

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 22<sup>nd</sup> of January 2008, at the hour of 7:00 p.m.

**MEMBERS OF THE BOARD PRESENT**

The Honorable David A. Kaechele, Chairman

The Honorable Patricia S. O'Bannon, Vice-Chairman

The Honorable James B. Donati, Jr., Varina District Supervisor

The Honorable Richard W. Glover, Brookland District Supervisor

The Honorable Frank J. Thornton, Fairfield District Supervisor

**OTHER OFFICIALS PRESENT**

Mr. Virgil R. Hazelett, P.E., County Manager

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. Leon T. Johnson, Deputy County Manager for Administration

Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations

Mr. Randall R. Silber, Deputy County Manager for Community Development

Department Heads and Key Officials

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The meeting was called to order by the Chairman at 7:12 p.m.

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

Dr. J. Rayfield Vines, Jr., Pastor, Hungary Road Baptist Church, provided the invocation.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board approved the minutes of the January 8, 2008 Regular Meeting.

The vote of the Board was as follows:

Aye

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

Nay

## **MANAGER'S COMMENTS**

On October 31, 2007, the Clarendon Farms Homeowners Association received notification from Mr. Thornton that the organization's proposal and plan for community enhancement had been accepted and approved. The proposal that was submitted, for the design and construction of a brick entrance sign on Bogart Road between Brooking Meadows and Reynolds Ridge Court, qualified the organization for funding from *Project Pride and Joy* in the Fairfield Magisterial District. The purpose of *Project Pride and Joy* is to assist citizens, civic associations, and subdivisions in the Fairfield District in improving, enhancing, strengthening, and beautifying their neighborhoods. At its December 11, 2007 meeting, the Board of Supervisors approved an amendment to the County's FY 2007-08 Fiscal Plan that provided funding for the proposed entrance sign. This funding will be partially matched by the Association. In a December 31, 2007 letter, Mr. Thornton formally congratulated the organization on taking steps towards making Clarendon Farms "the premier community." Bruce Richardson, Vice-President of the Association, thanked the entire Board for working jointly with Mr. Thornton in approving Clarendon Farms for this funding opportunity. As a token of the Association's appreciation and to complement a thank letter you that was sent to Mr. Thornton and the members of the Board on January 16, 2008, Mr. Richardson presented Mr. Thornton with a clock containing the engraved inscription "Your contribution adds significant value to Clarendon Farms."

## **BOARD OF SUPERVISORS' COMMENTS**

Mrs. O'Bannon recognized the following Boy Scouts from Troop 799, sponsored by Trinity United Methodist Church, who were observing the meeting to complete a requirement for the Communications Merit Badge: Philip Christie, Ryan Densley, Bobby McGuigan, Marc Reiner, Sam Reiner, Robert Riggs, Anthony Tiller, Kevin Williams, and Paul Mitchell Williams. Joining the Scouts were Troop Committee Chairperson Scott Reiner and Adult Leader Scott Williams.

## **RECOGNITION OF NEWS MEDIA**

Mr. Kaechele recognized Will Jones of the *Richmond Times-Dispatch* and Tom Lappas of the *Henrico Citizen*.

## **APPOINTMENTS**

28-08                      Resolution – Appointment of Directors to The Cultural Arts Center at Glen Allen Foundation Board.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 28-08 – see attached Resolution.

## PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

31-08 Richmond 20 MHZ, LLC: Request for a Provisional Use Permit under Sections  
P-8-07 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to  
Varina construct a 144' high telecommunications tower on part of Parcel 829-712-4591,  
located on the west line of Beulah Road approximately 195' north of Treva Road.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, the Board deferred this item to February 12, 2008.

The vote of the Board was as follows:

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

Nay

167-07 Town Center West, LLC: Request to conditionally rezone from B-2C Business  
C-59C-06 District (Conditional) to R-6C General Residence District (Conditional), Part of  
Three Chopt Parcel 734-764-9340, containing 4.85 acres, located approximately 320 feet north  
of W. Broad Street (U.S. Route 250) and 540 feet east of N. Gayton Road.

Mr. Hazelett noted that this case would be heard in combination with Agenda Item No. 168-07 (case P-19-06). Ralph J. (Joe) Emerson, Jr., Acting Director of Planning, confirmed for Mr. Kaechele that there was only one new change to the proffered conditions, a clarification of the loading areas addressed in proffer 9. Mr. Emerson also confirmed for Mr. Kaechele that the zoning case was now on a smaller scale than what was originally recommended by the Planning Commission. Mr. Kaechele noted that the plan had been reviewed extensively by the staff, that there had been a number of meetings on it, and that staff was comfortable with it.

At Mr. Kaechele's suggestion, and after acknowledging several other representatives of the applicant who were in the audience, Andy Condlin of Williams Mullen offered a few highlights of the cases on behalf of the applicant. He noted that these were among the first cases to come before the Board to take advantage of an ordinance provision allowing for commercial use within a multifamily building. Mr. Condlin and Kent Little, President of the Breedan Company, responded to questions from Mr. Kaechele regarding the applicant's development plans and projected uses for Pod 5. Mr. Little confirmed for Mr. Kaechele that the developer would continue dialogue with The Hilton and also mentioned that the developer intended to connect Pod 1 to the Hilton.

No one from the public spoke in opposition to these cases.

In response to questions from Board members, Mr. Condlin confirmed that one floor of the four-story building proposed for the site would be for commercial use, equating to a little more than 20,000 square feet.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 167-07 (C-59C-06) subject to the following proffered conditions:

1. **Site Plan.** The Property shall be developed generally consistent with the schematic layout prepared by Timmons Group entitled "POD 1 PROPOSED LAYOUT" dated December 19, 2007, and attached as Exhibit A-1 (the "Site Plan") (see case file), which such layout is conceptual in nature and may be revised from time to time as required for engineering purposes, as required by any governmental entity or as otherwise requested and specifically permitted at the time of Plan of Development review.
2. **Exterior Elevations.** The building on the Property shall have an exterior architectural style and use design elements similar with the concept drawings entitled "TOWN CENTER WEST" dated December 19, 2007, prepared by Housing Studio, and attached as Exhibit A-2 (see case file), which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such building. Such building shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, stucco and siding, exterior insulating finishing systems (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development review.

The building on the Property shall have at least thirty-five percent (35%) brick in the aggregate on the exposed exterior walls of such building, with the front exposed exterior wall being constructed of at least fifty percent (50%) brick.

The building on the Property shall not be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development review.

Roof design shall be implemented so as to minimize building mass and offer variations in building appearance.

3. **Buffers.** Landscaped buffers shall be provided and designed with a cohesive landscape planting plan generally consistent with the "POD 1 SCHEMATIC BUFFER PLAN" dated November 7, 2007, prepared by Timmons Group and attached as Exhibit A-3 (see case file), which is conceptual in nature and may vary in detail as otherwise requested and specifically permitted at the time of landscape plan approval. Roads, sidewalks, utility easements, fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffers.

4. **Vehicular Access.** Unless otherwise requested and specifically permitted at the time of Plan of Development review, access to the Property from West Broad Street shall be provided by Towne Center West Boulevard (private) and Henley Lane (private) as shown on the Site Plan (see case file).
5. **Residential Units and Density.** No more than ninety (90) dwelling units shall be constructed on the Property.
6. **Square Footage of Residential Units.** One (1) bedroom units shall be a minimum of eight hundred (800) square feet of finished floor area in size, two (2) bedroom units shall be a minimum of one thousand one hundred (1,100) square feet of finished floor area in size.
7. **Amenities.** Amenities for the residents on the Property shall include a common space residential terrace on level 2 of the building, as well as a swimming pool, a fitness facility and clubroom with a minimum size of two thousand (2,000) square feet shall be provided on the Property for the exclusive use of the residents of the Property and their guests. A certificate of occupancy for the swimming pool, fitness facility and club room shall be issued prior to the issuance of any certificate of occupancy for the 45<sup>th</sup> dwelling unit in the building.
8. **Parking.** Exclusive parking spaces for residents of the Property shall be provided using an access control system.
9. **Loading Docks.** Loading docks shall be screened from public view at ground level as approved at the time of Plan of Development review by use of a wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such other method as may be approved at the time of Plan of Development review.
10. **Trash receptacles.** Any dumpsters and trash receptacles located outside the building, not including convenience cans, shall be screened from public view at ground level with architectural material similar to the main building using such dumpster or trash receptacle unless otherwise requested and approved at the time of Plan of Development review.
11. **Trash removal.** Trash removal on the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
12. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.
13. **Stone Mulch.** Aggregate stone media shall not be used as a mulch in any landscaped buffer area on the Property nor in any parking lot landscaping areas (including islands), unless otherwise requested and specifically permitted at the time of Plan of Development review.

14. **Outdoor speakers.** No public address or speaker systems outside of any building shall be permitted.
15. **Parking Lot and Exterior Lighting.** Parking lot lighting shall be produced from concealed sources of light and the lighting standards shall not exceed twenty (20) feet in height. The exterior lighting on the Property shall be designed with a cohesive plan so that all exterior lighting shall use compatible design elements with the remainder of Towne Center West. Exterior light fixtures shall be produced from concealed sources of light unless other low intensity decorative ornamental fixtures such as gas style lamps are approved at the time of Plan of Development review. At no time shall the parking lot lighting exceed one-half (½) footcandle at the right-of-way lines along West Broad Street.
16. **Pedestrian Circulation.** Pedestrian circulation shall be provided throughout the Property. Except as required at the time of Plan of Development review, such walkways along or on roads, parking areas and access areas used for motor vehicles on the Property shall be constructed of material different than such roads, parking areas and access areas. Such walkways may be constructed of, but not limited to, brick pavers, concrete, stamped concrete, aggregate concrete or other similar material.
17. **Pedestrian Access to Adjoining Properties.** The Property shall be developed in a fashion that provides pedestrian access to other portions of the Towne Center West Development as required by the Planning Commission at the time of Plan of Development.
18. **Stormwater Management.** Stormwater runoff will be managed via underground stormwater detention facilities unless otherwise approved by the Planning Commission at the time of Plan of Development approval.
19. **Site Coverage.** The Property shall be subject to the site coverage ratio required by Proffer number 23 from Case C-49C-04.
20. **Use Restrictions.** The following uses shall be prohibited:
  - a. laundromats and self-service dry-cleaning establishments;
  - b. 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 (1950), in effect as of the date of the approvals of these proffers (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
  - c. lodge and fraternal organization;
  - d. funeral home, mortuary and/or undertaking establishment;
  - e. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use); and
  - f. any "adult business" as defined by the Henrico County Zoning Ordinance.
21. **Hours of Operation.** No 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.

22. **Sound Suppression Measures.** Sound suppression measures shall be provided in the common wall between attached residential units with at least a 55 sound coefficient rating. Sound suppression measures shall be provided in the floor to ceiling between commercial and residential units with at least a 58 sound coefficient rating. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound coefficient ratings, shall be included in the building permit application.
23. **Sprinklers.** All residential and commercial units shall be sprinkled for fire protection as required by the Virginia Statewide Fire Prevention Code.
24. **Building Entrances.** The building shall contain separate entrances for both the residential and commercial uses of the building. No entrance shall provide access to both a residential and commercial unit within the building. Signage shall be provided to identify access to the upper floor residential units.
25. **Protective Covenants.** The Property shall be subject to protective covenants required by Proffer number 24 from Case C-49C-04.
26. **Restaurant Ventilation.** Restaurants on the Property shall be equipped with an adequate ventilating and exhaust system to minimize smoke, odors and grease vapors on the residential units located above. The plans and specification for such systems shall be included with the building permit application for review and approval by the County.
27. **Curb and Gutter.** Curb and gutter shall be used on all streets and shall be designed to meet the current County standard for either "roll top" curb and gutter, which shall measure not less than three (3) feet from edge of pavement on back of curb, or six (6) inches standard curb and gutter.
28. **Burning on Site.** There shall be no burning of construction debris, materials or vegetation on the Property, except to provide warmth to workmen using drums not exceeding fifty-five (55) gallons.
29. **Satellite Dishes.** Satellite dishes larger than that permitted by Federal law without restriction (one meter in diameter) shall not be visible from public view at ground level.
30. **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.

The vote of the Board was as follows:

Aye

Nay

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

168-07            Town Center West, LLC: Request for a Provisional Use Permit under Sections  
P-19-06            24-36.1(b), 24-120 and 24-122.1 of the County Code to permit retail uses within a  
Three Chopt      proposed multifamily development on Part of Parcel 734-764-9340, located  
                         approximately 320 feet north of W. Broad Street (U.S. Route 250) and 540 feet  
                         east of N. Gayton Road.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 168-07 (P-19-06) subject to the following conditions:

1. The uses and improvements shown on each Plan of Development shall adhere to the proffered conditions of rezoning case C-59C-06.
2. The applicant shall provide information as requested by the Director of Planning to ensure the project is developed in conformance with proffers, schematic plans, and elevations.
3. When ownership of real property is transferred, the applicant will contact the Director of Planning about the need to submit a Transfer of Provisional Use Permit. This condition does not apply to sale of individual condominiums.
4. Prior to occupancy of any structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.
5. The maximum square footage of any use shall not exceed eleven thousand (11,000) square feet in floor area, except that a fitness center/health club may be permitted up to thirty thousand five hundred (13,500) square feet of floor area, unless a greater square footage is approved by the Director of Planning.

The vote of the Board was as follows:

Aye

Nay

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

372-07            Attack Properties: Request to conditionally rezone from A-1 Agricultural District  
C-46C-07        to R-3C One-Family Residence District (Conditional), Parcel 750-773-1173 and  
Three Chopt     part of Parcel 751-773-4286, containing approximately 34.9 acres, located between  
the terminus of Opaca Lane and the Chickahominy River.

Mr. Emerson confirmed for Mr. Kaechele that the new proffers addressed all of the concerns contained in the staff report. Jim Theobald, a representative of Attack Properties, noted for Mr. Thornton that the projected price range of the homes was approximately \$500,000 without extras. Mr. Kaechele commented that the proposed development would be in a prime location near a new elementary school, would be close to a lot of good amenities, and would have the potential to be a first-class subdivision. He noted that a number of neighborhood meetings had been held to review the case and a number of items that had been pointed out had been addressed.

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

On motion of Mr. Donati, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 372-07 (C-46C-07) subject to the following proffered conditions:

1.     **Density.** No more than ninety (90) residential units shall be constructed on the Property.
2.     **Foundations and Front Steps.** All houses shall be constructed on foundations. Except for garage floors, slab foundations shall be prohibited. Steps to the main entrance of all homes, except for homes with country porches, shall be faced with brick or stone or a cementitious, mortared stone-appearing product. Front stoops, except for homes with country porches, shall be brick or stone or a cementitious, mortared stone-appearing product with finished concrete or exposed aggregate landing. Any country porches shall have brick piers.
3.     **No Cantilevering.** There shall be no cantilevered features including, but not limited to, bay windows, closets, chimneys or gas vent units.
4.     **Chimneys.** The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundations.
5.     **Minimum House Size.** All homes shall have a minimum of two thousand two hundred fifty (2,250) square feet of finished floor area.
6.     **Garages.** All homes on the Property shall have a minimum of a two (2) car garage.
7.     **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
8.     **Restrictive Covenants.** Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), a

document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property.

9. **Exception.** These proffers are not applicable to the existing home on the Property.
10. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:
  - a. Stormwater management and/or retention areas.
  - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.
  - c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
  - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance").

The Owner shall, prior to Plan of Development or subdivision approval for areas that include such flood plain, apply to rezone such portions of the Property to a C-1 Conservation District.

The location and limits of such portion(s) of said Property shall be established by Plan(s) of Development and/or subdivision plats approved pursuant to the Zoning and/or Subdivision Ordinance.

11. **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.
12. **Traffic Calming Measures.** Traffic calming measures shall be considered for roads within and adjoining the Property at the time of subdivision approval in order to discourage cut-through traffic. Such measures may include speed humps and signage. Any measures required by the County shall be installed at the expense of the Developer.
13. **Sidewalk.** Subject to obtaining all required governmental approvals and permits, a pedestrian sidewalk shall be provided in accordance with County standards in the County's right-of-way on the north and south sides of Holman Ridge Road Extended if requested by the County at the time of subdivision review.

14. **Exterior Materials.** Primary exterior wall materials (exclusive of windows, gables and doors) shall be brick, stone, cultured stone, high-grade vinyl (a minimum of .040" nominal thickness as evidenced by manufacturer's printed literature), cementitious siding (e.g. Hardiplank) 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 subdivision review. A minimum of twenty-five percent (25%) of all homes as to the visible portions of the front exterior building wall surfaces below eave height, excluding windows, doors, dormers, breezeways, gables and architectural design features, shall be of brick or stone construction unless an equivalent material is requested and specifically approved at the time of subdivision review. Fiberboard shall not be permitted as an exterior wall material.
15. **Entrance Feature.** An entrance feature shall be provided at the entrance to the Property at the existing terminus of Holman Ridge Road generally as shown on the exhibit attached hereto (see case file).
16. **Driveways.** All driveways shall be paved.
17. **Street Trees.** A minimum of two (2) trees shall be planted in each front yard upon home completion.
18. **Sod and Irrigation.** The front and side yards of all homes constructed on the Property shall be initially sodded and served by individual lot irrigation systems.
19. **Minimum Lot Width.** The minimum lot width at the building line, as defined by Henrico County, shall be a minimum of eighty-five (85) feet.

The vote of the Board was as follows:

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

29-08                      W2005 WRL Realty, LLC: Request to amend proffered conditions accepted with  
C-65C-07                      Rezoning Case C-57C-06, on Parcel 736-762-2022, located at the southwest  
Three Chopt                      intersection of West Broad Street (U.S. Route 250) and Lauderdale Drive.

Mr. Kaechele asked to see site elevations from the original case and expressed concern about the front elevation of the grocery store. In response to a question from Mr. Kaechele, Mr. Emerson explained how proffer 42 would address clearing of the townhouse property.

The applicant's representative, Jim Theobald, provided site elevations and commented on the case at Mr. Kaechele's request. He referred to new conditions had been were proffered by the applicant to address concerns that Wellesley residents and the Wellesley Homeowners Association

had with the original plan. Mr. Theobald explained how the front elevations of the proposed Kroger would fit in with the proffered elevations for the rest of the center, reviewed some of the site renderings, and revisited some of the more significant proffered conditions. In response to further questions from Board members, Mr. Theobald clarified the hours of operations that would be permitted for loading dock deliveries; explained that the size of the proposed Kroger would be smaller than the normal prototype; and commented on the location, size, and success of an existing Kroger store in the area.

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

On motion of Mr. Donati, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 29-08 (C-65C-07) subject to the following proffered conditions:

1. **Conceptual Master Plan.** Development of the Property shall be in general conformance with the Conceptual Master Plan entitled "The Corner at Short Pump Richmond, Virginia" prepared by Bignell Watkins Hasser Architects P.C. dated November 20, 2007 and attached hereto (the "Master Plan") (see case file), which Master Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development or subdivision review.
2. **Buffer Areas.** Landscaped and/or natural buffer areas, and/or berms shall be provided along the boundaries of the Property as set forth below and as determined at the time of landscape plan review, except to the extent necessary, or allowed, for entrance drives, turn lanes, sidewalks, utility easements, grading, fencing and signage and other purposes requested and specifically approved, or if required, at the time of Plan of Development or subdivision review:
  - a. fifty (50) feet in width parallel and adjacent to the West Broad Street right-of-way;
  - b. twenty-five (25) feet in width along the western boundary of the Property adjacent to property zoned A-1;
  - c. twenty-five (25) feet in width parallel and adjacent to the Three Chopt Road northern and southern rights-of-way. Landscaping shall be provided in the buffer on the northern right-of-way of Three Chopt Road consisting of supplemental plantings as per Thirty-Five (35) Foot Transitional Buffer requirements where facades of retail buildings do not have store front treatments; and
  - d. all landscape plans shall be considered by the Planning Commission.
3. **Sidewalks.** Subject to obtaining all required governmental and/or Wellesley Homeowners' Association ("WHOA") easements, approvals and permits, a pedestrian sidewalk shall, concurrent with the development of any portion of the Property, be installed in accordance with County standards in the County's right-of-way or WHOA common area along the western right-of-way line of Lauderdale Drive to Park Terrace Drive and along the north and south right-of-way lines of Three Chopt Road if requested by the County at the time of Plan of Development or subdivision review.

4. **Pedestrian Accessways and Intersection Crossings.** A pedestrian access system shall be provided connecting the major project areas of the development. Subject to obtaining all required governmental easements, approvals and permits, a four-way pedestrian crossing shall be provided at and within the intersection of Three Chopt Road and Lauderdale Drive with signalization related thereto.
5. **Underground Utilities.** All utility lines on the Property shall be underground, except for junction boxes, meters, existing and/or relocated existing overhead utility lines and lines in wetland areas.
6. **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.
7. **Construction and Dedication of Three Chopt Road Extended.** Commencing with the construction of the first building on the Property, the developer shall dedicate a maximum of an eighty (80) foot right-of-way exclusive of turn lanes (or a 66 (sixty-six) foot right-of-way dedication exclusive of turn lanes to the extent that a Streetscape Buffer deviation consistent with Proffer 2.c. is not granted pursuant to Sec. 24-92.3 of the Henrico County Code) and commence construction of Three Chopt Road Extended from Lauderdale Drive to the western property line. Three Chopt Road Extended shall be constructed within the aforesaid right-of-way as a four (4) lane road and if a deviation is granted as contemplated above, divided (except for turn lanes and median breaks) with a landscaped median. The developer shall be responsible for the maintenance of the landscaping within the median and enter into an agreement satisfactory to the County regarding same. 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 shall revert to the owner or its successors in interest.
8. **Stormwater Facilities.** Any on-site BMPs shall be located underground, unless otherwise requested and specifically approved at the time of Plan of Development or subdivision review.

**APPLICABLE TO B-2C ZONED PROPERTY  
(THE "RETAIL PROPERTY")**

9. **Elevations.** Development of the Retail Property shall be in general conformance with the architectural appearance shown on the elevations attached hereto (see case file), unless otherwise requested and specifically approved at the time of Plan of Development.
10. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any building on the Retail 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. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, E.I.F.S., stone, split face block, cementitious, composite-type siding, 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.

11. **Buffer Area.** In addition to the buffers provided above, a fifty (50) foot landscaped and/or natural buffer area, and/or berms, shall be provided parallel and adjacent to the Lauderdale Drive right-of-way as determined at the time of landscape plan review, except to the extent necessary, or allowed, for entrance drives, turn lanes, sidewalks, utility easements, grading, fencing and signage and other purposes requested and specifically approved, or if required, at the time of Plan of Development. Such landscape plan shall be considered by the Planning Commission.
12. **Protective Covenants.** Prior to or concurrent with the conveyance of any part of the Retail 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 Retail 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 Retail Property. The covenants shall also provide for high standards of uniform maintenance (consistent with "Class A" retail projects) of individual sites, common areas, open spaces, landscaping and private streets, and provide for minimum development and operational standards for each site.
13. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty-five (25) 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.
14. **Prohibited Uses.** The following uses shall be prohibited:
  - a. automotive filling and service stations including towing service;
  - b. billiard, bagatelle, video game or a bingo parlor;
  - c. flea markets or antique auctions;
  - d. billboards;
  - e. recycling facilities;
  - f. funeral homes, mortuaries, crematories and/or undertaking establishments;
  - g. dance halls;
  - h. attention getting devices;
  - i. truck stops;
  - j. gun shop, sales and repair;
  - k. parking garages or commercial parking lots;
  - l. sign painting shops;
  - m. communication towers;
  - n. car washes;
  - o. general hospitals, sanitoriums and charitable institutions for human care;
  - p. adult businesses as defined by Section 24-3 of the Henrico County Code;
  - q. 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);
- r. 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;
  - s. 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, unless otherwise requested and specifically permitted at the time of Plan of Development;
  - t. changeable message signs; and
  - u. sale of gasoline.
15. **Maximum Square Footage.** Except as set forth herein, no one retail user shall exceed seventy-five thousand (75,000) square feet in size on the Retail Property other than a single grocery store, which shall not exceed eighty-seven thousand (87,000) square feet in size on the Retail Property, exclusive of any mezzanine space, which space shall be limited to administrative support services and not for the sale of merchandise. Overall development of the Retail Property shall not exceed two hundred thirty-eight thousand (238,000) square feet, exclusive of mezzanine space in any grocery store.
16. **Hours of Grocery Delivery.** Hours of delivery to any grocery store on the Retail Property shall be limited to the hours between 6:00 a.m. and 11:00 p.m.
17. **Building Height.** Retail buildings shall not exceed forty-five (45) feet in height and any office buildings shall not exceed fifty (50) feet in height, exclusive of architectural treatments.
18. **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 buildings at ground level at the Retail Property lines as approved at the time of Plan of Development. Convenience cans shall be within or part of a decorative container.
19. **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. The number of refuse containers shall be adequate for the development as determined at the time of Plan of Development.
20. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the Retail Property lines as approved at the time of Plan of Development.
21. **Hours of Trash Pickup; Parking Lot Cleaning.** Trash pick-up from the Retail Property and parking lot cleaning 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 pick-up or parking lot cleaning on Sundays.

22. **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.
23. **Loading Docks.** Any loading docks shall be screened with a masonry wall matching the building it serves. There shall be no loading areas located between West Broad Street Road and any building located adjacent thereto and between Lauderdale Drive and any building located adjacent thereto.
24. **Drive Through Windows.** No more than two permitted establishments may have drive through windows.
25. **Signage.** Signage for the Retail Property shall be in general conformance with the typical signage examples illustrated in the elevations filed herewith (see case file), unless otherwise requested and specifically approved at the time of Plan of Development. There shall be no attached signage (other than directional signage) on facades of retail buildings parallel to Three Chopt Road if such facades do not include store front treatments. Any detached signs shall be located at entrances and/or intersections, shall be ground mounted, monumental-type signs and shall not exceed ten (10) feet in height, unless otherwise requested and specifically approved at the time of Plan of Development.
26. **Screening of Utilities.** Landscaping shall be utilized to mitigate the visual impact of meters, transformers and phone pedestals.

#### **APPLICABLE TO RTHC ZONED PROPERTY (THE "TOWNHOUSE PROPERTY")**

27. **Buffer Areas.** In addition to the buffers provided above, landscaped and/or natural buffer areas, and/or berms, shall be provided twenty (20) feet in width adjacent to the southern property line of the Townhouse Property as follows: (i) existing vegetation within the first ten (10) feet as measured from the property line shall remain undisturbed, except for removal of fallen, diseased or dead plant growth, and for supplemental plantings, and (ii) the remaining ten (10) feet shall not contain any buildings and shall consist of additional landscaping as approved at the time of landscape plan approval, except to the extent necessary or allowed for utility easements, sidewalks, grading, fencing and other purposes requested and specifically permitted, or if required, at the time of Plan of Development or subdivision review. Such landscape plan shall be considered by the Planning Commission.

28. **Chimneys.** No chimneys or gas vent units shall be cantilevered. The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundations.
29. **Foundations.** The exposed exterior portions of any exterior residence foundations shall be constructed of brick or stone.
30. **Garages.** All homes shall have a minimum of a one (1) car garage.
31. **Protective Covenants.** Prior to or concurrent with the recordation of the first subdivision plat or Plan of Development approved by the County and before the conveyance of any portion of the Townhouse Property covered by said subdivision plat or Plan of Development (other than for the dedication of easements, roads or utilities), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Townhouse Property.
32. **Street Lighting Standards.** Street lighting fixtures shall not exceed sixteen (16) feet in height above grade level. Street lighting shall be non-glare, decorative in style, and residential in character.
33. **Density/Units in a Row.** There shall be no more than seventy-nine (79) units developed on the Townhouse Property. There shall be no more than six (6) units developed in a row.
34. **Exterior Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of any building 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) of brick, stone, cementitious siding, 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. A minimum of fifty percent (50%), in the aggregate, of the visible portions of the front exterior building wall surfaces below eave height of at least fifty percent (50%) of the townhomes, excluding windows, doors, dormers, breezeways, gables and architectural design features, shall be of brick or stone construction unless an equivalent material is requested and specifically approved at the time of Plan of Development. A minimum of twenty-five percent (25%), in the aggregate, of the visible portions of the front exterior building wall surfaces below eave height of at least fifty percent (50%) of the townhomes, excluding windows, doors, dormers, breezeways, gables and architectural design features, shall be of brick or stone construction unless an equivalent material is requested and specifically approved at the time of Plan of Development. As an alternative to the preceding two sentences, a minimum of thirty-seven and one-half percent (37.5%) of the front façade of a building of units, excluding windows, doors, dormers, breezeways, gables and architectural design features, shall be of brick or stone construction unless an equivalent material is requested and specifically approved at the time of Plan of Development. One hundred (100) percent, in the aggregate, of the visible portions of the rear and side exterior building wall surfaces of each building of units which face a public right-of-way shall be of brick or stone construction, excluding windows, doors, dormers,

breezeways, gables and architectural design features, unless an equivalent material is requested and specifically approved at the time of Plan of Development.

35. **Trash.** There shall be no central trash receptacles.
36. **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 Friday, and 9:00 a.m. and 7:00 p.m. on 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.
37. **Square Footage.** All townhomes shall have at least one thousand eight hundred (1,800) square feet of finished (heated) floor area.
38. **Sound Suppression Measures.** Sound suppression measures with at least a 54 sound coefficient rating shall be provided between units. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, shall be included in the building permit application.
39. **Lawn Areas Irrigated.** Front yard areas of the Property shall be initially sodded and shall be served by an irrigation system.
40. **Buffer Area.** In addition to the buffers provided above, a thirty-five (35) foot landscaped and/or natural buffer area, and/or berms, shall be provided parallel and adjacent to the Lauderdale Drive right-of-way as determined at the time of landscape plan review, except to the extent necessary, or allowed, for sidewalks, utility easements, decorative fencing and other purposes requested and specifically approved, or if required, at the time of Plan of Development or subdivision review. Such landscape plan shall be considered by the Planning Commission.
41. **Fire Sprinkler System.** A fire sprinkler system shall be provided for all townhomes.
42. **Building Height.** The front and rear elevations of all townhomes shall be a minimum of two (2) stories in height.
43. **Clearing of Townhouse Property.** Clearing and grading of the Townhouse Property other than as necessary for the construction of Three Chopt Road Extended, traffic control devices, sidewalks and the extension of utilities shall not occur until a Plan of Development has been approved and a land disturbance permit issued for the Townhouse Property.

The vote of the Board was as follows:

Aye

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

Nay

30-08 Katherman Investments, Inc.: Request to conditionally rezone from A-1  
C-62C-07 Agricultural District to O-2C Office District (Conditional), Parcels 749-754-7958  
Tuckahoe and 749-754-7268, containing 2.172 acres, located at the southwest intersection of  
Gaskins and Three Chopt Roads.

Jean Moore, Principal Planner, responded to questions from Board members relating to proposed site entrances, building setbacks, and site buffers and to a question from Mr. Hazelett concerning the directions in which proposed buildings on the site would face.

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

At Mrs. O'Bannon's request, the applicant's representative, Mr. Theobald, reviewed an exception to the proffered conditions dealing with the existence of a house on the site that had been converted to an office building by the current owner. Mrs. O'Bannon noted that this case involved an expansion of a professional office condominium park that had been well received in the community. She further noted that a couple of previous cases on this particular corner had not been well received by the public.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 30-08 (C-62C-07) subject to the following proffered conditions:

1. **Exception.** Proffers 4, 6, 7, 8, 9 and 11 are not applicable to the existing structure and outbuildings on the Property for a period of six (6) years and thirty (30) days from the date of final rezoning approval by the Board of Supervisors.
2. **Use Prohibitions.** Establishments whose 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, credit unions, savings and loans or similar institutions that are not regulated by the foregoing Virginia Code Sections), daycare, schools, and funeral homes shall be prohibited. Drive through services, accessory to any permitted use, shall be prohibited.
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. **Trash Enclosures.** Enclosure areas for any dumpsters on the Property shall be constructed of brick on three (3) sides that is complementary to that which is utilized in the primary building. The fourth side shall be gated with an opaque material other than wood. The

location of any enclosures for dumpsters shall be determined at the time of Plan of Development.

5. **Parking Lot Lighting.** Parking lot lighting shall be produced from concealed sources of light. Parking lot lighting shall not exceed twenty (20) feet in height as measured from grade and shall be positioned in such a manner as to minimize the impact of such lighting offsite.
6. **Building Height.** Except for the proposed building at the corner of Three Chopt and Gaskins Roads, which shall not exceed thirty-five (35) feet in height, exclusive of architectural design features permitted in Section 24-95(a)(1) of the Henrico County Zoning Ordinance, other building(s) constructed on the Property shall not exceed twenty (20) feet in height, exclusive of architectural design features permitted in Section 24-95(a)(1) of the Henrico County Zoning Ordinance.

7. **Buffers.**

- a. Three Chopt Road and Gaskins Road: A buffer a minimum of thirty-five (35) feet in width, which is landscaped and/or contains existing vegetation in such a manner to visually screen any parking and/or service areas, shall be provided along Gaskins Road and Three Chopt Road as measured from the ultimate right-of-way. The buffer shall be planted with trees and shrubs required in the Henrico County Zoning Ordinance for a transitional buffer 25. In the event that grading and/or construction requires the removal of existing trees in this thirty-five (35) foot buffer, supplemental plantings shall be made to maintain the transitional buffer 25 requirements. Stormwater/BMP facilities shall not be permitted within said buffer unless located underground.
- b. Internal Landscaping: Internal landscaping shall generally conform to that shown on the Conceptual Plan as hereinafter defined and shall meet a twenty-five (25) percent canopy coverage. This landscaping is subject to review and approval at the time of Landscape Plan approval. All landscaped areas shall be irrigated.
- c. Preservation of Trees within Wetlands: Trees shall be preserved within the wetland areas except for roads and utility easements which may pass through the wetlands in a generally perpendicular manner (unless currently existing). Other uses, as may be required or permitted at the time of Plan of Development, may also pass through the wetlands (i.e. Recreation areas).
- d. Notwithstanding Proffer 7.a. above, where buffers include trees with a diameter of four (4) inches or greater, such trees shall be preserved except to allow for roads and utility easements which may pass through the buffers in a generally perpendicular manner (unless currently existing). Other uses as may be required or permitted at the time of Plan of Development may also pass through the buffers. Where permitted or practicable, areas disturbed for the placement of utilities within the buffer areas shall be restored. Existing vegetation and

underbrush, fallen, diseased or dead plant growth may be removed from such buffer areas, and if so removed, additional plantings shall be added.

8. **Conceptual Plan.** Unless otherwise approved at the time of Plan of Development, the office development shall be developed in substantial conformance with the Conceptual Plan prepared by Balzer & Associates, Inc. entitled "Gaskins Schematic Layout Tuckahoe District Henrico County, Virginia" dated July 23, 2007 (see case file).
9. **Architecture.** Unless otherwise approved at the time of Plan of Development, the one (1) story buildings shall be substantially in conformance with the elevations attached hereto as "Exhibit B" (see case file), and any two (2) story building shall be substantially in conformance with the elevations attached hereto as "Exhibit A" (see case file). The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be mainly brick with columns and decorative features in alternate materials such as E.I.F.S., vinyl, wood, etc., and excluding windows, doors, breezeways, and other architectural design features.
10. **Signage.** Any detached signs on the Property shall be ground mounted, monolithic-type signs. Such signs shall not exceed six (6) feet in height as measured from the grade of the adjacent street level and shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way. Attached signs on the Property shall be externally lit and shall consist of individual letters and/or logos. Cabinet signs shall be prohibited. No portable and/or changeable copy signage shall be permitted on-site.
11. **Utility Equipment.** Roof top and ground level mechanical equipment and utility boxes shall be screened from public view and designed to be perceived as an integral part of the building and shall not be visible from Gaskins Road or Three Chopt Road as determined at the time of Plan of Development. Any utility meters and/or boxes attached to any building and facing Gaskins Road or Three Chopt Road shall be screened from public view as determined at the time of Landscape Plan Review.
12. **Sidewalk.** A sidewalk shall be provided along Gaskins Road and Three Chopt Road and shall meet Henrico County standards. Such sidewalk shall not be located within the thirty-five (35) foot buffer provided for in Proffer 7.a. and shall be within the right-of-way.
13. **BMP.** If the stormwater management pond is a wet pond, it shall be designed to include a water feature, such as a fountain or aeration system that shall mitigate mosquito breeding. In any case, any stormwater management pond located on the property shall be landscaped as approved at the time of Plan of Development on the Property. Stormwater/BMP facilities shall not be permitted within road frontage buffers unless located underground.
14. **Burning.** During the period of construction on the Property, there shall be no burning of natural materials or construction debris.

15. **No Access.** Except as provided herein, there shall be no direct vehicular access to and from the Property from Three Chopt Road or Gaskins Road. Vehicular access to and from the Property shall be through the development which was the subject of Case No. C-33C-03. The existing access to the Property on Three Chopt Road shall be closed upon access being provided through the development which was the subject of Case No. C-33C-03.
16. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, all or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
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. 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.
18. **Plan of Development Application.** An application for a Plan of Development which includes the existing structure and outbuildings shall be filed within six (6) months from the date of final rezoning approval by the Board of Supervisors.

The vote of the Board was as follows:

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

Nay

402-07                      Creighton & Laburnum LLC: Request to conditionally rezone from A-1  
C-29C-07                  Agricultural District, B-2C Business District (Conditional) and M-1C Light  
Fairfield                  Industrial District (Conditional) to B-2C Business District (Conditional) and M-1C  
                                  Light Industrial District (Conditional), Parcels 807-730-9116, 808-730-2377, 808-  
                                  730-6309, 808-730-4825, 808-730-3946, 808-730-3162, and 808-730-6227,  
                                  containing approximately 27.04 acres (B-2C 7.37 ac; M-1C 19.67 ac), located at  
                                  the northwest intersection of N. Laburnum Avenue and Creighton Road.

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

Mr. Thornton complimented and expressed appreciation to the County staff and to the applicant's representative, Mr. Theobald, and his staff for their patience and flexibility with this case. He opined that the eastern corridor of the County would be enhanced by this development. Mr. Theobald thanked Mr. Thornton, other Board members, and several members of the County staff who helped work through these issues. He elaborated on meetings he had held with staff during the past 30 days,

with Mr. Thornton's encouragement, concerning the planned realignment of Creighton Road. Mr. Theobald advised that the applicant had agreed to dedicate without cost to the County the entirety of the right-of-way that comes through its property. In response to a question from Mr. Kaechele, Mr. Theobald stated that he thought the timing of the Creighton Road realignment and the applicant's proposed development would work out for both parties. Mr. Theobald thanked everyone again for their hard work and Mr. Thornton once again thanked Mr. Theobald.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 402-07 (C-29C-07) subject to the following proffered conditions:

### **APPLICABLE TO ALL**

1. **Site Plan.** The Property shall be developed in general conformance with one of the following conceptual site plans depending upon the alignment of Creighton Road as determined by the County, unless otherwise requested and specifically approved at the time of Plan of Development: (a) "Stoney Run" prepared by Bay Design Group dated October 15, 2007 attached hereto as Exhibit A (see case file); or (b) the site plan dated January 22, 2008 attached hereto as Exhibit A-1 (see case file).
2. **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 approved at the time of Plan of Development. Except for decorative or period-style lighting fixtures or landscape lighting, parking lot lighting shall be produced from concealed sources.
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. **HVAC.** 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.
5. **Central Trash Receptacles.** Dumpsters, trash receptacles, not including convenience cans and recycling receptacles, and compactors at ground level at the property lines shall be screened from public view with masonry enclosures which complement the architectural design of the buildings as approved at the time of Plan of Development. Convenience cans and/or recycling receptacles, if any, shall be within or part of a decorative container.
6. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the Property lines with enclosures compatible with the architectural design of the buildings as approved at the time of Plan of Development.
7. **Outside Speakers.** There shall be no outside speakers which may be heard beyond the boundaries of the Property.
8. **BMPs.** Any wet BMP shall be aerated.

9. **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 any of the other proffers or the unaffected part of any such proffer.
10. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain (as determined by definitive engineering studies approved by the Department of Public Works, excluding those areas for which permits are issued allowing fill-in and development) may only be used for the following purposes:
- a. Storm water management and/or retention areas.
  - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.
  - c. Access drives, infrastructure, utilities, signage, walkways and recreational facilities installed in a manner to minimize their impacts.
  - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the Henrico County Code.

and the Owner shall, prior to Plan of Development approval, apply to rezone such portions of the Property within the flood plain, as are included within the Plan of Development or adjacent thereto, to a C-1 Conservation District.

11. **Buffer Area.** Landscaped buffer areas a minimum of twenty-five (25) feet in width shall be provided and maintained on the Property adjacent to the ultimate right-of-way line of Laburnum Avenue and the ultimate right-of-way line of Creighton Road (as such rights-of-way lines shall be determined by the Director of Public Works at the time of Plan of Development). Sidewalks, utility easements, turn lanes, signage, access drives and any other uses as requested and specifically permitted at the time of Plan of Development shall be permitted within such buffers, provided that any such access drives or utility easements (other than existing easements) shall be extended generally perpendicular to Laburnum Avenue and Creighton Road through such buffers, unless otherwise requested, and specifically approved, at the time of Plan of Development. Buffers along Laburnum Avenue and Creighton Road which contain turn lanes shall maintain at least ten (10) feet in width of green space and shall include supplemental landscaping as determined at the time of Landscape Plan Review.
12. **Sidewalks.** Subject to obtaining all required governmental approvals and permits, a sidewalk shall be provided along Laburnum Avenue to the southernmost entrance of the Property, and shall be constructed to current County road standards and specifications for sidewalks.

13. **Landscaping and Lighting Plan.** A landscaping and lighting plan for the development shall be filed at the time of Plan of Development.
14. **Roofs.** All buildings shall have mansard, gable, and/or hip-styled roofs, or the appearance of these sloped-type roofs, except that buildings adjacent to RPAs with the rear façade facing the western boundary line of the Property and which are not immediately adjacent to Creighton Road may exclude such roof treatments on the rear, unless and except as otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development.
15. **Creighton Road Dedication.** The Owner, upon written request of the Director of Public Works, shall dedicate without cost to the County, the right-of-way over the Property for the proposed re-alignment of Creighton Road in the location as substantially shown on Exhibit A-1 (see case file). 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 shall revert to the owner or its successors in interest.

#### **APPLICABLE TO PROPERTY ZONED M-1C**

16. **Use Restriction.** The M-1 zoned Property shall be used only for those uses permitted in an Office Service 2 District, as well as such uses as are customarily accessory and incidental thereto, and shall be regulated by Office Service 2 standards, regulations, and restrictions, except that the following shall not apply:
  - a. Section 24-50.33(f); and
  - b. Section 24-50.34(a)-(f).
17. **Loading Docks.** Service and delivery loading docks will be screened from view from the public roadways or any adjacent residential districts and treated with architectural elements or decorative fencing and/or evergreen landscaping to screen their visibility from the public roadways, as determined by the Director of Planning at the time of Plan of Development review.
18. **Signage; Attention-Getting Devices.** Detached signs will be monument-style signs not to exceed eight (8) feet in height and shall contain materials that are compatible with the exterior materials used on the buildings. No pole signs or inflatable or other attention-getting devices shall be permitted unless specifically requested and approved at the time of Plan of Development. No detached signs shall be lit internally.
19. **Exterior Materials/Elevations.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be complementary in architectural treatment and materials with the exposed portions of other exterior walls of such building. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) primarily constructed of brick and glass, except that the rear exterior walls of buildings facing the western boundary line of the Property and adjacent to RPAs and which are not immediately adjacent to Creighton Road may be constructed primarily of brick and/or split face block, unless different

architectural treatment and/or materials are requested and specifically approved by the Planning Commission at the time of Plan of Development. Accent materials for buildings may include E.I.F.S., stone, split face block, concrete tilt-up panels, cementitious, composite-type siding, or a combination of the foregoing, unless different architectural treatment and/or materials are requested and specifically approved by the Planning Commission at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block. All buildings shall be complementary in design and materials with the elevations attached hereto as Exhibit B (see case file), unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development.

#### **APPLICABLE TO PROPERTY ZONED B-2C**

20. **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. communication towers;
- k. adult business as defined in the Henrico County Zoning Ordinance;
- l. 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);
- m. 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;
- n. off-track betting parlor;
- o. private club, lodge, meeting hall or fraternal organization;
- p. drapery making and furniture upholstery shop;
- q. self-storage facility;
- r. recreation facility, indoor, to include a theater, bowling alley, skating rink (ice skating and roller skating), swimming pool, tennis, model racing track, archery range, rifle or pistol range, and similar activities;
- s. Massage parlors, not to include spa, massage and other therapeutic establishments where employees performing massages, if any, are all duly licensed massage therapists in the Commonwealth of Virginia.

21. **Building Height.** No building constructed on the B-2C zoned property shall exceed thirty-five (35) feet in height above grade to the top of the proposed structure (exclusive of architectural features), unless requested and specifically approved at the time of Plan of Development.
22. **Signage; Attention-Getting Devices.** Detached signs will be monument-style signs not to exceed eight (8) feet in height and shall contain materials that are compatible with the exterior materials used on the buildings. No pole signs or inflatable or other attention-getting devices shall be permitted unless specifically requested and approved at the time of Plan of Development.
23. **Exterior Materials/Elevations.** 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 and complementary with 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) primarily constructed of brick and glass, unless different materials are requested and specifically approved by the Planning Commission at the time of Plan of Development. Accent materials for buildings may include E.I.F.S., stone, split face block, concrete tilt-up panels, cementitious, composite-type siding, 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. All buildings constructed on the Property shall be complementary in design and materials with the elevation attached hereto as Exhibit C (see case file), unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development.

The vote of the Board was as follows:

Aye

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

Nay

32-08                      Kalyan III, Inc.: Request to conditionally rezone from O-3C Office District  
C-60C-07                      (Conditional) to B-2C Business District (Conditional), Parcels 786-770-7883 and  
Fairfield                      786-770-9586, containing 3.575 acres, located between the east line of Telegraph  
Road and the west line of I-95 approximately 1,170 feet north of JEB Stuart  
Parkway.

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

Mr. Thornton thanked staff for working with the applicant.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 32-08 (C-60-07) subject to the following proffered conditions:

1. Business uses shall be limited to a hotel operation.
2. Signs shall be limited to the elevations attached (see case file) as exhibits A, B, C, D, E, F, G.
3. Signs will not incorporate any electronic or manual change reader board.
4. Overall height of freestanding signs on the property shall be limited to eight (8) feet.
5. Freestanding signs shall be monument style with brick base as per exhibits A and B (see case file).
6. Detached signs shall be located as shown on exhibit H site plan (see case file) unless otherwise approved by the Director of Planning.

The vote of the Board was as follows:

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

Nay

#### **PUBLIC HEARINGS - OTHER ITEMS**

404-07      Resolution – Signatory Authority – Extension of Lease – 8611 Dixon Powers Drive – Brookland District.

Mr. Hazelett noted that this item had been deferred because it had not initially been properly advertised and that there was a substitute paper to change the date of the public hearing to the date of this meeting. Steve Price, Assistant Director of Real Property, confirmed for Mr. Kaechele that the paper would authorize a two-year extension to the lease.

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

On motion of Mr. Glover, seconded by Mr. Thornton, the Board approved Mr. Glover's motion to substitute resolution 404A-07 for resolution 404-07. The vote of the Board was as follows:

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

Nay

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 404A-07 – see attached Substitute Resolution.

405-07 Resolution – Signatory Authority – Quitclaim of Drainage Easement – Spring Lake - Fairfield District.

Mr. Hazelett advised that a substitute paper would be required due to the change of the public hearing date.

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

On motion of Mr. Thornton, seconded by Mr. Glover, the Board approved Mr. Thornton's motion to substitute resolution 405A-07 for resolution 405-07. The vote of the Board was as follows:

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

Nay

On motion of Mr. Thornton, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 405A-07 – see attached Substitute Resolution.

33-08 Ordinance – Vacation of Portion of Alley Easement – Lot 5 - Block C – Buckingham Park – Three Chopt District.

In response to questions from Board members, Mr. Price and Mr. Hazelett clarified that this ordinance addressed an alley easement and they identified the location of other alley easements on adjoining properties.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 33-08 – see attached Ordinance.

### **PUBLIC COMMENTS**

Laura Dranoff, a resident of the Brookland District, referred to her appearance before the Board on November 27, 2007 and to follow up correspondence between her and Mr. Hazelett on which

the members of the Board were copied. She expressed concern that receipt of her December 19, 2007 certified letter to Mr. Hazelett was not acknowledged by any Board members. Ms. Dranoff read a portion of this letter for the record, which detailed her issues with the County during the past several years regarding the adequacy of a storm drainage system in the County's right-of-way adjacent to her property. In response to a question from Mr. Kaechele and comment from Mr. Hazelett, Ms. Dranoff acknowledged that she had received a response to her letter from Edward L. (Lee) Priestas, Director of Public Works, but she stated that his letter did not address the previous damage to her home. Mr. Hazelett explained the role and responsibility of the Board of Supervisors vis-à-vis the County Administration and noted that staff had tried its very best to do what it could for Ms. Dranoff and her situation. He advised that if Ms. Dranoff did not believe that staff was being reasonable and was in error legally, she had the right to proceed in civil court.

There was extended discussion between Ms. Dranoff and Mr. Hazelett relating to their respective positions on the adequacy of the County's response to Ms. Dranoff's letter. She voiced concerns that Mr. Hazelett is not taking responsibility for the employees of the County who are under his supervision. Mr. Kaechele suggested that Ms. Dranoff schedule an appointment with Mr. Hazelett and bring her attorney. Mr. Rapisarda referred to the large number of letters received by Board members and emphasized that this session was not for the debate of County Manager actions. He further emphasized that the Board is a policy making body that listens to complaints but is not to be interrogated. Mr. Kaechele pointed out that there were differences in opinion and because this could be a legal matter it could not be decided at this time. In response to a question from Mrs. O'Bannon, Ms. Dranoff confirmed that she had contact information for Mr. Hazelett.

### **GENERAL AGENDA**

- 34-08      Resolution – Authorization to Apply to Amend the Boundaries of the City of Richmond North Enterprise Zone Within Henrico County and to Add New County Incentives for Building Facade Improvements, Paving, Landscaping, and Demolition.

Mark Strickler, Director of Community Revitalization, responded to questions and concerns from Mr. Glover regarding why some applicants who had new development projects within enterprise zones were not being advised by County staff of enterprise zone benefits. He and Mr. Hazelett also responded to questions from Mrs. O'Bannon pertaining to how property owners are notified that they have been included within an enterprise zone and how the County markets enterprise zones. Mr. Glover reiterated that a specific applicant who had a Plan of Development (POD) case coming before the Planning Commission the following morning apparently knew nothing about enterprise zones or enterprise zone benefits. Mr. Glover acknowledged that although it would take a lot of effort on staff's part, staff needed to make sure that POD applicants are alerted up front about enterprise zone benefits. Mr. Hazelett agreed that property owners or potential developers within enterprise zones should be made aware of all of the incentives available to them when they enter the development process. He assured the Board that staff would take corrective action if needed to ensure adequate notification.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 34-08 – see attached Resolution.

- 35-08 Resolution – Award of Contract for Architectural and Engineering Services – Sixth Courtroom.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 35-08 – see attached Resolution.

- 36-08 Resolution – Award of Contract for Architectural and Engineering Services – Byrd Middle School Restroom and Concession.

On motion of Mrs. O’Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 36-08 – see attached Resolution.

- 37-08 Resolution - Award of Construction Contract – Clarke-Palmore Barn and Pump House Restoration.

On motion of Mr. Donati, seconded by Mrs. O’Bannon, and by unanimous vote, the Board approved Agenda Item No. 37-08 – see attached Resolution.

- 38-08 Resolution - Award of Contract - Automated Meter Reading System - Elster AMCO Water Inc.

Arthur D. Petrini, Director of Public Utilities, responded to questions from Board members relating to the differences between this proposal and a previous automated meter reading system proposal discussed with the Board, the time period covered by this proposal, and the monetary benefit to the County over the length of the proposed contract.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 38-08 – see attached Resolution.

- 39-08 Resolution - To Permit Additional Fine of \$200 for Speeding on Terry Drive.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 39-08 – see attached Resolution.

- 40-08 Resolution – Award of Construction Contract – John Rolfe Parkway from West Broad Street to Church Road and Associated Improvements to Pump and Church Roads (approximately 2.702 miles). Project #2110.50704.28004.00720 (formerly Project # 556118-704-463-00). Three Chopt and Tuckahoe Districts.

Mr. Priestas responded to questions from Board members and Mr. Hazelett regarding financing of the project, the timing of soliciting bids for Phase II of the project, whether all of the required environmental permits had been obtained for


the project, the length of time the project has been on the books, factors contributing to the favorable pricing of the project, the County's experience with the proposed contractor, and at which point in the request for proposal process the County obtains background information on firms submitting proposals. Mr. Kaechele commented that these improvements would immeasurably enhance the West Broad Street corridor. He responded to a question from Mr. Thornton as to why it had taken 30 years for this project to come to fruition.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 40-08 – see attached Resolution.

41-08            Resolution – Acceptance of Roads.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 41-08 – see attached Resolution.

There being no further business, the meeting was adjourned at 9:05 p.m.

  
\_\_\_\_\_  
Chairman, Board of Supervisors  
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 28-08  
Page No. 1 of 1

Agenda Title: **RESOLUTION - Appointment of Directors to The Cultural Arts Center at Glen Allen Foundation Board**

For Clerk's Use Only:  Date: <u>JAN 22 2008</u>  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Glover</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		<b>YES NO OTHER</b> 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"/> _____
---	---	--	---

WHEREAS, on February 26, 1997, the Board of Supervisors authorized the creation of The Cultural Arts Center at Glen Allen Foundation; and

WHEREAS, that resolution vested the direction and management of the affairs of the Foundation in a Board of Directors; and

WHEREAS, in accordance with the articles of incorporation and bylaws of the Foundation, the Board of Supervisors of the County of Henrico shall appoint up to 30 Directors; and

WHEREAS, the Board of Directors of The Cultural Arts Center at Glen Allen Foundation supports the appointment of Travis G. Hill and Michael E. Klein to serve on the Board of Directors for the Foundation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Henrico appoints Travis G. Hill and Michael E. Klein to serve on the Board of Directors of The Cultural Arts Center at Glen Allen Foundation for a term as stated in the articles of incorporation and bylaws of the Foundation.

COMMENTS: The Director of Recreation and Parks, the County Manager concurring, recommends approval.

By Agency Head \_\_\_\_\_ By County Manager [Signature]

Routing:  
Yellow to: Rec & Parks  
Copy to: \_\_\_\_\_

Certified:  
A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

Date: \_\_\_\_\_



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 404A07  
Page No. 1 of 1

Agenda Title

RESOLUTION - Signatory Authority - Extension of Lease - 8611 Dixon Powers Drive - Brookland District

For Clerk's Use Only:

JAN 22 2008

Date

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) Glover Seconded by (1) Thornton  
(2) Glover (2) Thornton

REMARKS:

APPROVED

002

YES NO OTHER

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

WHEREAS, the County of Henrico, Virginia (the "County") and the Henrico Federal Credit Union (the "Credit Union") have entered into a Lease Agreement (the "Lease") for the leasing by the Credit Union of 0.925 acres, with improvements, at 8611 Dixon Powers Drive from the County (the "Premises"); and,

WHEREAS, the Lease Agreement provides that the Credit Union will lease the Premises from the County for a period of five years ending October 31, 2010; and,

WHEREAS, the Credit Union has requested that the Lease be extended for an additional two years in order for improvements to be made to the Premises; and,

WHEREAS, this Resolution was advertised pursuant to Section 15.2-1813 of the Code of Virginia, 1950, as amended, and a public hearing was held on January 22, 2008 at 7:00 p. m. by the Board of Supervisors of Henrico County, Virginia (the "Board").

NOW, THEREFORE, BE IT RESOLVED by the Board that signatory authority is granted to the County Manager to execute a lease extension agreement on behalf of the County, in a form approved by the County Attorney, for the extension of the Lease Agreement for an additional period of two (2) years, commencing on November 1, 2010.

Comments: The Director of Real Property recommends approval of this action; the County Manager concurs.

By Agency Head

Steve Smith

By County Manager

Reggie S. Hayes

Routing:

Yellow to:

Real Property

Certified:

A Copy Tests:

Clerk, Board of Supervisors

Copy to:

Date:



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 405A-07

Page No.

1 of 1

Agenda Title

RESOLUTION - Signatory Authority - Quitclaim of Drainage Easement- Spring Lake -  
Fairfield District

For Clerk's Use Only:

Date

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to

JAN 22 2008

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton Seconded by (1) Glover

(2) Thornton (2) Glover

REMARKS:

APPROVED

YES NO OTHER

Donati, J. ☒ ☒ ☐

Glover, R. ☒ ☒ ☐

Kaechele, D. ☒ ☒ ☐

O'Bannon, P. ☒ ☒ ☐

Thornton, F. ☒ ☒ ☐

WHEREAS, by deed dated March 13, 1980, recorded in Deed Book 1801, Page 992, in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia (the "Clerk's Office") G. E. Morse conveyed to the County of Henrico, Virginia (the "County") a permanent drainage easement (the "Easement") across land now known as Spring Lake; and,

WHEREAS, a replacement easement has been conveyed to the County; and,

WHEREAS, Rogers-Chenault, Inc., (the "Owner") a Virginia corporation, owner of all the lots encumbered by the Easement, has made a request to the County to quitclaim the Easement; and,

WHEREAS, there is no public necessity or public need for the Easement to be quitclaimed; and,

WHEREAS, the Easement to be quitclaimed is shown labeled "25' Drainage Easement To Be Quitclaimed Co. Project #2143-44630" on the plat attached and marked Exhibit "A"; and,

WHEREAS, this resolution was advertised pursuant to Section 15.2-1813 of the Code of Virginia, 1950, as amended (the "Code") and a public hearing was held pursuant to Section 15.2-1800 of the Code on January 22, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County, Virginia that the Chairman and Clerk are authorized to execute a Deed of Quitclaim, in a form approved by the County Attorney, releasing unto the Owner, its successors or assigns, all claims of the County in and to the Easement as shown labeled "25' Drainage Easement To Be Quitclaimed Co. Project #2143-44630" on the attached Exhibit "A".

Comments: This request has been routed through the Departments of Public Works and Planning without objection. The Real Property Department recommends approval of this action; the County Manager concurs.

By Agency Head

By County Manager

Routing:

Yellow to:

Copy to:

Certified:

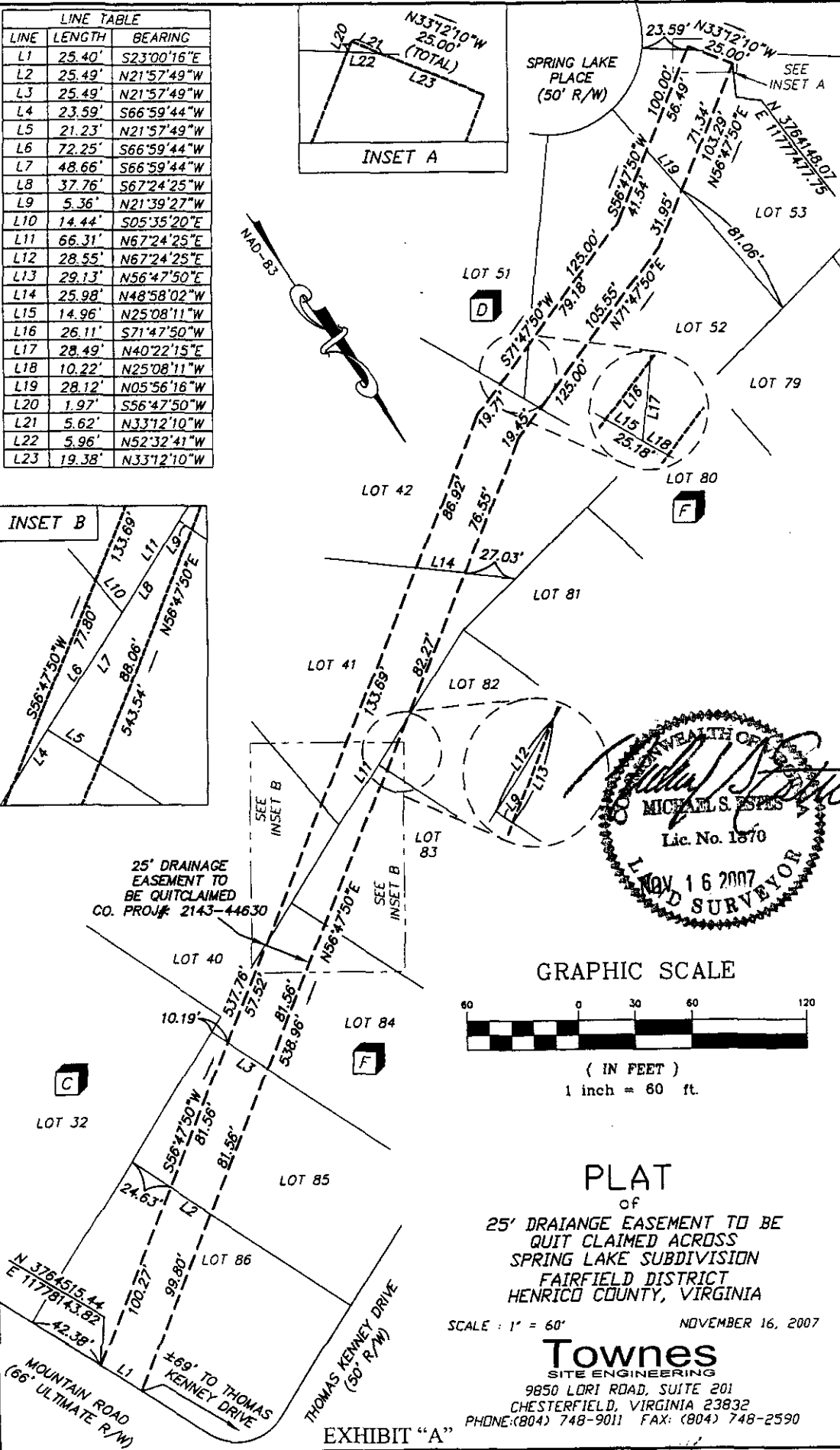
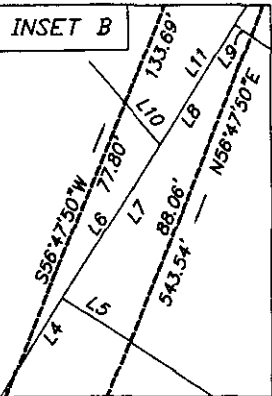
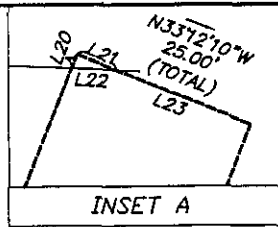
A Copy Teste:

Clerk, Board of Supervisors

Date:

J:\SDSKPROJ\2005409\dwg\2005409\_QUITCLAIM\_ESMT.dwg, 11/16/2007 12:40:09 PM, mboard, 1:1

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.40'	S23°00'16"E
L2	25.49'	N21°57'49"W
L3	25.49'	N21°57'49"W
L4	23.59'	S66°59'44"W
L5	21.23'	N21°57'49"W
L6	72.25'	S66°59'44"W
L7	48.66'	S66°59'44"W
L8	37.76'	S67°24'25"W
L9	5.36'	N21°39'27"W
L10	14.44'	S05°35'20"E
L11	66.31'	N67°24'25"E
L12	28.55'	N67°24'25"E
L13	29.13'	N56°47'50"E
L14	25.98'	N48°58'02"W
L15	14.96'	N25°08'11"W
L16	26.11'	S71°47'50"W
L17	28.49'	N40°22'15"E
L18	10.22'	N25°08'11"W
L19	28.12'	N05°56'16"W
L20	1.97'	S56°47'50"W
L21	5.62'	N33°12'10"W
L22	5.96'	N52°32'41"W
L23	19.38'	N33°12'10"W



GRAPHIC SCALE



( IN FEET )  
1 inch = 60 ft.

PLAT

of  
25' DRAINAGE EASEMENT TO BE  
QUIT CLAIMED ACROSS  
SPRING LAKE SUBDIVISION  
FAIRFIELD DISTRICT  
HENRICO COUNTY, VIRGINIA

SCALE : 1" = 60'

NOVEMBER 16, 2007

**Townes**  
SITE ENGINEERING

9850 LORI ROAD, SUITE 201  
CHESTERFIELD, VIRGINIA 23832  
PHONE: (804) 748-9011 FAX: (804) 748-2590

EXHIBIT "A"

DRAWN BY: MWB

CHECKED BY: *[Signature]*



VICINITY MAP  
SPRING LAKE SUBDIVISION

WETLAND LIMITS  
ESTABLISHED 8-27-08 PER 611 & 03-0008  
USACE & DEP PERMIT # 08-0669

COUNTY OF HENRICO  
775-741-5884  
08-01-20 PER 0321

CALCULATED 100 YEAR  
FLOOD PLAIN

COUNTY OF HENRICO  
775-741-5884  
08-01-20 PER 0321

COUNTY OF HENRICO  
775-741-5884  
08-01-20 PER 0321

COUNTY OF HENRICO  
775-741-5884  
08-01-20 PER 0321

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COUNTY OF HENRICO  
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08-01-20 PER 0321

COUNTY OF HENRICO  
775-741-5884  
08-01-20 PER 0321

COUNTY OF HENRICO  
775-741-5884  
08-01-20 PER 0321

① = 10' UTILITY EASEMENT  
② = 25' EASE, 30' DRAINAGE E

JOHNSON HENRY ET ALS  
775-741-4686  
W.B. PO. 1744  
ZONER A-1

ST. PETERS BAPTIST  
CHURCH  
08-01-20 PER 0321  
ZONER A-1



SPRING LAKE  
FAIRFIELD DISTRICT  
HENRICO COUNTY, VIRGINIA

REV. MAY 2, 2007  
REV. APRIL 16, 2007  
REV. MARCH 15, 2007  
REV. JANUARY 15, 2007  
REV. DECEMBER 21, 2006  
REV. NOVEMBER 14, 2006

SCALE: 1"=100'

Townes  
ENGINEERING  
8500 LOW ROAD, SUITE 201  
CROSS CREEK, VA 23031  
PHONE (804) 748-3011 FAX (804) 748-2350

SHEET 3 OF 3

NOTES: 25' PLANTING STRIP EASEMENT.  
NO ADDRESS OF EGRESS ALLOWED.

GRAPHIC SCALE  
(IN FEET)  
1 inch = 100 ft

APPROVED BY THE  
HENRICO COUNTY PLANNING  
COMMISSION & DIRECTOR OF PLANNING  
JUN 2 9 2007  
DATE  
ACTING SECRETARY

RECORDED: 7/2/2007 P.B.123 P.C.79

DRAWN BY: MJB CHECKED BY SURVEYOR: MJB CHECKED BY ENGINEER: JMD



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 33-08  
Page No. 1 of 2

Agenda Title

ORDINANCE - Vacation of Portion of Alley Easement - Lot 5 - Block C-  
Buckingham Park - Three Chopt District

For Clerk's Use Only:

Date: 2/2/08  
☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Donati  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, upon application of Richard G. Vass, owner of Lot 5, Block C, of Buckingham Park, requesting that the portion of an alley easement, shown shaded on the attached copy of the subdivision plat of Buckingham Park, marked Exhibit "A," the plat of which is recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia ("Clerk's Office") in Plat Book 23, Page 115, be vacated; this Ordinance was advertised pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, and a public hearing was held on January 22, 2008, at 7:00 p.m., by the Board of Supervisors of the County of Henrico, Virginia (the "Board"); and,

WHEREAS, it appearing to this Board that no owner of any lot shown on the aforementioned recorded plat will be irreparably damaged by this vacation.

NOW, THEREFORE, BE IT ORDAINED by the Board that:

The portion of the alley easement, as shown shaded on Exhibit "A," is vacated in accordance with the provisions of Section 15.2-2272(2) of the Code of Virginia, 1950, as amended.

This Ordinance shall become effective thirty (30) days after the time of its passage as provided by law.

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to:

Real Property

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:

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

Agenda Item No.  
Page No.

33-08  
2 of 2

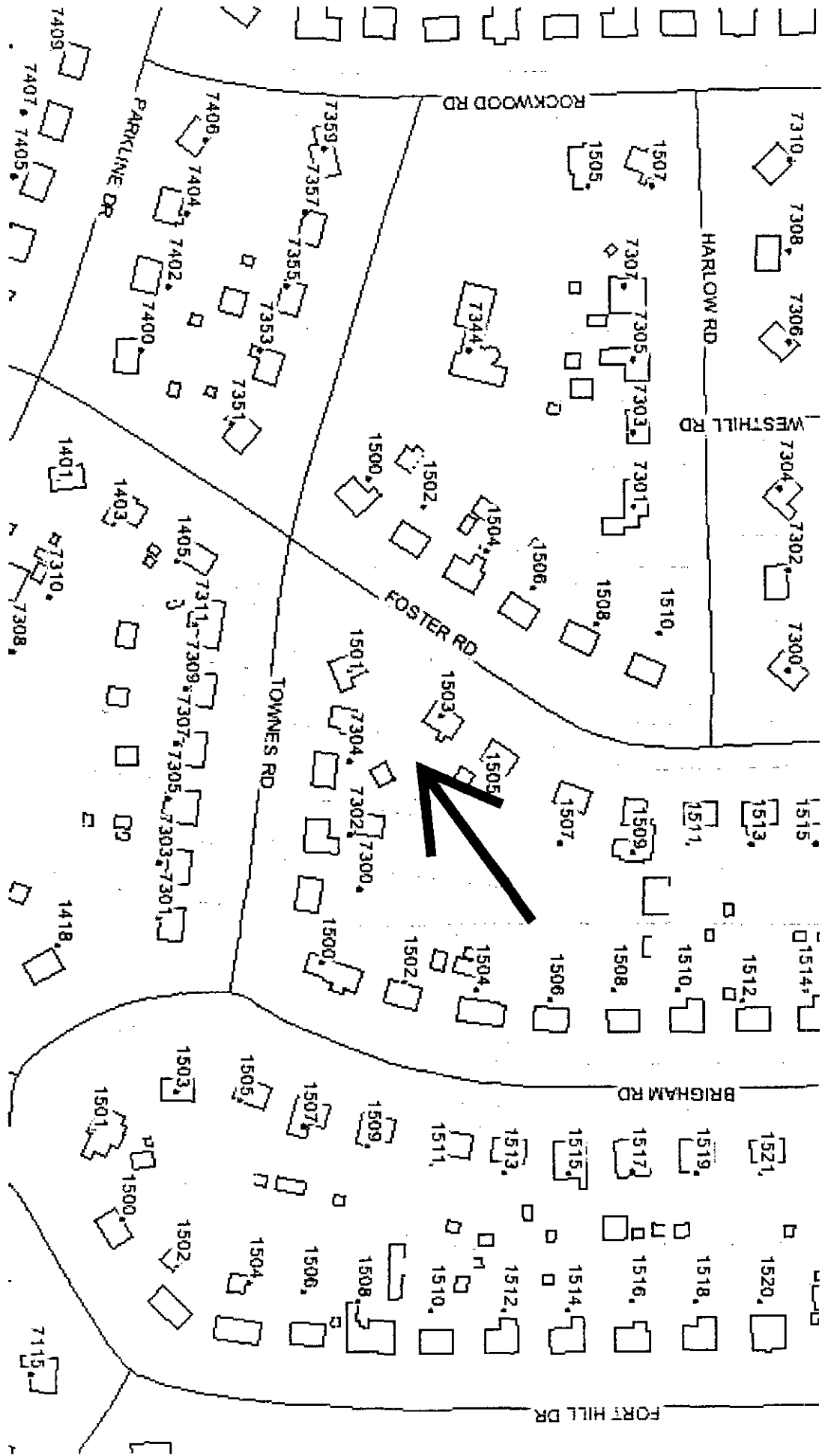
**Agenda Title      ORDINANCE - Vacation of Portion of Alley Easement - Lot 5 - Block C -  
Buckingham Park - Three Chopt District**

---

The Clerk of the Circuit Court of the County of Henrico, Virginia (the "Clerk"), is authorized, upon receipt of payment therefor, to record a certified copy of the Ordinance in the Clerk's Office, after the expiration of thirty (30) days from its passage, provided no appeal has been taken to the Circuit Court of the County of Henrico, Virginia, pursuant to law. The Clerk is further authorized to index the same on the grantor and grantee sides of the general index to deeds in the name of Richard G. Vass, his successors or assigns. Pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended, the Clerk shall note this vacation as prescribed.

Comments: The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection; the County Manager concurs.





VICINITY MAP

LOT 5 - BLOCK C - BUCKINGHAM PARK



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No **34-08**  
Page No. 1 of 2

Agenda Title: **RESOLUTION – Authorization to Apply to Amend the Boundaries of the City of Richmond North Enterprise Zone Within Henrico County And to Add New County Incentives For Building Façade Improvements, Paving, Landscaping, and Demolition**

For Clerk's Use Only:  Date: <u>JAN 22 2009</u>  <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) _____ REMARKS: <b>APPROVED</b>		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"/>		

**WHEREAS**, the Virginia Enterprise Zone Act (the "Act") authorizes the creation of enterprise zones in the Commonwealth of Virginia (the "Commonwealth") to stimulate economic development; and,

**WHEREAS**, the Act defines an enterprise zone as an economically distressed, distinct geographical area of a county, city or town designated by the Commonwealth; and,

**WHEREAS**, the City of Richmond North Enterprise Zone (the "Zone") was created on January 1, 1995 to include portions of the City of Richmond (the "City") in the Zone; and,

**WHEREAS**, the Commonwealth re-designated the Zone to add areas along Broad Street and Nine Mile Road in the County effective April 15, 2003; and,

**WHEREAS**, the Commonwealth re-designated the Zone to add areas along Lakeside Avenue, Staples Mill Road, Hilliard Road, and Brook Road in the County, effective July 20, 2004; and,

**WHEREAS**, the Commonwealth re-designated the Zone to add areas along Staples Mill Road, Laburnum Avenue, Mechanicsville Turnpike, Nine Mile Road, Audubon Drive, and Williamsburg Road in the County, effective June 20, 2006; and,

**WHEREAS**, each participating locality in joint enterprise zones may amend the application relating specifically to the locality after twelve months of its last amendment application; and,

By Agency Head

A. Mark Studdler

By County Manager

David P. Hays

Routing:

Yellow to:

Comm. Revitalization

Certified:

A Copy Teste:

Copy to:

Clerk, Board of Supervisors

Date:

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

Agenda Item No. **34-08**

Page No. 2 of 2

**Agenda Title: RESOLUTION – Authorization to Apply to Amend the Boundaries of the City of Richmond North Enterprise Zone Within Henrico County And to Add New County Incentives For Building Façade Improvements, Paving, Landscaping, and Demolition**

---

**WHEREAS**, the County wishes to add areas generally along E. Ridge Road, Quioccasin Road, Three Chopt Road, Starling Drive and Parham Road, along Hungary Road and Woodman Road, along Azalea Avenue and the Richmond-Henrico Turnpike, along E. Laburnum Avenue and S. Laburnum Avenue to the Zone and to delete properties along Hilliard Road and Brook Road and a property along E. Laburnum Avenue from the Zone; and,

**WHEREAS**, the County would also like to offer incentives for building façade improvements, paving, landscaping and demolition in the form of grants as follows:

- Building Façade Grant for Existing Small Businesses – Grants up to 33% of renovation costs or \$30,000 for exterior improvements, whichever is lesser, and to correct external or interior code violations for existing small businesses that cannot create new jobs.
- Paving Grant – Grants up to 33% of the cost of paving or \$5,000, whichever is lesser, where existing parking areas are gravel or deteriorated, and for parking area expansion.
- Landscaping Grant - Grants up to 33% of the cost of landscaping or \$2,000, whichever is lesser, for the enhancement of the parking area or front of the building or property.
- Demolition Grant - Grants up to 33% of demolition costs or \$30,000, whichever is lesser, to clear a site for new development having a minimum additional investment of \$250,000; and,

**WHEREAS**, the County will be applying for enterprise zone amendments jointly with the City; and,

**WHEREAS**, the County is designated to act as program administrator; and,

**WHEREAS**, the County has advertised and conducted a public hearing as required by the Act's program requirements; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Henrico County Board of Supervisors authorizes the County Manager to submit an application to the Virginia Department of Housing and Community Development for the amendment of the Zone areas within the County and to add four incentives and to carry out all program administrative and reporting requirements.

**Comments:** The Director of Community Revitalization recommends approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. **35-08**  
Page No. 1 of 1

**Agenda Title: Resolution – Award of Contract for Architectural and Engineering Services –  
Sixth Circuit Courtroom**

For Clerk's Use Only:  Date: _____  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Hors</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____  REMARKS: <b>APPROVED</b>		<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 checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																								

**WHEREAS**, on December 14, 2007, three (3) proposals were received in response to RFP #07-8284-11CS to provide architectural and engineering services for the addition of a sixth Circuit Courtroom; and

**WHEREAS**, based upon review and evaluation of the written proposals, the Selection Committee (consisting of Mr. Michael Verdu, Mr. Richard Morse, Colonel Merle Bruce, and Mrs. Cecelia Stowe) interviewed the following firms:

**Moseley Architects**  
Peck, Peck & Associates, Inc.

**WHEREAS**, the Selection Committee subsequently selected **Moseley Architects** as the first ranked firm and negotiated a fixed fee in the amount of \$95,000.

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

1. A contract to provide architectural and engineering design services for the Henrico Circuit Court – Sixth Courtroom Expansion is hereby awarded to **Moseley Architects** in the amount of \$95,000 in accordance with RFP #07-8284-11CS, the December 14, 2007 proposal, and a letter dated January 3, 2008, submitted by **Moseley Architects**.
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:** The Director of General Services and the Chief Judge of the Circuit Court, the County Manager concurring, recommend approval of this Board paper. Funding to support the contract is available.

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. **36-08**  
Page No. 1

**Agenda Title: Resolution – Award of Contract for Architectural and Engineering Services –  
Byrd Middle School Restroom and Concession**

For Clerk's Use Only:  Date: <u>10/22/07</u>  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____  REMARKS: <b>APPROVED</b>	<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 checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
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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**, on October 26, 2007, two (2) proposals were received in response to RFP #07-8246-9CS to provide architectural, engineering, and construction administration services for a restroom, concession, and storage building at Byrd Middle School; and

**WHEREAS**, based upon review and evaluation of the written proposals, the Selection Committee (consisting of Mr. Al Azzarone, Ms. Faye Ould, Mr. Don Large, Mr. Richard Morse, Ms. Sharon Pope and Mrs. Cecelia Stowe) interviewed the following firms:

**Rawlings Wilson & Associates**  
Rancorn Wildman Architects PLC

**WHEREAS**, the Selection Committee subsequently selected **Rawlings Wilson & Associates** as the first ranked firm and negotiated a fixed fee in the amount of \$ 53,800.00.

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

1. A contract to provide architectural, engineering, and construction administration services for a restroom, concession, and storage building at Byrd Middle School is hereby awarded to **Rawlings Wilson & Associates** in the amount of \$53,800.00 in accordance with RFP #07-8246-9CS, the October 26, 2007 proposal, and the letter dated December 3, 2007 submitted by **Rawlings Wilson & Associates**.
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.

Funding to support the contract is available. The Director of Recreation & Parks and the Director of General Services, 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 **37-08**  
Page No. 1

Agenda Title **Resolution – Award of Construction Contract – Clarke-Palmore Barn and Pump House Restoration**

For Clerk's Use Only:  Date: _____  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION		YES	NO	OTHER
	Moved by (1) <u>Donati</u> (2) _____	Seconded by (1) <u>O'Bannon</u> (2) _____			
REMARKS: <b>APPROVED</b>					
			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"/>		

**WHEREAS**, three (3) bids were received on December 4, 2007, and opened on December 5, 2007 in response to IFB #07-8253-9SW for construction services required to renovate two historic outbuildings at Clarke-Palmore House, two of which are as follows:

<u>Bidder</u>	<u>Bid</u>
<b>Norman Company, Inc.</b>	<b>\$166,695</b>
United Unlimited Construction, Inc.	\$200,896

**WHEREAS**, the third bid, submitted by Parish Construction Services, Inc., was deemed non-responsive for failing to use the correct bid form: and

**WHEREAS**, after evaluation of all bids received, it was determined that **Norman Company, Inc.** was the lowest responsive and responsible bidder with a bid in the amount of **\$166,695**.

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

1. The contract to furnish all construction services required to renovate the two historic outbuildings at Clarke-Palmore House is hereby awarded to **Norman Company, Inc.** in the amount of **\$166,695**, all in accordance with IFB #07-8253-9SW, Addenda 1, Addenda 2, and the bid submitted by **Norman Company, Inc.** dated December 4, 2007.
2. The County Manager and Clerk are hereby authorized to execute said contract in a form legally acceptable to the County Attorney
3. The County Manager or the Director of General Services, as his designee, is further authorized to execute all necessary change orders within the scope of the project budget.

**Comments:** Funding to support the contract is available within the project budget. 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. 38-08  
Page No. 1 of 1

Agenda Title: Resolution — Award of Contract — Automated Meter Reading System — Elster AMCO Water Inc.

For Clerk's Use Only:

Date: JAN 22 2008

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1)

Glover

Seconded by (1)

Donati

(2)

(2)

REMARKS:

APPROVED

YES NO OTHER

Donati, J.

✓

Glover, R.

✓

Kaechele, D.

✓

O'Bannon, P.

✓

Thornton, F.

✓

**WHEREAS**, on June 7, 2007, the Department of General Services received six proposals in response to RFP #07-8127-3CS, Automated Meter Reading System; and,

**WHEREAS**, based upon review of the written proposals, the Selection Committee interviewed the following companies:

Elster AMCO Water Inc.  
National Metering Service, Inc.  
Badger Meters, Inc.  
Datamatic, Ltd.

**WHEREAS**, after oral interviews, the Selection Committee negotiated a contract with Elster AMCO Water Inc. using Corix Utilities as its subcontractor in the amount of \$17,451,130.71; and,

**WHEREAS**, the contract is a unit price contract and the final amount of the contract will be based on the actual number of meters and meter reading equipment installed for the project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Henrico County Board of Supervisors awards a unit price contract to provide an automated meter reading system to Elster AMCO Water Inc. for an estimated cost of \$17,451,130.71, in accordance with RFP #07-8127-3CS, the June 7, 2007 proposal, and final cost estimate email dated January 4, 2008 submitted by Elster AMCO Water Inc. The contract will be subject to future appropriations of the Board.

**BE IT FURTHER RESOLVED** that the County Manager is authorized to execute the contract in a form approved by the County Attorney and change orders within the funds available, not to exceed 15% of the estimated contract amount.

Comment: The Director of Public Utilities and the Director of General Services recommend approval of this Board paper, and the County Manager concur.

By Agency Head

Arthur O. Pelrin

By County Manager

David L. Hight

Routing:

Yellow to:

Public Utilities

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda 3908  
Page No. 1 of 2

Agenda Title: **RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Terry Drive**

For Clerk's Use Only:  Date: _____  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Glover</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		<b>YES NO OTHER</b> 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"/> _____
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WHEREAS, Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs; and,

WHEREAS, the statute also requires the Board of Supervisors (the "Board"), because Henrico County maintains its own roads, to develop criteria for the overall applicability for the installation of the signs and to request the application of the statute to certain residential streets in the County before the additional fine may be imposed; and,

WHEREAS, the Board approved detailed criteria (the "Criteria") for the County's Traffic Calming Program on February 10, 2004; and,

WHEREAS, increased fines for speeding on residential streets in Henrico County which meet the Criteria and are designated by the Board are part of the Traffic Calming Program; and,

WHEREAS, the County's Traffic Engineer has collected traffic data and has determined that Terry Drive in the County is experiencing speeding problems and meets the Criteria for traffic calming measures set forth in the Traffic Calming Program; and,

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: Public Works

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

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

Agenda Item No. **39-08**

Page No. 2 of 2

**Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Terry Drive**

---

WHEREAS, the citizens in the area of this road requesting the increased fine have collected signatures from 76% of the residents; and,

WHEREAS, this road is a local residential street with a posted speed limit of 25 mph.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized and directed to install signs on Terry Drive advising citizens of an additional fine of \$200 for exceeding the posted speed limit on this road.

Comments: The Director of Public Works recommends approval of this Board paper; the County Manager concurs.



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

Agenda Item No. **40-08**

Page No.

1 of 2

**Agenda Title** **RESOLUTION — Award of Construction Contract — John Rolfe Parkway from West Broad Street to Church Road and Associated Improvements to Pump and Church Roads (approximately 2.702 miles). Project #2110.50704.28004.00720 (formerly Project #556118-704-463-00). Three Chopt and Tuckahoe Districts**

For Clerk's Use Only:

**JAN 22 2008**

Date

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to

**BOARD OF SUPERVISORS ACTION**

Moved by (1) Kaechele Seconded by (1) O'Bannon  
 (2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

**APPROVED**

YES NO OTHER

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

WHEREAS, on September 9, 2007, the County solicited bids through Bid Request #07-8191-6CE for the construction of the John Rolfe Parkway; and,

WHEREAS, the project involves constructing John Rolfe Parkway as a 4-lane roadway with turn lanes, curb and gutter, and sidewalks from West Broad Street to Church Road, and associated improvements to Pump and Church Roads; and,

WHEREAS, the responsive bids received on November 7, 2007 were as follows:

<b>Virginia Construction Co., Inc.</b>	<b>\$11,116,715.56</b>
Rappahannock Construction Co., Inc.	\$12,135,808.27
Sargent Corporation	\$13,392,089.65
R.G. Griffith, Inc.	\$13,393,033.00
W.C. English, Inc.	\$14,532,300.40
Interstate Construction Corporation (dba Branscome Richmond)	\$15,327,557.44
Key Construction Co., Inc.	\$15,511,928.08
Jack L. Massie Contractor, Inc.	\$15,638,658.83
Central Contracting Co., Inc.	\$18,854,730.40

WHEREAS, on January 16, 2008, the Commonwealth Transportation Board approved the bid for award as required for the funding for the project; and

WHEREAS, the Virginia Department of Transportation has authorized the County to proceed with award of the construction contract.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: Public Works

Copy to: \_\_\_\_\_

Certified:

A Copy Tests: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

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

Agenda Item No. **40-08**  
Page No. **2 of 2**

Agenda Title **RESOLUTION — Award of Construction Contract — John Rolfe Parkway from West Broad Street to Church Road and Associated Improvements to Pump and Church Roads (approximately 2.702 miles). Project #2110.50704.28004.00720 (formerly Project #556118-704-463-00). Three Chopt and Tuckahoe Districts**

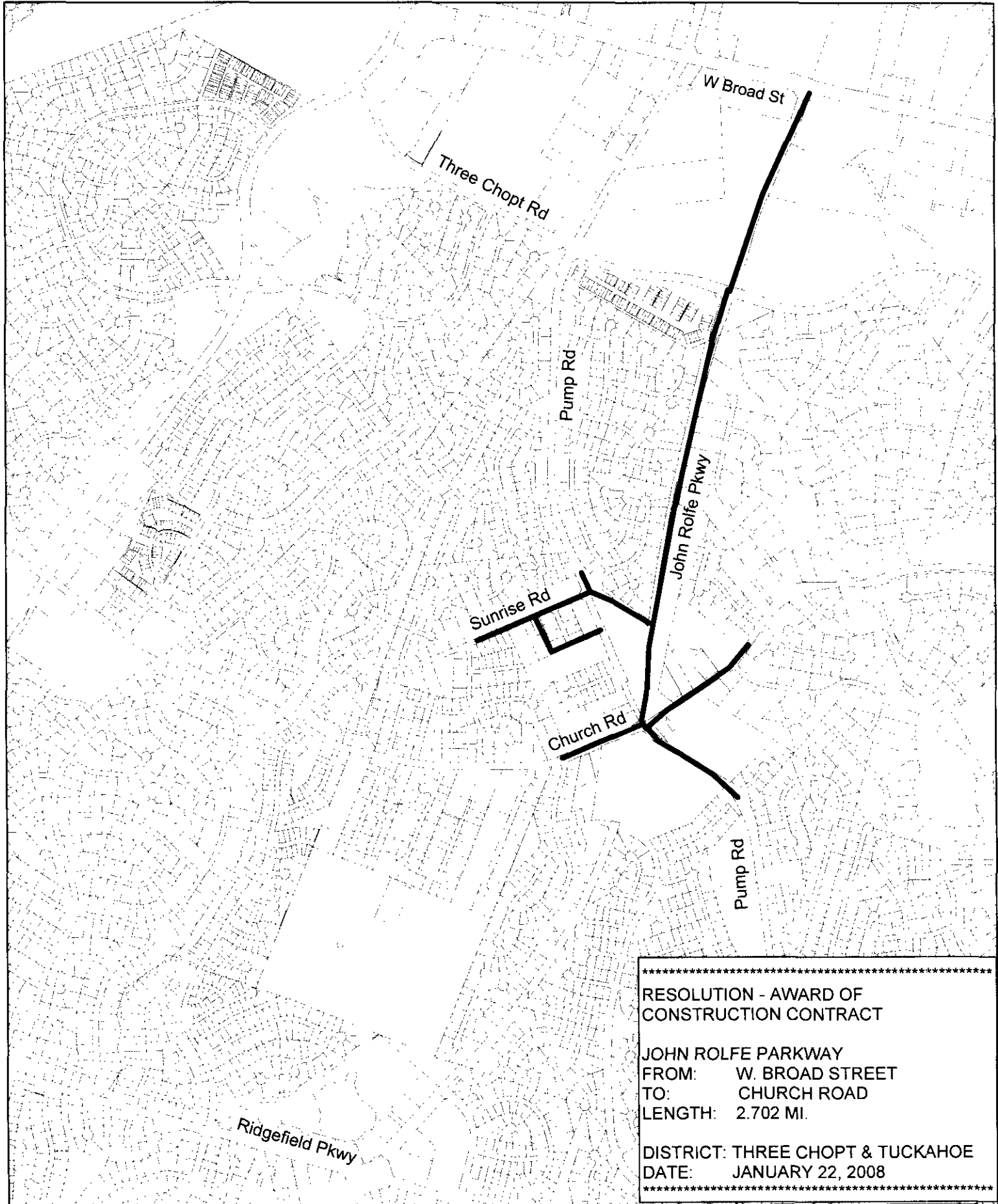
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NOW, THEREFORE, BE IT RESOLVED by the Henrico County Board of Supervisors that a contract for the construction of John Rolfe Parkway from West Broad Street to Church Road is awarded to **Virginia Construction Company, Inc.** in the amount of **\$11,116,715.56** with a completion time of 730 calendar days after notice to proceed.

BE IT FURTHER RESOLVED that the County Manager and the Clerk are authorized to execute the contract in a form approved by the County Attorney.

COMMENTS:       80% of the project cost will be reimbursed by the Virginia Department of Transportation, and the County will pay the remaining 20% of the cost from Capital Improvement Fund Project #2101.50704.28004.00720 (formerly 556118-704-463-00). The Directors of Public Works and General Services recommend approval of this Board paper, and the County Manager concurs.

# JOHN ROLFE PARKWAY



\*\*\*\*\*  
RESOLUTION - AWARD OF  
CONSTRUCTION CONTRACT  
  
JOHN ROLFE PARKWAY  
FROM: W. BROAD STREET  
TO: CHURCH ROAD  
LENGTH: 2.702 MI.  
  
DISTRICT: THREE CHOPT & TUCKAHOE  
DATE: JANUARY 22, 2008  
\*\*\*\*\*



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 41-08  
Page No. 1 of 1

Agenda Title: **RESOLUTION - ACCEPTANCE OF ROADS**

For Clerk's Use Only:  Date: <u>JAN 22 2008</u>  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Donati</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		<b>YES</b> <b>NO</b> <b>OTHER</b> 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"/> _____
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BE IT RESOLVED by the Board of Supervisors of the County of Henrico that the following named and described sections of roads are accepted into the County road system for maintenance.

**King's Landing, Section 1 - Varina District**

Sweeney Landing Road from New Market Road to 0.12 Mi. W. of New Market Road	0.12 Mi.
Sweeney Circle from Sweeney Landing Road to 0.10 Mi. S. of Sweeney Landing Road	<u>0.10 Mi.</u>
<b>Total Miles</b>	<b>0.22 Mi.</b>

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: Public Works

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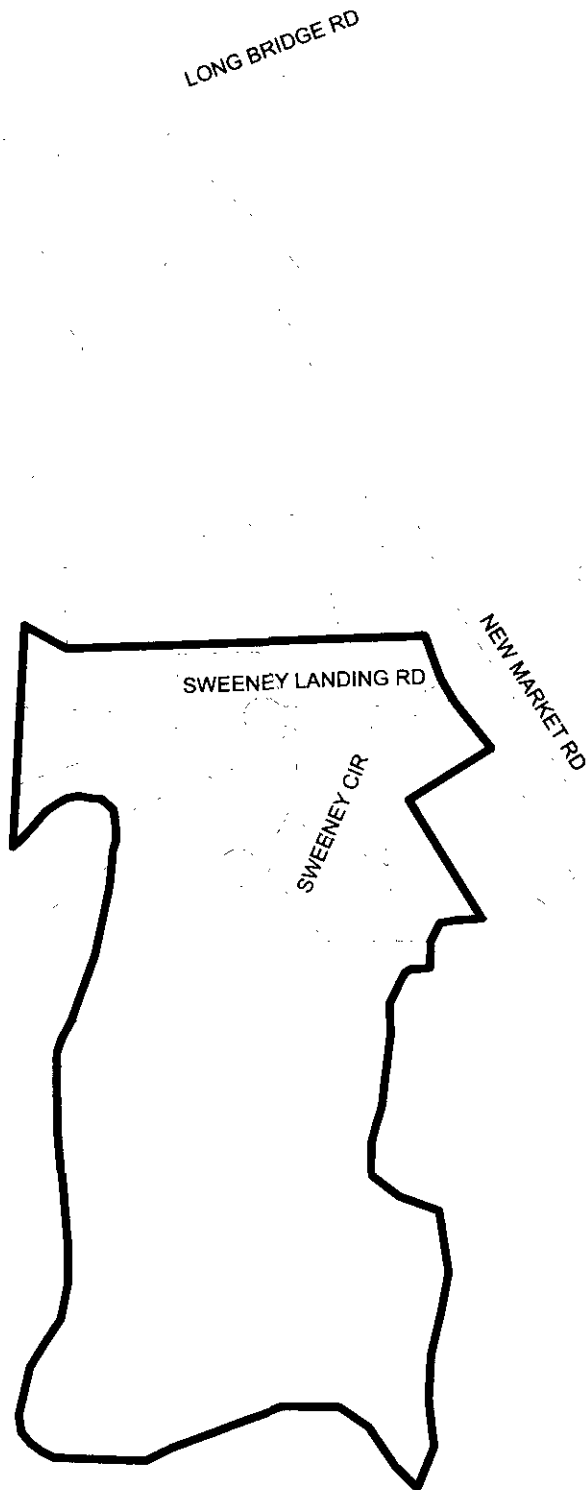
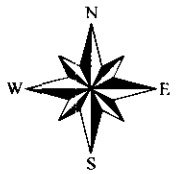
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Clerk, Board of Supervisors

Date: \_\_\_\_\_

# KING'S LANDING SECTION 1



\*\*\*\*\*

KING'S LANDING  
SECTION 1

SWEENEY LANDING ROAD  
FROM: NEW MARKET RD  
TO: 0.12 MI. W. OF NEW MARKET RD  
LENGTH: 0.12 MI.

SWEENEY CIRCLE  
FROM: SWEENEY LANDING RD  
TO: 0.10 MI. S. OF SWEENEY LANDING RD  
LENGTH: 0.10 MI.

DISTRICT: VARINA  
DATE: JANUARY 22, 2008

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