INTRODUCED: February 26, 2024

AN ORDINANCE No. 2024-057

To authorize the special use of the property known as 2202 N 28th Street for the purpose of up to two single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by

PUBLIC HEARING: MAR 25 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 2202 N 28th Street which is situated in a R-5 Single-Family Residential District, desires to use such properties for the purpose of up to two single-family attached dwellings, which use, among other things, is not currently allowed by sections 30-410.1, concerning permitted principal uses, 30-410.5, concerning yards, and 30-410.6, concerning lot coverage, 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

AYES:	8	NOES:	0	ABSTAIN:
ADOPTED:	MAR 25 2024	REJECTED:		STRICKEN:

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 property known as 2202 N 28th Street and identified as Tax Parcel No. E012-0292/010, in the 2024 records of the City Assessor, being more particularly shown on a survey entitled "Survey of 2202 North 28th Street," prepared by Long Surveying, LLC, and dated February 10, 2022, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of up to two single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitle "Site Plan 2022 North 28th Street," prepared by River Mill Development, dated July 27, 2023, and 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 two single-family attached dwellings, substantially as shown on the Plans.

(b) No off-street parking shall be required for the Special Use.

(c) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans. (Sheet A2.1)

(d) All building elevations and site improvements, including landscaping, shall be substantially as shown on the Plans.

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

(f) Prior to the issuance of a building permit for the Special Use, the establishment of up to two residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond. (Site Plan)

§ 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.

(c) The Owner shall make improvements within the right-of-way, including the installation of one street tree along N. 28th Street, substantially as shown on the Plans, which improvements may be complete in on 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 requirement of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works or the designee thereof that such improvements and work are in accordance with such requirements, (iii) transferred to the City following the written confirmation by the Director of Public Works or the designee thereof, 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, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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.

A TRUE COPY: TESTE: D.R.

City Clerk

900 East Broad Street

2nd Floor of City Hall

Richmond, VA 23219 www.rva.gov

RICHMOND WIRGINIA

City of Richmond

Master

File Number: Admin-2024-0102

File ID:	Admin-2024-0102 Type:	Request for Ordinance or Status: Resolution	Regular Agenda
Version:	1 Reference:	In Control:	City Clerk Waiting Room
Department:	Cost:	File Created:	01/31/2024
Subject:		Final Action:	
Title:			
Internal Notes:		Agenda Date:	02/26/2024
		Agenua Date.	02/20/2024
Indexes:		Agenda Number:	
Patron(s):		Enactment Date:	
Attachments:	Admin-2024-0102 - Application Documer Admin-2024-0102 - 2202 N 28th St AATF	-	
Contact:		Introduction Date:	
Drafter:	James.Dealaman@rva.gov	Effective Date:	

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	1/31/2024	Matthew Ebinger	Approve	2/2/2024
1	2	1/31/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	1/31/2024	Kevin Vonck	Approve	2/7/2024
1	4	1/31/2024	Alecia Blackwell - FYI	Notified - FYI	
1	5	1/31/2024	Sharon Ebert - FYI	Notified - FYI	
1	6	1/31/2024	Caitlin Sedano - FYI	Notified - FYI	
1	7	2/7/2024	Jeff Gray	Approve	2/2/2024
1	8	2/7/2024	Lincoln Saunders	Delegated	
Notes:	Delegated	: Out Of Office			
1	9	2/7/2024	Sabrina Joy-Hogg	Approve	2/9/2024
1	10	2/14/2024	Mayor Stoney	Approve	2/9/2024

History of Legislative File

Ver- Acting Body: sion:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-0102

City of Richmond

O&R Transmi	ittal
DATE:	December 13, 2023
TO:	The Honorable Members of City Council
THROUGH:	The Honorable Levar M. Stoney, Mayor (by request)
	(This is no way reflects a recommendation on behalf of the Mayor)
THROUGH:	J.E. Lincoln Saunders, Chief Administrative Officer
FROM:	Kevin J. Vonck, Director of Planning & Development Review
RE:	To authorize the special use of the property known as 2202 N 28th Street for the purpose
	of up to two single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize two single-family attached dwellings, which use, among other things, is not currently allowed by section 30-410-1, concerning permitted principal uses, section 30-410.5, concerning yards, and section 30-410.6, concerning lot coverage, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required.

BACKGROUND: The property is in the Creighton neighborhood situated on a block bounded by Fairfield Avenue, N 27th Street, Selden Street, Kane Street, and N 28th Street. The property is currently a vacant 5,060 sq. ft. (0.116 acre) parcel. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use, which is defined as "Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

"Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multi-family buildings (10+units), retail/office/personal service, institutional, cultural, and government." (p. 56)

The current zoning for the property is located in an R-5 Single-family Residential District which is adjacent to R-53 Multifamily Residential zoning districts in the vicinity. The site is located near Fairmount Avenue, a major mixed-use street.

COMMUNITY ENGAGEMENT: The Creighton Court Tenants Council neighborhood association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: None

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

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 26, 2024

CITY COUNCIL PUBLIC HEARING DATE: March 25, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, March 18, 2024

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Survey, Plans, Map

STAFF: Matthew Ebinger, Planning Supervisor - Land Use Administration 804-646-6308

James Dealaman, Planner Associate - Land Use Administration 804-646-0455





Department of Planning and Development Review Land Use Administration Division 900 E. Broad Street, Room 511 Richmond, Virginia 23219 (804) 646-6304 <u>http://www.richmondgov.com/</u>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Address: 2202 N 28th		Date
Parcel I.D. #: <u>E0120292010</u>	Fee: \$300	
Total area of affected site in acr	res: 0.116	

(See *page 6* for fee schedule, please make check payable to the "City of Richmond")

Zoning

Yes

Current Zoning: R-5

Richmond 300 Land Use Designation: Neighborhood Mixed-Use

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Lot division and construction of Two (2) single-family attached dwellings

Existing Use: Vacant

No

Is this property subject to any previous land use cases?

• If **Yes**, please list the Ordinance Number:

Applicant/Contact Person: Will Gillette / Mark Baker

Company: Baker Development Resources		
Mailing Address: 530 East Main Street, Suite 730		
City: Richmond	State: VA Zip Co	de: 23219
Telephone: _(864) 3779140	Fax: _()	
Email: will@bakerdevelopmentresources.com		

Property Owner: Elderhomes Corporation T/A Project Homes

If Business Entity, name and title of authorized signee: Matt Morgan, Director

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 88 Carnation Street			
City: RICHMOND	State: VA	Zip Code: 23225	
Telephone: _()	Fax: _()	
Email:			

Property Owner Signature: _

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

APPLICANT'S REPORT

August 25th, 2023

Special Use Permit Request 2202 N 28th Street, Richmond, Virginia Map Reference Number: E012-0292/010

Submitted to:	City of Richmond
	Department of Planning and Development Review
	Land Use Administration
	900 East Broad Street, Suite 511
	Richmond, Virginia 23219
Submitted by:	Baker Development Resources
	530 East Main Street, Suite 730
	Richmond, Virginia 23219

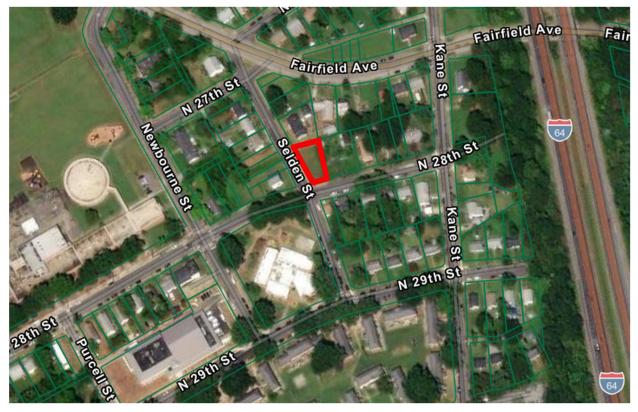
Introduction

The property owner is requesting a special use permit (the "SUP") for 2202 N 28th Street (the "Property"). The SUP would authorize the construction of two single-family attached dwellings. While the single-family dwelling use is permitted by the underlying R-5 Single-Family Residential District, the attached use is not, and therefore a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the northeastern corner of the intersection of Selden and N 28th Street and is currently vacant. The Property is referenced by the City Assessor as tax parcel E012-0292/010 and is roughly 46' wide by 110' deep containing approximately 5,060 square feet of lot area.



Properties in the vicinity are developed with a mix of residential and neighborhood-serving uses. Single-family dwellings in the area are a mixture of one- and two-story structures. Across the street lies the Anna Julia Cooper School and further down N 28th Street to the south is Woodville Elementary School. To the east lies the Creighton Court housing development and to the west lies the Fairfield Court housing development, both of which are managed by the Richmond Redevelopment and Housing Authority

EXISTING ZONING

The Property is zoned R-5 Single-Family Residential. All adjacent properties are also zoned R-5. Importantly, many of the existing lots in the area have non-conforming lot widths and lot areas. Further to the north and south, are properties zoned R-53 Multi-Family Residential and to the east, beyond I-64, is Henrico County.

TRANSPORTATION

The Property is located less than a quarter mile from GRTC bus stop # 3667 which is served by Route 12 and provides access from Shockoe Bottom to Downtown.

MASTER PLAN DESIGNATION

The proposed development is consistent with the Richmond 300 Master Plan ("the Master Plan"), which recommends "Neighborhood Mixed-Use" for the Property. This use is described as "existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses." The Master Plan also recommends a development style that "feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics."

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request, including:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."
 - d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to "Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance. "
- Page 159 (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."

- a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).
- Page 86 (High-Quality Places Chapter), Objective 1.4, to "maintain and improve primarily residential areas by increasing their linkages to…corridors…and maintaining high-quality design standards"
- Page 100 (High Quality Places Chapter), Objective 4.1, to "create and preserve highquality, distinctive, and well-designed neighborhoods and nodes throughout the City," as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

Proposal

PROJECT SUMMARY

The applicant is proposing to split the existing lot and construct two new, single-family attached dwellings, one on each of the newly created parcels.

PURPOSE OF REQUEST

The Property is 46 feet wide, contains approximately 5,060 square feet of lot area, and is currently vacant. The owner is proposing to divide the Property and construct two new single-family attached dwellings. While the Single-family dwelling use is permitted by the underlying R-5 zoning district, the attached dwelling use is not and, therefore, a special use permit is required.

In exchange for the SUP, the intent of this request is to ensure the development of two highquality single-family dwellings. Importantly, these dwellings are designed as homeownership opportunities for low-income, typically first-time home buyers with an AMI level of 80% or below. Also, the quality assurances conditioned through the SUP will guarantee a higher quality development and better neighborhood compatibility than might otherwise be guaranteed with a by right development.

PROJECT DETAILS

When complete, the proposed dwellings would each be two stories in height. They would include approximately 1,632 square feet of finished floor area and consist of three bedrooms and two-and-one-half bathrooms. The proposed first-floor plans are classic and efficient, and the second floor includes a primary bedroom with en-suite bathroom. The new dwellings would be of frame construction and clad in quality building materials including cementitious lap siding in order to ensure durability. A full-width front porch on each dwelling would engage the street and provide usable outdoor living space. The proposed dwellings massing, and architectural styles are designed to be compatible with nearby dwellings and are consistent with the historical homes found in the neighborhood.

Findings of Fact

The following are factors indicted in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

• Be detrimental to the safety, health, morals and general welfare of the community involved.

The proposed special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

• Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The proposed residential use would be limited in size, type and scale to avoid any traffic or parking concerns.

• Create hazards from fire, panic or other dangers.

The property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

• Tend to overcrowding of land and cause an undue concentration of population.

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population.

• Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

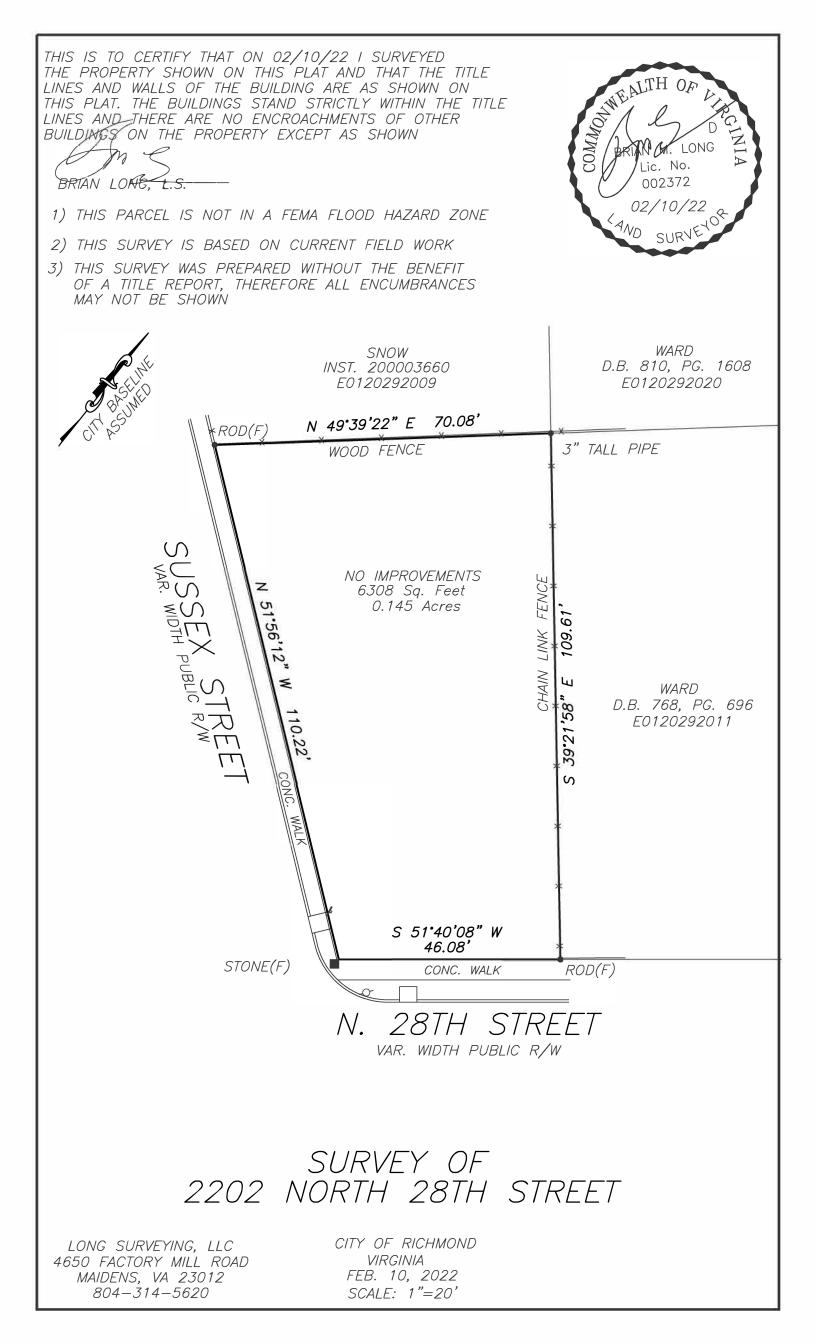
The proposed special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

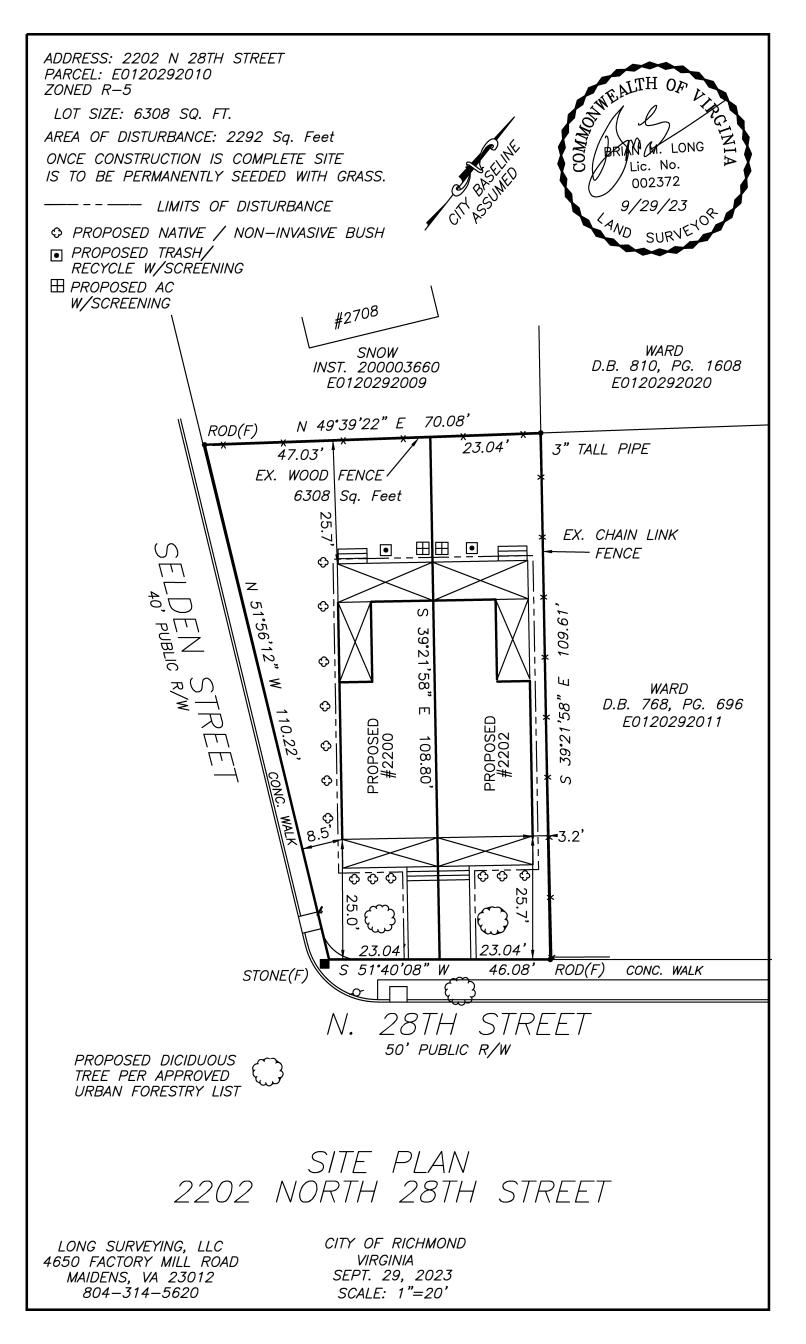
• Interfere with adequate light and air.

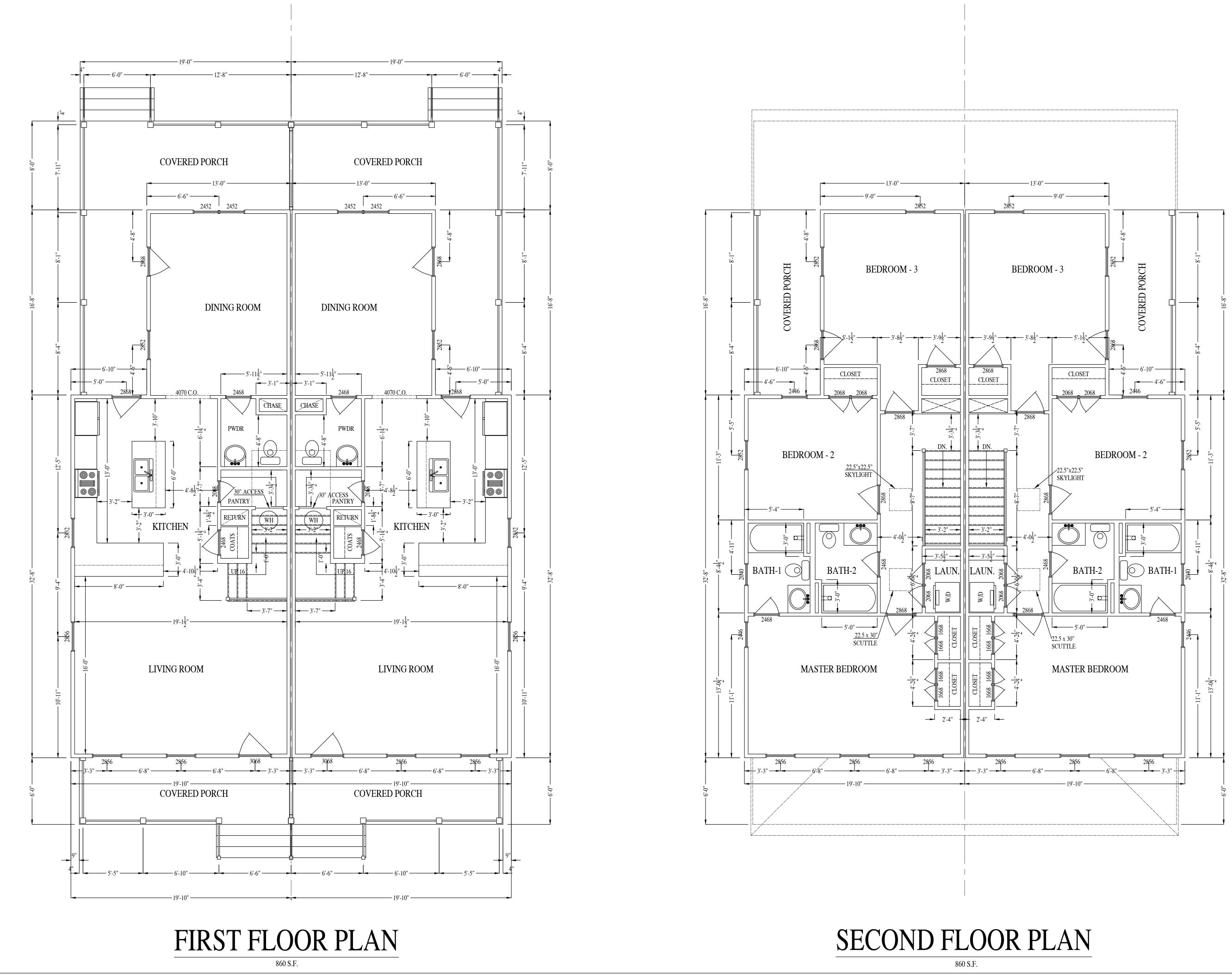
The light and air available to the subject and adjacent properties will not be affected.

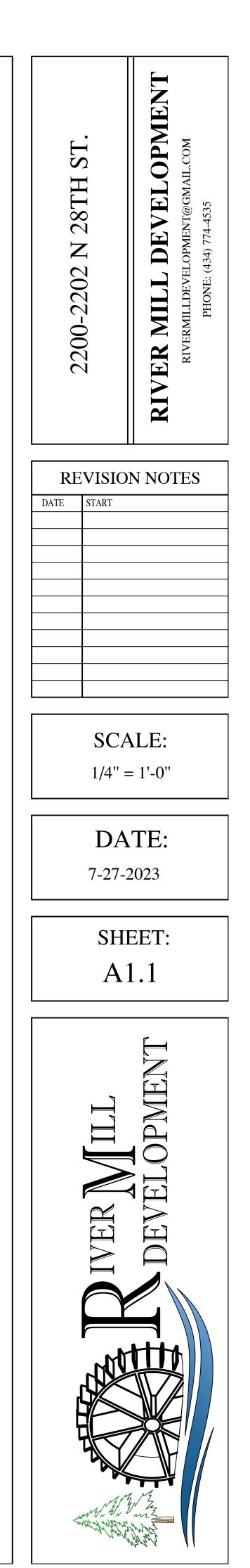
Summary

In summary we are enthusiastically seeking approval for the construction of two new, singlefamily attached dwellings on the Property. The SUP represents an ideal, small-scale urban infill development for this location. In exchange for the SUP, the quality assurances conditioned therein would guarantee the construction of a quality home ownership opportunity for low-income, typically first-time homebuyers consistent with Master Plan guidance. This would contribute to the overall vibrancy of the block though the provision of an appropriate urban form and use that is consistent with the development pattern and surrounding neighborhood.



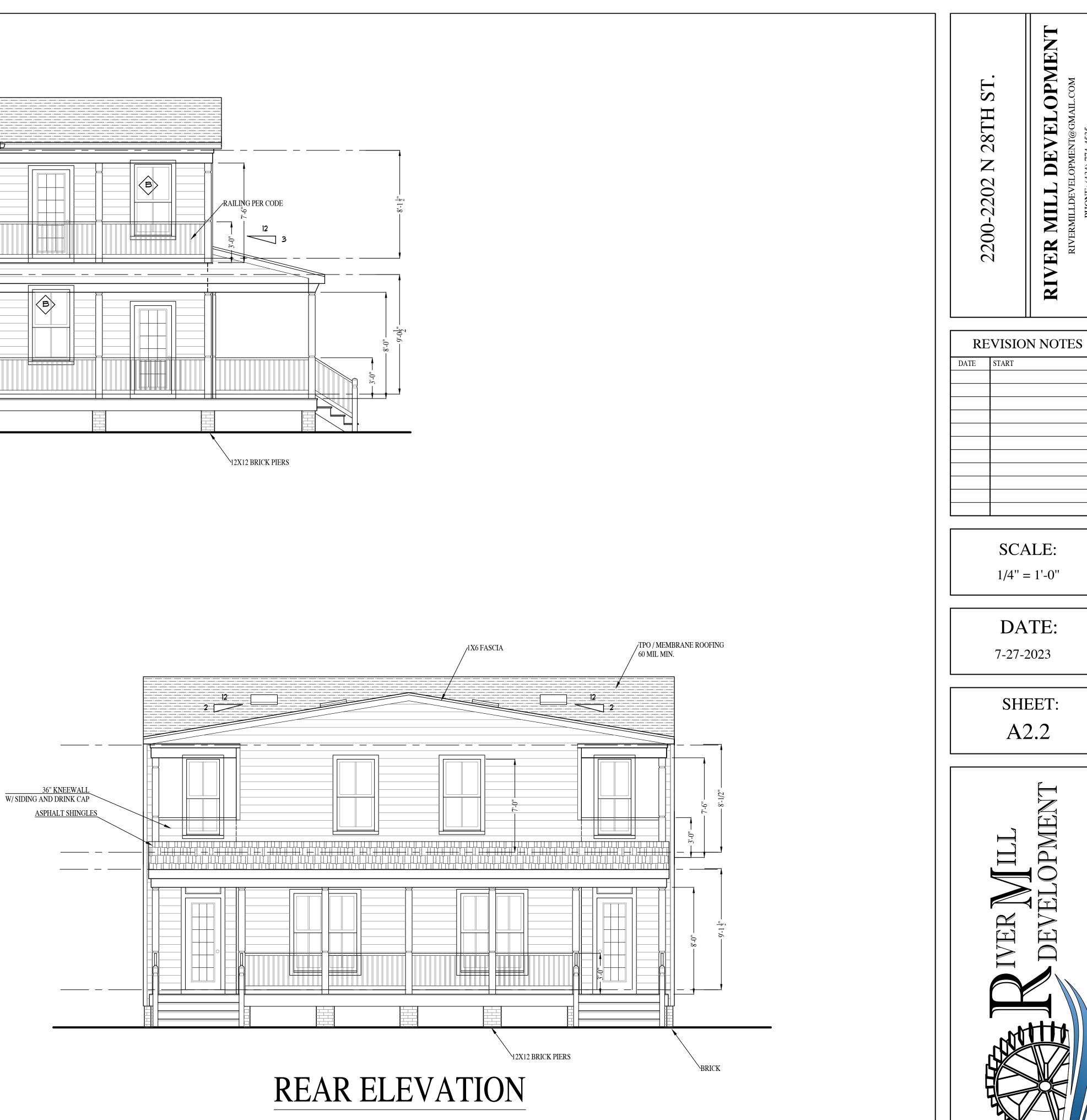








RIGHT ELEVATION



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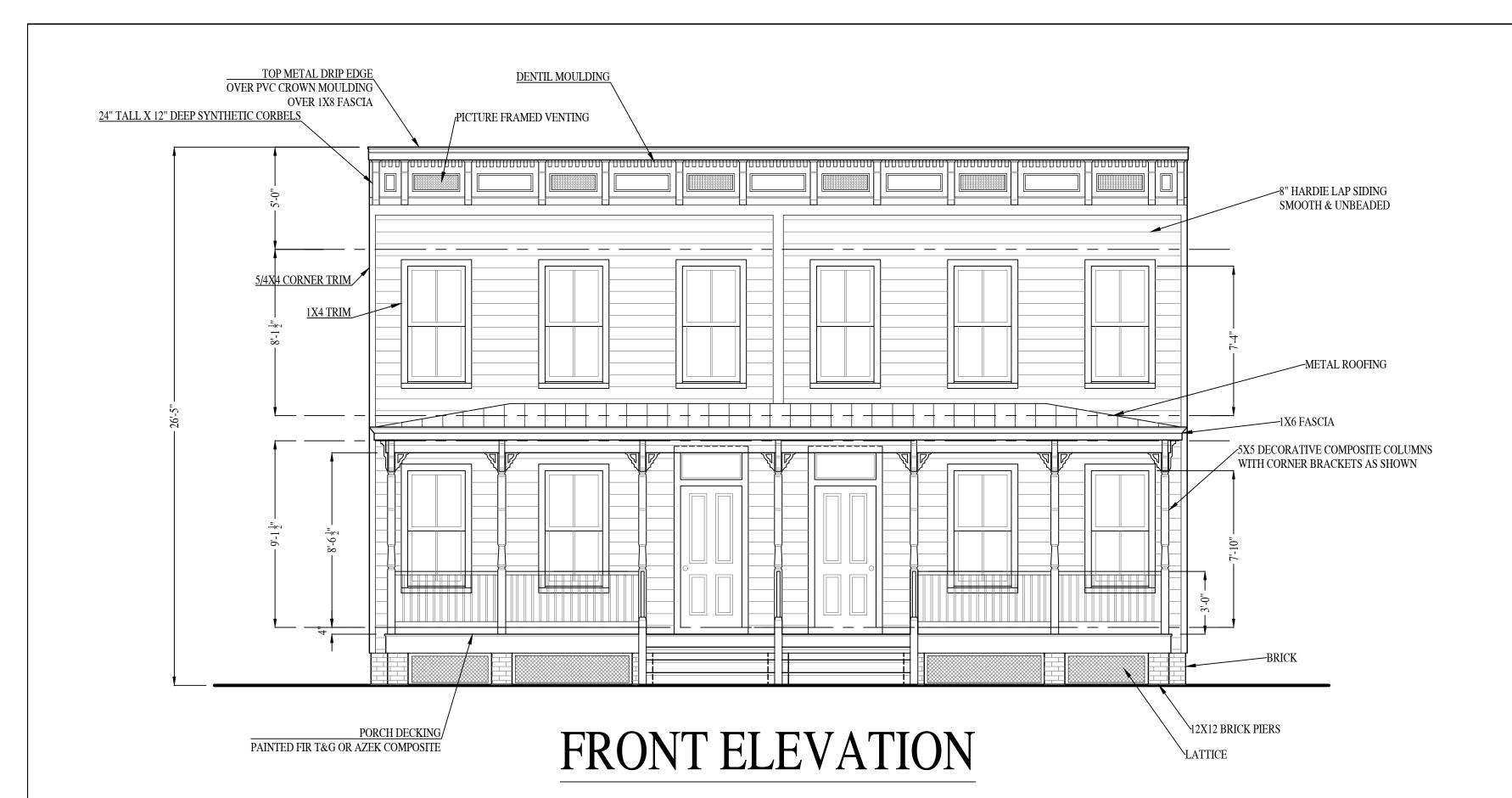
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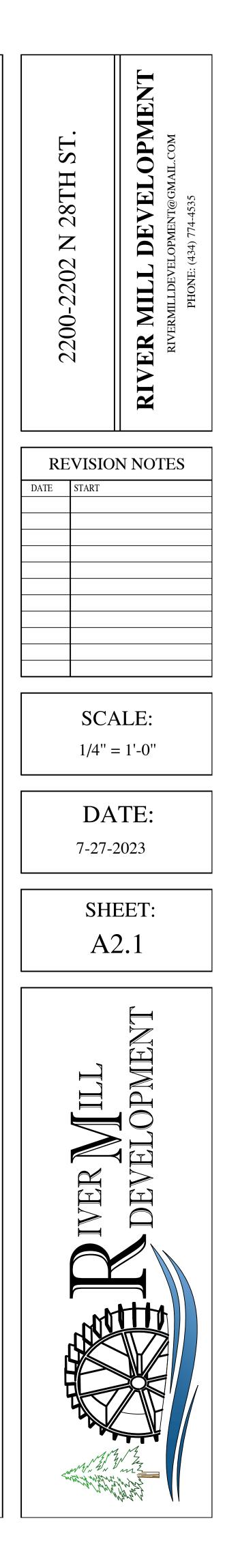
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LEFT ELEVATION





City of Richmond Department of Planning & Development Review

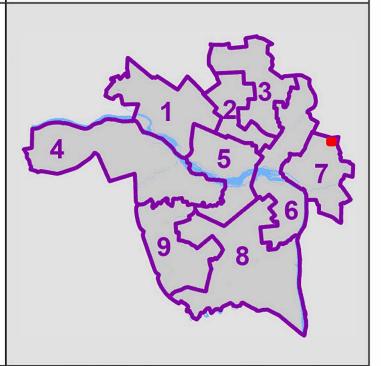
Special Use Permit

LOCATION: 2202 N 28th Street

APPLICANT: Baker Development Resources

COUNCIL DISTRICT: 7

PROPOSAL: To authorize the special use of the property known as 2202 N 28th Street for the purpose of up to two single-family attached dwellings, upon certain terms and conditions.



For questions, please contact Matthew Ebinger at 804-646-5789 or matthew.ebinger@rva.gov

