

INTRODUCED:

AN ORDINANCE No. 2017-

To amend and reordain Ord. No. 80-260-81-41, adopted Mar. 9, 1981, as previously amended by Ord. Nos. 81-152-138, adopted August 24, 1981, 84-110-83, adopted May 29, 1984, 89-318-295, adopted Nov. 13, 1989, 2006-26-52, adopted Feb. 27, 2006, 2006-260-263, adopted Oct. 23, 2006, and 2012-163-164, adopted October 8, 2012 concerning the Beaufont Oaks Community Unit Plan, to amend the permitted uses to include a church use.

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Patron – Mayor Stoney (By Request)

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Approved as to form and legality  
by  
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PUBLIC HEARING:

AT 6 P.M.

I. That Ordinance No. 80-260-81-41, adopted March 9, 1981, as previously amended by Ordinance Nos. 81-152-138, adopted August 24, 1981, 84-110-83, adopted May 29, 1984, 89-318-295, adopted November 13, 1989, 2006-26-52, adopted February 27, 2006, ~~and~~ 2006-260-263, adopted October 23, 2006, and 2012-163-164, adopted October 8, 2012, be and is hereby amended and reordained as follows:

WHEREAS, by Ordinance No. 80-260-81-41, adopted March 9, 1981, the Council of the City of Richmond approved and permitted the development and use of the tract of land containing

\_\_\_\_\_ ABSTAIN: \_\_\_\_\_ NOES: \_\_\_\_\_ AYES:

\_\_\_\_\_ STRICKEN: \_\_\_\_\_ REJECTED: \_\_\_\_\_ ADOPTED:

63 acres, more or less, located east of Chippenham Parkway and south of the terminus of Hioaks Road, for residential and commercial purposes as shown on the plans entitled “Beaufont Oaks Community Unit Plan,” prepared by Mills, Obenchain, Oliver & Webb, Inc., Architects, Engineers and Planners, Blacksburg, Virginia, and dated October 22, 1980; and

WHEREAS, by Ordinance No. 81-152-138, adopted August 24, 1981, the Council amended the Development Plan to include an additional two acres, permitted additional identification signage for the residential and office park parcels and designated two parcels for the purpose of access to Hioaks Road and Carnation Street, as shown on the plans entitled “Beaufont Oaks Community Unit Plan,” prepared by Mills, Obenchain, Oliver & Webb, Inc., Architects, Engineers and Planners, Blacksburg, Virginia, and dated May 29, 1981 and the design character drawing prepared by Bremner, Youngblood and King and dated May 29, 1981; and

WHEREAS, by Ordinance No. 84-110-83, adopted May 29, 1984, the Council amended the Development Plan to include an additional two acres, increasing the aggregate acreage to 67 acres, more or less, as shown on a site plan entitled “Beaufont Oaks Community Unit Plan,” prepared by Mills, Obenchain, Oliver & Webb, Inc., Architects, Engineers and Planners, Blacksburg, Virginia, and dated August 15, 1983, and authorized an increase in the number of multi-family dwelling units authorized for Beaufont Towers from 521 to 597 units; and

WHEREAS, by Ordinance No. 89-318-295, adopted November 13, 1989, the Development Plan was amended to authorize the use of 3.8 acres for the construction of a 120-bed nursing home as shown on a site plan entitled “Beaufont Oaks Community Unit Plan,” prepared by Mills, Obenchain, Oliver & Webb, Inc., Architects, Engineers and Planners, Blacksburg, Virginia, and dated September 19, 1989; and

WHEREAS, by Ordinance No. 2006-26-52, adopted February 27, 2006, the Development Plan was amended to reduce the required landscape buffer along Chippenham Parkway, as shown on a site plan entitled “Community Unit Plan – Beaufont Oaks Healthcare Center Phase II,” prepared by Draper Aden Associates and dated October 28, 2005, which modifies the drawing entitled “Beaufont Oaks Community Unit Plan,” prepared by Mills, Obenchain, Oliver & Webb, Inc. Architects, Engineers and Planners, Blacksburg, Virginia, dated August 15, 1983, revised February 16, 1984, and last revised September 19, 1989; and

WHEREAS, by Ordinance No. 2006-260-263, adopted October 23, 2006, the Development Plan was amended to include a private primary and secondary school in the permitted uses; and

~~[WHEREAS, the owner of the property at 7015 and 7017 West Carnation Street has submitted to the City Planning Commission (the “Commission”) a request to amend the Community Unit Plan to include an adult care residence use and establish the number of permitted adult care residence dwelling units, a portion of which are shown on the plan entitled “Development Plan for Phase II – Sitework Beaufont Richmond, Virginia, The Beaufont Towers Retirement and Assisted Living Community Located at 7017 W. Carnation Street,” prepared by Lumsden Associates, P.C. and dated December 28, 2011; and]~~

WHEREAS, by Ordinance No. 2012-163-164, adopted October 8, 2012, the Community Unit Plan was amended to include an adult care residence use and establish the number of permitted adult care residence dwellings units, a portion of which are shown on the plan entitled “Development Plans for Phase II – Sitework Beaufont Richmond, Virginia, The Beaufont Towers Retirement and Assisted Living Community Located at 7017 W. Carnation Street,” prepared by

Lumsden Associates, P.C. and dated December 28, 2011; and

Whereas the owner of the property at 6900 West Carnation Street has submitted to the City Planning Commission (the “Commission”) a request to amend the Community Unit Plan to include a church use as shown on the plan entitled “Beaufont Oaks Community Unit Plan,” prepared by Mills, Obenchain, Oliver & Webb, Inc. and last revised May 16, 2017; and

WHEREAS, the Commission approved such request to amend the Community Unit Plan based upon findings of fact as set out in a resolution dated and adopted by the Commission on [~~September 4, 2012,~~] September 5, 2017, a copy of such resolution being attached to this ordinance; and

WHEREAS, the Council concurs in the findings of fact made by the Commission.

NOW THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

That Ordinance No. 80-260-81-41, adopted March 9, 1981, as last amended by Ordinance No. [~~2006-260-263~~] 2012-163-164, adopted [~~October 23, 2006~~] October 8, 2012, be and is hereby amended and reordained as follows:

§ 1. That pursuant to Section 17.10 (g) of the Charter of the City of Richmond, and Article IV of Chapter 114 of the Code of the City of Richmond (2004), as amended, the development of the land containing 67 acres, more or less, located east of Chippenham Parkway and east and south of Hioaks Road, being further described as follows: beginning at a point on the western line of Hioaks Road said point being 1462.62 feet south, measured along the west line of Hioaks Road, of the south line of Jahnke Road, said point also being the southeastern property corner of a parcel of land now or formerly owned by Chippenham Hospital, Inc.; thence extending 284.89 feet in an easterly direction along a line of bearing S 76° 34' 52” E to a point; thence

extending 50.03 feet in a southerly direction along a line of bearing S 11° 25' 30" W to a point; thence extending 50.18 feet in an easterly direction along a line of bearing S 76° 34' 52" E to a point; thence extending 688.82 feet in a southerly direction along a line of bearing S 6° 07' 01" W to a point; thence extending 241.56 feet in an easterly direction along a line of bearing S 83° 10' 16" E to a point; thence extending 552.61 feet in an easterly direction along a line of bearing S 78° 56' 43" E to a point; thence extending 344.37 feet in an easterly direction along a line of bearing S 84° 47' 08" E to a point; thence extending 30.75 feet in an easterly direction along a line of bearing S 81° 00' 00" E to a point; thence extending 281.08 feet in an easterly direction along a line of bearing S 76° 36' 40" E to a point; thence extending 1323.68 feet in a southerly direction along a line of bearing S 22° 05' 30" W to a point; thence extending 1472.45 feet in a westerly direction along a line of bearing N 84° 23' 20" W to a point; thence extending 160.84 feet in a southerly direction along a line of bearing S 14° 12' 50" E to a point; thence extending 389.37 feet in a westerly direction along a line of bearing S 72° 26' 41" W to a point; thence extending 1168.50 feet in a northerly direction along the east line of Chippenham Parkway to a point' thence extending 668.62 feet in an easterly direction along a line of bearing N 71° 51' 45" E to a point on the west line of Hioaks Road; thence extending 1082.01 feet in a northerly direction along the west line of Hioaks Road to the point of beginning, and a parcel of land containing 4.0130, being described as follows: beginning at an iron rod on the eastern right-of-way line of Chippenham Parkway, said rod being a common corner to Sigma Corporation and Fralin and Waldron, Inc., and lying approximately 1,300 feet north of the Chippenham Parkway/U.S. Route 60 intersection; said rod being a point on a curve concave to the right and having a radius of 11,387.16 feet, a tangent of 188.33 feet, and a chord of 376.60 feet bearing N 16° 24' 50" W; thence with said right-of-way

through a delta of  $1^{\circ} 53' 42''$  and an arc of 376.62 feet to an iron rod; thence leaving said right-of-way  $N 72^{\circ} 26' 41'' E$ , 389.37 feet to an iron rod; thence  $N 72^{\circ} 26' 41'' E$ , 20.03 feet to a point; thence  $S 14^{\circ} 12' 50'' E$ , 51.18 feet to a point on a curve, said curve being concave to the right, and having a radius of 115.12 feet, a tangent of 18.84 feet, a chord of 37.19 feet bearing  $S 58^{\circ} 00' 34'' E$ ; thence through a delta of  $18^{\circ} 35' 29''$  and an arc of 37.35 feet to a point of compound curvature; said curve being concave to the right, and having a radius of 207.52 feet, a tangent of 64.44 feet, a chord of 123.08 feet bearing  $S 31^{\circ} 27' 50'' E$ ; thence through a delta of  $34^{\circ} 30' 00''$  and an arc of 124.96 feet to a point; thence  $S 14^{\circ} 12' 50'' E$ , 81.06 feet to a point of curvature of a curve of a curve concave to the right, said curve having a radius of 118.39 feet, a tangent of 55.21 feet, a chord of 100.7 feet bearing  $S 10^{\circ} 47' 10'' W$ ; thence through a delta of  $50^{\circ} 00' 00''$  and an arc of 103.31 feet to point of compound curvature, said curve being concave to the right and having a radius of 177.96 feet, a tangent of 12.36 feet, a chord of 24.66 feet bearing  $S 39^{\circ} 45' 35'' W$ ; thence through a delta of  $7^{\circ} 56' 50''$  and an arc of 24.68 feet to a point; thence  $S 14^{\circ} 12' 50'' E$ , 30.58 feet to a point on the line common to Fralin and Waldron, Inc., and Sigma Corporation; thence with said line  $S 77^{\circ} 36' 07'' W$  20.01 feet to an iron rod; thence continuing with said line  $S 77^{\circ} 36' 07'' W$  374.44, feet to the point of beginning, for residential and commercial purposes, a community unit plan as authorized in Chapter 114, Article IV of the Code of the City of Richmond (2004), as amended, as per the preliminary plan and approved Development Plans, as amended, for the development of not more than 597 multi-family dwelling units, of which 174 units may be designated as or converted to no more than 217 adult care residence dwelling units, 145,000 square feet of office space, 20,000 square feet of commercial space, a private school consisting of elementary and secondary grades with an accessory day care, a day care center, a church, a 120-

bed nursing home, open space, and recreational facilities, parking and other attendant facilities on the above-described property, is hereby approved and permitted upon the following terms and conditions:

(1) That final plans for grading, storm drainage and retention facilities shall be approved by the Director of Planning and Development Review of the City prior to issuance of building permits. If storm water retention is required on the nursing home site or other development sites, as determined by the Director of Planning and Development Review, the location, landscaping and screening of the retention area(s) shall be shown on the final plans and shall be subject to the approval of the Planning Commission;

(2) That all cost related to extension of utilities to serve the development shall be borne by the owner, except to such extent as normal City policy relative to cost-sharing for utilities serving non-residential development may be applicable;

(3) That a perpetual scenic easement (in accordance with provisions of the Code of Virginia) covering the 12.9 acre open space area shown on the plan and located to the north of "Carnation Road" shall be dedicated to the City, at no cost to the City, by the owners of the property. Terms of the easement dedication shall prohibit any development on the site other than open space recreational facilities and storm water retention and drainage facilities, and fee simple title to such land shall be made available to the City at appraised value at such time as the City desires to take title and use such land for public purposes, The City shall not obligated to reimburse the owner for any improvements related to storm water drainage or retention facilities serving the adjacent development. Terms of the easement shall also specify that any improvements to the land shall be subject to approval by the Chief Administrative Officer and that maintenance of the land

and all improvements shall be the responsibility of the owner until such time as the City takes title. Prior to the issuance of any building permits on the project site such easement agreement, approved as to form and content by the City Attorney, shall be executed and recorded;

(4) The rights-of-way for Hioaks Road extended and Carnation Road shall be dedicated to the City at no cost at such time as requested by the City. The right-of-way for the public street extending southward from the intersection of Hioaks Road and Carnation Streets shall be dedicated to the City at no cost at such time as required by the City. The construction of the public street shall be at the cost and expense of the developer. The width and alignment of the right-of-way at its intersection with Carnation Street shall be in accordance with the requirements of the Director of Public Works of the City;

(5) The plan shall not be construed to preclude access to abutting properties located east of Hioaks Road and north of Carnation Road; and prior to or at the time of Planning Commission approval of a final plan for development of any portion of the Beaufont Oaks site east of Hioaks Road and north of Carnation Road, provision shall be made for such access to abutting property as may be required by the Planning Commission or by applicable law;

(6) Areas of the site not devoted to building, parking, walkways, recreation facilities and utility installations required by the City shall be left in their natural state except for selective clearing of underbrush and unhealthy materials, and shall be supplemented with additional landscape improvements where needed to enhance the aesthetic character of the development, achieve screening of undesirable views, buffer traffic noise and ameliorate other adverse conditions. The 20-foot buffer easement on the east side of the nursing home site shall be left in its natural state and, to the extent necessary to achieve an effective visual screen from the abutting



property, shall be supplemental by the planting of evergreen vegetative material not less than six feet in height;

(7) The minimum number of parking spaces for residential uses shall be as required by the R-43 zoning district regulations, provided that the minimum number of spaces for units to be occupied by elderly and/or handicapped persons shall be one space per two adult care residence dwelling units;

(8) The minimum number of parking spaces for all office, shopping, education, ~~and~~ day care center, and church uses shall be as required by normal zoning ordinance provisions;

(9) The detailed design and arrangement of all parking areas, driveways, access drives and service areas shall be subject to Planning Commission approval in conjunction with final plan review of each phase of development. All parking area improvement and screening requirements set forth in Article 7 of the zoning ordinance shall be met;

(10) The general character and architectural treatment of the shopping cluster shall be compatible with Phase I residential structures, and where possible, shall incorporate similar materials and colors. All signs, display windows and service appurtenances shall, to the extent possible, be oriented away from Carnation Road;

(11) Signage for the shopping cluster shall conform to the B-1 District regulations. Signage for all other components of the plan shall conform to the RO-1 District regulations with respect to number, size, placement and lighting, except that: one permanent identification sign shall be permitted adjacent to each of the two access drives serving Beaufont Oaks Phase I; and one permanent identification sign shall be permitted adjacent to each of the three access drives serving the office park; and one permanent sign not exceeding fifteen square feet in area

identifying Beaufont Towers, Beaufont Manor, Beaufont Health Care Center (nursing home), and Beaufont Oaks Phase II shall be permitted at the southwest corner of Hioaks Road and Carnation Street. Such identification signs shall be of the general character shown on the plans attached to Ord. No. 2006-260-263;

(12) Buildings and parking areas shall be set back at least 75 feet from the right-of-way of Chippenham Parkway, except that the setback for Beaufont Oaks Healthcare Center parcel may be reduced to 50 feet, as shown on the plans attached to Ord. No. 2006-260-263, provided that a 10-foot supplemental planting strip is provided within the setback along its eastern edge. The plantings shall be evergreen trees, not less than five (5) feet in height at the time of planting and shall be spaced not less than ten (10) feet on center. The understory vegetation within the planting strip may be thinned in order to facilitate the planting of the evergreen screening trees provided that there is no substantial removal of existing trees. The remaining setback area shall be left in its natural state. All buildings and parking areas shall be set back not less than 25 feet from Hioaks Road and Carnation Road east of Hioaks, except that setbacks for the shopping cluster shall be determined by the Planning Commission at the time of final plan approval with consideration for necessary amenities. Parking areas within the Beaufont Oaks apartments site shall be provided with a setback of not less than ten feet from the proposed public street right-of-way that extends southward from Carnation Street;

(13) Access from Phase I to Warwick Road shall be of a temporary nature as specified in the approval of the final plans for that phase by the Planning Commission;

(14) That final detailed plans, including site plans, typical elevation drawings, typical floor plans, and drainage and utility plans, for each phase of the development shall be submitted

to and approved by the City Planning Commission prior to issuances of building permits. The Commission shall, by formal resolution, approve such plans if it finds them to be consistent with the objectives of the preliminary plan as adopted by Council and not in conflict with any of the conditions specified herein. Otherwise, the Commission shall not approve such plans. Building permits shall be requested within twelve months of the date of Commission approval of final plans. Plans submitted for building permit approval shall be substantially in conformance with plans approved by the Commission. In accordance with section 114-456.9 of the Code of the City of Richmond (2004), the plans entitled “Development Plan for Phase II – Sitework Beaufont Richmond, Virginia, The Beaufont Towers Retirement and Assisted Living Community Located at 7017 W. Carnation Street”, prepared by Lumsden Associates, PC and dated December 28, 2011, having been approved by the City Planning Commission on September 4, 2012, and copies of which are attached to this ordinance, shall be deemed to be the final plan for the phase of development shown on said plans. An application for a building permit for the plans referred to above shall be made within twenty-four (24) months from the effective date of this ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within one hundred eighty (180) days from the date of the building permit or if construction is suspended or abandoned for a period of one hundred eighty (180) days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within twenty-four (24) months after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit, the privileges granted by this ordinance shall terminate;

(15) Vehicular access from the adjacent vacant B-3 zoned land to the cul-de-sac and/or to the nursing home driveway may be permitted in conjunction with a specific development proposal for that vacant land, subject to the approval of the Directors of Public Works and Planning and Development Review;

(16) A secondary means of emergency access shall be provided to the nursing home site, either through the adjacent office building site to the south or through the vacant B-3 zoned land to the east. Such access shall be approved by the Director of Planning and Development Review and the Chief of Fire and Emergency Services.

(17) For the purposes of this ordinance, the term “adult care residence dwelling unit” means any dwelling unit functioning as part of a facility operated or maintained as a residence providing for the maintenance or care of four or more adults who are aged, infirm or disabled and which is licensed by the Commonwealth of Virginia as an assisted living facility. All adult care residence dwelling units shall contain provisions for living and sleeping, with sanitation facilities within the unit, and with or without cooking facilities within the unit. Those units that do not contain cooking facilities shall be occupied solely by individuals qualifying for assisted living care, as determined by the Commonwealth of Virginia, and shall not be occupied by the general public.

§ 2. This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.