INTRODUCED: October 10, 2023

AN ORDINANCE No. 2023-318

To authorize the special use of the properties known as 3731 Grubbs Lane, 3731-A Grubbs Lane, 4045 Walmsley Boulevard, and 4057 Walmsley Boulevard for the purpose of up to ten multifamily dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: NOV 13 2023 AT 6 P.M.

WHEREAS, the owner of the properties known as 3731 Grubbs Lane, 3731-A Grubbs Lane, 4045 Walmsley Boulevard, and 4057 Walmsley Boulevard, which are situated in a R-3 Single-Family Residential District, desires to use such property for the purpose of up to ten multifamily dwellings, which use, among other things, is not currently allowed by section 30-406.1 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:	9	NOES:	0	ABSTAIN:	
ADOPTED:	NOV 13 2023	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 30-1050.1 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 terms and conditions set forth in this ordinance, the properties known as 3731 Grubbs Lane, 3731-A Grubbs Lane, 4045 Walmsley Boulevard, and 4057 Walmsley Boulevard and identified as Tax Parcel Nos. C008-0757/006, C008-0757/008, C008-0757/017, and C008-0757/014 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled "Base Sheet for Design of 5 Parcels of Land With Topography Located South of Walmsley Boulevard and East of Grubbs Lane, Richmond, Virginia," prepared by A.G. Harocopos & Associates, P.C., dated December 17, 2014, and last revised April 16, 2015, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of up to ten multifamily dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Walmsley Boulevard Condos, 9th District City of Richmond Virginia," prepared by Timmons Group, dated September 23, 2022, and last revised July 12, 2023, and "Walmsley Boulevard Condos SUP Schematic Architecturals," prepared by NVR, Inc., and dated February 24, 2020, hereinafter referred to, collectively, 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 permit 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 up to ten multifamily dwellings, substantially as shown on the Plans. The Special Use shall not exceed an aggregate of 72 dwelling units.
- (b) Up to 90 parking spaces shall be provided on the Property, substantially as shown on the Plans.
- (c) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.
- (d) All building types, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans. Brick, brick veneer, stone, stone veneer, masonry, vinyl, fiber cement, and engineered wood shall be permitted building siding materials. Vinyl siding shall have a minimum wall thickness of 0.044 inches, as evidenced by the manufacturer's printed literature.
 - (e) Signs on the Property shall not be internally illuminated.
- (f) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- § 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.

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

ATRUE COPY:
TESTE:
Caulin D. Rind





City of Richmond

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

Master

File Number: Admin-2023-1419

File ID: Admin-2023-1419 Type: Request for Ordinance or Status: Regular Agenda

Resolution

Version: 1 Reference: In Control: City Clerk Waiting

Room

Department: Richmond Dept of Cost: File Created: 08/31/2023

Planning &

Development. Review

Subject: Final Action:

Title: To authorize the special use of the properties known as 3731 Grubbs Lane, 3731-A

Grubbs Lane, 4045 Walmsley Boulevard, and 4057 Walmsley Boulevard for the purpose of up to 10 multifamily dwellings, upon certain terms and conditions.

Internal Notes:

Code Sections: Agenda Date: 10/10/2023

Indexes: Agenda Number:

Patron(s): Enactment Date:

Attachments: Admin-2023-1419 - Support Documents, Enactment Number:

Admin-2023-1419 - Draft Ordinance

Contact: Introduction Date:

Related Files:

Approval History

Version	Seq#	Action Date	Approver	Action	Due Date
1	1	9/12/2023	Matthew Ebinger	Approve	9/14/2023
1	2	9/12/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	9/12/2023	Kevin Vonck	Approve	9/19/2023
1	4	9/12/2023	Alecia Blackwell - FYI	Notified - FYI	
1	5	9/13/2023	Sharon Ebert	Approve	9/19/2023
1	6	9/13/2023	Caitlin Sedano - FYI	Notified - FYI	
1	7	9/13/2023	Jeff Gray - FYI	Notified - FYI	
1	8	9/15/2023	Lincoln Saunders	Approve	9/15/2023
1	9	10/3/2023	Mayor Stoney	Approve	9/19/2023

History of Legislative File

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

Text of Legislative File Admin-2023-1419

Title

To authorize the special use of the properties known as 3731 Grubbs Lane, 3731-A Grubbs Lane, 4045 Walmsley Boulevard, and 4057 Walmsley Boulevard for the purpose of up to 10 multifamily dwellings, upon certain terms and conditions.

Body

O & R Request

DATE: September 12, 2023 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Mayor, by Request)

(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

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

Development and Planning

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To authorize the special use of the properties known as 3731 Grubbs Lane, 3731-A

Grubbs Lane, 4045 Walmsley Boulevard, and 4057 Walmsley Boulevard for the purpose of up to 10 multifamily dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 3731 Grubbs Lane, 3731-A Grubbs Lane, 4045 Walmsley Boulevard, and 4057 Walmsley Boulevard for the purpose of up to 10 multifamily dwellings, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit for the purpose of constructing up to 10 multifamily dwellings containing an aggregate of up to 70 dwelling units within an R-3 Single Family Residential zoning district. The proposed use is not permitted within the R-3 zone. A Special Use Permit is therefore required.

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.

BACKGROUND: The property consists of vacant parcels that together, consist of a total of 62,116 sq. ft. (1.4 acre) parcel of land. The property is located in the McGuire Manor neighborhood.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential which is defined as "Neighborhood consisting primarily of single-family houses on large or medium sized lots more homogeneous in nature." Primary Uses: Single family houses, accessory dwelling units, and open space. Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets (p. 54)

The current zoning for this property is R-3 Single Family Residential. All adjacent properties are located within the same R-3 Residential Zone. The area is primarily single family residential, with some multi-family residential present in the vicinity. The proposed density is approximately 51 units per acre.

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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: October 10, 2023

CITY COUNCIL PUBLIC HEARING DATE: November 13, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

November 6, 2023

AFFECTED AGENCIES: Office of Chief Administrative Officer Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

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

..Recommended Action

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda
Refer Back to Committee
Remove from Council Agenda

Strike Withdrawn ---- Continue to:



photocopied signatures will not be accepted.

Application for SPECIAL USE PERMIT

Department of Planning and Development Review.
Land Lite Administration Division.
900 E. Broad Street Room 5/1
Richmond, Virginia 25219
(804) 546-6304

fitte i www.nutimonagev.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 3731 and 3731-A Grubbs Lane and 4045 and 40	57 Walmsley Blvd	Date October 28, 2022
Tax Map # See Exhibit A Fee \$300.00		
Total area of affected site in acres -3.55 acres		
(See page 6 for fee schedule, please make check payable to the "C	ity of Richmond	
Zoning		
Current Zoning: R-3 Residential (Single-Family) District		
- To Hosadelillar (elligle Falliny) bishlet		
Existing Use Single Family Detached		
-		
Proposed Use		
(Please include a detailed description of the proposed use in the re-		tt)
Construction of up to seventy-four (74) attached townhouse style units (on	e unit-over-one unit).	
Existing Use: Vacant Parcel and Single Family Detached Parcel		
Is this property subject to any previous land use cases	:2	
Yes No		
If Yes, please list the Ordinance Numbe	r	
A II A /G A A D Brian Indian		
Applicant/Contact Person: Brian Jackson		
Company Hirschler Mailing Address 2100 E. Cary Street		
City Richmond	State VA	Zip Code: 23223
*	Fax (
Email bjackson@hirschlerlaw.com		
Property Owner: Byron S. Ballard and Vicki L. Ballard		
If Business Entity, name and title of authorized signee.		
(The person or persons executing or attesting the execution of this	Appliesting agricus ur	A Bank To the Control of the Control
she has or have been duly authorized and empowered to so execut	z or attest)	of the Company certifies that he or
20 0 1 1/2 1/11	00	
Mailing Address 3910 LAKE HILLS City NORTH CHESTERFIELD	~U	
	State/_A	Zip Code
Telephone: (804) 921 87/9	Fax _(
Email Byzon Ballar D 588885@ Smy L.	com ,LVINO	58 C GMAIL CRM
Winn Dland	Vard	Making Malland
Property Owner Signature:	411/	Maint Milliage
The names, addresses, belephone numbers and signatures of all own	ars of the property a-	Vicki L. Ballard
sheets as needed. If a legal representative signs for a property own	er, please attach an ex	ecuted power of atterney Faxed or

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

REVISED May 31, 2023 Special Use Permit Applicant's Report

3731 Grubbs Lane, Parcel ID: C0080757006 3731-A Grubbs Lane, Parcel ID: C0080757008 4045 Walmsley Blvd, Parcel ID: C0080757017 4057 Walmsley Blvd, Parcel ID: C0080757014

INTRODUCTION

Canterbury Development Group LLC, a Virginia limited liability company, is the contract purchaser of approximately 3.55 acres of land located in Richmond, Virginia at 3731 and 3731-A Grubbs Lane, owned by Byron S. Ballard; 4045 Walmsley Blvd, owned by Byron S. Ballard and Vickie L. Ballard and 4057 Walmsley Blvd owned by Byron S. Ballard and Vicki Laverne Ballard (all aforementioned land is collectively referred to herein as the "Property") (all aforementioned persons and entities are collectively referred to herein as the "Applicant").

The Applicant plans to develop up to seventy-two (72) attached townhouse style residences (one unit over one unit) for sale and/or rent (the "Townhomes") as shown on the <u>Revised SUP</u> Plan Set entitled "Walmsley Boulevard Condos SUP Plan," dated 9.23.2022, revision date May 19, 2023 and prepared by Timmons Group (the "Project"). The Applicant's vision for the Property and the area will be known as "Walmsley Townhouses," a small residential development that will provide both young families and retirees in the South Richmond community with much-needed, new, easy to maintain single-family homes.

The Property is located within the Cottrell Farms Neighborhood.

PROPOSED USE AND SPECIAL USE PERMIT REQUEST

The Property is zoned R-3 Residential (Single-Family) District.

The Applicant is seeking a Special Use Permit to allow construction of the Townhomes.

The Project will have two models that will be substantially similar to the floor plans entitled "Walmsley Townhomes Floor Plans" attached hereto (the "Floor Plans"). The Townhomes will be 900 square feet in floor area or greater. The exterior of each dwelling as shown on the attached "Elevations", for illustration purposes only, will be sided with HardiePlank or a similar siding. Additionally, the interior road will be a private Right-of-Way with perpendicular parking and two access points to and from Grubb Lane.

EXISTING PROPERTY AND SURROUNDING AREA

The Property forms the northern margin of the Cottrell Farms neighborhood. Cottrell Farms is bound by Walmsley Road to the North, Falling Creek to the South, Hopkins Road to the East, and Iron Bridge Road to the West. While the neighborhood is mostly made up of single-family homes, it has a few restaurants and other retail uses throughout the area.

THE RICHMOND 300 PLAN

The Richmond 300 Plan designates the Property's future use as Residential, a category which calls for houses on medium-sized and large-sized lots that are setback from the street in a largely auto-dependent environment. The primary use for a Residential use category includes single-family houses, accessory dwelling units, and open space. Secondary uses include duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Additionally, buildings generally range from one to three stories.

PROPOSED USE

The development of the Project as described herein is compatible with the surrounding area and an appropriate use for the site. The Project will be an infill of development and serve as a natural addition to the many single family dwellings in the neighborhood. The Project's proposed townhouse style with one-over-one units is in line with the Richmond 300 plan for the area. This Project will provide dozens of new, high-quality houses at attainable market prices.

Utilities will be connected to the adjacent public water and sewer mains. Storm or surface water shall not be allowed to accumulate on the land. The developer of the Project, 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.

The Project is projected to generate approximately 500-600 vehicle trips per day, an amount that should be easily absorbed by the surrounding road network. Grubb Lane is a feeder street to Walmsley Boulevard, which is a median-separated four-lane road. The Project's entrances would be 150 & 575 feet from Grubb Lane's interchange with Walmsley Boulevard, which is 800 feet from Walmsley Boulevard's interchange with Hopkins Road, another four lane road. The Property's location means that morning and evening commutes should be spread evenly across the adjacent major roads. Additional traffic will be further alleviated by the private right of way and perpendicular parking spaces throughout the Property as well as the Property's proximity to GRTC transit options on Belt Boulevard.

SUITABILITY OF ZONING and FINDINGS OF FACT

The following are factors listed in Section 30-1050.1 of the Zoning Ordinance to be considered with the review of special use permit applications.

The proposed SUP will:

- *NOT be detrimental to the safety, health, morals, and general welfare of the community.*
 - The proposed development will provide the opportunity for needed housing stock, and provide the community with conveniently-located, attainable starter or retirement homes. These residences will enhance the community's safety, health, morals and general welfare.
- NOT tend to create congestion in streets, roads, alleys, and other public ways and places in the area.

The new residences should have a negligible impact on traffic in the area, as the private right of way with perpendicular parking and the conveniently-located GRTC transit routes will mitigate any additional burden.

• *NOT create hazards from fire, panic or other dangers.*

The Project will be constructed in accordance with applicable building and fire safety codes and energy conservation requirements.

- *NOT overcrowd land or cause an undue concentration of population.*
- NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

The above-referenced City services will not be adversely affected by the proposed use of the Project. Utilities and infrastructure are in place and adequate for the proposed use. The proposed reuse of the Property will enhance the area without affecting existing public facilities. Additionally, the development is likely to attract residents of diverse backgrounds and age groups so as not to adversely impact area schools, parks, playgrounds, water supplies, sewage and storm water systems, transportation or other governmental service.

• *NOT interfere with adequate light and air.*

The Property is in a location with ample air, light and space components. The light and air available to the Property and adjacent properties will not change if the SUP is granted.

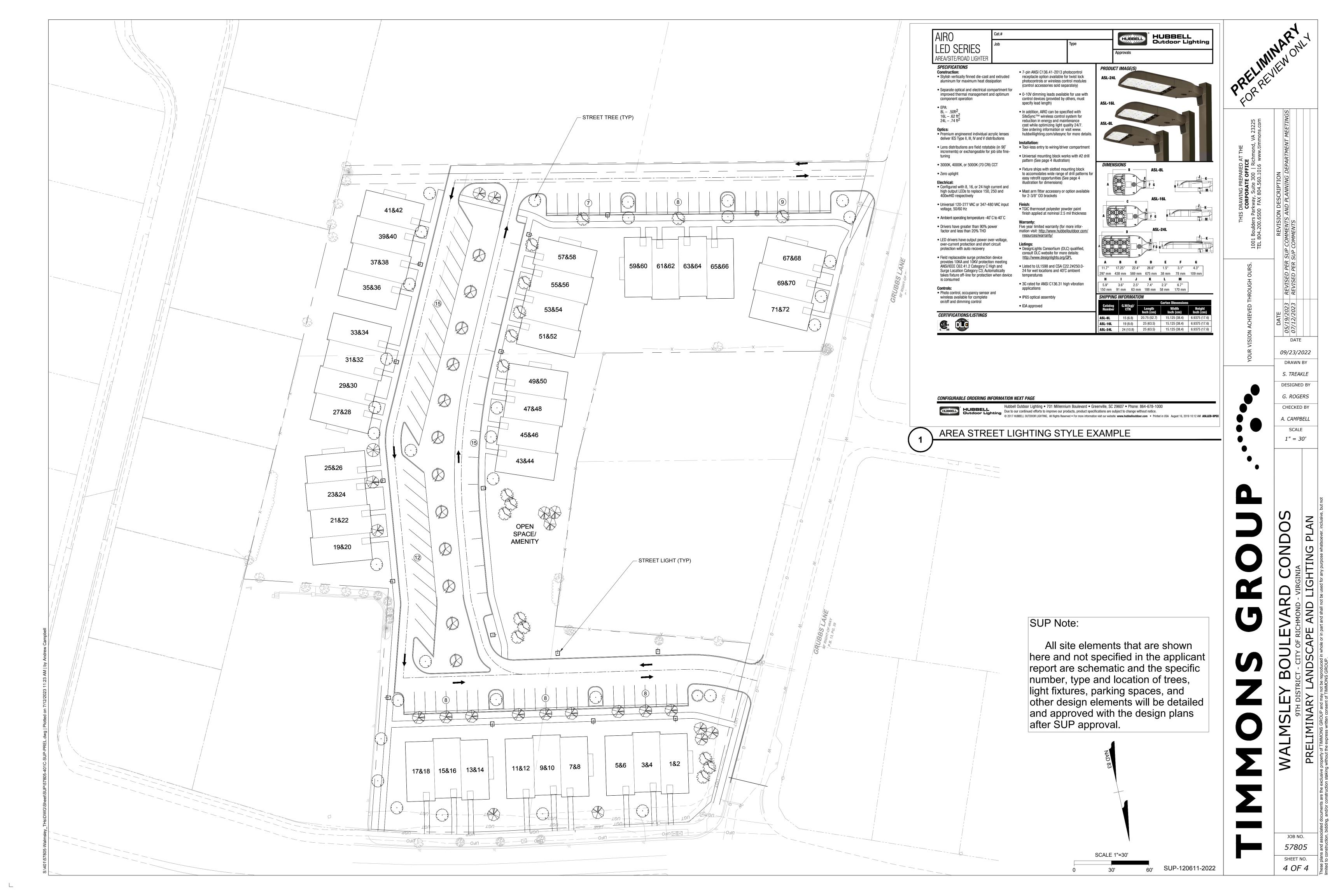
COMMUNITY SUPPORT FOR SPECIAL USE PERMIT

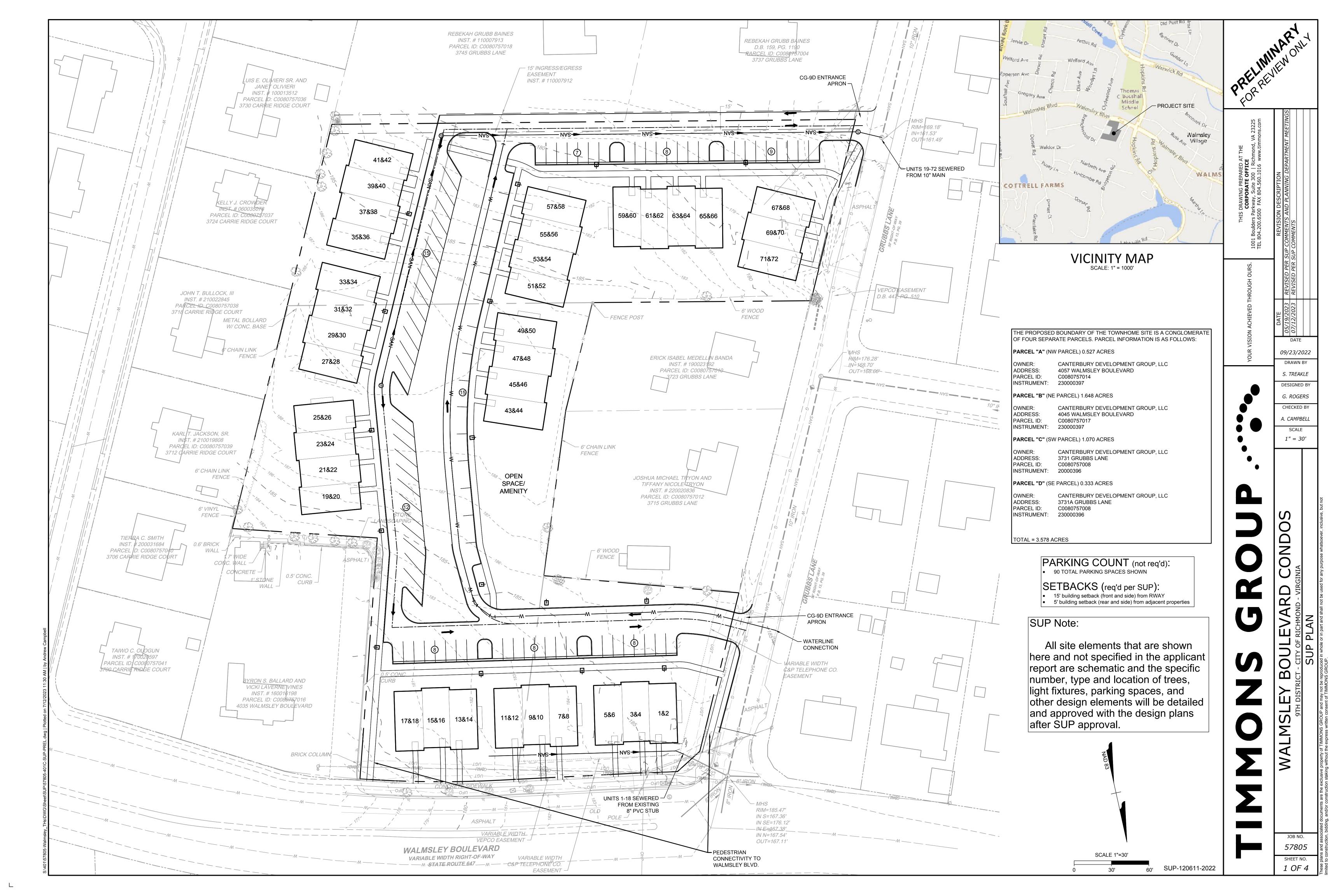
This Property is not within an area served by a City-listed neighborhood association or civic association. The Applicant has provided the application materials to Councilwoman Reva M. Trammell who supports the Project and the SUP request. The Applicant also presented the Project details at Councilwoman Trammell's Community Meeting on October 6, 2022, and collected eleven letters of support, which are attached to this application.

CONCLUSION

The proposed Project will increase revenue to the City of Richmond in the form of an expanded real estate tax base, new construction bringing jobs to the area, as well as more consumers to the area. The Project will be a highly visible symbol of revitalization in South Richmond contributing to the area's future transformation and thereby further the City's aspirations for this neighborhood.

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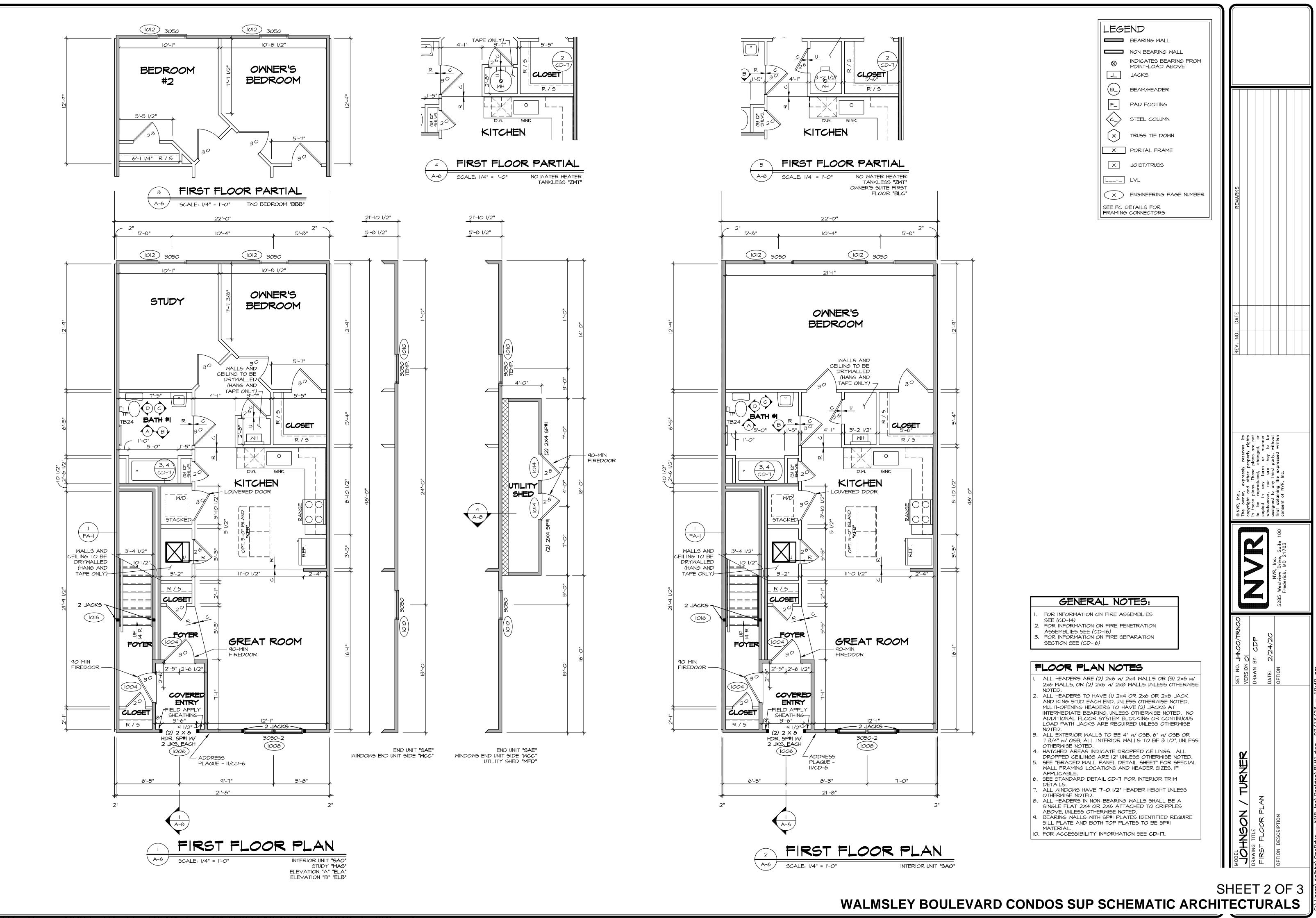




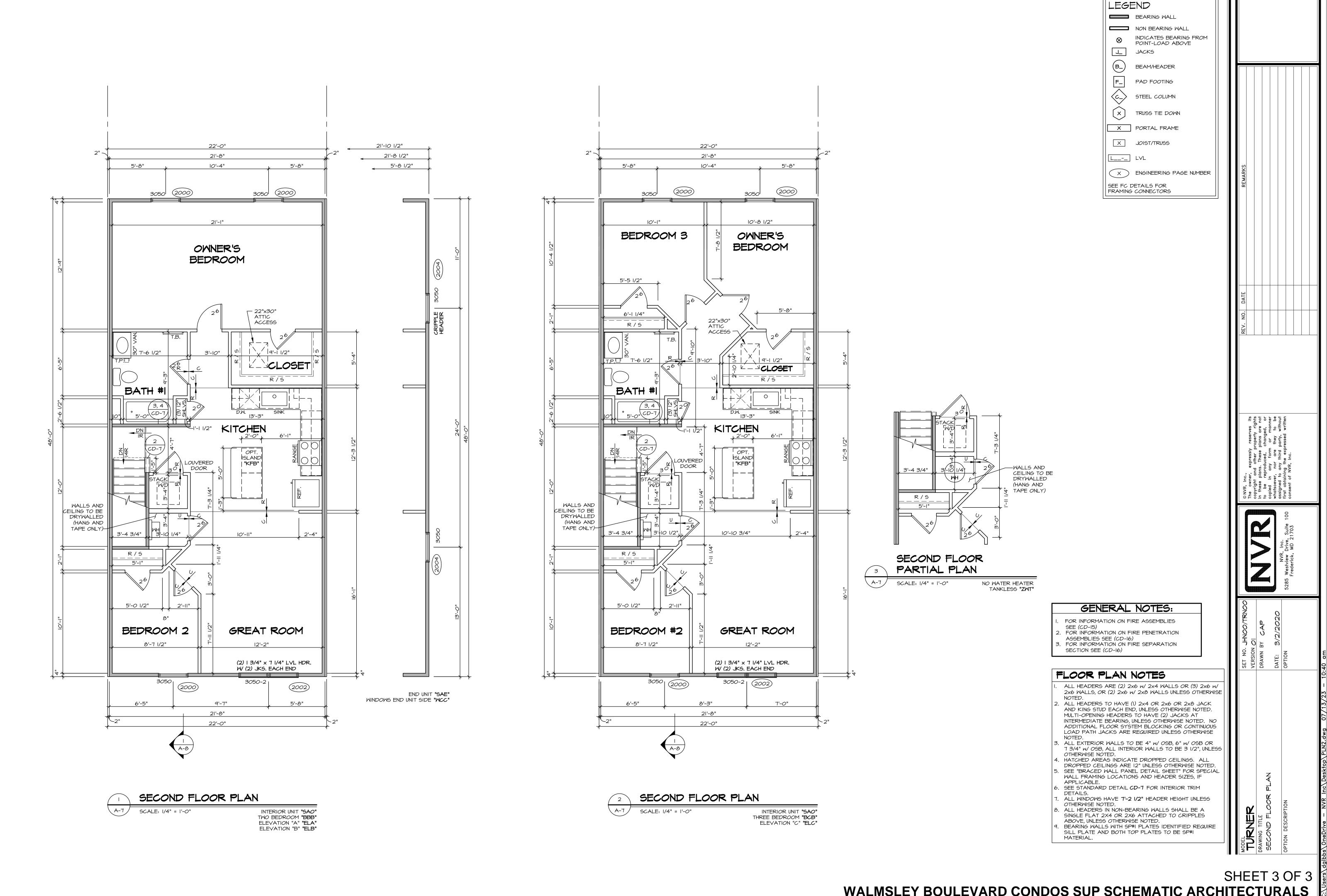
8-UNIT BUILDING - JTBO8

SCALE: 1/8" = 1'-0"





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WALMSLEY BOULEVARD CONDOS SUP SCHEMATIC ARCHITECTURALS

