

**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 10, 2012 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 matter to be reviewed by the Board at this time is:

- 5:30 – 6:15 p.m. **Closed Meeting** for Consultation with the County Attorney Regarding Specific Legal Matters Requiring the Provision of Legal Advice Pertaining to the Implications of *Joyner v. Forsyth County* and Related Cases, Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as Amended.
- 6:15 – 6:45 p.m. *Dinner*



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
July 5, 2012

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
July 10, 2012
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES – June 26, 2012 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

- 165-12 Westview Investments, LLC: Request to conditionally rezone from O-2 Office
C-13C-12 District to B-1C Business District (Conditional) Parcel 774-745-5455 containing
Brookland 1.469 acres located along the east line of Staples Mill Road (U.S. Route 33)
approximately 220 feet north of its intersection with Northside Avenue. The
applicant proposes a veterinarian office and a studio for yoga, pilates, massage
and other therapies. The uses will be controlled by zoning ordinance regulations
and proffered conditions. The 2026 Comprehensive Plan recommends Office.
The site is in the Enterprise Zone. The Planning Commission voted to
recommend the Board of Supervisors **grant** the request.
- 166-12 1241 Associates, LLC: Request to rezone from R-2AC One-Family Residence
C-14-12 District (Conditional) to C-1 Conservation District part of Parcel 775-749-1480
Brookland containing 1.032 acres located on the east line of Impala Drive at its intersection
with Impala Place. The applicant proposes a conservation district. The use will
be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan
recommends Environmental Protection Area and Office. The Planning
Commission voted to recommend the Board of Supervisors **grant** the request.
- 167-12 KCA/Camp Hill Investments, LC: Request to conditionally rezone from R-2AC
C-10C-12 One-Family Residence District (Conditional) to R-2AC One-Family Residence
Varina District (Conditional) Parcels 832-688-9219, 833-686-7681, and part of Parcel
833-682-5297 containing 319.78 acres (Parcel A) located at the northwest
intersection of Yahley Mill and Long Bridge Roads; from B-2C Business District
(Conditional) to B-2C Business District (Conditional) parts of Parcels 829-681-
6852 and 833-682-5297 containing 28.20 acres (Parcel B) located at the
northwest intersection of Long Bridge Road and New Market Road (State Route
5); from C-1C Conservation District (Conditional) to C-1C Conservation District
(Conditional) part of Parcel 833-682-5297 containing 4.67 acres (Parcel C)
located along the east line of Turner Road approximately 1600 feet south of its
intersection with Turner Forest Road; from A-1C Agricultural District
(Conditional) to A-1C Agricultural District (Conditional) part of Parcel 833-682-

5297 containing 13.70 acres (Parcel D) located approximately 1500 feet east of the intersection of Turner Road and Turner Forest Road; from R-2AC One-Family Residence District (Conditional) to R-5AC General Residence District (Conditional) parts of Parcels 829-681-6852 and 833-682-5297 containing 93.41 acres (Parcel E) located along the north line of Long Bridge Road east of its intersection with New Market Road (State Route 5); from R-2AC One-Family Residence District (Conditional) to RTHC Residential Townhouse District (Conditional) parts of Parcels 829-681-6852 and 833-682-5297 containing 45.39 acres (Parcel F) located approximately 1200 feet northeast of the intersection of New Market Road (State Route 5) and Kingsland Road; and from R-2AC One-Family Residence District (Conditional) to R-2AC One-Family Residence District (Conditional) part of Parcel 833-682-5297 containing 111.02 acres (Parcel G) located at the northeast intersection of Turner Road and New Market Road (State Route 5). The applicant proposes a development of single family detached homes, zero lot line homes and townhomes totaling no more than 650 units, retail uses, and conservation areas. The R-2A District allows a minimum lot size of 13,500 square feet and a maximum density of 3.22 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 RTH District allows a maximum density of nine (9) units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre, and Environmental Protection Area. Part of the site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

168-12
P-12-12
Varina

CVI/Rocketts Landing, LLC: Request for a Provisional Use Permit under Sections 24-32.1(u), 24-32.1(v), 24-32.1(w), 24-120 and 24-122.1 of Chapter 24 of the County Code on parts of Parcels 797-712-4180 and 797-711-6071 in order to allow an increase in building height limitations for residential townhomes, office and commercial buildings, and an increase in density for multifamily dwellings and residential townhomes. The applicant also proposes a Master Plan for Land Bay 5 under Section 24-34.1(c). The subject site is in Rocketts Landing located between Old Osborne Turnpike (State Route 5) and the James River approximately 440 feet south of the City of Richmond. The existing zoning is UMUC Urban Mixed Use District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed Use and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

169-12
C-11C-12
Three Chopt

Pouncey Tract Company of Virginia, LLC: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional) Parcel 740-765-7333 containing 12.72 acres located along the east line of Pouncey Tract Road (State Route 271) approximately 600 feet south of its intersection with Twin Hickory Lake Drive. The applicant proposes a townhome development of no more than 70 units. The RTH District allows a maximum density of nine (9) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan

recommends Urban Residential, density should range from 3.4 to 6.8 units per acre, and Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

170-12 CHD2, LLC: Request to rezone from A-1 Agricultural District to R-3C One-
C-16C-12 Family Residence District (Conditional) Parcel 738-755-8984 containing 4.717
Three Chopt acres located at the southwest intersection of Old Pump Road and Thaddeus
Drive. The applicant proposes a single family residential development. 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 use will be controlled by zoning ordinance
regulations and proffered conditions. The 2026 Comprehensive Plan recommends
Suburban Residential 2, density should not exceed 3.4 units per acre. The
Planning Commission voted to recommend the Board of Supervisors **grant** the
request.

PUBLIC HEARING – OTHER ITEM

171-12 Resolution - POD-27-11 - Approval of a Plan of Development for Fire Station
#10 - Brookland District.

PUBLIC COMMENTS

GENERAL AGENDA

172-12 Introduction of Resolution – Receipt of Requests for Amendments to the FY
2012-13 Annual Fiscal Plan: July, 2012.

173-12 Introduction of Ordinance – To Amend and Reordain Section 20-115 of the Code
of the County of Henrico Titled “Situs for taxation” to Change the Situs of
Motor Vehicles Used by Full-time Students to the Vehicle Owner’s Domicile.

174-12 Resolution - Consent to Declaration of a Local Emergency.

175-12 Resolution – End of Declared Emergency.

176-12 Resolution - Award of Annual Contracts for Architectural and Engineering
Services.

177-12 Resolution - Signatory Authority - Henrico Juvenile Detention Home Medical
Services Contract. {PRIVATE }

178-12 Introduction of Ordinance – To Amend and Reordain Section 15-114 of the Code
of the County of Henrico Titled “Retention of purchases and serviced items by
dealer” to Increase the Time Precious Metals and Gems Dealers are Required to
Retain Purchases and Serviced Items.

- 179-12 Introduction of Ordinance – To Amend and Reordain Section 5-30 of the Code of the County of Henrico Titled “Control of dangerous or vicious dogs” to Increase the Dangerous Dog Registration Fee and Change the Registration Process.
- 180-12 Introduction of Ordinance – To Amend and Reordain Section 15-51 of the Code of the County of Henrico Titled “Concealed handgun permit.”
- 181-12 Resolution – Signatory Authority – Encroachment Letter Agreement – Virginia Electric and Power Company - Varina District.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
July 10, 2012

INVOCATION

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

- C-13C-12
Brookland
Westview Investments, LLC: Request to conditionally rezone from O-2 Office District to B-1C Business District (Conditional) Parcel 774-745-5455 containing 1.469 acres located along the east line of Staples Mill Road (U.S. Route 33) approximately 220 feet north of its intersection with Northside Avenue. The applicant proposes a veterinarian office and a studio for yoga, pilates, massage and other therapies. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The site is in the Enterprise Zone. Acting on a motion by Mr. Witte, seconded by Mrs. Jones, the planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because it would not be expected to adversely affect the pattern of zoning and land use in the area.
- C-14-12
Brookland
1241 Associates, LLC: Request to rezone from R-2AC One-Family Residence District (Conditional) to C-1 Conservation District part of Parcel 775-749-1480 containing 1.032 acres located on the east line of Impala Drive at its intersection with Impala Place. The applicant proposes a conservation district. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area and Office. Acting on a motion by Mr. Witte, seconded by Mr. Leabough, the planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because it conforms with the objectives and intent of the County's Comprehensive Plan.
- C-10C-12
Varina
KCA/Camp Hill Investments, LC: Request to conditionally rezone from R-2AC One-Family Residence District (Conditional) to R-2AC One-Family Residence District (Conditional) Parcels 832-688-9219, 833-686-7681, and part of Parcel 833-682-5297 containing 319.78 acres (Parcel A) located at the northwest intersection of Yahley Mill and Long Bridge Roads; from B-2C Business District (Conditional) to B-2C Business District (Conditional) parts of Parcels 829-681-6852 and 833-682-5297 containing 28.20 acres (Parcel B) located at the northwest intersection of Long Bridge Road and New Market Road (State Route 5); from C-1C Conservation District (Conditional) to C-1C Conservation District (Conditional) part of Parcel 833-682-5297 containing 4.67 acres (Parcel C) located along the east line of Turner Road approximately 1600 feet south of its intersection with Turner

Forest Road; from A-1C Agricultural District (Conditional) to A-1C Agricultural District (Conditional) part of Parcel 833-682-5297 containing 13.70 acres (Parcel D) located approximately 1500 feet east of the intersection of Turner Road and Turner Forest Road; from R-2AC One-Family Residence District (Conditional) to R-5AC General Residence District (Conditional) parts of Parcels 829-681-6852 and 833-682-5297 containing 93.41 acres (Parcel E) located along the north line of Long Bridge Road east of its intersection with New Market Road (State Route 5); from R-2AC One-Family Residence District (Conditional) to RTHC Residential Townhouse District (Conditional) parts of Parcels 829-681-6852 and 833-682-5297 containing 45.39 acres (Parcel F) located approximately 1200 feet northeast of the intersection of New Market Road (State Route 5) and Kingsland Road; and from R-2AC One-Family Residence District (Conditional) to R-2AC One-Family Residence District (Conditional) part of Parcel 833-682-5297 containing 111.02 acres (Parcel G) located at the northeast intersection of Turner Road and New Market Road (State Route 5). The applicant proposes a development of single family detached homes, zero lot line homes and townhomes totaling no more than 650 units, retail uses, and conservation areas. The R-2A District allows a minimum lot size of 13,500 square feet and a maximum density of 3.22 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 RTH District allows a maximum density of nine (9) units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre, and Environmental Protection Area. Part of the site is in the Airport Safety Overlay District. Acting on a motion by Mr. Leabough, seconded by Mr. Witte, the planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would permit development of the land for residential use in an appropriate manner, it would not adversely affect the adjoining area if properly developed as proposed, and the proffered conditions will assure a level of development not otherwise possible.

P-12-12
Varina

CVI/Rocketts Landing, LLC: Request for a Provisional Use Permit under Sections 24-32.1(u), 24-32.1(v), 24-32.1(w), 24-120 and 24-122.1 of Chapter 24 of the County Code on parts of Parcels 797-712-4180 and 797-711-6071 in order to allow an increase in building height limitations for residential townhomes, office and commercial buildings, and an increase in density for multifamily dwellings and residential townhomes. The applicant also proposes a Master Plan for Land Bay 5 under Section 24-34.1(c). The subject site is in Rocketts Landing located between Old Osborne Turnpike (State Route 5) and the James River approximately 440 feet south of the City of Richmond. The existing zoning is UMUC Urban Mixed Use District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed Use and Environmental Protection Area. Acting on a motion by Mr.

Leabough, seconded by Mr. Archer, 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, and when properly developed and regulated by the recommended conditions, it would not be expected to adversely affect the adjoining area.

C-11C-12
Three Chopt

Pouncey Tract Company of Virginia, LLC: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional) Parcel 740-765-7333 containing 12.72 acres located along the east line of Pouncey Tract Road (State Route 271) approximately 600 feet south of its intersection with Twin Hickory Lake Drive. The applicant proposes a townhome development of no more than 70 units. The RTH District allows a maximum density of nine (9) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Residential, density should range from 3.4 to 6.8 units per acre, and Commercial Concentration. The site is in the West Broad Street Overlay District. Acting on a motion by Mr. Branin, seconded by Mr. Archer, 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 Land Use Plan and the proffered conditions will provide appropriate quality assurances otherwise not possible.

C-16C-12
Three Chopt

CHD2, LLC: Request to rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional) Parcel 738-755-8984 containing 4.717 acres located at the southwest intersection of Old Pump Road and Thaddeus Drive. The applicant proposes a single family residential development. 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 use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. Acting on a motion by Mr. Branin, seconded by Mr. Leabough, 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 Comprehensive Plan, is appropriate residential zoning at this location, and it represents a logical continuation of the one-family residential development which exists in the area.

PUBLIC HEARING – OTHER ITEM

RESOLUTION - POD-27-11 - Approval of a Plan of Development for Fire Station #10 - Brookland District.

This Board paper is for Board of Supervisors’ approval of a plan of development, as required by Sections 24-11(b) and 24-106 of the Henrico County Code, for construction of Fire Station #10, a new, one-story 12,200 square foot fire station, to replace an existing 4,950 square foot facility on the same site at 6313 Horsepen Road. The 1.07-acre parcel is located at the southeast corner of the intersection of Horsepen Road and Crescent Parkway on parcels 768-741-8168 and 9058. The property is zoned R-3, Single-Family Residential District, and is located in the Brookland District.

The Department of Planning has coordinated the review of the plan of development with all County departments and has held a meeting with the project engineer and appropriate representatives from the Department of General Services, the Department of Public Works, the Department of Public Utilities, the Division of Fire, the Division of Police, and the Office of Building Construction and Inspections. All design issues raised during the review of the project have been resolved.

The Director of Planning recommends approval of the plan of development, subject to the staff recommendations, the staff plan dated July 10, 2012, and the conditions listed in the Board paper, and the County Manager concurs.

PUBLIC COMMENTS

GENERAL AGENDA

INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments to the FY 2012-13 Annual Fiscal Plan: July, 2012.

Pursuant to Virginia Code Section 15.2-2507, amendments to the County’s approved budget in excess of one percent of the County’s currently adopted budget may be approved only after publishing a notice of a public hearing at least seven days before the hearing date. The budget amendments that are the subject of this paper fall under the one percent threshold that triggers the advertised public hearing requirement; nevertheless, this paper calls for their advertisement. The notice states the County’s intent to amend the budget. To that end this paper is submitted, along with a list of the requested amendments, as an introduction, so the Board may authorize the advertising for July 17, 2012 and the public hearing for July 24, 2012. A separate paper will be submitted for Board action to amend the Annual Fiscal Plan and appropriate funds for expenditure, as applicable, after the July 24, 2012 public hearing.

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 20-115 of the Code of the County of Henrico Titled “Situs for taxation” to Change the Situs of Motor Vehicles Used by Full-time Students to the Vehicle Owner’s Domicile.

This Board paper introduces for advertisement and public hearing on August 14, 2012 an ordinance to amend Section 20-115 to change the tax situs of motor vehicles used by full-time students attending institutions of higher education to the vehicle owner’s domicile. Currently, the tax situs of these vehicles is the owner’s domicile only if the student is the owner. The ordinance is required by legislation enacted by the 2012 General Assembly.

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

RESOLUTION – Consent to Declaration of a Local Emergency.

The purpose of this Board paper is to consent to the County Manager’s declaration on July 1, 2012 of a local emergency. The emergency was declared in connection with the derecho event on June 29, 2012 as well as the extreme heat over the weekend June 29-July 1, 2012.

RESOLUTION – End of Declared Emergency.

The purpose of this Board paper is to end the County Manager’s declaration on July 1, 2012 of a local emergency. The emergency was declared in connection with the derecho event on June 29, 2012 as well as the extreme heat over the weekend June 29-July 1, 2012.

RESOLUTION – Award of Annual Contracts for Architectural and Engineering Services.

This resolution awards annual contracts to **BCWH, Inc.** and **Mosley Architects, PC** to provide architectural and engineering services on an as-needed basis. These design services may include, but are not limited to, architectural, civil, landscape, structural, mechanical, electrical, plumbing, food services, security, fire safety, interior design, furnishings and equipment design, construction contract administration, and plans of development.

The County received 13 proposals in response to RFP #12-9213-2CS. Following review and evaluation of the proposals, the Selection Committee interviewed the following firms:

BCWH, Inc.
Moseley Architects, PC
Rawlings Wilson & Associates, PC
Wiley & Wilson, Inc.

Based on the written proposals and interviews, the Selection Committee selected **BCWH, Inc.** and **Moseley Architects, PC** as the two top-ranked firms and negotiated hourly rate schedules with each firm.

The contract will be for a one-year term and may be renewed for two additional one-year terms. Compensation for services shall be based on hourly rate schedules. Fees shall not exceed \$300,000 for any single project, nor \$1,500,000 per one term.

Funding to support these contracts is available within the project budget. The Director of General Services recommends that contracts be awarded to **BCWH, Inc. and Moseley Architects, PC**, and the County Manager concurs.

RESOLUTION - Signatory Authority - Henrico Juvenile Detention Home Medical Services Contract.

This Board paper authorizes the County Manager to sign a contract between the Department of Pediatrics, Virginia Commonwealth University Health System and the County on behalf of the Juvenile Detention Home. Through this agreement, the Department of Pediatrics will provide a licensed physician for medical services at the Detention Home. The physician will make regular scheduled visits as established by the Superintendent.

This contract will begin on July 1, 2012 and terminate on June 30, 2013. The total amount of contract is \$13,500.00 plus \$100.00 per hour for unscheduled visits to the Detention Home. Funds are available in the 2013 budget.

This Board paper is recommended by the Superintendent of the Juvenile Detention Home. The County Manager concurs.

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 15-114 of the Code of the County of Henrico Titled “Retention of purchases and serviced items by dealer” to Increase the Time Precious Metals and Gems Dealers are Required to Retain Purchases and Serviced Items.

This Board paper introduces for advertisement and public hearing on August 14 an ordinance that increases from ten to 15 calendar days the time precious metals and gems dealers are required to retain purchases and serviced items. This ordinance is required by legislation enacted by the 2012 General Assembly.

The Chief of Police recommends approval of this Board paper, and the County Manager concurs.

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 5-30 of the Code of the County of Henrico Titled “Control of dangerous or vicious dogs” to Increase the Dangerous Dog Registration Fee and Change the Registration Process.

This Board paper introduces for advertisement and public hearing on August 14, 2012 an ordinance to increase the initial registration fee for dangerous dogs from \$50 to \$150 and to increase the renewal fee from \$50 to \$85. The ordinance extends from 10 to 45 days the time the owner of the animal must obtain a registration certificate from the Animal Protection Unit after a finding that the animal is a dangerous dog. The ordinance also requires an owner of a

dangerous dog to renew the dog's registration by January 31 of each year and requires the Animal Protection Unit to post registration information on the Virginia Dangerous Dog Registry website. This ordinance is required by legislation enacted by the 2012 General Assembly.

The Chief of Police recommends approval of this Board paper, and the County Manager concurs.

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 15-51 of the Code of the County of Henrico Titled “Concealed handgun permit.”

This Board paper introduces for advertisement and public hearing on August 14, 2012 an ordinance that removes the requirement that an applicant for a concealed handgun permit submit fingerprints with the application. This ordinance is required by legislation enacted by the 2012 General Assembly.

The Chief of Police recommends approval of this Board paper, and the County Manager concurs.

RESOLUTION – Signatory Authority – Encroachment Letter Agreement – Virginia Electric and Power Company - Varina District.

This resolution authorizes the County Manager to execute an encroachment letter agreement with Virginia Electric and Power Company (“VEPCO”) allowing the County to maintain a water line located at the Castleton Clubhouse at 6800 Kidwelly Lane in a VEPCO transmission line easement once the water line is accepted into the County system. The Directors of Public Utilities and Real Property recommend approval of this paper, and the County Manager concurs.