

**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, 2011** at **5:00 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matters to be reviewed by the Board at this time are:

5:00 – 5:30 p.m. Preliminary Budget Briefing

5:30 – 6:00 p.m. Closed Meeting for the following purposes:

1. Consultation with the County Attorney Pertaining to Actual Litigation Styled *Teasia Boyd v. Shameka Bradley et al.*, Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as Amended; and
2. Discussion and Consideration of the Acquisition of Real Property in the Varina District for Recreational Uses, Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as Amended.

6:00 – 6:45 p.m. *Dinner*



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
November 3, 2011

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
November 9, 2011
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Angelo V. Chatmon, Pastor, Pilgrim Journey Baptist Church

APPROVAL OF MINUTES – October 25, 2011 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

APPOINTMENTS

243-11 Resolution – Appointment of Members to Board of Directors – Economic Development Authority.

PUBLIC HEARINGS – REZONING CASES

225-11 Shurm Construction Inc.: Request to amend proffered conditions accepted with
C-14C-11 Rezoning Cases C-78C-05 and C-36C-07 on Parcel 803-696-9576 located
Varina between the south line of Harmony Avenue approximately 90' west of its
 intersection with Woodside Street and the northern terminus of Woodside Street
 approximately 155' north of Woodside Court. The applicant proposes to amend
 Proffers 2, 6, 12 and 13 related to minimum house size, roads, curb and gutter,
 and garages, and add proffer 16 related to elevations. The existing zoning is R-
 3C One-Family Residence District (Conditional). 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. **(Deferred from the October 11, 2011
 meeting.)**

244-11 J & B Realty, LLC: Request to conditionally rezone from A-1 Agricultural
C-6C-11 District to R-5AC General Residence District (Conditional) Parcel 843-701-
Varina 2778 containing approximately 24.4 acres, located along the south line of
 Portugee Road approximately 2,300 feet east of its intersection with Memorial
 Drive. The applicant proposes a zero-lot-line residential development. The R-
 5A District allows a minimum lot size of 5,625 square feet and a maximum
 density of (6) units per acre. The use will be controlled by zoning ordinance
 regulations and proffered conditions. The 2026 Comprehensive Plan
 recommends Office and Environmental Protection Area. The Planning
 Commission voted to recommend the Board of Supervisors **deny** the request.
 (Request for deferral to the December 13, 2011 meeting.)

245-11 Sauer Properties, Inc.: Request to conditionally rezone from O-2C Office
C-16C-11 District (Conditional) to R-2AC One-Family Residence District (Conditional)
Fairfield part of Parcel 784-766-6082 containing 1.018 acres located at the northwest
intersection of Francis Road and Battlefield Road and on the north line of
Francis Road approximately 500 feet west of its intersection with Battlefield
Road and from R-2A One-Family Residence District, O-2C Office District
(Conditional), and O-3C Office District (Conditional) to B-3C Business District
(Conditional) part of Parcels 784-766-6082, 784-766-7982, 784-766-6565, 784-
766-7467, and 784-767-4440 containing approximately 18.58 acres located at
the southeast intersection of Brook Road (U.S. Route 1) and Virginia Center
Parkway. The applicant proposes retail and residential uses. The uses will be
controlled by zoning ordinance regulations and proffered conditions. The 2026
Comprehensive Plan recommends Commercial Arterial and Office. The
Planning Commission voted to recommend the Board of Supervisors **grant** the
request.

PUBLIC HEARINGS – OTHER ITEMS

- 246-11 Resolution - Approval of Issuance of Bonds by the Harrisonburg Redevelopment
Housing Authority for the Oakmeade Apartments – Varina District.
- 247-11 Resolution - Signatory Authority - Conveyance of Real Property - Bacova,
LLC - Three Chopt District.
- 248-11 Resolution – Signatory Authority – Quitclaim of Portion of Utility
Easement – 5625 South Laburnum Avenue – Varina District.

PUBLIC COMMENTS

GENERAL AGENDA

- 249-11 Resolution – Settlement of *Teasia Boyd v. Shameka Bradley, et al.*
- 250-11 Resolution - SIA-003-11 - 10785 & 10791 Old Washington Highway -
Substantially in Accord with the Comprehensive Plan.
- 251-11 Resolution - SIA-002-11 - Varina Area Library Site - Substantially in Accord with
the Comprehensive Plan.
- 252-11 Resolution - To Accept Virginia Department of Emergency Management State
Homeland Security Program Grant.
- 253-11 Resolution - Acquisition of Hepler Property - North Gayton Road Project -
Three Chopt District.
- 254-11 Resolution - Acquisition of Hepler Trust Property - North Gayton Road
Project - Three Chopt District.

- 255-11 Resolution - Signatory Authority - Acquisition of Real Property - 12321 Kain Road - Three Chopt District.
- 256-11 Resolution - Signatory Authority - Lease - Department of Mental Health & Developmental Services - Providence Forge.
- 257-11 Resolution - Signatory Authority - Amendment to Contract for Engineering Design Services - Creighton Road Improvements Project #00985 - Fairfield and Varina Districts.
- 258-11 Resolution - To Permit Additional Fine of \$200 for Speeding on Fort McHenry Parkway from Nuckols Road to .14 Mile South of Shadyford Lane.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
November 9, 2011**

INVOCATION – Rev. Angelo V. Chatmon, Pastor, Pilgrim Journey Baptist Church

APPOINTMENTS

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 four-year terms expiring November 13, 2015 or thereafter, when their successors shall have been appointed and qualified:

Three Chopt District	Edward F. Steiner
Varina District	John M. Steele

PUBLIC HEARINGS – REZONING CASES

C-14C-11
Varina: Shurm Construction Inc.: Request to amend proffered conditions accepted with Rezoning Cases C-78C-05 and C-36C-07 on Parcel 803-696-9576 located between the south line of Harmony Avenue approximately 90' west of its intersection with Woodside Street and the northern terminus of Woodside Street approximately 155' north of Woodside Court. The applicant proposes to amend Proffers 2, 6, 12 and 13 related to minimum house size, roads, curb and gutter, and garages, and add proffer 16 related to elevations. The existing zoning is R-3C One-Family Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. Acting on a motion by Mr. Jernigan seconded by Mr. Branin, the Planning Commission voted 4-0 (one absent, 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 because the use continues to conform with the intent of the County's 2026 Comprehensive Plan. **(Deferred from the October 11, 2011 meeting.)**

C-6C-11
Varina: J & B Realty, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 843-701-2778 containing approximately 24.4 acres, located along the south line of Portugee Road approximately 2,300 feet east of its intersection with Memorial Drive. The applicant proposes a zero-lot-line residential development. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum

density of (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office and Environmental Protection Area. Acting on a motion by Mr. Jernigan seconded by Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **deny** the request because it would likely set an adverse zoning and land use precedent for the area and it does not conform to the recommendation of the Land Use Plan or the Plan's goals, objectives, and policies. **(Request for deferral to the December 13, 2011 meeting.)**

C-16C-11
Fairfield:

Sauer Properties, Inc.: Request to conditionally rezone from O-2C Office District (Conditional) to R-2AC One-Family Residence District (Conditional) part of Parcel 784-766-6082 containing 1.018 acres located at the northwest intersection of Francis Road and Battlefield Road and on the north line of Francis Road approximately 500 feet west of its intersection with Battlefield Road and from R-2A One-Family Residence District, O-2C Office District (Conditional), and O-3C Office District (Conditional) to B-3C Business District (Conditional) part of Parcels 784-766-6082, 784-766-7982, 784-766-6565, 784-766-7467, and 784-767-4440 containing approximately 18.58 acres located at the southeast intersection of Brook Road (U.S. Route 1) and Virginia Center Parkway. The applicant proposes retail and residential uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Arterial and Office. Acting on a motion by Mr. Archer seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable in light of the commercial zoning in the area and the proffered conditions will provide quality assurances and should minimize the potential impacts on surrounding land uses.

PUBLIC HEARINGS - OTHER ITEMS

RESOLUTION - Approval of Issuance of Bonds by the Harrisonburg Redevelopment and Housing Authority for the Oakmeade Apartments – Varina District.

Oakmeade Associates, L.P. (“Oakmeade”) is the contract purchaser of Oakmeade Apartments, an approximately 100-unit, multi-family residential rental housing development located at 300 Airport Place in the Varina District. Oakmeade plans to spend approximately \$32,884 per unit to improve the safety at the apartments and the living conditions of the tenants. Because the County does not have a redevelopment and housing authority, the Harrisonburg Redevelopment and Housing Authority, at Oakmeade’s request, has agreed to issue bonds in the maximum amount of \$5.3 million to finance the purchase and rehabilitation of the apartments. Before this plan of finance can be implemented, the Board of Supervisors must hold concurrent public hearings on the exercise by the Harrisonburg Redevelopment and Housing Authority of its powers in Henrico County, make certain findings required by the Virginia housing authority law, and approve the issuance of bonds

by the Harrisonburg Redevelopment and Housing Authority for the benefit of the Oakmeade Apartments. The Board's approval remains in effect for one year and does not create a debt or pledge of the County's full faith and credit.

RESOLUTION - Signatory Authority - Conveyance of Real Property - Bacova, LLC - Three Chopt District.

The Board paper authorizes the Chairman to execute a deed conveying approximately 0.775 acre located at the northeast intersection of North Gayton Road Extended and relocated Bacova Drive to Bacova, LLC for \$56,062.50.

The Directors of Public Works and Real Property recommend approval of this action, and the County Manager concurs.

RESOLUTION - Signatory Authority - Quitclaim of Portion of Utility Easement - 5625 South Laburnum Avenue - Varina District.

This resolution authorizes the Chairman to execute a quitclaim deed releasing the County's interest in a portion of a utility easement at 5625 South Laburnum Avenue.

The Real Property Department has processed this request through the Departments of Public Works, Public Utilities, and Planning without objection.

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

GENERAL AGENDA

RESOLUTION - Settlement of *Teasia Boyd v. Shameka Bradley, et al.*

The purpose of this Board paper is to authorize settlement of the personal injury case styled *Teasia Boyd v. Shameka Bradley, et al.* The case is pending in the Circuit Court for the City of Richmond.

RESOLUTION - SIA-003-11 - 10785 & 10791 Old Washington Highway - Substantially in Accord with the Comprehensive Plan.

At the request of the Division of Real Property, the Department of Planning conducted a study to determine whether the proposed use of 10785 & 10791 Old Washington Highway for governmental purposes is substantially in accord with the County's 2026 Comprehensive Plan ("Plan"). The property consists of a two parcels (GPIN ## 771-768-8835 and 771-768-9156) totaling 4.27 acres located along the southeast intersection of Peace Lane and Old Washington Highway in the Brookland District.

The Planning staff's report concluded that the proposed use would not conflict with, or be a significant departure from, the Goals, Objectives and Policies of the Plan and would support the intent of the Plan that identifies the need for new public services and facilities based on projected and planned growth in accordance with the Future Land Use Map. Staff also determined the proposed use would be compatible with the adjacent developments and existing and future residential developments in the larger vicinity.

At its meeting on October 13, 2011, the Planning Commission approved the resolution finding the proposed use for 10785 & 10791 Old Washington Highway substantially in accord with the Plan.

Further details regarding the proposed use 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 use of 10785 & 10791 Old Washington Highway is substantially in accord with the Plan and recommends adoption of the Board paper, and the County Manager concurs.

RESOLUTION - SIA-002-11 - Varina Area Library Site - Substantially in Accord with the Comprehensive Plan.

At the request of County Libraries, the Department of Planning conducted a study to determine whether the Varina Area Library Site is substantially in accord with the County's 2026 Comprehensive Plan ("Plan"). The site consists of a 22.11 acre parcel (807-692-8758) located at the southwest intersection of New Market Road (State Route 5) and Pocahontas Parkway (State Route 895) in the Varina District.

The Planning staff's report concluded that the proposed use for this site would not conflict with, or be a significant departure from, the Goals, Objectives and Policies of the Plan and would support the intent of the Plan that identifies the need for new public services and facilities based on projected and planned growth in accordance with the Future Land Use Map. Staff also determined the proposed use of this site would be compatible with the adjacent developments and existing and future residential developments in the larger vicinity.

At its meeting on October 13, 2011, the Planning Commission approved the resolution finding the Varina Area Library Site 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 Varina Area Library Site is substantially in accord with the Plan and recommends adoption of the Board paper, and the County Manager concurs.

RESOLUTION - To Accept Virginia Department of Emergency Management State Homeland Security Program Grant.

This resolution accepts a \$16,040 grant from the Virginia Department of Emergency Management to the Division of Police under the State Homeland Security Program. The Division will use these funds to purchase and install a License Plate Reader system to enhance the Division's traffic law enforcement and surveillance capabilities. No local match is required for this award.

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

RESOLUTION - Acquisition of Hepler Property - North Gayton Road Project - Three Chopt District.

This Board paper authorizes settlement of the condemnation styled *Board of Supervisors of Henrico County, Virginia v. David M. Hepler and Jennifer E. Helper*, Case No. CL10-1204, pending in the Henrico County Circuit Court.

The case involves the taking of 2,719 square feet of fee simple right-of-way, 5,145 square feet of permanent slope and drainage easement, 326 square feet of a temporary construction easement, and 1,776.10 square feet of a permanent easement for Virginia Electric and Power Company, all for the North Gayton Road project. The Heplers have agreed to accept \$23,794.65 as just compensation for the property taken by the County.

The Directors of Real Property and Public Works and the County Attorney recommend approval of the Board paper, and the County Manager concurs.

RESOLUTION - Acquisition of Hepler Trust Property - North Gayton Road Project - Three Chopt District.

This Board paper authorizes settlement of the condemnation styled *Board of Supervisors of Henrico County, Virginia v. David M. Hepler, Trustee of the Mary D. Hepler Living Trust*, Case No. CL10-1205, pending in the Henrico County Circuit Court.

The case involves the taking of 1,146 square feet of fee simple right-of-way, 5,037 square feet of permanent slope and drainage easement, and 1918.73 square feet of a permanent easement for Virginia Electric and Power Company, all for the North Gayton Road project. The trustee has agreed to accept \$10,775.50 as just compensation for the property taken by the County.

The Directors of Real Property and Public Works and the County Attorney recommend approval of the Board paper, and the County Manager concurs.

RESOLUTION – Signatory Authority – Acquisition of Real Property – 12321 Kain Road – Three Chopt District.

The Board paper authorizes the County Manager to execute an agreement, in a form approved by the County Attorney, between Bacova, LLC and the County for the acquisition for future recreational use or road access of approximately 3.65 acres located at 12321 Kain Road in the Three Chopt District for \$155,602.50.

The Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

RESOLUTION - Signatory Authority - Lease - Department of Mental Health & Developmental Services - Providence Forge.

The County leases part of the first and second floors of the Forge Professional Building in Providence Forge to implement its cooperative agreement for delivery of services by the Department of Mental Health & Developmental Services to residents of New Kent County and Charles City County. This Board paper authorizes the County Manager to execute a new lease, in a form approved by the County Attorney, for the entire first floor for a five-year term commencing November 1, 2011. The initial annual rental will be \$28,955.00 (approximately \$10.58 per sq. ft., excluding utilities and janitorial service) and will increase 3% each year thereafter.

The Directors of Mental Health & Developmental Services and Real Property recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Signatory Authority - Amendment to Contract for Engineering Design Services - Creighton Road Improvements Project #00985 - Fairfield and Varina Districts.

On April 25, 2006, the Board awarded a contract to AECOM (formerly known as Earth Tech, Inc.) for a total fixed lump sum fee of \$1,549,450.60 for the preparation of design and construction plans for Creighton Road improvements.

Additional design work is required to create a final set of plans to bid the portion of the project between Laburnum Avenue and Sandy Lane for construction. Additional environmental analysis is required due to changes in environmental regulations.

AECOM and the Department of Public Works have negotiated a fixed lump sum fee of \$174,129.00 for the additional work.

This Board paper approves the amendment to the existing contract for the additional work and authorizes the County Manager to execute the amendment, in a form approved by the County Attorney, and any necessary change orders up to 15% of the total contract amount.

The funds for this amendment will be provided from the Capital Projects Fund, Project #00985.

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

RESOLUTION - To Permit Additional Fine of \$200 for Speeding on Fort McHenry Parkway from Nuckols Road to .14 Mile South of Shadyford Lane.

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 residence 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 Fort McHenry Parkway from Nuckols Road to .14 mile south of Shadyford Lane 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 76% of the residents.

The Board paper authorizes the County Manager to place appropriate signs on Fort McHenry Parkway from Nuckols Road to .14 mile south of Shadyford Lane warning of an additional fine of \$200 for speeding.

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