

INTRODUCED: June 8, 2020

AN ORDINANCE No. 2020-144

To conditionally rezone the properties known as 3307 Cutshaw Avenue and 3311 Cutshaw Avenue from the R-48 Multifamily Residential District to the R-63 Multifamily Urban Residential District (Conditional), upon certain proffered conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 27 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the plat entitled “Plat Showing Improvements on No. 3305 - 3307 & No. 3309 – 3311 Cutshaw Avenue, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated July 2, 2019, a copy of which is attached to, incorporated into, and made a part of this ordinance, the following properties, with tax parcel numbers as shown in the 2020 records of the City Assessor, are excluded from the R-48 Multifamily Residential District and shall no longer be subject to the provisions of sections 30-416.1 through 30-416.8 of the Code of the City of Richmond (2015), as amended, and that the same are included in the R-63 Multifamily Urban Residential District and shall be subject to the

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 27 2020 REJECTED: _____ STRICKEN: _____

provisions of sections 30-419.1 through 30-419.11 and all other applicable provisions of Chapter 30 of the Code of the City of Richmond (2015), as amended:

3307 Cutshaw Avenue
3311 Cutshaw Avenue

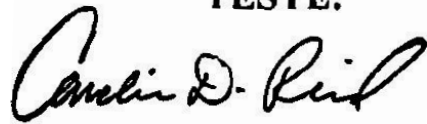
Tax Parcel No. W000-1523/017
Tax Parcel No. W000-1523/015

§ 2. That the rezoning set forth in section 1 of this ordinance shall be conditioned upon the compliance by the owner or owners with all of the proffered conditions contained in the agreement entitled “Proffer Statement,” and dated May 11, 2020, a copy of which is attached to, incorporated into, and made a part of this ordinance. These conditions, having been proffered by the owner or owners and accepted by the City, shall continue in full force and effect until a subsequent amendment to the City’s zoning ordinance changes the zoning of the parcels rezoned by this ordinance and specifically repeals such conditions.

§ 3. This ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:



City Clerk

City of Richmond

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


Item Request

File Number: PRE.2020.090


O & R Request


DATE: May 11, 2020 **EDITION:** I

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)  6/4/2020

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *lgr* 5/15/2020

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning 

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

RE: To conditionally rezone the properties known as 3307 Cutshaw Avenue and 3311 Cutshaw Avenue from the R-48 Multi-family Residential District to the R-63 Multi-family Urban Residential District (Conditional), upon certain proffered conditions.

ORD. OR RES. No. _____

PURPOSE: To conditionally rezone the properties known as 3307 Cutshaw Avenue and 3311 Cutshaw Avenue from the R-48 Multi-family Residential District to the R-63 Multi-family Urban Residential District (Conditional), upon certain proffered conditions.

REASON: The applicant has requested to rezone the aforementioned properties for future infill development that follows the requirements of the R-63 Multi-family Urban 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 6, 2020, meeting.

BACKGROUND: The subject properties consist of a combined 15,568 SF (.36 acre) of improved land located in the Museum District neighborhood of the Near West Planning District, on Cutshaw Avenue between Tilden Street and Roseneath Road. Each parcel is improved with a four-unit multi-family dwelling. The proposed rezoning would accommodate infill development in the form of a two-family dwelling located to the rear of each parcel, along the alley.

The City of Richmond's Pulse Corridor Plan designates a future land use category for this property as Transitional. These areas provide a gradual transition between intense commercial areas and primarily single-family residential areas. Landscaping, screening, setbacks, gradual transition of intensity or type of use, and other site design approaches should be used to create a transition. The scale and type of uses will vary in order to transition to the adjacent residential neighborhood. Regardless of use, buildings should have street-oriented facades with windows and door openings along street frontages. Potential future zoning districts: R-8, R-63, UB, UB-2, others as appropriate.

The property is located in the R-48 Multi-family Residential District, as are parcels to the east, south, and west. Parcels to the north, across Culshaw Avenue, are located in the UB-2 Urban Business District. A mix of multi-family, two-family, and single-family residential, commercial, and office uses are present in the vicinity of the subject property.

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

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,500

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 8, 2020

CITY COUNCIL PUBLIC HEARING DATE: July 27, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 6, 2020

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 804-646-5734

Proffer Statement

The owner of the parcels located at 3307 and 3311 Cutshaw Avenue, having tax identification numbers of W0001523015 and W0001523017 (the "Property"), pursuant to Virginia Code (1950, as amended) for itself, its successors and assigns, voluntarily proffers in connection with the rezoning, the following conditions:

1. Density. Each parcel shall contain a maximum of 6 units comprised of an existing four (4) unit multifamily dwelling and one (1) newly constructed two-unit multi-family dwelling.
2. Building Material. Every main building hereinafter constructed on the Property shall have exposed exterior walls (above grade and exclusive of trim) of brick, brick veneer, cementitious siding, stucco, synthetic stucco (E.I.F.S), or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, by the Director of Planning at the time of Plan of Development review. Further, any main building façade facing the alley frontage shall have exposed exterior walls (above grade and exclusive of trim) of brick or brick veneer.
3. Screening of Parking and Refuse Areas. Parking areas and areas used for the deposit and collection of trash or refuse shall be located and screened with opaque structural fencing not less than four (4) feet in height substantially as shown on the attached site plan entitled "3305 – 3311 Cutshaw Ave, Richmond VA, 23230", prepared by Ratio, PC and dated April 29, 2020.
4. Porches and Patios. An exterior unenclosed porch or patio not less than sixty (60) square feet in area shall be provided for the use of each dwelling unit hereinafter constructed.

Museum District, LLC


By:


LENNOX B. TURNBULL, Principal

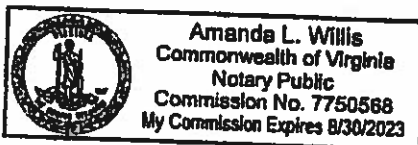
COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:

The foregoing was acknowledged before me the 1th day of May, 2020, by Birck Turnbull, as the Principal of Museum District, LLC a Virginia limited liability corporation, on behalf of the corporation.

My commission expires: 08/30/2023.


Notary Public
Notary Reg No. 7750568

[Notary Stamp]





Application for **REZONING/CONDITIONAL REZONING**

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

Project Name/Location

Property Address: 3307 and 3311 Cutshaw Avenue

Date: 11/15/19

Tax Map #: W000-1523/015 & 017 Fee: \$1,500

Total area of affected site in acres: 0.358 acres

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

Zoning

Current Zoning: R-48 Multifamily Residential District

Existing Use: Multi-Family Dwellings (2 buildings and 8 units)

Proposed Zoning/Conditional Zoning

(Please include a detailed description of the proposed use and proffers in the required applicant's report)
R-83 Multi-Family Urban Residential District. (Please see attached applicant's report)

Existing Use: Two Multi-Family Dwellings, with one building on each lot containing 4 units (8 total units)

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number NA

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources

Mailing Address: 1519 Summit Avenue, Suite 102

City: Richmond

State: VA

Zip Code: 23230

Telephone: (804) 874-8275

Fax: ()

Email: markbaker@bakerdevelopmentresources.com

Property Owner: Museum District, LLC

If Business Entity, name and title of authorized signer: Breck Turnbull, Principal

(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 15 Robb Road

City: Richmond

State: VA

Zip Code: 23226

Telephone: (804) 877-8431

Fax: ()

Email: breck.turnbull@thalhimer.com

Property Owner Signature: [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



November 11, 2019
Revised April 30, 2020

BY HAND DELIVERY

Mr. Matthew Ebinger
City of Richmond Department of Community Development
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Rezoning: 3307 and 3311 Cutshaw Avenue

Dear Matthew:

Please accept this letter as the Applicant's Report accompanying the application for a conditional rezoning from R-48 Multifamily Residential to R-63 Multifamily Urban Residential for the properties known as 3307 and 3311 Cutshaw Avenue, identified as Tax Parcels W000-1523/015 and 008 (the "Property"). The Property is located on the south side of Cutshaw Avenue between Roseneath Road and Tilden Street. The Property consists of two lots, each of which contains 0.179 or 7,784 square feet of land area. Each of the two lots is developed with a four-unit multi-family dwelling. The buildings at 3307 and 3311 Cutshaw were built in 1930 and 1929, respectively. The proposed rezoning would facilitate the development of an additional building containing two dwelling units on each of the two lots.

The proposed development concept would retain the two existing four-unit buildings as they were originally developed. These buildings are both two-stories in height and include approximately 3,452 square feet of floor area. The buildings are constructed of brick and are oriented toward Cutshaw Avenue with two-story open front porches. Two additional buildings would be constructed to the rear of the existing buildings and would each contain two dwelling units. When complete a maximum of 6 dwelling units would occupy each of the two lots. The new buildings would be designed with sensitivity to the existing buildings on the Property and quality building materials are proposed and included as a proffer attached to the request. The proffers would require that the new buildings would be clad with brick, brick veneer, cementitious siding, stucco, synthetic stucco (E.I.F.S), or a combination thereof. Further the proffers would require that any building façade facing the alley would be clad in brick or brick veneer. All R-63 zoning requirements would be met including the provision of one parking space per dwelling unit at the rear of the Property, accessed by an east west alley. The parking area as well as refuse containers would be screened by a 4-foot opaque structural fence substantially as shown on the site plan attached to this request.

3307 and 3311 Cutshaw Avenue
November 18, 2019
Page 2

The R-63 district regulations specify that a Plan of Development (POD) is required for the development of the site as proposed. As a result, the design details of the new buildings would be subject to the POD review and approval process. POD approval would take place after the proposed conditional rezoning and would ensure compliance with the technical requirements of the code and the site planning criteria set forth in the zoning ordinance, appropriate general character and overall quality of the development, as well as compatibility with nearby uses.

The Property is currently zoned R-48 Multifamily Residential. The Pulse Corridor Plan recommends "Transitional" for the Property, which is intended to "provide a gradual transition between intense commercial areas and primarily single-family residential areas." According to the plan, typical zoning classifications that may accommodate this land use category include "R-8, R-63, UB, UB-2, [and] others as appropriate." The current R-48 classification is not contemplated by the Transitional land use recommendation. Conversely, the R-63 district intent in terms of encouraging the development of medium density neighborhoods and to promoting a pedestrian-oriented urban environment is consistent with the Pulse Corridor Plan guiding principles.

More specifically, the R-63 districts permits residential uses at a density that allows for the desired transition between intense commercial uses and nearby less intense residential uses as stated in the plan. From a density perspective, the R-48 district requires that multifamily dwellings are located on lots of not less than 2,200 square feet in area for each dwelling unit while the R-63 district requires 1,000 square feet of lot area per dwelling unit. This specific request would include a proffer limiting the density to six units on each lot or nearly 1,300 square feet of lot area per dwelling unit. In this specific context, the additional density is warranted. The properties to the north transition from TOD-1 along Broad Street, to UB-2 on the north line of Cutshaw Avenue. The Property is situated between these intense zoning classifications and a property to the south that is developed with multi-family dwellings at a density of 23.8 units per acre.

The R-63 district, as proposed, would allow for a more efficient use of the Property while providing for a modest increase in density in order to accomplish the recommended transition while supporting transit-oriented design principles contained in the Pulse Corridor Plan. This would include, but not be limited to: (1) retaining the existing historic buildings on the Property in order to allow for a diversity in style and use in the corridor; (2) creating a denser, more compact development pattern to add housing and create a more walkable and vibrant corridor; and (3) increasing access and ridership for the local transit network.

Thank you for your time and consideration of this request, please let me know if you have any questions.

Sincerely,

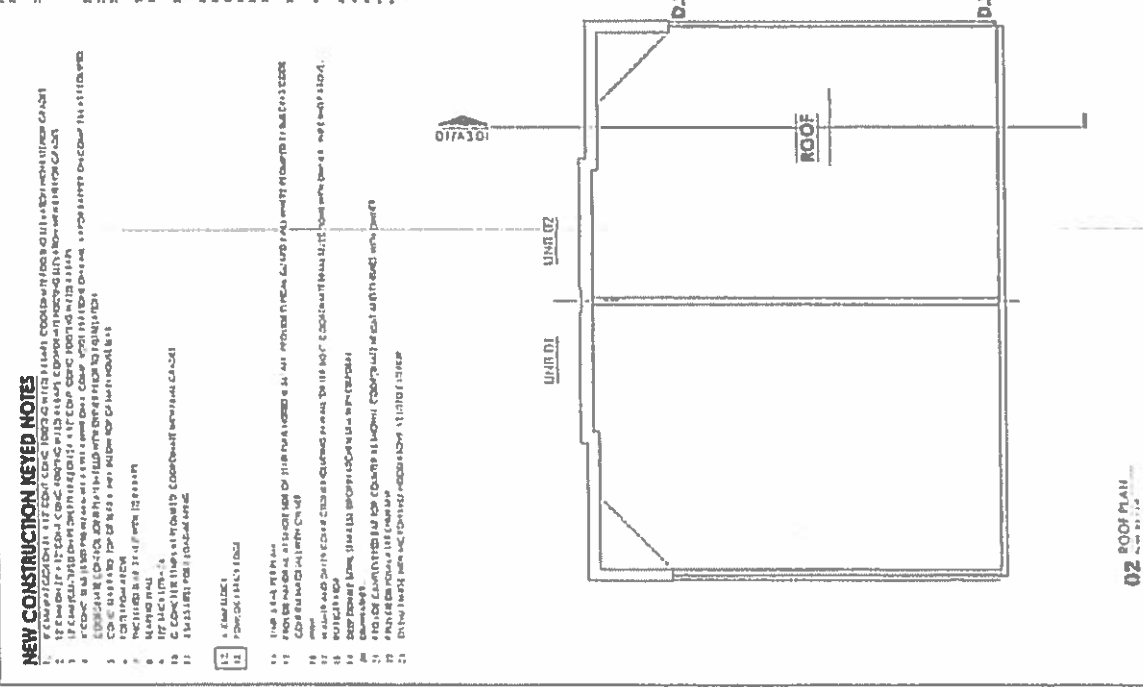
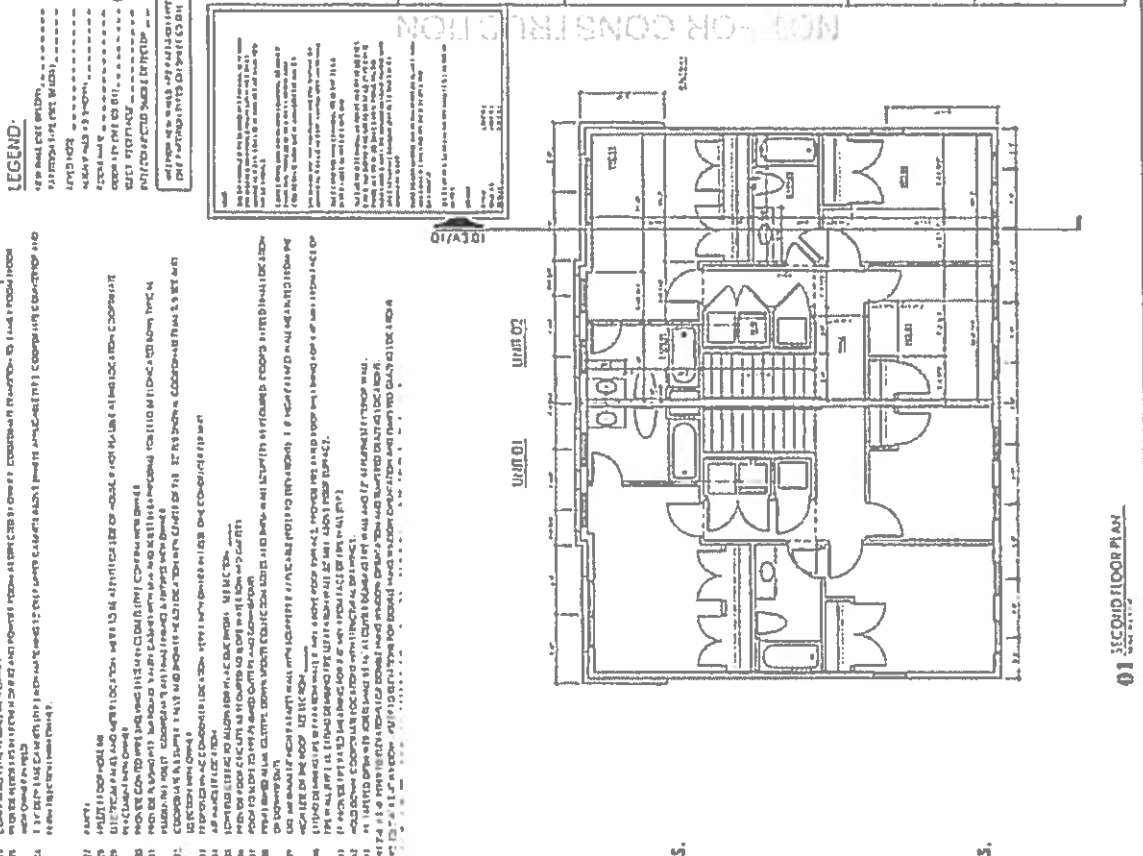


Mark Baker

3307 and 3311 Cutshaw Avenue
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Enclosures

cc: The Honorable Andreas D. Addison



A4 01

ARCHITECTURAL ELEVATIONS

3305-3311 Cutshaw Ave.

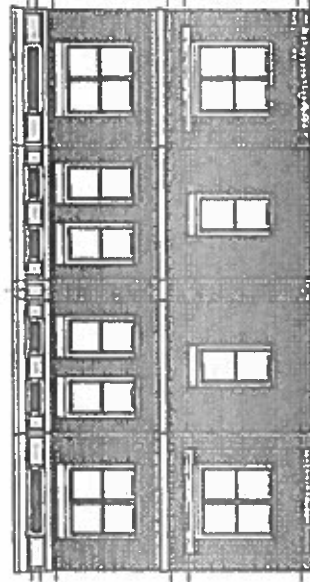
NOT TO SCALE

DATE: 11/11/11

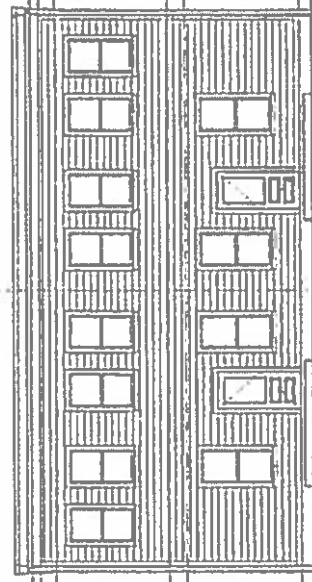
11/11/11

ratio

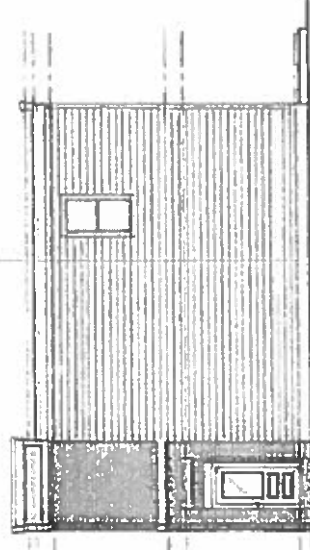
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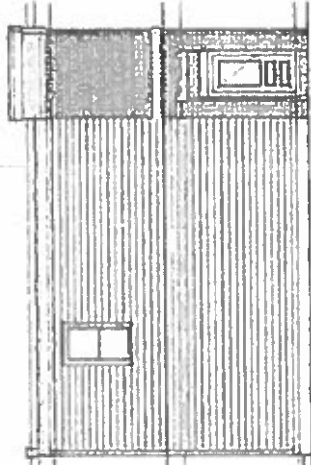
01 ALLE ELEVATION



03 YARD ELEVATION



02 SIDE ELEVATION



04 SIDE ELEVATION

CS 20

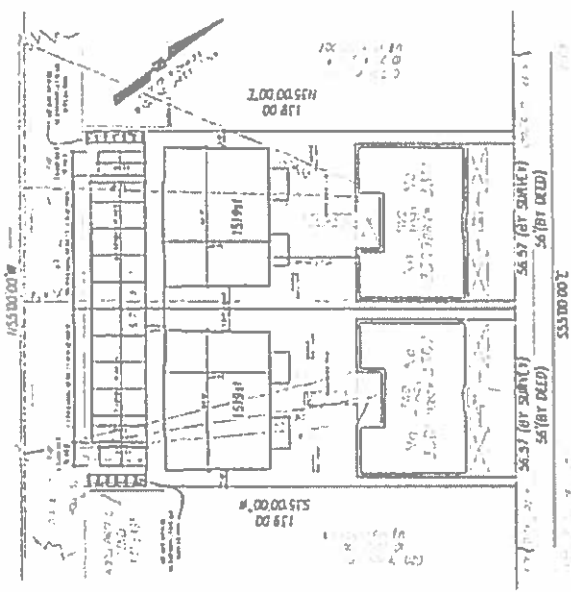
3305-311 Cutshaw Ave.

Revised Aug 2020

Ratio

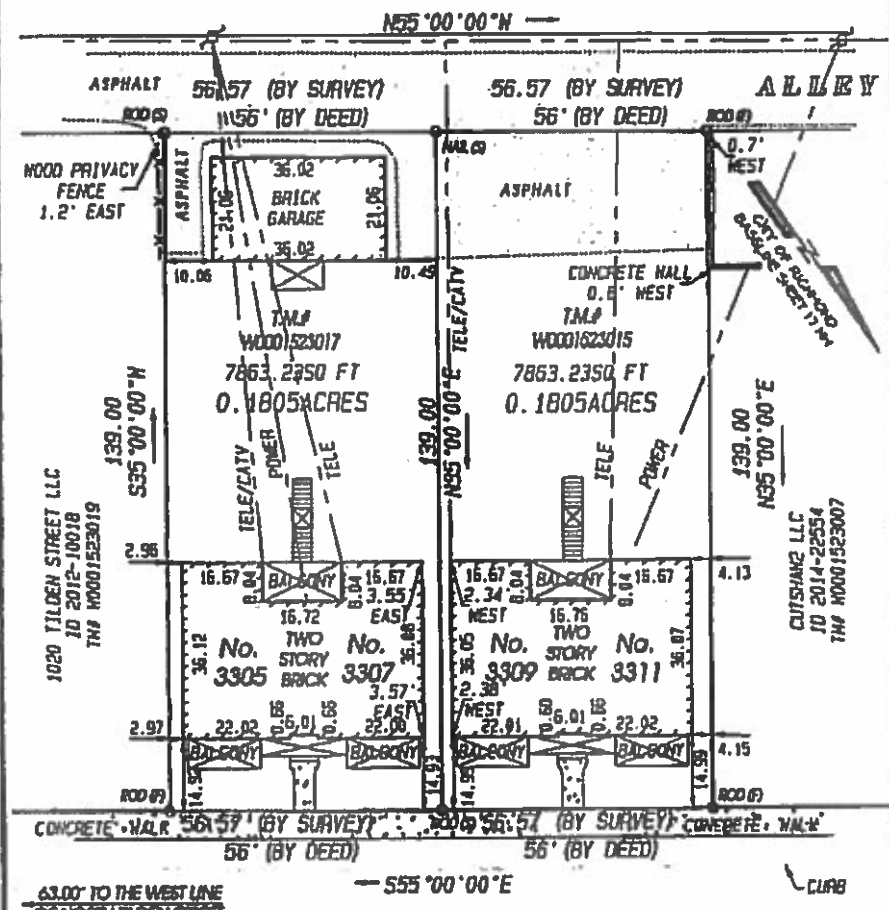
NOT FOR CONSTRUCTION

THIS DRAWING IS BASED ON THE FIELD SURVEY BY THE ENGINEER AND THE RECORD PLANS FOR THE PROJECT.



01 ARCHITECTURAL FLOOR PLAN

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
 CURRENT OWNER: CAO CHAUT ID 2019-10969

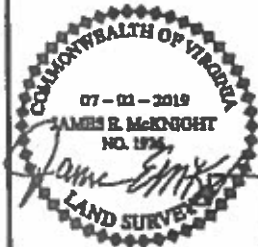


CUTSHAW AVENUE

1/4-1/4W

PLAT SHOWING IMPROVEMENTS ON
 No. 3305-3307 & No. 3309-3311 CUTSHAW AVENUE,
 IN THE CITY OF RICHMOND, VIRGINIA.

PURCHASERS:
 MUSEUM DISTRICT, LLC



THIS IS TO CERTIFY THAT ON JUNE 2, 2019 I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAT COMPLES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS.

SCALE: 1" = 25'



McKNIGHT & ASSOCIATES, P.C.

LAND SURVEYORS FANNERS

201 TWIN RIDGE LANE
 RICHMOND, VIRGINIA 23235
 TELEPHONE (804) 320-2545

JOB NUMBER: 91011915