

INTRODUCED: March 27, 2023

AN ORDINANCE No. 2023-103

To authorize the special use of the property known as 112 Carnation Street for the purpose of the assembly and storage of modular dwelling units, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: APR 24 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 112 Carnation Street, which is situated in a R-3 Single-Family Residential, desires to use such property for the purpose of the assembly and storage of modular dwelling units, which use, among other things, is not currently allowed by sections 30-406.1, concerning permitted principal uses, 30-406.4, concerning lot area and width, and 30-406.6, 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:               0           NOES:               7           ABSTAIN:                 

ADOPTED:                      REJECTED:   APRIL 24 2023     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 112 Carnation Street and identified as Tax Parcel No. C007-0066/018 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Site Plan of 112 Carnation St., City of Richmond, Virginia,” prepared by Long Surveying, LLC, and dated October 24, 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 the assembly and storage of modular dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Elevations – Proposed Warehouse – 112 Carnation St,” prepared by Form Coalition, and dated May 17, 2022, hereinafter referred to 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 the assembly and storage of modular dwelling units, substantially as shown on the Plans.

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

(c) The Owner shall provide photometric plans prior to the issuance of any building permits. The light intensity at property lines shall not exceed 0.5 foot candles.

(d) The hours of operation of the Special Use shall be limited to 8:00 a.m. to 6:00 p.m., daily.

(e) Overnight storage of materials or equipment outside of any onsite structures shall not be permitted.

§ 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.

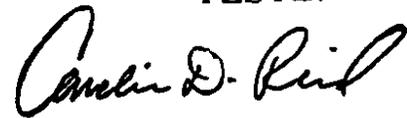
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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 "Amelia D. Reil". The signature is written in a cursive, flowing style.

**City Clerk**



# City of Richmond

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

## Item Request File Number: PRE.2022.0678

### O & R Request

**DATE:** January 30, 2023

**EDITION:** 1

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

**THROUGH:** The Honorable Levar M. Stoney, Mayor (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, 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 112 Carnation Street for the purpose of  
assembly and storage of modular dwelling units, upon certain terms and conditions.

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

**PURPOSE:** To authorize the special use of the property known as 112 Carnation Street for the purpose of  
assembly and storage of modular dwelling units, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit which would allow for the assembling of  
modular dwellings for the benefit of a nonprofit organization, within the R-3 - Residential (Single Family)  
zone, which is not a permitted use and the proposed site plan does not meet zoning requirements for side and  
rear yard setback along with lot coverage. A Special Use Permit is therefore 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 property is located in the Reedy Creek neighborhood at 112 Carnation Street,  
between Midlothian Turnpike and Brookline Street. The property is currently 5085 sq. ft. (0.117 acre) in  
size. The application requests to allow the assembling of modular dwellings for the benefit of a nonprofit  
organization within a new structure.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential, however the property is located within the Midlothian/Chippenham Node and adjacent to a larger Destination Mixed-Use area. This designation is defined as a "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature."

**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.

The property is located in the R-3 - Residential (Single Family) zone. Adjacent properties are zoned the same R-3 zone and surrounding land uses include single family detached dwellings to the south, other industrial uses to the north, and entertainment uses to the west.

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

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

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** \$2,400 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** February 27, 2023

**CITY COUNCIL PUBLIC HEARING DATE:** March 27, 2023

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
March 20, 2023

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

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

**STAFF:** Ray Roakes, Planner, Land Use Administration (Room 511) 804-646 5467





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: 112 Carnation Date: 5/27/2022  
 Tax Map #: C0070066018 Fee: \$ 1,800  
 Total area of affected site in acres: 0.367

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

**Zoning**

Current Zoning: R-3

Existing Use: Vacant

**Proposed Use**

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

Construction of warehouse

Existing Use: Vacant

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

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

Company: Baker Development Resources  
 Mailing Address: 530 E Main Street, Suite 730  
 City: Richmond State: VA Zip Code: 23219  
 Telephone: ( 804 ) 874-6275 Fax: ( )  
 Email: markbaker@bakerdevelopmentresources.com & will@bakerdevelopmentresources.com

**Property Owner:** Elder Properties INC

If Business Entity, name and title of authorized signee: Marion Cake, Vice President

(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: 88 Carnation St  
 City: Richmond State: VA Zip Code: 23225  
 Telephone: ( 804 ) 233-0911 Fax: ( 804 ) 230-0778  
 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

*May 27<sup>th</sup>, 2022*

Revised September 19<sup>th</sup>, 2022

*Special Use Permit Request*

*112 Carnation Street, Richmond, Virginia*

*Map Reference Number: C007-006/6018*

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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

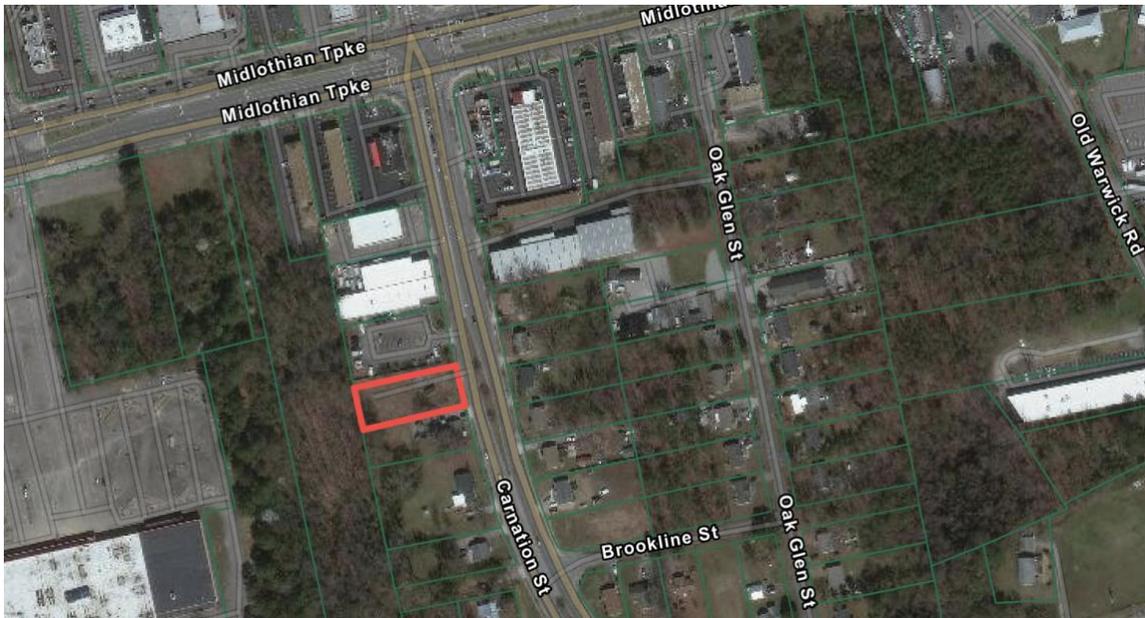
## Introduction

The property owner is requesting a special use permit (the "SUP") for 112 Carnation Street (the "Property"). The SUP would authorize the construction of a warehouse in which to construct affordable dwelling units on the currently vacant parcel. As the proposed use is not permitted by the underlying R-3 Single Family Residential District a SUP is required.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the western side of Carnation Street south of Midlothian Turnpike. The subject property is referenced by the City Assessor as tax parcel C007-006/6018 and is currently unimproved. The Property is approximately 80 feet in width by 206 feet in depth and contains approximately 16,379 square feet of lot area.



The properties in the immediate vicinity are developed with a range of commercial, industrial, and residential uses. To the north lies the commercial corridor along Midlothian Turnpike which consists primarily of commercial uses.

### EXISTING ZONING

The Property and those to the immediate south and east are zoned R-3 Single Family Residential. To the north lies an OS Office-Service district. Further north, along Midlothian

Turnpike and also immediately west of the subject parcel lies a B-3 General Business district.

## **MASTER PLAN DESIGNATION**

The Richmond 300 Master Plan (the “Master Plan”) designates the Property as “Residential”. The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. This designation also encourages that developments reinforce a gridded street pattern to increase connectivity. Single-family dwellings are the contemplated primary use in the Residential future land use designation (p. 54). Additionally, the Property is in the Midlothian/Chippenham National/Regional Node which is described as “a center with significant cultural, entertainment, government, and business destinations as well as shopping, housing, and unique place-based attractions.”

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to “Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options.”
  - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
  - Support the retention, creation, and attraction of businesses in and near Nodes and major corridors (see strategies in Goal 11)
- Page 136 (Diverse Economy Chapter), Objective 11.1 to “Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers.”
  - d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 139 (Diverse Economy Chapter), Objective 11.5 to “Increase the number of jobs in Nodes by branding and marketing the Nodes”
  - Support existing and help establish new business associations in Nodes
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to “Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city.”
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.4 to “Create 10,000 new affordable housing units for low- and very low-income households over the next 10 years”
  - Support new construction technologies that standardize housing design and construction to reduce the cost of building affordable housing.
- 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 14.7 to “Re-imagine the future of manufactured home parks.”
  - 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”
    - Implement urban design and architecture strategies that maintain and enhance the unique character of Richmond’s residential districts (see Goals 3-4)
  - Page 100 (High Quality Places Chapter), Objective 4.1, to “create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City,” as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.
    - Require the screening of utilities, communication, transformers, and other service connections to buildings

## **TRANSPORTATION**

The Property is located off Midlothian Turnpike which offers direct access to the nearby Chippenham Parkway. Bus stops, which serve the 1 bus line, are located less than a five-minute walk away (0.2 miles), This is considered a “high-frequency” bus line with busses arriving approximately every 15 minutes.

# **Proposal**

## **PROJECT SUMMARY**

The proposed development includes the construction of a warehouse on the currently vacant parcel. The proposed warehouse will be used to construct new, affordable homes for residents of Richmond and nearby areas.

## **PURPOSE OF REQUEST**

The Property consists of a single lot of record that is large for the area consisting of a lot which is approximately 80 feet wide and containing 16,378 square feet of lot area. As the proposal does not meet the use requirements prescribed by the underlying R-3 zoning district, a special use permit is required. As the units to be constructed within the warehouse will be relatively long and will be transported by truck out of the warehouse to their future locations, the applicant is requesting a parking waiver for the site. This will allow for the unimproved area located between the proposed warehouse and Carnation Street to be used a maneuvering area, not parking, for when the roughly six units constructed on site per year are transported off the Property.

## PROJECT DETAILS

The Property is located adjacent to the applicant's (project:HOMES) current office and parking area. The applicant is proposing to develop the site with a new warehouse in which to construct small, affordable mobile home units which are HUD certified and designed to replace aging mobile dwellings in the Richmond region. The units, which are built by hand by project:HOMES staff and volunteers will be constructed in the warehouse and shipped out to their new owners upon completion. The location of the Property allows for ease of access for staff and volunteers and the construction of the warehouse will permit the dwellings to be built in a manner which allows for minimal disturbance of nearby properties.

The proposed structure will contain roughly 6,890 square feet of finished floor area in a one-story warehouse. The structure will be constructed of materials which are of a similar color and composition to the existing adjacent office building located at 88 Carnation Street. The building would be located at the rear of the Property along the northern property line in order to allow for adequate maneuvering area to move the dwellings out of the building. A row of evergreen trees would be provided between the subject property and the residential property to the south. In addition, the maneuvering area, located in front of the proposed structure, would be further screened from the residential property to the south with a 6-foot opaque fence.

## Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed special use permit for an additional dwelling unit will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation will create no congestion on streets, roads, alleys or any other public right of way.

- ***Create hazards from fire, panic or other dangers.***

The accessory structure will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

- ***Interfere with adequate light and air.***

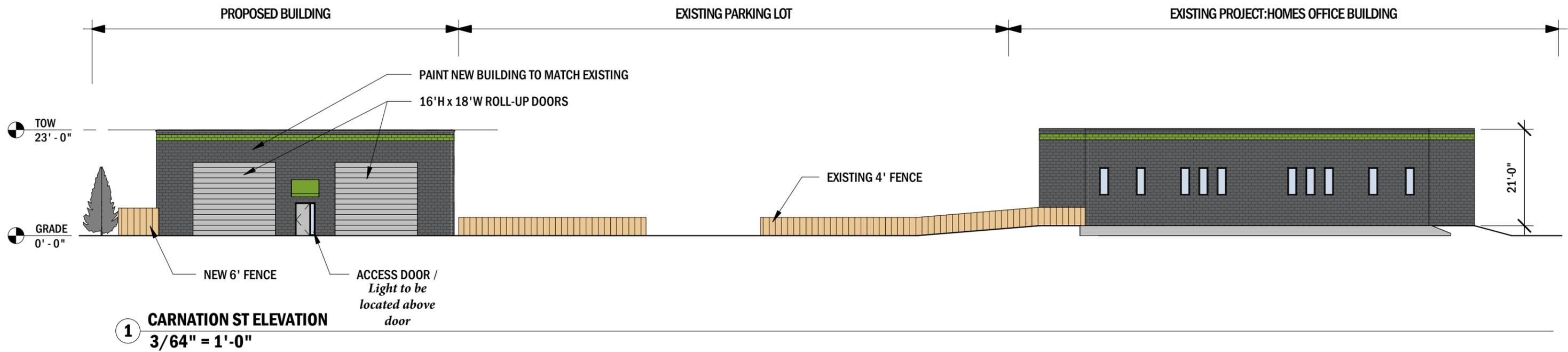
The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

## Summary

In summary we are enthusiastically seeking approval for the construction of the proposed warehouse. The proposed development has been thoughtfully designed to provide a structure which meets the needs of the owner, respects the nearby property owners, and provides a long-term benefit to residents of the City of Richmond through the quality assurances conditioned through the SUP.







# ELEVATIONS - PROPOSED WAREHOUSE - 112 CARNATION ST

5/17/22

