

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
March 10, 2015**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, March 10, 2015, 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:

Frank J. Thornton, Chairman, Fairfield District
Tyrone E. Nelson, Vice Chairman, Varina District
Richard W. Glover, Brookland District
David A. Kaechele, Three Chopt District
Patricia S. O'Bannon, Tuckahoe 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
Joseph P. Casey, Deputy County Manager for Administration
Jane D. Crawley, Deputy County Manager for Community Services
Randall R. Silber, Deputy County Manager for Community Development

Mr. Thornton called the meeting to order at 7:02 p.m.

Mr. Thornton led recitation of the Pledge of Allegiance.

Reverend Leroy Davis, Chaplain for the Henrico County Police Division and Senior Pastor of Hopeful Baptist Church (Montpelier), delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, the Board approved the minutes of the February 24, 2015, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: Thornton, Nelson, Glover, Kaechele, O'Bannon

No: None

MANAGER'S COMMENTS

There were no comments from the Manager.

BOARD OF SUPERVISORS' COMMENTS

Mr. Thornton noted the passing on March 4 of a former member of Henrico County's General Assembly delegation, Dr. George W. Grayson, Jr., who was the Class of 1938 Professor of Government Emeritus at the College of William & Mary. Dr. Grayson was an expert on Mexico; made more than 200 research trips to Latin America; and was a senior associate at the Center for Strategic & International Studies, an associate scholar at the Foreign Policy Research Institute, a board member of the Center for Immigration Studies, and a lifetime member of the NAACP. During his second stint in the House of Delegates, from 1983 to 2003, Dr. Grayson represented the eastern part of Henrico County as well as James City and New Kent Counties. He chaired the Virginia Commission on Local Government Structures and Relationships in the late 1980s and was known throughout his legislative career as a consumer advocate, guardian of the environment, and protector of state programs in education and mental health. Mr. Thornton extended condolences to Dr. Grayson's wife and children.

Mr. Nelson acknowledged the passing on February 26 of John T. "Jack" Ferguson, a charter member of the Henrico Historical Society and the County's Industrial Development Authority (IDA). Mr. Ferguson grew up on Curles Neck Farm, graduated from Varina High School, and as an adult lived on Malvern Hill Farm. He served seven terms on the IDA spanning 26 years and held the position of chairman for many of those years. He was also a successful businessman and owned Mosmiller Florist during his tenure on the IDA. Mr. Ferguson's father, William H. Ferguson, served on the County's Board of Supervisors from 1937 to 1953 and was chairman for the final ten years he served on the Board. Mr. Nelson extended condolences to Mr. Ferguson's wife of 70 years, Julia Meade Ferguson, and to their four children and several grandchildren and great-grandchildren. Mrs. O'Bannon pointed out that Mr. Ferguson was on the Henricus Foundation Board of Trustees for about 15 years. She expressed appreciation for his work on the Henricus Board and for his instrumental support of the reconstruction of the City of Henricus.

Mr. Nelson also mentioned the recent loss of Albert Chiocca, who established Heritage Cleaners and Draperies in 1954 and became a real estate investor in 1986. Several of Mr. Chiocca's larger real estate deals were in eastern Henrico and the most recent one included negotiation of the sale of Fairfield Commons mall. Mr. Nelson noted he had daily contact with Mr. Chiocca for three years while managing a CVS pharmacy at Fairfield Commons. He cited Mr. Chiocca's commitment to and work within Henrico County.

Mr. Kaechele commented that he had the opportunity over the years to work with all three of these gentlemen, who were within his generation, and that he would miss them and was thankful for what they have done for the County.

RECOGNITION OF NEWS MEDIA

Mr. Thornton recognized Ted Strong from the *Richmond Times-Dispatch*.

BOARD OF SUPERVISORS' COMMENTS (continued)

Mr. Thornton recognized Tyler Anderson and Gavin Toomey from Boy Scout Troop 766, sponsored by the Church of Jesus Christ of Latter-day Saints – Gayton Ward, who were attending the meeting to fulfill a requirement for the Citizenship in the Community merit badge.

APPOINTMENT

56-15 Resolution – Appointment of Member – Richmond Regional Transportation Planning Organization Citizens Transportation Advisory Committee.

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

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

57-15 Russell Jones: Request to amend proffered conditions accepted with
REZ2014- Rezoning Case C-31C-08 on part of Parcel 832-714-1636 located on the
00045 south line of E. Williamsburg Road (U.S. Route 60) between the termini of
Varina Saw Set Lane and Whiteside Road.

Mr. Vithoulkas advised the Board that the applicant had requested a 60-day deferral for this item.

No one from the public spoke in opposition to a deferral of this item.

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, and by unanimous vote, the Board deferred this item to the April 14, 2015, meeting.

The vote of the Board was as follows:

Yes: Thornton, Nelson, Glover, Kaechele, O'Bannon

No: None

320-14 Bickford Senior Living: Request to conditionally rezone from R-0C One-
REZ2014- Family Residence District (Conditional) to R-6C General Residence District
00048 (Conditional) Parcel 737-750-7485 containing 7.58 acres located on the
Tuckahoe southwest line of Ridgefield Green Drive between John Rolfe and Ridgefield
 Parkways.

Mr. Vithoulkas advised the Board that the applicant had requested a deferral of this item until the June 9, 2015, meeting.

No one from the public spoke in opposition to a deferral of this item.

On motion of Mrs. O'Bannon, seconded by Mr. Glover, and by unanimous vote, the Board deferred this item to the June 9, 2015, meeting.

The vote of the Board was as follows:

Yes: Thornton, Nelson, Glover, Kaechele, O'Bannon

No: None

58-15
REZ2014-
00051
Three Chopt

Gayton Properties, LLC: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) Parcels 732-760-0494 and 731-760-7868 containing 10.05 acres located on the west line of N. Gayton Road approximately 350' north of Favero Road.

Joe Emerson, Director of Planning, responded to questions from Mr. Kaechele and Mrs. O'Bannon.

Gloria Freye, an attorney with McGuireWoods, presented the case on behalf of the applicant and Ken Newell, the President and CEO of Manorhouse Management. She spoke to the applicant's vision for the property, highlighted key proffered conditions, and referred to the applicant's agreement with the Association for the Preservation of Henrico Antiquities that would allow the organization to dismantle, relocate, and rebuild two historic buildings that are on the property. In response to questions from Mr. Kaechele, Ms. Freye elaborated on the applicant's proffered conditions addressing building materials, underground utilities, building setbacks, property buffers, and the entrance feature. She referred to the applicant's neighborhood outreach efforts and read excerpts from letters written by the following residents of the Fox Hall and Granville South subdivisions who were in support of the case: Rich Moncure, Carol Kern, and Scott Ziegler (Fox Hall); and Lizzi Basch, Bill Reynolds, and Michael Sasina (Granville South).

The following persons spoke during the public hearing in support of this item: David Almond, a Fox Hall resident; Ronnie Shriner, a resident of the Millhaven subdivision; Mr. Moncure; James Harenchar, a Granville South resident; and Mr. Sasina.

The following persons spoke during the public hearing in opposition to this item, expressed a preference for single-family residential development on this site, and voiced concerns about the size, height, and density of the

proposed facility, how it will be screened from surrounding neighborhoods, and its impact on North Gayton Road traffic: Ed Stevens, an abutting property owner; Susan Bolling, a resident of Granville South; and Carl Gattuso, a resident of Granville South.

Ms. Freye and Mr. Newell responded to follow-up questions from Mr. Kaechele and concerns that were voiced by those persons speaking in opposition to the case. John Cejka, Traffic Engineer, addressed current traffic volumes on North Gayton Road and advised that the proposed development will have a minimal impact on peak hour traffic.

Mr. Kaechele commented on the high quality of the proposed development and the applicant's extraordinary efforts to protect the adjoining neighborhoods through a number of proffered conditions.

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

Restrictions and Development Standards

1. **Building Materials.** The buildings constructed on the Property shall be constructed primarily of brick and stone masonry except that other materials may be used for trim, architectural decorations, or design elements.
2. **Underground Utilities.** All utilities shall be underground, except for junction boxes, meters, pedestals, transformers, and existing overhead utility lines and for technical and environmental reasons. Junction boxes, meters, pedestals, and transformers shall be screened with dense vegetation or screening materials.
3. **Conceptual Plan.** The site shall be developed generally as shown on the "Conceptual Plan" marked as EXHIBIT A (see case file).
4. **Construction Hours.** Land clearing, grading, road construction, water/sewer line construction, or the construction of the exterior of any building shall occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday. No exterior construction shall occur on Sunday. In emergencies, or where unusual circumstances arise, the permitted construction hours may be extended only in order to complete work such as concrete pours or utility connections. In no case, shall construction work extend beyond 9:00 p.m., unless required by a governmental agency with jurisdiction over the development. The construction hours shall be posted on the site both in English

and Spanish.

5. **Access.** Access to the Property shall be restricted to one (1) entrance generally as shown on the Conceptual Plan (see case file).
6. **Best Management Practices ("BMP").**
 - (a) BMP facilities shall not be located within any landscape buffer located along North Gayton Road, unless such facilities are underground or serve as a landscaped amenity or water-related feature as approved at the time of Plan of Development review.
 - (b) Any above ground wet BMP facilities shall be aerated.
 - (c) All above ground BMP facilities shall be designed as an amenity and landscaped or fenced as required by Henrico County.

Uses/Restrictions

7. **Use.** The Property shall only be used as an assisted living facility and/or a home for the aged, which may include an employee-related child care center for the facility, age restricted independent living units associated with the assisted living facility, and single family detached units.
8. **Density.** The maximum number of residential units shall not exceed 11.45 units per acre. A maximum of nine (9) single family detached homes shall be developed adjacent to Granville South and Fox Hall.
9. **Delivery/Service Hours.** Trash removal and deliveries to the service area shall be limited to Monday through Friday between the hours of 7:00 a.m. and 8:00 p.m.
10. **Minimum Square Footage.** The minimum square footage of the single family detached houses shall be 2,300 square feet of finished floor area.
11. **Age Restriction.** The Restrictive Covenants shall contain a provision that except as otherwise prohibited by the Virginia Fair Housing Law and the Federal Fair Housing Law, as amended from time to time, and such other applicable federal, state or local legal requirements, residential development on the Property shall be age restricted as provided in the Virginia Fair Housing Law and such covenant shall be enforced by the Homeowners Association.

12. **Restrictive Covenants/Owners Association.** Prior to or concurrent with the plan of development approval by the County, restrictive covenants describing the development controls and maintenance of the Property and requiring the establishment of an owners association shall be recorded in the Clerk's Office of the Circuit Court of Henrico County.

Architectural Standards

13. **Architectural Treatment.** The assisted living building constructed on the Property shall be substantially similar to the style and design of that shown on the conceptual elevations marked EXHIBIT B (see case file). The massing, design, character, and architectural features of single family detached homes shall be generally similar in quality to the conceptual elevation marked as EXHIBIT C (see case file). The independent living buildings shall be generally similar in quality of that shown on the conceptual elevation marked EXHIBIT D (see case file). Various design elements such as entry ways, soldier courses of brick, keystones, capstones, ornamental windows, dormers, pediments, shutters, columns, and variations in the front facades with projections such as bays, porches, stoops, and gables may be incorporated to provide a variety of distinctive homes. Any features extending outward from the exterior walls such as chimneys, closets, or bay windows shall have supporting bases matching the foundation. There shall be no cantilevered features on any building.
14. **Height.** The height of any building constructed on the Property shall not exceed forty (40) feet as measured from the finished floor elevation of the main floor and the mean height level between eaves and ridge.
15. **Foundations.** The visible exterior portions of building foundations shall be constructed of brick or stone.
16. **Garages.** At a minimum, each single family detached house shall have a one (1) car garage. Any front loading garage serving a single family detached house shall be recessed a minimum of six (6) feet from the face of the main body of the house.

Roads

17. **Dedication of Right-of-Way.** The Owner shall dedicate land sufficient for the ultimate right-of-way of thirty-three (33) feet as measured from the center line along North Gayton Road to Henrico County upon request for improvements to North Gayton Road. Should the dedicated property not be used for the widening of North

Gayton Road within thirty (30) years of the date of the dedication, title to the dedicated property shall revert to the owner or its successors in interest.

18. **Entrance Design.** The entrance shall be designed as a boulevard with a landscaped median generally as shown on the Conceptual Plan (see case file).
19. **Entrance Feature.** The entrance to the single family detached houses shall feature a gate house and irrigated landscaped area.

Site Design and Restrictions

20. **Parking Lot Lighting.** Parking lot light fixtures shall not exceed fifteen (15) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described, and specifically permitted or if required by the Planning Commission at the time of Plan of Development review or by any other governmental body or agency. Except for decorative or period style lighting fixtures or tree-mounted lighting or landscape lighting, parking lot lighting shall be produced from concealed sources of light and directed downward. No lighting shall exceed one-half (1/2) footcandle at the boundaries of the Property.
21. **Streetlights.** Streetlights shall only be permitted within one hundred (100) feet of the N. Gayton Road right-of-way. Streetlights shall be limited to ten (10) feet in height.
22. **Sidewalk.** A sidewalk a minimum of four (4) feet in width adjacent to a two (2) foot utility strip shall be provided along North Gayton Road and along one side of the new road serving the Property.
23. **Driveways.** Driveways shall be finished with or constructed of asphalt, concrete, exposed aggregate, or pavers.

Landscaping, Screening, and Buffers

24. **Landscape Plan.** A landscape plan detailing the proposed plantings shall be submitted at the time of Plan of Development. The landscape plan shall include:
 - (a) Landscaping in the street median.
 - (b) Front yards of each single family detached house shall be individually landscaped to coordinate with the design of the community.

- (c) All front yards of each single family detached house shall be irrigated and planted with sod other than where landscaping or mulching may occur.
 - (d) A minimum of one (1) tree measuring a minimum of 2.5" in caliper shall be retained or planted in the front or side yard of each single family detached house at a rate of one tree per forty (40) feet of street frontage.
25. **Tree Preservation Areas.** A variable width Tree Preservation Area, a minimum of sixty (60) feet (consisting of existing trees and vegetation) shall be retained along the northern and western boundaries of the Property where adjacent to Granville South and Fox Hall residential lots. A variable width Tree Preservation Area, a minimum of twenty (20) feet (consisting of existing trees and vegetation) shall be retained along the southern boundary of the Property where adjacent to the Tree of Life properties. A variable width Tree Preservation Area, a minimum of thirty (30) feet (consisting of existing trees and vegetation) shall be retained along the northern boundary of the Property where adjacent to the Fox Hall open area. Fallen, diseased, or dead plant growth may be removed from the Tree Preservation Areas. Any new utility easement located within the Tree Preservation Areas shall be extended generally perpendicular thereto, unless otherwise requested and approved at the time of Plan of Development approval.
26. **Screening.** All heating and cooling equipment, all trash receptacles, generators, and areas designated for the unloading of supplies associated with the operation of an assisted living facility shall be screened from public view at ground level at the boundaries of the Property. Materials used to screen equipment shall be complementary to the architecture of the buildings as determined at the time of Plan of Development review. Dumpsters shall be screened with masonry enclosures that match the building, unless already screened by a building, structure, or wall.
27. **North Gayton Road Buffer.** An irrigated landscaped buffer a minimum of fifty (50) feet in width as measured from the ultimate right-of-way featuring a masonry serpentine wall and planted with the trees and shrubs equivalent to those required in Transitional Buffer 35 shall be provided along North Gayton Road, except for the entrance road and any new utility easements, which shall extend generally perpendicular through the buffer, unless otherwise requested and approved at the time of Plan of Development approval.

28. **Severance.** The unenforceability, elimination, revision, or amendment of any proffer set forth herein shall not affect the validity or enforceability of the other proffers or the unaffected part of any proffer.

The vote of the Board was as follows:

Yes: Thornton, Nelson, Glover, Kaechele, O'Bannon

No: None

59-15
REZ2015-
00002
Three Chopt

Kroger: Request to amend proffered conditions accepted with Rezoning Case C-65C-07 on Parcels 735-761-8792, 735-762-9743, 736-762-2221, and 736-762-7338, located in the southwest quadrant of W. Broad Street (U.S. Route 250) and Lauderdale Drive.

Mr. Emerson responded to questions from Mr. Kaechele.

Jim Theobald presented the case on behalf of the applicant. He provided a history of zoning cases pertaining to this site, noted the changing demands of Kroger's customers, and reviewed slides highlighting the applicant's efforts to mitigate the perceived impact of the proposed fuel pumps on the Wellesley residential community through proffered conditions and revised designs.

Mr. Kaechele noted the Board received several hundred telephone calls and e-mails, both pro and con, in regards to this request. He thanked County Planner Ben Sehl for responding to every one of these e-mails and helping the County's citizens be informed on the case.

The following persons spoke during the public hearing in support of this item: Alice Jones, Store Manager for Kroger's Short Pump location; Quinton Childers, Real Estate Manager for Kroger and based out of Roanoke; Boyd Huddleston, a senior citizen; an unidentified female senior citizen; Gerald Dackin, a senior citizen who lives near the intersection of Lauderdale and Causeway Drives; Dan Hargett with the Rebkee Company, the owner of the shopping center and landlord for Kroger's Short Pump location; and Anita Christian, a resident of the Short Pump area.

The following persons spoke during the public hearing in opposition to this item. They disagreed with Kroger's request to remove a previously agreed upon proffered condition that prohibited the sale of gasoline at its Short Pump location and expressed concerns about the proposed location of the fuel pumps and the impact of this proposed use on area traffic and on property values in Wellesley and nearby residential communities: Marilyn, Wayland, a Wellesley resident; Cathy Dyer, a Henrico resident and real

estate agent; Scott Dixon, a Wellesley resident; Bob Shippee, a Wellesley resident; Nancy Cecil, a Wellesley resident; Phyllis Taylor, a Foxfield at Wellesley resident; Jeannie Robinson, a senior citizen; Tracy Christiansen, a Wellesley resident; and Shelley Steppe, a Wellesley resident.

Mr. Theobald responded to the concerns voiced by the persons who spoke in opposition to this case. He reviewed slides highlighting the proposed location of the fuel pumps and the circulation plan for fuel deliveries. At Mr. Kaechele's request, he responded to additional concerns such as truck noise, drainage, property values, and the requested change in proffered conditions. He also responded to a question from Mrs. O'Bannon.

Mr. Kaechele acknowledged this was a controversial case and Wellesley is a quality residential community and vital part of western Henrico County. He further acknowledged that Kroger is the anchor store for this community and many residents of western Henrico are its patrons. Mr. Kaechele remarked that he does not feel this proposed use will have a negative impact on Wellesley, its property values, or the quality of ever-changing development on West Broad Street.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board did not follow the recommendation of the Planning Commission and approved this item with the following proffered conditions:

CASE NO REZ2015-00002
SECOND AMENDED AND RESTATED 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 to Case No. C-65C-07 (the "Master Plan"), 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. Any fuel center accessory to a grocery store shall be in general conformance with the Site Plan entitled "Fuel Center Exhibit" prepared by Robertson Loia Roof Architects & Engineers dated February 6, 2015 and attached hereto (see case file), which Site Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development 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 to Case No. C-65C-07, unless otherwise requested and specifically approved at the time of Plan of Development. Any fuel center accessory to a grocery store shall be in general conformance with the elevations entitled “Corner at Short Pump, Henrico Co, VA, Kroger Fuel Center R-517, R-517” dated November 14, 2014 and attached herewith (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, other than for any fuel center accessory to a grocery store;
 - 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, other than for any fuel center accessory to a grocery store.
15. Maximum Square Footage. Except as set forth herein, no one retail user shall exceed 75,000 square feet in size on the Retail Property other than a single grocery store, which shall not exceed 87,000 square feet in size on the Retail Property, exclusive of mezzanine space, which space shall be limited to administrative support services and not for the sale of merchandise, and any kiosk associated with any fuel center accessory to such grocery store. Overall development of the Retail Property shall not exceed 238,000 square feet, exclusive of mezzanine space in any grocery store.
16. Hours of Grocery Delivery. Except as further limited by Proffer 27.e., 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 pickup 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 pickup 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, unless otherwise requested and specifically approved at the time of Plan of Development. Except for kiosks and canopies on any fuel facility accessory to a grocery store, 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.
27. Fuel Center Accessory to a Grocery Store.
- a. No merchandise shall be displayed or stored outside of the kiosk or on sidewalks(s) appurtenant thereto.
 - b. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junctions and accessory boxes, transformers, and generators) related to the fuel center shall be identified on the landscape plan. All building mounted equipment shall be painted to match the building, and all equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of Plan of Development review.
 - c. Canopy lighting over any fuel pumps shall be recessed, flat lens fixtures. Light fixtures shall be of the type that conceals the direct source of light. Canopy lighting shall be turned off at the close of business operations.
 - d. Alcohol shall not be sold in the kiosk of any fuel center accessory to a grocery store.
 - e. The hours of fuel delivery shall be limited to between 6:00 a.m. to 10:00 a.m. and between 9:00 p.m. to 11:00 p.m., except where emergencies and/or unusual circumstances such as natural disasters, weather-related issues, power outages, strikes or fuel rationing require fuel delivery at different hours.

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

28. 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.

29. 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.
30. Foundations. The exposed exterior portions of any exterior residence foundations shall be constructed of brick or stone.
31. Garages. All homes shall have a minimum of a one (1) -car garage.
32. 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.
33. 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.
34. 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.
35. 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.

36. Trash. There shall be no central trash receptacles.
37. 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.
38. Square Footage. All townhomes shall have at least 1,800 square feet of finished (heated) floor area.

39. 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.
40. Lawn Areas Irrigated. Front yard areas of the Property shall be initially sodded and shall be served by an irrigation system.
41. 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.
42. Fire Sprinkler System. A fire sprinkler system shall be provided for all townhomes.
43. Building Height. The front and rear elevations of all townhomes shall be a minimum of two (2) stories in height.
44. 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:

Yes: Thornton, Nelson, Glover, Kaechele, O'Bannon

No: None

60-15
REZ2015-
00004
Brookland

Kotarides Developers, LLC: Request to conditionally rezone from O-3 Office District and O-3C Office District (Conditional) to RTHC Residential Townhouse District (Conditional) Parcels 762-755-3882, 763-755-1261, and 763-756-4328 containing 31.66 acres located on the north line of Parham Road approximately 500' west of Shrader Road.

Jean Moore, Assistant Director of Planning, and Mr. Glover responded to a question from Mrs. O'Bannon.

Mr. Theobald presented the case on behalf of the applicant. He reviewed slides highlighting the development plan for this property, proposed site features, and proffered conditions. At Mr. Glover's request, Mr. Theobald shared renderings of the building materials. His client agreed to redesign the homes on one area of the site so they back up to Hollybrook Avenue and block access to the road. Mr. Theobald responded to questions from Mrs. Mr. Glover and Mrs. O'Bannon. Public Works Director Steve Yob, Public Utilities Director Art Petrini, and Ms. Moore responded to questions from Mr. Glover. Mr. Petrini agreed to bait the site for rats as the site is developed.

The following persons spoke during the public hearing in opposition to this item. They raised concerns relating to traffic congestion on Parham Road, drainage from the site, limited community input for this case, and emergency access to the site: David Schaeffer, a resident of 8442 Shannon Green Court; Corbett Price, a Hollybrook Avenue resident; Johanna Gilbert, a Shannon Green resident; Brenda Miles, a Hollybrook Avenue resident; Jerry Woodard, a Darnell Road resident; Philip Wood, a Hollybrook Avenue property owner; and Mark Davis, a Varina District resident.

Mr. Glover responded to the concerns voiced by the persons who spoke in opposition to this case. He commented on the high quality of the proposed development, which he believes will be an asset to the area; the attention given to the residents' traffic concerns; and the many meetings that have been held over the past 25 years in regards to various development proposals for this property.

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

1. Conceptual Master Plan. Development of the Property shall be in general conformance with the Conceptual Master Plan attached hereto entitled "The Carriage Homes at Parham Place" dated December 15, 2014, prepared by Townes Site Engineering (the "Concept Plan") (see case file), which Concept Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.
2. Access. Direct access shall be provided from Parham Road as generally shown on the Concept Plan (see case file). No access shall be provided to Hollybrook Avenue. Construction access to the

Property shall be from Parham Road only.

3. Greenbelt. A greenbelt will be provided fifty (50) feet in width exclusive of lots, with supplemental plantings as per Transitional Buffer Twenty-Five requirements adjacent to the right-of-way line of the Parham Road frontage. The greenbelt may include utility easements, turn lanes, the entrance road, fencing, signage, sidewalks, and other purposes requested and specifically permitted at the time of Plan of Development and/or subdivision review. Any utility easements (other than existing utility easements) permitted within the aforesaid greenbelt shall be extended generally perpendicular to the greenbelt unless otherwise requested and specifically permitted or if required by the County at the time of Plan of Development and/or subdivision review.
4. Entrance Feature. An entrance feature shall be provided at the entrance to the Property in general conformance with the exhibit attached hereto (see case file) entitled "The Carriage Homes at Parham Place", dated December 17, 2014, prepared by HG Landscape Architects.
5. Protective 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.
6. Sidewalks. Sidewalks shall be provided as shown on the plan attached hereto (see case file) entitled "Fence and Sidewalk Plan for The Carriage Homes at Parham Place" dated January 27, 2015, prepared by Townes Site Engineering (the "Fence/Sidewalk Plan"), which Fence/Sidewalk Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.
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. Best Management Practice. Any Best Management Practice structures shall be located outside of the Parham Road greenbelt buffer. Any above-ground wet stormwater management facilities located on the Property shall be aerated, designed and utilized as a water feature

amenity, and designed and landscaped to make it an integral part of the development.

9. Minimum Sizes. The average minimum gross heated finished floor area of each home shall be 2,000 square feet at the end of the project. Homes shall have a minimum gross heated finished floor area of 1,800 square feet. The applicant shall maintain a record of the finished floor area of each unit and, if requested by the Director of Planning, submit such record to the County to insure the minimum 2,000 square feet average finished floor area of all units.
10. Architectural Treatment. Townhomes constructed on the Property shall be generally in conformance with the elevations attached hereto (see case file) entitled “Rezoning Exhibit for The Carriage Homes at Parham Place for Kotarides Developers”, dated December 15, 2014, unless otherwise requested and approved at the time of Plan of Development review.
11. Building Materials. All buildings shall have exposed exterior walls (above grade and exclusive of windows, gables, doors, trim, soffit and fascia) of stone, stone veneer, brick, vinyl (a minimum of .042” nominal thickness as evidenced by manufacturer’s printed literature), hardi-plank, engineered wood (e.g. LP Smartside), 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 thirty-five (35) percent in the aggregate, of the exterior portions of the front building wall surfaces of each building, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction.
12. Foundations. All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first floor level which is visible above grade, shall be constructed of brick, stone or stone veneer. There shall be a minimum vertical height of twelve (12) inches of brick, stone or stone veneer above grade utilized on slab-on-grade foundations to present the appearance of a crawl space.
13. Cantilevering. There shall be no cantilevered treatment of any architectural features on the first floor. Items on the second floor such as balconies, decks, box or bay-type windows may be cantilevered, but shall include decorative corbels.

14. Sound Suppression. Interior walls between homes shall have a minimum sound transmission coefficient rating of 54. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology to accomplish the sound coefficient rating, shall be included in building permit application.
15. Garages. All homes shall include a minimum of a two (2) car attached garage. All garages shall have a minimum clear space of eighteen (18) feet deep and twenty-two (22) feet wide, exclusive of the concrete support piers at the entrance to the garage. All garage doors shall have, at a minimum, one architectural detail including, but not limited to, windows, carriage door handles, exposed hinges or accent columns.
16. Driveways. All driveways directly serving homes shall be constructed of concrete, aggregate materials, brick or stone pavers.
17. Marketing. All homes shall initially be marketed for sale as "Owner-occupied".
18. Street Standards. All streets shall be private. Roll face curb and gutter shall be used and shall measure not less than three (3) feet from edge of pavement to back of curb. Street widths shall be specified based on anticipated vehicular loading, accommodation of on-street parallel parking and minimum fire department access requirements. Primary streets shall be designed to have a minimum width of thirty-one (31) feet from back of curb to back of curb. Prior to the issuance of a final Certificate of Occupancy for the last unit within any phase of the project, the developer shall provide the Planning Office certification from a licensed professional engineer that the roadways and parking areas within that development phase were constructed according to the approved plan and in compliance with Henrico County road standards and specifications with respect to proper compaction of the sub-base soils, utility trenches within paved areas and aggregate base. Certification shall also address bituminous concrete specification and thickness.
19. Street Lights. Street lights shall be provided and shall not exceed sixteen (16) feet in height. The street lights shall be cutoff concealed source and residential in character.
20. Density. There shall be no more than one hundred ninety-six (196) residential units developed on the Property.
21. Front Yards. Front yards shall initially be sodded, exclusive of mulched flowerbeds and landscaping. If not irrigated, such sodding

shall be comprised of drought-tolerant grasses.

22. Units in a Row. There shall be no more than six (6) residential units developed in a row on the Property.
23. Amenity. Park areas with benches shall be provided within the common area.
24. Hours of Construction. The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 9:00 a.m. and 5:00 p.m. on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Notwithstanding the foregoing, there shall be no exterior construction activities on Sundays in areas that are within two hundred fifty (250) feet of an existing single family home. Hours shall be posted in both English and Spanish during construction of the community.
25. No Central Trash. There shall be no central trash receptacles on the Property.
26. Fencing. No wooden stockade or wooden privacy fences shall be allowed on the Property. Any privacy fences between individual units shall be of white solid vinyl a minimum of five (5) feet in height. Fencing shall be provided along the perimeter of the Property as shown on the Fence/Sidewalk Plan (see case file), unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review. Where the Fence/Sidewalk Plan specifies "White PVC Fencing", such fence shall be a six (6) foot high solid vinyl privacy fence. Where the Fence/Sidewalk Plan specifies "Black Vinyl Clad Chain Link Fencing", such fence shall be a black vinyl clad chain link fence a height which is the maximum allowed, up to ten (10) feet, as determined at the time of Plan of Development and/or subdivision review. Where the Fence/Sidewalk Plan specifies "Concrete Wall", such wall shall be a precast concrete wall with either a brick-, stone- or wood- appearing finish on both sides of the fence, a height which is the maximum allowed, up to ten (10) feet, as determined at the time of Plan of Development and/or subdivision review.
27. 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.

28. Minimum Unit Width. Each unit shall be a minimum of twenty-eight (28) feet in width.
29. Foundation Plantings. Foundation plantings shall be provided on all front elevations and on all side elevations facing streets.
30. Landscape Plantings. A landscape plan detailing proposed plantings shall be submitted at the time of Plan of Development. The landscape plan shall include:
 - a. Street trees a minimum of one and one-half (1.5) to two (2) inches in caliper and six (6) to eight (8) feet in height at time of planting shall be provided on internal roads at a spacing approximately sixty (60) feet between trees;
 - b. Landscaping along Hollybrook Avenue and adjacent to Henrico County GPIN 762-755-7129 (SunTrust).

The vote of the Board was as follows:

Yes: Thornton, Nelson, Glover, Kaechele, O'Bannon

No: None

61-15
PUP2015-
00001
Three Chopt

Jing Chen: Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow extended hours of operation for an existing restaurant (7 Stars Asian Cuisine and Lounge) on part of Parcel 741-761-3418 located in the southeast quadrant of W. Broad Street (U.S. Route 250) and John Rolfe Parkway (Short Pump Station).

Jim Strauss, Principal Planner, responded to questions from Mr. Kaechele.

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

On motion of Mr. Kaechele, 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 conditions:

1. All proffered conditions accepted with case C-18C-03 shall be made a part of this Provisional Use Permit.
2. Hours of operation shall be extended until 2 a.m. for the interior use of the restaurant only.
3. The facility's windows shall not be tinted or obscured by posters, advertisements, or similar materials in order to permit surveillance

opportunities both from within and from the outside of the building. This shall not prevent blinds from being used during daylight hours.

4. The owner and/or operator of the establishment shall install and maintain a security camera and video system designed by a security specialist. The security system shall include the following items:
 - a) Exterior surveillance cameras monitoring the entrance(s), parking area(s), and any other areas deemed necessary by the Division of Police. Such security cameras shall provide clear imagery of the establishment's patrons and their vehicles.
 - b) Tapes or digital files showing recorded activities in the areas under surveillance shall be preserved for a period of four (4) months. Authorized representatives of the Henrico County Police Department and the Henrico County Planning Department shall have access to such tapes upon request.
5. The owner and/or operator shall provide adequate lighting for the entrances, exits, and parking areas serving the use or location. "Adequate lighting" means lighting sufficient for clear visual and security camera surveillance.
6. The owner and/or operator of the establishment shall allow the Crime Prevention Unit of the Division of Police to conduct a security survey of the location to identify potential security risks and to recommend additional prevention measures, if any, to be implemented by the business.
7. This permit is limited to the current applicant/owner, is non-transferrable, and shall apply only to tenant space currently occupied by 7 Stars Asian Cuisine and Lounge and shall not apply to any other business in the overall parcel.
8. In the event that evidence (i.e. police calls to the premises or complaints from other businesses) indicate that extended hours of operation are having an adverse effect (i.e. increased public nuisance, loitering, excessive noise outside the building, criminal assault, etc.) on the surrounding area, the Board of Supervisors may hold a public hearing to consider revoking the provisional use permit.

The vote of the Board was as follows:

Yes: Thornton, Nelson, Glover, Kaechele, O'Bannon

No: None

62-15
REZ2015-
00001
Three Chopt

Carole M. Weinstein, LLC: Request to conditionally rezone from B-2C Business District (Conditional) to B-3C Business District (Conditional) Parcel 753-759-8339 containing approximately 2.18 acres located on the west line of Stillman Parkway approximately 330' north of its intersection with W. Broad Street (U.S. Route 250).

Mr. Strauss responded to questions from Mr. Kaechele.

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

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

REZ2015-00001

EXCEPT AS AMENDED HEREIN, THE PROFFERED CONDITIONS APPROVED IN CASE NO C-36C-91 REMAIN IN FULL FORCE AND EFFECT.

Proffered Condition 12 of Case No. C-36C-91 is hereby amended and restated as follows:

12. Permitted Uses. The floor area limitation applicable in the B-2 district shall not apply to any furniture upholstery shop, or furniture, sales, service and repair use on the Property. No uses first permitted in the B-3 business district shall be permitted on the Property. All uses permitted in a B-2 business district shall be permitted on the Property, except the following uses:
 - a. a billiard, bagatelle, video game or a bingo parlor;
 - b. a convenience food store;
 - c. a massage parlor;
 - d. a funeral home;
 - e. a facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located);
 - f. a skating rink;
 - g. a banquet hall, auditorium or other place of public assembly;
 - h. a theater of any kind;
 - i. an automobile filling and service station;
 - j. a miniature or putt-putt golf course; or
 - k. a radio or television broadcasting station.

New Proffered Condition 20 is provided as follows:

20. Hours of Operation. Hours of operation shall be as regulated in the B-2 zoning district.

The vote of the Board was as follows:

Yes: Thornton, Nelson, Glover, Kaechele, O'Bannon

No: None

63-15
REZ2015-
00003
Three Chopt

ME Sadler, LLC: Request to conditionally rezone from RTHC Residential Townhouse District (Conditional) and A-1 Agricultural District to RTHC Residential Townhouse District (Conditional) Parcels 746-764-0658, 746-764-5580, 746-765-4206, and 746-765-4631 containing 12.99 acres located on the west line of Sadler Grove Road at its intersection with Sadler Road.

Mr. Strauss responded to a question from Mr. Kaechele.

Andy Condlin presented the case on behalf of the applicant. He reviewed the development plan, the status of Wonder Lane, and buffers proposed for the property as provided for in a proffered condition. Mr. Cejka and Mr. Yob responded to questions from Mr. Kaechele pertaining to future improvements planned for Sadler Road.

Christina King, a resident of 11311 Wonder Lane, raised a concern regarding fencing around the site but expressed confidence this issue will be finalized in a private agreement she and the applicant are working on.

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

Mr. Kaechele commented on the quality of the proposed development, including the architectural design and building materials.

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

1. Conceptual Master Plan. The layout of the development shall be generally similar to those concept plans prepared by Cite Design dated February 3, 2015 and attached hereto as Exhibit A (see case file) (the "Conceptual Master Plan"), subject to changes required for final engineering design and in compliance with government regulations.
2. Underground Utilities. All proposed utilities except for boxes, meters, pedestals and transformers shall be placed underground, unless technical or environmental reasons require otherwise. Any such utilities not placed underground shall be screened as required at the time of landscape plan review.

3. Sadler Road Right-of-Way. Upon the request of the County, the owner shall dedicate to Henrico County the right-of-way no more than sixty-six feet (66') wide required for the re-location of Sadler Road as generally shown on the Conceptual Master Plan as "New Sadler Road". Should the dedicated property not be used for the re-location of Sadler Road within thirty (30) years of the date of the dedication, title to the dedicated property will revert to the applicant or its successors in interest. Until New Sadler Road is constructed by or on behalf of the County, the entrance into the development over and across New Sadler Road will be constructed and maintained as more particularly shown on the road plan entitled "Exhibit Plan, Sadler Crossing, New Sadler Road, Asphalt Cross-Section, Three Chopt District, Henrico County, Virginia", dated January 26, 2015, prepared by The Bay Companies, and attached hereto as Exhibit F (see case file).
4. Interior Roads and Sidewalks. Prior to the issuance of the first Certificate of Occupancy for any dwelling on the Property, the applicant shall provide the Planning Department with (a) certification from a licensed engineer that the roadways within the project were constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface, or (b) the necessary surety in the form and amount that is acceptable to the County until such time as the above certification is provided. All interior roads shall be private and shall be constructed generally in conformance to the road section attached hereto as Exhibit B (see case file). Sidewalks with a minimum width of five feet shall be provided within the interior of the Property as generally shown on the Conceptual Master Plan and shall be reinforced if needed and as required to meet fire lane requirements as determined at the time of Plan of Development review.
5. Pedestrian Connection to Sadler Grove. Prior to issuance of an occupancy permit for the 30th dwelling unit on the Property, the existing sidewalk at the terminus of Sadler Grove Road and Wonder Lane shall be extended to the proposed right of way line for Sadler Road relocated as generally shown on the Conceptual Master Plan as "New Sadler Road".
6. Streetlights. Streetlights a maximum of sixteen (16) feet in height and of a uniform style shall be provided along both sides of any private roads within the Property.
7. Foundations. On the front, side and rear elevations of each building, there shall be a minimum of twelve (12) inches above grade of

exposed foundation composed of brick, stone or cultured stone. For reasons associated with required site grading, the requirements of this proffer may be modified or waived by the Director of Planning for individual side or rear facades.

8. Internal Landscaping. For all detached dwellings on the Property, (a) a minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each such lot, plus a minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the side yard adjacent to the street if the detached dwelling lot is a corner lot, (b) at least one tree planted in the front yard shall be an ornamental street tree, located within ten (10) feet of the back of curb in the front yard of each such lot, and at least one tree planted in the side yard of a corner lot shall be an ornamental street tree, located within ten (10) feet of the back of curb in the side yard of each such lot, (c) each home on such lot shall have prototypical plantings (shrubs and ornamental ground cover) along the front foundation, and (d) the front yards (and side yards if adjacent to streets) shall be irrigated and planted with sod except where mulching or landscaping may occur. For any lots containing an attached dwelling (townhome), a landscaped strip shall be provided adjacent to driveways in the front of the dwellings with shrubs, bushes, grass, street trees, decorative gravel or mulch, or as otherwise approved by the Planning Commission at the time of landscape plan review. All lawn areas within any common area shown on the Conceptual Master Plan as "pocket park" shall be irrigated and planted with sod. No chain link fencing shall be permitted on the property. All parking areas shall be landscaped as approved by the Planning Commission at the time of landscape plan review.
9. Cantilevered Features. No chimneys, gas vent units, or closets shall be cantilevered. The exposed portions of all fireplace chimneys shall be brick. This proffer shall not apply to direct vent gas fireplaces or appliances. Architectural features on the second floor, such as balconies, stoops, decks, box or bay-type windows, may be cantilevered.
10. Driveways and Parking. All driveways and parking spaces shall be constructed of hard surface materials (concrete, aggregate materials, asphalt, brick or stone pavers). Driveway access for individual units shall be prohibited from Sadler Road (existing) and the road designated as "New Sadler Road" on the Conceptual Master Plan.
11. Recreational Vehicles. No recreational vehicles, campers, trailers, or boats shall be parked or stored on the Property, unless within enclosed garages.

12. Density. No more than sixty (60) dwelling units shall be developed on the Property. No more than sixteen (16) dwelling units, all of which shall be detached dwelling units, shall be developed northwest of the road designated as "New Sadler Road" on the Conceptual Master Plan, only eight (8) of which shall be developed on the property currently designated as GPIN 746-765-4631. No more than forty-four (44) dwelling units shall be developed southeast of the road designated as "New Sadler Road" on the Conceptual Master Plan.
13. Minimum House Size and Width. All attached dwellings (townhomes) shall be a minimum of twenty feet (20) in width and shall contain a two-car garage. At least 50% of attached dwellings (townhomes) shall contain a minimum 2,200 square feet of finished floor area and no attached dwelling (townhome) shall contain less than 1,800 square feet of finished floor area. All detached dwellings shall contain a two-car garage and at least 50% shall contain a minimum of 2,500 square feet of finished floor area and no detached dwelling shall contain less than 2,200 square feet of finished floor area.
14. Architecture. The visible portions of the front, rear and side building wall surfaces of each building unit shall be constructed of stone, stone veneer, fiber cement, decorative shake, brick or brick veneer, excluding trim, windows, doors and architectural design features, or as specifically approved by the Director of Planning. Any attached dwellings (townhomes) constructed on the Property shall (a) have front elevations generally in conformance with the elevations attached hereto as Exhibit C-1 (see case file), (b) to the extent the rear of such attached dwellings (townhomes) face Sadler Road (existing) or the road designated as "New Sadler Road" on the Conceptual Master Plan, have rear elevations generally in conformance with the elevations attached hereto as Exhibit C-2 (see case file), (c) to the extent the side of such attached dwellings (townhomes) face Sadler Road (existing) or the road designated as "New Sadler Road" on the Conceptual Master Plan, have side elevations generally in conformance with the elevations attached hereto as Exhibit C-3 or Exhibit C-4 (see case file), (d) use a variety of colors across each building, (e) provide simulated carriage-style garage doors with craftsman-style door designs, window lights, and hardware, and (f) provide craftsman-style window grill patterns. The side of each end unit of an attached dwelling (townhome) shall include at least three (3) windows. Any detached dwelling shall have front elevations generally in conformance with the elevations attached hereto as Exhibit D (see case file).
15. Protective Covenants and Design Guidelines. Prior to or concurrent with any subdivision plat recordation, restrictive covenants describing development controls and maintenance of the portion of the Property

so subdivided shall be recorded in the Clerk's Office of the Circuit Court of Henrico County. In addition, there shall be a Homeowners Association and/or Condominium Association of the owners of the units on the Property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the common areas and perimeter fencing and buffers. The covenants shall incorporate design guidelines and landscape standards which shall provide consistent fencing and on-lot landscape standards.

16. Buffers.

- a. A minimum twenty-five (25) foot wide buffer area shall be provided in the location shown on the Conceptual Master Plan as "Buffer A". The northern fifteen (15) foot wide portion of Buffer A shown as "15' natural vegetation buffer" on the buffer plan entitled "SADLER CROSSING, LANDSCAPE BUFFER A-TYPICAL PLANTING CONCEPT" (the "Buffer A Plan"), dated February 5, 2015, and attached hereto as Exhibit E (see case file) shall be kept in its natural condition, unless necessary for the removal of fallen, diseased or dead plant growth. The remaining ten (10) feet of Buffer A shown as "10' planting area" on the Buffer A Plan, may be cleared and graded and include within such ten (10) foot wide area, a storm-water and drainage facility, and shall then be replanted with a row of Green Giant Arborvitae, or equivalent, planted at a minimum height of six (6) feet and in a staggered, offset row no further apart than eight (8) feet on center, unless otherwise approved at the time of landscape plan review. Such plantings shall occur as soon as practical after grading activity is completed within the ten (10) foot wide area of Buffer A as determined appropriate based on the typical planting season for and availability of such landscaping.
- b. A minimum ten (10) foot wide naturally vegetated and landscaped buffer shall be provided as shown on the Conceptual Master Plan as "Buffer B" (see case file). Existing trees within such Buffer B will be retained to the extent possible, and if removed or as otherwise needed, such Buffer B shall include landscaping with a minimum of transitional buffer ten as referenced in the County Zoning Ordinance.
- c. A minimum ten (10) foot wide naturally vegetated and/or landscaped buffer shall be maintained on the Property as shown on the Conceptual Master Plan as "Buffer C" (see case file), which such Buffer C shall be kept in its natural condition unless otherwise approved by the County at the time of landscape plan review and necessary for the removal of fallen, diseased or dead plant growth. Supplemental screening shall be provided along or

within Buffer C for those areas that are not natural wetlands of twenty (20) feet in width or greater by a row of Green Giant Arborvitae, or equivalent, planted at a minimum height of six (6) feet and in a staggered, offset row no further apart than eight (8) feet on center, unless otherwise approved at the time of landscape plan review.

- d. A minimum ten (10) foot wide naturally vegetated and/or landscaped buffer planted equivalent to a minimum of transitional buffer ten as referenced in the County Zoning Ordinance shall be provided along the southeastern side of the road designated as "New Sadler Road" on the Conceptual Master Plan and as shown on the Conceptual Master Plan as "Buffer D" (see case file). The same buffer shall be provided along the northwestern side of the road designated as "New Sadler Road" on the Conceptual Master Plan at the request of the County after completion of the construction of "New Sadler Road" as shown on the Conceptual Master Plan.
 - e. All such buffers shall be provided subject to (i) the extent necessary for an existing access road and utility easements, including drainage, and (ii) supplemental plantings, berms, and/or fencing and other purposes, including without limitation, accommodation for any sight distance easements as may be required, all as approved by the Planning Commission at the time of landscape plan review.
17. Sound Suppression. Walls between attached dwellings (townhomes) shall have a minimum sound transmission coefficient rating of 50 between units and for exterior walls of end units. A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound transmission coefficient rating shall be included in the building permit application.
18. Hours of Construction. The hours of exterior construction, including operation of bulldozer and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturday with no construction activities on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work, such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.

19. Trash Receptacles, HVAC and Emergency Generators. Dumpsters, trash receptacles, emergency generators and heating, ventilation, and air conditioning (HVAC) equipment shall be screened from view at ground level at the property lines in a manner approved at Plan of Development.
20. Maintenance Activities. Trash pick-up, parking lot cleaning, leaf blowing, and similar maintenance activities by the homeowners' association shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturday with no such maintenance activities on Sunday.
21. Stormwater BMPs. Any wet storm water pond shall be aerated as an amenity feature. Any BMP on the property shall be landscaped as approved at the time of the landscape plan review.
22. Units in a Building. There shall be no more than six (6) attached dwelling (townhome) units constructed in each building.
23. Entrance Feature. The entrance into the development shall contain a monument style entrance sign with exterior lighting and shall be constructed in conformance with the County Zoning Ordinance.
24. Fencing. A 48" black cast aluminum decorative fence shall be provided along the road designated as "New Sadler Road" on the Conceptual Master Plan. Such fence shall be provided subject to and as may otherwise be approved by the Planning Commission at the time of landscape plan review.
25. Wonder Lane. No building permit shall be issued for any home on the property currently designated as GPIN 746-765-4631 until the access easement known as Wonder Lane is either terminated or relocated to a location acceptable to the easement holder or in accordance with a court order.
26. 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 of the unaffected part of such proffer.

The vote of the Board was as follows:

Yes: Thornton, Nelson, Glover, Kaechele, O'Bannon

No: None

The Board recessed at 10:23 p.m. and reconvened at 10:32 p.m.

PUBLIC HEARING – OTHER ITEM

64-15 Ordinance - To Amend and Reordain Subsection (d) of Section 22-126 of the Code of the County of Henrico Titled “Weight limits for specific streets” to Restrict Through Truck Traffic on White Oak Road - Varina District.

The following persons spoke during the public hearing on this item:

- Mark Davis, a resident of 6425 Elko Road, asked the County to initiate a conversation with the Virginia Department of Transportation (VDOT) about extending this restriction to portions of Elko Road and Portugee Road in the vicinity of White Oak Road and Technology Boulevard.
- Stewart Goodwin, a resident of White Oak Road, expressed concerns about traffic on her road resulting from Lumber Liquidators. She distributed and reviewed a truck time line for White Oak Road and graphs showing traffic on this road. Ms. Goodwin asked that the Board permanently restrict trucks on White Oak Road and also change the name of White Oak Creek Road to avoid confusion for truckers traveling to Lumber Liquidators and White Oak Technology Park.
- Ellen Snider, a resident of Elko Road, expressed support for this item.
- Kathy Walker, a resident of 201 Riva Ridge Circle, voiced concerns regarding truck traffic on Portugee Road and asked for the County’s assistance in restricting truck traffic on this road.

Mr. Nelson reviewed a number of measures the County has taken or that are in the works to address the truck traffic issue. He announced that the County has already made the provision to change the name of White Oak Creek Drive to Engineers Way. Mr. Nelson asked Mr. Yob to meet with Ms. Walker and advised the speakers that he will get with the County Manager to request a formal study by VDOT of the truck traffic issue.

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

PUBLIC COMMENTS

Pauline Lewis, a resident of the Fairfield District, advised the Board of damages to her home resulting from an earthquake and noted the unavailability of Federal Emergency Management

Agency (FEMA) disaster relief funds to assist with the cost of repairs. She suggested the Board evaluate and establish resources for residents living on fixed incomes whose homes have sustained earthquake damage. Mr. Vithoukas suggested Ms. Lewis have a conversation with Building Official Greg Revels and Community Development Manager David Sacks to see if there is public assistance through Elder Homes or one of the Community Development Block Grant program entities for which she may qualify.

Don Blake, a resident of the Brookland District and former Henrico representative on the Richmond Region Tourism Board of Directors, voiced concerns regarding political correctness and taxpayer-funded immorality. He objected to the Richmond Region Tourism Board's promotion of an advertising campaign inviting same-sex couples to come to the Richmond area to marry and honeymoon. Mr. Vithoukas clarified that the campaign to which Mr. Blake referred was financed through contributions by private companies and was not funded with taxpayer dollars. Mr. Glover noted he had previously received assurances from Mr. Vithoukas to this effect.

Mark Davis, a resident of the Varina District, expressed concerns about the quality of future development in and around White Oak Technology Park and the impact of the new Lumber Liquidators distribution center on his community's residential property values. Mr. Nelson advised Mr. Davis that he, the County Manager, and the Planning Director met earlier in the day to discuss a Varina area plan that may include an overlay district and will include conservations with the community. Mr. Davis also announced there will be a community meeting within the next two months to discuss the Elko area and White Oak Technology Park.

Sheriff Mike Wade informed the Board that two of his deputies who regularly provide security at Board meetings, Sgt. Raymond Goetschius and Investigator Jessika Farmer, recently received a meritorious service award from the Richmond Police Department for assisting the department and the Federal Bureau of Investigations (FBI) in bringing a cold case homicide to resolution.

GENERAL AGENDA

- 65-15 Resolution - Authorization to Apply to Amend the Boundaries of the City of Richmond North/Henrico County Enterprise Zone to Add Properties Within Henrico County at Starling Drive and Quioccasin Road, Along Eastridge and Parham Roads, on the South Side of Oakleys Lane West of Gillie Creek, Along November Avenue, and Between S. Laburnum Avenue and S. Airport Drive North of Seven Hills Boulevard, and to Modify the Planning Review/Permit Fee Waivers Incentive.

Mark Strickler, Director of Community Revitalization, narrated a slide presentation on this item. He reviewed the proposed amendment, proposed enterprise zone additions, enterprise zone acreage, and the tentative amendment schedule. He responded to questions from Mr. Nelson and Mr. Kaechele.

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

- 66-15 Resolution – Receipt of Operating and Capital Budget Estimates for Fiscal Year 2015-16 and Notice of Public Hearings on the Budget and Proposed Tax Rates.

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

- 67-15 Resolution - Signatory Authority - Memorandum of Understanding - rvaMORE.

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

- 68-15 Resolution - Award of Construction Contract - Maplewood Road Sewer Rehabilitation, Part 2 - Brookland District.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote the Board approved this item – see attached resolution.

- 69-15 Resolution - Award of Construction Contract - Springfield Road Landfill Closure - Three Chopt District.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.

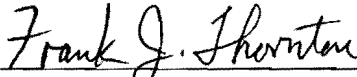
- 70-15 Resolution - Award of Construction Contract - Water Treatment Facility Generator - Tuckahoe District.

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

- 71-15 Resolution – Approval of Settlement of Worker's Compensation Claim – Percy Burnett, III.

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

There being no further business, the meeting was adjourned at 11:36 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 56-15

Page No. 1 of 1

Agenda Title: RESOLUTION - Appointment of Member - Richmond Regional Transportation Planning Organization Citizens Transportation Advisory Committee

For Clerk's Use Only:

Date: MAR 10 2015

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ ☐ ☐
Kaechele, D. ☒ ☐ ☐
Nelson, T. ☒ ☐ ☐
O'Bannon, P. ☒ ☐ ☐
Thornton, F. ☒ ☐ ☐

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, appoints the following person to the Richmond Regional Transportation Planning Organizations Citizens Transportation Advisory Committee for a term expiring December 31, 2016, or thereafter, when her successor shall have been appointed and qualified:

At-Large

J. Amber Burke (Lancaster)

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

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Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 44-15

Page No. 1 of 1

Agenda Title: **ORDINANCE — To Amend and Reordain Subsection (d) of Section 22-126 of the Code of the County of Henrico Titled "Weight limits for specific streets" to Restrict Through Truck Traffic on White Oak Road – Varina District**

For Clerk's Use Only:

Date: **MAR 18 2015**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) O'Bannon
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	_____	_____
Kaechele, D.	<input checked="" type="checkbox"/>	_____	_____
Nelson, T.	<input checked="" type="checkbox"/>	_____	_____
O'Bannon, P.	<input checked="" type="checkbox"/>	_____	_____
Thornton, F.	<input checked="" type="checkbox"/>	_____	_____

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

1. That Section 22-126 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 22-126. Weight limits for specific streets.

-
-
-

(d) It shall be unlawful for any person to use or cause to be used any trucks, pickup or panel trucks, tractor trucks and trailers, having a registered gross weight in excess of 7,500 pounds, on the following roads, except for the purpose of receiving loads or making deliveries on such portion of these roads:

-
-
-

(20) White Oak Road between Elko Road (State Route 156) and Williamsburg Road (State Route 60)

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

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

By Agency Head

By County Manager

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Clerk, Board of Supervisors

Date: _____



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

Agenda Item No. 65-15

Page No. 1 of 2

Agenda Title: RESOLUTION — Authorization to Apply to Amend the Boundaries of the City of Richmond North/Henrico County Enterprise Zone to Add Properties Within Henrico County at Starling Drive and Quioccasin Road, Along Eastridge and Parham Roads, along Oakleys Lane West of Gillie Creek, Along November Avenue, and Between S. Laburnum Avenue and S. Airport Drive North of Seven Hills Boulevard, and to Modify the Planning Review/Permit Fee Waivers Incentive.

<p>For Clerk's Use Only:</p> <p>Date: <u>MAR 10 2015</u></p> <p>(<input checked="" type="checkbox"/>) Approved</p> <p>() Denied</p> <p>() Amended</p> <p>() Deferred to:</p>	<p align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Nelson</u></p> <p>(2) _____</p> <p>REMARKS: <u>APPROVED</u></p>	<table border="1"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Glover, R.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </tbody> </table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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 in economically distressed, distinct geographical areas; and,

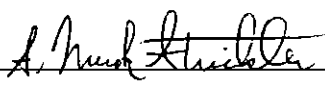

WHEREAS, the City of Richmond North/Henrico County Enterprise Zone (the "Zone") was created on January 1, 1995, to include portions of the City of Richmond (the "City") in the Zone; and,

WHEREAS, since then the Commonwealth has re-designated the Zone on several occasions to add various areas and properties; and,

WHEREAS, the Commonwealth has re-designated the Zone to add a County incentive for off-site improvements as well as County incentives for paving, landscaping, demolition, and façade improvements for existing businesses, and to revise the County paving grant incentive; and,

WHEREAS, the Commonwealth has re-designated the Zone to extend its term to December 31, 2022, on January 15, 2015; and,

WHEREAS, the County now wishes to add properties at Starling Drive and Quioccasin Road, along Eastridge and Parham Roads, along Oakleys Lane west of Gillie Creek, along November Avenue, and between S. Laburnum Avenue and S. Airport Drive north of Seven Hills Boulevard, and to modify the planning review/permit fee waivers incentive to make January 1 of the year in which the Commonwealth of Virginia amends the boundaries of the Zone the effective date of the incentive; and,

By Agency Head  By County Manager 

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Clerk, Board of Supervisors
Date: _____

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

Agenda Item No. 65-15

Page No. 2 of 2

Agenda Title: RESOLUTION — Authorization to Apply to Amend the Boundaries of the City of Richmond North/Henrico County Enterprise Zone to Add Properties Within Henrico County at Starling Drive and Quioccasin Road, Along Eastridge and Parham Roads, along Oakleys Lane West of Gillie Creek, Along November Avenue, and Between S. Laburnum Avenue and S. Airport Drive North of Seven Hills Boulevard, and to Modify the Planning Review/Permit Fee Waivers Incentive.

WHEREAS, the County must apply for Zone amendments jointly with the City; and,

WHEREAS, County staff advertised and conducted a public hearing on March 2, 2015, in accordance with the Act's program requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors (1) approves submission of the application to amend the Zone, (2) authorizes the County Manager to submit the application and necessary supporting information to the Virginia Department of Housing and Community Development, and (3) authorizes the County Manager to carry out all program administrative and reporting requirements.

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

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

Agenda Item No. 66-15

Page No. 1 of 2

Agenda Title **RESOLUTION – Receipt of Operating and Capital Budget Estimates for Fiscal Year 2015-16 and Notice of Public Hearings on the Budget and Proposed Tax Rates**

<p>For Clerk's Use Only:</p> <p>MAR 10 2015</p> <p>Date _____</p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to _____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Glover</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table style="width: 100%;"><tr><th></th><th style="text-align: center;">YES</th><th style="text-align: center;">NO</th><th style="text-align: center;">OTHER</th></tr><tr><td>Glover, R.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Nelson, T.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<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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WHEREAS, the County Manager has assembled his estimates of the resources and expenditures anticipated to be available or required during fiscal year 2015-16, for the operating and capital budgets from requests received from all County offices, divisions, boards, and departments, including the Department of Education; and,

WHEREAS, state law requires the advertisement and holding of a public hearing and the approval of an Annual Fiscal Plan for the County, and,

WHEREAS, the Board desires to advertise proposed tax rates and levies for calendar year 2015 and hold a public hearing thereon.

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

- (1) The Board hereby receives the County Manager's estimates of resources and expenditures anticipated to be available or required during fiscal year 2015-16, for the operating and capital budgets; and,
- (2) The Board hereby directs its Clerk to advertise on or before Sunday, March 29, 2015, in at least one newspaper of general circulation in the County:
 - (a) A synopsis of the operating and capital budgets and a public hearing thereon to be held on Tuesday, April 14, 2015, at 6:00 p.m., in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia; and,
 - (b) Proposed tax rates and levies for calendar year 2015 and a public hearing thereon to be held on Tuesday, April 28, 2015, at 7:00 p.m., in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia.

By Agency Head *Raymond Webb*

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. **66-15**
Page No. 2 of 2

Agenda Title **RESOLUTION – Receipt of Operating and Capital Budget Estimates for Fiscal Year 2015-16 and Notice of Public Hearings on the Budget and Proposed Tax Rates**

(3) The Board hereby directs its Clerk to post on or before Sunday, March 29, 2015 in a prominent public location at which notices are regularly posted at both the Eastern and Western Government Centers:

(a) A synopsis of the operating and capital budgets and notice of a public hearing thereon to be held on Tuesday, April 14, 2015, at 6:00 p.m. in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia; and,

(b) A notice of proposed tax rates and levies for calendar year 2015 and a public hearing thereon to be held on Tuesday, April 28, 2015, at 7:00 p.m. in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 67-15

Page No. 1 of 1

Agenda Title: **RESOLUTION — Signatory Authority — Memorandum of Understanding —**
rvaMORE

For Clerk's Use Only:

Date: **MAR 10 2015**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Nelson
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, the Virginia Area Trails Association ("Association") is a chapter of the International Mountain Bicycling Association that currently maintains 43 miles of local bicycle trails in area parks with member volunteers; and,

WHEREAS, the Association does business as rvaMORE and has the expertise and resources to perform work on multi-use trails in County parks; and,

WHEREAS, rvaMORE wishes to construct, renovate, and maintain existing natural trails in County parks for bicycle and foot travel to promote the health and well-being of County citizens; and,

WHEREAS, rvaMORE will schedule and supervise rvaMORE volunteers' work on the trails and insure the County for the work of its members; and,

WHEREAS, the County will review rvaMORE's plans and inspect its work on County trail projects.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a Memorandum of Understanding, in a form approved by the County Attorney, between rvaMORE and the County for the construction, renovation, and maintenance of existing natural trails for bicycle and foot travel in the County's parks.

COMMENTS: The Director of Recreation and Parks recommends approval of this Board paper; the County Manager concurs.

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 68-15
Page No. 1 of 1

Agenda Title: RESOLUTION — Award of Construction Contract — Maplewood Road Sewer Rehabilitation, Part 2 — Brookland District

For Clerk's Use Only:

Date: MAR 10 2015

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Clover Seconded by (1) Kaechele
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒
Kaechele, D. ☒
Nelson, T. ☒
O'Bannon, P. ☒
Thornton, F. ☒

WHEREAS, the County received six bids on January 14, 2015, in response to Invitation to Bid No. 14-9686-11CE for the Maplewood Road Sewer Rehabilitation, Part 2-project in the Brookland District; and,

WHEREAS, the project includes replacing approximately 2,400 feet of sewer piping in the area bounded by Kenwood Avenue to the north, Dellrose Avenue to the south, Impala Drive to the west, and Galaxie Road to the east; and,

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
C. T. Purcell, Inc.	\$875,554
Southern Construction Utilities, Inc.	\$998,550
G. L. Howard, Inc.	\$1,083,610
Shoosmith Construction, Inc.	\$1,325,050
Possie B. Chenault, Inc.	\$1,497,416
Lyttle Utilities, Inc.	\$1,714,000

WHEREAS, after a review and evaluation of the bids received, it was determined that C. T. Purcell, Inc. is the lowest responsive and responsible bidder with a bid of \$875,554.

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

1. The contract is awarded to C. T. Purcell, Inc., the lowest responsive and responsible bidder, in the amount of \$875,554 pursuant to Invitation to Bid No. 14-9686-11CE and the bid submitted by C. T. Purcell, Inc.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding will be provided by the Water and Sewer Revenue Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.

By Agency Head

Arthur O. Petri

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 69-15
Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Springfield Road Landfill Closure — Three Chopt District**

For Clerk's Use Only:

Date: MAR 18 2015

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Alvares
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ ☐ ☐
Kaechele, D. ☒ ☐ ☐
Nelson, T. ☒ ☐ ☐
O'Bannon, P. ☒ ☐ ☐
Thornton, F. ☒ ☐ ☐

WHEREAS, the County received three bids on February 11, 2015, in response to Invitation for Bid No. 15-9697-ICE and Addendum No. 1 for the Springfield Road Landfill Closure; and,

WHEREAS, the project includes installation of geomembrane and soil cover to cap 23 acres of landfill disposal area and construction of 22 landfill gas extraction wells at the landfill, and

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Shamrock Environmental Corporation	\$3,222,678
Sargent Corporation	\$3,927,195
T & K Construction, LLC	\$4,607,470

WHEREAS, after a review and evaluation of the bids received, it was determined that Shamrock Environmental Corporation is the lowest responsive and responsible bidder with a bid of \$3,222,678.

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

- The contract is awarded to Shamrock Environmental Corporation, the lowest responsive and responsible bidder, in the amount of \$3,222,678 pursuant to Invitation for Bid No. 15-9697-ICE, Addendum No. 1, and the bid submitted by Shamrock Environmental Corporation.
- The County Manager is authorized to execute the contract in a form approved by the County Attorney.

By Agency Head

Arthur O. Petrini

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Tests: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. **69-15**

Page No. 2 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Springfield Road Landfill Closure
— Three Chopt District**

3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding will be provided by the Solid Waste Special Revenue Fund. The Director of Public Utilities and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 70-15
Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Water Treatment Facility Generator — Tuckahoe District**

For Clerk's Use Only:

Date: **MAR 10 2015**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Nelson
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ ☐ ☐
Kaechele, D. ☒ ☐ ☐
Nelson, T. ☒ ☐ ☐
O'Bannon, P. ☒ ☐ ☐
Thornton, F. ☐ ☐ ☐

WHEREAS, the County received three bids on February 5, 2015, in response to Invitation for Bid No. 14-9687-12CE and Addenda Nos. 1, 2, and 3 for the Water Treatment Facility Generator project in the Tuckahoe District; and,

WHEREAS, the contractor will install a 2,000 kW emergency power generator and a 6,000 gallon aboveground fuel storage tank to increase the treatment capacity of the Water Treatment Facility when electricity is unavailable from Dominion Virginia Power; and

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Instrumentation & Control Systems Engineering, Inc.	\$1,897,330
Varney, Inc.	\$1,958,000
Master Electrical Services LLC	\$1,992,600

WHEREAS, after a review and evaluation of the bids received, it was determined that Instrumentation & Control Systems Engineering, Inc. is the lowest responsive and responsible bidder.

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

- The contract is awarded to Instrumentation & Control Systems Engineering, Inc., the lowest responsive and responsible bidder, in the amount of \$1,897,330 pursuant to Invitation for Bid No. 14-9687-12CE, Addenda Nos. 1, 2, and 3, and the bid submitted by Instrumentation & Control Systems Engineering, Inc.
- The County Manager is authorized to execute the contract in a form approved by the County Attorney.

By Agency Head Arthur D. Petrini

By County Manager [Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 70-15

Page No. 2 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Water Treatment Facility
Generator — Tuckahoe District**

3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding will be provided by the Water and Sewer Revenue Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 71-15

Page No. 1 of 1

Agenda Title: RESOLUTION – Approval of Settlement of Worker's Compensation Claim – Percy

Burnett, III

For Clerk's Use Only: Date: <u>MAR 10 2015</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<p style="text-align: center;">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Celoner</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____</p> <p>REMARKS: <u>APPROVED</u></p>	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><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>Nelson, T.</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	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<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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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"/>																							

BE IT RESOLVED by the Board of Supervisors of Henrico County that:

- (1) it authorizes settlement of the worker's compensation claim of Percy Burnett, III, on terms as recommended by the Risk Manager, the County Attorney, and outside counsel, and as approved by the Self-Insurance Trustees; and
- (2) the Risk Manager, County Manager, County Attorney, and outside counsel are authorized to execute all documents, in forms satisfactory to counsel, necessary to conclude this case and implement the terms of the settlement.

COMMENTS: The Risk Manager, the County Attorney, and outside counsel recommend approval of this Board paper; the County Manager concurs.

By Agency Head Brian C. Lark
Joseph P. Caprianda, Jr. By County Manager [Signature]

Routing:
Yellow to: _____
Copy to: _____

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

Date: _____