

INTRODUCED: July 14, 2014

AN ORDINANCE No. 2014-161-152

To authorize a Preliminary Community Unit Plan permitting the development of a residential community not to exceed four hundred (400) single-family detached and single-family attached dwelling units on approximately 117.88 acres of land located at 6903 Midlothian Turnpike, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 8 2014 AT 6 P.M.

WHEREAS, approximately 117.88 acres located at 6903 Midlothian Turnpike are identified as Tax Parcel Number C007-0124/010 in the 2007 records of the City Assessor, and shown on the plat entitled “A Plat showing 117.883 acres of land lying on the east line of Chippenham Parkway,” prepared by Timmons Group, and dated June 19, 2006 (the “Property”); and

WHEREAS, the applicant of the affected property has submitted to the City Planning Commission a request to develop a residential community of up to four hundred (400) single-family detached and single-family attached dwelling units on the Property (the “Project”); and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 8 2013 REJECTED: _____ STRICKEN: _____

WHEREAS, the City Planning Commission, after holding a public hearing on the proposed community unit plan, approved the concept plan as a Preliminary Community Unit Plan, based upon written findings of fact as set out in a resolution dated and adopted by the City Planning Commission on June 18, 2007, a copy of such resolution being attached to this ordinance; and

WHEREAS, the City Council concurs in the findings of fact made by the City Planning Commission; and

WHEREAS, Ordinance No. 2007-219-198, adopted September 10, 2007, as previously amended by Ordinance No. 2010-98-81, adopted May 10, 2010, became null and void and of no further effect on July 1, 2014; and

WHEREAS, the City Council desires to re-authorize this Preliminary Community Unit Plan with a deadline of July 1, 2017, for the submission of the Initial Final Plan for the first phase of the Project to the City Planning Commission;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That pursuant to section 17.10 (g) of the Charter of the City of Richmond (2006), as amended, and Article IV, Division 30 of Chapter 114 of the Code of the City of Richmond (2004), as amended, the development and use of the Property, generally in accordance with (i) the plan entitled “Gresham Woods, City of Richmond, Virginia - Conceptual Plan,” prepared by DesignForum, dated March 2, 2007 and last revised June 15, 2007; (ii) the elevations entitled “Gresham Woods Conceptual: Single Family Home Elevations,” prepared by DesignForum and dated June 15, 2007; (iii) pages 1 through 9 of the plans entitled “Gresham Woods, City of Richmond, Virginia - Conceptual: Town Homes Elevation,” prepared by DesignForum and dated March 16, 2007; (iv) pages 1 through 3 of the plans entitled “Gresham Woods, City of

Richmond, Virginia - Conceptual: Typical Street Section,” prepared by DesignForum and dated March 16, 2007; and (v) the plan entitled “Gresham Property Proposed Watershed Plan,” prepared by Timmons Group and dated June 2, 2006, all of which plans are attached to and made a part of this ordinance, is hereby approved and permitted as the preliminary Community Unit Plan (the “Preliminary Plan”) for the Property, subject to the following standards, terms, and conditions:

I. DEVELOPMENT CONCEPT: The Preliminary Plan for development of the Property is depicted on the attached plan entitled “Gresham Woods, City of Richmond, Virginia – Conceptual Plan” prepared by DesignForum, dated March 2, 2007 and last revised June 15, 2007 (the “Conceptual Master Plan”). The Conceptual Master Plan generally depicts the locations of single-family detached dwelling unit lots, single-family attached dwelling units, community common areas, internal private and public street network, and buffers at the perimeters of the Property. Single-family detached dwellings are configured with individual driveways and generally face inward towards the internal public road network. Until such time as the commercial property, which is located between the Property and Midlothian Turnpike, is redeveloped such that vehicular access and interconnectivity can be provided across the two properties, one primary boulevard entrance will serve the Property with a secondary access to Midlothian Turnpike and one fire and emergency vehicle access, all as shown on the Conceptual Master Plan.

Where specific standards are set forth in this ordinance which exceed or modify standards for features shown on the Conceptual Master Plan, this ordinance shall prevail. Single-family attached dwellings, the Club House amenity, adjacent roads and the various neighborhood park development phases shall be subject to Community Unit Plan final plan approval. Any tentative approval of a subdivision plat depicting the final lot layout for any single-family detached

dwellings and adjacent roads for one or more phases of the subdivision shall be deemed for purposes of this ordinance to be a Community Unit Plan final plan approval for such improvements. Any Community Unit Plan final plan with respect to the Property, including any tentative subdivision plat for any portion of the Property, shall be referred to herein as the “Final Plan”. Any Final Plan submitted for approval shall include as much detail as necessary to show compliance with all development concepts and standards as shown on the Conceptual Master Plan and as may be included in this ordinance.

II. MAXIMUM RESIDENTIAL DENSITY: Use of the Property shall be limited to a maximum of four hundred (400) dwelling units, developed as single-family attached and single-family detached dwellings, substantially as depicted on the Conceptual Master Plan, provided however, that the mix of single-family attached units and single family detached units shall be as labeled in the neighborhood data section of the Conceptual Master Plan. All dwelling units shall be located on individual lots.

III. DEVELOPMENT STANDARDS FOR SINGLE-FAMILY LOTS:

A. **PERMITTED PRINCIPAL AND ACCESSORY USES:** The development and use of the dwelling unit lots shall be authorized for and limited to single-family attached and single-family detached dwellings and those accessory uses and structures which are customarily incidental and clearly subordinate to a single-family dwelling use.

B. **MINIMUM LOT AREA:**

1. **Single-family detached dwellings:** Lots shall contain no less than four thousand four hundred (4,400) square feet of lot area.

2. **Single-family attached dwellings:** Lots shall contain no less than one thousand six-hundred (1,600) square feet of lot area.

C. **MINIMUM LOT WIDTH:**

1. Single-family detached dwellings: Lots shall be a minimum of forty (40) feet in width at the front setback line.

2. Single-family attached dwellings: Lots shall be a minimum of sixteen (16) feet in width at the front setback line.

D. MINIMUM YARDS

1. Single-family detached dwellings:

a. Minimum Yard Requirements: Front yards shall be a minimum depth of at least twenty (20) feet. Side and Rear yards shall be a minimum depth of five (5) feet. All corner lots shall have a street side yard of not less than ten (10) feet in width. Corner lots shall not be subject to dual front yard requirements.

b. Minimum Side Yards for Zero Lot Line: Notwithstanding the foregoing, one side yard may be reduced on each lot to accommodate a zero lot line house placement; provided that the side yards result in an aggregate of ten (10) feet on the respective lot and that the building-to-building dimension on adjoining lots is not less than ten (10) feet.

2. Single-family attached dwellings: Front yards shall be a maximum depth of ten (10) feet. Rear yards shall be a minimum depth of five (5) feet. There shall be no required side yard for units that are interior to a series. End units shall have a side yard of at least five (5) feet in depth along the external Property line.

3. Permitted projections into required yards shall include bay windows whether cantilevered or grounded, eaves, gutters, roof overhangs, porches, porch steps, and other items as specified in Chapter 114 of the Code of the City of Richmond (2004), as amended (the "Zoning Ordinance").

E. MAXIMUM LOT COVERAGE:

1. Single-family detached dwellings: Maximum lot coverage shall not exceed fifty-five (55) percent of the area of the lot, unless detached garages are provided, in which case maximum lot coverage shall not exceed seventy-five (75) percent of the area of the lot.

2. Single-family attached dwellings: Maximum lot coverage shall not exceed fifty-five (55) percent of the area of the lot, unless detached garages are provided, in which case maximum lot coverage shall not exceed seventy-five (75) percent of the area of the lot.

F. LOT LIMITATIONS:

1. No privately owned lot other than lots designated as community or open space shall be created that is located wholly within the Resource Protection Area (“RPA”). The limits of the RPA must be in accordance with the final determinations from the appropriate governing agencies.

2. No privately owned lot other than lots designated as community or open space shall be created that is located either wholly or partially within a required buffer.

3. Each Final Plan shall show the elevations of the 100 year floodplain within the development phase shown on such Final Plan to ensure compliance with the requirements of the Virginia Uniform Statewide Building Code and the flood regulations.

G. ATTACHED DWELLING UNIT VARIATION: Not more than eight dwelling units shall be attached laterally in a series, provided that setback and/or architectural variations shall be provided among units within any series of more than four units.

H. LAWNS AND LANDSCAPING: All front yards of dwelling unit lots shall be sodded or hydro-seeded.

I. **PERMITTED SIGNS:** Signs shall conform to the requirements of the R-1 Single-Family District of the Zoning Ordinance, unless otherwise permitted herein. The vehicular entrances to the development shall be complemented with landscaping and shall consist of a brick, stone, or stucco monument-style entrance feature not to exceed ten (10) feet in height. A final signage and landscaping plan depicting the entry signage and landscaping shall be approved as part of the initial Final Plan for the first phase of development of the Project, as hereinafter defined.

IV. DESIGN STANDARDS FOR DWELLINGS: The dwellings on the Property shall be designed and constructed in a manner consistent with the concepts depicted in the Conceptual Master Plan. Future improvements not depicted on the Conceptual Master Plan, such as expansion of habitable areas, sun rooms, screened porches, decks and similar shall be permitted and shall be subject to the setback and lot coverage requirements as established by this ordinance. All dwellings on the Property shall be subject to Final Plan approval as required in this ordinance. The dwellings on the Property shall adhere to the following standards:

A. **MINIMUM DWELLING SIZE:**

1. **Single-family detached dwelling:** Each single-family dwelling shall contain a minimum of one thousand four hundred (1,400) square feet of habitable space.

2. **Single-family attached dwelling:** Each single-family attached dwelling shall contain a minimum of one thousand one hundred (1,100) square feet of habitable space.

B. **MAXIMUM HEIGHT:**

1. **Single-family detached dwellings:** No single-family dwelling shall exceed thirty-five (35) feet in height. No accessory structure shall exceed twenty (20) feet in height.

2. Single-family attached dwellings: No single-family attached dwelling shall exceed thirty-five (35) feet or three stories in height. No accessory structure shall exceed twenty (20) feet in height.

C. EXTERIOR MATERIALS: Exterior walls shall be clad in fiber-cement siding, brick, cultured stone, or vinyl. Where fiber-cement or vinyl products are used, the colors of the exterior dwellings across the community shall consist of shades of a minimum of five of the following colors: yellow, blue, green, red, gray, beige and white. Where vinyl products are used the minimum thickness shall be 0.046 inches. Roof materials may be dimensional or architectural asphalt shingle and may include some combination of standing seam metal, or an equivalent material as approved as part of the Final Plan.

D. PARKING, GARAGES, FRONT PORCHES, DRIVEWAYS AND FRONT FACADES:

1. Single-family attached dwellings:

a. Parking Requirements: Parking shall be provided for the single-family attached units at a rate of 1.5 spaces per unit.

b. Driveways: All driveways shall be paved with an all-weather, dust-free surface of asphalt, exposed aggregate, brick, concrete or pre-cast pavers.

c. Garages: One hundred (100) percent of all single-family attached units shall have a detached garage, side-loaded garage, rear-loaded garage or no garage (any of which shall be deemed for purposes herein a “Non-Front Loading Garage”).

2. Single-family detached dwellings:

a. Driveways: All driveways shall be paved with an all-weather, dust-free surface of asphalt, exposed aggregate, brick, concrete or pre-cast pavers.

b. Garages: A minimum of thirty-three (33) percent of all single-family detached dwellings shall have a Non-Front Loading Garage. One hundred (100) percent of all front-loading garages shall be even with or recessed from the main plane of the dwelling and shall be improved with garage doors having windows across the top door panel.

c. Front Porches: One hundred (100) percent of all single-family detached dwellings shall have front entry porches. A minimum of thirty-three (33) percent of all single-family detached dwellings shall have front entry porches with a minimum footprint of ninety-six (96) square feet.

V. BUFFERS, OPEN SPACE, AND COMMON AREA AMENITIES: Buffers, Open Space, and Common areas/amenities shall be provided as follows:

A. OPEN SPACE, GENERALLY: A minimum of thirty-three (33) percent of the Property shall be retained or developed as open space, generally shown on the Conceptual Master Plan as “Park/Recreation Areas” and “Undisturbed Areas”. Such open space may include land contained within buffers, retained natural features, or common areas for public recreation, whether improved or retained in an undisturbed condition, including, without limitation, club house, gazebos or play areas. However, areas of the site not devoted to private lots, building, parking, walkways, recreation facilities and utility installations required by the City shall be left in their natural state except as permitted below. Such open space shall include the retention of a minimum of twenty-two (22) percent of the Property as undisturbed open space, generally shown on the Conceptual Master Plan as “Undisturbed Areas”. The Undisturbed Areas shall not include the approximate seven (7) acres lying within the Dominion Virginia Power easement. Walking trails, as approved by the City Planning Commission at the time of Final Plan approval for that phase of the Project and other routine maintenance shall be permitted (including the

removal of dead, diseased or dying trees as approved by the City's Urban Forestry Division) within the Undisturbed Areas. Except as expressly permitted above, existing forest and tree canopy shall remain undisturbed within the Undisturbed Areas.

Clearing and grading shall be limited to the extent shown on a detailed grading plan to be submitted with the Final Plan for that phase of the Project.

Clear cutting of the site shall be prohibited; provided, however, the simultaneous clearing and grading of multiple lots, roads, drive isles, and common areas shall be permitted within the limits of an approved detailed grading plan.

B. COMMON AREA/AMENITIES: Common areas shall be provided as generally consistent with that shown on the Conceptual Master Plan. The "Central Park" amenity shall include, at a minimum, a swimming pool and a clubhouse of at least two thousand five hundred (2,500) square feet. In addition, open space throughout the community shall be improved with amenities such as a children's play area, picnic tables, and benches. At final build out, the site shall include a network of walking trails along roads and through common areas and buffers totaling not less than one (1) mile. Such walking trails may be constructed in a straight or curvilinear fashion, shall be a minimum of five (5) feet in width, and (i) if located along roads, parks, open space or common areas, constructed of concrete or asphalt, or (ii) if located within easements, buffers or RPAs/wetland areas, constructed of rock dust, wood chips, concrete, asphalt or other similar material, or if located in areas where existing well defined hard packed dirt paths exist, these paths may remain as hard packed dirt. All other common areas within portions of the site developed as single-family detached shall be subject to a final landscape plan indicating new plant location, species and planting size at the time of installation, and the location of improvements such as play areas, picnic tables, and benches. Said landscaping plan shall be approved as part of the Final Plan for the development phase within which the

improvements are located. No more than one hundred (100) certificates of occupancy shall be approved before the Club House building, as approved by a Final Plan, is constructed. The neighborhood parks shall be constructed concurrent with adjacent residential unit construction.

C. BUFFER ALONG CHIPPENHAM PARKWAY: A variable width buffer of a minimum of one hundred twenty-five (125) feet in width shall be reserved as common area along the Property's frontage with Chippenham Parkway, except that the buffer may be reduced up to twenty-five (25) feet to a minimum buffer of one hundred (100) feet where provided in conjunction with the planting of a mix of native evergreen trees six (6) to eight (8) feet in height planted fifteen (15) feet on center at the rear property line of any lot or portion thereof adjacent to such 100' buffer area, unless otherwise reduced as approved by the City Planning Commission at the time of Final Plan approval. The buffer shall consist of existing trees and existing vegetation not to be disturbed except for required utility easements, walking trails to be used as common open space and any installation of a privacy fence as allowed below. New utility easements, as permitted, shall generally run perpendicular through the buffer, and not parallel within the buffer (unless otherwise approved by the City Planning Commission at the time of Final Plan approval). The removal of dead, diseased or dying trees (as approved by the City's Urban Forestry Division) and other routine maintenance shall be permitted. A screening wall or fence may be installed within the buffer, and, if provided, shall not be less than six (6) feet in height and may be a maximum of eight (8) feet in height. Such screening wall or fence shall be constructed of wood, stone, brick, or cut masonry unit block ("CMU"), or an equivalent material as approved as part of the Final Plan.

D. BUFFER ALONG WORTHINGTON FARMS SUBDIVISION: A buffer of a minimum of one hundred twenty (120) feet in width shall be reserved as common area along the Property's common boundary line with the Worthington Farms Subdivision. The buffer shall

consist of the existing trees and existing vegetation not to be disturbed except for walking trails to be used as common open space and the required and existing utility easements and road improvements where, as permitted, shall run perpendicular through the buffer, and not parallel within the buffer. Further, a minimum of three pedestrian access points as generally shown on the Conceptual Master Plan shall be provided through such buffer. Such pedestrian access ways shall be no greater than ten (10) feet in width and shall be constructed subject to final approval from the City and all other applicable state and federal requirements and approvals. The removal of dead, diseased or dying trees (as approved by the City's Urban Forestry Division) and other routine maintenance within the buffer will be permitted.

E. **BUFFER ALONG NORTHERN PROPERTY LINE:** A buffer of a minimum of fifty (50) feet in width shall be reserved as common area along the Property's common boundary lines with the commercial properties to the north. The buffer shall consist of the existing trees and existing vegetation not to be disturbed except for the required utility easements and road improvements which, as permitted, shall run perpendicular through the buffer, and not parallel within the buffer, and walking trails to be used as common open space. The removal of dead, diseased or dying trees (as approved by the City's Urban Forestry Division) and other routine maintenance shall be permitted. Additional landscaping consisting of a combination of evergreen trees and shrubs, large deciduous trees, ornamental trees and decorative shrubs may be installed to provide additional screening. A screening wall or fence may be installed within the buffer area and, if provided, shall not be less than six (6) feet in height and may be a maximum of eight (8) feet in height. Such screening wall or fence shall be constructed of wood timber, stone, brick, or cut masonry unit block, or an equivalent material as approved as part of the Final Plan.

F. **BUFFER OVERLAP WITH POWER EASEMENT:** A power easement runs through the Property and, in certain locations, overlaps with the required buffers. In such case as

a buffer overlaps with the existing power easement, development activity (grading, planting, inclusion of amenities) shall be limited only by the constraints of the existing power easements and not by other sections of this ordinance so long as no dwelling lot may be placed within such buffer area.

VI. UTILITIES, STREETS AND THE TRAFFIC IMPACT STUDY: Except for transformers, pedestals, junction boxes, meters, and existing overhead utility lines, all new utility lines shall be installed underground. All costs related to the construction of street improvements necessary to serve the Property, as identified in the approved Traffic Impact Study, shall be borne by the developer. A site drainage study and soil survey shall be submitted as part of the Final Plan for the development phase of the Project within which the improvements are located to confirm road constructability.

A. **PRIVATE STREETS PERMITTED:** The single-family attached dwelling unit lots may have frontage on private streets within a recorded permanent access easement approved by the Director of Public Works, the Chief of Police, the Chief of Fire and Emergency Services and the City Attorney. Such private streets are to be maintained by a homeowner's association. All single-family detached dwellings are to be accessed by a system of public streets, provided however, that the public right of way shall be extended from the single-family detached portion of the Project to the boundary of the Property in the location generally shown on the Conceptual Master Plan as the "Potential Future Connection" to the commercial property which fronts on Midlothian Turnpike, or in a location as may be approved by the City Planning Commission as part of the Final Plan approval for that phase of the Project. Said public right of way shall be dedicated to the City prior to the issuance of a building permit for any single-family attached unit. The pavement surface for private streets shall be a minimum of eighteen (18) feet in width and shall be designed and constructed in accordance with the requirements of the Director of

Public Works. Any parking bay for parallel parking spaces along a private street shall require an additional eight (8) feet of pavement surface. Any parking bays for perpendicular parking spaces shall be of sufficient depth to accommodate the parking stall and aisle dimensions specified in the Zoning Ordinance. Fire hydrants shall be placed at locations as required by applicable code standards.

B. ACCESS TO THE PROPERTY:

1. Access to Warwick Road shall be limited to one (1) location substantially as depicted on the Conceptual Master Plan. This access shall be a boulevard style entrance and provide for one entrance lane into the Property and one exit lane to Warwick Road, as shown on the Conceptual Master Plan.

2. A construction entrance shall be maintained in accordance with all state and local regulations and with plans and location approved by the Administrator of Permits and Engineering Services.

3. Pedestrian access to Greshamwood Place shall be achieved pursuant to a sidewalk to be constructed with base asphalt no later than construction of the portion of the access road paralleling Chippenham Parkway and as shown on the Conceptual Master Plan as "ROAD A". Vehicular access to Greshamwood Place shall be provided no later than the first certificate of occupancy for any home adjoining such portion of ROAD A.

4. An emergency access shall be provided to Fleming Road as generally shown on the Conceptual Master Plan and shall be designed and constructed in accordance with the requirements of the Director of Public Works.

C. STREET LIGHTING: All costs related to the installation of street lighting necessary to serve the Property shall be borne by the owner. A lighting plan indicating pole height, style, color, box dimensions, and bulb type for the street lights shall be a part of the initial

Final Plan for the first phase of development of the Project. All other site lighting within common areas shall be produced from a shielded source of light.

D. SIDEWALKS: Street frontage adjacent to lots improved with dwellings shall be improved with a sidewalk in accordance with the requirements of the Director of Public Works. Where the adjacent land is not improved with a dwelling (open space or common area), the street frontage may be improved as indicated in the attached Typical Street Sections exhibit.

E. REQUIRED PUBLIC STREET IMPROVEMENTS: The improvements as depicted on the Conceptual Master Plan, or such equivalent alternatives as the City Traffic Engineer may request, shall be completed or bonded as part of the Final Plan for the development phase of the Project within which the improvements are located. The improvements shall include a right turn lane and taper on the west line of Warwick Road into the Property from the southbound lane of Warwick Road. A developer's contract may be required as determined by the Director of Public Works. The typical street profile shall be substantially consistent with the attached plans entitled "Gresham Woods Typical Street Section: 50' Right of Way" and dated December 1, 2006. Street trees that are at least 2" in caliper at the time of planting shall be provided along both sides of all streets, public or private, at a maximum of fifty (50) feet on center, unless as part of approved landscaping plans. In cases where existing tree canopy remains undisturbed, trees shall be provided only on one side of the street (as shown in Street Section Exhibit page 3). In addition, all streets, public or private, shall be capable of bearing the weight of a 75,000 pound fire apparatus or shall meet such alternatives as may be approved by the Fire Marshal.

F. ON-STREET PARKING: Street frontage adjacent to lots improved with dwellings shall be improved with on street parking in accordance with the requirements of the Director of Public Works.

VII. STORMWATER MANAGEMENT: As part of the construction plan submittal for any Final Plan, the owner will prepare and submit for City review and approval a comprehensive and coordinated approach to stormwater management within the Property. The documents and agreements to be recorded under “Restrictive Covenants” below shall include appropriate provisions for the maintenance and operation of the stormwater management system within the Project.

VIII. RESTRICTIVE COVENANTS: Concurrent with the recordation of each subdivision plat approved by the City of Richmond, restrictive covenants describing development controls and maintenance responsibilities for all common areas within such subdivision, including but not limited to, maintenance of the entrance feature, private streets, buffers, storm drainage facilities and maintenance of landscaped areas, shall be reviewed by the Richmond City Attorney’s Office and recorded in the Clerk’s Office of the Circuit Court of Richmond, Virginia. In addition, there shall be a Homeowner’s Association of the owners of lots in the Project that shall be responsible for the enforcement of the restrictive covenants, including, but not limited to, maintenance of the lots and common areas. The Homeowner’s Association shall also be responsible for developing a landscaping plan for the front elevation of each home and enforcing the landscaping plan as developed. A final landscape schedule indicating the typical species and planting size at the time of installation shall be approved as part of the Final Plan. Landscaping, per the approved schedule, shall be provided on a lot-by-lot basis, and installed prior to the issuance of a final certificate of occupancy for the dwelling on the lot.

IX. WORKFORCE HOUSING: As a voluntary condition to the community unit plan, twenty (20) percent of the total units within the Project shall be available for sale at prices that qualify them as meeting the needs of Richmond Area workforce housing as defined herein (“Workforce Housing”). Qualifying prices shall be determined by subtracting any Workforce

Housing or other cash incentives made available privately by the builder from the base purchase price of the home. Workforce Housing is defined as housing that is affordable for those making between sixty (60) percent and one hundred twenty (120) percent of the Richmond MSA Area Median Income (AMI) as reported by The United States Department of Housing and Urban Development (“HUD”). For purposes of this ordinance, the AMI used for calculation shall be the greater of 2007 HUD AMI or the most recent numbers available from HUD at the time of sale. For the purposes of calculating the final purchase price, the following calculation will be used: 30% gross monthly income, 3% down payment, 30-year fixed rate mortgage at 6.00%, including PITI and PMI .

The Workforce Housing provided within the Project shall be available to the Richmond MSA Area AMI levels as follows:

Percentage of Total Workforce Housing	Richmond MSA Area AMI requirements	Sales Prices shall be in the range of the greater of the values set forth below and as may be adjusted by the AMI calculations
25%	60 – 80%	\$142,216 – \$191,340
50%	60 – 100%	\$142,216 - \$240,515
25%	60 – 120%	\$142,216 - \$289,588

§ 2. The initial Final Plan for the first phase of development of the Project, defined as no fewer than thirty (30) lots, shall be filed with the City Planning Commission by July 1, 2017. In the event the required submission is not filed with the City Planning Commission by July 1, 2017, this ordinance shall be null and void and of no further effect. Final Plans shall include, at a minimum, site and subdivision plans, typical floor plans, elevation drawings, landscaping plans and grading, drainage, and utility plans for each phase of the development of the Project and

other such information as may be needed to confirm conformance with the provisions of this ordinance.

§ 3. Building permits shall be requested within eighteen (18) months of the date of City Planning Commission approval of the Final Plans. Plans submitted for building permit approval shall be substantially in conformance with the Final Plans approved by the City Planning Commission.

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

RECEIVED
JUN 04 2014



OFFICE OF CITY ATTORNEY
CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

APR 29 2014

Chief Administration Office
City of Richmond

O&R REQUEST

DATE: April 24, 2014

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Byron C. Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer for Economic
Development and Planning

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

SUBJECT: Community Unit Plan Amendment for the "Gresham Woods Preliminary
Community Unit Plan" to extend the deadline for initial Final Plan submittal to
July 1, 2017.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ordinance. No. 2010-98-81, adopted May 10, 2010, pertaining to the "Gresham Woods Preliminary Community Unit Plan", which permitted the development of a residential community not to exceed four hundred (400) single-family detached and single-family attached dwelling units on approximately 117.88 acres of land located at 6903 Midlothian Turnpike, upon certain terms and conditions, to extend the deadline for initial Final Plan submittal to July 1, 2017.

REASON: A preliminary Community Unit Plan (CUP) for the property was adopted by City Council on September 10, 2007. The ordinance that authorized the preliminary CUP contained a provision that the initial final plan for the first phase of development be submitted within twenty-four months of adoption of the ordinance. However, in 2010 the applicant applied to extend that deadline to July 1, 2014. The applicant has again requested an extension to the deadline to July 1, 2017.

RECOMMENDATION: In accordance with the requirements of Section 17 of the City Charter and Article IV of the Zoning Ordinance, the City Planning Commission has scheduled a public hearing on this proposal on May 19, 2014. A resolution outlining the Commission's recommendation will be forwarded to City Council following that meeting.

201405001

BACKGROUND: A preliminary CUP for the property was adopted by City Council on September 10, 2007. The ordinance that authorized the preliminary CUP contained a provision that the initial final plan for the first phase of development be submitted within twenty-four months of adoption of the ordinance. In 2010 this deadline was extended to July 1, 2014. If this deadline is not met, the ordinance would become null and void and of no further effect.

In 2009, as a result of the housing crisis, the Virginia General Assembly adopted §15.2-2209.1, which granted an extension until July 1, 2014 for the validity of certain land use approvals made prior to January 1, 2009. In 2012, the Virginia General Assembly amended §15.2-2209.1, to granted an extension until July 1, 2017 for the validity of certain land use approvals made prior to January 1, 2011. The City's Zoning Administrator, on request of the applicant, reviewed this section of State Code and determined that it did not cover preliminary Community Unit Plans.

The proposed amendment to the Community Unit Plan ordinance is intended to extend the deadline for submission of final plans to be consistent with the extension granted by the General Assembly for other land use approvals.

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

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

REVENUE TO CITY: A \$1,500 application fee was received to process this request.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: May 27, 2014

CITY COUNCIL PUBLIC HEARING DATE: June 23, 2010

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: None

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 ORDINANCES: Amendment to Ordinance Nos. 2007-219-198 and 2010-98-81.

ATTACHMENTS:

1. Application Form
2. Applicant's Report
3. Ordinance

STAFF: Lory Markham, Principal Planner
Land Use Administration (Room 511)

646-6309

DCD O&R No. 14-17



Application for COMMUNITY UNIT PLAN

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/>

Application is hereby submitted for: (check one)

- preliminary plan
 - preliminary plan admendment
 - final plan
 - final plan admenment
- (Extension)

Project Name/Location

Project Name: Gresham Woods Date: _____

Property Address: 6903 Midlothian Turnpike Tax Map #: C007-0124/010

Fee: \$1,500 Total area of affected site in acres: 117.883
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning
Current Zoning: CUP, B-3, R-3, OS

Proposed Use
(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: Vacant
Is this property subject to any previous land use cases?
 Yes No

Up to 400 single-family detached and single-family attached dwelling units

If Yes, please list the Ordinance Number:
2010-98-81, 2007-219-198

Applicant/Contact Person: Gloria L. Freye, Esquire

Company: McGuireWoods LLP

Mailing Address: 901 East Cary Street

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 775-1152 Fax: (804) 698-2055

Email: gfreye@mcguirewoods.com

Property Owner: WREIC Associates Limited Partnership

If Business Entity, name and title of authorized signee: By: GPWRDC, LLC, General Partner
By: DAVM Corporation Manager

Mailing Address: 2922 Hathaway Road By: Bonnie L. Wood, Vice President

City: Richmond State: VA Zip Code: 23225

Telephone: (804) 320-7101, ext. 238 Fax: (804) 320-6886

Email: bwood@gscapt.com

Property Owner Signature: Bonnie L. Wood, Vice President

(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 community unit plans)

**Applicant's Report for Gresham Woods Community Unit Plan Extension
Ordinance Number 2010-98-81
WREIC Associates Limited Partnership
6903 Midlothian Turnpike, C007-0124/010
April 24, 2014**

The General Assembly passed legislation to extend any deadlines for special exceptions, special use permits, or conditional use permits. Such permits often require some significant action by a developer in order to vest the permit. Developers or landowners are required to commence new residential or commercial projects or to incur significant expenses for improvements to such project within certain timeframes so that such permits do not lapse. The Virginia Code provides for such timeframes and those deadlines were initially extended by the General Assembly to July 1, 2014. The deadlines have been extended to July 1, 2017, or longer, as agreed by the locality.

The automatic extension of such permit approvals by the General Assembly was given in response to developers and landowners who were at risk of losing their interests in a special exception, special use permit, conditional use permit, site plan, or subdivision plat approvals due to the lack of financing and decreased market demand for new housing. Financing and demand for new housing are beginning to improve; however, the conditions for new residential projects are not yet ideal.

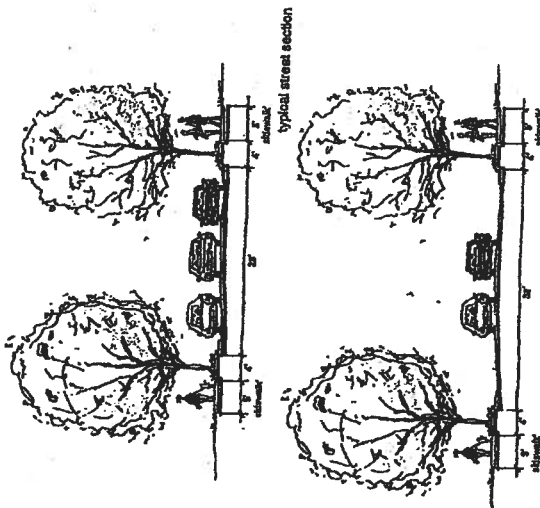
Gresham Woods is a proposed new residential project in the City that has been affected by the housing crisis. Gresham Woods was approved under a Community Unit Plan, which is a zoning category unique to the City of Richmond but similar to a special exception, special use permit, or a conditional use permit. Under the Community Unit Plan, Gresham Woods would need to get a "Final Plan" (subdivision) by July 2014 and then building permits in order for the Community Unit Plan to remain in effect. Such requirement would mean spending tens of thousands of dollars on engineering that would essentially be wasted because the demand for new housing is not yet strong enough to bring these lots to market.

This request is for City Council to extend the filing deadline to July 1, 2017 for the submittal of the Gresham Woods Final Plan as part of the Community Unit Plan (approved in Ordinance number 2010-98-81). The request is similar to the 2010 request extending the Gresham Woods Final Plan filing deadline to July 1, 2014, that was in keeping with the General Assembly timeframes. Extending the Final Plan's filing deadline will afford the developer the same relief automatically provided by the General Assembly to other developers struggling during the ongoing housing crisis. Extending the Final Plan filing deadline will allow the developer to maintain the existing Community Unit Plan approval until the economy changes. In addition, this extension will provide the opportunity for the Applicant to collaborate and participate in the ongoing Midlothian Corridor Study. The Corridor Study is under development by the Richmond Regional Planning District Commission and will include evaluation of the highest and best use for property in the area.

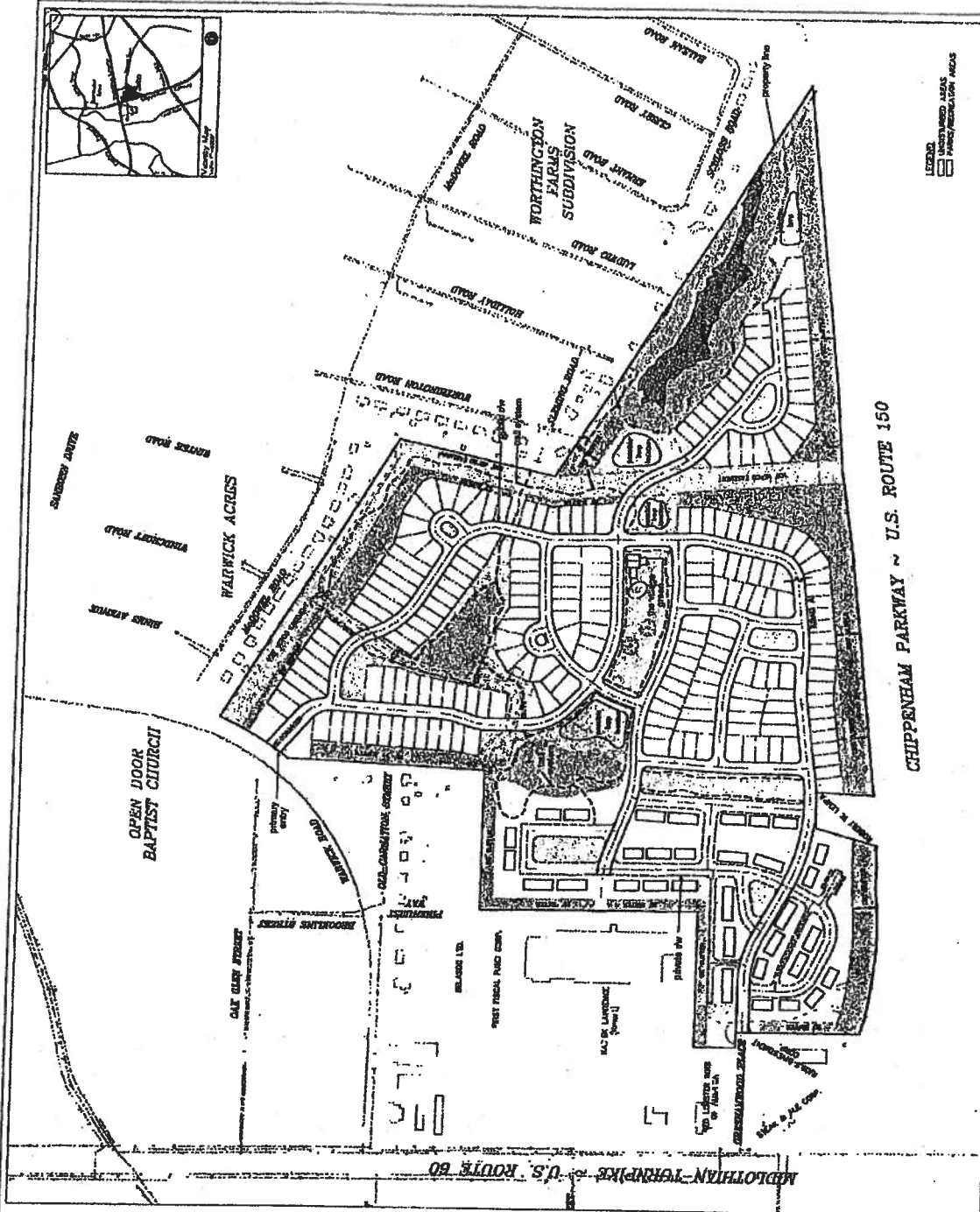
Final version adopted
by CPC on 6/18/07

GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

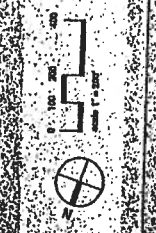


typical street section	neighborhood data
town homes	140-180
40' x 110' (min.) single family homes	60-100
60' x 110' (min.) single family homes	120-160
80' x 110' (min.) single family homes	15-40
total homes	(not to exceed) 400

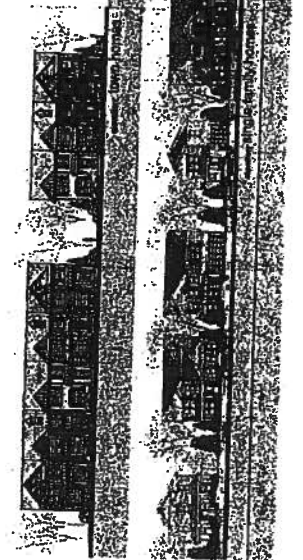


CHIPPENHAM PARKWAY ~ U.S. ROUTE 150

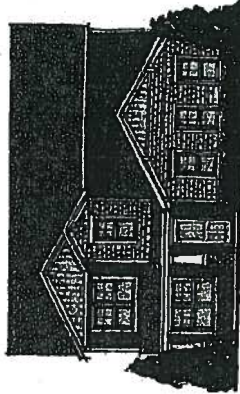
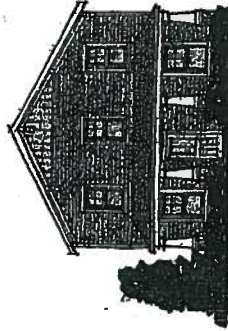
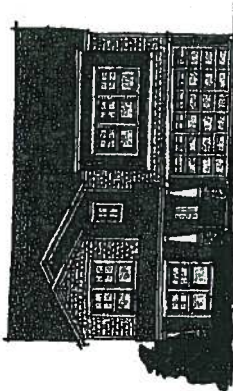
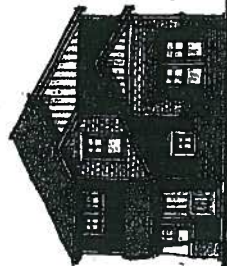
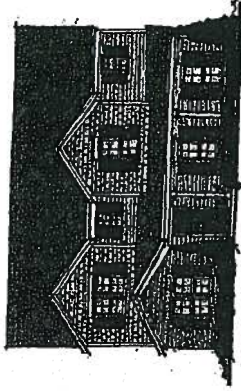
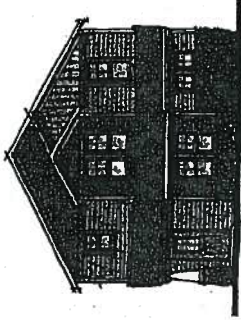
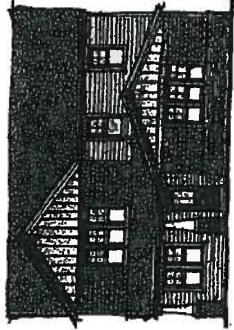
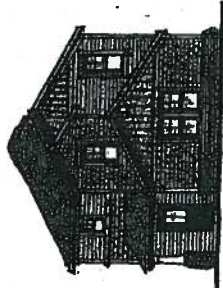
prepared by
CENTEX HOMES
designed by
designforum
TIMMONS GROUP



CONCEPTUAL PLAN
DATE: JUNE 15, 2007



Final version approved
by CPC on 6/18/07

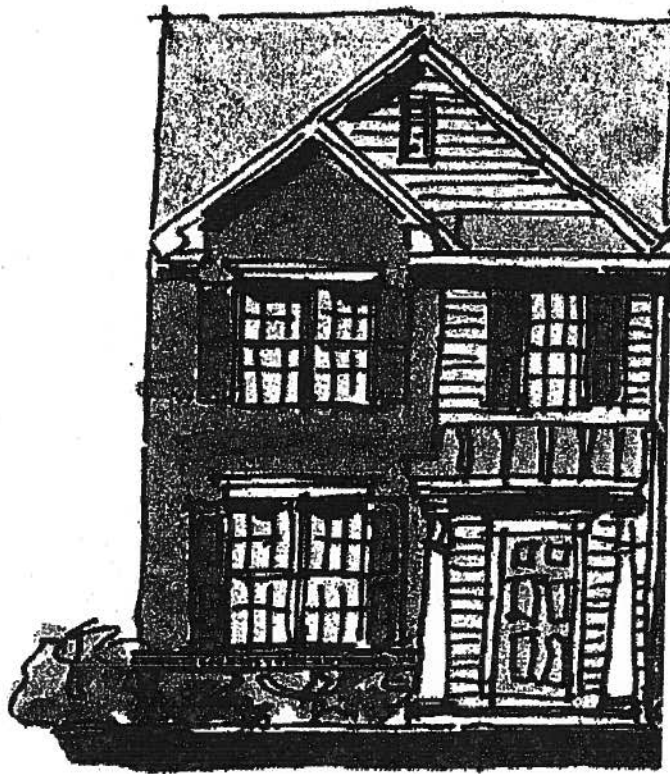


GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

GRESHAM WOODS CONCEPTUAL SINGLE-FAMILY HOME ELEVATIONS

JUNE 15, 2007

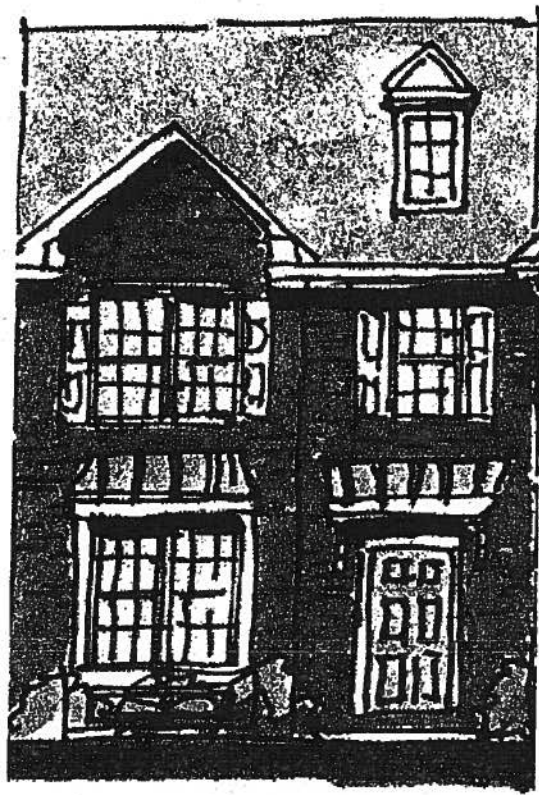


GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

MARCH 16, 2007

CONCEPTUAL: TOWN HOMES
ELEVATION
1 OF 9



GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

MARCH 16, 2007

CONCEPTUAL TOWN HOMES
ELEVATION
2 OF 9



GRESHAM WOODS
CITY OF RICHMOND, VIRGINIA
MARCH 16, 2007

CONCEPTUAL TOWN HOMES
ELEVATION
3 OF 9



GRESHAM WOODS
CITY OF RICHMOND, VIRGINIA

MARCH 16, 2007

CONCEPTUAL: TOWN HOMES
ELEVATION
4 OF 9



GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

MARCH 16, 2007

CONCEPTUAL TOWN HOMES
ELEVATION
5 OF 9



GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

MARCH 16, 2007

CONCEPTUAL: TOWN HOMES
ELEVATION
6 OF 9



GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

MARCH 16, 2007

CONCEPTUAL: TOWN HOMES
ELEVATION
7 OF 9



GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

MARCH 16, 2007

CONCEPTUAL TOWN HOMES
ELEVATION
8 OF 9

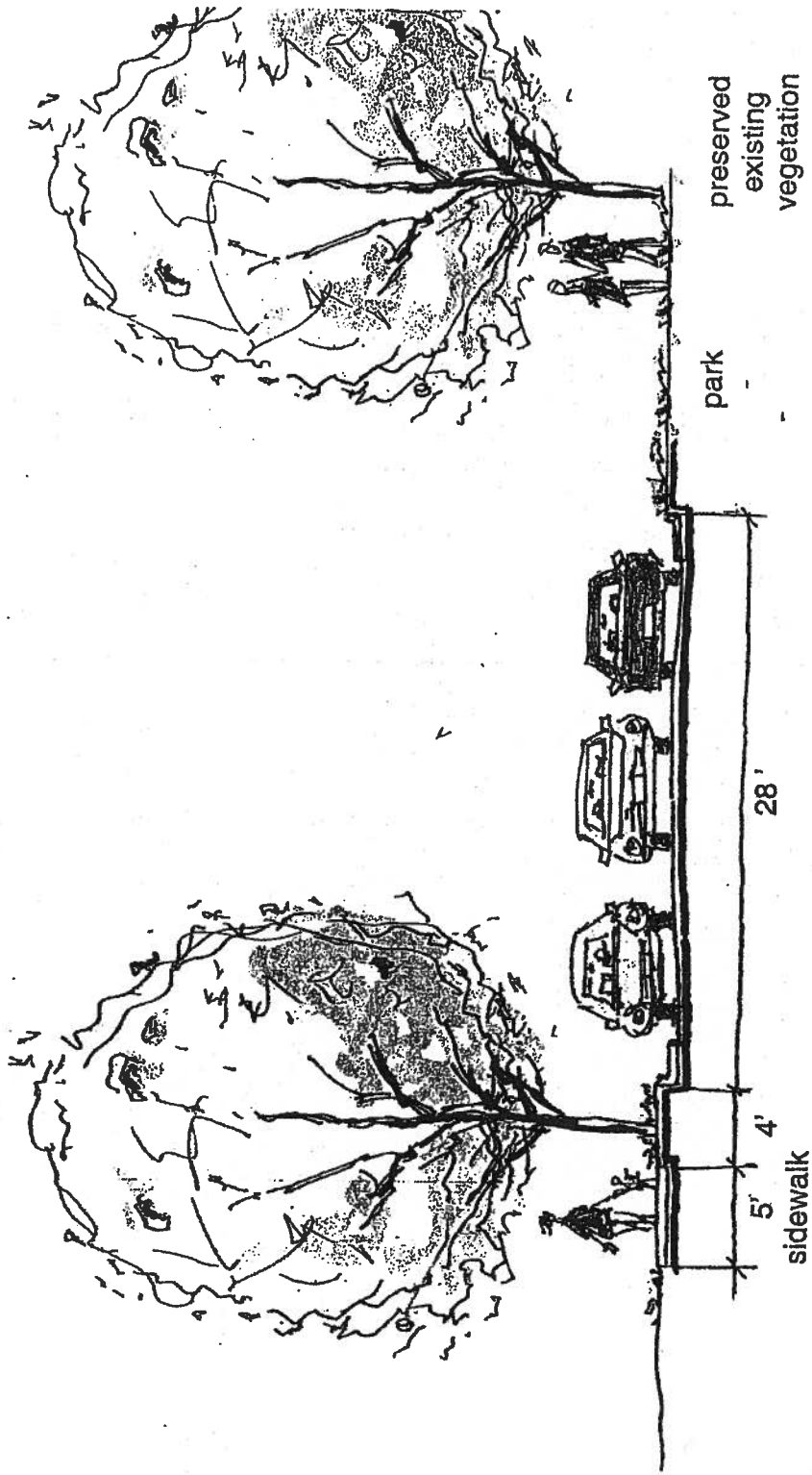


GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

MARCH 16, 2007

CONCEPTUAL TOWN HOMES
ELEVATION
9 OF 9

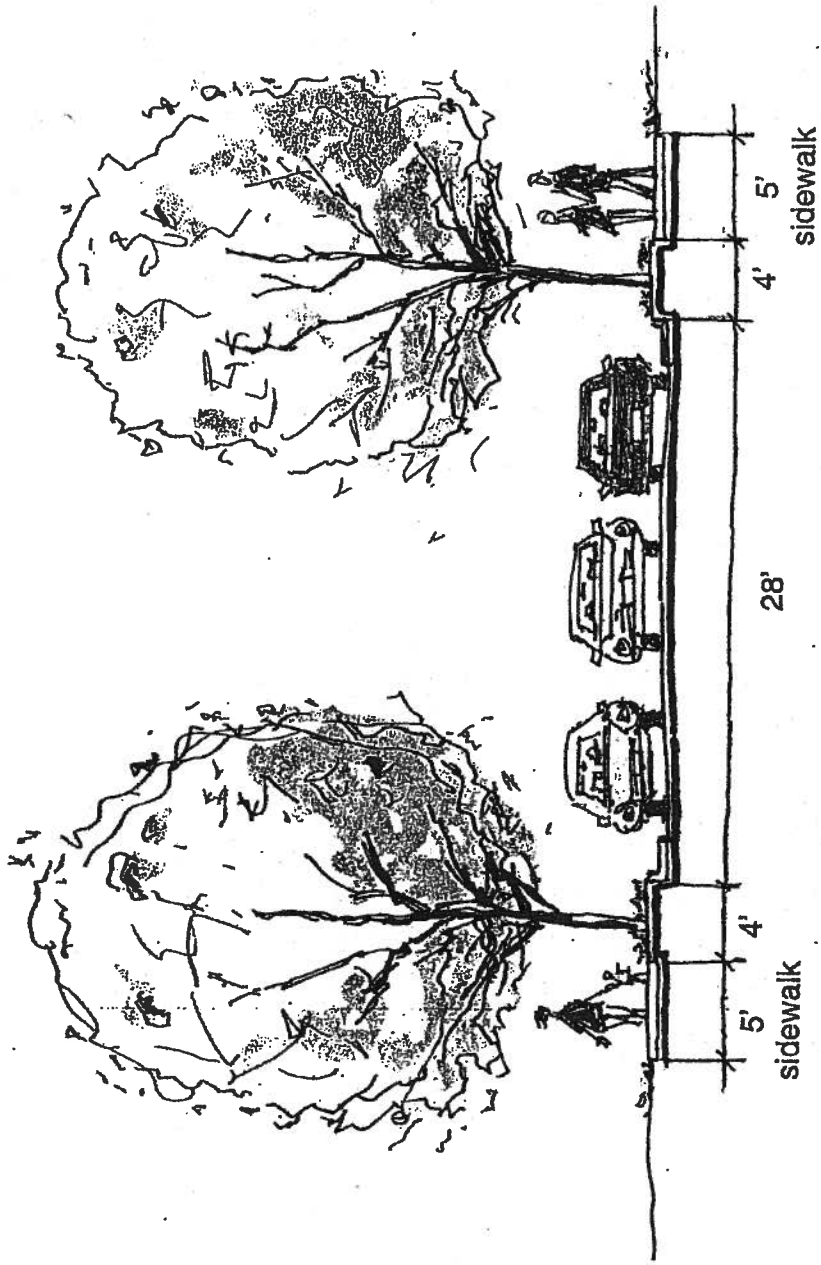


GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

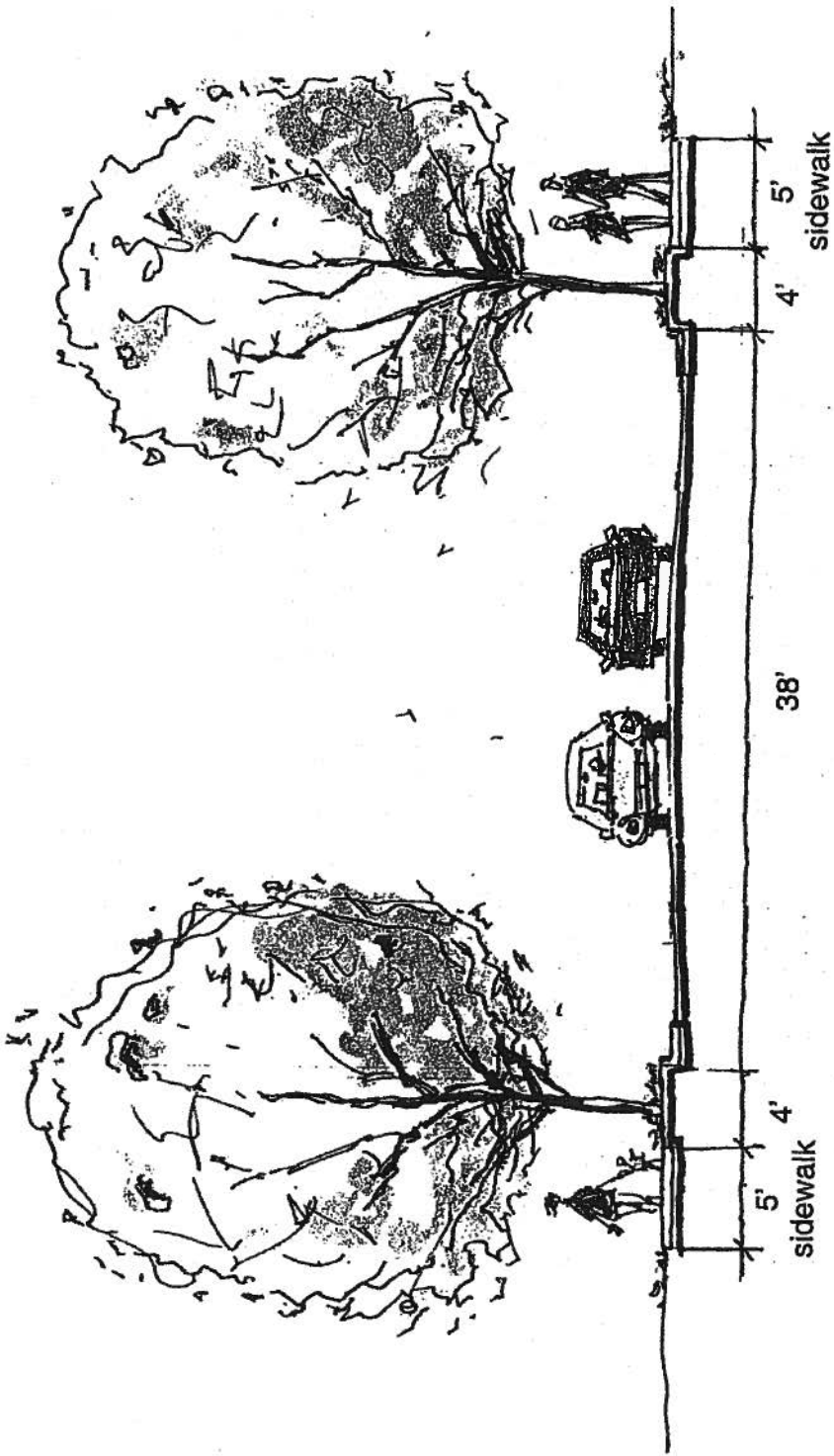
MARCH 16, 2007

CONCEPTUAL TYPICAL STREET SECTION
1 OF 3



GRESHAM WOODS
 CITY OF RICHMOND, VIRGINIA
 MARCH 16, 2007

CONCEPTUAL: TYPICAL STREET SECTION
 2 OF 3



GRESHAM WOODS

CITY OF RICHMOND, VIRGINIA

MARCH 16, 2007

CONCEPTUAL: TYPICAL STREET SECTION
3 OF 3

