

**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, November 14, 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:

5:45 - 6:00 p.m.	Update on the Read Center
6:00 - 6:15 p.m.	St. Joseph's Villa Update
6:15 - 6:30 p.m.	GreenCity Update
6:30 - 6:45 p.m.	Review of Regular Meeting Agenda Items

Tanya N. Brackett

Tanya N. Brackett, CMC
Clerk, Henrico County Board of Supervisors
November 9, 2023

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
November 14, 2023
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES - October 24, 2023, Regular and Special Meetings; and
March 20 - 23, 2023, Special Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

RESIGNATIONS/APPOINTMENT

- | | |
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| 289-23 | Resolution - Resignation of Member - Board of Building Code Appeals. |
| 290-23 | Resolution - Appointment of Member - Board of Building Code Appeals. |
| 291-23 | Resolution - Resignation of Member - Keep Henrico Beautiful Committee. |

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 October 10, 2023, meeting; Deferral requested to the December 12, 2023, meeting.) |
| 292-23
REZ2023-
00011
Brookland | Christine McGuirl: Request to conditionally rezone from B-2 Business District and R-5 General Residence District to UMU-PD Urban Mixed-Use Planned Development District Parcels 773-736-2198 and 773-736-6272 containing 37.247 acres located at the southeast corner of W. Broad Street and Willow Lawn Drive. The applicant proposes a mixed-use development with residential uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration, Office, and Environmental Protection Area. This site is located in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors grant the request. |

- 293-23
REZ2023-
00030
Varina
Carlson Environmental Consultants, PC: Request to amend proffers accepted with C-051C-01 on Parcel 813-711-8407 located on the north line of Charles City Road approximately 340' northwest of its intersection with Glen Alden Drive. The applicant proposes to amend proffers regarding concept plan, building materials, access, and outdoor storage. The existing zoning is M-1C Light Industrial District (Conditional). The 2026 Comprehensive Plan recommends Planned Industry. The site is located in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 294-23
REZ2023-
00029
Fairfield
Christopher & Marlene Otto: Request to rezone from B-1C Business District (Conditional) to R-4 One-Family Residence District Parcel 782-745-3120 containing 0.17 acres located at the northwest intersection of Dumbarton Road and Bloomingdale Avenue. The applicant proposes to convert an existing structure from an office to a single-family home. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive 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.
- 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 September 12, 2023, meeting; Withdrawn by applicant.)**

PUBLIC HEARINGS - OTHER ITEMS

- 295-23 Ordinance - Approval of Cooperative Marketing - Richmond Raceway
Fairfield District.
- 296-23 Resolution - Condemnation - Right-of-Way and Easements - Magellan
Parkway Extension Project - Park Central Drive - Fairfield District.

PUBLIC COMMENTS

GENERAL AGENDA

- 297-23 Resolution - Authorizing a Public Hearing to Consider Adoption of a
Resolution Creating the GreenCity II Community Development Authority.
- 298-23 Resolution - Authorizing a Public Hearing to Consider Adoption of a
Resolution Amending the Resolution Creating the GreenCity Community
Development Authority.
- 299-23 Resolution - Award of Contract - Jail West Security Alterations - Brookland
District.

- 300-23 Resolution - Award of Contract - Voter Registrar Renovation - Brookland District.
- 301-23 Introduction of Ordinance - To Change the Polling Place for the Elko Precinct in the Varina District from New Bridge Baptist Church to Elko Middle School by Amending and Reordaining Section 9-2 Titled “Precincts and polling places” of the Code of the County of Henrico.
- 146-23 Resolution - SIA2022-00002 - DG Virginia CS, LLC - Not Substantially in Accord with 2026 Comprehensive Plan - Varina District. **(Deferred from the September 12, 2023, meeting; Withdrawn by the applicant.)**
- 302-23 Resolution - Signatory Authority - Amendment to Contract for Engineering Design Services for Fall Line Trail, Longdale Phase - Fairfield District.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
November 14, 2023**

RESIGNATIONS/APPOINTMENT

RESOLUTION - Resignation of Member - Board of Building Code Appeals.

This Board paper accepts the resignation of Joseph J. Hayes, Jr. from the Board of Building Code Appeals.

RESOLUTION - Appointment of Member - Board of Building Code Appeals.

This Board paper appoints the following person to the Board of Building Code Appeals for a term expiring December 31, 2025, or thereafter when her successor has been appointed and qualified:

Electrical Engineer Jennie P. Monette, PE

RESOLUTION - Resignation of Member - Keep Henrico Beautiful Committee.

This Board paper accepts the resignation of Linda A. Leigh from the Keep Henrico Beautiful Committee.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

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 September 12, 2023, meeting; Deferral requested to the December 12, 2023, meeting.)**

REZ2023-00011
Brookland

Christine McGuirl: Request to conditionally rezone from B-2 Business District and R-5 General Residence District to UMU-PD Urban Mixed-Use Planned Development District Parcels 773-736-2198 and 773-736-6272 containing 37.247 acres located at the southeast corner of W. Broad

Street and Willow Lawn Drive. The applicant proposes a mixed-use development with residential uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration, Office, and Environmental Protection Area. This site is located in the Enterprise Zone. Acting on a motion by Mr. Witte, 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.

REZ2023-
00030
Varina

Carlson Environmental Consultants, PC: Request to amend proffers accepted with C-051C-01 on Parcel 813-711-8407 located on the north line of Charles City Road approximately 340' northwest of its intersection with Glen Alden Drive. The applicant proposes to amend proffers regarding concept plan, building materials, access, and outdoor storage. The existing zoning is M-1C Light Industrial District (Conditional). The 2026 Comprehensive Plan recommends Planned Industry. 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 the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties.

REZ2023-
00029
Fairfield

Christopher & Marlene Otto: Request to rezone from B-1C Business District (Conditional) to R-4 One-Family Residence District Parcel 782-745-3120 containing 0.17 acres located at the northwest intersection of Dumbarton Road and Bloomingdale Avenue. The applicant proposes to convert an existing structure from an office to a single-family home. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. 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 continues a similar level of single family residential zoning as currently exists in the area and it conforms to the Suburban Residential 2 recommendation of the Land Use Plan.

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 September 12, 2023, meeting; Withdrawn by Applicant.)**

PUBLIC HEARINGS – OTHER ITEMS

ORDINANCE - Approval of Cooperative Marketing - Richmond Raceway - Fairfield District.

This ordinance would approve cooperative marketing by Virginia licensed sports betting platform permit holders and Richmond Raceway. The approval would apply only on the premises of Richmond Raceway.

The cooperative marketing activities may include advertising and marketing of the permit holders' sports betting platforms through signage and displays as permitted by the County's zoning ordinance; distribution of marketing materials; hospitality areas, lounges, and trailers; platform demonstrations; logos; music and videos; and information provided by permit holders' employees or agents. The Board's approval is required under Va. Code § 58.1-4034(G)(2).

The County Manager recommends approval of this Board paper.

RESOLUTION - Condemnation - Right-of-Way and Easements - Magellan Parkway Extension Project - Park Central Drive - Fairfield District.

This Board paper authorizes condemnation proceedings for property that is needed for the construction of the Magellan Parkway Extension Project.

The County needs to acquire right-of-way containing 40,494 square feet; permanent drainage easements containing 7,877 square feet; permanent slope easements containing 9,674 square feet; temporary construction easements containing 9,399 square feet; and an overlapping joint utility easement for Lumos Networks, Inc. d/b/a Segra, Verizon Virginia, LLC, Comcast of Virginia, Inc., and Virginia Electric and Power Company, a Virginia Public Service Corporation, doing business as Dominion Energy Virginia containing 4,052 square feet across the property located at Park Central Drive, identified as Tax Map Parcel 789-761-0925, and owned by Steve Farag, LLC.

Based on an independent appraisal, the County made an offer of \$281,920 for the required property interests. The parties cannot reach an agreement on the acquisition of the right-of-way and easements.

This Board paper authorizes the County Attorney to institute and conduct condemnation proceedings in accordance with the Code of Virginia. This Board paper further authorizes and directs the County Manager to continue to seek a voluntary acquisition of the right-of-way and easements, to take all steps necessary to acquire the right-of-way and easements, and to enter on and take possession of the required right-of-way and easements in accordance with the Code of Virginia.

The Director of Public Works and the Deputy County Manager for Community Operations recommend approval of this Board paper; the County Manager concurs.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Authorizing a Public Hearing to Consider Adoption of a Resolution Creating the GreenCity II Community Development Authority.

This Board paper would set a public hearing for the creation of the GreenCity II Community Development Authority (the “CDA”). The initial boundaries of the CDA would encompass the former Best Products property, the Scott Farm property, and the St. Gertrude’s property (the “Initial District”). The owners of the properties (Green City Development Corporation, LLC, Scott Farm Partners, LLC, and the Sports and Entertainment Authority of Henrico County, Virginia, respectively) have submitted a petition for the creation of the CDA to help finance public infrastructure improvements within the Initial District. The improvements would be funded by bonds issued by the original GreenCity CDA and repaid by revenues generated from development within the two CDAs.

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

RESOLUTION - Authorizing a Public Hearing to Consider Adoption of a Resolution Amending the Resolution Creating the GreenCity Community Development Authority.

This Board paper would set a public hearing on a proposed amendment to the resolution creating the GreenCity Community Development Authority (the “Original CDA”). The purpose of the amendment is to describe the relationship of the Original CDA to the proposed GreenCity II Community Development Authority (the “New CDA”). The New CDA would include all the property currently within the boundaries of the Original CDA, and revenues from the CDAs would be used to finance public infrastructure improvements within both districts on the former Best Products property.

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

RESOLUTION - Award of Contract - Jail West Security Alterations - Brookland District.

This Board paper would award a contract for \$675,000 to VIRTEXCO Corporation for construction of the Jail West Security Alterations at 4317 E. Parham Road. The improvements include four new holding cells in the booking area, an accessible shower, and the replacement of power-driven doors for three sallyports.

Work on the project is anticipated to begin in December 2023 and be substantially completed within 120 calendar days.

The County received two bids on October 23, 2023, in response to ITB 23-2592-9JMH and Addendum No. 1. The bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
VIRTEXCO Corp. Richmond, Va.	\$675,000
The Matthews Group, Inc., t/a TMG Construction Corp. Purcellville, Va.	\$829,696

Based upon a review of the bids, VIRTEXCO Corporation is the lowest responsive and responsible bidder.

The Board paper also authorizes the County Manager, or the Purchasing Director as his designee, to execute change orders not to exceed 15% of the original contract amount.

Finally, this Board paper appropriates \$363,856 of additional funding for this project.

The Director of General Services, the Sheriff, and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

RESOLUTION - Award of Contract - Voter Registrar Renovation - Brookland District.

This Board paper would award a fixed price contract for \$398,387 to Woodland Construction, Inc. for construction of the Voter Registrar Renovation at 4305 E. Parham Road.

Construction is anticipated to begin in December 2023 with substantial completion in July 2024.

The County received five bids on October 25, 2023, in response to ITB 23-2581-8EAR and Addendum No.1. The bids for the Base Bid Amount and Allowance No. 1 were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Woodland Construction, Inc. Richmond, VA	\$398,387
VIRTEXCO Corporation Richmond, VA	\$402,000
Millennium Enterprises Henrico, VA	\$464,000
The Matthews Group Purcellville, VA	\$472,000
Kenbridge Construction Co., Inc. Kenbridge, VA	\$621,000

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

The Board paper also authorizes the County Manager, or the Purchasing Director as his designee, to execute change orders not to exceed 15% of the original contract amount.

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

INTRODUCTION OF ORDINANCE - To Change the Polling Place for the Elko Precinct in the Varina District from New Bridge Baptist Church to Elko Middle School by Amending and Reordaining Section 9-2 Titled “Precincts and polling places” of the Code of the County of Henrico.

This Board paper introduces an ordinance to move the polling place for the Elko Precinct in the Varina District from New Bridge Baptist Church to Elko Middle School. New Bridge Baptist Church is no longer able to accommodate the polling place due to the nursery school programs that are held on site during the day.

This Board paper also sets a public comment period on the proposed change from December 1 through 31, 2023, and directs notice of the proposed changes and comment period to be published on the official County website and in the Richmond Times-Dispatch.

Finally, this Board sets a public hearing on the proposed ordinance and polling place change for December 12, 2023.

The Electoral Board requested approval of this Board paper at its meeting on September 26, 2023.

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 August 8, 2023, meeting; the applicant has requested this item be deferred to November 14, 2023, the applicant has withdrawn the request.

RESOLUTION - Signatory Authority - Amendment to Contract for Engineering Design Services for Fall Line Trail, Longdale Phase - Fairfield District.

On July 13, 2021, the Board of Supervisors approved Contract #2117A with Whitman, Requardt, and Associates, LLP for a total fixed lump sum fee of \$3,095,856.73 to provide engineering services to design the Longdale Phase of the Fall Line Trail.

The County Manager subsequently approved an amendment to the Contract for \$408,970.95 for realignment of the trail along Mountain Road, including a minor trailhead and associated fieldwork.

Additional work is required for landscaping, lighting, site plan preparation, and property negotiations not included in the current scope of work. Whitman, Requardt, and Associates, LLP and the Department of Public Works have negotiated a fixed lump sum fee of \$382,310.65 for the additional design work, bringing the total design expenditures to \$3,887,138.33.

This Board paper approves the second amendment to Contract #2117A for additional design services and authorizes the County Manager to execute the amendment in a form approved by the County Attorney.

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