BOARD OF SUPERVISORS

MINUTES

October 26, 2022

Supervisors in Attendance:

Mr. Christopher M. Winslow, Chair
Mr. James M. Holland, Vice Chair
Mr. James A. Ingle, Jr.
Mr. Kevin P. Carroll
Ms. Tara C. Carroll

Dr. Joseph P. Casey
County Administrator

Mr. Winslow called the meeting to order at 2:00 p.m.

1. APPROVAL OF MINUTES

On motion of Mr. Holland, seconded by Mr. Ingle, the Board approved the minutes of August 24, 2022, as submitted.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

2. REQUESTS TO POSTPONE AGENDA ITEMS AND ADDITIONS, DELETIONS OR CHANGES IN THE ORDER OF PRESENTATION

There were no requests to postpone agenda items and additions, deletions or changes in the order of presentation.

3. WORK SESSIONS

3.A. EVERYDAY EXCELLENCE

Dr. Casey announced that for the 37th year the Government Finance Officers Association has bestowed Chesterfield with its Distinguished Budget Presentation Award for FY2022, and the GFOA has named Chesterfield as a "Triple Crown" award winner for FY2020, a significant achievement recognizing governments that have received three specific GFOA awards, including the Certificate of Achievement for Excellence in Financial Reporting, the Popular Annual Financial Reporting Award, and the Distinguished Budget Presentation Award for a fiscal year. He then recognized Ms. Consuela Wilson, Accounting Director, and Mr. Gerard Durkin, Budget and Management Director, for their achievements.

Board members congratulated members of the Accounting and Budget and Management Department for their achievements.

3.B. FIRE AND EMERGENCY MEDICAL SERVICES ANNUAL UPDATE

Chief Loy Senter provided an update to the Board of Supervisors on various initiatives and fire and emergency medical services trends over the past fiscal year. He stated as the Fire and EMS Department continues to grow, and members retire or otherwise move on to a new chapter in their lives, recruitment and retention has become a constant organizational focus. He

further stated over the past year, staff has worked closely with the County's Communications and Media Department on a new and improved recruitment campaign through social media, television, and radio. He stated the recruitment team has visited numerous colleges and universities, worked with the military, and attended many job fairs throughout the community. He was pleased to report that the many positive effects of the new Public Safety Pay Plan continue to keep retirements of veteran department members low. However, the total turnover rate ticked up to 5.7 percent during FY2022 and is already at 2.4 percent through the 1st Quarter of FY2023, driven mostly by employment separations among less-tenured firefighters. He stated the leading reasons for separation over the past year include pursuit of a different occupation – often with a more stable work schedule that will provide improved work/life balance; leaving to join another fire department; or for reasons of poor performance or disciplinary actions. He noted FY2022 was a very busy year for Fire and EMS incidents, with a year-over-year increase in total incidents of 10.8 percent and an 18.9 percent increase over the previous 5-year period. He stated considering incident trends during the 1st Quarter of FY2023, the department is on track to approach 52,000 total incidents by the end of the current fiscal year. He stated a notable change from the previous year's heat map is the increasing call density to the west along Route 360 with continued growth in the Magnolia Green and Harper's Mill communities. He noted fire station response districts experienced a 10.9 percent increase in incidents on average, year-over-year. In closing, he stated while the focus over the next five budget cycles will be on improving minimum staffing coverage and replacing or renovating outdated fire stations, we should begin discussions in the coming years as to when and where the next new fire stations will need to be built to keep up with population growth and service demand increases.

Discussion and questions ensued relative to the presentation.

3.C. LEGISLATIVE AGENDA UPDATE

Ms. Natalie Spillman, Intergovernmental Relations Administrator, provided an update to the Board of Supervisors relative to an overview of the legislative backdrop for the state and the county, including outcomes from the recent redistricting. Regarding Virginia's political landscape, she stated the 2022 General Assembly session there was a political shift to republican control for Governor, Lt. Governor, Attorney General and House of Delegates; whereas, the Senate remains in democratic control; in a good fiscal position with FY22 year-end $3.2 billion surplus; Senate (40 seats) and House of Delegates (100 seats) are up for election November 2023 with majority of control in both chambers on the ballot; and as a result of redistricting, 46 House members affected and 20 Senate members affected. Regarding Chesterfield's political landscape, she stated the current Senate and House of Delegates members remain in effect for the 2023 General Assembly session. As a result of redistricting, she noted the November 2023 ballot will look a little different; moving from three to two senate seats, maintaining seven delegate districts; all district numbers changing; and newly elected house and senate members seated January 2024.

Discussion and questions ensued relative to the presentation.

3.D. ECONOMIC DEVELOPMENT UPDATE

Mr. John Cogbill, Chair of the Economic Development Authority (EDA) provided details to the Board of Supervisors relative to the recent success of economic development within the county. The EDA works in conjunction with the Department of Economic Development to help create new jobs, expand the tax base and diversify the economy of Chesterfield County.

Mr. Garrett Hart, Director of Economic Development, provided the Board of Supervisors with an overview of the programs and operations of the Economic Development Department. He stated Chesterfield County registered the largest nominal increase among all 133 jurisdictions throughout Virginia. He further stated the labor force continues to grow while the unemployment rate continues to fall. He stated Chesterfield County is home to an expanding list of large companies and small businesses. The local economy continues to grow with frequent announcements about expansions or new facilities. Among the many other advantages of doing business in Chesterfield are local and state economic development incentive programs, a variety of workforce services programs and an overall low cost of living and doing business. He noted mixed-use projects are the key to attracting a talented workforce. He then reviewed tourism figures and their relation to hotel occupancy and room revenue. In closing, he highlighted various new investments, projects and jobs created in FY2021-FY2022, as well as Chesterfield EDA current projects.

Discussion and questions ensued relative to the presentation.

3.E. CONSENT AGENDA HIGHLIGHTS

Mr. Jesse Smith, Deputy County Administrator, updated the board on various consent agenda highlights being proposed this evening which include various District Enhancement Capital Improvement Funds per district; public hearings and grants relative to Set Public Hearings for November 16, 2022 for Genito/288 Special Focus Area Plan and Eminent Domain for Lakeview/Branders Bridge and Woods Edge Road; as well as the BJA Connect and Protect Grant, Assistance to Firefighters Grant, and Governor's Ag and Forestry Development Fund and award for construction contracts for Chesterfield Airport Terminal Apron, the Horner Park Restrooms, Harrowgate Park Phase 3, and Proctors Creek Wastewater Treatment Plant.

Mr. Holland requested additional information relative to ongoing projects in various departments.

4. REPORTS

4.A. REPORT OF PLANNING COMMISSION'S SUBSTANTIAL ACCORD DETERMINATION FOR CHESTERFIELD COUNTY PARKS & RECREATION (CASE22SA0002) TO PERMIT A NEIGHBORHOOD PARK (FICKE PARK) IN A RESIDENTIAL (R-7) DISTRICT LOCATED IN THE DALE DISTRICT

4.B. DISTRICT IMPROVEMENT FUNDS (DIF) MONTHLY REPORT

The Board accepted the Report of Planning Commission's Substantial Accord Determination for Chesterfield County Parks & Recreation (Case22SA0002) to Permit a Neighborhood Park (Ficke Park) in a Residential (R-7) District Located in the Dale District and the Monthly Report on District Improvement Funds.

5. **FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS**

There were no requests to address the Board at this time.

6. **CLOSED SESSION 1) PURSUANT TO 2.2-3711(A)(1), CODE OF VIRGINIA, 1950, AS AMENDED, RELATING TO THE PERFORMANCE OF THE COUNTY ADMINISTRATOR, THE COUNTY ATTORNEY, THE CLERK TO THE BOARD OF SUPERVISORS, AND THE CHIEF OF POLICE, 2) PURSUANT TO § 2.2-3711(A)(5), CODE OF VIRGINIA, 1950, AS AMENDED, TO DISCUSS OR CONSIDER PROSPECTIVE BUSINESSES OR INDUSTRIES OR THE EXPANSION OF EXISTING BUSINESSES OR INDUSTRIES WHERE NO PREVIOUS ANNOUNCEMENT HAS BEEN MADE OF THE BUSINESSES' OR INDUSTRIES' INTEREST IN LOCATING OR EXPANDING THEIR FACILITIES IN THE COMMUNITY, 3) PURSUANT TO § 2.2-3711(A)(3), CODE OF VIRGINIA, 1950, AS AMENDED, TO DISCUSS THE ACQUISITION BY THE COUNTY OF REAL ESTATE FOR A PUBLIC PURPOSE, OR THE DISPOSITION OF PUBLICLY HELD REAL PROPERTY, WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION AND NEGOTIATING STRATEGY OF THE PUBLIC BODY, AND 4) PURSUANT TO 2.2- 3711(A)(8), CODE OF VIRGINIA, 1950 AS AMENDED, FOR CONSULTATION WITH THE COUNTY ATTORNEY ON A SPECIFIC LEGAL MATTER CONCERNING COUNTY PERSONNEL POLICIES, THE VIRGINIA FREEDOM OF INFORMATION ACT AND THE GOVERNMENT DATA COLLECTION AND DISSEMINATION PRACTICES ACT, CHAPTER 38, TITLE 2.2, CODE OF VIRGINIA, 1950 AS AMENDED**

On motion of Mr. Holland, seconded by Mr. Ingle, the Board went into closed session 1) Pursuant to 2.2-3711(A)(1), Code of Virginia, 1950, as Amended, Relating to the Performance of the County Administrator, the County Attorney, the Clerk to the Board of Supervisors, and the Chief of Police, 2) Pursuant to § 2.2-3711(A)(5), Code of Virginia, 1950, as Amended, to Discuss or Consider Prospective Businesses or Industries or the Expansion of Existing Businesses or Industries Where No Previous Announcement Has Been Made of the Businesses' or Industries' Interest in Locating or Expanding Their Facilities in the Community, 3) Pursuant to § 2.2-3711(A)(3), Code of Virginia, 1950, as Amended, to Discuss the Acquisition by the County of Real Estate for a Public Purpose, or the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position and Negotiating Strategy of the Public Body, and 4) Pursuant to 2.2- 3711(A)(8), Code of Virginia, 1950 as Amended, for Consultation with the County Attorney on a Specific Legal Matter Concerning County Personnel Policies, the Virginia Freedom of Information Act and the Government Data Collection and Dissemination Practices Act, Chapter 38, Title 2.2, Code of Virginia, 1950 as Amended.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

On motion of Mr. Holland, seconded by Mr. Ingle, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in Closed Session to which this certification applies, and ii) only such business matters were identified in the motion by which the Closed Session was convened were heard, discussed or considered by the Board. No member dissents from this certification.

Mr. Ingle: Aye.
Mr. Carroll: Aye.
Ms. Carroll: Aye.
Mr. Holland: Aye.
Mr. Winslow: Aye.

7. RECESS FOR DINNER WITH MEMBERS OF THE COMMUNITY SERVICES BOARD

On motion of Mr. Holland, seconded by Mr. Ingle, the Board recessed for dinner in Room 502 with members of the Community Services Board.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

8. INVOCATION

The Honorable Jim Holland, Dale District Supervisors, gave the invocation.

9. PLEDGE OF ALLEGIANCE

Eagle Scout Matthew James Snow led the Pledge of Allegiance to the Flag of the United States of America.

10. COUNTY ADMINISTRATION UPDATE

10.A. NATIONAL 4H HALL OF FAME RECIPIENT

Dr. Casey recognized Ms. Sarah Gregory for her recent induction into the 4-H Hall of Fame. He stated her volunteer work in 4-H has spanned 64 years, 40 of which have seen Chesterfield benefiting from the selfless devotion. He further stated her dedication to 4-H goes back to a time when segregation excluded her from receiving all that 4-H had to offer, not it plays a leading role in advocating for diversity and inclusion.

10.B. BOND REFERENDUM UPDATE

Deputy County Administrator Matt Harris provided a brief update to the Board regarding how staff is informing the public about the upcoming bond referendum. This fall, voters will consider the Community Facilities Bond Plan. If approved, Chesterfield will issue $540 million in general obligation bonds to fund 26 specific capital projects among schools, public safety, parks and libraries.

10.C. RECOGNITION OF RECENT AWARDS AND EMPLOYEE ACHIEVEMENTS

Dr. Casey announced that Colonel Jeffrey Katz was recently named as a finalist for the Patrick Murphy Award for Leading Change in Policing, whose nomination was a collaborative effort among many police staff members. He congratulated Col. Katz for his devotion to his department and the community.

10.D. OTHER COUNTY ADMINISTRATION UPDATES

- Dr. Casey announced Mr. Kevin Bruny, Director of the Learning and Performance Center, has also received recent accolades as a finalist for the Top 100 Learning and Development Award presented by OnConferences, also known as OnCon, an exclusive group of senior executives who come together to discuss challenges, trends and benchmarking. He stated Mr. Bruny was one of three finalists in the public sector and among local government learning and development leaders.

- Dr. Casey announced the Internal Audit Department recently had its periodic peer review, which resulted in the highest grade possible, "pass." He stated peer reviews represent others in the profession, often out of state as in this case, who can be most critical of an operation.

- Dr. Casey announced county staff are working with the Chesterfield Historical Society of Virginia to prepare for this year's Veterans Day ceremony. He stated the ceremony will take place on November 11, at 2:00 p.m., and all are invited. He noted Mr. Winslow and retired U.S. Marine Corps Maj. Gen. Craig Crenshaw, who now serves as Virginia Secretary of Veterans and Defense Affairs, will be the featured speakers.

11. BOARD MEMBER REPORTS

Mr. Ingle announced on September 23, he welcomed Christian Brothers Automotive to the Bermuda District and on October 14, a few of my fellow board members and the County Treasurer joined him for the ribbon cutting at the Springhill Suites by Marriott in Chester. He announced he has been hosting a series of community conversations with Bermuda District residents, where citizens have had the opportunity to ask questions, share thoughts about issues the community is facing, and discuss solutions. Regarding economic development, he noted work is progressing nicely for both project pads at Plenty and Lego. Lastly, he announced the Better Housing Coalition broke ground on Winchester Forest, a new affordable apartment community along the Rt. 1 corridor.

Mr. Carroll announced he attended the Shared Values in Action Summit on September 30. The summit featured a keynote presentation from internationally acclaimed economist Raj Chetty, detailing his data on growing Richmond's economic mobility and equality of opportunity. He mentioned the recent retirement of auxiliary police officer Eric Luther and his dedication to the county. He also announced he hosted a community meeting Oct. 5 at the new Matoaca Elementary School to discuss plans for the reuse of the Old Matoaca Elementary School and attended former Ettrick Elementary School annex site groundbreaking ceremony on October 19th that will feature 10 affordable one-and two-story single-family homes, the Matoaca Fire and EMS Station No.8 groundbreaking ceremony on October 20th, and the Pleasant View School sign dedication ceremony on October 22nd. Lastly, he provided information relative to the Otterdale Road drainage improvements.

Ms. Carroll announced she attended the Centering Elements ribbon cutting ceremony on October 14th. Centering Elements is an organization focused on counseling for individuals and families. They aim to offer a professional and compassionate environment for their clients. She also announced she attended the Trunk or Treat event at the county fairgrounds on October 25th.

Mr. Holland announced he attended, along with Mr. Carroll, the ribbon cutting ceremony for the refurbished pickleball courts at Rockwood Park on October 10th, celebration of retired employees on October 7th, Chesterfield VSU Day on October 18th, a day interacting with students one-on-one, sharing about the variety of services and opportunities available with Chesterfield County government.

Mr. Winslow announced he joined US EDA officials, Senator Warner, and regional partners for a brief tour and roundtable discussion at the Medicines for All Institute at VCU College of Engineering on October 4th and the honoring of Dr. Wyatt Tee Walker on October 21st. Lastly, he announced the United States Department of Housing and Urban Development (HUD) awarded the Greater Richmond Continuum of Care a $4,478,877 million grant as part of HUD's Youth Homelessness Demonstration Program. These new federal funds will support the planning and implementation efforts for youth-driven projects in the Richmond region.

12. RESOLUTIONS AND SPECIAL RECOGNITIONS

12.A. RESOLUTION RECOGNIZING BOY SCOUT UPON ATTAINING RANK OF EAGLE SCOUT

Ms. Teresa Bonifas, Director of Communications and Media, introduced Mr. Matthew James Snow, who was present to receive the resolution.

On motion of Mr. Winslow, seconded by Mr. Carroll, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical

fitness; and

WHEREAS, after earning at least 21 merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to their community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law, Mr. Matthew James Snow, of Troop 2822, sponsored by Bethia United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is received by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Matthew has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of October 2022, publicly recognizes Mr. Matthew James Snow, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the county to have such an outstanding young man as its citizen.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

Mr. Carroll presented the executed resolution and patch to Mr. Snow, accompanied by members of his family, congratulated him on his outstanding achievements and wished him well in future endeavors.

Mr. Snow expressed appreciation to the Board and provided details of his Eagle Scout project.

13. NEW BUSINESS

13.A. APPOINTMENTS

13.A.1. CAMP BAKER MANAGEMENT BOARD

On motion of Mr. Carroll, seconded by Mr. Ingle, the Board nominated/appointed Ms. Monica Thomas-Moore as the Matoaca District representative to serve on the Camp Baker Management Board, whose term is effective immediately and will expire April 30, 2024.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.A.2. COMMITTEE ON THE FUTURE

On motion of Mr. Carroll, seconded by Ms. Carroll, the Board nominated/appointed Mr. Travis Rickman as the Matoaca District representative to serve on the Committee on the Future, who serves at the pleasure of the Board.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B. CONSENT ITEMS

13.B.1. ADOPTION OF RESOLUTIONS

13.B.1.a. RECOGNIZING MS. PALMA D. FISHER, DEPARTMENT OF GENERAL SERVICES, UPON HER RETIREMENT

On motion of Ms. Carroll, seconded by Mr. Holland, the Board adopted the following resolution:

WHEREAS, Ms. Palma D. Fisher retired from the Chesterfield County Department of General Services Buildings and Grounds Division on October 1, 2022, after over 31 years of service; and

WHEREAS, on July 8, 1991, Ms. Fisher began her public service career with Chesterfield County as a full-time Custodian; and

WHEREAS, in February 2006, Ms. Fisher graduated from the School of Quality and Continuous Improvement; and

WHEREAS, Ms. Fisher provided quality service while adhering to ethical standards of behavior; and

WHEREAS, Ms. Fisher always displayed a positive attitude when responding to the concerns of customers; and

WHEREAS, Ms. Fisher organized and prioritized tasks to ensure assignments were completed in a timely manner; and

WHEREAS, Ms. Fisher provided outstanding custodial services to the Chesterfield County facilities and was dedicated to keeping these buildings clean, safe, and aesthetically pleasing; and

WHEREAS, Ms. Fisher presented a professional image while interacting with internal and external customers in the County; and

WHEREAS, Ms. Fisher supported the County's goals, values, and objectives through teamwork; and

WHEREAS, in March 2020, Ms. Fisher was deemed an essential worker due to the global Coronavirus pandemic, thus making her service to keep the County buildings as clean and safe as possible even more critical.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, the 26th day of October 2022, publicly recognizes the outstanding contributions of Palma D. Fisher, expresses the appreciation of all citizens for her service to Chesterfield County, and extends appreciation for her dedicated service to the County, congratulations upon her retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED that a copy of the resolution be presented to Ms. Fisher, and that the resolution be permanently recorded among the papers of the Board of Supervisors of Chesterfield County, Virginia.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.1.b. RESOLUTION SUPPORTING CONSTRUCTION OF THE LAMBERT LANDING APARTMENTS USING PROCEEDS FROM TAX EXEMPT BONDS BY THE VIRGINIA HOUSING MIXED-INCOME PROGRAM

On motion of Ms. Carroll, seconded by Mr. Holland, the Board adopted the following resolution:

WHEREAS, pursuant to Section 36-55.30:2.A of the Code of Virginia of 1950, as amended, the Board of Supervisors of the County of Chesterfield, Virginia, desires to designate the area (the "Area") described on Exhibit A attached hereto as a revitalization area;

NOW, THEREFORE, BE IT HEREBY DETERMINED as follows:

(1) the industrial, commercial or other economic development of the Area will benefit the County but the Area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in the Area; and

(2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area.

NOW, THEREFORE, BE IT HEREBY RESOLVED that pursuant to Section 36-55.30:2.A of the Code of Virginia of 1950, as amended, the Area is hereby designated as a revitalization area.

Adopted by the Board of Supervisors of the of the County of Chesterfield, Virginia, on the 26th day of October, 2022.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.2. REAL PROPERTY REQUESTS

13.B.2.a. ACCEPTANCE OF PARCELS OF LAND

13.B.2.a.1. DESIGNATION OF A PARCEL OF LAND WITH A TEMPORARY CONSTRUCTION EASEMENT ACROSS MARQUERITE CHRISTIAN ELEMENTARY SCHOOL

On motion of Ms. Carroll, seconded by Mr. Holland, the Board approved the designation of a parcel of land containing 1.542 acres, along with a temporary construction easement, across Marguerite Christian Elementary School.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.2.a.2. ACCEPTANCE OF A PARCEL OF LAND SOUTH OF MEADOWVILLE ROAD FROM TWIN RIVERS, LLC

On motion of Ms. Carroll, seconded by Mr. Holland, the Board accepted the conveyance of a parcel of land containing 0.100 acres south of Meadowville Road from Twin Rivers, LLC and authorized the County Administrator to execute the deed.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.2.b. REQUESTS TO QUITCLAIM

13.B.2.b.1. REQUEST TO QUITCLAIM PORTIONS OF A WATER EASEMENT ACROSS THE PROPERTIES OWNED BY NIOBRARA, INCORPORATED AND BERMUDA SQUARE VENTURE, LLC

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate portions of a water easement across the properties owned by Niobrara, Incorporated and Bermuda Square Venture, LLC.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.2.b.2. REQUEST TO QUITCLAIM A PORTION OF A WATER EASEMENT ACROSS THE PROPERTY OWNED BY CLOVER HILL ASSEMBLY OF GOD

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a water easement across the property owned by Clover Hill Assembly of God.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.2.b.3. REQUEST TO QUITCLAIM A PORTION OF A WATER EASEMENT ACROSS THE PROPERTY OWNED BY DUCKRIDGE LANDING LC

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a water easement across the property owned by Duckridge Landing LLC.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.2.c. REQUESTS FOR PERMISSION

13.B.2.c.1. REQUEST PERMISSION TO ALLOW AN EXISTING PRIVATE SEWER SERVICE LINE WITHIN A PROPOSED PRIVATE EASEMENT TO SERVE THE PROPERTY AT 100 RAVENSCROFT DRIVE

On motion of Ms. Carroll, seconded by Mr. Holland, the Board granted permission to allow an existing private sewer service line within a proposed private easement to serve property at 100 Ravenscroft Drive and authorized the County Administrator to execute the sewer connection agreement.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.3. SET PUBLIC HEARING

13.B.3.a. TO CONSIDER COMPREHENSIVE PLAN AMENDMENT RELATIVE TO THE GENITO/288 SPECIAL FOCUS AREA PLAN

On motion of Ms. Carroll, seconded by Mr. Holland, the Board set a public hearing for November 16, 2022, as the date to hold a public hearing to consider Comprehensive Plan amendment relative to the Genito/288 Special Focus Area Plan.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.3.b. TO CONSIDER THE ABANDONMENT OF THE DUPUY SCHOOL ENTRANCE, STATE ROUTE 9831

On motion of Ms. Carroll, seconded by Mr. Holland, the Board set a public hearing for December 14, 2022, as the date to hold a public hearing to consider the abandonment of the Dupuy School entrance, State Route 9831.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.3.c. TO CONSIDER THE ABANDONMENT OF THE OLD BEULAH ELEMENTARY BUS LOOP, STATE ROUTE 9099

On motion of Ms. Carroll, seconded by Mr. Holland, the Board set a public hearing for November 16, 2022, as the date to hold a public hearing to consider the abandonment of the Old Beulah Elementary bus loop, State Route 9099.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.3.d. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF RIGHT-OF-WAY AND EASEMENTS FOR THE LAKEVIEW ROAD AND BRANDERS BRIDGE ROAD ROUNDABOUT PROJECT

On motion of Ms. Carroll, seconded by Mr. Holland, the Board set a public hearing for November 16, 2022, as the date to hold a public hearing to consider the exercise of eminent domain for the acquisition of right-of-way and easements for the Lakeview Road and Branders Bridge Road Roundabout Project.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.3.e. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF RIGHT-OF-WAY FOR THE WOODS EDGE ROAD SAFETY IMPROVEMENTS PROJECT

On motion of Ms. Carroll, seconded by Mr. Holland, the Board set a public hearing for November 16, 2022, as the date to hold a public hearing to consider the exercise of eminent domain for the acquisition of right-of-way for the Woods Edge Road safety improvements project.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.4. AWARD OF CONSTRUCTION CONTRACT

13.B.4.a. TO REHABILITATE TERMINAL APRON AT THE CHESTERFIELD COUNTY AIRPORT

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized the Director of Procurement to (1) award a construction contract in the amount of $1,148,806.02 to Branscome, Inc., the lowest responsive and responsible bidder, and (2) approve all necessary change orders, up to the amount budgeted for the project.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.4.b. FOR HORNER PARK RESTROOMS

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized the Director of Procurement to (1) award a construction contract in the amount of $1,487,500.00 to WACO Inc., the lowest responsive and responsible bidder, and (2) approve all necessary change orders, up to the amount budgeted for the project.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.4.c. FOR HARROWGATE PARK PHASE II

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized the Director of Procurement to (1) award a construction contract in the amount of $3,565,000.00 to Loughridge and Company LLC., the lowest responsive and responsible bidder, and 920 approve all necessary change orders, up to the amount budgeted for the project.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.4.d. FOR PROCTORS CREEK WASTEWATER TREATMENT PLANT INFLUENT PUMP STATION ELECTRICAL IMPROVEMENTS

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized the Director of Procurement to award the construction contract to Triad Electrical Solutions in the amount of $771,025 and execute all necessary change orders up

to the full amount budgeted for the Proctors Creek Wastewater Treatment Plant Influent Pump Station electrical improvements.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.5. ACCEPTANCE OF 2022 BJA CONNECT AND PROTECT GRANT AWARDED BY THE BUREAU OF JUSTICE ASSISTANCE

On motion of Ms. Carroll, seconded by Mr. Holland, the Board accepted and appropriated funds from the 2022 BJA Connect & Protect grant, in the amount of $482,555.00, from the Bureau of Justice Assistance to fund mental health and police positions to co-respond to situations involving persons with mental illness.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.6. AUTHORIZE THE RECEIPT AND APPROPRIATION OF GRANT FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY FOR THE 2021 ASSISTANCE TO FIREFIGHTERS 9AFG) GRANT PROGRAM

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized Fire and EMS to accept and appropriate $1,915,536.36 in grant funds from the Department of Homeland Security, 2021 Assistance to Firefighters (AFG) Grant Program, to install diesel exhaust source capture systems in

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.7. LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP) AGREEMENT

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized the Director of Public Utilities to execute an agreement with Promise, Inc., the vendor selected by the Virginia Department of Social Services, to administer the Low Income Household Water Assistance Program, subject to approval by the County Attorney.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.8. MEMORANDUM OF UNDERSTANDING BETWEEN CHESTERFIELD COUNTY AND HENRICO COUNTY TO SHARE SPECIFIC MUTUAL TASKS TO BE PERFORMED BY THE CORPORATION FOR SUPPORTIVE HOUSING PURSUANT TO CHESTERFIELD SERVICE AGREEMENT FOR CONSULTANT SERVICES FOR DEVELOPMENT OF HOME-ARP ALLOCATION PLAN

On motion of Ms. Carroll, seconded by Mr. Holland, the Board approved a memorandum of understanding between Chesterfield County and Henrico County to share tasks to be performed by the Corporation for Supportive Housing pursuant to Chesterfield Service agreement #ADMN22000272 for consultant services for development of HOME-ARP Allocation Plan dated June 1, 2022.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.

Nays: None.

13.B.9. ACCEPTANCE OF STATE ROADS

On motion of Ms. Carroll, seconded by Mr. Holland, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on a plat recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Sections 33.2-705 and 33.2-334, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project/Subdivision: Rolling Ridge Section Two and Normandale Terrace Addition Section "C" (Remainder)
Type Change to the Secondary System Miles of State Highways: Addition
Reason for Change: New Subdivision Street
Pursuant to Code of Virginia Statute: §33.2-705, 33.2-334
Street Name and/or Route Number

- **Arcadia Avenue, State Route Number 1538**
  From: Arcadia Court, (Route 1400)
  To: Bower Ridge Drive, (Route 8440), a distance of 0.05 miles
  Recordation Reference: Plat Book 279, Page 75; Plat Book 27, Page 90
  Right of Way width (feet) = 50

- **Arcadia Avenue, State Route Number 1538**
  From: Bower Ridge Drive, (Route 8440)
  To: The cul-de-sac, a distance of 0.03 miles
  Recordation Reference: Plat Book 279, Page 75
  Right of Way width (feet) = 50

- **Bower Ridge Drive, State Route Number 8440**
  From: Arcadia Avenue, (Route 1538)
  To: Valley Ridge Court, (Route 8443), a distance of 0.17 miles
  Recordation Reference: Plat Book 279, Page 75
  Right of Way width (feet) = 50

- **Bower Ridge Drive, State Route Number 8440**
  From: Valley Ridge Court, (Route 8443)
  To: 0.01 miles south of Elokomin Avenue, (Route 8438), a distance of 0.03 miles

Recordation Reference: Plat Book 279, Page 75
Right of Way width (feet) = 50

- **Valley Ridge Court, State Route Number 8443**
  From: Bower Ridge Drive, (Route 8440)
  To: The cul-de-sac, a distance of 0.02 miles
  Recordation Reference: Plat Book 279, Page 75
  Right of Way width (feet) = 50

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on a plat recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Sections 33.2-705 and 33.2-334, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project/Subdivision: Rolling Ridge Section One
Type Change to the Secondary System Miles of State Highways: Addition
Reason for Change: New Subdivision Street
Pursuant to Code of Virginia Statute: §33.2-705, 33.2-334
Street Name and/or Route Number

- **Elokomin Avenue, State Route Number 8438**
  From: Bower Ridge Drive, (Route 8440)
  To: The end-of-maintenance, a distance of 0.02 miles
  Recordation Reference: Plat Book 276, Page 98
  Right of Way width (feet) = 55

- **Elokomin Avenue, State Route Number 8438**
  From: Ridge Mill Way, (Route 8439)
  To: Bower Ridge Drive, (Route 8440), a distance of 0.11 miles
  Recordation Reference: Plat Book 276, Page 98
  Right of Way width (feet) = 55

- **Elokomin Avenue, State Route Number 8438**
  From: Rio Vista Street, (Route 1537)
  To: Ridge Mill Way (Route 8439), a distance of 0.28 miles
  Recordation Reference: Plat Book 276, Page 98
  Right of Way width (feet) = 55

- **Ridge Mill Way, State Route Number 8439**

From: Elokomin Avenue, (Route 8438)
To: Ridge Mill Court, (Route 8441), a distance of 0.05 miles
Recordation Reference: Plat Book 276, Page 98
Right of Way width (feet) = 50

- **Ridge Mill Way, State Route Number 8439**
  From: Ridge Mill Court, (Route 8441)
  To: The cul-de-sac, a distance of 0.04 miles
  Recordation Reference: Plat Book 276, Page 98
  Right of Way width (feet) = 50

- **Bower Ridge Drive, State Route Number 8440**
  From: Elokomin Avenue, (Route 8438)
  To: The end-of-maintenance, a distance of 0.01 miles
  Recordation Reference: Plat Book 276, Page 98
  Right of Way width (feet) = 50

- **Ridge Mill Court, State Route Number 8441**
  From: Ridge Mill Way, (Route 8439)
  To: The end-of-maintenance, a distance of 0.11 miles
  Recordation Reference: Plat Book 276, Page 98
  Right of Way width (feet) = 50

- **Ridge Mill Terrace, State Route Number 8442**
  From: Ridge Mill Way, (Route 8439)
  To: The cul-de-sac, a distance of 0.03 miles
  Recordation Reference: Plat Book 276, Page 98
  Right of Way width (feet) = 50

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on a plat recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Sections 33.2-705 and 33.2-334, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project/Subdivision: Kingsland Park Section One
Type Change to the Secondary System Miles of State Highways: Addition
Reason for Change: New Subdivision Streets
Pursuant to Code of Virginia Statute: §33.2-705, 33.2-334
Street Name and/or Route Number

- **Pinetag Drive, State Route Number 2867**
  From: 0.03 miles west of Pineglade Lane, (Route 2866)
  To: Kingsland Park Drive, (Route 8444), a distance of 0.03 miles
  Recordation Reference: Plat Book 286, Page 61
  Right of Way width (feet) = 50

- **Sir Sagamore Drive, State Route Number 4010**
  From: Chayton Lane, (Route 8445)
  To: The temporary cul-de-sac, a distance of 0.03 miles
  Recordation Reference: Plat Book 286, Page 61
  Right of Way width (feet) = 50

- **Sir Sagamore Drive, State Route Number 4010**
  From: Chayton Lane, (Route 8445)
  To: The tie-in to existing Sir Sagamore Drive, (Route 4010) a distance of 0.12 miles
  Recordation Reference: Plat Book 286, Page 61
  Right of Way width (feet) = 50

- **Kingsland Park Drive, State Route Number 8444**
  From: Chayton Lane, (Route 8445)
  To: The temporary cul-de-sac, a distance of 0.27 miles
  Recordation Reference: Plat Book 286, Page 61
  Right of Way width (feet) = 50

- **Kingsland Park Drive, State Route Number 8444**
  From: Pinetag Drive, (Route 2867)
  To: Chayton Lane, (Route 8445), a distance of 0.13 miles
  Recordation Reference: Plat Book 286, Page 61
  Right of Way width (feet) = 50

- **Kingsland Park Drive, State Route Number 8444**
  From: Pinetag Drive, (Route 2867)
  To: The cul-de-sac, a distance of 0.08 miles
  Recordation Reference: Plat Book 286, Page 61
  Right of Way width (feet) = 50

- **Chayton Lane, State Route Number 8445**
  From: Kingsland Park Drive, (Route 8444)
  To: Sir Sagamore Drive, (Route 4010), a distance of 0.10 miles
  Recordation Reference: Plat Book 286, Page 61
  Right of Way width (feet) = 50

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on a plat recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Sections 33.2-705 and 33.2-334, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project/Subdivision: Greenbriar Woods Section 4
Type Change to the Secondary System Miles of State Highways: Addition
Reason for Change: New Subdivision Streets
Pursuant to Code of Virginia Statute: §33.2-705, 33.2-334
Street Name and/or Route Number

- **Tosh Lane, State Route Number 7622**
  From: 0.02 miles southeast of Horseshoe Bend Drive, (Route 1167)
  To: Tosh Court, (Route 8431), a distance of 0.06 miles
  Recordation Reference: Plat Book 258, Page 18
  Right of Way width (feet) = 50

- **Tosh Lane, State Route Number 7622**
  From: Tosh Court, (Route 8431)
  To: Tosh Terrace, (Route 8432), a distance of 0.03 miles
  Recordation Reference: Plat Book 258, Page 18
  Right of Way width (feet) = 50

- **Tosh Lane, State Route Number 7622**
  From: Tosh Terrace, (Route 8432)
  To: The cul-de-sac, a distance of 0.18 miles
  Recordation Reference: Plat Book 258, Page 18
  Right of Way width (feet) = 50

- **Tosh Court, State Route Number 8431**
  From: Tosh Lane, (Route 7622)
  To: The cul-de-sac, a distance of 0.06 miles
  Recordation Reference: Plat Book 258, Page 18
  Right of Way width (feet) = 50

- **Tosh Terrace, State Route Number 8432**
  From: Tosh Lane, (Route7622)
  To: The cul-de-sac, a distance of 0.06 miles
  Recordation Reference: Plat Book 258, Page 18
  Right of Way width (feet) = 50

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on a plat recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways,

pursuant to Sections 33.2-705 and 33.2-334, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project/Subdivision: The Landings at Meadowville Section 2
Type Change to the Secondary System Miles of State Highways: Addition
Reason for Change: New Subdivision Street
Pursuant to Code of Virginia Statute: §33.2-705, 33.2-334
Street Name and/or Route Number

- **Almer Lane, State Route Number 7904**
  From: 0.03 miles north of Almer Court, (Route 8334)
  To: 0.05 miles south of Meadowville Road, (Route 618), a distance of 0.34 miles
  Recordation Reference: Plat Book 293, Page 16
  Right of Way width (feet) = 50

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on a plat recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Sections 33.2-705 and 33.2-334, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project/Subdivision: Ashton Park Drive Industrial Road Extended
Type Change to the Secondary System Miles of State Highways: Addition
Reason for Change: New Subdivision Street
Pursuant to Code of Virginia Statute: §33.2-705, 33.2-334
Street Name and/or Route Number

- **Aston Park Drive, State Route Number 932**
  From: 0.34 miles southeast of Ruffin Mill Road, (Route 746)
  To: The cul-de-sac, a distance of 0.20 miles

Recordation Reference: Deed Book 11212, Page 915
Right of Way width (feet) = 70

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on a plat recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Sections 33.2-705 and 33.2-334, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project/Subdivision: Harpers Mill Northeast - Section 8
Type Change to the Secondary System Miles of State Highways: Addition
Reason for Change: New Subdivision Street
Pursuant to Code of Virginia Statute: §33.2-705, 33.2-334
Street Name and/or Route Number

- **Wolfboro Road, State Route Number 8176**
  From: Bole Hat Road, (Route 8319)
  To: Wolfboro Place, (Route 8357), a distance of 0.15 miles
  Recordation Reference: Plat Book 263, Page 42
  Right of Way width (feet) = 55

- **Wolfboro Road, State Route Number 8176**
  From: Wolfboro Place, (Route 8357)
  To: 0.02 miles east of Timberstone Drive, (Route 7989), a distance of 0.06 miles
  Recordation Reference: Plat Book 263, Page 42
  Right of Way width (feet) = 55

- **Bole Hat Road, State Route Number 8319**
  From: 0.03 miles northwest of Hartridge Drive, (Route 7996)
  To: Wolfboro Road, (Route 8176), a distance of 0.07 miles
  Recordation Reference: Plat Book 263, Page 42
  Right of Way width (feet) = 55

- **Bole Hat Road, State Route Number 8319**
  From: Wolfboro Road, (Route 8176)
  To: 0.03 miles northwest of Wolfboro Road, (Route 8176), a distance of 0.03 miles
  Recordation Reference: Plat Book 263, Page 42

Right of Way width (feet) = 50

- **Bole Hat Road, State Route Number 8319**
  From: 0.03 miles northwest of Wolfboro Road, (Route 8176)
  To: The cul-de-sac, a distance of 0.05 miles
  Recordation Reference: Plat Book 263, Page 42
  Right of Way width (feet) = 50

- **Wolfboro Place, State Route Number 8357**
  From: Wolfboro Road, (Route 8176)
  To: The cul-de-sac, a distance of 0.03 miles
  Recordation Reference: Plat Book 263, Page 42
  Right of Way width (feet) = 50

- **Wolfboro Court, State Route Number 8358**
  From: Wolfboro Road, (Route 8176)
  To: The cul-de-sac, a distance of 0.05 miles
  Recordation Reference: Plat Book 263, Page 42
  Right of Way width (feet) = 50

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.10. AUTHORIZATION TO PROCEED WITH WOODS EDGE ROAD SAFETY IMPROVEMENTS

On motion of Ms. Carroll, seconded by Mr. Holland, the Board took the following actions for the Woods Edge Road Safety Project:

1. Authorized the County Administrator to enter into the customary VDOT/County agreements/contracts, permits/ mitigation agreements, and surety agreements, acceptable to the County Attorney; and, 2. Authorized the County Administrator to proceed with the design and right-of-way acquisition, including advertisement of an eminent domain public hearing if necessary, and to accept the conveyance of right-of-way and easements that are acquired; and, 3. Authorized the Chairman of the Board of Supervisors and County Administrator to execute easement agreements for relocation of utilities; and, 4. Authorized the Director of Procurement to proceed with the advertisement of a construction contract for the project.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.11. AUTHORIZE THE RECEIPT AND APPROPRIATION OF GRANT FUNDS FROM THE GOVERNOR'S AGRICULTURE & FORESTRY INDUSTRIES DEVELOPMENT FUND FOR THE VERTICAL FARMING FACILITY IN THE MEADOWVILLE TECHNOLOGY PARK

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized the receipt and appropriation of grant funds from the Governor's Agriculture & Forestry Industries Development Fund for the vertical farming facility in the Meadowville Technology Park.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

13.B.12. AUTHORIZE USE OF DISTRICT ENHANCEMENT CAPITAL IMPROVEMENT FUNDS (DECIF)

On motion of Ms. Carroll, seconded by Mr. Holland, the Board authorized the use of District Enhancement Capital Improvement Funds, including authorization to advertise and award construction contracts and change orders, up to the full amount budgeted for each project, and execution of any agreements necessary to complete the projects.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

14. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS

Ms. Anne Harrell addressed the Board relative to Southside Speedway.

15. DEFERRED ITEMS FROM PREVIOUS MEETINGS

There were no deferred items from previous meetings.

16. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 18

Ms. Hall stated for each case on the consent agenda, staff has received written confirmation from the applicants that they agree with the conditions being imposed and all proffers are offered in compliance with state law.

22MH0006

In Bermuda Magisterial District, Charles Joyner Jr requests renewal of a manufactured home permit (Case 15SN0149) to permit temporary manufactured home and amendment of zoning district map in a Residential (R-7) District on 0.3 acre known as 7600 Senate Street. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2 to 4 dwellings per acre). Tax ID 788-677-6194 and 6297, and 788-678-6201.

Ms. Hall introduced Case 22MH0006. She stated staff received no comments on the case, staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.
On motion of Mr. Ingle, seconded by Ms. Carroll, the Board approved Case 22MH0006, subject to the following conditions:

1. The applicant shall be the owner and occupant of the manufactured home. (P)

2. No additional permanent type living space may be added to the manufactured home. The use of the existing addition to the manufactured home may be continued during the renewal periods; however, such addition may not be enlarged, extended, reconstructed, substituted, or structurally altered. (P)

3. Except for the existing permanent foundation, the remainder of the manufactured home shall be skirted. (P)

(Note: The Zoning Ordinance limits the maximum period of time for which a manufactured home permit may be granted to seven (7) years. Should the Board wish to approve this request, this approval would be for seven (7) years unless conditioned for less time and then subject to renewal.)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

21SN0645

In Midlothian Magisterial District, Douglas Sowers, Susan Sowers and Otterdale, LLC (Project commonly known as Newmarket South) request rezoning from Agricultural (A) to Residential (R-12) with conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 164.45 acres located along the west line of Otterdale Road, beginning approximately 330 feet south of Cedarville Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (Maximum of 2 dwellings per acre). Tax IDs 713-691-6321, 2873, 8928; 713-692-0469; 713-693-9221; 714-690-2468; 714-691-2486; 714-692-7432; 715-692-3162.

Ms. Hall introduced Case 21SN0645. She stated staff received no comments on the case, and the Planning Commission and staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Ms. Carroll, seconded by Mr. Holland, the Board approved Case 21SN0645, subject to the following proffered conditions:

The property owner and applicant in this rezoning case ("Owner"), pursuant to Section 15.2-2298 of the Code of Virginia (1950, as amended) and the Zoning Ordinance of Chesterfield County (the "County"), for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Owner. In the event this request is denied or approved with

conditions not agreed to by the Owner, the proffers shall immediately be null and void and of no further force or effect. As used herein, "Property" shall mean the property consisting of GPIN(s): 7136939221, 7136920469, 7146927432, 7146912486, 7136918928, 7136912873, 7136916321, 7146902468, and 7156923162.

1. Master Plan. The Textual Statement dated September 23, 2022 shall be considered the "Master Plan". (P)

2. Sidewalks. Sidewalks shall be provided on one side of all public roads. The owner of the Property may elect not to include a sidewalk segment where the removal of the sidewalk segment will reduce the impact on steep slopes as determined and approved at the time of plans review. The sidewalks may be constructed within the right-of-way or outside of the right-of-way. In the event a sidewalk along a public street is located outside the public right-of-way, then the length of all driveways intersecting with such sidewalk located outside the public right-of-way shall be a minimum of twenty feet (20') as measured from the back of such sidewalk and the face of a front-loaded garage door. (P)

3. Utilities. Public water and wastewater shall be used. (U)

4. Access. Direct vehicular access from the Property to Otterdale Road shall be limited to two (2) entrances/exits. The exact location of these accesses shall be approved by the Transportation Department. (T)

5. Dedication. In conjunction with recordation of the initial subdivision plat, or within sixty (60) days from a written request by Chesterfield County, whichever occurs first, the following rights-of-way or easements, as specified below, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:

   a. Forty-five (45) feet of right-of-way along the west side of Otterdale Road, measured from the centerline of existing Otterdale Road immediately adjacent to the Property, for the entire property frontage.

   b. Variable width right-of-way for future intersection control (roundabout) at the Otterdale Road/Simonsbath/northernmost Property access intersection, with the exact area to be approved by the Transportation Department at the time of construction plan review. Such area shall not exceed the needs for the construction of such roundabout for Otterdale Road, unless otherwise agreed to by the owner.

   c. Variable width right-of-way and/or easement(s) in the southeast corner of the Property, south of Lots 10 and 11, and east of Lots 8 and 9, as such lots are illustrated on the Newmarket Conceptual Layout (defined below), to accommodate the future Otterdale Road Swift Creek drainage improvements, but maintaining enough room behind the rear yards of Lots 8, 9, and 10 for the buffer and utility area in Requirement 2 of the Master Plan (i.e. accompanying Textual Statement). (T)

6. Road Improvements. In conjunction with direct vehicular access (excluding a temporary construction entrance) to Otterdale Road, as determined by the Transportation Department, or prior to recordation of more than a cumulative total of one hundred (100) lots/units, whichever occurs first, the following road improvements shall be completed. Any modification to the alignment, design and length shown on the Newmarket Conceptual Layout and/or as specified below shall be approved by the Transportation Department. If any of the road improvements identified below are provided by others, as determined by the Transportation Department, then the specific road improvement shall no longer be required.

   a. Construction of additional pavement along Otterdale Road at each approved access to provide left and right turn lanes. If intersection control (roundabout) is provided at an approved access with Otterdale Road, then turn lanes will not be required at that approved access, as determined by the Transportation Department.

   b. Widening/improving the west side of Otterdale Road to a twelve (12) foot wide travel lane, measured from the centerline of the road, with an additional four (4) foot wide paved shoulder plus a four (4) foot wide unpaved shoulder and overlaying the full width of the road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire property frontage.

   c. Construction/Installation of a high-water warning system (the "Warning System") to alert the traveling public in both directions to potential flooding on Otterdale Road at the Swift Creek drainage crossing (the "Warning System"). Warning System improvements shall include portable video/camera system, concrete equipment pad, in-stream/creek monitoring device(s), signage with flashing lights, power source, control panel/box, pavement markings, and/or other VDOT accepted improvements, with modifications approved by the Transportation Department.

   d. Dedication to the County or VDOT, as applicable, free and unrestricted, of any additional right-of-way or easements required for the improvements identified above; provided however, the user shall not be obligated to dedicate off-site right of way for the Warning System. (T)

7. Road Cash Proffers.

   a. For each dwelling unit in excess of a cumulative total of 270 dwelling lots/units, the applicant, subdivider, or assignee(s) (the "Developer") shall pay $9,400 for each dwelling unit to Chesterfield County for road improvements within the service district for the Property ("Road Cash Proffer Payment"). In the event the costs for the design and installation of the Warning System exceeds $134,000 the Road Cash Proffer Payment shall be reduced by

the amount of the excess, oras determined by the Transportation Department. Each Road Cash Proffer Payment shall be made prior to the issuance of a certificate of occupancy for a dwelling unit unless state law modifies the timing of the payment. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County.

b. At the option of the Developer and approved by the Transportation Department, if the Developer provides the Off-Site Road Improvement below, then the Road Cash Proffer Payment will no longer be required. The Off-Site Road Improvement determination shall be made by the Developer prior to any construction plan approval for a cumulative total of more than 100 dwelling lots/units. If the Developer elects to provide the Off-Site Road Improvement, prior to recordation of more than a cumulative total of 100 dwelling lots/units, then the construction plan for the Off-Site Road Improvement shall be approved by the Transportation Department and VDOT, and the Developer shall post a performance bond, letter of credit, or other security, in a form acceptable to the County Attorney, as approved by the Transportation Department. Prior to recordation of more than a cumulative total of 197 dwelling lots/units, the Off-Site Road Improvement shall be completed.

Off-Site Road Improvement:
Construction of intersection control (roundabout) at the Otterdale Road/Simonsbath Drive/northernmost Property Access intersection to VDOT standards, as approved by the Transportation Department.
Note: This includes all utility relocations, stormwater management, and right-of-way and easement acquisitions, and other relocations/modifications associated with completing the improvements.

c. If requested by the Developer and with the agreement of the Transportation Department, Road Cash Proffer Payments may be reduced for the cost of road improvements, other than the improvement identified in the Road Improvements Proffered Condition, provided by the Developer, and approved by the Transportation Department. The value of the improvements shall be approved by the Transportation Department. (T)

8. Transportation Development Phasing. Prior to recordation of more than a cumulative total of 197 dwelling lots/units, Simonsbath Drive shall be completed from Woolridge Road to Otterdale Road, as determined by the Transportation Department. (T)

9. Environmental Engineering.

a. Super Silt Fence, or an alternative as approved by the Department of Environmental Engineering, shall

be provided as a perimeter control in locations where standard silt fence would have been required.

b. Sediment traps and sediment basins sized at least 25% larger than the minimum Virginia Erosion and Sediment Control Handbook's standard shall be provided.

c. Anionic PAM, Flexible Growth Medium and/or a County-approved equivalent shall be applied to denuded areas during construction and at final stabilization in the locations shown on plans approved by Environmental Engineering at the time of plans review.

d. Grading of steep slopes adjacent to natural preservation areas for homesite preparation within lots shall be approved by Chesterfield County Environmental Engineering Department during the construction plan review and approval process. During the actual construction of the dwelling, connected downspouts, walkout basements, tall foundations, and other methods approved by Environmental Engineering may be necessary in lieu of grading steep slopes in order to minimize erosion in these natural preservation areas.

e. Lots shall be exclusive of the 100-year FEMA floodplain and exclusive of the resource protection areas.

f. In all Common Areas, pedestrian paths may be natural or hard surface or a combination. In Resource Protection Areas, pedestrian paths may be located in a meandering manner through the Resource Protection Areas in accordance with the Department of Environmental Quality's Riparian Buffers Modification and Mitigation Guidance Manual, with the final location, design and material to be approved by the Director of Environmental Engineering at the time of plans review and approval. A multi-use trail may be located within sewer easements located in resource protection areas. The exact location, width, design and material(s) to be used for this trail shall be shown on the site plan or subdivision plat submitted and is subject to review and approval by the Directors of Environmental Engineering and Utilities, or their designee. Prior to construction of the multi-use trail, the owner shall enter into all applicable agreements necessary to allow the encroachments within any areas of interest to, or regulatory authority of, Chesterfield County.

g. The owner of the Property and the Director of Environmental Engineering shall consult on the location of level spreaders at the time of plans review. (EE)

10. Development Standards for Detached Single-Family Dwellings. All detached single-family dwellings developed in the Property shall be subject to the following development standards.

a. General.

i. The same architectural style of dwelling unit frontal elevations shall not be located on either side of or directly across from each other, but this requirement shall not prevent a dwelling unit from having the same frontal elevations as a dwelling unit located diagonally across from said dwelling unit.

ii. No single story home shall be located on either side of or directly across from another single story home, but this requirement shall not prevent a single story home from being located diagonally across from another single story home. (P)

b. Exterior Facades.

i. Façade Materials. At least 50% (5 in 10) dwelling units constructed shall have brick, stone or masonry fronts that cover a minimum of 20% of the front façade (which façade shall exclude gables, windows, trim, and doors). Other acceptable siding materials include brick, stone, masonry, fiber cement siding (such as HardiPlank, HardieShingle, and HardieTrim), engineered wood siding (such as LP SmartSide), or high-grade vinyl (a minimum of .044" nominal thickness as evidenced by manufacturer's printed literature). Dutch lap, plywood, and metal siding are not permitted. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.

ii. Color. Elements of exterior facades (which include cladding, trim, and doors) shall include a minimum of three (3) colors, except a minimum of two (2) colors shall be included if the cladding is white. (P)

c. Foundations. There shall be a minimum vertical height of eighteen (18) inches of brick, stone or stone veneer above grade utilized on slab-on-grade foundations on all front, side, and rear elevations. All foundations shall be faced entirely of brick, brick veneer, stone, stone veneer, cultured stone, and/or other masonry materials. Synthetic or natural stucco foundations may be permitted for facades constructed entirely of stucco. (P)

d. Roofs.

i. Varied Roof Line. Varied roof designs and materials shall be used on facades of dwellings that face a street. Main roof pitch shall be 7/12, and there shall be a minimum roof overhang of twelve (12) inches on main gables. Roof pitch may be decreased to match the architectural style of the home, i.e. Pacific, Northwest,

Modern, Craftsman, etc. Porches and dormer pitches may be less than 7/12.

ii. Roof Materials. Slanted roofing material shall be dimensional architectural shingles with a minimum thirty (30) year warranty or standing seam metal. (P)

e. Porches, Stoops and Decks.

i. Front Porches. Individual porches and porticos shall be one-story in height or taller. Extended front porches shall be a minimum of 5′ deep. Handrails and railings, when required by building code, shall be finished painted wood or metal railing with vertical pickets, sawn balusters or other products of equal quality. Pickets shall be supported on top and bottom rails that span between columns. Columns supporting roofs of porches, porticos and covered stoops on street facing facades, shall be masonry piers, tapered round (Tuscan or Doric) column, or square box columns a minimum of 6″ square as appropriate to the character of the unit. Other high quality columns may be approved. Wooden front porches shall include painted pickets, a painted band, and painted or vinyl lattice underneath such porches.

ii. Rear Porches. All rear porches visible from public rights of way shall have lattice or higher quality screening spanning between columns. Handrails and railings, when required by building code, shall be finished painted wood or metal railing with vertical pickets, sawn balusters or other products of equal quality.

f. Direct Vent Fireplaces. Direct vent gas fireplace boxes which protrude beyond the exterior plane of the unit, are not permitted on front facades. All the exterior materials and finishes used to enclose the fireplace box must match the adjacent façade.

g. Front Walks/Driveways.

i. All private driveways serving residential uses shall be constructed of either concrete or asphalt or other hardscape material. This may include pavers as well as stamped concrete driveways. Private driveways shall not require curb and gutter.

ii. A minimum of a three (3) foot wide concrete front walk shall be provided to the front entrance of each dwelling unit, to connect to drives, sidewalks or street.

iii. One (1) lamp post shall be provided in the front yard of each dwelling unit. The design of such lamp posts shall be consistent throughout the Property.

h. Planting Beds. Foundation planting beds shall be provided along the front façades of dwelling units. Foundation planting beds shall be a minimum of four (4) feet wide as measured from the foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs spaced a maximum of four (4) feet apart. Corners shall be visually softened with vertical accent shrubs (2-4' in height) or small evergreen trees (5-7' in height) at the time of planting.

i. Garages. Any garage door visible from a public street shall use an upgraded garage door. An upgraded garage door is any door with a minimum of three (3) enhanced features. Enhanced features shall include windows, raised panels, decorative panels, arches, hinge straps or other architectural features on the exterior that enhance the entry (i.e. decorative lintels, shed roof overhangs arches, columns, keystones, eyebrows, etc.) Flat panel garage doors shall be prohibited.

j. Heating, Ventilation and Air Conditioning (HVAC) Units and Generators. HVAC units and generators affixed to the ground shall be screened from view by landscaping or low maintenance material. If an HVAC unit or generator affixed to the ground is located between two driveways, the HVAC unit and generator need only be screened on the side that faces the alley, drive or street that provide access to the driveways. (P)

11. Newmarket Conceptual Layout. The site shall be developed in general conformance with the Newmarket South Conceptual Plan dated March 4, 2022 attached hereto as Exhibit A ("Newmarket Conceptual Layout"). The Newmarket Conceptual Layout is conceptual in nature and may vary based on the final site plan depending on the final soil studies, RPA lines, wetlands, road design, lot locations, CBU locations, amenity locations, and other engineering or design reasons. Any substantial deviations not related to the foregoing sentence may be approved by the Planning Commission at the time of plans review. (P)

12. Density. Density for the Property shall be limited to a maximum of three hundred ninety-four (394) dwelling units. (P)

13. Amenities.

a. There will be an amenity area located in the Property in the general location identified on the Newmarket Conceptual Layout as "Recreation Site". This amenity area will include three or more of the following recreational amenities: play area, open pavilion, fire pit, outdoor game area, walking trails, benches, hardscape patio area, outdoor eating area or other similar improvements. The final location, design and improvements to be used shall be submitted by the owner and approved at the time of plans review.

b. There will be a landscaped area located on both the north side and south side of the southern entrance road in the general location identified on the Newmarket Conceptual Layout as "Focal Point." The final location, design and improvements to be used shall be submitted by the owner and approved at the time of plans review.

c. Pedestrian ways will be provided within the Property as generally shown on the Newmarket Conceptual Layout in accordance with Proffered Condition 9.f above.

d. A multi-use trail may be located within sewer easements located in resource protection areas in accordance with Proffered Condition 9.f above.

e. One or more of the observation areas illustrated on the Newmarket Conceptual Layout along the pedestrian path along the creek shall be installed, in the general location illustrated, only if permitted within the Resource Protection Area and only if construction may be done in a manner that does not disturb any existing wetlands.

f. The residents of the Property will have the ability to use the amenities for Newmarket and residents in Newmarket will have the ability to use the amenities in the Property. (P)

14. Architecture. The architectural appearance of single family detached dwellings constructed on the Property shall generally conform with any one or more of the following: (i) the architectural appearance on the elevations attached hereto as Exhibit B, (ii) the architectural appearance of dwelling units constructed within the community commonly known as Newmarket, or (iii) another architectural appearance approved by the Planning Commission at the time of plans review and approval. The owner of the Property may also ask the Planning Commission to approve another architectural appearance after plans review and approval. (P)

15. Street Trees. Street trees shall be planted along both sides of public roads with a maximum average spacing of forty (40) feet on center. In the event of conflicts with utilities, easements, sightlines, entrances and other conflicts, the required spacing shall be increased. Street trees may be located between the road and the sidewalk or in a lot adjacent to the sidewalk. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

21SN0663

In Matoaca Magisterial District, Clay Grogan (Parker Design Group) and John O'Reilly request rezoning from Agricultural (A) to Community Business (C-3) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 2.72 acres located in the southwest corner of Hull Street Road and Hampton Farms Drive. Density will be controlled by zoning conditions or ordinance

standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office/Research & Development/Light Industrial use. Tax ID 708-667-7540.

Ms. Hall introduced Case 21SN0663. She stated staff received no comments on the case, and the Planning Commission and staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

Mr. Winslow noted he would be abstaining from the vote.

On motion of Mr. Carroll, seconded by Mr. Ingle, the Board approved Case 21SN0663, subject to the following proffered conditions:

These Proffered Conditions includes two (2) Exhibits:

Exhibit A: Conceptual layout dated July 11, 2022 prepared by Parker Design Group titled "O'Reilly Office & Retail Concept Plan".

Exhibit B: Conceptual images dated July 6, 2022 by McAllister + Foltz Architecture, PC.

1. Conceptual Layout. The Property shall be developed in general conformance with the attached Concept Plan prepared by Parker Design Group Inc. titled "O'Reilly's Office & Retail Concept Plan" dated March 29, 2021 with revisions dated July 11,2022. (P)

2. Use. The property shall be used for two (2) single story office/ commercial buildings. The property shall be used for purposes permitted in locations zoned C-3, including accessory permitted uses. (P)

3. Use Restrictions. The following uses shall not be permitted: (P)

    a) Automobile sales, repair, or rental
    b) Funeral Home, crematorium, or mortuary
    c) Warehouse
    d) Flea market
    e) Outside kennels and outside runs associated with veterinary clinics and hospitals
    f) Taxidermy
    g) Coin operated dry cleaning or laundry services
    h) Motor cycle sales and rentals
    i) Theaters
    j) Halfway house
    k) Drive through window service

4. Square Footage. The total square footage of office/commercial buildings at the property shall not exceed fifteen thousand (15,000) square feet. (P)

5. Building Materials. The buildings shall be constructed in general conformity with the attached Plan and Elevations prepared by McAllister + Foltz Architecture, P.C.

Acceptable siding materials include brick, brick veneer, stone, stone veneer, cultured stone, other masonry materials, fiber cement siding (such as HardiPlank, HardieShingle, and HardieTrim), or engineered wood siding (such as LP SmartSide). Dutch lap, plywood, vinyl and metal siding are not permitted. Other materials may be used for parapets, cornices, surrounds, trim, awnings, architectural decorations, and design elements. Roofing material for a sloped roof shall be standing seam metal, dimensional architectural shingles, or better with a minimum of 25-year warranty. (P)

6. Architecture. The buildings constructed on the Property shall be developed with an architectural appearance generally consistent with the illustrative picture(s) shown on Exhibit B. Owners and tenants will be permitted to include prototypical or corporate buildings and identification architectural elements in the design of their building. The standard of compatibility may be met through scale, materials, forms, and/or colors. Any substantial modifications or deviations to the general architectural appearance shown on Exhibit B and/or deviation from compatibility shall be approved by the Planning Commission in conjunction with plans review. (P)

7. Landscaping. Notwithstanding the landscaping on the concept plan (Exhibit A), all county landscaping requirements will be met. (P)

8. Public Utilities. Improvements at the Property shall be connected to existing County utilities. (U)

9. Dumpster Service. Dumpster service for the property shall be permitted only between the hours of 7:00 a.m. and 7:00 p.m. (P)

10. Environmental.

    a. No new impervious areas shall sheet flow into the Hampton Farms subdivision.

    b. For any drainage to Hampton Farms subdivision, the maximum post-development discharge rate for the 100-year storm shall be based on the maximum capacity of the existing facilities, and shall not increase the recorded and /or established downstream 100-year backwater and /or floodplain. On-Site detention of the post-development 100-year discharge rate to below the pre-development 100-year discharge rate measured at the Property boundary may be provided to satisfy this requirement.

    c. Notwithstanding the foregoing, development of the property shall be in conformance with all applicable laws and regulations, including but not limited to, the Chesterfield County Code.

    d. Super Silt Fence, or an alternative as approved by the Department of Environmental Engineering, shall be provided as a perimeter control in locations where standard silt fence would have been required.

e. Sediment traps and basins sized at least 25% larger than the minimum Virginia Erosion and Sediment Control Handbook's standard shall be provided, unless otherwise approved by the Department of Environmental Engineering at the time of plans review.

f. Anionic PAM, Flexible Growth Medium and/or a County-approved equivalent shall be applied to denuded areas during construction and at final stabilization in the locations shown on plans approved by Environmental Engineering at the time of plans review. (EE)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

22SN0009

In Midlothian Magisterial District, SJC Ventures Partners, LLC, requests rezoning from Community Business (C-3) to Community Business (C-3) plus conditional use to permit dwellings, multiple-family and conditional use planned development to permit exceptions to ordinance requirements and/or development standards among other things, signage and amendment of zoning district map in a Community Business (C-3) District on 13.44 acres at the northeast quadrant of Midlothian Turnpike and Alverser Drive, fronting approximately 835 feet along the east line of Alverser Drive, and approximately 750 feet along the north line of Midlothian Turnpike. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business use. Tax IDs 738-708-9068; 739-708-2268; 739-709-2408 and 6117.

Ms. Hall introduced Case 22SN0009. She stated staff received no comments on the case, and the Planning Commission and staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Ms. Carroll, seconded by Mr. Ingle, the Board approved Case 22SN0009, subject to the following proffered conditions:

The Owner-Applicant in this rezoning Case 22SN0009 pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, Virginia (the "County"), for itself and its successor or assigns, proffers that the development of the approximately 13.44 acres with Chesterfield County Tax Identification Numbers 739708226800000, 739709611700000, 738708906800000, and 739709240800000 (collectively, the "Property") will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers shall be immediately null and void and of no further
force or effect.

The Applicant hereby proffers the following conditions applicable to the Property:

1. Master Plan. The Textual Statement dated September 13, 2022, shall be considered the Master Plan for the Property. (P)

2. Exhibits. These proffers shall include the following exhibits which by this reference are made a part hereof:

   a. **Exhibit A**— conceptual plan entitled, "DRAWING SP.16, MIDLOTHIAN DEPOT, MIDLOTHIAN, VA", prepared by SJC Ventures, dated September 1, 2022 ("Concept Plan").

   b. **Exhibit B**— streetscape conceptual renderings dated June 22, 2022 (the "Streetscape Conceptual Renderings").

   c. **Exhibit C**— site section plan entitled, "HUGUENOT ROAD MIXED USE, MIDLOTHIAN, VA, SITE SECTION", prepared by Dynamik Design and dated January 24, 2022 ("Site Section Plan").

   d. **Exhibit D**—open space conceptual renderings dated September 2, 2022 (the "Open Space Conceptual Renderings").

   e. **Exhibit E**—grocer and commercial conceptual renderings entitled, "HUGUENOT ROAD MIXED USE, MIDLOTHIAN, VA, 100/200 ELEVATIONS" prepared by Dynamik Design and dated August 30, 2022 (the "Grocer and Commercial Conceptual Renderings").

   f. **Exhibit F**— multifamily conceptual renderings entitled, "HUGUENOT ROAD MULTIFAMILY, MIDLOTHIAN, VA, BUILDING ELEVATIONS" prepared by Dynamik Design and dated August 30, 2022 (the "Multifamily Conceptual Renderings").

   g. **Exhibit G**—multifamily parking garage conceptual renderings dated September 2, 2022 and revised September 9, 2022 (the "Parking Garage Conceptual Renderings").

   h. **Exhibit H**— rooftop amenity, swimming pool and courtyard conceptual renderings dated September 2, 2022 (the "Rooftop, Pool and Courtyard Conceptual Renderings").

   i. **Exhibit I** – sign exhibit entitled, "DRAWING SP.10 – SIGN EXHIBIT, MIDLOTHIAN DEPOT, MIDLOTHIAN, VA", prepared by SJC Ventures and Dynamik Design, dated June 30, 2022 and revised September 9, 2022 ("Sign Exhibit"). (P)

3. Design Guidelines. The Development shall be designed as generally depicted within the Concept Plan attached hereto as **Exhibit A** and Site Section Plan attached hereto as **Exhibit C**. The exact number, location and style of buildings, drive areas, parking areas, common areas, open spaces, pedestrian elements, features, and other improvements shown on the Concept Plan are illustrative and are subject to change as required for final

engineering design, compliance with governmental regulations or as otherwise approved at the time of plan review. (P)

4. Burning Ban. The Developer shall not use burning to clear or timber the Property. (P)

5. Transportation Density. The maximum density of this development shall be 75,000 square feet of shopping plaza with grocery store and 350 multi-family residential dwelling units or equivalent density as determined by the Transportation Department. (T)

6. Access. Direct vehicular access to/from the Property to Midlothian Turnpike (Route 60) shall be limited to two (2) entrances/exits, and Alverser Drive shall be limited to one (1) entrance/exit, as generally shown on **Exhibit A**. The exact location of each access shall be approved by the Transportation Department. Prior to final site plan approval with the vehicular access to Route 60 at the Grove Road crossover, an access easement, acceptable to the developer and approved by the Transportation Department, shall be recorded from Route 60 to the adjacent property to the east (GPIN 739-708-9084). (T)

7. Uses.
   a. All uses permitted within the C-3 Community Business District shall be permitted, except for the following C-3 uses which shall be prohibited:

      i. Assisted living without dwelling units
      ii. Automobile repair
      iii. Automobile sales and rental, including consignment lots
      iv. Automobile service station (including unmanned)
      v. Automobile wash
      vi. Columbarium
      vii. Crematorium
      viii. Funeral homes
      ix. Flea markets
      x. Group care facility
      xi. Hotel
      xii. Ice sales
      xiii. Kennel, commercial
      xiv. Mortuary
      xv. Motorcycle, Go Cart, All-Terrain Vehicle, or similar type vehicle track or operation
      xvi. Nursing home
      xvii. Parking lot (park and ride)
      xviii. Recycling receiving center

   b. The only C-4 Regional Business District use permitted shall be a grocery store. (P)

8. Utilities. Public water and wastewater systems shall be used. The Developer shall submit an overall water and wastewater system plan indicating the on-site and off-site utilities improvements necessary to support the development prior to the approval of any schematic, tentative subdivision, construction, or site plan on the Property. The Developer shall perform a hydraulic analysis of the County's water and wastewater systems to verify

adequate capacity exists as part of the overall water and wastewater system plan. Any capacity related improvements required to support the demands of this development will be reflected on the overall water and wastewater system plan and shall be the responsibility of the Developer. (U)

9. Stormwater.

   a. The maximum post-development discharge rate for the 100-year storm shall be based on the maximum capacity of the existing facilities downstream, and shall not increase the recorded and/or established 100-year backwater and/or floodplain beyond pre-development discharge rate. On-site detention of the postdevelopment 100-year discharge rate to below the pre-development 100-year discharge rate may be provided to satisfy this requirement.

   b. For any areas which will drain towards the downstream Stonehenge subdivision, the post-development 1, 2, 10 and 100-year peak discharge rates shall not exceed the pre-development 1, 2, 10 and 100-year peak discharge rates, respectively. (EE)

10. Road Improvements. Prior to issuance of any certificate of occupancy, the following road improvements shall be completed, as determined by the Transportation Department (the "Road Improvements"). The exact alignment, design, and length of these Road Improvements shall be approved by the Transportation Department. If any of the Road Improvements identified below are provided by others, as determined by the Transportation Department, then the specific road improvement shall no longer be required.

    a. Off-site: Widen and restripe Alverser Drive to provide one dedicated left-turn lane, one shared leftthrough lane, and dual right-turn lanes on the southbound approach to Route 60. This improvement shall include associated traffic signal, pavement, pavement marking, and signage modifications.

    b. Off-Site: Convert the existing full-movement median break on Route 60 at Grove Road to a directional crossover to prohibit left-out movements from existing Grove Road and the proposed Property access as approved by the Transportation Department.

    c. Off-Site: Modification to the northbound approach (Murray Olds Drive) at the Route 60/Alverser Drive/Murray Olds Drive to restripe lanes to provide a dedicated left turn lane and a shared thru/right lane, if approved by VDOT. This improvement shall include associated traffic signal, pavement, pavement marking, and signage modifications.

    d. Widen Alverser Drive to provide a southbound left-turn lane into the Huguenot Trade Center.

    e. Extend the storage in the eastbound left-turn lane on Route 60 at the existing Route 60/Grove Road crossover/median break to provide an adequate left turn lane into the Property.

f. Construction of additional pavement along the westbound lanes of Route 60 at each approved access to provide a separate right-turn lane.

g. Construction of additional pavement along Alverser Drive at the proposed full-movement driveway to provide left and right turn lanes.

h. Construction of a VDOT standard sidewalk along Route 60 and Alverser Drive Property frontage.

i. Dedication to the County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

11. Architectural Standards and Building Materials.

a. Architectural styles within the project shall provide a variety of architectural features, as well as a commonality of quality materials, finishes and styles designed to impart harmonious proportions and avoid monotonous facades or large bulky masses and provide an overall cohesive character. Such character may be achieved through the creative use of design elements such as, but not limited to, articulation of doors and windows, sculptural or textual relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and plantings, and for residential buildings including balconies or terraces. All buildings shall be compatible with each other with respect to quality of design, massing and architecture, unless otherwise approved at the time of plan review.

b. Grocery store and non-residential, commercial/retail buildings shall be generally consistent with the building concepts shown on the Grocer and Commercial Conceptual Renderings attached hereto as **Exhibit E**, unless otherwise approved at the time of plan review.

c. Any buildings containing multifamily or a mix of residential and commercial/retail uses shall generally be consistent with the building concepts shown on the Multifamily Conceptual Renderings attached hereto as **Exhibit F**, unless otherwise approved at the time of plan review.

d. The multifamily parking garage shall generally be consistent with the building concepts shown on the Parking Garage Conceptual Renderings attached hereto as **Exhibit G**, unless otherwise approved at the time of plan review.

e. Any exposed metals or exterior insulation finishing system (EIFS) shall not be located less than six (6) feet from the ground adjoining the building, and is permitted to be used primarily as an accent material. (P)

12. Monument Signage. New monument signs shall generally be consistent with the signs shown on the Sign Exhibit

attached hereto as **Exhibit I** with respect to quality of design, massing and architecture, and the variety of features, unless otherwise approved at the time of plan review. (P)

13. Recreational Uses. Common areas and recreational spaces shall be provided with the multifamily residential development and shall be designed to include amenities that provide recreational opportunities, gathering areas, and add high visual interest. These areas shall include at a minimum the following: a club room, a pool, sundeck, decorative pedestrian-style lighting, benches, landscaped areas, plantings, bike racks and storage, other pedestrian-friendly or community amenity features approved by the Planning Director at the time of plans review. The rooftop amenity, swimming pool and courtyard shall generally be consistent with the concept shown on the Rooftop, Pool and Courtyard Conceptual Renderings attached hereto as **Exhibit H**, unless otherwise approved at the time of plan review. (P)

14. Open Space and Pedestrian Connectivity. Overall site grading and layout will be planned to facilitate pedestrian traffic. The development shall provide sidewalks, crosswalks, street trees, decorative pedestrian-style lighting, landscaped areas, and open green spaces to create a pedestrian-friendly community, and such open green spaces and streetscapes shall generally be consistent with the concepts shown on the Streetscape Conceptual Renderings attached hereto as **Exhibit B** and the Open Space Conceptual Renderings attached hereto as **Exhibit D**, unless otherwise approved at the time of plan review. (P)

15. Mechanical Unit; Trash Facilities Screening. Any mechanical units shall be ground mounted or roof mounted. Any mechanical units that are ground mounted, and trash collection/compactor facilities (not including convenience cans), shall be screened with landscaping or a low maintenance material fence designed to complement the architecture. Screening shall be designed so as to block such mechanical units from view by persons on any public streets. The specific method of screening shall be approved at the time of plan review. (P)

16. Trash Collection. Trash collection shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. (P)

17. Boat, Boat Trailer and RV Parking. Permanent boat, boat trailer, trailer, inoperable or unlicensed vehicle, and RV parking shall be prohibited on the Property. (P)

18. Residential Unit Mix. No more than ten percent (10%) of all multifamily dwelling units within the Property shall be permitted to contain three (3) or more bedrooms. (P)

19. Landscaping. Enhanced landscaping, Landscape 'C', shall be provided along Midlothian Turnpike and Alverser Drive, with the addition of an ornamental tree every thirty-five (35) feet rather than fifty (50) feet. All traffic circles and any roads with a boulevard design shall contain a combination of medium and small shrubs, perennials, or

ornamental trees. If utilities conflict with landscaping, alternative landscaping will be identified at site plan review. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

22SN0010

In Midlothian Magisterial District, SB Hotel, LLC requests amendment of zoning approvals (Cases 07SN0333 and 20SN0508) relative to the Master Plan, (including specified uses, residential density allocation, drainage, architecture, and development standards) plus rezoning from Residential (R-7) to Regional Business (C-4) and conditional use planned development to permit exceptions to ordinance requirements on 3.5 acres and amendment of zoning district map in Regional Business (C-4) and Residential (R-7) Districts on a total of 37.35 acres including the above mentioned 3.5 acres known as 200 Karl Linn Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed Use. Tax IDs 764-705-7343, 9583; 764-706-1311, 4839; 765-705-4933 and 6518.

Ms. Hall introduced Case 22SN0010. She stated staff received no comments on the case, and the Planning Commission and staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Ms. Carroll, seconded by Mr. Carroll, the Board approved Case 22SN0010, subject to the following conditions:

Condition 1 of Case 07SN0333 is hereby deleted in its entirety and replaced with the following:

1. Master Plan. The Textual Statement dated September 21, 2022, shall be considered the Master Plan. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

22SN0025

In Matoaca Magisterial District, Sherri Walker requests conditional use to permit a family day care home and amendment of zoning district map in an Agricultural (A) District on 2.39 acres known as 6220 Claypoint Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use. Tax ID 744-671-1850.

Ms. Hall introduced Case 22SN0025. She stated staff received no comments on the case, and the Planning Commission and staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Mr. Carroll, seconded by Mr. Ingle, the Board approved Case 22SN0025, subject to the following conditions:

1. Non-Transferable Ownership. This conditional use approval shall be granted to and for Sherri A. Walker, exclusively, and shall not be transferable nor run with the land. (P)

2. Expansion of Use. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)

3. Signage. There shall be no signs permitted to identify this use. (P)

4. Number of Children. This conditional use approval shall be limited to providing care, protection, and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)

5. Days of Operation. This conditional use shall be permitted to operate seven (7) days a week. (P)

6. Evening and Overnight Care of Children. A maximum of three (3) children may be cared for in the evening and overnight with the operator of the family day-care home, after the hour of 6:30 p.m. (P)

7. Pick-up and Drop-off:
   a. With the exception of three (3) children cared for in the evening and overnight, pick-up and drop-off shall be between the hours of 6 a.m. to 6:30 p.m.
   b. Pick-up and drop-off for evening and overnight care shall not occur later than 10 p.m. (P)

8. Time Limitation. This conditional use approval shall be granted for a period not to exceed five (5) years from the date of approval. (P)

9. Outdoor Play Areas. Any outdoor play area and/or recreational equipment utilized by the family day care home shall be confined to the rear deck where the perimeter is secured or located in the side or rear yard of the property no closer than ten (10) feet to the side or rear property lines to be enclosed by perimeter fencing of at least four (4) feet in height. (P)

10. Employees. No more than three (3) employees shall be permitted to work on the premises, other than family member employees that live on the premises. No overnight care shall be provided by employees. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

22SN0077

In Matoaca Magisterial District, Trevor and Karissa Batt request conditional use to permit a second dwelling and amendment of zoning district map in a Residential (R-88) District on 2.23 acres known as 12507 Chesdin Crossing Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use. Tax ID 739-627-8324.

Ms. Hall introduced Case 22SN0077. She stated staff received no comments on the case, and the Planning Commission and staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Mr. Carroll, seconded by Ms. Carroll, the Board approved Case 22SN0077, subject to the following proffered conditions:

1. Occpancy Limitations: Occupancy of the second dwelling unit shall be limited to the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, personal guests, and household employees. (P)
2. Deed Restrictions: For the purpose of providing record notice, prior to the issuance of a certificate of occupancy for the second dwelling unit, a deed restriction shall be recorded setting forth the limitation in Condition 1. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department (P)
3. Utility Connections: Should the property be legally subdivided in the future, the owner shall establish separate water connections to each dwelling unit, subject to the review and approval of the Utilities Department. The owner shall be responsible for all costs to establish the new water connections, including the payment of connection fees in effect at the time service is initiated. (U)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

22SN0078

In Matoaca Magisterial District, Heidi and William Parker request conditional use to permit a two-family dwelling and amendment of zoning district map in a Residential (R-25) District on 0.92 acre known as 13455 Carters Creek Court. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Rural Residential/Agricultural use. Tax ID 730-650-2846.

Ms. Hall introduced Case 22SN0078. She stated staff received no comments on the case, and the Planning Commission and staff

recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Mr. Carroll, seconded by Mr. Holland, the Board approved Case 22SN0078, subject to the following conditions:

1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. (P)

2. For the purpose of providing record notice, prior to the issuance of a building permit for the proposed addition a deed restriction shall be recorded setting forth the limitation in Condition 1. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

22SN0092

In Bermuda Magisterial District, Rachel Hawk requests conditional use to permit a two-family dwelling and amendment of zoning district map in a Residential (R-7) District on 1.01 acres known as 15313 Hanover Street. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2 to 4 dwellings per acre). Tax ID 828-641-9293.

Ms. Hall introduced Case 22SN0092. She stated staff received no comments on the case, and the Planning Commission and staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Mr. Ingle, seconded by Mr. Carroll, the Board approved Case 22SN0092, subject to the following conditions:

1. Occupancy. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption, or guardianship, foster children, personal guests, and household employees. (P)

2. Deed Restriction. For the purpose of providing record notice, prior to the issuance of any building permit for the property, a deed restriction shall be recorded setting forth the limitation in Condition 1. The deed book and

page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

22SN0096

In Dale Magisterial District, Chesterfield County Planning Commission (project commonly known as Meadowbrook High School Sign) requests conditional use to permit a computer-controlled, variable-message, electronic sign (EMC) sign plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map in a Residential (R-7) District on 50.99 acres known as 4901 Cogbill Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2 to 4 dwellings per acre). Tax ID 778-683-5373.

Ms. Hall introduced Case 22SN0096. She stated staff received no comments on the case, and the Planning Commission and staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Mr. Holland, seconded by Ms. Carroll, the Board approved Case 22SN0096, subject to the following conditions:

1. Sign Design and Location. The sign shall be designed and located as generally shown on Exhibit A, titled "Meadowbrook High School". (P)

2. EMC Component. The EMC component of the freestanding sign shall comply with the following standards:

   a. Excluding copy that includes only current time of day or outdoor temperature, the interval of copy change for the EMC is limited to one (1) minute.

   b. Excluding copy that includes only current time of day, date or outdoor temperature, copy changes simultaneously.

   c. Copy does not move, or give the illusion of movement, such as, blink, scroll, flash, spin, fly in/out, scintillate or similar effects; however, copy may fade as transition to next copy.

   d. Copy is limited to a still image or lines of text.

   e. Displays shall be high resolution having no larger than twelve (12) mm pixel pitch.

   f. Sign defaults to blank copy if there is a malfunction in device.

g. Sign does not display coordinated messages which are intended to be continued on opposite sign face, other signs on-site or signs off-site.

h. A photocell or other device is used that automatically adjusts brightness according to ambient conditions.

i. Brightness does not exceed 0.3 foot candles above ambient light as measured at a distance in feet that is the square root of the sign area in square feet multiplied by 100. (P)

3. Sign Area. The freestanding sign shall not exceed an area of 22.7 square feet, as shown on Exhibit A. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

22SN0097

In Midlothian Magisterial District, the Chesterfield County Planning Commission (project commonly known as J.B. Watkins Elementary School Sign) requests conditional use to permit a computer-controlled, variable-message, electronic sign (EMC) sign and amendment of zoning district in an Agricultural (A) District on 21.04 acres known as 501 Coalfield Road. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business and Suburban Residential II uses (2 to 4 dwellings per acre). Tax ID 729-705-0717.

Ms. Hall introduced Case 22SN0097. She stated staff received no comments on the case, and the Planning Commission and staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Ms. Carroll, seconded by Mr. Carroll, the Board approved Case 22SN0097, subject to the following conditions:

1. Sign Design and Location. The sign shall be designed as generally shown on Exhibit A. (P)

2. EMC Component. The EMC component of the freestanding sign shall comply with the following standards:
   a. Excluding copy that includes only current time of day or outdoor temperature, the interval of copy change for the EMC is limited to one (1) minute.
   b. Excluding copy that includes only current time of day, date, or outdoor temperature, copy shall change simultaneously.
   c. Copy does not move or give the illusion of movement, such as blink, scroll, flash, spin, fly in/out, scintillate or similar effects, however, copy may fade as transition to next copy.
   d. Copy is limited to a still image or lines of text.
   e. Displays shall be high resolution having no larger than twelve (12) millimeter pixel pitch.

f. Sign defaults to blank copy if there is a malfunction in device.
g. Sign does not display coordinated messages which are intended to be continued on opposite sign face or other signs on-site or off-site.
h. A photocell or other device is used that automatically adjusts brightness according to ambient conditions.
i. Brightness does not exceed 0.3 foot candles above ambient light as measured at a distance in feet that is the square root of the sign area in square feet multiplied by 100. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

22SN0098

In Midlothian Magisterial District, the Chesterfield County Planning Commission (project commonly known as Robious Middle School) requests conditional use to permit an electronic message center (EMC) sign plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map in a Residential (R-40) District on 49.45 acres known as 2701 Robious Crossing Drive. The Comprehensive Plan suggests the property is appropriate for Community Mixed Use, Conservation/Recreation and Low-Density Residential uses (Maximum of 1 dwelling per acre). Tax ID 740-717-2757.

Ms. Hall introduced Case 22SN0098. She stated staff received no comments on the case, and the Planning Commission and staff recommended approval subject to the conditions in the staff report.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Ms. Carroll, seconded by Mr. Holland, the Board approved Case 22SN0098, subject to the following conditions:

1. Sign Design and Location. The sign shall be designed as generally shown on Exhibit A. (P)

2. EMC Component. The EMC component of the freestanding sign shall comply with the following standards:
   a. Excluding copy that includes only current time of day or outdoor temperature, the interval of copy change for the EMC is limited to one (1) minute.

   b. Excluding copy that includes only current time of day, date, or outdoor temperature, copy shall change simultaneously.

   c. Copy does not move or give the illusion of movement, such as blink, scroll, flash, spin, fly in/out, scintillate or similar effects, however, copy may fade as transition to next copy.

   d. Copy is limited to a still image or lines of text.

e. Displays shall be high resolution having no larger than twelve (12) millimeter pixel pitch.

f. Sign defaults to blank copy if there is a malfunction in device.

g. Sign does not display coordinated messages which are intended to be continued on opposite sign face or other signs on-site or off-site.

h. A photocell or other device is used that automatically adjusts brightness according to ambient conditions.

i. Brightness does not exceed 0.3 foot candles above ambient light as measured at a distance in feet that is the square root of the sign area in square feet multiplied by 100. (P)

3. Sign Area. The sign area for the EMC component shall not exceed an area of twenty-five (25) square feet, as shown on Exhibit A. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

22SN0049

In Matoaca Magisterial District, Beach Road WW LLC requests rezoning from Agricultural (A) to Residential (R-25) District plus relief to street access requirements to permit more than 50 lots on a single public road and amendment of zoning district map on 269.47 acres located at the terminus of Brandy Oaks Boulevard beginning at the 10700 block, and proceeding north 1,020 feet to the terminus of Brandy Oaks Boulevard at the 10500 block; Also lying 1,640 feet along the east line of Donegal Glen Subdivision; and lying approximately 4,700 feet adjacent to the east line of Brandy Oaks Subdivision at the terminus of Brandy Oaks Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential Agricultural use. Tax IDs 731-658-5879; 732-656-1884; 733-655-1304; 734-655-9838.

Mr. Feest introduced Case 22SN0098 and provided a summary of the proposal. He stated a single-family community consisting of a maximum of 150 single family dwellings on individual lots is proposed. He further stated the applicant proposes Residential zoning, which permits development on lots with a minimum area of 25,000 square feet. He stated additionally, relief to street access requirements for a proposed internal street to be permitted to serve up to sixty-two single family lots is requested. He further stated the Subdivision Ordinance permits a maximum of fifty lots off one access point and relief may be granted at time of zoning provided that the amount of relief does not exceed the allowable number of lots permitted off of one access point by more than 25 percent and that there are existing severe topographic, physical or extenuating circumstances, or environmental features that make it so there are no other practical means of providing another access. He noted a choke point exists on the property, meaning that the

proposed lots to the south of the intersection would only be served by one street access. He stated the Planning Commission and staff recommended approval of Request I and Request II.

Ms. Kim Lacy, representing the applicant, provided a summary of the proposal. She stated the applicant has proffered to provide off-site improvements to address traffic impacts along Brandy Oaks Boulevard, which includes installation of speed display signs and traffic calming devices at the Brandy Oaks Boulevard/Brandy Wood Road intersection, as approved by VDOT. She further stated the applicant has proffered to provide off-site sidewalk and crosswalk improvements to address citizen requests/concerns. She stated the applicant's evaluation of these improvements is estimated to be $513,700, as well as payments of $4,742 for each single-family dwelling unit, which would total $711,300.

Mr. Winslow called for public comment.

The following individuals expressed support of the case noting support for the proffered conditions, specifically calling out those that aim to address traffic impacts of the development; belief that the applicants went above and beyond what is typically expected; and overall positive experience working with developers as they addressed concerns raised by community members:

Ms. Beth Claypool
Ms. Courtney Lalich

The following individuals expressed concerns relative to Brandy Oaks Boulevard traffic impacts (speeding, increased traffic, and pedestrian safety; impacts to wetlands and wells in Brandy Oaks and Donegal Glen; and connection to stub roads:

Ms. Megan Dalton
Mr. Wes Palmer
Ms. Kimberly Phelps
Mr. Paul Emerson
Mr. Al McEllen

There being no one else to speak to the issue, the public hearing was closed.

Mr. John Costello, also representing the applicant, clarified and addressed various issues brought up by speakers. He noted the only stub road connections made would be to those in Brandy Oaks as the request does not include property that abuts any Donegal Glen stub roads.

Discussion and questions ensued relative to Transportation staff's denial of the request because the applicant has chosen not to fully address the development's impact on the county's road network in accordance with the Road Cash Proffer Policy; off-site sidewalk and crosswalk improvements; and details of the county's Thoroughfare Plan.

Mr. Ingle clarified amending the proffer to permit connectivity to any Donegal Glen stub roads would require a vote by a future Board of Supervisors.

Discussion and questions ensued relative to the proposal; impacts of stormwater runoff to wells in Brandy Oaks and Donegal Glen; relief to street access requirements for a proposed internal street to serve the sixty-two lots proposed; traffic calming device installation at the Brandy Oaks Boulevard/brandy Wood Road intersection; sidewalk installation; and future school capacity.

On motion of Mr. Carroll, seconded by Ms. Carroll, the Board approved Case 22SN0049, subject to the following proffered conditions:

1. Conceptual Plan. Development of the Property shall generally conform to the Conceptual Plan (Exhibit A), prepared by Sekiv Solutions, with respect to the general layout of roads, design of lots, open space and a focal point. The layout on the Conceptual Plan is conceptual in nature and may vary based on the final subdivision plan depending on final engineering or as otherwise approved by the Planning Director at the time of plans review. (P)

2. Utilities. Public water systems shall be used. (U)

3. Road Cash Proffers.

   A. The applicant, sub-divider, or assignee(s) (the "Developer") shall pay $4,742 for each single family detached dwelling unit to Chesterfield County for road improvements within the service district for the property ("Road Cash Proffer Payment"). Each Road Cash Proffer Payment shall be made prior to the issuance of a certificate of occupancy for a dwelling unit unless state law modifies the timing of the payment. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County.

   B. At the option of the Transportation Department, Road Cash Proffer Payment may be reduced for the cost of road improvements, other than those identified in Proffered Condition 4, provided by the applicant, sub-divider, or assignee(s), as determined by the Transportation Department. (CDOT)

4. Road Improvements. The following road improvements shall be provided. The Transportation Department shall approve the exact design and length of these improvements.

   A. East/West Collector:

      i. In conjunction with recordation of the initial subdivision plat or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, a seventy (70) foot wide right-of-way through the property for an "East/West Collector" shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Dedication shall provide for the connections to both existing segments of Brandy Oaks Boulevard. The

exact location of this right-of-way shall be approved by the Transportation Department.

ii. Prior to preliminary plat approval, an access plan for the East/West Collector shall be submitted to and approved by the Transportation Department. Vehicular access from the Property to the East/West collector shall conform to the approved access plan.

iii. The Developer shall be responsible for the following road improvements with modifications approved by the Transportation Department:

1. Construction of a two (2) lane road for the East/West Collector to VDOT Urban Collector standards (40 mph) from existing termini at both Brandy Oaks Boulevard intersections, through the Property, to the eastern Property line,

2. Construction of left and right turn lanes at the intersection of the north and south Brandy Oaks Boulevard extensions,

3. Construction of left and right turn lanes along the East/West Collector at each approved public road intersection, based on Transportation Department standards,

4. Construction of VDOT standard sidewalks along both sides of the East/West Collector, unless otherwise approved by the Transportation Department, and

B. Off-Site: Installation of two (2) pole mounted digital speed display signs on Brandy Oaks Blvd as approved by VDOT. The owner/developer shall be responsible for dedication of any additional right-of-way (and/or easements) required for this improvement. Improvement shall be completed prior to recordation of any residential lot(s).

C. Off-Site: Installation of traffic calming device(s) at the Brandy Oaks Boulevard/Brandy Wood Road intersection, as approved by VDOT. This improvement may implement traffic calming measures identified in VDOT Traffic Calming Guide or combination thereof. Improvement shall be completed prior to recordation of a cumulative total of more than Fifty (50) residential lots.

D. Off-Site: Construction of VDOT standard five (5) foot wide concrete sidewalks and associated crosswalk improvements (ramps, pavement markings, signage, etc.) in the following locations, unless modifications required for VDOT approval, as determined by the Transportation Department, as generally shown on Exhibit C. Improvement shall be completed prior to recordation of a cumulative total of more than one hundred (100) residential lots, unless otherwise requested by the Developer and approved by the Transportation Department.

i. Along one-side of Brandy Wood Road from the Property's western property line to the Brandy Oaks Boulevard/Brandy Wood Road intersection and associated crosswalks improvements (approximately 800 feet);

ii. Along one side of Brandy Oaks Boulevard from the intersection of Brandy Oaks Boulevard/Brandy Wood Road to the existing northern terminus of Brandy Oaks Blvd and associated crosswalk improvements (approximately 1,400 feet);

iii. Along one-side of Brandy Oaks Boulevard from the Property's northern property line to the Brandy Oaks Boulevard/Springford Parkway intersection and associated crosswalk improvements (approximately 1,900 feet);

iv. Along one-side of Brandy Oaks Boulevard from Willowcrest Lane to the Beach Road intersection and associated crosswalk improvements (approximately 700 feet).

E. Dedication of any additional right-of-way (and/or easements) required for the road improvements identified above. (CDOT)

5. Access. To the South of the Choke Point Intersection as shown on Exhibit D, no more than sixty-two (62) Building Permits shall be allowed until an additional access point has been constructed. (P)

6. Density. A maximum of one hundred and fifty (150) units shall be permitted on the property. (P)

7. Open Space/Pedestrian Areas. There shall be a minimum of one (1) pocket park on the property. This open space shall consist of uses such as a playground, open game field, gazebo, fire pit, benches, nature trails and any other outdoor amenities as approved by the Planning Director at the time of Site Plan Review. (P)

8. Stormwater.

A. Any stormwater management BMP or stormwater conveyance that outfalls towards existing recorded subdivision lots must be designed to discharge the post-developed 100-year storm at the 100-year predeveloped rate.

B. No new impervious areas shall sheet flow into the Brandy Oaks and Donegal Glen subdivisions.

C. Drainage from the proposed development shall not discharge directly to the rear of lots of Section 8 and/or of Section 2 in the Brandy Oaks subdivision. Runoff towards these lots shall be collected and diverted to a receiving channel, as approved by the Department of Environmental Engineering at the time of plan review.

D. For any drainage to Brandy Oaks subdivision, the post-development 1, 10, and 100-year peak discharge rates shall not exceed the pre-development 1, 10, and 100-year peak discharge rates, respectively.

E. For any drainage to Donegal Glen subdivision, the maximum post-development discharge rate for the 100-year storm shall be based on the maximum capacity of the existing facilities, and shall not increase the recorded and/or established downstream 100-year backwater and /or floodplain. On-site detention of the post-development 100-year discharge rate to below the pre-development 100-year discharge rate measured at the Property boundary may be provided to satisfy this requirement. (EE)

9. Buffer.
   A. A 75’ buffer shall be retained along the rear of any lot(s) adjoining a lot within Brandy Oaks and Donegal Glen. This buffer shall be separate from any lot and managed by the Homeowners Association for such lots.

   B. No walking trails shall be constructed within such buffer.

   C. Necessary stormwater management measures, such as ponds or BMPs, shall be permitted to be constructed within such buffer but must be a minimum of 50’ from the property line of the existing Brandy Oaks and Donegal Glen lots. if a pond, BMP or BMP outfall is required within the buffer, then additional trees and/or landscaping shall be installed to offset the impact from such pond or BMP. (P)

10. Entrance. Entrance signage to designate the neighborhood shall be placed at the entryways into the subdivision from Brandy Oaks Blvd. and Brandy Wood Rd. (P)

11. Construction Traffic and Signage.
   A. All construction traffic for the development of the Property shall be permitted only from North Brandy Oaks Blvd. The public road connection to South Brandy Oaks Blvd. will not occur until the 50th building permit. The public road connection to Brandy Wood Road will not occur until the 50th building permit.

   B. Prior to commencing any construction activity, these restrictions shall be posted in English and Spanish on a 2’x2’ sign that is clearly legible from the public right of way at the entrance to the development. Such sign shall be maintained by the developer and shall remain until all construction activity is complete. (P)

12. Development Standards. Exhibit B provides illustrative pictures of the architectural appearance for single family homes to be constructed on the Property. These illustrative pictures are conceptual in nature, and the final elevations may use a different type of architectural style, materials and architectural detailing from what is shown so long as the variety of the architectural elements represented by the illustrative pictures is maintained.

In addition to any other requirements set forth herein, the Applicant shall comply with the following:

A. Residential Design Elements.

i. Driveways/Walkways.

1. Driveways

a. All private driveways shall be constructed from concrete, exposed aggregate concrete, concrete pavers, stamped concrete, brick, or asphalt.

b. Front walks. A minimum of a 3-foot-wide front walkway consisting of concrete, exposed aggregate concrete, concrete pavers, stamped concrete or brick shall be provided between the front entrance of each dwelling unit and adjacent drives, sidewalks or streets.

ii. Landscaping.

1. Front Foundation Planting Beds. Foundation planting is required along the entire front façade of all units and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of four (4) feet wide from the unit foundation. Planting beds shall include medium shrubs, spaced a maximum of four (4) feet apart. The plant materials used should visually soften the unit corners and complement the architecture of the home at their mature sizes. Planting bed deviations may be approved by the Planning Department at time of plans review due to unique design circumstances.

iii. Fences. Chain link fences shall not be permitted.

iv. Residential Architecture and Materials.

1. Style and Form. The architectural treatment of the homes shall be generally compatible and consistent in quality to the architectural standards of the elevations as shown in Exhibit B, “House Images”. Significant deviations may be approved by the Planning Director during subdivision plan review.

2. Materials. Acceptable siding materials include brick, stone, masonry, fiber cement siding (such as HardiePlank, HardieShingle, and HardieTrim), premium vinyl with a minimum wall thickness of .044 inches, or engineered wood siding (such as LP SmartSide), or other

comparable material as approved by the Planning Director at time of plans review. Dutch lap and plywood siding are not permitted. Other materials may be used for trim, architectural decorations, or design elements provided they blend with the architecture of the dwelling.

3. Step-down Siding. For dwelling units stepping the siding down below the first floor shall be permitted on the side and rear elevations that do not front on a street, with a maximum of two (2) steps permitted on any elevation. A minimum of 24 inches of exposed brick or stone shall be required, unless a lesser amount is approved by the Planning Department at time of plans review due to unique design circumstances.

4. Variation. Buildings with the same front elevation may not be located adjacent to, directly across from, or diagonally across the street from each other on the same street. Variation in the front elevation to address the previous sentence may be accomplished by providing at least two (2) of the following architectural changes:

   a. adding or removing a porch or covered entry or increasing or decreasing the length of the porch or entry

   b. varying the location and/or style of a front facing gable(s)

   c. alternating the location of the garage

   d. providing different materials and/or siding types on at least 50% of the elevation

   e. providing a different roof type/roof line.

5. Roof Materials. Roofing materials shall be standing seam metal or dimensional architectural shingles or better with a minimum 30-year warranty.

6. Porches and Stoops. Front stoops and porches shall be constructed with continuous foundation walls or with masonry piers to match the foundation of the home.

7. Garages. Only side-loaded garages will be permitted. Side-loaded garages shall have a minimum of three (3) enhanced features. Enhanced features shall include windows, raised panels, decorative panels, arches, hinge straps or other architectural features on the exterior that enhance the entry (i.e. decorative lintels, shed roof overhangs, arches, columns, keystones, eyebrows, etc.). Flat panel garage doors are prohibited.

8. Heating, Ventilation and Air Conditioning (HVAC) Units and House Generators. Units adjacent to public right of way shall be screened from view by landscaping or low maintenance material, as approved by the Planning Department. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

21SN0695

In Bermuda Magisterial District, Bellwood Commons LLC requests rezoning from General Business (C-5) to Regional Business (C-4) with conditional use to permit multifamily and townhouse uses plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 39.71 acres known as 9201 Route 1. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed Use. Tax IDs 793-670-5113, 8762, and 794-670-8416.

Mr. Ramsey introduced Case 21SN0695 and provided a summary of the proposal. He stated rezoning from General Business (C-5) to Regional Business (C-4) with a conditional use to permit multifamily (apartments and stacked one-over-one condominium dwellings) and townhouse uses plus conditional use planned development to permit exceptions relative to uses and development standards. He further stated exceptions are requested for a use exception to permit accessory neighborhood recreational amenities and exceptions to the Northern Route 1 Design District standards. He stated the property is located within the Bellwood Neighborhood Concept Plan, part of the Northern Route 1 Special Focus Area Plan adopted in April 2018. He further stated a mixed-use development, commonly known as Bellwood Commons, is proposed. Redevelopment of the Bellwood Outdoor Flea Market is planned. He stated a mix of commercial uses, apartments, condominium, and townhouse dwellings with neighborhood recreational amenities are proposed. He further stated residential density for the property will be limited to a total of 658 dwelling units. He noted a maximum of 298 apartment dwellings and 360 condominium/townhouse dwellings are proposed. He stated both the Planning Commission and staff recommended approval.

Mr. Jeff Geiger, representing the applicant, provided additional details relative to the proposal. He stated the proposal offers a high-density residential development that will serve as the first major redevelopment project since the adoption of the Northern Route 1 Special Focus Area Plan. He further stated traditional neighborhood design elements such as enhanced community amenities, dwellings oriented towards or located near programmed common areas, a shared-use path along Route 1 and Willis Road, urban-style streetscape designs, and urban architectural character for the commercial and apartment buildings will be used. He stated the development will also provide a high-quality, visually attractive commercial and residential development with unique housing options that will serve as a reference point for future redevelopment projects in the Bellwood Neighborhood.

Discussion and questions ensued relative to opportunities to work with the applicant on possible commercial/retail development for the "Future Development Area" and the time period in which commercial use is identified.

Mr. Winslow called for public comment.

The following individuals spoke to the request, specifically noting the proposal's lack of conformance with the Northern Route 1 Special Area Plan that encourages an urbanized development concept, inadequate amount of guaranteed commercial space, limited time frame to find commercial users for the "Future Development Area" tract, the number of exceptions requested to the adopted standards, and the need to increase density and provide further mixing of uses to fully realize the Plan's vision for the property:

Ms. Renee Eldred
Mr. Jim Bolling
Ms. Kim Marble
Mr. Phil Cunningham

There being no one else to speak to the issue, the public hearing was closed.

Mr. Ingle then read his imposed condition:

The following Imposed Condition replaces Proffered Condition 3.

1. Future Development Area. The Future Development Area, as labeled and shown on the Conceptual Plan, shall not be used for a residential use unless the residential use is vertically integrated with commercial uses located on at least the ground/first level of the building (no residential units on the ground/first level of the building). Any buildings and other structures constructed within the Future Development Area shall be constructed with architectural design, building materials, and landscaping that shall complement the architectural design, the building materials and the landscaping used in the design and construction of Building 1 and the landscaping around Building 1. (P)

The following Imposed Condition deletes the last two sentences in Proffered Condition 21 and Proffered Condition 29 and provides the following new condition.

2. Variation in Front Elevations. Townhouse and Condominium buildings with the same front elevation may not be located adjacent to or directly across from each other on the same street. This requirement does not apply to dwellings on different streets backing up to each other. Variation in the front elevation may not be achieved by simply mirroring the façade, but may be accomplished by providing at least three (3) of the following architectural changes:
    i. adding or removing masonry for the front elevation of the first floor unit;
    ii. providing a different roof line along the front elevation using gables that contain or do not contain architectural detail (such as a gable bracket) within and at the point in the gable;
    iii. providing a clipped roof corner on each end of a building;
    iv. providing varied siding application using horizontal siding, shake siding and board and batten siding;
    v. adding a roof or awning over the main entrance on a minimum of one unit in a three unit building and a minimum of two units in a 4+ unit building;
    vi. alternating the color themes with respect to siding and/or doors; and
    vii. any other element of architectural variation as approved by the Director of Planning.

    This condition does not authorize review and approval of muntins, trim and other architectural trim details. (P)

The applicant agreed to Mr. Ingle's imposed condition with the exception offered by the applicant to delete the last two sentences in Proffered Condition 21 and Proffered Condition 29.

Mr. Ingle stressed the importance of the proposal representing a significant private investment in the Route 1 corridor, removes existing C-5 zoning from the property, and addresses potential impacts resulting from additional residential development with a road cash proffer payment. He noted the project will also serve as a catalyst for additional commercial redevelopment opportunities and enhancements around the property and along the corridor.

Mr. Holland concurred with Mr. Ingle's comments.

Mr. Ingle then made a motion, seconded by Mr. Carroll, for the Board to approve Case 21SN0695, subject to the following proffered conditions:

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County (the "Zoning Ordinance"), for themselves and their successors or

assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffer shall immediately be null and void and of no further force or effect.

These Proffered Conditions include seven (7) Exhibits attached hereto:

Exhibit A: "Bellwood Commons", prepared by Balzer & Associates dated September 20, 2022 ("Conceptual Plan").

Exhibit B: Townhome Elevations dated September 28, 2021.

Exhibit C: Condominium Building Elevations dated September 28, 2021.

Exhibit D: Multifamily Building Elevations May 16, 2022.

Exhibit E: Modifications to Northern Route 1 Highway Design District Standards.

Exhibit F: Modifications to R-MF District Standards.

Exhibit G: Modifications to R-TH District Standards.

APPLICABLE TO ALL

1. Master Plan. The Textual Statement dated September 22, 2022, shall be considered the Master Plan. (P)

2. Conceptual Plan. The site shall be developed in general conformance with the Conceptual Plan. The Conceptual Plan is conceptual in nature and may vary based on the final site plan depending on the final tract lines, soil studies, RPA lines, road design, building and /or lot locations, parking area design, parking area locations, amenity and common area locations, building footprints, BMP design and location, and other design or engineering reasons. Any substantive changes that do not relate to the prior sentences shall be approved by the Planning Commission at the time of plans review. (P)

4. Willis Commercial Building. The commercial building identified as "3-Story BLDG 6,000 S.F./Floor" may be constructed as a one-story, two-story or three-story building depending on the needs of one or more commercial users, as determined by the owner of the Property at the time the building is designed. (P)

5. Residential Density. Residential density shall be limited to a maximum of 298 apartment home dwellings and 360 condominium dwellings and/or townhome dwellings. (P)

6. Utilities.

   a. Public water and wastewater shall be used.

b. The owner of the Property shall perform a hydraulic analysis of the County's adjacent wastewater system to verify adequate capacity exists for the proffered density prior to site plan approval. Any capacity related improvements required to support the demands of this project shall be reflected on the site plan and shall be the responsibility of the owner of the Property up to the proffered density. (U)

7. Sidewalks. Sidewalks shall be provided on both sides of all interior public and private roads. Prior to any subdivision or site plan approval, whichever first occurs, the owner of the Property shall provide a pedestrian access plan identifying sidewalks and/or pedestrian paths and/or trails that provide one or more links between sidewalks and the portions of the Property identified as Common Area on the Conceptual Plan. (P)

8. Lighting. Decorative street lights with a residential character and a non-glare design shall be provided. Street lights shall have a maximum height of fifteen (15) feet. The location of the street lights shall be established by a lighting plan to be submitted and approved at the time of plans review. (P)

9. Trees Along Streets. Trees along streets shall be planted as required by the Zoning Ordinance and, at a minimum, there shall be one (1) small deciduous tree planted in front of each stacked condominium and townhome, as applicable, as well as trees planted along streets, aisles and parking areas, as generally shown on the Conceptual Plan. The exact location and type of trees to be planted shall be shown on the landscape plan submitted at the time of plans review. In the event of conflicts with utilities, easements, sightlines, entrances and other conflicts, the required spacing shall be increased. These trees may be located between interior public and private roads and the sidewalk or in a yard so long as the tree is maintained by the property owners' association or condominium association, as applicable. (P)

10. Amenities.

a. Tract 1 Amenities for Residential Uses. Building 1 shall provide on the ground floor a minimum of 5,000 square feet, in the aggregate, for a community gathering area, fitness room and other amenity uses. Building 1 shall also provide an exterior pool area in the general location illustrated on the Conceptual Plan. Part of the area around the pool shall be "hardscaped" (concrete, asphalt or pavers). The pool shall be constructed simultaneously with Building 1, weather permitting.

b. Serving Tract 2. The following improvements shall be provided in any one or more of the areas identified as Common Area on the Conceptual Plan: (i) a covered pavilion a minimum of 500 square feet in covered area, and (ii) two or more of the following: play area, a second covered pavilion, fire pit, outdoor game area, benches, hardscaped patio area, outdoor eating area or other similar improvements.

c. Phasing of Common Areas. The Common Area adjacent to the rear of building C25-C29 and the rear of building C42-C46, as both buildings are labeled on the Conceptual Plan, shall be constructed prior to the issuance of the first certificate of occupancy within building C25-C29 or building C42-C46. The Common Area adjacent to the rear of building C75-C78 and the rear of building C88-C91, as both buildings are labeled on the Conceptual Plan, shall be constructed prior to the issuance of the first certificate of occupancy within building C75-C78 or building C88-C91. (P)

11. Fence.

a. A 6' high black vinyl coated chain link fence, or other fence material specifically requested and approved at the time of plans review (the "Fence"), shall be erected along the southern property line in a location(s) to be provided at the time of plans review. The Fence may be modified to include openings or gates for vehicular and/or pedestrian passage between adjacent parcels.

b. A 6' high fence shall also be erected along the rear property line at the rear of buildings C115-C126, as labeled on the Conceptual Plan, or along the project boundary line behind those buildings in an alternative location only if permitted by Chesterfield County at the time of plans review and approval. This fence shall be designed to provide privacy and screening for the rear yard of these dwelling units. (P)

12. Access.

a. Direct vehicular access from the Property to Willis Road shall be limited to one (1) entrance/exit, with the exact location approved by the Transportation Department. This entrance/exit shall permit full access.

b. Direct vehicular access from the Property to Route 1 shall be limited to two (2) entrances/exits with the exact locations approved by the Transportation Department. The southern entrance/exit ("South Access") shall permit full access and the northern entrance/exit ("North Access") shall be limited to a right-in/right-out access. (T)

13. Road Improvements. Unless otherwise noted below, prior to issuance of any certificate of occupancy, the following road improvements shall be completed by the owner or by others. Any modification to the alignment, provision, design and length shown on the Conceptual Plan and/or specified below shall be approved by the Transportation Department. If any of the road improvements identified below are provided by others, as determined by the Transportation Department, then the specific road improvement shall no longer be required.

a. Construction of a VDOT standard shared-use path along the east side of Route 1 and the south side of Willis

Road for the entire Property frontage unless another design standard and/or location is approved at the time of plans review. The construction of the shared-use path along the Future Development Area's frontage on Route 1 shall be completed prior to issuance of a certificate of occupancy on the Future Development Area.

b. Construction of a three (3) lane typical section at the full access to Route 1 and the full access to Willis Road (i.e., two (2) outbound lanes and one (1) inbound lane).

c. Construction of additional pavement along Willis Road at the approved access to provide left and right turn lanes with 200-foot storage lane. If VDOT does not approve the Willis Road access for left-in access, then the left turn lane will not be required. Improvement shall be completed in conjunction with the Willis Road approved access.

d. Construction of additional pavement along westbound lanes of Willis Road at the Route 1/Willis Road intersection to provide for dual left turn lanes with 300 feet of storage.

e. Construction of additional pavement along northbound Route 1 at the Willis Road intersection to extend the existing right turn lane to provide 200 feet of storage.

f. Traffic signal modifications at the Route 1/Willis Road intersection to accommodate road improvements.

g. Construction of additional pavement along southbound Route 1 at the South Access to provide a left turn lane with 200-foot storage lane. This improvement shall be completed with any plan proposing this access.

h. Construction of additional pavement along northbound Route 1 at the South Access to provide a right turn lane. No dedication of off-site right of way shall be required for the construction of this pavement. This improvement shall be completed with any plan proposing this access.

i. Construction of additional pavement along northbound Route 1 at the North Access to provide a right turn lane with 100 feet of storage and 100 feet of taper This improvement shall be completed with any plan proposing this access.

j. Construction of the road segment from Willis Road to the stub connection to the eastern adjacent property to VDOT standards as a public road for maintenance by VDOT. This public road segment will provide access to Willis Road for the properties to the east as generally illustrated on the Conceptual Plan.

k. Dedication to the County or VDOT, as applicable, free and unrestricted, of any additional right-of-way or easements required for the improvements identified

above. In the event the developer is unable to acquire any "off-site" right-of-way that is not located on property owned by the applicant and only if such third-party off-site right-of-way is necessary for the road improvements described in this proffered condition, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be approved and borne by the developer. Only if the County chooses not to assist the developer in acquisition of the "off-site" right-of-way on land that is not owned or otherwise controlled by the applicant, then the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department and the road improvements provided within available right of way shall be deemed to satisfy the applicable requirement in this proffered condition. (T)

14. Special Setback along Interstate-95 (Limited Access Road). For residential uses along the Property's frontage to Interstate 95, a limited access road, provide a 200-foot natural vegetation area, as measured from the existing right-of way line of Interstate 95. At time of plans review, the Transportation Department may reduce this distance requirement based upon an acceptable noise study provided by the Owner/Developer. Natural vegetation within the area shall be retained, unless (i) it is determined by the Transportation Department at the time of plan review that limited removal is necessary to accommodate installation of noise attenuation measures, or (ii) disturbance is needed for utilities or drainage purposes based on approved plans. The limits and requirements of this setback shall be shown on the final plan and/or plat (if applicable). (T)

15. Buffer Areas. Within Tract 2, buffers shall be provided in the locations labeled as "Buffer" on the Conceptual Plan. The width of these buffers shall be as noted as a part of the label for that particular buffer. For example, "25' Buffer" means a 25' wide buffer shall be provided in the area so labeled. These buffers shall not be located within lots and shall be maintained by the property owners' association. In the event the land adjacent to the 25' Buffers along the northern property line in Tract 2 is developed for a stacked unit dwelling or a townhome dwelling, then the 25' Buffer along the northern property line and the Fence along the rear of buildings C115-C126 shall no longer be required provided that it is replaced with a landscaped area at least 10 feet in width on the Property. (P)

16. Flea Market Use. The existing Outdoor Flea Market Use shall be discontinued no later than the earlier of (i) the issuance of the first certificate of occupancy within Tract 1, or (ii) the issuance of the first (1st) certificate of occupancy within Tract 2. (P)

17. Central BMP and Common Area. The central "SWM/BMP" located adjacent to Tract 1, as shown on the Conceptual Plan,

shall be landscaped and improved so that the facility is a visual amenity for the project. The design of this visual amenity shall be consistent with what is illustrated on the Conceptual Plan and shall use a fountain aerator. This central "SWM/BMP" shall be constructed prior to the issuance of the certificate of occupancy for Building 1. The Common Area along the southern boundary line of the project shall be constructed prior to the issuance of the 50th certificate of occupancy within Tract 2. (EE & P)

18. Common Area Ownership. Portions of Tract 2 that are not located within a condominium unit and are not located within a lot shall be maintained by, and be the sole responsibility of, the developer and/or owner of Tract 2, unless and until the developer and/or owner conveys such areas to a nonprofit corporate owner, whose member shall be the individual owners of the dwelling units in Tract 2, or to a nonprofit council of co-owners as provided under the Code of Virginia. The land shall be conveyed to, and be held by, the nonprofit corporate owner or the nonprofit council of co-owners and used solely for the recreational, circulation, and parking purposes of the individual owners of dwelling units within Tract 2. If the developer and/or owner makes the conveyance to a nonprofit corporate owner, deed restrictions and covenants, in a form and substance satisfactory to the county attorney, shall provide, among other things, that any assessments, charges and costs of the maintenance of such areas shall constitute a pro rata lien against the individual condominium unit or townhouse lots, inferior in dignity only to taxes and bona fide duly recorded deeds of trust on each condominium unit or townhouse lot. (P)

19. Fence Restriction for Side Yard of Townhome Lots. The deed restrictions and covenants set forth in Condition 18 above shall also restrict the placement of fences in side yards and rear yards of townhome lots, if any, so that fence placement within side yards and rear yards do not prevent access around buildings containing townhome dwelling units. (P)

20. Environmental.

    a. For any drainage towards the northwest under Willis Road and Route 1, the post-development 1, 2, 10 and 100-year peak discharge rates shall not exceed the pre-development 1, 2, 10 and 100-year peak discharge rates, respectively.

    b. For any drainage to the southeast towards the existing culvert under I-95, the maximum post-development discharge rate for the 100-year storm shall be based on the maximum capacity of the existing facilities, and shall not increase the recorded and /or established downstream 100-year backwater and /or floodplain. On-Site detention of the post-development 100-year discharge rate to below the pre-development 100-year discharge rate measured at the Property boundary may be provided to satisfy this requirement.

c. The Developer shall submit a master stormwater compliance plan indicating the stormwater facilities necessary to support the overall development with the first site plan, preliminary plat, or construction plan submittal. (EE)

APPLICABLE TO TOWNHOME DWELLINGS

21. Architecture. Development of townhome dwellings shall be in general conformance with the elevations in Exhibit B or another architectural appearance approved by the Planning Commission at the time of plans review. Subsequent to plans approval, the owner may also request approval of another architectural appearance by the Planning Commission. (P)

22. Exterior Facades.

a. Roof materials on pitched roofs shall be 30 year (minimum) architectural/dimensional asphalt composition shingle or standing seam metal.

b. Street-facing façades of each building, in the aggregate, shall have a minimum of twenty-five (25) percent brick or stone masonry, but in no event shall a non-street facing façade have less than ten (10) percent brick or stone masonry. The height of the brick and stone shall be permitted to vary to allow for a mixture of design features. Measurement of the requirement for masonry façade treatment shall be exclusive of windows, gable vents, dormers, doors, front door alcoves, trim, soffit and fascia.

c. Acceptable siding materials include brick, stone, masonry, fiber cement siding (such as HardiePlank, HardieShingle, and HardieTrim) and engineered wood siding (such as LP SmartSide). Plywood, vinyl and metal siding are not permitted. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.

d. A minimum of two (2) facing materials shall be used on any façade of all buildings. (P)

23. Driveways and Front Walks. All private driveways and front walks shall be "hardscaped" (brushed concrete, stamped concrete, pavers or other masonry material). Front walks shall be a minimum of three (3) feet in width. Front walks shall not be constructed with asphalt. (P)

24. Foundation Treatment. If the dwelling unit is constructed on a slab, brick, brick veneer, stone, stone veneer, or other masonry material shall be employed around the base of the dwelling unit a minimum twelve (12) inches above grade so as to give the appearance of a foundation. If not constructed on slab, all exposed portions of the foundation of each dwelling unit shall be faced with brick, brick veneer, stone, stone veneer, or other masonry material. (P)

25. Foundation Plantings. Foundation planting beds, a minimum of four feet (4') wide, shall be required along the entire

façade of buildings which face private streets, excluding decks, stoops, porches, and patios, and shall contain a minimum of fifty (50) percent evergreen material and have one shrub per three (3) linear feet of foundation planting bed. (P)

26. Heating, Ventilation and Air Conditioning (HVAC) Units and Generators. HVAC units and generators affixed to the ground shall be screened from view by landscaping or low maintenance material. If an HVAC unit or generator affixed to the ground is located between two driveways, the HVAC unit and generator need only be screened on the side that faces the alley, drive or street that provide access to the driveways. (P)

27. Direct Vent Fireplace. Direct vent gas fireplace boxes, which protrude beyond the exterior face of the unit, are not permitted on front façades. All the exterior materials and finishes used to enclose the fireplace box must match the adjacent façade. (P)

28. Garages. There shall be no front-loaded garages. (P)

APPLICABLE TO CONDOMINIUM BUILDINGS

30. Exterior Facades.

    a. Roof materials on pitched roofs shall be 30 year (minimum) architectural/dimensional asphalt composition shingle or standing seam metal.

    b. Street-facing façades of each building, in the aggregate, shall have a minimum of twenty-five (25) percent brick or stone masonry, but in no event shall a non-street facing façade have less than ten (10) percent brick or stone masonry. The height of the brick and stone shall be permitted to vary to allow for a mixture of design features. Measurement of the requirement for masonry façade treatment shall be exclusive of windows, gable vents, dormers, doors, front door alcoves, trim, soffit and fascia.

    c. Acceptable siding materials include brick, stone, masonry, fiber cement siding (such as HardiePlank, HardieShingle, and HardieTrim) and engineered wood siding (such as LP SmartSide). Plywood, vinyl and metal siding are not permitted. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.

    d. A minimum of two (2) facing materials shall be used on any façade of all buildings. (P)

31. Front Walks. All front walks shall be "hardscaped" (brushed concrete, stamped concrete, pavers or other masonry material). Front walks shall be a minimum of 3 feet in width. Front walks shall not be constructed with asphalt. (P)

32. Foundation Treatment. If the building is constructed on a slab, brick, brick veneer, stone, stone veneer, or other masonry material shall be employed around the base of the building a minimum twelve (12) inches above grade so as

to give the appearance of a foundation. If not constructed on slab, all exposed portions of the foundation of each building shall be faced with brick, brick veneer, stone, stone veneer, or other masonry material. (P)

33. Foundation Plantings. Foundation planting beds, a minimum of four feet (4') wide, shall be required along the entire façade of buildings which face private streets, excluding decks, stoops, porches, and patios, and shall contain a minimum of fifty (50) percent evergreen material and have one shrub per three (3) linear feet of foundation planting bed. (P)

34. Heating, Ventilation and Air Conditioning (HVAC) Units and Generators. HVAC units and generators affixed to the ground shall be screened initially from view by landscaping or low maintenance material. (P)

35. Direct Vent Fireplace. Direct vent gas fireplace boxes, which protrude beyond the exterior face of the unit, are not permitted on front façades. All the exterior materials and finishes used to enclose the fireplace box must match the adjacent façade. (P)

APPLICABLE TO MULTI-FAMILY

36. Architecture. Exhibit D provides illustrative pictures of the architectural appearance for multifamily buildings to be constructed on the Property. These illustrative pictures are conceptual in nature, and the final elevations may use a different type of architectural style, materials and architectural detailing from what is shown so long as the variety in architectural elements and urban character represented by the illustrative pictures is maintained. These illustrations identify the choice of architectural style for the multiple-family building(s) adjacent to Route 1 or Willis Road. These illustrations also identify how architectural features may be used to impart harmonious proportions and to avoid monotonous facades or large bulky masses. At least 40 percent of the residential units located above the ground floor shall have a useable balcony consisting of a minimum area of 5 feet by 8 feet. Buildings containing dwellings that are adjacent to Route 1 or Willis Road shall employ masonry at least to the top of the first floor on all facades visible from Route 1 or Willis Road. (P)

37. Exterior Facades.

    a. Roof materials for pitched roofs shall be 30 year (minimum) architectural/dimensional asphalt composition shingle or standing seam metal. Material used on flat roofs shall have a minimum 30-year (minimum) warranty.

    b. Street-facing façades of each building, in the aggregate, shall have a minimum of twenty-five (25) percent brick or stone masonry, but in no event shall a non-street facing façade have less than ten (10) percent brick or stone masonry. The height of the brick and stone shall be permitted to vary to allow

for a mixture of design features. Measurement of the requirement for masonry façade treatment shall be exclusive of windows, gable vents, dormers, doors, front door alcoves, trim, soffit and fascia.

c. Acceptable siding materials include brick, stone, masonry, fiber cement siding (such as HardiePlank, HardieShingle, and HardieTrim), engineered wood siding (such as LP SmartSide), or another material approved by the Planning Director. In addition, decorative metal siding, consistent with the architectural appearance in Exhibit D, may be used, but, if this decorative metal siding is used along the ground level, it must be placed above a watertable or another masonry architectural element approved by the Planning Director. Corrugated metal siding shall not be used unless approved by the Planning Director. Plywood and vinyl siding are not permitted. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.

d. A minimum of two (2) facing materials shall be used on any façade of all buildings. (P)

38. Supplemental Landscaping. Supplemental landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Such landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. (P)

39. Heating, Ventilation and Air Conditioning (HVAC) Units and Generators. HVAC units and generators located on the ground shall initially be screened by landscaping or low maintenance material chosen by the applicant, as approved by the Planning Department. HVAC and generators units located on the roof shall be screened from view from the adjacent public right of way. (P)

40. Common Exterior Door Access Control. Access control (e.g., keypads, fobs, electronic device) shall be installed at each common exterior pedestrian apartment building entrance. Keypad(s) will also be installed initially for access. The owner of the Property shall provide the Chesterfield County Emergency Communications Center ("ECC") with access control device keypad codes, fobs or other means of entry and the owner of the Property will update the ECC of access control changes. (Police)

41. Three Bedroom. The total number of any three-bedroom apartment units shall not exceed ten percent (10%) of the total number of apartment units. (P)

APPLICABLE TO COMMERCIAL USES

42. Architectural Style. The commercial building(s) along Willis Road, including a convenience store building, shall be constructed with an urban character and with building materials that complement the building materials used in the design and construction of Building 1. (P)

43. Materials. Acceptable siding materials include brick, brick veneer, stone, stone veneer, cultured stone, other masonry materials, fiber cement siding (such as HardiePlank, HardieShingle, and HardieTrim), or engineered wood siding (such as LP SmartSide). Dutch lap, plywood, vinyl and metal siding are not permitted. Other materials may be used for parapets, cornices, surrounds, trim, awnings, architectural decorations, and design elements. Roofing material for a sloped roof shall be standing seam metal, dimensional architectural shingles, or better with a minimum of 30-year warranty. (P)

44. Dumpster Service. Dumpster service for the Property shall be permitted only between the hours of 7:00 a.m. and 7:00 p.m. (P)

IMPOSED CONDITION

The following Imposed Condition replaces Proffered Condition 3.

1. Future Development Area. The Future Development Area, as labeled and shown on the Conceptual Plan, shall not be used for a residential use unless the residential use is vertically integrated with commercial uses located on at least the ground/first level of the building (no residential units on the ground/first level of the building). Any buildings and other structures constructed within the Future Development Area shall be constructed with architectural design, building materials, and landscaping that shall complement the architectural design, the building materials and the landscaping used in the design and construction of Building 1 and the landscaping around Building 1. (P)

The following Imposed Condition deletes the last two sentences in Proffered Condition 21 and Proffered Condition 29 and provides the following new condition.

2. Variation in Front Elevations. Townhouse and Condominium buildings with the same front elevation may not be located adjacent to or directly across from each other on the same street. This requirement does not apply to dwellings on different streets backing up to each other. Variation in the front elevation may not be achieved by simply mirroring the façade, but may be accomplished by providing at least three (3) of the following architectural changes:
    i. adding or removing masonry for the front elevation of the first floor unit;
    ii. providing a different roof line along the front elevation using gables that contain or do not contain architectural detail (such as a gable bracket) within and at the point in the gable;

iii. providing a clipped roof corner on each end of a building;
iv. providing varied siding application using horizontal siding, shake siding and board and batten siding;
v. adding a roof or awning over the main entrance on a minimum of one unit in a three unit building and a minimum of two units in a 4+ unit building;
vi. alternating the color themes with respect to siding and/or doors; and
vii. any other element of architectural variation as approved by the Director of Planning.

This condition does not authorize review and approval of muntins, trim and other architectural trim details. (P)

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

17. PUBLIC HEARINGS

17.A. TO ADOPT AN ORDINANCE TO VACATE A PORTION OF A 10' DRAINAGE EASEMENT WITHIN CHATHAM SECTION A

Mr. Sasek stated this date and time has been advertised for a public hearing for the Board to adopt an ordinance to vacate a portion of a 10' drainage easement within Chatham Section A.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Mr. Holland, seconded by Ms. Carroll, the Board adopted the following ordinance to vacate a portion of a 10' drainage easement within Chatham Section A:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to ERICH J. GRANT and JILL P. GRANT, (spouses),or their heirs, successors and assigns ("GRANTEES"), a portion of a 10' drainage easement within Chatham Subdivision, Section A, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office, Circuit Court, Chesterfield County, Virginia in Plat Book 11, Pages 75 and 76.

WHEREAS, AV Design Concepts, LLC petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 10' drainage easement within Chatham Subdivision, Section A, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia, more particularly shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of said County in Plat Book 11, Pages 75 and 76. The portion of easement petitioned to be vacated is more fully described as follows:

A portion of a 10’ drainage easement across Lot 4, Block A, within Chatham Subdivision, Section A, the location of which is more fully shown on Exhibit A by A.G. Harocopos & Associates, P.C., dated AUGUST 24, 2022, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of easement sought to be vacated.

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

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the exhibit attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office, Circuit Court, Chesterfield County, Virginia pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title to the portion of the 10’ drainage easement hereby vacated in the owners of Lot 4, Block A, within Chatham Subdivision, Section A, free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the GRANTOR and GRANTEES, or their heirs, successors in title.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

17.B. TO AMEND COUNTY CODE CHAPTER 13 RELATED TO MOTOR VEHICLES AND TRAFFIC

Captain Hayes stated this date and time has been advertised for a public hearing for the Board to amend County Code Chapter 13 related to camera speed monitoring and enforcement in highway work zones and school crossing zones.

Discussion and questions ensued relative to community notifications of the amended ordinance; the summons process and information collected during the process.

Mr. Winslow called for public comment.

There being no one to speak to the issue, the public hearing was closed.

On motion of Mr. Holland, seconded by Mr. Carroll, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING CHAPTER 13 RELATED TO CAMERA SPEED MONITORING AND ENFORCEMENT IN HIGHWAY WORK ZONES AND SCHOOL CROSSING ZONES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Article II of the Code of the County of Chesterfield, 1997, as amended, is amended to add thereto a new section, 13-24, pertaining to the use of photo speed monitoring devices in highway work zones and school crossing zones:

This Ordinance is adopted pursuant to the authority of Virginia Code Annotated § 46.2- 882.1, as amended.

(a) For purposes of this section, *"highway work zone"* has the same meaning ascribed to it in Code of Virginia, § 46.2-878.1. *"Photo speed monitoring device"* means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles. *"School crossing zone"* has the same meaning ascribed to it in Code of Virginia, § 46.2-873.

(b) The Chesterfield County Police Department may install and operate photo speed monitoring devices, within the boundaries of Chesterfield County, in school crossing zones for the purposes of recording violations of Code of Virginia, § 46.2-873 and in highway work zones for the purposes of recording violations of Code of Virginia, § 46.2-878.1.

(c) The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone, while such zone is active. The civil penalty shall be $100.00. Any prosecution under this section shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by the Chesterfield County Police Department shall be paid to Chesterfield County and allocated for use as determined by Police Systems Support.

(d) If a photo speed monitoring device is used, proof of a violation of Code of Virginia, §§ 46.2-873 or 46.2-878.1 shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer employed by the County authorized to impose penalties pursuant to this section, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation of Code of Virginia, §§ 46.2-873 or 46.2-878.1.

(e) In the prosecution for a violation of Code of Virginia, §§ 46.2-873 or 46.2-878.1 in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to

this section was operated in violation of Code of Virginia, §§ 46.2-873 or 46.2-878.1, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court for the County that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court, under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of Code of Virginia, §§ 46.2-873 or 46.2-878.1, is presented, prior to the return date established on the summons issued pursuant to this section, to the general district court for the County adjudicating the alleged violation.

(f) Imposition of a civil penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a law-enforcement officer employed by the County uses a photo speed monitoring device to record a violation of Code of Virginia, §§ 46.2-873 or 46.2-878.1 and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

(g) A summons for a violation of Code of Virginia, §§ 46.2-873 or 46.2-878.1 issued by mail pursuant to this section may be executed pursuant to Code of Virginia § 19.2-76.2. Notwithstanding the provisions of Code of Virginia, § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first class mail a copy thereof to the address of the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the department of motor vehicles. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessee or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided above and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in Code of Virginia, § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed pursuant to and for a violation of Code of Virginia, §§ 46.2-873 or 46.2-878.1 issued pursuant to this section shall provide to the person summoned at least 30 days following the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the Chesterfield County Police Department does not execute a summons for a violation of Code of

Virginia, §§ 46.2-873 or 46.2-878.1 issued pursuant to this section within 30 days following the date of the violation, all information collected pertaining to the suspected violation shall be purged within 60 days following the date of the violation. The Chesterfield County Police Department may enter into an agreement with a private vendor to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations and administration. However, only a law enforcement officer may swear to or affirm the certificate required by this section. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any private entity contracting with a law enforcement agency pursuant to this section may enter into an agreement with the department of motor vehicles, in accordance with the provisions of subdivision B 31 of Code of Virginia, § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that committed a violation of Code of Virginia, §§ 46.2-873 or 46.2-878.1. Any such information provided to such private vendor shall be protected in a database.

(h) Information collected by a photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of school crossing zone and highway work zone speeding violations. Information provided to the operator of photo speed monitoring device shall be protected in a database and used only for enforcement against individuals who violate this section or Code of Virginia, §§ 46.2-873 or 46.2-878.1. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other personal information collected by a photo speed monitoring device shall be used exclusively for enforcing school crossing zone and highway work zone speed limits and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of school crossing zone and highway work zone speed limits or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or Code of Virginia, §§ 46.2-873 or 46.2-878.1, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. The Chesterfield County Police Department shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the commissioner of highways or the commissioner of the department of motor vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of $1,000.00 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the department of motor vehicles and the private entity.

(i) Conspicuous signs shall be placed within 1,000 feet of any school crossing zone or highway work zone at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

18. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS

There were no remaining manufactured home permits and zoning requests.

19. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS

There were no requests to address the Board at this time.

20. ADJOURNMENT

On motion of Mr. Carroll, seconded by Mr. Ingle, the Board adjourned at 9:05 p.m. until November 16, 2022, at 2:00 p.m. for a work session to be held in the Public Meeting Room.

Ayes: Winslow, Holland, Ingle, K. Carroll, T. Carroll.
Nays: None.

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Joseph P. Casey	Christopher M. Winslow
County Administrator	Chairman