INTRODUCED: April 26, 2021

AN ORDINANCE No. 2021-111

To authorize the special use of the property known as 1005 Westover Hills Boulevard for the purpose of a mixed-use building containing up to 12 dwelling units and commercial space, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAY 24 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 1005 Westover Hills Boulevard, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a mixed-use building containing up to 12 dwelling units and commercial space, which use, among other things, is not currently allowed by section 30-410.1 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	JUN 14 2021	REJECTED:		STRICKEN:	
_		_		-	

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 ordinance, the property known as 1005 Westover Hills Boulevard and identified as Tax Parcel No. S006-0371/001 in the 2021 records of the City Assessor, being more particularly shown on a plat entitled "Plat Showing the Physical Improvements to S0060371001, 1005 Westover Hills Boulevard, Upward Builders, 5th District, City of Richmond," prepared by C.E. Duncan & Associates, Inc., and dated November 18, 2019, 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 a mixed-use building containing up to 12 dwelling units and commercial space, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "1005 Westover Hills Blvd, Richmond, Virginia," prepared by Mario Di Marco Architects, and dated March 12, 2021, hereinafter referred to 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 a mixed-use building containing up to 12 dwelling units and commercial space, substantially as shown on the Plans. The areas labeled as "Tenant 1 Unassigned," "Tenant 2 Unassigned," and "Tenant 3 Unassigned" shall be permitted to contain medical or dental offices and principal uses permitted on corner lots in the R-63

Multifamily Urban Residential District, pursuant to section 30-419.3(a) of the Code of the City of Richmond (2020), as amended. Outdoor dining use of the patio areas may also take place on the Property in accordance with section 30-419.3(a)(5) of the Code of the City of Richmond (2020), as amended.

- (b) No fewer than ten off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.
- (c) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.
 - (d) The height of the Special Use shall not exceed the height as shown on the Plans.
- (e) In addition to signage permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, a freestanding sign shall be permitted on the Property, substantially as shown on the Plans.
- (f) No fewer than eight bicycle parking spaces shall be provided on the Property, substantially as shown on the Plans.
- § 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) The Owner shall make improvements within the right-of-way, including the installation of seven new street trees along Westover Hills Bouleard, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.
- (f) 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

RECEIVED By CAO Office

2021-284

City of Richmond

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

Item Request

File Number: PRE.2021.572

O & R Request

DATE:

March 25, 2021

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, Acting Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic

Development and Planning

FROM:

Kevin J. Vonck, Acting Director, Department of Planning and

Development Review

RE:

To authorize the special use of the property known as 1005 Westover Hills Boulevard for the

purpose of a mixed-use building, containing up to twelve dwelling units and commercial

space, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1005 Westover Hills Boulevard for the purpose of a mixed-use building, containing up to twelve dwelling units and commercial space, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for a mixed-use building including multi-family and commercial uses within an R-5 Single-Family Residential District. The proposed use are not permitted uses in this district. 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. This item will be scheduled for consideration by the Commission at its May 17, 2021, meeting.

BACKGROUND: The property is located in the Forest Hill Terrace neighborhood on Westover Hills Boulevard and Dunston Avenue, between West 49th and 48th Streets. The property is currently an unimproved 10,252 sq. ft. (.24 acre) parcel of land. The application is for a three story, mixed-use building with off-street parking.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed-Use. This designation is defined as a "Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions." The building size, density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue or introduce a gridded street pattern to increase connectivity. Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be of alleys whenever possible; new driveways are prohibited on priority and principal streets. Parking areas are located within the structure and to the rear of buildings and require screening; shared parking requirements are encouraged. Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build to line after matching the height of the predominant cornice line of the block.

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space. Secondary Uses: Single-family houses, institutional, and government. (p. 58)

The property is also located within the Westover Hills Neighborhood Node. The Vision for the area includes "Westover Hills has a village-like quality with small retail, services, and restaurant offerings that serve primarily the surrounding neighborhoods, but does attract outside visitors. Over the next twenty years, the Westover Hills Node could be enhanced by...discouraging suburban development pattern (where buildings are pushed back with parking in front of them) and encouraging urban form with buildings that are closer to the street and parking located in the rear in shared lots."

The current zoning for this property is R-5 (Single Family Residential). Adjacent properties to the east and south are located within the same R-5 Residential Zone. Properties to the north along Westover Hills Boulevard are zoned B-2 Community Business District.

The surrounding land uses include primarily residential with some commercial and institutional uses to the north and south of the property.

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

City of Richmond Page 2 Printed on 3/25/2021

File Number: PRE.2021.572

CITY COUNCIL PUBLIC HEARING DATE: May 24, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

May 17, 2021

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: Draft Ordinance, Application Form, Applicant's Report, 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 am				
special use permit, text only	y amendment			
Project Name/Location	Its Davisuard			8/26/20
Property Address: 1005 Westover Hi Tax Map #: S006-0371-001	its boulevard		Date <u>:</u>	0/20/20
Tax Map #: 3000-03/1-001	Hee:		,	
Tax Map #: S006-0371-001 Total area of affected site in acr	es: appx : 113 acres		•	
(See page 5 for fee schedule, please m		f Richmond")		
Zoning				
Current Zoning: R5				
Existing Use: vacant land				
-	_			
Proposed Use				
(Please include a detailed description of	of the proposed use in the required	applicant's report)		
Mixed use (commercial, retail, office, reside	ential) building	7,000		
Existing Use: vacant land				
Is this property subject to any property subject to an	previous land use cases?			
Applicant/Contact Person: Zac	th Kennedy			
Company:				
Mailing Address: 4809 W Grace Stre	et			
City: Richmond Telephone: (804) 980-7377 Telephone: (804) 980-7377		_ State: VA	_ Zip Cod	e: 23230
Telephone: _(804)980-7377		. Fax: _()	
Email: zlkennedy1@gmail.com				
1005 Montours Hill	to Boulevard			
Property Owner: 1005 Westover Hi	is boulevaru	ielle Kennedy menege	•	
If Business Entity, name and tit	le of authorized signee; Dai	neire Rennedy, manage		
(The person or persons executing or at she has or have been duly authorized a			ne Company	certifies that he or
Mailing Address: 4809 W Grace Stre	eel			
City: Richmond		State: VA	_ Zip Code	23230
Telephone: _(804)980-7377		Fax: _()	
Email: zlkennedy1@gmail.com				
	2/			
Property Owner Signature:			_	
The names addresses telephone avail	Selenatura of all aurana	f blog manager in a	outlead Dis-	المستداة المامية ولهج فرق ورو
The names, addresses, telephone numi sheets as needed. If a legal representa				
photocopied signatures will not be a				

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

Applicant Report:

We believe that the highest and best use for 1005 Westover Hills Boulevard is to be a mixed-use building/Hub that can help support the growth of the local community. The vacant land is currently zoned R-5. The lot is the welcoming parcel from all traffic heading North on Westover Hills Boulevard. It is positioned and presents itself as its own block and is detached from the residential areas to its east. The high traffic volume and odd shape of this lot supports a mixed commercial/residential use much more than a single-family residential use, both from safety and purpose. By providing a mixed-use building, the community will have access to retail, office and residential improvements. The building will support more community connection due to retail/office tenants on the first floor. We aim to partner with local businesses that can encourage community interaction. We envision neighbors patronizing local businesses by foot or bicycle due to its attractive proximity to the wonderful neighborhoods surrounding this area.

The first-floor commercial space will encompass roughly 4,493 square feet and depending on leasing demand may have one or multiple occupants/tenants. The second floor Office Option would offer 3,914 square feet and could accommodate many different office uses for individuals or companies. The second floor Residential Option offers 6 dwelling units that initially intend to be tenant occupied with the option to set up a Condo Association at some point in the future. These units comprise of two 2-bedroom 2-bathroom units (900-1000 sf each) and four 1-bedroom 1-bath units (500-600 sf each). The third floor also offers 6 residential dwelling units with the same layout, sizing and potential for future condo conversion as the second floor.

Addressing Possible Concerns:

a. The proposed special use will not be detrimental to the safety, health, morals and general welfare of the community involved

This lot is located directly on Westover Hills Boulevard. Its current zoning as a single-family residence would have more safety, health, moral and general welfare concerns than a mixed-use development. With the high traffic volume along with its proximity to other commercial buildings there are currently many hazards and negative consequences if the lot's current zoning is implemented. Vehicular speeding, loitering, and trash from local commercial buildings are all factors that will impact a homeowner or tenant if a single-family home were to be built here. Traffic noise, streetlight pollution and privacy are other concerns that would be a constant source of stress and concern if the current use were applied.

However, the proposed building integrates the existing uses being implemented on Westover Hills Boulevard and Forest Hill Avenue. The building will help define the neighborhood and offer a buffer to the neighbors on 48th Street from the street noise, lighting, and unwanted foot traffic that currently exists. The building would be well-lit and encourage more local biking and walking to and from the building. By creating a retail/office space we believe the building will encourage more neighbors to "get out" and socialize and patronize local businesses. By having

more neighbors interacting the safety, health and morals of the area will continue to be a positive impact on the community.

b. The proposed special use will not create congestion in streets, roads, alleys etc.

The proposed building will offer a minimum of 10 off street parking spaces. There are also street parking options on the adjacent road, Dunston Avenue. Although we acknowledge that traffic will increase as people enjoy the businesses located in the building, we do not see it congesting streets, roads, and alleys excessively. We also believe that much of the traffic to the building will be from locals. We believe many of the neighbors will walk or ride bikes. We will provide designated bike racks for "parking" bikes while visiting the property.

c. The proposed special use will not create hazards from fire, panic or other dangers

Developing this property will reduce potential hazards and dangers that presently exist. Currently, the lot is vacant, dark at night, and offers no buffer from the gas station across the street. Having this building in the community will reduce dangers and panic. More people interacting positively in the area will increase the safety for all citizens. With thoughtful ambient lighting we will help transform the inherent evening dangers etc. which will reduce hazards of all types and reduce other potential dangers that currently exist.

d. The proposed special use will not tend to cause overcrowding of land and undue concentration of population

1005 Westover Hills is a large lot. The building footprint will include patio and greenspace. There will be well manicured areas that support a healthy outdoor experience. Patios thoughtfully offered around the building will further create a tranquil experience for individuals to enjoy.

e. The proposed special use will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies etc.

By offering new businesses and homes for City residents to patronize and live in, we believe this will positively impact the schools, parks and playgrounds of the area. This property will encourage positive growth for the community. By offering new business, office, and residential opportunities we believe more individuals will choose to settle in this community for the long term.

f. The proposed special use will not interfere with adequate light and air

This building will buffer residents east of Westover Hills from the nuisance lighting and vehicular noise that currently pollutes the area. We will also be shielding many residents from

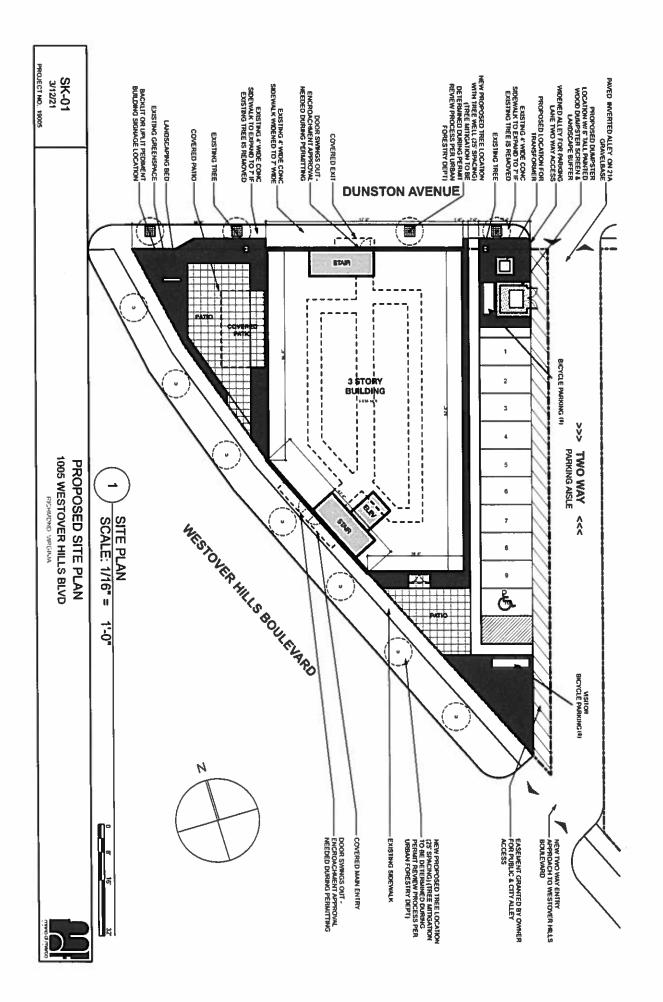
the gas station positioned across the street. With new plantings, thoughtful lighting, and manicured landscaping this property will promote more soothing lighting, less noise and cleaner air.

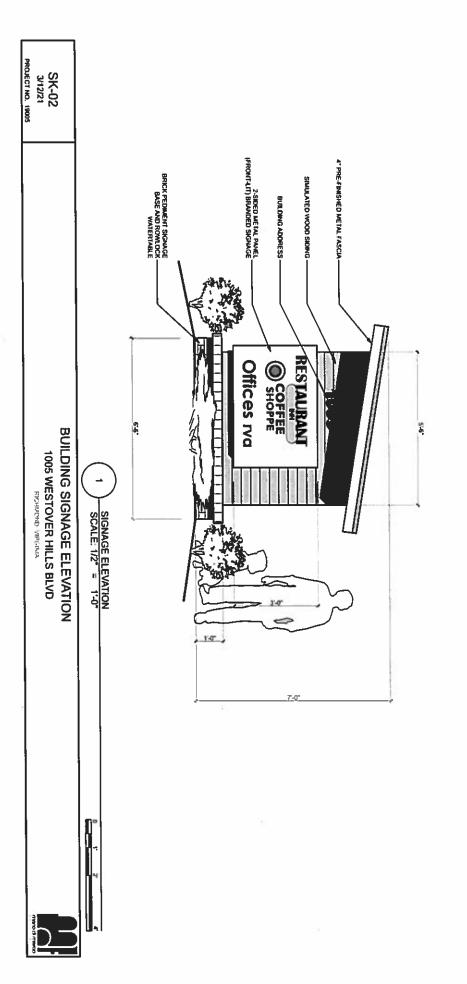
*tenancy for the commercial/office space is unknown at this time

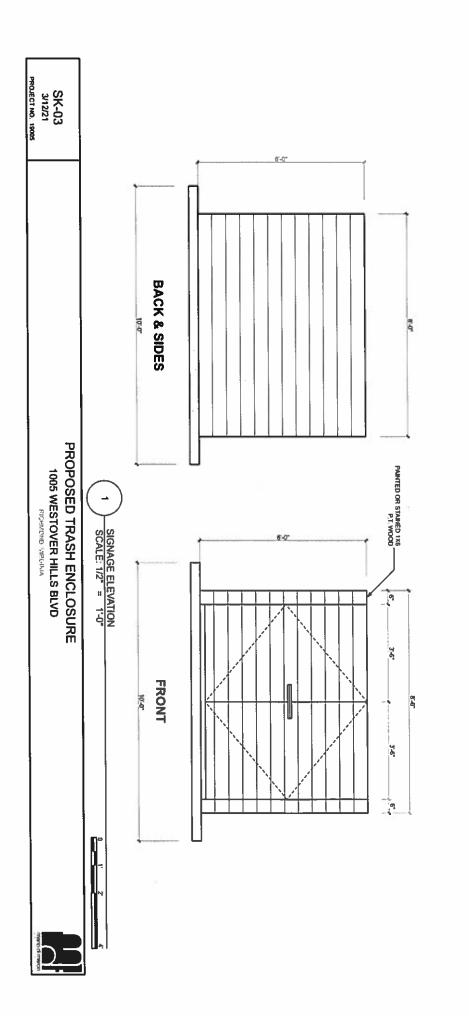
Thank you for the opportunity to present this application. We believe this new development can be an integral part of the future positive growth for the community and hope to receive your support.

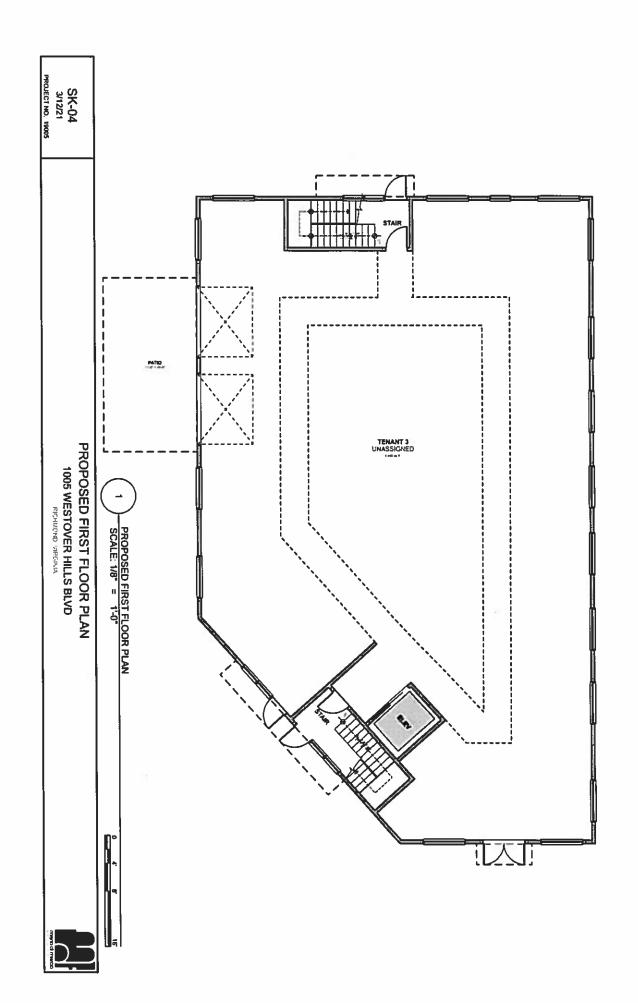
Author: Zach Kennedy

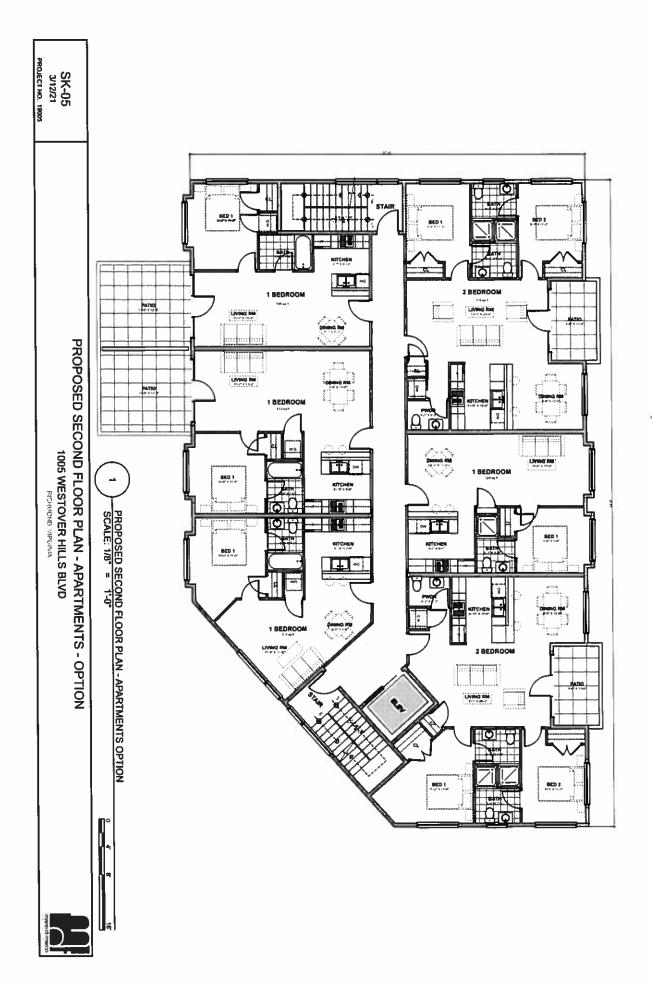
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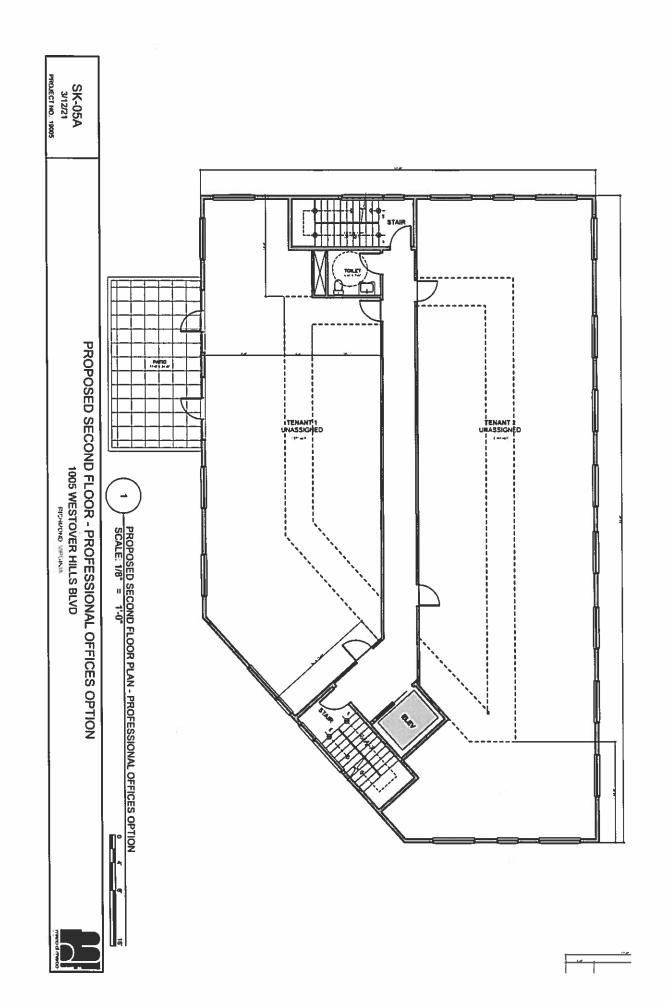






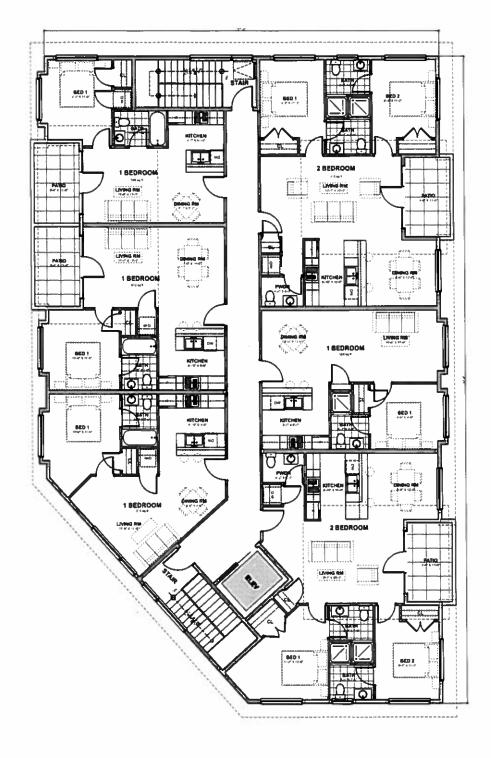




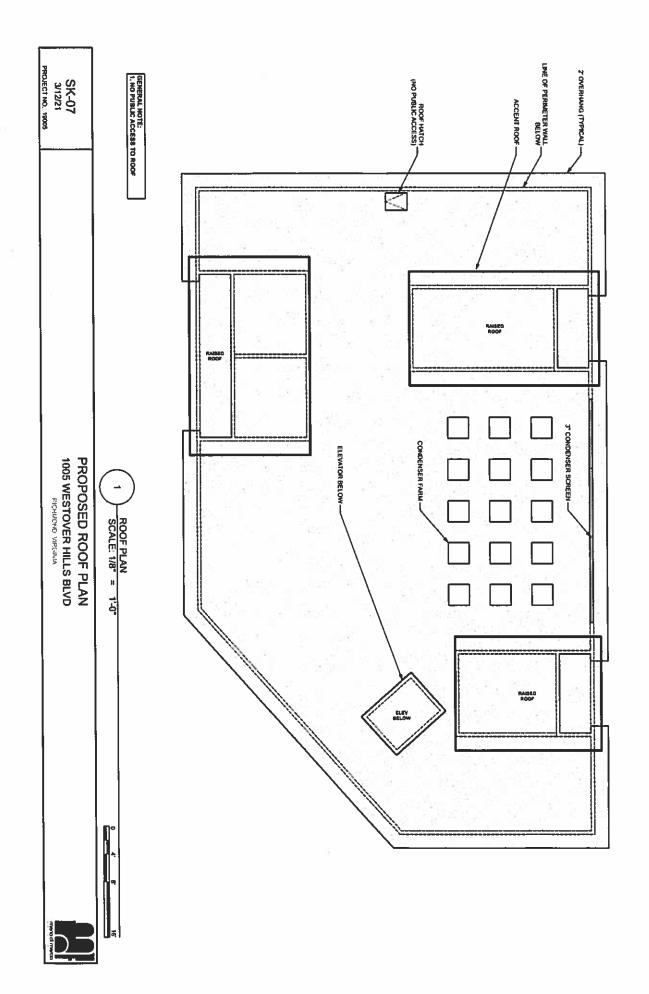


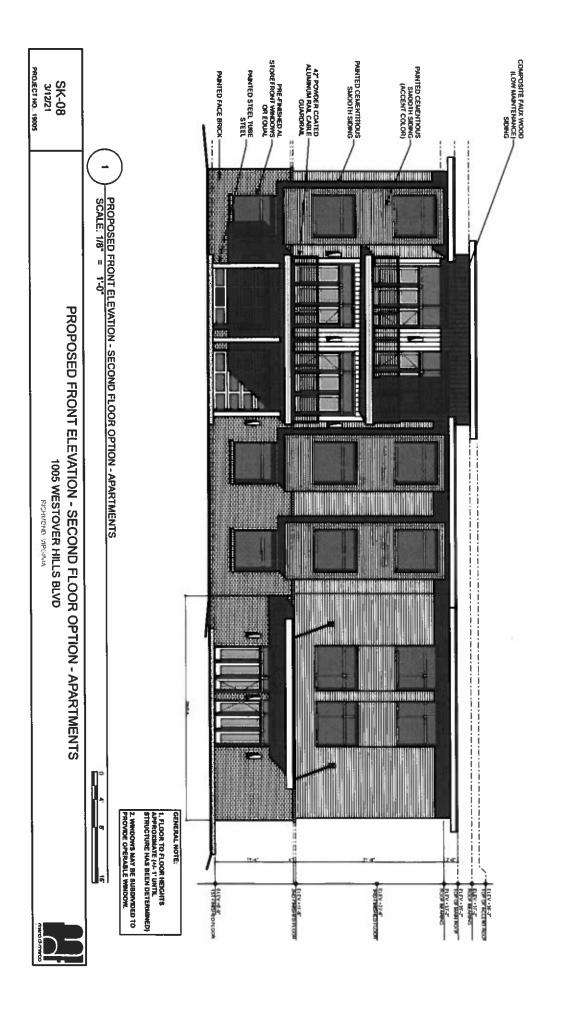
SK-06 3/12/21 PROJECT NO. 19005 PROPOSED THIRD FLOOR PLAN 1005 WESTOVER HILLS BLVD RECHROND VIRGINIA

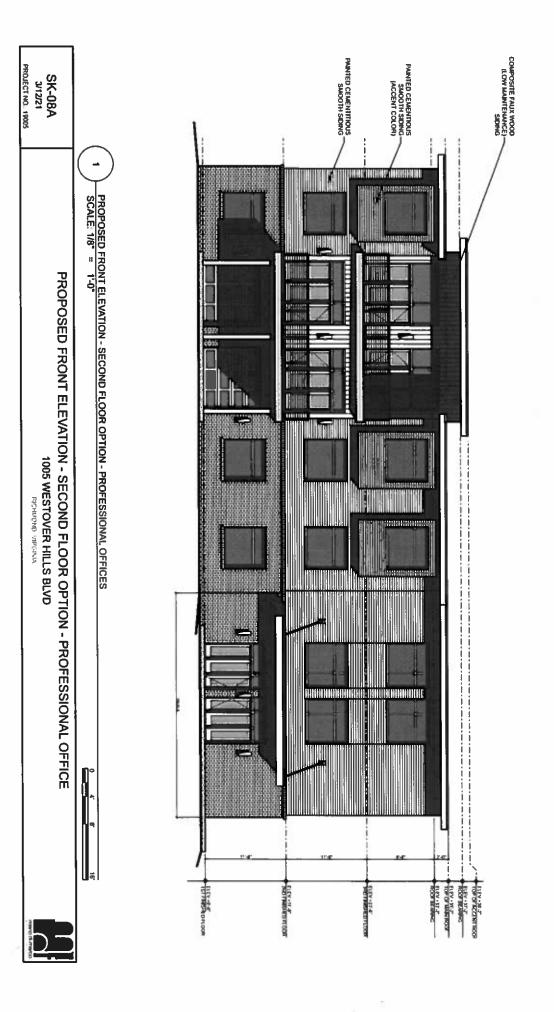












PAINTED CEMENTITIOUS SMOOTH SIDING SK-09 3/12/21 PROJECT NO. 19005 PAINTED CEMENTIOUS SMOOTH SIDING— (ACCENT COLOR) PROPOSED REAR ELEVATION - SECOND FLOOR OPTION - APARTMENTS

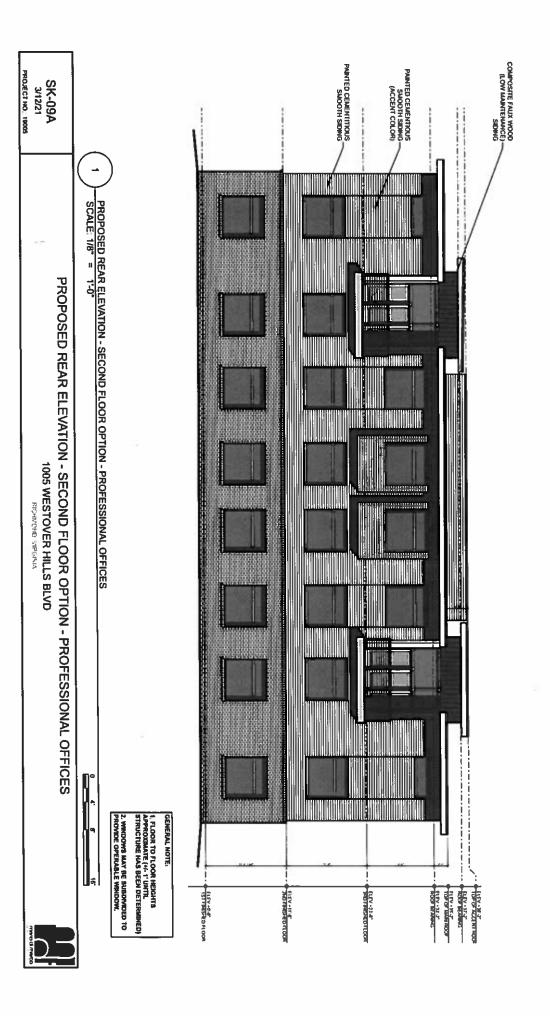
SCALE: 1/8" = 1'-0" PROPOSED REAR ELEVATION - SECOND FLOOR OPTION - APARTMENTS politici de de la Colònia 1005 WESTOVER HILLS BLVD CHARLES HARRIST 1. FLOOR TO FLOOR HEIGHTS
APPROXIMATE (++ T UNTIL
STRUCTURE HAS BEEN DETERMINED) GENERAL NOTE: 2. WHIDOWS MAY BE SUBDIVIDED TO PROVIDE OPERABLE WINDOW. SILVER TO STORY MODIFICATION ACCTACTACTOR (DEC. A.S.O.)

COMPOSITE FALIX WOOD (LOW MAINTENANCE)-SIDING

CONTRACTOR TO THE PROPERTY OF THE PROPERTY OF

ROOF WAS A





PROJECT NO. 19005 SK-10 3/12/21 PROPOSED RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0" PROPOSED RIGHT SIDE ELEVATION 1005 WESTOVER HILLS BLVD HOW IN THE TOTAL WOODS OF SPECIAL STATES PLEV - 15-7 PLEV - 15-7 PLEV - 15-7 PLEV - 15-7 MODIFICATION ASTS SULFA - 23-4" GEMERAL NOTE:

1. FLOOR TO FLOOR HEIGHTS

APPROCISANTE (+-+* UNTIL

STRUCTURE HAS BEEN DETERMINED) 2. WINDOWS MAY BE SUBDIVIDED TO PROVIDE OPERABLE WINDOW.

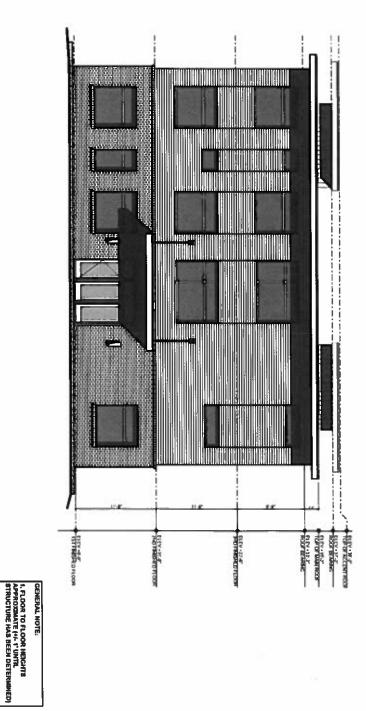
PROVIDE OPERABLE WINDOW.

1005 WESTOVER HILLS BLVD

PROPOSED LEFT SIDE ELEVATION

PROPOSED LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

SK-11 3/12/21 PROJECTING: 19005

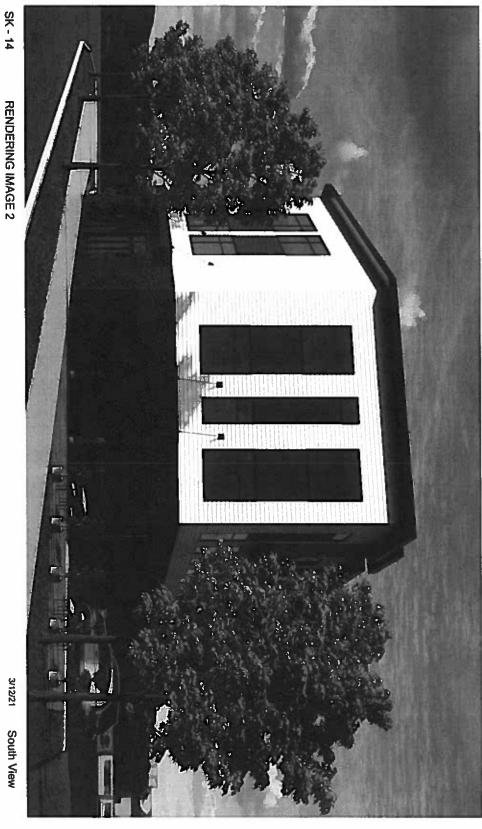


SK - 13

RENDERING IMAGE 1

3/12/21

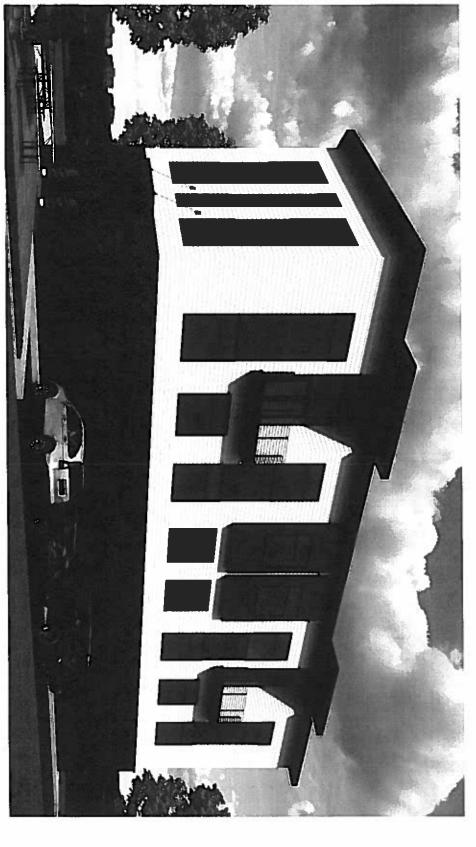
*Office Option Front View



RENDERING IMAGE 2

3/12/21

*Office Option South View

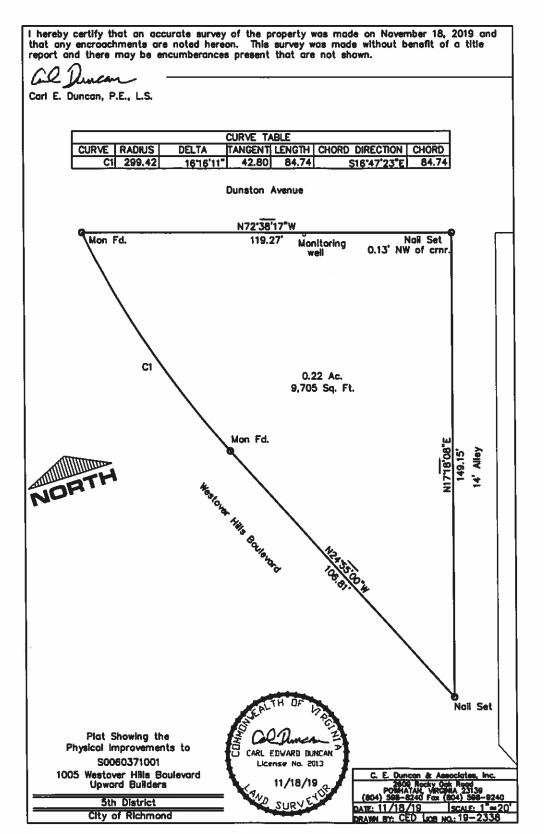


SK - 15

RENDERING IMAGE 3

3/12/21

*Office Option Rear View



SK-12

Survey

3/12/21