

**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 **Wednesday, November 9, 2022, 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 - 6:15 p.m. | Update on Opioid Abatement Funding |
| 6:15 - 6:30 p.m. | Closed Meeting Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for a briefing of the members of the Board of Supervisors and discussion concerning the acquisition of real property for a public purpose, including possible uses of the property, the value of the property, and process for acquisition, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board. |
| 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 3, 2022

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
November 9, 2022
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES – October 25, 2022, Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

APPOINTMENTS

- 295-22 Resolution - Appointment of Member - Community Criminal Justice Board.
- 296-22 Resolution - Appointment of Members to Board of Directors - Economic Development Authority.
- 297-22 Resolution - Appointment of Member - Keep Henrico Beautiful Committee.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

- 217-22 Pemberton Investments, LLC: Request to conditionally rezone from A-1
REZ2022- Agricultural District and B-3 Business District to R-5AC General Residence
00019 District (Conditional) part of Parcel 739-755-4897 containing 10.517 acres
Three Chopt located on the west and east lines of John Rolfe Parkway at its intersection
with Pump Road. The applicant proposes a residential development of
detached dwellings. The R-5A District allows a minimum lot area of 5,625
square feet and 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 Open Space/Recreation (OS/R), Suburban
Residential 2, density should not exceed 3.4 units per acre, and Office. The
Planning Commission voted to recommend the Board of Supervisors **grant**
the request. **(Deferred from the October 11, 2022, meeting.)**
- 298-22 4911 Augusta LLC: Request to conditionally rezone from B-1 Business District
REZ2022- to R-6C General Residence District (Conditional) Parcel 773-736-5900
00033 containing .699 acres located on the south line of Augusta Avenue
Brookland approximately 160' west of the intersection of Staples Mill Road (U.S. Route
33). The applicant proposes a master-planned development with commercial
uses. The uses will be controlled by zoning ordinance regulations and proffered
conditions. The 2026 Comprehensive Plan recommends Office. The site is in
the Enterprise Zone. The Planning Commission voted to recommend the Board
of Supervisors **grant** the request.
- 299-22 4911 Augusta LLC: Request for a Provisional Use Permit under Sections 24-
PUP2022- 4205 and 24-2306 of Chapter 24 of the County Code to allow commercial uses
00018 and zoning modifications as part of a master-planned development on Parcel
Brookland 773-736-5900 located on the south line of Augusta Avenue approximately

160' west of the intersection of Staples Mill Road (U.S. Route 33). The existing zoning is B-1 Business District. R-6C General Residence District (Conditional) zoning is proposed with REZ2022-00033. The 2026 Comprehensive Plan recommends Office. The site is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

271-22
PUP2022-
00010
Tuckahoe
Hunt Gunter: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a car wash on Parcel 737-751-0413 located on the west line of John Rolfe Parkway approximately 260' north of the intersection of Ridgefield Parkway. 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 **deny** the request. **(Deferred from the October 11, 2022, meeting; Deferral requested to the December 13, 2022; meeting.)**

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 11, 2022, meeting.)**

300-22
REZ2021-
00014
Varina
Keith Malatesta: Request to conditionally rezone from A-1 Agricultural District to M-2C Light Industrial District (Conditional) part of Parcel 823-701-8476 containing 15 acres located on the south line of Charles City Road approximately 4,120' east of its intersection with Monahan Road. The applicant proposes a commercial and recreational vehicle storage lot. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Planned Industry. The site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

301-22
REZ2022-
00029
Fairfield
Stanley Martin Homes, LLC: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) Parcels 784-759-7649, 784-759-8468, and 785-759-2347 containing 9.18 acres located on the east line of Telegraph Road approximately 800' south of the intersection of Magellan Parkway. The applicant proposes a townhouse development. The R-6 District allows a maximum gross density of 12.0 units per acre for townhouse development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Planned Industry. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

302-22
REZ2022-
00030
Fairfield
Greater Refuge Church Ministries: Request to conditionally rezone from R-4 One-Family Residence District to R-5C General Residence District (Conditional) Parcel 801-735-7255 containing 1 acre located at the northwest intersection of Thompson and Carter Streets. The applicant proposes an adult day care center. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Semi-Public. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS - OTHER ITEM

303-22
Resolution - Signatory Authority - Conveyance of Well Lot - Virginia Heights Subdivision - Varina District.

PUBLIC COMMENTS

GENERAL AGENDA

304-22
Resolution - To Set Public Hearing for Abandonment of a Portion of Old Route 33 - Brookland District.

305-22
Resolution - Signatory Authority - Easement Donation Agreement - Three Chopt District.

306-22
Resolution - Award of Contract - Three Chopt Road Sidewalk - Three Chopt and Tuckahoe Districts.

307-22
Resolution - Acceptance of Roads - Varina District.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
November 9, 2022**

APPOINTMENTS

RESOLUTION - Appointment of Member - Community Criminal Justice Board.

This Board paper appoints the following person to the Community Criminal Justice Board for an unexpired term ending June 30, 2024, or thereafter when his successor has been appointed and qualified:

Brookland District Anthony E. McDowell

RESOLUTION - Appointment of Members to Board of Directors - Economic Development Authority.

This Board paper appoints the following persons to the Board of Directors of the Economic Development Authority for terms ending November 13, 2026, or thereafter when their successors have been appointed and qualified:

Brookland District	Philip C. Strother
Tuckahoe District	Susan C. Custer
Varina District	S. Floyd Mays, Jr.

RESOLUTION - Appointment of Member - Keep Henrico Beautiful Committee.

This Board paper appoints the following person to the Keep Henrico Beautiful Committee for an unexpired term ending December 31, 2023, or thereafter when his successor has been appointed and qualified:

Three Chopt District Mark M. Deutsch

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

REZ2022-00019 Three Chopt	Pemberton Investments, LLC: Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to R-5AC General Residence District (Conditional) part of Parcel 739-755-4897 containing 10.517 acres located on the west and east lines of John Rolfe Parkway at its intersection with Pump Road. The applicant proposes a residential development of detached dwellings. The R-5A District allows a minimum lot area of 5,625 square feet and 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 Open Space/Recreation (OS/R), Suburban Residential 2, density should not exceed 3.4 units per acre, and Office. Acting on a motion by Mrs. Thornton, seconded by Mr. Witte, the Planning Commission voted 5-0
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(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. **(Deferred from the October 11, 2022, meeting.)**

REZ2022-00033
Brookland

4911 Augusta LLC: Request to conditionally rezone from B-1 Business District to R-6C General Residence District (Conditional) Parcel 773-736-5900 containing .699 acres located on the south line of Augusta Avenue approximately 160' west of the intersection of Staples Mill Road (U.S. Route 33). The applicant proposes a master-planned development with commercial uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The site is in the Enterprise Zone. Acting on a motion by Mr. Witte, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would not adversely affect the adjoining area if properly developed as proposed and the proffered conditions will provide appropriate quality assurances not otherwise available.

PUP2022-00018
Brookland

4911 Augusta LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow commercial uses and zoning modifications as part of a master-planned development on Parcel 773-736-5900 located on the south line of Augusta Avenue approximately 160' west of the intersection of Staples Mill Road (U.S. Route 33). The existing zoning is B-1 Business District. R-6C General Residence District (Conditional) zoning is proposed with REZ2022-00033. The 2026 Comprehensive Plan recommends Office. The site is in the Enterprise Zone. Acting on a motion by Mr. Witte, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because when properly developed and regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

PUP2022-00010
Tuckahoe

Hunt Gunter: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a car wash on Parcel 737-751-0413 located on the west line of John Rolfe Parkway approximately 260' north of the intersection of Ridgefield Parkway. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mrs. O'Bannon, seconded by Mr. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **deny** the request because of concerns regarding noise, visual impacts, and peak traffic flow, which could have a detrimental effect on property owners in the vicinity. **(Deferred from the October 11, 2022, meeting; Deferral requested to the December 13, 2022, meeting.)**

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 October 11, 2022, meeting.)**

REZ2021-00014
Varina

Keith Malatesta: Request to conditionally rezone from A-1 Agricultural District to M-2C Light Industrial District (Conditional) part of Parcel 823-701-8476 containing 15 acres located on the south line of Charles City Road approximately 4,120' east of its intersection with Monahan Road. The applicant proposes a commercial and recreational vehicle storage lot. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Planned Industry. The site is in the Airport Safety Overlay District. Acting on a motion by Mr. Mackey, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide for appropriate development and the proffered conditions would provide appropriate quality assurances not otherwise available.

REZ2022-00029
Fairfield

Stanley Martin Homes, LLC: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) Parcels 784-759-7649, 784-759-8468, and 785-759-2347 containing 9.18 acres located on the east line of Telegraph Road approximately 800' south of the intersection of Magellan Parkway. The applicant proposes a townhouse development. The R-6 District allows a maximum gross density of 12.0 units per acre for townhouse development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Planned Industry. 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 permit development of land for residential use in an appropriate manner and it continues a form of zoning consistent with the area.

REZ2022-00030
Fairfield

Greater Refuge Church Ministries: Request to conditionally rezone from R-4 One-Family Residence District to R-5C General Residence District (Conditional) Parcel 801-735-7255 containing 1 acre located at the northwest intersection of Thompson and Carter Streets. The applicant

proposes an adult day care center. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Semi-Public. 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 not be expected to adversely affect the pattern of zoning and land use in the area, and it would not adversely affect the adjoining area if properly developed as proposed.

PUBLIC HEARINGS - OTHER ITEM

RESOLUTION - Signatory Authority - Conveyance of Well Lot - Virginia Heights Subdivision - Varina District.

This Board paper authorizes the County to sell a surplus well lot in the Virginia Heights subdivision to John T. and Viola D. Williams for its assessed value of \$1,000. The Williamses own the adjoining lot at 4800 Allenshaw Drive, and the County does not need the well lot for any purpose.

The Real Property Division has processed the conveyance 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.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - To Set Public Hearing for Abandonment of a Portion of Old Route 33 - Brookland District.

This Board paper would set a date for a public hearing to consider the abandonment of a portion of Old Route 33 from its intersection with Hungary Spring Road to its terminus at a parcel owned by Laurel Land LLC. Laurel Land LLC has requested the abandonment.

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

RESOLUTION - Signatory Authority - Easement Donation Agreement - Three Chopt District.

This Board paper would authorize the County to enter into an Easement Donation Agreement and execute subsequent deeds for easements from Markel/Eagle and Henrico County Public Schools. The easements are beneficial for the development of adjacent property and to upgrade public sewer service to Kaechele Elementary School.

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

RESOLUTION - Award of Contract - Three Chopt Road Sidewalk - Three Chopt and Tuckahoe Districts.

This Board paper awards a contract for \$662,252.06 to M&F Concrete, Inc. for construction of the Three Chopt Road Sidewalk project along both sides of Three Chopt Road from Bexhill Road to Dinwiddie Avenue. The project consists of construction of approximately 1,980 linear feet of 5-foot wide sidewalk on the north side of Three Chopt Road and approximately 1,310 linear feet of 5-foot wide sidewalk on the south side of Three Chopt Road. ADA-compliant ramps will be provided as needed on both sides of Three Chopt Road. Pedestrian crosswalks with push-button crossing signals will be installed at Camden Drive.

The work on this project is anticipated to begin in January 2023 and is scheduled to be completed within 150 calendar days.

The County received three bids on September 29, 2022, in response to ITB No. 22-2410-8EAR and Addendum Nos. 1, 2, and 3. The bidders and bid amounts are as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
M&F Concrete, Inc. Manassas, Virginia	\$662,252.06
Dickerson Construction, LLC Chesterfield, Virginia	\$962,063.20
Liquid, Inc. Richmond, Virginia	\$1,282,737.92

Based upon a review of the bids, M&F Concrete, Inc. is the lowest responsive and responsible bidder.

The final contract amount shall be determined upon completion of the project by multiplying the actual unit quantities authorized by the County for construction 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 also authorized to execute change orders within the scope of the project budget.

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

RESOLUTION - Acceptance of Roads - Varina District.

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

- 0.18 miles of Hapsburg Court – Varina District
- 0.12 miles of Hapsburg Lane – Varina District
- 0.30 miles of Hepworth Drive – Varina District

0.30 miles of Sir Galahad Road – Varina District

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