PUP2021-00007
VCC Partners LLC and Shamin VCC LLC

Staff Report for Board of Supervisors Public Hearing
Prepared April 26, 2021

This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter.

I. PUBLIC HEARINGS:

Planning Commission:	April 15, 2021	Recommended for approval
Board of Supervisors:	May 11, 2021	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request:	Allow master-planned community for multifamily buildings with decreased setbacks and parking requirements and increased building height and density
Existing Zoning:	B-3C Business District (Conditional) *R-6C General Residence District (Conditional) proposed with REZ2021-00021*
Acreage:	7.67 acres
Location of Property:	Approximately 800' east of Brook Road (U.S. Route 1) at its intersection with Magnolia Ridge Drive
Magisterial District:	Fairfield
Comprehensive Plan Recommendation:	Commercial Arterial
Parcel Numbers:	784-771-9755
Zoning of Surrounding Properties:	North: B-3C Business District (Conditional) South: B-3C Business District (Conditional) East: B-3C Business District (Conditional) R-6C General Residence District (Conditional) West: B-3C Business District (Conditional)

III. SUMMARY OF STAFF REPORT COMMENTS:

This is a request for a provisional use permit (PUP) to develop a master-planned development with up to 500 multifamily dwelling units, an equivalent density of 65.2 units per acre. In 2019, the Board of Supervisors revised the zoning ordinance to allow an applicant to submit a PUP to allow communities with a master plan on properties zoned R-6 General Residence District. R-6C zoning is proposed with companion case REZ2021-00021. Approval of the companion case is required for consideration of this request.

The proposed development is in keeping with the goals of the amended Zoning Ordinance facilitating redevelopment of master-planned communities on appropriately located sites in the county. The reduction in setbacks and parking requirements, as well as the increase in density proposed with this request, would also facilitate development consistent with the vision of the Virginia Center Commons Design Charrette, as well as the proposed Form-Based Alternative Overlay District, which is part of the overall update to the Zoning and Subdivision Ordinances.

The applicant has submitted details indicating the requested increase in residential density, and reduction in building setbacks and parking requirements would, in general, not be detrimental to the surrounding area and are not anticipated to negatively impact public infrastructure. The applicant is not proposing any commercial uses as part of this request, which is allowed as part of the revised zoning ordinance.

Properly designed and conditioned, the proposed development would contain high-quality design elements and allow the introduction of additional housing types as part of the redevelopment of Virginia Center Commons. For these reasons, staff supports this subject to the conditions in Section IV of this report.

The Planning Commission recommended approval at their April 15, 2021 meeting.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject site contains the JC Penney department anchor and associated parking on the north side of Virginia Center Commons mall. The site, as well as most surrounding properties, is zoned B-3C. The Board of Supervisors recently approved a rezoning to R-6C for a 75-unit townhouse development just west of the site. The applicant has submitted companion request REZ2021-00021 to rezone the property to R-6C to develop up to 500 apartments. The attached concept plan shows how the site would be developed. Architectural elevations and character images showing potential design elements have also been provided.

The applicant proposes to modify the standards of the R-6 District regarding setbacks and density in a manner generally in keeping with the draft regulations of the Form-Based Alternative Overlay District, which are included in the anticipated updates to the Henrico County Zoning Ordinance. The Planning Commission recommended approval of these updates on February 9, 2021; however, adoption of the updated ordinance is not anticipated until later in this year. To allow for redevelopment consistent with the vision of the Virginia Center Commons Design Charrette to begin, the applicant proposes to develop under the standards of a master planned community in the R-6 district to establish design requirements generally consistent with the draft overlay district.

These modifications to existing R-6 code requirements are allowed by provisional use permit in accordance with zoning ordinance amendments approved by the Board of Supervisors in July 2019. These amendments contemplated redevelopment consistent with urban development trends that were unable to meet existing R-6 requirements for setbacks, building height, and density, as R-6 District requirements are more reflective of a suburban development pattern.

Specifically, the applicant's PUP request would allow the site to be developed with an increased residential density of 65.2 units per acre, where the R-6 District permits a maximum density of 19.8 units per acre. No residential density limitations are included in the draft overlay, where density would instead be limited through setbacks, lot coverage, and building height. To ensure impacts on public facilities are not negatively impacted by the proposed increase in density staff has requested additional information on the breakdown of unit types to better understand potential impacts on area schools.

Reduced setbacks are also proposed as shown on the master plan and supporting documents. The setbacks, streetscape, and building height proposed with this application are generally in keeping with the draft overlay and would help establish the more urban form of development anticipated by the design charrette and draft overlay.

Parking would be modified by reducing standards for the subject site to be more consistent with the draft overlay district and would be similar to the requirements of the Urban Mixed-Use District, which are being used at a similar mall redevelopment site, Regency. Due to the surplus of parking on the Virginia Center Commons site some required parking could be located off-site as part of the parking plan referenced in Condition 7.

The submitted documents indicate the proposed buildings and site development would provide a level of quality consistent with other recent developments in the county while also allowing a more urban form of development than would otherwise be possible. Because of this similarity, the recommended conditions are in keeping with those proposed for other recent developments of this type.

Overall, a more urban form of residential development would be in keeping with the goals of the recent zoning ordinance amendment, the Virginia Center Commons Design Charrette, and draft Form-Based Alternative Overlay District. The proposed conditions, along with the proffered conditions proposed with REZ2021-00021, should minimize negative impacts on adjacent properties and ensure a level of quality consistent with other recent developments in the county. For these reasons, staff supports this request subject to the following conditions:

1. **Master Plan.** All development on the property shall be in general conformance with the Master Plan titled "Virginia Center Commons Apartments" by KBJW, unless otherwise approved at the time of Plan of Development review. Setbacks and development standards, including building height, shall be consistent with the document titled "R-6 MFR Requirements versus Master Plan Requirements."

2. **Architectural Design.** Any new buildings shall be constructed in general conformance with the architectural elevations by 2PA, unless otherwise approved at the time of Plan of Development Review.

3. **Density.** No more than 500 new residential units shall be constructed on the property, consistent with the approved Master Plan.

4. **Unit Type.** No more than seventy-five (75) three-bedroom or greater units shall be permitted within the Provisional Use Permit area.

5. **Sidewalks.** Sidewalks shall be provided in the manner shown on the concept plan.

6. **Pedestrian Lighting.** Site lighting shall be designed to provide lighting for pedestrians along adjacent roadways and internal project areas in a manner approved at the time of lighting plan review. Pedestrian-scaled lighting shall be consistent with the urban nature of the development.

7. **Parking Plan.** Parking may be reduced in accordance with the shared parking document titled "Virginia Center Commons – J.C. Penny Parcel."

   a. Any plan of development submitted for the property shall include a tabulation of all parking required per a licensed engineer's determination. Shared parking information, including updates to the parking calculations demonstrating the parking rate is meeting the needs of approved development on the property, shall be provided with each plan of development or as requested by the Director of Planning.
   b. Parking within 660 feet of the property may be used to satisfy minimum parking requirements for the development. Each plan of development shall identify the availability and ownership of off-site spaces used to meet minimum parking requirements.

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

9. **Proffers.** All proffers accepted with rezoning case REZ2021-00021 shall be made a part of this Provisional Use Permit.

The Planning Commission recommended approval at their April 15, 2021 meeting.

V. COMPREHENSIVE PLAN ANALYSIS:

2026 Comprehensive Plan Recommendation:
The 2026 Comprehensive Plan's recommended future land use for the site is Commercial Arterial. While not fully consistent with this designation, the addition of residential uses and requested design modifications would serve other goals of the Comprehensive Plan.

Vision, Goals, Objectives, and Policies:
This request is most consistent with the following goals, objectives, and policies of the 2026 Comprehensive Plan.

- Land Use & Community Character Objective 3: Encourage new growth and development that takes into account location and availability of infrastructure and services.
- Land Use & Community Character Objective 8: Encourage diverse mixtures and forms of development to support the economic tax base of the county.
- Land Use & Community Character Objective 16: The County will increase the quantity of housing units near employment centers.
- Land Use & Community Character Objective 22: The County will encourage complementary multi-family residential areas that enhance overall land use development through their proximity to an arterial roadway, shopping areas and primary service facilities.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Departmental comments and other site considerations are included in Section VI of the staff report for the companion rezoning request (REZ2021-00021).

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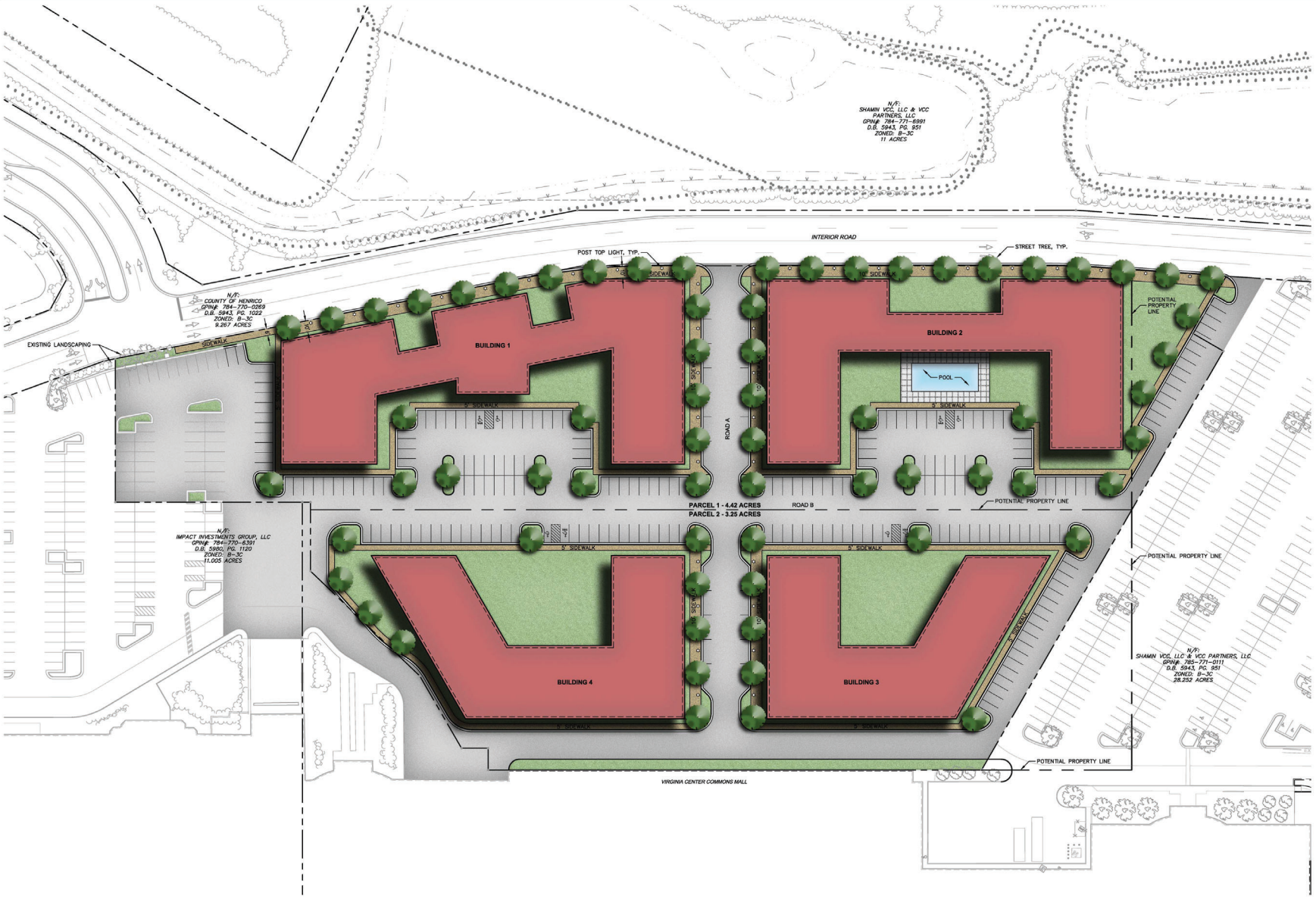

SITE DATA

OWNER:	SHAMIN VCC, LLC & VCC PARTNERS, LLC
MAP REFERENCE:	GPIN: 784-771-9755
PARCEL AREA:	7.67 ACRES
MAGISTERIAL DISTRICT:	FAIRFIELD
EXISTING USE:	SHOPPING CENTER
PROPOSED USE:	APARTMENTS
EXISTING ZONING:	B-3C
PROPOSED ZONING:	R-6

REQUIRED BUILDING SETBACKS

FRONT YARD:	0 FEET (MINIMUM)
SIDE YARD:	0 FEET (MINIMUM)
REAR YARD:	5 FEET (MINIMUM)

1. NO RV PARKING SHALL BE REQUIRED, BUT THE APPLICANT MAY PROVIDE RV PARKING AT THE TIME OF PLAN OF DEVELOPMENT REVIEW.
2. TOTAL ON-SITE PARKING SHOWN IS 279 SPACES. OTHER SPACES PROVIDED OFFSITE PER PARKING PLAN IN THE PROVISIONAL USE PERMIT.
3. ROAD A AND ROAD B MAY BE PUBLIC OR PRIVATE.
4. THE FRONT YARD FOR BUILDINGS THREE AND FOUR SHALL BE ALONG ROAD B.
5. PARKING SPACES MAY BE LOCATED IN A SIDE YARD.
6. PARKING LOT LANDSCAPING SHALL CONSIST OF STREET TREES IN THE LOCATIONS GENERALLY SHOWN ON THE PLAN.
7. THERE SHALL BE NO MINIMUM TOTAL LOT AREA PER FAMILY REQUIREMENT.
8. THERE SHALL BE NO MINIMUM LOT AREA REQUIREMENT.
9. DRIVE-AISLES MAY BE A MINIMUM OF 24' WIDE.
10. SETBACKS SHALL NOT BE MEASURED FROM AN RPA LINE GIVEN THAT THE DEVELOPMENT OF VIRGINIA CENTER COMMONS WAS APPROVED WITHOUT RPA LINES AND REDEVELOPMENT SHALL PROCEED UNDER SEC. 24-106.3(d)(2) BECAUSE (i) CURRENT IMPERVIOUSNESS IS 100% AND THE REDEVELOPMENT IMPERVIOUSNESS WILL BE EQUAL TO OR LESS THAN THE CURRENT IMPERVIOUSNESS, (ii) REDEVELOPMENT IS NOT EXTENDING DEVELOPMENT OUTSIDE OF THE RING ROAD AND (iii) E&S CONTROLS AND COMPLIANCE WILL BE IN PLACE.

GRAPHIC SCALE

40 0 20 40 80

1 inch = 40 feet

KOONTZ BRYANT JOHNSON WILLIAMS
1703 North Parham Road, Suite 202 Henrico, Virginia 23229
(804) 740-9200 FAX (804) 740-7338 www.KBJWgroup.com

EXHIBIT A

PUP2021-00007

VIRGINIA CENTER COMMONS APARTMENTS

CONCEPTUAL SITE LAYOUT #1 (CP-1)

HENRICO COUNTY, VA

DATE:	REVISION DATE	REVISION DESCRIPTION
FEBRUARY 17, 2021	03/22/2021	POTENTIAL PROPERTY LINE
KBJW PROJECT #: 20160-4	03/31/2021	SIDEWALK AND LANDSCAPE REVISION
SHEET #: 1 OF 1		

R-6 MFR Requirements versus VCC (JC Penney Parcel) Plan Requirements

	Area and Density	Min. Total Lot Area	Min Total Lot Area Per Family	Mid. Lot Width	Min Front Yard	Min Side Yards	Min Rear Yard	Min Finished Floor Area	Height (max)	Refuse Containers	RV Parking	Parking	Parking Lot Landscaping	Drive-aisles width	Building Setback from RPA line
Ordinance	12 u/a max	40000 sf	2200 sf	150'	35'	25' (sum: 50")	30'	500 sf	80'	masonry screen; pick up hours 6am-12pm	provide	all on-site	see ordinance requirements	see ordinance requirements	required
Proposed VCC (JC Penny Parcel) development	66 u/a (500 units) max	requirement removed	requirement removed	complies	0' (to allow sidewalks to come to building elevation); Building 3 and 4's front yard will be along Road B	0' (no sum)	5'	each unit will be greater than 500 sf	complies	will follow, if applicable;	optional	portion on-site; remainder off-site in adjacent parking areas within 660' feet; off-site may be relocated to facilitate future redevelopment activities; parking may be in a side yard.	Trees as shown and as may be approved in the landscape plan.	Min of 24' may be used	No required because of vested rights and Sec. 24-106.3(d)(2)

PUP2021-00007

CASE NO _____
VIRGINIA CENTER COMMONS – J.C. PENNY PARCEL

Shared Parking Demand Standard:
The property will provide parking based on a time-based Parking Demand approach. The square footages or units and parking supply required will be considered with each new building for review and comment during the Plan of Development (POD) review with Henrico County.

At the property, the following *Parking Demand* shall be utilized per unit or 1,000sf to determine the minimum required parking:

Land Use	Required Min per Unit or 1,000 SF
Retail	3.0
Office	2.0
Quick Serve Restaurant	5.0
Full Service Restaurant	6.0
Experiential Retail	3.5
Coffee /Café	1.5
Studio Apartment	0.75
1 bedroom Apartment	1.0
2 bedroom Apartment	1.3
3 bedroom Apartment	1.5
Townhouse	1.5

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VIRGINIA CENTER COMMONS

Glen Allen, Virginia

SITE PLANS • PHASING DIAGRAMS • STREETSCAPE DIAGRAMS • INSPIRATION PHOTOS

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1 Master Site Plan - Ground Level
Scale: 1" = 200'-0"

Plan

Virginia Center Commons

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POJECT DATA

4-Story Apartments:
4 Buildings

Building 1:
150 Units
Building 2:
138 Units
Building 3:
106 Units
Building 4:
106 Units

TOTAL UNITS:
500 Units

*Unit lines are illustrative only

1 Site Plan - Ground Level
Scale: 1" = 100'-0"

Plan

N

Virginia Center Commons

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1 Phasing Diagram - Phase I
Scale: N.T.S. Plan

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1 Phasing Diagram - Phase II
Scale: N.T.S.

Plan

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KEY:

1. Landscape Buffer
2. Pedestrian Path
3. 5' Tree Well/Passenger Transition Zone
4. Drive Aisle

Existing ring road lane configuration to remain.

2 Streetscape Key
Scale: 1" = 500'-0" Plan

1 Streetscape Diagram
Scale: N.T.S. Plan

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EXHIBIT B

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KEY:

1. Landscape Butter
2. Pedestrian Path
3. 5' Tree Well/Passenger Transition Zone
4. Parallel Parking
5. Drive Aisle

2 Streetscape Key
Scale: 1" = 500'-0" Plan

1 Streetscape Diagram
Scale: N.T.S. Plan

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EXHIBIT B

PUP2021-00007

KEY:

1. Landscape Buffer
2. Pedestrian Path
3. 5' Tree Well/Passenger Transition Zone
4. Standard Parking
5. Drive Aisle

1 Streetscape Diagram
Scale: N.T.S.
Plan

2 Streetscape Key
Scale: 1" = 500'-0"
Plan

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EXHIBIT B

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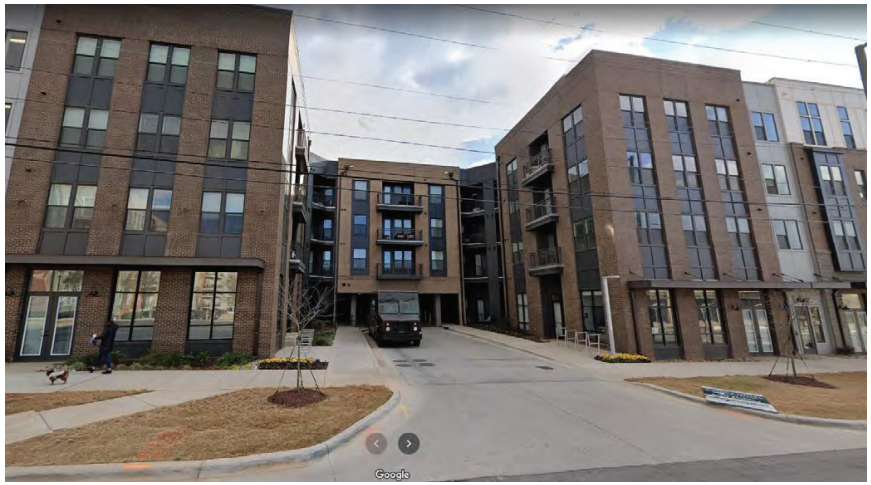

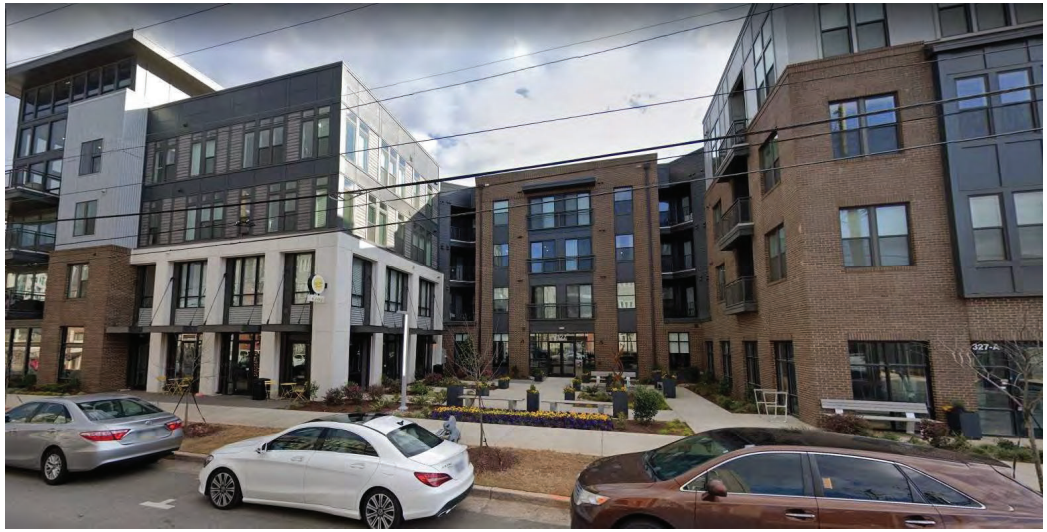

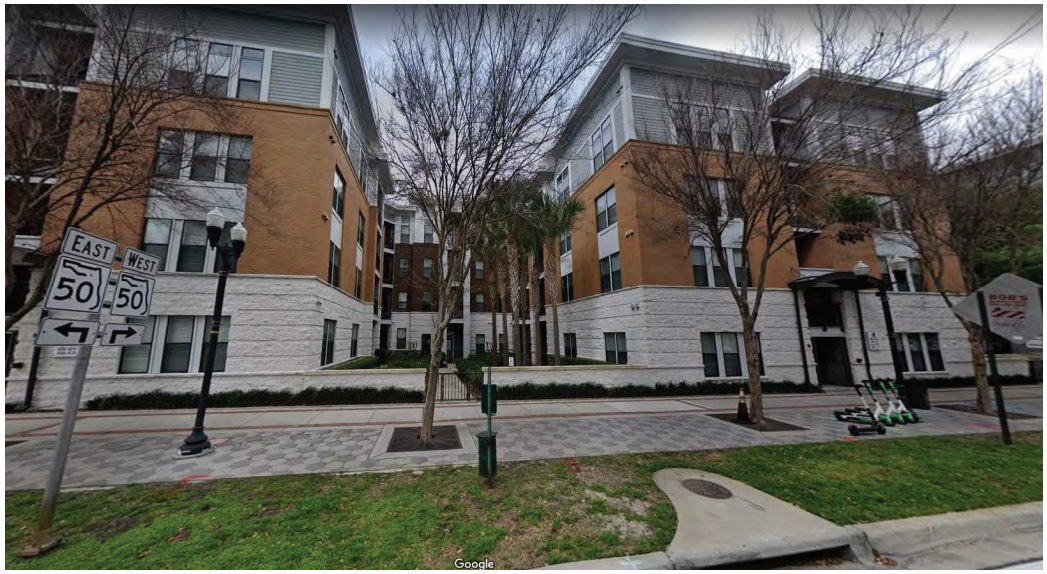

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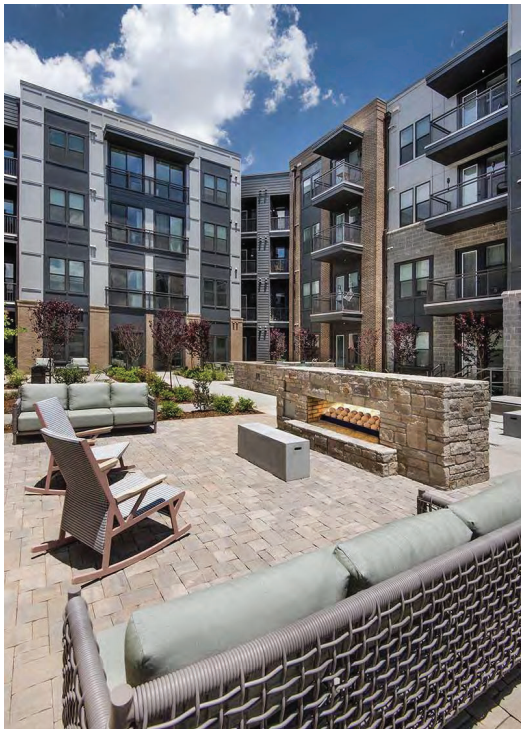

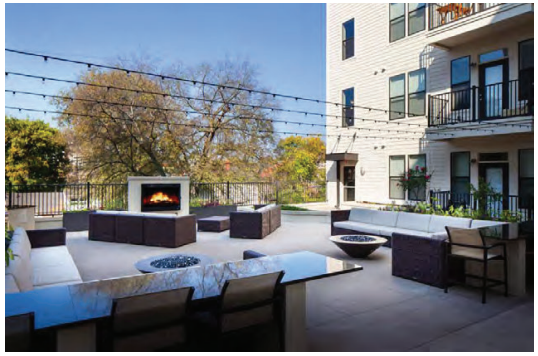

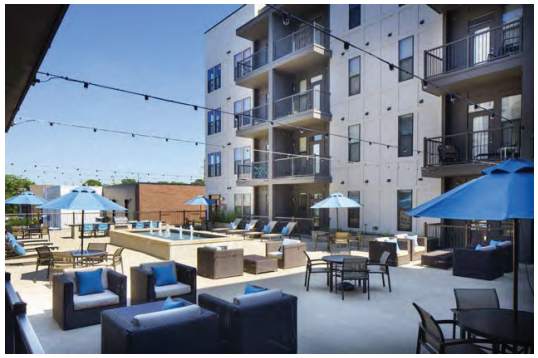

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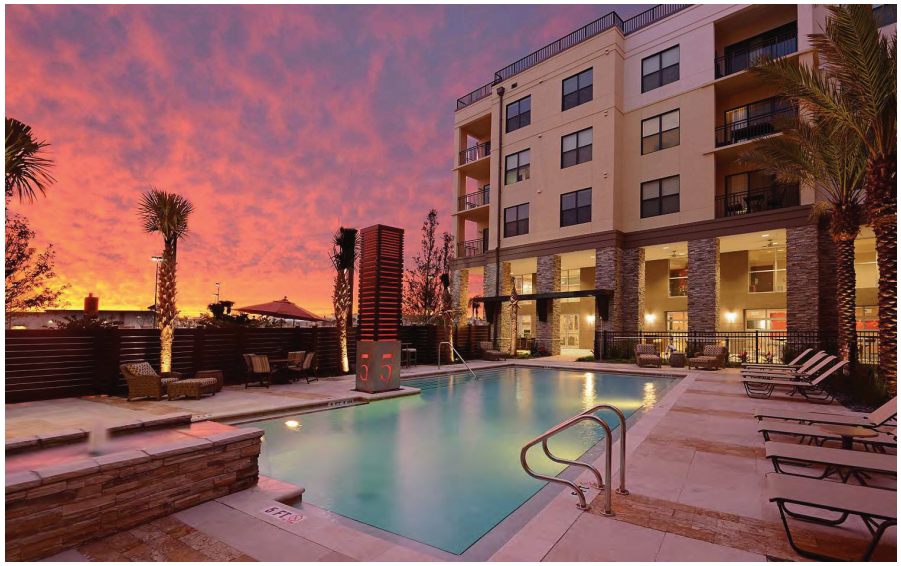

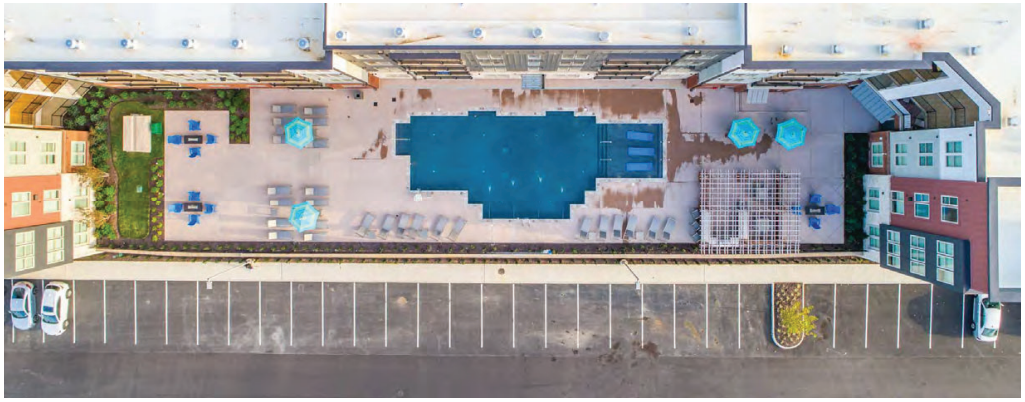

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Virginia Center Commons - Streetscapes

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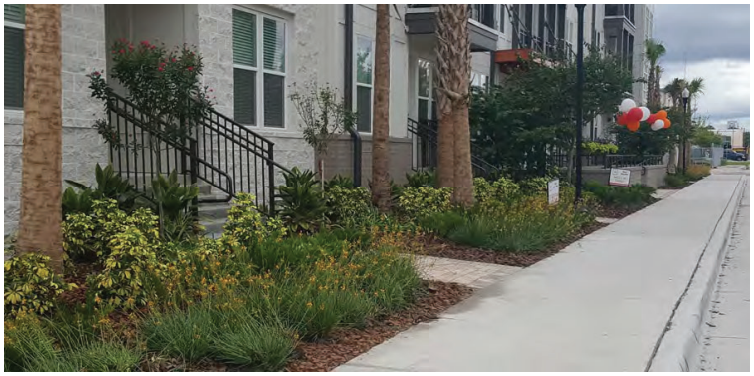

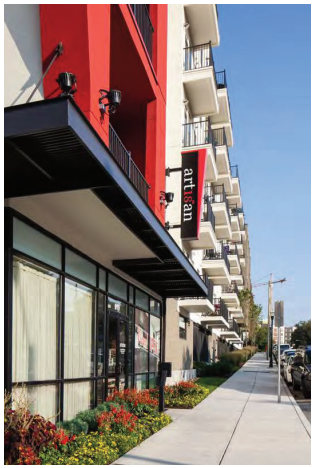

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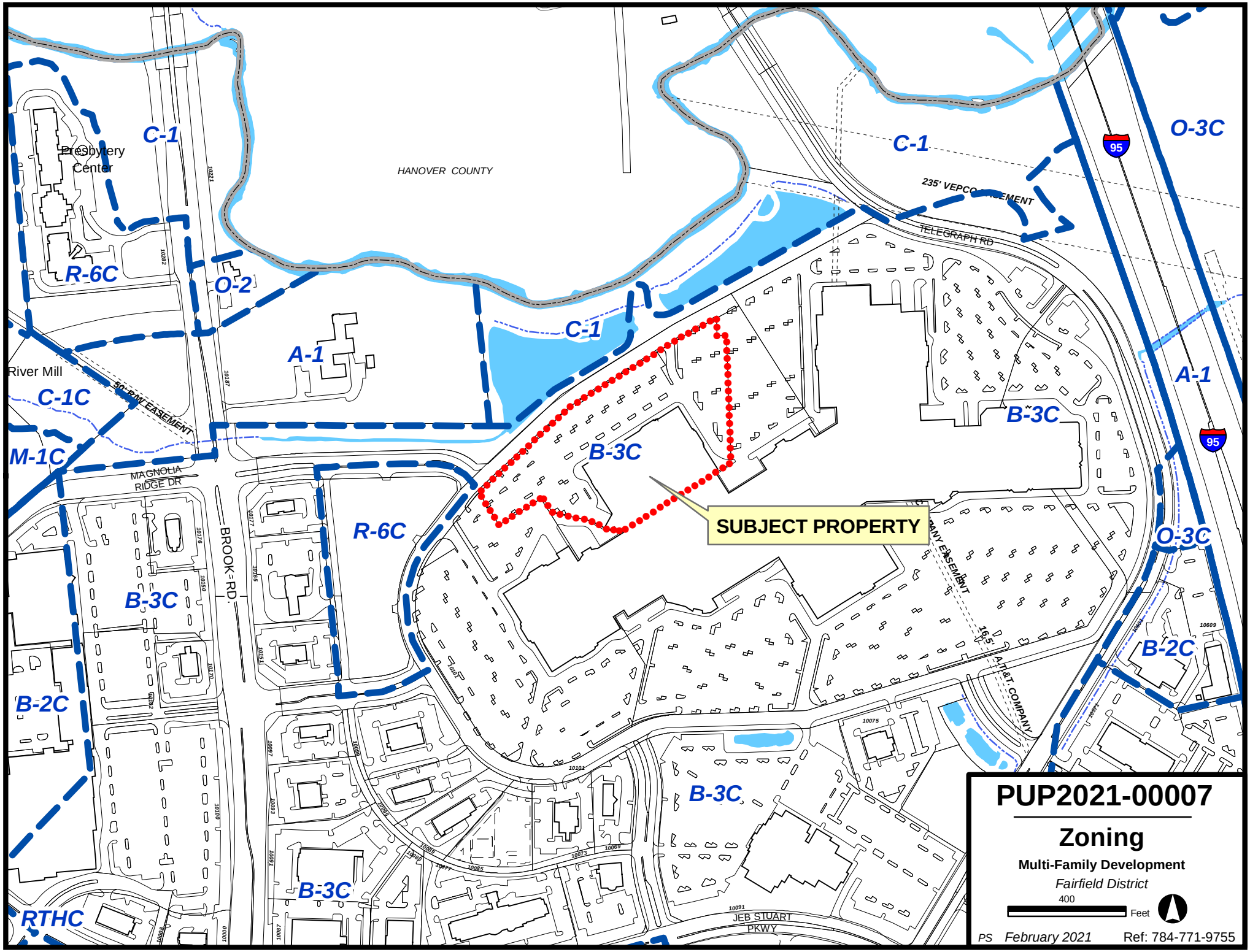

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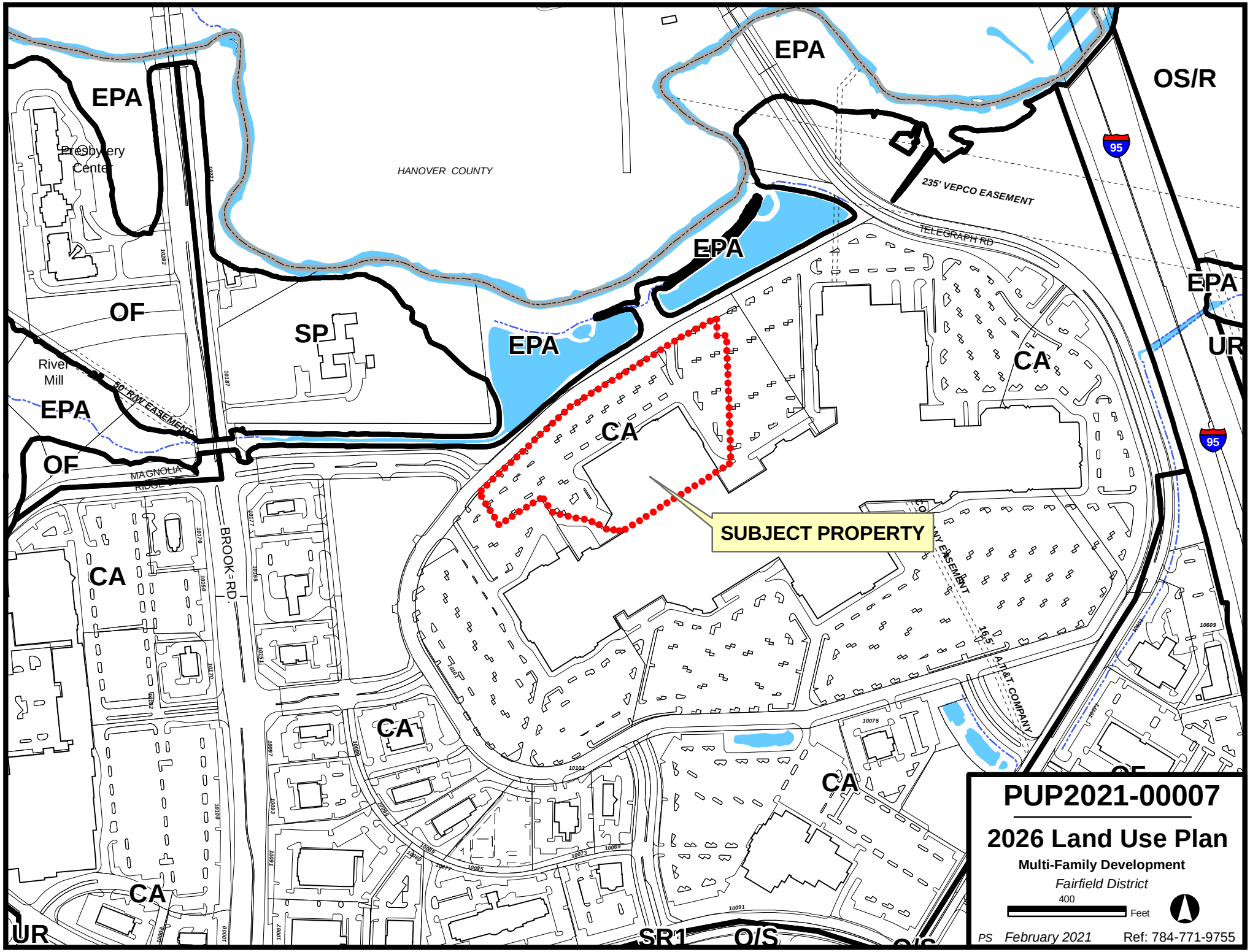
Zoning

Multi-Family Development

Fairfield District

400 Feet

PS *February 2021* Ref: 784-771-9755



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2026 Land Use Plan

Multi-Family Development

Fairfield District

400 Feet

PS *February 2021* Ref: 784-771-9755