AN ORDINANCE No. 2022-049

To amend and reordain Ord. No. 2021-017, adopted Feb. 22, 2021, which authorized the special use of the properties known as 2525 Belt Boulevard, 2613 Belt Boulevard, and 2701 Belt Boulevard for the purpose of up to 36 single-family attached dwellings, to instead authorize up to 34 single-family attached dwellings and three two-family dwellings, upon certain terms and conditions.

Patrons - Mayor Stoney (By Request), Vice President Robertson, President Newbille and Ms. Trammell

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAR 282022 AT 6 P.M.
I. That Ordinance No. 2021-017, adopted February 22, 2021, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the properties known as 2525 Belt Boulevard, 2613 Belt Boulevard, and 2701 Belt Boulevard, which are situated in a R-4 Single-Family Residential District, desires to use such properties for the purpose of up to [36] 34 single-family attached dwellings and three two-family dwellings, which use, among other things, is not currently allowed by section 30-408.1 of the Code of the City of Richmond (2020), as amended; and
AYES: $7 \quad$ NOES: $\quad 0 \quad$ ABSTAIN:

ADOPTED: MAR 282022 REJECTED: $\qquad$
$\qquad$

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 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 amendatory ordinance, the properties known as 2525 Belt Boulevard, 2613 Belt Boulevard, and 2701 Belt Boulevard and identified as Tax Parcel Nos. C009-0534/036, C009-0534/037, and C009-0534/028, respectively, in the [2021] $\underline{2022}$ records of the City Assessor, being more particularly shown on a survey entitled "'A Compiled Plat' Showing Three Parcels Totaling 6.082 Acres of Land at the Corner of Formex Road and Belt Boulevard, City of Richmond, Virginia," prepared by Timmons Group, and dated September 28, 2020, a copy of which is attached to a made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of up to [36] $\underline{34}$ singlefamily attached dwellings and three two-family dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Townhomes at Liberty Place, 8 th District - City of Richmond - Virginia," prepared by Timmons Group, with sheet 1 dated December 23, 2020, and last revised January 15, 2021, sheets 2 and 3 dated October 8, 2020, and last revised January 15, 2021, and sheet L1.0 dated January 15, 2021, and "Townhomes at Liberty Place, 2701 Belt Boulevard, Richmond, Virginia 23234," prepared by Walter Parks, Architects, dated October 6, 2020, with sheet A. 5 dated October 16, 2020, copies of which are attached to and made a part of Ordinance No. 2021-017, adopted February 22, 2021, as modified by the plans entitled "Townhomes at Liberty Place, $8^{\text {th }}$ District - City of Richmond - Virginia," prepared by Timmons Group, dated December 23, 2020, and last revised February 11, 2022, and "Townhomes at Liberty

Place, 2525 Belt Boulevard, Richmond, Virginia 23234," prepared by Walter Parks, Architects, dated March 16, 2021, hereinafter referred to, collectively, as "the Plans," copies of which are attached to and made a part of this amendatory 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 [36] 34 single-family attached dwellings and three two-family dwellings, substantially as shown on the Plans.
(b) No less than one and a half parking [space] spaces per dwelling shall be provided for the Special Use [and may be provided through the use of driveways or on-street parking], substantially as shown on the Plans.
(c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans. Cementitious siding and brick shall be permitted siding materials.
(d) The height of the Special Use shall not exceed [the height] two 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) A walkway shall be provided for each dwelling from the front entrance of the dwelling to the sidewalk.
(g) Prior to the issuance of any certificate of occupancy for the second single-family attached dwelling of the Special Use, the subdivision of up to [36] 37 residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats 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.
II. This amendatory ordinance shall be in force and effect upon adoption.


# City of Richmond 

## Item Request

File Number: PRE.2022.0032

## O \& R Request

DATE: January 31, 2022

## EDITION: 1

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


THROUGH: J.E. Lincoln Saunders, 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: $\quad$ To amend and authorize the special use of the properties known as 2525 Belt Boulevard, 2613 Belt Boulevard, and 2701 Belt Boulevard for the purpose of up to 34 single-family attached dwellings, and 3 duplex dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and authorize the special use of the properties known as 2525 Belt Boulevard, 2613 Belt Boulevard, and 2701 Belt Boulevard for the purpose of up to 34 single-family attached dwellings, and 3 duplex dwellings, upon certain terms and conditions.

REASON: The applicant is proposing to amend a current Special Use Permit which originally authorized 36 single-family attached dwellings with off-street parking, to authorize 34 single-family attached dwellings, and 3 duplex dwellings with off-street parking.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its March 21, 2022, meeting.

BACKGROUND: The subject properties consist of vacant parcels that are a combined 3.65 acres. The properties are located in the Cherry Gardens neighborhood within the City's Broad Rock Planning District along Belt Boulevard between the Formex Street and Terminal Avenue.

The City's Richmond 300 Plan designates a future land use for this property as Residential. Residential land uses are neighborhoods "...consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature." Primary uses include single-family houses, accessory dwelling units, and open space. Secondary uses include duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural." (p. 54)

The density of the proposed development is approximately 11 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: $\$ 1,800$ application fee
DESIRED EFFECTIVE DATE: Upon adoption
REQUESTED INTRODUCTION DATE: February 28, 2022
CITY COUNCIL PUBLIC HEARING DATE: March 28, 2022
REQUESTED AGENDA: Consent
RECOMMENDED COUNCIL COMMITTEE: None
CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission March 21, 2022

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2021-017
REQUIRED CHANGES TO WORK PROGRAM(S): None
ATTACHMENTS: Draft Amended Ordinance, Application Form, Applicant's Report, Plans, Survey, Map
STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734

Department of Planning and Development Review Land Use Administration Division 900 E. Broad Street, Room 511 Richmond, Virginia 23219

Application is hereby submitted for: (check one)
$\square$ special use permit, new
$\square$ special use permit, plan amendment
$\square$ special use permit, text only amendment

## Project Name/Location

Property Address: 2525, 2613, and 2701 Belt Boulevard
Tax Map \#: C-9-534-36, 37, and 28 Fee: $\$ 1,800$
Total area of affected site in acres: 6.267
(See page 6 for fee schedule, please make check payable to the "City of Richmond")

## Zoning

Current Zoning: R-4
Existing Use: Vacant land except for house (2701 Belt Blvd)

## Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
See Exhibit A
Existing Use: Vacant land except for house (2701 Belt Blvd)
Is this property subject to any previous land use cases?


If Yes, please list the Ordinance Number: 2021-017

## Applicant/Contact Person: Brian K. Jackson

Company: Hirschler
Mailing Address: 2100 E. Cary Street
City: Richmond

Telephone: _(804 ) 771-9545
State: VA
Zip Code: 23223
Email: bjackson@hirschlerlaw.com

Property Owner: DCJ Two LLC
If Business Entity, name and title of authorized signee: Lee Manheim, Manager
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: c/o Libenty Townhomes, LLC - 501 Commerce Road


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)

# Amendment to Architectural Plans - Applicant's Report 

2525, 2613 and 2701 Belt Boulevard, Richmond, VA 23234
Tax Map Nos. C009-0534/036, C009-0534/037 and C009-0534/028

## INTRODUCTION

The applicant, DCJ Two LLC (the "Applicant") is the owner of approximately 6.267 acres of land located at 2525, 2613 and 2701 Belt Boulevard (the "Property"). Liberty Townhomes, LLC ("Liberty") has contracted to purchase the Property from the Applicant. The Property is in South Richmond just southeast of the intersection of Belt Boulevard and Hopkins Road, in the City's $8^{\text {th }}$ Council District.

Liberty plans to use the Property to develop forty (40) total dwellings, including thirty-four (34) attached three bedroom single-family townhouse dwellings on separate lots plus six (6) one-bedroom units in three duplex dwellings (the "Project"). The original special use permit allowed thirty-six (36) three bedroom dwellings.

Liberty's vision for the Property and the area known as "Liberty Place" has not changed. It envisions a small residential development that will provide both young families and retirees in the South Richmond community with much-needed new, easy to maintain single-family homes at attainable prices. The addition of one-bedroom units responds to high market demand for these residences. In addition, this development would preserve approximately 2.63 acres of land as wooded open space for both Project residents and neighbors to enjoy.

Liberty is an affiliate of the developer of the very similar and highly successful Townhomes at Warwick Place development (see Ord. Nos. 2016-296 and 2008-170-188), and the Project's architecture and design would be virtually identical to that development. That project was rezoned with a Special Use Permit substantially similar to the Original SUP for this Project.

## AMENDMENT TO ARCHITECTURAL PLAN REQUEST

The Property is zoned R-4 Single Family Residential District.
Single family dwellings are permitted by right in the R-4 District.
In February 2021, the City of Richmond approved Liberty's request for a Special Use Permit ("SUP") to allow the development of thirty-six (36) single-family dwellings on the Property (see Ord. No. 2021-017) (the "Original SUP"). Now, Liberty is requesting an amendment to the plans submitted with the Original SUP to include one-bedroom units.

The Project, as amended, would include 40 units total. These units will be offered at reasonable, affordable prices. Six of these units would be one-bedroom units that are configured into a duplex plan with one unit on the first floor and the other on the second floor. As shown in the amended architectural plan entitled "Townhomes at Liberty Place" by Walter Parks Architects, dated March 16, 2021 (the "Architectural Plan"), the Project's lot sizes remain unchanged, with each at no less than 1,500 square feet in floor area and not less than 20 feet wide. Each one-bedroom unit will
contain a minimum of 700 square feet of floor area. Each lot shall have minimum side yards of 3 feet each, except on the sides of lots where the dwellings are attached, in which case no side yards would be required. All lots will have access from internal streets as shown on the Preliminary Plan. As shown in the "Typical Street" section on the Preliminary Plan, all such internal rights of way shall be a minimum of forty feet (40') wide. Additionally, one of the one-bedroom units would be used as an onsite leasing office. Each three-bedroom unit will be no less than 20 feet wide and will contain a minimum of 1,350 square feet of floor area. There will be no change to the building heights, building materials, quantity of lots or configuration of lots.

## EXISTING PROPERTY AND SURROUNDING AREA

The Property forms the western margin of the Cherry Gardens neighborhood, a collection of reasonably-priced single-family houses dating to the 1940s. The neighborhood is sandwiched between an industrial area to the north and more low-density single-family residential developments to the south, west and east, but is equidistant from three "priority growth" nodes designated in the Richmond 300 plan, as well as big regional employers like Philip Morris, Dupont and the McGuire VA Hospital, which will support commercial development in the area.

The Property comprises two tracts. The first is a wedge-shaped 2.63-acre parcel bordered by Belt Boulevard to the west, Formex Street to the southeast, and industrial properties to the north. This tract would remain preserved as open space. Across Formex Street to the south lies the second tract, which would be subdivided and developed pursuant to the SUP. The second tract comprises two tax parcels totaling approximately 3.452 acres and roughly bound by Belt Boulevard to the west, Formex Street to the north, a residence to the south and a residential subdivision to the east. The Property is in a transitional area between industrial uses to the northeast and single-family residential uses to the south and west. The Property lies less than 1,000 feet from the Hickory Hill Community Center.

The Property's close proximity to big regional employers will allow the Project to provide convenient workforce housing to their employees.

## THE RICHMOND 300 PLAN

The Property is in the Broad Rock Planning District. The City of Richmond's 300 Plan designates the Property's future use as Residential, a future use category which calls for densities of between 2 and 10 dwelling units per acre, and calls for duplexes and small multi-family buildings as a secondary use along major streets like Belt Boulevard.

## PROPOSED USE

The Property's zoning permits single-family dwelling uses by-right. The development of the Project as described herein is compatible with the surrounding area and an appropriate use for the site. The proposed density of under 7 dwelling units per acre is in line with the Property's "Residential" future use designation in the Richmond 300 plan, which prescribes densities of
between 2 and 10 dwelling units per acre. The Project directly addresses and is consistent with the Richmond 300 plan goals.

Utilities are available onsite. Stormwater will be discharged to the floodplain on-site via a level spreader or equally permitted device.

The Project is projected to generate approximately 200-300 vehicle trips per day, and amount that should be easily absorbed by the surrounding road network. Belt Boulevard is a median-separated four-lane road running northwest toward the McGuire VA Hospital and southeast toward the Philip Morris and Dupont plants. The Project's entrance would be less than 900 feet from Belt Boulevard's interchange with Hopkins Road, which is also a four-lane road running north to Manchester and south to Chesterfield County. The Property's central location means that morning and evening commutes should not be concentrated on any one of these four directional arteries. Additional traffic will be further alleviated by the Property's proximity to GRTC transit options on Belt Boulevard.

## SUITABILITY OF REZONING and FINDINGS OF FACT

The following are factors listed in Section 30-1050.1 of the Zoning Ordinance to be considered with the review of special use permit applications.

The proposed SUP will:

- NOT be detrimental to the safety, health, morals, and general welfare of the community.

The Project will provide the opportunity for needed housing stock, addition provide the community with conveniently-located, attainable starter or retirement homes and preserve open space. These residences will enhance the community's safety, health, morals and general welfare.

- NOT tend to create congestion in streets, roads, alleys, and other public ways and places in the area.

The addition of 40 new residences should have a negligible impact on traffic in the area as the Property fronts on a section of Belt Boulevard that has ample capacity to handle additional traffic.

- NOT create hazards from fire, panic or other dangers.

The Project will be constructed in accordance with applicable building and fire safety codes and energy conservation requirements.

- NOT tend to overcrowding of land and cause an undue concentration of population.

The Project's proposed density is well within the limits proposed in the Richmond 300 plan for the "Residential" future land use designation.

- NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

The above referenced City services will not be adversely affected by the construction of the Project. Utilities and infrastructure are in place and adequate for the proposed use. The proposed reuse of the Property will enhance the area without affecting existing public facilities. Additionally, the Project is likely to attract residents of diverse backgrounds and age groups so as not to adversely impact area schools, parks, playgrounds, water supplies, sewage and storm water systems, transportation or other governmental services.

- NOT interfere with adequate light and air.

The Property is in a location with ample air, lights and space components. The light and air available to the Property and adjacent properties will not change if the SUP is granted.

## COMMUNITY SUPPORT FOR AMENDMENT TO ARCHITECTURAL PLAN

Liberty has presented the Architectural Plan amendment application materials to the Cherry Gardens Association and to Councilwoman Reva Trammell. After following up with the association and community members, Liberty expects to submit letters of support for the SUP plan amendment.

## CONCLUSION

The inclusion of one bedroom units meet existing demand for single units and further increase revenue to the City of Richmond in the form of an expanded real estate tax base, construction revenue, bringing jobs to the area, as well as bringing more consumers to the area. With this slight change, this community will remain a highly visible symbol of revitalization in South Richmond contributing to the area's future transformation and thereby further the City's aspirations for this neighborhood.






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"A COMPILED PLAT"
SHOWING THREE PARCELS TOTALING 6.082 ACRES
OF LAND AT THE CORNER OF FORMEX ROAD AND $\left.\begin{array}{c}\text { BELT BOLLEVARD } \\ \text { CITY } \\ \text { OF RICHMOND, VIRGIN }\end{array}\right)$
CITY OF RICHMOND, VA

| Date: SEPT. 28,2020 | Scale: $1^{\prime \prime}=5$ |
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