

INTRODUCED: June 25, 2018

AN ORDINANCE No. 2018-192

To authorize the special use of the properties known as 800, 802, and 806 North 32nd Street for the purpose of up to four single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 23 2018 AT 6 P.M.

WHEREAS, the owner of the properties known as 800, 802, and 806 North 32nd Street, which are situated in a R-6 Single-Family Attached Residential District, desires to use such properties for the purpose of up to four single-family attached dwellings, which use, among other things, does not meet the density requirement of section 30-412.4(2)(a) of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 23 2018 REJECTED: _____ STRICKEN: _____

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

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

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), 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 properties known as 800, 802, and 806 North 32nd Street and identified as Tax Parcel Nos. E000-0725/019, E000-0725/018, and E000-0725/017, respectively, in the 2018 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on No. 800, 802 and 806 N. 32nd Street in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated April 26, 2017, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of up to four single-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Special Use Permit Plans, Residential Development, Northwest Corner ‘N’ St. & N. 32nd St.,” prepared by William A. Voorhees Designs, Inc., and dated May 25, 2018, 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 up to four single-family attached dwellings, substantially as shown on the Plans. No more than two units shall be permitted within any group of connected dwelling units. Residential accessory structures customary to single-family

dwellings as described in section 30-412.2 of the Code of the City of Richmond (2015), as amended, may also be located on the Property.

(b) Up to three off-street parking spaces shall be provided for the Special Use of the Property, substantially as shown on the Plans.

(c) All building materials, elevations, and landscaping, shall be substantially as shown on the Plans.

(d) The height of the Special Use shall be substantially as shown on the Plans.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of four residential lots, substantially as shown on the Plans, shall be accomplished by obtaining subdivision approval from the City and by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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 (2015), 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 (2015), 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 (2015), 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 (2015), 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.

City of Richmond

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

Item Request

File Number: PRE.2018.143

O & R REQUEST

MAY 25 2018

4-7853

Office of the

Chief Administrative Officer

O & R Request

DATE: May 24, 2018

EDITION:1

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

RE: To authorize the special use of the properties known as 800, 802, and 806 North 32nd Street for the purpose of authorizing up to four single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the properties known as 800, 802, and 806 North 32nd Street, for the purpose of authorizing up to four single-family attached dwellings, upon certain terms and conditions.

REASON: The proposed development consisting of four single-family attached dwellings would not meet front yard setback, lot size, and off-street parking requirements of the underlying R-6 Single-Family Attached Residential District. 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 16, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject properties consist of a 3,125 SF, .07 acre parcel, a 2,500 SF, .05 acre

parcel of land, and an improved 2,500 SF, .05 acre parcel of land. 800 North 32nd Street has a vacant, 1,152 SF, two-story, single-family detached building constructed, per real estate assessor records, in 1949. 802 North 32nd Street has an approximately 175 SF portion of the two-story single-family detached building located at 800 North 32nd Street within its boundaries. 802 North 32nd Street also has a 168 SF portion of a 560 SF detached, rear garage primarily located within 800 North 32nd Street. 806 North 32nd Street contains a 1,116 SF single family detached dwelling constructed, per tax assessor records, in 1916. All properties are located at the northwest intersection of N Street and North 32nd Street in the Church Hill North neighborhood of the East planning district.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Single-Family Residential at medium densities. Primary uses for this category "...are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre." (City of Richmond, Master Plan, 2009, p.133) The Master Plan describes additional appropriate uses for this category such as public facilities, parks, and places of worship.

In addition the Master Plan states infill development within the East Planning District "...of like density and use is appropriate." (p. 166). The proposed density of the project would be approximately 24 units per acre.

Adjacent and nearby properties are of the same R-6 District as the subject property. A mix of residential, institutional, vacant, and some office uses are present in the vicinity of the subject property.

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 25, 2018.

CITY COUNCIL PUBLIC HEARING DATE: July 23, 2018.

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, July 16, 2018.

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

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

PDR O&R No. 18-23



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/>

SUP-022050-2017

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: 800, 802 and 806 N. 32nd Street Date: 8-15-17
 Tax Map #: E0000725019, -18 and -17 Fee: \$300.00
 Total area of affected site in acres: 0.1885

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

Zoning

Current Zoning: R-6

Existing Use: Abandoned houses

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Four (4) new Single Family Residences

Existing Use: _____

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Glenn R. Moore

Company: Meyer Baldwin Long & Moore LLP

Mailing Address: 5600 Grove Avenue

City: Richmond State: VA Zip Code: 23226

Telephone: (804) 835-5029 Fax: (804) 285-7779

Email: gmoore@mthblaw.com

Property Owner: WWS VIII LLC

If Business Entity, name and title of authorized signer: Walid Daniel, Manager

(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: 3904 Longview Landing Court

City: Henrico State: VA Zip Code: 23233

Telephone: (804) _____ 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)

MEYER BALDWIN LONG & MOORE LLP

Attorneys at Law
5600 Grove Avenue
Richmond, Virginia 23226

Glenn R. Moore, Esquire
gmoore@mthblaw.com

Telephone: (804) 835-5029
Telecopier: (804) 285-7779

March 26, 2018

Jonathan W. Brown, Senior Planner
Department of Planning and Development Review
Land Use Administration Division, Room 511
900 East Broad Street
Richmond, VA 23219

Re: WWS VIII – Revised Plans and Applicant’s Report Application for Special Use
Permit Relating to 800 to 806 N. 32nd Street

Dear Mr. Brown:

I am forwarding a Revised Applicant’s Report for the referenced application, which was filed in August of 2017. I am also enclosing a CD with the revised plans and three full size sheets of the revised plans. I ask that you replace the original applicant’s report and plans with the enclosed items.

Please let me know, if you need anything further to begin processing the application. Thank you for your assistance.

Sincerely yours,



Glenn R. Moore

Cc: Mr. Walid M. Daniel

MEYER BALDWIN LONG & MOORE LLP

Attorneys at Law
5600 Grove Avenue
Richmond, Virginia 23226

Glenn R. Moore, Esquire
gmoore@mthblaw.com

Telephone: (804) 835-5029
Telecopier: (804) 285-7779

March 26, 2018

The Honorable Council of the City of Richmond
c/o Department of Planning and Development Review
Land Use Administration Division, Room 511
900 East Broad Street
Richmond, VA 23219

RE: Special Use Permit Application for WWS VIII LLC (the "Owner") Relating to
Property at 800 – 806 N. 32nd Street (the "Property")

Dear Ladies and Gentlemen:

In compliance with the administrative policy of the Division of Land Use Administration, we submit herewith the following report in connection with the Special Use Permit Application of the Owner to allow the construction of four residential townhomes on the Property. The Property is identified on the enclosed survey prepared by McKnight & Associates, P.C., dated April 26, 2017 (the "Survey"). Also submitted herewith are a site plan, floor plans and elevations for the Special Use Permit, entitled "Special Use Permit Plans for Residential Redevelopment, Northwest Corner of "N" St. and N. 32nd St." consisting of one (1) sheet, prepared by William A. Voorhees Designs Inc., dated March 15, 2018 (the "Plans").

1. Background. The Property consists of three tax parcels which appear to have been improved with two single family residences at one time. Currently, no improvements are occupied and improvements on the Property are in a deteriorating state. The Owner acquired the Property in 2017 with the intention of redeveloping the Property with single family residences which will complement the surrounding area.

2. Special Use Permit Request. If this request is approved, the Owner plans to redevelop the Property with four attached residential units in two buildings, as shown on the Plans. Each residence will have approximately 2,600 square feet of living area (exclusive of mechanical and storage areas) and four bedrooms. Three off street parking spaces are provided along the public alley north of the Property. The residences have been efficiently designed, so that the area covered by building floor area will not exceed 55% of the lot. Exterior walls of the residences will be constructed of a variety of quality building materials, as shown on the Plans. It is the owner's intention to offer the residences for sale. New landscaping consisting of a mixture of deciduous and evergreen trees and shrubbery will be installed in the residence

yards as illustrated on the Plans.

3. Owner. Walid Daniel, a principal of the Owner, has owned and operated a variety of residential rental properties in Richmond and the central Virginia area.

4. Neighborhood. The Property is in a R-6 Single Family Residence District, as are all adjacent properties. Property to the east across N. 32nd Street is currently being used for a area church garden project. Property to the west is used as a church parking lot. There are some single family homes in the vicinity of the Property. An apartment building is located to the south, across N Street.

5. Cooperation with Area Residents. The Owner and its representatives have met with the Zoning Committee of the Church Hill Civic Association and a representative of 31st Street Baptist Church to review Owner's plans for improving the Property.

6. Community Benefits. Approval of the Special Use Permit request will allow the deteriorating improvements on the Property to be removed and replaced with quality single family residences.

7. Jurisdictional Requirements. All of the basic jurisdictional requirements for approval of the requested Special Use Permit are satisfied for the following reasons:

(a) The Special Use Permit will not be detrimental to the safety, health, morals and general welfare of the community. The abandoned and deteriorating improvements on the Property will be removed and replaced with quality four bedroom residences. Off-street parking will be provided for three of the residences. There is ample on-street parking to serve the fourth residence. The proposed use is compatible with other uses in the area.

(b) The Special Use Permit will not tend to create congestion in the streets, roads, alleys and other public ways and places in the area involved. The additional traffic to be generated by the proposed development of the Property will be minimal.

(c) The Special Use Permit will not result in hazards from fire, panic and other dangers because all construction will be performed in compliance with all applicable building codes and will be undertaken by recognized, duly licensed contractors under the supervision of the Owner. The work will be inspected by the City of Richmond Building Inspector's Office in accordance with all applicable laws.

(d) The Special Use Permit will not tend to overcrowd the land and cause an undue concentration of population. The residences have been efficiently designed. The efficient design and proposed new landscaping will enable the proposed development to blend in well with the neighborhood.

(e) The Special Use Permit will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other requirements, conveniences and improvements. The relatively small scope of the proposed development will not materially impact the availability of public services in the area of the

Property.

(f) The Special Use Permit will not interfere with adequate light and air. The residences will not exceed the permitted building height in the R-6 zoning district in which the Property is located. Further, at least forty-five percent (45%) of each lot will be left uncovered by building floor area.

8. Summary. The Special Use Permit to allow the removal of deteriorating and unusable improvements on the Property and their replacement with four quality and efficiently designed single family residences on the Property will result in a significant enhancement for the neighborhood. The development should also encourage people to live in the City and serve as an example for redevelopment of other area properties.

On the basis of the foregoing, we respectfully request that City Council grant the Special Use Permit to allow the Owner to improve the Property with four single family dwellings, which will benefit the surrounding area and the entire City as set forth herein, at the earliest practicable time.

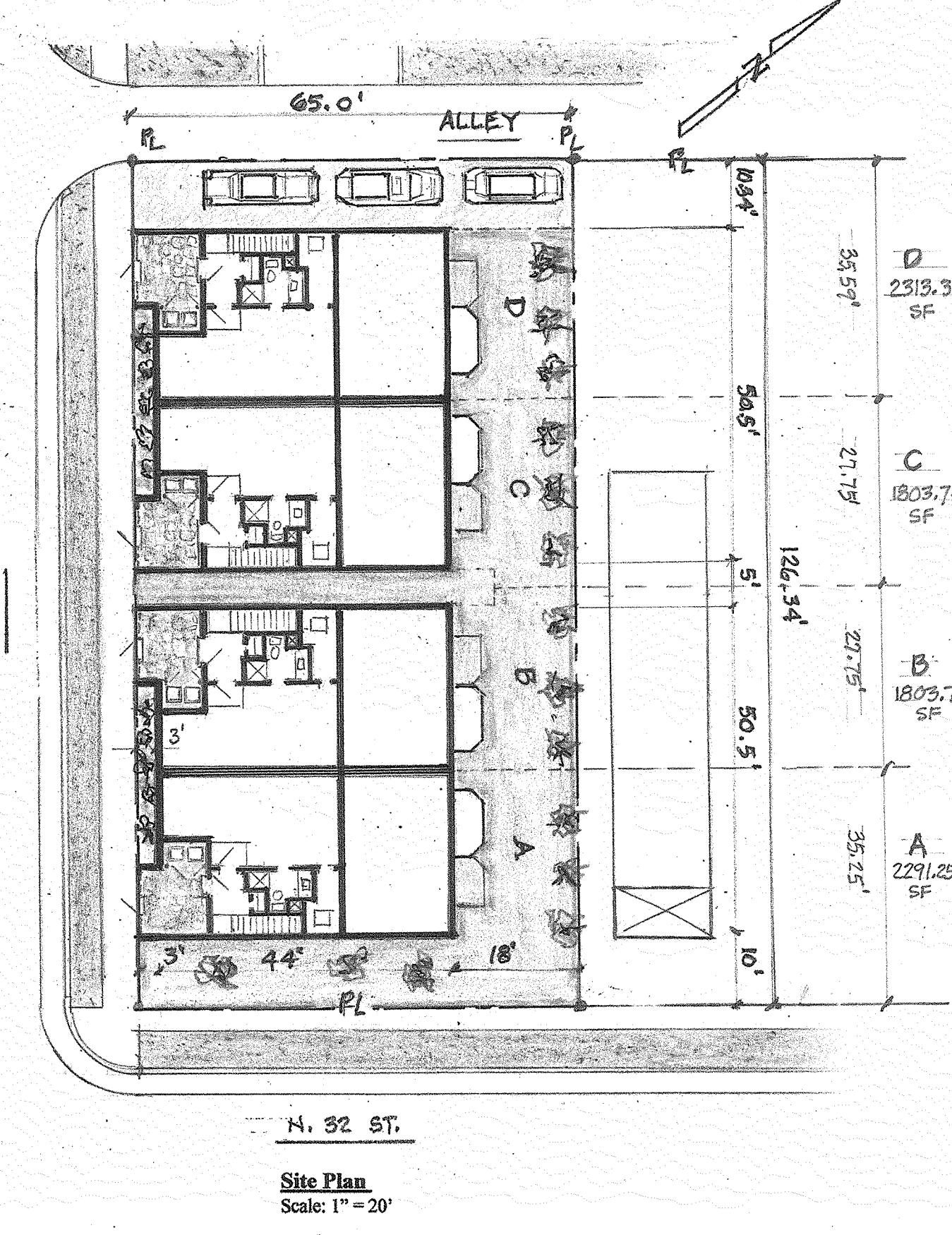
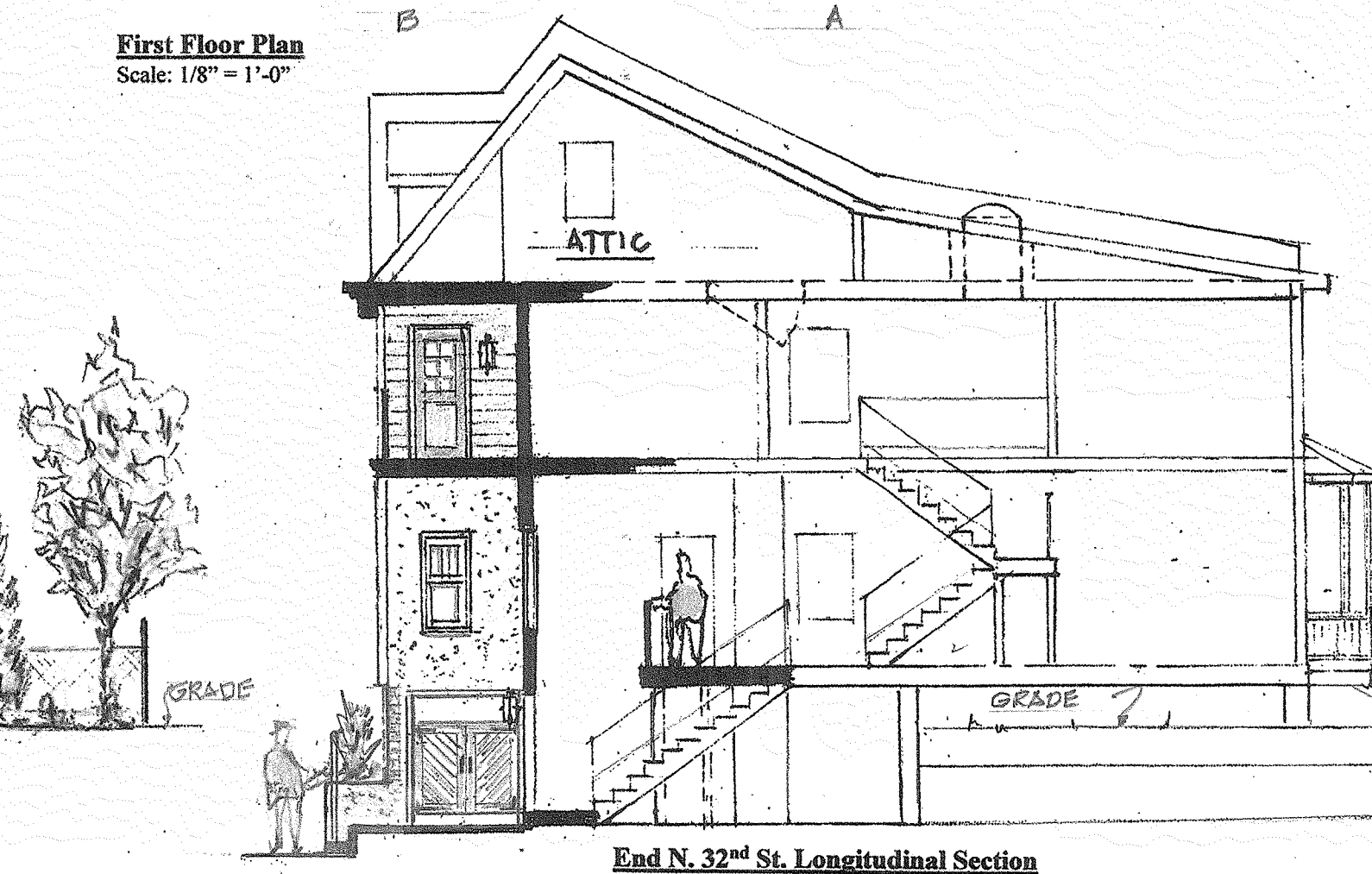
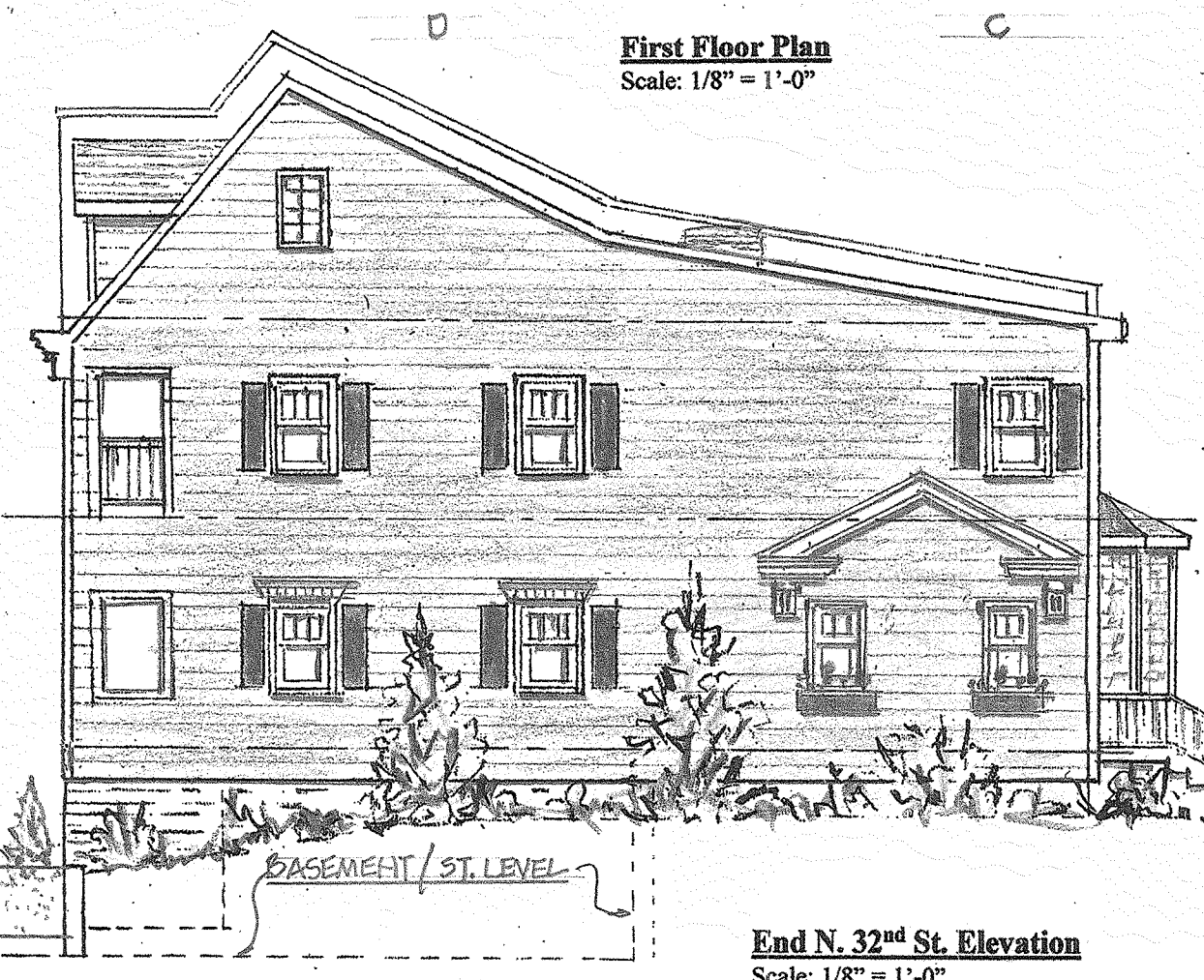
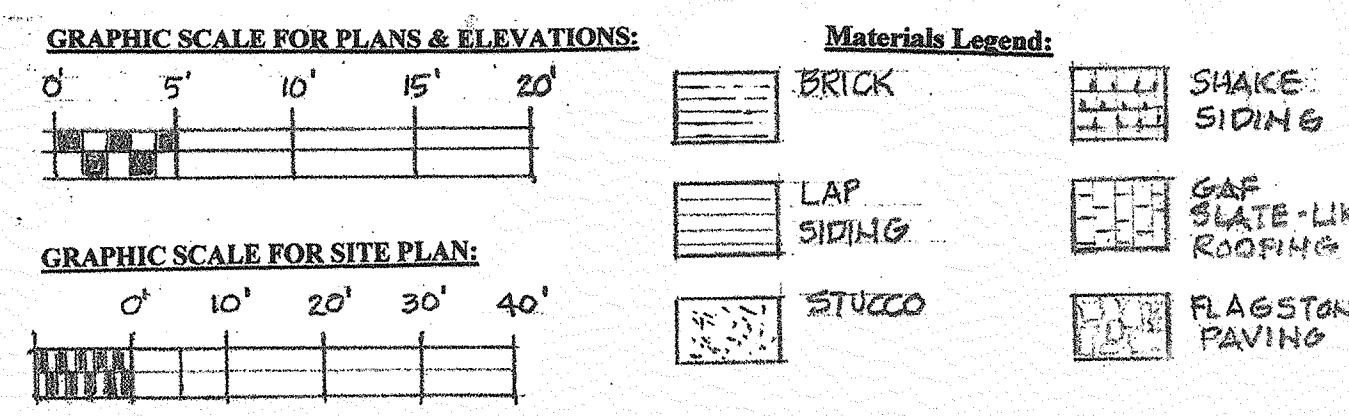
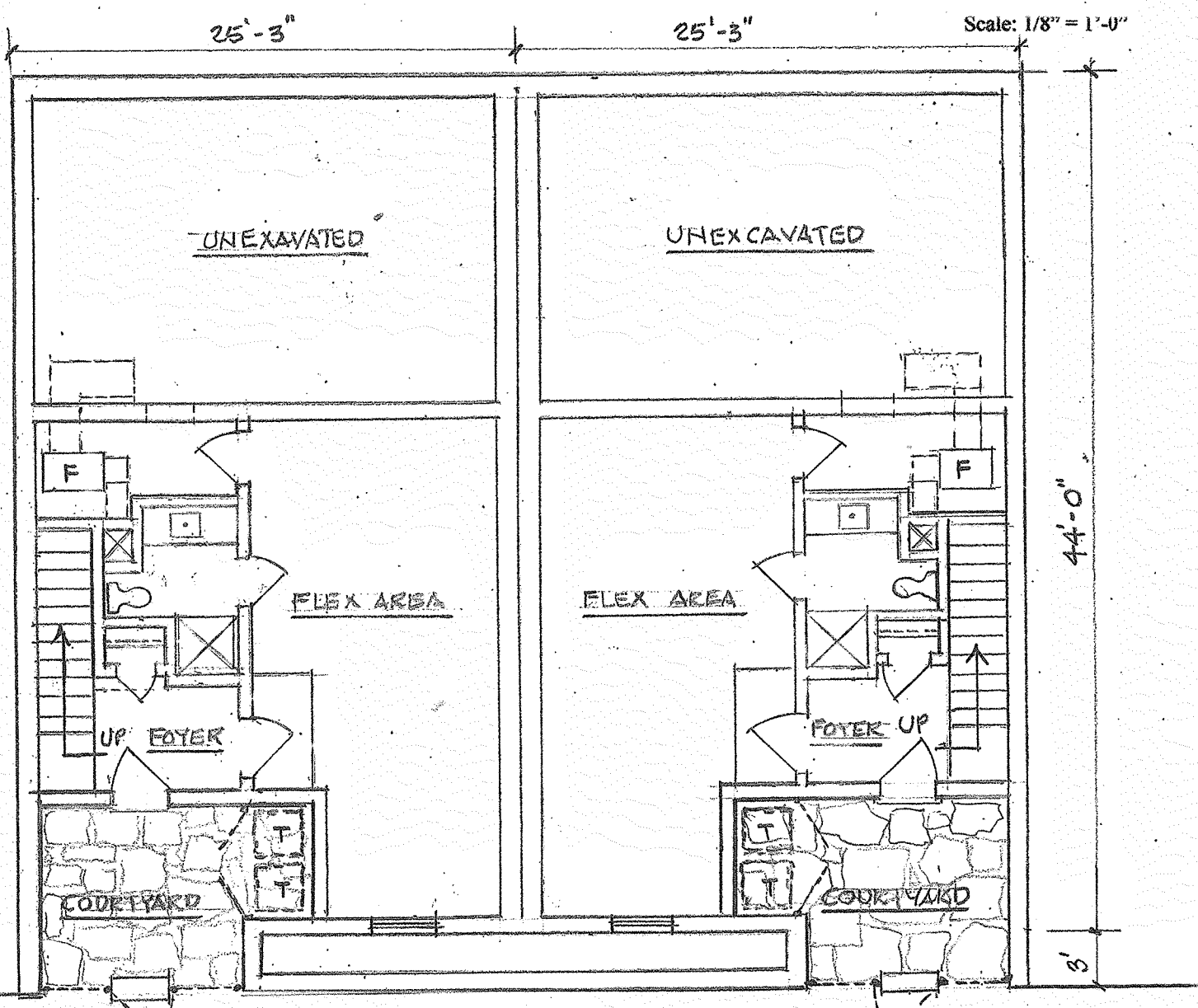
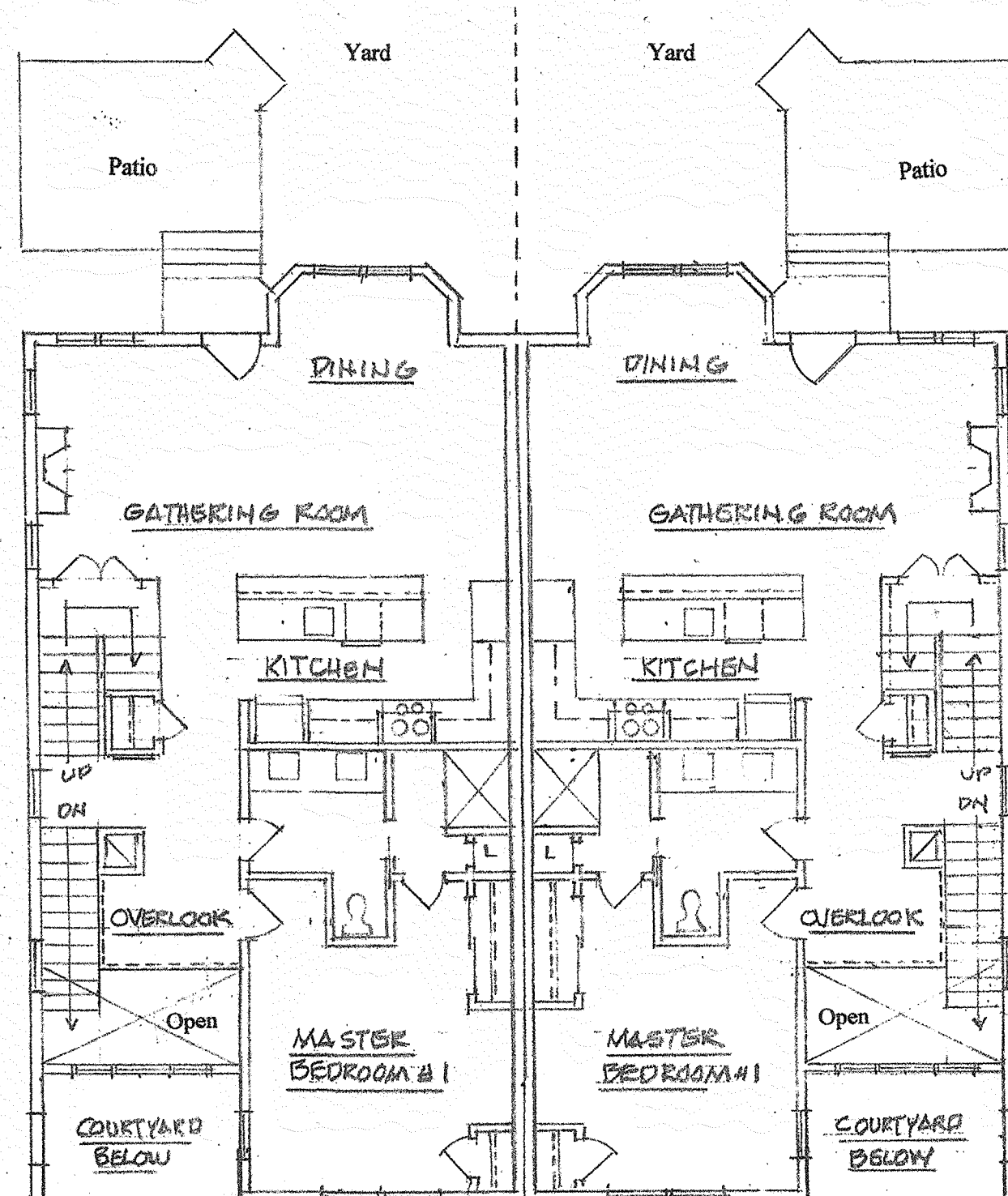
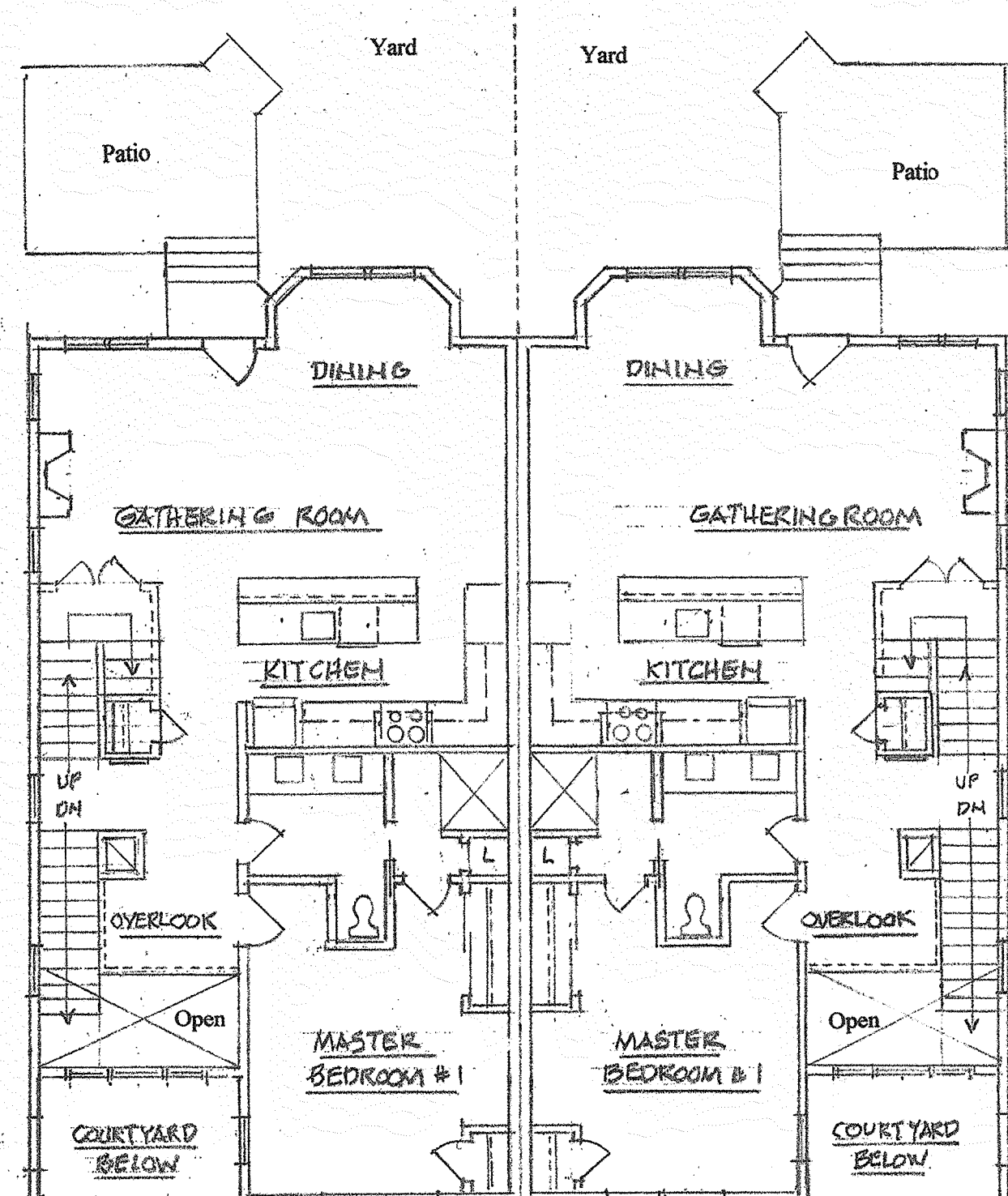
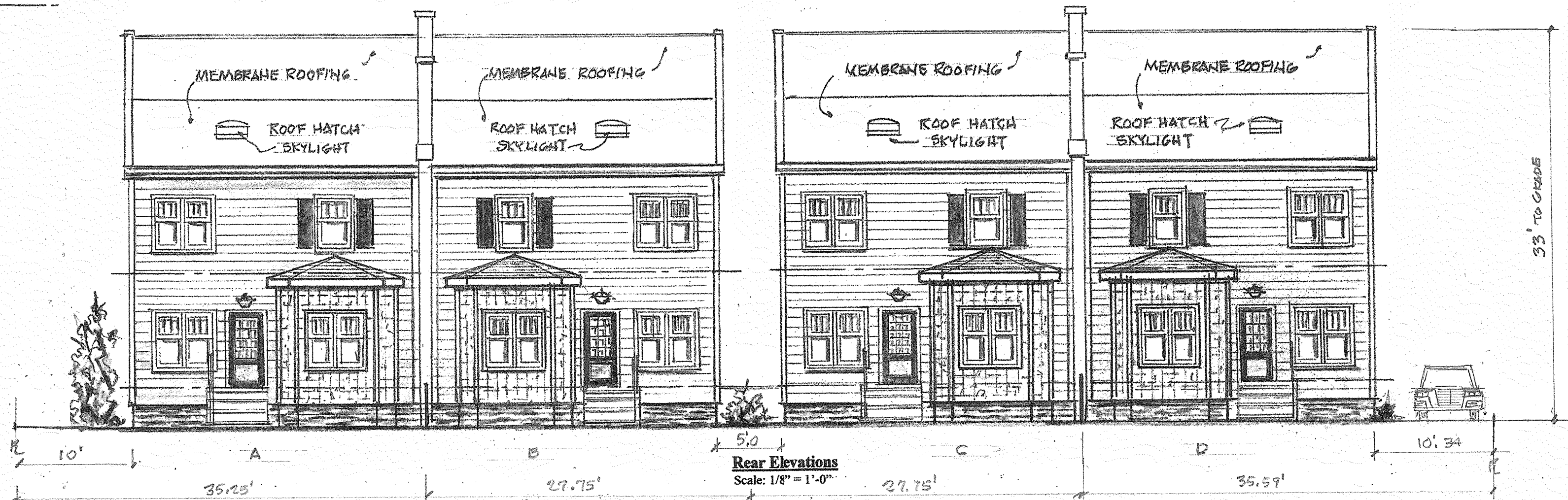
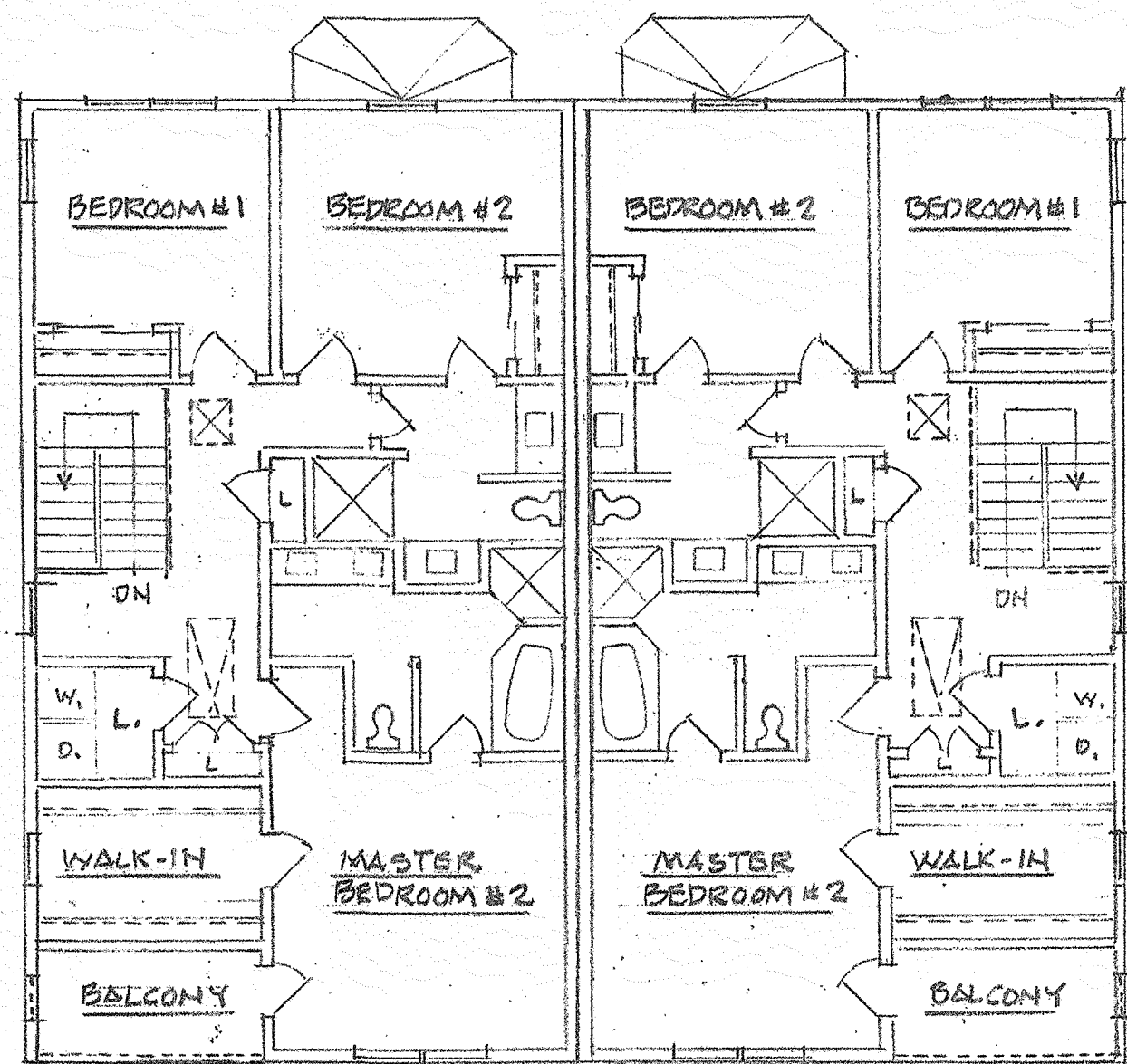
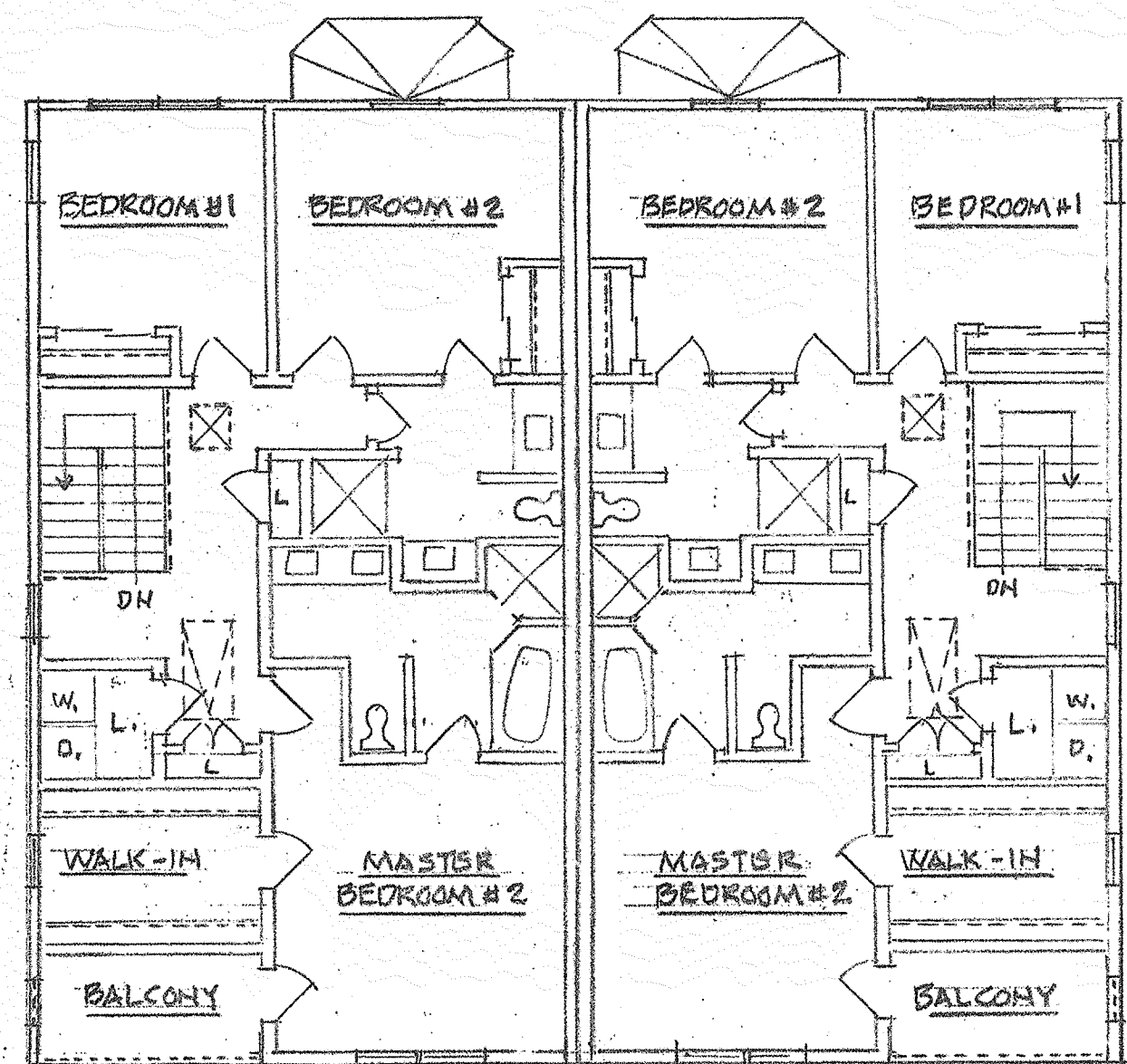
Respectfully Submitted,

WWS VIII, a Virginia limited liability company

By: *D. Glenn H. Moore*
Attorney

Cc: Mr. Walid Daniel

REVISIONS	BY
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DATED 5/24/2018	

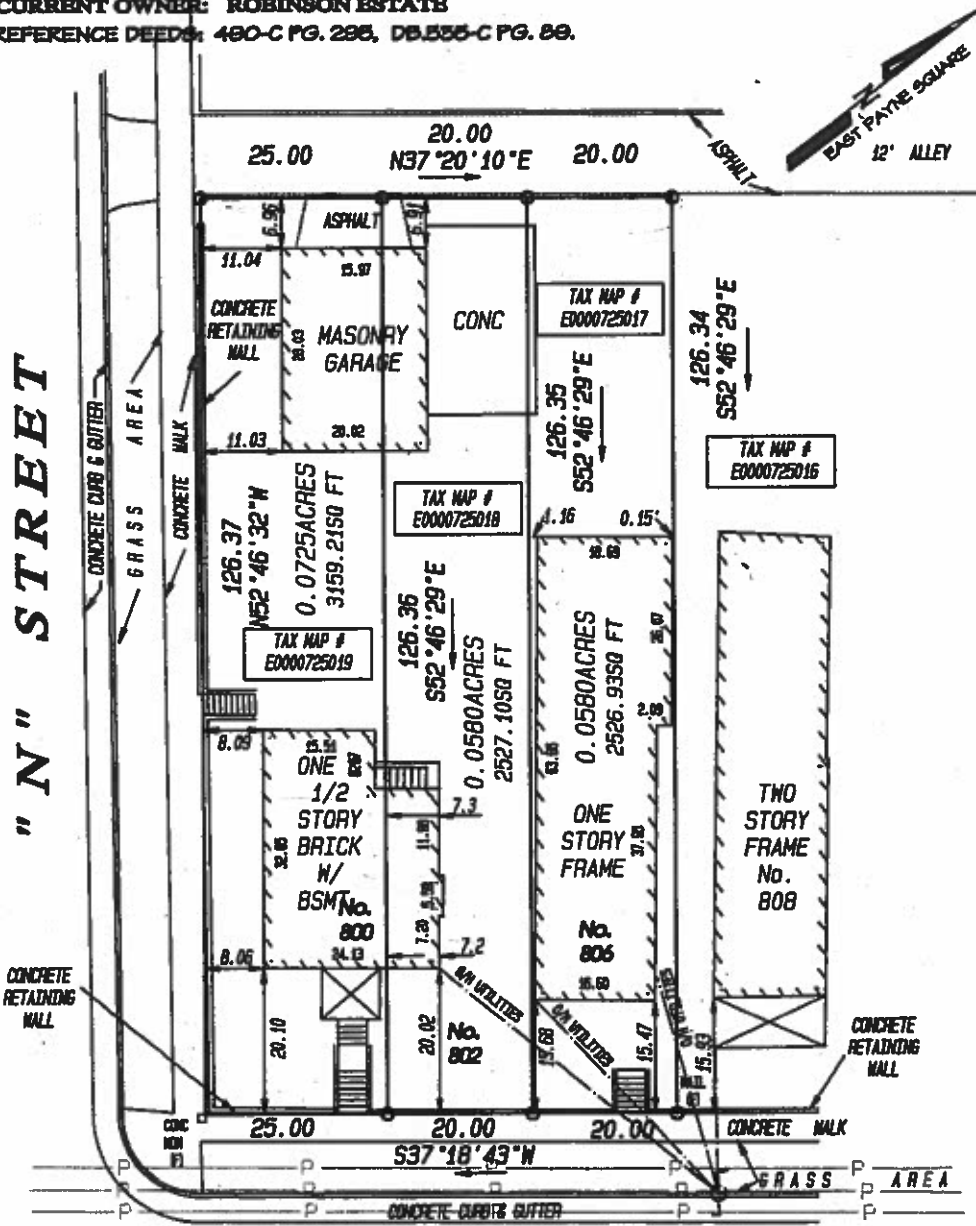


Special Use Permit Plans
Residential Redevelopment
Northwest Corner "N" St. & N. 32nd St.
WWS VIII, LLC

WILLIAM A. VOORHEES DESIGNS INC
2 South 2nd Street
Richmond, Virginia 23219
Tel: 804-343-1975
wvoorheesdesigns@verizon.net

Date MAY 23, 2018
Scale AS SHOWN
Drawn
Job 5620
Sheet 1
Of 1 Sheets

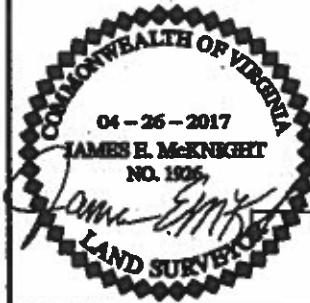
NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
 CURRENT OWNER: ROBINSON ESTATE
 REFERENCE DEED: 480-C PG. 295, DB555-C PG. 89.



" N " STREET
N. 32ND STREET

**PLAT SHOWING IMPROVEMENTS ON
 No. 800, 802 and 806 N. 32ND STREET
 IN THE CITY OF RICHMOND, VIRGINIA.**

**PURCHASERS:
 WWS V III, LLC**



THIS IS TO CERTIFY THAT ON APRIL 26, 2017, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS.

SCALE: 1" = 20'

McKNIGHT & ASSOCIATES, P.C.
 LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE
 RICHMOND, VIRGINIA 23235
 TELEPHONE (804) 320-2646

JOB NUMBER: 95010400