AN ORDINANCE No. 2014-264-2015-14

To authorize the special use of the property known as 2617 West Main Street for the purpose of authorizing two two-family attached dwelling units and accessory parking, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JAN 12 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 2617 West Main 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 attached dwelling units and accessory parking, which use, among other things, is not currently allowed by section 114-413.2 of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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 AYES:

9 NOES:
0 ABSTAIN:

ADOPTED: JAN 12 2015 REJECTED:

STRICKEN:

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 114-1050.1 of the Code of the City of Richmond (2004), 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 2617 West Main Street and identified as Tax Parcel No. W000-1160/004 in the 2014 records of the City Assessor, being more particularly shown on a survey entitled "ALTA/ACSM Land Title Survey of 0.165 Acre of Land Lying South of West Main Street," prepared by Balzer and Associates, Inc., and dated May 15, 2014, 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 (2) two-family attached dwelling units and accessory parking, hereinafter referred to as "the Special Use," substantially as shown on pages A101 through A104, A201, A202, and C101 of the plans entitled "2617 and 2617 ½ West Main Street Infill Housing," prepared by Johannas Design Group, and dated August 8, 2014, 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 use of the property shall be as two two-family dwelling units and accessory parking, substantially as shown on the Plans.
- (b) A minimum of one parking space per dwelling unit shall be provided as shown on the Plans.

- (c) Application for approval of a subdivision plat shall be made within 730 calendar days from the effective date of this ordinance. This ordinance shall apply to all parcels created by such subdivision. Should the subdivision plat become invalid, in accordance with sections 94-8, 94-256, or 94-257 of the Code of the City of Richmond (2004), as amended, the privileges granted by this ordinance shall terminate and the special use permit granted hereby shall become null and void.
- § 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, shall be approved by the Director of Public Utilities prior to the issuance of building permits.
- (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 adjacent 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 (2004), 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 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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.



CITY OF RICHMOND

O & R REQUEST

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EPIMEN's Office City of Richmond

INTRACITY CORRESPONDENCE

O&R REQUEST

O & R Request

DATE:

October 31, 2014

TO:

The Honorable Members of City Council

THROUGH:

Dwight C. Jones, Mayor (Patron: Mayor, by Request)

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH:

Christopher L. Beschler, Interim Chief Administrative Office

THROUGH:

Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic

Development and Planning

FROM:

Mark A. Olinger, Director, Department of Planning and Development Revi

SUBJECT:

Special Use Permit for 2617 West Main Street to permitting two (2) two-family

attached dwelling units and accessory parking.

ORD. OR RES. No.

upon certain terms and conditions.

PURPOSE: To authorize the special use of the property known of the purpose of authorizing two (2) two-family attached dwelling units and accessory parking,

REASON: The applicant is proposing to construct two (2) two-family attached dwelling units and accessory parking. The subject property is located in an R-7 District, which only permits two-family attached dwelling uses that legally existed prior to the effective date of the district regulations.

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 January 5, 2015 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The applicant is requesting a SUP to split an existing parcel into two parcels that do not meet the regulations of the R-7 Single- and Two-Family Residential district for two (2) two-family attached dwellings. The proposal is for the construction of two (2) two-family attached dwellings (four units). The R-7 district permits only two-family attached dwellings that legally existed prior to the effective date of the district regulations.

In addition, the R-7 district requires two-family attached dwellings to be on lots of not less than 4,400 square feet in area and a width of not less than thirty-six feet (36'). The proposed lots would contain 3,595 square feet of lot area and widths of twenty feet (20').

Tmp-1694

The property is located in the Near West Planning District as defined by the 2000-2020 city-wide Master Plan, which recommends "Single-Family (Medium-Density)" uses for the property. The Richmond Master Plan designates this property as Single-Family (Medium-Density). Primary uses for the Single-Family designation are, "single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses" (p. 133).

FISCAL IMPACT: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: December 8, 2014

CITY COUNCIL PUBLIC HEARING DATE: January 12, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, January 5, 2015

AFFECTED AGENCIES:

Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

STAFF:

Willy Thompson, Senior Planner
Land Use Administration (Room 511)

646-5734

PDR O&R No. 14-44



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) AND USE ADMINISTRATION Application is hereby submitted for: (check one) AND USE ADMINISTRATION Project Name/Location			
Project Name/Location			
Project Name: 2617 W Main St LLC			Date: 08/26/2014
Property Address: 2617 W Main St.			_ Tax Map #:
Fee: 1800.00 Total area of affected site in acres: (See page 3 for fee schedule, please make check payable to the "City of Richmond")			
Zoning Current Zoning: R-7 Existing Use: Single Family Is this property subject to any previous land use cases?	Proposed Use (Please include a detailed description of the proposed use in the required applicant's report) No. 2001-312-292		
✓ Yes ☐ No If Yes, please list the Ordinance Number:			
Applicant/Contact Person: Nolen Blackwood Company: Blackwood Development Co. Mailing Address: 7301 Boulder View Ln City: North Chesterfield Telephone: (804) 517-7941	State:		Zip Code:23225 497-5903
Telephone: _(804) 517-7941 Fax: _(804) 497-5903 Email: _nblackwood@blackwooddevelopment.			
If Business Entity, name and title of authorized signee:			
City: Richmond	State: _	VA	Zip Code: 23235
Telephone: (804) 357-2063)
Email: HOEL RORNO 6 MAIL. COM			
Property Owner Signature:			
(The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.)			
NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)			

Applicant's Report

Name of Project:

Infill Housing - 2617 W Main St. Richmond, VA 23220 W0001160004

Developer:

Blackwood Development Co.

Proposed Use:

Residential, two duplexes, attached, on two lots

Prepared by:

Johannas Design Group

The applicant, 2617 W Main St LLC, has submitted a Special Use Application to develop two duplexes. The intent is to divide the single lot at 2617 West Main Street into two equal lots and build a pair of attached duplexes.

2617 West Main Street is in an R-7 one and two family zoning district. The adjacent property to the east of 2617 is in an Urban Business district and the current use is a restaurant/bar. The property to the east is a single family home.

The pattern of uses on the 2600 block range from one and two family dwellings in the R-7 zoning area to commercial uses at the corner Urban Business zoning areas. Immediately around the corner on South Mulberry Street, there are additional smaller single family homes. Across the alley to the south of the property is B-6 mixed use zoning.

The property is adjacent to bus routes that connect downtown, Carytown, and Maymont and Byrd Parks.

Currently the property is derelict with a deteriorated house on the lot. City records show that the current structure at 2617 West Main Street was built in 1915. The property has been vacant for several years.

The special use approval would authorize the demolition of the blighted property, the subdivision of the lot into two legal parcels, and the right to build two duplexes per the submitted plans.

The City of Richmond Master Plan identifies the West Main Street Corridor plan and notes this area as a mix of Residential, Commercial, and Vacant properties. Guiding Land Use Principles state, "infill development of like density, scale and use is appropriate."

Existing Conditions

The property is located on the south side of West Main Street in between South Robinson Street and South Mulberry Street is in the Uptown Association District and the Fan District. The property is unique for two reasons.

- 1. It sits between the most intense use in the district to the west and the least intense use to the east. At the west side of the property is a successful, restaurant/bar with late hours of operation and potentially early hours of operation. To the east of the property is a single family home. This situation makes this a transitional location.
- 2. The other aspect of this property is that the existing house is one of the most deteriorated buildings in the district.

The lot size is 7,190 square feet. The existing blighted structure has a 1,283 square foot footprint and is two stories with a total of 2,566 square feet and a 320 square foot basement. A wood fence currently is in place between the structure and the adjacent parcel to the east, 2615 W Main St. The adjacent property to the west, 2619 to 2623 W Main St., is currently occupied by Social52 kitchen & craft bar and is zoned Urban Business. It is 4,706 square feet which is comprised of 1,800 square feet of a detached garage and 2,906 square feet of restaurant space. Along with the garage there is patron parking in the rear. The hours are:

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Monday....4:00pm - 12:00am
Tuesday....4:00pm - 2:00am
Wednesday....4:00pm - 2:00am
Thursday....4:00pm - 2:00am
Friday....4:00pm - 2:00am
Saturday....10:00am - 2:00am
Sunday....10:00am - 12:00am
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The restaurant typically features a line of patrons waiting for admittance beginning at the front door and lining up to the east. It is not atypical to have patrons waiting in front of the structure at 2617 W Main St. Thursday to Saturday nights.

Immediately adjacent to the Social 52 is the Bamboo Café at the corner of South Mulberry and West Cary St. The hours are:

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Monday...11:00 am - 2:00 am
Tuesday....11:00 am - 2:00 am
Wednesday....11:00 am - 2:00 am
Thursday....11:00 am - 2:00 am
Friday....11:00 am - 2:00 am
Saturday....11:00 am - 2:00 am
Sunday....11:00 am - 2:00 am
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The property to the east, 2615 W Main St., is a single family home owned by Alison & Jerzy Gryzwinski. The property was built in 2010 and is zoned R-7.

17 S Mulberry St. is across the alley to the south and is leased by ANK Granite LLC. The property is zoned B-6, is 6,973.2 square foot lot, was built in 1948, and has a building area of 5,607 square feet.

Proposed Use:

The existing project lot is 40 feet wide by 179.75 feet deep, with a total area of 7,180 square feet. The applicant plans to subdivide the single lot into two equal lots, each 20 feet x 179.75 feet, or 3,590 square feet each.

There is an existing, deteriorating, wood frame, house on the lot. The applicant proposes removing the existing blighted building and constructing two (2), two family houses (duplexes) - one duplex per lot.

The new duplexes will be attached. Each duplex will be divided front to rear, with a fire separation wall between units. The front units will be two stories plus a third floor, dormered bedroom and a small, roof deck. The rear units will have two stories and a rear deck at grade. The front units will have three bedrooms and the rear units will have two bedrooms. The areas of the units are 1,730 square feet and 1,320 square feet, respectively. Each building footprint will be 1,300 square feet plus porches and decks.

Parking will be provided at the rear. Lot will have two parking spaces directly off the alley plus two captive spaces. This will give each unit a total of two parking spaces.

Lot sizes on this side of Main Street, north of the alley, between South Mulberry St. and South Robinson Street which are in the R-7 zoning district are noted below:

On South Mulberry there are six lots at 1,056 square feet in area, plus one vacant lot at 1,975 square feet. On West Main Street there are four lots at 3,250 square feet, one lot at 3,540 square feet and one lot at 4,493.5 feet.

The proposed two lots are 3,590 square feet.

Lease Agreement Acknowledgement:

Because of the location of the property and its proximity to the adjacent bars, the owner is offering to provide a provision in his lease which will inform his tenants that the adjacent business uses include a restaurant and bar. The applicant shall acknowledge the paragraph noted below in the leases for these properties.

Any lease signed in the future shall include the following language:

Lessee acknowledges that there could be substantial noise due to the properties proximity to a known restaurant and bar that is routinely open until 2:00 AM. Lessee acknowledges that it is not the responsibility of the property nor the City of Richmond to address this noise.

Findings of Fact:

The following are factors indicated in Section 17.11 of the City Charter and Section 114-1050.1 of the adopted City of Richmond Zoning Ordinances with regard to the approval of Special Use Permits by City Council. The proposed Special Use Permit will <u>not</u>:

- Be detrimental to the safety, health, morals and general welfare of the community involved.
 - o The residential uses are compatible with the zoning and will not be detrimental to the safety, health, morals and general welfare of the community.
- Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.
 - o This project is a low impact project that will not tend to create congestion in streets, roads, alleys or other public ways and places.
- Create hazards from fire, panic or other dangers.
 - o All work will be done in accordance with all local, state and national codes and regulations and will not create hazards from fire, panic, or other dangers.
- Tend to overcrowding of land and cause an undue concentration of population.
 - The density of proposed duplexes is compatible with the master plan and will not cause overcrowding.
- Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.
 - There will be no adverse effect on public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences, and improvements.
- Interfere with adequate light and air.
 - o This project will meet the front yard and side
 - o yard setbacks and will not interfere with adequate light and air.

2617 and 26171/2 west main street infill housing



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2617 and 26173 WEST MAIN STREET

COVER SHEET

1430°

C101













