

INTRODUCED: February 8, 2016

AN ORDINANCE No. 2016-035

To authorize the special use of the property known as 3410 Cutshaw Avenue for the purpose of single-family and two-family attached dwellings, upon certain terms and conditions, and to repeal Ord. No. 79-118-111, adopted Jul. 23, 1979.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 14 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 3410 Cutshaw Avenue, which is situated in an R-48 Multifamily Residential District, desires to use such property for the purpose of single-family attached and two-family attached dwellings, upon certain terms and conditions, which use, among other things, currently does not meet the requirements set forth in section 30-416.4(a) of the Code of the City of Richmond (2015), 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 create

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 14 2016 REJECTED: _____ STRICKEN: _____

congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), 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 3410 Cutshaw Avenue and identified as Tax Parcel No. W000-1629/017 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on No. 3410 Cutshaw Avenue in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated August 24, 2015, a copy of which appears as an inset on sheet C102 of the plans entitled “Infill Housing, 3410 Cutshaw Avenue,” prepared by Johannas Design Group, and dated January 25, 2016, copies of which are attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted for single-family attached and two-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Infill Housing, 3410 Cutshaw Avenue,” prepared by Johannas Design Group, and dated January 25, 2016, 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 single-family attached and two-family attached dwellings, containing a total of up to 11 dwelling units, served by no fewer than one on-site parking space per dwelling unit, substantially as shown on the Plans. The two-family

dwellings on Lots 7 through 9 may be constructed as single-family dwellings with residential accessory structures customary to such uses.

(b) Signage on the Property shall be limited to (i) those signs exempt from the signage regulations of the zoning ordinance by section 30-503 of the Code of the City of Richmond (2015), as amended, (ii) those signs permitted in all zoning districts by section 30-505 of the Code of the City of Richmond (2015), as amended, and (iii) those signs permitted in the R-48 Multifamily Residential District by section 30-507 of the Code of the City of Richmond (2015), as amended.

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

(d) Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles.

(e) Screening of the surface parking spaces so that they are not visible from the street shall be substantially as shown on the Plans.

(f) Mechanical units shall be located so that they are not visible from any public right-of way.

(g) Prior to the issuance of any certificate of occupancy for the Special Use, landscape buffers “A,” “B,” “C,” or “D” as depicted in section 30-710.13(2) of the Code of the City of Richmond (2015), as amended, and a four foot fence or decorative wall shall be provided on the Property.

(h) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of up to eight 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 appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

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

(j) The Owner shall grant an access easement to all unit owners so that all units have access to the parking area, substantially as shown on the Plans.

§ 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 (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements, including installation of street trees within the Cutshaw Avenue right-of-way, 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 (2015), 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 (2015), 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 (2015), 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. **Repeal of Prior Ordinance.** That Ordinance No. 79-118-111, adopted July 23, 1979, is hereby repealed; provided that Ordinance No. 76-208-184, adopted July 26, 1976, shall remain repealed.

§ 8. **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 - 1947

4-4692
O & R REQUEST

DEC 14 2015

O & R Request

Chief Administration Office
City of Richmond

DATE: December 11, 2015

EDITION: 1

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: To authorize the special use of the property known as 3410 Cutshaw Avenue for the purpose of single-family attached and two-family attached dwellings, upon certain terms and conditions and to repeal Ord. No. 79-118-111, adopted July 23, 1979.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3410 Cutshaw Avenue for the purpose of single-family attached and two-family attached dwellings, upon certain terms and conditions and to repeal Ord. No. 79-118-111, adopted July 23, 1979.

REASON: The subject property lies within the R-48 Multi-Family Residential District, which allows the proposed land use, however, the proposed lot dimensions would not meet R-48 standards. 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 February 1, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 0.34 acre (14,810 SF) parcel improved with an

office use and surface parking area. The building containing the office use was originally constructed as two separate dwelling units that were subsequently combined through an addition. The office use and expansion were authorized by special use permits (Ord. Nos. 76-208-184 and 79-118-111). The property is located in the northeast quadrant of the intersection of North Thompson Street and Cutshaw Avenue, in the Museum District neighborhood of the Near West planning district.

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 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. The density of the proposed development is approximately 32 units per acre. The density of existing residential uses in the vicinity ranges from 21 to 75 units per acre.

The subject property lies within the R-48 Multi-Family Residential District and, as stated above, has a history of special use permits pertaining to office use of the subject property.

Properties to the east of the subject property are located within the same R-48 district. Properties to the south are also located in the R-48 district, in addition to the West of the Boulevard Overlay District. Properties to the north and west are located within the RO-2 Residential-Office Zoning District.

A mix of commercial, office, institutional and residential (single-, two-, and multi-family) land uses are present in the area, with the residential uses being clustered primarily to the north and south of the subject property, east of North Thompson Street.

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: \$2,400.00

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: January 11, 2016

CITY COUNCIL PUBLIC HEARING DATE: February 8, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission,

February 1, 2016

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.: Repeal Ord. No. 79-118-111, adopted July 23, 1979.

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. 15-42



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) 648-6304
<http://www.richmondgov.com/>

RECEIVED
SEP 22 2015
LAND USE ADMINISTRATION

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

Project Name: _____ Date: 9.17.15

Property Address: 3410 CUTSHAW AVE Tax Map #: N8001629017

Fee: _____ Total area of affected site in acres: 0.34
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning
Current Zoning: R-4B

Proposed Use
(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: OFFICE

Is this property subject to any previous land use cases? MULTIPLE 1 1/2 FAMILY DWELL

Yes No
 If Yes, please list the Ordinance Number:
79-118-111

Applicant/Contact Person: ANDY SCUDDER

Company: JOHANNAS DESIGN GROUP

Mailing Address: 1901 W. CAPE ST

City: RICHMOND State: VA Zip Code: 23220

Telephone: (804) 358.4993 Fax: (804) 358.8211

Email: ANDY@JOHANNASDESIGN.COM

Property Owner: 3412 CUTSHAW, LLC

If Business Entity, name and title of authorized signee: CARTER SNIPES

(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: 3412 CUTSHAW AVE

City: RICHMOND State: VA Zip Code: 23230

Telephone: (804) 969.4404 Fax: ()

Email: carter@snipesproperties.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)

September 17, 2015

Special Use Report:
3410 Cutshaw Avenue

RECEIVED

SEP 22 2015

LAND USE ADMINISTRATION

The property known as 3410 Cutshaw Avenue is at the North-East corner of the intersection of Cutshaw Avenue with N. Thompson Street located in the Museum District. The lot is approximately 0.34 acres and the existing zoning is R-48 Multi Family.

The existing property has a Special Use Permit authorized in 1979 that allowed the conversion of two apartment buildings into office space with a connecting addition built between them.

The proposed plan would remove the existing structures and subdivide the lot into 8 individual lots for 1 and 2 family homes and 1 lot for shared parking along the alley. The maximum number of dwelling units would be 11 in a mix of single family and duplex structures. Parking would be provided at no less than 1 space on site for each dwelling unit.

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

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

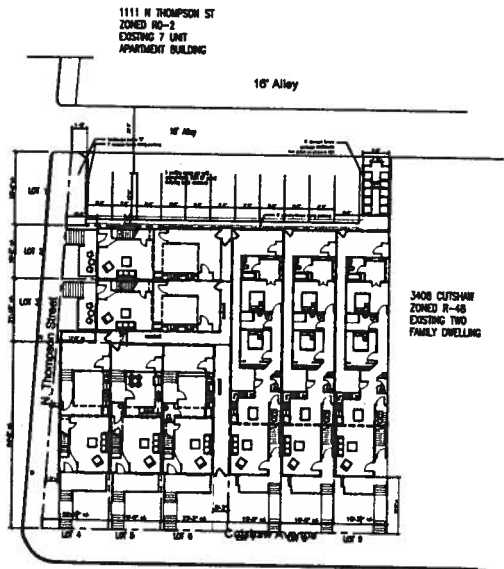
All work will be done in accordance with local building codes and will not create hazards from fire, panic or other dangers.

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

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

The project will be built with setbacks commensurate with the surrounding neighborhood and will not interfere with adequate light and air.

3410 Cutshaw Avenue infill housing



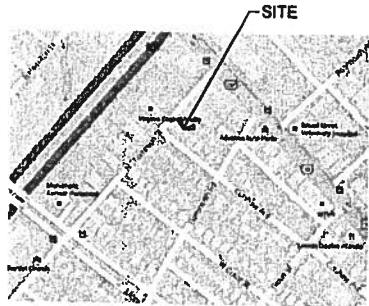
- PROPOSED LOT SIZES, HOME TYPE AND SQUARE FOOTAGE
- LOT 1 (PARKING LOT) - 2800 SF w/ 2285 SF PAVED
 - LOT 2 - 1080 SF
1 FAMILY - 1375-1700 SF
 - LOT 3 - 1263 SF
1 FAMILY - 1375-1700 SF
 - LOT 4 - 1335 SF
1 FAMILY - 1375-1700 SF
 - LOT 5 - 1180 SF
1 FAMILY - 1375-1700 SF
 - LOT 6 - 1463 SF
1 FAMILY - 1375-1700 SF
 - LOT 7 - 1804 SF
2 FAMILY - APPROX. 2800 SF
 - LOT 8 - 1804 SF
2 FAMILY - APPROX. 2800 SF
 - LOT 9 - 1900 SF
2 FAMILY - APPROX. 2800 SF
- TOTAL OF UP TO 11 UNITS
TOTAL GROSS SF = 15275 SF TO 18,000 SF

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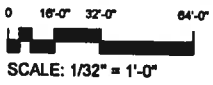
- C101 SUP SITE PLAN
- C102 SUP SITE PLAN
- A100 TYPICAL SINGLE FAMILY PLANS
- A101 TYPICAL DUPLEX PLANS
- A200 ELEVATIONS

SITE DATA

EXISTING SITE IS 14,817 SF +/-
 EXISTING ZONING IS R-48 w/ SUP
 EXISTING USE IS OFFICE
 1 SPACE REQUIRED FOR EVERY DWELLING UNIT W/ 1 SPACE PROVIDED FOR EVERY DWELLING UNIT
 TOTAL LAND WITH BUILDING = 6425 SF
 PROPOSED PAVED AREA = 2285 SF
 TOTAL OPEN SPACE = 6107 SF



SITE PLAN SHOWING NEW BUILDINGS

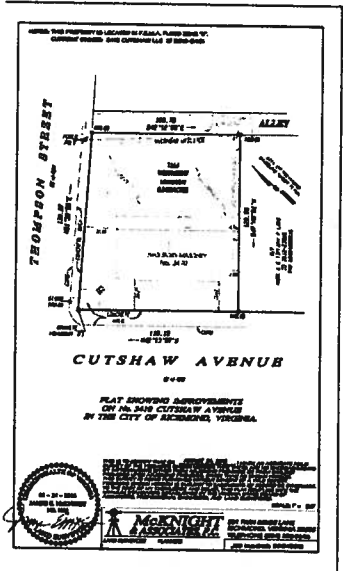
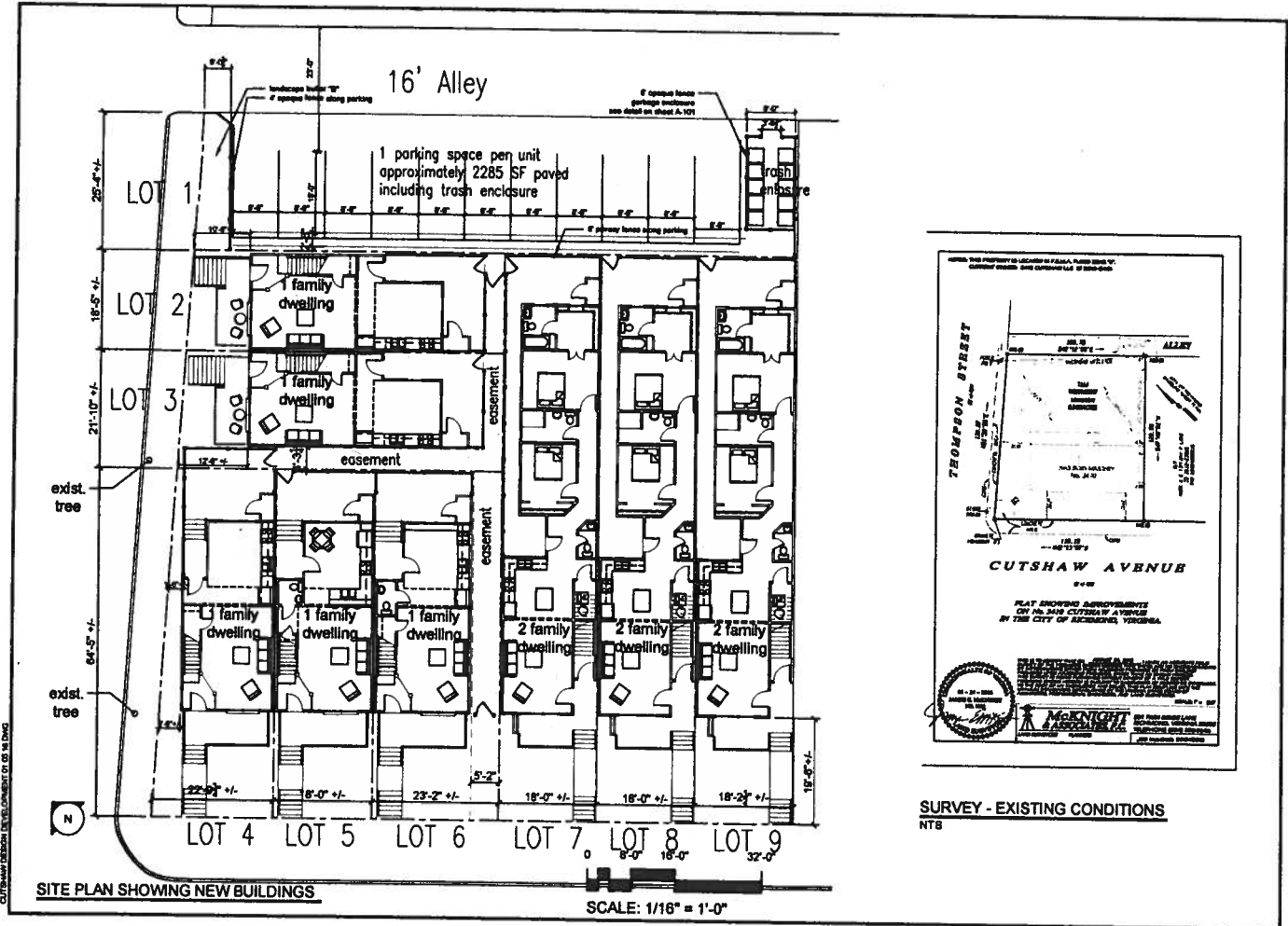


LOCATION PLAN
NTS

JOHANNAS DESIGN GROUP 1001 WEST GARY STREET RICHMOND, VA 23220 P 804.358.1211 F 804.358.1212

SHEET TITLE SUP SITE PLAN	REVISIONS
PROJECT NO. 1516	PREPARED FOR: 3412 CUTSHAW, LLC
DATE 1.25.16	INFILL HOUSING 3410 CUTSHAW AVENUE
SHEET NO. C101	

CUTSHAW DEVELOPMENT BY JOHANNAS

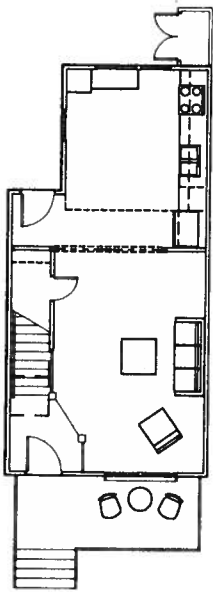


SURVEY - EXISTING CONDITIONS
NTB

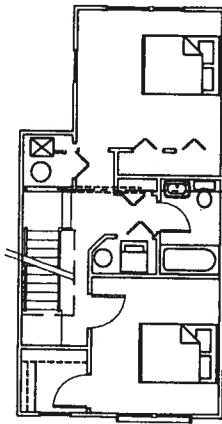
REVISIONS
PREPARED FOR: 3412 CUTSHAW, LLC
SHEET TITLE SIP SITE PLAN
PROJECT NO 1516
DATE 1.25.16
SHEET NO C102

JOHANNAS DESIGN GROUP 1501 WEST GARY STREET RICHMOND, VA 23220 P 804.356.4500 F 804.356.4511

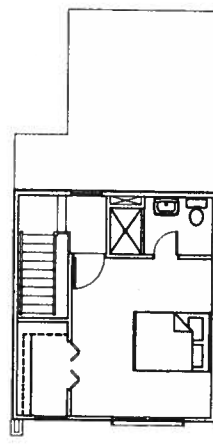
CUTSHAW AVENUE IMPROVEMENTS, PROJECT OF 05.16.16 DWG



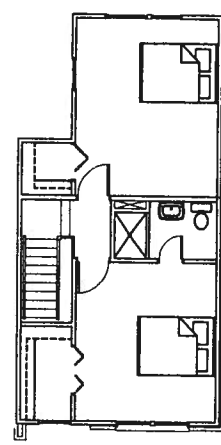
FIRST FLOOR



SECOND FLOOR



THIRD FLOOR - 3BR OPTION



THIRD FLOOR - 4BR OPTION

TYPICAL SINGLE FAMILY HOME

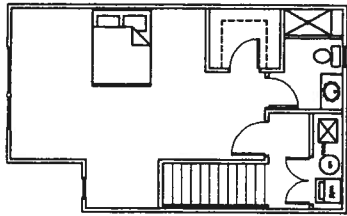


SCALE: 1/8" = 1'-0"

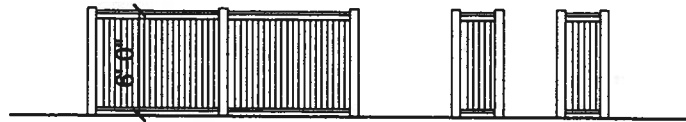
CUTSHAW DESIGN DEVELOPMENT BY US INC

REVISIONS	
	1001 WEST GARY STREET RICHMOND, VA 23220 P 804 382 1000 F 804 382 8211
PREPARED FOR: INFILL HOUSING 3410 CUTSHAW AVENUE	
SHEET TITLE 3RD SINGLE FAMILY PLAN	
PROJECT NO 1516	
DATE 1.25.16	
SHEET NO A100	
■ JOHANNAS DESIGN GROUP	

CUTSHAW DESIGN DEVELOPMENT OF US, INC.

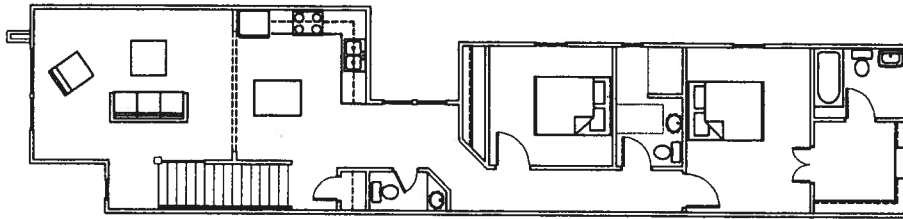


THIRD FLOOR

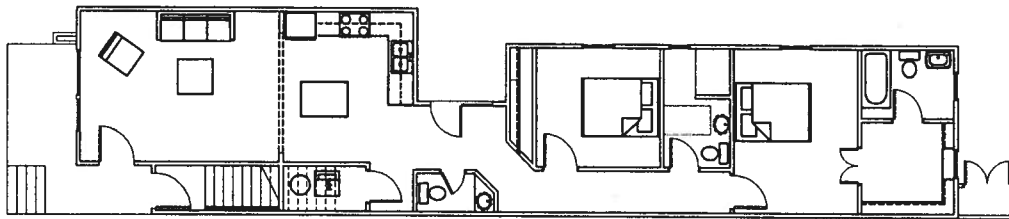


TRASH ENCLOSURE SIDE

TRASH ENCLOSURE FRONT

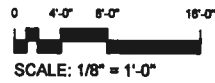


SECOND FLOOR



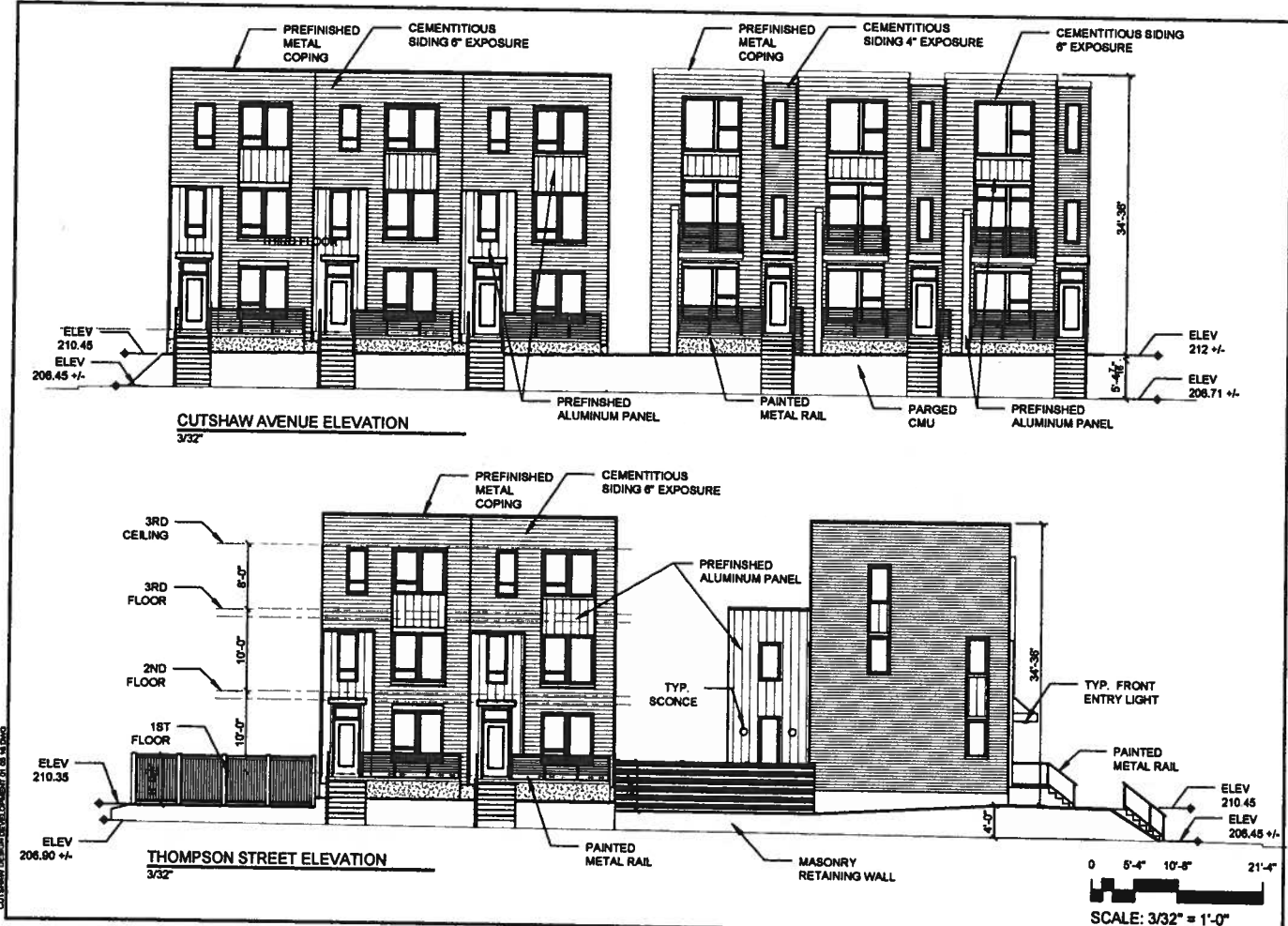
FIRST FLOOR

TYPICAL TWO FAMILY HOME



SCALE: 1/8" = 1'-0"

REVISIONS	
PREPARED FOR:	3412 CUTSHAW, LLC
PROJECT NO.	1518
DATE	1.25.16
SHEET NO.	A101
JOHANNAS DESIGN GROUP 1801 WEST GARY STREET RICHMOND, VA 23220 P 804.366.4872	
INFILL HOUSING 3410 CUTSHAW AVENUE	



CUTSHAW AVENUE ELEVATION COMPONENT IN 08.16.2010

REVISIONS
PREPARED FOR: 3412 CUTSHAW, LLC
INFILL HOUSING 3410 CUTSHAW AVENUE
SHEET TITLE
05 ELEVATIONS
PROJECT NO. 1516
DATE 1.25.16
A201

JOHANNAS DESIGN GROUP 1001 WEST GARY STREET RICHMOND, VA 23220 P 804.386.4211