INTRODUCED: November 12, 2024

#### AN ORDINANCE No. 2024-308

To authorize the special use of the property known as 207 East Ladies Mile Road for the purpose of up to three single-family attached dwellings, upon certain terms and conditions. (3<sup>rd</sup> District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

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PUBLIC HEARING: DEC 9 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 207 East Ladies Mile Road, which is situated in a R-5 Single-Family Residential District and a R-48 Multifamily Residential District, desires to use such property for the purpose of up to three single-family attached dwellings, which use, among other things, is not currently allowed by section 30-410.1, permitted principal uses, of the Code of the City of Richmond (2020), as amended; and

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

8 NOES:

0 ABSTAIN:

ADOPTED: DEC 9 2024 REJECTED: STRICKEN:

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

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

NOW, THEREFORE,

## THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 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 207 East Ladies Mile Road and identified as Tax Parcel No. N000-1550/002 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled "Map Showing the Improvements on No. 207 E. Ladies Mile Road in the City of Richmond, Virginia," prepared by Virginia Surveys, and dated April 18, 2024, 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 three single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Sketch Showing the Proposed Division on No. 207 211 E. Ladies Mile Road in the City of Richmond, VA.," prepared by Virginia Surveys, and dated June 11, 2024, and "207-209 E Ladies Mile Rd.," prepared by River Mill Development, with sheet A1.1 dated December 11, 2023, and sheet A2.1 dated June 28, 2022, 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 three single-family attached dwellings, substantially as shown on the Plans.
  - (b) No off-street parking shall be required for the Special Use.
  - (c) The height of the Special Use shall not exceed two stories, substantially as

shown on the Plans.

- (d) All building materials, elevations, and site improvements shall be substantially as shown on the Plans; Vinyl siding shall have a minimum wall thickness of 0.044 inches, as evidenced by the manufacturer's printed literature.
- (e) All mechanical equipment 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

§ 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 1,096 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:

for the district in which the Property is then situated.

CITY ATTORNEY'S OFFICE

ATRUE COPY:

City Clerk





## **City of Richmond**

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

## **Master**

File Number: Admin-2024-1213

File ID:Admin-2024-1213Type:Request for Ordinance orStatus:Regular Agenda

Resolution

Version: 1 Reference: In Control: City Clerk Waiting

Room

Department: Cost: File Created: 09/18/2024

Subject: Final Action:

Title:

**Internal Notes:** 

Code Sections: Agenda Date: 11/12/2024

Indexes: Agenda Number:

Patron(s): Enactment Date:

Attachments: ADMIN-2024-1213 - Application Documents, Enactment Number:

Admin-2024-1213 AATF Ordinance

Contact: Introduction Date:

**Drafter:** David.Watson@rva.gov **Effective Date:** 

Related Files:

## **Approval History**

Version	Seq#	Action Date	Approver	Action	Due Date
1	1	10/30/2024	Matthew Ebinger Approve		11/1/2024
1	2	10/30/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	10/30/2024	Kevin Vonck	Approve	11/6/2024
1	4	10/30/2024	Alecia Blackwell - FYI	Notified - FYI	
1	5	10/30/2024	Sharon Ebert	Approve	11/1/2024
1	6	10/30/2024	Caitlin Sedano - FYI	Notified - FYI	
1	7	10/31/2024	Jeff Gray	Approve	11/1/2024
1	8	11/1/2024	Lincoln Saunders Approve 11/4/2024		11/4/2024
1	9	11/1/2024	Mayor Stoney	Approve	11/5/2024

### **History of Legislative File**

Ver-	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return	Result:
sion:						Date:	

## Text of Legislative File Admin-2024-1213

## City of Richmond

## Intracity Correspondence

**O&R Transmittal DATE:** October 30, 2024

**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

THROUGH: Sharon L. Ebert, DCAO for Planning & Economic Development

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

**RE:** To authorize the special use of the property known as 207 East Ladies Mile Road for the purpose of up to three single-family attached dwellings, upon certain terms and conditions.

#### ORD. OR RES. No.

**PURPOSE:** The request will authorize the construction of two single-family attached dwellings on a parcel containing a single-family attached dwelling that shares a party wall with a single-family attached dwelling at 213 Ladies Mile Road.

**BACKGROUND:** The subject property is located in the R-5 Single-Family Residential and the R-48 Multi-Family zoning districts. It consists of approximately .188 acres of land and is within the Providence Park neighborhood. The subject property is split zoned between R-48 Multi-Family Residential where the proposed use is permitted, and R-5 Single-Family Residential where the proposed use is not permitted. To build the proposed single-family attached structure in the R-5 Single-Family Residential zoning district, a special use permit is requested.

The land use designation of the subject property, according to the Richmond 300 Master Plan is residential: Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature.

Development Style: Houses on medium-sized and large-sized lots in a largely auto-dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single-family housing, accessory dwelling units, duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings.

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

Primary Uses: Single-family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets.

**COMMUNITY ENGAGEMENT:** The property is located within the bounds of the Providence Park Civic Association and this association has been notified regarding this request. Letters of notification shall also be sent to nearby property owners, and a sign noting this request shall be placed on the property once the ordinance is introduced to City Council.

### STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

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

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** November 12, 2024

CITY COUNCIL PUBLIC HEARING DATE: December 9, 2024

**REQUESTED AGENDA:** Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, December 3, 2024

**AFFECTED AGENCIES:** Law Department

RELATIONSHIP TO EXISTING ORD. OR RES.: None

**ATTACHMENTS:** Application Supporting Documents

**STAFF:** Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308 David Watson, Senior Planner, Land Use Administration, 804-646-1036



## 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: 207 E Ladies Mile Road Richmond, VA 23222 Date: Parcel I.D. #: N0001550002 Fee: \$300 Total area of affected site in acres: 0.1879 (See page 6 for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning: R-5 Residential Richmond 300 Land Use Designation: Residential **Proposed Use** (Please include a detailed description of the proposed use in the required applicant's report) Construction of two single-family attached dwellings Existing Use: Vacant Is this property subject to any previous land use cases? Yes If Yes, please list the Ordinance Number: **Applicant/Contact Person:** Will Gillette Company: Baker Development Resources Mailing Address: 530 East Main Street, Suite 730 City: Richmond State: VA Zip Code: 23219 Fax: ( Telephone: (864 ) 377-9140 Email: will@bakerdevelopmentresources.com Property Owner: MAGGIE WALKER COMMUNITY LAND TRUST 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: 203 N ROBINSON ST City: RICHMOND State: VA` Zip Code: 23220 Fax: ( Telephone: ( 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)

## **APPLICANT'S REPORT**

June 12th, 2024

Special Use Permit Request 207 E Ladies Mile Road, Richmond, Virginia Map Reference Number: N000-1550/002

Submitted to: City of Richmond

Department of Planning and Development Review

Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219

Submitted by: Baker Development Resources

530 East Main Street, Suite 730 Richmond, Virginia 23219

## Introduction

The property owner is requesting a special use permit (the "SUP") for 207 E Ladies Mile Road (the "Property"). The SUP would authorize the division of the parcel and construction of two single-family attached dwellings on the Property. While the proposed single-family use is permitted by the underlying R-48 zoning district, it is not permitted by the R-5 zoning district which also overlays the Property and therefore, a SUP is required.

## **Existing Conditions**

#### SITE DESCRIPTION AND EXISTING LAND USE

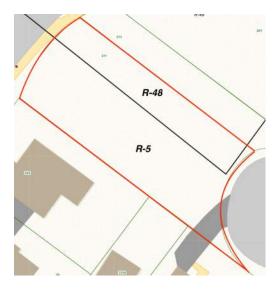
The Property is located on the eastern line of E Ladies Mile Road at its intersection with Hazelhurst Avenue and also has frontage at the rear where Hazelhurst Avenue continue east. The Property is referenced by the City Assessor as tax parcel N000-1550/002 and is irregularly shaped with roughly 61' of frontage along E Ladies Mile on the western property line, 127' of width on the northern property line, 80' of frontage along Hazelhurst to the east and 170' of width on the southern property line and contains approximately 8,074 square feet in lot area. The lot is currently unimproved, though at the time of this report, a building permit has been applied for to construct, by-right, a 16.75' wide, two-story dwelling on the northern lot line which will be attached to a similar dwelling at 213 E Ladies Mile. Access is provided at the rear of the Property by Hazelhurst Avenue.



Properties in the vicinity are primarily developed with single-family dwellings though two-family and multifamily dwellings can also be found nearby as well as commercial uses. The dwellings in the area consist of mixture of housing styles and materials and are generally single- and two-story dwellings in a range of designs.

#### **EXISTING ZONING**

The southern portion of the Property is zoned R-5 Single-Family Residential while the northern portion is zoned R-48 Multifamily Residential. R-48 permits the proposed single-family attached dwelling use while R-5 does not. The surrounding properties to the south, east, and west are also zoned R-5 while the properties to the north are zoned R-48. To the northwest is a commercial node which is zoned B-1 Neighborhood Business. Further to the north lies Henrico County.



#### MASTER PLAN DESIGNATION

The Richmond 300 Plan (the "Master Plan") recommends "Residential" for the Property. The Master Plan suggests single-family dwellings as a primary use for this designation.

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:

- <u>Page 109</u> (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
  - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."
  - o d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to "Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to "Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance."

- Page 155 (Inclusive Housing Chapter), Objective 14.8 to "Develop inclusionary and equitable housing options for our gentrifying neighborhoods to prevent involuntary displacement."
- <u>Page 159</u> (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."
  - o 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."
- <u>Page 100</u> (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.

## **Proposal**

#### PROJECT SUMMARY

The request would permit the division of the parcel and the construction of two single-family attached dwellings on the Property.

## PURPOSE OF REQUEST

The Property currently consists of a single lot which is roughly 60' in width. A building permit has been filed for a by-right two-story, 16.75' wide single-family dwelling which is to be located on the northern property line and would be attached to a similar structure on the adjacent parcel to the north. The applicant is now proposing to divide the parcel into a total of three roughly 20' wide parcels and to construct to single-family attached dwellings on the southern parcels. While the R-48 zoning classification on the northern portion of the parcel permits the proposed single-family attached use, the southern portion of the parcel is zoned R-5, which does not, and therefore the SUP is required.

When complete, the single-family attached dwellings would each be two stories in height with full-width front porches in order to remain consistent with other residential buildings in the vicinity in terms of both scale and character. The dwellings would contain roughly 1,370 square feet of floor area and consist of three bedrooms and 2 ½ baths in a modern and livable floor plan. The first floor would contain the living and dining areas while the second floor would contain two bedrooms sharing a jack-and-jill bath and a primary bedroom with en suite bathroom. To ensure quality, the building would be constructed of high-quality materials including cementitious lap siding. Offstreet parking is proposed and would be located to the rear of the dwelling and accessed by Hazelhurst Avenue.

In exchange for the SUP, the intent of this request is to ensure an appropriate infill development and a high-quality homeownership opportunity, which is consistent with the Land Use Designation and other guidance found in the Master Plan.

## **Findings of Fact**

The following are factors indicated in Section 17.11 of the Charter and Section 30-1050.1 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 SUP 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 SUP will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation and off-street parking space for the dwelling 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 SUP 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 proposed SUP would not adversely affect the above referenced City services.

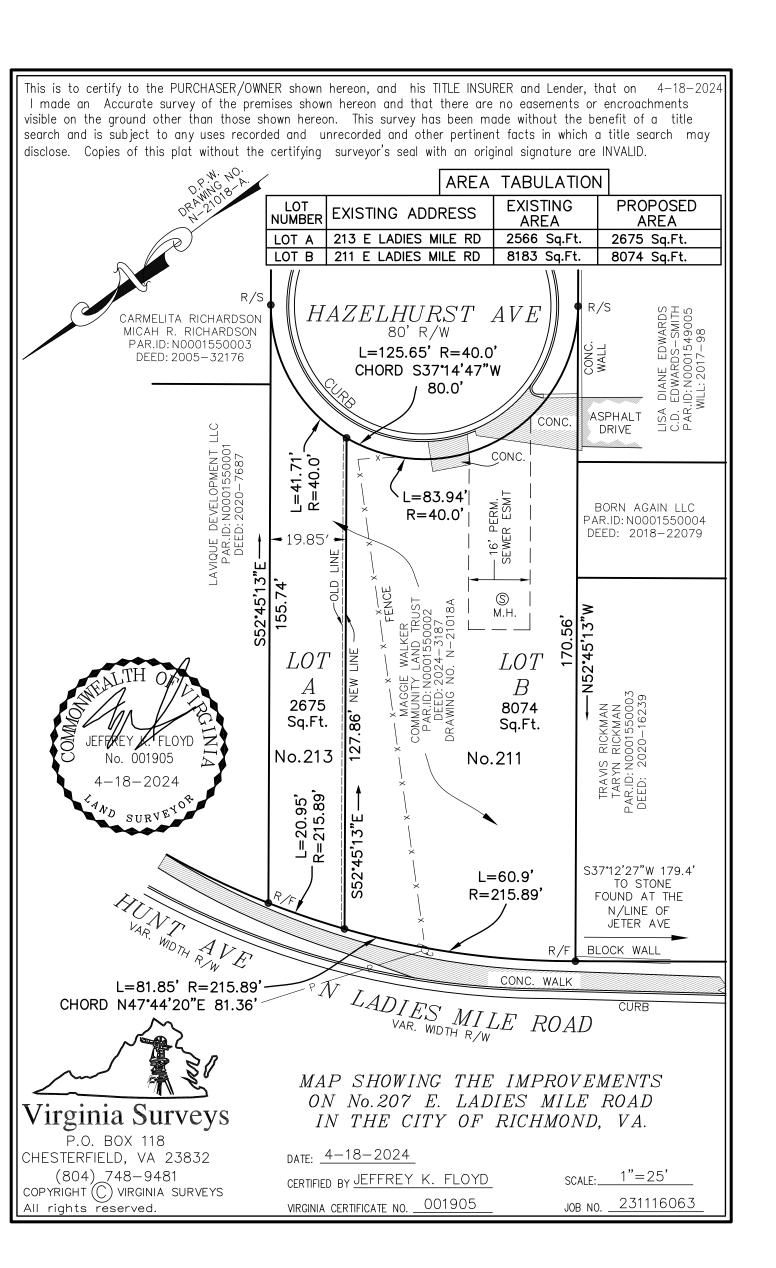
• Interfere with adequate light and air.

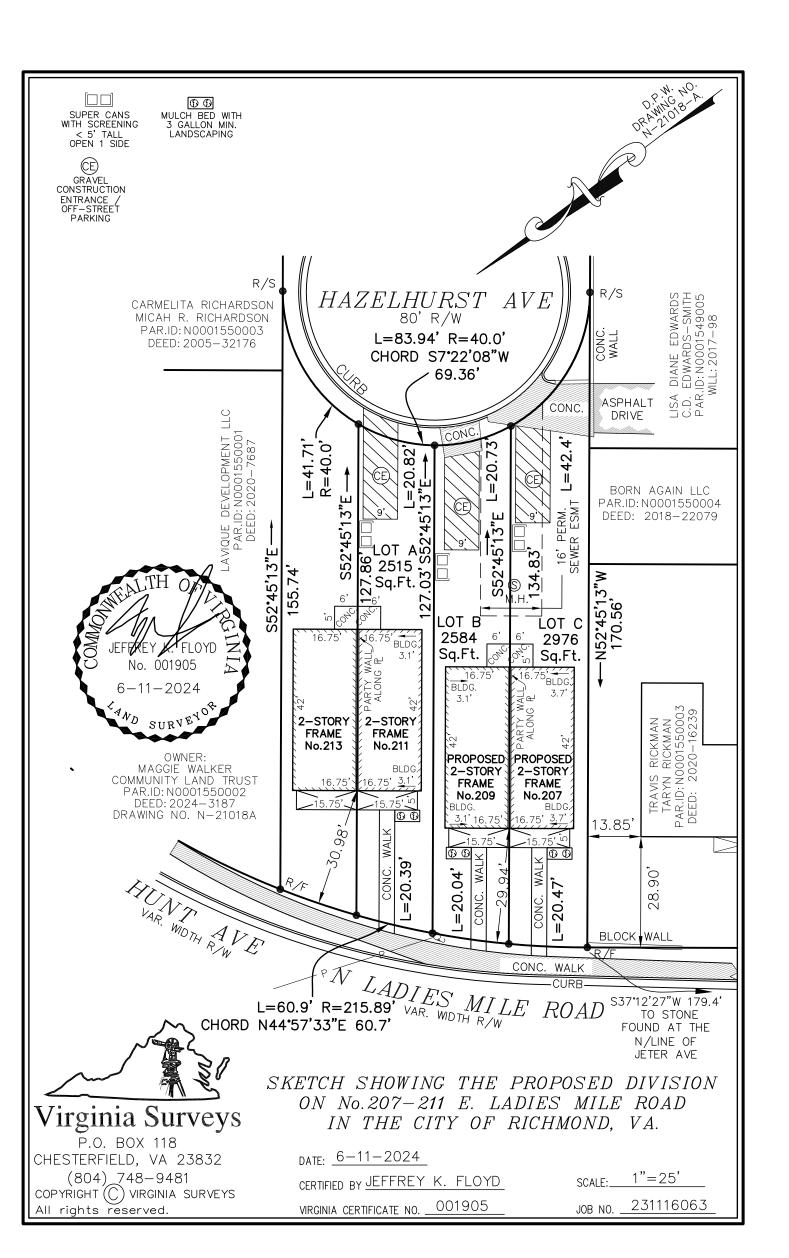
The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

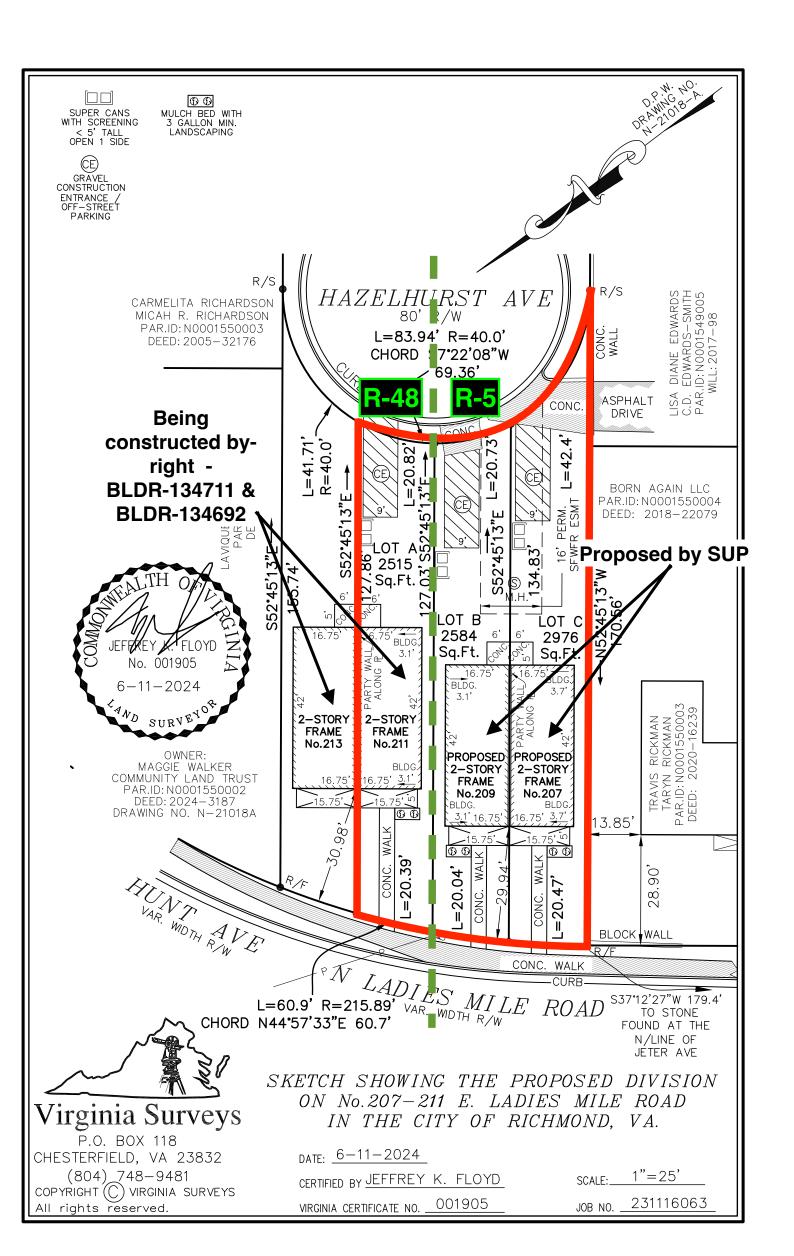
## Summary

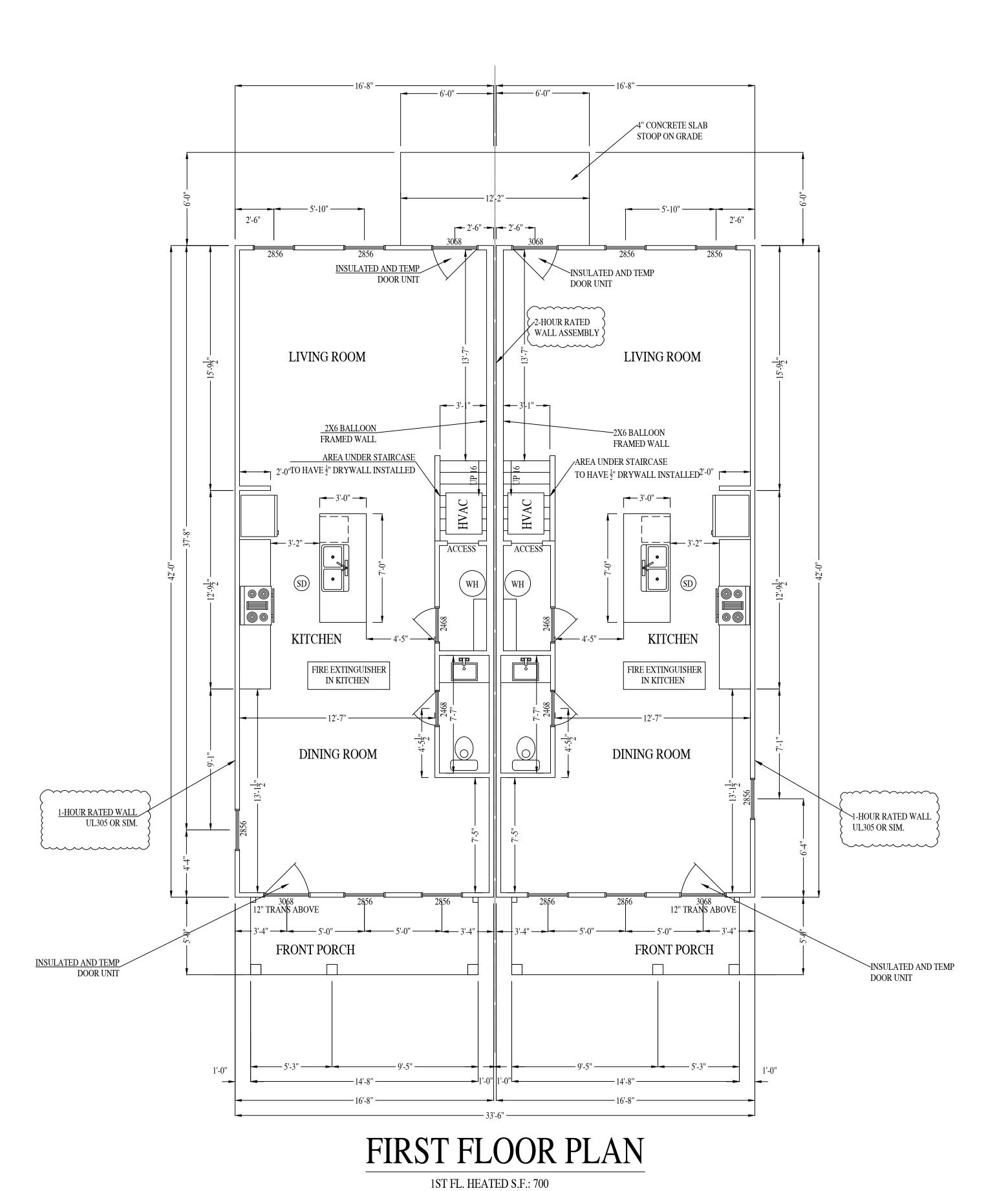
Applicant's Report 207 E Ladies Mile Road

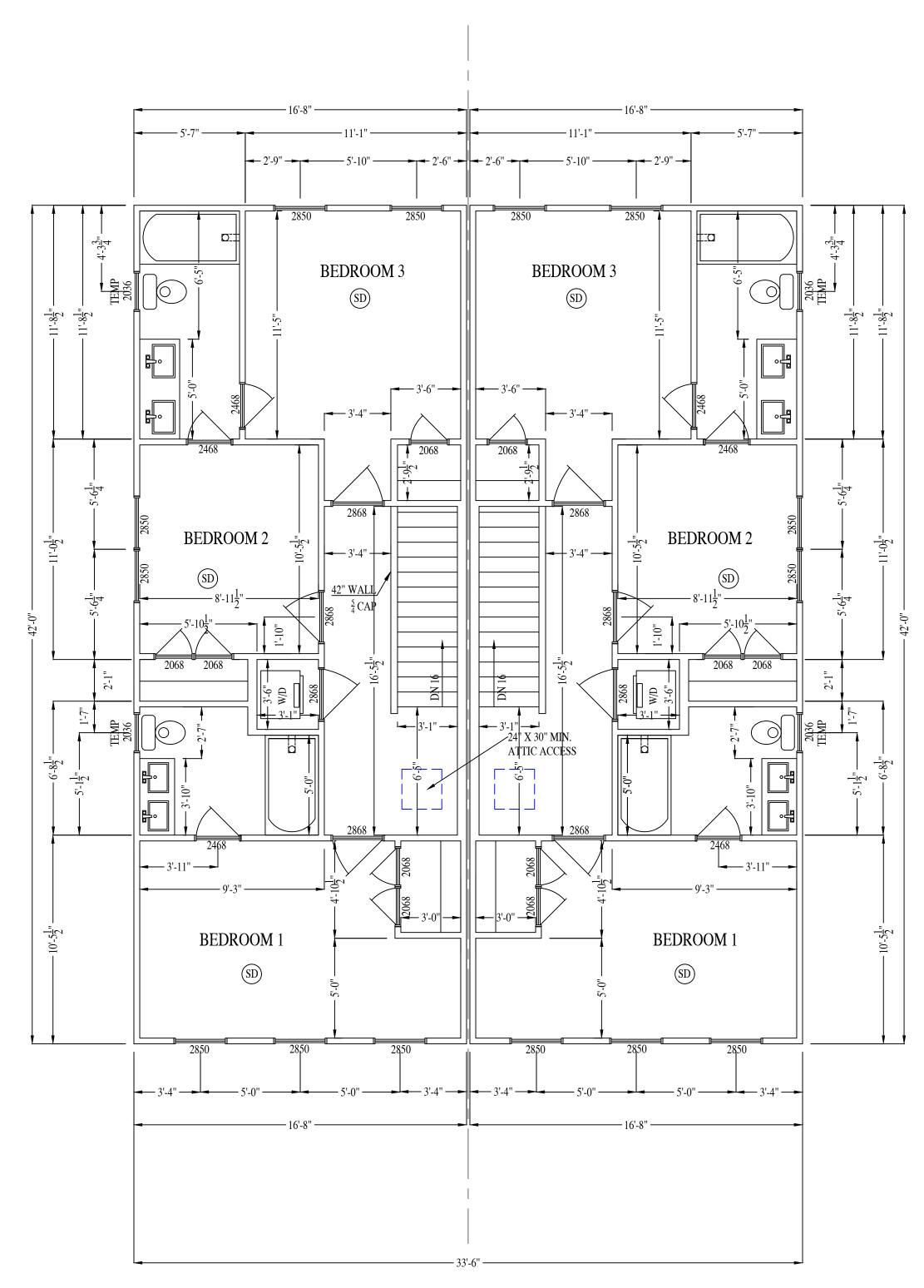
The applicant is enthusiastically seeking approval for the construction of two high quality, single-family dwellings on the Property. This proposal represents an ideal, small-scale urban infill development for this location. In exchange for the approval, the quality assurances conditioned through the SUP would guarantee the construction of a higher quality dwelling than might otherwise be developed by right in the vicinity. This would contribute to the overall vibrancy of the block by filling in a "missing tooth" and though the provision of an appropriate urban form.











SECOND FLOOR PLAN

2ND FL. HEATED S.F.: 700

09 E LADIES MILE RD.

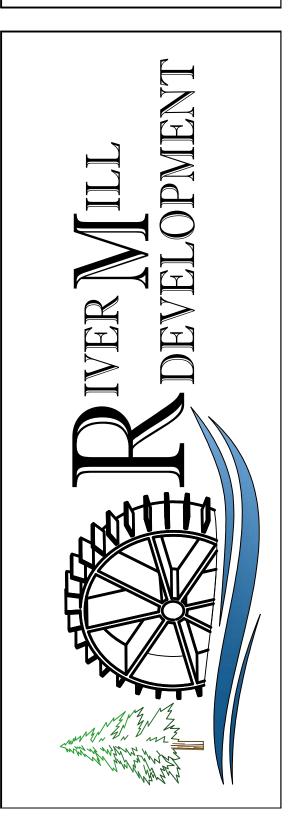
REVISION NOTES

DATE START

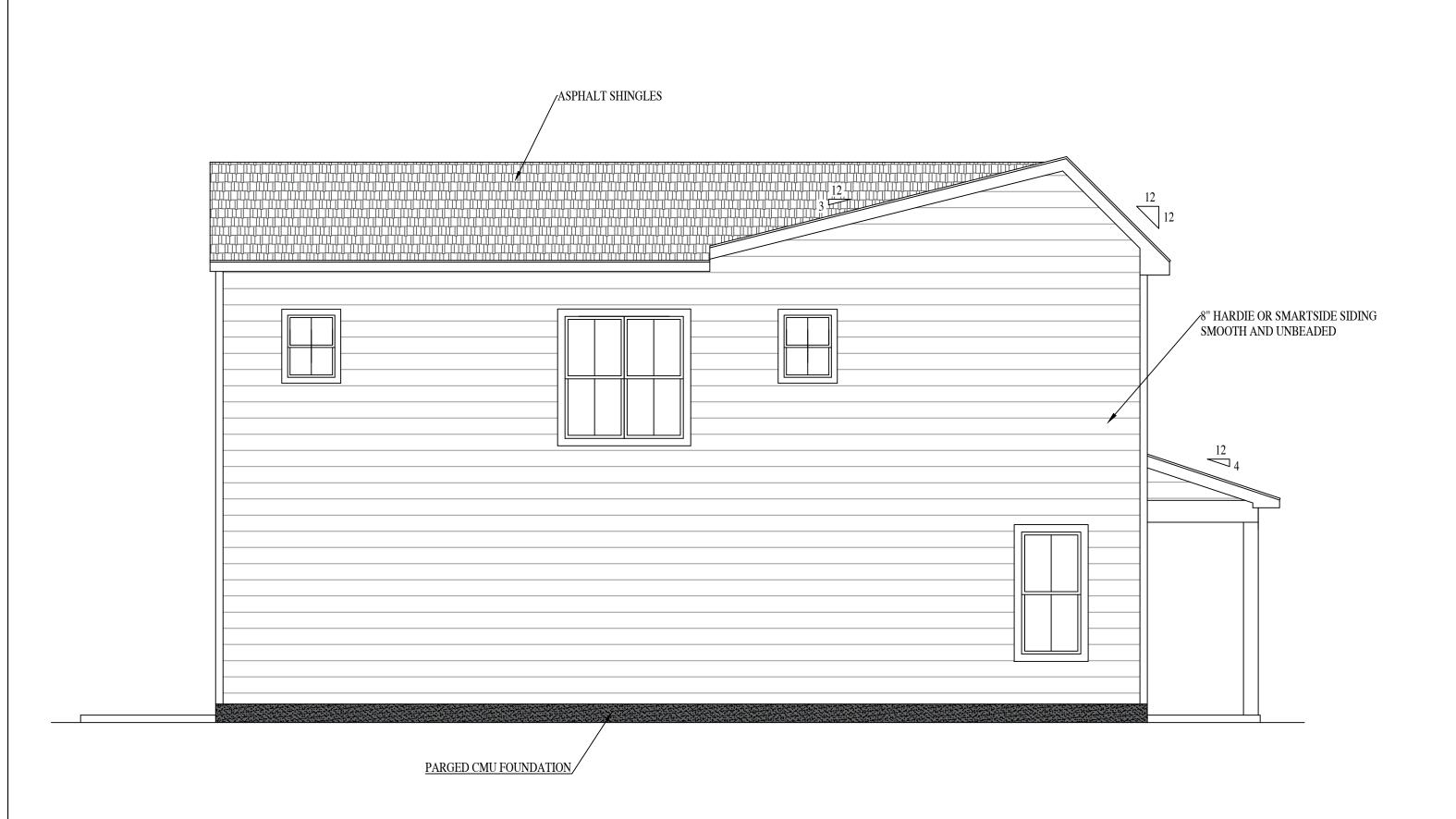
SCALE: 1/4" = 1'-0"

DATE: 12-11-2023

SHEET: A1.1

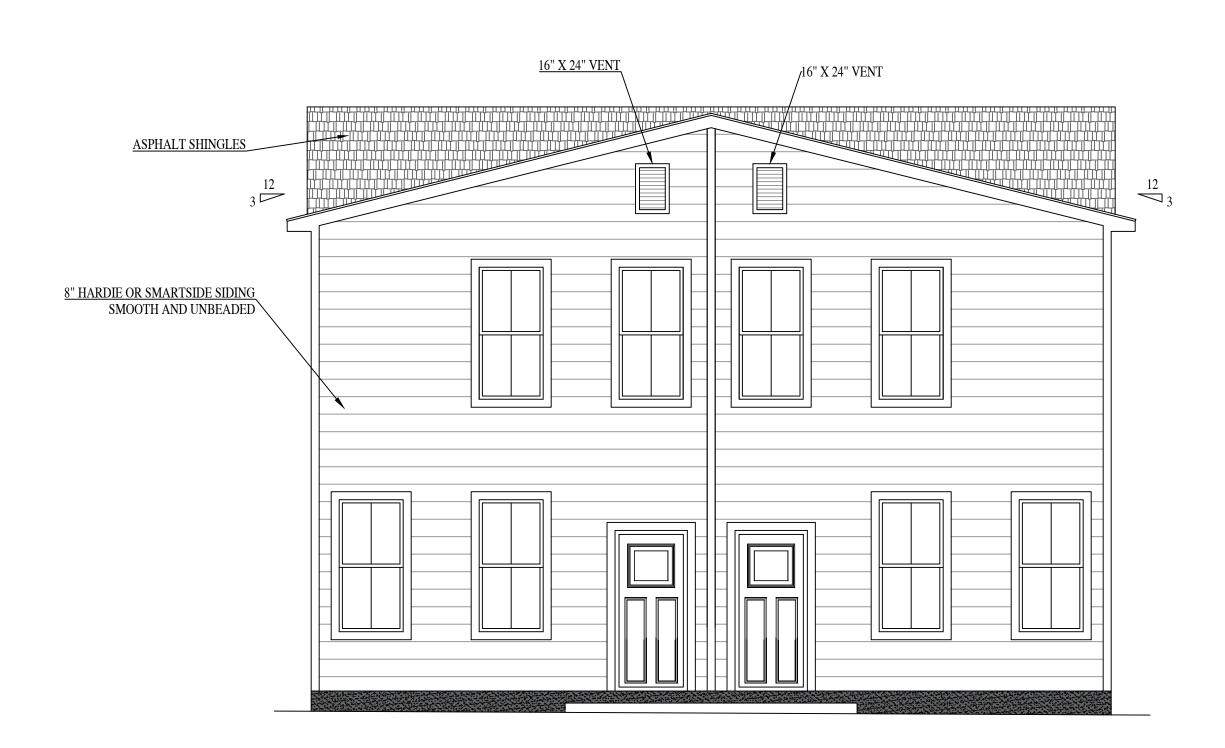


ALL SINGLE WINDOW AND DOOR HEADERS TO BE (2) 2X8 MIN. W/ (1) JACK STUD + (1) KING STUD UNLESS OTHERWISE NOTED.



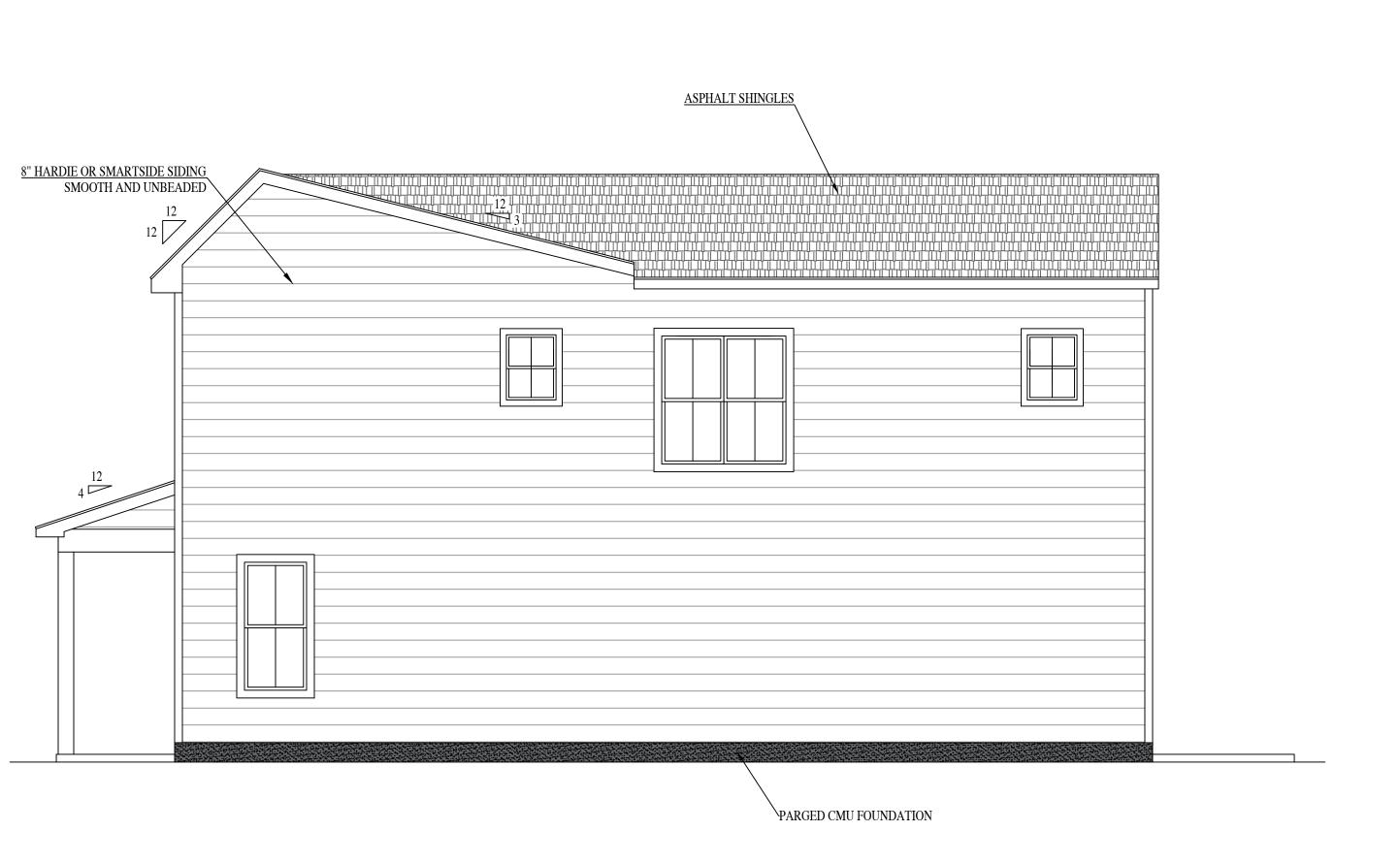


# LEFT ELEVATION



REAR ELEVATION

# FRONT ELEVATION



## LEFT ELEVATION

-209 E LADIES MILE RD.

207

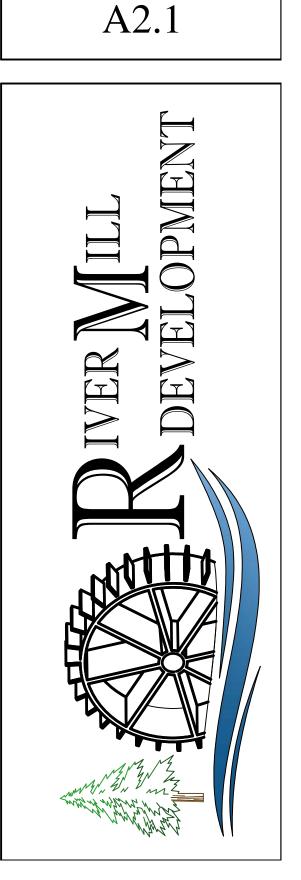
RIVER MILL DEVEI

RI	REVISION NOTES						
DATE	START						

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

DATE: 6-28-2022

SHEET:





# City of Richmond Department of Planning & Development Review

## **Special Use Permit**

LOCATION: 207 E Ladies Mile Road

**APPLICANT: Baker Development Resources** 

**COUNCIL DISTRICT: 3** 

PROPOSAL: To authorize the special use of the property known as 207 E Ladies Mile Road for the purpose two single family attached dwellings, upon certain terms and conditions.

For questions, please contact David Watson at 804-646-1036 or David Watson@rva.gov

