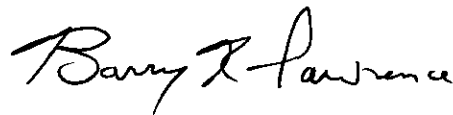


**HENRICO COUNTY  
NOTICE OF SPECIAL MEETING  
BOARD OF SUPERVISORS**

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, November 10, 2009** at **4:30 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matters to be reviewed by the Board at this time are:

- |                  |   |
|------------------|---|
| 4:30 – 4:45 p.m. | Dissolution of the Short Pump Town Center Community Development Authority |
| 4:45 – 5:30 p.m. | Proposed Ordinance Amendments Pertaining to Noise                         |
| 5:30 – 6:15 p.m. | Proposed State Stormwater Regulations                                     |
| 6:15 – 6:45 p.m. | <i>Dinner</i>   |



Barry R. Lawrence, CMC  
Clerk, Henrico County Board of Supervisors  
November 5, 2009

**COUNTY OF HENRICO, VIRGINIA**  
**Board of Supervisors' Agenda**  
**November 10, 2009**  
**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Dr. J. Rayfield Vines, Jr. Pastor, Hungary Road Baptist Church

**APPROVAL OF MINUTES** – October 27, 2009 Regular Meeting

**MANAGER'S COMMENTS**

**BOARD OF SUPERVISORS' COMMENTS**

**RECOGNITION OF NEWS MEDIA**

**PRESENTATION**

273-09                      Resolution - Congratulating St. Joseph's Villa on Its 175th Anniversary.

**PUBLIC HEARINGS - REZONING CASES**

274-09                      Towne Center-West, LLC and Towne Center West Shoppes, LLC: Request to  
C-27C-09                      amend proffered conditions accepted with Rezoning Case C-49C-04, on Parcels  
Three Chopt                      735-764-4742, 736-764-1136, 736-764-0871, 736-764-3961 and part of Parcel  
734-764-9340 located on the north line of W. Broad Street (U.S. Route 250)  
approximately 1,100 feet east of N. Gayton Road, approximately 500 feet north  
of W. Broad Street approximately 1,100 feet east of N. Gayton Road, and  
approximately 675 feet north of W. Broad Street approximately 1,775 feet east of  
N. Gayton Road. The applicant proposes to amend Proffer 20 related to exterior  
elevations and building materials. The existing zoning is B-2C Business District  
(Conditional). The Land Use Plan recommends Commercial Arterial. The site is  
in the West Broad Street Overlay District. The Planning Commission voted to  
recommend the Board of Supervisors **grant** the request.

275-09                      Towne Center-West, LLC: Request to conditionally rezone from R-6C General  
C-28C-09                      Residence District (Conditional) to B-3C Business District (Conditional), part of  
Three Chopt                      Parcel 734-764-9340, containing approximately 4.85 acres, located approximately  
325 feet north of W. Broad Street (U.S. Route 250) approximately 1,100 feet east  
of N. Gayton Road. The applicant proposes commercial uses. The use will be  
controlled by zoning ordinance regulations and proffered conditions. The Land  
Use Plan recommends Commercial Arterial. The site is in the West Broad Street  
Overlay District. The Planning Commission voted to recommend the Board of  
Supervisors **grant** the request.

276-09                      Staples Mill Marketplace, LLC: Request to conditionally rezone from R-3 One-  
C-3C-09                      Family Residence District to B-2C Business District (Conditional), Parcels 767-  
Brookland                      757-8360 and 767-756-9991 and part of Parcel 767-757-6317, containing  
approximately 28.914 acres, located between the southwest line of Staples Mill  
Road (U. S. Route 33), the east line of Hungary Spring Road, and the north line

of Lucas Road. The applicant proposes commercial uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration and Office. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

277-09  
C-25C-09  
Three Chopt  
Hightech Signs: Request to amend proffered conditions accepted with Rezoning Case C-5C-97, on part of Parcel 747-759-8591, located at the southwest intersection of W. Broad Street (U. S. Route 250) and Cox Road (Colonnades West Shopping Center). The applicant proposes to amend proffers related to sign height. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. The Planning Commission voted to recommend the Board of Supervisors **deny** the request.

278-09  
C-26C-09  
Three Chopt  
KCA/Holloway, L.C.: Request to rezone from R-3C One-Family Residence District (Conditional) to C-1C Conservation District (Conditional), part of Parcel 750-774-6038, containing approximately 1.8 acres, located along the Chickahominy River beginning at a point approximately 200 feet to the northeast of Riverplace Court and extending approximately 475 feet southeast through the proposed Martin's Ridge subdivision. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

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

279-09  
Ordinance - To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled "Deduction of receipts taxed by other jurisdiction" Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.

280-09  
Ordinance - To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively "Definitions," "Levy; amount," "Taxation of rental property other than daily rental property," "Application for certificate of registration," "Collection and remittance; returns," "Records," "Procedure upon failure to file return or filing of false return," "Exemptions," "Collection without certificate of registration prohibited," "Bond," and "Period of limitations," All Relating to Short-term Rental Property tax.

281-09  
Ordinance - To Amend and Reordain Section 19-2 Titled "Definitions," Section 19-52 Titled "Application for approval," Section 19-53 Titled "Review of plat; action by planning commission," Section 19-55 Titled "Effect of approval; expiration of approval," Section 19-72 Titled "Form and contents," Section 19-74 Titled "Action by director of planning," Section 19-75 Titled "Installation of improvements or bonding; release of bond," Section 19-77 Titled "Recording," Section 19-111 Titled "Development of areas subject to inundation," Section 24-3 Titled "Enumerated," Section 24-8 Titled "Nonconforming uses; regulations," Section 24-106 Titled "Plan of development (POD), administrative and schematic

site plans,” and Section 24-116 Titled “Powers” of the Code of the County of Henrico, and to Add Section 19-32 Titled “Extension of approvals to address housing crisis,” Section 19-56 Titled “Development in dam break inundation zone,” and Section 24-106.4 Titled “Development in dam break inundation zone” to the Code of the County of Henrico, All to Revise the County’s Subdivision and Zoning Ordinances To Comply with Recent Changes Enacted by the General Assembly

## **PUBLIC COMMENTS**

### **GENERAL AGENDA**

- 282-09            Resolution – Authorizing the County Manager to Execute the Joint Application Amendment Agreement for the City of Richmond’s Amendment to Its Zone III/North Enterprise Zone.
- 283-09            Resolution – Concurring in the Declarations and Findings of the Short Pump Town Center Community Development Authority and Authorizing the Dissolution of the Authority and the Execution of Documents in Connection Therewith.
- 284-09            Introduction of Ordinance – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Making Technical Corrections in the Text Relating to the Polling Places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District.
- 285-09            Resolution - To Permit Additional Fine of \$200 for Speeding on University Boulevard.



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS' RESUME  
November 10, 2009**

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**INVOCATION** – Dr. J. Rayfield Vines, Jr. Pastor, Hungary Road Baptist Church

**PRESENTATION**

**RESOLUTION** – Congratulating St. Joseph’s Villa on Its 175<sup>th</sup> Anniversary.

Founded by the Daughters of Charity as an orphanage and girls’ school in downtown Richmond in November 1834, St. Joseph’s Villa was the first cottage-style orphanage in the eastern United States and is the oldest and largest continuously operating children’s nonprofit organization in metropolitan Richmond. The Villa relocated its campus to the former Hollybrook farm in Henrico County in 1931 and presently serves 508 children, nearly half of whom are from Henrico County. On Saturday, November 21, 2009, the Villa will host a public celebratory event in official acknowledgment of its 175<sup>th</sup> anniversary. This resolution extends the Board’s congratulations to the officers, trustees, volunteers, and more than 300 employees of St. Joseph’s Villa.

**PUBLIC HEARINGS - REZONING CASES**

C-27C-09                      Towne Center-West, LLC and Towne Center West Shoppes, LLC:  
Three Chopt                Request to amend proffered conditions accepted with Rezoning Case C-49C-04, on Parcels 735-764-4742, 736-764-1136, 736-764-0871, 736-764-3961 and part of Parcel 734-764-9340 located on the north line of W. Broad Street (U.S. Route 250) approximately 1,100 feet east of N. Gayton Road, approximately 500 feet north of W. Broad Street approximately 1,100 feet east of N. Gayton Road, and approximately 675 feet north of W. Broad Street approximately 1,775 feet east of N. Gayton Road. The applicant proposes to amend Proffer 20 related to exterior elevations and building materials. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District. Acting on a motion by Mr. Branin seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers and continue to assure quality form of development.

C-28C-09                      Towne Center-West, LLC: Request to conditionally rezone from R-6C  
Three Chopt                General Residence District (Conditional) to B-3C Business District (Conditional), part of Parcel 734-764-9340, containing approximately 4.85

acres, located approximately 325 feet north of W. Broad Street (U.S. Route 250) approximately 1,100 feet east of N. Gayton Road. The applicant proposes commercial uses. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District. Acting on a motion by Mr. Branin seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because the business use is compatible with surrounding development and it conforms to the Comprehensive Plan's land use recommendation.

C-3C-09  
Brookland

Staples Mill Marketplace, LLC: Request to conditionally rezone from R-3 One-Family Residence District to B-2C Business District (Conditional), Parcels 767-757-8360 and 767-756-9991 and part of Parcel 767-757-6317, containing approximately 28.914 acres, located between the southwest line of Staples Mill Road (U. S. Route 33), the east line of Hungary Spring Road, and the north line of Lucas Road. The applicant proposes commercial uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration and Office. Acting on a motion by Mr. Vanarsdall seconded by Mr. Branin, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because it conforms to the Commercial Concentration recommendation of the Comprehensive Plan and the proffered conditions will assure a level of development not otherwise possible.

C-25C-09  
Three Chopt

Hightech Signs: Request to amend proffered conditions accepted with Rezoning Case C-5C-97, on part of Parcel 747-759-8591, located at the southwest intersection of W. Broad Street (U. S. Route 250) and Cox Road (Colonnades West Shopping Center). The applicant proposes to amend proffers related to sign height. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. Acting on a motion by Mr. Branin seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **deny** the request because it does not meet the original intent of the proffers and would set an adverse precedent for the adjacent development and West Broad Street corridor.

C-26C-09  
Three Chopt

KCA/Holloway, L.C.: Request to rezone from R-3C One-Family Residence District (Conditional) to C-1C Conservation District (Conditional), part of Parcel 750-774-6038, containing approximately 1.8 acres, located along the Chickahominy River beginning at a point approximately 200 feet to the northeast of Riverplace Court and extending approximately 475 feet southeast through the proposed Martin's Ridge

subdivision. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Environmental Protection Area. Acting on a motion by Mr. Branin seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors grant the request because it reflects the Land Use Plan and future use and zoning of the area, and it conforms with the objectives and intent of the County's Comprehensive Plan.

## **PUBLIC HEARINGS – OTHER ITEMS**

### **ORDINANCE – To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled “Deduction of receipts taxed by other jurisdiction” Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.**

This paper proposed an amendment to Henrico Code section 20-599 to deductions from gross receipts of contractors and speculative builders. This amendment clarifies the Code to reflect a recent ruling of the Virginia Supreme Court.

This ordinance was discussed with the Board during a work session on September 22, 2009.

### **ORDINANCE – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively “Definitions,” “Levy; amount,” “Taxation of rental property other than daily rental property,” “Application for certificate of registration,” “Collection and remittance; returns,” “Exemptions,” “Collection without certificate of registration prohibited,” “Bond,” and “Period of limitations,” All relating to Short-term Rental Property Tax.**

This paper proposes an ordinance to amend various Henrico Code sections relating to short-term rental property tax. These amendments result from legislation enacted by the 2009 General Assembly.

This ordinance was discussed during a work session on September 22, 2009.

### **ORDINANCE - To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-52 Titled “Application for approval,” Section 19-53 Titled “Review of plat; action by planning commission,” Section 19-55 Titled “Effect of approval; expiration of approval,” Section 19-72 Titled “Form and contents,” Section 19-74 Titled “Action by director of planning,” Section 19-75 Titled “Installation of improvements or bonding; release of bond,” Section 19-77 Titled “Recording,” Section 19-111 Titled “Development of areas subject to inundation,” Section 24-3 Titled “Enumerated,” Section 24-8 Titled “Nonconforming uses; regulations,” Section 24-106 Titled “Plan of development (POD), administrative and schematic site plans,” and Section 24-116 Titled “Powers” of the Code of the County of Henrico, and to Add Section 19-32 Titled “Extension of approvals to**

**address housing crisis,” Section 19-56 Titled “Development in dam break inundation zone,” and Section 24-106.4 Titled “Development in dam break inundation zone” to the Code of the County of Henrico, All to Revise the County’s Subdivision and Zoning Ordinances To Comply with Recent Changes Enacted by the General Assembly.**

This Board paper would amend the County’s zoning and subdivision ordinances to comply with recent changes enacted by the General Assembly. The changes include new provisions regarding dam break inundation zones and extensions of approvals to address the housing crisis and revisions of existing provisions dealing with approvals of site plans, PODs, and subdivisions. These changes were discussed in a joint work session with the Planning Commission on September 8, 2009 and were recommended by the Planning Commission on October 15, 2009.

## **PUBLIC COMMENTS**

### **GENERAL AGENDA**

**RESOLUTION – Authorizing the County Manager to Execute the Joint Application Amendment Agreement for the City of Richmond’s Amendment to Its Zone III/North Enterprise Zone.**

This resolution authorizes the County Manager to execute the Joint Application Amendment Agreement for the City of Richmond’s amendment to its Zone III/North Enterprise Zone. The City of Richmond is proposing to delete 541 acres of residential land from their Zone III/North Enterprise Zone. The City is shifting acreage to south of the James River where more revitalization efforts are taking place. Additionally, the City is proposing to add 53 acres to its Zone III/North Enterprise Zone in the Boulevard Diamond Stadium area in order to be able to offer incentives to potential developers of that area. The Enterprise Zone Program Regulations, administered by the Virginia Department of Housing and Community Development, require that the County be in agreement with the City’s request because the City’s North Enterprise Zone is a Joint Enterprise Zone shared by the City of Richmond and the County of Henrico.

The Director of Community Revitalization recommends approval, and the County Manager concurs.

**RESOLUTION – Concurring in the Declarations and Findings of the Short Pump Town Center Community Development Authority and Authorizing the Dissolution of the Authority and the Execution of Documents in Connection Therewith.**

The Board of Supervisors created the Short Pump Town Center Community Development Authority in 2000 for the purpose of assisting in the construction, installation, and financing of certain infrastructure improvements in connection with the development of the Short Pump Town Center. In 2003, the Authority issued bonds to finance those infrastructure improvements. The bonds have been paid in full, and all other obligations of the Authority have been satisfied, discharged, or otherwise provided for.



The County has received a certified copy of a resolution which the Authority adopted March 30, 2009 indicating that it is now appropriate for the Authority to be dissolved. This Board paper concurs in the findings and declarations of the Authority's resolution, finds and determines that it is in the County's best interests to authorize the dissolution of the Authority, and authorizes the County Manager to execute and deliver any and all documents, including articles of dissolution and articles of termination of corporate existence, as he deems necessary or desirable to dissolve the Authority and terminate its corporate existence.

**INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Making Technical Corrections in the Text Relating to the Polling Places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District.**

This Board paper introduces for advertisement and a public hearing on December 8, 2009 an ordinance that would make various technical corrections in the text of the County Code. The corrections relate to the polling places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District. None of the technical corrections has any impact on the electoral process.

**RESOLUTION - To Permit Additional Fine of \$200 for Speeding on University Boulevard between Henrico Avenue and Forest Avenue.**

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. The law requires the Board of Supervisors to develop criteria for the overall applicability for the installation of the signs and to specify application of the law to particular streets before the additional fine may be imposed.

On February 10, 2004, the Board approved criteria for the County's Traffic Calming Program.

The County's Traffic Engineer has collected traffic data and has determined that University Boulevard between Henrico Avenue and Forest Avenue in the County is experiencing speeding problems and meets the criteria for traffic calming measures set forth in the Traffic Calming Program.

The citizens in the area of this road requesting the increased fine have collected signatures from 75% of the residents.

The Board paper authorizes the County Manager to place appropriate signs on University Boulevard between Henrico Avenue and Forest Avenue warning of an additional fine of \$200 for speeding.

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