

**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, September 8, 2020, at 5:00 p.m.** at 3201 Watts Lane Henrico, VA 23223.

The matter to be reviewed by the Board at this time is:

5:00 - 6:00 p.m.

Grand Opening of the Henrico YMCA Aquatic Center

Tanya Brackett Harding

Tanya Brackett Harding, CMC
Clerk, Henrico County Board of Supervisors
September 3, 2020

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
September 8, 2020
7:00 p.m.

PLEDGE OF ALLEGIANCE
INVOCATION

APPROVAL OF MINUTES – August 11, 2020, Regular and Special Meetings; and
March 16 - 17, 2020, Special Meeting Minutes

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

PRESENTATIONS

Proclamation - Henrico Preparedness Month - September 2020.

Proclamation - Recovery Month - September 2020.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

- | | |
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| 212-20
PUP2020-
00015
Three Chopt | Mitchell Trak: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow outdoor dining on part of Parcel 747-757-0157 located at the southeast intersection of Church Road and Three Chopt Road. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |
| 213-20
REZ2020-
00018
Three Chopt | Pouncey Place LLC: Request to conditionally rezone from B-2C Business District (Conditional) to R-6C General Residence District (Conditional) Parcel 740-765-2150 containing 9.7501 acres located at the southeast intersection of Pouncey Tract Road and Twin Hickory Lake Drive. The applicant proposes a mixed-use community. The R-6 District allows a maximum gross density of 19.8 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |
| 214-20
PUP2020-
00008
Three Chopt | Pouncey Place LLC: Request for a Provisional Use Permit under Sections 24-36.1(b) 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a mixed-use community development on Parcel 740-765-2150 located at the southeast intersection of Pouncey Tract Road and Twin Hickory Lake Drive. The existing zoning is B-2C Business District (Conditional). R-6C zoning district is proposed for with REZ2020-00018. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |

- 215-20
PUP2020-
00014
Three Chopt
- Network Towers II: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a monopole communication tower up to 164' in height with an external array on part of Parcel 735-770-6609 located on the north line of Kain Road approximately 1000' west of its intersection with Porsche Drive. The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. The Planning Commission voted to recommend the Board of Supervisors **deny** the request. **(Deferral requested to the October 13, 2020, meeting.)**
- 216-20
REZ2020-
00024
Varina
- H&M Investment Corp: Request to conditionally rezone from R-4C One-Family Residence District (Conditional) to R-5C General Family Residence District (Conditional) Parcels 810-716-9590, -9796, 810-717-7634, -9803, -9808, -9815, -9822, 811-716-1588, -1695, 811-717-1808, -1901, -1914, -2020, -2045, -2126, -2133, and -2140 containing 11.12 acres located on the north line of Gay Avenue at its intersection with Chipox Avenue. The applicant proposes a multifamily development. 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 site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 217-20
REZ2020-
00022
Fairfield
- Green Clean Auto Wash, LLC: Request to conditionally rezone from B-3 Business District and B-3C Business District (Conditional) to B-3C Business District (Conditional) Parcel 784-756-5766 and part of Parcel 784-756-4368 containing 0.980 acres located at the northeast intersection of E. Parham Road (State Route 73) and Brook Road (U.S. Route 1). The applicant proposes a carwash. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Arterial and Urban Residential where density should range from 3.4 units to 6.8 units per acre. The site is located in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 218-20
REZ2020-
00026
Fairfield
- Amy Learn Tucker: Request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional) Parcel 788-754-9960 containing .554 acres located on the north line of Wilkinson Road at its intersection with Ridge Road. The applicant proposes a hospital or clinic for small animals. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEMS

- 219-20
- Resolution - Amendments to FY 2020-21 Annual Fiscal Plan - CARES Act and Capital Initiatives Funding for HCPS: September 2020.

- 220-20 Ordinance - To Amend and Reordain Section 2-50 of the Code of the County of Henrico Titled "Criminal history record check and fingerprinting" With Regard to Voluntary Disclosure of Criminal History To Comply with Changes in State Law.
- 221-20 Ordinance - To Continue Emergency Procedures for the Conduct of Public Business to Ensure the Continuity of County Government and Critical Local Services During the State of Emergency and Disaster Caused by the COVID-19 Pandemic.
- 222-20 Ordinance - To Amend and Reordain Section 19-2 Titled "Definitions," Section 19-89 Titled "Final plat required; construction plans," Section 19-90 Titled "Form and contents," Section 19-98 Titled "Family subdivision plat," Section 24-3 Titled "Definitions," and Section 24-106.3 Titled "Chesapeake Bay preservation," All to Amend the County's Chesapeake Bay Preservation Act Program.
- 223-20 Ordinance - To Amend and Reordain Section 10-32 Titled "Components of environmental compliance plan" and Section 10-33 Titled "Environmental site assessment component of environmental compliance plans," of the Code of the County of Henrico to Amend the County's Chesapeake Bay Preservation Act Program.

PUBLIC COMMENTS

GENERAL AGENDA

- 224-20 Introduction of Resolution - Receipt of Requests for Amendments to FY 2020-21 Annual Fiscal Plan to (1) Reappropriate Funds for Continuing Programs, and (2) Appropriate Funds for Certain New Programs.
- 225-20 Introduction of Resolution - Receipt of Request for Amendments to FY 2020-21 Annual Fiscal Plan - CARES Act Funding for General Government.
- 226-20 Resolution - Award of Construction Contract - Maintenance and Construction Services for Filter Basin #3 - Water Reclamation Facility - Varina District.
- 227-20 Resolution - To Permit Additional Fine of \$200 for Speeding on Pennsylvania Avenue between Brook Road and Telegraph Road - Fairfield District.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
September 8, 2020**

PRESENTATIONS

PROCLAMATION - Henrico Preparedness Month - September 2020.

The Federal Emergency Management Agency within the U.S. Department of Homeland Security has sponsored National Preparedness Month each September since 2004. National Preparedness Month encourages citizens and businesses to prepare for and respond to large-scale emergencies and disasters in their communities. This proclamation recognizes September 2020 as Preparedness Month in Henrico County and calls the observance to the attention of all Henrico citizens and businesses.

PROCLAMATION - Recovery Month - September 2020.

Recovery Month, which is nationally observed each year during the month of September, offers those involved in substance use treatment an opportunity to educate citizens, community organizations, public officials, and civic leaders about the effectiveness of substance use treatment from both societal and financial perspectives. This proclamation recognizes September 2020 as Recovery Month in Henrico County and calls upon Henrico residents to acknowledge this year's theme, "Join the Voices for Recovery: Celebrating Connection."

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

PUP2020-00015
Three Chopt Mitchell Trak: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow outdoor dining on part of Parcel 747-757-0157 located at the southeast intersection of Church Road and Three Chopt Road. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mrs. Thornton, seconded by Mr. Baka the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added services to the community and would not be expected to adversely affect public safety, health or general welfare.

REZ2020-00018
Three Chopt Pouncey Place LLC: Request to conditionally rezone from B-2C Business District (Conditional) to R-6C General Residence District (Conditional) Parcel 740-765-2150 containing 9.7501 acres located at the southeast intersection of Pouncey Tract Road and Twin Hickory Lake Drive. The applicant proposes a mixed-use community. The R-6 District allows a maximum gross density of 19.8 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the West Broad Street Overlay District. The site is in the Airport Safety

Overlay District. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey the Planning Commission voted 5-0 (one abstention) 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 and the proffered conditions would provide for a higher quality of development than would otherwise be possible and should minimize the potential impacts on surrounding land uses.

PUP2020-00008
Three Chopt

Pouncey Place LLC: Request for a Provisional Use Permit under Sections 24-36.1(b) 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a mixed-use community development on Parcel 740-765-2150 located at the southeast intersection of Pouncey Tract Road and Twin Hickory Lake Drive. The existing zoning is B-2C Business District (Conditional). R-6C zoning district is proposed for with REZ2020-00018. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the West Broad Street Overlay District. Acting on a motion by Mrs. Thornton, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because when properly developed and regulated by he recommended special conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

PUP2020-00014
Three Chopt

Network Towers II: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a monopole communication tower up to 164' in height with an external array on part of Parcel 735-770-6609 located on the north line of Kain Road approximately 1000' west of its intersection with Porsche Drive. The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors deny the request because the proposed tower would have a visual impact on the neighborhood and does not conform to the recommendation of the Comprehensive Plan nor the Plan's goals, objectives, and policies. **(Deferral requested to the October 13, 2020, meeting.)**

REZ2020-00024
Varina

H&M Investment Corp: Request to conditionally rezone from R-4C One-Family Residence District (Conditional) to R-5C General Family Residence District (Conditional) Parcels 810-716-9590, -9796, 810-717-7634, -9803, -9808, -9815, -9822, 811-716-1588, -1695, 811-717-1808, -1901, -1914, -2020, -2045, -2126, -2133, and -2140 containing 11.12 acres located on the north line of Gay Avenue at its intersection with Chipox Avenue. The applicant proposes a multifamily development. 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 site is in the Airport Safety Overlay District. Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton the Planning Commission voted 5-0 (one abstention) 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 and the proffered conditions will assure a level of development otherwise not possible.

REZ2020-00022
Fairfield

Green Clean Auto Wash, LLC: Request to conditionally rezone from B-3 Business District and B-3C Business District (Conditional) to B-3C Business District (Conditional) Parcel 784-756-5766 and part of Parcel 784-756-4368 containing 0.980 acres located at the northeast intersection of E. Parham Road (State Route 73) and Brook Road (U.S. Route 1). The applicant proposes a carwash. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Arterial and Urban Residential where density should range from 3.4 units to 6.8 units per acre. The site is located in the Enterprise Zone. Acting on a motion by Mr. Archer, seconded by Mr. Baka 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.

REZ2020-00026
Fairfield

Amy Learn Tucker: Request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional) Parcel 788-754-9960 containing .554 acres located on the north line of Wilkinson Road at its intersection with Ridge Road. The applicant proposes a hospital or clinic for small animals. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mr. Archer, seconded by Mrs. Thornton Planning the Planning Commission voted 5-0 (one abstention) 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 and it conforms with the objectives and intent of the County's Comprehensive Plan.

PUBLIC HEARINGS – OTHER ITEMS

RESOLUTION - Amendments to FY 2020-21 Annual Fiscal Plan - CARES Act and Capital Initiatives Funding for HCPS: September 2020.

This Board paper, if approved, amends the Annual Fiscal Plan and appropriates funds for expenditure from the federal CARES Act for Henrico County Public Schools.

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

ORDINANCE - To Amend and Reordain Section 2-50 of the Code of the County of Henrico Titled “Criminal history record check and fingerprinting” With Regard to Voluntary Disclosure of Criminal History To Comply with Changes in State Law.

This ordinance would amend the County's criminal history record check ordinance to eliminate the provision regarding voluntary disclosure of criminal history by an applicant. This amendment is required by legislation enacted by the 2020 General Assembly.

The Director of Human Resources recommends approval of the Board paper, and the County Manager concurs.

ORDINANCE - To Continue Emergency Procedures for the Conduct of Public Business to Ensure the Continuity of County Government and Critical Local Services During the State of Emergency and Disaster Caused by the COVID-19 Pandemic.

This Board paper would continue emergency procedures for the conduct of public business to ensure the continuity of County government and critical local services during the state of emergency and disaster caused by the COVID-19 pandemic. The Board previously adopted the ordinance on an emergency basis on March 24, 2020, and readopted the ordinance following a public hearing on May 12, 2020. The ordinance is set to expire on September 13, 2020.

Specifically, the ordinance would continue to:

1. Allow County boards, authorities, and commissions to dispense with or modify legal requirements governing the provision of notice and the holding of public meetings, to the extent necessary or practicable to address the state of emergency and disaster caused by the COVID-19 pandemic;
2. Allow public comments to be received at meetings in a variety of ways, including email, telephone, or web conference; and
3. Authorize the County Manager to take actions affecting a variety of County functions, such as access to public buildings and modifications to County programming, to address the state of emergency.

This ordinance would remain in effect until the earlier of its repeal or the end of the Declaration of Local Emergency by resolution of the Board of Supervisors.

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

ORDINANCE - To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-89 Titled “Final plat required; construction plans,” Section 19-90 Titled “Form and contents,” Section 19-98 Titled “Family subdivision plat,” Section 24-3 Titled “Definitions,” and Section 24-106.3 Titled “Chesapeake Bay preservation,” All to Amend the County’s Chesapeake Bay Preservation Act Program.

The proposed ordinance would amend various sections of the County’s subdivision and zoning ordinances to conform to the Chesapeake Bay Preservation Act and related state statutes and regulations. The ordinance applies to all parcels in the County and most particularly to parcels containing Chesapeake Bay Preservation Areas as defined in the Act. These are housekeeping amendments that have been reviewed by the Virginia Department of Environmental Quality which is responsible for implementation of the Act by Virginia localities.

After a public hearing on August 13, 2020, the Planning Commission recommended approval of the ordinance. The Director of Planning recommends approval of the Board paper, and the County Manager concurs.

ORDINANCE - To Amend and Reordain Section 10-32 Titled “Components of environmental compliance plan” and Section 10-33 Titled “Environmental site assessment component of environmental compliance plans,” of the Code of the County of Henrico to Amend the County’s Chesapeake Bay Preservation Act Program.

This Board paper would adopt amendments to three sections of Chapter 10 of the Henrico County Code. These are housekeeping amendments to amend the County’s Chesapeake Bay Preservation Act program in response to comments in the 2019 audit of the County’s program by the Virginia Department of Environmental Quality.

The Director of Public Works recommends approval of the Board paper, and the County Manager concurs.

PUBLIC COMMENTS

GENERAL AGENDA

INTRODUCTION OF RESOLUTION - Receipt of Requests for Amendments to FY 2020-21 Annual Fiscal Plan to (1) Reappropriate Funds for Continuing Programs, and (2) Appropriate Funds for Certain New Programs.

This Board paper introduces a resolution to amend the annual fiscal plan for fiscal year 2020-21. The requested amendments are shown in a list dated September 1, 2020, provided by the County Manager to the Board of Supervisors.

Pursuant to Virginia Code Section 15.2-2507, the County may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing notice of a meeting and public hearing once in a newspaper having general circulation in the County at least seven days prior to the meeting date. The notice states the intent of the Board of Supervisors to amend the budget and includes a brief synopsis of the proposed budget amendments.

The budget amendments that are the subject of this paper are greater than one percent of the total expenditures shown in the currently adopted budget. Therefore, to comply with the notice requirement, this paper directs the Clerk of the Board to advertise, in the Richmond Times-Dispatch on September 15, 2020, a synopsis of the proposed amendments and a public hearing to be held on September 22, 2020. A separate paper will be submitted to the Board to amend the Annual Fiscal Plan and appropriate funds for expenditure, as applicable, after the September 22, 2020, public hearing.

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

INTRODUCTION OF RESOLUTION - Receipt of Request for Amendments to FY 2020-21 Annual Fiscal Plan - CARES Act Funding for General Government.

This Board paper introduces a resolution to amend the Annual Fiscal Plan for fiscal year 2020-21 to add funding from the federal CARES Act to address impacts related to the COVID-19 health emergency. The requested amendments were provided in a list by the County Manager to the Board of Supervisors.

Pursuant to Virginia Code Section 15.2-2507, the County may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year. However, any such amendment that exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing notice of a meeting and public hearing once in a newspaper having general circulation in the County at least seven days prior to the meeting date. The notice states the intent of the Board of Supervisors to amend the budget and includes a brief synopsis of the proposed budget amendments.

The budget amendments that are the subject of this paper are greater than one percent of the total expenditures shown in the currently adopted budget. Therefore, to comply with the notice requirement, this paper directs the Clerk of the Board to advertise, in the Richmond Times-Dispatch on September 15, 2020, a synopsis of the proposed amendments and a public hearing to be held on September 22, 2020. A separate paper will be submitted to the Board to amend the Annual Fiscal Plan and appropriate funds for expenditure, as applicable, after the September 22, 2020, public hearing.

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

RESOLUTION - Award of Construction Contract - Maintenance and Construction Services for Filter Basin #3 - Water Reclamation Facility - Varina District.

This Board paper awards a contract to WGK Construction, LLC Inc. for \$363,000 for maintenance and construction services to repair a filter basin at the Water Reclamation Facility.

The filter basin is part of the effluent filtration system which removes particulate matter from the effluent prior to disinfection, de-chlorination, and discharge into the James River. These filters have been in service since 1997 and need repair work to restore effluent filtration capacity to original levels. The work will begin in October 2020 and will be completed by March 2021. Funding will be provided by the Water and Sewer Revenue Fund.

Three bids were received on July 31, 2020, in response to ITB #20-2016-6EAR. The bidders and bid amounts are as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
WGK Construction, LLC Chantilly, VA	\$363,000
Lisbon Buildings and Infrastructure, Inc. Red Oak, NC	\$369,000

EMH Environmental, Inc.
Glenwood, MD

\$389,123

Based upon a review of the bids, WGK Construction, LLC is the lowest responsive and responsible bidder.

The Board paper awards the contract to WGK Construction, LLC and grants signatory authority to the County Manager to execute the contract in a form approved by the County Attorney. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

The Director of Public Utilities and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

RESOLUTION - To Permit Additional Fine of \$200 for Speeding on Pennsylvania Avenue between Brook Road and Telegraph Road - Fairfield District.

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 residential 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 Pennsylvania Avenue between Brook Road and Telegraph Road 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 78.3% of the residents.

This Board paper authorizes the County Manager to place appropriate signs on Pennsylvania Avenue between Brook Road and Telegraph Road warning of an additional fine of \$200 for speeding.

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