

HENRICO COUNTY
PLANNING COMMISSION AGENDA
FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT

February 22, 2017

9:00 A.M.

SEE ADDENDUM



PLANNING COMMISSION

Eric S. Leabough, C.P.C., Chairperson (Varina)
Robert H. Witte, Jr., Vice-Chairperson (Brookland)
C. W. Archer, C.P.C. (Fairfield)
Gregory R. Baka (Tuckahoe)
Sandra M. Marshall (Three Chopt)
Tyrone E. Nelson, Board of Supervisors Representative
R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary

**DEVELOPMENT REVIEW AND DESIGN
DIVISION – DEPARTMENT OF PLANNING**

Jean M. Moore, Assistant Director of Planning
Leslie A. News, PLA, Principal Planner
Kevin D. Wilhite, C.P.C., AICP, County Planner
Michael F. Kennedy, County Planner
Christina Goggin, AICP, County Planner
Anthony R. Greulich, C.P.C., County Planner
Greg Garrison, AICP, County Planner
Matthew Ward, County Planner
Lee Pambid, C.P.C., County Planner
Aimee B. Crady, AICP, County Planner
Kate B. McMillion, County Planner
Robert Peterman, GIS Technician
Melissa S. Ferrante, Office Assistant/Recording
Secretary

WELCOME: @ 9:02 AM

PLEDGE OF ALLEGIANCE:

RECOGNITION OF NEWS MEDIA: Ms. Debbie Truong, Richmond Times-Dispatch

ROLL CALL:

REQUEST FOR DEFERRALS AND WITHDRAWALS: Leslie News

EXPEDITED AGENDA: Leslie News

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL: Kate McMillion

EXTENSIONS - FOR INFORMATIONAL PURPOSES ONLY

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2013-00218 Sadler Green (February 2014 Plan)	1	1	2	Three Chopt	February 28, 2018

TRANSFER OF APPROVAL

POD-06-87
POD2016-00536
NuCo2 (Former Thrifty Car
Rental) – 5914 Lewis Road

APPROVED/EXPEDITED

Lowell Smith, Jr. for Aragon Group, A VA Ltd. Partnership: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from A&A Auto Rental to Aragon Group. The 2-acre site is located on the west line of Lewis Road, approximately 400 feet north of Charles City Road, on parcel 818-708-7808. The zoning is M-1, Light Industrial District and ASO, Airport Safety Overlay District. County water and sewer. (**Varina**)

The new owner accepts and agrees to be responsible for the continued compliance with the conditions of original approval. Deficiencies, as identified in the staff's inspection report dated December 20, 2016, have been corrected, which included missing landscaping, faded parking lot striping and handicap parking devices, and a missing stop bar and stop sign.

The staff recommends approval of this transfer request.

(Staff Report by Lee Pambid)
(Applicant's Representative: Lowell Smith, Jr.)

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2017-00011
Sadler Crossing Section 2 –
11311 Wander Lane

APPROVED/EXPEDITED

Bay Companies. Inc. for ME Sadler, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 22 two-story detached condominium units. The 6.75-acre site is located on the west line of Sadler Grove Road at its intersection with Sadler Road, the north line of future Sadler Road relocated, and the southern line of Sadler Grove Subdivision, on part of parcel 746-764-2092 and 746-765-0309. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. (**Three Chopt**)

This plan of development for Sadler Crossing Section 2 consists of 22 detached condominium units. When combined with Section 1, there will be a total of 27 detached condominiums and 44 townhouse units. Section 1 is under construction and was rezoned in 2015. In 2016, the applicant obtained additional land to add to the condominium section of Sadler Crossing and it was recently rezoned by the Board of Supervisors with case REZ2016-00039 at its January 31, 2017 meeting.

As with the 2015 rezoning, a natural and proffered buffer 25 feet in width is preserved adjacent to the southern line of Sadler Grove subdivision. Though the landscape plan for Section 1 returned to the Planning Commission for review and approval, Section 2 is eligible for administrative review and approval.

The layout is in substantial conformance with the proffered layout and the unit plans in the packet match the proffered elevations. Per proffers, the units offer a minimum of 2,200 square feet with 50% of the future homes providing 2,500 square feet of finished floor area.

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The proposed lighting plan consists of 6-foot tall pole lights at the front porch and proffered 16-foot tall 150 watt high pressure sodium freestanding lights in the common area by the parking lot and mail kiosk.

The staff recommends approval subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature.
29. Prior to issuance of a certificate of occupancy for any building in this development, the engineer of record shall certify that the site has been graded in accordance with the approved grading plans.
30. The proffers approved as a part of zoning case REZ2016-00039 shall be incorporated in this approval.
31. A note in bold lettering shall be provided on the erosion control plan indicating that sediment basins or traps located within buildable areas or building pads shall be reclaimed with engineered fill. All materials shall be deposited and compacted in accordance with the applicable sections of the state building code and geotechnical guidelines established by the engineer. An engineer's report certifying the suitability of the fill materials and its compaction shall be submitted for review and approval by the Director of Planning and Director of Public Works and the Building Official prior to the issuance of any building permit(s) on the affected sites.
32. The pavement shall be of an SM-2A type and shall be constructed in accordance with County standard and specifications. The developer shall post a defect bond for all pavement with the Department of Planning - the exact type, amount and implementation shall be determined by the Director of Planning, to protect the interest of the members of the Homeowners Association. The defect bond shall remain in effect for a period of three years from the date of the issuance of the final occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a professional engineer must certify that the roads have been designed and constructed in accordance with County standards.
33. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
34. Prior to construction plan approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Department of Planning for review. Such covenants and restrictions shall be in a form and substance satisfactory to the County Attorney and shall be recorded prior to issuance of a certificate of occupancy.
35. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

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(Staff Report by Christina Goggin)
(Applicant's Representative: Daniel Caskie)
(Applicable Rezoning Cases and PUPS: REZ2016-00039)

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2017-00006

Brook Commons Center –
7701 Brook Road
(U.S. Route 1)

APPROVED/EXPEDITED

Willmark Engineering, PLC for Ball Robert B Sr. & Edna Estates, Robert B. Ball, Sr. Family, LLC, and OAP Brook Road, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a new shopping center consisting of a one-story 7,627 square foot retail building and a one-story 6,283 square foot retail building. The 3.56-acre site is located at the northeast corner of the intersection of Brook Road (U.S. Route 1) and Wilkinson Road, and on the west line of Seminary Avenue, on parcels 784-754-6140, 784-754-6324, 784-754-6505, 784-754-7628, 784-754-8004, and 784-754-8014. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Fairfield)**

This overall property was rezoned with zoning case REZ2016-000028, as approved by the Board of Supervisors on September 13, 2016. The proposed shopping center, which is in conformance with the concept plan submitted with the rezoning, would replace an older retail building on the corner of Brook Road (U.S. Route 1) and Wilkinson Roads as well as two residential homes along the western line of Seminary Avenue.

The plan includes an O'Reilly retail building and a retail center building with drive-through facilities. Site enhancements include interior sidewalk connections to access the public sidewalks along Brook (U.S. Route 1) and Wilkinson Roads. Furthermore, a 6-foot stone screen wall with 8-foot columns spaced 15 feet apart is shown along the rear parking row within the reduced width transitional buffer 25, facing Seminary Avenue.

Architectural building materials include a majority of brick for both the O'Reilly and retail center buildings. Each building is fitted with an EIFS cornice on the parapet walls to conceal rooftop equipment. The O'Reilly building will have brick offsets that provide interest and break up wall massing. The retail center building will have horizontal brick wall accent bands and canvas awnings. The architectural plans are also consistent with the zoning case exhibits.

The lighting plan proposes 14 LED concealed source fixtures mounted on poles ranging between 20-25 feet in overall height throughout the parking lot. There are 4 parking lot poles with LED fixtures limited to 20 feet in height along the back row of parking near the residentially zoned property, and 10 parking lot poles with LED fixtures limited to 25 feet in height throughout the parking lot. Additional lighting along Brook Road (U.S. Route 1) sidewalk includes 6 pedestrian style light poles with LED fixtures mounted to 13 feet in height. Both buildings will be equipped with 7 LED building wall mounted fixtures that are 12 feet above the finished floor elevation.

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A schematic landscape plan was provided for informational purposes only. The plan shows a mix of London Plane Trees, Red Maples, Redbuds, Cherrys, and a hedge row of shrubs within a 25-foot wide proffered buffer along Brook (U.S. Route 1) and Wilkinson Roads. This buffer must be planted to West Broad Street Overlay District standards in accordance with proffered conditions.

The staff recommends approval subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature.
29. Only retail business establishments permitted in a B-2 zone may be located in this center.
30. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
31. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
32. The right-of-way for widening of Brook Road (U.S. Route 1) as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
33. The entrances and drainage facilities on Brook Road (U.S. Route 1) shall be approved by the Virginia Department of Transportation and the County.
34. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Department of Planning prior to any occupancy permits being issued.
35. A concrete sidewalk meeting County standards shall be provided along the northern side of Wilkinson Road and along the eastern side of Brook Road (U.S. Route 1).
36. Outside storage shall not be permitted.
37. The proffers approved as a part of zoning case REZ2016-00028 shall be incorporated in this approval.
38. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.
39. In the event of any traffic backup which blocks the public right-of-way as a result of congestion caused by the drive-up delivery facilities, the owner/occupant shall close the drive-up delivery facilities until a solution can be designed to prevent traffic backup.
40. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
41. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.

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42. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Department of Planning and approved prior to issuance of a certificate of occupancy for this development.
43. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junctions and accessory boxes, transformers, and generators) shall be identified on the landscape plan. All building mounted equipment shall be painted to match the building, and all equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

(Staff Report by Matt Ward)

(Applicant's Representative: Mark E. Williams)

(Applicable Rezoning Cases and PUPS: REZ2016-00028)

SUBDIVISION

SUB2017-00008

Settler's Ridge (February 2017 Plan) – 1501 Burning Tree Road

APPROVED/EXPEDITED

Engineering Design Associates for Siddiqi Aimal and David Gripehover: The 18.8-acre site proposed for a subdivision of 70 zero lot line single family homes is located on the southern line Burning Tree Road, approximately 1,300 feet west of its intersection with South Laburnum Avenue and along the north line of Pocahontas Parkway (State Route 895), on parcel 805-692-5206. The zoning is R-5AC, General Residential District (Conditional). County water and sewer. **(Varina) 70 Lots**

This request for conditional approval of 70 single family detached dwellings with zero lot lines is the companion case to POD2016-00474, previously approved at the December 14, 2016 meeting. Conditional approval for Settlers Ridge was granted May 26, 2004 for 166 lots total. The revised conditional plan, which is in conformance with the recently approved plan of development, adds 1 lot to the previous conditional approval for a total of 167 single family dwellings with zero lot lines. The total number of lots complies with proffered conditions of C-74C-03.

The staff recommends conditional approval subject to the annotations on the plans, the standard conditions for zero lot line subdivisions, and the following additional conditions:

13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Department of Planning for review. Such covenants and restrictions shall be in a form and substance satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.
14. The proffers approved as part of zoning case C-74C-03 shall be incorporated in this approval.

(Staff Report by Greg Garrison)

(Applicant's Representative: Randy Hooker)

(Applicable Rezoning Cases and PUPS: C-74C-03)

SUBDIVISION MTP SETBACK EXCEPTION

SUB2017-00004
Twin Oaks Section 1 Block
A Lot 8 – 8560 Hungary
Road

APPROVED

Youngblood, Tyler, and Associates for Youngblood Properties, LLC: Request for an exception pursuant to Sections 19-4(a) and 24-94(aa) of the Henrico County Code, to reduce the increased major thoroughfare setback along the rear yard of Lot 8 along Hungary Road. The 0.46-acre site is located along the north line of Hungary Road, approximately 300 feet west of Hill Trace Court, on part of parcel 763-761-8543. The zoning is R-2, One-Family Residence District. County water and sewer. **(Brookland) 1 Lot**

This 8-lot single-family subdivision was granted final approval on July 25, 2016. At that time the subdivision was not required to be reviewed and approved by the Planning Commission because it contained less than 50 lots.

The Henrico County Code requires increased setbacks to be provided along certain major thoroughfare plan roads with projected rights-of-way of 60 feet or greater. In this situation the standard 45-foot rear setback is increased 35 feet for a total of 80 feet along the northern line of Hungary Road. This setback is currently shown to be provided on the approved final subdivision plat. However, the applicant has requested a reduction of the required setback to accommodate a larger building footprint on the lot.

The exception request to reduce the increased major thoroughfare plan setback may only be granted by the Planning Commission. If approved by the Planning Commission, this exception would allow the increased building setback on this residential lot to be reduced from 80 to 60 feet along the north side of Hungary Road.

Per Sections 24-94(aa) and 19-4(a), the Planning Commission may grant an exception to the increased setback, provided: 1) The exception substantially complies with the provisions of this chapter, does not defeat the chapter's purposes, and protects the public interest; 2) The exception will not be detrimental to public safety, health or welfare or injurious to surrounding property or improvements; 3) The conditions on which the exception request is based are unique to the property, are not generally applicable to other property and do not create mere inconvenience; and 4) The exception is not based exclusively on financial considerations.

In the general vicinity there are five existing homes along the south side of Hungary Road with an approximately 59-foot average rear yard setback. The applicant has proposed a 25-foot wide landscape strip along the north side of Hungary Road. The landscape strip aligns the entire subdivision frontage and will be planted with trees and shrubs to provide a visually cohesive streetscape.

As is normal procedure, staff makes no recommendation regarding the exception request. It is the applicant's responsibility to present evidence to the Commission to support the request.

(Staff Report by Matt Ward)
(Applicant's Representative: Adam Werner)

LANDSCAPE PLAN

POD2017-00071
GreenGate Phase II –
Commercial East– West
Broad Street (U.S. Route
250)

**APPROVED – TIME
LIMITS WAIVED**

Eagle Construction of VA, LLC for ME Nuckols, LLC:
Request for approval of a landscape plan, as required by Chapter
24, Sections 24-106 and 24-106.2 of the Henrico County Code.
The 7.65-acre portion of the 66.9-acre site is located along the
southern line of West Broad Street (U.S. Route 250),
approximately 540 feet west of its intersection with North Gayton
Road, on part of parcel 731-764-5533. The zoning is UMUC,
Urban Mixed Use District (Conditional) and WBSO, West Broad
Street Overlay District. County water and sewer. **(Three Chopt)**

This request is for approval of a landscape plan for Phase II of GreenGate Commercial East. Phase II and Phase III include the entire frontage of West Broad Street and are subject to the West Broad Street Overlay requirements and proffered conditions of REZ2014-00009, as well as conditions of PUP2014-00006.

As of the preparation date of the agenda, the staff has not had an opportunity to complete its review of the landscape plan. The staff recommendation will be made at the meeting. Should the Commission act on this request, the annotations on the plans and the standard conditions for landscape plans are recommended.

(Staff Report by Greg Garrison)

(Applicant's Representative: Nathalie Croft)

(Applicable Rezoning Cases and PUPS: REZ2014-00009 and PUP2014-00006)

LANDSCAPE PLAN

POD2017-00072
GreenGate Phase III –
Commercial West– West
Broad Street
(U.S. Route 250)

**APPROVED – TIME
LIMITS WAIVED**

Eagle Construction of VA, LLC for ME Nuckols, LLC:
Request for approval of a landscape plan, as required by Chapter
24, Sections 24-106 and 24-106.2 of the Henrico County Code.
The 8.18-acre portion of the 66.9-acre site is located along the
southern line of West Broad Street (U.S. Route 250),
approximately 1,030 feet west of its intersection with North
Gayton Road, on part of parcel 731-764-5533. The zoning is
UMUC, Urban Mixed Use District (Conditional) and WBSO,
West Broad Street Overlay District. County water and sewer.
(Three Chopt)

This request is for approval of a landscape plan for Phase III of GreenGate Commercial West. Phase II and Phase III include the entire frontage of West Broad Street and are subject to the West Broad Street Overlay requirements and proffered conditions of REZ2014-00009, as well as conditions of PUP2014-00006.

As of the preparation date of the agenda, the staff has not had an opportunity to complete its review of the landscape plan. The staff recommendation will be made at the meeting. Should the Commission act on this request, the annotations on the plans and the standard conditions for landscape plans are recommended.

Continue

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(Staff Report by Greg Garrison)

(Applicant's Representative: Nathalie Croft)

(Applicable Rezoning Cases and PUPS: REZ2014-00009 and PUP2014-00006)

THREE CHOPT:

(Deferred from the February 9, 2017 Meeting)

REZ2017-00006 James W. Theobald for WAM Associates, LLC: Request to conditionally rezone from O-3C Office District (Conditional) to UMUC Urban Mixed Use District (Conditional) Parcel 747-761-9275 containing 4.081 acres located at the southeast intersection of Innslake Drive and Dominion Boulevard. The applicant proposes a mixed-use development of residential apartments and office uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay District. **Staff – Livingston Lewis**

DEFERRED TO 3/22/2017

(Deferred from the February 9, 2017 Meeting)

PUP2017-00004 James W. Theobald for WAM Associates, LLC: Request for a Provisional Use Permit Under Sections 24-32.1(a)(n)(s)(t)(v)(z) and (aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for the following on Parcel 747-761-9275: outdoor vending; parking garages without ground floor retail uses; heights greater than 60'; density greater than 30 dwelling units per acre; open space less than 20%; commercial or office square footage less than 25% of total square footage; for-lease multifamily dwellings to exceed 30% of total units; and a parking plan, located at the southeast intersection of Innslake Drive and Dominion Boulevard. The existing zoning is O-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay District. **Staff – Livingston Lewis**

DEFERRED TO 3/22/2017

DISCUSSION ITEM: Consideration of an amendment to Planning Commission Rules and Regulations **APPROVED**

APPROVAL OF MINUTES: January 25, 2017 Minutes **APPROVED**

ADJOURN @ 9:27 AM

PLANNING COMMISSION
AGENDA FOR
SUBDIVISIONS AND PLANS OF DEVELOPMENT
February 22, 2017

ADDENDUM

PAGE 12 – REVISED PLAN

LANDSCAPE PLAN

POD2017-00071
GreenGate Phase II –
Commercial East– West
Broad Street (U.S. Route
250)

APPROVED

Eagle Construction of VA, LLC for ME Nuckols, LLC:
Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 7.65-acre portion of the 66.9-acre site is located along the southern line of West Broad Street (U.S. Route 250), approximately 540 feet west of its intersection with North Gayton Road, on part of parcel 731-764-5533. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

PAGE 13 – REVISED PLAN

LANDSCAPE PLAN

POD2017-00072
GreenGate Phase III –
Commercial West– West
Broad Street
(U.S. Route 250)

APPROVED

Eagle Construction of VA, LLC for ME Nuckols, LLC:
Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 8.18-acre portion of the 66.9-acre site is located along the southern line of West Broad Street (U.S. Route 250), approximately 1,030 feet west of its intersection with North Gayton Road, on part of parcel 731-764-5533. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

PAGE 14 – AMENDED AND RESTATED PROFFERED CONDITIONS

THREE CHOPT:

(Deferred from the February 9, 2017 Meeting)

REZ2017-00006 James W. Theobald for WAM Associates, LLC: Request to conditionally rezone from O-3C Office District (Conditional) to UMUC Urban Mixed Use District (Conditional) Parcel 747-761-9275 containing 4.081 acres located at the southeast intersection of Innslake Drive and Dominion Boulevard. The applicant proposes a mixed-use development of residential apartments and office uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay District. **Staff – Livingston Lewis**

See attached document.

DEFERRED TO 3/22/2017

PAGE 14 – REVISED CONDITIONS

THREE CHOPT:

(Deferred from the February 9, 2017 Meeting)

PUP2017-00004 James W. Theobald for WAM Associates, LLC: Request for a Provisional Use Permit Under Sections 24-32.1(a)(n)(s)(t)(v)(z) and (aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for the following on Parcel 747-761-9275: outdoor vending; parking garages without ground floor retail uses; heights greater than 60'; density greater than 30 dwelling units per acre; open space less than 20%; commercial or office square footage less than 25% of total square footage; for-lease multifamily dwellings to exceed 30% of total units; and a parking plan, located at the southeast intersection of Innslake Drive and Dominion Boulevard. The existing zoning is O-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay District. **Staff – Livingston Lewis**

See attached document.

DEFERRED TO 3/22/2017

REZ2017-00006

SECOND ~~FIRST~~ AMENDED AND RESTATED PROFFERED CONDITIONS

1. Urban Design Guidelines. The Property shall be developed in general conformance with the concept plan, illustrations and information set forth in the “Innsbrook Urban Mixed-Use District Urban Design Guidelines” (the “Urban Design Guidelines”) dated October 12, 2016, revised January 27, 2017 and filed herewith, which illustrations and information are conceptual in nature and may vary in detail. If not in general conformance with the foregoing, deviations may be approved in any subsequent Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director finding that the variations are generally in keeping with the spirit and concept of the Urban Design Guidelines.
2. Architectural Review Committee. All development on the Property shall be subject to approval of an Architectural Review Committee established by the Innsbrook Owners’ Association to review and approve development of all structures on the Property in general conformance with the Urban Design Guidelines prior to plans being submitted to the County. Such approval shall accompany any submittal for rezoning and/or Plan of Development submitted to the County for review.
3. Overall Density. There shall be no more than 350 residential units developed on the Property.
4. Internal Circulation. The Property shall provide vehicular circulation among adjacent properties as determined at the time of Plan of Development. Copies of applicable cross access agreements, if agreed to by the adjacent property owner, shall be provided to the County upon execution.
5. Prohibited Uses. The following uses shall be prohibited on the Property:
 - a. automotive filling and service stations including towing service;
 - b. billiard, bagatelle, video game or a bingo parlor, unless accessory to a permitted use;
 - c. flea markets or antique auctions;
 - d. billboards;
 - e. recycling facilities;
 - f. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - g. dance halls;
 - h. truck stops;
 - i. gun shop, sales and repair;
 - j. sign painting shops;

- k. theaters;
 - l. communication towers;
 - m. adult businesses as defined by Section 24-3 of the Henrico County Code;
 - n. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections ~~6.1-432~~ 6.2-2100 et seq. and ~~6.1-444~~ 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
 - o. restaurants with drive-thru windows, not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food nor restaurants whose primary business is the sale of specialty coffees or other non-alcoholic beverages or pastry;
 - p. car title loan operations;
 - q. fuel pumps associated with permitted uses; and
 - r. motels or motor lodges.
6. Severance. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
7. Mixture of Uses. There shall be a minimum of 28,000 square feet of office and/or retail development on the Property, which square footage may include administrative and accessory uses in an office building or a mixed-use building for the benefit of multifamily dwellings.

WAM ASSOCIATES, LLC,
a Virginia limited liability company

By: _____
James W. Theobald, Attorney-in-Fact
Date: ~~January 27,~~ February 15, 2017

Draft Revised Conditions for PUP2017-004 (WAM Associates, LLC) – 2/16/17

1. Master Plan, Density, and Percentage of For-Lease Multifamily Units. All development on the property shall be in general conformance with the 1/27/17 version of the *Innsbrook Urban Mixed-Use District Urban Design Guidelines*. Residential development on the property shall not exceed 350 dwelling units, all of which may be multi-family for-lease.
2. Outdoor Vending Areas. Areas of the Property may be designated on the master plan, which may be revised from time to time, or a Plan of Development, for the preparation of food or beverages or the sale or display of merchandise conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts, vehicles or other spaces which are rented or otherwise made available to such vendors. Such activities may include a market, sale of merchandise as part of a permitted festival or other similar special event, or the outdoor display or sale by a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises. Sidewalk widths adjacent to outdoor vending areas shall not be reduced to less than five (5) feet, except to accommodate a permitted festival or other similar special event. Trash receptacles shall be provided and conveniently located for each block that contains an outdoor vending area. **Any outdoor vending areas shall not be open to the public after 10:00 p.m.**
3. Parking Structure Design and Fire Protection. Parking structures without ground floor retail uses along at least one façade or without usable floor space for residential or nonresidential uses along any façade that faces a one-family use or public or private street shall be permitted, provided the design of such structures is consistent with the 1/27/17 version of the *Innsbrook Urban Mixed-Use District Urban Design Guidelines* as determined at the time of Plan of Development Review. A 3” standpipe for fire protection shall be provided within all structured parking at approximately 200’ intervals. The exact location of these improvements will be determined during Plan of Development review.
4. Building Height and Emergency Communication Systems. Buildings may exceed 60’ in height. **Buildings on the Property shall not exceed 200’ in height, except that any architectural enclosures not exceeding 25% of the linear distance along any face of a building may be permitted up to 215’ in height.** For any building above 60’ in height, the owner shall install a fire command center and emergency radio communication equipment in the building to allow for adequate public safety and radio coverage within and between the buildings. A communications consultant shall certify such equipment as compatible with the County’s emergency communication system within 90 days of the owner or tenant obtaining a Certificate of Occupancy for any such building. The County shall be permitted to perform communications testing within the buildings at any time.
5. Open Space. Open space on the site may be less than 20%.
6. Commercial/Office Square Footage. The minimum commercial and office square footage may be less than 25% of the site’s aggregate building square footage, but shall not be less than the minimum amount proffered in rezoning case REZ2017-006.

7. Parking Plan. The applicant shall provide parking spaces in a manner consistent with: a) the development plan proposed with case REZ2017-006, and b) the two-page shared parking strategy provided with this request. Each plan of development submitted for the property shall include a tabulation of all parking required per the parking study. Shared parking information, including updates to the parking study demonstrating the parking rate is meeting the needs of approved development on the property, shall be provided with each plan of development or as requested by the Director of Planning. Each plan of development submitted shall identify the location and means of creating additional parking that could accommodate the difference between the reduced parking standard approved by this permit and the standards contained in Section 24-34(m) of the Henrico County Code.

8. Crime Prevention. Prior to occupancy of any new structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.