

INTRODUCED: December 13, 2021

AN ORDINANCE No. 2021-365

To authorize the special use of the property known as 8 Rear South Plum Street for the purpose of a multifamily building containing up to four dwelling units, 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 8 Rear South Plum Street, which is situated in a UB Urban Business District and the Main Street/Uptown Parking Overlay District PO-3, desires to use such property for the purpose of a multifamily building containing up to four dwelling units, which use, among other things, is not currently allowed by section 30-610.1, concerning public street frontage and access easements, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 14 2022 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 (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 8 Rear South Plum Street and identified as Tax Parcel No. W000-0604/055 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing 2 Parcels of Land West of South Plum Street, Richmond, Virginia, Surveyed for Chris Farag,” prepared by Baseline Land Surveying, dated May 4, 2021, and last revised August 30, 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 a multifamily dwelling containing up to four dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Farag Apartment Conversion, 8 South Plum Street, Richmond, VA 23220,” prepared by GDS Glasgow Design Services LLC, and dated October 18, 2021, and 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 a multifamily dwelling containing up to four dwelling units, substantially as shown on the Plans.

(b) No fewer than four off-street parking spaces shall be provided for the Special Use.

(c) No fewer than four bicycle parking spaces shall be provided for the Special Use.

(d) All elevations shall be substantially as shown on the Plans. Building siding materials shall consist of masonry.

(e) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.

(f) The Property shall not be eligible for any permit implementing the Special Use until the Owner has submitted written evidence to the Zoning Administrator that the Director of Public Works, the Chief of Police, and the Chief of Fire and Emergency Services have confirmed that there is alley access to the Property for all-weather travel by public and emergency vehicles in accordance with applicable laws and regulations

(g) Prior to the issuance of a certificate of occupancy for the Special Use, the Owner shall submit a request to name the primary alley access to the Property in accordance with sections 8-7 through 8-10 of the Code of the City of Richmond (2020), as amended, and such alley shall be named in accordance with sections 8-7 through 8-10 of the Code of the City of Richmond (2020), as amended.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final,

non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

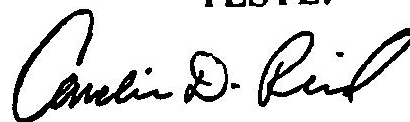
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Camille D. Rife", written in a cursive style.

City Clerk

City of Richmond

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

Item Request File Number: PRE.2021.884

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



THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning



FROM: Kevin J. Vonck, Director, Department of Planning and Development Review



RE: To authorize the special use of the property known as 8 Rear South Plum Street for the purpose of a multi-family building, containing up to four dwelling units, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 8 Rear South Plum Street for the purpose of a multi-family building, containing up to four dwelling units, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for a multi-family within an Urban Business District. The proposed use does not satisfy the improved public street frontage requirements of Section 30-610.1 of the City's Zoning Ordinance. 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.

BACKGROUND: The property is located in the Fan neighborhood on 8 Rear South Plum Street, between

South Plum and South Lombardy Streets. The property is currently a 3,300 sq. ft. (.076 acre) parcel of land. The application is for a 4 unit, multi-family building without off street parking.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed Use. This designation is defined as a "Cluster of medium density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions."

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.
Secondary Uses: Single family houses, institutional, and government. (p. 58)

The current zoning for this property is UB-PO3 (Urban Business Parking Overlay). Adjacent properties are generally the same UB-PO3 Zone. Properties to the north along Floyd Avenue are zoned R-6 Single-Family Attached Residential with R-7 Single- and Two-family Urban Residential District to the South. The density of the proposed development is approximately 52 units per acre. The surrounding land uses include primarily residential with some commercial and institutional uses 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 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



May 25, 2021

Kevin Vonck, Acting Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
kevin.vonck@richmondgov.com

Re: 8 Rear S Plum Street Special Use Permit

Dear Mr. Vonck,

Please accept this letter as the Applicant's Report along with the Special Use Permit application for the property located at 8 Rear South Plum Street. With this application the property owner, S&C Associates LLC, is petitioning City Council for a SUP to authorize the conversion of the existing building for multifamily residential use.

Currently, the building is being used as a video studio, hair salon, and offices. Current zoning requirements require that all buildings and every use are located on lots having street frontages. The property only has frontage along a public alley. However, because the property and commercial uses were established prior to this requirement, it retains nonconforming rights. But since the nonconforming rights do not extend to the establishment of a dwelling use on the property, the property owner is requesting a Special Use Permit.

The property owner proposes to convert the commercial uses to four dwelling units. The units will range between approximately 775 SF to 925 SF in floor area. One unit will be a one-bedroom, and the remaining three will be two-bedroom apartments. Each of the units will also feature direct entrances from the exterior. The renovations planned are mostly interior and the overall exterior appearance of the building will remain largely unchanged. Parking for the dwelling units will be provided in an adjacent surface parking lot under common ownership.

Existing Site Conditions

The subject property is one parcel containing 3,300 SF of land area located in the middle of the block bounded by W Main and W Cary Streets to the north and south, and S Plum and S Lombardy Streets to the east and west. Access to the property is from the alley running mid-block from S Plum St to S Lombardy St. The property does not have frontage on the street.

This property is improved by a two-story, 4,273 SF building constructed in 1890. Over its history, the building has been continuously used for a variety of commercial purposes. Currently it is being used as a video studio, hair salon, and offices.

Current Zoning

The properties are currently zoned UB-PO3 Urban Business with Parking Overlay which allows for dwellings contained within the same building as other permitted principal uses, provided that the dwellings are above the ground floor or to the rear of other permitted uses. The property owner is proposing to convert the existing building into four dwelling units without any commercial uses on the property.

Current zoning requirements also require that all buildings and every use are located on lots having street frontages. The property only has frontage along a public alley.

City's Master Plan for Future Land Use

The Richmond 300 Master Plan recommends Community Mixed-Use development for the property. The building size, density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue or introduce a gridded street pattern to increase connectivity. The primary recommended uses are retail/office/ personal service, multifamily residential, cultural, and open space.

The Plan also designates the area where the property is located as a Micro Node. This is a notable place within a neighborhood that generally provides goods and services to the immediate residents but may attract visitors.

Neighborhood Outreach

We plan to meet with surrounding property owners, the Uptown Richmond Association and the Fan Area Business Alliance to discuss and receive feedback for the proposal prior to the public hearings for this request at the Planning Commission and City Council.

City Charter Conditions

We trust that you will agree with us that this proposed Special Use Permits meets the City Charter criteria for the granting of SUPs as the project 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 be 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.

Thank you for your consideration of this Special Use Permit. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Lory Markham', with a stylized, cursive script.

Lory Markham

Enc: Application form, fee payment, existing survey, conceptual plans

cc: Matthew Ebinger, Secretary to the City Planning Commission
The Honorable Stephanie A. Lynch, 5th Voter District



MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS	
Attics without storage	10
Attics with limited storage	20
Habitable attics and attics served with fixed stairs	30
Balconies (exterior) and decks	40
Fire Escapes	40
Guardrails and Handrails	200
Guardrail in-fill components	50
Passenger vehicle garages	50
Rooms other than sleeping room	40
Sleeping rooms	30
Stairs	40
Snow load	25

ALL LUMBER #2 YELLOW PINE EXCEPT AS NOTED

ALL WINDOW AND DOOR OPENINGS ARE READ AS FEET AND INCHES
EXAMPLE: 3068 = 3'0" X 6'8"

ALL WINDOWS, DOORS AND INSULATION TO MEET OR EXCEED MINIMUMS OF N1102.1 OF THE 2015 IRBC FOR ZONE 4A

WINDOW AND DOOR U-FACTOR .35, CEILING INSULATION R-38, WALL INSULATION R-15, FLOOR INSULATION R-19

MINIMUM HEAD ROOM ABOVE ALL STAIR SURFACES 6'8"

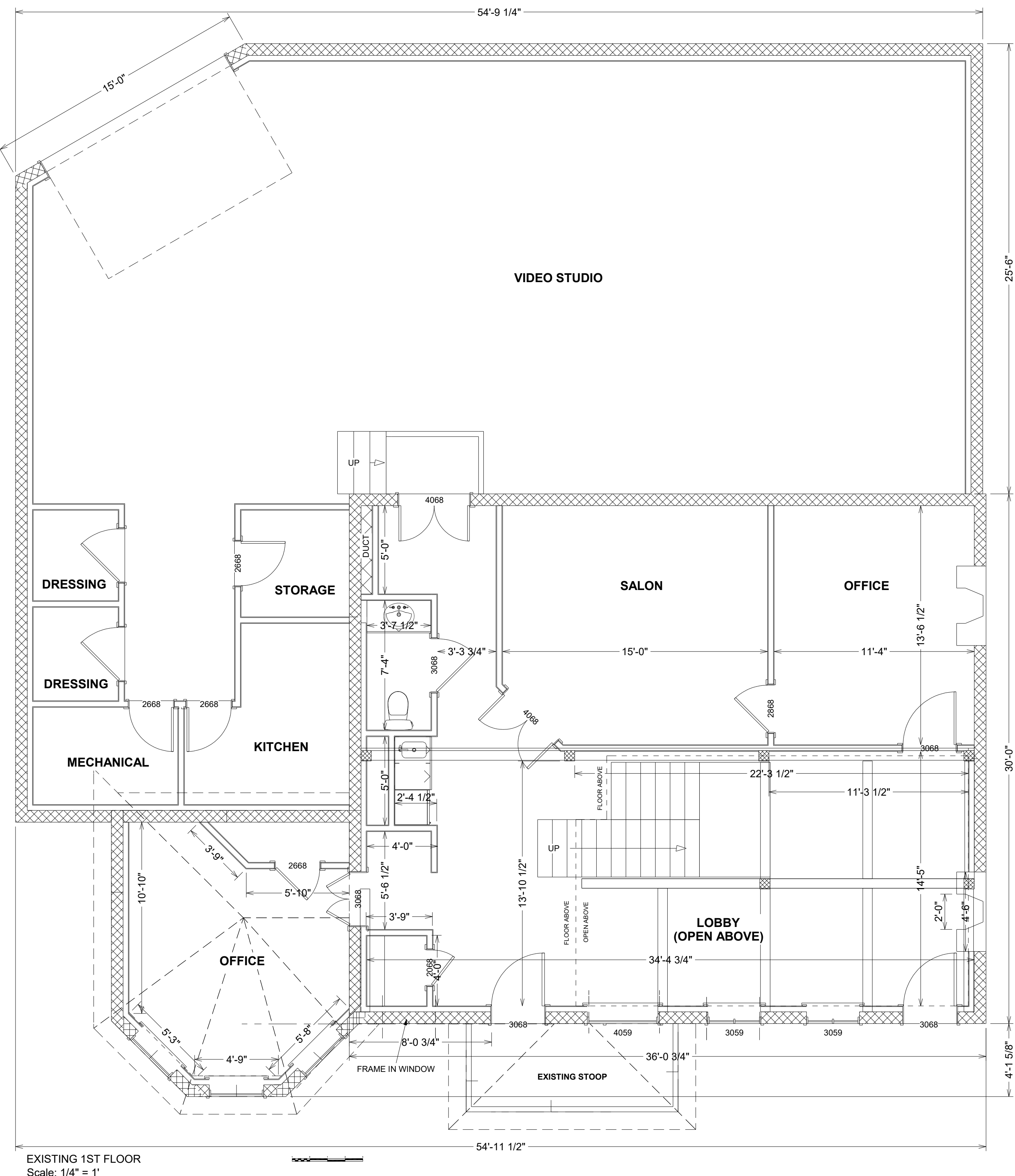
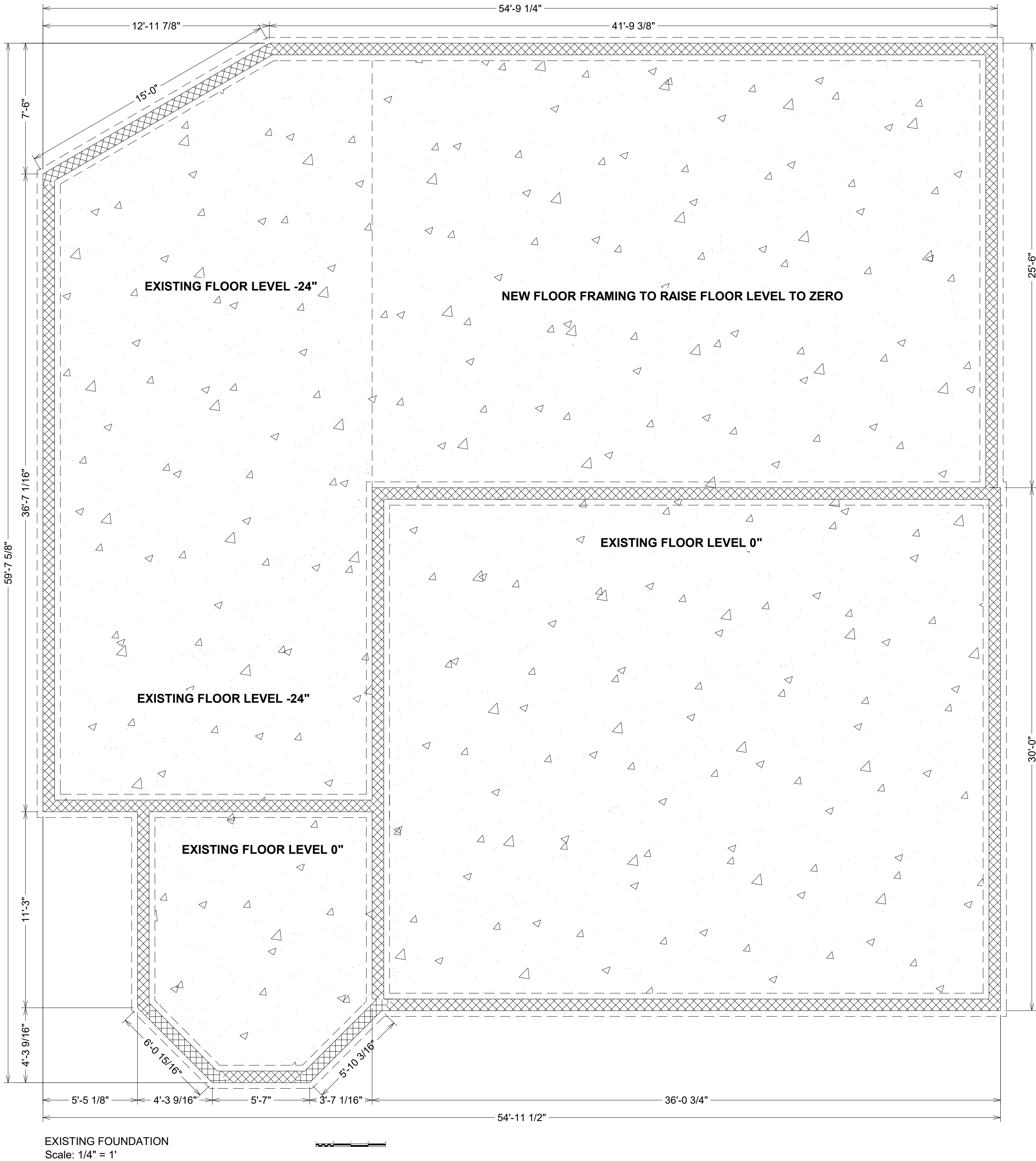
ALL HEADERS FOR NEW 36" OPENINGS ARE YORK 6" X 8" CONCRETE LINTELS OR AS SPECIFIED BY PROVIDER

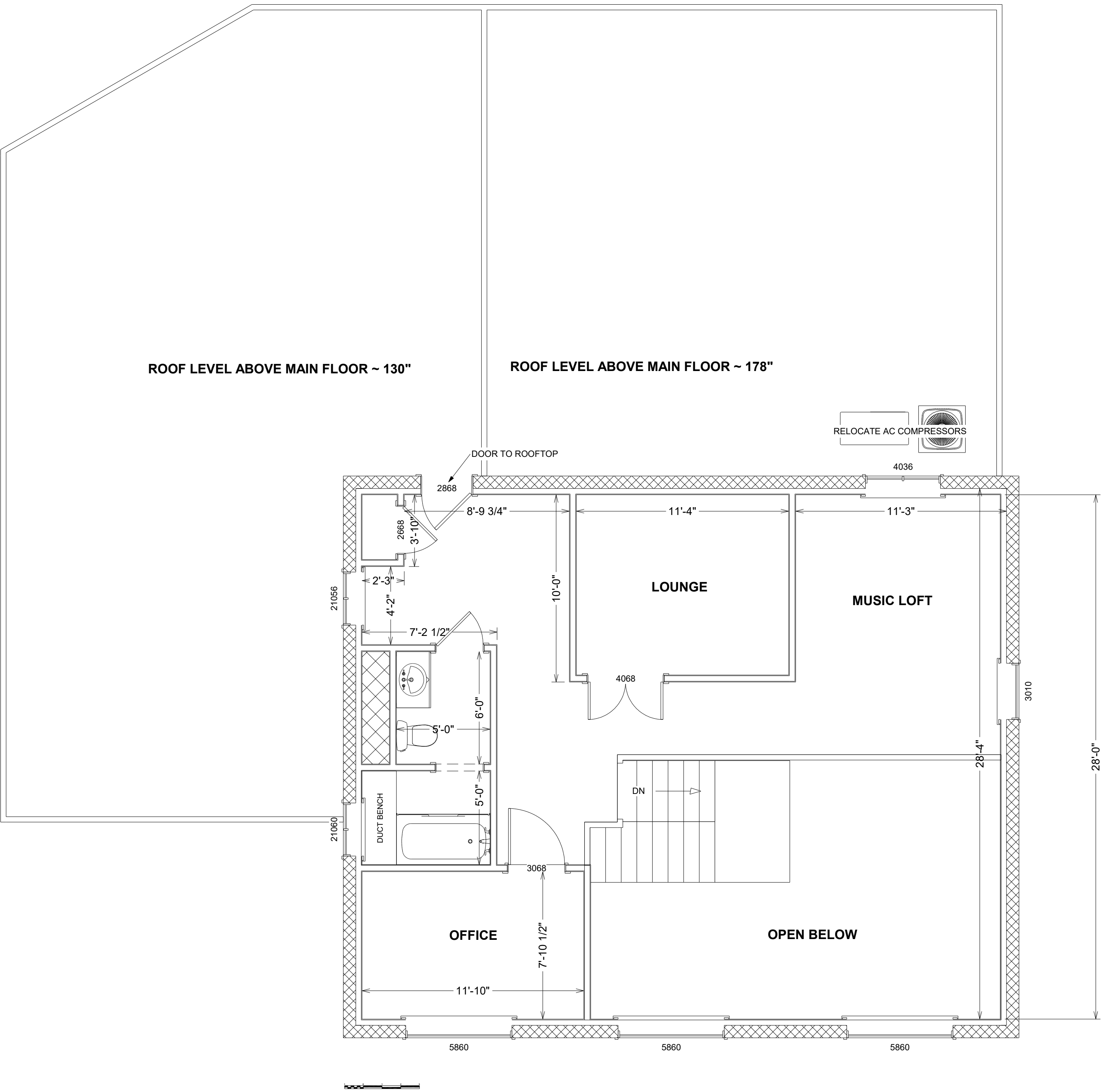
DESIGN LOAD CRITERIA IS BASED ON R301.5 "MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS." (SEE SIDE CHART) HEADER SPANS ARE PRESCRIBED BY TABLE R502.5 OF THE 2015 VUSBC OR THE APPROPRIATE ENGINEERED LUMBER SPECIFIER'S GUIDE. LOAD CALCULATIONS WILL BE PROVIDED FOR ANY HEADERS WHEN PRESCRIPTIVE DATA IS NOT AVAILABLE.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY MEASUREMENTS, SITE CONDITIONS AND CODE COMPLIANCE BEFORE PROCEEDING.

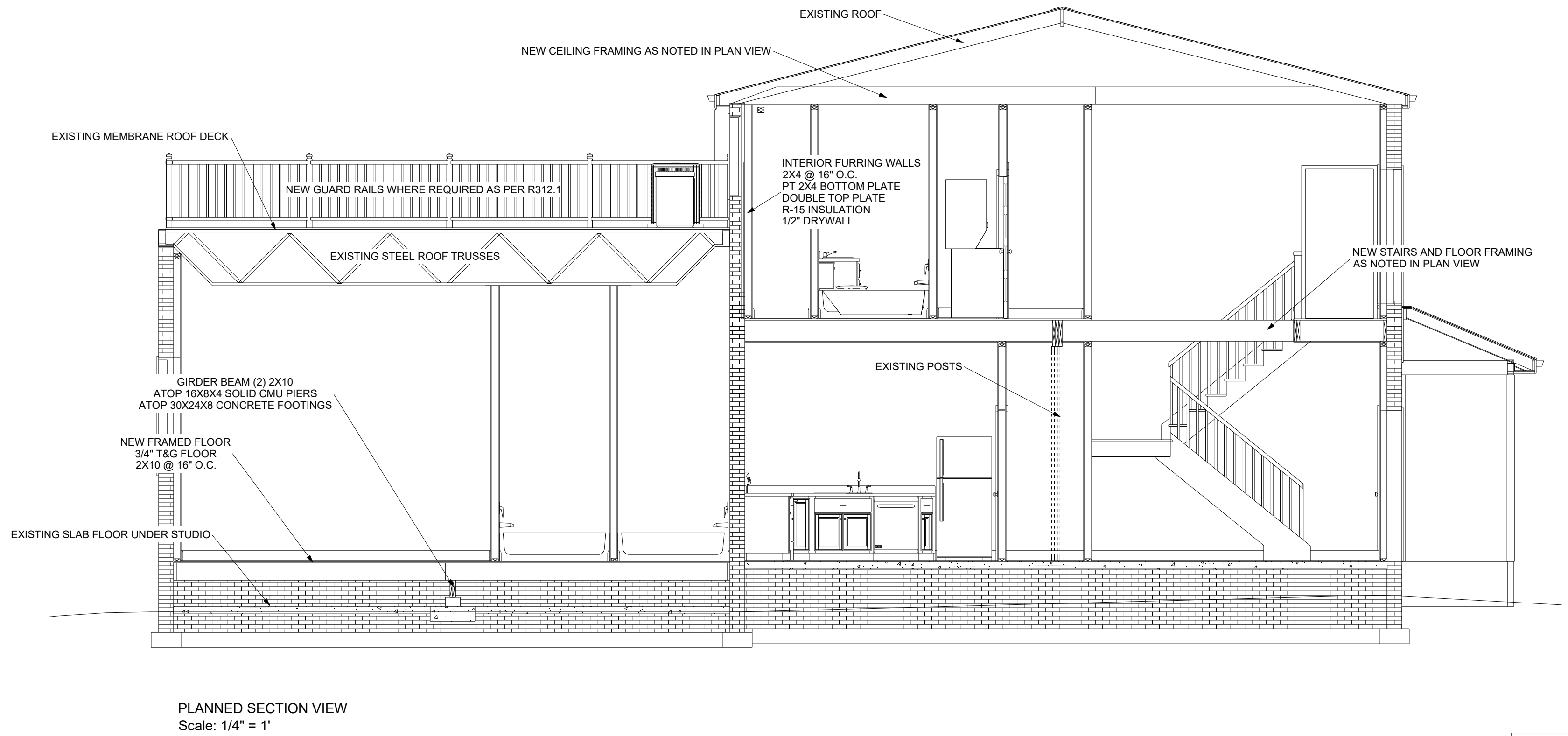
THESE PLANS ARE INTENDED TO ADHERE TO THE 2015 VUSBC.

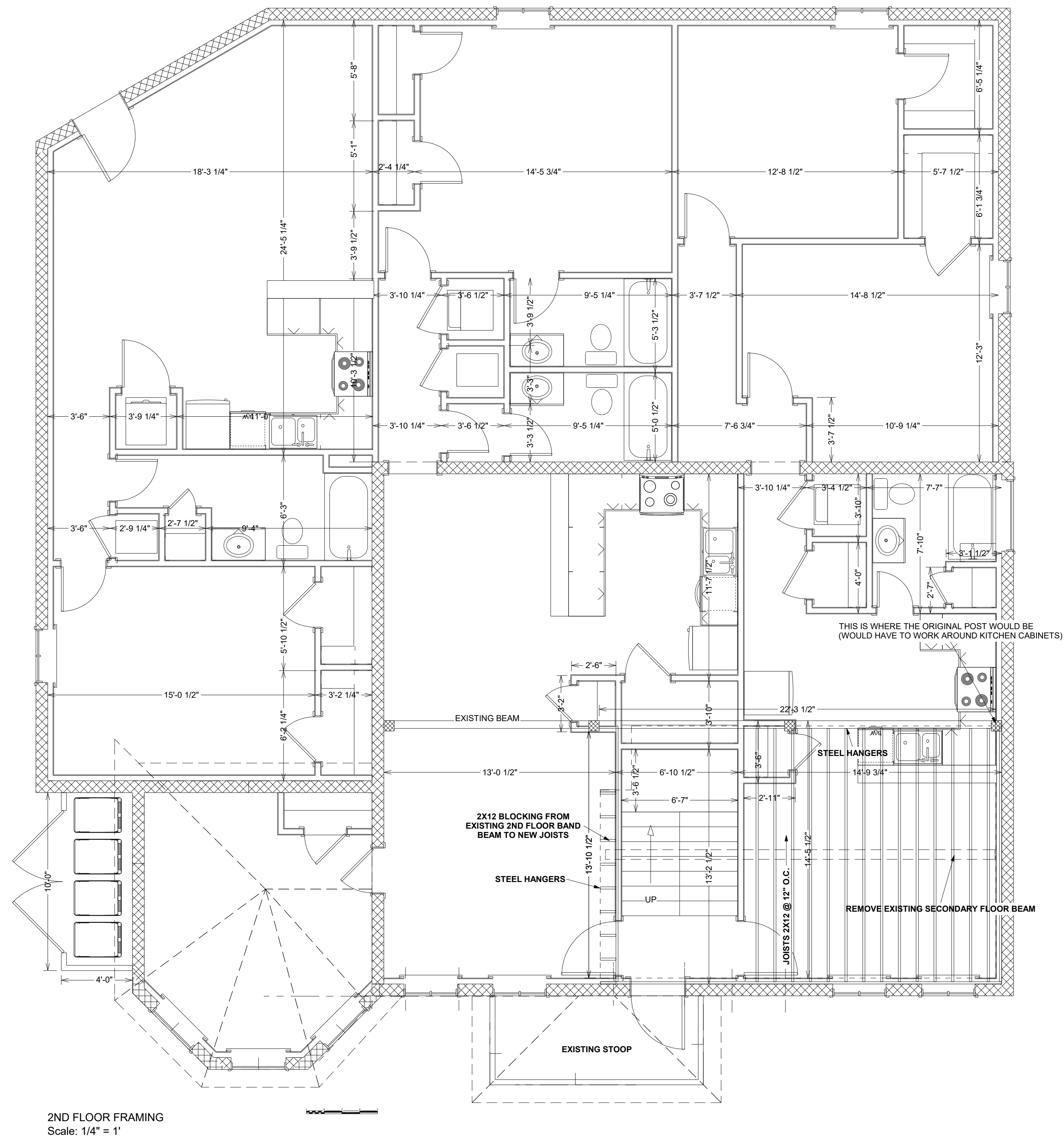
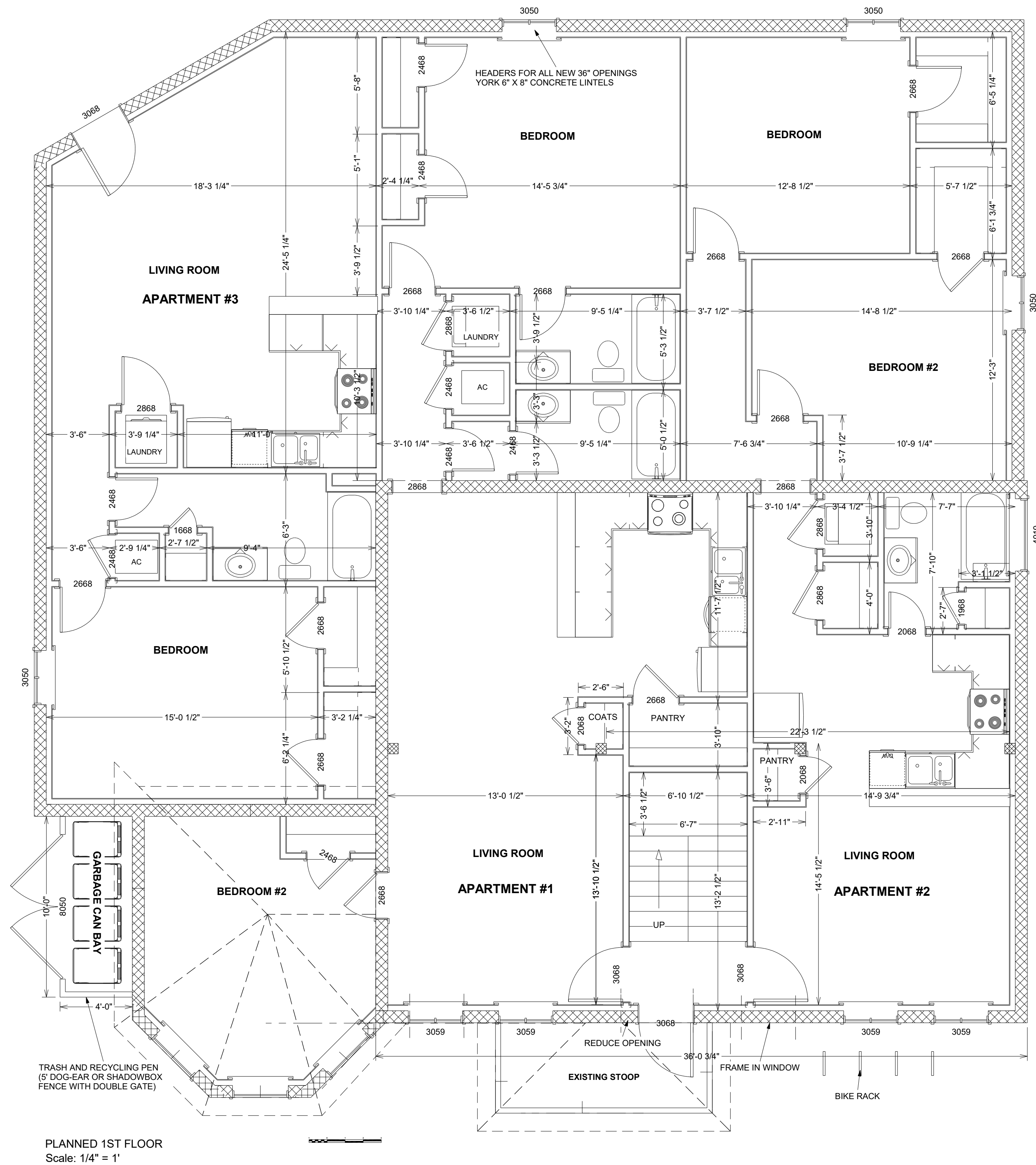
ASSUMED SOIL BEARING CAPACITY 1500 PSF UNLESS DEMONSTRATED TO BE GREATER

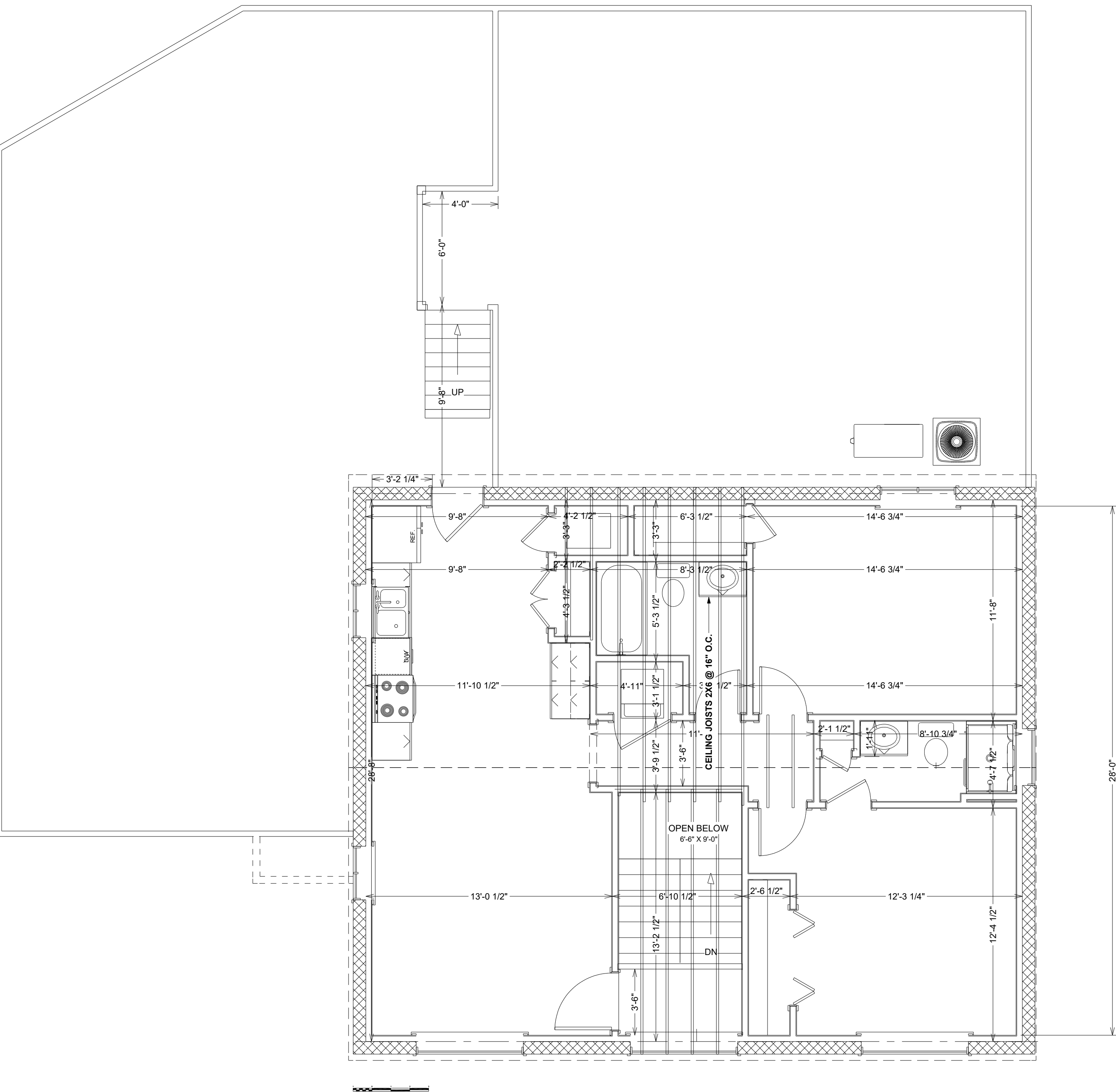
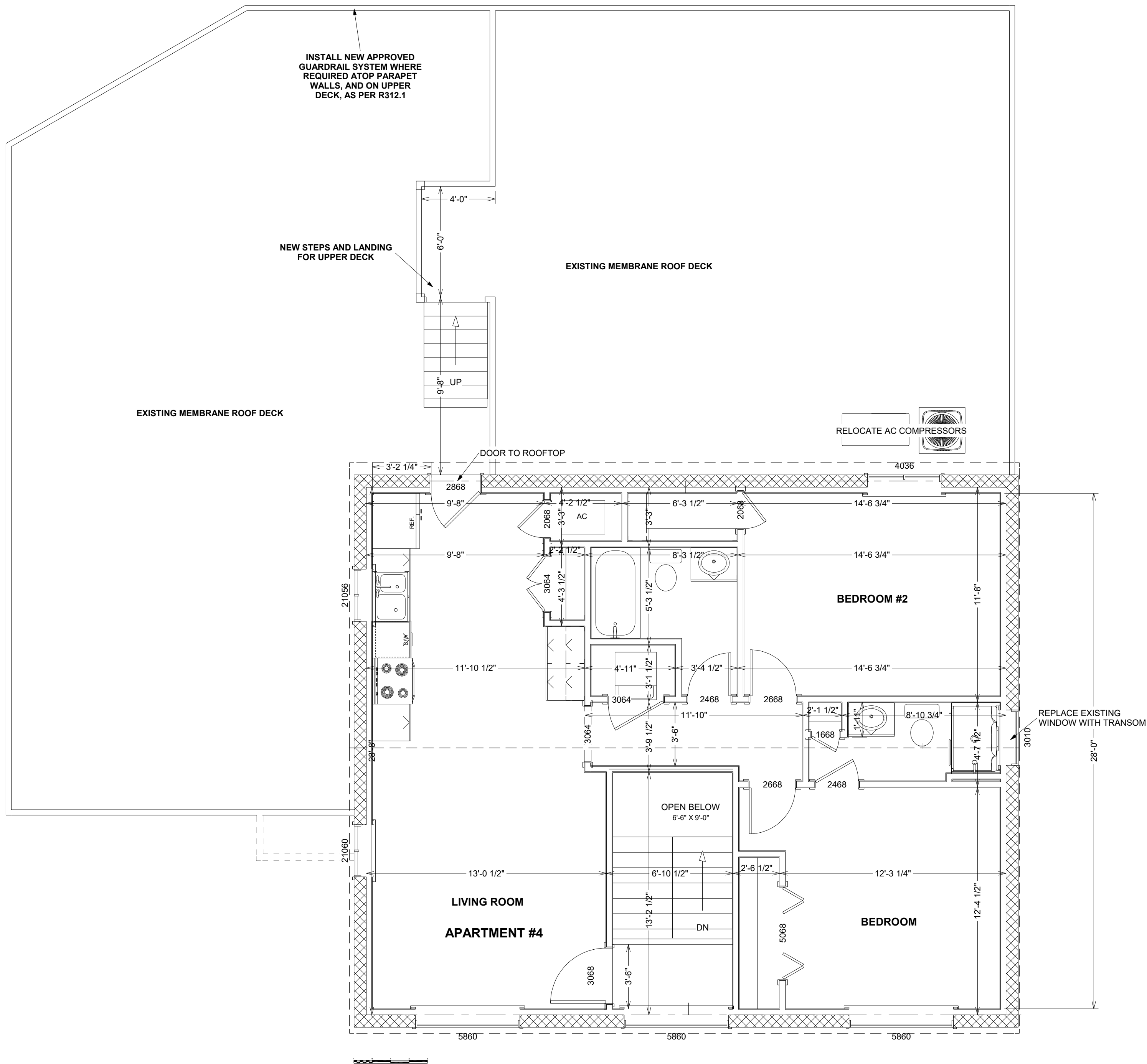




EXISTING 2ND FLOOR
Scale: 1/4" = 1'

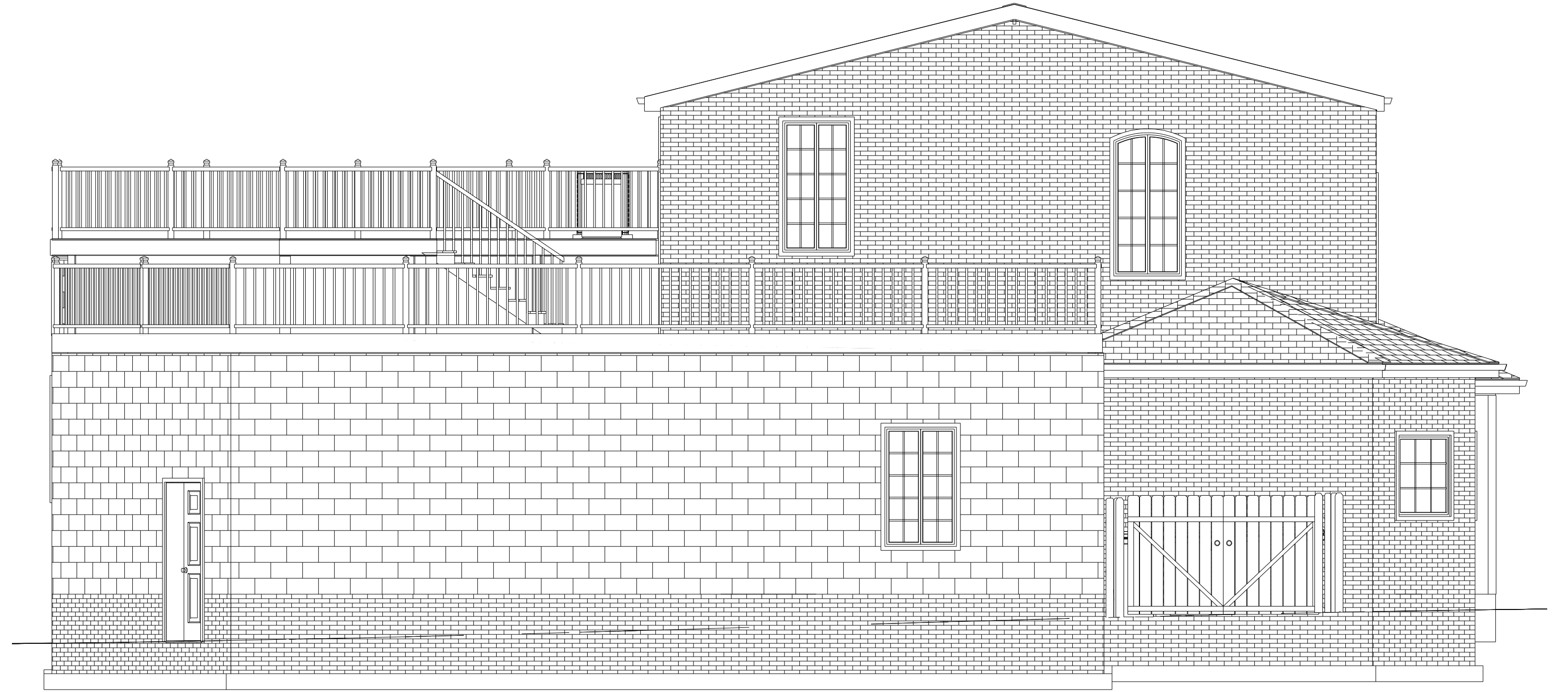
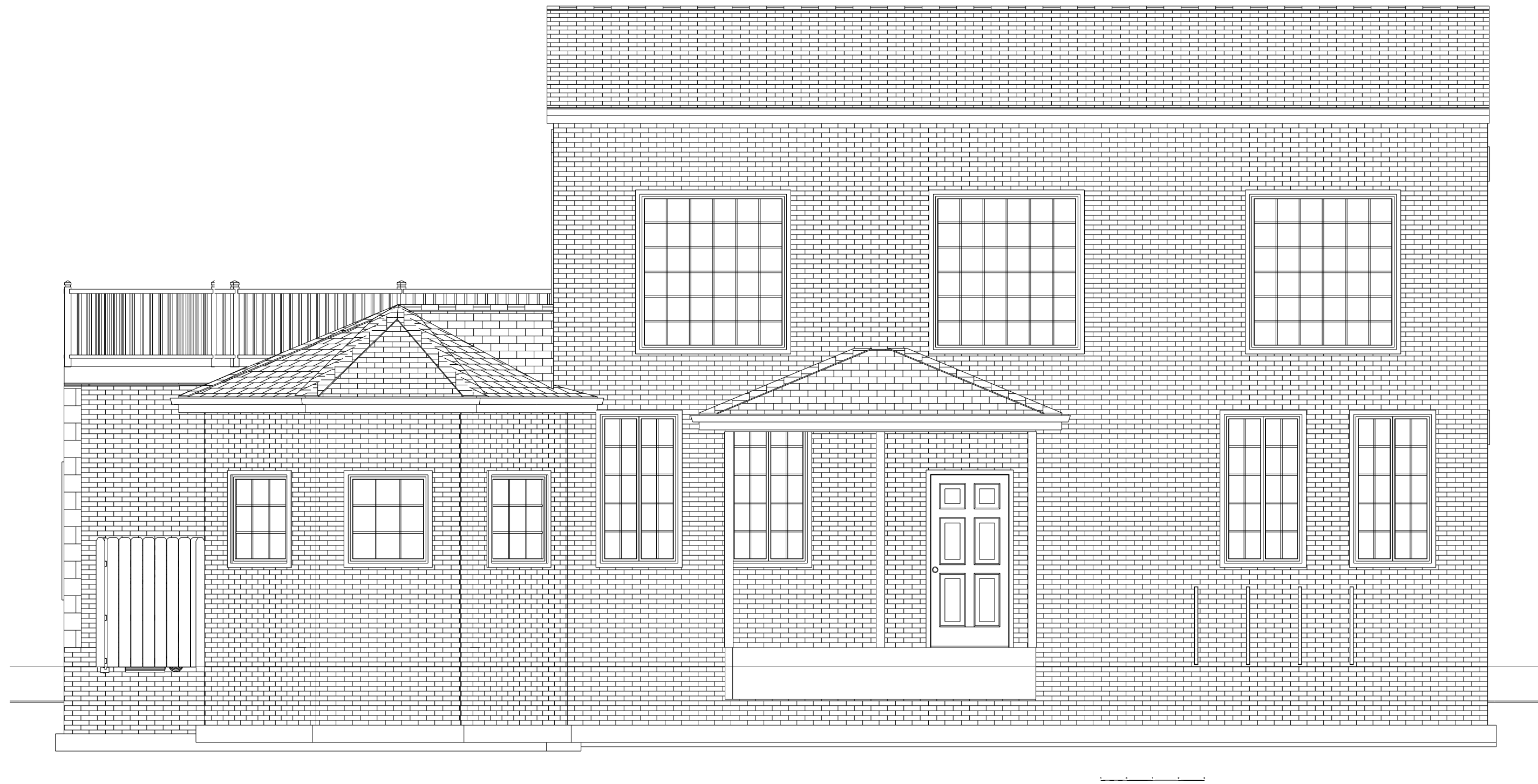




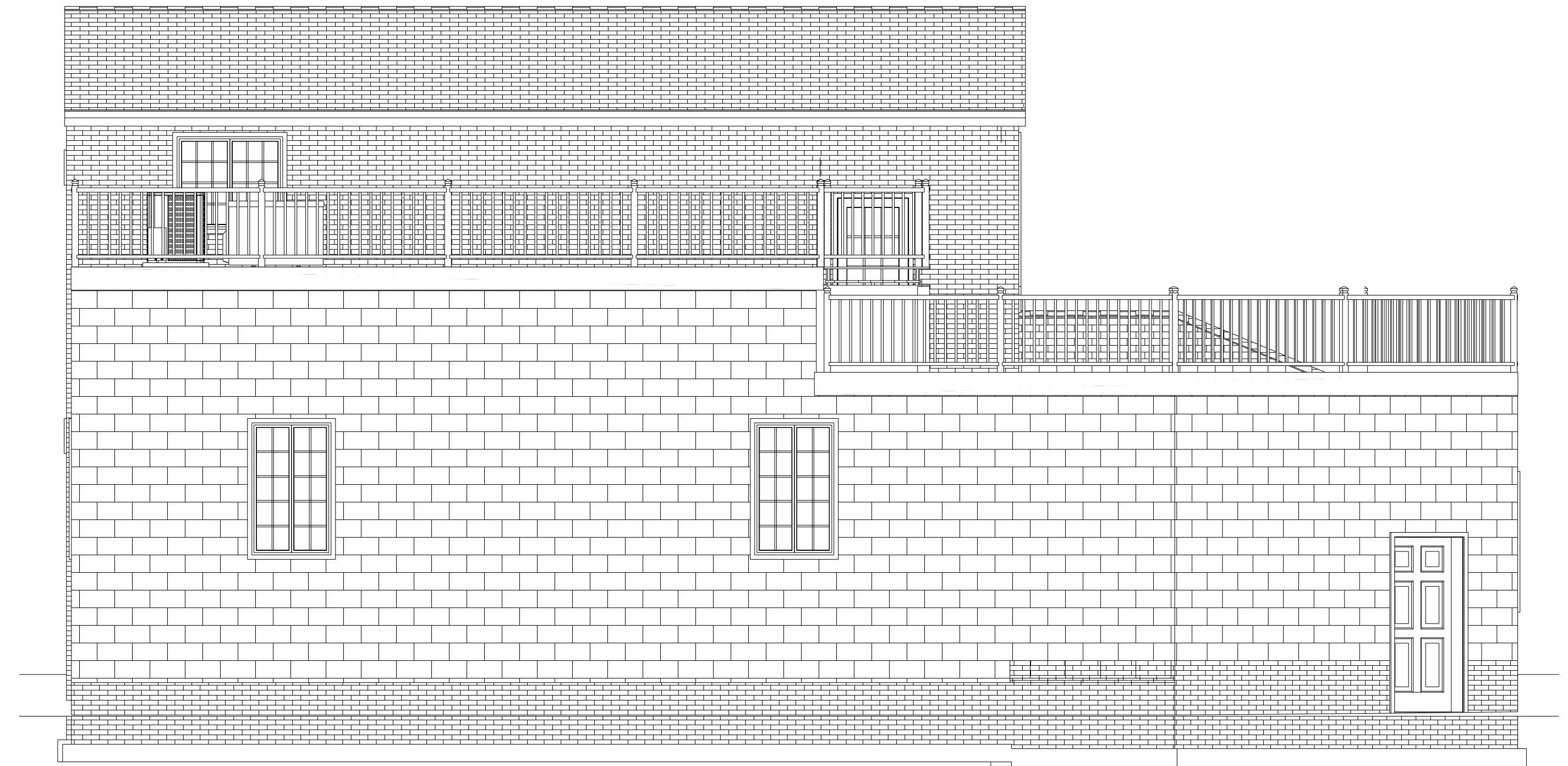


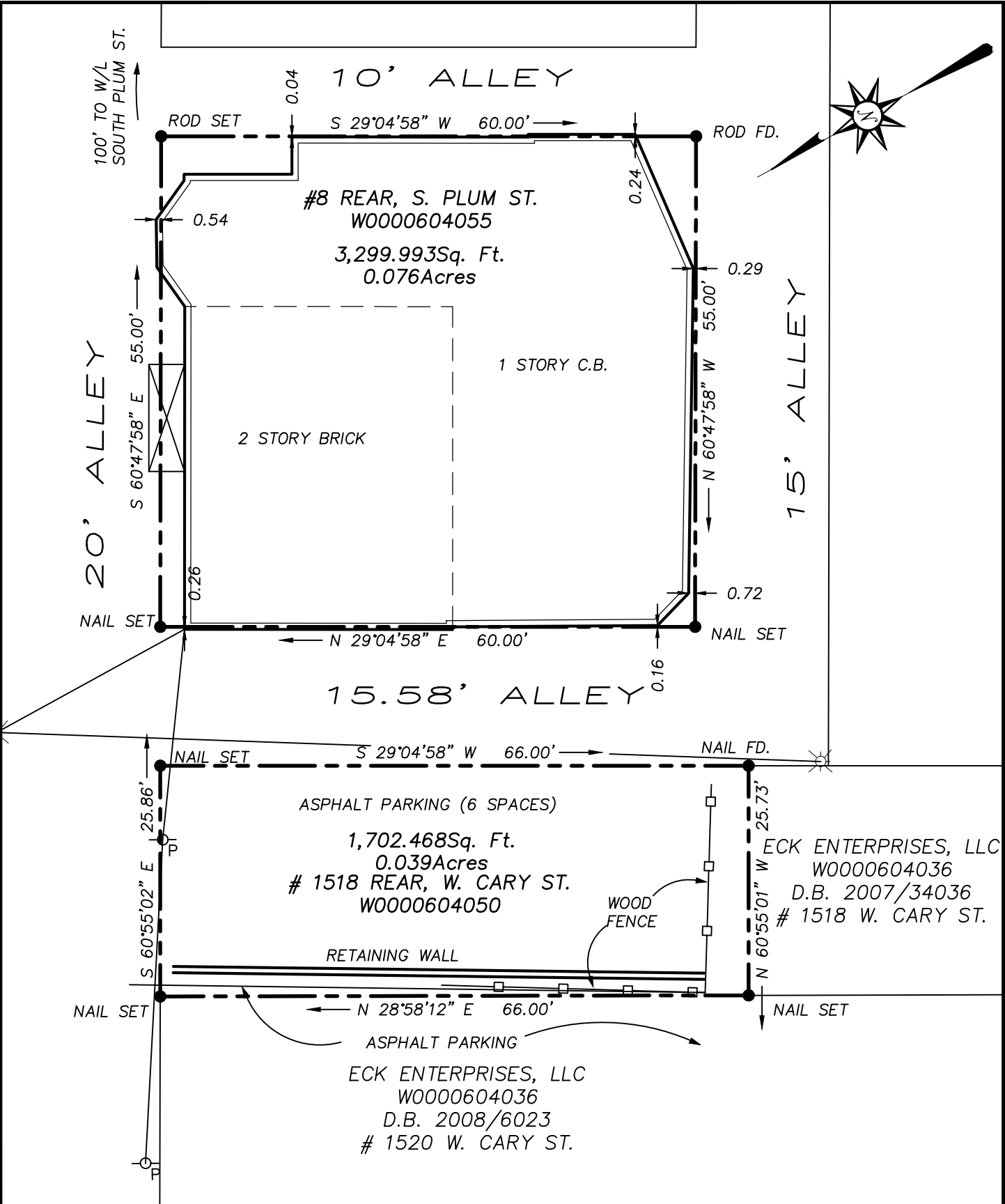
PLANNED 2ND FLOOR
Scale: 1/4" = 1'

CEILING FRAMING
Scale: 1/4" = 1'

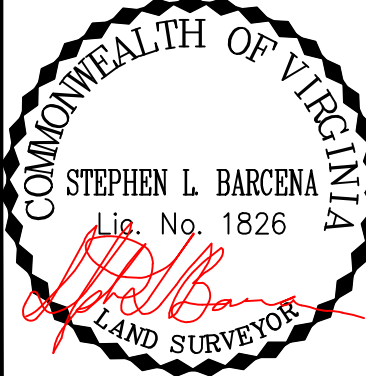


ELEVATIONS
Scale: 1/4" = 1'



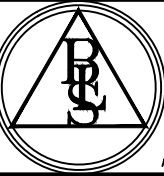


PLAT SHOWING
2 PARCELS OF LAND WEST OF
SOUTH PLUM STREET
RICHMOND, VIRGINIA
SURVEYED FOR
CHRIS FARAG



THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE BINDER AND IS SUBJECT TO ANY ENCUMBRANCES THAT ONE MAY REVEAL. THIS IS TO CERTIFY THAT ON 5/4/21 TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT ALL IMPROVEMENTS KNOWN OR VISIBLE ARE SHOWN HEREON; THAT THERE ARE NO VISIBLE ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES OTHER THAN AS SHOWN HEREON. THIS PROPERTY IS IN ZONE "X" OF THE HUD DEFINED FLOOD HAZARD AREA AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL # 51041C0163D, DATED 12/18/2012.

01530



BASELINE
LAND SURVEYING
526 GROVE AVENUE
PETERSBURG, VIRGINIA 23803
BLS23803@MSN.COM
PH.: 804.520.9180 / FX.: 804.722.9517

DATE: MAY 4, 2021	SCALE: 1" = 15'
DRAWN BY: SLB	
CHECKED BY:	CALC. CHK.: SLB
JOB NO.: 22796	F.B. O.P.

NOT VALID UNLESS SIGNED IN RED
PREVIOUS JOB NO.

REV.: 8/30/21