#### AN ORDINANCE No. 2022-210

To authorize the special use of the property known as 421 North 33<sup>rd</sup> Street for the purpose of a mixed-use building with office use on the ground floor and one dwelling unit on the second floor, 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 421 North 33<sup>rd</sup> Street, which is situated in a R-8 Urban Residential District, desires to use such property for the purpose of a mixed-use building with office use on the ground floor and one dwelling unit on the second floor, which use, among other things, is not currently allowed by section 30-413.11 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: |  |

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 421 North 33<sup>rd</sup> Street and identified as Tax Parcel No. E000-0884/028 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Two Parcels of Land on the East Line of N. 33<sup>rd</sup> Street, in the City of Richmond, Virginia.," prepared by McKnight & Associates, P.C., and dated January 12, 2021, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a mixed-use building with office use on the ground floor and one dwelling unit on the second floor, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "421-A N 33<sup>rd</sup> Street," prepared by Center Creek Homes, and dated February 3, 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 mixed-use building with an office use on the ground floor and one dwelling unit on the second floor, substantially as shown on the Plans.
  - (b) No off street parking shall be required for the Special Use.

- (c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (d) The aggregate area of all signs directed toward or intended to be viewed from any street frontage shall not exceed eight square feet and shall be limited to suspended signs and wall signs. No individual suspended sign shall exceed six square feet.
- § 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.

When the privileges granted by this ordinance terminate and the special use permit (f)

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:
>
> Audin D. Reil
>
> City Clerk



2022-152



## **City of Richmond**

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

# Item Request

File Number: PRE.2022.0208

### O & R Request

| DATE: | May 31, 2022 | EDITION: 1 |
|-------|--------------|------------|
|-------|--------------|------------|

**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, Dept. of Planning and Development Review

**RE:** To authorize the special use of the property known as 421 North 33rd Street for the purpose

of a mixed-use building with office use on the ground floor and one dwelling unit on the

second floor, upon certain terms and conditions.

ORD. OR RES. No.

**PURPOSE:** To authorize the special use of the property known as 421 North 33rd Street for the purpose of a mixed-use building with office use on the ground floor and one dwelling unit on the second floor, upon certain terms and conditions.

**REASON:** The applicant is requesting a special use permit to authorize a mixed-use building with office use on the ground floor and one dwelling unit on the second floor in the R-8 Urban Residential District. Per Section 30-413.12(3) of the Zoning Ordinance, office use is permitted by Conditional Use Permit in the R-8 Urban Residential Zoning District if it can be demonstrated that the building was originally designed for commercial use or converted for that purpose prior to 1943. The subject property has never been occupied by a commercial use in the past, 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 July 18, 2022, meeting.

File Number: PRE.2022.0208

**BACKGROUND:** The subject property contains a lot area of approximately 4,146 square feet and contains an existing two-family dwelling dating to ca. 1910. The applicant is requesting a Special Use Permit to allow the ground floor unit to be converted to office space. The property is located within the Chimborazo neighborhood.

The Richmond 300 Master Plan recommends a future land use of "Neighborhood Mixed-Use" for the property. The primary uses recommended for Neighborhood Mixed-Use are single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units) and open space. Secondary uses include large multi-family buildings (10+ units), retail/office/personal service, institutional, cultural and government. The intensity recommended for Neighborhood mixed-use is typically two to four stories, with more height permissible along major streets. The development style should be compatible with the existing context. Setbacks, plazas and parks can help create a sense of place and community gathering areas. New developments on larger parcels should continue or introduce a gridded street pattern. In historic neighborhoods, small-scale commercial buildings should be introduced. Ground floors should engage the street with features such as street-oriented facades. Appropriate setbacks, open space, front porches, elevated ground floors and other features that provide a sense of privacy should be provided for residential uses. Pedestrian, bicycle, and transit access must be accommodated, and bike parking must be provided.

The property is located within the R-8 Urban Residential District. Properties surrounding the subject property are also located within the R-8 Urban Residential District. The properties to the southwest at the end of the block are located within the UB Urban Business District and a Parking Exempt Overlay (PE6). Properties surrounding the subject parcel contain single-family dwellings, with intuitional uses on the southwest corner of the block.

**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 27, 2022

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

City of Richmond Page 2 Printed on 5/31/2022

File Number: PRE.2022.0208

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission

July 18, 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: Alyson Oliver, Planner, Land Use Administration (Room 511) 646-3709



### 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 **Project Name/Location** Property Address: 421 N 33rd Street Date: Tax Map #: E0000884028 Fee: \$1,800 Total area of affected site in acres: 0.0952 (See page 6 for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning: R-8 Urban Residential Existing Use: Two-family Residential **Proposed Use** (Please include a detailed description of the proposed use in the required applicant's report) Conversion of the existing two-family detached dwelling to include first-story office while retaining the existing second-floor residential use. Existing Use: Two-family Residential 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: <u>23219</u> Fax: ( Telephone: (804 ) 874-6275 Email: markbaker@bakerdevelopmentresources.com **Property Owner:** Gregory R Shron If Business Entity, name and title of authorized signee: (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: 421 N 33RD ST City: Richmond State: VA Zip Code: **23223** Telephone: ( **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**

February 17, 2022

Special Use Permit Request 421 N 33<sup>rd</sup> Street, Richmond, Virginia Map Reference Number: E000-0884/028

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 421 N 33<sup>rd</sup> Street (the "Property"). The SUP would authorize the conversion of the ground floor of the existing two-family dwelling for use as an office. While the ground floor office use is permitted by the underlying R-8 Urban Residential zoning district, some of the applicable feature requirements are not met and therefore, a SUP is required.

# **Existing Conditions**

#### SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the eastern side of North 33<sup>rd</sup> Street between E Marshall and E Clay Streets. The Property is referenced by the City Assessor as tax parcel E000-0884/028. The Property is roughly 32 feet wide by 124 feet in depth and contains approximately 4,145 square feet of lot area. Access is provided at the rear of the Property by means of a north-south alley.



The Property is currently improved with a two-story, two-family masonry dwelling originally constructed in 1930. According to City Assessor's records, the building includes 4,056 square feet of finished floor area. The second-story dwelling unit is currently occupied by the Property owner.

Properties in the area consist of a range of uses. Along with single- and two-family dwellings, within two blocks of the Property multifamily, commercial, institutional, and government uses can be found.

#### **EXISTING ZONING**

The Property is currently zoned R-8 Urban Residential. The surrounding properties are also zoned R-6 with properties further to the south, at the intersection of N 33<sup>rd</sup> and E Marshall Streets, being zoned R-63 Single-Family Residential and UB Urban Business. B-1 and R-6 zoning districts can also be found within the neighborhood.

#### MASTER PLAN DESIGNATION

The Richmond 300 Master Plan recommends "Neighborhood Mixed-Use" for the Property. 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..." which supports this request.

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, including:

- Historic Preservation, Objective 3.1, Preserve culturally, historically, and architecturally significant buildings, sites, structures, neighborhoods, cemeteries, and landscapes that contribute to Richmond's authenticity.
- High Quality Places, Objective 4.1, to "create and preserve high-quality, 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.
- 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 multimodal transportation options."
  - o b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- 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)
- High Quality Places Chapter, Objective 4.1, to "create and preserve high-quality, 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 SUP would authorize the use of the ground floor for office use, which does not conform to the underlying R-8 Urban Residential district zoning requirements applicable to the Property.

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### PURPOSE OF REQUEST

421 N 33<sup>rd</sup> Street

The proposed ground floor office use is not a permitted principal use in the R-8 district. The R-8 district does permit ground-floor office use by Conditional Use Permit. However, it must be demonstrated that the building was originally designed for commercial use or converted for that purpose prior to 1943. As the office use is not permitted as a principal use and the building was never occupied for commercial uses in the past, a SUP is necessary in order to authorize the proposed use.

#### PROJECT DETAILS

Per the City of Richmond Assessor's records, the Property was originally developed in 1930 as a two-story masonry dwelling. The building is currently occupied s a two-family dwelling with a ground floor rental unit and the Property owner occupying the second floor of the building. The owner is now proposing to occupy the ground-floor of the building as an office for a real estate development company. More specifically, they are proposing to convert the existing ground floor unit into three offices spaces, a meeting area, and a showroom area to display samples and product options for clients. While no changes are proposed to the exterior of the existing dwelling, an accessible entrance route will be added to the rear of the dwelling which will be accessed from the parking in the rear. Two parking spaces will be provided in the existing garage at the rear of the dwelling.

In exchange for the SUP, the intent of this request is to retain and restore a historical neighborhood building. It would create an appropriately-scaled commercial use which would function as a live-work opportunity for the owner. The project would retain the existing floor plan and would not modify the building's exterior. As a result, it would remain consistent with historical layout and design of the building which is part of the neighborhood fabric. The quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right. They would also ensure an appropriately scaled use that is compatible with and complementary to the surrounding residential neighborhood.

## **Findings of Fact**

The following are factors indicted 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, type and scale 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.

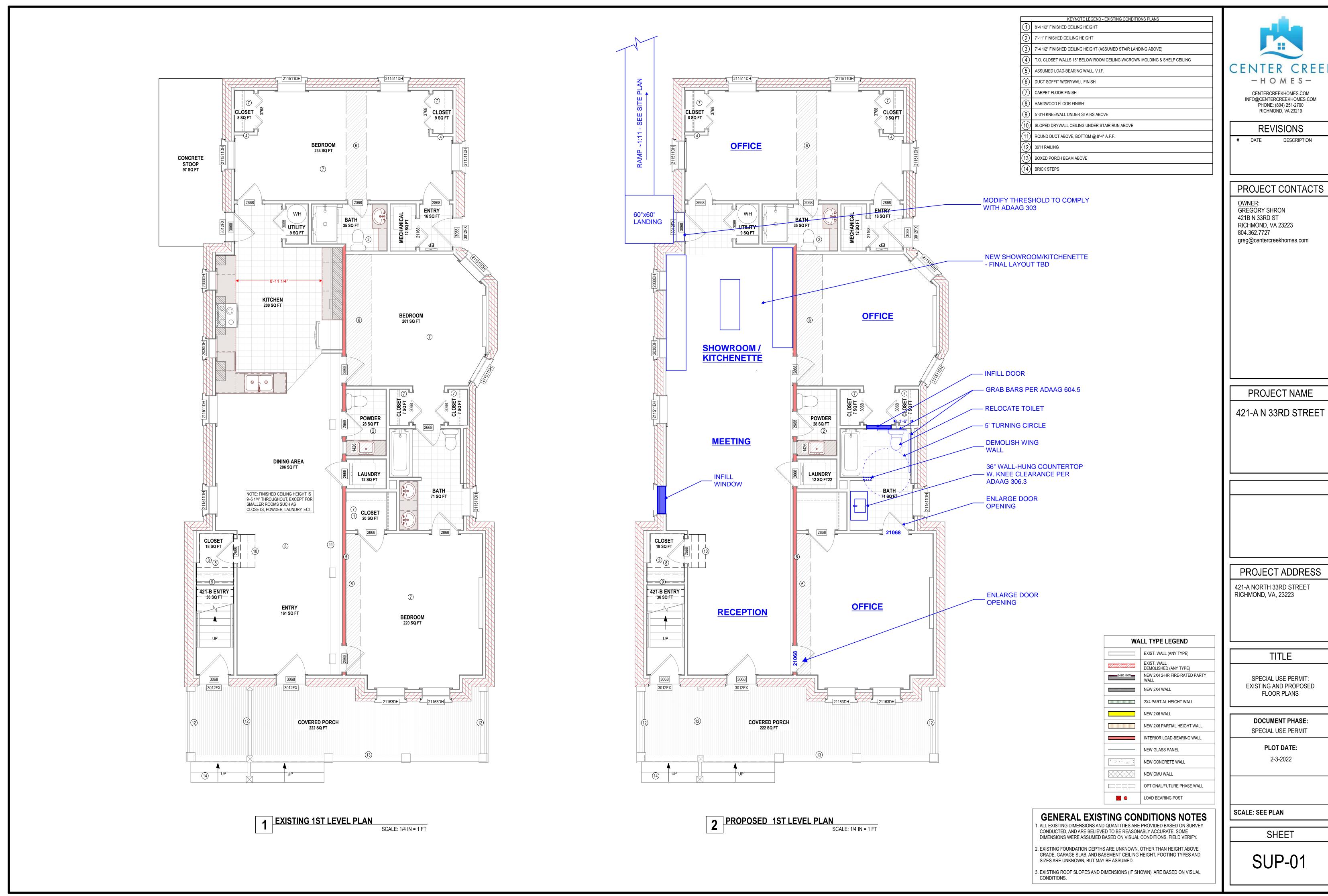
• Interfere with adequate light and air.

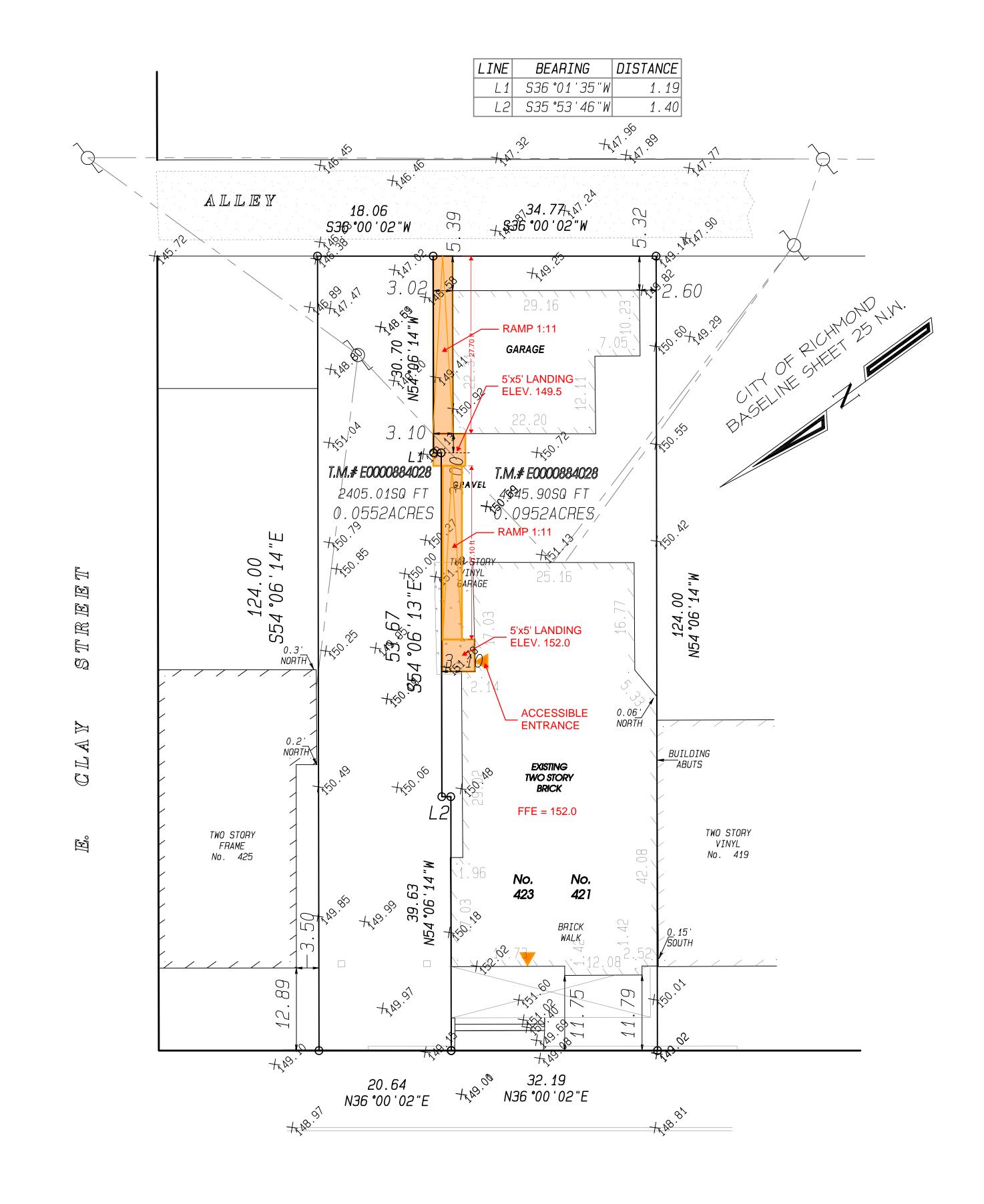
The light and air available to the subject and adjacent properties will not be affected.

# **Summary**

In summary we are enthusiastically seeking approval of the SUP in order to authorize the office use for the ground floor of the existing building. The office would be appropriately scaled for its context and would provide a live-work opportunity for the owner. The conversion would be respectful to the existing building's historical design and interior layout as it would not require extensive modification.

The request offers compatibility with goals contained within the City's Master Plan. The request would contribute to the ongoing revitalization of the neighborhood, upgrading the Property while encouraging a pedestrian friendly urban streetscape in the vicinity. Finally, the quality assurances and improvements and conditions related to the renovation and commercial tenant space as defined by the SUP would guarantee a higher quality development than might otherwise be developed by right.





N. 33RD STREET

PLAT SHOWING TWO PARCELS OF LAND ON THE EAST LINE OF N. 33 RD STREET, IN THE CITY OF RICHMOND, VIRGINIA.

SCALE: 1" = 10'



CENTERCREEKHOMES.COM INFO@CENTERCREEKHOMES.COM PHONE: (804) 251-2700 RICHMOND, VA 23219

# DATE DESCRIPTION

PROJECT CONTACTS

OWNER: GREGORY SHRON 421B N 33RD ST RICHMOND, VA 23223 804.362.7727 greg@centercreekhomes.com

PROJECT NAME

421-A N 33RD STREET

PROJECT ADDRESS

421-A NORTH 33RD STREET RICHMOND, VA, 23223

TITLE

SPECIAL USE PERMIT: SITE PLAN

DOCUMENT PHASE:

SPECIAL USE PERMIT

PLOT DATE: 2-3-2022

SCALE: SEE PLAN

SHEET

SUP-02

