INTRODUCED: November 14, 2022

AN ORDINANCE No. 2022-342

As Amended

To authorize the special use of the property known as 4860 Warwick Road for the purpose of up to 16 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: DEC 12 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 4860 Warwick Road, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of up to 16 single-family attached 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

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:	9	NOES:	0	ABSTAIN:	
ADOPTED:	FEB 27 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 4860 Warwick Road and identified as Tax Parcel No. C006-0643/002 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Survey & Map of a 1.4207 Acre Parcel of Land Situated on the Eastern Line of Warwick Road, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated April 4, 2022, 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 16 single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "4860 Warwick Road Townhomes, Conceptual Layout Plan, Broad Rock District, City of Richmond, Virginia," prepared by Silvercore, dated May 23, 2022, and last revised [August 23, 2022] February 10, 2023, and "Park View Townhomes," prepared by River Mill Development, and dated March 17, 2022, 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 16 single-family attached dwellings, substantially as shown on the Plans.

- (b) No fewer than 22 parking spaces shall be provided on the Property, substantially as shown on the Plans.
- (c) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.
- (d) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.
- (e) All mechanical equipment, including heating, ventilation, and air conditioning units, serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (f) Prior to the issuance of any building permit for the Special Use, the establishment of up to 16 residential 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

City Clerk



City of Richmond

By CAO Office at 10:46 am, Q

RECEIVED

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

Item Request

File Number: PRE.2022.0407

O & R Request

DATE: October 17, 2022 **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 4860 Warwick Road for the purpose of

sixteen (16) single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 4860 Warwick Road for the purpose of sixteen (16) single-family attached dwellings, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit for the purpose of for the purpose of sixteen (16) single-family attached dwellings, within an R-4 Single Family Residential zoning district. The proposed use. 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 consists of a vacant 62,116 sq. ft. (1.4 acre) parcel of land. The property is located in the McGuire Manor neighborhood.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential

File Number: PRE.2022.0407

which is defined as "Neighborhood consisting primarily of single family houses on large or medium sized lots more homogeneous in nature." Primary Uses: Single family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets (p. 54)

The current zoning for this property is R-4 Single Family Residential. All adjacent properties are located within the same R-4 Residential Zone. The area is primarily single family residential, with some multi-family residential present in the vicinity. The proposed density 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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 14, 2022

CITY COUNCIL PUBLIC HEARING DATE: December 12, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission December 5, 2022

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: Application Form, Applicant's Report, Draft Ordinance, 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: 4860 Warwick Avenue		Date:
Tax Map #: C0060643002 Fee: \$300		
Total area of affected site in acres: 1.426		
(See page 6 for fee schedule, please make check payable to the "City	of Richmond")	
Zoning		
Current Zoning: R-4		
Existing Use: Vacant		
Existing osc. vacant		
Proposed Use		
(Please include a detailed description of the proposed use in the requir	red applicant's repor	t)
Lot division to construct sixteen (16) single-family attached dwellings configure	ed as groups of four (4)) aweilings
Existing Use: Vacant		
Is this property subject to any previous land use cases?		
Vac No		
Yes No If Yes, please list the Ordinance Number		
If Yes, please list the Oralliance Names.		
Mark Paker		
Applicant/Contact Person: Will Gillette / Mark Baker		
Company: Baker Development Resources		
Mailing Address: 530 East Main Street, Suite 730	State: VA	Zip Code: 23219
City: Richmond		Zip code
Telephone: _(<u>804</u>) <u>874-675</u>	Fax: _()
Email: markbaker@bakerdevelopmentresources.com		
Email. Illaikbakei@bakei@bakei		
Porez Investment Group, LLC		
Property Owner: Lemus Perez Investment Group, LLC		
If Business Entity name and title of authorized signess		us that he or
the execution of this Ar	pplication on behalf	of the Company certifies that he or
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she has or have been duly authorized and empowered to a		
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Mailing Address: PO BOX 2049	State: VA	Zip Code: 23832
City: Chesterfield	Fax: (Zip Code: <u>2</u> 3832
City: Chesterfield Telephone: _()		
Email:		
Property Owner Signature:		Isonitika
The names, addresses, telephone numbers and signatures of all owners are needed. If a legal representative signs for a property owner,	of the property ar	e required. Please attach additional
The names, addresses, telephone numbers and signatures of all owner, sheets as needed. If a legal representative signs for a property owner, photocopied signatures will not be accepted.	please attach an ex	ecuted power of attorney.
sheets as needed. If a legal representative signs for a property owner,	, produce arrive	to)
photocopied signatures will not be accepted.		Filing Procedures for special use permits
photocopied signatures will not be accepted. NOTE: Please attach the required plans, checklist, and a check for the	application fee (see	Filing Procedures (
NOTE: Please attach the required plans, should		OLD CITY OF RICHMOND
	. 7.20	010

APPLICANT'S REPORT

June 7, 2022

Special Use Permit Request 4860 Warwick Road, Richmond, Virginia Map Reference Number: C006-0643/002

Submitted to: City of Richmond

Department of Planning and Development Review

Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219

Submitted by: Baker Development Resources

530 East Main Street, Suite 730 Richmond, Virginia 23219

Introduction

The property owner is requesting a special use permit (the "SUP") for 4860 Warwick Road (the "Property"). The SUP would authorize the construction of sixteen (16) single-family attached dwellings, configured as four series of four attached units on the Property. While the single-family use is permitted by the underlying R-4 Single-Family Residential zoning district, the single-family attached use is not, and therefore, the SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the northern line of Warwick Road, west of Broad Rock Boulevard. The Property is referenced by the City Assessor as tax parcel C006-0643/002. The irregularly shaped parcel is roughly 209' wide by 288' in depth and contains approximately 1.42 Acres of lot area. The Property is currently vacant, is relatively flat, and is afforded access along its Warwick Road frontage.



The properties in the immediate vicinity are developed with a wide range of uses and building forms. Single-family detached dwellings occupy most of the developed, residential lots though two-family and multi-family dwellings can be found in the area as well. This includes the large

multi-family complex, London Square Apartments, immediately adjacent to the west of the subject Property. Properties nearby also include two large parcels which are owned by the City of Richmond's Department of Public Works. Adjacent to the Property, across Warwick Street, is Broadrock Park, also owned by the City of Richmond. Commercial and institutional uses are also found nearby.

EXISTING ZONING

The Property is zoned R-4 Single-Family Residential. The surrounding properties to the north, west, and south are also zoned R-4. Properties to the south, along Broad Rock Boulevard, are zoned B-2 Community Business District.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Residential" use for the Property. The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. Single-family dwellings are the contemplated primary use in the Residential future land use designation (p. 54).

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
 - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."
 - o d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to "Increase city-wide awareness
 of the importance of integrating housing at all income levels into every residential
 neighborhood so every household has housing choice throughout the city."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to "Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance."
- Page 159 (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."
 - a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).
- Page 86 (High-Quality Places Chapter), Objective 1.4, to "maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards."
- Page 100 (High Quality Places Chapter), Objective 4.1, to "create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City," as

the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

Proposal

PROJECT SUMMARY

The proposed development includes the construction of sixteen (16) single-family attached dwellings, constructed as four series of four dwellings on the Property.

PURPOSE OF REQUEST

The Property is exceptionally large for the vicinity containing approximately 62,000 square feet of lot area. The applicant would like to develop the Property with single-family attached dwellings. The R-4 district permits the single-family detached use; however, it does not permit the single-family attached use. Therefore, a SUP is required in order to permit the proposed development.

In exchange for the SUP, the intent of this request is to ensure a high-quality development on the currently vacant Property. The overall project would be appropriately dense and efficient as defined by the Richmond 300 Master Plan. At the same time, it would remain respectful to the existing development pattern in the vicinity thereby remaining consistent with the character of the area. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

PROJECT DETAILS

The development would include the construction of 16 single-family attached dwellings. The 16 single-family attached dwellings, arranged in four series of four, would front onto a central private street which would access Warwick Road.

Each of the dwellings would be two stories in height and have been designed to reflect the traditional townhome form found within the city. The front of the four attached units would be a combination of masonry and horizontal lap siding to differentiate the dwellings and provide texture and variety from the street. The dwellings would each contain three bedrooms and two bathrooms. In order to provide a variety of housing options, twelve of the dwellings (three in each series of four attached dwellings) would have an open kitchen and living area along with one bedroom on the first floor and two bedrooms on the second floor. Four dwellings (one in each series of four attached dwellings) would have two bedrooms on the first floor with a large third bedroom, with walk-in closet, on the second floor. Twenty-two off-street parking spaces would be provided for residents within the development.

Usable outdoor space is provided for each dwelling in the form of porches and rear yards. Additional outdoor space is provided in the form of open space within the proposed development. The proposed buildings' massing and architectural styles are consistent with other dwellings found in the vicinity. In order to ensure durability, the buildings would be clad in quality building materials including masonry and cementitious lap siding on the sides and standing seam metal roofs on the porches.

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

• Be detrimental to the safety, health, morals and general welfare of the community involved.

The proposed special use permit for high-quality infill construction will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

• Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation and the provision of twenty-two off street parking spaces for the new dwelling units will create no congestion on streets, roads, alleys or any other public right of way. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

• Create hazards from fire, panic or other dangers.

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

• Tend to overcrowding of land and cause an undue concentration of population.

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population.

 Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

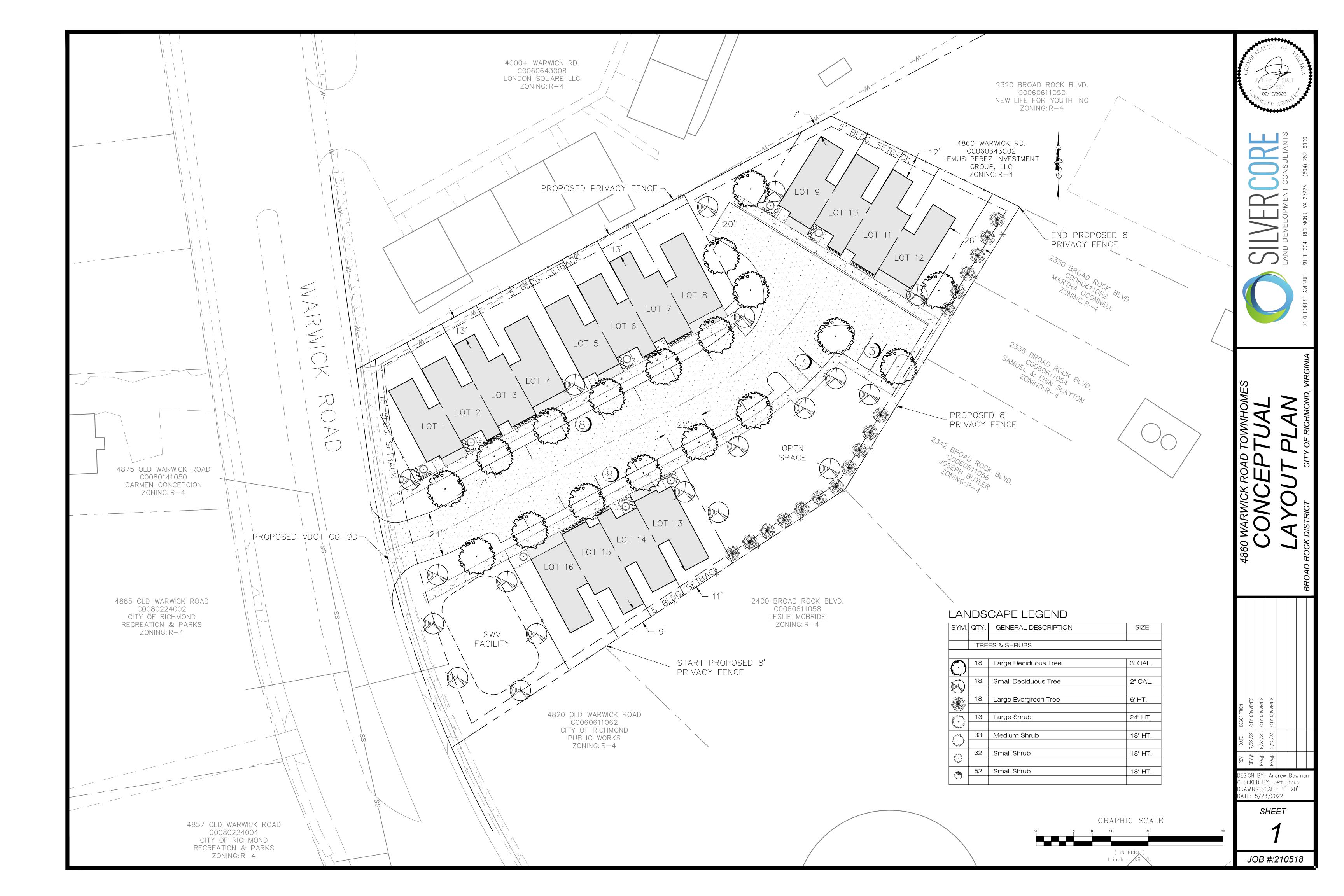
The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

Interfere with adequate light and air.

The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

In summary we are enthusiastically seeking approval for the construction of the proposed single-family attached dwellings. The buildings have been thoughtfully designed in order to provide appropriate, high-quality, residential development. The request offers compatibility with the City's Master Plan in terms of use. The request would contribute to the ongoing revitalization of the neighborhood, upgrading the Property while maintaining a desirable variation in housing style and density in the vicinity and providing for continued economic diversity in housing options within the neighborhood. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.



FIRST FLOOR PLAN

UNIT A

FIRST FLOOR PLAN
UNIT B

FIRST FLOOR PLAN
UNIT C

FIRST FLOOR PLAN
UNIT D

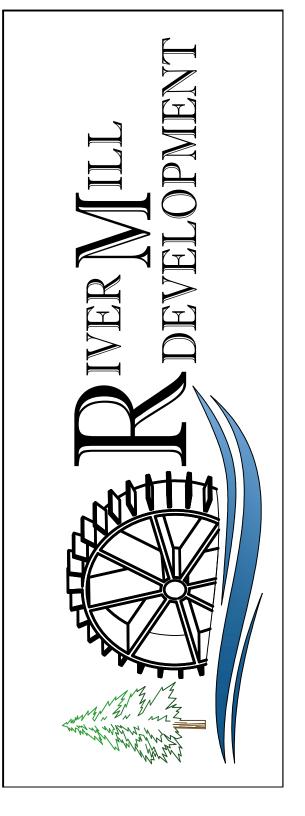
PARK VIEW TOWNHOMES

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SCALE: 1/4" = 1'-0"

DATE: 3-17-2022

SHEET: A1.1



SECOND FLOOR PLAN

UNIT A

SECOND FLOOR PLAN

UNIT B

SECOND FLOOR PLAN SECOND FLOOR PLAN

UNIT C

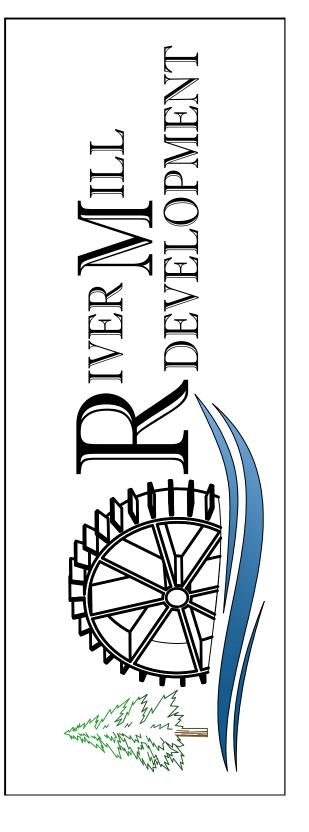
UNIT D

REVISION NOTES			
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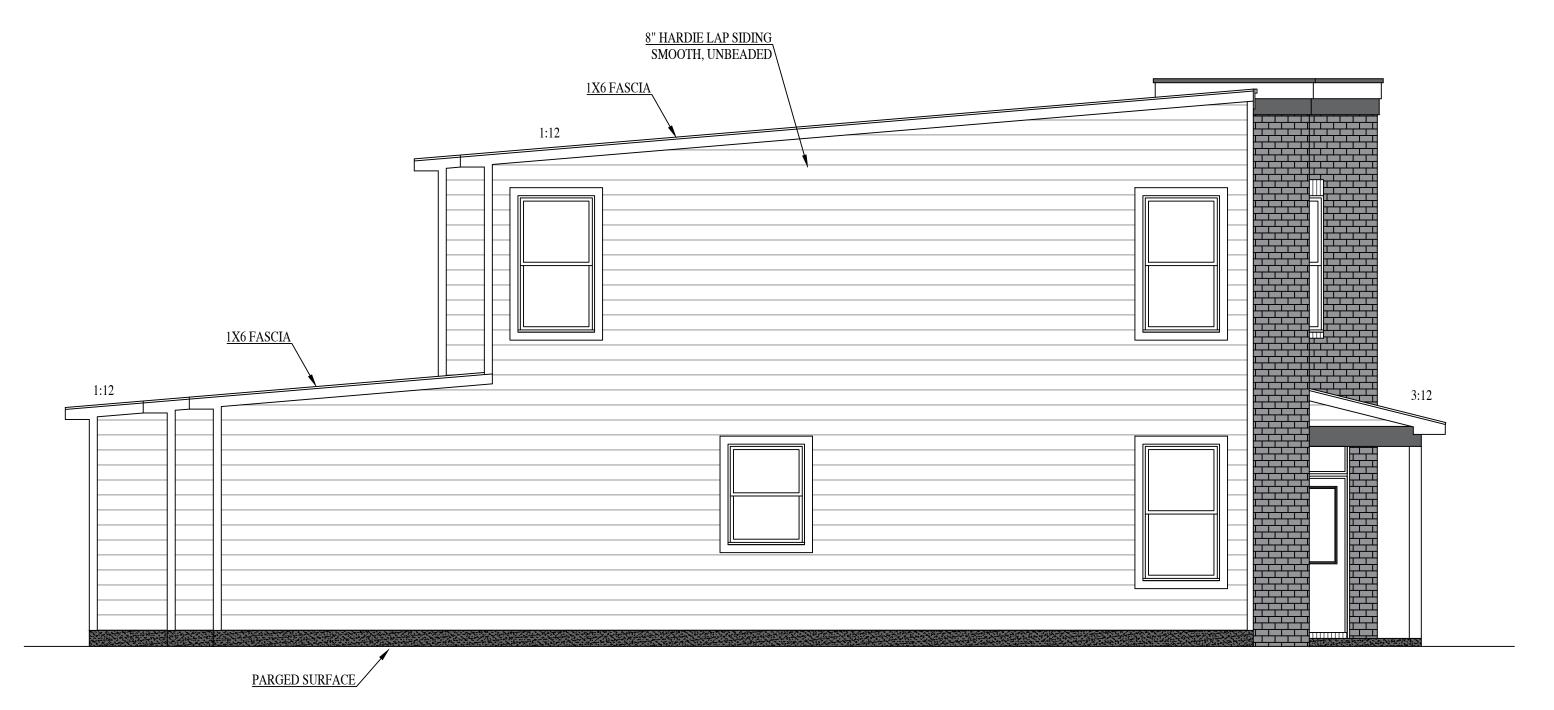
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FRONT ELEVATION



LEFT ELEVATION

EW TOWNHOMES

PARK

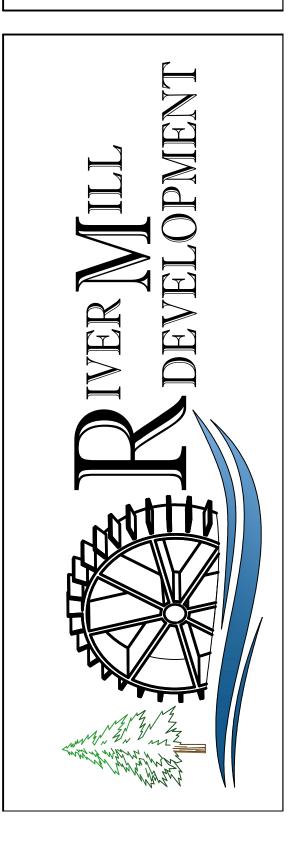
RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

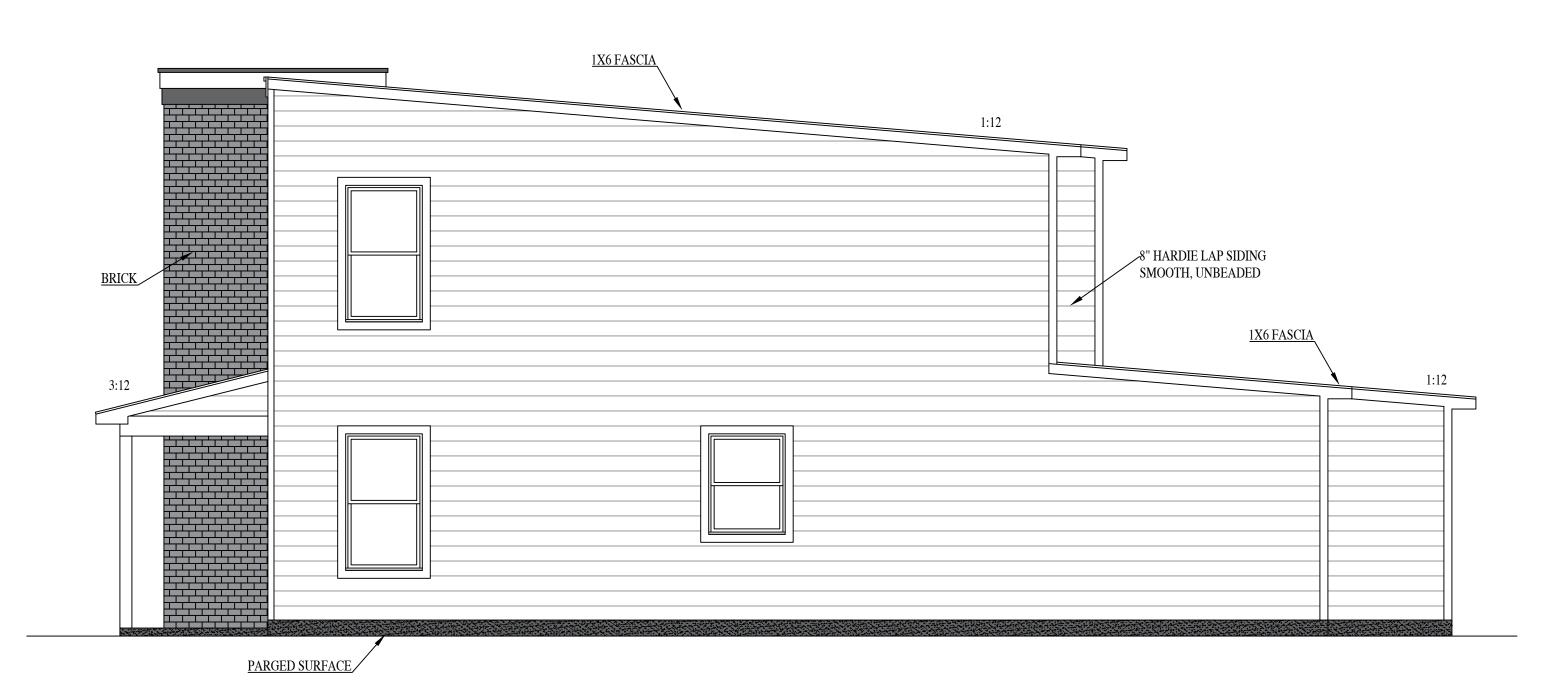
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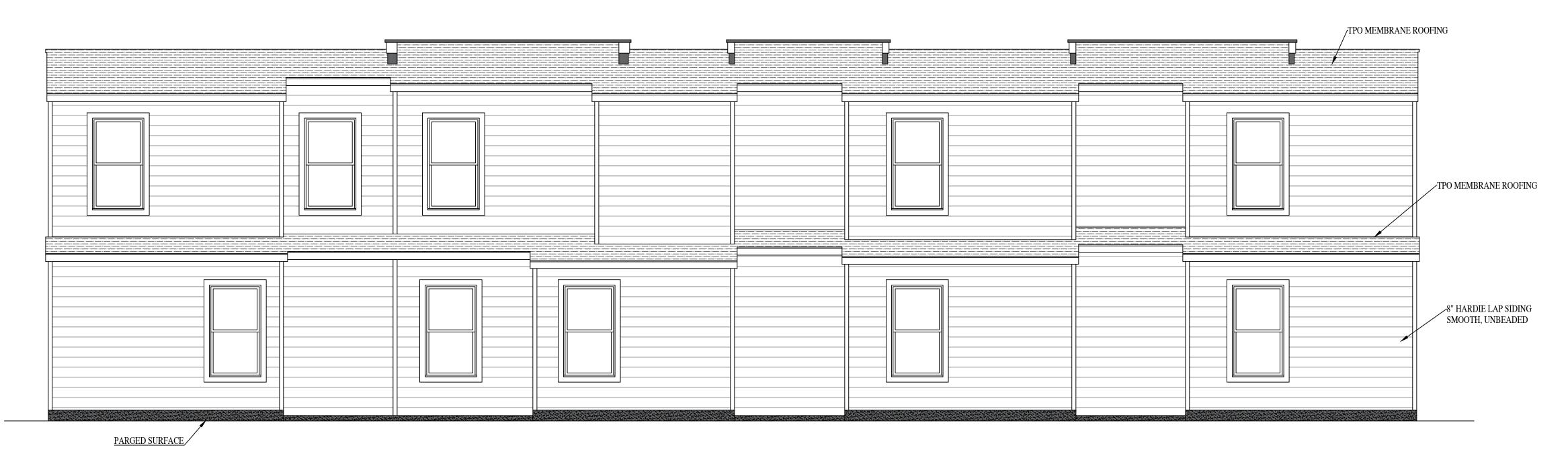
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RIGHT ELEVATION



REAR ELEVATION

VIEW TOWNHOMES

PARK

RIVER MILL
RIVERMILLDEVEI

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