



Legislation Text

File #: ORD. 2022-052, **Version:** 1

To amend and reordain Ord. No. 2021-018, adopted Feb. 22, 2021, which authorized the special use of the properties known as 5300 Rear Hull Street Road, 5311 Warwick Road, 5315 Warwick Road, and 5323 Warwick Road for the purpose of up to 65 single-family attached dwellings, to instead authorize up to 73 single-family attached dwellings, upon certain terms and conditions. (9th District)

I. That Ordinance No. 2021-018, adopted February 22, 2021, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the properties known as 5300 Rear Hull Street Road, which is situated in a R-48 Multifamily Residential District, and 5311 Warwick Road, 5315 Warwick Road, and 5323 Warwick Road, which are situated in a R-4 Single-Family Residential District, desires to use such properties for the purpose of up to ~~[65]~~ 73 single-family attached dwellings, which use, among other things, is not currently allowed by section 30-408.1 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause 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 properties known as 5300 Rear Hull Street Road, 5311 Warwick Road, 5315 Warwick Road, and 5323 Warwick Road and identified as Tax Parcel Nos. C007-0176/072, C007-0176/039, C007-0176/037, and C007-0176/033, respectively, in the [2021] 2022 records of the City Assessor, being more particularly shown on a survey entitled “A Plat Showing Three Parcels Totaling 7.116 Acres of Land West of Warwick Road and North of Hull Street, City of Richmond, Virginia,” prepared by Timmons Group, and dated September 23, 2020, a copy of which is attached to a made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of up to [65] 73 single-family attached dwellings, substantially as shown on the plans entitled “Townhomes at Warwick Place III, 9th District - City of Richmond - Virginia,” prepared by Timmons Group, with sheet 1 dated December 21, 2020, and last revised February 11, 2022, sheet 2 dated [October 7, 2020] December 21, 2020,

~~and last revised February 11, 2022, sheet 3 dated [October 7, 2020] December 21, 2020, and last revised [January 15, 2021] February 11, 2022, and sheet 4, dated December 21, 2020, and last revised February 11, 2022, and “Warwick Ridge, Juniper,” prepared by an unknown preparer, and undated, attached to and made a part of this amendatory ordinance, [and sheet L1.0 dated January 15, 2021, and “Townhomes at Warwick Place III, 5315 Warwick Road, Richmond Virginia, 23234,” prepared by Walter Parks, Architects, with sheets A.1 through A.3 dated October 6, 2020, and sheet A.5 dated October 19, 2020,]~~ hereinafter referred to, collectively, as “the Plans~~[,]~~”~~[copies of which are attached to and made a part of this ordinance.]~~

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as up to ~~[65]~~ 73 single-family attached dwellings, substantially as shown on the Plans.

(b) No fewer than one and a half parking ~~[space]~~ spaces per dwelling shall be provided for the Special Use ~~[and may be provided through the use of driveways and on-street parking],~~ substantially as shown on the Plans.

(c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans. Vinyl siding shall not be a permitted building material.

(d) The height of the Special Use shall not exceed ~~[the height]~~ two stories, substantially as shown on the Plans.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) A walkway shall be provided for each dwelling from the front entrance of the dwelling to the sidewalk.

(g) Prior to the issuance of any certificate of occupancy for the second single-family attached dwelling of the Special Use, the subdivision of up to ~~[65]~~ 73 residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 4. Supplemental Terms and Conditions. This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then

situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

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

O & R Request

DATE: January 31, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

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

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To amend and authorize the special use of the properties known as 5300 Rear Hull Street, 5323 Warwick Road, 5311A Warwick Road, 5311 Warwick Road, and 5315 Warwick Road for the purpose of up to 73 single-family attached dwelling units, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and authorize the special use of the properties known as 5300 Rear Hull Street, 5323 Warwick Road, 5311A Warwick Road, 5311 Warwick Road, and 5315 Warwick Road for the purpose of up to 73 single-family attached dwelling units, upon certain terms and conditions.

REASON: The applicant is proposing to amend a current Special Use Permit which originally authorized 65 single-family attached dwellings with off-street parking, to authorize 73 single-family attached dwellings with off-street parking.

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

BACKGROUND: The subject properties consist of vacant parcels that are a combined 310,017 SF, or 7.1 acres. The property is a part of the Swanson neighborhood, with frontage on Warwick Road between Hodges Road and Hull Street Road.

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

The Plan designates a future land use for the 5300 Rear Hull Street property as Corridor Mixed Use. Corridor Mixed Use is found along major commercial corridors and envisioned to provide for medium to medium high density, pedestrian and transit oriented development. Primary uses include retail/office/personal service, multi-family residential, cultural, and open space. Secondary uses include Single family houses, institutional, and government.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 28, 2022

CITY COUNCIL PUBLIC HEARING DATE: March 28, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
March 21, 2022

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2021-018

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

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: