

INTRODUCED: September 11, 2023

AN ORDINANCE No. 2023-267

To authorize the special use of the property known as 2818 Monument Avenue for the purpose of a multifamily dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 10 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 2818 Monument Avenue, which is situated in a R-48 Multifamily Residential District, desires to use such property for the purpose of a multifamily dwelling, which use, among other things, is not currently allowed by sections 30-416.4, concerning lot area and width, 30-416.5, concerning yards, 30-416.6, concerning usable open space, and 30-416.6:1, 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: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 10 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 property known as 2818 Monument Avenue and identified as Tax Parcel No. W000-1291/025 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lot and Improvements Thereon Located at #2818 Monument Avenue, Richmond, Virginia,” prepared by A. G. Harocopos & Associates, P.C., and dated February 10, 2022, 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 multifamily dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Apartment Project, 2818 Monument Avenue, Richmond, Virginia,” prepared by Appich Architects, dated December 26, 2019, and last revised April 3, 2023, and “Alley,” prepared by an unknown preparer, and undated, 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 a multifamily detached dwelling, substantially as shown on the Plans, containing up to eight dwelling units.

(b) No off-street parking shall be required for the Special Use.

(c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans, subject to the applicable regulations of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended.

(d) The height of the Special Use shall not exceed four stories, 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.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of

Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

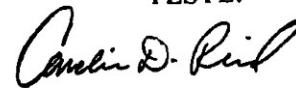
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Camille D. Reed".

City Clerk



City of Richmond

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

Master

File Number: Admin-2023-0179

File ID: Admin-2023-0179

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 04/19/2023

Subject:

Final Action:

Title: To authorize the special use of the property known as 2818 Monument Avenue for the purposes of a multi-family dwelling, upon certain terms and conditions.

Internal Notes:

Code Sections:

Agenda Date: 09/11/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-0179 - Application Documents,
Admin-2023-0179 - Draft Ordinance

Enactment Number:

Contact:

Introduction Date:

Drafter: David.Watson@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	8/11/2023	Matthew Ebinger	Approve	8/15/2023
2	2	8/11/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	8/15/2023	Kevin Vonck	Approve	8/18/2023
2	4	8/15/2023	Alecia Blackwell - FYI	Notified - FYI	
2	5	8/15/2023	Sharon Ebert	Approve	8/22/2023
2	6	8/15/2023	Caitlin Sedano - FYI	Notified - FYI	
2	7	8/15/2023	Jeff Gray - FYI	Notified - FYI	
2	8	8/25/2023	Lincoln Saunders	Approve	8/17/2023
2	9	9/7/2023	Mayor Stoney	Approve	8/29/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-0179

Title

To authorize the special use of the property known as 2818 Monument Avenue for the purposes of a multi-family dwelling, upon certain terms and conditions.

Body

O & R Request

DATE: August 11, 2023

EDITION: 1

TO: The Honorable Members of City Council

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

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

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

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 2818 Monument Avenue for the purposes of a multi-family dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2818 Monument Avenue for the purposes of a multi-family dwelling, upon certain terms and conditions.

REASON: The subject property is located in the R-48 Multi-Family Residential zoning district where multi-family dwellings are a permitted principal use. The proposed eight unit building does not meet the lot feature requirements of the zoning district. Therefore a special use permit has been requested.

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.

BACKGROUND: The .09 acre subject property, known as 2818 Monument Avenue, is located midblock on the north side of Monument Avenue between North Sheppard Street and North Arthur Ashe Boulevard. The property is also located in the Monument Avenue Old and Historic District and any development shall require approval by the Commission of Architectural Review.

The proposed development calls for the construction of an 11,344 square foot eight unit multifamily

apartment building. The minimum required lot size in the R-48 Multifamily Residential zoning district is 2,200 square feet per unit, or 17,600 total square feet. The subject property contains 3,900 square feet. While the proposed structure meets the required front yard setback, the side and rear yard setback requirements are not met. The maximum allowable lot coverage is 50% which for the subject property is 1,950 square feet. The proposed development provides 1,061 square feet of usable open space.

The subject property is designated for Neighborhood Mixed-Use land use by Richmond 300 Master Plan. Multi-family dwellings up to ten units are among the primary uses recommended for this category.

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: None

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 11, 2023

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 2, 2023.

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 ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Report, Plans, Survey, Map

STAFF: David Watson, Senior Planner, Land Use Administration 804-626-1036

..Recommended Action

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike Withdrawn ---- Continue to:



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: _____ Date: _____

Tax Map #: _____ Fee: _____

Total area of affected site in acres: _____

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

Zoning

Current Zoning: _____

Existing Use: _____

Proposed Use

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

Existing Use: _____

Is this property subject to any previous land use cases?

Yes ☐ No ☐ If Yes, please list the Ordinance Number: _____

Applicant/Contact Person:

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner:

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: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner Signature: 222ah

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)

July 28, 2022

Special Use Report:

2818 Monument Avenue

2818 Monument Avenue ("The property") is located on the north side of Monument Avenue between Arthur Ashe Boulevard and Sheppard Street in the Museum District. It is bounded by an alley to the north 2816 Monument Ave (a 12 unit apartment building) to the east, by 2820 Monument Avenue (a 3 unit apartment building) to the west and by Monument Avenue to the south. The property consists of 3900 square feet and is zoned R-48. The current use for the property is a vacant lot.

The proposed plan would construct an approximately 11,344 sf building with 8 apartments. The building would have a half basement with three floors above it. The total height of the building will be in line with the building to the east and west of the subject property. The apartments would be a mix of one bedroom and two bedroom units with two units per floor, one facing the street and one facing the alley. Each apartment will have access from the front of the building and the rear apartments will have a second access from the rear. All apartments will have balconies and approximately 1,418 square feet of heated space. The basement and first floor will consist of one bedroom one bathroom units and the second and third floor will consist of 2 bedroom 2 bath units.

The project will not be detrimental to the safety, health, morals and general welfare of the community.

Parking is being provided in accordance with the zoning ordinance. The level of density is commensurate with the current and historic patterns of this district. The project will not tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved.

All work will be done in accordance with local building codes and will not create hazards from fire, panic, or other dangers.

There is no concentration of population which could cause overcrowding of land and undue concentration of population.

The proposed project will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposals, transportation or other public requirements, conveniences and improvements.

The project will not interfere with adequate light and air.

A-1

COVER SHEET
SITE PLAN



appicharchitects.com
14321 Winter Ridge Lane
Midlothian, VA 23113
p 804.379.8606
f 804.379.7470
m 804.399.7217

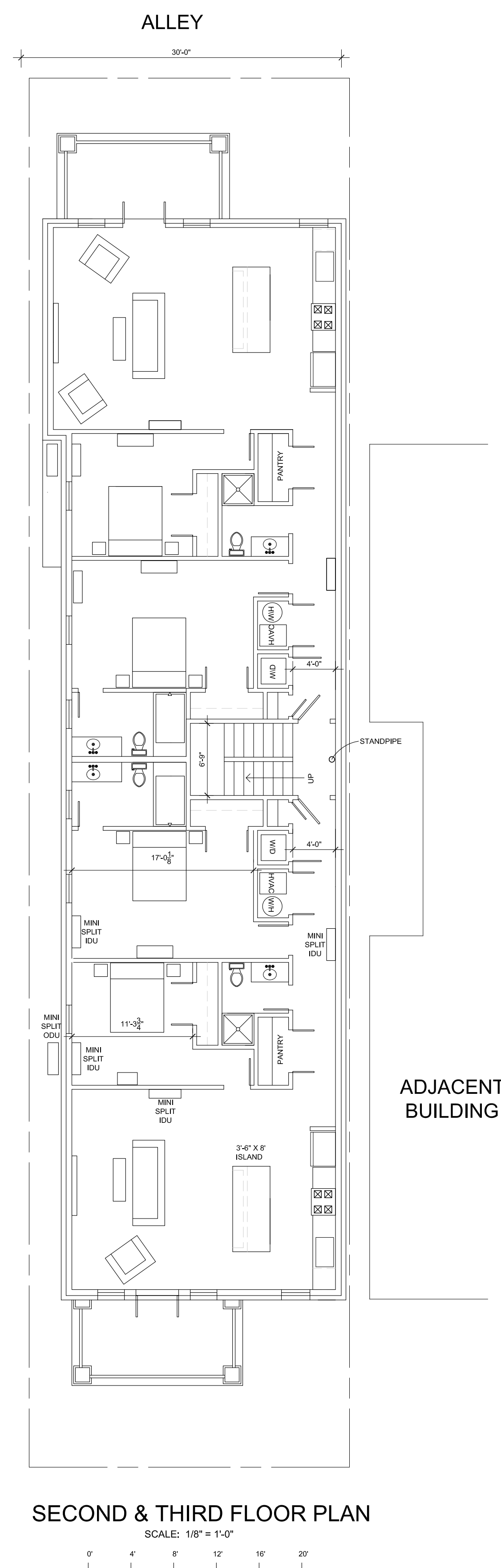
residential commercial reconstruction

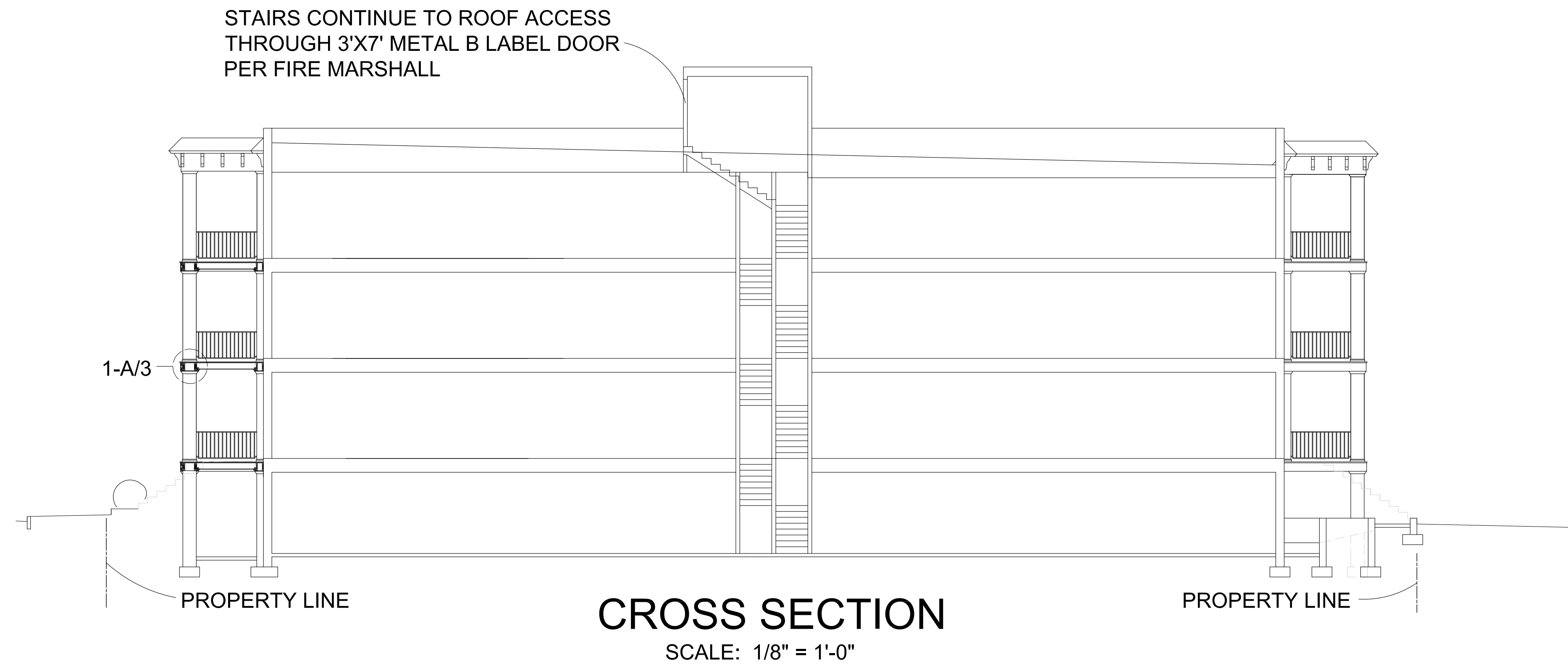
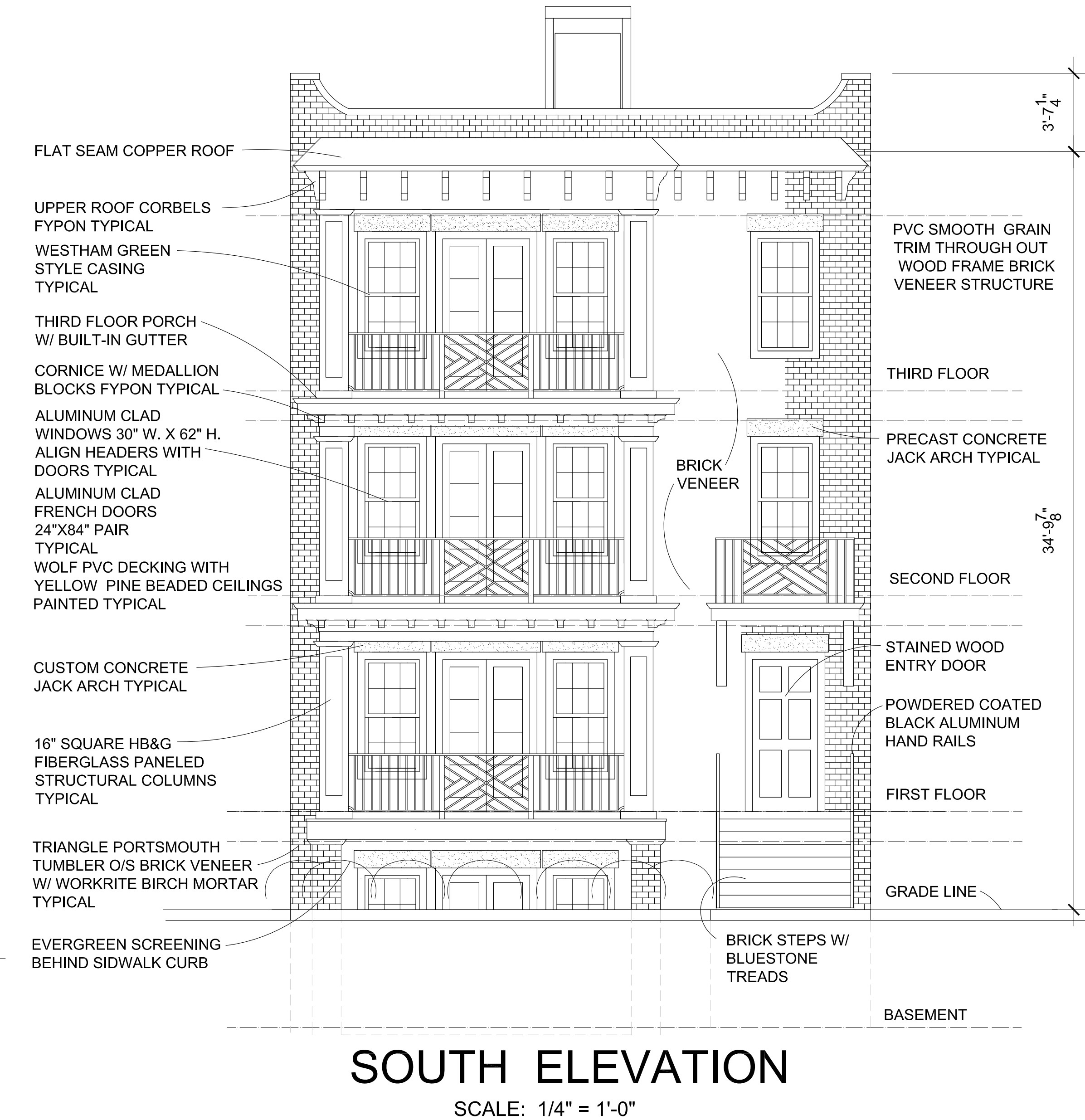
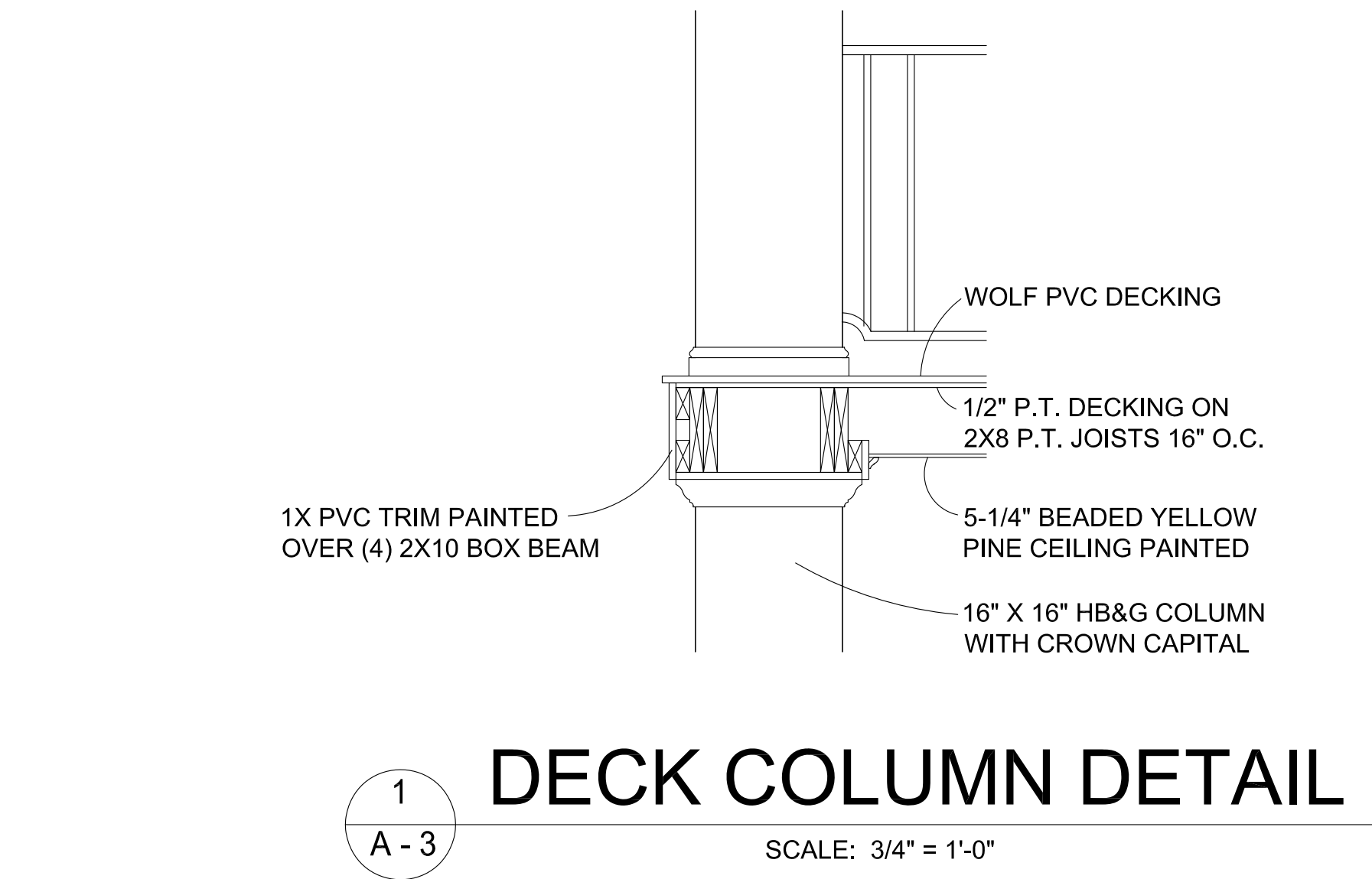
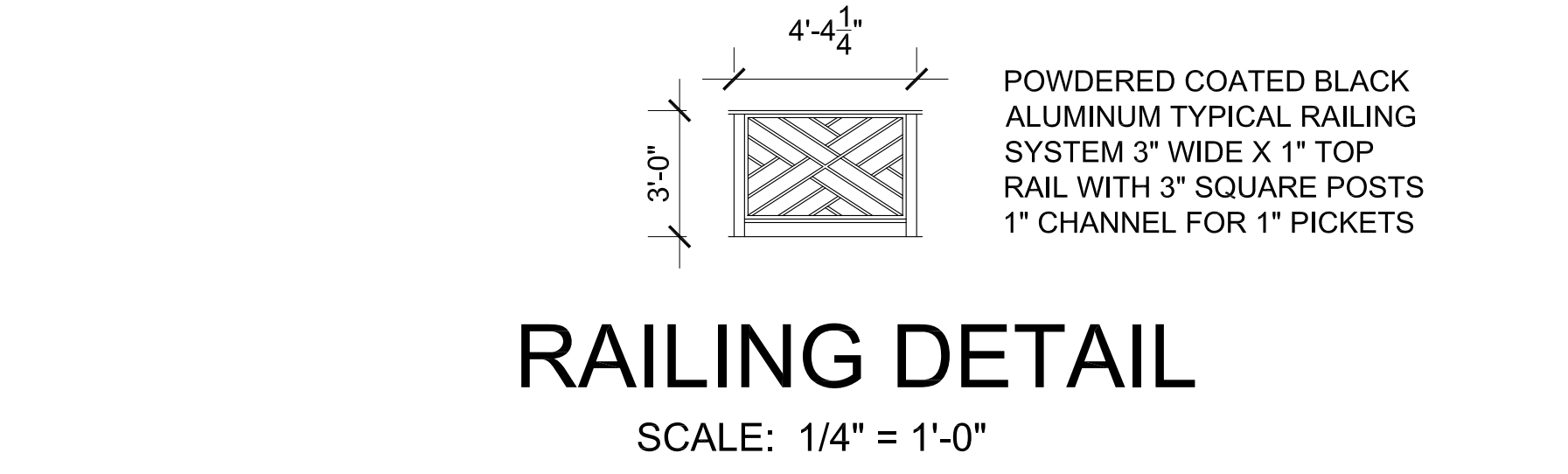
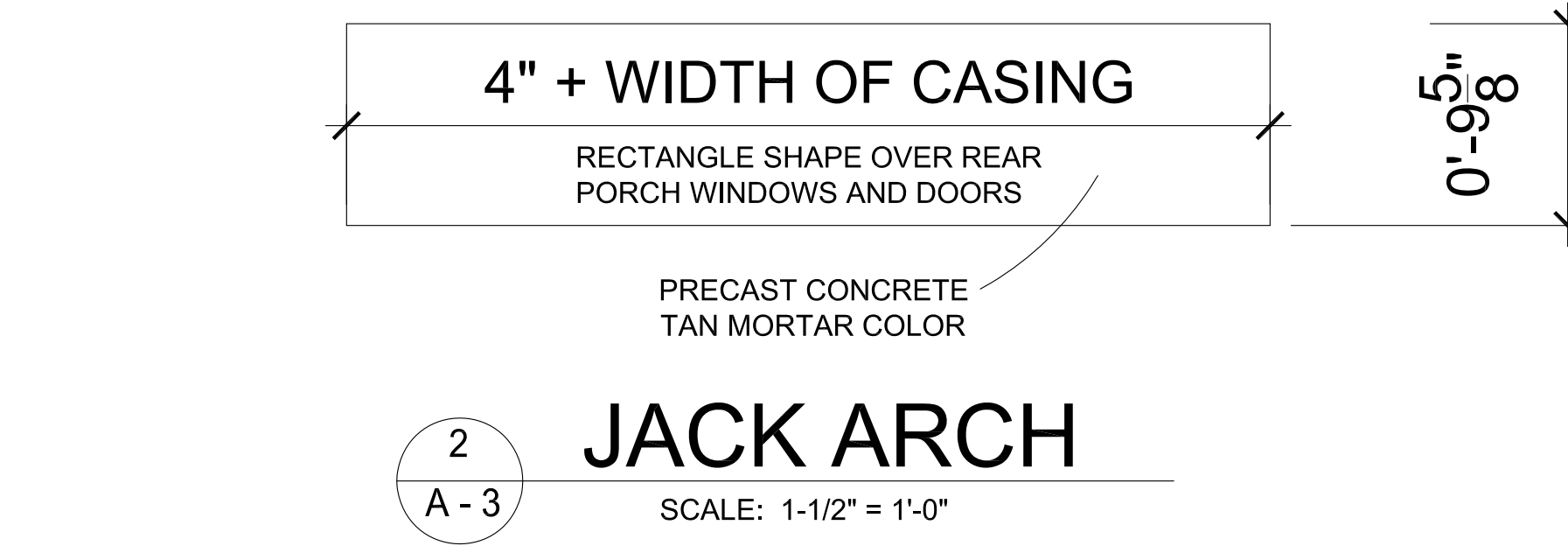
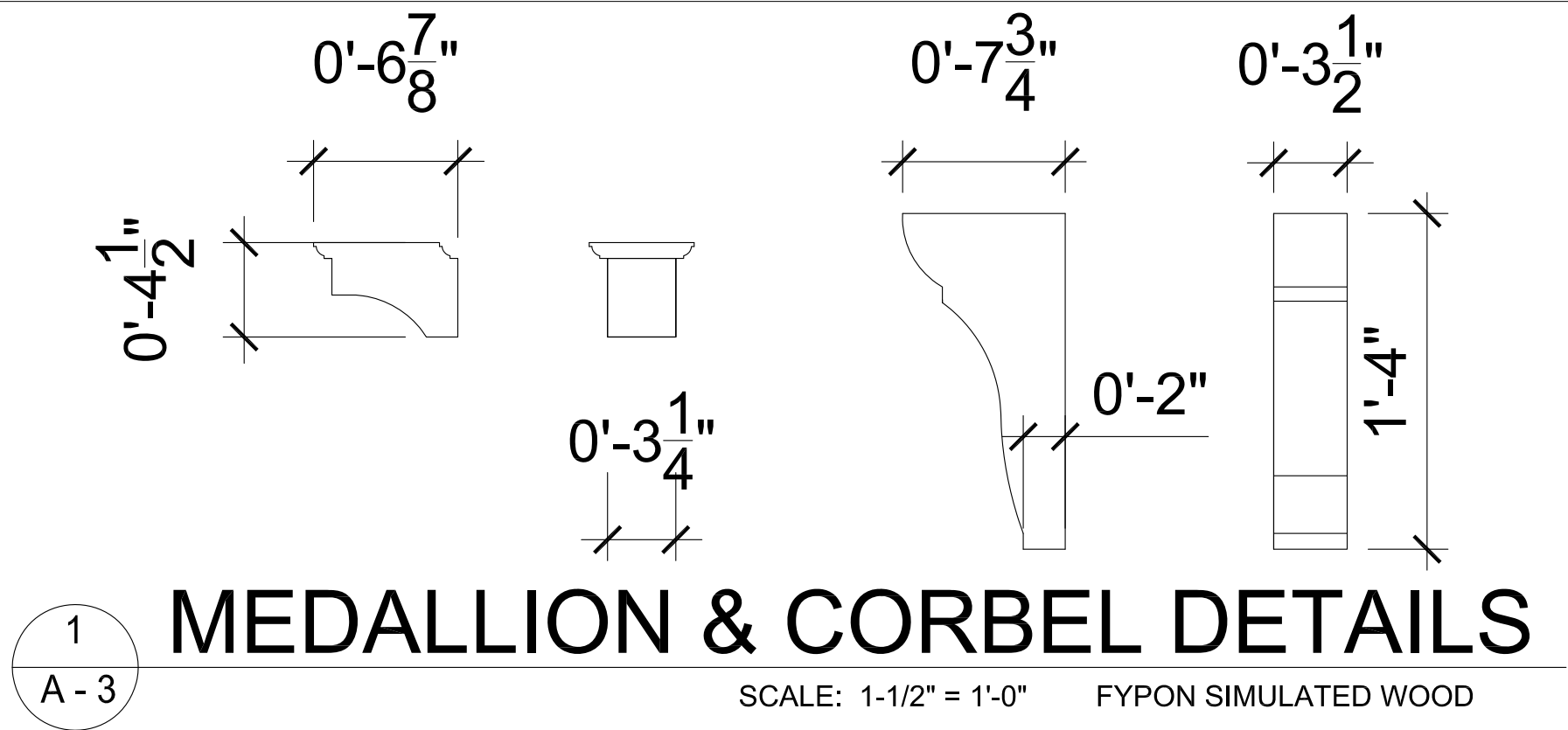
APARTMENT PROJECT
2818 MONUMENT AVENUE
RICHMOND, VIRGINIA

PROJECT NUMBER: 2022-17
DATE: February 8, 2022 REV 5-27-22
DRAWN BY: CWA REV 8-24-22
REV 8-25-22
REV 10-24-22
REV 11-18-22
REV 1-5-23

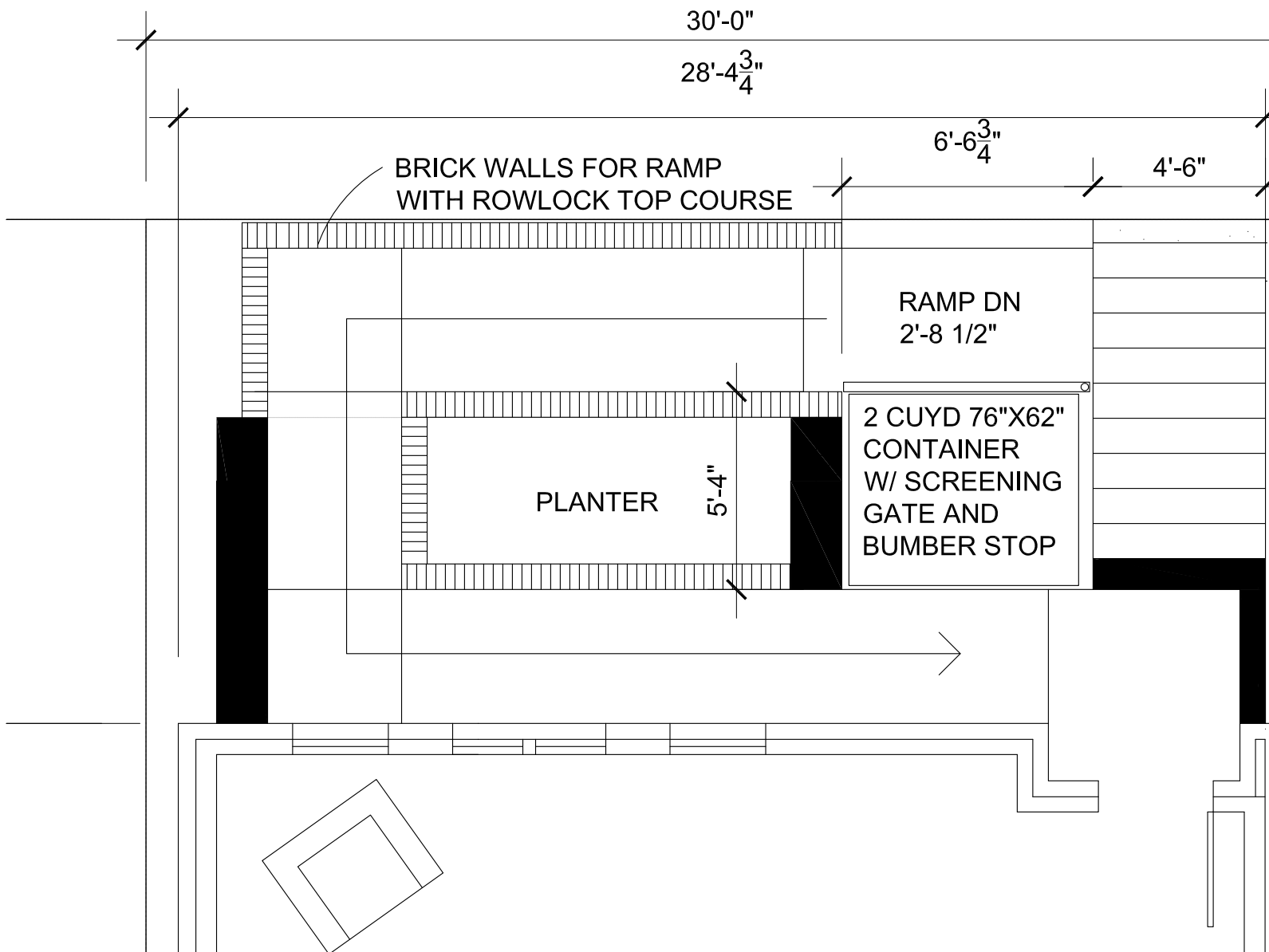
A-2

FLOOR PLANS





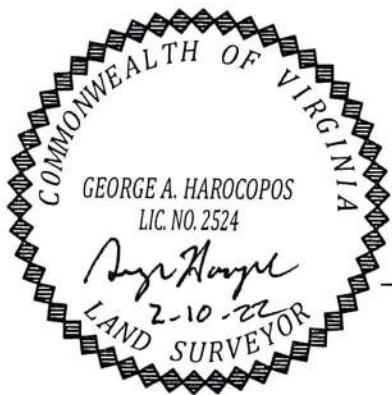
ALLEY



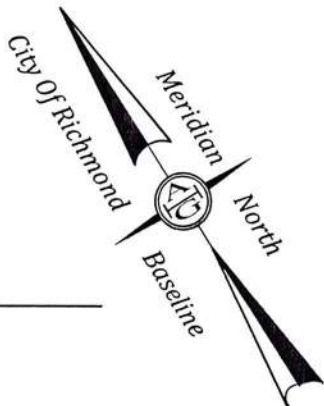
This is to certify that on 2/10/22
I made an accurate field survey of the known premises
shown hereon; that all improvements known or visible
are shown hereon; that there are no encroachments by
improvements either from adjoining premises, or from
subject premises upon adjoining premises, other than
shown hereon.

NOTE: THIS LOT APPEARS
TO BE IN FEMA FLOOD ZONE
X AS SHOWN ON HUD
COMMUNITY PANEL NUMBERS
5101290036D

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

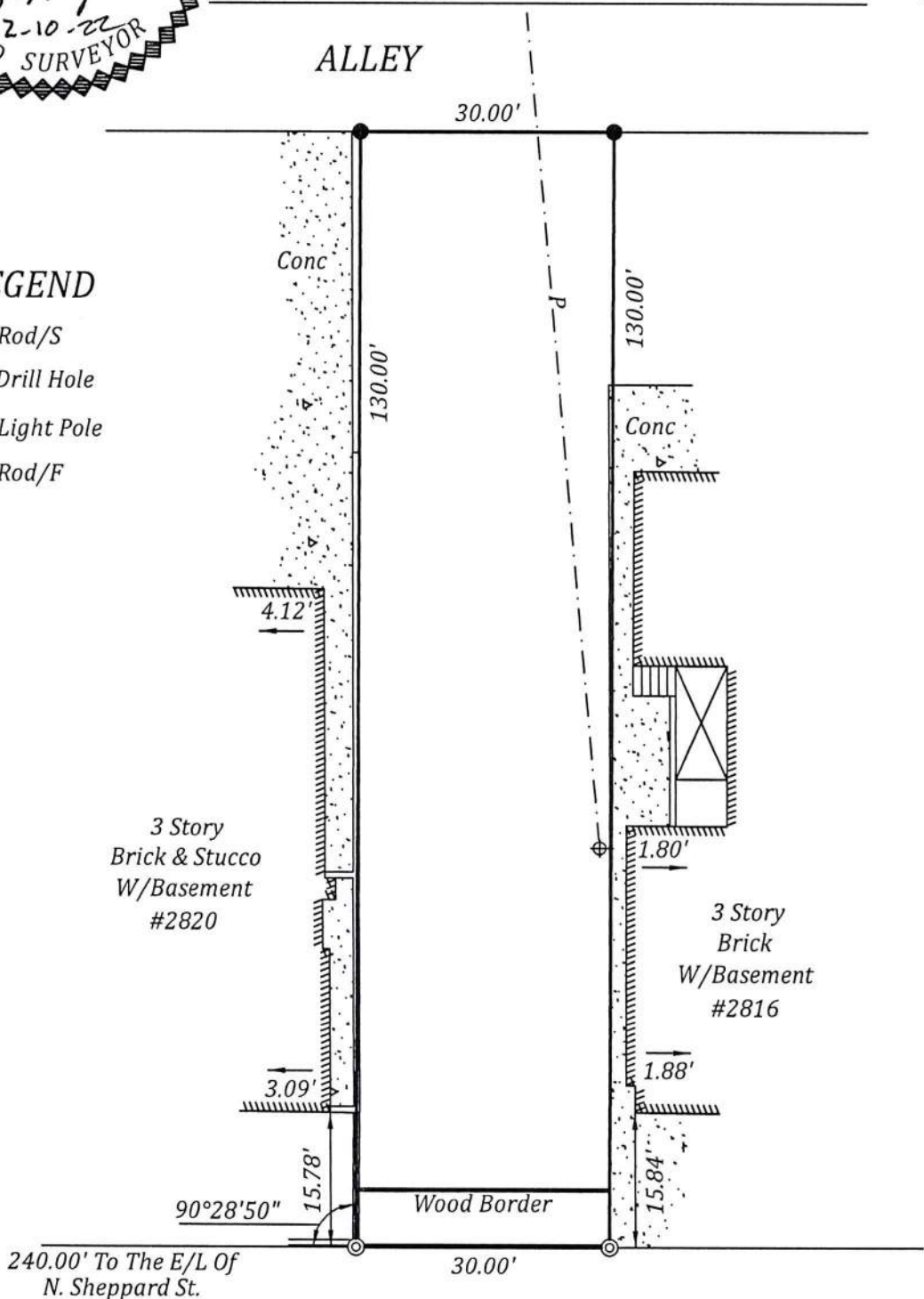


Subject Parcel Info
W0001291025
0.090 Acres



LEGEND

- Rod/S
- ⊙ Drill Hole
- ⊕ Light Pole
- Rod/F



MONUMENT AVENUE

SURVEY OF
LOT AND IMPROVEMENTS THEREON LOCATED AT

JN 51472

#2818 MONUMENT AVENUE

RICHMOND, VIRGINIA

A. G. HAROCOPOS & ASSOCIATES, P.C.

CERTIFIED LAND SURVEYOR AND CONSULTANT

4920 E. MILLRIDGE PKWY. SUITE 200 MIDLOTHIAN VA. 23112

Office 804 744 2630 FAX 804 744 2632

E-MAIL AGHAROCOPOS72@GMAIL.COM

NOTE: PLAT PREPARED FOR THE EXCLUSIVE
USE OF LEWIS LITTLE

Scale 1"=20' Date 2/10/22 Drawn by GAH