

1 **Minutes of the Work Session of the Planning Commission of Henrico County held**  
2 **in the County Administration Building in the Government Center at Parham and**  
3 **Hungary Spring Roads, beginning at 5:30 p.m. Thursday, August 13, 2020.**  
4  
5

6 **Members Present:** Mr. C. W. Archer, C.P.C., Chairman (Fairfield)  
7 Mr. William M. Mackey, Jr., Vice Chairman (Varina)  
8 Mr. Robert H. Witte, Jr. (Brookland)  
9 Mrs. Melissa Thornton (Three Chopt)  
10 Mr. Gregory R. Baka (Tuckahoe)  
11 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning  
12 Secretary  
13

14  
15 **Members Absent:** Mr. Tyrone E. Nelson (Varina)  
16 Board of Supervisors' Representative  
17

18  
19 **Also Present:** Ms. Jean M. Moore, Assistant Director of Planning  
20 Mr. James P. Strauss, PLA, Senior Principal Planner  
21 Mr. Ben Blankinship, AICP, Senior Principal Planner  
22  
23

24 **Mr. Emerson -** Mr. Chairman, I think we're ready to move forward if you'd like  
25 to call the work session to order.  
26

27 **Mr. Archer -** Okay. Let me call this meeting to order. This is a work  
28 session that was to have begun at 5:30 and we're not too far behind. So, in order to  
29 expedite things as much as possible I'll turn things over to the secretary or to Mr.  
30 Blankinship. Whichever one --  
31

32 **Mr. Emerson -** Thank you, Mr. Chairman. As you noted, this is a continuing  
33 work session on the Zoning Ordinance and the Subdivision Ordinance update. For  
34 anyone viewing on the simulcast I apologize. We're having some technical difficulties  
35 with the lighting and we hope to rectify that soon. But, with that said, we do have everyone  
36 present for the work session except Reverend Nelson who won't be able to join us this  
37 evening. And I will turn the meeting over to Mr. Blankinship to begin review of Module 3.  
38

39 **Mr. Archer -** Good evening Mr. Blankinship.  
40

41 **Mr. Blankinship -** Good evening Mr. Chair, members of the Commission. Thank  
42 you, Mr. Emerson.  
43

44 **Yes.** Module 3 of our code update is hot off the press and I'm just going to jump right into  
45 it. There are three articles of the zoning ordinance that I would like to cover this evening.  
46 24-5 is the Development Standards. 24-6 is Nonconformities, and 24-8 is the Definitions.  
47

48 Mr. Baka - Can the volume go up? Or can you speak louder, sir?  
49  
50 Mr. Blankinship - I guess I'll remove my mask. Is that better?  
51  
52 Mr. Witte - There you go.  
53  
54 Mr. Blankinship - All right.  
55  
56 Mr. Baka - Thank you.  
57  
58 Mr. Blankinship - Sorry about that. Article 24-5 is the Development Standards.  
59 24-6 is Nonconformities. 24-8 is Definitions. And as was the case with Module 2, there're  
60 only a few new definitions -- there're only six in this case -- so that won't take long. The  
61 Nonconformities won't take too long, but the Development Standards is a very substantial  
62 part of the ordinance. And so, we do want to take some time and make sure you're aware  
63 of all the changes being proposed there.  
64  
65 There're 10 sections within Article 24-5. You see the first five of them listed here: Access  
66 and circulation; Off-street parking, which of course is regulated in the current code;  
67 required open space is not required. Well there are some provisions scattered around  
68 our code requiring open space in certain situations, but it's not required county wide in  
69 our current code; Landscaping and tree protection is of course in the current code; Fences  
70 and walls.  
71  
72 And then the other five: Exterior lighting is not regulated, again, except in a few isolated  
73 sections through -- scattered across our code; Neighborhood compatibility is something  
74 we've talked about a lot; And then signs; Stormwater. We won't spend too much time on  
75 those two; And then incentives for environmentally friendly design is the last section of  
76 this article. And it is, again, all new material there.  
77  
78 So, from the beginning of those ten. Access and circulation -- we enforce most of these  
79 requirements through POD conditions today. A lot of these requirements are found in our  
80 Department of Public Works Design Manual, but they are not codified anywhere. So it's  
81 a big improvement for us to have this all set out in the code where it's easier for the  
82 citizens and the development community to find and also where it's easier for us to  
83 enforce when it comes to that.  
84  
85 There are requirements for pedestrian cross access, which would be new to us. We have,  
86 in the past required vehicular cross-access, as you know, in shopping centers and also  
87 in other nonresidential settings. But this code will require -- in addition to vehicular cross  
88 access -- will require pedestrian cross access. So, two businesses located next to each  
89 other will be required to provide sidewalk or other pedestrian paths from one to the other,  
90 trying to make the whole community more walkable and have more of the flavor of a  
91 community.  
92

93 There's also a new requirement, or a new provision, allowing for pervious pavement.  
94 Pavement that the water can actually seep through. That is something that has been  
95 around for quite some time and we have been slow to adopt. But this code will specifically  
96 provide for pervious pavement as well as normal asphalt pavement. Of course, the  
97 maintenance of that can be more of a challenge, but as long as you maintain it, it's better  
98 for the environment. There's less stormwater runoff if the stormwater is able to percolate  
99 down through the pavement.

100  
101 The parking lot design requirements are much more specific in this code than in our  
102 current code. The current code requires each parking space to be 162 square feet, but  
103 that's all it says. You could theoretically make the parking spaces two feet wide and 81  
104 feet long if we wanted to, except that it does go on to say they have to be effectively  
105 usable, so that would not be useable.

106  
107 But this does provide specific dimensions both for parallel spaces and for perpendicular  
108 spaces and for angled parking. So those are all things we get asked about from time to  
109 time, because it's not obvious to somebody searching our code what requirements would  
110 apply. Because they're in the Design Manual rather than in the code. So, we're looking  
111 forward to having all of that together in one place.

112  
113 Mrs. Thornton - Did it increase at all -- I'm sorry. The width or anything?  
114 Because cars have seemed to have gotten a lot larger.

115  
116 Mr. Blankinship - I think they are still the same. Still nine feet by 18 feet one-  
117 way drive aisles of 11 feet and two-way at 22 feet.

118  
119 Mrs. Thornton - Okay.

120  
121 Mr. Blankinship - I think they're the same dimensions. But there are some  
122 parking spaces that are less than nine feet now. They -- in the past there was a trend for  
123 a short-time there to compact parking spaces. And so, you will still see those in some  
124 developments that were approved during that window of time, and we are not dealing with  
125 compact spaces under this code. Although there are, as I'll mention in a minute, specific  
126 requirement -- or provisions for bicycle and motorcycle parking spaces, which we also do  
127 not have in our current code.

128  
129 Now that's the design and layout of parking lots. The number of parking spaces required,  
130 of course, is another topic. And it is covered in our current code for about 17 uses, I think,  
131 are listed. And everything else we have to figure out which of those 17 criteria to apply  
132 or we have to ask an applicant for some kind of a parking study or something. It's kind of  
133 a challenge for us to not have more specificity in how many parking spaces are required.

134  
135 This code is kind of going the opposite direction. Every single principal use is listed in the  
136 parking table. So, there are now going to be 140 lines in the parking table with the parking  
137 required for each one. Even those that don't require parking. So, it'll be kind of from one  
138 end of the spectrum to the other.

139  
140 As you look through the draft you will see that they -- in the review drafts they are showing  
141 the current requirements as well as the proposed requirements, so it's easy to compare.  
142 You don't have to have the two books open. And then, of course, when it's ready for  
143 adoption they'll remove that "current" column. That's just there as an -- as an ease of  
144 reference while we're doing the study.

145  
146 And another thing you'll notice right away is that the format of expressing the number of  
147 spaces required has changed. Currently all of our parking requirements are stated in the  
148 format of one space for every so many square feet. So, for offices one space for every  
149 250 square feet, for retail one space for every 200 square feet.

150  
151 And the other way of doing that, which they are proposing, our consultant's proposing that  
152 we change to, is a number of spaces for a standard unit of 1000 square feet. So, what  
153 we used to express as one space for 250 square feet will now be four per 1000. One  
154 space for 200 would become five per 1000. It's, I think, purely a matter of style. I've had  
155 a lot of phone conversations with people who express it the other way. We have always  
156 done it the way we've always done it.

157  
158 So, the one thing that I will say for the new style is that a higher number is more parking  
159 spaces. So, five spaces per 1000 is more spaces than four spaces per 1000. The way  
160 we have it now is a little counter-intuitive, because as the number goes up, the number  
161 of spaces actually goes down. One space for 200 is more spaces than one for 250. One  
162 space for 100 is way more parking spaces, but it's a smaller number.

163  
164 So, I don't know how much of a benefit that is, how many people will really be glad to see  
165 this change. Everybody that's spent 20 years reading it one way will now have to learn  
166 to think about it differently. But there it is. That is one change that our consultant has  
167 proposed for us.

168  
169 As I mentioned, all the uses are now listed. These three: Recreation uses, health clubs,  
170 and schools and childcare centers, are among the subjects that we really struggled with  
171 in the past.

172  
173 For recreation uses, under our current code you have two choices: Five per hole on a golf  
174 course, or a one for every five lanes [five for each lane] on a bowling alley. Any other  
175 recreational use you have to find some other way to calculate the parking. So, it will be  
176 great to have each recreational use spelled out and a specific number.

177  
178 Health clubs have been a real challenge because some spaces are like classroom  
179 oriented where you can have 25 people in a fairly small room, or you used to anyway,  
180 doing yoga or Pilates or something. And then you could have another room where you  
181 have large pieces of equipment and people are much more spread out -- or a running  
182 track. So, any straight square foot comparison is difficult to draw for those. So, it'll be  
183 nice to have that written into the code.

184

'85 And, again, schools and childcare we have -- it's been a challenge for us to interpret  
'86 exactly how many parking spaces they're required.

187  
188 The parking is being reduced for many uses. One way of looking at it is, you can never  
189 have too much parking, because that way I get to park closest to the door. And there's  
190 nothing more frustrating than going out to eat or going to a store and not being able to  
191 find a parking space. And that is kind of everybody's first reaction when they look at a  
192 parking requirement.

193  
194 The problem is the more parking we require the more pavement we put on the ground.  
195 And pavement is an environmental problem. Between the heat island effect, interrupting  
196 the runoff, the effect that it has on landscaping. It's much harder for plants to grow up  
197 against the edge of pavement.

198  
199 There is, while we do want to have adequate parking, we do not want to have more  
200 parking than we need to have. Because the environmental impacts of excessive parking  
201 are negative. So one of the requirements that our consultant has -- or one of the  
202 recommendations that our consultant has given us having, you know, read the latest ITE  
203 reports and industry reports and codes from around the country, they believe that our  
204 1960 parking rates are, as a rule, too high. And so, they are proposing that we reduce  
205 quite a few of them.

206  
207 Now I put a few of them here on the screen. Places of worship we require right now 20  
.08 spaces per 1000 square feet, and they are recommending reducing that in half to ten  
209 spaces per 1000 square feet.

210  
211 Mr. Baka - Why would their recommendation be to reduce that so much,  
212 by such a large amount? Especially when there's a lot of -- sometimes larger places of  
213 worship have a lot of parking issues on weekends.

214  
215 Mr. Blankinship - I think one of the reasons for that is that -- maybe a matter of  
216 misunderstanding and miscommunication between us and them. And this is one thing  
217 that I've circled in red that I need to discuss with them.

218  
219 Mr. Baka - Okay.

220  
221 Mr. Blankinship - All of the other assembly uses are parked at one per ten -- I'm  
222 sorry, ten per 1000. Or, in our language, one per 100 square feet. So, theaters, movie  
223 theaters, assembly halls, auditoriums, all those uses have that same parking requirement.  
224 And for churches we require twice that requirement for the main assembly area.

225  
226 Mr. Baka - Right.

227  
228 Mr. Blankinship - But the reason we do it that way is that most church buildings  
229 today have a lot of different use areas. They have offices, they have classrooms, they

230 have a -- a lot of them will have a main worship area and also a secondary worship area  
231 where different services are taking place at different times.

232  
233 And as we were doing the amendments driven by RLUIPA about five years ago we looked  
234 into this very carefully and the solution that we hit upon at that time was to only look at  
235 that main auditorium area and base all of the parking on that but essentially doubling what  
236 it would normally be if you were doing the auditorium and the offices and the classrooms  
237 and everything else. So, I'm not sure that our consultants picked up on that.

238  
239 Mr. Baka - Okay.

240  
241 Mr. Blankinship - So I do want to go over that with them carefully and make  
242 sure. As I say, this is hot off the press. We just received this, was it Monday? It's been  
243 a blur since we've received it. So, I have not had a chance even to have a -- this  
244 conversation with the consultants yet.

245  
246 Mr. Baka - Okay. Thank you.

247  
248 Mr. Archer - Mr. Blankinship, before you move on.

249  
250 Mr. Blankinship - Yes.

251  
252 Mr. Archer - You mentioned parking for movie theaters few minutes ago.

253  
254 Mr. Blankinship - Yes.

255  
256 Mr. Archer - What is the -- let me see how to ask this. What if a movie  
257 theater is within a shopping center like Virginia Center? Do you have to separate the  
258 entities to come up with the parking space, or would it be what the whole -- you follow  
259 what I'm trying to ask?

260  
261 Mr. Blankinship - Yes. I do.

262  
263 Mr. Archer - Okay.

264  
265 Mr. Blankinship - Generally speaking for shopping centers we do everything at  
266 a blanket rate. That way when they have tenants come and go, which they do so  
267 frequently, we don't have to recalculate the parking every time and we don't have to tell  
268 them, "No." You can't have this kind of store, but you can have that kind of store. We  
269 really don't want to get into that with shopping centers.

270  
271 And also, part of the idea of a shopping center is internal capture. That you come and  
272 you park once, and you shop at five different stores. So, there should be some excess  
273 parking because of the internal capture. I do believe movie theaters are an exception to  
274 that, though.

275

76 Mr. Archer - Okay.  
277  
278 Mr. Blankinship - I believe particularly at Downtown Short Pump there were a  
279 lot of issues with the parking at the movie theater there -- the AMC theater there. And I  
280 think that was one of the reasons why we went away from including movie theaters in a  
281 shopping center.  
282  
283 Mr. Archer - Okay.  
284  
285 Mr. Blankinship - But restaurants are a different challenge, though. Because  
286 they require more parking than retail. But in a shopping center we allow them at the retail  
287 rate. Again, on the hope that you're going to park once, go to several places, then eat  
288 dinner, and then drive home. So, you're only using one parking space.  
289  
290 Mr. Archer - Thank you, sir.  
291  
292 Mr. Blankinship - Indeed. Yeah, speaking of retail. There, again, a sharp  
293 decline there. Right now, we require five per 1000 and they are recommending reducing  
294 that to three and a half per 1000. Now I will say the five per 1000 is really only full on  
295 Black Friday. 364 days of the year almost all of our retail centers have excess parking.  
296 So, I do support some reduction there personally.  
297  
298 Offices they are suggesting that we go down from four per 1000 to two and a half per  
299 1000. And medical offices which today require more parking than other offices they are  
300 recommending that we treat the same as other offices. But there is, again, a difference  
301 in terminology here. Right now, we would consider an urgent care center to be a medical  
302 office and those are what really drive those high parking calculations.  
303  
304 Those places where you have a bunch of doctors in one building and people coming and  
305 a lot of people in the waiting room. Those do drive a lot of parking. Clarion has broken  
306 them out as a separate use. That is now called a medical treatment facility. So that is  
307 going to have a higher parking rate. But medical office and general office will have the  
308 same rate, which will be a great deal of help to us.  
309  
310 Because very often an office complex is built, parking is calculated, it's built, you know  
311 they maximize the space so they right-size the parking and then if somebody wants to  
312 replace an accountant's office with a dentist's office, they can't do it because they have a  
313 different parking ratio. Even though a lot of medical offices, not thinking about treatment  
314 centers now but just medical offices, don't really generate any more parking than a  
315 business office or an administrative office. So, this is something that will make our  
316 administration much simpler. Mr. Witte?  
317  
318 Mr. Witte - Hey. This increase in medical office, business office, anything  
319 medical, is that going to also include additional handicap parking?  
320

321 Mr. Blankinship - That would be regulated by the building code under ADA. It's  
322 not -- we don't spell out the handicap parking requirements in the zoning ordinance, we  
323 just point to the building code for that.  
324  
325 Mr. Witte - Okay.  
326  
327 Mr. Blankinship - And I don't know the answer to your question.  
328  
329 Mr. Witte - Because they're always full of people in a lot of places.  
330  
331 Mr. Blankinship - It would make sense. Yeah. That you would need more  
332 handicap accessible parking at a medical office or --  
333  
334 Mr. Mackey - Believe it or not people are getting older.  
335  
336 Mr. Blankinship - Yeah. I've noticed that. Some are even retiring. Although  
337 some of us can't.  
338  
339 Ms. Thornton - And also, just real quick, with the shopping centers --  
340  
341 Mr. Blankinship - Yes ma'am.  
342  
343 Ms. Thornton - It seems to be more curb-side pickup or, like, you go and do  
344 grocery pickup and they bring it to you. You know, it seems to be more Lowes, Home  
345 Depot, everybody's doing it. So --  
346  
347 Mr. Blankinship - That is certainly a trend that we've seen in the last six months.  
348  
349 Mrs. Thornton - Yeah.  
350  
351 Mr. Blankinship - And it'll be very interesting to see which of the changes that  
352 have taken place because of the pandemic stay with us and which things go back more  
353 or less to the way they used to be. Telework and office occupancy rates are going to be  
354 another major --  
355  
356 Mrs. Thornton - Right.  
357  
358 Mr. Blankinship - -- factor for us to watch. And nobody knows right now.  
359  
360 Mrs. Thornton - Right. Okay.  
361  
362 Mr. Blankinship - The last time I went to the APA National Conference it seemed  
363 like every other session was about autonomous vehicles and everybody was concerned  
364 about how that was going to affect their parking and their drop-off and loading. And  
365 nobody's talking about that today. Now all we can talk about is --  
366



367 Mrs. Thornton - Right.  
368  
369 Mr. Blankinship - -- as you said, a curb-side service at every business.  
370  
371 Mrs. Thornton - Okay.  
372  
373 Mr. Blankinship - So we just have to watch and, you know, we will need to make  
374 adjustments to this code after it's adopted. And that's one that --  
375  
376 Mrs. Thornton - Okay.  
377  
378 Mr. Blankinship - -- that we may have to deal with. Also, spaces for Uber and  
379 Lyft and other ride-sharing services.  
380  
381 Mrs. Thornton - Right.  
382  
383 Mr. Blankinship - That has become a much more common way for people to get  
384 around. And if that continues to grow, that affects the way parking is related, both to retail  
385 uses and to multi-family residential particularly.  
386  
387 Mr. Baka - Would it be worth it to consider a requirement -- I was going  
388 to ask that question in the context that we had a site plan a year or two ago where I asked  
389 the applicant if they would consider putting in a space for Uber or Lyft or ride sharing.  
390 What about the idea of if you had a really large development of a certain number of units  
391 that you should have a requirement for an Uber or Lyft space, or whatever you call it,  
392 ridesharing spaces. What about the idea of requiring that in the ordinance? And can  
393 Clarion look at other -- whether or not other jurisdictions are doing that already. I mean,  
394 I feel like we're going that way. And would that be something we should consider as a  
395 requirement?  
396  
397 Mr. Blankinship - It certainly is. I'm going to make a note of that and discuss  
398 that with them.  
399  
400 Mr. Baka - Okay. Thanks.  
401  
402 Mr. Blankinship - Moving on the bottom of this slide, the frustrating thing now  
403 about our industrial parking requirements is that most of them are based on the number  
404 of employees on the greatest shift. Which makes perfect sense as long as you know at  
405 the time you design the parking lot how many employees you're going to have. But as  
406 soon as, you know, one industry goes out and another one comes in they have a different  
407 number of employees. It -- the number of parking spaces is not a very flexible thing,  
408 whereas the number of employees changes month to month, week to week. So, we  
409 would like to get away from that and base them again on floor area like we do for most of  
410 the other uses. Because once you build the floor area of the building it stays the same.  
411

412 Now the other side of that is, of course, that, again, every industry has a different ratio of  
413 people to square feet of floor area, so some will be over-parked and some will be under  
414 parked. But at least we'll have a better grasp when we do our plan review of how many  
415 spaces to require. Right now, they can report whatever number of employees makes  
416 their parking design work.

417  
418 We have some provisions in our code now for shared parking and they do not get used  
419 very often, because most of them require either a provisional use permit or at least a  
420 review of a shared parking agreement as part of the POD. But most of them really, in  
421 order to get the real benefits of shared parking, you have to go through a provisional use  
422 permit. And a lot of people find that too great of a barrier. They just don't bother.

423  
424 So shared parking is more relevant in that it's available for more uses and it's available  
425 through an administrative review. It -- we do require documentation. This proposed code  
426 would require documentation of the shared parking and it's spelled out very clearly that  
427 they would have to have a recorded document binding future users to abide by the shared  
428 parking agreement. So, I think it's really well written. But it is very complicated, and you'll  
429 see that when you get your copy.

430  
431 And I apologize we're going through this without having even provided you with a copy of  
432 the document. As I say, we have just received it ourselves and we just haven't gotten it  
433 done yet. But when you -- when you read it you will see that the shared parking calculation  
434 is very complicated. And that's another thing I do want to talk to the consultants about is  
435 see if they're -- seeing if there is a way to simplify that calculations.

436  
437 They would also provide reduced parking for transportation demand strategies. And if  
438 you're not familiar with that term, a lot of times particularly for large office users there are  
439 tax breaks and other kinds of incentives for the office to provide ride sharing or transit  
440 stops or any other way of ... van pools, any other way of reducing the amount of strain  
441 that their office puts on the transportation network. And if they are taking those steps,  
442 and they have, you know, 30 percent of their employees carpooling to work or riding vans  
443 to work or something, then they don't need as much parking space, so that would be  
444 written into this code as well.

445  
446 Valet and tandem parking are regulated. Right now, we don't have anything in our code  
447 that provides for those specifically, so there are things that we have to negotiate on a  
448 case-by-case basis. And with a restaurant maybe it's a ten or 15 percent reduction, but  
449 for a hotel to provide valet parking can have a huge impact on their parking requirement.

450  
451 That is to say the number of parking spaces may stay the same, but they can stack them  
452 because it's their own employee is going and shuffling the cars around when somebody  
453 needs theirs. So, they can reduce the amount of land that is required for the same number  
454 of parking spaces. That is something that we have dealt with in a few circumstances. But  
455 it would be written into our code now. So, we'd have a standardized way of regulating it.

456

457 You see my little friend here. We are introducing bicycle parking standards for the first  
458 time. The dimensions for that. And there are some incentives where if bicycle parking is  
459 provided you can reduce the number of car spaces. Not by very much, because most  
460 people are not going to use bicycles as a replacement for their cars, but some people do.  
461 And if they're willing to do that, then we certainly want to encourage it.

462  
463 Mr. Mackey - Mr. Blankinship.

464  
465 Mr. Blankinship - Yes, sir.

466  
467 Mr. Mackey - Are you -- are you talking about other than, like, bicycle racks?

468  
469 Mr. Blankinship - That's most of it.

470  
471 Mr. Mackey - Okay.

472  
473 Mr. Blankinship - Providing the racks where they need to be, how they need to  
474 be laid out.

475  
476 Mr. Mackey - Okay. I got you.

477  
478 Mr. Blankinship - And also, for offices, if they want the parking reduction, they  
479 also have to provide facilities for people to change their clothes once they get to work.

480  
481 Mr. Mackey - Oh. Okay. Yeah. Thank you.

482  
483 Mr. Blankinship - Mm-hmm. Vehicle stacking standards. For example, at drive  
484 through windows, how long do those lanes need to be. Car washes. Course we spend  
485 a lot of time discussing stacking standards, ATMs, all those kinds of uses right now, again,  
486 are in our design manual, the Public Works Design Manual, not in our code. So, we are  
487 trying to get those codified so they're easier for everyone to find and understand and  
488 easier for us to enforce.

489  
490 And loading space requirements are the same way. We have some loading space  
491 requirements in our code today but they're somewhat outdated and so they would be  
492 brought up to date.

493  
494 So that's parking and cross access. Another major section here, 24-5.3 would require  
495 developers to set aside open space. And you see we do have some requirements in  
496 some districts today. Shopping centers, for example, have a maximum lot coverage. The  
497 O/S district has a maximum lot coverage. But we do not have any specific provisions for  
498 what that space -- how that space should be developed or how -- where it should be  
499 located and how it should be used.

500  
501 So, these are new county-wide requirements requiring that open space be set aside and  
502 specifically setting out what kind of open space will be counted towards that requirement.

503 And it is broad. It can be natural features as well as recreation areas, landscaping areas,  
504 stormwater management areas, public paths, trails, and easements. And in the urban  
505 mixed-use and the other more dense developments public squares, courts, and plazas  
506 can count for that open space requirement.

507

508 So those are all new provisions for us that we hope will create, again, a more walkable  
509 community and more -- also provide environmental benefits.

510

511 25 -- 24-5.4, the landscaping and tree protection, and some of this is in our code now.  
512 Some of it is in our Landscape Manual now. Some of it we handle through standard POD  
513 conditions. So, again, we're pulling all those things together and getting them all clarified  
514 and working out any conflicts among them.

515

516 And there are also some new requirements. We have not in the past required foundation  
517 plantings except sometimes by proffer. And this code would require foundation plantings  
518 in non-residential developments, or commercial, office, and industrial development.

519

520 The landscaping and pre -- tree protection requirements are strengthened. They're more  
521 enforceability in the requirement that trees be protected during the development process.  
522 We talked a little bit two meetings ago about additional enforcement for the trees get cut  
523 down without permission. And so replacement and mitigation of protected trees were  
524 also spelled out.

525

526 Moving right along. 5.5 is fences and walls. Today it is fences, walls, and hedges. And  
527 the consultant has moved the restrictions, or the regulations, on hedges to the  
528 landscaping portion. So, this is now just fences and walls.

529

530 It's simplified in that today, in our existing code, it's broken out by district and heights --  
531 are sometimes complicated to figure out. And also, you have the alternative fence height  
532 requirements that have to go to public hearing under today's code which is kind of  
533 excessive in some settings. So, this would simplify those regulations. As I mentioned,  
534 does not include hedges.

535

536 It requires, among other things, that the finished side of a fence has to face out. And that  
537 -- you see that in a lot of communities and a lot of people have expressed surprise to me  
538 that that was not required here. And, sometimes, as you drive down a road you'll see,  
539 you know, the finished side of several fences and then you'll see the unfinished side and  
540 then back to the finished sides again. And today there's nothing to require that. But that  
541 would be a provisional in this code.

542

543 Mr. Baka - And clarification of finished side. Can it -- can it say or maybe  
544 the question is should it also say, The side with the wooden support -- if it's a wood fence  
545 -- the side with the wooden support slats would be not the finished side. And the flat side  
546 would be the finished side. Because even if one or both sides could be finished. But I'm  
547 just thinking about the cross beams and the support beams that hold the fence.

548

549 Mr. Blankinship - Yes. I don't have that language right in front of me, Mr. Baka,  
550 but that is very close to the way they defined it.

551  
552 Mr. Baka - Okay.

553  
554 Mr. Blankinship - They said, "the side where you cannot see the structure" for  
555 lack of better wording.

556  
557 Mr. Baka - Thanks. Thank you.

558  
559 Mr. Blankinship - But, yeah. You'll see that it is -- your guess is almost exactly  
560 right.

561  
562 There are new rules for retaining walls. Today we do have requirements for walls, but  
563 there are no separate rules for retaining walls which do raise some specific problems in  
564 terms of how you measure the height because they're always tall on one side and short  
565 on the other. And the distance between terraces and how high each terrace can be, those  
566 things are not regulated in our code currently, and this provision -- this code would provide  
567 specific regulations for that.

568  
569 It would also require safety fence at the top of any retaining wall with a drop of more than,  
570 I want to say, four feet. That's something that we have been requiring specifically around  
571 BMPs for many years ever since there was a tragic accident at one. But there is always  
572 a danger where you have a retaining wall of any significant height that somebody could  
573 all off of it and be seriously hurt. So, this would require a safety fence.

574  
575 And also a similar requirement the -- a retaining wall that is facing a street or a residence  
576 -- I should have put or a residence in there -- the side facing the street or a residence  
577 must be of stone, brick, or earth-colored materials. So, you would not be allowed to have  
578 an unattractive retaining wall that would be visible from a public right of way or from  
579 someone else's home.

580  
581 Exterior lighting, again, there were very few provisions in our code today that specifically  
582 regulate exterior lighting. We regulate it primarily through POD conditions, and we have  
583 commercial lighting guidelines that were drafted years ago that we've been very satisfied  
584 with, but sometimes it's a struggle to convince developers that they have to comply with  
585 those, because they see the word guideline and think, Well I don't have to do that if I don't  
586 want to. So, we are taking all those requirements and clearly codifying them so that we  
587 won't have to have those debates anymore.

588  
589 It would regulate the hours of illumination as well as maximum illumination levels. And,  
590 of course, as you are all familiar with, would require full cut off shields.

591  
592 The maximum height of light standards would be 15 feet in residential districts and 25  
593 feet in all other districts. And, as you know, that is another provision that we regulate  
594 almost entirely through proffers today. So, unless the applicant comes to us with a proffer

595 that we're satisfied with, we don't have anything in our code that limits the height or lighting  
596 standards. So, it'll be -- it'll be nice to have that codified.

597  
598 There are energy efficiency requirements unless they are specifically exempt, which quite  
599 a few things are so I don't think this is going to create any real hardship for anybody. But,  
600 you know, where it's reasonable and where it doesn't increase costs or anything, we  
601 would like to see more energy efficiency in exterior lighting.

602  
603 There are specific standards for certain uses. I'm sorry. I'm trying to think of an example  
604 of one and it's not coming to me right now. But there is also an exception for a security  
605 plan, so one of the questions we always get asked when we talk about can't we codify  
606 these things, but what are they going to do at the airport? You know. How are you going  
607 to write a requirement that is going to suit their lighting needs?

608  
609 Mr. Baka - Good point.

610  
611 Mr. Blankinship - Oh. And when you get to fencing, I skipped over this one.  
612 Fencing, there is a similar problem at certain sites like Dominion Virginia Power  
613 substations where they need a bigger fence than most people need. They have a  
614 legitimate need for that because of security.

615  
616 And so both in the fencing and in the exterior lighting there is a specific provision that if  
617 they provide us a copy of the security plan and it meets certain requirements, then we  
618 can approve taller fences, we can approve taller light standards, we can approve brighter  
619 lights where it really does serve a purpose. For example, at the airport.

620  
621 Now neighborhood compatibility is something we've talked about a lot as we've talked  
622 about this code. And it was exciting to me to finally see this. Because a lot of what we  
623 do in our zoning ordinance has as its purpose and intent protecting our existing  
624 neighborhoods.

625  
626 And so, we are rolling together a lot of requirements again that are scattered throughout  
627 our code today. They're being brought together in this section on neighborhood  
628 compatibility. And a few of the examples are here. There are specific requirements on  
629 site design that is the building orientation and placement where the parking is located,  
630 where loading is located.

631  
632 These are things that you all have a great deal of experience looking at on PODs. It's  
633 something you're always aware of. But you're also aware they are not required in our  
634 code today. So, if somebody wants to put the most annoying part of a use right up against  
635 the neighborhood, we try and try to convince them not to. And in 95 percent of cases or  
636 more we do convince them not to do that. We convince them to redesign a site, to respect  
637 the neighbors, and to be good neighbors.

638



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And we smiled and said, "Well, fortunately we just finished completely revising our sign ordinance from front to back." So, you can just brush it off and, you know, make the numbers work. So, there are very few technical corrections to the sign regulations, and everything else is pretty much staying as it is.

The same is more or less true for stormwater management. There is a section number assigned to it, 24-5.9, but really the only provision there is a cross reference to chapter 10 of the county code, which is where we have the detailed regulations for stormwater management. So, we don't need to spend a lot of time on that.

And then last among 24-5, last among the development standards, is a new section again. Environmentally friendly design. And this is something that maybe ten or 20 years from now we will be able to just impose on people. But right now, we really can't. Both because of the Dillon Rule, and just because we're not there yet as a country, as a society. We're not quite to the point we're forcing people to do energy conservation, alternative energy allowances, green building design. That's not something that we really want to contemplate.

But we do want to encourage it. So, the solution that Clarion has proposed to that problem is providing incentives. That if a developer is going to do a green building, you know, LEED silver, gold, or platinum, they're building in some water conservation or water quality standards. They're using exclusively native vegetation. Any of the things you see in the column on the left, we will allow them to select from a list of incentives that you see in the column on the right so they can get a density bonus of up to one additional dwelling per acre if it's a residential product.

They can increase building height by up to 14 feet if it's nonresidential. They can decrease the minimum lot areas by up to ten percent. Because, again, the minimum -- part of the justification of the minimum lot areas is that we want to spread things out so that those environmental impacts aren't all on top of each other. Well, if you're already addressing the environmental impacts on your site, we can allow you to put more intensity on the site without putting the environment at risk.

And, finally again, reduction of off-street parking. A lot of these LEED requirements and these energy conservation things have to do with reducing, as I was saying earlier, the transportation demand management. Reducing the number of employees driving to a site every day, making it easier for people to walk or to bike. And, if you're doing that, then we can reduce your off-street parking.

Mr. Baka - So, Ben -- oh. Go ahead.

Mrs. Thornton - Oh. My only first thought was, Okay. If I pick one so I -- if I use the one encouraging feature, I get to have an incentive?



730 Mr. Blankinship - Well there's a chart that assigns points based on, you know,  
731 you -- like for the LEED, for example, you get one number of points for silver, one for gold,  
732 and higher for platinum and then you trade those points off against the incentives. So,  
733 they're -- they are also assigned points. And so, you -- if you have 50 points worth of  
734 environmental features, you get to take 50 points worth of incentives. Except it's not 50,  
735 it's just more like two and three.

736  
737 Mrs. Thornton - Okay.

738  
739 Mr. Blankinship - It -- and it's -- you can tell from my description that I need to  
740 spend more time with it myself again. This is all new out of the box.

741  
742 Mrs. Thornton - Yeah.

743  
744 Mr. Blankinship - And we're all going to be learning together until we can wrap  
745 our arms around it.

746  
747 Mrs. Thornton - Okay. Because I feel like some are a little bit more, like, you  
748 know, weighted heavier than some of the other ones that are encouraged.

749  
750 Mr. Blankinship - Yes. Yeah. And then the code does recognize that.

751  
752 Mrs. Thornton - Okay.

53  
754 Mr. Blankinship - Yeah. Mr. Baka?

755  
756 Mr. Baka - Two comments, if I may. One, first of all, I applaud the staff  
757 and the consultant for looking into this. I think this is great to combine environmentally  
758 improving sensitive features and improving -- to improve water quality and reductions in  
759 the ordinance requirements. But first would be LIDDS, L-I-D-D-S. We worked with low  
760 impact drainage design systems in Isle of Wight County on a project.

761  
762 Not to say Isle of Wight is the only place that has that, but that's just a term for -- a topic  
763 for your consultant to look at. It may be embedded in some of these you've got here. But  
764 just encourage you to look at the idea or concept of LIDDS, which is similar, but slightly  
765 different.

766  
767 Second thing would be what about the materials used for parking spaces? On the far  
768 right you've got parking. So, if you have asphalt it's got a certain run-off coefficient. But  
769 if you have gravel -- not necessarily gravel areas for development, but what if you had in  
770 -- the pavers I'm thinking of it, like, the brick pavers where you have grass growing through  
771 the pavers at some of the parks. Cheswick Park I think is one example, in the Tuckahoe  
772 District.

773  
774 So, could that be -- if you added paver to parking spaces, you might be able to get some  
775 type of benefit or reduction for that.

776  
777 Mr. Blankinship - I think that is one of the things that is specifically listed in water  
778 conservation and quality.  
779  
780 Mr. Baka - Okay.  
781  
782 Mr. Blankinship - And I want to say the LIDDS concept is, as well.  
783  
784 Mr. Baka - Okay.  
785  
786 Mr. Blankinship - I wasn't familiar with that term, so I'm not sure that I'm -- that  
787 I've got the right term. If it's not, we will certainly discuss that with Clarion.  
788  
789 Mr. Baka - That'd be great if we could, maybe even in the next month or  
790 two, get some more information on this page, this topic here. Because I think this is  
791 something that really resonates with homeowners these days.  
792  
793 Mr. Blankinship - Yeah.  
794  
795 Mr. Baka - Thanks.  
796  
797 Mr. Blankinship - Yes, sir. All right. That gets us through that article. Article 6.  
798 I just want to spend a couple minutes going over nonconformities. The biggest single  
799 problem, and you've heard me say this a few times, the biggest single problem I have  
800 with our current nonconforming language is that it does not clearly distinguish between  
801 nonconforming uses, for example, a business in a residential area; A nonconforming  
802 building, which the use may be compatible but the building's just too close to the street or  
803 something; And nonconforming lots where there is no use on the property, there is no  
804 building on the property, but there is a lot that was platted that no longer meets the  
805 requirements.  
806  
807 Those are three completely different subjects and our code kind of mixes them all together  
808 and does not distinguish between them very clearly. So, I was pleased to see them  
809 distinguished much better in this code.  
810  
811 There are some minor changes to nonconforming uses. Most of what we do with our  
812 nonconforming regulations works well for us. So, we didn't need any major changes.  
813 There are some minor changes to how we'll handle nonconforming uses and some minor  
814 changes to how we'll handle nonconforming buildings.  
815  
816 Nonconforming lots. The way we handle due to our -- the changes that were made in the  
817 code in 1960 that created what we call the exception standards. That is a very  
818 complicated process and determining exactly what rights people have to use these older  
819 lots is something that really takes a lot of research the way we have it written now. And  
820 in a lot of cases the outcomes are less than optimal because of the way we regulate that.  
821

822 So the consultant has recommended that we do away with the exception standards  
823 completely and just say, If you have a single-family lot that was, you know, subdivided  
824 and approved by the county at any time in the past, then you can use that for one single-  
825 family residence. It's the only thing you could use it for. But if that's what it was designed  
826 for. You should be able to use it.

827  
828 Right now, as most of you know, those go to the Board of Zoning Appeals quite frequently.  
829 And they make for very good variance cases, because without a variance you can't make  
830 any use of your land at all. And so, it's essentially a regulatory taking of the land. Clarion's  
831 thinking is, "Why bother even taking those people to the Board of Zoning Appeals?" Why  
832 don't we just say, "You have a lot. It was lawful when it was created. You can build a  
833 house on it."

834  
835 And I -- there has to be some regulation of them still, because we do have 25-foot-wide  
836 lots, and we don't want people trying to build individual houses on 25-foot-wide lots. But  
837 as long as they can meet the setbacks, the side-yard setbacks in particular, I think we  
838 can be a little bit more forgiving on nonconforming lots than we have been in the past.

839  
840 Yes, Mr. Witte.

841  
842 Mr. Witte - If they -- to meet setbacks with two 25-foot lots. Now that's a  
843 combination of two lots. Not a single lot.

844  
845 Mr. Blankinship - Right.

846  
847 Mr. Witte - So does that fall into that category?

848  
849 Mr. Blankinship - That's what usually happens today. Yes. With the 25-foot  
850 lots.

851  
852 Mr. Witte - Even if they don't meet road frontage, they meet the  
853 setbacks?

854  
855 Mr. Blankinship - Well 50 feet is also the road frontage requirement. So, if they  
856 combine two 25-foot lots they're usually in good shape.

857  
858 Mr. Witte - All right.

859  
860 Mr. Blankinship - And this would still require them to meet those other  
861 requirements. And then on nonresidential lots, as long as the use of the property complies  
862 with the dimensional standards, again, you can use your nonconforming lot. It's not as  
863 big of a problem in nonresidential areas. Most of the business districts particularly we  
864 don't have any side-yard setbacks. So, there's a lot of flexibility there today.

865  
866 Offices are a little bit more of a challenge because there are lot size and setback require  
867 -- or lot width requirements. Lot area and lot width requirements. So, allowing those to

868 be used will again just restore that essential fairness without having to go to the Board of  
869 Zoning Appeals and make the argument.

870

871 And there is also a section on graduated compliance for nonconforming sites. Which,  
872 again, is one of the -- not too many areas, but where they are adding complexity to the  
873 code.

874

875 Right now we just don't allow this, so there's no complexity to it. Right now you're either  
876 in or out. If you want to expand a nonconforming use, you have to bring it up to the current  
877 standards. And if you can't bring it up to the current standards, then you can't expand it.  
878 And in many cases, you can't even change it.

879

880 We had a case not too long ago in Highland Springs where a building that had been used  
881 for a beauty parlor for many years wanted to -- the owner wanted to convert it to another  
882 retail use. There was no parking on the lot and it had just always been that way. And as  
883 long as it stayed the use that it was they could continue to operate, but they couldn't  
884 change it to another use of a more intense character because they couldn't come all the  
885 way up to the current standards.

886

887 Well what Clarion has recommended is that for remodeling and expansion they're slightly  
888 different. Remodeling is based on the value. Expansion is based on the floor area. But  
889 in either case the principle is the same. Up to 25 percent you can do it without changing  
890 what you have at all. You're just -- you can continue your nonconforming status and you  
891 can expand or remodel up to 25 percent. If you're going over 75 percent for remodeling  
892 and 65 percent for expansion, then you have to meet the current standards.

893

894 So, you know, if you're completely redoing the site, yes, we want you to meet current  
895 standards. The question is those in-between projects where you're adding, say, a half of  
896 the footprint you have now.

897

898 Again, under the current code you have to come all the way up to the current standards  
899 or you can't make any expansion at all. And their recommendation is if you're expanding  
900 50 percent, you have to come 50 percent of the way to the current standard. You're  
901 expanding 40 percent, you have to come 40 percent of the way. If you can -- if there's  
902 enough room to get 70 percent of the parking, then you can expand 70 percent of the  
903 building. So, there's a sliding scale that will just allow property owners a lot more flexibility  
904 in the areas, the older developed areas, where we want to encourage reinvestment.

905

906 We want people to make new uses of old buildings. We're hoping that this sliding scale  
907 will allow them to have much more flexibility in the use of their property, the  
908 redevelopment of their property, without creating harm to the neighborhoods by not allow  
909 -- not providing any improvements but without the expense or the just prohibitive  
910 requirement of coming all the way up to the current standards.

911

912 Mr. Baka - Do you have any questions on that?

913

914 Mr. Blankinship - Yes.  
915  
916 Mr. Baka - Did you have questions, sir?  
917  
918 Mr. Witte - I just -- I'm hung up on this "any residential lot may be used  
919 for one single-family dwelling." Because it was created prior to the code. I can -- I've got  
920 so many 25-foot ones in there, and I don't know what the setbacks were when the code -  
921 - when those went in. I got them over here off of Parham and Ackley. I've got them all  
922 over the place. And I can -- I've had people ask me in the past, "Well why can't I put a  
923 dwelling on it? Because it was designed to have a dwelling on it." And I said, "It doesn't  
924 meet code." Now does this kick it back to where it does meet code?  
925  
926 Mr. Blankinship - Well it -- they would be allowed -- they would be allowed to  
927 use the lot for a dwelling if they could meet the requirements -- the other requirements.  
928 The lot width or the street frontage, the setbacks. So, if you have setbacks of eight feet  
929 on each side, that's 16 feet. 25-foot lot you're not going to build a house.  
930  
931 Mr. Witte - But when they -- but when that subdivision was adopted  
932 maybe it didn't have those same ones. So --  
933  
934 Mr. Blankinship - Right.  
935  
936 Mr. Witte - Are we going back to that?  
37  
938 Mr. Blankinship - Not to the -- not to the previous standards. You have to meet  
939 the setbacks that are in today's code, but we would simply --  
940  
941 Mr. Witte - It says that for nonresidential.  
942  
943 Mr. Blankinship - Right.  
944  
945 Mr. Witte - But it doesn't say it for residential.  
946  
947 Mr. Blankinship - It -- yeah. It does not say that on my slide. You are correct.  
948 I will take that under advisement and give it some more study and make sure that I'm  
949 looking at it correctly. But I believe on the really narrow lots, 25- and 35-foot-wide lots,  
950 that we do have in a few places in the county you'd still have to combine those for them  
951 to be buildable.  
952  
953 It's really the 50- and 60- and 65-foot-wide lots that we have a lot of. And in areas that  
954 are zoned R-4 today the exception standards only require that 50-foot lot, so you can  
955 build on it. But if it's R-3 the exception standards require 65. So even though you have  
956 a 50- or a 60-foot lot that was approved in the 1950s, you can't build on it.  
957  
958 I'm taking two of them to the Board of Zoning Appeals next week that are 90 feet wide  
959 and 25,000 square feet in lot area that are on an approved subdivision plat and all the

960 houses around them are on the same size lot, but because of the zoning and the utility  
961 situation, these two lots are not buildable and they're, in my view, very good cases for  
962 variances. Because, again, as you know, if you can't make any reasonable use of the  
963 land, then you're entitled to a variance.

964

965 Mr. Witte - Okay. So just for the sake of argument is there a way we can add it  
966 meets current setbacks?

967

968 Mr. Blankinship - Yes. Yes. I'll make sure of that. I didn't put it on this slide.  
969 But I'll make sure of that.

970

971 Unknown Speaker - Okay.

972

973 Mr. Blankinship - And also it -- I'm pretty sure it would have to meet those  
974 neighborhood compatibility standards as well. So if you have a situation where everyone  
975 else in the neighborhood is on a 100-foot-wide lot, and you have an old 55 -- 50-foot-wide  
976 lot, you know, that's going to raise a different issue as well.

977

978 Unknown Speaker - All right. Thank you.

979

980 Mr. Blankinship - Needs more study. Okay --

981

982 Mr. Baka - Mr. Blankinship, one quick question. You mentioned 25  
983 percent, 65 percent of value on the next page.

984

985 Mr. Blankinship - Yes.

986

987 Mr. Baka - I haven't seen many ordinances tied to value, but I think that's  
988 a good, creative method to include, the 75 percent. So, is that assessed value and then  
989 if it -- their assessment changes the following year it potentially changes the parameters  
990 that they can redevelop?

991

992 Mr. Blankinship - It would. Yes.

993

994 Mr. Baka - If it goes -- assessment goes up?

995

996 Mr. Blankinship - And, again, if you -- if you're expanding the building, then we  
997 go to square footage, because then you're expanding the square footage. But if you're  
998 --

999

1000 Mr. Baka - Remodeling.

1001

1002 Mr. Blankinship - -- remodeling an existing building, you're not increasing the  
1003 square footage at all.

1004

1005 Mr. Baka - Okay.

1006

1007 Mr. Blankinship - So we had to have something. Or I guess they had to have  
1008 something to tie it too. And I guess that's why they chose value.

1009

1010 Mr. Baka - So I was just going to point out if they're rejected to meeting a  
1011 threshold for some reason, you -- I hate to say you could always say you could reapply  
1012 again a year or two from now to see if the threshold's changed and you have a different  
1013 set of standards?

1014

1015 Mr. Blankinship - Right. Or you can remodel half the building, and the other half  
1016 just can't be remodeled until you find some way to add that additional parking or whatever.

1017

1018 Mr. Baka - Great. Thank you.

1019

1020 Mr. Blankinship - Mm-hmm. All right then. In the definitions, as I mentioned,  
1021 there're only six new ones and four of them deal with trees and the other two deal with  
1022 parking lot and parking space. Which are not defined terms today. Again, just -- there's  
1023 nothing here that anybody is really going to argue with. But the definitions are in there  
1024 and just wanted you to be aware of them.

1025

1026 So that gets us through Module 3 of the zoning and it is 6:42. So next time we will try to  
1027 do Module 3 of the Subdivision Ordinance, but most of your work session next month will  
1028 be occupied with form-based code.

1029

1030 Mr. Witte - All right. Thank you.

1031

1032 Mrs. Thornton - Thank you.

1033

1034 Mr. Archer - Thank you, Mr. Blankinship. Your sessions are always  
1035 informative and, ironically, they're becoming more interesting.

1036

1037 Mr. Emerson - That I agree, Mr. Archer.

1038

1039 Mr. Baka - I want to --

1040

1041 Mr. Archer - That's a little bit of a stretch.

1042

1043 Mr. Blankinship - Yeah. That's --

1044

1045 Mr. Archer - We're done. Unless you got a --

1046

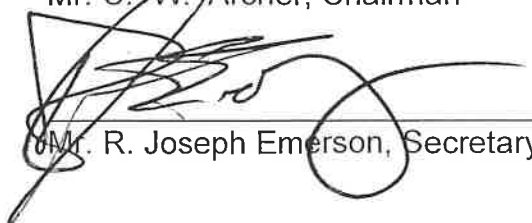
1047 Mr. Emerson - Mr. Chairman, that completes the work session for this  
1048 evening. If you want -- if you'd like to recess the meeting until 7:00 p.m. for the start of  
1049 the regular meeting that would probably be in keeping with where we are right now. And  
1050 possibly we could have the lights fixed by then I'm hoping.

1051

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1063

Mr. Archer - Well it's getting better all the time. Thank you, Mr. Secretary.  
With that, then, I will recess this meeting and we will begin again at 7:00 p.m.

  
\_\_\_\_\_  
Mr. C. W. Archer, Chairman

  
\_\_\_\_\_  
Mr. R. Joseph Emerson, Secretary