

**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, July 12, 2011 at 5:30 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:

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|------------------|---------------------------------------------------------------------------------|
| 5:30 – 5:45 p.m. | Proposed Ordinance Amendments to Regulate Group Homes and Assisted Living Homes |
| 5:45 – 6:00 p.m. | Proposed Ordinance Amendments to Permit Temporary Family Health Care Structures |
| 6:00 – 6:45 p.m. | <i>Dinner</i> |

Barry R. Lawrence for

Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
July 7, 2011

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
July 12, 2011
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Frederick Wyatt III, Speaking Spirit Ministries

APPROVAL OF MINUTES – June 28, 2011 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

APPOINTMENT

160-11 Resolution – Appointment of Member – J. Sargeant Reynolds Community College Board.

PUBLIC HEARINGS - REZONING CASES

161-11 Eugene Ray Jernigan: Request to conditionally rezone from R-4 One-Family
C-3C-11 Residence District to B-3C Business District (Conditional) Parcels 815-714-1027,
Varina -0737, and -1837 containing 0.8 acres, located at the northeast corner of
Williamsburg Road (US Route 60) and Leonard Avenue. The applicant proposes
retail or office uses. The uses will be controlled by zoning ordinance regulations
and proffered conditions. The Land Use Plan recommends Commercial
Concentration and Suburban Residential 2, density should not exceed 3.4 units
per acre. The site is in the Airport Safety Overlay District. The Planning
Commission voted to recommend the Board of Supervisors **grant** the request.

132-11 Ronald Taylor: Request to conditionally rezone from A-1 Agricultural District to
C-5C-11 B-3C Business District (Conditional) Parcel 808-722-7565 containing
Varina approximately 1.26 acres, located on the north line of Nine Mile Road (State
Route 33) approximately 250' west of its intersection with E. Richmond Road.
The applicant proposes a carwash. The use will be controlled by zoning ordinance
regulations and proffered conditions. The Land Use Plan recommends
Office/Service. The site is located in the Enterprise Zone and partially in the
Airport Safety Overlay District. (The Planning Commission voted to recommend
the Board of Supervisors **grant** the request. **(Deferred from the June 14, 2011
Meeting.)**)

162-11 Laura B. Pleasants: Request to rezone from B-3 Business District to A-1
C-7-11 Agricultural District, Parcels 831-689-8077 and 831-689-9276 containing
Varina approximately 2.43 acres, located along the south line of Darbytown Road
approximately 250 feet east of its intersection with Turner Road. The A-1 District
allows a minimum lot size of 43,560 square feet and a maximum gross density of

1.0 unit per acre. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. This site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEM

- 163-11 Ordinance – To Amend and Reordain Sections 5-49(a), 5-50, 5-51(a), 5-53(a), 5-54, and 5-57 of the Code of the County of Henrico Titled, Respectively, “Required; tax year; amount of tax; exemptions from tax,” “Due date for payment of tax,” “Failure to pay tax,” “Application for license; issuance,” “License tags generally,” and “Dogs not wearing tag presumed unlicensed,” to Change the Dog License Period and to Provide for a Permanent License Tag.

PUBLIC COMMENTS

GENERAL AGENDA

- 164-11 Introduction of Ordinance – To Amend and Reordain Section 13-57 of the Code of the County of Henrico Titled “Discharging Airguns” to Allow the Discharge of Pneumatic Guns under Certain Circumstances.
- 165-11 Introduction of Ordinance – To Amend and Reordain Section 22-252 of the Code of the County of Henrico Titled “Definitions” Relating to Abandoned Motor Vehicles.
- 166-11 Resolution – Signatory Authority – Lease Amendment – 7740 Shrader Road - Brookland District.
- 167-11 Resolution – Signatory Authority – Lease Amendment – 3001 Hungary Spring Road - Brookland District.
- 168-11 Resolution - Signatory Authority - Lease - Capital Region Workforce Partnership - Resource Workforce Center.
- 169-11 Introduction of Ordinance - To Amend and Reordain Section 5-29 Titled “Unlawful acts; animals running at large” and Section 14-45 Titled “Control of animals; riding horses” of the Code of the County of Henrico to Allow for a Dog Park.
- 170-11 Resolution - To Permit Additional Fine of \$200 for Speeding on Canesville Lane from End of Cul-de-Sac .20 Mile North of Fawcett Lane to End of Cul-de-Sac .17 Mile South of Fawcett Lane.
- 171-11 Resolution - To Permit Additional Fine of \$200 for Speeding on Maybeury Drive between Patterson Avenue and Derbyshire Road.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
July 12, 2011

INVOCATION – Pastor Frederick Wyatt III, Speaking Spirit Ministries

APPOINTMENT

RESOLUTION – Appointment of Member – J. Sargeant Reynolds Community College Board.

This Board paper appoints the following person to the J. Sargeant Reynolds Community College Board for a four-year term expiring June 30, 2015 or thereafter, when his successor shall have been appointed and qualified:

Tuckahoe District Karsten F. Koenerding, M.D.

PUBLIC HEARINGS - REZONING CASES

C-3C-11 Eugene Ray Jernigan: Request to conditionally rezone from R-4 One-Family
Varina Residence District to B-3C Business District (Conditional) Parcels 815-714-1027, -
0737, and -1837 containing 0.8 acres, located at the northeast corner of
Williamsburg Road (US Route 60) and Leonard Avenue. The applicant proposes
retail or office uses. The uses will be controlled by zoning ordinance regulations
and proffered conditions. The Land Use Plan recommends Commercial
Concentration and Suburban Residential 2, density should not exceed 3.4 units per
acre. The site is in the Airport Safety Overlay District. Acting on a motion by
Mr. Vanarsdall, seconded by Mr. Branin, the Planning Commission voted 4-0 (two
abstentions) to recommend the Board of Supervisors **grant** the request because it
conforms to the Commercial Concentration recommendation of the Land Use Plan,
and it is reasonable in light of the business zoning in the area.

C-5C-11 Ronald Taylor: Request to conditionally rezone from A-1 Agricultural District to
Varina B-3C Business District (Conditional) Parcel 808-722-7565 containing
approximately 1.26 acres, located on the north line of Nine Mile Road (State Route
33) approximately 250' west of its intersection with E. Richmond Road. The
applicant proposes a carwash. The use will be controlled by zoning ordinance
regulations and proffered conditions. The Land Use Plan recommends
Office/Service. The site is located in the Enterprise Zone and partially in the
Airport Safety Overlay District. Acting on a motion by Mr. Jernigan, seconded by
Mr. Branin, the Planning Commission voted 4-0 (two absent) to recommend the
Board of Supervisors **grant** the request because the proffered conditions will
provide appropriate quality assurances not otherwise available and the proffered

conditions should minimize the potential impacts on surrounding land uses. (Deferred from the June 14, 2011 Meeting.)

C-7-11
Varina

Laura B. Pleasants: Request to rezone from B-3 Business District to A-1 Agricultural District, Parcels 831-689-8077 and 831-689-9276 containing approximately 2.43 acres, located along the south line of Darbytown Road approximately 250 feet east of its intersection with Turner Road. The A-1 District allows a minimum lot size of 43,560 square feet and a maximum gross density of 1.0 unit per acre. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. This site is in the Airport Safety Overlay District. Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it conforms to the Suburban Residential 1 recommendation of the Land Use Plan and continues a form of zoning consistent with the area.

PUBLIC HEARINGS – OTHER ITEM

ORDINANCE – To Amend and Reordain Sections 5-49(a), 5-50, 5-51(a), 5-53(a), 5-54, and 5-57 of the Code of the County of Henrico Titled, Respectively, “Required; tax year; amount of tax; exemptions from tax,” “Due date for payment of tax,” “Failure to pay tax,” “Application for license; issuance,” “License tags generally,” and “Dogs not wearing tag presumed unlicensed,” to Change the Dog License Period and to Provide for a Permanent License Tag.

This Board paper proposes an ordinance to amend several Henrico Code sections relating to dog licenses. Currently, the Finance Department issues a new license for each dog every year. These amendments change the dog license period to run concurrently with a dog’s rabies vaccination effective period. In addition, these amendments allow the Finance Department to issue a permanent metal dog license tag, instead of issuing a new tag with each license renewal.

This matter was discussed with the Board of Supervisors in a work session on May 24, 2011.

PUBLIC COMMENTS

GENERAL AGENDA

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 13-57 of the Code of the County of Henrico Titled “Discharging Airguns” to Allow the Discharge of Pneumatic Guns under Certain Circumstances.

This paper introduces for advertisement and public hearing on August 9 an amendment to Henrico Code section 13-57 relating to pneumatic guns. The purpose of the amendment is to conform the County Code to state legislation adopted earlier this year. The new state legislation allows the discharge of pneumatic guns on private property when done with reasonable care. In contrast, the

County Code currently prohibits the discharge of pneumatic guns on private property, except for approved paintball facilities. To conform the County Code to the new state law, the amendment would allow the discharge of pneumatic guns on private property under certain circumstances.

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 22-252 of the Code of the County of Henrico Titled “Definitions” Relating to Abandoned Motor Vehicles.

This paper introduces for advertisement and public hearing on August 9 an amendment to Henrico Code section 22-252 relating to abandoned motor vehicles. The purpose of the amendment is to conform the County Code to state legislation enacted earlier this year. The new state legislation changes the way tow companies, mechanics, and self-storage facilities must dispose of vehicles left in their possession. These businesses no longer may use the online abandoned vehicle process through DMV. Instead, tow companies and mechanics must use the mechanic’s and storage lien process, and self-storage facilities must sell the vehicles at public auction. The new law will have no impact on the way the Division of Police deals with vehicles abandoned on roadways.

RESOLUTION – Signatory Authority – Lease Amendment – 7740 Shrader Road - Brookland District.

This Board paper authorizes the County Manager to execute a lease amendment with HSOP, L.L.C., for 5,677 sq. ft. of office space at 7740 Shrader Road for use by the Department of Human Resources. The amendment will extend the lease for five years. The monthly rent for 2011 is \$7,454.43. Real Property has negotiated a reduction to \$6,859.71 in the first year with 2% annual increases thereafter. The Acting Director of Human Resources and the Director of Real Property recommend approval of this action, and the County Manager concurs.

RESOLUTION – Signatory Authority – Lease Amendment – 3001 Hungary Spring Road - Brookland District.

This Board paper authorizes the County Manager to execute a lease amendment with HSOP, LLC for 6,111 sq. ft. of office space at 3001 Hungary Spring Road for use by the Commonwealth’s Attorney’s Victim/Witness Assistance Program and the Court Appointed Special Advocates (CASA) Program. The amendment will extend the lease for five years. The monthly rent for 2010-11 is \$7,737.73. Real Property has negotiated a reduction to \$7,384.12 in the first year with 2% annual increases thereafter. The Directors of the Victim/Witness Program and Real Property recommend approval, and the County Manager concurs.

RESOLUTION - Signatory Authority - Lease - Capital Region Workforce Partnership - Resource Workforce Center.

This Board paper authorizes the County Manager to execute a lease with Goodwill of Central Virginia, Inc. for the Capital Region Workforce Partnership (the “Partnership”) to use 3,734 sq. ft. of office space located at 6301 Midlothian Turnpike in the City of Richmond as a Resource Workforce Center (the “Center”). The lease is for a six-month term commencing July 1, 2011

because the Center plans to relocate in the near future. The lease has a month-to-month renewal option for up to six additional months and allows termination at any time upon 30 days notice.

The Directors of the Partnership and Real Property recommend approval, and the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 5-29 Titled “Unlawful acts; animals running at large” and Section 14-45 Titled “Control of animals; riding horses” of the Code of the County of Henrico to Allow for a Dog Park.

This Board paper introduces for advertisement and public hearing on August 9, 2011 an ordinance that will allow dogs to be off-leash within a designated off-leash, fenced dog exercise area.

RESOLUTION - To Permit Additional Fine of \$200 for Speeding on Canesville Lane from End of Cul-de-Sac .20 Mile North of Fawcett Lane to End of Cul-de-Sac .17 Mile South of Fawcett Lane.

Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs. The law requires the Board of Supervisors to develop criteria for the overall applicability for the installation of the signs and to specify application of the law to particular streets before the additional fine may be imposed.

On February 10, 2004, the Board approved criteria for the County’s Traffic Calming Program.

The County’s Traffic Engineer has collected traffic data and has determined that Canesville Lane from the end of the cul-de-sac .20 mile north of Fawcett Lane to the end of the cul-de-sac .17 mile south of Fawcett Lane is experiencing speeding problems and meets the criteria for traffic calming measures set forth in the Traffic Calming Program.

The citizens in the area of this road requesting the increased fine have collected signatures from 75.7% of the residents.

The Board paper authorizes the County Manager to place appropriate signs on Canesville Lane from the end of the cul-de-sac .20 mile north of Fawcett Lane to the end of the cul-de-sac .17 mile south of Fawcett Lane warning of an additional fine of \$200 for speeding.

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

RESOLUTION - To Permit Additional Fine of \$200 for Speeding on Maybeury Drive between Patterson Avenue and Derbyshire Road.

Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs. The law requires the Board of Supervisors to develop criteria for the overall applicability for the installation of the signs and to specify application of the law to particular streets before the additional fine may be imposed.

On February 10, 2004, the Board approved criteria for the County's Traffic Calming Program.

The County's Traffic Engineer has collected traffic data and has determined that Maybeury Drive between Patterson Avenue and Derbyshire Road is experiencing speeding problems and meets the criteria for traffic calming measures set forth in the Traffic Calming Program.

The citizens in the area of this road requesting the increased fine have collected signatures from 75.8% of the residents.

The Board paper authorizes the County Manager to place appropriate signs on Maybeury Drive between Patterson Avenue and Derbyshire Road warning of an additional fine of \$200 for speeding.

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