



## Legislation Details (With Text)

<b>File #:</b>	ORD. 2019-351	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Adopted	
<b>File created:</b>	10/24/2019	<b>In control:</b>		City Council	
<b>On agenda:</b>	1/13/2020	<b>Final action:</b>		1/13/2020	
<b>Title:</b>	To amend Ord. No. 2015-5-30, adopted Feb. 9, 2015, which authorized a Preliminary Community Unit Plan permitting the development of a residential community of up to 300 dwelling units on approximately 21.76 acres of land located at 1501 North 31st Street and 1611 North 31st Street, to modify the phasing requirements.				
<b>Sponsors:</b>	Mayor Stoney (By Request)				
<b>Indexes:</b>	Community Unit Plan				
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ord. No. 2019-351, 2. Staff Report, 3. Resolution, 4. Application Form, 5. Applicant's Letter, 6. Phasing Diagram, 7. Map				

Date	Ver.	Action By	Action	Result
1/13/2020	1	City Council	adopted	Pass
1/6/2020	1	Planning Commission	recommended for approval	
12/9/2019	1	City Council	introduced and referred	

To amend Ord. No. 2015-5-30, adopted Feb. 9, 2015, which authorized a Preliminary Community Unit Plan permitting the development of a residential community of up to 300 dwelling units on approximately 21.76 acres of land located at 1501 North 31<sup>st</sup> Street and 1611 North 31<sup>st</sup> Street, to modify the phasing requirements.

I. That Ordinance No. 2015-5-30, adopted February 9, 2015, be and is hereby amended and reordained as follows:

WHEREAS, approximately 21.76 acres [~~located at 1501 North 31<sup>st</sup> Street and 1611 North 31<sup>st</sup> Street are identified as Tax Parcel Nos. E000-3312/005 and E000-3312/006 in the 2014 records of the City Assessor and]~~ are shown as Parcel A on a survey entitled "Boundary Survey Showing the Exterior Limits of Several Parcels of Land Lying on the East Line of N. 31<sup>st</sup> Street Containing 22.41± Acres," prepared by H&B Surveying and Mapping, LLC, dated October 1, 2014, and last revised November 10, 2014 (the "Property"), a copy of which is attached to and made a part of Ordinance No. 2015-5-30, adopted February 9, 2015; and

WHEREAS, the owner of the Property has submitted to the City Planning Commission a request to

develop a residential community of up to 300 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 dated and adopted by the City Planning Commission on [January 5, 2015] \_\_\_\_\_, \_\_\_\_\_, a copy of which resolution is attached to this amendatory ordinance; 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 (2019), as amended, and Article IV, Division 30 of Chapter [44] 30 of the Code of the City of Richmond [(2004)] (2015), as amended, the development and use of the Property, generally in accordance with a plan entitled “Old Armstrong High School - Community Unit Plan Preliminary Plan,” prepared by Torti Gallas and Partners, Inc., and dated December 18, 2014 (the “Preliminary Plan”), a copy of which plan is attached to and made a part of [this ordinance] Ordinance No. 2015-5-30, adopted February 9, 2015, 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:** The Preliminary Community Unit Plan for development of the Property is depicted on the Preliminary Plan. The Preliminary Plan generally depicts the locations of single-family detached dwelling unit lots, single-family attached dwelling unit lots, multifamily lots, community building common areas, public street and alley network, and open space.

Where specific standards are set forth in this ordinance that exceed or modify standards for features shown on the Preliminary Plan, this ordinance shall prevail. The multifamily dwellings, the community building and the various neighborhood park development phases shall be subject to Community Unit Plan Final Plan approval. Any tentative approval of a subdivision plat depicting the final lot layout for any single-family dwellings 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. Any Community Unit Plan Final Plan with respect to the Property, including any tentative subdivision plat for any portion of the Property, shall be 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 as shown on the Preliminary Plan and as may be included in this ordinance.

**II. MAXIMUM RESIDENTIAL DENSITY:** Residential use of the Property shall be limited to a maximum of 300 dwelling units, developed as single-family attached dwellings, single-family detached dwellings and multifamily dwellings substantially as depicted on the Preliminary Plan. There shall be a minimum of 50 single-family dwellings developed on the Property. There shall be a maximum of 250 multifamily dwelling units developed on the Property.

**III. PHASING:** Residential construction on the Property may be developed in phases. ~~[Each phase]~~ Phase 1A and Phase 1B of the development, as shown on the exhibit entitled “Church Hill North Revitalization, Phasing Diagram,” prepared by Torti Gallas and Partners, Inc., and dated December 2, 2016, a copy of which is attached to and made a part of this amendatory ordinance, shall include sufficient single-family dwelling units so that cumulatively there are a minimum of 16 percent single-family dwelling units and a maximum of 84 percent multifamily dwelling units. Certificates of use and occupancy shall not be issued for more than 85 percent of the multifamily dwelling units constructed in ~~[each phase]~~ Phase 1A and Phase 1B of the development until such time as building permits have been issued and the construction has commenced on the required single-family dwelling units either cumulatively or in that phase of development. The community center and the “formal” open space, as shown on the ~~[attached]~~ Preliminary Plan attached to Ordinance No. 2015-5-30, adopted February 9, 2015, shall be provided prior to the issuance of a certificate of use and occupancy for the 150<sup>th</sup> dwelling unit. The final certificate of use and occupancy for the last multifamily ~~[dwellings]~~ dwellings shall not be issued until such time as building permits have been issued and the construction has commenced on ~~[the required 50]~~ at least 20 single-family dwellings.

#### **IV. DWELLING UNIT DEVELOPMENT STANDARDS:**

A. SINGLE-FAMILY DWELLING UNITS: There shall be a minimum of 50 single-family dwelling units. The single-family dwellings on the Property shall be configured, designed and constructed substantially in conformance with the Preliminary Plan and shall adhere to the following standards:

(1) Single-family detached dwellings. Single-family detached dwellings shall be located on lots of not less than 3,200 square feet in area with a width of not less than 32 feet. There shall be a front yard with a depth of not less than ten feet and not greater than 20 feet. There shall be side yards of not less than six feet in width. There shall be a rear yard with a depth of not less than five feet. Lot coverage shall not exceed 55 percent of the area of the lot.

(2) Single-family attached dwellings. Single-family attached dwellings shall be located on lots of not less than 1,600 square feet in area. Lot width shall be not less than 16 feet, except that the width of any lot at the end of a series of attached units shall not be less than 22 feet. There shall be a front yard with a depth of not less than ten feet and not greater than 20 feet. There shall be side yards of not less than three feet in width except where buildings are attached. There shall be a rear yard with a depth of not less than five feet. Lot coverage shall not exceed 55 percent of the area of the lot.

(3) Street Frontage. Single-family lots may front on common courts when public alley access is available, as 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 easements, agreements or covenants approved as to form by the City Attorney provide for permanent public access and continued maintenance.

B. MULTIFAMILY DWELLING UNITS: There shall be a maximum of 250 multifamily dwelling units. The multifamily dwellings shall consist of three building types located on bulk lots: Apartment Buildings, Stacked Flats and Townhouses. The multifamily dwellings shall be configured, designed and constructed substantially in conformance with the Preliminary Plan, provided that the City Planning Commission may

approve adjustments to the location of the Stacked Flats and Townhouses at the time of Final Plan approval.

The multifamily dwellings shall adhere to the following building type standards:

(1) Apartment Buildings. Apartment Buildings are those buildings that contain more than three dwelling units. There shall not be more than two Apartment Buildings. The Apartment Buildings shall contain no more than 55 dwelling units in each building. One Apartment Building shall be elderly housing intended to provide housing for elderly persons, as defined by the provisions regarding the three classes of housing for older persons exempt from the prohibition on exclusion of families with children under the United States Fair Housing Act, but subject to any applicable requirements of any United States Department of Housing and Urban Development financing source that prohibits the exclusion of elderly families and any United States Department of Housing and Urban Development consent, if required. Dwelling units in the Apartment Buildings shall have a minimum floor area of 600 square feet. The floor area ratio for the Apartment Buildings shall not exceed 1.2. There shall be a front yard with a depth of not less than ten feet. There shall be side yards of not less than seven feet in width. There shall be a rear yard with a depth of not less than seven feet.

(2) Stacked Flats. Stacked Flats are those buildings that contain two or three dwelling units, may be either attached or detached and are located on the same lot with other townhouses or stacked flats or both. There shall be not more than 43 Stacked Flat buildings. The Stacked Flats shall contain no more than 86 dwelling units combined. Dwelling units in the Stacked Flat buildings shall have a minimum floor area of 600 square feet. Stacked Flats shall have a minimum building width of 16 feet. There shall be a front yard with a depth of not less than ten feet and not greater than 20 feet. There shall be side yards of not less than six feet in width except where buildings are attached. Where two or more buildings are erected on the same lot, the distance between any two such buildings shall be not less than 12 feet except where buildings are attached. There shall be a rear yard with a depth of not less than five feet.

(3) Townhouses. Townhouses are those buildings that contain one dwelling unit, may be either attached or detached and are located on the same lot with other Townhouses or Stacked Flats or both. There shall be a maximum of 80 Townhouses. Townhouses shall have a minimum floor area of 950 square feet. Townhouses shall have a minimum building width of 16 feet. There shall be a front yard with a depth of not less than ten feet and not greater than 20 feet. There shall be side yards of not less than six feet in width except where buildings are attached. Where two or more buildings are erected on the same lot, the distance between any two such buildings shall be not less than 12 feet except where buildings are attached. There shall be a rear yard with a depth of not less than five feet.

(4) Lot Coverage and Open Space. Usable open space of not less than 30 percent of the area of the lot shall be provided for multifamily dwellings. Lot coverage for multifamily dwellings shall not exceed 70 percent of the area of the lot.

C. ACCESSORY USES:

(1) Accessory uses and structures, which are customarily incidental and clearly subordinate to the dwelling uses permitted by this ordinance and which are set forth as permitted accessory uses and structures in the R-1 Single-Family Residential District by Chapter ~~[114]~~ 30 of the Code of the City of Richmond ~~[(2004)]~~ (2015), as amended, shall be permitted.

(2) Parking areas located on lots occupied by permitted dwelling uses or on individual lots when such parking areas serve dwelling uses located elsewhere in the development shall be permitted, provided that the parking spaces shall be accessible directly from an abutting alley without provision of access aisles on the lot.

(3) Management, maintenance and leasing offices for the multifamily dwellings shall be permitted.

(4) Accessory buildings and structures, which are customarily incidental and clearly subordinate to the single-family dwelling units, and additions to the single-family dwelling units shall

not be subject to Final Plan approval, provided that they are not visible from the street.

D. **BUILDING HEIGHT:** No building or structure shall exceed three stories in height, provided that no building located adjacent to 31<sup>st</sup> Street and south of the community building shown on the Preliminary Plan shall exceed two stories in height. Story height shall be not less than 9.5 feet and not greater than 14 feet.

E. **EXTERIOR BUILDING MATERIALS:** The exteriors of the single-family and multifamily dwelling units shall be constructed with brick, stone, cementitious siding or an equivalent material as approved as part of the Final Plan. Secondary materials shall be restricted to stucco, wood siding, solid vinyl, vinyl cladding, or aluminum cladding, and these materials may be used for exterior trim, windows, and soffits only.

F. **PORCHES:** A minimum of 50 percent of the single-family dwellings, Stacked Flats and Townhouses shall be provided with a porch fronting on the street on which the dwelling fronts. All porches or stoops fronting on the street shall have a minimum depth of six feet and a minimum area of 72 square feet.

G. **FUTURE SUBDIVISION:** The multifamily lots may be subdivided to decrease the number of multifamily dwelling units and create additional single-family lots in accordance with the standards set forth for single-family dwellings herein.

**V. NONDWELLING USE STANDARDS:** Principal uses permitted in the R-1 Single-Family Residential District as set forth in section [~~114-402.1~~] 30-402.1 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended, shall be permitted, and a leasing and management center that is accessory to the development as a whole shall be permitted as a principal use as shown on the Preliminary Plan. All such principal uses shall adhere to the following standards:

A. **YARDS:** There shall be a front yard with a depth of not less than ten feet. There shall be side yards of not less than 12 feet. There shall be a rear yard with a depth of not less than 20 feet.

B. **HEIGHT:** No building or structure governed by this section V shall exceed two stories. Story height shall be not less than 9.5 feet and not greater than 14 feet.

C. **EXTERIOR BUILDING MATERIALS:** The exteriors of the buildings containing nondwelling

uses shall be constructed with brick, stone, cementitious siding or an equivalent material as approved as part of the Final Plan. Secondary materials shall be restricted to stucco, wood siding, solid vinyl, vinyl cladding, or aluminum cladding, and these materials may be used for exterior trim, windows, and soffits only.

**VI. PUBLIC IMPROVEMENTS:** The improvements as depicted on the Preliminary Plan, or such equivalent alternatives as the Planning Commission may approve as part of the Final Plan, shall be provided for the development phase within which the improvements are located.

A.     **STREETS:** All streets shall be dedicated public right-of-way and shall be configured substantially as shown on the Preliminary Plan attached to this ordinance.

B.     **ALLEYS:** Alleys shall be dedicated public right-of-way at a minimum of 18 feet in width with pavement a minimum of 15 feet in width, substantially as shown on the Preliminary Plan.

C.     **SIDEWALKS:** Sidewalks shall be provided on both sides of all new streets substantially as shown on the Preliminary Plan attached to this ordinance.

D.     **LIGHTING:** Ornamental pedestrian street light fixtures as approved by the Department of Public Utilities shall be installed along all the streets within the right-of-way. Cobra head light fixtures shall not be permitted except along the alleys when not visible from the street.

E.     **STREET TREES:** Deciduous shade trees planted approximately 40 feet on center in a minimum five feet 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 subject to approval by the Department of Public Works and shall be submitted and approved with the Final Plan.

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.

G.     **COMPLETION OF IMPROVEMENTS IN EXISTING PUBLIC RIGHT-OF-WAY:** In order to



ensure that the use of the Property pursuant to the Preliminary Community Unit Plan authorized by this ordinance (i) will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, (ii) will not unreasonably impair an adequate supply of light and air to adjacent property, (iii) will not unreasonably increase congestion in streets, (iv) will not unreasonably increase public danger from fire or otherwise unreasonably affect public safety, and (v) will not diminish or impair the established values of property in surrounding areas, any improvements within the existing right-of-way called for by this Section VI shall be completed substantially as shown on the Preliminary Plan. 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 subsection (G) provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of use and occupancy for the Project shall not be issued until all requirements of this subsection (G) are fully satisfied.

**VII. MINIMUM GREEN AND OPEN SPACE:** A minimum of 5.5 percent of the total land area shall be devoted to dedicated open space, as shown on the “Open Space Calculations and Diagram” plan sheets of the Preliminary Plan. The plans for the green space shall be submitted to and approved as part of the Final Plan.

**VIII. SCREENING:** Dumpsters and loading areas shall be screened in accordance with the regular screening requirements of Chapter [114] 30 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended.

**IX. PARKING:** Parking area plans shall be submitted and approved as part of the Final Plan.

- A. Two off-street parking spaces shall be provided for each single-family dwelling unit.
- B. One off-street parking space shall be provided for each dwelling unit in the Townhouses and the Stacked Flats.
- C. Four-tenths off-street parking spaces shall be provided for each dwelling units in the Apartment Buildings.
- D. No parking shall be required for the non-dwelling uses.
- E. Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, and such areas shall not be located closer to the street than the main building on the lot or the main building on the adjacent lot.
- F. 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 subsection (F), principal street frontage shall be as defined in Chapter [114] 30 of the Code of the City of Richmond [(2004)] (2015), as amended.
- G. The landscaping, buffer requirements and lighting for the parking areas shall comply with the requirements of Chapter [114] 30 of the Code of the City of Richmond [(2004)] (2015), as amended. The buffer alternatives for parking areas shall be limited to the A, B and C alternatives.

**X. SIGNAGE:** Signage shall be permitted in accordance with the signs permitted in the R-63 Multifamily Urban Residential District by Chapter [114] 30 of the Code of the City of Richmond [(2004)] (2015), as amended.

**XI. NORMAL ZONING:** Except as specifically provided otherwise by this ordinance, the zoning regulations prescribed by Chapter [114] 30 of the Code of the City of Richmond [(2004)] (2015), as amended, for the district in which the Property is situated shall apply.

§ 2. The initial Final Plans for the first phase of development of the Project must be approved by the City Planning Commission within two years from the effective date of [this ordinance] Ordinance No. 2015-5-

30, adopted February 9, 2015. In the event the required submission is not approved by the City Planning Commission within two years from the effective date of [~~this ordinance, this ordinance~~] Ordinance No. 2015-5-30, adopted February 9, 2015, Ordinance No. 2015-5-30, adopted February 9, 2015, shall be null and void and of no further effect. Final Plans shall include, at a minimum, site and subdivision plans, typical floor plans, elevations, landscaping, parking plans and grading, drainage, and utility plans for each phase of the development of the Project and other such information as may be needed to confirm conformance with the provisions of this ordinance.

§ 3. Building permits for the first phase of development must be approved within two years of the date of City Planning Commission approval of the Final Plans. 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 approved within two years of the date of City Planning Commission approval of the Final Plans, this ordinance shall be null and void and of no further effect.

§ 4. 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:** October 24, 2019

**EDITION:** 1

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

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

**THROUGH:** Lenora G. Reid, Acting Chief Administrative Officer

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

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review

**RE:** To authorize an amendment to Ord. No. 2015-5-30, adopted February 9, 2015, which authorized a Preliminary Community Unit Plan permitting the development of a residential community of up to 300 dwelling units on approximately 21.76 acres of land bound by North 31st Street, Kuhn Street, and Oakwood Cemetery, to modify the phasing requirements of the ordinance, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize an amendment to Ord. No. 2015-5-30, adopted February 9, 2015, which authorized a Preliminary Community Unit Plan permitting the development of a residential community of up to 300 dwelling units on approximately 21.76 acres of land bound by North 31st Street, Kuhn Street, and Oakwood Cemetery, to modify the phasing requirements of the ordinance, upon certain terms and conditions.

**REASON:** A Preliminary Community Unit Plan was adopted in 2015 authorizing up to 300 dwelling units (50 single-family; 250 multi-family), with provisions for phasing of the single-family and multi-family dwelling units. The applicant has requested modifications to the phasing requirements. An amendment to the Preliminary Community Unit Plan Ordinance 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 December 2, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consists of on approximately 21.76 acres of land bound by North 31st Street, Kuhn Street, and Oakwood Cemetery, in the Church Hill North neighborhood of the East Planning District. Construction of dwelling units, as authorized by the Community Unit Plan (Ord. No. 2015-5-30), is underway on the subject property.

The City's Master Plan recommends Public & Open Space land use for the subject property. The underlying zoning of the subject property is R-5 Single-Family Residential, which is superseded by the Community Unit Plan ordinance.

The surrounding properties to the east and west are also located in the R-5 District. The properties to the west are occupied by single-family residential uses. Oakwood Cemetery is located to the east. The properties to the north along Nine Mile Road are located in the B-2 Community Business District and are occupied by a mix of commercial uses. The properties to the south are located in the R-5 District and R-53 Multi-Family Residential District and are occupied by single-family residential uses.

**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:** \$2,700

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** November 12, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** December 9, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission December 2, 2019

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amend Ord. 2015-5-30

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Amended Ordinance, Applicant's Request Letter, Phasing Diagram, Map

**STAFF:** Matthew J. Ebinger, AICP, Principal Planner, Land Use Administration, 646-6308

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: