

1 **Minutes of the Work Session of the Planning Commission of Henrico County held**
2 **in the Planning Department's Conference Room, County Administration Building**
3 **in the Government Center at Parham and Hungary Spring Roads, beginning at 5:30**
4 **p.m. Thursday, May 14, 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 - -- Commission, and I am going to call it to order and quickly
23 turn it over to the secretary.

24
25 Mr. Emerson - Thank you, Mr. Chairman, and welcome this afternoon. We
26 are here to conduct a work session on your zoning code update. This meeting will be
27 simulcast in order for the public to be able to observe your discussions and
28 deliberations. But, of course, as normal in work sessions you take no action and no
29 public input.
30

31 So, with that said, this work session is to continue discussion of the revisions to the
32 County Zoning Code and Subdivision Ordinances. You are starting, I believe, with
33 Article 4, and that will be presented by Mr. Ben Blankinship, our zoning code division
34 manager.
35

36 Mr. Archer - Welcome, Mr. Blankinship.
37

38 Mr. Blankinship - Thank you, Mr. Archer. Thank you, Mr. Secretary. We are
39 going to spend most of our time in Article 4 today. But as I was going through the
40 minutes of our previous work session, right at the end we had a brief discussion -- and,
41 Mr. Emerson is correct the mask is not going to work, excuse me I'm going to go
42 without. We had a brief discussion of reverse-corner lots. And it was clear from the
43 minutes that we really needed to have some diagrams to look at to discuss that subject.
44 So this month I'd like to just recap that conversation very briefly with some graphics.
45

46 So this is a little neighborhood chosen more or less at random because it suited my
47 needs. And I'm going to put on the front side and rear lot lines here. So the front lot

48 lines are all green. The rear lot lines are all red. The side lot lines are all blue. So you
49 can see on a normal lot in the interior of the block; you have a front, two sides, and a
50 rear. And everybody knows what's going on.

51
52 Now at the corner in most cases you have a front and a front sharing a rear, so these
53 become street side yards as opposed to interior side yards, but they still are
54 back-to-back. So as you're coming down this street, you expect to see the side of a
55 house and the side of the other house, and you're going to get a glimpse of the two rear
56 yards. But there are also cases like this one, and this one, that we're going to zoom in
57 on in just a second, where you see the rear of this lot is the side of this lot. And that's
58 what makes this a reverse-corner lot. This is not a corner lot, so it's not a
59 reverse-corner lot. Nobody's really going to notice from Boyle Avenue what's
60 happening in this person's back yard. But here, as you come down the street this way,
61 you see a row of front yards. And then all of the sudden you're at a rear yard. So you
62 have a very different aesthetic going on.

63
64 So I'm going to zoom in first over here, and then over here, and then down here. The
65 first zoom-in you have two lots: here's an interior lot, then here's a standard corner lot.
66 So the rear of this is the rear of that. And these are the approximate areas where an
67 accessory structure is allowed, a detached accessory structure. It has to be 10 feet off
68 of that side-lot line, the interior side. But only three or five feet depending on building
69 code from the other side line and from the rear. And it has to be 10 feet off the dwelling.
70 So in this case, this yard has plenty of space where they can choose where to put an
71 accessory structure.

72
73 But now we're going to come across the street here, and here we have a reverse-corner
74 lot because his rear yard is this person's side yard. Because this lot the front yard is the
75 shorter side, so it's here.

76
77 And so the goal of the way the current regulations are written is that the accessory
78 structure will be set back to where it looks like it's in the rear yard of this lot. So you
79 have a front-yard setback and then you add 20 feet, and then that's the area where an
80 accessory structure can go. And you can see here, even though this is a much wider lot
81 than the interior lots, it's fairly constricted, the amount of space that's left to locate an
82 accessory structure. But now, when we go down to that other corner, if you come back
83 the full front-yard setback for this lot and add 20 feet, he's got no room at all where he
84 can put an accessory structure, because he has to stay either 3 or 5 feet off of this line,
85 depending on building code. So, you know, he really can't build any accessory structure
86 at all on this lot.

87
88 So that's what I was trying to explain last month. We are going to change that
89 requirement so that rather than meeting the full front-yard setback plus 20 feet, it'll just
90 be an interior side-yard setback of 25 feet, which is where we would setback the
91 principal structure here.

92

93 So it may appear to be in the side yard, but it won't appear -- it won't stick out past the
94 front yards of the other houses on that street, but it won't be as far back as it is now.
95 Because that is creating a lot of problems for a lot of people, as you can imagine. So I
96 did want to run that by you, just because I felt like I did a less than excellent job of
97 explaining what we were doing there.

98
99 Mrs. Thornton - Now those diagrams will be online?

100
101 Mr. Blankinship - Not those precise ones. I just cobbled those together for this
102 evening.

103
104 Mrs. Thornton - It might help residents to see --

105
106 Mr. Blankinship - But our consultant is developing graphics that will illustrate
107 all of this.

108
109 Mrs. Thornton - Yeah. Okay. Good.

110
111 Mr. Blankinship - I'm sorry. I didn't mean to speak over you.

112
113 Mrs. Thornton - Nope.

114
115 Mr. Blankinship - All right. So you've had a chance, I hope, to look through the
116 introductory language on Article 4. And I was really hoping we could get into the
117 principal use tables. The Table of Permitted Uses. And the biggest difference between
118 this and the current code is that this information is not presented in the table in the
119 current table. In the current code each district has all of the uses listed, which could be
120 okay. The problem is as uses were added over the years in many cases the
121 requirements for those uses were put into that same section. So rather than breaking
122 them out and having, you know, setbacks and distance requirements and buffering and
123 those sort of things in another section they're in the middle of the use tables. So if you
124 have the same use with different descriptions of the development standards in two
125 different districts, it can get very confusing.

126
127 Also, when the ordinance was first written it was written so that the more intense
128 districts simply incorporated by reference the uses permitted in the less intense districts.
129 So in B-1 you have a list of uses. Then in B-2 the first use is, everything allowed in B-1.
130 And then you have uses added to that. And then in B-3 you have everything allowed in
131 B-2 and the uses added to that.

132
133 Which sounds like the simple and straightforward way to do things until a customer calls
134 you and says, "Can you send me a list of the uses that are allowed in M-2?" Because
135 now you have all the M-2 uses, and all the M-1 uses, and all the B-3 uses, and all the
136 B-2 uses, and all the B-1 uses. And some of the B-1 uses say within them, "This can't
137 be any larger than 10,000 square feet." Well, in M-2 that same use is allowed without
38 that requirement. So it becomes very complicated. What you think would be a very

139 simple request, "I have a piece of property that's M-2, will you send me a list of the uses
140 permitted on my property?" Becomes a half-an-hour conversation with somebody trying
141 to understand that, well, you can have a carwash as an accessory in B-2, but as a
142 principal use in B-3. So when it rolls up to M-1 and M-2, you get the B-3, not the B-2.

143
144 And we drive ourselves nuts with this. So putting this in a table format is going to make
145 it much simpler for the average person who may not live in Henrico County, who may
146 not have used our ordinance before, we get calls from lawyers from California and New
147 York and other places asking these kind of questions. With this kind of layout we're
148 hoping they'll be able to look -- if I want to know what uses are allowed in M-2, all I have
149 to do is find the M-2 column and follow it down through the pages. And every time
150 there's a use that's marked, that use is allowed.

151
152 If I'm looking at the opposite question, "Where am I allowed to do daycare?" Then all I
153 have to do is find the daycare row and sweep across the table, and everywhere I see a
154 letter that's a district where that use is allowed. And we have, as you know, four
155 different kinds of allowance: The R is a use that's permitted by right. P is a use that
156 requires a provisional use permit. There are no C's on this page, but C is a conditional
157 use permit through the BZA. And then the A's are for the plan development districts
158 where the applicant is going to give us a list of permitted uses. And that kind of tells him
159 what he can choose from. If you see a dash, that means that use is not allowed in that
160 district. So we're hoping that this is going to be a lot simpler for everybody. Yes, sir.

161
162 Mr. Witte - Mine disappeared.

163
164 Mr. Blankinship - Oh. Maybe Fred can help with that. Fred, Mr. Witte's screen
165 has disappeared.

166
167 Unknown Speaker - Push the red button. Did that get it?

168
169 Mr. Blankinship - I wonder if it just went to sleep and you need to move the
170 mouse or something.

171
172 Mr. Witte - No VGA signals from your device.

173
174 Mr. Blankinship - Sometimes maybe move the mouse. (indiscernible).

175
176 Mrs. Thornton - Oh. Here it comes.

177
178 Mr. Emerson - Here it comes.

179
180 Mr. Witte - Now that's gone. Okay.

181
182 Mr. Archer - Mr. Witte broke his computer again.

183
184 Mr. Witte - It's gone.

185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
30

Mr. Baka - Mr. Blankinship -

Mr. Blankinship - Yes, sir.

Mr. Baka - While Fred is helping Mr. Witte, would this be a perfect time to ask you a question?

Mr. Blankinship - Sure. If it's on the first page.

Mr. Baka - First of all, I agree. I appreciate the structure you have here proposed for use category. Because we tend to think of uses within certain groups. And it makes more sense for how sites get developed, and then the use type, and then what's permitted. And when -- allowed or not allowed. So one question on the different types of uses that we're looking at. I know people are relying much more on their Wi-Fi for home use during times of current issues right now with COVID-19. And wanted to ask for wireless telecommunication facilities and coverage and capacity issues have been a huge issue in the west end of Henrico.

Would you know does this proposed ordinance change, or expand, the allowable areas, or allowable zoning districts for wireless telecommunication towers? Does it change anything over our existing code?

Mr. Blankinship - It organizes it much more clearly and presents it much more clearly. I've scrolled down to that page, and you will see wireless communication antenna co-locations. Which is, as you know, is if there is an existing structure, whether it's a tower or a building or a Virginia Power structure, anything you can co-locate the tower on, that's going to be allowed by right in all districts. And then if it's a free-standing tower, that's going to be allowed by provisional use permit. So that's pretty much how we do it now.

And then the standards, as you see, are linked over here. So, you know, this will spell out exactly what co-location means, and what you have to do. And I don't know how to go back.

Mr. Baka - Okay.

Mrs. Thornton - Do you mean the new towers that are going in? Is that what you mean?

Mr. Baka - Yeah. So new -- any new towers just to follow up on that. If any new tower going in falls under one of the zoning districts that has the P, Ben, does that -- Mr. Blankinship, does that mean that there'll be a provisional use permit that comes before the Planning Commission for a recommendation and the board for approval?

231 Mr. Blankinship - Yes, sir. That's exactly what that means.
232
233 Mr. Baka - Okay. It's a similar process, and just allows some flexibility.
234
235 Mrs. Thornton - What about the towers that are going in now, currently, all
236 over the west end?
237
238 Mr. Blankinship - There are towers that being put up now in rights of way, on
239 existing poles, that we have no control over. There was recent state legislation allowing
240 that to go forward without our review or approval.
241
242 Mrs. Thornton - But they're putting new poles in.
243
244 Mr. Baka - If they're shorter than 50 feet, they're allowed by right.
245 Correct?
246
247 Mrs. Thornton - They're not getting permission to put the poles in, they're just
248 putting them in.
249
250 Mr. Blankinship - Right. Yeah. If they're in the right-of-way, it's a different set
251 of rules. And the state has recently pre-empted our authority to regulate a lot of that.
252 Especially if it's in, like, Broad Street, which is a state road. If it's state right of way. So
253 there's really nothing that we can do about those.
254
255 Mr. Baka - Does that make sense?
256
257 Mrs. Thornton - And Parham Road, too?
258
259 Mr. Blankinship - Parts of Parham are state and parts are county.
260
261 Mrs. Thornton - Oh. Okay.
262
263 Mr. Blankinship - But in either case, even if it's in county right of way, I believe
264 we've been pre-empted from regulating it.
265
266 Mrs. Thornton - Okay.
267
268 Mr. Baka - I agree with that. If it's any public right of way, 50 feet or less
269 it appears to be pre-empted by state code.
270
271 Mr. Blankinship - So there are a lot of rows and a lot of columns, and a lot of
272 dashes, and a lot of letters on this table. And I was hoping that each of you would
273 examine each one very carefully. But, you know, it's a lot of detail, so I wanted to pick
274 out a few of the major changes.
275

276 The first, we now are differentiating right in the use table between horticulture and
277 animal husbandry. So growing plants is a very different activity from raising animals.
278 But in our current code, they're both lumped together as farming. And then elsewhere
279 there is a distance requirement that applies only to keeping animals. But rather than
280 make it so you have to go look for all those requirements, again, they're clearly
281 separated here and then the use-specific standards are over on this side. So you'll see
282 that the ordinance requirements for keeping animals are listed here and don't apply to
283 raising crops.

284
285 The other big change is that horticulture and animal husbandry today are allowed, by
286 right, in all the residential districts, which you don't realize until you're driving down your
287 street and all of the sudden somebody has bought two lots and put up a farm. Which
288 we have on Early Avenue over in Sandston. And I was hoping Mr. Nelson would be
289 here for this conversation, because he spent a lot of time in a lot of meetings trying to
290 work out friction between neighbors who lived in a subdivision and suddenly woke up
291 next door to a farm.

292
293 We have been looking forward to this opportunity to change that in the code. I'm not
294 sure why, in 1960, it was written the way it is. I think because at that time there were
295 large undeveloped swaths that were zoned R-3 or R-4 with the assumption that one day
296 somebody would come in and build subdivisions. Of course today, with proffers, we
297 don't operate that way. We wait for the applicant to come to us. So it's a very different
298 situation now from 1960. So that's the first big change that you see, is that farming is no
299 longer a principal use in the residential districts.

300
301 Now gardening is allowed as an accessory use and keeping pets is allowed as an
302 accessory use and keeping chickens may be allowed as an accessory use, but not as
303 the principal use of the property.

304
305 Mr. Archer - Mr. Blankinship, if I may. How do you differentiate between,
306 you mentioned chickens being an accessory use. When I was a child I had a chicken as
307 a pet. How would you differentiate between what's a pet and what's considered an
308 animal? Well -- did I put that right?

309
310 Mr. Blankinship - Yes. You did.

311
312 Mr. Archer - Yeah. I guess.

313
314 Mr. Blankinship - This is being simulcast, so I won't give the answer that I
315 gave many years ago in a similar hearing. Which is, if you put a sweater on it, it's a pet.
316 But if you eat it, it's an animal. That was about pot-bellied pigs was then the question.
317 Nobody puts a sweater on a chicken.

318
319 Mr. Archer - I know nobody in here is old enough to remember but used
320 to order chickens in the mail at Easter time and keep them as a pet. They'd be colored
321 when you'd get them. Some would be blue, pink, whatever.

322
323 Mr. Blankinship - Yeah. I have heard of that. They've stopped dying them,
324 because they figured out that it's bad for the chicks to dye the feathers.
325
326 Mr. Archer - Yes.
327
328 Mr. Blankinship - But. Yeah. In that case, if it's your dwelling, then that's the
329 principal use and for you to keep chickens, whether you keep them as pets or you keep
330 them for eggs, either way that's accessory to your dwelling. But if you just went out into
331 a vacant lot in a subdivision, you could not start a chicken farm. If it's in your dwelling,
332 that's a different set of rules. Mr. Witte.
333
334 Mr. Witte - I may have missed it, but it seems we had an issue that was
335 going to be addressed about dog grooming rezoning?
336
337 Mr. Blankinship - Dog grooming. Yes.
338
339 Mr. Witte - We've restricted in some. You couldn't have it in some of
340 these zones and you could in the others?
341
342 Mr. Blankinship - It's the office districts where that raised a question. Yes. We
343 have somebody now who wants to --
344
345 Mr. Witte - Well I thought it was B-1 or B-2 --
346
347 Mr. Blankinship - Oh. Okay. Maybe that's a different question. We do have
348 somebody right now interested in some office district zoning where he wants to do
349 dog --I think it's more of an obedience school, so maybe I'm on a different subject than
350 you .
351
352 Mr. Witte - I don't know what it is.
353
354 Mr. Blankinship - Yeah. We haven't come to that yet. That'll be farther down
355 on the commercial uses.
356
357 We have some specific listed uses now that we don't have in our current code. That's
358 what these two comments here are for. Equestrian facilities are today in much more
359 confusing wording, rather than just grouping together everything that has to do with
360 horses and having one set of standards, because they all have pretty much the same
361 effects.
362
363 And then farm production of alcoholic beverages, you may remember from our
364 conversation on breweries that that's another use that the state has pre-empted our
365 ability to prohibit in agricultural districts. So we will allow farm production of alcoholic
366 beverages by right in the agricultural and in the C-1 district. But there are standards
367 that apply.

368

369 Going on through agriculture. Oh, wait a minute. I did want to mention. Right now
370 agricultural processing is allowed in the industrial districts but it's not allowed at all in the
371 agricultural districts. So now, under this draft, agricultural processing would be allowed
372 in the A-1, but with limitations. So you couldn't have a slaughterhouse or a, you know, a
373 -- you would have to have a use permit to have a very intense farming operation, like a
374 hog farm. But some processing of animals raised on the property would be allowed by
375 right in the A-1.

376

377 So we have a couple new terms. As I said, agricultural research facility. I don't believe
378 we have one of those in Henrico, but they are around the state or we could get one.

379

380 And then distribution hub for agricultural products is a new use. Again, right now, that
381 would be allowed in the industrial districts but not in the A-1 district even by conditional
382 use permit. So we've added that. So if you wanted to have a small location where
383 several farmers could bring their produce and put it on one truck, if you had small
384 operations not big enough to support a trucking operation of their own, you could put
385 together something like that. And it could be located where the farms are located, which
386 only makes sense. But we do want a conditional use permit. We want to make sure the
387 traffic is going to work and there's not going to be any impacts on the neighbors.

388

389 Farm machinery sales and rentals. That is an agricultural support service but it's not
390 allowed in the agricultural districts, because usually people will go to a dealer to buy
391 equipment, or to get their equipment serviced. They don't expect that to be located
392 where the farms are located, generally speaking.

393

394 Slaughterhouse is still allowed only in the M-3 district. Today it requires a conditional
395 use permit, but that's kind of a historical artifact. This code would allow it by provisional
396 -- by plan of development. So we would do the review through the Planning
397 Commission or administratively rather than through the Board of Zoning Appeals.
398 Okay. That gets us through the agricultural classification.

399

400 The residential uses, there are a couple of new terms. Most of the residential uses are
401 going to be treated the same. Duplex is still going to be allowed in R-5A. You know,
402 single-family dwellings will be allowed in single-family districts. Multi-family dwellings
403 will be allowed in multi-family districts. No big changes there.

404

405 We did mention to you last time the R-4B district, the new district we're proposing with
406 smaller lot sizes. So that has sneaked in here. But the uses are still the same as the
407 other small-lot districts. But we do have some new terms. We have a live-work
408 dwelling unit, which is something you might find in an urban mixed-use setting, or
409 possibly in an R-5 or R-6, where the other two R's are there. Or it could pop up in one of
410 the business districts. And that's where there is a dwelling, say on a ground floor, or at
411 the rear of a one-story building. And in the front you have some kind of a shop, maybe
412 an artists' studio, or something like that, or metalworking, you know, small-scale, light

413 metalworking shop is something where you might have that sort of mixed-use urban feel
414 of having the person who works in the shop lives behind or above the shop.

415
416 There is a separate use which is the upper-story dwelling. And that is, we have that
417 now in our code by provisional use permit in many districts. But there, there's no real
418 link between the business on the ground floor and the people living above. It's sort of
419 the same arrangement from a land-use perspective, but there's no direct connection
420 between the two. So that's why those two terms are in there differently.

421
422 Manufactured homes are treated the same as before. It's required by state code that
423 we allow them in A-1, so that's the only district where they're allowed.

424
425 There is one correction that needs to be made to this table that we haven't gotten in this
426 version, which is that right now we have no definition for two attached dwellings on two
427 separate lots. A duplex is two dwellings on one lot. And then we have townhouses
428 where you have attached dwellings on individual lots, but the definition is three or more
429 of those. So right now we've kind of got a hole in the doughnut that we need to correct
430 with our consultant. But we've made note of that.

431
432 Townhouse development standards. Right now we have different standards in R-5,
433 R-6, and R-TH. And sometimes the difference is very small. A minimum width of 18
434 feet versus 19 feet. Whether you can have 6 or 8 or 10 connected in a row. And again,
435 it's one of those things that creates a lot of confusion without, we feel, really giving us
436 any additional value. So we're going to have one set of townhouse standards that'll
437 apply in R-5, R-6 and R-TH. Slightly different set in UMU, only because the UMU
438 allows considerably higher densities. It allows the densities up to 30. Yes, sir.

439
440 Mr. Witte - I have a question. I believe that one dwelling on two
441 separate lots -- two dwellings on --

442
443 Mr. Blankinship - Two dwellings on two separate lots. Yes.

444
445 Mr. Witte - I think we have that over in Staples Mill and Mountain Road

446
447 Mr. Blankinship - We do. And it's in the current code. But in this draft we
448 changed one thing one day and something else another day. And we changed the
449 definition separately from changing the table of uses.

450
451 Mr. Witte - I got it. I got it.

452
453 Mr. Blankinship - And we accidentally deleted it.

454
455 Mr Witte - Okay. No problem.

456

457 Mr. Blankinship - So. It was just an oversight on our part, and we do have
458 note of that. I just didn't want you all to stumble across that and wonder what
459 happened.

460
461 Mrs. Thornton - And the two over twos. What would that be?

462
463 Mr. Blankinship - Yes. Good question. That's one of my notes on here, that I
464 didn't point to. Maybe that one. Right now there are two things, zero-lot lines and
465 condominiums, that we have called out in our code as specific uses. But a house on a
466 zero-lot line is not a different use from a detached dwelling in the middle of the lot. It's
467 just a change in the development standards. So that's no longer listed as a separate
468 use, it's just a detached dwelling. But there is a separate development standard in R-5A
469 that allows the zero-lot line.

470
471 Condominiums are the same way. A condominium is not a different kind of structure
472 from an apartment or multi-family development. It's just a different form of ownership.
473 So it's kind of confusing that right now we have it listed in some districts and not in
474 others. Because what if you had an apartment building in one district. You wanted to
475 convert it to a condo. You're not changing anything physically. You're not changing
476 who lives there. You're not changing anything about the land-use impacts. You're just
477 changing the form of ownership. But it's allowed in some districts but not in others. So
478 we're smoothing all of that over by just calling them all multi-family dwellings. So we're
479 not going to distinguish between individually-owned multi-family dwellings and rented
480 multi-family dwellings because it's not really a different land use, it's just a different form
481 of ownership.

482
483 Okay. Another thing that I find very confusing about our code, is these donation centers
484 for Goodwill or Salvation Army. Sometimes you have a building, sometimes you have
485 just a box in a parking lot. Either way those are treated in our code as recycling
486 collection and processing facilities and; in my mind at least, a recycling processing
487 facility is a very different thing from a Goodwill. You're talking about glass and scrap
488 metal, that's what comes to mind when I hear the term recycling collection facility.

489
490 And it's another issue where we get calls from people, "Can you tell me where you're
491 code addresses this use? I didn't see it." And I say, It's called a recycling collection
492 facility. And they say, "No, no, no. That's not what I'm doing. I just want to drop off
493 clothes and then sort them and sell them at retail." And it's confusing that we use one
494 term for all those uses.

495
496 So we're now introducing a donation center. And this is, again, this is a table of
497 principal uses, so everything here is a principal use. There is also an accessory use for
498 those donation boxes. So if you're at a church building, or a shopping center, or
499 wherever you may be, and you just want a box out in the parking lot someplace for
500 people to make donations... You're dead again? Mr. Witte has disappeared again. Mr.
501 Witte's *computer* has disappeared again.

502

503 Mr. Witte - No VGA signal for your device.
504
505 Mr. Blankinship - So that's why we have donation center where -- now where
506 we don't have that use in our current code.
507
508 Mr. Baka - So question on donation center.
509
510 Mr. Blankinship - Yes, sir.
511
512 Mr. Baka - It's allowed by right in most business districts. Are there any
513 districts -- are there any, excuse me, donation centers in a B-1 zoning district, as you
514 listed there, that would require a provisional use permit for a donation center that's
515 already open right now. It's already in existence.
516
517 Mr. Blankinship - I don't believe so. I don't think they're allowed in the B-1
518 district under our current code.
519
520 Mr. Baka - Okay. All right. So we're not giving a double jeopardy to any
521 current businesses.
522
523 Mr. Blankinship - Again, as a principal use.
524
525 Mr. Baka - As a principal use.
526
527 Mr. Blankinship - You could have a B-1 district with a box in the parking lot,
528 but as the principal use it would not be allowed in a B-1.
529
530 Mr. Baka - So up and down Patterson and up and down Broad, up and
531 down Route 1, other areas, if there's a donation center right now it's likely not currently
532 zoned B-1.
533
534 Mr. Blankinship - Correct. It's going to be either B-2 or B-3, if that's the
535 principal use.
536
537 Mr. Baka - All right. Thank you.
538
539 Mr. Blankinship - Adult daycare center is another one of those quirky things in
540 our code. Originally that term was not listed anywhere in our code. We had childcare
541 centers, but we did not have adult daycare centers back in the '60s.
542
543 And then when adult daycare centers started to pop up, at first we decided to, by
544 interpretation, to treat them the same as child daycare centers, because the uses are
545 similar. You have a lot of drop-off and pick-up traffic at specific times of day, but you
546 don't have a lot of all-day traffic, and you don't have a lot of activity that's annoying the
547 neighbors. So they're kind of similar uses, they act kind of the same, we treated them
548 the same.

549
550 And then, in some of our new -- when some of our new districts were added to the code,
551 they specifically listed adult daycare centers. Well, now you've created a problem,
552 because if it's not specifically listed somewhere else, the normal rule of interpretation is
553 if it's specifically listed here and not here, it's not allowed here.

554
555 Mr. Baka - Correct.

556
557 Mr. Blankinship - Whereas if it's not listed anywhere we have that flexibility to
558 say, Well, what's it most similar to? But by listing it specifically in some districts but not
559 others, we really created what could've been a problem for us. Nobody's challenged us
560 on it, but we have always treated them the same as a child daycare center whether they
561 were a listed use or not. So it's just one of those quirky things in our code that we're
562 correcting now. By having the two uses listed, they do have different development
563 standards. They're allowed in the same districts, but there are different development
564 standards for childcare centers, because there are different state standards. And also
565 because children on a playground are much noisier than the adults in an adult daycare
566 center as a general rule.

567
568 Mrs. Thornton - Where is an adult daycare center?

569
570 Mr. Blankinship - Where is?

571
572 Mrs. Thornton - Do we have one?

573
574 Mr. Blankinship - We do. There are many in the county. I can't tell you
575 exactly where one is located, though.

576
577 Mr. Witte - Parham and Woodman.

578
579 Mr. Blankinship - Parham and -- is that a daycare center, or is that -- ?

580
581 Mr. Witte - They drop them off and pick them up.

582
583 Mr. Blankinship - Okay. All right. Well, you --

584
585 Mrs. Thornton - On the corner? Right there near Patient First?

586
587 Mr. Witte - There's a bunch of, like, office buildings catty-corner to the --

588
589 Mrs. Thornton - Yeah.

590
591 Mr. Blankinship - Oh. Catty-corner. I was thinking over where the assisted
592 living facility is. You're talking about -- yes. If you're going from this building, going
593 east --

594

595 Mr. Witte - It's on the right.
596
597 Mr. Blankinship - After you cross Woodman it's on the right.
598
599 Mr. Witte - Yeah.
600
601 Mr. Blankinship - There are two little medical office building complexes. One
602 of them is, like, octagons, and the other's regular rectangular buildings.
603
604 Mrs. Thornton - Okay.
605
606 Mr. Emerson - There's one on New York and one on Brook.
607
608 Mr. Blankinship - New York and Brook. Is that one as well? Oh, okay.
609
610 Mrs. Thornton - Oh. In a home.
611
612 Mr. Emerson - It's a, well, it's a renovated home.
613
614 Mr. Blankinship - It was originally one.
615
616 Mrs. Thornton - Okay. Interesting.
617
618 Mr. Blankinship - So, yes. We do, we do have them and we would like -- we,
619 as staff, would like to get that clarified so we don't have to have that argument anymore.
620
621 Educational facilities. Right now we have college or university, again, allowed in all the
622 one-family dwelling districts. It's not really an appropriate use in one-family districts. So
623 we have removed it from those, or recommended removing it. Allowing it by provisional
624 use permit where you have multi-family dwellings and in some of the business and
625 office districts. Of course, if you have students living on campus, that's usually the
626 greatest impact that you get from a college or university. And so that would be more
627 consistent with what you'd expect in the multi-family districts. Where we have commuter
628 colleges -- Strayer and those kind of organizations -- they tend to go into office buildings
629 in business districts that have large parking lots. But they may fit in an office building as
630 well. So that's where they would be allowed.
631
632 Right now we have the term school with no distinction between elementary and
633 secondary schools versus childcare and child educational center. So we've broken all
634 those uses out so that we can treat them individually. Schools are still allowed in all the
635 R districts, because county schools are sprinkled around through the neighborhoods.
636 Everybody likes to have a school near their neighborhood. So rather than have little
637 pockets of different zoning we just allowed the schools in the one-family districts. But
638 that's only for K-12 elementary and secondary education.
639

640 We have a little bit of a problem right now with vocation and trade schools, which is that
641 we don't distinguish that use from business training schools. For example, training
642 real-estate agents is a very common request that we get. They always want to go into
643 O-2 districts and it's not a permitted use in O-2 because it's not listed anywhere. We
644 lump it with trade and business schools, and that's first allowed on O-3 or B-1. And that
645 -- you'd be surprised how often we have that conversation with people: "But this is just
646 like all the office uses in the office district, the only difference is I'm there when they are
647 not. This is a perfect use to go in an O-2 district." So we are now separating vo-tech
648 schools from business education, which you'll see later when we get into the business
649 uses. And those business kind of training facilities would be allowed in the O-2 district.
650 That's the biggest change in the uses, or the permitted uses.

651

652 Oh. And we've also allowed those vocational or trade schools by a PUP in the O-2
653 district. Because, again, we get this conversation so often: "But this is the perfect site
654 for my use." So we wanted to have the flexibility to at least bring that use forward.

655

656 Mrs. Thornton - I feel like there's a vo-tech coming in, in your district. Right?

657

658 Mr. Mackey - Yeah. At Highland Springs.

659

660 Mrs. Thornton - Right.

661

662 Mr. Blankinship - Oh. The big -- yes. The big high school ACE Center.

663

664 Mr. Baka - That'd be a school -- under a school.

665

666 Mr. Mackey - But that's the definition of school, so does it fall under the --
667 when you --

668

669 Mr. Blankinship - Right. That we would treat as part of the school.

670

671 Mrs. Thornton - Okay. Because I know that -- okay. All right.

672

673 Mr. Blankinship - Yeah. But sometimes you do have them stand-alone.

674

675 Mrs. Thornton - Okay.

676

677 Mr. Mackey - Mr. Blankinship, I have a question about the crematorium.

678

679 Mr. Blankinship - Yeah.

680

681 Mr. Mackey - Do you differentiate -- is there any difference between a
682 human and an animal? Because I know we have one in Sandston.

683

684 Mr. Blankinship - That may be what my note is here for. No, it's not. Okay.
685 No, there would not be.

686
687 Mr. Mackey - Okay.
688
689 Mr. Blankinship - At least I don't believe there is. I should probably look that
690 up. Yeah. I know that we distinguish today, the current code distinguishes between
691 cemeteries and pet cemeteries. And we've removed that distinction to just treat them all
692 the same. So again, the land uses are the same. They're different business models,
693 but the land use -- the impacts on the neighbors are the same.
694
695 Mr. Witte - Is there any difference between the two? I mean, can a
696 human crematorium do pets? Is there --
697
698 Unknown Speaker - Good question. Good question.
699
700 Mr. Blankinship - I have no idea.
701
702 Mr. Witte - Because we got the pet one over there somewhere off
703 Thalbro Street somewhere.
704
705 Mr. Emerson - I think there's a difference in licensing.
706
707 Mr. Witte - Oh, okay.
708
709 Mr. Mackey - You know, the pet ones seems like it's in an office zone.
710 There off of Technology Boulevard, down in that area?
711
712 Mr. Emerson - Yes. There is one on Technology Boulevard --
713
714 Mr. Mackey - Yeah. That's the only one that I'm aware of.
715
716 Mr. Blankinship - I know there's one on Hilliard right after you cross the
717 railroad tracks, too.
718
719 Mr. Emerson - Right. I think there is one in the Tech Park.
720
721 Mr. Blankinship - Okay.
722
723 Mrs. Thornton - I know my vet, Locke Taylor, was off Woodman Road, and,
724 yeah --
725
726 Mr. Witte - Woodman and Hungary
727
728 Mrs. Thornton - Yeah. He's moved since, but that's where --
729
730 Mr. Archer - Welcome sir.
731

732 Mrs. Thornton - That's where we had our dog. I don't think he's in one of
733 those districts.
734
735 Mr. Witte - I don't think they do -- that's actually Fairfield.
736
737 Mrs. Thornton - Oh.
738
739 Mr. Archer - Say again.
740
741 Mr. Witte - Wrong side of the street.
742
743 Mr. Archer - Are we discussing -- still talking about crematoriums?
744
745 Mrs. Thornton - Yes.
746
747 Mr. Archer - I notice in the footnote it says they currently allow that as
748 accessory uses to a funeral home. Does that mean they have to occupy the same
749 property, or adjacent properties?
750
751 Mr. Blankinship - To be an accessory use, yes. They would have to be.
752 Sometimes they are in the building.
753
754 Mr. Archer - Because there is a crematory at the corner of Interstate 64
755 and Mechanicsville Pike. And I drove by it every day for probably 20 years, never knew
756 it was there. And it's right next door to a McDonalds. Only thing separating the two is a
757 fence. And I'm trying to think we had a planning case over there 10, 15 years ago and
758 that might have been how I discovered that it was there. And I used to work at a funeral
759 home. But I never ever knew that crematory was there. But I don't think there's a funeral
760 home anywhere near it.
761
762 Mr. Blankinship - Okay. Well if that is the case, then that crematory would be
763 the principal use. And, again, this is the principal use table.
764
765 Mr. Archer - Okay. It has to be. Yeah.
766
767 Mr. Blankinship - So that's what would be allowed. And today that's first
768 allowed in M-2. There are some that have located in M-1 districts, and it has raised
769 some eyebrows, and we have convinced them to install some sort of a chapel so that
770 they could hold a funeral service there as well.
771
772 Mr. Archer - Uh-huh. Okay. Now I've never been in this place, so I don't
773 know what it's all about. But I don't think there is a funeral home there. I don't think so.
774
775 Mr. Blankinship - This is one of those issues where you may not realize it until
776 you have some of these phone calls. But there is a cultural issue that has only come to
777 our attention in the last 15 or 20 years as we have become so much more multi-cultural

778 than we used to be. But there are some cultural groups to whom the cremation is very
779 important and exactly how it's conducted is very important. The relationship between
780 what we would call a funeral service and the act of cremation is very different in some
781 cultures than it is in the culture I grew up in. So this is another area where our outdated
782 code has left us behind the times as the cultural makeup in the county has grown.

783

784 Mr. Archer - Mr. Emerson, I think you want to say something.

785

786 Mr. Emerson - I was just going to mention the crematorium you're thinking
787 about on Mechanicsville, I think that is zoned industrial. And I remember the zoning
788 case, because people were -- there -- a fence had to go up because the --

789

790 Mr. Archer - It might have been the McDonalds zoning case, come to
791 think of it.

792

793 Mr. Emerson - I think it was the McDonalds. Because we had complaints
794 from people sitting in line at McDonalds or vice versa they were seeing through the
795 door, or --

796

797 Mrs. Thornton - Oh. Wow.

798

799 Mr. Archer - I don't think there's anything you could see through.

800

801 Mr. Emerson - I remember it very vividly, it scarred me. That's why I was --

802

803 Mr. Archer - Yeah. But you're actually only about 10, 12 feet away, I
804 think, from the back of the crematory when you're sitting in the line at McDonalds.

805

806 Mrs. Thornton - Yeah.

807

808 Mr. Archer - I don't know why it makes it different, but it is.

809

810 Mrs. Thornton - Yep.

811

812 Mr. Blankinship - Moving on to healthcare facilities. That's yet another
813 situation where the industry changes year to year, decade to decade, and our code has
814 not kept pace. So we don't use the term Assisted Living Facility for assisted living
815 facilities in our current code. And we have hospitals and nursing homes, we do use
816 those terms, but they're not defined at all. And it's -- we have a lot of detailed
817 conversations with people about which category their use should fall into. And then you
818 have the lifecare facility, which combines several of those uses in one facility.

819

820 So our first instruction on that subject to the consultants was, Please go find how the
821 state health department defines and licenses these uses, and refer to those definitions
822 so we don't have people saying, But the state says I'm a hospital. No. Under our
823 zoning code you're not a hospital even though the state thinks you are. We don't like

824 being in that situation. If the state has a term and they use it, you know, it's specifically
825 defined, and regulated, and licensed, we want to use the same term in our code. So
826 that's the biggest change in those healthcare facilities. This note that looks different is
827 another one of those where this was just an oversight on our part. Rather than a C in
828 R-5 and not allowed in R-6, there should be a P in both of those. But we're aware of
829 that, and we're taking care of it.

830
831 Parks and open areas, cemetery, community garden, public park, parks and open areas
832 not otherwise specified elsewhere. That's a category that we have a lot of
833 conversations about, because they're not, none of these, well, cemetery is. The other
834 terms are not listed on our code at all. County-owned parks are allowed in all districts.
835 And so public park is still listed that way everywhere except in the Office districts.

836
837 But we've had a lot of kind of vague speculation about what exactly parks and open
838 areas not specified elsewhere means. So they're allowed by conditional use permit. So
839 we don't know exactly what somebody might think of that would fit in that category, but
840 we do at least have a way to review them on a case-by-case basis.

841
842 Helicopter landing facility is another use that, in our current code, it's a patchwork where
843 it's allowed and where it's not, and different terms are used for the same use. Some of
844 them are defined and some are not. So we're just cleaning all of that up and
845 standardizing it.

846
847 The major and minor utilities, again, that's mostly public utilities. And that distinction is
848 pretty much mirrored in what's in our code now. Minor utilities, like a pump station,
849 would be allowed by right. But a major utility would require a provisional use permit.

850
851 The new uses here are solar array as a principal use and wind energy facility as a
852 principal use. If you're just putting solar panels on the roof of a building to power that
853 building, that's accessory. We know how to regulate that. Right now we have two solar
854 farms approved in the county. One is under -- or about to start construction. They're
855 doing land clearing now, about to start construction up on Meadow Road.

856
857 And when they came in we didn't have any place to put them, so we, you know, we had
858 to really be creative to get those uses approved under our current code. But now we'll
859 have them clearly stated with, you know, state-of-the-art requirements that, again those
860 will change year to year. Don't be surprised if I bring an amendment back to you in three
861 or five years because the technology has changed so dramatically. But for right now at
862 least we have a pretty good grip on what requirements need to go along with those.
863 And so they're spelled out here in the use-specific standards. And we're only allowing
864 those in the A-1 and C-1, because that's where you have large tracts of land without --

865
866 Although the one on Briel Farm is actually zoned M-1. So, yeah, we're actually allowing
867 them in the industrial districts, too. Because, again, you have some large parcels that
868 are not ready for development yet. And so the solar farm out there, that was one of the
869 reasons why we felt comfortable approving it, because it won't be there forever. Right

870 now there's no sewer available to that property, so it's not going to be developed in the
871 near horizon, but one day that might be a great industrial site. Well, by that time solar
872 panels will have, you know, fulfilled their useful life and all you have to do is unplug
873 them and pull them out of the ground and haul them away and now you have a beautiful
874 industrial site. So they are allowed in the industrial districts, but there are specific
875 conditions to make sure that it's not going to impede the future use of the property.

876
877 Scrolling on down. Okay. Now we're getting into the commercial-use classifications.
878 So, Mr. Witte, this is more in the neighborhood that you were talking about before.
879 There we have veterinary hospital, animal grooming, there we go. Animal grooming is
880 now allowed by right in B-1 under this code.

881
882 Mr. Witte - But it's not in an office.

883
884 Mr. Blankinship - Right. Not in any of the office districts. Does that suit you?
885 Okay. This is just a draft. If you think it ought to be in the office district say the word and
886 we'll drop a P or something in there, a P or an R.

887
888 Mr. Witte - Have a P and a R.

889
890 Mr. Blankinship - Restaurants. Right now in the B-1 district we have some
891 really controversial, or confusing language. Restaurants but not principally those that
892 serve carry-out meals, or something like that. And, again, in 1960 I'm sure that was a
893 very different distinction from what it is today. But today everybody serves -- well, today
894 *everybody* serves carryout meals and nothing else.

895
896 Mr. Baka - Right. And they want to -- and they want to right now.

897
898 Mr. Blankinship - Don't ask me about temporary outdoor dining. I don't want
899 to talk about it. But a year ago every restaurant, even the nicest sit-down restaurants,
900 have a carry-out service now. So it's just a very different world. And what we're really
901 concerned with are drive-through windows, because there you have a different land-use
902 impact. You're affecting your neighbors very differently when you have a drive-through
903 than just having a parking space near the door with a sign that says, Reserved for
904 Carryout Customers.

905
906 Mr. Baka - Yeah.

907
908 Mr. Blankinship - So that's what we're going to regulate now. We're specifying
909 restaurant and restaurant with drive-through. And drive-throughs would not be allowed
910 in the O districts, would not be allowed in the B-1 district.

911
912 But other restaurants -- today a restaurant is only allowed in the office districts if it is
913 accessory to an office building of 50,000 square feet or more. And it's another one of
914 those regulations that I'm sure made perfect sense in 1982 when it was written, but the
915 result -- one of the results of that is that we have large office districts or office parks with

916 nowhere for people to eat lunch unless they get in their car and drive to a restaurant.
917 And we're trying to get away from that kind of thing. We're trying to mix the uses more
918 so that you can go to lunch walking, and then walk back to work.
919

920 So we're going to allow restaurants by right in the O-2 and O-3. Still not in the O-1,
921 because a lot of those are just the corner of a residential neighborhood, you know,
922 where a former house was converted to a dentist's office. And we wouldn't want
923 somebody to convert that house to a restaurant. It could create some impacts that
924 we're not ready for on those kind of sites. But we do want to make it easier in the O-2
925 and O-3 districts for a restaurant that is not part of an office building to go into the park
926 somewhere.
927

928 Mrs. Thornton - So just real quick.

929
930 Mr. Blankinship - Mm-hmm.

931
932 Mrs. Thornton - GreenGate where the Starbucks is, what is that right there
933 zoning?
934

935 Mr. Blankinship - That's UMU. Right? Isn't all GreenGate's commercial is
936 UMU.
937

938 Mrs. Thornton - So on here you don't have that that's okay for a drive
939 through.
940

941 Mr. Blankinship - Right. Drive through restaurants are not allowed in the
942 UMU.
943

944 Unknown Speaker - Should that be a P, for provisional?
945

946 Mrs. Thornton - But there are two places that are allowed
947

948 Mr. Blankinship - I'm asking myself if you can get a PUP.
949

950 Mr. Emerson - They're allowed with provisional use permit.
951

952 Mr. Blankinship - Okay.
953

954 Mrs. Thornton - Well then you should have P.
955

956 Mr. Blankinship - Yes.
957

958 Mrs. Thornton - Okay.
959

960 Mr. Blankinship - Yes, we should.
961

962 Mrs. Thornton - Because I know two restaurants -- and I'll tell you, that
963 Starbucks has been the busiest Starbucks. That line wraps all the way around to
964 almost the exit.
965
966 Mr. Blankinship - I believe it.
967
968 Mrs. Thornton - Because I ride my bike through there to GreenGate, and one
969 of my friends got on his bike and got in line and got in trouble because you're not
970 allowed to take a bike through a drive through, FYI.
971
972 Mr. Blankinship - Right. Yeah.
973
974 Unknown Speaker - That's all (indiscernible).
975
976 Mr. Baka - Now we know.
977
978 Mrs. Thornton - Yeah. They said you're supposed to call it in and we bring it
979 out to you, it's like curb-side pickup. You don't go through the drive through. He goes,
980 well I didn't know that. Sorry. But --
981
982 Mr. Mackey - I had a lady walking through the drive through at the bank in
983 front of me yesterday.
984
985 Mrs. Thornton - Hey. I --
986
987 Mr. Archer - Oh. I see that all the time.
988
989 Mr. Mackey - Got off the bus and walked right in.
990
991 Mrs. Thornton - Yeah.
992
993 Mr. Blankinship - They definitely don't like that.
994
995 Mrs. Thornton - Oh yeah -- the ATMs would that -- oh, that's another --
996
997 Mr. Archer - You can't go inside. I mean --
998
999 Mr. Blankinship - That's an accessory use -- Although we do have
1000 conversations about where they're allowed as a principal use, and I don't believe they're
1001 addressed specifically.
1002
1003 Mr. Mackey - She got right off the bus and walked right --
1004
1005 Mr. Emerson - We probably need to fix that in the code.
1006
1007 Mr. Blankinship - Yes.

1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052

Mr. Baka - So the rest -- the drive through restaurant was probably omitted from the UMU because they wanted to promote a walkable community, or maybe you walk to the restaurants more often than drive through them.

Mr. Blankinship - Right.

Mr. Baka - But at least a P for provisional use permits would be a good idea.

Mrs. Thornton - Yes.

Mr. Blankinship - Right. It should be allowed by provisional use permit. Yes.

Mr. Baka - It's a good idea to keep that. Yes. As an option.

Mrs. Thornton - I feel like an ice-cream place I've seen in --

Mr. Blankinship - Yeah. So I've just made that note here. See how easy that was?

Specialty eating establishment is another one of those catch-all kind of terms. Right now we do specify catering, and we do specify meal-delivery services in our code, but we don't say where the commissary for food trucks can go. So that's a use that we've been asked about, so we just lumped it in with specialty eating establishments.

And also test kitchens. We had one, and I don't know if it's still in business or not, but somebody took a space in one of our shopping centers up on Broad and made a test kitchen where different companies that are developing food products could come there and use their test kitchen. I didn't know there was such a thing, but there is. So we had to figure out what to do with it so it was on our list when we started the code updated, Make sure that's listed somewhere. So there it is.

Data center is another one of those tricky things that if it was not listed anywhere it would be easy for us to figure out where it's allowed. You can allow it basically anywhere where you have big computers, so all the office districts and all the B districts and all the M districts. Unfortunately, it is listed in one place in our code. So, again, by the normal rules of construction if it's listed in one place and nowhere else, then you have to assume it was intentionally not listed anywhere else. So we're listing it now specifically and allowing it in office districts.

Mrs. Thornton - I'm sorry. Quick question.

Mr. Blankinship - Yes, ma'am.

1053 Mrs. Thornton - Back up to food trucks real quick. What was the -- Stanley
1054 Martin.
1055
1056 Mr. Emerson - Yeah. Stanley Martin and Lidl?
1057
1058 Mrs. Thornton - Yeah. What was the zoning?
1059
1060 Mr. Emerson - B-2.
1061
1062 Mrs. Thornton - B-2. Okay. On that front part.
1063
1064 Mr. Emerson - Yes ma'am.
1065
1066 Mrs. Thornton - Okay. I just wanted to -- I was like, oh gosh, I couldn't
1067 remember if it was B-2 or B-1. Okay.
1068
1069 Mr. Emerson - That was B-2 with a -- did we require a provisional use
1070 permit?
1071
1072 Mr. Blankinship - Yes we did. We treated it as outdoor dining.
1073
1074 Mrs. Thornton - Yes.
1075
1076 Mr. Emerson - Yes. That's outdoor dining.
1077
1078 Mrs. Thornton - Yeah. All right.
1079
1080 Mr. Blankinship - And that's what we're going to require in this Code as well.
1081
1082 Mr. Witte - I've got a question.
1083
1084 Mr. Blankinship - Yes, sir.
1085
1086 Mr. Witte - What determines if it's a food truck or if it's permanently
1087 there?
1088
1089 Mr. Blankinship - The health department.
1090
1091 Mr. Witte - We have a situation -- Chris has a situation where the old
1092 car wash was at Mountain and Brook.
1093
1094 Mr. Blankinship - Yes.
1095
1096 Mr. Witte - They have pulled -- they put picnic tables in the carwash
1097 area, and they pulled a truck back there that they work out of. Now is that -- it -- which
1098 one does that fall under?

1099

1100 Mr. Blankinship - It depends on your health department license. If the health
1101 department licenses you as a mobile food unit, then every day you have to remove from
1102 where you're selling and go to your commissary, which is where you clean and restock.

1103

1104 Mr. Witte - Right.

1105

1106 Mr. Blankinship - So you have to have a brick and mortar location that's
1107 central to your operation. A lot of times it is the restaurant. A lot of food carts are
1108 owned by restaurants, so they would just come back to their restaurant, that would
1109 serve as their commissary. If the health department licenses you as a restaurant, then
1110 it's a completely different set of regulations for them. But then you'd be allowed to stay
1111 in one place. Outside Lowes or Home Depot sometimes you will see the Italian sausage
1112 shop. I can't think of the name of it.

1113

1114 Mrs. Thornton - I know. I can't --

1115

1116 Mr. Blankinship - I love this place. It smells so good.

1117

1118 Mr. Archer - Was it New York Delicatessen?

1119

1120 Mr. Baka - Dominic -- not Dominic's.

1121

1122 Mr. Blankinship - Dominic's, yes. Dominic's of New York.

1123

1124 Unknown Speaker - Oh. Yeah. It was Dominic's. Yeah.

1125

1126 Mr. Blankinship - Dominic's of New York. You're both correct. Those are
1127 permanent restaurants in Henrico County. Because at the time that they were installed
1128 we did not allow food trucks. So they attached those things to the ground and hooked
1129 them to the plumbing of the store that they're located in front of. So that's why you'll
1130 never see those move. They look like mobile food units, but they're not, they're
1131 restaurants.

1132

1133 Mr. Archer - There's one up on West Broad, wasn't there? I think there
1134 was one on West Broad, the Lowes on Broad.

1135

1136 Mr. Archer - I don't think it's still there.

1137

1138 Mr. Baka - It's not. It's gone. Yeah.

1139

1140 Mr. Blankinship - Well if it's gone, it's gone for good. It would not come and go
1141 day to day like a food truck does.

1142

1143 Mr. Archer - Right. It did quite well for a while.

1144

1145 Mr. Baka - It did.
1146
1147 Mr. Archer - Because I used to drive all the way up there just to get it.
1148
1149 Mr. Blankinship - Yeah. You're the reason it did quite well.
1150
1151 Mr. Archer - Can only get that kind of stuff at the state fair.
1152
1153 Mr. Blankinship - That's right. Or the ballpark.
1154
1155 Fitness center is now another one of those uses that we don't really have called out very
1156 clearly today. Health club is listed, but that's allowed in the B-1. You wouldn't want a
1157 big use, like an American Family Fitness or an ACAC to go into a B-1 district typically,
1158 so we are specifying that a fitness center is a different use there, and would require a
1159 PUP in some of those less intensive districts. Although it is actually allowed in B-1. I'm
1160 sorry. I thought that was a P when I looked at it before. My cursor must have been
1161 covering it. But it's the term that people expect to find today when they go look for that
1162 use. Needed clarification, because currently if you went looking for fitness center you
1163 wouldn't find it.
1164
1165 Indoor recreation. That's another one of those great catch-alls, because new uses are
1166 constantly popping up. Escape rooms was the one that caused us some confusion
1167 recently where indoor recreation was proffered out of a site. Some indoor recreation
1168 uses were proffered out, but not others, and we had to try to figure out where an escape
1169 room would fit. So this would just give us a little bit more flexibility in determining how
1170 those uses are located.
1171
1172 Mrs. Thornton - And axe throwing.
1173
1174 Mr. Blankinship - Yes. Right. Axe throwing is another -- yeah. There's a
1175 shuffleboard place now in Scott's Addition where the kids go and blow \$150 a night
1176 playing shuffleboard.
1177
1178 Mrs. Thornton - Yeah.
1179
1180 Mr. Witte - Is that right?
1181
1182 Mrs. Thornton - Yeah.
1183
1184 Mr. Blankinship - Absolutely astonishes me.
1185
1186 Mr. Witte - Nice.
1187
1188 Mr. Blankinship - But for -- that's for a group of eight kids.
1189

190 Mr. Baka - Sounds like a team-building event for the
191 commissioners.

1192
1193 Mr. Blankinship - Yeah. Right. Well nobody's going to play shuffleboard
1194 sober, I guess. Retail sales and services. Let's see what I marked there. Oh, yeah.
1195 Today we regulate differently based more upon what you're selling than really the
1196 characteristics of the use. And there are some categories that are different, like a
1197 farmer's market and a drug store, you know, those do have some different impacts from
1198 just general retail uses. But we wanted to simplify this use and compared to what we
1199 have now this is what may be a dozen uses and we probably have 40 between the B-1,
1200 B-2, and B-3 districts today. So it's just sort of grouping together things that have
1201 similar land-use impacts and not really being concerned are they selling watches or are
1202 they selling clocks. You know, it's a distinction without a difference.

1203
1204 Alternative lending institution. Those are our friends the pay-day loans and title loans
1205 and -- I've forgotten the other one -- check cashing. They are not specifically listed in
1206 our code today so, again, that causes some confusion. People can't find what they're
1207 looking for. But they are regulated a little differently from a bank because a bank is
1208 allowed in the office districts, but those alternative institutions are only allowed in the
1209 B-2, B-3, and M-1 districts. I thought there was something else specific I wanted to say
1210 about retail sales. Maybe it'll come back to me. I don't have a note for it.

1211
1212 Vehicle sales and service is another broad category that encompasses a lot of very
1213 different uses. Selling passenger cars is a very different use from selling big,
1214 commercial vehicles like busses or 18-wheelers, and even that is still a different use
1215 from selling contractor's equipment. A contractor's equipment sales yard is a very
1216 different use from automobile sales. But today they're all kind of lumped together.
1217 Contractor's equipment is separate, but those other uses are lumped together so it just
1218 has caused us some challenges that we could avoid by breaking out.

1219
1220 Now we're going to treat automobile -- oh, I'm sorry. I'm in sales and services. Okay.
1221 Yeah. They're all together. So automobile filling station, fuel only, is a different use
1222 from automobile rentals and from automobile sales where today some of those are
1223 grouped together. Body shop is a different use from a regular mechanical repair shop.
1224 So, you know, again they're being listed separately now.

1225
1226 And this is what I was trying to talk about before. The commercial vehicle sales and
1227 commercial vehicle maintenance are different uses from just selling cars. They
1228 just -- they have different impacts on the surroundings. And then heavy equipment
1229 sales is going to be later in the industrial uses.

1230
1231 Commercial fuel depot and fleet terminal are another couple of categories that have
1232 become fairly common today that are not listed in our current code. I guess they were
1233 not as common back in the '60s and '80s. But we do have a lot of questions
1234 about -- and fleet terminal is a funny use, because it includes things you'd expect, or I
1235 would expect, like limousines and taxis and courier services, but it also includes

1236 locksmiths. Because if you think about it, what a locksmith really does is send cars out
1237 to another location that then comes back, or vehicles. It's really much more like a taxi
1238 than it is like an electrician, for example. I think of a locksmith as being much more
1239 similar to an electrician. But the land-use impacts are very similar to the other fleet
1240 uses.

1241
1242 Visitor accommodations. Another area where the market is constantly changing and
1243 we're trying to keep up. Yeah. They're -- bed and breakfasts are -- we've pretty much
1244 carried forward the current standards. Campgrounds are only allowed in the A-1 district
1245 by conditional use permit today, but we are updating the standards on those. And then
1246 hotel and motel we're again simplifying and modernizing. We've got terms like motor
1247 hotel and tourist home, and things like that are listed in our code today that are not very
1248 common these days but obviously hotels and motels still are. But they're still going to
1249 be allowed in the same districts they are now: O-3 and O/S by right, but with
1250 development standards they're only allowed as part of a large project, like an office
1251 park. And then allowed by right in B-1 -- I'm sorry -- by PUP in B-1, and then by right in
1252 the other B districts.

1253
1254 Contractor services are broken out under the industrial uses. Right now it's difficult to
1255 find where contractor's offices are allowed. We get a lot of requests for contractors to
1256 go into B-2 sites, and we say no contractors are first allowed in B-3 because they tend
1257 to have small amount of outdoor storage, they tend to have large trucks, they tend to,
1258 you know, spread out across their parking areas a lot. They just -- they have a lot of
1259 impacts. The person comes back and says, No, it's just me and one other person and
1260 we're plumbers. We could almost, but not quite, work out of one of our homes. We
1261 really only need B-2 and we don't want to pay the money for a B-3. Today we don't
1262 really have an answer for them. So we recommended to our consultants that they allow
1263 that by provisional use permit in B-2, because in some cases it would be appropriate, in
1264 some cases it's not. So that's perfect for a provisional use permit where you could put
1265 conditions on it.

1266
1267 Laundry, dry cleaning, and carpet cleaning. Again, as in our current code, the plant is a
1268 different use from the retail storefront where you go to drop off and pick up your dry
1269 cleaning, very low impact, but the plant where they do, you know, a lot of cleaning in
1270 one location has very heavy impacts. So one's a commercial use and one's an
1271 industrial use, and that's why they're separated.

1272
1273 Manufacturing and production. Again, the way they're listed in our current code
1274 depends on what you're manufacturing from. So M-1 allows processing of materials
1275 such as, and then there's a long list: cork and wood and paper and metal and plastic.
1276 And thee list seems to cover almost everything. But, you know, each individual material
1277 that goes into the processing is regulated differently. But there's no clear distinction
1278 between light industrial and general industrial. Or, I should say, there is some
1279 distinction, but it's not as clear as it could be.

1280

1281 In this code they have just broken it out by the land-use impacts. Artisan manufacturer,
1282 where you only have a couple of people involved and no heavy machinery, and then --
1283 they're in alphabetical order. Heavy manufacturing, and then light manufacturing. And I
1284 don't have the definition in front of me. Maybe I should. Let's see what the
1285 development standards -- now that's getting into other issues in the development
1286 standard. But the point I'm trying to make is that they're separated now, the uses are
1287 separated not by what you are processing or what you're manufacturing but by the
1288 land-use impacts.

1289
1290 I completely lost my place. I must have scrolled around once I got here. Left arrow. I'm
1291 sorry. Let me just get back where I was on the page. Okay. Only had to go one more.

1292
1293 So we're -- instead of listing all the different kinds of materials that might be
1294 manufactured, and you see them here in the footnotes, that's why the footnote takes up
1295 much more room than the table itself does, because each of these, you know, pickles,
1296 sauerkraut, vinegar, or yeast manufacturing. You know, there's really -- that's in our
1297 current code, and there's really no need for that level of specificity. What we really want
1298 to know is, is it heavy manufacturing, or is it light manufacturing? So they're just defined
1299 in terms of their impacts now. Cold storage plants and mini warehouses are pretty
1300 much staying the same.

1301
1302 Warehouses -- I started to talk a little bit about outdoor storage a minute ago but that's
1303 an issue that we have a lot of challenges with. You all know. You see the PODs for
1304 those where they're trying to do -- the difference between an M-1 and an M-2 in terms of
1305 outdoor storage today in our code is not crystal clear the first time you look at it. You
1306 really need to have worked with it a while to understand it.

1307
1308 So we're trying to make that simpler so that the, you know, again an average person
1309 picking up our code, or looking at it online, who is from California or New York or
1310 something trying to locate a new plant, he wants to know what regulations apply to his
1311 business. We want him to be able to figure that out. We don't want him to feel like,
1312 "well I don't know if I can go into this community or not. Let me look at the next one."
1313 We want them to be able to look at our code and tell what's allowed and what's not.

1314
1315 Mrs. Thornton - So if I wanted to look up waste-related services, and I just
1316 type in that and then all of them will come up?

1317
1318 Mr. Blankinship - If you're online. Yes, ma'am. You -- it'll bring you right to
1319 this section and you'll see here are all the different waste-related services.

1320
1321 Mrs. Thornton - But these are on two different pages.

1322
1323 Mr. Blankinship - They are spread out right now more by these footnotes than
1324 anything else. And those will all go away in the final draft. The footnotes and the
1325 endnotes are there for our convenience while we're doing the review. So this, you
1326 know, this 20-page table is probably about 8 pages of actual table. Well, there's some

1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416

Mr. Archer - Oh, I'm sorry. Go ahead.

Mr. Baka - Oh, go ahead, Mr. Chairman.

Mr. Archer - I was going to ask in terms of what you do every day, what calls do you get mostly, maybe I should use the word complaints, about somebody who might be abusing a district? Is there any particular classification that you get called on the most?

Mr. Blankinship - We get a lot of calls about car dealerships. Not so much the big new car dealerships, probably what sprang to mind when I said that, but the little 10- and 12-space used-car dealerships that show up, realize that they're not the kind of businessman that can make this work, and then disappear and then somebody else is riding down the road thinking, "There used to be a used car dealer there. Maybe I'll start a used car dealer."

A lot of that turnover creates issues, because some of them understand the importance of parking in dedicated parking spaces, and some of them just want to park wherever they want. Sometimes -- we had the one on -- not Fon Du Lac, but the other hyphenated name over there coming off of Brook where the dealership just started naturally growing, which is a great thing, but he took a residential lot next to him and graveled it and started using it for a display lot. Which was not a great thing.

Mr. Witte - Yeah. I mean, Lakeside -- not Lakeside Boulevard.
Lakeside --

Mr. Blankinship - It's one of those short, hyphenated French-sounding names.

Mr. Witte - Yeah.

Mr. Blankinship - But it's not Fon Du Lac. Anyway. That's one. We do get a lot of questions from -- about the code about healthcare uses. Because, again, we don't use the same terms as the state, and when we do, we don't always use them to mean the same thing. So those cause problems.

Mr. Archer - I just would like to compliment whoever was the first person that made one of these charts.

Mr. Blankinship - I've complimented them, too. Because I tried to make one for our code, and it's impossible.

Mr. Archer - It's amazing. I'll be honest with you. Including the footnotes.

1417 Mr. Blankinship - Yeah. This thing's probably going to be 600 pages when
1418 we're finished, and these 20 pages will really tell you 80 percent of what you need to
1419 know.
1420
1421 Unknown Speaker - Wow.
1422
1423 Mr. Witte - And just as a point of interest, that issue with the gravel.
1424
1425 Mr. Blankinship - Yes.
1426
1427 Mr. Witte - Chris's district.
1428
1429 Mr. Blankinship - See I look at you, I think of that area in terms of its
1430 historical --
1431
1432 Mr. Archer - Mr. Witte frequents that area quite a bit, because he's
1433 always complaining about something that's going on up there.
1434
1435 Mr. Baka - It's always something.
1436
1437 Mr. Archer - You own that corner, don't you?
1438
1439 Mr. Baka - Mr. Blankinship.
1440
1441 Mr. Blankinship - Yes.
1442
1443 Mr. Baka - If I could follow up with a question. I asked earlier about the
1444 wireless telecommunication towers, which has been a big issue for people having
1445 adequate coverage in their area. But along those lines, one of the most frequently
1446 asked questions we've seen the last couple of years has been the proliferation of new
1447 mini-storage or mini-warehouse.
1448
1449 Mr. Blankinship - Yeah.
1450
1451 Mr. Baka - And on page 19 the third use there listed on the page lists
1452 mini-warehouse allowed by right in M-1, M-2, and M-3. But I guess -- you had asked us
1453 to go back and kind of look at the uses in the districts -- I guess one of the questions I
1454 have is does the current ordinance not allow mini-warehouse in the B-1, B-2, B-3
1455 because if you have a commercial zoning district the ordinance contemplates that an
1456 applicant ought to go through a rezoning and get the community very involved with
1457 community input and neighborhood meetings before it would be allowed to be a
1458 mini-warehouse? Because I know of some other localities that do have mini-warehouse
1459 allowed by right in business zones, but this seems to be a smarter approach if that's the
1460 goal, to get community input and community buy-in.
1461

1462 Mr. Blankinship - That is exactly the concern. Of course today we don't use
1463 the term mini-warehouse in our code at all. And so people go looking for that and they
1464 find self-service storage facility and they think, oh, that's a mini-warehouse. And, as you
1465 know, that's a completely different idea. And that is still listed specifically, and we did
1466 still use that term for it so people who are experienced with it will know, yeah, that's the
1467 use I'm looking for, and it's allowed by PUP in the B-2 and B-3.
1468

1469 But the mini-warehouse where you have individual roll-up door for each tenant, that has
1470 completely different impacts from a big building with four roll-up doors on the side. And
1471 so --
1472

1473 Mr. Baka - Okay. So mini-warehouse refers to roll-ups on 19.
1474

1475 Mr. Blankinship - Yes.
1476

1477 Mr. Baka - And if I go back to self-storage --
1478

1479 Mr. Blankinship - Self-service storage facility.
1480

1481 Mr. Baka - Sixteen? It would --
1482

1483 Mr. Blankinship - Yes.
1484

1485 Mr. Baka - Okay.
1486

1487 Mr. Blankinship - And that is still what it is today and is allowed in B-2 and B-3
1488 by PUP. You could do that same use in the M districts by right, but if you're doing it in
1489 the M districts, we just call it a warehouse. So probably we should clarify that that is a
1490 permitted use in the M districts as well.
1491

1492 Mr. Baka - Okay.
1493

1494 Mr. Blankinship - Let me make a note.
1495

1496 Mr. Archer - Okay. Anybody else have a question for Mr. Blankinship?
1497 Mr. Blankinship, this is a fine presentation and we appreciate you making it. a
1498

1499 Mr. Blankinship - Yes, sir. You are more than welcome.
1500

1501 Mr. Baka - Thank you for your work on this.
1502

1503 Mrs. Thornton - Yeah. A long --
1504

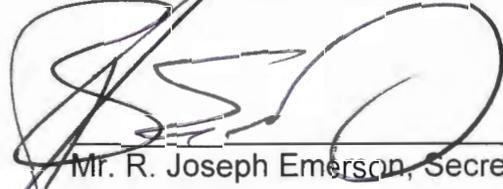
1505 Mr. Baka - Very good -- very good format.
1506

1507 Mrs. Thornton - Yes.

1508
1509 Mr. Blankinship - Thank you. Appreciate that.
1510
1511 Mr. Archer - Okay. If there's nothing else, then should I just suspend this
1512 meeting, Mr. Secretary, or adjourn it?
1513
1514 Mr. Emerson - Yes sir, Mr. Chairman, you can recess the meeting till 7:00
1515 p.m.
1516
1517 Mr. Archer - Okay. We will recess until the regular meeting.
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531



Mr. C. W. Archer, Chairman



Mr. R. Joseph Emerson, Secretary