

**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, May 9, 2023, at 5:30 p.m.** in the County Manager's Conference Room, Administration Building, 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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| 5:30 - 5:45 p.m. | Update on Regency and Virginia Center Commons |
| 5:45 - 6:00 p.m. | North Gayton Road Interchange Update |
| 6:00 - 6:15 p.m. | Closed Meeting for Consultation with Legal Counsel pertaining to specific legal matters requiring provision of legal advice concerning the use of County facilities, pursuant to Section 2.2-3711(A)(7)-(8) of the Code of Virginia. |
| 6:15 - 6:30 p.m. | Review of the Regular Meeting Agenda |

Tanya N. Brackett

Tanya N. Brackett, CMC
Clerk, Henrico County Board of Supervisors
May 4, 2023

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
May 9, 2023
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES – April 25, 2023, Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATIONS

Proclamation - Law Enforcement Officers Week - May 14 - 20, 2023.

Proclamation - Drug Court Month - May 2023.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

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| 135-23
PUP2022-
00017
Varina | DG Virginia CS, LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a solar array on Parcel 857-689-8404 located on the south line of Charles City Road approximately 650' east of the intersection of Elko Road (State Route 156). The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Prime Agriculture and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors <u>deny</u> the request. (Deferral Requested to the June 13, 2023, meeting.) |
| 136-23
REZ2023-
00002
Fairfield | Canterbury Development Group, LLC: Request to conditionally rezone from R-4 One-Family Residence District and M-1 Light Industrial District to RTHC Residential Townhouse District (Conditional) parcel 797-737-0449 containing 5.696 acres located on the east line of Walnut Avenue at its intersection with Ratcliffe Avenue. The applicant proposes a townhome development. The RTH District allows a maximum density of 12 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Light Industry. Part of the site is in the Airport Safety Overlay District and the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |
| 137-23
PUP2023-
00004
Fairfield | American Tower Corporation: Request for a Provisional Use Permit under Sections 24-4205 and 24-4314.F of Chapter 24 of the County Code to amend the existing Provisional Use Permit, P-17-06, on Parcel 802-736-8028 located at the north intersection of Mechanicsville Turnpike (U.S. Route 360) and E. Laburnum Avenue. The applicant proposes removing Condition 10 regarding the use of low-profile or flush-mounted antennas on the telecommunications tower. The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the |

Enterprise Zone and Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

138-23
REZ2023-
00008
Brookland
Sledd Properties, LLC: Request to amend proffers accepted with C-35C-91 on Parcel 753-759-5245 located approximately 400' from the northwest intersection of W. Broad Street and Stillman Parkway. The applicant proposes to amend proffers regarding use restrictions to allow health clubs and video arcades. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

139-23
REZ2023-
00006
Three Chopt
Bacova Development Company, LLC: Request to amend proffers accepted with C-19C-12 on Parcel 738-767-8602 located at the southwest intersection of Manor Crossing Court and Manor Crossing Place. The applicant proposes to amend Proffer 3 to increase the maximum density from 95 to 96 residential dwelling units. The existing zoning is R-5AC General Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Mixed-Use, overall gross residential density should not exceed 4 units per acre. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

140-23
REZ2023-
00007
Three Chopt
Edward Rose Development Company, LLC: Request to conditionally rezone from R-6C General Residence District (Conditional) to C-1C Conservation District (Conditional) parts of Parcels 734-765-0271, 734-765-1094, and 734-765-1326 containing 2.0 acres located approximately 295' northwest of the terminus of Old Three Chopt Road extending approximately 1,400' north along the floodplain to Interstate 64. The applicant proposes a conservation district. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Environmental Protection Area and Urban-Mixed Use. This site is located in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

141-23
REZ2023-
00009
Three Chopt
Union Tower LLC/ Philip Nickles: Request to amend proffers accepted with C-74C-87 on Parcel 747-757-3086 located at the northeast intersection of Three Chopt Road and Cox Road. The applicant proposes to amend proffers to allow a drive-thru restaurant. 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 **grant** the request.

PUBLIC HEARINGS - OTHER ITEM

142-23
Resolution - Change in Street Name - Capital One Way - Innsbrook North Subdivision - Brookland District.

PUBLIC COMMENTS

GENERAL AGENDA

- 143-23 Ordinance - To Authorize the Formation of the Tourism Improvement District and Adopt the Tourism Improvement District Plan.
- 144-23 Resolution - Award of Contract - Air Handling Unit Replacement at Henrico County Jail East (Building #3).
- 145-23 Introduction of Ordinance - To Establish the Henrico County Home Purchase Assistance Program to Assist Employees with the Purchase of Homes in the County.
- 146-23 Resolution - SIA2022-00002 - DG Virginia CS, LLC - Not Substantially in Accord with 2026 Comprehensive Plan - Varina District.
- 147-23 Resolution - Award of Contract - Advanced Traffic Management System (ATMS) Phase II - Countywide.
- 148-23 Resolution - Adoption of a Program for Public Information Plan as Part of the County's Participation in FEMA's Community Rating System.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
May 9, 2023**

PRESENTATIONS

Proclamation - Law Enforcement Officers Week - May 14 - 20, 2023.

This proclamation recognizes May 14 - 20, 2023, as Law Enforcement Officers Week and Wednesday, May 17, 2023, as Law Enforcement Memorial Day in Henrico County; encourages Henrico citizens to take note of these special dates; and salutes the County's law enforcement officers for their steadfast commitment to the County's public safety efforts and for contributing significantly to the quality of life of this community.

Proclamation - Drug Court Month - May 2023.

This proclamation recognizes May 2023 as Drug Court Month and salutes the men and women who have contributed to the success of the Henrico County Drug Court. The proclamation calls attention to the theme of this year's observance: *Justice for All*.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

PUP2022-00017
Varina
DG Virginia CS, LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a solar array on Parcel 857-689-8404 located on the south line of Charles City Road approximately 650' east of the intersection of Elko Road (State Route 156). The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Prime Agriculture and Environmental Protection Area. 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 **deny** the request because it does not conform to the recommendation of the Comprehensive Plan nor the Plan's goals, objectives, and policies and it could have a precedent setting impact on existing land uses in the area. **(Deferral Requested to the June 13, 2023, meeting.)**

REZ2023-00002
Fairfield
Canterbury Development Group, LLC: Request to conditionally rezone from R-4 One-Family Residence District and M-1 Light Industrial District to RTHC Residential Townhouse District (Conditional) parcel 797-737-0449 containing 5.696 acres located on the east line of Walnut Avenue at its intersection with Ratcliffe Avenue. The applicant proposes a townhome development. The RTH District allows a maximum density of 12 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Light Industry. Part of the site is in the Airport Safety Overlay District and the Enterprise Zone. Acting on a motion by Mr. Archer, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to

recommend the Board of Supervisors **grant** the request because it is reasonable and the proffered conditions will assure a level of development otherwise not possible.

PUP2023-00004
Fairfield

American Tower Corporation: Request for a Provisional Use Permit under Sections 24-4205 and 24-4314.F of Chapter 24 of the County Code to amend the existing Provisional Use Permit, P-17-06, on Parcel 802-736-8028 located at the north intersection of Mechanicsville Turnpike (U.S. Route 360) and E. Laburnum Avenue. The applicant proposes removing Condition 10 regarding the use of low-profile or flush-mounted antennas on the telecommunications tower. The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the Enterprise Zone and Airport Safety Overlay District. 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 would provide added services to the community and it would not be expected to adversely affect public safety, health, or general welfare.

REZ2023-00008
Brookland

Sledd Properties, LLC: Request to amend proffers accepted with C-35C-91 on Parcel 753-759-5245 located approximately 400' from the northwest intersection of W. Broad Street and Stillman Parkway. The applicant proposes to amend proffers regarding use restrictions to allow health clubs and video arcades. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. Acting on a motion by Mr. Witte, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the change in business use is consistent with the Comprehensive Plan recommendations and it is not expected to adversely impact surrounding land uses in the area.

REZ2023-00006
Three Chopt

Bacova Development Company, LLC: Request to amend proffers accepted with C-19C-12 on Parcel 738-767-8602 located at the southwest intersection of Manor Crossing Court and Manor Crossing Place. The applicant proposes to amend Proffer 3 to increase the maximum density from 95 to 96 residential dwelling units. The existing zoning is R-5AC General Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Mixed-Use, overall gross residential density should not exceed 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 **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers and it is not expected to adversely impact surrounding land uses in the area.

REZ2023-00007
Three Chopt

Edward Rose Development Company, LLC: Request to conditionally rezone from R-6C General Residence District (Conditional) to C-1C Conservation District (Conditional) parts of Parcels 734-765-0271, 734-765-1094, and 734-765-1326 containing 2.0 acres located approximately 295' northwest of the terminus of Old Three Chopt Road extending approximately 1,400' north along the floodplain to Interstate 64. The applicant proposes a conservation district. The uses will be controlled by zoning ordinance

regulations and proffered conditions. The 2026 Comprehensive Plan recommends Environmental Protection Area and Urban-Mixed Use. This site is located in the West Broad Street Overlay District. 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 is reasonable and conforms to the recommendations of the Land Use Plan.

REZ2023-00009
Three Chopt
Union Tower LLC/ Philip Nickles: Request to amend proffers accepted with C-74C-87 on Parcel 747-757-3086 located at the northeast intersection of Three Chopt Road and Cox Road. The applicant proposes to amend proffers to allow a drive-thru restaurant. 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 the business use is compatible with the surrounding development.

PUBLIC HEARINGS - OTHER ITEM

RESOLUTION - Change in Street Name - Capital One Way - Innsbrook North Subdivision - Brookland District.

This Board paper would rename Capital One Way between Nuckols Road and its terminus as Energy Way.

The request has been reviewed by Planning, Police, Fire, and Public Works without objection.

The proposed street name change has been advertised in the *Richmond Times-Dispatch*.

The Director of Planning, Chief of Police, Chief of Fire, and the Director of Public Works recommend approval of this Board paper, and the County Manager concurs.

PUBLIC COMMENTS

GENERAL AGENDA

ORDINANCE - To Authorize the Formation of the Tourism Improvement District and Adopt the Tourism Improvement District Plan.

This Board paper would establish the Tourism Improvement District to benefit lodging businesses with 41 or more rooms in the County. Such businesses would collect a two percent business fee on room rentals on the same basis as hotel taxes. Richmond Region Tourism would administer the District on behalf of the County and use the funds for sales, marketing, promotions, and special event programs to market the businesses as tourist, meeting, and event destinations. A weighted majority of such businesses in the County have petitioned for the formation of the District. Following the public hearing on March 28, the Clerk has not received any objections to the formation of the District.

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

RESOLUTION - Award of Contract - Air Handling Unit Replacement at Henrico County Jail East (Building #3).

This Board paper awards a fixed price contract for \$626,186 to Comfort Systems of Virginia, Inc. for the replacement of five existing air handling units and installation of new units including piping changes, electrical work, and controls at Henrico County Jail East (Building #3).

Work on the project is anticipated to begin in late 2023 and be completed within 45 days after receipt of the air handling units.

The County received three bids on April 11, 2023, in response to ITB 23-2507-3EAR and Addendum No. 1. The bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Comfort Systems of Virginia, Inc. Chesapeake, VA	\$626,186
Waco, Inc. Sandston, VA	\$814,780
Old Dominion Mechanical, LLC Richmond, VA	\$833,385

Based upon a review of the bids, Comfort Systems of Virginia, Inc. is the lowest responsive and responsible bidder.

Funding to support the contract is available within the project budget. The Director of General Services and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Establish the Henrico County Home Purchase Assistance Program to Assist Employees with the Purchase of Homes in the County.

This Board paper introduces for advertisement and a public hearing on June 13, 2023, a proposed ordinance to establish the Henrico County Home Purchase Assistance Program.

The Program would assist eligible employees of the County, the School Board, and County constitutional officers with the purchase of their primary residences in the County. The ordinance would authorize funding up to \$25,000 per employee, individually or cumulatively, subject to Virginia Housing and Development Authority regional sales price and household income limitations. The ordinance also authorizes the Director of Community Revitalization to administer the Program.

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

RESOLUTION - SIA2022-00002 - DG Virginia CS, LLC - Not Substantially in Accord with 2026 Comprehensive Plan - Varina District.

At the request of DG Virginia CS, LLC, the Planning Department, in coordination with other County divisions and departments, conducted this Substantially In Accord (SIA) Study to determine whether a proposed site for a solar electric generation facility is substantially in accord with the County’s adopted Comprehensive Plan (the “Plan”). The site consists of one approximately 98.34-acre parcel located on the south line of Charles City Road east of its intersection with Elko Road.

The Planning staff’s March 22, 2023, report concluded the proposed use for this site would not be substantially in accord with the Plan.

At its meeting on April 13, 2023, the Planning Commission found the proposed use for the site not substantially in accord with the Plan.

Further details regarding the proposed site are contained in the staff report prepared for the Planning Commission.

The Director of Planning concurs with the finding of the Planning Commission that the proposed DG Virginia CS, LLC site is not substantially in accord with the Plan and recommends adoption of the Board paper, and the County Manager concurs.

RESOLUTION - Award of Contract - Advanced Traffic Management System (ATMS) Phase II - Countywide.

This Board paper awards a contract for \$7,642,679.15 to B & B Signal Co., LLC for construction of the Advanced Traffic Management System (ATMS) Phase II project. The project consists of upgrading signal equipment with associated controller cabinets, foundation work, uninterruptible power supply, and miscellaneous electrical work at multiple locations throughout the County.

Work on this project is anticipated to begin in June 2023 and is scheduled to be completed within 540 calendar days.

The County received two bids on March 2, 2023, in response to ITB No. 22-2456-11JL and Addendum No. 1. The bidders and bid amounts were as follows:

Bidders	Bid Amounts
B & B Signal Co., LLC (Manassas, VA)	\$7,642,679.15
Dorey Electric Company (Norfolk, VA)	\$16,248,090.00

Based upon a review of the bids, B & B Signal Co., LLC is the lowest responsive and responsible bidder.

The final contract amount will be determined upon completion of the project by multiplying the actual unit quantities authorized by the County by the unit prices submitted in the contractor's bid.

The County Manager is authorized 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.

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

RESOLUTION - Adoption of a Program for Public Information Plan as Part of the County's Participation in FEMA's Community Rating System.

This Board paper would approve the Henrico County Program for Public Information Plan for participation in the Community Rating System Program.

The Community Rating System Program is a voluntary rating program administered by the Federal Emergency Management Agency. The purpose of the Program is to recognize and encourage community floodplain management activities that exceed the minimum National Flood Insurance Program standards. Depending on the rating applied to the community, the Program provides a discount on flood insurance premiums to residents. The Program provides credit for public information and outreach activities, with additional credit available if a community establishes a Program for Public Information ("PPI") to establish an ongoing effort to prepare and implement outreach activities. The Program requires localities to adopt a PPI plan to be eligible for activity credits. The Department of Public Works has prepared the Henrico County Program for Public Information Plan to be submitted with the County's application to join the Program.

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