INTRODUCED: November 13, 2018

AN ORDINANCE No. 2018-307

As Amended

To authorize the special use of the property known as 1204 North 30th Street for the purpose of up to four two-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: DEC 10 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 1204 North 30th Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of up to four two-family attached dwellings, which use, among other things, is not currently allowed by section 30-412.4, concerning lot area and lot width, 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 (2018), 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not AYES:

8 NOES:
0 ABSTAIN:

ADOPTED: FEB 25 2019 REJECTED:

STRICKEN:

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 1204 North 30th Street, and identified as Tax Parcel No. E000-0565/012 in the 2018 records of the City Assessor, being more particularly shown on a plat entitled "Survey and Plat of The Property Known as #1204, #1206, #1208 & #1210 North 30th Street in the City of Richmond, VA," prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated August 17, 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 up to four two-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "1204-1210 N 30th Street, Richmond, VA 23223," prepared by ADO/Architecture Design Office, dated April 12, 2018, and last revised [July 24, 2018] January 9, 2019, 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 up to four two-family dwellings, substantially as shown on the Plans.
 - (b) Ten off-street parking spaces shall be provided as shown on the Plans.
 - (c) All building materials and elevations shall be substantially as shown on the Plans.
 - (d) The height of the Special Use shall not exceed the height as shown on the Plans.

- (e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (f) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of four residential lots, substantially as shown on the Plans, shall be accomplished by obtaining approval from the City and recording appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.
- § 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 right-of-way, including installation of [a new sidewalk and] street trees along North 30th Street, 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.2018.302

O & R REQUEST

4-8260 OCT 17 2018

O & R Request

Office of the Chief Administrative Officer

DATE:

October 16, 2018

EDITION:1

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)

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

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Douglas C. Dunlap, Interim 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 1204 North 30th Street for the purpose

of four two-family attached dwellings, upon certain terms and conditions.

ORD, OR RES. No.

PURPOSE: To authorize the special use of the property known as 1204 North 30th Street for the purpose of four two-family attached dwellings, upon certain terms and conditions.

REASON: The applicant is proposing to construct four two-family attached dwellings. The property is currently located in the R-6, Single-Family Attached zoning district. The proposal would not meet the minimum lot area and lot width requirements for the R-6 district. 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 3, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The proposed development is located in the Church Hill North neighborhood in the East Planning District, on North 30th Street between R Street and S Street. The property is comprised of 0.3 acres (12,925 SF) and is currently unimproved. The area is currently undergoing redevelopment.

The City of Richmond's current Master Plan designates the subject property for Single-Family Medium Density land use which includes, "...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). The density of the proposed development would be approximately 27 units per acre.

All adjacent properties are located within the same R-6 District as the subject property. A mix of residential, vacant and some institutional, office and commercial uses are present in the vicinity.

FISCAL IMPACT: The Department of 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.

BUDGET AMENDMENT NECESSARY: None.

REVENUE TO CITY: \$300 application fee.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: November 13, 2018

CITY COUNCIL PUBLIC HEARING DATE: December 10, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, December 3, 2018.

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

STAFF: Jonathan Brown, Senior Planner

Land Use Administration (Room 511) 646-5734

RICHMOND

photocopied signatures will not be accepted.

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.chmondgov.com/

SUP-034014-2018

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: 1204 North 30th Street Tax Map #: E0000565012 Fee: Total area of affected site in acres: 0.297 acres	
(See page 6 for fee schedule, please make check payable to the "City of Zoning Current Zoning: R-6 Single-Family Attached Residential Existing Use: Vacant	APR 1.9 20:
Proposed Use (Please include a detailed description of the proposed use in the required a Four Two-Family Attached Dwellings Existing Use: Vacant	applicant's report)
Is this property subject to any previous land use cases? Yes No If Yes, please list the Ordinance Number:	
Mailing Address: 11 South 12th Street, Suite 500 City: Richmond	State: <u>VA</u> Zip Code: <u>23219</u> Fax: _()
Property Owner: EVOLVE HLD, LLC If Business Entity, name and title of authorized signee Dan (The arrange of the Dan	
(The person or persons executing or attesting the execution of this Applica she has or have been duly authorized and empowered to so execute or attended in the execution of this Applica she has or have been duly authorized and empowered to so execute or attended in the execution of this Applica she has or have been duly authorized and empowered to so execute or attended in the execution of this Applica she has or have been duly authorized and empowered to so execute or attended in the execution of this Applica she has or have been duly authorized and empowered to so execute or attended in the execution of this Applica she has or have been duly authorized and empowered to so execute or attended in the execution of this Applica she has or have been duly authorized and empowered to so execute or attended in the execution of the ex	est)
Telephone: _() Email: _dvk5f@yahoo.com	State: VA Zip Code: 23233 Fax: ()
The names, addresses, telephone numbers and signatures of all owners of the names.	the property are required. Please attach additional
sheets as needed if a legal representative signs for a property owner plea	se attach an executed power of attorney. Faxed or

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

APPLICANT'S REPORT

April 18, 2018

Special Use Permit Request 1204 North 30th Street, Richmond, Virginia Map Reference Number: E000-0565/012

Submitted to:

City of Richmond

Department of Planning and Development Review

Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219

Submitted by:

Baker Development Resources

11 South 12th Street, Suite 500 Richmond, Virginia 23219

Introduction

The property owner is requesting a special use permit (SUP) for 1204 North 30th Street ("the Property"). The SUP would authorize the construction of four two-family attached dwellings configured as two attached pairs, some of the features of which do not conform to the underlying R-6 Single-Family Attached Residential district zoning requirements applicable to the Property.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the west side of North 30th Street between R and S Streets. The subject property is referenced by the City Assessor as tax parcel E000-0565/012. The Property is a vacant lot that is roughly 97' wide by 132' in depth and contains approximately 12.925 square feet of lot area. The lot is relatively flat and is afforded access in the rear by means of a north-south alley.



The properties to the north, west and south are generally developed with single family detached dwellings. Further to the west, across N 29th Street lie multi-family dwellings within the Beckstoffer's Mill development. A medical office building authorized by a special use permit is located to the southwest across R Street. To the east, properties are developed with single-family attached dwellings that were authorized by a special use permit, a single family detached dwelling and a three-unit multi-family dwelling.

EXISTING ZONING

The Property is zoned R-6 Single-Family Attached, which permits the proposed two-family Attached dwelling use. The surrounding properties are also zoned R-6 with properties further to the west, across 29th Street being zoned R-63 Multi-Family Urban Residential.

MASTER PLAN DESIGNATION

The Master Plan recommends "Single-Family (Medium Density)" for the Property. The Master Plan describes this land use category as follows: "Primary uses are single-family and two-family dwellings, both detached and attached...Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7." There are also a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, recognition of the need for the continued creation of market rate rental housing and a desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse.

Proposal

PROJECT SUMMARY

The proposed development includes the construction of four two-family attached dwellings on individual lots with accessory parking.

PURPOSE OF REQUEST

The Property consists of a single lot of record that is exceptionally large for the vicinity. The Property has a lot width of roughly 97' and contains approximately 12,925 square feet of lot area. According to the 1905 Sanborn Map, the Property was historically configured as five lots. Consistent with that lot pattern, the owner would like to subdivide the Property into a total of four lots and construct four two-family attached dwellings. The R-6 district permits the two-family Attached dwellings that lawfully exist as of the effective date of the zoning ordinance. This request contemplates the new construction of two-family attached dwellings and several feature requirements applicable to two-family attached dwellings are not met. Therefore, an SUP is required in order to permit the development.

Subdivision of the Property into four lots would result in lot widths of roughly 24' and lot areas of approximately 3,230 square feet. The R-6 district would require a lot width of 50' and lot area of 6,000 Square feet of lot area for the two-family dwelling use. The four new two-family attached dwellings would meet all other applicable R-6 district requirements except the requirement for a 10' side yard at the end of a series of dwellings.

The proposed lot widths and areas are compatible with other lots in the vicinity and allow for the efficient use of the Property. They are in fact larger than the original lots configured on the Property. Based on the historic lot pattern, the majority of lots in the vicinity are nonconforming with regard to lot area and lot width or, in the case of the single-family attached dwellings across 30th street, were authorized by SUP. The proposed side yards for the dwellings exceed setbacks commonly seen in the area. The 10' side yard that would be required by the R-6 district is inconsistent with the neighborhood character. As proposed the dwellings would meet the requirements of the R-8 district as well as the nearby R-63 district

and could be built by right under those classifications. The R-8 and R-63 district requirements for attached dwellings are more consistent with the existing lot pattern and the character of the area than those of the R-6 district.

In exchange for the SUP, the intent of this request is to ensure a high-quality market rate infill development. The overall project would be appropriately dense and efficient. It would be consistent with the use permitted by-right by the underlying zoning. At the same time, it would remain respectful to the historic lot pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

PROJECT DETAILS

The four two-family attached dwellings would be two stories in height. The proposed buildings are configured as two sets of attached row homes and are intended to be consistent with other residential buildings in the vicinity in terms of scale and character. Each building would contain 2,342 square feet of floor area. The 8 individual dwelling units would be configured as first and second floor flats with 1,157 to 1,185 square feet of floor area, two bedrooms, and two baths. The dwelling floor plans are spacious and modern with open living areas

The buildings would be clad in cementitious lap siding in order to ensure quality and consistency with many other dwellings in the vicinity. A full-width front porch and full width upper and lower rear porches are proposed and would provide ample usable outdoor area. Ten parking spaces are proposed for the 8 dwellings. Parking spaces would be located to the rear of the dwellings and accessed by the east-west alley.

Findings of Fact

The following are factors indicted in Section 17.11 of the Charter and Section 114-1050.1 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 special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

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

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation and 10 off street parking spaces for the 8 dwelling units will create no 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 special use permit will not tend to over crowd the land or create an undue concentration of land.

 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 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. This benefit can be attributed to the investment in the property coupled with the anticipated absence of school-age children residing within the dwellings, who require substantial City spending in schools and playground facilities.

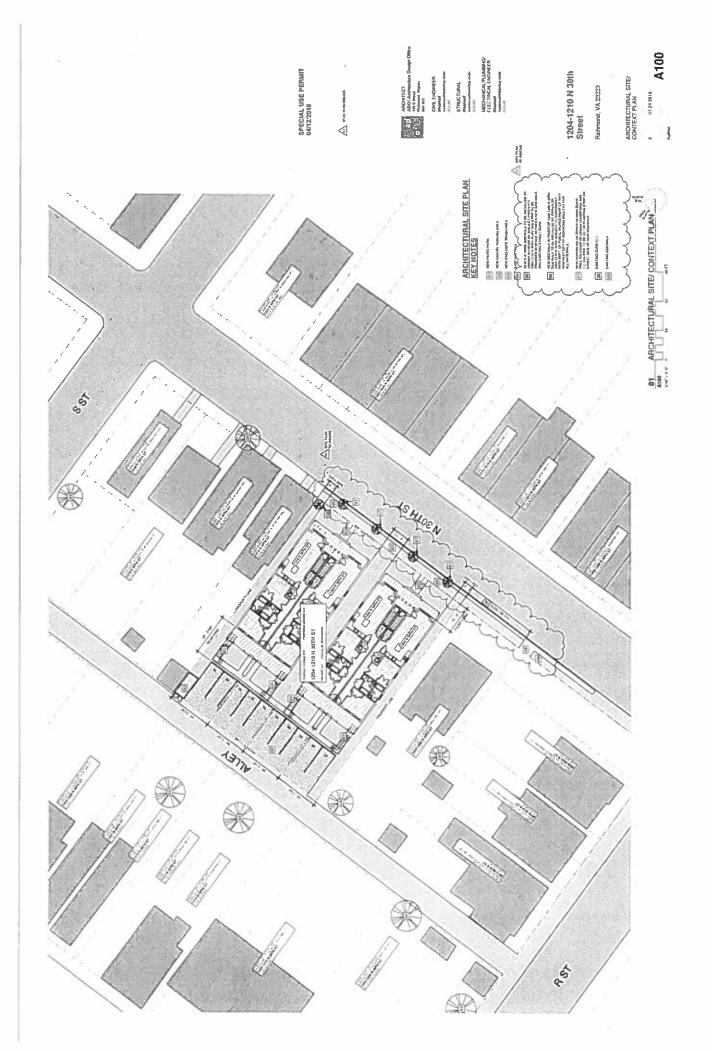
• Interfere with adequate light and air.

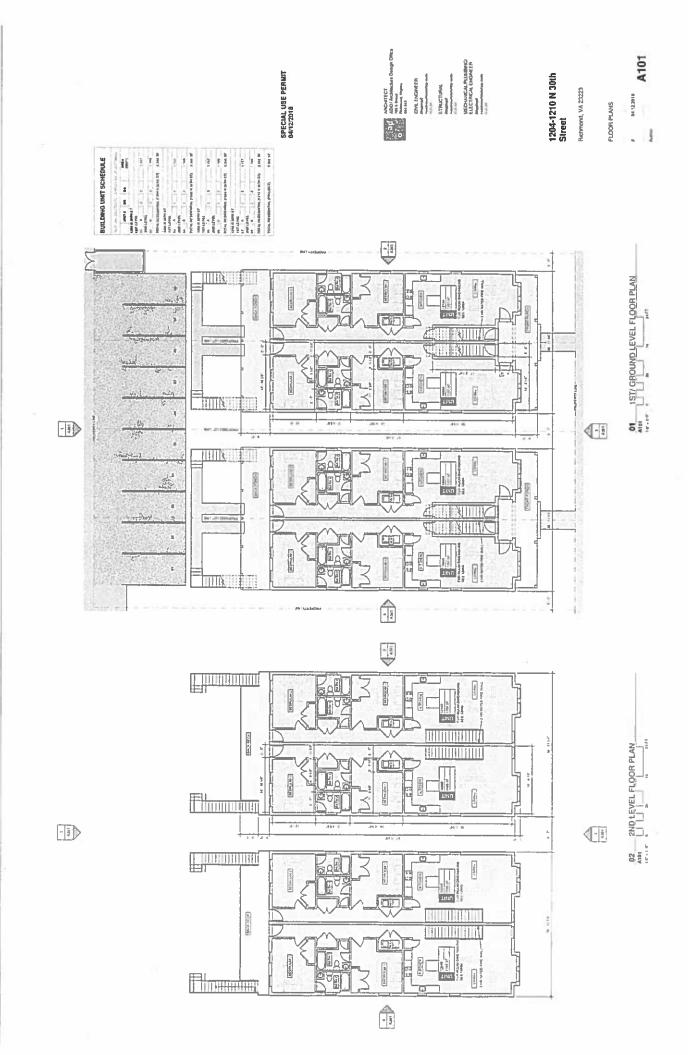
The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity, which are in many cases attached, and will not interfere with the provision of adequate light and air to the adjacent buildings.

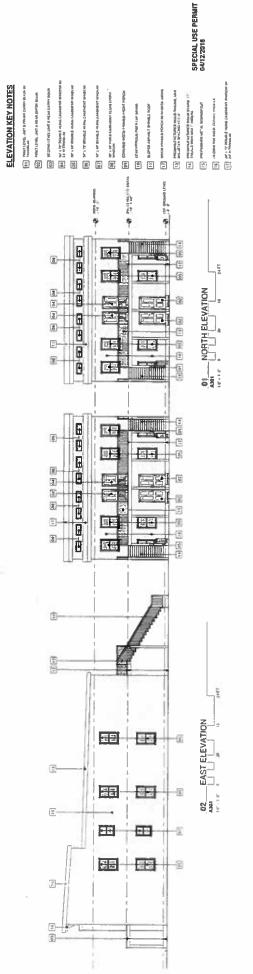
Summary

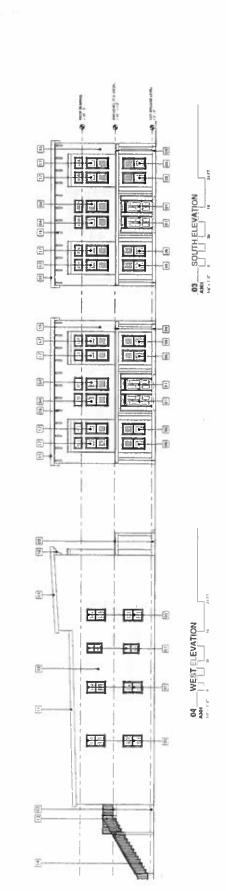
In summary we are enthusiastically seeking approval for the construction of the proposed two-family attached dwellings. The buildings have been thoughtfully designed in order to provide appropriate, high quality market rate infill development. The request offers compatibility with the City's Master Plan in terms of use. The request would contribute to the ongoing revitalization of the neighborhood, upgrading the Property while maintaining a desirable variation in housing style and density in the vicinity and providing for continued economic diversity in housing options within the neighborhood.

The proposed development would respectfully replace missing teeth in the existing urban fabric and help encourage a pedestrian friendly urban streetscape in the block. This would contribute to the vibrancy of the block though the provision of a uniform street front and the addition street life in the form of additional pedestrian traffic and street-oriented full width front porches. An appropriate urban form coupled with the provision of accessory parking to the rear of the property would give the property the much-desired traditional neighborhood design. The provision of off street parking spaces exceeding normal zoning standards would help mitigate any impact on parking related to the development. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.









1204-1210 N 30th Street

Richmond, VA 23223

ELEVATIONS
P B012,3018

A301

CONTEXT ELEVATION

01 CONTEXT ELEVATION

1204-1210 N 30th Street

Richmond, VA 23223

A304 1204-1210 N 30th Sireet
Richmond, VA 22223
COMTEXT RENDERING

* M 127019
A304

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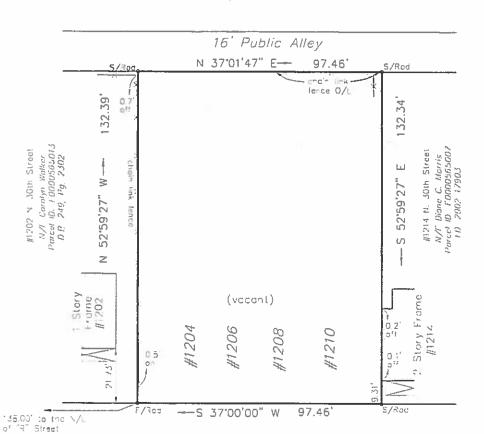


Purchaser: Evolve Development, LLC Current Owners: Tabitha Cole, Gloria Smith, & C.D. Jackson, Jr.

Porcel ID: E0000565012 I.W. 2010 345

Note: Bearings protracted from City Baseline sheet 24 NW

> No utilities service property at time of survey.



N. 30th STREET



Survey and Plat of

The Property Known as #1204, #1206, #1208 & #1210 North 30th Street in the City of Richmond, VA

This is to certify that on 08/15/17 made an occurate field survey of the premises shown hereon that oil improvements and easements known or visible ore shown hereon, that there are no encroachments by improvements either from adjoining premises or from subject premises upon adjoining premises other than shown hereon. THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY OF BEDGET.



Edwards, Krelz, Lohr & Associates, PLLC/

Land Surveyors-Planners

Virginia-North Carolina

1900 Byrd Avenue, Suite 103 Richmond, Virginia, 23230 Phone (804) 673-9666 Fax (804) 673-9990

Scale: 1"=30" Drown: TCJ Job: 1462-17 Date: 08/17/17 Checked JAL