AN ORDINANCE No. 2023-349

To authorize the special use of the property known as 5204 Campbell Avenue for the purpose of two single-family detached dwellings, upon certain terms and conditions.

Patron - Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: DEC 11 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 5204 Campbell Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of two single-family detached dwellings, which use, among other things, is not currently allowed by section 30-410.4, concerning lot area and width, and 30-410.5, concerning yards, 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:	8	NOES:	0	ABSTAIN:	
ADOPTED:	DEC 11 2023	REJECTED:		STRICKEN:	

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. I 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 5204 Campbell Avenue and identified as Tax Parcel No. E010-0107/015 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled "Survey of Lot 16 & Pt. 17 ~ Blk 4 Plan of Powhatan Place, City of Richmond, Virginia," prepared by Long Surveying, LLC, and dated January 25, 2023, 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 single-family detached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Site Plan, 5202 & 5204 Campbell Ave., City of Richmond, Virginia," prepared by Long Surveying, LLC, and dated May 29, 2023, "5202 Campbell Ave," prepared by River Mill Development, and dated April 4, 2023, and "5204 Campbell Ave," prepared by River Mill Development, and dated April 4, 2023, 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 two single-family detached dwellings, substantially as shown on the Plans.
- (b) No less than two off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

- (c) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.
- (d) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.
- (e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (t) Prior to the issuance of any building permit for the Special Use, the establishment of 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.
- § 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.
- (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 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.

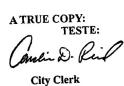
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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.

. 1\ttorney's Office	

APPROVED AS TO FORM:







City of Richmond

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

Master

File Number: Admin-2023-0767

File ID: Admin-2023-0767 Type: Request for Ordinance or Status: Regular Agenda

Resolution

Version: 1 Reference: In Control: Planning

Commission

Enactment Number:

Department: Cost: File Created: 06/27/2023

Subject: Final Action:

Title:

Internal Notes:

Code Sections: Agenda Date: 11/13/2023

Indexes: Agenda Number:

Patron(s): Enactment Date:

Attachments: Ordinance - Admin-2023-0767 - Approved as to Form,

O&R Transmittal Memo-Admin-2023-0767, Application

Documents-Admin-2023-0767

Contact: Introduction Date:

Related Files:

Approval History

Version	Seq#	Action Date	Approver	Action	Due Date
1	1	10/23/2023	Matthew Ebinger	Approve	10/25/2023
1	2	10/23/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	10/24/2023	Kevin Vonck	Approve	10/30/2023
1	4	10/24/2023	Alecia Blackwell - FYI	Notified - FYI	
1	5	10/24/2023	Sharon Ebert - FYI	Notified - FYI	
1	6	10/24/2023	Caitlin Sedano - FYI	Notified - FYI	
1	7	10/26/2023	Jeff Gray	Approve	10/27/2023
1	8	10/27/2023	Lincoln Saunders	Approve	10/30/2023
1	9	11/9/2023	Mayor Stoney	Approve	10/31/2023

History of Legislative File

Text of Legislative File Admin-2023-0767

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: October 18, 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 5204 Campbell Avenue, for the

purpose of two single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize two single-family detached dwellings, which use, among other things, is not currently allowed by sections 30-410.4 and 30-410.5, concerning lot area and width, and yards, respectively, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required.

BACKGROUND: The property is in the Fulton neighborhood situated on a block bounded by Nelson Street, Salem Street, Winchell Street, and Campbell Avenue. The property is currently a 8,700 sq. ft. (0.2 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential, which is defined as "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature."

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

Primary Uses: Single-family houses, accessory dwelling units, and open space. Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets (see Street Typologies Map)." (p. 54)

The current zoning for the property is R-5 Single-Family Residential District and is situated just outside the Fulton neighborhood node and B-2 Community Business District which lies to the northeast. The Fulton neighborhood node is generally made up of commercial and residential uses as well as some institutional, office, and mixed-use. The location is primarily surrounded by single-homes that are typical of the R-5 district and is approximately two blocks away from Williamsburg Road to the north which is identified as a major residential and mixed-use street. This R-5 district is bounded by Henrico County to the south, east and west. The density of the proposed application is 2 dwelling units upon approximately 0.2 acres or 10 units per acre.

COMMUNITY ENGAGEMENT: The Greater Fulton Civic Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Will be considered by Planning Commission on December 4, 2023 (tentative)

FISCAL IMPACT: \$300 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 13, 2023

CITY COUNCIL PUBLIC HEARING DATE: December 11, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

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, Plan, Survey, Map

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

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



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.richmondgov.com/

Application is hereby submitted for: (check one) special use permit, new		
special use permit, new special use permit, plan amendment		
special use permit, text only amendment		
Project Name/Location		Data
Property Address: 5204 Campbell Avenue Parcel I.D. #: E0100107015 Fee: \$300		_Date:
Total area of affected site in acres: 0.2		_
(See <i>page 6</i> for fee schedule, please make check payable to the "City of	Richmond")	
Zoning		
Current Zoning: R-5 Residential		
Richmond 300 Land Use Designation: Residential		
Proposed Use		
(Please include a detailed description of the proposed use in the required Lot division and construction of two (2) new single-family detached dwellings Existing Use: Residential	applicant's report)	
Existing 03c. House the second		
Is this property subject to any previous land use cases?		
Yes No If Yes, please list the Ordinance Number:		
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Applicant /Controt Powers Will Gillotto / Mark Baker		
Applicant/Contact Person: Will Gillette / Mark Baker Company:Baker Development Resources		
Mailing Address: 530 East Main Street, Suite 730		
City: Richmond	State: VA	Zip Code: <u>23219</u>
	Fax: _()	
Email: markbaker@bakerdevelopmentresources.com		
Property Owner: Stacy Campbell		
If Business Entity, name and title of authorized signee:		
(The person or persons executing or attesting the execution of this Applic	ation on behalf of the	e Company certifies that he or
she has or have been duly authorized and empowered to so execute or att		e company contines that he of
Mailing Address: 5204 CAMPBELL AVE		
City II PICHMOND	State: VA	Zip Code: 23231
	Fax: _()	
Email:		
		04/10/23
Property Owner Signature: Jtacy Dyka		0-17 1-107 2-10

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

March 12th, 2023

Special Use Permit Request 5204 Campbell Avenue, Richmond, Virginia Map Reference Number: E010-0107/015

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 5204 Campbell Avenue (the "Property"). The SUP would authorize the division of the Property in order to construct two single-family detached dwellings. While the single-family detached use is permitted by the underlying R-5 Single-Family Residential zoning district, some of the R-5 feature requirements cannot be met, and therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the east side of Campbell Avenue between Nelson Street to the north and Vista Street to the south. The Property is referenced by the City Assessor as tax parcel E010-0107/015 and is currently occupied by a single-family dwelling. Originally Lot 17 and part of Lot 16 of Block 4 of the original Powhatan Place subdivision the Property is approximately 60 feet in width by 145 feet in depth, containing roughly 8,700 square feet of lot area. Access is provided at the rear by means of a north-south alley.



The properties in the immediate vicinity are developed with a mix of uses. Single-family dwellings are the most common use though two-family dwellings and vacant parcels can also be found nearby. A range of commercial uses can be found nearby to the northeast at

the intersection of Williamsburg and Darbytown Roads. Existing properties along Campbell Street range from 30 to 70 feet in width.

EXISTING ZONING

The Property and those in the immediate vicinity are zoned R-5 Single-Family Residential. To the northeast are properties located within the B-2 Community Business District. Further to the east lies Henrico County.

MASTER PLAN DESIGNATION

The request is consistent with the Richmond 300 Master Plan (the "Master Plan"), which suggests "Residential" for the Property. The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. Single-family dwellings are the contemplated primary use in the Residential future land use designation (p. 54). In addition, the property is located near the Fulton Neighborhood Node which encourages growth that preserves the character of the surrounding single-family neighborhoods.

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:

- 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."
 - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- 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."
 - o d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to "Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city."
- 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 155 (Inclusive Housing Chapter), Objective 14.8 to "Develop inclusionary and equitable housing options for our gentrifying neighborhoods to prevent involuntary displacement."
- 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 high-quality, 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.

TRANSPORTATION

The Property is located near Parker Street and Williamsburg Road which are serviced by the 56 and 4B lines respectively and provide connection to the west toward Downtown and on to the VCU Medical Center and to the southeast toward Darbytown Road.

Proposal

PROJECT SUMMARY

The proposed development includes the division of the parcel and the construction of two single-family detached dwellings on the newly created lot.

PURPOSE OF REQUEST

The Property consists of a single lot of record which is described as Lot 17 and part of Lot 16 from the original Powhatan Place subdivision and is 60 feet wide and contains roughly 8,700 square feet of lot area. The owner is proposing to remove the existing dwelling on the Property and divide the lot in order to build two new single-family detached dwellings. While the proposed 30-foot lot widths are consistent with existing lots in the area, they do not meet the lot area and width requirements prescribed by the underlying R-5 zoning district 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 high-quality single-family dwellings. The overall project will remain respectful to the historic development pattern in the vicinity thereby remaining consistent with the predominant character of the area. 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 new single family detached dwellings would be two stories in height, contain 1,528 square feet of living area, and are intended to be consistent with the historic development pattern found throughout the neighborhood. The first floor would have a primary bedroom, with en suite bath and walk-in closet, at the rear and the kitchen and living area at the front of the dwelling. A small second floor would contain two bedrooms and one bathroom in roughly 492 square feet of living area.

The proposed dwelling's massing and architectural style is designed to be compatible with nearby dwellings and is consistent with the historical homes found in the neighborhood. The exteriors would be clad in quality building materials including cementitious lap siding in order to ensure durability. A covered full-width front porch would engage the street and provide usable outdoor living space for future occupants. Off-street parking, accessible from the rear alley, would be provided for each dwelling.

Findings of Fact

The following are factors indicated 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 for high-quality construction 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 negligible traffic generation will create no congestion on streets, roads, alleys or any other public right of way.

• 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.

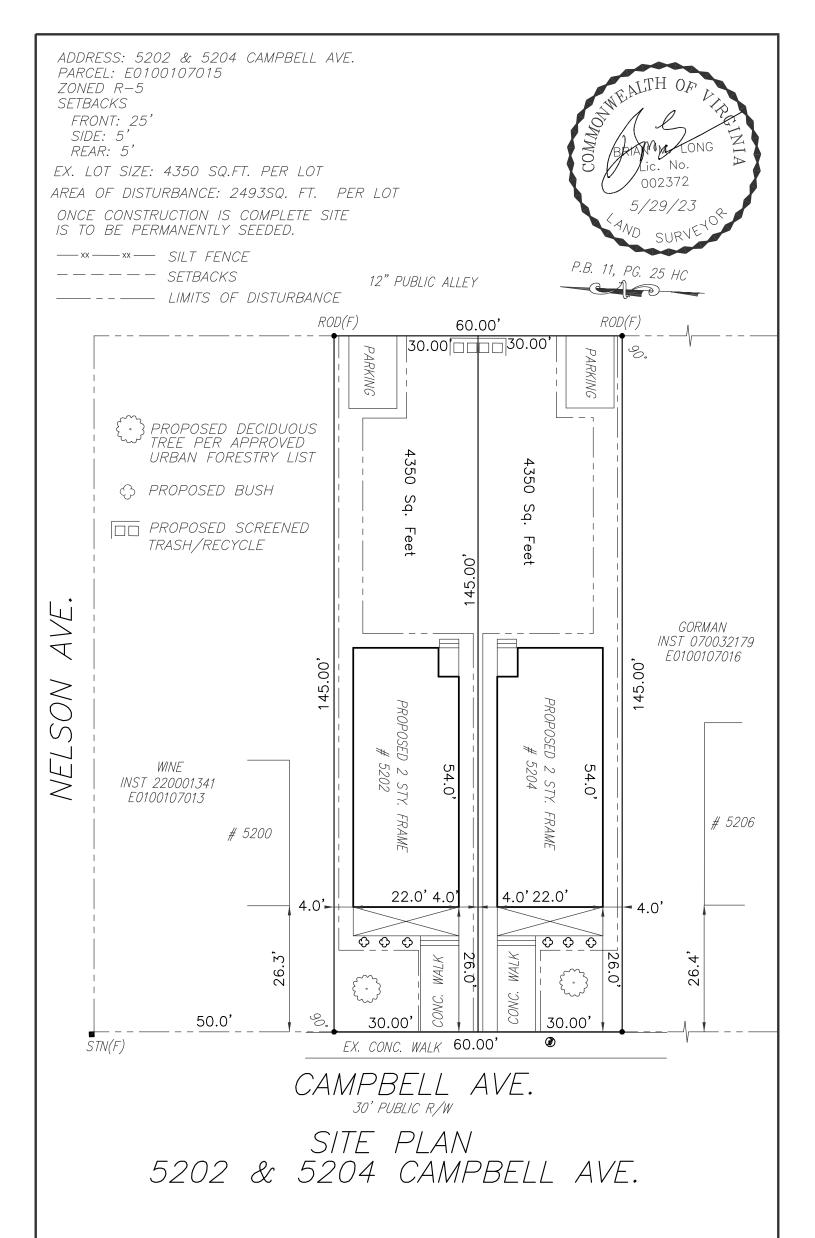
The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

• Interfere with adequate light and air.

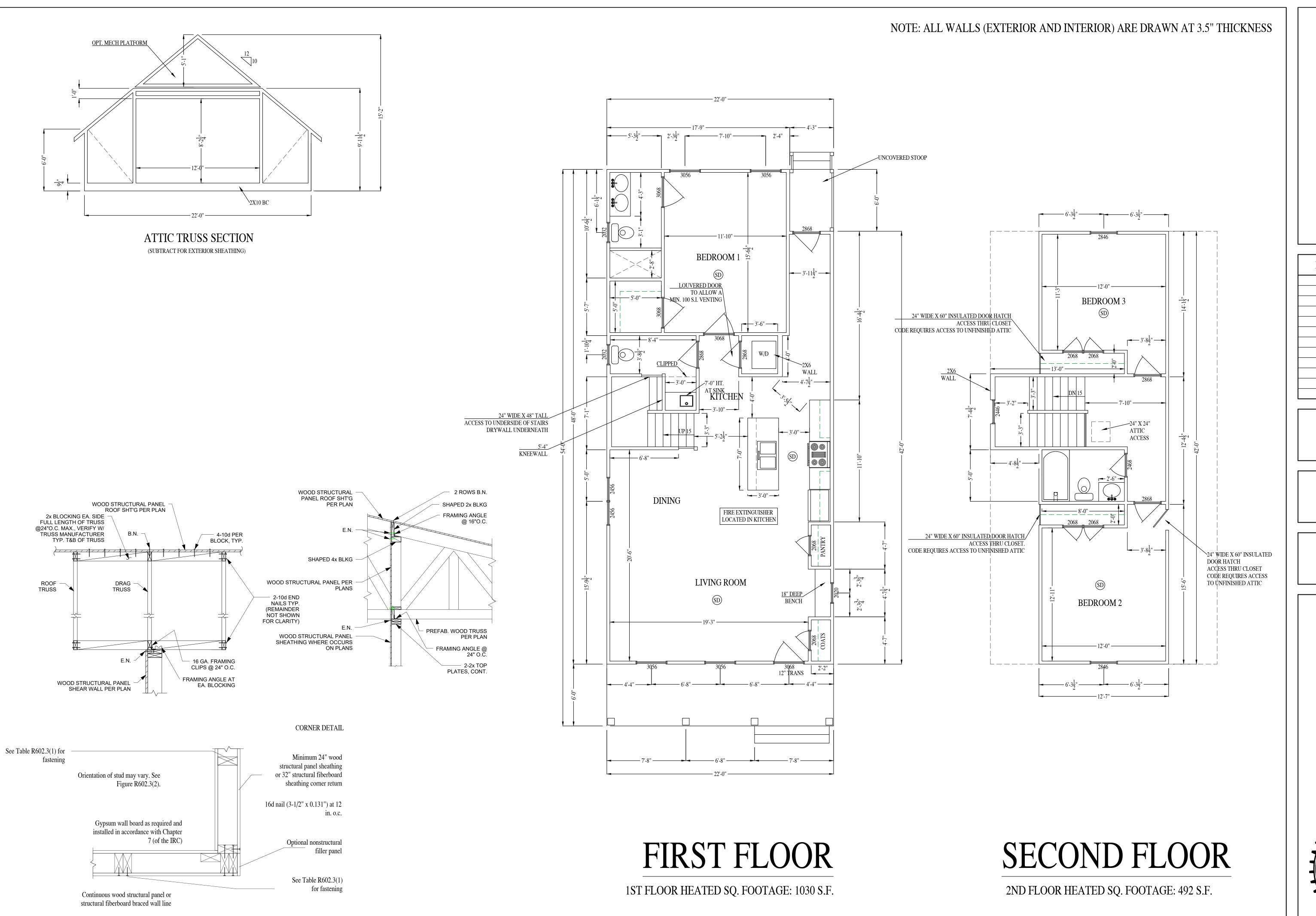
The proposed buildings are of compatible massing and spacing to the existing in the vicinity. Furthermore, the provision of a full-width front porches will provide additional usable outdoor space. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

In summary we are enthusiastically seeking approval for the construction of the proposed single-family detached dwellings. The buildings have been thoughtfully designed to provide an appropriate, high-quality residence in the neighborhood. The request offers compatibility with the City's Master Plan in terms of use and would upgrade the Property while remaining respectful to the historic development pattern in the vicinity thereby remaining consistent with the predominant character of the area. The proposed development would help encourage a pedestrian friendly traditional streetscape in the block and contribute to the vibrancy of the block though the addition street life in the form of a street-oriented front porches. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.



LONG SURVEYING, LLC 4650 FACTORY MILL ROAD MAIDENS, VA 23012 804-314-5620 CITY OF RICHMOND VIRGINIA MAY 29, 2023 SCALE: 1"=20'



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LL DEVELOPM

5202 CAMPBELL A

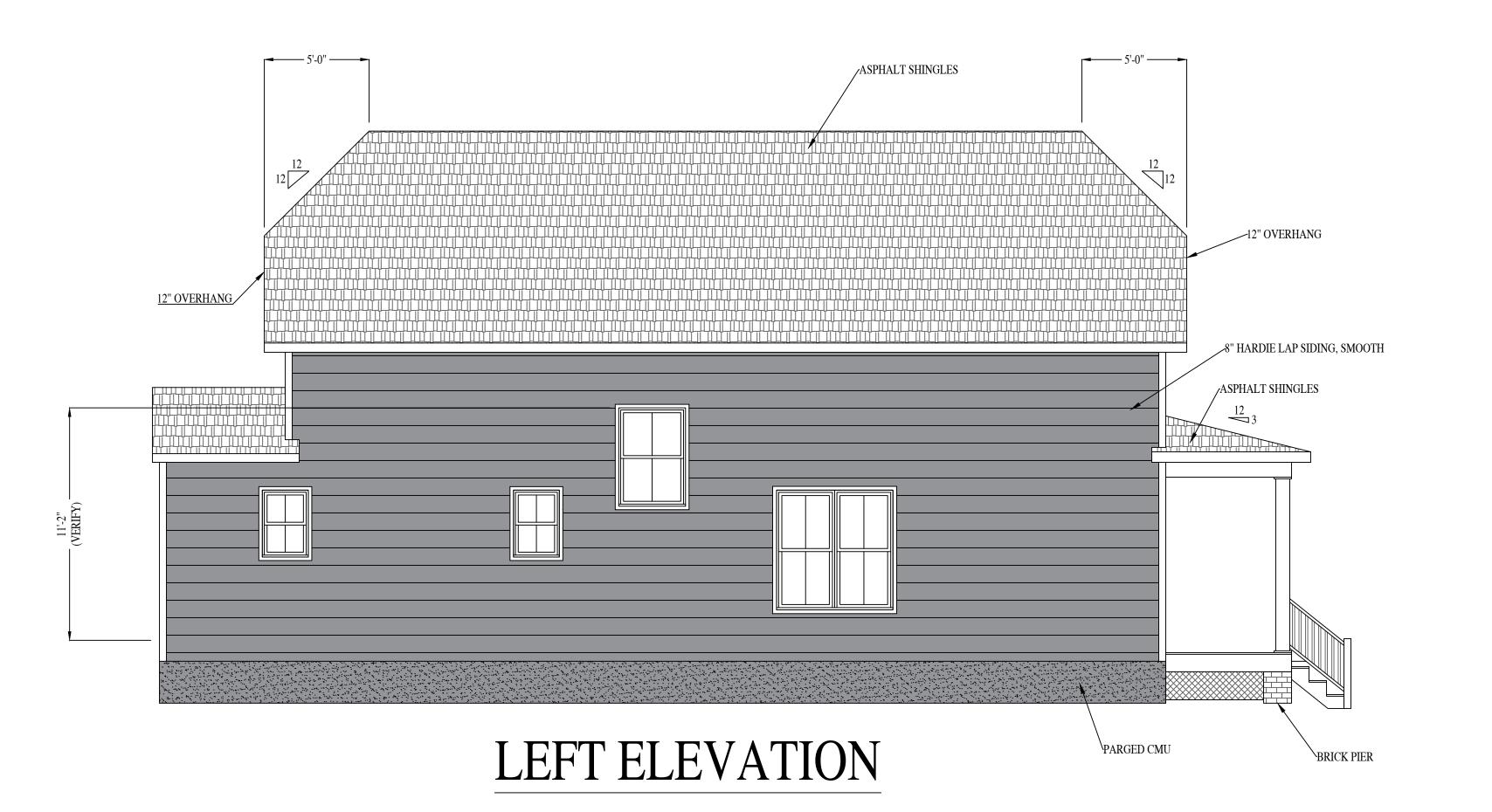
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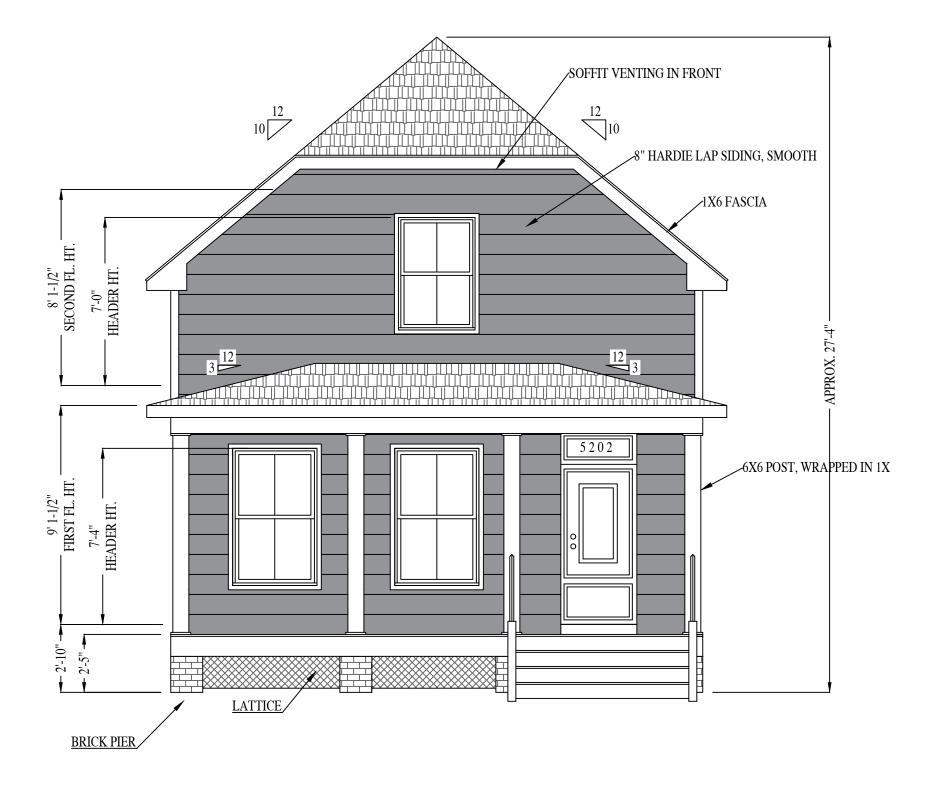
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DATE: 4-04-2023

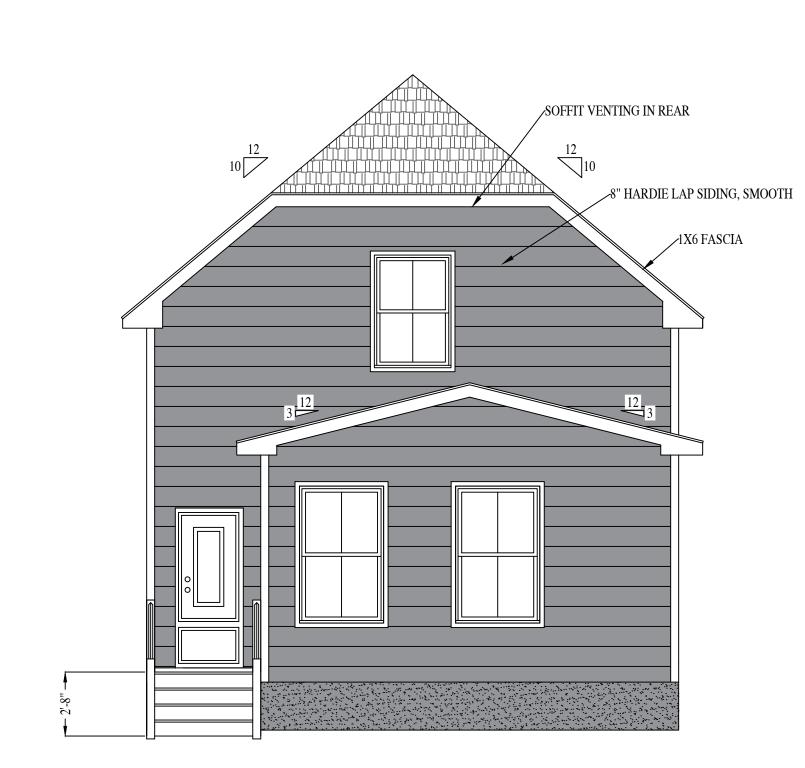
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TOEVELOPMENT DEVELOPMENT

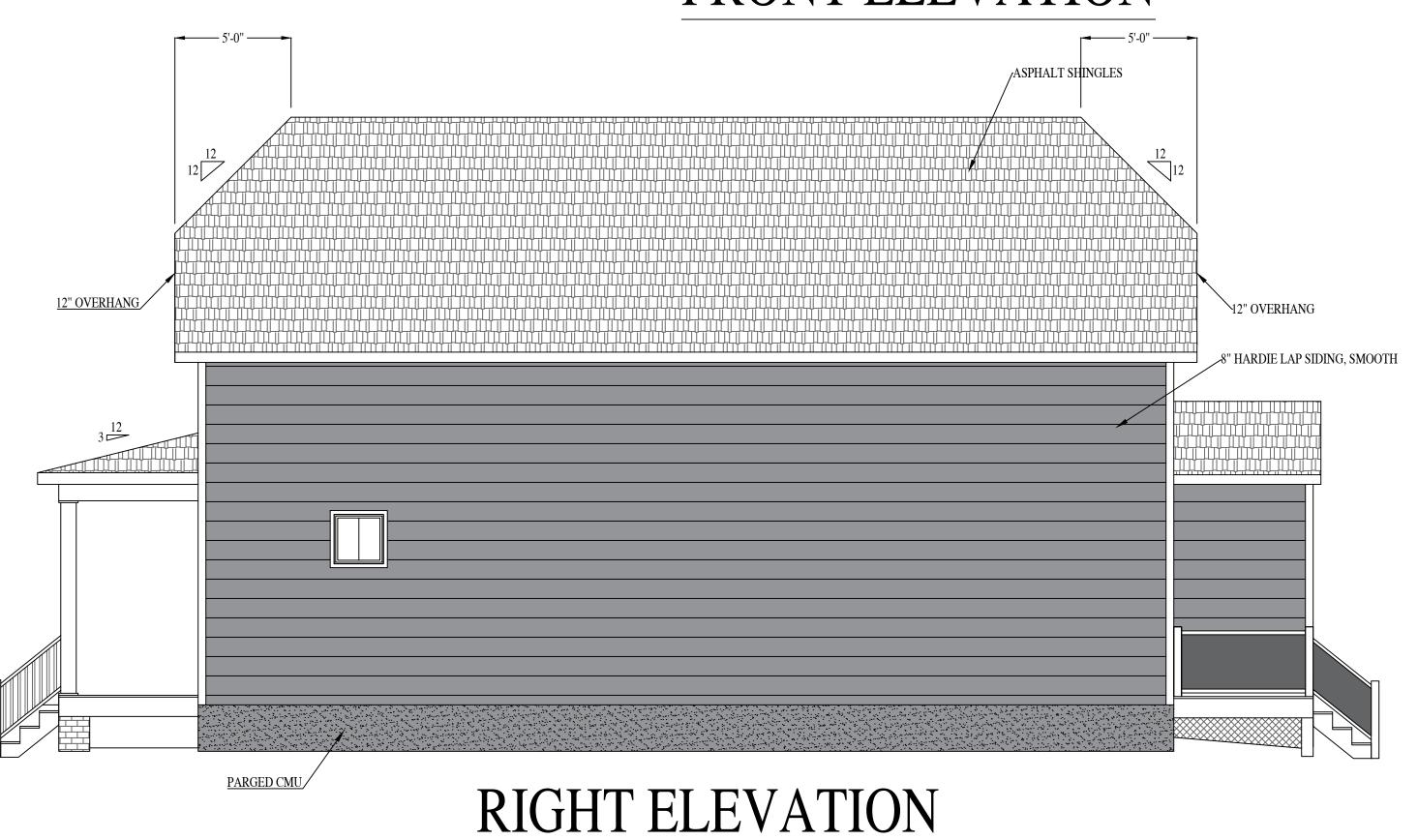




FRONT ELEVATION



REAR ELEVATION

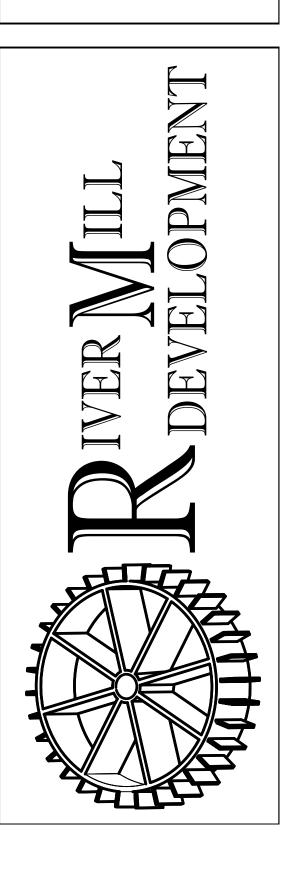


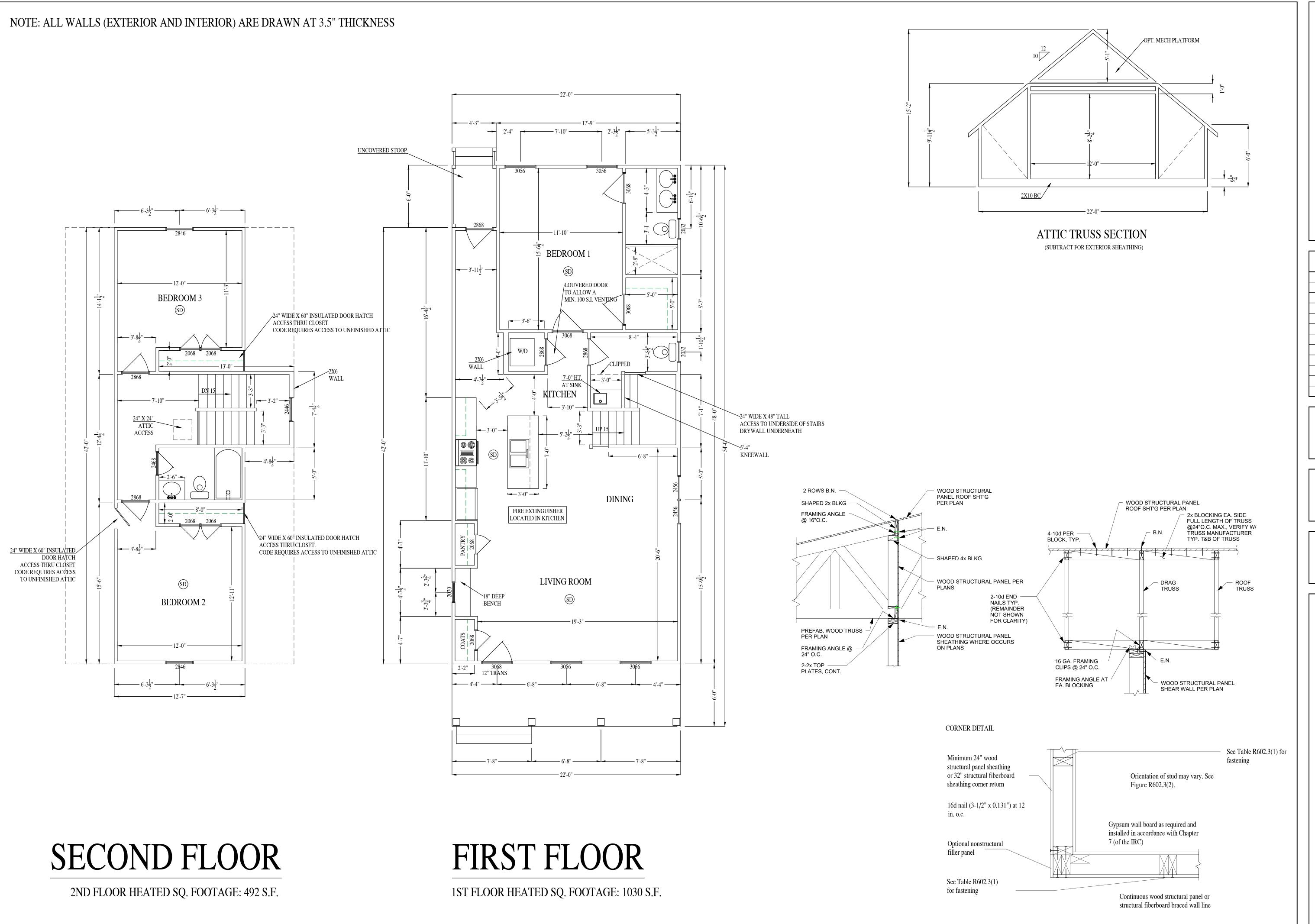
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AMPBELL

RIVER MILL DEVELC

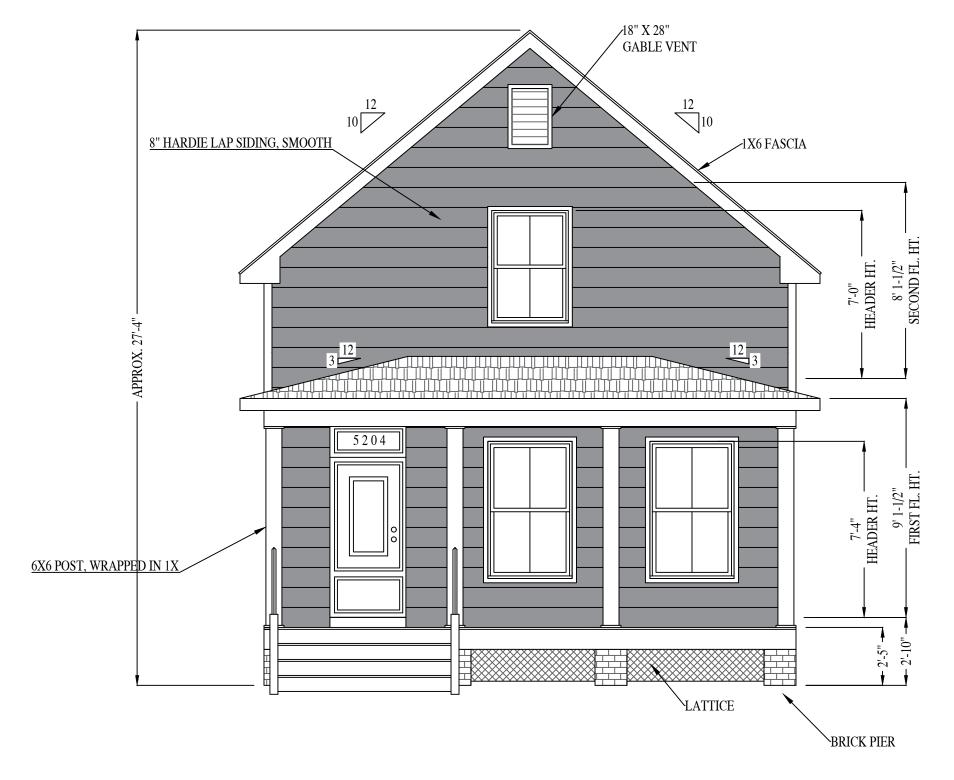
REVISION NOTES

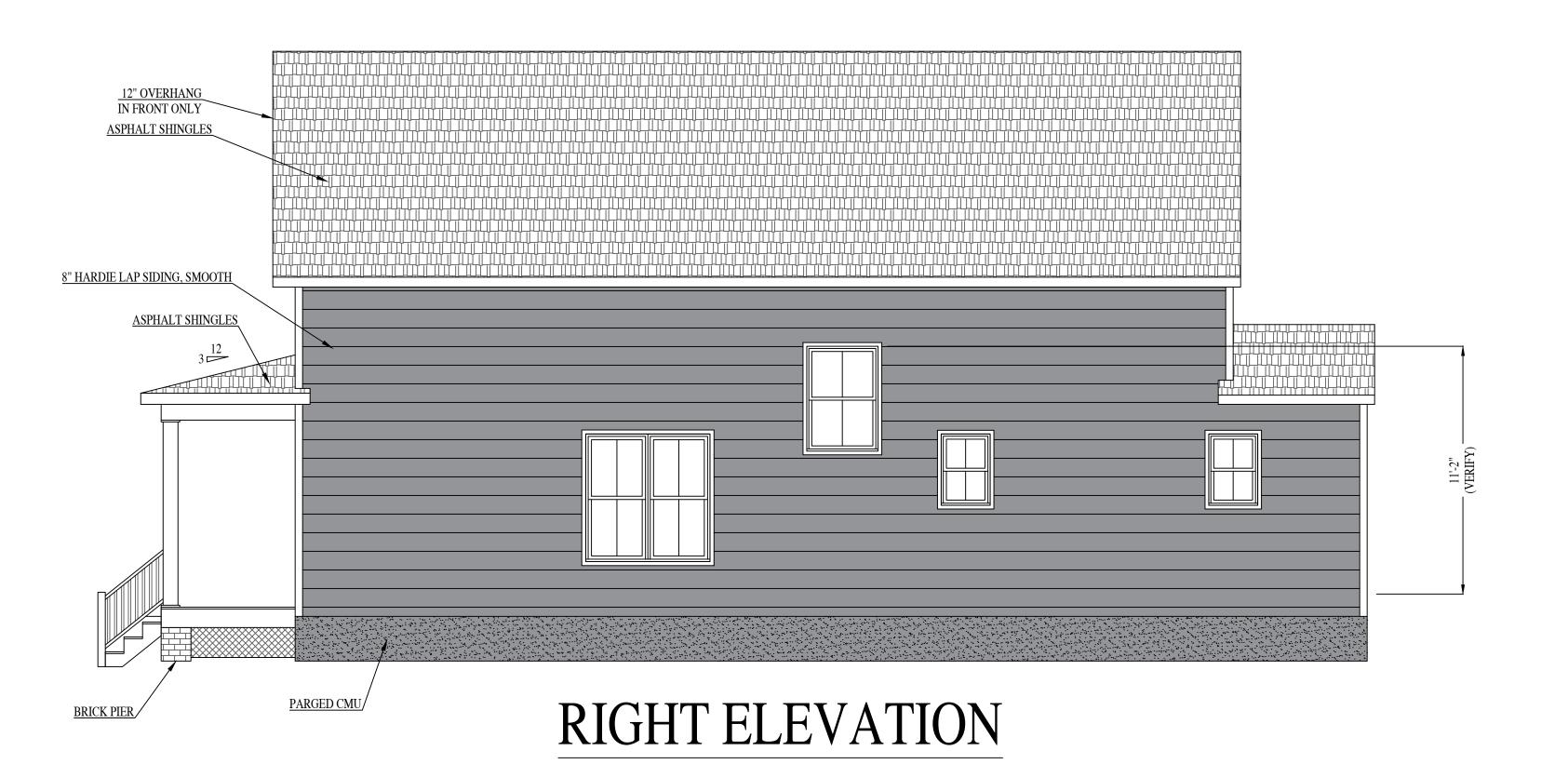
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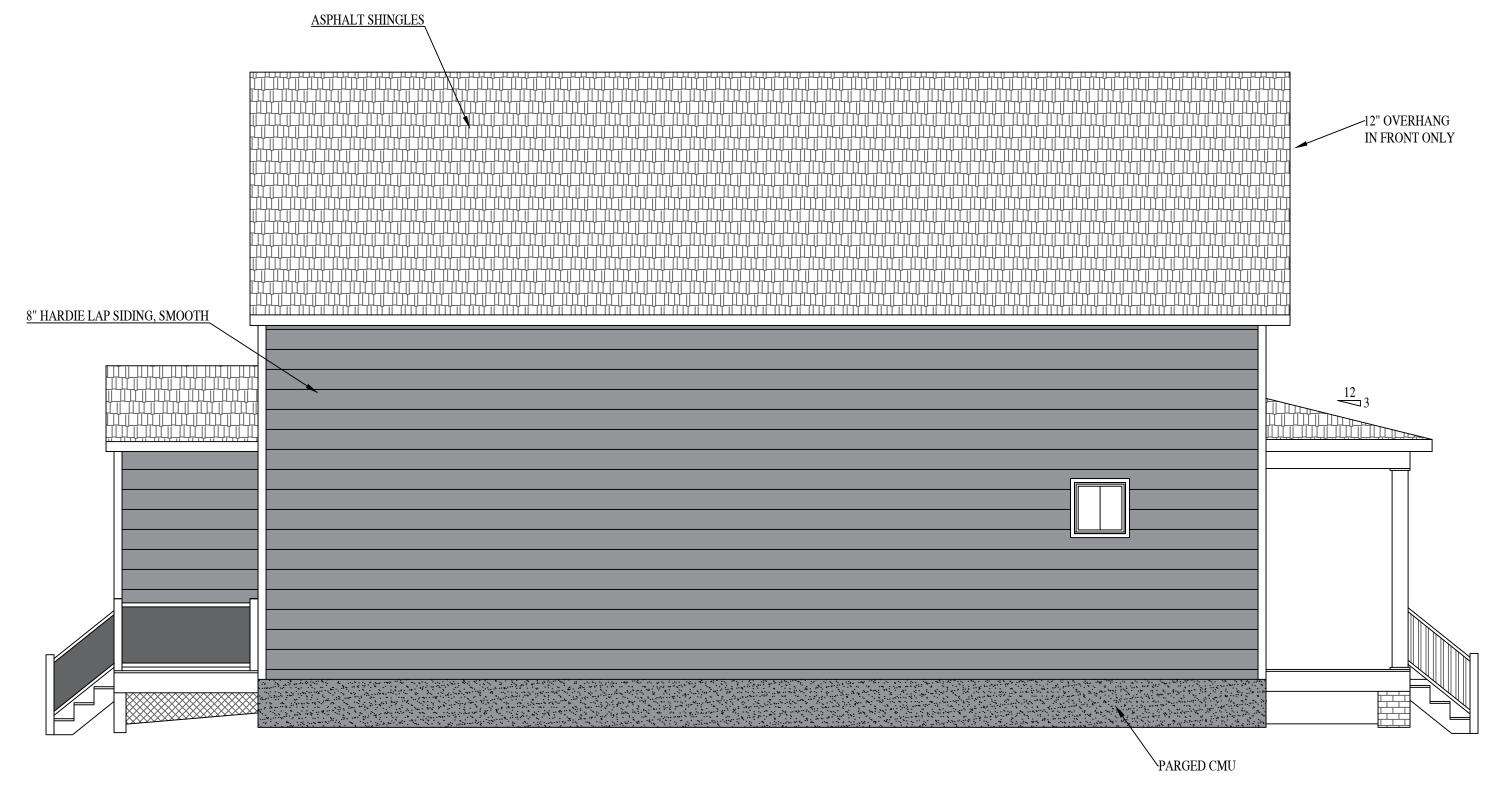
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TOEVELOPMENT

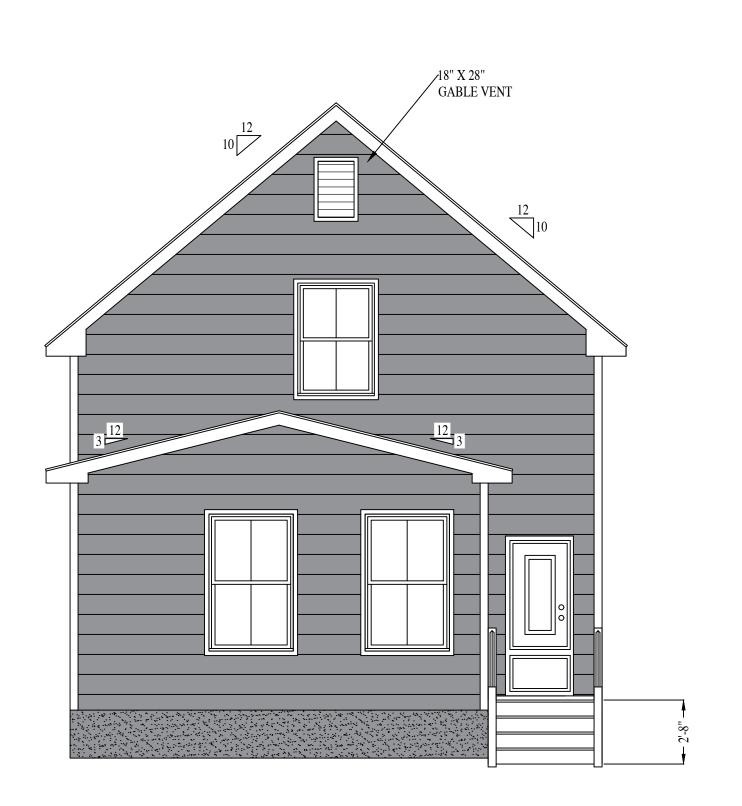




FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION

AMPBELL AVE

IVER MILL DEV

REVISION NOTES		

SCALE: 1/4" = 1'-0"

DATE: 4-04-2023

SHEET: A2.1

