INTRODUCED: December 12, 2022

AN ORDINANCE No. 2022-366

To authorize the special use of the property known as 211 East 15th 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: JAN 9 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 211 East 15th Street, which is situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such property for the purpose of a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-413.2 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 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

AYES:	8	NOES:	0	ABSTAIN:	
ADOPTED:	JAN 9 2023	REJECTED:		STRICKEN:	

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 211 East 15th Street and identified as Tax Parcel No. S000-0191/004 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Map Showing the Improvements on No. 211 E 15th Street in the City of Richmond, VA.," prepared by Virginia Surveys, and dated June 21, 2022, 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 "S.U.P. for 211 E. 15th Street," prepared by Chris Wolf Architecture, PLLC, and dated August 11, 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 single-family detached dwelling, substantially as shown on the Plans.

(b) No parking shall be required for the Special Use.

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

(d) The height of the Special Use shall not exceed two stories, 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 the installation of one 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 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: Canelin D. Ril City Clerk

2022-296



City of Richmond

Item Request File Number: PRE.2022.0479 900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov

O & R Request

DATE:	November 14, 2022	EDITION:1
то:	The Honorable Members of City Council	
	The Honorable Levar M. Stoney, Mayor (Mayor, by Requ (This is no way reflects a recommendation on behalf of th	ne Mayor.)
THROUGH:	J.E. Lincoln Saunders, Chief Administrative Officer	nech Sandern
THROUGH:	Sharon L. Ebert, Deputy Chief Administrative Officer for Development and Planning	Economic Stan Set-
FROM:	Kevin J. Vonck, Director, Department of Planning and De	evelopment Review Kund Vonde
RE:	To authorize the special use of the property known as 211 a single-family detached dwelling, upon certain terms and	

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 211 East 15th 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 dwelling within an R-7 Single- and Two-Family Urban Residential District. While the use is permitted the property does not meet the current lot area and width, side yards, and off-street parking requirements for a single-family dwelling. 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.

BACKGROUND: The property is located in the Blackwell neighborhood on 15th Street between Stockton and Everett Streets. The property is currently a 1,700 sq. ft. (.04 acre) vacant parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential, which is defined as "Neighborhood(s) consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature."

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

Primary Uses: Single-family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets. (p. 54)

The current zoning for this property is R-7 Single- and Two-Family Urban Residential District. All adjacent and nearby properties are located primarily within the same R 7 zone. The area is generally single family residential, with some two-family residential, and commercial uses present in the vicinity along Hull Street to the north. The proposed density of the parcel is 1 unit upon .04 acres, or 25 units per acre.

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: December 12, 2022

CITY COUNCIL PUBLIC HEARING DATE: January 9, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

Planning Commission January 3, 2023

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)

- \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

|--|

Existing I	Use:		
Extisting .	000		

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?

Yes	5

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 signee:	
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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 26th, 2022

Special Use Permit Request 211 E 15th Street, Richmond, Virginia Map Reference Number: S000-0191/004

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:	Mark Baker		
	Baker Development Resources		
	530 East Main Street, Suite 730		
	Richmond, VA 23219		

Introduction

The applicant is requesting a special use permit (the "SUP") for the property known as 211 E 15th 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-7 Single- and Two-Family Urban Residential zoning district, some of the applicable feature requirements cannot be met and, therefore, the SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the western line of E 15th Street between Stockton and Everett Streets. It is referenced by the City Assessor as tax parcel number of S000-0191/004. The Property is roughly 16 feet in width and 102 feet in depth, contains approximately 1,700 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 developed properties in the vicinity primarily contain single-family attached and detached dwellings though many of the properties on the eastern portion of E 15th Street are currently unimproved. To the east, across E 15th Street, lies Blackwell Elementary School. Several blocks to the north lies the major commercial corridor of Hull Street and to the west lies the Richmond Highway (U.S. Route 1) corridor.

EXISTING ZONING

The Property and the surrounding properties are zoned R-7 Single- And Two-Family Urban Residential, which permits single-family detached dwellings. To the west, along the commercial corridor on Hull Street lies the B-5 Central Business District. Further south, along the commercial corridor on Richmond Hwy lies the B-3 General business District.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Residential" for the Property. The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. This designation also encourages that developments reinforce a gridded street pattern to increase connectivity. Single-family dwellings are the contemplated primary use in the Residential future land use designation (p. 54). Additionally, this property is located adjacent to the Manchester National/Regional Node which is contemplated as providing a variety of housing types to support the economic activity along the Hull Street corridor.

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

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
 - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."
 - d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to "Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to "Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance."
- Page 159 (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."
 - a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).
- Page 86 (High-Quality Places Chapter), Objective 1.4, to "maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards."
- Page 100 (High Quality Places Chapter), Objective 4.1, to "create and preserve highquality, distinctive, and well-designed neighborhoods and nodes throughout the City," as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

Proposal

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 16.8 feet in width and contains 1,714 square feet of lot area. As a result, the R-7 District lot width and area requirements would not be met for the new dwelling. Furthermore, due to the configuration of the lot and the narrow (+/-10') alley width, no parking would be provided at the rear of the dwelling. All other aspects of the underlying zoning requirements will be met.

PROJECT DETAILS/DESIGN

When complete, the proposed dwelling would two stories in height and would be of frame construction with cementitious lap siding. It would include approximately 1,632 square feet of finished floor area and consist of three 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 first floor contains a living room at the front of the dwelling and open kitchen and dining rooms to the rear. The second floor plans include a primary bedroom with en-suite master bathroom and walk-in closet. A full-width front porch and covered rear patio 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.

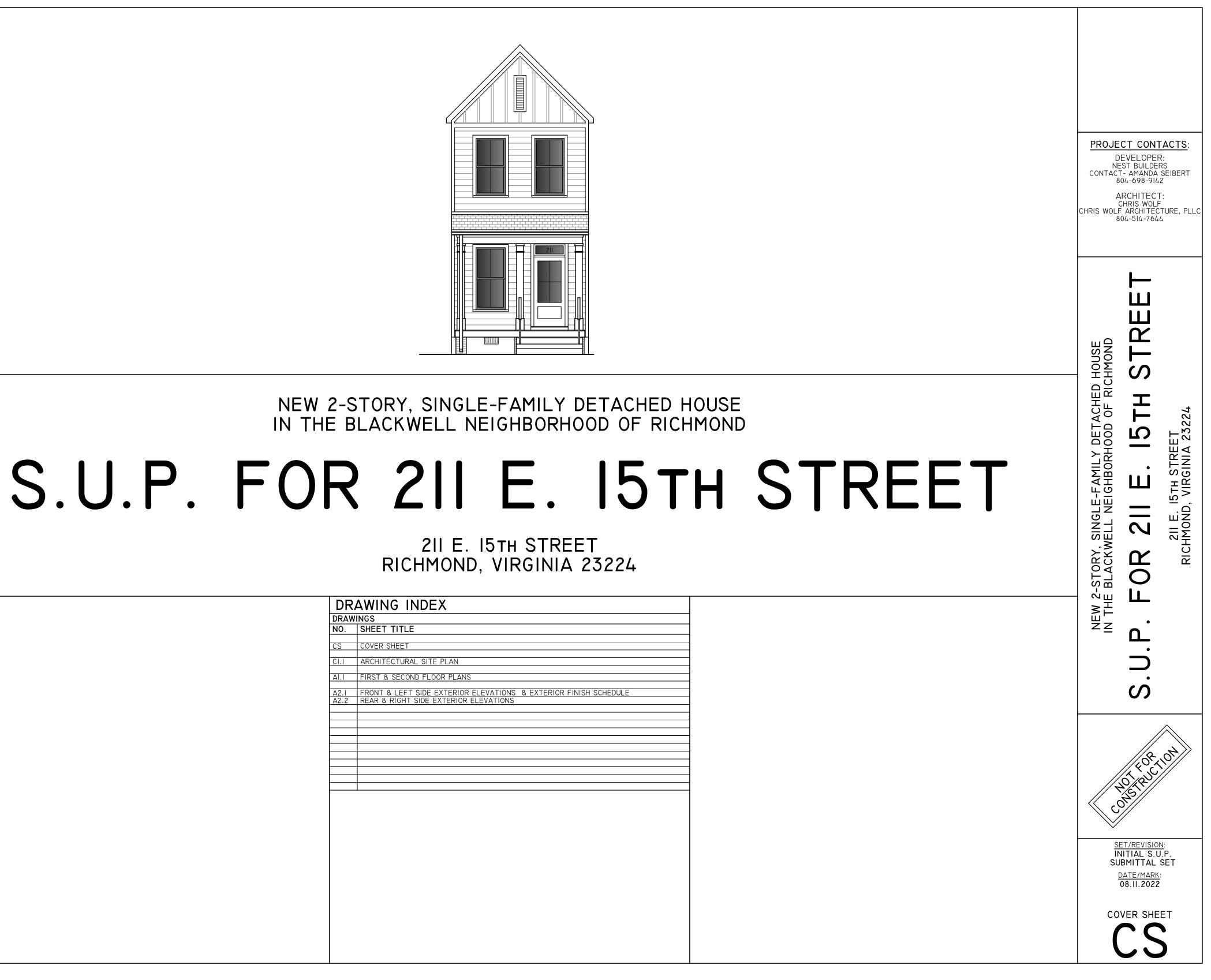
The SUP would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

• 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

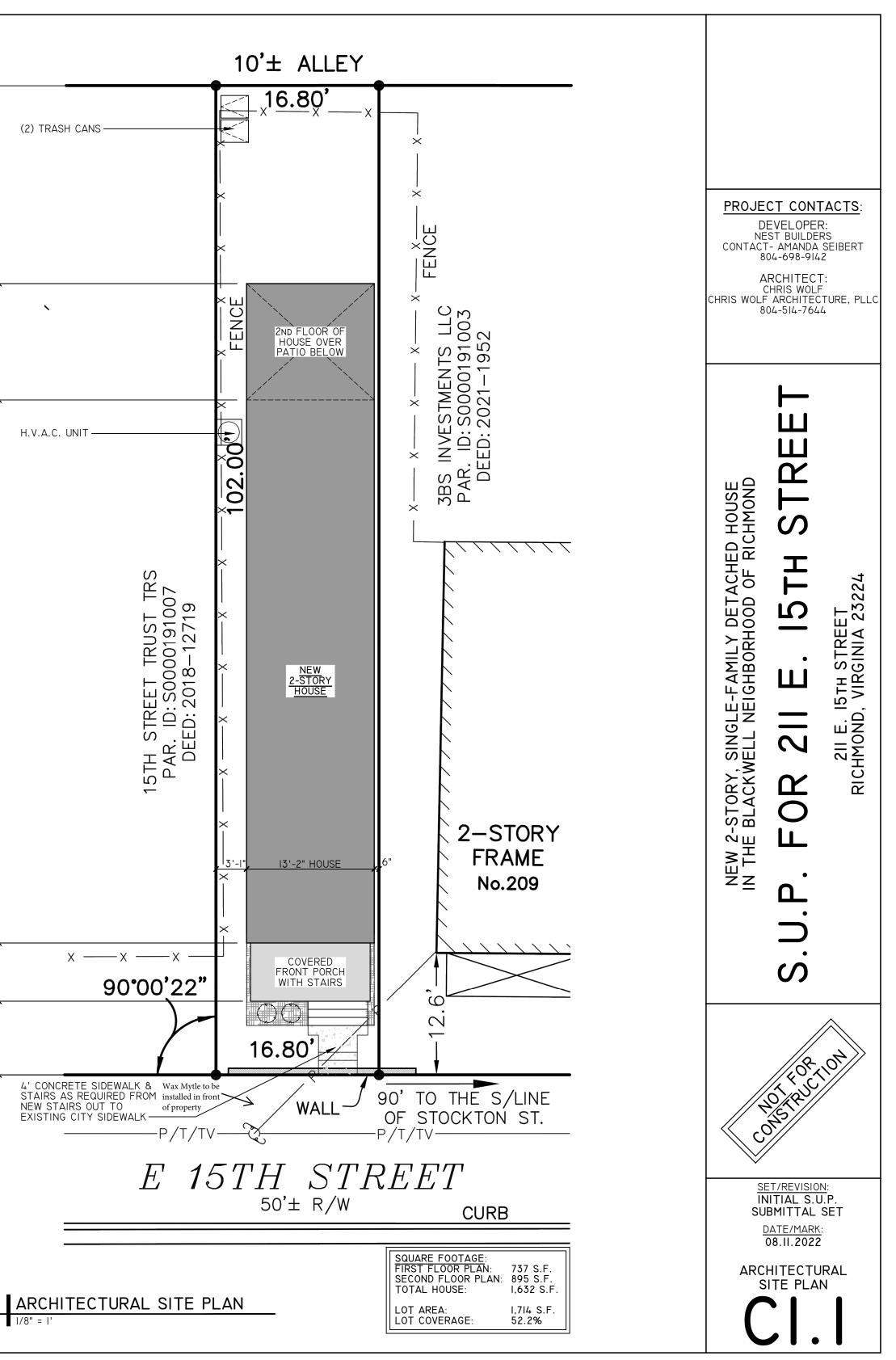
In summary we are enthusiastically seeking approval for the construction of a new, single-family detached dwelling on the Property. The SUP represents an ideal, small-scale urban infill development for this location. In exchange for the SUP, the quality assurances conditioned therein would guarantee 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.

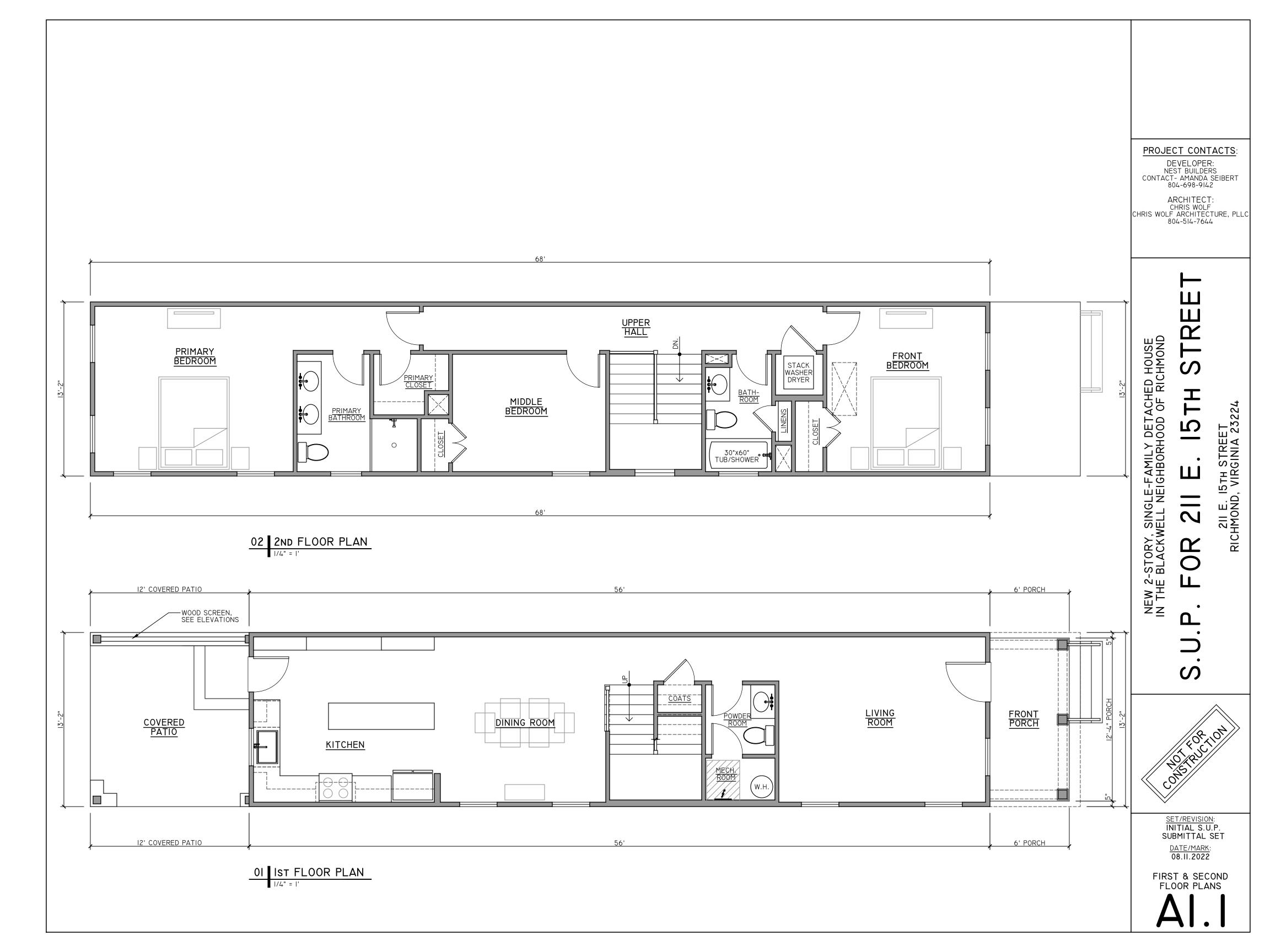


211 E. 15TH STREET RICHMOND, VIRGINIA 23224

	DRAWING INDEX					
DRAW NO.	INGS SHEET TITLE					
CS	COVER SHEET					
CI.I	ARCHITECTURAL SITE PLAN					
AI.I	FIRST & SECOND FLOOR PLANS					
A2.1 A2.2	FRONT & LEFT SIDE EXTERIOR ELEVATIONS & EXTERIOR FINIS REAR & RIGHT SIDE EXTERIOR ELEVATIONS					

- - - - - - - - - - - - - - - - - - -		
	+ 12' COVERED PATIO	
	2E	
Land Colling C	7'-7"± 6' PORCH	
		-
	01	/





4. SEE SECTIONS FOR ADDITIONAL SPE	CIFICATIONS	IAGE AWAY FROM FO LOPER		26'-3"+ - 44" r
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				= <u>-</u> -
				- 6
				د
				2'-7 <u>7</u> "
				<u> </u>
		SIDE ELEVAT	ION	

EXTERIOR FINISH SCHEDULE NO. COMPONENT/MATERIAL

 COMPONENT/MATERIAL

 PARGED FOUNDATION

 BRICK FRONT PORCH PIERS

 CEMENTITIOUS 'HARDIE' HORIZONTAL LAP SIDING (TYP.)

 CEMENTITIOUS 'HARDIE' BOARD & BATTEN SIDING (FRONT GABLE)

 CEMENTITIOUS 'HARDIE' TRIM

 MAIN ROOF - ASPHALT SHINGLES

 PORCH ROOF - ASPHALT SHINGLES

 ENTRY DOORS

 WINDOWS- VINYL

 FRONT PORCH WOOD FRAMING WITH P.T. 5/4 DECKING

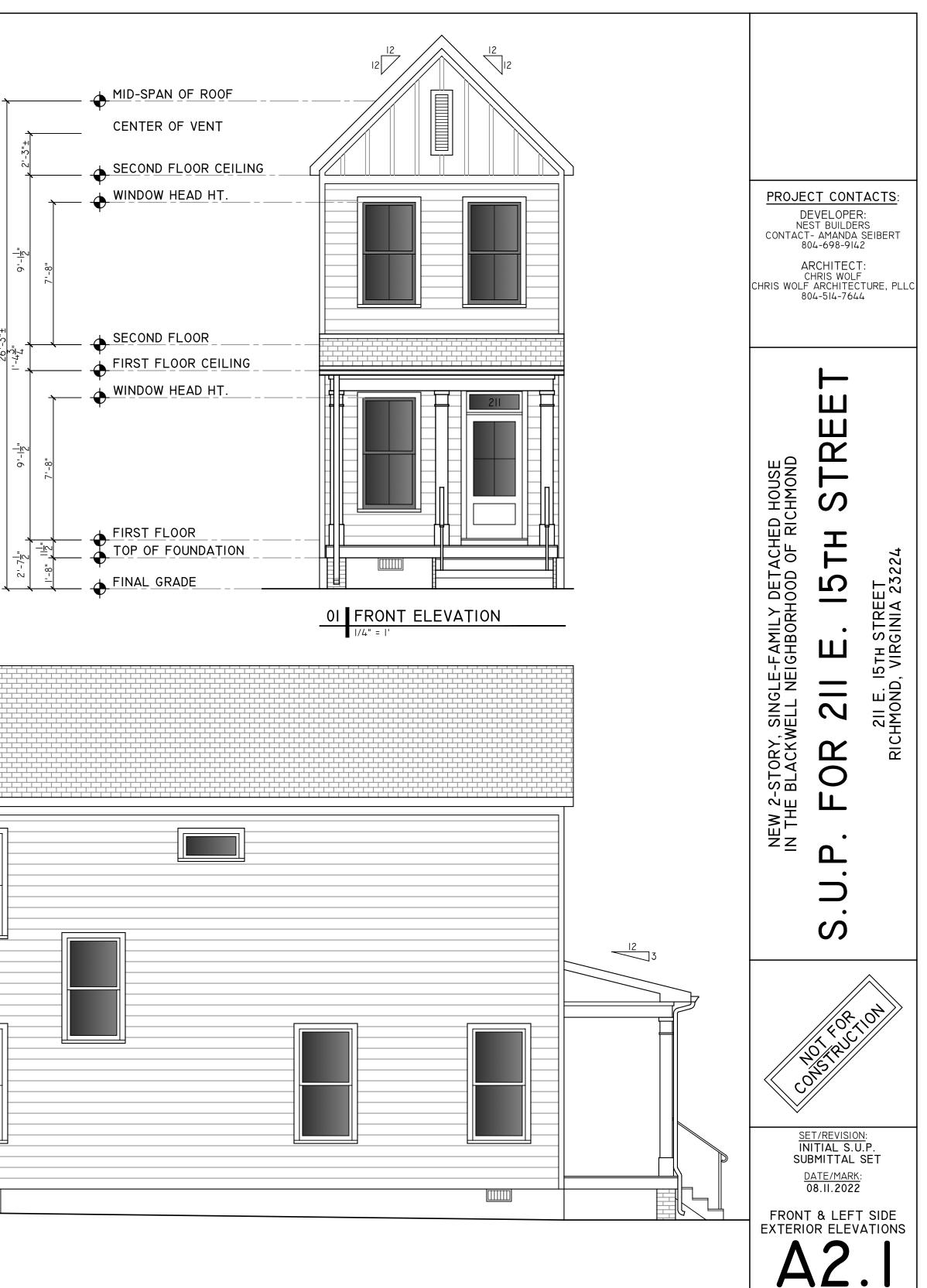
 REAR DECK P.T. WOOD FRAMING WITH P.T. DECKING

 REAR DECK RAILING - P.T. WITH COVERED PICKETS

 ALUMINUM GUTTER & DOWNSPOUTS

COLOR/FINISH TAN/GRAY 'RICHMOND RED' TBD WHITE FACTORY GRAY/BLACK PAINTED PER DEVELOPER BLACK ON FRONT, WHITE ON OTHERS PAINTED WHITE FRAME WRAP PAINTED WHITE NATURAL WOOD PAINTED WHITE PREFINISHED WHITE

EXTERIOR FINISH NOTES: I. EXTERIOR ELEVATION NOTES ARE TYPICAL ACROSS ALL EXTERIOR ELEVATIONS U.N.O.





This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on 6-21-2022 I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID.

