

**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 9, 2010 at 5:30 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 matter to be reviewed by the Board at this time is:

5:30 – 6:00 p.m. Proposed Plan of Development (POD) for Brookland Middle School Renovations

6:00 – 6:45 p.m. *Dinner*



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
November 4, 2010

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
November 9, 2010
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Dr. Proctor N. Beard Sr., Pastor, Springfield Baptist Church

APPROVAL OF MINUTES – October 26, 2010 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

APPOINTMENTS

265-10 Resolution – Appointment of Members to Board of Directors – Economic Development Authority.

PUBLIC HEARINGS - REZONING CASES

212-10 Hallmark Home Builders, Inc.: Request to amend proffered conditions
C-11C-10 accepted with Rezoning Case C-66C-03 on Parcels 771-774-3218, -1888,
Brookland -1883, -3818, -1877, -4418, -1871, -5017, -1765, -5617, -1858, -5837,
 -1853, -5137, -1747, -4537, -1840, -3937, -1735, -3337, -1729, -3449,
 -1723, -4049, -4648, -5248, -5847, -6067, -5366, -4765, -4165, -3565
 located along the south line of Mill Road approximately 300 feet east of
 LaVecchia Way. The applicant proposes to amend Proffer 13 related to
 fence height and type. The existing zoning is R-5AC General Residence
 District (Conditional). The Land Use Plan recommends Suburban
 Residential 2, density not to exceed 3.4 units per acre. The Planning
 Commission voted to recommend the Board of Supervisors **grant** the
 request. **(Deferred from the October 12, 2010 Meeting).**

266-10 Kneading Therapy, Inc.: Request to amend proffered conditions accepted
C-6C-10 with Rezoning Case C-36C-92 on Parcel 755-758-3580, located at the
Brookland southeast intersection of Springfield Road (State Route 157) and Huron
 Avenue. The applicant proposes to amend Proffer 1(a), 5(a), and Proffer 6
 related to landscaped buffers, permitted uses, and hours of service. The
 existing zoning is B-2C. The Land Use Plan recommends Commercial
 Arterial. The Planning Commission voted to recommend the Board of
 Supervisors **grant** the request.

267-10 KCA/Camp Hill Investments, LC: Request to amend proffered condition
C-16C-10 accepted with Rezoning Case C-18C-05, on Parcels 833-686-7681 and 832-
Varina 688-9219 and part of Parcels 833-686-5297 and 829-681-6852 located along
 the north line of New Market (State Route 5) and Long Bridge Roads

between the east line of Turner Road and the west line of Yahley Mill Road. The applicant proposes to amend Proffer 25 to alter the timing of construction for recreational amenities. The existing zoning is R-2AC One-Family Residence District (Conditional). The Land Use Plan recommends Suburban Residential 1, density not to exceed 2.4 units per acre. A portion of the site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

268-10
C-17C-10
Varina

New Market Village Development Company, LLC: Request to amend proffered conditions accepted with Rezoning Case C-79C-05, and amended with C-15C-09, on Parcels 812-701-4052, -3753, -3355, -3156, -2757, -5849, -5450, -5150, -8519, -8623, -8726, -8830, -8233, 8130, -8026, -7923, -5542, -5438, -5335, -5232, -3133, -3237, -3340, -3443, -3547, -5027, -4923, -4820, -4717, -5312, -5415, -5519, -5622, -7615, -7512, -7409, -7305, -8108, -8211, -8314, -2146, -3371, -3578, -3785, -4192, -6095, -7391, -8385, -9958, -4979, -6277, -6874, -7572, -8069, -8766, -7760, -6565, -5967, -5268, -4569, -7581, 813-701-0279, -0878, -0164, 812-700-8596, and part of Parcel 812-700-4749 located along the south line of Darbytown Road approximately 300 feet west of its intersection with S. Laburnum Avenue. The applicant proposes to amend Proffers 1, 3, and 17 related to roofing shingles, house size, and sod and irrigation systems. The existing zoning is RTHC Residential Townhouse District (Conditional) and R-5AC General Residence District (Conditional). The Land Use Plan recommends Urban Residential and Environmental Protection Area. The site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

269-10
C-19-10
Fairfield

KCA/Laburnum, LLC: Request to rezone from RTHC Residential Townhouse District (Conditional) to A-1 Agricultural District, Parcel 808-731-7728 containing approximately 10.33 acres, located at the southeast intersection of N. Laburnum Avenue and Watts Lane. The A-1 District allows a minimum lot size of 43,560 square feet and a maximum gross density of 1.0 unit per acre. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Urban Residential; density should range from 3.4 to 6.8 units per acre. The site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARING - OTHER ITEM

270-10 Resolution - POD-01-10 - Approval of a Plan of Development for The Freedom Flag Foundation Monument - Tuckahoe District.

PUBLIC COMMENTS

GENERAL AGENDA

- 271-10 Resolution – Ratification and Confirmation of Signature – Governor’s Opportunity Fund Performance Agreement – Capital One Bank, National Association.
- 272-10 Resolution - Signatory Authority - Lease of Office Space for the Henrico Drug Court Program – 2715-A Enterprise Parkway – Three Chopt District.
- 273-10 Resolution - Approval of Acquisition - Rights-of-Way and Easements - North Gayton Road Extension Project - Centex Homes - Three Chopt District.
- 274-10 Resolution - Signatory Authority - Amendment to Contract for Engineering Design Services - John Rolfe Parkway from Ridgefield Parkway to West Broad Street (approximately 3.838 miles). Project #2101.50701.28004.00720 (formerly Project #552109-701-463-00). Three Chopt and Tuckahoe Districts.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
November 9, 2010**

INVOCATION – Rev. Dr. Proctor N. Beard Sr., Pastor, Springfield 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, 2014 or thereafter, when their successors shall have been appointed and qualified:

Brookland District	John F. Hastings
Tuckahoe District	Stephanie T. Ford
Varina District	S. Floyd Mays, Jr.

PUBLIC HEARINGS - REZONING CASES

C-11C-10
Brookland

Hallmark Home Builders, Inc.: Request to amend proffered conditions accepted with Rezoning Case C-66C-03 on Parcels 771-774-3218, -1888, -1883, -3818, -1877, -4418, -1871, -5017, -1765, -5617, -1858, -5837, -1853, -5137, -1747, -4537, -1840, -3937, -1735, -3337, -1729, -3449, -1723, -4049, -4648, -5248, -5847, -6067, -5366, -4765, -4165, -3565 located along the south line of Mill Road approximately 300 feet east of LaVecchia Way. The applicant proposes to amend Proffer 13 related to fence height and type. The existing zoning is R-5AC General Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, density not to exceed 3.4 units per acre. Acting on a motion by Mr. Vanarsdall seconded by Mr. Branin, 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. **(Deferred from the October 12, 2010 Meeting).**

C-6C-10
Brookland

Kneading Therapy, Inc.: Request to amend proffered conditions accepted with Rezoning Case C-36C-92 on Parcel 755-758-3580, located at the southeast intersection of Springfield Road (State Route 157) and Huron Avenue. The applicant proposes to amend Proffer 1(a), 5(a), and Proffer 6 related to landscaped buffers, permitted uses, and hours of service. The existing zoning is B-2C. The Land Use Plan recommends Commercial Arterial. Acting on a motion by Mr. Vanarsdall seconded by Mr. Branin, 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 Land Use Plan recommendations and it is not expected to adversely impact surrounding land uses in the area.

C-16C-10
Varina

KCA/Camp Hill Investments, LC: Request to amend proffered condition accepted with Rezoning Case C-18C-05, on Parcels 833-686-7681 and 832-688-9219 and part of Parcels 833-686-5297 and 829-681-6852 located along the north line of New Market (State Route 5) and Long Bridge Roads between the east line of Turner Road and the west line of Yahley Mill Road. The applicant proposes to amend Proffer 25 to alter the timing of construction for recreational amenities. The existing zoning is R-2AC One-Family Residence District (Conditional). The Land Use Plan recommends Suburban Residential 1, density not to exceed 2.4 units per acre. A portion of the site is in the Airport Safety Overlay District. 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 **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers and it was determined to be reasonable.

C-17C-10
Varina

New Market Village Development Company, LLC: Request to amend proffered conditions accepted with Rezoning Case C-79C-05, and amended with C-15C-09, on Parcels 812-701-4052, -3753, -3355, -3156, -2757, -5849, -5450, -5150, -8519, -8623, -8726, -8830, -8233, 8130, -8026, -7923, -5542, -5438, -5335, -5232, -3133, -3237, -3340, -3443, -3547, -5027, -4923, -4820, -4717, -5312, -5415, -5519, -5622, -7615, -7512, -7409, -7305, -8108, -8211, -8314, -2146, -3371, -3578, -3785, -4192, -6095, -7391, -8385, -9958, -4979, -6277, -6874, -7572, -8069, -8766, -7760, -6565, -5967, -5268, -4569, -7581, 813-701-0279, -0878, -0164, 812-700-8596, and part of Parcel 812-700-4749 located along the south line of Darbytown Road approximately 300 feet west of its intersection with S. Laburnum Avenue. The applicant proposes to amend Proffers 1, 3, and 17 related to roofing shingles, house size, and sod and irrigation systems. The existing zoning is RTHC Residential Townhouse District (Conditional) and R-5AC General Residence District (Conditional). The Land Use Plan recommends Urban Residential and Environmental Protection Area. The site is in the Airport Safety Overlay District. Acting on a motion by Mr. Jernigan seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the reduction in minimum house size and required finished space would not greatly influence the quality or value of residential development in the area and the proffers would maintain level of quality compatible with surrounding development.

C-19-10
Fairfield

KCA/Laburnum, LLC: Request to rezone from RTHC Residential Townhouse District (Conditional) to A-1 Agricultural District, Parcel 808-731-7728 containing approximately 10.33 acres, located at the southeast

intersection of N. Laburnum Avenue and Watts Lane. The A-1 District allows a minimum lot size of 43,560 square feet and a maximum gross density of 1.0 unit per acre. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Urban Residential; density should range from 3.4 to 6.8 units per acre. The site is in the Airport Safety Overlay District. Acting on a motion by Mr. Archer seconded by Mr. Jernigan, 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.

PUBLIC HEARING - OTHER ITEM

RESOLUTION - POD-01-10 - Approval of a Plan of Development for The Freedom Flag Foundation Monument - Tuckahoe District.

This Board paper would approve a plan of development (“POD”) to construct a memorial monument and related site improvements on a 0.57-acre site located at the southeast intersection of N. Parham Road and Eastridge Road on part of parcel 754-743-2488. The property is zoned C-1, Conservation District, and is located in the Tuckahoe District.

The Department of Planning has coordinated the review of the POD with all County departments and has held a meeting with the project engineer and appropriate representatives from the Department of Public Works, the Department of Public Utilities, the Division of Fire, the Division of Police, and the Office of Building Construction and Inspections. All design issues raised during the review of the project have been resolved.

The Director of Planning recommends approval of the POD subject to the staff recommendations, the staff plan dated November 9, 2010, and the conditions listed in the Board paper, and the County Manager concurs.

The Board reviewed this plan of development in a work session on October 26, 2010.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION – Ratification and Confirmation of Signature – Governor’s Opportunity Fund Performance Agreement – Capital One Bank, National Association.

This Board paper ratifies and confirms the County Manager’s execution on October 27, 2010 of a performance agreement among the County, the County’s Economic Development Authority, and Capital One Bank, National Association. Pursuant to the agreement, the County has agreed to appropriate \$600,000 to the EDA; the County will receive half of this amount as a grant from the Governor’s Opportunity Fund. The EDA will then make a grant to Capital One Bank for \$600,000. In return, Capital One has agreed to construct certain improvements on its Knolls

Center Campus in Innsbrook and to create 700 new, permanent, full-time jobs in Henrico County by December 31, 2013.

This subject was discussed with the Board of Supervisors in a closed meeting on October 12, 2010.

RESOLUTION - Signatory Authority - Lease of Office Space for the Henrico Drug Court Program – 2715-A Enterprise Parkway – Three Chopt District.

Approval of this resolution will authorize the County Manager to execute a lease, in a form approved by the County Attorney, for a term of five years commencing January 1, 2011 and terminating December 31, 2016, between Leigh Properties LC (Lessor), and the County of Henrico, Virginia (Lessee), for approximately 3,241 sq. ft. of office space located at 2715-A Enterprise Parkway for the Henrico Drug Court Program. After an extensive search, it has been determined that this space is suitable property to relocate the Henrico Drug Court Program. The County desires to lease this space and terminate the existing lease for the temporary office space located at 8604 Staples Mill Road. The first year annual rent is \$27,276.00, payable monthly at the rate of \$2,273.00 per month, with a 2% rent escalation annually after year one, subject to terms and conditions specified in the lease. This lease is subject to annual appropriation by the Board of Supervisors.

The Directors of Community Corrections and Real Property recommend approval of this action.

RESOLUTION - Approval of Acquisition - Rights-of-Way and Easements - North Gayton Road Extension Project - Centex Homes -Three Chopt District.

This Board paper authorizes the execution and filing of documents necessary to complete the acquisition of 452 sq. ft. of rights-of-way (“Rights-of-Way”), 23,146 sq. ft. of permanent slope and drainage easements, 562 sq. ft. of permanent slope, drainage and guardrail easements, and a 3,378 sq. ft. temporary construction easement for the construction of the North Gayton Road Extension Project across five parcels of land in the Three Chopt District owned by Centex Homes, a Nevada general partnership, (the “Owner”).

On July 13, 2010, the Board authorized condemnation proceedings to acquire rights-of-way and easements across seven parcels of the Owner’s real property, and on August 18, 2010, the County filed a Certificate and deposited \$83,572 with the Clerk of the Circuit Court to acquire the rights-of-way and easements in accordance with state law.

Following negotiations between the parties, the County acquired easements across two of the Owner’s parcels, the Owner granted the Virginia Power easements, and Verizon determined it no longer required the easements it had requested for the project. The Owner is willing to accept \$89,685 for the Rights-of-Way and Easements needed for the construction of the project.

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

RESOLUTION - Signatory Authority - Amendment to Contract for Engineering Design Services - John Rolfe Parkway from Ridgefield Parkway to West Broad Street (approximately 3.838 miles). Project #2101.50701.28004.00720 (formerly Project #552109-701-463-00). Three Chopt and Tuckahoe Districts.

On October 10, 2000, the Board of Supervisors approved a contract with Stantec Consulting Services, Inc. (formerly American Engineers) for a total fixed lump sum fee of \$1,172,537.97 for the preparation of design and construction plans for John Rolfe Parkway from Ridgefield Parkway to West Broad Street (approximately 3.838 miles).

On June 8, 2004, the Board approved an amendment to the engineering contract for additional work resulting from public hearing comments, additional VDOT requirements, changes in drainage outfalls, the need for right-of-way and easements, and changes in plans due to development, for the additional fixed lump sum fee of \$1,086,013.64.

On May 24, 2005, the Board approved a second amendment for design of a water line connection from Three Chopt Road to West Broad Street for an additional lump sum fee of \$44,416.00.

On June 27, 2006, the Board approved a third amendment for additional work required as a result of development in the corridor, additional environmental requirements, and construction plan phasing, for the additional lump sum fee of \$873,502.88.

On February 26, 2008, the Board approved a fourth amendment for additional work required as a result of further development in the corridor, additional environmental requirements, construction monitoring and support, and the need to finalize preparation of John Rolfe Parkway, Phase II plans through advertisement, for the additional lump sum fee of \$723,328.84.

On October 14, 2008, the Board approved a fifth amendment for additional work required to integrate this project with the VDOT connection at West Broad Street, to add a free-flow right turn lane from northbound John Rolfe Parkway to eastbound West Broad Street, and to coordinate improvements with the new Victory Nissan entrance. Stantec Consulting Services, Inc. and the Department of Public Works have negotiated a fixed lump sum fee for this additional design work in an amount of \$56,074.68.

Additional work is required to comply with the terms and conditions of a Virginia Water Protection (VWP) and Virginia Storm Water Management Program (VSMP) permit application and implementation during construction of John Rolfe Parkway – Phase II. Stantec Consulting Services, Inc. and the Department of Public Works have negotiated a fixed lump sum fee for this additional work in an amount of \$34,596.71.

This Board paper approves the amendment to the engineering contract with Stantec Consulting Services, Inc. and authorizes the County Manager to execute the amendment, in a form approved by the County Attorney, and any necessary change orders within funds available. The

funds for this amendment will be provided from the Capital Projects Fund, Project #2101.50701.28004.00720 (formerly Project #552109-701-463-00).

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