

INTRODUCED: November 13, 2023

AN ORDINANCE No. 2023-350

To authorize the special use of the properties known as 1823, 1825, and 1827 West Cary Street for the purpose of up to eight single-family attached 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 properties known as 1823, 1825, and 1827 West Cary Street, which are situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such properties for the purpose of up to eight single-family attached dwellings, which use, among other things, is not currently allowed by sections 30-413.5, concerning lot area and lot width, 30-413.6, concerning yards, and 30-413.7, concerning lot coverage, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES: \_\_\_\_\_ 8 \_\_\_\_\_ NOES: \_\_\_\_\_ 0 \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: DEC 11 2023 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

**§ 2. Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the properties known as 1823, 1825, and 1827 West Cary Street and identified as Tax Parcel Nos. W000-0808/008, W000-0808/006, and W000-0808/005, respectively, in the 2023 records of the City Assessor, being more particularly shown on a survey entitled "Boundary Survey Showing Existing Improvements to #1805-#1827 West Cary Street, City of Richmond, Virginia," prepared by Shadrach & Associates LLC, and dated September 27, 2021, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of up to eight single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "1823-1827 W Cary St. Houses," prepared by Chris Wolf Architecture, PLLC, and dated July 20, 2023, and "Site Plan, 1323-1327 W Cary St, Center Creek Homes," prepared by Bowman, and dated July 20, 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 up to eight single-family attached dwellings, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed three stories, substantially as shown on the Plans.

(c) No less than eight off-street parking spaces shall be provided on the Property, to the rear of the dwellings, substantially as shown on the Plans.

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

(e) All mechanical equipment, including heating, ventilation, and air conditioning units, serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) Prior to the issuance of any building permit for the Special Use, the establishment of up to eight residential lots and a common area, 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) The Owner shall make improvements within the right-of-way, including the installation of three street trees, substantially as shown on the Plans, 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 or the designee thereof that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works or the designee thereof pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, 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 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.

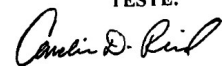
§ 6. **Implementation.** The Commissioner of Buildings is authorized issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following 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.

APPROVED AS TO FORM:

  
City Attorney's Office

A TRUE COPY:  
TESTE:

  
City Clerk



# City of Richmond

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

## Master

**File Number: Admin-2023-1282**

**File ID:** Admin-2023-1282

**Type:** Request for Ordinance or Resolution

**Status:** Regular Agenda

**Version:** 1

**Reference:**

**In Control:** City Clerk Waiting Room

**Department:** Richmond Dept of Planning & Development. Review

**Cost:**

**File Created:** 08/17/2023

**Subject:**

**Final Action:**

**Title:**

### Internal Notes:

### Code Sections:

**Agenda Date:** 11/13/2023

**Indexes:**

**Agenda Number:**

**Patron(s):**

**Enactment Date:**

**Attachments:** Ordinance - Approved as to Form - Admin-2023-1282, O&R Transmittal Memo-Admin-2023-1282, Application Documents-Admin-2023-1282, Application Form-Admin-2023-1282

**Enactment Number:**

**Contact:**

**Introduction Date:**

**Drafter:** jonathan.brown@richmondgov.com

**Effective Date:**

### Related Files:

### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	10/24/2023	Matthew Ebinger	Approve	10/26/2023
1	2	10/24/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	10/24/2023	Kevin Vonck	Approve	10/31/2023
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





# City of Richmond

## Intracity Correspondence

### O&R Transmittal

**DATE:** October 13, 2023

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (by request)

(This is no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** J.E. Lincoln Saunders, Chief Administrative Officer

**FROM:** Kevin J. Vonck, Director of Planning & Development Review

**RE:** To authorize the special use of the properties known as 1823, 1825, and 1827 West Cary Street for the purpose of up to eight single-family attached dwellings, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** The applicant is requesting a Special Use Permit to authorize eight (8) single-family attached dwellings within an R-7 Single- and Two-Family Urban Residential District. While the use is permitted the property does not meet the current requirements for sections 30-413.5(2), 30-413.6(1), 30-413.6(2), and 30-413.7 regarding lot area, front yards, side yards, and lot coverage, respectively. A Special Use Permit is therefore required.

**BACKGROUND:** The property is located in the Fan neighborhood on Cary Street between South Grandby Street and South Allen Avenue. The properties together are a combined 11,517 sq. ft. (.26 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed Use, which is defined as a "Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions." (p. 58)

Intensity: Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build-to-line

after matching the height of the predominant cornice line of the block. Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space. Secondary Uses: Single-family houses, institutional, and government.

The current zoning for this property is R-7 Single- and Two-Family Urban Residential District. All properties to the east and southeast are located primarily within the same R-7 Zone as the property in question with properties to the north and northwest are zoned UB Urban Business. The area is primarily mixed-use residential and commercial with some institutional uses present in the vicinity. The proposed density is 8 units per .26 acres, or 30 units per acre.

**COMMUNITY ENGAGEMENT:** Fan District Association was notified of the application; additional community notification will take place after introduction.

**STRATEGIC INITIATIVES 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, Plans, Survey, Map

**STAFF:**

Matthew Ebinger, Planning Supervisor, Land Use Administration (Room 511) 646-6308

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



## 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, plan amendment**  
☐ **special use permit, text only amendment**

### Project Name/Location

Property Address: 1823 and 1825 West Cary Street

Date: February 28, 2023

Parcel I.D. #: W0000808006 & W0000808008 Fee: \$300.00

Total area of affected site in acres: 0.17 Acres

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

### Zoning

Current Zoning: R-7 SINGLE- AND TWO-FAMILY URBAN RESIDENTIAL

Richmond 300 Land Use Designation: Community Mixed-Use

### Proposed Use

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

Construct eight (8) single-family attached dwellings along with accessory on-site parking

Existing Use: Vacant Land

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: N/A

**Applicant/Contact Person:** Mark Baker / Will Gillette

Company: Baker Development Resources

Mailing Address: 530 East Main Street, Suite 730

City: Richmond

State: VA

Zip Code: 23219

Telephone: (804) 874-6275

Fax: ( )

Email: markbaker@bakerdevelopmentresources.com / will@bakerdevelopmentresources.com

**Property Owner:** CCR3 HOLDINGS LLC

If Business Entity, name and title of authorized signee: \_\_\_\_\_

(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: 421 N 33rd Street

City: Richmond

State: VA

Zip Code: 23223

Telephone: ( )

Fax: ( )

Email: \_\_\_\_\_

**Property Owner Signature:** \_\_\_\_\_

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

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



## Review & Approval process for **SPECIAL USE PERMIT**

In instances where it has been determined that underlying zoning regulations cannot be met, a special use permit may be granted by City Council to provide relief from zoning regulations.

Special use permit applications are reviewed for compliance with the *Richmond 300* to ensure the proposal is compatible with the surrounding area and that it is an appropriate use for the site. Specifically, applications are reviewed to ensure that the City Charter conditions for granting special use permits have been met. The City Charter requires that prior to City Council approval; it must be shown that the proposed special use will **not**:

1. be detrimental to the safety, health, morals and general welfare of the community involved;
2. create congestion in streets, roads, alleys and other public ways and places in the area involved;
3. create hazards from fire, panic or other dangers;
4. tend to cause overcrowding of land and an undue concentration of population;
5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
6. interfere with adequate light and air.

Applicants **are encouraged** to schedule a pre-application conference with the Division of Land Use Administration staff to review related Master Plan, land use and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

Applicants should also discuss the proposed special use permit with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

The Division of Land Use Administration circulates the special use permit application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

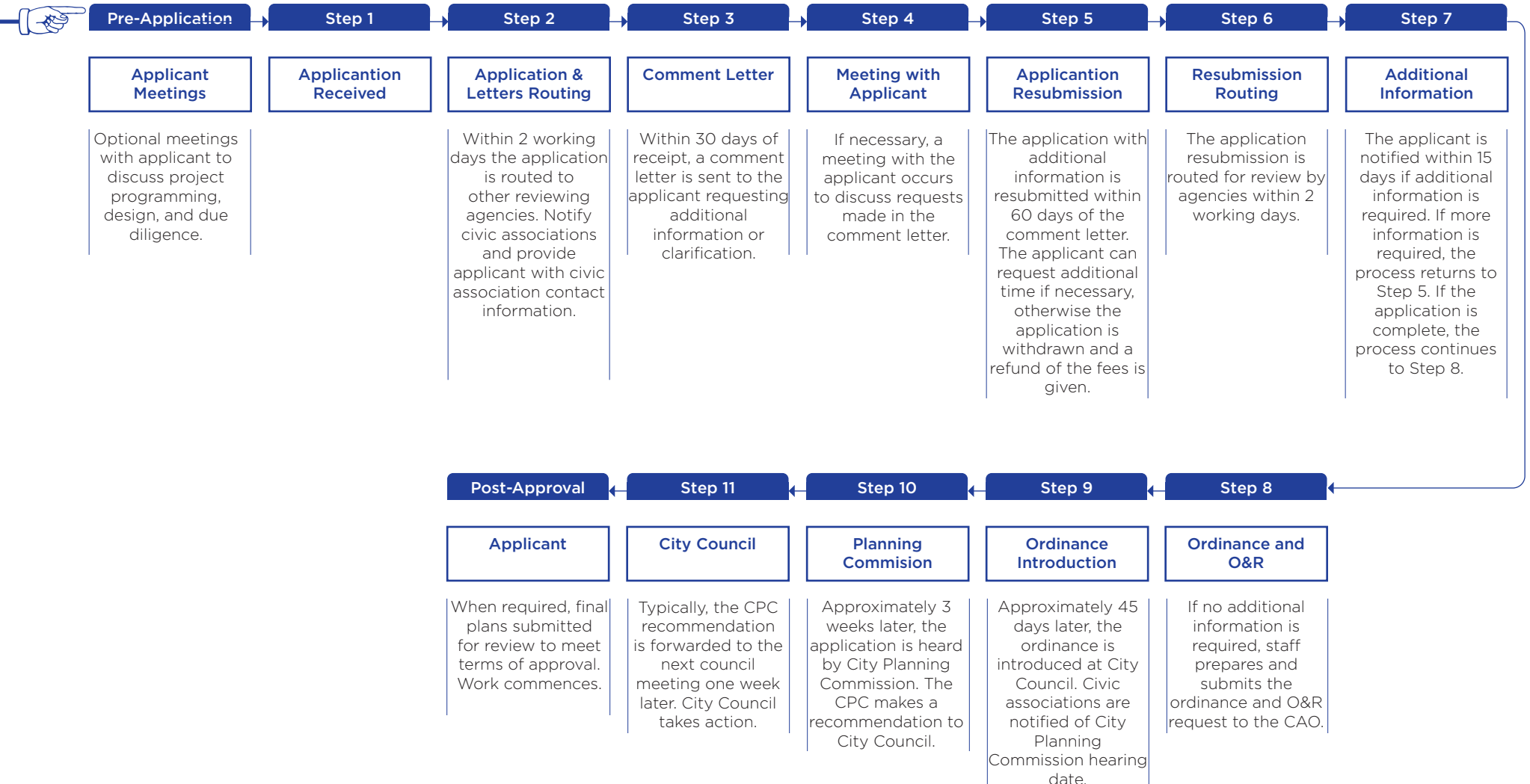
After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested conditions to be included in the ordinance and any suggested changes to the plans. If the property is located in a City Old and Historic District and the request involves exterior alterations, additions or new construction, the plans should also be reviewed by the Commission of Architectural Review prior to an ordinance being introduced in City Council. Once the plans are in final form, an ordinance is drafted and the plans are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed special use permit and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance. Six affirmative votes of City Council are required to adopt a special use ordinance. Please note that there is a fee of \$250 for each continuance caused by the applicant.

If the special use ordinance is adopted by City Council, the applicant has a specified time period in which to apply for a building permit to implement the special use permit. Building permit plans must be substantially in accordance with the adopted special use permit plans, otherwise a building permit will not be issued. In general, the approval process for special use permits takes between 120 to 180 days. However, depending on the complexity of the proposed special use permit, more or less time may be required. The City Planning Commission considers approval of special use permits at its regular meetings on the first and third Monday of each month.

***Incomplete submissions or major modifications to the plan during the review process may cause delays in the schedule.***

# Legislative Land Use Application Process





## Filing Procedures for **SPECIAL USE PERMIT**

### **FILING**

Special use permit applications are filed with the:

Department of Planning and Development Review  
Land Use Administration Division, Room 511  
City Hall, 900 East Broad Street, Richmond, Virginia 23219  
Telephone (804) 646-6304

### **APPLICATION REQUIREMENTS**

The application for a special use permit must include the following, each part of which is explained below. ***Application must be submitted in an electronic format (PDF).***

- 1. Application form;**
- 2. Application fee;**
- 3. Applicant's report;**
- 4. Electronic PDF plans; and**
- 5. Survey plat.**

- 1. Application Form:** All owners of the property must sign the application form. If a legal representative signs for a property owner, a copy of an executed power of attorney is required.
- 2. Application Fee:** The appropriate fee must accompany the application. Checks should be made payable to the "City of Richmond". The fees are determined from the attached fee schedule.
- 3. Applicant's Report: A written report must be submitted describing the proposed use.** For non-residential development, the description should include the anticipated number of employees, hours of operation, and an estimated amount of vehicular traffic that will be generated by the use. The report should point out the specific features of the special use that will ensure that it will be compatible with the surrounding area, and that it is an appropriate use for the site. In addition, the City Charter specifies certain conditions that must be met before City Council can approve a special use permit. It must be shown that the proposed special use will ***not:***
  - a.** be detrimental to the safety, health, morals and general welfare of the community involved;
  - b.** tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
  - c.** create hazards from fire, panic or other dangers;
  - d.** tend to cause overcrowding of land and an undue concentration of population;
  - 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.

The report must indicate the reasons why the applicant feels these conditions will be met (e.g., features of the plan, characteristics of the proposed use or surrounding area). ***Please note*** that the ***above materials will be forwarded to the City Planning Commission and City Council along with the special use permit ordinance.***



## FILING

- 4. Plans:** Plans are required to provide sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with surrounding development. Plans must be properly scaled and include a scale bar. Depending on the request, plans may include the following:

- a.** Site Plan
- b.** Elevation Plans
- c.** Floor Plans
- d.** Landscape Plans
- e.** Signage Plan & Details
- f.** Lighting Plan & Details

In some cases not all plans would be relevant to the request and may not be required. If there is a question about the level of detail required, please contact Land Use Administration Staff. Electronic Plans (PDF) are required with the initial application and any subsequent resubmissions. Electronic plans may be submitted on a disk or via email at: [DCDLanduseadmin@richmondgov.com](mailto:DCDLanduseadmin@richmondgov.com).

- 5. Survey Plat:** A PDF of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
- a.** North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
  - b.** Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.



### COMMUNITY UNIT PLAN

Preliminary	\$3,000 + \$100/acre <sup>1</sup>
Extension of Preliminary Approval	\$1,500
Final	\$1,500 + \$100/acre <sup>1</sup>
Amendment	\$1,500 + \$100/acre <sup>1</sup>

### CONDITIONAL USE PERMIT

Initial	\$1,500 + \$100/acre <sup>2</sup>
Amendment	\$1,000 + \$100/acre <sup>2</sup>

### PLAN OF DEVELOPMENT

Floor area & Land disturbed ≤5,000 square feet	\$500 + \$100/acre <sup>2</sup>
Floor area & Land disturbed ≥5,001 & ≤50,000 square feet	\$1,000 + \$100/acre <sup>2</sup>
Floor area & Land disturbed ≥50,001 square feet	\$1,500 + \$100/acre <sup>2</sup>

### REZONING/CONDITIONAL REZONING

Each continuance caused by the applicant	\$1,500 + \$100/acre <sup>2</sup>
	\$250

### SPECIAL USE PERMIT

<i>Use</i>	<i>Initial</i>	<i>Amendment</i>
Day Nursery	\$300	\$200
Single- or two-family detached or attached dwelling	\$300	\$200
Outdoor dining	\$300	\$200
Mobile food business	\$300	\$200
Sign	\$300	\$200
Multi-family dwelling (3 to ten units)	\$1,800	\$1,200
Commercial or industrial equal to or less than 5,000 sq ft	\$1,800	\$1,200
Multi-family dwelling (more than 10 units)	\$2,400	\$1,800
Commercial or industrial more than 5,000 sq ft	\$2,400	\$1,800

Each continuance caused by the applicant	\$250
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### SUBDIVISION

Preliminary Plat	\$500 + \$15/lot
Extension of Preliminary Plat Approval	\$150
Final Plat	\$500 + \$15/lot
Subdivision Confirmation Letter	\$100
Continuance*	\$50
Plat of Correction	\$100

**A full refund of the application fee is permitted if the application is withdrawn prior to the second submittal of plans. Once a second submittal of plans is made, fees are not refundable.**

<sup>1</sup>For Community Unit Plans (CUP), the first 10 acres are included in the base price.

<sup>2</sup>For Conditional Use Permits, Plans of Development, and Rezonings, the first acre is included in the base price.

For all applications with an additional price per acre, fractions of an acre are rounded up to the nearest whole number. Do not prorate the fee per fraction of acre.

- Example: A Conditional Use Permit (CUP) for a 0.76 acre property would owe \$1,500 (base fee only). A CUP for a 2.3 acre property would owe \$1,700 (\$1,500 base fee + 2\*\$100 (for the 1.3 acres over the first acre))

\* No charge for the 1st continuance requested by the applicant or for any continuance requested by the Planning Commission. The second or subsequent continuance request by the applicant costs \$50.

Fees went into effect upon adoption of Ordinance No. 2018-209 by City Council on September 10, 2018.



# APPLICANT'S REPORT

*March 23<sup>rd</sup>, 2023*

*Special Use Permit Request  
1823, 1825, & 1827 W Cary Street, Richmond, Virginia  
Map Reference Number: W000-0808/008,006, & 005*

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

## Introduction

The property owner is requesting a special use permit (the "SUP") for the properties known as 1823, 1825, and 1827 W Cary Street (the "Property"). The SUP would authorize the division of the Property in order to construct eight (8) single-family attached dwellings, configured as two series of four, on the currently vacant parcel. While the single-family attached use is permitted by the underlying R-7 zoning district, some of the underlying feature requirements cannot be met. Furthermore, as some of the proposed dwellings would not have street frontage, a SUP is required.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the south side of W Cary Street between S Granby and S Allen Streets, are referenced by the City Assessor as tax parcels W000-0808/008,006, and 005, and are currently vacant. The Property is approximately 95 feet in width by 113 feet in depth and contains approximately 10,792 square feet of lot area. Access is provided in the rear of the Property via an east-west alley.



The properties in immediate vicinity are developed with a range of uses, including multi-family dwellings, mixed-use buildings, and single- and two-family dwellings. To the east, along the northern line of West Cary Street and to the west along the

southern line are condominiums and a mixed-use development. To the east, along the southern line of W Cary Street, lies a development of single-family attached dwellings, overlooking a central courtyard, similar to what is proposed on the Property. Residential dwellings nearby are generally attached, though detached dwellings can also be found.

## **EXISTING ZONING**

The Property is zoned R-7 Single- and Two-Family Urban Residential, which permits the proposed single-family attached use. The properties to the east and south are also zoned R-7. Properties immediately to the west are located within the UB-PO3 Main Street/Uptown Parking Overlay District. Parcels to the north are zoned R-63 Multifamily Urban Residential District.

## **MASTER PLAN DESIGNATION**

The Richmond 300 Master Plan (the "Master Plan") designates the Property as "Community Mixed-Use". This future land use category is described as "medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities..." and recommends multifamily dwellings as a primary use and two-family dwellings as a secondary use which can "complement existing context" while "prioritizing pedestrian, bike and transit access."

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:

The Property is also located at the edge of a Micro Node centered around the intersection of Meadow Street and Main and Cary Street. A Micro Node is described as being "a notable place within a neighborhood that generally provides goods and services to immediate residents but may attract visitors."

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.”
  - 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 14.4 to “Increase the number of mixed-income communities along enhanced transit corridors.”
- 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. “
  - e) Allow the development of middle housing (2- to 4- unit buildings) by-right within 1/2 mile of high-frequency transit stops.
- 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 along the Cary Street Corridor providing nearby access to the 5 and 77 Bus Lines.

# **Proposal**

## **PROJECT SUMMARY**

The proposed development includes the division of the parcel and the construction of eight (8) single-family attached dwellings, configured as two sets of four, on the currently vacant parcel.

## **PURPOSE OF REQUEST**

The Property consists of three lots of record consisting of a parcel which is approximately 95 feet wide and contains roughly 10,792 square feet of lot area. While the single-family attached use is permitted by the underlying R-7 zoning district, some of the underlying feature requirements, including lot area, yard, and lot coverage requirements cannot be met and therefore, a SUP is required.

## **PROJECT DETAILS**

The subject parcel fronts W Cary Street and the applicant is proposing the division of the lot to create eight separate parcels to be developed with single-family attached dwellings along with parking and a common area.

Each dwelling would be three stories in height with an individual rooftop patio fronting on the central courtyard. Each unit would have an individual entrance located on the ground floor fronting on the central courtyard. The entrances of the two dwellings fronting W Cary Street will also front W Cary Street. Access to the units would be provided by a central courtyard.

When complete, each dwelling would contain three bedrooms and two- and one-half bathrooms. The units are designed with a third-floor primary suite with an en suite bathroom and walk-in closets. The second story contains two bedrooms and a jack-and-jill bathroom while the first floor contains an open living/kitchen area. Each unit will have access to a private roof terrace which is designed to offer additional outdoor living space and features easy access from the dwelling.

The dwellings would each contain a total of approximately 1,792 square feet of conditioned floor area. The dwellings would be clad in cementitious siding to ensure quality. The proposed architectural style, while modern, reflects both the newer construction in the block and the traditional row house style found throughout the nearby neighborhoods. The separated rooftop decks provide additional outdoor living area and views of the city. Eight off-street parking spaces, accessible from the rear alley, are provided.

## **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 infill 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 light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. Furthermore, the provision of roof-top outdoor space for each unit provides additional usable outdoor space for each resident. 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 attached dwellings. The buildings have been thoughtfully designed to provide appropriate, high-quality residences in the neighborhood. The request offers compatibility with the goals of the City's Master Plan and would upgrade the Property while remaining less intense than other primary uses which could be supported by the Master Plan. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.





PROJECT CONTACTS:  
DEVELOPER:  
CC RICHMOND II, LP  
C/O CENTER CREEK HOMES  
GREG SHRON  
804-362-7727  
ARCHITECT:  
CHRIS WOLF  
CHRIS WOLF ARCHITECTURE, PLLC  
804-514-7644

EIGHT NEW THREE-STORY SINGLE-FAMILY  
ATTACHED HOUSES IN RICHMOND'S "THE FAN" NEIGHBORHOOD

**1823-1827 W CARY ST. HOUSES**

1823-1827 W CARY ST.  
RICHMOND, VIRGINIA 23220

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DRAWING INDEX	
DRAWINGS	
NO.	SHEET TITLE
CS	COVER SHEET
CI.1	LANDSCAPE PLAN & BUILDING AREA INFORMATION
AI.1	FIRST FLOOR PLANS, WINDOW & ENTRY DOOR SCHEDULE, EXTERIOR FINISH SCHEDULE
AI.2	SECOND FLOOR PLANS
AI.3	THIRD FLOOR PLANS
A2.1	CARY ST. (NORTH) & BUILDING A MUSE (WEST) ELEVATIONS
A2.2	ALLEY (SOUTH) & BUILDING B MUSE (EAST) ELEVATIONS
A2.3	BUILDING A EAST & BUILDING B WEST ELEVATIONS



SET/REVISION:  
S.U.P. REVISIONS

DATE/MARK:  
07.20.2023

COVER SHEET  
**CS**



16' PAVED ALLEY

(02) ROOFTOP H.V.A.C. CONDENSER  
UNITS PER HOUSE (TYP. EACH SIDE)

PERIMETER MULCH OR STONE BEDS  
AROUND BUILDING PERIMETER  
(TYP. EACH BUILDING)

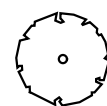
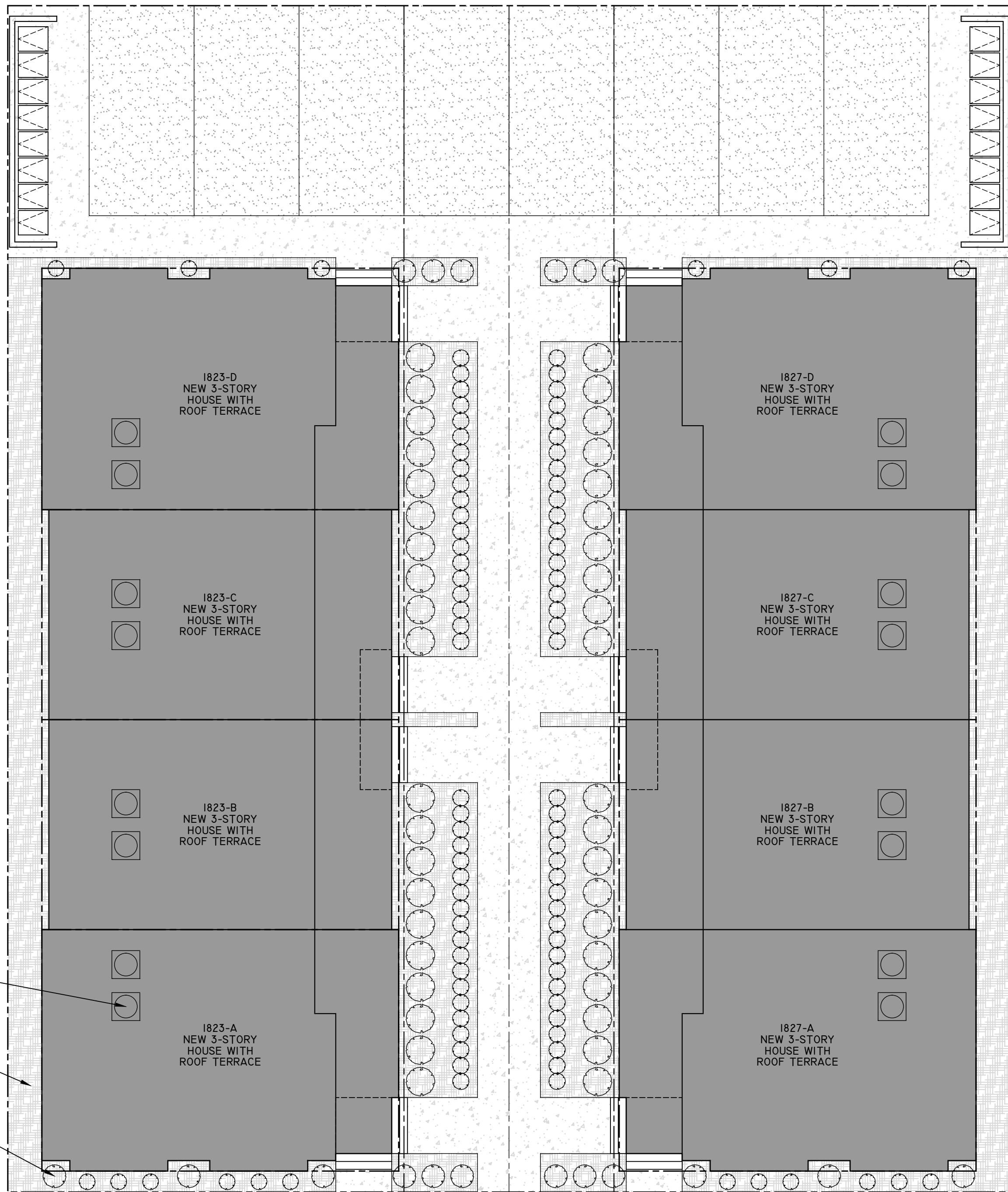
PERIMETER LANDSCAPING  
GENERALLY WHERE SHOWN-  
FINAL LANDSCAPE PLAN T.B.D.  
(TYP. EACH BUILDING)

BUILDING AREAS:  
OUTER UNITS (04):  
1ST FLOOR: 730 S.F.  
2ND FLOOR: 740 S.F.  
3RD FLOOR: 600 S.F.  
TOTAL HOUSE AREA: 2,070 S.F.

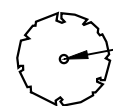
ROOF TERRACE: 140 S.F.

INNER UNITS (04):  
1ST FLOOR: 633 S.F.  
2ND FLOOR: 653 S.F.  
3RD FLOOR: 506 S.F.  
TOTAL HOUSE AREA: 1,792 S.F.

ROOF TERRACE: 146 S.F.

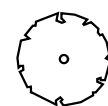


01 | LANDSCAPE PLAN  
1/8" = 1'



(03) NEW STREET TREES IN EXISTING  
SIDEWALK TREE WELLS- MAPLE, LINDEN OR  
SIM. AS APPROVED BY URBAN FORESTRY

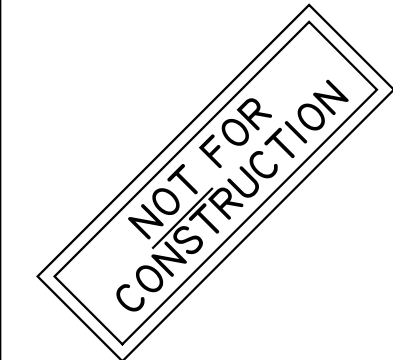
WEST CARY STREET





**PROJECT CONTACTS:**  
  
DEVELOPER:  
CC RICHMOND II, LP  
C/O CENTER CREEK HOMES  
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ARCHITECT:  
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CHRIS WOLF ARCHITECTURE, PLLC  
804-514-7644

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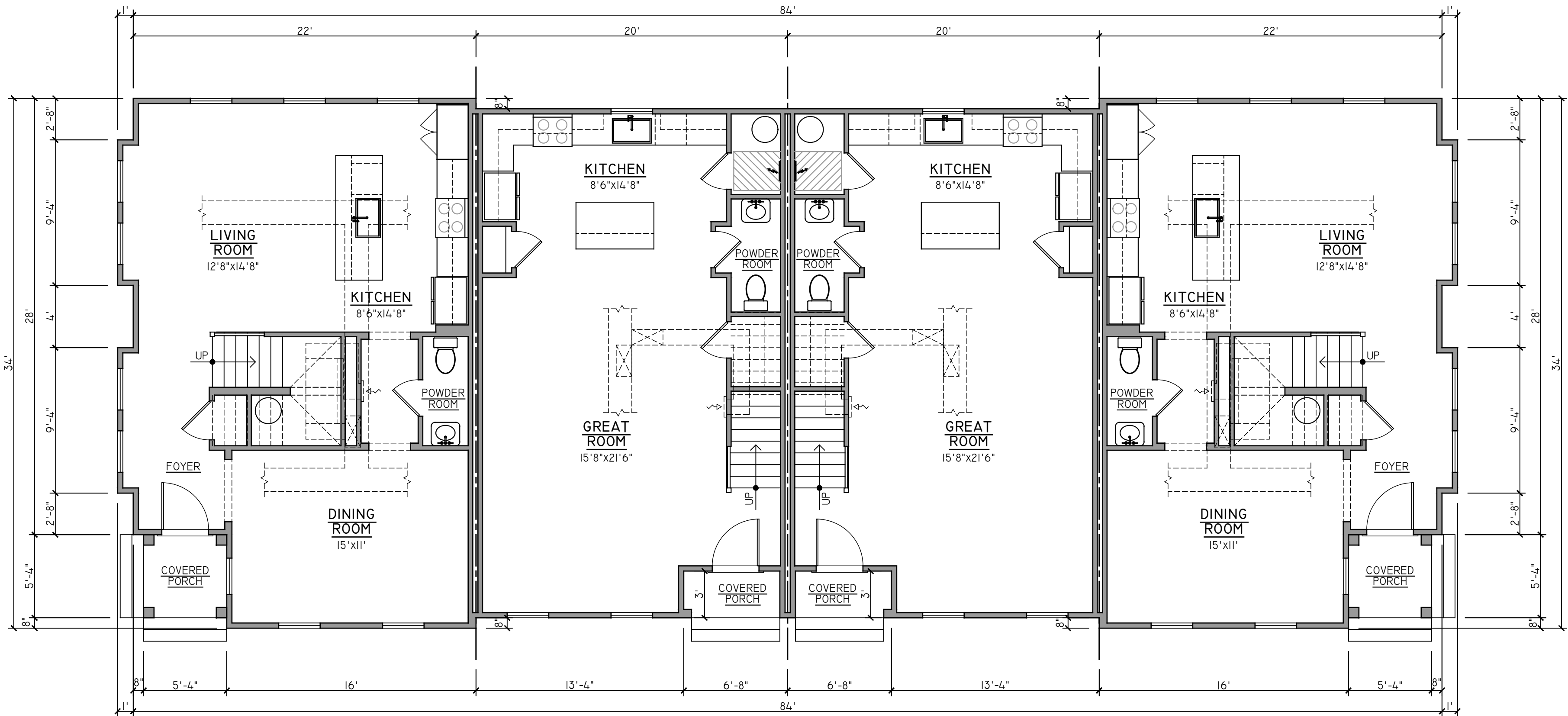
DATE/MARK:  
07.20.2023

FIRST FLOOR PLAN  
**AI.1**

EXTERIOR FINISH SCHEDULE		
NO.	COMPONENT/MATERIAL	COLOR/FINISH
01	PARGED FOUNDATION	THRU-COLOR GRAY
02	CEMENTITIOUS HORIZONTAL LAP SIDING	PAINTED IRON GRAY, EVENING BLUE, PEARL GRAY 3RD FLOOR (OR SIMILAR)
03	CEMENTITIOUS FLAT SIDING (BAYS)	PAINTED ARCTIC WHITE
04	COMPOSITE TRIM/MOULDING	PAINTED ARCTIC WHITE
05	ENTRY DOORS	PAINTED- COLORS VARY
06	VINYL WINDOWS - SEE SCHEDULE FOR SIZES	PREFINISHED WHITE
07	COMPOSITE STAIRS/TRIM WITH P.T. DECKING	WHITE RISERS, PAINTED DECKING (COLOR T.B.D.)
08	VINYL SOFFITS	FACTORY WHITE
09	VINYL PORCH CEILING	FACTORY WHITE
10	T.P.O. ROOF MEMBRANE	FACTORY WHITE
11	METAL WORK- ROOF EDGING, PARAPET COPING	BRONZE OR SIMILAR (T.B.D.)
12	ALUMINUM GUTTER & DOWNSPOUTS	PREFINISHED WHITE

EXTERIOR FINISH NOTES:  
1. EXTERIOR ELEVATION NOTES ARE TYPICAL ACROSS ALL EXTERIOR ELEVATIONS U.N.O.  
2. GRADES SHOWN APPROXIMATE. V.I.F.

EXTERIOR DOOR / WINDOW SCHEDULE PER BUILDING (x2)					
ENTRY DOORS					
NO.	QTY.	SIZE (NOM.)	TYPE	COLOR	REMARKS
101	04	3'x6'8" + 16" TRANSOM (8' HT.)	HALF GLASS	CUSTOM	-
301	04	5'x6'8" SLIDING PATIO DOORS	FULL GLASS	WHITE	-
WINDOWS					
NO.	QTY.	SIZE (NOM.)	TYPE	COLOR	REMARKS
A	16	2'8"x6'	DOUBLE HUNG	WHITE	-
B	30	2'8"x5'6"	DOUBLE HUNG	WHITE	EGRESS COMPATIBLE
C	16	2'8"x5'	DOUBLE HUNG	WHITE	EGRESS COMPATIBLE
D	02	2'8"x4'	DOUBLE HUNG	WHITE	G.C. VERIFY KITCHEN COMPATIBILITY
E	02	2'4"x6'	DOUBLE HUNG	WHITE	-
F	04	2'4"x5'	DOUBLE HUNG	WHITE	-
G	12	2'8"x2'8"	FIXED	WHITE	-



01 | FIRST FLOOR PLAN  
3/16" = 1'

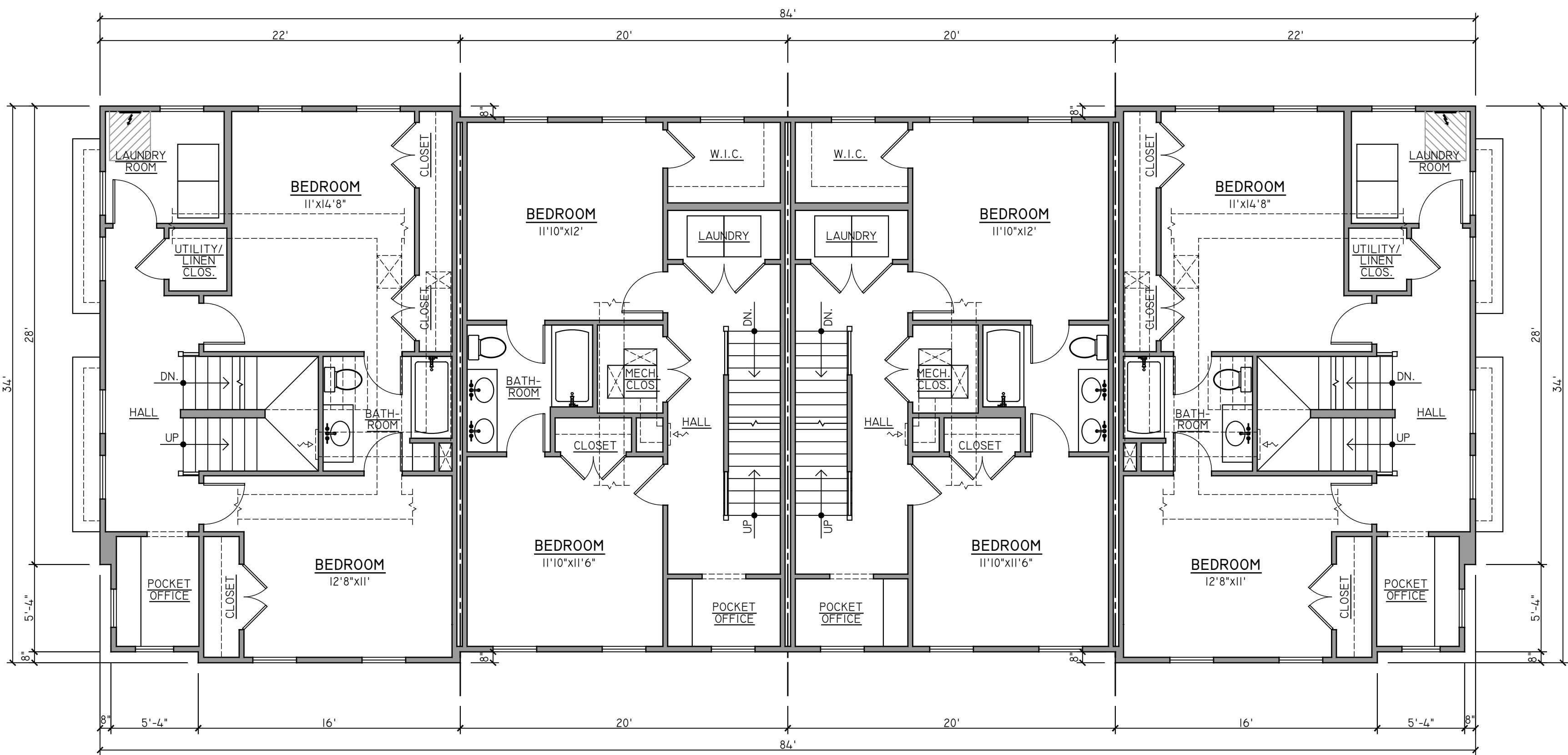
PROJECT CONTACTS:  
DEVELOPER:  
CC RICHMOND II, LP  
C/O CENTER CREEK HOMES  
GREG SHRON  
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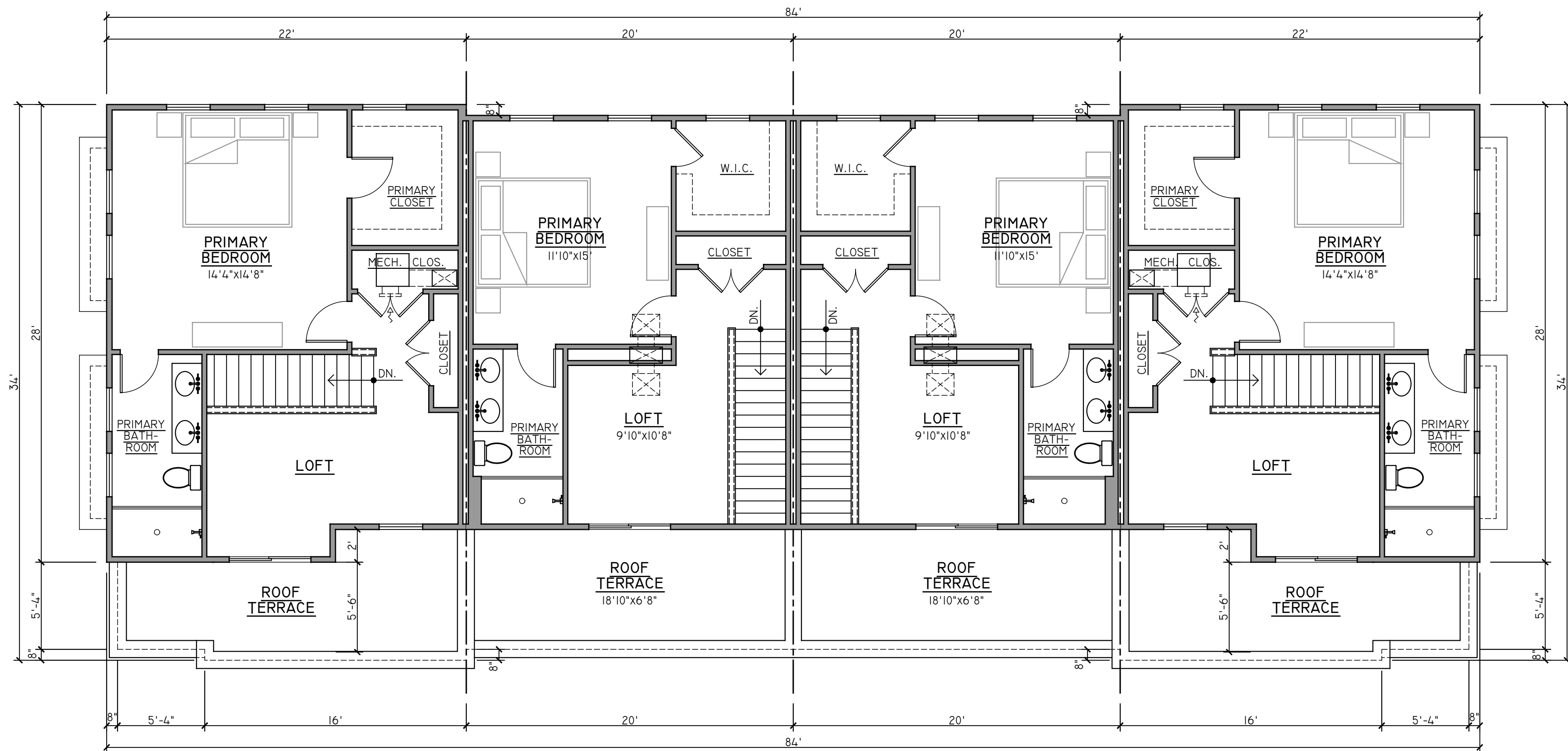
EIGHT NEW THREE-STORY SINGLE-FAMILY  
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NOT FOR  
CONSTRUCTION

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DATE/MARK:  
07.20.2023

SECOND FLOOR PLAN  
**AI.2**







PROJECT CONTACTS:  
DEVELOPER:  
CC RICHMOND II, LP  
C/O CENTER CREEK HOMES  
GREG SHRON  
804-362-7727  
ARCHITECT:  
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DATE/MARK:  
07.20.2023  
CARY ST. & BUILDING A  
MUSE ELEVATIONS  
**A2.1**



01 | CARY ST. (NORTH) ELEVATION  
3/16" = 1'



02 | BUILDING A MUSE (WEST) ELEVATION  
3/16" = 1'

PROJECT CONTACTS:  
DEVELOPER:  
CC RICHMOND II, LP  
C/O CENTER CREEK HOMES  
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SOUTH & BUILDING B  
MUSE ELEVATIONS

**A2.2**



BUILDING B

BUILDING A

01 | ALLEY (SOUTH) ELEVATION  
3/16" = 1'



02 | BUILDING B MUSE (EAST) ELEVATION  
3/16" = 1'

PROJECT CONTACTS:  
DEVELOPER:  
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BUILDING A EAST &  
BUILDING B WEST ELEVATIONS  
**A2.3**



02 | BUILDING B - WEST ELEVATION  
3/16" = 1'



01 | BUILDING A - EAST ELEVATION  
3/16" = 1'



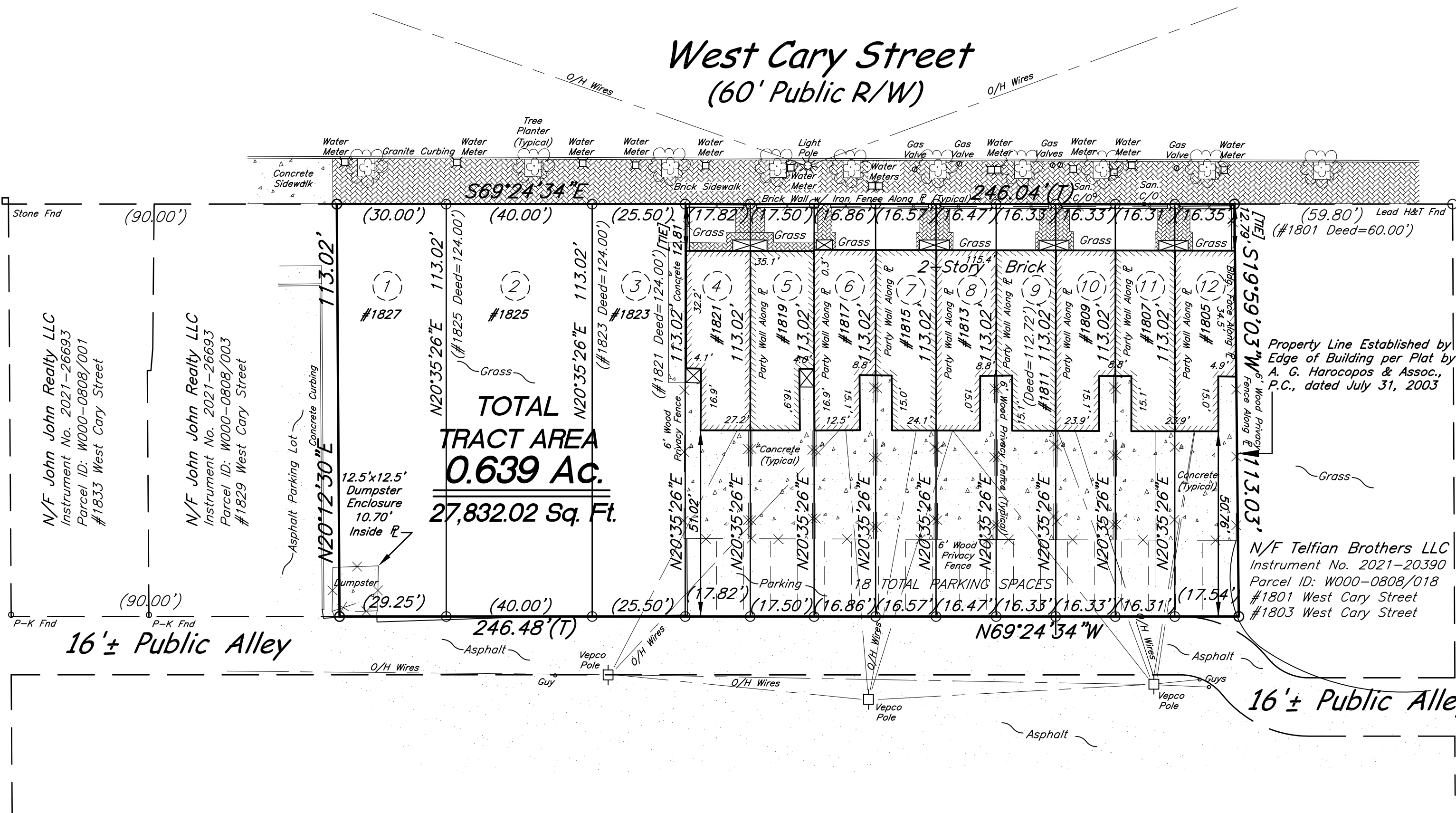
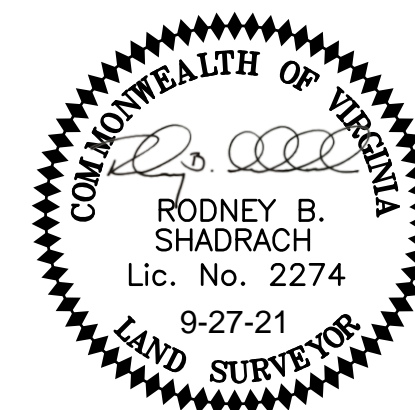


South Granby Street  
(30' Public R/W)

West Cary Street  
(60' Public R/W)

South Allen Avenue  
(41' ± Public R/W)

I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.



PARCEL DISTANCE TABLE  
(FIELD LOCATED DISTANCES & DEED CALLS)

PARCEL	WEST CARY STREET		16' PUBLIC ALLEY	
	FIELD	DEED	FIELD	DEED
1	30.00'	30.00'	29.25'	30.00'
2	40.00'	40.00'	40.00'	40.00'
3	25.50'	25.50'	25.50'	25.50'
4	17.82'	17.50'	17.82'	17.50'
5	17.50'	17.50'	17.50'	17.50'
6	16.86'	16.67'	16.86'	16.67'
7	16.57'	16.33'	16.57'	16.33'
8	16.47'	16.33'	16.47'	16.33'
9	16.33'	16.33'	16.33'	16.33'
10	16.33'	16.33'	16.33'	16.33'
11	16.31'	16.33'	16.31'	16.33'
12	16.34'	16.67'	17.54'	16.67'

Legal References:

**Eck Enterprises Inc.**

Instrument No. 2002-5733

① Parcel ID: W000-0808/005  
#1827 West Cary Street

② Parcel ID: W000-0808/006  
#1825 West Cary Street

③ Parcel ID: W000-0808/008  
#1823 West Cary Street

④ Parcel ID: W000-0808/009  
#1821 West Cary Street

⑤ Parcel ID: W000-0808/010  
#1819 West Cary Street

⑨ Parcel ID: W000-0808/014  
#1811 West Cary Street

⑩ Parcel ID: W000-0808/015  
#1809 West Cary Street

⑪ Parcel ID: W000-0808/016  
#1807 West Cary Street

**Eck Enterprises Inc.**

Instrument No. 2002-19243

⑧ Parcel ID: W000-0808/013  
#1813 West Cary Street

**Eck Enterprises Inc.**

Instrument No. 2003-24218

⑥ Parcel ID: W000-0808/011  
#1817 West Cary Street

⑦ Parcel ID: W000-0808/012  
#1815 West Cary Street

⑫ Parcel ID: W000-0808/017  
#1805 West Cary Street

PARCEL AREA TABLE

PARCEL	SQUARE FT.	ACRES
1	3347.97	0.077
2	4520.79	0.104
3	2882.00	0.066
4	2014.37	0.046
5	1977.85	0.045
6	1905.45	0.044
7	1873.22	0.043
8	1861.53	0.043
9	1845.64	0.042
10	1845.39	0.042
11	1843.26	0.042
12	1914.55	0.044

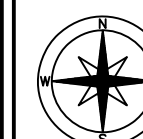
General Notes

- This survey plat represents a current and accurate field transit survey of the premises shown hereon. Date of last physical survey: September 13, 2021.
- The subject property is the same property as described in Title commitments issued by Fidelity National Title Insurance Company dated April 28, 2013 (Commitment Nos. 093102561-77, 093102561-78, 093102561-79, 093102561-80, 093102561-82, 093102561-83, 093102561-87, 093102561-88, 093102561-89, 093102561-90, 093102561-91).
- All streets shown hereon are public.
- The property is not located in a Special Flood Hazard Area, but is located in Zone (X) as determined by Federal Emergency Management Agency Community Panel No. 510129-0028-D, dated effective April 2, 2009.
- P-K Nails or 5/8" Rods set at all corners unless otherwise shown hereon.
- The subject property has vehicular access to two (2) public roadways, South Granby Street and South Allen Avenue via the 16' ± Public Alley shown hereon.
- The parcel is contiguous along its boundary lines with no gaps, strip or gores.

BOUNDARY SURVEY  
SHOWING EXISTING IMPROVEMENTS  
TO #1805-#1827 WEST CARY STREET  
CITY OF RICHMOND, VIRGINIA  
DATE: SEPTEMBER 27, 2021

25 0 25 50 75

Scale: 1" = 25'



**Shadrach & Associates LLC**

LAND SURVEYING  
430 Southlake Blvd., Suite 10-B • Richmond, Virginia 23236  
Phone: (804)379-9300 • Email: rod@shadrachsveys.com