

INTRODUCED: October 13, 2014

AN ORDINANCE No. 2014-223-205

To authorize the special use of the property known as 2319 M Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 10 2014 AT 6 P.M.

WHEREAS, the owner of the property known as 2319 M Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, does not meet the minimum lot area standards required by section 114-419.5 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 10 2014 REJECTED: _____ STRICKEN: _____

create 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 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 2319 M Street and identified as Tax Parcel No. E000-0293/005 in the 2014 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lot and Improvements Thereon Located at #2319 ‘M’ Street, Richmond, Virginia,” prepared by A.G. Harocopos & Associates, P.C., and dated June 30, 2014, 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 a two-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on pages 1 through 3 of the plans entitled “Existing 2319 ‘M’ Street,” prepared by Unlimited Renovations, LLC, dated May, 2014, 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 the Property shall be a two-family detached dwelling, consisting of a two-story dwelling unit and an English basement dwelling unit, substantially as shown on the Plans.

(b) No off-street parking spaces shall be required for use by the two-family detached dwelling.

(c) Any exterior alterations and site improvements shall be subject to the provisions of any applicable Old and Historic Overlay district regulations and any approvals granted by the Commission of Architectural Review.

§ 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, shall be approved by the Director of Public Utilities prior to the issuance of building permits.

(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 adjacent 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) The Owner shall make improvements, in the form of one street tree in front of the Property, within the right-of-way, which improvements may be completed in one 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 requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works 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, 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, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, 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 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

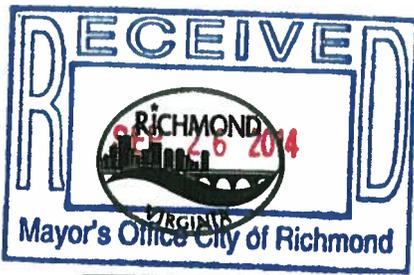
invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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.



City of Richmond

900 East Broad Street
Richmond, VA 23219
www.Richmondgov.com

O & R REQUEST

Item Request

File Number: TMP-650

SEP 17 2014

Chief Administration Office
City of Richmond

O & R Request

DATE: September 16, 2014

EDITION: 1

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: Christopher L. Beschler, Interim Chief Administrative Officer

OFFICE OF CITY ATTORNEY

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer

FROM: Mark A. Olinger, Director of Planning and Development Review

SUBJECT: To authorize the special use of the property known as 2319 M Street for the purposes of a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 2319 M Street for the purposes of a two-family detached dwelling, upon certain terms and conditions.

REASON: The property is zoned in the R-63 Multifamily Urban Residential District, which allows two-family dwellings. However, the property does not meet R-63 minimum lot area standards and a special use permit is therefore required to authorize the proposed conversion to a two-family dwelling.

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 November 3, 2014, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 0.05 acre (2,178 sq ft) parcel of land improved with a deteriorating single-family dwelling constructed, per tax assessment records, in 1890. The property is located at the southwest corner of the intersection of M Street and N 24th Street in the Union Hill neighborhood of the East planning district. The property is also located within the Union Hill City Old & Historic District and the proposed renovations have been reviewed by the Commission of Architectural Review.

The property is zoned in the R-63 Multifamily Urban Residential District, which allows two-family dwellings. However, the 2,178 sq ft property does not meet the R-63 minimum lot area standard of 3,200 sq ft for two-family detached dwellings. A special use permit is therefore required to authorize the proposed conversion to a two-family dwelling.

The City of Richmond's Master Plan recommends Mixed Use (Residential) land use for the property. The Master Plan defines the primary uses for this category as single-, two-, and multifamily dwellings, live/work units and neighborhood-serving commercial uses developed in a traditional urban form.

In regard to the East District, the Master Plan states "vacant and deteriorating housing is a problem District-wide. The East District contains the highest percentage of vacant housing of any area in the City. The abundance of substandard housing imparts a damaging image to the entire District. Given that the majority of the structures throughout the District are historically and architecturally significant, demolition to address problems associated with blighted housing will need to be used sparingly" (p. 163).

"The predominant land uses in the District are residential in nature, and these uses should be preserved" (p. 166). "Structures deemed appropriate for rehabilitation should be revitalized in order to maintain as much of the area's stock of architecturally significant buildings as possible and improve the neighborhood" (p. 169).

The properties adjacent to the subject property are part of the larger R-63 district that encompasses the majority of the neighborhood. Properties located in the UB - Urban Business district are located in the vicinity, east and south of the subject property. Residential (single-, two-, and multifamily) land uses predominate the area, with mixed-use, office, commercial, and institutional uses present as well.

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: \$1,800.00

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: October 13, 2014

CITY COUNCIL PUBLIC HEARING DATE: November 10, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, November 3, 2014

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

STAFF: Matthew J. Ebinger, Senior Planner
Land Use Administration (Room 511)
646-6308

DCD O&R No.14-41

9749



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/>

RECEIVED
JUL 18 2014
LAND USE ADMINISTRATION

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: 2319 M ST.

Date: 7/16/14

Property Address: 2319 M ST. RICHMOND, VA 23223

Tax Map #: E0000293005

Fee: 1,800.00

Total area of affected site in acres: _____

(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-63 (multifamily)

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: SFD

Is this property subject to any previous land use cases? _____

DUPLEX

Yes No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: JUSTIN PALEY

Company: MANGROVE PROPERTIES LLC

Mailing Address: 1105 W 43RD ST.

City: RICHMOND

State: VA

Zip Code: 23223

Telephone: (804) 687-9096

Fax: ()

Email: justinapaley@hotmail.com

Property Owner: MANGROVE PROPERTIES LLC

If Business Entity, name and title of authorized signee: JUSTIN PALEY, OWNER

(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: 1105 W 43RD ST.

City: RICHMOND

State: VA

Zip Code: 23223

Telephone: (804) 687-9096

Fax: ()

Email: justinapaley@hotmail.com

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

2319 M Street
Richmond, VA 23223

RECEIVED
SEP 24 2014
LAND USE ADMINISTRATION

Overview:

This property at 2319 M Street is currently zoned R-63 Multifamily in a district where the city would like to see an increase in density. It has been vacant and neglected for several years and has become a dilapidated eye sore within the community. Further, neighbors have previously complained of drug activity, public urination and loitering at this address. I plan to return this highly visible corner property back into a vibrant asset for the neighborhood.

The Plan:

To create a 2-unit rental property consisting of:

- 1) 702 square foot English Basement studio apartment with private access to the rear yard. This unit already has 2 private points of access (1 front and 1 rear).
- 2) 1404 square foot 2 story apartment above the English Basement. This unit has separate access, 2 bedrooms, 1.5 baths, screened porch and a sunroom.

Mangrove Properties LLC (The Owner) holds several properties in Church Hill/ Union Hill, and is invested in the overall betterment of the community. In a preliminary discussions with neighbors we have only received praise for doing something positive with the property. This property will undergo a full historical renovation and serve as a long term investment for the owner. A local reputable contractor, Unlimited Renovations, has been hired to complete the work.

Parking Analysis:

To date, our parking analysis shows an abundance of street parking available at all times throughout the day and night on both week days and weekends. Two of the four corners at the intersection on N 24th Street and M Street are vacant lots which lowers the parking density within the immediate area. Further, we foresee a negligible impact on parking with the addition of this 2nd (the English Basement studio) unit given its' minimal/ efficient size.

In Reply to Comments Letter:

I agree that the proposed Special Use project in question will not:

- a. Be detrimental to the safety, health, morals and general welfare of the community involved. Conversely, it will revitalize a blighted property and help revive nearby property values.
- b. Tend to create congestion in streets, roads, alleys and other public ways and places in the areas involved.
- c. Create hazard from fire, panic or other dangers. All systems are being updated on the premises to improve the safety of the dwelling.

- d. Tend to cause overcrowding of land and an undue concentration of population. The increased occupancy is minimal and reasonably suitable for the space available on premises.
- e. Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or;
- f. Interfere with adequate light and air. This proposed project does not include any plans to significantly change the exterior make-up of the dwelling. Therefore, it's impact on air and light will remain as it is now.

Please feel free to contact me with any questions or concerns. Thank you!

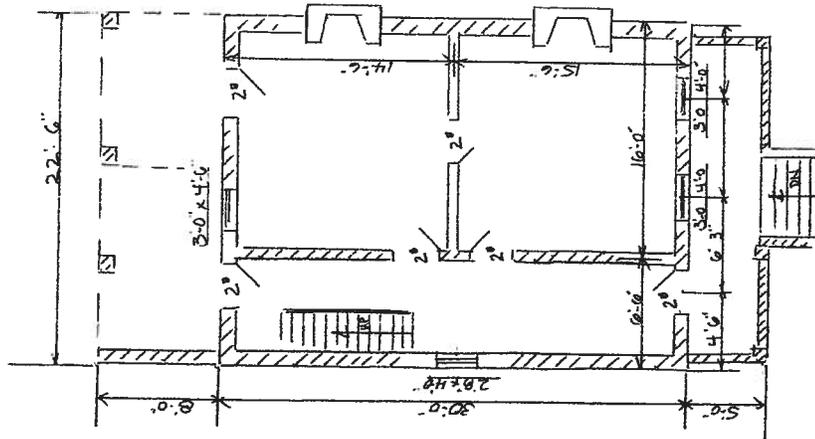
Owner:

Mangrove Properties LLC

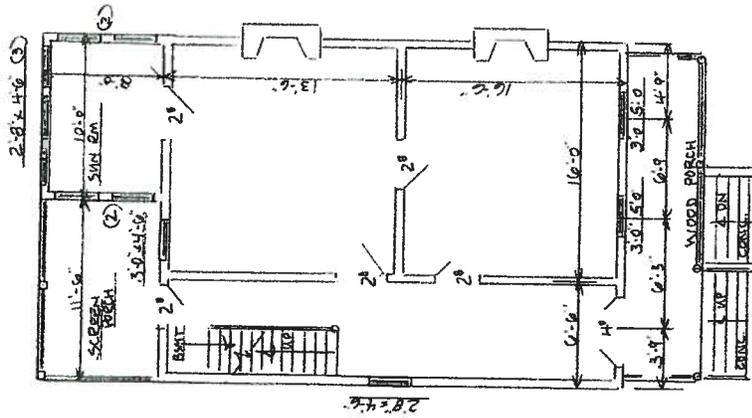
Justin Paley

804-687-9096

justinapaley@hotmail.com



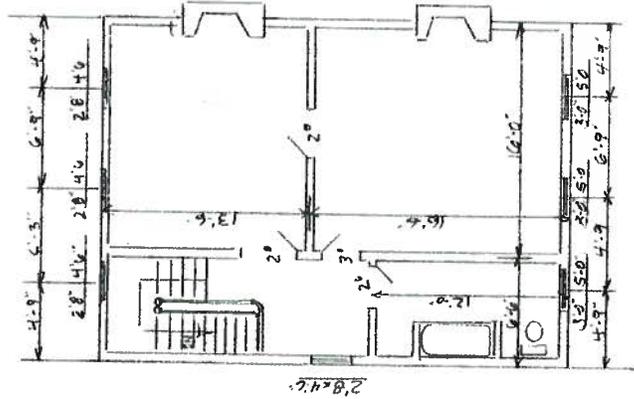
ENGLISH BASEMENT



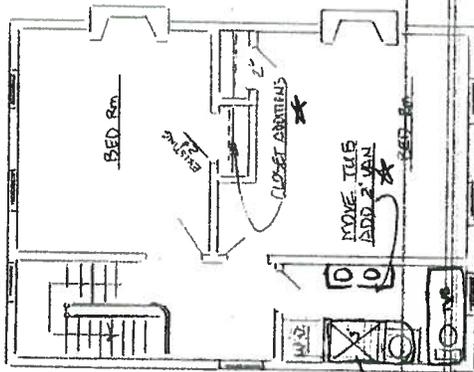
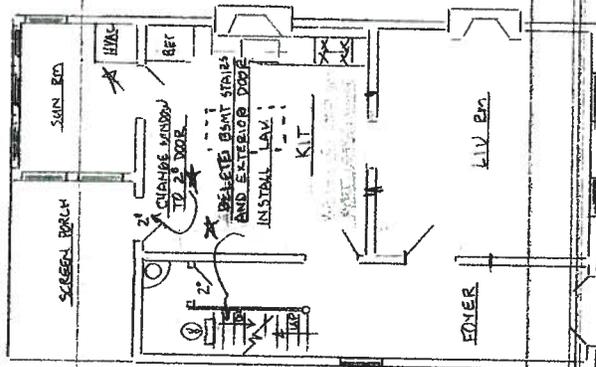
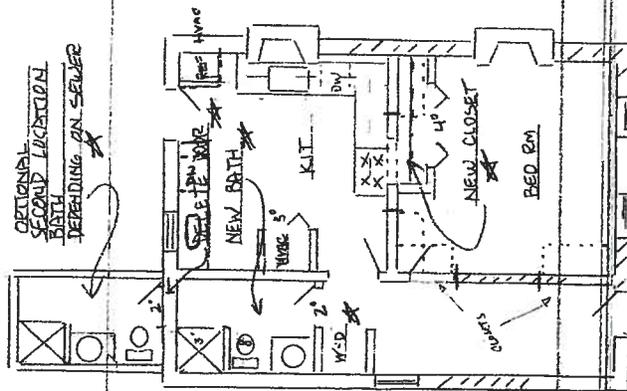
FIRST FLOOR

EXISTING 2319 "M" ST

SCALE 1/4" = 1'-0"



SECOND FLOOR



RENOVATED BASEMENT

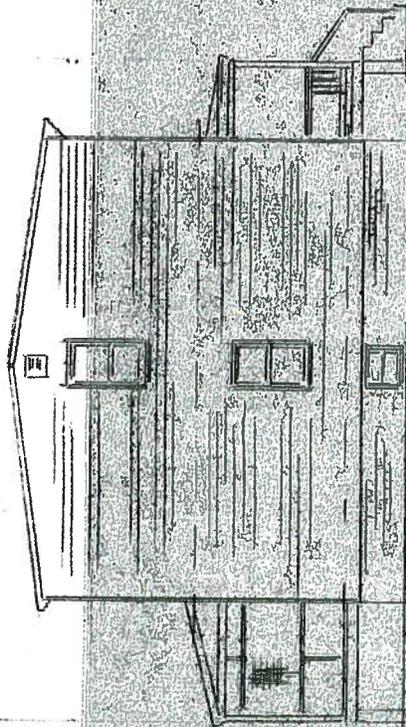
RENOVATED FIRST FL

RENOVATED SECOND FL

2319 "M" ST
 SCALE 1/4" = 1'-0"

PAGE 2 OF 3
 CHANGES NOTED

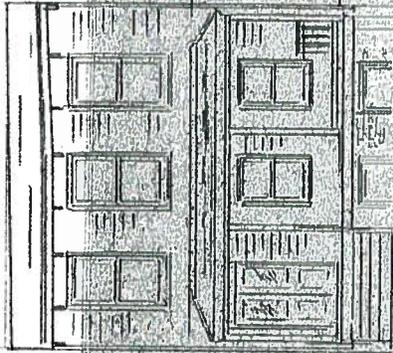
UNLIMITED RENOVATIONS LLC
 MAY 2014



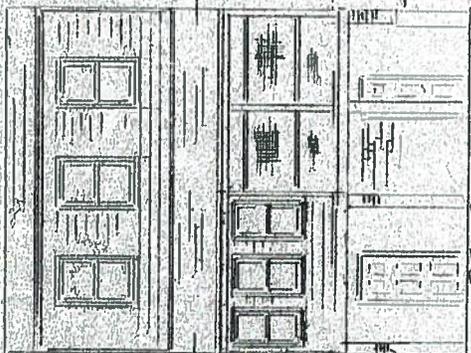
LEFT SIDE ELEV

2319 N ST
SCOTT W. ELCO

MINIATURE REVISIONS 1/14
MAY 2014



FRONT ELEV



RIGHT SIDE ELEV

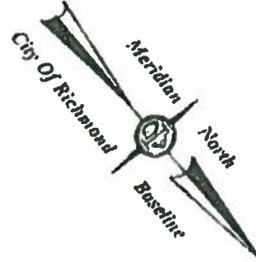
WALK

PAGE 3 OF 3

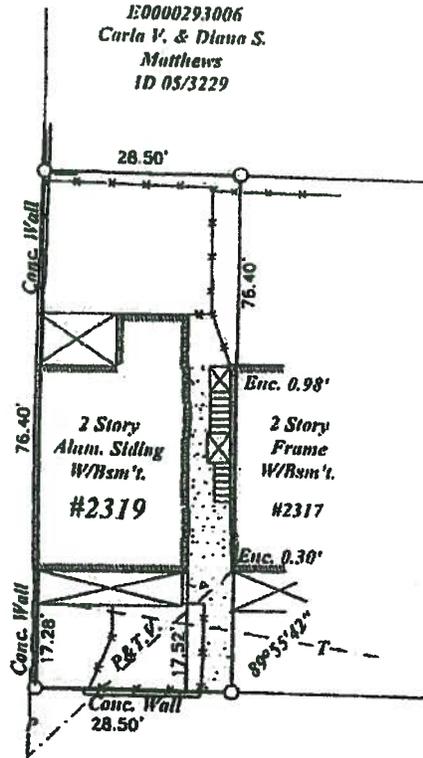
This is to certify that on 6/30/14
 I made an accurate field survey of the known premises
 shown hereon; that all improvements known or visible
 are shown hereon; that there are no encroachments by
 improvements either from adjoining premises, or from
 subject premises upon adjoining premises, other than
 shown hereon.

NOTE: THIS LOT APPEARS
 TO BE IN FEMA FLOOD ZONE
 AS SHOWN ON HUD
 COMMUNITY PANEL NUMBERS
5101220041D

NOTE:
 This survey has been prepared without
 the benefit of a title report and does
 not therefore necessarily indicate all
 encumbrances on the property.



N. 24th STREET



E0000293006
 Carla V. & Diana S.
 Matthews
 ID 05/3229

"M" STREET

SURVEY OF
 LOT AND IMPROVEMENTS THEREON LOCATED AT
#2319 "M" STREET
 RICHMOND, VIRGINIA

JN 43964

A. G. HAROCOPOS & ASSOCIATES, P.C.
 CERTIFIED LAND SURVEYOR AND CONSULTANT

4020 C MILLRIDGE PKWY SUITE 200 MIDLOTHIAN VA 23113
 Office 804 744 2630 FAX 804 744 2632
 E-MAIL AGHAROCOPOS@VERIZON.NET

NOTE: PLAN PREPARED FOR THE EXCLUSIVE
 USE OF THE CONVEYANCE TO
 Unlimited Renovations

Scale 1"=20' Date 6/30/14 Drawn by GAH