

**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, June 13, 2023, at 5:45 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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| 5:45 - 6:00 p.m. | Academy at Virginia Randolph Partial Replacement and Renovation Project Update |
| 6:00 - 6:15 p.m. | Greater Richmond Employer Housing Forum |
| 6:15 - 6:45 p.m. | Closed Meeting Discussion of the Acquisition of Real Property for public purpose, including the value of the property, the envisioned use of the property, and the acquisition process, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia. |

Tanya N. Brackett

Tanya N. Brackett, CMC
Clerk, Henrico County Board of Supervisors
June 8, 2023

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
June 13, 2023
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES – May 23, 2023, Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATION

Proclamation - State Pollinator Week - June 19 - 25, 2023.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

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| 115-22
REZ2022-
00002
Three Chopt | Markel Eagle Advisors, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcels 733-778-7649 and 734-777-3893 containing 46.599 acres located at the southwest intersection of Pouncey Tract Road (State Route 271) and Wyndham West Drive. The applicant proposes a single-family residential development. The R-5A District allows a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Rural Residential, density should not exceed 1 unit per acre. The Planning Commission voted to recommend the Board of Supervisors grant the request. (Deferred from the April 11, 2023, meeting; Deferral Requested to July 11, 2023, meeting.) |
| 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 deny the request. (Deferred from the May 9, 2023, meeting; Deferral Requested to the July 11, 2023, meeting.) |
| 160-23
REZ2023-
00010
Varina | J. Gregory Forrest: Request to conditionally rezone from A-1 Agricultural District to R-2AC One-Family Residence District (Conditional) Parcel 830-725-6531 containing 11.445 acres located approximately 915' southwest of the intersection of N. Washington Street and N. Airport Drive. The applicant proposes a single-family residential development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1. This site is located in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors grant the request. |

- 161-23 REZ2023-00014 Brookland Luis Cabral, DRC Properties, LLC: Request to conditionally rezone from B-3C Business District (Conditional) and R-3 One-Family Residence District to B-2C Business District (Conditional) Parcels 769-755-3179, 769-755-6091, 769-756-5615 and 769-756-5705 containing 4.034 acres located at the southwest corner of Staples Mill Road and Lucas Road. The applicant proposes a restaurant with a drive-through and office space. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 162-23 REZ2023-00012 Varina Mankin Properties LLC: Request to rezone from RTHC Residential Townhouse District (Conditional) to C-1 Conservation District parts of Parcels 817-722-6706, 816-721-9466, 817-721-5601, and 817-721-0929 containing 21.75 acres located on the north and south line of Oakley's Lane, approximately 700' west of its intersection with S. Holly Avenue. The applicant proposes a conservation district. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Planned Industry and Environmental Protection Area. The site is located in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS - OTHER ITEMS

- 163-23 Resolution - Amendments to FY 2022-23 Annual Fiscal Plan - June 2023.
- 164-23 Ordinance - To Establish the Henrico County Home Purchase Assistance Program to Assist Employees with the Purchase of Homes in the County.
- 165-23 Resolution - Declaration of Surplus Property - Signatory Authority Conveyance of Well Lot - 3212 Opal Avenue - Brookland District.
- 166-23 Resolution - Declaration of Surplus Property - Signatory Authority - 3021 Gregory Avenue - Brookland District.
- 167-23 Ordinance - Vacation of Easements, Building Lines, and Lot Lines on Subdivision Plats - Westbourne Subdivision - Libbie Mill - Brookland District.

PUBLIC COMMENTS

GENERAL AGENDA

- 168-23 Resolution - Amendments to FY 2022-23 Annual Fiscal Plan - Virginia Randolph Funding - June 2023.
- 146-23 Resolution - SIA2022-00002 - DG Virginia CS, LLC - Not Substantially in Accord with 2026 Comprehensive Plan - Varina District. **(Deferred from the May 9, 2023, meeting; Deferral requested to the July 11, 2023, meeting.)**

- 169-23 Resolution - Signatory Authority - Acceptance of Donation of Real Property to Benefit the Henrico Sports & Events Center - Fairfield District.
- 170-23 Resolution - Signatory Authority - Construction Change Order - James River Outfall Sewer - Cleaning Services Phase 2 - Tuckahoe District.
- 171-23 Resolution - Acceptance of Roads - Chase Grove Lane - Brookland District.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
June 13, 2023**

PRESENTATION

Proclamation - State Pollinator Week - June 19 - 25, 2023.

This proclamation recognizes June 19 - 25, 2023, as State Pollinator Week and encourages all County residents to participate in County government celebration activities.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

REZ2022-00002
Three Chopt
Markel | Eagle Advisors, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcels 733-778-7649 and 734-777-3893 containing 46.599 acres located at the southwest intersection of Pouncey Tract Road (State Route 271) and Wyndham West Drive. The applicant proposes a single-family residential development. The R-5A District allows a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Rural Residential, density should not exceed 1 unit 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 it would permit development of the land for residential use in an appropriate manner and the proffered conditions will provide appropriate quality assurances not otherwise available. **(Deferred from the January 24, 2023, meeting; Deferral Requested to the July 11, 2023, meeting.)**

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. **(Deferred from the May 9, 2023, meeting; Deferral Requested to the July 11, 2023, meeting.)**

REZ2023-00010
Varina

J. Gregory Forrest: Request to conditionally rezone from A-1 Agricultural District to R-2AC One-Family Residence District (Conditional) Parcel 830-725-6531 containing 11.445 acres located approximately 915' southwest of the intersection of N. Washington Street and N. Airport Drive. The applicant proposes a single-family residential development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1. This site is located in the Airport Safety Overlay District. Acting on a motion by Mr. Mackey, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it represents a logical continuation of the one-family residential development which exists in the area and the proffered conditions will provide appropriate development assurances not otherwise available.

REZ2023-00014
Brookland

Luis Cabral, DRC Properties, LLC: Request to conditionally rezone from B-3C Business District (Conditional) and R-3 One-Family Residence District to B-2C Business District (Conditional) Parcels 769-755-3179, 769-755-6091, 769-756-5615 and 769-756-5705 containing 4.034 acres located at the southwest corner of Staples Mill Road and Lucas Road. The applicant proposes a restaurant with a drive-through and office space. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. 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 it is reasonable, and the proffered conditions will provide appropriate quality assurances not otherwise available.

REZ2023-00012
Varina

Mankin Properties LLC: Request to rezone from RTHC Residential Townhouse District (Conditional) to C-1 Conservation District parts of Parcels 817-721-5981, 816-721-9466, 817-721-5601, and 817-721-0929 containing 21.75 acres located on the north and south line of Oakley's Lane, approximately 700' west of its intersection with S. Holly Avenue. The applicant proposes a conservation district. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Planned Industry and Environmental Protection Area. The site is located in the Airport Safety Overlay District. Acting on a motion by Mr. Mackey, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the recommendations of the 2026 Comprehensive Plan.

PUBLIC HEARINGS - OTHER ITEMS

RESOLUTION - Amendments to FY 2022-23 Annual Fiscal Plan - June 2023.

The Board approved a resolution on May 23, 2023, that received requests to appropriate funds for certain programs, directed their advertisement, and set the date for a public hearing. This paper, if approved after the public hearing, would amend the Annual Fiscal Plan and appropriate funds for expenditure for the indicated purposes.

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

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

This Board paper would 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 - Declaration of Surplus Property - Signatory Authority - Conveyance of Well Lot - 3212 Opal Avenue - Brookland District.

This Board paper authorizes the Chairman and the County Manager to execute documents necessary to convey a well lot known as 3212 Opal Avenue, to 3208 Opal Ave LLC, who owns the adjoining property. The County proposes to convey the well lot for \$1,500, which was the Well Lot's assessed value when 3208 Opal Ave LLC first asked to purchase the property.

The Real Property Division has processed the request through the Departments of Planning, Public Works, and Public Utilities without objection. The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

RESOLUTION - Declaration of Surplus Property - Signatory Authority - 3021 Gregory Avenue - Brookland District.

This Board paper authorizes the sale of property containing approximately 0.92 acres of undeveloped, agriculturally zoned land. The property borders five developed residential parcels but does not have public road frontage. The minimum sales price is the parcel's 2023 assessed value (\$16,600), and any contract for sale must be executed before December 31, 2023.

The Real Property Division has processed the request through the Departments of Planning, Public Works, and Public Utilities without objection. The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

ORDINANCE - Vacation of Easements, Building Lines, and Lot Lines on Subdivision Plats - Westbourne Subdivision - Libbie Mill - Brookland District.

This ordinance vacates drainage and utilities easements, building lines, and lot lines in the Westbourne subdivision as part of the expansion of the Libbie Mill urban mixed-use development. The owner of the parcels has requested the vacations for development of the

property. The Board previously vacated the adjacent rights-of-way known as Lehigh Circle and portions of Spencer Road and Argus Lane by Ordinance No. 324-22.

The Real Property Division has processed the requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection. The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Amendments to FY 2022-23 Annual Fiscal Plan - Virginia Randolph Funding - June 2023.

This Board paper, if approved, amends the Annual Fiscal Plan and appropriates federal Elementary and Secondary School Emergency Relief (ESSER) II, ESSER III, General Fund, and Meals Tax reserves for the renovation and partial replacement of the Academy at Virginia Randolph.

The Director of Finance recommends approval of the 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. The Board of Supervisors deferred this item at their May 9, 2023, meeting. **(Deferral requested to the July 11, 2023, meeting.)**

RESOLUTION - Signatory Authority - Acceptance of Donation of Real Property to Benefit the Henrico Sports & Events Center - Fairfield District.

This Board paper authorizes the County to accept a donation of an approximately 1.4-acre property that is part of Virginia Center Commons. The property is adjacent to the Henrico Sports & Events Center and would be used as parking for, or to otherwise benefit, the Henrico Sports & Events Center.

The Director of Real Property recommends approval of this Board paper; the County Manager concurs.

RESOLUTION - Signatory Authority - Construction Change Order - James River Outfall Sewer - Cleaning Services Phase 2 - Tuckahoe District.

On September 27, 2022, the Board of Supervisors awarded a construction contract to Mobile Dredging & Video Pipe, Inc. for the removal and cleaning of accumulated debris in a portion (approximately 7,550 LF) of the 42-inch James River Outfall Sewer.

This Board paper authorizes the County Manager to execute a \$116,323.25 change order for work to remove additional debris beyond the amount estimated in the contract.

Funding will be provided by the Water and Sewer Revenue Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.

RESOLUTION - Acceptance of Roads - Chase Grove Lane - Brookland District.

This Board paper would accept the following named and described section of road into the County road system for maintenance:

0.18 miles of Chase Grove Lane – Brookland District

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