

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
October 12, 2021

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, October 12, 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. Vithoulkas, County Manager
J. T. (Tom) Tokarz, County Attorney
Tanya N. Brackett, CMC, Assistant to the County Manager/Clerk to the Board
Monica Smith-Callahan, Deputy County Manager for Community Affairs
Anthony E. McDowell, Deputy County Manager for Public Safety
Cari Tretina, Assistant to the County Manager/Chief of Staff
Steven J. Yob, Deputy County Manager for Community Operations
Steven W. Knockemus, Assistant Director of Public Relations

Jeanetta Lee, Chaplain for the Henrico Police Division, delivered the invocation.

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board approved the September 28, 2021, Regular and Special Meeting Minutes.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

Mr. Vithoulkas recognized Police Sergeant Kevin Pridemore for his bravery in saving an automobile accident victim from catching on fire inside a vehicle. Mr. Vithoulkas presented the Henrico County Manager's Medal of Honor to Sergeant Pridemore for his bravery and outstanding service above and beyond the call of duty.

Mr. Vithoulkas recognized Beth Bonniwell, Domestic Violence Coordinator in the Police Division, who spoke about Domestic Violence Awareness Month activities in October. In addition to purple flags, lights, and bows placed around the County complex to raise awareness of domestic violence, the County has disseminated educational programs and

public service announcements in the effort. In addition, the Henrico Police Division has a domestic violence assistance website.

Mr. Vithoulkas recognized Rob Rowley, Chief of Emergency Management, for an update on COVID-19 matters. The County's positivity rate is down to 5.45%, and a mass vaccination program at the Richmond Raceway is offering walk-in vaccinations this month.

BOARD OF SUPERVISORS' COMMENTS

Mr. Thornton announced the 10th anniversary of the Eastern Recreation Center and noted the Fairfield Area Library won the Richmond American Institute of Architects (AIA) Merit Award at the 2021 Design Awards Program. In addition, he congratulated St. Joseph Villa for reopening its Center of Autism.

Mrs. O'Bannon announced the Drive a Bus Event scheduled for October 16 at Hermitage High School and encouraged interested adults to apply.

Mr. Schmitt announced that he and other Board members traveled with the Manager to an inner city visit in Charlotte, North Carolina. He also thanked the Glen Allen Ruritan Club for putting together Glen Allen Day.

RECOGNITION OF NEWS MEDIA

Tom Lappas of the *Henrico Citizen* was present for the meeting.

PRESENTATIONS

Mrs. O'Bannon presented a proclamation recognizing the 20th Anniversary of the *Henrico Citizen*. Accepting the proclamation was Tom Lappas, Owner/Publisher; Patty Kruszewski, Managing Editor; Sarah Story, Online/Social Media Editor; and Anna Bryson, Education Reporter.

318-21 Resolution - Honoring the Late Dr. Louis H. Manarin.

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

Accepting the resolution was Dr. Manarin's wife, Jo Ann Manarin, and his children and grandchildren.

RESIGNATION

319-21 Resolution - Resignation of Member from Board of Directors - Economic Development Authority.

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

GENERAL AGENDA

337-21 Resolution - Donation of Surplus Equipment - Charles City County, Virginia.

This item was moved up on the agenda because Chief Jim Jones from Charles City was present to accept the donation.

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

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

320-21 Green City Partners, LLC: Request to conditionally rezone from A-1
REZ2021- Agricultural District, R-2 One-Family Residence District, O-3C Office
00039 District (Conditional), M-1 Light Industrial District, M-1C Light Industrial
Fairfield District (Conditional), and PMD Planned Industrial District to UMUC
Urban Mixed Use District (Conditional) Parcels 787-760-9582, 788-762-
3171, 789-762-3970, 788-760-3976, 787-758-3213 containing 204.20 acres
located generally between E. Parham Road and the southeast line of Scott
Road and between Scott Road and Interstate 295.

Mr. Vithoulkas announced agenda items 320-21 and 321-21 are companion cases and would be presented together.

No one spoke in opposition to this item.

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 amended proffered conditions:

1. **Master Plan.** The Property shall be developed in general conformance with the standards set forth in the master plan book entitled “greencity, Henrico County, Virginia, UMU Master Plan Book,” updated September 28, 2021, and prepared by GreenCity Partners, LLC (the “Master Plan”)(see case file), which is conceptual in nature and may vary in massing, height, elevations, design, layout, final density, and other details shown therein. The specific design, general layout, elevations and other details may vary from the Master Plan as required for final plan approval, engineering reasons, design or compliance with governmental regulations, or as approved during any Plan of Development, subdivision, or building permit review or by the Director of Planning provided the Director of Planning finds the deviations are generally in keeping with the spirit and intent of the Master Plan.

2. **Density.** Any type and number of residential units within any phase of the Property shall be permitted, so long as no more than a total of 2,138 residential units, as more particularly defined in the Master Plan, shall be located on the Property. The specific number of residential units for each land bay or parcel shown in the Master Plan is an estimate and residential units shown in the Master Plan may be allocated to a different land bay or parcel as requested at the time of Plan of Development or subdivision review, provided such allocation is consistent with the overall intent of the Master Plan.
3. **Condominium Act.** Any Condominiums constructed on the Property shall comply with the Virginia Condominium Act.
4. **Prohibited Uses.** The following uses shall be prohibited on the Property:
 - a. automotive filling and service stations including towing service;
 - b. billiard, bagatelle, video game or a bingo parlor, unless accessory to a permitted use;
 - c. flea markets or antique auctions;
 - d. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - e. dance halls;
 - f. truck stops;
 - g. gun shop, sales and repair;
 - h. sign painting shops;
 - i. communication towers;
 - j. adult businesses as defined by Section 24-3 of the Henrico County Code;
 - k. 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);
 - l. restaurants with drive-thru windows, not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food nor restaurants whose primary

business is the sale of specialty coffees or other non-alcoholic beverages or pastry;

m. car title loan operations;

n. fuel pumps associated with permitted uses; and

o. motels or motor lodges.

5. **Protective Covenants.** Prior to or concurrent with the recordation of the first certificate of occupancy for any portion of the Property, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of that portion of the Property. Any such Covenants may establish one or more owners' associations (the "Association"). Different Covenants may be provided for various portions of the Property provided an Association shall be responsible for the maintenance of all common areas within the relevant portion of the Property, as set forth in the Covenants.
6. **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.
7. **Hours of Construction.** During the construction of the development on the Property the hours of exterior construction shall be limited to 7:00 a.m. to 7:00 p.m., except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the approval of the Director of Planning. Construction signs shall be posted in English and in Spanish and shall state the hours of construction.
8. **Buffers.** A natural and landscaped buffer a minimum of fifteen (15) feet in width and planted to the level of a transitional buffer shall be provided on any area of the Property adjoining (a) any lot used for residential purposes and zoned R-2 or A-1 or (b) directly across Scott Road or Level Green Lane from any such lot. Any buffer shall be retained as natural, may also be landscaped, and may include supplemental plantings, berms, trails, walkways, utility easements (including drainage), fencing/walls and other purposes as approved at the time of landscape plan review. The buffers shall be phased as approved at the time of landscape plan review. All buffers, whether in common area or a lot, shall be maintained by the Association.
9. **Road Improvements.** The following road improvements shall be

made as required by the County at the time of any Plan of Development or subdivision review for the Property ("POD"), as more particularly set forth on the Traffic Impact Analysis dated September 24, 2021, prepared by VHB and approved by the County for this project (the "TIA")(see case file) pursuant to the phasing plan described in this proffer. A phasing plan for the required road improvements, as identified in this proffered condition, shall be submitted to and approved by the Director of Public Works prior to the approval of the first POD. The approved phasing plan shall confirm the improvements to be completed with each POD submitted based on and in conformance with the TIA.

- a. Upon approval of Henrico County at the time of a POD for the Property, installation of a conventional traffic signal meeting County of Henrico standards at the following intersections:
 - i. E. Parham Road at West Access Road; and
 - ii. E. Parham Road at St. Charles Road; and
 - iii. West Access Road and Main Retail Street / Best Products Building; and
 - iv. St. Charles Road and Internal East-West Road.
- b. At the E. Parham Road and West Access Road intersection:
 - i. A second full block length right turn lane exiting the Property at West Access Road onto westbound E. Parham Road; and
 - ii. An extended eastbound left turn on E. Parham Road with a total length of approximately 600 feet; and
 - iii. On E. Parham Road, such improvements as are necessary to prohibit a left turn movement off E. Parham Road into West Access Road for vehicles exiting northbound I-95 onto eastbound E. Parham Road.
- c. At the E. Parham Road and St. Charles Road intersection:
 - i. Configure the intersection as a "thru-cut", including such improvements as are needed to prevent thru movements on St. Charles Road; and
 - ii. A second and third left turn lane on eastbound E. Parham Road entering the Property at St. Charles Road. All three left turn lanes should be approximately 600 feet; and

- iii. A right turn lane (approximately 225 feet) on westbound E. Parham Road entering the Property at St. Charles Road; and
- iv. A left turn lane (approximately 150 feet) on northbound St. Charles Road onto westbound E. Parham Road; and
- v. Reconfiguring the existing northbound lane on St. Charles Road into a right turn only lane onto eastbound E. Parham Road; and
- vi. Two left turn lanes (one full block length and one approximately 250 feet) exiting the Property at St. Charles Road onto eastbound E. Parham Road; and
- vii. Two right turn lanes (one full block length and one approximately 250 feet) exiting the Property at St. Charles Road onto westbound E. Parham Road; and
- viii. Install upstream queue detection on the eastbound E. Parham Road approach (approximately 600 feet upstream of stop bar) and incorporate into signal control a queue preemption strategy.

d. At the E. Parham Road and East Access Road intersection:

- i. A right turn lane (approximately 200 feet) on westbound E. Parham Road entering the Property; and
- ii. Such improvements as are needed to prevent traffic from exiting the Property from East Access Road and subsequently making a left turn from westbound E. Parham Road onto southbound St. Charles Road.

10. **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

321-21
PUP2021-
00017
Fairfield

Green City Partners, LLC: Request for a Provisional Use Permit under Sections 24-32.1 (a, f, i, k, s, t, z and aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow outdoor vending areas; an auditorium, coliseum, or stadium; greater floor area for any use with floor area

limitations; drive-through service windows; building and structures exceeding 60' in height; density of development exceeding 30 units per acre; number of for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU district; and a parking plan on Parcels 787-760-9582, 788-762-3171, 789-762-3970, 788-760-3976, and 787-758-3213 located generally between E. Parham Road and the southeast line of Scott Road and between Scott Road and Interstate 295.

Kimberly Reese asked if there would be an opportunity for minority owner businesses to participate in the project. Michael Hallmark assured her that they would.

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, Density Limitations and Percentage of For-Lease Multifamily Units.** All development on the property shall be in general conformance with the GreenCity UMU Master Plan. Development on the property shall not exceed 2,138 residential units.
2. **Square Footage Limitations.** The maximum square footage of any use other than an office building shall only exceed 10,000 square feet in floor area if the Director of Planning determines development of the use is in conformance with the GreenCity UMU Master Plan.
3. **Building Height.** Buildings on the Property may exceed 60' in height in accordance with the GreenCity UMU Master Plan. No building on the property shall exceed 350' 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. **Drive-through service windows.** Any use incorporating a drive-through service window shall be part of a multi-tenant building. Drive-through service windows shall be designed to minimize negative impacts to the pedestrian environment and shall be accessed from secondary access aisles such as alleys, unless otherwise approved at the time of Plan of Development review.
9. **Parking Plan.** The applicant shall provide parking consistent with the GreenCity UMU Master Plan. 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.
10. **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.

11. **Arena Management Plan.** Prior to operation of the proposed arena, the applicant shall enter into an arena management and safety plan. Such plan shall be submitted for review by the Departments of Planning and Public Works and Police and Fire Divisions in a form approved by the Director of Planning.

The vote of the Board was as follows:

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

No: None

273-21
REZ2021-
00026
Three Chopt

Highwoods Realty Limited Partnership: Request to conditionally rezone from A-1 Agricultural District and M-1C Light Industrial District (Conditional) to UMUC Urban Mixed Use District (Conditional) Parcels 750-768-0643, 750-768-4593, 750-768-4929, and 750-768-8514 and part of Parcels 751-768-2072, 751-769-0332, and 751-769-4739 containing 33.801 acres located on the north line of Nuckols Road between Lake Brook Drive and Interstate 295.

Mr. Vithoulkas announced agenda items 273-21 and 274-21 were companion cases and would be presented together.

Mr. Branin asked for clarification of proffer 4(p). Preston Lloyd, speaking for the applicant, stated that the applicant agreed that there would be no display, sale, or use of CBD or hemp-based products on the premises.

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

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. **Master Plan.** The Property shall be developed in general conformance with the following elements (together, the "Master Plan"):
 - a. 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 (see case file); and
 - b. All or portions of the three (3) conceptual plans entitled "Innsbrook • Concept Plan Option 1", "Innsbrook • Concept Plan Option 2" and "Innsbrook • Concept Plan Option 3" prepared by LandDesign and dated June 15, 2021 (the "Concept Plans"), which are filed herewith (see case file).

The illustrations and information comprising elements of the Master Plan are conceptual in nature and may vary in detail. If not in general conformance with the foregoing, deviations may be approved by the Director of Planning in connection with any subsequent Plan of

Development, subdivision approval, or any other variation permitted by the Director upon a finding that the variations are generally in keeping with the spirit and concept of the Urban Design Guidelines, as previously approved by the Innsbrook Architectural Review Committee ("ARC").

2. Architecture; Architectural Review.

- a. Buildings shall be in general conformance with the architectural themes displayed in the Urban Design Guidelines.
- b. All development of the Property shall be subject to approval by the ARC. Such approval shall accompany any submittal for Plan of Development submitted to the County for review.

3. Mixture of Uses; Phasing.

- a. Non-residential uses.
 - i. All stand-alone retail and restaurant uses shall be generally located in a portion of the Property shown and labeled as "Proposed Retail" on the Concept Plans, or on the ground floor of any building primarily occupied by office, hospitality, or multifamily residential use.
 - ii. All office use shall be generally located in a portion of the Property shown and labeled as "Proposed Office" on the Concept Plans.
 - iii. All hotel use shall be generally located in a portion of the Property shown and labeled as "Proposed Hospitality" on the Concept Plans.
- b. Residential uses.
 - i. The total number of residential dwelling units on the Property shall not exceed 700 units, as follows: up to 700 units of multifamily dwelling units, of which (a) up to fifty (50) units shall only be "two over two" style attached construction, and (b) up to fifty (50) units shall only be for-sale condominiums (together, (a) and (b) are the "For-Sale Units"). Any multifamily residential use shall be generally located in a portion of the Property shown and labeled as "Proposed Residential / Multi-Family" on the Concept Plans; provided, however, that for-sale condominium units may be generally located in a portion of the Property shown and labeled as "Proposed Hospitality" on the Concept Plans.
 - ii. No plan of development shall be approved for the

Property with multifamily dwelling units therein comprised of fewer than sixty percent (60%) one-bedroom units. No units comprised of 3-or-more bedrooms shall be permitted.

c. Phasing.

- i. No certificate of occupancy shall be issued for multifamily dwelling units unless and until building permit(s) have been issued for 15,000 square feet or greater gross floor area of permitted principal non-residential uses.
- ii. No plan of development shall be approved for greater than a cumulative total of 600 multifamily dwelling units unless and until certificate(s) of occupancy have been issued for 30,000 square feet or greater gross floor area of permitted principal non-residential uses.
- iii. Each plan of development submitted for the Property shall include cumulative development statistics describing the residential units, nonresidential gross floor area, parking spaces and open space, as applicable.
- iv. The term "gross floor area" shall be defined as the sum of the horizontal area of all floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, excluding parking areas, rooftop enclosures housing mechanical equipment, open space, recreational areas, common areas, and loading/service areas.

4. Prohibited Uses. The following uses shall be prohibited on the Property:

- a. automotive filling and service stations including towing service, other than electric vehicle charging stations;
- b. billiard, bagatelle, 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. communication towers, except to the extent co-located on an existing structure;
- l. adult businesses as defined by Section 24-3 of the County Code;
- m. 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);
- n. car title loan operations;
- o. fossil-fuel fuel pumps associated with permitted uses (which shall not exclude electric vehicle charging stations); and
- p. the sale, display or on-premises use of retail CBD or hemp-based products. Retail CBD and hemp-based products are products related to or derived from CBD oil (cannabidiol) or hemp, including without limitation oils, vitamins, supplements, food, personal care and garments.

5. Streetscapes; Nuckols Road Frontage; Materials.

- a. Streetscapes within the Property and the Highwoods One Connector Road (as hereinafter defined) shall all be designed and constructed in substantial conformance with the streetscape design standards in the Urban Design Guidelines. Deviations may be approved by the Director of Planning in connection with any subsequent Plan of Development, subdivision approval, or any other variation permitted by the Director upon a finding that the variations are generally in keeping with the spirit and concept of the Urban Design Guidelines, as previously approved by the ARC.
- b. No façade of structured parking shall be located within 1000 feet of the northern right-of-way line of Nuckols Road that is visible from such right-of-way. No loading or service areas of any building within 1000 feet of the northern right-of-way line of Nuckols Road shall be oriented to face Nuckols Road or Lake Brook Drive. Exceptions may be approved by the Director of Planning in connection with any subsequent Plan of Development, subdivision approval, or any other variation permitted by the Director upon a finding that the exception is generally in keeping with the spirit and concept of the Urban Design Guidelines, as previously approved by the ARC.

- c. Buildings shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, marble, or granite, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block. Soffit and exterior ceiling materials shall be constructed using non-combustible material. Deviations in the foregoing building materials may be approved by the Director of Planning in connection with any subsequent Plan of Development, subdivision approval, or any other variation permitted by the Director upon a finding that the variations are generally in keeping with the spirit and concept of the Urban Design Guidelines, as previously approved by the ARC.
- d. In connection with Plan of Development Review, the design, placement, orientation and screening of mechanical equipment, loading areas, dumpsters, group mailboxes, surface parking areas, and other similar features shall be addressed in a manner to minimize the visual impact of these features on other principal permitted uses, in general conformance with the Urban Design Guidelines.

6. POD Supplementary Submittal Requirements.

- a. With each Plan of Development application for a portion of the Property, the Owner shall prepare and submit to the Director of Planning the following (the “POD Supplements”):
 - i. Lighting Plan;
 - ii. Streetscape Plan;
 - iii. Landscape Plan, which shall include, as applicable, all transitional buffers, natural vegetation retention areas, vegetative screening, streetscape plantings, foundation plantings, and any other landscape elements required by the Director of Planning; and
 - iv. Pedestrian Connection Plan, which shall show all improvements designed to facilitate pedestrian circulation and connectivity with the existing Innsbrook trails system.
- b. Each of the POD Supplements shall be reviewed for general conformance with the Master Plan. Deviations may be approved by the Director of Planning in connection with any subsequent Plan of Development, subdivision approval, or any other variation permitted by the Director upon a finding that the variations are generally in keeping with the spirit and concept of

the Urban Design Guidelines, as previously approved by the ARC.

7. **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.
8. **Sound.** Any outdoor amplified music shall end by 10:00 p.m., Sunday through Thursday; by 11:00 p.m., Friday and Saturday, and by 12:00 midnight on federally recognized holidays.
9. **Hours of Operation.** No business permitted on the Property shall begin service to the public or any outside activity before 6:00 a.m. nor extend any outside activity or hours of service after 12:00 midnight.

10. Transportation Improvements.

- a. Nuckols Road, Sadler Road and Lake Brook Drive Intersection Improvements. The Owner shall make the following listed improvements, generally as shown on the diagram entitled “North End – Proposed Widening, Nuckols Road at Lake Brook Drive / Sadler Road” prepared by Ramey Kemp Associates, dated August 9, 2021, incorporated by this reference (the “Proposed Widening Exhibit”) (see case file). In the event of dedication, but no construction of the associated improvements within fifteen years of the date of dedication, the dedicated land shall be conveyed back to the owner of the adjacent land.
 - i. Construct a second eastbound left-turn lane on Nuckols Road with 450 feet of storage;
 - ii. Extend the storage in the existing eastbound left-turn lane on Nuckols Road to provide 450 feet of storage;
 - iii. Construct an eastbound right-turn lane on Nuckols Road with 200 feet of storage;
 - iv. Extend the storage in each of the existing dual northbound left-turn lanes on Sadler Road;
 - v. Shift and reconstruct the southbound lane on Sadler Road from the intersection with Nuckols Road;
 - vi. Restripe the southbound through lane on Lake Brook Drive as a dedicated left-turn lane;
 - vii. Construct “through-cut” medians at north and south sides of intersection to prohibit northbound and southbound through movement;
 - viii. Construct a third southbound right-turn lane on Lake

Brook Drive as a dedicated right-turn lane, on the condition that the Virginia Department of Transportation has duly abandoned and caused the transfer of right of way comprising the former Elks Pass Lane to the Owner;

- ix. Construct a 4-foot median between the North and South-bound lanes of Lake Brook Drive; and
 - x. Make any signalization improvement modifications identified by the Director of Public Works as necessary in connection with the initial installation of the foregoing Nuckols Road, Sadler Road and Lake Brook Drive intersection improvements.
- b. Lake Brook Drive Right-of-way Improvements. The Owner shall make the following listed improvements:
- i. Restripe the existing pavement on northbound Lake Brook Drive as one left-turn lane, generally as shown on Figure 18 of the Traffic Impact Analysis prepared by Ramey Kemp Associates (see case file);
 - ii. Construct any primary road out of the Property to Lake Brook Drive with one ingress lane and one egress lane, generally as shown on Figure 18 of the TIA, but that will not physically allow a left-turn movement from the Property to northbound Lake Brook Drive;
 - iii. At such time as it may be requested by the County, Owner shall cause the public dedication of right of way for an extension of Lake Brook Drive as a two-lane typical section with standard pedestrian improvements, across the property owned by the Owner and known as Lake Brook Drive (County GPIN 750-768-9857), 4851 Lake Brook Drive (County GPIN 751-768-2072), 4991 Lake Brook Drive (County GPIN 751-769-4739), and 4951 Lake Brook Drive (County GPIN 751-769-0332), generally as shown on the Conceptual Plan, for future eastward connectivity across the Lake Rooty dam. Prior to or concurrent with the approval of the first Plan of Development for the Property, the Owner shall record in the Clerk's Office of the Circuit Court of Henrico County evidence of this proffered future dedication with an exhibit showing the location and boundaries thereof (the "ROW Dedication Area"), which shall be subject to prior review and approval by the Director of Planning. The location and width of the ROW Dedication Area may be relocated or modified upon approval by the Director of Planning following good cause shown by the Owner, including topography, existence of utilities or existing

improvements, or similar unique conditions justifying a relocation; and

- iv. Make any signalization improvement modifications identified by the Director of Public Works as necessary in connection with the initial installation of the foregoing Lake Brook Drive right-of-way improvements.
- c. Highwoods One Interconnection Improvement. The Owner shall make the following improvement as a second means of vehicular ingress/egress to the Property:
- i. Construct a roadway connection (the “Highwoods One Connector Road”) from Lake Brook Drive to Cox Road across the property owned by the Owner and known as “Highwoods One” being 10900 Nuckols Road (County GPIN 751-767-0759), as follows: (i) built to County road standards (typical 24’ section) provided that exceptions may be approved by the Director of Public Works following good cause shown by the Owner, including orientation of on-street parking or pedestrian improvements, topography, existence of utilities or existing improvements, or similar unique conditions justifying an exception, and (ii) in general conformance with the area labeled “Connector Road” on the Exhibit Plat entitled “Connector Road Preliminary Sketch” prepared by LandDesign, dated July 2, 2021, and on file with the Department of Planning (see case file), but that will not physically allow a left-turn movement from Highwoods One to southbound Lake Brook Drive.
- d. Lake Rooty Crossing. The Owner shall make the following off-site ingress/egress roadway and bridge connection across the Lake Rooty dam (the “Dam Access ROW”):
- i. Prior to issuance of the first certificate of occupancy for the Property, the Owner shall complete the construction of the Dam Access ROW.
 - ii. The Dam Access ROW shall be located generally as shown and labeled as “Proposed Asphalt Access Road” on County Plan of Development # 82-00, entitled “Innsbrook Lake No. 3, Dam Road, Three Chopt District, Henrico County, Virginia” dated September 18, 2002, approved by the County (see case file), which is on file with the Department of Planning (the “Dam POD”).
 - iii. The Dam Access ROW shall be constructed as a 24-ft. section, in general conformance with the typical section shown on sheet 3 of the Dam POD, or as otherwise

approved by the Director of Public Works.

- iv. For the avoidance of doubt, the Dam Access ROW shall include construction of bridge improvements in the location shown and labeled as “spillway” on the Dam POD, the final design, specifications and width of which shall be subject to prior review and approval by the Director of Public Works. The bridge improvements shall include a 24-ft. section of road and multi-use trail, all with appropriate safety barriers; provided, that to the extent approved by the Director, the portion of bridge improvements for the multi-use trail need not be constructed by the Owner until full public use of the Dam Access ROW is granted pursuant to the following subparagraph.
- v. The Dam Access ROW shall be gated and reserved for exclusive use by emergency personnel, unless and until full public use is granted upon the first to occur of the following: (i) full public use of the Dam Access ROW is recommended by an updated traffic impact analysis prepared pursuant to Section 10.e.ii. of this Proffer Statement, (ii) full public use of the Dam Access ROW is recommended by a traffic impact analysis prepared in connection with any subsequent rezoning application for any property shown and labeled as “Future Mixed-Use” on the Concept Plans, or (iii) Owner provides written notice to the Directors of Planning and Public Works of its conversion to full public use, in the Owner's sole and complete discretion. Upon the expansion of the Dam Access ROW to full public access, the proffered obligation set forth in Section 10.c.i of this Proffer Statement to maintain the Highwoods One Connector Road as a public roadway connection shall immediately terminate and be of no further force and effect.
- vi. The Dam Access ROW shall be privately maintained by the Owner, unless and until the County should agree to accept a public dedication of any portion of the improvements comprising the Dam Access ROW.
- vii. Owner's obligation to construct the Dam Access ROW is expressly conditioned upon easements necessary for the construction and use of the Dam Access ROW having been granted to Owner by the owner of the property known as 5000 Cox Road (County GPIN 752-769-7691). If Owner is unable to obtain the easements, then, prior to the issuance of the first certificate of occupancy for the Property, the Owner shall cause the dedication of an easement to the County for public access over portions of

the property owned by the Owner and known as "Highwoods One" being 10900 Nuckols Road, County GPIN 751-767-0759, in general conformance with the area labeled "Public Access Easement" on the Exhibit Plat entitled "Connector Road Preliminary Sketch" prepared by LandDesign, dated July 2, 2021, and on file with the Department of Planning (see case file), which shall include provisions for relocation of such easement area upon request by the owner thereof and following approval by the County (not to be unreasonably withheld).

- e. Roadway Improvement Plan; Phasing; TIA Updates.
 - i. Prior to or concurrent with the first plan of development application, the Owner shall prepare and submit to the Director of Public Works a "Roadway Improvement Phasing Plan". The Roadway Improvement Phasing Plan shall specify the respective vehicle trip thresholds that trigger construction of each of the transportation improvements set forth in Subparagraphs 9.a, 9.b and 9.c. (the "Transportation Improvements") based on the traffic data analyzed in the Traffic Impact Analysis prepared by Ramey Kemp Associates (see case file) (the "TIA"). Each plan of development application shall include the vehicle trips generated by the proposed uses. Completion of the Transportation Improvements shall be phased as specified by the Roadway Improvement Phasing Plan, as approved by the Director of Public Works in connection with plan of development review.
 - ii. With each plan of development application, should the proposed use(s) be materially inconsistent with, and negatively impact the findings in the TIA, the TIA and corresponding Roadway Improvement Phasing Plan shall be updated upon request by the Director of Public Works.
- f. Pedestrian Improvements. The Owner shall make the following pedestrian improvements:
 - i. Installation of pedestrian crosswalk and median improvements across Nuckols Road at the east side of the intersection of Nuckols Road with Sadler Road and Lake Brook Drive, in general conformance with the Proposed Widening Exhibit.
 - ii. Installation of pedestrian crosswalk improvements across Lake Brook Drive at the north side of the intersection of Nuckols Road with Sadler Road and Lake Brook Drive, in

general conformance with the Proposed Widening Exhibit.

- iii. Installation of pedestrian landing and wheelchair ramp improvements within the public right-of-way located at the northeastern corner of the intersection of Nuckols Road and Lake Brook Drive.
 - iv. Installation of sidewalk improvements along Cox Road on the property owned by the Owner and known as "Highwoods One" being 10900 Nuckols Road, County GPIN 751-767-0759, in general conformance with the area labeled "Pedestrian Improvements" on the Exhibit Plat entitled "Connector Road Preliminary Sketch" prepared by LandDesign, dated July 2, 2021, and on file with the Department of Planning.
- g. Internal Circulation. The Property shall provide vehicular circulation among the individual properties as they are developed over time as determined at the time of Plan of Development. Cross access and utility easements will be executed with each phase of development in a coordinated manner so that the entire Property will ultimately have an internal vehicular circulation system at full development.
- h. Interior Road Standards. All roads on the Property intended to be dedicated for public use shall be constructed in general conformance with the Urban Design Guidelines as determined during subdivision plan and/or Plan of Development review.
- i. Pedestrian Network. The Property shall be developed in a manner that provides pedestrian circulation and connectivity with the existing Innsbrook trails system in general conformance with the Concept Plans.

The vote of the Board was as follows:

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

No: None

274-21
PUP2021-
00010
Three Chopt

Highwoods Realty Limited Partnership: Request for a Provisional Use Permit under Sections 24-32.1 (a, b, i, l, p, s, v, w, z), 24-120, and 24-122.1 of Chapter 24 of the County Code to allow the following: outdoor vending areas; commercial parking lot; greater floor area for any use with floor area limitations; heliport; outdoor, commercial recreational facilities; buildings and structures exceeding 60' in height; open space of less than 20 percent within a development; commercial or office square footage of less than 25 percent of the total building square footage of the UMU district; and number of for-lease multifamily dwelling units exceeding 30 percent of the

total units of the UMU district on Parcels 750-768-0643, 750-768-4593, 750-768-4929, and 750-768-8514 and part of Parcels 751-768-2072, 751-769-0332, and 751-769-4739 located on the north line of Nuckols Road between Lake Brook Drive and Interstate 295.

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

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. **Proffered Conditions.** All proffered conditions accepted with case REZ2021-00026 shall also be made part of this Provisional Use Permit.
2. **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 700 dwelling units, 100% of which may be for-lease multifamily.
3. **Residential Unit Size.** There shall be no dwelling units with 3 or more bedrooms.
4. **Use-Specific Square Footage Maximums.** Medical offices, clinics or laboratories shall have no floor area limitations. However, any clinic or laboratory exceeding 30,000 square feet shall be part of a multi-story, multi-tenant building.
5. **Commercial/Office Square Footage.** The minimum non-residential square footage may be less than 25% of the site's aggregate building square footage but shall not be less than the phased minimum amounts proffered in rezoning case REZ2021-00026.
6. **Utilities.** For development exceeding a utilities demand equivalent of 600 multifamily residential units and 20,000 square feet of commercial/office, the applicant shall provide a complete utilities analysis of the onsite and surrounding infrastructure to demonstrate adequate capacity is available for the additional development or to identify what upgrades are needed to accommodate it. The applicant shall provide the necessary upgrades as agreed upon with the Department of Public Utilities prior to issuance of final CO for any development exceeding the amounts stated above.
7. **Building Height and Emergency Communication Systems.** All buildings shall be allowed a maximum height of 200'. For any building above 60' in height, the owner shall install a fire

command center and emergency radio communication equipment in the building 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.

8. **Open Space.** Open space on the site may be less than 20% but shall be no less than 10%.
9. **Commercial & Structured Parking.** Commercial parking lots and decks shall be permitted. The design of structured parking shall be 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 (i.e. visually integrated with their surroundings and having exterior facades designed to hide the sloping floors of the interior ramp). 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.
10. **Commercial Outdoor Recreation Facilities.** If designated and described on an approved master plan and/or a Plan of Development, commercial outdoor recreation facilities such as skating rinks, swimming pools, sports concepts accessory to principal uses, and other similar uses may be included on the property.
11. **Outdoor Vending Areas.** If designated and described on an approved master plan and/or a Plan of Development, areas of the property may be used 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 before 6:00 a.m. or after 10:00 p.m.

12. **Heliports.** Heliports shall include only landing facilities with no fueling or service facilities permitted, and shall be subject to the following requirements:
 - a. Any heliport shall be designed, constructed, and marked in compliance with Federal Aviation Administration regulations and recommendations, including Advisory Circular 150-5390-2B.
 - b. All heliport operations shall conform to Federal Aviation Administration regulations and recommendations, including those related to training and oversight of flight crews, and safety equipment on helicopters.
 - c. Any heliport shall be located on the roof of a building at least 300' from the property line of a lot containing an existing one-family dwelling.
13. **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.
14. **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, including security camera installation and video storage.
15. **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.
16. **Residential Recycling Facilities.** Recycling and refuse collection area(s) shall be provided to fully and conveniently serve all multifamily residential units within the development in accordance with the following standards prescribed in the newly adopted Henrico County Zoning Ordinance effective September 1, 2021:
 - a. A recycling and refuse collection area must not impede or adversely affect vehicular or pedestrian circulation.
 - b. Concrete pavement must be used where a recycling or refuse container pad and apron are located.
 - c. All recycling and refuse containers and bins must be completely screened from view and located in an enclosed area conveniently accessible to all residents and occupants. Enclosures must be constructed of finished masonry materials

with the exception of gates and doors. The use of portable shipping containers or tractor trailers for storage is prohibited.

- d. Roofed recycling and refuse enclosures, including enclosures for fats, oils, and grease, must comply with the minimum setbacks that apply to the principal structure.
- e. Gates intended for service access to the recycling and refuse collection area must provide an opening at least ten feet wide. Gates and doors must be opaque, substantial, and oriented to minimize views of the enclosures from public rights-of-way. Support posts, gate frames, hinges and latches must be of a sufficient size and strength to allow the gates to function without sagging or becoming misaligned. Where a gate in the screening faces a public right-of-way, the gate must be closed and latched at all times except two hours prior to a scheduled collection time and one hour after collection.
- f. Recycling and refuse collection areas must not be serviced before 6:00 a.m. or after 12:00 midnight, or as otherwise required by Article 5, Division 6, Neighborhood Compatibility.
- g. The recycling and refuse collection area must be kept free of litter, debris, and residue. Storage outside of containers or bins is prohibited.

17. **Elks Pass Lane.** The right-of-way area identified as “Elks Pass Lane Service Rd. No. 6” on the February 2, 2021 land survey completed by Timmons Group and titled “Rezoning Exhibit of 33.801 Acres Of Land Being Part Of Property Owned By Highwoods Realty Limited Partnership” shall immediately be subject to all proffered conditions and provisional use permit conditions approved with cases REZ2021-00026 and PUP2021-00010 at such time as the Elks Pass Lane purchase agreement is finalized between Highwoods Realty Limited Partnership and the Virginia Department of Transportation.

The vote of the Board was as follows:

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

No: None

278-21
PUP2021-
00016
Varina

HTS Towers, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a communication tower up to 165' in height and related equipment on part of Parcel 831-688-1711 located on the east line of Turner Road approximately 450' southeast of its intersection with Three Foxes Drive.

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 followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. The communication tower shall be consistent with Exhibit C (see case file) and shall not exceed a maximum height of 165 feet, including any attached equipment.
2. Electric wires and other cables shall be located on the interior or flush with the lattice structure.
3. A landscaping plan consistent with Exhibit A (see case file) shall be submitted with the building permit application to ensure adequate preservation of existing vegetation for screening.
4. This permit shall apply only to the 4,900 square foot lease area identified on Exhibit A (see case file).
5. Application for a building permit to install the telecommunication tower must be made within 24 months after the Provisional Use Permit is granted by the Board of Supervisors unless an extension of time is granted by the Director of Planning upon a written request by the applicant.
6. The applicant shall obtain approval from the Director of Planning should the FAA require the addition of standard obstruction marking and lighting (i.e. red lighting and orange and white striping) to the telecommunication tower.
7. When site construction is initiated as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. In particular, land disturbance of more than 2,500 square feet will require that construction plans include a detailed drainage and erosion control plan prepared by a professional engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.
8. The co-location of as many additional users as technically feasible shall be allowed at this site.
9. Prior to the co-location of any carrier's antennas or addition of equipment lease space, a revised site plan and equipment placement details shall be submitted to the Planning Department for approval.
10. Any UHF, VHF or other type of receivers/transmitters that would interfere with the County's Division of Police emergency communications are prohibited from this telecommunication tower. The County shall have the right to install antennas and other equipment on the tower as well as place support equipment within the ground lease area, provided that all antennas and other equipment are compatible with other parties' use of the tower.

11. If ownership of the lease is transferred to another provider, the new owner shall submit a Transfer of Provisional Use Permit.
12. If the use of the tower for communication purposes is discontinued for 180 days, the antennas and all related structures shall be removed from the site within ninety (90) days. Within ten (10) business days after written request by the County, the owner of the antennas and equipment shall provide the County with written confirmation of the status of the facility, the number of and identity of users, available co-location space and such additional information as may be reasonably requested.

The vote of the Board was as follows:

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

No: None

322-21
PUP2021-
00019
Brookland

Green Clean Auto Wash, LLC: Request for a Provisional Use Permit under Sections 24-2306 and 24-4205 of Chapter 24 of the County Code to allow a car wash on Parcel 755-757-9394 located on the north line of W. Broad Street (U.S. Route 250) approximately 140' east of Old Springfield Road.

Mr. Schmitt expressed concerns about the turnaround near the exit. Mr. Condlin, attorney for the applicant, noted the applicant can remove the last two parking spaces at the end of the car wash allowing for the additional turnaround space.

Seth Humphreys, with the Planning Department noted they could add a condition to add the additional turnaround space. Mr. Tokarz subsequently advised the Board that after consultation Mr. Condlin agreed to the addition of condition 15 below.

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 followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. This permit shall apply to the operation of a carwash located on parcel 755-757-9394.
2. **Concept Plan.** Development of a carwash shall be in general conformance with the conceptual plan entitled "Green Clean – 9486 W Broad Street, Concept Layout for Rezoning", dated April 27, 2021, prepared by Kimley-Horn unless otherwise requested and specifically approved at the time of Plan of Development.
3. **Elevations.** A carwash on the Property shall be developed in general conformance with the elevations entitled "Green Clean

Auto Wash”, dated September 27, 2021, prepared by SBA Studios Architectural Design, unless otherwise requested and specifically approved at the time of Plan of Development.

4. **Exterior Materials.** The siding material used on a carwash building shall be one or more of the following materials (above finished grade and exclusive of trim): brick, brick veneer, glass, stone, stone veneer, split face block, cementitious siding, composite-type siding, engineered wood (e.g. LP Smartside), architectural-grade metal panels, textured concrete tilt-up panels, tile, concrete tile and concrete masonry units, unless different architectural treatment and/or materials are specifically approved, at the time of Plan of Development. No 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.
5. **Hours of Operation.** Hours of operation of any carwash and associated vacuums shall be limited to 7 am and 9 pm, Sunday through Saturday.
6. **Outside Speakers.** 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. Sound (s) emitted from the system shall not be audible beyond the property lines of the development;
 - c. Outside speakers and/or sound system shall not be used for the purpose of music.
7. **Dumpster Service.** No dumpster service shall take place between the hours of 10:00 pm and 7:00 am.
8. **Vacuums and Mechanical Equipment.** All vacuums and other mechanical equipment shall be screened from view of adjacent properties. Vacuums and associated mechanical equipment shall be no less than 10' from adjacent properties.
9. **W. Broad Access Prohibition.** There shall be no direct access to W. Broad St from the property which is the subject of this request.
10. **Sidewalks.** Internal walkways shall connect to sidewalks along the northern line of West Broad Street.
11. **Lighting.** Parking lot lighting fixtures shall not exceed eighteen (18) feet in height as measured from the ground 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. Parking lot lighting shall be reduced or turned off after business hours with the exception of minimum lighting requirements for security purposes. Pedestrian-scale lighting shall be provided along West Broad Street, as approved at the time of Plan of Development.

12. **Accessory Structures.** Any accessory structure, including dumpster enclosures, shall be constructed of brick or similar masonry material unless otherwise approved at the time of Plan of Development.
13. **Traffic.** The operator of the car wash will close access to the Property if vehicular queuing extends off of the Property onto the shopping center's shared access drive. Access will be reopened as the queue diminishes and vehicles are no longer queued in the shared access drive.
14. **Landscaping/Buffers.** A minimum of a ten (10) foot wide landscape buffer shall be provided along the property's northern boundary and southern boundary (along W. Broad Street) which shall meet the Transitional Buffer 10 standards of the Henrico County Zoning Ordinance (Section 24-5310), unless otherwise approved at time of Plan of Development. In calculating the total planting requirements within the buffer, the total length of buffer shall exclude the width of all crossing access entrances and easements.
15. **Turnaround.** An additional turnaround space eighteen (18) feet in width shall be provided on the eastern side closest to West Broad Street.

The vote of the Board was as follows:

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

No: None

323-21
REZ2021-
00038
Three Chopt

Bacova SP, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 738-767-3732 containing 2.774 acres located on south line of Kain Road approximately 800' west of its intersection with Pouncey Tract Road (State Route 271).

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

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 Plan.** The Property shall be developed in general conformance with EXHIBIT A, attached (see case file) entitled "WOODSON HILLS AT BACOVA, SECTION 3, THREE CHOPT DISTRICT, HENRICO COUNTY, VIRGINIA", prepared by Youngblood, Tyler & Associates, P.C., and dated July 6, 2021. The exact locations, footprints, configurations, size, and details of the lots, roads and other Improvements shown on the Concept Plan are illustrative and may be 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 subdivision or plan of development review of the Property.
2. **Architectural Features.** All dwellings shall have an architectural style and use design elements generally similar to those images set forth on the Exhibit A (pages 1-4) provided as part of case REZ2019-00030 (see case file). Such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings. Various design elements shall be incorporated to provide variety amongst individual dwelling units including, but not limited to the following: varying colors of brick, brick accents (including, but not limited to, arches with or without keystones, soldier courses, quoin corners, and accent coloring different from any main brick coloring), varying colors of siding, varying window designs, and varying doorway designs. No two homes adjoining each other side by side shall be identical in exterior architectural features and colors. The side of any dwelling that is on the opposite side of the zero-lot line side of the dwelling shall include at least two windows. Any porch (which shall not include front access stoops) shall be a minimum of five feet (5') in depth as measured from the front of the home.
3. **Density.** No more than 45 residential dwelling units shall be constructed on the Property in the aggregate with case REZ2019-00030. Any residual land that is reserved and would be combined with land adjacent to this Property to form a buildable lot would not be counted toward this density restriction.
4. **Home and Lot Details.** Any new home constructed on the Property shall have a minimum of 2,000 square feet of finished floor area and shall be located on a lot with a minimum lot width of 50 feet at the minimum front setback line.
5. **Recreational Facility.** All homes shall have the right to use the recreational facility provided as part of Case C-9C-11 (see case file).
6. **Foundations.** Each dwelling shall be constructed on crawl space foundations, except for basements and garages. The exterior

portion of the foundations below the first-floor level which is above grade shall be finished with full standard brick or stone unless otherwise approved by the Director of Planning. This proffer shall not apply to direct vent gas fireplaces or appliances. Steps to the main entrances of all one-family dwellings, including front access stoops and porches, but not including one-family dwellings with country porches, shall be faced with full standard brick or stone with a finished concrete or exposed aggregate landing for any such steps, stoops or porches. Any visible piers on porches shall be constructed of brick.

7. **Exterior Materials.** Any dwelling, including any garage (whether attached or detached) 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.
8. **Roof Material.** The roof of each dwelling shall be constructed with a roof that has a minimum certified twenty-five (25) year warranty.
9. **Garages.** Every dwelling shall be constructed with no less than a one (1) car garage that shall have a minimum interior clear area of eighteen (18) feet in length by ten (10) feet in width at the time of construction.
10. **Driveways.** All driveways shall be constructed of exposed aggregate, concrete, brick, stone, asphalt, pre-cast pavers or other similar materials approved by the Director of Planning. No individual lots shall have direct access to Kain Road.
11. **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 the 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.
12. **Cantilevering.** No cantilevered features will be allowed on the front or side of the home, except for second story bay windows which will be designed and constructed with decorative corbels.
13. **Lighting.** Pedestrian scale residential lighting 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.

14. **Kain Road Improvements.** The southern side of Kain Road shall be widened and improved to Henrico County public road standards, with curb and gutter, as it adjoins the Property.
15. **Landscaping, Buffer and Fencing Requirements.**
 - a. **Overall.** Any buffer within the Property required herein shall be retained as natural and may also be landscaped, and may include supplemental plantings, signage, berms and/or fencing and other purposes as approved by the Planning Commission at the time of landscape plan review. Buffer areas with installed landscaping shall be irrigated unless otherwise approved by the County at the time of subdivision or plan of development review. Roads, sidewalks, utility easements (including drainage), common owned fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer; provided, any such road or utility easements shall be extended generally perpendicular through such buffer. All buffers, whether in common area or a lot, shall be maintained by the Association, hereinafter defined. No fencing and walls for an individual lot may be located within a buffer. No chain link fencing or stockade fencing shall be permitted on the Property.
 - b. **Kain Road.** A natural and landscaped buffer a minimum of at least twenty-five (25) feet in width and planted to the level of a transitional buffer 25 shall be provided adjacent to Kain Road. Such buffer shall include a fence as depicted on Exhibit 8 from case C-9C-11.
16. **Sidewalks.**
 - a. **Kain Road.** When requested by the County, the area needed to construct a five (5) foot wide sidewalk and two-foot grass strip shall be dedicated to the County along the entire ultimate boundary for the southern line of Kain Road. Should any of the dedicated right-of-way not be used by the County within fifteen (15) years of the date of the dedication, title to the dedicated property will revert to the applicant or its successors in interest. As required at the time of Plan of Development, a sidewalk a minimum of five (5) feet in width, constructed to Henrico County standards, shall be provided along the Property frontage with Kain Road.
 - b. **Internal.** A sidewalk a minimum of 4 feet wide shall be provided on one side of all roads within the Property, unless otherwise approved by the County at the time of subdivision or plan of development review of the Property.
17. **Protective Covenants.** Prior to or concurrent with the final

approval of the initial subdivision or plan of development for the Property, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of the Property and establishing an owners' association (the "Association"). The Association may be a part of a larger association encompassing more property than just the Property. The Covenants shall provide for high standards of uniform maintenance of individual sites, common areas, open space, landscaping and private streets. The Association shall establish uniform rules related to the standards for approval by the Association of improvements within the Property, including, but not limited to, construction of any buildings and other structures and signage.

18. **Lot Landscaping.** A minimum of one (1) tree measuring a minimum of 2.5" shall be retained or planted in the front or side yard of every lot and two (2) such trees on corner lots. All yards on a lot shall be irrigated and planted with sod. Each home shall have prototypical plantings (shrubs and ornamental ground cover) along the entire front foundation as approved by the Planning Commission at the time of subdivision or plan of development review of the Property.
19. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company. Electrical junction boxes and meters shall be screened from public view with a wall, fence, landscaping, or such other method as may be approved by the County at the time of subdivision or plan of development review of the Property.
20. **Best Management Practice.** Best Management Practice structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water-related feature and if specifically permitted by the Director of Planning or the Planning Commission at the time of subdivision or plan of development review of the Property. Any aboveground Best Management Practice structure shall include an aeration feature to move water within such structure.
21. **Hours of Construction.** During the construction of the development on the Property the hours of exterior construction shall be limited to 7:00 a.m. to 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 or utility connections. Exceptions shall require the approval of the Director of Planning. Construction signs shall be posted in English and in

Spanish and shall state the hours of construction.

22. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

No: None

324-21
REZ2021-
00042
Brookland

Gumenick Properties: Request to conditionally rezone from R-3 One-Family Residence District to UMUC Urban Mixed Use District (Conditional) Parcels 772-740-7798, 772-741-6201, -6408, -6715, -7023, -7440, -7848, -7905, -8137, -8211, -8357, -8419, -8836, -8968, -9348, -9573, -9839, 773-741-0179, -0354, -0565, -0945, -1360, -1654, and -2048 containing 8.047 acres located on the north and south lines of Argus Lane at its intersection with Spencer Road.

Mr. Vithoulkas announced agenda items 324-21 and 325-21 are companion cases and will be presented together.

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 followed the recommendation of the Planning Commission with the new and amended proffered conditions dated October 4, 2021.

APPLICABLE TO ALL

1. The proffers applicable to the respective development areas and parcels set forth in REZ2015-00018, as amended by REZ2018-00044, and as further amended hereby, shall be applicable to the development areas and parcels that are the subject of this rezoning request. As a result, the parcel descriptions submitted with REZ2015-00018 and REZ2018-00044 are hereby revised to include the development areas and parcels that are the subject of this rezoning request and this expanded parcel description shall be made a part of REZ2015-00018, as amended by REZ2018-00044, and shall be bound by the proffers applicable thereto, as amended hereby.
2. Condition 2 of REZ2018-00044 is hereby amended and restated as follows:

Pattern Book. The Property shall be developed in general conformance with the illustrations and information set forth in the

“Libbie Mill - Midtown Pattern Book” dated August 15, 2015 (the “Pattern Book”) with replacement pages 19 and 26 filed herewith (see case file), unless otherwise requested and specifically approved by the Planning Director at the time of Plan of Development, which illustrations and information are conceptual in nature and may vary in detail.

3. Condition 3 of REZ2018-00044 is hereby amended and restated as follows:

Overall Density. Including those approved with Case No. REZ2015-00018, as amended by REZ2018-00044, there shall be no more than 2,114 residential units developed on the Property, of which no more than 1,470 may be rental units. In order to meet changing market demands, but subject to the foregoing limits, the Owner reserves the right to adjust upward (other than the number of rental units) and/or downward, the number of each type of unit. The Owner shall maintain a cumulative record of the number and types of units being developed and provide such record to the County with each Plan of Development for residential units.

4. Condition 14 of REZ2018-00044 is hereby amended and restated as follows:

Building Height. Buildings within eighty-five (85) feet of the existing right-of-way of Bethlehem Road or Libbie Avenue shall be limited to eighty-five (85) feet in height.

5. Condition 16 of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director at the time of Plan of Development, buildings shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail, or with the architectural themes of buildings constructed within the project.

6. Condition 24.b of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director at the time of Plan of Development, Townhome A shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail, or with the architectural themes of buildings constructed within the project.

7. Condition 25.b of REZ2018-00044 is hereby amended and restated

as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director at the time of Plan of Development, Townhome B shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail, or with the architectural themes of buildings constructed within the project.

8. Condition 26.b of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director at the time of Plan of Development, Townhome C shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail, or with the architectural themes of buildings constructed within the project.

9. Condition 27.b of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director at the time of Plan of Development, Townhome D shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail, or with the architectural themes of buildings constructed within the project.

10. Condition 29 of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director at the time of Plan of Development, Type E units shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail, or with the architectural themes of buildings constructed within the project.

11. Condition 38 of REZ 2018-00044 is hereby amended by deleting “Planning Commission” and replacing it with “Planning Director.”

APPLICABLE TO AREA BETWEEN SPENCER ROAD AND LIBBIE AVENUE

Two new proffered conditions are added that are applicable only to the approximately 8 acres of Property between Spencer Road and

Libbie Avenue that is the subject of this zoning request ("Additional Land").

12. **Additional Road Improvements.** Unless otherwise approved at the time of Plan of Development, the developer shall provide the following transportation improvements prior to the 100th certificate of occupancy issued within the Additional Land. 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. A five foot (5') sidewalk shall be constructed along the Property's frontage on Libbie Avenue.
 - b. Re-stripe the existing, uninterrupted, on-street parking along the Property's entire Libbie Avenue frontage between Indigo Road and Bethlehem Road, with curb extensions at intersections, maintaining the existing intersection at Leigh Circle as a right-in/right-out and providing a new fourth leg for the Westbourne Drive intersection. The provision of the on-street parking along the entire existing frontage on Libbie Avenue in this manner is in furtherance of the Department of Public Work's plan for on-street parking along the eastern side of Libbie Avenue as shown in Attachment 1 attached hereto (see case file).
13. **Additional Amenity.** After approval of this rezoning request and prior to the issuance of the certificate of occupancy a residential building north of Libbie Lake, an additional amenity shall be substantially completed to provide an additional outdoor activity area within the overall project that will include improvements for child and adult enjoyment. These improvements could include traditional playground equipment, or non-traditional improvements that encourage imaginative and/or creative play, or other types of improvements that foster activity.

The vote of the Board was as follows:

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

No: None

325-21
PUP2021-
00015
Brookland

Gumenick Properties: Request for a Provisional Use Permit under Sections 24-32.1(a, i, n, s, w, z, aa), and 24-122.1 of Chapter 24 of the County Code to incorporate additional property and amend conditions of PUP2018-00016 for the mixed-use development on Parcels 771-740-8005, -9118, 772-740-0431, -1137, -1743, -2229, -2836, -7798, 772-741-6201, -6408, -6715, -7023, -7440, -7848, -7905, -8137, -8211, -8357, -8419, -8836, -8968, -9348, -9573, -9839, 773-739-3547, -3784, -9074, 773-740-4815, -5180, -

9572, 773-741-0179, -0354, -0565, -0945, -1360, -1654, -2048, 774-739-2373, 774-740-0192, -0448, -0863, -3781, -4456, -4637, -4716, -4802, -5174, and Part of Parcel 774-740-0801 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U. S. Route 250) at its intersection with N. Crestwood Avenue and between the east line of Libbie Avenue and west line of Staples Mill Road (U. S. Route 33) south of Bethlehem Road.

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 followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. **Height Limitations.** Height limitations shall be as follows, unless otherwise permitted during the Plan of Development for such building or restricted by proffered condition:

- Three buildings may be up to a maximum of 175 feet in height; and
- The remainder of all buildings, other than townhouses or two-over-two stacked condominiums, may be up to a maximum of 100 feet in height.

2. **Floor Area Limitations.** The maximum square footage of any use other than an office building, parking garage, hotel or multi-unit residential use shall not exceed 25,000 square feet in floor area, except that:

- A fitness center/health club and a food hall may be permitted up to 60,000 square feet of floor area;
- A theater may be permitted up to 50,000 square feet of floor area;
- A grocery store and/or gourmet food store shall each be permitted up to 65,000 square feet of floor area; and
- A public library may be permitted up to 65,000 square feet of floor area.

3. **Vendor Areas.** Areas of the Property may be designated on the Master Plan, as 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. Clearance areas next to

outdoor vending areas shall not be reduced to less than four (4) feet, except to accommodate a permitted festival or other similar special event. Convenience trash receptacles shall be provided for each block that contains an outdoor vending area.

4. **Drive-Through Service.** Drive-through service windows for specialty coffee, specialty beverage or pastry, banks, drug stores, and dry cleaner uses shall be the only drive through services permitted on-site.
5. **Outdoor Dining.** Outdoor dining areas shall be designated on an approved Plan of Development and shall not reduce the adjacent sidewalk width to less than five (5) feet, unless otherwise approved by the Director of Planning.
6. **Emergency Communication Systems.** This condition shall apply to every new building and any subterranean parking or storage area except the following:
 - Above grade single-story buildings of less than 20,000 square feet;
 - Elevators; and
 - Stairwells.

All new buildings shall have approved radio coverage for emergency responders within the building based upon the County's existing public safety communication systems coverage levels at the exterior of the building. This shall not require improvement of the existing public safety communication systems.

Buildings and structures that cannot be constructed to provide the minimum coverage specifications shall be equipped with an amplification system or an active device that complies with the following criteria or any other system approved in writing by the Henrico County Communications Systems Manager.

The owner of any building or structure to which this condition applies shall be responsible for all costs including design, purchase, installation, periodic testing and maintenance associated with the in-building solution.

Buildings and structures which cannot support the required level of radio coverage shall be equipped with a radiating cable system, a distributed antenna system with Federal Communications Commission (FCC)-certified signal boosters, or other system approved by the County of Henrico Communications Systems Manager, in order to achieve the required adequate radio coverage.

Amplification systems capable of operating on frequencies

licensed to any public safety agency by the FCC shall not be installed without prior coordination and approval of the Henrico County Communications Systems Manager. The in-building solution shall be capable of modification or expansion in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC.

The emergency responder radio coverage system installation and components shall also comply with all applicable federal regulations including, but not limited to, FCC 47 CFR Part 90.219. All new in-building solutions installed must be registered with the FCC per the public notice DA 14-15 January 7, 2014.

7. **Fire Protection-Structured Parking.** A 3" standpipe for fire protection shall be provided within all structured parking at approximately 200' intervals. The exact location of these improvements will be determined by the Division of Fire during Plan of Development review.
8. **Fire Protection.** All structures, including parking structures, other than open, standalone parking garages, shall be fully sprinkled for fire protection.
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. The applicant shall implement mutually agreed upon security recommendations.
10. **Proffered Conditions.** All proffered conditions accepted with case REZ2021-00042 shall be made a part of this Provisional Use Permit.
11. **Separation Between Townhouse Buildings.** Any two rows of townhouse buildings shall be separated by a distance of not less than five (5) feet.
12. **Parking Plan.** Required parking shall be determined utilizing a combination of the Parking Demand Ratios, the Mixed-Use Ratios and the Modal Split percentages to arrive at the initial parking demand. Season Factor and Time of Day Factors shall be applied to identify the effective peak demand which will generate the total parking requirement for each land bay considered for improvement and submitted for POD and/or Subdivision Review. Capitalized terms used herein are as defined in the Libbie Mill Shared Parking Study dated August 11, 2014, as updated (see Case File), prepared by Walter P. Moore.
13. **Signage Plan.** Signage provided throughout the development shall be consistent with the Libbie Mill Signage Guidelines dated

June 2014, or with the UMU Ordinance if the UMU Ordinance is less restrictive at the time of sign permit application, unless otherwise approved by the Director of Planning.

14. **Parking Garages.** Parking garages shall be allowed with no associated ground floor retail uses/useable floor space for residential or nonresidential uses along any facade facing a street. Such parking garages shall be predominately finished with brick, glass, architectural precast concrete, cementitious or composite-type siding, stone, stone veneer, split face block, architectural-grade metal panels, or a combination of the foregoing or other material(s) of similar quality, unless otherwise approved by the Planning Commission through the Plan of Development process. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block or industrial-grade metal, unless otherwise approved by the Planning Commission through the Plan of Development process.
15. **Commercial/Office Square Footage.** Commercial and office square footage shall be allowed to be less than 25 percent of the total building square footage of the UMU district, but in no case less than 10 percent.
16. **Multifamily Residential Percentage.** The number of for-lease multifamily dwelling units shall be allowed to exceed 30 percent of the total dwelling units of the UMU district, but in no case shall exceed 1,470 units.

The vote of the Board was as follows:

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

No: None

PUBLIC HEARINGS – OTHER ITEMS

326-21 Ordinance - To Amend and Reordain Section 20-273 Titled "Definitions," Section 20-274 Titled "Levy; amount," Section 20-275 Titled "Collection," and Section 20-276 Titled "Reports and remittance of tax" of the Code of the County of Henrico to Conform to 2021 Changes in State Law Regarding Transient Occupancy Taxes.

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

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

327-21 Ordinance - To Add Article VIII Titled "Residential Rental Inspection Program" to Chapter 6 of the Code of the County of Henrico to Create a Program to Inspect Residential Rental Dwelling Units for Building Code Violations and to Establish an Inspection District for Glenwood Farms.

The following citizens spoke in opposition to this item:

Sheron Clark, a resident of Glenwood Farms in the Fairfield District, spoke in opposition and stated she has signed petitions from residents who wish to give the maintenance team a chance to fix the issues.

Mr. Nelson expressed frustration because the landlord has failed to fix numerous violations on the property.

A Glenwood Farms maintenance worker spoke in opposition to the ordinance because employees are working to fix problems in the complex and he is against random inspections.

Eric Leabough, Director of Community Revitalization, stated several residents have consented to inspections of their units, and Greg Revels, Building Official, stated that inspectors would get consent to enter anyone's apartment.

Mr. Thornton stated that the Board was listening to the speakers' concerns but felt some action was needed.

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

328-21 Public Hearing - To Receive Comment on 2021 Reapportionment of Henrico Election Districts.

Mr. Schmitt stated the purpose of tonight's hearing was to receive public comment on the reapportionment of Henrico's magisterial districts. He also announced that County staff members will hold additional public input sessions, and the Board will then hold public hearings to consider specific proposed plans.

Monica Hutchinson, a resident of the Fairfield District, voiced concerns about Virginia's long history of voting restrictions and the effect on black and brown voters. She asked that we be one Henrico and that black voters be heard and be included in the reapportionment process.

Frank Callahan, a resident of the Three Chopt District, asked about the accuracy of the population numbers to be used in reapportionment. Joe Emerson, Director of Planning, stated the population information came from the U. S. Census and had to be accepted as provided.

329-21 Resolution - Signatory Authority - Conveyance of Surplus Lots - Lakeview Manor Subdivision - Brookland District.

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

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

- 330-21 Resolution - Condemnation - Right-of-Way and Easements - Three Chopt Road Improvements Project - AG-MR Short Pump Owner, LLC - Three Chopt District.

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

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

- 331-21 Resolution - Condemnation - Right-of-Way and Easements - Three Chopt Road Improvements Project - West Broad Village Master Association, Inc. - Three Chopt District.

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

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

- 332-21 Resolution - Condemnation - Rights-of-Way and Easements - Three Chopt Road Improvements Project - Three Chopt Village Townhouse Association, Inc. - Three Chopt District.

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

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

- 333-21 Resolution - Condemnation - Right-of-Way and Easements - Three Chopt Road Improvements Project - Churchill Property Portfolio Owner, LLC - Three Chopt District.

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

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

- 334-21 Resolution - Condemnation - Rights-of-Way and Easements - Three Chopt Road Improvements Project - Ruxton Services, Inc. - Three Chopt District.

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

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

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

- 335-21 Introduction of Ordinance - To Amend and Reordain Section 20-81 Titled "Partial exemption for rehabilitated, renovated or replacement commercial and industrial structures" of the Code of the County of Henrico to Expand the Tax Exemption Program.
- On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached introduction of ordinance.
- 336-21 Introduction of Ordinance - To Add Article IX Titled "Henrico Investment Program" to Chapter 6 of the Code of the County of Henrico to Provide Development and Redevelopment Incentives in Designated Areas of the County.
- On motion of Mr. Nelson, seconded by Mr. Branin, and by unanimous vote, the Board approved this item – see attached introduction of ordinance.
- 338-21 Resolution - Award of Contract - Criminal Investigations and Internal Affairs Office Renovation - Brookland District.
- On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.
- 339-21 Resolution - Acquisition of Right-of-Way and Easements - 3400 Cox Road - Three Chopt District.
- On motion of Mrs. O'Bannon, seconded by Mr. Branin, and by unanimous vote, the Board approved this item – see attached resolution.
- 340-21 Resolution - Award of Contract - Emergency and Cold Weather In-Place Asphalt Concrete Paving Repairs.
- On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached resolution.
- 341-21 Resolution - Award of Construction Contract - Relocation of Duct Bank - Water Reclamation Facility - Varina District.
- On motion of Mr. Nelson, seconded by Mr. Branin, and by unanimous vote, the Board approved this item – see attached resolution.
- 342-21 Resolution - Award of Construction Contract - Truck Scales Replacement Project - Water Reclamation Facility and Springfield Road Landfill - Varina and Three Chopt Districts.

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

343-21 Resolution - Award of Contract - Old Nine Mile Road Landfill Stream Restoration - Varina District.

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

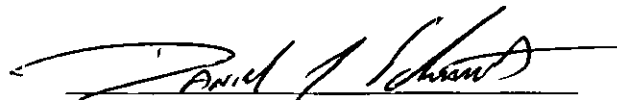
344-21 Resolution - Acceptance of Road - Three Chopt District.

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

345-21 Resolution - Approval of Participation in Proposed Opioid Litigation Settlements - McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, Inc.

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

There being no further business, the meeting was adjourned at 10:13 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

Recognizing the 20th Anniversary of the Henrico Citizen

WHEREAS, Tom Lappas graduated from the University of Richmond with a degree in journalism; and

WHEREAS, Mr. Lappas founded T3 Media, LLC and published the first printed edition of the *Henrico Citizen* (the *Citizen*) on September 20, 2001; and

WHEREAS, Mr. Lappas oversees the journalistic coverage and business operations of the *Citizen*, reports on a variety of local topics, and records and publishes the weekday podcast “Henrico News Minute”; and

WHEREAS, Managing Editor Patty Kruszewski, Online and Events Editor Sarah Story, Business Development Manager and podcast host Tara Gray, and seasonal interns also play important roles in producing the *Citizen*; and

WHEREAS, in 2021, the *Citizen* became only the second Virginia newsroom to partner with Report for America and hired its first full-time reporter, Anna Bryson, to cover education matters; and

WHEREAS, the *Citizen* has earned 237 awards for excellence in journalism and advertising, including recognition by the Virginia Press Association, the Virginia Professional Communications, and the National Federation of Press Women; and

WHEREAS, the economic impacts of the COVID-19 pandemic caused nearly all of the *Citizen*’s advertisers to withdraw their support in 2019, and the *Citizen* transitioned to a fully digital, weekday publication with nearly 70,000 unique readers per month; and

WHEREAS, the *Citizen* was one of three Virginia newsroom recipients to earn a significant grant from the Facebook Journalism Project COVID-19 Local News Relief Fund in 2020; and

WHEREAS, the *Citizen* remains the hometown news source of Henrico County’s 330,000-plus residents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, commends Tom Lappas and the *Citizen* staff for their dedicated commitment to independently reporting the news to the Henrico community on the 20th anniversary of the first printed edition of the *Henrico Citizen*.





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 318-21

Page No. of

Agenda Title: RESOLUTION – Honoring the Late Dr. Louis H. Manarin

For Clerk's Use Only:

Date: 10/12/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred

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, Louis H. Manarin was born on April 1, 1932, in Washington, D.C.; and

WHEREAS, he attended Valley Forge Military Academy, earned a bachelor's degree from Western Maryland College, and earned master's and doctoral degrees from Duke University; and

WHEREAS, from 1969 to 1995, Dr. Manarin served as the State Archivist for the Virginia State Library, which became known as the Library of Virginia in 1994; and

WHEREAS, Dr. Manarin authored, co-authored, or edited over one dozen books and numerous other documents recounting various historical events within Virginia and North Carolina; and

WHEREAS, Dr. Manarin featured extensive accounts of Henrico County's history in the following works: *The History of Henrico County* (co-authored by Clifford Dowdey); *Henrico County Field of Honor, Volumes I and II*; *Henrico County - Images of America*; and *The History of Henrico County – 400th Anniversary Edition* (co-authored by Charles H. Peple); and

WHEREAS, because of his extensive background in historical research, Dr. Manarin was appointed to several Henrico County committees, including the Historic Preservation Advisory Committee of which he was a founding member; the Henrico Historical Society of which he served as inaugural editor of the group's print publications; and the Henrico County 2011 Commemorative Commission; and

WHEREAS, after a lifetime of research and chronicling history, Dr. Manarin passed away at 89 years of age on August 20, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, wishes to recognize the late Dr. Louis H. Manarin for his meticulous research and preservation of the story of Henrico County by naming the North Park Branch Library's meeting room in his honor.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall prepare a copy of this resolution for display in the North Park Branch Library as a sincere expression of the County's appreciation for Dr. Manarin's service.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:

Resolution



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

Honoring the Late Dr. Louis H. Manarin

WHEREAS, Louis H. Manarin was born on April 1, 1932, in Washington, D.C.; and

WHEREAS, he attended Valley Forge Military Academy, earned a bachelor's degree from Western Maryland College, and earned master's and doctoral degrees from Duke University; and

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WHEREAS, after a lifetime of research and chronicling history, Dr. Manarin passed away at 89 years of age on August 20, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, wishes to recognize the late Dr. Louis H. Manarin for his meticulous research and preservation of the story of Henrico County by naming the North Park Branch Library's meeting room in his honor.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall prepare a copy of this resolution for display in the North Park Branch Library as a sincere expression of the County's appreciation for Dr. Manarin's service.




Daniel J. Schmitt, Chairman



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 319-21

Page No. 1 of 1

Agenda Title: RESOLUTION – Resignation of Member – Economic Development Authority

For Clerk's Use Only:

Date: 10/12/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Branin (2) Nelson
Seconded by (1) Nelson (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, on November 10, 2020, Jennifer Hendren was reappointed to the Board of Directors of the Economic Development Authority for a four-year term expiring November 13, 2024; and,

WHEREAS, by correspondence dated September 27, 2021, Ms. Hendren submitted her resignation from the Board of Directors, effective September 27, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, hereby accepts the resignation of Jennifer Hendren from the Board of Directors of the Economic Development Authority.

By Agency Head _____

By County Manager _____

Certified:
A Copy Teste: _____

Clerk, Board of Supervisors

Copy to: _____

Date: _____

S
9-28-21
Tanya Brackett

Jennifer Hendren, CDME
Brand Strategy | Marketing
Communications | Research
804-241-9062

September 27, 2021

Mr. Dan Schmitt
Henrico County Board of Supervisors
Brookland District

Dear Mr. Schmitt,

As you know, my recent retirement from Richmond Region Tourism has prompted my decision to move from Virginia to be closer to family in Indiana.


Because of my upcoming move, I am submitting my resignation from the Board of Directors of the Henrico Economic Development Authority, effective today.

Serving on the EDA Board over the past years has been a tremendous privilege and an honor, and I appreciate your confidence in appointing me to serve. As I've said so many times, the EDA team's achievements and successes during an unprecedented time in American history are noteworthy and commendable. My Board colleagues are thoughtful, committed, judicious, and future focused. Anthony Romanello's leadership sets the very highest standard, and the wins on the scoreboard are proof that the Henrico EDA team is the very best in the nation. I am so proud of them!

I will miss so many things about Virginia – in particular, living in one of the best managed counties in the nation with leadership, investment and government services that are truly focused on the prosperity and quality of life of residents.

Thank you for all you do for the Brookland District, for Henrico County, and for the Commonwealth of Virginia.

Sincerely,



Jennifer Hendren



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 326-21

Page No. 1 of 1

Agenda Title: ORDINANCE — To Amend and Reordain Section 20-273 Titled "Definitions," Section 20-274 Titled "Levy; amount," Section 20-275 Titled "Collection," and Section 20-276 Titled "Reports and remittance of tax" of the Code of the County of Henrico to Conform to 2021 Changes in State Law Regarding Transient Occupancy Taxes

For Clerk's Use Only:

Date: 10/12/2024

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

After a duly advertised public hearing, the Board of Supervisors of Henrico County, Virginia, adopted the attached ordinance.

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

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:

BLACKLINE

ORDINANCE — To Amend and Reordain Section 20-273 Titled “Definitions,” Section 20-274 Titled “Levy; amount,” Section 20-275 Titled “Collection,” and Section 20-276 Titled “Reports and remittance of tax” of the Code of the County of Henrico to Conform to 2021 Changes in State Law Regarding Transient Occupancy Taxes

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

1. That Section 20-273 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-273. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accommodations mean any room or space, suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes, where a price is paid in a retail sale by or for a transient for the use or possession of the room or space in any hotel, motel, boarding house, travel campground, short-term rental, or other facility offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days.

Accommodations fee means the room charge less the discount room charge, if any, provided that the accommodations fee may not be less than \$0.

Accommodations intermediary means any person other than an accommodations provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, “facilitates the sale” includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

Accommodations intermediary does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; or

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person.

Accommodations provider means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

Affiliate means with respect to any person, any other person directly or indirectly controlling, controlled by, or under common control with such person. For purposes of this definition, "control" (including controlled by and under common control with) means the power, directly or indirectly, to direct or cause the direction of the management and policies of such person whether through ownership or voting securities or by contract or otherwise.

Director means the director of finance of the county.

Discount room charge means the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

~~*Hotel* includes, but is not limited to, any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, boardinghouse, short term rental, or other lodging place within the county, offering lodging to any transient for compensation.~~

~~*Lodging* includes, but is not limited to, any space or room furnished any transient.~~

Operator means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

Person includes, but is not limited to, an individual, firm, partnership, association, corporation, person acting in a representative capacity, or any group of individuals acting as a unit.

Retail sale means a sale to any person for any purpose other than for resale.

Room charge means the full retail price charged to the customer by the accommodations intermediary for the use of the accommodations, including any accommodations fee, before taxes. The room charge will be determined in accordance with 23VAC10-210-730 and the related rulings of the Virginia Department of Taxation on the same.

~~Room rental means the total charge, exclusive of any tax imposed on such charge, made by any hotel for lodging furnished any transient. If the charge made by any hotel to a transient includes any charge for services or accommodations in addition to that of lodging or use of space, then such portion of the total charge as represents only lodging or space rental shall be distinctly set out and billed to such transient by such hotel as a separate item.~~

Short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Transient means the same person who, for a period of less than 30 consecutive days, either at his own expense or at the expense of another, obtains lodging or the use or possession of a room or space in any hotel or travel campground accommodation, for which lodging or use of space a charge is made in a retail sale.

~~Travel campground means any area, site, lot, field or tract of land offering spaces for recreational vehicles or campsites for transient dwelling purposes, or temporary dwelling during travel, recreational or vacation uses.~~

2. That Section 20-274 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-274. Levy; amount.

(a) There is hereby imposed and levied by the county on each transient a tax in the percentages established below of the total amount price paid for room rental by or for any transient to any hotel or travel campground in a retail sale by the customer for any accommodation:

(1) Pursuant to Code of Virginia, § 58.1-3819, two percent.

(2) Pursuant to Code of Virginia, § 58.1-3823(A)1, four percent.

(3) Pursuant to Code of Virginia, § 58.1-3823(A)2, two percent.

(b) Such tax shall must be collected from such transient at the time and in the manner provided in this article.

3. That Section 20-275 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-275. Collection and billing.

(a) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must collect the tax imposed pursuant to this article, computed on the total price paid for the use or possession of the accommodations. The accommodations provider must separately state the amount of the tax in the bill, invoice, or similar documentation and must add the tax to the total price paid for the use or possession of the accommodations.

(b) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary will be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary must collect the tax imposed pursuant to this article, computed on the room charge. The accommodations intermediary must separately state the amount of the tax on the bill, invoice, or similar documentation and add the tax to the room charge; thereafter, such tax is a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

(c) If the total price paid by the customer for any accommodation includes any charge for services in addition to that of use or possession of the room or space occupied, then such portion of the total charge as represents only use or possession of the room or space occupied must be distinctly set out and billed to such transient as a separate item.

(d) Every person receiving any payment in accordance with the provisions of this section for room rental any accommodation with respect to which a tax is levied under this article shall must collect the amount of tax thereby imposed from the transient on whom the tax is levied, or from the person paying for such room rental accommodation, at the time payment for such room rental accommodation is made. Such tax shall will be deemed to be held in trust by the person required to collect the tax until remitted to the county as required in this article.

4. That Section 20-276 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-276. Reports and remittance of tax.

(a) Generally. Except as provided in subsections (b) and (c), the person collecting the tax levied under this article shall is liable for the tax and must make a report upon such forms and setting forth such information as the director may prescribe and require. Such reports shall must show the amount of room rental charges collected and the tax required to be collected; and shall must be signed and delivered to the director with a remittance of such tax. Such report and remittance shall must be made at least once in every 30-day period and not later than the 20th day of the month next following the month in which such tax was collected.

(b) Accommodations at hotels facilitated by accommodations intermediaries. Notwithstanding the provisions of subsection (a), for any retail sale of accommodations at a hotel facilitated by an accommodations intermediary, the accommodations intermediary must remit the taxes on the accommodations fee to the county and remit any remaining taxes to the hotel, which must remit such taxes to the county.

(c) Limitation of liability for accommodations intermediaries. Notwithstanding the provisions of subsection (a), an accommodations intermediary is not liable for taxes under this article remitted to an accommodations provider but that are then not remitted to the county by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider is liable for that portion of the taxes under this article that relate to the discount room charge only to the extent that the accommodations intermediary has remitted such taxes to the accommodations provider.

5. That this ordinance shall be in full force and effect on and after its passage as provided by law.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 327-21

Page No. 1 of 1

Agenda Title: ORDINANCE — To Add Article VIII Titled “Residential Rental Inspection Program” to Chapter 6 of the Code of the County of Henrico to Create a Program to Inspect Residential Rental Dwelling Units for Building Code Violations and to Establish an Inspection District for Glenwood Farms

For Clerk's Use Only:

Date: 10/12/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton Seconded by (1) O'Bannon
(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"/>

After a duly advertised public hearing, the Board of Supervisors of Henrico County, Virginia, adopted the attached ordinance.

Comments: The Building Official recommends approval of the Board paper, and the County Manager concurs.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to: _____

Date: _____

BLACKLINE

ORDINANCE — To Add Article VIII Titled “Residential Rental Inspection Program” to Chapter 6 of the Code of the County of Henrico to Create a Program to Inspect Residential Rental Dwelling Units for Building Code Violations and to Establish a Rental Inspection District for Glenwood Farms

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

1. That Article VIII be added to Chapter 6 of the Code of the County of Henrico as follows:

ARTICLE VIII. RESIDENTIAL RENTAL INSPECTION PROGRAM

Sec. 6-175. Purpose.

The purpose of this article is to promote safe, decent, and sanitary housing in Henrico County.

Sec. 6-176. Definitions.

For purposes of this article:

“Dwelling unit” means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household.

“Owner” means the person shown in the current real estate assessment records.

“Residential rental dwelling unit” means a dwelling unit that is leased or rented to one or more tenants. A dwelling unit occupied in part by the owner thereof will not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas and a bathroom.

Sec. 6-177. Compliance with other laws.

Inspections must comply with all state and federal laws, including constitutional requirements governing searches.

The provisions of this article do not (i) alter the rights and obligations of landlords and tenants under the provisions of chapter 12 (§ 55.1-1200, et seq.) or chapter 14 (§ 55.1-1400 et seq.) of title 55.1 of the Code of Virginia, as

amended, or (ii) alter the duties and responsibilities of the building official under Code of Virginia sec. 36-105 and this chapter to enforce the building code.

Sec. 6-178. Designation of rental inspection district.

The board of supervisors finds that (i) there is a need to protect the public health, safety, and welfare of the occupants of dwelling units inside the rental inspection district designated in this section; (ii) the residential rental dwelling units within the designated rental inspection district are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in need of inspection by the building official to prevent deterioration, taking into account the number, age, and condition of residential dwelling rental units inside the designated rental inspection district; and (iii) the inspection of residential rental dwelling units inside the designated rental inspection district is necessary to maintain safe, decent, and sanitary living conditions for tenants and other residents living in the rental inspection district. Therefore, the board designates the following rental inspection district, pursuant to Code of Virginia, § 36-105.1:1, as amended:

Glenwood Farms Rental Inspection District. The boundaries of the Glenwood Farms Rental Inspection District are shown on the map attached to this ordinance and incorporated by reference. A copy of the map is maintained in the office of the building official.

Sec. 6-179. Inspections authorized.

The board authorizes the building official to inspect residential rental dwelling units within the designated rental inspection district pursuant to the procedures set forth in this section and in conformance with the requirements of sec. 6-177.

1. *Notification upon establishment of district.* Upon the adoption of this ordinance establishing a rental inspection district, the building official will make reasonable efforts to notify owners of residential rental dwelling units within the designated rental inspection district, or their designated managing agents, of the adoption of the ordinance and provide information and an explanation of the rental inspection ordinance and the responsibilities of the owner thereunder.
2. *Initial inspection of dwelling units.* Upon the establishment of the rental inspection district, the building official may, in conjunction with the written notifications provided for in Code of Virginia § 36-105.1:1(C), proceed to inspect dwelling units in the designated rental inspection district to determine if the dwelling units are being used

as residential rental property and for compliance with the provisions of the building code that affect the safe, decent, and sanitary living conditions for the tenants of such property.

3. *Initial and periodic inspections of multifamily dwelling units.* If a multifamily development has more than 10 dwelling units, in the initial and periodic inspections, the building official may inspect only a sampling of dwelling units, of not less than two and not more than 10 percent of the dwelling units, of the multifamily development, which includes all of the multifamily buildings which are part of that multifamily development. If the building official determines upon inspection of the sampling of dwelling units that there are violations of the building code that affect the safe, decent, and sanitary living conditions for the tenants of such multifamily development, the building official may inspect as many dwelling units as necessary to enforce the building code.
4. *Follow-up inspections.* Upon the initial or periodic inspection of a residential rental dwelling unit subject to this article, the building official has the authority under the building code to require the owner of the dwelling unit to submit to such follow-up inspections of the dwelling unit as the building official deems necessary, until such time as the dwelling unit is brought into compliance with the provisions of the building code that affect the safe, decent, and sanitary living conditions for the tenants.
5. *Periodic inspections.* Except as provided in subdivision 4 above, following the initial inspection of a residential rental dwelling unit subject to this article, the building official may inspect any residential rental dwelling unit in a rental inspection district, that is not otherwise exempted in accordance with section 6-180, no more than once each calendar year.

Sec. 6-180. Exemptions.

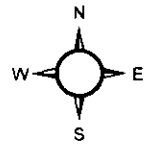
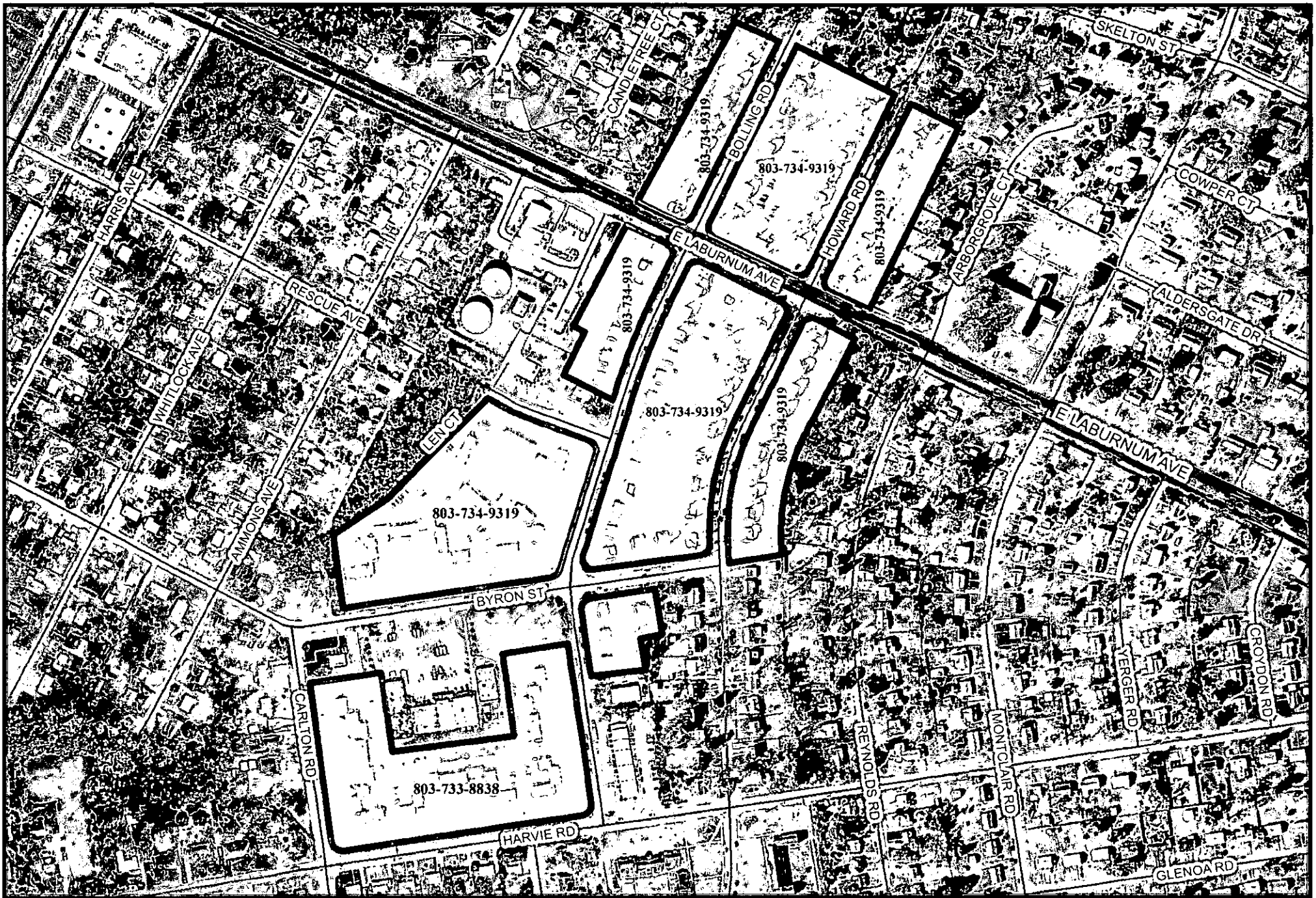
Upon the initial or periodic inspection of a residential rental dwelling unit subject to this article for compliance with the building code, provided that there are no violations of the building code that affect the safe, decent, and sanitary living conditions for the tenants of such residential rental dwelling unit, the building official will provide, to the owner of such residential rental dwelling unit, an exemption from this article for a minimum of four years. Upon the sale of a residential rental dwelling unit, the building official may perform a periodic inspection as provided in subdivision 5 of section 6-179, subsequent to such sale. If a residential rental dwelling unit has been issued a certificate of occupancy within the last four years, an exemption will be granted for a minimum period of four years from the date of the issuance of

the certificate of occupancy by the building official. If the residential rental dwelling unit becomes in violation of the building code during the exemption period, the building official may revoke the exemption previously granted under this section.


Sec. 6-181. Penalties.

Penalties for violations of this article will be the same as the penalties provided in the building code.

2. That this ordinance shall be in full force and effect on and after its passage as provided by law.



Legend

-  Glenwood Farms Rental Inspection District Boundaries

Glenwood Farms - Rental Inspection District

This map has been produced on Henrico County's Geographic Information System using the best data available to the County. This map is to be used for reference purposes only and the County of Henrico makes no warranty as to its completeness or accuracy. Any determination of topography or contours, or any implication of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

Public Hearing — To Receive Public Comment on 2021 Reapportionment of Henrico Election Districts.

Note: A court reporter will be present to take a transcript of this hearing item.

**Statement of the Chair
October 12, 2021**

County Manager – The next item on your agenda is a public hearing to receive public comment on the 2021 reapportionment of local election districts. This hearing was advertised in multiple ways, including in the Richmond Times Dispatch, Richmond Free Press, and Henrico Citizen. Mr. Chairman, I will turn it over to you.

Chair – Thank you, Mr. Manager. Ladies and Gentlemen here in person or viewing the live video stream at home, I want to thank you for joining us tonight for this public hearing.

The purpose of tonight's hearing is to receive public comment on the reapportionment of Henrico's local election districts. As many of you know, the County gained 27,454 residents over the past decade. According to the Census, most of that growth occurred in the northwestern part of the County, and the law requires us to reapportion our population among the County's local election districts to comply with the "one-person, one-vote" standard for election districts. In doing so, we want to create compact, contiguous

districts; preserve the basic shape of our existing districts; avoid splitting neighborhoods; avoid minority vote dilution; and follow the traditional reapportionment criteria consistent with the law and the resolution adopted by this Board on July 13.

Tonight, we ask for your views as to how you would like to see our election district lines redrawn. In a few moments, our Director of Planning, Mr. Emerson, will give a presentation on the census data and the reapportionment process. Then, we will listen to you and learn your views. Many of you watching may prefer to submit written comments or suggestions instead of speaking tonight. And there are a number of ways to do that, which Mr. Emerson will share in his presentation – including by email, through our web site, or by letter.

Finally, I note that tonight will not be the only opportunity for the public to provide comments. Staff will hold additional public input sessions later this month, and the Board will then hold public hearings for consideration of specific proposed reapportionment plans. I hope our residents will stay engaged during the whole process and provide comments all along the way.

With that, I will ask Mr. Emerson to provide the overview.



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

Agenda Item No. 329-21

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Conveyance of Surplus Lots — Lakeview Manor Subdivision — Brookland District

For Clerk's Use Only:

Date: 10/12/2021

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T. ✓ _____

Nelson, T. ✓ _____

O'Bannon, P. ✓ _____

Schmitt, D. ✓ _____

Thornton, F. ✓ _____

WHEREAS, the County owns Lots 13, 14, and 15 in Block A, Section 1 of the Lakeview Manor subdivision which have the addresses of 3101, 3103, and 3105 Manor Circle (GPIN#s 774-743-4799, 774-744-4510, and 774-744-4218); and,

WHEREAS, the County owns Lots 18 and 19 in Block A, Section 2 of the Lakeview Manor subdivision which have the addresses of 3104 and 3106 Aqua Court (GPIN#s 774-744-5714 and 774-744-5422); and,

WHEREAS, the Henrico County School Board wishes to obtain these lots as shown on Exhibit A for its technical education program; and,

WHEREAS, the lots are surplus to the needs of the County; and,

WHEREAS, the Board of Supervisors is willing to convey the lots subject to the reservation of necessary easements; and,

WHEREAS, this resolution was advertised, and a public hearing was held on October 12, 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 lots are declared surplus to the needs of the County; and (2) the Chairman and Clerk are authorized to execute deeds, and the County Manager is authorized to execute closing and any other documents necessary to convey the lots, all in a form approved by the County Attorney.

Comments: The Real Property Department has processed the conveyances through the Departments of Planning, Public Works, and Public Utilities without objection. The Deputy County Manager for Community Operations recommends approval of the Board paper; the County Manager concurs.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to: _____

Date: _____

Exhibit A





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 330-21

Page No. 1 of 2

Agenda Title: RESOLUTION — Condemnation — Right-of-Way and Easements — Three Chopt Road Improvements Project — AG-MR Short Pump Owner, LLC — Three Chopt District

For Clerk's Use Only:

Date: 10/12/2021

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Branin Seconded by (1) Nelson
(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, it is necessary for construction of the Three Chopt Road Improvements Project (the "Project") that the County acquire fee simple right-of-way containing 40,093 square feet, a permanent drainage easement containing 11,276 square feet, a temporary construction easement containing 12,979 square feet, a permanent utility easement for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Energy Virginia, containing 201 square feet, and a permanent utility easement for Verizon Virginia, LLC, a Virginia limited liability company, containing 10,679 square feet (collectively, the "Right-of-Way and Easements"), across the property located at 11400 Three Chopt Road, identified as Tax Map Parcel 745-759-3247, owned by AG-MR Short Pump Owner, LLC (the "Owner"); and,

WHEREAS, the County has offered the Owner a total of \$607,630 as compensation for the Right-of-Way and Easements and the cost to cure the remainder property, and the parties cannot agree on the compensation to be paid; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise the authority granted by the Code of Virginia (the "Code") to acquire title, to enter upon and to take possession of the Right-of-Way and Easements, and to construct the Project prior to or during the condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §§ 15.2-1903 and 15.2-1905 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owner's property.

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. 330-21

Page No. 2 of 2

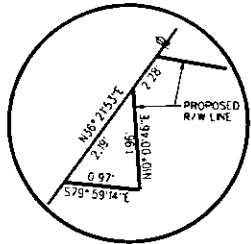
Agenda Title: RESOLUTION — Condemnation — Right-of-Way and Easements — Three Chopt Road Improvements Project — AG-MR Short Pump Owner, LLC — Three Chopt District

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, under, upon, across, and through the property of the Owner, as shown on three plats made by NXL, each dated March 30, 2018, revised January 3, 2020, reduced size copies of which are attached and marked Exhibits "A," "A-1," and "A-2," and further described on Sheet Nos. 7 and 8, dated January 6, 2020, and July 22, 2021, respectively, of the plans for Three Chopt Road, Project 00607, reduced size copies of which are attached and marked Exhibits "B," and "B-1";
- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to or during condemnation proceedings in accordance with the Code;
- (3) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession, and acquisition of the Right-of-Way and Easements;
- (4) The Board authorizes the County Attorney to institute and conduct condemnation proceedings to acquire the Right-of-Way and Easements in accordance with the Code; and
- (5) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take possession of the required Right-of-Way and Easements in accordance with the Code.

Comments: The Real Property Department has been unsuccessful in negotiating an agreement for the acquisition of the Right-of-Way and Easements. Therefore, the Deputy County Manager for Community Operations and the Director of Public Works recommend approval of this Board paper; the County Manager concurs.

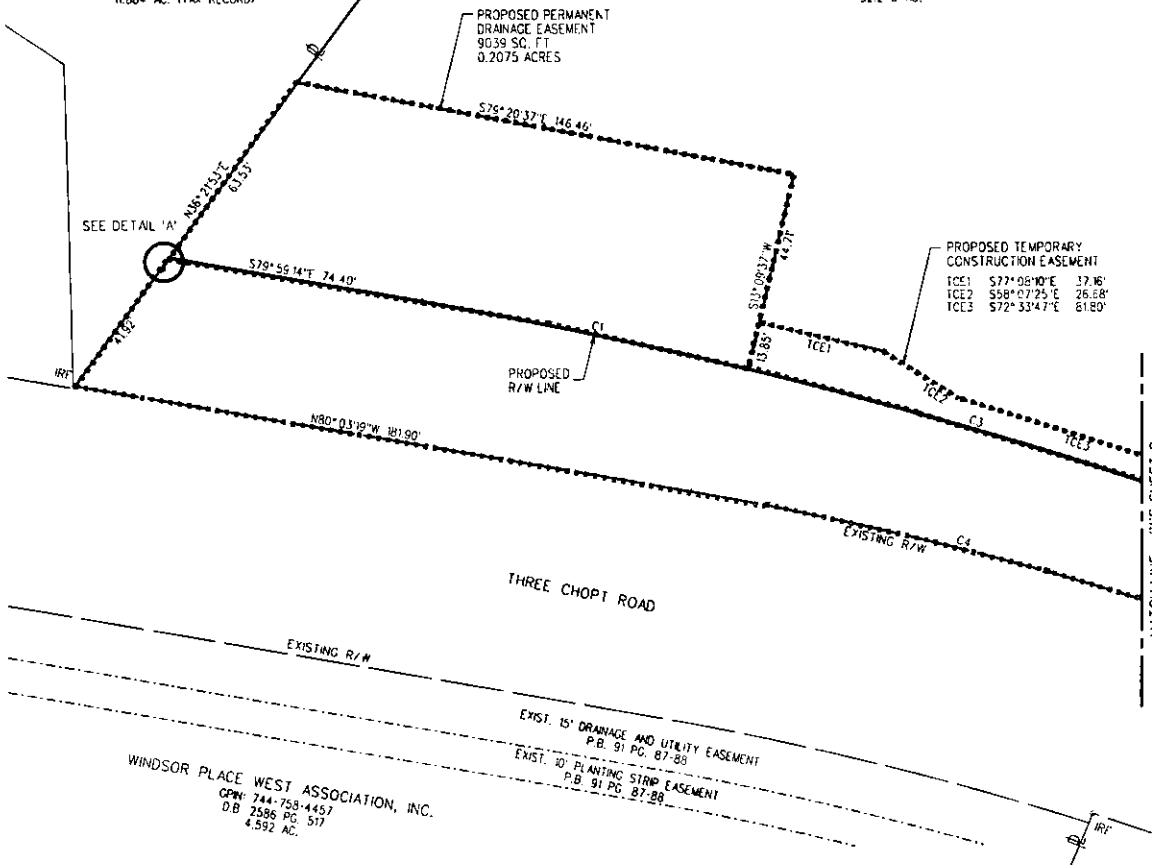
PARCEL INFO		PARCEL AREA (ACRES)		RIGHT OF WAY		PERM. DRAINAGE ESMT		TEMP. CONSTRUCTION ESMT		VERIZON UTILITY ESMT		DVP UTILITY EASEMENT	
NO.	CPIN	EXIST.	REMAINING	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES
020	745-759-3247	32.240	31.320	40093	0.9204	11276	0.2588	12979	0.2979	10679	0.2452	201	0.0046

DETAIL 'A'
N.T.S.

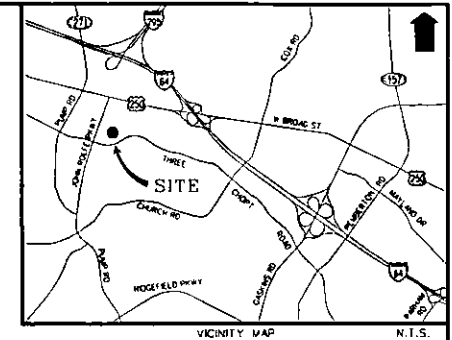
WEST BROAD VILLAGE IV, LLC
CPIN: 744-760-7007
D.B. 4392 PG. 1828
11.884 AC. (TAX RECORD)

AG-MR SHORT PUMP OWNER, LLC

CPIN: 745-759-3247
D.B. 5926 PG. 612
32.240 AC.



SCALE
0 25' 50'

VICINITY MAP
N.T.S.

- NOTES
- I HEREBY CERTIFY THAT THIS COMPILED PLAT MEETS THE MINIMUM PLAT STANDARDS OF THE VA DPOR APPELSCOGA REGULATIONS.
 - THIS PLAT IS BASED ON A COMPILED DATA FROM EXISTING DEEDS AND PLATS, AND FROM A FIELD SURVEY TO DETERMINE RIGHT-OF-WAY ALONG THE PROJECT CORRIDOR.
 - THIS PLAT WAS PREPARED TO SHOW THE ACQUISITIONS NOTED, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY HEREON.
 - THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY HEREON.
 - THE PROPERTY'S PHYSICAL IMPROVEMENTS ARE NOT SHOWN.
 - ACQUISITIONS SHOWN ARE BASED ON FILES PROVIDED BY ACOM, RECEIVED ON 8-11-2016.
 - NO DESIGNATION OR LOCATION OF SUBSURFACE UTILITIES WAS PERFORMED DURING THE PREPARATION OF THIS PLAT.
 - COORDINATES SHOWN ON THIS COMPILED PLAT ARE VIRGINIA STATE PLANE. PROJECT COORDINATES CAN BE COMPUTED BY MULTIPLYING THE STATE PLANE VALUES SHOWN BY THE COMBINED SCALE AND ELEVATION SCALE FACTOR OF 1.00006.
 - ALL DISTANCES SHOWN ARE GROUND DISTANCES.
 - MERIDIAN SOURCE:
VA STATE PLANE, SOUTH ZONE, GRID NORTH

LEGEND

- AREA OF PROPOSED RIGHT OF WAY
- - - AREA OF PROPOSED PERMANENT DRAINAGE & SLOPE EASEMENTS
- . - . - AREA OF PROPOSED PERMANENT VERIZON OR UNKNOWN VA POWER UTILITY EASEMENTS
- - - - AREA OF PROPOSED TEMPORARY CONSTRUCTION EASEMENTS
- PROPERTY LINE
- - - EXISTING RIGHT OF WAY

SEE SHEET 3 FOR LINE AND CURVE TABLES

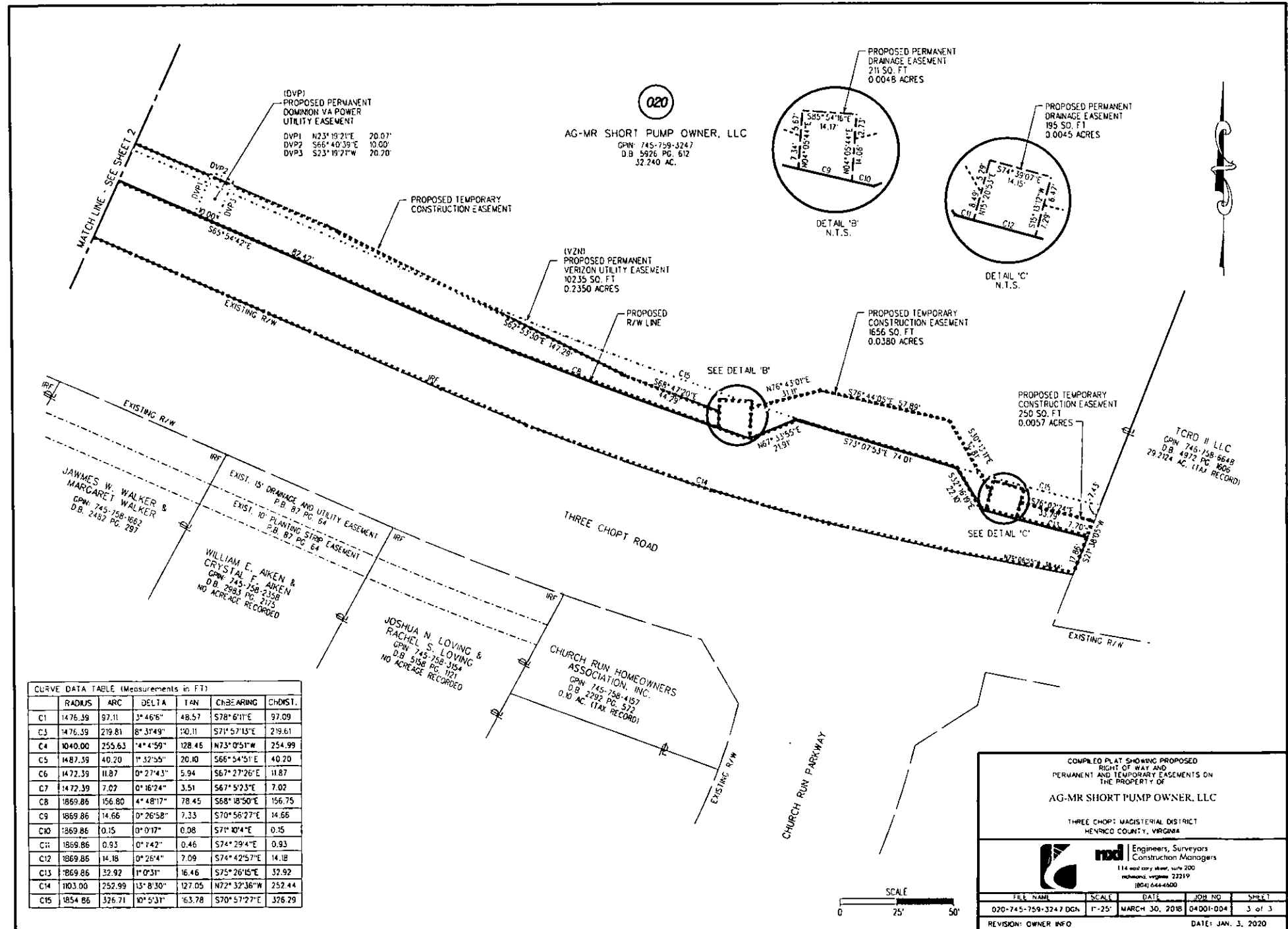
COMPILED PLAT SHOWING PROPOSED
RIGHT OF WAY AND
PERMANENT AND TEMPORARY EASEMENTS ON
THE PROPERTY OF
AG-MR SHORT PUMP OWNER, LLC

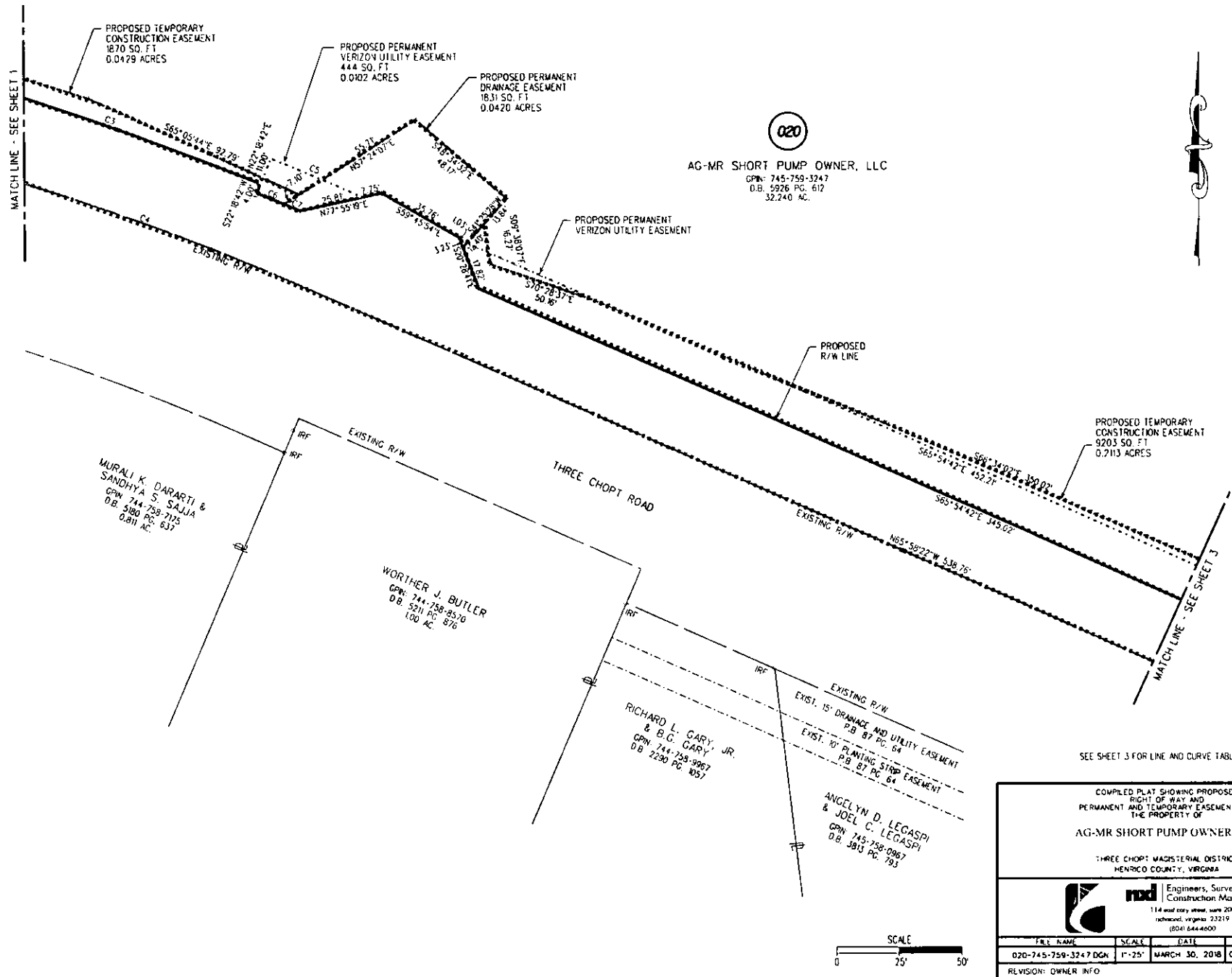
THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA



ndi Engineers, Surveyors
Construction Managers
114 West Cary Street, Suite 200
Richmond, Virginia 23219
(804) 644-4000

FILE NAME	SCALE	DATE	JOB NO.	SHEET
020-745-759-3247.DGN	1"=25'	MARCH 30, 2018	04001-004	1 of 3
REVISION: OWNER INFO				DATE: JAN. 3, 2020





SEE SHEET 3 FOR LINE AND CURVE TABLES

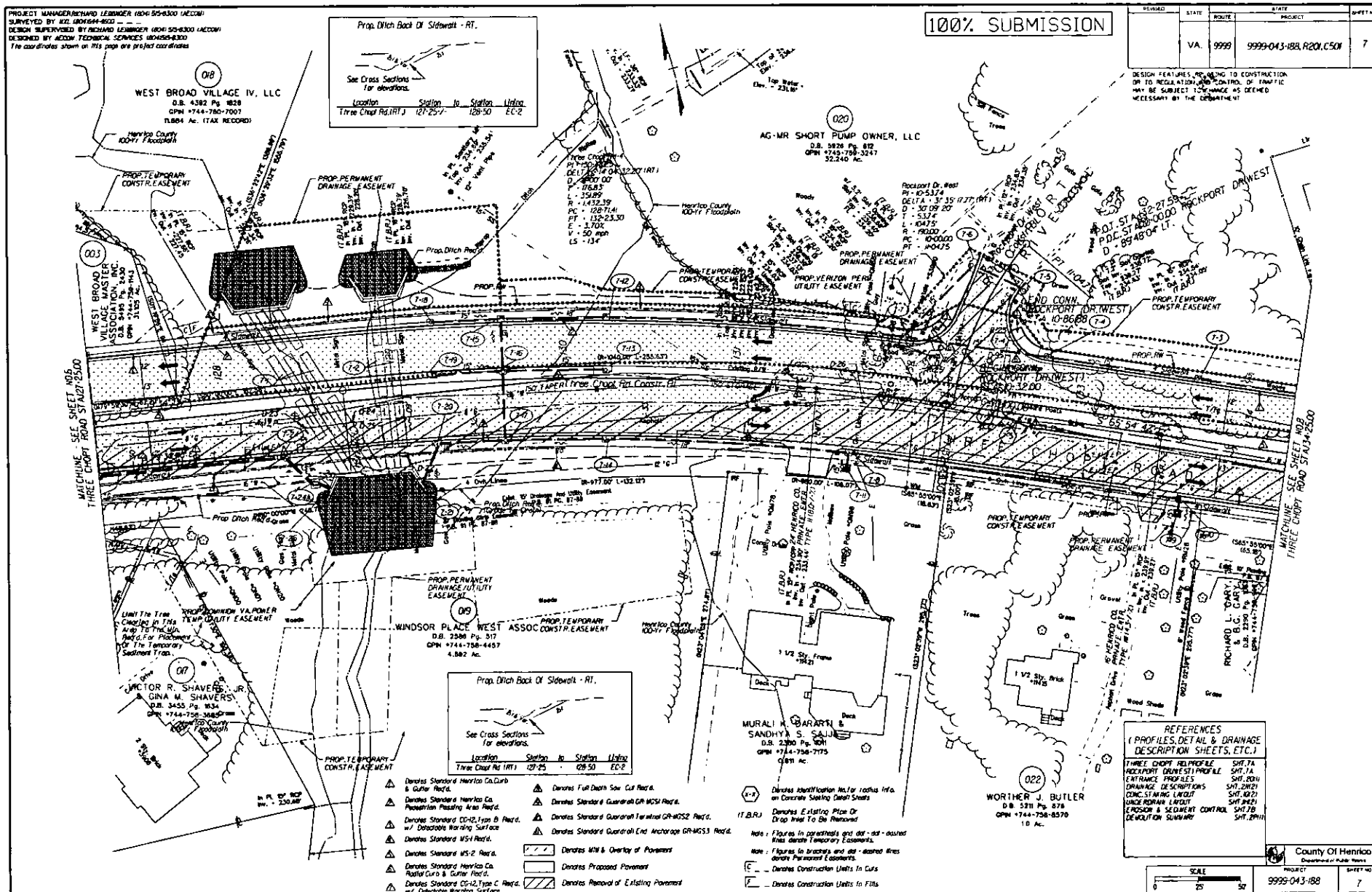
COMPLED PLAT SHOWING PROPOSED
RIGHT OF WAY AND
PERMANENT AND TEMPORARY EASEMENTS ON
THE PROPERTY OF
AG-MR SHORT PUMP OWNER, LLC

THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA

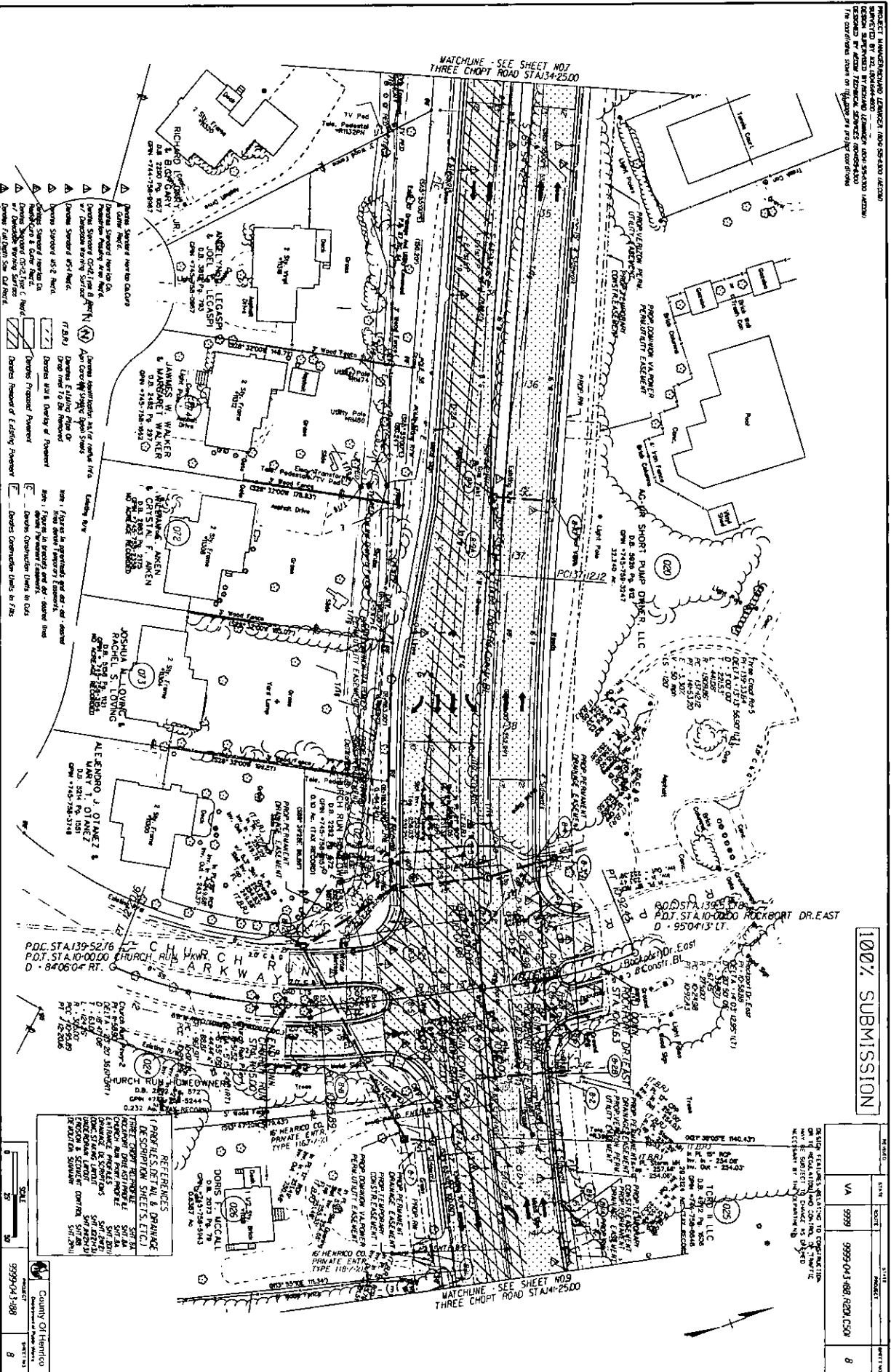


ndi Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-6500

FILE NAME	SCALE	DATE	JOB NO	SHEET
020-745-758-3247 DGN	1"=25'	MARCH 30, 2018	04001-004	2 of 3
REVISION: OWNER INFO		DATE: JAN. 3, 2020		



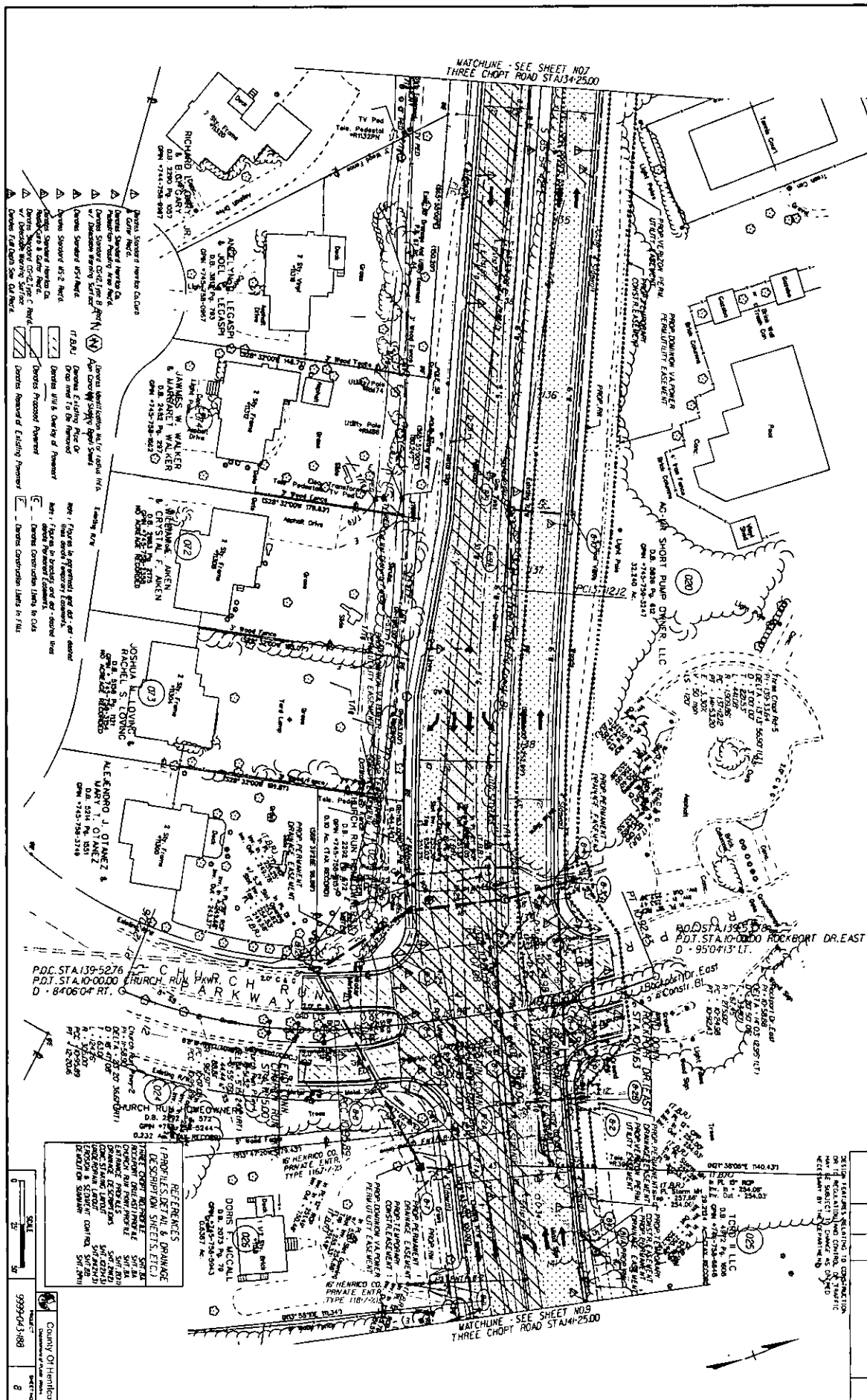
PROJECT: HANOVER HIGHWAY CORRIDOR (I-95) STATION 100+00 TO 105+00
 DESIGN: 100% SUBMISSION
 DESIGNED BY: AECOM
 CHECKED BY: J. HANCOCK
 IN CHARGE: J. HANCOCK



PROJECT MANAGER/RICHARD LUTHEGGER, (800) 357-6300 (LUTHEG)
 SUBMITTED BY: K2L 800/644-6800
 DESIGN SUPERVISED BY: MICHAEL LUTHEGGER (800) 357-6300 (LUTHEG)
 DESIGNED BY: AECOM TECHNICAL SERVICES 800/685-6300
 The coordinates shown on this drawing are projected coordinates

DATE	ROUTE	TIME	WAVELENGTH	WAVELENGTH
VA.	9999	9999-043-188, R20V, C50V	8	

DESIGN FEATURES RELATED TO CONSTRUCTION
OR TO REGULATORY AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGE AS OTHER
NECESSARY BY THE DEPARTMENT





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 331-21
Page No. 1 of 2

Agenda Title: RESOLUTION — Condemnation — Right-of-Way and Easements — Three Chopt Road Improvements Project — West Broad Village Master Association, Inc. — Three Chopt District

For Clerk's Use Only:

Date: 10/12/2021

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T. ☒ ☐ ☐

Nelson, T. ☒ ☐ ☐

O'Bannon, P. ☒ ☐ ☐

Schmitt, D. ☒ ☐ ☐

Thornton, F. ☒ ☐ ☐

WHEREAS, it is necessary for construction of the Three Chopt Road Improvements Project (the "Project") that the County acquire fee simple right-of-way containing 59,568 square feet, a permanent drainage easement containing 2,373 square feet, temporary construction easements containing 31,536 square feet, and permanent utility easements for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Energy Virginia, containing 9,807 square feet (collectively, the "Right-of-Way and Easements"), across the property located near Liesfield Parkway and Geese Landing, identified as Tax Map Parcel 744-759-1143, owned by West Broad Village Master Association, Inc. (the "Owner"); and,

WHEREAS, the County has reached an agreement with the Owner concerning compensation for the Right-of-Way and Easements and the cost to cure the remainder property, but the parties have been unable to complete the acquisition because of outstanding deeds of trust for which the Owner has not provided releases; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise the authority granted by the Code of Virginia (the "Code") to acquire title, to enter upon and to take possession of the Right-of-Way and Easements, and to construct the Project prior to or during the condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §§ 15.2-1903 and 15.2-1905 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owner's property.

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. 331-21
Page No. 2 of 2

Agenda Title: RESOLUTION — Condemnation — Right-of-Way and Easements — Three Chopt Road Improvements Project — West Broad Village Master Association, Inc. — Three Chopt District

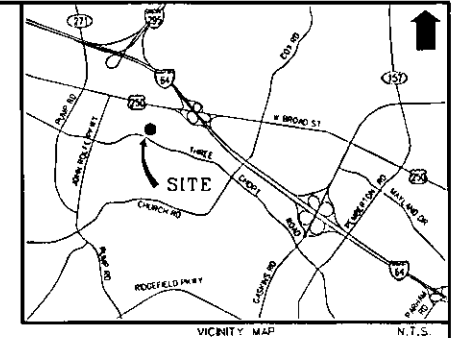
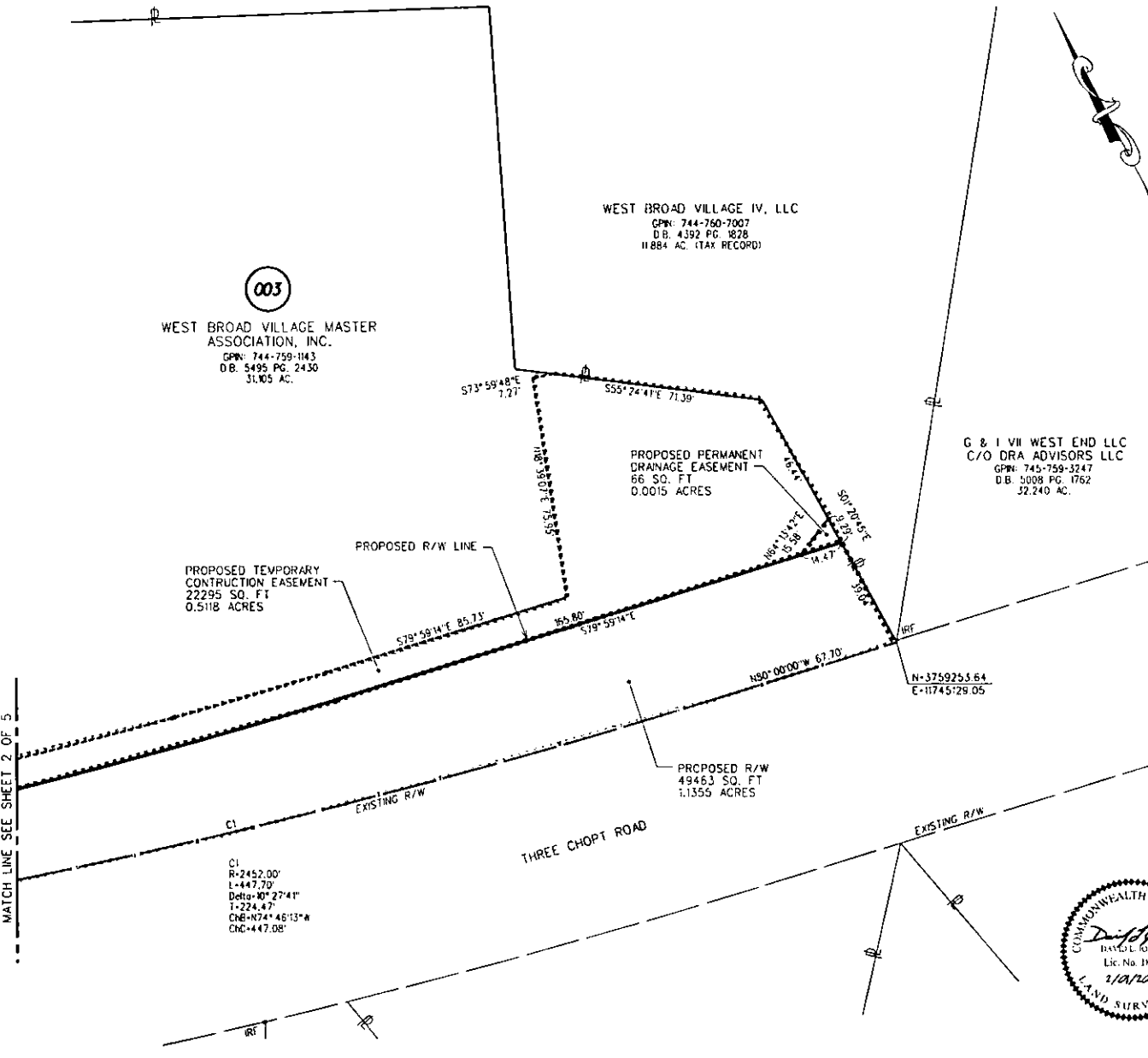
NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, under, upon, across, and through the property of the Owner, as shown on five plats made by NXL, each dated March 30, 2018, revised February 1, 2019, reduced size copies of which are attached and marked Exhibits "A," "A-1," "A-2," "A-3," and "A-4," and further described on Sheet Nos. 3, 4, 5, 6, and 7, each dated February 6, 2019, of the plans for Three Chopt Road, Project 00607, reduced size copies of which are attached and marked Exhibits "B," "B-1," "B-2," "B-3," and "B-4";
- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to or during condemnation proceedings in accordance with the Code;
- (3) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession, and acquisition of the Right-of-Way and Easements;
- (4) The Board authorizes the County Attorney to institute and conduct condemnation proceedings to acquire the Right-of-Way and Easements in accordance with the Code; and
- (5) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take possession of the required Right-of-Way and Easements in accordance with the Code.

Comments: The Real Property Department has been unsuccessful in obtaining the necessary Right-of-Way and Easements. Therefore, the Deputy County Manager for Community Operations and the Director of Public Works recommend approval of this Board paper; the County Manager concurs.

EXHIBIT A

PARCEL INFO		PARCEL AREA (ACRES)		RIGHT OF WAY		PERM. DRAINAGE ESMT		TEMP. CONSTRUCTION ESMT		DVP UTILITY EASEMENT	
NO.	GPN	EXIST.	REMAINING	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES
003	744-759-1143	31.105	29.757	59568	1.3675	2373	0.0545	31536	0.7239	9807	0.2251

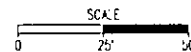


NOTES

1. I HEREBY CERTIFY THAT THIS COMPILED PLAT MEETS THE MINIMUM PLAT STANDARDS OF THE VA DPOR APPLICABLE REGULATIONS.
2. THIS PLAT IS BASED ON A COMPILED DATA FROM EXISTING DEEDS AND PLATS, AND FROM A FIELD SURVEY TO DETERMINE RIGHT-OF-WAY ALONG THE PROJECT CORRIDOR.
3. THIS PLAT WAS PREPARED TO SHOW THE ACQUISITIONS, NOTED, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY HEREON.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY HEREON.
5. THE PROPERTY'S PHYSICAL IMPROVEMENTS ARE NOT SHOWN.
6. ACQUISITIONS SHOWN ARE BASED ON FILES PROVIDED BY AECOM, RECEIVED ON 8-11-2016 / 5-15-2018.
7. NO DESIGNATION OR LOCATION OF SUBSURFACE UTILITIES WAS PERFORMED DURING THE PREPARATION OF THIS PLAT.
8. COORDINATES SHOWN ON THIS COMPILED PLAT ARE VIRGINIA STATE PLANE. PROJECT COORDINATES CAN BE COMPUTED BY MULTIPLYING THE STATE PLANE VALUES SHOWN BY THE COMBINED SCALE AND ELEVATION SCALE FACTOR OF 1.00006.
9. ALL DISTANCES SHOWN ARE GROUND DISTANCES.
10. MERIDIAN SOURCE: VA STATE PLANE, SOUTH ZONE, GRID NORTH

LEGEND

- AREA OF PROPOSED RIGHT OF WAY
- AREA OF PROPOSED PERMANENT DRAINAGE EASEMENTS
- AREA OF PROPOSED PERMANENT DOWNGRADE VA POWER UTILITY EASEMENTS
- AREA OF PROPOSED TEMPORARY CONSTRUCTION EASEMENTS
- PROPERTY LINE
- EXISTING RIGHT OF WAY



COMPILED PLAT SHOWING PROPOSED RIGHT OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ON THE PROPERTY OF WEST BROAD VILLAGE MASTER ASSOCIATION, INC.

THREE CHOPT WASTEWATER DISTRICT
HENRICO COUNTY, VIRGINIA



R&D Engineers, Surveyors
Construction Managers
114 East Cary Street, Suite 200
Richmond, Virginia 23216
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO	SHEET
003-744-759-1143 DGN	1"=25'	MARCH 30, 2018	D4001-004	1 of 5
REVISION: R/W LINE				DATE: FEB 1, 2019



003

WEST BROAD VILLAGE MASTER
ASSOCIATION, INC.GPN: 744-759-1143
D.B. 5495 PG. 2430
31.105 AC.C2
R=1859.86'
L=576.65'
Delta=17°40'11"
T=290.63'
CHB=571°09'08"E
CHD=574.37'C3
R=1859.86'
L=573.57'
Delta=17°40'11"
T=289.08'
CHB=571°09'08"E
CHD=571.30'C4
R=2470.00'
L=348.34'
Delta=8°04'49"
T=174.46'
CHB=N85°22'56"W
CHD=348.05'PROPOSED TEMPORARY
CONSTRUCTION EASEMENT

PROPOSED R/W LINE

MATCH LINE SEE SHEET 1 OF 5

MATCH LINE SEE SHEET 3 OF 5

124.10
S62°19'03"E

EXISTING R/W

THREE CHOPT ROAD

EXISTING R/W

IRF

IRF

IRF

ALEKSANDR SHUSTER
& MICHELLE L. SHUSTER
GPN: 743-759-5612
D.B. 4394 PG. 2278ALICE LIMROTH
GPN: 743-759-7407
D.B. 5338 PG. 1805JOHN L. NEWBY II
& REBA R. NEWBY
GPN: 743-759-8304
D.B. 4673 PG. 269

THAMESFORD WAY

EXISTING R/W

N-3759367.75
E-11744619.97

IRF

S38°08'57"W
8.03'BERNARD F. MANTLO &
DEBORAH S. MANTLO
GPN: 743-758-9898
D.B. 5200 PG. 1815SCALE
0 25' 50'COMPILED PLAT SHOWING PROPOSED
RIGHT OF WAY AND
PERMANENT AND TEMPORARY EASEMENTS ON
THE PROPERTY OF
WEST BROAD VILLAGE MASTER
ASSOCIATION, INC.THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIAncd Engineers, Surveyors
and Construction Managers
114 east cory street, suite 200
richmond, virginia 23219
(804) 644-6000

FILE NAME	SCALE	DATE	JOB NO.	SHEET
003-744-759-1143.DGN	1"=25'	MARCH 30, 2018	04001-004	2 of 5
REVISION: R/W LINE		DATE: FEB. 1, 2019		

GPIN: 744-759-1143
D.B. 5495 PG. 2430
31.105 AC.

C6
R-2052.65'
L-293.77'
Delta-8° 12'01"
T-147.14'
ChB-N57° 00'13"W
ChD-293.52'

PROPOSED R/W LINE -

MATCH LINE SEE SHEET 4 OF 5

EXIST. SLOPE AND DRAINAGE EASEMENT
D.B. 2871 PG. 227
EXISTING RAW

EXISTING R/W

N-3759673.39
E-1:744062.77

N61°03'08"W 105.97'

N36° 09' 25.18"
EXIST. SLOPE AND
DRAINAGE EASEMENT
D.B. 2871 PG. 227

EXISTING R/W

N = 3759512.74
E = 11744.503.56

MATCH LINE SEE SHEET 2 OF 5

THREE CHOPT ROAD

ERNEST G. HOUSTON, JR.
& JEWELL HOUSTON
CPIN: 743-759-1231
DB: 1206 PG. 356
064 AC.

CEDRIC W. HOUSTON, III
GPM: 743-759-2378
WB. 152 PG. 796
DB 1951 PG. 883
0.967 AC.

JOSEPH A. TREADWELL &
KRISTEN M. TREADWELL
GPN: 743-759-3825
DB. 4942 PG. 1030

COMPILED PLAT SHOWING PROPOSED
RIGHT OF WAY AND
PERMANENT AND TEMPORARY EASEMENTS ON
THE PROPERTY OF
WEST BROAD VILLAGE MASTER
ASSOCIATION, INC.

THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA



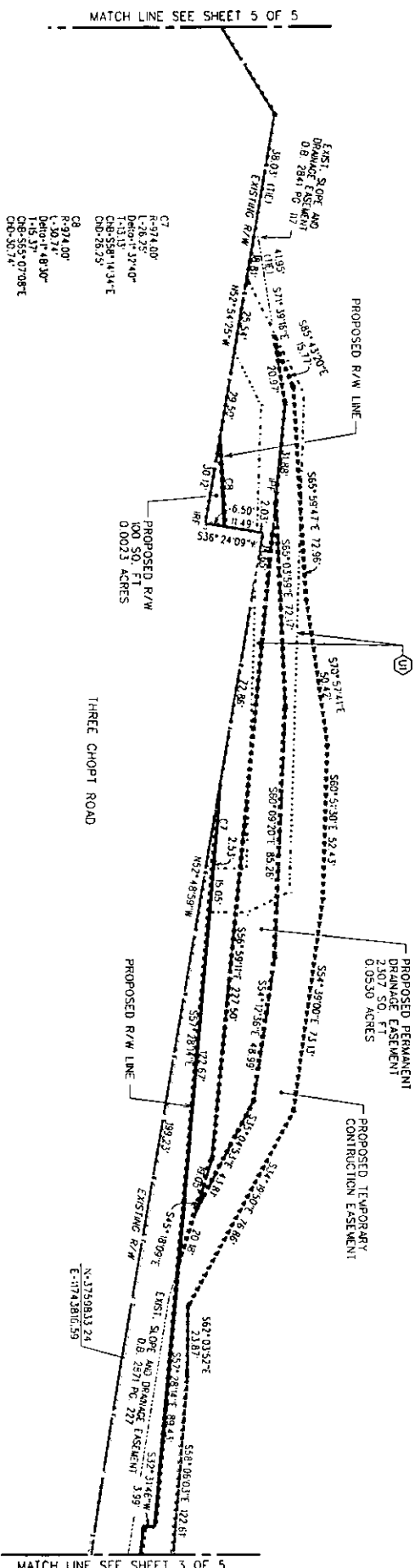
mod | Engineers, Surveyors
Construction Managers
114 east cory street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO	SHEET
003-744-759-1143.DGN	1"=25'	MARCH 30, 2018	D4001-004	3 of 5
REVISION: R/W LINE			DATE: FEB 1, 2019	

(U) PROPOSED PERMANENT
DOMINION VIA POWER
UTILITY EASEMENT
320.3 SQ. FT.
0.0735 ACRES
STARTING AT THE NW CORNER
OF THE FOLLOWING CORPSES:
S84°52'18"E 44.54'
S80°50'27"E 170.40'
S01°30'27"W 6.81'
S27°58'17"W 12.84'
N57°28'14"W 15.05'
N27°58'17"E 11.31'
N60°43'37"W 300.65'
N52°48'59"W 4.65'
S36°24'09"W 2.03'
N60°43'37"W 43.02'
N88°52'38"W 20.64'
N52°54'25"W 25.54'

WEST BROAD VILLAGE MASTER
ASSOCIATION, INC.
GPM: 744-759-1143
DB: 3453 PG: 2430
1.00 AC.

003



COMPLETED AT SPENDING PROPOSED
PERMANENT AND TEMPORARY EASEMENTS ON
THE PROPERTY OF
WEST BROAD VILLAGE MASTER
ASSOCIATION, INC.
THREE CHOPT VANDERBILT DISTRICT
HEMPHIS COUNTY, VIRGINIA

Engineers, Surveyors
Construction Managers
114 West 10th Street, Suite 200
Hempis, Virginia 22119
(901) 444-4400

FILE NAME	DATE	JOB NO.	SHEET
003-744-759-1143.DWG	1-27-20	2018	4 of 5
REVISION: R/W LINE	DATE: FEB. 1, 2019		

BERNARD G. HOUSTON
& MARGARET HOUSTON
GPM: 744-759-1157
DB: 981 PG: 83
1.00 AC.

M.A. HOUSTON
GPM: 744-759-8342
DB: 1724 PG: 313
0.81 AC. (174 AC. RETURNED)

WOODE RENTAL
PROPERTIES, LLC
GPM: 744-759-8643
DB: 3159 PG: 964
1.00 AC.

EXIST. SLOPE SIGHT DISTANCE DRAINAGE UTILITY
AND UTILITY EASEMENT
DB: 2819 PG: 2012

EXIST. SLOPE SIGHT DIST. DRAINAGE
AND UTILITY EASEMENT
DB: 2953 PG: 1820

SHORT PUMP LAND
INVESTMENTS LLC
GPM: 744-759-4507
DB: 4893 PG: 2353
0.79 AC.

	RADIUS	ARC	DELTA	TAN	CHEARING	CHDIS
C9	974.00	84.99	04°59'57"	47.52	579°53'41"E	84.96
C10	974.00	15.15	00°53'28"	7.57	582°50'23"E	15.15
C11	974.00	391.49	23°04'46"	98.42	485°12'00"E	388.86
C12	987.93	355.88	20°45'21"	80.92	586°50'39"W	355.93
C13	974.00	15.34	00°54'09"	7.67	473°14'02"E	15.34
C15	988.21	16.85	01°05'35"	9.43	576°02'41"W	16.85
C16	991.75	37.26	02°09'11"	18.63	576°27'47"W	37.26

003

WEST BROAD VILLAGE MASTER
ASSOCIATION, INC.
CPIN: 744-759-1143
D.B. 5495 PG. 2430
31.05 AC.

PROPOSED PERMANENT
DOMINION VA POWER
UTILITY EASEMENT
6604 SQ. FT
0.1516 ACRES

PROPOSED TEMPORARY
CONSTRUCTION EASEMENT

PROPOSED TEMPORARY
CONSTRUCTION EASEMENT -
9241 SQ. FT
0.2121 ACRES

— PROPOSED R/W
10005 SQ. FT
0.2297 ACRES

THREE CHOPT ROAD

EXIST. 25' PLANTING STRIP EASEMENT
P.B. 179 PG. 99-100

RODNEY O. SHAW
VELENTINA R. SHAW
GPN 742-759-5061
R 5129 PG 2245
2500 AC.

BARRINGTON HILL DRIVE

A horizontal scale bar with the word "SCALE" centered above it. The bar has tick marks at 0, 25, and 50 feet.

COMPILED PLAT SHOWING PROPOSED
RIGHT OF WAY AND
PERMANENT AND TEMPORARY EASEMENTS ON
THE PROPERTY OF
WEST BROAD VILLAGE MASTER
ASSOCIATION, INC.

THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA



nxd Engineers, Surveyors
Construction Managers
114 east clay street, suite 200
richmond virginia 23219
(834) 644-4600

FILE NAME	SCALE	DATE	JOB NO	SHEET
003-744-759-1143 DGN	1"=25'	MARCH 30, 2015	040001-004	5 of 5
REVISION: R/W LINE			DATE: FEB. 1, 2019	

APPROX LOCATION OF EXISTING
PLANTION RD. 103 PG. 106
D.R.

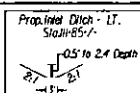
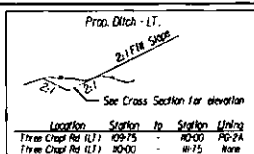
LOC. 104 105 106 107 108 109

THE COUNTY SCHOOL BOARD
OF HENRICO COUNTY VIRGINIA
CEN. 741-38-4993
D.R. 2-662 K.

JOHNNY H. DANG &
CATHY P. DANG
GPN: 742-759-3266
D.B. 5354 PG. 1904

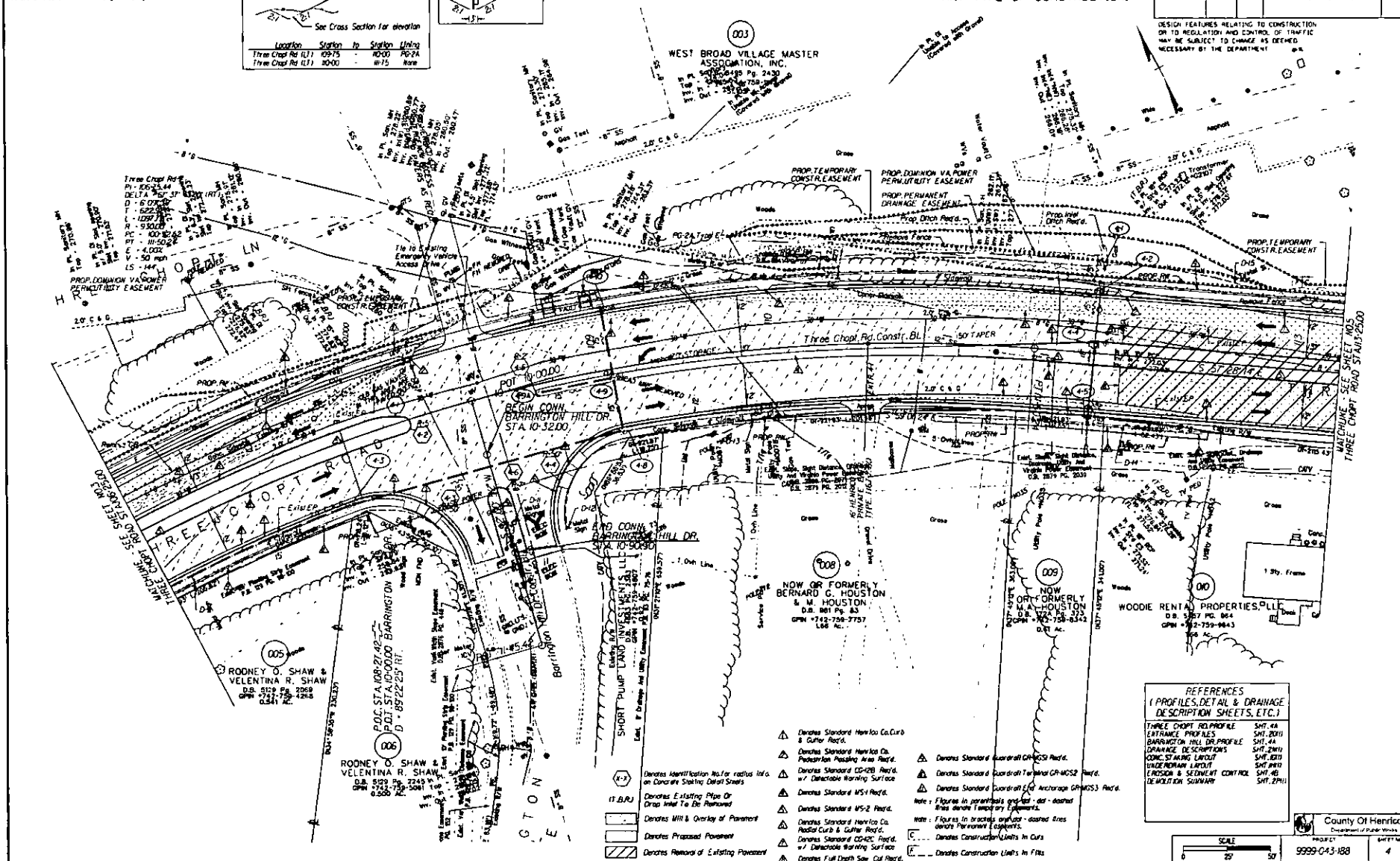
RODNEY O. SHAW &
VELENTINA R. SHAW
CPW 742-759-4268
D.B. 5129 PG. 2069
0.541 AC.

PROJECT MANAGED BY: JAMES W. HALL (200) 600-0000 (EARTHED)
SURVEYED BY: WIL (804) 644-4500
DESIGN SUPERVISED BY: RICHARD LEIMIGER (804) 505-6300 (AECOM)
DESIGNED BY: AECOM TECHNICAL SERVICES (804) 295-4300
The coordinates shown on this page are project coordinates



THESE PLANS ARE UNFINISHED
AND ARE NOT TO BE USED FOR
ANY TYPE OF CONSTRUCTION.

DESIGN FEATURES RELATING TO CONSTRUCTION
OR TO REGULATION AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGE AS DEEMED
NECESSARY BY THE DEPARTMENT



AECOM

PROJECT: [illegible]
SURVEYED BY: [illegible]
DESIGN SUPERVISOR: [illegible]
DESIGNED BY: [illegible]
The coordinates shown on this page are project coordinates

THESE PLANS ARE UNFINISHED
AND ARE NOT TO BE USED FOR
ANY TYPE OF CONSTRUCTION.

ROUTE	STATE	PROJECT	SHEET NO.
VA.	9999	9999-043-188, R201, C501	6

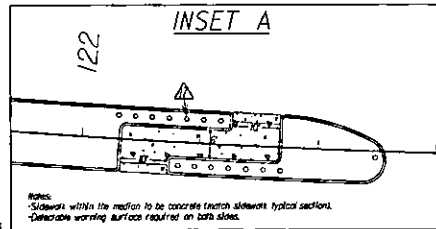
DESIGN FEATURES RELATING TO CONSTRUCTION
OR TO REGULATION AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGES DETERMINED
NECESSARY BY THE DEPARTMENT

WEST BROAD
VILLAGE IV, LLC
D.B. 4392 Pg. 1000
CPN #744-758-7555
1884 AC. ITAN RECORD

Prop. Ditch Back Of Slidewalk - RT.

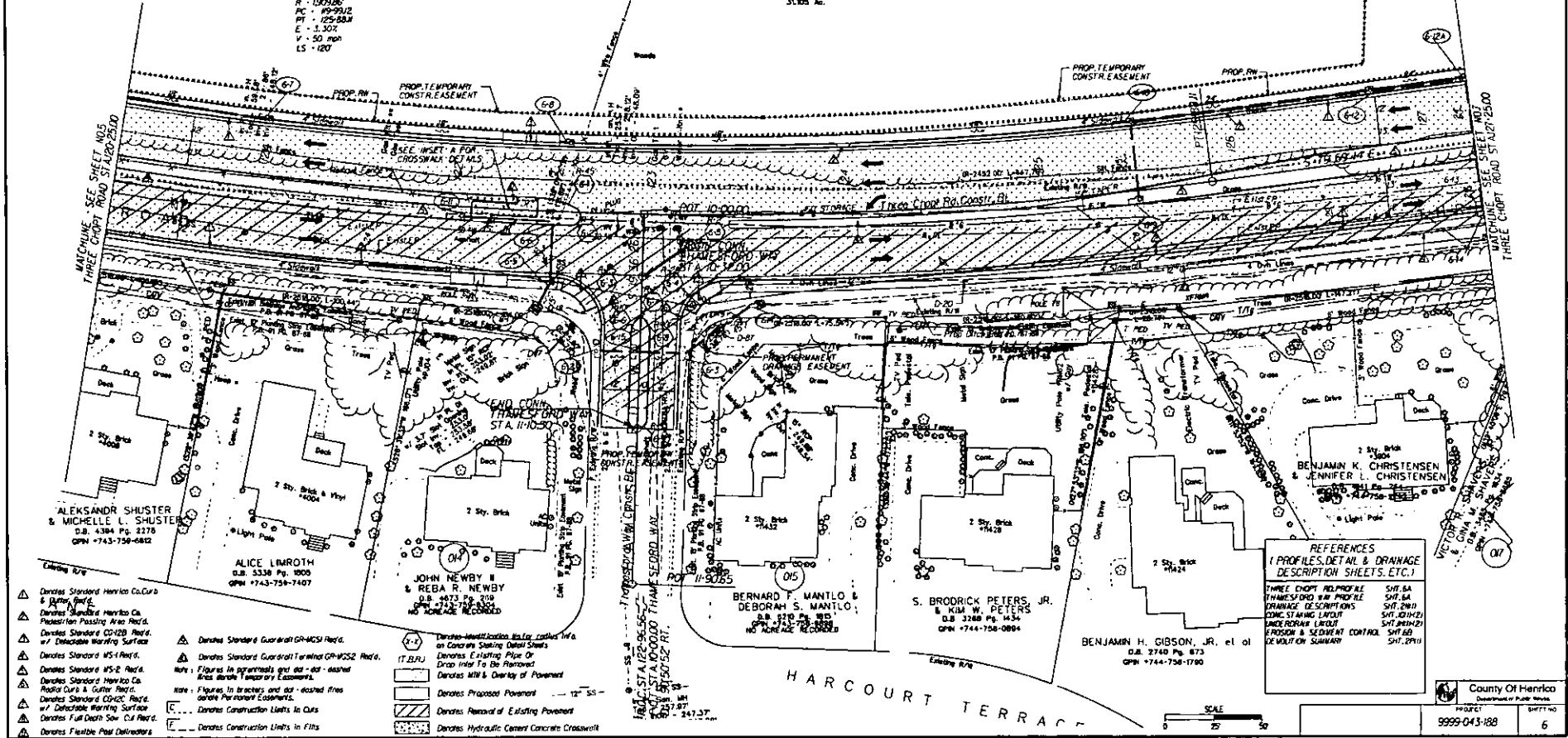
See Cross Sections
For Elevations.

Location	Station to	Station	Line
Three Chopt Rd (RT)	120-25	120-00	None
Three Chopt Rd (RT)	120-00	122-50	EC-2
Three Chopt Rd (RT)	123-50	127-25	EC-2



Three Chopt Rd-3
PI = 122-95.57
DELTA = 77.40 (2.64°/100')
D = 5'00.00'
T = 296.85'
L = 500.00'
R = 1209.86'
PC = 119-99.12
PT = 125-58.14
E = 3.302'
V = 50 mph
LS = 120'

WEST BROAD VILLAGE MASTER
ASSOCIATION, INC.
D.B. 5485 Pg. 2430
CPN #744-758-0413
31,905 Ac.

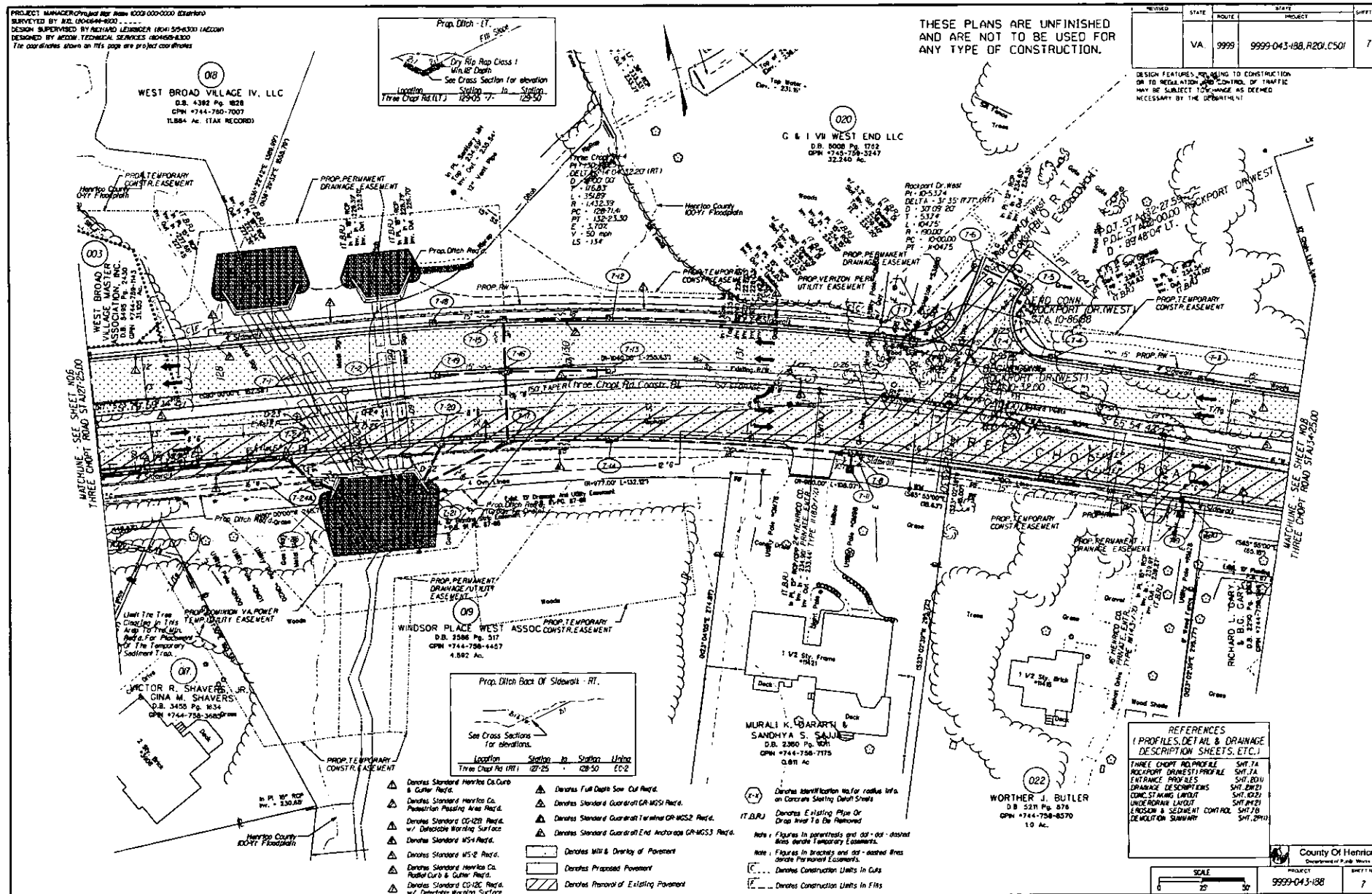


REFERENCES
(PROFILES, DETAILS & DRAINAGE
DESCRIPTION SHEETS, ETC.)

THREE CHOPT RD PROFILE	SHT. 6A
THREE CHOPT RD PROFILE	SHT. 6B
DRAINAGE DESCRIPTIONS	SHT. 280
CONC. STANDING LAYOUT	SHT. 281
UNDERDRAIN LAYOUT	SHT. 282
EROSION & SEDIMENT CONTROL	SHT. 283
DEVELOPMENT SUMMARY	SHT. 284

County Of Henrico	PROJECT	SHEET NO.
	9999-043-188	6

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 332-21
Page No. 1 of 2

Agenda Title: RESOLUTION — Condemnation — Rights-of-Way and Easements — Three Chopt Road Improvements Project — Three Chopt Village Townhouse Association, Inc. — Three Chopt District

For Clerk's Use Only:

Date: 10/12/2021

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

	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, it is necessary for construction of the Three Chopt Road Improvements Project (the "Project") that the County acquire fee simple rights-of-way containing 1,335 square feet, temporary construction easements containing 1,929 square feet, a permanent utility easement containing 163 square feet for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Energy Virginia, and a permanent utility easement for Verizon Virginia, LLC, a Virginia limited liability company, containing 163 square feet (collectively, the "Rights-of-Way and Easements"), across the property located near Blackthorn Lane and Barbara Lane identified as Tax Map Parcels 748-757-6003 and 749-756-4020, owned by Three Chopt Village Townhouse Association, Inc. (the "Owner"); and,

WHEREAS, the County has reached an agreement with the Owner concerning compensation for the Rights-of-Way and Easements and the cost to cure the remainder property, but the parties have been unable to complete the acquisition because title requirements have not been met by the Owner; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise the authority granted by the Code of Virginia (the "Code") to acquire title, to enter upon and to take possession of the Rights-of-Way and Easements, and to construct the Project prior to or during the condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §§ 15.2-1903 and 15.2-1905 of the Code, at which time the Board declared its intent to enter and take the Rights-of-Way and Easements for the Project across portions of the Owner's property.

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. 332-21

Page No. 2 of 2

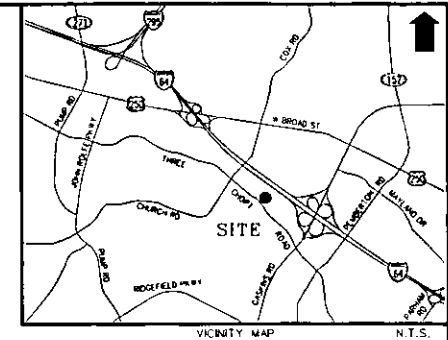
**Agenda Title: RESOLUTION — Condemnation — Rights-of-Way and Easements — Three
Chopt Road Improvements Project — Three Chopt Village Townhouse
Association, Inc. — Three Chopt District**

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Rights-of-Way and Easements over, under, upon, across, and through the property of the Owner, as shown on three plats made by NXL, reduced size copies of which are attached and marked Exhibits "A," and "A-1," each dated March 30, 2018, revised May 23, 2018, and Exhibit "A-2," dated February 9, 2018, and further described on Sheet Nos. 13, 14, and 15, dated October 25, 2018, July 26, 2018, and July 9, 2018, respectively, of the plans for Three Chopt Road, Project 00607, reduced size copies of which are attached and marked Exhibits "B," "B-1," and "B-2";
- (2) The Board deems it necessary to enter upon the property and take possession of the Rights-of-Way and Easements in order to construct the Project prior to or during condemnation proceedings in accordance with the Code;
- (3) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Rights-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession, and acquisition of the Rights-of-Way and Easements;
- (4) The Board authorizes the County Attorney to institute and conduct condemnation proceedings to acquire the Rights-of-Way and Easements in accordance with the Code; and
- (5) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Rights-of-Way and Easements, to take all steps necessary to acquire the Rights-of-Way and Easements, and to enter on and take possession of the required Rights-of-Way and Easements in accordance with the Code.

Comments: The Real Property Department has been unsuccessful in obtaining the necessary Rights-of-Way and Easements. Therefore, the Deputy County Manager for Community Operations and the Director of Public Works recommend approval of this Board paper; the County Manager concurs.

PARCEL INFO		PARCEL AREA (ACRES)		RIGHT OF WAY		DVP UTILITY EASEMENT		VERIZON UTILITY ESMT		TEMP. CONSTRUCTION ESMT	
NO.	GPIN	EXIST.	REMAINING	SO. FT.	ACRES	SO. FT.	ACRES	SO. FT.	ACRES	SO. FT.	ACRES
045	748-757-6003	12.146 ±	12.116 ±	1315	0.0302	163	0.0037	153	0.0037	827	0.0190



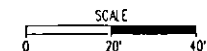
NOTES

- I HEREBY CERTIFY THAT THIS COMPILED PLAT MEETS THE MINIMUM PLAT STANDARDS OF THE VA DPOR APPLICABLE REGULATIONS.
- THIS PLAT IS BASED ON A COMPILATION OF DATA FROM EXISTING DEEDS AND PLATS, AND FROM A FIELD SURVEY TO DETERMINE RIGHT-OF-WAY ALONG THE PROJECT CORRIDOR.
- THIS PLAT WAS PREPARED TO SHOW THE ACQUISITIONS NOTED, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY HEREON.
- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY HEREON.
- THE PROPERTY'S PHYSICAL IMPROVEMENTS ARE NOT SHOWN.
- ACQUISITIONS SHOWN ARE BASED ON FILES PROVIDED BY AECOM, RECEIVED ON 8-11-2016 / 5-15-2018.
- NO DESIGNATION OR LOCATION OF SUBSURFACE UTILITIES WAS PERFORMED DURING THE PREPARATION OF THIS PLAT.
- COORDINATES SHOWN ON THIS COMPILED PLAT ARE VIRGINIA STATE PLANE. PROJECT COORDINATES CAN BE COMPUTED BY MULTIPLYING THE STATE PLANE VALUES SHOWN BY THE COMBINED SCALE AND ELEVATION SCALE FACTOR OF 1.00006.
- ALL DISTANCES SHOWN ARE GROUND DISTANCES.
- MERIDIAN SOURCE:
VA STATE PLANE, SOUTH ZONE, GRID NORTH

LEGEND

- AREA OF PROPOSED RIGHT OF WAY
- - - AREA OF PROPOSED TEMPORARY CONSTRUCTION EASEMENTS
- - - AREA OF PROPOSED PERMANENT DOMINION VA POWER & VERIZON UTILITY EASEMENTS
- PROPERTY LINE
- - - EXISTING RIGHT OF WAY

SEE SHEET 2 FOR CURVE TABLE



COMPILED PLAT SHOWING PROPOSED
RIGHT OF WAY AND
PERMANENT AND TEMPORARY EASEMENTS ON
THE PROPERTY OF
THREE CHOPT VILLAGE TOWNHOUSE ASSOCIATION, INC.

THREE CHOPT VACANTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA



mcl Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-6000

FILE NAME	SCALE	DATE	JOB NO.	SHEET
045-748-757-6003 DGN	1"=20'	MARCH 30, 2018	04001-004	1 of 2
REVISION: TEMP EASEMENT		DATE: MAY 23, 2018		

**THREE CHOPT VILLAGE
TOWNHOUSE ASSOCIATION, INC.**

CPN: 748-757-6003
DB: 4215 PG: 3089
12.146 AC. ±

PROPOSED PERMANENT
DOMINION VA POWER &
PROPOSED PERMANENT
VERIZON UTILITY EASEMENT

STARTING AT THE SOUTHWEST CORNER,
GO CLOCKWISE THE FOLLOWING COURSES:
N45°53'45"E 6.17'
S47°47'25"E 9.99'
S45°46'23"W 15.43'

THREE CHOPT ROAD

PROPOSED TEMPORARY
CONSTRUCTION EASEMENT

PROPOSED
R/W LINE

MATCHLINE SEE SHEET 2



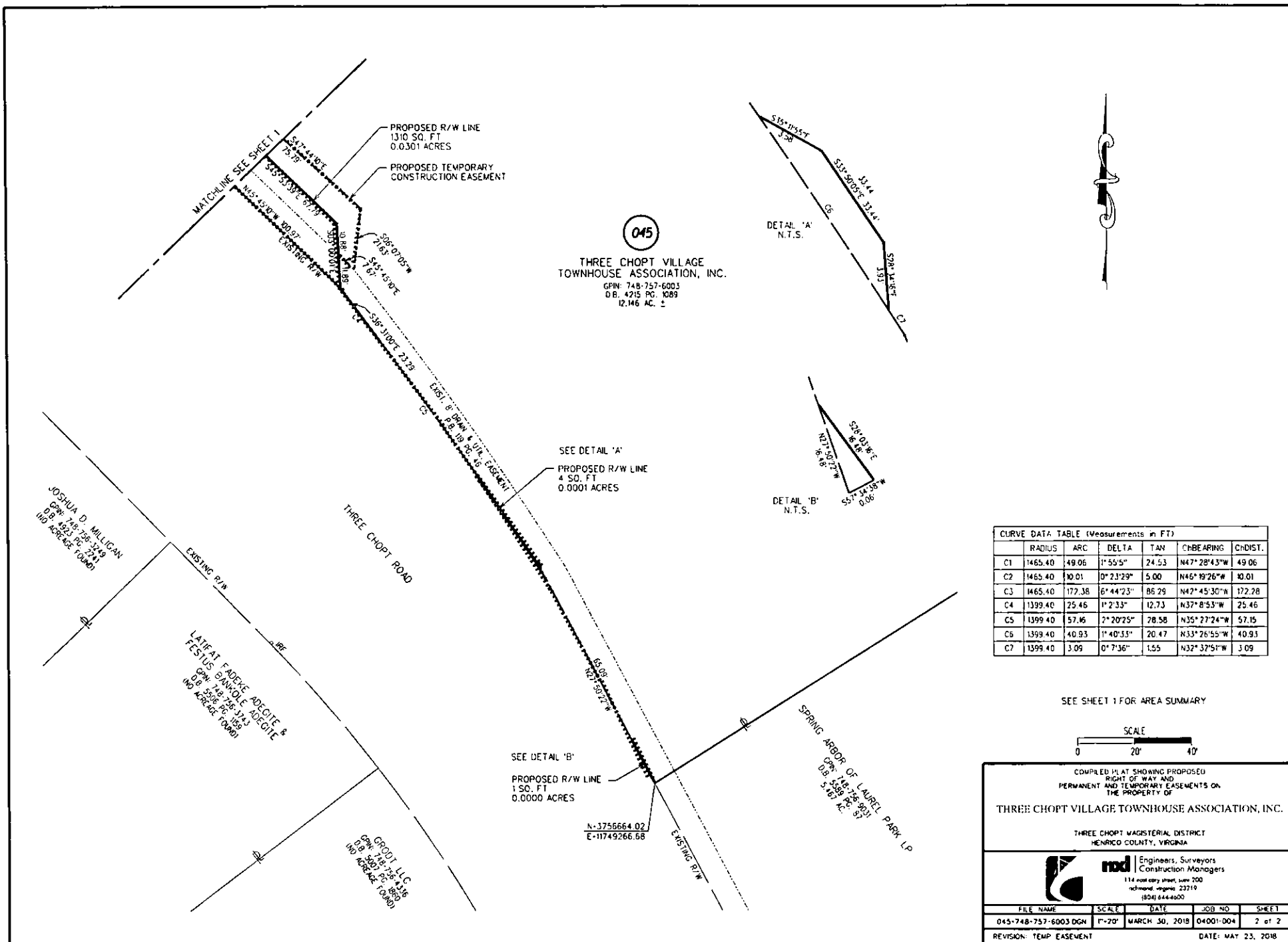
LAWRENCE W. KNOX &
ANN CHRISTIAN M. KNOX
TRUSTEES OF THE
LAWRENCE W. KNOX &
ANN CHRISTIAN M. KNOX
REVOCABLE TRUST
CPN: 748-757-1788
DB: 520 PG: 432
0.18 AC.

N=3757077.28
E=11748927.62

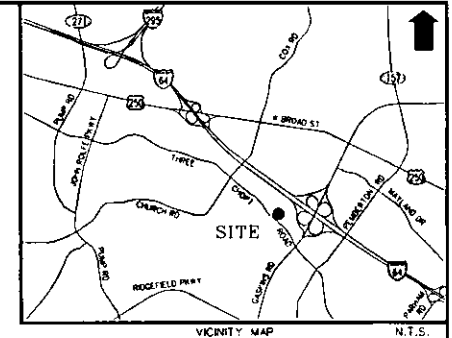
0.28 MI. ±
TO COR. RD.

TARA HOLLADAY &
STEPHEN GREEN HOLLADAY
CPN: 748-757-8659
DB: 4179 PG: 143

ARC INVESTMENTS LLC
CPN: 748-757-5280
DB: 484 PG: 39



PARCEL INFO		PARCEL AREA (ACRES)		RIGHT OF WAY		TEMP. CONSTRUCTION ESMT	
NO.	GPIN	EXIST.	REMAINING	SO. FT.	ACRES	SO. FT.	ACRES
054	749-756-4020	13.7 ±	13.7 ±	20	0.0005	1102	0.0253

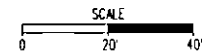


NOTES

1. I HEREBY CERTIFY THAT THIS COMPILED PLAT MEETS THE MINIMUM PLAT STANDARDS OF THE VA DPOR APPLICABLE REGULATIONS.
2. THIS PLAT IS BASED ON A COMPILED OF DATA FROM EXISTING DEEDS AND PLATS, AND FROM A FIELD SURVEY TO DETERMINE RIGHT-OF-WAY ALONG THE PROJECT CORRIDOR.
3. THIS PLAT WAS PREPARED TO SHOW THE ACQUISITIONS NOTED, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY HEREON.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY HEREON.
5. THE PROPERTY'S PHYSICAL IMPROVEMENTS ARE NOT SHOWN.
6. ACQUISITIONS SHOWN ARE BASED ON FILES PROVIDED BY AECOM, RECEIVED ON 8-11-2016.
7. NO DESIGNATION OR LOCATION OF SUBSURFACE UTILITIES WAS PERFORMED DURING THE PREPARATION OF THIS PLAT.
8. COORDINATES SHOWN ON THIS COMPILED PLAT ARE VIRGINIA STATE PLANE. PROJECT COORDINATES CAN BE COMPUTED BY MULTIPLYING THE STATE PLANE VALUES SHOWN BY THE COMBINED SCALE AND ELEVATION SCALE FACTOR OF 1.00006.
9. ALL DISTANCES SHOWN ARE GROUND DISTANCES.
10. MERIDIAN SOURCE: VA STATE PLANE, SOUTH ZONE, GRID NORTH

LEGEND

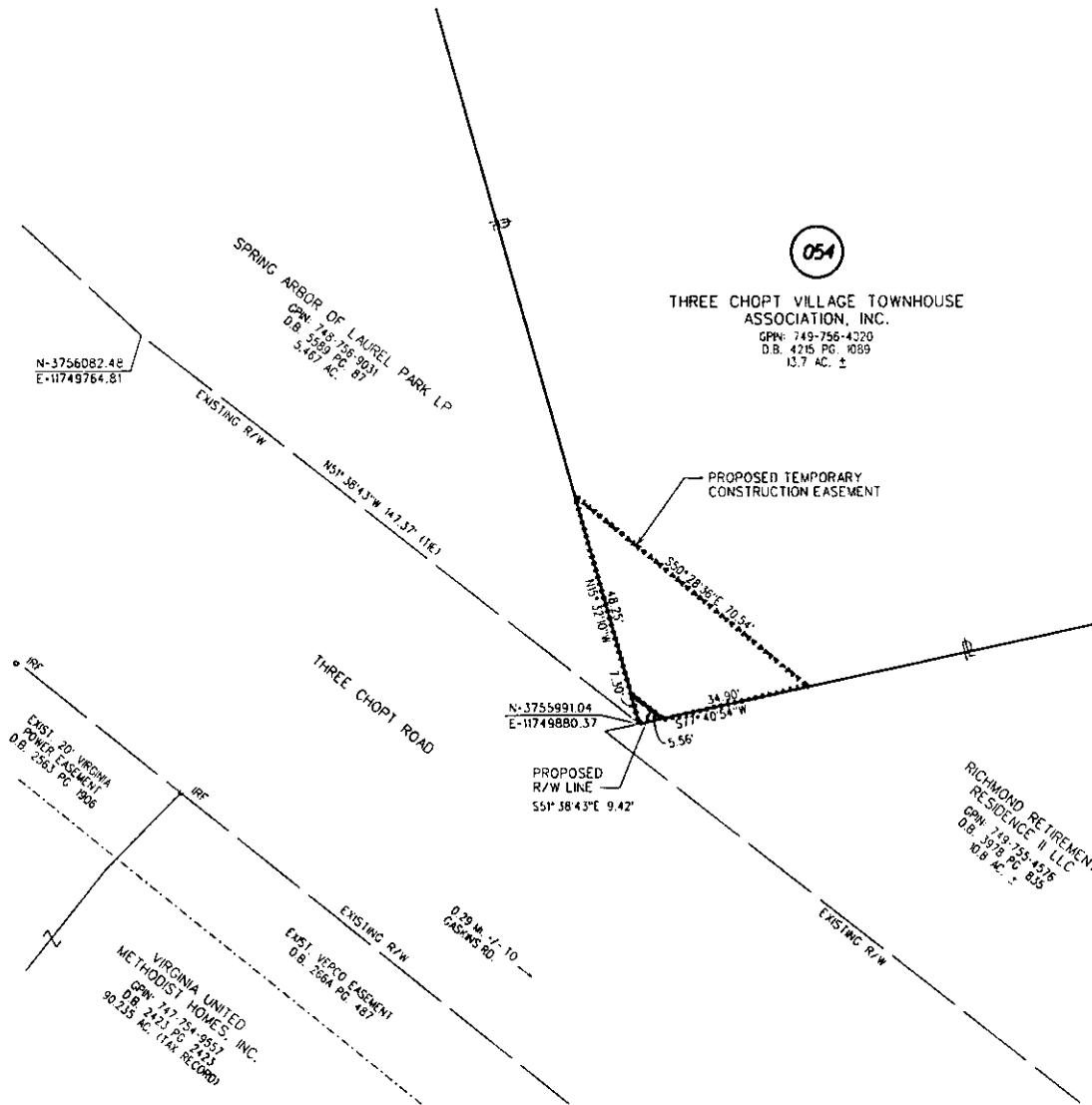
- AREA OF PROPOSED RIGHT OF WAY
- - - AREA OF PROPOSED TEMPORARY CONSTRUCTION EASEMENTS
- PROPERTY LINE
- - - EXISTING RIGHT OF WAY

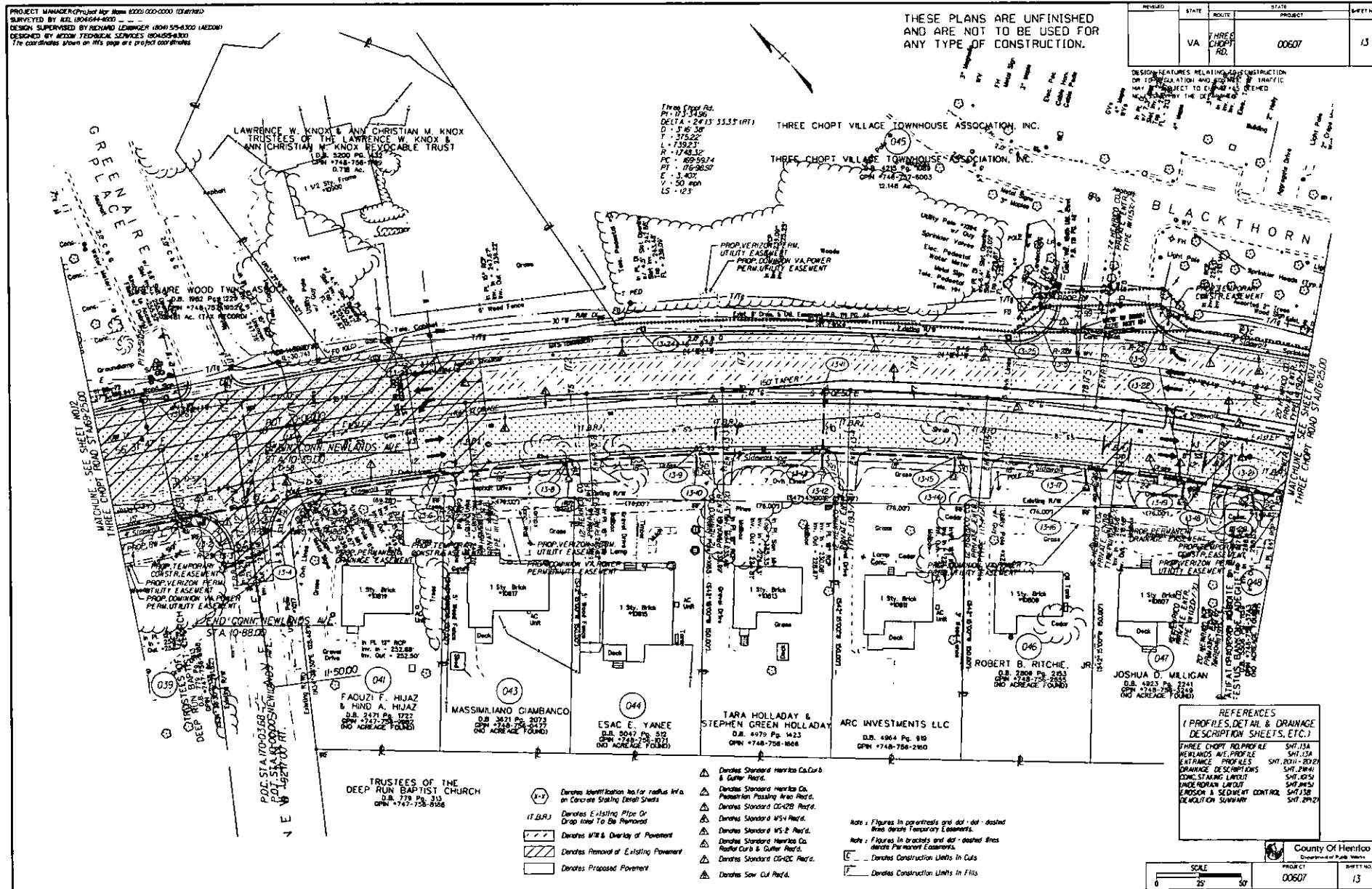


COMPILED PLAT SHOWING PROPOSED
RIGHT OF WAY AND TEMPORARY EASEMENT ON
THE PROPERTY OF
**THREE CHOPT VILLAGE TOWNHOUSE
ASSOCIATION, INC.**
THREE CHOPT WAGSTERN DISTRICT
HENRICO COUNTY, VIRGINIA

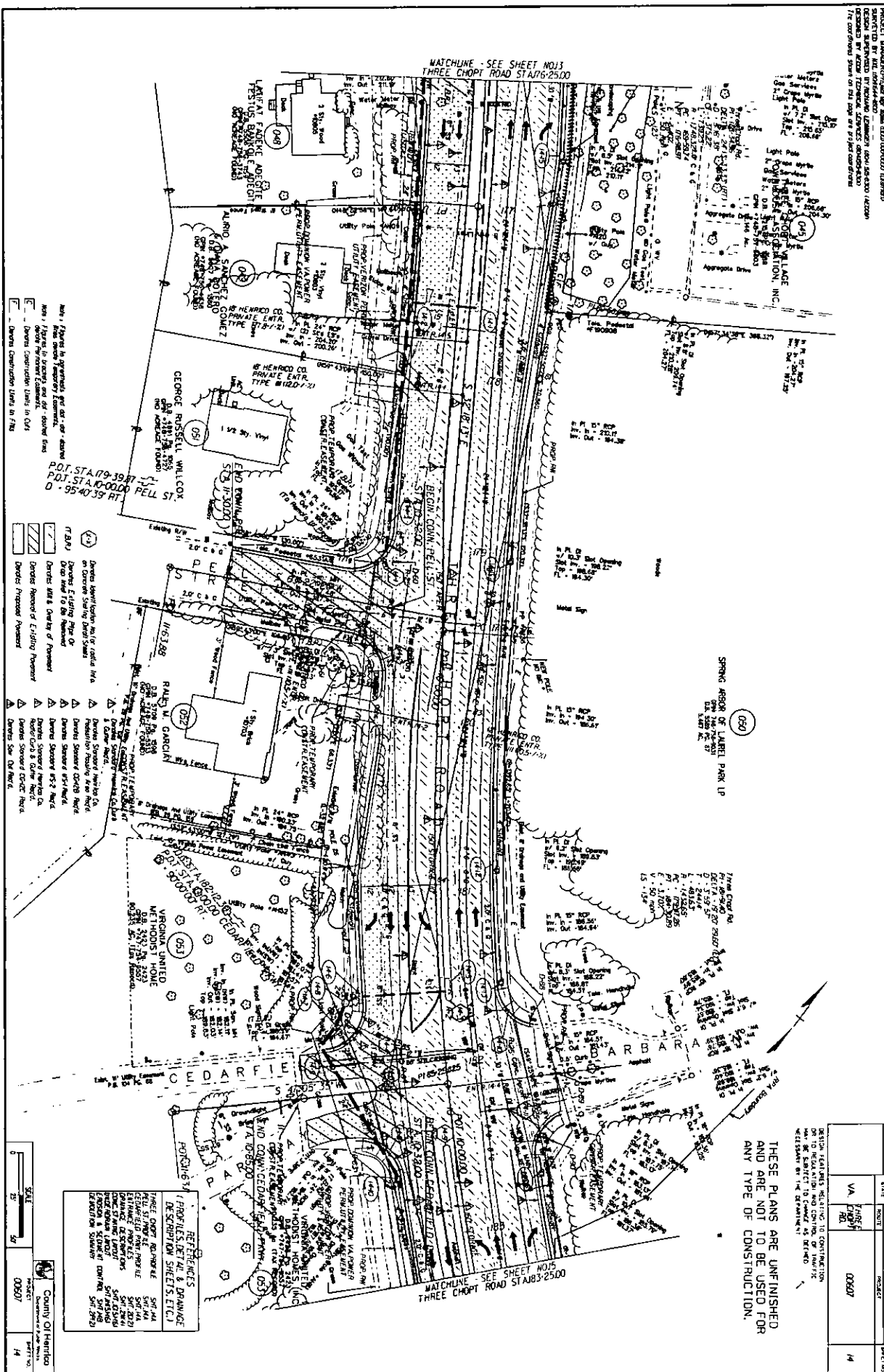
rad Engineers, Surveyors
Construction Managers
116 east clay street, suite 200
richmond, virginia 23219
(804) 644-4500

FILE NAME	SCALE	DATE	JOH NO	SHEET
054-749-756-4020 DGN	1"=20'	FEB. 9, 2018	04001-004	1 of 1
REVISION:		DATE:		





PROJECT MANAGER/OWNER: JAMES H. HARRIS
SHERBORN, MA 01901-1000
DESIGN SUPERVISOR: MICHAEL J. LEMMON
DESIGNED BY: AECOM TECHNOLOGICAL SERVICES
The construction shown on this page are proposed construction



7/9/2008
10:42:25 AM

EXHIBIT B-2

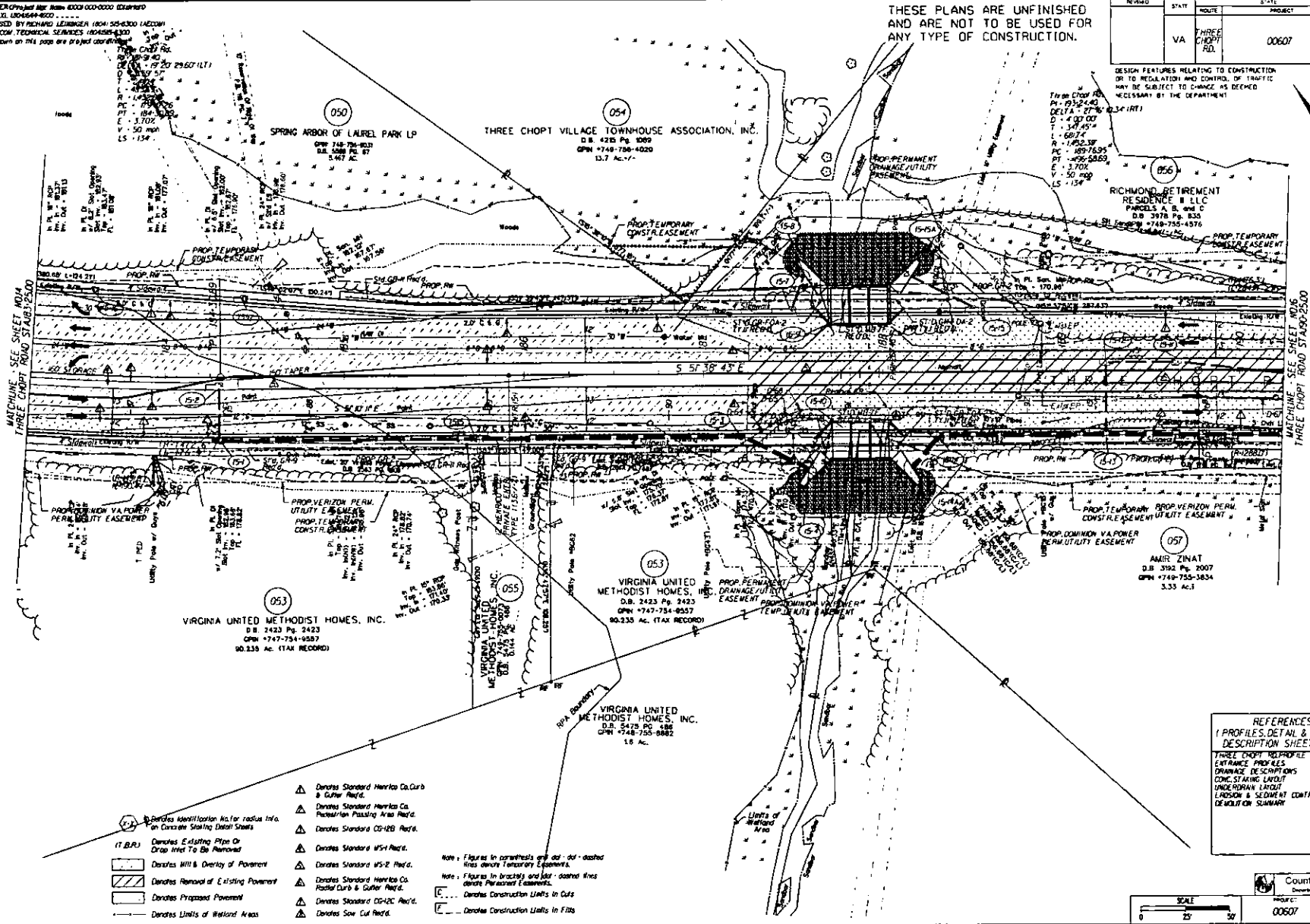
AECOM

PROJECT MANAGER: [Name] 8000 000 0000 000000
SURVEYED BY: [Name] 8000 000 0000 000000
DESIGN SUPERVISOR: [Name] 8000 000 0000 000000
DESIGNED BY: [Name] 8000 000 0000 000000
The coordinates shown on this page are project coordinates.

THESE PLANS ARE UNFINISHED
AND ARE NOT TO BE USED FOR
ANY TYPE OF CONSTRUCTION.

REVISION	DATE	BY	PROJECT	SHEET NO.
VA	THREE CHOPT VILLAGE	00607	15	

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT.





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 333-21
Page No. 1 of 2

Agenda Title: RESOLUTION — Condemnation — Right-of-Way and Easements — Three Chopt Road Improvements Project — Churchill Property Portfolio Owner, LLC — Three Chopt District

For Clerk's Use Only:

Date: 10/12/2021

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Porari Seconded by (1) O'Bannon
(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, it is necessary for construction of the Three Chopt Road Improvements Project (the "Project") that the County acquire fee simple right-of-way containing 834 square feet, permanent drainage easements containing 5,580 square feet, temporary construction easements containing 11,399 square feet, permanent utility easements for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Energy Virginia, containing 459 square feet, and a permanent utility easement for Verizon Virginia, LLC, a Virginia limited liability company, containing 216 square feet (collectively, the "Right-of-Way and Easements"), across the property located at 10300 Three Chopt Road, identified as Tax Map Parcel 749-755-4576, owned by Churchill Property Portfolio Owner, LLC (the "Owner"); and,

WHEREAS, the County has offered the Owner a total of \$87,600 as compensation for the Right-of-Way and Easements and the cost to cure the remainder property, and the parties cannot agree on the compensation to be paid; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise the authority granted by the Code of Virginia (the "Code") to acquire title, to enter upon and to take possession of the Right-of-Way and Easements, and to construct the Project prior to or during the condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §§ 15.2-1903 and 15.2-1905 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owner's property.

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. 333-21

Page No. 2 of 2

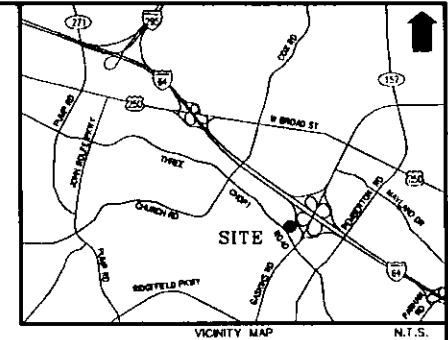
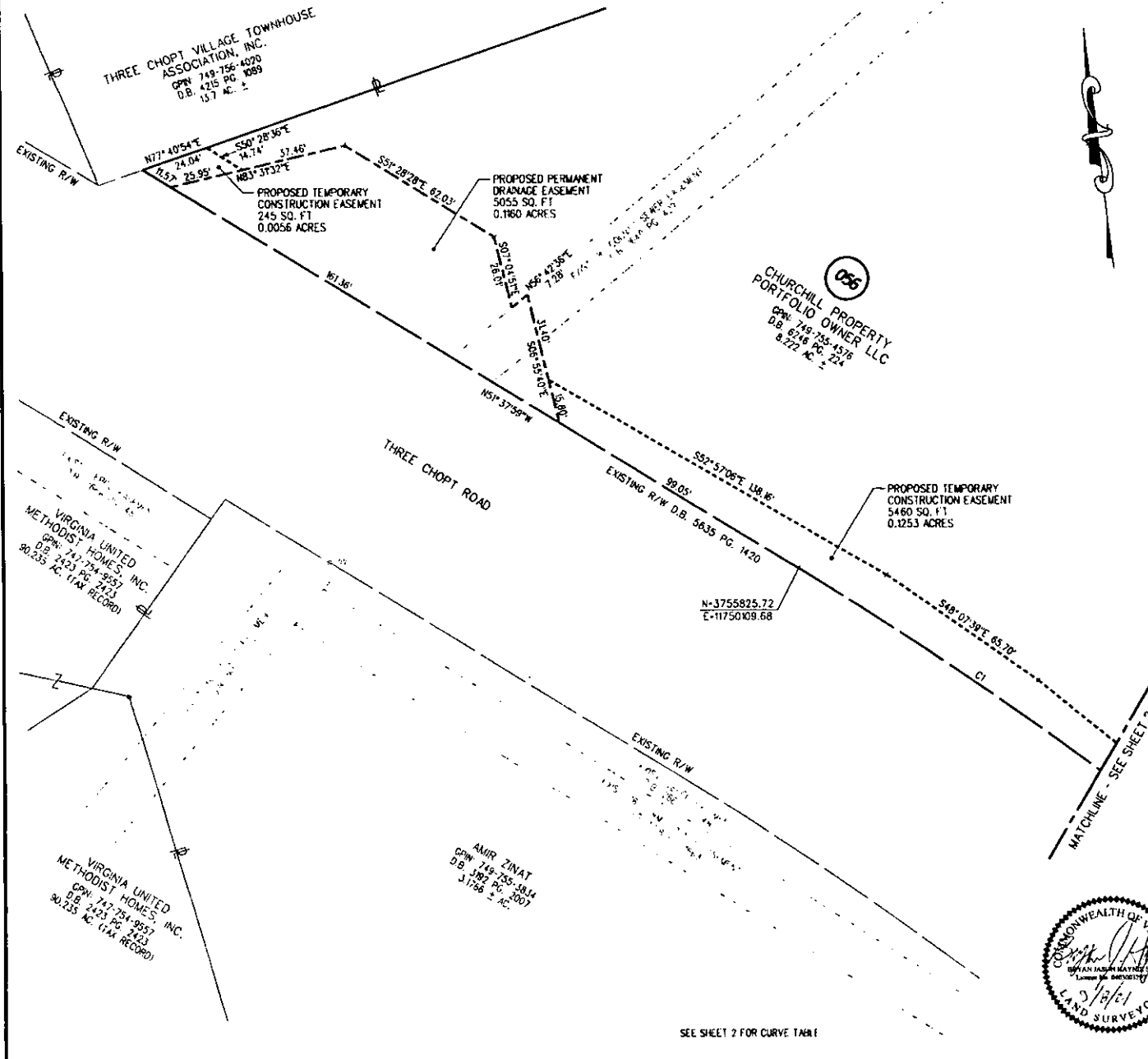
**Agenda Title: RESOLUTION — Condemnation — Right-of-Way and Easements — Three
Chopt Road Improvements Project — Churchill Property Portfolio Owner,
LLC — Three Chopt District**

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, under, upon, across, and through the property of the Owner, as shown on two plats made by NXL, each dated April 4, 2018, revised September 8, 2021, reduced size copies of which are attached and marked Exhibits “A,” and “A-1” and further described on Sheet Nos. 15 and 16, dated September 9, 2021, and August 23, 2021, respectively, of the plans for Three Chopt Road, Project 00607, reduced size copies of which are attached and marked Exhibits “B,” and “B-1”;
- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to or during condemnation proceedings in accordance with the Code;
- (3) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession, and acquisition of the Right-of-Way and Easements;
- (4) The Board authorizes the County Attorney to institute and conduct condemnation proceedings to acquire the Right-of-Way and Easements in accordance with the Code; and
- (5) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take possession of the required Right-of-Way and Easements in accordance with the Code.

Comments: The Real Property Department has been unsuccessful in negotiating an agreement for the acquisition of the Right-of-Way and Easements. Therefore, the Deputy County Manager for Community Operations and Director of Public Works recommend approval of this Board paper; the County Manager concurs.

PARCEL INFO		PARCEL AREA (ACRES)		RIGHT OF WAY		PERM. DRAINAGE ESMT		TEMP. CONSTRUCTION ESMT		DVP UTILITY EASEMENT		VERIZON UTILITY ESMT	
NO.	CPN	EXIST.	REMAINING	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES	SQ. FT.	ACRES
056	749-755-4576	8.222±	8.203±	834	0.0191	5580	0.1281	11399	0.2616	459	0.0106	216	0.0050

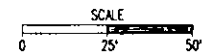


NOTES

1. I HEREBY CERTIFY THAT THIS COMPILED PLAT MEETS THE MINIMUM PLAT STANDARDS OF THE VA DPOR APPLICABLE REGULATIONS.
2. THIS PLAT IS BASED ON A COMPILE OF DATA FROM EXISTING DEEDS AND PLATS, AND FROM A FIELD SURVEY TO DETERMINE RIGHT-OF-WAY ALONG THE PROJECT CORRIDOR.
3. THIS PLAT WAS PREPARED TO SHOW THE ACQUISITIONS NOTED, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY HEREON.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY HEREON.
5. THE PROPERTY'S PHYSICAL IMPROVEMENTS ARE NOT SHOWN.
6. ACQUISITIONS SHOWN ARE BASED ON FILES PROVIDED BY AECOM, RECEIVED ON 8-11-2016 AND 8-31-2021.
7. NO DESIGNATION OR LOCATION OF SUBSURFACE UTILITIES WAS PERFORMED DURING THE PREPARATION OF THIS PLAT.
8. COORDINATES SHOWN ON THIS COMPILED PLAT ARE VIRGINIA STATE PLANE. PROJECT COORDINATES CAN BE COMPUTED BY MULTIPLYING THE STATE PLANE VALUES SHOWN BY THE COMBINED SCALE AND ELEVATION SCALE FACTOR OF 1.00006.
9. ALL DISTANCES SHOWN ARE GROUND DISTANCES.
10. MERIDIAN SOURCE: VA STATE PLANE, SOUTH ZONE, GRID NORTH

LEGEND

- AREA OF PROPOSED RIGHT OF WAY
- - - AREA OF PROPOSED PERMANENT DRAINAGE EASEMENTS
- - - AREA OF PROPOSED PERMANENT COMMON VA POWER & VERIZON UTILITY EASEMENTS
- - - AREA OF PROPOSED TEMPORARY CONSTRUCTION EASEMENTS
- PROPERTY LINE
- - - EXISTING RIGHT OF WAY



COMPILED PLAT SHOWING PROPOSED RIGHT OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ON THE PROPERTY OF

CHURCHILL PROPERTY PORTFOLIO OWNER LLC

TUCKAHOE MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA



Engineers, Surveyors
Construction Managers

114 east carry street, suite 200
roanoke, virginia 22019
(804) 644-4000

FILE NAME	SCALE	DATE	JOB NO.	SHEET
056-749-755-4576.DGN	1"=25'	APRIL 4, 2018	04001-004	1 of 2
REVISION: EXISTING R/W				DATE: SEPT. 8, 2021



SEE SHEET 2 FOR CURVE TABLE

GPN: 749-755-4576
D.B. 6246 PG. 224
B.222 AC. \pm

PROP. TEMPORARY
CONSTRUCTION ESMT.

PROPOSED PERMANENT
DRAINAGE EASEMENT
525 SQ. FT
0.0121 ACRES

PROPOSED TEMPORARY
CONSTRUCTION EASEMENT
5694 SQ. FT
0.1307 ACRES

PLE STORAGE
EE CHOPT LLC
750-755-0814
5345 PG. 583
J.5871 AC.

DETAIL 'E'
N.T.S.

J.M. PROFFITT CONSTRUCTION CO., INC
CPW: 749-755-4908
D.B. 1767 PG. 967
1,363 AC.

	RADIUS	ARC	DELTA	TAN	CHBEARING	CHDISI
C1	184.40'	183.17'	7° 14' 12"	91.70'	N88° 55' 5" W	183.05'
C2	184.40'	10.01'	0° 23' 11"	5.00'	N44° 22' 12" W	10.01'
C3	184.40'	113.15'	4° 22' 2"	56.60'	N41° 59' 35" W	113.12'
C4	184.40'	45.48'	1° 45' 19"	22.74'	N88° 55' 55" W	45.47'
C5	184.40'	76.89'	2° 58' 4"	38.45'	N36° 34' 13" W	76.88'
C6	184.40'	10.00'	0° 23' 10"	5.00'	N34° 53' 36" W	10.00'
C7	184.40'	111.26'	4° 17' 40"	55.66'	N32° 33' 11" W	111.23'
C8	184.40'	10.17'	0° 23' 33"	5.08'	N30° 12' 35" W	10.17'
C9	184.40'	13.08'	0° 30' 18"	6.54'	N29° 54' 39" W	13.08'
C10	184.40'	83.33'	3° 12' 58" W	41.68'	N27° 45' 57" W	83.32'

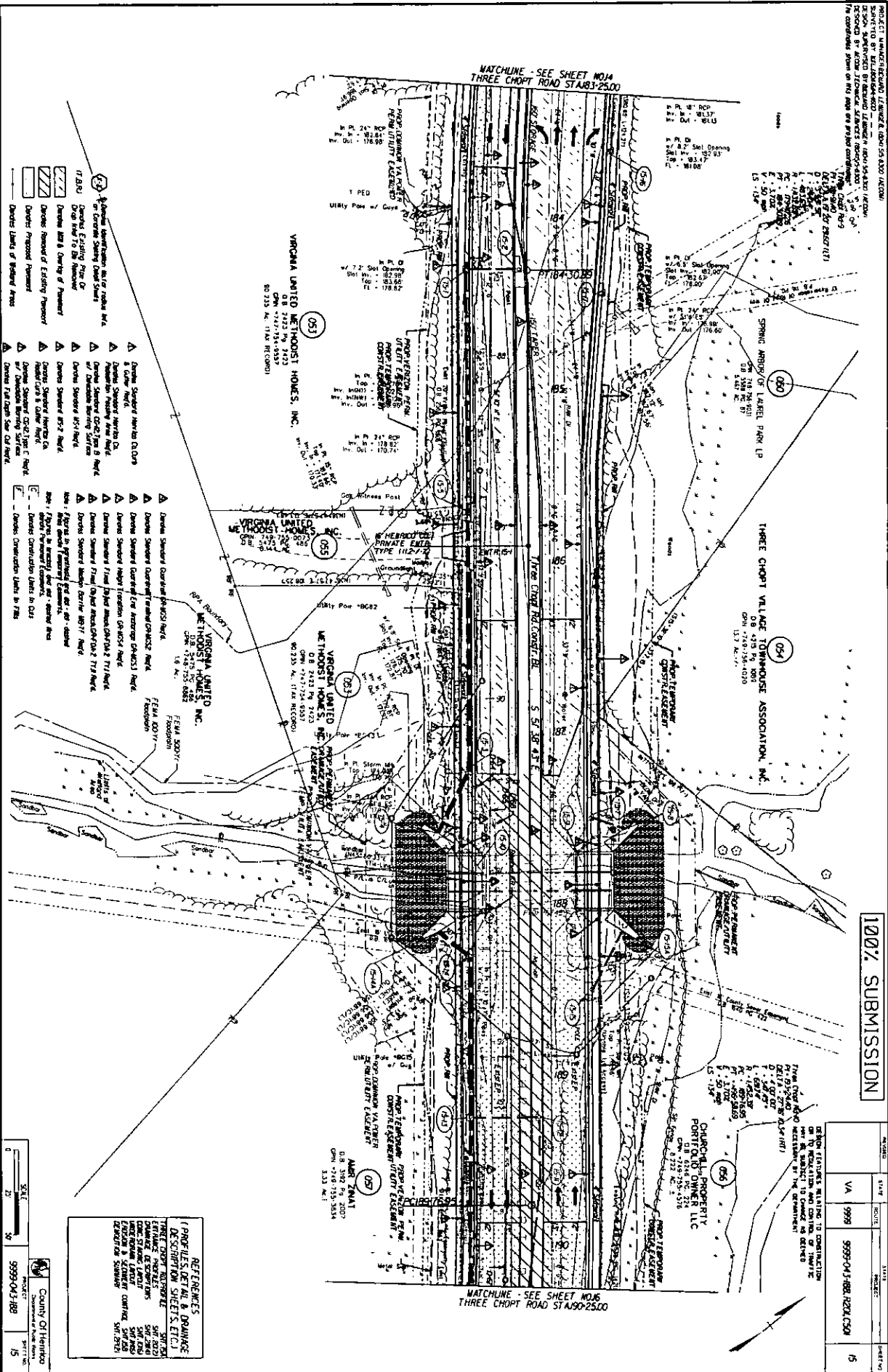
CHURCHILL PROPERTY
PORTFOLIO OWNER LLC



rad | Engineers, Surveyors
Construction Managers
114 east bay street, suite 200
richmond, virginia 23219
(804) 644-6000

FILE NAME	SCALE	DATE	JOB NO.	SHEET
056-748-755-4576.DGN	1"=25'	APRIL 4, 2018	04001-004	2 of 2
REVISION: EXISTING R/W			DATE: SEPT. 8, 2021	

THIS SET OF PLANS IS THE PROPERTY OF AECOM. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AECOM. AECOM ASSUMES NO LIABILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL FIELD DATA AND SURVEY INFORMATION. AECOM'S LIABILITY IS LIMITED TO THE DESIGN OF THE PLANS AND THE INFORMATION PROVIDED HEREON. AECOM DOES NOT WARRANT THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL FIELD DATA AND SURVEY INFORMATION. AECOM'S LIABILITY IS LIMITED TO THE DESIGN OF THE PLANS AND THE INFORMATION PROVIDED HEREON. AECOM DOES NOT WARRANT THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON.



100% SUBMISSION

NO.	DATE	REVISION
1	4/29/2016	100% SUBMISSION

PROJECT	9999-041-001
SHEET NO.	15

REFERENCES
 (PROFILES, DETAIL & DRAINAGE
 DE SIGNATURE SHEETS, ETC.)
 1. 9999-041-001-001
 2. 9999-041-001-002
 3. 9999-041-001-003
 4. 9999-041-001-004
 5. 9999-041-001-005
 6. 9999-041-001-006
 7. 9999-041-001-007
 8. 9999-041-001-008
 9. 9999-041-001-009
 10. 9999-041-001-010





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 334-21
Page No. 1 of 2

Agenda Title: RESOLUTION — Condemnation — Rights-of-Way and Easements — Three Chopt Road Improvements Project — Ruxton Services, Inc. — Three Chopt District

For Clerk's Use Only:

Date: 10/12/2021

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Branin Seconded by (1) Nelson
(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, it is necessary for construction of the Three Chopt Road Improvements Project (the "Project") that the County acquire fee simple rights-of-way containing 2,126 square feet, temporary construction easements containing 3,480 square feet, a permanent utility easement for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Energy Virginia, containing 230 square feet, and permanent utility easements for Verizon Virginia, LLC, a Virginia limited liability company, containing 5,489 square feet (collectively, the "Rights-of-Way and Easements"), across the property located near Joppa Drive, Bellona Court, and Dulaney Court off Winespring Road, identified as Tax Map Parcels 750-754-5631, 750-754-9900, and 750-754-7612, and owned by Ruxton Services, Inc. (the "Owner"); and,

WHEREAS, the County has reached an agreement with the Owner concerning compensation for the Rights-of-Way and Easements and the cost to cure the remainder property, but the parties have been unable to complete the acquisition because of outstanding deeds of trust for which the Owner has not provided releases; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise the authority granted by the Code of Virginia (the "Code") to acquire title, to enter upon and to take possession of the Rights-of-Way and Easements, and to construct the Project prior to or during the condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §§ 15.2-1903 and 15.2-1905 of the Code, at which time the Board declared its intent to enter and take the Rights-of-Way and Easements for the Project across portions of the Owner's property.

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. 334-21

Page No. 2 of 2

Agenda Title: RESOLUTION — Condemnation — Rights-of-Way and Easements — Three Chopt Road Improvements Project — Ruxton Services, Inc. — Three Chopt District

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Rights-of-Way and Easements over, under, upon, across, and through the property of the Owner, as shown on three plats made by NXL, reduced size copies of which are attached and marked Exhibit "A" dated March 30, 2018, revised July 1, 2021, and Exhibits "A-1," and "A-2," each dated April 4, 2018, revised May 4, 2021, and further described on Sheet Nos. 18 and 19, each dated July 8, 2021, of the plans for Three Chopt Road, Project 00607, reduced size copies of which are attached and marked Exhibits "B," and "B-1";
- (2) The Board deems it necessary to enter upon the property and take possession of the Rights-of-Way and Easements in order to construct the Project prior to or during condemnation proceedings in accordance with the Code;
- (3) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Rights-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession, and acquisition of the Rights-of-Way and Easements;
- (4) The Board authorizes the County Attorney to institute and conduct condemnation proceedings to acquire the Rights-of-Way and Easements in accordance with the Code; and
- (5) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Rights-of-Way and Easements, to take all steps necessary to acquire the Rights-of-Way and Easements, and to enter on and take possession of the required Rights-of-Way and Easements in accordance with the Code.

Comments: The Real Property Department has been unsuccessful in obtaining the necessary Rights-of-Way and Easements. Therefore, the Deputy County Manager for Community Operations and the Director of Public Works recommend approval of this Board paper; the County Manager concurs.

LINE DATA TABLE		
	BEARING	(DIST. IF T)
L1	S37°58'37"E	31.51'
L2	S19°40'27"E	16.59'
L3	S41°10'10"E	14.94'
L4	S32°00'32"E	26.73'
L5	N66°52'10"E	5.90'
L6	S34°58'56"E	45.45'
L7	S43°39'10"E	73.06'
L8	S61°05'34"E	26.93'
L9	S79°41'55"E	21.21'

C1
R=1869.36'
L=54.38'
Delta=1°40'01"
T=27.20'
C89-N45°21'12"W
C93-S4.39'

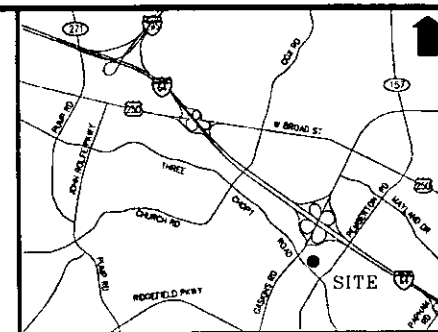
067

RUXTON SERVICES, INC.

GPIN: 750-754-5631
D.B. 1903 PG. 169
P.B. 75 PG. 1
3.507 AC.

PARCEL AREA TABULATION		
PIN: 400-00-0000	SQ. FT.	ACRES
EXISTING PARCEL AREA	152,765	3.507
PROPOSED RIGHT-OF-WAY	1219	0.0280
REMAINING PARCEL AREA	151,546	3.479

EASEMENT AREA TABULATION		
DESCRIPTION	SQ. FT.	ACRES
PERM. VERIZON UTILITY ESMT	1350	0.0312
TEMP. CONSTRUCTION ESMT	2043	0.0469



VICINITY MAP

N.T.S.

NOTES:

1. I HEREBY CERTIFY THAT THIS COMPILED PLAT MEETS THE MINIMUM PLAT STANDARDS OF THE VA DPOR APPLICABLE REGULATIONS.
2. THIS PLAT IS BASED ON A COMPILED DATA FROM EXISTING DEEDS AND PLATS, AND FROM A FIELD SURVEY TO DETERMINE RIGHT-OF-WAY ALONG THE PROJECT CORRIDOR.
3. THIS PLAT WAS PREPARED TO SHOW THE ACQUISITIONS NOTED, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY HEREON.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY HEREON.
5. THE PROPERTY'S PHYSICAL IMPROVEMENTS ARE NOT SHOWN.
6. ACQUISITIONS SHOWN ARE BASED ON FILES PROVIDED BY ACCORD, RECEIVED ON 4-23-2021.
7. NO DESIGNATION OR LOCATION OF SUBSURFACE UTILITIES WAS PERFORMED DURING THE PREPARATION OF THIS PLAT.
8. COORDINATES SHOWN ON THIS COMPILED PLAT ARE VIRGINIA STATE PLANE. PROJECT COORDINATES CAN BE COMPUTED BY MULTIPLYING THE STATE PLANE VALUES SHOWN BY THE COMBINED SCALE AND ELEVATION SCALE FACTOR OF 1.00006.
9. ALL DISTANCES SHOWN ARE GROUND DISTANCES.
10. MERIDIAN SOURCE: VA STATE PLANE, SOUTH ZONE, GRID NORTH

LEGEND

- AREA OF PROPOSED RIGHT OF WAY
- PVU — AREA OF PROPOSED PERMANENT VERIZON UTILITY EASEMENTS
- TCE — AREA OF PROPOSED TEMPORARY CONSTRUCTION EASEMENTS
- PROPERTY LINE
- EXISTING RIGHT OF WAY

COMPILED PLAT SHOWING PROPOSED
RIGHT OF WAY AND PERMANENT AND TEMPORARY EASEMENTS ON
THE PROPERTY OF

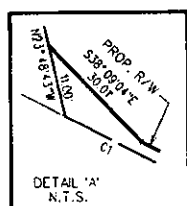
RUXTON SERVICES, INC.

TUCKAHOE MAGISTERIAL DISTRICT • HENRICO COUNTY, VIRGINIA

Century
ENGINEERING

114 E. Cary Street | Richmond, Virginia 23219 | 1 804 644 4600 | rd.com | centuryeng.com

FILE NAME	SCALE	DATE	JOB NO.	SHEET
0677507545631.DGN	1"=25'	MARCH 30, 2018	04001.004	1 of 1
REVISION: EASEMENTS				DATE: JULY 1, 2021



EXISTING EASEMENTS

- E01 1X 10' CMP EASEMENT
D.B. 1847 PG. 1825
- E02 EX. 20' PLANTING EASEMENT
(NO INGRESS/EGRESS)
- E03 EX. 10' CMP EASEMENT
D.B. 1889 PG. 473
- E04 1X VAR. WIDTH EASEMENTS
FOR DRAINAGE & UTILITIES
P.B. 75 PG. 1

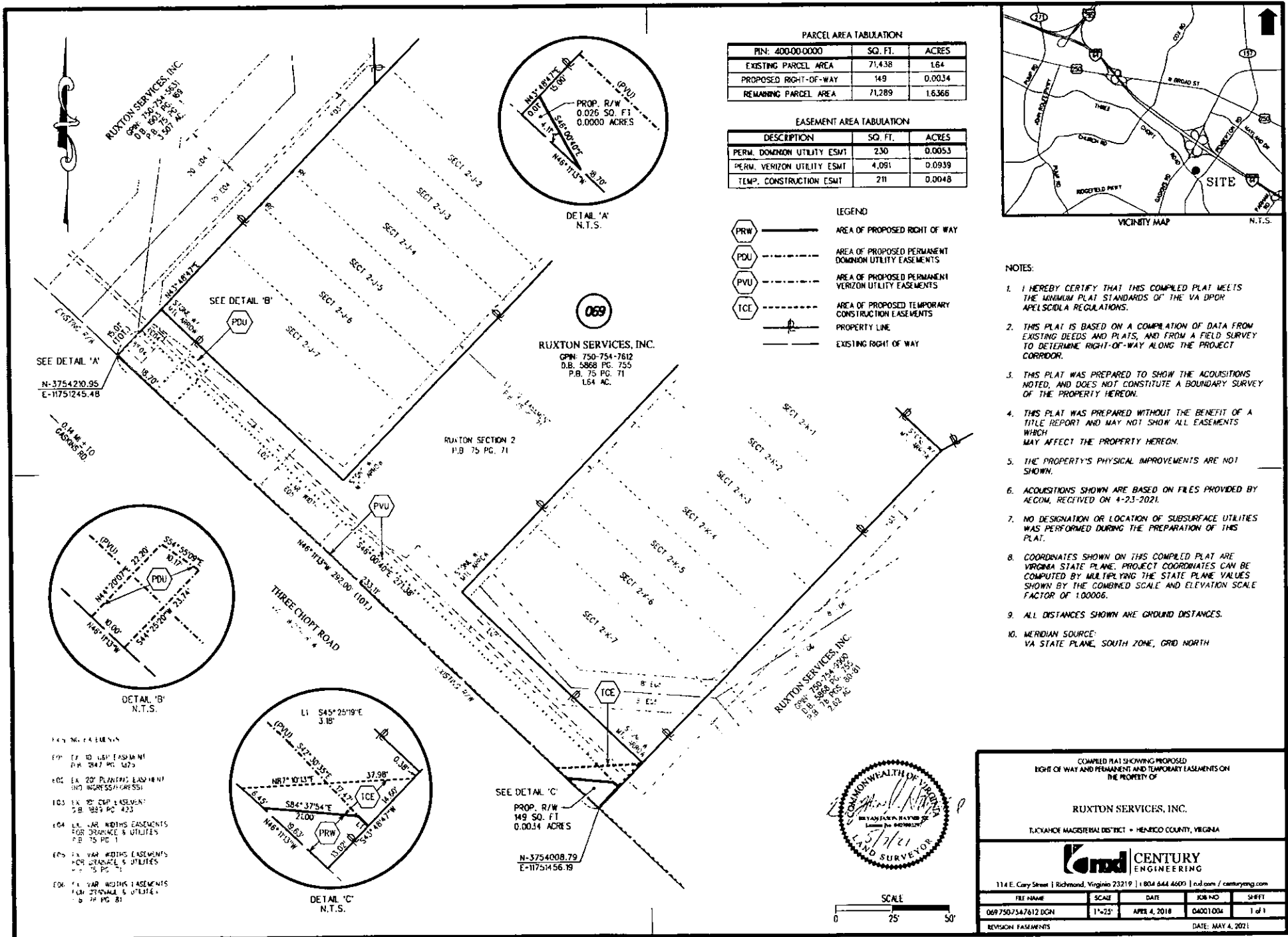
DETAIL 'B'
N.T.S.

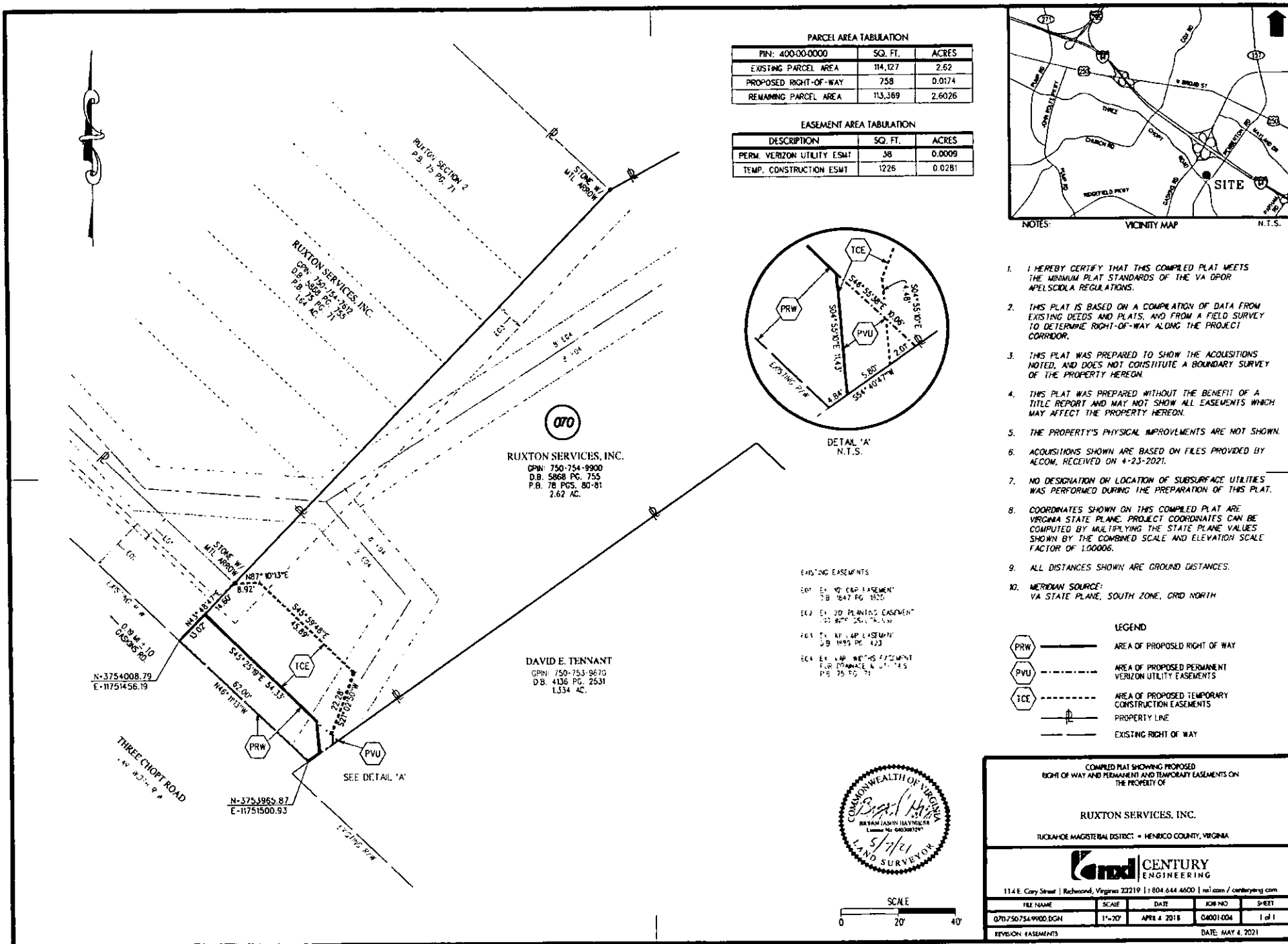
SEE DETAIL 'B'

N-3754210.95
E-11751245.48

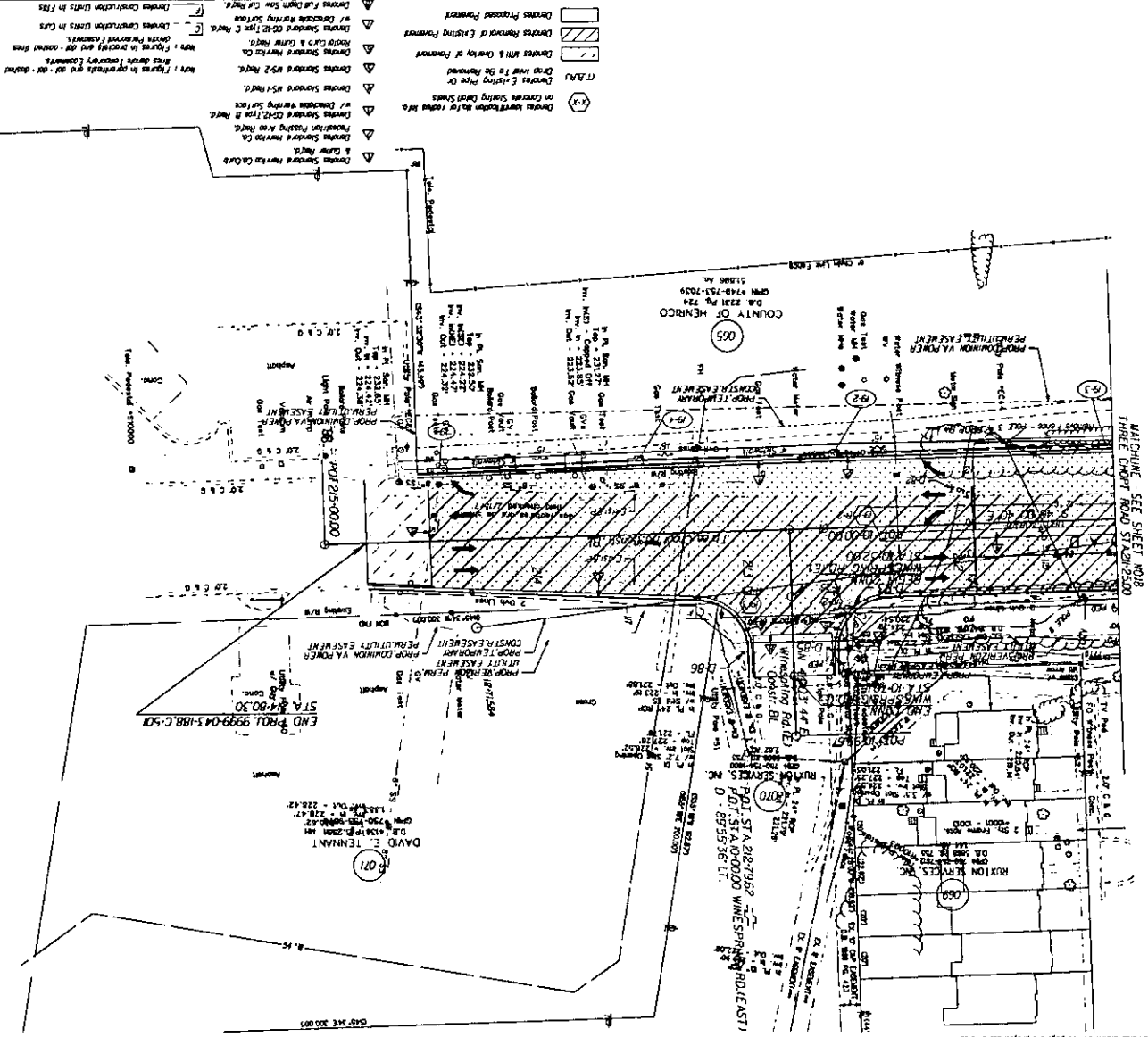



SCALE
0 25' 50'





The card differs from the other cards in that it is not a card of the same type as the other cards.

[illegible]

	County Of Henrico Dept. of Health & Public Works	PROJECT 9999-043-188	19 BUILT NO
	19		

100% SUBMISSION

DESIGN FEATURES RELATING TO CONSTRUCTION
ON TO REGULATION AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGE AS DETERMINED
NECESSARY BY THE DEPARTMENT

9999	9999-043-188, R201, C501	99
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COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 335- 21

Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE — To Amend and Reordain Section 20-81 Titled "Partial exemption for rehabilitated, renovated or replacement commercial and industrial structures" of the Code of the County of Henrico to Expand the Tax Exemption Program

For Clerk's Use Only:

Date: 10/12/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

The Clerk is directed to advertise, in the Richmond Times-Dispatch on October 19 and 26, 2021, the following ordinance for a public hearing to be held at the Board Room on November 9, 2021, at 7:00 p.m.:

"AN ORDINANCE to amend and reordain section 20-81 titled "Partial exemption for rehabilitated, renovated or replacement commercial and industrial structures" of the Code of the County of Henrico to expand the tax exemption program. A copy of the full text of the proposed ordinance is available for examination in the Office of the County Manager in the Administration Building at Parham and Hungary Spring Roads between 8:00 a.m. and 4:30 p.m. each business day and online at <https://henrico.us/services/citizen-participation-registration/>."

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

By Agency Head

Erin Ubell

By County Manager

[Signature]

Copy to: _____

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date: _____

BLACKLINE

ORDINANCE — To Amend and Reordain Section 20-81 Titled “Partial exemption for rehabilitated, renovated or replacement commercial and industrial structures” of the Code of the County of Henrico to Expand the Tax Exemption Program

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

1. That Section 20-81 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-81. Partial exemption for rehabilitated, renovated or replacement commercial and industrial structures.

• • • •

(b) *Qualifications.* For the purposes of this section, commercial and industrial real estate shall will be deemed to be substantially rehabilitated when a structure on such real estate ~~which is no less than~~ **at least** 26 years old ~~and~~ has been so improved as to increase the assessed value of the structure by ~~no less than~~ **at least** 40 percent, ~~but without increasing the total footage of such structure by more than 100~~ **However, if the total square footage of the final structure is greater than 20,000 square feet, the square footage of the structure may not have been increased by more than 125 percent.** As used in this section, the terms "rehabilitation" and "rehabilitated" shall also include situations in which the structures have been demolished and replaced with new structures. Subject to the limitations of this section, the rehabilitated, renovated, or replacement structure may be used for any purpose, ~~including mixed use, that is allowed by the building code and the applicable zoning regulations for the property~~ **commercial or industrial use, other than dwellings.**

• • • •

2. That this ordinance shall be in full force and effect on and after its passage as provided by law.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 336-21

Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE — To Add Article IX Titled “Henrico Investment Program” to Chapter 6 of the Code of the County of Henrico to Provide Development and Redevelopment Incentives in Designated Areas of the County

For Clerk's Use Only:

Date: 10/12/2021

- ☒ 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"/>	<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"/>

The Clerk is directed to advertise, in the Richmond Times-Dispatch on October 19 and 26, 2021, the following ordinance for a public hearing to be held at the Board Room on November 9, 2021, at 7:00 p.m.:

"AN ORDINANCE to add article IX titled "Henrico investment program" to chapter 6 of the Code of the County of Henrico to provide development and redevelopment incentives in designated areas of the County. A copy of the full text of the proposed ordinance is available for examination in the Office of the County Manager in the Administration Building at Parham and Hungary Spring Roads between 8:00 a.m. and 4:30 p.m. each business day, and online at <https://henrico.us/services/citizen-participation-registration/>."

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

By Agency Head

By County Manager

Copy to: _____

Certified:
A Copy Teste:

Clerk, Board of Supervisors

Date: _____

BLACKLINE

ORDINANCE — To Add Article IX Titled “Henrico Investment Program” to Chapter 6 of the Code of the County of Henrico to Provide Development and Redevelopment Incentives in Designated Areas of the County

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

1. That Article IX be added to Chapter 6 the Code of the County of Henrico as follows:

Article IX. Henrico Investment Program

Sec. 6-200. Purpose.

The purpose of this article is to enhance the economy of the county by establishing the Henrico Investment Program to encourage the private sector to purchase, assemble, and revitalize parcels suitable for economic development in designated areas of the county, as permitted by Virginia law, including Code of Virginia, § 15.2-1232.2, as amended.

Sec. 6-201. Definitions.

For purposes of this article, the following terms have the following meanings:

Director means the director of the department of community revitalization.

Economic Development Authority means the Economic Development Authority of Henrico County, Virginia.

Henrico Investment Program Area means an economic revitalization area of the county identified in section 6-202.

Qualifying Commercial or Industrial Use means any of the following uses of real property: retail or wholesale trades, hotels, restaurants, offices, clinics, warehouses, light manufacturing, or similar uses as determined by the director, and specifically excludes dissimilar uses, such as: apartments, dwellings, townhomes, and other residential uses, heavy manufacturing, exterior corridor motels, pay day lenders, and adult businesses and other uses where admittance by the public is conditioned on being over the age of 18.

Qualifying Property includes all real property or portions thereof (i) actually used for a Qualifying Commercial or Industrial Use, or for which the applicant or its successor in interest is actively pursuing redevelopment or rezoning to be used for a Qualifying Commercial or Industrial Use, (ii) located entirely within a Henrico

Investment Program Area, and (iii) substantially in conformance with the comprehensive plan's recommendations for the property.

Sec. 6-202. Henrico Investment Program Areas.

The following areas are established as individual Henrico Investment Program Areas for economic revitalization pursuant to Code of Virginia, § 15.2-1232.2, as amended. Each area is shown on a map approved by the board of supervisors and maintained in the office of the Director. The incentives under this article will be available only for the dates listed for each Area.

- (1) *Mechanicsville Turnpike Investment Area*. Effective January 1, 2022, and expires December 31, 2031.
- (2) *Patterson Avenue Investment Area*. Effective January 1, 2022, and expires December 31, 2031.
- (3) *Staples Mill Road Investment Area*. Effective January 1, 2022, and expires December 31, 2031.
- (4) *West Broad Street Investment Area*. Effective January 1, 2022, and expires December 31, 2031.
- (5) *Williamsburg Road Investment Area*. Effective January 1, 2022, and expires December 31, 2031.

Sec. 6-203. Applications.

The Director will publish application forms for incentives under this article. The forms will require all information necessary to determine whether the property is a Qualifying Property and the extent to which a project on the Qualifying Property qualifies for incentives. Anyone owning property located in a Henrico Investment Program Area is eligible to apply. If the property has more than one owner, all owners must join in the application, and a contract purchaser may apply with the written consent of all owners of the property.

Sec. 6-204. Incentives.

The following incentives are available for Qualifying Properties:

- (1) *Building permit fees*. The fees in subsections (g)(3) – (6), (i)(1), (k), and (l) of section 6-3 of this Code will be waived for permits issued for Qualifying Commercial or Industrial Uses where the permit application indicates the investment will be equal to or greater than \$100,000. If only a portion of the property will be used for a Qualifying Commercial or Industrial Use, only the

portion of the fee attributable to the Qualifying Commercial or Industrial Use will be waived.

(2) *Planning application fees.* The fees set out on the Planning Application Fee Schedule will be waived for planning applications for Qualifying Commercial or Industrial Uses. If only a portion of the property will be used for a Qualifying Commercial or Industrial Use, only the portion of the fee attributable to the Qualifying Commercial or Industrial Use will be waived.

(3) *Additional incentives from the Economic Development Authority.* The board of supervisors may make donations to the Economic Development Authority to fund additional incentives for Qualifying Commercial or Industrial Uses. The approval of additional incentives will be at the discretion of the Economic Development Authority.

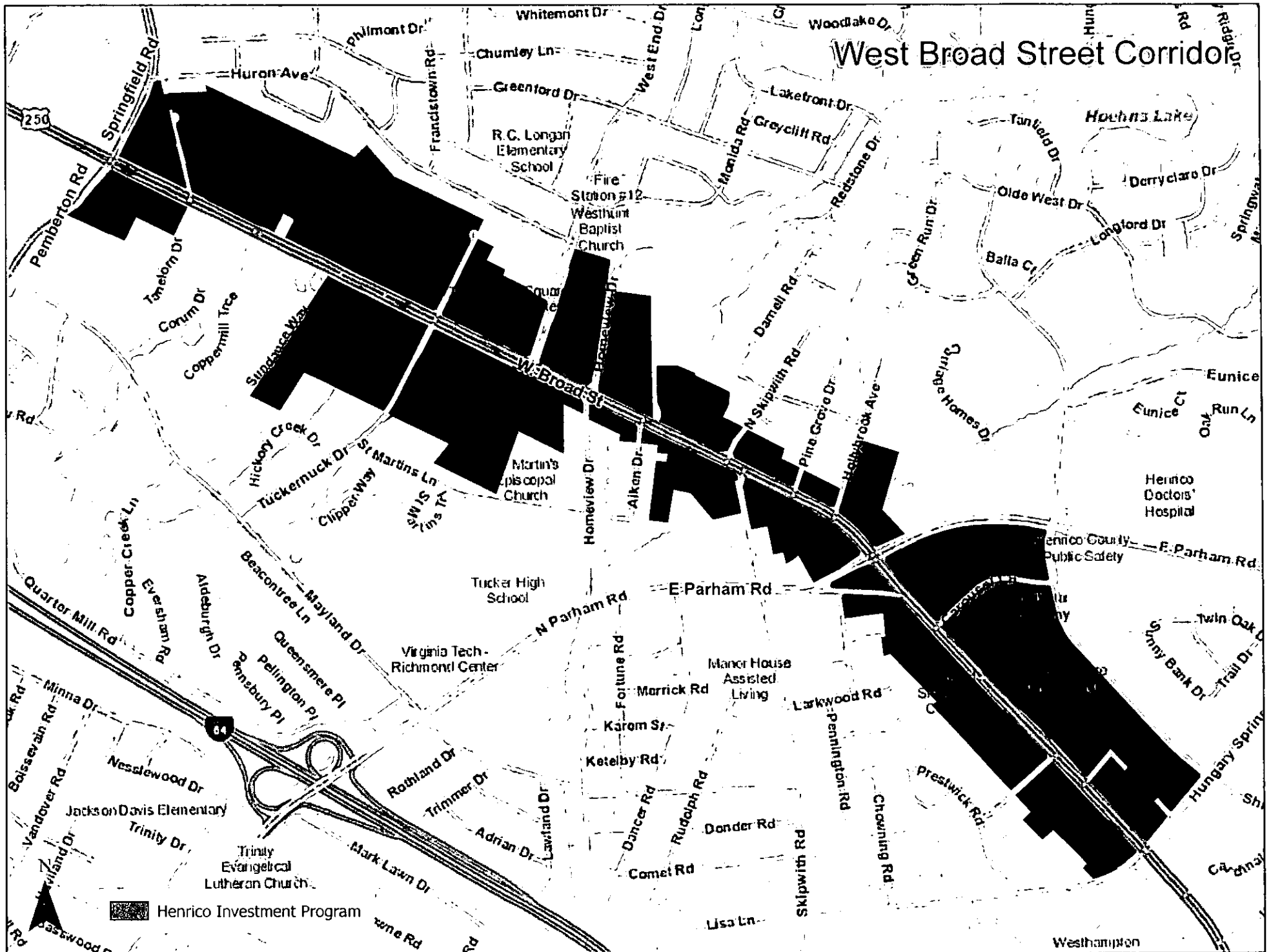
Sec. 6-205. Disqualification.

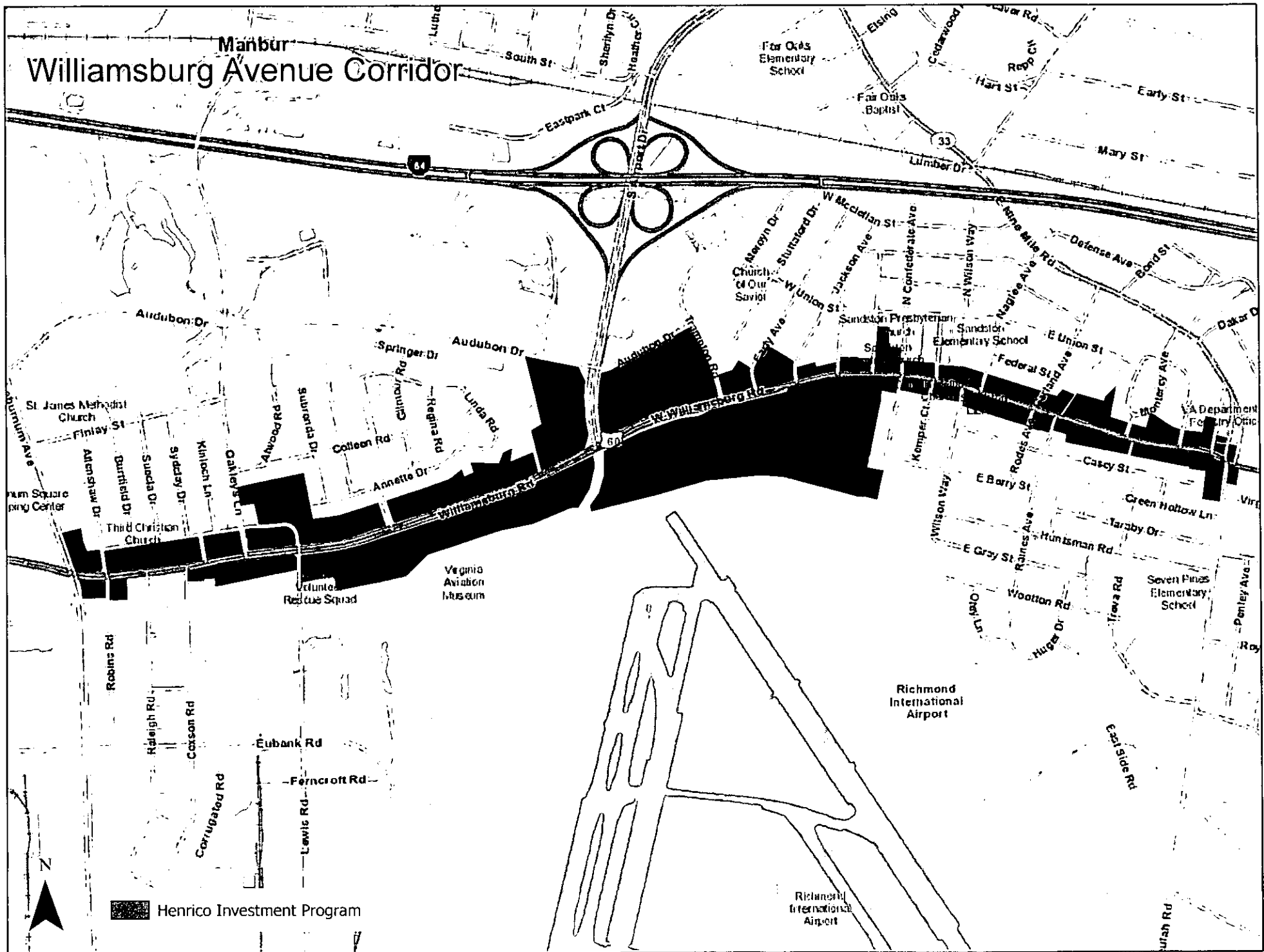
Incentives will not be available for any Qualifying Property (i) that ceases to meet the definition of Qualifying Property in section 6-202, or (ii) for which real estate taxes are delinquent, or (iii) for which a County Code violation exists under chapters 6, 10, 19, or 24.

2. That the attached maps establishing the boundaries of the Mechanicsville Turnpike Investment Area, Patterson Avenue Investment Area, Staples Mill Road Investment Area, West Broad Street Investment Area, and Williamsburg Road Investment Area are approved and filed with the Director of the Department of Community Revitalization.

3. The County Manager is authorized to execute, in a form approved by the County Attorney, any memorandum of understanding or other agreement with the Economic Development Authority providing the terms of any donations made to the Authority pursuant to Section 6-204.

4. That this ordinance shall be in full force and effect on January 1, 2022.





Manassas Williamsburg Avenue Corridor

Henrico Investment Program

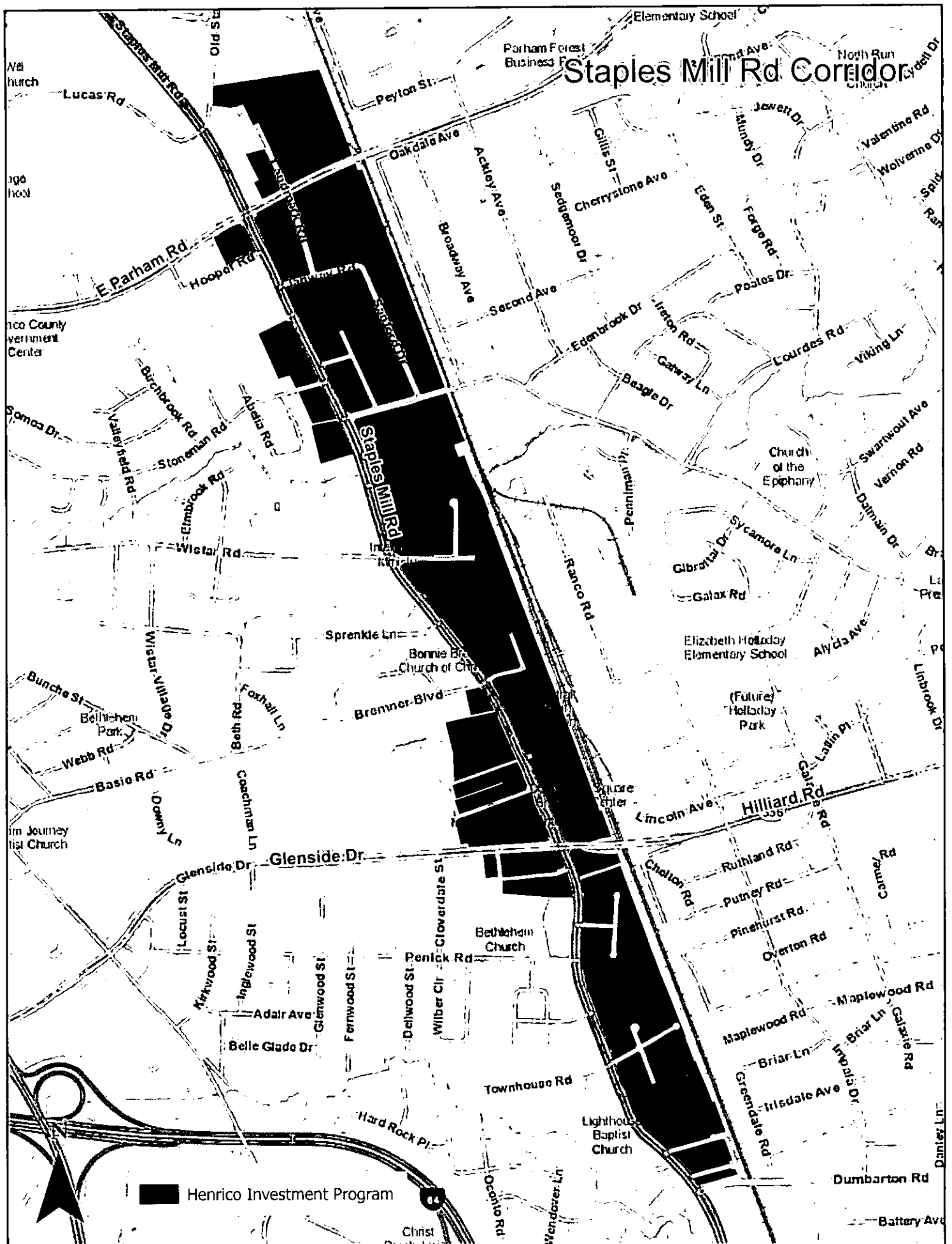
Patterson Avenue Corridor



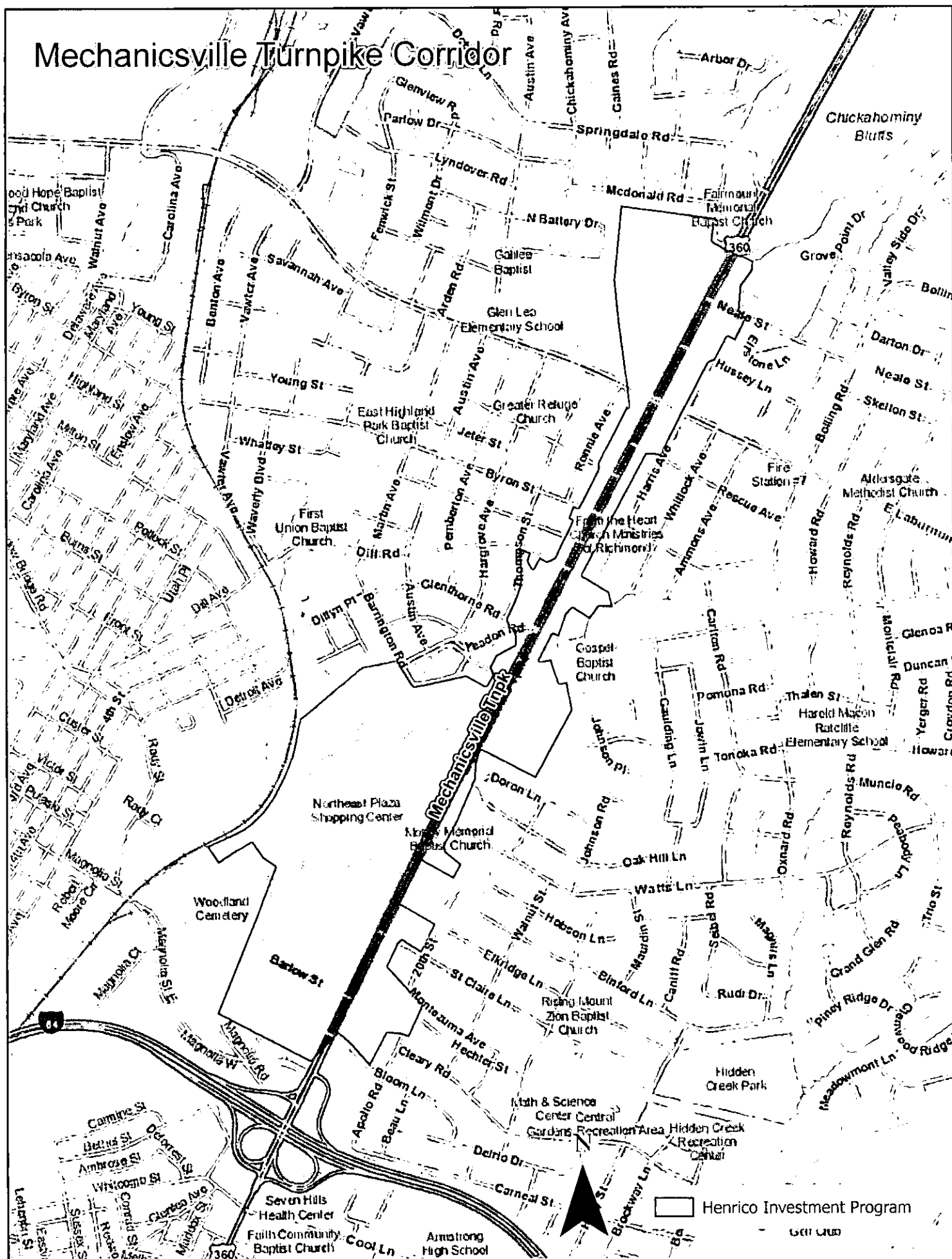
RENDALL SQUARE COMPANY

Henrico Investment Program





Mechanicsville Turnpike Corridor





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 337-21

Page No. 1 of 1

Agenda Title: RESOLUTION – Donation of Surplus Equipment – Charles City County, Virginia

For Clerk's Use Only: Date: 10/12/2021 <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	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, the County has declared as surplus Hurst extrication tools consisting of two hydraulic cutters, two spreaders, four rams, and one combination tool with batteries and accessories; and,

WHEREAS, these tools have a combined estimated value of \$26,000; and,

WHEREAS, the Charles City County Board of Supervisors has requested the donation of the tools to support the vehicle extrication response capabilities of the Charles City County Fire & EMS Department which provides fire and emergency medical services to the residents of Charles City County; and,

WHEREAS, Va. Code § 15.2-953(C) authorizes localities to make donations of personal property to other governmental entities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that it authorizes the donation of the surplus extrication tools to Charles City County and authorizes the County Manager to take all steps necessary to complete the donation.

Comment: The Director of General Services and the Fire Chief recommend approval of the Board paper, and the County Manager concurs.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to: _____

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 338-21

Page No. 1 of 2

Agenda Title: RESOLUTION – Award of Contract – Criminal Investigations and Internal Affairs Office
Renovation – Brookland District

For Clerk's Use Only: Date: 10/12/2021 <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>Wilson</u> (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"/> _____
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WHEREAS, the County wishes to renovate office space in the Public Safety Building at 7721 East Parham Road for Criminal Investigations and Internal Affairs; and,

WHEREAS, the County received four bids on September 7, 2021, in response to ITB 21-2190-7EAR and Addendums No. 1 and No. 2, with the following results:

<u>Bidders</u>	<u>Bid Amounts</u>
Woodland Construction, Inc. Richmond, Virginia	\$427,300
Brooks & Co. General Contractors, Inc. Richmond, Virginia	\$476,700
Marion Enterprises, Inc. Barboursville, Virginia	\$526,446
Kenbridge Construction, Inc. Kenbridge, Virginia	\$619,000

WHEREAS, after a review and evaluation of the bids, it was determined that Woodland Construction, Inc. is the lowest responsive and responsible bidder with a bid of \$427,300.

By Agency Head [Signature]

By County Manager [Signature]

Certified:

A Copy Teste:

Copy to: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 338-21

Page No. 2 of 2

**Agenda Title: RESOLUTION – Award of Contract – Criminal Investigations and Internal
Affairs Office Renovation – Brookland District**

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

1. A fixed price contract for \$427,300 is awarded to Woodland Construction, Inc., the lowest responsive and responsible bidder, pursuant to ITB 21-2190-7EAR, Addendums No. 1 and No. 2, and the base bid submitted by Woodland Construction, Inc.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15 percent of the original contract amount.

Comment: 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. 339-21

Page No. 1 of 1

Agenda Title: RESOLUTION — Acquisition of Right-of-Way and Easements — 3400 Cox Road —
Three Chopt District

For Clerk's Use Only:

Date: 10/12/2021

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

BOARD OF SUPERVISORS ACTION

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

REMARK

APPROVED

YES NO OTHER

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

WHEREAS, the County must acquire 29,473 square feet of fee simple right-of-way, 7,489 square feet of permanent drainage easement, 31,256 square feet of temporary construction easement, 11,533 square feet of permanent utility easement to relocate Verizon facilities, and 363 square feet of permanent utility easement to relocate Dominion Energy Virginia facilities across the property at 3400 Cox Road for the Three Chopt Road Improvements project; and,

WHEREAS, TCRD II, LLC owns the property and has agreed to sell the right-of-way and easements for \$811,600.

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

- (1) it authorizes the acquisition of the right-of-way and easements for \$811,600; and,
- (2) the County Manager, or his designee, and the County Attorney are authorized to execute all documents and undertake all actions necessary to complete the acquisition.

Comments: The Deputy County Manager for Community Operations and the Director of Public Works recommend approval of the Board paper; the County Manager concurs.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 340-21

Page No. 1 of 2

Agenda Title: RESOLUTION — Award of Contract — Emergency and Cold Weather In-Place Asphalt Concrete Paving Repairs

For Clerk's Use Only:

Date: 10/2/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Shonite
(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 two bids on September 9, 2021, in response to Invitation to Bid No. 21-2205-8EAR for annual emergency and cold weather in-place asphalt concrete paving repairs; and,

WHEREAS, the work consists of providing emergency and cold weather asphalt paving repairs for the Operations Division of the Department of Public Utilities; and

WHEREAS, the contract term shall commence on November 1, 2021, and end on October 31, 2022, with the option for two additional one-year renewal terms; and,

WHEREAS, the bids were as follows:

Bidders	Bid Amounts
Blakemore Construction Corporation Rockville, VA	\$374,587.50
Finley Asphalt & Sealing, Inc. Ashland, VA	\$5,607,500.00

WHEREAS, after review and evaluation of the bids, it was determined that Blakemore Construction Corporation is the lowest responsive and responsible bidder with a bid of \$374,587.50.

By Agency Head

By County Manager

Routing:

Certified:
A Copy Teste:

Copy to:

Clerk, Board of Supervisors

Date:

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

Agenda Item No. 340-21

Page No. 2 of 2

**RESOLUTION — Award of Contract — Emergency and Cold Weather In-Place Asphalt
Concrete Paving Repairs**

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

1. The contract is awarded to Blakemore Construction Corporation, the lowest responsive and responsible bidder, in the amount of \$374,587.50 pursuant to Invitation to Bid No. 21-2205-8EAR and the bid submitted by Blakemore Construction Corporation.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.

Comment: Funding to support the contract is available within the Water and Sewer Revenue Fund. The Director of Public Utilities 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. **341-21**
Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Relocation of Duct Bank — Water Reclamation Facility — Varina District**

For Clerk's Use Only:

Date: 10/12/2021

- () 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. ☒ _____
Schmitt, D. ☒ _____
Thornton, F. ☒ _____

WHEREAS, the County received one bid on August 19, 2021, in response to Invitation for Bid No. 21-2191-6EAR and Addendum No. 1 to install new overhead conduit support stanchions for rerouting conduit, control wires, and power cables from the duct bank between ENR Basins 8 and 9 at the Water Reclamation Facility; and,

WHEREAS, the bid is as follows:

Bidder	Bid Amount
Instrumentation & Control Systems Engineering, Inc. (ICSE) Ashland, VA	\$360,343

WHEREAS, after a review and evaluation of the bids, it was determined that Instrumentation & Control Systems Engineering, Inc. is the lowest responsive and responsible bidder with a bid of \$360,343.

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

- The contract is awarded to Instrumentation & Control Systems Engineering, Inc., the lowest responsive and responsible bidder, in the amount of \$360,343 pursuant to Invitation for Bid No. 21-2191-6EAR, Addendum No. 1, and the bid submitted by Instrumentation & Control Systems Engineering, Inc.

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. 341-21
Page No. 2 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Relocation of Duct Bank —
Water Reclamation Facility — Varina District**

2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comments: Funding for the project will be provided by the Water and Sewer Revenue Fund. The Director of Public Utilities 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. 342-21
Page No. 2 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Truck Scales Replacement Project — Water Reclamation Facility and Springfield Road Landfill — Varina and Three Chopt Districts**

2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comments: Funding for the project will be provided by the Water and Sewer Revenue Fund and the Solid Waste Revenue Fund. The Director of Public Utilities 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. 343-21
Page No. 1 of 2

Agenda Title: RESOLUTION – Award of Contract – Old Nine Mile Road Landfill Stream
Restoration – Varina District

For Clerk's Use Only:

Date: 10/12/2021

- ☒ 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. ☒ ☐ ☐
Schmitt, D. ☒ ☐ ☐
Thornton, F. ☒ ☐ ☐

WHEREAS, the County received five bids on August 18, 2021, in response to ITB No. 21-2193-7EAR and Addendum Nos. 1-3 for construction of the Old Nine Mile Road Landfill Stream Restoration project; and,

WHEREAS, the project will include the installation of in-stream structures, floodplain bench grading, seeding, and planting along 1,132 linear feet of Stony Run; and,

WHEREAS, the bids were as follows:

Bidders	Bid Amounts
KBS Earthworks, Inc. Julian, NC	\$528,220.51
HGS, LLC Warrenton, VA	\$781,983.62
Finish Line Construction, Inc. Fredericksburg, VA	\$931,401.42
Environmental Quality Resources, LLC Millersville, MD	\$973,367.20
J.E. Liesfeld Contractor, Inc. Rockville, VA	\$1,346,381.00

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. 343-21

Page No. 2 of 2

Agenda Title: RESOLUTION – Award of Contract – Old Nine Mile Road Landfill Stream Restoration – Varina District

WHEREAS, the bid amounts were calculated by multiplying the estimated unit quantities listed in the bid documents times the unit prices set out in the bids; and,

WHEREAS, after a review and evaluation of the bids, it was determined that KBS Earthworks, Inc. is the lowest responsive and responsible bidder for the contract; and,

WHEREAS, the final contract amount shall be determined upon completion of the project by multiplying the unit quantities authorized by the County by the unit prices submitted in the contractor's bid.

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

1. The contract for \$528,220.51 is awarded to KBS Earthworks, Inc., the lowest responsive and responsible bidder, pursuant to ITB No. 21-2193-7EAR and Addendum Nos. 1-3, and the bid submitted by KBS Earthworks, Inc.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget.

COMMENT: The Director of Public Works 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. 344-21

Page No. 1 of 1

Agenda Title: RESOLUTION — Acceptance of Road — Three Chopt District

For Clerk's Use Only: Date: <u>10/12/2021</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>Branin</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARK: APPROVED	<table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">YES</th> <th style="text-align: center;">NO</th> <th style="text-align: center;">OTHER</th> </tr> <tr> <td>Branin, T.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Schmitt, D.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </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"/>
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Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
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Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							



BE IT RESOLVED by the Board of Supervisors of the County of Henrico that the following named and described section of road is accepted into the County road system for maintenance.

Smith Grove at Bacova, Section 3 and a Resubdivision of Area Reserved for Future Development 'A' and 'B' of Smith Grove at Bacova, Section 2 – Three Chopt District

Hepler Ridge Way from 0.12 Mi. N. of Smith Grove Ct. to 0.19 Mi. N. of Smith Grove Ct. 0.07 Mi.

Total **0.07 Mi.**

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

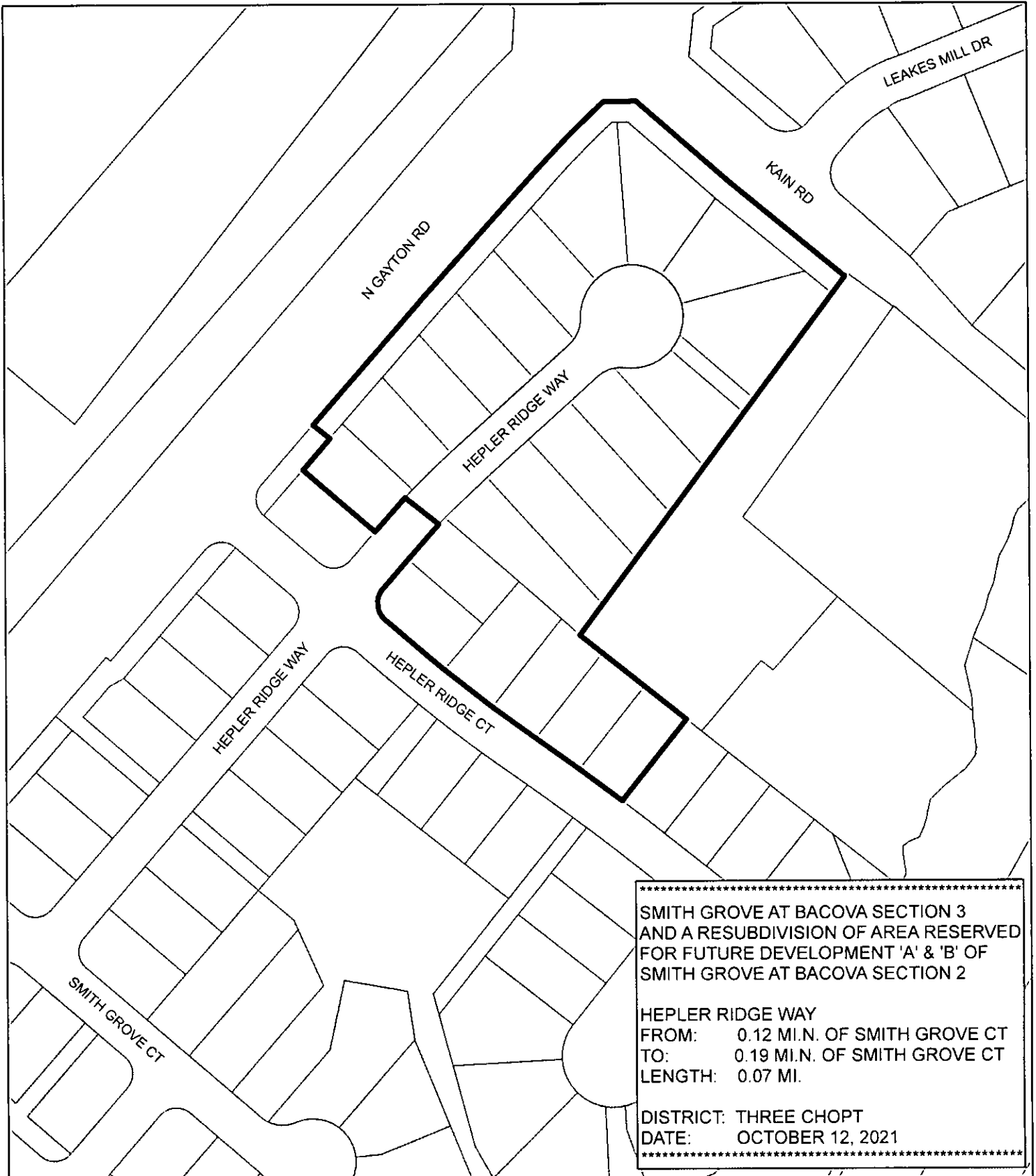
By Agency Head  By County Manager 

Copy to: _____

Certified: _____
 A Copy Teste: _____
 Clerk, Board of Supervisors
 Date: _____



SMITH GROVE AT BACOVA SECTION 3
AND A RESUBDIVISION OF AREA RESERVED
FOR FUTURE DEVELOPMENT 'A' & 'B' OF
SMITH GROVE AT BACOVA SECTION 2





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 345-21

Page No. 1 of 2

Agenda Title: **RESOLUTION — Approval of Participation in Proposed Opioid Litigation Settlements — McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, Inc.**

For Clerk's Use Only:

Date: 10/12/2021

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Branim
(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 a plaintiff in litigation against various pharmaceutical manufacturers, distributors, and others to recover damages arising from the opioid epidemic; and,

WHEREAS, three pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen, and one manufacturer, Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson, are defendants in the litigation and have negotiated proposed settlements regarding the liabilities they face as a result of their involvement in the marketing and sale of opioids; and,

WHEREAS, the proposed settlements provide for payments to the Commonwealth of Virginia to be allocated to localities and others in accordance with the Virginia Opioid Abatement Fund Memorandum of Understanding previously approved by the Board; and,

WHEREAS, the proposed settlements also include provisions regarding the marketing, sale, and distribution of opioids as well as safeguards to prevent the diversion of prescription opioids; and,

WHEREAS, the proposed settlements would only resolve the outstanding claims against the parties to the settlements and would not end the pending litigation against the other defendants; and,

WHEREAS, the plaintiffs in the litigation are required to vote on participation in the proposed settlements by January 2, 2022; and,

WHEREAS, the Commonwealth of Virginia has elected to participate in the proposed settlements and recommends that localities participate as well; and,

WHEREAS, the Board's outside opioid litigation counsel has recommended that the Board approve the proposed settlements; and,

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. 345-21

Page No. 2 of 2

Agenda Title: RESOLUTION — Approval of Participation in Proposed Opioid Litigation Settlements — McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, Inc.

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors approves the County's participation in the proposed settlements and directs the County Attorney or the Board's outside opioid litigation counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against the settling entities.

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