

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
April 14, 2020
6:00 p.m.

PLEDGE OF ALLEGIANCE
INVOCATION

PUBLIC HEARING

92-20 Resolution - Approval of Operating and Capital Annual Fiscal Plans for Fiscal Year 2020-21 and Allocation of Car Tax Relief for Tax Year 2020.

BEGINNING AT 7:00 P.M.

APPROVAL OF MINUTES – March 24, 2020, Regular Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

93-20 Nuckols Road, LLC: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (7.891 acres) and B-2C Business District (Conditional) (8.517 acres) parts of Parcels 748-771-3527 and 749-771-2999 containing 16.408 acres located on the east line of Nuckols Road at its intersection with Fords Country Lane. The applicant proposes a life care facility and retail and/or office uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

94-20 Nuckols Road, LLC: Request for a Provisional Use Permit under Sections 24-36.1(a), 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for a life care facility and outside dining on parts of Parcels 748-771-3527 and 749-771-2999 located on the east line of Nuckols Road at its intersection with Fords Country Lane. The existing zoning is A-1 Agricultural District. R-6C and B-2C zoning are proposed with REZ2020-00003. The 2026 Comprehensive Plan recommends Office. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

95-20 HCA: Request to conditionally rezone from A-1 Agricultural District and B-1 Business District to O-2C Office District (Conditional) Parcels 747-771-7477, 747-771-9469, and 747-771-9985 containing 3.36 acres located at the southeast intersection of Nuckols Road and Hickory Park Drive. The applicant proposes an emergency medical facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

- 96-20
REZ2020-
00009
Three Chopt
- Stanley Martin Homes: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) (16.82 acres) and B-2C Business District (Conditional) (6.09 acres) Parcel 730-765-6508 containing 22.91 acres located on the south line of W. Broad Street (U.S. Route 250) at the western County Line with Goochland County. The applicant proposes a condominium and townhome development of no more than 194 units and commercial uses to include restaurants. The R-6 District allows a maximum gross density of 19.8 units per acre. The uses would be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 97-20
PUP2020-
00005
Three Chopt
- Stanley Martin Homes: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow food trucks and outdoor dining for proposed restaurants on part of Parcel 730-765-6508 located on the south line of W. Broad Street (U.S. Route 250) at the western County Line with Goochland County. The existing zoning is A-1 Agricultural District. B-2C Business District (Conditional) is proposed with REZ2020-00009. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 98-20
REZ2019-
00036
Fairfield
- Stanley Martin Homes: Request to conditionally rezone from R-5 General Residence District, R-6 General Residence District, and B-3C Business District (Conditional) to R-6C General Residence District (Conditional) Parcels 783-747-8300 and 784-746-3173 containing 11.82 acres located on the west line of Brook Road (U.S. Route 1), approximately 700' west of the intersection of Brook Road (U.S. Route 1) and Brook Run Drive (private). The applicant proposes a 52-unit townhouse development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration and Environmental Protection Area. Part of the site is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 99-20
REZ2020-
00010
Brookland
- Staples Mill Investments, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 763-768-6597 and part of Parcel 762-768-8288 containing 11.27 acres located on the east line of Staples Mill Road (U.S. Route 33), approximately 1300' south of its intersection with Mountain Road. The applicant proposes an age restricted, zero-lot line single family development of no more than 21 lots. The R-5A District allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEMS

- 100-20 Resolution - Signatory Authority - Easement Agreement - Virginia Electric and Power Company - Brookland District.
- 101-20 Ordinance - To Allow the Director of Planning to Approve Preliminary Subdivision Plats and Plans of Development During the COVID-19 Pandemic.

PUBLIC COMMENTS

GENERAL AGENDA

- 102-20 Resolution - Signatory Authority - Amendment to Consulting Services Agreement - Public Safety Communications System - Altairis Technology Partners.
- 103-20 Introduction of Ordinance - To Reduce Penalties and Interest on Late Payments of 2020 Personal Property Taxes, Machinery and Tools Taxes, and Real Estate Taxes to Zero Percent From June 5, 2020, to August 5, 2020, and to Extend the Time for Payment of Vehicle License Taxes to August 5, 2020.
- 104-20 Introduction of Ordinance - To Reduce Penalties and Interest for Late Remittances of Food and Beverage Taxes and Transient Occupancy Taxes to Zero Percent Between March 17, 2020, and August 20, 2020.
- 105-20 Introduction of Ordinance - To Provide Emergency Procedures for the Conduct of Public Business to Ensure the Continuity of County Government and Critical Local Services During the State of Emergency and Disaster Caused by the COVID-19 Pandemic.
- 106-20 Resolution - Signatory Authority - Lease - 4905 Dickens Road - Brookland District.
- 86-20 Resolution - Award of Engineering Services Contract - White Oak Sewage Pump Station and Force Main Upgrade - Varina District. **(Deferred from the March 24, 2020, meeting.)**
- 107-20 Resolution - Award of Contract - Richmond-Henrico Turnpike Sidewalk Construction - Fairfield District.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
April 14, 2020**

PUBLIC HEARING

RESOLUTION - Approval of Operating and Capital Annual Fiscal Plans for Fiscal Year 2020-21 and Allocation of Car Tax Relief for Tax Year 2020.

On Tuesday, April 14, 2020, this paper will be considered but must be deferred (at least seven days, according to law) before being approved. At a scheduled meeting on Tuesday, April 28, 2020, the proposed Operating and Capital Annual Fiscal Plans may be approved, amended, substituted for, or deferred until a later date, but, at least with regard to the schools' budget, must be approved by May 15, 2020. This paper will also allocate car tax relief for tax year 2020.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

REZ2020-00003
Three Chopt
Nuckols Road, LLC: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (7.891 acres) and B-2C Business District (Conditional) (8.517 acres) parts of Parcels 748-771-3527 and 749-771-2999 containing 16.408 acres located on the east line of Nuckols Road at its intersection with Fords Country Lane. The applicant proposes a life care facility and retail and/or office uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. Acting on a motion by Mrs. Thornton, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide for appropriate development and the employment use(s) support the County's economic development policies.

PUP2020-00002
Three Chopt
Nuckols Road, LLC: Request for a Provisional Use Permit under Sections 24-36.1(a), 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for a life care facility and outside dining on parts of Parcels 748-771-3527 and 749-771-2999 located on the east line of Nuckols Road at its intersection with Fords Country Lane. The existing zoning is A-1 Agricultural District. R-6C and B-2C zoning are proposed with REZ2020-00003. The 2026 Comprehensive Plan recommends Office. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added services to the community and it would not be expected to adversely affect public safety, health or general welfare.

REZ2020-00006
Three Chopt
HCA: Request to conditionally rezone from A-1 Agricultural District and B-1 Business District to O-2C Office District (Conditional) Parcels 747-771-7477, 747-771-9469, and 747-771-9985 containing 3.36 acres located at the southeast intersection of Nuckols Road and Hickory Park Drive. The applicant proposes an emergency medical facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. Acting on a motion by Mrs. Thornton, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the recommendations of the Land Use Plan and the proffered conditions will provide appropriate quality assurances not otherwise available.

REZ2020-00009
Three Chopt
Stanley Martin Homes: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) (16.82 acres) and B-2C Business District (Conditional) (6.09 acres) Parcel 730-765-6508 containing 22.91 acres located on the south line of W. Broad Street (U.S. Route 250) at the western County Line with Goochland County. The applicant proposes a condominium and townhome development of no more than 194 units and commercial uses to include restaurants. The R-6 District allows a maximum gross density of 19.8 units per acre. The uses would be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the West Broad Street Overlay District. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would permit development of the land for residential use in an appropriate manner, the business use is compatible with surrounding development, and the proffered conditions should minimize the potential impacts on surrounding land uses.

PUP2020-00005
Three Chopt
Stanley Martin Homes: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow food trucks and outdoor dining for proposed restaurants on part of Parcel 730-765-6508 located on the south line of W. Broad Street (U.S. Route 250) at the western County Line with Goochland County. The existing zoning is A-1 Agricultural District. B-2C Business District (Conditional) is proposed with REZ2020-00009. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the West Broad Street Overlay District. Acting on a motion by Mrs. Thornton, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added services to the community, and when properly developed and regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

REZ2019-00036
Fairfield

Stanley Martin Homes: Request to conditionally rezone from R-5 General Residence District, R-6 General Residence District, and B-3C Business District (Conditional) to R-6C General Residence District (Conditional) Parcels 783-747-8300 and 784-746-3173 containing 11.82 acres located on the west line of Brook Road (U.S. Route 1), approximately 700' west of the intersection of Brook Road (U.S. Route 1) and Brook Run Drive (private). The applicant proposes a 52-unit townhouse development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration and Environmental Protection Area. Part of the site is in the Enterprise Zone. Acting on a motion by Mr. Archer, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would permit development of the land for residential use in an appropriate manner and the proffered conditions will provide appropriate quality assurances not otherwise available.

REZ2020-00010
Brookland

Staples Mill Investments, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 763-768-6597 and part of Parcel 762-768-8288 containing 11.27 acres located on the east line of Staples Mill Road (U.S. Route 33), approximately 1300' south of its intersection with Mountain Road. The applicant proposes an age restricted, zero-lot line single family development of no more than 21 lots. The R-5A District allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. Acting on a motion by Mr. Witte, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it continues a similar level of single family residential zoning as currently exists in the area and the proffered conditions will assure a level of development otherwise not possible.

PUBLIC HEARINGS – OTHER ITEMS

RESOLUTION - Signatory Authority - Easement Agreement - Virginia Electric and Power Company - Brookland District.

This Board paper authorizes the Chairman to execute an easement agreement with Virginia Electric and Power Company for underground electric facilities across County property near the intersection of Parham Road and Hungary Spring Road. The underground facilities will provide a double circuit to the area which will alleviate load issues and provide more reliability to the area and County facilities. The easement will not interfere with the County's use of its land.

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

ORDINANCE - To Allow the Director of Planning to Approve Preliminary Subdivision Plats and Plans of Development During the COVID-19 Pandemic.

This Board paper would allow the Director of Planning, in lieu of the Planning Commission or Board of Supervisors, to approve preliminary subdivision plats and plans of development for the duration of the Local Declaration of Emergency declared by the County Manager and confirmed by the Board of Supervisors in response to the COVID-19 pandemic. This temporary measure is proposed to limit public gatherings during the pandemic, in accordance with the advice of health officials.

The Board referred consideration of this ordinance to the Planning Commission on March 24, 2020. The Planning Commission will consider this ordinance at a public hearing on April 14, 2020, at 2:00 p.m. The Board may act on this ordinance after receiving the Planning Commission's recommendation and holding a public hearing.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Signatory Authority - Amendment to Consulting Services Agreement - Public Safety Communications System - Altairis Technology Partners.

On December 11, 2013, the County contracted for consulting services from Altairis Technology Partners during design and installation of a new Public Safety Communications System. Compensation under the contract is based on fixed hourly rates, and total compensation is capped at \$1,742,339.

On June 28, 2016, the County and Motorola Solutions, Inc. contracted for design and installation of the new radio system. Motorola's original project plan called for completion of the communications system in 36 months, and Motorola has since adjusted the projected completion date to 73 months. Based on the complexity of the work and the increase in the project schedule, a contract amendment is necessary to pay for the additional services required for the work.

The County and Altairis have negotiated a contract amendment to increase the maximum compensation by \$1,786,541 to an adjusted total of \$3,528,880. Funding to support the amendment is available in the project budget.

The Deputy County Manager for Public Safety recommends approval of the Board paper, and the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Reduce Penalties and Interest on Late Payments of 2020 Personal Property Taxes, Machinery and Tools Taxes, and Real Estate Taxes to Zero Percent From June 5, 2020, to August 5, 2020, and to Extend the Time for Payment of Vehicle License Taxes to August 5, 2020.

This Board paper would introduce for advertisement and a public hearing on May 12, 2020, an ordinance to reduce penalties and interest on late payments of 2020 personal property taxes, machinery and tools taxes, and real estate taxes to zero percent from June 5, 2020, to

August 5, 2020. This Board paper would also extend the time for payment of vehicle license taxes to August 5, 2020.

The Board previously adopted this ordinance on an emergency basis on March 24, 2020. Under state law, however, the ordinance must be readopted, if the Board wishes to enforce the ordinance beyond May 23, 2020.

INTRODUCTION OF ORDINANCE - To Reduce Penalties and Interest for Late Remittances of Food and Beverage Taxes and Transient Occupancy Taxes to Zero Percent Between March 17, 2020, and August 20, 2020.

This Board paper would introduce for advertisement and a public hearing on May 12, 2020, an ordinance to reduce penalties and interest for late remittances of food and beverage taxes and transient occupancy taxes to zero percent between March 17, 2020, and August 20, 2020.

The Board previously adopted this ordinance on an emergency basis on March 24, 2020. Under state law, however, the ordinance must be readopted, if the Board wishes to enforce the ordinance beyond May 23, 2020.

INTRODUCTION OF ORDINANCE - To Provide Emergency Procedures for the Conduct of Public Business to Ensure the Continuity of County Government and Critical Local Services During the State of Emergency and Disaster Caused by the COVID-19 Pandemic.

This Board paper would introduce for advertisement and a public hearing on May 12, 2020, an ordinance to provide emergency procedures for the conduct of public business and to ensure the continuity of County government and critical local services during the state of emergency and disaster caused by the COVID-19 pandemic. Specifically, the ordinance would:

1. Continue all pending items and cancel all meetings of County boards, authorities, and commissions for the duration of the local emergency not to exceed six months. These public bodies may, nevertheless, consider critical items during the emergency, if they choose;
2. Allow County boards, authorities, and commissions to dispense with or modify legal requirements governing the provision of notice and the holding of public meetings, to the extent necessary or practicable to address the state of emergency and disaster caused by the COVID-19 pandemic;
3. Allow public comments to be received at meetings in a variety of ways, including email, telephone, or web conference; and
4. Authorize the County Manager to take actions affecting a variety of County functions, such as access to public buildings and modifications to County programming, to address the state of emergency.

The Board previously adopted this ordinance on an emergency basis on March 24, 2020. Under state law, however, the ordinance must be readopted, if the Board wishes to enforce

the ordinance beyond May 23, 2020. If readopted, the ordinance would remain in effect until repealed or for the duration of the declaration of local emergency not to exceed six months.

RESOLUTION - Signatory Authority - Lease - 4905 Dickens Road - Brookland District.

This Board paper authorizes the County Manager to execute a lease with Wilton Commercial I, LLC for approximately 8,000 rentable square feet of office space at 4905 Dickens Road. The Department of Community Revitalization will use the space for office purposes. The initial term of the lease is 121 months, beginning June 1, 2020 and ending June 30, 2030. The base monthly rent will be \$11,000 for the first year and will increase 3% per year during the initial term. At the end of the initial term, the lease will renew for one additional 10-year term unless the County elects not to renew, and the base monthly rent will increase 3% per year during the renewal term.

The Directors of Community Revitalization and Real Property recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Award of Engineering Services Contract - White Oak Sewage Pump Station and Force Main Upgrade - Varina District.

This Board paper would award a contract for \$2,650,923 to Whitman Requardt and Associates, LLP to provide engineering services for pump station and force main upgrades at the White Oak sewage pump station. The work will include the installation of five new sewage pumps, odor control and electrical equipment, and new controls as well as replacement of approximately 7,800 feet of 30-inch force main with 36-inch force main to accommodate growth and peak wet weather flows within the basin. The upgrades will increase the pump station capacity from 11.8 mgd to 22 mgd.

Seven proposals were received in response to RFP 19-1857-4JOK. After review of the proposals, the selection committee interviewed the following firms:

Whitman Requardt and Associates, LLP
Greeley and Hansen, LLC
Rummel, Klepper & Kahl, LLP

Based on the interviews and written proposals, the selection committee chose Whitman Requardt and Associates as the top-ranked firm and negotiated a fixed price contract.

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

Funding will be provided by the Water and Sewer Revenue Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs. **(Deferred from the March 24, 2020, meeting.)**

RESOLUTION - Award of Contract - Richmond-Henrico Turnpike Sidewalk Construction - Fairfield District.

This Board paper would award a construction contract for \$271,026 to Simons Contracting Company, Inc. for construction of Richmond-Henrico Turnpike sidewalk. The work consists of construction of sidewalk, curb and gutter, and re-grading of existing commercial entrances within the project limits for ADA compliance along the west side of the Richmond-Henrico Turnpike from the existing sidewalk approximately 190 feet north of Pinalto Drive to the intersection at E. Laburnum Avenue.

The County received six bids on March 6, 2020, in response to ITB No. 20-1976-1EAR. The bidders and bid amounts are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Willy General Contractors, LLC Chesterfield, Virginia	\$203,301.00
Simons Contracting Company, Inc. Richmond, Virginia	\$271,026.00
Central Contracting Company, Inc. Richmond, Virginia	\$340,562.00
Finley Asphalt & Sealing, Inc. Ashland, Virginia	\$345,524.35
JIREH Construction Company, Inc. Richmond, Virginia	\$346,100.00
Excel Paving Corporation Norfolk, Virginia	\$367,265.00

Based upon a review of the bids, Willy General Contractors, LLC's bid is non-responsive, and Simons Contracting Company, Inc. is the lowest responsive and responsible bidder.

The final contract amount shall be determined upon completion of the project by multiplying the actual unit quantities authorized by the County times the unit prices submitted in the contractor's bid. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount. Funding to support the contract is available within the project budget.

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