

AN ORDINANCE No. 94-219 -209

ADOPTED OCT 10 1994

To authorize the use of the real estate, property known as 2107-2117 West Cary Street, for the purpose of the construction a twelve unit multi-family dwelling and six single-family attached dwellings, upon certain terms and conditions.

Patron - City Manager (By request)

Approved as to form and legality
by the City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the real estate, properties known as 2107-2117 West Cary Street, located on the south side of West Cary Street between South Rowland Street and South Shields Avenue, and a property located at the rear of 2107-2123 West Cary Street, fronting on the east side of South Shields Avenue, such properties being identified as Parcel No. W000-09940/004, Parcel No. W000-09940/005, Parcel No. W000-09940/006, Parcel No. W000-09940/007, Parcel No. W000-09940/008, Parcel No. W000-09940/009, and Parcel No. W000-09940/028 in the 1994 records of the City Assessor, more completely described as follows: beginning at a point on the south right of way line of West Cary Street, said point being 83.83 feet east of the intersection of the south right of way line of West Cary Street and the east line of South Shields Avenue; thence

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of said real estate a building permit in accordance with the above-referenced plans for such purpose(s), subject to the following terms and conditions:

(a) That the owner(s) of the properties shall be bound by, observe, and shall comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and buildings, except as otherwise provided in this ordinance;

(b) That application for a building permit or permits to construct all of the buildings depicted on the attached plans shall be made within twenty-four months from the effective date of this ordinance, which building permit or permits shall expire by limitation and become null and void if construction is not commenced within one hundred eighty days from the date of the building permit(s), or if construction is suspended or abandoned for a period of one hundred eighty days at any time after work is commenced, as provided in the applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit(s) not be made within twenty-four months from the effective date of this ordinance or should the building permit(s) expire and become null and void, the privileges granted by this ordinance will terminate and the special use permit shall become null and void;

(c) That use of the property shall be as a twelve (12) unit multi-family dwelling on an independent parcel of land, and as six (6) single-family attached dwellings, each on individual parcels of land;

(d) That development of the twelve unit multi-family dwelling shall be substantially as depicted on the attached plans and subject to the following specific development standards:

- i. Minimum lot width shall be 65 feet;
- ii. Minimum lot area shall be 7700 square feet of land area;
- iii. Minimum front yard shall be 10 feet;
- iv. Minimum side yards shall be 4.5 feet;
- v. Maximum Floor Area (gross - no exclusions) shall be 9650 square feet;
- vi. Floor area ratio, open space ratio, and livability space ratio shall be substantially as represented by attached site plan and floor plans, provided that the minimum lot area cited above is provided;
- vii. Landscaping features and fences shall be installed substantially as depicted on the attached plans prior to the issuance of the initial certificate of occupancy for the dwelling, and fences screening the parking area shall be maintained;

- viii. That identification of the building shall be limited to one sign, not exceeding six square feet in area, mounted on a vertical surface of the building. Such signage may be illuminated, provided that the source of illumination is not visible from adjacent properties and public streets;
- ix. Six (6) paved off-street parking spaces shall be provided at the rear of the multi-family dwelling and six (6) parking spaces shall be provided on an independent parcel fronting on South Shields Avenue. All such spaces shall be located, paved, screened, and maintained substantially as depicted on the attached plans;
- x. In all other respects, the property shall be subject to the regulations of the applicable underlying zoning;

(e) That development of the six (6) single-family attached dwellings on individual lots shall be substantially as depicted on the attached plans, and subject to the following specific development standards:

- i. Minimum lot width shall be 17 feet;
- ii. Minimum lot area for Lots 2 through 6 shall be 1900 square feet, and minimum lot area for Lot 1 shall be 2675 square feet;

- iii. Minimum front yard shall be 12 feet on Lots 1, 2, 4, 5 and 6, and 10 feet on Lot 3;
- iv. Minimum side yard for Lot 1 shall be 6 feet, and minimum side yard for Lot 6 shall be zero, provided that if the side yard for Lot 6 is less than three feet, an access easement shall be established on the lot containing the multi-family dwelling which permits the owner of Lot 6 adequate access for maintenance and repairs to the dwelling on Lot 6;
- v. The dwelling shall contain a minimum of 1450 square feet at initial construction, with interior features and amenities (i.e., kitchen appliances, number of baths, number of bedrooms, etc.) in the dwelling, prior to the issuance of the initial certificate of occupancy, substantially as depicted on the attached plans;
- vi. Exterior elevations shall be constructed substantially as depicted on the attached plans, and there shall be no enlargement or alteration to the front elevation of the building, including porches and steps, once constructed, except for normal repair and maintenance;
- vii. Landscaping features and fences required for any lot shall be installed prior to the issuance of the

initial certificate of occupancy for the dwelling on the lot, substantially as depicted on the attached plans;

viii. A minimum of one paved off-street parking space shall be installed, substantially as depicted on the attached plans, prior to the issuance of the initial certificate of occupancy for the dwelling on the lot, and the space shall be maintained as available for parking by the owner;

ix. In all other respects, the properties shall be subject to the applicable underlying zoning, and, except where this ordinance specifically precludes enlargements and alterations, the owner(s) may undertake such enlargements, alterations, and any additional site improvements, in accordance with such regulations;

(f) That the owner shall apply for a tentative subdivision to create the individual building lots prior to making application for a certificate of occupancy. The final subdivision may be phased to create two separate parcels, one for the multi-family dwelling, and one to be developed with the single-family attached dwellings, provided that the subdivision to create the lot for the multi-family dwelling shall be recorded prior to a building permit for that dwelling. The final

subdivision to create the lots for the single-family attached dwellings may be recorded after the construction of such dwellings, provided that no certificate of occupancy for a dwelling shall be issued until the respective lot has been created by an approved and recorded final subdivision;

(g) That a covenant referencing the terms and conditions of this ordinance shall be established in conjunction with the recordation of the final subdivision plat. Said covenant shall be intended to alert individual lot owners to the specific lot development standards established by this ordinance, or by any subsequent amendments to this ordinance;

(h) That adoption of this ordinance shall not be construed to affect the rights of any property owner that adjoins the eight-foot wide private alley that runs along the rear of 2107-2123 West Cary Street. Prior to the issuance of the first building permit for any building authorized herein, the owner shall present documentation that there are no such rights accruing to other parties, or that any such rights to the portion of the alley along the rear of 2107-2117 West Cary Street have been terminated by the parties to whom those rights accrue. If, as a condition of the termination of those rights, a north-south connection must be established from the remaining portion of the alley south to the 15-foot wide east-west alley, an easement for such a connection must be recorded concurrent with appropriate final subdivision plat

and the easement must be paved in conjunction with the construction of the independent parking area serving the multi-family dwelling;

(i) That final grading and drainage plans shall be approved by the Director of Community Development prior to the issuance of building permits;

(j) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm and surface water from the land or buildings shall be provided and maintained at all times by the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and alleys and the use thereof;

(k) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works, and any such facilities provided for the twelve (12) unit multi-family dwelling shall be located or screened so as to not be visible from adjacent properties and public streets, substantially as depicted on the attached plans.

§ 4. That should the owner(s) of the properties use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within sixty days after written notice to do so has been given by the zoning administrator, the privileges granted by this ordinance shall terminate and the special use

permit shall become null and void, unless an application for a special use amendment is filed with the Director of the Department of Community Development, which shall stay the sixty day period. Failure to comply with the terms of this ordinance shall constitute a violation of §32-1080 of the Code of the City of Richmond, 1993, or other applicable provision. In the event the ownership of the seven resulting lots has transferred to more than one person or entity, the written notice of such unauthorized use or noncompliance may be made only to the owner of the lot or lots on which such unauthorized use or noncompliance occurs, and the termination of the privileges granted by the ordinance may be applied only to the lot or lots on which such unauthorized use or noncompliance occurs, and the special use permit shall continue in force for any lot which is in conformance with the terms and conditions of this ordinance.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when the use of the premises is abandoned for a period of twenty-four consecutive months, use of the real estate shall be governed thereafter by the zoning regulations prescribed for the district in which the real estate is then situated.

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



SPECIAL USE PERMIT APPLICATION
CITY OF RICHMOND, VIRGINIA

Date: August 23, 1994

TO: The Honorable Council of the City of Richmond
c/o The Department of Community Development
900 East Broad Street, Room 511
Richmond, Virginia 23219

Application is hereby made for a **SPECIAL USE PERMIT** for (proposed use):

Cary 2000 Phase III

at the premises designated or described as follows: 2107, 2109, 2111, 2113

2115, 2117 West Cary Street

in accordance with attached plan designated (title, sheet numbers, preparer, date).

Cary 2000 Phase III/ Sites 1-A and 1-B

Steele and Associates, P.C., Architects

The current zoning of the property is: B-3

Attached is a check for \$ 1,000, payable to: "**City of Richmond**"

Signature of owner of property: *

T.K. Somnath

EX DIRECTOR

Mailing Address: _____

Richmond Better Housing Coalition

P.O. Box 12117

Richmond, VA Zip Code: 23241

* Properties under contract. All will be closed by
9/10/94

Phone: (804) 644-0546

Applicant or owner's representative: Richmond Better Housing Coalition

Mailing Address: _____

P.O. Box 12117

Richmond, VA 23241

Zip Code: _____

Phone: (804) 644-0556

BACKGROUND

The Cary 2000 Revitalization Initiative is a private, community-based effort to eliminate some of the most seriously substandard housing existing along the Cary Street Corridor between The Boulevard and Belvidere Street. Cary Street marks the southern edge of the Fan, is near the edge of Randolph and represents the boundary between Oregon Hill and VCU. Parts of Cary Street have been well cared for and, particularly in the western portion of the city, are thriving. However, there are several pockets of distressed properties in which housing conditions and an unpleasant environment have contributed to a series of social problems and to the crime rate. These problems are having a negative impact on the adjacent neighborhoods and on areas such as the Uptown business district along Main Street. It is clear that by establishing a stable residential environment in these blocks, revitalization of adjacent blocks will be greatly enhanced. This effort will not only provide affordable housing and eliminate some of the worst social problems in the area, it will contribute to a broader revitalization of this part of the city.

Pursuant to a Memorandum of Understanding between Your Neighbors Civic Association and Richmond Better Housing Coalition (RBHC) dated February 11, 1992 (attached), RBHC is acting as a community housing developer in the revitalization process now underway, focused on the 2000, 2100 and 2200 blocks of Cary Street.

Cary Mews, at the northwest corner of Cary and Meadow Streets, was completed early this year and fully occupied by Spring. Offering 29 units of affordable housing, the complex includes eleven townhouse units and 18 apartments in a new three story building. Cary Mews was designed to set the standard for ongoing revitalization and features modern amenities, a landscaped courtyard, on-site parking, a built-in security system and an elevator to provide easy access to handicapped residents.

Across the street, work is underway this summer for the second phase of Cary 2000, involving complex renovation of 12 deteriorating buildings on the southside of the 2000 block of Cary and several adjacent properties. By early next year, the streetscape of that block will be restored, complementing new construction at Cary Mews and meeting the historic standards of the Department of the Interior. Twenty-eight additional modern apartments will be available.

Some of the most severe blight in the community still exists in the 2100 and 2200 blocks of Cary. This proposal presents a feasible solution that will remove remaining seriously substandard housing and continue the neighborhood rebuilding process in a way that will not displace existing long-term residents and yet will reduce density and enable the introduction of homeownership into the revitalization process.

APPLICANT REPORT

The applicant, RBHC, is requesting approval of a special use permit to develop 18 housing units on a location fronting 178 feet on the southline of the 2100 block of West Cary Street. The development is an urban residential infill with new construction to complement existing traditional urban style architecture.

Site 1-A

The proposed development on Site 1-A features an approximately 9,500 square foot, three story elevator garden style apartment building with four 2-bedroom and eight 1-bedroom units on the south line of the 2100 block of West Cary Street. The new building with Cary Street frontage will be three stories in height. The building will have front porches and access from Cary Street as well as access from the rear of the building. The backyard will be landscaped with appropriate screening and fencing, and access to parking and trash pick-up will be from the existing 20 foot wide public alley between Rowland Street and Shields Avenue. All the apartments will be equipped with modern conveniences, including an elevator, security system and a trash chute to serve all floors.

The site is currently zoned B-3. The Master Plan recommends moderate density multi-family uses, visually compatible with adjacent residential uses. Care has been taken to assure that the design of the proposed building will complement the existing urban architecture and neighborhood fabric. The front yard set-back is consistent with the adjacent structure.

While the density exceeds Master Plan recommendations and LUI ratios are not met, it must be emphasized that this building will replace 12 substandard one-bedroom units that seriously violate city code, with 12 one- and two-bedroom modern units in an efficient, secure building that features amenities including an elevator, landscaping, residential management and handicap accessibility. The building provides an economically feasible solution for replacing grossly substandard housing with new one- and two-bedroom units needed by low income citizens and long-term elderly residents of the area. Waiting lists are being maintained in response to calls received by the management agent for Cary Mews for the type of units that will be provided in this building.

The units will be marketed and managed by VMH, Inc., the private management firm that is managing the first two developments in the Cary 2000 Revitalization Initiative.

The location is served by public transportation and is convenient to neighborhood shopping, employment and downtown amenities. The project will not adversely affect or interfere with the schools and playgrounds in the neighborhood nor will it put undue demands

on water supply, sewage or other public conveniences in the neighborhood due to the type of project and the intended market.

The site has sufficient access for fire and emergency traffic. The 12-unit building will have six on-site parking spaces. Street parking is also available on Cary and Shields Streets. Based on experience at Cary Mews, the parking provided on-site should be more than sufficient. Cary Mews provides 23 on-site parking spaces for 29 housing units and, though the units are fully occupied, only 6 parking spaces are being utilized by residents.

Site 1-B

The proposed development on Site 1-B features six new 3 bedroom townhouses in 3 story attached townhouses fronting the south line of the 2100 block of West Cary Street. These affordable homes will be offered for sale to homebuyers.

All townhouses will have front porches and backyards and will have parking at the rear alley. Modern amenities will be featured, including landscaping and privacy fences, wall-to-wall carpeting and dishwashers. Individual homebuyers may be offered the option to add a third floor bathroom. Each townhouse unit is approximately 1,400 square feet.

This townhouse development approaches R-53 standards for attached development. Variations in unit width and front and side yards are justified when compared with adjacent units and the urban streetscape in the area.

CONCLUSION

When Cary 2000 was initiated in 1992 by Your Neighbors Civic Association and Richmond Better Housing Coalition, the goal of home ownership was a top priority.

Long hours have been spent to develop feasible strategies to bring the revitalization process to a point where this dream can be realized. Before a market can be established to attract homebuyers to the neighborhood, severely blighted housing and associated social problems must be eliminated. While new housing is being developed, Your Neighbors, homeowners on Main, Cary and Parkwood, and Uptown business owners have been actively involved in the process.

With this third stage development, homeownership can now be introduced. All of the effort to date, and the combination of units proposed here, are making this possible.

In the 2100 block, the proposed 12-unit building on Site 1-A

provides one-and two- bedroom rental units to avoid displacement of long term residents and meet the needs of elderly and other individuals who are looking for smaller apartments. Homeowners, many of them first time homebuyers, will occupy the six adjacent new townhomes on Site 1-B. A review of site plans will indicate our commitment to respect the existing facades, streetscapes and urban neighborhood fabric. We feel that the proposed density is in line for an in-town urban infill site. When the two sites are considered together, the overall housing density on the 2100 block is reduced by six units.

The new construction proposed in the 2200 block (Site 3) is necessary to stabilize that block and support the newly created housing market. The same high quality construction and urban design principles will be maintained.

The entire proposed development is consistent with other urban neighborhoods in style, rental range and sales price and meets the city requirements for housing codes. Public utilities are available to the development as evidenced by letters from the Department of Public Utilities and Public Works.

This proposed continuation of the Cary 2000 Revitalization Initiative is consistent with housing policies established in the City's Comprehensive Housing Strategy. It has the support of area residents and businesses.

We request approval of this request.

MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING, dated as of 11 FEB, 1992, (this "Memorandum"), between Richmond Better Housing Coalition ("RBHC") and Your Neighbors Civic Association ("Your Neighbors").

W I T N E S S E T H :

Whereas, RBHC is a charitable organization whose primary mission is to ensure decent, safe, and affordable housing for residents of Metropolitan Richmond;

Whereas, RBHC through its broad membership, seeks to encourage the development of affordable housing through non-profit community development corporations ("CDCs");

Whereas, in working towards its mission, RBHC also develops affordable housing to increase the available supply;

Whereas, RBHC seeks to create a climate of opinion in which the provision of adequate housing is a high priority for the metropolitan area;

Whereas, Your Neighbors, since its formation in 1978, is working towards its mission to improve quality of life for its members residing in blocks generally bounded by RMA, Floyd Avenue, Harrison Street and Strawberry Street.

Whereas, Your Neighbors has organized general improvement and clean-up projects and with funding from the city created a pocket park named Freedom Park between Floyd and Main Street near Rowland Street.

Whereas, in 1982 Your Neighbors received the Clean City Award.

Whereas, in 1987 Your Neighbors worked with the city of Richmond using a \$10,000 grant to develop a plan for an Urban Commercial District and has been successful in seeking \$75,000 from the current year's capital improvement budget to initiate a Main/Cary corridor study to improve housing and neighborhood commercial conditions.

Whereas, Your Neighbors has been successful in seeking increased police protection in the area to combat crime and drugs and have been successful in closing a local bar which was a detriment to quality of life for surrounding residents and businesses.

Whereas, Your Neighbors is seeking assistance from RBHC to improve the substandard housing conditions and to remove blight in the 2000, 2100 and 2200 blocks of Cary Street.

Whereas, Your Neighbors invited RBHC to provide necessary technical and financial assistance in the revitalization efforts in these 3 blocks of their neighborhood.

Therefore, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

RBHC and Your Neighbors Responsibilities:

A. Your Neighbors Responsibilities -

- Form an advisory committee to include residents from Parkwood and Cary Streets. This advisory group will provide community input in the design and implementation of an appropriate development strategy for the 2000, 2100 and 2200 blocks of Cary Street.
- Hold meetings with area residents to discuss and seek consensus on a development plan for the 3 block area.
- Assist RBHC in carrying out surveys on existing housing conditions homeownership and rental information, sales price, rental rates and other relevant neighborhood data to enable preparation of appropriate revitalization plans for the area.
- Assist and support RBHC in seeking public and private funds to plan and implement the development plan.
- Assist RBHC in identifying prospective tenants and homeowners for the rehabilitated and/or newly built housing units.

B. RBHC Responsibilities -

- Work in cooperation with Your Neighbors to develop appropriate revitalization plans for the 3 block area.
- Conduct surveys on existing conditions, property ownership, assessments, occupancy and tenant/ownership data.
- Secure options, appraisals, property surveys and feasibility studies.
- Secure predevelopment, construction, permanent and equity financing from public/private sources.

- Assemble a development team (architect, general contractor) to complete the rehabilitation and construction of housing units as per agreed plan.
- Provide training and other organizational assistance to increase resident involvement in community development efforts.

C. Relationship of RBHC and Your Neighbors -

RBHC shall work in a cooperative manner recognizing the independent but mutually complementary character of each organization. The focus of Your Neighbors initially is to provide support and input in developing an acceptable development strategy in the 2000, 2100 and 2200 blocks of Cary Street to improve housing conditions for long-term residents in the neighborhood and remove existing blight. The focus of RBHC is to function as a developer working with Your Neighbors to develop an acceptable revitalization plan, secure necessary financing to implement the agreed plan, acquisition and development of properties, marketing of homes to residents in the community, providing necessary homeownership counseling to first time property owners and, through advocacy and negotiations with the city, to improve public infrastructures and traffic on Cary Street.

YOUR NEIGHBORS
CIVIC ASSOCIATION

Laxman J. Braja
By:

RICHMOND BETTER
HOUSING COALITION

F.K. Samanati
By: EX-DIRECTOR

City of Richmond
Department of Public Utilities



400 Jefferson Davis Highway
Richmond, Virginia 23224

May 17, 1994

Ms. Donna J. Mayton
Development Assistant
Richmond Better Housing Coalition
601 S. Belvidere Street
Richmond, VA 23241

Re: Water and Gas Availability
Cary 2000 Phase III
2100 and 2200 Blocks West Cary Street

Dear Ms. Mayton:

In response to your letter of May 11, received today, gas and water is available in the 2100 and 2200 blocks of West Cary St. The 2100 block has 10" IP and 10" LP gas mains and a 10" water main. The 2200 block has the same size gas mains and a 12" water main.

Water service taps to the property line can be made upon payment of the fees for the appropriate size pipe and meter to serve the buildings. Gas service taps to the meter locations on the buildings can be made at City expense if the run of pipe is not over the 100 foot allowance from the property line to the meter location.

Sewer information can be obtained through Mr. Herbert Harding in the Community Development Department at 780-6440.

If we can be of further help to you, please call the Gas and Water Permits section at 230-8544.

Yours very truly,

Karen S. Bard
Karen S. Bard
Principal Clerk

/ksb

City of Richmond
Department of Public Works



900 East Broad Street, Richmond, Virginia 23219
P.O. Box 26505, Richmond, Virginia 23261
804-780-6430

May 24, 1994

Ms. Donna J. Mayton
Richmond Better Housing Coalition
P. O. Box 12117
Richmond, Virginia 23241

Re: Sewer Availability - Cary 2000 Phase III
2107, 2109, 2111, 2113, 2115, 2117, 2119, 2121, 2123, 2207,
2209, 2211, 2213, 2215, 2210, 2212, 2214, and 2216 West Cary Street

Dear Ms. Mayton:

This is in reference to your letter dated May 11, 1994 regarding the availability of sewer to serve the above referenced lots.

Our records indicate that a 12" combined sewer is available in the 2100 and 2200 blocks of West Cary Street to serve the referenced lots.

If we can be of further assistance, please contact us.

Sincerely,

Jerry W. Eiler, P.E.
Director

JWE:TR:lj

c: Diane Linderman
Gary DuVal
File

City of Richmond
Department of
Community Development



900 East Broad Street, Richmond, Virginia 23219
804 • 780-6310

June 25, 1994

Mr. T. K. Somanath
Executive Director
Richmond Better Housing Coalition
PO Box 12117
Richmond, Virginia 23241

Dear Mr. Somanath:

Re: Support for Zoning and Land Use for Cary 2000 Phase III

On behalf of the City of Richmond's Department of Community Development, I wish to express our support, pending further design and departmental reviews, for the above-referenced project.

The proposed land use and intent of the project are consistent with the City Administration's plans, and the project should be a very positive step toward the rebuilding of the Cary Street area.

We look forward to working with the Coalition and Your Neighbors Civic Association over the coming months as this initiative moves forward.

Sincerely,

Charles T. Feters, Jr.
Director

City of Richmond
Office of the City Manager



900 East Broad Street, Richmond, Virginia 23219
304 • 780-7970

June 24, 1994

Mr. Robert J. Adams, Acting Director
Department of Housing & Community Development
Commonwealth of Virginia
501 N. Second Street
Richmond, VA 23219

Re: *Cary 2000 Phase III*

Dear Mr. Adams:

The continuing rehabilitation in the 2100 and 2200 blocks of West Cary Street by Richmond Better Housing Coalition, in cooperation with Your Neighbors Civic Association, will help meet the housing needs and priorities of the City of Richmond. This revitalization program is specifically applicable to Priority I of the City's 1994-99 Comprehensive Housing Affordability Strategy (CHAS). Accordingly, the City of Richmond supports the allocation of Partnership funds and federal low income housing tax credits requested by Richmond Better Housing Coalition for this development.

Sincerely,

A handwritten signature in cursive script, reading "Robert C. Bobb".

Robert C. Bobb
City Manager



City of Richmond

RECEIVED

SEP 7 1994

OFFICE OF CITY ATTORNEY

DATE: SEPTEMBER 6, 1994 **EDITION:** 1

TO: THE HONORABLE MEMBERS OF COUNCIL

THRU: ROBERT C. BOBB, CITY MANAGER

FROM: CHARLES T. PETERS, JR., DIRECTOR OF COMMUNITY DEVELOPMENT

SUBJECT: SPECIAL USE PERMIT TO AUTHORIZE A 12-UNIT MULTI-FAMILY DWELLING AND SIX SINGLE-FAMILY ATTACHED DWELLINGS AT 2107-2117 WEST CARY STREET

ORD. or RES. No. _____

PURPOSE: To authorize the construction of a 12-unit multi-family dwelling and six single-family attached dwellings on properties known as 2107-2117 West Cary Street and on a property located at the rear of the properties at 2107-2123 West Cary Street, fronting on South Shields Avenue.

REASON: The property owner has requested the special use permit to redevelop the subject properties, which are currently zoned B-3 General Business. The B-3 District permits dwelling uses only when they are located above or to the rear of a business use. In this case, no business use of the properties is proposed, therefore, a special use permit has been requested by the owner.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its October 3, 1994 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject properties contain an aggregate of approximately 22,755 square feet of land area. All but one of the properties front on the south side of West Cary Street, between South Rowland Street and South Shields Avenue. The other property is located at the rear of those fronting on Cary Street, and extends out to South Shields Avenue along a midblock alley. Properties to the north, east, and west are also zoned B-3, and are occupied by single, two, and multi-family dwellings. To the south are properties fronting on Parkwood Avenue that are zoned R-53 Multi-Family and contain a mixture of single, two, and multi-family dwellings.

City records indicate that there are currently 24 nonconforming dwelling units on the subject properties within six existing buildings. These buildings would be demolished and a total of 18 new dwelling units would be constructed in the form of a 12-unit building on the eastern end of the subject properties, and a six-unit row of single-family attached dwellings on the western portion of the properties. The petitioner indicates that the single-family attached dwellings would be made available for sale to owner-occupants.

The multi-family dwelling would have a brick front elevation, and would have vinyl siding on the other three elevations. There would be eight one-bedroom apartments, each containing approximately 640 square feet, and four two-bedroom apartments, each containing approximately 760 square feet. Under normal zoning, 12 parking spaces would be required to serve the proposed

multi-family dwelling. This requirement would be met by the provision of six parking spaces at the rear of the building, with access off the public alley, and the provision of another six spaces on an independent parking area fronting on Shields Avenue. The on-site parking area would be screened from the adjoining properties by a six-foot high privacy fence, and the independent parking area would have shrubbery installed in landscape islands to screen the spaces from Shields Avenue and the adjoining property to the east.

The six single-family attached dwellings would also have brick front elevations, with vinyl siding on the ends of the row and on the rear elevation. Each dwelling unit would contain approximately 1475 square feet of floor area, and would have three bedrooms and a minimum of one and one-half baths. A second full bath could be installed at the option of the owner. The dwellings would be located on lots of approximately 2000 square feet for the interior units, and of approximately 2900 square feet for the westernmost unit. Foundation plantings and trees would be provided on each lot, and an eight-foot long privacy fence section would be provided between the properties at the rear of each building. The normal zoning requirement of one off-street parking space would be met by the provision of one paved parking space at the rear of each lot.

The Master Plan recommends "medium density" residential use (10 to 20 dwelling units per acre) for the subject properties. The proposed 12-unit multi-family building and its accessory parking area, occupying a total of .18 of an acre, equates to a density of 52 dwelling units per acre, in excess of the range recommended by the Master Plan. The overall density of the development, taking the six single-family attached dwellings into account, would be a density of 34 dwelling units per acre. This overall density is less than that which currently exists on the properties.

Based on the Master Plan's recommendation of medium density residential use for the property, the R-53 Multi-Family District would be the highest intensity zoning classification that would be appropriate for the subject properties. This would also be consistent with the current zoning on the properties to the south that front on Parkwood Avenue. Although rezoning to R-53 would permit redevelopment of the properties for dwelling purposes, the particular development scheme proposed by the developer would not meet the requirements of that zoning classification, and a special use permit would still be necessary. Specifically, for the multi-family building, the front and side yard requirements and the floor area ratio, open space ratio, and livability space ratios would not be met. For the single-family attached dwellings, the average unit width, minimum front yard, and minimum side yard requirements would not be met. The proposed six units would also result in a density of 20.5 per acre, in excess of the maximum of 18 units per acre permitted under normal zoning.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; publishing, mailing and posting of public notices; and updating of zoning maps if the ordinance is adopted.

REVENUE TO CITY: The application fee of \$1000 was received to process this request. In addition, the redevelopment of the property may result in additional property tax revenues over those that might occur based on the current use of the property.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 12, 1994.

CITY PLANNING COMMISSION AGENDA DATE: October 3, 1994.

CITY COUNCIL PUBLIC HEARING DATE: October 10, 1994.

AFFECTED AGENCIES: City Manager's Office
Law Department (for preparation of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: A related special use request for the properties at 2210-2216 West Cary Street is expected to be introduced concurrent with this request. That special use request would authorize the construction of five single-family attached dwellings on a site in the next block to the west, on the north side of the street.

ATTACHMENTS:

1. Application Form, Applicant's Letter, Special Use Plan Set (9 copies for City Clerk for City Council packet, 2 copies for Law Department, 4 copies for the City Manager's Office, and 1 copy for City Assessor)
2. Legal Description of the Property, Draft Ordinance Conditions, and Fee Receipt (2 copies - Law Department Only)

STAFF: John Grier, Senior Planner
Land Use Administration (Room 511)
780-6304

PURPOSE:

To authorize the construction of a 12-unit multi-family dwelling and six single-family attached dwellings on properties known as 2107-2117 West Cary Street and a property at the rear of 2107-2123 West Cary Street, fronting on South Shields Avenue, under certain terms and conditions.

PREMISES, PLANS, and CONDITIONS:

§ 1. That the real estate, properties known as 2107-2117 West Cary Street, located on the south side of West Cary Street between South Rowland Street and South Shields Avenue, and a property located at the rear of 2107-2123 West Cary Street, fronting on the east side of South Shields Avenue, such properties being identified as Parcel No. W000-09940/004, Parcel No. W000-09940/005, Parcel No. W000-09940/006, Parcel No. W000-09940/007, Parcel No. W000-09940/008, Parcel No. W000-09940/009, and Parcel No. W000-09940/028 in the 1994 records of the City Assessor, more completely described as follows: beginning at a point on the south right of way line of West Cary Street, said point being 83.83 feet east of the intersection of the south right of way line of West Cary Street and the east line of South Shields Avenue; thence extending in an easterly direction along the south line of West Cary Street 177.34 feet to a point; thence extending in a southerly direction along a property line 116.62 feet to a point on the north right of way line of a 15.00 foot-wide public alley; thence extending in a westerly direction along said alley 261.16 feet to a point on the east right of way line of South Shields Avenue; thence extending in a northerly direction along said right of way line 25.00 feet to a point; thence extending in an easterly direction along the south line of an 8.00-foot wide private alley 83.83 feet to a point; thence extending across said private alley in a northerly direction along a property line 116.62 feet to the point of beginning, is hereby permitted to be used for the purpose of constructing a twelve-unit multi-family dwelling and six single-family attached dwellings on individual lots, substantially in accordance with the site plan, elevation drawings, and floor plans entitled: "Cary 2000 Phase III, Site 1-A 1-B", prepared by Steele + Associates architects, dated June 29, 1994, copies of which are attached and made a part of this ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the real estate, which shall be transferable from the owner of the real estate to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed, or otherwise, and shall run with the land.

§ 3 That the Commissioner of Buildings is hereby authorized to issue to the owner of said real estate a building permit in accordance with the above-referenced plans for such purpose(s), subject to the following terms and conditions:

(a) That the owner(s) of the properties shall be bound by, observe, and shall comply with all other laws, ordinances and rules and regulations adopted pursuant

thereto, applicable to the land and buildings, except as otherwise provided in this ordinance;

(c) That application for a building permit or permits to construct all of the buildings depicted on the attached plans shall be made within twenty-four months from the effective date of this ordinance, which building permit or permits shall expire by limitation and become null and void if construction is not commenced within one hundred eighty days from the date of the building permit(s), or if construction is suspended or abandoned for a period of one hundred eighty days at any time after work is commenced, as provided in the applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit(s) not be made within twenty-four months from the effective date of this ordinance or should the building permit(s) expire and become null and void, the privileges granted by this ordinance will terminate and the special use permit shall become null and void;

(c) That use of the property shall be as a twelve (12) unit multi-family dwelling on an independent parcel of land, and as six (6) single-family attached dwellings, each on individual parcels of land;

(d) That development of the twelve unit multi-family dwelling shall be substantially as depicted on the attached plans and subject to the following specific development standards:

- i. Minimum lot width shall be 65 feet;
- ii. Minimum lot area shall be 7700 square feet of land area;
- iii. Minimum front yard shall be 10 feet;
- iv. Minimum side yards shall be 4.5 feet;
- v. Maximum Floor Area (gross - no exclusions) shall be 9550 square feet
- vi. Floor area ratio, open space ratio, and livability space ratio shall be substantially as represented by attached site plan and floor plans, provided that the minimum lot area cited above is provided;
- vii. Landscaping features and fences shall be installed substantially as depicted on the attached plans prior to the issuance of the initial certificate of occupancy for the dwelling, and fences screening the parking area shall be maintained;
- viii. That identification of the building shall be limited to one sign, not exceeding six square feet in area, mounted on a vertical surface of the building. Such signage may be illuminated, provided that the source of illumination is not visible from adjacent properties and public streets;
- ix. Six (6) paved off-street parking spaces shall be provided at the rear of the multi-family dwelling and six (6) parking spaces shall be provided on an independent parcel fronting on South Shields Avenue. All such spaces shall be located, paved, screened, and maintained substantially as depicted on the attached plans.
- x. In all other respects, the property shall be subject to the regulations of the applicable underlying zoning;

(e) That development of the six (6) single-family attached dwellings on individual lots shall be substantially as depicted on the attached plans, and subject to the following specific development standards:

- i. Minimum lot width shall be 17 feet;
- ii. Minimum lot area for Lots 2 through 6 shall be 1900 square feet, and minimum lot area for Lot 1 shall be 2675 square feet;
- iii. Minimum front yard shall be 12 feet on Lots 1, 2, 4, 5 and 6, and 10 feet on Lot 3;
- iv. Minimum side yard for Lot 1 shall be 6 feet, and minimum side yard for Lot 6 shall be zero, provided that if the side yard for Lot 6 is less than three feet, an access easement shall be established on the lot containing the multi-family dwelling which permits the owner of Lot 6 adequate access for maintenance and repairs to the dwelling on Lot 6;
- v. The dwelling shall contain a minimum of 1450 square feet at initial construction, with interior features and amenities (*i.e., kitchen appliances, number of baths, number of bedrooms, etc.*) in the dwelling, prior to the issuance of the initial certificate of occupancy, substantially as depicted on the attached plans;
- vi. Exterior elevations shall be constructed substantially as depicted on the attached plans, and there shall be no enlargement or alteration to the front elevation of the building, including porches and steps, once constructed, except for normal repair and maintenance;
- vii. Landscaping features and fences required for any lot shall be installed prior to the issuance of the initial certificate of occupancy for the dwelling on the lot, substantially as depicted on the attached plans;
- viii. A minimum of one paved off-street parking space shall be installed, substantially as depicted on the attached plans, prior to the issuance of the initial certificate of occupancy for the dwelling on the lot, and the space shall be maintained as available for parking by the owner;
- ix. In all other respects, the properties shall be subject to the applicable underlying zoning, and, except where this ordinance specifically precludes enlargements and alterations, the owner(s) may undertake such enlargements, alterations, and any additional site improvements, in accordance with such regulations;

(f) That the owner shall apply for a tentative subdivision to create the individual building lots prior to making application for a certificate of occupancy. The final subdivision may be phased to create two separate parcels, one for the multi-family dwelling, and one to be developed with the single-family attached dwellings, provided that the subdivision to create the lot for the multi-family dwelling shall be recorded prior to a building permit for that dwelling. The final subdivision to create the lots for the single-family attached dwellings may be recorded after the construction of such dwellings, provided that no certificate of occupancy for a dwelling shall be issued until the respective lot has been created by an approved and recorded final subdivision.

(g) That a covenant referencing the terms and conditions of this ordinance shall be established in conjunction with the recordation of the final subdivision plat. Said covenant shall be intended to alert individual lot owners to the specific lot development standards established by this ordinance, or by any subsequent amendments to this ordinance.

(h) That adoption of this ordinance shall not be construed to affect the rights of any property owner that adjoins the eight-foot wide private alley that runs along the rear of 2107-2123 West Cary Street. Prior to the issuance of the first building permit for any building authorized herein, the owner shall present documentation that there are no such rights accruing to other parties, or that any such rights to the portion of the alley along the rear of 2107-2117 West Cary Street have been terminated by the parties to whom those rights accrue. If, as a condition of the termination of those rights, a north-south connection must be established from the remaining portion of the alley south to the 15-foot wide east-west alley, an easement for such a connection must be recorded concurrent with appropriate final subdivision plat and the easement must be paved in conjunction with the construction of the independent parking area serving the multi-family dwelling;

(i) That final grading and drainage plans shall be approved by the Director of Community Development prior to the issuance of building permits;

(j) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for drainage of storm and surface water from the land or buildings shall be provided and maintained at all times by the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and alleys and the use thereof;

(k) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works, and any such facilities provided for the twelve (12) unit multi-family dwelling shall be located or screened so as to not be visible from adjacent properties and public streets, substantially as depicted on the attached plans;

§ 4. That should the owner(s) of the properties use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within sixty days after written notice to do so has been given by the zoning administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void, unless an application for a special use amendment is filed with the Director of the Department of Community Development, which shall stay the sixty day period. Failure to comply with the terms of this ordinance shall constitute a violation of §32-1080 of the Code of the City of Richmond, 1993, or other applicable provision. In the event the ownership of the seven resulting lots has transferred to more than one person or entity, the written notice of such unauthorized use or noncompliance may be made only to the owner of the lot or lots on which such unauthorized use or noncompliance occurs, and the termination of the privileges granted by the ordinance may be applied only to the lot or lots on which such unauthorized use or noncompliance occurs, and the special use permit shall continue in force for any lot which is in conformance with the terms and conditions of this ordinance.

§5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when the use of the premises is abandoned for a period of twenty-four consecutive months, use of the real estate shall be governed thereafter by the zoning regulations prescribed for the district in which the real estate is then situated.

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