

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
February 9, 2021

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, February 9, 2021, 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:

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

Other Officials Present:

John A. Vithoulikas, County Manager
J. T. (Tom) Tokarz, County Attorney
Tanya Brackett Harding, CMC, Assistant to the County Manager/Clerk to the Board
Cari Tretina, Assistant to the County Manager/Chief of Staff
Benjamin A. Sheppard, Director of Public Relations

Mr. Schmitt called the meeting to order at 7:00 p.m.

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

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board approved the minutes of the January 26, 2021, regular and special meetings.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

MANAGER'S COMMENTS

Mr. Vithoulikas outlined a once-in-a-generation compensation plan to increase pay for all General Government and Schools employees without increasing taxes. The proposal includes a 2% scale adjustment in April for all employees; market adjustments in April for Public Safety, Schools, and other targeted positions; a one-step merit increase of 2.4% in June; and longevity step increases in October for employees with 10 years and more of service. Mr. Vithoulikas stated that the proposed plan would make Henrico employees the best-paid public employees in the region. Mr. Vithoulikas thanked Yvette George, Director of Human Resources, and her staff for their efforts.

Meghan Coates, Director of Finance, summarized the County's financial position in the midst of the COVID-19 pandemic. Because the local economy has held steady, the County's tight control of costs, and the County's receipt of CARES Act funding, the County is projected to end the year with a budget surplus which will allow it to fund the proposed compensation plan.

BOARD OF SUPERVISORS' COMMENTS

There were no comments from the Board of Supervisors.

RECOGNITION OF NEWS MEDIA

There were no news media representatives present.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

42-21 REZ2020- 00046 Fairfield	Henrico Plaza, LLC: Request to conditionally rezone from R-6 General Residence District and B-2 Business District to UMUC Urban Mixed Use District (Conditional) Parcels 803-737-0018 and 803-737-5815 containing 27.416 acres located on the west line of Mechanicsville Turnpike (U.S. Route 360), approximately 675' north of its intersection with E. Laburnum Avenue.
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Mr. Vithoulkas indicated that this rezoning case and the following case were companion cases and would be presented together.

Lewis Livingston presented the case and responded to questions from Mr. Thornton regarding the wall around the property.

Arthur Garthright, a resident of the Fairfield District, spoke in support of the project but stated he has concerns about the wall around the property.

Paul Mansfield, a resident of the Fairfield District, asked about the Civil War marker on Laburnum and maintenance of the retaining wall on the property.

Jenifer Harris spoke via WebEx about her excitement about the project but expressed concerns about traffic and the potential effect on surrounding property values.

Samantha Thompson asked via WebEx about consideration of minority and small business contractors for construction of the development.

No one spoke in opposition to this case.

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

Applicable to the Project.

1. **Pattern Book.** The Property shall be developed in general conformance with the Land Bay Plan, illustrations and information set forth in the Henrico Plaza Pattern Book dated February 2021 and filed herewith, or as it may be updated from time to time (the "Pattern Book") (see case file), which illustrations and information are conceptual in nature and may vary in detail. In the event a plan of development or subdivision plan is not in general conformance with the foregoing, deviations may be approved in any plan of development, subdivision approval or any other time permitted by the Director of Planning upon the Director finding that the deviations are generally in keeping with the spirit and concept of the Pattern Book, except the layout of the Commercial Outparcel Land Bay, as identified in the Land Bay Plan in the Pattern Book, and the site entrance located therein may be adjusted as determined by the owner without violating the spirit and concept of the Pattern Book.
2. **Overall Residential Density.** There shall be no more than 580 residential units developed on the Property.
3. **Mixture of Uses.** There shall be a minimum of 10,000 square feet for commercial uses.
4. **Buffers.**
 - a. A buffer a minimum of twenty-five feet (25') in width shall be provided along the northern and western boundary lines of the project where such lines are shared with a lot with a residential home as of the date of the approval of this rezoning request. The existing 6' concrete wall shall remain within this buffer area. The applicant will repair existing unsightly cracks in the wall, such repairs to include structural repairs where needed, and the surface of the wall facing the project will be repainted. The surface of the wall facing the neighbors will be painted with masonry sealer and paint. This buffer shall be planted based on a 35' transitional buffer with a wall, as such required planting scheme is more particularly set forth in the Pattern Book on page 20 (see case file).
 - b. A variable width buffer shall be provided along the southern boundary line of the project as generally shown on the right side of page 19 of the Pattern Book (see case file). This buffer area shall be planted with a planting scheme using the plants required in a 10' transitional buffer, as such planting scheme is determined at the time of the plan and development review.
5. **Prohibited Uses.** The following uses shall be prohibited on the Property:

- a. No more than one automotive filling and service station;
 - b. billiard, bagatelle, video game or a bingo parlor, unless accessory to a permitted use;
 - c. flea markets or antique auctions;
 - d. billboards;
 - e. recycling facilities;
 - f. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - g. dance halls;
 - h. truck stops;
 - i. gun shop, sales and repair;
 - j. sign painting shops;
 - k. theaters;
 - l. communication towers;
 - m. adult businesses as defined by Section 24-3 of the Henrico County Code;
 - n. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
 - o. pawn shops;
 - p. non-accessory laundromats;
 - q. storage of travel trailer, travel vans, campers, boats and truck camper tops;
 - r. parking structure;
 - s. car title loan operations;
 - t. fuel sales;
 - u. motels or motor lodges; and
 - v. dialysis centers.
6. **Outdoor Music.** Outdoor music shall not be permitted on the Property between the hours of 10:00 p.m. and 7:00 a.m.
7. **Construction Activity.** The hours of exterior construction on the Property, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 4:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, asphalt pours, or utility connections. No exterior construction shall occur on Sunday. Primary construction

access to the Property shall be from Mechanicsville Turnpike. All clearing, grading and construction contracts will contain these provisions. Signs, in both English and Spanish, stating the above-referenced provisions shall be posted and maintained at all entrances prior to any land disturbance activities on the Property.

8. **Construction Access.** Evans Road and Ravenswood Road shall not be used as a construction entrance.
9. **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 with such uses. The applicant shall implement mutually agreed upon security recommendations.
10. **Amenities.** In the Open Space Land Bay, as shown on the Land Bay Plan in the Pattern Book (see case file), the owner of the Property shall provide, at a minimum, a clubhouse, with a minimum square footage of 5,000 square feet, a playground and a swimming pool, all of which shall be for use by all residents in the For-Sale Townhome Land Bay and the Multi-Family Housing Land Bay, as both are shown on the Land Bay Plan in the Pattern Book. A certificate of occupancy shall be obtained for the clubhouse prior to the issuance of a certificate of occupancy for, the earlier of, the 240th certificate of occupancy issued within the Multi-Family Housing Land Bay, as identified in the Land Bay Plan in the Pattern Book or the 60th townhome dwelling unit within the For-Sale Townhomes Land Bay, as identified in the Land Bay Plan in the Pattern Book. The pool and playground shall be constructed simultaneously with the clubhouse, weather permitting. In addition, the Project shall contain additional amenities as provided on Page 18 of the Pattern Book. The location of these additional amenities is illustrated on Page 18 of the Pattern Book. The final determination of these additional amenities shall be made by the owner prior to final plan of development approval. The final determination of the location of these additional amenities may be adjusted within the Project prior to final plan of development approval. If a dog park is selected as an additional amenity, it shall be constructed with a fenced area within which the dogs may run so the dogs are not running-at-large.
11. **Basins.** Above-ground stormwater basins, if needed, shall not be located in a buffer and shall be designed as an aesthetic amenity that are compatible with the spirit and intent set forth in the Pattern Book (see case file). Above-ground wet stormwater basins with a water depth greater than 12" shall be aerated. Underground stormwater detention may be located within 25' of the public right of way.
12. **Private Roads.** All roads within the project shall be private.

13. **Street Trees.** Street trees shall be planted 35' feet on center along both sides of road types A, B, C, E, and G identified on Page 14 of the Pattern Book (see case file), as determined at the time of plan of development review; provided, however, that the east side of road type C where it is adjacent to the Commercial Outparcel Land Bay, as identified in the Land Bay Plan in the Pattern Book, shall be designed with an 8' wide streetscape planting strip inclusive of the sidewalk and incorporating trees, shrubs, groundcovers, and ornamental grasses to help screen the service entrances and utility connections/meters for new commercial buildings in the Commercial Outparcel Land Bay from the adjacent ground view in the Multi-Family Housing Land Bay, as both land bays are identified in the Land Bay Plan in the Pattern Book, with such design to be determined at the time of plan of development review. The boulevard island within road type A, identified on Page 14 of the Pattern Book, shall be planted with street trees 35' on center and with other shrubbery, groundcovers and ornamental grasses as determined at the time of plan of development review. Street trees shall measure a minimum of three and one half inches at the time of planting. Parking areas shall be landscaped in general conformance with the illustrative layout on Page 12 of the Pattern Book as determined at the time of plan of development review. These planting requirements shall be modified, and plant spacing requirements shall be increased, to avoid utility conflicts, to avoid easements for sight-distance and/or slopes benefiting the County or VDOT, to avoid driveways, to accommodate sidewalks, and to avoid or accommodate other design features of the Project.
14. **Residential Phasing.** At least 30 townhome dwelling units shall have been constructed within the For-Sale Townhomes Land Bay, as identified in the Land Bay Plan in the Pattern Book (see case file), before the 242nd certificate of occupancy is issued within the Multi-Family Housing Land Bay, as identified in the Land Bay Plan in the Pattern Book.
15. **Future Bus Stop.** Upon written request from the County, the owner of the Property shall dedicate land a maximum of sixteen feet (16') in width and twelve feet (12') in depth, generally in the location noted on the Land Use Plan in the Pattern Book (see case file) for the construction of a bus stop. In the event of dedication, but no construction of the bus stop within fifteen years of the date of dedication, the dedicated land shall be conveyed back to the owner of the adjacent land.
16. **Exterior Road Frontage Streetscape.**
 - a. **Sidewalks.** Subject to all applicable governmental approvals, a five foot (5') wide sidewalk for pedestrian access shall be constructed along the Property's frontage along Route 360,

Evans Road, and Ravenswood Road.

- b. Evans Road and Ravenswood Road Landscaping. Street trees shall be planted 35' on center where the property fronts Evans Road, and Ravenswood Road, along with a row of evergreen shrubbery to provide screening of any adjacent parking areas. This planting requirement shall be modified, and plant spacing requirement shall be increased, to avoid utility conflicts, to avoid easements for sight-distance and/or slopes benefiting the County or VDOT, to avoid underground stormwater detention, to accommodate sidewalks, and to avoid or accommodate other design features of the Project. Shrubby shall be at least two feet high when planted and maintained at a height not to exceed three and a half feet. Street trees shall measure a minimum of three and one half inches at the time of planting. The location of these plantings shall be determined at the time of plan of development review. Plantings installed around the underground stormwater detention shall be in compliance with manufacturer instructions and shall not void any warranty or present the risk of damage to the underground system.
- c. Mechanicsville Turnpike Landscaping.
 - i) Where the Age-Restricted Multi-Family Housing Land Bay, as identified in the Land Bay Plan in the Pattern Book (see case file), fronts on Mechanicsville Turnpike, landscaping shall be installed in general conformance with the landscape illustration attached hereto as Exhibit A. This planting requirement may be modified, but the number of plants not reduced, and plant spacing requirement may be adjusted, as required by the Department of Public Utilities or the Department of Public Works, to avoid easements for sight-distance and/or slopes benefiting the County or VDOT, to accommodate sidewalks, and to accommodate other design features of the Project. Such adjustments shall be determined at the time of plan of development review and approval. Shrubby shall be at least two feet high when planted and maintained at a height not to exceed three and a half feet. Canopy street trees shall measure a minimum of three and one half inches at the time of planting. Ornamental street trees shall measure a minimum of two and one half inches at the time of planting. The exact location of these plantings shall be determined at the time of plan of development review.
 - ii) Where the Commercial Outparcel Land Bay, as identified in the Land Bay Plan in the Pattern Book (see case file), fronts on Mechanicsville Turnpike,

street trees shall be planted 35' on center, along with a row of evergreen shrubbery to provide screening of any adjacent parking areas. This planting requirement shall be modified, and plant spacing requirement shall be increased, to avoid utility conflicts, to avoid easements for sight-distance and/or slopes benefiting the County or VDOT, to accommodate sidewalks, and to avoid or accommodate other design features of the Project. Shrubby shall be at least two feet high when planted and maintained at a height not to exceed three and a half feet. Canopy street trees shall measure a minimum of three and one half inches at the time of planting. Ornamental street trees shall measure a minimum of two and one half inches at the time of planting. The location of these plantings shall be determined at the time of plan of development review.

17. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard. Parking lot lighting shall be produced from concealed source style fixtures and shall be directed in a way to minimize glare on public roads and adjacent properties. Direct embedded light poles and standards shall be prohibited.
18. **Cemetery and Plaque.** The open space provided around the existing cemetery shall be improved in general conformance with the illustration provided in the Pattern Book on page 19 (see case file). The existing plaque along Route 360 shall be restored and relocated to this open space area.
19. **Transportation Improvements.** Unless otherwise approved at the time of Plan of Development, the developer shall dedicate and construct the following transportation improvements. In the event of dedication, but no construction of the associated improvement within fifteen years of the date of dedication, the dedicated land shall be conveyed back to the owner of the adjacent land.
 - a. **U.S. 360 at Site Driveway / Neale Street:** Extend the existing southbound right-turn lane on U.S. 360 to 200 feet of storage. At the traffic signal, replace the existing metal strain poles and spanwires with metal poles and mastarms, provided that the developer shall not be required to dedicate any land it does not own to accomplish this replacement. The existing cabinet and controller will be retained with the traffic signal pole upgrade.
 - b. **U.S. 360 at Right-in / Right-out Driveway:** Construct a southbound right-turn lane on U.S. 360 with 100 feet of

storage and 100 feet of taper, if the driveway is a right-in, right-out entrance or a right-in entrance.

- c. U.S. 360 at Laburnum Avenue: Update signal timing plans at U.S. 360 and Site Driveway / Neale Street, U.S. 360 and Laburnum Avenue, U.S. 360 and Byron Street, U.S. 360 and Dill Road, and U.S. 360 and Harvie Road to improve coordination between the signals at these intersections.

20. **Compactor, Dumpster and Trash Receptacle Screening.**

Compactors, dumpsters and trash receptacles, not including convenience containers, shall be screened from public view at ground level at the perimeter of the Property, with a masonry wall 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 Plan of Development 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 visual eyesore. The location of these improvements shall be determined at the time of plan of development review for the applicable land bay.

21. **Glen Lea Fence.** A 6' high black vinyl coated chain link fence shall be erected in the following locations (the "Fence"): (i) commencing at the southern end of the western masonry wall and extending along the property line of the Property to a point at the southern end of the existing fence around the cell tower site (as of the time of rezoning); and (ii) commencing at the eastern end of the existing fence around the cell tower site (as of the time of rezoning) and extending eastward along the property line of the Property and terminating at a point between the Multi-Family Housing Land Bay and the Commercial Outparcel Land Bay, as both are identified in the Land Bay Plan in the Pattern Book (see case file). In the event that Glen Lea Shopping Center, Henrico County Tax Parcel GPIN 802-736-8028, is redeveloped and designed in a way to better coordinate pedestrian movements with Henrico Plaza, the Fence may be modified to include one or more openings or gates for pedestrian passage between the two parcels, as determined and shown on the plan of development for the redevelopment of Glen Lea Shopping Center. In the event that Glen Lea Shopping Center, Henrico County Tax Parcel GPIN 802-736-8028, is redeveloped and designed in a way to provide a vehicular connection to the road located between the Commercial Land Bay and the Multi-Family Land Bay, as both are shown on the Land Bay Plan in the Pattern Book, within Henrico Plaza, the Fence may be modified to include an opening for vehicular passage between the two parcels, as determined and shown on the plan of development for the redevelopment of Glen Lea Shopping Center.

22. **Three-Bedroom Units.** There shall not be more than 96 three-bedroom apartment units in the Multi-Family Housing Land Bay

and the Age-Restricted Multi-Family Housing Land Bay, as both are identified in the Land Bay Plan in the Pattern Book (see case file).

23. **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.

Applicable to Commercial Uses

24. **B-2 Hours of Service.** Any non-residential use on the Property shall comply with the B-2 hours of service contained in Ordinance Section 24-61(l), along with the ability to request a provisional use permit for hours of service to the general public up to 24 hours per day in accordance with Ordinance Sections 24-120 and 24-122.1.
25. **Location of Non-Residential Uses.** Excluding parking, no commercial use on the Property shall be located within 150' of an off-site residential dwelling existing at the time of approval of this rezoning request.
26. **Screening of Service Entrances.** Parking lot landscaping shall be located in a manner so as to obscure the view of service entrances and utility connections/meters of commercial buildings in the Commercial Outparcel Land Bay from the ground level view of residential buildings in the Multi-Family Housing Land Bay, as both land bays are identified in the Land Bay Plan in the Pattern Book (see case file). This landscape screening shall supplement the screening provided in Proffer 13 above to the extent necessary as determined at the time of plan of development review for the applicable commercial building.

Applicable to Townhome Uses

27. **Units in a Row.** There shall not be more than eight (8) townhome dwelling units in a building.
28. **Height.** Townhome units located immediately adjacent to the northern and western property line, in the area shown on the Land Use Plan in the Pattern Book (see case file), shall be limited to two stories in height.
29. **Garage.** Each townhome shall have at least a one car garage.
30. **Driveways.** Driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning. Gravel may be used between driveways serving townhomes with rear-loaded garages in lieu of grass.

31. **HVAC Units.** HVAC units located between driveways serving rear-loaded garages shall be screened with a low-maintenance, architectural fence on the side of the units facing the rear yard. Other HVAC units shall be screened with low-maintenance, architectural fence on two sides to screen the units from the view of roads. HVAC units located in a rear yard with a wall or fence between the HVAC unit and adjacent properties need not be screened.
32. **Foundations.** The exposed exterior portions of all foundations below the first floor level shall be finished with brick, brick veneer, stone, stone veneer or cultured stone. On the front, side and rear elevations of each building, there shall be a minimum of twelve (12) inches of brick, brick veneer, stone, stone veneer or cultured stone visible above grade. For reasons associated with required site grading, the requirements of this proffer may be modified or waived by the Director of Planning for individual side or rear facades.

Applicable to Multi-Family Uses

33. **Security Cameras.** The owner or operator of the multifamily buildings shall provide and be responsible for the installation, operation, and maintenance of the functioning security camera and video system of professional grade and quality and rated for surveillance of areas mutually agreed upon between the Owner and the Crime Prevention Unit of the Police Division. Security camera locations and views shall be mutually agreed upon at the time of the security survey in coordination with Section 9 of these conditions. The security camera system shall, at a minimum, include:
 - a. At minimum, five-megapixel cameras with night vision capturing pedestrian and vehicular access points, multi-family parking areas, and other areas mutually determined.
 - b. Recordings of all activities under surveillance shall be preserved for a period of one (1) month by the applicant or owner/operator. Authorized representatives of the Henrico County Police Division shall have full and complete access to all recordings upon request.

Applicable to Age-Restricted Multi-Family Use

34. **Age Restriction.** Except as otherwise prohibited by the Virginia Fair Housing Law, the federal Housing Law, and such other applicable federal, state, or local legal requirements, any development within the Age-Restricted Multi-Family Housing Land Bay, as shown on Land Bay Plan in the Pattern Book shall be administered in such a manner as to restrict occupancy of

residential dwelling units to 'housing for older persons' as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age residing therein. Further, the Applicant, prior to construction of the multifamily building in this land bay, shall prepare and record restrictive covenants that define the qualification for initial and subsequent occupancy of any age restricted unit within this land bay and shall further restrict households to include at least one (1) person who is age 55 years or older with no persons under 19 years of age residing therein. This restriction shall be recorded among the land records of Henrico County, Virginia and encumber this land bay prior to the occupancy of any age restricted unit.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

43-21
PUP2020-
00025
Fairfield

Henrico Plaza, LLC: Request for a Provisional Use Permit under Sections 24-32.1(a, k, m, v, w, z, aa, bb), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for outdoor vendors; drive-through service window; office-warehouse, when all materials are stored within an enclosed building for use by the business occupying the building; open space of less than 20 percent; commercial/office space less than 25 percent of total building square footage; number of for-lease multifamily dwelling units exceeding 30 percent of the total units; parking plan; auto service without the parking garage requirement; and one temporary sales/rental office located on Parcels 803-737-0018 and 803-737-5815 located on the west line of Mechanicsville Turnpike (U.S. Route 360), approximately 675' north of its intersection with E. Laburnum Avenue.

No one spoke in opposition to this case.

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 subject to the following conditions:

1. **Outdoor Vending Areas.** Areas of the Property shall be designated on the master plan, which may be revised from time to time, or a Plan of Development, for the preparation of food or beverages or the sale or display of merchandise conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts, vehicles or other spaces which are rented or otherwise made available to such vendors. Such activities may include a market, sale of merchandise as part of a permitted festival or other similar special event, or the outdoor display or sale by a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises. Sidewalk widths adjacent to

outdoor vending areas shall not be reduced to less than five (5) feet, except to accommodate a permitted festival or other similar special event. Trash receptacles shall be provided and conveniently located for each block that contains an outdoor vending area. Any outdoor vending areas shall not be open to the public after 10:00 p.m.

2. **Drive-Through Service Windows.** There shall be no more than one drive-through service window on the site, and it shall only be allowed for a fast-food or fast-casual restaurant, specialty coffee, specialty beverage or pastry, bank, pharmacy, or dry cleaner. Any drive-through service window shall be designed to minimize negative impacts to the pedestrian environment and shall be accessed from the site's internal roadways, unless otherwise approved at the time of Plan of Development review. This use shall also comply with one of the following architectural requirements: (i) the architecture of the building compliments the architecture of the buildings in the age-restricted land bay and the multi-family land bay in accordance with the architectural standard for those land bays as set forth in the proffered Pattern Book and such architecture is approved by the Director of Planning at the time of Plan of Development review, or (ii) another architectural building style approved by the Director of Planning at the time of Plan of Development review.
3. **Office-Warehouse.** One office-warehouse use shall be allowed in the commercial land bays, provided all materials shall be stored within an enclosed building for use by the business occupying the building, and loading areas shall not face Mechanicsville Turnpike, Evans Road, and Ravenswood Road.
4. **Open Space.** Open space on the Property may be lower than 20% but shall not be less than 10% as identified in the proffered Pattern Book.
5. **Commercial/Office Square Footage.** The minimum commercial and office square footage may be less than 25% of the site's aggregate building square footage, but shall not be less than 10,000 square feet. This minimum amount shall not include any administrative, service, or accessory portions of residential buildings. A minimum of 5,000 commercial square feet must be constructed no later than the issuance of the 280th certificate of occupancy within the residential land bays. The remaining square footage in the commercial land bay shall be constructed no later than the issuance of the last certificate of occupancy in the residential land bays.
6. **Master Plan, Density, and Percentage of For-Lease Multifamily Units.** All development on the property shall be in general conformance with the proffered Pattern Book submitted

with case REZ2020-00046. The number of for-lease multi-family dwelling units shall be allowed to exceed 30 percent of the total dwelling units of the UMU district, but in no case shall exceed 465 units (up to 165 age-restricted, and a maximum of 300 non-age-restricted). In aggregate, there shall be no more than 96 three-bedroom multifamily units (combined for all apartments plus age-restricted units).

7. **Parking Plan.** Unless the Planning Commission determines an increase or decrease to be necessary at the time of plan of development review, the applicant shall provide a minimum of 803 parking spaces on the property in a manner consistent with: a) the parking distribution illustrated in the Pattern Book for case REZ2020-00046, and b) the Shared Parking Demand Analysis prepared by Ramey Kemp Associates, dated December 16, 2020 and provided with this request. Each plan of development submitted for the property shall include a tabulation of all parking required per the parking study. Shared parking information, including updates to the parking study 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 also identify the location and means of creating additional parking that could accommodate any difference between the reduced parking standard approved by this permit and the standards contained in Section 24-34(m) of the Henrico County Code.
8. **Auto Service Use.** One automotive service station with no more than four (4) service bays shall be permitted within the commercial land bay identified in the proffered Pattern Book. Any service bays shall not face Mechanicsville Turnpike. No fuel sales or exterior storage of automotive parts shall be permitted. All sales, installation, and service shall be conducted within a completely enclosed building, except for bay doors opened during hours of operation. No public address or speaker systems shall be permitted outside of any building.
9. **Temporary Sale/Rental Office.** No more than one temporary sale or rental office trailer for the sale of townhomes shall be permitted on the property upon compliance with the following conditions: (i) the hours of operation shall not exceed 9:00 a.m. to 6:00 p.m. Monday through Saturday, with Sunday by appointment only; (ii) solid vinyl or lattice skirting shall be installed around the base of the trailer; and (iii) the trailer shall be removed from the property no later than 30 days after the model home in the Townhome Land Bay receives a certificate of occupancy.
10. **Radio and Television Stations and Television Receiving Antennas.** Any communications equipment such as satellite

dishes or antennas associated with a radio or television station shall be screened from public view at ground level in a manner approved at the time of Plan of Development Review. No stand-alone television or radio antennas shall be permitted.

11. **Crime Prevention.** Prior to occupancy of any new 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. **Proffered Conditions.** All proffered conditions accepted with case REZ2020-00046 shall also be made part of this Provisional Use Permit.
13. **Trespassing Enforcement.** The Owner of the Property shall submit a Trespassing Enforcement Authorization application to the Community Services Unit of the Henrico Police Division on an annual basis.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

44-21
REZ2021-
00008
Three Chopt

MS Richmond Investor, LLC: Request to conditionally rezone from A-1 Agricultural District, R-3C One-Family Residence District (Conditional) and R-5AC General Residence District (Conditional) to R-5AC General Residence District (Conditional) Parcels 744-762-4165, 744-763-8661, 744-763-9175, 745-763-2013, 745-763-2727, 745-763-3440, 745-763-4567, 745-763-5481, 745-763-6093, 745-764-0618, 744-762-4780, 744-762-5294, 744-762-9757, 745-762-0472, and 745-763-4053 containing 33.03 acres generally between the east line of Belfast Road and west line of Glasgow Road at its intersection with Ireland Lane.

No one from the public spoke in opposition to this case.

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

1. **Conceptual Site Plan.** The plan of development will be designed in a similar style as the Plan, attached as Exhibit A (see case file) subject to changes required for final engineering design and in compliance with the governmental regulations.
2. **Underground Utilities.** All proposed new utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise. Junction

boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials. Existing utilities shall remain in place unless relocation is required for development in accordance with the Conceptual Site Plan (see case file).

3. **Streets.** All new streets on the Property shall be public and shall be constructed of asphalt and designed with standard six (6) inch curb and gutter. The east side of Belfast Road and the west side of Glasgow Road and the north side of Edinburgh Road where adjacent to Property shall be improved with standard six-inch (6") curb and gutter.
4. **Sidewalks.** Sidewalks a minimum of four (4) feet in width shall be provided on both sides of the new public streets on the lots zoned R-5A as well as along the east side of Belfast Road and the west side of Glasgow Road and the north side of Edinburgh Road where adjacent to the Property. Sidewalks shall not be required around temporary cul-de-sacs nor along that section of road adjacent to the northern boundary of GPIN 744-764-9804. A grass strip a minimum of two (2) feet in width shall be provided between the back of curb and the sidewalks.
5. **Foundations.** All houses shall be constructed on crawl space foundations except for garages and basements. The exterior portion of the foundations below the first floor level which is visible above grade shall be finished with brick, stone, or stamped concrete painted to match house siding. This proffer shall not apply to direct vent gas fireplaces or appliances. There shall be no cantilevered chimneys.
6. **Driveways.** All driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete, or other similar materials approved by the Director of Planning.
7. **Building Materials and Architecture.**
 - A. All new houses shall be constructed of brick, stone, EIFS, Hardiplank, LP SmartSide or an equivalent siding. In the aggregate, the front elevation of all the homes shall contain a minimum of fifty-percent (50%) brick or stone excluding gables, doors, windows and garage doors.
 - B. The building elevations shall be similar to the elevations provided as examples in Exhibit B (see case file). Various design elements shall be used on the elevations, including, but not limited to varying colors of brick and brick accents such as arches, keystones, soldier courses and quoins, varying window designs, and varying entranceways and/or porch designs.

8. **Compliance Certification.** The property owner and/or builder shall provide a cumulative count of the amount of brick (or other comparable material) used on each dwelling for all dwellings and the type of garage constructed upon the submittal of each building permit application.
9. **Landscaping.**
 - A. At least one (1) tree measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot, plus a minimum of one (1) tree of the same caliper shall be retained or planted in the side yard adjacent to the street if the residential lot is a corner lot. Each house and building shall have prototypical plantings (shrubs and ornamental ground cover) along the front foundation. The front and side yards shall be planted with sod except where mulching or landscaping may occur.
 - B. Any aboveground BMP facilities on the Property shall be landscaped, where appropriate, based on the BMP design and as identified on and approved with the Landscape Plan or as otherwise approved by the Director of Planning.
10. **Density.** The development shall be limited to a maximum density of 3.88 dwelling units/ gross acre.
11. **Minimum Size.** Any one-story house constructed on the Property shall have a minimum of 1,600 square feet of finished floor area. Any house more than one story shall have a minimum of 2,200 square feet of finished floor area.
12. **Restricted Uses.** Two family dwellings and semi-detached dwellings shall not be permitted.
13. **Lot Size.** The lots shall be a minimum of sixty (60) feet in width.
14. **Garages.** All homes shall have a minimum of a two (2) car garage. Garage doors shall contain varying architectural features including but not limited to varying styles, windows, and garage door or doors designs. Corner lots, where feasible with final engineering and permitted by the County, shall be either side or rear loaded. Garages will be constructed with the materials and roofing as on the main buildings.
15. **Streetlights.** Streetlights a maximum of sixteen (16) feet in height and of a uniform style shall be provided along both sides of the new streets and along Belfast Road and Glasgow Road and Edinburgh Road where lots front the existing roads.
16. **Hours of Construction.** Exterior construction activities,

including land disturbance with bulldozers and other earthmoving equipment, shall be limited to 7:00 a.m. and 7:00 p.m., Monday to Friday. Saturday hours shall be limited to 9:00 a.m. to 7:00 p.m. and no construction hours on Sunday. Exceptions to these restrictions are permitted in the case of emergencies or unusual circumstances such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above referenced restrictions shall be posted and maintained at all entrances to the Property prior to the start of land disturbance activities.

17. **Building Permits.** No Building Permits for house construction shall be approved for the lots on Exhibit A (the Conceptual Site Plan), (see case file) prior to the start of construction of the planned improvements to Sadler Road. The start of construction shall mean construction activity (other than surveying and soil investigation) for the Sadler Road improvements shown on County of Henrico website. (<http://henrico.us/projects/sadler-road-improvements/>)
18. **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: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

45-21
REZ2021-
00001
Three Chopt

Kain Road Investors, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 748-767-4828, 748-767-7842, and 748-767-8852 containing 7.745 acres located on the south line of Sadler Road, approximately 175' west of its intersection with Cedar Branch Court.

No one from the public spoke in opposition to this case.

On motion of Mr. Branin, 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 Master Plan.** Development of the Property shall be in general conformance with the Conceptual Master Plan entitled "Sadler Road Parcel Conceptual Layout" prepared by Townes Site Engineering attached hereto as EXHIBIT A (the "Concept Plan") (see case file), which Concept Plan is conceptual in nature and may vary in detail, (including, as available, excess right-of-way along Sadler Road), unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision

review.

2. **Density.** There shall be no more than 24 dwelling units.
3. **Buffers:**
 - a. **Sadler Road Buffer.** A natural and/or landscape buffer of twenty-five (25) feet in width shall be provided along the boundary of Lots 1, 20-22, and 24 adjoining Sadler Road. The buffer shall be planted to the level of a Transitional Buffer TB-25 standards with credit for existing vegetation except to the extent necessary for drainage and utility easements, signage, entrance features, sidewalks, berms, fencing, and other purposes requested and specifically permitted, or if required, at the time of Plan of Development and/or subdivision review, or by any other governmental body.
 - b. **Adjacent Buffers** For those lots with dwellings adjoining the Cedars at Innsbrook subdivision or the Sadler Oaks subdivision, all trees with a caliper of 3½ inches or greater (except those that are naturally dead or diseased or as otherwise approved at the time of subdivision review) within the 20 feet of the lot adjoining any such subdivision shall be retained during development of the lot by the developer or the initial home builder, except where utility or drainage easements are required. Easements within said 20 feet buffer area shall cross the buffer in a generally perpendicular manner so as to minimize damage to the buffer area. The developer will provide a landscape plan for supplemental plantings in the 20 foot buffer area as deemed appropriate by the Director of Planning. Acceptable plantings shall be installed prior to any final certificate of occupancy.
4. **Architectural Treatment.** Homes constructed on the Property shall be generally in conformance with EXHIBIT B attached hereto (see case file), unless otherwise requested by the owner and specifically approved by the Director of Planning.
5. **Minimum Dwelling Size.** Any new dwelling constructed on the Property shall have a minimum of 2,000 square feet of finished floor area.
6. **Lighting.** Pedestrian scale residential lighting within the Property shall be provided on each lot. Such lighting shall be non-glare, decorative in style, residential in character and shall be provided at least in the front yard of each residential lot.
7. **Landscaping.** A minimum of one (1) tree measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot and side yards on corner lots in the Property. In no case, shall any such tree be planted more than ten (10) feet

from the right-of-way unless otherwise approved at the time of landscape plan approval. The front and side yards of any lot within the Property shall be irrigated and planted with sod. Each new dwelling on the Property shall have prototypical plantings (shrubs and ornamental ground cover) along the entire front foundation.

8. **Foundations.** All dwelling units on the Property shall be constructed with crawl space foundations except for basements, garages and as may otherwise be approved at the time of plan of development or subdivision review. The exterior portion of the foundations below the first-floor level which is visible above grade shall be finished with full standard brick or stone unless otherwise approved by the Director of Planning.
9. **Building Materials.** Any dwelling, including any garage accessory to such dwelling upon the same lot whether attached or detached shall have exposed exterior walls (above finished grade) of full standard brick, stone, cementitious siding, or a combination of the foregoing, unless otherwise approved by the Director of Planning.
10. **Roof Material.** Any dwelling on the Property shall be constructed with a roof that has a minimum certified twenty-five (25) year warranty.
11. **Garages.** Each new dwelling on the Property shall be constructed with a minimum of a one (1) car garage (either attached or detached).
12. **Driveways.** All new driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning or the Planning Commission at the time of subdivision review.
13. **Fireplace Chimneys.** The exposed portions of all fireplace chimneys shall be of full standard brick, stone, or cementitious siding. The exposed bases of all chimneys shall be of the same material as the building foundations. The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
14. **Cantilevering.** No cantilevered features will be allowed, except for direct gas vents and second story bay windows which will be designed and constructed with decorative corbels.
15. **Restrictive Covenants.** Prior to or concurrent with the recording of the subdivision plat approved by the County,

restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County.

16. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines, and for technical and environmental reasons, all utility lines shall be underground.
17. **Sidewalks and Fencing.** Sidewalks a minimum width of four (4) feet within the property shall be provided and constructed along one side of each roadway inside the subdivision. No chain link fencing shall be permitted on the property.
18. **Minimum Lot Width.** The minimum lot width shall be sixty (60) feet.
19. **Hours of Construction.** The hours of site work construction shall be between 7:00a.m. and 8:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. on Saturdays, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. For purposes of this proffer, site work is defined as any construction work shown on approved construction plans for the initial construction of roads, utilities, infrastructure and the respective exteriors of structures. Hours shall be posted in both English and Spanish until the roads are accepted by Henrico County for maintenance.
20. **Building Permits.** No Building Permits for house construction shall be approved for the lots on Exhibit A (the Conceptual Site Plan), (see case file) prior to the start of construction of the planned improvements to Sadler Road. The start of construction shall mean construction activity (other than surveying and soil investigation) for the Sadler Road improvements shown on County of Henrico website identified with a construction start date of August 2023 and completion in August 2025. (<http://henrico.us/projects/sadler-road-improvements/>).
21. **Conservation Area.** Owner shall, prior to subdivision plat recordation, for areas that include a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, apply to rezone such portions of the Property to a C-1 Conservation District.
22. **Dedication of Easements.** At the time of subdivision plat recordation, Owner shall dedicate to Henrico County those easements identified as "Proposed Perm Drainage Easement" and "Proposed Temp Construction Easement" on plan sheets 15 & 16 of the Sadler Road Improvements plan prepared for the County of Henrico by Rummel, Klepper & Kahl which pages are attached hereto as EXHIBITS C-1 and C-2 (see case files). Henrico County

shall allow Owner to outfall stormwater from the Property into easements and the facility labeled "Proposed Level Spreader" on plan sheet 15 of the aforementioned Sadler Road Improvements plan.

23. **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: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

46-21
REZ2020-
00038
Brookland

Sam Tu: Request to conditionally rezone from B-1C and B-3C Business Districts (Conditional) to B-2C Business District (Conditional) Parcels 769-741-6348 and 769-741-7358 containing .93 acres located at the southeast intersection of W. Broad Street (U.S. Route 250) and Morningside Drive.

Mr. Vithoulkas stated the next two items would be presented together.

No one from the public spoke in opposition to this case.

On motion of Mr. Branin, 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. **Concept Plans & Elevations.** The property shall be developed in general conformance with the concept plans and elevations entitled "Mixed-Use Development - Design Development", prepared by Gooss + Associates, AIA, dated December 15, 2020 (see case file). The concept plans & elevations are conceptual in nature and may vary in detail as otherwise requested and specifically approved at the time of Plan of Development review.
2. **Building Materials.** Any new and future buildings to be constructed on the property shall be architecturally compatible and have similar material materials as the buildings shown in the Concept Plans & Elevations (see case file). The exteriors of the new buildings shall be predominantly stone, brick, through-colored concrete block, pre-finished metal, painted steel, and/or other low maintenance materials. Unfinished concrete block and corrugated metal shall be prohibited.
3. **Building Height.** The building height shall be limited to thirty-five (35) feet.
4. **Uses.** The uses allowed on the property shall be limited to those

uses allowed in the B-2 District with the restrictions listed below.

Prohibited uses for the 6109 West Broad Street and 6303-6305 Morningside Drive project:

- a. Drive-thru restaurants;
- b. Laundromats;
- c. Lodge and fraternal organizations;
- d. Automotive filling and service stations including towing services and convenience stores with gas;
- e. Self-storage facilities;
- f. Sewer/ water pump stations;
- g. Skating rinks, ice skating and rolling skating, model racing tracks, electronic game rooms, bingo halls and billiard parlors;
- h. Flea markets or antique auctions;
- i. Billboards;
- j. Off-track betting parlors;
- k. Permanent on-site recycling collection facilities;
- l. Funeral homes, mortuaries, crematories, and/or undertaking establishments;
- m. Dance halls,
- n. Truck stops;
- o. Gun shops, sales or repairs, except that such sales shall be permitted in a store that sells a variety of sporting goods;
- p. Hotels, motels, and motor lodges;
- q. Parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a permitted use);
- r. Car washes;
- s. General hospitals, sanitariums, and charitable institutions for human care;
- t. Adult businesses as defined by Section 24-3 of the Henrico County Code;
- u. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Section 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans, or similar financial institutions, that are not regulated by the foregoing Virginia Code Sections);
- v. Bars, which, for the purposes of this restrictions, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-site consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverages Control;
- w. Car title loan operations; and
- x. Radio or TV broadcasting stations.

5. **Parking Lot Lighting.** Parking lot lighting standards shall not exceed 15 feet in height as measured from the grade at the base of

the lighting standard. All parking lot light fixtures shall be of low intensity LED and shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Lighting will be reduced to security level following the close of business operations each day.

6. **Trash Receptacles.** Dumpsters and trash receptacles shall be screened from public view at ground level with opaque fencing or materials compatible with the building construction or as otherwise approved at the time of Plan of Development review.
7. **Construction Hours, (during construction), Trash Pick-up, Parking Lot Cleaning and Leaf Blowing.** There shall be no construction activity which is clearly audible beyond the property line, trash pick-up, parking lot cleaning or leaf blowing before 7 a.m. or after 7 p.m., Monday through Friday, or before 10 a.m. or after 7 p.m. on Saturdays. There shall be no construction activity which is clearly audible beyond the property line, trash pick-up, parking lot cleaning or leaf blowing on Sundays.
8. **Outside Speakers.** Outside speakers shall not be audible beyond the boundary lines of the property.
9. **Security Alarms.** No external alarm bells or warning devices that are audible beyond the boundary lines of the property shall be permitted.
10. **Signage.** Detached signage shall be ground mounted monument-type signs and shall not exceed 6 feet in height.
11. **Utility Lines.** Except for junction boxes, access boxes, meters and existing overhead utility lines, all new utility lines shall be installed underground.
12. **Landscape Buffers.** Site development will include landscaping buffers along adjacent roadways. Plantings equivalent to a transitional buffer 25 will be provided along West Broad Street, and plantings equivalent to transitional buffer 10 will be provided along Morningside Drive, per Henrico County Standards, or as otherwise approved at time of Plan of Development review.
13. **Sidewalks.** Sidewalks, minimum four (4) feet in width, will be provided along West Broad Street and Morningside Drive road frontages. A crosswalk will be delineated between the two (2) buildings so parking areas are adequately served. A minimum four (4) foot wide sidewalk will be provided behind the building fronts on West Broad Street for access to the apartment units above.
14. **HVAC.** Heating and air conditioning equipment shall be located

or screened from public view along the property lines at ground level with landscaping or as otherwise approved at the time of Plan of Development review. Visual sight lines will be taken at the closest property lines.

15. **Sound Suppression.** Sound suppression with a minimum STC of 54 will be provided between each of the living units and between the living units on the second floor and the commercial units on the first floor.
16. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or 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: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

47-21
PUP2020-
00021
Brookland

Sam Tu: Request for a Provisional Use Permit under Sections 24-58.2(g), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow accessory dwellings on Parcels 769-741-7358 and 769-741-6348 located at the southeast intersection of W. Broad Street (U.S. Route 250) and Morningside Drive.

No one from the public spoke in opposition to this case.

On motion of Mr. Branin, 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. **Units Permitted.** This provisional use permit shall allow up to four (4) accessory dwelling units on the second floor of each commercial building, for a total of eight (8) dwelling units. No three-bedroom units shall be permitted.
2. **Parking.** At least one parking space shall be provided and dedicated for each accessory dwelling use. If the accessory dwellings are converted to nonresidential uses, parking requirements shall be increased to reflect the change in use.
3. **Pedestrian Lighting.** Site lighting shall be designed to provide lighting for pedestrians along adjacent public roadways and internal project areas in a manner approved at the time of lighting plan review. Pedestrian-scaled lighting shall be consistent with the urban nature of the development and shall include streetlights along internal project roadways.

4. **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.
5. **Proffers.** All proffers accepted with rezoning case REZ2020-00038 shall be made a part of this Provisional Use Permit.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

48-21
REZ2021-
00009
Fairfield

Stanley Martin Homes: Request to conditionally rezone from B-3C Business District (Conditional) to R-6C General Residence District (Conditional) Parcel 784-771-0908 containing 4.631 acres located approximately 200' east of Brook Road (U.S. Route 1) at its intersection with Magnolia Ridge Drive.

Mr. Vithoulkas indicated that this rezoning case and the following case were companion cases and would be presented together.

No one from the public spoke in opposition to this case.

On motion of Mr. Thornton, seconded by Mr. Branin, 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 Exhibit A, attached (see case file), prepared by Kimley Horn (the "Concept Plan"). The exact locations, footprints, configurations, size, and details of the drives, alleys, 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 of the Property. This includes the owner's ability to increase the alley width at the time of Plan of Development review in order to obtain approval of the plan of development if the County requires wider alleys for such approval.
2. **Construction.** The hours of exterior construction 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 7:30 a.m. and 5:00 p.m. on Saturdays, except in emergencies or where unusual circumstances require the specific hours in order to complete work 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.

3. **Entrance Feature.** Any detached entrance signage shall be ground mounted monument- style and not exceed 10 feet in height. The base of any such sign shall be brick or stone and be landscaped with plantings.
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. **Density.** No more than 75 dwelling units will be developed on the Property.
6. **Architecture.** Buildings constructed on the Property shall generally be in conformance with the architectural style depicted on Exhibit B (see case file) and attached hereto and by this reference made a part hereof, unless otherwise approved by the Planning Commission at the time of Plan of Development review.
7. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of trim, which may be metal, wood or vinyl) of stone, cultured stone, stone veneer, brick, brick veneer, E.I.F.S., cementitious siding (e.g. Hardi-plank), high-grade 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 specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. A minimum of thirty (30) percent in the aggregate for each building, and an average of thirty-five (35) percent in the aggregate for all buildings, of the exterior portions of the front building wall surfaces of each building, excluding, windows, doors, breezeways, gables and architectural design features, shall be of brick, brick veneer, stone, cultured stone or stone veneer construction.
8. **Foundations.** The exposed exterior portions of all foundations below the first floor level shall be finished with brick, brick veneer, stone, stone veneer or cultured stone. On the front, side and rear elevations of each building, there shall be a minimum of twelve (12) inches of brick, brick veneer, stone, stone veneer or cultured stone visible above grade. For reasons associated with required site grading, the requirements of this proffer may be modified or waived by the Director of Planning for individual side or rear facades.
9. **Sidewalks.** A continuous sidewalk a minimum of six (6) feet in

width shall be provided as shown on the Concept Plan (see case file).

10. **Street Trees.** Street trees shall be planted between a street and the sidewalk around the perimeter of the project at a maximum average spacing of fifty (50) feet on center. If existing trees are maintained, and are located along the sides of the streets, they may be counted toward this requirement. In the event of conflicts with utilities, sightlines and driveway areas, the required spacing shall be increased.
11. **Lead Walk.** A lead walk a minimum of a three (3) feet in width shall be provided to the front entrance of each dwelling unit, to connect to alleys, sidewalks or streets, in the manner generally shown on the Concept Plan.
12. **Guest Parking.** Parallel parking spaces shall be provide along streets as generally shown on the Concept Plan, but subject to Proffer 15 below.
13. **Exterior Lighting.** Pedestrian scale light fixtures not exceeding twenty feet (20') in height shall be located along the northern, eastern and southern perimeter of the Property. These light fixtures shall be located in the planting strip and spaced fifty (50) feet on center on average. In the event of conflicts with utilities, sightlines and driveway areas, the required spacing shall be increased. For the townhomes located on the western perimeter of the Property, these townhomes shall have a decorative light pole in the front of the townhome.
14. **High Visibility Elevations.** The Conceptual Plan identifies certain lots that are required to have a high visibility side elevation. High visibility side elevations shall employ design features to embellish the side facade. The design features employed may include a mixing of materials, an increase in masonry percentage, gables, dormers, shutters or other architectural features. This required embellishment may also use enhanced landscaping to reinforce the streetscape and minimize the view of the side of the units with shade trees, fences, garden walls, hedges, shrubs, etc., to help define the side yard and street edge.
15. **On Street Parking.** The on-street parking shown on the east side of the property is optional and dependent on the County approving the conversion of the existing road lane to on-street parking. If the County approves this conversion prior to plan of development or subdivision plan approval, then the owner will construct the on-street parking as shown. If the County does not approve this conversion prior to plan of development approval, then the owner shall not have the obligation to construct the on-street parking shown on the east side of the Property. In the event the owner and the County mutually decide to extend this deadline, the approved plan of development or

subdivision plan may establish the new extended deadline.

16. **HVAC Screening.** Exterior HVAC units shall be screened in a manner similar to the illustrative picture attached as Exhibit C.
17. **Driveways.** Driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning. Gravel may be used between driveways in lieu of grass.
18. **Open Space.** The open spaces noted on the Conceptual Plan shall be improved with landscaping, passive amenities, landscaped design features, or any combination thereof, in general conformance with the illustrative pictures provided on Exhibit D, which are conceptual in nature and the actual improvements may vary in detail, unless otherwise approved at the time of plan of development review and approval.
19. **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: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

49-21
PUP2021-
00003
Fairfield

Stanley Martin Homes: Request for a Provisional Use Permit under Sections 24-36.1(b) 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a master-planned community on Parcel 784-771-0908 located approximately 200' east of Brook Road (U.S. Route 1) at its intersection with Magnolia Ridge Drive.

No one from the public spoke in opposition to this case.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, 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.** All development on the property shall be in general conformance with the Master Plan titled "Virginia Center Commons Townhomes" by Kimley-Horn, unless otherwise approved at the time of Plan of Development review. Setbacks and development standards, including building height, shall be consistent with the document titled "R-6 TH Bulk Requirements versus VCC TH Master Plan Requirements."
2. **Architectural Design.** Any new buildings shall be constructed in general conformance with the architectural elevations by

Stanley Martin Homes, unless otherwise approved at the time of Plan of Development Review.

3. **Density.** No more than 75 new residential units shall be constructed on the property, consistent with the approved Master Plan.
4. **Sidewalks.** Sidewalks shall be provided in the manner shown on the concept plan.
5. **Pedestrian Lighting.** Site lighting shall be designed to provide lighting for pedestrians along adjacent roadways and internal project areas in a manner approved at the time of lighting plan review. Pedestrian-scaled lighting shall be consistent with the urban nature of the development.
6. **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.
7. **Proffers.** All proffers accepted with rezoning case REZ2021-00009 shall be made a part of this Provisional Use Permit.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

50-21
REZ2021-
00007
Tuckahoe

1408 N. Parham Oz Fund LC: Request to conditionally rezone from B-3 Business District to UMUC Urban Mixed Use District (Conditional) Parcel 753-743-7768 containing 6.973 acres located at the southwest intersection of N. Parham and Quioccasin Roads.

Mr. Vithoulkas indicated that this rezoning case and the following case were companion cases and would be presented together.

No one from the public spoke in opposition to this case.

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. The subject Property is added to Rezoning Case REZ2019-00021 and shall be subject to the same proffered conditions contained in REZ2019-00021, as supplemented below.

2. Height limitation - The following shall be maximum height limitations within the areas identified on the Exhibit attached hereto entitled "Regency Square - UMU Building Heights" (see case file):

Area 17 - 60'

Area 18 - 80'

3. The Pattern Book shall be supplemented to include the "Rezoning Plan Land Use" plan attached hereto (see case file).

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

51-21
PUP2021-
00002
Tuckahoe

1408 N. Parham Oz Fund LC: Request for a Provisional Use Permit under Sections 24-32.1(a, c, e, f, g, i, j, k, m, n, o, p, q, r, s, t, v, x, y, z and aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for outdoor vending; an automotive filling station; indoor antique auction; auditorium and assembly hall, coliseum, and stadium; billiard parlor; single offices, clinics and labs for medical, dental and optical uses greater than 30,000 square feet of floor area; grocery or convenience food store greater than 30,000 square feet of floor area; indoor recreation facility/swimming pool greater than 10,000 square feet of floor area; drapery making and furniture upholstery shops; drive-through service window; office-warehouse; parking garage; radio and television stations and studios; outdoor recreation facilities; sign printing and painting shop; television receiving antennas; buildings in excess of 60' in height; density of residential development exceeding 30 dwelling units per acre; open space less than 20 percent; general hospitals; extended hours of operation for any business containing one or two billiard, pool, or bagatelle tables to 2:00 a.m.; number of for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU district; and parking plan Parcel 753-743-7768 at the southwest intersection of N. Parham and Quioccasin Roads.

No one from the public spoke in opposition to this case.

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. **Master Plan, Density Limitations and Percentage of For-Lease Multifamily Units.** All development on the property shall be in general conformance with the Regency Square UMU Pattern Book (see case file). Development on the property, when combined with the property subject to PUP2019-00009 shall not exceed 1,250 residential units, excluding units developed as part of a life care facility, assisted living facility or nursing home.

Independent living units within a life care facility shall count towards maximum density restrictions.

2. **Square Footage Limitations.** The maximum square footage of any use other than an office building shall not exceed 10,000 square feet in floor area, except that:
 - Medical offices, clinics or laboratories shall have no limit as to floor area.
 - Indoor recreational facilities/swimming pools and indoor entertainment facilities shall have no limit as to floor area.
 - Grocery or convenience food stores shall have no limit as to floor area.
 - Stores or shops for the conduct of retail sales or services, including but not limited to restaurants, shall have no limit as to floor area.
3. **Building Height.** Buildings on the Property may exceed 60' in height in accordance with the exhibit entitled "Regency UMU Building Heights." (see case file) No building on the property shall exceed 80' in height.
4. **Vendor Areas.** Areas of the Property may be designated on the master plan, which may be revised from time to time, or a Plan of Development, for the preparation of food or beverages or the sale or display of merchandise conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts, vehicles or other spaces which are rented or otherwise made available to such vendors. Such activities may include a market, sale of merchandise as part of a permitted festival or other similar special event, or the outdoor display or sale by a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises. Sidewalk widths adjacent to outdoor vending areas shall not be reduced to less than five (5) feet, except to accommodate a permitted festival or other similar special event. Trash receptacles shall be provided and conveniently located for each block that contains an outdoor vending area.
5. **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.
6. **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 during Plan of Development review.

7. **Fire Protection.** All structures, including parking structures, other than open, standalone parking garages, shall be fully sprinkled for fire protection.
8. **Billiard Parlors.** Billiard parlors shall be permitted, provided that evidence (i.e. police calls to the premises, complaints from other businesses or the residential community, etc.) does not indicate that the establishment and operation of a billiard parlor is having an adverse effect (i.e. increased public nuisance: loitering, excessive noise outside the building, criminal assaults, traffic, etc.) on the surrounding area. Billiard parlors shall not operate between the hours of 2:00 a.m. to 6:00 a.m.
9. **Drive-through service windows.** Drive-through service windows shall be designed to minimize negative impacts to the pedestrian environment and shall be accessed from internal roadways, unless otherwise approved at the time of Plan of Development review.
10. **Automotive Filling and Service Stations.** Automotive filling and service stations shall be located and accessed in a manner consistent with the Regency Square UMU Pattern Book as determined at the time of Plan of Development and shall be subject to the following requirements:
 - a. No exterior storage or display of automotive parts shall be permitted.
 - b. All sales, installation and service shall be conducted within a completely enclosed, air-conditioned building.
11. **Radio and Television Stations and Television Receiving Antennas.** Any communications equipment such as satellite dishes or antennas associated with a radio or television station shall be screened from public view at ground level in a manner approved at the time of Plan of Development Review. No stand-alone television or radio antennas shall be permitted.
12. **Parking Plan.** The applicant shall provide parking consistent with the Regency Shared Parking Demand document. Each plan of development submitted for the property shall include a tabulation of all parking required per the parking study. Shared parking information, including updates to the parking study 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 Section 24-34(m) of the Henrico County Code.

13. **Parking Structures.** Parking structures without ground floor retail uses along at least one façade or without usable floor space for residential or nonresidential uses along any façade that faces a one-family use or public or private street shall be permitted, provided the design of such structures is consistent with the Regency Square UMU Pattern Book as determined at the time of Plan of Development Review.
14. **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.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

52-21
REZ2020-
00044
Three Chopt

Dominion Realty Partners: Request to conditionally rezone from O-3C Office District (Conditional) to UMUC Urban Mixed Use District (Conditional) part of Parcel 748-763-6189 containing 12.58 acres located approximately 200' west of the western terminus of Waterfront Place.

Mr. Vithoulkas indicated that this rezoning case and the following case were companion cases and would be presented together.

No one from the public spoke in opposition to this case.

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

1. **Urban Design Guidelines.** The Property shall be developed in general conformance with the concept plan filed herewith and illustrations and information set forth in the "Innsbrook Urban Mixed-Use District Urban Design Guidelines" (the "Urban Design Guidelines") dated October 12, 2016, revised January 27, 2017, as amended by Amendment No. 1 dated October 14, 2017, and filed herewith (see case file), which illustrations and information are conceptual in nature and may vary in detail. If not in general conformance with the foregoing, deviations may be approved in any subsequent Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director

finding that the variations are generally in keeping with the spirit and concept of the Urban Design Guidelines, previously approved by the Innsbrook Architectural Review Committee.

2. **Architectural Review Committee.** All development of the Property shall be subject to approval by the Architectural Review Committee. Such approval shall accompany any submittal for rezoning and/or Plan of Development submitted to the County for review.
3. **Overall Density.** There shall be no more than 365 residential units developed on the Property.
4. **Permitted Uses.** Only the following uses shall be permitted on the Property:
 - a. multifamily residential; and
 - b. townhouses for sale.
5. **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.
6. **Construction Activity.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 4:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. No exterior construction shall occur on Sunday. Primary construction access to the Property shall be from Dominion Blvd. All clearing, grading and construction contracts will contain these provisions. Signs, in both English and Spanish, stating the above-referenced provisions shall be posted and maintained at all entrances prior to any land disturbance activities on the Property.
7. **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.
8. **Amenity.** The Owner shall provide a swimming pool and a club room and fitness facility within the apartment leasing center for the benefit of the residents of the apartments and townhomes.
9. **Adjacent Property Pedestrian Connection.** Prior to the issuance of the first permanent certificate of occupancy, Owner

shall install a minimum of 1 asphalt pedestrian path extending from the project's interior pedestrian/vehicular way to the common boundary with GPIN 749-764-4979 and a vehicular connection shall be stubbed toward the common boundary with GPIN 749-764-4979. The exact location of the asphalt pedestrian paths shall be determined by the Owner at the time of plan of development review and shall be located in a manner that avoids existing utility improvements.

10. **Transportation Related Improvements.** The following improvements shall be provided by the owner subject to final approval of the Director of Public Works:

- a. Improvements to Dominion Blvd. as generally shown on a plan prepared by RK&K dated November 16, 2020, entitled "Concept Road Widening Plan", a copy of which is filed herewith (see case file).

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

53-21
PUP2020-
00024
Three Chopt

Dominion Realty Partners: Request for a Provisional Use Permit under Sections 24-32.1(n, v, w, z), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a parking garage with no associated ground floor retail or useable floor space for residential or nonresidential uses along a façade facing street; open space within a development of less than 20 percent; commercial or office square footage of less than 25 percent of the total building square footage of the UMU district; and the number of for-lease multifamily dwelling units to exceed 30 percent of total units of the UMU district on part of Parcel 748-763-6189 located at the terminus of Waterfront Place.

No one from the public spoke in opposition to this case.

On motion of Mr. Branin, seconded by Mrs. O'Bannon, 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, Density, and Percentage of For-Lease Multifamily Units.** All development on the property shall be in general conformance with the 10/14/17 version of the *Innsbrook Urban Mixed-Use District Urban Design Guidelines*. Residential development on the property shall not exceed 365 dwelling units. No more than 309 units shall be developed as multifamily dwellings, all of which may be multifamily for-lease.
2. **Commercial/Office Square Footage.** The development shall be

allowed to have no commercial and office square footage within the development.

3. **Unit Type.** No three-bedroom multifamily dwelling units shall be permitted.
4. **Open Space.** Open space on the site may be less than 20%, but shall be no less than 10%.
5. **Parking Structure Design and Fire Protection.** Parking structures without ground floor retail uses along at least one façade or without usable floor space for residential or nonresidential uses along any façade that faces a one-family use or public or private street shall be permitted, provided the design of such structures is consistent with the 10/14/17 version of the *Innsbrook Urban Mixed-Use District Urban Design Guidelines* as determined at the time of Plan of Development Review. 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 during Plan of Development review.
6. **Crime Prevention.** Prior to occupancy of any new 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.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

54-21
REZ2021-
00006
Three Chopt

Krispy Kreme Doughnut Corporation: Request to amend proffers accepted with rezoning case C-52C-94 on Parcel 742-761-8390 located on the north line of West Broad Street (U.S. Route 250) approximately 680' west of Tom Leonard Drive.

No one from the public spoke in opposition to this case.

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

Notwithstanding Proffer 13 from Case C-52C-94, an out parcel shall be permitted on the Property in general conformance with the attached 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 review of the Property. Any building constructed on the Property shall be substantially similar to the style and design of the renderings attached hereto (see case file), unless otherwise approved at the time of Plan of Development review.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

55-21
REZ2020-
00040
Three Chopt

Louis Salomonsky: Request to rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 744-755-7296 and 744-755-5798 containing 2.83 acres located on the south line of Church Road, approximately 170' west of its intersection with Guyana Drive.

Seth Humphreys stated the applicant had requested a deferral for 30 days. No one from the public spoke in opposition.

On motion of Mr. Branin, seconded by Mr. Nelson, and by unanimous vote the Board deferred this item to the March 9, 2021, meeting.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

56-21
REZ2020-
00031
Brookland

Bhoopendra Prakash: Request to amend proffers accepted with rezoning case C-81C-96 on Parcel 774-746-2037 located at the northeast corner of Staples Mill Road and Aspen Avenue.

No one from the public spoke in opposition to this case.

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

1. Development on this site will be limited to one (1) 4,000 S. F. building with fueling facility and a Car Wash structure. The 4,000 S. F. building shall not be located closer than 190' to Staples Mill Road. The Car Wash structure shall not be located closer 165' to Staples Mill Road.
2. A 50-foot wide landscaped buffer will be provided along Staples Mill Road. A 15-foot wide landscaped buffer will be provided along Aspen Avenue. A 5-foot wide landscaped buffer will be provided along the northern property line with a fence as required herein.

3. There shall be no more than one (1) entrance on Staples Mill Road and one (1) entrance on Aspen Avenue.
4. Dumpsters, trash receptacles, not including convenience cans and recycling receptacles, and compactors shall be screened from public view with masonry enclosures which are compatible with the architectural design of the building as approved at the time of Plan of Development.
5. Rear property line to have an 8-foot tall wood privacy fence, unless an alternate height and/or style of fence is approved at the time of plan of development approval. The north property line, from the front of the Car Wash structure to the rear property line, shall have an 8-foot tall wood privacy fence, unless an alternate height and/or style of fence is approved at the time of plan of development approval.
6. Store Elevation. The principal building constructed on the Property shall be developed in general conformance with C-Store elevations attached hereto (see case file), dated April, 2020, and presented on plan sheets prepared by TPS The Plan Source.
7. Car Wash Elevation. The accessory car wash building constructed on the Property shall be developed in general conformance with the elevations for the Splash In Eco Car Wash, Splash In #618, 6001 Staples Mill Road, Brookland, Henrico Co., VA, attached hereto dated November 9, 2020 (see case file), and prepared by Design RWL Architectural Services. To the extent permitted by the Zoning Ordinance, wall mounted signage may be located at any location on any building elevation, notwithstanding what is shown on these elevations. The materials to be used on the exterior walls shall be those materials noted on the car wash elevations.
8. Exterior Materials. Any principal building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, brick veneer, glass, stone, stone veneer, board and batten siding, stucco, metal, or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review and approval. No principal building shall be covered with or have exposed to view any painted or unfinished concrete block, or industrial-grade metal, unless otherwise specifically approved at the time of Plan of Development review and approval.
9. Prohibited Uses. The following uses shall be prohibited:
 - a. billiard, bagatelle, video game or a bingo parlor;
 - b. flea markets or antique auctions;
 - c. billboards;

- d. recycling facilities;
- e. funeral homes, mortuaries, crematories and/or undertaking establishments;
- f. dance halls;
- g. truck stops;
- h. gun shop, sales and repair;
- i. parking garages or commercial parking lots as a principal use;
- j. sign painting shops;
- k. free-standing communication towers;
- l. car title loan operations;
- m. adult businesses as defined by Section 24-3 of the Henrico County Code;
- n. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
- o. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in a convenience store as licensed by the Virginia Department of Alcoholic Beverage Control;
- p. attention getting devices used for longer than thirty (30) days;
- q. communication towers; and
- r. bingo halls, video game rooms and similar uses, excluding Virginia Lottery games.

10. Outside Speakers. Any outside speakers and/or sound system shall comply with the following standards:

- a. Sound systems shall be equipped with controls that permit full and complete volume control;
- b. Sound(s) emitted from the system shall not be audible beyond a distance of one hundred (100) feet measured from the source; and
- c. Any music being played over any outside speaker system shall be prohibited from 11:00 p.m. until 6:00 a.m., unless the use of music during those hours is: (1) not plainly audible inside the confines of the dwelling unit, house or apartment of another person; and (2) not plainly audible in residential areas at 50 or more feet from the outside speaker.

11. HVAC Screening. All heating and air conditioning and mechanical equipment shall be screened from public view at the ground level in

a manner approved at the time of Plan of Development.

12. **Dumpster Service/Parking Lot Cleaning.** No dumpster service shall take place between the hours of 10:00 p.m. and 7:00 a.m. No mechanical means may be used to clean the parking lot between the hours of 10:00 p.m. and 7:00 a.m. In addition, the parking lot shall be cleaned of trash and debris at least twice a week.
13. **Hours of Construction.** The hours of exterior construction shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, utility connections and right-of-way improvements. Hours shall be posted in both English and Spanish.
14. **Car Wash Exit.** The exit area of the car wash shall provide two stop signs installed at the car wash lane's exit to the remainder of the property. In addition, a stop line shall be painted on the ground between the two stop signs with the word "STOP" painted on the ground on the car wash side of the stop line and the word "DO NOT ENTER" on the fuel pump side of the stop line. Two trench drains shall be installed in the locations generally shown on the Conceptual Plan (see case file).
15. **Conceptual Plan.** Development of the Property shall be in general conformance with the "Conceptual Plan" attached hereto prepared by Bohler, dated March 4, 2020, last revised November 11, 2020 for the Property (the "Conceptual Plan") (see case file), which Conceptual Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development.
16. **Buffer Landscaping.** The 50' wide landscaped buffer shall be planted with the following: (1) an average of 4 street trees every 100' feet using a variety of street tree types, and (2) a continuous row of evergreen shrubbery to provide screening of the parking lot. Existing plants may be used toward satisfying this requirement. The exact number of plants, the type of plants and the planting locations shall be determined at the time of plans of development review. Street trees shall be a minimum of 3 ½ inches in caliber at the time of planting. Street trees shall be regularly trimmed so that the bottom six to eight feet of the tree trunk remains clear of branches and vegetation. Evergreen shrubs shall be a minimum height of 2 ½ feet at the time of planting and maintained at a height not to exceed 3 ½ feet.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

57-21
PUP2020-
00018
Brookland

Bhoopendra Prakash: Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for 24-hour operation of a convenience store with fuel pumps and car wash on Parcel 774-746-2037 located at the northeast corner of Staples Mill Road and Aspen Avenue.

No one from the public spoke in opposition to this case.

On motion of Mr. Branin, seconded by Mrs. O'Bannon, and by unanimous vote, the Board did not follow the recommendation of the Planning Commission to deny the case and approved this item subject to the following conditions:

1. This permit shall apply to the operation of a convenience store with automobile fuel sales located on parcel 774-746-2037. Any carwash on the property shall not operate between 12:00 a.m. and 6:00 a.m.
2. The installation of pay phones on site shall be prohibited.
3. Any outside speakers and/or sound system shall comply with the following standards:
 - a. Sounds systems shall be equipped with controls that permit full and complete volume control;
 - b. Any music being played over any outside speaker system shall comply with proffer #10 Outside Speakers in rezoning case REZ2020-00018.
4. Prior to the expanded operation, the applicant/owner/operator shall submit a paper and digital copy of a security plan for review and approval by the Chief of Police. The security plan shall contain the information provided below. The applicant/owner/operator shall implement the mutually agreed upon crime prevention measures:
 - a. Standard operating procedures pertaining to employees, facility security, security personnel and all other crime prevention measures (including: a security alarm, placement and views of interior and exterior security cameras, physical security measures (door locks, hinges, access control (ex: keycard access)), landscaping, lighting, etc., and describe how the security plan is designed to reduce crime from occurring during the proposed extended hours of operation.
 - b. Trespassing enforcement authorization for the Henrico County Police Division, including the placement of "No Trespassing" signage.

5. Prior to extended hours of operation, the applicant/owner/operator shall meet with the Henrico County Police Division to ensure security measures are in place, as described in the approved security plan.
6. The applicant/owner/operator shall be responsible for the installation, operation, and maintenance of a functioning security camera and video system of professional grade and quality and rated for the surveillance of interior and exterior retail operations. This security system shall, at a minimum, include:
 - a. Exterior surveillance cameras shall monitor all entrance(s), fueling area(s), parking area(s), delivery area(s), and other areas determined necessary by the Crime Prevention Unit of the Division of Police. Such security cameras shall provide clear imagery of the establishment's patrons and their vehicles.
 - b. Recordings of all activities under surveillance shall be preserved for a period of one (1) month by the applicant or owner/operator. Authorized representatives of the Henrico County Division of Police shall have full and complete access to all recordings upon request.
7. Store windows shall not be tinted or obscured by advertisements, posters, blinds, and/or visual obstructions that inhibit or hinder exterior surveillance. The installation and use of light blocking devices during daylight hours shall be permissible if approved by the Crime Prevention Unit of the Division of Police.
8. The applicant/owner/operator shall provide adequate lighting for the entrances, exits, and parking areas serving the use or location. "Adequate lighting" means lighting sufficient for clear, visual and security camera surveillance.
9. The owner or operator shall not permit loitering on the premises during hours of operation.
10. Should evidence (i.e. police calls to the premises, complaints from other businesses, criminal assaults, etc.) or registered complaints (i.e. increased public nuisance, loitering, excessive noise, etc.) indicate that extended hours of operation are having adverse effects on the area, the Board of Supervisors may hold a public hearing to consider revoking the PUP, or amending all or some conditions.
11. A carwash, vacuums, or other accessory structure, other than the fuel canopy, shall not be built within 150' of Staples Mill Road.
12. There shall be no 24-hour commercial uses on the property until the applicant has redeveloped the property in accordance with rezoning case REZ2020-00031 and has obtained a certificate of occupancy for the redeveloped structure.

The vote of the Board was as follows:

Yes: Schmitt, O'Bannon, Branin, Nelson, Thornton

No: None

PUBLIC HEARINGS – OTHER ITEMS

- 58-21 Resolution - Authorizing County Manager to Submit Fourth Amended Henrico County FY 2019-20 Annual Consolidated Action Plan; to Execute Additional CDBG Agreement; and to Execute Contracts for CDBG Activities.

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

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached resolution.

- 59-21 Ordinance - Vacation of Portion of Alley - Westwood Subdivision - Brookland District.

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

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

- 60-21 Ordinance - Vacation of Building Line - Westham Subdivision - Tuckahoe District.

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

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

- 61-21 Ordinance - Vacation of Portion of Drainage Easement - Countryside Subdivision - Tuckahoe District.

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

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

- 62-21 Resolution - Signatory Authority - Conveyance of Real Property - Well Site at 302 Woodview Drive - Varina District.

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

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

- 63-21 Resolution - Signatory Authority - Quitclaim of Utility Easement - 4500 Sarellen Road - Varina District.

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

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

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

- 64-21 Resolution - Signatory Authority - Commonwealth's Development Opportunity Fund Performance Agreement - T-Mobile USA, Inc. - Varina District.

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

- 65-21 Introduction of Resolution - Receipt of Requests for Amendments to FY 2020-21 Annual Fiscal Plan.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached introduction of resolution.

- 66-21 Resolution - Award of Contracts - Annual Building Demolition Services.

On motion of Mrs. O'Bannon, seconded by Mr. Branin, and by unanimous vote, the Board approved this item – see attached resolution.

- 67-21 Resolution - SIA2021-00001 - Glover Park Expansion Phase II Site - Substantially in Accord with 2026 Comprehensive Plan - Brookland District.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached resolution.

- 68-21 Resolution - Signatory Authority - Contract Amendment for Engineering Design Services - Sadler Road Improvements - Three Chopt District.

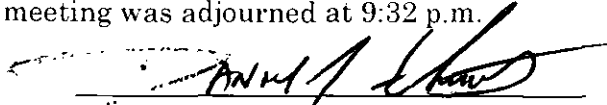
On motion of Mr. Branin, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

- 69-21 Resolution - Authorization to Submit Application - Virginia Dam Safety, Flood Prevention and Protection Assistance Fund - Brookland, Three Chopt, and Tuckahoe Districts.

On motion of Mr. Branin, seconded by Mrs. O'Bannon, and by unanimous

vote, the Board approved this item – see attached resolution.

There being no further business, the meeting was adjourned at 9:32 p.m.

A handwritten signature in black ink, appearing to read "Dwight Davis", is written over a horizontal line.

Chairman, Board of Supervisors
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 58-21

Page No. 1 of 1

Agenda Title: RESOLUTION — Authorizing County Manager to Submit Fourth Amended Henrico County FY 2019-20 Annual Consolidated Action Plan; to Execute Additional CDBG Agreement; and to Execute Contracts for CDBG Activities

For Clerk's Use Only:

Date: 2/9/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Thornton
(2) (2)

REMARKS

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, Henrico County is an entitlement community under the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, as authorized by Title 1 of the Housing and Community Development Act of 1974; and,

WHEREAS, localities are required to submit an Annual Consolidated Action Plan (Plan) as a condition of receiving CDBG funds and the Board of Supervisors previously approved submission of the FY 2019-20 Plan that included proposed uses of CDBG funds for Fiscal Year 2019-20; and,

WHEREAS, the Board of Supervisors on May 12, 2020, and September 22, 2020, approved the submission of amendments to the FY 2019-20 Annual Consolidated Action Plan to incorporate additional CDBG and ESG funds allocated by HUD using Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds; and,

WHEREAS, HUD has allocated additional CDBG CARES Act funds of \$1,417,098 to Henrico County; and,

WHEREAS, the County is required to submit an amended FY 2019-20 Plan as a condition of receiving the additional CDBG funds, and the Department of Community Revitalization has prepared the attached table summarizing the proposed uses of the additional CDBG funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that it: (1) approves the submission to HUD of a fourth amended Plan that adds proposed uses of additional CDBG funds allocated under the CARES Act for Fiscal Year 2019-20; (2) authorizes the County Manager to execute an additional CDBG agreement with HUD; and (3) authorizes the County Manager to execute contracts with subrecipients for activities funded by the additional CDBG allocations, all in a form approved by the County Attorney.

COMMENTS: The Director of Community Revitalization recommends approval of the Board paper, and the County Manager concurs.

By Agency Head

[Signature] for Eric Leobrycht

By County Manager

[Signature]

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to: _____

Date: _____

Recommended Uses of CARES Act CDBG Funds February 9, 2021	
Sources of Funds	
CARES Act Special Allocation September 2020	\$1,417,098
Uses	
Program	Amount
1. Henrico Social Services - COVID-19 Rental Assistance	\$200,000
2. Partnership for Housing Affordability – Housing Resource Line	\$71,000
3. St. Joseph's Villa - Mobile Grocery Delivery Program	\$15,000
4. Virginia LISC - Henrico Small Business Transformation Program	\$350,000
5. Henrico Media Services - COVID-19 Vaccine Outreach	\$40,000
Subtotal	\$676,000
6. Held for Future Board Allocation	\$741,098
Total	\$1,417,098



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 59-21

Page No. 1 of 2

Agenda Title: **ORDINANCE — Vacation of Portion of Alley — Westwood Subdivision — Brookland District**

For Clerk's Use Only:

Date: 2/9/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Nelson
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	___	___
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"/>	___	___

WHEREAS, SKY88, LLC owns Lots 7 and 8, Block 25, Section 1 in Westwood subdivision, also known as 6109 W. Broad Street; and,

WHEREAS, West End Rentals, Inc. owns Lots Part of 9 and 10, Block 25, Section 1 in Westwood subdivision, also known as 6103 W. Broad Street; and,

WHEREAS, SKY88, LLC and West End Rentals, Inc. have asked the County to vacate a portion of an alley adjacent to their properties as shown on Exhibit A; and,

WHEREAS, the plat of Section 1 of Westwood subdivision is recorded in the Clerk's Office of the Circuit Court of Henrico County (the "Clerk's Office") in Plat Book 14, Page 94 as shown on Exhibit B; and,

WHEREAS, a sewer easement will be retained in the vacated area; and,

WHEREAS, this Ordinance was advertised pursuant to Va. Code § 15.2-2204, and the Board held a public hearing on February 9, 2021; and,

WHEREAS, it appears to the Board that no owner of any land shown on the plat will be irreparably damaged by the vacation.

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. 59-21

Page No. 2 of 2

Agenda Title: ORDINANCE — Vacation of Portion of Alley — Westwood Subdivision — Brookland District

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

- (1) the portion of the alley shown on Exhibit A is vacated in accordance with Va. Code § 15.2-2272(2), subject to the reservation by the County of a permanent easement for utility facilities on, under, across and through the property hereby vacated;
- (2) this Ordinance shall become effective 30 days after its passage as provided by law;
- (3) 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;
- (4) 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 SKY88, LLC, its successors or assigns, and West End Rentals, Inc., its successors or assigns; and,
- (5) the Clerk shall note this vacation as provided in Va. Code § 15.2-2276.

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

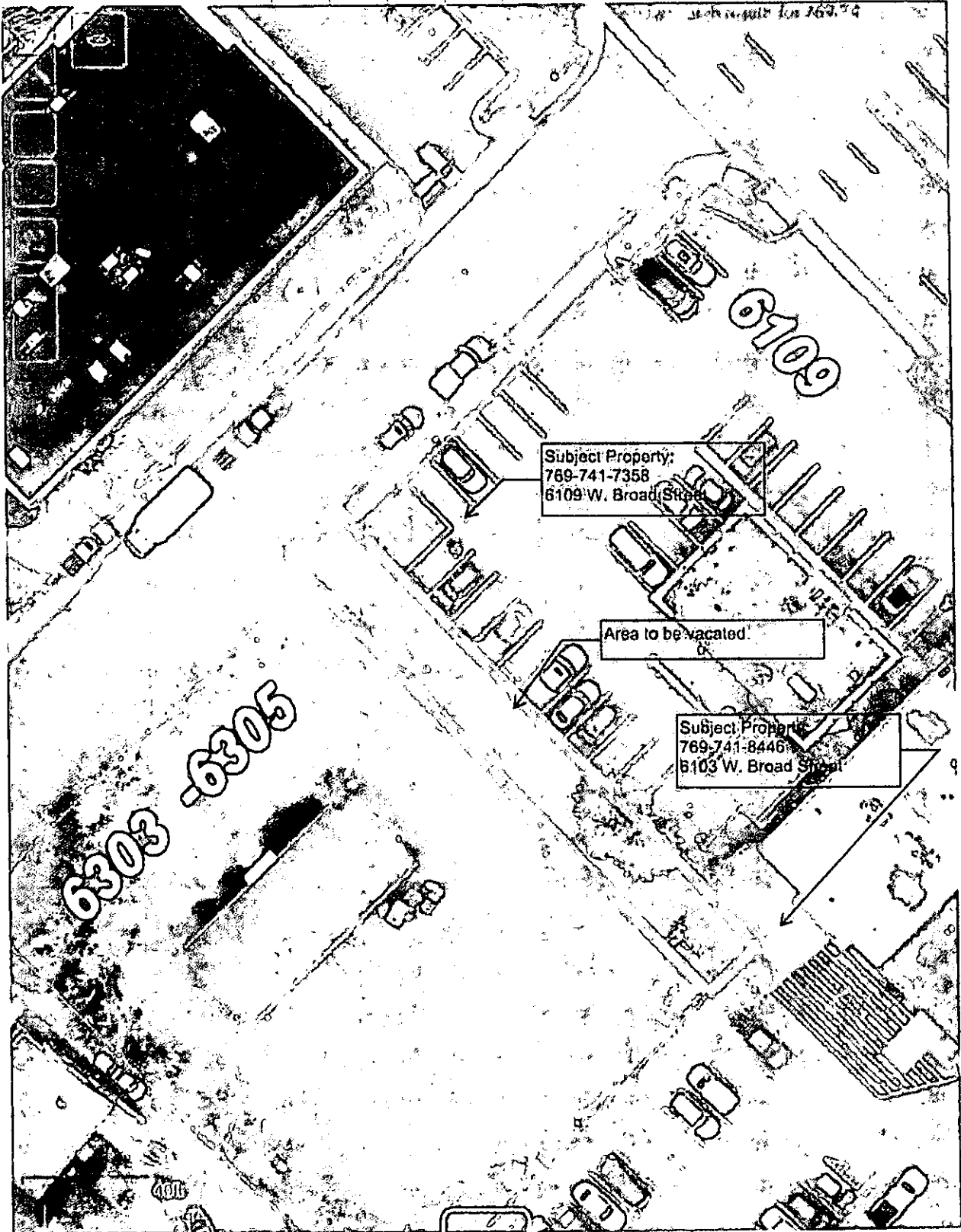


Internal: rIC (-IS View)

Exhibit A



769-741-7358





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 60-21

Page No. 1 of 2

Agenda Title: ORDINANCE — Vacation of Building Line — Westham Subdivision — Tuckahoe District

For Clerk's Use Only:

Date: 2/9/2021

☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Nelson
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	✓		
Nelson, T.	✓		
O'Bannon, P.	✓		
Schmitt, D.	✓		
Thornton, F.	✓		

WHEREAS, the owners of Lot 4 in Block WW of Westham subdivision, Todd B. Allen and Theresa C. Allen, have asked the County to vacate the 50' front building line across their property; and,

WHEREAS, the plat is recorded in the Clerk's Office of the Circuit Court of Henrico County (the "Clerk's Office") in Plat Book 23, Page 74; and,

WHEREAS, this Ordinance was advertised pursuant to Va. Code § 15.2-2204, and the Board held a public hearing on February 9, 2021; and,

WHEREAS, it appears to the Board that no owner of any lot shown on the plat will be irreparably damaged by this vacation.

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

- 1) the front building line on Lot 4, Block WW, of Westham subdivision, which is labeled "Building Line" on Exhibit A, is vacated in accordance with Va. Code § 15.2-2272(2);
- 2) this Ordinance shall become effective 30 days after its passage as provided by law;
- 3) 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;

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**

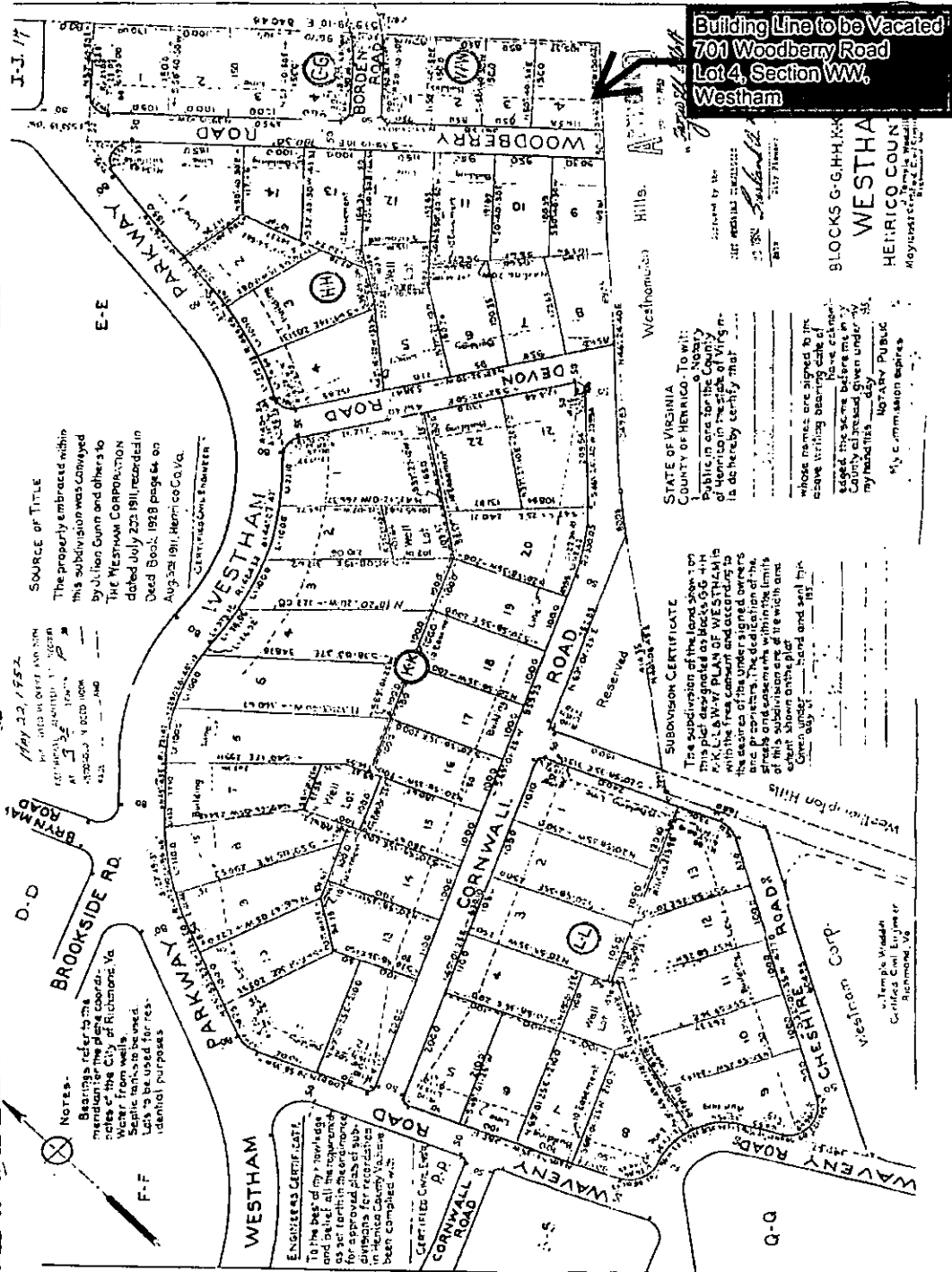
Agenda Item No. 60-21

Page No. 2 of 2

Agenda Title: ORDINANCE — Vacation of Building Line — Westham Subdivision — Tuckahoe District

- 4) 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 Todd B. Allen and Theresa C. Allen, their successors or assigns; and,
- 5) the Clerk shall note this vacation as provided in Va. Code § 15.2-2276.

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





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 61-21

Page No. 1 of 2

Agenda Title: **ORDINANCE — Vacation of Portion of Drainage Easement — Countryside Subdivision — Tuckahoe District**

For Clerk's Use Only:

Date: 2/9/2024

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Nelson
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	___	___
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"/>	___	___

WHEREAS, Richmond Hill Design Build, LLC owns Lot 6 in Block H, Section G of Countryside subdivision; and,

WHEREAS, the owner has asked the County to vacate a portion of the variable width drainage easement across its property; and,

WHEREAS, the plat of Section G of Countryside subdivision is recorded in the Clerk's Office of the Circuit Court of Henrico County (the "Clerk's Office") in Plat Book 103, Page 5; and,

WHEREAS, there are no current or planned County facilities in the portion of the easement to be vacated; and,

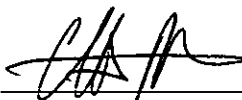
WHEREAS, this Ordinance was advertised pursuant to Va. Code § 15.2-2204, and the Board held a public hearing on February 9, 2021; and,

WHEREAS, it appears to the Board that no owner of any lot shown on the plat will be irreparably damaged by this vacation.

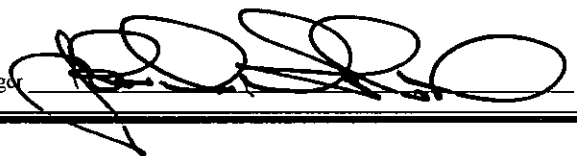
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors that:

- (1) the portion of the variable width drainage easement shown labeled "Portion of Variable Width Drainage Easement to Be Vacated" on Exhibit A is vacated in accordance with Va. Code § 15.2-2272(2);

By Agency Head

 7M

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. 61-21

Page No. 2 of 2

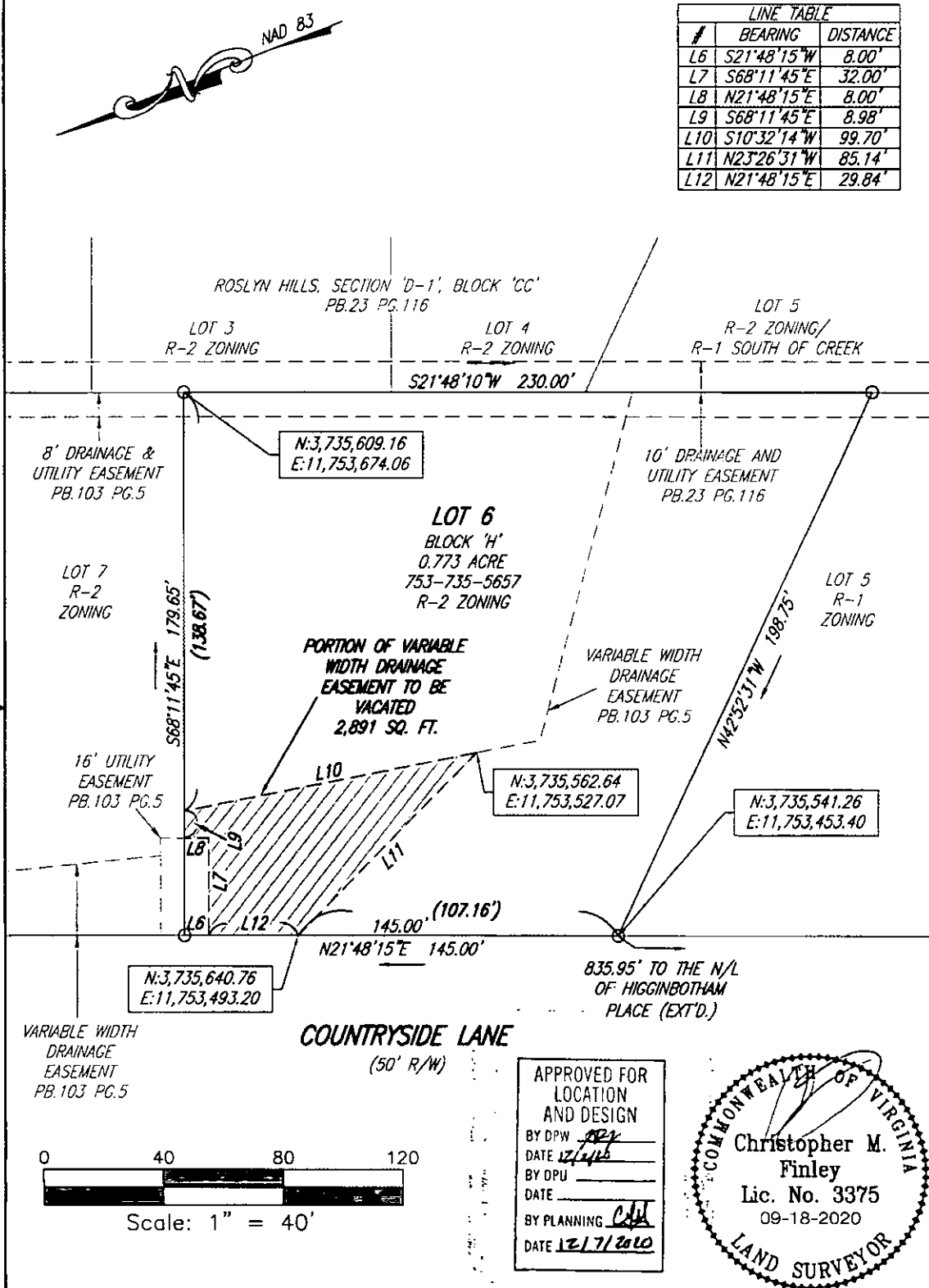
**Agenda Title: ORDINANCE — Vacation of Portion of Drainage Easement — Countryside
Subdivision — Tuckahoe District**

- (2) this Ordinance shall become effective 30 days after its passage as provided by law;
- (3) 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;
- (4) the Clerk is further authorized to index the Ordinance on the grantor and grantee sides of the general index to deeds in the name of Richmond Hill Design Build, LLC, its successors or assigns; and,
- (5) the Clerk shall note this vacation as provided in Va. Code § 15.2-2276.

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

NOTE: THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY SUCH. NO IMPROVEMENTS AND NOT ALL EASEMENTS MAY BE SHOWN.
(XX.XX') DENOTES TIE TO EASEMENT ALONG R.

EXHIBIT A



COMPILED PLAT SHOWING A PORTION OF A VARIABLE
WIDTH DRAINAGE EASEMENT TO BE VACATED ACROSS
LOT 6, BLOCK 'H', SECTION 'G'
COUNTRYSIDE

DATE: 09-18-2020
SCALE: 1" = 40'
JOB: 55200065.00
DRAWN BY: BCH
CHECKED BY: CMF
SHEET 01 OF 01

TUCKAHOE DISTRICT DISTRICT
HENRICO COUNTY, VIRGINIA
PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
ROANOKE / RICHMOND / NEW RIVER VALLEY / STAUNTON / HARRISONBURG / LYNCHBURG
15871 City View Drive, Suite 200 / Midlothian, Virginia 23113 / Phone (804) 784-0571 / www.balzer.cc



SUB2020-00099



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 62-21

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Conveyance of Real Property — Well Site at 302 Woodview Drive — Varina District

For Clerk's Use Only:

Date: 2/9/2021

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T. ☒ ☐ ☐

Nelson, T. ☒ ☐ ☐

O'Bannon, P. ☐ ☐ absent

Schmitt, D. ☒ ☐ ☐

Thornton, F. ☒ ☐ ☐

WHEREAS, the County owns a well site at the northeast corner of Lot 2, Section A, Block C in the Bradley Acres subdivision and is known as Tax Map Parcel 850-714-5706 as shown labeled "Well Site" on Exhibit A (the "Property"); and,

WHEREAS, Lot 2, Section A, Block C in the Bradley Acres subdivision is owned by Robert C. Binns and Anita L. Binns; and,

WHEREAS, the Property is surplus to the needs of the County; and,

WHEREAS, the Board of Supervisors wishes to convey the Property to Robert C. Binns and Anita L. Binns, for \$4,500, its assessed value; and,

WHEREAS, this resolution was advertised, and a public hearing was held on February 9, 2021, pursuant to Va. Code §§ 15.2-1800 and 15.2-1813.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that: (1) the Property is declared surplus to the needs of the County; and (2) the Chairman and Clerk are authorized to execute a deed, and the County Manager is authorized to execute closing and any other documents necessary to convey the Property, all in a form approved by the County Attorney.

Comments: The Real Property Department has processed this conveyance through the Departments of Planning, Public Utilities, and Public Works without objection. The Director of Real Property recommends approval; the County Manager concurs.

By Agency Head

7M

By County Manager

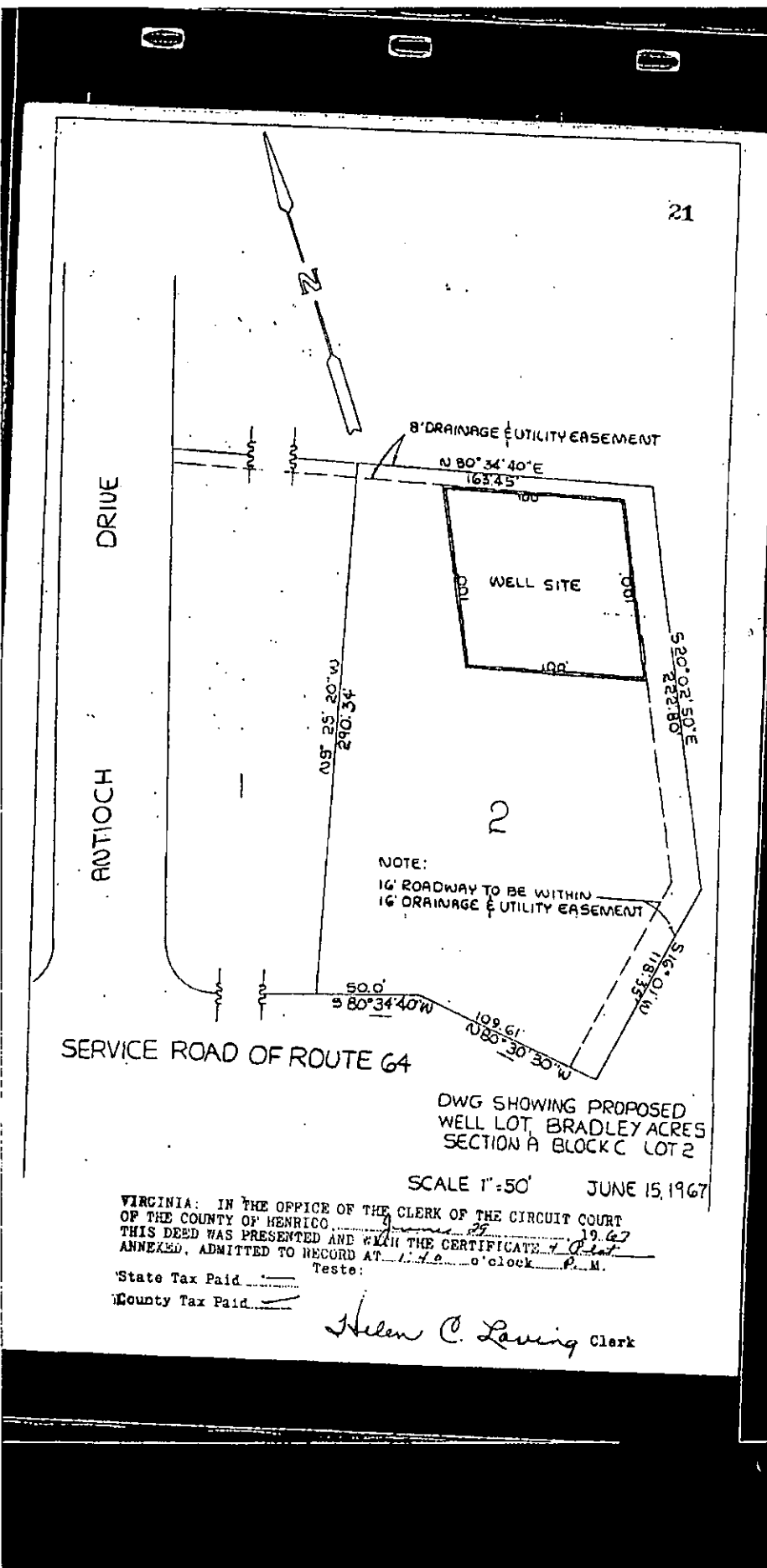
Certified:

A Copy Teste:

Copy to:

Clerk, Board of Supervisors

Date:



21

2

SERVICE ROAD OF ROUTE 64

DWG SHOWING PROPOSED
WELL LOT, BRADLEY ACRES
SECTION A BLOCK C LOT 2

SCALE 1"=50' JUNE 15, 1967

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT
OF THE COUNTY OF HENRICO, June 25 1967
THIS DEED WAS PRESENTED AND WITH THE CERTIFICATE 7 Plat
ANNEXED, ADMITTED TO RECORD AT 1:40 o'clock P.M.

State Tax Paid _____
County Tax Paid _____

Teste:
Helen C. Loving Clerk



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 63-21

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Quitclaim of Utility Easement — 4500 Sarellen Road — Varina District

For Clerk's Use Only:

Date: 2/9/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Branin
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	_____	_____
Nelson, T.	<input checked="" type="checkbox"/>	_____	_____
O'Bannon, P.	_____	_____	<u>absent</u>
Schmitt, D.	<input checked="" type="checkbox"/>	_____	_____
Thornton, F.	<input checked="" type="checkbox"/>	_____	_____

WHEREAS, JE Investments LLC has requested that the County quitclaim a utility easement across its property known as 4500 Sarellen Road; and,

WHEREAS, there are no County facilities in the easement area, the County does not need the easement to be quitclaimed, and a replacement easement has been dedicated to the County; and,

WHEREAS, this resolution was advertised, and a public hearing was held on February 9, 2021, pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Chairman is authorized to execute a deed, in a form approved by the County Attorney, quitclaiming all interest of the County in the area labeled "16' Waterline Easement To Henrico County Dated October 24, 1985, Deed Book 1979, Pg. 1092 (P.B. 80, Pg. 240) To Be Quitclaimed" on the plat attached as Exhibit A.

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

By Agency Head

By County Manager

Certified:

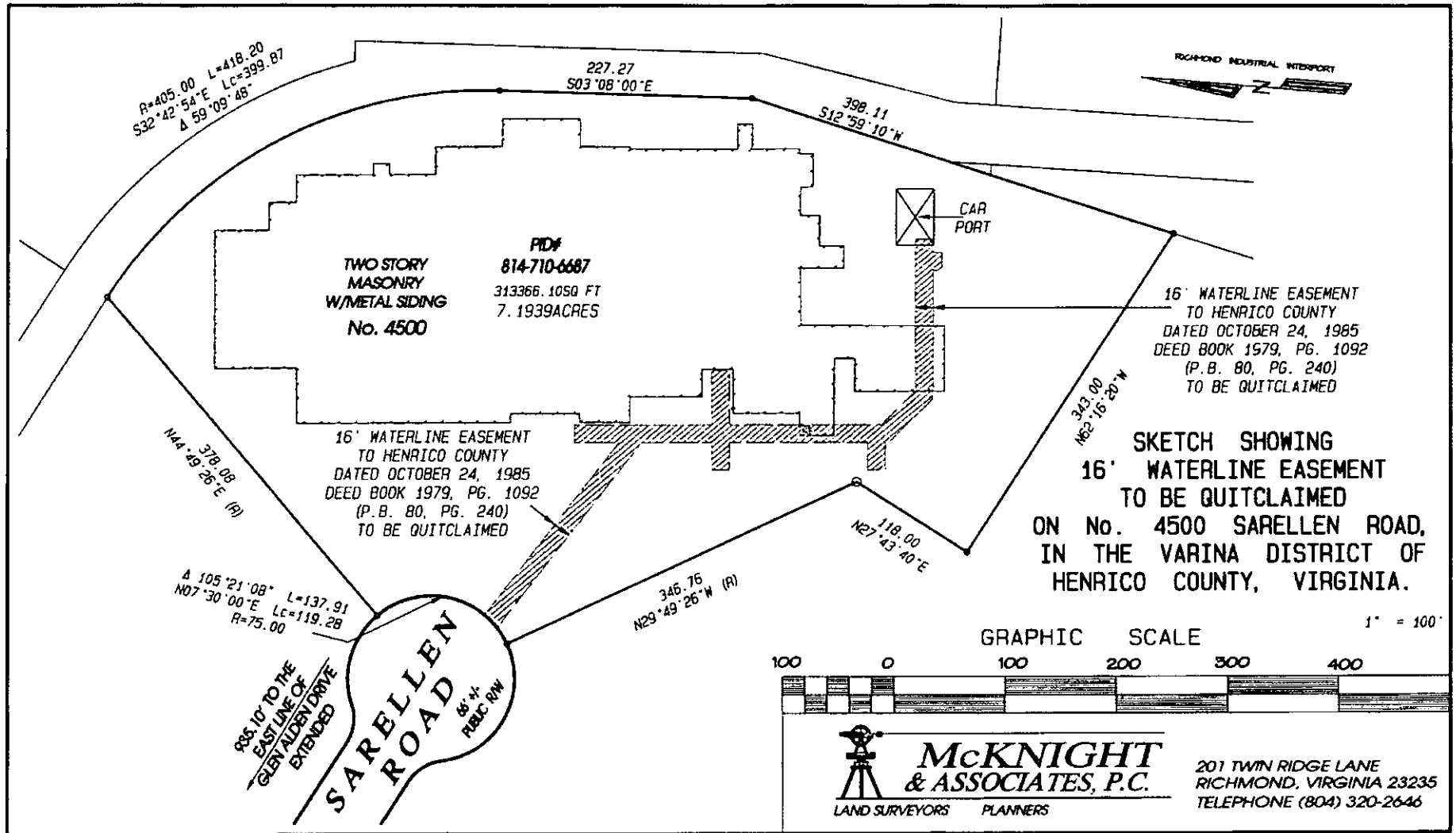
A Copy Teste:

Copy to: _____

Clerk, Board of Supervisors

Date: _____

EXHIBIT A





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 64-21

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Commonwealth's Development Opportunity Fund Performance Agreement — T-Mobile USA, Inc. — Varina District

For Clerk's Use Only:

Date: 2/9/2021

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) O'Bannon
(2) (2)

REMARK:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, the Virginia Economic Development Partnership Authority ("VEDP") and Governor of Virginia have awarded a \$826,350 grant from the Commonwealth's Development Opportunity Fund ("COF Grant") to the County to induce T-Mobile USA, Inc. ("T-Mobile") to locate its regional headquarters and customer experience center at 4571 South Laburnum Avenue; and,

WHEREAS, the COF Grant requires a 1:1 local match that consists of a payment by the EDA of \$200,000 in performance-based grants pursuant to an agreement between the EDA and T-Mobile; \$91,000 in Enterprise Zone permit fee exemptions; and 249 additional parking spaces valued at \$535,350; and,

WHEREAS, in return for the COF Grant, T-Mobile will: (1) make a capital investment of at least \$30,000,000 at its facility in the County and (2) create at least 500 new jobs in the County at an average salary of \$59,000; and,

WHEREAS, the County, the EDA, T-Mobile, and VEDP have negotiated an agreement related to the COF Grant that the EDA approved at its meeting on January 28, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that it authorizes the County Manager to execute the agreement among the County, the EDA, T-Mobile, and VEDP in a form approved by the County Attorney.

Comments: The Executive Director of the Economic Development Authority recommends approval of the Board paper, and the County Manager concurs.

By Agency Head

By County Manager

Certified:

Copy to: _____

A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 65-21

Page No. 1 of 1

Agenda Title: INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments
to FY 2020-21 Annual Fiscal Plan

For Clerk's Use Only: Date: <u>2/9/2021</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: APPROVED	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Branin, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Nelson, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Schmitt, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		YES	NO	OTHER																						
Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, the County Manager has provided the Board of Supervisors with a list dated February 2, 2021, requesting amendments to the FY 2020-21 Annual Fiscal Plan; and

WHEREAS, the County Manager listed by department the purpose of the request and the source of funding to support the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Clerk of the Board is directed to advertise, in the Richmond Times-Dispatch on February 16, 2021, a synopsis of the proposed amendments and a public hearing thereon to be held on February 23, 2021, at 7:00 p.m., in the Board Room at the Henrico County Government Center, East Parham and Hungary Spring Roads, to ascertain the views of the citizens with respect to the proposed amendments.

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

for By Agency Head [Signature] By County Manager [Signature]

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

AMENDMENT TO THE 2020-21
ANNUAL FISCAL PLAN FOR DECEMBER, 2020

OPERATING FUNDSFUND 1102 – SPECIAL REVENUE FUND - State and Federal Grants - County

Department 04 - Circuit Court Clerk

04001 – Circuit Court Clerk

0000 05245 – Library of VA - Circuit Court Records Preservation Program \$ 20,302

The Library of Virginia has awarded the Circuit Court Clerk's Office funding of \$9,855 for their Records Preservation Program. This amendment will provide funding for preservation of four land record books from the 1800's.

Department 12 - Police

12035 – Metro Aviation

1823 00000 – Metro Aviation Special Operating and Capital \$ 49,928

The Commonwealth of Virginia reimburses Henrico County's Metro Aviation Unit for State extraditions using the unit's airplane. Additional revenue received from the State in fiscal year 2019-20, but not appropriated for expenditure, will be used for operating and capital needs of the Metro Aviation Unit.

12800 – Grants

0000 05198 – Spay and Neuter Foundation 1,105

The Commonwealth of Virginia, Department of Taxation has awarded the County of Henrico \$1,105, which was designated by Henrico citizens who voluntarily donated funds to the Spay and Neuter Foundation on their Virginia tax return. Once these funds are appropriated, the Division of Police will donate them to the local SPCA to support sterilization programs of dogs and cats.

Total Police \$ 51,033

Department 13 - Fire

13800 – Grants

0000 09002 – 2020 Port Security Grant Program \$ 19,652

To appropriate federal funding received from the United States Department of Homeland Security's Port Security Grant Program. These funds will be used to purchase a total of 12 radiological/nuclear detection devices.

0000 09004 – FY20 SHSP Hazmat 104,449

To appropriate funding of \$104,449 received from the Virginia Department of Emergency Management (VDEM) for the 2020 State Homeland Security Program (SHSP) Grant. These federal funds are pass-through from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) and are being administered by the Commonwealth. This funding will be used to purchase a multi-threat chemical detector and decontamination system and will also be available for additional equipment to be outlined by VDEM in the future.

AMENDMENT TO THE 2020-21
ANNUAL FISCAL PLAN FOR DECEMBER, 2020

0000 09009 – <u>2020 EMPG-S</u>	149,608
To appropriate \$74,804 of Emergency Management Performance Grant Supplemental (EMPG-S) federal funding. This funding will allow for reimbursement of the Henrico Health Department's Parent - Infant Program expenses related to preventing COVID-19 infections among their target population, and will support a study on the effects of the program. A County match of \$74,804 will be provided through the fund balance in the General Fund via an interfund transfer to the Special Revenue Fund.	
Total Fire	\$ 273,709
Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County	\$ 345,044
 FUND 1108 – SPECIAL REVENUE FUND - Capital Region Workforce Partnership	
Department 27 - Capital Region Workforce Partnership	
27004 – Workforce Partnership	
0000 08900 – <u>FY2021 WIOA Adult</u>	\$ 116,828
0000 08901 – <u>FY2021 WIOA Youth IS/OS</u>	118,625
0000 08902 – <u>FY2021 WIOA Dislocated Worker</u>	168,141
0000 08910 – <u>FY2021 WIOA Administrative</u>	44,845
To appropriate adjustments to reflect the actual award amounts issued by the Commonwealth in excess of the amounts in the FY2020-21 adopted budget.	
Total Fund 1108 - Special Revenue Fund-CRWP	\$ 448,439
 FUND 1110 – SPECIAL REVENUE FUND - Mental Health and Developmental Services	
Department 26 - Mental Health and Developmental Services	
26107 – Substance Use Disorder Services	
9559 03576 – <u>Federal SOR Grant October 2020 - September 2021</u>	\$ 310,000
To appropriate federal funding for a State Opioid Response (SOR) Grant. These funds will be used to fund two complement III positions, a Clinician and a Peer Recovery Specialist, already in the department's complement, and a new complement III Clinical Supervisor position for the grant period, which extends until September 30, 2021. Grant funds will also cover medical services and a temporary part-time Peer Services Trainee. There is no local match required.	
26202 – Early Intervention Services	
1622 08939 – <u>State Part C Grant FY2021</u>	254,813
To appropriate State Part C funds in excess of the original Fiscal Year 2020-21 budget. These 100% State funds will be used to pay private providers of infant therapy services.	
Total Fund 1110 Special Revenue Fund - MH/DS	\$ 564,813
TOTAL SPECIAL REVENUE FUND	\$ 1,358,296
Total OPERATING FUNDS	\$ 1,358,296

AMENDMENT TO THE 2020-21
ANNUAL FISCAL PLAN FOR DECEMBER, 2020

CAPITAL FUNDS

FUND 2101 – General Capital Projects Fund

Department 23 - Recreation and Parks

23101 – Director

0000 09012 – Belmont Facility Improvements \$ 275,000

Funding is requested to upgrade the Belmont parking lot. This project will mill and overlay all existing paved areas, upgrade necessary parking spaces to meet federal ADA standards, and restripe the lot. The project will also relocate the current entrance, and reconfigure an existing 19-space parking area into a 40-space lot to support the reconfigured 12-hole course. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Department 28 - Public Works

28004 – Construction

0000 06633 – Greenwood Road 600,0000000 08150 – I-64 North Gayton Road Interchange Study 300,0000000 08163 – Countywide Feasibility Studies 850,0000000 08476 – Nuckols Road Ramp Extension 550,0000000 08784 – Gaskins Road and Quioccasin Road Intersection Improvements 200,0000000 08824 – Gaskins Road Sidewalk 200,0000000 08996 – Glover Park Access Road 700,0000000 09015 – Fall Line Trail 7,630,0000000 09032 – Construction Engineering Inspection Services 1,540,0000000 09033 – Technology Boulevard Improvements 150,0000000 09034 – Horsepen Road/Glenside Drive 590,0000000 09035 – North Gayton Pike Pedestrian Improvements 100,0000000 09036 – Turner Road/Darbytown Road 500,000

To appropriate \$13,910,000 from the Central Virginia Transportation Authority (CVTA) for the 13 projects noted above. An additional \$1,350,000 of CVTA funding was appropriated in September of 2020, bringing the total CVTA appropriation for FY2020-21 to \$15,260,000.

Total - Public Works \$ 13,910,000

Total Fund 2101 - General Capital Projects Fund \$ 14,185,000

FUND 2109 – State and Federal Grant-funded Capital Projects

Department 28 - Public Works

28004 – Construction

0000 06851 – Wilkinson Road Bridge \$ 1,853,000

To appropriate State of Good Repair (SGR) funding from the Virginia Department of Transportation. Funds will be used to replace the Wilkinson Road Culvert over Upham Brook. The total cost of the project is \$2,450,300 with a local match of \$597,300 coming from existing County resources.

AMENDMENT TO THE 2020-21
ANNUAL FISCAL PLAN FOR DECEMBER, 2020

FUND 2111 – CAPITAL INITIATIVES FUND

Department 23 - Recreation and Parks

23101 – Director

0000 09011 – Meadow Farm - Kitchen and Orientation Center 375,000

Funding for this project will be used to complete interior improvements for a new interpretive focus and create a new community use space at the orientation center at Meadow Farm. Additionally, a 722 square foot building containing a replica kitchen will be constructed and is to be used by staff and volunteers for living history programming. The Friends of Meadow Farm have raised approximately \$150,000 for this project, with the remaining \$225,000 to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 09038 – Fairfield MS - Basketball Courts \$ 569,000

To appropriate funding for the construction of four illuminated full-sized basketball courts at Fairfield Middle School. 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 \$ 944,000

Department 28 - Public Works

28004 – Construction

0000 09037 – Rose Hill Drive Drainage Improvements \$ 210,000

To appropriate funding for drainage improvements along Rose Hill Drive, from Longwood Road to Gaymont Drive. Improvements include armoring an existing ditch with control stone to prevent flooding. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

28004 – Construction

0000 08784 – Gaskin/Quioccosin Curb Ramps \$ 125,000

To appropriate funding for the construction of two curb ramps and a crosswalk with pedestrian signalization on the west quadrant of the intersection of Gaskins Road and Quioccosin Road. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total - Public Works \$ 335,000

Department 31 - Public Utilities

31201 – Accounting

1000 00770 – Misc. Water Extension \$ 144,000

This transfer will allocate funding for water main extension projects in the Rock Springs Estates area, off of Long Meadow Drive.

AMENDMENT TO THE 2020-21
ANNUAL FISCAL PLAN FOR DECEMBER, 2020

Department 32 - Non-Departmental

32001 – Non-Departmental

0000 08925 – Highland Springs Little League 2,500

To appropriate funding in support of the Highland Springs Little League. Funding will be used to provide baseball equipment for the participants. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 – SwimRVA 100,000

To appropriate funding in support of SwimRVA, as it seeks to renovate an outdoor recreation center in northeast Henrico. This will support a program to train high school students to swim and become a certified lifeguard. Swimmers who reach that goal can gain employment with SwimRVA or one of its regional partners. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 – St. Luke's 200,000

To appropriate funding to support renovations to create a Health and Human Services Resource Center at St. Luke Apartments. The operation of this facility, which will provide a myriad of medical, social, and educational services will be a partnership between Henrico County, the Virginia Department of Health, and St. Luke Apartments. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total - Non-Departmental	\$ 302,500
Total Fund 2111 - Capital Initiatives Fund	\$ 1,725,500

FUND 2150 – CAPITAL PROJECTS FUND - 2016 G. O. Referendum

Department 50 - Education

50331 – Construction and Maintenance

0000 70008 – Tucker HS Construction 5,500,000

To appropriate funding for furniture and fixtures as part of the replacement of Tucker High School. Funding will come from General Obligation Bonds, sold in 2020, but not yet appropriated.

0000 70011 – Highland Springs HS Construction 5,500,000

To appropriate funding for furniture and fixtures as part of the replacement of Highland Springs High School. Funding will come from General Obligation Bonds, sold in 2020, but not yet appropriated.

Total 2150 - Capital Projects Fund - 2016 G.O. Referendum	\$ 11,000,000
Total CAPITAL PROJECTS FUND	\$ 28,763,500
Total Amendments/Appropriations	\$ 30,121,796



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

Agenda Item No. 66-21

Page No. 1 of 2

Agenda Title: RESOLUTION – Award of Contracts – Annual Building Demolition Services

For Clerk's Use Only:

Date: 2/9/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Branin
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, the County received three bids on January 26, 2021, in response to Invitation to Bid # 21-2104-1JOK and Addendum No. 1 for annual building demolition services; and,

WHEREAS, the work includes all labor, material, equipment, fees, and supervision required to provide complete building demolition services on single projects estimated to be between \$50,000 and \$500,000, on an if-and-when needed basis; and,

WHEREAS, non-emergency project assignments will be made on a competitive basis by obtaining turnkey pricing from each contractor, and emergency project assignments will be made based upon the unit prices set forth in each contractor's bid; and,

WHEREAS, each contract will be limited to \$1 million; and,

WHEREAS, the bidders and bids were as follows:

Bidders	Bid Amounts
Pryor Hauling, Inc. (Richmond, VA)	\$116,956.50
S. B. Cox, Inc. (Richmond, VA)	\$126,231.40
P & J Contracting Company, Inc. (Baltimore, MD)	\$170,654.00

WHEREAS, after review and evaluation of the bids received, it was determined that all bidders are responsive and responsible bidders.

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. 66-21

Page No. 2 of 2

Agenda Title: RESOLUTION – Award of Contracts – Annual Building Demolition Services

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors:

1. Contracts are awarded to Pryor Hauling, Inc., S. B. Cox, Inc., and P & J Contracting Company, Inc., the lowest responsive and responsible bidders, pursuant to Invitation to Bid # 21-2104-1JOK, Addendum No. 1, and the bids submitted by Pryor Hauling, Inc., S. B. Cox, Inc., and P & J Contracting Company, Inc.
2. The County Manager is authorized to execute each contract in a form approved by the County Attorney.

Comment: Funding for project assignments will come from the project's budget. The Director of General Services and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 07-21

Page No. 1 of 2

Agenda Title: RESOLUTION — SIA2021-00001 — Glover Park Expansion Phase II Site — Substantially in Accord with 2026 Comprehensive Plan — Brookland District

For Clerk's Use Only:

Date: 2/9/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Thornton
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, Section 15.2-2232A of the Code of Virginia requires the Planning Commission to review and to consider whether the general or approximate location, character and extent of major public facilities are substantially in accord with the County's 2026 Comprehensive Plan (the "Plan"); and,

WHEREAS, the Planning Commission reviewed the 2.438-acre Glover Park Expansion Phase II site located on the north line of Greenwood Road just west of Quail Walk Drive; and,

WHEREAS, a report dated December 30, 2020, presented by the Planning staff to the Planning Commission found the proposed use would not conflict with, or be a significant departure from, the Plan; and,

WHEREAS, on January 14, 2021, the Planning Commission reviewed the staff recommendations and found the proposed use will further the Goals, Objectives, and Policies of the Plan that identify the need for new public services; and,

WHEREAS, the Planning Commission found the proposed site can be designed to be compatible with the surrounding area; and,

WHEREAS, the Board of Supervisors has reviewed the Planning Commission's finding and concurs with its conclusions.

NOW, THEREFORE, BE IT RESOLVED by the Henrico County Board of Supervisors that the proposed Glover Park Expansion Phase II site is approved as being substantially in accord with the Plan.

By Agency Head

By County Manager

Copy to: _____

Certified:

A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 67-21

Page No. 2 of 2

Agenda Title: RESOLUTION — SIA2021-00001 — Glover Park Expansion Phase II Site — Substantially in Accord with 2026 Comprehensive Plan — Brookland District

Comments: The Director of Planning concurs with the finding of the Planning Commission that the proposed Glover Park Expansion Phase II site is substantially in accord with the Plan and recommends approval of the Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 08-21

Page No. 1 of 2

Agenda Title: RESOLUTION — Signatory Authority — Contract Amendment for Engineering Design Services — Sadler Road Improvements — Three Chopt District

For Clerk's Use Only:

Date: 2/9/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Brani Seconded by (1) O'Bannon
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	✓		
Nelson, T.	✓		
O'Bannon, P.	✓		
Schmitt, D.	✓		
Thornton, F.	✓		

WHEREAS, on February 24, 2004, the Board of Supervisors approved a contract with Austin Brockenbrough & Associates, LLP for \$928,259 for the preparation of design and construction plans for Sadler Road from Dominion Boulevard to 150 feet east of Cedar Branch Court (approximately 1.90 miles); and,

WHEREAS, on June 14, 2011, the Board approved a contract amendment for \$398,772 to separate the project into two phases, to update the Phase I design plans from Dominion Boulevard to Sadler Grove Road to current design criteria, and to finalize the Phase I plans for public hearing and advertisement; and,

WHEREAS, on April 28, 2015, the Board approved a second amendment for \$1,087,243 to re-combine the project into a single phase, to change the roadway section to include pedestrian facilities, to account for nearby development, and to comply with new federal and state requirements; and,

WHEREAS, on March 27, 2018, the Board approved a third amendment for \$655,390 for additional work required to design a proposed roundabout at Sadler Grove Road, shift the roadway alignment in response to citizen input received following the citizens information meeting, and provide a transportation management plan, signing, pavement marking plans, a landscaping and lighting plan for the two proposed roundabouts, additional drainage design, utility designation, right-of-way plats, and right-of-way stakeout; and,

WHEREAS, additional work is necessary for out-of-scope plan and plat revisions for right-of-way negotiations and utilities; and,

WHEREAS, Austin Brockenbrough & Associates, LLP and the Department of Public Works have negotiated a contract amendment for the additional work for an amount not to exceed \$211,520.82.

By Agency Head

By County Manager

Copy to: _____

Certified:

A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 68-21

Page No. 2 of 2

Agenda Title: RESOLUTION — Signatory Authority — Contract Amendment for Engineering Design Services — Sadler Road Improvements — Three Chopt District

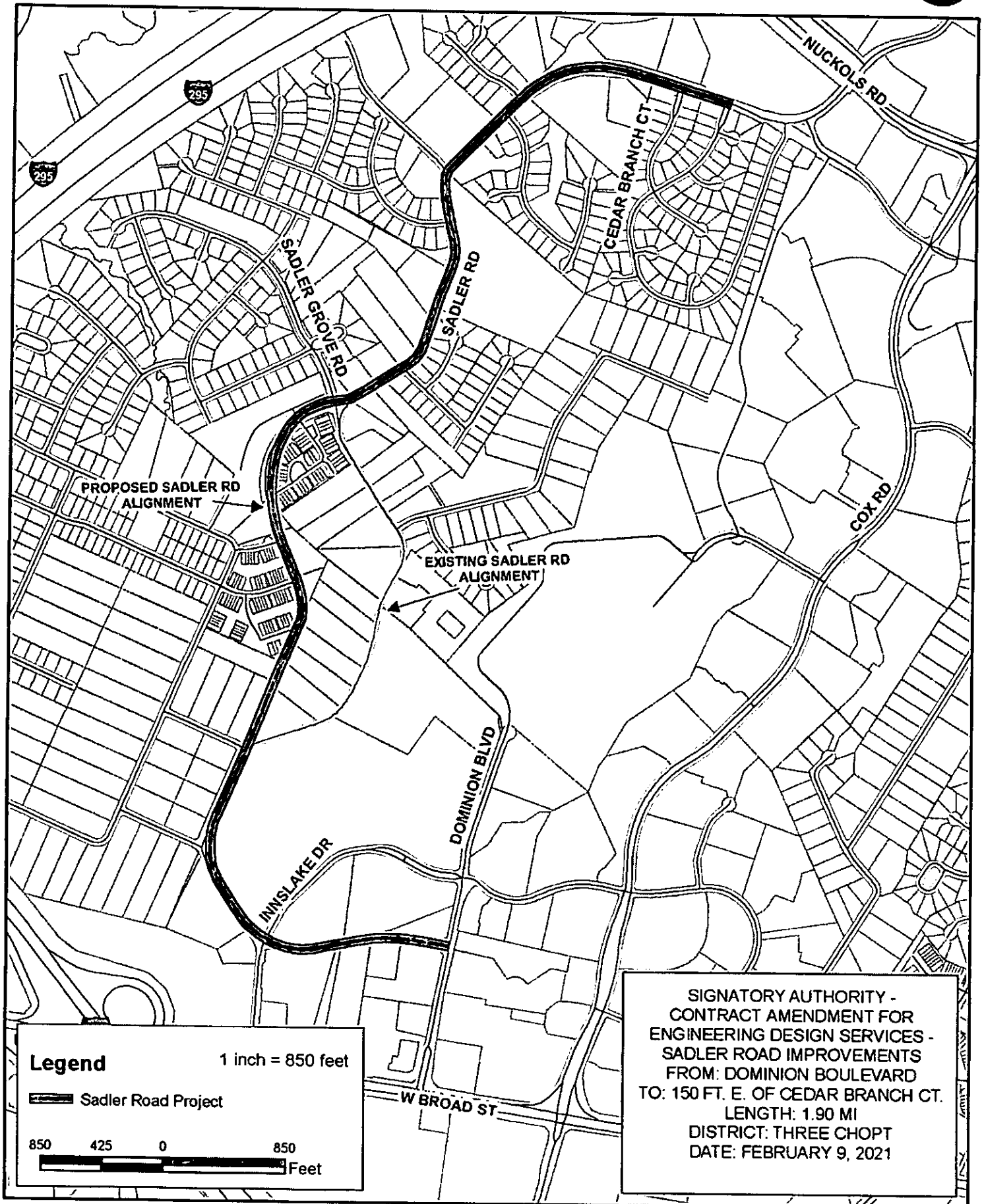
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves an amendment to the contract with Austin Brockenbrough & Associates, LLP for additional engineering design services for Sadler Road Improvements for \$211,520.82.

BE IT FURTHER RESOLVED that the County Manager is authorized to execute the amendment, in a form approved by the County Attorney.

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



Sadler Road Improvements





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

Agenda Item No. 69-21

Page No. 1 of 2

Agenda Title: RESOLUTION — Authorization to Submit Application — Virginia Dam Safety, Flood Prevention and Protection Assistance Fund — Brookland, Three Chopt, and Tuckahoe Districts

For Clerk's Use Only:

Date: 2/9/2021

- (☒) Approved
() Denied
() Amended
() Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Brani Seconded by (1) O'Bannon
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Brani, T.	<input checked="" type="checkbox"/>	___	___
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"/>	___	___

WHEREAS, the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund ("Fund") allocates grants for dam safety and floodplain projects, such as updates to emergency action plans and professional engineer inspections; and,

WHEREAS, the grants require a 50% County match for reimbursable costs; and,

WHEREAS, the County has identified 12 dam safety projects that are eligible for Fund grants:

- | | |
|-------------------------------------|---|
| (1) Echo Lake Dam (Rec & Parks/DPW) | 1. Professional Engineer Inspection
2. Emergency Action Plan Update
3. Repair, Replace/Install Low-Level Draining Devices |
| (2) Wyndham Lake Dam (DPW) | 1. Professional Engineer Inspection
2. Emergency Action Plan Update |
| (3) Wellesley Lake Dam (DPW) | 1. Professional Engineer Inspection
2. Dam Break Inundation Zone Analysis
3. Emergency Action Plan Update |
| (4) Cox Road Dam (DPW) | 1. Professional Engineer Inspection
2. Emergency Action Plan Update |
| (5) Pump Road Dam (DPW) | 1. Professional Engineer Inspection
2. Emergency Action Plan Update |

WHEREAS, these activities are required to comply with the Virginia Dam Safety Impounding Structure Regulations; and,

By Agency Head S. L. L. for Terrell Hughes County Manager

Certified:

A Copy Teste:

Copy to: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 64-21

Page No. 2 of 2

Agenda Title: RESOLUTION — Authorization to Submit Application — Virginia Dam Safety, Flood Prevention and Protection Assistance Fund — Brookland, Three Chopt, and Tuckahoe Districts

WHEREAS, the County must submit an application for each project through the Virginia Department of Conservation and Recreation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the Directors of Public Works and Recreation and Parks to apply for Fund grants for the projects listed above.

COMMENTS: The Directors of Public Works and Recreation and Parks recommend approval of this Board paper, and the County Manager concurs.



Virginia Dam Safety, Flood Prevention and Protection Assistance Fund Fiscal Year 2021

