



Legislation Text

File #: ORD. 2022-092, **Version:** 3

To amend and reordain Ord. No. 73-163-171, adopted Jul. 30, 1973, as last amended by Ord. No. 2005-148-129, adopted Jun. 27, 2005, which authorized the special use of the properties known as 1500 Westbrook Avenue, 1600 Westbrook Court, and 1 Glebe Close Road, to authorize a garden amenity area, upon certain terms and conditions. (3rd District)

I. That Ordinance No. 73-163-171, adopted July 30, 1973, as last amended by Ordinance No. 2005-148-129, adopted June 27, 2005, be and is hereby amended and reordained as follows:

§ 1. That the [~~real estate~~] properties known as 1500 Westbrook Avenue, 1600 Westbrook Court, and 1 Glebe Close Road, located on the north right-of-way line of Westbrook Avenue between Interstate 95 and Brook Road, identified in the [~~2005~~] 2022 records of the City Assessor as Parcel Nos. N017-0156/003, N017-0146/004 and N017-0156/006, and more particularly shown on sheet C1.3 of a survey entitled: “Westminster-Canterbury, Richmond”, prepared by THW Design, dated February 15, 2002 and revised on April 18, 2002, a copy of which is attached to Ordinance No. 2002-160-201, adopted July 8, 2002, are hereby permitted to be used for the purpose of the construction of [~~seventeen~~] 17 single-family style dwellings, together with accessory parking, the relocation of two entrance driveways, the erection of a freestanding sign, the construction of various other site improvements and to authorize an existing parking area to serve a continuing care retirement facility, located on that portion of the subject properties lying within Henrico County, substantially as shown on the site plans, floor plans, and elevation drawings entitled “Westminster-Canterbury, Richmond” and consisting of sheets 000, C1.1 through C1.3, C2.1, C3.1, C4.1, C5.1, C6.1, L-100 through L-102, L-301, L-302, L-501, L-502, A-201, A1.1, A-2.1, B1.1 and B2.1, prepared by THW Design, dated February 15, 2002 and revised on April 18, 2002, sheets C4.2 and L-701, prepared by THW Design, dated February 15, 2002 and revised on May 10, 2002, and sheets C8.1, C9.1 through C9.3, L-503, LS-101 and LS-201, prepared by THW Design and dated April 18, 2002, copies of which are attached to Ordinance No. 2002-

160-201, adopted July 8, 2002, and for the purpose of constructing additional parking, changing an existing drive aisle and constructing perimeter fencing, residential fencing, and patio enclosures, substantially as shown on sheets C-401 through C-403, C-403.5, RMA-1, L-206 and L-206.5 of the plans entitled “Westminster-Canterbury, Richmond”, prepared by THW Design, dated February 2, 2005, and revised on March 23, 2005, copies of which are attached ~~[hereto]~~ to and made a part of ~~[this ordinance]~~ Ordinance No. 2005-148-129, adopted June 27, 2005, as modified by the plans entitled “Westminster Canterbury Vibrancy, Henrico County,” prepared by HG Design Studio, and dated April 9, 2021, copies of which are attached to and made part of this amendatory ordinance.

§ 2. That adoption of this amendatory ordinance shall constitute the granting of a special use permit for the ~~[real estate]~~ properties, which shall be transferable from the owner of the ~~[real estate]~~ properties to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to owner of said ~~[real estate]~~ properties a building permit in accordance with the above-referenced plans and drawings for such purposes, subject to the following terms and conditions:

(a) That the owner of the property shall be bound by, shall observe, and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this amendatory ordinance;

(b) That application for the final building permit to complete the development of the ~~[seventeen]~~ 17 single-family style dwellings shall be made within five ~~[(5)]~~ years from the effective date of Ordinance No. 2002-160-201, adopted July 8, 2002, which building permits shall expire by limitation and become null and void if construction is not commenced within ~~[one hundred eighty (180)]~~ 180 days from the date of the building permit, or if construction is suspended or abandoned for a period of ~~[one hundred eighty (180)]~~ 180 days at any time after the work is commenced, as provided in applicable provisions of the Virginia Uniform Statewide

Building Code. Application for the initial building permit for the uses authorized by this amendatory ordinance shall be made within [~~twenty-four (24)~~] 24 months from the effective date of this amendatory ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within [~~one hundred eighty (180)~~] 180 days from the date of the building permit or if construction is suspended or abandoned for a period of [~~one hundred eighty (180)~~] 180 days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within [~~twenty-four (24)~~] 24 months after the effective date of this amendatory ordinance or should the building permit expire and become null and void after the expiration of the [~~twenty-four (24)~~] 24 month time period for making application for the building permit, the privileges granted by this amendatory ordinance shall terminate [~~and the special use permit shall become null and void~~].

(c) That the use of the property shall be as three [~~(3)~~] single-family style dwellings, together with accessory parking, substantially in accordance with the plans attached to Ordinance No. 91-326-303, adopted October 28, 1991, and Ordinance No. 92-219-196, adopted June 23, 1992, and [~~seventeen (17)~~] 17 single-family dwellings, together with accessory parking and entrance drives substantially in accordance with the plans attached to Ordinance No. 2002-160-201, adopted July 8, 2002. Each of the [~~seventeen (17)~~] 17 single-family style dwellings shall contain a minimum of 2,000 square feet of floor area. The second floor improvements depicted on the plans attached to Ordinance No. 2002-160-201, adopted July 8, 2002, shall be optional and shall not be required. The single-family style dwellings, existing parking area and entrance drives shall serve as part of a continuing care retirement facility, which is partially located on those portions of the subject properties lying within Henrico County;

(d) That the parking area and driveways thereto shall be paved with bituminous material, and parking space shall be delineated on the pavement surface;

(e) That identification of the [~~premises~~] properties shall be limited to one [~~(1)~~] sign, attached flat

against the surface of a brick entry gate, not to exceed ~~[thirty-two (32)]~~ 32 square feet of sign area, substantially as depicted on the plans attached to Ordinance No. 2002-160-201, adopted July 8, 2002. Such sign may be illuminated by external means, provided that the source of illumination is not visible from adjacent properties and public streets;

(f) That the fire hydrant, meeting the requirements of the ~~[Director]~~ Chief of ~~[Public Safety]~~ Fire and Emergency Services, previously installed on Westbrook Avenue in accordance with Ordinance No. 73-163-171, adopted July 30, 1973, as amended, shall remain in place and operable;

(g) That landscaping shall be provided and existing vegetative material be retained substantially as depicted conceptually on the plans attached to Ordinance No. 2002-160-201, adopted July 8, 2002. A final detailed landscaping plan for each phase of construction (Sales Cottage, Phase One, Phase Two and Phase Three), as depicted on the attached plans, shall be submitted for the review and approval of the Director of ~~[Community Development]~~ Planning and Development Review prior to the issuance of the first building permit for that phase of construction;

(h) That illumination of the site, including parking areas, shall be provided in accordance with a final lighting plan for each phase of construction (Sales Cottage, Phase One, Phase Two and Phase Three), as depicted on the plans attached to Ordinance No. 2002-160-201, adopted July 8, 2002, to be submitted for the review and approval of the Director of ~~[Community Development]~~ Planning and Development Review prior to the issuance of the building permit for that phase of construction. Exterior lighting installed on the ~~[premises]~~ properties shall be so directed and shielded as not to shine directly on or in the direction of Westbrook Avenue or residential properties fronting on such street;

(i) That the 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 to not be visible from adjacent properties and public streets;

(j) That final grading and drainage plans, if required, shall be approved by the Director of [Community Development] Public Utilities prior to the issuance of building permits;

(k) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm or surface water from the land and building shall be provided and maintained at all times by the owner at its costs and expense so not as to adversely affect or damage adjacent property or public streets and the use thereof;

(l) That the entrance drives and internal streets serving the [twenty] 20 dwellings, parking area and continuing care retirement facility shall be private streets;

(m) That [sixteen-(16)] 16 parking spaces may be constructed and shall be screened with evergreen shrubs not less than three and one-half (3^{1/2}) feet in height at the time of planting, substantially as shown on the [attached] plans attached to Ordinance No. 2005-148-129, adopted June 27, 2005;

(n) That a controlled access gate shall be installed in an existing drive aisle, and the aisle shall be restriped to include four [(4)] parking spaces, substantially as shown on the [attached] plans attached to Ordinance No. 2005-148-129, adopted June 27, 2005;

(o) That perimeter fencing shall be provided, substantially as shown on the [attached] plans attached to Ordinance No. 2005-148-129, adopted June 27, 2005; [and]

(p) That optional wooden fences may be constructed for the [seventeen-(17)] 17 single-family style dwellings, and optional patio enclosures may be constructed for the three [(3)] single-family style dwellings located on Glebe Close Road, substantially as shown on the, substantially as shown on the [attached] plans[-] attached to Ordinance No. 2005-148-129, adopted June 27, 2005; and

(q) That a garden amenity area, including landscaping and accessory buildings, may be installed on the Property, substantially as shown on the plans attached to this amendatory ordinance.

§ 4. That [the privileges granted by this ordinance may under certain circumstances be revoked.

Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated; (ii) the nature of the violation; and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. Failure to comply with the terms of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, or any other applicable provision.] the privileges granted by this amendatory 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 amendatory 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.

§ 5. That when the privileges granted by this amendatory ordinance terminate and the special use permit granted hereby becomes null and void [~~or when use of the premises is abandoned for a period of twenty-four (24) consecutive months~~], 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 properties shall be governed thereafter by the zoning regulations prescribed for the district in which the properties ~~[is]~~ are then situated.

§

6.

That

Ordinance

No. 79-223-80-4, adopted January 28, 1980, is hereby repealed.

§ 7. This amendatory ordinance shall be in force and effect upon adoption[, and Ordinance No. 2002-160-201 ; ~~except as modified herein, shall continue in force~~].

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 (Patron: 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 Vonck, Director, Department of Planning and Development Review

RE: To amend and reordain Ordinance No. 73-163-171, adopted July 30, 1973, as last amended by Ordinance No. 2005-142-129, adopted July 8, 2002, authorizing the special use of the real estate properties known as 1500 Westbrook Avenue, 1600 Westbrook Court, and 1 Glebe Close Road for the construction of a garden amenity area, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ordinance No. 73-163-171, adopted July 30, 1973, as last amended by Ordinance No. 2005-142-129, adopted July 8, 2002, authorizing the special use of the real estate properties known as 1500 Westbrook Avenue, 1600 Westbrook Court, and 1 Glebe Close Road for the construction of a garden amenity area, upon certain terms and conditions.

REASON: The subject property is located in the R-1 Single-Family Residential zoning district and is subject to a Special Use Permit (SUP) authorized by Ordinance No. 2005-148-129. A condition of this requires the provision of landscaped parking in a portion of the subject property. The applicant wishes to use this space for the installation of a garden area with accessory features, amenities, and buildings use by the residents.

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 property is located on the northern corner of Westbrook Avenue and Westbrook

Court. The subject property is 30 feet wide with a depth of 130 feet for a total area of 3,900 square feet. The proposed garden amenity area would serve the Westminster Canterbury Richmond Retirement Center, located in Henrico County.

The proposed project conforms to the recommendations of the Richmond 300 Master Plan which designates the subject property for Neighborhood Mixed-uses.

Surrounding properties are located in the R-5 Single-Family District and the R-6 Single-Family Attached District. Residential land use predominates the area.

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

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: Planning Commission March 21, 2022

AFFECTED AGENCIES: Office of Chief Administration 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

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to:

