INTRODUCED: February 26, 2024

AN ORDINANCE No. 2024-062

To authorize the special use of the property known as 1005 Westover Hills Boulevard for the purpose of a mixed-use building containing up to 12 dwelling units and commercial space, upon certain terms and conditions.

Patron - Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAR 25 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 1005 Westover Hills Boulevard, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a mixed-use building containing up to 12 dwelling units and commercial space, which use, among other things, is not currently allowed by section 30-410.1, concerning permitted principal uses, of the Code of the City of Richmond (2020), as amended and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES:	8	NOES:	0	ABSTAIN:	
ADOPTED:	MAR 25 2024	REJECTED:		STRICKEN :	

congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. Finding. Pursuant to section 30 I 050. 1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

(a) Subject to the tenns and conditions set forth in this ordinance, the property known as 1005 Westover Hills Boulevard and identified as Tax Parcel No. S006-0371/001 in the 2024 records of the City Assessor, being more particularly shown on a plat entitled "Plat Showing the Physical Improvements to S0060371001, 1005 Westover Hills Boulevard, Upward Builders, 5th District, City of Richmond," prepared by C.E. Duncan & Associates, Inc., and dated November 18, 2019, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby pennitted to be used for the purpose of a mixed-use building containing up to 12 dwelling units and commercial space, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "1005 Westover Hills Blvd, Richmond, Virginia," prepared by Mario Di Marco Architects, and dated March 12, 2021, hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use pennit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a mixed-use building containing up to
12 dwelling units and commercial space, substantially as shown on the Plans. The areas labeled as
"Tenant I Unassigned," "Tenant 2 Unassigned," and "Tenant 3 Unassigned" shall be permitted to
contain medical or dental offices and permitted principal uses on corner lots in the R-63

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Multifamily Urban Residential District, pursuant to section 30-419.3(a) of the Code of the City of Richmond (2020), as amended. Outdoor dining use of the patio areas is permitted on the Property in accordance with section 30-419.3(a)(5), concerning permitted principal uses on comer lots, of the Code of the City of Richmond (2020), as amended.

(b) No fewer than ten off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(c) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.

(d) The height of the Special Use shall not exceed the height as shown on he Plans.

(e) In addition to signs permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, a freestanding sign shall be permitted on the Property, substantially as shown on the Plans.

(f) No fewer than eight bicycle parking spaces shall be provided on the Property, substantially as shown on the Plans.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

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(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

The Owner shall make improvements within the right-of-way, including the (e) installation of seven new street trees along Westover Hills Boulevard, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works or the designee thereof that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works or the designee thereof, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

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§ 5. General Terms and Conditions. This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. Implementation. The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. Effective Date. This ordinance shall be in force and effect upon adoption.

Approved as to Form:

Dichurson

A TRUE COPY: TESTE: Combin D. Rich City Clerk

City

900 East Broad Street

2nd Floor of City Hall Richmond, VA 23219 www.rva.gov

RICHMOND WIRGINIA

City of Richmond

Master

File Number: Admin-2024-0059

	File ID:	Admin-2024-0059	Туре:	Request for Ordinance o Resolution	r Status:	Regular Agenda
	Version:	1	Reference:		In Control:	City Clerk Waiting Room
Dep	oartment:	Richmond Dept of Planning & Development. Review	Cost:		File Created:	01/18/2024
	Subject:				Final Action:	
	Title:					
Intern	al Notes:					
Code	Sections:				Agenda Date:	02/26/2024
	Indexes:			Å	Agenda Number:	
F	Patron(s):			I	Enactment Date:	
Atta	chments:	Admin-2024-0059_1005 V	Vestover Hills E	Blvd_O&R Ena	ctment Number:	

docs.pdf, Admin-2024-0059 - 1005 Westover Hills Blvd AATF Contact: Drafter: jonathan.brown@richmondgov.com Effective Date: Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date	
1	1	1/31/2024	Matthew Ebinger	Approve	2/2/2024	
1	2	1/31/2024	Kris Daniel-Thiem - FYI	Notified - FYI		
1	3	1/31/2024	Kevin Vonck	Approve	2/7/2024	
1	4	1/31/2024	Alecia Blackwell - FYI	Notified - FYI		
1	5	1/31/2024	Sharon Ebert - FYI	Notified - FYI		
1	6	1/31/2024	Caitlin Sedano - FYI	Notified - FYI		
1	7	2/7/2024	Jeff Gray	Approve	2/2/2024	
1	8	2/7/2024	Lincoln Saunders	Delegated		
Notes:	Delegated	: Out Of Office				
1	9	2/7/2024	Sabrina Joy-Hogg	Approve	2/9/2024	
1	10	2/14/2024	Mayor Stoney	Approve	2/9/2024	

History of Legislative File

Ver- Acting Body:	Date:	Action:	Sent To:	Due Date:	Return	Result:
sion:					Date:	

Text of Legislative File Admin-2024-0059

City of Richmond

To authorize the special use of the property known as 1005 Westover Hills Boulevard for the purpose of a mixed-use building containing up to 12 dwelling units and commercial space, upon certain terms and conditions.

O&R Transmittal

DATE:	January 31, 2024
TO:	The Honorable Members of City Council
THROUGH:	The Honorable Levar M. Stoney, Mayor
THROUGH:	J.E. Lincoln Saunders, Chief Administrative Officer
FROM:	Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 1005 Westover Hills Boulevard for the purpose of a mixed-use building containing up to 12 dwelling units and commercial space, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To re-authorize ordinance 2021-111, adopted June 14, 2021, which permitted the special use of the property known as 1005 Westover Hills Boulevard for the purpose of a mixed-use building containing up to 12 dwelling units and commercial space, upon certain terms and conditions.

BACKGROUND: The subject property is located in the R-5 Single- Family Residential District. It consists of approximately 0.24 acres of vacant land and is within the Forest Hill Terrace neighborhood. The application for a Special Use Permit for a mixed-use building containing up to 12 dwelling units and commercial space on the property was adopted by City Council on June 14, 2021. However, the two-year time limit for applying for building permits has expired. A new Special Use Permit has, therefore, been requested.

COMMUNITY ENGAGEMENT: The Forest View and Westover Hills Neighborhood Civic Associations have been notified. Letters of notification shall be sent to nearby property owners, and a sign noting this request shall be placed on the property once the ordinance is introduced to City Council.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: The City's Richmond 300 Master Plan designates the property as Community Mixed-Use. Retail/office/personal service, multi-family residential, cultural, and open space. Secondary uses include Single-family houses, institutional, and government.

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 26, 2024

CITY COUNCIL PUBLIC HEARING DATE: March 25, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, March 18, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer, Law Department

RELATIONSHIP TO EXISTING ORD. OR RES.: Re-Authorization of Ordinance No. 2021-111

ATTACHMENTS: Application Supporting Documents

STAFF: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308 Jonathan W. Brown, Senior Planner, Land Use Administration, 804-646-5734

Application for SPECIAL USE PERMIT Department of Planning and Development Review Land Use Administration Division 900 E. Broad Street, Room 511 Richmond, Virginia 23219 (804) 646-6304 http://www.richmondgov.com/

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- □ special use permit, text only amendment

Project Name/Location

Property Address: 1005 Westover Hills Blvd Tax Map #: S0060371001 Fee:

Total area of affected site in acres: 0.235

(See *page 6* for fee schedule, please make check payable to the "City of Richmond")

Zoning

Yes

Current Zoning: R-5

Existina	Use: Vacant	

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report) Re-authorize mixed-use building pursuant to approved SUP (Ord.2021-111) which expired June 14 2023

Existing Use; Vacant

Is this property subject to any previous land use cases?

If Yes, please list the Ordinance Number: Ord.2021-111

Applicant/Contact Person: Will Gillette / Mark Baker

Company: Baker Development Resources			
Mailing Address: 530 East Main Street, Suite 730			
City: Richmond	State: VA	Zip Code: <u>23219</u>	
Telephone: <u>(804</u>) <u>874-6275</u>	Fax: _()	
Email: markbaker@bakerdevelopmentresources.com			

Property Owner: One Parkwood LLC

If Business Entity, name and title of authorized signee

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 8314 Westmont Terrace

City: Bethesda Telephone: _()	Fax: ()
mail:	
Property Owner Signature:	10/26/23

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



Date:



October 27th, 2023

Mr. Matthew Ebinger City of Richmond Department of Community Development Land Use Administration Division, Room 511 City Hall, 900 East Broad Street Richmond, Virginia 23219

Re: 1005 Westover Hills Boulevard Special Use Permit

Dear Matthew:

Please accept this letter as the Applicant's Report accompanying the application for a special use permit (the "SUP") to re-authorize a three-story mixed-use building including multi-family and commercial uses within a R-5 Single-Family Residential District for the property at 1005 Westover Hills Boulevard, identified as Tax Parcel S006-0371/001 (the "Property"). The proposed development was originally authorized pursuant to Ord. No. 2021-111 (the "Ordinance") which was approved by the City Council on June 14, 2021. However, the Ordinance was not implemented. Because an application for a building permit was not made within 730 calendar days of the approval of the Ordinance, the original special use permit is now null and void. Therefore, a new SUP is required to re-authorize the proposed development. Importantly, the proposed development is identical to what was previously approved by the Ordinance. No changes to that approval are contemplated by this request.

The Property is located at the southeastern intersection of Dunston Avenue and Westover Hills Boulevard. The Property contains approximately 0.235 acres of lot area and is currently vacant. Properties to the immediate east, west, and south are mostly developed with singlefamily dwellings and zoned R-5 Single-Family Residential District. To the North, across Dunston Avenue are properties zoned UB-2 Urban Business District, B-2 Community Business District, and RO-1 Residential Office District. These properties lie in the vicinity of the intersection of Westover Hills Boulevard and Forest Hill Avenue and consist of a variety of commercial and office uses including a mixed-use development at 4930 Forest Hill Avenue.

The Richmond 300 Plan ("the Master Plan") recommends the "Community Mixed-Use" future land use category for the Property, which suggests a "cluster of medium-density, walkable commercial and residential uses" with uses "mixed horizontally in several buildings on a block or vertically within the same building." Future development is envisioned to "provide neighborhood services to nearby residential communities" and include ground floor uses that "engage with, and enliven, the street." In addition to the future land use guidance, the Property is situated within the "Westover Hills" Neighborhood Node which contemplates an area that "has a

1005 Westover Hills Boulevard October 27th Page 2

village-like quality with small retail, services, and restaurant offerings that serve primarily the surrounding neighborhoods, but does attract outside visitors."

The proposed development is located on a "Gateway" parcel, welcoming traffic headed north on Westover Hills Boulevard to the "Westover Hills" Neighborhood Node. Its prominent position and location in the liminal space between a "Major Residential" and "Major Mixed-Use Street" suggests the contemplated mixed-use building is more appropriate than what could otherwise be developed by-right. In fact, the staff report prepared by the Land Use Administration for the previous special use permit request noted that the development "is generally consistent with the recommendations and designations of the Master Plan for this area, specifically pertaining to Community Mixed Use areas, the Westover Hills Neighborhood Node, and Great and Major Mixed-Use Streets." Again, this development is identical to the previous special use permit which was approved by all City-reviewing agencies, underwent extensive neighborhood input, and received a unanimous recommendation of approval by the Planning Commission.

In summary, the proposed development remains a more efficient redevelopment of the Property, consistent with Master Plan guidance, than might otherwise be assured by-right.

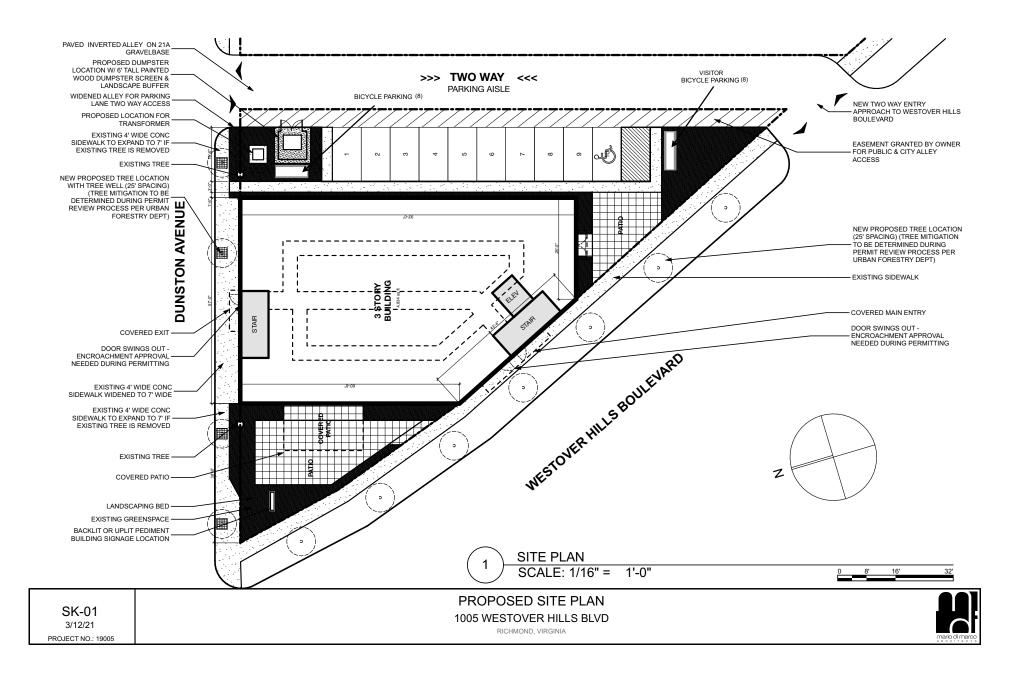
Thank you for your time and consideration of this request, please let me know if you have any questions.

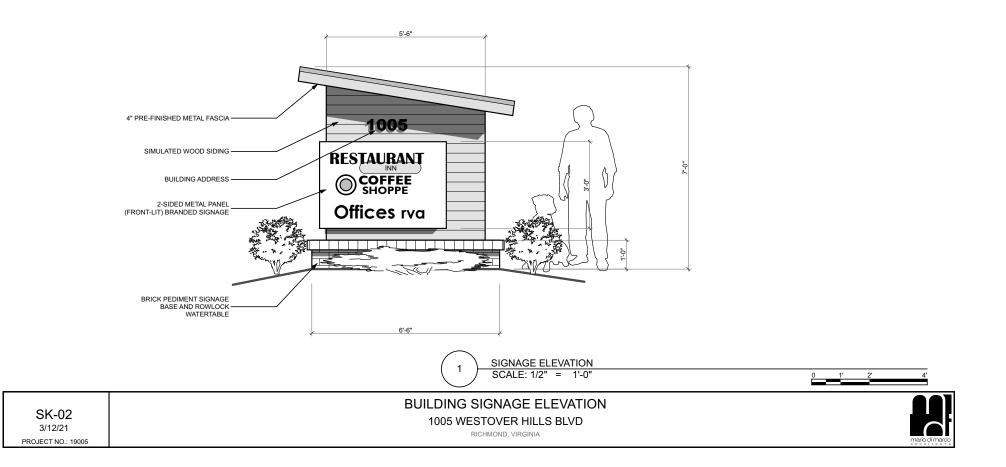
Sincerely,

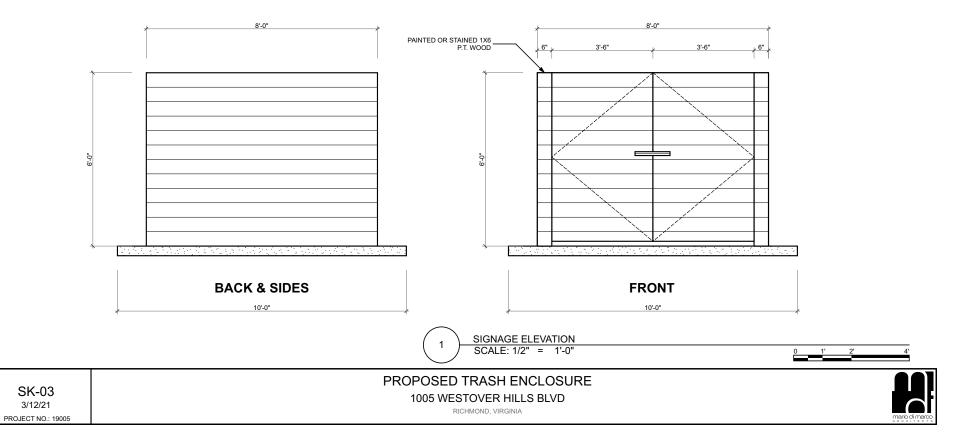
Mark Baker

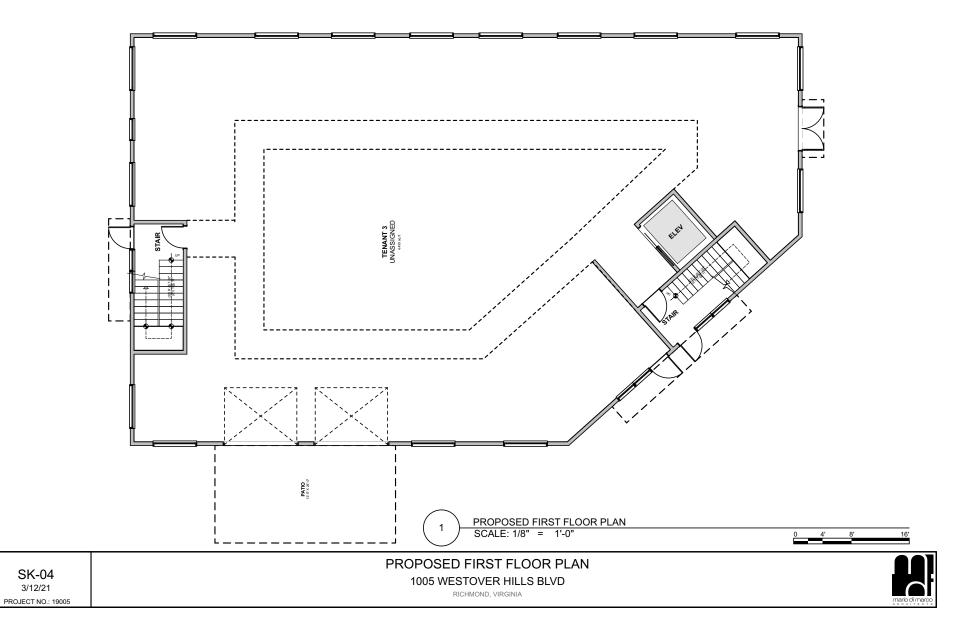
Enclosures

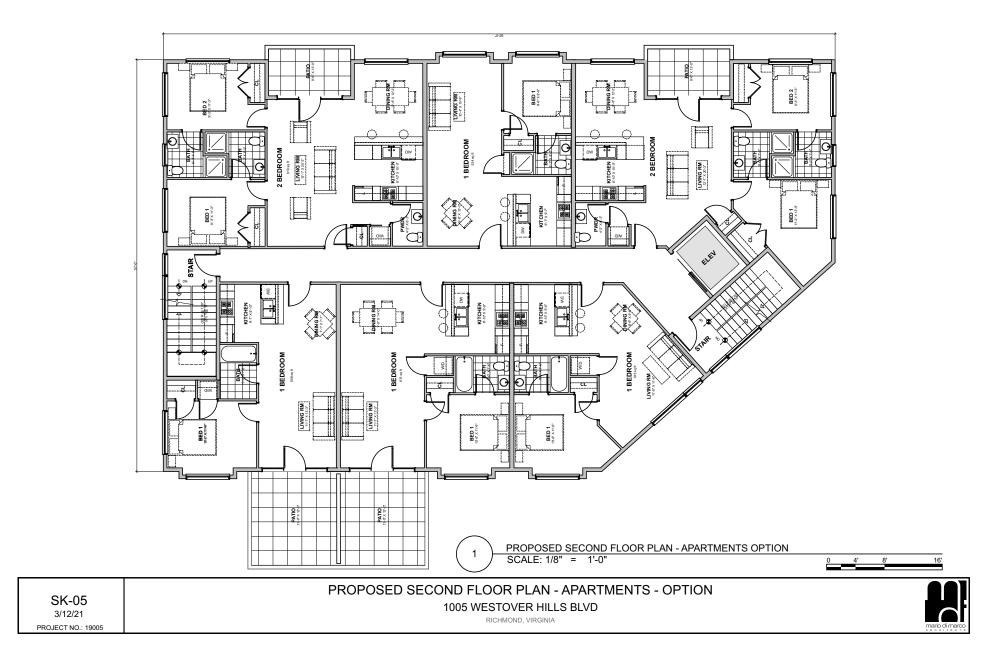
cc: The Honorable Kristen M. Nye

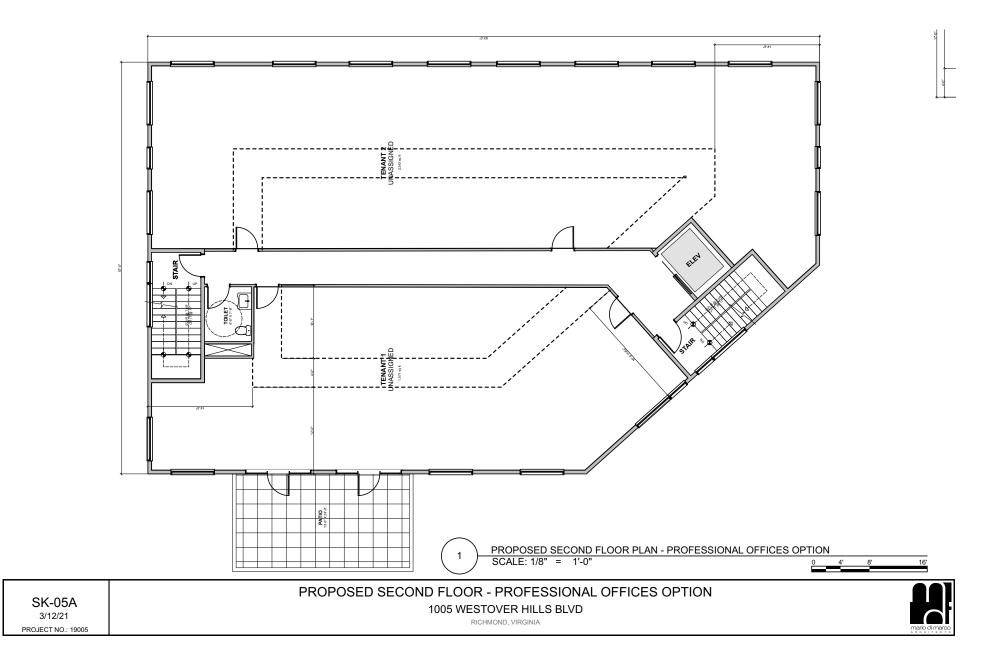


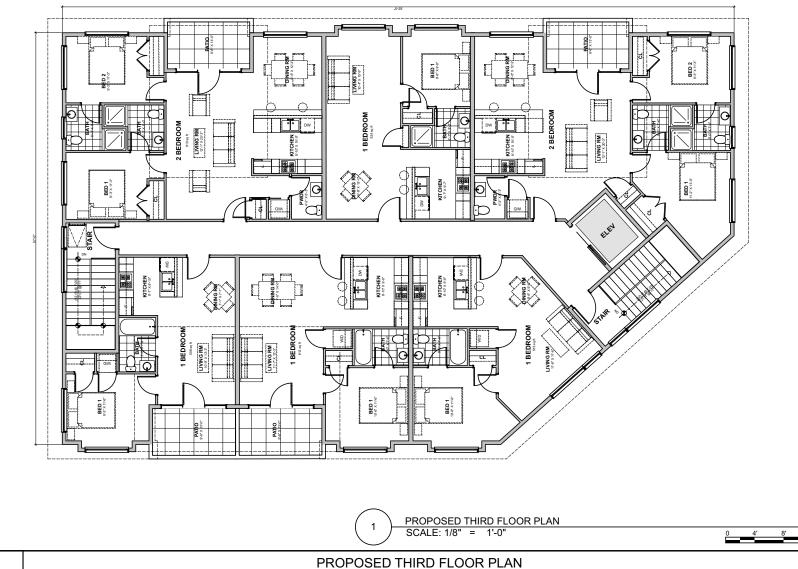












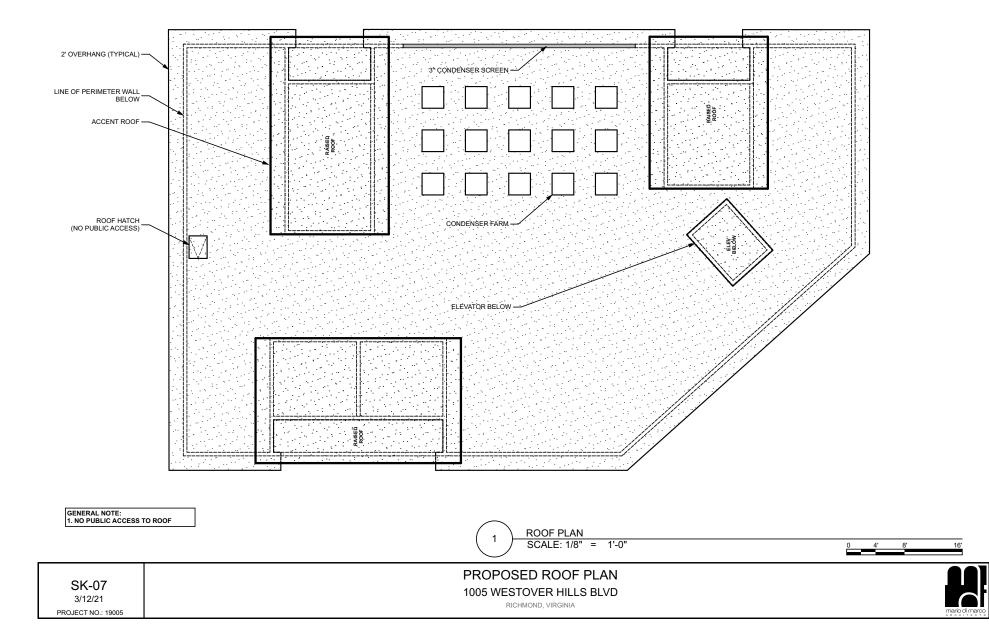
1005 WESTOVER HILLS BLVD

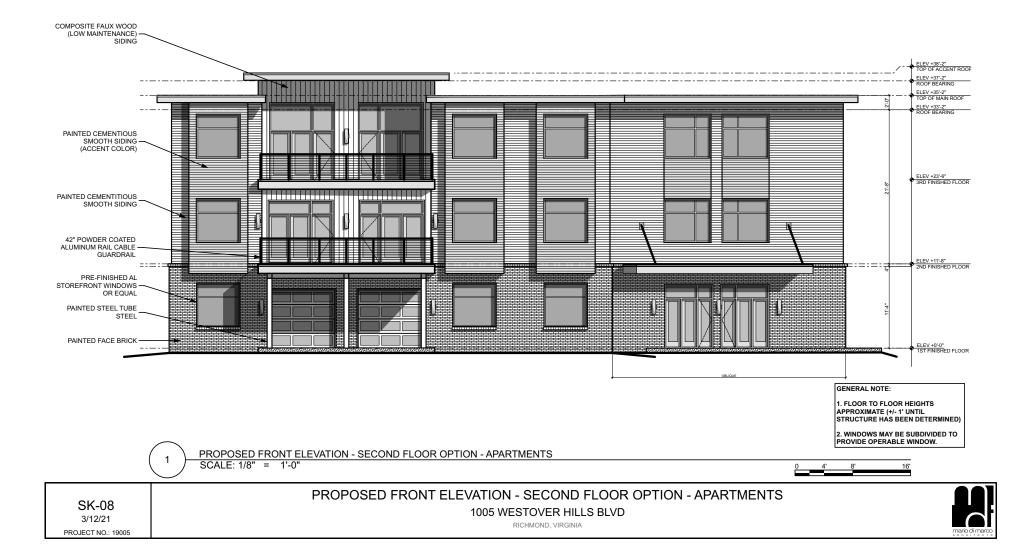
RICHMOND, VIRGINIA



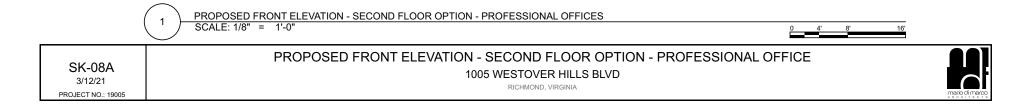
16'

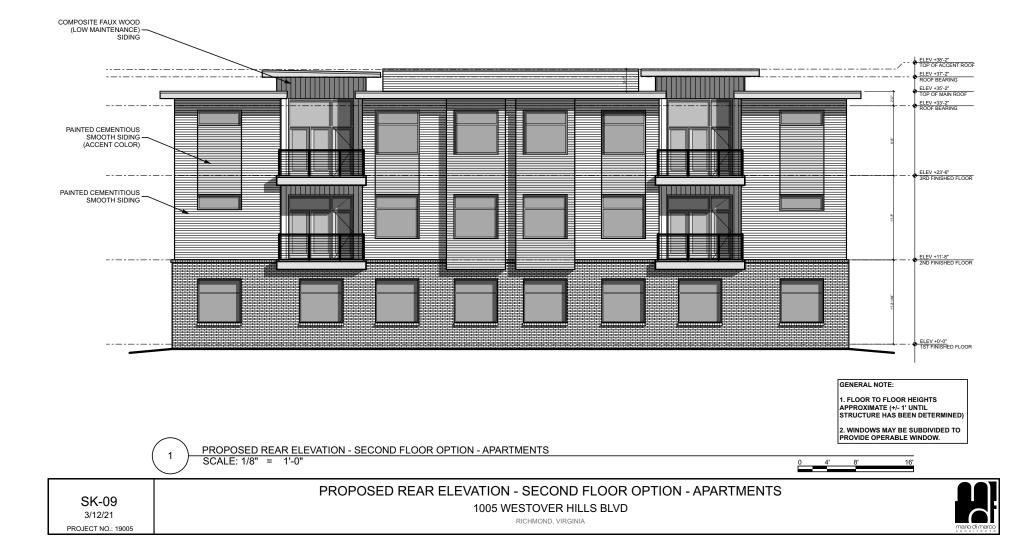
SK-06 3/12/21 PROJECT NO.: 19005

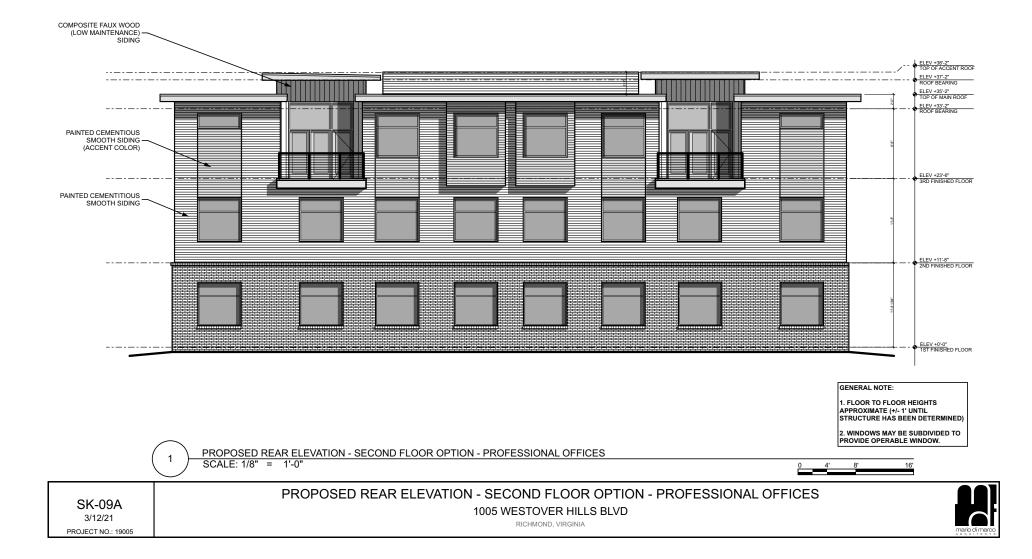


















SK - 13 RENDERING IMAGE 1

3/12/21 Front View *Office Option



SK - 14 RENDERING IMAGE 2

3/12/21 South View *Office Option



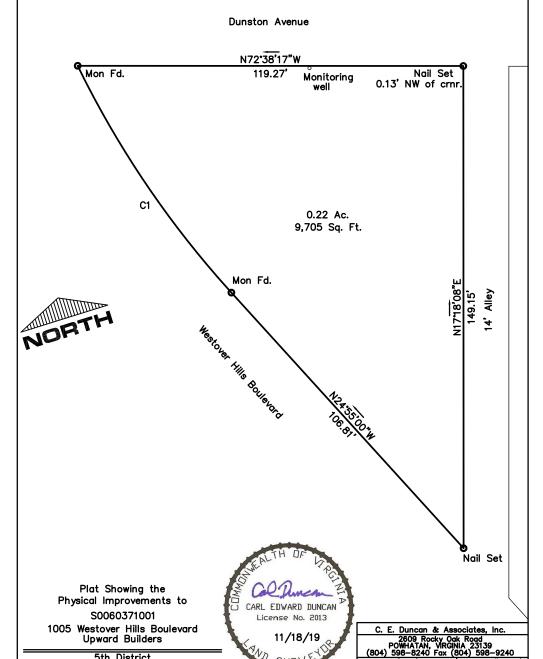
SK - 15 RENDERING IMAGE 3

3/12/21 Rear View *Office Option I hereby certify that an accurate survey of the property was made on November 18, 2019 and that any encroachments are noted hereon. This survey was made without benefit of a title report and there may be encumberances present that are not shown.

Uncan C

Carl E. Duncan, P.E., L.S.

	CURVE TABLE						
CURVE	RADIUS	DELTA	TANGENT	LENGTH	CHORD DIRECTION	CHORD	
C1	299.42	16"16'11"	42.80	84.74	S16*47'23"E	84.74	



11/18/19

SUR

SK - 12 Survey

5th District

City of Richmond

-9240

"=20[°]

DATE: 11/18/19 | SCALE: 1"=2 DRAWN BY: CED JOB NO.: 19-2338