HENRICO COUNTY NOTICE OF SPECIAL MEETING BOARD OF SUPERVISORS

Please take notice that a special joint meeting of the Board of Supervisors and the Planning Commission will be held on **Tuesday, September 8, 2009** at **4:30 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 of Supervisors and the Planning Commission at this time is:

4:30 – 5:30 p.m. Proposed Zoning and Subdivision Ordinance Amendments

At the conclusion of the joint session, the Board of Supervisors will meet to review the following matter:

- 5:30 6:00 p.m. Proposed Ordinance Amendments Pertaining to Spot Blight Abatement
- 6:00 6:45 p.m. Dinner

Barry I faurence

Barry R. Lawrence, CMC Clerk, Henrico County Board of Supervisors September 3, 2009

COUNTY OF HENRICO, VIRGINIA Board of Supervisors' Agenda September 8, 2009 7:00 p.m.

PLEDGE OF ALLEGIANCE INVOCATION – Rev. Joseph T. Driver, Gospel Jail Ministries APPROVAL OF MINUTES – August 11, 2009 Regular and Special Meetings MANAGER'S COMMENTS BOARD OF SUPERVISORS' COMMENTS RECOGNITION OF NEWS MEDIA

PRESENTATIONS

Proclamation - Constitution Week - September 17 - 23, 2009.

Proclamation - Alcohol and Drug Addiction Recovery Month - September 2009.

Proclamation - Preparedness Month - September 2009.

APPOINTMENT

228-09 Resolution – Nomination of Members – Local Emergency Planning Committee.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT

- 3900 Bremner Blvd., LLC: Request to conditionally rezone from B-2 Business
 C-19C-09 District to B-3C Business District (Conditional), Parcels 772-750-8652 and 773Brookland 750-0152, containing 0.54 acre, located on the north line of Bremner Boulevard at its intersection with Compton Road. The applicant proposes a pest control company and associated storage facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration. The site is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors grant the request.
- Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 746-764-5580, containing approximately 4.54 acres, located on the west line of Sadler Road approximately 290 feet south of Wonder Lane. The applicant proposes a residential townhouse development not to exceed six (6) dwelling units per acre. The RTH District allows a maximum gross density of 9 units per acre. The proposed use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use 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.

Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcels 746-763-2482, 746-763-2896, 746-763-1769, and 746-764-3818, containing 10.79 acres, located on the east line of Glasgow Road, approximately 600 feet north of Ireland Lane. The applicant proposes a residential townhouse development not to exceed six (6) dwelling units per acre. The RTH District allows a maximum gross density of 9 units per acre. The proposed use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, density should range from 3.4 to 6.8 units per acre. The Planning Commission voted to recommend the Board of Supervisors grant the request.

- Hans Klinger for HHHunt Corporation: Request to conditionally rezone from R-C-21C-09
 C One-Family Residence District (Conditional) to C-1C Conservation District (Conditional), part of Parcel 734-781-9430, containing approximately 0.46 acre, located approximately 300 feet north of the northern terminus of Collinstone Drive and approximately 300 feet west of the western terminus of Amershire Court. The applicant proposes a conservation area. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors grant the request.
- United Restaurant Group, LP: Request for a Provisional Use Permit required under Proffer #28 accepted with C-29C-06 to extend hours of operation to 2:00 a.m. for an existing restaurant (T.G.I. Friday's) on part of Parcel 815-718-5710, an outparcel within the Shops at White Oak Village, located on the northeast line S. Laburnum Avenue at its intersection with Jan Road. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay District and the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors grant the request.
- 217-09 Wilton Development Corp: Request to amend proffered conditions accepted with C-11C-09 Rezoning Case C-12C-05, on Parcels 804-737-7961, 804-736-0481, and 804-737-Fairfield 1251, located at the northeast intersection of Mechanicsville Turnpike (U. S. Route 360) and Neale Street. The applicant proposes to amend proffers including those related to the conceptual plan, architectural treatment, building design, and height limitations. The existing zoning is R-5C General Residence District (Conditional) and B-2C Business District (Conditional). The Land Use Plan recommends Urban Residential, density should range from 3.4 to 6.8 units per acre, and Commercial Concentration. The site is in the Airport Safety Overlay The Planning Commission voted to recommend the Board of District. Supervisors grant the request. (Deferred from the August 11, 2009 Meeting).

PUBLIC HEARINGS - OTHER ITEMS

- 191-09 Resolution Signatory Authority Conveyance of Ingress and Egress Easement Fairfield District. (Deferred from the July 14, 2009 meeting).
- 234-09 Resolution Signatory Authority Conveyance of Real Estate Approximately 1.94 Acres – Three Chopt District.

PUBLIC COMMENTS

GENERAL AGENDA

235-09 Introduction of Resolution - Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan to (1) Reappropriate Funds for (a) Continuing Grant Programs and (b) Certain Unencumbered Balances from FY 2008-09, and (2) Appropriate Funds for Certain New Programs. 236-09 Resolution - Signatory Authority - Second Amendment to Contract for Architectural and Engineering Services – Fire Station #12. 237-09 Resolution - Signatory Authority - Third Amendment to Contract for Architectural and Engineering Services - Fire Station #3. 238-09 Resolution - Award of Construction Contract - Tuckahoe Park - Baseball Field 12. 239-09 Resolution - To Accept the Virginia Department of Motor Vehicles, Highway Safety Office Award to the County of Henrico, Division of Police, for Traffic Enforcement Activities and Equipment. 240-09 Resolution - Acceptance of Quitclaim Deed - Meredith Branch Pumping Station Project - John H. Treaster and Leslie W. Treaster - Brookland District. 241-09 Resolution - Signatory Authority - Engineering Design Services for Automatic Traffic Management System. County Project #2101.50701.28004.06398. VDOT Project #R000-043-V07, PE101, M501 and UPC 12945. 242-09 Resolution - To Permit Additional Fine of \$200 for Speeding on Dinwiddie Avenue between Patterson Avenue and Three Chopt Road. 243-09 Resolution - Acceptance of Road.



COUNTY OF HENRICO, VIRGINIA BOARD OF SUPERVISORS' RESUME September 8, 2009

INVOCATION - Rev. Joseph T. Driver, Gospel Jail Ministries

PRESENTATIONS

PROCLAMATION - Constitution Week - September 17 - 23, 2009.

September 17, 2009 marks the 222nd anniversary of the signing of the Constitution of the United States of America. The Congress of the United States, by joint resolution of February 29, 1952, established September 17 as Citizenship Day and by joint resolution of August 2, 1956 requested that the President proclaim the week beginning September 17 and ending September 23 each year as Constitution Week. This proclamation recognizes September 17, 2009 as Citizenship Week and September 17 – 23, 2009 as Constitution Week. It will be presented to the Spotswood Society Children of the American Revolution in acknowledgement of the 85^{th} anniversary of this venerable organization and the continued growth and encouragement of young patriots in the County of Henrico and Commonwealth of Virginia.

PROCLAMATION - Alcohol and Drug Addiction Recovery Month - September 2009.

Substance abuse, co-occurring mental disorders, and co-existing physical illnesses are major health problems that affect millions of Americans of all ages, races, and ethnic backgrounds. The Substance Abuse and Mental Health Services Administration within the United States Department of Health and Human Services, the White House Office of National Drug Control Policy, and the Henrico Area Mental Health and Retardation Services Board are encouraging local participation in National Alcohol and Drug Recovery Month during September 2009. This proclamation recognizes September 2009 as Alcohol and Drug Addiction Recovery Month and calls upon Henrico citizens to acknowledge this year's theme, "Join the Voices of Recovery: Together We Learn, Together We Heal."

PROCLAMATION – Preparedness Month – September 2009.

One of the most profound duties of government is ensuring the safety and security of its citizens from emergencies and disasters of all kinds. The United States Department of Homeland Security is joining with organizations across the country during the month of September 2009 to promote emergency preparedness in homes, schools, businesses, and communities. This proclamation recognizes September 2009 as Preparedness Month and calls the observance to the attention of all Henrico citizens.

APPOINTMENT

RESOLUTION – Nomination of Members – Local Emergency Planning Committee.

This Board paper nominates the following persons for appointment to the Local Emergency Planning Committee for terms expiring December 31, 2010 or thereafter, when their successors shall have been appointed and qualified:

Hospital Representative

Lewis E. Williams, III, Henrico Doctors' Hospital

Industry Representative

Bernard J. Logan, Verizon

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT

3900 Bremner Blvd., LLC: Request to conditionally rezone from B-2 Business District to B-3C Business District (Conditional), Parcels 772-750-8652 and 773-750-0152, containing 0.54 acre, located on the north line of Bremner Boulevard at its intersection with Compton Road. The applicant proposes a pest control company and associated storage facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration. The site is in the Enterprise Zone. Acting on a motion by Mr. Vanarsdall seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it continues a form of zoning consistent with the area and the proffered conditions will assure a level of development not otherwise possible.

Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 C-8C-05 Agricultural District RTHC Residential Townhouse District to (Conditional), Parcel 746-764-5580, containing approximately 4.54 acres, Three Chopt located on the west line of Sadler Road approximately 290 feet south of Wonder Lane. The applicant proposes a residential townhouse development not to exceed six (6) dwelling units per acre. The RTH District allows a maximum gross density of 9 units per acre. proposed use will be controlled by zoning ordinance regulations and The Land Use Plan recommends Suburban proffered conditions. Residential 2, density should not exceed 3.4 units per acre, and Urban Residential, density should range from 3.4 to 6.8 units per acre. 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 grant the request because it would permit development of the land for residential use in an appropriate manner, it conforms to the 2026 Comprehensive Plan's recommended future land use, and the proffered conditions would provide for a higher quality of development than would otherwise be possible.

Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 C-19C-06 Agricultural District to RTHC Residential Townhouse District Three Chopt (Conditional), Parcels 746-763-2482, 746-763-2896, 746-763-1769, and 746-764-3818, containing 10.79 acres, located on the east line of Glasgow Road, approximately 600 feet north of Ireland Lane. The applicant proposes a residential townhouse development not to exceed six (6) dwelling units per acre. The RTH District allows a maximum gross density of 9 units per acre. The proposed use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, density should range from 3.4 to 6.8 units Acting on a motion by Mr. Branin seconded by Mr. Mr. per acre. Vanarsdall, 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 is consistent with the 2026 Comprehensive Plan's recommended future land use, and the proffered conditions would provide for a higher quality of development than would otherwise be possible.

Hans Klinger for HHHunt Corporation: Request to conditionally rezone C-21C-09 from R-3C One-Family Residence District (Conditional) to C-1C Conservation District (Conditional), part of Parcel 734-781-9430, Three Chopt containing approximately 0.46 acre, located approximately 300 feet north of the northern terminus of Collinstone Drive and approximately 300 feet west of the western terminus of Amershire Court. The applicant proposes The use will be controlled by zoning ordinance a conservation area. regulations and proffered conditions. The Land Use Plan recommends Environmental Protection Area. 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 grant the request because it is reasonable and is consistent with the 2026 Comprehensive Plan's recommended future land use designation of EPA for the site.

United Restaurant Group, LP: Request for a Provisional Use Permit P-10-09 required under Proffer #28 accepted with C-29C-06 to extend hours of Varina operation to 2:00 a.m. for an existing restaurant (T.G.I. Friday's) on part of Parcel 815-718-5710, an outparcel within the Shops at White Oak Village, located on the northeast line S. Laburnum Avenue at its intersection with Jan Road. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay District and the Enterprise Zone. 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 grant the request because it is reasonable in light of the surrounding uses and existing zoning on the property and when properly regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare and values of the area.

Wilton Development Corp: Request to amend proffered conditions C-11C-09 accepted with Rezoning Case C-12C-05, on Parcels 804-737-7961, 804-Fairfield 736-0481, and 804-737-1251, located at the northeast intersection of Mechanicsville Turnpike (U. S. Route 360) and Neale Street. The applicant proposes to amend proffers including those related to the conceptual plan, architectural treatment, building design, and height limitations. The existing zoning is R-5C General Residence District (Conditional) and B-2C Business District (Conditional). The Land Use Plan recommends Urban Residential, density should range from 3.4 to 6.8 units per acre, and Commercial Concentration. The site is in the Airport Safety Overlay District. Acting on a motion by Mr. Archer seconded by Mr. Vanarsdall, the Planning Commission voted 4-0 (one absent, 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. (Deferred from the August 11, 2009 Meeting).

PUBLIC HEARINGS - OTHER ITEMS

RESOLUTION - Signatory Authority - Conveyance of Ingress and Egress Easement -Fairfield District.

The approval of this resolution will authorize the Chairman and Clerk of the Board of Supervisors to execute a Deed of Easement conveying to Virginia Landbank Company (the "Company") an ingress and egress easement so that it may construct, across a portion of County land, a driveway approximately 255 feet long to access Hartman Street. The Company's parcel is adjacent to the County parcel and is currently landlocked with no public road frontage. The County acquired its parcel of land which extends from Mechanicsville Turnpike to Hidden Creek Park in 2001 from Virginia Electric and Power Company ("VEPCO"). VEPCO maintains a 70 foot wide transmission line easement on the County parcel. VEPCO has granted the Company an encroachment agreement for the driveway. There are no County facilities in the easement area and the driveway will not interfere with any potential use of the property.

This resolution was deferred from the July 14, 2009 Board of Supervisors meeting. Staff will be asking the Board to withdraw this resolution from the agenda because the filing on a related matter before the Board of Zoning Appeal was withdrawn.

The Real Property Department has processed this request through the Department of Recreation and Parks without objection.

RESOLUTION – Signatory Authority – Conveyance of Real Estate – Approximately 1.94 Acres – Three Chopt District.

Approval of this paper will authorize the Chairman and Clerk to execute a Quitclaim Deed for the conveyance of a 60' wide strip of land containing approximately 1.94 acres to HLH INV, LLC, owner of the adjacent University Park Nursing Home on Pemberton Road. The previous owners of the nursing home conveyed a parcel of land to the County, at no cost, anticipating the extension of Fordson Road. The road project was never developed and the County parcel was never declared public right-of-way. This conveyance will allow for a more orderly expansion of the nursing home by not requiring a 30' setback from this parcel. An easement for existing County utility and drainage facilities will be reserved. The Directors of Public Works, Public Utilities and Real Property recommend approval of this action.

PUBLIC COMMENTS

GENERAL AGENDA

INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan to (1) Reappropriate Funds for (a) Continuing Grant Programs and (b) Certain Unencumbered Balances from FY 2008-09, and (2) Appropriate Funds for Certain New Programs.

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 by first publishing a notice of a public hearing. The notice shall state 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 required advertising for September 15, 2009. A separate paper will be submitted at the public hearing on Tuesday, September 22, 2009, for Board action in amending the Annual Fiscal Plan and appropriating funds for expenditure, as applicable. The amendments may be approved after the public hearing at that same meeting.

This list of requests is divided into three types of amendments: (1a) Reappropriation of FY 2008-09 unexpended funds for grant programs having an ending date after June 30, 2009; (1b) Reappropriation of FY 2008-09 funds not expended or encumbered as of June 30, 2009, but needed in FY 2009-10 for purposes approved and budgeted for in FY 2008-09; and (2) new amendment/appropriation requests for FY 2009-10.

RESOLUTION – Signatory Authority – Second Amendment to Contract for Architectural and Engineering Services – Fire Station #12.

This resolution authorizes the County Manager to execute a second amendment to the June 25, 2008 contract with Bignell Watkins Hasser, Inc. for architectural and engineering services for

Fire Station #12. The original contract sum was \$313,093. The first amendment, in the amount of \$83,000 covering services for LEED certification was approved January 27, 2009 for a total contract sum of \$396,093.

This second amendment provides additional architectural and engineering services for revising the Plan of Development drawings by adding a turning lane into the fire station and relocating the underground stormwater detention system. The negotiated value of these services is \$4,575, resulting in a new contract sum of \$400,668.

Funding to support this contract amendment is available within the project budget.

RESOLUTION - Signatory Authority - Third Amendment to Contract for Architectural and Engineering Services - Fire Station #3.

This resolution authorizes the County Manager to execute a third amendment to the February 13, 2008 contract with Teng & Associates, Inc. for architectural and engineering services for Fire Station #3. The original contract sum was \$303,000.

The Board previously approved the first amendment for LEED Silver design in the amount of \$90,510 and the second amendment for the analysis of off-site stormwater drainage in the amount of \$16,205.

This third amendment provides for additional architectural and engineering services to design off-site stormwater drainage improvements and drainage improvements along a 300 foot privacy wall to be erected between the station and private residences. The negotiated value of these services is \$19,530 which would result in a new contract sum of \$429,245.

Funding to support the third contract amendment is available within the project budget.

The Director of General Services and the Fire Chief recommend approval, and the County Manager concurs.

RESOLUTION - Award of Construction Contract - Tuckahoe Park - Baseball Field 12.

This resolution awards a contract to **J. Sanders Construction Co.** for the construction of Tuckahoe Park – Baseball Field 12. Baseball Field 12 will be an illuminated baseball field for use by children with disabilities within the existing Tuckahoe Park site. The field will be sized with a 150' baseline and have an infield and outfield entirely surfaced with a continuous rubberized safety surface. The contract includes site work, utility infrastructure, sports lighting system, parking lot/access drive, and landscaping. The field will incorporate a system of dugouts and viewing bleachers.

It is anticipated the project will be completed within 120 calendar days from the date of the notice to proceed.

Five bids were received on August 25, 2009 as follows:

Bidder	Bid
J. Sanders Construction Co.	\$672,000
Conquest, Moncure & Dunn, Inc.	\$693.410
Enviroscape, Inc.	\$697,200
Shoosmith Construction, Inc.	\$698,200
Curtis Contracting, Inc.	\$830,000

Funding to support the contract is available within the project budget.

The Directors of Recreation and Parks and General Services recommend approval of this Board Paper, and the County Manager concurs.

RESOLUTION - To Accept the Virginia Department of Motor Vehicles, Highway Safety Office Award to the County of Henrico, Division of Police, for Traffic Enforcement Activities and Equipment.

This resolution accepts the \$158,540 grant award from the Virginia Department of Motor Vehicles, Highway Safety Office to the Division of Police for additional traffic enforcement activities and related equipment. The grant requires a local cash match of \$11,016 and a local non-cash, in-kind match.

RESOLUTION - Acceptance of Quitclaim Deed - Meredith Branch Pumping Station Project - John H. Treaster and Leslie W. Treaster - Brookland District.

Approval of this resolution will authorize the County Manager to accept a quitclaim deed from John H. Treaster and Leslie W. Treaster as to their rights in 0.61 acres of common area in the Reids Pointe Subdivision. The land is required for the Meredith Branch Pumping Station Project.

John H. Treaster is employed by the Henrico County Department of Information Technology and has not participated, nor will be participate, in his official capacity in this transaction.

The Directors of Public Utilities and Real Property recommend approval of this paper, and the County Manager concurs.

RESOLUTION - Signatory Authority - Engineering Design Services for Automatic Traffic Management System. County Project #2101.50701.28004.06398. VDOT Project #R000-043-V07, PE101, M501 and UPC 12945.

On August 22, 2006, the Board of Supervisors approved a Virginia Department of Transportation ("VDOT") agreement for the estimated cost of preliminary engineering (including feasibility study) and construction for an Automatic Traffic Management System. In

March 2009, additional funds were allocated to this project to increase available resources for preliminary engineering from \$225,200 to \$331,000. The Department of Public Works has negotiated an agreement for preliminary engineering services for the lump sum fee of \$326,091. 100% of the project cost will be paid by VDOT from federal Congestion Mitigation and Air Quality (CMAQ) funds. VDOT has reviewed and approved the proposal.

This Board paper awards a contract for engineering services for development of the system to Kimley-Horn Associates, Inc. for the lump sum fee of \$326,091, and authorizes the County Manager to execute the agreement in a form approved by the County Attorney.

This project will be funded through Capital Projects Fund, Project #2101.50701.28004.06398.

The Directors of Public Works and General Services recommend approval of this Board paper, and the County Manager concurs.

RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Dinwiddie Avenue between Patterson Avenue and Three Chopt Road.

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 Dinwiddie Avenue between Patterson Avenue and Three Chopt Road in the County 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 76% of the residents.

The Board paper authorizes the County Manager to place appropriate signs on Dinwiddie Avenue between Patterson Avenue and Three Chopt Road 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) 0.19 miles of Estates at Grey Oaks, Section 1. Three Chopt District.

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