

INTRODUCED:

AN ORDINANCE

To authorize a Preliminary Community Unit Plan permitting the development of a residential community not to exceed three hundred (300) dwelling units on approximately 21.76 acres of land located at 1501 and 1611 North 31<sup>st</sup> Street, upon certain terms and conditions.

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Patron – Mayor Jones (By Request)

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Approved as to form and legality  
by the City Attorney

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PUBLIC HEARING:

AT 6 P.M.

WHEREAS, approximately 21.76 acres located at 1501 and 1611 North 31st Street are identified as Tax Parcel Numbers E000-3312/005 and E000-3312/006 in the 2014 records of the City Assessor, and shown as Parcel A on the plat entitled “Boundary Survey Showing the Exterior Limits of Several Parcels of Land Lying on the East Line of N. 31st Street Containing 22.41± acres,” prepared by H&B Surveying and Mapping, LLC, dated October 1, 2014, and last revised November 10, 2014 (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 three hundred (300) dwelling units on the Property (the “Project”); and

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 January 5, 2015, 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.

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 the plans entitled “Old Armstrong High School – Community Unit Plan Preliminary Plan,” prepared by Torti Gallas and Partners, Inc., dated December 18, 2014, 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 “Old Armstrong High School – Community Unit Plan

Preliminary Plan,” prepared by Torti Gallas and Partners, Inc., dated December 18, 2014 (the “Preliminary Plan”). The Preliminary Plan generally depicts the locations of single-family detached dwelling unit lots, single-family attached dwelling unit lots, multifamily lots, community building common areas, public street and alley network, and open space.

Where specific standards are set forth in this ordinance which exceed or modify standards for features shown on the Preliminary Plan, this ordinance shall prevail. The multifamily dwellings, the community building 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 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 Preliminary Plan and as may be included in this ordinance.

**II. MAXIMUM RESIDENTIAL DENSITY:** Use of the Property shall be limited to a maximum of three hundred (300) dwelling units, developed as single-family attached, single-family detached dwellings and multi-family dwellings substantially as depicted on the Preliminary Plan. There shall be a minimum of fifty (50) single-family dwellings developed on the Property. There shall be a maximum of two hundred and fifty (250) multi-family dwelling units developed on the Property.

**III. PHASING:** Residential construction on the Property may be developed in phases. Each phase of development shall include sufficient single-family dwelling units so that cumulatively

there are a minimum of sixteen (16) percent single-family dwelling units and a maximum of eighty-four (84) percent multifamily dwelling units. Certificates of use and occupancy shall not be issued for more than eighty-five (85) percent of the multifamily dwelling units constructed in each phase of the development until such time as building permits have been issued and the construction has commenced on the required single-family dwelling units either cumulatively or in that phase of development. The community center and the “formal” open space, as shown on the attached Preliminary Plan shall be provided prior to the issuance of a certificate of use and occupancy for the one hundred and fiftieth (150<sup>th</sup>) dwelling unit. The final certificate of use and occupancy for the multifamily dwellings shall not be issued until such time as building permits have been issued and the construction has commenced on the required fifty (50) single-family dwelling units.

#### **IV. DWELLING UNIT DEVELOPMENT STANDARDS:**

A. SINGLE-FAMILY DWELLING UNITS: There shall be a minimum of fifty (50) single-family dwelling units. The single-family dwellings on the Property shall be configured, designed and constructed substantially in conformance with the attached Preliminary Plan and shall adhere to the following standards:

(1) Single-family detached dwellings. Single-family detached dwellings shall be located on lots of not less than 3,200 square feet in area with a width of not less than 32 feet. There shall be a front yard with a depth of not less than 10 feet and not greater than 20 feet. There shall be side yards of not less than 6 feet in width. There shall be a rear yard with a depth of not less than 5 feet. Lot coverage shall not exceed 55 percent of the area of the lot.

(2) Single-family attached dwellings. Single-family attached dwellings shall be located on lots of not less than 1,600 square feet in area. Lot width shall be not less than 16 feet, except that the width of any lot at the end of a series of attached units shall be not less than 22 feet. There shall be a front yard with a depth of not less than 10 feet and not greater than 20 feet. There shall be side yards of not less than 3 feet in width except where buildings are attached. There shall be a rear yard with a depth of not less than 5 feet. Lot coverage shall not exceed 55 percent of the area of the lot.

(3) Street Frontage. Single-family lots may front on common courts when public alley access is available, as shown on the attached plans, and when the means of access to each lot is approved by the director of public works, the chief of police and the chief of fire and emergency services and when appropriate easements, agreements or covenants approved as to form by the city attorney provide for permanent public access and continued maintenance.

**B. MULTIFAMILY DWELLING UNITS:** There shall be a maximum of two hundred and fifty (250) multifamily dwelling units. The multifamily dwellings shall consist of three building types located on bulk lots; Apartment Buildings, Stacked Flats and Townhouses. The multifamily dwellings on the Property shall be configured, designed and constructed substantially in conformance with the attached Preliminary Plan, provided that the Planning Commission may approve adjustments to the location of the Stacked Flats and Townhouses at the time of Final Plan approval. The dwellings shall adhere to the following building type standards:

(1) Apartment Buildings. Apartment Buildings are those buildings that contain more than three (3) dwelling units. There shall be not more than two (2) Apartment Buildings. The Apartment Buildings shall contain no more than fifty-five (55) dwelling

units in each building. One Apartment Building shall be elderly housing intended to provide housing for elderly persons, as defined by the provisions regarding age exemptions for familial status under the United States Fair Housing Act . Dwelling units in the Apartment Buildings shall have a minimum floor area of 600 square feet. The floor area ratio for the Apartment Buildings shall not exceed 1.2. There shall be a front yard with a depth of not less than 10 feet. There shall be side yards of not less than 7 feet in width. There shall be a rear yard with a depth of not less than 7 feet.

(2) Stacked Flats. Stacked Flats are those buildings that contain two (2) or three (3) dwelling units, may be either attached or detached and are located on the same parcel with other townhouses or stacked flats or both. There shall be not more than forty-three (43) Stacked Flat buildings. The Stacked Flats shall contain no more than eighty-six (86) dwelling units combined. Dwelling units in the Stacked Flat buildings shall have a minimum floor area of 600 square feet. Stacked Flats shall have a minimum building width of 16 feet. There shall be a front yard with a depth of not less than 10 feet and not greater than 20 feet. There shall be side yards of not less than 6 feet in width except where buildings are attached. Where two or more buildings are erected on the same lot, the distance between any two such buildings shall be not less than 12 feet except where buildings are attached. There shall be a rear yard with a depth of not less than 5 feet.

(3) Townhouses. Townhouses are those buildings that contain one dwelling unit, may be either attached or detached and are located on the same parcel with other townhouses or stacked flats or both. There shall be a maximum of 80 Townhouses. Townhouses shall have a minimum floor area of 950 square feet. Townhouses shall have a minimum building width of 16 feet. There shall be a front yard with a depth of not less

than 10 feet and not greater than 20 feet. There shall be side yards of not less than six feet in width except where buildings are attached. Where two or more buildings are erected on the same lot, the distance between any two such buildings shall be not less than 12 feet except where buildings are attached. There shall be a rear yard with a depth of not less than 5 feet.

(4) Lot Coverage and Open Space. Usable open space of not less than 30 percent of the area of the lot shall be provided for multifamily dwellings. Lot coverage for multifamily dwellings shall not exceed 70 percent of the area of the lot.

#### C. ACCESSORY USES:

(1) Accessory uses and structures, which are customarily incidental and clearly subordinate to the permitted dwelling uses, as listed in the R-1 zoning district by Chapter § 114 of the Code of the City of Richmond (2004), as amended shall be permitted.

(2) Parking areas located on lots occupied by permitted dwelling uses or on individual lots when such parking areas serve dwelling uses located elsewhere in the development, shall be permitted provided that the parking spaces shall be accessible directly from an abutting alley without provision of access aisles on the lot.

(3) Management, maintenance and leasing offices for the multifamily dwellings shall be permitted.

(4) Accessory buildings and structures, which are customarily incidental and clearly subordinate to the single-family dwelling units, and additions to the single-family dwelling units shall not be subject to Final Plan approval, provided that they are not visible from the street.

D. BUILDING HEIGHT: No building or structure shall exceed three stories in height, provided that no building located adjacent to 31<sup>st</sup> Street and south of the community building shown on the attached plans shall exceed two stories in height. Story height shall be not less than 9.5 feet and not greater than 14 feet.

E. EXTERIOR BUILDING MATERIALS: The exteriors of the single-family and multifamily dwelling units shall be constructed with brick, stone, cementitious siding or an equivalent material as approved as part of the Final Plan. Secondary materials shall be restricted to stucco, wood siding, solid vinyl, vinyl cladding, or aluminum cladding may be used for exterior trim, windows, and soffits only.

F. PORCHES: A minimum of 50 percent of the Single-family dwellings, Stacked Flats and Townhouses shall be provided with a porch fronting on the street. All porches or stoops fronting on the street shall have a minimum depth of 6 feet and a minimum area of 72 square feet.

G. FUTURE SUBDIVISION: The multifamily parcels may be subdivided to decrease the number of multifamily dwelling units and create additional Single-family parcels in accordance with the standards set forth for Single-family dwellings herein.

**V. NONDWELLING USE STANDARDS:** Principal uses permitted in the R-1 district as set forth in section 114-402.1 of the Code of the City of Richmond (2004), as amended shall be permitted and a leasing and management center that is accessory to the development as a whole shall be permitted as a principal use as shown on the Preliminary Plan and shall adhere to the following standards:



A. YARDS: There shall be a front yard with a depth of not less than 10 feet. There shall be side yards of not less than twelve feet. There shall be a rear yard with a depth of not less than 20 feet.

B. HEIGHT: No building or structure shall exceed two stories. Story height shall be not less than 9.5 feet and not greater than 14 feet.

C. EXTERIOR BUILDING MATERIALS: The exteriors of the buildings containing nondwelling uses shall be constructed with brick, stone, cementitious siding or an equivalent material as approved as part of the Final Plan. Secondary materials shall be restricted to stucco, wood siding, solid vinyl, vinyl cladding, or aluminum cladding may be used for exterior trim, windows, and soffits only.

**VI. PUBLIC IMPROVEMENTS:** The improvements as depicted on the Preliminary Plan, or such equivalent alternatives as the Planning Commission may approve as part of the Final Plan, shall be provided for the development phase within which the improvements are located.

A. STREETS: All streets shall be dedicated public right-of-way and shall be configured substantially as shown on the Preliminary Plan attached to this ordinance.

B. ALLEYS: Alleys shall be dedicated public right-of-way at a minimum of 18 feet in width with pavement a minimum of 15 feet in width, substantially as shown on the Preliminary Plan attached to this ordinance.

C. SIDEWALKS: A minimum 5 feet wide sidewalk shall be provided on both sides of all new streets substantially as shown on the Preliminary Plan attached to this ordinance.

D. **LIGHTING:** Ornamental pedestrian street light fixtures as approved by the Department of Public Utilities shall be required along all the streets within the right-of-way. Cobra head light fixtures shall not be permitted except along the alleys when not visible from the street.

E. **STREET TREES:** Deciduous shade trees planted approximately 40 feet on center in a minimum 5 feet wide planting strip between the sidewalk and the curb within the right-of-way shall be required. The final location of street trees shall be subject to approval by the Department of Public Works and shall be submitted and approved with the Final Plan.

F. **UTILITIES:** Except for transformers, pedestals, junction boxes, meters, backflow prevention devices and existing overhead utility lines, all new utility lines shall be installed underground. Meters and backflow prevention devices shall be located off the alleys to the rear of the parcels to the maximum extent practicable.

**VII. MINIMUM GREEN AND OPEN SPACE:** A minimum of five and one half percent (5.5%) of the total land area shall be devoted to dedicated open space, as shown on the “Open Space Calculations and Diagram” plan sheets of the Preliminary Plan. The plans for the green space shall be submitted to and approved as part of the Final Plan.

**VIII. SCREENING:** Dumpsters and loading areas shall be screened in accordance with the regular screening requirements of Chapter § 114 of the Code of the City of Richmond (2004), as amended.

**IX. PARKING:** Parking area plans shall be submitted and approved as part of the Final Plan.

(1) Two off-street parking spaces shall be provided for each single-family dwelling unit.

(2) One off-street parking space shall be provided for each dwelling unit in the Townhouses and Stacked Flats.

(3) Four-tenths (0.4) off-street parking spaces shall be provided for each dwelling units in the Multifamily Buildings.

(4) No parking shall be required for the non-dwelling uses.

(5) Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot or the main building on the adjacent lot.

(6) No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this subsection, principal street frontage shall be as defined in Chapter 114 of the Code of the City of Richmond (2004), as amended.

(7) The landscaping, buffer requirements and lighting for the parking areas shall comply with the requirements of Chapter § 114 of the Code of the City of Richmond (2004), as amended. The buffer alternatives for parking areas shall be limited to A, B and C alternatives.

**X. SIGNAGE:** Signage shall be permitted in accordance with the signs permitted in the R-63 zoning district by Chapter § 114 of the Code of the City of Richmond (2004), as amended.

**XI. NORMAL ZONING:** In all other respects normal zoning requirements established by Chapter § 114 of the Code of the City of Richmond (2004), as amended shall apply.

§ 2. The initial Final Plans for the first phase of development of the Project, shall be approved by the City Planning Commission within two years from the effective date of this

ordinance. In the event the required submission is not approved by the City Planning Commission within two years from the effective date of this ordinance, 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, elevations, landscaping, parking 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 for the first phase of development shall be approved within twenty-four (24) 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. In the event the required submission is not approved within twenty-four (24) months of the date of City Planning Commission approval of the Final Plans, this ordinance shall be null and void and of no further effect.

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