PUP2023-00002
Ashley Terrace Realty, LLC

Staff Report for Planning Commission Public Hearing
Prepared February 23, 2023

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 land use matter.

I. PUBLIC HEARINGS:

***Planning Commission*:** March 9, 2023 Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request: Provisional Use Permit (PUP) for master-planned development

Existing Zoning: B-2 Business District and R-5 General Residence District

Total Acreage: .8.196 acres

Proposed Use: Master-planned development with multifamily dwellings and accessory solar uses

Location: East line of Chamberlayne Road approximately 800' north of its intersection with Brook Hill Circle

Magisterial District: Fairfield

Comprehensive Plan Recommendations: Commercial Concentration

Parcel No.: 788-747-4162 and 788-747-5728

Zoning of Surrounding Properties:

North:	R-5 General Residence District
South:	R-5 General Residence District (Ashley Terrace Apartments) and B-2C Business District (Conditional)
East:	R-5 General Residence District (Village at the Arbors Apartments)
West:	A-1 (I-95 corridor) and B-2C Business District (Conditional)

Staff Contact: Michael Morris (501-4635)

III. SUMMARY OF STAFF REPORT:

The applicant is requesting approval of this provisional use permit (PUP) to allow modification of several design standards for a proposed multi-family development on 8.196 acres on Chamberlayne Road, north of its intersection with Brook Hill Circle. A companion case to rezone the property from B-2 Business District and R-5 General Residence District to R-6C General Residence District (Conditional) (REZ2023-00003) is pending and proposes development of no more than 186 residential units, amenity areas, and an accessory solar facility. Approval of the companion case is required for consideration of this request.

The proposed development is generally in keeping with the goals of the Zoning Ordinance facilitating the development and redevelopment of multi-family communities in appropriately located sites in the county. In addition, proffers submitted by the applicant help mitigate negative impacts and the modifications for residential density and transitional buffers would not be detrimental to the surrounding community. Should the applicant address items identified in the companion rezoning request and the Commission deem the proposal reasonable, staff could recommend approval of this request subject to the conditions outlined in Section IV.

The applicant has scheduled a virtual community meeting for February 28, 2023.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject property is the site of a former hotel that was removed in 2021 and a single-family residence, which was removed in 2020. A large, paved area in poor state of repair is now present on the property. The site is located on the east line of Chamberlayne Road, north of its intersection with Brook Hill Circle, and stretches east to Crenshaw Road. Multi-family uses zoned R-5 are found to the south and east, with an office building located to the north split between R-5 and O-2 Office District. A hotel, zoned B-2C Business District (Conditional), is located to the southwest of the site. The Chamberlayne Road and Interstate 95 corridor sits to the west of the subject property.

The applicant has a pending application, REZ2023-00003, to rezone the property from B-2 and R-5 to R-6C to redevelop the site for multi-family use with no more than 186 residential units. The attached concept plan, fencing plan, and character exhibit illustrate how the site would be developed. These exhibits show three buildings, one four-story and a second three-story residential building, with a standalone office/clubhouse. A central amenity area would be provided between the three buildings and surface parking is shown throughout the site. Primary access would be provided at Chamberlayne Road, with a second, controlled access to the rear of the property at Crenshaw Road.

With this request, the applicant proposes a proffered residential density of 22.69 units per acre for the entire development. For reference, the two closest multi-family developments have a density of 12.83 units/acre (Village at the Arbors) and 9.79 units/acre (Ashley Terrace Apts). This requested density would exceed the R-6 District limit of 19.8 units per acre, but would be in keeping with other multi-family communities recently constructed or proposed in the county and could be reasonable given the property's proximity to I-95 and major arterials, and neighboring multi-family developments. The density could also allow a level of quality that would otherwise be difficult to achieve.

Transitional Buffer reductions would be necessary to accommodate the development as shown. While buffer reductions and alternatives are available through provisions of the Zoning

Ordinance, the applicant has requested buffer reductions as part of this application to ensure the proposed development can be constructed as proposed. Specifically, the applicant has requested a reduction of the required Transitional Buffer 25 along the northern (minimum 15' wide), eastern (minimum 10' wide), and southern (minimum 12' wide) property lines to accommodate the parking lots and solar facility, as shown on the concept plan. The applicant is also requesting to forego the planting of trees, as required by transitional buffer standards, along the southern and eastern property line, immediately adjacent to the solar facility as identified on the concept plan. As this reduction in plantings would directly impact the neighboring multi-family property and right-of-way, staff recommends addressing any reduction in the amount of transitional buffer plantings through the applicable transitional buffer reductions at the time of plan of development. To address the reduction in transitional buffer widths, staff proposes Condition 9, which would modify the minimum Transitional Buffer 25 width while still requiring the number of plantings outlined in the zoning ordinance, unless otherwise approved at the time of plan of development.

The proposed development would be consistent with other, recent multi-family developments and would be a similar use to surrounding properties. Changes proposed through this provisional use permit are relatively minimal and intended to facilitate a density that could ensure a level of quality not otherwise available. These changes are also not anticipated to run counter to the existing character and pattern of development in the area.

The submitted documents indicate the proposed building and site development would provide a level of quality consistent with other recent developments in the county. Because of this similarity, the recommended conditions are in keeping with those proposed for other recent developments of this type. Should the applicant address those items outlined in the companion rezoning request and the Planning Commission deem this request reasonable and recommend its approval, staff would recommend the conditions below.

1. Proffered Conditions. All proffered conditions accepted with case REZ2023-00003 must also be made part of this Provisional Use Permit.

2. Master Plan. All development on the property must be in general conformance with the Master Plan titled "Schematic Site Plan 5701 Chamberlayne Road" dated February 22, 2023 prepared by VHB, unless otherwise approved at the time of Plan of Development review.

3. Architectural Design. Any new buildings must be constructed consistent with the elevations titled "Exhibit B" dated December 15, 2022, unless otherwise approved at time of Plan of Development review.

4. Fencing. Fencing must be provided as shown on the "Fence Location" plan, titled "Exhibit C" dated February 20, 2023, unless otherwise approved at time of Plan of Development review.

5. Sidewalks. Sidewalks must be provided along all public street frontages, and internal pedestrian connections from new development areas must be provided to such sidewalk, unless otherwise approved at time of Plan of Development review.

6. Pedestrian Lighting. Site lighting must be designed to provide lighting for pedestrians along adjacent public roadways and internal project areas in a manner approved at the time of lighting plan review.

7. Amenities. Amenities consistent with the Master Plan and proffers must be provided on the property in a manner determined at the time of plan of development review.

8. Residential Recycling Facilities. Recycling must be provided for the multi-family development for so long as the County either provides or sponsors some form of recycling. Outside recycling and refuse collection area(s) provided must comply with the requirements set forth in section 24-4428 of the Zoning Ordinance.

9. Transitional Buffer Reduction. Transitional Buffer widths may be reduced from those otherwise required by the zoning ordinance, but in no case shall they be less than those identified herein: the minimum width for the northern property line shall be 15', the minimum width for the eastern property line shall be 10', and the minimum width of the southern property line shall be 12', or as otherwise approved at time of Plan of Development. Planting levels must be consistent with those required by the zoning ordinance, unless otherwise approved at the time of landscape plan approval.

10. Solar Arrays. Primary use of electricity from the accessory solar panels must serve the residential and associated uses on the Property. At the time of plan of development review, the applicant must indicate how electricity generated by the solar arrays on-site will be used to offset utility costs for residents of the Property.

11. Solar Array Height. Ground-mounted solar arrays must not exceed 6' in height.

12. Solar Array Fencing. The solar array must be completely enclosed by opaque fencing and locked gates that are at least six feet high and must provide warning signs at each access point to the array facility. The fencing must be maintained in good condition and screened from adjacent streets by landscaping material, as identified at the time of plan of development review. Adequate access for maintenance of all ground-mounted solar arrays must be provided.

13. Solar Array Utility Lines. Except for existing transmission lines and collector utility structures, all utilities associated with the solar array must be located underground.

14. Solar Array Decommissioning Plan. Prior to plan of development approval, the applicant must submit a final decommissioning plan that describes the timeline and manner in which the project will be decommissioned and the Property restored to a condition similar to its condition prior to the establishment of the facility.

15. Solar Array Operation. The solar array facility must be maintained in good working order. If the solar array ceases operation for a period of 18 consecutive months, the County will deem it abandoned and will provide written notice of abandonment to the owner. Within 180 days after notice of abandonment is provided, the owner must either complete all decommissioning activities and site restoration in accordance with the decommissioning plan for the array or resume regular operation of the array.

16. Open Space. Minimum open space requirements outlined by the zoning ordinance must be provided, unless otherwise approved at the time of plan of development.

V. COMPREHENSIVE PLAN ANALYSIS:

Land Use Plan Recommendation:

The 2026 Comprehensive Plan recommends Commercial Concentration for the subject site. While not consistent with this designation, the addition of residential uses would serve other goals of the Comprehensive Plan.

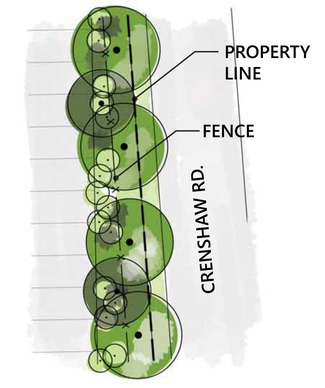
Vision, Goal, Objectives, and Policies:
This request is consistent with the following Goals, Objectives and Policies of the 2026 Comprehensive Plan:

- Infrastructure/Service Provision and Growth Coordination Objective 2: The county will plan for development in a manner that minimizes strain on existing facilities and service areas.
- Land Use and Community Character Goal 6: The county will have portions of the county which are currently developed that offer opportunities for redevelopment, infill and intensification to take advantage of existing infrastructure, services and utilities.
- Land Use & Community Character Objective 3: The county will encourage new growth and development that takes into account location and availability of infrastructure and services.
- Land Use and 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 IV of the staff report for the companion rezoning request (REZ2023-00003).

Exhibit A



CONCEPTUAL BUFFER
ALONG CRENSHAW AT MULTI-FAMILY

vhb

schematic site plan
5701 CHAMBERLAYNE ROAD

CHAMBERLAYNE ROAD · HENRICO COUNTY · VIRGINIA · FEBRUARY 22, 2023
DEVELOPER: SPYROCK REAL ESTATE GROUP · CRESCENT DEVELOPMENT

50'
50' 0 100'
GRAPHIC SCALE: 1" = 50'

NORTH

PUP2023-00002

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Exhibit C

Fence Location

Sliding Gate

Location for
Opaque Fence

Location for
Security Chain Link

vhb

schematic site plan

5701 CHAMBERLAYNE ROAD

CHAMBERLAYNE ROAD · HENRICO COUNTY · VIRGINIA · FEBRUARY 20, 2023

DEVELOPER: SPYROCK REAL ESTATE GROUP · CRESCENT DEVELOPMENT

50' 0 50' 100'

GRAPHIC SCALE: 1" = 50'

NORTH

EXHIBIT C

PUP2023-00002

R-6 MF Requirements versus Chamberlayne Master Plan Requirements

	Area and Density	**Open Space Types for 20% required**	**Transitional Buffer when adjacent to R-5 - Northern Property Line**	**Transitional Buffer when adjacent to R-5 - Eastern Property Line (excluding solar area)**	**Transitional Buffer when adjacent to R-5 - Solar Area (east and southern)**
Ordinance	19.8 u/a max	List qualifying types of open space	TB25 with 25' wide buffer	TB25 with 25' wide buffer	TB25 with 25' wide buffer
Proposed Chamberlayne R-6 MF Project	23 u/a max	Add additional qualifying type: land improved with solar generating facilities	Min. 15' and planted with TB25 plants, unless alternative landscape plan approved at POD review, with fence per perimeter fence proffer	Min. 10' and planted with TB25 plants, unless alternative landscape plan approved at POD review, with fence per perimeter fence proffer	Min. 12' and planted with only TB25 shrubs (no trees), unless alternative landscape plan approved at POD review, with fence per perimeter fence proffer

Note: See proffers for landscaping, pedestrian path, and pedestrian lighting along Chamberlayne Road Service Road frontage.

Summary:

Net-metered solar, as an accessary use to new, affordable housing, furthers the County's stated goals of solar generation, reinvestment in County-designated derelict properties (like this one) and housing affordability. Reinvestment in this derelict property also creates an opportunity for the County to recoup the County-money spent to remove an inhabitable building from the subject property. This project builds on the momentum the County started with Green City and the recently approved solar generation on county property.

Narrative:

In 2019, Henrico County released a list of properties designated by the County as derelict and instituted a real estate tax abatement program to stimulate the redevelopment of the properties. The applicant reviewed the County's published list and identified the subject property, 5701 Chamberlayne, as a redevelopment opportunity to further the County's stated goal. The applicant then spent the next 3+ years seeking to convince the owner to sell. The owner finally agreed near the end of last year and the property was put under contract.

Henrico County placed liens on the subject property. The applicant understands the liens are in place to allow Henrico County to recoup the money the County spent to demolish the old, inhabitable hotel on the subject property.

The sale price in the contract will repay Henrico County the amount the seller owes, plus the additional funds required to motivate the owner to sell. A sale of the land is the only way Henrico County will be repaid. The required sales price drives the density the applicant is requesting.

Planning staff also asked the applicant to acquire 5700 Crenshaw Avenue. Planning did not want 5700 Crenshaw Avenue left as an undeveloped "donut hole". The applicant listened to Planning and entered into a contract to purchase 5700 Crenshaw Avenue as well.

Initial discussions with Planning and initial thinking by the applicant envisioned additional density on 5700 Crenshaw Avenue. At the same time, discussions with Planning left the applicant with the impression that Planning would like to see something unique with the project.

The applicant saw an opportunity to add a unique feature to this project. This unique feature is being encouraged by the Federal Government in the Inflation Reduction Act ("IRA") enacted last year. The IRA encourages the incorporation of solar in projects that seek to expand the supply of affordable housing.

The applicant created a land use plan that incorporates solar as an accessary use. The solar panels will provide the project with the electricity needed for the project. The solar panels will be connected on a net-metering basis. These solar panels will not be a community solar generation facility.

Based on feedback from Planning, the applicant reduced the height of one of the buildings from 5 stories to 4 stories. The requested density was reduced. The need to pay off the County's lien and maintain the owner's motivation to sell inhibits going any lower.

Also, based on feedback from planning, the applicant adjusted the layout and provides parking at 2 spaces per unit.

The applicant hopes this explanation on the factors and considerations that went into this request will benefit staff, the Planning Commission and the Board of Supervisors in supporting the project. The applicant believes this proposal furthers the Board's stated goals for the derelict properties, allows the County to recoup its money, and creates a unique housing environment where solar provides the electricity in furtherance of governmental policy goals at the Federal level and at Henrico (e.g. Green City; solar general on County property).

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Design 3 (with clubhouse but no carport) Chamberlayne REV8, 5701 chamberlayne road

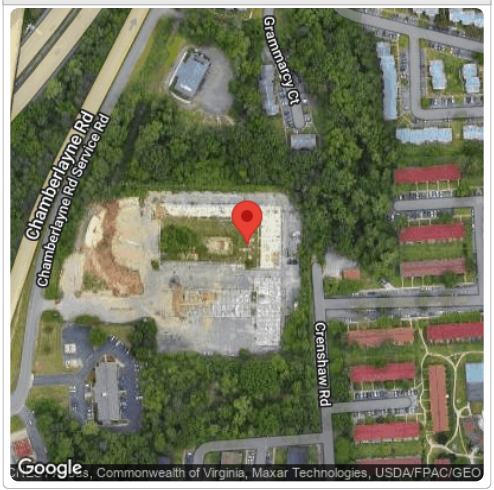
Report

Project Name	Chamberlayne REV8
Project Description	Updated based on newest conceptual building design.
Project Address	5701 chamberlayne road
Prepared By	Chris Page cpage@cmwpower.com

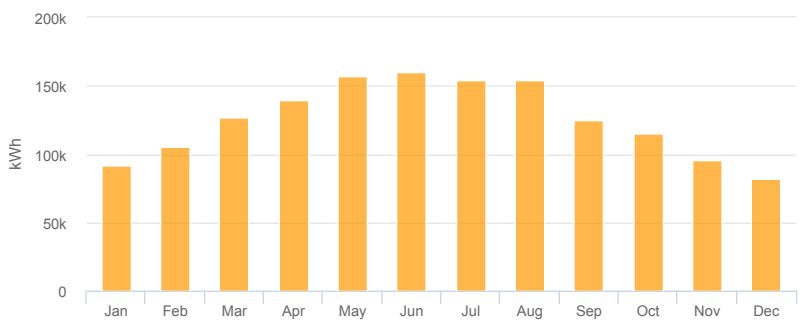
System Metrics

Design	Design 3 (with clubhouse but no carport)
Module DC Nameplate	1.04 MW
Inverter AC Nameplate	807.6 kW Load Ratio: 1.29
Annual Production	1.507 GWh
Performance Ratio	81.5%
kWh/kWp	1,448.1
Weather Dataset	TMY, 10km Grid (37.65,-77.45), NREL (prospector)
Simulator Version	6b6e0b31b1-f32298a0b5-8aea3faec0-3d74c0f4ab

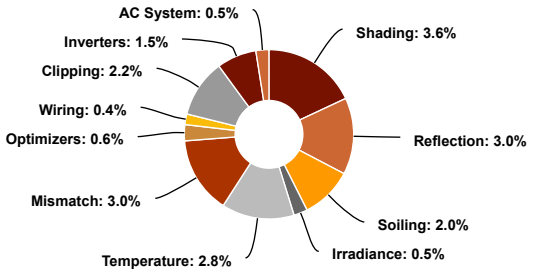
Project Location



Monthly Production



Sources of System Loss



Annual Production

	Description	Output	% Delta
Irradiance (kWh/m²)	Annual Global Horizontal Irradiance	1,593.9	
	POA Irradiance	1,776.1	11.4%
	Shaded Irradiance	1,711.6	-3.6%
	Irradiance after Reflection	1,661.1	-3.0%
	Irradiance after Soiling	1,627.8	-2.0%
	Total Collector Irradiance	**1,627.8**	**0.0%**
Energy (kWh)	Nameplate	1,693,543.3	
	Output at Irradiance Levels	1,684,608.1	-0.5%
	Output at Cell Temperature Derate	1,637,508.1	-2.8%
	Output After Mismatch	1,589,130.8	-3.0%
	Optimizer Output	696,950.5	-0.6%
	Optimal DC Output	1,572,784.0	-0.4%
	Constrained DC Output	1,537,737.8	-2.2%
	Inverter Output	1,514,232.3	-1.5%
	Energy to Grid	**1,506,661.2**	**-0.5%**
Temperature Metrics			
	Avg. Operating Ambient Temp	16.6 °C	
	Avg. Operating Cell Temp	25.4 °C	
Simulation Metrics			
	Operating Hours	4649	
	Solved Hours	4649	

Condition Set

Description	Condition Set 1
Weather Dataset	TMY, 10km Grid (37.65,-77.45), NREL (prospector)
Solar Angle Location	Meteo Lat/Lng
Transposition Model	Perez Model
Temperature Model	Sandia Model

Temperature Model Parameters

Rack Type	a	b	Temperature Delta
Fixed Tilt	-3.56	-0.075	3°C
Flush Mount	-2.81	-0.0455	0°C
East-West	-3.56	-0.075	3°C
Carport	-3.56	-0.075	3°C

Soiling (%)

J	F	M	A	M	J	J	A	S	O	N	D
2	2	2	2	2	2	2	2	2	2	2	2

Irradiation Variance	5%
Cell Temperature Spread	4° C
Module Binning Range	-2.5% to 2.5%
AC System Derate	0.50%

Module Characterizations

Module	Uploaded By	Characterization
Q.peak DUO XL-G10.3 480 (Hanwha Q Cells)	HelioScope	Spec Sheet Characterization, PAN
Q.PEAK DUO XL-G11.3/BFG 585 (Hanwha Q Cells)	HelioScope	Spec Sheet Characterization, PAN

Component Characterizations

Device	Uploaded By	Characterization
P1101 (SolarEdge)	HelioScope	Mfg Spec Sheet
SE80KUS (2022) (SolarEdge)	HelioScope	Spec Sheet
SE120KUS (2022) (SolarEdge)	HelioScope	Spec Sheet
SE7600H-US (240V) (SolarEdge)	HelioScope	Spec Sheet
XGI 1500 200/200-480 (Solectria Solar)	HelioScope	Spec Sheet

Components

Component	Name	Count
Inverters	SE80KUS (2022) (SolarEdge)	2 (160.0 kW)
Inverters	SE120KUS (2022) (SolarEdge)	2 (240.0 kW)
Inverters	SE7600H-US (240V) (SolarEdge)	1 (7.60 kW)
Inverters	XGI 1500 200/200-480 (Solectria Solar)	2 (400.0 kW)
Home Runs	4 AWG (Copper)	7 (628.5 ft)
Combiners	1 input Combiner	1
Combiners	6 input Combiner	2
Combiners	8 input Combiner	2
Combiners	9 input Combiner	1
Combiners	10 input Combiner	1
Combiners	12 input Combiner	2
Strings	10 AWG (Copper)	72 (16,826.2 ft)
Optimizers	P1101 (SolarEdge)	798 (877.8 kW)
Module	Hanwha Q Cells, Q.PEAK DUO XL-G11.3/BFG 585 (585W)	1,767 (1.03 MW)
Module	Hanwha Q Cells, Q.peak DUO XL-G10.3 480 (480W)	14 (6.72 kW)

Wiring Zones

Description	Combiner Poles	String Size	Stringing Strategy
Building 1 Wiring	-	13-26	Along Racking
Ground Array	-	18-25	Along Racking
Building 2 Wiring	-	13-26	Along Racking
clubhouse	-	13-14	Along Racking

Field Segments

Description	Racking	Orientation	Tilt	Azimuth	Intrarow Spacing	Frame Size	Frames	Modules	Power
Ground Array	Fixed Tilt	Portrait (Vertical)	30°	177.04698°	15.0 ft	2x1	488	976	571.0 kW
Building 1 4 Stories	Fixed Tilt	Landscape (Horizontal)	5°	181.68286°	0.6 ft	1x1	489	489	286.1 kW
Building 2 3 Stories	Fixed Tilt	Landscape (Horizontal)	5°	181.68286°	0.6 ft	1x1	302	302	176.7 kW
clubhouse	Flush Mount	Portrait (Vertical)	27°	181°	0.6 ft	1x1	8	8	3.84 kW
clubhouse 2	Flush Mount	Portrait (Vertical)	19°	271°	0.6 ft	1x1	6	6	2.88 kW

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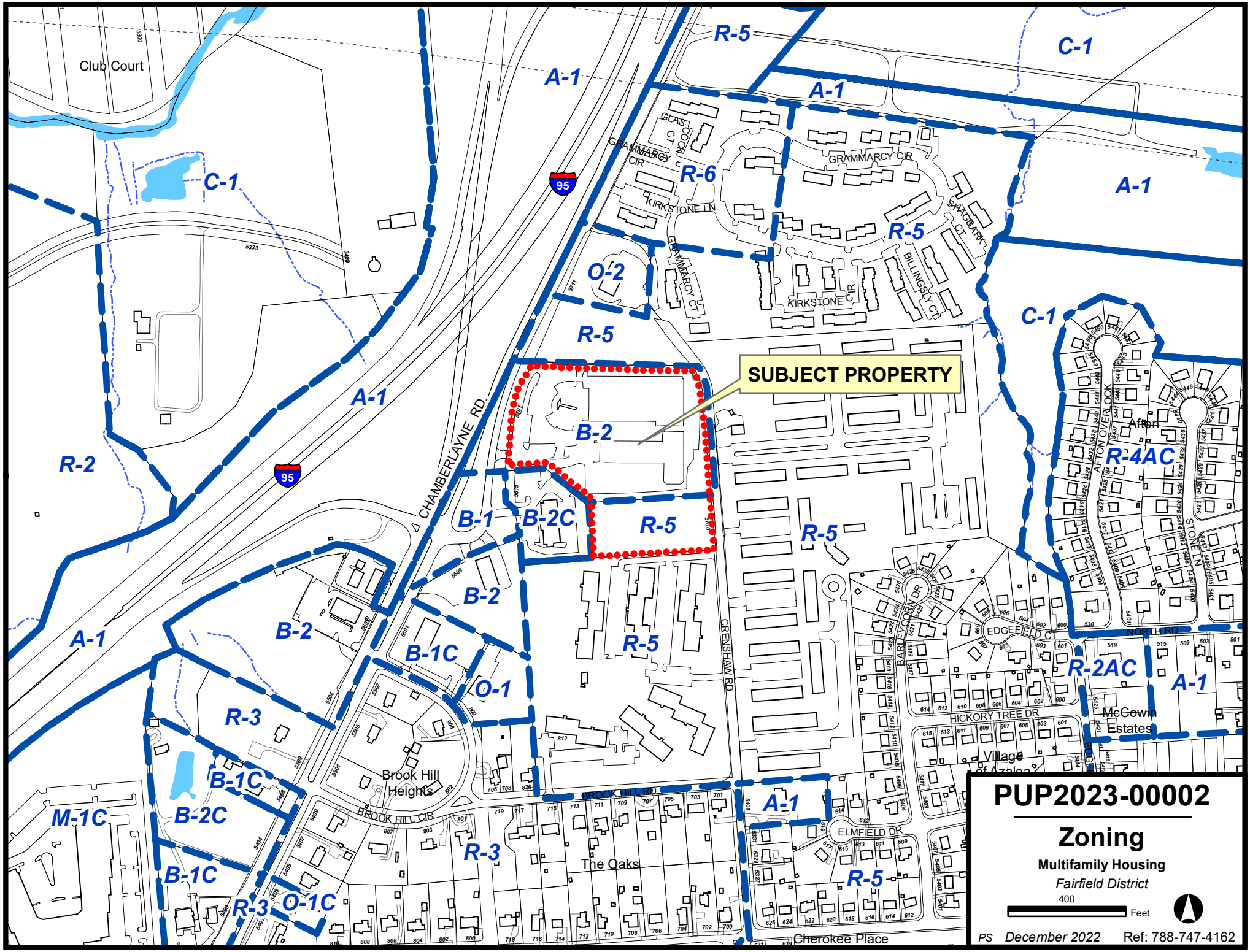
Detailed Layout



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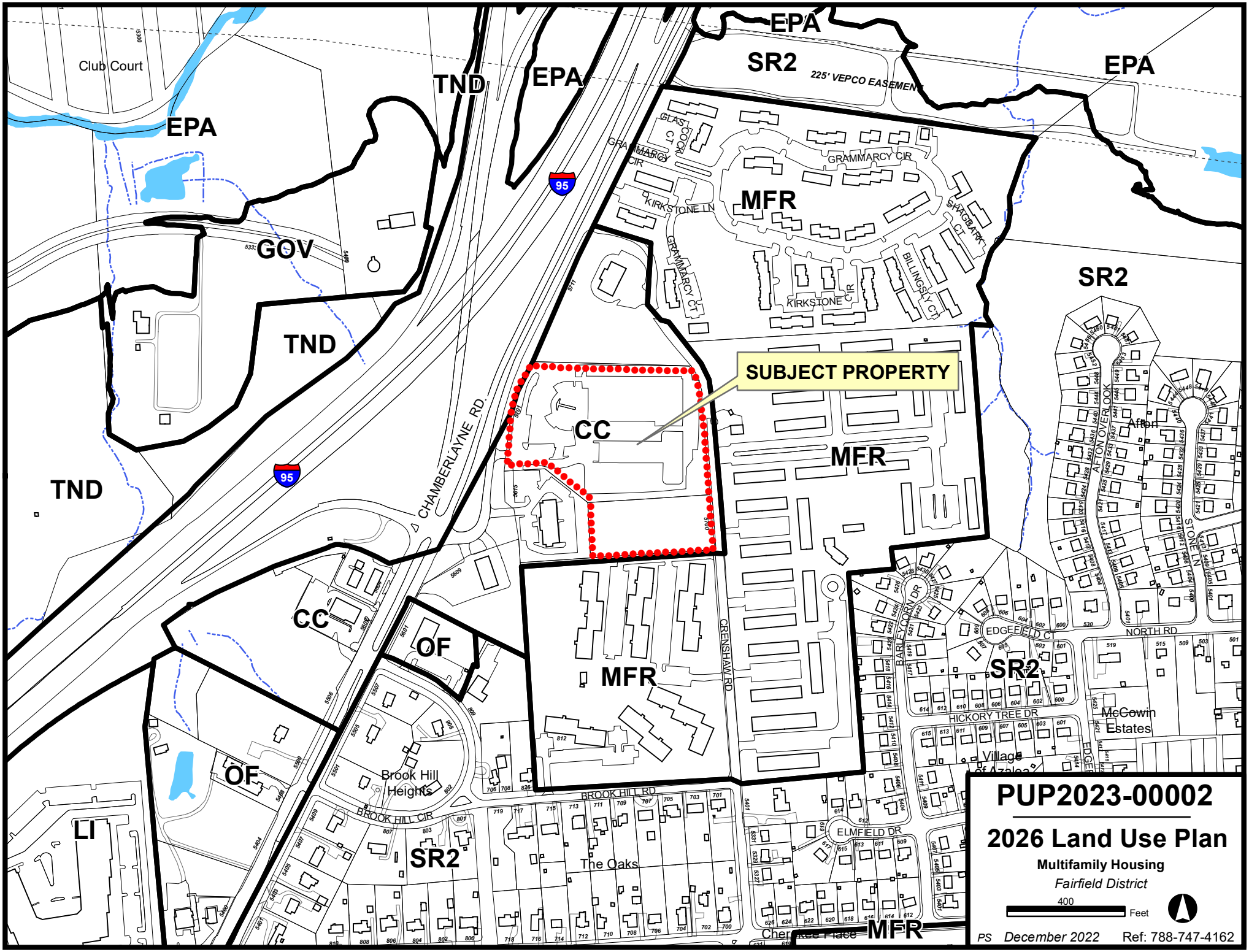
Zoning

Multifamily Housing

Fairfield District

400 Feet

PS *December 2022* Ref: 788-747-4162



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2026 Land Use Plan

Multifamily Housing

Fairfield District

400 Feet

PS December 2022 Ref: 788-747-4162