

**HENRICO COUNTY  
NOTICE OF SPECIAL MEETING  
BOARD OF SUPERVISORS**

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, October 12, 2021, at 5:15 p.m.** in the County Manager's Conference Room on the Third Floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matters to be reviewed by the Board at this time are:

- |                  |                                       |
|------------------|---------------------------------------|
| 5:15 - 5:30 p.m. | Structural Traffic Calming            |
| 5:30 - 6:00 p.m. | NACo/VACo Awards Recognition          |
| 6:00 - 6:15 p.m. | Career and Technical Education Update |
| 6:15 - 6:30 p.m. | Regular Meeting Agenda Items          |

*Tanya N. Brackett*

Tanya N. Brackett, CMC  
Clerk, Henrico County Board of Supervisors  
October 7, 2021

**COUNTY OF HENRICO, VIRGINIA**  
**Henrico County Board Room**  
**Board of Supervisors' Agenda**  
**October 12, 2021**  
**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**APPROVAL OF MINUTES** - September 28, 2021, Regular and Special Minutes

**MANAGER'S COMMENTS**

**BOARD OF SUPERVISORS' COMMENTS**

**RECOGNITION OF NEWS MEDIA**

**PRESENTATIONS**

Proclamation - Recognizing the 20<sup>th</sup> Anniversary of the Henrico Citizen.

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

**RESIGNATION**

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

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

320-21 Green City Partners, LLC: Request to conditionally rezone from A-1  
REZ2021- Agricultural District, R-2 One-Family Residence District, O-3C Office District  
00039 (Conditional), M-1 Light Industrial District, M-1C Light Industrial District  
Fairfield (Conditional), and PMD Planned Industrial District to UMUC Urban Mixed  
Use District (Conditional) Parcels 787-760-9582, 788-762-3171, 789-762-3970,  
788-760-3976, 787-758-3213 containing acres 204.20 located generally between  
E. Parham Road and the southeast line of Scott Road and between Scott Road  
and Interstate 295. The applicant proposes an urban mixed use development.  
The uses will be controlled by zoning ordinance regulations and proffered  
conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use and  
Environmental Protection Area. The Planning Commission voted to  
recommend the Board of Supervisors **grant** the request.

321-21 Green City Partners, LLC: Request for a Provisional Use Permit under Sections  
PUP2021- 24-32.1 (a, f, i, k, s, t, z and aa), 24-120 and 24-122.1 of Chapter 24 of the  
00017 County Code to allow outdoor vending areas; an auditorium, coliseum, or  
Fairfield stadium; greater floor area for any use with floor area limitations; drive-  
through service windows; building and structures exceeding 60' in height;  
density of development exceeding 30 units per acre; number of for-lease  
multifamily dwelling units exceeding 30 percent of the total units of the UMU  
district; and a parking plan on Parcels 787-760-9582, 788-762-3171, 789-762-  
3970, 788-760-3976, and 787-758-3213 located generally between E. Parham  
Road and the southeast line of Scott Road and between Scott Road and  
Interstate 295. The existing zoning is A-1 Agricultural District, R-2 One-Family

Residence District, O-3C Office District (Conditional), M-1 Light Industrial District, M-1C Light Industrial District (Conditional), and PMD Planned Industrial District. UMUC Urban Mixed Use (Conditional) District zoning is proposed with REZ2021-00039. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

273-21 Highwoods Realty Limited Partnership: Request to conditionally rezone from  
REZ2021- A-1 Agricultural District and M-1C Light Industrial District (Conditional) to  
00026 UMUC Urban Mixed Use District (Conditional) Parcels 750-768-0643, 750-768-  
Three Chopt 4593, 750-768-4929, and 750-768-8514 and part of Parcels 751-768-2072, 751-  
769-0332, and 751-769-4739 containing 33.801 acres located on the north line of  
Nuckols Road between Lake Brook Drive and Interstate 295. The applicant  
proposes an urban mixed-use development. The uses will be controlled by  
zoning ordinance regulations and proffered conditions. The 2026  
Comprehensive Plan recommends Urban Mixed-Use. The site is in the  
Innsbrook Redevelopment Overlay District. The Planning Commission voted to  
recommend the Board of Supervisors **grant** the request. **(Deferred from the  
September 14, 2021, meeting.)**

274-21 Highwoods Realty Limited Partnership: Request for a Provisional Use Permit  
PUP2021- under Sections 24-32.1 (a, b, i, l, p, s, v, w, z), 24-120 and 24-122.1 of Chapter 24  
00010 of the County Code to allow the following: outdoor vending areas; commercial  
Three Chopt parking lot; greater floor area for any use with floor area limitations; heliport;  
outdoor, commercial recreational facilities; buildings and structures exceeding  
60' in height; open space of less than 20 percent within a development;  
commercial or office square footage of less than 25 percent of the total building  
square footage of the UMU district; and number of for-lease multifamily  
dwelling units exceeding 30 percent of the total units of the UMU district on  
Parcels 750-768-0643, 750-768-4593, 750-768-4929, and 750-768-8514 and part  
of Parcels 751-768-2072, 751-769-0332, and 751-769-4739 located on the north  
line of Nuckols Road between Lake Brook Drive and Interstate 295. The  
existing zoning is A-1 Agricultural District and M-1C Light Industrial District  
(Conditional). UMUC zoning is proposed with REZ2021-00026. The 2026  
Comprehensive Plan recommends Urban Mixed-Use. The site is in the  
Innsbrook Redevelopment Overlay District. The Planning Commission voted  
to recommend the Board of Supervisors **grant** the request. **(Deferred from  
the September 14, 2021, meeting.)**

278-21 HTS Towers, LLC: Request for a Provisional Use Permit under Sections 24-  
PUP2021- 95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a  
00016 communication tower up to 165' in height and related equipment on part of  
Varina Parcel 831-688-1711 located on the east line of Turner Road approximately 450'  
southeast of its intersection with Three Foxes Drive. The existing zoning is A-1  
Agricultural District. The 2026 Comprehensive Plan recommends Suburban  
Residential 1, density should not exceed 2.4 units per acre. Part of the site is in  
the Airport Safety Overlay District. The Planning Commission voted to  
recommend the Board of Supervisors **grant** the request. **(Deferred from the  
September 14, 2021, meeting.)**

- 322-21 PUP2021-00019 Brookland Green Clean Auto Wash, LLC: Request for a Provisional Use Permit under Sections 24-2306 and 24-4205 of Chapter 24 of the County Code to allow a car wash on Parcel 755-757-9394 located on the north line of W. Broad Street (U.S. Route 250) approximately 140' east of Old Springfield Road. The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Commercial Arterial. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 323-21 REZ2021-00038 Three Chopt Bacova SP, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 738-767-3732 containing 2.774 acres located on south line of Kain Road approximately 800' west of its intersection with Pouncey Tract Road (State Route 271). The applicant proposes detached dwellings for sale with zero lot lines. The R-5A District allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Mixed Use, density should not exceed 4 units per acre. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 324-21 REZ2021-00042 Brookland Gumenick Properties: Request to conditionally rezone from R-3 One-Family Residence District to UMUC Urban Mixed Use District (Conditional) Parcels 772-740-7798, 772-741-6201, -6408, -6715, -7023, -7440, -7848, -7905, -8137, -8211, -8357, -8419, -8836, -8968, -9348, -9573, -9839, 773-741-0179, -0354, -0565, -0945, -1360, -1654, and -2048 containing 8.047 acres located on the north and south lines of Argus Lane at its intersection with Spencer Road. The applicant proposes inclusion in the adjacent UMUC development (Libbie Mill). The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The applicant also proposes to amend proffers accepted with Rezoning cases REZ2015-00018 and REZ2018-00044 on Parcels 771-740-8005, -9118, 772-740-0431, -1137, -1743, -2229, -2836, 773-739-3547, -3784, -9074, 773-740-4815, -5180, -9572, 774-739-2373, 774-740-0192, -0448, -0863, -3781, -4456, -4637, -4716, -4802, -5174 and Part of Parcel 774-740-0801 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U. S. Route 250) at its intersection with N. Crestwood Avenue, then between the east line of Spencer Road and west line of Staples Mill Road (U.S. Route 33) along the south line of Bethlehem Road. The applicant proposes to amend proffers related to the pattern book; overall density; building height; architecture of apartments, condominiums, and townhomes; restaurant ventilation; road improvements; on-street parking; and, Spencer Road restrictions. The existing zoning is UMUC Urban Mixed-Use District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration, Light Industrial, Urban Mixed Use and Environmental Protection Area. A portion of the site along Libbie Avenue north of W. Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

325-21 PUP2021-00015 Brookland Gumenick Properties: Request for a Provisional Use Permit under Sections 24-32.1(a, i, n, s, w, z, aa), and 24-122.1 of Chapter 24 of the County Code to incorporate additional property and amend conditions of PUP2018-00016 for the mixed-use development on Parcels 771-740-8005, -9118, 772-740-0431, -1137, -1743, -2229, -2836, -7798, 772-741-6201, -6408, -6715, -7023, -7440, -7848, -7905, -8137, -8211, -8357, -8419, -8836, -8968, -9348, -9573, -9839, 773-739-3547, -3784, -9074, 773-740-4815, -5180, -9572, 773-741-0179, -0354, -0565, -0945, -1360, -1654, -2048, 774-739-2373, 774-740-0192, -0448, -0863, -3781, -4456, -4637, -4716, -4802, -5174, and Part of Parcel 774-740-0801 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U. S. Route 250) at its intersection with N. Crestwood Avenue and between the east line of Libbie Avenue and west line of Staples Mill Road (U. S. Route 33) south of Bethlehem Road. The applicant proposes changes in development standards related to multifamily residential percentage for the mixed-use development. The existing zoning is R-3 One-Family Residence District and UMUC Urban Mixed-Use District (Conditional). UMUC zoning is proposed for the R-3 portion of the development with REZ2021-00042. The 2026 Comprehensive Plan recommends Commercial Concentration, Light Industrial, Urban Mixed Use, Environmental Protection Area, and Suburban Residential 2, density should not exceed 3.4 units per acre. A portion of the site along Libbie Avenue north of W. Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

**PUBLIC HEARINGS - OTHER ITEMS**

- 326-21 Ordinance - To Amend and Reordain Section 20-273 Titled “Definitions,” Section 20-274 Titled “Levy; amount,” Section 20-275 Titled “Collection,” and Section 20-276 Titled “Reports and remittance of tax” of the Code of the County of Henrico to Conform to 2021 Changes in State Law Regarding Transient Occupancy Taxes.
- 327-21 Ordinance - To Add Article VIII Titled “Residential Rental Inspection Program” to Chapter 6 of the Code of the County of Henrico to Create a Program to Inspect Residential Rental Dwelling Units for Building Code Violations and to Establish an Inspection District for Glenwood Farms.
- 328-21 Public Hearing - To Receive Comment on 2021 Reapportionment of Henrico Election Districts.
- 329-21 Resolution - Signatory Authority - Conveyance of Surplus Lots - Lakeview Manor Subdivision - Brookland District.
- 330-21 Resolution - Condemnation - Right-of-Way and Easements - Three Chopt Road Improvements Project - AG-MR Short Pump Owner, LLC - Three Chopt District.
- 331-21 Resolution - Condemnation - Right-of-Way and Easements - Three Chopt Road Improvements Project - West Broad Village Master Association, Inc. - Three Chopt District.

- 332-21 Resolution - Condemnation - Rights-of-Way and Easements - Three Chopt Road Improvements Project - Three Chopt Village Townhouse Association, Inc. - Three Chopt District.
- 333-21 Resolution - Condemnation - Right-of-Way and Easements - Three Chopt Road Improvements Project - Churchill Property Portfolio Owner, LLC - Three Chopt District.
- 334-21 Resolution - Condemnation - Rights-of-Way and Easements - Three Chopt Road Improvements Project - Ruxton Services, Inc. - Three Chopt District.

**PUBLIC COMMENTS**

**GENERAL AGENDA**

- 335-21 Introduction of Ordinance - To Amend and Reordain Section 20-81 Titled “Partial exemption for rehabilitated, renovated or replacement commercial and industrial structures” of the Code of the County of Henrico to Expand the Tax Exemption Program.
- 336-21 Introduction of Ordinance - To Add Article IX Titled “Henrico Investment Program” to Chapter 6 of the Code of the County of Henrico to Provide Development and Redevelopment Incentives in Designated Areas of the County.
- 337-21 Resolution - Donation of Surplus Equipment - Charles City County, Virginia.
- 338-21 Resolution - Award of Contract - Criminal Investigations and Internal Affairs Office Renovation - Brookland District.
- 339-21 Resolution - Acquisition of Right-of-Way and Easements - 3400 Cox Road - Three Chopt District.
- 340-21 Resolution - Award of Contract - Emergency and Cold Weather In-Place Asphalt Concrete Paving Repairs.
- 341-21 Resolution - Award of Construction Contract - Relocation of Duct Bank - Water Reclamation Facility - Varina District.
- 342-21 Resolution - Award of Construction Contract - Truck Scales Replacement Project - Water Reclamation Facility and Springfield Road Landfill - Varina and Three Chopt Districts.
- 343-21 Resolution - Award of Contract - Old Nine Mile Road Landfill Stream Restoration - Varina District.
- 344-21 Resolution - Acceptance of Road - Three Chopt District.

345-21

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



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS' RESUME  
October 12, 2021**

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**PRESENTATIONS**

**PROCLAMATION - Recognizing the 20<sup>th</sup> Anniversary of the *Henrico Citizen*.**

This proclamation commends Tom Lappas and the *Henrico Citizen* staff for their dedicated commitment to independently report the news to the Henrico community on the occasion of the 20<sup>th</sup> anniversary of the first printed edition of the *Henrico Citizen*.

**RESOLUTION - Honoring the Late Dr. Louis H. Manarin.**

This Board paper recognizes the late Dr. Louis Manarin for his meticulous research and preservation of the story of Henrico County by naming the North Park Branch Library's meeting room in his honor.

**RESIGNATION**

**RESOLUTION - Resignation of Member - Economic Development Authority.**

This Board paper accepts the resignation of Jennifer Hendren from the Economic Development Authority Board of Directors, effective September 27, 2021.

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

REZ2021-00039 Fairfield	Green City Partners, LLC: Request to conditionally rezone from A-1 Agricultural District, R-2 One-Family Residence District, O-3C Office District (Conditional), M-1 Light Industrial District, M-1C Light Industrial District (Conditional), and PMD Planned Industrial District to UMUC Urban Mixed Use District (Conditional) Parcels 787-760-9582, 788-762-3171, 789-762-3970, 788-760-3976, 787-758-3213 containing acres 204.20 located generally between E. Parham Road and the southeast line of Scott Road and between Scott Road and Interstate 295. The applicant proposes an urban mixed use development. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. Acting on a motion by Mr. Archer, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors <b><u>grant</u></b> the request because it conforms to the recommendations of the Comprehensive Plan, the employment uses would support the County's economic development policies, and would not adversely affect the adjoining area if properly developed as proposed.
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PUP2021-00017  
Fairfield

Green City Partners, LLC: Request for a Provisional Use Permit under Sections 24-32.1 (a, f, i, k, s, t, z and aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow outdoor vending areas; an auditorium, coliseum, or stadium; greater floor area for any use with floor area limitations; drive-through service windows; building and structures exceeding 60' in height; density of development exceeding 30 units per acre; number of for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU district; and a parking plan on Parcels 787-760-9582, 788-762-3171, 789-762-3970, 788-760-3976, and 787-758-3213 located generally between E. Parham Road and the southeast line of Scott Road and between Scott Road and Interstate 295. The existing zoning is A-1 Agricultural District, R-2 One-Family Residence District, O-3C Office District (Conditional), M-1 Light Industrial District, M-1C Light Industrial District (Conditional), and PMD Planned Industrial District. UMUC Urban Mixed Use (Conditional) District zoning is proposed with REZ2021-00039. The 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area. Acting on a motion by Mr. Archer, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added services to the community and when properly developed and regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

REZ2021-00026  
Three Chopt

Highwoods Realty Limited Partnership: Request to conditionally rezone from A-1 Agricultural District and M-1C Light Industrial District (Conditional) to UMUC Urban Mixed Use District (Conditional) Parcels 750-768-0643, 750-768-4593, 750-768-4929, and 750-768-8514 and part of Parcels 751-768-2072, 751-769-0332, and 751-769-4739 containing 33.801 acres located on the north line of Nuckols Road between Lake Brook Drive and Interstate 295. The applicant proposes an urban mixed-use development. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay District. Acting on a motion by Mrs. Thornton, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the Urban Mixed-Use recommendation of the Land Use Plan and the proffered conditions will provide appropriate quality assurances not otherwise available. **(Deferred from the September 14, 2021, meeting.)**

PUP2021-00010  
Three Chopt

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

number of for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU district on Parcels 750-768-0643, 750-768-4593, 750-768-4929, and 750-768-8514 and part of Parcels 751-768-2072, 751-769-0332, and 751-769-4739 located on the north line of Nuckols Road between Lake Brook Drive and Interstate 295. The existing zoning is A-1 Agricultural District and M-1C Light Industrial District (Conditional). UMUC zoning is proposed with REZ2021-00026. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay District. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable with the proposed urban mixed use development on the property and as conditioned it would not be expected to adversely affect public safety, health or general welfare. **(Deferred from the September 14, 2021, meeting.)**

PUP2021-00016  
Varina  
HTS Towers, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a communication tower up to 165' in height and related equipment on part of Parcel 831-688-1711 located on the east line of Turner Road approximately 450' southeast of its intersection with Three Foxes Drive. The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. Part of the site is in the Airport Safety Overlay District. Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable in light of the surrounding uses and existing zoning on the property and it would provide added services to the community. **(Deferred from the September 14, 2021, meeting.)**

PUP2021-00019  
Brookland  
Green Clean Auto Wash, LLC: Request for a Provisional Use Permit under Sections 24-2306 and 24-4205 of Chapter 24 of the County Code to allow a car wash on Parcel 755-757-9394 located on the north line of W. Broad Street (U.S. Route 250) approximately 140' east of Old Springfield Road. The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Commercial Arterial. Acting on a motion by Mr. Witte, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable in light of the surrounding uses and existing zoning on the property, and when properly developed and regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

REZ2021-00038  
Three Chopt  
Bacova SP, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 738-767-3732 containing 2.774 acres located on south line of Kain Road approximately 800' west of its intersection with Pouncey Tract Road (State Route 271). The applicant proposes detached dwellings for sale with zero lot

lines. The R-5A District allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Mixed Use, density should not exceed 4 units per acre. Acting on a motion by Mrs. Thornton, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it reflects the type of residential growth in the area, and it would permit development of the land for residential use in an appropriate manner.

REZ2021-  
00042  
Brookland

Gumenick Properties: Request to conditionally rezone from R-3 One-Family Residence District to UMUC Urban Mixed Use District (Conditional) Parcels 772-740-7798, 772-741-6201, -6408, -6715, -7023, -7440, -7848, -7905, -8137, -8211, -8357, -8419, -8836, -8968, -9348, -9573, -9839, 773-741-0179, -0354, -0565, -0945, -1360, -1654, and -2048 containing 8.047 acres located on the north and south lines of Argus Lane at its intersection with Spencer Road. The applicant proposes inclusion in the adjacent UMUC development (Libbie Mill). The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The applicant also proposes to amend proffers accepted with Rezoning cases REZ2015-00018 and REZ2018-00044 on Parcels 771-740-8005, -9118, 772-740-0431, -1137, -1743, -2229, -2836, 773-739-3547, -3784, -9074, 773-740-4815, -5180, -9572, 774-739-2373, 774-740-0192, -0448, -0863, -3781, -4456, -4637, -4716, -4802, -5174 and Part of Parcel 774-740-0801 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U. S. Route 250) at its intersection with N. Crestwood Avenue, then between the east line of Spencer Road and west line of Staples Mill Road (U.S. Route 33) along the south line of Bethlehem Road. The applicant proposes to amend proffers related to the pattern book; overall density; building height; architecture of apartments, condominiums, and townhomes; restaurant ventilation; road improvements; on-street parking; and, Spencer Road restrictions. The existing zoning is UMUC Urban Mixed-Use District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration, Light Industrial, Urban Mixed Use and Environmental Protection Area. A portion of the site along Libbie Avenue north of W. Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is in the Enterprise Zone. Acting on a motion by Mr. Witte, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it represents a logical continuation of the mixed-use development pattern which exists in the area and would permit infill development with proper connection for roads and other public facilities.

PUP2021-  
00015  
Brookland

Gumenick Properties: Request for a Provisional Use Permit under Sections 24-32.1(a, i, n, s, w, z, aa), and 24-122.1 of Chapter 24 of the County Code to incorporate additional property and amend conditions of PUP2018-00016 for the mixed-use development on Parcels 771-740-8005, -9118, 772-740-0431, -1137, -1743, -2229, -2836, -7798, 772-741-6201, -6408, -6715, -7023, -

7440, -7848, -7905, -8137, -8211, -8357, -8419, -8836, -8968, -9348, -9573, -9839, 773-739-3547, -3784, -9074, 773-740-4815, -5180, -9572, 773-741-0179, -0354, -0565, -0945, -1360, -1654, -2048, 774-739-2373, 774-740-0192, -0448, -0863, -3781, -4456, -4637, -4716, -4802, -5174, and Part of Parcel 774-740-0801 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U. S. Route 250) at its intersection with N. Crestwood Avenue and between the east line of Libbie Avenue and west line of Staples Mill Road (U. S. Route 33) south of Bethlehem Road. The applicant proposes changes in development standards related to multifamily residential percentage for the mixed-use development. The existing zoning is R-3 One-Family Residence District and UMUC Urban Mixed-Use District (Conditional). UMUC zoning is proposed for the R-3 portion of the development with REZ2021-00042. The 2026 Comprehensive Plan recommends Commercial Concentration, Light Industrial, Urban Mixed Use, Environmental Protection Area, and Suburban Residential 2, density should not exceed 3.4 units per acre. A portion of the site along Libbie Avenue north of W. Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is in the Enterprise Zone. Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable in light of the surrounding uses and existing zoning in the area and would not be expected to adversely affect public safety, health or general welfare.

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

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

This Board paper would update the County Code to reflect changes in state law regarding transient occupancy taxes that took effect on September 1, 2021. The new state law creates a uniform system for applying transient occupancy taxes to room rentals facilitated through intermediaries like Travelocity and Airbnb. This change is not expected to have a significant effect on County revenues.

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

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

This Board paper would create a rental inspection program and designate a rental inspection district for the rental properties commonly known as Glenwood Farms. The goal of the program is to promote safe and decent rental housing in the community.

Under the program, the Building Official would periodically inspect residential rental dwelling units within the rental inspection district for compliance with the Building Code. Owners of the inspected units would be required to fix Building Code violations discovered during the inspections. The procedures and timing of the inspections would comply with state and federal law.

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

**PUBLIC HEARING - To Receive Comment on 2021 Reapportionment of Henrico Election Districts.**

**RESOLUTION - Signatory Authority - Conveyance of Surplus Lots - Lakeview Manor Subdivision - Brookland District.**

This Board paper authorizes the Chairman and the County Manager to execute the documents necessary to convey surplus lots at 3101, 3103, and 3105 Manor Circle and 3104 and 3106 Aqua Court, all in the Lakeview Manor subdivision, to the Henrico County School Board for its technical education program. The conveyances will be subject to the reservation of necessary easements.

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

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

This Board paper authorizes condemnation proceedings for property owned by AG-MR Short Pump Owner, LLC that is needed for the construction of the Three Chopt Road Improvements Project.

The County needs to acquire right-of-way containing 40,093 square feet, a permanent drainage easement containing 11,276 square feet, a temporary construction easement containing 12,979 square feet, a permanent utility easement for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Energy Virginia, containing 201 square feet, and a permanent utility easement for Verizon Virginia, LLC, a Virginia limited liability company, containing 10,679 square feet across the property located at 11400 Three Chopt Road, identified as Tax Map Parcel 745-759-3247 owned by AG-MR Short Pump Owner, LLC. Based on an independent appraisal, the County made an offer of \$607,630 for the required property interests. The offer has not been accepted.

This Board paper authorizes the County Attorney to institute and conduct condemnation proceedings in accordance with the Code of Virginia. This Board paper further authorizes and directs the County Manager to continue to seek a voluntary acquisition of the right-of-way and easements, to take all steps necessary to acquire the right-of-way and easements,

and to enter on and take possession of the required right-of-way and easements in accordance with the Code.

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

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

This Board paper authorizes condemnation proceedings for property owned by West Broad Village Master Association, Inc. that is needed for the construction of the Three Chopt Road Improvements Project.

The County needs to acquire right-of-way containing 59,568 square feet, a permanent drainage easement containing 2,373 square feet, temporary construction easements containing 31,536 square feet, and permanent utility easements for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Energy Virginia, containing 9,807 square feet across the property located near Liesfield Parkway and Geese Landing, identified as Tax Map Parcel 744-759-1143 owned by West Broad Village Master Association, Inc. Based on an independent appraisal, the County made an offer of \$75,000 for the required property interests. The County has reached an agreement with the Owner concerning compensation for the right-of-way and easements, but the parties have been unable to complete the acquisition because of outstanding deeds of trust for which the Owner has not provided releases.

This Board paper authorizes the County Attorney to institute and conduct condemnation proceedings in accordance with the Code of Virginia. This Board paper further authorizes and directs the County Manager to continue to seek a voluntary acquisition of the right-of-way and easements, to take all steps necessary to acquire the right-of-way and easements, and to enter on and take possession of the required right-of-way and easements in accordance with the Code.

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

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

This Board paper authorizes condemnation proceedings for property owned by Three Chopt Village Townhouse Association, Inc. that is needed for the construction of the Three Chopt Road Improvements Project.

The County needs to acquire rights-of-way containing 1,335 square feet, temporary construction easements containing 1,929 square feet, a permanent utility easement containing 163 square feet for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Energy Virginia, and a permanent utility easement for Verizon Virginia, LLC, a Virginia limited liability company, containing 163

square feet across the property located near Blackthorn Lane and Barbara Lane and identified as Tax Map Parcels 748-757-6003 and 749-756-4020, and owned by Three Chopt Village Townhouse Association, Inc. The County has reached an agreement with the Owner concerning compensation for the rights-of-way and easements, but the parties have been unable to complete the acquisition because the Owner has not provided the documents necessary for closing.

This Board paper authorizes the County Attorney to institute and conduct condemnation proceedings in accordance with the Code of Virginia. This Board paper further authorizes and directs the County Manager to continue to seek a voluntary acquisition of the rights-of-way and easements, to take all steps necessary to acquire the rights-of-way and easements, and to enter on and take possession of the required rights-of-way and easements in accordance with the Code.

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

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

This Board paper authorizes condemnation proceedings for property owned by Churchill Property Portfolio Owner, LLC that is needed for the construction of the Three Chopt Road Improvements Project.

The County needs to acquire right-of-way containing 834 square feet, permanent drainage easements containing 5,580 square feet, temporary construction easements containing 11,399 square feet, permanent utility easements for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Energy Virginia, containing 459 square feet, and a permanent utility easement for Verizon Virginia, LLC, a Virginia limited liability company, containing 216 square feet across the property located at 10300 Three Chopt Road, identified as Tax Map Parcel 749-755-4576 owned by Churchill Property Portfolio Owner, LLC. Based on an independent appraisal, the County made an offer of \$87,600 for the required property interests. The offer was not accepted.

This Board paper authorizes the County Attorney to institute and conduct condemnation proceedings in accordance with the Code of Virginia. This Board paper further authorizes and directs the County Manager to continue to seek a voluntary acquisition of the right-of-way and easements, to take all steps necessary to acquire the right-of-way and easements, and to enter on and take possession of the required right-of-way and easements in accordance with the Code.

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

**RESOLUTION - Condemnation - Rights-of-Way and Easements - Three Chopt Road Improvements Project - Ruxton Services, Inc. - Three Chopt District.**

This Board paper authorizes condemnation proceedings for property owned by Ruxton Services, Inc. that is needed for the construction of the Three Chopt Road Improvements Project.

The County needs to acquire rights-of-way containing 2,126 square feet, temporary construction easements containing 3,480 square feet, a permanent easement for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Energy Virginia, containing 230 square feet, and permanent easements for Verizon Virginia, LLC, a Virginia limited liability company, containing 5,489 square feet across the property located near Joppa Drive, Bellona Court, and Dulaney Court off Winespring Road, identified as Tax Map Parcels 750-754-5631, 750-754-9900, and 750-754-7612, and owned by the Ruxton Services, Inc. The County has reached an agreement with the Owner concerning compensation for the rights-of-way and easements, but the parties have been unable to complete the acquisition because of outstanding deeds of trust for which the Owner has not provided releases.

This Board paper authorizes the County Attorney to institute and conduct condemnation proceedings in accordance with the Code of Virginia. This Board paper further authorizes and directs the County Manager to continue to seek a voluntary acquisition of the rights-of-way and easements, to take all steps necessary to acquire the rights-of-way and easements, and to enter on and take possession of the required rights-of-way and easements in accordance with the Code.

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

**PUBLIC COMMENTS**

**GENERAL AGENDA**

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

This Board paper introduces for advertisement and a public hearing on November 9, 2021, a proposed ordinance to expand the tax exemption program for older commercial and industrial structures. Staff discussed the expansion with the Board at its work session on July 27, 2021.

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

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

This Board paper introduces for advertisement and a public hearing on November 9, 2021, a proposed ordinance to create the Henrico Investment Program. The new Program would provide development and redevelopment incentives in designated areas of the County. The incentives and qualifications for the Program are modeled on the incentives in the County’s Enterprise Zones and brings their benefits to new areas of the County.

The details of the new Program were discussed with the Board during its work session on July 27, 2021.

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

**RESOLUTION - Donation of Surplus Equipment - Charles City County, Virginia.**

This resolution authorizes the donation of surplus Hurst extrication tools to Charles City County. These tools consist of two hydraulic cutters, two spreaders, four rams, and one combination tool with batteries and accessories. The tools were manufactured in February 2017 and have an estimated value of \$26,000. This collection of Hurst tools will improve the vehicle extrication response capabilities of the Charles City County Fire & EMS Department.

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

**RESOLUTION - Award of Contract - Criminal Investigations and Internal Affairs Office Renovation - Brookland District.**

This Board paper would award a construction contract for \$427,300 to Woodland Construction, Inc. for renovation of office space in the Public Safety Building for Criminal Investigations and Internal Affairs. Construction is anticipated to begin in October 2021 and be completed by April 2022.

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

<b><u>Bidders</u></b>	<b><u>Bid Amounts</u></b>
Woodland Construction, Inc. Richmond, Virginia	\$427,300
Brooks & Co. General Contractors, Inc. Richmond, Virginia	\$476,700

Marion Enterprises, Inc. Barboursville, Virginia	\$526,446
Kenbridge Construction, Inc. Kenbridge, Virginia	\$619,000

Based upon a review of the bids, Woodland Construction, Inc. is the lowest responsive and responsible bidder.

The Board paper authorizes the County Manager, or Purchasing Director as his designee, to execute change orders not to exceed 15 percent of the original contract amount. Funding to support the contract is available within the project budget.

The Director of General Services and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

**RESOLUTION - Acquisition of Right-of-Way and Easements - 3400 Cox Road - Three Chopt District.**

This Board paper authorizes the acquisition of 29,473 square feet of fee simple right-of-way, 7,489 square feet of permanent drainage easement, 31,256 square feet of temporary construction easement, 11,533 square feet of permanent utility easement to relocate Verizon facilities, and 363 square feet of permanent utility easement to relocate Dominion Energy Virginia facilities across the property at 3400 Cox Road for the Three Chopt Road Improvements project. The owner has agreed to accept \$811,600 for the right-of-way and easements.

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

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

This Board paper would award a contract to Blakemore Construction Corporation for annual emergency and cold weather in-place asphalt concrete paving repairs for the Department of Public Utilities.

On September 9, 2021, two bids were submitted in response to Invitation to Bid No. 21-2205-8EAR:

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

The contract period would run from November 1, 2021, through October 31, 2022, with an option for the County to renew for up to two additional one-year periods. Funding to support the contract is available within the Water and Sewer Revenue Fund.

The Board paper would also grant signatory authority to the County Manager to execute the contract in a form approved by the County Attorney.

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

**RESOLUTION - Award of Construction Contract - Relocation of Duct Bank - Water Reclamation Facility - Varina District.**

This Board paper awards a contract for \$360,343 to Instrumentation & Control Systems Engineering, Inc. to install new overhead conduit support stanchions for rerouting conduit, control wires, and power cables from the duct bank between ENR Basins 8 and 9 at the Water Reclamation Facility.

The work will begin in November 2021 and will be completed by May 2022. Funding for the contract will be provided by the Water and Sewer Revenue Fund.

One bid was received on August 19, 2021, in response to IFB #21-2191-6EAR and Addendum No. 1:

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

Based upon a review of the bids, Instrumentation & Control Systems Engineering, Inc. is the lowest responsive and responsible bidder.

This Board paper awards the contract to Instrumentation & Control Systems Engineering, Inc. and grants signatory authority to the County Manager to execute the contract in a form approved by the County Attorney. 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.

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

**RESOLUTION - Award of Construction Contract - Truck Scales Replacement Project - Water Reclamation Facility and Springfield Road Landfill - Varina and Three Chopt Districts.**

This Board paper awards a contract for \$880,443 to Waco, Inc. to replace the truck scales at the Water Reclamation Facility and Springfield Road Landfill and to replace the Springfield Road Landfill scale house.

Both existing scales have reached the end of their useful life and require replacement. The work will begin in November 2021 and will be completed by May 2022. Funding for the contract will be provided by the Water and Sewer Revenue Fund and the Solid Waste Revenue Fund.

Two bids were received on September 1, 2021, in response to IFB #21-2195-7EAR and Addendum No. 1:

<b>Bidders</b>	<b>Bid Amounts</b>
Waco, Inc. Sandston, VA.	\$880,443
Virtexo Corporation Richmond, VA.	\$1,221,860

Based upon a review of the bids, Waco, Inc. is the lowest responsive and responsible bidder.

This Board paper awards the contract to Waco, Inc. and grants signatory authority to the County Manager to execute the contract in a form approved by the County Attorney. 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.

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

**RESOLUTION - Award of Contract - Old Nine Mile Road Landfill Stream Restoration - Varina District.**

This Board paper awards a contract for \$528,220.51 to KBS Earthworks, Inc. for construction of the Old Nine Mile Road Landfill Stream Restoration project. The project will include the installation of in-stream structures, floodplain bench grading, seeding, and planting along 1,132 linear feet of Stony Run.

The work is anticipated to begin March 2022 and is scheduled to be completed within 300 calendar days.

The County received five bids on August 18, 2021, in response to ITB No. 21-2193-7EAR. The bidders and bid amounts are as follows:

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

Based upon a review of the bids, KBS Earthworks, Inc. is the lowest responsive and responsible bidder.

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

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

**RESOLUTION - Acceptance of Road - Three Chopt District.**

This Board paper would accept the following named and described section of road into the County road system for maintenance.

0.07 mile of Smith Grove at Bacova, Section 3 and a Resubdivision of Area Reserved for Future Development 'A' and 'B' of Smith Grove at Bacova, Section 2

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

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

This Board paper would approve the County's participation in the proposed settlements of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, Inc. and directs the County Attorney or the Board's outside opioid litigation counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against the settling entities.

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

settlements also include provisions regarding the marketing, sale, and distribution of opioids as well as safeguards to prevent the diversion of prescription opioids. Significantly, the proposed settlements would only resolve the outstanding claims against the parties to the settlements and would not end the pending litigation against other defendants.

The Commonwealth of Virginia has elected to participate in the proposed settlements and recommends that localities participate as well. Moreover, the Board's outside opioid litigation counsel has recommended that the Board approve the proposed settlements and the County Attorney has reviewed the available information and concurs with the recommendation of outside counsel.

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