

INTRODUCED: March 8, 2021

AN ORDINANCE No. 2021-076

To rezone the property known as 1001 German School Road from the R-3 Single-Family Residential District to the R-43 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: APR 12 2021 AT 6 P.M

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “Improvements on 1001 German School Road, City of Richmond, Virginia,” prepared by Balzer and Associates, Inc., and dated November 9, 2004, a copy of which is attached to, incorporated into, and made a part of this ordinance, the property known as 1001 German School Road, with Tax Parcel No. C005-0603/040 as shown in the 2021 records of the City Assessor, is excluded from the R-3 Single-Family Residential District and shall no longer be subject to the provisions of sections 30-406.1 through 30-406.8 of the Code of the City of Richmond (2020), as amended, and that the same is included in the R-43 Multifamily Residential District and shall be subject to the provisions of

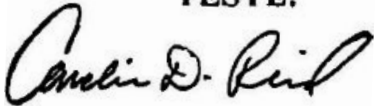
AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: APR 12 2021 REJECTED: _____ STRICKEN: _____

sections 30-414.1 through 30-414.8 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2020), as amended.

§ 2. That the rezoning set forth in section 1 of this ordinance shall be conditioned upon the compliance by the owner or owners with all of the proffered conditions contained in the agreement entitled “Proffer Statement,” and dated February 24, 2021, 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

2021-243
900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Item Request File Number: PRE.2021.468

O & R Request

DATE: February 8, 2021

EDITION: 1

TO: The Honorable Members of City Council

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



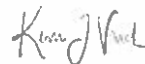
THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer



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



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



RE: To rezone the property known as 1001 German School Road from the R-3 Single-Family
Residential District to the R-43 Multifamily Residential District, upon certain proffered
conditions.

ORD. OR RES. No. _____

PURPOSE: To rezone the property known as 1001 German School Road from the R-3 Single-Family
Residential District to the R-43 Multifamily Residential District, upon certain proffered conditions.

REASON: The applicant is requesting to rezone the property to the R-43 Multifamily Residential District,
which allows a greater range of housing types and densities than the current R-3 Single Family Residential
Districts.

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 April 5, 2021 meeting.

BACKGROUND: The property consists of approximately 43272.9 SF, or 1 acre, of land. The property is located in the Jahnke Neighborhood at the intersection of German School Road and Glenway Drive.

The City's Richmond 300 Master Plan designates this property as Neighborhood Mixed-Use. Such areas are described as existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses. Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

Currently, properties in the vicinity are zoned in the R-3 Single Family Residential, as well as R-53 and R-43 Multifamily Residential Districts, and B-1 Neighborhood Business District.

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: \$1,500 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: April 12, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
April 5, 2021

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

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



Application for **REZONING/CONDITIONAL REZONING**

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/>

Project Name/Location

Property Address: 1001 German School Road Date: September 3, 2020
Tax Map #: C0050603040 Fee: \$1,500
Total area of affected site in acres: 1.0

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

Zoning

Current Zoning: R-3

Existing Use: Vacant

Proposed Zoning/Conditional Zoning

(Please include a detailed description of the proposed use and proffers in the required applicant's report)
R-43 (see report)

Existing Use: _____

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: William J. Pantele
Company: Law Office of William J. Pantele, PC
Mailing Address: 15 E Franklin St.
City: Richmond State: VA Zip Code: 23218
Telephone: (804) 677-4900 Fax: ()
Email: bill@pantelelaw.com

Property Owner: German School Road Partners, LLC
If Business Entity, name and title of authorized signee: Floyd Patterson, 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: 31 Sagamore Ridge Place
City: Spring State: Texas Zip Code: 77389
Telephone: (804) 283-1344 Fax: ()
Email: ckp2511@gmail.com

Property Owner Signature: F.P. Patterson, Manager

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.

Special Limited Power of Attorney

I hereby acknowledge:

I am the Manager of German School Road Partners, LLC, a Virginia limited liability company (the "Company"), owner of a parcel of land situated in the City of Richmond, Virginia and known and designated at 1001 German School Road (the "Property"), Tax Map # C0050603040.

On behalf of the Company, and having full power and authority to do so, the Company hereby makes, constitutes and appoints WILLIAM J. PANTELE of the City of Richmond, to act as the Company's true and lawful attorney-in-fact for and in the Company's name, place and stead with full power and authority the Company would have if acting personally to seek rezoning, conditional rezoning, conditional use, special exception, variance and related matters, and to complete such zoning applications and to set forth and offer such legally acceptable voluntarily proffered conditions including any additions, amendments, modifications or deletions there that in his discretion are deemed reasonable, appropriate and necessary.

This Special Limited Power of Attorney shall expire up the final action or withdrawal of the application to which this form applies.



Floyd Patterson, Manager of
German School Road Partners, LLC

STATE OF TEXAS
CITY/COUNTY OF

Montgomery

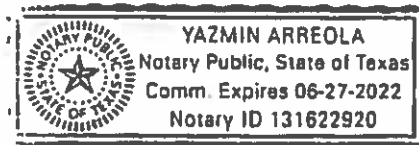
The foregoing instrument was acknowledge before me, the undersigned Notary Public, in an for the jurisdiction aforesaid, by Floyd Patterson, Manager of German School Road Partners, LLC, a Virginia limited liability company, on behalf of such company, this 04 day of September, 2020.



Notary Public

Registration No.:

131622920



AFFIX SEAL

September 3, 2020

Applicant's Report
1001 German School Road
Conditional Rezoning Request from R-3 to R-43

Nature of Rezoning Request

1001 German School Road is a one (1) acre vacant parcel situated at the northeast corner of German School Road and Glenway Drive. The current zoning is R-3 though as discussed below the current master plan indicates multifamily use and the upcoming Richmond 300 draft plan indicates Neighborhood Mixed Use.

The object of this application is to conform the zoning of the subject property to align with surrounding uses and to be suitable with land use planning for the area. The property is currently being marketed, and appropriate zoning will facilitate the same.

Surrounding Area

The overwhelming uses surrounding the subject property are multifamily. To the south of the subject property and across German School Road there are older single family residences, with additional older single family residences fronting German School Road to the southeast and a number of single family homes on the same side of German School Road across Glenway Drive.

The remainder of the general area of the subject property is multifamily or business. Directly across German School Road are the Sts. Cosma and Damianos Senior Apartments, then the St. John's Woods apartments adjacent to the north. Continuing northward, a recently approved 90 unit LIHTC project is nearing completion, with Heritage Oaks Senior Housing and then a BHC Senior housing development extending to the south line of Janke Road. At Janke Road and German School Road to the east are a Food Lion and adjacent Parkway Shopping Center. Continuing south on the east line of German School Road are the large tract Renaissance Apartments, at the southwest corner of which is subject property. Directly across Glenway Drive from the subject property is a vacant commercial parcel zoned B-1. Behind the commercial parcel and in proximity to the subject property are the Adam Park Apartments.

Rationale for Rezoning

R-3 essentially limits this one acre site to three single family lots or an irregular configuration, complicated by access issues, which is inappropriate given the character of the area. As a corner lot, a tract-type zoning such as R-3 is inappropriate and lessens the appeal of the area, and is difficult to market.

The applicant proposes a conditional rezoning to R-43 upon certain conditions such that the development of the property could accommodate the expected development of up to approximately six

or more single family detached homes, or approximately nine attached townhomes, in either case with ingress and egress to and from the site from Glenway Drive and oriented to the rear of the subject property away from German School Road. The additional permitted principal uses contained in R-43 provide alternative development options that appear to be more consistent with land use planning and present conditions than R-3.

Considering the characteristics of the immediate area, R-3 zoning is no longer appropriate. With a rezoning to R-43, not inconsistent with the predominant uses in the area, the permitted additional density could promote approximately detached single family homes on smaller lots or as many as eight or nine attached townhomes. The additional density would in turn favor the development of more affordable residences for sale, which the applicant anticipates to be marketed in the \$240,000 +/- price range, and add housing diversity to the area. To the extent that attached townhomes are developed on the subject property facing German School Road, a plan of development would be required and architectural variations would be required to present an attractive presentation on this corner parcel.

Preferred Conditions

The applicant proposes the following conditions voluntarily and acknowledges that they are reasonable, suitable to the zoning requested, and attributable solely to the anticipated development of the subject property:

1. Access to all residences and common areas shall be provided off of Glenway Drive pursuant to agreements and covenants approved by the City Attorney, and subject to approval of the Director of Public Works and further to the requirements of any required Plan of Development.
2. At the time that a building permit application is made, plans shall include sidewalk installation along the German School Road and Glenway Drive frontages of the subject property which shall be constructed at the owner's expense to the Department of Public Works' specifications and approval. Completion of the sidewalk installation may be deferred to the completion of development on the property, but no longer than two (2) years from the first issuance of a land disturbance permit, provided that a bond is posted for the cost of such construction.

Master Plan Consistency

Under the current Master Plan (2017), the Midlothian District Land Use Plan indicates the subject property as Multi-Family (High Density). R-43 is consistent with that designation.

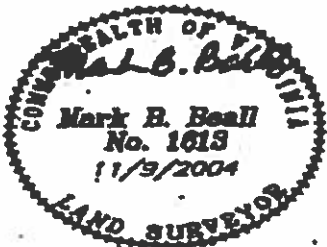
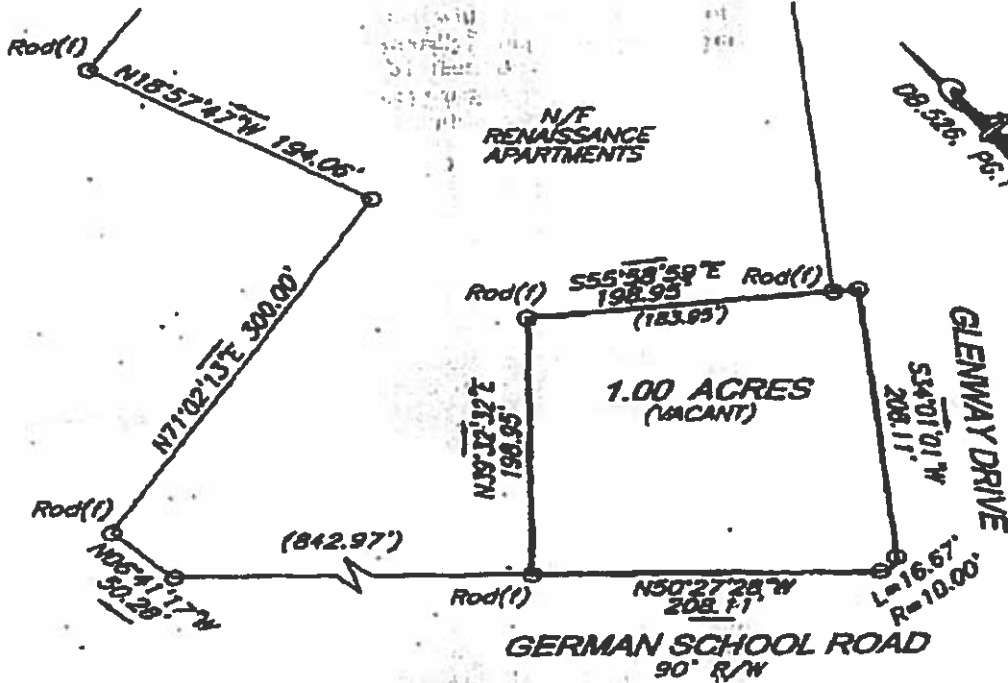
The Richmond 300 draft plan designates the subject property as Neighborhood Mixed-Use. The proposed rezoning request continues the principles and guidelines of the draft plan by providing walkways, residential buildings that are closer together, support for bikeways to connect with future City expansion of the same along German School Road, and a density of 10 or less units per acre. The vacant parcel across Glenway Drive that is zoned B-1 provides an opportunity to facilitate a commercial element though that is not part of the current request. The requested R-43 is not inconsistent with the draft plan, with greater options for permitted principal uses than in R-3.

No Adverse Impacts

The requested rezoning, if granted, will not adversely impact:

- Traffic conditions;
- Congestion in streets, roads, alley and other public ways and places in the area;
- create hazards from fire, panic or other dangers;
- cause overcrowding of land nor an undue concentration of population;
- adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; nor
- interfere with adequate light and air.

Underground Utilities



Handwritten initials

Improvements on
 100T GERMAN SCHOOL ROAD
 City of Richmond, Virginia

BALZER

DATE: 11/9/2004
 SCALE: 1" = 100'
 JOB NO: C0421058
 PUR: INTERFAITH HOUSING

PLANNERS - ARCHITECTS - ENGINEERS - SURVEYORS

501 Brandway Road - Suite 100 - Richmond, Virginia 23226 - Phone (804) 794-0571 - Fax (804) 794-2536
 www.balzer.com

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Proffer Statement

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

Re: 1001 German School Road, Richmond, Virginia
RZON-078856-2020

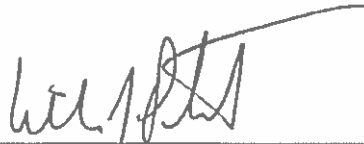
The undersigned property owner and applicant, by its duly authorized attorney in fact, William J. Pantele, voluntarily and at its sole request, proffers the following conditions in connection with its Conditional Rezoning application for its property located at 1001 German School Road, Richmond Virginia, as follows:

1. Primary vehicular ingress and egress to and from the property shall be provided from a common entrance-way off of Glenway Drive pursuant to agreements and covenants approved by the City Attorney, and subject to approval of the Director of Public Works and further to the requirements of any required Plan of Development

2. At the time that a building permit application is made, plans shall include sidewalk installation along the German School Road and Glenway Drive frontages of the subject property which shall be constructed at the owner's expense to the Department of Public Works' specifications and approval. Completion of the sidewalk installation may be deferred to the completion of development on the property, but no longer than two (2) years from the first issuance of a land disturbance permit, provided that a bond is posted for the cost of such construction.

Dated: February 24, 2021

German School Road Partners, LLC
a Virginia limited liability company

By 

William J. Pantele, its duly authorized attorney
in fact u/a dated September 9, 2020