



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

PCR. No. 2014-002: 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.

To: City Planning Commission
From: Land Use Administration
Date: May 19, 2014

PETITIONER

Gloria Freye, Esq.; McGuireWoods, LLP

LOCATION

6903 Midlothian Turnpike

PURPOSE

To extend the deadline for the Gresham Woods Preliminary Community Unit Plan initial Final Plan submittal to July 1, 2017.

SUMMARY & RECOMMENDATION

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.

Staff finds that the proposed extension to the deadline for submitting the initial Final Plan is consistent with the intent of the Virginia General Assembly's 2011 housing crisis legislation, which granted an extension to the validity of certain land use approvals made prior to January 1, 2011. No other changes to the current ordinance are proposed. Therefore, staff recommends approval.

FINDINGS OF FACT

Site Description

The property contains approximately 117.8 acres of land located at 6903 Midlothian Turnpike, behind the existing Kmart shopping center. The property is located southeast of the intersection of Midlothian Turnpike and Chippenham Parkway.

The property has three different zoning designations: B-3 General Business District (30 acres +/-), OS Office-Service District (44 acres +/-), and R-3 Single Family Residential (40 acres +/-).

Proposed Use of the Property

A preliminary CUP for the property was adopted by City Council on September 10, 2007, 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.

Master Plan

The Master Plan recognizes the subject property as part of a larger Economic Opportunity Area. Potential land uses in these areas include general office, corporate office, retail, general commercial, research and development, light industrial or combinations thereof in a mixed-use environment.

Ordinance Conditions

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.

Surrounding Area

The site is bordered to the west by Chippenham Parkway, which is also the City boundary. To the north are numerous commercial and retail establishments on land zoned B-3. To the south and east are the existing single-family detached residential neighborhoods of Worthington Farms and Warwick Acres, zoned R-3.

Neighborhood Participation

Staff has not received any letter of support or opposition regarding this request.

Staff Contact: Lory Markham, (804) 646-6309