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**, **January 22**, **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:

5:15 - 5:45 p.m.	Proposed Ordinance Amendment Relating to Zoning Penalties
5:45 - 6:15 p.m.	Solar Power Purchase Agreement (PPA) Update
6:15 - 6:30 p.m.	All Henrico Reads Update
6:30 - 6:45 p.m.	Regular Meeting Agenda Items

Barry R. Lawrence, CMC

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Clerk, Henrico County Board of Supervisors

January 17, 2019

COUNTY OF HENRICO, VIRGINIA

Henrico County Board Room Board of Supervisors' Agenda January 22, 2019 7:00 p.m.

PLEDGE OF ALLEGIANCE
INVOCATION
APPROVAL OF MINUTES - January 8, 2019, Regular Meeting and November 7, 2018, Special
Meeting

MANAGER'S COMMENTS
BOARD OF SUPERVISORS' COMMENTS
RECOGNITION OF NEWS MEDIA

PRESENTATION

22-19 Resolution - Commending the Highland Springs High School Springers Football Team.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

23-19 REZ2018-00044 Brookland

Gumenick Properties: Request to conditionally rezone from B-1 Business District and O-2 Office District to UMUC Urban Mixed Use District (Conditional) Parcels 774-740-5174 (.754 acres) and 771-740-8005 (.305 acres) located at the southwest intersection of Staples Mill Road (U. S. Route 33) and Bethlehem Road and the east line of Libbie Avenue approximately 185' north of its intersection with W. Broad Street (U.S. Route 250). The applicant proposes inclusion in the adjacent UMUC development (Libbie Mil). The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Light Industrial and Commercial Concentration. The applicant also proposes to amend proffers accepted with Rezoning case REZ2015-00018 on Parcels 771-740-9118, 772-740-0431,-1137, -1743, -2229, -2836, 773-739-3784, -9074, 773-740-4815, -5180, 774-739-2373, -5672, 774-740-0804, -4456, -4637, -4716, and -4802 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U. S. Route 250) at 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 concept plan, density, prohibited uses and hours of operation, location of parking garages, building height limits, architectural elevations, square footage of the community building, and outdoor music. The existing zoning is UMUC Urban Mixed-Use District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. 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.

24-19 PUP2018-00016 Brookland

Gumenick Properties: Request for a Provisional Use Permit under Sections 24-32.1(a, i, n, s, w, z, aa), and 24-122.1 of Chapter 24 of the County Code to amend conditions of PUP2015-00006 for the mixed-use development on Parcels 771-740-8005, -9118, 772-740-0431, -1137, -1743, -2229, -2836, 773-739-3784, -9074, 773-740-4815, -5180, 774-739-2373, -5672, 774-740-0804, -4456, -4637, -4716, -4802, and -5174 located on the east line of Libbie Avenue approximately 185' 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 floor area limitations, parking garages, parking plan, and signage plan for the mixed-use development. The existing zoning is O-2 Office District, B-2 Business District, and UMUC Urban Mixed-Use District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration, Light Industrial, Urban Mixed-Use, and Environmental Protection Area. 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.

25-19 PUP2018-00019 Fairfield HHHunt River Mill, LLC: Request for a Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow adjustable side setbacks for lots within the R-5A General Residence District on Parcels 779-773-4325, 780-772-3392 and 779-773-9041 and part of Parcels 780-774-2957, and 781-773-2686 located approximately 2500' west of the intersection of Brook Road (U.S. Route 1) and Magnolia Ridge Drive. The existing zoning is R-5AC General Residence District and C-1C Conservation District. The R-5A District allows an overall maximum density of 6 units per acre. The 2026 Comprehensive Plan recommends Suburban Residential 1, where 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.

26-19 PUP2018-00017 Three Chopt Brian Wiley: 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 to allow extended hours of operation of a fitness facility on part of Parcel 738-760-8449 located on the west line of Pump Road approximately 580' north of its intersection with Three Chopt Road. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The site is located in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

295-18 REZ2018-00040 Fairfield General Land Commercial Real Estate Company: Request to conditionally rezone from O-2C Office District (Conditional) to B-2C Business District (Conditional) Parcel 776-766-3128 containing 2.391 acres located at the southeast intersection of Woodman and Mountain Roads. The applicant proposes an indoor self-service storage facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Residential. The Planning

Commission voted to recommend the Board of Supervisors grant the request. (Deferred from the December 11, 2018, meeting; withdrawn by the applicant.)

296-18 PUP2018-00013 Fairfield General Land Commercial Real Estate Company: Request for a Provisional Use Permit under Sections 24-58.2 (b) and (h), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow an indoor self-service storage facility up to 34' in height on Parcel 776-766-3128 located at the southeast intersection of Woodman and Mountain Roads. The existing zoning is O-2C Office District (Conditional). The 2026 Comprehensive Plan recommends Urban Residential. This request is subject to companion case REZ2018-00040 which requests to conditionally rezone the property to B-2C Business District (Conditional). The Planning Commission voted to recommend the Board of Supervisors grant the request. (Deferred from the December 11, 2018, meeting; withdrawn by the applicant.)

PUBLIC HEARINGS - OTHER ITEMS

- 27-19 Resolution Signatory Authority Lease Amendment Alltel Communications, LLC Brookland District.
- 28-19 Resolution Signatory Authority Lease Amendment American Towers LLC Brookland District.
- 29-19 Resolution Signatory Authority Lease Amendment American Towers LLC Fairfield District.

PUBLIC COMMENTS

GENERAL AGENDA

- 30-19 Resolution Signatory Authority Agreement with project:Homes 120 N. Holly Avenue Varina District.
- Introduction of Ordinance To Amend and Reordain Chapter 6 of the Code of the County of Henrico by Adding Article VI Titled "Repair or Removal of Derelict Buildings" Consisting of Section 6-135 Titled "Purpose," Section 6-136 Titled "Definitions," Section 6-137 Titled "Declaration of derelict property; notice," Section 6-138 Titled "Submission of plan by property owner; approval by building official," Section 6-139 Titled "Plan completion; permit fees," and Section 6-140 Titled "Remedies for noncompliance," To Provide for Repair or Removal of Derelict Buildings in the County.
- Introduction of Ordinance To Amend and Reordain Code of the County of Henrico Section 20-79 Titled "Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units," Section 20-80 Titled "Partial exemption for rehabilitated, renovated or replacement multifamily residential units," Section 20-81 Titled "Partial exemption for rehabilitated, renovated or

replacement commercial and industrial structures," and Section 20-82 Titled "Partial exemption for rehabilitated, renovated or replacement hotel and motel structures" and to Add to the Code Section 20-84 Titled "Partial exemption for demolition or renovation of derelict buildings" to Expand the County's Partial Real Estate Tax Exemption Program for Rehabilitated, Renovated, and Replacement Structures.

- Concurrent Resolution Providing for the Appointment of a Permanent Working Group to Review Salary Compression.
- 34-19 Resolution To Initiate Consideration of Zoning Ordinance Amendments Penalties.
- Resolution Signatory Authority Acquisition of Real Property 1300 New Market Road Varina District. (Deferred from the October 23, 2018, meeting.)



COUNTY OF HENRICO, VIRGINIA BOARD OF SUPERVISORS' RESUME January 22, 2019

PRESENTATION

RESOLUTION – Commending the Highland Springs High School Springers Football Team.

On December 8, 2018, the Highland Springs High School Springers football team defeated Stone Bridge High School for the Virginia High School League Class 5 state title and finished their season with a perfect 15-0 record. This Board paper congratulates the Springers on their undefeated season, which resulted in the school's fourth consecutive state football championship, and commends the team and coaching staff for so ably and honorably representing Henrico County on the gridiron in regional and statewide competition.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

REZ2018-00044 Brookland

Gumenick Properties: Request to conditionally rezone from B-1 Business District and O-2 Office District to UMUC Urban Mixed Use District (Conditional) Parcels 774-740-5174 (.754 acres) and 771-740-8005 (.305 acres) located at the southwest intersection of Staples Mill Road (U. S. Route 33) and Bethlehem Road and the east line of Libbie Avenue approximately 185' north of its intersection with W. Broad Street (U.S. Route 250). The applicant proposes inclusion in the adjacent UMUC development (Libbie Mil). The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Light Industrial and Commercial Concentration. The applicant also proposes to amend proffers accepted with Rezoning case REZ2015-00018 on Parcels 771-740-9118, 772-740-0431, -1137, -1743, -2229, -2836, 773-739-3784, -9074, 773-740-4815, -5180, 774-739-2373, -5672, 774-740-0804, -4456, -4637, -4716, and -4802 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U. S. Route 250) at 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 concept plan, density, prohibited uses and hours of operation, location of parking garages, building height limits, architectural elevations, square footage of the community building, and outdoor music. 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. Archer, seconded by Mrs. Marshall, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors grant the request because it continues a form of zoning consistent with the area and the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties.

PUP2018-00016 Brookland

Gumenick Properties: Request for a Provisional Use Permit under Sections 24-32.1(a, i, n, s, w, z, aa), and 24-122.1 of Chapter 24 of the County Code to amend conditions of PUP2015-00006 for the mixed-use development on Parcels 771-740-8005, -9118, 772-740-0431, -1137, -1743, -2229, -2836, 773-739-3784, -9074, 773-740-4815, -5180, 774-739-2373, -5672, 774-740-0804, -4456, -4637, -4716, -4802, and -5174 located on the east line of Libbie Avenue approximately 185' 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 floor area limitations, parking garages, parking plan, and signage plan for the mixed-use development. The existing zoning is O-2 Office District, B-2 Business District, and UMUC Urban Mixed-Use District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration, Light Industrial, Urban Mixed-Use, and Environmental Protection Area. 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. Archer, seconded by Mr. Baka, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors grant the request because when properly developed and regulated by the recommended conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

PUP2018-00019 Fairfield HHHunt River Mill, LLC: Request for a Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow adjustable side setbacks for lots within the R-5A General Residence District on Parcels 779-773-4325, 780-772-3392 and 779-773-9041 and part of Parcels 780-774-2957, and 781-773-2686 located approximately 2500' west of the intersection of Brook Road (U.S. Route 1) and Magnolia Ridge Drive. The existing zoning is R-5AC General Residence District and C-1C Conservation District. The R-5A District allows an overall maximum density of 6 units per acre. The 2026 Comprehensive Plan recommends Suburban Residential 1, where density should not exceed 2.4 units per acre, and Environmental Protection Area. Acting on a motion by Mr. Archer, seconded by Mrs. Marshall, the Planning Commission voted 4-0 (one absent, 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.

PUP2018-00017 Three Chopt Brian Wiley: 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 to allow extended hours of operation of a fitness facility on part of Parcel 738-760-8449 located on the west line of Pump Road approximately 580' north of its intersection with Three Chopt Road. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The site is located in the West Broad Street Overlay District. Acting on a motion by Mrs. Marshall, seconded

by Mr. Baka, the Planning Commission voted 4-0 (one absent, 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 property and it would not be expected to adversely affect public safety, health or general welfare.

REZ2018-00040 Fairfield General Land Commercial Real Estate Company: Request to conditionally rezone from O-2C Office District (Conditional) to B-2C Business District (Conditional) Parcel 776-766-3128 containing 2.391 acres located at the southeast intersection of Woodman and Mountain Roads. The applicant proposes an indoor self-service storage facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Residential. Acting on a motion by Mr. Archer, seconded by Mr. Mackey, the Planning Commission voted 3-0 (two absent, one abstention) to recommend the Board of Supervisors grant the request because it is reasonable in light of the surrounding uses and the existing zoning on the property. (Deferred from the December 11, 2018, meeting; withdrawn by the applicant.)

PUP2018-00013 Fairfield General Land Commercial Real Estate Company: Request for a Provisional Use Permit under Sections 24-58.2 (b) and (h), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow an indoor self-service storage facility up to 34' in height on Parcel 776-766-3128 located at the southeast intersection of Woodman and Mountain Roads. The existing zoning is O-2C Office District (Conditional). The 2026 Comprehensive Plan recommends Urban Residential. This request is subject to companion case REZ2018-00040 which requests to conditionally rezone the property to B-2C Business District (Conditional). Acting on a motion by Mr. Archer, seconded by Mr. Mackey, the Planning Commission voted 3-0 (two absent, one abstention) to recommend the Board of Supervisors grant the request because it will add services to the community and the recommended special conditions should minimize the potential impacts on surrounding land uses. (Deferred from the December 11, 2018, meeting; withdrawn by the applicant.)

PUBLIC HEARINGS - OTHER ITEMS

RESOLUTION - Signatory Authority - Lease Amendment - Alltel Communications, LLC - Brookland District.

This Board paper would authorize the County Manager to execute an amendment to the lease under which Alltel Communications, LLC d/b/a Verizon Wireless operates cellular communications equipment at RF&P Park at 3400 Mountain Road.

The 25-year lease ends on January 25, 2019, and rent was paid in a single lump-sum payment of \$67,000.00 in 1994. The amendment extends the lease with Alltel Communications, LLC d/b/a Verizon Wireless for up to four additional five-year renewal terms. The annual rent for the first year will be \$15,000.00, which will increase 3% annually thereafter.

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

RESOLUTION - Signatory Authority - Lease Amendment - American Towers LLC - Brookland District.

This Board paper would authorize the County Manager to execute an amendment to the lease under which American Towers LLC operates cellular communications equipment at RF&P Park at 3400 Mountain Road.

The 20-year lease ends February 14, 2019, and rent was paid in an advance installment of \$45,000.00 for the first five years and annual installments of \$9,826.04 thereafter. The amendment extends the lease with American Tower for up to four additional five-year renewal terms. The annual rent for the first renewal term will be \$21,600.00, which will increase 15% at the beginning of each renewal term.

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

RESOLUTION - Signatory Authority - Lease Amendment - American Towers LLC - Fairfield District.

This Board paper would authorize the County Manager to execute an amendment to the lease under which American Towers LLC operates cellular communications equipment at the multi-use facility at 10301 Woodman Road.

The 20-year lease ends April 22, 2019, and rent was paid in annual installments of \$25,550.70 during the most recent five-year period. The amendment extends the lease with American Tower for up to four additional five-year renewal terms. The annual rent for the first renewal term will be \$29,383.30, which will increase 15% at the beginning of each renewal term.

The Acting Fire Chief and Directors of General Services and Real Property recommend approval of this Board paper; the County Manager concurs.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Signatory Authority - Agreement with project:Homes - 120 N. Holly Avenue - Varina District.

This Board paper authorizes the County Manager to execute an agreement with project: Homes to provide up to \$72,000 for project: Homes to acquire, rehabilitate, and resell a single-family house located at 120 N. Holly Ave in the Highland Springs Revitalization Area. project: Homes is a non-profit corporation providing services and programs to residents in Central Virginia.

The house is vacant and in disrepair, and it has been on the market for more than six months. It is 0.2 mile from a home at 4 N. Ivy Avenue that project: Homes is currently

renovating, and it is near several homes recently constructed by the private sector. Project:Homes will purchase and renovate the house for sale.

The Housing Specialist recommends approval of this Board paper; the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Amend and Reordain Chapter 6 of the Code of the County of Henrico by Adding Article VI Titled "Repair or Removal of Derelict Buildings" Consisting of Section 6-135 Titled "Purpose," Section 6-136 Titled "Definitions," Section 6-137 Titled "Declaration of derelict property; notice," Section 6-138 Titled "Submission of plan by property owner; approval by building official," Section 6-139 Titled "Plan completion; permit fees," and Section 6-140 Titled "Remedies for noncompliance," To Provide for Repair or Removal of Derelict Buildings in the County.

This Board paper introduces for advertisement and a public hearing on February 26, 2019, an ordinance to add an article to Chapter 6 of the County Code to address derelict buildings in the County.

State law permits localities to enact an ordinance to declare that a building is derelict and to require the property owner to submit a plan to demolish or renovate the building.

Under the proposed ordinance, the building official would identify derelict buildings and notify owners to submit a renovation or demolition plan for approval. The owner's submission of a plan would qualify for expedited review of land use and building permit applications as well as a reduction in application fees. An owner could request the Building Official to declare a building derelict in order to qualify for the expedited reviews and fee reductions.

The Building Official and Director of Community Revitalization recommend approval of this Board paper; the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Amend and Reordain Code of the County of Henrico Section 20-79 Titled "Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units," Section 20-80 Titled "Partial exemption for rehabilitated, renovated or replacement multifamily residential units," Section 20-81 Titled "Partial exemption for rehabilitated, renovated or replacement commercial and industrial structures," and Section 20-82 Titled "Partial exemption for rehabilitated, renovated or replacement hotel and motel structures" and to Add to the Code Section 20-84 Titled "Partial exemption for demolition or renovation of derelict buildings" to Expand the County's Partial Real Estate Tax Exemption Program for Rehabilitated, Renovated, and Replacement Structures.

This Board paper introduces for advertisement and a public hearing on February 26, 2019, an ordinance to expand the County's partial real estate tax exemption program for rehabilitated, renovated, and replacement structures. Specifically, the ordinance would:

• Expand the residential program by (1) decreasing the maximum age of qualifying structures from 40 to 26 years, (2) increasing the maximum base

assessed value of qualifying structures from \$250,000 to \$300,000, and (3) increasing the length of the exemption period from seven to 10 years.

- <u>Make it easier to apply for the programs</u> by allowing applications to be submitted after work has begun.
- Expand the commercial and industrial programs by reducing the required value increase to qualify for tax exemption from 50% to 40% and allowing the renovated properties to be used in any way permitted by the zoning ordinance, including mixed use.
- <u>Incentivize demolition of exterior-corridor hotels</u> by relaxing the qualifications for such hotels and lengthening the exemption for replacement of those structures.
- Create a new exemption for the demolition or renovation of derelict buildings pursuant to the derelict building ordinance proposed in a separate Board paper.

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

CONCURRENT RESOLUTION - Providing for the Appointment of a Permanent Working Group to Review Salary Compression.

In connection with a salary compression review in 2018, this Board paper would appoint a permanent working group of both General Government and Education employees to: (1) discuss salary compression on a consistent basis, and (2) to conduct a comprehensive salary compression review (similar to the one just undertaken) a least every three years to identify possible salary compression.

The County Manager and Superintendent of Schools jointly recommend approval of the Concurrent Resolution to the Board of Supervisors and School Board.

RESOLUTION - To Initiate Consideration of Zoning Ordinance Amendments – Penalties.

This paper initiates the process of amending the zoning ordinance to allow penalties consistent with state law.

Currently, the zoning ordinance provides maximum and minimum penalties for violations. However, state law does not provide any minimum penalty and allows greater maximum penalties than are allowed by the zoning ordinance. In fact, the maximum penalties for first-time violations of the zoning ordinance in the County Code have not increased since at least 1942.

County staff believes enforcement efforts will be enhanced if courts have the full discretion allowed by state law in deciding what penalty to impose for violations of the zoning ordinance. Accordingly, this resolution directs staff to prepare draft amendments for the Planning Commission's consideration and recommendation after a public hearing.

The Director of Planning recommends approval of this resolution, and the County Manager concurs.

RESOLUTION - Signatory Authority - Acquisition of Real Property - 1300 New Market Road - Varina District.

This Board paper authorizes the County Manager to execute the purchase agreement and any other documents necessary to acquire 0.375 acres, more or less, at 1300 New Market Road as additional land for the future Midview Park. The sellers, Floyd Lois Walls, Jr., and Everett Hugh Ragland, have agreed to sell the property for \$39,100.

The Directors of Recreation and Parks and Real Property recommend approval of this Board paper; the County Manager concurs. (Deferred from the October 23, 2018, meeting.)