INTRODUCED: January 24, 2022

AN ORDINANCE No. 2022-025

To authorize the special use of the properties known as 1505 West Cary Street and 1507 West Cary Street for the purpose of two two-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: FEB 28 2022 AT 6 P.M.

WHEREAS, the owner of the properties known as 1505 West Cary Street and 1507 West Cary Street, which are situated in a R-63 Multifamily Urban Residential District, desires to use such properties for the purpose of two two-family attached dwellings, which use, among other things, is not currently allowed by section 30-419.5, concerning lot area and width, 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 28 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 properties known as 1505 West Cary Street and 1507 West Cary Street and identified as Tax Parcel Nos. W000-0603/013 and W000-0603/012, respectively, in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Improvements on No. 1505 & 1507 W. Cary Street, in the City of Richmond, Virginia.," prepared by McKnight & Associates, P.C., and dated February 5, 2021, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," are hereby permitted to be used for the purpose of two two-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Plot Plan Showing Proposed Improvements on No. 1505 & 1507 W. Cary Street in the City of Richmond, Virginia.," prepared by McKnight & Associates, P.C., and dated July 9, 2021, and entitled "1505-1507 W Cary St.," prepared by River Mill Development, and dated June 7, 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 two two-family attached dwellings, substantially as shown on the Plans.

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(b) All siding shall be fiber cement or wood.

(c) Each lot within the Property shall contain no fewer than two off-street parking spaces that shall be accessible from the rear alley.

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

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

§ 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.

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(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

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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



EDITION:1

RECEIVED By CAO Office at 8:50 am, Dec 14, 2021

2021-519



City of Richmond

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

Item Request File Number: PRE.2021.923

O & R Request

DATE: December 13, 2021

- **TO:** The Honorable Members of City Council
- **THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request) (This in 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 Vonck, Director, Department of Planning and Development Review

RE: To authorize the special use of the properties known as 1505 and 1507 West Cary Street for the purpose of allowing two two-family attached dwellings

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 1505 and 1507 West Cary Street for the purpose of allowing two two-family attached dwellings

REASON: The subject properties are located in the R-63 Multifamily Urban Residential zoning district. Two-family attached dwellings are permitted uses on lots that are at least 20 feet wide and 2,600 square feet in area. The subject properties are each 19 feet wide and contain 2,317 square feet of area. Therefore a special use permit is 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 February 7, 2022 meeting.

BACKGROUND: The subject property is located on the southern side of West Cary Street near the intersection with Lady Street. The subject properties are each 19 feet wide with a depth of 122 feet for a total area of 2,318 square feet. The subject properties are similar to, and compatible with, other properties in the

neighborhood. The proposed two-family attached dwellings shall meet the lot feature requirements of the R-63 Multifamily Urban Residential District.

The two proposed two-family dwelling will be in harmony with the existing and future permitted uses in the neighborhood.

The proposed project conforms to the recommendations of the Richmond 300 Master Plan which designates the subject property for Community Mixed-uses. This designation is described as containing medium density walkable commercial and residential uses.

The adjacent properties on the south side of West Cary Street contain two-family dwelling units and are in the same R-63 Multifamily Urban Residential District as the subject property. Across West Cary Street to the north are single and two-family homes in the R-7 Single and Two- Family Urban Residential District.

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: January 10, 2022

CITY COUNCIL PUBLIC HEARING DATE: February 14, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

City Planning Commission February 7, 2022

AFFECTED AGENCIES: Office of Chief Administration 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

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036



Application for SPECIAL USE PERMIT Department of Planning and Development Review Land Use Administration Division 900 E. Broad Street, Room 511

Richmond, Virginia 23219 (804) 646-6304 http://www.richmondgov.com/

Application is hereby submitted for: (check one)

🗹 special use permit, new

special use permit, plan amendment

	special	use	permit,	text only	amendment
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Project Name/Location

Property Address: 1505-1507 W Cary Street	Date:
Tax Map #: <u>W0000603013/W0000603012</u> Fee: \$300	
Total area of affected site in acres: 0.106	

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

Zoning

Current Zoning: R-63 Multifamily Urban Residential

Existing Use: Vacant

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report) Construction of two new two-family attached dwellings

Existing Use: Vacant

Is this property subject to any previous land use cases?



If Yes, please list the Ordinance Number:

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources			
Mailing Address: 530 East Main Street, Suite 730			
City: Richmond	State: VA	Zip Code: 23219	
Telephone: _(804) 874-6275	Fax: ()	
Email: markbaker@bakerdevelopmentresources.com			

Property Owner: Telfian Brothers, LLC

If Business Entity, name and title of authorized signee: Rick Telfian, Managing Member

(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: <u>1621 West Cary Street</u> City: Richmond	State: VA Zip Code: 23220
Telephone: _()Email:	Fax: _()
Property Owner Signature:	

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

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

APPLICANT'S REPORT

July 27, 2021

Special Use Permit Request 1505 and 1507 W Cary Street, Richmond, Virginia Map Reference Number: W000-0603/013 and W000-0603/012

Submitted to:	City of Richmond
	Department of Planning and Development Review
	Land Use Administration
	900 East Broad Street, Suite 511
	Richmond, Virginia 23219
Submitted by:	Baker Development Resources
	530 East Main Street, Suite 730
	Richmond, Virginia 23219

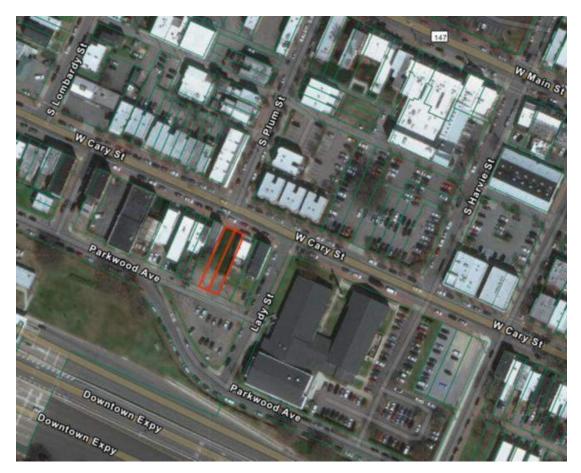
Introduction

The property owner is requesting a special use permit (the "SUP") for 1505 and 1507 W Cary Street (the "Property"). The SUP would authorize the construction of two (2), two-family attached dwellings on the Property. While the two-family attached use is permitted by the underlying R-63 Multifamily Urban Residential zoning district, the lot width and area requirements cannot be met and therefore, the SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the south side of West Cary Street between Lady and South Lombardy Streets and is referenced by the City Assessor as tax parcels W000-0603/013 and W000-0603/012. The Property consists of two vacant lots that are each 19' wide by 122' in depth and contain approximately 2,318 square feet of lot area. The Property is relatively flat and is afforded access in the rear by means of an east-west alley.



The properties in immediate vicinity and to the west and north of the subject block are developed with a range of uses, including multi-family dwellings, mixed-use buildings, two-family dwellings and single-family dwellings. To the east, along West Cary Street are a church, surface parking lots, and vacant land. To the south, across the east-west alley and Parkwood Ave are a surface parking area and the right-of-way of the downtown Expressway, including the toll plaza.

EXISTING ZONING

The Property is zoned R-63 Multifamily Urban Residential, which permits the proposed two-family attached dwelling use. The properties to the east are also zoned R-63. To the west are properties located within the UB-PO3 Main Street/Uptown Parking Overlay District. Properties further to the west and to the north across West Cary Street are zoned R-7 Single- and Two-Family Urban Residential.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") designates the Property as "Community Mixed-Use". This future land use category is described as "medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities..." and recommends two-family dwellings as a secondary use which can "complement existing context" while "prioritizing pedestrian, bike and transit access."

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
 - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."
 - d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to "Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.4 to "Increase the number of mixed-income communities along enhanced transit corridors."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to "Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance. "
 - e) Allow the development of middle housing (2- to 4- unit buildings) byright within 1/2 mile of high-frequency transit stops.

- Page 155 (Inclusive Housing Chapter), Objective 14.8 to "Develop inclusionary and equitable housing options for our gentrifying neighborhoods to prevent involuntary displacement."
- Page 159 (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."
 - a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).
- Page 86 (High-Quality Places Chapter), Objective 1.4, to "maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards"
- Page 100 (High Quality Places Chapter), Objective 4.1, to "create and preserve highquality, distinctive, and well-designed neighborhoods and nodes throughout the City," as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

Proposal

PROJECT SUMMARY

The proposed development includes the construction of two (2) two-family attached dwellings on the Property with four accessory parking spaces.

PURPOSE OF REQUEST

The Property consists of two lots of record that are of typical size and configuration for the vicinity. Each lot is 19 feet wide, 122 feet deep, and contains approximately 2,317 square feet of lot area. The owner would like to construct a two-family attached dwelling on each lot, which would be attached along the center property line. The R-63 district permits the two-family attached dwelling use, however, the lot width and lot area requirements applicable to two-family attached dwellings are not met. The R-63 district would require a lot width of not less than 20' and a lot area of not less than 2,600 square feet for the two-family attached dwelling use. Therefore, a SUP is required in order to permit the proposed development. The new two-family attached dwellings would meet all other applicable R-63 district requirements.

In exchange for the SUP, the intent of this request is to ensure a high-quality market rate infill development. The overall project would be appropriately dense and efficient. It would be consistent with the use permitted by-right by the underlying zoning. At the same time, it would remain respectful to the historic lot pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

PROJECT DETAILS

The proposed building is an urban row house in configuration and is intended to be consistent with other residential buildings in the vicinity. The building would be three stories in height. The buildings would be clad with brick on the front façade and cementitious siding on the sides and

rear in order to ensure quality and durability. Front entry would be through offset side-by-side double front doors as is the case with other two-family dwellings in the vicinity.

Each dwelling unit will include approximately 1,450 square feet of floor area with three bedrooms and two and one half bathrooms. The dwelling unit layouts are modern with open living areas and large functional kitchens. Bedrooms are decidedly large with the smallest bedroom exceeding 12' by 12' in dimension. Each unit would include a stacked washer and dryer and a master bedroom complete with en suite master bath. Full width front porches and rear patios are proposed for the use of the future residents.

Four accessory parking spaces are proposed at the rear of the property which would be accessed from the east-west alley. The parking area is configured to allow for additional vehicle maneuvering area given the existing alley width.

Findings of Fact

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

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

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

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

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation and four off street parking spaces for the four dwelling units will create no congestion on streets, roads, alleys or any other public right of way.

• Create hazards from fire, panic or other dangers.

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

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

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

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

The special use permit 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.

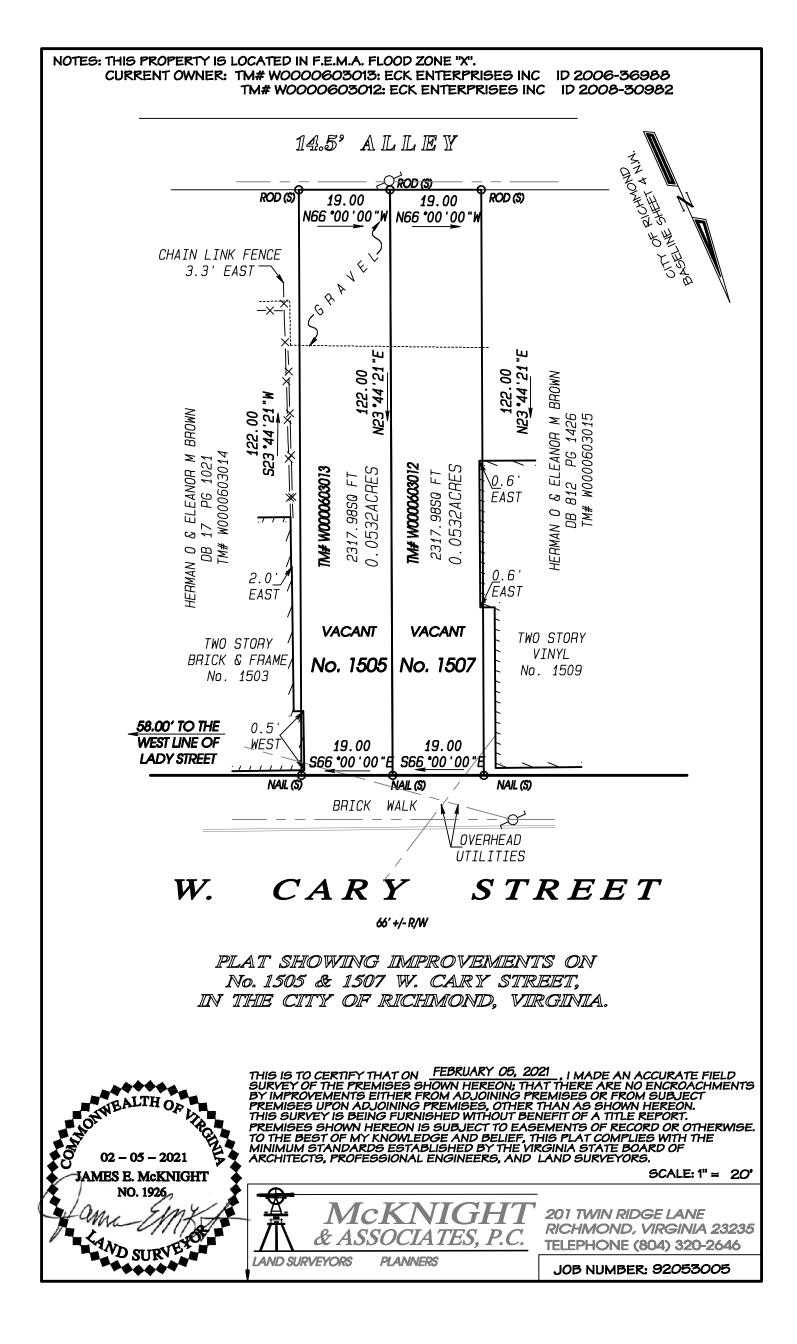
• Interfere with adequate light and air.

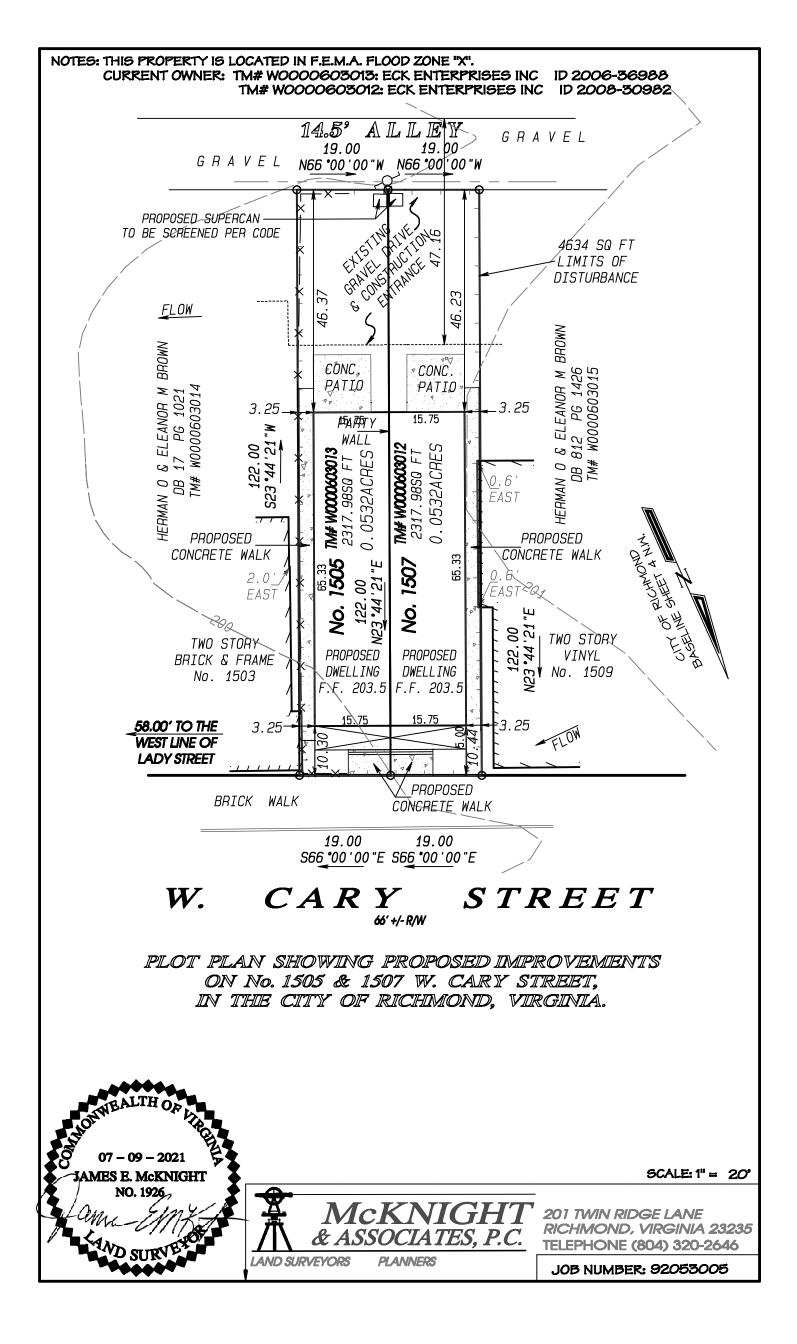
The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. The required R-63 side yard requirements would be met by this request. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

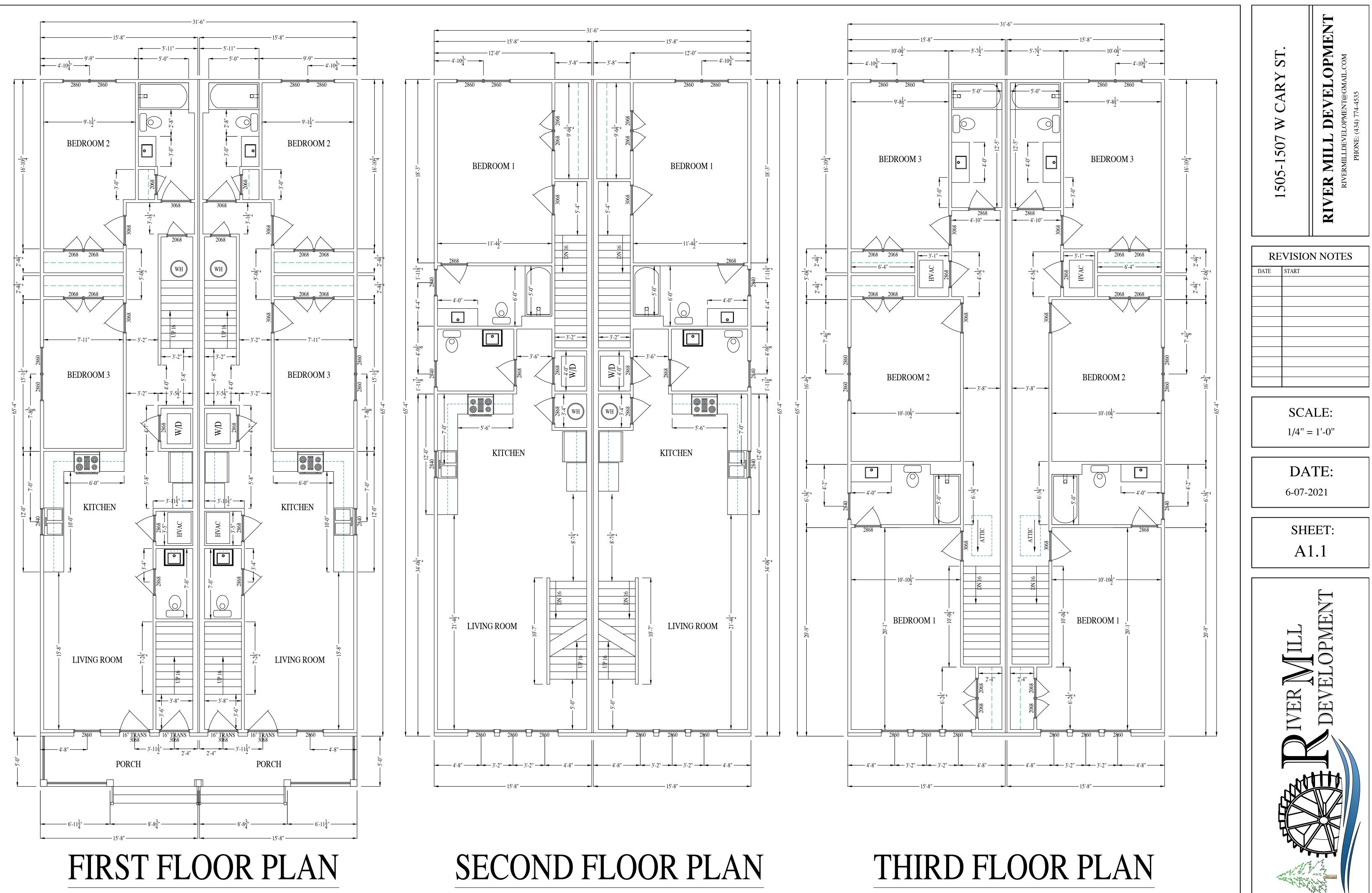
Summary

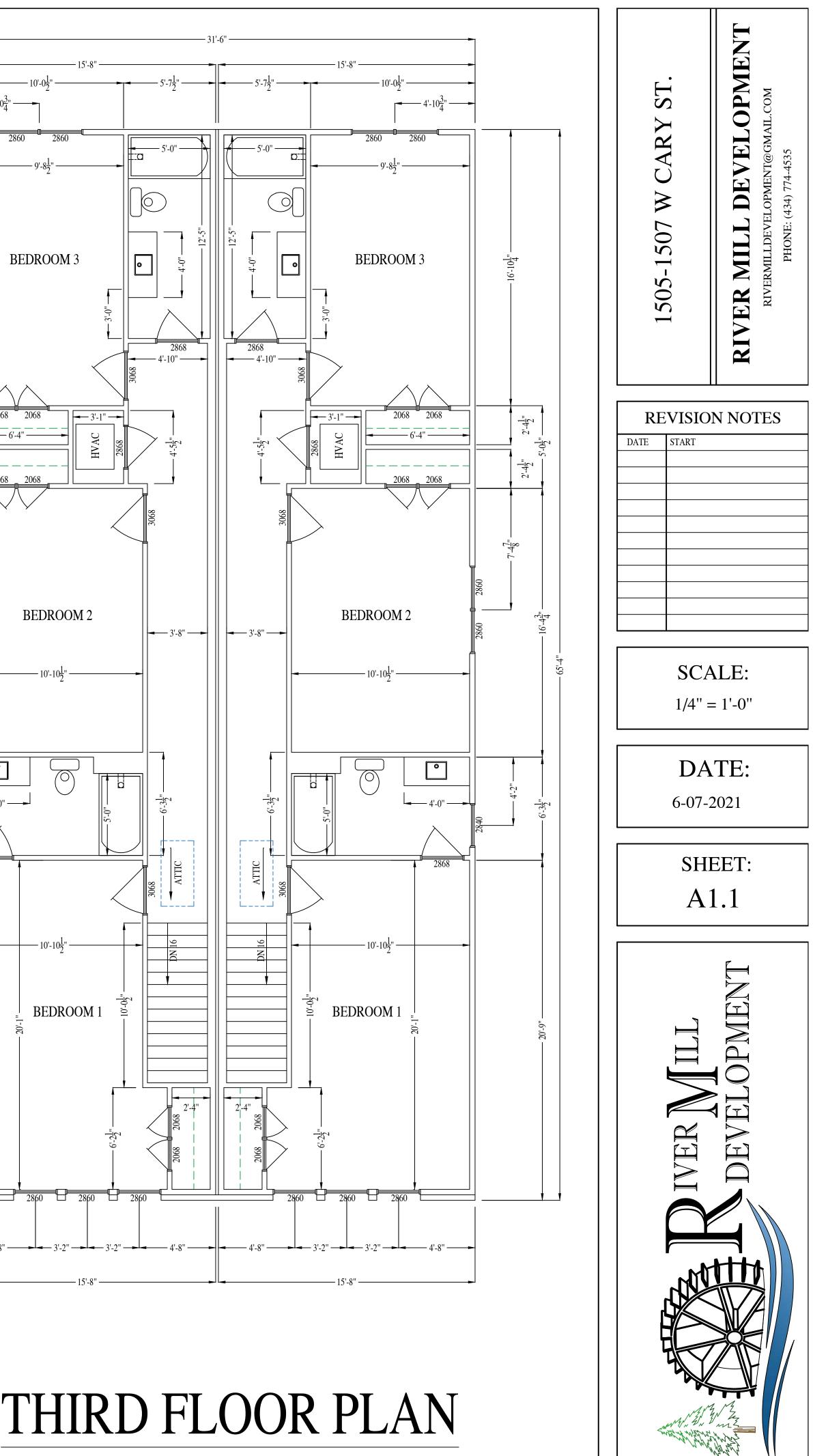
In summary we are enthusiastically seeking approval for the construction of the proposed twofamily attached dwellings. The buildings have been thoughtfully designed in order to provide appropriate, high-quality, market-rate infill development. The request offers compatibility with the City's Master Plan in terms of use. The request would contribute to the ongoing revitalization of the neighborhood, upgrading the Property while maintaining a desirable variation in housing style and density in the vicinity and providing for continued economic diversity in housing options within the neighborhood.

The proposed development would respectfully help restore an appropriate urban fabric in a block face in which several lots are vacant or underutilized. It would help encourage a pedestrian friendly traditional streetscape in the block and contribute to the vibrancy of the block though the addition street life in the form of a street-oriented full width front porch. An appropriate building form coupled with the provision of accessory parking to the rear of the property would give the property an appropriate urban design. The provision of off-street parking spaces per zoning standards would help mitigate any impact on parking related to the development. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.











MILL DEVELOPMENT BRMILLDEVELOPMENT@GMAIL.COM PHONE: (434) 774-4535 ST CARY \mathbf{N} 1505-1507 ER **RIV REVISION NOTES** DATE START SCALE: 1/4'' = 1'-0''8" HARDIE LAP SIDING SMOOTH DATE: 6-07-2021 SHEET: ∕1X4 CORNER TRIM A2.1 BRICK FRONT OPME] $\frac{12}{3}$ /EI **BRICK SKIRT**

REAR ELEVATION

