AN ORDINANCE No. 2023-206

To authorize the special use of the property known as 10 South Rowland Street for the purpose of a multifamily dwelling, with off-street parking, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUL 24 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 10 South Rowland Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a multifamily dwelling, with off-street parking, which use, among other things, is not currently allowed by sections 30-419.5(5), concerning lot area and width, and 30-419.6(2), concerning yards, 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:	7	NOES:	0 ABSTAI		
ADOPTED:	JUL 24 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 10 South Rowland Street and identified as Tax Parcel No. W000-0942/018 in the 2023 records of the City Assessor, being more particularly shown on a plat entitled "Survey of Lot and Improvements Thereon Located at #10 S. Rowland Street, Richmond, Virginia," prepared by A. G. Harocopos & Associates, P.C., and dated September 7, 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 multifamily dwelling, with off-street parking, hereinafter referred to as "the Special Use," substantially as shown on the plat entitled "Survey of Lot and Improvements Thereon Located at #10 S. Rowland Street, Richmond, Virginia," prepared by A. G. Harocopos & Associates, P.C., and dated September 7, 2022, and the plans entitled "Caplit Holdings LLC and Others, New 6 Unit Apartment, 10 S Rowland Street, Richmond, Virginia" prepared by Appich Architects, dated November 11, 2022, and last revised March 23, 2023, hereinafter referred to, collectively, 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 multifamily dwelling, with off-street parking, substantially as shown on the Plans. The dwelling may contain up to six dwelling units.

- (b) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.
- (c) The height of the Special Use shall not exceed three stories, substantially as shown on the Plans.
- (d) No fewer than six off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.
- (e) All mechanical equipment, including heating, ventilation, and air conditioning units, 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 a street tree and installation of new sidewalk, 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, 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:

City Clerk





City of Richmond

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

Master

File Number: Admin-2022-1384

File ID: Admin-2022-1384 Type: Request for Ordinance or Status: Approval Review

Resolution

Version: 1 Reference: In Control: Planning

Commission

Department: Richmond Dept of **Cost:** File Created: 04/10/2023

Planning &

Development. Review

Subject: Final Action:

Title: To authorize the special use of the property known as 10 South Rowland Street for the

purpose of a multi-family dwelling, with off-street parking, upon certain terms and

conditions.

Internal Notes:

Code Sections: Agenda Date: 06/12/2023

Indexes: Agenda Number:

Patron(s): Enactment Date:

Attachments: Admin.2022.1384 - Application Documents, Enactment Number:

Admin.2022.1384 - Ordinance DRAFT

Contact: Introduction Date:

Approval History

Version	Seq#	Action Date	Approver	Action	Due Date		
1	1	5/16/2023	Matthew Ebinger	Approve	5/18/2023		
1	2	5/17/2023	Kevin Vonck	Approve	5/23/2023		
1	3	5/17/2023	Kris Daniel-Thiem - FYI	Notified - FYI			
1	4	5/17/2023	Sharon Ebert	Approve	5/24/2023		
1	5	5/17/2023	Alecia Blackwell - FYI	Notified - FYI			
1	6	5/19/2023	Allison Beatty	Approve	5/19/2023		
Notes:	should have been a FYI hagensj						
1	7	5/19/2023	Jeff Gray - FYI	Notified - FYI			
1	8	5/19/2023	Lincoln Saunders	Approve	5/23/2023		
1	9	5/24/2023	Mayor Stoney (By Request)	Approve	5/23/2023		
Notes:	bypassed to correct account Levar Stoney - Kit Hagen						
1	10		Mayor Stoney		5/26/2023		
•			,		5,-5,-5-5		

History of Legislative File

Ver- Acting Body:	Date:	Action:	Sent To:	Due Date:	Return	Result:
sion:					Date:	

Text of Legislative File Admin-2022-1384

Title

To authorize the special use of the property known as 10 South Rowland Street for the purpose of a multi-family dwelling, with off-street parking, upon certain terms and conditions.

Body

O & R Request

DATE: May 16, 2023 **EDITION:** 1

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 Planning

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 10 South Rowland Street for the

purpose of a multi-family dwelling, with off-street parking, upon certain terms and

conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 10 South Rowland Street for the purpose of a multi-family dwelling, with off-street parking, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for a six-unit multi-family dwelling, with six, off street parking spaces, within an R-63 Multifamily Urban Residential District. While the proposed use is permitted within the R-63 zone, the application does not meet the requirements for lot area and side yard width. 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 Fan neighborhood on South Rowland Street, between West Main and West Cary Streets. The property is currently a 4800 sq. ft. (.11 acre) parcel of land, improved with a 1,866 sq. ft., two story residential building constructed, per tax assessment records, in 1910.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed Use. This designation is defined as a "Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions."

Intensity: Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build-to line after matching the height of the predominant cornice line of the block.

Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space.

Secondary Uses: Single-family houses, institutional, and government. (p. 58)

The current zoning for this property is R-63 Multifamily Urban Residential District. The surrounding land uses include primarily residential with institutional and commercial uses nearby on Cary and Main Streets. The proposed density is 6 units upon .11 acres, or 54 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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 12, 2023

CITY COUNCIL PUBLIC HEARING DATE: July 24, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission July 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

..Recommended Action

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike Withdrawn ---- Continue to:



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: 10S Rowland Street Date: November 15, 2022 Tax Map #: W0000942018 Total area of affected site in acres: 0.11 (See page 6 for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning: R-63 Existing Use: Snigle Family **Proposed Use** (Please include a detailed description of the proposed use in the required applicant's report) Existing Use: Single Family Is this property subject to any previous land use cases? If **Yes**, please list the Ordinance Number: **Applicant/Contact Person:** Lewis Little Company: Waltham Trust & Caplit Holdings LLC Mailing Address: PO Box 8301 City: Richmond State: VA Zip Code: <u>2</u>3226)513-6000 Fax: (Telephone: (804 Email: siwelholdingsllc@gmail.com Property Owner: 96 Waltham Street Nominee Trust Trustee & Caplit Holdings LLC If Business Entity, name and title of authorized signee: Lewis Little, Managing Member (The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.) Mailing Address: PO Box 8301 City: Richmond State: VA Zip Code: 23226)513-6000 Fax: (Telephone: (804 Email: siwelholdingsllc@gmail.com Property Owner Signature: ___ 1 2 2

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)

November 15, 2022 Special Use Report: 10S Rowland Street

10 S Rowland Street ("The property") is located on the west side of Rowland Street between Cary Street and Main Street in the Fan District. It is bounded by an alley to the north and the south, by Rowland Street to the east and by 2112 W Cary Street to the west. The property consists of 0.11 acres and is zoned R-63. The current use for the Property is single family.

The proposed plan would demolish the existing 1866 sf building and rebuild a three story six unit apartment building with approximately 8,500 sf of heated space, or roughly 1250 sf per apartment. There will be two 1st floor units that will contain 2 bedrooms and 2 baths. The second and third floor will have four units that will consist of two bedrooms and 2.5 baths. The second floor will contain the living space for each apartment and the third floor will contain the bedrooms and bathrooms for each apartment. The existing garages in the rear of the property will be demolished and a total of six onsite parking spaces will be provided.

The project will not be detrimental to the safety, health, morals and general welfare of the community.

Parking is being provided in accordance with the zoning ordinance. The level of density is commensurate with the current and historic patterns of this district. The project will not tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved.

All work will be done in accordance with local building codes and will not create hazards from fire, panic, or other dangers.

There is no concentration of population which could cause overcrowding of land and undue concentration of population.

The proposed project will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposals, transportation or other public requirements, conveniences and improvements.

The project will not interfere with adequate light and air.

CODE NOTES

1. VCC 2018 & ALL LOCAL CODES SHALL APPLY

2. USE NO. 2 GRADE FRAMING MATERIAL

3. HEADER'S (2) 2X8'S UNLESS NOTED OTHERWISE

4. SHEATHING 7/16" OSB THROUGHOUT 5. BRACED WALL CONTINUOUS SHEATHING

6. INSULATE WALLS WITH R-20, ATTIC/ROOF

AREAS R49 BATT CRAWL SPACE W/ R-19 7. FINISH WITH 5/8" GYPSUM BOARD AND PAINT.

8. ASSUMED SOIL BEARING CAPACITY 2000 PSI

CONCRETE 3000 PSI FTGS. SLABS 3500 PSI

9. LOADS: FLOOR - LIVE 40 PSF, DEAD 10 PSF ROOF - LIVE 20 PSF, DEAD 10 PSF

10. WIND SPEED 115 MPH

APARTMENT 6

11. SIMPSON CONNECTORS AS REQUIRED

12. SMOKE DETECTOR (SD)

13. 1 HOUR FIRE SEPARATE UL U305 BETWEEN UNITS

INDEX OF DRAWINGS

A-1 SITE PLAN & EXISTING SURVEY A-2 FIRST FLOOR AND SECOND FLOOR PLANS A-3 THIRD FLOOR AND ROOF PLANS A-4 SECTION AND EAST & WEST ELEVATIONS A-5 NORTH & SOUTH ELEVATIONS

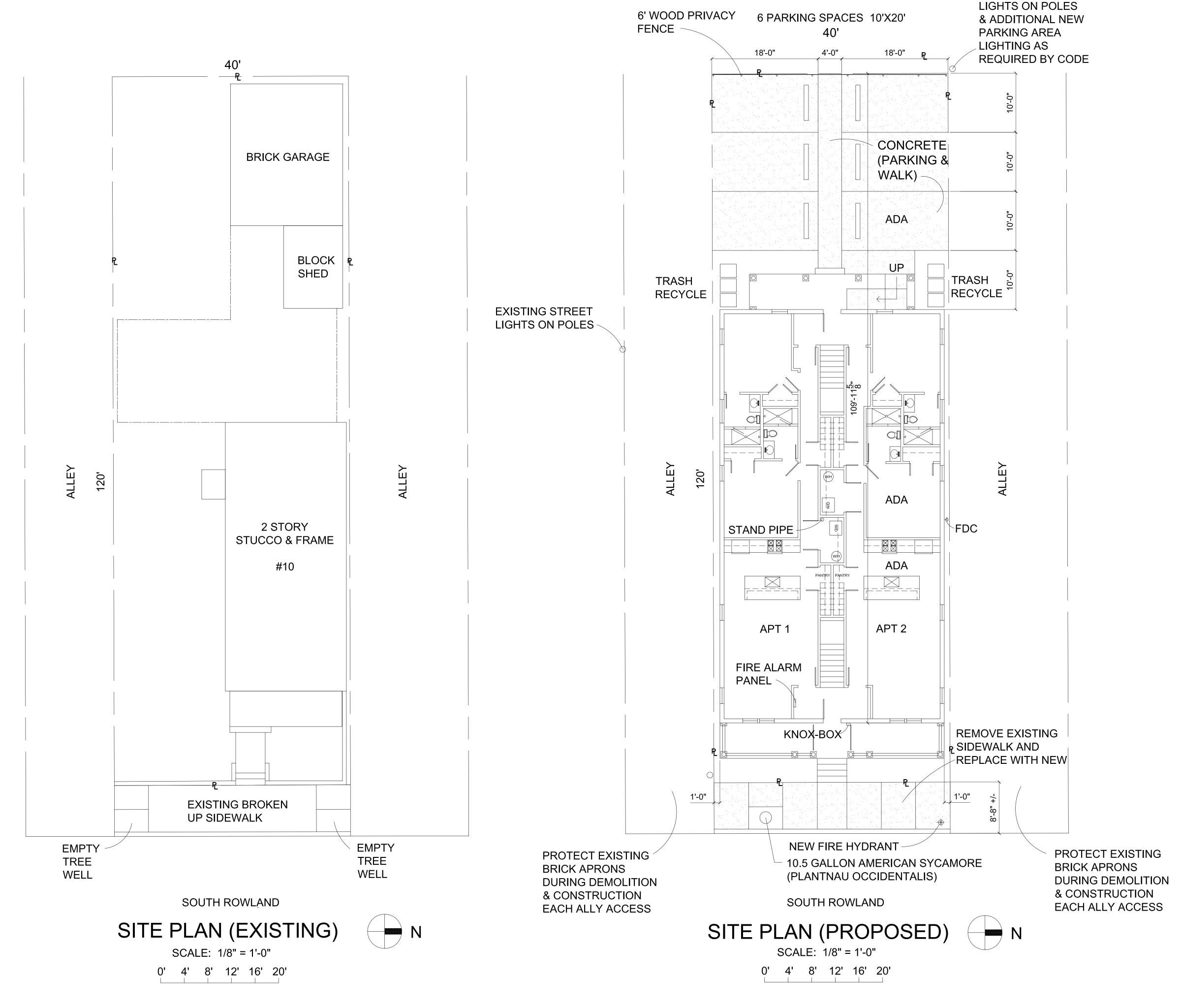
AREA SQUARE FOOTAGE

10 SOUTH ROWLAND TOTAL INTERIOR AREA 7980 SQ.FT. TOTAL COMMON AREA 632 SQ.FT. TOTAL DECK AREA 732 SQ.FT. **APARTMENT 1** TOTAL INTERIOR AREA 1188 SQ.FT. TOTAL DECK AREA 155 SQ.FT. **APARTMENT 2** TOTAL INTERIOR AREA 1188 SQ.FT. TOTAL DECK AREA 155 SQ.FT. **APARTMENT 3** TOTAL INTERIOR AREA 1243 SQ.FT. TOTAL DECK AREA 114 SQ.FT. **APARTMENT 4** TOTAL INTERIOR AREA 1243 SQ.FT. TOTAL DECK AREA 114 SQ.FT. **APARTMENT 5** TOTAL INTERIOR AREA 1243 SQ.FT. TOTAL DECK AREA 84 SQ.FT.

TOTAL INTERIOR AREA 1243 SQ.FT.

84 SQ.FT.

TOATL DECK AREA





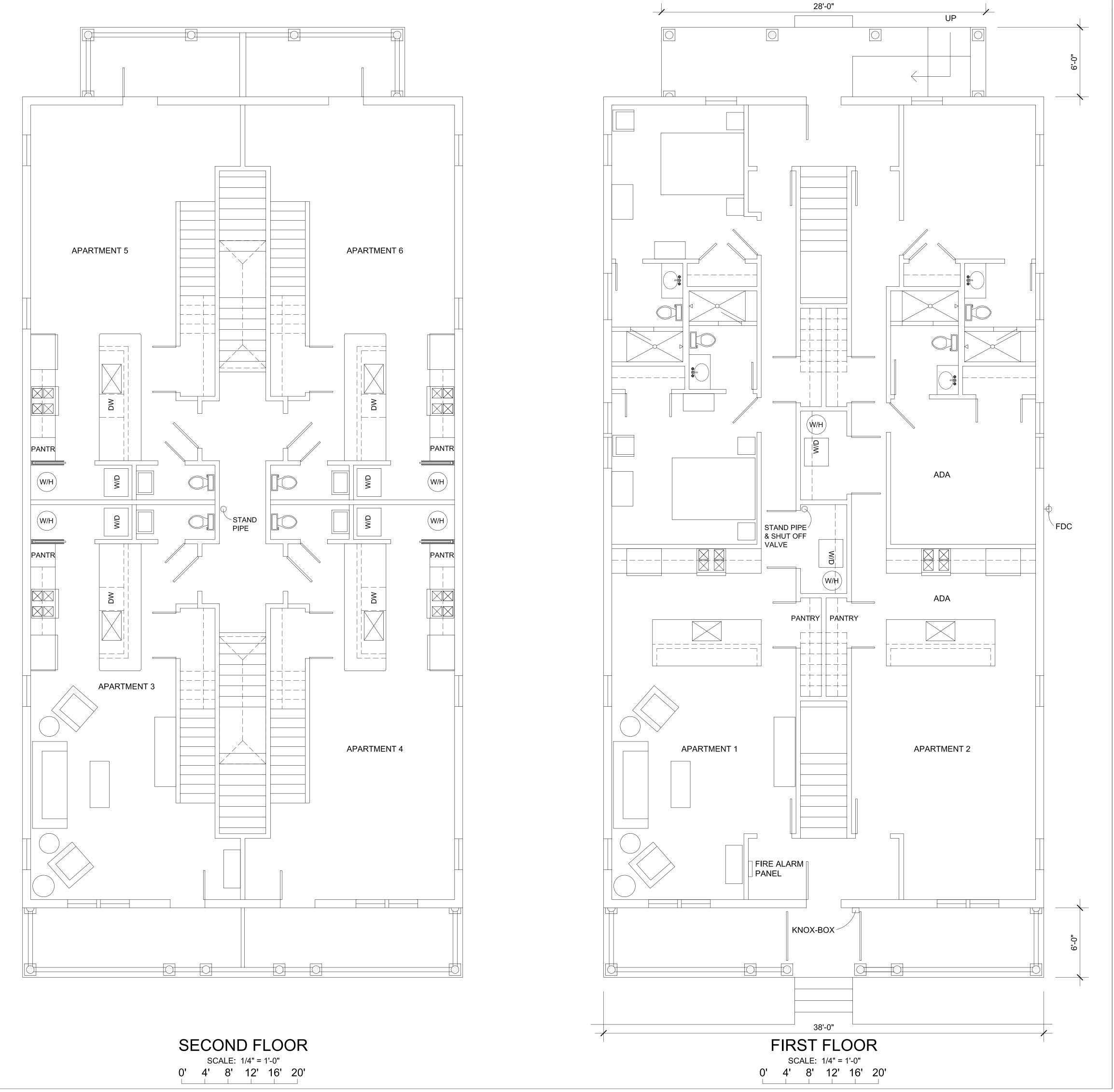
EXISTING STREET

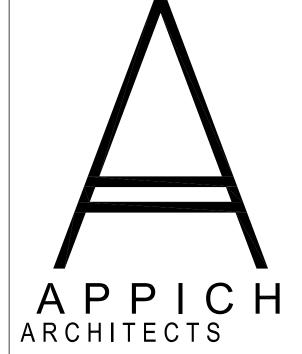
appicharchitects.com 14321 Winter Ridge Lane Midlothian, VA 23113 m 804.399.7217

cwappich@gmail.com

residential commercial reconstruction

SITE PLANS





appicharchitects.com 14321 Winter Ridge Lane Midlothian, VA 23113 m 804.399.7217

cwappich@gmail.com

residential commercial reconstruction

dings LLC and Others

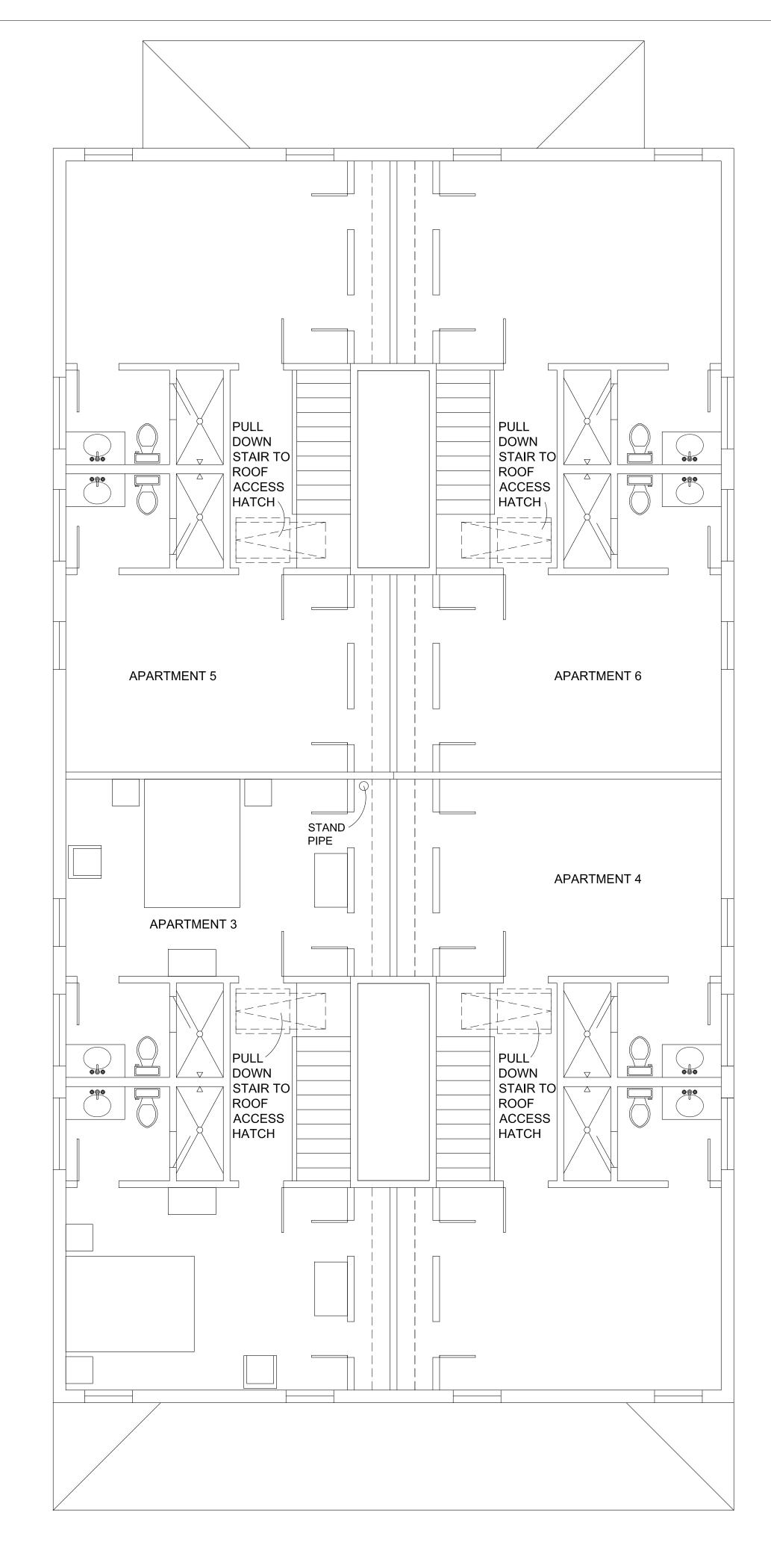
EV 1-18-23 REV 1-24-23 REV 2-22-23 REV 3-13-23 REV 3-71-23

PROJECT NUMBER: 2022-60
DATE: NOVEMBER 11, 2022 RE
DRAWN BY: CWA
RE

A-2
FIRST & SECOND
FLOOR PLANS

ROOF PLAN SCALE: 1/4" = 1'-0"

0' 4' 8' 12' 16' 20'



THIRD FLOOR

SCALE: 1/4" = 1'-0"

0' 4' 8' 12' 16' 20'



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cwappich@gmail.com

residential commercial reconstruction

Holdings LLC and Other

NEW 6 UNIT APARTMENT

10 S ROWLAND STREET
RICHMOND, VIRGINIA

REV 1-18-23 REV 1-24-23 REV 2-20-23 REV 3-13-23

PROJECT NUMBER: 2022-60 DATE: NOVEMBER 11, 2022 DRAWN BY: CWA

A-3
THIRD FLOOR & ROOF PLANS



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cwappich@gmail.com

residential commercial reconstruction

it Holdings LLC and Others

NEW 6 UNIT APARTMENT

KEV 1-18-23 REV 1-24-23 REV 2-20-23 REV 3-13-23 REV 3-21-23 REV 3-23-23

ROJECT NOMBER: 2022-60 ATE: NOVEMBER 11, 2022 F RAWN BY: CWA

A-4

ELEVATION

CROSS SECTION



appicharchitects.com 14321 Winter Ridge Lane Midlothian, VA 23113 m 804.399.7217

cwappich@gmail.com

residential commercial reconstruction

Others Caplit Holdings LL

NEW 6 UNIT APAI

10 S ROWLAND 8

RICHMOND, VIE

PROJECT NUMBER: 2022-60 DATE: NOVEMBER 11, 2022 DRAWN BY: CWA

ELEVATIONS

This is to certify that on NOTE: THIS LOT APPEARS NOTE: I made an accurate field survey of the known premises TO BE IN FEMA FLOOD ZONE X AS SHOWN ON HUD This survey has been prepared without shown hereon; that all improvements known or visible the benefit of a title report and does are shown hereon; that there are no encroachments by COMMUNITY PANEL NUMBERS not therefore necessarily indicate all improvements either from adjoining premises, or from *5101290037D* encumberances on the property. subject premises upon adjoining premises, other than shown hereon. North Meridian Baseline City Of Richmond W0000942026 GEORGE A. HAROCOPOS Thomas G. Paul ID 2010-10111 **ALLEY** 40.00 Brick Garage Block Shed 0.87 W0000942018 120,00 0.110 Acres 18.75' 0.82 **LEGEND** 2 Story ♦ Power Pole Stucco & Gravel Rod/F Frame Drive Oprill Hole #10 18.85' 40.00 140.03' To The N/L Of Cary Street S. ROWLAND STREET SURVEY OF LOT AND IMPROVEMENTS THEREON LOCATED AT #10 S. ROWLAND STREET A. G. HAROCOPOS & ASSOCIATES, P.C. RICHMOND, VIRGINIA CERTIFIED LAND SURVEYOR AND CONSULTANT 4920 E.MILLRIDGE PKWY. SUITE 200 MIDLOTHIAN VA. 23112 Office 804 744 2630 FAX 804 744 2632 NOTE: PLAT PREPARED FOR THE EXCLUSIVE E-MAIL AGHAROCOPOS72@GMAIL.COM USE OF THE CONVEYANCE TO Scale <u>1"=20'</u> Date 9/7/22 Drawn by GAHLEWIS LITTLE