

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

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, October 12, 2010 at 5:00 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

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

- |                  |   |
|------------------|---|
| 5:00 - 5:30 p.m. | Partial Tax Exemption for Rehabilitated Multi-Family Residential Rental Units |
| 5:30 - 6:00 p.m. | Proposed Plan of Development (POD) for Western Area Elementary School #9      |
| 6:00 - 6:45 p.m. | <i>Dinner</i>   |



Barry R. Lawrence, CMC  
Clerk, Henrico County Board of Supervisors  
October 7, 2010

**COUNTY OF HENRICO, VIRGINIA**  
**Henrico County Board Room**  
**Board of Supervisors' Agenda**  
**October 12, 2010**  
**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Rev. Dean Pittman, Senior Pastor, Laurel Park United Methodist Church

**APPROVAL OF MINUTES** – September 28, 2010 Regular and Special Meetings

**MANAGER'S COMMENTS**

**BOARD OF SUPERVISORS' COMMENTS**

**RECOGNITION OF NEWS MEDIA**

**PRESENTATION**

Proclamation – Energy Conservation Awareness Week – October 17 - 23, 2010.

**RESIGNATION**

244-10                      Resolution – Resignation of Member – The Cultural Arts Center at Glen Allen Foundation Board of Directors.

**PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT**

166-10                      JMW, LLC: Request to amend proffered conditions accepted with Rezoning  
C-8C-10                      Case C-68C-00, on Parcel 776-744-1464, located at the southwest  
Brookland                      intersection of Dumbarton Road and Byrdhill Road. The applicant proposes  
to amend proffers related to building size, building height, and landscaping.  
The existing zoning is M-1C Light Industrial District (Conditional) and O-  
2C Office District (Conditional). The Land Use Plan recommends Office.  
This site is in the Enterprise Zone. The Planning Commission voted to  
recommend the Board of Supervisors grant the request. **(Deferred from the  
September 14, 2010 Meeting).**

212-10                      Hallmark Home Builders, Inc.: Request to amend proffered conditions  
C-11C-10                      accepted with Rezoning Case C-66C-03 on Parcels 771-774-3218, -1888,  
Brookland                      -1883, -3818, -1877, -4418, -1871, -5017, -1765, -5617, -1858, -5837,  
-1853, -5137, -1747, -4537, -1840, -3937, -1735, -3337, -1729, -3449,  
-1723, -4049, -4648, -5248, -5847, -6067, -5366, -4765, -4165, -3565  
located along the south line of Mill Road approximately 300 feet east of  
LaVecchia Way. The applicant proposes to amend Proffer 13 related to  
fence height and type. The existing zoning is R-5AC General Residence  
District (Conditional). The Land Use Plan recommends Suburban  
Residential 2, density not to exceed 3.4 units per acre. The Planning  
Commission voted to recommend the Board of Supervisors grant the  
request. **(Deferred from the September 14, 2010 Meeting).**

245-10  
C-15C-10  
Brookland  
Wistar Commons Condo Assoc.: Request to amend proffered condition accepted with Rezoning Case C-11C-08, on Parcel 772-752-0526, located approximately 445 feet east of Staples Mill Road (U. S. Route 33), approximately 335 feet north of Wistar Road, and approximately 230 feet west of Kimway Drive. The applicant proposes to delete Proffer 3 related to screening of roof-mounted mechanical equipment. The existing zoning is M-1C Light Industrial District (Conditional). The Land Use Plan recommends Light Industry and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

246-10  
P-10-10  
Varina  
American Tower Corp: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to increase the height of an existing communications tower (P-1-97) and add obstruction lighting on part of Parcel 857-713-7587 located approximately 500' northwest of the intersection of E. Williamsburg (U.S. Route 60) and White Oak Roads. The existing zoning is C-1 Conservation District. The Land Use Plan recommends Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Withdrawn by Applicant).**

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

247-10  
Ordinance – Adopting a Recodification of the Ordinances of the County of Henrico, Virginia, Titled “The Code of the County of Henrico, Virginia of 2010.”

248-10  
Ordinance - To Amend and Reordain Sections 16-2, 16 -31, and 16-37 of the Code of the County of Henrico Titled, Respectively, “Definitions,” “Award of Contracts Generally,” and “When Protests Not Permitted,” All Relating to the Award of Contracts by the Henrico Area Mental Health & Developmental Services Board.

219-10  
Ordinance – Vacation of Planting Strip Easements and Access Easement – Ketterley at Grey Oaks – Three Chopt District. **(Deferred from the September 14, 2010 meeting).**

#### **PUBLIC COMMENTS**

#### **GENERAL AGENDA**

249-10  
Resolution - SIA-01-10 - Bacova Drive Water Pumping Station and Storage Site - Substantially in Accord with the Comprehensive Plan.

250-10  
Resolution - To Continue Participation in the Certified Crime Prevention Community Program.

251-10

Resolution – Acceptance of Roads.



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS' RESUME  
October 12, 2010**

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**INVOCATION** – Rev. Dean Pittman, Senior Pastor, Laurel Park United Methodist Church

**PRESENTATION**

**PROCLAMATION** – Energy Conservation Awareness Week – October 17 - 23, 2010.

Energy efficiency and protection of the environment are important to the County of Henrico. The Board of Supervisors and County staff are committed to making energy resources available and affordable to our citizens. The County will be hosting its Sixth Annual Energy Symposium on October 20, 2010 at the Government Center. This proclamation recognizes October 17 – 23, 2010 as Energy Conservation Awareness Week and encourages Henrico residents and County employees to reduce their energy use and conserve our beautiful environment.

**RESIGNATION**

**RESOLUTION** – Resignation of Member – The Cultural Arts Center at Glen Allen Foundation Board of Directors.

This Board paper accepts the resignation of Beatriz G. McDougle from The Cultural Arts Center at Glen Allen Foundation Board of Directors.

**PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT**

- |                       |   |
|-----------------------|---|
| C-8C-10<br>Brookland  | JMW, LLC: Request to amend proffered conditions accepted with Rezoning Case C-68C-00, on Parcel 776-744-1464, located at the southwest intersection of Dumbarton Road and Byrdhill Road. The applicant proposes to amend proffers related to building size, building height, and landscaping. The existing zoning is M-1C Light Industrial District (Conditional) and O-2C Office District (Conditional). The Land Use Plan recommends Office. This site is in the Enterprise Zone. Acting on a motion by Mr. Vanarsdall seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors <b>grant</b> the request because the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties. <b>(Deferred from the September 14, 2010 Meeting).</b> |
| C-11C-10<br>Brookland | Hallmark Home Builders, Inc.: Request to amend proffered conditions accepted with Rezoning Case C-66C-03 on Parcels 771-774-3218, -1888, -1883, -3818, -1877, -4418, -1871, -5017, -1765, -5617, -1858, -5837, -1853, -5137, -1747, -4537, -1840, -3937, -1735, -3337, -1729, -3449, -1723, -4049, -4648, -5248, -5847, -6067, -5366, -4765, -4165, -3565 located along the south   |

line of Mill Road approximately 300 feet east of LaVecchia Way. The applicant proposes to amend Proffer 13 related to fence height and type. The existing zoning is R-5AC General Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, density not to exceed 3.4 units per acre. Acting on a motion by Mr. Vanarsdall seconded by Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers. **(Deferred from the September 14, 2010 Meeting).**

C-15C-10  
Brookland

Wistar Commons Condo Assoc.: Request to amend proffered condition accepted with Rezoning Case C-11C-08, on Parcel 772-752-0526, located approximately 445 feet east of Staples Mill Road (U. S. Route 33), approximately 335 feet north of Wistar Road, and approximately 230 feet west of Kimway Drive. The applicant proposes to delete Proffer 3 related to screening of roof-mounted mechanical equipment. The existing zoning is M-1C Light Industrial District (Conditional). The Land Use Plan recommends Light Industry and Environmental Protection Area. Acting on a motion by Mr. Vanarsdall seconded by Mr. Branin, the Planning Commission voted 4-0 (one, absent, one abstention) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers, and the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties.

P-10-10  
Varina

American Tower Corp: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to increase the height of an existing communications tower (P-1-97) and add obstruction lighting on part of Parcel 857-713-7587 located approximately 500' northwest of the intersection of E. Williamsburg (U.S. Route 60) and White Oak Roads. The existing zoning is C-1 Conservation District. The Land Use Plan recommends Environmental Protection Area. Acting on a motion by Mr. Vanarsdall seconded by Mr. Branin, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because it would not be expected to adversely affect public safety, health or general welfare. **(Withdrawn by Applicant).**

## **PUBLIC HEARINGS - OTHER ITEMS**

### **ORDINANCE – Adopting a Recodification of the Ordinances of the County of Henrico, Virginia, Titled “The Code of the County of Henrico, Virginia of 2010.”**

This Board paper proposes an ordinance to adopt a recodified County Code effective January 1, 2011. The recodification process, which began in March, 2009, updated and reorganized the existing County Code to bring it into compliance with state law and to make it more user-friendly. No substantive changes are included in the recodification. The recodification was necessary because the County Code was last recodified in 1995.

The recodification was discussed with the Board in a work session on August 10, 2010.

**ORDINANCE - To Amend and Reordain Sections 16-2, 16-31, and 16-37 of the Code of the County of Henrico Titled, Respectively, “Definitions,” “Award of Contracts Generally,” and “When Protests Not Permitted,” All Relating to the Award of Contracts by the Henrico Area Mental Health & Developmental Services Board.**

This Board paper proposes an ordinance relating to the award of contracts by the Henrico Area Mental Health & Developmental Services Board (the “Mental Health Board”). The Mental Health Board is granted the power under state law governing administrative policy community services boards to enter into contracts for the delivery of services and the operation of facilities. The proposed Code changes conform the Code to the current practice under which the Mental Health Board awards contracts for the provision of services and goods for direct client use. Contracts related to the operation of Henrico Area Mental Health & Developmental Services facilities and business administration will continue to be awarded by the Director of General Services or Board of Supervisors, as appropriate.

**ORDINANCE – Vacation of Planting Strip Easements and Access Easement – Ketterley at Grey Oaks – Three Chopt District.**

Approval of this Ordinance will vacate the 10-foot wide planting strip easements and 10-foot wide access easement lying within the area reserved for future development between Lots 1 and 3 in Block A of Ketterley at Grey Oaks. The owner of the reserved area, Dominion Land & Development Partnership, a Virginia general partnership, has requested the vacation in order that this reserved area may be resubdivided and developed. There is no need for the access easement in that the owner of the reserved area is also the owner of the adjoining land. There are no County facilities in the area to be vacated and no future use is anticipated. The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works and Public Utilities without objection. **(Deferred from the September 14, 2010 meeting).**

**PUBLIC COMMENTS**

**GENERAL AGENDA**

**RESOLUTION - SIA-01-10 - Bacova Drive Water Pumping Station and Storage Site - Substantially in Accord with the Comprehensive Plan.**

At the request of the Department of Public Utilities, the Department of Planning conducted a study to determine whether the proposed Bacova Drive Water Pumping Station and Storage Site is substantially in accord with the County’s 2026 Comprehensive Plan (“Plan”). The site consists of a 4.72-acre parcel (GPIN 738-765-6809) located along the eastern line of Bacova Drive in the Three Chopt District.

The Planning staff’s report concluded that the proposed use for this site would not conflict with, or be a significant departure from, the Goals, Objectives and Policies of the Plan and would

support the intent of the Plan that identifies the need for new public services and facilities based on projected and planned growth in accordance with the Future Land Use Map. Staff also determined the proposed improvements can be designed to be compatible with the existing land uses in the surrounding area.

At its meeting on September 9, 2010, the Planning Commission approved a resolution finding the proposed Bacova Drive Water Pumping Station and Storage Site substantially in accord with the Plan.

Further details regarding the proposed site are contained in the staff report prepared for the Planning Commission.

The Director of Planning concurs with the finding of the Planning Commission that the proposed Bacova Drive Water Pumping Station and Storage Site is substantially in accord with the Plan and recommends approval of the Board paper, and the County Manager concurs.

**RESOLUTION - To Continue Participation in the Certified Crime Prevention Community Program.**

This Board paper (1) evidences the Board of Supervisors' and the County's support of continued participation in the Certified Crime Prevention Community Program of the Virginia Department of Criminal Justice Services and the Virginia Criminal Justice Services Board, and (2) appoints the Chief of Police as the County's representative on the Community Crime Prevention/Community Safety Council. The paper is necessary for the County to be recertified for another three years as a Certified Crime Prevention Community.

**RESOLUTION - Acceptance of Roads.**

This Board paper would accept the following named and described sections of roads into the County road system for maintenance.

- 1) 0.22 miles of Countryside Glen, Section A. Tuckahoe District.
- 2) 0.60 miles of Mason Park, Section One. Three Chopt District.
- 3) 0.07 miles of Mason Park, Section Two and Resubdivision of Residual Parcel - Mason Park, Section One. Three Chopt District.

The Director of Public Works and the County Manager recommend approval of this Board paper.