



## Legislation Details (With Text)

**File #:** ORD. 2021-182    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Adopted

**File created:** 5/6/2021    **In control:** City Council

**On agenda:** 9/13/2021    **Final action:** 9/13/2021

**Title:** To authorize a Creighton Court Redevelopment Preliminary Community Unit Plan permitting the development of a residential community of up to 700 dwelling units on approximately 38 acres of land located at 3070 Nine Mile Road, 3100 Nine Mile Road, 2101A Creighton Road and portions of adjacent unimproved public rights-of-way in Tate Street and Tuxedo Boulevard, upon certain terms and conditions. (As Amended)

**Sponsors:** Mayor Stoney (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. No. 2021-182 - Amended 20210726, 2. Staff Report, 3. Application, 4. Applicant's Report, 5. Concept Plan, 6. Survey, 7. Community Engagement Report, 8. Map, 9. Resolution, 10. 20210726 Amendment of Ord. No. 2021-182

| Date      | Ver. | Action By           | Action                                   | Result |
|-----------|------|---------------------|--|--------|
| 9/13/2021 | 1    | City Council        | adopted                                  | Pass   |
| 7/26/2021 | 1    | City Council        | amended and continued                    |        |
| 7/6/2021  | 1    | Planning Commission | recommended for approval with amendments | Pass   |
| 6/14/2021 | 1    | City Council        | introduced and referred                  |        |

To authorize a Creighton Court Redevelopment Preliminary Community Unit Plan permitting the development of a residential community of up to 700 dwelling units on approximately 38 acres of land located at 3070 Nine Mile Road, 3100 Nine Mile Road, 2101A Creighton Road and portions of adjacent unimproved public rights-of-way in Tate Street and Tuxedo Boulevard, upon certain terms and conditions. (As Amended)

WHEREAS, approximately 38 acres of land comprised of the parcels known as 3070 Nine Mile Road, 3100 Nine Mile Road, and 2101A Creighton Road, identified as Tax Parcel Nos. E000-0953/025, E000-0955/001, and E000-0955/002, respectively, in the 2021 records of the City Assessor, and including private rights-of-way known as Walcott Place and Bunche Place, along with portions of adjacent unimproved public rights-of-way in Tate Street and Tuxedo Boulevard, are as shown on a survey entitled "Boundary Survey of Parcels Comprising the Creighton Court Housing Development, City of Richmond, Virginia," prepared by H&B Surveying and Mapping, LLC, and dated February 10, 2021, all of which parcels together are hereinafter referred to as the "Property"; and

WHEREAS, the owner of the Property has submitted to the City Planning Commission a plan to develop a residential community of up to 700 dwelling units on the Property (the “Project”); and

WHEREAS, the City Planning Commission, after holding a public hearing on the proposed community unit plan, approved that plan as a Preliminary Community Unit Plan, based upon written findings of fact as set out in a resolution, which has been transmitted to the City Council as required by section 30-456.5 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, the City Council concurs in the findings of fact made by the City Planning Commission;  
NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That pursuant to section 17.10(g) of the Charter of the City of Richmond (2020), as amended, and Chapter 30, Article IV, Division 30 of the Code of the City of Richmond (2020), as amended, the development and use of the Property, generally in accordance with a plan entitled “Creighton Court Redevelopment, Community Unit Plan, Richmond, Virginia,” prepared by Urban Design Associates, and dated April, 2021, (the “Preliminary Plan”), a copy of which plan is attached to and made a part of this ordinance, is hereby approved and permitted as the Preliminary Community Unit Plan for the Property, subject to the following standards, terms, and conditions:

**I. DEVELOPMENT CONCEPT:**

A. The Preliminary Community Unit Plan for development of the Property is depicted

B. on the Preliminary Plan. The Preliminary Plan generally depicts the locations of single- family dwelling lots, multi-family dwelling lots, parking areas, community common areas and buildings, public street and alley network, and open space.

C. Where specific standards are set forth in this ordinance exceed or modify standards for features shown on the Preliminary Plan, this ordinance shall prevail. Any approval by the City Planning Commission, without conditions, of a preliminary subdivision plat depicting the final lot layout for any single-family

dwelling units or multi-family dwellings, community common areas, open space, and adjacent roads for one or more phases of the subdivision shall be deemed, for purposes of this ordinance, to be a Community Unit Plan Final Plan approval for such improvements, unless the Secretary of the City Planning Commission disapproves the resulting final subdivision plat, in which event new approval by the City Planning Commission of the Community Unit Plan Final Plan shall be required. Any Community Unit Plan Final Plan with respect to the Property, including any submitted preliminary subdivision plat for any portion of the Property, is referred to herein as a "Final Plan." Any Final Plan submitted for approval shall include as much detail as necessary to show compliance with all development concepts and standards either shown on the Preliminary Plan or included in this ordinance.

**II. MAXIMUM RESIDENTIAL DENSITY:** Residential use of the Property shall be limited to a maximum of 700 dwelling units, developed as single-family dwellings and multi-family dwellings generally as depicted on the Preliminary Plan, provided that the mix of multi-family building types and single-family dwellings as depicted on the Preliminary Plan may change during development of the Project.

**III. PHASING:** Residential construction on the Property may be developed in phases.

**IV. DWELLING UNIT DEVELOPMENT STANDARDS:**

A. **GENERALLY:** The dwellings on the Property shall be configured, designed, and constructed generally in conformance with the Preliminary Plan and shall adhere to the following standards:

1. *Single-family dwellings.* Single-family dwellings shall be located on lots of not less than 1,100 square feet in area. Lot width shall be not less than 16 feet, and lot depth shall be not less than 70 feet. There shall be a front yard with a depth of not less than 5 feet. In the case of corner lots, the front yard will be required only on one street frontage, generally as shown on the Preliminary Plan. There shall be side yards of not less than 3 feet in width, except where buildings are attached, including, but not limited to, corner lots. There shall be a rear yard with a depth of not less than 5 feet. Lot coverage shall not exceed 80 percent of the area of the lot.

2. *Multifamily dwellings.* There shall be a front yard with a depth of not less than 10 feet. In the case of corner lots, the front yard will be required only on one street frontage, generally as shown on the Preliminary Plan. There shall be side yards of not less than 5 feet in width, including, but not limited to, corner lots. The distance between two buildings erected on the same lot shall not be less than 6 feet, except where buildings are attached. There shall be a rear yard with a depth of not less than 5 feet. Lot coverage shall not exceed 80 percent of the area of the lot.

3. *Street Frontage.* Lots may front on common courts when other lot access is available, as generally shown on the Preliminary Plan, and when the means of access to each lot is approved by the Director of Public Works, the Chief of Police, and the Chief of Fire and Emergency Services and when appropriate right-of-way, easements, agreements or covenants approved as to form by the City Attorney provide for permanent public access

and continued maintenance.

4. The quantity and location of each of the above unit types may vary from the Preliminary Plan, but may not exceed the total number of dwelling units approved through this ordinance.

B. NON-DWELLING USES: Leasing office, management office, and amenity uses that serve the development as a whole shall be permitted as principal uses when located in a community amenity building as shown on the Preliminary Plan. Any leasing and management facility use shall adhere to the following standards:

1. There shall be a front yard with a depth of not less than 5 feet. In the case of corner lots, the front yard will be required only on one street frontage, generally as shown on the Preliminary Plan. There shall be side yards of not less than 3 feet in width, including, but not limited to, corner lots.

2. No building or structure shall exceed 25 feet in height

C. ACCESSORY USES:

1. Accessory structures that are customarily incidental and clearly subordinate to the

dwelling uses permitted by this ordinance, as described in Sec. 30-402.2 of the Code of the City of Richmond (2020), as amended, are permitted.

2. Accessory structures shall not exceed 12 feet in height.

3. Accessory structures may be located within a required rear yard, but not within 5 feet of an alley, provided that where the rear yard abuts a side lot line of an adjoining lot, no such accessory structure shall be located nearer such side lot line than a distance equal to the minimum side yard required on the adjoining lot.

4. Accessory structures may be located in the portion of a required side yard

5. situated within 30 feet of the rear lot line but no closer than 2 feet to the side lot line unless attached to an accessory structure on the adjacent lot by a common wall.

6. Neither accessory structures that are customarily incidental and clearly subordinate to the single-family dwellings nor additions to the single-family dwellings shall be subject to Final Plan approval.

7. Garages shall be side or rear loaded where an alley is accessible. For garages not served by alleys, the front of a garage shall be set back at least 18 feet from the front façade of the dwelling unit.

D. BUILDING HEIGHT: No multifamily building shall exceed four stories or 60 feet in height, whichever is higher. Single-family dwellings shall not exceed a height of 35 feet. The terms “building height” (or “height of building”), “story,” and “story height” shall be interpreted to have the meanings ascribed to those terms 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.

E. EXTERIOR BUILDING MATERIALS: The exteriors of the single-family dwellings, the multi-family dwellings, nondwelling uses, and the accessory structures shall be constructed with brick, stone, cementitious siding, wood, [solid vinyl (with a minimum wall thickness of 0.044 inches),] or an equivalent

material as may be approved as part of the Final Plan submittal. Secondary materials shall be restricted to three coat smooth finish stucco, wood siding, vinyl cladding, or aluminum cladding, and these materials may be used for exterior trim, windows, and soffits only. Roofing materials shall consist of architectural asphalt shingles, thermoplastic polyolefin (TPO) or an equivalent material.

F. ELEVATIONS: The single-family dwellings and multi-family dwellings shall be generally compatible in architectural style with the elevations shown in the Preliminary Plan or an equivalent alternative architectural style and the overall development shall include a variety of exterior building materials as permitted pursuant to subsection (IV)(D), all consistent with design guidelines approved as part of the Final Plan.

G. PORCHES: All porches or stoops fronting on a street shall have a minimum depth of six feet. Porches or stoops, including, without limitation, covered porches, may encroach up to 10 feet into a required front or side yard, except that no such encroachment may be closer than 2 feet to a side lot line shared with an adjacent residential use.

H. DOORS: Each single-family dwelling unit shall have a secondary egress door to the side yard or rear yard of the lot.

I. HVAC: All heating, ventilation, and air conditioning equipment serving individual lots shall be located or screened so as not to be visible from any public right-of-way.

I. LANDSCAPING: Any landscaping and hardscaping in the open space areas shall be generally consistent with the Preliminary Plan.

**V. PUBLIC IMPROVEMENTS:** Public improvements depicted on the Preliminary Plan shall be provided following their approval as part of a Final Plan.

A. STREETS: All streets shall be dedicated public right-of-way and shall be configured substantially as shown on the Preliminary Plan, including, but not limited to, utilizing reduced road centerline radii, intersection spacing, and alternative street sections as shown on pages 10 and 11 of the Preliminary Plan.

B. ALLEYS: The Preliminary Plan depicts certain alleys which shall be dedicated public right-of-way with a 16-foot minimum paved width and a 20-foot minimum right-of-way width. Alley configuration shall be substantially as shown on the Preliminary Plan, including, but not limited to, reduced alley centerline radii, intersection spacing, and alternative turnarounds.

C. SIDEWALKS: Six-foot wide sidewalks shall be provided on both sides of all new streets, substantially as shown on the Preliminary Plan.

D. LIGHTING: New pedestrian-scale ornamental streetlight fixtures, as approved by the Department of Public Utilities, shall be installed along all new streets within the right-of-way or an easement. New cobra head light fixtures shall not be permitted except as required within public alleys. All existing cobra head light fixtures within public streets shall be replaced with pedestrian-scale ornamental fixtures.

E. STREET TREES: Deciduous shade trees planted approximately 40 feet apart for large trees or 25 feet apart for medium trees on center in a minimum four-foot-wide planting strip between the sidewalk and the curb within the right-of-way shall be required. The final location of street trees shall be generally as shown on the Preliminary Plan, shall not conflict with the placement of utilities, and shall be subject to the requirements of the City Arborist.

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

G. COMPLETION OF IMPROVEMENTS IN EXISTING PUBLIC RIGHT-OF-WAY: All improvements required by this subsection (V) that will be located within public right-of-way shall be completed substantially as shown on the Preliminary Plan, unless otherwise required by the Director of Public Works. These 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 and any applicable requirements of the Director of Public Utilities, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (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 subdivision (G) provides, all improvements and work required by and meeting the requirements of this subsection (V). The final certificate of use and occupancy for the Project, or the applicable phase thereof, shall not be issued until all requirements of this subdivision (G) are fully satisfied.

**VI. MINIMUM OPEN SPACE:** Open space, as generally shown on page 4 of the Preliminary Plan shall be provided and may include active and passive recreational components. Final plans for any open space shall be submitted as part of each Final Plan for a portion or portions of the Project.

**VII. SCREENING:** Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Dumpster facilities must be screened with opaque structural or vegetative materials so as not to be visible from adjacent properties in an R, RO, HO, I or OS District, or from any public street or other public space. Such enclosure or screening shall be designed as to prevent trash or refuse from blowing onto other areas of the site or onto adjacent property or public streets or spaces. In no case shall chain link fences be used to satisfy the dumpster screening requirement.

**VIII. PARKING:** Parking shall be provided for each dwelling as follows:

A. There shall be a ratio of no less than one off-street parking space for each two dwelling units.

B. No driveway intersecting a street which constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this subdivision (B), the term “principal street frontage” shall be interpreted to have the meaning ascribed to that



term 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.

C. Where on-street parking spaces are not defined by curb bump-outs, on-street parking spaces shall not be within ten feet of crosswalks, stop signs, or traffic control signals.

**IX. NORMAL ZONING:**

A. Except as specifically provided otherwise by this ordinance, the zoning regulations prescribed by Chapter 30 of the Code of the City of Richmond (2020), as amended, for the district in which the Property is situated shall apply.

B. The Final Plan application for the first phase of development of the Project must be submitted to the Department of Planning and Development Review within five years after the effective date of this ordinance. In the event the required application is not submitted to the Department of Planning and Development Review within five years after the effective date of this ordinance, this ordinance shall be null and void and of no further effect.

C. Applications for building permits for the first phase of development must be submitted within five years of the date of City Planning Commission approval of the initial Final Plan. Plans submitted for building permit approval shall be substantially in conformance with the Final Plans approved by the City Planning Commission. In the event the required submission is not made within five years of the date of City Planning Commission approval of the initial Final Plan, this ordinance shall be null and void and of no further effect.

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

**O & R Request**

**DATE:** May 14, 2021

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)

(This in 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, Dept. of Planning and Development Review

**RE:** To authorize a Creighton Court Redevelopment Preliminary Community Unit Plan permitting the development of a residential community of up to 700 dwelling units on approximately 38 acres of land located at 3100 Nine Mile Road, 3070 Nine Mile Road, 2101A Creighton Road and portions of adjacent unimproved public rights-of-way in Tate Street and Tuxedo Boulevard, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize a Creighton Court Redevelopment Preliminary Community Unit Plan permitting the development of a residential community of up to 700 dwelling units on approximately 38 acres of land located at 3100 Nine Mile Road, 3070 Nine Mile Road, 2101A Creighton Road and portions of adjacent unimproved public rights-of-way in Tate Street and Tuxedo Boulevard, upon certain terms and conditions.

**REASON:** The applicant is requesting a Community Unit Plan to facilitate the redevelopment of the Creighton Court public housing community into a mixed-income residential community with up to 700 dwelling units. The proposed community does not meet all of the underlying zoning regulations, therefore the applicant is seeking a Community Unit Plan in order to create development standards that are customized to the proposed urban form of development.

**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 July 6, 2021, meeting.

**BACKGROUND:** The subject property contains 38 acres and is currently improved with many two-story multi-family buildings that contain 504 income-restricted dwelling units. The property is located in the Creighton and is located north of Nine Mile Road, west of Interstate 64, and south and east of North 29th Street, and is bisected by Creighton Road.

The subject property is located within the R-53 Multi Family Residential District. The density, yards, and other features of the proposed development do not conform to the requirements of the R-53 Multi-Family Residential District.

The Richmond 300 Master Plan recommends a future land use of “Neighborhood Mixed-Use” for the property. New developments on larger parcels should continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. Setbacks, plazas and parks help to create a sense of place and community gathering area. Buildings types vary, but new construction should generally complement the existing context. Buildings heights generally range from two to four stories, with taller buildings along major streets. The ground floors of buildings should engage the street with features such as street-oriented facades with windows and door openings along street frontages. Appropriate setbacks, open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses. The primary uses recommended for Community Mixed-Use are single-family residential, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary uses include large multi-family buildings (10+ units), retail/office/personal service, institutional, cultural and government uses. Pedestrian, bicycle, and transit access must be prioritized and bike parking should be provided.

The portion of Nine Mile Road that abuts the property is designated as a “Major Mixed-Use Street” on the “Great Streets

and Street Typologies Map” in Richmond 300. As such, secondary uses and taller buildings are appropriate along this frontage.

Single-family residential and institutional uses exist to the north and west of the subject property. Interstate 64 exists to the east of the subject property, and the Oakwood Cemetery, Armstrong Renaissance mixed-income residential community, and single-family residential uses exist to the south of the subject property, across Nine Mile Road.

**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:** \$5,600 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** June 14, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** July 26, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
July 6, 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, Conceptual Plan, Map, Community Engagement Report

**STAFF:** Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646 4856  
Matthew Ebinger, Principal Planner, Land Use Administration (Room 511) 646 6308

Key Issues:  
Retain on Consent Agenda  
Move to Regular Agenda  
Refer Back to Committee  
Remove from Council Agenda  
Strike      Withdrawn      Continue to: