

ROAD CLOSURE

Following is a copy of **Ordinance No. 2018-300, adopted January 14, 2019** ("Ordinance"), and all of the required written evidence of satisfaction by the applicant (the "documents").

This Ordinance went into effect January 14, 2019. All of the requirements of the Ordinance were completed on May 28, 2019. All requirements have been reviewed and approved by the City Attorney's Office.



Andrew A. Gore
Assistant City Attorney

FEBRUARY 20, 2019

26

2(A)

Andrew Gore
Office of the City Attorney
City of Richmond
900 East Broad Street – Suite 400
Richmond, Virginia 23219

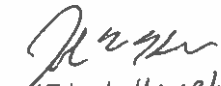
Re: 623 North 30th Street – Ordinance No. 2018-300

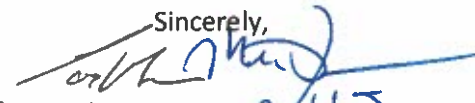
Dear Mr. Gore:

On behalf of RVA SUGAR, LLC, I am writing to confirm that each of the terms and conditions of City's Council approval of a vacaion request to close a portion of the east side of North 30th Street and a portion of the south side of M Street abutting the property known as 623 North 30th Street, consisting of 535± square feet, have been satisfied. On January 14, 2019, by Ordinance No. 2018-300 (the "Ordinance"), Council closed to public use and travel said portions of North 30th Street and M Street which were not needed by the City, upon certain terms and conditions. See Ordinance attached hereto for reference as **Exhibit A**. In satisfaction of such conditions, RVA SUGAR, LLC, provides the following evidence of compliance:

1. No consent was provided as there are no owners meeting the standards by which consent is required under section 24-314 of the Code of the City of Richmond 2015.
2. A copy of an email, from the public utility company advising that there are no facilities impacted in the area of the streets, was provided to the City on FEBRUARY 13, 2019. A copy of which is attached hereto as **Exhibit B**.
3. On FEBRUARY 20, 2019, RVA SUGAR, LLC provided the City an executed Indemnity Agreement. A copy of said agreement is attached as **Exhibit C**.
4. A copy of the Special Use Permit, Ordinance No. 2018-300, for the rehabilitation of existing and construction of new improvements on the site, adopted on January 14, 2019, is attached hereto as **Exhibit D**.
5. Copies of RVA SUGAR, LLC Articles of Incorporation and Certificate of Incorporation are attached hereto as **Exhibit E**.

I hope the above information and documentation provides sufficient confirmation that all terms and conditions associated with the Ordinance have been or will be satisfied. Should you have any questions related to the foregoing, or need any additional information, please do not hesitate to contact me.


John W. Thompson
Member

Sincerely,

Casey White
Member
Name: Matt Sacrean
Title: Member/Manager



markbaker@bakerdevelopmentresources.com

From: tickets@missutilityofvirginia.com
Sent: Wednesday, February 13, 2019 12:23 PM
To: markbaker@bakerdevelopmentresources.com
Subject: VUPS EMLCFM 2019/02/13 #03026 A904301077-00A NORM RESP LREQ

EMLCFM 03026 VUPSa 02/13/19 12:23:23 A904301077-00A RESPONSE

Thank you for contacting VA811! This is an automatically generated response from the utilities who received your notice of excavation. If you have questions about the response, call the "field contact" for that utility. For your safety, please respect and protect the marks, excavate carefully around the marked utility lines and contact VA811 if you see clear evidence of unmarked utilities.

Remember, you can now reach VA811 by dialing 811.

Ticket : A904301077 Rev: 00A Taken: 02/12/19 10:48 AM

State: VA Cnty: RICHMOND CITY Place:
Address : 623 N 30TH ST
Responses due by: 02/15/19 07:00 AM Expires: 03/07/19 07:00 AM

When the member Marking Code is blue, click for additional information that may be provided by the Operator/Locator.

Table with 3 columns: Marking Code, Description, and Response. It lists utility incidents for Comcast, Gas, Water, Sewer, and Crown Castle, including dates, times, and contact information.

See following email confirming no conflict

DOM DOMINION CENTRAL DISTRIBUTION (DOM410) 02/12/19 03:30 PM 30
No Conflict; utility is outside of stated work area.
Field Contact: UTILIQUEST (804)286-1721
In the event of damage to a facility call: (888)667-3000

VZN VERIZON (VZN804) 02/12/19 03:30 PM 30
No Conflict; utility is outside of stated work area.
Field Contact: UTILIQUEST (804)286-1721
In the event of damage to a facility call: (888)483-1233

WXN WINDSTREAM KDL (WXN456) 02/12/19 11:02 AM 30
No Conflict; utility is outside of stated work area.
Field Contact: DAMAGE PREVENTION GROUP (800)289-1901
In the event of damage to a facility call: (800)289-1901

markbaker@bakerdevelopmentresources.com

From: Yates, Charles S. - DPU <Charles.Yates@richmondgov.com>
Sent: Wednesday, February 13, 2019 12:38 PM
To: markbaker@bakerdevelopmentresources.com; Diebel, Rena L. - City Attorney
Cc: 'Matt Jarreau'
Subject: RE: Vacation Request for 621-623 N. 30th Street and 2001-2011 M Street

You are correct Mark, the DPU would have "no expectation for this to be relocated."

Scott Yates
Operations Manager

City of Richmond DPU
Development Services
900 East Broad Street; Room 115
Rich., VA 23219

(804) 646-5231- Direct
(804) 646-8544- General Office

To check the status of plan reviews and inspection results please go to:
http://energov.richmondgov.com/EnerGov_Prod/CitizenAccess/Site/Public/Main

From: markbaker@bakerdevelopmentresources.com [mailto:markbaker@bakerdevelopmentresources.com]
Sent: Wednesday, February 13, 2019 12:36 PM
To: Diebel, Rena L. - City Attorney <Rena.Diebel@richmondgov.com>
Cc: 'Matt Jarreau' <MattJarreau@hometownrealtyservices.com>; Yates, Charles S. - DPU <Charles.Yates@richmondgov.com>
Subject: RE: Vacation Request for 621-623 N. 30th Street and 2001-2011 M Street

Rena,

A quick update on this project and Miss Utility. My little white lie worked. As I had said yesterday I had to trick them into it but Miss Utility came out and evaluated. Attached is the response to the ticket I submitted which is the same format you shared with me.

There is generally no conflict/utilities are outside the area.

There is one comment:

COR RICHMOND CITY-WATER (COR200) 02/13/19 12:22 PM 12
Marked up to privately owned utility; contact private utility owner
for locate
Field Contact: RALPH WORLEY (804)921-9126
In the event of damage to a facility call: (804)644-3000

This should be due to the exiting private water line which remain in place as it serves the existing building. This would not need to be abandoned/relocated. I think Scott Yates (copied) could confirm that there would be no expectation for this to be relocated.

Thanks,

Mark



Mark Baker
Baker Development Resources
804-874-6275

From: markbaker@bakerdevelopmentresources.com <markbaker@bakerdevelopmentresources.com>
Sent: Tuesday, February 12, 2019 11:13 AM
To: 'Diebel, Rena L. - City Attorney' <Rena.Diebel@richmondgov.com>
Cc: 'Matt Jarreau' <MattJarreau@hometownrealtyservices.com>; 'Yates, Charles S. - DPU' <Charles.Yates@richmondgov.com>
Subject: RE: Vacation Request for 621-623 N. 30th Street and 2001-2011 M Street

Rena,

I have spoken with Charles Yates and he has informed me that DPU responded to the closing that there is no issue from water, sewer, gas perspective.

We need to discuss the MISS UTILITY issue a little further. I appreciate you sharing an example ticket response info from Miss Utility. However, they do not provide this information speculatively or simply for information. This is a unique situation in that no work is contemplated in the vicinity. Nothing will change and the building will remain undisturbed in the same location that it has been in since the 1820's. There has to be actual work contemplated and it has to be occurring within the next 15 days. So, according to their guidelines, MISS UTILITY cannot evaluate the site for us. This is why the owner was told 'no' twice. In an attempt to get you what you are asking for I told them that we are going to be doing some digging along the foundation – which is inaccurate. With that they are willing to come out and look – but only on a false premise. I will see if this gets us what we need. But I wanted to make it very clear that in this instance, MISS UTILITY is not set up to provide us with the information you are requesting.

Can you please let me know if the attached Letter of Compliance and Indemnity Agreement work in the context of the approved ordinance (also attached)?

Thanks,

Mark



Mark Baker
Baker Development Resources
804-874-6275



INDEMNITY AGREEMENT

THIS INDEMNITY AGREEMENT (this "Agreement") dated as of this 19TH day of FEBRUARY, 2017, is made by and between RVA SUGAR, LLC a Virginia limited liability company, (the "Indemnitor") and the CITY OF RICHMOND, a municipal corporation of the Commonwealth of Virginia, (the Indemnitee").

RECITALS:

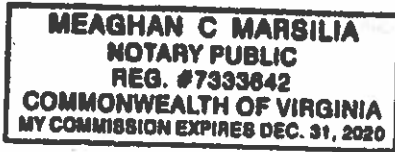
1. Pursuant to that certain Ordinance No. 2018-300, adopted January 14, 2019, Indemnitee closed to public use and travel, a portion of the east side of North 30th Street and a portion of the south side of M Street abutting the property known as 623 North 30th Street, consisting of 535± square feet (the "Ordinance"); and
2. Indemnitee required, as a condition of the Ordinance, that Indemnitor indemnify and hold Indemnitee harmless against and from any obligations for which Indemnitee may incur liability by reason of the closure of the right of way to public use and travel by the Ordinance and from interference with the drainage, flow or overflow of surface or subsurface water (collectively, the "Closure Activities").

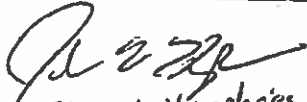
NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:


1. Recitals. The foregoing recitals are incorporated into this Agreement by reference.
2. Indemnity. The Indemnitor shall at all times indemnify, defend and hold harmless Indemnitee against and from any and all claims, suits, actions, damages, costs, obligations, judgments, and expenses of Indemnitee based on the Closure Activities.
3. Severability. If any clause or provision herein contained operates or would prospectively operate to invalidate this Agreement in whole or in part, then such clause or provision shall be deemed as though not contained herein and the remainder of the Agreement shall remain operative and in full force.
4. Successors and Assigns. This Agreement shall be binding upon Indemnitor's successors and assigns.
5. Controlling Law. This Agreement shall be governed by, and construed in accordance with, the laws of the Commonwealth of Virginia.

6. Counterparts. This Agreement may be executed simultaneously in counterparts, each of which shall be deemed an original, but all of which shall together constitute one and the same instrument.

Witness the following signatures:

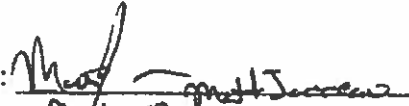



John W. Humphries
Member


Casey White
Member

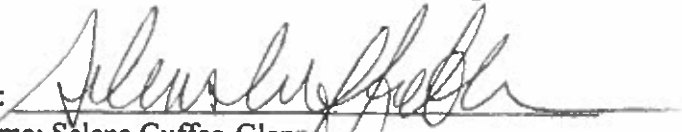
INDEMNITOR

RVA SUGAR, LLC, a Virginia limited liability company

By: 
Name: Member Manager
Title: _____

INDEMNITEE

CITY OF RICHMOND, VIRGINIA, a municipal corporation of the Commonwealth of Virginia

By: 
Name: Selena Cuffee-Glenn
Title: Chief Administration Officer
Pursuant to Ordinance No. 2016-186

Prepared and approved as to form:


Andrew A. Gore
Assistant City Attorney



INTRODUCED: November 13, 2018

AN ORDINANCE No. 2018-306

To authorize the special use of the properties known as 623 North 30th Street, 3001, 3005, and 3009 M Street, and a portion of North 30th Street and a portion of M Street, for the purpose of up to five 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: DEC 10 2018 AT 6 P.M.

WHEREAS, the owner of the properties known as 623 North 30th Street, 3001, 3005, and 3009 M Street, and a portion of North 30th Street and a portion of M Street, closed to public use and travel by Ordinance No. 2018-300, adopted January 14, 2019, which are situated in a R-63 Multifamily Urban Residential District, desires to use such properties for the purpose of up to five single-family attached dwellings, which use, among other things, does not meet the requirements of sections 30-419.5(2), concerning lot area, and 30-419.8, concerning lot coverage, 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 (2018), as amended, it has been made to appear that, if granted subject to the terms and conditions

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 14 2019 REJECTED: _____ STRICKEN: _____

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 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 623 North 30th Street, and 3001, 3005, and 3009 M Street and identified as Tax Parcel Nos. E000-0632/001, E000-0632/004, E000-0632/005, and E000-0632/006, respectively, in the 2018 records of the City Assessor, and a portion of North 30th Street and a portion of M Street closed to public use and travel by Ordinance No. 2018 - _____, adopted _____, 2018, being more particularly shown on a survey entitled “30th & M Subdivision,” prepared by Timmons Group, dated January 22, 2018, and last revised May 11, 2018, 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 five single-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “30th & M Street SUP,” prepared by Christopher Wolf, R. A., 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 as up to five single-family attached dwellings, substantially as shown on the Plans. Residential accessory structures customary to single-family dwellings may also be located on the Property.

(b) Two off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(c) All building materials and elevations 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 final certificate of occupancy for the Special Use, the establishment of five residential lots, substantially as shown on the Plans and survey attached to this ordinance, 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) The Owner shall make improvements within the public right-of-way, substantially as shown on the Plans, including three four-foot sidewalks from the proposed dwellings to the existing sidewalks along M Street, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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: ~~URS 2018/291~~
RECEIVED

O & R REQUEST

SEP 18 2018

4-8129
AUG 29 2018

OFFICE OF CITY ATTORNEY

Office of the
Chief Administrative Officer

O & R Request

DATE: August 28, 2018

EDITION: 1

TO: The Honorable Members of City Council

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

JS 9/12/18

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

SC

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

[Signature]

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

[Signature]

RE: To authorize the special use of the properties known as 623 North 30th Street, 3001, 3005, and 3009 M Street, and a portion of North 30th Street and M Street, for the purpose of permitting five single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the properties known as 623 North 30th Street, 3001, 3005, and 3009 M Street, and a portion of North 30th Street and M Street, for the purpose of permitting five single-family attached dwellings, upon certain terms and conditions.

REASON: The proposed development consisting of five single-family attached dwellings would not meet current lot area and lot coverage requirements of the underlying R-63 Multi-family Urban 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 October 15, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of four (4) contiguous parcels (623 North 30th Street, and 3001, 3005, and 3009 M Street) located at the southeast intersection of North 30th Street and M Street. All parcels combined, total 7,903 SF, or .17 acres of partially improved land. All parcels are a part of the Church Hill neighborhood in the East Planning District.

Under the current proposal, the historic two-family dwelling at 623 North 30th Street would be renovated and the lot would be divided to establish the structure as two single-family attached dwellings. Three new single-family attached dwellings would be constructed at 3001, 3005, and 3009 M Street, which are currently unimproved.

A companion ordinance to this special use permit would authorize the vacation of existing City right-of-way so that the existing structure on 623 North 30th Street would no longer encroach into the right-of-way.

The City of Richmond's current Master Plan designates the subject property for Mixed Use Residential uses which include, "...single, two, and multi-family dwellings, live/work units and neighborhood serving commercial uses developed in a traditional urban form. These commercial uses are limited in location, type and scale and are intended to provide for the convenience of urban neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside the neighborhood. Typical zoning classification that may accommodate this land use category: R-63 and R-8. (City of Richmond, Master Plan) The current zoning for these properties is R-63, Multifamily Urban Residential. Areas directly to the Northeast are zoned R-6, Single Family Attached.

Properties to the west, south and east of the subject property are zoned R-63 Multi-family Urban Residential. Properties to the north are located within the R-6 Single-Family Attached Residential District. Nearby properties are also within the City's Church Hill North Old & Historic District. A mix of residential (single-, two-, and multi-family), vacant, office, commercial, utility, and institutional land uses are present in the vicinity.

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

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 24, 2018

CITY COUNCIL PUBLIC HEARING DATE: November 13, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 15, 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. 18-42



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 51
Richmond Virginia 23219
(804) 646-6304
<http://www.richmond.gov/>

- 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: 621 & 623 N 30th Street and 3001 through 3011 M Street Date: July 25, 2017
 Tax Map #: E0000632001, 4, 5 & 6 Fee: \$300.00
 Total area of affected site in acres: 0.151 acres

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

Zoning

Current Zoning: R-63

Existing Use Two-family dwelling and 3 vacant lots

Proposed Use

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

Construct 3 new single-family attached dwellings
 Existing Use: Two-family dwelling and 3 vacant lots

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: N/A

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources, LLC
 Mailing Address: 919 East Main Street, Suite 2110
 City: Richmond State: VA Zip Code: 23219
 Telephone: (804) 874-6275 Fax: ()
 Email: markbaker@bakerdevelopmentresources.com

Property Owner: RVA Sugar, LLC

If Business Entity, name and title of authorized signer: Matt Jarreau

(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: 409 East Main Street, Suite 204
 City: Richmond State: VA Zip Code: 23219
 Telephone: (804) 762-8092 Fax: (804) 747-7393
 Email: mattj@htrsi.com

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. **Facsimile 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)



August 8, 2017

BY HAND DELIVERY

Mr. Matthew Ebinger
City of Richmond
Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Special Use Permit: 621 and 623 N 30th Street and 3001 through 3011 M Street

Dear Matthew:

This letter shall serve as the Applicant's Report accompanying the application for a special use permit for the properties known as 621 and 623 N 30th Street and 3001 through 3011 M Street, identified as Tax Parcel E000-0632/001, 004, 005 and 006 (the "Property"). The Property is generally located at the southeast corner of North 30th and M Streets and contains 0.15 acres of land area. The property includes four deeded lots with one lot fronting on N 30th Street (621 and 623) and the three lots fronting on M Street (3001 through 3011). 621 and 623 N 30th Street is occupied by a two-family dwelling. 3001 through 3011 M Street are currently vacant lots.

The Property was historically occupied by four two-family dwellings on a single lot of record with a two-family detached dwelling facing 30th Street and three two-family attached dwellings facing M Street for a total of 8 dwellings. A previous owner recorded a deed that split that single lot into four lots – each containing a two-family dwelling. This was done without the benefit of City review. At the time, the property was located in an R-53 Multifamily Residential District and the lot width and lot area requirements for two-family dwellings were not met. The three two-family dwellings facing M Street (3001 through 3011) were subsequently demolished by the previous owner and the property was rezoned to R-63 Multifamily Urban Residential. The current owner would now like to legitimize the four existing lots, renovate the two-family dwelling (621 and 623 N 30th Street), and construct three single-family attached dwellings on the three vacant lots (3001 through 3011 M Street). As the four lots do not meet the R-63 lot area requirements, a special use permit is required.

The proposed single-family attached dwellings would be three stories in height with a mansard style roof and dormers. Each of the new dwellings would contain approximately 2,100 square feet of finished floor area and would include 2 to 3 bedrooms and 2 ½ to 3 ½ baths. The primary building material would be cementitious horizontal lap siding with brick foundation. The existing two-family dwelling would be renovated as two high quality dwelling units. Those dwelling units would be configured as single-family attached style, side-by-side units with each unit having a two-level floor plan.

In exchange for the SUP, the intent of this request is to ensure a thoughtful renovation of the original, historic two-family dwelling while authorizing a high-quality, for sale, infill development. The overall project would be consistent with the historic development pattern while providing for fewer dwelling units than originally existed on the site. By legitimizing the previous lot split, the SUP would allow for the sale of the new high quality single-family attached dwelling units as home ownership opportunities, thereby addressing objectives of the Master Plan.

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

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

The proposed SUP will not impact the safety, health, morals and general welfare of the nearby community. The proposed site improvements and density are consistent with or less dense than the historic development of the site. The redevelopment of this underutilized property in conjunction with the high quality/benefits provided by the SUP will provide positive impacts in terms of health, welfare, etc.

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

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation for a two-family dwelling and three dwelling units will be less than was generated by the previous use as four two-family dwellings. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

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

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

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

The proposed SUP will not tend to over crowd the land or create an undue concentration of population. The request represents a lesser density than the historic density that existed on the site.

- *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 amendment 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 development pattern is consistent with the historic development pattern on the site.

In summary, the applicant is enthusiastically seeking approval for the construction of three single-family attached dwellings and the renovation of an original two-family dwelling on the Property. This proposal represents an ideal, small-scale urban infill development for this location. The special use permit would not authorize any additional density over what originally existed on the site. In exchange, the quality assurances conditioned through the SUP would guarantee the thoughtful rehabilitation of the original, historic two-family dwelling on the Property and the construction of a higher quality new development than might otherwise be developed by right in the vicinity. This would contribute to the vibrancy of the block through the provision of the much desired traditional neighborhood design that is consistent with the historic development pattern of the surrounding neighborhood.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,

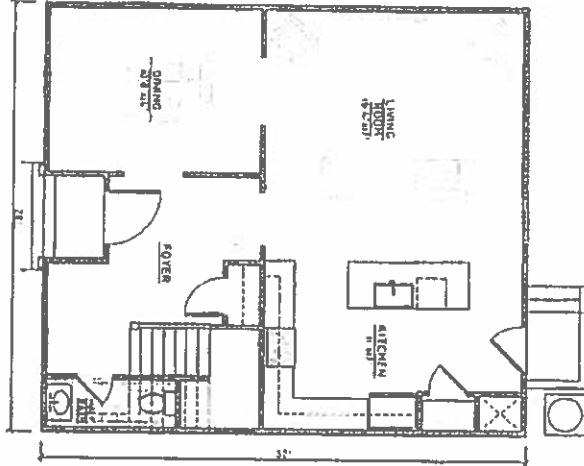


Mark R. Baker

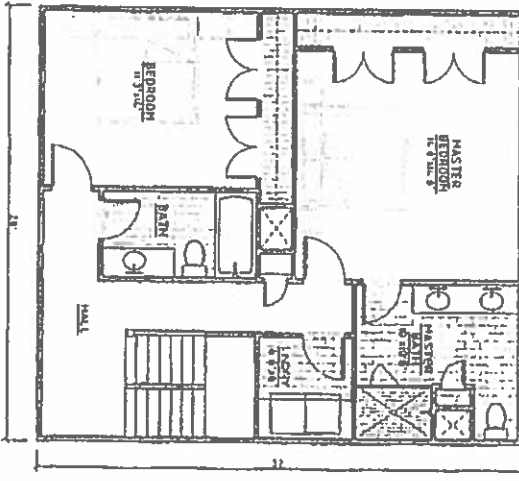
Enclosures

cc: The Honorable Cynthia I. Newbille

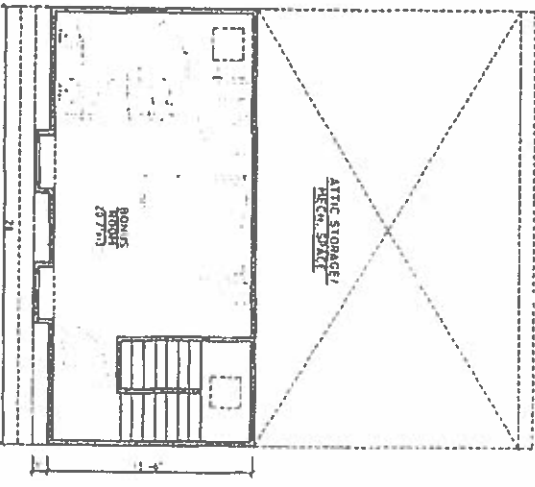
01 FIRST FLOOR PLAN - 900 S.F.



02 SECOND FLOOR PLAN - 900 S.F.



03 THIRD FLOOR PLAN - 300 S.F.



PROJECT CONTACTS
 DEVELOPER
 RIA SAGAN, LLC
 100-300-0019
 CONTRACTOR
 AUNT DEVELOPMENT
 100-460-0800
 ARCHITECT
 CHRISTOPHER WOLF, P.A.A.
 100-514-1000

DRAWINGS ACCOMPANYING APPLICATION FOR
 SPECIAL USE PERMIT FOR
30TH & M STREET SUP
 621-623 N. 30TH ST. B 3001-3009 M ST.
 RICHMOND, VIRGINIA 23223

**NOT FOR
 CONSTRUCTION**

REVISIONS:
 REVISIONS SHOWN
 NEW HOUSES POKED BACK
 DATE: 05/12/2011

M ST. FLOOR PLANS
A.I.I

01 FIRST FLOOR PLAN



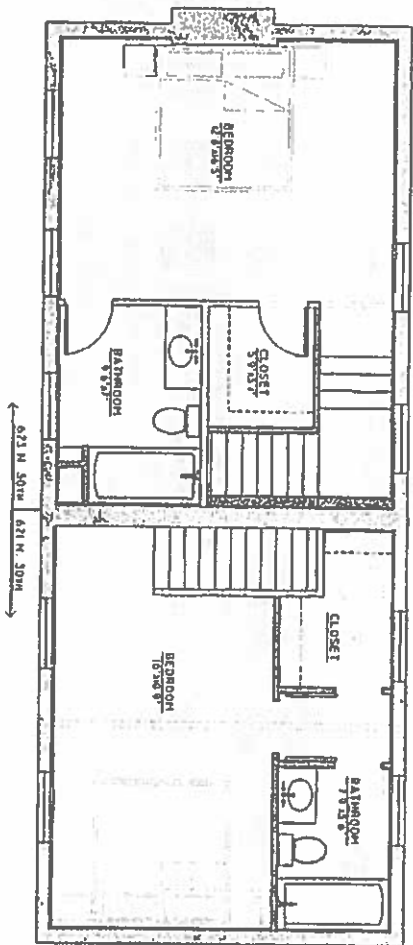
30TH ST.
 FIRST FLOOR PLANS
A1.2
 SELECTED FOR
 NEW HOUSERS' REFUSED BACK
 DATED: 05/13/2018

NOT FOR
 CONSTRUCTION

DRAWINGS ACCOMPANYING APPLICATION FOR
 SPECIAL USE PERMIT FOR
30TH & M STREET SUP
 621-623 N 30TH ST & 3001-3009 M ST
 RICHMOND, VIRGINIA 23223

PROJECT CONTACTS
 DEVELOPER
 RVA SURCO, L.L.C.
 802.300.9087
 CONTRACTOR
 KIM DEVELOPMENT
 802.869.6603
 ARCHITECT
 CHRISTOPHER WOLF P.A.
 804.326.1561

01 SECOND FLOOR PLAN



DRAWINGS ACCOMPANYING APPLICATION FOR
SPECIAL USE PERMIT FOR

30TH & M STREET SUP

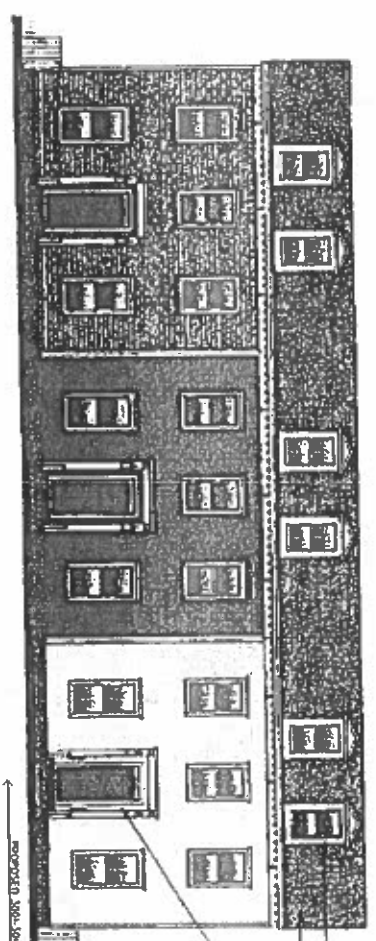
621-623 N. 30TH ST & 3001-3009 M ST
RICHMOND VIRGINA 23223

PROJECT CONTACTS
DEVELOPER
 RVA SITES LLC
 804-366-7819
CONTRACTOR
 AMMUNITION CONTRACTORS
 804-780-5400
ARCHITECT
 CHRISTOPHER P. F. R.A.
 804-316-7001

**NOT FOR
CONSTRUCTION**

ALL DIMENSIONS
 REVISED SIZE
 NEW HOUSES PUSHED BACK
 DATE: 03.25.2018

30TH ST
 SECOND FLOOR PLANS
A1.3

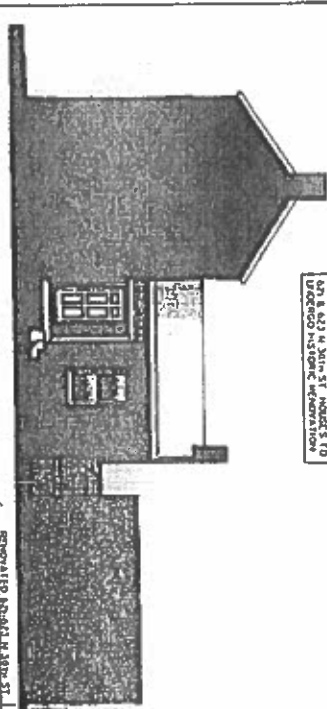


01 | NORTH M ST. ELEVATION

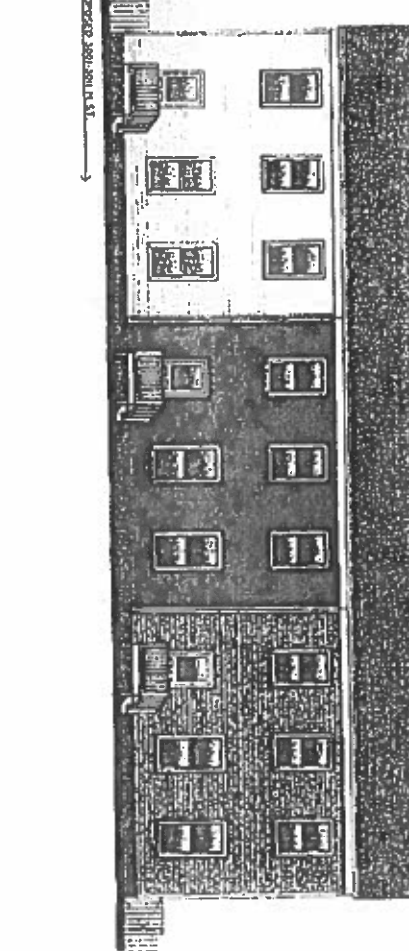
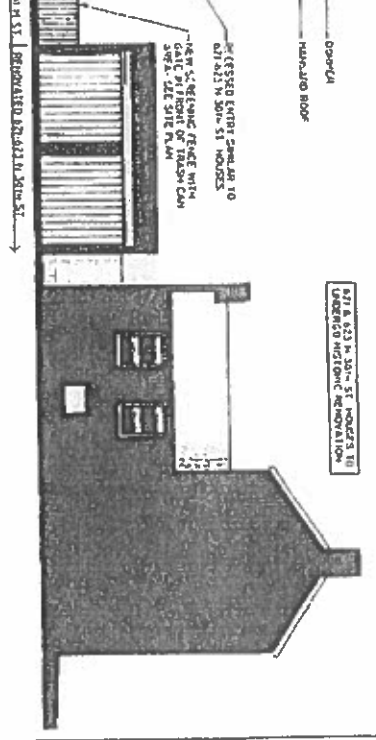
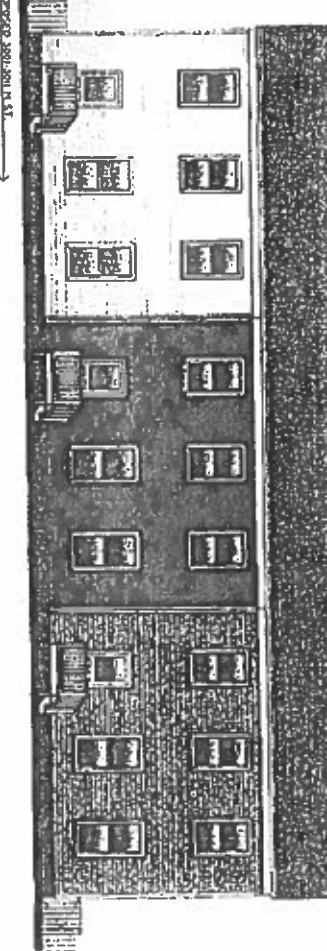
3001-3011 M ST. EXTERIOR MATERIAL LIST

No.	COMPONENT/MATERIAL
01	BRICK EXTERIOR WALL
02	BRICK CORNER AND CHIMNEY
03	WOOD SHINGLES ROOF
04	WOOD SHINGLES GABLE
05	WOOD SHINGLES PORCH ROOF
06	WOOD SHINGLES SIDEWALK
07	WOOD SHINGLES DRIVEWAY
08	WOOD SHINGLES DRIVEWAY
09	WOOD SHINGLES DRIVEWAY
10	WOOD SHINGLES DRIVEWAY
11	WOOD SHINGLES DRIVEWAY
12	WOOD SHINGLES DRIVEWAY
13	WOOD SHINGLES DRIVEWAY
14	WOOD SHINGLES DRIVEWAY
15	WOOD SHINGLES DRIVEWAY
16	WOOD SHINGLES DRIVEWAY
17	WOOD SHINGLES DRIVEWAY
18	WOOD SHINGLES DRIVEWAY
19	WOOD SHINGLES DRIVEWAY
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22	WOOD SHINGLES DRIVEWAY
23	WOOD SHINGLES DRIVEWAY
24	WOOD SHINGLES DRIVEWAY
25	WOOD SHINGLES DRIVEWAY
26	WOOD SHINGLES DRIVEWAY
27	WOOD SHINGLES DRIVEWAY
28	WOOD SHINGLES DRIVEWAY
29	WOOD SHINGLES DRIVEWAY
30	WOOD SHINGLES DRIVEWAY

1. EXTERIOR FRONT PORCH & PORCHES ARE 100% BRICK. APPROX. ALL BRICKS ARE 100% BRICK.
 2. EXTERIOR WALLS UNLESS NOTED OTHERWISE.
 3. COLORS SHOWN ARE CONCEPTUAL ONLY. FINAL COLOR SELECTIONS TO BE DETERMINED.



02 | SOUTH ELEVATION



541-543 N 30th St. HINDER'S TO UNDERGO HISTORIC RENOVATION.

DRAWINGS ACCOMPANYING APPLICATION FOR SPECIAL USE PERMIT FOR

30TH & M STREET SUP

621-623 N 30th St. & 3001-3009 M St
 RICHMOND, VIRGINIA 23223

PROJECT CONTACTS

DEVELOPER
 RYA SUGAR LLC
 864-366-9013

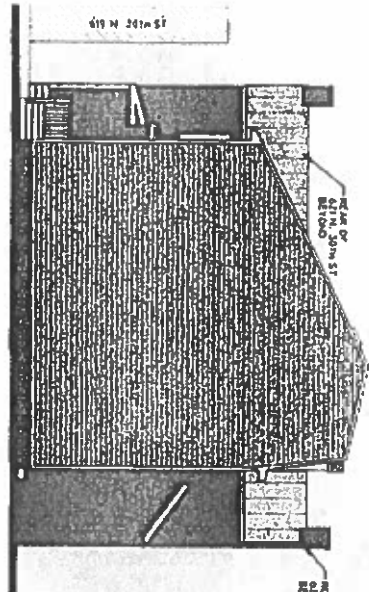
CONTRACTOR
 NMI DEVELOPMENT
 864-159-4600

ARCHITECT
 CHRISTOPHER BOE F. R.A.
 924-516-7641

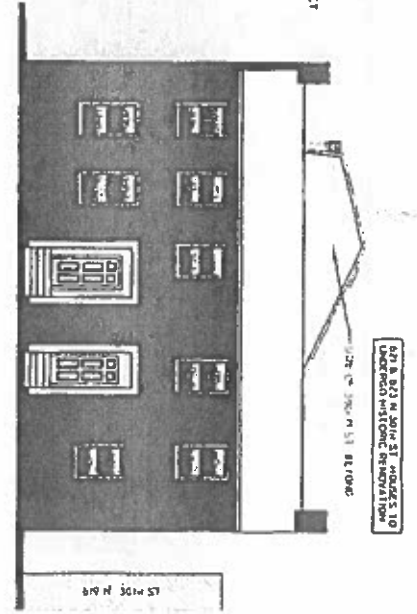
NOT FOR CONSTRUCTION

541-543 N 30th St. HINDER'S TO UNDERGO HISTORIC RENOVATION.

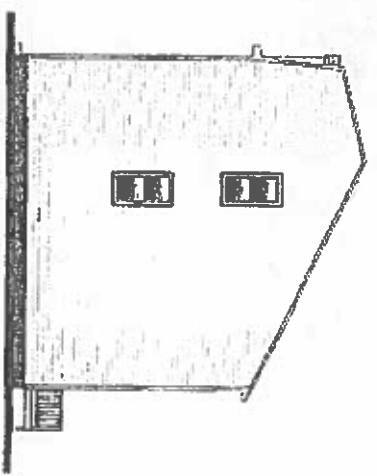
541-543 N 30th St. HINDER'S TO UNDERGO HISTORIC RENOVATION.



01 EAST ELEVATION



02 WEST (16TH ST) ELEVATION



03 WEST ELEVATION (3001 14th St.)

PROJECT CONTACTS:
 DEVELOPER
 RYA SUGAR, LLC
 324-358-6419
 CONTRACTOR
 AIRM DEVELOPMENT
 304-457-1800
 ARCHITECT
 CHRIS OPHEER WOLF, N.A.
 804-521-7022

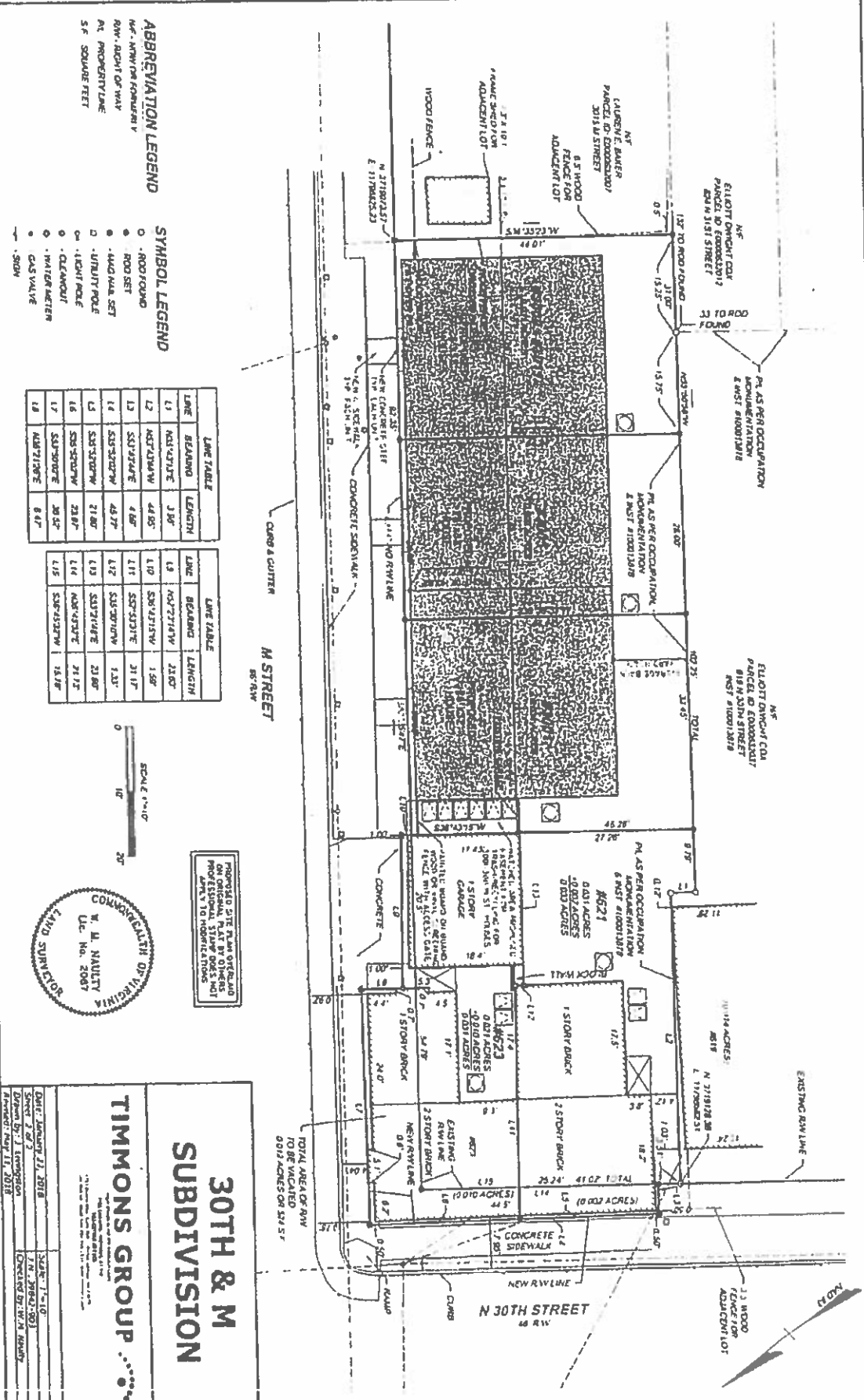
DRAWINGS ACCOMPANYING APPLICATION FOR
 SPECIAL USE PERMIT FOR
30TH & M STREET SUP
 621-623 N 30TH ST. & 3001-3009 M ST
 RICHMOND VIRGINIA 23223

NOT FOR CONSTRUCTION

SEALING ROOM
 NEW INDOOR RASHERD BACK
 DATE: 04/04/2008
 BY: J. ZIM

EAST & WEST (16TH ST.)
 ELEVATIONS

A2.2



ABBREVIATION LEGEND

- ◉ - NEW OCCUPATION
- ◌ - ROOF FOUND
- ◊ - ROOF SET
- ◐ - MUD NAIL SET
- ◑ - UTILITY POLE
- ◒ - LIGHT POLE
- ◓ - CLEANOUT
- ◔ - WATER METER
- ◕ - GAS VALVE
- ◖ - SIGN

SYMBOL LEGEND

- (with dot) - WALL
- (with vertical lines) - FENCE FOR ADJACENT LOT
- (with horizontal lines) - FENCE FOR ADJACENT LOT
- (with diagonal lines) - FENCE FOR ADJACENT LOT

LIME	BEARING	LENGTH
L1	N 1° 2' 3" E	3.97'
L2	N 61° 32' 3" W	48.05'
L3	S 83° 39' 2" W	48.77'
L4	S 23° 52' 0" W	48.77'
L5	S 83° 39' 2" W	21.80'
L6	S 23° 52' 0" W	28.81'
L7	S 83° 39' 2" W	28.52'
L8	N 88° 21' 0" E	8.41'

LIME	BEARING	LENGTH
L9	N 61° 32' 3" W	32.00'
L10	S 83° 39' 2" W	1.98'
L11	S 23° 52' 0" W	31.17'
L12	S 83° 39' 2" W	1.37'
L13	S 23° 52' 0" W	23.80'
L14	N 88° 21' 0" E	21.73'
L15	S 83° 39' 2" W	15.78'



PROPOSED SITE PLAN OBTAINED FROM ORIGINAL PLAN BY ENGINEER'S PROFESSIONAL SEAL DOES NOT APPLY TO THIS DIVISION



30TH & M SUBDIVISION

Timmons Group

DATE: January 27, 2018
 SCALE: 1" = 10'
 DRAWN BY: J. LANGRISH
 CHECKED BY: W. H. NAULTY
 APPROVED: May 11, 2018

Deed-making
conveyance

This Document Prepared By:
 Richmond City Attorney's Office
 900 East Broad Street, Room 400
 Richmond, Virginia 23219
 623 North 30th Street
 TaxMap/GPIN# E000-0632/001

19- 10218

QUITCLAIM DEED

THIS DEED (the "Deed") is made this 12th day of April 2019, by and between CITY OF RICHMOND, a municipal corporation of the Commonwealth of Virginia, herein referred to as "Grantor", and RVA SUGAR, LLC, A Virginia limited liability corporation as "Grantee";

EXEMPTION FROM TAXES

This conveyance is exempt from Virginia Grantor's Tax pursuant to Section 58.1-811(C)(4) of the Code of Virginia (1950) as amended.

WITNESSETH:

WHEREAS, on January 14, 2019, the City Council of the City of Richmond ("City Council") adopted Ordinance No. 2018-300 (the "Ordinance") authorizing to close to public use and travel a portion of the east side of North 30th Street and a portion of the south side of M Street abutting the property known as 623 North 30th Street, consisting of 535± square feet, upon certain terms and conditions (the "Property"), as shown on Drawing No. N-28843 prepared by the Department of Public Works, dated August 27, 2018, and attached hereto as Exhibit A, upon satisfaction of all terms and conditions of such Ordinance; and

WHEREAS, the terms of Ordinance No. 2018-300, adopted January 14, 2019, attached hereto as Exhibit B, having been fully satisfied, the Grantor desires and intends to quitclaim its rights in the Property to Grantee;

NOW, THEREFORE, in consideration of the sum of **TEN DOLLARS (\$10.00)** **DOLLARS** and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby remises, releases and forever quitclaims to Grantee all right, title and interest in the Property, more particularly described as follows:

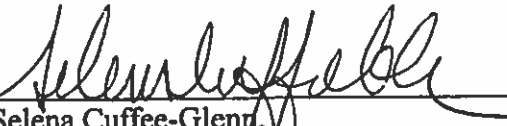
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

This conveyance is made subject to easements, conditions and restrictions of record, as the same may lawfully apply to the Property. This conveyance is further made subject to section 2(e) of the Ordinance.



WITNESS the following signatures and seal.

CITY OF RICHMOND
a municipal corporation

By: 
Selena Cuffee-Glenn,
Chief Administrative Officer
Pursuant to Ordinance No. 2018-300


Prepared and approved as to form:


Andrew Gore
Assistant City Attorney

STATE OF VIRGINIA
CITY OF RICHMOND, to-wit:

The foregoing instrument was acknowledged before me this 12th day of April, 2019, by Selena Cuffee-Glenn, in her capacity as Chief Administrative Officer of the City of Richmond, Virginia, on behalf of the City of Richmond, Virginia.

My commission expires July 31, 2019.


Rena Diebel, Notary Public
Notary Registration No.: 7512785

GRANTEE ADDRESS:

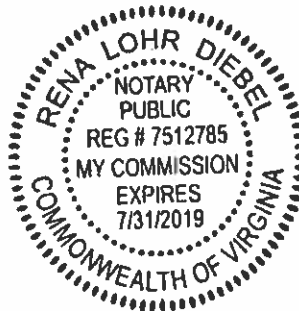
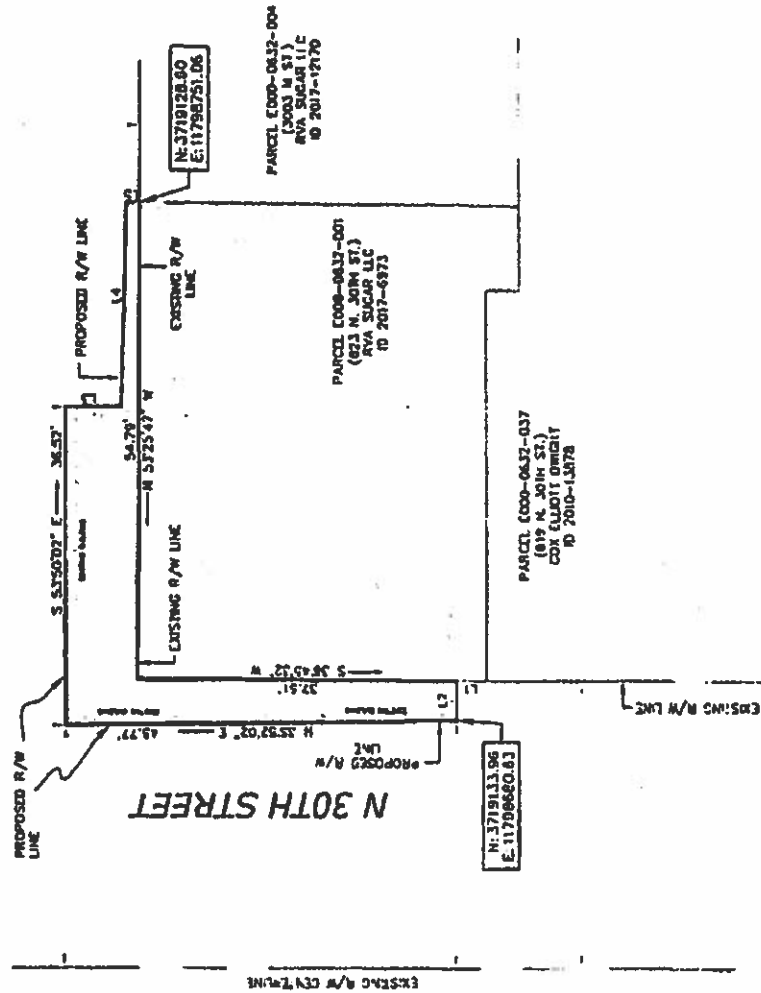
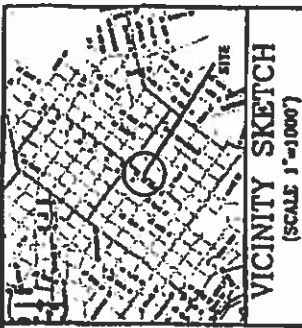


EXHIBIT A

LINE	BEARING	DISTANCE
L1	S 36°45'32" W	3.51'
L2	N 53°43'44" W	4.69'
L3	S 36°21'26" W	6.47'
L4	S 52°23'14" E	23.63'
L5	S 36°45'15" W	1.59'



NOTE:

1. THE PORTION OF PUBLIC RECORDS OF WAY FOR N 30TH STREET AND M STREET THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL IS SHOWN IN BOLD LINES AND BOLDLINE FEET.
2. THIS DRAWING IS BASED ON A COMPARISON OF DATA FROM RECORD SOURCES AND A PROPOSED SURVEYOR PLAN BY JAMES W. ST. JOHN, REGISTERED PROFESSIONAL SURVEYOR, LICENSE NO. 11796751.06. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPOSED CLOSING AND HAS DETERMINED THAT THE PROPOSED CLOSING IS LOCATED WITHIN THE RIGHT OF WAY BOUNDARIES THAT ARE LOCATED WITHIN THE RIGHT OF WAY RECORDS. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PORTION OF THE BUILDING LOCATED WITHIN THE PROPOSED CLOSING AREA AND HAS DETERMINED THAT THE PROPOSED CLOSING AREA IS WITHIN THE BOUNDARIES OF THE VACATED RIGHT OF WAY AND THAT THE PROPOSED CLOSING MUST BE WITHIN THE LIMITS OF THE ORIGINAL BOUNDARIES.
3. THIS DRAWING IS BASED ON A COMPARISON OF DATA FROM RECORD SOURCES AND A PROPOSED SURVEYOR PLAN BY JAMES W. ST. JOHN, REGISTERED PROFESSIONAL SURVEYOR, LICENSE NO. 11796751.06. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPOSED CLOSING AND HAS DETERMINED THAT THE PROPOSED CLOSING IS LOCATED WITHIN THE RIGHT OF WAY BOUNDARIES THAT ARE LOCATED WITHIN THE RIGHT OF WAY RECORDS. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PORTION OF THE BUILDING LOCATED WITHIN THE PROPOSED CLOSING AREA AND HAS DETERMINED THAT THE PROPOSED CLOSING AREA IS WITHIN THE BOUNDARIES OF THE VACATED RIGHT OF WAY AND THAT THE PROPOSED CLOSING MUST BE WITHIN THE LIMITS OF THE ORIGINAL BOUNDARIES.

PG 0634 MAY 28 19

Block No. E-652

Council District 7



PROPOSED CLOSING TO PUBLIC USE AND TRAVEL A PORTION OF PUBLIC RIGHT OF WAY FOR N 30TH STREET AND M STREET LOCATED ADJACENT TO #623 N 30TH STREET (PARCEL E000-0632-001)

APPROVED BY: JAMES W. ST. JOHN, REGISTERED PROFESSIONAL SURVEYOR, LICENSE NO. 11796751.06
 DATE: 8/27/2018
 SCALE: 1"=10'
 FIELD NOTE: E-632-SC
 PROJECT: N-28843
 DRAWING NO.: N-28843

Surveys Division, Room 500 City Hall
 900 E. Broad Street, Richmond, Va. 23219
DEPARTMENT OF PUBLIC WORKS
 RICHMOND, VIRGINIA

Drinking Water
 Survey Superintendent: *[Signature]*
 Right of Way Manager: *[Signature]*
 EXHIBITS

NOTES

1. Property owners correct as of AUG 29, 2018.
2. Ordinance:
3. Adopted:
4. Accepted:

REFERENCES: BL 24 SW, 9 SE