#### INTRODUCED: February 27, 2023

#### AN ORDINANCE No. 2023-067

To authorize the special use of the property known as 1619 West Cary Street for the purpose of two two-family detached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MARCH 27 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 1619 West Cary Street, which is situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such property for the purpose of two two-family detached dwellings, which use, among other things, is not currently allowed by sections 30-413.5, concerning lot area and width, 30-413.6, concerning yards, 30-413.7, concerning lot coverage, and 30-710.1(3), concerning the number of spaces required for particular uses, 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:	9	NOES:	0	ABSTAIN:	
ADOPTED:	APR 10 2023	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 1619 West Cary Street and identified as Tax Parcel No. W000-0656/013 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Improvements at 1619 West Cary Street, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated June 10, 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 two two-family detached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "1619 W. Cary St. Infill," prepared by Johannas Design Group, and dated March 10, 2022, 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 two two-family detached dwellings, substantially as shown on the Plans.

(b) All building materials, elevations, and site improvements shall be substantially as shown on the Plans. Vinyl siding shall not be permitted.

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

(d) Off-street parking shall not be required for the Special Use.

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

(f) Prior to the submission of any building permit application for the second newly constructed dwelling, the establishment of two residential lots on the Property, substantially as shown on the Plans shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

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(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

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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:

City Clerk



### **City of Richmond**

Item Request File Number: PRE.2022.0284 900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov

#### O & R Request

**DATE:** January 17, 2023

- **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 Vonck, Director, Department of Planning and Development Review King Vork
- **RE:** To authorize the special use of the properties known as 1619 West Cary Street for the purpose of up to two two-family detached dwellings.

ORD. OR RES. No.

**PURPOSE:** To authorize the special use of the properties known as 1619 West Cary Street for the purpose of up to two two-family detached dwellings.

**REASON:** The subject property is located in the R-7 Single and Two-Family Residential District. The proposed project does not meet the lot feature requirements of this zoning district. Therefore, a special use permit 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 March 6, 2023 meeting.

**BACKGROUND:** The 2,861 square foot subject property is located midblock on the south side of West Cary Street and also contains a secondary frontage on Parkwood Avenue. The existing single-story 1,020 square foot dwelling and a 318 square foot detached garage will be razed.

EDITION:1

The proposal will subdivide the property and create two parcels 23 feet in width each with primary street frontage. A two family detached dwelling is proposed for each lot. The proposed two-family dwellings are permitted uses in the R-7 Single and Two-Family Residential District. However, as proposed the structures do not meet the lot feature requirements of the zoning district.

The Richmond 300 Master Plan designates the subject property for Community Mixed-Uses. Primary uses in this category are *Retail/office/personal service*, *multi-family residential*, *cultural*, *and open space*. *Secondary Uses are Single-family houses*, *institutional*, *and government*.

The properties surrounding the subject property are also located within the R-7 Single and Two-Family Residential District and contain single, two-family and multi-family dwellings.

**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:** February 13, 2023

CITY COUNCIL PUBLIC HEARING DATE: March 13, 2023

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission March 6, 2023

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 AICP, Senior Planner, Land Use Administration, 804-646-1036

#### Application for SPECIAL USE PERMIT



Department of Planning and Development Review Land Use Administration Division 900 E. Broad Street, Room 511 Richmond, Virginia 23219 (804) 646-6304 <u>http://www.richmondgov.com/</u>

Application is hereby submitted for: (check one)

- 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?

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

#### Applicant/Contact Person: \_\_\_\_\_

No

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

#### Property Owner:

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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.)

Property Owner Signature:	MALK			
Email:	•			
Telephone: _()		Fax: _(	)	
City:		State:	Zip Code:	
Mailing Address:				

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**

#### March 28, 2022 Revised October 20, 2022

Special Use Permit Request 1619 W Cary Street, Richmond, Virginia Map Reference Number: W000-0656/013

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

## Introduction

The property owner is requesting a special use permit (the "SUP") for 1619 W Cary Street (the "Property"). The SUP would authorize the division of the Property in order to construct two (2) two-family detached dwellings. While the two-family detached use is permitted by the underlying R-7 Single- and Two-Family Urban Residential zoning district, some of the R-7 feature requirements cannot be met, and therefore, a SUP is required.

## **Existing Conditions**

#### SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the south side of W Cary Street between Temple Street to the west and S Lombardy Street to the east. The subject property is referenced by the City Assessor as tax parcel W000-0656/013 and is currently vacant. The Property is approximately 23 feet in width by 124 feet in depth and contains approximately 2,861 square feet of lot area.



The properties in the immediate vicinity are developed with a mix of uses. Most properties are developed with residential uses including single-family, two-family, and multifamily

dwellings. However, immediately to the west of the Property are several commercial uses and along W Cary Street exist a range of commercial uses.

#### **EXISTING ZONING**

The Property and those to the east, south, and west are zoned R-7 Single- and Two-Family Urban Residential. To the north and east are properties located within the UB-PO3 Main Street/Uptown Parking Overlay District. Further east along W Cary Street properties are zoned R-63 Multifamily Urban Residential.

#### MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") designates the Property as "Community Mixed-Use". This future land use category is described as "medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities..." and recommends two-family dwellings as a secondary use which can "complement existing context" while "prioritizing pedestrian, bike and transit access."

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 14.4 to "Increase the number of mixed-income communities along enhanced transit corridors."
- 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. "
  - e) Allow the development of middle housing (2- to 4- unit buildings) byright within 1/2 mile of high-frequency transit stops.

- Page 155 (Inclusive Housing Chapter), Objective 14.8 to "Develop inclusionary and equitable housing options for our gentrifying neighborhoods to prevent involuntary displacement."
- 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 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.

#### TRANSPORTATION

The Property is located along W Cary Street which is serviced by the 5 and 77 bus lines which provide connection to the west toward the University of Richmond and east toward VCU and on to the Church Hill area. Two blocks to the north lies Floyd Avenue which is designated a "Bike Boulevard" and provides safe and convenient connection from the Museum District to Monroe Park.

## Proposal

#### **PROJECT SUMMARY**

The proposed development includes the division of the parcel and the construction of two two-family detached dwellings, configured as front-to-back units, on each parcel for a total of four new dwelling units

#### PURPOSE OF REQUEST

The Property consists of a single lot of record that is of a typical size and configuration for the area consisting of a lot which is approximately 23 feet wide and contains 2,861.92 square feet of lot area. As the proposal does not meet some of the feature requirements prescribed by the underlying R-7 zoning district, including parking, lot coverage, lot area and width along with the requisite front, rear, and side yards, a special use permit is required.

#### **PROJECT DETAILS**

As the subject parcel is a through lot which faces both W Cary Street and Parkwood Avenue, the applicant is proposing the division of the lot to create two separate parcels,

one facing W Cary and one facing Parkwood Avenue. Each parcel would then be developed with a two-family detached dwelling, configured as two front-to-back units.

Each dwelling would be three stories in height with an individual rooftop patio or an individual third-floor balcony, to be determined at the time of permitting. Each unit would have a private entrance located on the ground floor. Access to the units fronting W Cary and Parkwood would be provided off the street while the interior units would be access by a walkway along the western portion of the Property.

When complete, each dwelling would contain roughly 1,232 to 1,292 square feet of floor area and would include three bedrooms and two bathrooms. The units are designed with a first-floor master suite with en suite bathrooms and large closets. The second story contains two bedrooms and one bathroom with the third story containing an open living and dining area. Each unit will have access to either a roof deck or a third-floor balcony which is designed to offer additional outdoor living space and features easy access from the indoor living area.

From the street, each dwelling would read as a single-family dwelling to maintain consistency with other residential buildings in the vicinity in terms of scale and character. The dwellings would be clad in cementitious siding to ensure quality. The proposed architectural style, while modern, reflects the traditional row house style found throughout the nearby neighborhoods. The separated rooftop decks or balconies provide additional outdoor living area and views of the City.

## **Findings of Fact**

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

• Be detrimental to the safety, health, morals and general welfare of the community involved.

The proposed special use permit for high-quality infill construction will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

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

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation will create no congestion on streets, roads, alleys or any other public right of way.

• Create hazards from fire, panic or other dangers.

The property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

#### • Tend to overcrowding of land and cause an undue concentration of population.

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population.

## • Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

The special use permit 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 proposed buildings are of compatible massing and spacing to the existing in the vicinity. Furthermore, the provision of roof-top outdoor space for each unit provides additional usable outdoor space for each resident. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

## **Summary**

In summary we are enthusiastically seeking approval for the construction of the proposed two-family detached dwellings. The buildings have been thoughtfully designed to provide appropriate, high-quality residences in the neighborhood. The request offers compatibility with the City's Master Plan in terms of use and would upgrade the Property while maintaining a desirable variation in housing style and density in the vicinity and providing for continued economic diversity in housing options within the neighborhood. The proposed development would help encourage a pedestrian friendly traditional streetscape in the block and contribute to the vibrancy of the block with the addition street life in the form of a street-oriented front porch. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

# 1619 W CARY ST

SITE

## **PROJECT DATA**

Owner

Concerto LLC.

## SCOPE OF WORK

Construct 2 New 3-Story Duplex Buildings with Optional Exterior Space **UNIT INFO** 

Unit 1	1,292 SF
Unit 2	1,232 SF
Unit 3	1,232 SF
Unit 4	1,270 SF

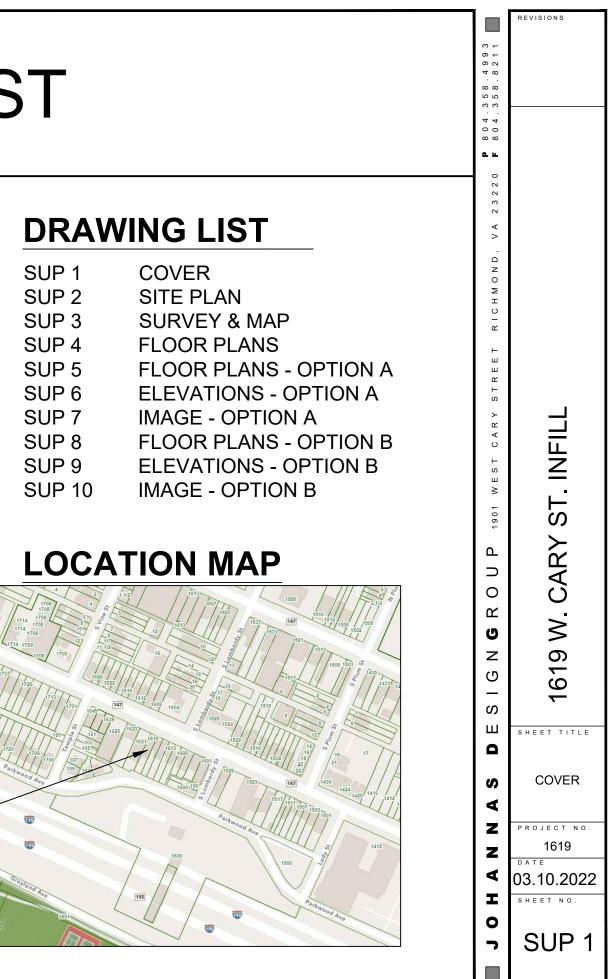
Front Duplex Areas:

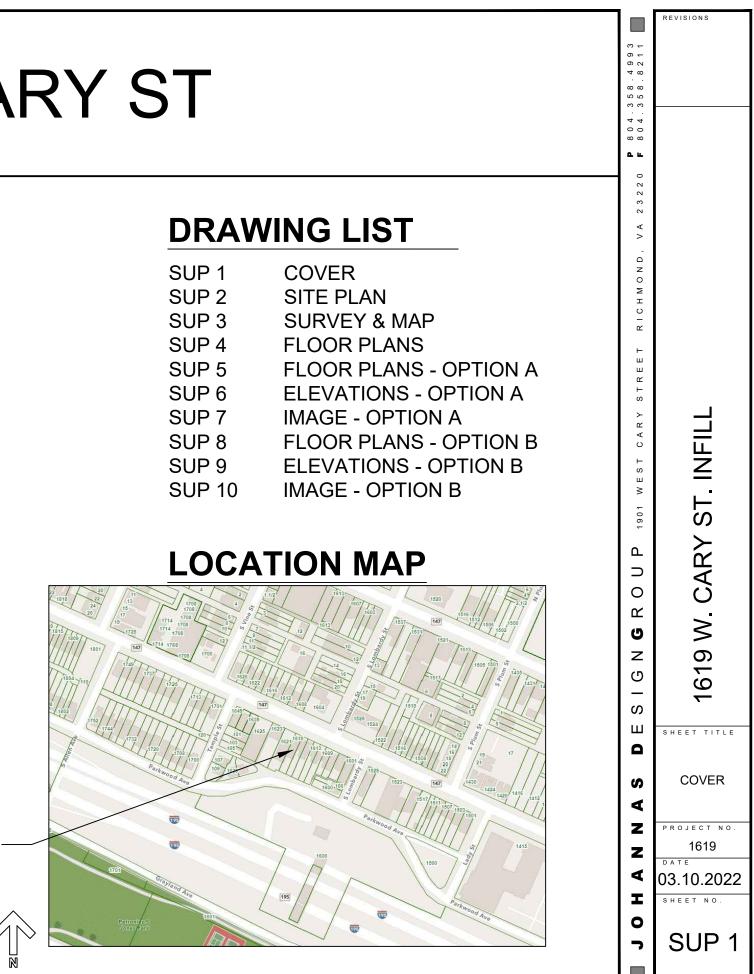
1st floor	= 820 sf
2nd floor	= 944 sf
3rd floor	= 926 sf
Monitor	= 200 sf

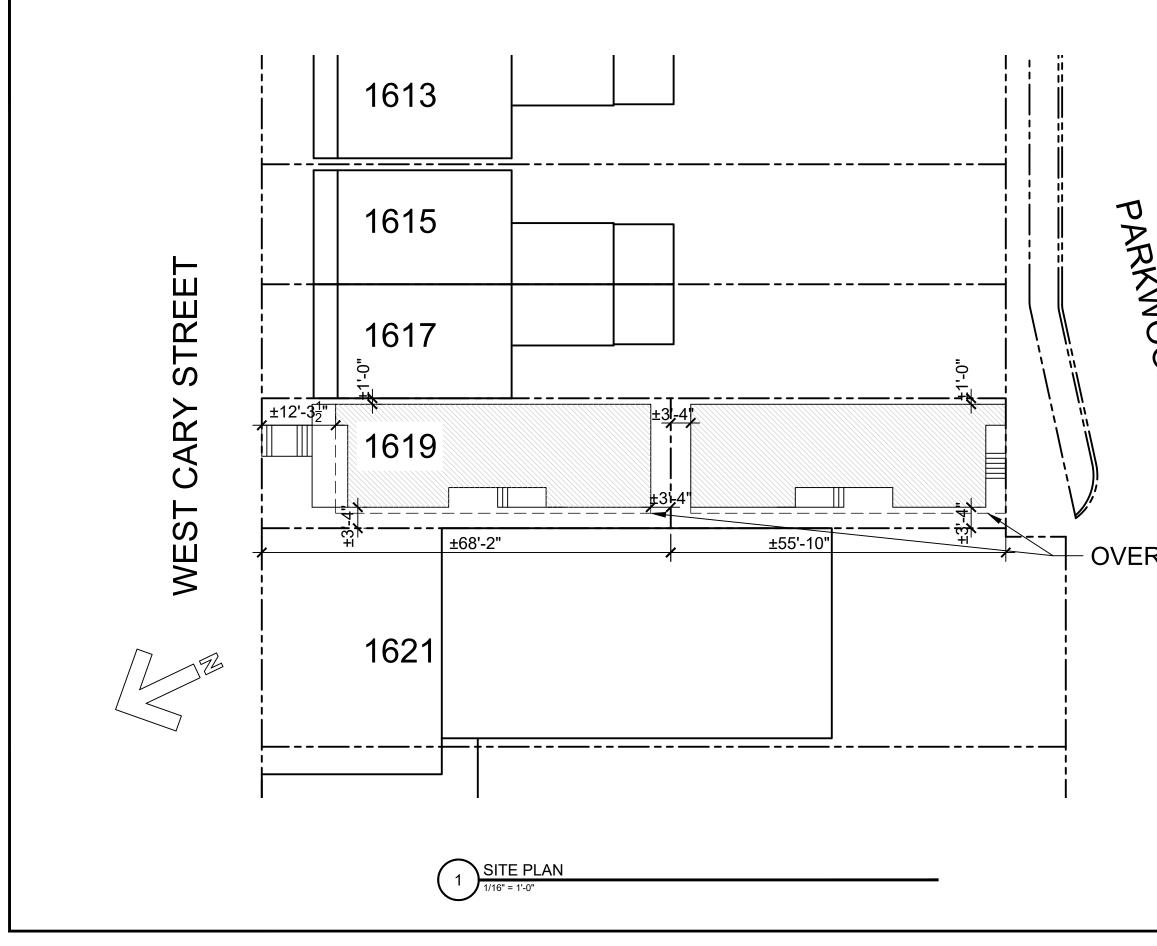
#### Back Duplex Areas:

1st floor	= 800 sf
2nd floor	= 944 sf
3rd floor	= 926 sf
Monitor	= 200 sf

SUP 1	COVER
SUP 2	SITE PL
SUP 3	SURVE'
SUP 4	FLOOR
SUP 5	FLOOR
SUP 6	ELEVAT
SUP 7	IMAGE ·
SUP 8	FLOOR
SUP 9	ELEVAT
SUP 10	IMAGE ·







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