

1 **Minutes of the Work Session of the Planning Commission of Herring 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

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

51  
52 At the beginning you have general provisions. Which, of course, requires compliance  
53 with the standards. That's kind of a normal place to start. And then there's the table of  
54 districts. I think we went over that in the work session last month, the very few changes  
55 that we're making there, so I'm assuming nobody has any comments on that.

56  
57 Mr. Witte - You are very thorough in what you do, Mr. Blankinship.

58  
59 Mr. Blankinship - Thank you, Mr. Archer. So then getting into paragraph, or  
60 subsection C, on page 3-3: Organization of Zoning Districts. Could do the discussion of  
61 base zoning districts, the discussion of plan development districts, and then of conditional  
62 zoning, which you're obviously familiar with, and overlay districts, which we have used --  
63 there're a couple of new overlay districts in here. Anybody have any comments on any  
64 of those, or any questions, any concerns?

65  
66 Mr. Mackey - I could use a little bit better understanding of some of the  
67 overlay districts, you know. I mean, I know what they are, but how they're used.

68  
69 Mr. Blankinship - Well the biggest change, I guess, overlay districts in terms of  
70 their purpose and intent, the West Broad Street overlay is probably a good example. You  
71 have property fronting on Broad: some of it's B-2, some of it's B-3, some of it's R-6, some  
72 of it's office. But then you lay on top of that a strip 500 feet wide, centered on Broad, with  
73 a set of standards that applies to everything no matter what the underlying district. The  
74 airport's another good example. You've got all that land, all different zonings within a few  
75 -- say within a mile of the airport, and then you have the height restrictions that are based  
76 on the airport itself. And so you don't have to -- you just -- that district lays over on top of  
77 the regular zoning. If you wonder what uses are allowed, the setbacks and all that, it's  
78 the underlying zoning, but then on top of that you have this height restriction that applies  
79 no matter what the underlying zoning.

80  
81 Mr. Mackey - Joe explained that to me last week.

82  
83 Mr. Blankinship - Okay, great. A big change this coming with this code is that  
84 floodplains will become an overlay district. As you know right now we handle floodplains  
85 primarily by rezoning them to C-1. But of course we only rezone them when the property  
86 owner applies for rezoning, so where you have a continuous floodplain you have some  
87 C-1 and then some that hadn't been rezoned yet, and then some C-1 -- sometimes one  
88 side of the stream is C-1 and the other side of the stream is not, because the property  
89 owner just hasn't come in yet.

90  
91 So in lieu of that, this will lay on overlay along all the floodplains and so no matter, again,  
92 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  
550 Mr. Archer - Mr. Blankinship.  
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-foot wide,  
566 we'll still it the garage detached. But if the breezeway is 10-foot 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.

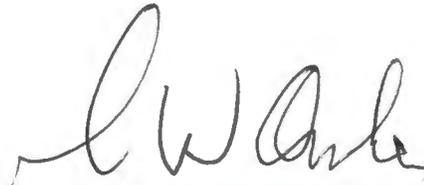
1502  
1503 Unknown Speaker - Okay.

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

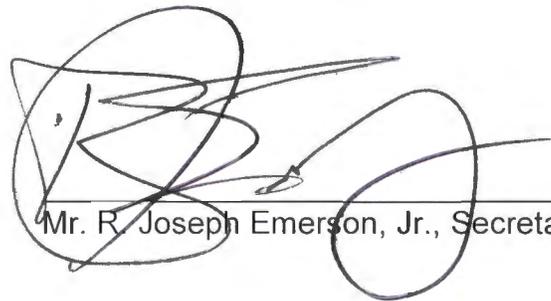
1506  
1507 Mr. Baka - Thank you, Ben.  
1508  
1509 Mr. Emerson - And before we go downstairs, we were talking a little bit about  
1510 this earlier, I'm not sure right now what the, you know, what the coming weeks will bring  
1511 in regards to our meetings and how we continue to conduct them, but 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  
1618  
1619  
1620  
1621  
1622  
1623  
1624  
1625  
1626



Mr. C. W. Archer, Chairman



Mr. R. Joseph Emerson, Jr., Secretary