

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
REGULAR MEETING  
June 14, 2022

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, June 14, 2022, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

**Members of the Board Present:**

Patricia S. O'Bannon, Chairman, Tuckahoe District  
Frank J. Thornton, Vice-Chairman, Fairfield District  
Tyrone E. Nelson, Varina District  
Daniel J. Schmitt, Brookland District

**Member of the Board Absent:**

Thomas M. Branin, Three Chopt District

**Other Officials Present:**

John A. Vithoulkas, County Manager  
Andrew R. Newby, County Attorney  
Tanya N. Brackett, CMC, Assistant to the County Manager/Clerk to the Board  
W. Brandon Hinton, Deputy County Manager for Administration  
Monica Smith-Callahan, Deputy County Manager for Community Affairs  
Anthony E. McDowell, Deputy County Manager for Public Safety  
Cari M. Tretina, Assistant to the County Manager/Chief of Staff  
Steven J. Yob, Deputy County Manager for Community Operations  
Benjamin A. Sheppard, Director of Public Relations

Rollin Mohler, Chaplin for the Henrico County Police Division, delivered the invocation.

On motion of Mr. Thornton, seconded by Mr. Nelson, the Board approved the minutes of the May 24, 2022, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Nelson, Schmitt

No: None

Absent: Branin

**MANAGER'S COMMENTS**

Mr. Vithoulkas recognized Ty Parr, Director of Social Services, who has been appointed to the Board for Equality Virginia, effective July 1. Equality Virginia is a nonprofit that is the leading advocacy organization in Virginia seeking equality for LGBTQ+ people. It is also an

organization that understands that LGBTQ+ Virginians, from youth to seniors, continue to experience violence, discrimination, and disparities, particularly transgender people and people of color. Mr. Vithoulkas noted since the Virginia Values Act passed to protect LGBTQ+ Virginians from discrimination in areas such as housing and employment, the organization's priorities have expanded to include training and public education, racial and gender equity, investing in relationships to educate legislatures, and fostering inclusive communities by changing hearts and minds. Ty has been integral the last few years by contributing to the County's DEI efforts. DEI specialist Shanone Sport and Ty have facilitated focus groups, designed programs, and supported County employees in any way possible for their personal and professional growth. He stated the County is honored to have such a *dedicated public servant and passionate community member join Equality Virginia's mission to build a fully inclusive Commonwealth by ensuring all LGBTQ+ people are free to live, love, learn and work.*

Mr. Parr thanked the Manager and recognized June as Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month. This month-long celebration demonstrates how LGBTQ+ Americans have strengthened our country by using their talent and creativity to help create awareness and goodwill. Pride Month is currently celebrated each year in the month of June to honor the 1969 Stonewall Uprising in Manhattan. The Stonewall Uprising was a tipping point for the Gay Liberation Movement in the United States. Today, LGBTQ+ Pride Month celebrations attract millions of participants around the world. Memorials are held during this month for those members of the community who have been lost to hate crimes or HIV/AIDS. The purpose of the commemorative month is to recognize the impact that LGBTQ+ individuals have had on history locally, nationally, and internationally. Since 1970, LGBTQ+ people have continued to gather together in June to march with Pride and demonstrate for equal rights.

### **BOARD OF SUPERVISORS' COMMENTS**

Mr. Nelson invited everyone to the Juneteenth Celebration scheduled for Saturday, June 18 at Dorey Park from 4:00 – 10:00 p.m. This free event includes fireworks display to end the evening.

Mr. Schmitt wanted to bring to the public's attention the nearly 4,000 students who will be graduating this week from Henrico County Public Schools and congratulated all the students who are graduating.

### **RECOGNITION OF NEWS MEDIA**

Mrs. O'Bannon recognized a representative from WTVR channel 6.

### **PRESENTATIONS**

Mr. Schmitt presented four proclamations awarding the Board of Supervisors' Community Service Medal to four organizations. These companies provided all the materials and expertise needed to replace the roof on a non-profit community center. Even more importantly, they provided a hands-on introduction to the roofing trade to dozens of Henrico County school students who are participants in the Career and Technical Education program.

Last year the West End Manor Civic Association approached Mr. Mac Beaton, Director of Workforce and Career Development at Henrico County Public Schools, with a request for assistance. The Association's 40-year-old building needed a new roof, but the Association was not able to hire a firm to do the work. Mr. Beaton looked at the building and realized its relatively simple roof design would make a perfect training opportunity for students to learn about roofing trades.

Mr. Beaton got to work contacting organizations in the community looking for help in the form of materials and expertise. Soon a plan came together. Materials would be donated by ABC Supply Company, labor and expertise from Hertless Brothers Roofing, Inc., and the Virginia Association of Roofing Contractors, and Scaffolding Solutions, Inc., would erect the scaffolding that would allow students to safely access the roof surface.

During the last week of May, during a heat wave, these community organizations got busy. Over the course of several days, they hosted both classroom and hands-on lessons for the students, including up on the roof. And, while doing this, they put a new roof on the community center. This project was completed with no cost to the Association, or to the taxpayers, and provided a valuable career introduction to kids considering a well-paying job in the building trades.

Mr. Schmitt stated it takes a true commitment for a private business to see a vision and the importance of introducing career options to young people, and it takes a real heart of service to follow up on that vision by donating the time, materials, and expertise to make it a reality. The County is very fortunate to have such an incredible partnership among the Board of Supervisors, the School Board, our Career and Technical Education program, and private community organizations such as the four who are being recognized tonight.

Mr. Schmitt presented the Distinguished Community Service Medal to the following individuals: Mr. Scott Shufflebarger with Hertless Brothers Roofing, Inc.; Mr. Roger Jetton from Scaffolding Solutions, Inc.; Ms. Heather Greenwell, Executive Director of the Virginia Association of Roofing Contractors; and Ms. Adriana Atehortua from ABC Supply Company.

## **PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS**

168-22 PUP2022- 00005 Varina	Foster's Reach, LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a marina and accessory uses, including a restaurant with outdoor seating, on Parcel 807-671-2121 located on the west line of Osborne Turnpike approximately 350' north of its intersection with Kingsland Road.
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Joe Emerson, Director of Planning, responded to questions from Mr. Nelson regarding what a provisional use permit is, why it is necessary, and how it works. He also discussed some other issues regarding the sound and an additional buffer that had been requested by the residents.

Andy Condlin stated this provisional use permit is good for the area and feels the applicant has invested a lot of time for this case and feels they have worked with the residents to make sure they are good neighbors for the community and residents. He requested the Board support the

approval of the permit.

William Shewmake thanked Mr. Nelson for all his work on this case and the residents who came out to the numerous community meetings.

Aileen Rivera, a resident of the Varina District, stated she represents the Route 5 corridor coalition and states they support this case. The group feels the applicant has done a great job in working with the community and hopes the Board of Supervisors approves the permit. She feels the Lilly Pad is the type of business the area needs.

On motion of Mr. Nelson, seconded by Mr. Thornton, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. **Concept Plan.** The services and structures of the marina shall adhere to the plan prepared by RH Designs LLC, dated 4/28/2022, and titled "Kingsland Marina Concept Plan" (see case file) and shall be considered the marina's master plan. Other than normal maintenance, cosmetic enhancements, and internal configurations, there shall be no expansion of the gross square footage of the restaurant and no expansion of the existing outdoor dining area, waiting area, and stage area, collectively referred to as the "Outdoor Seating Area" as depicted on the master plan (see case file). This shall not prohibit additional tents within the outdoor seating area, other improvements to the exterior walls of the restaurant or within the restaurant, or the "Outdoor Seating Area". Any physical expansion of the marina and/or restaurant use, including the use of watercraft as dining or entertainment areas, shall require modification of this provisional use permit.
2. **Permitted Uses.** Uses shall be limited to those permitted by the zoning ordinance for a marina and include a restaurant with outdoor dining area/patio and accessory music.
3. **Plan and Permit Approvals.** The applicant shall obtain any outstanding permits with local, state, and federal agencies. Applications for such permits shall be made within 60 days of the Board of Supervisors approval of the PUP request, unless an extension is requested in writing and approved by the Director of Planning.
4. **Site Plan.** The applicant shall submit a site plan per Section 24-2315 that delineates, at a minimum, existing and proposed buildings, parking spaces, travel lanes, boat storage areas, and parking lot lighting. Such plan shall be in general conformance with the concept plan titled "Kingsland Reach Marina Concept Plan" (see case file) and shall be submitted within 60 days of the Board of Supervisors' approval of the PUP request unless an extension is requested in writing and approved by the Director of Planning.

5. **Special Events.** Any special events that would allow for dancing shall be limited to 250 square feet in floor area. If a larger floor area is required, the property owner shall obtain any necessary permits.
6. **Hours of Operation.** The restaurant and outdoor dining area shall not be in operation between 11:00 p.m. and 7:00 a.m. Any outdoor entertainment activity involving amplification, live or recorded, shall be limited to the following:
  - Wednesdays 5:00 p.m. to 9:00 p.m.
  - Thursdays through Saturdays 5:00 p.m. to 11:00 p.m.
  - Sundays 1:00 p.m. to 6:00 p.m.
7. **Location of Outdoor Music.** The location of any outdoor music (band or DJ) associated with the restaurant use shall be limited to the stage located in the outdoor dining area as shown on the Concept Plan (see case file).
8. **Sound Level Limiter.** Sound levels generated by equipment used for live music shall be controlled by a sound level limiter. The limiter shall set the maximum sound (decibel) level at the source of the amplified sound equipment to no more than 98 decibels. The enhanced sound of live entertainment shall not exceed 60 decibels at the perimeters of the property lines adjacent to residential property uses.
9. **Outside Speakers for Outside Dining.** Any outside speakers or sound system used for recorded, background music for outdoor dining and not associated with an event shall comply with the following standards:
  - a. Sound systems shall be equipped with controls permitting full volume adjustment.
  - b. Sound systems shall be used only when outdoor dining is permitted.
  - c. Sound systems shall not be audible at the perimeter of the property adjacent to residential property uses.
10. **Parking Conditions.** Parking on the property shall be located in the gravel parking areas designated for such on the concept plan (see case file). There shall be no parking on Osborne Turnpike. The property owners will take appropriate action to ensure the appropriate care and maintenance of the parking area and corrective action will be taken if dirt or mud are tracked onto public roads. The parking area and entrance drive must be maintained in an all-weather condition. The entrance shall be paved for a distance of 100 feet off Osborne Turnpike.
11. **Landscape Preservation.** A one hundred (100) foot tree buffer located along the southeastern boundary of the property adjacent to the parcel identified as GPIN 807-670-5469 shall be maintained and preserved. Access and utility easements (including drainage

easements) and fencing adjacent to any drives shall be permitted within the buffer; provided any such easements shall be extended generally perpendicular through such buffer.

12. **Signage.** There shall be no more than one detached sign installed at the entrance of the property. The sign shall be a monument style and must not exceed 20 square feet in area or 5 feet in height. The sign shall only be externally lit by mounted floodlights aimed and controlled so that the light is substantially confined to the sign. In addition to the above, directional, and building identification signs may be permitted as regulated in Section 24- 5707 of the Code. Internally lit signs, changeable message signs, banners, or attention- getting devices shall be prohibited.
13. **Sanitary Facilities.** Sanitary facilities shall be maintained to the satisfaction of the Health Department.
14. **Crime Prevention.** The applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property within 60 days of the Board of Supervisors' approval of the PUP request unless an extension is requested in writing and approved by the Director of Planning. The applicant shall implement mutually agreed upon security recommendations.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Nelson, Schmitt

No: None

Absent: Branin

169-22  
PUP2022-  
00011  
Brookland

Justin Donaldson: Request for a Provisional Use Permit under Sections 24-2306 and 24-3708 of Chapter 24 of the County Code to allow a multifamily residential development on Parcels 776-735-8125 and 777-735-0170 located on the northeast line of W. Broad Street (U.S. Route 250) approximately 745' east of the intersection of Westmoreland Street.

No one from the public spoke in opposition of this item.

On motion of Mr. Schmitt, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. **Master Plan.** The master plan for the property shall consist of all layout, architectural, and streetscape documents submitted as part of this request (see case file). All development on the property shall be in general conformance with the master plan, unless otherwise approved at the time of Plan of Development review. Setbacks may be reduced from those otherwise required in the M-1 District, but in

no case shall they be less than shown on the Master Plan.

2. **Height Limitations.** Buildings shall be limited to 100' in height.
3. **Architectural Design.** Any new buildings shall be constructed consistent with the elevations titled "4400 West Broad St." dated April 25, 2022, and February 16, 2022, prepared by Poole & Poole Architecture, LLC (see case file), unless otherwise approved at time of Plan of Development Review.
4. **Reservation of Future Right of Way or Access Easement.** The plan of development shall provide for the ability to construct a future roadway (public or private) along the property's central roadway to create additional access between properties to the east and west of the subject property and along the internal roadway located between the western property boundary and Building 1. Evidence of necessary easements shall be provided prior to final plan of development approval in a form approved by the Director of Planning.
5. **Materials.** Any building on the property shall be a combination of any of the following: masonry and cementitious siding. No vinyl siding shall be used. Alternate materials may be allowed if requested by Owner and specifically approved by the Director of Planning upon a finding that such materials are of equivalent quality, function or manufacture to those specifically enumerated above.
6. **POD Supplementary Submittal Requirements.** With each Plan of Development application for a portion of the Property, the Owner shall prepare and submit to the Director of Planning the following (the "POD Supplements"):
  - a. Streetscape & Landscape Plan, which shall include, as applicable, all hardscaping, vegetative screening, streetscape plantings, foundation plantings, and any other landscape elements required by the Director of Planning.
  - b. Lighting Plan
  - c. Pedestrian Connection Plan, which shall include all improvements designed to facilitate pedestrian circulation and connectivity.
  - d. Each of the POD Supplements shall be reviewed for general conformance with the Master Plan. Deviations may be approved by the Director of Planning in connection with any subsequent Plan of Development, subdivision approval, or any other variation permitted by the Director upon a finding that the variations are generally in keeping with the spirit

and concept of the Master Plan.

7. **Fire Access.** Prior to approval of construction plans for the development, the applicant shall provide the Director of Planning evidence that any building restrictions on adjacent property necessary to meet fire access requirements have been agreed to by the owner of such property.
8. **Emergency Communication Systems.** The owner shall install a fire command center and emergency radio communication equipment within any new building exceeding 60 feet in height to allow for adequate public safety and radio coverage within and between the buildings. A communications consultant shall certify such equipment as compatible with the County's emergency communication system within 90 days of the owner or tenant obtaining a Certificate of Occupancy for any such building. The County shall be permitted to perform communications testing within the buildings at any time.
9. **Fire Protection.** All structures, including parking structures, other than open, standalone parking garages, shall be fully sprinkled for fire protection.
10. **Fire Protection-Structured Parking.** A 3" standpipe for fire protection shall be provided within all structured parking at approximately 200' intervals. The exact location of these improvements will be determined by the Division of Fire during Plan of Development review.
11. **Crime Prevention.** Prior to occupancy of any structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.
12. **Parking Plan.** Parking may be reduced in accordance with the parking plan titled "4400 West Broad Street Parking Analysis", dated April 27, 2022 (see case file), but shall in no case be less than the combined peak parking demand for any proposed uses as shown in Table 1 of the reference document. Any plan of development submitted for the property shall include a tabulation of all parking required per a licensed engineer's determination. Shared parking information, including updates to the parking calculations demonstrating the parking rate is meeting the needs of approved development on the property, shall be provided with each plan of development, or as requested by the Director of Planning. Each plan of development submitted shall identify the location and means of creating additional parking that could accommodate the difference between the reduced parking standard approved by this permit and the standards contained in the Henrico County Code.



The Parking Plan shall be updated at the time of Plan of Development to reflect the square footage of all uses on the project site, including those uses located in Henrico County and the City of Richmond.

13. **Amenities.** Amenities consistent with the Master Plan (see case file) shall be provided on the property in a manner determined at the time of plan of development review.
14. **Prohibited Uses.** The following uses shall be prohibited as part of the master-planned development.
  - a. Adult uses
  - b. Crematory or funeral home
  - c. Shooting range, indoor
  - d. Alternative lending institutions
  - e. Auction house
15. **Sidewalks and Street Lights.** Sidewalks shall be provided along all public street frontages and internal driveways and roads, in addition to those areas indicated on the master plan (see case file). Streetlights shall be provided along public streets and internal roads in a manner determined at the time of lighting plan review.
16. **Residential Density and Unit Size.** There shall be no more than 340 dwelling units of which no more than 34 dwelling units with 3 or more bedrooms.
17. **Residential Recycling Facilities.** Recycling shall be provided for the multi-family development for so long as the County either provides or sponsors some form of recycling. Outside recycling and refuse collection area(s) provided shall comply with the requirements set forth in section 24-4427 of the Zoning Ordinance.
18. **Streetscape.** Development of streetscapes shall be in general conformance with the streetscape exhibit titled "Conceptual Internal Streetscape", dated April 25, 2022 (see case file).
19. **Development of Overall Project.** Recognizing that a portion of the property is located in the City of Richmond but that the property will be developed concurrently in both the City of Richmond and Henrico County as a single project, no Certificate of Occupancy shall be issued for the Henrico County portion of the project until evidence is provided that:
  - a. The entire project, including that portion within the City of Richmond, contains no more than 340 total dwelling units, of which no more than 34 total dwelling units contain 3 or more bedrooms;

- b. A Certificate of Occupancy has been issued for the portion of the project located in the City of Richmond;
- c. The portion of the project located in the City of Richmond complies with Conditions 1, 2, 3, 5, 13, and 14, contained herein;
- d. Parking for any residential use located in the City of Richmond portion of the project complies with Condition 12; and
- e. Parking provided for any commercial use located in the City of Richmond portion of the project shall be in addition to the parking required for the residential uses set forth in Condition 12 and further, shall be calculated as required by Henrico County Code or as shown in the updated Parking Plan outlined in Condition 12.

20. **Plan of Development.** No Plan of Development shall be approved in Henrico County until evidence is provided of approval of a Plan of Development for the City of Richmond portion of the project site.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Nelson, Schmitt

No: None

Absent: Branin

170-22  
REZ2022-  
00015  
Varina

Franklin RE Partners, LLC: Request to conditionally rezone from O-3C Office District (Conditional) to M-1C Light Industry District (Conditional) part of Parcel 842-707-9113 containing 19.173 acres located at the southwest intersection of Technology Boulevard and Memorial Drive.

No one from the public spoke in opposition of this item.

On motion of Mr. Nelson, seconded by Mr. Thornton, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Concept Plan.** The Property shall be developed in general conformance with the concept plans attached hereto as "DISTRIBUTION CENTER CONCEPT PLAN, WHITE OAK" prepared by Timmons Group and dated April 22, 2022 (see case file), and "DATA CENTER CONCEPT PLAN, WHITE OAK" prepared by Timmons Group and dated April 22, 2022 (collectively, the "Concept Plan") (see case file), both of which are conceptual in nature and may vary in massing, height, elevations, design, layout, final density, and other details shown therein. The specific design, general layout, elevations and other details may vary from the

Concept Plan as required for final plan approval, engineering reasons, design or compliance with governmental regulations, or as approved during any Plan of Development review.

2. **Access.** Vehicular ingress and egress to and from the Property shall be only via Technology Boulevard and Techpark Way in a configuration and in the approximate locations as shown on the Concept Plan (see case file) or as otherwise approved at the time of Plan of Development review of the Property. No vehicular access to and from Memorial Drive shall be permitted.
3. **Loading Areas.** All loading areas shall be screened from public view at the public rights of way. Further, the alignment of the roadways providing vehicular access to and from the Property will be in a configuration and in the approximate location as shown on the Concept Plan (see case file), as approved at the time of Plan of Development review, to screen the tractor and trailer loading areas from public view at ground level from Technology Boulevard.
4. **Building Materials.** Exposed exterior wall surfaces (above finished grade) of all individual buildings (excluding rooftop screening materials for mechanical equipment) shall be constructed with one or more of the following siding materials: decorative concrete block (including, without limitation, split face block, smooth face block, fluted block, and ground face block), tilt-up or pre-cast concrete, brick, brick veneer, glass, metal (other than corrugated metal), stone, cast stone, stone veneer, granite, marble, stucco, synthetic stucco, glass block, cementitious siding, composite-type siding, engineered wood (e.g. LP Smartside), insulated panels, concrete tile, or ceramic tile, unless other material is approved at the time of Plan of Development review. In no case shall unpainted concrete block, unfinished corrugated metal, or unfinished sheet metal be permitted. For purposes of these proffers, "wall surfaces" shall not be deemed to include columns, pilasters, trim, gutters, accent materials, architectural features, trim, windows, doors, bay doors, piers, wall sections and headers near roll up doors and loading doors.
5. **Height.** No building on the Property shall exceed a height of seventy-five (75) feet.
6. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and any utility lines crossing wetlands, if any, all new utility lines shall be underground.
7. **Buffers.** A landscaped and natural buffer area a minimum of fifty (50) feet in width shall be maintained along (a) the right-of-way line of Technology Boulevard and Memorial Drive, and (b) the western boundary of the Property, which such buffers shall be planted to a minimum of a Transitional Buffer 50 and may include supplemental plantings, signage, berms and other purposes as approved at the time

of landscape plan review. Best tree preservation practices shall be followed within the aforesaid buffer areas to minimize large tree clearing. Roads, sidewalks, utility easements (including drainage), drainage facilities, fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer; provided, any such road or utility easements shall be extended generally perpendicular through such buffer unless otherwise approved at the time of plan of development review. Landscaped buffer areas on the Property shall be served by an underground irrigation system.

8. **Uses.**

a. Uses on the Property shall be limited to the following uses permitted in the M-1 District as set forth in Table 4205 of the County Zoning Ordinance:

- i. Uses in the "Government Facilities" use category.
- ii. Uses in the "Utilities" use category.
- iii. Uses in the "Offices" use category.
- iv. Uses in the "Recreation and Entertainment, Indoor" use category, provided such uses shall be permitted only as an accessory use to other permitted uses and limited in hours of operation to 7 am to 9 pm.
- v. Uses in the "Industrial" use category.

b. Notwithstanding the foregoing, the following uses shall be restricted as noted:

- i. The following uses shall be prohibited:
  - 1. Correctional Facility
  - 2. Shooting Range, Indoor
  - 3. Theater
  - 4. Solid Waste Transfer Station
  - 5. Self-Service Storage Facilities
  - 6. Laundry, dry cleaning and carpet cleaning plants, and
- ii. Any use that is not conducted within a building shall be limited in hours of operation from 7 am to 9 pm.
- iii. Any bay doors facing Memorial Drive or the western boundary of the property, shall be closed from 9 pm to 7 am.

9. **Setbacks.** No building or any portion thereof shall be constructed within one hundred (100) feet from (a) the right-of-way line of Technology Boulevard and Memorial Drive, and (b) the western boundary of the Property. No portion of a building exceeding two (2)

stories in height shall be constructed within one hundred fifty (150) from (a) the right-of-way line of Technology Boulevard and Memorial Drive, and (b) the western boundary of the Property. Minimum paving setback for parking will be fifty feet from (a) the right-of-way line of Technology Boulevard and Memorial Drive, and (b) the western boundary of the Property. Mailboxes, newspaper boxes, overnight mailboxes, and similar structures shall not be permitted within such pavement setback.

10. **Safe Conduct of Operations.** All industrial uses shall be conducted so as not to (a) create any danger to the health, safety or welfare of the citizens of Henrico County or (b) cause any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, link, odor, heat or glare beyond the boundaries of the Property.
11. **Cultural Resources.** In the case any cultural resources or other item of historical significance is found on the Property, such recourse shall be preserved, dedicated, donated, or relocated.
12. **Exterior Alarms.** No exterior alarms or speaker systems shall be permitted, provided alarms or beepers located on vehicles and emergency alarms shall be permitted.
13. **Hours of Construction.** The hours of any land disturbance activities, including operation of bulldozers and other earthmoving equipment, within 500 feet of any existing single-family home, and exterior building construction, shall be 7:00 a.m. and 8:00 p.m. Monday through Saturday and none on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to properly complete such work, such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above referenced provisions shall be posted and maintained at all construction entrances to the Property prior to any land disturbances activities thereon.
14. **Detached Signage.** Detached signage along Technology Boulevard and Memorial Drive shall be monument style and landscaped. The height of any such detached sign shall be limited to ten (10) feet.
15. **Parking Lot Lighting.** Parking lot lighting fixtures located in the parking lots shall not exceed 30 feet in height above grade level. Such parking lot lighting shall be produced from concealed sources of light (i.e., shoebox type) and shall be reduced to no more than a security level following the close of business operations.
16. **No Burning.** There shall be no on-site open burning of stumps, limbs, trees or other debris during site work or the construction of any buildings on the Property.

17. **Trash Enclosures.** Any proposed enclosure area for dumpsters on the Property, if provided, shall be constructed of masonry on three (3) sides that is complementary to the buildings. The fourth side shall be gated with an opaque material.
18. **HVAC.** Heating and air conditioning equipment shall be screened from public view at ground level at the Property lines.
19. **BMPs/Retention Ponds.** Any retention pond or BMP facilities on the Property shall be maintained in accordance with all applicable laws, rules, and regulations and any wet pond shall be aerated.
20. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Nelson, Schmitt

No: None

Absent: Branin

171-22  
REZ2022-  
00018  
Tuckahoe

Hampton Manor of Richmond, LLC: Request to conditionally rezone from R-5AC General Residence District (Conditional) to R-6C General Residence District (Conditional) Parcel 748-741-8046 containing 6.117 acres located at the southeast intersection of Patterson Avenue (State Route 6) and Maybeury Drive.

Mr. Vitoulkas announced the next two cases were companion cases and would be presented together but would require two separate votes.

Andy Condlin, representing the applicant, presented an overview of the case and the measures taken to respond to community concerns.

Verna Graff-Gessaman, a resident of the Tuckahoe District, thanked the Board for the opportunity to speak and noted she has followed the rezoning and the plans very closely, and, after numerous community meetings and speaking with the developer, she feels Hampton Manor will be a good neighbor and supports the plan.

Colleen O'Meara, a resident of the Tuckahoe District, spoke in opposition of the rezoning case stating she feels it is inconsistent with the County's comprehensive plan and feels an assisted living facility is not appropriate for this lot and the proposed use should not have been deemed substantially in accord with the comprehensive plan. She urged the Board to deny the rezoning case and the provisional use permit.

Mr. Condlin briefly responded that the comprehensive plan is only a guide and that the impact of the proposed facility is less than the already-approved residential zoning. He noted the proposed facility was complementary to surrounding uses and more appropriate than the current zoning for the property.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Concept Plan.** The Property shall be developed in general conformance with the concept plans attached hereto as Exhibit A (see case file) prepared by the Timmons Group entitled "CONCEPTUAL SITE LAYOUT PLAN – SP001" dated January 28, 2022 (the "Site Layout Plan"), "CONCEPTUAL LANDSCAPE PLAN" dated May 3, 2022 (the "Landscape Plan") and "CONCEPTUAL SITE SECTION" dated April 6, 2022 (the "Site Section") (the Site Layout Plan, the Landscape Plan and the Site Section are collectively, the "Concept Plan") (see case file). The exact locations, footprints, configurations, size, and details of the lots, drives, roads, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of Plan of Development ("POD") review of the Property.
2. **Buffer Requirements.**
  - a. **Overall.** Any buffer within the Property required herein shall be retained as natural and may also be landscaped, including supplemental plantings, signage berms and/or fencing and other purposes as approved by the Planning Commission at the time of Landscape Plan review. Best tree protection practices shall be followed to minimize large tree clearing for any buffer along the perimeter of the Property. Buffer areas with installed landscaping shall be irrigated unless otherwise approved at the time of Landscape Plan review. Roads, sidewalks, utility easements (including drainage), common owned fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer; provided, any such road or utility easements shall be extended generally perpendicular through such buffer unless otherwise approved at the time of Landscape Plan review. All buffers shall be maintained by the owner of the Property.
  - b. **Patterson Avenue Buffer.** The area shown on the Landscape Plan (see case file) as "10' Landscape Strip" shall be a minimum ten (10) foot natural and landscaped buffer and planted to the level as shown on that plan entitled "TYPICAL PLANT DENSITY DIAGRAM, Patterson Ave. Assisted Living Center" dated May 5,

2022, prepared by Timmons Group, and attached hereto as Exhibit B (see case file), unless such plantings are not required as a result of existing evergreen vegetation, or as otherwise determined at the time of Landscape Plan review.

- c. **Maybeury Drive Buffer.** The area shown on the Landscape Plan (see case file) as "25' Transitional Buffer" along Maybeury Drive shall be a minimum twenty-five (25) foot natural and landscaped buffer and planted to the level of a Transitional Buffer 25 standard, unless such plantings are not required as a result of existing evergreen vegetation, or as determined at the time of Landscape Plan review.
  - d. **Maybeury Elementary School Buffer.** The area shown on the Landscape Plan (see case file) as "25' Transitional Buffer" between the Property and Maybeury Elementary School shall be a minimum twenty-five (25) foot natural and landscaped buffer and planted to the level of a Transitional Buffer 35 standard, unless such plantings are not required as a result of existing evergreen vegetation, or as determined at the time of Landscape Plan review. By way of illustration, the Maybeury Elementary School buffer is shown on the Site Section (see case file). Further, such buffer shall include supplemental plantings necessary to provide additional screening and security as determined at the time of landscape plan review.
  - e. **Eastern Buffer.** The area shown on the Landscape Plan (see case file) as "6' Landscape Strip" along the access road connecting to Patterson Avenue and running along the eastern portion of the Property as shown on the Site Layout Plan (the "Access Road") (see case file) shall be a minimum six (6) foot natural and landscaped buffer and planted to the level of a Transitional Buffer 10 standard, unless such plantings are not required as a result of existing evergreen vegetation, or as determined at the time of Landscape Plan review.
- 3. **Fencing Along Maybeury Elementary School Property.** A black aluminum rail fence a minimum of seventy-two (72) inches in height (see case file) shall be provided along the property line of the Maybeury Elementary School.
  - 4. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company.
  - 5. **Stormwater Retention.** Permanent stormwater retention facilities shall be underground. Stormwater retention facilities used for construction shall be designed to exceed the legally required volume design by twenty percent (20%). The use of "Super Silt Fencing" shall



be required during construction and steel posts shall be used to support such silt fencing. Such silt fencing shall be installed on the inlet side of a stormwater sewer or culvert. Sediment deposits shall be removed from behind the silt fencing prior to reaching one-half the height of the fence or a second fence shall be installed.

6. **Maybeury Drive Improvements.** A right turn lane and improvements along Maybeury Drive shall be constructed in general conformance with the Site Layout Plan (see case file) when required at the time of POD review. Such improvements shall include signal modifications and improvements to the existing facilities at Patterson Avenue and Maybeury Drive, any dedication of right-of-way needed, the installation of curb and gutter, pavement widening, and any necessary storm sewer along this portion of Maybeury Drive.
7. **Sidewalks.** Sidewalks shall be installed or refurbished in or adjacent to the rights-of-way for Patterson Avenue and Maybeury Drive in general conformance with the Site Layout Plan (see case file), subject to receipt of all necessary approvals and unless otherwise prohibited by law or government regulation.
8. **Building Materials.** Any building shall have exposed exterior walls (above finished grade and exclusive of trim, windows and doors) of full standard brick, stone, cementitious siding, or a combination of the foregoing except that other materials may be used for trim, architectural decorations, or design elements, or as otherwise approved at the time of POD review.
9. **Architectural Treatment and Building Height.** Any building constructed on the Property shall be representative of the style and design of that shown on the conceptual elevation attached hereto as Exhibit C (see case file) and shall be limited to one (1) story in height and shall not exceed twenty-five (25) feet in height.
10. **Entrance Feature.** The entrance to the Property from Maybeury Drive shall be designed and complemented with landscaping and an externally lit detached monument sign not to exceed thirty-six (36) square feet in area or six (6) feet in height to be located within thirty (30) feet of the entrance off Maybeury Drive. Any signs attached to the building (other than directional signage), any changeable message signs, and any electronic message centers shall be prohibited.
11. **Uses/Restrictions.** The Property shall only be used as an assisted living facility with memory care and such other accessory uses as are permitted in the R-6 Zoning District.
12. **Density.** The maximum number of residential units shall not exceed 98 units.
13. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the property line in a manner

approved at the time of Site Layout Plan review.

14. **Trash Receptacles.** Dumpsters and trash receptacles, not including convenience containers, shall be screened from public view at ground level at the perimeter of the Property, with masonry on three (3) sides complementary to the building it serves. The fourth (4th) side shall have a gate or door that is of a substantial and durable material as determined at the time of POD review. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a nuisance.
15. **Hours of Construction.** The hours of exterior construction (such as earth moving, grading or land clearing activities) including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:30 a.m. and 6 p.m. on Saturday, with no construction on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above referenced provisions shall be posted and maintained at all entrances to the Property prior to any land disturbances activities thereon.
16. **Construction Traffic and Parking.** Construction vehicles shall only be permitted to access the Property by way of the Access Road and not Maybeury Drive. Parking of construction vehicles and any vehicles belonging to construction contractor or subcontractor employees shall be prohibited in any public right-of-way, on Maybeury Elementary School property or in front of any individual residences within the surrounding area, including, but not limited to the Waterford Rhye community.
17. **Mud Wash.** The construction entrance off the Access Road shall have a mud wash for the washing of vehicle tires as necessary when leaving the Property.
18. **Burning.** There shall be no burning of natural materials or construction debris during construction on the Property.
19. **Temporary Construction Fence.** Prior to the start of any construction on the Property, temporary construction fences (a) a minimum of six (6) feet in height shall be installed along the boundary lines of the Property along Maybeury Drive and along Maybeury Elementary, and (b) a minimum of eight (8) feet in height shall be installed along the boundary line of the Property along Patterson Avenue. The temporary construction fences shall be at exact locations and of designs as approved by the County at the time of POD review. The temporary construction fences may be removed upon completion of exterior construction of the building on the Property.
20. **Security.** The operator of any assisted living facility shall install and

maintain operational video surveillance cameras around the exterior of the facility. Any video from the cameras shall be made available to the County as requested by the County. All such cameras shall be maintained at all times in proper working condition and positioned as approved by the County police department at the time of plan of development.

21. **Dumpster Pickup, Parking Lot Cleaning, Leaf Blowing.** Dumpster pickup and unloading, parking lot clearing and leaf blowing on the Property shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:30 a.m. to 6:00 p.m. on Saturday.
22. **Severance.** The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Nelson, Schmitt

No: None

Absent: Branin

172-22  
PUP2022-  
00014  
Tuckahoe

Hampton Manor of Richmond, LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow an assisted living facility on Parcel 748-741-8046 located at the southeast intersection of Patterson Avenue (State Route 6) and Maybeury Drive.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. All proffers approved with rezoning case REZ2022-00018 shall be made a part of this Provisional Use Permit.
2. The total number of residential units shall not exceed 98. The total number of residential units in specific categories shall not exceed the following maximums unless otherwise specially requested and approved at the time of Plan of Development:  
  
63 assisted living units  
35 memory care units  
Total: 98 units
3. The applicant shall provide, at a minimum, landscape buffers consistent with the conceptual landscape plan dated May 3, 2022, as part of Exhibit A (see case file).

- a. Patterson Avenue Buffer shall be a minimum 10' wide planted to an equivalent level of a TB 25 standard as detailed in Exhibit B titled "Typical Plant Density Program" (see case file).
- b. Maybeury Drive Buffer shall be a minimum of 25' wide planted to the level of a TB 25 standard.
- c. Maybeury Elementary School Buffer shall be a minimum of 25' wide planted to a level of a TB 35 standard. In addition, a black, aluminum rail fence a minimum of 72" in height shall also be provided along the property line (see case file).
- d. Eastern Buffer shall be a minimum of 6' wide planted to the level of a TB 10 standard.

These landscape buffers shall be provided unless such plantings are not required as a result of existing evergreen vegetation or as otherwise determined at the time of Landscape Plan review.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Nelson, Schmitt

No: None

Absent: Branin

173-22  
REZ2022-  
00013  
Fairfield

RDK Land Holdings, LLC: Request to conditionally rezone from R-3 One-Family Residence District and B-1 Business District to R-6C General Residence District (Conditional) Parcel 787-745-5839 and part of Parcel 787-744-3995 containing 16.712 acres located on the east line of Chamberlayne Road (U.S. Route 301) approximately 250' south of Wilmer Avenue.

Lisa Laws, a resident of the Fairfield District, lives directly across from the proposed development and has concerns about the buffers. She asked why there is such a difference between the buffers on Chamberlayne Avenue and the ones for Wilmer Avenue. She requested the existing buffer be left as-is because it is a more effective buffer between the road, children playing in their current backyards, and the proposed development. Ms. Laws raised concerns about the density of the proposed development based on the what the comprehensive plan provided for the area, stating it is over the allotted amount.

At the request of Mr. Thornton, Jeff Geiger, the attorney representing the applicant, addressed the concerns of the residents. He explained the applicant wanted to use the natural trees already in place on Chamberlayne Avenue because they felt it was a better option. They have requested staff to give them better options on Wilmer Avenue to offer a

better pedestrian path for residents to walk and use. They will also be providing additional street lighting and sidewalks along Chamberlayne Avenue. He stated they are being consistent with the County's comprehensive plan and feels the proposed townhomes add a new variety and new investments to the area meeting the needs of homeowners moving to this area.

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Conceptual Plan.** The Property shall be developed in general conformance with Exhibit A, dated March 24, 2022, attached hereto (the "Concept Plan") (see case file). The exact locations, footprints, configurations, size, and details of the drives, parking areas, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering designs, compliance with governmental regulations or as otherwise approved at the time of Plan of Development review.
2. **Protective Covenants.** Prior to the issuance of the first building permit, a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of the Property.
3. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, and existing overhead utility lines, all new utility lines shall be installed underground.
4. **Hours of Construction.** The hours of exterior construction activities during initial site construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 am and 7:00 pm Monday through Friday and 8:00 am and 7:00 pm on Saturdays, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, asphalt pours and utility connections. No exterior construction activities shall be allowed on Sundays. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.
5. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion (s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the department of public works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by Public Works, may only be used for the

following purposes:

- a. Storm water management and/or retention areas.
- b. Ponds, lakes, and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.
- c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
- d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance").

The owner of the property shall, prior to construction plans approval for areas that include such flood plain, apply to rezone (such portions of the Property to a C-1 Conservation District. The location and limits of such portion(s) of said Property shall be established by Plan of Development and/or construction plans approved pursuant to the Zoning Ordinance.

6. **Private Roads.** Any private roads shall be maintained by a homeowner's association. Any alleys constructed shall have at a minimum, 6" of stone base and 2" of asphalt. Alleys are not required to have curb and gutter, unless otherwise specifically requested and approved at the time of plan of development review. Prior to the issuance of any Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that the roadways and alleys within the project were constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the subbase soils, utility trenches, base stone, and the base asphalt surface. The top coat of the asphalt surface may be added prior to the issuance of the last Certificate of Occupancy.
7. **Sidewalks.**
  - a. Sidewalks shall be provided, at a minimum, along one side of each internal road, but not along alleys.
  - b. A sidewalk, a minimum 5' wide, shall be provided along the Property's frontage on Chamberlayne Road. This sidewalk shall be dedicated to the Virginia Department of Transportation for maintenance.
8. **Amenities.** Passive amenities will be included within the common areas, including, a pocket park with walking trail(s) and an open structure to facilitate gathering such as a gazebo or pavilion and a dog park.
9. **Trash and Recycling Receptacles Areas.** All dumpsters, trash and recycling receptacles, (not including convenience cans), shall be screened from view at the boundary line of the Property by a masonry, vinyl, or metal fence, gate, or wall (which may be a precast panel

masonry fence) or as otherwise approved at the time of Plan of Development review.

10. **HVAC Screening.** HVAC units shall be screened initially from view of public roads as required by the use regulations for townhomes, unless otherwise approved at the time of plan of development review. If an HVAC unit is located between two driveways, the HVAC unit need only be screen on the side that faces the alley, drive or street that provide access to the driveways.
11. **Street Trees.** There shall be a minimum of one (1) tree with a minimum caliper of two and one-half (2 ½) inches at the time of planting, retained or planted on every other lot.
12. **Density.** There shall be no more than one hundred sixty (160) residential units developed on the Property.
13. **Architectural Treatment.** Homes constructed on the Property shall be generally in conformance with Exhibit B, March 4, 2022, attached hereto (see case file), unless otherwise requested by the owner and specifically approved by the Director of Planning.
14. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of windows, dormers, gables, doors, trim, soffit and fascia) of stone, stone veneer, brick, fiber cement siding, engineered wood, vinyl (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature) or a combination of the foregoing unless different architectural treatment and/or materials are requested by owner and approved by the Director of Planning. A minimum of thirty (30) percent of the exterior portions of the front building wall surface of each building, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone, stone veneer or other masonry construction.
15. **Building Height.** Buildings shall not exceed a height of forty-five (45) feet.
16. **Corner Lot End Unit Facades.** For homes on Corner Lots with a side elevation facing a street or alley, the following measures shall be implemented, unless otherwise approved at the time of plans review.
  - a. A minimum of one window per floor is required in a fenestration pattern similar to the front facade.
  - b. Trim on the side elevation shall be a minimum of 4" wide.
17. **Entrance Feature.** Any detached entrance signage shall be ground mounted monument- style and not exceed 8 feet in height. The base of any such sign shall be brick or stone and be landscaped with plantings.
18. **Driveways.** All private driveways and front walks shall be

"hardscaped" (brushed concrete, stamped concrete, asphalt or pavers).

19. **Mailboxes.** Mailboxes shall be installed in accordance with the USPS standards.
20. **Sound Suppression Measures.** Interior vertical walls between homes shall have a minimum sound transmission coefficient rating of 54. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology to accomplish the sound coefficient rating, shall be included in the building permit application.
21. **Foundations.** The exposed exterior portions of all foundations below the first floor level shall be finished with brick, stone or cultured stone. On all front elevations there shall be a minimum of twelve inches (12") of brick, stone or cultured stone visible above grade. On all side and rear elevations, there shall be a minimum of eight inches (8") of brick, stone or cultured stone visible above grade. Where a hardship of the lot prevents compliance with this proffer, the requirements may be modified or waived by the Director of Planning.
22. **Foundation Planting.** Foundation planting beds are required along the entire front facade of the house, excluding porches, architectural features and garages, and shall contain a minimum of fifty (50) percent evergreen material. The front corner of each building shall be visually softened with a vertical accent shrub or small evergreen tree. For Corner Lots, foundation beds shall turn and continue 4' down the side facing a street, excluding corners on which there is a garage.
23. **Marketing.** All homes shall be initially marketed for sale as "Owner-occupied."
24. **Best Management Practices.** Best Management Practice structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water related feature, or unless approved at the time of Plan of Development review. Any wet pond best management practice structures shall include an aeration feature to move water within such structure.
25. **Buffers.**
  - a. Along the Property's frontage on Wilmer Avenue, a 10' wide area shall be located between the public right of way line and the rear yard lot line of the adjacent lots. This 10' wide area shall be planted in accordance with the planting requirements for transitional buffers 10' in width as set forth in the zoning ordinance. Within this area, the owner of the property shall install a 4' wide asphalt path with the required plantings located around the path, unless otherwise approved at the time of plan of development review and approval. The location of this path and the plantings shall be determined at the time of plan of development review. The owner of the Property shall grant to Henrico County a public easement for use and maintenance of the



path.

- b. A 35' wide natural buffer shall be provided along the Property's frontage on Chamberlayne Road, unless otherwise specifically requested and approved by the Planning Director at the time of plan of development review. This buffer shall be natural and remain undisturbed subject to: (i) the removal of fallen, diseased or dead plant growth; (ii) the extent necessary or allowed for utility easements and related improvements, including sewer, drainage and outfall from stormwater detention facilities, that may pass through the buffer in a generally perpendicular manner (unless currently existing) and initial grading; (iii) the extent necessary for an entrance onto Chamberlayne Road; (iv) the extent necessary for sidewalk installation; and (v) any other purposes requested and specifically approved at the time of subdivision review. At a minimum, this natural buffer shall provide plants that meet the requirements for plantings within a Transitional Buffer 35, subject to credits provided in the Zoning Ordinance.
26. **Chamberlayne Orientation.** Buildings adjacent to Chamberlayne Road shall front on Chamberlayne Road.
  27. **Eastern Property Orientation.** Buildings with rear elevations adjacent to the eastern property line shall not contain rear-loaded garages.
  28. **Alley Served Lots.** Lots with rear yards adjacent to an alley shall be improved with homes using rear-loaded garages.
  29. **Chamberlayne Street Lights.** Street lights shall be provided along the Property's frontage on Chamberlayne Road outside of the right-of-way. The location of the street lights shall be established by a lighting plan to be submitted and approved at the time of plan of development review. The street light locations may be adjusted in the event of conflict with street trees, utilities, sightlines, and driveway areas. The height of the street light poles shall be a maximum of twenty (20) feet in height.
  30. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Nelson, Schmitt

No: None

Absent: Branin

174-22 Archibald Hunt, Jr.: Request to conditionally rezone from A-1  
REZ2022- Agricultural District to R-3AC One-Family Residence District  
00017 (Conditional) Parcel 809-731-5615 containing .562 acres located at the  
Fairfield northeast intersection of Harvie Road and Harvest Crest Court.

Jean Moore, Assistant Director of Planning, announced the applicant requested the Board defer the case due to an emergency in their family.

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board deferred this item to the August 9, 2022, meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Nelson, Schmitt

No: None

Absent: Branin

#### **PUBLIC HEARINGS - OTHER ITEMS**

175-22 Resolution - Amendments to FY 2021-22 Annual Fiscal Plan - June 2022.

No one from the public spoke in opposition of this item.

On motion of Mr. Schmitt, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

176-22 Ordinance - To Reduce Penalties and Interest on Late Payments of Taxes for Personal Property and Machinery and Tools to Zero Percent from June 6 to August 5, 2022, and to Extend the Time for Payment of Vehicle License Taxes to August 5, 2022.

No one from the public spoke in opposition of this item.

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached ordinance.

177-22 Ordinance - Vacation of Right-of-Way and Alley - East Jenningsville Subdivision - Brookland District.

No one from the public spoke in opposition of this item.

On motion of Mr. Schmitt, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached ordinance.

## **PUBLIC COMMENTS**

John Owens, a resident of the Brookland District, encouraged the Board to explore opportunities to bring a professional sport franchise team to Henrico, such as the Commanders.

## **GENERAL AGENDA**

178-22            Resolution - Request for Waiver to Administer Split Voting Precinct Created by the 2021 Reapportionment of the Commonwealth's Election Districts - Shady Grove Precinct.

On motion of Mr. Nelson, seconded by Mr. Schmitt, and by unanimous vote, the Board approved this item – see attached resolution.


179-22            Introduction of Ordinance - To Grant Verizon Virginia LLC the Right and Privilege to Construct, Operate, and Maintain a Cable System in the County.

On motion of Mr. Nelson, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached introduction of ordinance.

180-22            Resolution - Signatory Authority - Funding for Local Share - Agreements for Transportation-Related Projects with the Virginia Department of Transportation.

On motion of Mr. Nelson, seconded by Mr. Schmitt, and by unanimous vote, the Board approved this item – see attached resolution.

There being no further business, the meeting was adjourned at 9:00 p.m.

  
\_\_\_\_\_  
Chairman, Board of Supervisors  
Henrico County, Virginia

# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## ***Proclaiming ABC Supply Company, Inc., a Distinguished Community Service Medal Recipient***

**WHEREAS**, ABC Supply Company, Inc. is one of the country's largest wholesale distributors of roofing supplies and related products and maintains 611 locations in the United States, including five locations in the Richmond area; and,

**WHEREAS**, ABC Supply Company has been a committed partner to Henrico County Public Schools in the effort to inform students about careers in the roofing trade; and,

**WHEREAS**, ABC Supply Company has supported field trips for Henrico Career & Technical Education students, known as "CTE students," as well as opportunities for job shadowing; and,

**WHEREAS**, ABC Supply Company has provided guest speakers to attend technical education classes in County schools; and,

**WHEREAS**, ABC Supply Company branch manager Adriana Atehortua has been an active voice in helping to create better awareness about the importance of career and technical education, the roofing industry, and choosing a career after high school; and,

**WHEREAS**, ABC Supply Company donated a significant amount of roofing and construction materials, at a time when these materials are even more scarce and valuable than normal, in order to support the CTE roofing program for the mutual benefit of the students, the CTE program, and the West End Manor Civic Association, with a resulting new roof for that non-profit neighborhood organization.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of Henrico County, Virginia, commends Adriana Atehortua and ABC Supply Company for exemplifying the Henrico Way in their dedicated work for the residents of Henrico County, and bestows upon them its highest possible honor, the Henrico County Board of Supervisors' Distinguished Community Service Medal.

**BE IT FURTHER PROCLAIMED** that the Clerk of the Board of Supervisors shall prepare a copy of this proclamation for presentation to Adriana Atehortua and ABC Supply Company as a sincere expression of the County's appreciation for their distinguished community service.

  
Patricia S. O'Bannon, Chairman

# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## *Proclaiming Hertless Brothers Roofing, Inc., a Distinguished Community Service Medal Recipient*

WHEREAS, Hertless Brothers Roofing, Inc. has been delivering roofing solutions in Central Virginia for more than 70 years; and,

WHEREAS, Hertless Brothers Roofing has been a committed partner to Henrico County Public Schools in the effort to inform students about careers in the roofing trade; and,

WHEREAS, Hertless Brothers Roofing has participated in the Career and Technical Education ("CTE") program's Life Ready Expo, the Career Rodeo, and the Letter of Intent Signing Day; and,

WHEREAS, Hertless Brothers Roofing owner Scott Shufflebarger has been an active voice in helping to create better awareness about the importance of career and technical education, the roofing industry, and choosing a career after high school; and,

WHEREAS, Hertless Brothers Roofing donated valuable time, expertise, tools, and materials to support the CTE roofing program for the mutual benefit of the students, the CTE program, and the West End Manor Civic Association, with a resulting new roof for that non-profit neighborhood organization.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, commends Scott Shufflebarger and Hertless Brothers Roofing, Inc. for exemplifying the Henrico Way in their dedicated work for the residents of Henrico County, and bestows upon them its highest possible honor, the Henrico County Board of Supervisors' Distinguished Community Service Medal.

BE IT FURTHER PROCLAIMED that the Clerk of the Board of Supervisors shall prepare a copy of this proclamation for presentation to Hertless Brothers Roofing, Inc., and Scott Shufflebarger as a sincere expression of the County's appreciation for their distinguished community service.



*Patricia S. O'Bannon*  
Patricia S. O'Bannon, Chairman  
Board of Supervisors

# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## *Proclaiming Scaffolding Solutions as a Distinguished Community Service Medal Recipient*

**WHEREAS**, Scaffolding Solutions in Richmond, Virginia, is a full-service scaffolding engineering firm that specializes in the erection and dismantling of reliable, durable, and functional scaffolding systems to support construction and repair projects; and,

**WHEREAS**, Scaffolding Solutions has been a committed partner to Henrico County Public Schools and its Career and Technical Education ("CTE") program by providing scaffolding free of charge for multiple student projects, resulting in a safer working and learning environment; and,

**WHEREAS**, Scaffolding Solutions has participated in the CTE program's Life Ready Expo, the Career Rodeo, and the Letter of Intent Signing Day; and,

**WHEREAS**, Scaffolding Solutions and its president Roger Jetton have been an active voice in helping to create better awareness about the importance of career and technical education, the roofing industry, and choosing a career after high school; and,

**WHEREAS**, Scaffolding Solutions supported the CTE's roofing restoration project at the West End Manor Civic Association by donating labor, materials, and the use of their patented "OCTO" scaffolding system to provide students with safe and unobstructed access to the roof, enabling their participation in this technical education project.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of Henrico County, Virginia, commends Roger Jetton and Scaffolding Solutions for exemplifying the Henrico Way in their dedicated work for the residents of Henrico County, and bestows upon them its highest possible honor, the Henrico County Board of Supervisors' Distinguished Community Service Medal.

**BE IT FURTHER PROCLAIMED** that the Clerk of the Board of Supervisors shall prepare a copy of this proclamation for presentation to Roger Jetton and Scaffolding Solutions as a sincere expression of the County's appreciation for their distinguished community service.



*Patricia S. O'Bannon*  
Patricia S. O'Bannon, Chairman  
Board of Supervisors

# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## *Proclaiming the Virginia Association of Roofing Professionals as a Distinguished Community Service Medal Recipient*

**WHEREAS**, the Virginia Association of Roofing Professionals has been promoting the roofing industry in Virginia for more than 50 years; and,

**WHEREAS**, the Virginia Association of Roofing Professionals has been a committed partner to Henrico County Public Schools and with the Career and Technical Student Organization in the effort to inform students about careers in the roofing trade; and,

**WHEREAS**, the Virginia Association of Roofing Professionals has been active in encouraging K-12 students to learn about trade careers through hands-on training opportunities and even developed a curriculum to teach roofing in high school; and,

**WHEREAS**, the Virginia Association of Roofing Professionals and its executive director Heather Greenwell have been an active voice in helping to create better awareness about the importance of career and technical education, the roofing industry, and choosing a career after high school; and,

**WHEREAS**, the Virginia Association of Roofing Professionals donated valuable time, expertise, tools, and materials to support the CTE roofing program for the mutual benefit of the students, the CTE program, and the West End Manor Civic Association, with a resulting new roof for that non-profit neighborhood organization.

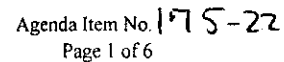
**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of Henrico County, Virginia, commends Heather Greenwell and the Virginia Association of Roofing Professionals for exemplifying the Henrico Way in their dedicated work for the residents of Henrico County, and bestows upon them its highest possible honor, the Henrico County Board of Supervisors' Distinguished Community Service Medal.

**BE IT FURTHER PROCLAIMED** that the Clerk of the Board of Supervisors shall prepare a copy of this proclamation for presentation to Heather Greenwell and the Virginia Association of Roofing Professionals as a sincere expression of the County's appreciation for their distinguished community service.



*Patricia S. O'Bannon*

Patricia S. O'Bannon, Chairman  
Board of Supervisors







**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

## Department 13 - Fire

13150	– Field Operations	\$ 2,000,000
0000 00000	– To appropriate funding of \$2,000,000 to cover public safety overtime costs in the Division of Fire during FY2021-22. Funding will come from the fund balance in the General Fund.	

## Department 28 - Public Works

28002	– <u>Road Maintenance</u>	\$ 2,503,764
0000 00000	To appropriate the difference of budgeted versus actual State Street Highway maintenance (Gas Tax) revenue for FY2021-22. The current State allocation is \$51,028,804 and the current County budget is \$48,525,040. These funds will be used to cover paving and rehabilitation in the Road Maintenance Division.	

## Department 30 - Economic Development

30001	– <u>Economic Development</u>	
0000 01043	– <u>Greater Richmond Convention Center Authority</u>	\$ 1,500,000
	Revenue from the 8.0% Hotel/Motel Occupancy Tax is exceeding the estimate of \$13,500,000 included in FY2021-22 Annual Fiscal Plan. This \$1,500,000 increase will cover additional payments to the Greater Richmond Convention Center Authority (GRCCA) resulting from this additional revenue that has been received and is projected to be received through the end of the fiscal year. Payment will be made based on actual collections from the tax. Subsequently, the County's 2.0% local tax component (estimated at \$375,000 for this amendment) will come back to the County. In total, for FY2021-22, the County expects to receive \$15,000,000 in Hotel/Motel Occupancy Taxes, reflecting an increase when compared to the prior fiscal year. These funds will be disbursed to the GRCCA. Upon completion of the fiscal year, the GRCCA will return 2.0% of the 8.0%, estimated at \$3,750,000 per the Convention Center financing agreement.	

## Department 32 - Non-Departmental

32001	- <u>Non-Departmental</u>	\$ 3,000,000
0000 00000	Participation in the County's Real Estate Assistance Program (REAP) is forecasted to exceed the FY2021-122 appropriation of \$9,000,0000. As a result of the increased popularity of this program, additional funding is required. Funding for the program is to come from the undesignated fund balance in the General Fund. This amendment will increase the total appropriation for REAP in FY2021-22 to \$12,000,000.	

TOTAL GENERAL FUND

\$ 14,003,764

**FUND 1102 – SPECIAL REVENUE FUND - State and Federal Grants - County**

Department 12 - Police

12800	- Grants		
0000 09303	- <u>PSAP22</u>	\$	3,000
	To appropriate a Virginia State Police HEAT grant. Funding will support a Henrico Officer attending a conference focusing on the prevention of auto theft. There is no local match for this grant.		



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. **175-22**  
Page 3 of 6

Department 22 - Social Services

22104 – CSA Mandated Services

1302 09020 – FY2021-22 CSA \$ 1,071,496

To amend the Department of Social Services portion of the Children's Services Act (CSA) program budget by providing additional State funding of \$262,136 to pay program expenditures. The County has a local match of \$809,360 for this program, which will come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

22503 – Adoption Subsidy

1302 00000 – Purchase of Services \$ 400,000

To increase the County allocation to the estimated level of need for state and federally mandated Title IV-E Adoption Program expenditures. This program is funded with \$200,000 of State (50%) and \$200,000 of federal (50%) funds. The total appropriation for this program in FY 2021-22 will be \$2,093,543 after this addition. No County matching funds are required.

Total Social Services \$ 1,471,496

Department 30 - Economic Development

30001 – Economic Development

0000 09308 – ARPA Tourism Recovery Program 900,000

To appropriate American Rescue Plan Act Tourism Recovery Program Funds. Funding will be used by Richmond Region Tourism, in concert with the Greater Richmond Partnership and Chamber RVA, to prepare a regional image campaign to promote tourism in the Richmond area. Total Regional funding for this program is \$2,510,000.

Department 38 - Community Revitalization

38001 – Community Revitalization

0000 00000 \$ 300,000

To provide funding of \$300,000 to execute a contract to assess and implement stabilization plans for eligible families living in hotels. Funding is to come from the undesignated fund balance in the General Fund. An additional \$200,000 for this program will come from appropriated federal resources within the department.

Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County \$ 2,674,496

FUND 1109 – SPECIAL REVENUE FUND - State and Federal Grants - Schools

Department 50 - Education

50101 – Elementary School Education

0100 09291 – ESSER III Set-Aside Before and After School Programs \$ 1,330,235

To appropriate Elementary and Secondary School Relief funds from the federal Coronavirus Response and Relief Supplemental Appropriations Act. These set-aside funds will be used by Henrico County Public Schools for before and after school programming.



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. 175-22  
Page 4 of 6

50140	– Exceptional Education	
0020 09256	– <u>IDEA Part B - ARPA Flow-Through 84.027</u>	\$ 2,258,427
	To appropriate Individuals With Disabilities Education Act - Part B funding to provide exceptional Education Services in Henrico County Public Schools. Funds will be used for miscellaneous salaries and supplies and to purchase additional playground equipment during the grant period, which expires on September 30, 2023.	
	Total Education	<u>\$ 3,588,662</u>

**FUND 1110 – SPECIAL REVENUE FUND - Mental Health and Developmental Services**  
**Department 26 - Mental Health and Developmental Services**

26103	– Youth and Family	
0000 09301	– <u>Fed MHPG ARPA Diversity Equity Inclusion Grant</u>	\$ 82,936
	To appropriate funding for the Federal ARPA School-based Mental Health Grant. This funding will support a Clinician and a Peer Recovery Specialist. Both of these positions are Complement III. There is no local match for this grant. Funds must be expended by September 30, 2025.	
26107	– Substance Abuse	
9559 09280	– <u>Federal SUD Block Grant CAA COVID Supplemental</u>	\$ 272,178
	To appropriate Federal Substance Abuse Block Grant funding. Funds will be used for substance abuse prevention and treatment by providing for two Clinicians and two Peer Recovery Specialists. All of these positions are Complement III. There is no local match for this grant. Funds must be expended by March 2, 2023.	
26202	– Early Intervention Services	
0000 09299	– <u>Federal ARPA Part C Funds</u>	\$ 193,409
	To appropriate Federal American Recovery Plan Act Part C Early Intervention funds. Funds will be used to enhance developmental services to infants and toddlers. There is no local match for this grant.	
	Total Fund 1110 Special Revenue Fund - MH and DS	<u>\$ 548,523</u>
	Total SPECIAL REVENUE FUND	<u>\$ 6,811,681</u>

**FUND 6102 - INTERNAL SERVICES FUND - Central Auto Maintenance**

**Department 16 - General Services**

16304	– CAM - Fueling Services	\$ 2,100,000
0000 00000	To appropriate funding to cover the cost of price increases for the purchase of gasoline and diesel fuel for the balance of FY2021-22. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Internal Services Fund.	
	Total Fund 6301 - Internal Services Fund - Central Auto Maintenance	<u>\$ 2,100,000</u>
	Total OPERATING FUNDS	<u>\$ 22,915,445</u>



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. **175-22**  
Page 5 of 6

**CAPITAL FUNDS**

**FUND 2101 – General Capital Projects Fund**

**Department 32 - Non-Departmental**

**32001 – Non-Departmental**

**\$ 250,000**

0000 09305 To appropriate funding towards the purchase of property as an extension of Lewis Ginter Botanical Gardens, which is one of the most popular tourist attractions in the Richmond Metro area. This is the first of three planned payments in support of this project. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Internal Services Fund.

**FUND 2109 – CAPITAL PROJECTS FUND - State and Federal Grant-Funded Capital Projects**

**Department 28 - Public Works**

**28004 – Construction**

**\$ 363,621**

**0000 08798 – Ridge Road Sidewalk**

To appropriate funding from the Virginia Department of Transportation (VDOT) for the County to construct approximately 1,920 linear feet of sidewalk along the southwest side of Ridge Road from Old Providence Circle to North Ridge Road. In addition, approximately 260 linear feet of new curb and gutter improvements, and roadway widening, will be constructed on Ridge Road, between Zionsville Road and North Ridge Road. VDOT will reimburse up to 50% of project costs. Remaining funding of \$181,811 will come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

**0000 09015 – Fall Line Trail**

**4,888,034**

To appropriate \$4,677,541 from the Virginia Department of Transportation (VDOT) for the County to construct approximately 0.6 miles of 12-foot-wide trail along Hilliard Road, from Belmont Recreation Center to Brook Road, and along Brook Road, from Hilliard Road to Lakeside Avenue, as a section of the regional Fall Line Trail. VDOT will reimburse 100% of projected costs, using Highway Infrastructure Programs - Coronavirus Response and Relief Supplemental Appropriations Act (HIP-CRSSA) funding. An additional \$210,493 will be used for 700 linear feet of 12-foot-wide multiuse trail between Bryan Park and Spring Park as another part of the Fall Line Trail. Of these funds, VDOT will reimburse 50% under their Revenue Sharing Program. Remaining funding of 105,247 will come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

**0000 09265 – DCR Floodplain Acquisition Program**

**482,000**

To appropriate funding from the Virginia State Department of Conservation. These Virginia Community Flood Preparation funds will be used to implement a pilot flood prone structure acquisition program in the Lakeside area.

Total - Public Works

**\$ 5,733,655**



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. 175-22  
Page 6 of 6

**FUND 2111 – CAPITAL INITIATIVES FUND**

**Department 23 - Recreation and Parks**

**23101 – Director**

0000 08891 – Glen Allen High School Baseball Field Drainage Improvements \$ 169,108

This amendment will provide funding for needed drainage improvements at the baseball field at Glen Allen High School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 08483 – Pouncey Tract Pickleball Courts 2,200,450

To appropriate funding for pickleball court improvements at Pouncey Tract Park. This project will feature planning, design, and construction of 12 new pickleball courts, as well as parking improvements, pedestrian walks, and shade shelters at the site. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total - Recreation and Parks \$ 2,369,558

**Department 32 - Non-Departmental**

**32001 – Non-Departmental**

0000 09306 – River City Inclusive Gym \$ 10,000

This amendment will provide funding to the River City Inclusive Gym, which provides gymnastics programs to athletes with disabilities. Funding will be used to purchase and install gym dividers, which will enhance programming options. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 09307 – Godwin Athletic Improvements 314,599

To appropriate funding in support of the athletic improvements at Godwin High School. Funding will be used to improve ADA access, provide new baseball and softball scoreboards, mower replacement and retaining wall/drainage repair for the tennis courts. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 09311 – Henricus Foundation 122,745

To appropriate funding in support of the Henricus Foundation. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total - Non-Departmental	\$ 447,344
Total Capital Initiatives Fund	\$ 2,816,902
Total CAPITAL PROJECTS FUND	\$ 8,800,557
Total Amendments/Appropriations	\$ 31,716,002



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 176-22

Page 1 of 1

**Agenda Title: ORDINANCE — To Reduce Penalties and Interest on Late Payments of Taxes for Personal Property and Machinery and Tools to Zero Percent from June 6 to August 5, 2022, and to Extend the Time for Payment of Vehicle License Taxes to August 5, 2022**

For Clerk's Use Only:  Date: <u>6/14/2022</u>  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) <u>Thornton</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____  REMARKS: <b>APPROVED</b>	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Branin, T.</td><td></td><td></td><td><u>absent</u></td></tr><tr><td>Nelson, T.</td><td><input checked="" type="checkbox"/></td><td></td><td></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td></td><td></td></tr><tr><td>Schmitt, D.</td><td><input checked="" type="checkbox"/></td><td></td><td></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td></td><td></td></tr></tbody></table>		YES	NO	OTHER	Branin, T.			<u>absent</u>	Nelson, T.	<input checked="" type="checkbox"/>			O'Bannon, P.	<input checked="" type="checkbox"/>			Schmitt, D.	<input checked="" type="checkbox"/>			Thornton, F.	<input checked="" type="checkbox"/>		
		YES	NO	OTHER																						
Branin, T.			<u>absent</u>																							
Nelson, T.	<input checked="" type="checkbox"/>																									
O'Bannon, P.	<input checked="" type="checkbox"/>																									
Schmitt, D.	<input checked="" type="checkbox"/>																									
Thornton, F.	<input checked="" type="checkbox"/>																									

Following an advertised public hearing, the Board of Supervisors adopted the attached ordinance.

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

By Agency Head

Shale Smith

By County Manager

[Signature]

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDINANCE – To Reduce Penalties and Interest on Late Payments of Taxes for Personal Property and Machinery and Tools to Zero Percent from June 6 to August 5, 2022, and to Extend the Time for Payment of Vehicle License Taxes to August 5, 2022**

WHEREAS, the County determines the value of certain vehicles for personal property taxes using a nationally recognized pricing guide, as required by Section 58.1-3503(A)(3), (4), (5), and (10) of the Code of Virginia; and,

WHEREAS, the value of vehicles in the County increased on average by more than 35% in 2022, leading to higher personal property tax bills for many taxpayers; and,

WHEREAS, the first installment of tax payments for personal property and machinery and tools is due to the County without penalty and interest on June 6, 2022; and,

WHEREAS, many taxpayers, including those on a fixed income, may have difficulty paying the first installment by the deadline because of increased vehicle values; and,

WHEREAS, the Board wishes to enact an ordinance providing additional time for taxpayers to pay taxes for personal property and machinery and tools; and,

WHEREAS, the Board originally adopted this ordinance on an emergency basis, pursuant to Section 15.2-1427(F) of the Code of Virginia, and now wishes to readopt the ordinance in conformance with requirements of that Code section.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. Reduction of Penalties and Interest for Late Payments of Taxes for Personal Property and Machinery and Tools; Extension of Time to Pay Vehicle License Taxes.

(a) *Reduced penalty.* Notwithstanding the provisions of Section 20-108 of the Code of the County of Henrico, any person who fails to pay taxes for tangible personal property or machinery and tools first due on June 6, 2022, will incur a penalty of zero percent for that failure, so long as such person pays the taxes on or before August 5, 2022. If such taxes are not paid on or before August 5, 2022, then on August 6, 2022, such person will incur a penalty in the amount of 10 percent of the tax past due, and such penalty will become part of the tax.

(b) *Reduced interest.* Notwithstanding the provisions of Section 20-108 of the Code of the County of Henrico, there will be assessed interest at the rate of zero percent per year between June 6, 2022, and August 5, 2022, and four percent per year thereafter, on past due taxes for tangible personal property and machinery and tools that were first due on June 6, 2022.

(c) *Extension of vehicle license taxes.* Payment of any vehicle license tax levied under Article VI of Chapter 22 of the Code of the County of Henrico first due on or between June 6, 2022, and August 5, 2022, will instead be first due on August 5, 2022.

2. That this ordinance will continue in full force and effect from its original date of adoption on an emergency basis on May 10, 2022.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. (77-22)  
Page No. 1 of 2

Agenda Title: ORDINANCE — Vacation of Right-of-Way and Alley — East Jenningsville Subdivision — Brookland District

For Clerk's Use Only:

Date: 6/14/2022

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Schmitt Seconded by (1) Nelson  
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Branin, T. ☐ ☐ absent  
Nelson, T. ☒ ☐ ☐  
O'Bannon, P. ☒ ☐ ☐  
Schmitt, D. ☒ ☐ ☐  
Thornton, F. ☒ ☐ ☐

WHEREAS, the County owns unimproved right-of-way along the boundary of two parcels owned by Rezaul Chowdhury and Terrance Jones to the south, shown as Properties 2 and 3 on the attached Exhibit A, and one parcel owned by Vicki T. Huber to the north, shown as Property 1 on the attached Exhibit A; and,

WHEREAS the County owns an alley located between three parcels owned by Rezaul Chowdhury and Terrance Jones, shown as Properties 2, 3, and 4 on the attached Exhibit A; and,

WHEREAS the right-of-way and alley are dedicated on a plat of the East Jenningsville subdivision, recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia in Plat Book 5, Page 206; and,

WHEREAS, Rezaul Chowdhury, Terrance Jones, and Vicki T. Huber have asked the County to vacate the right-of-way between their properties, as shown between Properties 1, 2, and 3 on the attached Exhibit A; and,

WHEREAS, Rezaul Chowdhury and Terrance Jones have asked the County to vacate the alley between their properties, as shown between Properties 2, 3, and 4 on the attached Exhibit A; and,

WHEREAS, this Ordinance was advertised pursuant to Va. Code §15.2-2204, and the Board held a public hearing on June 14, 2022; and,

WHEREAS, no public necessity exists for the continuance of this right-of-way; and,

By Agency Head

By County Manager

Certified:

A Copy Teste:

Copy to:

Clerk, Board of Supervisors

Date:



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. 177-22

Page No. 2 of 2

**Agenda Title: ORDINANCE — Vacation of Right-of-Way and Alley — East Jenningsville  
Subdivision — Brookland District**

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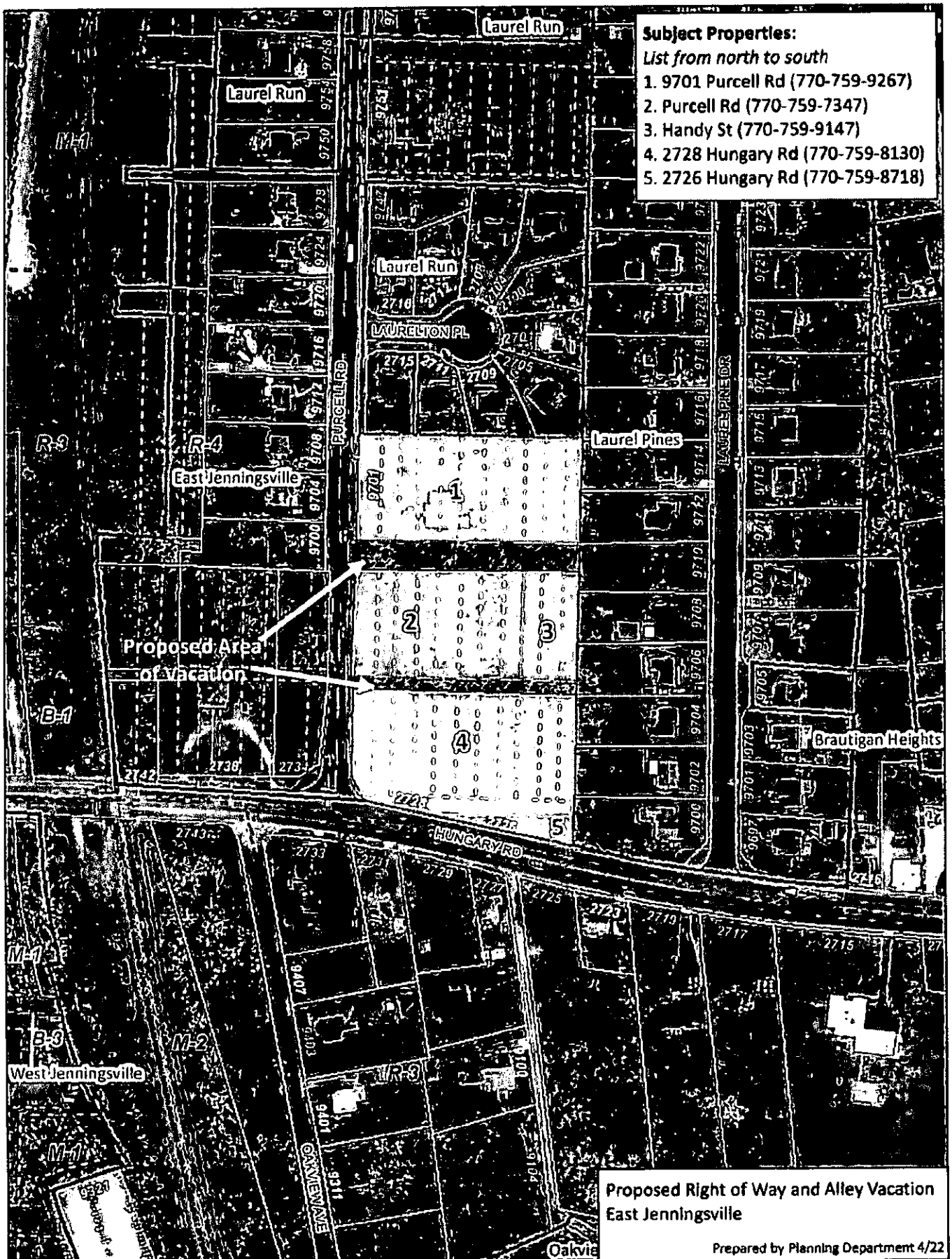
WHEREAS, it appears to the Board that no owner of any land adjoining this portion of unimproved right-of-way and alley will be irreparably damaged by the vacation.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors that:

- (1) the right-of-way shown between Properties 1, 2, and 3 on Exhibit A is vacated in accordance with Va. Code §15.2-2272(2);
- (2) the alley shown between Properties 2, 3, and 4 on Exhibit A is vacated in accordance with Va. Code §15.2-2272(2);
- (3) this Ordinance shall become effective 30 days after its passage as provided by law;
- (4) the Clerk of the Circuit Court of Henrico County (the "Clerk") is authorized, upon receipt of payment therefor, to record a certified copy of this Ordinance in the Clerk's Office after the expiration of 30 days from its passage, provided no appeal has been taken to the Circuit Court;
- (5) the Clerk is further authorized to index the Ordinance on the grantor and grantee sides of the general index to deeds in the names of Rezaul Chowdhury, Terrance Jones, and Vicki T. Huber; and,
- (6) the Clerk shall note this vacation as provided in Va. Code §15.2-2276.

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

# EXHIBIT A





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 178-22

Page No. 1 of 1

**Agenda Title: RESOLUTION — Request for Waiver to Administer Split Voting Precinct Created by the 2021 Reapportionment of the Commonwealth's Election Districts – Shady Grove Precinct**

For Clerk's Use Only:

Date: 6/14/2022

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Schmitt  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

**APPROVED**

YES NO OTHER

Branin, T.	___	___	<u>absent</u>
Nelson, T.	<u>✓</u>	___	___
O'Bannon, P.	<u>✓</u>	___	___
Schmitt, D.	<u>✓</u>	___	___
Thornton, F.	<u>✓</u>	___	___

WHEREAS, pursuant to Section 24.2-307 of the Code of Virginia, the Board of Supervisors is required to fix any voting precincts split by the Commonwealth's decennial reapportionment of Congressional, Senate, and House of Delegates districts; and,

WHEREAS, the Board must apply to the State Board of Elections for a waiver to administer any split precinct for which it is unable to create a precinct with at least 100 registered voters; and,

WHEREAS, the Shady Grove precinct is split between House of Delegates Districts 57 and 59 and Senate Districts 10 and 16 under the Commonwealth's 2021 reapportionment plan, and the County's Registrar reports that a new precinct containing at least 100 registered voters cannot be created to fix this split precinct.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors requests the State Board of Elections, or its designee, to grant the Board a waiver to administer the Shady Grove precinct as split precinct in each year in which the split remains and authorizes and directs the General Registrar to complete all required paperwork to obtain the necessary waiver in each year in which the split remains.

COMMENT: The Electoral Board requested approval of this Board paper at its meeting on April 25, 2022.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Copy to: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 179-22  
Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE — To Grant Verizon Virginia LLC the Right and Privilege to Construct, Operate, and Maintain a Cable System in the County

For Clerk's Use Only:

Date: 6/14/2022

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Thornton  
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Branin, T. \_\_\_ \_\_\_ absent  
Nelson, T. ☒ \_\_\_ \_\_\_  
O'Bannon, P. ☒ \_\_\_ \_\_\_  
Schmitt, D. ☒ \_\_\_ \_\_\_  
Thornton, F. ☒ \_\_\_ \_\_\_

The Clerk is authorized to advertise in the Richmond Times-Dispatch on June 21 and 28, 2022, the following ordinance for a public hearing to be held on July 12, 2022, at 7:00 p.m. in the Board Room.

"AN ORDINANCE to grant Verizon Virginia LLC the Right and Privilege to Construct, Operate, and Maintain a Cable System in the County. A copy of the full text of this ordinance shall be on file in the Office of the County Manager."

Comments: The Director of General Services recommends approval of the Board paper, and the County Manager concurs.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to: \_\_\_\_\_

Date: \_\_\_\_\_



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 180-22

Page No. 1 of 1

Agenda Title: RESOLUTION – Signatory Authority – Funding for Local Share – Agreements for Transportation-Related Projects with the Virginia Department of Transportation

For Clerk's Use Only: Date: <u>6/14/2022</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Nelson</u> Seconded by (1) <u>Schmitt</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Branin, T.</td><td>___</td><td>___</td><td><u>about</u></td></tr><tr><td>Nelson, T.</td><td><u>✓</u></td><td>___</td><td>___</td></tr><tr><td>O'Bannon, P.</td><td><u>✓</u></td><td>___</td><td>___</td></tr><tr><td>Schmitt, D.</td><td><u>✓</u></td><td>___</td><td>___</td></tr><tr><td>Thornton, F.</td><td><u>✓</u></td><td>___</td><td>___</td></tr></tbody></table>		YES	NO	OTHER	Branin, T.	___	___	<u>about</u>	Nelson, T.	<u>✓</u>	___	___	O'Bannon, P.	<u>✓</u>	___	___	Schmitt, D.	<u>✓</u>	___	___	Thornton, F.	<u>✓</u>	___	___
		YES	NO	OTHER																						
Branin, T.	___	___	<u>about</u>																							
Nelson, T.	<u>✓</u>	___	___																							
O'Bannon, P.	<u>✓</u>	___	___																							
Schmitt, D.	<u>✓</u>	___	___																							
Thornton, F.	<u>✓</u>	___	___																							

**WHEREAS**, the County is a recipient of Virginia Department of Transportation (VDOT) funds under various grant programs for transportation-related projects; and,

**WHEREAS**, VDOT requires each locality, by resolution, to provide assurance of its commitment to funding its local share of these projects; and,

**WHEREAS**, this commitment is subject to appropriations approved by the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors hereby commits to fund its local share of preliminary engineering, right-of-way, and construction (as applicable) of the transportation-related projects under agreement with VDOT in accordance with the financial documents for those projects and subject to appropriations approved by the Board.

**BE IT FURTHER RESOLVED** that the County Manager, or his designee, is authorized to execute all agreements and addendums for transportation-related projects with VDOT.

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

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Certified: \_\_\_\_\_

A Copy Teste: \_\_\_\_\_

Copy to: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_