INTRODUCED: March 13, 2023

AN ORDINANCE No. 2023-090

As Amended

To authorize the special use of the property known as 708 China Street for the purpose of a twofamily detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: APR 10 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 708 China 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 two-family detached dwelling, which use, among other things, is not currently allowed by section 30-413.5(3), 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: 7 NOES: 0 ABSTAIN: 1

ADOPTED: SEP 11 2023 REJECTED: STRICKEN:	
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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 708 China Street and identified as Tax Parcel No. W000-0140/025 in the 2022 records of the City Assessor, being more particularly shown on a plat entitled "(Residential Site Plan), Plat Showing Proposed Improvements on 708 China Street, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated March 15, 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 two-family detached dwelling, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "(Residential Site Plan), Plat Showing Proposed Improvements on 708 China Street, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated March 15, 2022, and "708 China Street," substantially as shown on the plans entitled "(Residential Site Plan), Plat Showing Proposed Improvements on 708 China Street, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated March 15, 2022, and "708 China St.," prepared by River Mill Development, and dated [February 17, 2022] May 16, 2023, and 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 two-family detached dwelling, substantially as shown on the Plans.

(b) No fewer than three off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

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

(d) 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.

(e) On-site storage for bicycles shall be provided, substantially as shown on the plat entitled "(Residential Site Plan), Plat Showing Proposed Improvements on 708 China Street, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated March 15, 2022, a copy of which is attached to and made a part of this ordinance.

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

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

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

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

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. General Terms and Conditions. This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as

amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(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: mein D. Ril

City Clerk

City of Richmond

O & R Request

DATE:	September 12, 2022	EDITION:1
TO:	The Honorable Members of City Council	
THROUGH:	The Honorable Levar M. Stoney, Mayor (Mayor, by Requ (This is no way reflects a recommendation on behalf of th	
THROUGH:	J.E. Lincoln Saunders, Chief Administrative Officer J.E.	incoln Saunders / RCS Date: 2022.09.22 13:17:30-04'00'
THROUGH:	Sharon L. Ebert, Deputy Chief Administrative Officer for Development and Planning	Economic San Set-
FROM:	Kevin J. Vonck, Director, Department of Planning and De	velopment Review Kun J. Voud
RE:	To authorize the special use of the property known as 70 two-family detached dwelling, upon certain terms and cor	

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 708 China Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize a two-family detached dwelling. The proposed use Section 30 413.3(3) regarding required lot area and 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. This item will be scheduled for consideration by the Commission at its November 7, 2022, meeting.

BACKGROUND: The property is located in the Oregon Hill neighborhood on Albemarle Street between South Pine and South Laurel Streets. The property is currently a 3,480 sq. ft. (.08 acre) parcel of land.

2022-243

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use, which is defined as neighborhoods "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."

Primary Uses: Single family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3 10 units), and open space.

Secondary Uses: Large multi-family buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The current zoning for this property is R-7 Single- and Two Family Urban Residential District. All adjacent properties are located within the same R-7 zone. The area is primarily single and two-family residential, with some 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: October 10, 2022

CITY COUNCIL PUBLIC HEARING DATE: November 14, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

Planning Commission November 7, 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: 708 China Street		Date: May 10, 2022
Tax Map #: W0000140025	Fee: \$300	
Total area of affected site in acre		

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

Zoning

Current Zoning: R-7

Existing Use: One story residential

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report) Construct a new, two-family detached dwelling.

Existing Use: One story residential

Is this property subject to any previous land use cases?

Yes	
\checkmark	

If Yes, please list the Ordinance Number: BZA-2002-002

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources		
Mailing Address: 530 East Main Street, Suite 730		
City: Richmond	State: VA Zip Code: <u>23219</u>	
Telephone: _(804)874-6275	Fax: _()	
Email: markbaker@bakerdevelopmentresources.com		

Property Owner: Canvas Development LLC

If Business Entity, name and title of authorized signee: Kyle Johnston

(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: Richmond		State: VA	Zip Code: 23221	
Mailing Address: PO Box 7075				

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

May 17, 2022

Special Use Permit Request 708 China Street, Richmond, Virginia Map Reference Number: W000-0140/025

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

Introduction

The property owner is requesting a special use permit (the "SUP") for 708 China Street (the "Property"). The SUP will authorize the construction of a two-family detached dwelling on the Property. While the two-family detached use is permitted by the underlying R-7 Single- and Two-Family Urban Residential zoning district, some of the underlying feature requirements cannot be met, and therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the north side of China Street, between S Laurel and S Pine Streets. The Property is referenced by the City Assessor as tax parcel W000-0140/025 and is 29' wide by 120' in depth and contains approximately 3,480 square feet of lot area. The Property is currently occupied with a one-story detached dwelling and detached garage, both of which are in a considerable state of disrepair. An east-west alley, located to the rear of the Property, provides additional access.



The properties in the immediate vicinity are developed with a wide range of uses and building forms. Single-family attached and detached dwellings are commonly found in the area along with two-family, multi-family, and commercial uses as well as open space. The typical neighborhood

grid is disturbed along China Street to the east as the paved street does not connect to Belvidere Street and is instead terminated in a cul-de-sac turnaround. The resulting dead-end street is comparatively less traveled than other east-west streets int the vicinity.

EXISTING ZONING

The Property is zoned R-7 Single- and Two-Family Urban Residential, which generally permits the proposed two-family dwelling use. The surrounding properties are also zoned R-7. Two properties to the north, at the intersection of Spring and S Pine Streets are zoned B-1 Neighborhood Business District. To the east, beyond S Belvidere Street lies a RO-3 Residential Office District.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Neighborhood Mixed-Use" for the Property. The Master Plan describes this land use designation 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." Recommended development styles are described as featuring "a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Single-family, two-family, and small multi-family buildings are contemplated as the primary uses in these areas."

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) by-right 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 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.

TRANSPORTATION

The Property is located near Belvidere+Spring Street bus stop which is serviced by the #3 bus line which is considered "high-frequency" lines with busses arriving approximately every 15 minutes. Also within a half mile of the Property are bus stops which service the 5, 78, and 87 lines.

Proposal

PROJECT SUMMARY

The applicant is proposing to remove the existing structures on the Property and construct a new two-family detached dwelling.

PURPOSE OF REQUEST

The Property at 708 China Street is of relatively standard size for the vicinity with a lot width of 29'. At 120' in depth, the parcel is consistent with the depth of many existing parcels fronting both China Street and other east-west streets in the Oregon Hill Neighborhood. While the two-family detached use is permitted by the underlying zoning, the lot width and are requirements for the Property are not met, and therefore, a SUP is required.

In exchange for the SUP, the intent of this request is to ensure the development of a high-quality infill dwelling. The overall project will be appropriately dense and efficient as contemplated by the Richmond 300 Master Plan. At the same time, it will remain respectful to the historic development pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the quality assurances conditioned through the SUP will guarantee a higher quality development and better neighborhood compatibility than might otherwise be guaranteed with a by right development.

PROJECT DETAILS

The new two-family detached dwelling would be two stories in height and is intended to be consistent with the historic development pattern found throughout the neighborhood. The units would be configured as flats and each contain three bedrooms and two bathrooms, totaling approximately 1,400 square feet of floor area per unit. The exterior design would be traditional and consistent with the character of the area and other proposed dwellings. The building would be

designed with a single entrance to have the appearance of a single-family detached dwelling from the street.

The new dwelling would be clad in quality building materials including cementitious lap siding in order to ensure durability. A full-width front porch and two full-width covered rear porches would engage the street and provides usable outdoor living space. The proposed dwelling's massing and architectural style is designed to be compatible with nearby dwellings and is consistent with the historical homes found in the neighborhood.

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 on the existing dead-end street 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 will not adversely affect the above referenced City services. To the contrary, the proposal will provide positive fiscal (tax) benefits that will enhance the City's ability to provide these services to the proposed development.

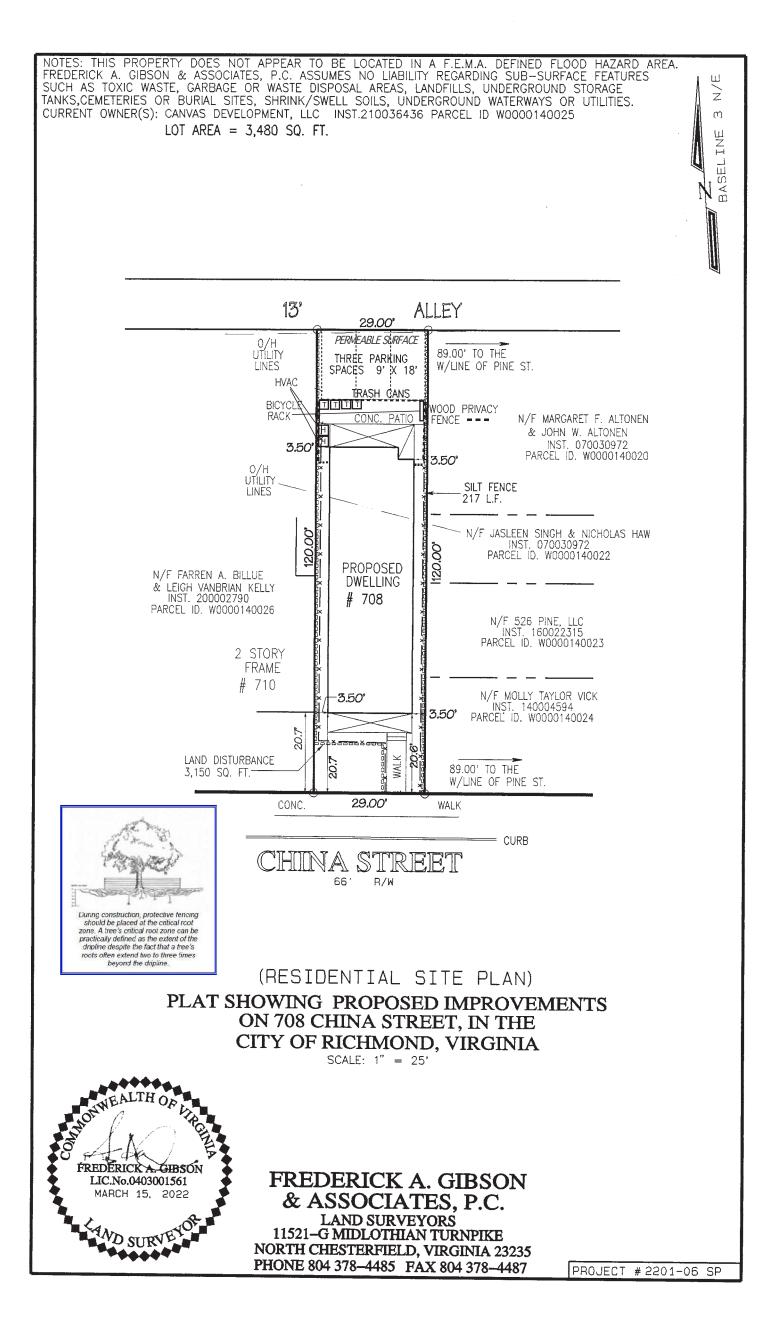
• Interfere with adequate light and air.

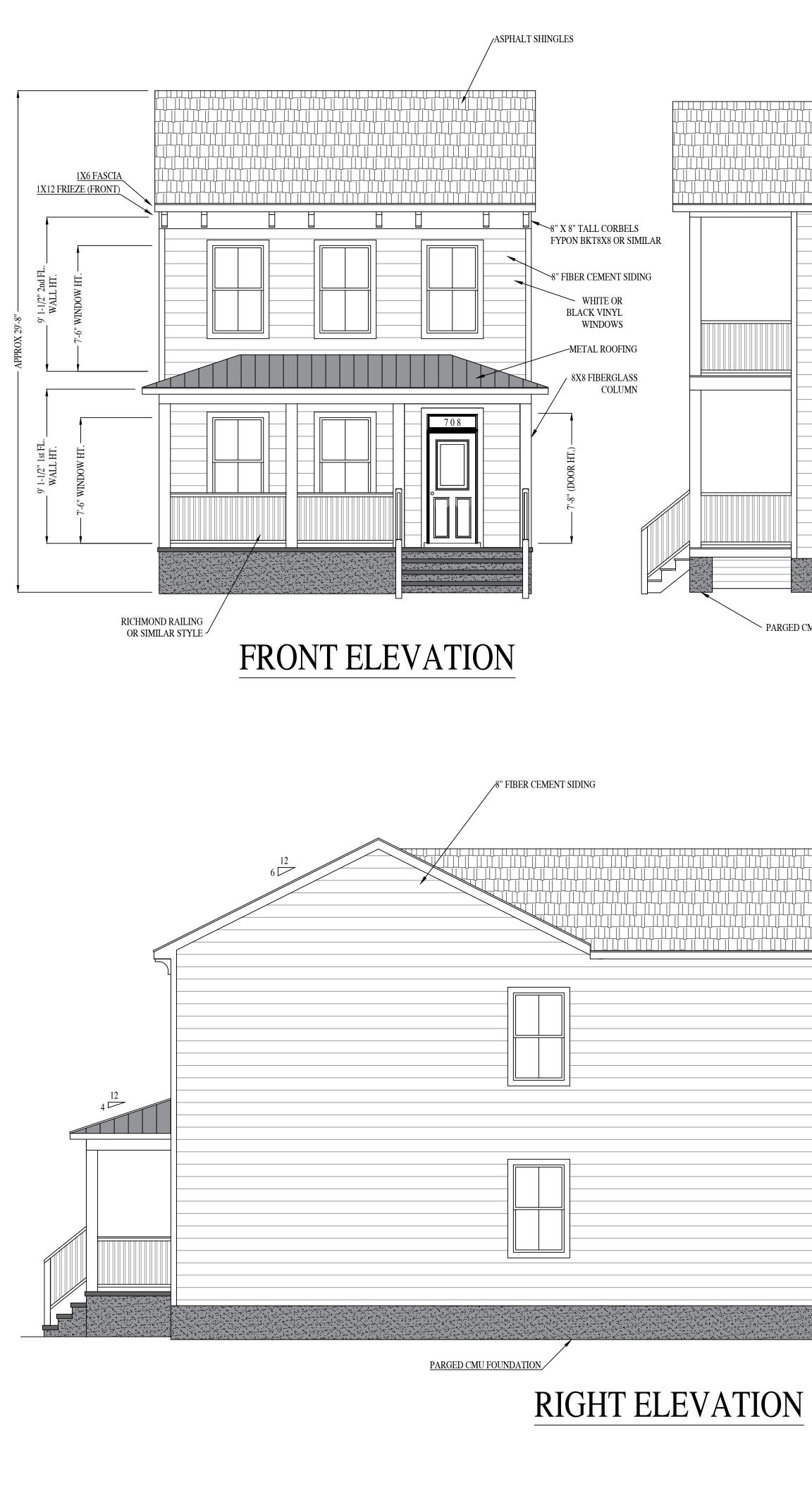
The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

In summary we are enthusiastically seeking approval for the construction of the proposed twofamily detached dwelling. The building has been thoughtfully designed in order to provide appropriate, high-quality, infill residential development. The request offers compatibility with the City's Master Plan in terms of use. The request would upgrade the Property while maintaining a desirable variation in housing style and density in the vicinity.

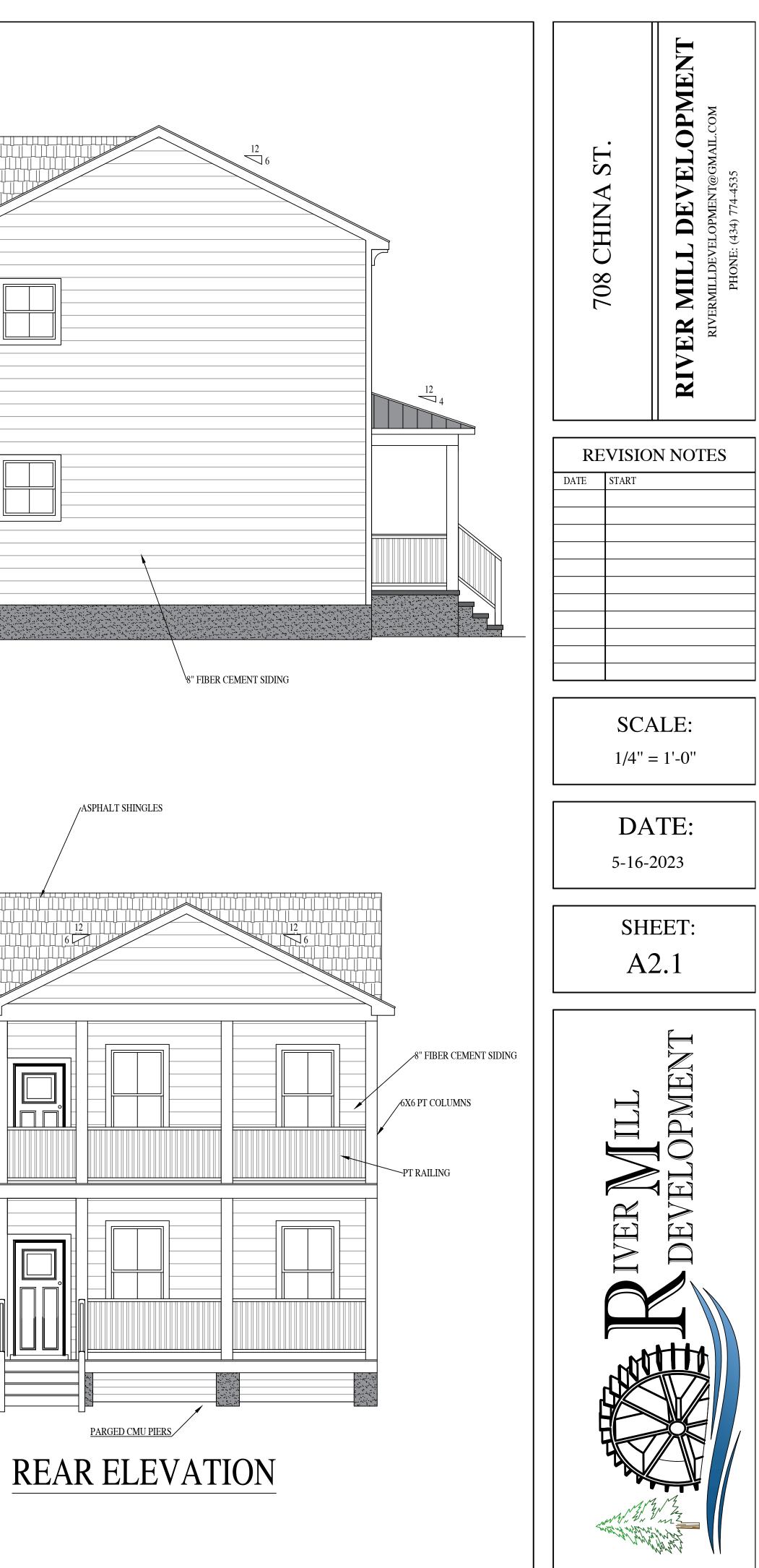
The proposed development would help encourage a pedestrian friendly traditional streetscape in the block and contribute to the vibrancy of the block though the addition street life in the form of a street-oriented full width front porches along China Street. The traditional building forms would provide the much-desired traditional neighborhood design which is appropriate to this area of the City. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

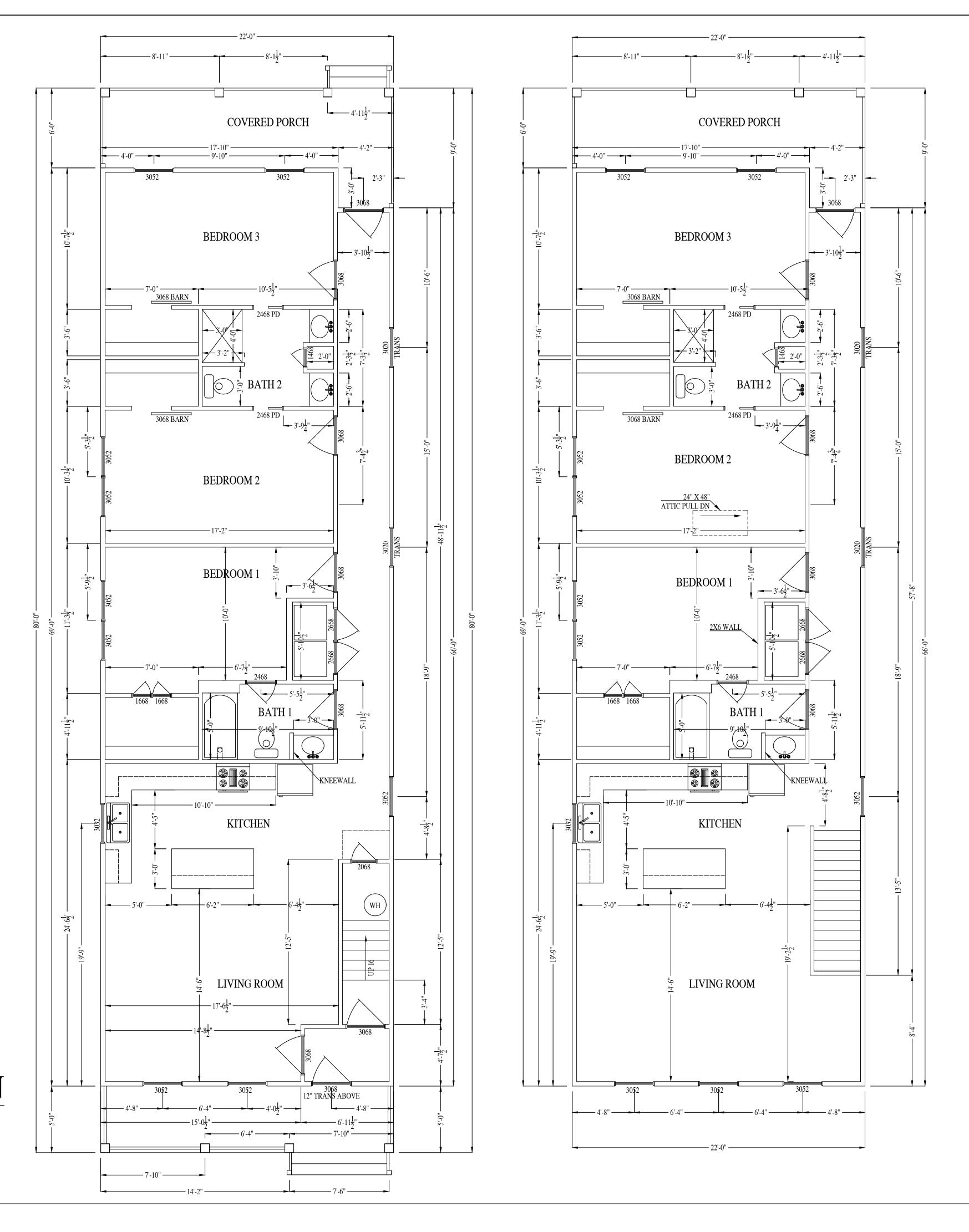




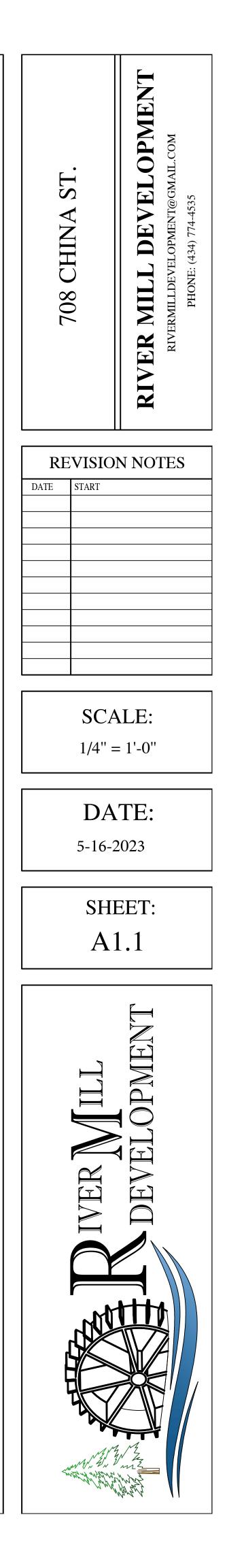
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ASPHALT SHINGLES	





FIRST FLOOR PLAN



SECOND FLOOR PLAN