



Legislation Text

File #: ORD. 2014-161-152, **Version:** 1

To authorize a Preliminary Community Unit Plan permitting the development of a residential community not to exceed four hundred (400) single-family detached and single-family attached dwelling units on approximately 117.88 acres of land located at 6903 Midlothian Turnpike, upon certain terms and conditions.

O & R Request

DATE:

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Byron C. Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: Community Unit Plan Amendment for the “Gresham Woods Preliminary Community Unit Plan” to extend the deadline for initial Final Plan submittal to July 1, 2017

ORD. OR RES. No.

PURPOSE: To amend and reordain Ordinance No. 2010-98081, adopted May 10, 2010, pertaining to the “Gresham Woods Preliminary Community Unit Plan”, which permitted the development of a residential community not to exceed four hundred (400) single-family detached and single-family attached dwelling units on approximately 117.88 acres of land located at 6903 Midlothian Turnpike, upon certain terms and conditions, to extend the deadline for initial Final Plan submittal to July 1, 2017.

REASON: A preliminary Community Unit Plan (CUP) for the property was adopted by City Council on September 10, 2007. The ordinance that authorized the preliminary CUP contained a provision that the initial final plan for the first phase of development be submitted within twenty-four months of adoption of the ordinance. However, in 2010 the applicant applied to extend that deadline to July 1, 2014. The applicant has again requested an extension to the deadline July 1, 2017.

RECOMMENDATION: In accordance with the requirements of Section 17 of the City Charter and Article

IV of the Zoning Ordinance, the City Planning Commission has scheduled a public hearing on this proposal on May 19, 2014. A resolution outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: A preliminary CUP for the property was adopted by City Council on September 10, 2007. The ordinance that authorized the preliminary CUP contained a provision that the initial final plan for the first phase of development be submitted within twenty-four months of adoption of the ordinance. In 2010 this deadline was extended to July 1, 2014. If this deadline is not met, the ordinance would become null and void and of no further effect.

In 2009, as a result of the housing crisis, the Virginia General Assembly adopted §15.2-2209.1, which granted an extension until July 1, 2014 for the validity of certain land use approvals made prior to January 1, 2009. In 2012, the Virginia General Assembly amended §15.2-2209.1, to the granted extension until July 1, 2017 for the validity of certain land use approvals made prior to January 1, 2011. The City's Zoning Administrator, on request of the applicant, reviewed this section of State Code and determined that it did not cover preliminary Community Unit Plans.

The proposed amendment to the Community Unit Plan ordinance is intended to extend the deadline for submission of final plans to be consistent with the extension granted by the General Assembly for other land use approvals.

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

FISCAL IMPLICATIONS:

BUDGET AMENDMENT NECESSARY:

REVENUE TO CITY: A \$1500 application fee was received to process this request.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 27, 2014

CITY COUNCIL PUBLIC HEARING DATE: June 23, 2010

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amendment to Ordinance Nos. 2007-219-198 and 2010

-98-91

ATTACHMENTS: 1. Application Form
2. Applicant's Report
3. Ordinance

STAFF: Lory Markham, Principal Planner
Land Use Administration (Room 511)