INTRODUCED: December 13, 2021

AN ORDINANCE No. 2021-362

To authorize the special use of the property known as 4508 Grove Avenue for the purpose of up to seven single-family attached dwellings with off-street parking and one common area, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JAN 10 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 4508 Grove Avenue, which is situated in a R-53 Multifamily Residential District, desires to use such property for the purpose of up to seven single-family attached dwellings with off-street parking and one common area, which use, among other things, is not currently allowed by sections 30-418.4(a), concerning lot area and width, 30-418.5, concerning yards, 30-418.6:1, concerning lot coverage, and 30-418.8(3), concerning building height, 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

AYES:	9	NOES:	0	ABSTAIN:
ADOPTED:	FEB 14 2022	REJECTED:		STRICKEN:

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 (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 4508 Grove Avenue and identified as Tax Parcel No. W019-0278/017 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Survey of 4508 Grove Avenue, City of Richmond, Virginia," prepared by Long Surveying, LLC, and dated March 12, 2021, 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 seven single-family attached dwellings with off-street parking and one common area, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "4508 Grove Avenue - Special Use Permit Plan, Site Exhibit Drawing 1 of 1," prepared by Sekiv Solutions, and dated October 27, 2021, and entitled "4508 Grove Avenue | New Construction," prepared by 510 Architects LLC, and dated August 3, 2021, 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 seven single-family attached dwellings with off-street parking and one common area, substantially as shown on the Plans.

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

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

(d) The height of the Special Use shall not exceed three stories, 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 up to seven residential lots and one common area, substantially as shown on the Plans, shall be accomplished by obtaining subdivision approvals from the City and recording the appropriate plats and deeds 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 (2020), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including repairs to sidewalk along Grove Avenue, substantially as shown on the Plans, 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 the 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, 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 (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.

Implementation. The Commissioner of Buildings is authorized to issue a building § 6. 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: Janelin D. Ril City Clerk

City of Richmond

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

RECEIVED

Item Request File Number: PRE.2021.911

O & R Request

DATE:	November 15, 2021	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	JELS		
THROUGH:	Sharon L. Ebert, Deputy Chief Administrative Officer Development and Planning	for Economic Stan Set		
FROM:	Kevin J. Vonck, Director, Department of Planning and Development Review	Kun J. Vonck		
RE:	To authorize the special use of the property known as up to seven (7) single-family attached dwelling unit area, upon certain terms and conditions.			

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 4508 Grove Avenue for the purpose of up to seven (7) single-family attached dwelling units with off-street parking and common area, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for seven (7) single-family attached dwelling units with off-street parking and common area within an R-53 Multifamily Residential District. The proposed does not meet certain feature requirements within the R-53, including lot area and width, yard widths, lot coverage, height, and frontage for attached dwellings. 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 January 3, 2022, meeting.

By CAO Office at 10:11 am, Nov 17, 2021 2021-492

RECEIVED

BACKGROUND: The property is located in the Colonial Place neighborhood on Grove Avenue, between Westmoreland Street and Commonwealth Avenue. The property is currently an improved 9,750 sq. ft. (.22 acre) parcel of land. The application is for seven (7) single-family attached dwelling units with off-street parking and common area.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential. This designation is defined as a "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature."

Primary Uses: Single-family houses, accessory dwelling units, and open space. Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets. (p. 54)

The current zoning for this property is R-53 (Multifamily Residential). While some adjacent properties are also zoned R-53, the primary zoning for this part of the City is R-5 Single-family residential.

The surrounding land uses include primarily residential with a small amount of commercial and institutional uses nearby. Mary Mumford Elementary School is directly across from the property to the South.

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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: December 13, 2021

CITY COUNCIL PUBLIC HEARING DATE: January 10, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

January 3, 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 RICHMON 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: 4508 Grove Avenue Date: 6/4/2021 Tax Map #: W0190278017 Fee: Total area of affected site in acres: 0.224 Acres (See page 6 for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning: R-53 - Residential (Multi-Family) Existing Use: Single Family Residence Proposed Use (Please include a detailed description of the proposed use in the required applicant's report) Multifamily Townhouse Development/Subdivision Existing Use: Single Family Residence Is this property subject to any previous land use cases? Yes If Yes, please list the Ordinance Number: Applicant/Contact Person: Keith Stanley (Sekiv Solutions) and Will Payne (510 Architects) Company: Sekiv Solutions and 510 Architects Mailing Address: 4006 Knighton Circle City: Midlothian State: VA Zip Code: 23112)804.363.0394 (Keith) 804.353.1576 (Will) Telephone: (Fax: (Email: kstanley@sekivsolutions.com (Keith) wpayne@510architects.com Property Owner: Taylor and Hancock Properties LLC If Business Entity, name and title of authorized signee: littova DUDKINS Mesider (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: 3212 E Broad Street City: Richmond State: VA Zip Code: 23223 Telephone: _(804) 833-0114 Fax: (Email: (his tomokins 90 gmail. 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. 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)

SUP Application | Last Revised September 7, 2018 | CITY OF RICHMOND

4508 Grove Avenue – Special Use Permit - Applicant Report Revision 1 - August 3, 2021

Revision 1 – See amendments to the original applicant report below in **Bold**

General Project Description

The subject property for the requested Special Use Permit is at 4508 Grove Avenue with a City Parcel Number W0190278017 containing 0.224 acres of land in the R-53 Multifamily Residential Zoning District. There is a small single-family residential home on the existing lot built in 1951. The development project proposes to demolish the single-family home, subdivide the property into seven single family attached residential units (townhouses) and a residual parcel owned by an association. The development project proposes four units facing Grove Avenue and three units facing the alley between Grove Avenue and Hanover Avenue. Parking for the units will be provided in garages accessed from a common entrance off the alley.

The proposed development fits with the character of the 4500 Block of Grove Avenue as the parcel to the East and Several Parcels to the West are also Multi-Unit Residential Developments.

The minimum lot size required in the R-53 Zoning District for Single Family Attached Residential Units is 2,200 Square Feet with a minimum lot width of 18 Feet. The SUP proposes a reduction of the minimum lot size to 800 Square Feet and a reduction of the minimum lot width to 17 Feet.

The maximum building height in the R-53 Zoning District is 35 Feet. The SUP proposes to increase the maximum building height to **38** Feet.

The townhouse units are intended to be a for sale, fee simple product. The townhouses are intended to be high quality architectural units as shown in the architectural plans provided with the Application.

Community Engagement

On April 2, 2021, the Development Team began communications with the Westhampton Civil Association (WCA). There have been several correspondences with WCA since that time, the latest being on June 2, 2021. The conversations thus far have been preliminary and will be ongoing throughout the SUP process. At this time, we do not have any correspondence supporting or opposing the project, however, we are committed to continuing conversations with area Civic Associations. <u>As</u> of July 19th, after conversations with the WCA, we have reduced the maximum building height request from 40' to 38'. There are continued questions about the appearance of the buildings and what we can do with natural vegetation to maintain the character of the neighborhood that we are committed to engaging as we proceed with this project.

Safety, Health, Morals and General Welfare of the Community

The proposed development will be high quality residential units consistent with the residential units along Grove Avenue and the neighboring subdivisions. The development should not pose any detrimental safety, health, or moral conditions upon the community and will be consistent with the general welfare of the neighboring community.

Congestion in Streets, Roads, Alleys and other Public Ways

The seven units proposed will not be a significant generator of traffic on the area roads, alleys, or public ways. The seven units is below the allowable 10-Units within a single Multifamily Building allowable by right within the R-53 Multifamily Residential Zoning District.

Hazards from Fire, Panic or Other Dangers

The proposed development will be required to meet current Building Code requirements including Fire and Life Safety requirements. Many of these requirements were not in place when the original structure on the property was built in 1951. As such, we believe the hazard from a Fire, Panic, or Other Dangers standpoint will be mitigated naturally by the Code required design.



Interference with Public or Private Schools, Parks, Playgrounds, Water Supplies, Sewage Disposal, Transportation or other Public Requirements, Conveniences, and Improvements

The proposed development will take place entirely on private property with the following exceptions:

- 1. Modifying the existing connection to the public alley
- 2. Water service connection(s) in Grove Avenue
- 3. Sanitary sewer service connection in the alley

With the limited number of residential units proposed we do not anticipate any negative impacts to public or private schools, parks, or playgrounds. Per preliminary discussions with the Department of Public Utilities, it appears there is adequate water and sewage disposal capacity within the existing lines to service the development.

Interference with Adequate Light and Air

Since the property is already developed and will be replaced with single family residential units; the light pollution created by the development will be limited.

Conclusion

The Special Use Application request at 4508 Grove Avenue requests relief from the minimum lot sizes and minimum lot widths required within the R-53 Zoning District. It also requests a slight increase in building height from 35 Feet to <u>38</u> Feet. The proposed development will be a high-quality single family attached development with seven units. The development is consistent with other multi-Unit developments within the 4500 Block of Grove Avenue and developments along the Grove Avenue Corridor.

We believe the redevelopment of this property to a higher and better use will contribute an enduring quality and character to the neighborhood and we look forward to working with the City of Richmond to bring this project to fruition.

<u>08.03.2021</u> <u>Comment Letter #1 – Applicant Response summary</u>

Land Use Administration – See attached revised drawings

PW – Transportation

- 1. Vehicular access must be shown to be adequate for vehicles to get in and out AND get in and out of garages. Dimensions and turning movement depictions are needed. *(Response – see attached drawings)*
- 2. No physical improvements are to be constructed within the alley the drawing shows a yellow line going out into the actual alley. It is not clear what this is representing. <u>(Response The alley gravel and the gravel of the parking lot of the existing home with office use blend as one surface. With the project we won't be physically constructing in the alley, but the alley will become just an alley not a continuous alley parking area as it is now and thus the reason for the yellow line. See attached drawings)</u>
- 3. What is the intended final product for units adjacent to the alley? What will the space between the buildings and the alley look like. (Response See renderings and aerial image for alley design intent depicting the proposed relationship to the neighborhood)
- 4. Sidewalk must be repaired or replaced along the site frontage. <u>(Response the sidewalk will be repaired and/or</u> <u>replaced as noted on the drawings)</u>

PW – *ROW Management* – *See PW*-*Transportation response*

Urban Forestry – Approved

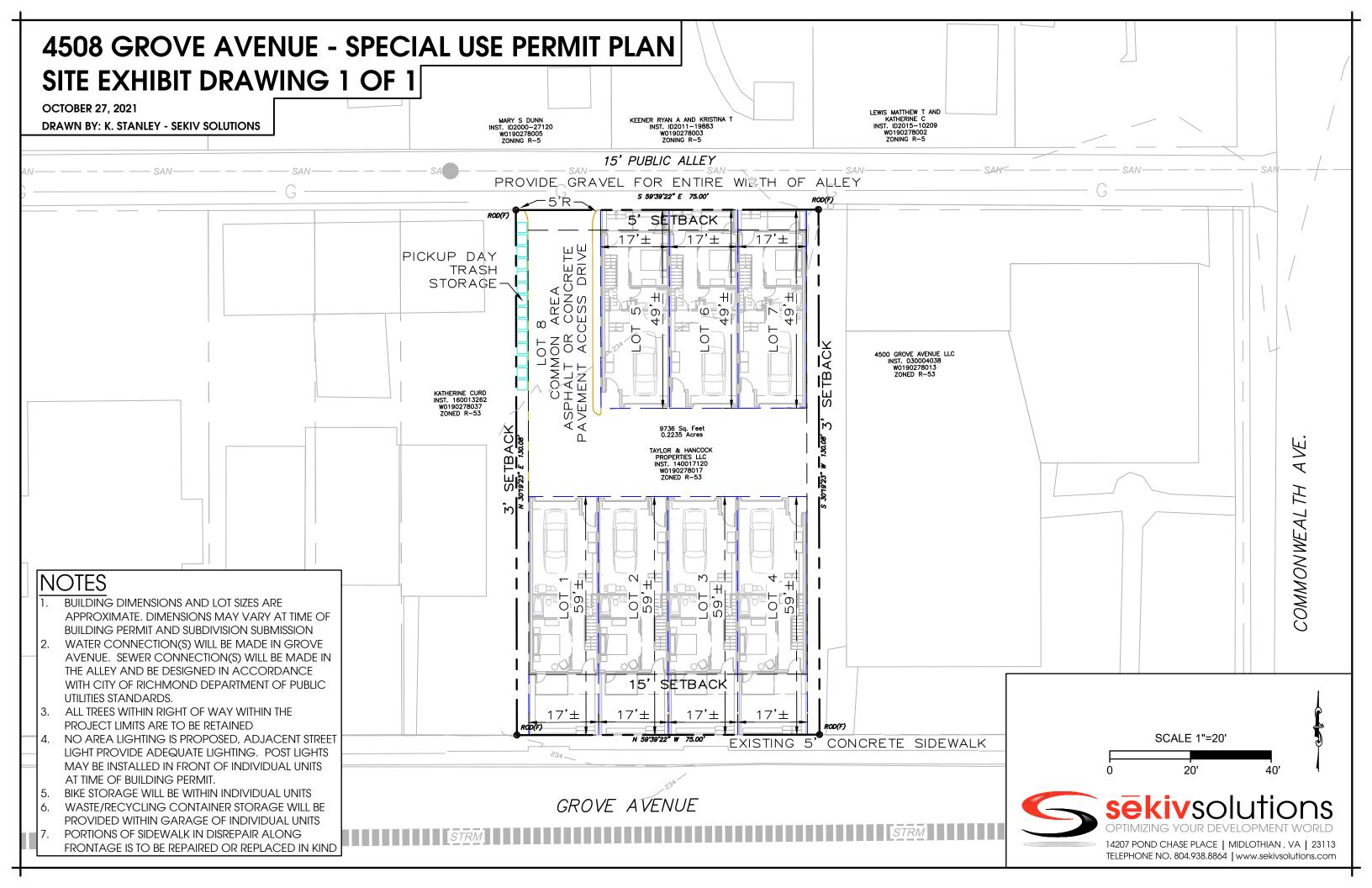
DPU Utility Review – Approved

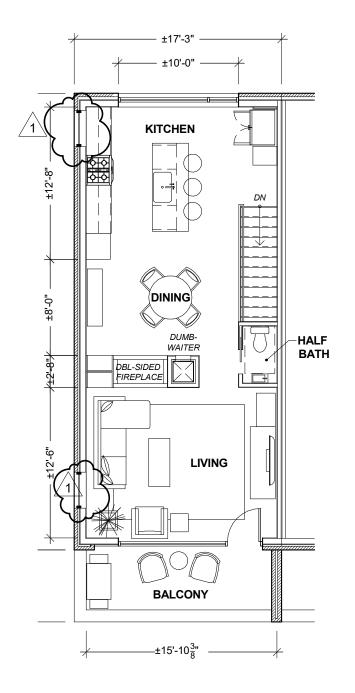
Fire Department – Checklist will be completed as required for building permit application and review

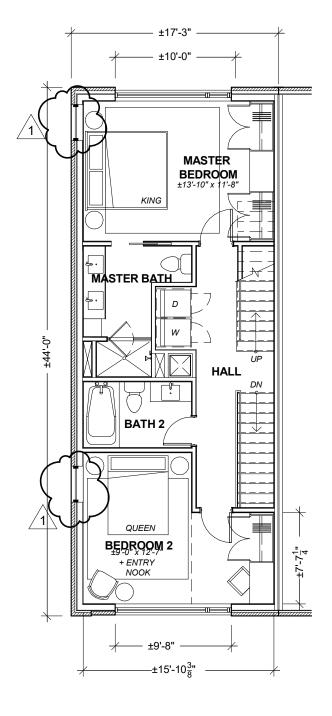
Water Resources – Approved

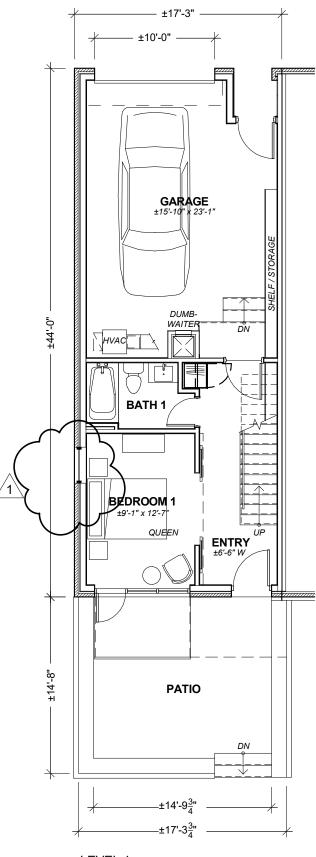
Building Plan Review – Approved











LEVEL 1



₹

2



CONSTRUCTION NEW AVENUE GROVE 4508

1/8" = 1'-0"

eds LLC c

This document is for use by 510_Archii Copyright 2021 510 architects LLC

08/03/2021

TYPICAL FLOOR PLANS - DESIGN INTENT





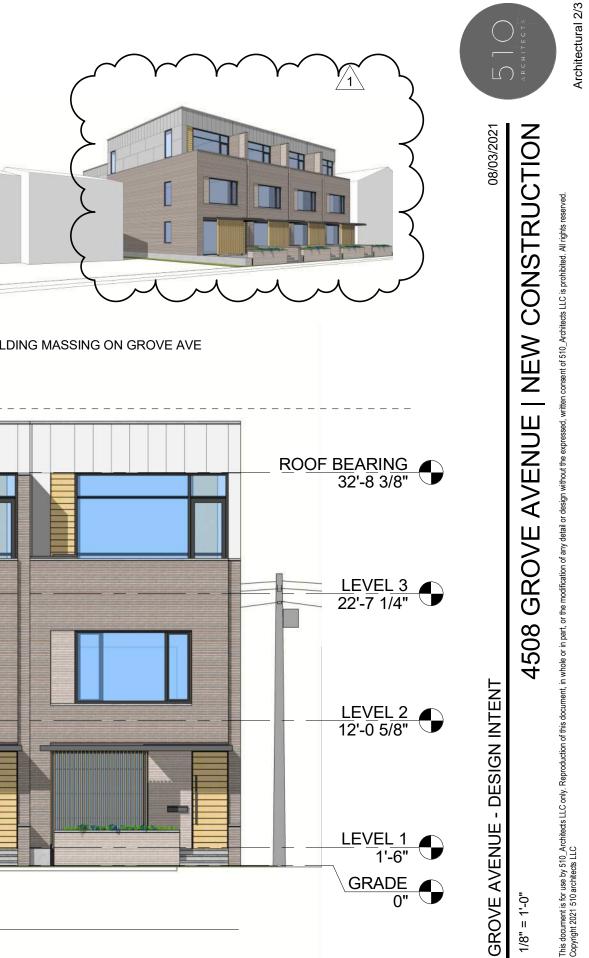
BUILDING MASSING ON GROVE AVE

TYPICAL RESIDENCE ENTRY ON GROVE AVE

BUILDING MASSING ON GROVE AVE









EXTERIOR FINISHES				
MARK	DESCRIPTION			
FB-1	FACE BRICK			
FB-2	FACE BRICK			
MT-1	METAL PANEL			
SD-1	FIBER CEMENT			
SD-2	FIBER CEMENT			



