?
37

38 Mr. Archer - Taking it out the binder.
39

40 Mrs. Thornton - Yeah.
41

42 Mr. Blankinship - Gradually you're going to appreciate the big binder, because
43 we are going to fill it up.
44

45 Mr. Mackey - I see the big rings.
46

Mr. Blankinship - The suggestion was made last time that you familiarize yourself with three, four, and eight, but that you really take the time to dig into Article 3, the district definitions, and be prepared with comments for this evening's meeting. So, what are your comments?

At the beginning you have general provisions. Which, of course, requires compliance with the standards. That's kind of a normal place to start. And then there's the table of districts. I think we went over that in the work session last month, the very few changes that we're making there, so I'm assuming nobody has any comments on that.

Mr. Witte - You are very thorough in what you do, Mr. Blankinship.

Mr. Blankinship - Thank you, Mr. Archer. So then getting into paragraph, or subsection C, on page 3-3: Organization of Zoning Districts. Could do the discussion of base zoning districts, the discussion of plan development districts, and then of conditional zoning, which you're obviously familiar with, and overlay districts, which we have used -- there're a couple of new overlay districts in here. Anybody have any comments on any of those, or any questions, any concerns?

Mr. Mackey - I could use a little bit better understanding of some of the overlay districts, you know. I mean, I know what they are, but how they're used.

Mr. Blankinship - Well the biggest change, I guess, overlay districts in terms of their purpose and intent, the West Broad Street overlay is probably a good example. You have property fronting on Broad: some of it's B-2, some of it's B-3, some of it's R-6, some of it's office. But then you lay on top of that a strip 500 feet wide, centered on Broad, with a set of standards that applies to everything no matter what the underlying district. The airport's another good example. You've got all that land, all different zonings within a few -- say within a mile of the airport, and then you have the height restrictions that are based on the airport itself. And so you don't have to -- you just -- that district lays over on top of the regular zoning. If you wonder what uses are allowed, the setbacks and all that, it's the underlying zoning, but then on top of that you have this height restriction that applies no matter what the underlying zoning.

Mr. Mackey - Joe explained that to me last week.

Mr. Blankinship - Okay, great. A big change this coming with this code is that floodplains will become an overlay district. As you know right now we handle floodplains primarily by rezoning them to C-1. But of course we only rezone them when the property owner applies for rezoning, so where you have a continuous floodplain you have some C-1 and then some that hadn't been rezoned yet, and then some C-1 -- sometimes one side of the stream is C-1 and the other side of the stream is not, because the property owner just hasn't come in yet.

So in lieu of that, this will lay on overlay along all the floodplains and so no matter, again, whatever the underlying zoning is: it may be R-3, it may be R-2, it may be a business

93 district, but the floodplain regulations are going to apply to the floodplain no matter what
94 the other zones.

95
96 And the other nice thing about that is that it will be written such that if the floodplain moves,
97 the overlay moves. So if the stream gets relocated after a heavy storm, the floodplain is
98 gone, or, you know, is on the other side, now the overlay follows the floodplain.

99
100 The way we do it today, we rezone the C-1 by metes and bounds, so then if the floodplain
101 changes, the C-1 stays where it is. So we have -- I actually had an intern one time
102 produce a series of maps showing, Where do we have floodplain that is not C-1? Where
103 do we have C-1 that is not floodplain? And it's spread all over the place. And sometimes
104 it's just little strips where something changed a little bit, but sometimes a whole floodplain
105 has, you know, have been created by development pressures and there's no C-1 zoning
106 there, and sometimes there's a floodplain that was there in the late '60s or whenever, and
107 it was zoned C-1 at that time and now the floodplain has moved completely, gone off of
108 that property, but the C-1 zoning is still in place.

109
110 So something we'll have to talk about in the future is going back and fixing some of those
111 C-1 properties, but for right now what this code is going to do is change the floodplain
112 with an overlay so at least those restrictions, , primarily that you cannot build any new
113 dwellings on a floodplain, will be tied to, you know, if the floodplain moves that restriction
114 will move with it.

115
116 Mr. Baka - So that's C-1, and this whole page it just talks about
117 residential. Could you describe again, you explained a little bit earlier, but as far as corner
118 lots that have one frontage or two, or is the front side always the shortest of the two street-
119 facing fronts? How that works in the new ordinance?

120
121 Mr. Blankinship - As it's written now, on a corner lot the shorter street frontage
122 is front, so the longer of the two street frontages becomes the side. Most of the time that
123 works okay, but that does not always work okay. And right now the ordinance does not
124 have any flexibility with that at all. So one thing we are correcting, or changing, or
125 introducing some flexibility, is in the definition of corner lot rather than just having that
126 hard and fast rule: "the shorter side is always the front," there will be some opportunity at
127 either subdivision or POD to label front, side, and rear, that could be different from the
128 standard definition. And then once they're put down on paper and approved, then they
129 will stay there.

130
131 So you've seen cases, again on the BZA, like in Westham, you have a lot of houses that
132 are built facing the long side of a corner lot. And everybody thinks of that as the front of
133 their house so that's the front of their lot. But our regulations apply the other way around
134 and it makes everything difficult. With this in place a developer would be able to say at
135 the time of subdivision, All right, here's a lot where it's actually three feet shorter on this
136 side, but we want that to be the side. We want the longer side to be the front, because
137 it'll make this lot work better. And then once that's on an approved plat, you know, that

138 will be in the record. Everybody will know that decision was made so that will be the
139 decision going forward.

140
141 Mr. Witte - I got 125, 130 feet on Mountain Road. My house, address, is
142 Brookley Road. And I got 350 feet on Brookley Road. So the front of my house is on the
143 short side, but my address is on the long side. So should I have a Mountain Road
144 address?

145
146 Mr. Blankinship - Since you're a firefighter you should know the answer to that.

147
148 Mr. Witte - I knew exactly where it was. It wasn't an issue for me.

149
150 Mr. Blankinship - Yeah. Your address is determined by the location of your
151 driveway.

152
153 Mr. Witte - And I have one on both.

154
155 Mr. Blankinship - Oh, okay. Well then you could have either. You could have
156 either.

157
158 Mr. Witte - But it's not going to be on the short side.

159
160 Mr. Blankinship - And, yeah, that would not matter for your address. Street
161 address just is based on the driveway so that the emergency response crew can find your
162 driveway on the first try if they don't --

163
164 Mr. Witte - Well they don't have to look twice.

165
166 Mr. Blankinship - Well did you --

167
168 Mr. Witte - If they're coming down Mountain Road they got to turn onto
169 Brookley Road.

170
171 Mr. Blankinship - Yeah. If you have two, then you could do it on either.
172 Normally they -- the address is based on the driveway.

173
174 Mr. Witte - So this doesn't affect that at all. Short, long, doesn't make any
175 difference.

176
177 Mr. Nelson - Good evening, everyone.

178
179 Mr. Archer - I had a question as well, Mr. Blankinship. I always thought the
180 frontage for the plat that whichever was the most major street, if that makes sense.

181
182 Mr. Blankinship - It does come in -- that does come into play sometimes. You
183 remember 2002, was it, that we adopted the additional setbacks for the major

184 thoroughfare roads? So if you had the -- if your lot fronts on a major thoroughfare you
185 have that additional setback. That change created some conflict in some cases, and the
186 way we resolve that now, you see on subdivision plats, on a corner lot where there's a
187 major street and a subdivision street we'll put a planting strip easement on the major
188 street with a provision that says no egress -- no ingress or egress.

189
190 Mr. Archer - Oh, okay.

191
192 Mr. Blankinship - So once that's recorded on the plat, then that's not the front,
193 because you have no access.

194
195 Mr. Archer - Right.

196
197 Mr. Blankinship - Even though there's a street there, because the easement is
198 in the way, we don't consider that frontage for that place.

199
200 Mr. Nelson - Trying to figure out --how to stop the coronavirus.

201
202 Mr. Blankinship - We've been talking about that all day.

203
204 Mr. Baka - Just zoning laws.

205
206 Mr. Emerson - Only if it does not follow the zoning laws.

207
208 Mr. Witte - Drink more Corona.

209
210 Mr. Baka - If someone had a house that is legal nonconforming and they
211 encroached on that setback, I guess either the front or the side, are they allowed to rebuild
212 to that location, the existing wall, if it was damaged?

213
214 Mr. Blankinship - That's another rule that's probably going to be changing in this
215 ordinance, but we haven't gotten there. That's in module three. The nonconforming
216 regulations

217
218 Mr. Baka - Modules --

219
220 Mr. Blankinship - Nonconforming structure regulations will be in module three.

221
222 Mr. Baka - Oh, nonconforming. All right. Hold out for another week.

223
224 Mr. Blankinship - Yeah.

225
226 Mr. Archer - Mr. Blankinship, you had mentioned that how a stream, or a
227 floodplain could change.

228
229 Mr. Blankinship - Yes.

230
 231 Mr. Archer - I can remember a few years back there was a subdivision
 232 down off of Brook Road, and it had been subdivided, and the lots and everything had
 233 been figured out, and it was underwater. And if I'm not mistaken, I think -- I think Hank
 234 Wilto owned that property. And I never could figure out how they got rid of the water, but
 235 they had been -- it had been recorded and all the plats were laid out. But I know there
 236 was at least a foot of water, maybe two feet of water coming inside.
 237
 238 Mr. Blankinship - You're talking about Club Court I think?
 239
 240 Mr. Archer - I can't remember what the name of it is.
 241
 242 Mr. Emerson - Sounds like Club Court.
 243
 244 Mr. Archer - It was near the Interstate 95.
 245
 246 Mr. Emerson - Yeah. Between the road from Interstate south and Brookland,
 247 the --
 248
 249 Mr. Blankinship - Yeah. I don't know how they got all that dry. I guess put in
 250 real big pipes.
 251
 252 Mr. Archer - I really don't know. But I'm assuming at the time that it was
 253 subdivided it was dry.
 254
 255 Mr. Blankinship - Probably, yeah.
 256
 257 Mr. Archer - That just kind of crossed my mind. I thought it was curious.
 258
 259 Mr. Blankinship - It's a nice little subdivision. They've done a good job.
 260
 261 Mr. Archer - I hadn't been down there since. I think I'll ride down there
 262 tomorrow.
 263
 264 Mr. Blankinship - So, another thing that Mr. Baka mentioned that everybody
 265 should be aware of. Well, I'm not sure how often you deal with it on the Planning
 266 Commission. We have a kind of an odd rule called a reversed-corner lot, where if you
 267 have a corner lot and the back of the lot you -- normally if you have streets that are parallel
 268 the lots back up to each other, so at the corner lots, the two rear-lot lines are the same
 269 line and the two sides are on the street. Sometimes you'll get a street coming one way
 270 and another one going off perpendicular to it, and you'll have a corner lot, but the rear of
 271 that lot is the side of the next lot.
 272
 273 Mr. Archer - Yeah.
 274

275 Mr. Blankinship - And we call that a reversed-corner lot. And it can create some
276 challenges in terms of setbacks, because the minimum street-side setback used to be 10
277 feet, but that's another thing that was changed when we did the major thoroughfare -- the
278 additional setbacks for major thoroughfares, we made all of the side setbacks 25 feet. So
279 now that reversed-corner rule is pretty much taken care of. That used to be the rule: on
280 a reversed corner it had to be 25. On a standard corner lot the side-yard could be reduced
281 to 10 feet, but on a reversed corner it had to be 25. Now we've made all the corner lots
282 25.

283
284 Mrs. Thornton - Only in a R-2.

285
286 Mr. Blankinship - No.

287
288 Mrs. Thornton - Or no?

289
290 Mr. Blankinship - No. That should be consistent throughout.

291
292 Mrs. Thornton - On all of them?

293
294 Mr. Blankinship - Throughout the one-family districts.

295
296 Mrs. Thornton - Even the new where they're, like, zero-lot lines type of?

297
298 Mr. Blankinship - Zero-lot lines are an exception to that, because you --
299 because zero-lot lines the rule is that you can't have the zero-lot on the corner.

300
301 Mrs. Thornton - Right.

302
303 Mr. Blankinship - You have to put it on the other side.

304
305 Mrs. Thornton - So that's right (indiscernible).

306
307 Mr. Archer - You explained this very well, but still not sure I understand it.

308
309 Mrs. Thornton - All it is, just remember that all sides have 25 feet.

310
311 Mr. Blankinship - That is one thing that really ought to be up on the screen. I'm
312 sorry I didn't think about it.

313
314 Mr. Emerson - Yeah, that would've been a good one.

315
316 Mr. Blankinship -- I didn't anticipate having that conversation.

317
318 Mr. Emerson - It's confusing. That whole process is confusing.

319

320 Mr. Archer - I've always had too much pride to admit that I didn't really
321 know what a reversed-corner lot was. And the rest of you all did, too, you might as well
322 admit it.

323
324 Mr. Blankinship - No, the three of you that were on the BZA for a number of
325 years saw a lot more of them than you do on the Planning Commission. Because they
326 do create complications and people apply for variances or for special –exceptions.

327
328 Mr. Baka - I had a question on office, if it's okay to --

329
330 Mr. Blankinship - Can I ask another question of the group before we move onto
331 that?

332
333 Mr. Baka - Sure.

334
335 Mr. Blankinship - In the one-family district here's another arcane rule that we've
336 had for many, many years. When the ordinance was first adopted in 1960 the regulation
337 for a detached accessory structure, so a detached garage or a shed or a pool, all
338 detached accessory structures could not exceed, in yard coverage, they could not cover
339 more than 30 percent of your rear yard. So just measure your rear yard, multiply by 0.3,
340 and that's the total size of the accessory structure you can have.

341
342 In the, I want to say it was the, early '80s, I'm not sure when it was, but it was a long time
343 ago there were some complaints, conflicts, arguments because you had subdivisions
344 where they're a mixture of different lot sizes and some people have fairly small lots and
345 other people have much larger lots, but they all have the same zoning district. And the
346 people with the larger lots were building very large accessory structures, and people on
347 smaller lots didn't like that. It kind of changed the character of the neighborhood to them
348 to have a garage in their back yard that's bigger than their house.

349
350 So the ordinance was changed to figure for each residential district the required yard size,
351 required rear yard, which is the required width times the required depth of your rear yard.
352 Multiply that by 30 percent and that is now the total area of the rear yard that can be
353 covered by accessory structures. And that's the way it's stated in the code now.

354
355 Mr. Blankinship - And it's one of those rules that we have very carefully
356 concealed to make sure that the average person never knows that rule is there. So one
357 of the changes we were making here is putting that rule in the table so that everybody
358 could see it. And rather than saying "multiply the width by the depth and then by 30
359 percent," we did the math for you and put the number in the table.

360
361 Well, a lot of our staff, as soon as they saw the number in the table, thought, you know,
362 that rule was better before they changed it, that it really should depend on the size of your
363 lot. If you have a big lot you should be allowed more accessory structure than a small lot,
364 even if the zoning is the same. And I've gotten in a couple of debates with people trying
365 to explain the history of that, and the debates have ended, "Okay, so that's why they

366 changed it, but why don't we change it back?" If, you know, that's a 30-year-old rule we
367 don't necessarily have to be bound by that.

368
369 So that's one of the questions that we, as staff, have been debating among ourselves.
370 How large -- how much of your lot should you be allowed to cover with detached
371 structures? Should it be based on the size of your lot? Should it be based on the zoning
372 district? Should it just be it has to be smaller than the house? Should it be one figure for
373 all zoning districts: you get 900 square feet no matter who you are or where you live?

374
375 Mr. Mackey - If you have a lot that has, like, a drain field in it do you count
376 that as well?

377
378 Mr. Blankinship - Yes.

379
380 Unknown Speaker - Okay.

381
382 Mr. Emerson - And that's one people violate on kind of a regular basis.
383 Because, you know, they get sheds and things you don't have to get a building permit for
384 them. We don't see them. Permit, you know, Permit Center doesn't see them and all the
385 sudden, you know, they end up with more area covered in the rear yard than legally they
386 could have. And we generally don't do anything about that unless we get a complaint.
387 And I can't remember the last time we got a complaint on that. Do you?

388
389 Mr. Blankinship - Not a complaint. We get them at the BZA, from time to time.
390 People will put up several small things that don't require permits and then they'll go to
391 build a garage that does require a permit.

392
393 Mr. Emerson - And then we catch it.

394
395 Mr. Blankinship - And then we surprise them with it.

396
397 Mrs. Thornton - Okay, thinking about a shed --

398
399 Unknown Speaker - I mean --

400
401 Mr. Baka - Some think that --an accessory shouldn't be any larger than
402 the footprint of the house so that was 24 by 28 or something.

403
404 Mr. Archer - In most cases they do not use those (indiscernible).

405
406 Mrs. Thornton - Yeah, I think.

407
408 Mr. Baka - Would it have to have a smaller footprint than that to be an
409 accessory to a house?

411 Mr. Blankinship - That is not stated in the code now. There is one thing we
412 talked about at --

413

414 Mr. Baka - All right. All right.

415

416 Mr. Blankinship - Also the height of the accessory structure.

417

418 Mr. Baka - But that could also unfairly penalize some folks that have
419 smaller homes in neighborhoods built, say, '30s, '40s and '50s you think about some of
420 the smaller homes that were 900 or 1000 square feet, you know, they might not be able
421 to have a large two-car garage detached in the yard. Sounds sticky.

422

423 Mr. Witte - You know a lot of those Lakeside houses and over on Skipwith
424 and Fort Hill and all. They're pretty much cookie-cutter estates.

425

426 Mrs. Thornton - Yes.

427

428 Mr. Witte - I mean, 24 by 36, 800-and-some square feet. A lot of garages
429 over there are bigger than that.

430

431 Mr. Emerson - Yep, they are.

432

433 Mr. Witte - It is what it is.

434

435 Mr. Emerson - It is.

436

437 Mr. Blankinship - Well, I mean, is that something that the six of you feel strongly
438 about? That it shouldn't be over a certain size?

439

440 Mr. Witte - No. No, I --

441

442 Mrs. Thornton - I mean, nothing --

443

444 Mr. Emerson - We talking about the size, or the coverage?

445

446 Mr. Blankinship - Coverage.

447

448 Mr. Emerson - Because they've got height, you know.

449

450 Mr. Blankinship - Right.

451

452 Mr. Emerson - You've got the height issue that's --

453

454 Mrs. Thornton - I mean, how many people really --come in for permits?

455

456 Mr. Emerson - Oh it's like Ben said only one --

457
 458 Mr. Blankinship - Well they need it for a garage.
 459
 460 Mrs. Thornton - Yeah.
 461
 462 Mr. Emerson - Primarily when we catch them is when they come in and they
 463 have to get a building permit for something and then we look at the property --
 464
 465 Mrs. Thornton - Right.
 466
 467 Mr. Emerson - And find out, you know, they've put two sheds on the back
 468 yard, or something else and, oh, gee, they don't have enough area left to put their garage
 469 up. So then they have to either come get a variance, if they don't get a variance then
 470 they get rid of a shed, or they don't build the garage.
 471
 472 Mrs. Thornton - Yeah. Feel like their property...
 473
 474 Mr. Emerson - Mm-hmm. It's an -- it's an interesting rule. It keeps uniformity
 475 in a neighborhood that's --
 476
 477 Mrs. Thornton - If they cover it with a pool and they have a pool house.
 478
 479 Mr. Blankinship - Right.
 480
 481 Mrs. Thornton - Are you considering that, like --
 482
 483 Mr. Blankinship - Yes. That those would both count.
 484
 485 Mrs. Thornton - So a lot of people don't have a lot of space left after that.
 486
 487 Mr. Blankinship - Yeah.
 488
 489 Unknown Speaker - We've got an issue coming up not going to affect this body,
 490 but gentleman passed away this last fall and the people next door put in the pool and a
 491 pool house, half of it's on each side.
 492
 493 Mr. Blankinship - Oh, no.
 494
 495 Mrs. Thornton - Oh, gosh.
 496
 497 Unknown Speaker - Can't move it. Can't subdivide it. Something's got to get torn
 498 down.
 499
 500
 501 Mr. Witte - Sell half the pool and half the house, or pool house, to the
 502 neighbor.

503
504 Mrs. Thornton - Because they didn't get a permit or a survey.
505
506 Mr. Blankinship - Didn't get a survey.
507
508 Mr. Emerson - So I'm not hearing a lot of strong feelings on this, like, No. I
509 think garages need to be kept small? When you start putting too much stuff in your rear
510 yard then it -- the neighborhood doesn't look right anymore. Not hearing it. So there's at
511 least some flexibility to increase those numbers to make it proportional to the size of the
512 lot.
513
514 Mr. Emerson - It's not restricted --
515
516 Mr. Witte - We've got an issue in the Brookland District where a guy got
517 this cape cod house and he's got, I don't know, 3000 square feet of workshop back there
518 that he built without a permit. I'm sure you know who I'm talking about.
519
520 Mr. Blankinship - No, but I can imagine.
521
522 Mr. Witte - Ackley?
523
524 Mr. Blankinship - Yeah.
525
526 Mr. Emerson - Oh. Okay, yeah.
527
528 Mr. Witte - He's got other issues. But, I mean, he's got hydraulic cranes
529 in there, he's got just heavy-duty stuff.
530
531 Mr. Blankinship - So the use is probably unlawful, too.
532
533 Mr. Witte - Probably.
534
535 Mr. Emerson - It sounds that way.
536
537 Mr. Witte - Every once in a while, we get a complaint, somebody will
538 complain about all the junk, noise, and somebody'll go over there and he'll go, we're going
539 to take care of it. I'll have it done. Course nothing ever happens.
540
541 Mr. Blankinship - Right.
542
543 Mr. Witte - And he owns the little house next to it and since he bought it
544 it's been vacant and he started to put an addition on the back, but he didn't get a permit,
545 so we had the foundation in, and then he got caught. There it is. We talked to him about
546 it and he says, my property, I should be able to do what I want.
547
548 Unknown Speaker - Right.

549 Mr. Archer - Mr. Blankinship.
550
551
552 Mr. Blankinship - Mm-hmm.
553
554 Mr. Archer - Do we make any discrimination between a garage -- as long
555 as a garage is some kind of way physically touching the house that is considered one
556 building?
557
558 Mr. Blankinship - The rule on what is attached and what is detached as it is in
559 today's code is that it has to be -- in order to be attached it has to be either integral with
560 the house, whatever Joe says that means, or it has to be connected to the house by a
561 breezeway at least 10 feet wide. So, if you have a narrow breezeway --
562
563 Mr. Archer - About 10 feet? Oh, I mean 10 feet wide.
564
565 Mr. Blankinship - Yeah. But if you have a narrow breezeway, 4- or 5-feet wide,
566 we'll still it the garage detached. But if the breezeway is 10-feet wide or wider, then the
567 garage is attached. It has to meet the setbacks for the principal.
568
569 Mr. Archer - That used to be a delineation before I retired from the
570 insurance business and we had to go out and measure houses and make a description
571 of them. If the garage had living space above it, it was called a built-in garage. If it was
572 attached to the side but had no living space above it, it was an attached garage. And, of
573 course, if it didn't touch the house at all it was a detached garage.
574
575 That meant a lot of arguing about what was built-in and what was not. Because there are
576 some garages built that had a tiny bit of living space above it, but it doesn't cover the
577 whole garage.
578
579 Mr. Blankinship - Right.
580
581 Mr. Archer - And sometimes the underwriters would accept that as a --
582 what would you call -- attached, and some would want to call it a built-in. But that was
583 how we could make the decisions in what was built in and what was attached. It had to
584 have living space above it in order to be called a built-in garage.
585
586 Mr. Blankinship - We do not distinguish between built-in and attached. Those
587 would be the same.
588
589 Mr. Archer - Okay. I guess that's kind of what I was asking.
590
591 Mr. Witte - How does it deal with a guest cottage, guest houses?
592

593 Mr. Blankinship - Guest houses, as far as I know we're going to keep the -- as
 594 far as I can recall, we're going to keep the regulations we have now and, you know, that's
 595 --
 596
 597 Mr. Witte - But that won't count the area in the backyard and --
 598
 599 Mr. Blankinship - Yes. That does count against your whatever allowance there
 600 is. Yes. A guest house would count against it.
 601
 602 Mr. Witte - All right.
 603
 604 Mr. Archer - All right. Any more questions of Mr. Blankinship? He is very
 605 thorough.
 606
 607 Mr. Blankinship - Mr. Baka wanted to move to the office district.
 608
 609 Mr. Baka - Well I had one on Officeone on business, B-2.
 610
 611 Mr. Blankinship - All right.
 612
 613 Mr. Baka - Pick your poison.
 614
 615 Mr. Blankinship - Let's go office first, just take a minute.
 616
 617 Mr. Baka - All right, 200 points for office. You know, office where there,
 618 sometimes there's a lot of smaller, older office buildings that the architecture may not be
 619 there.
 620
 621 Mr. Blankinship - Yeah, 3-64 is the page where office districts are.
 622
 623 Mr. Baka - What I was wondering is, is there any way to account when
 624 you're talking about office districts here in O-1 or O-2 to allow for any type of incentives
 625 for people to redevelop an older, smaller, single-story office maybe put a two-story or a
 626 four-story office in its place to kind of make it side-by-side in certain spots?
 627
 628 Mr. Blankinship - The closest thing I think we're working on to that, or two things
 629 really, are both, again, in module 3. All your questions are module 3 questions today.
 630 Two of the issues we're going to take up there, though, are the neighborhood compatibility
 631 standards, and also some reinvestment standards to try to encourage reinvestment, just
 632 generally, where there are nonconforming buildings that can't be -- with businesses and
 633 offices it's usually parking that's the problem. When they were originally developed, they
 634 maxed out the size for the amount of parking they had, so if you want to add additional
 635 floor area you have to come up with additional parking somewhere.
 636
 637 And we want to -- Clarion is supposed to be working on a sliding scale so that if you want
 638 to add just a little space then you might be able to do it without a parking space. Or if you

639 want to add a little bit more, then you might be able to get by with, you know, less parking
640 than required by the book. But then if you want to double the size of the existing building,
641 you're going to have to bring it up to code. So that's -- the parking is the main thing that
642 they've talked about when it's --

643
644 But I think setbacks also play into that. Especially in cases where what is now an office
645 was originally built as a dwelling. Because a lot of times the setbacks are greater in the
646 office districts. So you may have had a dwelling that was conforming to the dwelling
647 standards when it was built, but when it was changed to an office now it became
648 nonconforming, so you can't add on to it.

649
650 So, again, the neighborhood compatibility standards we are hoping are going to include
651 some sort of mechanism to say, you know, you can encroach into that requirement as
652 long as it's not going to be incompatible with the neighborhood on the other side. But
653 sometimes we get a case where it backs up to a common area, there's not a house by it,
654 but it's residential zoning, and so the code treats that exactly as if there was a house
655 there. So the neighborhood compatibility standards might be able to give you some
656 flexibility in a case like that. To say since it's common area that you're backing up to, it's
657 almost like you have an additional property there, so it will allow some additional site
658 development. That's not in this module.

659
660 Mr. Baka - Okay.

661
662 Mr. Blankinship - Anything else in the office districts? You said you had
663 something in business?

664
665 Mr. Baka - All right, so on Broad Street near the Haynes Furniture
666 Building at nighttime there's this truck it's like maybe the size of a small food truck that
667 just parks there and has bright lights on and leaves. It's not there in the day. So every
668 time I drive by it I'm like, Oh, man, I've got to call Ben Blankinship. I don't even know what
669 district it is. Brookland or Three Chopt or --

670
671 Mrs. Thornton -- Brookland.

672
673 Mr. Baka - Sorry if it's Brookland.

674
675 Mr. Baka - I do Three Chopt.

676
677 Mr. Emerson - I think this is Three Chopt.

678
679 Mr. Baka - But does --

680
681 Mrs. Thornton - Can always just (indiscernible)

682
683 Mr. Emerson - Essentially it would be in Brookland.
684

685 Mr. Baka - Does the district prohibit those?
686
687 Mr. Blankinship - That is B-3 zoning, so the use is actually allowed. Right now
688 the food truck doesn't occur in the code, and we allow them as temporary outdoor sales
689 stands. That's the nearest use we have in the code for the food truck, and that is permitted
690 in B-3 as long as it's 200 feet from the nearest R district. So the use is permitted. What
691 is not is the blinking lights and we have been waiting to get that complaint.
692
693 Mr. Baka - It's very noticeable in the intersection when people are
694 turning. I'm waiting to see a traffic accident that say, Oh, I was looking at the lights.
695
696 Mr. Blankinship - Every time I drive by it I think, Why hadn't Mr. Baka called me
697 yet?
698
699 Mr. Baka - Right.
700
701 Mr. Emerson - It's there during the day, too.
702
703 Mr. Witte - He's a slacker.
704
705 Mr. Emerson - It was sitting there -- it was sitting there this afternoon,
706 because I came down through there probably about 2:30 and the trailer was there and
707 like a -- like they sell crabs or something, is that what it says on the side of it?
708
709 Mr. Baka - Yeah. Yeah, they do.
710
711 Mr. Emerson - It's some sort of little food truck and they -- or trailer or
712 whatever it is. I know exactly what you're talking about.
713
714 Mr. Blankinship - Yeah there's actually a permanent electrical connection to it
715 now.
716
717 Mr. Emerson - Is there?
718
719 Mr. Blankinship - Yeah. When they first set up, they were running a generator
720 and the guys from the furniture store said, Look, we love having your food truck there, but
721 you've got to get rid of that generator.
722
723 Mr. Archer - You already know.
724
725 Mr. Blankinship - So -- yes, we did. We did it because the use is permitted. And
726 that was our --
727
728 Mr. Baka - Okay. I wasn't sure they had a permit.
729

730 Mr. Blankinship - We had an interesting conversation, because that's not
 731 temporary. The electrical panel is permanent.
 732
 733 Mr. Emerson - No, that's not temporary.
 734
 735 Mrs. Thornton - So --
 736
 737 Mr. Blankinship - But the use for the food truck is temporary.
 738
 739 Mr. Emerson - Yes, that's temporary. Now, so --
 740
 741 Mr. Blankinship - So how would you define -- go ahead.
 742
 743 Mrs. Thornton - So the food truck, it -- so you will have something, I mean, you
 744 know.
 745
 746 Mr. Emerson - Yeah there's -- you've got one on tonight, but that's getting --
 747 a provisional use permit.
 748
 749 Mrs. Thornton - But generators, I didn't think about that.
 750
 751 Mr. Emerson - No you're not going to have generators. We've already --
 752 that's all going to be permanently plumbed for yours.
 753
 754 Mrs. Thornton - Yeah.
 755
 756 Mr. Emerson - But you got the electricity. We already talked to them about
 757 it. The electricity is routed to it, and they've got a grease trap to dump the grease into,
 758 and they've got water at all the spaces. So that's really like the Cadillac version of a food-
 759 truck court.
 760
 761 Mrs. Thornton - Right, okay. Well that's what I thought, but then I didn't even
 762 think about it, you know.
 763
 764 Mr. Emerson - No we brought that up before early on. So.
 765
 766 Mrs. Thornton - Okay, got you.
 767
 768 Mr. Blankinship - Yeah. That's why they need that provisional use permit.
 769
 770 Mrs. Thornton - Right.
 771
 772 Mr. Blankinship - Maybe it was B-3 zoning.
 773
 774 Mr. Emerson - Yeah.
 775

776 Mr. Blankinship - The Haynes site is B-3.
777
778 Mr. Baka - So the truck at Haynes can stay there, they just need to turn
779 off their light?
780
781 Mr. Blankinship - Well just the blinking light.
782
783 Mrs. Thornton - The blinking.
784
785 Mr. Blankinship - Yeah that's a sign, the blinking light violates the sign
786 regulations.
787
788 Mr. Emerson - Yeah.
789
790 Mr. Blankinship - So is that complaint? Can I consider that a complaint?
791
792 Mr. Baka - I'm sorry I don't have -- the little "Mindful Things" shop down
793 at Pemberton and Three Chopt next to the auto repair station, in Pemberton, Three Chopt
794 near the veterinarians, I think there's a vet and then it's auto repair. Because there is a
795 little house there, they have flickering lights at night all the time.
796
797 Mr. Blankinship - Oh, I noticed that. That -- by Regency, right?
798
799 Mr. Baka - No this is Three Chopt.
800
801 Mr. Emerson - No, no, this is --
802
803 Mr. Baka - The vet is a veterinarian and --
804
805 Mr. Blankinship - Oh, it's by Regency Auto Repair, right?
806
807 Mr. Baka - Yeah. Regency Auto Repair.
808
809 Mr. Emerson - Yes. It is a little thrift shop that sits there.
810
811 Mr. Baka - Yeah. But their blinking lights at night are almost as bright as
812 the one in Haynes.
813
814 Mr. Emerson - I didn't realize they had blinking lights. I guess they're --
815
816 Mr. Baka - I drive by that twice a night. I'm like, I got to call them. Like,
817 I'll just leave you a voicemail at 9:00, 10:00 at night.
818
819 Mrs. Thornton - He's just been doing a circle around --
820

821 Mr. Blankinship - Well you're on the record now. This is going in the minutes,
822 so --
823
824 Mr. Emerson - You can -- you can video the building with your phone and
825 send it to us.
826
827 Mr. Blankinship - I'll be emailing community maintenance in the morning.
828
829 Mr. Emerson - The -- would that be a sign you think?
830
831 Mr. Blankinship - Yes.
832
833 Mr. Emerson - You know, that's how we would classify that.
834
835 Mr. Archer - Do we have -- where is the Haynes --
836
837 Mr. Blankinship - Sorry?
838
839 Mr. Blankinship - Haynes is on Broad. It's on the, well, if you're going out of
840 town it's on the left side of Broad Street and south --
841
842 Mr. Archer - Across from Costco?
843
844 Mr. Emerson - Yes.
845
846 Mr. Archer Oh, yeah.
847
848 Mr. Emerson - What did we give them a permit for on that?
849
850 Mr. Blankinship - Just the electrical permit for the --
851
852 Mr. Emerson - That's all we did. I didn't know that.
853
854 Mr. Blankinship - Yeah. So we didn't have to actually sign anything.
855
856 Mr. Emerson - It's a use by right. Okay, yeah.
857
858 Mr. Blankinship - Yeah. David brought it over and asked me about it.
859
860 Mr. Emerson - Okay, all right.
861
862 Mr. Blankinship - We had conversations about it.
863
864 Mr. Archer - You know that flagpole in front of Haynes is also an antenna.
865
866 Mr. Blankinship - Yeah, that's a cell tower.

867
868 Mr. Emerson - It is. Al Taylor.
869
870 Mr. Archer - Yeah, I believe it was. I believe it was.
871
872 Mr. Blankinship - Yeah. I believe that was Al Taylor.
873
874 Mrs. Thornton - Speaking about antennas or these new poles that have gone
875 up all over Broad Street? They can just put them up anywhere, or --?
876
877 Mr. Emerson - Well that's VDOT right-of-way. Are you talking about the
878 microcell towers, or the microcell poles?
879
880 Mrs. Thornton - Right.
881
882 Mr. Emerson - Federal legislation prohibits us from being able to get into it so
883 -- as well as state legislation.
884
885 Mrs. Thornton - Okay.
886
887 Mr. Emerson - And, on top of that, that's a VDOT right-of-way, so we get
888 absolutely zero say in it.
889
890 Unknown Speaker - You can get a handful of babies and go out there and protest.
891
892 Mrs. Thornton - Well, I just feel like we should have told people about it.
893
894 Unknown Speaker - Yeah.
895
896 Mr. Emerson - Yeah. We can't say when it's on state land it can't -
897
898 Mrs. Thornton - Is this the 5G coming through?
899
900 Mr. Emerson - Well, you know, they say they don't have 5G yet. I mean,
901 Greg's been in a lot of this. It's really 4G. And we went through this whole issue in
902 Tuckahoe where they went in and came in under 50 feet. They were building it on a
903 county right-of-way and we -- and still based on the state and federal legislation we really
904 had no say in it. However, there's some new legislation that requires the cellular
905 companies to notify the people within an -- what was the range on that legislation, Ben,
906 did it have a distance?
907
908 Mr. Blankinship - I don't recall.
909
910 Mr. Emerson - I'd have to go back and look. Do you remember, Jean?
911
912 Mr. Baka - Under new state law?

913
 914 Mr. Blankinship - Yes.
 915
 916 Mr. Baka - That's House Bill 554.
 917
 918 Mr. Emerson - But I'm trying to remember was there a distance, within a
 919 certain distance, they had to notify or was it just adjacent?
 920
 921 Mr. Strauss - I'd say adjacent to the best of my recollection.
 922
 923 Mr. Emerson - Yes, probably it was.
 924
 925 Ms. Moore - I think it was.
 926
 927 Mrs. Thornton - Those are all on Broad Street now.
 928
 929 Mr. Emerson - But all that is, is a notification. They can still put it up.
 930
 931 Mr. Baka - Right.
 932
 933 Mr. Emerson - It just means you're less surprised when the pole goes up,
 934 basically.
 935
 936 Mrs. Thornton - Right.
 937
 938 Mr. Emerson - You're angry for 10 days before it goes up. Basically.
 939
 940 Mr. Archer - They've removed those VDOT things forever, because they -
 941 -
 942
 943 Mrs. Thornton - Yeah.
 944
 945 Mr. Archer - The cell towers first started to become, I guess, to us at that
 946 time it was a problem. And we were -- people were so adamant against it we were trying
 947 our best to deny a bunch of them. And when you deny one, you know, you look around
 948 and here's one of the VDOT phone, the phone and VDOT right-of-way. You might -- you
 949 couldn't do anything. Couldn't even ask a question about it.
 950
 951 Mr. Witte - He might be the only guy in here old enough to remember.
 952
 953 Mr. Archer - I am.
 954
 955 Mr. Emerson - Well, you know, there was some other legislation I think that
 956 went through too that gave them even more rights in regard to being treated like a utility.
 957
 958 Mr. Blankinship - Microcells?

959
 960 Mr. Emerson - Yes. Which I'd -- that legislation was in there. I'm not sure of
 961 its status. We opposed it but I think it passed. Jean, do you recall if that one get through?
 962
 963 Ms. Moore - I'd have to go check. I can go get my running list.
 964
 965 Mr. Emerson - Well, that's okay.
 966
 967 Ms. Thornton - That's okay.
 968
 969 Mr. Emerson - We can check and let you know, but I think that might have
 970 gotten through. So it's just beginning more -- they're taking that regulation and that ability
 971 to regulate away from us. You know, they pretty much had anyway and it's just moving
 972 more and more in that direction.
 973
 974 Mrs. Moore - Yeah. I guess 5G's a big push.
 975
 976 Mr. Emerson - But here it's not even 5G yet. I guess they'll come back and
 977 replace all the poles for the 5G, or for the fifth generation, I guess, whatever they call it.
 978
 979 Mrs. Thornton - Right.
 980
 981 Mr. Emerson - But around here it's really just 3G and 4G. Right?
 982
 983 Mr. Baka - 4G right now. They couldn't come with 199-foot structure
 984 solution in the Tuckahoe area, so it's a subs -- to just give you the idea of coverage, they
 985 had one 199-foot pole proposed at Avalon Swim Club which is somewhat centrally located
 986 in Tuckahoe, but it's taking 20 structures throughout Tuckahoe that are less than 50 feet
 987 in height to get the same type of a coverage that they would have had in this one hole in
 988 the neighborhood.
 989
 990 Now, granted, when we walked the neighborhood near Avalon Swim Club many, many,
 991 many people were very, very upset about that kind of structure and they didn't want 199-
 992 foot tower in their back yards. They were dozens of homes that say -- that understandably
 993 so. But just to give you an idea of the coverage, plenty of short structures in some cases
 994 for one tower. Interesting equivalent.
 995
 996 I'm squarely in the camp that we ought to have a larger font size in the code. But maybe
 997 you can read it. That's just my two cents.
 998
 999 Mr. Emerson - We're going to put it online so you can take your iPad and
 1000
 1001 Mr. Blankinship - You can Zoom to your heart's content
 1002
 1003 Mr. Emerson -- I'm right here with you. If I can't find my glasses --
 1004

1005 Mrs. Thornton - I had a question about the overlay districts and then I guess
 1006 you -- it says insert effective date of this ordinance for the dwellings of, I guess, flood.
 1007

1008 Mr. Blankinship - Right.
 1009

1010 Mrs. Thornton - So can you just tell me about what -- I feel like floodplain and
 1011 flood and all that has been a huge thing. What is the effective date of the ordinance?
 1012

1013 Mr. Blankinship - So it'll be when this is done.
 1014

1015 Mrs. Thornton - When this is adopted, you'll stick that --
 1016

1017 Mr. Blankinship - Right, yes. Whenever, you know, whatever date this is
 1018 adopted.
 1019

1020 Mr. Emerson - But the floodplain is defined by the floodplain maps, to answer
 1021 your question.
 1022

1023 Mrs. Thornton - Yes. So, for instance, Bridlewood, and then they sold some
 1024 of the back sides, which some were in the flood plains.
 1025

1026 Mr. Emerson - Right.
 1027

1028 Mrs. Thornton - And then that they were very in a stink with the county allowing
 1029 them to change it and allowing houses to be built. Is this going to be -- because I feel like
 1030 more and more development, more and more issues with, you know, drainage and creeks
 1031 and --
 1032

1033 Mr. Emerson - This doesn't change the floodplain.
 1034

1035 Mrs. Thornton - Okay.
 1036

1037 Mr. Emerson - Floodplain maps are set by FEMA and --
 1038

1039 Mr. Blankinship - Well, FEMA does it and the county also does.
 1040

1041 Mr. Emerson - The county has floodplains, so that's -- but this -- these
 1042 regulations will not change the delineation of the floodplains, which I think is -- gets to
 1043 your question.
 1044

1045 Mr. Blankinship - So you're on page 3-123. Right?
 1046

1047 Mrs. Thornton - Yes.
 1048

1049 Mr. Blankinship - Yeah. And it's under C there. Any dwelling lawfully
 1050 established -- within the special flood-hazard area on or before the day this new zoning
 1051 ordinance gets adopted.

1052

1053 Mrs. Thornton - Right.

1054

1055 Mr. Blankinship - Will then be nonconforming with respect to this new zoning,
 1056 so that sets whatever date toward the end of this year --

1057

1058 Mr. Emerson - But it doesn't change the floodplains.

1059

1060 Mrs. Thornton - Okay.

1061

1062 Mr. Emerson - And, but now those fluctuate from time to time, they went --
 1063 they remapped them how many years ago?

1064

1065 Mr. Blankinship - Think about five. Right? Or is it -- maybe a little bit longer
 1066 than that.

1067

1068 Mr. Emerson - Because there were sections of Wyndham, for example, of
 1069 homes that ended up in the floodplain that weren't before and then --

1070

1071 Mrs. Thornton - So this overlay that you were talking about before, is that
 1072 going to protect, you know, like if you're going to say it's in the flood, or overlay flood --

1073

1074 Mr. Emerson - Right.

1075

1076 Mrs. Thornton - It's different insurances, too, when you get into this flood.

1077

1078 Mr. Archer - You better bet.

1079

1080 Mrs. Thornton - Yeah. So how is that going to --

1081

1082 Mr. Emerson - Well, we're not drawing the line of the floodplain.

1083

1084 Mr. Blankinship - We were going to use the studies that are already in place,
 1085 the FEMA studies and the county studies that are already in place.

1086

1087 Mrs. Thornton - Right.

1088

1089 Mr. Blankinship - So no we won't be -- adopting this will not move floodplain
 1090 lines.

1091

1092 Mrs. Thornton - I understand. But the overlay?

1093

1094 Mr. Blankinship - The overlay will follow that floodplain line once you --

1095
1096 Mr. Emerson - Correct.
1097
1098 Mr. Witte - It'll just --
1099
1100 Mr. Emerson - It's just a different way -- right now there's just a sentence in
1101 the zoning ordinance that says if your land is in the floodplain you can't use it for a
1102 dwelling. No new dwellings are permitted in the floodplains. But that's in a place that you
1103 wouldn't normally look for now, so people don't know that regulation's there unless they
1104 are really experienced with the ordinances. This way it'll be much more visible. It'll be
1105 much more obvious on the map.
1106
1107 Mr. Blankinship - But you won't be able to build in the overlays.
1108
1109 Mr. Blankinship - No. We're not -- yeah. That won't be changed.
1110
1111 Mr. Emerson - We're really not changing anything other than moving where
1112 this is currently placed.
1113
1114 Mr. Blankinship - Right. Yeah. Just --
1115
1116 Mr. Emerson - Right. Really it just goes way in and it's --
1117
1118 Mrs. Thornton - Okay.
1119
1120 Mr. Emerson - Yeah. The regulations stay the same.
1121
1122 Mr. Blankinship - And then, as I said, in the future we might want to do
1123 something to re-align the C-1 zoning districts with the floodplains, because that doesn't
1124 move. That only moves by ordinance of the Board of Supervisors.
1125
1126 Mrs. Thornton - Right.
1127
1128 Mr. Emerson - So we have C-1 where there is no floodplain. We have
1129 floodplain when there's no C-1. And it'd be nice to have them aligned.
1130
1131 Mr. Blankinship - And part of that came about when they redefined the
1132 floodplains.
1133
1134 Mr. Emerson - Right.
1135
1136 Mr. Emerson - Part of it. They weren't always 100 percent consistent, and
1137 part of it happened when they -- they remapped the floodplains a few years ago.
1138
1139 Mrs. Thornton - Okay.
1140

1141 Mr. Blankinship - And anybody can have a floodplain re-evaluated whenever
 1142 they want. You -- any citizen can go to FEMA with an engineering study and say, The
 1143 floodplain is not where it's shown on your map.
 1144
 1145 Mrs. Thornton - Right.
 1146
 1147 Mr. Blankinship - And if FEMA accepts their engineering study, they'll redraw
 1148 the map.
 1149
 1150 Mr. Archer - That's one of the biggest problems mentioned in the insurance
 1151 industry that came about because of floodplains was that the bank wouldn't loan you any
 1152 money. If any piece of your property -- let's say this was a huge yard, and that pile of
 1153 papers in front of Jean down there, just that little piece was in the floodplain. They would
 1154 not let you have insurance unless you got a flood policy.
 1155
 1156 Mrs. Thornton - Right.
 1157
 1158 Mr. Blankinship - Let you have a mortgage.
 1159
 1160 Mrs. Thornton - Mortgage?
 1161
 1162 Mr. Archer - Yeah. Yeah.
 1163
 1164 Mrs. Thornton - It's (indiscernible).
 1165
 1166 Mr. Archer - It wasn't all that expensive. They got to the point where the
 1167 government was subsidizing, so any insurance company would write it, because they
 1168 knew then they wouldn't have to pay the claim when it came about it. But, I mean, I've
 1169 seen places that there's no possible way you could ever have a flood and they would
 1170 make a person get the flood policy.
 1171
 1172 It always caused a lot of consternation between the individual and the bank or the
 1173 mortgage company. Because they were so adamant about it. And then it got to the point
 1174 where anybody would pay flood insurance. Some of the insurance companies will handle
 1175 it just so they can get a fee for handling it and then all of them just write it. You know.
 1176 And they weren't all that expensive, to tell you the truth. Unless you had land under the
 1177 James River.
 1178
 1179 Mrs. Thornton - Right.
 1180
 1181 Mr. Archer - But I was going to say when you did all the talking about how
 1182 old I am and going to tell about how young you are. I can remember when these
 1183 cellphones started to proliferate. Be glad that you weren't here, because then that was a
 1184 mess. And it all had to do with people wanting to construct an antenna. And then it was
 1185 new to all of us. We didn't even know how to deal with it either, so we were of a mind
 1186 that, okay, we'll build this antenna so short that you can't see it.

1187
1188 Mr. Blankinship - Right.
1189
1190 Mr. Archer - And the upshot of all of that was you could only put one locator
1191 on that antenna. And then we finally realized, Hey, you know, if we built these things tall,
1192 we can put three, four, five, six locators on. But as it was back then you have to have an
1193 antenna almost every half mile, because they couldn't handle the load. And it took us a
1194 long time to overcome that. I've been wondering what's going to come along that's going
1195 to replace the antennas, but nothing's come along yet.
1196
1197 Mr. Blankinship - Satellite was supposed to.
1198
1199 Mr. Archer - Yeah. I'd say years ago --
1200
1201 Mrs. Thornton - Yeah.
1202
1203 Mr. Blankinship - About 10 years ago they told us all the cellphones are going
1204 to go -- or cell towers are going to go (indiscernible).
1205
1206 Mr. Emerson - They can't get a low enough orbit satellite to make it work, is
1207 what they say.
1208
1209 Mr. Archer - Somebody jokingly suggested I if every automobile had some
1210 kind of antenna it at the will connect to another one?
1211
1212 Mr. Emerson - They will fall out of the sky, like Skylab.
1213
1214 Mr. Archer - And so make a whole thing out of those.
1215
1216 Mr. Baka - Mr. Archer, you're right. I worked for a neighboring locality in
1217 Planning and Zoning Office in the '90s. Okay, it was Hanover County. But, anyway, I-
1218 295, when you take that 295 from East end, Varina, and you drive over, there's a VFW
1219 site in Hanover County and there's one short tower about 99 and going up on 25, but
1220 there's three or four antennas on three different towers on the same VFW property. And
1221 so Oakridge and 295 look on the right -- north side. So living down the state in the mid
1222 '90s so I'm glad someone else heard about it.
1223
1224 Mr. Witte - The VFWs make money on each of them.
1225
1226 Mr. Baka - They have a lease for each one, right. Ground lease, and
1227 (indiscernible) right of way, so they did okay.
1228
1229 Mr. Archer - I could look around and try to see how many of those towers
1230 still are left. Because they, you know, they weren't very obnoxious at all. You could
1231 hardly see them.
1232

1233 Mr. Baka - I understand what you're saying, exactly.
 1234
 1235 Mr. Archer - But cellphones always were something that troubled us when,
 1236 as you said, I'm going to say nameless district, but it was Varina. But at one point
 1237 somebody came in and, I mean, it was a whole slew of them all sitting up front and they
 1238 wanted to deny the cellphone tower and a lot of people thought that they were that -- they
 1239 were saying these things put out rays, they will kill you or could fall over on you and kill
 1240 you. And the person that was protesting the loudest had bought a new cellphone. And
 1241 all of a sudden that thing went off. And she didn't know how to turn it off. But we needed
 1242 some humor at that point in the meeting. So I don't know if that was humorous or not, but
 1243 --
 1244
 1245 Mr. Blankinship - It wasn't for her.
 1246
 1247 Mr. Emerson - We had somebody shoot down a marker balloon in Varina for
 1248 a cell tower. That was before you were on the Board or everyone else was.
 1249
 1250 Mr. Archer - You got to remember Nelson Matition (ph) when you got on.
 1251
 1252 Mr. Blankinship - One time when the new James River Estates was there, that
 1253 swim club that's right there, the -- when the cell tower went in, but they put up a marker
 1254 tower for the community, a balloon, so they would see where it would be and somebody
 1255 shot it. They were a pretty good shot, because they took it down.
 1256
 1257 Mr. Archer - That was pretty far away.
 1258
 1259 Mr. Blankinship - Hope they didn't miss too many times before they hit it.
 1260
 1261 Mr. Emerson - I have a feeling they got it the first time.
 1262
 1263 Mr. Archer - I haven't seen one of those in a while. We used to do them
 1264 all the time when we had cellphones. They always put up -- sent up a balloon.
 1265
 1266 Mr. Mackey - They did one on when I first came over putting up a cell tower,
 1267 but I couldn't make it the day they send a balloon up.
 1268
 1269 Mr. Archer - Well I've seen them put them up in the wind, blowing so hard
 1270 they just fall over to the side. You can't -- you can't tell how high they'd be.
 1271
 1272 Mr. Emerson - Well what else on the code, Ben? Is there other issues we
 1273 need to talk about?
 1274
 1275 Mrs. Thornton - The urban mixed use, because we didn't really have that
 1276 going. I mean, it's all new to everybody at least to --
 1277
 1278 Mr. Emerson - Yes.

1279
1280 Mrs. Thornton - So what you already have now like in your comp plan. You
1281 know, like, you have where you think if it's 20 acres can someone that just has 20 acres
1282 just assume? I mean, there still would have to come -- let's just say that they had 20
1283 acres they want to make urban mixed use. They would still come through rezoning if it's
1284 not in your overlays or your comp plan. Correct?

1285
1286 Mr. Blankinship - Right. They would still be applying --

1287
1288 Mrs. Thornton - Because we really don't have any out there. I mean, you have
1289 a few that you've redone.

1290
1291 Mr. Emerson - Right.

1292
1293 Mrs. Thornton - You see any more coming for the future, like, that you kind of,
1294 like, kind of have your eye on? Because I know Innsbrook, you know, we know the -- do
1295 you think that this is going to become the next thing?

1296
1297 Mr. Emerson - Oh, I think yeah. I think it already has. I think actually we're
1298 past it. I think we're moving into other forms. That's why we're doing the form-based
1299 development concepts. Ones that, you know, we did the charrette that got the pieces
1300 here at Parham, Broad, and down at Brookfield, and we did Williamsburg Road and we
1301 just recently did Virginia Center Commons.

1302
1303 Now, within this code, you will have form-based overlays that allow people to develop in
1304 a similar fashion, but it's going to be in the code. So what you'll see there is people will
1305 come in with plans of development. You'll still have people come in, probably, and ask
1306 for urban mixed use. But, you know, we've implemented this R-6 PUP that allows for
1307 quite a mixture of uses in certain areas. We just had one go through in Tuckahoe.

1308
1309 Mr. Baka - Gateway.

1310
1311 Mrs. Thornton - Yeah.

1312
1313 Mr. Emerson - And, you know, you're going to have -- you're going to have
1314 one soon. I think -- I think Tuckahoe will have another one soon. The one at Pump and
1315 Church.

1316
1317 Mr. Baka - Oh, yeah. I saw that.

1318
1319 Mr. Emerson - So the -- so, you know, you have -- you have several of them
1320 going on. I think Varina is going to -- going to see -- I think all the districts we'll see them.

1321
1322 Mr. Baka - (indiscernible) they bring (indiscernible)?
1323

1324 Mr. Emerson - I think what you're going to see, and I -- we interviewed
1325 consultants for the Comp Plan update this week. One of the conversations that I had with
1326 them was how the market is changing. And what they're telling me is they're seeing the
1327 same thing in a lot of different places.

1328
1329 It's more about mixture of uses, which makes it -- what we've done in Westwood, too. I
1330 mean, you can kind of see where we're heading with it and how it's happening. So, you
1331 know, it makes it challenging for utilities, because you're not going to have your typical
1332 zoning category and your land-use map where they can do a utility plan and know that
1333 this is going to be this type of use, because somebody may come in and mix it. So we're
1334 going to get into a lot of that discussion with the comp plan update.

1335
1336 Mrs. Thornton - Okay.

1337
1338 Mr. Emerson - But I think you'll -- now I'm trying to think, we've gotten one
1339 place in particular in Three Chopt, I think right here off North Gayton. Taylor Payne
1340 Goodall -- or Taylor Payne and Miranda's (ph) properties. You'll see -- you'll see
1341 something there.

1342
1343 Mr. Blankinship - You think that'll be a UMU district?

1344
1345 Mr. Emerson - I think absolutely.
1346 Beyond that you're just about out of land as far as getting 20 acres. Of course you're
1347 going to continue to see them in Innsbrook.

1348
1349 Mrs. Thornton - Yeah.

1350
1351 Mr. Blankinship - Because they could do the four acres in Innsbrook, so you'll
1352 continue to see those come in. You're going to see probably one on -- I mean, Virginia
1353 Power, I guess it's no secret, now they've got the flier out, is -- did you -- do you guys --?

1354
1355 Mr. Baka - What? No idea what you're talking about.

1356
1357 Mr. Emerson - Right back of your parking lot they've got a flier out to sell a
1358 little over 12 acres, and that would be an urban mixed use. I think that'll take on, what,
1359 the townhome form?

1360
1361 Mr. Baka - I didn't know that.

1362
1363 Mr. Emerson - They've got flier out. I got an email from someone today
1364 asking. Because their flier says it's already zoned urban mixed use, so if you hear that,
1365 that's not correct. It's zoned office, they have to come through rezoning on it.

1366
1367 Mrs. Thornton - Okay.

1368

1369 Mr. Emerson - It's shown on the plans, though. It's shown on the land-use
1370 plan for mixed use.

1371
1372 Mrs. Thornton - So that's what I mean -- right. With everybody that has
1373 whatever it is now, because you haven't changed anything, still would have to come
1374 through.

1375
1376 Mr. Emerson - Correct. That's correct. You still -- this does not relieve you
1377 of the zoning process. Form-based does to a certain extent, but form-based puts extra
1378 restrictions on that will give you more control through the plan of development process,
1379 but it also encourages developers to move forwards quicker because they don't have to
1380 move through the zoning process. So hopefully, you know, that helps revitalize areas,
1381 and that's the goal.

1382
1383 Mr. Blankinship - In areas where the -- we otherwise probably wouldn't see the
1384 investment.

1385
1386 Mr. Emerson - Correct. Because it is expensive to put together those
1387 applications.

1388
1389 Unknown Speaker - Is form-based similar to, like, by-right?

1390
1391 Mr. Emerson - It would be by-right. It'll be an overlay. You'll still retain the
1392 rights of your underlying zoning if you want to continue to use that zoning category. But
1393 if you want to make this leap up here, you'll have that ability, but there's going to be certain
1394 criteria you're going to have to meet in order to get that extra density. But that's incentive
1395 like what you're talking about for office. That's providing a property owner incentive to
1396 redevelop their property.

1397
1398 And that's what we're trying to get, like, with the Williamsburg Corridor. You know, we
1399 want to provide folks enough incentive that they'll redevelop those old hotels and things,
1400 because they can -- they can (indiscernible) like the strip centers out here on Broad Street,
1401 some of the other areas we'd look at.

1402
1403 Mrs. Thornton - One more question about that mixed use. In here you said
1404 125 percent of minimum required for the off-street parking. I know you probably looked
1405 at all the numbers, but as you've seen us bring in urban mixed use, and you've seen, is
1406 that a good number still? Because, remember, we've -- I know Rocketts Landing had
1407 issues, so are -- were you taking all of that into account, or you've gotten --
1408 I can't remember is that the same --

1409
1410 Mr. Blankinship - We are learning from all the experience we're having. Parking
1411 is funny, because so much of it is just the way people feel about, you know, there ought
1412 to be a parking space right in front of the store I want to go to. I shouldn't have to park
1413 three stores down. Or, you know, people won't park in decks even if it's free and available

1414 and a short walk to their destination. Some people just don't feel comfortable parking in
1415 decks.

1416
1417 Mrs. Thornton - Right.

1418
1419 Mr. Blankinship - And so in Rocketts then we had the problem with, you know,
1420 the residents wanting to reserve their parking space in the deck, where the whole idea is
1421 those spaces are turning over throughout the day.

1422
1423 Mrs. Thornton - Right.

1424
1425 Mr. Blankinship - So we've -- there are definitely challenges with parking in the
1426 UMUs, but we don't want to over park. We don't want to just, you know, have additional
1427 parking spaces that aren't really necessary just because it's more convenient. So it's --
1428 you'll probably continue to hear complaints about it, and --

1429
1430 Mrs. Thornton - So 125 percent of the minimum requirement you feel like is a
1431 good number from what you've seen?

1432
1433 Mr. Blankinship - That's the number the consultant's given us.

1434
1435 Mr. Emerson -- Are you pulling that out of the one you can do without going
1436 through the process? Because you can still do a plan, a parking plan, as well.

1437
1438 Mr. Blankinship - Yeah. If you look on page 3-61 under (g)(2) now see that's a
1439 maximum number.

1440
1441 Mr. Emerson - Okay. Yeah.

1442
1443 Mr. Blankinship - I was wondering why it was 125 percent, that seemed odd.

1444
1445 Mr. Emerson - Yeah, I was too. That was throwing me a little bit.

1446
1447 Mr. Blankinship - Yeah, so that's actually a prohibition against building excess
1448 parking.

1449
1450 Mr. Emerson - Yeah, we don't want to go over. I think a good example of
1451 overpark is Broad Street, too. There's parking fields that only get used at Christmas. You
1452 know, that well exceeds our parking standards now. But those are the retailers that
1453 demand all that extra parking that doesn't get used.

1454
1455 Mr. Emerson - So, but you've got two different urban-mixed-use codes here.
1456 You've got one that you could come through and rezone, or without doing all the studies,
1457 but then you've got to live with the regulations we have.

1458
1459

1460 Mr. Emerson - And you still have -- and you still have the traditional one,
1461 which is you come in, you write your own code, you give us your parking analysis, and
1462 have to believe most people probably still use that, but this is in response to some people
1463 in the development community telling us the process is too expensive and we need an
1464 easier way to do it. So that's what this is.

1465
1466 But I think the parking probably is correct. It should work. As Ben said, one of the
1467 problems is people want to park directly in front of their unit. And in some cases you don't
1468 do that in these kinds of communities. They're urban communities. So that tends to create
1469 some concerns. Or they don't want to pay for the space in the parking deck.

1470
1471 Mr. Blankinship - Because you think about West Broad Village, you've got that
1472 nice core where, you know, everything is walkable, but you have the parking decks and
1473 the on-street parking. And then, all the way down at the end, you've got REI and the
1474 jewelry store and the golf store and all that stuff, and that's almost like just a suburban
1475 shopping center really. I mean, if you come into this from that angle you might not even
1476 realize you're in a UMU. And one of the reasons for that is the -- that it's the large fields
1477 of open, parking.

1478
1479 Mrs. Thornton - Right.

1480
1481 Mr. Blankinship - So that's why they don't want to go beyond. And, of course, if
1482 you've ever gone to REI on a Saturday you know it is not overparked. You're not going
1483 to park at the REI parking lot, you're going to park at the golf store and walk.

1484
1485 Mrs. Thornton - I do.

1486
1487 Mr. Witte - Oh, so you're those people that park -- take my parking lot.

1488
1489 Mr. Blankinship - Yes, that's me.

1490
1491 Mr. Witte - I couldn't get into the lot.

1492
1493 Mr. Blankinship - That's right. That's me. You can shop on Sunday.

1494
1495 Mr. Archer - All right. Well, Mr. Blankinship, you've certainly done a fine
1496 job, and I just want you to know that I put my book in a place where I wouldn't forget it,
1497 and that's where it is. And I'm not cutting the meeting short if you all got any more
1498 questions, but I guess we need to start thinking about getting in.

1499
1500 Mr. Blankinship - And this is the end of district 3, so I guess next month we'll do
1501 district 4, which is the uses. Which uses are allowed in which districts.

1502
1503 Unknown Speaker - Okay.

1504
1505 Mr. Blankinship - So I believe that should be a very interesting discussion.

1506
1507 Mr. Baka - Thank you, Ben.
1508

1509 Mr. Emerson - And before we go downstairs, we were talking a little bit about
1510 this earlier, I'm not sure right now what the, you know, what the coming weeks will bring
1511 in regards to our meetings and how we continue to conduct them, but as I learn more, if
1512 anything changes, I'll certainly let you know.
1513

1514 I think I may learn some more tomorrow, but, you know, we do have timelines that we
1515 have to meet under the code of Virginia. There are 45 days on subdivisions, 60 on plans
1516 of development, and we pushed the subdivisions up to 60 by the time that VDOT is
1517 required to have. You got 100 days to process rezonings, so I'm not sure -- I'm not sure
1518 what happens to those applications if you don't hear them. Then they may automatically
1519 move forward. And that, obviously, is a concern.
1520

1521 I don't know if, you know, from the development community side, whatever reaction
1522 there'd be. And it may all be pure speculations, but there certainly seems to be a lot of
1523 reaction out there right now as I'm sure all of you have seen. And I don't, I'm just going
1524 to say there's a lot of reaction. It's -- so we'll see where it goes.
1525

1526 We could possibly -- we have not advertised the notifications go out tomorrow for your
1527 second March meeting. It's always possible, you know, we can stop those notifications
1528 or cancel that. Nothing's gone out for April yet, you know. We may be able to, if need
1529 be, cancel those meetings, you know, for April. I don't know why we would exactly in my
1530 mind. The numbers I'm hearing is that if groups are under 250 then, you know, there's
1531 really -- I think that's what the state is going to come out and say. Anything 250 and up
1532 they're going to discourage, 250 and under is fine.
1533

1534 Your community meetings, I mean, we do a good turnout in this timeframe if you -- I don't
1535 know. I guess we'll just have to feel through it, but you may get questioned by people
1536 and that's, you know what I know. I don't think we can -- we may be able to --
1537 technologically we might be able to do a virtual public hearing, you know, where people
1538 could use their phones or something to register in, you know, through an app. But I don't
1539 believe, talking to the attorneys, that that meets the legal requirements of the Code of
1540 Virginia. So --
1541

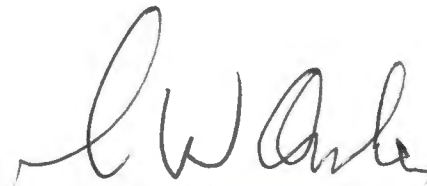
1542 Mr. Archer - Well since the governor has declared the state of emergency,
1543 would that give us any kind of special way to look at the rules now?
1544

1545 Mr. Blankinship - I don't know. I'll probably learn more about that the next day
1546 or so.
1547

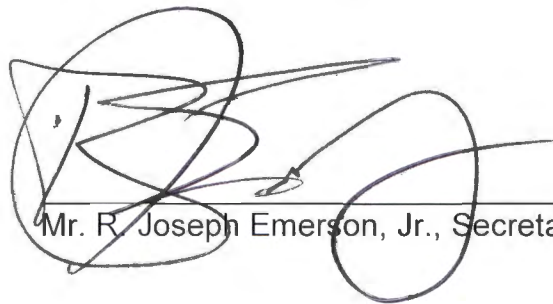
1548 Mr. Nelson - I know we have legal, I mean, we have budget hearings this
1549 week, and we're proceeding, you know, so just got to play it by ear. The world has just
1550 shut down in the last 48 hours.
1551

1552 Mr. Witte - Unbelievable.
1553
1554 Mr. Emerson - Sure seems that way.
1555
1556 Mr. Baka - Be smart and be sensible. I mean, you can clean and sanitize
1557 them.
1558
1559 Mr. Witte - What I don't understand is over 14,000 deaths to a common
1560 flu. We've only had 2-dozen fighting from Coronavirus.
1561
1562 Mr. Emerson - Right.
1563
1564 Mr. Nelson - The only thing is, is there's no vaccine. That's a big part of it.
1565 Mean, you got a vaccine for the flu, you don't have --
1566
1567 Mr. Witte - Yeah, but you got 18 months to develop it and then another
1568 year to produce enough. So for the next two-and-a-half years what do we do?
1569
1570 Mr. Nelson - Well, yeah, I don't know.
1571
1572 Mr. Nelson - It may not -- it may be I'm not -- I'm not a big fan of shutting
1573 everything down, but I also -- I also don't have any sick relatives. So I may be different
1574 there.
1575
1576 Mr. Archer - Yeah, that's going to make a difference.
1577
1578 Mr. Baka - Yeah, you're right. But it isn't just the vaccine, it maybe
1579 deadlier --
1580
1581 Mr. Emerson - I struggle with it because I think there's some overreaction.
1582
1583 Mr. Nelson - My kids actually -- my kids actually are frustrated because
1584 they'd rather go to school than stay home for two weeks.
1585
1586 Unknown Speaker - Yeah.
1587
1588 Mr. Emerson - Mr. Blankinship's got a son graduating though that may not
1589 get to have his graduation ceremony.
1590
1591 Mr. Baka - I understand. My son's a senior, too at JMU, so we'll see what
1592 happens.
1593
1594 Mr. Archer - Tell them you're not sending the next check.
1595
1596 Mr. Emerson - Unfortunately they probably got his last check.
1597

1598 Mr. Blankinship - I don't think it works like that.
1599
1600 Mr. Emerson - We need to adjourn, or recess.
1601
1602 Mr. Nelson - We ready to adjourn.
1603
1604 Mr. Emerson - Let's recess this to downstairs.
1605
1606 Mr. Archer - Don't move. You all sit down till I tell you. No, I'm kidding.
1607
1608 Mr. Emerson - Recess, there you go.
1609
1610 Mr. Archer - We're suspended until later.
1611
1612 Mr. Emerson - Yeah, recessed at 6:44.
1613
1614
1615
1616
1617
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1626



Mr. C. W. Archer, Chairman



Mr. R. Joseph Emerson, Jr., Secretary