INTRODUCED: February 14, 2022

AN ORDINANCE No. 2022-043

To authorize the special use of the property known as 617 China Street for the purpose of up to two 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: MAR 14 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 617 China Street, which is situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such property for the purpose of up to two single-family attached dwellings, which use, among other things, is not currently allowed by section 30-710.1, concerning parking requirements, 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:	9	NOES:	0	ABSTAIN:
ADOPTED:	MAR 14 2022	REJECTED:		STRICKEN:
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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 617 China Street and identified as Tax Parcel No. W000-0139/004 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Improvements on #617 China Street in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated June 21, 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 two single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Plat Showing Proposed Improvements on #617 – #619 China Street in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated August 15, 2021, and "617 & 619 China St.," prepared by River Mill Development, and dated August 1, 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 up to two single-family attached dwellings, substantially as shown on the Plans.

(b) No off-street parking spaces shall be required for the Special Use.

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

(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) Prior to the issuance of any certificate of occupancy for the Special Use, the division of the Property into two residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary 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.

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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.

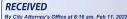
(f)When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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. Rich

City Clerk



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



City of Richmond

Item Request File Number: PRE.2021.958

EDITION:1

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

O & R Request

- FROM: Kevin J. Vonck, Director, Department of Planning and Development Review Kun / Vonck
- **RE:** To authorize the special use of the property known as 617 China Street for the purpose of up to two single-family attached dwellings, upon certain terms and conditions.
- ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 617 China Street for the purpose of subdivision and the construction of two single-family attached dwellings, upon certain terms and conditions.

REASON: The subject property is located in the R-7 Single and Two-Family Urban Residential zoning district and single-family attached dwellings are permitted uses in this district. The zoning ordinance requires one parking space per dwelling unit. As the property is not served by an alley the applicant requests a waiver from the parking requirement. A special use permit is necessary for this request.

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 China Street near its terminus at South Belvedere Street. The property is 40 feet wide and 60 feet in depth for a total of 2,700 square feet of area. The lots on the street are generally 20 to 25 feet in width with a depth of 60 feet. The subdivision of the

subject property would create lots consistent with the neighborhood as well as meeting the lot feature requirements of the R-7 Single and Two-Family Urban Residential zoning district. The area is not served by alley access parking spaces are located on the street.

The Richmond 300 Master Plan recommends Neighborhood Mixed Uses for the Property. Primary uses include Single-family houses and duplexes.

Properties in the area generally contain single-family attached and detached homes.

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

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, Map

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 <u>http://www.richmondgov.com/</u>

Application is hereby submitted for: (check one)

- \Box special use permit, new
- special use permit, plan amendment
- □ special use permit, text only amendment

Project Name/Location

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

Zoning

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Proposed Use

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

Existing Use:			

Is this property subject to any previous land use cases?

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If **Yes**, please list the Ordinance Number:

Applicant/Contact Person: _____

No

Company:		
Mailing Address:		
City:	State: Zip Code:	
Telephone: _()	Fax: _()	
Email:		

Property Owner:

If Business Entity, name and title of authorized sign	iee:
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(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:			
City:	State:	Zip Code:	
Telephone: _()	Fax: _()	
Email:			
Property Owner Signature:			

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

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

APPLICANT'S REPORT

August 20, 2021

Special Use Permit Request 617 China Street, Richmond, Virginia Map Reference Number: W000-0139/004

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 617 China Street (the "Property"). The SUP will authorize the construction of two single-family attached dwellings on the currently unimproved Property. While the single-family attached use is permitted by the underlying R-7 Single- and Two-Family Urban Residential zoning district, some of the underlying feature requirements cannot be met, and therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the south side of China Street, east of its intersection with S Pine Street. The Property is referenced by the City Assessor as tax parcel W000-0139/004. The currently unimproved Property is 45' wide by 60' in depth and contains approximately 2,700 square feet of lot area.



The properties in the immediate vicinity are developed with a wide range of uses and building forms. Single-family attached and detached dwellings are the most common uses found in the area. However, two-family, multi-family, and commercial uses as well as open-space are also found in

the vicinity. While many of the properties in the area have been developed, there are also still several small, vacant lots in the vicinity, several of which lie on the south line of China Street in this block. The typical neighborhood grid is disturbed in this block as the paved street does not connect to Belvidere Street to the east and is instead terminated in a cul-de-sac turnaround. The resulting dead-end street is comparatively less traveled than other east-west streets int the vicinity.

EXISTING ZONING

The Property is zoned R-7 Single- and Two-Family Urban Residential, which generally permits the proposed single-family dwelling use. The surrounding properties are also zoned R-7. Two properties to the north, at the intersection of Spring and S Pine Streets are zoned B-1 Neighborhood Business District. To the east, beyond S Belvidere Street lies a RO-3 Residential Office District.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Neighborhood Mixed-Use" for the Property. The Master Plan describes this land use designation as "existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses." Recommended development styles are described as featuring "a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Single-family, two-family, and small multi-family buildings are contemplated as the primary uses in these areas."

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. In the High-Quality Places chapter, there are number of supporting objectives, such as:

- Ensure that building materials are durable, sustainable, and create a lasting addition to the built environment, and provide maximum adaptability for environmental change, change of use, and efficiency.
- Allow and encourage a variety of architectural styles.
- Implement urban design and architecture strategies that maintain and enhance the unique character of Richmond's residential districts.

There is also supporting guidance offered in the Inclusive Housing, Thriving Environment, and Equitable Transportation chapters, such as the below objectives:

- Allow the development of middle housing...within a half-mile of high-frequency transit stops (Inclusive Housing).
- Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles. (Thriving Environment).

Proposal

PROJECT SUMMARY

The applicant is proposing to split the Property into two lots and construct two new single-family attached dwellings, to be known as 617 and 619 China Street.

PURPOSE OF REQUEST

The Property at 617 China Street consists of what was originally known as "Parcel I" from the 1945 plat of the neighborhood. It is wide for the vicinity with a lot width of 45' whereas most lot widths in the block range from 20 to 25 feet. At 60' in depth, the parcel is consistent with the depth of many existing parcels fronting both China Street and other east-west streets in the Oregon Hill Neighborhood. These smaller parcels on east-west streets are often not afforded rear alley access for parking and rely on on-street parking.

Consistent with exiting lot widths in the vicinity, the applicant proposes to split the Property into two lots and to develop them with two single-family attached dwellings. Each dwelling will be located on 22.5' wide lot containing 1,350 square feet of lot area. While the R-7 district generally permits the proposed uses and suggests the proposed lot widths are appropriate, due to the historical shallow lot configuration the lot area and lot coverage requirements applicable to single-family attached dwellings are not met. In addition, consistent with many similarly situated properties in the area, the lack of alley and rear access make it impractical to provide parking for the proposed development. Therefore, a SUP is required to permit the proposed development. The proposal will meet all other applicable R-7 district requirements.

In exchange for the SUP, the intent of this request is to ensure the development of high-quality infill dwellings. The overall project will be appropriately dense and efficient as contemplated by the Richmond 300 Master Plan. It will also be consistent with the uses permitted by-right by the underlying zoning. At the same time, it will remain respectful to the historic development pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the quality assurances conditioned through the SUP will guarantee a higher quality development and better neighborhood compatibility than might otherwise be guaranteed with a by right development.

PROJECT DETAILS

The two new single-family attached dwellings would each be two stories in height and are intended to be consistent with historic development pattern found throughout the neighborhood. Each building would contain approximately 1,520 square feet of floor area and consist of three bedrooms and two and a half bathrooms. The first floor would have a modern and desirable layout with an open kitchen and living area at the rear of the dwelling and study toward the front. The second floor would contain two bedrooms with a Jack-and-Jill bathroom and a third bedroom with an en suite bathroom.

The new dwellings would be clad in quality building materials including cementitious lap siding in order to ensure durability. A full-width front porch on each dwelling would engage the street and provides usable outdoor living space. The proposed dwellings massing and architectural styles are

designed to be compatible with nearby dwellings and are consistent with the historical homes found in the neighborhood.

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 on the existing dead-end street 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 will not adversely affect the above referenced City services. To the contrary, the proposal will provide positive fiscal (tax) benefits that will enhance the City's ability to provide these services to the proposed development.

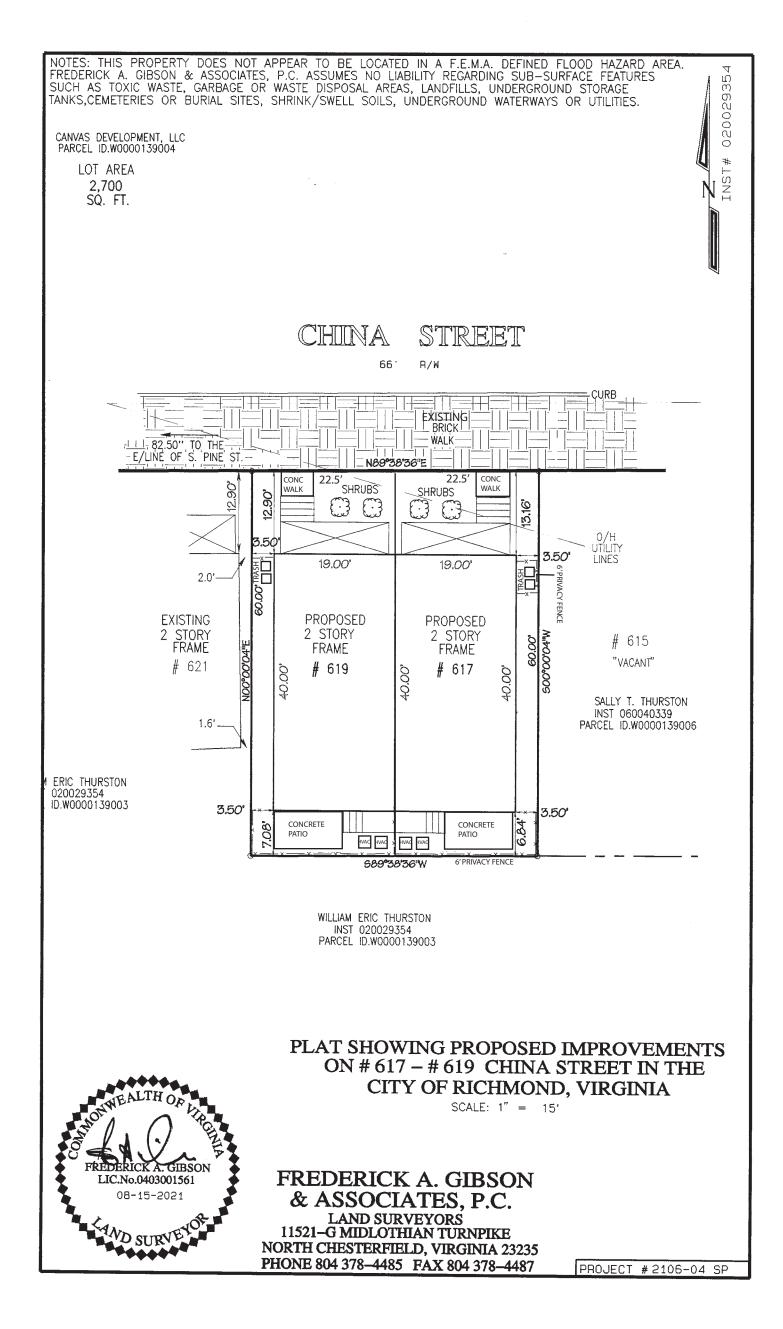
• Interfere with adequate light and air.

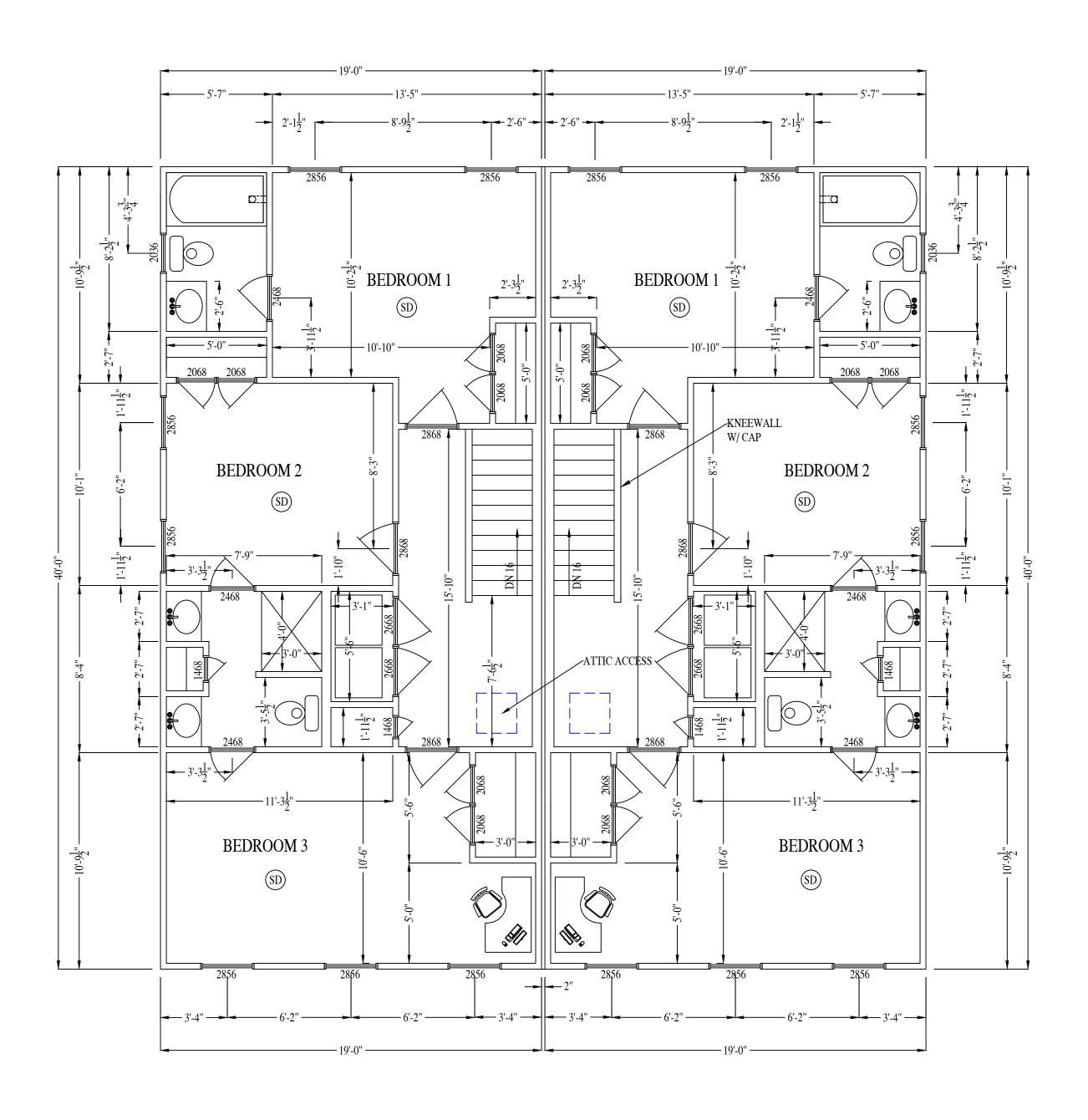
The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

In summary we are enthusiastically seeking approval for the construction of the proposed singlefamily attached dwellings. The buildings have been thoughtfully designed in order to provide appropriate, high-quality, infill residential development. The request offers compatibility with the City's Master Plan in terms of use. The request would upgrade the Property while maintaining a desirable variation in housing style and density in the vicinity.

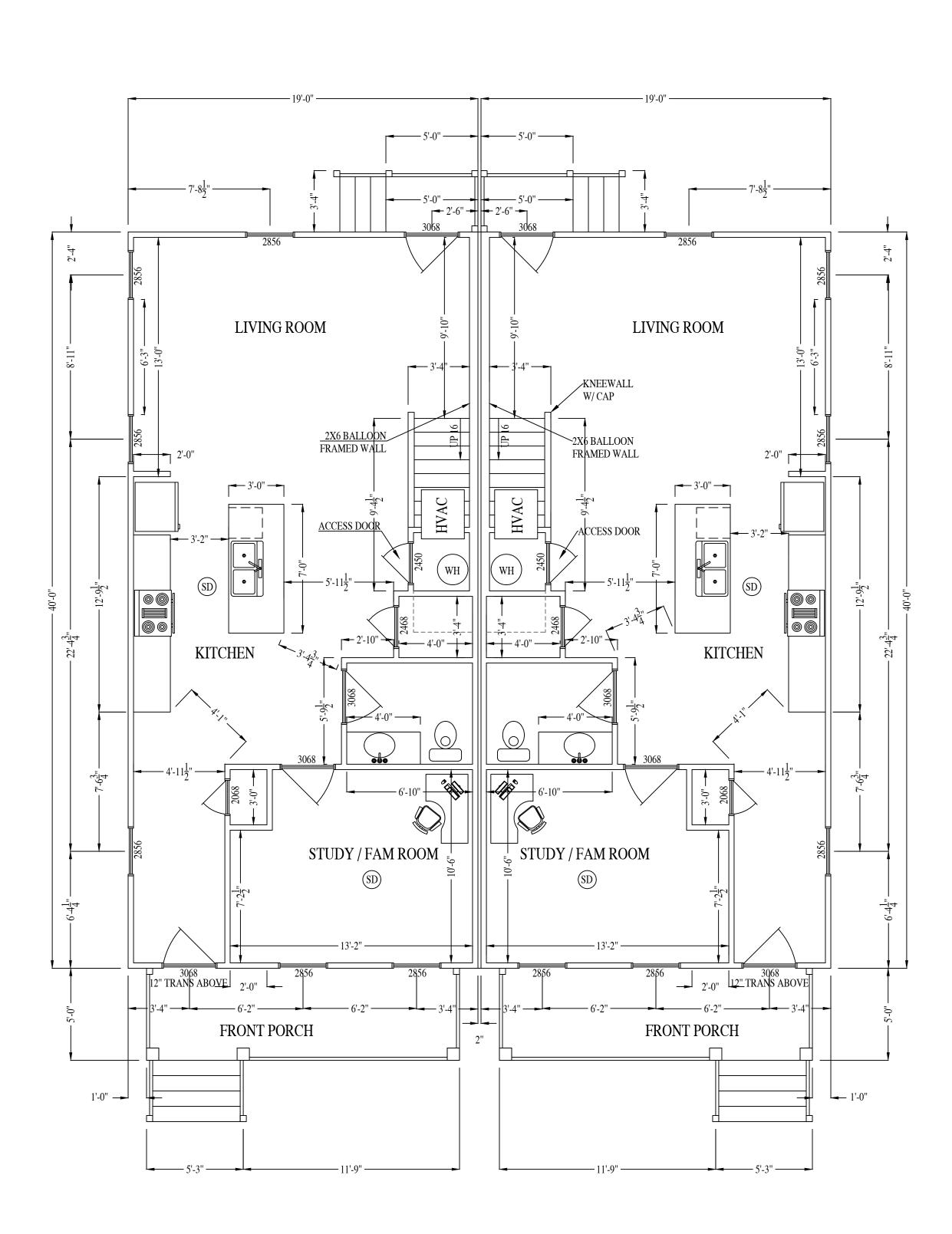
The proposed development would respectfully help restore an appropriate urban fabric in a block face in which several lots are vacant. It would help encourage a pedestrian friendly traditional streetscape in the block and contribute to the vibrancy of the block though the addition street life in the form of a street-oriented full width front porches along China Street. The traditional building forms would provide the much-desired traditional neighborhood design which is appropriate to this area of the City. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.





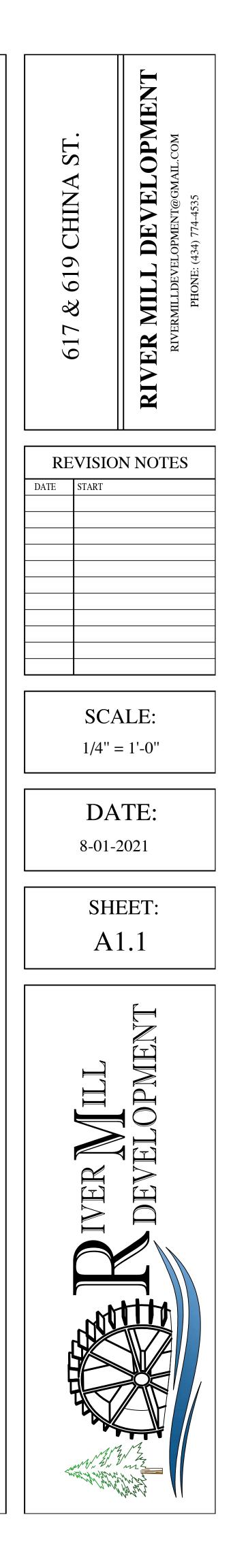
SECOND FLOOR PLAN

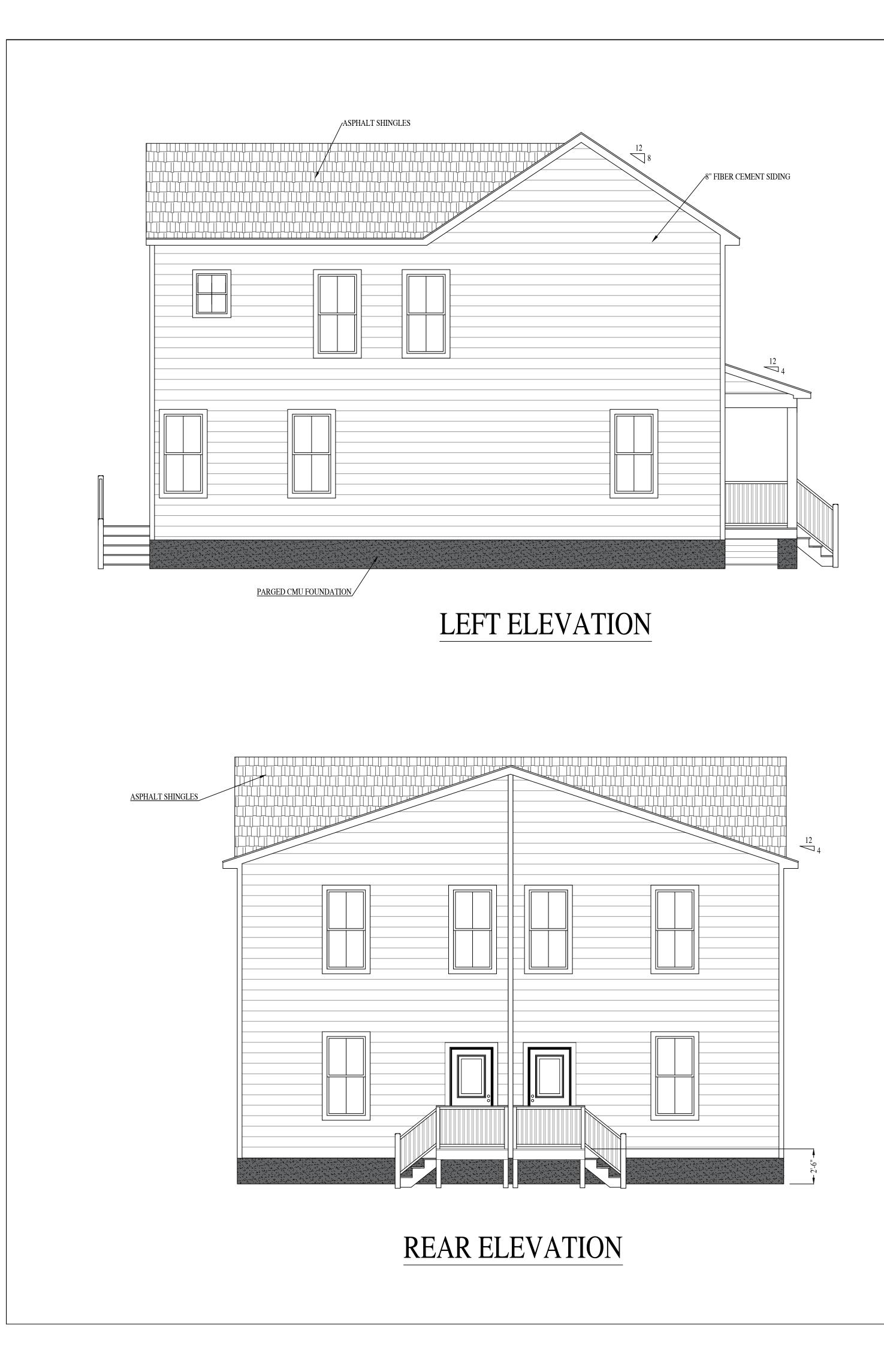
2ND FL. HEATED S.F.: 760



FIRST FLOOR PLAN

1ST FL. HEATED S.F.: 760





RIGHT ELEVATION





GMAIL

EVELOP

•MENT@G

ERMILLDEVE PHONE: (

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