

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
November 10, 2009

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, November 10, 2009 at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

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

Other Officials Present:

Virgil R. Hazelett, P.E., 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
George T. Drumwright, Jr., Deputy County Manager County Manager for Human Services
Leon T. Johnson, Deputy County Manager for Administration
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development

Mr. Kaechele called the meeting to order at 7:08 p.m. and led recitation of the Pledge of Allegiance.

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board approved the minutes of the October 27, 2009 Regular Meeting.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

MANAGER'S COMMENTS

The Department of Public Utilities recently received a National Environmental Achievement Award due to the Department's participation in the Virginia Biosolids Council. This award was presented by the National Association of Clean Water Agencies (NACWA) to recognize the work of the Virginia Biosolids Council in public information and education. James Grandstaff, the Department's Water Reclamation Facility Division Director, currently serves on the Council's Board of Directors.

Robin D. Smith, a resident of the Brookland District, was introduced as the 2009 Henrico Christmas Mother. Joining her were the Chair and Co-Chair of the County Government Christmas Mother Program, Lisa H. Orlosky of the Department of Information Technology and Juliana L. Haalboom of the Division of Recreation and Parks. This is the 68th year of the program, which helps community family members in need and is anticipating a record number of applicants in 2009. Mrs. Smith acknowledged the generosity and efforts of the program's many partners and expressed appreciation to the County for its support. Mr. Kaechele offered the Board's thanks to Mrs. Smith and all of the program's volunteers.

BOARD OF SUPERVISORS' COMMENTS

There were no comments from the Board.

RECOGNITION OF NEWS MEDIA

Mr. Kaechele recognized Katherine Calos from the *Richmond Times-Dispatch*.

PRESENTATION

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

On motion of Mr. Thornton, seconded by Mr. Glover, and by unanimous vote, the Board Approved Agenda Item No. 273-09 – see attached resolution.

Mr. Thornton presented the resolution to Kathleen Burke Barrett, Chief Executive Officer of St. Joseph's Villa. Joining her was Bruce Cauthen, Vice President of Public Relations for the Villa.

PUBLIC HEARINGS - REZONING CASES

274-09 Towne Center-West, LLC and Towne Center West Shoppes, LLC: Request to
C-27C-09 amend proffered conditions accepted with Rezoning Case C-49C-04, on Parcels
Three Chopt 735-764-4742, 736-764-1136, 736-764-0871, 736-764-3961 and part of Parcel
734-764-9340 located on the north line of W. Broad Street (U.S. Route 250)
approximately 1,100 feet east of N. Gayton Road, approximately 500 feet north
of W. Broad Street approximately 1,100 feet east of N. Gayton Road, and
approximately 675 feet north of W. Broad Street approximately 1,775 feet east

of N. Gayton Road.

Joe Emerson, Director of Planning, responded to questions from the Board regarding the numbering of newly submitted proffers, the use of signage on the property, and how the restaurant will be oriented on the site.

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 274-09 (C-27C-09) with the following proffered conditions:

1. Except as amended hereby, all proffers contained in C-49C-04 shall remain in full force and effect and shall by this reference thereto be made a part hereof as if fully set forth herein.
2. Proffer 20 of Case C-49C-04 shall be deleted in its entirety and replaced with the following:

Exterior Elevations. The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Property shall be similar in high quality of construction and shall have compatible architectural design (incorporating compatible, but not necessarily the same, design elements, color and architectural styles).

Any building located on the Property shall have an exterior architectural style and use design elements generally compatible with the concept drawings entitled "The Breeden Company Inc., Broad Street Development, Proposed Elevation" and "The Breeden Company Inc., Broad Street Development, Proposed Elevation", prepared by Baskerville and attached as Exhibits A-2, A-3 and A-4 (see case file) to Rezoning Case C-49C-04, which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings on the Property.

All buildings on the Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, precast concrete, exterior insulating finishing systems (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development review. All buildings (other than the Proposed Restaurant (hereinafter referenced and defined)) on the Property shall have at least thirty-five percent (35%) brick or stone in the aggregate on the exposed exterior walls of such buildings, with the front exposed exterior wall of any such building being

constructed of at least fifty percent (50%) brick or stone and any side exposed exterior wall visible from the 40' Collector Road being constructed of a minimum of thirty-five percent (35%) brick or stone. Notwithstanding the foregoing, one building located on the Parcel referenced as "4.530 Acres" on the attached Exhibit 1 (the "Proposed Restaurant"), (see case file) may also have an exterior architectural style and material generally consistent with the exterior elevation plans prepared by CRHO Architects each dated February 9, 2009, entitled "Italian Restaurant" and attached hereto as Exhibit 2-A and Exhibit 2-B (see case file), subject to such changes as may be requested by the applicant and approved at the time of Plan of Development review, which such renderings are conceptual in nature and are provided as an illustration of the quality of the design, materials used and architectural style of such buildings on the Proposed Restaurant.

Wood or composite siding, natural or cultured stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on such buildings.

No building on The Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development review.

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

The rear of any buildings on The Property facing West Broad Street shall have a façade substantially similar to the front façade of that building or as otherwise approved by the Planning Commission at the time of Plan of Development review.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

275-09
C-28C-09
Three Chopt

Towne Center-West, LLC: Request to conditionally rezone from R-6C General Residence District (Conditional) to B-3C Business District (Conditional), part of Parcel 734-764-9340, containing approximately 4.85 acres, located approximately 325 feet north of W. Broad Street (U.S. Route 250) approximately 1,100 feet east of N. Gayton Road.

Mr. Emerson responded to a question from Mr. Glover concerning limits on hours of operation contained in the case's proffered conditions.

No one from the public spoke in opposition this case.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 275-09 (C-28C-09) with the following proffered conditions:

1. **Site Plan.** The Property shall be developed generally consistent with the schematic layout prepared by Timmons Group entitled "TOWNE CENTER WEST - POD 1 REZONING LAYOUT SCHEMATIC - OPTION B" dated August 18, 2009, and attached as Exhibit 1 (the "Site Plan"), (see case file), which such layout is conceptual in nature and may be revised from time to time as required for engineering purposes, as required by any governmental entity or as otherwise requested and specifically permitted at the time of Plan of Development review.

2. **Exterior Elevations.** Unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development review, any building on the Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, stucco and siding, exterior insulating finishing systems (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, as generally shown in the renderings attached hereto as Exhibits 3 and 4, both dated September 22, 2009, (see case file) which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings on the Property.

All buildings on the Property shall have at least thirty-five percent (35%) brick or stone in the aggregate on the exposed exterior walls of such buildings, with the front exposed exterior wall of any such building being constructed of at least fifty percent (50%) brick or stone and any side exposed exterior wall visible from the 40' Collector Road being constructed of minimum of thirty-five (35%) brick or stone.

permitted at the time of Plan of Development review.

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

3. **Buffers.** Landscaped buffers shall be provided and designed with a cohesive landscape planting plan generally consistent with the "POD 1

SCHEMATIC BUFFER PLAN" dated August 19, 2009, prepared by Timmons Group and attached as Exhibit 2, (see case file) which is conceptual in nature and may vary in detail as otherwise requested and specifically permitted at the time of landscape plan approval. Roads, sidewalks, utility easements, fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffers.

4. **Vehicular Access.** Unless otherwise requested and specifically permitted at the time of Plan of Development review, access to the Property from West Broad Street shall be provided by Towne Center West Boulevard (private) and Henley Lane (private) as shown on the Site Plan (see case file).
5. **Loading Docks.** Loading docks shall be screened from public view at ground level as approved at the time of Plan of Development review by use of a wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such other method as may be approved at the time of Plan of Development review.
6. **Trash Receptacles.** Any dumpsters and trash receptacles located outside the building, not including convenience cans, shall be screened from public view at ground level with architectural material similar to the main building using such dumpster or trash receptacle unless otherwise requested and approved at the time of Plan of Development review.
7. **Trash removal.** Trash removal on the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
8. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.
9. **Stone Mulch.** Aggregate stone media shall not be used as a mulch in any landscaped buffer area on the Property nor in any parking lot landscaping areas (including islands), unless otherwise requested and specifically permitted at the time of Plan of Development review.
10. **Outdoor Speakers.** Unless permitted for outdoor dining areas, no public address or speaker systems outside of any building shall be permitted.
11. **Parking Lot and Exterior Lighting.** Parking lot lighting standards within the Property shall not exceed twenty-five (25) feet in height as measured from the grade of the lighting standard, except as otherwise

permitted at the time of Plan of Development review.

Parking lot lighting standards shall not exceed twenty (20) feet in height within three hundred (300) feet of the boundary line of the Property along West Broad Street. Parking lot lighting on the Property shall be produced from concealed lighting sources to minimize the impact of such lighting on adjacent properties, unless otherwise permitted at the time of Plan of Development review. Exterior light fixtures shall be produced from concealed sources of light unless other low intensity decorative ornamental fixtures such as gas style lamps are approved at the time of Plan of Development review. Such lighting shall be reduced to no more than a security level following the close of business operations each day. At no time shall the parking lot lighting exceed one-half (1/2) footcandle at the right-of-way lines along West Broad Street.

The exterior lighting on this parcel shall be designed with a cohesive plan with the remainder of Towne Center West so that all exterior lighting shall use compatible design elements.

12. **Pedestrian Circulation.** Pedestrian circulation shall be provided throughout the Property. Except as required at the time of Plan of Development review, such walkways along or on roads, parking areas and access areas used for motor vehicles on the Property shall be constructed of material different than such roads, parking areas and access areas. Such walkways may be constructed of, but not limited to, brick pavers, concrete, stamped concrete, aggregate concrete or other similar material.
13. **Pedestrian Access to Adjoining Properties.** The Property shall be developed in a fashion that provides pedestrian access to other portions of the Towne Center West Development as required by the Planning Commission at the time of Plan of Development.
14. **Pedestrian Areas.** The Property shall be subject to the pedestrian area requirements required by Proffer number 14 from Case C-49C-04 (see case file).
15. **Stormwater Management.** Stormwater runoff will be managed via underground stormwater detention facilities unless otherwise approved by the Planning Commission at the time of Plan of Development approval.
16. **Site Coverage.** The Property shall be subject to the site coverage ratio required by Proffer number 23 from Case C-49C-04 (see case file).

17. **Use Restrictions.** Other than outside dining areas for restaurants, only those uses permitted in the B-2 Business District shall be permitted, subject to the following:
- a. Any outside dining area for a restaurant shall be permitted on the Property, subject to the following conditions:
 - i. The operator shall not permit food preparation outside the enclosed building.
 - ii. The outside dining area shall not be in operation between 10:00 p.m. and 7:00 a.m.
 - iii. Prior to operation of the outdoor dining area, the applicant shall submit a site plan of the restaurant and outdoor dining area and obtain Administrative Approval from the Planning Department. The site plan shall show the location of any relocated street furniture, trees/landscaping, and utility lines. Such site plan shall also show landscaping within or along the perimeter of the outdoor dining area to address the reduction and relocation of landscaping, including trees.
 - iv. A clear, continuous, and unobstructed pedestrian path not less than 4' in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
 - v. Barriers to the sidewalk and parking area shall be installed and shall complement the building façade as well as any street furniture. The railings shall not exceed 36" in height and shall consist of commercial grade material for durability. Unless otherwise approved by the Planning Commission, the outdoor railing enclosure shall conform to "Exhibit C" of Case P-19-08 (see case file).
 - vi. Outdoor lighting fixtures shall complement the style of building. Lighting fixtures shall be from a concealed source and shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining area.
 - vii. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
 - viii. Access to the outdoor dining area shall be available only through the interior of the restaurant, except during an emergency when a patio fence exit gate may be utilized.

- ix. Prior to operation, the applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations and conduct a security survey of the property and restaurant operations. The applicant shall implement mutually agreed upon security recommendations.
 - x. Due to the location of existing water and sewer easements, the applicant and/or owner acknowledges their responsibility for any and all damages resulting from the County's need to access and repair the lines.
 - xi. The applicant/owner shall be responsible for relocating any street trees or furniture that is displaced by the outdoor dining area.
 - xii. Hours of operation shall be extended until 2 a.m. for the interior use of the restaurant only.
 - xiii. The facility's window 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 from being used during daylight hours.
 - xiv. If calls for police service or other activities on the site dictate the need for security (as determined by the Division of Police), the applicant shall install such cameras. The security cameras and video system shall be designed by a security specialist and shall meet the requirements of the Crime Prevention Unit of the Division of Police.
 - xv. The owner 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.
- b. The following B-2 Business District uses shall be prohibited on the Property:
- i. flea markets;
 - ii. laundromats and self-service dry-cleaning establishments;
 - iii. gun shop, sales and repairs, except that such gun sales and repairs shall be permitted in a store that sells a variety of sporting goods;

- iv. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (1950), in effect as of the date of the approvals of these proffers (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
 - v. lodge and fraternal organization;
 - vi. sign printing and painting shop;
 - vii. skating rinks (unless such ice skating areas are an amenity of the pedestrian-oriented shopping center), roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;
 - viii. restaurants with drive-thru windows (not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food), unless otherwise requested and specifically permitted at the time of Plan of Development review;
 - ix. funeral home, mortuary and/or undertaking establishment;
 - x. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
 - xi. automobile filling or service station;
 - xii. hotel, motel or motor lodge.
18. **Hours of Operation.** The hours of operation to the public for any uses on the Property shall not occur between the hours of 2:00 a.m. and 5:30 a.m.
19. **Signage.** Only signage permitted in the B-2 Business District shall be permitted on the Property. Any detached signage on the Property shall be a monument style sign.

All external signs shall be in compliance with a plan for the coordination of signage on Towne Center West, which plan shall be adopted and enforced by an architectural control committee. This sign plan will be submitted as part of the Plan of Development for the first building on the Property.

20. **Protective Covenants.** The Property shall be subject to protective covenants required by Proffer number 24 from Case C-49C-04 (see case file).
21. **Curb and Gutter.** Curb and gutter shall be used on all streets and shall be designed to meet the current County standard for either "roll top" curb and gutter, which shall measure not less than three (3) feet from edge of pavement on back of curb, or six (6) inches standard curb and gutter.
22. **Burning on Site.** There shall be no burning of construction debris, materials or vegetation on the Property, except to provide warmth to workmen using drums not exceeding fifty-five (55) gallons.
23. **Landscaping.** The 10 (ten) foot landscape buffer on both sides of the portion of the Collector Road as it runs from West Broad Street to the traffic circle will be planted with shade trees of at least three and one-half (3.5) inch caliper at the time of planting, with one such tree to be planted every fifty (50) linear feet along the buffer, all unless otherwise requested and approved at the time of Plan of Development review.

At least one shade tree of at least two and one-half (2.5) inch caliper will be planted on each parking lot island, unless parking lot lighting is required to be located on such parking island (in which case such a tree shall be omitted from that parking island), all unless otherwise requested and approved at the time of the Plan of Development approval.

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

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

276-09
C-3C-09
Brookland

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

Mr. Glover responded to concerns expressed by Dr. Vines, who lives across

from the site at Staples Mill and Hungary Spring Roads, pertaining to the impact of the proposed development on Dumbarton Elementary School. He also commented on two issues addressed by the applicant through amended proffered conditions, namely a transitional 25 foot buffer included in the landscape plan for the Best Management Practice structure and restrictions on areas for outdoor display of merchandise for sale.

On motion of Mr. Glover, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 276-09 (C-3C-09) with the following proffered conditions:

1. **Landscaped Buffers - Staples Mill Road, Hungary Spring Road and Lucas Road.** A landscaped buffer shall be provided twenty-five (25) feet in width adjacent to the ultimate right-of-way lines of Staples Mill Road, Hungary Spring Road and Lucas Road (each as determined at the time of Plan of Development review), except to the extent necessary or allowed for roads, sidewalks, utility easements, grading, stormwater management facilities and signage and other purposes requested and specifically permitted, or if required, by the Planning Commission at the time of Plan of Development review, or by any other governmental body. Any road, utility easement (other than existing easements) or use permitted within the aforesaid buffer areas shall be extended general perpendicular to the buffer area unless otherwise requested and specifically permitted, or if required, by the County at the time of Plan of Development review and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.

That portion of the twenty-five-foot transitional buffer on the Property adjacent to Lucas Road shall be double in the number of large evergreen trees required under County's twenty-five-foot transitional buffer. That portion of the landscaped buffer along Lucas Road opposite Parcel #768-756-4550 (owned by Henry W. and Z. W. Chenault at the time of the rezoning) and Parcel #768-756-6548 (owned by Henry W. and C. A. Chenault, Jr. at the time of the rezoning) shall include a three to five-foot varying height berm.

In addition to the twenty-five-foot transitional buffer on the Property adjacent to Lucas Road, there shall be installed and maintained on the Property a six-foot tall black PVC coated chain link fence with black mesh screening attached, with such fencing being on the internal side of the buffer on the Property.

2. **Architectural Treatment.** The exposed portion of each exterior wall surface (front, rear and sides) of any building to be constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar in quality of construction and shall have

compatible architectural design (incorporating compatible design elements, color and architectural styles. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) constructed primarily of masonry brick, stone, precast concrete, exterior insulating finishing systems (E.I.F.S.), stucco over wire mesh and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development (POD) review. Wood or composite siding, natural or cultured stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on such buildings.

3. **Parking Lot Lighting.** Parking lot lighting standards shall not exceed thirty-five (35) feet in height above grade level, except that parking lot lighting standards on out-parcels and parking lot lighting standards immediately adjacent to properties zoned residential shall not exceed twenty-five (25) feet in height above grade level. All parking lot lighting standards on the Property shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property and shall be produced from concealed sources of light.

All parking lot lighting shall be reduced to no more than a security level following the close of business operations on the Property.

At the time of Plan of Development review by the Planning Commission, the parking lot lighting on the Property shall be designed with a cohesive plan so that all such lighting shall use compatible design elements.

The Planning Commission at the time of Plan of Development review may allow deviation from standards of this proffer if specifically requested and permitted during such Plan of Development review.

4. **Use Restrictions.** The following uses shall be prohibited on the Property:
 - a. flea markets;
 - b. gun shop, sales and repairs, except that such gun sales and repairs shall be permitted in a store that sells a variety of sporting goods;
 - c. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (1950), in effect as of the date of the approvals of these proffers

(the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);

- d. lodge and fraternal organization;
 - e. skating rinks (unless such ice skating areas are an amenity of the pedestrian-oriented shopping center), roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;
 - f. funeral home, mortuary, crematorium and/or undertaking establishment;
 - g. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
 - h. automobile service station, however, a grocery or convenience food store dispensing gasoline products shall be permitted; towing service;
 - i. adult businesses as defined by the County of Henrico;
 - j. billboards;
 - k. truck stops;
 - l. communication tower;
 - m. self-storage facilities;
 - n. off-track betting parlors;
 - o. permanent on-site recycling collection facilities;
 - p. sewer/water pump stations;
 - q. massage establishments;
 - r. automobile, truck, trailer, motorcycle, recreational vehicle or bus sales, rental and repair;
 - s. automobile, truck, trailer, motorcycle or recreational vehicle storage lot;
 - t. boat and boat trailer sales, service and storage;
 - u. exterminating establishment;
 - v. fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or similar activity;
 - w. public dance halls;
 - x. rifle or pistol range; and
 - y. sheet metal shop or roofing company.
5. **HVAC.** Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the Property lines by means of parapets or other architectural features, in a manner approved by the Planning Commission at the time of Plan of Development review.
6. **Central Trash Receptacles; Trash Pick Up; Parking Lot Cleaning.** Central trash receptacles, not including convenience cans, shall be

screened from public view at ground level, in a manner approved by the Planning Commission at the time of Plan of Development review. Trash pickup and parking lot cleaning on the Property shall occur only between 7:00 a.m. and 10:00 p.m., Monday through Saturday.

7. **Building Heights.** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height, exclusive of parapets, chimneys or other architectural design features on any building.
8. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.
9. **Best Management Practice.** Any permanently wet above-ground Best Management Practice structure shall include an aeration feature to move water within such structure. The Landscape Plan for the Property shall take into consideration the visibility of any such Best Management Practice structure on the Property. The Landscape Plan for the Property shall include for any such Best Management Practice structure visible from the right-of-way of Hungary Spring Road or Staples Mill Road plantings equivalent to a transitional buffer 25 unless otherwise approved as part of the Landscape Plan.
10. **Signs.** All signs on the Property shall be internally lit, if lighted. There shall not be any exterior mobile signs on the property.
11. **Attention Getting Devices.** Attention-getting devices shall not be allowed on the Property except for a two-week grand opening. Seasonal banners are permitted provided there is no tenant information on such banner.
12. **Vehicular Access.** Unless otherwise requested and specifically permitted at the time of Plan of Development review, there shall be no more than two (2) vehicular access points to the Property from Staples Mill Road and no more than one (1) vehicular access point to the Property from Hungary Spring Road. There shall be no vehicular access to and from Lucas Road. No out parcel on the Property shall have direct vehicular access to Staples Mill Road or Hungary Spring Road.
13. **Fencing; Parcel #767-757-6317 (owned by Leroy S. Compton at the time of the rezoning).** There shall be constructed and maintained on the Property a six-foot tall black PVC coated chain link fencing with black mesh screen attached adjacent to any portion of the Property adjacent to Parcel #767-757-6317.

14. **Landscaped buffers and fencing; Parcels #767-757-4502, #767-756-6892 and #767-756-7792 (owned by Goodwill Baptist Church at the time of the rezoning).** There shall be constructed and maintained on the Property a six-foot tall black PVC coated chain link fencing with black mesh screen attached adjacent to any portion of the Property adjacent to Parcels #767-757-4502, #767-756-6892 and #767-756-7792.

That portion of the 25-foot transitional buffer on the Property adjacent to the following portions of the Parcels described below shall be double in the number of large evergreen trees required under the County 25-foot transitional buffer for the following portions on the Property adjacent to the following: (i) a distance of 140 feet west from the eastern edge of Parcel #767-756-7792; (ii) a distance of 50 feet east from the western most point that the Property abuts Parcel #767-757-4502.

15. **Illustrative Fencing and Landscape Buffer Plans.** The attached exhibit entitled “Staples Mill Marketplace, Illustrative Fencing and Landscape Buffers”, dated September 23, 2009, by Rummel Klepper and Kahl, LLP, (see case file) illustrates the landscape buffer and fencing requirements set forth in proffers 13 and 14.
16. **Stormwater; Parcels #767-756-7792, 767-756-6892, #767-756-5286, #767-757-4502, #767-756-6056, #767-756-2955 and #767-756-3262 (owned by Goodwill Baptist Church at the time of this rezoning).** Prior to any certificate of occupancy being issued on the Property, the owner of the Property shall provide an easement and stormwater conveyance designed to accommodate the stormwater that would naturally drain from Parcels #767-756-7792, 767-756-6892, #767-756-5286, #767-757-4502, #767-756-6056, #767-756-2955 and #767-756-3262, taking into consideration the current and future development for church-related uses on the enumerated Parcels. In preparing and seeking approval for the referenced Plan of Development, the owner of the Property shall keep informed the owner of Parcels #767-756-7792, 767-756-6892, #767-756-5286, #767-757-4502, #767-756-6056, #767-756-2955 and #767-756-3262.
17. **Road Improvements.** The improvements outlined in the letter of Ralph L. “Bill” Axselle, Jr. to Timothy A. Foster, Henrico County Director of Public Works, dated September 23, 2009 (see case file) shall be made by the Developer of the Property as may be required by the Director of Public Works.
18. **Fencing; Parcel #767-756-8792 (owned by Luis Linan-Olivera at the time of the rezoning).** There shall be constructed and maintained on

the Property a six-foot tall black PVC coated chain link fence on any portion of the Property adjacent to Parcel #767-756-8792.

19. **Outdoor Display and Sales.** Areas for outdoor display of merchandise for sale shall be clearly delineated on the Plan of Development for the Property. In no case shall outdoor display of merchandise occur on any portion of the Property in use for dispensing gasoline products.
20. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

277-09
C-25C-09
Three Chopt

Hightech Signs: Request to amend proffered conditions accepted with Rezoning Case C-5C-97, on part of Parcel 747-759-8591, located at the southwest intersection of W. Broad Street (U. S. Route 250) and Cox Road (Colonnades West Shopping Center).

Jean Moore, Assistant Director of Planning, confirmed for Mr. Kaechele that staff's concerns with this case were the individual sign height in the individual chain of letters proposed by the applicant and the precedent that the proposed sign would set for other tenants in the shopping center.

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

Greg Schwartz of Hightech Signs presented the case on behalf of the applicant. He distributed a handout to the Board highlighting the applicant's proposal and responded to questions from Mr. Kaechele pertaining to the contractual relationship between Hightech Signs and Ross Dress for Less as well as the business' location within the shopping center. There was extended discussion by the Board, Mr. Schwartz, Ms. Moore, and Mr. Hazelett relating to the adequacy of existing signage at the subject site, the precedent that this request could have on other shopping center tenants, the less restrictive requirements for sign dimensions contained in the County's zoning ordinance for B-2 districts, the proximity of the subject site to West Broad Street, and the types and sizes of existing signage used by other businesses in the shopping center. Mr. Glover questioned whether the proffered condition placed on signage at the subject site in a 1997 rezoning case is practical in today's market and commented that the County's zoning ordinance has already established a precedent for larger signs along this area of West Broad Street. Mr. Kaechele

stated that he agreed with staff and the Planning Commission that this request constituted a precedent change that would affect other stores. Mrs. O'Bannon agreed with Mr. Kaechele that granting this request would set a bad precedent.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and denied Agenda Item No. 277-09 (C-25C-09).

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, and Thornton

No: Glover

278-09
C-26C-09
Three Chopt

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

Ms. Moore confirmed for Mr. Kaechele that this rezoning followed a proffered condition and would not affect any future subdivisions on the site.

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 278-09 (C-26C-09) with the following proffered conditions:

1. Conservation Areas - Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:
 - a. Storm water management and/or retention areas;
 - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways and

recreational facilities installed in a manner to minimize their impacts; and

- d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance").

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

PUBLIC HEARINGS - OTHER ITEMS

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

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 279-09 – see attached ordinance.

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

Ed Trice, Revenue Division Director for the Department of Finance, responded to questions from the Board relating to the definition of short-term rental property and examples of property included within this classification.

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 280-09 – see attached ordinance.

281-09 Ordinance - To Amend and Reordain Section 19-2 Titled "Definitions," Section 19-52 Titled "Application for approval," Section 19-53 Titled "Review of plat;

action by planning commission,” Section 19-55 Titled “Effect of approval; expiration of approval,” Section 19-72 Titled “Form and contents,” Section 19-74 Titled “Action by director of planning,” Section 19-75 Titled “Installation of improvements or bonding; release of bond,” Section 19-77 Titled “Recording,” Section 19-111 Titled “Development of areas subject to inundation,” Section 24-3 Titled “Enumerated,” Section 24-8 Titled “Nonconforming uses; regulations,” Section 24-106 Titled “Plan of development (POD), administrative and schematic site plans,” and Section 24-116 Titled “Powers” of the Code of the County of Henrico, and to Add Section 19-32 Titled “Extension of approvals to address housing crisis,” Section 19-56 Titled “Development in dam break inundation zone,” and Section 24-106.4 Titled “Development in dam break inundation zone” to the Code of the County of Henrico, All to Revise the County’s Subdivision and Zoning Ordinances To Comply with Recent Changes Enacted by the General Assembly.

Ben Blankinship, Principal Planner, narrated a Power Point presentation titled “Amendments to Subdivision and Zoning Ordinances to Address Recent Statutory Changes.” The first section of his presentation focused on dam break inundation zones, including Virginia Code Section 15.2-2243.1, inundation zone maps, review and study requirements, and additional requirements. Mr. Blankinship, Director of Public Works Tim Foster, David Gunn Public Works Design Engineer, and Mr. Hazelett responded to questions and comments from the Board regarding new State permitting requirements that have been placed on dam owners, developers, the County, and citizens residing within inundation zones. There was extended discussion of the impact of these requirements on the County’s 26 regulated dams, how some homeowners’ associations and individual citizens will be affected financially, the rationale for the State legislation, the County’s role in reviewing proposed developments in mapped dam break inundation zones, the option of *eliminating dams where permit requirements cannot be met, and the criteria for map inundation zones.*

The second section of Mr. Blankinship’s presentation focused on review timelines and the extension of validity for plans of development and subdivisions required under current State law, including timelines for review, periods of validity, and extension of validity. The third and final section of Mr. Blankinship’s presentation focused on miscellaneous areas of the County Code that had fallen out of parallel with State Code in the areas of nonconforming structures, Board of Zoning Appeals (BZA) powers and duties, and family divisions. He responded to questions from the Board concerning the impetus for these proposed ordinance changes and how they will affect existing BZA powers and duties.

Mr. Hazelett confirmed for Mr. Kaechele that the proposed amendments in all three of the sections discussed by Mr. Blankinship would be contained in a single ordinance.

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 281-09 – see attached ordinance.

PUBLIC COMMENTS

Della Ellar, a resident of the Brookland District, expressed concern that the existing landscaping at Dumbarton Area Library provides potential cover for criminal activity. She also questioned why the County is not laying off employees and lowering taxes in its efforts to streamline County services and make them more efficient. Mr. Glover, Mr. Hazelett, Mrs. O'Bannon, and Director of Public Utilities Art Petrini responded to Ms. Ellar's concerns. Mr. Hazelett stated that he would be more than happy to meet with Ms. Ellar to discuss the issues she raised.

Dr. Vines advised that directional signs to his church previously erected by the County along Cleveland Street and Hungary Road as a condition of a bridge reconstruction project were recently knocked down while grass was being cut in the rights-of-way. He asked that the signs be reinstalled.

GENERAL AGENDA

282-09 Resolution – Authorizing the County Manager to Execute the Joint Application Amendment Agreement for the City of Richmond's Amendment to Its Zone III/North Enterprise Zone.

Mark Strickler, Director of Community Revitalization, and Mr. Hazelett responded to questions from the Board pertaining to the area in the City covered by the amendment. Mr. Strickler confirmed that this amendment would have no impact on the acreage of Henrico's enterprise zone.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 282-09 – see attached resolution.

283-09 Resolution – Concurring in the Declarations and Findings of the Short Pump Town Center Community Development Authority and Authorizing the Dissolution of the Authority and the Execution of Documents in Connection Therewith.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No 283-09 – see attached resolution.

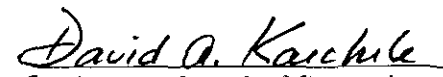
284-09 Introduction of Ordinance – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled "Precincts and polling places" by Making Technical Corrections in the Text Relating to the Polling Places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 284-09 – see attached resolution.

285-09 Resolution - To Permit Additional Fine of \$200 for Speeding on University Boulevard.

On motion of Mrs. O'Bannon seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 285-09 – see attached resolution.

There being no further business, the meeting was adjourned at 8:56 p.m.


Chairman, Board of Supervisors
County of Henrico, Virginia



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 273-09
Page No. 1 of 2

Agenda Title: RESOLUTION - Congratulating St. Joseph's Villa on Its 175th Anniversary

Form containing Board of Supervisors Action details, including date (NOV 10 2009), mover (Thornton), seconder (Glover), and a table of signatures with 'APPROVED' written in large letters.

WHEREAS, the Daughters of Charity founded an orphanage and girls' school in downtown Richmond in November 1834 that incorporated in 1868 as St. Joseph's Orphan Asylum and Academy; and

WHEREAS, in 1931, the agency operating the school and orphanage assumed the name St. Joseph's Villa and opened its current campus on the former Hollybrook farm in Henrico County; and

WHEREAS, St. Joseph's Villa was the first cottage-style orphanage in the eastern United States; and

WHEREAS, the Villa's Dooley School opened in 1970, which today offers alternative and special education services for children in grades kindergarten through 12; and

WHEREAS, the Daughters of Charity withdrew from the Villa in 1977, at which time the agency became a nonsectarian, nonprofit organization with a multi-service focus; and

WHEREAS, in the ten-year period from 1979 to 1989, the Villa established the Richmond area's first summer day camp for children with developmental disabilities, Central Virginia's first 12-month center-based respite and after-school program for developmentally disabled children, and Virginia's first special housing system exclusively designed for adults with physical disabilities and first comprehensive transitional housing program for homeless women and children; and

By Agency Head _____ 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. **273-09**

Page No. 2 of 2

Agenda Title: RESOLUTION – Congratulating St. Joseph’s Villa on Its 175th Anniversary

WHEREAS, during the past three decades, the Villa has also launched a child development center, child and family emergency shelter, summer day camp for at-risk children, alternative private academy for students in grades 6 through 12, therapeutic day treatment after-school service for behaviorally challenged children, and center for autism; and

WHEREAS, the Villa is the oldest and largest continuously operating children’s nonprofit organization in metropolitan Richmond and presently serves 508 children, nearly half of whom are from Henrico County; and

WHEREAS, on Saturday, November 21, 2009, the Villa will host a public celebratory event in official acknowledgment of its 175th anniversary.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Henrico County, Virginia hereby extends its sincere congratulations to the officers, trustees, volunteers, and more than 300 employees of St. Joseph’s Villa on the occasion of the organization’s 175th anniversary.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to representatives of St. Joseph’s Villa with the very best wishes of this Board and the citizens of Henrico County.

Resolution



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

Congratulating St. Joseph's Villa on Its 175th Anniversary

WHEREAS, the Daughters of Charity founded an orphanage and girls' school in downtown Richmond in November 1834 that incorporated in 1868 as St. Joseph's Orphan Asylum and Academy; and

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David A. Kaechele
David A. Kaechele, Chairman
Board of Supervisors

Barry R. Lawrence
Barry R. Lawrence, Clerk
November 10, 2009



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

Agenda Item No. **279-09**
Page No. 1 of 1

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

<p><small>For Clerk's Use Only:</small></p> <p>Date: NOV 10 2009</p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Sonati</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table style="width: 100%;"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Donati, J.</td> <td style="text-align: center;">✓</td> <td></td> <td></td> </tr> <tr> <td>Glover, R.</td> <td style="text-align: center;">✓</td> <td></td> <td></td> </tr> <tr> <td>Kaechele, D.</td> <td style="text-align: center;">✓</td> <td></td> <td></td> </tr> <tr> <td>O'Bannon, P.</td> <td style="text-align: center;">✓</td> <td></td> <td></td> </tr> <tr> <td>Thornton, F.</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		YES	NO	OTHER	Donati, J.	✓			Glover, R.	✓			Kaechele, D.	✓			O'Bannon, P.	✓			Thornton, F.			
	YES	NO	OTHER																							
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O'Bannon, P.	✓																									
Thornton, F.																										

AN ORDINANCE to amend and reordain Section 20-599 of the Code of the County of Henrico titled "Deduction of receipts taxed by other jurisdiction" relating to deductions from gross receipts of contractors and speculative builders.

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

1. That Section 20-599 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-599. Deduction of Receipts taxed by for business done in other jurisdictions.

In computing the license tax of a contractor or speculative builder whose principal office or branch office is located in the county, there shall be exempt from the basis of taxation the amount of business done in any other city, town or county **in which the contractor or speculative builder has (i) a definite place of business or (ii) no definite place of business and** upon which a local license tax has been assessed as provided in Code of Virginia, § 58.1-3715.

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

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

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

Routing:
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Copy to: _____

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

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 280-09
Page No. 1 of 9

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

<p>For Clerk's Use Only:</p> <p>Date: NOV 10 2009</p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="1"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Donati, J.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Glover, R.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Kaechele, D.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 20-311 of the Code of the County of Henrico be amended and reordained as follows:

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

Routing: Yellow to: _____ Certified: A Copy Teste: _____
Clerk, Board of Supervisors

Copy to: _____ Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
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Agenda Item No. 280-09
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Agenda Title: Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively “Definitions,” “Levy; amount,” “Taxation of rental property other than daily rental property,” “Application for certificate of registration,” “Collection and remittance; returns,” “Records,” “Procedure upon failure to file return or filing of false return,” “Exemptions,” “Collection without certificate of registration prohibited,” “Bond,” and “Period of limitations,” All Relating to Short-term Rental Property Tax.

ARTICLE X. ~~DAILY~~ SHORT-TERM RENTAL PROPERTY TAX

Sec. 20-311. Definitions: Short-term rental property; short-term rental business.

~~For purposes of~~ The following words, terms and phrases, when used in this article: shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Daily Short-term rental property means all tangible personal property held for rental and owned by a person engaged in the short-term rental business, except trailers as defined in Code of Virginia, § 46.2-100, as amended, and other tangible personal property required to be licensed or registered with the state department of motor vehicles, the state department of game and inland fisheries, or the state department of aviation.

(b) A person is engaged in the Short-short-term rental business. ~~A person is engaged in the short-term rental business if:~~

(1) ~~not~~ Not less than 80 percent of the gross rental receipts of such business in ~~any~~ during the preceding year are from transactions involving the rental of short-term rental property, other than heavy equipment property, for rental periods of 92 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessor/lessee; or

(2) Not less than 60 percent of the gross rental receipts of such business during the preceding year are from transactions involving the rental of heavy equipment property for periods of 270 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessee. For purposes of this subdivision, “heavy equipment property” means rental property of an industry that is described under code 532412 or 532490 of the 2002 North American Industry Classification System as published by the United States Census Bureau, excluding office furniture, office equipment, and programmable computer equipment and peripherals as defined in Code of Virginia § 58.1-3503 A 16, as amended.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
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Agenda Item No. 280-09

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

(c) For purposes of determining whether a person is engaged in the short-term rental business as defined in subsection (b), (i) a person is ~~The term “affiliated,” for purposes of this subsection~~ **with the lessee of rental property if such person is an officer, director, partner, member, shareholder, parent or subsidiary of the lessee, or if such person and the lessee have** ~~shall mean any common ownership interest in excess of five percent, of any officers or partners in common with the lessor and lessee~~ **(ii) For purposes of this subsection, any rental to a person affiliated with the lessor-lessee shall be treated as rental receipts but shall not qualify for purposes of the 80 percent requirement of subdivision (1) of subsection (b) or the 60 percent requirement of subdivision (2) of subsection (b), and (iii) any rental of personal property which also involves the provision of personal services for the operation of the personal property rented shall not be treated as gross receipts from rental, provided however that** ~~For purposes of this subsection, the delivery and installation of tangible personal property shall not mean operation for~~ **the purposes of this subsection.** ~~For purposes of this article, the term “gross proceeds” means the total amount charged to each person for the rental of daily rental property, excluding any state and local sales tax paid pursuant to the Virginia Retail Sales and Use Tax Act, Code of Virginia, § 58.1-600 et seq.~~

(d) A person who has not previously been engaged in the short-term rental business who applies for a certificate of registration pursuant to § 20-314 shall be eligible for registration upon his certification that he anticipates meeting the requirements of a specific subdivision of subsection (b), designated by the applicant at the time of application, during the year for which registration is sought.

(e) In the event that the director of finance makes a written determination that a rental business previously certified as a short-term rental business under § 20-315 has failed to meet either of the tests set forth in subsection (b) during a preceding tax year, such business shall lose its certification as a short-term rental business and shall be subject to the business personal property tax with respect to all rental property for the tax year in which such certification is lost and any subsequent tax years until such time as the rental business obtains recertification under § 20-315. In the event that a rental business loses its certification as a short-term rental business pursuant to this subsection, such business shall not be required to refund to customers daily rental property taxes previously collected in good faith and shall not be subject to assessment for business personal property taxes with respect to rental property for tax years preceding the year in which the certification is

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lost unless the director of finance makes a written determination that the business obtained its certification by knowingly making materially false statements in its application, in which case the director of finance may assess the taxpayer the amount of the difference between short-term rental property taxes remitted by such business during the period in which the taxpayer wrongfully held certification and the business personal property taxes that would have been due during such period but for the certification obtained by the making of the materially false statements. Any such assessment, and any determination not to certify or to decertify a rental business as a short-term rental business as defined in this section, may be appealed pursuant to the procedures and requirement in Code of Virginia, § 58.1-3983.1, as amended, for appeals of local business taxes, which shall apply mutatis mutandis to such assessments and certification decisions.

(f) A rental business that has been decertified under the provision of subsection (e) shall be eligible for recertification for a subsequent tax year upon a showing that it has met one of the tests provided in subsection (b) for at least ten months of operations during the present tax year.

2. That Section 20-312 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-312. Levy; amount.

Pursuant to Code of Virginia, § 58.1-3510.46 **A**, as amended, for each tax year, there is hereby levied and imposed a tax of one percent on the gross proceeds arising from rentals of every person engaged in the short-term rental business ~~a tax of one percent of such gross proceeds~~. Such tax shall be in addition to the tax levied pursuant to Code of Virginia, § 58.1-605, as amended. “Gross proceeds” means the total amount charged to each person for the rental of short-term rental property, excluding any state and local sales tax paid under the provisions of Code of Virginia, Title 58.1, Chapter 6. The imposition and collection of a short-term rental property tax under this article with respect to rental property shall be in lieu of taxation of such rental property as tangible business personal property in the same tax year.

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3. That Section 20-313 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-313. Taxation of rental property other than daily rental property.

Except for daily rental passenger cars ~~vehicles~~, all rental property not meeting the definition of daily rental property provided in section 20-311 shall be classified for taxation pursuant to Code of Virginia, § 58.1-3503, as amended **shall be classified, assessed and taxed as tangible personal property if such property (i) is owned and rented by a person not engaged in the short-term rental business, as defined in § 20-311; or (ii) has acquired situs in the Commonwealth and is owned and rented by a person who does not collect and remit to a locality within the Commonwealth a short-term rental property tax with respect to the rental of such property.**

4. That Section 20-314 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-314. Application for certificate of registration.

(a) Every person engaging in the business of short-term rental shall file annually an application for a certificate of registration with the director of finance for each place of business in the county from which short-term rental business will be conducted by the applicant. Such application shall be filed by December 1 of the year preceding or within 30 days of the beginning of a short-term rental business. The application shall be on a form prescribed by the director of finance and shall set forth the name under which the applicant **operates or** intends to operate the rental business, the location **of the business, the subdivision of § 20-311 (b) under which the business asserts that it is qualified for certification as a short-term rental business,** and such other information as the director of finance may require.

(b) A list of rental inventory and copies of the applicant's standard rental contracts shall be submitted with each application.

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(c) Each applicant shall sign the application as owner of the rental business. If the rental business is owned by an association, partnership, **limited liability company** or corporation, the application shall be signed by a member, partner, executive officer or other person specifically authorized by the association, partnership, **limited liability company** or corporation to sign.

5. That Section 20-316 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-316. Collection and remittance; returns.

Every person engaged in the short-term rental business shall collect the ~~daily~~ **short-term** rental property tax from the lessee of the ~~daily~~**short-term** rental property at the time of the rental. The lessor of the ~~daily~~**short-term** rental property shall transmit a quarterly return to the director of finance, indicating the gross proceeds derived from the short-term rental business, and shall remit therewith the payment of such tax as is due for the quarter. The quarterly returns and payment of tax shall be filed with the director of finance on or before April ~~2015~~, July ~~2015~~, October ~~2015~~ and January ~~2015~~, representing, respectively, the gross proceeds and taxes collected during the preceding quarters ending March 31, June 30, September 30 and December 31. The tax imposed by this article shall become delinquent for each quarter on April ~~2416~~, July ~~2416~~, October ~~2416~~ and January ~~2416~~. The return shall be upon such forms and set forth such information as the director of finance may require, showing the amount of gross proceeds and the tax required to be collected. The taxes required to be collected under this article shall be deemed to be held in trust by the business required to collect such taxes until remitted as required in this article. Any person who neglects, fails or refuses to collect the tax imposed by this article shall be liable for and pay the tax himself.

6. That Section 20-317 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-317. Records.

(a) *Record of transactions.* The person collecting the ~~daily~~**short-term** rental property tax shall maintain a record of all rental transactions for which this tax is collected, which record shall contain:

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- (1) A description of the property rented;
- (2) The period of time for which the property was rented;
- (3) The name of the person to whom the property was rented; and
- (4) The amount charged for each rental, including all late charges, penalties and interest.

(b) *Record of exemptions.* In addition to the information specified in subsection (a) of this section, every person engaged in a short-term rental business shall maintain a complete record of all exemptions from payment of this tax granted to renters of short-term rental property, including:

- (1) A copy of the state department of taxation tax exemption certificate; or
- (2) A copy of the U.S. State Department tax exemption certificate, which U.S. State Department card must specify the renter by name as exempt from sales tax; or
- (3) Other explanation and proof of claimant exemption.

7. That Section 20-318 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-318. Procedure upon failure to file return or filing of false return.

Except as otherwise provided in § 20-311 (e), if If any person, whose duty it is so to do, shall fail or refuse to file within the time provided in this article the returns required in this article or files a return that is false or fraudulent, it shall be the duty of the director of finance to make an estimate for the taxable period of the gross proceeds of such person and assess the tax plus such penalties and interest as are provided in this article. The director of finance shall give the person ten days' notice in writing requiring such person to appear before him with such books, records and papers as he may require relating to the business for the taxable period. The director of finance may require the person or his agents and employees to give testimony or to answer interrogatories under oath administered by the director of finance respecting such gross proceeds or the failure to make a return thereof as provided in this article. If any person fails to make any such return or refuses to permit an examination of his books, records or papers or to appear and answer questions within the scope of such investigation, the director of finance shall proceed to make an assessment based upon such information as may be available to him. The assessment so made shall be deemed prima facie correct.

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8. That Section 20-320 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-320. Exemptions.

No tax shall be collected or assessed on rentals by the state, any political subdivision of the state or the United States or any rental of durable medical equipment as defined in subdivision 210 of Code of Virginia, § 58.1-609.710, as amended. Additionally, all exemptions applicable in Code of Virginia, §§ 58.1-609.1--58.1-609.101, as amended, shall apply mutatis mutandis to the daily rental property tax.

9. That Section 20-321 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-321. Collection without certificate of registration prohibited.

No person renting any property or service to any other person shall collect from the lessee the daily rental property tax authorized by this article unless he has a valid certificate of registration issued for the current year by the director of finance. **Except as otherwise provided in § 20-311 (e), any** Any payments collected by any person, certified or uncertified, in a manner not authorized by law shall be refunded to such lessees as can be identified, with the remainder forfeited to the county.

10. That Section 20-325 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-325. Bond.

The director of finance, when in his judgment it is necessary and advisable so to do in order to secure the collection of the daily **short-term** rental tax, may require any person subject to such tax to file with him a bond with such surety as the director of finance determines is necessary to cover the payment of the tax, penalty or interest due or which may become due from such person.

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11. That Section 20-327 of the Code of the County of Henrico shall be amended and reordained as follows:

Sec. 20-327. Period of limitations.

Except as otherwise provided in § 20-311 (e), theThe tax imposed by this article shall be assessed within three years from the date on which such taxes became due and payable. ~~In~~, **or in** the case of a false or fraudulent return with intent to evade payment of the tax imposed by this article, or a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within six years from such date. The director of finance shall not examine any person's records beyond the three-year period of limitations unless he has reasonable evidence of fraud or reasonable cause to believe that such person was required by law to file a return and failed to do so.

12. That this ordinance shall be effective for tax years beginning on and after January 1, 2009.

Comments: The Director of Finance recommends approval of this Board paper; the County Manager concurs



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Agenda Title: **ORDINANCE — To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-52 Titled “Application for approval,” Section 19-53 Titled “Review of plat; action by planning commission,” Section 19-55 Titled “Effect of approval; expiration of approval,” Section 19-72 Titled “Form and contents,” Section 19-74 Titled “Action by director of planning,” Section 19-75 Titled “Installation of improvements or bonding; release of bond,” Section 19-77 Titled “Recording,” Section 19-111 Titled “Development of areas subject to inundation,” Section 24-3 Titled “Enumerated,” Section 24-8 Titled “Nonconforming uses; regulations,” Section 24-106 Titled “Plan of development (POD), administrative and schematic site plans,” and Section 24-116 Titled “Powers” of the Code of the County of Henrico, and to Add Section 19-32 Titled “Extension of approvals to address housing crisis,” Section 19-56 Titled “Development in dam break inundation zone,” and Section 24-106.4 Titled “Development in dam break inundation zone” to the Code of the County of Henrico, All to Revise the County’s Subdivision and Zoning Ordinances To Comply with Recent Changes Enacted by the General Assembly**

For Clerk's Use Only:

Date: NOV 10 2009

- Approved
- Denied
- Amended
- Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS: **APPROVED**

YES NO OTHER

Donati, J.

Glover, R.

Kaechele, D.

O'Bannon, P.

Thornton, F.

After a duly advertised public hearing, the Board of Supervisors of Henrico County, Virginia adopted the attached ordinance.

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

By Agency Head *[Signature]*

By County Manager *[Signature]*

Routing:
Yellow to: _____
Copy to: _____

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

Date: _____

ORDINANCE — To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-52 Titled “Application for approval,” Section 19-53 Titled “Review of plat; action by planning commission,” Section 19-55 Titled “Effect of approval; expiration of approval,” Section 19-72 Titled “Form and contents,” Section 19-74 Titled “Action by director of planning,” Section 19-75 Titled “Installation of improvements or bonding; release of bond,” Section 19-77 Titled “Recording,” Section 19-111 Titled “Development of areas subject to inundation,” Section 24-3 Titled “Enumerated,” Section 24-8 Titled “Nonconforming uses; regulations,” Section 24-106 Titled “Plan of development (POD), administrative and schematic site plans,” and Section 24-116 Titled “Powers” of the Code of the County of Henrico, and to Add Section 19-32 Titled “Extension of approvals to address housing crisis,” Section 19-56 Titled “Development in dam break inundation zone,” and Section 24-106.4 Titled “Development in dam break inundation zone” to the Code of the County of Henrico, All to Revise the County’s Subdivision and Zoning Ordinances To Comply with Recent Changes Enacted by the General Assembly

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

1. That Section 19-2 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Commercial use means any use in a business, office, office service, or institutional district as classified and defined in chapter 24.

Dam means a man-made structure across a watercourse used to restrain water.

Dam break inundation zone means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be as shown on the dam break inundation zone map filed with the Virginia Department of Conservation and Recreation.

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Floodplain means any land area susceptible to being inundated by water from any source other than a dam break.

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Impounding structure means a dam or a man-made structure outside a watercourse used or to be used to retain or store waters or other materials as defined by Va. Code § 10.1-604. The term includes: (i) all dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater, and (ii) all dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet or greater. The term "impounding structure" shall not include: (a) dams licensed by the State Corporation Commission that are subject to a safety inspection program; (b) dams owned or licensed by the United States government; (c) dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet; (d) water or silt retaining dams approved pursuant to Va. Code § 45.1-222 or § 45.1-225.1; or (e) obstructions in a canal used to raise or lower water.

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Subdivision.

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(2) The term "subdivision" shall not include a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the owner. Any such division shall conform to all provisions of chapter 24. Only one such division shall be allowed per family member, and such division shall not be for the purpose of circumventing this chapter. For the purpose of this ~~sub~~section, the term "member of the immediate family" is defined as any person who is a

natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent or parent of the owner.

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(Code 1980, §§ 19-2; Ord. No. 997, § 1, 2-22-00; Ord. No. 1116, § 2, 11-27-07)
State law references: Definitions, Code of Virginia, §§ 15.2-2201, -2244.

2. That Section 19-32 be added to the Code of the County of Henrico as follows:

Sec. 19-32. Extension of approvals to address housing crisis.

(a) Notwithstanding the time limits for validity set out in this article, any approved subdivision plat valid and outstanding as of January 1, 2009 shall remain valid until July 1, 2014. Any other plan or permit associated with such plat extended by this subsection shall likewise be extended until July 1, 2014.

(b) The extension of validity provided in subsection (a) shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

State law reference: Code of Virginia, § 15.2-2209.1.

3. That Section 19-52 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-52. Application for approval.

The subdivider shall provide the following information with the application for conditional approval of a preliminary plat:

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(2) *Preliminary plat.* The preliminary plat shall show the proposed layout of streets, lots and other features in relation to existing topography. The preliminary plat shall have a horizontal scale of 100 feet to the inch or other scale approved by the director of planning, and it shall be prepared by a registered professional engineer, certified landscape architect or registered

land surveyor authorized to do business in the state. The plat shall clearly show the following:

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f. The topography at vertical intervals of at least two feet; the location of physical features, such as buildings, streams, drainage ditches, floodplains, **mapped dam break inundation zones**, wetlands and Chesapeake Bay Preservation Areas; data showing base flood elevations as defined in section 24-3; features of the property controlled by proffered conditions; and other information required by article II of chapter 10, chapter 18, chapter 23 and chapter 24.

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(3) Traffic study. Information required for review under section 15.2-2222.1 of the Code of Virginia.

4. That Section 19-53 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-53. Review of plat; action by planning commission.

The planning commission shall review preliminary plats as required by state law. A preliminary plat shall be deemed submitted when it contains all the information required by this chapter.

~~(a) Requirements upon receipt. The director of planning shall forward the preliminary plat and relevant supplementary materials to all state and local agencies that must approve a feature of the plat and shall consult with the subdivider on necessary changes as appropriate.~~

~~(b) Time for review. Upon receipt of approvals from all reviewing agencies, the planning commission shall hold a public hearing and act on the preliminary plat within 45 days. If state agency review is not required, the planning commission shall hold a public hearing and act within 60 days of submission. The planning commission shall not be required to approve a preliminary plat in less than 60 days from submission, and all actions on the preliminary plat shall be completed within 90 days of submission. For purposes of this subsection, a preliminary plat shall not be deemed submitted until it contains all the information required by this chapter.~~

(a) Real property used for residential and non-commercial and non-industrial uses. If state agency review is not required, the planning commission shall hold a public hearing and act within 60 days of submission. If state agency review is required, the director of planning shall forward the plat within 10 business days of submission to each state agency which must review it under state law. Upon receipt of approvals from all reviewing agencies, the planning commission shall hold a public hearing and act on the preliminary plat within 45 days of approval. In every case, the planning commission shall identify all deficiencies in the plat in writing by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections that will permit approval of the plat. The planning commission shall not be required to approve a preliminary plat in less than 60 days from submission, and all actions on the preliminary plat shall be completed within 90 days of submission unless the Virginia Department of Transportation requires additional time for review as provided in Va. Code § 15.2-2222.1. The applicant may request an extension of these timelines.

(b) Real property used for commercial or industrial uses. In addition to the requirements of subsection (a), the following requirements apply to plats for real property used for commercial or industrial uses.

In its review of a resubmitted plat that has been previously disapproved, the planning commission shall only consider deficiencies it identified in its previous review that have not been corrected and deficiencies that arise as a result of the corrections made to address previously identified deficiencies unless there are changes, errors or omissions in the applicant's plat filings after the initial submission of the plat.

The planning commission shall identify such deficiencies by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections that will permit approval of the plat.

The plat shall be deemed approved if the planning commission fails to approve or disapprove a resubmitted plat within 45 days of resubmission.

Notwithstanding the planning commission's approval or deemed approval of a proposed plat, any deficiency that if left uncorrected would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, or other mandatory engineering and safety requirements, shall not be treated as approved.

Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or other state agency, the planning

commission may consider deficiencies appearing in the resubmission because of such material revision or physical improvements.

The provisions of this subsection shall not apply to the review and approval of construction plans.

(c) *Approval or disapproval.* If the planning commission approves the preliminary plat, it shall grant conditional approval. ~~If the planning commission cannot give conditional approval, it shall give written reasons for denial and shall state what modifications will permit conditional approval.~~

(Code 1980, § 19-5)

State law references: Preliminary plat approval, Code of Virginia, §§ 15.2-2258; 15.2 -2259.

5. That Section 19-55 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-55. Effect of approval; expiration of approval.

(a) Conditional approval of a preliminary plat does not constitute or guarantee approval of the final plat. It approves the layout of the preliminary plat for use in preparation of the final plat, and the final plat must conform to the preliminary plat as approved. ~~Conditional approval shall expire after 12 months unless the planning commission or director of planning grants an extension.~~ **Once a preliminary plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period allowed by the director of planning or the planning commission pursuant to subsection (b), and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the planning commission may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.**

~~If any section of the preliminary plat has been recorded within 12 months of conditional approval, the director of planning may grant the subdivider's request for extension of conditional approval for up to 60 months.~~

(b) If no section of the preliminary plat has been recorded within ~~12 months~~ **one year** of conditional approval, the director of planning may grant the subdivider's

request for extension of conditional approval for up to 12 months **one year**. The director of planning may grant extensions as long as the total of all extensions does not exceed 60 months from the date of conditional approval.

(c) The planning commission shall act on extension requests in the following cases:

- (1) If the subdivider appeals a denial of the director of planning; or
- (2) If the director of planning requests planning commission action because of changes in conditions affecting the subdivision plans; or
- (3) If the subdivider requests an extension of approval for a period more than 60 months from the date of conditional approval.

(Code 1980, § 19-7; Ord. No. 997, § 3, 2-22-2000)

State Code Reference: Code of Virginia § 15.2-2260(F)

6. That Section 19-56 be added to the Code of the County of Henrico as follows:

Sec. 19-56. Development in dam break inundation zone.

(a) The owner of each impounding structure in the county shall prepare a map of the dam break inundation zone for the impounding structure and submit the map to the director of planning and the Virginia Department of Conservation and Recreation.

(b) For any subdivision containing three or more residential units or any business or industrial use other than agricultural production proposed within the boundaries of a mapped dam break inundation zone, the director of planning shall (i) review the dam break inundation zone map, (ii) notify the dam owner, and (iii) within 10 days forward a request to the Virginia Department of Conservation and Recreation to make a determination of the potential impacts of the proposed subdivision on the spillway design flood standards required of the dam. Upon receipt of the determination of the Virginia Department of Conservation and Recreation or if the county has not received comments within 45 days of the Department's receipt of the county's request, the director of planning shall complete the county's review of the proposed subdivision.

(c) If the Virginia Department of Conservation and Recreation determines that a proposed subdivision is wholly or partially within a dam break inundation zone and would change the spillway design flood standards of an impounding structure, the subdivider must submit an engineering study meeting state standards to the Virginia Department of Conservation and Recreation prior to final approval of the subdivision. Following the completion of the engineering study, and prior to any development within

the dam break inundation zone, the subdivider shall change the proposed subdivision so that it does not alter the spillway design flood standards of the dam or shall pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the subdivision, together with administrative fees required by state law. The payment shall be made to the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as provided by state law.

(d) Dam break inundation zone maps are only required for dams that meet the requirements for an impounding structure. The requirements of this subsection shall not apply to any subdivision proposed downstream of a dam for which a dam break inundation zone map is not on file with the county at the time of the official submission of a subdivision plat to the county. However, the director of planning may map the dam break inundation zone and recover the costs of such mapping from the owner of an impounding structure for which a dam break inundation zone map is not on file with the county and a map has not been prepared by the impounding structure's owner.

(e) Following completion of any subdivision in a dam break inundation zone, the subdivider shall provide the dam owner and the director of planning with information necessary for the dam owner to update the dam break inundation zone map to reflect the new development.

State Code Reference: Code of Virginia §§ 10.1-606.2; 10.1-603.3; 15.2-2243.1.

7. That Section 19-72 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-72. Form and contents.

The final plat shall be on a sheet 16 inches by 24 inches in size with a margin of one-half inch outside ruled border lines at the bottom and right sides, and 1 1/2 inches at the top and left side. The plat shall have a scale of 100 feet to the inch unless otherwise permitted by the director of planning. The final subdivision plat shall clearly show the following:

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(22) Mapped dam break inundation zones.

8. That Section 19-74 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-74. Action by director of planning.

The director of planning shall review all final subdivision plats as required by state law. A final plat shall be deemed submitted when it contains all the information required by this chapter. If state agency review is required, the director of planning shall forward the final plat within 10 business days of submission to each state agency which must review it under state law.

(a) *Real property used for residential and non-commercial and non-industrial uses.* The director of planning shall act on a final plat **within 35 days of the receipt of approvals from all state agencies or, if state review is not required,** within 60 days of submission ~~by either approving or disapproving it in writing and giving the specific reasons for any disapproval.~~ The reasons for disapproval may be given in a separate document or may be written on the plat itself. The reasons for disapproval shall identify deficiencies in the plat by reference to specific duly adopted ordinances, regulations or policies and shall generally identify the modifications or corrections necessary for approval. **The director shall act on a proposed plat he has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval. The applicant may request an extension of these timelines.**

(b) *Real property used for commercial or industrial uses.* In addition to the requirements of subsection (a), the following requirements apply to plats for real property used for commercial or industrial use.

In his review of a resubmitted plat that has been previously disapproved, the director of planning shall only consider deficiencies he identified in his previous review that have not been corrected and deficiencies that arise as a result of the corrections made to address previously identified deficiencies unless there are changes, errors or omissions in the applicant's plat filings after the initial submission of the plat.

The plat shall be deemed approved if the director of planning fails to approve or disapprove a resubmitted plat within 45 days of resubmission.

Notwithstanding the director of planning's approval or deemed approval of a proposed plat, any deficiency that if left uncorrected would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, or other

mandatory engineering and safety requirements, shall not be treated as approved.

Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or other state agency, the director of planning may consider deficiencies appearing in the resubmission because of such material revision or physical improvements.

The provisions of this subsection shall not apply to the review and approval of construction plans.

(Code 1980, § 19-9)

State law reference — Approval of final plat, Code of Virginia § 15.2-2259.

9. That Section 19-75 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-75. Installation of improvements or bonding; release of bond.

(a) Prior to final approval of a plat for recordation, the subdivider shall complete or provide for completion of all required public improvements at the subdivider's expense. To provide for completion, the subdivider shall provide the director of planning a certified check, cash escrow, surety bond, or bank or savings and loan association's letter of credit approved by the county attorney in an amount sufficient to cover the estimated costs of all required improvements. The amount of the certified check, cash escrow, bond or letter of credit shall not exceed the estimated cost of construction based on unit prices for new public or private sector construction in the county plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing roads or utilities, **which shall not exceed 10 percent of the estimated construction cost.** The subdivider shall obtain the director of planning's approval of its estimate of the time necessary to complete the improvements. If that time is exceeded and is not extended by the director of planning, the director of planning shall arrange for completion of the improvements using the certified check, cash escrow, or letter of credit or by calling on the surety on the bond.

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(Code 1980, § 19-38)

State law references: Requirements for subdivision, Code of Virginia, § 15.2-2241.

10. That Section 19-77 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-77. Recording.

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(c) If a subdivider records a final plat for a section of the subdivision shown on an approved preliminary plat and has furnished a certified check, cash escrow, bond or letter of credit in the amount of the estimated cost of construction of improvements dedicated in the final plat for public use and to be maintained by the county, the state or other public agency, the subdivider shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first **any** section, subject to the terms and conditions of the Code of Virginia and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

(d) Once an approved final subdivision plat for all or a portion of the property is recorded, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.

State law references: Recording, Code of Virginia, §§ 15.2-2241; 15.2-2260; 15.2-2261.

11. That Section 19-111 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-111. Development of areas subject to inundation flooding.

No lot or portion of a lot in a subdivision subject to inundation **flooding** shall be divided or subdivided for development except in accordance with section 24-106.1. Any area subject to inundation **flooding** may be further regulated by sections 24-95(t), 24-95(u), 24-106.1, and 24-106.3, **and 24-106.4.**

12. That Section 24-3 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3. Enumerated.

For the purpose of interpreting and construing this chapter, certain words and terms used herein shall have the following meanings, unless the context requires otherwise:

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Commercial use means any use in a business, office, office service, or institutional district as classified and defined in this chapter.

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Dam means a man-made structure across a watercourse used to restrain water.

Dam break inundation zone means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be as shown on the dam break inundation zone map filed with the Virginia Department of Conservation and Recreation.

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Floodplain. Any land area susceptible to being inundated by water from any source **other than a dam break.**

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Impounding structure means a dam or a man-made structure outside a watercourse used or to be used to retain or store waters or other materials as defined by Va. Code § 10.1-604. The term includes: (i) all dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater, and (ii) all dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet or greater. The

term "impounding structure" shall not include: (a) dams licensed by the State Corporation Commission that are subject to a safety inspection program; (b) dams owned or licensed by the United States government; (c) dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet; (d) water or silt retaining dams approved pursuant to Va. Code § 45.1-222 or § 45.1-225.1; or (e) obstructions in a canal used to raise or lower water.

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13. That Section 24-8 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-8. Nonconforming uses; regulations.

No nonconforming building or use shall be moved, enlarged, extended, reconstructed, substituted or structurally altered except when required by law or order, unless the use thereof is changed to a use permitted in the district in which located, except as in section 24-66(a) or as follows:

(a) Such use may be extended throughout any part of the building which was manifestly arranged or designed for such use at the time of adoption of this chapter, provided no structural alterations except those required by law are made therein.

(b) Any building that is conforming as to use, but is nonconforming as to floor area, lot, yard, road frontage, distance or height requirements, may be enlarged or structurally altered, but not reconstructed or substituted, ~~so that it more nearly~~ provided the enlargement or structural alteration complies with these requirements and the building remains conforming as to use.

(c) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification; but it shall not thereafter be changed back to a use of a less restricted classification.

(d) ~~If a~~ **A** residential or commercial building is may be repaired, rebuilt or replaced after being damaged or destroyed by a natural disaster or other act of God, ~~the owner shall to~~ eliminate or reduce nonconforming features to the extent possible, without the need to obtain a variance as provided in Code of Virginia, § 15.2-2310, as amended. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall

comply with the floor area, lot, yard, road frontage, distance or height requirements of this chapter as nearly as possible. The owner shall apply for a building permit, and any work done to repair, rebuild or replace such building shall be in compliance with the Uniform Statewide Building Code and the floodplain regulations adopted in section 24-106.1 as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, or rebuilt or replaced within four years of the date of the natural disaster or replaced ~~within four years of the date of the natural disaster~~ or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with this chapter.

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(h) For purposes of this section, “act of God” shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or § 18.2-80 of the Code of Virginia and obtain vested rights under this section.

(Code 1980, § 22-8; Ord. No. 1092, § 1, 1-23-07)

State law reference: Code of Virginia 15.2-2307

14. That Section 24-106 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-106. Plan of development (POD), administrative and schematic site plans.

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(d) Required information. Every plan of development (POD) shall contain the following information as well as other information required by the director of planning on the application form:

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- (18) Traffic study providing information required for review under section 15.2-2222.1 of the Code of Virginia.
- (19) Mapped dam break inundation zones.

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(g) *Procedure for processing.* The director of planning is responsible for checking the plan of development (POD) for completeness and obtaining review by appropriate officials. For purposes of this section, the plan shall be deemed submitted when it contains all the information required by this chapter. The director of planning shall see send the POD to each state agency required to review it under state law within 10 business days of submission. that all reviews are completed on time and that initial action is taken by the The planning commission or by the board of supervisors, shall hold a public hearing and act on the POD within 60 days of receipt of the application submission or, if state agency review is required, within 45 days of receipt of approvals from all reviewing agencies unless the applicant requests an extension of time.

The planning commission or board of supervisors shall identify all deficiencies in the plan in writing by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections that will permit approval of the plan.

In the review of a resubmitted plan for real property used for commercial or industrial uses that has been previously disapproved, the following requirements in this subsection shall also apply. The planning commission or board of supervisors shall only consider deficiencies it identified in its previous review that have not been corrected and deficiencies that arise as a result of the corrections made to address previously identified deficiencies unless there are changes, errors or omissions in the applicant's plat filings after the initial submission of the plan. In addition, the plan shall be deemed approved if the planning commission or board of supervisors fails to approve or disapprove a resubmitted plan within 45 days of resubmission.

Notwithstanding the approval or deemed approval of a proposed plan by the planning commission or board of supervisors, any deficiency that if left uncorrected would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, or other mandatory engineering and safety requirements shall not be treated as approved.

Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or other state agency, the planning commission or board of supervisors may consider deficiencies appearing in the resubmission because of such material revision or physical improvements.

The provisions of this subsection for commercial and industrial uses shall not apply to the review and approval of construction plans.

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(j) *Approval and extension.* ~~Subject to the provisions of the Code of Virginia, approval of a plan of development (POD) submitted under the provisions of this section shall expire two years after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant to the director of planning made within 90 days before the expiration of the approved plan of development (POD). The director of planning shall acknowledge the request and shall make a decision regarding the requested extension within 30 days after receipt of the request.~~ **Approved plans of development shall be valid for the periods provided in section 15.2-2261 of the Code of Virginia, as amended. However, any approved plan of development valid and outstanding as of January 1, 2009 shall remain valid until July 1, 2014. Any other plan or permit associated with such plan of development shall likewise be extended until July 1, 2014.**

The extension of validity provided for approved plans of development outstanding as of January 1, 2009 shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(k) *Revisions and waiver.* Any plan of development (POD) may be revised in the same manner as originally approved, ~~and any requirement of this section may be waived by the board of county supervisors in specific cases when such waiver will not be adverse to the purpose of this section.~~

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(Code 1980, § 22-106; Ord. No. 998, § 2, 2-22-00; Ord. No. 1058, § 2, 11-12-03)

15. That Section 24-106.4 be added to the Code of the County of Henrico as follows:

Sec. 24-106.4. Development in dam break inundation zone.

(a) The owner of each impounding structure in the county shall prepare a map of the dam break inundation zone for the impounding structure and submit the map to the director of planning and the Virginia Department of Conservation and Recreation.

(b) For any development containing three or more residential units or any business or industrial use other than agricultural production proposed within the boundaries of a mapped dam break inundation zone, the director of planning shall (i) review the dam break inundation zone map, (ii) notify the dam owner, and (iii) within 10 days forward a request to the Virginia Department of Conservation and Recreation to make a determination of the potential impacts of the proposed development on the spillway design flood standards required of the dam. Upon receipt of the determination of the Virginia Department of Conservation and Recreation or if the county has not received comments within 45 days of the Department's receipt of the county's request, the director of planning shall complete the county's review of the development.

(c) If the Virginia Department of Conservation and Recreation determines that the proposed development is wholly or partially within a dam break inundation zone and would change the spillway design flood standards of an impounding structure, the developer must submit an engineering study meeting state standards to the Virginia Department of Conservation and Recreation prior to final approval of the proposed development. Following the completion of the engineering study, and prior to any development within the dam break inundation zone, the developer shall change the proposed development so that it does not alter the spillway design flood standards of the impounding structure or shall pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the development, together with administrative fees required by state law. The payment shall be made to the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as provided by state law.

(d) Dam break inundation zone maps are only required for dams that meet the requirements for an impounding structure. The requirements of this subsection shall not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county at the time of the official submission of a development plan to the county. However, the director of planning may map the dam break inundation zone and recover the costs of such mapping from the owner of

an impounding structure for which a dam break inundation zone map is not on file with the county and a map has not been prepared by the impounding structure's owner.

(e) Following completion of the proposed development in a dam break inundation zone, the developer shall provide the dam owner and the director of planning with information necessary for the dam owner to update the dam break inundation zone map to reflect the new development.

16. That Section 24-116 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-116. Powers.

The board shall have the following powers and it shall be its duty ~~duties~~:

(a) To hear and decide an appeals ~~where it is alleged there is error to~~ **from** any order, requirements, decision or determination by the ~~director of planning~~ **an administrative officer** in the administration and enforcement of the provisions of this chapter. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.

(b) To authorize upon appeal **or original application** in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship (~~unnecessary to carry out the spirit and purpose of this chapter~~); **provided** and so that the spirit of this chapter shall be observed and substantial justice done, as follows:

(1) When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter, or where by reason of exceptional topographic conditions or other extraordinary ~~or exceptional situation~~, **or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto**, the strict application of the terms of this chapter would actually **effectively** prohibit or unreasonably restrict the use of the property; or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, ~~approaching confiscation~~ -- as distinguished from a special privilege or convenience sought by the applicant -- provided, that all variances shall be in harmony with the intended spirit and purpose of this chapter.

- (2) No such variance shall be authorized by the board unless it finds, by a preponderance of evidence, that all of the following facts and conditions exist:
- a. ~~The exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, do not apply generally to other properties or classes of uses in the same zoning district.~~ **That the strict application of the ordinance would produce undue hardship relating to the property;**
 - b. ~~That the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.~~ **That the hardship is not shared generally by other properties in the same zoning district and the same vicinity; and**
 - c. ~~That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purpose of this chapter or the public interest.~~ **and that the character of the district will not be changed by the granting of the variance.**
- (3) No variance shall be authorized unless the board specifically finds that the condition or situation of the specific piece of property **concerned** or the intended use of said property, for which variance is sought — one or the other or in combination — is not of such **so** general or recurring a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation, to be adopted as an amendment to this chapter in the manner prescribed herein for amendments.
- (4) In authorizing a variance, the board may attach thereto **impose** such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary to further the purposes of this chapter and in the public interest, **and it may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.**

(5) No variance shall be authorized except after notice and hearing as required by Va. Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

(c) To hear and decide applications for such special exceptions as are authorized **by this chapter** herein, including the specific exceptions listed below and others authorized elsewhere in this chapter. **The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and it may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.**

No special exception may be granted except after notice and hearing as provided by Va. Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In considering an application for a special exception, the board shall give due regard to the nature and condition of all adjacent uses and structures and the probable effect upon them of the proposed use. It shall also take into account the special characteristics, design, location, construction, method of operation, effect of traffic conditions or any other aspects of the particular use or structure that may be proposed by the applicant. If it should find, after the hearing, that the proposed establishment or use will not adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, ~~will not~~ **nor** unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor increase public danger from fire or otherwise unreasonably affect public safety, nor impair the character of the district or adjacent districts, nor be incompatible with the general plans and objectives of the official land use plan of the county, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will be **in** substantial accordance with the general purpose and objectives of this chapter, the board shall grant the exception and authorize the issuance, by the secretary of the board, of a special use permit. In those instances where the board finds that the proposed use may be likely to have an adverse effect as above, the board shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction, equipment, maintenance or operation in addition to those expressly stipulated in this chapter for the particular class of use. If such determination be in the affirmative, the board shall impose such requirements or

conditions, and if these are accepted by the applicant, the board shall authorize the issuance of the special use permit; otherwise the permit shall be denied. The board may require satisfactory evidence and guarantee or bond that the conditions stipulated will be and will continue to be complied with. Any special use permit may be authorized and issued for either a limited or an indefinite period of time, ~~and shall be revocable by the board at any time for failure to adhere to the applicable conditions. Before revoking any such permit, however, the board shall afford the permit holder an opportunity to be heard, giving him at least five days' written notice of the time and place of such hearing, served as prescribed by law.~~ Construction or operation shall be commenced within one year of the date of issuance of a special use permit or it shall become void. In addition to permitting the special exceptions authorized elsewhere in this chapter, the board shall have the power to permit the following:

(1) Temporary uses and structures, in any district, for a purpose that does not conform to the regulations prescribed by this chapter for the district in which located; provided, that such uses be of a temporary nature and do not involve the erection of substantial buildings. Such use or structure shall be authorized by the issuance of a temporary and revocable permit for not more than a 24-month period, subject to such conditions as will safeguard the public health, safety and welfare.

(2) Public buildings and uses owned or operated by any public agency, and public service buildings and uses owned and operated by any public utility company (except communication towers as regulated by section 24-95(a)(3) and any facilities for construction or repair, or for the service or storage of utility materials or equipment) in any district where reasonably necessary in the public interest, provided the construction or use shall be such as to adequately safeguard the health, safety and welfare of the occupants of adjacent property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in the streets and shall not increase public danger from fire or otherwise affect public safety.

(3) Sanitary landfill refuse disposal areas and sewage treatment plants.

~~(d) To vary the application of the terms of this chapter in harmony with its general power and intent and in accordance with the rules herein prescribed, in the following respects: To hear and decide applications for interpretation of the district map, where there is any uncertainty as to the location of a district boundary. Where the actual street or lot layout differs from the layout indicated on such map, the board, after **After** notice to the owners of the property **affected by the question**, and after public hearing **with notice as required by Va. Code § 15.2-2204**, shall **the board may** interpret the map in such a way as to carry out the intent and purpose of this chapter for the particular section or district in question. **The board shall not have the power to change substantially the**~~

locations of district boundaries as established by ordinance. When giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

(e) To hear and decide appeals from the decision of the director of planning after notice and hearing as provided in Va. Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

(f) To revoke a special exception previously granted by the board if the board determines that there has not been compliance with the terms and conditions of the permit. No special exception may be revoked except after notice and hearing as provided in Va. Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

(Code 1980, § 22-116)

State law reference: § 15.2-2309.

17. That this ordinance shall be in full force and effect on and after its passage as provided by law except that the amendment to §19-75 shall expire on July 1, 2014; provided, however, any certified check, cash escrow, bond or letter of credit offered or renewed after July 1, 2009, and prior to July 1, 2014, and meeting the requirements of § 19-75 of this chapter shall be deemed to continue to meet the requirements after July 1, 2014.

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

Agenda Item No. **282-09**

Page No. 2 of 2

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

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors expresses its agreement with the City of Richmond’s application to delete 541 acres of residential land and add 53 acres of land to their Zone III/North Enterprise Zone.

BE IT FURTHER RESOLVED that the Board authorizes the County Manager to execute the Joint Application Amendment Agreement indicating the County’s agreement with the City’s application, substantially in the form of the document attached to this resolution and shall be approved as to form by the County Attorney.

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

Appendix I: Joint Application Amendment Agreement -Single Jurisdiction Amending

This form insures that all jurisdictions are in agreement with the application being submitted by the amending jurisdiction. Completed joint application amendment agreements and corresponding authorizing resolutions of the governing bodies should be attached at the end of the amendment application.

JOINT APPLICATION AMENDMENT AGREEMENT-SINGLE JURISDICTION AMENDING

As the representative of the local governing body of the County of Henrico, I hereby certify that: (Certifying Locality)

- 1. We are in agreement with the City of Richmond in filing this amendment; (Amending Locality)
- 2. Any local enterprise zone incentives proposed by the aforementioned locality in this amendment application represent a firm commitment;
- 3. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives listed in this application, the joint zone shall be subject to termination.

Chief Administrator's signature

Date

Name: Virgil R. Hazelett, P.E.

Title: County Manager



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

Agenda Item No. **283-09**

Page No. 1 of 2

Agenda Title: Resolution – Concurring in the Declarations and Findings of the Short Pump Town Center Community Development Authority and Authorizing the Dissolution of the Authority and the Execution of Documents in Connection Therewith

For Clerk's Use Only: Date: NOV 10 2009 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: <hr/>	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Glover</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____ REMARKS: <div style="font-size: 48px; text-align: center;">APPROVED</div>	<table border="0"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Donati, J.</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>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>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	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, in accordance with the terms of the Virginia Water and Waste Authorities Act, the Board of Supervisors of Henrico County, acting by and on behalf of Henrico County, Virginia, created the Short Pump Town Center Community Development Authority for the purpose of assisting in the construction, installation, and financing of certain infrastructure improvements in connection with the development of the Short Pump Town Center; and

WHEREAS, the Authority's articles of incorporation were approved and a certificate of incorporation was issued by the Virginia State Corporation Commission on September 28, 2000; and

WHEREAS, to finance the cost of the improvements at the Town Center, the Authority issued its Taxable Special Assessment Revenue Bonds, Series 2003, pursuant to an indenture of trust dated as of September 1, 2003, and in connection therewith also entered into various contracts, agreements, deeds, and other instruments; and

WHEREAS, the bonds have been paid in full and all obligations of the Authority in connection with the bonds and the indenture have been satisfied and discharged; and

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

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

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 Yellow to: _____
 Copy to: _____

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

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 28309

Page 2 of 2

Agenda Title: **Resolution – Concurring in the Declarations and Findings of the Short Pump Town Center Community Development Authority and Authorizing the Dissolution of the Authority and the Execution of Documents in Connection Therewith**

WHEREAS, the County has received a certified copy of a resolution of the Authority, adopted March 30, 2009, indicating that it is now appropriate for the Authority to be dissolved in accordance with Section 15.2-5109 of the Code of Virginia of 1950, as amended.

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

1. The Board concurs in the findings and declarations of the Authority's resolution.
2. The Board finds and determines that it is in the best interests of the County to authorize the dissolution of the Authority in accordance with Section 15.2-5109 of the Code.
3. The County Manager is authorized to execute and deliver any and all documents including, without limitation, articles of dissolution and articles of termination of corporate existence, as he deems necessary or desirable in order to dissolve the Authority and terminate its corporate existence.
4. This resolution shall take effect immediately upon its adoption.

**RESOLUTION OF THE BOARD
OF THE SHORT PUMP TOWN CENTER
COMMUNITY DEVELOPMENT AUTHORITY**

WHEREAS, the Short Pump Town Center Community Development Authority (the "Authority") was created by the Board of Supervisors of the County of Henrico, Virginia (the "Board of Supervisors"), pursuant to the Virginia Water and Waste Authorities Act, as amended (the "Act"), to assist in the construction, installation and financing of certain infrastructure improvements (the "Improvements") in connection with development of the Short Pump Town Center (the "Town Center"); and

WHEREAS, to provide funding for the Improvements at the Town Center, the Authority issued its Taxable Special Assessment Revenue Bonds, Series 2003 (the "Bonds"), pursuant to an Indenture of Trust dated as of September 1, 2003 (the "Indenture"), and in connection therewith also entered into various contracts, agreements, deeds and other instruments; and

WHEREAS, the Bonds have been paid in full and all obligations of the Authority in connection with the Bonds and the Indenture have been satisfied and discharged; and consequently it is appropriate to release and reconvey certain rights of the Authority in connection with the facilities financed by the Bonds; and

WHEREAS, the agreements and instruments entered into by the Authority in connection with the issuance of the Bonds have been or will be terminated in accordance with the terms of such agreements and instruments.

NOW, THEREFORE, be it resolved and declared by the Board of the Short Pump Town Center Community Development Authority (the "Board") as follows:

1. The Board hereby finds and declares that the purposes for which the Authority was created have been completed and all of the obligations of the Authority have been paid or

provided for as herein provided and that, in accordance with § 15.2-5109 of the Act, it is appropriate that the Authority be dissolved.

2. The form and substance of the following documents and instruments, as presented to the Authority, with such changes in form and substance as may be approved by the Chairman or Vice Chairman of the Authority, as evidenced by his execution thereof, are hereby authorized and approved and the officers of the Authority are hereby directed to execute and deliver such documents and instruments:

- a. Declaration of Release of Special Assessment; and
- b. Deed of Confirmation and Termination of Easement.

3. A final Report of MuniCap, Inc., Administrator of the Authority, has been presented to the Board and, after discussion with the Board by a representative of MuniCap, is hereby accepted by the Board. As recommended in the MuniCap Report, the remaining assessment liens on the property within the CDA District, as described in such Report, are hereby reduced to zero.

4. The Chairman of the Authority (or, in his absence, the Vice Chairman) is authorized and directed to engage Cherry, Bekaert & Holland LLP to perform a final audit of the financial operations and condition of the Authority and to report thereon to the Board.

5. Upon receipt of the final audit reflecting payment of all obligations of the Authority, the Chairman and counsel for the Authority, with the approval of the County Attorney of the County of Henrico, Virginia, are hereby directed to file a certified copy of this resolution with the Board of Supervisors of the County of Henrico, Virginia, and upon the adoption of a resolution by such Board of Supervisors concurring in the foregoing declaration and finding that the Authority should be dissolved, the Chairman and counsel shall file appropriate Articles of

Dissolution with the Virginia State Corporation Commission, upon which filing and acceptance thereof by the Virginia State Corporation Commission, the Authority shall be dissolved.

6. The officers of the Authority are further authorized and directed to take such further actions as they, with the advice of counsel, shall deem necessary or desirable to wind up and dissolve the Authority.

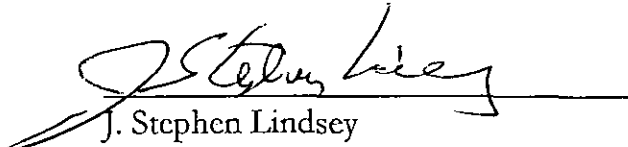
Adopted the 30th day of March, 2009, by the Board of the Short Pump Town Center Community Development Authority.

By _____
Chairman

CERTIFICATION OF RESOLUTION

The undersigned Secretary of the Short Pump Town Center Community Development Authority (the "Authority") certifies that the attached is a true, correct, and complete copy of a resolution adopted by a majority of the members of the Authority present and voting at a meeting duly called and held on March 30, 2009, in accordance with law, with a quorum present and acting throughout, and that such resolution has not been amended, modified, superseded, or rescinded and is in full force and effect on the date hereof.

Dated: October 7, 2009


J. Stephen Lindsey
Secretary
Short Pump Town Center
Community Development Authority



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 284-09
Page No. 1 of 1

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

For Clerk's Use Only: Date: NOV 10 2009 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Clover</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <tr><td></td><td>YES</td><td>NO</td><td>OTHER</td></tr> <tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The Clerk is directed to advertise, in the Richmond Times-Dispatch on November 17, 2009 and November 24, 2009, the following ordinance for a public hearing to be held at the Board Room on December 8, 2009 at 7:00 p.m.:

“AN ORDINANCE to amend and reordain section 9-2 of the Code of the County of Henrico titled ‘Precincts and polling places’ by making technical corrections in the text relating to the polling places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District. A copy of the full text of this ordinance and maps depicting the polling places are available for inspection in the Office of the County Manager.”

Comments: The Registrar and County Attorney recommend approval of this Board paper; the County Manager concurs.

By Agency Head Maury Canty By County Manager Doris R. Howell

Routing: Yellow to: _____ Certified: _____
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Date: _____
Clerk, Board of Supervisors

BLACKLINE

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

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

1. That Section 9-2 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 9-2. Precincts and polling places.

The following shall be the precinct boundaries and polling places for the magisterial districts in the county.

(1) Brookland Magisterial District.

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p. *Westwood Precinct.* Beginning at the intersection of the boundary line of the City of Richmond and Henrico County and West Broad Street; thence northwestwardly along West Broad Street to its intersection with Horsepen Road; thence westwardly along Horsepen Road to its intersection with Betty Lane; thence southwardly along Betty Lane to its intersection with Fitzhugh Avenue; thence eastwardly along Fitzhugh Avenue to its intersection with Orchard Road; thence southwestwardly along Orchard Road to its intersection with Monument Avenue; thence southeastwardly along Monument Avenue to its intersection with Libbie Avenue; thence southwestwardly along Libbie Avenue to its intersection with the boundary line of the City of Richmond and Henrico County; thence eastwardly and northwardly along the boundary line of the City of Richmond and Henrico County to its intersection with West Broad Street and the point of beginning. The polling place for Westwood Precinct shall be ~~Epiphany Evangelical Lutheran Church, 1400 Horsepen Road.~~ **the Jewish Community Center, 5403 Monument Avenue.**

(2) Fairfield Magisterial District.

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o. *Maplewood Precinct.* Beginning at the intersection of Mechanicsville Turnpike (U.S. Route 360) and the Virginia Power easement (approximately 1,800 feet northeast of the intersection of Mechanicsville Turnpike (U.S. Route 360) and Springdale Road); thence southeastwardly along the Virginia Power easement to its intersection with Creighton Road (approximately 400 feet northeast of the intersection of Carolee Drive and Creighton Road); thence southwestwardly along Creighton Road to its intersection with North Laburnum Avenue; thence northwestwardly along North Laburnum Avenue to its intersection with Harvie Road and East Laburnum Avenue; thence northwestwardly along East Laburnum Avenue to its intersection with Mechanicsville Turnpike (U.S. Route 360); thence northeastwardly along Mechanicsville Turnpike (U.S. Route 360) to its intersection with the Virginia Power easement (approximately 1,800 feet northeast of the intersection of Mechanicsville Turnpike (U.S. Route 360) and Springdale Road) and the point of beginning. The polling place for Maplewood Precinct shall be ~~Broadus Memorial Baptist Church~~ **Abundant Life Church of Christ**, 3700 Goodell Road.

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w. *Yellow Tavern Precinct.* Beginning at the intersection of the Richmond and Ashland Electric right-of-way and the boundary line of Hanover County and Henrico County; thence eastwardly along the boundary line of Hanover County and Henrico County to its intersection with Chamberlayne Road (U.S. Route 301); thence southwestwardly along Chamberlayne Road (U.S. Route 301) to its intersection with East Parham Road; thence southwestwardly along East Parham Road to its intersection with Interstate Route 95; thence northwardly along Interstate Route 95 to its intersection with Interstate Route 295; thence northwestwardly along Interstate Route 295 to its intersection with Longdale Avenue extended; thence southeastwardly along Longdale Avenue extended to its intersection with Davis Avenue and Longdale Avenue; thence southeastwardly along Longdale Avenue to its intersection with Lee

Avenue; thence southwestwardly along Lee Avenue to its intersection with Richmond Road; thence southeastwardly along Richmond Road to its intersection with Cole Boulevard; thence southwestwardly along Cole Boulevard to its intersection with Greenwood Road; thence northwardly along Greenwood Road to its intersection with Interstate Route 295; thence northwestwardly along Interstate Route 295 to its intersection with Woodman Road; thence northeastwardly along Woodman Road to its intersection with Greenwood Road; thence southeastwardly along Greenwood Road to its intersection with Winfrey Road; thence northwardly along Winfrey Road to its intersection with the Richmond and Ashland Electric right-of-way; thence northwestwardly along the Richmond and Ashland Electric right-of-way to its intersection with the boundary line of Hanover County and Henrico County and the point of beginning. The polling place for Yellow Tavern Precinct shall be North Park Library, 8508 Franconia Road.

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(5) Varina Magisterial District.

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- i. *Laburnum Precinct.* Beginning at the intersection of the Norfolk Southern Railway and S. Airport Drive (State Route 156); thence southwardly along S. Airport Drive (State Route 156) to its intersection with W. Williamsburg Road (U.S. Route 60 and Williamsburg Road (U.S. Route 60); thence westwardly along Williamsburg Road (U.S. Route 60) to its intersection with S. Airport Drive Extended; thence southwardly along S. Airport Drive Extended to its intersection with S. Airport Drive (State Route 156); thence southwardly along S. Airport Drive (State Route 156) to its intersection with Charles City Road; thence northwestwardly along Charles City Road to its intersection with Williamsburg Road (U.S. Route 60); thence eastwardly along Williamsburg Road (U.S. Route 60) to its intersection with Millers Lane; thence northwardly along Millers Lane to its intersection with Millers Lane Extended; thence northwardly along Millers Lane Extended to its intersection with Interstate Route 64; thence eastwardly along Interstate Route 64 to its intersection with Oakleys Lane; thence northwardly along Oakleys Lane to its intersection with the Norfolk Southern Railway; thence eastwardly along the Norfolk Southern Railway to its

intersection with S. Airport Drive (State Route 156) and the point of beginning. The polling place for Laburnum Precinct shall be ~~St. Paul Lutheran Church~~ **Mountain of Blessings Christian Center**, 4700 Oakleys Lane.

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- p. *Sandston Precinct.* Beginning at the intersection of Charles City Road and S. Airport Drive; thence northwardly along S. Airport Drive to its intersection with S. Airport Drive Extended (approximately 2,650 feet southwest of the intersection of S. Airport Drive and Williamsburg Road); thence northwardly along S. Airport Drive Extended to its intersection with Williamsburg Road (U.S. Route 60); thence eastwardly along Williamsburg Road (U.S. Route 60) to its intersection with S. Airport Drive (State Route 156); thence northwardly along S. Airport Drive (State Route 156) to its intersection with the Southern Railway; thence eastwardly along the Southern Railway to its intersection with East Nine Mile Road (State Route 33); thence southeastwardly along East Nine Mile Road (State Route 33) to its intersection with Bond Street; thence northeastwardly along Bond Street to its intersection with Algiers Drive; thence southeastwardly along Algiers Drive to its intersection with Defense Avenue; thence southeastwardly along Defense Avenue to its intersection with Seven Pines Avenue; thence southwardly along Seven Pines Avenue to its intersection with Howard Street; thence southwestwardly along Howard Street to its intersection with East Nine Mile Road (State Route 33); thence southwardly along East Nine Mile Road (State Route 33) to its intersection with East Williamsburg Road (U.S. Route 60); thence eastwardly along East Williamsburg Road (U.S. Route 60) to its intersection with Sandston Avenue; thence southwardly along Sandston Avenue to its intersection with Huntsman Road; thence eastwardly along Huntsman Road to its intersection with Seabury Avenue; thence southwardly along Seabury Avenue to its intersection with Treva Road; thence westwardly along Treva Road to its intersection with Beulah Road; thence southwardly along Beulah Road to its intersection with White Oak Swamp Creek (approximately 1,200 feet north of the intersection of Beulah Road and La France Road); thence southeastwardly along White Oak Swamp Creek to its intersection with Portugee Road; thence southwardly along White Oak Swamp Creek to a fork in the creek (approximately 400 feet west of the intersection of Poplar Springs Road and White Oak Swamp Creek); thence southwestwardly along White Oak Swamp Creek to its intersection with an unnamed

stream (approximately 4,800 feet east of the intersection of White Oak Swamp Creek and Interstate Route 295); thence southwardly along the unnamed stream to its intersection with another unnamed stream; thence southwestwardly along this unnamed stream to its intersection with Charles City Road (approximately 2,000 feet east of the intersection of Turner Road and Charles City Road); thence northwestwardly along Charles City Road to its intersection with S. Airport Drive and the point of beginning. The polling place for Sandston Precinct shall be ~~Sandston Library, 23 E. Williamsburg Road.~~ **Sandston Baptist Church, 100 W. Williamsburg Road.**

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2. That the remaining provisions of Section 9-2 of the Code of the County of Henrico shall remain unchanged and in full force and effect.

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

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

Agenda Item No. **285-09**

Page No. 2 of 2

Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on University Boulevard between Henrico Avenue and Forest Avenue

WHEREAS, the citizens in the area of this road requesting the increased fine have collected signatures from 75% of the residents; and,

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

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

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