INTRODUCED: July 27, 2015

AN ORDINANCE No. 2015-156-203

To authorize the special use of the property known as address 311 Stockton Lane for the purpose of authorizing two accessory dwelling units, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: SEPT 14, 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 311 Stockton Lane, which is situated in a R-1 Single-Family Residential District, desires to use such property for the purpose of two accessory dwelling units, which use, among other things, is not currently allowed by section 114-402.2 of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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 congestion in streets, roads, alleys and other public ways and places in the area

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	NOV 9 2015	REJECTED:		STRICKEN:	

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 114-1050.1 of the Code of the City of Richmond (2004), 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 311 Stockton Lane and identified as Tax Parcel No: W022-0346/002 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled "Topographic Survey of 311 Stockton Lane, July 21, 2011," prepared by Mark B. Beall, and dated July 21, 2011, 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 two accessory dwelling units, hereinafter referred to as "the Special Use," substantially as shown on sheets T1.1, A0.1, A0.2, A1.1 through A1.3, A2.1, A2.2, A3.1, A5.1, A7.1 through A7.4, A9.1 and A9.2 of the plans entitled "Addition & Renovations to Canterbury Pavilions," prepared by Glave & Holmes Architecture, and dated March 13, 2015, hereinafter referred to 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 use of two accessory dwelling units shall be permitted substantially as shown on the Plans.
- § 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 (2004), as amended, and all future amendments to such laws.
- (e) 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 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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.



JUL 15 2015 Intracity Correspondence

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.Richmondgov.com

OFFICE OF CITY ATTORN Of dinance: a2015 - 226

File Number: a2015 - 226

To authorize the special use of the property known as 311 Stockton Lane for the purpose of authorizing two (2) accessory dwelling units, upon certain terms and conditions.

4-3830 O & R REQUEST

JUL 1 0 2015

O & R Request

DATE:

June 2, 2015

EDITION: 1

Chief Administration Office

City of Richmond

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:

Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH:

Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning

Development and Planning

FROM:

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

SUBJECT:

Special Use Permit for 311 Stockton Lane to permit two (2) accessory dwelling

units, upon certain terms and conditions.

ORD. OR RES. No.

To authorize the special use of the property known as 311 Stockton Lane for the purpose of authorizing two (2) accessory dwelling units, upon certain terms and conditions.

REASON: The applicant is proposing to construct two (2) accessory dwelling units, which are not permitted in the R-1 Single-Family Residential District.

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 July 20, 2015 A letter outlining the Commission's recommendation will be forwarded to City Council meeting. following that meeting.

BACKGROUND: The applicant is requesting a special use permit to construct two (2) accessory dwelling units, referenced as a pool pavilion and garage pavilion on the attached plans. The two accessory structures and proposed new swimming pool are located in the front yard of the subject property. The pool pavilion is located adjacent to the site of a proposed swimming pool which will replace an existing swimming pool. This structure is proposed to be renovated with a full kitchen, a full bathroom, and a living area. The garage pavilion is proposed to be renovated with a full bath

and two office areas. No kitchen facilities are proposed for the garage pavilion. The existing swimming pool is to be demolished and replaced with a new swimming pool and surrounding deck area. It is a long standing interpretation of the Zoning Ordinance that the inclusion of a full bath in an accessory structure constitutes a dwelling unit.

The subject parcel is located in an R-1 Single-Family Residential District. Accessory dwelling units are not permitted uses in the R-1 district. Permitted accessory uses and structures in the R-1 district may be sited in a rear yard and/or side yard so long as they are not sited in advance of the main residential structure and meet the required yard setbacks for the zoning district. In the event that any detached accessory structure were to be constructed under the current Zoning Ordinance, it would have to be located in the rear yard of the property and, in the case of the R-1 district, would have to setback from the rear yard property line not less than ten feet (10') and from the side yard property line not less than ten feet (10').

Swimming pools, which are permitted accessory uses in the R-1 district, must be sited in the same manner. Neither of the two existing accessory structures nor the proposed swimming pool meet these requirements.

The property is located in the Far West Planning District as defined by the 2000-2020 city-wide Master Plan, which recommends "Single-Family (Low-Density)" uses for the property. The Richmond Master Plan designates this property as Single-Family (Low-Density). Primary use for the Single-Family designation are, "single-family detached dwellings at densities up to seven units per acre" (p. 133).

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

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: June 22, 2015

CITY COUNCIL PUBLIC HEARING DATE: July 27, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, July 20, 2015

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 ORDINANCES: None.

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

STAFF: Willy Thompson, Senior Planner Land Use Administration (Room 511) 646-5734

PDR O&R No. 15-09



mits)

Application for SPECIAL USE PERMIT

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

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						
Project Name: Canterbury Pavilions	Date: March 26, 2015					
Property Address: 311 Stockton Lane	Tax Map #: <u>₩0220346002</u>					
Fee: \$300.00 Total area of affected site in acres: 9.052 (See page 3 for fee schedule, please make check payable to the "City of Richmond")						
Zoning Current Zoning: R-1 Existing Use: Residential	Proposed Use (Please include a detailed description of the proposed use in the required applicant's report) Residential with kitchen and bathrooms					
Is this property subject to any previous land use cases? In accessory structure Yes No If Yes, Explease list the Ordinance Number:						
Applicant/Contact Person: T. Preston Lloyd, Jr.						
Company: Williams Mullen						
Mailing Address: 200 South 10th Street, Suite 1600						
City: Richmond	State: VA Zip Code: 23219					
Telephone: (804) 420.6615 Fax: (804) 420.6507						
Email: plloyd@williamsmullen.com						
Property Owner: Stockton, LLC						
If Business Entity, name and title of authorized signee: Williams Mullen by Special POA						
(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: P. O. Box 13439						
City: Richmond	State: VA Zip Code: 23225					
Telephone: ()	Fax: _()					
Email:						
Property Owner Signature: 1 the Style 15 Attrace: In - Fuct						
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 place, sheeklist, and a check for the application fee (see Filling Procedures for special use per-						

WILLIAMS MULLEN

Direct Dial: 804.420.6615 plloyd@williamsmullen.com

March 26, 2015

City of Richmond Department of Community Development Land Use Administration Division, Room 511 City Hall, 900 East Broad Street Richmond, Virginia 23219 Attn: Ms. Lory Markham, Secretary, City Planning Commission

Re: Special Use Permit Application for 311 Stockton Lane, Richmond, VA City Tax Map No. W0220346002 (the "Property")

Ladies and Gentlemen:

This firm is counsel to Stockton, LLC (the "Applicant") in connection with a proposed special use permit for the captioned Property located at the southern terminus of Stockton Lane, adjacent to the Windsor Farms neighborhood in the City of Richmond, Virginia (the "Application"). The subject property is zoned R-1. This correspondence shall serve as the Applicant's Report for the Application.

The Applicant proposes to permit the use and renovation of two "pavilions", i.e. accessory structures located on the Property, as follows. The "pool pavilion", which is located adjacent to a new swimming pool on the site of a previous pool, is proposed to be renovated for use with a full kitchen and full bathroom suite and living room area. The "garage pavilion", which is located above the garage, is proposed to be renovated for use with a full bath and office. The proposed addition and renovation of the respective pavilions are more particularly shown and depicted in the drawings entitled "Addition & Renovations to Canterbury Pavilions" dated 13 March 2015, and enclosed herewith.

The proposed use of the Property meets the criteria set forth in the Charter of the City of Richmond that the Application is not (i) 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 cause overcrowding of land and 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. This requested amendment is to permit a use that is otherwise permitted by the underlying zoning and to clarify the necessary parking, which continues to have all the features that comply with the six above-referenced criteria.

City of Richmond Department of Community Development March 26, 2015 Page 2

Thank you for your consideration of this matter. Please feel free to contact the undersigned at 804.420.6615 or plloyd@williamsmullen.com, at any time if you have any questions or require additional materials.

Sincerely,

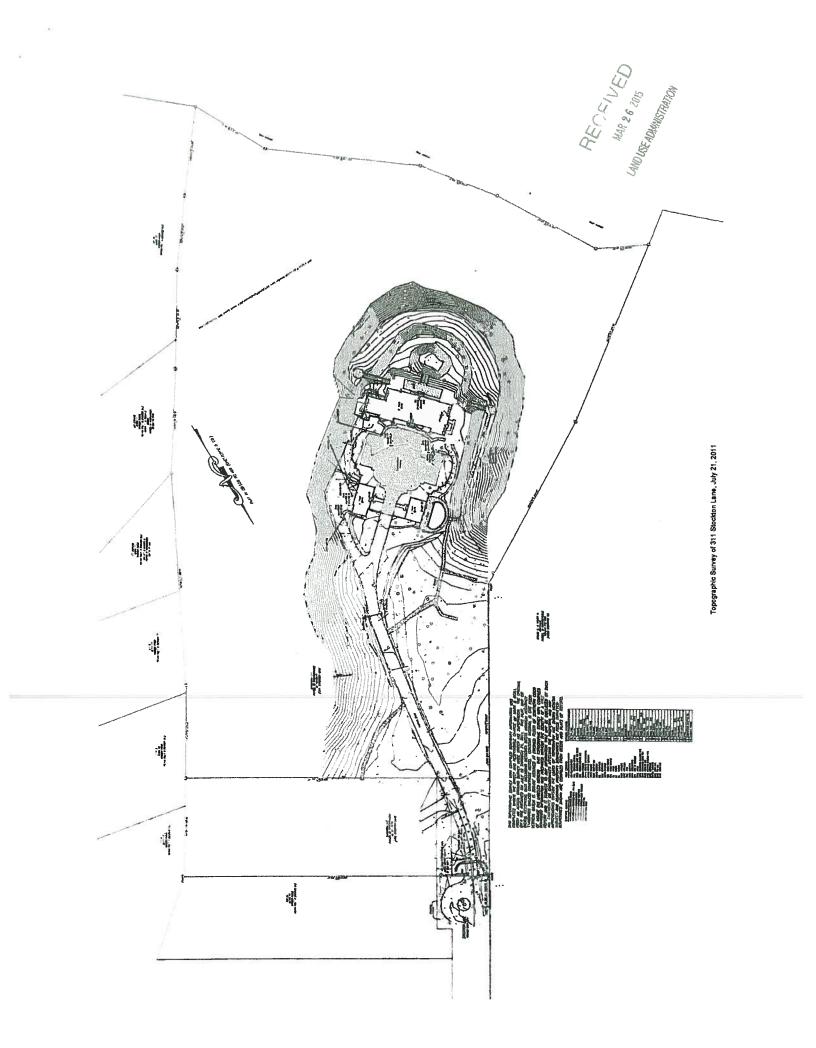
T. Preston Lloyd, Jr.

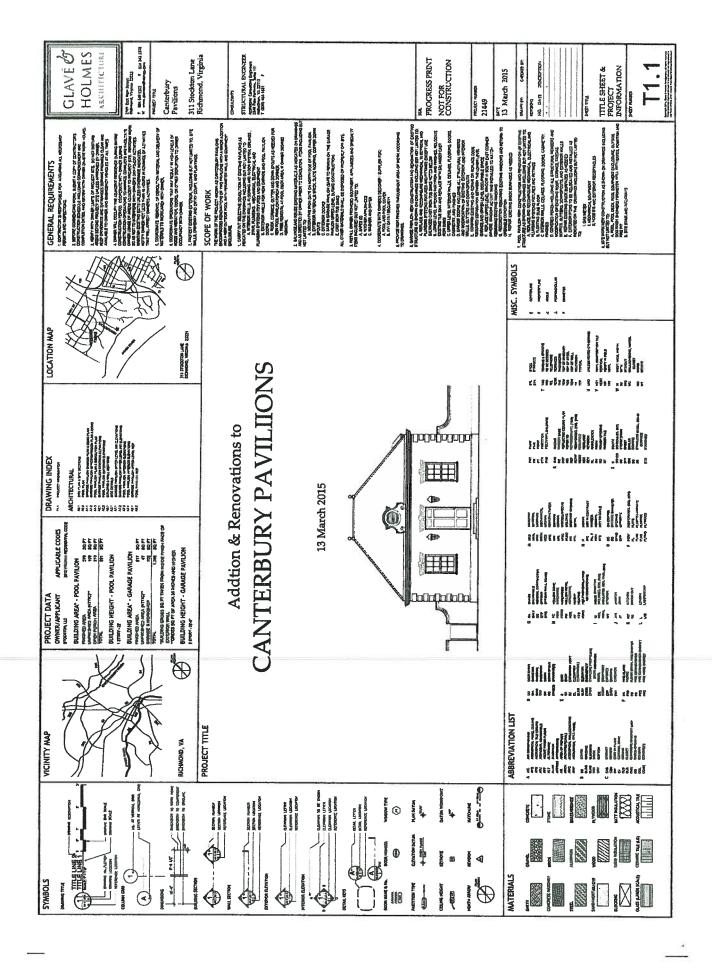
Enclosures

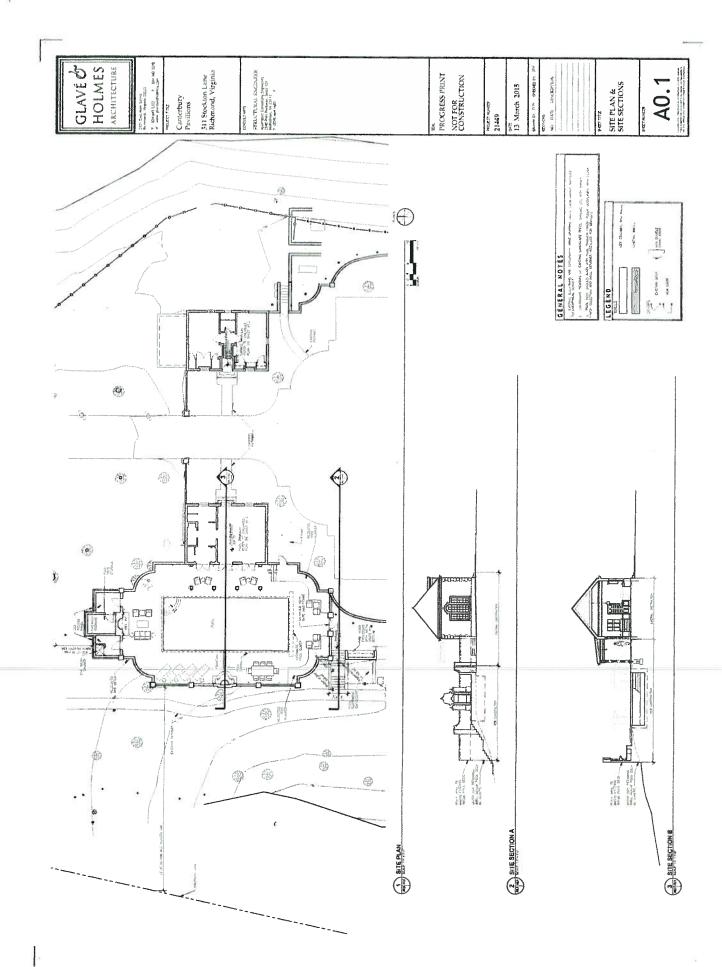
cc: Stockton, LLC

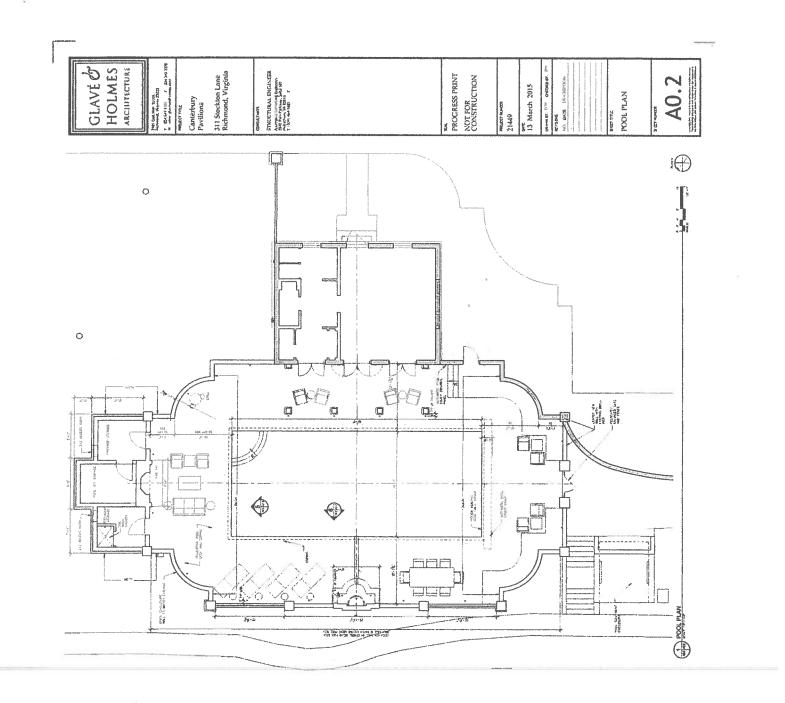
Jennifer Wimmer, Glavé & Holmes Architecture

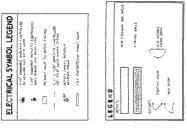
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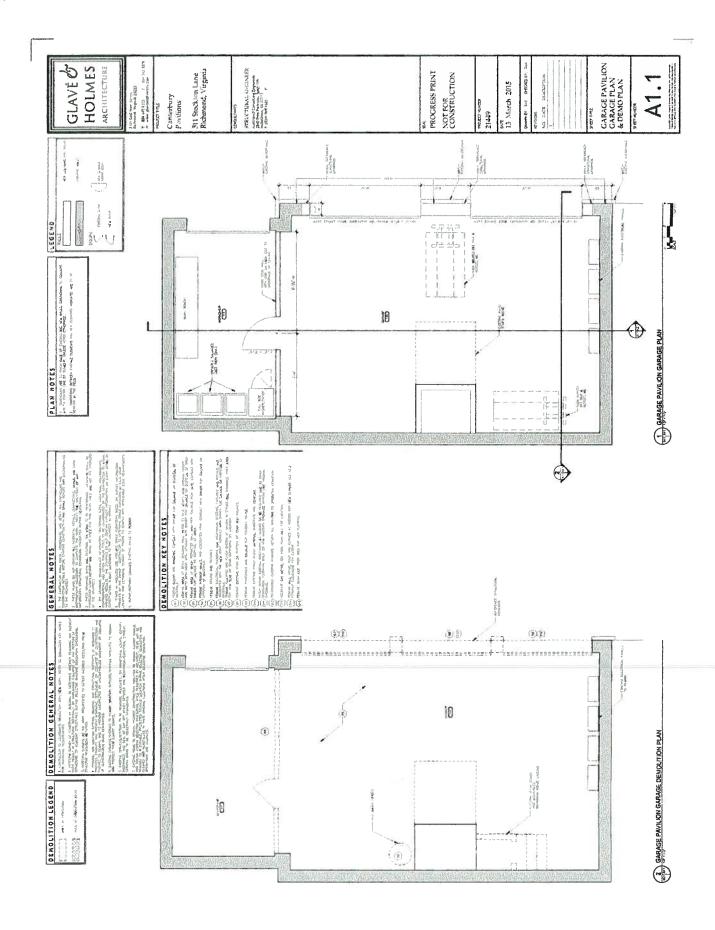


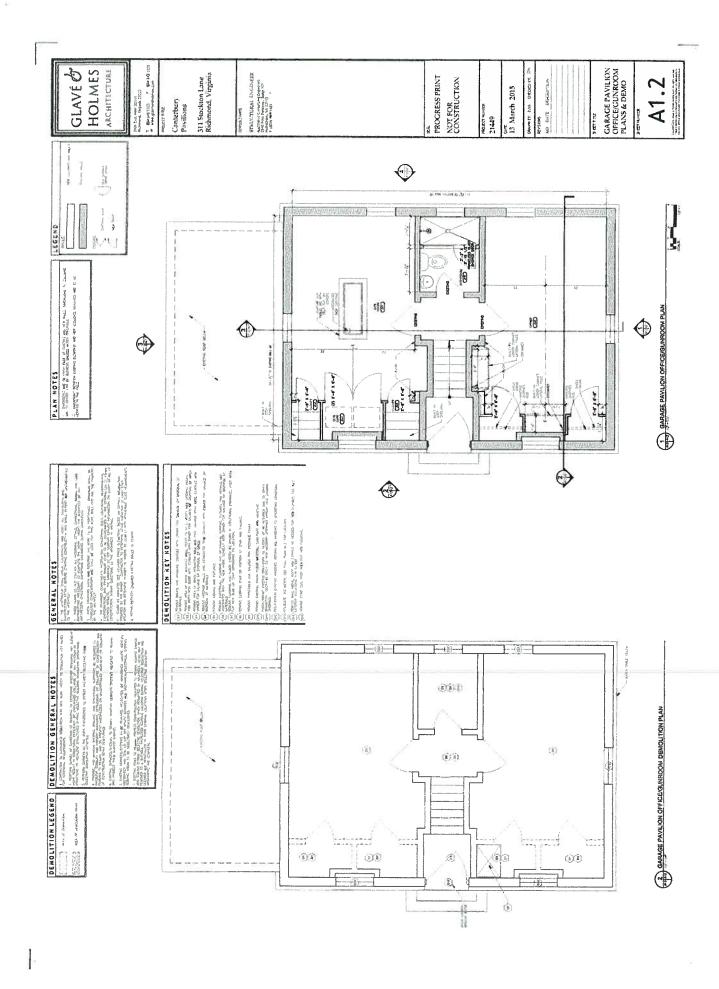


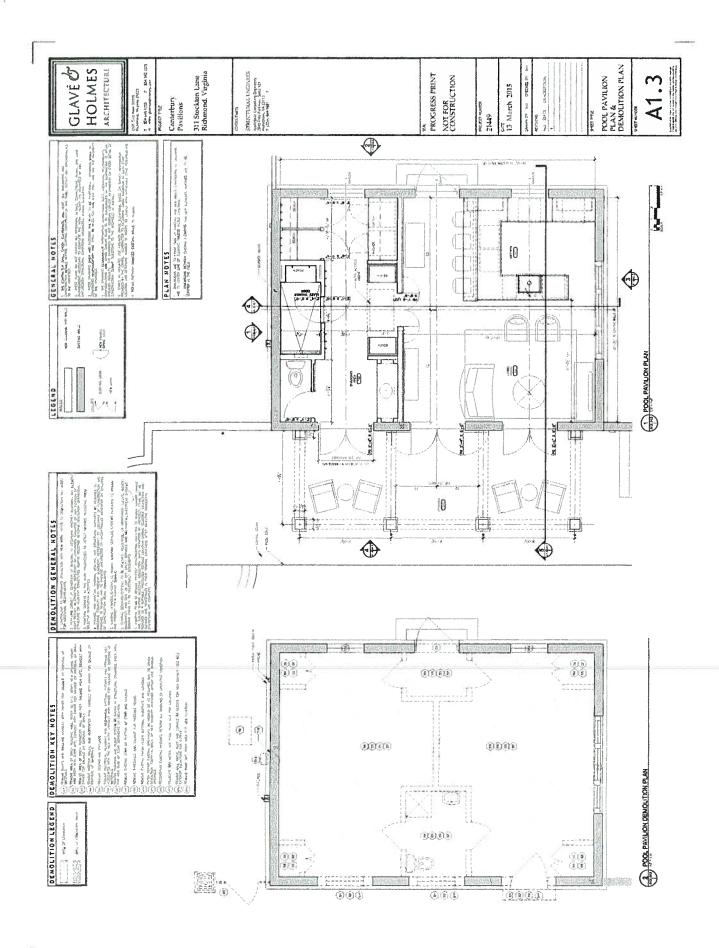


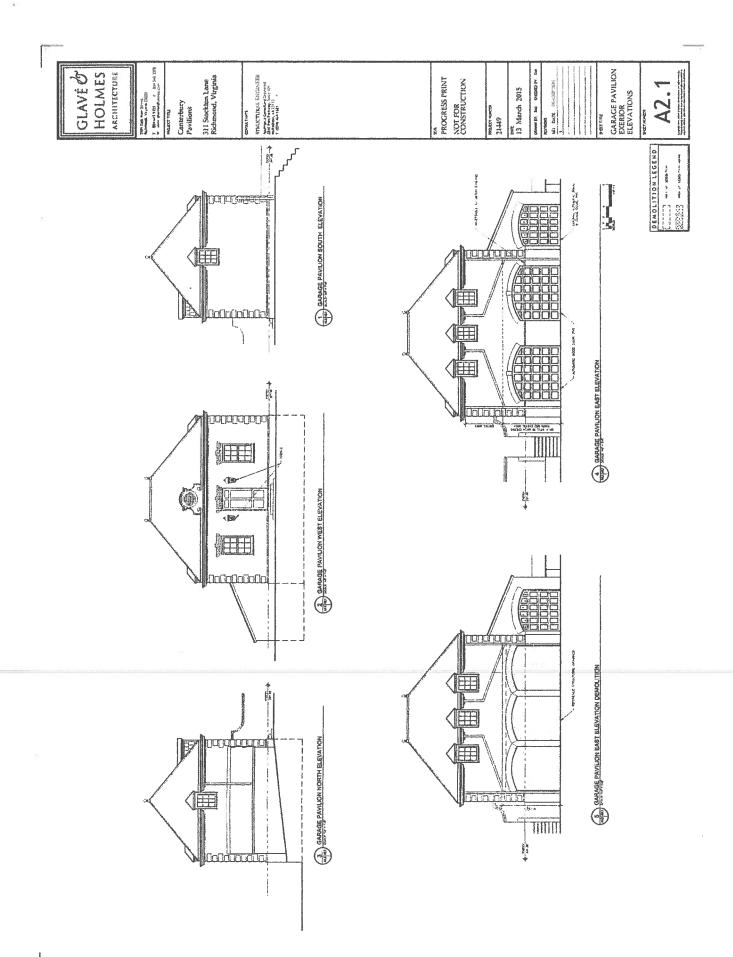


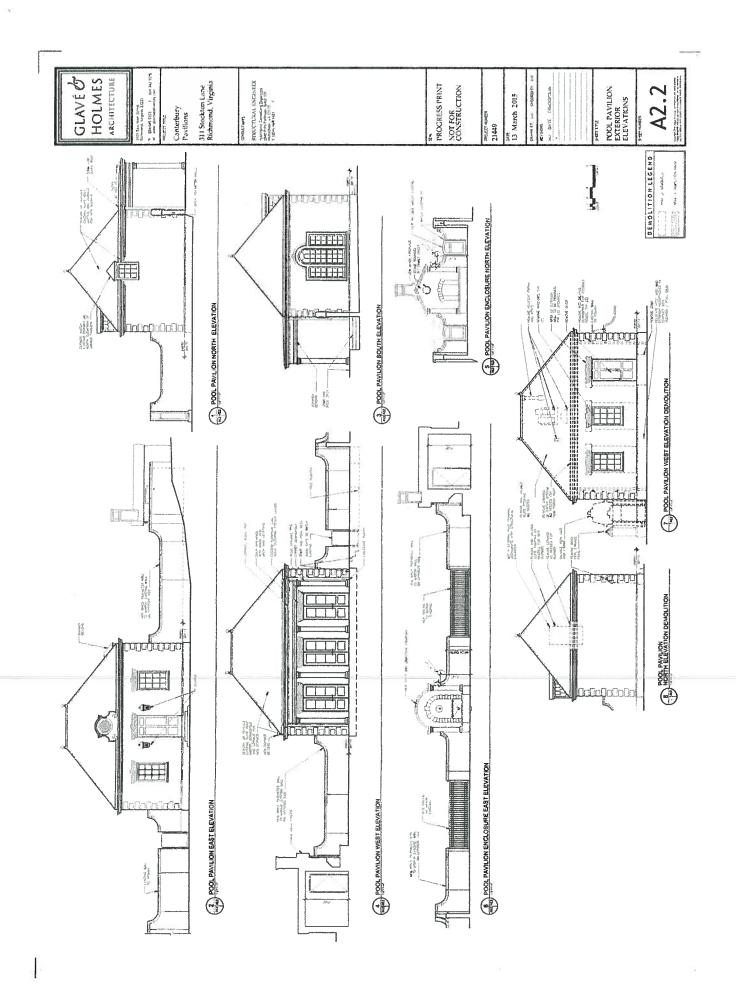


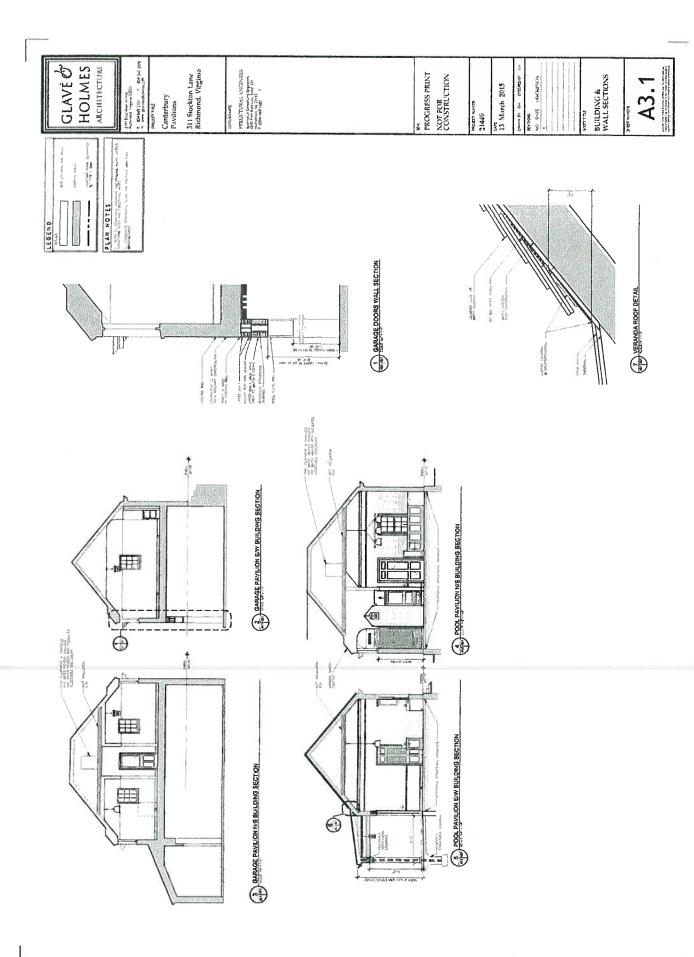


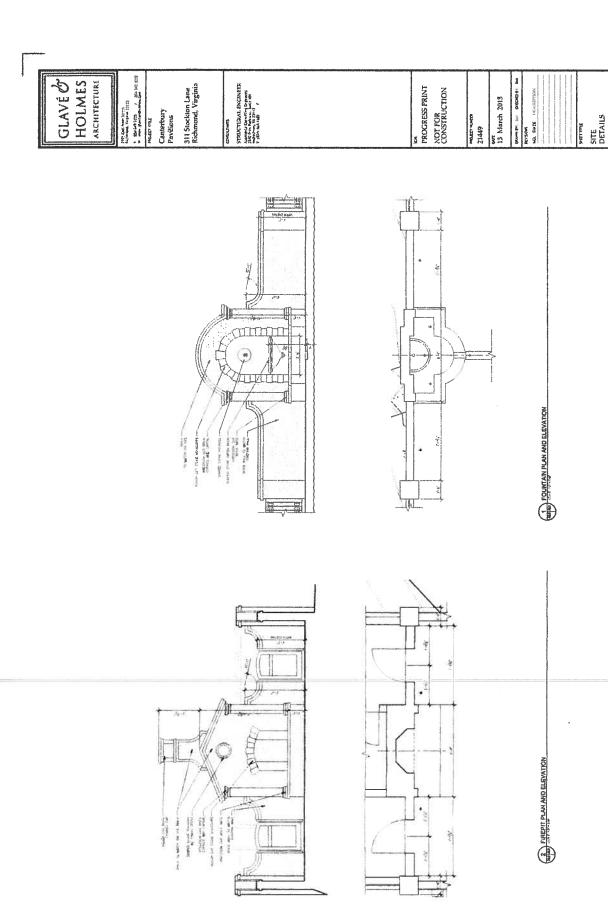












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