

INTRODUCED: January 8, 2018

AN ORDINANCE No. 2018-014

To amend Ord. No. 85-193-244, adopted Oct. 28, 1985, as previously amended by Ord. No. 88-210-196, adopted Sep. 12, 1988, Ord. No. 92-367-314, adopted Oct. 12, 1992, Ord. No. 2011-13-26, adopted Feb. 28, 2011, and Ord. No. 2017-248, adopted Jan. 8, 2018, which authorized the special use of the properties known as 1090 and 1100 German School Road for use as an elderly housing facility, to remove 1090 German School Road from the special use permit, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: FEB 12, 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 85-193-244, adopted October 28, 1985, as previously amended by Ordinance No. 88-210-196, adopted September 12, 1988, Ordinance No. 92-367-314, adopted October 12, 1992, Ordinance No. 2011-13-26, adopted February 28, 2011, and Ordinance No. 2017-248, adopted January 8, 2018, be and is hereby amended and reordained as follows:

§ 1. That the [~~properties~~] property known as [~~1090 German School Road and~~] 1100 German School Road and identified as Tax Parcel [~~Nos.:~~] No. [~~C005-0776/028 and~~] C005-

AYES: 8 NOES: 0 ABSTAIN: 1

ADOPTED: FEB 12 2018 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

0603/045~~[-, respectively,]~~ in the ~~[2017]~~ 2018 records of the City Assessor, being more particularly shown on a survey entitled “Existing Conditions Survey of Two Parcels of Land for Heritage Oaks Retirement Community, LLC,” prepared by Burgess & Niple, and dated October 20, 2010, a copy of which is attached to and made a part of Ordinance No. 2011-13-26, adopted February 28, 2011, is hereby permitted to be used for the construction of a 133-unit, 3 and 4-story with basement, elderly housing facility, with accessory facilities and parking, and with accessory adult home services for a maximum of 30 residents, and a wellness center at 1100 German School Road (Heritage Oaks I), substantially as shown on floor plans, landscape plans and elevation drawings entitled “Heritage Oaks Retirement Center, Richmond, Virginia”, prepared by Don R. Kirkman, Architect, dated August 29, 1985, attached to Ordinance No. 85-193-244, and the site plan, entitled “Site Plan Revisions & Signage”, prepared by the Wedgewood Group, Inc., dated December 20, 1985, and last revised on July 7, 1988, and as shown on the sign plan, entitled “Building Signage”, prepared by Wedgewood, dated April 5, 1988, attached to Ordinance No. 88-210-196~~[-, and sheets A1.1 and A1.2, dated November 5, 2010, and revised December 6, 2010, and A2.1, and A3.1, dated September 15, 2010, of the plans entitled “54 Unit Assisted Living Facility Heritage Oaks II” and prepared by Guest Reddick Architects; and for the construction of a 54-unit elderly assisted living facility, and accessory parking at 1090 German School Road (Heritage Oaks II) substantially as shown on sheets A1.1 and A1.2, dated November 5, 2010, and revised December 6, 2010, and A2.2, A2.3, A2.4 and A3.1, dated September 15, 2010, of the plans entitled “54 Unit Assisted Living Facility Heritage Oaks II” and prepared by Guest Reddick Architects, copies of which are attached to and made part of Ordinance No. 2011-13-26, adopted February 28, 2011].~~

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the properties, or successors in fee simple title, a building permit for the construction of the building with accessory facilities and parking, and to permit the occupancy of the property at 1100 German School Road (Heritage Oaks I) for elderly housing purposes, with accessory adult home services for a maximum of 30 residents, and a wellness center, substantially in accordance with the plans attached to and incorporated as a part of Ordinance No. 85-193-244, adopted October 28, 1985, and as shown on the plans attached to and incorporated as part of Ordinance No. 88-210-196, adopted September 12, 1988, and sheets A1.1, and A1.2, dated November 5, 2010, and revised December 6, 2010[, and A2.1 and A3.1, dated September 15, 2010, of the plans entitled “54 Unit Assisted Living Facility Heritage Oaks II” and prepared by Guest Reddick Architects; and for the construction of a building at 1090 German School Road (Heritage Oaks II) for the purpose of a 54-unit elderly assisted living facility, and accessory parking, substantially as shown on sheets A1.1 and A1.2, dated November 5, 2010, and revised December 6, 2010, and A2.2, A2.3, A2.4 and A3.1, dated September 15, 2010, of the plans entitled “54 Unit Assisted Living Facility Heritage Oaks II” and prepared by Guest Reddick Architects]. The special use permit shall be transferable to the successor or successors in title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land, subject to the following terms and conditions:

(a) The acceptance of the permit and the exercise of the privileges granted by this ordinance by the owner and successor or successors in title shall constitute a warranty on the part of the owner and successor or successors that title to the land and the building shall be vested in the same person or persons or corporation for each section of the development (Heritage Oaks I [~~or Heritage Oaks II~~]). [~~Title to Heritage Oaks I and title to Heritage Oaks II shall be permitted to be vested under different and independent ownership.~~]

(b) The owner shall be bound by, observe and shall comply with all the other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this ordinance.

(c) All existing driveways, access aisles and parking areas at 1100 German School Road (Heritage Oaks I) shall be maintained substantially as shown on the plans attached to Ordinance No. 88-210-196, adopted September 12, 1988, and all new driveways, access aisles and parking areas at 1100 German School Road (Heritage Oaks I) [~~and 1090 German School Road (Heritage Oaks II)~~] shall be paved with a dust-free, all-weather surface and parking spaces shall be delineated on the pavement surface. All existing parking, loading, and service areas at 1100 German School Road (Heritage Oaks I) not screened by the existing solid wood fence shall be maintained substantially as shown on the plans attached to previously approved ordinances, and all new parking, loading, and service areas at 1100 German School Road (Heritage Oaks I) [~~and at 1090 German School Road (Heritage Oaks II)~~] shall be screened from view from adjacent properties and public streets by retention of existing vegetation or by existing earthen berms, and if necessary, supplemented by additional evergreen vegetative material or decorative fencing so that an effective three and one-half foot high screen is achieved.

(d) The existing seventy-seven (77) parking spaces shall be maintained at substantially the locations shown on the plans attached to Ordinance No. 88-210-196, adopted September 12, 1988, at 1100 German School Road (Heritage Oaks I) with the exception of the relocation of 11 existing parking spaces as shown on sheet A1.1 of the plans attached to Ordinance No. 2011-13-26, adopted February 28, 2011. Modifications to the access aisles shall be substantially in accordance with the plan attached to Ordinance No. 88-210-196, adopted September 12, 1988. [~~A minimum of twenty eight (28) parking spaces shall be provided for the use at 1090 German School Road~~

~~(Heritage Oaks II) substantially as configured on sheet A1.1 of the plans attached to Ordinance No. 2011-13-26, adopted February 28, 2011.]~~

(e) Existing driveways shall be maintained, and new driveways from the street shall be constructed in accordance with the City Driveway Policy standards. The width of one-way drives shall be not less than sixteen feet.

(f) Final grading and drainage plans shall be approved by the Director of Public Utilities prior to issuance of building permits.

(g) Storm or surface water shall not be allowed to accumulate on the land, and adequate facilities for drainage of storm and surface water from the land or building shall be provided at the owner's cost and expense so as not to adversely affect or damage adjacent properties or public streets and alleys and the use thereof.

(h) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be screened from view from adjacent properties and public streets as shown on the plans referred to in section 1 of this ordinance.

(i) The placement and specifications for existing fire hydrants and fire access lanes shall be maintained, and the placement and specifications for new fire hydrants and fire access lanes shall be in accordance with the requirements of Department of Fire and Emergency Services and shall be at the cost and expense of the owner. The fire lane at the rear of the building at 1100 German School Road (Heritage Oaks I) shall be seeded or sodded, and turfstone shall not be used.

(j) Outdoor lighting of the premises shall be directed or shielded so as not to shine directly on adjacent residential properties.

(k) Identification of the premises at 1100 German School Road (Heritage Oaks I) shall be limited to two signs, each not exceeding six square feet in area, mounted on the brick walls at the entrance substantially as shown on the plans attached to and incorporated as a part of Ordinance No. 88-210-196, adopted September 12, 1988. ~~[Identification of 1090 German School Road (Heritage Oaks II) shall be permitted in compliance with the signage regulations applicable to the B-6 Mixed Use Business District. Such signs may be illuminated provided that the source of illumination shall not be visible.]~~

(l) A final detailed landscaping plan for 1100 German School Road (Heritage Oaks I) shall be maintained as approved by the Director of Planning and Development Review. A final detailed landscaping plan ~~[for 1090 German School Road (Heritage Oaks II), including screening of the parking area, and a final detailed landscaping plan]~~ showing screening along the northern property line at 1100 German School Road (Heritage Oaks I) shall be approved by the Director of Planning and Development Review prior to the issuance of the building permit.

(m) 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 (2015), 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 (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(n) When the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the property is abandoned for a period of twenty-four consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

(o) The application for a building permit to construct the additional elderly housing facility units authorized in this amendatory ordinance shall be made within twenty-four (24) months from the effective date of this amendatory ordinance, which building permit shall expire by limitation and become null and void if construction for which issued is not commenced within one hundred eighty days from the date of the building permit, or if such work is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide Building Code, and if application for the building permit is not made within twenty-four (24) months from the effective date of this ordinance or should the building permit become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(p) The adult home services authorized at 1100 German School Road (Heritage Oaks II) herein shall be provided in accordance with a valid adult home license issued by the Commonwealth of Virginia. ~~[The facility at 1090 German School Road (Heritage Oaks II) shall be provided in accordance with a valid adult assisted living facility license issued by the Commonwealth of Virginia.]~~

(q) 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 subject property have been paid.

~~[(r) — Should the title for the property at 1100 German School Road (Heritage Oaks I) and the property at 1090 German School Road (Heritage Oaks II) each be vested under different ownership, the enforcement, amendment, and other aspects regarding the administration of the special use permit shall be independent of each other with regards to the separate properties and their separate ownership.]~~

§ 3. This ordinance shall be in force and effect upon adoption, and the original ordinance and prior amendments, insofar as not heretofore modified or modified herein, shall continue in force.

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

# City of Richmond

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

## Item Request

File Number: PRE. 2017.551

RECEIVED O & R REQUEST  
JAN 05 2018  
4-7374

OFFICE OF CITY ATTORNEY  
O & R Request

DEC 21 2017

Office of the  
Chief Administrative Officer

EDITION:1

DATE: December 21, 2017

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SLG*

THROUGH: *for* Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning *PLD*

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

RE: To amend Ord. No. 85-193-244, adopted Oct. 28, 1985, as previously amended by Ord. No. 88-210-196, adopted Sep. 12, 1988, Ord. No. 92-367-314, adopted Oct. 12, 1992, and Ord. No. 2011-13-26, adopted Feb. 28, 2011, and Ord. No. 2017-248, which authorized the special use of the properties known as 1090 and 1100 German School Road for use as an elderly housing facility, to remove 1090 German School Road from the ordinance, upon certain terms and conditions.

ORD. OR RES. No. \_\_\_\_\_

**PURPOSE:** To amend Ord. No. 85-193-244, adopted Oct. 28, 1985, as previously amended by Ord. No. 88-210-196, adopted Sep. 12, 1988, Ord. No. 92-367-314, adopted Oct. 12, 1992, and Ord. No. 2011-13-26, adopted Feb. 28, 2011, and Ord. No. 2017-248, which authorized the special use of the properties known as 1090 and 1100 German School Road for use as an elderly housing facility, to remove 1090 German School Road from the ordinance, upon certain terms and conditions.

**REASON:** The applicant has proposed a multi-family development at 1090 German School Road which will be authorized through a new special use permit ordinance. A special use permit pertaining to an elderly housing development at 1090 and 1100 German School Road is currently in place. An amendment to the existing special use permit ordinance is therefore required to remove 1090 German School Road.

**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 February 5, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** 1090 German School Road is located in the Jahnke neighborhood in the City's Midlothian Planning District. The property is comprised of 133,294 SF, or 3.06 acres, and is currently unimproved. The density of the parcel if developed as proposed would be approximately 31 units per acre.

The City of Richmond's current Land Use Plan designates a land use category for the subject property as Multi-family Medium Density. "Primary uses are multi-family dwellings at densities up to 20 units per acre. Includes day nurseries, adult day care and residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. (City of Richmond Master Plan, p. 133).

The City's Zoning Ordinance designates this property as R-3 (Single-family Residential). The property is also subject to an existing special use permit allowing elderly housing at 1090 and 1100 German School Road. The elderly housing development authorized at 1090 German School Road was not constructed. The existing special use permit ordinance pertaining to 1090 and 1100 German School Road will therefore be amended, as part of this request, to remove 1090 German School Road.

Adjacent and nearby properties are a combination the same R-3 Single-family Residential District with the R-43 Multi-family Residential District occupying the adjacent areas to the south and west. Multi-family land use predominates the immediate vicinity of the subject 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:** \$2,400 application fee

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** January 8, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** February 12, 2018

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, February 5, 2018

**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.:** Amendment to Ord. No. 2017-248 and companion to new special use permit ordinance for 1090 German School Road.

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

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

*PDR O&R No.17-54*



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/>

SUP-023645-2017

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: 1090 German School Road Date: 09/08/2017  
 Tax Map #: C0050776028 Fee: \$2,400.00  
 Total area of affected site in acres: 3.085

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

**Zoning**

Current Zoning: R-3 - Residential

Existing Use: Vacant Land

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)  
Please see attached the required Applicant's Report

Existing Use: Vacant Land

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Bil Carter  
 Company: The Lawson Companies  
 Mailing Address: 373 Edwin Drive  
 City: Virginia Beach State: VA Zip Code: 23462  
 Telephone: ( 757 ) 499-6161 Fax: ( 757 ) 499-9414  
 Email: bcarter@lawsoncompanies.com

**Property Owner:** Harper Holdings LLC  
 If Business Entity, name and title of authorized signee: John H. Brandenburg, Sole Member, Manager

(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: 114 W. Eufaula St.  
 City: Norman State: OK Zip Code: 73069  
 Telephone: ( 405 ) 314-6152 Fax: ( 405 ) 458-8132  
 Email: jhburg10@icloud.com

Property Owner Signature: [Signature]

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)

## Applicant's Report

Subject Property: 1090 German School Road  
Tax Map Reference No: C0050776028

Dated: September 15, 2017

To: City of Richmond  
Department of Planning and Development Review  
900 East Broad Street  
Richmond, Virginia 23219

Submitted By:

The Lawson Companies  
373 Edwin Drive  
Virginia Beach, VA 23462

### **I. Introduction**

The applicant proposes a ninety-six (96) unit apartment development on the above referenced tract consisting of three residential buildings (four stories each) and a clubhouse/management office building.

### **II. Site**

The subject property, 1090 German School Road, Richmond, Virginia consists of a vacant lot of approximately 3.065 acres located on the west side of German School Road, to the south of nearby Janke Road.

Chippenham Hospital is situated approximately ½ mile to the west, and the Janke Road Food Lion Shopping Center is across German School Road approximately 310 feet from the subject site. Lucille Brown Middle School is in close proximity to the subject property on Janke Road, approximately ¼ of a mile from the proposed apartments.

The surrounding uses to the subject property are overwhelmingly multifamily. The adjacent property to the north is the Heritage Oaks retirement / independent living apartments. North of Heritage Oaks and at the southwest corner of Janke and German School Road are the Monarch Woods Senior Apartments. The western and southern adjacent property consists of the St. John's Woods apartments. Continuing to the south of the subject property after St. John's Woods are the Sts. Cosma and Damianos senior apartments and one single family residence (owned by the owner of St. John's Woods). Across German School Road from the subject property to the east are the Renaissance Apartments serving senior and disabled residents. Also across German School Road and to the south of the Renaissance Apartments are the Westover Terrace Apartments.

The subject property is zoned R-3.

The Midlothian Planning District land use plan indicates multifamily (medium density) (Master Plan, p. 213).

### III. Proposed Use

The applicant proposes to develop the subject property into ninety-six (96) rental apartment units in three (3), four story structures of thirty-two (32) units each. A separate one story building will contain amenities for tenants (community room with kitchenette, fitness center, laundry, etc.) and a management office. The property use will be entirely multi-family with no other use (retail, etc.) on the property.

The applicant's development will contain 2 and 3 bedroom units and will be marketed and reserved for working persons and families with incomes of 50% (50% of units) or 60% (50% of units) of Area Median Income (adjusted by household size). This product generally attracts tenants already living and/or working in the area surrounding the subject property ("Primary Market Area") who are currently "rent overburdened", which is defined as having to pay more than 30% of gross monthly income for housing. At least ninety percent (90%) of the apartments will NOT be rent subsidized, but will offer rent levels that are affordable relative to tenants' incomes. In other words, this proposed development will add high-quality, workforce housing that will help meet a key need of the City's housing stock.

### IV. Design

The overall building and site design will be consistent with modern multifamily communities and will blend in harmoniously with the surrounding area. Multifamily uses surround the property on three sides, with German School Road on the fourth side. There are significant space buffers between the proposed buildings and the neighboring multifamily buildings on all three sides. Additionally, a tree buffer will remain on the south border and a landscape buffer is proposed on the west border.

The exterior building siding will consist of brick and a durable cementitious material such as Hardi Board or a similar product. The floor plans for each unit type will be spacious and open to meet the demands of the current market. Each unit will have two full baths and full-size washer and dryer hook-ups.

New sidewalks to City standard are proposed along the German School frontage and throughout the site, creating a pleasing arrangement.

The design and construction will be of the highest quality and will meet or exceed all local and national building codes and requirements. Additionally, as VHDA will be a stakeholder in this project, the design and construction standards will adhere to VHDA's strict and robust Minimum Design and Construction Requirements.

Two and three-bedroom accessible units will be included in the community. These units will be designed and constructed to meet all applicable codes and requirements.

#### V. Apartment Amenities

Site amenities will include a clubhouse with kitchenette, fitness center, laundry facility, playground, outdoor patio area, dog park with pet waste receptacle, on-site office and professional management staff, and covered and uncovered bike parking. Unit amenities will consist of full-size washer and dryer hook-ups, two full baths in every unit, standard kitchen appliance package, and exterior balconies.

The apartments will be EarthCraft certified, meaning that the units will be highly efficient and carry lower cost utility burdens.

#### VI. Appropriateness

In the context of the existing, larger multifamily uses surrounding the property and how those properties are situated on their sites, and the Master Plan's land use plan calling for medium density multifamily on the subject property, the proposed development is appropriate for this site.

The proposed development adds an important element of high quality, affordable workforce housing into the housing mix in the area which is heavy in senior housing. The proposed project will represent a large investment in the City and help meet a significant demand for housing at a price point that is realistic for working people, including teachers and workers at nearby Chippenham Hospital, among other employers. High quality workforce housing close to the retail center at the Food Lion center on Janke will add customers and retail activity, beneficial to the immediate local economy.

The number of units, height and lot coverage are necessary in order to facilitate financing for the proposed project.

The applicant has met with staff for feedback on three occasions prior to the filing of this application for feedback and comments, and the application incorporates many of those comments. In addition, the applicant has met with the City Council representatives for the 4<sup>th</sup> and 9<sup>th</sup> Districts. Discussions are ongoing about community input, but at this time no materially adverse indications have been received.

#### VII. Findings of Fact

The proposed special use will NOT:

1. be detrimental to the safety, health, morals and general welfare of the community involved.

There are no detriments of the proposed use to safety, health, morals, and general welfare of the community involved. The proposed use is 100% residential. We anticipate that the provision of adequate, safe, and healthy housing will provide a benefit to the welfare of the community by adding new and improved affordable housing opportunities.

To ensure safety goals are achieved, the development will be managed by a full-time, on-site property manager (maintenance will be on call 24/7). The property manager will be closely overseen by a property management firm versed in compliance and asset management. The developer is a highly regarded and experienced developer and manager of affordable housing, with more than 5,400 units under management at this time. Tenants will be screened in a manner that meets or exceeds industry standards including adequate credit and income and no criminal background of concern. No criminal behavior will be tolerated – breaking the rules or failure to pay rent will result in eviction, thus assuring any deleterious elements do not persist at the development.

2. tend to create congestion in the streets, roads, alleys, and other public ways and places in the area involved.

The site's entrance will be approximately 1000 ft. from GRTC bus stops on Janke Road (4 minute walk per GRTC), thus supporting and buttressing existing public transit use.

Bearing in mind that the larger multifamily projects along German School Road are largely seniors' apartments, additional trip generation as a result of the proposed project would not be expected to overburden existing roadways, and in any event would fall well below the 100 peak hour trip benchmark.

There is no conflict with St. Johns Woods Apartments from a traffic perspective, inasmuch as their entrance is on Janke Road and not on German School Road.

While slightly below the parking ratio that ordinarily would be required for R-53 and at 96 units, the proposed project provides 127 parking spaces at a ratio of 1.32 parking spaces per unit, which is in-line with the developer's parking surveys from its many developments as being adequate for residents and guests.

3. create hazards from fire, panic, or other dangers.

The proposed use is 100% residential. All local, state and federal building codes, including fire and life safety, will be met or exceeded. Specifically, the buildings will have fire sprinklers and smoke detectors in all units and fire alarm pulls in all buildings. All units will be pre-wired for telephone, internet, and cable service, providing multiple means of communication for potential life safety concerns (911, fire alarm, storm warnings, etc). Management policy will not allow grills to be used on balconies/patios – they must be used in open spaces or use the development provided, permanent grills. All detention/retention pond(s) will be fenced as will be playgrounds and tot lots. The site will be developed in accordance with fire code regulations set forth by the City of Richmond to assure easy access for fire and other emergency vehicles.

4. tend to cause overcrowding of land and an undue concentration of population.

At the proposed 96 units necessary for development, the proposed project provides a density of over 1,350 sf for each unit, which compares favorably to the R-53 requirement of at least 1,250 sf per unit.

While the usable open space is somewhat lower than R-53 as a reference, any concern of overcrowding is mitigated by examination of the surrounding adjacent uses, especially those along German School Road. The two larger multifamily developments that would be the most directly relevant to the proposed density are set back considerable distances from the proposed project with intervening parking areas and the like. Taken as a whole, the proposed project fits appropriately into the area.

5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

There are no known negative impacts to any local municipal assets or services. The development is expected to attract a large majority of its tenants from the immediate area – i.e., they already live here and are using these assets/services. Specifically:

- **Schools.** The subject property's proposed entrance will be approximately ¼ miles from to Lucille Brown Middle School. A large majority of the residents are expected to come from the immediate area around the property, and thus families with children are largely already in the school system.
- **Parks and playgrounds.** The development will provide a playground for its residents, thus reducing any impact to area parks and playgrounds. A dog park area is also proposed and shown on the site plan.
- **Water and sewer.** Public utilities are available at or near the site, and routine connections to the same will be provided. There is no indication of any unusual problem or of any capacity or public utility adverse impact.
- **Transportation.** See above
- **Other.** As a residential development there will be no impact on air pollution coming from the site. Garbage will be picked up on a routine weekly schedule and the garbage receptacles will be surrounded by a privacy screen and setback from German School Road and adjacent properties.

6. interfere with adequate light and air.

As 100% residential, there will be no impact on light access or air quality. As noted, the surrounding uses are multifamily, some of which are of medium to high density. However, those higher density developments are situated towards the centers of generally large sites. The proposed site plan would

result in considerable distances and practical buffers between the subject site's buildings and those nearby. For example, inasmuch as Heritage Oaks is constructed in a cross configuration, the end of the southeastern "cross" faces the subject property, at a distance of approximately 130 feet, and over 200 feet to the southwestern "cross". From the subject property looking east towards the Renaissance Apartments, the distance between the closest apartment building proposed to the Renaissance is approximately 500 feet. St. John's Woods residential structures will be separated from the proposed southern line buildings by between approximately 100 to 150 feet.

Respectfully submitted,

The Lawson Companies

By

