

GINTER PARK

RESIDENTS ASSOCIATION

Ginter Park Residents Association Sherwood Park Civic Association Westwood Tract Joint Task Group

Development Update – August 24, 2015

On July 08, the City of Richmond's Planning Department issued its first comments to the development team, following the City's receipt of the developer's Plan of Development (POD) in May of this year. We have posted the planning staff's comment letters and internal staff memoranda to the GPRA Website at www.ginterpark.org as well as to the GPRA and SPCA Yahoo Groups.

There are some very good comments regarding the connection of the project to the surrounding neighborhood, suggested reductions in surface parking, and concerns regarding the large number of 1-bedroom units as a percentage of the entire development. These are all concerns which have been raised by residents in the past.

However, the most significant comment can be found on page 10 of the attachment noted above, regarding the currently "non-conforming" structures now extant on the site vs. those uses currently permitted in the existing R-53 Multi-Family zoning district. These structures include the two large dormitories (Advance and Rice) located on Westwood Avenue, the maintenance building, and possibly some or all of the houses. Should the Owner wish to retain any of the non-conforming structures, this conflict may trigger the requirement for either a Special Use Permit through City Council, or a Special Exception application through the Board of Zoning Appeals, which would require BZA review and a public hearing. Staff notes that planning will not review the submittal further until this issue is resolved.

It would appear that there are three possible means by which the Owner might address this non-conformance issue, though these are merely speculative until confirmed by the City's staff:

1. Agree with planning's position, and apply for either a Special Use Permit (SUP) through City Council, or a Special Exception through the BZA, which would provide a venue for public comment through this process.
2. Contest the stated opinion of the planning staff via administrative means based on the CURRENT zoning, or:
3. Demolish all of the non-conforming use structures currently on the site, thus eliminating the non-conforming use conflict.

Meanwhile, we have posted a copy of the City's 2012 zoning confirmation letter in the same places noted above. While this letter does note the existence of the non-conforming uses, it does not specifically preclude development of the site until the conflicts are resolved, as was noted in the most recent review comments.

Many of us were therefore surprised to see this zoning issue raised as it was in the review comments, as we had been led to believe by UPS' attorneys on multiple occasions that the R-53 use allowed them to proceed with no required zoning and/or BZA or Council actions. We believe that many of our fellow residents would appreciate the opportunity to take advantage of the possibility of an official public hearing, should one or more be required before this project could move forward as currently planned.

On August 08, the Task Group Chair wrote to Leigh Kelley, Land Use Planner with the City Planning Dept. to advise us as to whether these assumptions were correct, and if there were any other means by which this issue might be addressed by the Owner outside of the Special Exception route stated in his

memo, and those noted above. While we are awaiting staff's reply, we will share with you our comments to staff, as follows:

It would appear that there may be three possible avenues by which the Owner might address the non-conforming use issue:

- 1. Agree with planning's position, and apply for an SUP, which would provide a venue for public comment.*
- 2. Contest the stated opinion of the planning staff via administrative means based on the CURRENT zoning, or:*
- 3. Demolish all of the non-conforming use structures currently on the site, thus eliminating the non-conforming uses.*

Can you advise as to whether these assumptions are correct, and if there are any other means by which this issue might be resolved outside of the SUP route stated in your memo.

As we understand from the zoning ordinance, the single family homes now on the site may not be considered "non-conforming" as long as they are used as such, given that R-1 uses are permitted within this district. However, the fact that they are not currently located on individual lots and therefore not currently saleable as single family homes may mean they too are not in conformance with the code. Meanwhile, the dormitories and physical plant buildings would be considered non-conforming as educational and institutional uses are not permitted within this district.

On behalf of our two associations, I would also like to express our appreciation for staff's well placed concerns regarding the issues of excessive on-site parking, the inordinate number of 1-bedroom units, and the lack of connectivity to the surrounding neighborhood. While there is no proposed fence, such features as the gate house at the main entrance and a lack of pedestrian connectivity to the greater community serve to imply a "gated community" feel, which is a concern to many of the surrounding property owners. We understand the developer's desire to make their property boundaries clear, as well as present to their tenants, the image of security through this perceived isolation, but a more through use of well-established Crime Prevention Through Environmental Design (CPTED) principals could help bridge this divide.

We also continue to be concerned with the effect this development will have on stormwater and traffic. Regarding stormwater, the intersection of Rennie and Westwood often floods in major rain events as it is a low area to which a lot of water drains. We are concerned not only with the current surface drainage, but with the capacity of the stormwater system in this area to handle the amount of water now being run into it, much less the increased runoff generated by the increased impervious areas resulting from this development. We are aware of the proposed sub-surface storage system, but the outflow rates from this storage will have to be very carefully studied.

Regarding traffic, the residents of Rennie and Loxley avenues are very concerned regarding the impact this development will have on their streets as residents of the development may use these streets as a cut through to Brookland Park Pky. The three-way intersection of these three streets is a rather unusual one, and we are concerned that there will be many accidents here due to the increase in traffic. Additionally, traffic from the AM and PM rushes, combined with that associated with students arriving/departing from the adjoining Veritas School site could pose a problem along Westwood Ave.

Finally, as you know the Westwood Tract is currently one parcel, and the Owner currently proposes to develop only about half of it. This property is currently not subject to real estate tax through its religious exemption. Will this exemption continue to apply to the remaining portion of the property, or will the full parcel be taxed due to this change in use from religious/institutional to for-profit residential? Or, does the Owner intend to divide the parcel such that the remaining portion is separate, and retain the current tax exempt status on that portion?

Thanks for your assistance;

As always, the Task Group will continue to keep our neighbors informed through the GPRA Newsletter, its website, and the GPRA and SPCA Yahoo Groups. Please check these sources from time to time for more news, and please, actively support YOUR neighborhood associations with both your dues and your time.

Respectfully Submitted;

Stephen Weisensale, AIA, CSI
GPRA/SPCA Westwood Task Group Chair