

INTRODUCED: March 27, 2023

AN ORDINANCE No. 2023-105

To authorize the special use of the property known as 6140 Hull Street Road for the purpose of up to 140 single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 24 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 6140 Hull Street Road, which is situated in a R-3 Single-Family Residential District, desires to use such property for the purpose of up to 140 single-family attached dwellings, which use, among other things, is not currently allowed by section 30-406.1 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES: 7 NOES: 0 ABSTAIN: _____

ADOPTED: APRIL 24 2023 REJECTED: _____ STRICKEN: _____

an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 6140 Hull Street Road and identified as Tax Parcel No. C007-0588/004 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “A Boundary Plat of a Parcel of Land Totaling 18.3 ± Acres on the North Side of Hull Street and the South Side of Whitehead Road in the City of Richmond, Virginia,” prepared by Timmons Group, and dated September 3, 2015, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of up to 140 single-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “6140 Hull Street, City of Richmond, Virginia, Lot Plan – Option 1,” prepared by LPDA, and dated October, 2022, “6140 Hull Street, City of Richmond, Virginia, Lot Plan – Option 2,” prepared by LPDA, and dated January, 2023, “6140 Hull Street, City of Richmond, Virginia, Lot Plan – Option 3,” prepared by LPDA, and dated March, 2023, and “6140 Hull Street, Special Use Permit, Conceptual Elevations,” prepared by an unknown preparer, with an unknown date, and last revised January 17, 2023, hereinafter referred to, collectively, as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as up to 140 single-family attached dwellings, substantially as shown on the Plans. Residential amenity areas shall also be provided on the Property and may include, but shall not be limited to, a playground, sports court, pavilion, picnic area, or any combination thereof. At least one point of access to the Property from Hull Street shall be designed and constructed to allow full access (i.e., ingress and egress from and to northbound lanes of Hull Street).

(b) No less than one parking space per dwelling shall be provided for the Special Use and may be provided through the use of driveways, rear garages, or on-street parking. Front-loaded townhouses shall only be single-car driveways or garages. Townhouses with two-car driveways or garages shall only be allowed on lots with alley access.

(c) All building types, elevations, and site improvements, including landscaping and street trees, shall be substantially as shown on the Plans. Brick, brick veneer, stone, stone veneer, masonry, vinyl, fiber cement, and engineered wood shall be permitted building siding materials. Vinyl siding shall have a minimum wall thickness of 0.044 inches, as evidenced by the manufacturer's printed literature.

(d) The height of the Special Use shall not exceed three stories, substantially as shown on the Plans.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) Signs on the Property shall not be internally illuminated.

(g) Prior to the issuance of any building permit for the Special Use, the subdivision of a maximum of 140 lots, substantially as shown on the Plans, shall be accomplished by obtaining

the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

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

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

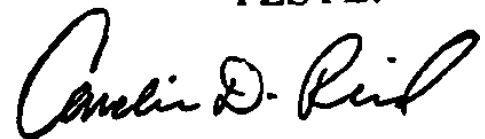
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Rind". The signature is written in a cursive style with a large initial 'C'.

City Clerk



City of Richmond

RECEIVED
By City Attorney's Office at 11:35 am, Mar 09, 2023

RECEIVED
By CAO Office at 11:22 am, Feb 21, 2023

2023-070

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

Item Request File Number: PRE.2022.0542

O & R Request

DATE: February 14, 2023

EDITION: 1

TO: The Honorable Members of City Council

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

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

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

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

RE: To authorize the special use of the property known as 6140 Hull Street for the purpose of up to 140 single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 6140 Hull Street for the purpose of up to 140 single-family attached dwellings, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize up to 140 single-family attached dwellings within an R-3 Single-Family Residential District. Single-family attached dwellings are not a permitted use within the R-3 District. A Special Use Permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council.

BACKGROUND: The property is located in the Elkhardt neighborhood on Hull Street between Derwent and Elkhardt Roads. The property is currently a 606,960 sq. ft. (16 acre) vacant parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use, which is defined 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."

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft.

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.

The current zoning for this property is R-3 Single-Family Residential District. All adjacent and nearby properties are located primarily within the same R-3 zone. The area is generally single family residential, with some commercial and institutional uses present in the vicinity along Hull Street to the north and south. The proposed density of the parcel is 140 units upon 16 acres, or 8.75 units per acre.

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

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 13, 2023

CITY COUNCIL PUBLIC HEARING DATE: April 10, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
April 3, 2023

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

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



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/>

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: 6140 Hull Street Road Date: 7/8/2021
Tax Map #: C0070588004 Fee: _____
Total area of affected site in acres: 15.986 acres

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

Zoning

Current Zoning: R-3 Residential

Existing Use: R Multi Family Vacant (R73)

Proposed Use

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

Applicant proposes the special use of the property for up to 117 single-family attached dwellings on lots.
Existing Use: Vacant, unimproved land

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: William Allen

Company: HDC, LLC
Mailing Address: 5607 Grove Avenue
City: Richmond State: VA Zip Code: 23226
Telephone: (804) 282-6550 Fax: (N/A)
Email: wallen@hdcva.com

Property Owner: First Baptist Church Endowment Fund, Inc. et al

If Business Entity, name and title of authorized signee: Kim Boys, Treasurer

(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: 2709 Monument Avenue
City: Richmond State: VA Zip Code: 23220
Telephone: (804) 355-8637 Fax: (N/A)
Email: _____

Property Owner Signature: T. Preston Lloyd, Jr.
T. Preston Lloyd, Jr., Acting Under Special Land Use Power of Attorney

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)

WILLIAMS MULLEN

Direct Dial: 804.420.6615
plloyd@williamsmullen.com

July 28, 2021, *as amended January 8, 2023*

VIA EMAIL

City of Richmond Department of Planning and Development Review
City Hall, 900 East Broad Street, Room 511
Richmond, Virginia 23219
Attn: Mr. Matthew Ebinger

Re: Special Use Permit Application, 6140 Hull Street, City Parcel Id. No. C0070588004

Ladies and Gentlemen:

On behalf of the Applicant, HDC, L.L.C., a Virginia limited liability company, we enclose an application for a new Special Use Permit for the captioned property, which is comprised of approximately 15.986 acres located in the City of Richmond, Virginia (the "Property"), including the materials enumerated on Exhibit A, attached hereto. This letter will also serve as the Applicant's Report.

The application proposes the special use of the Property for ~~up to 117~~ single-family attached dwellings on lots and in a ~~configuration~~ substantially as shown on *either of the two (2)* enclosed Conceptual Plans (as hereinafter defined). The Property currently is zoned R-3 Single-Family Residential.

For the reasons summarized below, the proposal meets the City Charter requirements of special use permit approval and will not be detrimental to public safety, create congestion in the public streets, create public hazards, cause overcrowding of land, adversely affect public services, or interfere with adequate light and air.

The subject Property is presently vacant, comprised only of unimproved, unoccupied acreage, yet is located at the convergence of several established residential neighborhoods, including Pocoshock, Elkhadr, Brookhaven Farms and Piney Knolls. Moving along Hull Street toward Chippenham Parkway, the area largely consists of single-family detached residences while periodically mixed with multi-family structures. The proposed application presents the opportunity to intersperse for-sale, attached townhome dwellings that complement these abutting neighborhoods.

The proposed special use of the property conforms to the City's Master Plan, approved in the form of the Richmond 300 Master Plan (the "Master Plan"). The Master Plan Future Land Use Map categorizes the Property as Neighborhood Mixed-Use. According to the Master Plan, areas designated Neighborhood Mixed-Use are to be comprised of 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. Further, the Master Plan provides that primary uses in Neighborhood Mixed-Use areas are to include single-family houses, accessory dwelling units, duplexes, small multi-family buildings, and open space. Notwithstanding the presently undeveloped condition of the Property, the Master Plan supports the proposed conversion of this parcel into a more compatible single-family residential neighborhood with preserved green space and natural amenities.

The proposed street layout shown on the Layout Plan illustrates primary access through new connections from the Property to Hull Street. The Property is located near various GRTC transit service stops, offering additional means of transportation connectivity. Off-street parking on the Property will be offered through on-site parking spaces, as shown on the Conceptual Plan. Further, residential portions of the Property will include sidewalks to promote pedestrian connectivity, in furtherance of Master Plan objectives. ~~Notably, the project includes a pedestrian greenway trail, shown as the Future Pocosham Creek Trail on the Conceptual Plan, which connects Hull Street to Whitehead Road. A portion of the project is intended to be conveyed to the Capital Region Land Conservancy for dedication to the City's Department of Parks for future greenway connectivity from Hull Street to Whitehead Road.~~

Based on the foregoing, the proposed use on the Property meets the criteria set forth in the Charter of the City of Richmond that the Application is not (i) detrimental to the safety, health, morals and general welfare of the community involved; (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; (iii) create hazards from fire, panic or other dangers; (iv) tend to cause overcrowding of land and an undue concentration of population; (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or (vi) interfere with adequate light and air.

Please contact the undersigned at 804.420.6615 or plloyd@williamsmullen.com, to confirm that the application has been deemed complete and assigned to a Planner, or should you have any questions or require additional materials. Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "T. Preston Lloyd, Jr.", written in a cursive style.

T. Preston Lloyd, Jr.

Enclosures

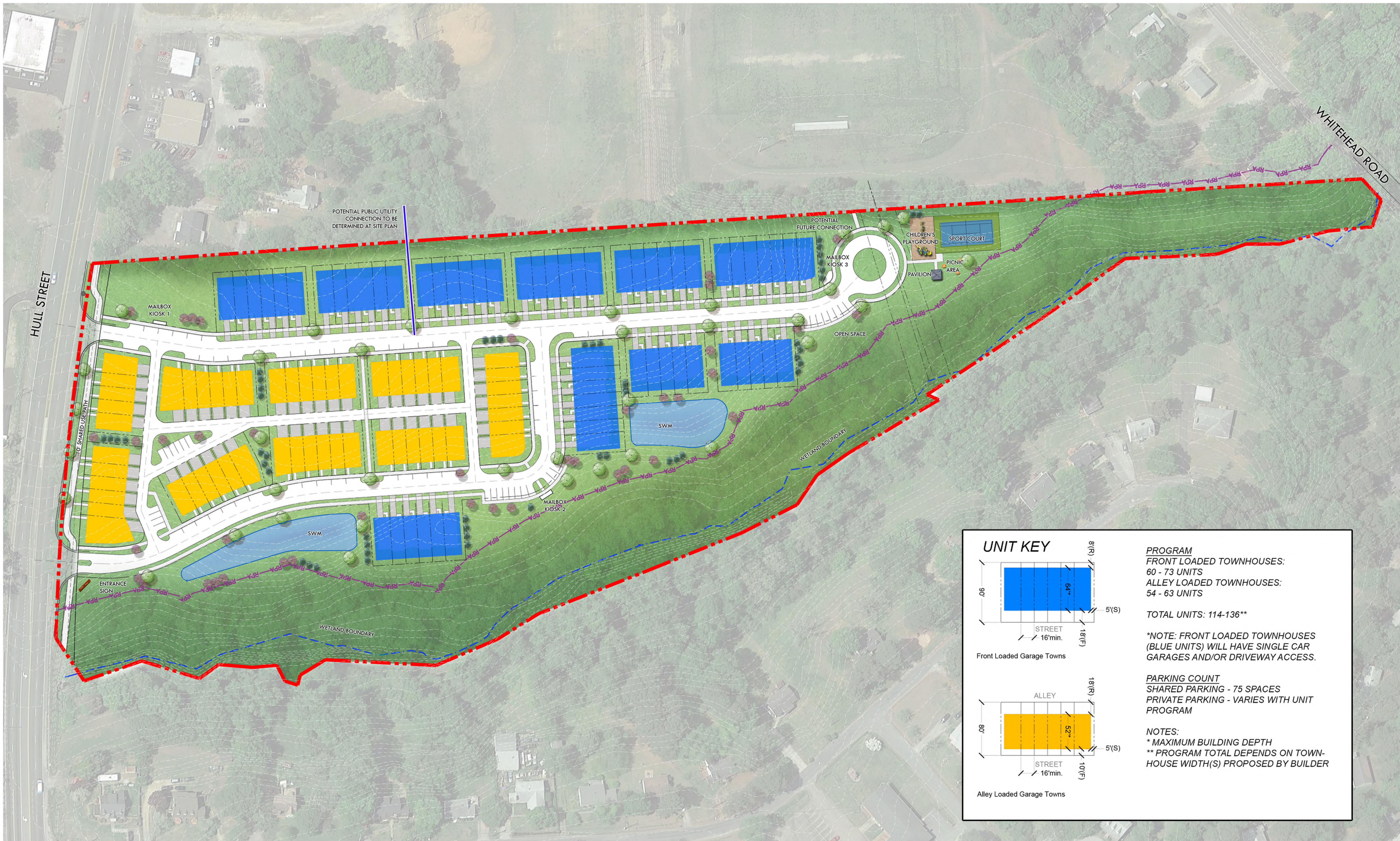
Cc: Mr. Will Allen, Harper Associates (via email w/ encl.)
The Hon. Michael J. Jones, 9th District, Richmond City Council (via email w/ encl.)

EXHIBIT A

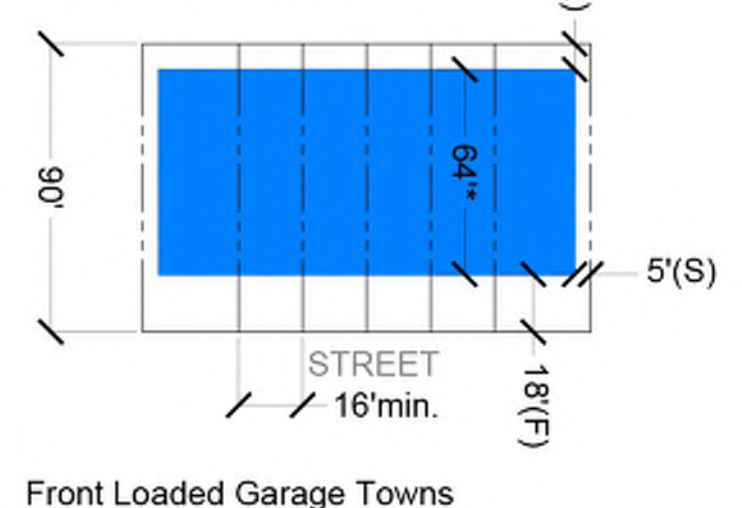
The following application materials are enclosed:

1. Special Use Permit Application form;
2. Conceptual Master Plans prepared by Landscape Architecture Land Planning, entitled "LOT PLAN – OPTION 1" dated October 2022 and entitled "LOT PLAN – OPTION 2" dated January 2023 (together, the "Conceptual Plans");
3. Conceptual Elevations;
4. Boundary Survey prepared by Timmons Group dated September 3, 2015; and
5. Land Use Special Power of Attorney from the Applicant and Owner.

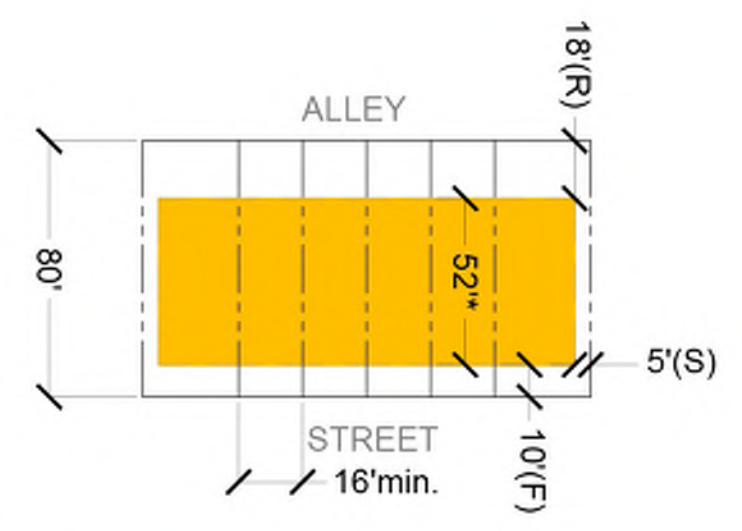
Payment of the filing fee in the amount of \$2,400 is being submitted online via the Permit Portal.



UNIT KEY



Front Loaded Garage Towns



Alley Loaded Garage Towns

PROGRAM
 FRONT LOADED TOWNHOUSES:
 60 - 73 UNITS
 ALLEY LOADED TOWNHOUSES:
 54 - 63 UNITS

TOTAL UNITS: 114-136**

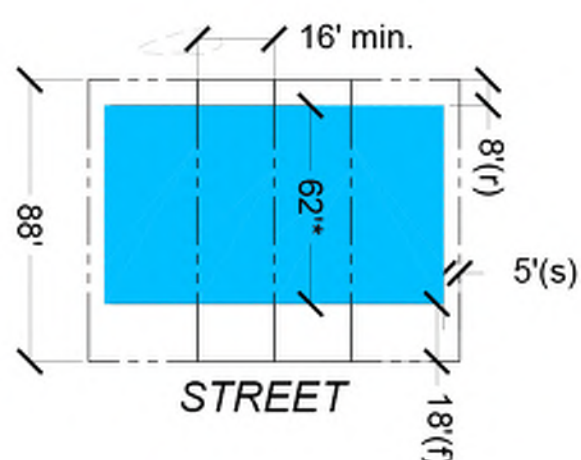
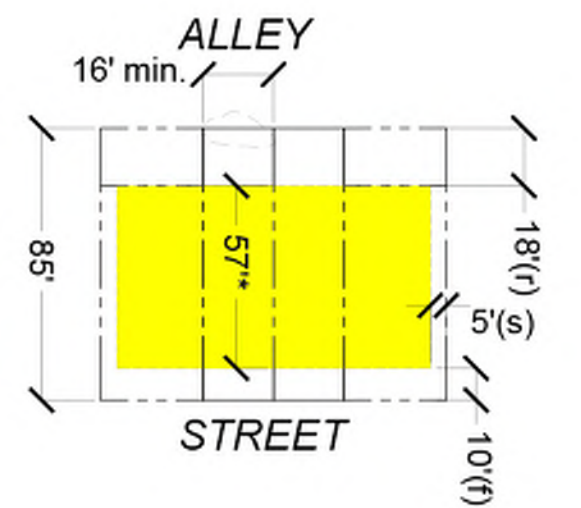
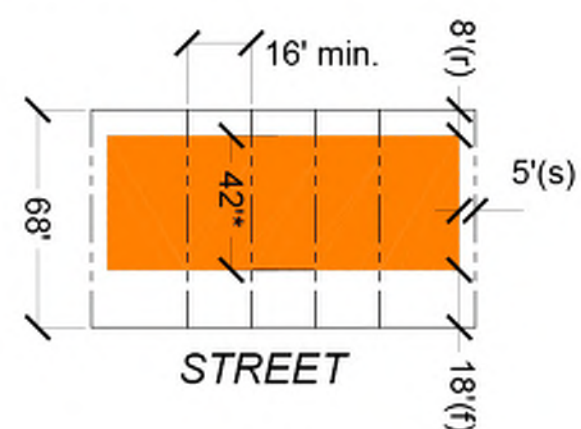
*NOTE: FRONT LOADED TOWNHOUSES (BLUE UNITS) WILL HAVE SINGLE CAR GARAGES AND/OR DRIVEWAY ACCESS.

PARKING COUNT
 SHARED PARKING - 75 SPACES
 PRIVATE PARKING - VARIES WITH UNIT PROGRAM

NOTES:
 * MAXIMUM BUILDING DEPTH
 ** PROGRAM TOTAL DEPENDS ON TOWNHOUSE WIDTH(S) PROPOSED BY BUILDER



UNIT KEY



PROGRAM
 FRONT LOADED TOWNHOUSES:
 71-83 UNITS
 ALLEY LOADED TOWNHOUSES:
 49-57 UNITS

TOTAL UNITS: 120-140**

*NOTE: FRONT LOADED TOWNHOUSES (BLUE UNITS) WILL HAVE SINGLE CAR GARAGES AND/OR DRIVEWAY ACCESS.

PARKING COUNT
 SHARED PARKING - 75 SPACES
 PRIVATE PARKING - VARIES WITH UNIT PROGRAM

NOTES:
 * MAXIMUM BUILDING DEPTH
 ** PROGRAM TOTAL DEPENDS ON TOWNHOUSE WIDTH(S) PROPOSED BY BUILDER



6140 Hull Street
Special Use Permit

Conceptual Elevations

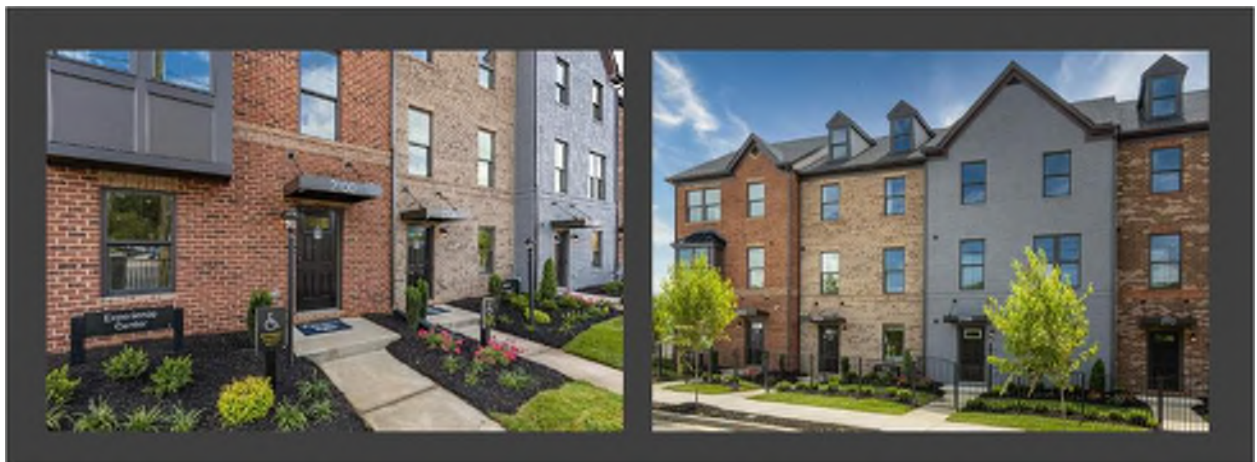
Last Revised: January 17, 2023



Front Elevation



Front Elevation





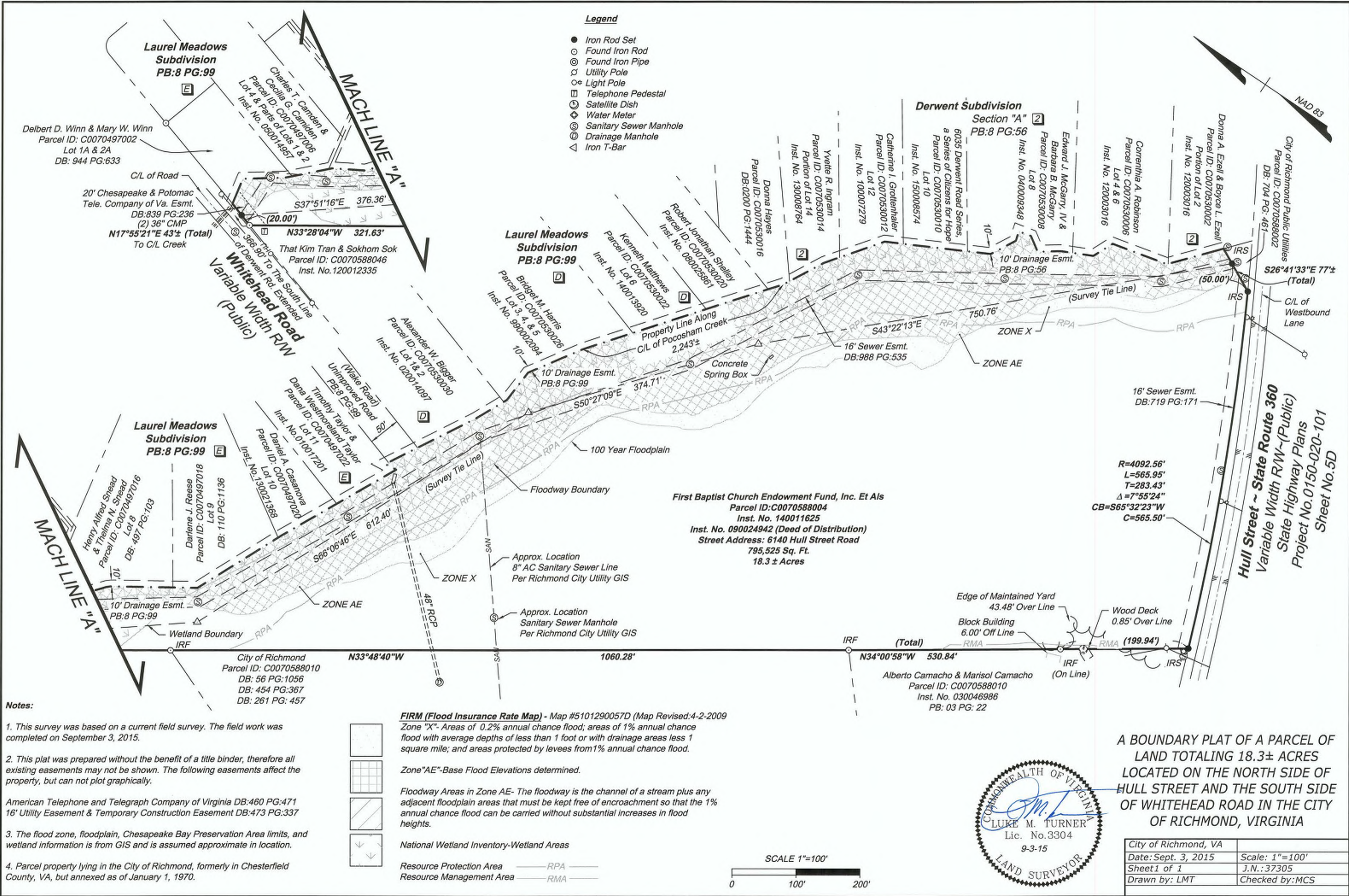








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THIS DRAWING PREPARED AT THE CORPORATE OFFICE
 1001 Boulders Parkway, Suite 300 | Richmond, VA 23225
 TEL: 804.260.6500 FAX: 804.560.1016 www.timmons.com
 YOUR VISION ACHIEVED THROUGH OURS.
TIMMONS GROUP



A BOUNDARY PLAT OF A PARCEL OF LAND TOTALING 18.3± ACRES LOCATED ON THE NORTH SIDE OF HULL STREET AND THE SOUTH SIDE OF WHITEHEAD ROAD IN THE CITY OF RICHMOND, VIRGINIA

City of Richmond, VA	Date: Sept. 3, 2015	Scale: 1"=100'
	Sheet 1 of 1	J.N.:37305
	Drawn by: LMT	Checked by: MCS