

COUNTY OF HENRICO, TO-WIT:

At a regular meeting of the Board of Supervisors of Henrico County, held in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia, on Tuesday, the 9th of October 2007, at the hour of 7:00 p.m.

MEMBERS OF THE BOARD PRESENT

The Honorable James B. Donati, Jr., Chairman
The Honorable David A. Kaechele, Vice-Chairman
The Honorable Richard W. Glover, Brookland District Supervisor
The Honorable Patricia S. O'Bannon, Tuckahoe District Supervisor
The Honorable Frank J. Thornton, Fairfield District Supervisor

OTHER OFFICIALS PRESENT

Mr. Joseph P. Rapisarda, Jr., County Attorney
The Honorable Michael L. Wade, Sheriff
Mr. Barry R. Lawrence, Clerk
Mr. George T. Drumwright, Jr., Deputy County Manager for Community Services
Ms. Angela N. Harper, FAICP, Deputy County Manager for Special Services
Mr. Harvey L. Hinson, Acting County Manager
Mr. Leon T. Johnson, Deputy County Manager for Administration
Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Department Heads and Key Officials

The meeting was called to order by the Chairman at 7:06 p.m.

Mr. Donati led the Board, staff, and public in reciting the Pledge of Allegiance.

Rev. Shawn Allen, Associate Pastor of Worship Arts, Gayton Baptist Church, provided the invocation.

Mrs. O'Bannon requested a correction to the draft minutes from the September 25, 2007 Regular Meeting to clarify that she had requested an information "session" on the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The draft minutes inadvertently included the word "system" rather than "session."

Mrs. O'Bannon advised that she had talked to Mr. Lawrence about the possibility of being a little more detailed about the information in the minutes. She specifically referred to a resolution regarding the Community Services Board performance contract approved by the Board of Supervisors at the September 25, 2007 meeting. The minutes reflected her question as to whether the contract was mandated but did not contain the response from Michael D. O'Connor, Director of Mental Health and Retardation Services. Mrs. O'Bannon indicated that this was one example of the minutes being incomplete and not fully correct. She further commented that it is very difficult to find out information in the minutes at a glance. Mrs. O'Bannon stated that she had shown Mr. Lawrence the minutes of other organizations that are not verbatim but have more information. In response to a question from Mr. Kaechele, Mrs. O'Bannon pointed out that it takes a long time to

listen to the audio recordings. She cited another example from the September 25, 2007 meeting where she questioned the Director of Recreation and Parks, Karen K. Mier, about the definition of round dancing but Mrs. Mier's response was not provided in the minutes. Mrs. O'Bannon opined that the minutes as written were too vague to be an accurate reflection of what happened at the meeting.

Mr. Rapisarda asked for clarification as whether the Board wished to defer consideration of the minutes in order to have time to see the revisions. Mrs. O'Bannon commented that it did not seem to her to be too much for the minutes to list the question and an approximate or condensed form of the answer. She reiterated some of the points she had made earlier in the discussion. Mrs. O'Bannon advised that she would prefer to have the minutes deferred in order to make changes that she had mentioned to Mr. Lawrence and to provide a little more information and specificity. In response to a question from Mr. Rapisarda, Mrs. O'Bannon said she was satisfied with the draft minutes from the September 25, 2007 special meeting.

On motion of Mrs. O'Bannon, seconded by Mr. Kaechele, the Board deferred the minutes of the September 25, 2007 Regular Meeting to October 23, 2007 to make more specific changes.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
James B. Donati, Jr.	
David A. Kaechele	
Richard W. Glover	
Patricia S. O'Bannon	
Frank J. Thornton	

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board approved the minutes of the September 25, 2007 Special Meeting.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
James B. Donati, Jr.	
David A. Kaechele	
Richard W. Glover	
Patricia S. O'Bannon	
Frank J. Thornton	

BOARD OF SUPERVISORS' COMMENTS

Mr. Thornton noted the recent sudden passing of Rev. Barry T. Young, pastor of Mosby Memorial Baptist Church and a product of Virginia Union University's School of Theology. Rev. Young was very well liked by his parishioners and will be missed. Mr. Thornton asked that everyone keep Rev. Young's congregation in their prayers.

Mr. Donati recognized Scott Nystrom from Boy Scout Troop 799, sponsored by Trinity United Methodist Church, who was observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge.

RECOGNITION OF NEWS MEDIA

Mr. Donati recognized Will Jones of the *Richmond Times-Dispatch*.

PRESENTATIONS

Mrs. O'Bannon presented a proclamation recognizing October 2007 as Domestic Violence Awareness Month. Accepting the proclamation were Beth C. Bonniwell, Domestic Violence Coordinator for the County's Division of Police, and Shannon E. Heady, Executive Director of Safe Harbor. Joining them were Lt. K. Steven Schaaf of the Division of Police's Criminal Investigations Section for Violent Crimes and Sgt. R. Kenneth Cordle of the Special Victims Unit of the Division of Police's Criminal Investigations Section.

Mr. Donati presented a proclamation recognizing October 14 – 20, 2007 as Natural Resources Conservation Week. Accepting the proclamation was Melissa A. Kelley, Agricultural Conservation Specialist for the Henricopolis Soil and Water Conservation District. Mr. Donati advised that he had spoken to the County Manager about pursuing State legislative action through the County's delegation to impose stiffer fines on persons who litter.

Mr. Kaechele presented a proclamation recognizing October 21 – 27, 2007 as Energy Awareness Week. Accepting the proclamation was Jerry L. Walker, Energy Manager for the County's Department of General Services. Joining him were Libby J. Kitten, Secondary Education Specialist for Science, Henrico County Public Schools, and the following members of the County's Energy Management Steering Committee: William L. Smith, Deputy Director of General Services for Facilities Management; Arthur D. Petrini, Director of Public Utilities; Albert M. Ciorachi, Director of Construction and Maintenance for Henrico County Public Schools; and Roy J. Salinsky, Assistant Director of Construction and Maintenance for Henrico County Public Schools.

Mrs. O'Bannon noted that in December 2005 one of her sons changed out all of the light bulbs in her house to more energy efficient bulbs, which has resulted in a reduction in her electric bill of \$10 to \$20 per month. In response to a question from Mr. Thornton, Mr. Walker commented that the County's Department of General Services has decided to apply the principles of LEED in terms of how the County measures a green building but has not yet taken the step to determine if the County wants to have a building certified as LEED. Mr. Kaechele advised Mr. Walker that citizens had signed up to speak during the public comment period on energy conservation initiatives.

PUBLIC HEARINGS - REZONING CASES/PROVISIONAL USE PERMITS

343-07	Reynolds Holdings, LLC: Request for a Provisional Use Permit under Sections
P-15-07	24-58.2(d), 24-120, and 24-122.1 of Chapter 24 of the County Code to permit
Three Chopt	outdoor dining for a proposed restaurant (Max and Erma's) at the Broad Street

Retail Center at Reynolds Crossing, on part of Parcel 767-744-9052, located at the northwest intersection of West Broad Street (U.S. Route 250) and Forest Avenue (private).

In response to questions from Mr. Kaechele, Director of Planning Randall R. Silber confirmed that this case represented conventional outdoor dining and advised that the building should be under construction shortly.

No one from the public spoke in opposition to this case.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 343-07 (P-15-07) subject to the following conditions:

1. No outside live amplified music performances shall be permitted on site.
2. Any outside speakers, public address system, loudspeaker, paging or other sound system shall comply with the following:
 - a. Sound systems shall be equipped with controls permitting full volume adjustment.
 - b. Sound from any system shall not be audible beyond 100 feet from its source.
 - c. Sound systems may be used only when outside dining is permitted.
3. The operator shall not permit food preparation outside the enclosed building.
4. The outdoor dining area shall not be in operation between 10:00 p.m. and 7:00 a.m.
5. The outdoor area shall be limited to no more than 1,330 square feet. Unless otherwise approved by the Planning Commission, the outdoor dining area and fence enclosure shall complement the building facade and be constructed in conformance to the plans attached as Exhibits A, B, C, D, and E (see case file).
6. Outdoor lighting fixtures shall compliment the style of the building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining area.
7. Access to the outdoor dining area shall be available only through the restaurant, except during an emergency when the patio fence exit gates may be utilized.
8. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
9. Signs for the establishment, including advertising on umbrellas and other outdoor furnishings shall conform to the sign regulations of the County's Zoning Ordinance and applicable proffers governing the property.

10. A clear, continuous, and unobstructed pedestrian path not less than 5' in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
11. The applicant shall obtain Administrative Approval from the Planning Department for the design and layout of the outdoor dining area.
12. The applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
James B. Donati, Jr.	
David A. Kaechele	
Richard W. Glover	
Patricia S. O'Bannon	
Frank J. Thornton	

344-07 P-16-07 Three Chopt	Reynolds Holdings, LLC: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120, and 24-122.1 of Chapter 24 of the County Code to permit outdoor dining for a proposed restaurant (Bookbinder's) at the Broad Street Retail Center at Reynolds Crossing, on part of Parcel 767-744-9052, located at the northwest intersection of West Broad Street (U.S. Route 250) and Forest Avenue (private).
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No one from the public spoke in opposition to this case.

On motion of Mr. Kaechele, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 344-07 (P-16-07) subject to the following conditions:

1. No outside live amplified music performances shall be permitted on site.
2. Any outside speakers, public address system, loudspeaker, paging or other sound system shall comply with the following:
 - a. Sound systems shall be equipped with controls permitting full volume adjustment.
 - b. Sound from any system shall not be audible beyond 100 feet from its source.
 - c. Sound systems may be used only when outside dining is permitted.
3. The operator shall not permit food preparation outside the enclosed building.
4. The outdoor dining areas shall not be in operation between 10:00 p.m. and 7:00 a.m.
5. The outdoor areas shall be limited to no more than 1,856 square feet in aggregate. Unless otherwise approved by the Planning Commission, the outdoor dining areas and fence

enclosures shall complement the building facade and be constructed in conformance to the plans attached as Exhibits A, B, C, and D (see case file).

6. Outdoor lighting fixtures shall compliment the style of the building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining areas.
7. Access to the outdoor dining areas shall be available only through the restaurant, except during an emergency when the patio fence exit gates may be utilized.
8. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
9. Signs for the establishment, including advertising on umbrellas and other outdoor furnishings shall conform to the sign regulations of the County's Zoning Ordinance and applicable proffers governing the property.
10. A clear, continuous, and unobstructed pedestrian path not less than 5' in width shall be required for pedestrian circulation between the outdoor dining areas and the sidewalk curb.
11. The applicant shall obtain Administrative Approval from the Planning Department for the design and layout of the outdoor dining areas.
12. The applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations.

The vote of the Board was as follows:

Aye
James B. Donati, Jr.
David A. Kaechele
Richard W. Glover
Patricia S. O'Bannon
Frank J. Thornton

Nay

345-07 C-45-07 Fairfield	First Centrum of Virginia, Inc.: Request to rezone from R-6C General Residence District (Conditional) to C-1 Conservation District, part of Parcel 783-772-1148, containing approximately 3.1 acres, located on the west side of Brook Road (U.S. Route 1) at Presbytery Court.
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No one from the public spoke in opposition to this case.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 345-07 (C-45-07).

The vote of the Board was as follows:

Aye

Nay

James B. Donati, Jr.
David A. Kaechele
Richard W. Glover
Patricia S. O'Bannon
Frank J. Thornton

346-07 Cadence Capital Investments: Request to conditionally rezone from R-3 One-
C-48C-07 Family Residence District to B-2C Business District (Conditional), Parcels 769-
Brookland 756-6351, 769-756-6059, and 769-756-5766, containing 1.3815 acres, located at
the northwest intersection of Staples Mill (State Route 33) and Old Staples Mill
Roads.

No one from the public spoke in opposition to this case.

On motion of Mr. Glover, seconded by Mr. Kaechele, the Board deferred this item to November 13, 2007.

The vote of the Board was as follows:

Aye

Nay

James B. Donati, Jr.
David A. Kaechele
Richard W. Glover
Patricia S. O'Bannon
Frank J. Thornton

272-07 The Rebkee Company: Request to conditionally rezone from B-2C and B-3C
C-21C-07 Business Districts (Conditional) to B-2C Business District (Conditional), Parcels
Tuckahoe 738-742-5943, 738-742-6844 and 738-742-9542, containing approximately 2.59
acres, located on the north line of Patterson Avenue (State Route 6) between
Careybrook and Lauderdale Drives.

In response to a question from Mrs. O'Bannon, Assistant Director of Comprehensive Planning and Administration Ralph J. (Joe) Emerson, Jr. clarified that the text of two of the proffered conditions *had been changed at the County Attorney's request to correctly state the name of the Department of Building Construction and Inspections.* At Mrs. O'Bannon's request, applicant representative James W. (Jim) Theobald commented on changes that had been made to these same proffered conditions to address citizen concerns that would place a finite time period on the length of time automotive repairs could be made on the property after the date of the rezoning.

No one from the public spoke in opposition to this case.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 272-07 (C-21C-07) subject to the following proffered conditions:

1. **Concept Plan and Elevations.** Any drug store developed on the Property shall be developed in general conformance with the Concept Plan entitled "CVS/pharmacy 13,013 S.F. Prototype" dated June 20, 2007 and revised July 20, 2007, prepared by Kimley Horn filed herewith (the "Concept Plan") (see case file), and in general conformance with the elevations entitled "CVS/pharmacy" dated July 17, 2007 prepared by Carter & Burgess Consultants (the "Elevations") (see case file), subject, however, to such traffic, engineering and other changes as may be requested and approved at the time of Plan of Development. If another structure is constructed on the Property instead of a drug store, it shall be similar to the Concept Plan and shall have a similar appearance to the Elevations unless and except as otherwise requested and approved at the time of Plan of Development.
2. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim, windows and doors) of brick, E.I.F.S., stone, split face block, or a combination of the foregoing, of which seventy-five percent (75%) shall be brick or stone or both, unless different architectural treatment and/or materials are specifically requested and approved at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block.
3. **Prohibited Uses.** The following uses shall be prohibited:
 - a. billiard, bagatelle, video game or a bingo parlor;
 - b. flea markets or antique auctions;
 - c. billboards;
 - d. recycling facilities;
 - e. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - f. dance halls;
 - g. truck stops;
 - h. gun shop, sales and repair;
 - i. parking garages or commercial parking lots;
 - j. sign painting shops;
 - k. communication towers;
 - l. general hospitals, sanatoriums and charitable institutions for human care;
 - m. adult business as defined in the Henrico County Zoning Ordinance;
 - n. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
 - o. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;
 - p. restaurants with drive-thru windows, not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food nor restaurants whose

primary business is the sale of specialty coffees or other non-alcoholic beverages, unless otherwise requested and specifically permitted at the time of Plan of Development;

- q. automotive repair shops, except that automotive repairs shall be permitted on the Property from the date of the rezoning until six (6) months after: (a) a building permit for new improvements on the Property is issued by the Department of Building Construction and Inspections for Henrico County; and (b) the Virginia Department of Environmental Quality has issued a “no action” letter relating to any environmental condition of the Property;
 - r. child care facilities;
 - s. veterinary clinics;
 - t. Laundromats and self-service dry cleaning establishments;
 - u. hotels or motels;
 - v. radio and television stations and studios or recording studios;
 - w. recreation facilities, indoor, to include theaters, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis courts, model racing tracks, archery ranges, rifle or pistol ranges, and similar activities; and
 - x. automotive filling and service stations and convenience stores with fuel pumps, except that the existing automotive filling and service station shall be permitted to remain and operate for automotive repairs only, fueling being prohibited, on the Property from the date of rezoning until six (6) months after: (a) a building permit for new improvements on the Property is issued by the Department of Building Construction and Inspections for Henrico County; and (b) the Virginia Department of Environmental Quality has issued a “no action” letter relating to any environmental condition of the Property.
4. **Wall.** A screening wall consisting of masonry or a textured precast concrete product which simulates masonry, a minimum of six (6) feet in height, shall be provided along or near that portion of the rear (northern) property line as shown on the Concept Plan. Both sides of such wall are to be of a color and brick pattern texture similar to the main building to be constructed, unless otherwise requested and specifically approved at the time of Plan of Development. Landscaping shall be provided on both sides of the screening wall in a manner to be determined at the time of landscape review.
5. **Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the retail building at ground level at the property lines as approved at the time of Plan of Development. Convenience cans shall be within or part of a decorative container.
6. **Refuse Containers.** The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development.

7. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the property lines as approved at the time of Plan of Development.
8. **Hours of Trash Pickup.** Trash pickup from the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between 9:00 a.m. and 8:00 p.m. on Saturday. There shall be no trash pickup on Sundays.
9. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard and such lighting shall be produced from concealed sources, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties and shall be reduced to a security level during the close of business operations.
10. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
11. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections that cannot be interrupted. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.
12. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
13. **Signage: Attention-Getting Devices.** No more than two (2) detached signs shall be permitted on the property. No pole signs, changeable message signs, or inflatable or other attention-getting devices shall be permitted unless specifically requested and approved at the time of Plan of Development. Detached signs shall be monument-style. One detached sign shall not exceed eight (8) feet in height, and the other detached sign shall not exceed six (6) feet in height, unless and except as otherwise requested and approved at the time of Plan of Development. Detached signs shall contain materials that complement the exterior materials used on any retail buildings as determined at the time of Plan of Development.
14. **Sidewalks.** Subject to obtaining all required governmental approvals and permits, a sidewalk shall be provided along Patterson Avenue, Lauderdale Drive, and Care brook Road and shall be constructed to current County road standards and specifications for sidewalks.

15. **BMP.**

- a. Any wet BMP shall be aerated. Any BMP on the property shall (I) meet the minimum setback requirements set forth in the County's General Design Guidelines for above-ground Bumps; or (ii) be an underground BMP.
- b. The boundaries of any above-ground BMP shall (I) include a retaining wall constructed of split face block (around the northern and western sides of the BMP only) and a commercial grade aluminum fence in substantial compliance with the wall and fence shown in the "BMP Exhibit" attached hereto (see case file); and (ii) shall be planted to a Transitional Buffer 35, unless as otherwise requested and approved at the time of Plan of Development.

16. **Buffers and Landscaping:**

- a. Buffers. Buffer areas shall be maintained along Patterson Avenue and Lauderdale Drive that shall be landscaped with a continuous evergreen hedge and four (4) trees per every one-hundred (100) feet having a minimum of two and one-half (2 ½) inch caliper at the time of installation. Roads, sidewalks, utility easements, fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer area. The buffer along the northern property line shall be planted to a Transitional Buffer 25, unless as otherwise requested and approved at the time of Plan of Development.
- b. Sod and Irrigation. Grass areas approved at the time of Plan of Development review shall be sodden. Irrigation shall be provided for all yard areas as required at the time of Plan of Development review. No decorative rock or gravel shall be permitted in the buffer areas.

The vote of the Board was as follows:

Aye

Nay

James B. Donati, Jr.

David A. Kaechele

Richard W. Glover

Patricia S. O'Bannon

Frank J. Thornton

271-07

C-3C-07

Varina

The Tetra Group One, LLC: Request to conditionally rezone from A-1 Agricultural District, R-3 One-Family Residence District, R-5 General Residence District and B-3 Business District to R-3C One-Family Residence District (Conditional), R-5C General Residence District (Conditional), and B-3C Business District (Conditional), Parcels 836-714-2353, 835-714-7916, 836-712-7784, 835-713-1662 and 836-713-7564, containing approximately 79.769 acres (R-3C - 9.654 ac; R-5C - 9.305 ac; and B-3C - 60.810 ac), located between

the north line of E. Williamsburg Road (U.S. Route 60), the south line of Old Williamsburg Road, the east line of Dry Bridge Road and the west line of Old Memorial Drive.

No one from the public spoke in opposition to this case.

Mr. Donati thanked the applicant for working with staff and making this a quality project and also for working with citizens in Oakland Chase in trying to resolve their problems.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 271-07 (C-3C-07) subject to the following proffered conditions:

PROFFERS FOR R-5C PORTION OF THE PROPERTY:

1. **Use and Density.** The R-5C portion of the property shall be developed for age-restricted multi-family apartment units not to exceed a total number of 126 units. The apartments shall be restricted to "housing for older persons" who are 55 years of age or older in accordance with the provisions of the Virginia Fair Housing Law, the United States Fair Housing Act and the regulations promulgated by the United States Department of Housing and Urban Development, as currently set forth in 24 CFR 100.304, *et seq.*
2. **Square Footages.** One (1) bedroom units shall be a minimum of six hundred ninety-three (693) square feet of finished floor area in size, two (2) bedroom units shall be a minimum of eight hundred fifty-eight (858) square feet of finished floor area in size.
3. **Unit Mix.** The age-restricted multi-family apartments constructed on the property shall consist of a minimum of seventy-five percent (75%) two (2) bedroom units.
4. **Conceptual Site Plan.** The multi-family portion of the Property shall be developed substantially similar to the conceptual plan attached hereto as Exhibit A (see case file), which plan is conceptual in nature and may vary in detail as approved by the Planning Commission (which shall take into consideration changes designed to accommodate environmental, drainage and topographical conditions, as well as the requirements imposed by various County departments and agencies) at the time of Plan of Development review.
5. **Utilities.** Except for junction boxes, meters and existing overhead utility lines, all new utility lines shall be underground. All junction boxes and meters located at ground level shall be screened.
6. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed fifteen (15) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties, shall be produced from concealed sources and shall not exceed one-half (½) foot candle.

7. **Signage.** Any detached signs on the property shall be ground-mounted monolithic-type signs and, if lighted, lit with ground-mounted lights. No sign shall exceed six (6) feet in height.
8. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any buildings on the property intended for occupancy by persons shall comply with the requirements for the architectural treatment and materials specified herein. All buildings located on the property intended for use for occupancy by persons shall have exposed exterior walls (above finished grade and exclusive of rooftop screening materials for mechanical equipment, architectural features, doors and windows) of face brick, glass, exterior insulating finishing systems (E.I.F.S.), cementations, composite-type or vinyl siding (any vinyl siding shall have a .042 or greater thickness as evidenced by the manufacturer's printed literature which shall be provided by the applicant at the time of building permit application), or combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development. The architectural elevations of the buildings shall be in substantial conformity with the elevations attached to these proffers as Exhibit B (see case file) unless otherwise approved at the time of Plan of Development review.
9. **Landscaping.** Landscaping adjacent to public roads shall be irrigated.
10. **Sound Suppression.** Any interior walls, floors and ceilings between residential units shall have a minimum sound transmission coefficient rating of fifty-five (55). This proffer does not include any doors, windows or exterior walls.
11. **Buffers.** Unless otherwise approved by the Planning Commission at the time of Plan of Development review, there shall be a minimum thirty-five (35) foot landscape buffer provided along the eastern property line adjacent to the Pine Heights subdivision. This buffer shall comply with the County's thirty-five (35) foot transitional buffer requirements, except that the landscaping provided within such thirty-five (35) foot buffer shall be equivalent to the landscaping provided in the County's fifty (50) foot transitional buffer requirements (unless otherwise approved at the time of Plan of Development). In the event the Planning Commission reduces the minimum buffer at the time of Plan of Development review, the Planning Commission may impose additional landscaping requirements in such reduced buffer. No building shall be located within sixty (60) feet of the eastern property line adjacent to the Pine Heights subdivision.
12. **Amenities.** Each building shall be wired to provide an electrical connection to permit an emergency generator to be used for running emergency lighting and one elevator.
13. **Access.** No direct access from the R-5 property will be allowed to the Pine Heights subdivision by way of Stevie Road or Maury Road except as may be required by the County to satisfy emergency/secondary access requirements.
14. **Storm Water Management Ponds.** If the storm water management ponds for the property are wet ponds, they shall be aerated to minimize the risk of West Nile Virus and shall be

approved by the Director of Public Works. Any storm water management pond located on the property shall be incorporated into the site as a water feature amenity and landscaped as approved by the Planning Commission at the time of any Plan of Development review.

15. **Trash Pickup, Parking Lot Cleaning, Leaf Blowing.** Trash pickup, parking lot cleaning and leaf blowing on the property shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Saturday.
16. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections that cannot be interrupted, and unless otherwise requested and specifically approved at the time of Plan of Development. Signs (in English and Spanish) containing these restricted hours of construction shall be posted during the development of the property.

PROFFERS FOR R-3C PORTION OF THE PROPERTY:

1. **Size of Single-Family Dwellings.** All single family dwellings shall be two-story dwellings and have a minimum of 1,800 square feet of finished floor area.
2. **Lot Layout.** The R-3C portion of the property shall be developed substantially similar to the conceptual plan attached hereto as Exhibit A (see case file), which plan is conceptual in nature and may vary in detail as approved by the Planning Commission (which shall take into consideration changes designed to accommodate environmental, drainage and topographical conditions) at the time of subdivision review.
3. **Foundations.** The exterior foundation of any dwelling constructed on the property shall be brick or stone. All dwellings shall be constructed above a crawl space. Any bay windows, mechanical closets or similar features shall be constructed on foundations.
4. **Chimneys.** No homes shall have cantilevered chimneys. All chimneys or direct vent fireplaces shall have foundations with the exposed portions made of the same material as the house foundation.
5. **Street Trees.** Street trees (at least 2½" in caliper) shall be planted every thirty-five (35) feet along rights-of-way with the exact location(s) to be approved on the landscape plan to be submitted with the final subdivision plats.
6. **Garages.** A minimum of a one and a half (1½) car garage with interior dimensions of at least twenty (20) feet in depth and fifteen (15) feet in width clear of as-built obstructions shall be provided for each home. Any front loading garage shall be recessed at least five (5) feet from the front line of the house.
7. **Underground Utilities.** Except for junction boxes, meters, existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.

8. **Driveways.** The driveways for each residence shall be of the paved, concrete or aggregate type. Gravel driveways shall not be permitted.
9. **Mailboxes and Post Lights.** The developer shall install mailboxes and post lights that are uniform in appearance on each lot prior to the issuance of a Certificate of Occupancy for a dwelling on that lot.
10. **Entrance Sign.** Any entrance sign shall be ground-mounted monolithic-type signs and, if lighted, lit with ground-mounted lights.
11. **Curb and Gutter.** Standard curb and gutter complying with Henrico County standards shall be provided on the streets within the new subdivision. Roll-face curb and gutter shall not be used.
12. **Architectural Treatment and Building Materials.** The proposed single-family residences will be constructed in substantial conformance to the elevations attached hereto as Exhibit C (see case file) unless revisions are requested and specifically approved by the Planning Commission at the time of subdivision review. The exterior walls (excluding foundations, doors, windows and other architectural features) of the single-family residences shall be of brick or vinyl siding. Any vinyl siding shall have a .042 or greater thickness as evidenced by the manufacturer's printed literature which shall be provided by the applicant at the time of building permit application. At least forty percent (40%) of the single-family residences will have a front façade of brick.
13. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections that cannot be interrupted, and unless otherwise requested and specifically approved at the time of Plan of Development.

Signs (in English and Spanish) containing these restricted hours of construction shall be posted during the development of the property.

PROFFERS FOR B-3C PORTION OF THE PROPERTY:

1. **Prohibited Uses.** The following uses shall be prohibited:
 - a. Amusement park, carnival, circus and fairgrounds.
 - b. Automobile, truck, or recreational vehicle storage lot for new or used cars and other vehicles.
 - c. Bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control.
 - d. Billiard, bagatelle, video game or a bingo parlor.
 - e. Check-cashing establishments,

- f. Flea markets or antique auctions.
- g. Fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologists, card reader, spiritual reader or similar activity.
- h. Gun shop, sales and repair.
- i. Kennels.
- j. Massage parlors.
- k. Rifle or pistol range within a fully enclosed air conditioned and soundproofed building.
- l. Adult businesses as defined in the Henrico County Zoning Ordinance.
- m. Sheet metal shop or roofing company.
- n. Truck stops.
- o. Animal hospital or kennel.
- p. Automobile, truck, trailer or bus sales, rental and repair, including towing service and automotive body and paint shops. This restriction shall not prohibit motorcycle sales, rental or repair which shall be permitted so long as all repair or storage of equipment or materials shall be inside a completely enclosed building.
- q. Boat and boat trailer sales, service and storage.
- r. Cleaning or dyeing, linen service or laundry, furniture repairing or refinishing; cabinet or carpenter shop; plumbing, electrical and heating shop; painting shop; upholstering shop; tinsmith shop.
- s. Exterminating establishment.
- t. Janitorial service establishment.
- u. Landscape contracting and tree service.
- v. Manufactured home sales, display and storage or sales, rental, display and storage of travel trailers, travel vans, campers and truck camper tops.
- w. Public utility service buildings.
- x. Public dancehalls.
- y. Shell houses or display houses.
- z. Permanent on-site recycling collection facilities.
- aa. Outdoor advertising signs as regulated in section 24-104.
- bb. Auditorium and assembly halls.
- cc. Drive-in theater.

2. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any building on the property intended for occupancy by persons shall be the same as exposed portions of other exterior walls of such building in architectural treatment and materials. Exposed exterior wall surfaces of all individual buildings shall be constructed of decorative concrete block (including without limitation split face block and fluted block), tilt-up or precast concrete, stone, cast stone, granite, marble, stucco, synthetic stucco, face brick, glass, exterior insulating finishing systems (E.I.F.S.), or combination of the foregoing, unless different materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development. At least seventy percent (70%) of each building's exterior wall surfaces shall be comprised of materials other than stucco, synthetic stucco or exterior insulating finishing systems (E.I.F.S.), unless otherwise approved at the time of Plan of Development. At least sixty percent (60%) of each building's exterior wall surfaces (exclusive of any windows or doors) shall be comprised of

face brick, cast stone (with the approval of the Director of Planning), granite or marble. This proffer shall not apply to any hotels to be located on the property which are addressed by a separate proffer below.

3. **Buildings.** No commercial establishment or single user shall have a floor area of greater than eighty thousand (80,000) square feet unless otherwise approved at the time of Plan of Development review. Buildings shall contain windows on any side elevation that faces a public road and any buildings developed on the property shall be in general conformance with the architectural appearance shown on the elevations attached hereto as Exhibit D (see case file) and shall include various design features including, but not limited to, awnings, arched windows and changes in roof pitches and heights, unless otherwise approved at the time of Plan of Development review. This proffer shall not apply to any hotels to be located on the property which are addressed by a separate proffer below.
4. **Hotels.** Elevations for any proposed hotel shall be submitted for review and approval by the Director of Planning. At least seventy-five percent (75%) of any hotel's exterior wall surfaces exclusive of any windows or doors) shall be comprised of face brick, cast stone (with the approval of the Director of Planning), granite or marble with the remaining portion of the exterior wall surfaces to be constructed of decorative concrete block (including without limitation split face block and fluted block), tilt-up or precast concrete, stone, glass, or combination of the foregoing. The HVAC air vents of any hotel shall be located on the roof (unless screened in a manner specifically approved by the Director of Planning) and no HVAC related equipment, vents or intakes shall be located on the facade of the hotel.
5. **Height of Buildings and Related Setbacks.** No building shall be greater than forty-five (45) feet in height unless otherwise approved at the time of Plan of Development review. If a building exceeding thirty-five (35) feet in height is to be constructed within seventy-five (75) feet of any residential property (excluding the R-5 property), a landscaped buffer complying with the County's fifty (50) foot transitional buffer requirements shall be provided between such commercial building and such residential property.
6. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties, shall be produced from concealed sources and shall not exceed one-half (½) foot candle.
7. **HVAC.** Heating and air conditioning equipment shall be screened from public view at ground level at the Property lines (using materials similar to those used on the face of the buildings) in a manner approved at the time of Plan of Development.
8. **Trash Receptacles.** Trash receptacles, other than convenience cans, shall be screened from public view in a manner approved at the time of Plan of Development review.
9. **Irrigation.** Landscaping adjacent to public roads shall be irrigated.

10. **Storm Water Management Ponds.** If the storm water management ponds for the property are wet ponds, they shall be aerated to minimize the risk of West Nile Virus and shall be approved by the Director of Public Works. Any storm water management pond located on the property shall be incorporated into the site as a water feature amenity and landscaped as approved at the time of any Plan of Development review.
11. **Signage.** The only types of signs permitted shall be (i) wall mounted signs comprised of individual letters or designs which are either reverse channel backlit, internally or remote lit plastic face / aluminum channel, or unlit, (ii) signage applied to awnings, banner signs protruding no more than three (3) feet from the face of any building or structure, (iii) blade signs, and (iv) ground mounted monument signs, unless otherwise specifically approved at the time of Plan of Development review. Any detached signs shall be ground mounted monumental-type signs and shall not exceed ten (10) feet in height above grade. The foundation of all ground-mounted signs shall be constructed of brick or stone and, if lighted, such signs shall be externally illuminated. A coordinated sign package shall be developed and submitted for review and approval by the Planning Commission at the time of Plan of Development review. No Attention Getting Device (as that term is currently defined in Section 24-3 of the Henrico County Zoning Ordinance) shall be permitted.
12. **Buffers.** Existing vegetation shall be maintained along the boundary line separating the B-3 portion of the property from the R-3 portion of the property and shall be supplemented if necessary to meet any transitional buffer requirements. Additionally, unless otherwise approved by the Planning Commission at the time of Plan of Development review, a vinyl fence or vinyl-coated chain link fence a minimum of six (6) feet in height (the exact color and materials to be determined at the time of Plan of Development review) shall be installed adjacent to Parcel No. 837-713-0631.
13. **Restaurants.** Any fast food restaurant or eating establishment having a drive-thru window shall not begin service to the public before 6:00 a.m. nor extend service to the public after 12:00 midnight except by provisional use permit. There shall not be more than three (3) fast food restaurants or eating establishments having a drive-thru window.
14. **Convenience Food Stores.** There shall be no more than one (1) convenience food store with fuel pumps located on the property.
15. **Hours of Operation.** Except for the convenience food store with fuel pumps, which may operate with unrestricted hours of operation, no other business shall begin service to the public or any outside activity before 6:00 a.m. nor extend any outside activity or hours of service after 12:00 midnight without a provisional use permit.
16. **Trash Pickup, Parking Lot Cleaning, Leaf Blowing.** Trash pickup, parking lot cleaning and leaf blowing on the property shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.
17. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances

require extending the specific hours in order to complete work such as concrete pours or utility connections that cannot be interrupted, and unless otherwise requested and specifically approved at the time of Plan of Development. Signs (in English and Spanish) containing these restricted hours of construction shall be posted during the development of the property.

18. **Screening.** Any loading docks or outside storage areas shall be screened. Any screening shall be done using materials that are architecturally compatible with the building(s) utilizing such storage area(s) or loading dock(s) unless otherwise approved at the time of Plan of Development review. Any service areas visible from Williamsburg Road or any major boulevard within the development shall be screened with landscaping or fencing, or a combination thereof, in a manner to be approved at the time of Plan of Development review.
19. **Landscaping.** The landscaping plan for the property shall incorporate the use of medians, pavers and sidewalks within and along the major drive aisles and boulevards as well as the use of decorative pavers and crosswalks at intersections. Street trees, a minimum caliper of 2½ inches at the time of planting, shall be planted along any spine road connecting Dry Bridge Road and Old Memorial Drive, at intervals of not more than 35 feet on center, unless otherwise approved at the time of Plan of Development review. A conceptual landscape plan shall be developed and submitted for review and approval by the Planning Commission at the time of Plan of Development review.

PROFFERS APPLICABLE TO ENTIRE PROPERTY:

1. **Archeological Study.** The applicant shall conduct a limited Phase 1 Archeological Study on the property prior to Plan of Development approval. The applicant shall provide a copy of the report to the Director of Planning and shall donate to the County any artifacts found during the study and development of the property.
2. **Transportation Improvements.** Based on the Traffic Impact Analysis Report submitted in March 2007, the applicant shall: (i) dedicate right-of-way and provide for the installation of curb and gutter, pavement widening, and any necessary storm sewer along the property's entire frontage of Dry Bridge Road; (ii) dedicate right-of-way and provide for the installation of curb and gutter, pavement widening, and any necessary storm sewer along the property's frontage on Old Memorial Drive, Old Williamsburg Road, and Clayman Road; (iii) pay for the installation of a traffic signal at the intersection of Williamsburg Road and Dry Bridge Road when warranted beyond Phase 2 of the development (as described in the Traffic Impact Analysis Report); (iv) provide dual left turn lanes (or an extension of the left turn stacking area) at the intersection of Dry Bridge Road and Williamsburg Road both southbound on Dry Bridge Road and eastbound on Williamsburg Road, when warranted beyond Phase 2 of the development (as described in the Traffic Impact Analysis Report); and, (v) provide a standard 4 feet wide sidewalk with a 2 feet wide utility strip within the right-of-way along Dry Bridge Road for the entire frontage of the property. Should the dedicated property not be used for its intended purpose within thirty (30) years of the date of dedication, title to the dedicated property will revert to the property owner or its successors in interest.

The vote of the Board was as follows:

Aye
James B. Donati, Jr.
David A. Kaechele
Richard W. Glover
Patricia S. O'Bannon
Frank J. Thornton

Nay

347-07 George M. Urban: Request to conditionally rezone from A-1 Agricultural
C-76C-05 District to O-3C Office District (Conditional) and B-2C Business District
Three Chopt (Conditional), Parcels 747-770-3395 and 746-770-9777, containing 11.18 acres,
located on the west line of Nuckols Road approximately 350 feet north of New
Wade Lane and between the south line of Hickory Park Drive and the north line
of New Wade Lane.

In response to questions from Mr. Kaechele, Mr. Emerson confirmed that the primary site access to the hotel and second office building would be off of Hickory Park Drive, that there would also be the potential to make a connection through the parking lots of the other office buildings fronting on Nuckols Road, and that the proffered changes had met the concerns of staff.

George Marchenko, a resident of the Tuckahoe District, questioned whether there was a conflict between this zoning request and the County's land use plan. Mr. Emerson noted that the Nuckols Road and I-295 land use study performed in 2003 is the guiding land use document and indicates this area for office. In response to a question from Mr. Kaechele, Mr. Emerson confirmed that this intermediate small land use plan is consistent with recommendations contained in the County's 2026 Land Use Plan and supersedes the 2010 Land Use Plan.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 347-07 (C-76C-05) subject to the following proffered conditions:

1. **Greenbelts.** Greenbelts for landscaping, natural open areas and scenic vistas will be provided thirty (30) feet in width adjacent to the right-of-way line of Nuckols Road and twenty-five (25) feet in width adjacent to the right-of-way lines of New Wade Lane and Hickory Park Drive, except to the extent necessary for utility easements, bicycle paths, jogging trails, signage, sidewalks, access driveways for major project areas and other purposes requested and specifically permitted, or if required, at the time of Plan of Development, or by any other governmental body.
2. **Pedestrian and Bicycle Access.** Pedestrian and bicycle access ways will be provided along Nuckols Road, Hickory Park Drive and New Wade Lane and within the Property at the time of Plan of Development, unless requested and specifically approved at the time of Plan of Development. A conceptual pedestrian access way master plan reflecting the foregoing shall be submitted with the first Plan of Development.

3. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
4. **Conceptual Site Plan.** The Property shall be developed in general conformance with the conceptual site plan attached hereto (see case file), unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development.
5. **Elevations.** All buildings constructed on the Property shall be complementary in design and materials with the elevation attached hereto (see case file), unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development. The elevation and architecture shall be consistent in material and design on all four sides.
6. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) predominantly of face brick, glass, cast stone, marble or granite exclusive of windows, doors and architectural treatments which may be constructed of E.I.F.S. or other comparable materials, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development.
7. **Open Space.** At least thirty-five (35) percent of the Property taken as a whole, rather than calculated on a site-by-site basis, shall be used for permanent open space. The area devoted to the project perimeter buffering, wetlands, Best Management Practice facilities and flood plain, if any, may be counted toward this requirement.
8. **Detached Signage.** Any detached signs shall be ground-mounted, monolithic-type signs and shall not exceed ten (10) feet in height.
9. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height above grade level. Parking lot lighting shall be produced from concealed sources of light.
10. **BMPs.** Any above-ground wet stormwater management facilities or BMPs located on the Property shall be aerated.
11. **HVAC.** Any roof top heating and air conditioning equipment shall be screened from public view at ground level at the property lines in a manner approved at the time of Plan of Development.
12. **Trash Receptacles.** Trash receptacles, not including convenience cans, shall be screened from public view at ground level at the property lines in a manner approved at the time of Plan of Development. Enclosure areas for dumpsters shall, except for access doors, be constructed of a masonry material.

13. **Protective Covenants.** Prior to or concurrent with the conveyance of any part of the Property covered by a Plan of Development approved by Henrico County (other than for the conveyance of easements, roads, or utilities), the owner of the portion of the Property covered by such Plan of Development, or its successors and assigns, shall record a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the quality and type of development of such portion of the Property. The covenants shall also provide for high standards of uniform maintenance (consistent with Class "A" office parks) of individual sites, common areas, open spaces, landscaping and private streets, and provide for minimum development and operational standards for each site.
14. **Nuckols Road Median Landscaping.** The Applicant's Landscape Plan shall include landscaping within any grassy median in Nuckols Road adjacent to that portion of the Property which is the subject of the Plan of Development except to the extent previously provided by others. The Applicant shall maintain such landscaping pursuant to an agreement satisfactory to the Applicant and the County of Henrico.
15. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
16. **Vehicular Access to the South and West Parcels.** The development on the Property shall include vehicular access points on the Property being made available at such locations as determined at the time of Plan of Development for connection to and use benefiting adjacent property to the south and west, unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development.
17. **Building Height.** Any building developed on the Property shall not exceed seventy (70) feet in height above grade to the midline of the roof, exclusive of mechanical equipment, penthouses associated therewith, chimneys or other architectural design features.

APPLICABLE TO B-2C-ZONED PROPERTY

18. **Use.** The only B-2 use permitted on the Property shall be hotels and uses accessory and incidental thereto. Uses permitted in the O-3 zoning district shall be permitted, except for hospitals, printing businesses, broadcast studios and funeral homes.
19. **Screening of Through-Wall Air Conditioning Units.** Through-wall air conditioning units serving any hotel shall be generally flush with the exterior wall and shall be screened with materials of a color similar to that used in the building or trim, and shall complement the architecture, all in a manner as approved at the time of Plan of Development.

The vote of the Board was as follows:

Aye
James B. Donati, Jr.
David A. Kaechele
Richard W. Glover
Patricia S. O'Bannon
Frank J. Thornton

Nay

348-07 Williams Realty and Development Corp.: Request to conditionally rezone from
C-49C-07 A-1 Agricultural District to R-5AC General Residence District (Conditional),
Varina Parcel 833-718-6524, containing 29.91 acres, located between the north line of
Southern Railway right-of-way and the south line of Meadow Road at its
intersection with Chartwood Drive.

In response to a question from Mr. Kaechele, Principal Planner Jean M. Moore confirmed that proffer 23 should be added. In response to a question from Mrs. O'Bannon, applicant representative Jason Williams confirmed that the upper pocket park was around 20,000 square feet or a little smaller and the lower pocket park was just about one acre. He briefly elaborated on the developer's conceptual plan for leaving open natural space and clustering homes. In response to a question from Mr. Thornton, Mr. Williams pointed out that the community would be age-restricted and stated that the rationale for gating the community was to address security concerns of the prospective residents.

No one from the public spoke in opposition to this case.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 348-07 (C-49C-07) subject to the following proffered conditions:

1. **Concept Plan.** The site shall be developed similar to the attached concept plan, or as otherwise approved by the Planning Commission at the time of Plan of Development review, entitled Meadow Springs Exhibit A, by Bay Design Group, Dated July 19, 2007 (see case file).
2. **Pocket Park.** At least one community pocket park shall be provided and may include a gazebo-type structure, and shall include benches, an access path, and landscape treatment. The park shall be located in a community area that is easily accessible for the majority of the homeowners, and shall be maintained by the Homeowners' Association.
3. **Entrance Features.** The entry feature shall be substantially similar to Exhibit B (see case file), and shall include two brick walls, one on either side of the access drive, metal fencing, identifying signage, landscaping, a security gate to limit access to residents and their guests, and a center island with a small brick guardhouse to house electronics for security fence.
4. **Age-Restriction.** Except as otherwise prohibited by the Virginia Fair Housing Law, as it may be amended, the Federal Fair Housing Law and such other applicable Federal, State,

or Local legal requirements, residential development on the property shall be restricted to "housing for persons 55 years of age or older" as defined in the Virginia Fair Housing Law.

5. **Minimum Square Footage and Density.** Each dwelling unit shall have a minimum of 1,300 square feet of finished floor area. No more than 50 units shall be developed on the Property. A minimum lot width of 60 feet shall be provided for all lots.
6. **Architectural Treatment.** All dwellings constructed on the Property shall be substantially similar in architectural style to those shown on Exhibits C (see case file), or as otherwise approved by the Planning Commission at the time of Plan of Development review. The dwellings shall be constructed of brick, stone, dryvit, vinyl, hardiplank, or other permanent building material approved by the Planning Commission at the time of Plan of Development approval, and each unit shall include an attached or detached garage. If the garage is attached and is front-loading, it shall be offset behind the front face of the structure at least five (5') feet. Any detached garage shall be placed behind the main structure. Any two-car garage shall have interior dimensions of at least 18 feet in width and 20 feet in depth, clear of as-built obstructions. At least 25% of the front elevation shall be brick or stone, excluding the foundation. Roofing material shall have a minimum twenty (20) year life and associated warranty. Vinyl siding shall have a minimum thickness of 0.042". The manufacturer's printed literature for roofing and vinyl siding shall be provided at the time of building permit application. All side elevations shall contain a minimum of two windows. No cantilevered features shall be allowed. All dwellings shall have either brick or stone foundations. If brick, the foundation shall have a minimum of seven (7) courses. Front stoops and steps shall be constructed of brick or stone.
7. **Sound Suppression Measures.** Exterior dwelling unit walls that directly abut the railroad shall have a sound transmission class (STC) rating of 54 when tested in accordance with the latest edition of the Virginia Uniform Statewide Building Code which detail from the independent lab test shall be included in the building permit application.
8. **Fireplace Chimneys.** The exposed portions of a chimney shall be constructed of brick or stone. The exposed portion of the flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent façade and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
9. **Front Porches.** Not less than 75% of the units shall have front porches. Porches shall have a minimum depth of 5 feet.
10. **Driveways.** All driveways shall be exposed aggregate, stamped concrete, or asphalt.
11. **Street Trees.** Street trees, with a minimum 2.5" caliper at the time of planting, shall be planted or retained, at approximately 35 foot intervals along both sides of all streets within the project. Trees acceptable for planting shall be Maple, Elm, Oak, Sycamore, and Birch, or as otherwise approved at the time of plan review.

12. **Sidewalks.** Sidewalks a minimum of four (4) feet in width shall be provided along one side of the roads within the development.
13. **Lighting.** Post lights shall be provided in the front yard of each lot.
14. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reason, all utility lines shall be underground.
15. **Front and Side Yards.** Sod and irrigation shall be provided for the front and side yards.
16. **Protective Covenants.** Prior to conveyance of the first unit, restrictive covenants describing development controls, architectural modification standards and maintenance responsibilities for all common areas within the development, including maintenance of the entrance features, shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. In addition, there shall be a Homeowners Association of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of common area, roads, and unit exteriors. The restrictive covenants shall specify the types of allowable mailboxes and lamp posts.
17. **Buffers.** A fifty foot (50') natural buffer shall be maintained adjacent to the railroad track, a twenty five foot (25') natural buffer shall be maintained along the eastern and western property lines of the development, and a one hundred foot (100') natural buffer shall be maintained adjacent to Meadow Road. The buffers shall be maintained as natural buffers, to the extent practicable, as determined during plan of development review, with supplemental plantings provided, if necessary, to provide buffers that meet the transitional buffer ten, per the zoning ordinance.
18. **Archeological Study.** If a Phase 1 Archeological Study is required by the County of Henrico Division of Recreation and Parks at POD review, then any artifacts that are found shall be donated to the County.
19. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earth-moving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and 8:00 a.m. and 5:00 p.m., on Saturday and Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work, such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the property prior to any land disturbance activities thereon.
20. **Flood Plain Areas.** The applicant shall file an application for C-1 zoning for the areas within the property that lie within the 100-year floodplain, unless such areas are needed for roads, access ways, or other purposes approved or required by the Planning Commission or any other governmental body or official, prior to final subdivision approval.

21. **Private Roads.** All roads within the project shall be constructed with County of Henrico standard 6" curb and gutter. Prior to the issuance of the first permanent certificate of occupancy, the owner shall provide the Planning Department with certification from a licensed engineering firm that the roadways within the development were constructed according to the approved Plan of Development and in compliance with Henrico County road design standards and specifications, to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface, but excluding road widths and turning radii.
22. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
23. **Wiring for Generators.** Houses will be wired to accept auxiliary generator connections in the event homeowner chooses to install a generator.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
James B. Donati, Jr.	
David A. Kaechele	
Richard W. Glover	
Patricia S. O'Bannon	
Frank J. Thornton	

349-07	Audubon Hospitality, LLC: Request to amend proffered conditions accepted
C-50C-07	with Rezoning Case C-45C-06, on Parcel 819-717-6812, located at the
Varina	southeastern terminus of International Trade Court adjacent to Audubon Drive.

In response to a question from Mr. Donati, Ms. Moore confirmed that the applicant intended to preserve Civil War earthworks located on the property.

No one from the public spoke in opposition to this case.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 349-07 (C-50C-07) subject to the following proffered conditions:

Proffered conditions 8, 9, 18 and 22 of Case No. C-45C-06 are hereby amended and restated as follows:

8. **Conceptual Master Plan.** Any hotel constructed on the Property shall be developed in general conformance with the Site Plan prepared by Spectra Group, entitled "Candlewood Suites, Audubon Drive, Site Plan" dated August 3, 2007, a copy of which is attached hereto as Exhibit "A" (see case file), unless otherwise requested and specifically approved at the time of Plan of Development.

9. **Architectural Treatment.** The exposed portion of each exterior wall surface (front, rear and sides) of any hotel on the Property shall have exposed exterior walls (above finished grade) of brick, split face block, E.I.F.S., or a material of similar quality (or a combination of the foregoing), unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block. The massing, design, character, and architectural features of any hotel shall be substantially in conformance with the elevations entitled "Candlewood Suites" dated September 11, 2007, prepared by PFVS, Architecture Planning Interiors, and submitted with this case as Exhibit "B" (see case file), unless otherwise approved at the time of Plan of Development.
18. **BMP.** Any above-ground wet BMP shall be aerated. Any above-ground dry BMP shall be landscaped in accordance with a landscaping plan approved at the time of Plan of Development.
22. **HVAC.** Heating and air conditioning equipment located on the roof of any building shall be screened from public view at ground level in a manner approved at the time of Plan of Development. Heating and air conditioning units servicing any hotel (and not located on the roof) shall be maintained interior to the hotel and grill vents shall complement the architecture in a manner approved at the time of Plan of Development.

The vote of the Board was as follows:

Aye
James B. Donati, Jr.
David A. Kaechele
Richard W. Glover
Patricia S. O'Bannon
Frank J. Thornton

Nay

PUBLIC HEARINGS - OTHER ITEMS

- 350-07 Ordinance - To Amend and Reordain Subsection (b) of Section 21-124 of the Code of the County of Henrico Titled "Rates" in Order to Establish a New Minimum Rate for Taxicab Trips Originating at Richmond International Airport.

No one from the public spoke in opposition to this ordinance.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 350-07 – see attached Ordinance.

- 351-07 Ordinance – To Amend and Reordain Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico to Increase the Maximum Height of Accessory Structures in Residential and Agricultural Districts.

No one from the public spoke in opposition to this ordinance.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 351-07 – see attached Ordinance.

PUBLIC COMMENTS

Joe Cacciotti, a resident of Chesterfield County, expressed concerns regarding the voting rights of localities represented on the Richmond Metropolitan Authority Board of Directors and expressed support for State legislation that would give Henrico and Chesterfield equal voting power with the City of Richmond (see enclosed prepared statement).

Copeland Casati, Founder of Green ModernKits.com and a resident of the Three Chopt District, asked the Board to consider green building tax credits, encourage smart growth and more sustainable lifestyles, and adopt a zero waste strategy (see enclosed handout outlining her presentation). In response to a question from Mr. Kaechele, Ms. Casati provided background information on her business, GreenModernKits.com., which sells energy efficient appliances and passive solar designs. Mr. Donati commented that Karl Bren has developed a green friendly, age-restricted apartment complex in his district next to Dabbs House. Mr. Donati also mentioned that he personally has fresh eggs.

Ms. Casati introduced Jeffrey Pond, a representative of Bank of America who advised the Board of a new product that is being developed through a Bank of America corporate initiative to provide a credit for green style, energy efficient homes. He also spoke in support of sustainable lifestyles.

In response to a question from Mrs. O'Bannon, Mr. Pond clarified that the new Bank of America product would be released in November 2007 and that he was not allowed to give out a lot of information on it until then. The product should reflect some form of a credit and there will be a new initiative push towards more green housing for the consumer. Mr. Pond pointed out that the new office building where he works in a strip mall is coded green and has complete energy efficiency in its lighting system.

In response to a question from Mr. Thornton, Ms. Casati commented that America is becoming more sensitive to energy efficiency and the costs are narrowing for energy efficient homes. She stated that her modern house kits are comparable to traditional housing. In response to another question by Mrs. O'Bannon, Ms. Casati elaborated on the costs of gray water systems. Mr. Hinson observed that there was a lot of general interest in the information presented by Ms. Casati and suggested that the Board might want to request that the County Manager at some future time bring forward a work session item on the subject.

GENERAL AGENDA

352-07 Resolution - Approval of Issuance of Bonds - Westminster-Canterbury Corporation - Economic Development Authority.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 352-07 – see attached Resolution.

353-07 Resolution – Award of Contract - Master Planning Services for Tuckahoe Park.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 353-07 – see attached Resolution.

354-07 Resolution - SIA-03-07 - West Area Middle School Site - Substantially in Accord with the Comprehensive Plan.

In response to questions from members of the Board, Mr. Silber confirmed that there would be the potential for a second point of access to the north of the access road, it would not be imperative that this access be established prior to the opening of the school, Henrico County Public Schools had not yet purchased the property, and the site contains 30 acres.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote with Mrs. O'Bannon absent, the Board approved Agenda Item No. 354-07 – see attached Resolution.

355-07 Resolution – Signatory Authority – Easement Agreement for Verizon Virginia, Inc., - Hidden Creek Park - Fairfield District.

In response to a question from Mr. Donati, Assistant Director of Real Property Steve Price stated that the County would receive payments from NTELOS for the access easement but not from Verizon.

On motion of Mr. Thornton, seconded by Mr. Glover, and by unanimous vote with Mrs. O'Bannon absent, the Board approved Agenda Item No. 355-07 – see attached Resolution.

356-07 Resolution - Signatory Authority - Award of Contract - Strawberry Hill Sewage Pumping Station Miscellaneous Improvements - Southwood Builders, Inc. - Bid Request No. 07-8219-7CE.

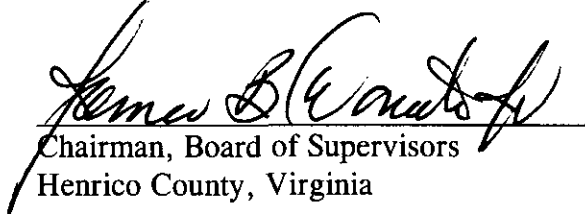
On motion of Mr. Thornton, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 356-07 – see attached Resolution.

357-07 Resolution – Recommendations for the Virginia Transportation Development Plan.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 357-07 – see attached Resolution.

In response to a question from members of the Board, Director of Public Works E. Lee Priestas stated that Huguenot Bridge was not included in this list of recommendations and confirmed that the list was a draft that could be modified by the Board. Mrs. O'Bannon expressed concern that she had not seen the draft. Mr. Priestas advised that it had been hand delivered the previous Friday by Transportation Development Engineer E. Todd Eure to the homes of each of the Board members.

There being no further business, the meeting was adjourned at 8:48 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

DOMESTIC VIOLENCE AWARENESS MONTH

October 2007

WHEREAS, domestic violence is a pervasive social issue affecting people of all ages, races, religions, cultures, and economic backgrounds; and

WHEREAS, the crime of domestic violence has serious physical, emotional, social, sexual, psychological and economic impacts on victims, families, and the community and violates an individual's privacy, safety and dignity; and

WHEREAS, children who are subjected to domestic violence often grow up to inflict violence on others, creating a cycle that must be stopped through prevention and early education; and

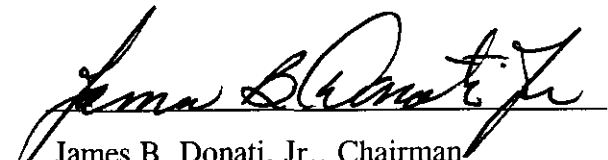
WHEREAS, the local economy endures losses due to the effect of domestic violence on businesses in the form of absenteeism, reduced efficiency, lost wages, sick leave, security costs, and health care; and

WHEREAS, the County of Henrico is committed to prioritizing the problem of domestic violence in our community by increasing awareness and providing education to all Henrico County citizens so they can play an important role in eradicating the violence; and

WHEREAS, Henrico citizens can make a difference in the lives of families experiencing domestic and sexual violence.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, hereby recognizes October 2007 as Domestic Violence Awareness Month and acknowledges the ongoing and coordinated efforts of local domestic violence service providers and the community in addressing the problem of domestic violence.




James B. Donati, Jr., Chairman
Board of Supervisors

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

NATURAL RESOURCES CONSERVATION WEEK

October 14 – 20, 2007

WHEREAS, litter affects Henrico County's waterways and environment, and also the appearance of our community; and

WHEREAS, solutions to the litter problem are not always about cleaning up after the fact, but are also about prevention of the problem; and

WHEREAS, through careful planning, the amount of waste that is created in our community can be reduced and much other waste can be reused or recycled; and

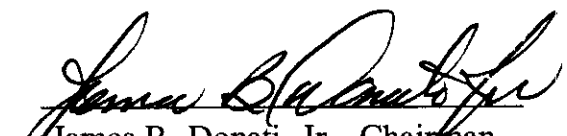
WHEREAS, Henrico citizens can make a difference by becoming more "litter wise" and aware of actions that can be taken to prevent litter in their own households as well as in our community; and

WHEREAS, the Henricopolis Soil and Water Conservation District, along with Virginia's 46 other conversation districts, annually promotes Natural Resources Conservation Week to heighten public awareness of the vulnerability of natural resources; and

WHEREAS, the theme for this year's observance is "Litter and Recycling."

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes October 14 – 20, 2007 as Natural Resources Conservation Week and encourages every Henrico citizen to help prevent litter in our community.




James B. Donati, Jr., Chairman

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

ENERGY AWARENESS WEEK

October 21 – 27, 2007

WHEREAS, it is in the best interest of the County of Henrico to encourage the efficient use of energy; and

WHEREAS, energy efficiency can minimize or eliminate unnecessary energy expenditures while helping to protect the environment; and

WHEREAS, sustainable energy management reduces greenhouse gases and air pollution; and

WHEREAS, by providing annual energy fairs and implementing improvements based on regular facility energy audits, the County is demonstrating its commitment to continually improving its energy culture; and

WHEREAS, all County staff and Henrico citizens are urged to properly manage energy in their everyday operations; and

WHEREAS, October is nationally designated as Energy Awareness Month; and

WHEREAS, the County is proud to do its part in our nationwide and statewide efforts to promote energy efficiency and environmental stewardship; and

WHEREAS, the third annual Energy Symposium for Schools and General Government will be conducted at Mills E. Godwin High School on October 24, 2007 and at the Henrico County Government Center on October 25, 2007.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes October 21 – 27, 2007 as Energy Awareness Week and calls this observance to the attention of all Henrico citizens.





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. **350-07**

Page No. 1 of 2

Agenda Title: **ORDINANCE – To Amend and Reordain Subsection (b) of Section 21-124 of the Code of the County of Henrico Titled “Rates” in Order to Establish a New Minimum Rate for Taxicab Trips Originating at Richmond International Airport**

For Clerk's Use Only: OCT 9 2007 Date: _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Glover</u> (2) _____ (2) _____ REMARKS: APPROVED		YES NO OTHER Donati, J. <input checked="" type="checkbox"/> _____ Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
--	---	--	---

AN ORDINANCE to amend and reordain Subsection (b) of Section 21-124 of the Code of the County of Henrico titled “Rates” in order to establish a new minimum rate for taxicab trips originating at Richmond International Airport.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 21-124 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 21-124. Rates.

(b) Specific rates; special contracts.

By Agency Head _____ By County Manager Philip R. Haydel

Routing:
Yellow to: _____
Copy to: _____

Certified:
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

350-07
Agenda Item No.
Page No. 2 of 2

Agenda Title: ORDINANCE – To Amend and Reordain Subsection (b) of Section 21-124 of the Code of the County of Henrico Titled “Rates” in Order to Establish a New Minimum Rate for Taxicab Trips Originating at Richmond International Airport

(5) For a trip originating at Richmond International Airport, the rate shall be \$10.00 or the charge registered on the meter, whichever is greater.

(56) The owner of any cab may, upon receipt of satisfactory proof that a person is 65 years of age or older or disabled, offer a discount not to exceed 20 percent of the total charge for transportation and services. For purposes of eligibility under this subsection, disabled persons include individuals who are physically, hearing, mentally or visually impaired. The following identification may serve as satisfactory proof of age or disability: a valid driver's license, a valid GRTC Senior Citizens ID or Medicare Card, a valid GRTC Handicapped or Disabled Identification Card, or a valid identification card issued by a public transportation provider to meet the requirements of federal Americans with Disabilities Act.

(67) The owner of any taxicab may enter into written contracts with organizations and companies to provide taxicab services on a negotiated basis. The owner of any taxicab may enter into written contracts with individuals to provide, on a negotiated basis, regular service, as defined in section 21-31. All such contracts must be kept and preserved, and shall be subject to inspection, in the main offices of the taxicab company during the terms of the contract and for 12 months after termination of the contract. The rates to be charged for such services under written contract shall not be fixed, prescribed or established by the board of supervisors. As required by section 21-122, taximeters shall be in operation at all times during the transportation of passengers; however, the charge for such services shall be governed by the written contract, and not the taximeter.

2. This ordinance shall be in full force and effect on and after November 1, 2007.

Comments: This Board paper has been requested by the Capital Region Airport Commission.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 351-07

Page No. 1 of 2

Agenda Title: **ORDINANCE - To Amend and Reordain Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico to Increase the Maximum Height of Accessory Structures in Residential and Agricultural Districts**

For Clerk's Use Only:

OCT 9 2007

Date

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Thurston

(2)

(2)

REMARKS:

APPROVED

YES NO OTHER

Donati, J. ☒ ☐ ☐

Glover, R. ☒ ☐ ☐

Kaechele, D. ☒ ☐ ☐

O'Bannon, P. ☒ ☐ ☐

Thurston, F. ☒ ☐ ☐

ORDINANCE - To Amend and Reordain Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico to increase the maximum height of accessory structures in residential and agricultural districts.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HENRICO, VIRGINIA:

1. That Section 24-95 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-95. Additional requirements, exceptions and modifications.

(i) *Buildings and projections in yards.* The following buildings, parts of buildings and uses may occupy or project into required minimum yards as indicated:

(2) *In a rear yard of a one-family or semidetached dwelling.* Any accessory use or detached accessory building or structure is permitted subject to the following:

b. The buildings or structures shall not exceed ~~15~~ 20 feet in height.

By Agency Head

Randall R. Silberman

By County Manager

Sup. H. Kuyper

Routing:

Yellow to:

Planning

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **35707**

Page No. 2 of 2

Agenda Title: **ORDINANCE - To Amend and Reordain Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico to Increase the Maximum Height of Accessory Structures in Residential and Agricultural Districts**

h. No accessory building on the same lot as a one-family or semidetached dwelling shall be occupied for dwelling purposes, except as provided in § 24-13(b) and (c).

.
.
.

2. That this ordinance shall be in full force and effect on and after its passage as provided by law.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 352-07
Page No. 1 of 3

Agenda Title

RESOLUTION -- APPROVAL OF ISSUANCE OF BONDS -- WESTMINSTER-CANTERBURY CORPORATION -- ECONOMIC DEVELOPMENT AUTHORITY

For Clerk's Use Only: OCT 9 2007 Date <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Glover</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____		YES NO OTHER
	REMARKS APPROVED		Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

WHEREAS, Westminster-Canterbury Corporation, a not-for-profit Virginia nonstock corporation trading as Westminster-Canterbury Richmond (the "Corporation"), owns and operates a residential and health care facility for the aged (the "Facility"); and

WHEREAS, the Corporation's principal place of business is located at 1600 Westbrook Avenue, Richmond (Henrico County), Virginia 23227, and the Facility has the same address and is located in both the City of Richmond, Virginia and Henrico County, Virginia; and

WHEREAS, the Economic Development Authority of Henrico County, Virginia (the "Authority"), has considered the application of the Corporation requesting the issuance by the Authority of its revenue bonds, in an amount currently estimated not to exceed \$22,500,000 (the "Bonds") to finance (1) the Project, as defined below, (2) all or a portion of the costs of issuance incurred in connection with the issuance of the Bonds, (3) interest on the Bonds prior to, during and up to one year after completion of the Project, (4) a debt service reserve fund, if any, for the Bonds, and (5) the cost, if any, of credit enhancement for the Bonds; and

WHEREAS, the Project will consist of a series of renovations, additions and improvements to the Facility, including, but not limited to, (1) the renovation of all resident rooms, common areas and service areas located in the existing nursing care component of the Facility known as the Mary Morton Parsons Health Center (the "Parsons Center"), (2) the construction of common areas for dining and recreational activities on each resident corridor in the Parsons Center, (3) the renovation of all resident rooms, common areas and service areas located in the existing assisted living component of the Facility known as Pavilion, and (4) equipment for all of the foregoing, routine capital expenditures, and certain working capital costs; and

By Agency Head _____

7/11

By County Manager _____

[Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Tests: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 352-07

Page No. 2 of 3

Agenda Title

**RESOLUTION -- APPROVAL OF ISSUANCE OF BONDS --
WESTMINSTER-CANTERBURY CORPORATION -- ECONOMIC
DEVELOPMENT AUTHORITY**

WHEREAS, the Project is expected to add approximately 11,200 square feet of space to the Facility and is expected to renovate and improve approximately 100,000 square feet of existing space at the Facility; and

WHEREAS, all of the Project will be located in Henrico County, Virginia; and

WHEREAS, the Authority on September 20, 2007, held a public hearing on the issuance of the Bonds; and

WHEREAS, the Authority has requested the Board of Supervisors (the "Board") of Henrico County, Virginia (the "County"), to approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended ("the Code"), and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, as amended (the "Act"); and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, a record of the public hearing and a "fiscal impact statement" with respect to the issuance of the Bonds have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County, Virginia:

1. The Board hereby approves the issuance of the Bonds by the Authority for the benefit of the Corporation, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act, to permit the Authority to issue bonds for the purposes set forth above.

2. Approval of the issuance of the Bonds, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act, does not constitute an endorsement of the Bonds or the creditworthiness of the Corporation.

3. As required by Section 15.2-4909 of the Act, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the County or the Authority shall be pledged thereto.

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No.

352-07

Page No. 3 of 3

**Agenda Title: RESOLUTION -- APPROVAL OF ISSUANCE OF BONDS --
WESTMINSTER-CANTERBURY CORPORATION -- ECONOMIC
DEVELOPMENT AUTHORITY**

4. This Resolution shall take effect immediately upon its adoption.

COMMENTS: The Executive Director of the Economic Development Authority recommends approval of this Board paper; the County Manager concurs.

CERTIFICATE OF PUBLIC HEARING

The undersigned Assistant Secretary of the Economic Development Authority of Henrico County, Virginia (the "Authority"), hereby certifies as follows:

1. A regular meeting of the Authority was duly called and held at 6:30 o'clock p.m. on Thursday, September 20, 2007, before the Authority in the conference room of the Authority's offices at 4300 East Parham Road, Richmond, Virginia 23228. The meeting was open to the public. At such meeting all of the Directors of the Authority were present or absent as follows:

PRESENT:	John F. Hastings	Sam Kornblau
	Christopher Shumaker	S. Floyd Mays, Jr.
	Julian N. Holland, Jr.	John M. Steele
	Benjamin B. Miles	Marsha S. Shuler
	Harold D. Parker, Jr.	

ABSENT: Stephanie T. Ford

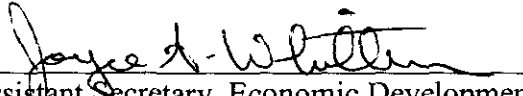
2. The Chairman announced the commencement of a public hearing on the application of Westminster-Canterbury Corporation, a not-for-profit Virginia non-stock corporation, trading as Westminster-Canterbury of Richmond, and announced that a notice of the hearing had been published once a week for two consecutive weeks, the first publication being not more than 28 days nor less than 14 days prior to the hearing, in the *Richmond Times-Dispatch* on September 6 and September 13, 2007 (the "Notice"). A copy of the Notice attached to a Proof of Publication of such Notice has been filed with the records of the Authority and is attached hereto as Exhibit 1.

3. The individual noted on Exhibit 2 appeared and addressed the Authority. A reasonably detailed summary of her statements, together with the Fiscal Impact Statement required by the Code of Virginia of 1950, as amended, under the Industrial Development and Revenue Bond Act, are attached hereto as Exhibits 2 and 3, respectively.

4. Attached hereto as Exhibit 4 is a true, correct and complete copy of a resolution (the "Resolution") adopted at such meeting of the Authority by the unanimous vote of the Directors present at such meeting.

The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect, on the date hereof.

WITNESS my hand and the seal of the Authority this 1st day of October, 2007.


Assistant Secretary, Economic Development
Authority of Henrico County, Virginia

(SEAL)

Notice and Certificate of Publication**Richmond Times-Dispatch**

Advertising Affidavit

Account Number

3017132

P.O. Box 85333
 Richmond, Virginia 23293-0001
 (804) 649-6208

Date

September 13, 2007

HUNTON & WILLIAMS
 Attn: CATHARINE MOSER
 951 E. BYRD ST.
 RICHMOND, VA 23219

Date	Category	Description	Ad Size	Total Cost
09/13/2007	Meetings-Events	NOTICE OF PUBLIC HEARING ON PROPOSED REV	2 x 77 L	1,647.42

Media General Operations, Inc.
**Publisher of the
 Richmond Times-Dispatch**

This is to certify that the attached NOTICE OF PUBLIC HEARING was published by the Richmond Times-Dispatch, Inc. in the City of Richmond, State of Virginia, on the following dates:

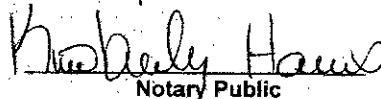
09/06, 09/13/2007

The First insertion being given ... 09/06/2007

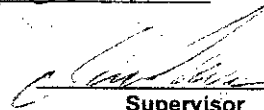
Newspaper reference: 0000457166

Sworn to and subscribed before me this

September 13 2007

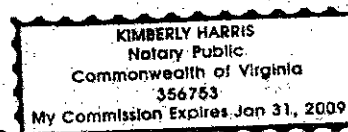


Notary Public



Supervisor

State of Virginia
 City of Richmond
 My Commission expires



THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

Summary of Statements

Anne H. Brower of Hunton & Williams LLP, Bond Counsel, described the proposed bond issue and indicated that the financing will consist of a series of renovations, additions and improvements to the Facility. Mr. Donald D. Lecky, President of Westminster-Canterbury Corporation, and Mr. Russell Gardner, Chief Financial Officer of Westminster Canterbury Corporation, were present to entertain questions from the Directors.

The public was invited to speak. No public comments were given.

FISCAL IMPACT STATEMENT

Date: September 20, 2007

Westminster-Canterbury Corporation

Applicant

Westminster-Canterbury of Richmond

Facility

THE FOLLOWING IS BASED ON INFORMATION PROVIDED BY THE APPLICANT.

- | | | |
|----|---|--------------|
| 1. | Maximum amount of financing sought | \$22,500,000 |
| 2. | Estimated taxable value of the facility's real property to be constructed in the locality | N/A |
| 3. | Estimated real property tax per year using present tax rates | N/A |
| 4. | Estimated personal property tax per year using present tax rates | N/A |
| 5. | Estimated merchants' capital tax per year using present tax rates | N/A |
| 6. | a. Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality | \$10,500,000 |
| | b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality | \$1,800,000 |
| | c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality | \$3,000,000 |
| | d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality | \$700,000 |
| 7. | Estimated number of regular employees on year round basis | 675 |
| 8. | Average annual salary per employee | \$33,280 |



Authority ChairmanEconomic Development Authority of Henrico County, Virginia
Name of Authority

RESOLUTION

**RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITY
OF HENRICO COUNTY, VIRGINIA**

WHEREAS, there has been presented to the Economic Development Authority of Henrico County, Virginia (the "Authority"), the application of Westminster-Canterbury Corporation (the "Borrower") for the Authority to issue its revenue bonds (the "Bonds"), in one or more series, to finance (1) the Project, as defined below, (2) all or a portion of the costs of issuance incurred in connection with the issuance of the Bonds, (3) interest on the bonds prior to, during and up to one year after completion of the Project, (4) a debt service reserve fund, if any, for the Bonds, and (5) the cost, if any, of credit enhancement for the Bonds; and

WHEREAS, the Borrower, a not-for-profit Virginia non-stock corporation trading as Westminster-Canterbury Richmond, owns and operates a residential and health care facility for the aged (the "Facility") and has its principal place of business at 1600 Westbrook Avenue, Richmond (Henrico County), Virginia; and

WHEREAS, the Project will consist of a series of renovations, additions and improvements to the Facility, including, but not limited to, (1) the renovation of all resident rooms, common areas and service areas located in the existing nursing care component of the Facility known as the Mary Morton Parsons Health Center (the "Parsons Center"), (2) the acquisition and construction of common areas for dining and recreational activities on each resident corridor in the Parsons Center, (3) the renovation of all resident rooms, common areas and service areas located in the existing assisted living component of the Facility known as the Pavilion, and (4) equipment for all of the foregoing, routine capital expenditures for the Facility, and certain working capital costs; and

WHEREAS, the Project is expected to add approximately 11,200 square feet of space to the Facility and is expected to renovate and improve approximately 100,000 square feet of existing space at the Facility; and

WHEREAS, all of the Project will be located in Henrico County, Virginia; and

WHEREAS, there have been presented to this meeting drafts of the following instruments (the "Financing Documents"), which the Authority proposes to execute or approve to carry out the issuance and sale of the Bonds, being Variable Rate Residential Care Facility Revenue Bonds (Westminster-Canterbury of Richmond), Series 2007, copies of which instruments shall be filed with the records of the Authority:

- (a) A Limited Offering Memorandum (the "Offering Memorandum");
- (b) Bond Purchase Agreement (the "Bond Purchase Agreement") between the Authority, the Borrower and BB&T Capital Markets either as sole underwriter or on behalf of a group of underwriters (the "Underwriter");
- (c) Trust Agreement dated as of October 1, 2007 (the "Trust Agreement"), between the Authority and The Bank of New York, as bond trustee (the "Bond Trustee");

(d) Loan Agreement dated as of October 1, 2007 (the "Loan Agreement"), between the Authority and the Borrower;

(e) Form of Bonds;

(f) Form of the Borrower's promissory note to be issued in the aggregate principal amount of the Bonds (the "Note"), including the form of assignment of the Note from the Authority to the Bond Trustee; and

(g) Series 2007 Supplemental Indenture dated as of October 1, 2007, supplementing and amending an Amended and Restated Master Trust Indenture dated as of July 1, 2003 (the "Master Indenture"), between the Obligated Group (as defined in the Master Indenture) and The Bank of New York, as Master Trustee; and

WHEREAS, a public hearing has been held by the Authority as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, as amended (the "Act").

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF HENRICO COUNTY, VIRGINIA:

1. It is hereby found and determined that the financing of the Project will be in the public interest of the Commonwealth of Virginia and the County of Henrico and its environs and is consistent with the purposes of the Act, and will benefit the County of Henrico and its inhabitants by providing for facilities for the residence and care of the aged and lowering the cost of constructing and operating such facilities. The Authority hereby agrees to assist the Borrower by issuing the Bonds, in one or more series, in an amount not to exceed \$22,500,000 without the further approval of the Authority, upon terms and conditions to be mutually agreed upon between the Authority and the Borrower as provided below, and subject to the requirements of the Act.

2. The Authority hereby authorizes (a) the issuance of the Bonds pursuant to the Trust Agreement, (b) the sale of the Bonds pursuant to one or more bond purchase agreements (provided that each such bond purchase agreement shall be in substantially the same form as the Bond Purchase Agreement presented to this meeting), and (c) the loan of the proceeds of the Bonds to the Borrower pursuant to the Loan Agreement. The Bonds shall have such principal amounts and maturities, bear such date or dates, bear interest at such rate or rates, be payable at such times or times and sold in such manner and on such terms as approved by the Chairman or the Vice Chairman of the Authority, either of whom may act (the "Authorized Officers"), such approval being evidenced by the Authorized Officer's execution of the Financing Documents to which the Authority is a party.

3. Each of the Authorized Officers is hereby authorized and directed to approve the final principal amount, maturities, interest rates and redemption prices, dates and amounts of the Bonds, and the price at which the Bonds shall be sold; provided, however, that (a) the aggregate maximum principal amount of the Bonds shall not exceed \$22,500,000, (b) no Bond shall mature later than October 1, 2042, and (c) the initial interest rate on any Bond shall not exceed 8%.

4. Each of the Authorized Officers is hereby authorized to execute and deliver the Loan Agreement, the Trust Agreement and one or more bond purchase agreements entered into in connection with the sale of the Bonds (which may include additional firms as underwriters and which must be in substantially the same form as the Bond Purchase Agreement presented to this meeting).

5. The Offering Memorandum and its distribution by the Underwriter (and any remarketing agent for the Bonds) in connection with the offering and sale of the Bonds is hereby authorized and approved.

6. Each of the Authorized Officers is hereby authorized and directed to accept from the Borrower the Note to evidence the Borrower's repayment obligation for the loan provided for in the Loan Agreement and to assign by endorsement and deliver the Note to the Bond Trustee as security for the Bonds.

7. Each of the Authorized Officers is hereby authorized and directed to execute the Bonds by manual or facsimile signature, and the Secretary of the Authority and the Assistant Secretary, either of whom may act, are authorized and directed to have the seal of the Authority affixed or printed thereon and to attest such seal by manual or facsimile signature. The officers of the Authority are authorized and directed to deliver the Bonds to the Bond Trustee for authentication and to cause the Bonds so executed and authenticated to be delivered to or for the account of the Underwriter upon terms provided in the Bond Purchase Agreement.

8. The Financing Documents and the Bonds shall be substantially in the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes that do not materially adversely affect the Authority's interests, as the executing officer of the Authority may approve, with execution of any Financing Document to which the Authority is a party constituting conclusive evidence of approval of any such completions, omissions, insertions and changes.

9. The officers of the Authority hereby are authorized and directed to execute, deliver and file all documents, certificates and instruments, including Internal Revenue Service Form 8038, on behalf of the Authority and to take all such further action as may be necessary or desirable in connection with the issuance and sale of the Bonds and the financing of the Project.

10. All other acts of the officers of the Authority that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds and the financing of the Project hereby are authorized, ratified and approved.

11. Any authorization herein to execute a document shall include authorization to record such document where appropriate and to deliver it to the other parties thereto.

12. At the request of the Borrower, the Authority hereby approves the selection of Hunton & Williams LLP as bond counsel to supervise the proceedings and approve the issuance of the Bonds, and hereby approves as Underwriter of the Bonds BB&T Capital Markets either acting as sole underwriter or on behalf of a group of underwriters.

13. All costs and expenses in connection with the issuance of the Bonds, including the fees and expenses of bond counsel, shall be paid from the proceeds of the Bonds to the extent allowed by law. If for any reason the Bonds are not issued or if the proceeds thereof cannot be used to pay all such expenses, it is understood that all such costs and expenses shall be paid by the Borrower and that the Authority shall not have responsibility therefor.

14. The Borrower shall agree to pay any and all costs and expenses incurred by the Authority in connection with the proposed bond issue. If for any reason the Bonds are not issued, it is understood that the Borrower will reimburse the Authority for all of its out-of-pocket expenses relating to the proposed bond financing.

15. The Borrower shall pay the Authority its annual administrative fee of \$500 per \$1,000,000 principal amount of the Bonds issued or a pro rata portion thereof, payable upon the issuance of the Bonds and on each anniversary date of the issuance of the Bonds thereafter until payment of the Bonds in full, provided that the amount so paid shall not equal or exceed an amount that would cause the "yield" on the obligation of the Borrower to the Authority or any other "acquired purpose obligation" to be "materially higher" than the yield on the Bonds, as the terms are defined in Section 148 Code.

16. The Borrower shall agree to indemnify and save harmless the Authority, its officers, directors, employees and agents, from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the Borrower or the issuance of the Bonds.

17. The Authority hereby recommends that the Board of Supervisors of Henrico County, Virginia (the "Board"), approve the issuance of the Bonds for the purposes set forth above pursuant to Section 147(f) of the Code and Section 15.2-4906 of the Act. The Authority hereby directs the Assistant Secretary or Secretary of the Authority, either of whom may act, to forward a record of the proceedings of this hearing to the Board upon approval of this Resolution.

18. This resolution shall become effective immediately and shall expire one year from the date of its adoption unless the Bonds are issued within such time.

CERTIFICATE

The undersigned Assistant Secretary of the Economic Development Authority of Henrico County, Virginia (the "Authority"), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on September 20, 2007, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

WITNESS the following signature this ____ day of October, 2007.

(SEAL)

Assistant Secretary, Economic Development
Authority of Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 353-07
Page No. 1 of 1

Agenda Title: **Resolution – Award of Contract - Master Planning Services for Tuckahoe Park**

Clerk's Use Only: OCT 9 2007 e: ✓ Approved Denied Amended Deferred to:	BOARD OF SUPERVISORS ACTION		YES NO	
	Moved by (1) <u>O'Bannon</u> (2) _____	Seconded by (1) <u>Thornton</u> (2) _____	OTHER	
REMARKS: APPROVED		Donati, J.	✓	
		Glover, R.	✓	
		Kaechele, D.	✓	
		O'Bannon, P.	✓	
		Thornton, F.	✓	

WHEREAS, on June 15, 2007, twelve (12) proposals were received in response to RFP #07-8176-5CS to provide a contract for master planning services for Tuckahoe Park; and

WHEREAS, based upon review of the written proposals, the Selection Committee (consisting of Mr. Neil Luther, Mr. Al Azzarone, Mr. Ray Pauley, Mr. Greg Baka and Mrs. Cecelia Stowe) interviewed the following firms:

EDAW, Inc.
Koontz-Bryant, P.C.

WHEREAS, the Selection Committee subsequently negotiated a contract with **EDAW, Inc.** in the amount of \$89,460.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors:

1. A contract to provide master planning services for Tuckahoe Park is hereby awarded to **EDAW, Inc.** in the amount of \$89,460 in accordance with RFP #07-8176-5CS, the August 2, 2007 proposal and revised fee proposal dated August 15, 2007 submitted by **EDAW, Inc.**
2. The County Manager and Clerk are authorized to execute said contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute all change orders within the scope of the project budget.

Comments: Funding to support the contract is available. The Director of General Services and the Director of Recreation and Parks, the County Manager concurring, recommend approval of this Board paper.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: General Services

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 354-07
Page No. 1 of 2

Agenda Title: **RESOLUTION — SIA-03-07 — West Area Middle School Site — Substantially in Accord with the Comprehensive Plan**

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
Agenda Item No. 354-07 Date: 9/13/07	Moved by (1) <u>Kaechle</u> Seconded by (1) <u>Glover</u> (2) (2)			
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	REMARKS: APPROVED			
		Donati, J. <input checked="" type="checkbox"/>		
		Glover, R. <input checked="" type="checkbox"/>		
		Kaechle, D. <input checked="" type="checkbox"/>		
		O'Bannon, P. <input checked="" type="checkbox"/>		absent
		Thornton, F. <input checked="" type="checkbox"/>		

WHEREAS, Section 15.2-2232A of the Code of Virginia requires the Planning Commission to review and consider whether the general or approximate location, character and extent of major public facilities are substantially in accord with the County's Comprehensive Plan ("Plan"); and,

WHEREAS, the Planning Commission reviewed the proposed West Area Middle School Site, located at the northern terminus of Concourse Boulevard approximately 450 feet north of its intersection with Nuckols Road, and approximately 2,000 feet east of the intersection of Nuckols Road and Shady Grove Road in the Three Chopt District, for conformance with the Plan, including the Land Use Plan, the Major Thoroughfare Plan, and the Parks, Recreation and Open Space Plan; and,

WHEREAS, a August 30, 2007, Planning staff report found the proposed use would not be in conflict with or a significant departure from the Plan; and,

WHEREAS, on September 13, 2007, the Planning Commission reviewed the staff recommendations and found the proposed West Area Middle School will further the Goals, Objectives and Policies of the Plan that address the importance of providing adequate public facilities and services in a timely manner; and,

WHEREAS, the Board of Supervisors has reviewed the Planning Commission's finding and concurs with its conclusions.

NOW, THEREFORE, BE IT RESOLVED by the Henrico County Board of Supervisors that the proposed West Area Middle School Site is approved as being substantially in accord with the County's Comprehensive Plan.

By Agency Head R. U. R. Silberman By County Manager David R. Haynes

Routing:
Yellow to: Planning
Copy to: _____

Certified:
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No.

35407

Page No. 2 of 2

Agenda Title: RESOLUTION — SIA-03-07 — West Area Middle School Site — Substantially in Accord with the Comprehensive Plan

Comments: The Director of Planning and the County Manager concur with the finding of the Planning Commission that the proposed West Area Middle School Site is "substantially in accord" with the Plan, and they recommend approval of the Board paper.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 355-07
Page No. 1 of 1

Agenda Title

RESOLUTION – Signatory Authority – Easement Agreement for Verizon
Virginia, Inc., - Hidden Creek Park - Fairfield District

For Clerk's Use Only: OCT 9 2007 Date _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Thornton</u> Seconded by (1) <u>Glover</u> (2) _____ (2) _____ REMARKS: APPROVED		<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><u>absent</u></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		YES	NO	OTHER																							
Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																								
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																								
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																								
O'Bannon, P.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>																								
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																								

WHEREAS, the County of Henrico, Virginia (the "County") is the owner of a parcel of land (the "County Land") containing 9.14 acres acquired in 2001 from Virginia Electric and Power Company adjacent to Hidden Creek Park; and,

WHEREAS, Richmond 20MHz, LLC, dba/NTELOS, is leasing space on an existing Virginia Electric and Power Company tower; and,

WHEREAS, Verizon Virginia, Inc., intends to provide underground telephone service to Richmond 20MHz, LLC, dba/NTELOS, for their facility; and,

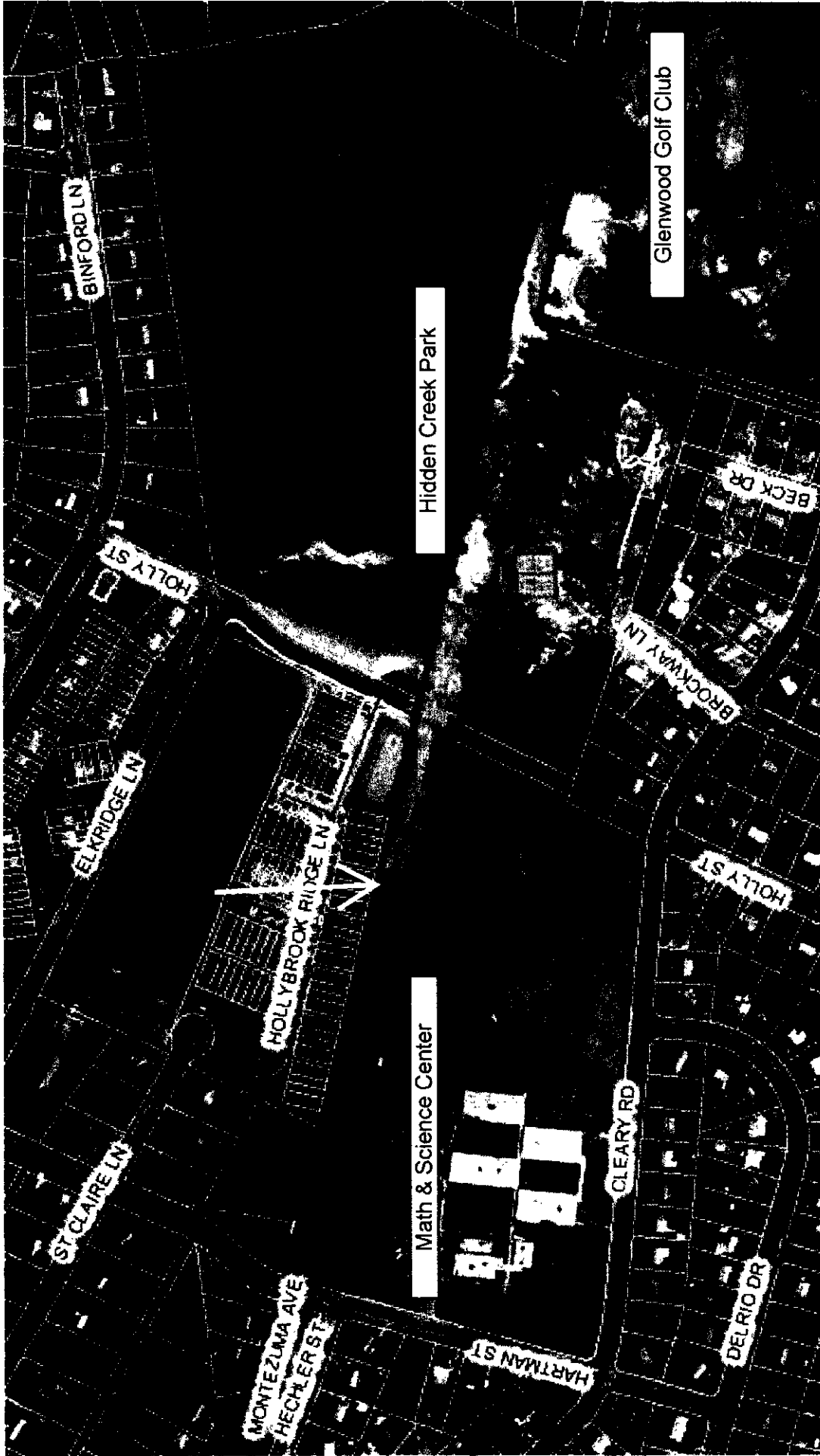
WHEREAS, Verizon Virginia, Inc. has requested the County to convey an underground utility easement across a portion of County Land as shown on Exhibit "A" attached hereto; and,

WHEREAS, it is the desire of the Board of Supervisors of Henrico County, Virginia (the "Board") to grant an easement to Verizon Virginia, Inc., for the above stated purpose.

NOW, THEREFORE, BE IT RESOLVED by the Board that the Chairman and Clerk are authorized to execute an easement agreement, in a form approved by the County Attorney, by and between the County and Verizon Virginia, Inc., for the conveyance of an underground utility easement across County Land as shown on Exhibit "A."

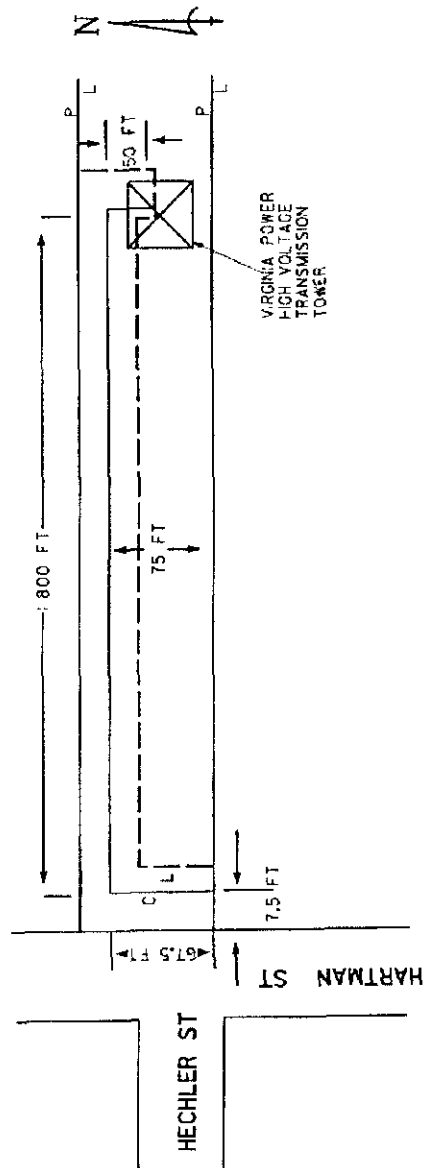
Comments: The Director of Recreation and Parks and the Real Property Department recommend approval of this action; the County Manager concurs.

By Agency Head <u>Steve Givens</u> S.K.	By County Manager <u>David R. Hagler</u>
Routing: Yellow to: <u>Real Property</u>	Certified: A Copy Tests: _____ Clerk, Board of Supervisors
Copy to: _____	Date: _____



VICINITY MAP
VERIZON EASEMENT - HIDDEN CREEK PARK

Exhibit "A"



PARCEL/SITE DESCRIPTION/PLAN REFERENCE: Parcel TM# 803-728-1905, 2415 Brockway Ln, Richmond, VA 23223

VERIZON VIRGINIA INC. RIGHT-OF-WAY Exhibit "A"	GRANTOR/OWNER: COUNTY OF HENRICO	CITY/COUNTY: Henrico				
P --- DENOTES AND/OR RW --- LIMITS OF RIGHT-OF-WAY	ADDRESS: REAL PROPERTY P O BOX 27032 Richmond, VA 23223	MAGISTERIAL DIST.: Fairfield				
		TAX MAP NO.: 803-728-1905 PROPERTY I.D. N/A				
	PH. NO.:	DEED BOOK. <u>3361</u> PAGE <u>1222</u>				
		INSTRUMENT #: N/A				
E.A.: Rita Moore PHONE NO.: 804-772-4457	Grantor: James B. Donati, Jr., Chairman, County of Henrico	GRSM	SH 316	E-W D	N-S 1	SH 5 OF 5
CENTRAL OFFICE: GRACE STREET VZ ROW NUMBER: CTE-07-265245-R COVER SHEET NUMBER: CS-	Grantor: COUNTY OF HENRICO		ROUTE <u>3813</u> PLAT <u>5</u> WORK ORDER #: GS07036			



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 352-07
Page No. 1

Agenda Title: RESOLUTION — Signatory Authority — Award of Contract — Strawberry Hill Sewage Pumping Station Miscellaneous Improvements — Southwood Builders, Inc. — Bid Request No. 07-8219-7CE

For Clerk's Use Only:

OCT 9 2007
Date:

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton Seconded by (1) O'Bannon
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Donati, J. ☒
Glover, R. ☒
Kaechele, D. ☒
O'Bannon, P. ☒
Thornton, F. ☒

WHEREAS, the County solicited bids for Bid Request No. 07-8219-7CE for the Strawberry Hill Sewage Pumping Station Miscellaneous Improvements project in the Fairfield District; and,

WHEREAS, the improvements include replacement of four floating mixer units for the flow equalization basins, one hot water boiler, exterior site lighting and exterior doors, as well as providing a sewage screening conveyor system; and,

WHEREAS, four bids from the following contractors were opened on September 20, 2007:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Southwood Builders, Inc.	\$ 1,085,000.00
Anderson Construction, Inc.	\$ 1,196,000.00
M&W Construction Corporation	\$ 1,218,823.00
T.A. Loving Company	\$ 1,680,000.00

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors awards the contract for the Strawberry Hill Sewage Pumping Station Miscellaneous Improvements project to the lowest responsive and responsible bidder, Southwood Builders, Inc., in the amount of \$1,085,000.00.

By Agency Head

Arthur O. Petreni

By County Manager

David L. Reynolds

Routing:

Yellow to:

Public Utilities

Certified:

A Copy Tests:

Copy to:

Clerk, Board of Supervisors

Date:

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No.

352-07

Page No. 2 of 2

Agenda Title: RESOLUTION — Signatory Authority — Award of Contract — Strawberry Hill Sewage Pumping Station Miscellaneous Improvements — Southwood Builders, Inc. — Bid Request No. 07-8219-7CE

BE IT FURTHER RESOLVED that the County Manager is authorized to execute the contract in a form approved by the County Attorney and all necessary change orders not to exceed 15% of the original contract amount.

Comment: The Director of Public Utilities recommends approval, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 35707
Page No. 1 of 1

Agenda Title: **RESOLUTION – Recommendations for the Virginia Transportation Development Plan**

For Clerk's Use Only:

OCT 9 2007
Date:

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Glover
(2)

Seconded by (1) Kaechele
(2)

REMARKS:

APPROVED

YES NO OTHER

Donati, J. ☒

Glover, R. ☒

Kaechele, D. ☒

Bannon, P. ☒

Thornton, F. ☒

WHEREAS, the Commonwealth Transportation Board, through the Virginia Department of Transportation ("VDOT"), is giving citizens and public officials the opportunity to participate in the transportation decision-making process; and,

WHEREAS, the County's participation is important because VDOT controls state highways in the County that need improvement at the earliest possible date; and,

WHEREAS, on October 16, 2007, VDOT is receiving input at a public hearing for allocation of funds for fiscal years 2009 through 2014; and,

WHEREAS, the Department of Public Works has prepared written recommendations for improvements to state highways in the County.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors authorizes the submission of the state highway improvement recommendations of the Department of Public Works to VDOT; and,

BE IT FURTHER RESOLVED that the Board authorizes the Chairman and the Director of Public Works to make a presentation at the VDOT public hearing to be held October 16, 2007.

COMMENTS: The Director of Public Works recommends approval of this Board paper, and the County Manager concurs.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: Public Works

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____