

**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, August 11, 2015**, at **5:00 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:

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| 5:00 - 5:30 p.m. | Henricus Historical Park Update |
| 5:30 - 6:00 p.m. | Junior Achievement of Central Virginia Update |
| 6:00 - 6:15 p.m. | Proposed Ordinance to Conform the County Code to the County's Municipal Separate Storm Sewer System Permit |
| 6:15 - 6:30 p.m. | Regular Meeting Agenda Items |



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
August 6, 2015

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
August 11, 2015
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES – July 28, 2015, Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT

181-15 Graham Meadows, LLC: Request to conditionally rezone from A-1 Agricultural
REZ2015- District to O-2C Office District (Conditional) Parcels 732-763-5470 and 732-763-
00017 8362 containing 2.712 acres located on the south line of Graham Meadows Drive
Three Chopt approximately 385' west of its intersection with N. Gayton Road. The applicant
proposes a medical office building. The use will be controlled by zoning
ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
recommends Government and Semi-Public. The site is located in the West Broad
Street Overlay District. The Planning Commission voted to recommend the
Board of Supervisors **grant** the request.

182-15 Michael and Angela Kelly: Request to conditionally rezone from A-1
REZ2015- Agricultural District to R-2AC One-Family Residence District (Conditional)
00016 Parcel 823-696-3910 containing 3.955 acres located on the northwest line of
Varina Henry Ward Boulevard approximately 490' north of Darbytown Road. The
applicant proposes a single family development. The R-2A District allows a
minimum lot area of 13,500 square feet and a gross density of 3.22 units per
acre. The use 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. The site is located in the Airport
Safety Overlay District. The Planning Commission voted to recommend the
Board of Supervisors **grant** the request.

183-15 Ryan Converse, CWC Food Properties, LLC: Request to conditionally rezone
REZ2015- from O-2 Office District to B-2C Business District (Conditional) Parcel 815-715-
00019 7156 containing .95 acres located on the west line of S. Laburnum Avenue at its
Varina intersection with Finlay Street. The applicant proposes a restaurant with drive-
through window. The use will be controlled by zoning ordinance regulations and
proffered conditions. The 2026 Comprehensive Plan recommends Office. The site
is located in the Airport Safety Overlay District. The Planning Commission voted
to recommend the Board of Supervisors **grant** the request.

184-15 REZ2015-00018 Brookland Gumenick Properties: Request to amend proffered conditions accepted with Rezoning Case C-5C-07 on Parcels 771-740-9118, 772-740-0431, -1137, -1743, -2229, -2836, -4023, 773-739-6286, -8155, 773-740-5043, -8899, -9498, 773-741-2637, -3132, -3726, -4222, -5414, -6011, -6808, -7505, -8102, 774-739-4371, -5043, -5750, 774-740-0096, -0894, -1592, -2190, -2403, -2888, -3584, -4182, -4708 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U.S. Route 250) to its intersection with N. Crestwood Avenue, then along the east line of Spencer Road to the south line of Bethlehem Road and the west line of Staples Mill Road (U.S. Route 33). The applicant proposes to amend proffers related to the pattern book, development standards, prohibited uses, and hours of operation, among other items. The existing zoning is UMUC Urban Mixed-Use District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use. A portion of the site along Libbie Avenue north of W. Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

185-15 PUP2015-00006 Brookland Gumenick Properties: Request for a Provisional Use Permit under Sections 24-32.1(aa), 24-34(p), and 24-122.1 of Chapter 24 of the County Code to amend conditions of PUP2014-00014 for the mixed-use development on Parcels 771-740-9118, 772-740-0431, -1137, -1743, -2229, -2836, -4023, 773-739-6286, -8155, 773-740-5043, -8899, -9498, 773-741-2637, -3132, -3726, -4222, -5414, -6011, -6808, -7505, -8102, 774-739-4371, -5043, -5750, 774-740-0096, -0894, -1592, -2190, -2403, -2888, -3584, -4182, -4708 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U.S. Route 250) to its intersection with N. Crestwood Avenue, then along the east line of Spencer Road to the south line of Bethlehem Road and the west line of Staples Mill Road (U.S. Route 33). The applicant proposes changes in development standards related to building height, floor area limitations, vendor areas, fire protection, and outdoor dining areas for the mixed-use development, among other items. The existing zoning is UMUC Urban Mixed Use District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed Use. A portion of the site along Libbie Avenue north of W. Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEMS

186-15 Ordinance – To Amend and Reordain Section 24-3 Titled “Enumerated,” Section 24-113 Titled “Composition,” Section 24-114 Titled “Organization,” Section 24-115 Titled “Procedure of board,” Section 24-116 Titled “Powers,” and Section 24-117 Titled “Procedure on applications and appeals,” of the Code of the County of Henrico, All to Revise the Member Terms and Powers of the Board of Zoning Appeals.

187-15 Ordinance - Vacation of Unimproved Right-of-Way - Brickhaven Road - Parham Hills Subdivision - Three Chopt District.

PUBLIC COMMENTS

GENERAL AGENDA

- 188-15 Resolution - Signatory Authority - Agreement - Henricus Historical Park.

- 189-15 Resolution – Signatory Authority – Henrico Juvenile Detention Home Medical Services Contract.

- 190-15 Resolution - To Apply for a U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant to Purchase Ballistic Shields for the Police Division.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
August 11, 2015**

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT

REZ2015-00017
Three Chopt
Graham Meadows, LLC: Request to conditionally rezone from A-1 Agricultural District to O-2C Office District (Conditional) Parcels 732-763-5470 and 732-763-8362 containing 2.712 acres located on the south line of Graham Meadows Drive approximately 385' west of its intersection with N. Gayton Road. The applicant proposes a medical office building. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Government and Semi-Public. The site is located in the West Broad Street Overlay District. Acting on a motion by Mr. Branin, seconded by Mrs. Jones, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would not adversely affect the adjoining area if properly developed as proposed and the proffered conditions will provide appropriate quality assurances not otherwise available.

REZ2015-00016
Varina
Michael and Angela Kelly: Request to conditionally rezone from A-1 Agricultural District to R-2AC One-Family Residence District (Conditional) Parcel 823-696-3910 containing 3.955 acres located on the northwest line of Henry Ward Boulevard approximately 490' north of Darbytown Road. The applicant proposes a single family development. The R-2A District allows a minimum lot area of 13,500 square feet and a gross density of 3.22 units per acre. The use 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. The site is located in the Airport Safety Overlay District. 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 recommendations of the Comprehensive Plan, continues a form of zoning consistent with the area, and the proffered conditions will assure a level of development otherwise not possible.

REZ2015-00019
Varina
Ryan Converse, CWC Food Properties, LLC: Request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional) Parcel 815-715-7156 containing .95 acres located on the west line of S. Laburnum Avenue at its intersection with Finlay Street. The applicant proposes a restaurant with drive-through window. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The site is located in the Airport Safety Overlay District.

Acting on a motion by Mr. Leabough, seconded by Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would not adversely affect the adjoining area if properly developed as proposed and the proffers conditions would provide for a higher quality of development than would otherwise be possible.

REZ2015-00018
Brookland

Gumenick Properties: Request to amend proffered conditions accepted with Rezoning Case C-5C-07 on Parcels 771-740-9118, 772-740-0431, -1137, -1743, -2229, -2836, -4023, 773-739-6286, -8155, 773-740-5043, -8899, -9498, 773-741-2637, -3132, -3726, -4222, -5414, -6011, -6808, -7505, -8102, 774-739-4371, -5043, -5750, 774-740-0096, -0894, -1592, -2190, -2403, -2888, -3584, -4182, -4708 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U.S. Route 250) to its intersection with N. Crestwood Avenue, then along the east line of Spencer Road to the south line of Bethlehem Road and the west line of Staples Mill Road (U.S. Route 33). The applicant proposes to amend proffers related to the pattern book, development standards, prohibited uses, and hours of operation, among other items. The existing zoning is UMUC Urban Mixed-Use District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use. A portion of the site along Libbie Avenue north of W. Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is in the Enterprise Zone. Acting on a motion by Mr. Witte, 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.

PUP2015-00006
Brookland

Gumenick Properties: Request for a Provisional Use Permit under Sections 24-32.1(aa), 24-34(p), and 24-122.1 of Chapter 24 of the County Code to amend conditions of PUP2014-00014 for the mixed-use development on Parcels 771-740-9118, 772-740-0431, -1137, -1743, -2229, -2836, -4023, 773-739-6286, -8155, 773-740-5043, -8899, -9498, 773-741-2637, -3132, -3726, -4222, -5414, -6011, -6808, -7505, -8102, 774-739-4371, -5043, -5750, 774-740-0096, -0894, -1592, -2190, -2403, -2888, -3584, -4182, -4708 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U.S. Route 250) to its intersection with N. Crestwood Avenue, then along the east line of Spencer Road to the south line of Bethlehem Road and the west line of Staples Mill Road (U.S. Route 33). The applicant proposes changes in development standards related to building height, floor area limitations, vendor areas, fire protection, and outdoor dining areas for the mixed-use development, among other items. The existing zoning is UMUC Urban Mixed Use District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed Use. A portion of the site along Libbie Avenue north of W. Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is in the Enterprise Zone. Acting on a motion by Mr. Witte, seconded by Mr. Leabough, 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 surrounding uses and existing zoning on the property.

PUBLIC HEARINGS – OTHER ITEMS

ORDINANCE – To Amend and Reordain Section 24-3 Titled “Enumerated,” Section 24-113 Titled “Composition,” Section 24-114 Titled “Organization,” Section 24-115 Titled “Procedure of board,” Section 24-116 Titled “Powers,” and Section 24-117 Titled “Procedure on applications and appeals,” of the Code of the County of Henrico, All to Revise the Member Terms and Powers of the Board of Zoning Appeals.

This Board paper would amend the zoning ordinance with respect to the terms and powers of the Board of Zoning Appeals (BZA).

In 2015, the General Assembly amended the Code of Virginia to alter the power of the BZA to grant variances. The amendment will conform the zoning ordinance to the legislation.

In addition, the amendment will change the term of BZA members from three years to five years to conform to state law and will make a number of stylistic changes to zoning ordinance language. Finally, the amendment will make three changes not required by state law but which reflect the current practice or desires of the BZA: (1) extend the period for beginning construction or operation after issuance of a conditional use permit from one to two years, (2) bar consideration of substantially the same application for a variance or conditional use permit for one year, and (3) bar the extension or renewal of a temporary use permit beyond 24 months.

These changes were discussed with the Board at its June 23, 2015, work session.

The Planning Commission and the Director of Planning recommend approval of the Board paper, and the County Manager concurs.

ORDINANCE - Vacation of Unimproved Right-of-Way - Brickhaven Road - Parham Hills Subdivision - Three Chopt District.

This ordinance will vacate unimproved right-of-way for Brickhaven Road in the Parham Hills subdivision. The right-of-way is surplus to the County’s needs because it dead-ends into an improved residential lot. The owners of the adjacent property have requested this action.

The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Signatory Authority - Agreement - Henricus Historical Park.

This Board paper authorizes the County Manager to execute an agreement with Chesterfield County and The Henricus Foundation (the "Foundation") concerning the operations, maintenance, and capital expenditures of Henricus Historical Park.

The park is the site of the original founding of Henrico County and is located primarily in Chesterfield County. The site was first developed as a park in 1989.

On September 12, 2006, the Board authorized the County Manager to execute an agreement with Chesterfield County and the Foundation for the County to participate in funding for operations, maintenance, and capital improvements for the park. That agreement will expire on August 31, 2015, and the parties have negotiated a new agreement which shall be effective from September 1, 2015, until September 1, 2018, and shall automatically renew for two additional terms of three years each.

The new agreement specifies the duties of the counties and the Foundation for operating and maintaining the park, incorporates the October 2013 Master Plan, and provides for operational oversight by Chesterfield County. Under it, the Board of Supervisors for each county will annually determine its appropriation for the park.

The County Manager recommends approval of this paper.

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 Authority 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, 2015, and terminate on June 30, 2016. The total amount of the contract is \$14,940 plus \$100 per hour for unscheduled visits to the Detention Home. Funds are available in the 2015-16 budget.

The only difference between this contract and the contract the Board approved on August 12, 2014, is that the base price has increased from \$14,400 to \$14,940.

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

RESOLUTION - To Apply for a U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant to Purchase Ballistic Shields for the Police Division.

This Board resolution approves the Police Division applying for its allocation of \$66,366 from the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant Program. The funds, which require no local match, will be used by the Police Division to purchase 34 ballistic shields, of which 25 are replacements and nine are new. These shields are needed to continue equipping police officers with all available safety equipment to handle civil disturbances.