INTRODUCED: June 13, 2022

AN ORDINANCE No. 2022-192

To authorize the special use of the property known as 2300 Fairmount Avenue for the purpose of a building containing an office use and up to four multifamily dwelling units, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUL 25 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 2300 Fairmount Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a building containing an office use and up to four multifamily dwelling units, which use, among other things, is not currently allowed by section 30-419.2 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:	8	NOES:	0	ABSTAIN:	
ADOPTED:	JUL 25 2022	REJECTED :		STRICKEN:	
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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 2300 Fairmount Avenue and identified as Tax Parcel No. E000-0617/021 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Physical Improvements of 2300 Fairmont Avenue for Garrett Augustine, City of Richmond, Virginia," prepared by Townes, and dated March 3, 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 building containing an office use and up to four multifamily dwelling units, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Urban Hope @ 2300 Fairmont Ave, Design Review," prepared by SMBW, and dated January 21, 2022, 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 building containing an office use and up to four multifamily dwelling units, substantially as shown on the Plans.

(b) If the uses listed in subsection 3(a) are operated in such a manner as to be classified as a social service delivery use, a management program shall be provided to the Zoning Administrator prior to such operation.

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

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

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

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

(g) Signs on the Property shall be limited to (9) signs permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, and (ii) signs permitted in the R-63 District, pursuant to section 30-507.1 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: Cambin D. Rich City Clerk

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EDITION: 2

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



City of Richmond

Item Request File Number: PRE.2021.987

O & R Request

DATE: May 25, 2022

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 J. Vonck, Director, Department of Planning and Development Review King Work
- **RE:** To authorize a special use for the property known as 2300 Fairmont Avenue for the purpose of a building containing an office use and up to four multi-family dwelling units, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize a special use for the property known as 2300 Fairmont Avenue for the purpose of a building containing an office use and up to four multi-family dwelling units, upon certain terms and conditions.

REASON: The subject property is located in the R-6 Single-Family Attached Residential Zoning District, in which the proposed office and multifamily uses are not permitted uses. Therefore a special use permit is requested.

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 July 5, 2022 meeting.

BACKGROUND: The 6,250 square foot subject property is located on the northeast corner of Fairmont and North 23rd Street. An Alley runs along the rear of the property and connects to North 23rd Street. The property is improved with a 3,372 square foot single-story building originally constructed as a church. City records indicate that the building was constructed in 1900 and is noted as being in very poor condition for its age.

Residential uses are the only permitted uses in the R-6 Single-Family Attached Residential District. The request will authorize neighborhood serving uses that are permitted for corner uses in the R-63 Multifamily Urban Residential District. These uses include art galleries; Barber shops; Grocery stores; Laundromats; certain types of restaurants and cafes; Retail stores; and offices.

Properties to the north, south, east and west are located in the same R-6 Single-Family Attached Residential District as the subject property. Uses in these areas are predominately single-family attached and detached residences.

The Richmond 300 Master Plan recommends Neighborhood Mixed-Uses for the property described 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.

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: June 13, 2022

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

City Planning Commission July 6, 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

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

Project Name/Location

Property Address:2300 Fairmount Avenue	Date:March 14, 2022
Tax Map #: E0000617021 Fee: \$1,800	Date
Total area of affected site in acres:0.143	

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

Zoning

Current Zoning:R-6

Existing Use: Religious/Church (vacant)

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report) Mixed-use, including office and four multi-family dwelling units Existing Use; Religious/Church (vacant)

Is this property subject to any previous land use cases? Yes No.

If Yes, please list the Ordinance Number: BZA-112-48

Applicant/Contact Person: Mark Baker

Company:Baker Development Resources	1. M. A. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.		
Mailing Address: 1519 Summit Ave., Suite 102			
City: Richmond	State: VA	Zip Code: 23230	
Telephone: _(804)874-6275	Fax: _(
Email: markbaker@bakerdevelopmentresources.com			

Property Owner: 2300 Fairmount RVA LLC

If Business Entity, name and title of authorized signee: Sarah Hale, 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: 1107 N 35th Street City: Richmond	State: VA	Zip Code: 23223
Telephone: _(804)396-9818 Email:sarah@urbanhoperva.org	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)

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

A DESCRIPTION OF A DESC

APPLICANT'S REPORT

May 10, 2021 Revised March 23, 2022

Special Use Permit Request 2300 Fairmount Avenue, Richmond, Virginia Map Reference Number: E000-0617/021

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

Introduction

The property owner, Urban Hope, Inc., is requesting a special use permit (the "SUP") for 2300 Fairmount Avenue (the "Property"). The SUP would authorize the reuse of a building formerly occupied as a church for mixed-use including the office use and four multi-family dwelling units that do not conform to the underlying R-6 Single-Family Attached Residential district zoning requirements applicable to the Property.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located at the northeast corner of North 23rd Street and Fairmount Avenue. The Property is referenced by the City Assessor as tax parcel E000-0617/021. The Property is roughly 50' wide by 125' in depth and contains approximately 6,250 square feet of lot area.



The Property is improved with a one-story, masonry church with a gabled roof originally constructed in 1900. According to City Assessor's records, the building includes 3,372 square feet of finished floor area and 912 square feet of basement area. The building was most recently occupied by the Tenth Baptist Church but is currently vacant.

Properties in the immediate vicinity area are generally developed with single-family dwellings with the property directly across Fairmount to the south being occupied by a church. One block to the east lie properties within the N 25th Street commercial service corridor at the intersection of N 25th Street and Nine Mile Road. These properties include a variety of commercial uses ranging from one-story retail commercial

strip to a newly developed four-story mixed-use project including the Market at 25th, the VCU Health Hub, and multi-family dwellings. Moving west, along Fairmount Avenue, there are a mixture of dwellings and commercial uses.

EXISTING ZONING

The Property is currently zoned R-6 Single-Family Attached Residential. The surrounding properties are also zoned R-6 with properties further to the north, across 29th Street, being zoned R-5 Single-Family Residential. To the east at the intersection of Fairmount Avenue and Nine Mile Road lies a B-5 zoning district. Properties to the west along the north side of Fairmount Avenue between N 21st and N 22nd Streets are zoned B-2.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan ("the Master Plan") recommends "Neighborhood Mixed-Use" for the Property, which supports this request. The Master Plan describes this land use category as follows: "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…". The Property is also located in the "25th / Nine Mile Neighborhood Node" which is described as a "place that can accommodate additional growth in jobs and population" by the Master Plan. The Richmond 300 plan also explicitly suggests that within the Neighborhood Node "Underutilized parcels… fronting the street are redeveloped."

Proposal

PROJECT SUMMARY

The SUP would authorize the reuse of a building formerly occupied as a church for mixed-use including the office use and four multi-family dwelling units that do not conform to the underlying R-6 Single-Family Attached Residential district zoning requirements applicable to the Property.

PURPOSE OF REQUEST

The R-6 zoning does not permit the proposed uses of the Property. Urban Hope is proposing the office use and four multi-family dwelling units in order to allow for the reasonable reuse of the existing building. Urban Hope is an affordable housing nonprofit that is focused on the East End of Richmond. They help their clients gain financial management skills, provide safe, quality, affordable housing, and assist clients looking to begin the pathway to homeownership. A special use permit is necessary in order to authorize the use of the building for their purposes.

PROJECT DETAILS

The Property was originally developed in 1900 as a one-story masonry and stucco church including 3,372 square feet of floor area. The current interior configuration is consistent with the original/past use as a church and includes a main sanctuary space as well as accessory administrative and meeting spaces, bathrooms and kitchen. The front of the building includes the original sanctuary space, is clad in stucco, and has a gabled roof fronting Fairmount Avenue. To the rear of the original sanctuary is a one-story brick

building section which was occupied as accessory space for the church. This portion of the building has a gabled roof which is oriented perpendicular to the main sanctuary roof and facing N 23rd Street. At the rear of the building is a one-story brick addition with a flat roof, which housed auxiliary uses. This portion of the building also includes a partially exposed basement level, with access provide via external stairs at eastern and western side of the building.

This configuration and the current R-6 zoning limit the potential use of the Property. In order to retain the building and allow some reasonable re-use, the owner now proposes to occupy the existing building with the office use and four multi-family dwelling units. The front and middle sections of the building, as described above, would be rehabilitated as a commercial office use. The plans depict a concept showing private offices, open workspaces, a kitchen/employee café area, and two bathrooms. The rear portion of the building would be expanded upward to include a gabled roof and shed dormer on the northern and southern sides. This roof design is consistent in character with the original sections of the building and while allowing for an occupiable second floor space. The first and second floors in this area would be improved as two-bedroom dwelling units. The basement level would be occupied as two studio-style dwelling units. The applicant, Urban Hope, would occupy at least a portion of the office space and would plan to utilize a portion of the dwellings to address affordable housing.

In exchange for the SUP, the intent of this request is to allow for the reasonable re-use of this building. The proposed uses would allow for appropriate, small-scale, neighborhood-serving use while also contributing to more diversity in housing options in the area. This would prevent the potential negative impacts of a vacant structure in the area and provide a reasonable stream of revenue for the Property's future upkeep and maintenance. The assurances conditioned through the SUP would guarantee an appropriate re-use of the building that is complementary to the surrounding residential neighborhood.

Findings of Fact

The following are factors included 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 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 proposed office use would be limited in size and scale and would be intended to provide for the convenience of neighborhood residents, some of which are within walking distance, and to avoid any traffic or parking concerns.

• 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 proposed 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.

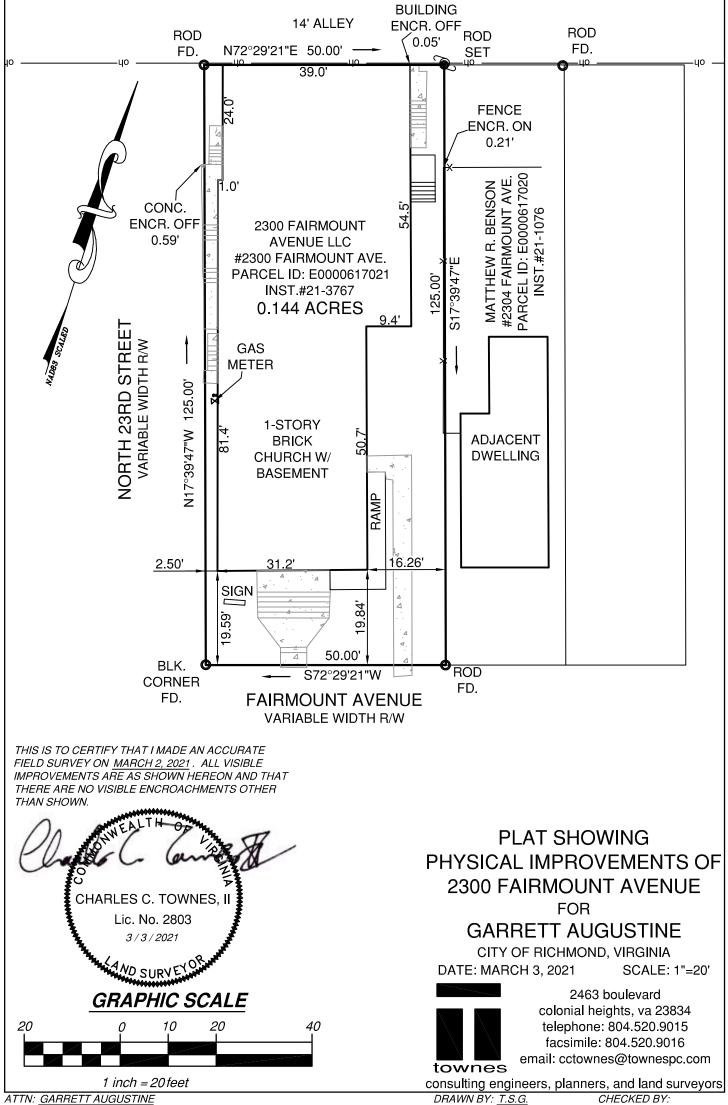
Summary

In summary we are enthusiastically seeking approval for this SUP, which would allow for the reasonable re-use of this purpose-built building. The proposed uses offer compatibility with surrounding residential uses. This request would allow for the continued stewardship of the property based on its occupancy and eliminate any concerns that can be attributed to vacant structures. The assurances conditioned through the SUP would guarantee an appropriate re-use of the building that is complementary to the surrounding residential neighborhood without need for extensive modification to or removal of the building. The request offers compatibility with goals contained within the City's Master Plan and would contribute to the ongoing revitalization of the neighborhood.

THIS PROPERTY IS LOCATED IN ZONE <u>X</u> AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL #<u>5101290041E</u>, EFFECTIVE DATE <u>JULY 16, 2014</u>.

THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD OR OTHER PERTINENT FACTS THAT A CURRENT TITLE REPORT MIGHT IDENTIFY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS SURVEY WAS MADE FOR THE PURPOSE OF IDENTIFYING LEGAL BOUNDARIES AND DOES NOT PURPORT TO IDENTIFY ENVIRONMENTAL FEATURES THAT AN ENVIRONMENTAL ASSESSMENT MIGHT IDENTIFY.

REFERENCE PLAT : PLAT SHOWING PHYSICAL IMPROVEMENTS ON #2306 FAIRMOUNT AVEUNE. DATED NOVEMBER 7, 2017 BY TOWNES PC.





SmbwUrban Hope @ 2300 Fairmount Ave
Design Review / 01.21.22



OVER VIEW

- 01 Project Program
- 02 Code Summary
- 03 Space Planning
- 04 Addition Budiling Concepts



Planning Goals Project Program

Business:

- **01** Private offices + Open work stations
- 02 Open kitchen
- **03** Two (2) rentable offices
- **04** Two (2) bathrooms
- **05** ADA office building

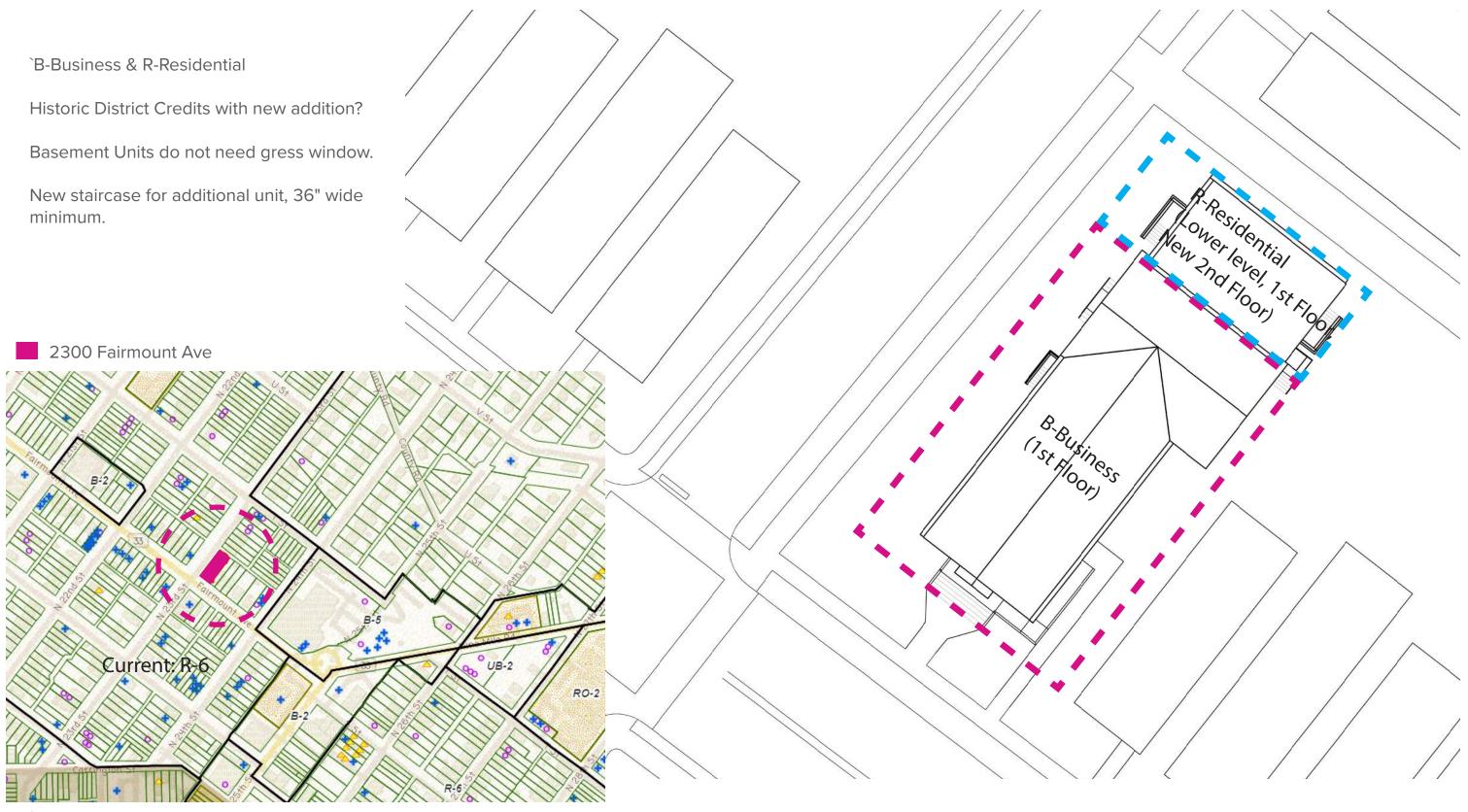
Multi-family:

- **01** Two (2) 2B1B units with in-unit stack laundry
- **02** Two (2) studio units without laundry
- **03** Each unit has separate entry
- **04** Additional unit to match historic building context in neighborhood



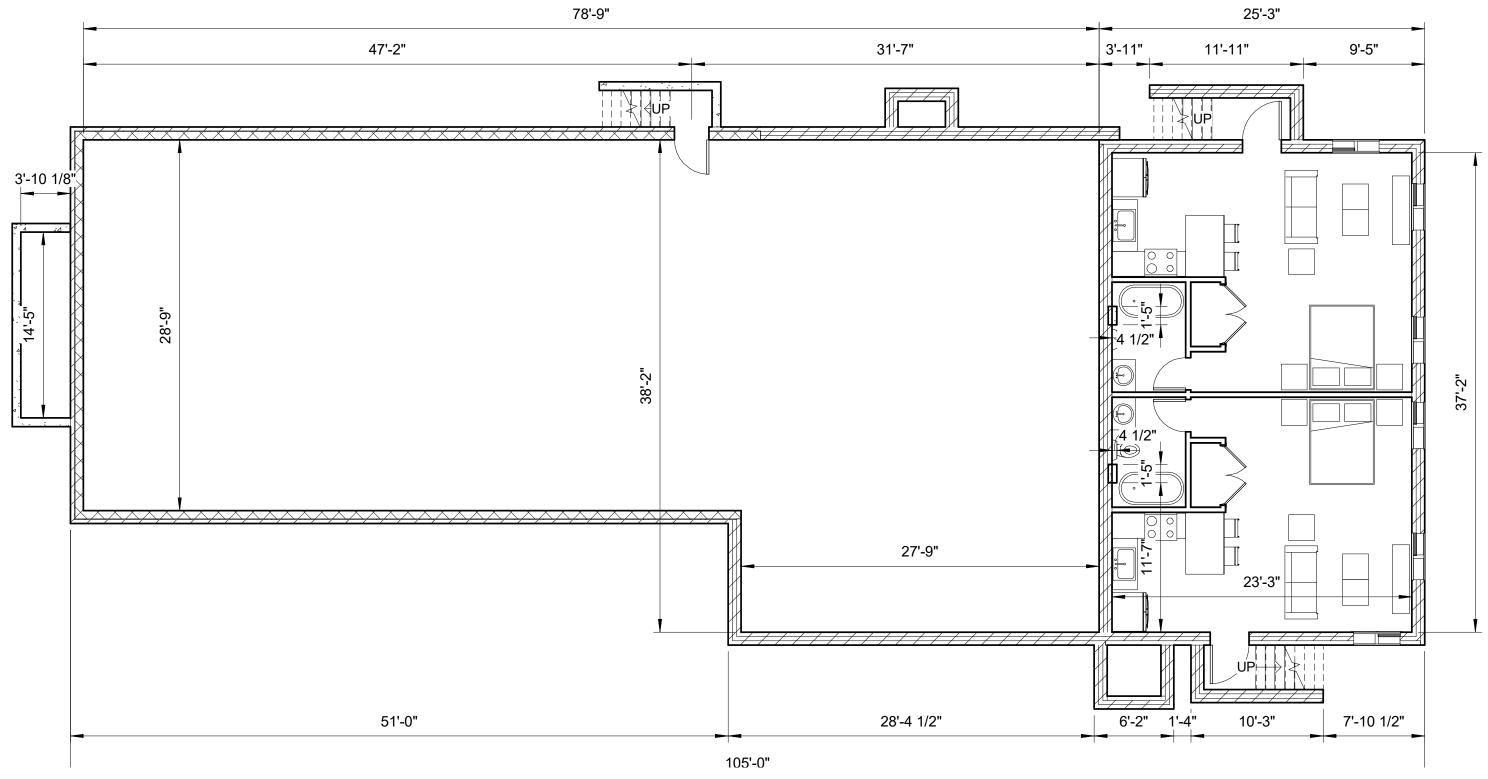


Building Classification



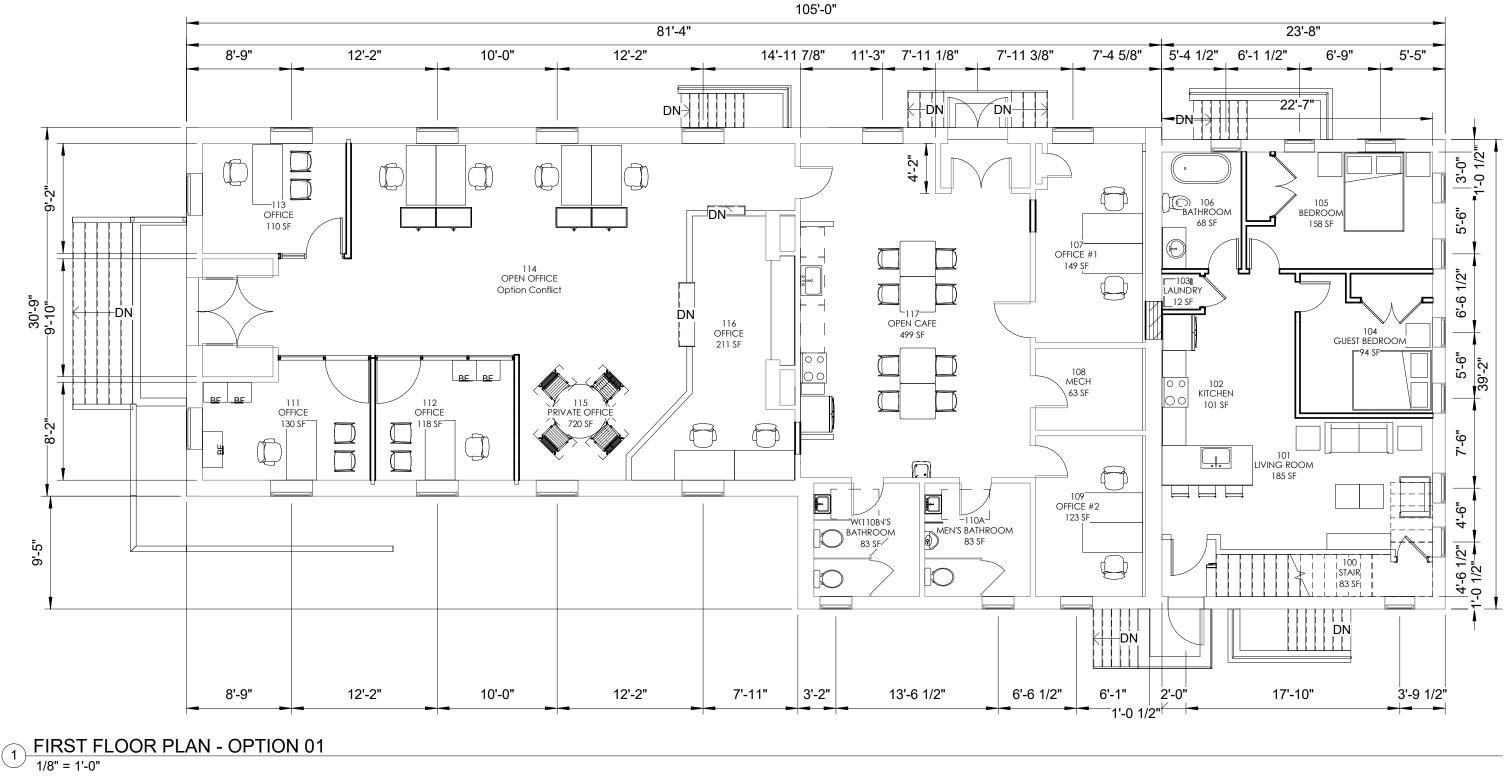
smbw | Urban Hope | Design Review | 1.21.22 | 04

Space Planning Basement Interior Layout



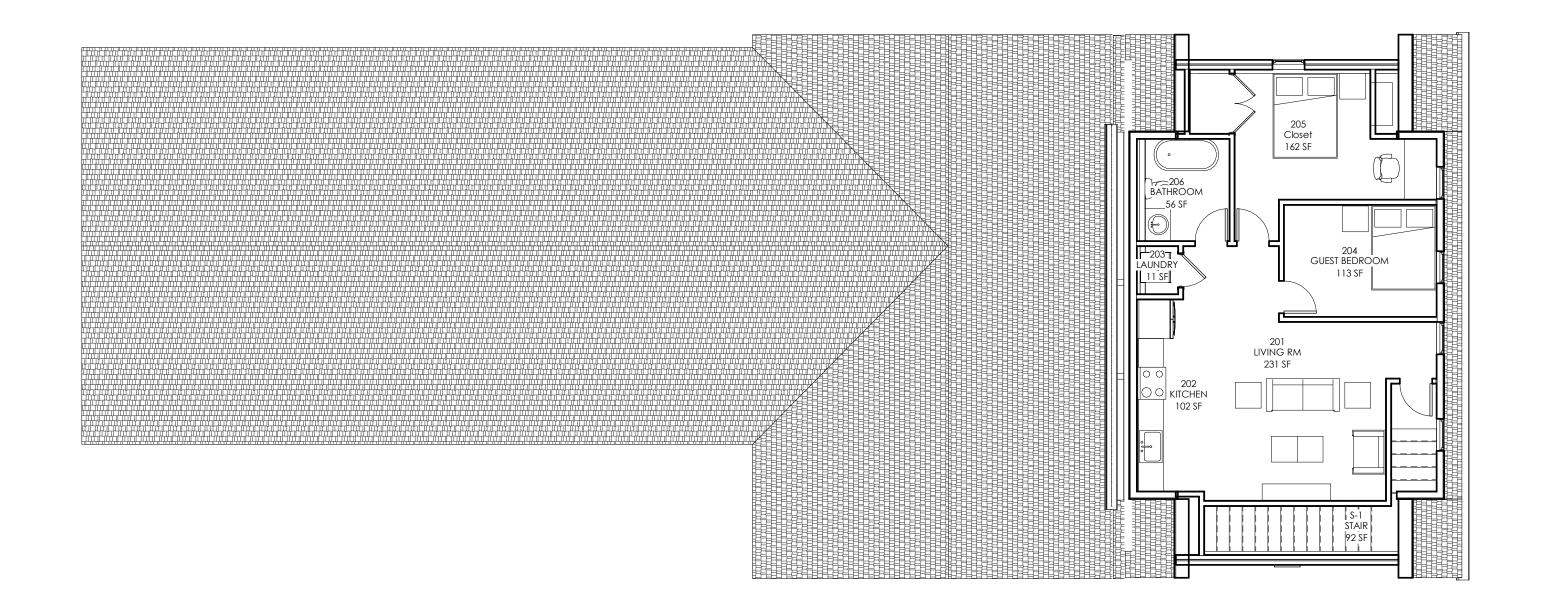
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Space Planning 1st Floor Interior Layout



*Drawings are not to sacle.

Space Planning 2nd Floor Interior Layout



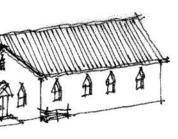
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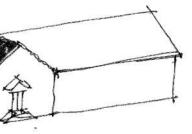




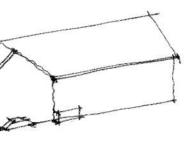


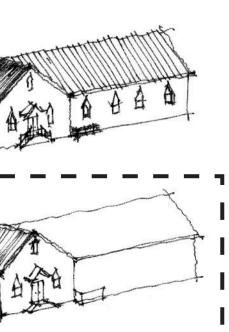






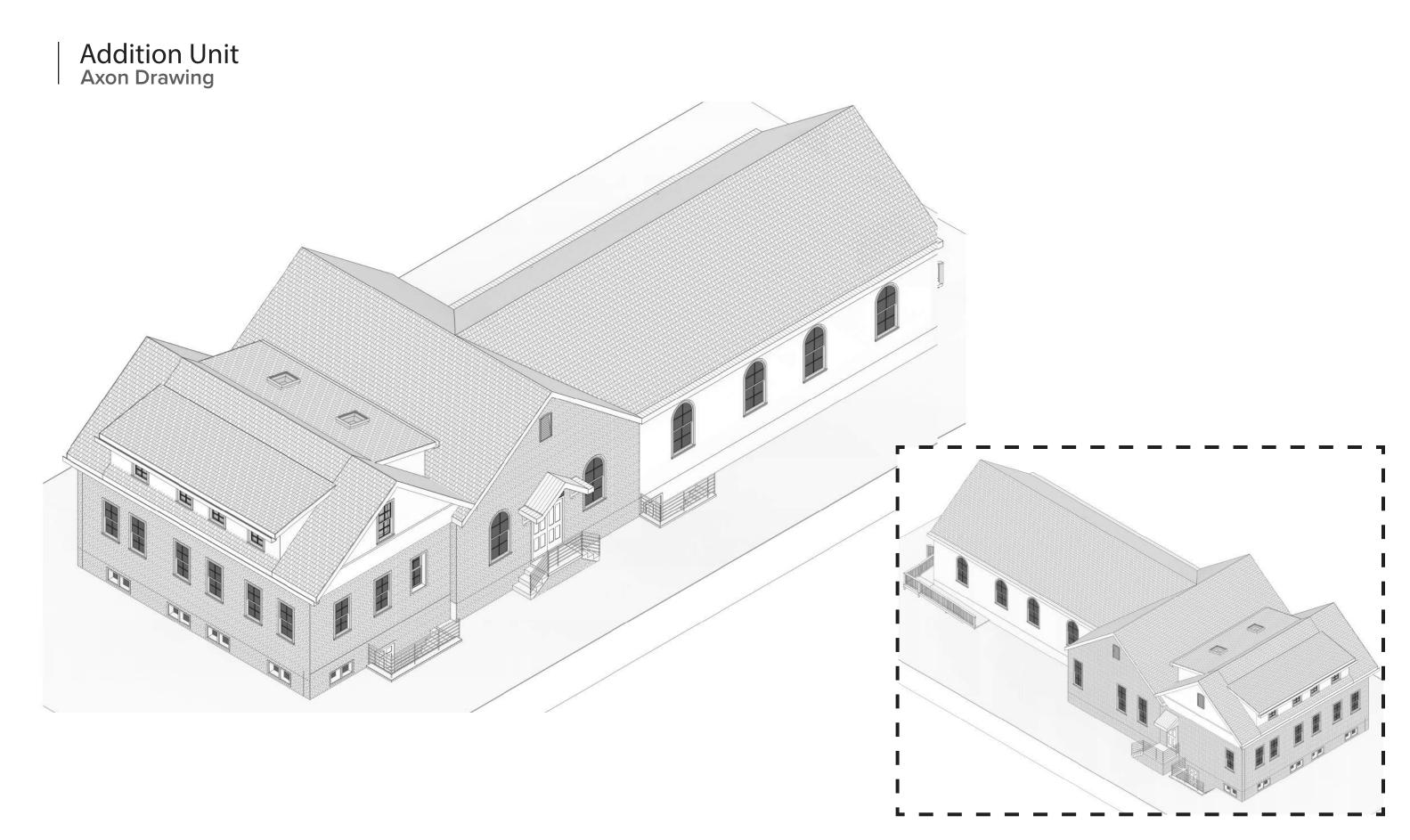




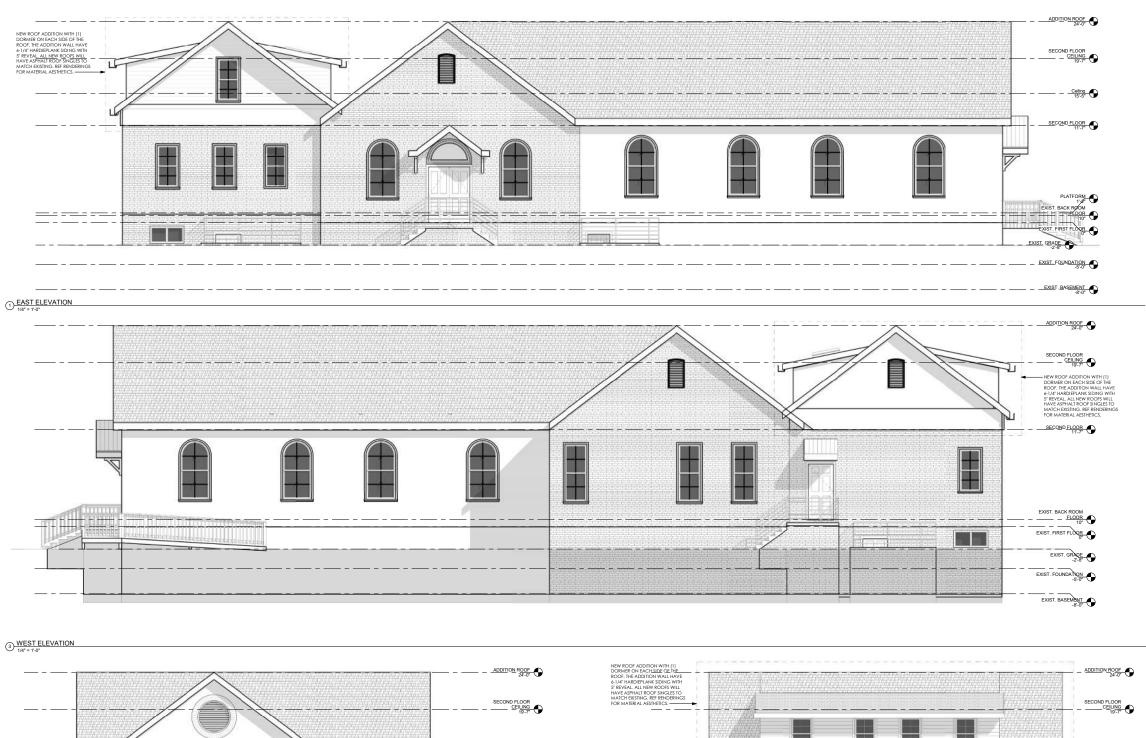


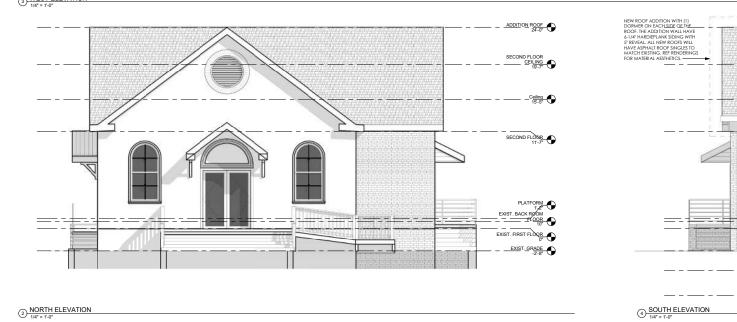






Addition Unit Axon Drawing







*Drawings are not to sacle.