

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
January 25, 2022

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, January 25, 2022, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

Patricia S. O'Bannon, Chairman, Tuckahoe District
Frank J. Thornton, Vice-Chairman, Fairfield District
Thomas M. Branin, Three Chopt District
Daniel J. Schmitt, Brookland District
Tyrone E. Nelson, Varina 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
W. Brandon Hinton, Deputy County Manager for Administration
Monica Smith-Callahan, Deputy County Manager for Community Affairs
Anthony E. McDowell, Deputy County Manager for Public Safety
Cari Tretina, Assistant to the County Manager/Chief of Staff
Steve J. Yob, Deputy County Manager for Community Operations
Benjamin A. Sheppard, Director of Public Relations

Jeannetta Lee, Chaplain for the Henrico County Police Division, delivered the invocation.

On motion of Mr. Thornton, seconded by Mr. Nelson, the Board approved the minutes of the January 11, 2022, Regular Meeting.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

Mr. Vithoulkas mourned the death of Mr. Jay Stegmaier, who passed away after a courageous battle with cancer. Mr. Stegmaier served as Chesterfield County Administrator from 2007 until 2016 and was a mentor and a trusted friend when the Manager served as Chesterfield's budget director. Henrico County extends its deepest sympathies to the Stegmaier family as well as colleagues at Chesterfield County government.

Mr. Vithoukas announced that the Virginia State Golf Association has awarded its first Grow the Game award to First Tee – Greater Richmond for its work in renovating and reimagining Belmont golf course. Belmont reopened to the public on May 29, 2021, with over 20,000 rounds played in just seven months.

Mr. Vithoukas recognized Barbara Weedman, Director of Libraries, who reported that a photo of a computer workstation in the children’s section of the Fairfield Library went viral on Twitter with more than 240,000 likes and became the subject of an article in Newsweek.

BOARD OF SUPERVISORS’ COMMENTS

Mrs. O’Bannon reflected on the hostage-taking at the Congregation Beth Israel Synagogue in Colleyville, Texas and stated the Board of Supervisors stands in solidarity with members of the Jewish faith and other religions.

Mr. Schmitt applauded the large number of youth attending Belmont Golf Course and thanked Recreation & Parks, First Tee, and the rest of the Board for their support of Belmont.

Mr. Nelson recognized members of the Varina High School football team and announced there will be a public celebration on February 19 at 1:00 p.m. to celebrate their first state football championship.

RECOGNITION OF NEWS MEDIA

There was no news media present.

APPOINTMENTS

21-22 Resolution - Appointment of Members - Local Emergency Planning Committee.

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

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

22-22 Atlantic Crossing, LLC: Request to conditionally rezone from A-1
REZ2021- Agricultural District to M-2C General Industrial District (Conditional)
00056 Parcels 841-712-8524, 842-712-1529, 842-712-5063, 843-711-6375, 843-712-
Varina 6388, and 844-709-3698 containing 530.47 acres located on the north and
south lines of E. Williamsburg Road (U.S. Route 60) at its intersection with
Technology Boulevard.

Mr. Vithoukas announced the applicant requested this item be deferred until the March 8, 2022, meeting.

No one from the public spoke in opposition to the deferral.

On motion of Mr. Nelson, seconded by Mr. Schmitt, and by unanimous vote, the Board deferred this item to the March 8, 2022, meeting.

The vote of the Board was as follows:

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

No: None

23-22
REZ2021-
00048
Three Chopt

Triple J Farms, LLC, ME Taylor LLC, and ME Payne LLC: Request to conditionally rezone from A-1 Agricultural District to UMUC Urban Mixed-Use District (Conditional) Parcels 731-768-6671, 731-769-1848, 731-770-6865, 732-768-3835, 732-768-9107, and 734-767-2531 containing 183.011 acres located on the north line of Bacova Drive at its intersection of N. Gayton Road.

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

The following individuals spoke in opposition to this case:

- A resident who resides near Kain Road voiced concerns regarding the impact on Kain Road.
- Lt. Eliot Evans, a resident of the Three Chopt District representing the Bentley Homeowners Association, stated the Association opposes the proposed density and asked that the developer not clearcut the woodland land area.
- Yasir Vohra, a resident of the Three Chopt District, voiced concerns about the effect on school capacity.

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

1. **Pattern Book.** The Property shall be developed in general conformance with the concept plan, illustrations and information set forth in the Avenlea pattern book (the "Pattern Book") filed herewith (see case file), or as it may be updated from time to time, which illustrations and information are conceptual in nature and may vary in detail. If not in general conformance with the foregoing, deviations may be approved in any subsequent Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director finding that the variations are generally in keeping with the spirit and concept of the Pattern Book.
2. **Prohibited Uses.** The following uses shall be prohibited on the

Property:

- a. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - b. gun shop, sales and repair;
 - c. adult businesses as defined by Section 24-3 of the Henrico County Code;
 - d. 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);
 - e. car title loan operations;
 - f. flea markets;
 - g. billboard signs;
 - h. No free-standing, single tenant building, excluding the food truck or food hall area, shall be used for a fast food restaurant, not to exclude, however, fast-casual restaurants such as Panera, restaurants with dedicated parking for the pickup of carry-out food, nor restaurants whose primary business is the sale of specialty coffees or other non-alcoholic beverages or pastry. The Director of Planning shall determine if a restaurant is fast food or fast casual pursuant to the above. The foregoing permitted uses, as well as banks and pharmacies, may have drive-thru lanes; and
 - i. 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.
3. **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.
 4. **Residential Density.** No more than 1,600 residential dwelling units shall be permitted on the Property, which limitation does not apply to units which are a part of a life care, assisted living and/or nursing home facility; however independent living units within a life care facility shall apply. The maximum number of residential

dwelling units, unless otherwise approved by the Director of Planning at the time of Plan of Development and/or subdivision approval, shall be:

- a. Blocks A-H cumulatively: A maximum of 610 residential dwelling units in the aggregate, of which no more than 270 units can be apartments units.
 - b. Blocks I-K cumulatively: A maximum of 440 residential dwelling units in the aggregate, of which no more than 270 units can be apartment units.
 - c. Block L-O cumulatively: A maximum of 550 residential dwelling units in the aggregate, which may be a combination of townhomes, condominiums, and single family detached homes.
 - d. The Residential Blocks in the aggregate, as depicted in the Pattern Book (see case file), shall contain at least two (2) different product types, in addition to any apartments which may be a residential and a commercial product, or just different residential products.
 - e. There shall be no more than 800 (eight hundred) residential units of any one type within Avenlea as a whole.
5. **Commercial Space.** Blocks A, E, F and J shall, in the aggregate at the time of full development contain a minimum of 150,000 square feet of commercial space, unless the herein requirement has been met taking into account the other blocks in the development, unless otherwise approved by the Director of Planning at the time of Plan of Development and/or subdivision approval.
 6. **First Floor Commercial.** At least 50% of that portion of the rentable finished first floor area of multi-family, for-rent buildings in Blocks A, E, F and J which front on a Primary Commercial Street shall be restricted to commercial uses, unless otherwise approved by the Director of Planning at the time of Plan of Development approval.
 7. **Easements.** The applicants shall provide one another with non-exclusive, cross-easements for access, utilities, stormwater and the construction and maintenance thereof.
 8. With each POD submission, should the proposed use be materially inconsistent with, and negatively impact the findings in the Traffic Impact Analysis submitted with the rezoning (see case file), such Analysis shall be updated upon request by the Director of Public Works.

9. **Setbacks.** Minimum setbacks shall be generally as shown in the Pattern Book (see case file) unless otherwise approved by the Director of Planning at the time of Plan of Development or Subdivision Plan approval.
10. **Parking Plan.** The applicant shall provide a minimum number of parking spaces as required by the UMU Ordinance. Should reduced parking be requested, parking information in support of such request shall be provided with the Plan of Development or Subdivision Plan for approval.
11. **Signage.** Signage within Avenlea shall be generally consistent with the styles depicted in the Pattern Book (see case file) unless otherwise approved by the Director of Planning at the time of Plan of Development or subdivision approval. No mounted billboard-type signage shall be permitted.
12. **Exterior Building Materials.**
 - a. Residential Structures. All buildings shall have exposed exterior walls (above grade and exclusive of trim) of stone, stone veneer, brick, fiber-cement siding, or a combination of the foregoing unless different architectural treatment and/or material are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. A minimum of thirty (30) percent in the aggregate for each building and an average of thirty-five (35) percent in the aggregate for all buildings, of the exterior portions of the front building wall surfaces of each building, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction.
 - b. Commercial Structures. The exposed portion of each exterior wall surface (front, rear and sides) of any commercial building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, glass, E.I.F.S., stone, stone veneer, split face block, cementitious, composite-type siding, architectural-grade metal panels, or a combination of the foregoing, unless different architectural treatment and /or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development. A minimum of forty (40) percent of each façade of buildings which face N. Gayton Road or I-64, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction. 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. Any sloped roofs shall be constructed of slate, simulated slate, standing seam metal or textured fiberglass shingles, architectural shingles, cedar shakes, concrete or composition shingles. Retail users will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space.

13. **Structured Parking Facades.** The facades of any structured parking shall be complementary with the color and materials of the building(s) it serves, unless otherwise approved by the Director of Planning at the time of Plan of Development or Subdivision Plan approval, in general conformance as depicted in the Pattern Book on pages 50 and 53 (see case file). Screening of open areas within the structured parking deck shall be determined at the time of Plan of Development or Subdivision Plan approval.
14. **Development Adjacent to the Northern Line of Block "O":**
 - a. No road shall physically connect to the northern line of Block "O" until such time as the County's contemplated improvements to Kain Road have been completed;
 - b. A 35' vegetative buffer, exclusive of lots, shall be provided along said northern line;
 - c. Homes adjacent to the aforesaid buffer in subsection b above, shall not exceed 2 stories or 40' in height for so long as the adjacent property to the north is zoned to a category not allowing dwellings in excess of 40' in height;
 - d. Subject to the height limitations set forth in subsection c above, buildings within 150' of said northern line shall not exceed 45' in height.
15. **Height Exception Limitation.** The exception to the maximum height of buildings in Avenlea shall only apply to Blocks "A" through "J" as shown in the Pattern Book (see case file), unless otherwise approved by the Director of Planning at the time of Plan of Development or Subdivision Plan approval.
16. **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 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 outdoor vending area.

17. **Open Space/Connectivity.** Avenlea Trace as depicted in the Pattern Book (see case file), shall be provided consistent with the phasing of the development. A pedestrian trail to include passive or active amenities shall be within Avenlea Trace. A pedestrian access system shall be provided connecting the major areas of the development.
18. **Outdoor Music.** Outdoor music shall not be permitted on the Property after 9:00 p.m. Sunday through Thursdays nor after 11:00 p.m. on Friday, Saturdays and holidays, unless otherwise approved by the Director of Planning.
19. **Hours of Construction.** The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:30 a.m. and 5:00 p.m. on Saturdays, except in emergencies or where unusual circumstances require the specific hours in order to complete work such as concrete pours and utility connections. No exterior construction activities shall be allowed on Sundays, unless approved by the Director of Planning due to weather-related issues during the preceding week prohibiting exterior construction. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.
20. **Open Space and Common Areas.** Open space and common areas shall be as generally shown in the Pattern Book (see case file). A minimum of fifteen (15) percent of the acres in the development in the aggregate at the time of full development shall be provided in open space and /or common areas unless otherwise approved by the Director of Planning at the time of Plan of Development or Subdivision Plan approval.
21. **Site Coverage Ratio.** No more than seventy-five (75) percent of the land in Avenlea in the aggregate at the time of full development shall be covered by buildings unless otherwise approved by the Director of Planning at the time of Plan of Development or Subdivision Plan approval. A chart showing the cumulative total of space covered by buildings shall be provided with each Plan of Development or Subdivision Plan.

22. **Covenants.** Covenants shall be provided as required by the UMU Ordinance which shall require the creation of a three (3) member Architectural Review Committee comprised of a representative from each of the current underlying owners or their permitted successors or assigns, which Committee shall utilize the services of a licensed architect in reviewing submissions. Such covenants shall be provided consistent with the phase of development.
23. **Driveways and Parking Areas.** Driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning at the time of Plan of Development or Subdivision plan approval.
24. **Sound Suppression.** The exterior walls in any (for sale) homes adjacent to Interstate 64 shall be insulated with “closed cell” spray foamed-in-place urethane insulation.
25. **Hours of Operation.** Hours of operation to the public for retail businesses shall not occur before 5:00 a.m. nor after 12:00 a.m. The foregoing shall not apply to fitness or care facilities.
26. **Residential Lot Area and Width Dimensions.** Residential minimum lot widths shall be 16’ for attached homes and 26’ for detached homes. Residential minimum lot areas shall be 800 square feet for attached homes and 1,300 square feet for detached homes.
27. **Dedication.** After approval of the Plan of Development for the project and prior to construction plan approval for the Future Interchange (defined below), County may request in writing and Developer shall dedicate a variable width limited access right-of way free and unrestricted for a new I-64/Gayton Road interchange (“Future Interchange”) along the southern and southwestern part of the Property, as generally shown in Exhibit A attached hereto (see case file), to and for the benefit of the County within ninety (90) days after the County’s written request, provided that the Property shall have an alternate access to a public road. The exact location and alignment of this right-of-way dedication shall be approved by the Director of Public Works in advance of the dedication. If the Future Interchange design or alignment is modified and the Director of Public Works determines in writing that the right-of-way dedication is no longer required for the Future Interchange, Developer shall have no obligation to complete the dedication.

The vote of the Board was as follows:

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

No: None

24-22
PUP2021-
00018
Three Chopt

Triple J Farms, LLC, ME Taylor LLC, and ME Payne LLC: Request for a Provisional Use Permit under Sections 24-32.1 (a, i, k, n, p, s, t, u, v, w, x, z, aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow outdoor vending; offices greater than 30,000 square feet, indoor recreation greater than 10,000 square feet, retail stores or shops greater than 10,000 square feet; drive-through services; parking garage with no associated ground floor retail; commercial outdoor recreation facilities; buildings in excess of 60' in height; residential density in excess of 30 units per acre; one-family dwellings exceeding 25 percent of total dwelling units; open space less than 20 percent; commercial or office square footage of less than 25 percent of the total building square footage; general hospitals; number of for-lease multifamily dwelling units to exceed 30 percent of total units; and a parking plan on Parcels 731-768-6671, 731-769-1848, 731-770-6865, 732-768-3835, 732-768-9107, and 734-767-2531 located on the north line of Bacova Drive at its intersection with N. Gayton Road.

On motion of Mr. Branin, 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. **Proffered Conditions.** All proffered conditions accepted with case REZ2021-00048 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 proffered Avenlea pattern book (see case file). Residential development on the property shall not exceed 1,600 dwelling units, of which no more than 800 shall be the same residential type, and no more than 540 shall be for-lease multifamily. Any hospital shall be located only in Master Plan Blocks A, E, F, and J.
3. **Residential Unit Size.** No more than 15% (up to 81) of multifamily units shall have 3 or more bedrooms.
4. **Use-Specific Square Footage Maximums. Medical/dental/** optical offices, clinics or laboratories, indoor recreation/entertainment facilities, and retail sales/services shall have no floor area limitations.
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 minimum amount proffered in rezoning case REZ2021-00048.
6. **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. Within and adjacent to Blocks K-O identified in the Avenlea pattern book, outdoor vendors or markets shall not be open to the public before 6:00 a.m. or after 10:00 p.m.

7. **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.
8. **Drive-Through Service Windows.** Except for banks, pharmacies, fast-casual restaurants, and specialty coffee/pastry restaurants, any use incorporating a drive-through service window shall be part of a multi-tenant building. Any drive-through service window shall be designed to minimize negative impacts to the pedestrian environment and shall be accessed from the site's internal roadways, unless otherwise approved at the time of Plan of Development review.
9. **Open Space.** Aggregate open space on the site shall be no less than 15%, however, open space within any of the three block groupings identified in the proffers and Avenlea pattern book (A-H, I-K, and L-O) (see case file) may be a minimum of 10%.
10. **Parking Plan.** The minimum parking requirements as detailed in the UMU ordinance will apply unless requests for reductions are approved by the Director of Planning during plan of development or subdivision review. Each plan of development and subdivision submitted for the property shall include a tabulation of all parking required. Information 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 and subdivision submitted shall identify the location and means of creating additional parking that could accommodate the difference between proposed reduced parking and the standards contained in

Section 24-34(m) of the Henrico County Code.

11. **Building Height and Emergency Communication Systems.** Building heights shall be regulated according to the proffered height limits applied to each block area on the concept plan in the Avenlea pattern book (see case file). 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.
12. **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.
13. **Crime Prevention.** Prior to occupancy of any new structure containing non-residential 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.
14. **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.
15. **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.

The vote of the Board was as follows:

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

No: None

25-22
REZ2021-
00002
Three Chopt

Edward Rose Properties, Inc.: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) Parcels 733-765-8245, 734-765-0271, 734-765-1326, 733-765-9428, 734-765-1094, 734-765-1456, 734-765-3041, and part of Parcel 734-765-1504, containing 17.2 acres located at the northwest intersection of N. Gayton and Old Three Chopt Roads.

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

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

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

1. **Concept Plan.** The Property shall be developed in general conformance with Exhibit A, attached (see case file), prepared by Reztark Design Studio, dated November 19, 2021 (the "Concept Plan"). The exact locations, footprints, configurations, size, and details of the drives, roads, buildings and other improvements shown on the Concept Plan are illustrative and

are subject to change and may be updated from time to time as required for final engineering designs. compliance with governmental regulations or as otherwise approved at the time of Plan of Development review of the Property.

2. **Architecture.** Buildings constructed on the Property shall generally be in conformance with the architectural style depicted on Exhibit B dated November 19, 2021 (see case file) and attached hereto and by this reference made a part hereof, unless otherwise approved at the time of Plan of Development review. Three (3) focal corners are identified on the Concept Plan and these focal corners shall be in general conformance with the architectural detail depicted on Exhibit D dated November 19, 2021 (see case file) and attached hereto and by this reference made a part hereof, unless otherwise approved at the time of Plan of Development review.
3. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of trim, which may be metal) of stone, cast stone, stone veneer, brick, E.I.F.S., cementitious siding (e.g. Hardi-plank), architectural metal panels or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. A minimum of thirty (30) percent in the aggregate for each building of the exterior portions of the building wall surfaces facing N. Gayton Road and Old Three Chopt Road, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction.
4. **Density.** No more than 325 dwelling units will be developed on the Property.
5. **Unit Type.** No units shall have three or more bedrooms.
6. **Entrance Feature.** Unless otherwise approved at the time of Plan of Development review, any detached entrance signage shall be ground mounted monument-style and not exceed 8' feet in height and the base of any such sign shall be brick or stone and be landscaped with plantings
7. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing or relocated utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company.
8. **Sidewalks.** Sidewalks shall be provided along internal streets and drives in the manner shown on the Concept Plan.

9. **Pedestrian Lighting.** Site lighting shall be designed to provide lighting for pedestrians along "Proposed Access (Old Three Chopt Road)," as identified on the Concept Plan, and internal project areas and roadways, in a manner approved at the time of lighting plan review. Pedestrian-scaled lighting shall be consistent with the urban nature of the development.
10. **Access Improvements.** Unless otherwise approved at the time of Plan of Development, the developer shall construct the following access improvements:
 - a. Relocate, subject to the approval of the Department of Public Works ("Public Works") and the Virginia Department of Transportation, the intersection of Old Three Chopt Road and Gayton Road north of its current location to the location generally shown on the Concept Plan by the intersection of the "Proposed Access (Old Three Chopt Road)" road and Gayton Road;
 - b. Reconstruct Old Three Chopt Road in general conformance with the drawing entitled "Illustrative Section Old Three Chopt Road" prepared by Kimley-Horn dated September 15, 2021, attached hereto as Exhibit C (see case file) to provide a two-lane access road, with on-street parking, from N. Gayton Road to the Property in the location and alignment generally shown on the Concept Plan;
 - c. Construct a two-lane access road from the Property to West Broad Street in the location generally shown on the Concept Plan, which becomes the southbound approach (fourth leg) of the West Broad Street intersection with Haydenpark Lane;
 - d. Construct the southbound approach (fourth leg) of the West Broad Street intersection with Haydenpark Lane to provide (i) a dedicated right turn lane on to westbound Broad Street, with a taper and storage length as approved by VDOT in the traffic study; (ii) a southbound through lane; (iii) a southbound left turn lane; and (iv) a northbound through lane;
 - e. Dedicate land for (if necessary) and construct one westbound right turn lane on West Broad Street, with a taper and storage length as approved by VDOT in the traffic study, at the new southbound approach for the intersection with Haydenpark Lane; and
 - f. After the last Certificate of Occupancy is issued on the Property, submit the follow signalized intersections to VDOT for evaluation and, if requested by VDOT, update the applicable signal timing plans: (i) West Broad Street and Haydenpark Lane/Proposed Site Road, (ii) West Broad Street and North Gayton Road, (iii) West Broad Street and Cabela Drive, (iv) West Broad Street and Bon Secours Parkway, (v) West Broad Street and Wilkes

Ridge Parkway, (vi) West Broad Street and Town Center Boulevard, (vii) West Broad Street and Town Center (West) Entrance, and (vii) West Broad Street and Lauderdale Road.

The construction of the proffered access improvements a. through e. shall be completed prior to the issuance of the first Certificate of Occupancy on the Property. Should the dedicated property not be utilized within thirty (30) years of the date of the dedication, title to the dedicated property will revert to the landowner or its successors in interest.

11. **Amenities.** Exterior amenities shall initially include a pool with a sundeck, a common gathering space, a dog park, outdoor grills, a fire pit or a similar outdoor feature, and an electric vehicle (EV) charging station. Interior amenities shall initially include a resident lounge, a fitness center, and a business center or a similar type of co-working space for residents.
12. **Street Trees.** Street trees shall be planted on both sides of the access road identified as "Proposed Access (Old Three Chopt Road)" on the Concept Plan with a maximum average spacing of fifty (50) feet on center. If existing trees are maintained, they may be counted toward this requirement. In the event of conflicts with utilities, sightlines and driveway areas, the required spacing shall be increased.
13. **Dedication.** After approval of the Plan of Development for the project and prior to construction plan approval for the Future Interchange (defined below), the County of Henrico ("County") may request in writing, and within ninety (90) days after the written request by the County, a variable width limited access right-of-way for a new 1-64/Gayton Road interchange ("Future Interchange") along the northern and northeastern part of the Property, in the general location shown on the Concept Plan, shall be dedicated, free and unrestricted, to and for the benefit of the County. The exact location and alignment of this right-of-way dedication shall be approved by Public Works but shall not be closer than thirty (30) feet to the parking related improvements constructed on the Property or, if not yet constructed, as shown on the Concept Plan. In the event that the Future Interchange design/alignment is modified, as determined by the Public Works, without necessitating the aforementioned dedication, or portion thereof, the County may waive this dedication or portion thereof.
14. **Private Roads.** Prior to the issuance of any Certificate of Occupancy, the applicant shall provide the County Planning Department with certification from a licensed engineer that the roadways within the project were constructed according to the

approved Concept Plan, and in compliance with County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the subbase soils, utility trenches, base stone, and the base asphalt surface. The topcoat of the asphalt surface may be added prior to the issuance of the last Certificate of Occupancy.

15. **Hours of Construction.** The hours of exterior construction activities during initial site construction, including operation of bulldozers and other earthmoving equipment shall be between 7 a.m. and 7 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, asphalt pours and utility connections. No exterior construction activities shall be allowed on Sundays. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted, and maintained at all entrances to the Property prior to any land disturbance activities thereon.
16. **Compactor, Dumpster and Trash Receptacle Screening.** Compactors, dumpsters and trash receptacles, not including convenience containers, shall be screened from public view at ground level at the perimeter of the Property, with a masonry wall on three (3) sides complementary to the building it serves. The fourth (4th) side shall have a gate or door that is of a substantial and durable material as determined at the time of Plan of Development review. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore.
17. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
18. **Security Cameras.** The owner or operator of the multifamily buildings shall provide and be responsible for the installation, operation, and maintenance of the functioning security camera and video system of professional grade and quality and rated for surveillance of areas mutually agreed upon between the owner of the Property and the Crime Prevention Unit of the Police Division. Security camera locations and views shall be mutually agreed upon at the time of the security survey. The security camera system shall, at a minimum, include:
 - a. At minimum, five-megapixel cameras with night vision capturing pedestrian and vehicular access points, multifamily parking areas, and other areas mutually determined.
 - b. Recordings of all activities under surveillance shall be preserved for a period of one (1) month by the applicant

or owner/operator. Authorized representatives of the Henrico County Police Division shall have full and complete access to all recordings upon request.

19. **Dumpster Service/Parking Lot Cleaning.** No dumpster service shall take place between the hours of 10:00 p.m. and 7:00 a.m. No mechanical means may be used to clean the parking lot between the hours of 10:00 p.m. and 7:00 a.m.
20. **Exterior Walls.** Any exterior building wall parallel and adjacent to the Future Interchange shall be standard construction, with the addition of an RC sound attenuation channel creating a 1/2" dead air space. Windows installed in these walls will have a minimum sound transmission coefficient rating of 31. A cross-sectional detail, reviewed and approved by a certified architect or engineer, and conforming with the provisions of this proffer, shall be included in the building permit application.
21. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by Public Works, may only be used for the following purposes:
 - a. Storm water management and/or retention areas;
 - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways, and recreational facilities installed in a manner to minimize their impacts; and
 - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Director pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance"). The owner of the property shall, prior to construction plans approval for areas that include such flood plain, apply to rezone such portions of the Property to a C-1 Conservation District. The location and limits of such portion(s) of said Property shall be established by Plan of Development and/or construction plans approved pursuant to the Zoning Ordinance.
22. **Landscaped Greenbelt.** At the time of the dedication in Proffer 13 above, a minimum twenty-five (25) foot wide landscaped greenbelt shall be established along the ultimate right-of-way of the Future Interchange, except to the extent

necessary for utility easements, parking area infrastructure, bicycle paths, jogging trails, signage, fencing, and other purposes requested and specifically permitted, or if required by any other governmental body, at the time of Plan of Development review. To the extent reasonably practicable at the time this greenbelt is established, healthy, mature trees of a minimum of six-inch (6") caliper shall be retained within this greenbelt area. Supplemental vegetation shall be added within this landscaped greenbelt, as determined by the later of either landscape plan approval or approval of a landscape plan amendment in conjunction with the dedication in Proffer 13 above. This Supplemental vegetation will be planted in a manner intended to mitigate the impact of the Future Interchange on the residences on the Property. The exact location of this greenbelt will be approved by the Planning Director and the width of this greenbelt may be reduced by the Planning Director to facilitate the dedication in Proffer 13 above.

23. **Utilities in Streetscape Buffer.** Within the Streetscape Buffer required by the West Broad Street Overlay District, utilities shall be installed in a manner that is generally perpendicular through the buffer, unless otherwise approved at the time of Plan of Development review.
24. **Best Management Practices.** Best Management Practice structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water related feature, or unless approved at the time of Plan of Development review. Any wet pond best management practice structures shall include an aeration feature to move water within such structure.
25. **Residential Recycling Facilities.** Recycling shall be provided for the multi-family development for so long as the County either provides or sponsors some form of recycling. Outside recycling and refuse collection area(s) provided shall comply with the requirements set forth in Section 24-4427 of the Zoning Ordinance.
26. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

No: None

26-22
PUP2021-
00026
Three Chopt

Edward Rose Properties, Inc: Request for a Provisional Use Permit under Sections 24-4315.C and 24-2306 of Chapter 24 of the County Code to allow zoning modifications as part of a master-planned development on Parcels 733-765-8245, 734-765-0271, 734-765-1326, 733-765-9428, 734-765-1094, 734-765-1456, 734-765-3041, and part of Parcel 734-765-1504 located at the northwest intersection of N. Gayton and Old Three Chopt Roads.

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

On motion of Mr. Branin, seconded by Mr. Thornton, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item as follows:

1. **Proffers.** All proffers accepted with rezoning case REZ2021-00002 shall be made a part of this provisional use permit.
2. **Concept Plan.** All development on the property shall be in general conformance with the Concept Plan approved as Exhibit A with rezoning case REZ2021-00002 (see case file). Setbacks may be reduced from those otherwise required in the R-6 District, but in no case shall they be less than shown on the Master Plan.
3. **Architectural Design.** Any new buildings shall be constructed consistent with the elevations titled Exhibit B and approved with rezoning case REZ2021-00002 (see case file), unless otherwise approved at the time of Plan of Development Review.
4. **Density.** No more than 325 new residential units shall be constructed on the property, consistent with the approved Master Plan (see case file).
5. **Unit Type.** No three-bedroom units shall be allowed.
6. **Sidewalks.** Sidewalks shall be provided along all public street frontages, and internal pedestrian connections from new development areas shall be provided to such sidewalk. Sidewalks shall be provided along all internal streets and drives in the manner shown on the concept plan (see case file).
7. **Pedestrian Lighting.** Site lighting shall be designed to provide lighting for pedestrians along adjacent public roadways and internal project areas in a manner approved at the time of lighting plan review. Pedestrian-scaled lighting shall be consistent with the submitted exterior furnishing elements of the master plan (see case file).
8. **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.

9. **Parking Plan.** Parking may be reduced in accordance with the parking plan titled "North Gayton Road and Old Three Chopt Road Parking Generation Memo" (see case file) but shall in no case be less than the combined peak parking demand for any proposed uses as shown on Table 1 or Table 2 of the referenced document. Any plan of development submitted for the property shall include a tabulation of all parking required per a licensed engineer's determination. Shared parking information, including updates to the parking calculations demonstrating the parking rate is meeting the needs of approved development on the property, shall be provided with each plan of development or as requested by the Director of Planning.
10. **Amenities.** Amenities consistent with the Master Plan (see case file) shall be provided on the property in a manner determined at the time of plan of development review.

The vote of the Board was as follows:

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

No: None

27-22
REZ2021-
00063
Three Chopt

Haywood B. Hyman, Jr.: Request to amend proffers accepted with C-56C-05 on Parcel 746-760-6689 located on the north line of W. Broad Street (U.S. Route 250) approximately 665' west of its intersection with Dominion Boulevard.

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

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

Proffered Conditions 1, 3, 15, 17, and 18 shall be amended as outlined below. All other proffers of Rezoning Case C-56C-05 shall remain in force.

1. **Site Plan.** The property shall be developed substantially similar to the plan prepared by Grattan Associates, P C. entitled Exhibit A and dated 2-13-06, unless revisions to this plan are specifically requested and permitted by the Director of Planning.
3. **Reciprocal Access.** In order to provide intra-parcel connectivity, a minimum of 24-foot wide, two-way access roadway will be constructed through the property. The alignment and configuration of this access roadway will be approved by the Director of Planning at the time of Plan Development. The use of this access roadway

will be subject to adjacent property owners granting similar access rights across the access roadway.

15. **Prohibited Uses.** The following shall be prohibited:

- a. Billiard, bagatelle, video game or bingo parlor;
- b. Antique auctions;
- c. Gun shops, sales and repairs;
- d. Flea markets;
- e. Sign painting shop;
- f. Billboards or attention getting devices;
- g. Bars;
- h. Dance halls, private clubs, meeting halls or fraternal organizations;
- i. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-1800 et seq. and 6.2-2100 et seq of the Code of Virginia (this shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code Sections);
- j. Self-service storage facilities;
- k. Truck stop;
- l. Adult businesses as defined in Henrico County Zoning Ordinance
- m. Any B-3 use except a vehicle dealership selling primarily new vehicles and uses incidental or accessory thereto.
- n. Marijuana, cannabis. or hemp dispensary, including any chemical compound or derivative therefrom. including. without limitation, CBD (cannabidiol) or THC (tetrahydrocannabinol).

17. **Architecture.** The buildings shall be of a style and color substantially similar to the submitted elevations entitled "Proposed Range Rover Building" prepared by Freeman and Morgan Architects and "Proposed WaWa" prepared by LynchMartinez Architects. LLC., (see case file) unless an alternate elevation is specifically requested and approved by the Director of Planning Commission with the plan of development, including:

- a. Masonry shall be the primary building material along the base of the Range Rover Building especially along the base of the building under the windows.
- b. The rear building shall be constructed predominately of brick and masonry materials consistent with WaWa and any garage doors will face away from

Broad Street

- c. The WaWa Canopy (side elevation) shall be enclosed by an opaque building material that will be specifically requested and approved with the Plan of Development
- d. The Rover chimney structure shall be the same color as the brick color building materials approved on the side and rear elevations.

18. Use. The property may be used for any lawful purpose unless otherwise prohibited by Proffer 15.

The vote of the Board was as follows:

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

No: None

28-22
PUP2021-
00023
Tuckahoe

JP Morgan Chase: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow an automated teller machine on part of Parcel 768-742-8126 located on the south line of W. Broad Street (U.S. Route 250) approximately 500' west of its intersection with Horsepen Road.

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

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

- 1. Use. This provisional use permit is to allow one (1) automated teller machine (ATM) to be located in the Burlington Coat Factory/Office Max shopping center, in general conformance with Exhibit A (see case file) or as otherwise approved by Planning Director.
- 2. Location. The location of the ATM and associated stacking lanes shall be in general conformance with the layout shown on Exhibit B (see case file) or as otherwise approved by Planning Director.
- 3. Landscaping. A landscaped island shall be provided at the exit of the site, in a manner approved at time of Plan of Development.
- 4. CPTED Plan. A Crime Prevention Through Environmental Design (CPTED) Plan shall be submitted at the time of plan of development or site plan submission for review by the Division of Police and approval by the Planning Director.

5. **Revocation.** In the event that evidence (i.e., police calls to the premises, complaints from other businesses or neighbors) indicates the operation of the outdoor dining is having an adverse effect (i.e., increased public nuisance, loitering, excessive noise outside the building, etc.) on the surrounding area, the Board of Supervisors may hold a public hearing to consider revoking the provisional use permit.

The vote of the Board was as follows:

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

No: None

29-22
REZ2021-
00064
Tuckahoe

Isaac Babu and Bibin Mariadhason: Request to rezone from O-2C Office District (Conditional) to R-2AC One-Family Residence District (Conditional) Parcels 750-753-8915 and 750-753-9321 containing .53 acres located on the east line of Pemberton Road (State Route 157) approximately 190' south of its intersection with Three Chopt Road.

Jean Moore, Assistant Director of Planning, responded to questions regarding the stop work order on the property. Mrs. Moore assured that work will be complete before any other construction work is done on the property. Mrs. O'Bannon stated she feels moving forward will give the opportunity to clean up the property.

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

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

1. **Density.** No more than 2 single-family dwellings shall be constructed on the property, and no more than one house per lot.
2. **Lot Width.** The proposed lots shall have a minimum lot width of seventy-five (75') at the front setback line.
3. **Building Type.** No factory modular or mobile homes shall be erected on the property.
4. **Hours of Construction.** During the construction of the development on the property, the hours of exterior construction shall be limited to 7 a.m. to 7 p.m. Monday through Friday, and 8 a.m. to 5 p.m. on Saturdays, except in emergencies or where unusual circumstances require extending the specific hours in order to complete such work as concrete pours or utility connections. Exceptions shall require the approval of the Director of Planning.

5. **Elevations.** The single-family dwellings shall be constructed generally consistent with the exterior elevations titled "Ridge Homes, LLC." submitted as Exhibit A (see case file).
6. **Minimum Finished Area.** All homes shall be a minimum of 1,900 square feet.
7. **Foundations.** Visible exterior portions of all foundations below the first floor level (including front porch piers) shall be finished with brick on all four sides. All homes shall be on crawl space foundations, except for garages and basements.
8. **Cantilevering.** No home shall have cantilevered treatments except for bay windows.
9. **Driveways.** All driveways shall be paved with asphalt, concrete, pre-cast pavers or other similar materials approved by the Director of Planning.
10. The front yard setback shall be a minimum of fifty-five (55) feet.
11. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

No: None

30-22
REZ2021-
00065
Fairfield

RJM Land, LLC: Request to conditionally rezone from A-1 Agricultural District and R-5AC General Residence District (Conditional) to R-5AC General Residence District (Conditional) Parcels 775-767-0496, -7623, -9166, 775-768-0741, -3432, and -6111 containing 30.45 acres located on the north line of Mountain Road approximately 400' west of its intersection with Woodman Road.

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

On motion of Mr. Thornton, seconded by Mr. Schmitt, 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 generally as shown on that certain concept plan prepared by Youngblood, Tyler & Associates P.C., entitled "GREENHOUSE, FAIRFIELD DISTRICT, HENRICO COUNTY, VIRGINIA", dated October 6, 2021 (see case file) (the "Concept Plan") and attached hereto and by this reference made a part hereof. The exact locations,

footprints, configurations, size, and details of the lots, drives, streets, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of subdivision review of the Property.

2. **Residential Units.** The Property shall be developed with single family detached residential dwelling units.
3. **Density.** There shall be no more than a total of 50 dwelling units developed on the Property.
4. **Access.** No access to and from the Property shall be permitted from Rudwick Road or Bluebell Drive.
5. **Architecture.** To minimize visual repetition of buildings, no two adjacent dwelling units shall have the same identical individual elevation sequence pattern across the front of the building.
6. **Minimum House Size.** Dwelling units shall have a minimum of 1,700 square feet of finished floor area.
7. **Elevations/Architecture.** The exterior walls of all dwellings shall be constructed with brick, stone, dryvit, vinyl siding, hardiplank or an equivalent, a combination thereof or such other materials approved by the Director of Planning. Dwellings constructed on the Property shall generally be in conformance with Exhibit B of Case REZ2021-0003 (see case file), unless otherwise approved at the time of Plan of Development or subdivision review.
8. **Chimneys.** The exposed portions of all fireplace chimneys shall be of brick, stone, cultured stone, or siding similar to the exterior treatment of the building. The exposed bases of all chimneys shall be of the same material as the dwelling foundation. This proffer shall not apply to direct-vent gas fireplaces or appliances.
9. **Foundations.** The exposed exterior portions of all foundations below the first-floor level shall be finished with brick, stone or cultured stone. On the front and side of each building, there shall be a minimum of twelve (12) inches of brick, stone or cultured stone visible above grade. For reasons associated with required site grading, the requirements of this proffer may be modified or waived by the Director of Planning for individual side facades.

10. **Garages.** All dwelling units shall have a minimum of a one (1) car garage.
11. **Driveways.** Driveways for each dwelling unit shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.
12. **Foundation Planting.** Each dwelling unit shall have a minimum of four (4) shrubs planted in the front planting bed.
13. **Rear Setback.** Lots 13, 14, 15, 16 and 17, as shown on the Concept Plan (see case file), shall have a minimum rear building setback of 45 feet from the rear property line.
14. **Lot Tree Save Areas.** All trees with a caliper of 3 ½ inches or greater (except those that are naturally dead or diseased or as otherwise approved at the time of subdivision review) within ten (10) feet of the rear boundary line of Lots 13, 14, 15, 16 and 17, as shown on the Concept Plan (see case file) shall be retained during development of the lot by the developer or the initial home builder, except where utility or drainage easements are required. Easements within said ten (10) feet tree save area shall cross the buffer in a generally perpendicular manner so as to minimize damage to the buffer area.
15. **Common Area Tree Save Areas.** All trees with a caliper of 3 ½ inches or greater (except those that are naturally dead or diseased or as otherwise approved by the Director of Planning) within any common area of the subdivision shall be retained, except where utility or drainage easements are required and where any trails or common gathering areas are proposed. Easements within such tree save area shall cross the buffer in a generally perpendicular manner so as to minimize damage to the buffer area.
16. **Sidewalks.** A continuous sidewalk a minimum of four (4) feet in width shall be provided on at least one side of each street.
17. **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 or applicable governmental authority.
18. **Protective Covenants.** Prior to or concurrent with the recordation of the final subdivision plat 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 (the "County"), setting forth controls on the

development and maintenance of the Property and establishing one or more owners' associations (the "Association"). The Association shall also encompass the development that is proposed as part of Case REZ2021-00004 (the "Associated Property"), if it is approved for residential rezoning, to have a common association for the Property and the Associated Property.

19. **Construction.** The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be limited to the hours between 7:00 a.m. and 7:00 p.m. or dusk (whichever occurs first) Monday through Friday, 8:00 a.m. and 7:00 p.m. or dusk (whichever occurs first) on Saturdays, and no construction shall be permitted on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.
20. **Trees.** A minimum of two (2) trees measuring a minimum of two (2) inches in caliper at the time of planting shall be retained or planted in the front yard of each new residential lot. A minimum of one of these trees shall be a "Street Tree" and shall be planted no more than ten (10) feet from the curb unless otherwise approved at the time of Landscape Plan approval.
21. **Amenities.** Recreational amenities for use by dwelling unit owners and guests shall include at least one gathering area (with a gazebo or pavilion and amenities such as grill and tables, meeting area, play areas and as otherwise approved at the time of subdivision or plan of development review) to be located in an open park area. Trails and walkways shall be provided on the Property for common use of dwelling unit owners and their guests and when possible will tie into sidewalks adjoining the Property.
22. **C-1 Conservation District.** Prior to filing the final subdivision plan on the Property, the Owner/ Applicant shall apply to rezone such portions of the Property situated within the 100-year floodplain/special flood hazard area to a C-1 Conservation District. The location and limits of such portions of the Property shall be established by definitive surveys approved by the Department of Public Works.
23. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

No: None

PUBLIC HEARINGS – OTHER ITEMS

31-22 Resolution - Signatory Authority - Conveyance of Subdivision Lot - Winona Park Subdivision - Fairfield District.

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

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

32-22 Resolution - Signatory Authority - Quitclaim of Drainage and Temporary Construction Easements - Ross Run, LLC - Varina District.

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

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

PUBLIC COMMENTS

John Owens, a resident of the Brookland District, asked the County to analyze the sight lines at the intersection of Horsepen Road and West Broad Street. He also urged the Board to consider multimodal transportation in its transportation planning, including ways to improve parking for the GRTC Pulse route which ends at the Willow Lawn Shopping Center.

GENERAL AGENDA

33-22 Introduction of Ordinance - To Return Surplus Real Estate Tax Revenues to Taxpayers.

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

34-22 Resolution - Award of Contract - Cooling Tower Replacement - Henrico Training Center - Brookland District.

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

35-22 Resolution - Signatory Authority - Contract Amendment for Architectural and Engineering Services - Circuit Court Renovations - Brookland District.

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

- 36-22 Resolution - Award of Contracts - Annual Geotechnical Engineering, Quality Control, and Special Inspection Services.

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

- 37-22 Resolution - SIA2021-00004 - Fire Station 6 Relocation Site - Substantially in Accord with 2026 Comprehensive Plan - Varina District.

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

- 38-22 Resolution - Award of Contract - Annual Engineering Services - Henrico County Water Treatment Facility - Tuckahoe District.

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

- 39-22 Resolution - Award of Engineering Services Contract - Magellan Parkway Interstate 95 Bridge and Approaches - Fairfield District.

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

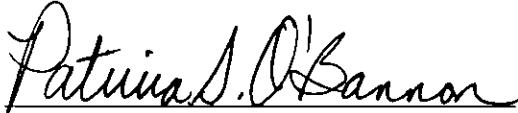
- 40-22 Resolution - Signatory Authority - Amendment to Contract for Engineering Design Services - Lakeside Avenue Bridge Replacement - Fairfield District.

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

- 41-22 Resolution - Award of Contract - Engineered Wood Way Roadway Extension (Phase II) - Varina District.

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

There being no further business, the meeting was adjourned at 9:05 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 21-22

Page No. 1 of 1

Agenda Title: RESOLUTION - Appointment of Members - Local Emergency Planning Committee

For Clerk's Use Only:

Date: 1/25/2022

- ☒ 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. ✓ _____

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, appoints the following persons to the Local Emergency Planning Committee for unexpired terms ending December 31, 2022, or thereafter when their successors shall have been appointed and qualified:

Emergency Services

Retired Lt. Colonel Eliot G. Evans

Varina District

Eileen Tarr

By Agency Head _____ By County Manager _____

Certified:

A Copy Teste:

Copy to: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 31-22

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Conveyance of Subdivision Lot — Winona Park Subdivision — Fairfield District

For Clerk's Use Only:

Date: 1/25/2022

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton 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, the County owns the lot shown as 9520 Elburn Street in the Winona Park subdivision, as shown on Exhibit A (the "Property"); and,

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

WHEREAS, the Board of Supervisors wishes to convey the Property to Mary Margaret Hutchinson and Stephen C. Hutchinson, the adjoining owners, for \$1,200, its assessed value; and,

WHEREAS, this resolution was advertised, and a public hearing was held on January 25, 2022, pursuant to Va. Code §§ 15.2-1800 and 15.2-1813.

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

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

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

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Copy to: _____

Date: _____

Exhibit A

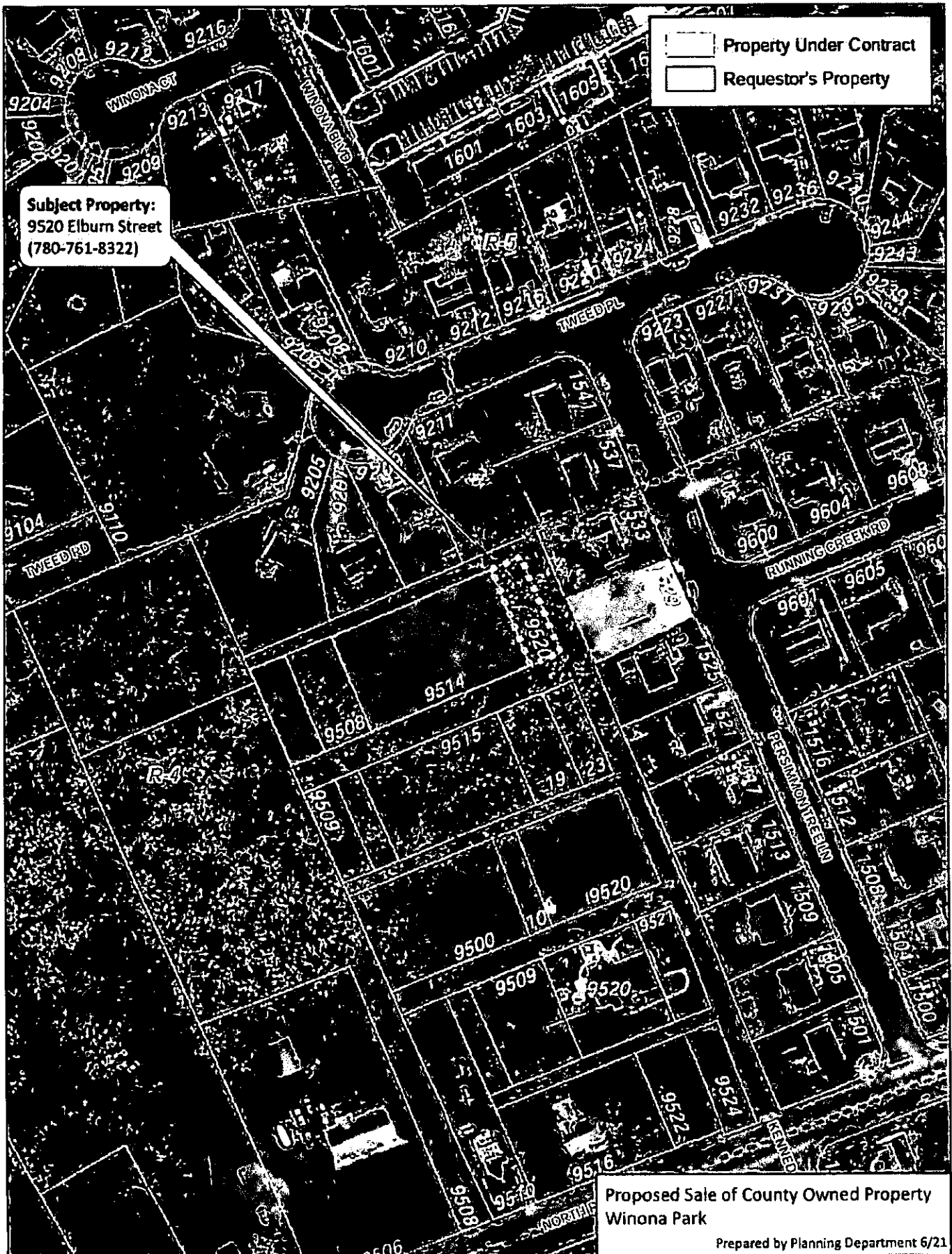


Exhibit A

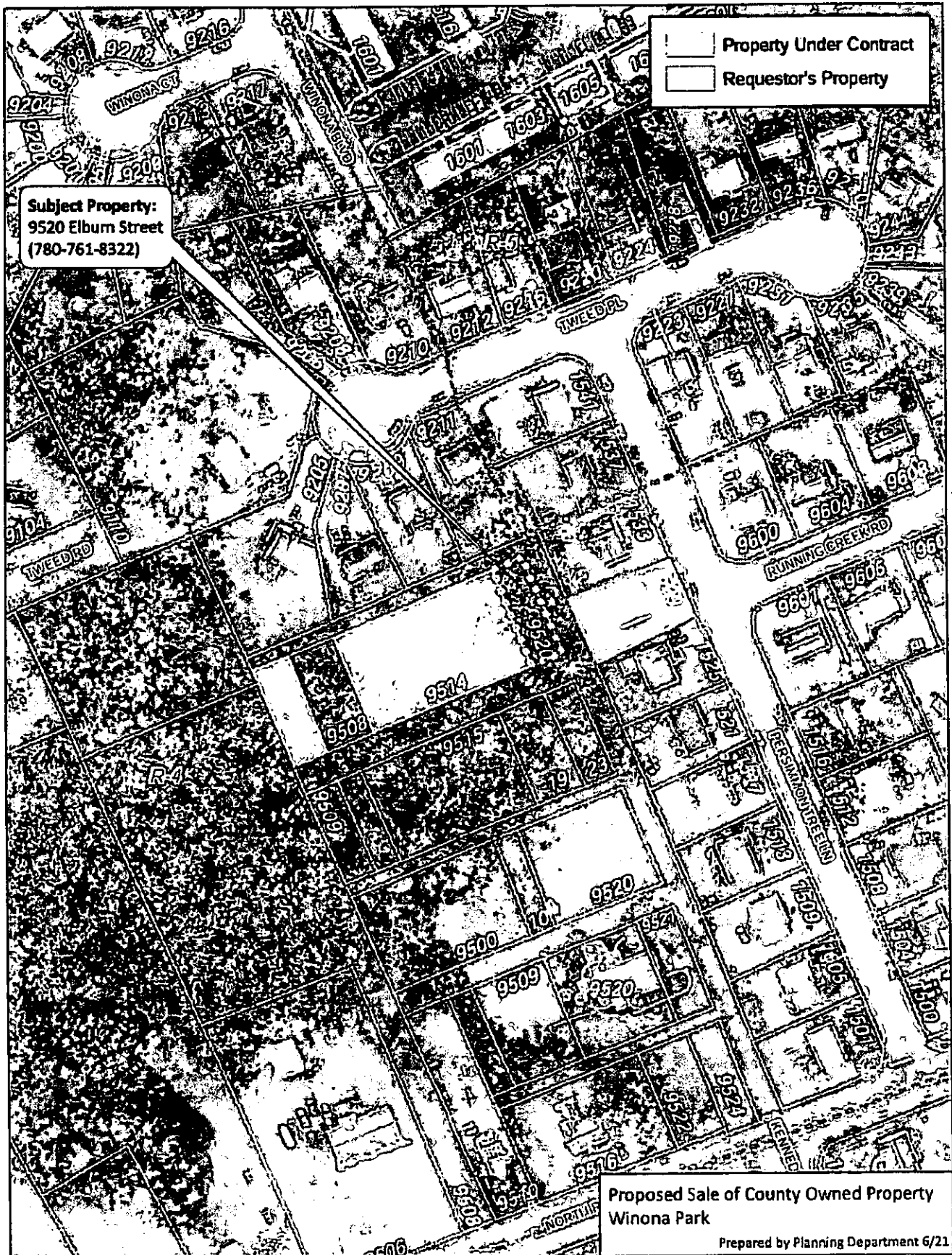


Exhibit A

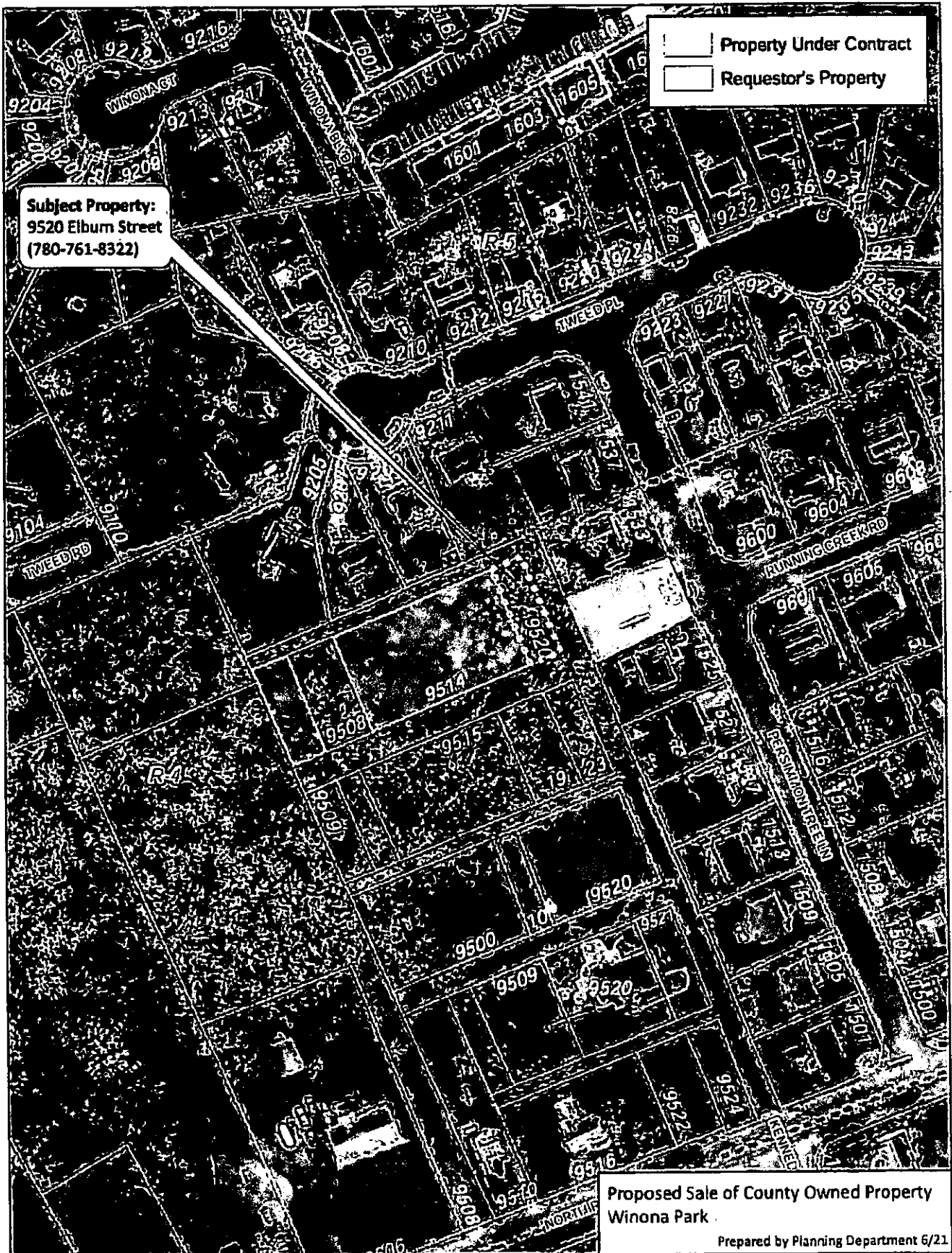


Exhibit A

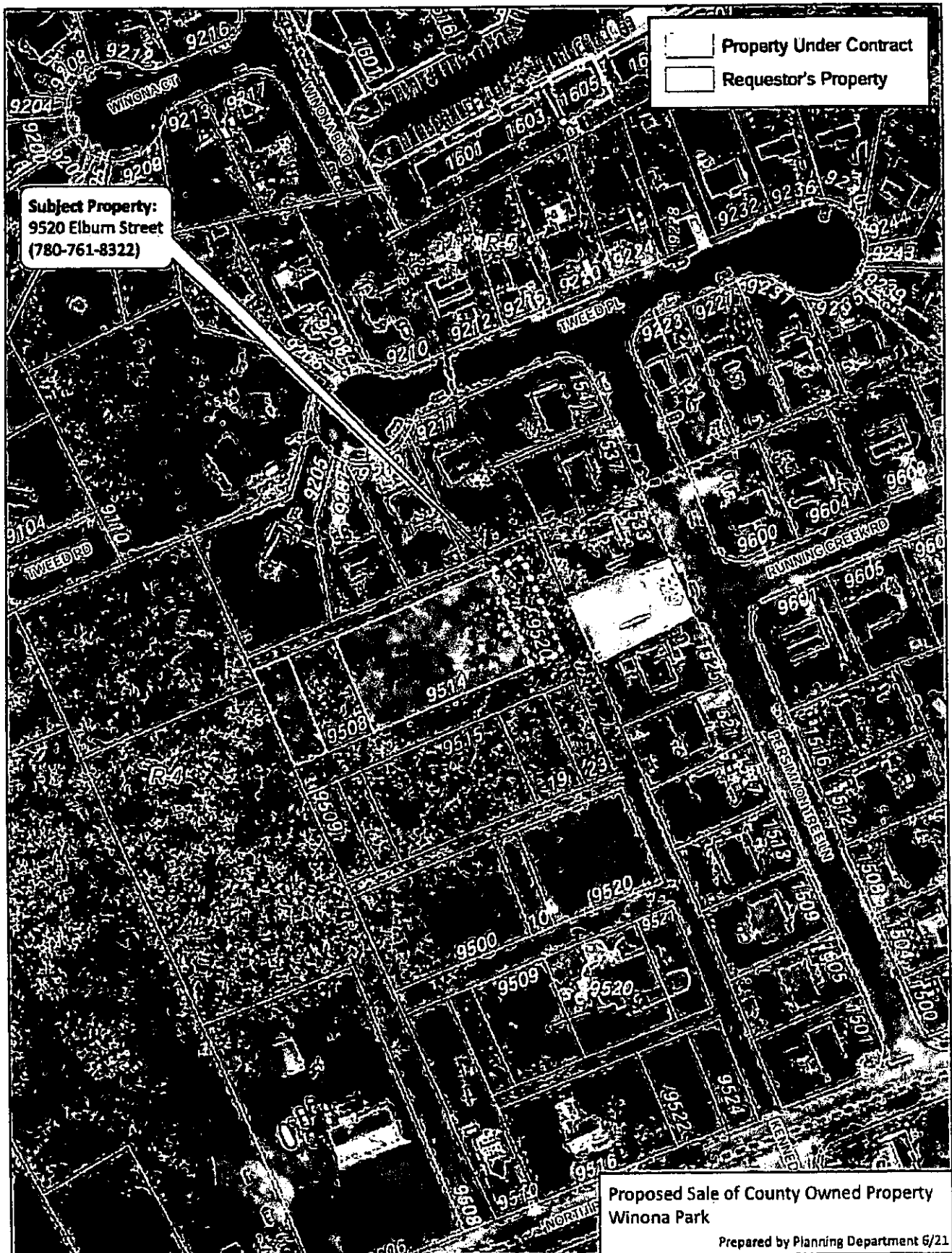
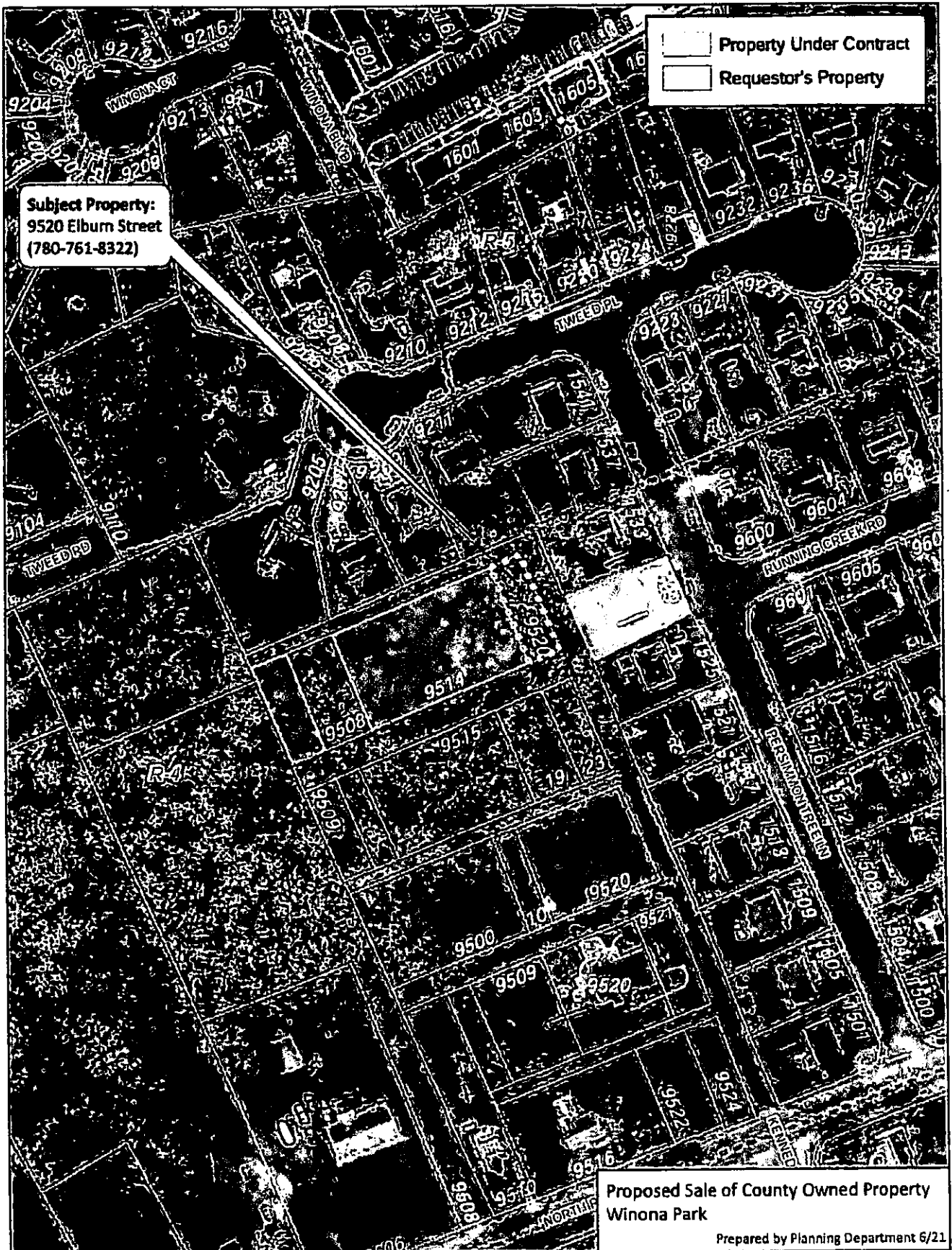


Exhibit A





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 32-22

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Quitclaim of Drainage and Temporary Construction Easements — Ross Run, LLC — Varina District

For Clerk's Use Only:

Date: 1/25/2022

- ☒ 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"/>

WHEREAS, Ross Run, LLC has requested that the County quitclaim a drainage easement and temporary construction easement across its property in Section 7 of the Castleton subdivision and labeled as "20' Drainage Easement and 20' Temporary Construction Easement D.B. 2949, PG. 1639, D.B. 2982, PG. 228, D.B. 2949, PG. 1645 Hereby Quitclaimed" on the plat attached as Exhibit A; and,

WHEREAS, there are no County facilities in the easement areas and the County does not need the easements; and,

WHEREAS, this resolution was advertised, and a public hearing was held on January 25, 2022, pursuant to Va. Code §§ 15.2-1800 and 15.2-1813.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Chairman is authorized to execute a deed, in a form approved by the County Attorney, quitclaiming all interest of the County in the area shown cross-hatched on the attached plat.

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

By Agency Head

By County Manager

Certified:

A Copy Teste:

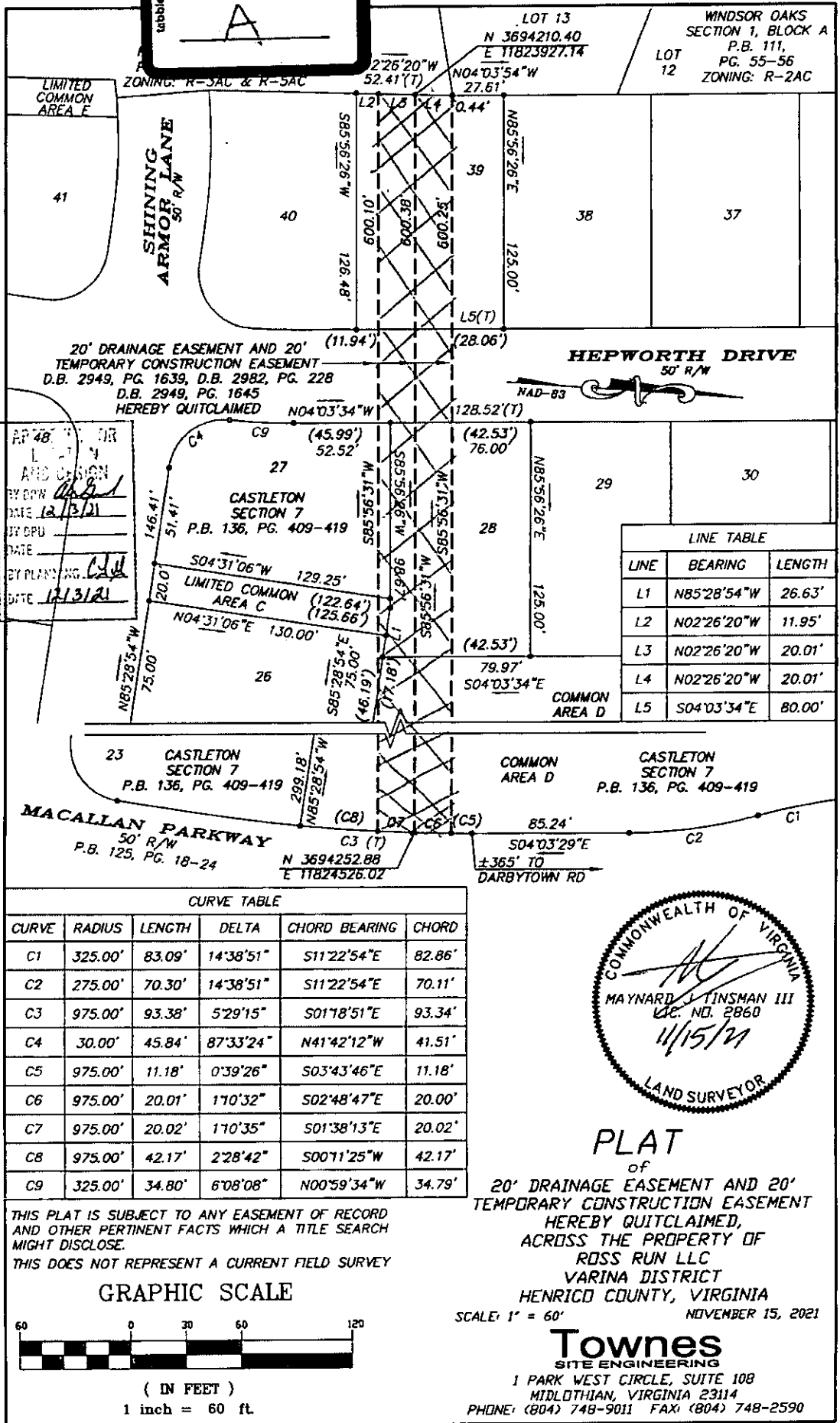
Clerk, Board of Supervisors

Copy to:

Date:

EXHIBIT

A





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 33-22

Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE — To Return Surplus Real Estate Tax Revenues to Taxpayers

For Clerk's Use Only: Date: <u>1/25/2022</u> (<input checked="" type="checkbox"/>) Approved () Denied () Amended () Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Branin</u> Seconded by (1) <u>Schmitt</u> (2) _____ (2) _____ REMARKS: APPROVED	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Branin, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Nelson, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Schmitt, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		YES	NO	OTHER																						
Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

The Clerk is directed to advertise, in the Richmond Times-Dispatch on February 8 and 15, 2022, the following ordinance for a public hearing to be held at the Board Room on February 22, 2022, at 7:00 p.m.:

"AN ORDINANCE to return surplus real estate tax revenues to taxpayers. 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 [Signature]

By County Manager [Signature]

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

ORDINANCE — To Return Surplus Real Estate Tax Revenues to Taxpayers

WHEREAS, Section 15.2-2511.1 of the Code of Virginia authorizes the Board of Supervisors to enact an ordinance to “develop a method for returning surplus real property tax revenues to taxpayers who are assessed real property taxes in any fiscal year in which the locality reports a surplus;” and,

WHEREAS, the director of finance reports, as of January 1, 2022, that the County collected surplus real estate tax revenues that exceeded budgeted amounts for FY 2020-21 by \$9,807,523 and that additional surplus real estate tax revenues will be collected in FY 2021-22; and,

WHEREAS, real estate in the County has been assessed for taxation as of January 1, 2022, and real estate taxes will be collected this year based upon that assessment; and

WHEREAS, the Board wishes to provide a method for returning surplus real estate tax revenues to taxpayers who are assessed real property taxes this year.

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

1. Taxpayers to receive payments from surplus revenues.

For purposes of this Ordinance, a “Qualified Property” is a parcel of real estate separately assessed for real estate taxes by the County on January 1, 2022. A Qualified Property does not include any property that is entirely exempt from real estate taxation or for which no tax bill would otherwise be issued. A “Qualified Taxpayer” is the person or persons listed as the taxpayer for a Qualified Property in the County’s real estate tax records on February 1, 2022. Changes in the County’s real estate tax records after February 1, 2022, will not change the Qualified Property or the Qualified Taxpayer for any parcel.

2. Amount of payments to Qualified Taxpayers.

For each Qualified Property, the director of finance will pay the Qualified Taxpayer two cents per hundred dollars of the assessed value of the Qualified Property on January 1, 2022. Only one payment will be made for each Qualified Property, regardless of the number of persons who are listed as the Qualified Taxpayer for the Qualified Property. Payments under this ordinance will be made by check or credit, as described in clause 3 of this ordinance.

3. Methods of payment.

(a) *Payments by check.* Except as otherwise provided by this ordinance, the director of finance will mail to each Qualified Taxpayer a bank check payable to the Qualified Taxpayer at the mailing address shown in the County’s real estate tax records

as of February 1, 2022. The director will mail all checks as expeditiously as possible on or immediately following March 4, 2022. If a Qualified Taxpayer is the owner of more than one Qualified Property, the director of finance may, but is not required to, combine payments for all Qualified Properties owned by the Qualified Taxpayer into a single check.

(b) *Payments of less than \$30.00 as a credit.* If the payment due is less than \$30.00, the director of finance may apply the payment as a credit on the next real estate tax bill for the Qualified Property in lieu of issuing a check. The director of finance will apply the credits prior to the calculation and distribution of 2022 first-half real estate bills.

(c) *Payments for delinquent accounts.* For any Qualified Property for which delinquent real estate taxes are owed as of February 1, 2022, the director of finance will apply the payment due under this ordinance against delinquent taxes and pay any remainder as a credit on the next real estate tax bill for the Qualified Property.

(d) *Lost, damaged, void, or otherwise invalid checks.* For any check issued under this ordinance that is lost, damaged, void, or invalid for any reason, the director of finance may choose to either issue a replacement check to the Qualified Taxpayer or record a credit on the next real estate tax bill for the Qualified Property.

(f) All payments under this ordinance will be made solely from fund balances resulting from surplus revenue appropriated for that purpose.

4. That this ordinance will 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. 34-22

Page No. 1 of 2

Agenda Title: RESOLUTION – Award of Contract – Cooling Tower Replacement – Henrico Training Center - Brookland District

For Clerk's Use Only:

Date: 1/25/2022

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Schmitt Seconded by (1) Neber
(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 December 21, 2021, in response to ITB 21-2258-11JL and Addendum No. 1 for replacement of two cooling towers at the Henrico Training Center; and,

WHEREAS, the bids were as follows:

Bidders	Bid Amounts
Harris Heating and Plumbing Co., Inc. Ashland, VA	\$145,455
eTEC Mechanical Corporation Henrico, VA	\$156,822
Capital Boiler Works, LLC Springfield, VA	\$176,784
Old Dominion Mechanical, LLC Richmond, VA	\$177,499
Waco, Inc. Sandston, VA	\$193,495

WHEREAS, after a review and evaluation of the bids, it was determined that Harris Heating and Plumbing Co., Inc. is the lowest responsive and responsible bidder for the fixed price contract.

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

- The contract for \$145,455 is awarded to Harris Heating and Plumbing Co., Inc., the lowest responsive and responsible bidder, pursuant to ITB 21-2258-11JL, Addendum No. 1, and the base bid submitted by Harris Heating and Plumbing Co. Inc.

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. 34-22

Page No. 2 of 2

Agenda Title: RESOLUTION – Award of Contract – Cooling Tower Replacement – Henrico Training Center - Brookland 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.

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. 35-22
Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Contract Amendment for Architectural and Engineering Services — Circuit Court Renovations — Brookland District

For Clerk's Use Only:

Date: 1/25/2022

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, on November 14, 2017, the Board of Supervisors awarded a contract in the amount of \$804,033 to Moseley Architects, PC for design and construction administration services for the Circuit Court Renovations project; and,

WHEREAS, seven contract amendments have increased the contract amount to \$921,792; and,

WHEREAS, additional construction administration services are necessary to complete the renovations; and,

WHEREAS, the Department of General Services has negotiated a lump sum fee of \$15,911 for the additional work, and the Board's approval is required because amendment of the contract, when combined with the seven previous amendments, would increase the contract amount by more than 15%.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a contract amendment in a form approved by the County Attorney for additional services by Moseley Architects, PC.

Comments: Funding for the contract amendment is available within the project budget. The Director of General Services recommends approval of the Board paper, and the County Manager concurs.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Copy to:

Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 36-22

Page No. 1 of 2

Agenda Title: RESOLUTION – Award of Contracts – Annual Geotechnical Engineering, Quality Control, and Special Inspection Services

For Clerk's Use Only:

Date: 1/25/2022

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Branin 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, the County received seven proposals on October 27, 2021, in response to RFP #21-2226-9KMW for annual geotechnical engineering, quality control, and special inspection services as needed; and,

WHEREAS, based upon review of the written proposals, the selection committee interviewed the following firms:

Schnabel Engineering, LLC
Froehling & Robertson, Inc.
ECS Mid-Atlantic, LLC

WHEREAS, the selection committee selected Schnabel Engineering, LLC and Froehling & Robertson, Inc. as the top-ranked firms and negotiated unit cost rate schedules with each firm.

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

1. Contracts to provide annual geotechnical engineering, quality control, and special inspection services are awarded to Schnabel Engineering, LLC and Froehling & Robertson, Inc. for a one-year term with the option to renew one or both contracts for two additional one-year terms, all in accordance with RFP #21-2226-9KMW and the proposals and unit cost rate schedules submitted by each firm.
2. Compensation for services will be based upon the unit cost rate schedules contained in the contracts.
3. Contract fees shall not exceed \$750,000 for a single project or \$2,500,000 in a one-year term.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Copy to: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 36-22

Page No. 2 of 2

Agenda Title: RESOLUTION – Award of Contracts – Annual Geotechnical Engineering, Quality Control, and Special Inspection Services

4. The County Manager is authorized to execute the contracts in a form approved by the County Attorney.

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. 37-22

Page No. 1 of 2

Agenda Title: RESOLUTION — SIA2021-00004 — Fire Station 6 Relocation Site — Substantially in Accord with 2026 Comprehensive Plan — Varina District

For Clerk's Use Only:

Date: 1/25/2022

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

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

	YES	NO	OTHER
Branin, T.	✓		
Nelson, T.	✓		
O'Bannon, P.	✓		
Schmitt, D.	✓		
Thornton, F.			

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

WHEREAS, the Planning Commission reviewed the Fire Station 6 relocation site located along the south line of Gay Avenue at its intersection with Millers Lane; and,

WHEREAS, a report dated November 24, 2021, presented by the Planning staff to the Planning Commission found the proposed use would not conflict with, or be a significant departure from, the Plan; and,

WHEREAS, on December 9, 2021, the Planning Commission reviewed the staff recommendations and found the proposed use will further the Goals, Objectives, and Policies of the Plan that identify the need for new public services; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the Henrico County Board of Supervisors that the proposed Fire Station 6 relocation site is approved as being substantially in accord with the Plan.

By Agency Head:

By County Manager:

Routing:

Yellow to:

Certified:

A Copy Tests:

Copy to:

Clerk, Board of Supervisors

Date:

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

Agenda Item No. 37-22
Page No. 2 of 2

Agenda Title: RESOLUTION — SIA2021-00004 — Fire Station 6 Relocation Site — Substantially in Accord with 2026 Comprehensive Plan — Varina District

Comment: The Director of Planning concurs with the findings of the Planning Commission that the proposed Fire Station 6 relocation site is substantially in accord with the Plan and recommends approval of the Board paper, and the County Manager concurs.



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

Agenda Item No. **38-22**
Page No. 1 of 2

Agenda Title: RESOLUTION — Award of Contract — Annual Engineering Services — Henrico County Water Treatment Facility — Tuckahoe District

For Clerk's Use Only:

Date: 1/25/2022

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Branin 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, the County received two proposals on October 20, 2021, in response to RFP #21-2223-9KMW for annual engineering services for the Water Treatment Facility; and,

WHEREAS, the selection committee interviewed the following firms:

Cornwell Engineering Group
Whitman, Requardt & Associates, LLP

WHEREAS, the selection committee selected Whitman, Requardt & Associates, LLP as the top-ranked firm and negotiated an hourly rate schedule.

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

1. A contract to provide annual engineering services for the Henrico County Water Treatment Facility is awarded to Whitman, Requardt & Associates, LLP for the period of one year, with the option to renew the contract for two additional one-year terms, in accordance with RFP #21-2223-9KMW and the negotiated hourly rate schedule.
2. Fees paid to Whitman, Requardt & Associates, LLP shall not exceed \$750,000 for a single project or \$2,500,000 in any one-year term.
3. The County Manager is authorized to execute the contract in a form approved by the County Attorney.

By Agency Head _____

By County Manager _____

Routing: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 38-22
Page No. 2 of 2

**Agenda Title: RESOLUTION — Award of Contract — Annual Engineering Services — Henrico
County Water Treatment Facility — Tuckahoe District**

4. 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 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. 39-22
Page No. 1 of 1

Agenda Title: RESOLUTION — Award of Engineering Services Contract — Magellan Parkway Interstate 95 Bridge and Approaches — Fairfield District

For Clerk's Use Only:

Date: 1/25/2022

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

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, on October 25, 2021, the County received nine proposals in response to RFP #21-2227-9JOK for engineering design services for the Magellan Parkway Interstate 95 Bridge and Approaches project; and,

WHEREAS, this project will construct a bridge across Interstate 95 and a four-lane curb and gutter roadway with a raised median, a shared use path along the south side of the roadway, and a sidewalk along the north side on Magellan Parkway between Englewood Farms Drive and Scott Road; and,

WHEREAS, based upon evaluation of the written proposals, the selection committee interviewed the following firms:

Rummel, Klepper & Kahl, LLP (RK&K)
Moffatt & Nichol
Whitman, Requardt & Associates, LLP (WRA)
Johnson, Mirmiran & Thompson, Inc. (JMT)
Clark Nexsen, Inc.
Dewberry Engineers, Inc.

WHEREAS, the selection committee selected RK&K as the top-ranked firm and negotiated a fixed-price contract for \$1,753,394.

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

1. A contract for engineering services for the Magellan Parkway Interstate 95 Bridge and Approaches project is awarded to RK&K for \$1,753,394, in accordance with RFP #21-2227-9JOK, the October 25, 2021, proposal submitted by RK&K, and the negotiated price schedule.
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 contract amendments within the scope of the project budget not to exceed 15% of the original contract amount.

COMMENTS: The Director of Public Works and the Purchasing Director recommend approval of the Board paper; and the County Manager concurs.

By Agency Head for Terrell Hughes

By County Manager [Signature]

Certified:
A Copy Teste:

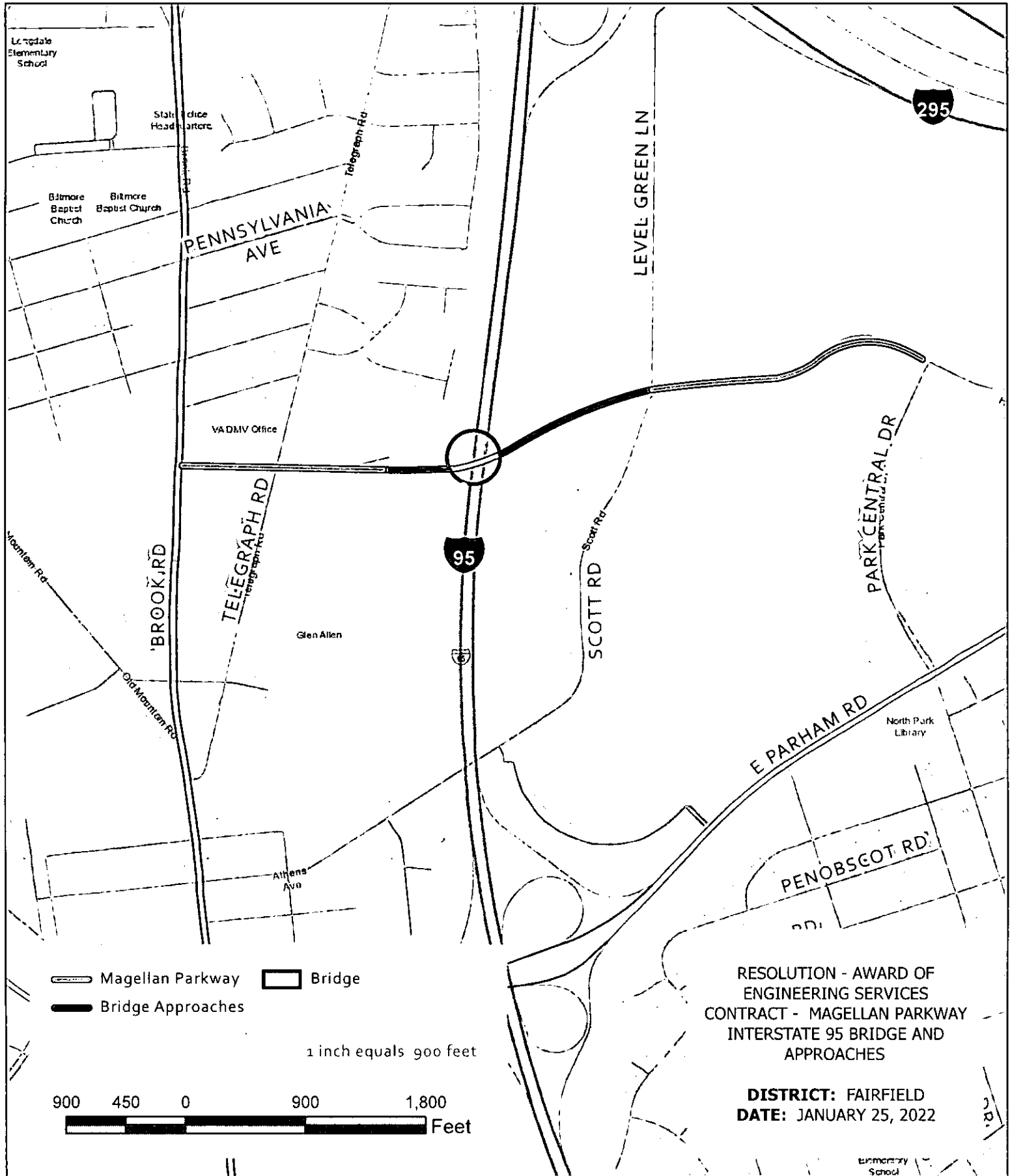
Copy to: _____

Clerk, Board of Supervisors

Date: _____



Magellan Parkway Interstate 95 Bridge and Approaches





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 40-22

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Amendment to Contract for Engineering Design Services — Lakeside Avenue Bridge Replacement — Fairfield District

For Clerk's Use Only:

Date: 1/25/2022

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, on February 25, 2014, the Board of Supervisors approved a contract with Johnson, Mirmiran & Thompson, Inc. ("JMT") for a lump sum fee of \$1,191,044.93 to design the replacement of the Lakeside Avenue Bridge; and,

WHEREAS, on August 7, 2017, the Department of Public Works negotiated a contract amendment for \$2,650 for additional survey work; and,

WHEREAS, on September 22, 2020, the Board of Supervisors approved a contract amendment for \$264,418.27 for additional work to comply with federal and state requirements not included in the original scope of work; and,

WHEREAS, additional work is required to redesign a portion of the project in response to public comments and federal and state funding requirements; and,

WHEREAS, JMT and the Department of Public Works have negotiated a lump sum fee of \$97,339 for the additional work, bringing the total design expenditures to \$1,555,452.20.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves an amendment to the contract with JMT for the additional work.

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

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

By Agency Head For Terrill Hughes

By County Manager [Signature]

Certified:

A Copy Teste:

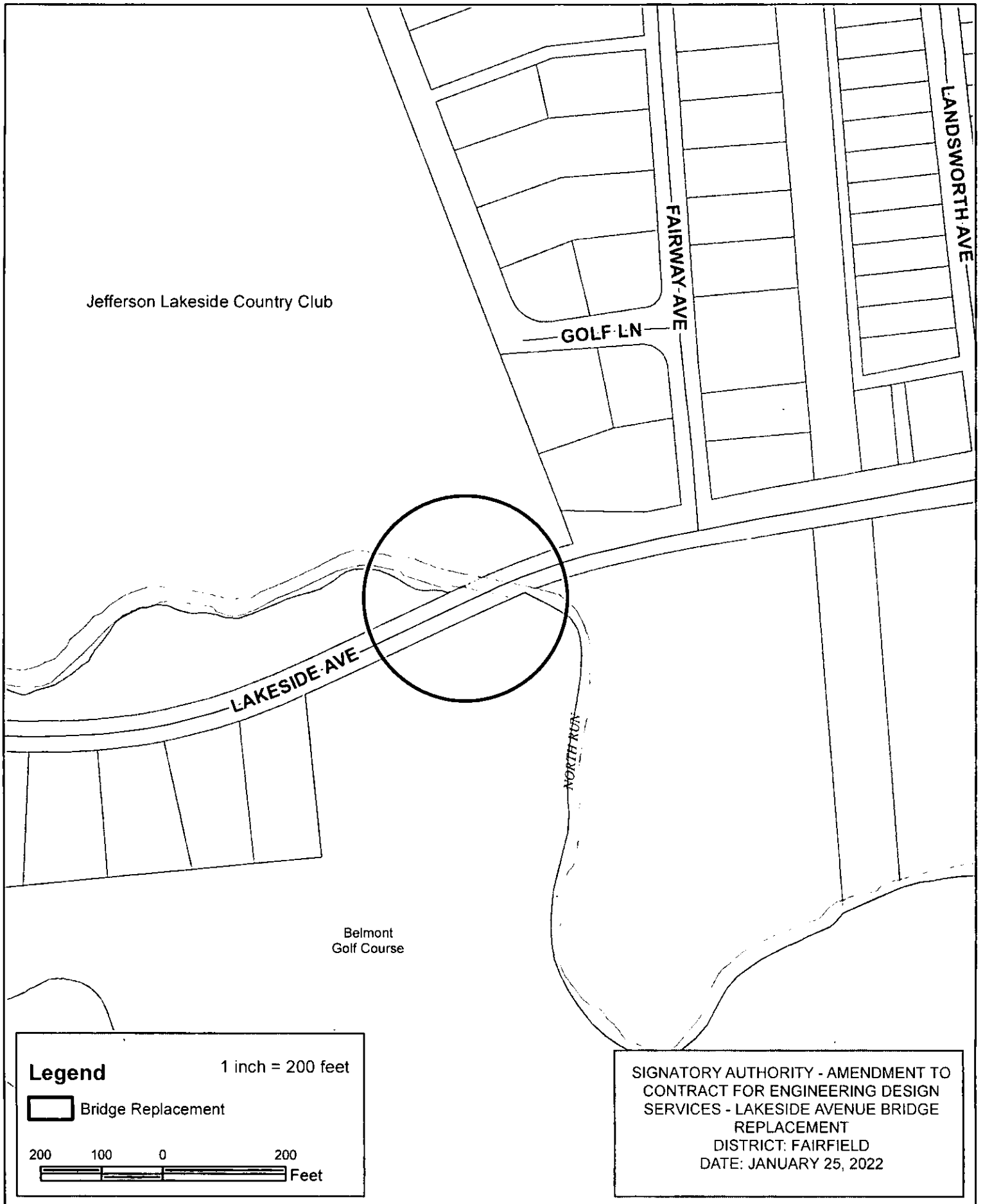
Copy to: _____

Clerk, Board of Supervisors

Date: _____



Lakeside Avenue Bridge Replacement





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

Agenda Item No. 41-22
Page No. 1 of 2

Agenda Title: RESOLUTION — Award of Contract — Engineered Wood Way Roadway Extension (Phase II) — Varina District

For Clerk's Use Only: Date: <u>1/25/2022</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>Nelson</u> Seconded by (1) <u>Schmitt</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 type="checkbox"/> _____

WHEREAS, the County received seven bids on December 8, 2021, in response to ITB 21-2251-11JOK and Addendum Nos. 1 and 2 for construction of the Engineered Wood Way Roadway Extension (Phase II) project; and,

WHEREAS, the work consists of extending Engineered Wood Way approximately 0.36 miles within White Oak Technology Park; and,

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
E. J. Wade Construction, LLC Mechanicsville, VA	\$2,054,541.17
Howard Brothers Contractor, Inc. Providence Forge, VA	\$2,092,389.95
J. R. Caskey, Inc. Oilville, VA	\$2,339,386.00
J. S. G. Corporation Williamsburg, VA	\$2,364,697.50
New Field Incorporated Ashland, VA	\$2,415,000.00
J. E. Liesfeld Contractor, Inc. Rockville, VA	\$2,779,980.95
Henry S. Branscome, LLC Williamsburg, VA	\$2,922,667.00

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,

By Agency Head SK for Terrell Hughes By County Manager [Signature]

Copy to: _____

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

Date: _____

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

Agenda Item No. 41-22

Page No. 2 of 2

Agenda Title: RESOLUTION — Award of Contract — Engineered Wood Way Roadway Extension (Phase II) — Varina District

WHEREAS, after a review and evaluation of bids, it was determined that E. J. Wade Construction, LLC is the lowest responsive and responsible bidder for the unit price contract; and,

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

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

1. The contract for \$2,054,541.17 is awarded to E. J. Wade Construction, LLC, the lowest responsive and responsible bidder, pursuant to ITB 21-2251-11JOK, Addendum Nos. 1 and 2, and the base bid submitted by E. J. Wade Construction, LLC.
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.



Engineered Wood Way Extension, Phase II

