

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

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, November 10, 2015, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

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

Other Officials Present:

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

Mr. Thornton called the meeting to order at 7:01 p.m.

Mr. Thornton led the recitation of the Pledge of Allegiance.

Reverend Sylvia M. Berry, Chaplain for the Henrico County Police Division, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, the Board approved the minutes of the October 27, 2015, Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

Mr. Vithoulkas introduced and thanked the 2015 Henrico County Christmas Mother, Beverly Cocke, along with the Chair and Co-Chair of the County Government Christmas Mother Program, Tanya Harding of the County Manager's Office and Rebecca Slough of the Department of Human Resources. Last year, the County government's Christmas Mother campaign raised \$9,834.34 and collected over 2,662 in other supplies such as toys, books, blankets, and clothing, which benefited 4,671 individuals within Henrico. County employees have scheduled a number of campaign activities within the next couple of weeks, including a Finance Department barbecue and chili fundraiser as well as Division of Fire pictures with Santa on fire trucks.

Mrs. Cocke updated the Board on this year's campaign, noting the Henrico Christmas Mother Council is in high gear and busy buying toys, processing applications, scheduling volunteers, and preparing the warehouse for the season of love. The Council started the application process in October and expects to serve 1,500 families, including 2,400 children and over 700 seniors and disabled adults. The program has entered into new partnerships with Lewis Ginter Botanical Garden, the *Henrico Citizen*, the Innsbrook Foundation, The Cultural Arts Center at Glen Allen, Regency Square mall, and several local banks and realtors. The partnership the Henrico Christmas Mother shares with County schools and general government is unique to this community and is what has made the program a success for 73 years. Mrs. Cocke expressed gratitude for the County employees' gifts of bikes, toys, clothes, food, books, and money and recognized the hard work of Mrs. Slough and Mrs. Harding in organizing the employee volunteers and helping keep her on track.

BOARD OF SUPERVISORS' COMMENTS

There were no comments from the Board of Supervisors.

RECOGNITION OF NEWS MEDIA

No media representatives were present.

APPOINTMENT

233-15 Resolution – Appointment of Member to the Board of Directors – Economic Development Authority.

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

PUBLIC HEARINGS - REZONING CASES

234-15
REZ2015-
00022
Three Chopt

Duke Development, LLC: Request to conditionally rezone from A-1 Agricultural District and O-3C Office District (Conditional) to R-3C One-Family Residence District (Conditional) Parcels 746-768-7550, 746-769-6058, -7196, -7205, -8993, and 747-769-1255 containing 32.33 acres located between the south line of New Wade Lane, the eastern terminus of Parkland Drive, and the on-ramp to Interstate 295 North.

Jean Moore, Assistant Director of Planning, responded to questions from Mr. Kaechele.

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

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

1. **Clearing Limitation.** Trees shall only be cleared in order to construct dwellings, road improvements, driveways, utilities, signage, customary accessory uses and wetland mitigation areas or when necessary for common areas. The trees located within 10' of the shared property line between Jamerson Park and the proposed development shall not be cleared at time of construction unless required for utilities and/or drainage.
2. **Protective Covenants.** Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the property covered by said subdivision plat (other than for the dedication of easements, roads, and utilities), there shall be recorded a document in the Clerk's Office of the Circuit of Henrico County setting forth controls of the maintenance and development of the property. The protective covenants will establish a property owner's association which will approve and regulate architectural approval of dwellings and accessory structures.
3. **Foundations.** Stone or brick shall be used to finish the visible exterior portion of the building below the first floor elevation. All homes will be constructed on a crawl space. Except for garage floors, slab foundations shall be prohibited.
4. **Sidewalks.** Subject to obtaining all governmental approvals and permits, a pedestrian sidewalk shall be provided in accordance with County standards in the County's right of way on both sides of all primary roads if requested by the County at the time of subdivision

review. The two primary roads shall be Parkland Drive extended as well as the road that extends from New Wade Lane to its intersection with Parkland Drive.

5. **Architectural Treatment.** All exposed fireplace chimneys shall be brick, stone, or of a siding similar to the exterior treatment of the dwelling. Cantilevered features shall be prohibited on the first floor. Items on the second floor such as balconies, decks, box or bay type windows may be cantilevered, but shall include decorative corbels. Homes with the same elevation side by side shall not be permitted. On corner lots where the side elevation is visible from the street, the side elevation facing the street shall have a minimum of two windows.
6. **Density.** No more than 59 dwelling units shall be permitted on the property.
7. **Minimum House Size.** The minimum house size constructed on the property shall be 2500 square feet of finished floor area.
8. **Road Improvements.** If requested by the Department of Public works at time of construction plan approval, the developer shall be required to make the following road improvements at the appropriate time as set forth below. Upon completion of the road improvements connecting Twin Hickory Bend Drive to New Wade Lane, the developer shall eliminate the Nuckols Road Northbound left turn lane at the intersection of Nuckols Road and New Wade Lane. The elimination of the turn lane will be performed in accordance with the requirements of the Department of Public Works. If requested by the Department of Public Works, the developer shall also install a raised diverter within the Southbound Nuckols Road right turn lane. The diverter shall be installed to prevent vehicles that are leaving New Wade Lane from turning left onto Nuckols Road. The installation of the diverter will also occur after New Wade Lane has been connected to Hickory Bend Lane.
9. **Site Plan.** The parcels shall be developed in general conformance with the illustrative layout prepared by Bay Design Group, Inc. dated September 28, 2015, a copy of which is attached as Exhibit A (see case file).
10. **Underground Utilities.** Except for existing overhead utility lines, and except for any technical or environmental reason, all new utilities shall be located underground.

11. **Street Trees.** Street trees a minimum of two (2) inches in caliper shall be planted at a spacing not to exceed fifty (50) feet between trees. In addition, one new tree a minimum of two and one half (2.5) inch caliper shall be provided per lot in the front yard, and one additional new tree shall be provided in the side yard of any corner lot. Plantings shall be depicted on a street tree plan to be approved at the time of subdivision plan review.
12. **Entrance Feature.** An entrance feature shall be provided at or near each of the two entrances. A landscape plan depicting the two entrances will be submitted for approval by the Planning Department at time of construction plan review and will include sod, irrigation, and plantings at both entrances.
13. **Hours of Construction.** No land clearing, road or water/sewer line construction, or any construction of the exterior shell of any building shall occur at any time on Sundays nor between the hours of 7 P.M. and 7 A.M. Monday-Saturday, except in emergencies or where unusual circumstances require extending those specified hours in order to complete work such as concrete pours or utility connections.
14. **Foundation Plantings.** The front elevation of all homes shall have foundation planting beds along the entire front foundation, excluding garages, decks, porches, and architectural design features, and shall contain of minimum of fifty (50) percent evergreen material with a minimum total of one plant for every two linear feet of elevation. On corner lots foundation plantings must extend down the entire side facing the street, excluding decks, porches, garages, and architectural design features.
15. **Trash Collection.** Trash will be collected once per week during home construction.
16. **Exterior Materials.** Primary exterior wall materials, (exclusive of windows, doors, trim, gables, soffit, fascia, dormers, or other architectural design features) shall be brick, stone, cultured stone, cementitious siding (e.g. Hardiplank), engineered wood or a combination of the foregoing, unless different architectural treatment and/or materials are requested by the owner and approved by the Director of Planning. A minimum of twenty five percent (25%) of the front exterior building wall surfaces above foundation level and below eave height of twenty five percent (25%) of the homes, excluding architectural design features, windows, doors, breezeways, dormers, and gables shall be of brick, stone, or cultured stone construction unless an equivalent material is

requested by the owner and approved by the Director of Planning. A minimum of twenty five percent (25%) of the front exterior building wall surfaces above foundation level and below eave height of twenty five percent (25%) of the homes, excluding architectural design features, windows, doors, breezeways, dormers, and gables shall be of brick, stone, or cultured stone construction unless an equivalent material is requested by the owner and approved by the Director of Planning. Fiberboard (e.g. Masonite) shall not be permitted as an exterior wall material.

17. **Garages.** All homes shall have an attached two car garage except for lots 49-52. Lots 49-52 shall have either an attached two car garage or a detached two car garage. The doors of all garages shall have at a minimum, one architectural detail including, but not limited to, windows, carriage door handles, exposed hinges, or accent columns.
18. **Front Stoops and Porches.** Stoops or steps to the main entrance of all homes, except for homes with country front porches, shall be brick, or stone, or a cementitious, mounted stone appearing product with finished concrete or exposed aggregate landings. Any country porches shall have brick or stone piers to match the foundation.
19. **Sod and Irrigation.** Sod and irrigation shall be included in the front yards of all homes and served by individual lot irrigation systems. Any side yard adjacent to a street must be sodded and irrigated to the rear edge of the home. Lots 55-59 shall also have side and rear yard irrigation.
20. **Landscaping.** There will be a 10' landscape strip between Bellingham and the proposed development as denoted on Exhibit A (see case file) drawn by Bay Design Group dated September 28, 2015. At time of subdivision review, a landscape plan containing this area and the overall development will be submitted to the Planning Department for approval. Such plan shall include evergreen trees shown in the 10' landscape strip noted above.
21. **Driveways.** All driveways shall be asphalt, brick, concrete, exposed aggregate, stamped concrete, or other similar hard scape.
22. **C-1 Zoning.** Any areas that are within the 100 year flood plain will be zoned C-1, prior to Plan of Development or subdivision approval. The location and limits of such portion(s) of said Property shall be established by subdivision plats approved pursuant to the Zoning and/or Subdivision Ordinance.

23. **Amenities.** Amenities shall include but not be limited to, walkways, pedestrian paths, and a play area with benches. The amenities shall be located along both the power line easement and the storm water management ponds and/or open spaces.
24. **Construction Traffic.** All construction traffic will use the New Wade Lane entrance only. Signs will be posted in both English and Spanish to notify traffic of the restricted access.
25. **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: Thornton, Nelson, Glover, Kaechele, O'Bannon

No: None

235-15
REZ2015-
00028
Brookland

B. Hunt Gunter: Request to conditionally rezone from R-2 One-Family Residence District to O-2C Office District (Conditional) Parcels 774-743-5181 and 774-743-4179 containing .964 acres located along the south line of Dickens Road at its intersection with Manor Circle.

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

Hunt Gunter, Vice President of the Wilton Companies, presented the case, responded to questions from Mr. Glover, and reviewed a rendering of the proposed office building.

Stewart Huffer, a resident of 3102 Aqua Court, spoke in opposition to this item. He expressed concerns that the proposed development would increase traffic and noise and result in the removal of trees and two existing homes on Dickens Road, thereby adversely affecting the adjoining residential neighborhood. Mr. Huffer noted the requested zoning classification was not consistent with the Land Use Plan's designation for this site. He further stated that the County's traffic studies, including the ones conducted for this case, are systemically flawed. After responding to questions from Mr. Glover and Mr. Kaechele, Mr. Huffer elaborated on his concerns pertaining to the traffic studies.

Mr. Yob, Ms. Moore, and Traffic Engineer John Cejka responded to a number of questions from Mr. Glover. There was extended discussion

between Mr. Glover and Mr. Cejka pertaining to the traffic counts for this case. In response to further questions from Mr. Glover, Mr. Gunter agreed to consider installing a precast brick wall as a buffer along the western boundary of the property in lieu of the chain link fence specified in the proffered conditions for this case. He also commented on the locations of the traffic counts that were conducted by the Department of Public Works for this case. Mr. Glover advised Mr. Huffer that he was satisfied staff had conducted the traffic counts for this case in the proper locations and at the right times of day.

In closing, Mr. Glover pointed out no other residents in the vicinity of the proposed development had voiced opposition to this case. He remarked that office buildings are usually quiet. Mr. Glover further commented that he felt the proposed development would be a good addition to the office development and would not adversely affect the adjoining neighborhood.

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

1. **Conceptual Plan.** Development of the Property shall be in general conformance with the Conceptual Plan dated September, 2014, last revised August 26, 2015, entitled "Wilton Park III - Exhibit B; Overall Conceptual Layout Plan #2", prepared by WILLMARK Engineering PLC and attached hereto (the "Concept Plan"), (see case file) which Concept Plan is conceptual in nature and may vary in detail as may be approved by County review staff at the time of Plan of Development.
2. **Elevations.** Any buildings constructed on the Property shall be in general conformance with the architectural appearance shown on the elevations entitled "Wilton Park III; Henrico County Virginia", prepared by Freeman and Morgan Architects and attached hereto (see case file), unless otherwise requested and specifically approved at the time of Plan of Development. The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment, windows, doors, breezeways, gables, and other architectural design features) shall be predominantly brick with decorative features of alternate materials such as E.I.F.S., vinyl, wood, metal, or cementitious siding, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development.
3. **Height.** No building constructed on the Property shall exceed thirty-five (35) feet in height to the eave of the building (or top of the roof

deck beyond the parapet wall if and as applicable), unless otherwise requested and specifically approved at the time of Plan of Development.

4. **Buffers.** A suitable evergreen screen of plantings comparable to that found on Wilton Park II as determined at the time of Landscape Plan shall be maintained in a minimum of a ten (10) foot wide area along the western boundary of the Property which shall meet the transitional buffer 10 standards. The existing plantings in the buffer area will be maintained to the extent reasonably practical and supplemental landscaping will be provided as approved or required at the time of Landscape Plan approval. Underbrush, fallen, diseased or dead plant growth may be removed from the aforesaid buffer area. In addition to the buffer standards, a 66 inch tall chain link fence will be installed along the western boundary as shown on the Conceptual Plan (see case file).
5. **Parking Lot Lighting.** Parking lot lighting standards and fixtures shall conform to what is currently used at Wilton Park I and II and shall have a maximum pole height of 20 feet.
6. **Other Lighting.** Exterior lighting on the structures shall be positioned in such a manner as to minimize the impact of such lighting on adjacent residential areas and be of such type as approved or required at the time of Plan of Development.
7. **Use Restrictions.** The use of the Property will be restricted to those uses permitted in the O-2 Office District with the exception that the Property shall not be utilized for any of the following:
 - a. funeral home or undertaking establishments; and
 - b. child care center;
 - c. urgent care medical facility; and
 - d. retail branch bank.
8. **No Mobile Signs.** No mobile sign shall be placed on the Property.
9. **Underground Utilities.** Except for junction boxes, meters, existing overhead utility lines and those utility services required to be above grade for technical or environmental reasons, all utility lines serving the proposed building shall be underground.
10. **Trash Enclosures.** Enclosure areas for dumpsters on the Property, if provided, shall be constructed of brick on three (3) sides that is complementary to that which is utilized in the primary building. The fourth side shall be gated with an opaque material other than wood.

The location of any enclosures for dumpsters shall be determined at the time of Plan of Development.

11. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earth-moving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Friday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, utility connections that cannot be interrupted, or road improvements that in the opinion of the County Traffic Engineer excessively restrict the flow of traffic. Signs, in both English and Spanish, stating the above-referenced provisions shall be posted and maintained at all entrances on the Property prior to any land disturbance activities thereon.
12. **HVAC.** Heating and air conditioning equipment, any recycling receptacles, and any utility meters and/or boxes shall be screened from public view at ground level at the Property line in a manner approved at the time of Plan of Development.
13. **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.
14. **Public Address.** No outside public address, loudspeaker, paging or speaker system audible beyond the boundary lines of the Property shall be permitted.
16. **Trash Removal; Parking Lot Cleaning/Leaf Blowing.** Trash pickup from the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 9:00 a.m. and 8:00 p.m. on Saturday. Parking lot cleaning and leaf blowing on the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m., exclusive of snow removal.
17. **Burning.** During the period of construction on the Property, there shall be no burning of natural materials or construction debris.

The vote of the Board was as follows:

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

No: None

PUBLIC HEARING - OTHER ITEM

236-15 Resolution - Signatory Authority - Conveyance of Real Estate - Lot 1, Block A on the Plan of Hechler Village Section 1 - Fairfield District.

Jon Tracy, Director of Real Property, reviewed a vicinity map highlighting this property.

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

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

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

237-15 Resolution - SIA2015-00003 - Whiteside Road Community Park (Taylor Property) - Substantially in Accord with the 2026 Comprehensive Plan - Varina District.

Joe Emerson, Director of Planning, reviewed several slides depicting the location of the subject property, surrounding uses, and the current zoning classification and land use designation for this property. He responded to questions from Mrs. O'Bannon and Mr. Nelson.

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

238-15 Resolution - To Permit Additional Fine of \$200 for Speeding on Pruett Lane between Magnolia Ridge Drive and Pruett Court - Fairfield District.

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

239-15 Resolution - To Permit Additional Fine of \$200 for Speeding on Sherwin Place between Virginia Center Parkway and Magnolia Ridge Drive - Fairfield District.

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

There being no further business, the meeting was adjourned at 8:08 p.m.

Frank J. Thornton

Chairman, Board of Supervisors
Henrico County, Virginia

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

Agenda Item No. 237-15

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Agenda Title: **RESOLUTION — SIA2015-00003 — Whiteside Road Community Park (Taylor Property) — Substantially in Accord with the 2026 Comprehensive Plan — Varina District**

Comments: The Director of Planning concurs with the finding of the Planning Commission that the proposed Whiteside Road Community Park (Taylor Property) is substantially in accord with the Plan and recommends approval of the Board paper; the County Manager concurs.

**COUNTY OF HENRICO, VIRGINIA
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Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Pruet Lane between Magnolia Ridge Drive and Pruet Court - Fairfield District

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

NOW, THEREFORE, BE IT RESOLVED by the Board that the County Manager is authorized and directed to install signs on Pruet Lane between Magnolia Ridge Drive and Pruet Court 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.

**COUNTY OF HENRICO, VIRGINIA
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Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Sherwin Place between Virginia Center Parkway and Magnolia Ridge Drive - Fairfield District

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

NOW, THEREFORE, BE IT RESOLVED by the Board that the County Manager is authorized and directed to install signs on Sherwin Place between Virginia Center Parkway and Magnolia Ridge Drive 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.