

INTRODUCED: July 25, 2022

AN ORDINANCE No. 2022-233

To authorize the special use of the property known as 3122 Parkwood Avenue for the purpose of a two-family detached dwelling, with off-street parking, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 12 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 3122 Parkwood Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a two-family detached dwelling, with off-street parking, which use, among other things, is not currently allowed by section 30-410.1 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 create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES: 7 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 26 2022 REJECTED: _____ STRICKEN: _____

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 3122 Parkwood Avenue and identified as Tax Parcel No. W000-1404/036 in the 2022 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing Proposed Improvements on Lot 16, Block M, Plan of ‘Park Place’, in the City of Richmond, VA.,” prepared by Frederick A. Gibson & Associates, P.C., and dated February 21, 2022, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a two-family detached dwelling, with off-street parking, hereinafter referred to as “the Special Use,” substantially as shown on the plat entitled “Plat Showing Proposed Improvements on Lot 16, Block M, Plan of ‘Park Place’, in the City of Richmond, VA.,” prepared by Frederick A. Gibson & Associates, P.C., and dated February 21, 2022, and on the plans entitled “3122 Parkwood Ave,” prepared by River Mill Development, and dated February 7, 2022, and hereinafter referred to, collectively, as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a two-family detached dwelling, with off-street parking, substantially as shown on the Plans.

(b) No fewer than three off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(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, including landscaping, shall be substantially as shown on the Plans.

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

§ 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

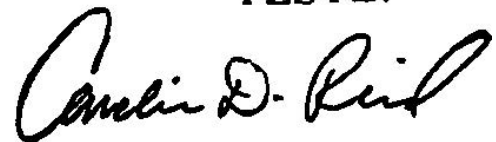
amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(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:**



City Clerk



City of Richmond

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

2022-157

RECEIVED
By City Attorney's Office at 8:50 am, Jun 24, 2022

RECEIVED
By CAO Office at 1:29 pm, Jun 02, 2022

Item Request File Number: PRE.2022.0188

O & R Request

DATE: May 31, 2022

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 3122 Parkwood Avenue for the
purpose of a two-family dwelling with off-street parking, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 3122 Parkwood Avenue for the purpose
of a two-family dwelling with off-street parking, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for a two-family dwelling,
with off street parking, within an R-5 Single-Family Residential District. The proposed is not a permitted
principal use within the R 5 zone. A Special Use Permit is therefore required.

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 July 18, 2022, meeting.

BACKGROUND: The property is located in the Carytown neighborhood on Parkwood Avenue, between
South Belmont Avenue and McCloy Street. The property is currently a vacant 3,000 sq. ft. (.07 acre) parcel
of land. The application is for a two-family dwelling with off street parking.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use. This designation is defined as a "Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multi-family buildings (10+units), retail/office/personal service, institutional, cultural, and government. (p. 56)

The current zoning for this property is R-5 Single-Family Residential District. The surrounding land uses include primarily residential with institutional and commercial uses within nearby Carytown.

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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 27, 2022

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 18, 2022

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



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new**
- special use permit, plan amendment**
- special use permit, text only amendment**

Project Name/Location

Property Address: 3122 Parkwood Avenue Date: 3/3/2022

Tax Map #: W0001404036 Fee: \$300

Total area of affected site in acres: 0.069

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

Zoning

Current Zoning: R-5

Existing Use: Vacant

Proposed Use

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

Construction of one (1) new two-family detached dwelling.

Existing Use: Vacant

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: BZA-2018-011, BZA-1947-128

Applicant/Contact Person: Will Gillette / Mark Baker

Company: Baker Development Resources

Mailing Address: 530 East Main Street, Suite 730

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 874-6275 Fax: ()

Email: markbaker@bakerdevelopmentresources.com

Property Owner: Canvas Development llc

If Business Entity, name and title of authorized signee: Kyle Johnston

(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: PO Box 7075

City: Richmond State: VA Zip Code: 23221

Telephone: () Fax: ()

Email:

Property Owner Signature: 

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

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

APPLICANT'S REPORT

March 7, 2022

*Special Use Permit Request
3122 Parkwood Avenue, Richmond, Virginia
Map Reference Number: W000-1404/036*

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

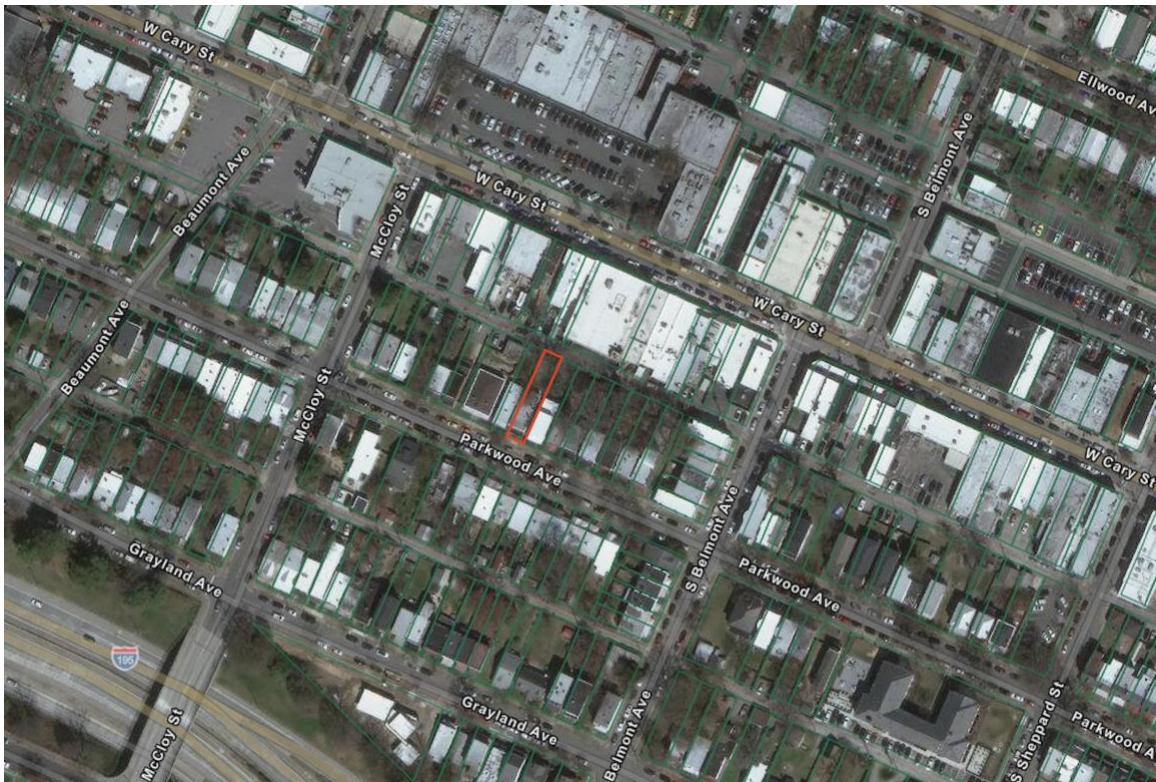
Introduction

The property owner is requesting a special use permit (the "SUP") for 3122 Parkwood Avenue (the "Property"). The SUP would authorize the construction of one two-family detached dwelling on the currently unimproved Property. The two-family use is not permitted by the underlying R-5 Single-Family Residential zoning district, and therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the north side of Parkwood Avenue between S Belmont Avenue and McCloy Street. The Property is referenced by the City Assessor as tax parcel W000-1404/036. The Property is 25' wide by 120' in depth and contains approximately 3,000 square feet of lot area. The Property was previously improved with a single-family dwelling which was removed in 2019. Access is provided at the rear of the Property by means of an east-west alley.



The properties in the immediate vicinity are developed with a wide range of uses and building forms. Single- and two-family detached dwellings are the most common uses found in the area. The abutting property to the west is developed with a single-family dwelling while the property to

the east is occupied by a two-family dwelling. A wide range of commercial uses can be found immediately to the north across the alley in the Carytown commercial corridor.

EXISTING ZONING

The Property and those to the east, south, and west are zoned R-5. Properties to the north, along Cary Street are zoned UB Urban Business. Further east, beyond S Sheppard Street lies a R-6 Single- and two-family Residential district.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Neighborhood Mixed-Use" for the Property. The Master Plan describes this land use designation as "existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses." Recommended development styles are described as featuring "a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Single-family, two-family, and small multi-family buildings are contemplated as the primary uses in these areas."

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. In the High-Quality Places chapter, there are number of supporting objectives, such as:

- Ensure that building materials are durable, sustainable, and create a lasting addition to the built environment, and provide maximum adaptability for environmental change, change of use, and efficiency.
- Allow and encourage a variety of architectural styles.
- Implement urban design and architecture strategies that maintain and enhance the unique character of Richmond's residential districts.

There is also supporting guidance offered in the Inclusive Housing, Thriving Environment, and Equitable Transportation chapters, such as the below objectives:

- Allow the development of middle housing...within a half-mile of high-frequency transit stops (Inclusive Housing).
- Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles. (Thriving Environment).

Proposal

PROJECT SUMMARY

The applicant is proposing to construct a new two-family detached dwelling on the Property.

PURPOSE OF REQUEST

The Property consists of a single lot of the original Park Place Subdivision resulting in its width of 25'. The Property is comparable to or larger than, both in width and lot area, many other lots within the block. While the two-family use is commonly found in the area, including several instances on the same block as the subject Property, it is not permitted by the underlying zoning and therefore, a SUP is required to permit the proposed development.

In exchange for the SUP, the intent of this request is to ensure the development of a high-quality infill dwelling. The overall project will be appropriately dense and efficient as contemplated by the Richmond 300 Master Plan. At the same time, it will remain respectful to the historic development pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the quality assurances conditioned through the SUP will guarantee a higher quality development than might otherwise be guaranteed with a by right development.

PROJECT DETAILS

The new two-family detached dwelling would be two stories in height and is intended to be consistent with the historic development pattern found throughout the neighborhood. The units would be configured as flats and each would contain three bedrooms and two bathrooms, totaling approximately 1,231 square feet of floor area. The exterior design would be traditional in style and would be consistent with the character of the area. The building would be designed with a single entrance to have the appearance of a single-family detached dwelling from the street.

The new dwelling would be clad in quality building materials including cementitious lap siding in order to ensure durability. A full-width front porch and two full-width covered rear porches would engage the street and provides usable outdoor living space. The building's massing and architectural style is designed to be compatible with nearby dwellings and is consistent with the historical homes found in the neighborhood.

Findings of Fact

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

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

The proposed special use permit for high-quality infill construction will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

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

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

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

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

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

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

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

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

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

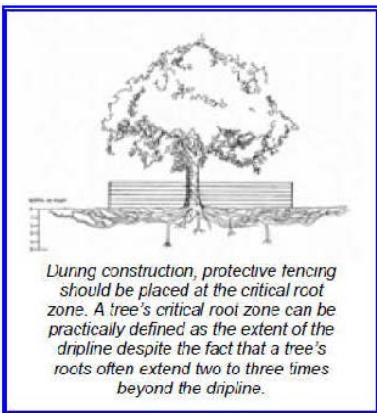
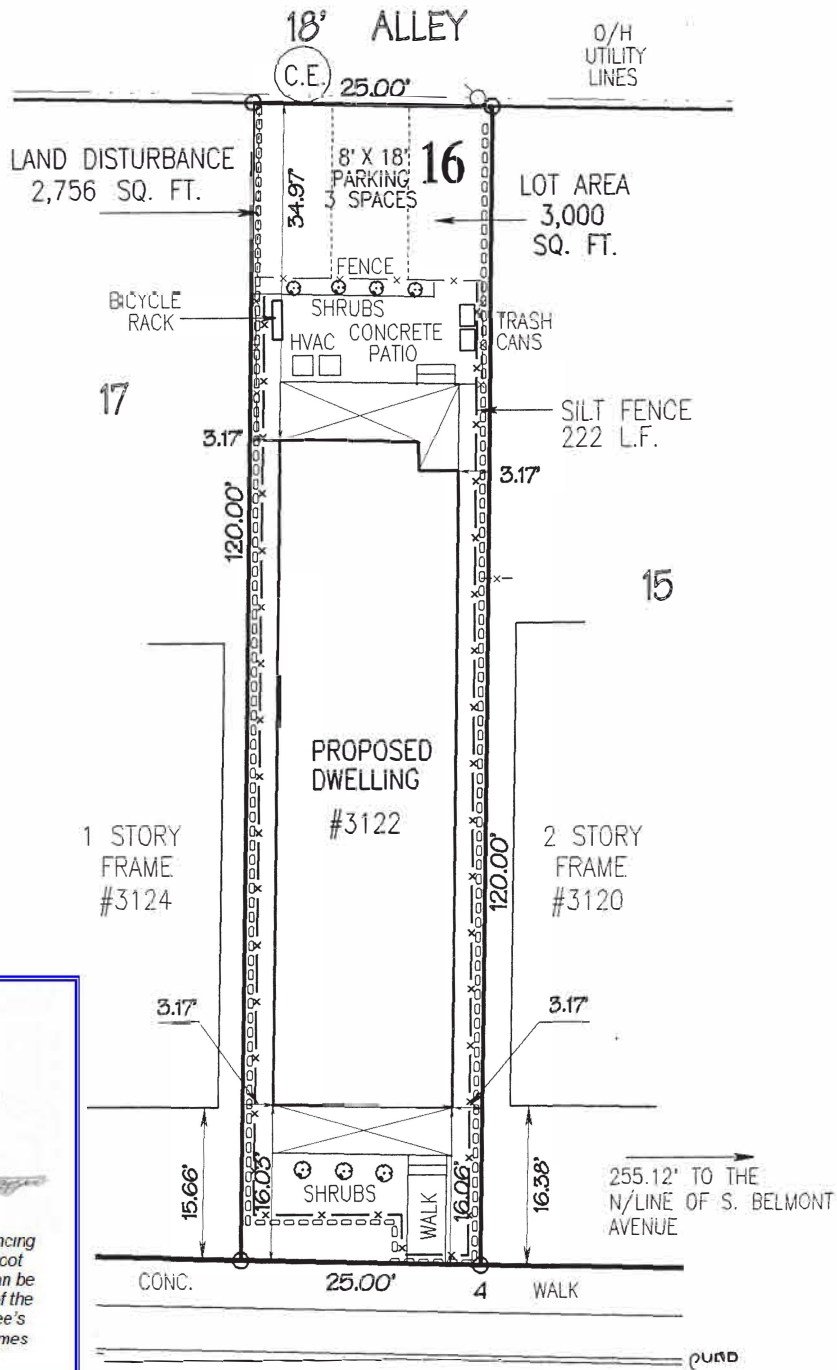
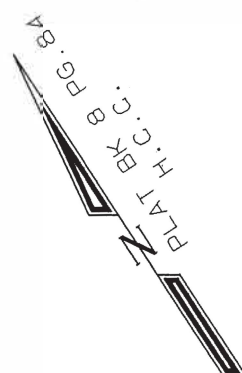
The light and air available to the subject and adjacent properties will not be affected. The proposed building is of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

In summary, we are enthusiastically seeking approval for the construction of the proposed two-family detached dwelling. The building has been thoughtfully designed in order to provide appropriate, high-quality, infill residential development. The request offers compatibility with the City's Master Plan in terms of use. The request would upgrade the Property while maintaining a desirable variation in housing style and type in the vicinity.

The proposed development would help encourage a pedestrian friendly traditional streetscape in the block and contribute to the vibrancy of the block through the addition street life in the form of a street-oriented full width front porch along Parkwood Avenue. The traditional building form would provide the much-desired traditional neighborhood design which is appropriate to this area of the City. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

NOTES: THIS PROPERTY DOES NOT APPEAR TO BE LOCATED IN A F.E.M.A. DEFINED FLOOD HAZARD AREA. FREDERICK A. GIBSON & ASSOCIATES, P.C. ASSUMES NO LIABILITY REGARDING SUB-SURFACE FEATURES SUCH AS TOXIC WASTE, GARBAGE OR WASTE DISPOSAL AREAS, LANDFILLS, UNDERGROUND STORAGE TANKS, CEMETERIES OR BURIAL SITES, SHRINK/SWELL SOILS, UNDERGROUND WATERWAYS OR UTILITIES. CURRENT OWNER(S): KYLE JOHNSTON INST#170010282 PARCEL ID W0001404036



PARKWOOD AVENUE

(RESIDENTIAL SITE PLAN)
 PLAT SHOWING PROPOSED IMPROVEMENTS
 ON LOT 16, BLOCK M, PLAN OF
 "PARK PLACE", IN THE CITY OF RICHMOND, VA.

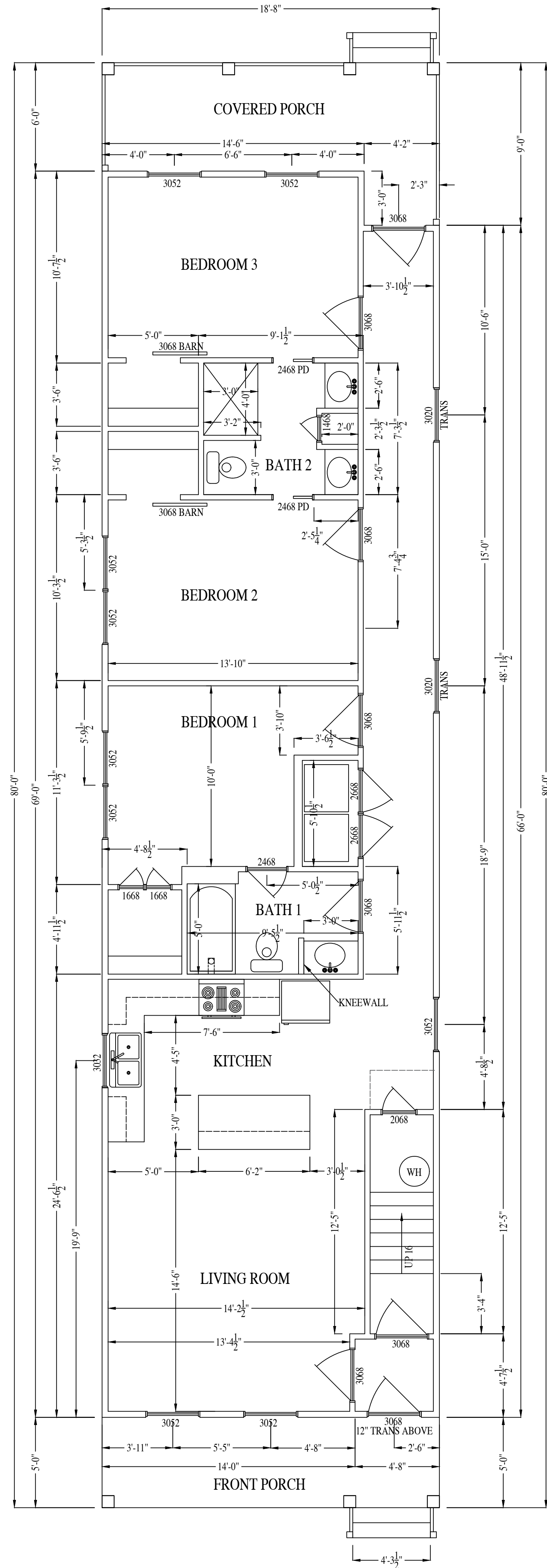
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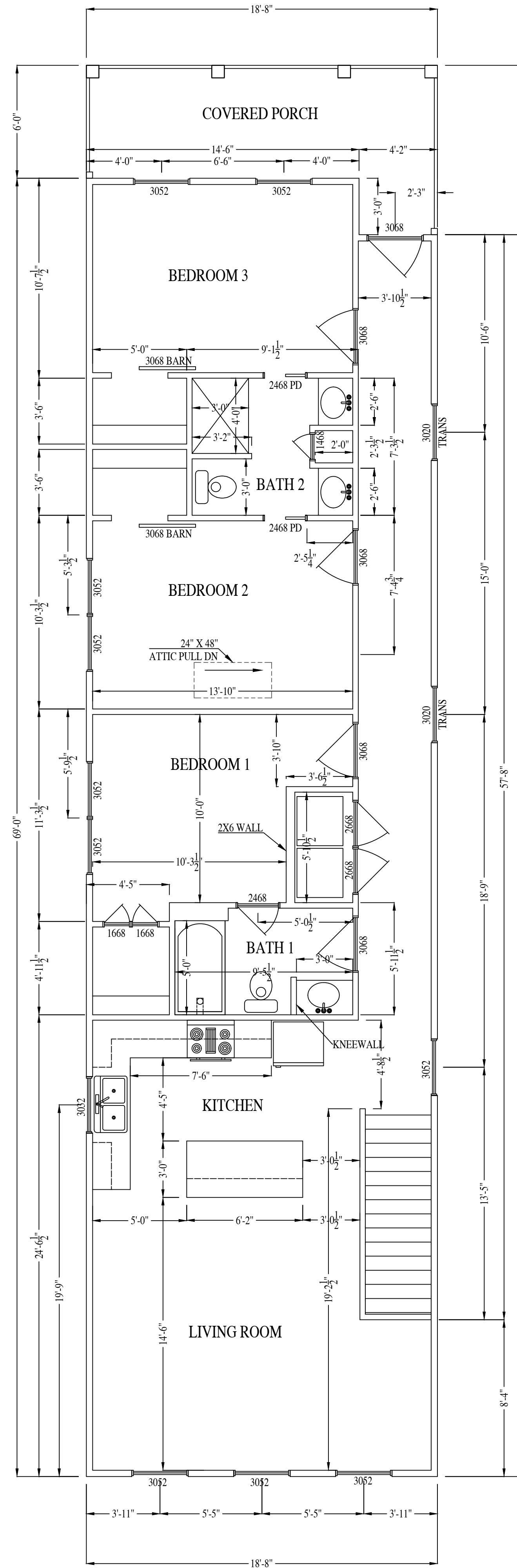
**FREDERICK A. GIBSON
 & ASSOCIATES, P.C.**
 LAND SURVEYORS
 11521-G MIDLOTHIAN TURNPIKE
 NORTH CHESTERFIELD, VIRGINIA 23235
 PHONE 804 378-4485 FAX 804 378-4487

PROJECT # 1509-02 SP

FIRST FLOOR PLAN



SECOND FLOOR PLAN



3122 PARKWOOD AVE

RIVER MILL DEVELOPMENT
 RIVERMILLDEVELOPMENT@GMAIL.COM
 PHONE: (434) 774-4535

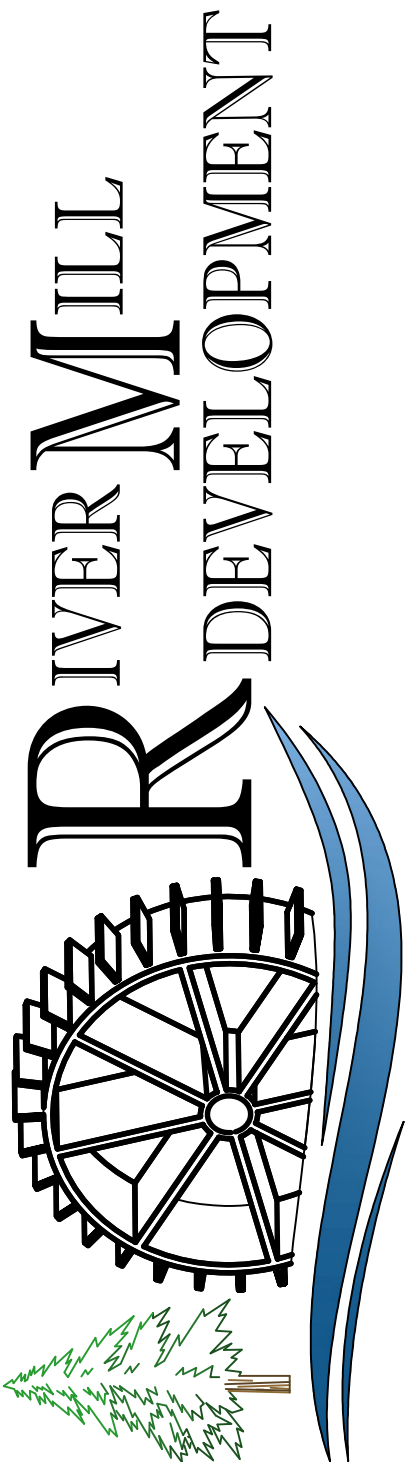
REVISION NOTES

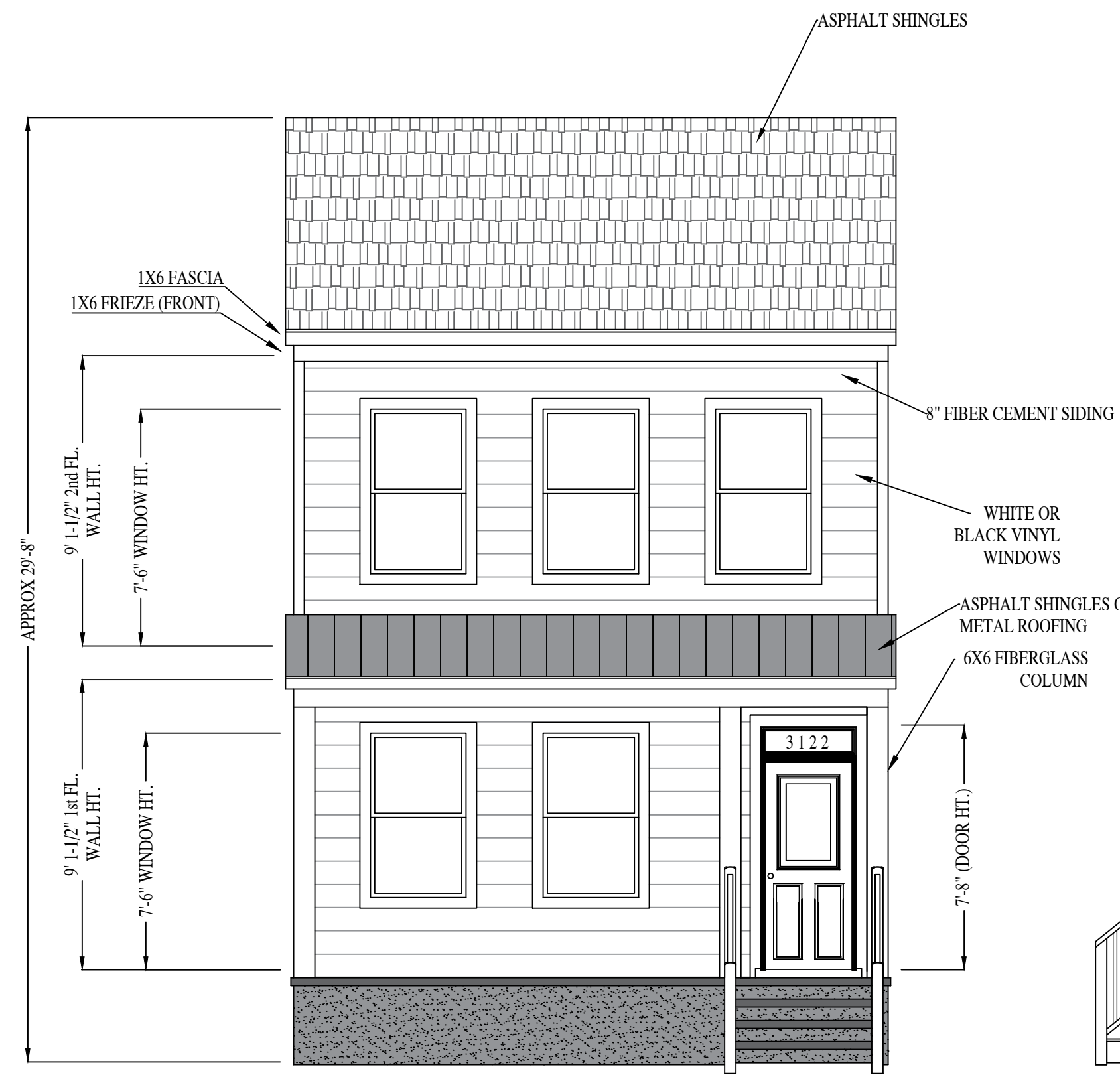
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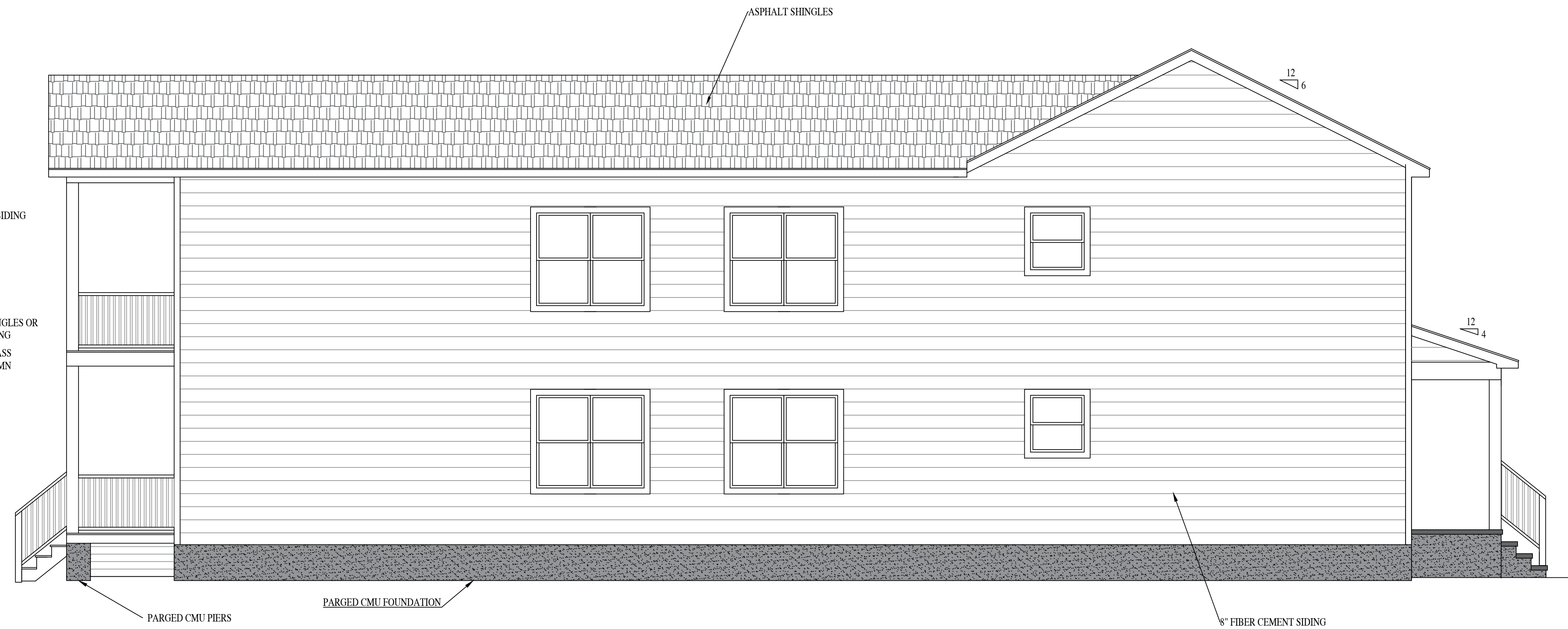
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2-07-2022

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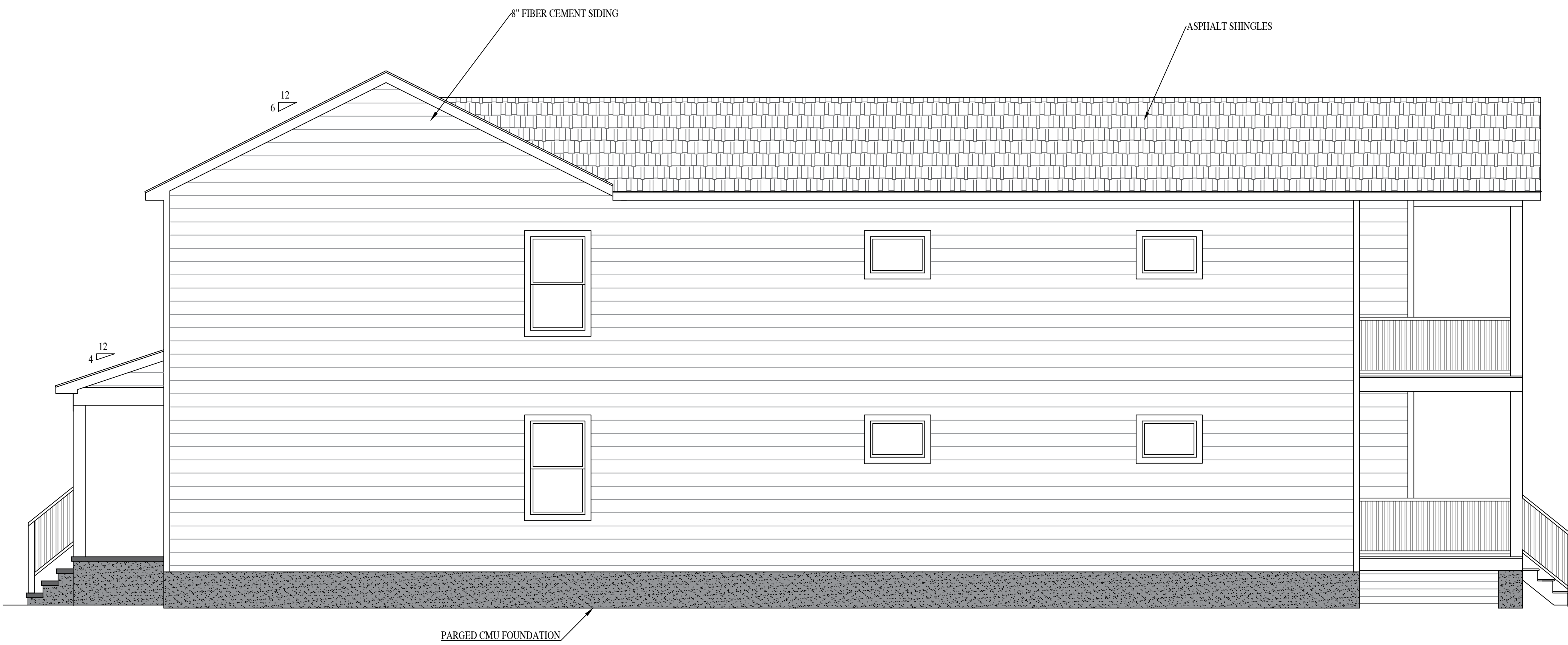




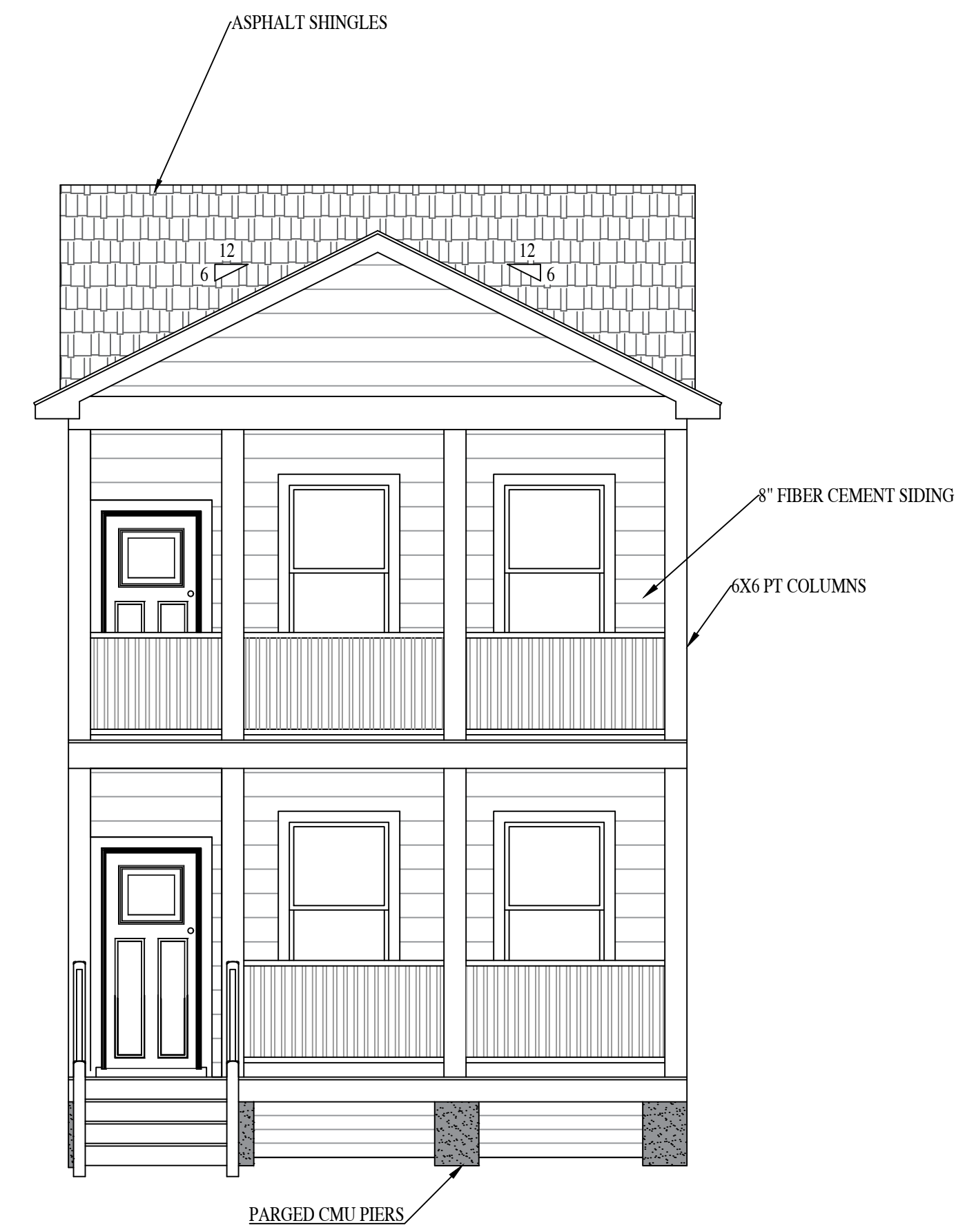
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

3122 PARKWOOD AVE

RIVER MILL DEVELOPMENT
 RIVERMILLDEVELOPMENT@GMAIL.COM
 PHONE: (434) 774-4535

REVISION NOTES

DATE	START

SCALE:

1/4" = 1'-0"

DATE:

2-07-2022

SHEET:

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