INTRODUCED: July 24, 2023

### AN ORDINANCE No. 2023-234

To authorize the special use of the property known as 912 Tulip Street for the purpose of a mixed-use building, 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: SEPT 11 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 912 Tulip Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a mixed-use building, with off-street parking, which use, among other things, is not currently allowed by sections 30-419.2, concerning permitted principal uses, 30-419.5(5), concerning lot area and width, 30-419.6(2)(b), concerning yards, 30-419.7, concerning usable open space, 30-419.10(1), concerning height, and 30-710.1(4), concerning 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	OCT 10 2023	REJECTED:		STRICKEN:	

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 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 912 Tulip Street and identified as Tax Parcel No. E000-0423/014 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled "Survey & Plat of #912 Tulip Street, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated February 17, 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 mixed-use building, with off-street parking, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "912 Tulip Street, SUP Application," prepared by 3 North, and dated February 13, 2023, 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 mixed-use building, with off-street parking, substantially as shown on the Plans. Up to 13 dwelling units may be located on the

Property. The areas labeled "Commercial" on the Plans may contain permitted principal uses on corner lots, pursuant to section 30-419.3 of the Code of the City of Richmond (2020), as amended.

- (b) No fewer than nine off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.
  - (c) Visitor bicycle parking shall be provided, substantially as shown on the Plans.
  - (d) The height of the Special Use shall not exceed three stories.
- (e) All building materials, elevations, and site improvements shall be substantially as shown on the Plans, subject to the applicable regulations of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended.
- (f) 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 four street trees, 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, (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:

City Clerk





### **City of Richmond**

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

### Master

File Number: Admin-2023-0353

File ID: Admin-2023-0353 Type: Request for Ordinance or Status: Regular Agenda

Resolution

Version: 1 Reference: In Control: Planning

Commission

Department: Richmond Dept of Cost:

File Created: 04/11/2023

Planning &

Development. Review

Subject: Final Action:

Title: To authorize the special use of the property known as 912 Tulip Street for the purpose

of a mixed-use building, 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.2022.1394 - Application Documents, Enactment Number:

Admin-2023-0353 - 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	4	5/17/2023	Sharon Ebert	Approve	5/24/2023	
1	6	5/19/2023	Allison Beatty	Approve	5/19/2023	
Notes:	Notes: should have been a FYI hagensj					
1	8	5/19/2023	Lincoln Saunders	Approve	5/23/2023	
1	9	5/19/2023	Mayor Stoney (By Request)	Approve	5/23/2023	

### **History of Legislative File**

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

### Text of Legislative File Admin-2023-0353

### **Title**

To authorize the special use of the property known as 912 Tulip Street for the purpose of a mixed-use building, 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 912 Tulip Street for the purpose

of a mixed-use building, with off-street parking, upon certain terms and conditions.

ORD. OR RES. No.

**PURPOSE:** To authorize the special use of the property known as 912 Tulip Street for the purpose of a mixed-use building, with off-street parking, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit for the purpose of mixed-use building including thirteen residential units and ground floor commercial, with nine off street parking, within an R-63 Multifamily Urban Residential Zoning District. The proposed use is not currently permitted by sections 30-419.2, 30-419.5(5), 30-419.6(2)b., 30-419.7, 30-419.10(1), and 30-710.1(4) concerning uses, lot area and width, side yards, usable open space, maximum height, and off-street parking, respectively, of the Code of the City of Richmond. 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:** 912 Tulip Street is currently improved with a 2,976 sq. ft. residential building, situated on a 9,518 sq. ft. (.21 acre) parcel of land. The property is located in the Church Hill Central neighborhood, between Carrington and Venable Streets.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use which are defined as "Existing or new highly walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

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

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

The current zoning for this property is R-63 Multifamily Urban Residential Zoning District. Adjacent properties are located within the same R-63 District. The density of the proposed development, overall, is approximately 62 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:** \$2,400 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: Application Form, Applicant's Report, Draft Ordinance, 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/

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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).



October 20, 2022

Mr. Kevin Vonck
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
kevin.vonck@richmondgov.com

RE: Applicant's Report for Special Use Permit at 912 Tulip Street

Dear Mr. Vonck

Please accept this letter as the Applicant's Report for the request for a Special Use Permit for the following property:

Address	Tax Parcel ID	Acreage	Existing Zoning	Ownership
912 Tulip St	E0000423014	0.27	R-63	Tulip Street LLC

With this application, the property owner is petitioning the City Council for a Special Use Permit to authorize a four-story mixed-use development with a ground level commercial space and 12 dwelling units. "three"

### **Property**

The property is one parcel located in the City's Union Hill Old and Historic District near the northwest corner of the intersection of Tulip and Venable Streets. The parcel is currently zoned R-63 Multifamily Urban and contain a total of 0.22 acres of land area. The parcel is currently improved with a one-story, 2,976 SF building that is in deteriorated condition.

Surrounding properties are also located in the R-63 district and consist primarily of residential uses including a four-story multifamily building on the same block.

### **Zoning Regulations & Proposal**

The subject property is located in the R-63 zoning district. The intent of the R-63 district is to encourage development of medium density neighborhoods comprised of a mix of residential uses and to promote a pedestrian oriented urban environment that is primarily residential in character, but that includes limited nonresidential uses that serve many of the day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood.

Multifamily dwellings are permitted on lots larger than 4,000 SF and require a minimum of 1,000 SF of lot area per unit. Limited commercial uses designed to serve the surrounding residents are also permitted on corner lots. As the parcel contains 9,518 SF of land area. Under normal zoning regulations, a maximum of nine dwelling units would be permitted.

"13'

The property owner is requesting a Special Use Permit to authorize a development with 12 dwelling units, a ground level commercial space, and an off-street parking area with 9 spaces. The building would have minimal setbacks and have architectural features that complement the historic nature of the neighborhood. In addition, the proposed commercial space at 2,700 +/- SF is large enough to host a number of potential businesses to serve the residents of the neighborhood.

### Richmond 300 Master Plan

The surrounding properties are designated for future land use as Neighborhood Mixed-Use by Richmond 300. These areas are 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.

These areas also feature 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. Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas.

The proposed development would provide a commercial space to serve the surrounding neighborhood while providing new housing units at a density that is consistent with the regulations of the underlying zoning.

### **City Charter Conditions**

For this reason, we trust that you will agree with us that a Special Use Permit authorizing a mixed use development at 912 Tulip St would support the efforts to develop the property in a manner consistent with the Plan; and that this request meets the City Charter considerations to be observed in the granting of Special Use Permits.

Thank you for your consideration of this application. Please feel free to contact me at <a href="mailto:lory@markhamplanning.com">lory@markhamplanning.com</a> or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,

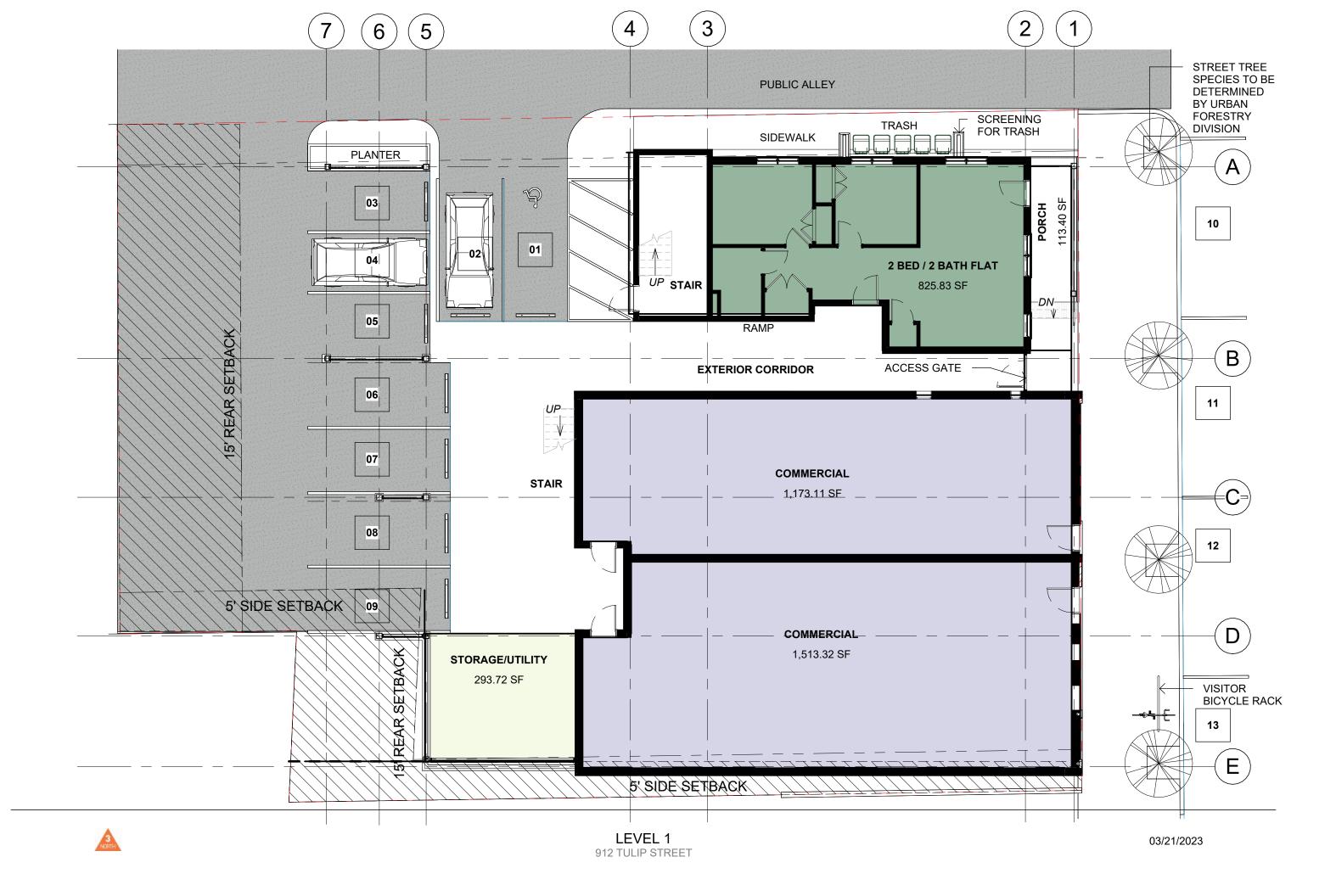
Lory Markham

### **Enclosures**

cc: The Honorable Cynthia I. Newbille, 7<sup>th</sup> District Council Representative Alyson E. Oliver, Secretary to the City Planning Commission

# 912 TULIP STREET SUP APPLICATION









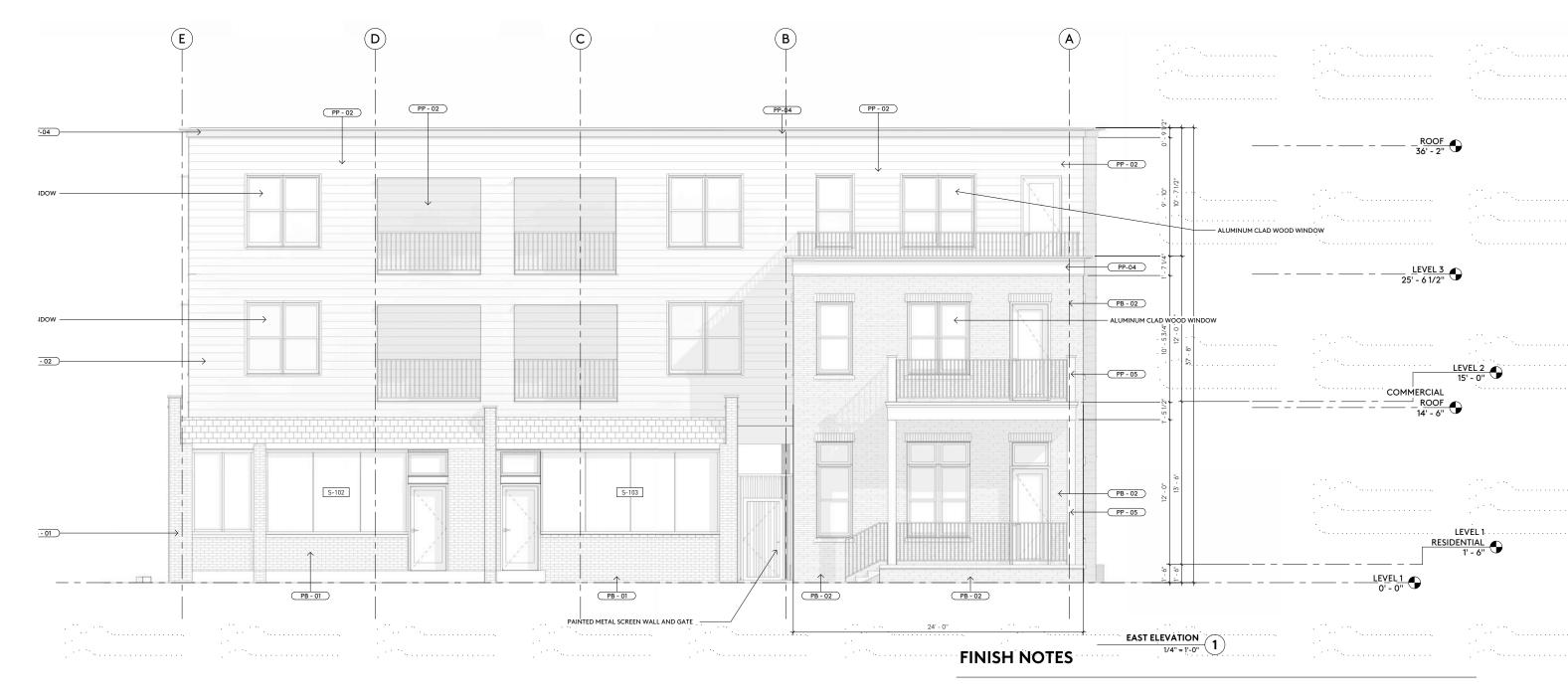






### FLOOR PLAN LEVEL 3

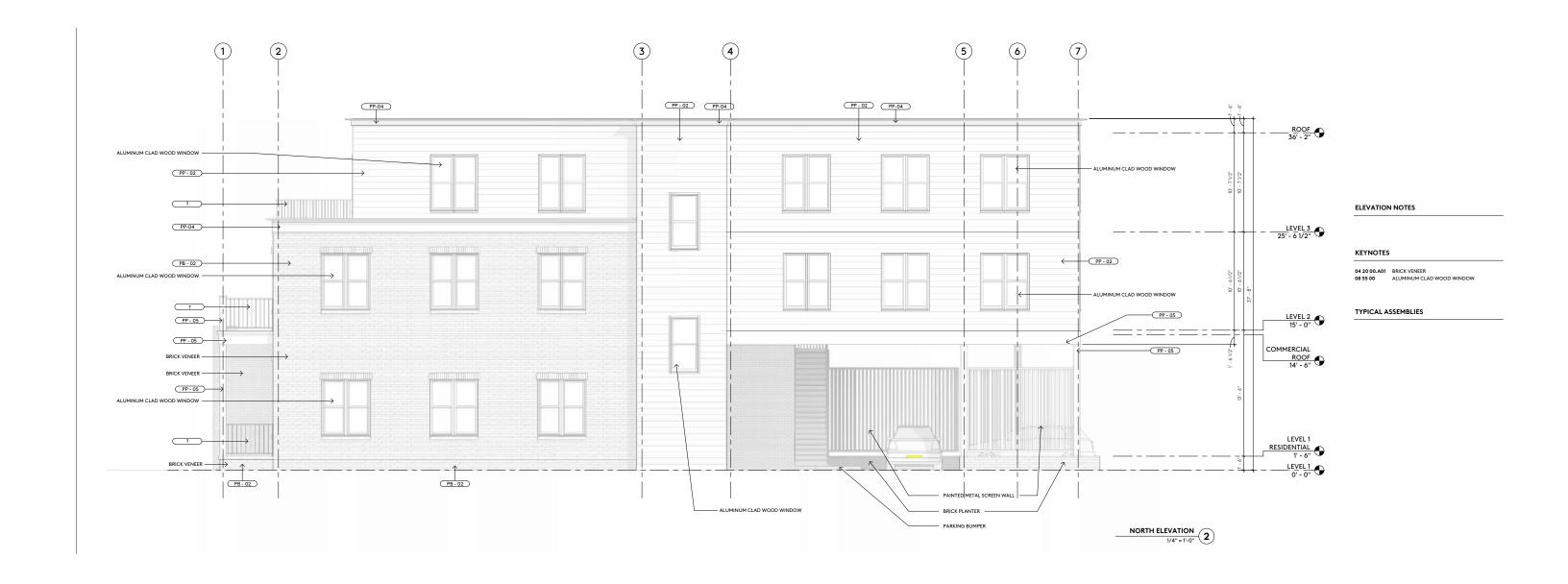




- PB 01 EXISTING PAINTED BRICK, REPOINT AND REPAINT, WHITE.
- PB 02 WATSONTOWN BRICK COMPANY, CENTRAL PARK, KT TEXTURE.
- PB 06 SOLDIER COURSE MATCH FIELD BRICK
- PP 02 HARDI LAP SIDING SMOOTH, PEARL GRAY
- PP 04 HARDI TRIM SMOOTH, ARCTIC WHITE
- PP 05 HARDI TRIM SMOOTH, IRON GREY
- PR 01 PAINTED STEEL RAIL, BLACK

# TULIP ST ELEVATION (EAST)



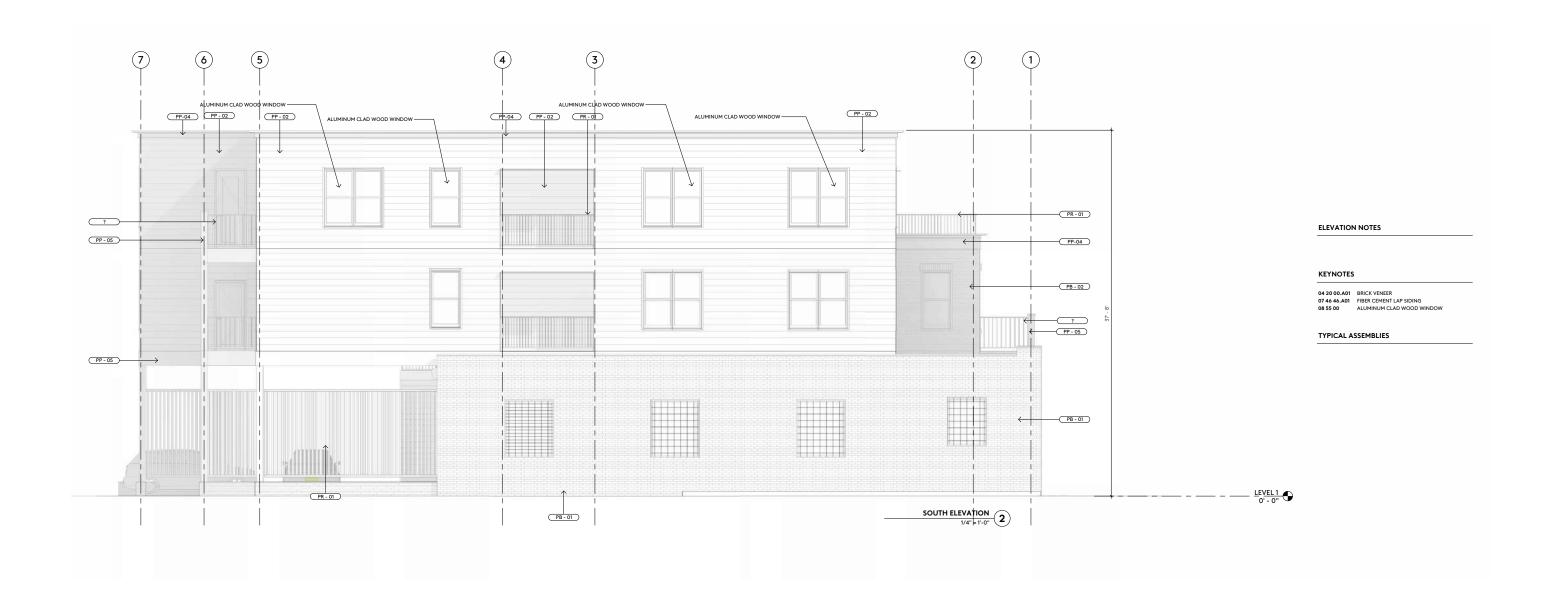


### **FINISH NOTES**

- PB 01 EXISTING PAINTED BRICK, REPOINT AND REPAINT, WHITE.
- PB 02 WATSONTOWN BRICK COMPANY, CENTRAL PARK, KT TEXTURE.
- PB 06 SOLDIER COURSE MATCH FIELD BRICK
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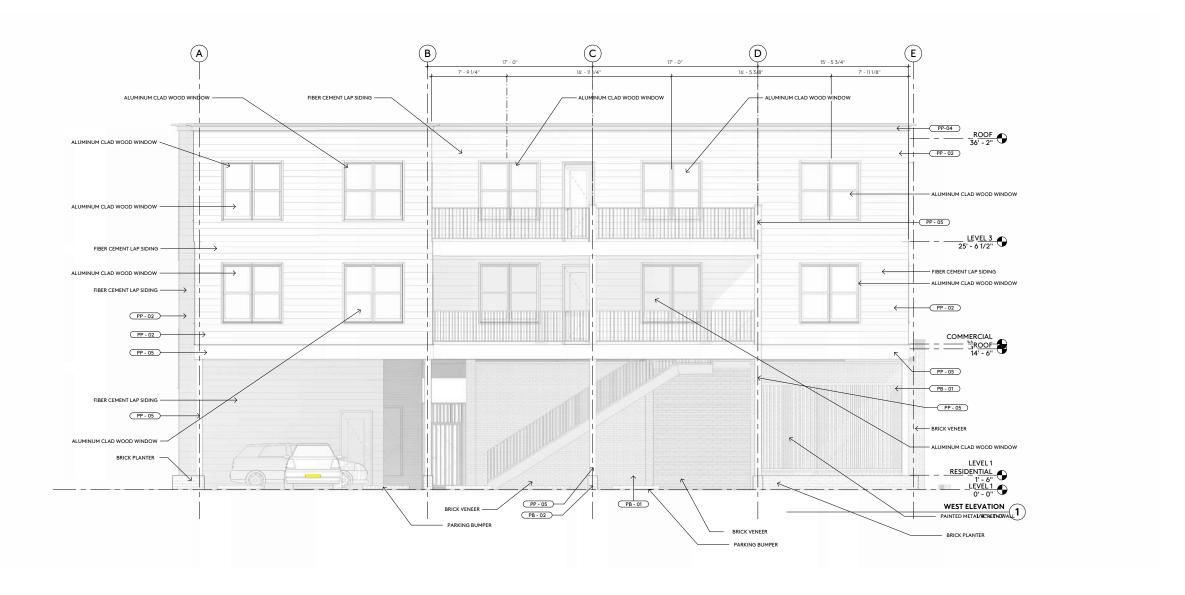


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### **FINISH NOTES**

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- PP 05 HARDI TRIM SMOOTH, IRON GREY
- PR 01 PAINTED STEEL RAIL, BLACK







# CONCEPTUAL AXON





## CONCEPTUAL AXON





**EAST ELEVATION** 

### MATERIALS: ELEVATIONS



