INTRODUCED: November 9, 2015

AN ORDINANCE No. 2015-247-241

To authorize the special use of the property known as 202 Rear South Robinson Street for the purpose of permitting up to six single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: DEC 14 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 202 Rear South Robinson Street, which is situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such property for the purpose of up to six single-family attached dwellings, which use, among other things, does not meet the minimum lot area and lot width requirements imposed by section 114-413.5 of the Code of the City of Richmond (2004), as amended, and does not have public street frontage as required by section 114-610.1 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	DEC 14 2015	REJECTED:		STRICKEN:	

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 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 202 Rear South Robinson Street and identified as Tax Parcel No. W000-1157/056 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled "Lot and Improvements Thereon Located at #202 Rear S. Robinson Street, Richmond, Virginia," prepared by A.G. Harocopos & Associates, P.C., and dated March 4, 2015, a copy of which is reproduced on sheet CS of the plans entitled "202 Rear S Robinson St Rowhouses, New Construction," prepared by 510_architects LLC, dated June 26, 2015, and last revised October 6, 2015, 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 up to six single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "202 Rear S Robinson St Rowhouses, New Construction," prepared by 510_architects LLC, dated June 26, 2015, and last revised October 6, 2015, 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 consist of up to six single-family attached dwellings, substantially as shown on the Plans.
- (b) The dwellings shall be served by no fewer than six on-site garages, substantially as shown on the Plans.
 - (c) All building-mounted lighting shall be of residential scale.
- (d) Prior to the issuance of any certificate of occupancy for the Special Use, landscaping on the Property shall be provided, substantially as shown on the Plans.
- (e) Signage on the Property shall be limited to (i) exempt signage pursuant to section 114-503 of the Code of the City of Richmond (2004), as amended, (ii) signage permitted in all districts pursuant to section 114-505 of the Code of the City of Richmond (2004), as amended, and (iii) signage permitted in the R-7 Single- and Two-Family Urban Residential District pursuant to section 114-506 of the Code of the City of Richmond (2004), as amended.
- (f) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of up to six residential lots and one lot in common, substantially as shown on the Plans, shall be accomplished by obtaining subdivision approval from the City and by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.
- (g) Prior to the issuance of any certificate of occupancy for the Special Use, the alley access to the property shall be named in accordance with sections 26-7 through 26-10 of the Code of the City of Richmond (2004), as amended.
- (h) No permit implementing the Special Use shall be issued until written evidence that the Director of Public Works, the Chief of Police, and the Chief of Fire and Emergency Services have confirmed that the alley access to the Property for all-weather travel by public and emergency vehicles is suitable has been submitted to the Zoning Administrator.

- (i) Appropriate agreements and covenants that provide for the perpetuation and maintenance of all areas to be held in common ownership by property owners within the Property shall be approved by the City Attorney prior to the issuance of any certificate of occupancy for the Special Use.
- § 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 (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, 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

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

Item Request

File Number: a2015 - 1311



OCT 27 2015

OFFICE OF CITY ATTORNEY

O & R Request

GE 14 4 2015

DATE:

October 13, 2015

EDITION:1

CHIEF ADMINISTRATIVE OFFICE CITY OF RULLY...

TO:

The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

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

Development and Planning

FROM:

Mark A. Olinger, Director, Dept. of Planning and Development Review

RE:

Ordinance to authorize the special use of the property known as 202 Rear South Robinson Street for the purpose of multi-family dwellings containing a total of up to six dwelling units,

upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 202 Rear South Robinson Street for the purpose of multi-family dwellings containing a total of up to six dwelling units, upon certain terms and conditions.

REASON: Currently, the subject property is zoned in the R-7 Single- and Two-Family Urban Residential Zoning District, which does not allow multi-family dwellings. Also, the property does not have frontage on a public or private street. 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 December 7, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 0.127 acre (5,532 sq ft) parcel of land improved with a 1-story garage/outbuilding constructed, per tax assessment records, in 1952. The property is

located at the center of the block bound by Grayland Avenue, S. Mulberry Street, Parkwood Avenue, and S. Robinson Street. The property has no street frontage and is accessed by public alleys. It is located in the Fan neighborhood of the Near West planning district.

Surrounding properties to the north, west, and south are located within the same R-7 zoning district as the subject property. Properties to the east are located within an R-63 Multifamily Urban Residential District. A mix of residential (single-, two-, and multifamily), office, commercial, institutional, public-open space, and mixed-use land uses are present in the vicinity.

The City of Richmond's Master Plan recommends Single-family (Medium Density) land uses for the property. The Master Plan defines the primary uses for this category as single-family and two-family detached and attached dwellings at densities of 8 to 20 units per acre, and includes residential support uses such as schools, places of worship, and neighborhood parks, among others (p. 133). The density of the proposed development is approximately 47 units per acre. The Master Plan also states "infill development of like density, scale, and use is appropriate" (p. 230) as a guiding land use principle for the Near West planning district. Existing single-family attached uses within the block range in density from 25 to 27 units per acre; existing multi-family uses within the block range from 38 to 72 units per acre. The proposed density for the subject property is approximately 47 units per acre.

FISCAL IMPACT / COST: The Department 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: \$1,800.00

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: November 9, 2015

CITY COUNCIL PUBLIC HEARING DATE: December 14, 2015

REQUESTED AGENDA: Regular

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, December 7, 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 ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

STAFF: Matthew J. Ebinger, AICP, Senior Planner

Land Use Administration (Room 511)

804-646-6308

PDR O&R No. 15-33



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/

FRECH VED

Application is hereby submitted for: (check one) special use permit, new special use permit, plan amendment special use permit, text only amendment	MAR 1 3 2015						
Project Name/Location	ID USE ADMINISTRATION						
Project Name: VA	Date: 3/11/2015						
Property Address: 202 South RUSTW!	SOW STREET Tax Map #: WOOD 1157056						
Fee: Total area of affected site in acres: O.I.7 (See page 3 for fee schedule, please make check payable to the "City of Richmond")							
Current Zoning: (I	Proposed Use Please include a detailed description of the						
Is this property subject to any previous land use cases?	STIVLE FAMILY BUEITN (-S						
Yes No ☐ If Yes, Pelease list the Ordinance Number:							
Applicant/Contact Person: JOHW WHITE							
Company: 510 - ARCHITEUD LLC							
Mailing Address: 3802 VOBIE 4VE							
City: RFCHMOWA	State: VA Zip Code: 23222						
Telephone: (804) 310 - 7966	Fax: () NA						
Email: JOHN @ 5105ALES. COM							
Property Owner: DAIIAW DEVELOPINENT LLC							
If Business Entity, name and title of authorized signee:	DANTEL MEYER						
(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: 4400 FITZHULH	AVE						
City: Ktilmows	State: VA Zip Code: 23230						
Telephone: (804) 421-9326	Fax: (804) 421-4328						
Email: OMEYER @ DAHAN CONSTRUCTION. 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)							

3801 noble ave richmond, va 23222 t.804.353.1576 www.510spaces.com



September 6, 2015

City of Richmond
Department of Planning and Development Review
Land Use Administration Division
900 East Broad Street
Room 511
Richmond, VA 23219

Re:

Proposed Special Use Permit - Applicant 's Report

Property Owner: Dallan Development LLC

Dear Reviewer:

Please accept the following as a statement of justification for a Special Use Permit on the property at 202 South Robinson Street Rear (the "Subject Property").

The Subject Property is zoned R-7 Residential (Single and 2-Family Urban). Surrounding properties on Parkwood Avenue, Grayland Avenue, and South Mulberry Street are also zoned R-7, with the properties on South Robinson Street zoned R-63 Residential (Multifamily).

The Subject Property currently has a 40' x 22' concrete masonry shop / storage shed that has been vacant for some time. The remainder of the lot is an open lot that is currently not utilized.

The proposed development plan is to demolish the existing structure and construct 6 new townhomes on this property. The Subject Property would be subdivided into 6 individual parcels with a single family townhome on each. See attached drawings of the proposed Site Plan, Floor Plans and Exterior Elevations.

The proposed development will include the following amenities:

- Proposed improvements to the Subject Property will accommodate (6) on-site, garaged parking spaces
 accessed from a common alley. This configuration will shield the visibility of the garage doors from the
 existing neighbors and the adjacent street.
- Proposed floor plans include (2) bedrooms, (1) full bath and (1) half bath in each unit.
- Proposed exterior improvements to the Subject Property include small front yards to provide off alley
 access to the property and additional plant beds to increase aesthetic appeal from the alley.
- Proposed exterior improvements to the Subject Property include small rear balconies with screening.

For the following reasons, as defined in the City of Richmond Zoning Ordinance (the "Zoning Ordinance"), this application for special use is submitted:

- The proposed property is zoned for use as an accessory building to the current frontage buildings as governed by section R-1 114-402.2. The owner is proposing dwelling units on these lots.
- The property does not have named street frontage.

In accordance with Section 114-1050.1, please accept the following information:

- The current zoning of the property allows for the construction of multiple garages or storage areas by right.
 We feel this is not the best use for the Subject Property anticipating increased use of the alley, vehicles blocking the alley for loading and unloading, and lack of aesthetic appeal to the surrounding neighbors that share the alley.
- Off-street / off-alley parking will be provided within each unit as to not burden the existing street parking with additional need.
- The current structure located on the Subject Property is in poor condition, and does not positively add to the character of the surrounding homes. See attached site photos. The open lot behind the structure has not been maintained and has become an area of trash accumulation.

- The target market for housing in the area of the Subject Property includes professionals, young families, and recent retirees, 1 to 5 persons per household, 0 to 2 children. The Subject Property has excellent access to public transportation with a bus stop 2.5 blocks or .1 miles from the property. This bus stop provides access to the 3-4 bus line making transportation to down town and VCU extremely accessible.
- Attached are several documents showing recent market statistics for the area of the Subject Property.
 These charts show the trending property values, active listings and average days on market for the area.
 These statistics demonstrate the need for more Fan / Museum District housing and that an owner-occupant residential product is the highest value for the property. This project will likely have a positive impact on both the desirability and marketability of the surrounding properties.
- The Subject Property is in close proximity to the Uptown civic area, Carytown, the Fan, and the proposed GRTC mixed use development all within walking distance. An increase in residential dwelling units in this area is likely to have a positive impact on the existing accessory and supporting uses such as retail and restaurants / bars.

The desired special use is intended to provide single family housing in close proximity to a thriving civic and retail area, and to facilitate a mixed residential character more advantageous to the livability and economic viability of the area.

Should you have any questions regarding this proposal, or require additional information, please do not hesitate to contact me. Your consideration is sincerely appreciated.

Very truly yours,

510_Architects LLC

John P. White Jr.

Enclosures

cc: Danny Meyer John White







