INTRODUCED: May 29, 2018

AN ORDINANCE No. 2018-160

To authorize the special use of the property known as 2825 M Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUNE 25 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 2825 M Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of two single-family attached dwellings, which use, among other things, does not meet the requirements of section 30-419.5(2) of the Code of the City of Richmond (2015), as amended, regarding minimum lot area; 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: 8		NOES:	0	ABSTAIN:
_		_		
ADOPTED:	JUNE 25 2018	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 2825 M Street and identified as Tax Parcel No. E000-0527/007 in the 2018 records of the City Assessor, being more particularly shown on a survey entitled "Map Showing the Improvements on 2825 'M' Street in the City of Richmond, Va.," prepared by Virginia Surveys, and dated September 13, 2017, 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 two single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Two New 2-Story, Attached Single-Family Residences, in Historic Church Hill, 2825 M Street, 2825 M Street, Richmond, Virginia 23223," prepared by Chris Wolf Architecture, PLLC, and dated March 1, 2018, 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 two single-family attached dwellings, substantially as shown on the Plans.
- (b) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

- (c) No off-street parking shall be required for the Special Use.
- (d) Prior to the issuance of any final certificate of occupancy for the Special Use, two lots shall be established on the Property, substantially as shown on the Plans, by obtaining any necessary approvals 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.
 - (e) The height of the Special Use shall not exceed the height as shown on the Plans.
- (f) All building materials and elevations shall be substantially as shown on the Plans, unless otherwise approved by the Commission of Architectural Review in accordance with Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2015), as amended, prior to the issuance of a building permit for the Property.
- § 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 within the public right-of-way, including new curbing and sidewalk, 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, and (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. **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: PRE.2018.148

MAY 0.3 2018

O & R REQUEST

OFFICE OF CITY ATTORNEY

O & R Request

Chief Administrative Officer

DATE:

April 17, 2018

EDITION:1

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

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

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and

Planning

FROM:

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

RE:

To authorize the special use of the property known as 2825 M Street for the purpose of two

single-family attached dwellings, upon certain terms and conditions.

ORD, OR RES. No.

PURPOSE: To authorize the special use of the property known as 2825 M Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

REASON: The applicant is proposing to construct two single-family attached dwellings at 2825 M Street. The property is located in the R-63 Multi-Family Urban Residential Zoning District, which permits single-family attached dwellings. However, the proposal would not meet the minim lot area requirement or off-street parking requirements of the Zoning Ordinance. 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 June 4th, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a vacant parcel totaling 3,570 SF, or .82 acres, of

unimproved land. The property is a part of the Church Hill neighborhood in the East Planning District, and the Church Hill North City Old and Historic District. The development will consist of two newly-constructed single-family attached dwellings located on lots approximately 1,785 SF in area. The R-63 minimum lot size is for single-family attached dwellings is 2,200 SF. Due to the configuration of the lot, no on-site parking would be provided for the development.

The City of Richmond's Master Plan designates the subject property for Mixed Use Residential land uses which include, "...single-, two-, and multi-family dwellings, live/work units and neighborhood serving commercial uses developed in a traditional urban form. These commercial uses are limited in location, type and scale and are intended to provide for the convenience of urban neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside the neighborhood. Typical zoning classification that may accommodate this land use category: R-63 and R-8. (City of Richmond, Master Plan).

Specifically for the East Planning District, the Master Plan states that "infill development of like density and use is appropriate" and "the predominant land uses in the District are residential in nature, and these uses should be preserved" (p. 166).

The current zoning for the subject property and properties to the east, south, and west, is R-63 Multifamily Urban Residential. Properties to the north are zoned R-6 Single-Family Attached Residential. Residential (single-, two-, and some multifamily) land use predominates the area, with institutional and utility land uses present as well.

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

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

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: \$300 application fee.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: May 14, 2018

CITY COUNCIL PUBLIC HEARING DATE: June 11, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, June 4, 2018.

File Number: PRE.2018.148

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, Map

STAFF:

Jonathan Brown, Senior Planner

Land Use Administration (Room 511) 646-5734

PDR O&R No. 18-24

RICHMOND

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/

Jul-027513-2017

Application is hereby submitted for: (check one)		
special use permit, new		
special use permit, plan amendment		
special use permit, text only amendment		
Project Name/Location		
Property Adress 2825 M Street		Data: December 9 2017
Tax Map #: E0000527007 Fee: \$300.00		Date: December 8, 2017
Total area of affected site in acres: 0.082 acres		_
(See page 6 for fee schedule, please make check payable to the "City of	Richmond")	
Zoning Current Zoning: R-63		
Correct Zoring. R-05		
Existing Use: Vacant Land		
Proposed Use		
(Please include a detailed descript on of the proposed use in the required	applicant's report)	
Construct two single-family attached dwellings Existing Use: Vacant Land		
Existing Use, Vacant Land		
Is this property subject to any previous land use cases? Yes No If Yes, please list the Ordinance Number N		
The state of distance (Admine) N	IA	
Applicant/Contact Person: Mark Baker	A.	
Company: Baker Development Resources, LLC		
Malling Address: 919 East Main Street, Suite 2110		
	State: VA	Zip Code: 23219
Telephone _(_804)_874-6275	Fax: _()
Email: markbaker@bakerdevelopmentresources.com		
Property Owner: Jarreau Matthew P, LLC		
If Business Entity, name and title of authorized signee: M	att Iarreau	
		U
(The person or persons executing or attesting the execution of this Applic	at on on behalf of ti	he Company certifies that he or
she has or have been duly authorized and empowered to so execute or att	test.)	
Mailing Address: 409 East Main Street, Suite 204		
	Ct. 1 . 374	
	State VA	Zip Code23219
Email: mattj@htrsi.com	Fax: _(804	747-7393
Linear manjernusi.com		
Property Owner Signature:		
The names, addresses, telephone numbers and signatures of all owners of	the property are re-	nurad Diagon street address of
streets as needed. If a legal representative suns for a property owner, plea	ase attach an execu	quireu. Please attach additional ted power of attorney. Eavad or
photocopied signatures will not be accepted,		TO DESCRIPTION OF OLICONOSY, FRANCISCO



December 8, 2017

BY HAND DELIVERY

Mr, Matthew Ebinger City of Richmond Department of Planning and Development Review Land Use Administration Division, Room 511 City Hall, 900 East Broad Street Richmond, Virginia 23219

Re: Special Use Permit: 2825 M Street

Dear Matthew:

This letter shall serve as the Applicant's Report accompanying the application for a special use permit (the "SUP") for the property known as 2825 M Street, identified as Tax Parcel E000-0527/007 (the "Property"). The Property is generally located at the southwest corner of North 29th and M Streets and contains 0.082 acres of land area. The property is currently vacant. The SUP would authorize the division of the lot and the construction of two single-family attached dwellings

The Property is zoned R-63 Multifamily Urban Residential and is located in the Church Hill North Old and Historic District. The R-63 district permits single-family attached dwellings, provided that the dwellings are located on lots containing at least 2,200 square feet of lot area. The Property contains 3,570 square feet of lot area, resulting in lot areas of approximately 1,785 square feet for each proposed dwelling. As the two proposed lots do not meet the R-63 lot area requirements, a special use permit is required.

Properties to the west, south and east are also zoned R-63 and are predominantly occupied by single-family dwellings. To the north, across M Street lies the George Mason Elementary School, the Ethel Bailey Furman Park and a City water tower on land that is zoned R-6. The Master Plan recommends Mixed-Use Residential for the Property and surrounding land to the west, south and east. The properties to the north are recommended for Public and Open Space and Single-Family (low density).

The proposed single-family attached dwellings would be three stories in height with a side-gambled style roof with dormers. The primary building material would be cementitious horizontal lap siding with parged foundation. Each of the new dwellings would contain approximately 2,048 square

2825 M Street December 8, 2017 Page 2

feet of finished floor area with an option for a third floor bonus room containing an additional 448 square feet of floor area. Each dwelling would include 3 bedrooms and 2 ½ baths. The dwelling floor plans would be modern and would address the expectations for quality in today's market by including an open floor plan, spacious bedrooms and living areas, en suite master baths, walk-in closets, and sizable porch areas.

In exchange for the SUP, the intent of this request is to allow for the development and sale of as high quality, single-family attached dwelling units as home ownership opportunities, thereby addressing objectives of the Master Plan. The project's exterior was designed with careful consideration of the historic district guidelines and application has been made for a certificate of appropriateness from the Commission of Architecture Review (CAR). CAR review and the quality assurances conditioned through the SUP would guarantee a higher quality development than would otherwise be afforded for the Property by normal zoning and nonconforming use regulations.

The project would be consistent with the existing neighborhood character and the urban scale, density and pedestrian orientation that are suggested by the R-63 district statement of intent. Located on a corner lot, the proposed use of the Property would be less intense than the nonresidential corner-commercial uses which could otherwise be developed by-right on the Property. This includes restaurants, grocery stores, and personal service uses of up to 1,500 square feet in floor area. The proposed residential density would also be less than that of multi-family dwellings which are permitted within the R-63 district at a density of 1,000 square feet of lot area per dwelling unit.

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

• Be detrimental to the safety, health, morals and general welfare of the community involved.

The proposed SUP will not impact the safety, health, morals and general welfare of the nearby community. The redevelopment of this underutilized property in conjunction with the high quality/benefits provided by the SUP will provide positive impacts in terms of health, welfare, etc.

• Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The traffic generation for two single-family attached dwellings will be negligible and will be substantially less than that associated with corner commercial uses which would be permitted by right for the Property under the R-63 guidelines. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

Create hazards from fire, panic or other dangers.

The property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

Tend to overcrowding of land and cause an undue concentration of population.

The proposed SUP will not tend to over crowd the land or create an undue concentration of population. The R-63 intent is to provide for this type of density in an urban setting. The proposed residential density be less than that of multi-family dwellings which are permitted within the R-63 district by-right at a density of 1,000 square feet of lot area per dwelling unit.

 Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

The special use permit amendment would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

• Interfere with adequate light and air.

The light and air available to the subject and adjacent properties will not be affected. The proposed development pattern is consistent with the historic development pattern and the desired urban from for the area.

In summary, the applicant is enthusiastically seeking approval for the construction of two single-family attached dwellings. This proposal represents an ideal, small-scale urban infill development for this location. In exchange for the approval, the quality assurances conditioned through the SUP would guarantee the construction of higher quality dwellings than might otherwise be developed by right in the vicinity. This would contribute to the overall vibrancy of the block though the provision of an appropriate urban form that is consistent with the historic development pattern of the surrounding neighborhood.

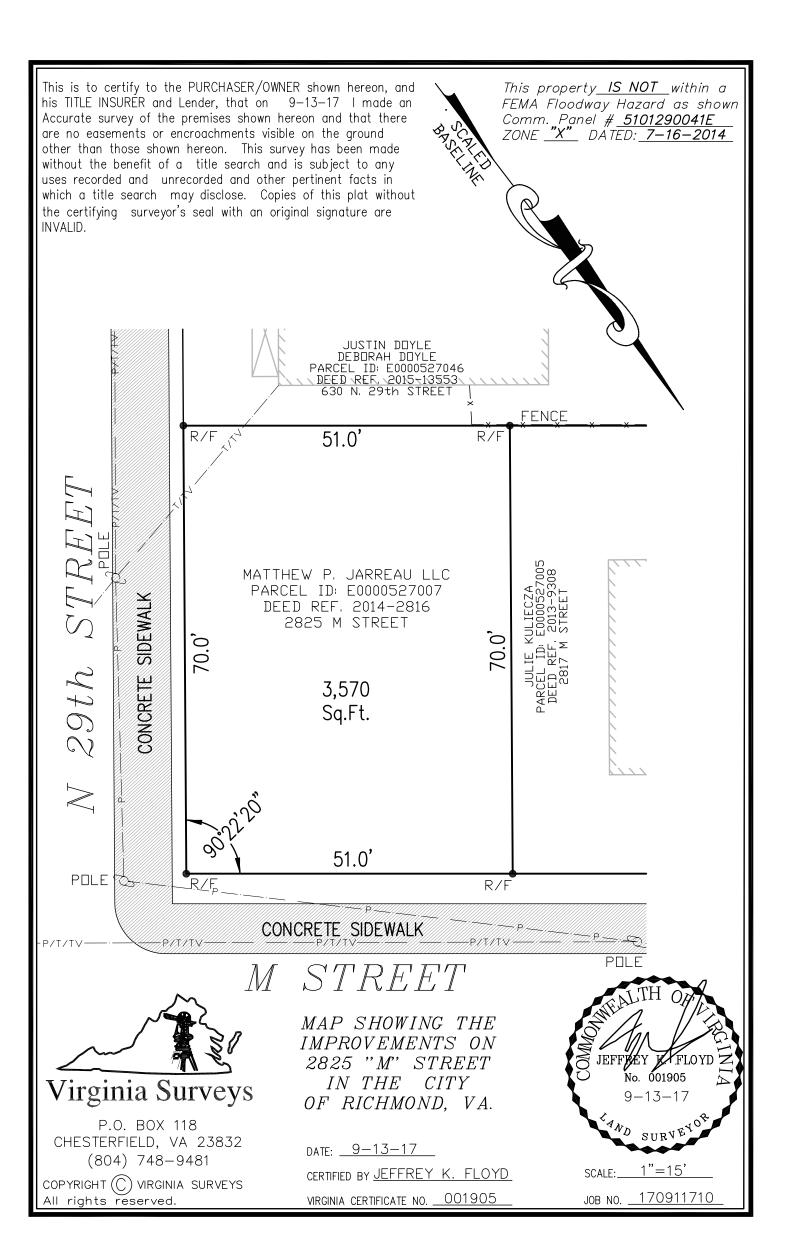
Thank you for your time and consideration of this request. Please let me know if you have any questions.

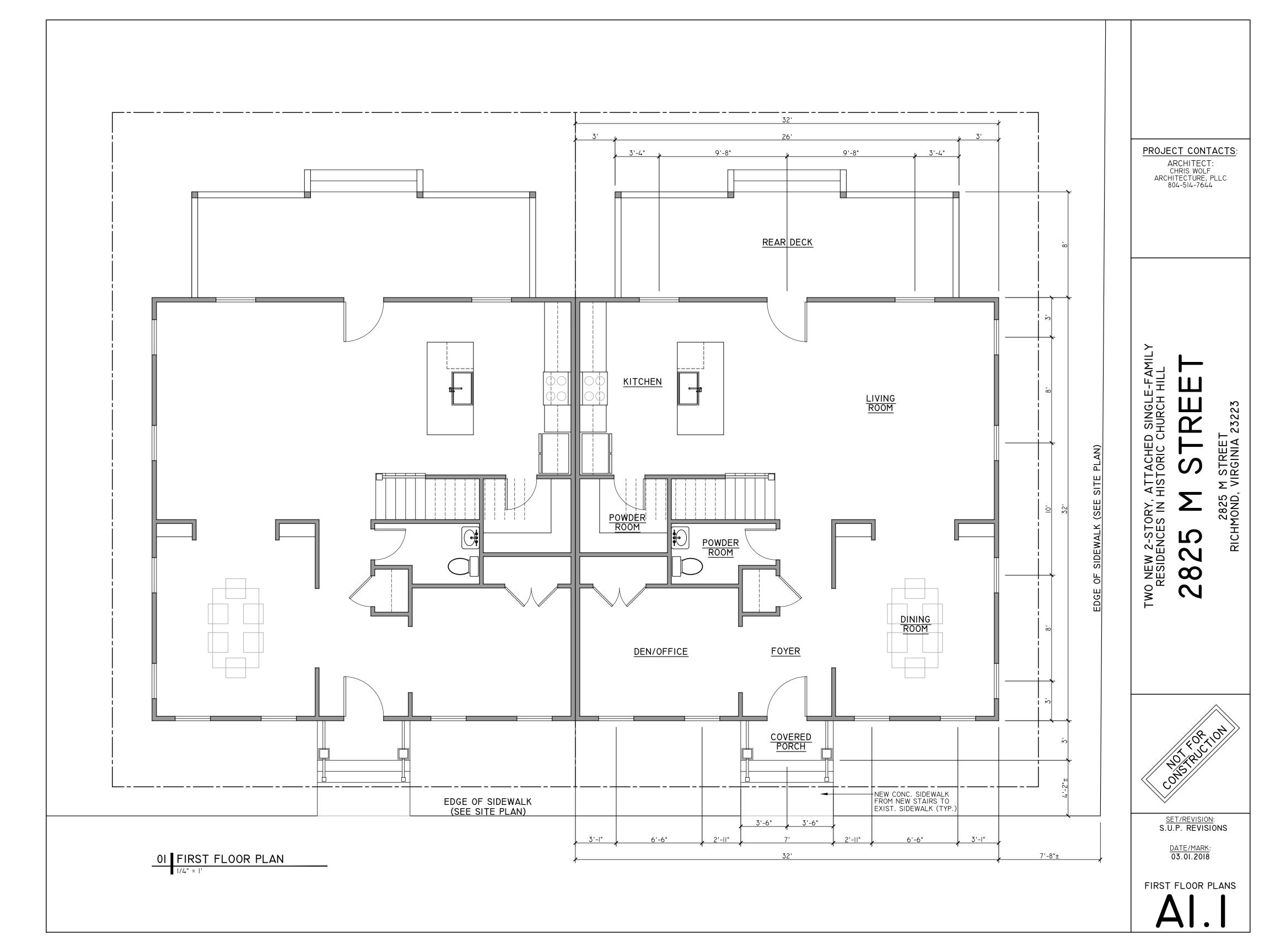
Sincerely,

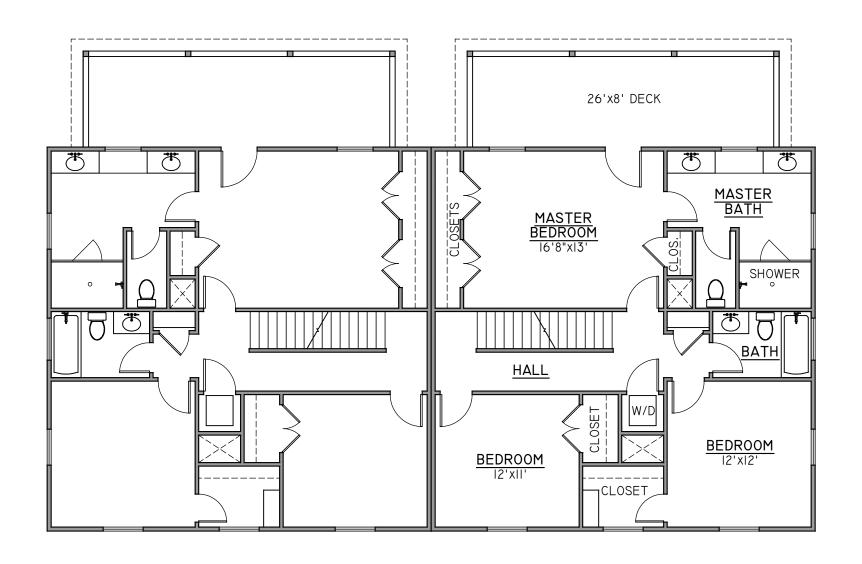
Mark R. Baker

Enclosures

cc: The Honorable Cynthia I. Newbille









OI FRONT ELEVATION (N. 29TH ST.)

EXT	EXTERIOR FINISH SCHEDULE				
NO.	COMPONENT/MATERIAL	COLOR/FINISH			
01	PARGED FOUNDATION	TBD			
02	HARDIEPLANK LAP SIDING	TBD			
03	HARDIE/PVC TRIM	WHITE			
04	ROOF- STANDING SEAM METAL	PAINTED, COLOR TBD			
05	TPO ROOF	WHITE			
06	SOLID WOOD DOOR	PAINTED- COLOR TBD			
07	WINDOW	JEFFERSON 300 , WHITE			
08	WOOD PORCH WITH T&G DECKING & RICHMOND RAIL	PAINTED- COLOR TBD			
09	WOOD DECK, DECKING, & RAILING	NATURAL TREATED WOOD			
10	ALUMINUM GUTTER & DOWNSPOUTS	PREFINISHED WHITE			

EXTERIOR FINISH NOTES:

I. EXTERIOR ELEVATION NOTES ARE TYPICAL ACROSS ALL EXTERIOR ELEVATIONS UNLESS NOTED OTHERWISE.

2. GRADES SHOWN APPROXIMATE. V.I.F.

WIN	WINDOW TYPE SCHEDULE						
DOORS (FULL GLASS)							
NO.	QTY.	SIZE (NOM.)	HEAD	TYPE	REMARKS		
Α	-	2'8"x6'2"	-	DOUBLE HUNG			
В	1	2'8"x5'6"	-	DOUBLE HUNG			
С	1	2'8"x5'2"	-	DOUBLE HUNG			
D	-	2'8"x4'6"	-	DOUBLE HUNG			

WINDOW NOTES:

I. G.C. SHALL VERIFY ALL WINDOW SCHEDULE INFORMATION PRIOR TO ORDERING WINDOWS OR FRAMING.

2. SEE CONSTRUCTION NOTES FOR ADDITIONAL SPECIFICATIONS.
3. ALL WINDOW SIZES NOMINAL. G.C. VERIFY ACTUAL SIZES & FRAMING REQUIREMENTS WITH WINDOW MANUFACTURER.

4. 2ND FLOOR WINDOWS REQUIRED FOR EMERGENCY EGRESS SHALL MEET THE REQUIREMENTS OF IRC R310.1, GENERALLY 20" MIN. CLEAR WIDTH, 24" MIN. CLEAR HEIGHT, & MIN. 5.7 S.F. NET

5. NO SECOND FLOOR WINDOW GLAZING SHALL BE WITHIN 18" OF FINISH FLOOR.



02 RIGHT SIDE ELEVATION (M ST.)

PROJECT CONTACTS:

ARCHITECT: CHRIS WOLF ARCHITECTURE, PLLC 804-514-7644

TWO NEW 2-STORY, ATTACHED SINGLE-FAMILY RESIDENCES IN HISTORIC CHURCH HILL S ∞

2825 M STREET RICHMOND, VIRGINIA 23223

SET/REVISION: S.U.P. REVISIONS

DATE/MARK: 03.01.2018

FRONT & LEFT SIDE **EXTERIOR ELEVATIONS**

