

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
July 9, 2013**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, July 9, 2013, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

David A. Kaechele, Chairman, Three Chopt District
Patricia S. O'Bannon, Vice Chairman, Tuckahoe District
Richard W. Glover, Brookland District
Tyrone E. Nelson, Varina District

Member of the Board Absent:

Frank J. Thornton, Fairfield District

Other Officials Present:

John A. Vithoukas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Michael L. Wade, Sheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Jane D. Crawley, Deputy County Manager for Community Services
Timothy A. Foster, P.E., Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development

Mr. Kaechele called the meeting to order at 7:01 p.m. He announced that Mr. Thornton was absent. Mr. Vithoukas noted that Mr. Thornton was out of town.

Mr. Kaechele led recitation of the Pledge of Allegiance and a moment of silent prayer.

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, the Board approved the minutes of the June 25, 2013, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson

No: None

Absent: Thornton

MANAGER'S COMMENTS

There were no comments from the Manager.

RECOGNITION OF NEWS MEDIA

Mr. Kaechele recognized Graham Moomaw and Kyle Warnke from the *Richmond Times-Dispatch*.

BOARD OF SUPERVISORS' COMMENTS

Mr. Kaechele recognized Matthew Powers from Boy Scout Troop 795, sponsored by Glen Allen Baptist Church, who was observing the meeting.

PUBLIC HEARINGS -REZONING CASE AND PROVISIONAL USE PERMIT

149-13
REZ2013--
00007
Brookland

Harry Snipes: Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional) on part of Parcels 755-769-7664 and 755-769-3074 containing 11.16 acres located between the west line of Springfield Road at its intersection with Jacobs Creek Drive and the eastern terminus of Kimbermere Court.

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

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Density.** There shall be no more than 16 units.
2. **Minimum House Size.** Homes shall have a minimum of 2,400 square feet of finished floor area.
3. **Exterior Building Materials.** All new houses shall be constructed with brick, stone, cultured stone, vinyl, cementitious siding (e.g Hardiplank, or an equivalent) or a combination of the foregoing. Fiberboard shall not be used as an exterior wall material. Where vinyl is used, the vinyl siding shall have a minimum normal thickness of 0.044 inches. Twenty-five (25) percent of the single family homes, in the aggregate, shall have a minimum of twenty-five (25) percent of the front exterior wall surfaces constructed of brick or stone, excluding windows, doors, breezeways and architectural design features. Upon the request of the County, the applicant or its successor as to the property shall provide the County with the necessary calculations that illustrate the compliance with the allowable and required percentages detailed in this Proffer. Shingles

shall be a minimum thirty (30) year dimensional quality. Homes with the same elevations side by side shall not be permitted. On corner lots where the side elevation is visible from the street, the side elevation facing the street shall have a minimum of two windows.

4. **Foundations and Chimneys.** All new houses shall be constructed on crawl space foundations, except for garages and basements. The exterior portion of all residential dwelling foundations below the first floor level which are visible above grade shall be brick or stone. Any dwellings with a fireplace other than direct vent gas fireplaces or appliances shall have masonry chimneys faced with brick or stone similar to the foundation.
5. **Irrigation.** Front and side yards shall be sodded and irrigated.
6. **Steps, Stoops, and Decks.** Steps to the main entrance of homes, except for homes with country front porches, shall be faced with brick or stone or a cementitious, mortared stone-appearing product. Front stoops, except for homes with country front porches, shall be brick or stone or a cementitious, mortared stone-appearing product with finished concrete or exposed aggregate landing. For any country front porch with piers, those piers shall be of brick, stone or cultured stone to match the foundation. The space beneath any structure constructed on piers higher than two (2) feet above grade but less than one story above grade shall be enclosed with lattice or other screening material of comparable quality, including but limited to landscaping.
7. **Underground Utilities.** All proposed utilities except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines shall be placed underground, unless technical or environmental reasons require otherwise.
8. **Garages.** Each residential unit on the Property shall be constructed with at least a two (2) car garage. Each garage shall have a minimum interior dimension clear space at the time of construction of eighteen (18) feet deep by twenty (20) feet wide and a separate pedestrian door to the exterior. Attached garages shall be integrated into the overall design and massing of the house. Windows shall be offered as an option for garage doors. All garage doors shall have, at a minimum, one architectural detail, including, but not limited to windows, carriage door handles, exposed hinges and accent columns. Seventy-five (75) percent of the units shall have side or rear loaded garages.

9. **Cantilevering.** There shall be no cantilevered treatment of any architectural features on the first floor. On the second floor only bay windows may be cantilevered.
10. **Access Limitation.** There shall be no driveway access to or from Springfield Road, for individual lots on the Property.
11. **Buffer Area.** For lots with side yards adjacent to the Springfield Road, a ten (10) foot buffer area will be provided in addition to the applicable setback requirement along with the Springfield frontage on the Property. The buffer area will be used as a planting area or left in a natural state, and may contain utility easements.
12. **Construction Hours.** The hours of exterior construction including operation of bulldozers and earth moving equipment shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connectors. The developer shall post signs at all entrances to the property during construction, in both English and Spanish, stating the above.
13. **Clearing Limitation.** The clearing of trees shall be limited to that necessary for dwellings, road improvements, driveways, signage, customary accessory uses and wetland mitigation areas or when necessary for common areas.
14. **Community Layout & Connections.** The layout shall be substantially similar in nature to Exhibit B (see case file).
15. **Fences.** Chain link, barbed wire, fences with metal posts, stockade fences, and post and wire fences are prohibited.
16. **Association.** There shall be a Homeowners Association of the owners of the homes that shall be responsible for the enforcement of the restrictive covenants, including but not limited to, the maintenance of common areas and tree save areas and architectural control.
17. **Driveways.** Where driveways exist, all shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials.
18. **Signage.** The entrance sign and landscaping shall be constructed substantially similar to Exhibit C (see case file) and shall include brick, brick veneer, stone, synthetic stone or similar masonry material with wrought iron accents.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson

No: None

Absent: Thornton

150-13
PUP2013-
00007
Brookland

Federal Realty Investment Trust: Request for a Provisional Use Permit under Sections 24.58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow outdoor dining for a proposed restaurant on part of Parcel 773-736-2198 located approximately 760' south of the intersection of W. Broad Street (U.S. Route 250) and Willow Lawn Drive.

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

On motion of Mr. Glover, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. There shall be no use of outdoor speakers.
2. The operator shall not permit food preparation outside the enclosed building.
3. The wall/fence enclosing the outdoor dining areas shall be limited in height to 48 inches.
4. Outdoor lighting fixtures shall complement the style of the building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining areas.
5. Access to the outdoor dining areas shall be available only through the interior of the restaurant, except during an emergency when patio fence exit gates may be utilized.
6. This permit shall apply only to American Tap Room, is non-transferrable, and shall not apply to any other business in The Shops at Willow Lawn shopping center.
7. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
8. Outdoor dining furniture, fencing, and canopies shall be of durable material and complementary to exterior features of the building.

9. The outdoor dining areas shall be constructed in general conformance with the layouts and images depicted in Exhibits A – C (see case file).
10. Televisions and other video display devices shall not be allowed in the outdoor dining areas.
11. Prior to operation, the applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations and conduct a security survey of the property and restaurant operations. The applicant shall implement mutually agreed upon security recommendations resulting from this review.
12. Any fire pit shall be substantially similar to the style shown on Exhibit B (see case file). The fire pit shall also include safety features to be approved by the Fire Marshal and Director of Planning such as a dome-shaped wrought iron grate cover and matching wrought iron style fencing atop or beside the pit to prevent sitting on the brick ledge.
13. A clear, continuous, and unobstructed pedestrian path not less than 5 feet in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson

No: None

Absent: Thornton

PUBLIC COMMENTS

Blair Costin, a resident of the Varina District, asked that the Board consider paving a gravel section of Loudon Street and accepting it into the County's road system for maintenance. She prefaced her request by thanking Mr. Nelson and Public Works Director Steve Yob for their communication and assistance in this matter and by sharing several slides depicting the condition of the road. *Mr. Vithoukaskas and Ms. Costin responded to questions from Mr. Kaechele relating to how this "paper road" on a County right-of-way is currently maintained. At Mr. Nelson's request, Mr. Yob provided an overview of the issues surrounding Ms. Costin's situation. He explained why paper roads are not maintained by the County. Mr. Vithoukaskas informed Ms. Costin that he will contact her and see what the County can do to bring forward a solution that meets all needs.*

BOARD OF SUPERVISORS' COMMENTS (continued)

Mr. Kaechele recognized the following Boy Scouts from Troop 763, sponsored by the B.P.O. Elks Lodge #45, who were observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge: Austin Gilbert, Griffin Krell, and Talon Krell.

GENERAL AGENDA

151-13 Resolution - Signatory Authority - Henrico Juvenile Detention Home Medical Services Contract.

Mike Bingham, Superintendent of the Henrico Juvenile Detention Facility, responded to a question from Mrs. O'Bannon.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

152-13 Introduction of Ordinance - To Amend and Reordain Section 22-254 of the Code of the County of Henrico Titled "Authority to take vehicles into custody" to Provide that the Term "Public Auction" Includes an Internet Sale by Auction.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see introduction of ordinance.

153-13 Introduction of Ordinance - To Amend and Reordain Sections 5-1 and 5-30 of the Code of the County of Henrico Titled Respectively "Definitions" and "Control of dangerous or vicious dogs" and to Add Section 5-31 to the Code of the County of Henrico Titled "Vicious dogs" to Parallel New Provisions of State Law Pertaining to Dangerous Dogs and Vicious Dogs.

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached introduction of ordinance.

154-13 Introduction of Ordinance - To Amend and Reordain Sections 15-110, 15-148, and 15-149 of the Code of the County of Henrico Titled Respectively "Records of Transactions; Furnishing of Copies of Records to Police," "Records of Transactions; Credentials of Persons Pawning Goods," and "Daily Reports to Police; Content" to Require Precious Metals and Gems Dealers and Pawnbrokers to Retain Digital Images of the Photographic Identification Presented by Sellers and Pledgors and to Prohibit the Receipt of Items with Defaced, Altered, or Removed Serial Numbers.

On motion of Mrs. O'Bannon, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached introduction ordinance.

155-13

Resolution - To Permit Additional Fine of \$200 for Speeding on Royerton Drive from Hungary Road to Blackburn Road.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item - see attached resolution.

Following the vote, Mr. Yob responded to questions and comments from the Board concerning this item.

There being no further business, the meeting was adjourned at 7:27 p.m.

David A. Kacchela

Chairman, Board of Supervisors
Henrico County, Virginia