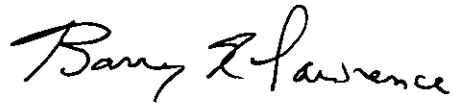


**HENRICO COUNTY
NOTICE OF SPECIAL MEETING
BOARD OF SUPERVISORS**

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, December 13, 2011 at 3:00 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:

- | | |
|------------------|---|
| 3:00 – 4:00 p.m. | Freeman High School Practice Fields |
| 4:00 – 5:00 p.m. | Analysis of Virginia State Budget |
| 5:00 – 6:00 p.m. | 2011 Commemoration Advisory Commission Update |
| 6:00 – 6:45 p.m. | <i>Dinner – Café 1611</i> |



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
December 8, 2011

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
December 13, 2011
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Dr. J. Rayfield Vines, Jr. Pastor, Hungary Road Baptist Church

APPROVAL OF MINUTES – November 22, 2011 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATIONS

Certificate of Recognition (The Nelson Family) and Honorary Share of Stock (Reginald W. Nelson, IV) – Varina District.

268-11 Resolution – Expressing Appreciation to the Eastern Henrico Business Association, Lakeside Business Association, Henrico Business Leaders, BB&T Corporation, and Intrepid Services, LLC.

RESIGNATIONS/APPOINTMENT

269-11 Resolution - Resignation of Member – Board of Social Services.

270-11 Resolution – Resignation of Member – Board of The Shops at White Oak Village Community Development Authority.

271-11 Resolution – Resignation of Members – Local Emergency Planning Committee.

272-11 Resolution – Nomination of Member – Local Emergency Planning Committee.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

273-11 Hunton Park Land Partners, LC: Request to amend proffered conditions
C-18C-11 accepted with Rezoning Case C-25C-10 on Parcel 763-774-5187 located along
Brookland the north line of Hunton Park Boulevard approximately 200' west of its
intersection with Hunton Ridge Lane. The applicant proposes to amend
Proffers 3, 13, 14, & 15 related to the site plan, buffer, tree save area, and
streets. The existing zoning is RTHC Residential Townhouse District
(Conditional). The 2026 Comprehensive Plan recommends Suburban
Residential 1, density should not exceed 2.4 units per acre, and Environmental
Protection Area. The Planning Commission voted to recommend the Board of
Supervisors **grant** the request.

- 274-11
C-11C-11
Varina
- Osborne Glen, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcel 800-695-7559 containing approximately 58.7 acres located at the northwest intersection of Sholey Road and Osborne Turnpike. The applicant proposes a zero-lot-line subdivision of no more than 119 lots. The R-5A District allows a minimum lot size of 5,625 square feet and 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, Suburban Mixed-Use, and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **deny** the request.
- 275-11
P-11-11
Varina
- Michael J. Carroll: Request for a Provisional Use Permit required under proffered condition #9 accepted with C-60C-06 to allow twenty-four (24) hour operation of a convenience store with gas pumps (Wawa) on Parcel 816-712-7504 located at the northeast intersection of S. Laburnum Avenue and Eubank Road. The existing zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **deny** the request.
- 276-11
C-9C-11
Three Chopt
- Bacova, LLC: Request to conditionally rezone from A-1 Agricultural District to O-2C Office District (Conditional), parts of Parcels 739-766-2504 and 739-765-0785 containing 6.439 acres (Tract A) located at the northwest intersection of Pouncey Tract Road (State Route 271) and Bacova Drive; from A-1 Agricultural District to R-3C One-Family Residence District (Conditional), Parcel 737-766-1902 and parts of Parcels 738-765-2372, 736-766-7163, 739-766-2504, and 739-765-0785 containing 79.234 acres (Tracts B and C) located along the west line of Bacova Drive approximately 675' west of its intersection with Pouncey Tract Road; from A-1 Agricultural District to R-6C General Residence District (Conditional), Parcels 736-765-2998, 736-766-0319, 735-766-7333, 735-766-4550, 735-766-2261 and parts of Parcels 734-766-9974, 734-767-2531, 736-766-7163 and 735-767-9459 containing 30.786 acres (Tracts D and E) located at the eastern corner of the N. Gayton Road Extension and Bacova Drive intersection; and from A-1 Agricultural District to R-5AC General Residence District (Conditional), parts of Parcels 735-767-9459 and 736-768-5323 containing 19.481 acres (Tract F) located along the east line of the N. Gayton Road Extension approximately 530' southwest of its intersection with Kain Road. The applicant proposes office uses, and up to 135 single-family dwellings, 45 zero-lot-line dwellings, and 430 multi-family residential units. The uses will be controlled by zoning ordinance regulations and proffered conditions. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum density of six (6) units per acre. The R-6 District allows a maximum gross density of 19.8 units per acre. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre, Suburban Mixed-Use, density should not exceed 4.0

units per acre, Open Space/Recreation, Office and Environmental Protection Area. The site is partially in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

277-11 Wal-Mart: Request for a Provisional Use Permit under Section 24-58.2(a), 24-
P-13-11 120 and 24-122.1 of Chapter 24 of the County Code in order to allow seasonal
Tuckahoe twenty-four (24) hour operation of a retail store (Wal-Mart) on Parcel 753-744-
5576, located at the northwest intersection of N. Parham Road and Quioccasin
Road. The existing zoning is B-2 Business District. The 2026 Comprehensive
Plan recommends Commercial Arterial. The site is in the Enterprise Zone. The
Planning Commission voted to recommend the Board of Supervisors **grant** the
request.

278-11 RMA/Hunton, L.C.: Request for a Provisional Use Permit under Sections 24-
P-12-11 58.2(d), 24-120, and 24-122.1 of the County Code in order to allow outside
Three Chopt dining for a restaurant (Hondos) on part of Parcel 748-761-5133, located at the
northwest intersection of Cox Road and Innslake Drive. The existing zoning is
B-2C Business District (Conditional). The 2026 Comprehensive Plan
recommends Urban Mixed-Use. The Planning Commission voted to
recommend the Board of Supervisors **grant** the request.

279-11 University Park RE INV, LLC and University Park HLH INV, LLC: Request
C-17C-11 to amend proffered conditions accepted with Rezoning Case C-42C-06 on
Three Chopt Parcels 753-754-0908, 752-753-0071 and 752-753-4706 located on the east line
of Pemberton Road (State Route 157) immediately south of Interstate 64. The
applicant proposes to amend Proffer 21 regarding transportation improvements.
The existing zoning is R-6C General Residence District (Conditional). The
2026 Comprehensive Plan recommends Semi-Public and Environmental
Protection Area. The Planning Commission voted to recommend the Board of
Supervisors **grant** the request.

PUBLIC HEARINGS - OTHER ITEM

280-11 Resolution – Amendments to the FY 2011-12 Annual Fiscal Plan: December,
2011.

PUBLIC COMMENTS

GENERAL AGENDA

281-11 Resolution - Potential Zoning Ordinance Amendments Regarding the Parking,
Servicing and Weight Limit of Trucks and Commercial Vehicles.

282-11 Resolution – Award of Construction Contract – Mechanical Access Platforms,
Phase II, Eastern Government Center.

- 283-11 Resolution - Signatory Authority - Lease for the Henrico Drug Court Program - 2601 Willard Road - Tuckahoe District.
- 284-11 Resolution - To Permit Additional Fine of \$200 for Speeding on Weldon Drive between Parham Road and Starling Drive.
- 285-11 Resolution - Acceptance of Road.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
December 13, 2011**

INVOCATION – Dr. J. Rayfield Vines, Jr. Pastor, Hungary Road Baptist Church

PRESENTATIONS

Certificate of Recognition (The Nelson Family) and Honorary Share of Stock (Reginald H. Nelson, IV) – Varina District.

The Nelson family is receiving a certificate of recognition for operating Colonial Acres Farm LLC in the Varina District for 100 consecutive years. Reginald H. Nelson, IV is also receiving an honorary share of stock for his personal involvement with the farm, 36 years of past service as a Henrico representative on the Richmond Metropolitan Authority Board of Directors, and other contributions to the local community.

RESOLUTION – Expressing Appreciation to the Eastern Henrico Business Association, Lakeside Business Association, Henrico Business Leaders, BB&T Corporation, and Intrepid Services, LLC.

In partnership with Henrico County general government officials and in commemoration of Henrico's 400th anniversary, the Eastern Henrico Business Association, the Lakeside Business Association, the Henrico Business Leaders, BB&T Corporation, and Intrepid Services, LLC have generously administered, sponsored, and supported the Henrico Advantage Card program as a successful business generation initiative. This resolution expresses the Board's appreciation to these organizations and businesses for their beneficial efforts to promote business within the county.

RESIGNATIONS/APPOINTMENTS

RESOLUTION - Resignation of Member – Board of Social Services.

This Board paper accepts the resignation of Tyrone E. Nelson from the Board of Social Services, effective December 31, 2011.

RESOLUTION - Resignation of Member – Board of The Shops at White Oak Village Community Development Authority.

This Board paper accepts the resignation of Tyrone E. Nelson from the Board of The Shops at White Oak Village Community Development Authority, effective December 31, 2011.

RESOLUTION – Resignation of Members – Local Emergency Planning Committee.

This Board paper accepts the resignation of **Lewis E. Williams, III** from the Local Emergency Planning Committee as the Hospital Representative. It also accepts the resignation of **Brian E. Iverson** from the Committee as an Emergency Services Representative.

RESOLUTION – Nomination of Member – Local Emergency Planning Committee.

This Board paper nominates the following person for appointment to the Local Emergency Planning Committee for an unexpired term ending December 31, 2012 or thereafter, when his successor shall have been appointed and qualified:

Emergency Services Representative

Robert D. Phillips, Virginia Department of Emergency Management

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

C-18C-11
Brookland
Hunton Park Land Partners, LC: Request to amend proffered conditions accepted with Rezoning Case C-25C-10 on Parcel 763-774-5187 located along the north line of Hunton Park Boulevard approximately 200’ west of its intersection with Hunton Ridge Lane. The applicant proposes to amend Proffers 3, 13, 14, & 15 related to the site plan, buffer, tree save area, and streets. The existing zoning is RTHC Residential Townhouse District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre, and Environmental Protection Area. 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 and the proffers would continue to assure a quality form of development.

C-11C-11
Varina
Osborne Glen, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcel 800-695-7559 containing approximately 58.7 acres located at the northwest intersection of Sholey Road and Osborne Turnpike. The applicant proposes a zero-lot-line subdivision of no more than 119 lots. The R-5A District allows a minimum lot size of 5,625 square feet and 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, Suburban Mixed-Use, and Environmental Protection Area. Acting on a motion by Mr. Jernigan seconded by Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors deny the request because the proposed R-5A zoning district

would introduce piecemeal development substantially out of context with the surrounding area; it would likely set an adverse zoning and land use precedent for the area and it failed to include the proffered conditions deemed necessary to lessen impact of the A-1 zoning in the area and the rural character of the Osborne Turnpike corridor.

P-11-11
Varina

Michael J. Carroll: Request for a Provisional Use Permit required under proffered condition #9 accepted with C-60C-06 to allow twenty-four (24) hour operation of a convenience store with gas pumps (Wawa) on Parcel 816-712-7504 located at the northeast intersection of S. Laburnum Avenue and Eubank Road. The existing zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the Airport Safety Overlay District. Acting on a motion by Mr. Branin seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors deny the request because the extension of hours could impact the health, safety, and welfare of residents in the area and it could have a precedent setting impact on existing land uses in the area.

C-9C-11
Three Chopt

Bacova, LLC: Request to conditionally rezone from A-1 Agricultural District to O-2C Office District (Conditional), parts of Parcels 739-766-2504 and 739-765-0785 containing 6.439 acres (Tract A) located at the northwest intersection of Pouncey Tract Road (State Route 271) and Bacova Drive; from A-1 Agricultural District to R-3C One-Family Residence District (Conditional), Parcel 737-766-1902 and parts of Parcels 738-765-2372, 736-766-7163, 739-766-2504, and 739-765-0785 containing 79.234 acres (Tracts B and C) located along the west line of Bacova Drive approximately 675' west of its intersection with Pouncey Tract Road; from A-1 Agricultural District to R-6C General Residence District (Conditional), Parcels 736-765-2998, 736-766-0319, 735-766-7333, 735-766-4550, 735-766-2261 and parts of Parcels 734-766-9974, 734-767-2531, 736-766-7163 and 735-767-9459 containing 30.786 acres (Tracts D and E) located at the eastern corner of the N. Gayton Road Extension and Bacova Drive intersection; and from A-1 Agricultural District to R-5AC General Residence District (Conditional), parts of Parcels 735-767-9459 and 736-768-5323 containing 19.481 acres (Tract F) located along the east line of the N. Gayton Road Extension approximately 530' southwest of its intersection with Kain Road. The applicant proposes office uses, and up to 135 single-family dwellings, 45 zero-lot-line dwellings, and 430 multi-family residential units. The uses will be controlled by zoning ordinance regulations and proffered conditions. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum density of six (6) units per acre. The R-6 District allows a maximum gross density of 19.8 units per acre. The 2026 Comprehensive Plan recommends Suburban Residential 1,

density should not exceed 2.4 units per acre, Suburban Mixed-Use, density should not exceed 4.0 units per acre, Open Space/Recreation, Office and Environmental Protection Area. The site is partially in the West Broad Street Overlay District. Acting on a motion by Mr. Jernigan seconded by Mr. Vanarsdall, the Planning Commission voted 3-1 (two abstentions, one opposed) to recommend the Board of Supervisors grant the request because it is appropriate residential zoning at this location and the proffered conditions will assure a level of development otherwise not possible.

P-13-11
Tuckahoe

Wal-Mart: Request for a Provisional Use Permit under Section 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow seasonal twenty-four (24) hour operation of a retail store (Wal-Mart) on Parcel 753-744-5576, located at the northwest intersection of N. Parham Road and Quioccasin Road. The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Commercial Arterial. The site is in the Enterprise Zone. Acting on a motion by Mrs. Jones seconded by Mr. Jernigan the Planning Commission voted 4-1 (one abstention, one opposed) 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.

P-12-11
Three Chopt

RMA/Hunton, L.C.: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120, and 24-122.1 of the County Code in order to allow outside dining for a restaurant (Hondos) on part of Parcel 748-761-5133, located at the northwest intersection of Cox Road and Innslake Drive. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use. Acting on a motion by Mr. Branin seconded by Mr. Jernigan, 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 is reasonable in light of the surrounding uses and existing zoning on the property.

C-17C-11
Three Chopt

University Park RE INV, LLC and University Park HLH INV, LLC: Request to amend proffered conditions accepted with Rezoning Case C-42C-06 on Parcels 753-754-0908, 752-753-0071 and 752-753-4706 located on the east line of Pemberton Road (State Route 157) immediately south of Interstate 64. The applicant proposes to amend Proffer 21 regarding transportation improvements. The existing zoning is R-6C General Residence District (Conditional). The 2026 Comprehensive Plan recommends Semi-Public and Environmental Protection Area. Acting on a motion by Mr. Branin seconded by Mr. Jernigan, 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 and the

proffers would continue to assure a quality form of development with a maximum protection afforded to adjacent properties.

PUBLIC HEARINGS - OTHER ITEM

RESOLUTION – Amendments to the FY 2011-12 Annual Fiscal Plan: December, 2011.

A Board paper was presented on November 22, 2011, which (a) received requests for amendments to the Annual Fiscal Plan, (b) directed the advertisement of same, and (c) set the date for a public hearing. The Board may now receive this paper, which, if approved, amends the Annual Fiscal Plan and appropriates funds for expenditure, as applicable, on December 13, 2011. After the public hearing, at that same meeting, this paper may be approved.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Potential Zoning Ordinance Amendments Regarding the Parking, Servicing and Weight Limit of Trucks and Commercial Vehicles.

The zoning ordinance contains provisions regulating the parking and weight limit of trucks and commercial vehicles in the agricultural and residential districts. The current weight limit of 5,000 pounds empty weight was last revised in 1984 and is too low for today's vehicles. This weight limitation is also found in the B-2 Business District with regard to the weight of vehicles that can be serviced. In addition, the current regulations don't address if trucks and commercial vehicles can park while performing temporary work or services at a specific location.

This amendment is necessary to update the zoning ordinance to address the weight limit and circumstances when trucks and commercial vehicles can be parked and serviced. The Director of Community Revitalization recommends the Board authorize the Department of Community Revitalization to prepare a draft amendment for consideration by the Planning Commission, and the Director of Planning and the County Manager concur.

RESOLUTION – Award of Construction Contract – Mechanical Access Platforms, Phase II, Eastern Government Center.

This resolution awards a construction contract to S.W. Funk Industrial Contractors, Inc. for the fabrication and installation of Mechanical Access Platforms at the Eastern Government Center Building. The work is scheduled to be substantially complete within 75 days after the date of written Notice to Proceed. The work is scheduled to be finally completed within 30 days of substantial completion. S.W. Funk Industrial Contractors, Inc. is also performing the Phase I work of the project, which is scheduled to be completed on January 16, 2012.

The County received four bids on November 1, 2011 in response to Bid Request No. 11-9144-10AL, inclusive of Addendum No. 1, as follows:

<u>Bidder</u>	<u>Bid</u>
S.W. Funk Industrial Contractors, Inc.	\$122,675.00
West End Machine & Welding, Inc.	\$148,530.00
Taylor Construction Services Heating & Air Conditioning, Inc.	\$170,000.00
Waco, Inc.	\$183,000.00

Funding to support the contract is available within the project budget. The Director of General Services recommends that the Board award the contract to **S.W. Funk Industrial Contractors, Inc.** as the lowest responsive and responsible bidder, in the amount of **\$122,675.00** and authorize the Director of General Services, as the County Manager’s designee, to execute change orders not to exceed 15% of the original contract amount. The County Manager concurs.

RESOLUTION - Signatory Authority - Lease for the Henrico Drug Court Program - 2601 Willard Road - Tuckahoe District.

The resolution authorizes the County Manager to execute a lease for 3,849 sq. ft. of office space located at 2601 Willard Road for the Henrico Drug Court Program. The lease is for 30 months commencing January 1, 2012. Total rent will be \$105,708.72, payable monthly at the initial rate of \$3,400.00 with a 3% annual escalation.

The Directors of Community Corrections and Real Property recommend approval of this action, and the County Manager concurs.

RESOLUTION - To Permit Additional Fine of \$200 for Speeding on Weldon Drive between Parham Road and Starling Drive.

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 Weldon Drive between Parham Road and Starling Drive 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 77.8% of the residents.

The Board paper authorizes the County Manager to place appropriate signs on Weldon Drive between Parham Road and Starling Drive 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 - Acceptance of Road.

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

- 1) 0.09 miles of Parham Estates, Section 2 and a Resubdivision of Parham Estates and a Portion of Reserved Area, Block O, Section D, Westbriar. Three Chopt District.

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