

INTRODUCED: October 14, 2019

AN ORDINANCE No. 2019-304

To conditionally rezone the property known as 6400 Jahnke Road from the R-2 Single-Family Residential District to the R-53 Multifamily Residential District (Conditional), upon certain proffered conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 12 2019 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “ALTA/NSPS Land Title Survey of 5.999 Acres of Land Lying Along Jahnke Road, City of Richmond, Virginia,” prepared by Timmons Group, and dated February 28, 2019, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 6400 Jahnke Road, with Tax Parcel No. C005-0500/007 as shown in the 2019 records of the City Assessor, is excluded from the R-2 Single-Family Residential District and shall no longer be subject to the provisions of sections 30-404.1 through 30-404.7 of the Code of the City of Richmond (2015), as amended, and that the same is included in the R-53 Multifamily Residential District (Conditional) and shall be subject to the

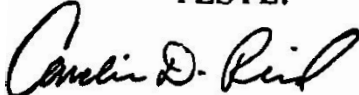
AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 12 2019 REJECTED: _____ STRICKEN: _____

provisions of sections 30-418.1 through 30-418.8 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended.

§ 2. That this rezoning shall be conditioned upon the compliance by the owner or owners with all of the proffered conditions contained in the agreement entitled “Proffered Conditions” and undated, a copy of which is attached to, incorporated into, and made a part of this ordinance. These conditions, having been proffered by the owner or owners and accepted by the City, shall continue in full force and effect until a subsequent amendment to the City’s zoning ordinance changes the zoning of the parcels rezoned by this ordinance and specifically repeals such conditions.

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

A TRUE COPY:
TESTE:

City Clerk

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request
File Number: PRE.2019.464

O & R REQUEST

RECEIVED

OCT 08 2019

OFFICE OF THE CITY ATTORNEY

O & R Request

SEP 18 2019

Office of the
Chief Administrative Officer

4-9186

DATE: September 16, 2019

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: *Lenora G. Reid, Acting Jan 9/26/19*
~~Selena Cuffee Glenn, Chief Administrative Officer~~

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

RE: To rezone the property known as 6400 Jahnke Road from the R-2 Single-Family Residential District to the R-53 Multi-Family Residential District (Conditional).

ORD. OR RES. No. _____

PURPOSE: To rezone the property known as 6400 Jahnke Road from the R-2 Single-Family Residential District to the R-53 Multi-Family Residential District (Conditional).

REASON: The applicant is intending to development a multi-family, infill development which would not be permitted under the current R-2 Single-Family Residential zoning requirements. The applicant is therefore requesting a rezoning to the R-53 Multi-Family Residential District, which allows more flexibility in the overall intensity of residential units to be incorporated into the area.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its November 4, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The property known as 6400 Jahnke Road is a 26,136 SF (6 acre) unimproved parcel of land located on the north side of Jahnke Road between Blakemore and German School Roads. The properties are located in the City's Midlothian Planning District in the Jahnke Neighborhood.

The City of Richmond's current Master Plan designates a future land use category for the subject properties as Single-Family Low-Density. Primary uses for this category include single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5. (City of Richmond Master Plan) The current zoning for the property is R-2 Single-Family Residential.

The Master Plan also designates the parcel as a "Housing Opportunity Area". The Master Plan recommends the parcel as "generally appropriate for low-density single-family residential use, consistent with the surrounding neighborhood. However, higher densities are appropriate if additional open space or protection of some of the natural environment can be provided. Some of the frontage of this site on Jahnke Road should also be considered for public use, given the proximity of the adjacent middle school and the potential need for other public facilities in this growing district." (City of Richmond Master Plan, p. 212).

Properties to the north and west are currently zoned R-53 and R-43 Multi-Family, and properties to the east and south are zoned R-2 and R-3 Single-Family Residential. A mix of commercial, institutional, and single- and multi-family residential land uses are present in the vicinity of the property.

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

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$2,000 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: October 14, 2019

CITY COUNCIL PUBLIC HEARING DATE: November 12, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
November 4, 2019

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Proffer Statement, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734



Susan S. Smith
Paralegal
D 804 771 9526
ssmith@hirschlerlaw.com

Hirschler Fleischer | hirschlerlaw.com
2100 East Cary Street | Richmond, VA 23223
P: 804 771 9500 | F: 804.644.0957

September 13, 2019

BY HAND

Mr. Jonathan W. Brown
Senior Planner
Land Use Administration
ADU Program Manager
900 East Broad Street, Suite 511
Richmond, Virginia 23219

Re: Rezoning 5.999 Acres along Jahnke Road

Dear Jonathan:

Enclosed please find the signed original revised proffers.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Susan S. Smith
Paralegal

/sss
Enclosures

PROFFERED CONDITIONS

The property owner and the contract purchaser, together the “applicants” in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of the City of Richmond, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the applicants, or their agent. In the event this request is denied or approved with conditions not agreed to by the applicants or their agent, the proffers shall immediately be null and void and of no further force or effect. As used herein, the term “Property” shall mean that land shown on the survey titled “5.999 Acres of Land Lying Along Jahnke Road” prepared by Timmons Group dated February 28, 2019, and attached hereto as Exhibit A (the “Plat”).

Applicable to the Property:

1. Conceptual Master Plan. Development of the Property shall be in general conformance with the conceptual master plan attached hereto as Exhibit B (the “Master Plan”), which Master Plan is conceptual in nature and may vary in detail.
2. Elevations. Development of the Property shall be in general conformance with the architectural elevations shown on Exhibit C attached hereto (“Elevations”), unless otherwise requested and specifically approved at the time of plan of development review. The exterior materials shown on the Elevations shall be controlled by Proffer 3 below.
3. Exterior Materials. Any building developed on the Property shall have exposed exterior walls (above finished grade but exclusive of trim) of brick, cultured stone, vinyl (a minimum of 0.044 millimeters nominal thickness as evidenced by manufacturer’s printed literature), or a combination of the foregoing, unless different materials are otherwise requested and specifically approved with respect to the exposed portion of any such walls at the time of plan of development review. Roof materials may be dimensional or architectural asphalt shingle, unless otherwise requested and specifically approved at the time of plan of development review. Standing seam metal, or an equivalent material, may also be used on some roofing areas for aesthetic or focal purposes.
4. Plant Species. Landscaping planted by the owner will consist of native, non-invasive species.
5. Treescape and Sidewalk Trees shall be provided in the front yard along the sidewalk for the length of the Property’s frontage on Jahnke Road. A five (5’) foot sidewalk shall also be constructed along the Property’s frontage on Jahnke Road as shown on the Master Plan
5. Severance. The unenforceability, elimination, revision or amendment of any

proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
[SIGNATURE PAGE TO FOLLOW]**

**[CONTRACT PURCHASER SIGNATURE PAGE TO BREEDEN PROPERTY
PROFFERS]**

**BREEDEN INVESTMENT PROPERTIES,
INC.,
a Virginia corporation**

By: 
Jeffrey P. Geiger, Attorney-in-Fact

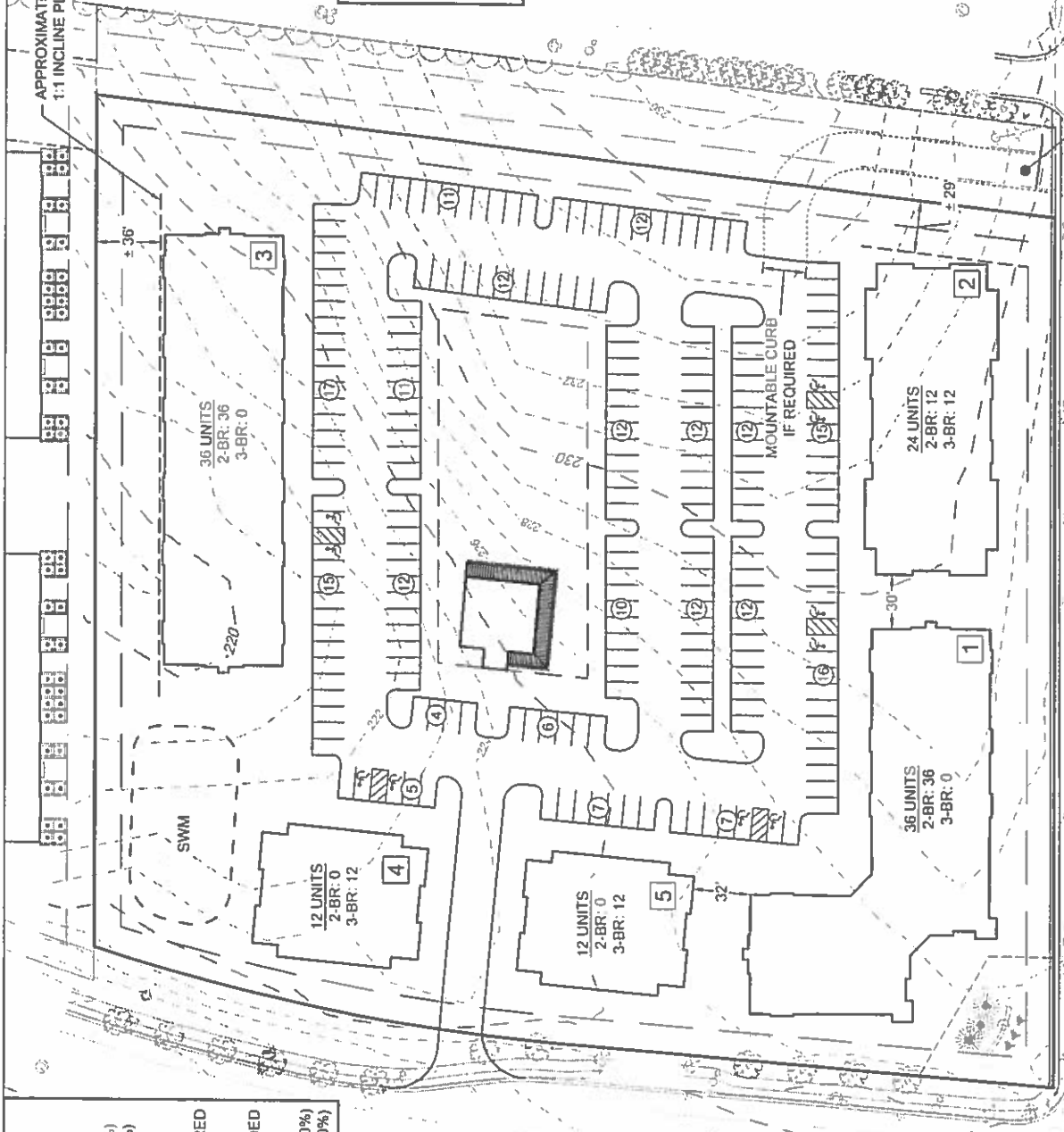
**[PROPERTY OWNER SIGNATURE PAGE TO BREEDEN PROPERTY
PROFFERS]**

By: *Daniel J. Bliley*
DANIEL J. BLILEY, in his individual
capacity and as Attorney-in-Fact for:
Jonathan H. Bliley,
Eric A. Bliley,
Ceclia B. Duke,
Joseph W. Bliley, IV,
Margaret B. Wilkins,
Norbert M. Bliley,
Patricia S. Bliley, Trustee of the Nicholas M.
Bliley Revocable Trust Agreement Dated
May 29, 1996,
Catherine B. Wright, and
Daniel J. Bliley

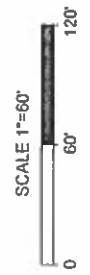
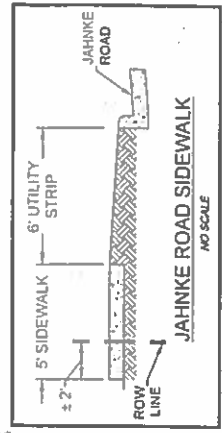
11208297.4 024775.01653

PROPOSED PHASE II SUMMARY:

PROPERTY ACREAGE:	6.0 ACRES
UNITS	TOTAL - 120 UNITS 2 BR - 84 UNITS (70%) 3 BR - 36 UNITS (30%)
DENSITY:	20.0 UNITS / ACRE
PARKING:	180 SPACES REQUIRED 1.50 SPACES / UNIT 220 SPACES PROVIDED 1.83 SPACES / UNIT
OPEN SPACE:	2.4 AC REQUIRED (40%) 3.0 AC PROVIDED (50%)



APPROXIMATE LIMITS OF 1:1 INCLINE PLANE (TYP.)



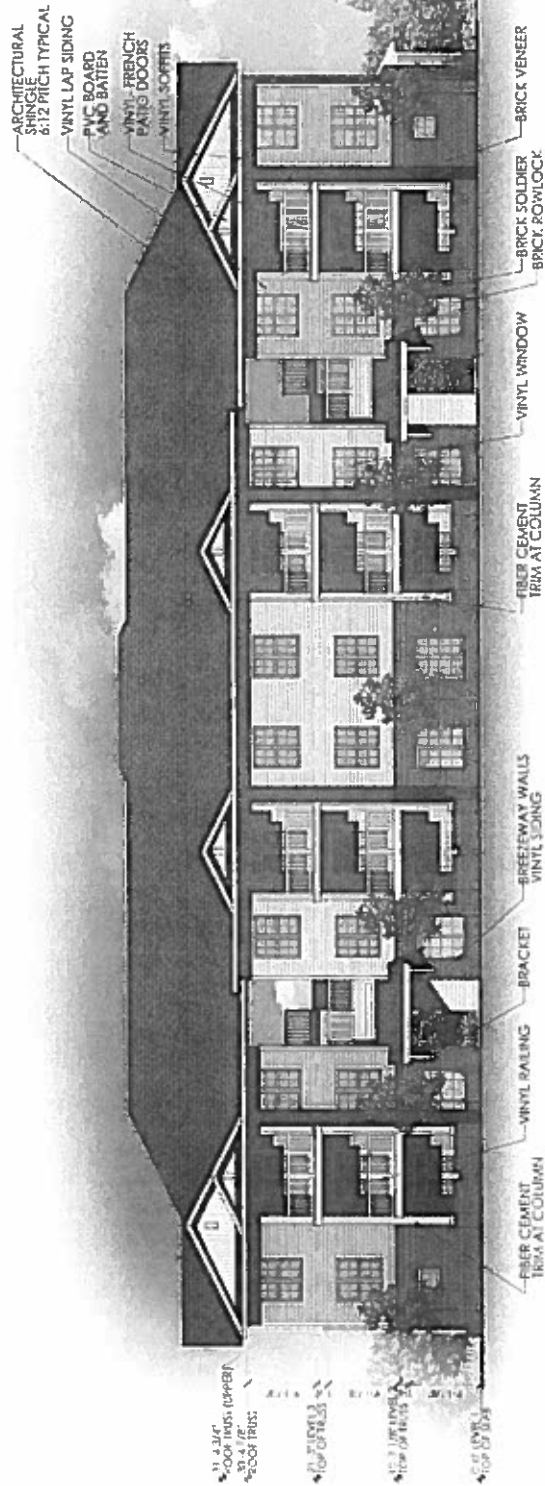
SITE LAYOUT EXHIBIT
09/10/2019
1" = 60'

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

OPTIONAL EMERGENCY ACCESS

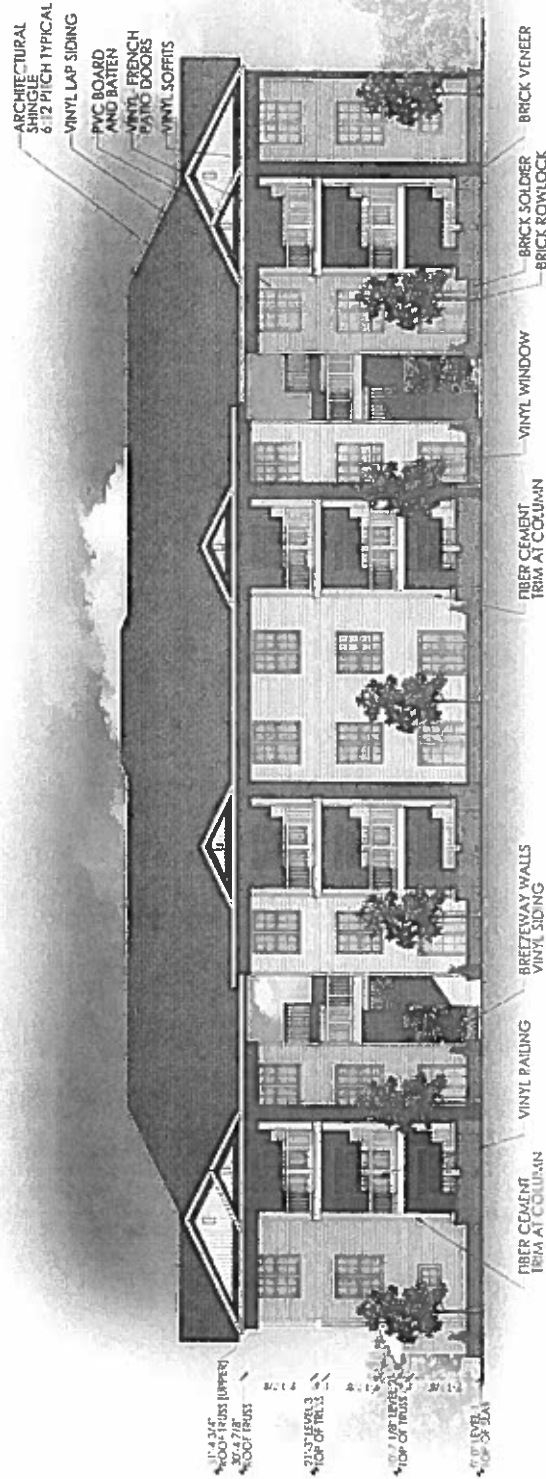
Jahnke Road (Route 686)
variable width public right-of-way

German School Road
variable width public right-of-way



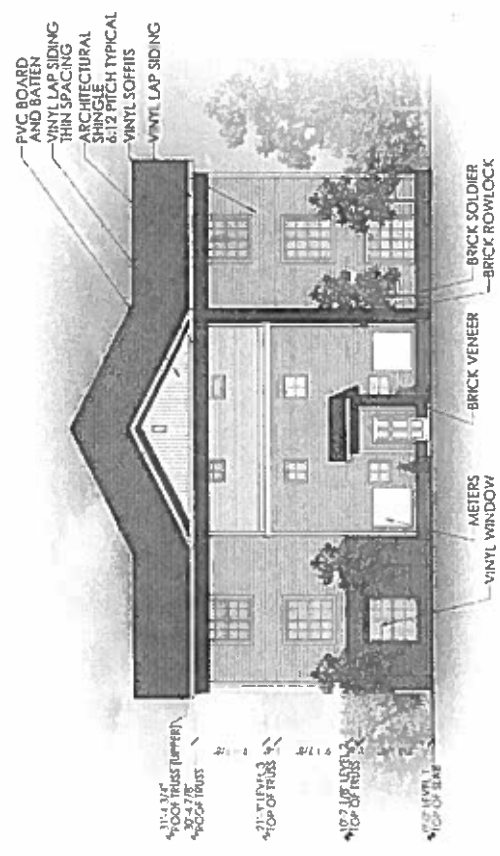
TYPE 1 - FRONT BUILDING ELEVATION

DATE: 04/10/2019 10:48 AM
 ALLOWED PERIOD: 10/20/2019



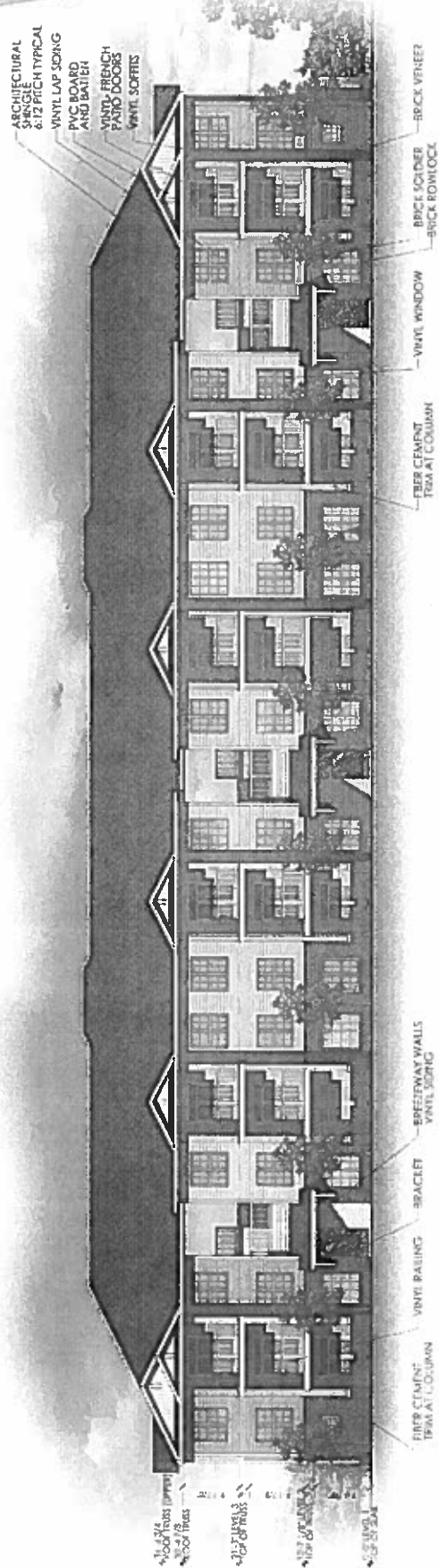
TYPE 1 - REAR BUILDING ELEVATION

NOTE: COLUMN LINE NUMBER & ALLOWED TYPED OF BRICK VENEER



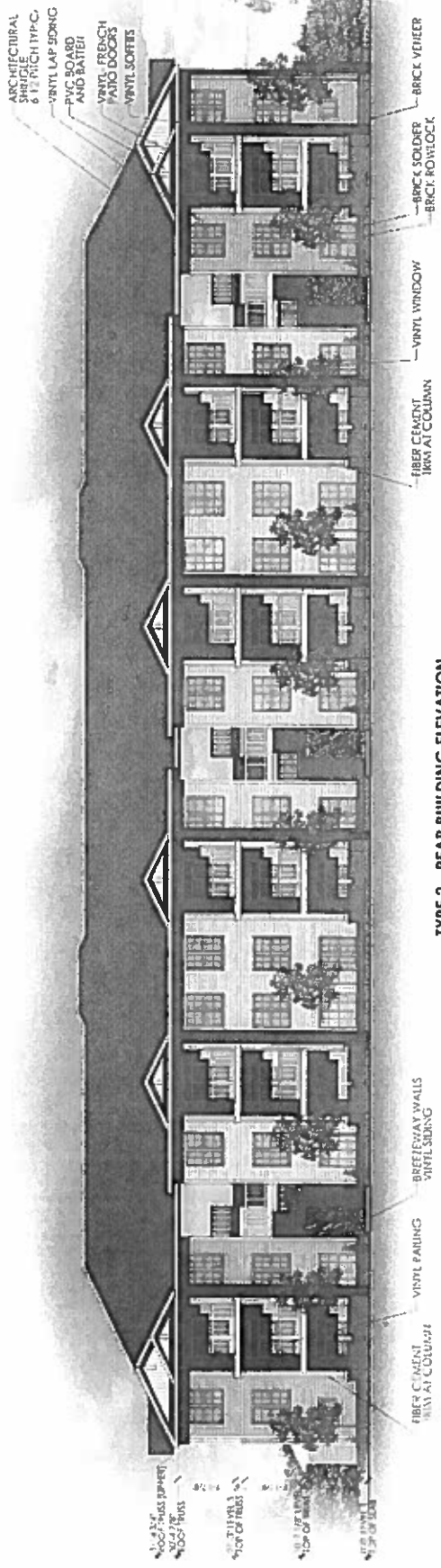
TYPE 1 - SIDE BUILDING ELEVATION

THIS DOCUMENT IS THE PROPERTY OF BREIDEN COMPANIES



**TYPE 2 - FRONT BUILDING ELEVATION
(TYPE 3 SIMILAR)**

DATE: 09/24/2019
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS

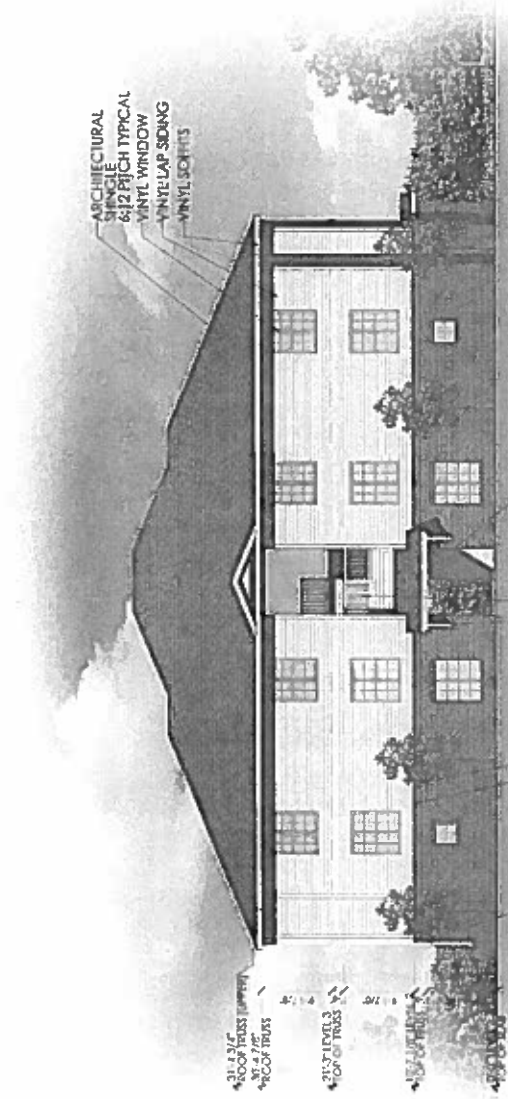


**TYPE 2 - REAR BUILDING ELEVATION
 (TYPE 3 SIMILAR)**

NOTE: CLIPPING TOILET PAPER IS
 SUPPLIED IN UNIT OF PAPER

HOW CLARIFIED SOME ITEMS IS ALLOWED TO BE USED IN PLACE OF OTHER





ARCHITECTURAL SHINGLE
 6/12 PITCH TYPICAL
 VINYL WINDOW
 VINYL LAP SIDING
 VINYL SOFFITS

31.6' TRUSS
 ROOF TRUSS (TYPICAL)
 4" x 7" JOIST
 ROOF TRUSS

31.7' TRUSS
 TOP OF TRUSS

BREEZEWAY WALLS
 VINYL SIDING

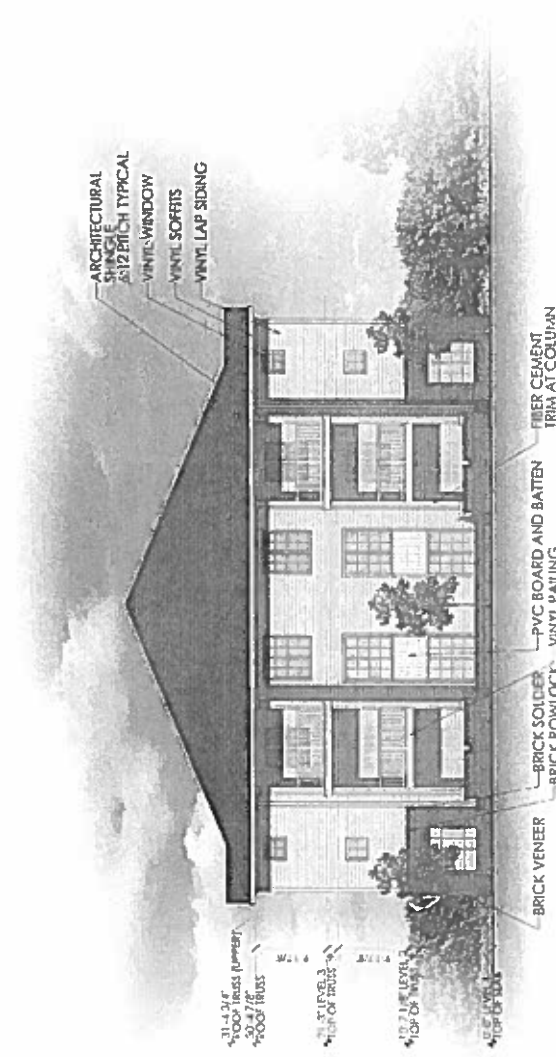
VINYL RAILING
 BRACKET

BRICK SOLDIER
 BRICK ROWLOCK

BRICK VENEER

TYPE 4 - FRONT & REAR BUILDING ELEVATION

FOR CLARIFIED DOOR TYPES & WINDOW PLANS OF THIS ELEVATION



TYPE 4 - SIDE BUILDING ELEVATION

NOTE: CONSULT DRAWING SHEET 3
ADDENDUM 1, 2 & 3 FOR MORE INFORMATION

Legal Description (Survey):
 Beginning at a plat set at the intersection of the North line of Jahnske Road (Route 686) and the East line of German School Road, eastward along the NORTH OR BISHOPVILLE street, German School Road (the following part (2) contains: (1) 1,025'± x 171.81', a distance of 217.25 feet to a Road cut; (2) thence, westerly along a longer curve to the north, being concave to the East, having a radius of 1155.00 feet, a central angle of 137°05'16", a tangent length of 123.67 feet, a chord bearing of N116°14'09"W, a chord length of 243.60 feet, a distance of 204.19 feet along the arc of said curve to a Road found lying along the East line of German School Road; thence, departing the East line of German School Road, N42°36'07"E, a distance of 472.94 feet to a Road found, thence S50°24'55"E, a distance of 529.42 feet to a Road found lying along the North line of Jahnske Road (Route 686); thence, with the North line of Jahnske Road (Route 686), S27°36'19"W, a distance of 482.27 feet, returning to the Point of Beginning.

Detached Parcel contains 5.999 acres, more or less.

Legal Description (Title Commitment):
 ALL that certain lot or parcel of land, together with all improvements located thereon and appurtenances thereto belonging, lying and being in the City of Richmond, Virginia, described as Parcel 2, containing 6.000 acres and shown on plat of Woodson K. Cook, Inc., entitled "Bible School Road", dated March 24, 2017, recorded December 11, 2017, in the Clerk's Office, Circuit Court, City of Richmond, Virginia, in File Book 172, Sheet 44 and 45.

IT BEING the same property conveyed unto Catherine B. Wright, Daniel J. Blay, Patricia S. Blay, Truette Under the Apostles II, Blay Fivocable Trust Agreement dated May 22, 1992, Margaret B. Wilcox, Herbert H. Blay, Cecilia B. Duke, Atsugi W. Blay, IV, Jonathan H. Blay and Eric A. Blay by Deed of Distribution dated October 20, 2015, from Viola Fargo Bank, N.A., as successor by merger to Jefferson National Bank and Catherine Blay Wright, Truette under the Family Trust created by the Last Will and Testament of Joseph W. Blay, Jr., recorded as Will Instrument 05-024 (1) and Catherine Blay Wright, Truette under the Family Trust created by Last Will and Testament of Catherine Olive Blay, recorded as Will Instrument 08-298-1, the said Deed of Distribution was recorded November 24, 2015, as Instrument Number 15-22545, in the Clerk's Office, Circuit Court, City of Richmond, Virginia.

Together with the easements, rights, benefits and obligations under that certain Deed of Easement for Project Split between Valley of Hissdale, LLC and Catherine B. Wright, Daniel J. Blay, Patricia S. Blay, Truette under the Wills of H. Blay Fivocable Trust Agreement dated May 22, 1992, Margaret B. Wilcox, Herbert H. Blay, Cecilia B. Duke, Atsugi W. Blay, IV, Jonathan H. Blay, IV, Jonathan H. Blay and Eric A. Blay, dated November 23, 2015, recorded November 24, 2015 in the Clerk's Office as Instrument Number 15022508.

Brandswood Richmond, LLC
 ID 15-1744
 Parcel ID C000500009

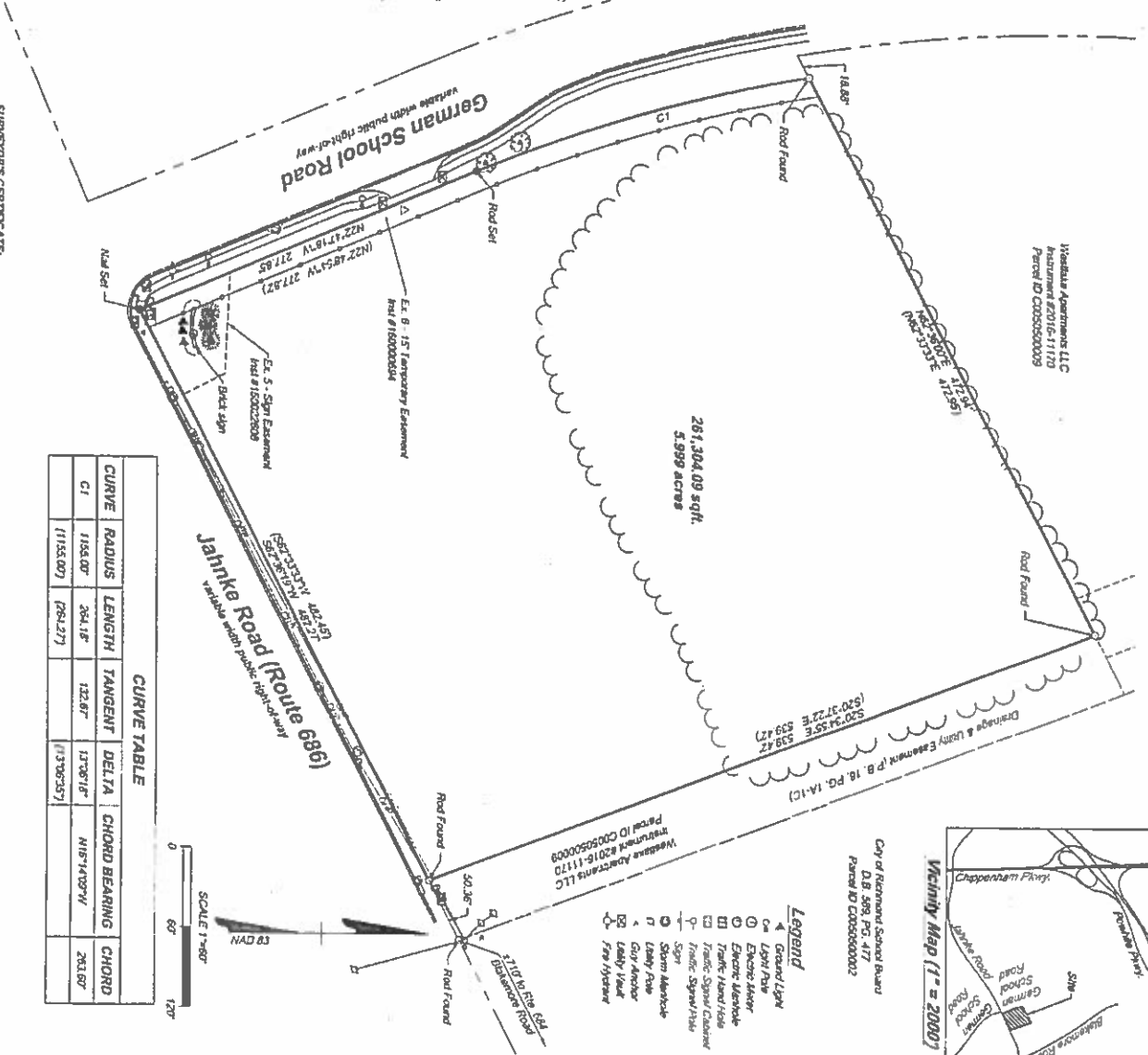
- This Exception:**
1. Real Estate taxes accruing from the beginning of the first half of the calendar year 2019 and subsequent semi-annual payments, not yet due and payable. **NOT A SURVEY MATTER.**
 2. Adverse claims or claims of title. **NOT A SURVEY MATTER.**
 3. Special assessments, if any, imposed by the City of Richmond for services rendered upon insured premises, including storm water fees, not yet due and payable. **NOT A SURVEY MATTER.**
 4. Easement to Virginia Electric and Power Company dated October 9, 1991, recorded in Deed Book 2182, page 1371, (EASEMENT/CO-I) (N/A). This should have been recorded in the City of Richmond. **DOES NOT AFFECT.**
 5. EASEMENT NOT ON SUBJECT PROPERTY.
 6. Rights of others in and to the easements contained in that Deed of Easement for Project Split recorded in the Clerk's Office of the Circuit Court of the City of Richmond, Virginia as Instrument Number 15022508. **EASEMENT PLATTED HEREON.**
 7. Platted Easement and Location of Access Easement recorded in the Clerk's Office of the Circuit Court of the City of Richmond, Virginia as Instrument Number 160000954. **TEMPORARY PLATTED HEREON.**
 8. Easement Agreement recorded in the Clerk's Office of the Circuit Court of the City of Richmond, Virginia as Instrument Number 160011169. **AGREEMENT CONTAINS NOTHING PLATTED HEREON.**
 9. Rights of the United States of America and the Commonwealth of Virginia to regulate and partition of the property which may be deemed voidable. **NOT A SURVEY MATTER.**
 10. Rights of others therein entitled in and to the continued unimpaired flow of the stream crossing subject property. **NOT A SURVEY MATTER.**
- Area Summary (measured):**
 5.999 acres

Flood Zone Information:
 The parcel shown hereon has within an area having a zone designation of "X" by the Federal Emergency Management Agency (FEMA) as shown on Flood Insurance Rate Map Number 510129019C2, effective date April 2, 2009.

Property Address:
 6100 Jahnske Road, Richmond, VA 23225

Owner of Record:
 Catherine B. Wright, Daniel J. Blay, Patricia S. Blay, Truette under the Wills of H. Blay Fivocable Trust Agreement dated May 22, 1992, Margaret B. Wilcox, Herbert H. Blay, Cecilia B. Duke, Atsugi W. Blay, IV, Jonathan H. Blay and Eric A. Blay
 P. B. 12, Sheet 44 & 45, Will Instrument 08-298-1, Instrument #15-22545
 Parcel ID: C000500007

- Parcel Access:**
 This parcel has direct frontage on Jahnske Road (State Route 686) and German School Road, both being dedicated public right of ways.
- Survey Details:**
1. This survey was prepared with the benefit of a Title Commitment as provided by Fidelity National Title Insurance Company, File No. 09106425, effective date: January 4, 2019.
 2. The plat is based on a ground run survey performed by Timmons Group on February 26, 2019.
 3. The surveyed lands shown hereon are the same lands as described in the Title Commitment.
 4. There was no evidence of recent earth moving, building construction, or building additions observed in the process of conducting the fieldwork.



CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	1155.00'	264.18'	123.67'	137°05'16"	N16°14'09"W	243.60'
	(1155.00')	(264.18')		(137°05'16")		

SURVEYOR'S CERTIFICATE:
 I, the undersigned, being a duly qualified and licensed Professional Surveyor, Inc. and Fidelity National Title Insurance Company, do hereby certify that the map or plat and the survey on which it is based were made in accordance with the 2010 Minimum Standard Detail Requirements for ALL TIMMONS' Land Title Surveys, hereby established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 13 and 16 of Table A thereof. The addition was completed on February 26, 2019.

Date of Plat or Map: February 26, 2019

William R. Hix, LS
 VA Registration No. 002247



ALTA/NSPS LAND TITLE SURVEY OF 5.999 Acres of Land Lying Along Jahnske Road

City of Richmond, Virginia

DATE: FEB. 26, 2019 SCALE: 1" = 60'
 SHEET 1 OF 1 JAN. 29th '17
 DRAWN BY: W. R. HIX CHECKED BY: W. R. HIX