



P-13-09

Innsbrook Foundation

Staff Report for Planning Commission Public Hearing
Prepared November 23, 2009

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: December 10, 2009 Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request: Renewal of the current Provisional Use Permit to allow a temporary outdoor entertainment pavilion for 3 years

Existing Zoning: M-1C, Light Industrial (Conditional)

Acreage: 6.396 acres

Proposed Use: Temporary outdoor entertainment pavilion for the Innsbrook After Hours concert series and other Innsbrook Foundation events

Location of Property: East of the I-295 / Nuckols Road interchange

Magisterial District: Three Chopt

Comprehensive Plan Recommendation: Office (OF)

Parcel No: Part of 750-768-4593

Zoning of Surrounding Property:

North:	A-1 (I-295, County landfill)
South:	M-1C (vacant Highwoods Properties parcel); A-1 (Richmond Elks Lodge #45)
East:	M-1C (North Shore Commons office complex, and Insmmed, Inc.)
West:	A-1 (I-295)

Staff Contact: J. David Conmy (501-4645)

III. SUMMARY OF STAFF REPORT COMMENTS:

This is a request for a Provisional Use Permit (PUP) to extend approval for concerts and outdoor festivals at the Snag-A-Job Pavilion. This request would allow the temporary location of the pavilion for three (3) additional years through December 31, 2012, or until a third North Shore Commons office building is constructed and occupied. Pavilion events have been operating under Provisional Use Permit P-8-06 which expires on December 31, 2009. In addition to approval of a PUP, pavilion operations also continue to be subject to approval of an annual musical or entertainment festival permit, which addresses many of the logistical and other issues typically raised with this type of use. With the implementation of the conditions recommended in this report, staff believes operation of an outdoor entertainment facility would be an appropriate temporary use for this site.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject site is part of a 6.4 acre parcel within the North Shore Commons office development between Lake Brook Drive and Interstate 295. The site is zoned M-1C Light Industrial, and the 2026 Comprehensive Plan's future land use recommendation is Office. A four-building office development including a permanent entertainment pavilion was approved with plans of development POD-84-97 and POD-82-00; however, only buildings A and B have been constructed, leaving available space for a temporary pavilion until parking for a third building is needed (see Exhibits 1 and 2).

A covered stage stands approximately 220' from I-295 on the graveled portion of the site facing northeast toward an adjacent grass field. This area accommodates patrons and food/beverage vendors during events, and parking is provided in various lots in the surrounding office complex. Having received four previous Provisional Use Permit (PUP) approvals (P-2-00, P-4-01, P-12-03, and P-8-06), the temporary pavilion has been operating similarly in this general location since 2000.

In addition to the required PUP approval, Article IV, Chapter 4 of Henrico County Code requires a special entertainment permit to be issued prior to the occurrence of any musical or entertainment festival. In order to satisfy the permit requirements, the applicant is required to provide detailed plans addressing:

- Sanitation facilities and garbage and sewage disposal;
- Provisions for food and water;
- Emergency medical services and fire protection;
- Parking facilities, lighting, traffic control, and crowd control;
- Limiting any sounds from exceeding 65 decibels at the property lines; and
- Confirmation of festival compliance with the County's applicable zoning restrictions.

The 2009 festival permit, approved by the County on February 2, 2009, is valid through December 31, 2009 and addresses each of the above issues except zoning requirements. The requested 3-year PUP renewal would continue to satisfy the zoning-related criteria of future festival permits.

Continued use of the site for concerts, festivals, and similar events would be consistent with the site's zoning and would be compatible with the surrounding interstate and office park. Staff supports this request subject to the following recommended conditions:

1. The Provisional Use Permit will expire on December 31, 2012, or at such time as all three (3) planned North Shore Commons office buildings A, B, and C are occupied, whichever comes first.

2. Security measures, including but not limited to fencing and security personnel will be provided to restrict unauthorized access to portions of the property where site improvements associated with POD-82-00 are under construction.
3. An annual music and festival permit must be obtained as required by Article IV, Chapter 4 of the Henrico County Code. This Provisional Use Permit shall be subject to all conditions set forth in the required annual music and festival permits.
4. This permit shall not supersede Zoning Ordinance requirements including parking required to support planned offices in North Shore Commons.
5. The temporary outdoor Pavilion shall be located in the area shown on Exhibits 1 and 2 (see case file). Deviations from this designated location shall require the approval of a new Provisional Use Permit.
6. The maximum attendance for paid and un-paid venues shall be 6,500 persons.

V. COMPREHENSIVE PLAN ANALYSIS:

Land Use Plan Recommendation:

The 2026 Comprehensive Plan's recommended future land use for the site is Office. The continuation of temporary events subject to the conditions recommended in this report would be consistent with the land use and vitality of the Innsbrook office park.

Vision, Goals, Objectives and Policies:

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

- Economic Objective 14: Promote the development of planned office centers, and business and industrial parks.
- Natural, Cultural and Historic Resources Objective 32: Identify acceptable noise levels for various land uses and promote methods for noise reduction and mitigation by encouraging compatible locations of uses, and implementation of various noise mitigation techniques.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

No issues with the request.

Drainage:

No issues with the request.

Public Utilities Services:

No issues with the request.

Schools:

No issues with the request.

Division of Fire:

Any issues with the request will be addressed in the annual musical or entertainment festival permit.

Division of Police:

The Division of Police supports and implements Crime Prevention Through Environmental Design (CPTED), which is the theory that the proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime and an improvement in the quality of life.

The following characteristics need to be in place at this site:

1. **Natural Surveillance** – Provide natural surveillance throughout the site, especially to parking areas, buildings, building entrances, walkways, etc. Natural surveillance is the placement of physical features, activities and people in such a way as to maximize visibility.
2. **Natural Access Control** – Provide natural access control throughout the site. Natural access control is the physical guidance of people coming and going from a space by the judicious placement of entrances, exits, fencing, landscaping and lighting. The goal is to guide people where you want them to go and how you want them to get there.
3. **Territorial Reinforcement** – Territorial reinforcement is the use of physical attributes that express ownership, such as fences, pavement treatments, art, signage and landscaping. The goal is to promote ownership and pride in where you live and work.
4. **Maintenance** – Allow for the continued use of space for its intended purpose so as to serve as an additional expression of ownership.

Department of Community Revitalization:

No issues with the request.

Library:

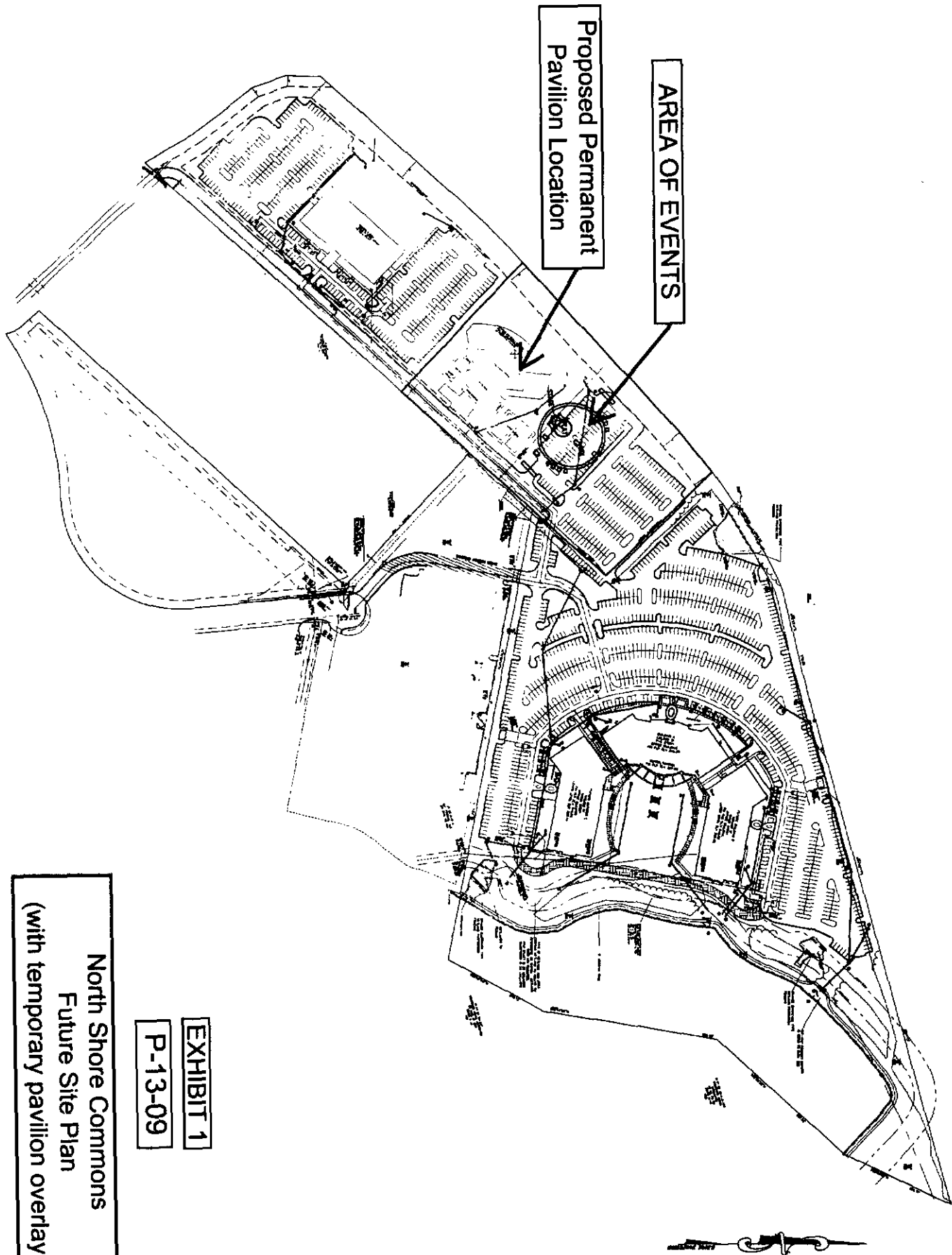
No issues with the request.

Recreation and Parks:

No issues with the request.

Topography and Land Characteristics Adaptability:

There are no known topographic or other constraints that would prevent the proposed use.



Proposed Permanent Pavilion Location

AREA OF EVENTS

North Shore Commons
 Future Site Plan
 (with temporary pavilion overlay)

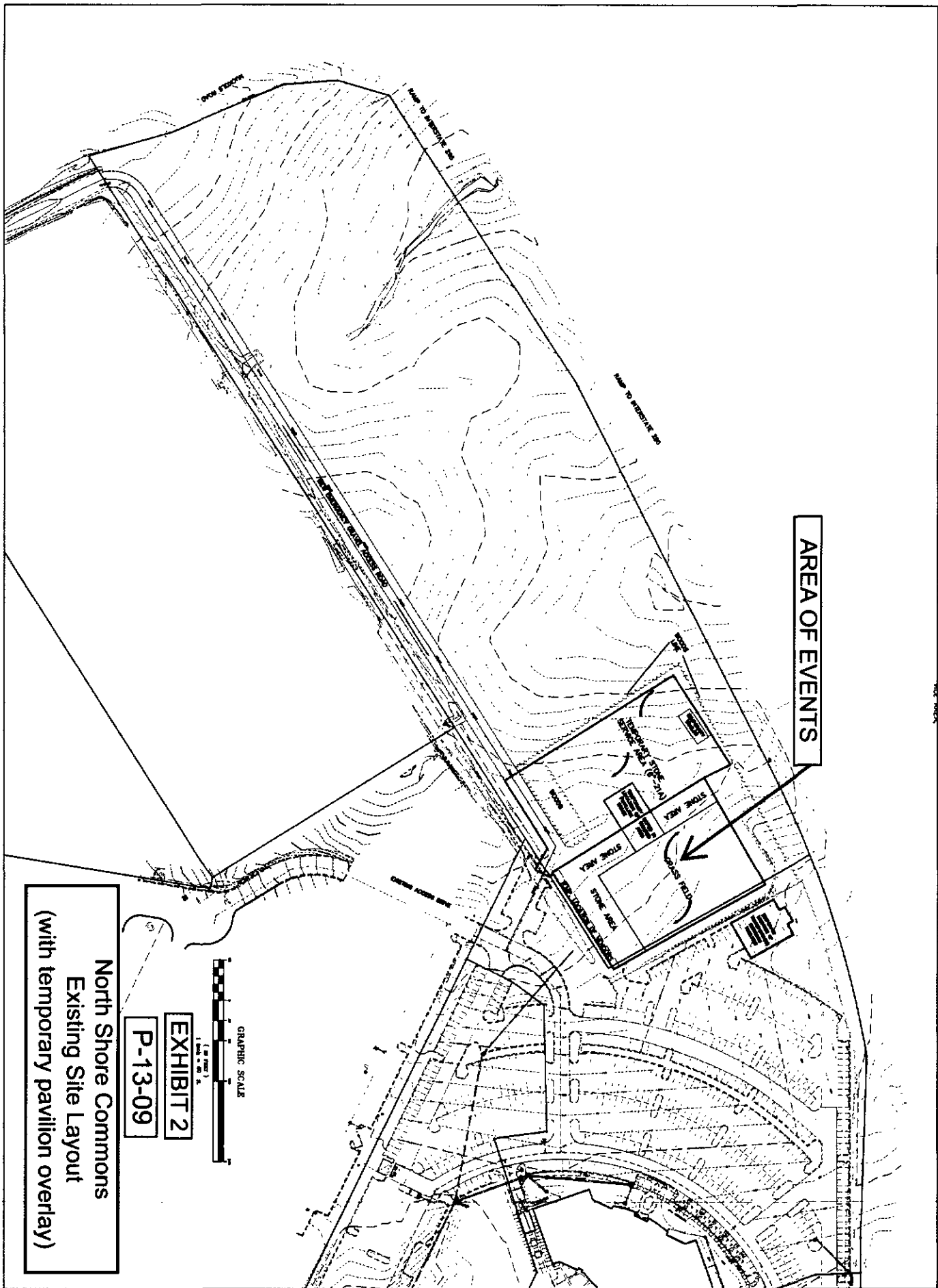
EXHIBIT 1
 P-13-09



DATE	REVISION	CHECK BY
10-21-01	RELOCATE PAVILION LOCATION	

SITE LAYOUT
NORTH SHORE COMMONS
 INNSBROOK PAVILION
 THREE CHOPT DISTRICT
 HENRICO COUNTY, VIRGINIA

FOSTER & MILLER, P.C.
 ENGINEERS • SURVEYORS • PLANNERS
 1870 MOUNTAIN ROAD
 GLEN ALLEN, VIRGINIA 23060
 TEL: (804) 851-6784 FAX: (854) 851-6786
 www.fmpa.com



North Shore Commons
 Existing Site Layout
 (with temporary pavilion overlay)

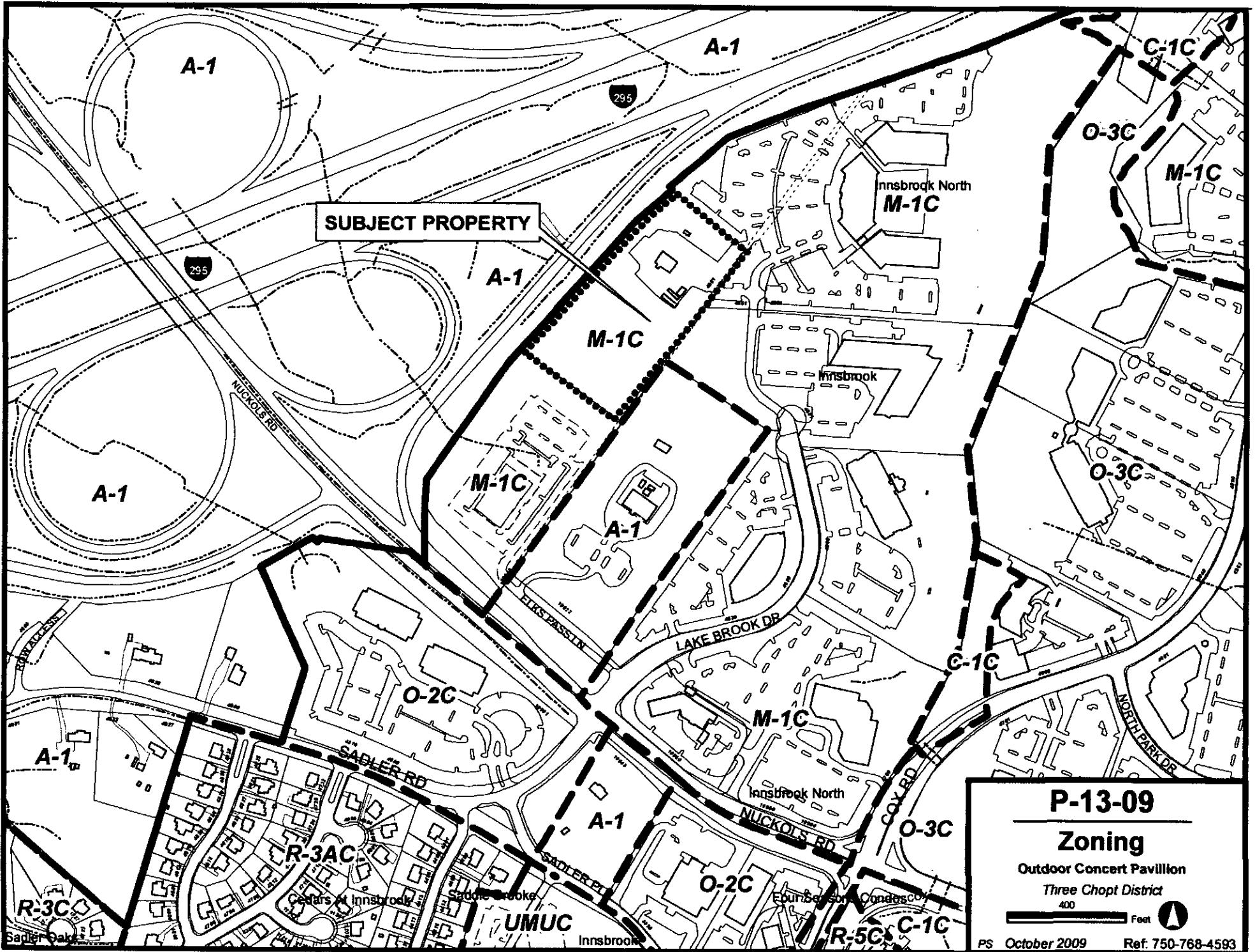
EXHIBIT 2
 P-13-09



DATE	REVISION	CHECK BY

SITE LAYOUT
INNSBROK PAVILION
 THREE CHOPT DISTRICT
 HENRICO COUNTY, VIRGINIA

FOSTER & MILLER, P.C.
 ENGINEERS SURVEYORS PLANNERS
 1870 MOUNTAIN ROAD
 GLEN ALLEN, VIRGINIA 23060
 TEL. (804) 281-8784 FAX (804) 281-8785
 www.fmpc.com



SUBJECT PROPERTY

P-13-09

Zoning

Outdoor Concert Pavillion
 Three Chopt District
 400

400 Feet

PS October 2009 Ref. 750-768-4593

