INTRODUCED: January 24, 2022

AN ORDINANCE No. 2022-022

To authorize the special use of the property known as 1628 North 27th Street for the purpose of a single-family detached dwelling, 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 property known as 1628 North 27th Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a singlefamily detached dwelling, which use, among other things, is not currently allowed by section 30-410.4, 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	FEB 28 2022	REJECTED :		STRICKEN:	

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 1628 North 27th Street and identified as Tax Parcel No. E000-0948/031 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Physical Improvements of Lot 11-A, Peter Paul Tract Subdivision for Quality Life of Virginia, LLC, City of Richmond, Virginia," prepared by Townes Consulting Engineers, Planners, and Land Surveyors, and dated March 30, 2021, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a single-family detached dwelling, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "New Construction," prepared by Pinnacle Design, with sheets A-1.00, A-2.00. A-2.60, A-2.70, A-3.00, and A-3.10 dated April 26, 2021, sheet A-4.01 dated August 25, 2021, and sheet A-0.10 dated October 15, 2021, and hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a single-family detached dwelling, substantially as shown on the Plans.

(b) No less than one off-street parking space shall be provided for the Special Use, substantially as shown on the Plans.

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

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

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

§ 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) The Owner shall make improvements within the right-of-way, including a new fivefoot sidewalk and one new street tree, substantially as shown on the Plans, which improvements

may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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

(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.



RECEIVED By B L Fore at 10:14 am, Jan 20, 2022

City of Richmond

STOF RICHARO

RECEIVED By CAO Office at 1:48 pm, Jan 06, 2022

2021-536

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

EDITION:1

Item Request File Number: PRE.2021.936

O & R Request

DATE:	December 20, 2021

- **TO:** The Honorable Members of City Council
- **THROUGH:** The Honorable Levar M. Stoney, Mayor (Mayor, by Request) (This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

- **THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Full Planning For S. Ebert
- FROM: Kevin J. Vonck, Director, Department of Planning and Development Review
- **RE:** To authorize the special use of the property known as 1628 North 27th Street, for the purpose of a single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1628 North 27th Street, for the purpose of a single-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize a single-family detached residential building. The lot area does not meet the current requirements within the R-5 Single-Family Residential District. A Special Use Permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its February 21, 2022, meeting.

BACKGROUND: The property is located in the Woodville neighborhood on North 27th Street between X and V Streets. The property is currently a 3,627 sq. ft. (.08 acre) parcel of land.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use, which is defined 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."

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft. Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government. (p. 56)

The current zoning for this property is R-5 Single-Family Residential District. All adjacent properties are located within the same R-5 Residential Zone. The area is primarily single family residential, with some multi-family residential and small, neighborhood commercial uses present in the vicinity.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 24, 2022

CITY COUNCIL PUBLIC HEARING DATE: February 28, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission February 21, 2022

AFFECTED AGENCIES: Office of Chief Administrative Officer Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734

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)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

 Property Address:
 1628 N 27th Street
 Date:

 Tax Map #:
 E0000948031
 Fee:

 Total area of affected site in acres:
 0.083 acres

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

Zoning

Yes

Current Zoning: R-5 Single-Family Residential

Existing Use: Vacant land

Proposed Use

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

Construct single-family detached dwelling

Existing Use: Vacant land

Is this property subject to any previous land use cases?

If Yes, please list the Ordinance Number: N/A

Applicant/Contact Person: Mark Baker

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

Property Owner: WEBSTER, WILLIAM E JR. AND WEBSTER, IVEY P

If Business Entity, name and title of authorized signee: N/A

(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: 6815 Rural Poin	t Road		
City: Mechanicsville		State: <u>VA</u>	Zip Code: 23116
Telephone: _()		Fax: _(_)
Email:	-Authentiscer 🕄		
Property Owner Signature:	William E. Webster Jr	Cupuers ~	05/15/2021
•••	5/15/2021 7:29:37 PM EDT	5/15/2021 7:06:45 PM EDT	

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

June 14th, 2021

Special Use Permit Request 1628 N 27th Street, Richmond, Virginia Map Reference Number: E000-0948/031

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:	Mark Baker
	Baker Development Resources
	1519 Summit Avenue, Suite 102
	Richmond, VA 23230

Introduction

The applicant is requesting a special use permit (the "SUP") for the property known as 1628 N 27th Street (the "Property"). The SUP would authorize the construction of a single-family detached dwelling. While single-family use is permitted by the underlying R-5 Single-Family Residential zoning district, some of the applicable feature requirements cannot be met. Therefore, the SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the west side of N 27th Street at its intersection with X Street. It is referenced by the City Assessor with a tax parcel number of E000-0948/031. The Property is 50 feet in width and 72.5 feet in depth, contains approximately 3,627 square feet of lot area, and is currently unimproved. Access is provided by a north-south alley located to the rear of the Property.



The properties in the vicinity which are developed primarily contain single-family detached dwellings. Many of the properties on the western portion of N 27th, including the properties immediately adjacent to the subject Property, are currently unimproved. To the west across X and 27th Streets lies the Woodville Presbyterian Church.

EXISTING ZONING

The Property and the surrounding properties are zoned R-5 Single-Family Residential, which permits single-family detached dwellings. To the south, along the commercial corridor on Nine

Mile Road lies the B-2 Community District. Further south, across Nine Mile Road are both RO-2 and UB-2 zoning districts.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Neighborhood Mixed-Use" for the Property. The Master Plan suggests this future land use designation feature a variety of building types that are close to one another and create a unified street wall. The Master Plan also recommends buildings in this future land use category be "generally two to four stories and... located on parcels generally between 1,500 and 5,000 square feet." This designation also encourages that developments reinforce a gridded street pattern to increase connectivity. Singlefamily dwellings are one of the contemplated primary uses in the Neighborhood Mixed-Use future land use designation (p. 56).

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 (generally):

- 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.

Proposal

PURPOSE OF REQUEST

The SUP would permit the construction of a new, single-family detached dwelling. The new dwelling would be located on the existing parcel which is 50 feet in width and contains 3,627.5 square feet of lot area. As a result, the R-5 District lot area requirement would not be met for the new dwelling. All other aspects of the underlying zoning requirements, including the requirement that a minimum of one (1) off-street parking space be provided, will be met.

PROJECT DETAILS/DESIGN

The proposed dwelling would two stories in height and would be of frame construction with horizontal lap siding. It would include approximately 1,680 square feet of finished floor area and consist of four bedrooms and two-and-one-half bathrooms. The proposed floor plans are modern and efficient, and designed to be meet the needs of the market. The floor plans include a master bedroom with en-suite master bathroom and walk-in closet. A front porch and rear deck are included in the design and would provide additional outdoor living space for the occupants.

Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 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 SUP will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed site improvements and density are compatible with the existing development in the vicinity. This request would simply permit the efficient utilization of the Property by allowing for new development to occur. The improvement of the Property in conjunction with the high quality/benefits provided by the SUP will provide positive impacts in terms of health, welfare, etc., and furthermore will add to the vibrancy of the neighborhood.

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

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The traffic generation for one additional dwelling unit will be negligible, especially within the context of a walkable neighborhood. As such, the SUP will not create 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 SUP will not tend to overcrowd 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 SUP 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.

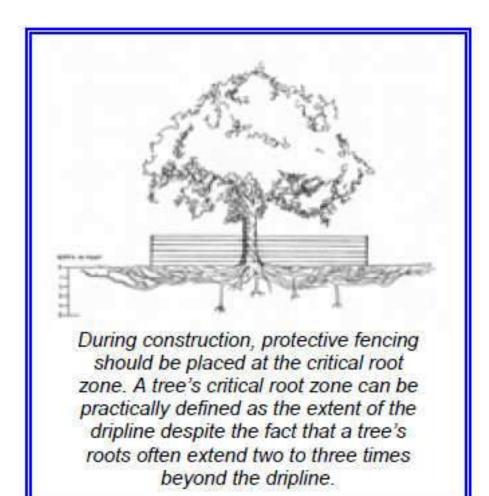
• Interfere with adequate light and air.

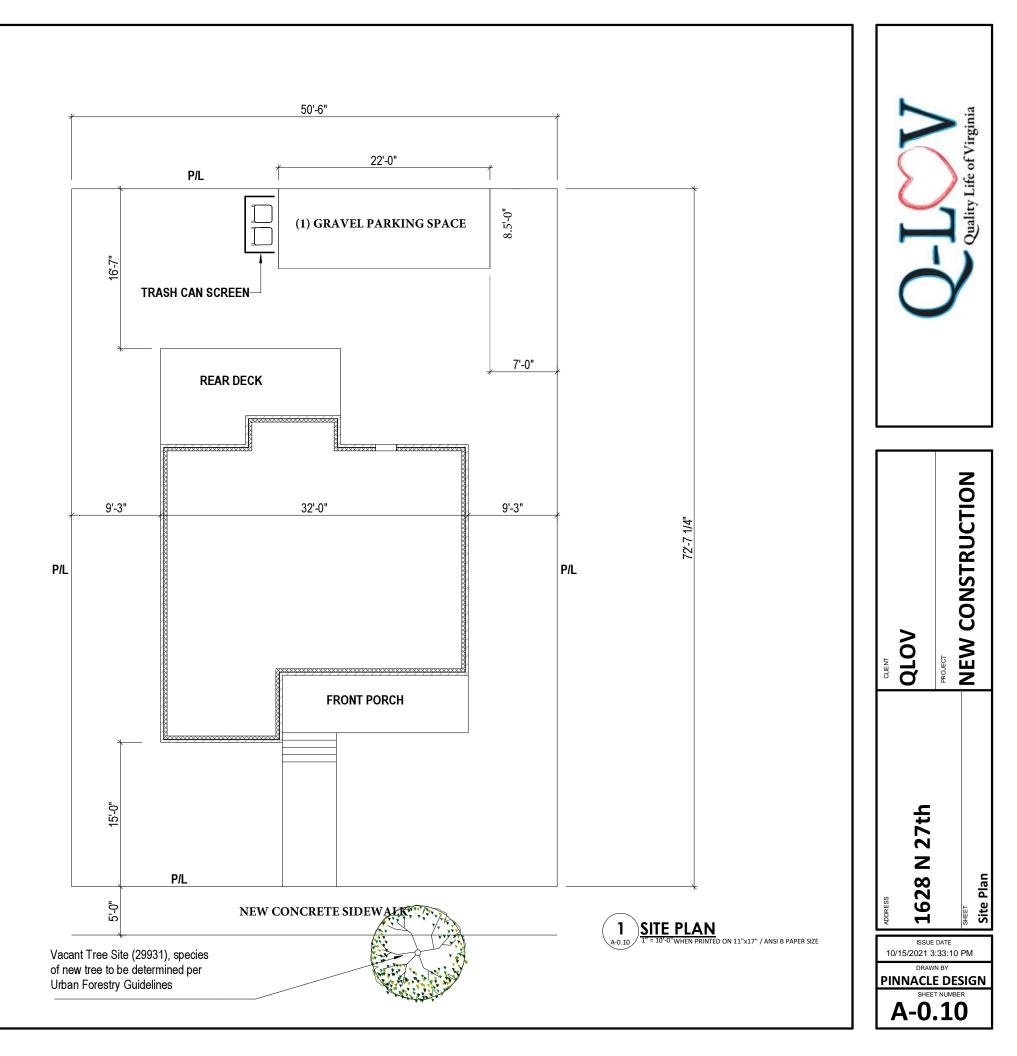
The light and air available to the subject and adjacent properties will not be affected. The massing of the proposed structures is similar to what the underlying zoning district and

feature regulations applicable to single-family detached dwellings allow for by-right on legally nonconforming lots of substandard width.

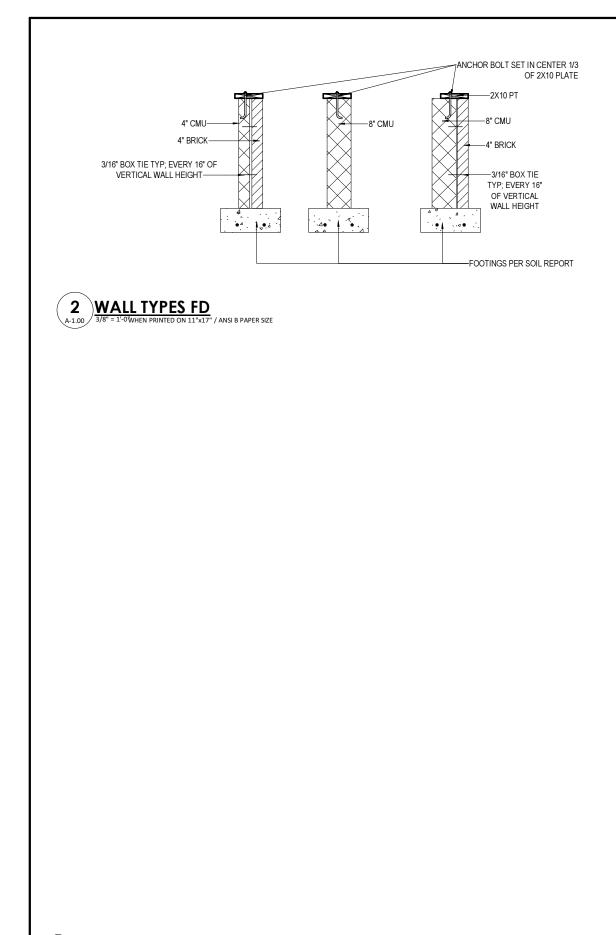
Summary

In summary we are enthusiastically seeking approval for the construction of a new, single-family detached dwelling on the Property. The SUP represents an ideal, small-scale urban infill development for this location. In exchange for the SUP, the quality assurances conditioned therein would guarantee the construction of a quality residences consistent with Master Plan guidance. This would contribute to the overall vibrancy of the block though the provision of an appropriate urban form and use that is consistent with the development pattern and surrounding neighborhood.





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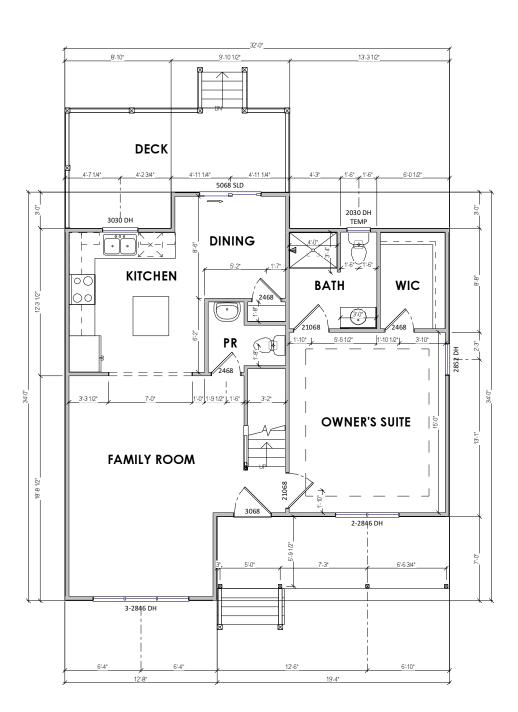
NOTE:

1. ALL DIMENSIONS ARE FROM OUTSIDE EDGE OF EXTERIOR WALL SHEATHING OR FACE OF STUD, U.N.O.

- 2. ALL DOOR & WINDOW HEADERS IN EXTERIOR WALLS TO BE (2) 2X8 U.N.O.
- 3. ALL INTERIOR DOOR HEADERS TO BE (2) 2X4, U.N.O.

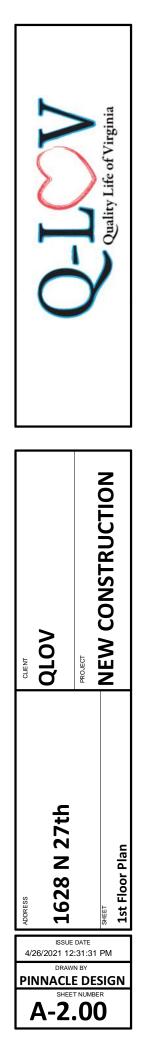
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DECK, PORCH & APPURTENANCES ARE CONNECTED.





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NOTE:

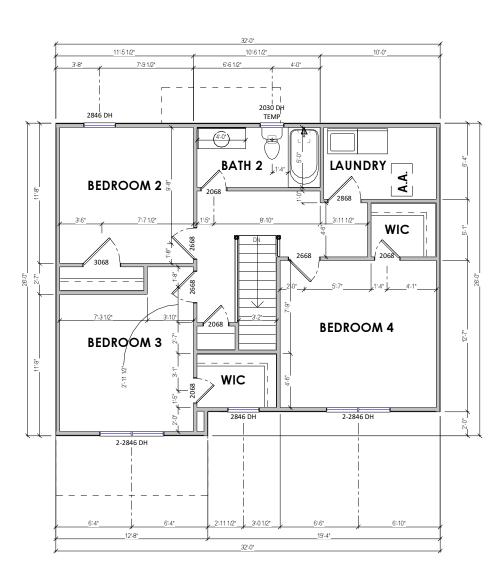
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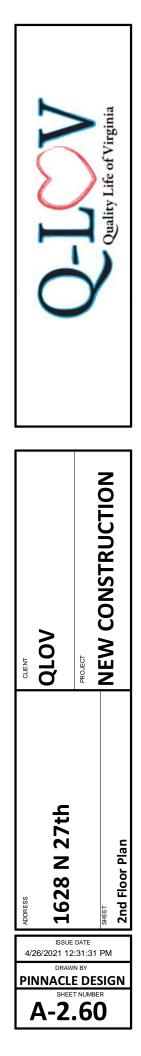
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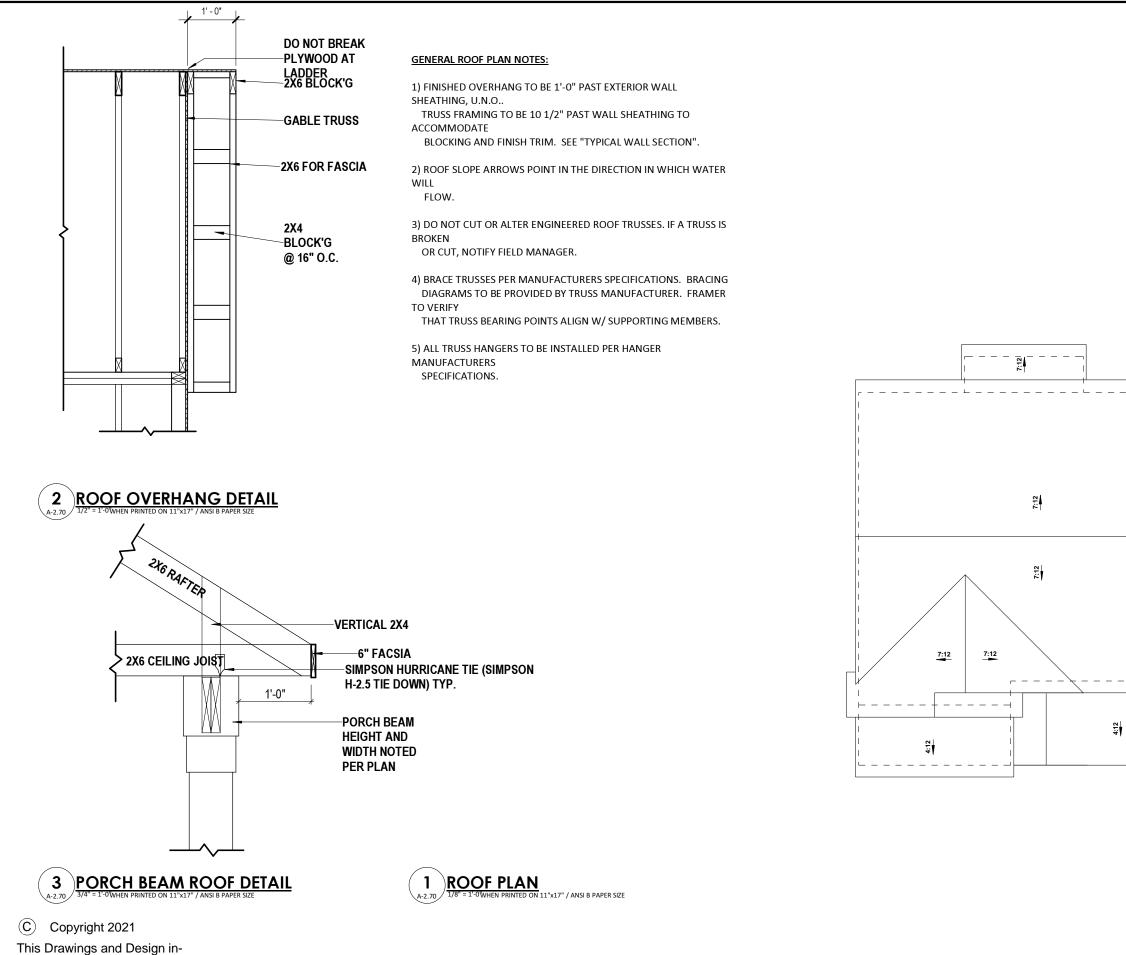
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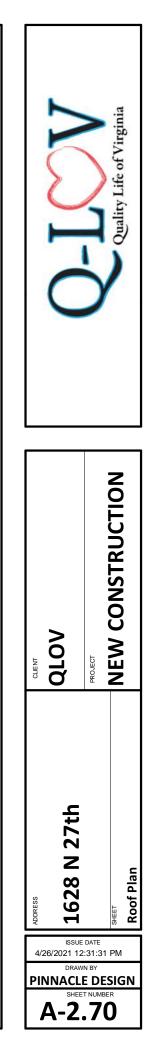


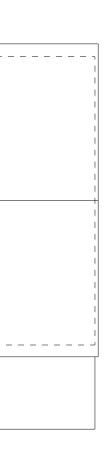


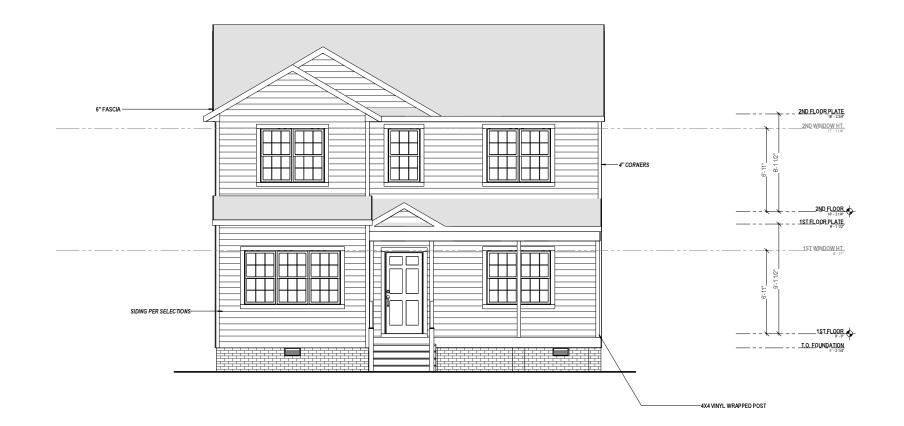
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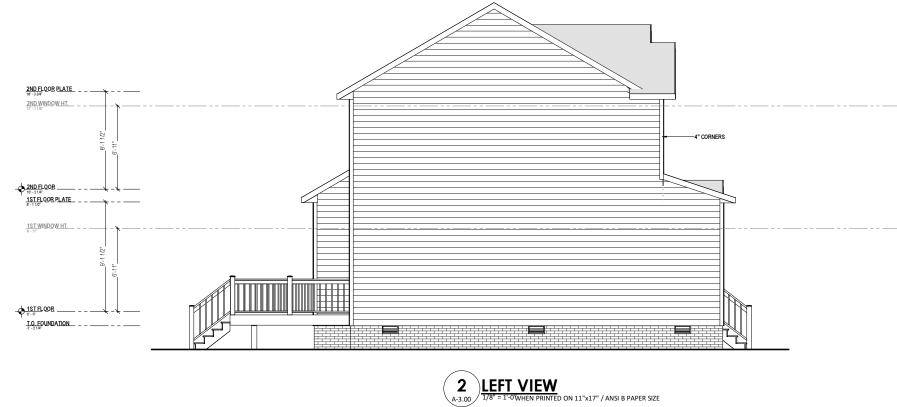






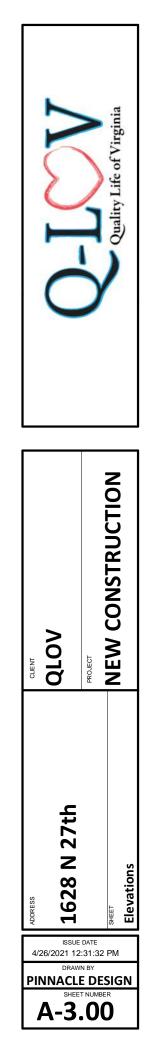


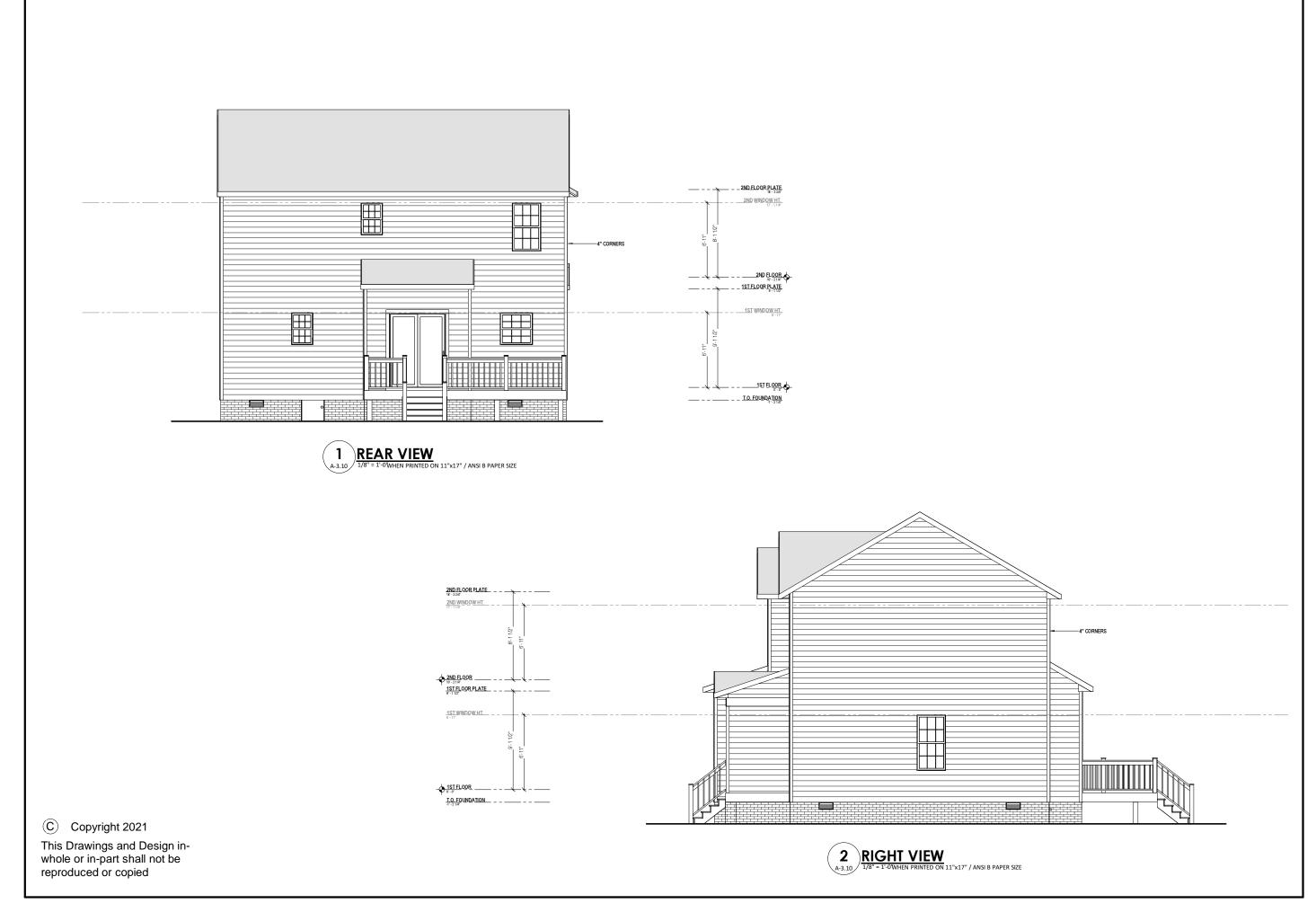




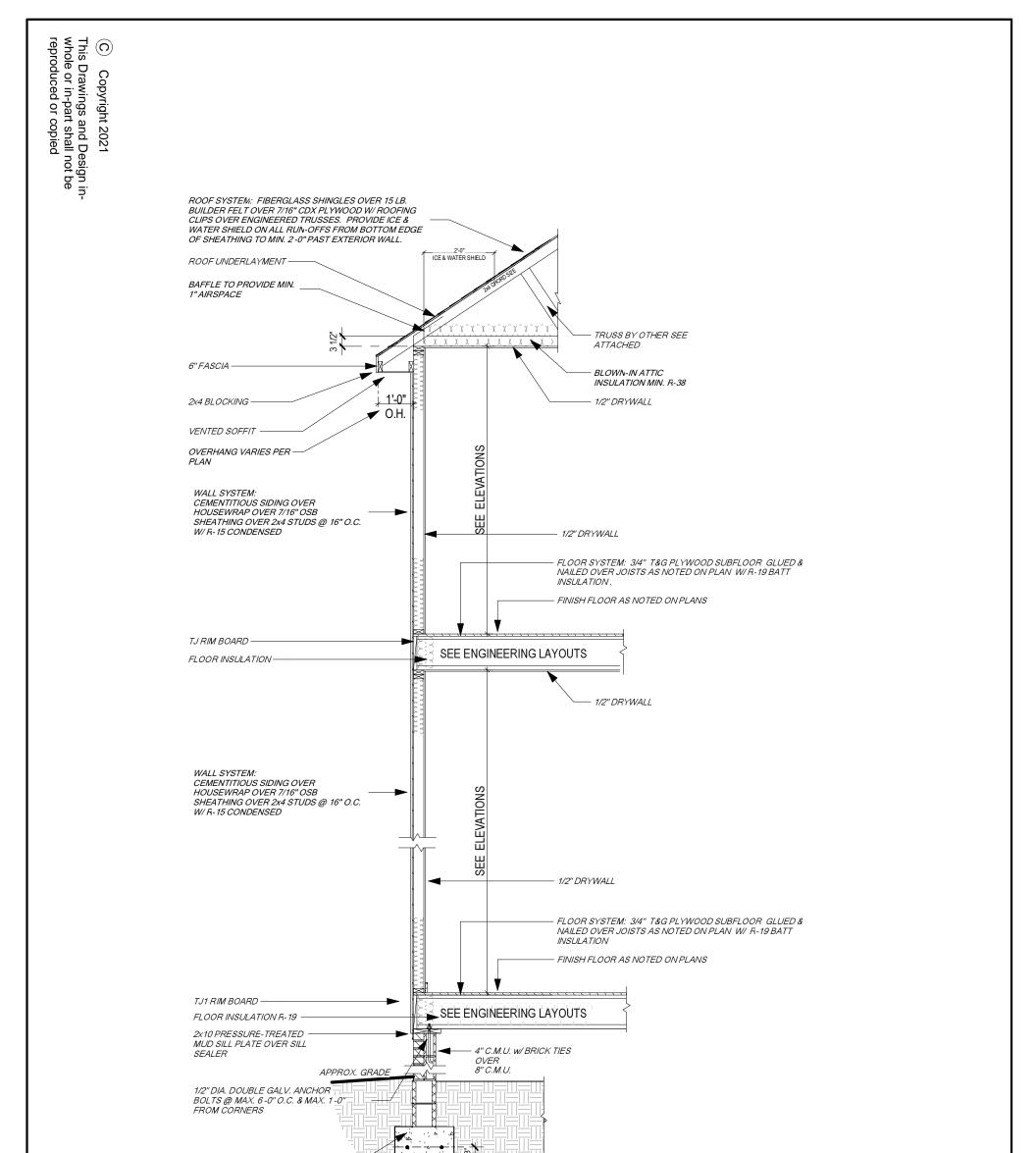
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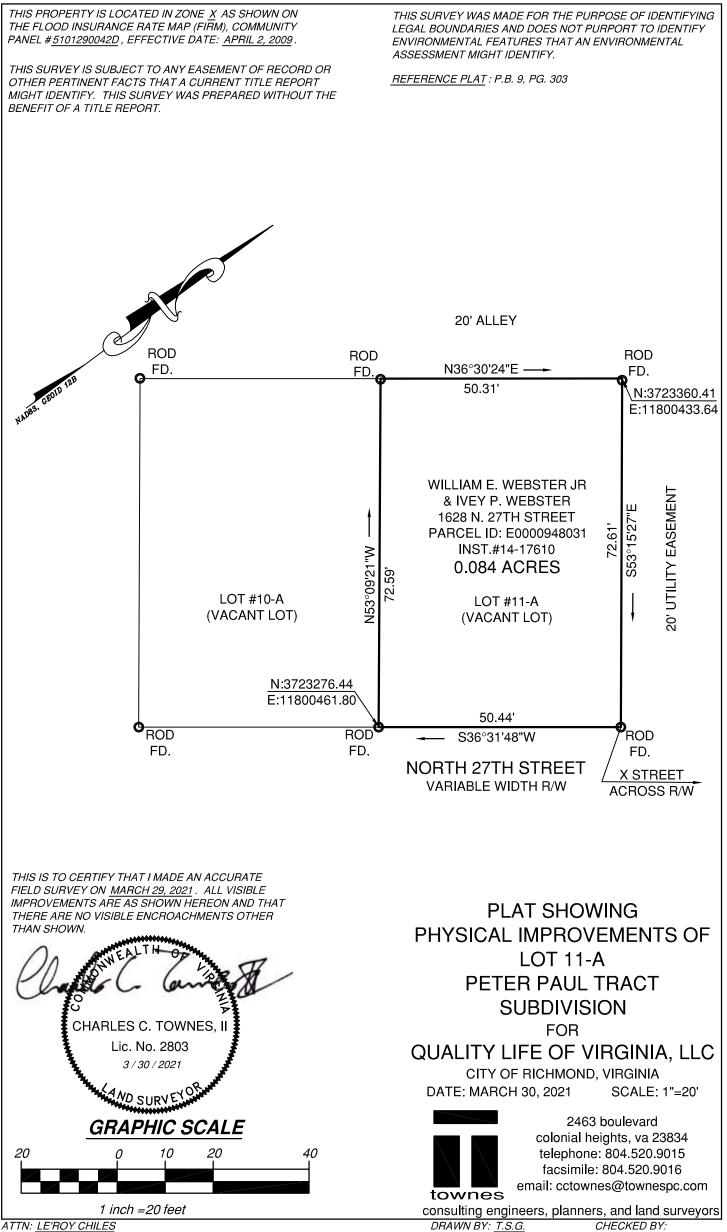






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CHECKED BY: