

INTRODUCED: June 27, 2022

AN ORDINANCE No. 2024-

To amend Ord. No. 2000-410-2001-10, adopted Jan. 8, 2001, as previously amended by Ord. No. 2001-220-231, adopted Jul. 23, 2001, and Ord. No. 2017-242, adopted May 29, 2019, which approved the “Shops at Stratford Hills Community Unit Plan,” for the purpose of increasing the area subject to the community unit plan by 3.63 acres to 68.15± acres and modifying the development standards, under certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING:

AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2000-410-2001-10, adopted January 8, 2001, as previously amended by Ordinance No. 2001-220-231, adopted July 23, 2001, and Ordinance No. 2017-242, adopted May 29, 2019, be and is hereby amended and reordained as follows:

WHEREAS, by Ordinance No. 2000-410-2001-10, adopted January 8, 2001, as amended by Ordinance No. 2001-220-231, adopted July 23, 2001, the City Council approved and thereafter amended a community unit plan, hereinafter referred to as the “Community Unit Plan,” for the use and development of land containing in aggregate approximately 64.5 acres as depicted on a plat entitled “The Shops at Stratford Hills,” dated April 24, 2001, prepared by McKinney and Company and made a part of Ordinance No. 2001-220-231, adopted July 23, 2001; and

WHEREAS, Ordinance No. 2017-242, adopted May 29, 2019, amended certain development standards of the land subject to this Community Unit Plan consistent with a plan attached thereto and made a part thereof entitled “Exhibit 1 – CUP Amendment of the Shops at Stratford Hills, City of Richmond, Virginia, January 31, 2017,” prepared by McKinney and Company, dated January 31, 2017, and revised January 4, 2019, (the “2019 Concept Plan”); and

WHEREAS, [a] newly proposed [~~amendment~~] amendments to the development standards, use, and extent of the land subject to this Community Unit Plan [~~has~~] have been submitted to the City Planning Commission, hereinafter the “Planning Commission,” for preliminary community unit plan approval, in accordance with City Code Section 30-456.4, to [~~accommodate the use and development of the land for commercial purposes which do not conform in all respects with the regulations and restrictions prescribed for the zoning districts in which the land is situated~~] (a) increase the area subject to the Community Unit Plan by approximately 3.36 acres, from approximately 64.5 acres to approximately 67.86 acres, (b) authorize additional permitted uses for the Community Unit Plan, (c) authorize additional signs for the Community Unit Plan, and (d) authorize the removal of a portion of the eastern buffer of the Community Unit Plan, which amendments are more particularly shown on the plans entitled “The Shops at Stratford Hills, CUP Amendment Exhibit 1” and “The Shops at Stratford Hills, CUP Amendment, Exhibit 1.1” prepared by LPDA, and dated July 17, 2023, hereinafter together known as “Exhibit 1,” which plans are together hereinafter referred to as the “2023 Concept Plan” and attached to this amendatory ordinance; and

WHEREAS, the 2023 Concept Plan shows the limits of the land subject to this Community Unit Plan, which limits encompass those parcels of real property identified by the following Tax Parcel Numbers in the 2023 records of the City Assessor, hereinafter known as the “Property”:]

C0040823068, C0040823071, C0040823072, C0040823067, C0040823063, C0040703068, C0040823069, C0040826004, C0040823064, C0040704060, C0040823073, C0040823030, C0040823065, C0040823066, C0040703004, C0040703011, C0040703014, C0040703016, C0040703018, C0040703022, C0040703024, C0040703014, C0040703050, C0040703054, C0040703056, and C0040703058; and

WHEREAS, the Planning Commission, after holding a public hearing on the proposed ~~[amendment]~~ amendments to the Community Unit Plan to (a) increase the area of the Property by ~~[3.4]~~ approximately 3.36 acres ~~[and make additional changes to the community unit plan]~~, (b) authorize additional permitted uses for the Community Unit Plan, (c) authorize additional signs for the community unit plan, and (d) authorize the removal of a portion of the eastern buffer of the Community Unit Plan, all as shown on the 2023 Concept Plan, granted preliminary community unit plan approval ~~[the then proposed Concept Plan as a Preliminary Community Unit Plan]~~ for such amendments based on written findings of fact, in accordance with City Code Section 30-456.5, and submitted a copy of its resolution to that effect to the Council together with its findings of fact, a copy of which resolution is attached to this amendatory ordinance; and

~~[WHEREAS, the applicant has proposed an amendment to the community unit plan amendment to no longer increase the area subject to the community unit plan by 3.4 acres and make such other changes except as shown on the current Concept Plan and set forth herein; and]~~

WHEREAS, the Council concurs in the finding of fact made by the 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, and Article IV, Division 30 of Chapter 30 of the Richmond City Code of ~~[2015]~~ 2020, as amended,

the development and use of the Property in substantial accordance with the 2023 Concept Plan is hereby approved and permitted, subject to the following standards, terms, and conditions:

I. **DEVELOPMENT CONCEPT**: The Community Unit Plan for the development of the Property is generally depicted on [~~Concept Plan~~] the 2023 Concept Plan. [~~The Concept Plan~~] The 2023 Concept Plan depicts the general character and location of buildings, structures and open spaces, the general location of all means of ingress and egress, and the general location of the areas for the parking and circulation of vehicles. The 2023 Concept Plan also shows and establishes the buffers around and open space within the development and divides the site into a “Community Center” portion and the “Outparcels” portion of the site.

As used herein, “Outparcels” shall be defined as any lot or parcel that is a portion of the Property fronting upon Forest Hill Avenue, excluding access roads from Forest Hill Avenue. The Outparcels are generally shown on [~~the Concept Plan~~] the 2023 Concept Plan as those parcels designated as “Lot 2,” “Lot 3,” “Lot 4,” “Lot 5,” [~~and~~] “Lot 6,” [~~]~~] and “Proposed 1.24 Acre CUP Expansion Area.” The exact limits and area of any single Outparcel, and of the Outparcels collectively, shall be determined through and may be adjusted by Final Plan approval, provided that (i) no portion of the “Proposed 1.24 Acre CUP Expansion Area” that is south of the northernmost point of the “Emergency Vehicle Access Drive to Parking Lot Only,” as identified on the 2023 Concept Plan, shall be deemed part of an Outparcel, and (ii) no portion of the southern boundary of any other Outparcel shall vary by more than one hundred fifty (150) feet from such boundaries as shown on the 2023 Concept Plan.

As used herein, “Townhomes” shall be defined as the portion of the Community Unit Plan shown as “Proposed 36 Townhomes” on the 2023 Concept Plan.

As used herein, “Community Center” shall be defined as any lot or parcel that is a portion of the Property, which is not an Outparcel or Townhomes. The exact limits and area of the Community Center shall be determined through and may be adjusted by Final Plan approval, provided that the northern boundary of the Community Center, or any portion thereof, does not vary from that area of the Property not otherwise shown as an Outparcel by more than one hundred fifty (150) feet.

As used herein, “Final Plan” shall be defined as a final plan submitted for review in accordance with the provisions of Section 30-456.7 of the Code of the City of Richmond [(2015)] (2020), as amended. Final Plan submittals shall be in substantial accordance with the 2023 Concept Plan, be consistent with the objectives of the 2023 Concept Plan, and not be in conflict with the standards, terms and conditions set forth in this ordinance. ~~Final plans shall be submitted for review in accordance with the provisions of Section 30-456.7 of the Code of the City of Richmond [(2015)] (2020), as amended.~~

II. DEVELOPMENT STANDARDS APPLICABLE TO THE PROPERTY:

~~[The Concept Plan]~~ The Property contains approximately ~~[64.5]~~ 67.86 acres, as shown on the 2023 Concept Plan. Development within the Property shall be subject to the standards, terms and conditions listed below and shall not exceed 420,000 square feet of floor area:

A. PERMITTED PRINCIPAL AND ACCESSORY USES: The following uses of buildings and premises shall be permitted within the Property:

1. Permitted Principal Uses on the Property:

(a) Service stations, provided that:

(i) notwithstanding other provisions of this ordinance regarding yards, pump islands for dispensing motor fuels may not be located within twenty-five (25) feet of street lines;

- (ii) notwithstanding other provisions of this ordinance regarding yards, marquees, cantilevers and similar roofs over pump islands may not extend to within twenty five (25) feet of street lines; and
 - (iii) no more than one service station shall be allowed on the Property. If an auto service center is developed on the Property, then no service station shall be permitted on the Property;
- (a.1) Auto service centers, provided that:
 - (i) No bay doors for such auto service center shall face Forest Hill Avenue or shall otherwise be effectively screened from view from Forest Hill Avenue;
 - (ii) All automobile work shall be performed within an enclosed building. Any vehicles stored for work shall be stored in an area not visible from properties or public streets adjacent to the Property; and
 - (iii) No more than one auto service center shall be allowed on the Property. If a service station is developed on the Property, then no auto service center shall be permitted on the Property;
- (b) Adult day care facilities;
- (c) Banks and savings and loan offices. As used herein, a bank or savings and loan institution shall be any business that engages in the business of making loans of money, credit, goods, or things, discounting notes, bills of exchange, or other items of debt, or accepting deposits or bailments of money or items; provided, however, a check casher, as defined by § 6.2-2100 of the Code of Virginia (1950), in effect as of the date of the passage of this Community Unit Plan, shall not be deemed a bank or savings and loan institution;
- (d) Business, professional and administrative offices, medical and dental clinics and studios;
- (e) Catering businesses, provided that not more than five (5) persons are employed on the premises in the conduct of any such business;
- (f) Communications centers and telephone repeater stations operated by public service corporations;

- (g) Custom dressmaking, tailoring and garment repair businesses employing not more than five (5) persons on the premises;
- (h) Custom printing and engraving shops not involving the printing of periodicals, books, catalogs or similar items requiring frequent shipment or delivery of large quantities of materials;
- (i) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services;
- (j) Post offices and package mailing services, but not including package distribution centers;
- (k) Dry cleaning and laundering establishments, provided that the total capacity of all cleaning machines shall not exceed one hundred (100) pounds dry weight and that the total capacity of all laundry machines shall not exceed two hundred fifty (250) pounds dry weight;
- (l) Restaurants, tea rooms, delicatessens, ice cream parlors and any other eating and drinking establishment, including, without limitation, establishments providing live entertainment, where food or drink is intended to be consumed on the premises, in vehicles, or outside of a completely enclosed building, provided that:
 - (i) No deck, patio, terrace, drive up lane, or other area outside of a completely enclosed building and used for the service or accommodation of restaurant patrons shall be situated within sixty-five (65) feet of any property in an R District located outside the Property;
 - (ii) Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties; and
 - (iii) No music or public address system shall be operated in such a manner that sound produced is audible beyond the boundaries of the lot on which such use is situated;
- (m) Grocery stores and specialty food and beverage stores, including, without limitation, bakeries where products are sold principally at retail on the premises;

- (n) Greenhouses and plant nurseries, when located within the Community Center portion of the Property, provided further that any uncovered space used as part of such greenhouse or plant nursery for the sale or storage of merchandise, or any greenhouse, plant nursery, or any portion thereof, not open to the general public, shall not be considered floor area for the purpose of calculating maximum floor area on the Property or otherwise as set forth herein, a lot or parcel of the Property, or a portion of the Property, so long as such uncovered area, not including parking areas, landscaped areas and green spaces, does not exceed more than seventy-five percent (75%) of the total area of such premises;
- (o) Laundromats and laundry and dry cleaning pick-up stations;
- (p) Libraries, museums, schools, parks and recreational facilities owned or operated by a governmental agency, and other uses required for the performance of a governmental function;
- (q) Business, professional and vocational schools not involving the use of heavy machinery, welding equipment or internal combustion engines;
- (r) Office supply, business service, photocopy and custom printing establishments;(s) Offices, including, without limitation, business, professional and administrative offices, travel agencies, and medical and dental offices and clinics;
- (t) Personal service establishments, including, but not limited to, barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, shoe repair shops; tailor and dressmaking shops, clothing rental stores, watch and jewelry repair shops and similar uses;
- (u) Pet shops, veterinary clinics, and animal hospitals, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;
- (v) Recreation and entertainment uses including, but not limited to, theaters, lodge and club meeting places, auditoriums and assembly halls, when such uses are conducted within completely enclosed buildings; ~~provided, however, no cinema or motion picture theater shall be allowed on the Property prior to five (5) years from the date of the passage of Ordinance No. 2000 410 2001 10, adopted~~

~~January 8, 2001~~. Only one cinema or motion picture theater not to exceed four (4) screens may be developed on the Property;

- (w) Service businesses which rent, service or repair audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items, provided that: no products shall be stored or displayed outside a completely enclosed building; no internal combustion engines shall be repaired or serviced; and there shall be no rental, service or repair of motor vehicles, trailers or contractors' equipment;
- (x) Rights-of-way, easements and appurtenances for public utilities and public transportation, including, but not limited to, loading platforms, and passenger depots, but not including railroad yards, freight depots, generating plants, transformer stations and similar uses;
- (y) Shopping centers containing uses permitted in the Property;
- (z) Shops for repair of household items, watches, locks, bicycles and similar items, provided that not more than five (5) persons are employed on the premises in the conduct of such activity, and provided further that no internal combustion engines shall be repaired or serviced except within a completely enclosed, soundproof building;
- (aa) Art galleries, art supply shops, artist studios and custom frame shops;
- (bb) Bakeries where products are sold principally at retail on the premises and where distribution of products off the premises does not involve the use of delivery vehicles having a gross vehicle weight exceeding six thousand (6,000) pounds; and
- (cc) Stores and shops for the conduct of retail business.
- (dd) Single-family attached dwellings: up to 36 single-family attached dwellings shall be permitted to be developed in substantial conformance with (i) the location and configurations shown on the 2023 Concept Plan as "Townhome Area" and (ii) the elevations and standards set forth on the exhibit labeled "Exhibit 5 Townhome Standards" attached to this amendatory Ordinance.

2. Permitted Accessory Uses – The following uses shall be permitted as accessory uses on the Property/Outparcel/Community Center:

- (a) Car wash facilities, automatic or otherwise, provided such car wash is part of and located on the same premises as an auto service center or service station otherwise allowed herein;
- (b) Catering business, without limitation as to the number of employees, accessory to any other use allowed herein, including, but not limited to a grocery or food store;
- (c) Custom dressmaking, tailoring and garment repair businesses, without limitation as to the number of employees, accessory to any other use allowed herein, including, but not limited to a grocery or food store;
- (d) Drive-through facilities accessory to any other use allowed herein, so long as such drive-through facilities (i) serve customers of the permitted use on the same premises and (ii) are not located within 200 feet of any property in an R District located outside the Property;
- (e) Parking areas serving uses permitted in the area subject to this Community Unit Plan;
- (f) Boarding kennels as part of a pet shop, veterinary clinic, or animal hospital, provided that all facilities are located within fully enclosed, air conditioned and soundproof buildings;
- (g) Sales lots for Christmas trees and other temporary retailing activities when such use is operated for a period not exceeding thirty (30) days;
- (h) Uses and structures customarily incidental and clearly subordinate to uses permitted and located within the Property;
- (i) Incidental storage of merchandise within any building on the Property to be sold at retail on the premises, provided that not more than seventy (70) percent of the floor area of a building occupied by a permitted use shall be used for such purpose;
- (j) Areas inside of enclosed buildings located on the Property containing a permitted principal use for the purpose of wholesale, warehouse, and/or distribution activities related to merchandise or services offered as part of the principal use, provided that such areas occupy no more than sixty-five (65) percent of the gross floor area of the building;

- (k) Outdoor sales and merchandise areas. For any use other than a nursery or greenhouse, such outdoor sales and merchandise areas may exist only in conjunction with a permitted principal use located within an enclosed building with such outdoor sales and merchandise area not exceeding forty-five (45) percent of the floor area of the enclosed building. Such outdoor sales area shall be enclosed or screened from view from adjacent parcels within the Property, but need not be covered. The adequacy of the enclosure and/or screening shall be demonstrated and reviewed as part of any Final Plan request for such use. Seasonal sales of merchandise shall not be considered floor area for the purpose of calculating maximum floor area on a lot within the Property or any portion thereof; and
- (l) Sidewalk merchandise display space, located within thirty (30) feet of a face or extension of the plane thereof of the building to which it is accessory, subject to final location approval as part of Final Plan review by the Planning Commission. When such display space is an accessory use for the occupant of more than 100,000 square feet of floor area within an enclosed building, such space shall not be considered floor area for the purpose of calculating maximum floor area on a lot, section of the Community Unit Plan, or within the overall area subject to this Community Unit Plan, provided that such space is not secured by enclosing screens, walls, or fences, and that the aggregate sidewalk merchandise display space so excluded on any one lot shall not exceed ten thousand (10,000) square feet of area.

B. **BUFFERS, LANDSCAPED AREAS AND SETBACKS:** Buffers and setbacks within the Property for this Community Unit Plan shall be as set forth below. ~~Prior to or concurrent with the approval of the first Final Plan request on the Property, the Planning Commission will review and approve a comprehensive landscaping plan that demonstrates compliance with the requirements set forth below and that depicts replacement plantings appropriate and necessary to achieve the visual and aural screening for which the buffer is set aside.~~ In evaluating any Final Plan(s) plans, the Planning Commission may consider such factors as the quantity and quality of the existing vegetation, the topography and existing grades, and the nature and uses of the properties protected by the buffer and may require such augmentation measures as are necessary to achieve the desired mitigating effect.

1. **SETBACKS FROM FOREST HILL AVENUE AND CHIPPENHAM**

PARKWAY ON-RAMP – Landscaped areas and setbacks from the Forest

Hill Avenue right-of-way shall be provided as follows:

- (a) A streetscape and landscaped area shall be required within and along the right-of-way of Forest Hill Avenue, as determined through the Final Plan review, which such Forest Hill streetscape improvements shall consist of the following:

- (i) a streetscape area of no less than twelve (12) feet in width as part of the right of way of Forest Hill Avenue, where conditions existing at the time of streetscape area construction permit, consisting of a sidewalk consistent with the streetscape area as shown conceptually on the plan entitled “LP1, PREPARED FOR HARPER ASSOCIATES, LLC, THE SHOPS AT STRATFORD HILLS, SHOPPING CENTER DEVELOPMENT, CITY OF RICHMOND, VIRGINIA” and “LP2, PREPARED FOR HARPER ASSOCIATES, LLC, THE SHOPS AT STRATFORD HILLS, SHOPPING CENTER DEVELOPMENT, CITY OF RICHMOND, VIRGINIA”, each prepared by McKinney and Company, and dated October 6, 2000 (collectively, the “Conceptual Landscape Plan”); [~~as modified by the Concept Plan and~~] as shown on that certain plan entitled “Shops at Stratford Hills, Landscape Sketch 1.0,” prepared by McKinney & Company, dated January 11, 2018, and last revised August 23, 2018, (the “Lot 3 Conceptual Landscape Plan”), a copy of which is attached to [~~this amendatory ordinance~~] Ordinance No. 2017-242, adopted May 29, 2019; and as further modified by the 2023 Concept Plan, that certain plan entitled “The Shops at Stratford Hills – CUP Amendment – Landscape Plan,” prepared by LPDA, and dated July, 2023, hereinafter known as “Exhibit 2,” a copy of which is attached to this amendatory ordinance, and that certain plan entitled “The Shops at Stratford Hills – CUP Amendment – Streetscape Exhibit 3,” prepared by LPDA, and dated June 16, 2023, hereinafter known as “Exhibit 3,” a copy of which is attached to this amendatory ordinance. [~~The area necessary to accomplish this streetscape area shall be dedicated as necessary~~];
- (ii) a landscaped area of at least fifty (50) feet in width including the streetscape area set forth above located in the right-of-way, consisting of an undulating berm of a maximum of three (3) to four (4) feet in height and of variable width and slope, and landscaping, except as shown on [~~the Concept Plan and as shown on~~] the Lot 3 Conceptual Landscape Plan, the 2023 Concept Plan, Exhibit 2, and Exhibit 3.

The streetscape area and landscaped area required above shall be installed as soon as practicable, but in any event no later than 48 months after the adoption of this amendatory ordinance.

- (b) Exceptions to this landscaping requirement shall be limited to those situations necessary to be traversed by utility extensions, vehicle and pedestrian entrances and access ways from Forest Hill Avenue, and permitted signage.
- (c) A minimum setback of fifty (50) feet for buildings, structures other than allowed signage, and parking shall be provided from the rights-of-way for Forest Hill Avenue and from the ramp off of Chippenham Parkway.

2. ~~[BUFFERS AND SETBACKS]~~ LANDSCAPED AREAS ALONG [THE EASTERN BOUNDARY LINE OF THIS PROPERTY] CHEROKEE ROAD EXTENDED – ~~[Buffers and setbacks from the eastern boundary line of the Property as shown on the Concept Plan]~~ Landscaped areas as shown on the 2023 Concept Plan and Exhibit 2 and Exhibit 3 shall be provided as follows:

- (a) A ~~[buffer]~~ landscaped area of at least ~~[50]~~ 25 feet in width shall be ~~[required, within which the existing vegetation and trees shall be retained and supplemental plantings shall be required to create a visual and aural screen between improvements on the Property and the abutting properties to the east in the location depicted on the Concept Plan, and as determined by the Planning Commission on May 20, 2002, as part of its Final Plan review. The supplemental plantings shall be evergreen trees, not less than five (5) feet in height at the time of planting and shall be spaced not less than ten (10) feet on center]~~ provided between Cherokee Road Extended and the Townhomes in the location shown on the 2023 Concept Plan. The landscaped area must be provided with two rows of evergreen trees planted 15 feet apart on center, with a minimum planting height of six feet, as shown on Exhibit 2 and Exhibit 3.
- (b) ~~[As shown on that certain plan entitled “Shops at Stratford Hills Conceptual Landscape Plan” dated April 6, 2017, and last revised January 4, 2019 (the “Landscape Plan”), and attached to this amendatory ordinance, in those areas on the eastern side of the site where timber harvesting activities have occurred, replacement plantings shall not be required, but mulching and reseeding shall be required. As also shown on the Landscape Plan, an additional buffer area of 25 feet in width shall be required, within which plantings shall be required to create a visual and aural screen between~~

~~Cherokee Road and the abutting properties to the east in the location depicted on the Landscape Plan and the Concept Plan] A landscaped area of at least five feet in width shall be provided along the eastern property line in the location shown on the 2023 Concept Plan as “Proposed 5’ Landscape Buffer West of Tivoli Property Line.” The specific improvements within this landscaped area shall incorporate an opaque fence of at least six feet in height and shall be approved by the Planning Commission on the Final Plan submittal.~~

- ~~[(e) — Such buffer area along the eastern boundary line of the Property shall include an opaque fence of at least six feet in height. Such fence shall be placed on the western boundary of the buffer and shall be depicted on the initial Final Plan submittal;~~
- ~~(d) — Permitted encroachments and disturbances to this buffer shall be limited to those situations necessary to be traversed by utility extensions and other necessary access easements for abutting property owners;~~
- ~~(e) — A setback of not less than sixty five (65) feet shall be required for all buildings from the portion of the eastern boundary line of the Property.~~
- ~~(f) — Buffer and setback requirements for Lot 14 (Future Development) shall be as follows:
 - ~~(i) — A buffer area of a minimum of 50 feet in width shall be required, within which the existing vegetation and trees shall be retained and supplemental plantings shall be required to create a visual and aural screen between improvements on the Property and the abutting properties to the east in the location depicted on the Concept Plan, and as determined by the Planning Commission on May 20, 2002, as part of its Final Plan review. The supplemental plantings shall be evergreen trees, not less than five (5) feet in height at the time of planting and shall be spaced not less than ten (10) feet on center.~~
 - ~~(ii) — Such buffer area along the eastern boundary line of the Property shall include an opaque fence of at least six feet in height. Such fence shall be placed on the western boundary of the buffer and shall be depicted on the initial Final Plan submittal.~~
 - ~~(iii) — Permitted encroachments and disturbances to this buffer shall be limited to those situations necessary to be traversed by~~~~

~~utility extensions and other necessary access easements for abutting property owners.~~

~~(iv) A setback of not less than the greater of 65 feet shall be required for all buildings from the eastern boundary line of the Property.]~~

3. **BUFFERS AND SETBACKS FROM CHIPPENHAM PARKWAY –** Buffers and setbacks from the Chippenham Parkway right-of-way shall be provided as follows:

- (a) A buffer area of a minimum width of fifty (50) feet shall be required along the Chippenham Parkway right of way, from the ultimate point of intersection of the northbound on-ramp with the through Chippenham Parkway lanes, as determined by the Director of Public Works to the southern boundary of the site. The buffer may be cleared as necessary to be traversed by utilities;
- (b) Such buffer area shall be adequately landscaped in a manner consistent with the Conceptual Landscape Plan and as mutually agreed upon by the Department of Public Works and the Director of Planning and Development Review. Supplemental plantings consistent with the existing plantings located on Chippenham Parkway north of Forest Hill Avenue will be provided within the existing right-of-way of Chippenham Parkway as mutually agreed upon by the Department of Public Works. Concurrent with the approval of the first Final Plan request, the Planning Commission shall determine the adequacy of the existing and proposed supplemental plantings and shall require such supplemental plantings and improvements it deems necessary to achieve consistency with the Conceptual Landscape Plan;
- (c) A setback of not less than fifty (50) feet[;] from Chippenham Parkway right-of-way shall be required for all buildings, provided that such setback requirement shall not apply to signage permitted by this amendatory ordinance.

C. **MINIMUM LIVABILITY SPACE:** The minimum livability space, defined as that portion of the land area on the site which is not covered by buildings, devoted to accessory outdoor dining, sales or display areas, or devoted to motor vehicle parking or circulation, but which contains existing natural vegetation or is improved with landscaping and/or noncommercial outdoor areas, shall be no less than thirty (30) percent of the total land area of the Property, and of

the land area of any lot within the Property; except that for individual lots within the Property, the Planning Commission may approve through Final Plan review development which results in livability space of no less than five (5) percent of the lot, provided that appropriate covenants are established to indicate that the development potential on other lots within the Property may be limited to the extent necessary to ensure that the total livability space on the entire Property is not less than thirty (30) percent.

D. SCREENING OF LOADING, SERVICE AND TRASH COLLECTION AREAS, AND MECHANICAL EQUIPMENT: All loading, service, and trash collection areas on any lot shall be screened, to the extent practical based on the topography of the Property and surrounding property, at ground level at the boundary line of the Property from properties adjoining the Property and public streets through the positioning of the buildings on the Property, vegetative material, berming, opaque structural screens, or a combination of such techniques. Mechanical equipment, including satellite dishes, shall similarly be screened to the extent practical based on the topography of the Property and surrounding property, or may be hidden from view by roof placement combined with parapet walls and/or equipment screens. The adequacy and appropriateness of any specific technique shall be demonstrated as part of Final Plan review.

E. LIGHTING: Parking lot lighting standards shall not exceed twenty-five (25) feet in height as measured from the grade at the base of the foundation. Parking lot lighting shall produce a maximum lighting intensity of one-half (1/2) foot candle at the eastern boundary line of the Property. Parking lot lighting shall be reduced to a minimum level necessary for security purposes following the close of business conducted on the Property. All building mounted lights facing the right-of-way line of Forest Hill Avenue, the right-of-way of Chippenham Parkway, or

the eastern boundary line of the Property shall be shielded so that the source of the illumination may not be seen from such boundary line.

F. **PARKING REQUIREMENTS:** Requirements and standards applicable to parking areas shall be as follows:

1. Parking for the Townhomes shall be provided at a rate of one parking space per dwelling unit.
2. **Parking Area Layout and Landscaping** – There shall be a minimum of ten (10) square feet of landscaping per parking space within each area defined by primary circulation routes or streets within the development. At least one (1) large canopy tree or ornamental tree (no more than 25 percent of required trees may be ornamental) for each eight (8) parking spaces shall be provided within these landscaped areas. The required landscaped areas and trees may be arranged at the borders of parking areas and/or both sides of primary circulation areas to define and clarify vehicular and pedestrian circulation or may be arranged in internal islands, planting strips, and/or other configurations which serve to visually break up large parking areas. In no case, however, shall there be a single row of more than twenty-five (25) parking spaces in length without an intervening minimum nine (9) foot wide landscaped island planted with appropriate vegetation including no less than two (2) trees. As part of a Final Plan review, the Planning Commission may reduce this requirement or approve alternative landscaping on particular islands in those circumstances where for reason of underground utilities or other significant obstructions it is not practical to

achieve a two (2) tree per island standard. Parking lot landscaping shall be consistent with the Conceptual Landscape Plan.

G. PERMITTED SIGNS: The following signs shall be permitted, with final location subject to the approval of the Planning Commission as part of the Final Plan review:

1. Freestanding Signs:

- (a) One freestanding sign of up to one-hundred fifty (150) square feet in sign area and twenty (20) feet in height, provided that if the sign is located within a raised landscaped planter or berm of two (2) feet or more above normal grade level the overall height above normal grade level may be up to twenty-five (25) feet, shall be permitted at or near the center entrance to the site from Forest Hill Avenue.
- (b) One freestanding sign of up to one hundred (100) square feet in sign area and twenty (20) feet in height shall be permitted at or near the eastern entrance to the site from Forest Hill Avenue, generally in the vicinity of Cherokee Road.
- (c) One freestanding sign of up to 150 square feet in sign area and 20 feet in height, provided that if the sign is located within a raised landscaped planter or berm of two feet or more above normal grade level, the overall height above normal grade level may be up to 25 feet and shall be permitted adjacent to the right of way of Chippenham Parkway in a location in general conformance with the 2019 Concept Plan.

2. Tenant/Building Signs within the Property:

- (a) In addition to the signage authorized in 3(a) and 3(b) below, one freestanding sign containing a maximum sign area of fifty (50) square feet and a maximum height of ten (10) feet shall be permitted within the Outparcel area, provided such sign may display only fuel prices, identification of the brand of such fuel, and the name of the operator of the fuel station.
- (b) One ground mounted sign containing a maximum sign area of fifty (50) square feet and a maximum height of seven (7) feet shall be permitted in Lot 2.
- (c) One ground mounted sign containing a maximum sign area of 50 square feet and a maximum height of seven (7) feet shall be

permitted in the area identified on the 2023 Concept Plan as “Proposed 1.24 Acre CUP Expansion Area.”

(d) One ground mounted entry sign shall be permitted for the Townhomes in the location identified on the 2023 Concept Plan as “Proposed Entry Sign for Townhouses.” Such sign shall have a maximum sign area of fifty (50) square feet and a maximum height of seven (7) feet.

3. Building Attached Signage.

(a) Building mounted signage for the buildings with a setback from Forest Hill Avenue of greater than 500 feet within the Community Center shall be limited to one (1) square foot of sign area for each linear foot of building frontage for any such building provided that no building shall contain more than five (5) signs nor more than 400 square feet of signage. For buildings within the Community Center that have a setback of less than 500 feet, the maximum area of all signage shall not exceed 150 square feet.

(b) For any building located on an Outparcel, the total number of signs on any lot shall not exceed one sign for each twenty (20) linear feet of principal lot frontage, nor in any case five (5) signs. The aggregate area of all signs on a lot shall not exceed one square foot for each linear foot of principal lot frontage, nor in any case one hundred fifty (150) square feet. This provision shall not be construed to restrict any lot to less than two (2) signs nor less than thirty (30) square feet of sign area. Where more than one main building is located on a lot, the above formula for determining maximum number of signs, and aggregate sign area shall apply to individual buildings and building frontages rather than to lots and lot frontages.

4. Additional Ground Mounted Signs – No more than three (3) ground mounted signs shall be permitted, provided that any such sign does not exceed six (6) feet in height, inclusive of any base, and twenty (20) square feet in area, exclusive of any base. If more than one such sign is located within the bounds of a particular portion of the Property (i.e., within the Outparcel area or Community Center), all such signs within that portion of the Property shall be of a coordinated design. Such signs shall be allocable

to all property owners using the main entry boulevard, including owners of any potential or future development on the abutting properties south of the Norfolk Southern Railroad property depicted on the 2023 Concept Plan.

5. Prohibited Signs – Animated signs and portable signs, as defined in Article XII of Chapter 30 of the Code of the City of Richmond [~~(2015)~~] (2020), as amended, and temporary attention-getting devices shall not be permitted.
6. A final comprehensive signage program setting forth the details relative to sign types, numbers, materials, construction, lighting, heights, areas and setbacks shall be submitted to and approved by the Planning Commission prior to the erection of any permanent signs on the Property corresponding with any phase for which Final Plan approval is sought.

H. STREET IMPROVEMENTS AND ACCESS:

1. STREET IMPROVEMENTS, GENERALLY – All costs related to the construction of street improvements necessary to serve the Property from Forest Hill Avenue shall be borne by the owner, except to the extent to which the City or other parties may agree to participate in the cost of improvements made necessary by the development.
2. PRIVATE STREETS PERMITTED – Lots within the development shall have frontage on an improved public street, or on a private street within a recorded permanent access easement, provided that the easement and the improvements therein are approved by the Director of Public Works as to its suitability for all-weather travel by public and emergency vehicles, and provided further that appropriate agreement(s) or covenant(s) approved by

the City Attorney provide for the continued maintenance thereof and for public and emergency vehicle access. Any private streets as shown on [~~the Concept Plan~~] the 2023 Concept Plan shall not be obstructed by building or other improvements.

3. ~~REQUIRED STREET IMPROVEMENTS – [The Concept Plan]~~ Site access to the Property shall be substantially as shown on the 2023 Concept Plan depicts the site access via access point(s) accessing Forest Hill Avenue. ~~To accommodate the traffic impact of the development of the Property and the location of the site access at the proposed location(s), the procedure established below for providing the necessary street improvements shall be followed concurrent with the initial request for Final Plan approval for a lot within the Property:~~

- ~~(a) — The owner shall prepare and submit a detailed Street Improvement Plan to the City. Such plan shall show existing street conditions, and shall depict some or all of the following improvements as mutually agreed upon between the developer and the City Department of Public Works:~~
- ~~(i) — A right turn lane into the Property from eastbound Forest Hill Avenue;~~
 - ~~(ii) — Left turn lane(s) on westbound Forest Hill Avenue at the center and eastern entrances;~~
 - ~~(iii) — Traffic signal(s) at the access point(s) and Forest Hill Avenue, and the appropriate design information for such signal; and~~
 - ~~(iv) — The access point(s), shall be located substantially as depicted on the attached Concept Plan and consisting of a minimum four lane section.~~
- ~~(b) — If the existing westernmost access to the Property off of Forest Hill Avenue (shown on the Concept Plan attached to and made a part of~~

~~Ordinance No. 2017-242, adopted May 29, 2019, and adjacent to that parcel shown on the Metes & Bounds as “N/F CRESTAR, DEED BOOK 874 PAGE 429, PARCEL 4” (the “Suntrust Parcel”)) is modified, the Suntrust Parcel shall be provided with an access easement to Forest Hill Avenue, with such actual access to be provided concurrent with the initial request of Final Plan approval for a lot within the Property.~~

~~(c) The median on Forest Hill Avenue from the north bound Chippenham Parkway exit ramp east shall be extended approximately 200 feet to regulate right turn movements, as more particularly shown on the Concept Plan.~~

I. EMERGENCY AND PUBLIC TRANSIT ACCESS: Each Final Plan shall demonstrate conformance with the emergency access requirements of the City of Richmond Fire Marshall. As part of that request, the plans must demonstrate adequate access and capacity to allow for public transit busses and appurtenances within the Property.

J. ACCESS TO FOREST HILL AVENUE: There shall be no more than ~~three (3)~~ four vehicular access points from the Property to Forest Hill Avenue for all portions of the Property. A right-in, right-out only entrance and exit to Forest Hill Avenue shall be permitted to serve the “Proposed Restaurant With Drive Thru Window and Medical Clinic” in the location shown and labeled on the 2023 Concept Plan as “RIGHT IN RIGHT OUT ENTRANCE TO FOREST HILL AVENUE, RAISED CONCRETE ISLAND AT ENTRANCE WILL PREVENT LEFT TURNS IN AND OUT OF ENTRANCE. STOP SIGN AND STOP BAR AT EXIT LINE.” This access shall be restricted to right-in, right-out movement, with left-in, left-out movement prevented at such location by the construction of a pork chop structure at the point of entry and exit as shown on the 2023 Concept Plan.

K. PEDESTRIAN CIRCULATION: Pedestrian areas shall be reasonably dispersed throughout the site to facilitate pedestrian circulation and shall be constructed of a different material from the adjacent roads, parking areas and access areas used for motor vehicles, which material

may include, but is not limited to, brick pavers, stamped concrete, aggregate concrete or other similar material, as shown on the 2023 Concept Plan. Sidewalks must be provided on both sides of the private road serving the Townhomes, as shown on the 2023 Concept Plan and labeled as “5’ Wide Sidewalks Along Townhome Access Drive.” At time of the development of the parcel located at the southeast corner of Forest Hill Avenue and Cherokee Road, improvements shall be constructed to facilitate pedestrian connectivity between the Townhomes and Forest Hill Avenue in substantial conformance with the plan entitled “The Shops at Stratford Hills – CUP Amendment – Parking Calculations and Pedestrian Connections,” prepared by LPDA, and dated June 16, 2023, hereinafter known as “Exhibit 4,” a copy of which is attached to this amendatory ordinance. ~~At the time of the initial Final Plan request, the site plan submitted shall reflect a pedestrian area generally located within the Community Center portion of the Property on a generally perpendicular axis with the main larger scale tenants. The design shall draw upon the following principles:~~

- ~~1. The center main entry road shall be developed as a landscaped boulevard with trees in the median and trees on both sides of the boulevard;~~
- ~~2. There shall be buildings fronting upon and massed closely with the center main entry boulevard with limited off-street parking in front of the buildings and employing fenestration to encourage pedestrian traffic;~~
- ~~3. The pedestrian area in front of the larger scale shop shall include public amenities such as a landscaped focal point and may also include a pedestrian plaza with public amenities and street furniture that may include landscaped areas, benches, and accessory dining areas and shall include pedestrian connections to sidewalks along the center entry boulevard;~~

L. UTILITIES: All costs related to the extension of utilities to serve the development shall be borne by the owners, except to the extent to which the City may agree to participate in the cost thereof. Electric power, telephone lines, and cable lines, excluding those lines already existing (even if relocated) and as may otherwise be approved by the Planning Commission at Final Plan approval, shall be located underground.

M. STORMWATER MANAGEMENT: ~~Prior to the initial Final Plan approval for the Property or any portion thereof, or prior to the first subdivision of the Property, whichever comes first, the owner will prepare and submit for City agency review and approval a comprehensive and coordinated approach to stormwater management within the Property. The initial Final Plan request shall include detailed drainage calculations and design details to demonstrate compliance with the requirements that site drainage impacts be self-contained and not adversely affect adjoining properties. Additionally, the Stormwater management on the Property, and plans and calculations therefor~~ to the extent required by the Department of Public Works along with Department of Public Utilities (where appropriate) in connection with Final Plan approval, shall be consistent with the following concept: the drainage features shall be scalable and contained generally within the individual parcels. The use of large scale basins is discouraged in favor of more numerous but smaller landscaped features that achieve the same capacity and meet water quality standards. To the extent that drainage features cross lot lines, then documents and agreements to be recorded under “Ownership and Maintenance of Common Areas”, below, shall provide for the maintenance and operation of the stormwater management system on all privately owned property within the development. Any stormwater management plans and calculations shall accurately delineate the Chesapeake Bay Preservation Act Resource Management Areas and Resource Protection Areas to the extent they exist on the site. ~~Such plan shall be updated as part of each subsequent Final Plan~~

~~and/or subdivision request, and the Planning Commission may not approve the Final Plan or subdivision request unless and until the corresponding initial and the subsequent updated stormwater management plan has been approved by the Department of Planning and Development Review.~~

N. BUILDING DESIGN AND RELATIONSHIPS: The materials used on the exteriors of the buildings shall generally be masonry, with building walls visible from public streets or internal private streets and parking areas finished with either, or a combination of, face brick, split-face block, natural stone, E.I.F.S., smooth face block, synthetic stucco, and glass. All buildings on the Property shall have similar architectural features or elements. Pitched roofs or parapet walls shall be provided to create architectural interest and diversity, minimize building mass, and offer variations in building appearance. The Planning Commission shall not approve Final Plans for construction within 250 feet of the northwest corner of the site adjacent to the “SunTrust Property” until the Planning Commission is satisfied that the operational, security and visibility requirements of that property will not be adversely affected by the construction proposed in the Final Plan. The Planning Commission may specify particular building orientations, placement, setbacks, and placement of freestanding signage in regards to its impact on the SunTrust Property.

O. OWNERSHIP AND MAINTENANCE OF COMMON AREAS: The owner shall prepare and cause to be recorded among the land records of the City of Richmond all necessary documentation, consisting of agreements, covenants, and/or restrictions, to regulate the development and use of the Property so as to be in accordance with the ~~[Concept Plan]~~ 2023 Concept Plan and the terms and conditions of this ordinance, as well as provide for standards for the construction, architecture, and use of all privately owned or leased land within the

development. Such documentation shall set forth responsibility for the operation, maintenance, and funding for all privately owned common areas, buffers, pedestrian areas, storm drainage facilities, streets, and parking areas. The documentation will be reviewed and must be approved as to form and legality by the City Attorney prior to recordation as part of the initial subdivision review.

P. PHASING. Compliance with the provisions of this Community Unit Plan will be required in phases concurrent with the submission of a request for Final Plan approval for that portion of the Property. ~~A phasing plan shall be submitted concurrent with the first request that follows approval of this amendatory ordinance for a Final Plan on the Property to detail the sequence and phasing of all improvements required by this ordinance. Such Final Plan request shall demonstrate generally that all required improvements will be in place no later than four (4) years subsequent to adoption of this amendatory ordinance.~~ Renovations or other improvements to existing building(s) or structure(s) located on the Property shall not require Final Plan approval, as long as such building(s) or structure(s) remain on the Property and the exterior foot print of such building(s) or structure(s) is not altered.

III. **OUTPARCEL DEVELOPMENT STANDARDS:** Development within the Outparcels shall be subject to the following standards, terms and conditions:

A. **MAXIMUM FLOOR AREA FOR OUTPARCELS:** The maximum floor area, including any accessory outdoor dining or sales areas, of any one store or tenant space located on an Outparcel shall not exceed 10,000 square feet per acre, unless such space is used primarily for office uses (and accessory uses thereto), and as otherwise permitted by the Planning Commission at Final Plan approval. In the event that a building is located partially within an Outparcel and partially outside of an Outparcel, these limitations shall apply only to that portion of the floor area

of any one store or tenant space that extends within the Outparcel, and the floor area located outside of an Outparcel shall not count towards these maximums.

B. **MAXIMUM HEIGHT IN OUTPARCELS:** No building or structure on an Outparcel, and any portion of such building or structure which is an architectural feature, shall exceed twenty-eight (28) feet in height, unless such building or structure is used for office uses, in which case such buildings or structures used for offices may not exceed three (3) stories, and as otherwise permitted by the Planning Commission at Final Plan approval. Exceptions to this height limitation shall be in accordance with the exceptions permitted by the applicable provisions Chapter 30 of the Code of the City of Richmond [~~(2015)~~ (2020)], as amended.

C. **DESIGN CRITERIA:** The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Outparcels, shall be similar in high quality of construction and shall have compatible architectural design (incorporating compatible design elements and color), architectural style and use of compatible design elements.

IV. DEVELOPMENT STANDARDS FOR COMMUNITY CENTER:
Development within the Community Center shall be subject to the following standards, terms and conditions:

A. **MAXIMUM FLOOR AREA:** The ratio of total floor area within the Community Center to total land area within the bounds of the Community Center shall not exceed 0.30. The ratio of floor area on any lot within the Community Center to the total land area within the bounds of that lot shall not exceed 0.30.

B. **OUTSIDE STORAGE:** Any building upon the Community Center may include an area outside of enclosed buildings intended for the storage of merchandise offered for sale elsewhere on premises, with such areas not accessible to customers.

C. **MAXIMUM HEIGHT IN COMMUNITY CENTER:** No building or structure, shall exceed forty (40) feet in height, except (a) that for buildings exceeding one hundred thousand square feet in floor area the height may be increased to forty-five (45) feet where necessary to provide screening of rooftop equipment or to accommodate building design elements intended to foster the architectural diversity of rooflines required by this Community Unit Plan, and (b) any building devoted to recreation or entertainment use(s) exclusively may not exceed forty-eight (48) feet in height. Additional exceptions to this height limitation shall be in accordance with the exceptions permitted by the applicable provisions of Chapter 30 of the Code of the City of Richmond [~~(2015)~~] (2020), as amended.

D. **DESIGN:** The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Community Center shall be similar in high quality of construction and shall have compatible architectural design (incorporating compatible design elements and color), architectural style and use of compatible design elements.

V. DEVELOPMENT STANDARDS FOR TOWNHOMES: Development pertaining to the Townhomes shall be substantially as shown on the 2023 Concept Plan, Exhibit 2, and Exhibit 3, and subject to the following standards, terms and conditions:

A. MAXIMUM LOT COVERAGE: The maximum lot coverage, for any lot containing a single-family attached dwelling shall not exceed 65 percent of the area of the lot.

B. LOT AREA AND WIDTH: The minimum lot area for any lot containing a single-family attached dwelling shall be a minimum of 2,200 square feet and contain a minimum lot width of 16 feet.

C. YARDS: No front yard shall be required for any single-family attached dwelling. There shall be minimum side and rear yards of five feet for any single-family attached dwelling.

D. HEIGHT: The maximum building height, as defined in Chapter 30 of the Code of the City of Richmond (2020), as amended, shall be forty-five (45) feet.

E. BUILDING MATERIALS: The exterior building materials for the Townhomes must be in substantial conformance with the standards set forth on Exhibit 5.

§ 2. This amendatory ordinance shall be in force and effect upon adoption; provided that in the event a Final Plan is not submitted to the Planning Commission within 24 months from the effective date of this amendatory ordinance, the provisions of this amendatory ordinance shall be null and void and of no further effect, and Ordinance No. 2000-410-2001-10, adopted January 8, 2001, as previously amended by Ordinance No. [~~2001-220-231~~] 2017-242, adopted [~~July 23, 2004~~] May 29, 2019, shall remain in effect and shall govern the use and development of the Property.

II. This amendatory ordinance shall be in force upon adoption.