

**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, September 10, 2019, at 5:15 p.m.** in the County Manager's Conference Room 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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| 5:15 - 5:45 p.m. | St. Luke Apartments Update |
| 5:45 - 6:00 p.m. | Dominion Energy Charity Classic Update |
| 6:00 - 6:20 p.m. | J. Sargeant Reynolds Community College Update |
| 6:20 - 6:30 p.m. | Woodman Road Extension Project Real Estate and Easement Acquisition Update |
| 6:30 - 6:45 p.m. | Regular Meeting Agenda Items |



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
September 5, 2019

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
September 10, 2019
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES - August 13, 2019, Regular and Special Meetings; and
January 11, 2019, Special Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATIONS

- 213-19 Resolution - To Recognize and Commemorate 50 Years of Service from
Henrico Area Mental Health & Developmental Services.
- 214-19 Resolution - To Recognize Parents for Community-Based Services.

APPOINTMENTS/RESIGNATION

- 215-16 Resolution - Appointment of Member - Board of Social Services.
- 216-19 Resolution - Resignation of Member - Community Criminal Justice Board.
- 217-19 Resolution - Appointment of Member - Community Criminal Justice Board.
- 218-19 Resolution - Appointment of Member - Henrico Area Mental Health and
Developmental Services Board.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

- 219-19 ZAC, LLC: Request to conditionally rezone from M-2 General Industrial
REZ2019- District to R-6C General Residence District (Conditional) Parcel 798-713-5365
00011 and part of Parcel 798-713-3911 containing 3.03 acres located along the
Varina Richmond City line between the CSX Railroad and 37th Street. The applicant
proposes a multifamily development of no more than 60 units. The R-6
District allows a maximum gross density of 19.8 units per acre. The use will
be controlled by proffered conditions and zoning ordinance regulations. The
2026 Comprehensive Plan recommends Heavy Industry. The Planning
Commission voted to recommend the Board of Supervisors **grant** the request.
- 220-19 ZAC, LLC: Request to conditionally rezone from M-2 General Industrial
REZ2019- District to UMUC Urban Mixed-Use District (Conditional) Parcel 797-711-
00012 8880 containing 14.61 acres located at the northeast intersection of Old
Varina Osborne Turnpike (State Route 5) and Bickerstaff Road. The applicant
proposes a mixed-use multifamily development of no more than 350 units.
The uses will be controlled by zoning ordinance regulations and proffered

conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

221-19
PUP2019-
00007
Varina
ZAC, LLC: Request for a Provisional Use Permit under Sections 24-32.1(a, m, s, w, and z), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for an area designated for the preparation or service of food or beverages or the sale or display of merchandise conducted in open areas or structures; parking plan; buildings and structures exceeding 60' in height; commercial or office square footage of less than 25 percent of the total building square footage of the UMU district; and the number of for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU district on Parcel 797-711-8880 located at the northeast intersection of Old Osborne Turnpike (State Route 5) and Bickerstaff Road. The existing zoning is M-2 General Industrial District. UMUC zoning is proposed with REZ2019-00012. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

222-19
PUP2019-
00011
Varina
Accelerated Dental Assisting Academy: Request for a Provisional Use Permit under Sections 24-55(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a dental trade school within an existing dental office on Parcel 826-716-5016 located on the south line of West Williamsburg Road (U.S. Route 60) approximately 70' east of its intersection with Confederate Avenue. The existing zoning is B-1 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay District and the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

223-19
REZ2019-
00023
Varina
7-Eleven, Inc.: Request to conditionally rezone from B-1 Business District to B-2C Business District (Conditional) Parcels 801-703-1153 and 801-703-0569 containing 1.043 acres located at the intersection of New Market Road (State Route 5) and Osborne Turnpike. The applicant proposes a convenience store with fuel pumps. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

224-19
PUP2019-
00010
Varina
7-Eleven, Inc: Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow extended hours of operation from 5 a.m. to 12 midnight for a proposed convenience store with fuel pumps on Parcels 801-703-1153 and 801-703-0569 located at the intersection of New Market Road (State Route 5) and Osborne Turnpike. The existing zoning is B-1 Business District. The B-2C zoning district is requested with companion case REZ2019-00023. The 2026 Comprehensive Plan recommends Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

225-19
REZ2017-
00010
Three Chopt
MS Richmond Investors LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 744-763-8661, 744-763-9175, 745-763-2013, 745-763-2727, 745-763-3440, 745-763-4567, 745-763-5481, 745-763-6093 and 745-764-0618 containing

18.580 acres located between the east line of Belfast Road and the west line of Glasgow Road at its intersection with Ireland Road. The applicant proposes a zero lot line development with detached homes. The R-5A District allows a maximum density of six (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

226-19 MS Richmond Investors LLC: Request to conditionally rezone from A-1
REZ2017- Agricultural District and R-3C One-Family Residence District (Conditional) to
00011 R-5AC General Residence District (Conditional) Parcels 744-762-4780, 744-
Three Chopt 762-5294, 744-762-9757, and 745-762-0472 containing 8.264 acres located
between the east line of Belfast Road and the west line of Glasgow Road,
approximately 155' north of Edinburgh Road. The applicant proposes a zero
lot line development with detached homes. The R-5A District allows a
maximum density of six (6) units per acre. The use will be controlled by
zoning ordinance regulations and proffered conditions. The 2026
Comprehensive Plan recommends Traditional Neighborhood Development.
The Planning Commission voted to recommend the Board of Supervisors
grant the request.

PUBLIC COMMENTS

GENERAL AGENDA

- 227-19 Resolution - Verizon Cable Franchise Renewal Proceedings Under the Federal
Cable Communications Policy Act of 1984, as Amended.
- 228-19 Introduction of Resolution - Receipt of Requests for Amendments to the
FY 2019-20 Annual Fiscal Plan to (1) Reappropriate Funds for Continuing
Programs, and (2) Appropriate Funds for Certain New Programs.
- 229-19 Resolution - Signatory Authority - Acquisition of Real Estate - Faison - Woodman
Road Extension Project - Brookland District.
- 230-19 Resolution - Signatory Authority - Acquisition of Real Estate - MSO Properties,
LLC - Woodman Road Extension Project - Brookland District.
- 231-19 Resolution - Signatory Authority - Acquisition of Real Estate - Slaven - Woodman
Road Extension Project - Brookland District.
- 232-19 Resolution - Signatory Authority - Acquisition of Easements - B. G. Jones Jr.
LLC - Woodman Road Extension Project - Brookland and Fairfield Districts.
- 233-19 Resolution - Signatory Authority - Acquisition of Real Estate - Winfrey Road,
LLC - Woodman Road Extension Project - Fairfield District.
- 234-19 Resolution - Acceptance of Roads - Fairfield District.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
September 10, 2019**

PRESENTATIONS

RESOLUTION - To Recognize and Commemorate 50 Years of Service from Henrico Area Mental Health & Developmental Services.

On June 11, 1969, the Board of Supervisors established the Community Mental Health Services Board. This resolution recognizes and commemorates 50 years of service by Henrico Area Mental Health & Developmental Services and extends its warmest congratulations and sincere appreciation to the current and former members of HAMHDS for their dedicated and professional service to our community.

RESOLUTION - To Recognize Parents for Community-Based Services

Parents for Community-Based Services was founded in January 1994, and the Henrico County budget for fiscal year 1994-95 included funding to address the needs of individuals with intellectual disabilities with a goal of eliminating the long waiting lists for services. This resolution recognizes the outstanding and longstanding services provided by Parent for Community-Based Services to the community and extends the Board's warmest congratulations and sincere appreciation to the current and former members of Parents for Community-Based Services for their dedicated service.

APPOINTMENTS

RESOLUTION - Appointment of Member - Board of Social Services.

This Board paper appoints the following person to the Board of Social Services for a term expiring June 30, 2023, or thereafter, when her successor shall have been appointed and qualified:

Three Chopt District Deborah Ann Gribben

RESOLUTION - Resignation of Member - Community Criminal Justice Board.

This Board paper accepts the resignation of **Yvette A. Ayala**, former Chief Magistrate, from the Community Criminal Justice Board.

RESOLUTION - Appointment of Member - Community Criminal Justice Board.

This Board paper appoints the following person to the Community Criminal Justice Board for an unexpired term ending June 30, 2020, or thereafter, when his successor shall have been appointed and qualified:

Micah S. Blankenship, Chief Magistrate

RESOLUTION - Appointment of Member - Henrico Area Mental Health and Developmental Services Board.

This Board paper appoints the following person to the Henrico Area Mental Health and Developmental Services Board for an unexpired term ending December 31, 2021, or thereafter, when her successor shall have been appointed and qualified:

Three Chopt District Rupindar Kauf

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

REZ2019-00011
Varina
ZAC, LLC: Request to conditionally rezone from M-2 General Industrial District to R-6C General Residence District (Conditional) Parcel 798-713-5365 and part of Parcel 798-713-3911 containing 3.03 acres located along the Richmond City line between the CSX Railroad and 37th Street. The applicant proposes a multifamily development of no more than 60 units. The R-6 District allows a maximum gross density of 19.8 units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Heavy Industry. Acting on a motion by Mr. Mackey, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable in light of the Urban Mixed-Use zoning in the area and the proffered conditions will assure a level of development otherwise not possible.

REZ2019-00012
Varina
ZAC, LLC: Request to conditionally rezone from M-2 General Industrial District to UMUC Urban Mixed-Use District (Conditional) Parcel 797-711-8880 containing 14.61 acres located at the northeast intersection of Old Osborne Turnpike (State Route 5) and Bickerstaff Road. The applicant proposes a mixed-use multifamily development of no more than 350 units. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use. Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the Urban Mixed-Use recommendation of the Comprehensive Plan would not adversely affect the adjoining area if properly developed as proposed.

PUP2019-00007
Varina
ZAC, LLC: Request for a Provisional Use Permit under Sections 24-32.1(a, m, s, w, and z), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for an area designated for the preparation or service of food or beverages or the sale or display of merchandise conducted in open areas or structures; parking plan; buildings and structures exceeding 60’ in height; commercial or office square footage of less than 25 percent of the total building square footage of the UMU district; and the number of for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU district on Parcel 797-711-8880 located at the northeast intersection of Old Osborne Turnpike (State Route 5) and Bickerstaff Road. The existing zoning is M-2 General Industrial District. UMUC zoning is proposed with REZ2019-00012. The 2026 Comprehensive Plan

recommends Urban Mixed-Use. Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added services to the community and when properly developed and regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

PUP2019-00011
Varina
Accelerated Dental Assisting Academy: Request for a Provisional Use Permit under Sections 24-55(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a dental trade school within an existing dental office on Parcel 826-716-5016 located on the south line of West Williamsburg Road (U.S. Route 60) approximately 70' east of its intersection with Confederate Avenue. The existing zoning is B-1 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay District and the Enterprise Zone. Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the conditions should minimize the potential impacts on surrounding land uses and it would not be expected to adversely affect public safety, health or general welfare.

REZ2019-00023
Varina
7-Eleven, Inc.: Request to conditionally rezone from B-1 Business District to B-2C Business District (Conditional) Parcels 801-703-1153 and 801-703-0569 containing 1.043 acres located at the intersection of New Market Road (State Route 5) and Osborne Turnpike. The applicant proposes a convenience store with fuel pumps. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the recommendations of the 2026 Comprehensive Plan and it would not be expected to adversely affect the pattern of zoning and land use in the area.

PUP2019-00010
Varina
7-Eleven, Inc.: Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow extended hours of operation from 5 a.m. to 12 midnight for a proposed convenience store with fuel pumps on Parcels 801-703-1153 and 801-703-0569 located at the intersection of New Market Road (State Route 5) and Osborne Turnpike. The existing zoning is B-1 Business District. The B-2C zoning district is requested with companion case REZ2019-00023. The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added services to the community and the conditions should minimize the potential impacts on surrounding land uses.

REZ2017-00010
Three Chopt MS Richmond Investors LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 744-763-8661, 744-763-9175, 745-763-2013, 745-763-2727, 745-763-3440, 745-763-4567, 745-763-5481, 745-763-6093 and 745-764-0618 containing 18.580 acres located between the east line of Belfast Road and the west line of Glasgow Road at its intersection with Ireland Road. The applicant proposes a zero lot line development with detached homes. The R-5A District allows a maximum density of six (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development. Acting on a motion by Mrs. Thornton, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the recommendations of the 2026 Comprehensive Plan and the proffered conditions will assure a level of development otherwise not possible.

REZ2017-00011
Three Chopt MS Richmond Investors LLC: Request to conditionally rezone from A-1 Agricultural District and R-3C One-Family Residence District (Conditional) to R-5AC General Residence District (Conditional) Parcels 744-762-4780, 744-762-5294, 744-762-9757, and 745-762-0472 containing 8.264 acres located between the east line of Belfast Road and the west line of Glasgow Road, approximately 155' north of Edinburgh Road. The applicant proposes a zero lot line development with detached homes. The R-5A District allows a maximum density of six (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the recommendations of the 2026 Comprehensive Plan and the proffered conditions will assure a level of development otherwise not possible.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Verizon Cable Franchise Renewal Proceedings Under the Federal Cable Communications Policy Act of 1984, as Amended.

This resolution authorizes the Director of General Services and the County Attorney to conduct on behalf of the County proceedings relating to the renewal of Verizon's cable television franchise. These proceedings are required by the federal Cable Communications Policy Act of 1984, as amended.

Verizon's current franchise was granted in 2006 and expires on June 13, 2021. By letter dated November 13, 2018, Verizon requested the County commence renewal proceedings in accordance with the federal Act. The proceedings include the gathering of public input

about the County's cable-related needs and interests and negotiation of a new cable television franchise agreement with Verizon.

INTRODUCTION OF RESOLUTION - Receipt of Requests for Amendments to the FY 2019-20 Annual Fiscal Plan to (1) Reappropriate Funds for Continuing Programs, and (2) Appropriate Funds for Certain New Programs.

This Board paper introduces a resolution to amend the annual fiscal plan for fiscal year 2019-20. The requested amendments are shown in a list dated September 3, 2019, provided by the County Manager to the Board of Supervisors.

Pursuant to Virginia Code Section 15.2-2507, the County may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing notice of a meeting and public hearing once in a newspaper having general circulation in the County at least seven days prior to the meeting date. The notice states the intent of the Board of Supervisors to amend the budget and includes a brief synopsis of the proposed budget amendments.

The budget amendments that are the subject of this paper are greater than one percent of the total expenditures shown in the currently adopted budget. Therefore, to comply with the notice requirement, this paper directs the Clerk of the Board to advertise, in the Richmond Times-Dispatch on September 17, 2019, a synopsis of the proposed amendments and a public hearing to be held on September 24, 2019. A separate paper will be submitted to the Board to amend the Annual Fiscal Plan and appropriate funds for expenditure, as applicable, after the September 24, 2019, public hearing.

RESOLUTION - Signatory Authority - Acquisition of Real Estate - Faison - Woodman Road Extension Project - Brookland District.

This Board paper authorizes the acquisition of the following real estate: (a) 2.54 acres of land and improvements in fee simple, including 5,445 square feet for right-of-way; (b) 2,603.50 square feet of permanent slope, drainage and utility easement; (c) 3,863.52 square feet of permanent slope easement; and (d) 3,434.11 square feet of temporary construction easement across the parcel of land at 11100 Winfrey Road for the Woodman Road Extension Project in the Brookland District. Gregory Scott Faison owns the property and has agreed to sell the necessary real estate for \$320,000.

The Directors of Real Property and Public Works recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Signatory Authority - Acquisition of Real Estate - MSO Properties, LLC - Woodman Road Extension Project - Brookland District.

This Board paper authorizes the acquisition of the following real estate: (a) 22,997.17 square feet of land in fee simple for right-of-way; (b) 7,109.28 square feet of permanent slope easement; and (c) 7,739.56 square feet of temporary construction easement across the parcel of land at 10885 Old Greenwood Road for the Woodman Road Extension Project in the Brookland District. MSO Properties, LLC owns the property and has agreed to sell the necessary real estate for \$55,000.

The Directors of Real Property and Public Works recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Signatory Authority - Acquisition of Real Estate - Slaven - Woodman Road Extension Project - Brookland District.

This Board paper authorizes the acquisition of the following real estate: (a) 10,750.63 square feet of land and improvements in fee simple for right-of-way; (b) 4,566.66 square feet of permanent slope easement; and (c) 3,858.80 square feet of temporary construction easement across the parcel of land at 10950 Winfrey Road for the Woodman Road Extension Project in the Brookland District. William M. Slaven and Carol J. Slaven own the property and have agreed to sell the necessary real estate for \$56,688.

The Directors of Real Property and Public Works recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Signatory Authority - Acquisition of Easements - B. G. Jones Jr. LLC - Woodman Road Extension Project - Brookland and Fairfield Districts.

This Board paper authorizes the acquisition of the following easements: (a) 12,937 total square feet of permanent drainage easement; (b) 5,581 total square feet of temporary construction easement; and (c) 11,475 total square feet of permanent utility easement across two parcels of land at 10890 and 10900 Greenwood Road for the Woodman Road Extension Project in the Brookland and Fairfield Districts. The County needs to acquire the permanent utility easement for the purpose of relocating Verizon utility lines. B. G. Jones Jr. LLC owns the property and has agreed to accept \$30,000 for the necessary easements.

The Directors of Real Property and Public Works recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Signatory Authority - Acquisition of Real Estate - Winfrey Road, LLC - Woodman Road Extension Project - Fairfield District.

This Board paper authorizes the acquisition of the following real estate: (a) 24,001.56 square feet of land in fee simple for right-of-way; (b) 19,194.80 square feet of permanent slope easement; (c) 4,939.33 square feet of permanent slope and drainage easement; (d) 8,883.81 square feet of permanent conserved open-space easement for drainage; and (e) 11,520.32 square feet of temporary construction easement across the parcel of land at 11231 Winfrey Road for the Woodman Road Extension Project in the Fairfield District. Winfrey Road, LLC owns the property and has agreed to sell the necessary real estate for \$90,000.

The Directors of Real Property and Public Works recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Acceptance of Roads - Fairfield District.

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

0.24 mile of Rocky Branch Farm, Section J — Fairfield District

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