INTRODUCED: April 8, 2019

AN ORDINANCE No. 2019-112

To authorize the special use of the property known as 2219 Cedar 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: MAY 13 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 2219 Cedar Street, which is situated in a R-63 Multifamily Urban Residential District and the Union Hill Old and Historic District, desires to use such property for the purpose of a two single-family attached dwellings, which use, among other things, is not currently allowed by sections 30-419.5(2), concerning lot area and width, and 30-419.6(2), concerning side yards, 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	MAY 13 2019	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 2219 Cedar Street and identified as Tax Parcel No. E000-0331/005 in the 2019 records of the City Assessor, being more particularly described on a construction plat entitled "2219 Cedar Street Development, City of Richmond, Virginia," prepared by Penn & Co., dated November 15, 2018, and last revised April 1, 2019, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of two single-family attached dwellings, substantially as shown on the plans entitled "2217 & 2219 Cedar Street Development, Church Hill Richmond, VA 23223," prepared by Penn & Co., dated November 15, 2018, and last revised January 13, 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 Special Use of the Property shall be as two single-family attached dwellings, substantially as shown on the Plans.
 - (b) No off-street parking shall be required for the Special Use.
 - (c) The height of the Special Use shall not exceed the height shown on the Plans.
- (d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

- (e) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of two residential lots, substantially as shown on the Plans, shall be accomplished by obtaining subdivision 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.
- (f) All building materials, elevations, and landscaping shall be substantially as shown on the Plans, unless otherwise approved by the Commission of Architectural Review 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 right-of-way, including repairing damage to the existing retaining walls and brick sidewalk along that boundary line of the Property abutting Cedar Street, 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, 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.2019.011

O & R REQUEST

4-8668 MAR 1 3 2019

Office of the Chief Administrative Officer

O & R Request

RIK(C)

DATE:

March 11, 2019

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 Mayo

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 2219 Cedar 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 2219 Cedar 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. The property is currently located in the R-63 Multi-Family Urban Residential Zoning District. The R-63 district calls for single-family attached dwellings to be located upon lots with lot areas of not less than 2,200 sq. ft. The proposal does not meet these requirements, 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 May 6, 2019, 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 Union Hill neighborhood in the East Planning District. The property is also located in the Union Hill City Old & Historic District. The property is

comprised of 3,472 sq. ft., or .08 acres, and is currently unimproved. The proposal calls for a single lot split of equal-sized parcels resulting lot sizes of 1,736 sq. ft., which is less than the minimum lot size of 2,200 sq. ft. required in the R-63 district. A total of two single-family attached dwellings would be built on the property.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Mixed-Use Residential. Primary uses for this category include "...single-, two-, and multi-family dwellings, live/work units and neighborhood serving commercial uses developed in a traditional urban form...Typical zoning classifications that may accommodate this land use category: R-63, R-8." (City of Richmond Master Plan, p. 304)

Adjacent and nearby properties are located within the same R-63 district as the subject property. A mix of single-, two-, and multi-family residential, vacant, commercial, and institutional land uses are present in the vicinity.

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: None

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: April 8, 2019

CITY COUNCIL PUBLIC HEARING DATE: May 13, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission,

May 6, 2019

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

File Number: PRE.2019.011

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

STAFF: Jonathan Brown, Senior Planner

Land Use Administration (Room 511) 646-5734



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

bits a www.richmondgov.com.

Application is hereby submitted for: (check one) special use permit, new		
special use permit, new special use permit, plan amendment		
☐ special use permit, text only amendment		
Project Name/Location		_Date: 11/27/2018
Property Adress: 2219 Cedar Street, Richmond, VA 23230 Tax Map #: E0000331005 Fee. 300		Date:
Tax Map #: E0000331005 Fee. 300 Total area of affected site in acres: 0.08		_
Total area of affected site in acres.		_
(See page 6 for fee schedule, please make check payable to the "City of	of Richmond")	
To a large		
Zoning		
Current Zoning: R-63		
Existing Use: Vacani land		
Existing Osc.		
Proposed Use		
(Please include a detailed description of the proposed use in the require	d applicant's report)
Two (2) Single Family Attached Dwellings		,
Existing Use: Vacant Land		
Is this property subject to any previous land use cases?		
Yes No		
If Yes, please list the Ordinance Number:		
Applicant/Contact Person: Mark Baker	0.00	
Company; Baker Development Resources		
Mailing Address: 11 S 12th Street, Suite 500	 -	
City: Richmond	State: VA	Zip Code: 23219
Telephone: _(<u>804</u>) 874-6275	Fax: (
Email: markbaker@bakerdevelopmentresources.com		
F2VL V.E. = = 57900 = 350-000		
Property Owner: RVA Sugar LLC		
If Business Entity, name and title of authorized signee: Ma	tt Jarreau	
(The person or persons executing as attention the even time of the	llaha ana ana kadanis as	Alex Courses and Alexanders to
(The person or persons executing or attesting the execution of this App she has or have been duly authorized and empowered to so execute or a	lication on behalf of attest)	the Company certifies that he or
,		
Mailing Address: 409 E Main Street, #204		
City; Blchmond	State VA	Zip Code: 23219
Telephone: <u>(804) 306-9019</u>	_ Fax: _()
Email: matt@htrsi.com		
Property Owner Signature: '4		
The names addresses telephone our have add second at a second	-f +h	Planes attack address
The names, addresses, telephone numbers and signatures of all owners is sheets as needed. If a legal representative signs for a property owner, p	or the property are r lease attach an ever	required. Please attach additional.
photocopied signatures will not be accepted.		Table of accountry Flagge Of

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



November 27, 2018

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: 2217 Cedar Street (E-000-0331/005)

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 2217 Cedar Street, identified as Tax Parcel E-000-0331/005 (the "Property"). The Property is generally located on the south side of Cedar Street between Jessamine Street and North 22nd Street. The property is currently unimproved. The SUP would authorize the division of the lot and the construction of two (2) single-family attached dwellings on the Property.



2217 Cedar Street November 27, 2018 Page 2

The Property is zoned R-63 Multifamily Urban Residential and is located in the Church Hill North Old and Historic District. City Assessor's records suggest the Property contains 3,472 square feet of lot area. 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. Splitting the lot as proposed would create one lot of 1,736 square feet at 2217 Cedar Street, and another lot of 1,736 square feet at 2219 Cedar Street, each to be occupied by a single-family dwelling that are attached along the shared property line. As the proposed development does not meet R-63 lot area requirements, a special use permit is required.

Properties to the north, west, south and east are also zoned R-63 and are predominantly occupied by single-family dwellings, with Cedar Street Baptist owning unimproved land across Cedar Street. Within the greater neighborhood context, though, there is a multiplicity of use types, including two-family, multifamily, and commercial. The Master Plan recommends Mixed-Use Residential (MUR) for the Property and surrounding land to the north, west, south and east. The proposed single-family attached dwellings are consistent with this recommendation, and are also consistent with the dense conditions of the neighborhood context. For instance, the "on-site" density would be approximately 25 units/acre.

The proposed single-family attached dwellings would each be two stories in height, and a rear-sloping shed roof and other design elements consistent with the urban rowhouse style in the vicinity. The primary building material would be cementitious horizontal lap siding with parged foundation wall. The new dwellings would each contain approximately 1,532 square feet of floor area and would include 2 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, an en suite master bath, walk-in closets, and sizable porch areas.

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.

In exchange for the SUP, the intent of this request is to allow for the sale of the proposed high quality single-family dwelling as home ownership opportunity, thereby addressing objectives of the Master Plan, including:

- The desire for new and better-quality housing that is targeted to home owners
- The desire for increased opportunities for residential development
- The recognition that the vast majority of opportunities for new development are located in the context of existing neighborhoods
- The recognition of the difficulty that an older/aging housing stock represents in the market where new convenience/easy maintenance is desired.

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 development of the underutilized portion of the 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 (2) single-family attached dwellings will be negligible. 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 for the new lot and its improvements is in the spirit of what is recommended by the Master Plan.

 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 a higher quality dwelling 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

2217 Cedar Street November 27, 2018 Page 4

urban form and use 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,

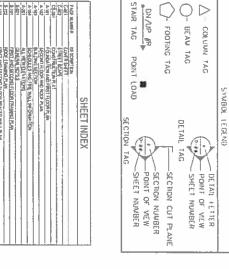
Mark R. Baker

Enclosures

cc: The Honorable Cynthia I. Newbille

2217 & 2219 CEDAR STREET DEVELOPMENT

CHURCH HILL - RICHMOND, VA 23223





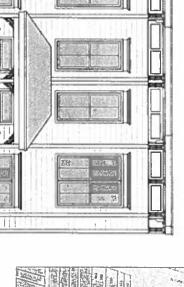


PENNECO.

P.O. BOX 6481 FASEAX, VA 22038

Phone: (703) 675-4592

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ELEVATION:	ITALIANATE		
AREA	FINISHED	AREA	UNFINISHED
IST FLOOR	786 SF	FRONT PORCH	38 SF
ZND FLOOR	766 SF	REAR PATIO	84 SF
TOTAL	1,532 SF	TOTAL	122 SF

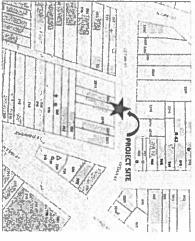


PROJECT SHALL CONFIDENTO THE 2112 VEIGHA LINFORM STATEWICE BUILDING CODE

COMMISSION OF ANOMITECTURAL REVIEW PROJECT NUMBER

SETBACKS:
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DESKRIP SIDE YANDS: 3'-1"
DESKONED REAR YAND: 5'-0"
DESKONED HEIGHT: 2 STONES: 74± PRICHAGNO CITY ORDINANCE: ZOMBAG: RAS

LOT SIZE & COVERAGE: LOT WALKS 2.200 S.F. LOT WOTH: 18-0" DESIGNED COVERAGE: THE S.F. EACH COVERAGE: US N.



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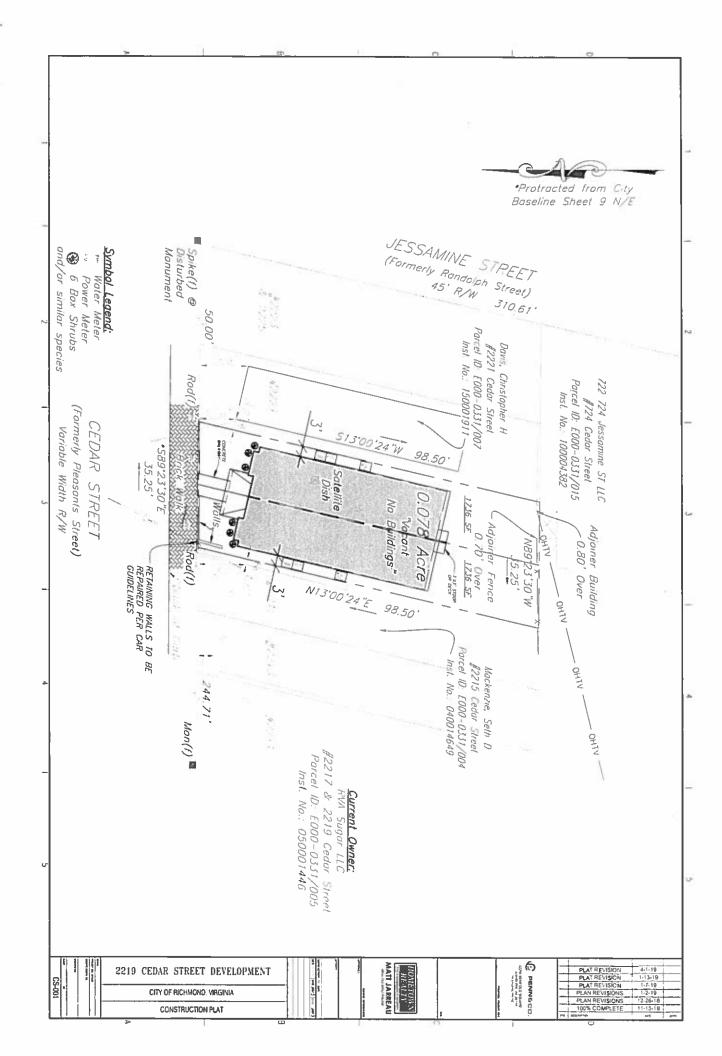
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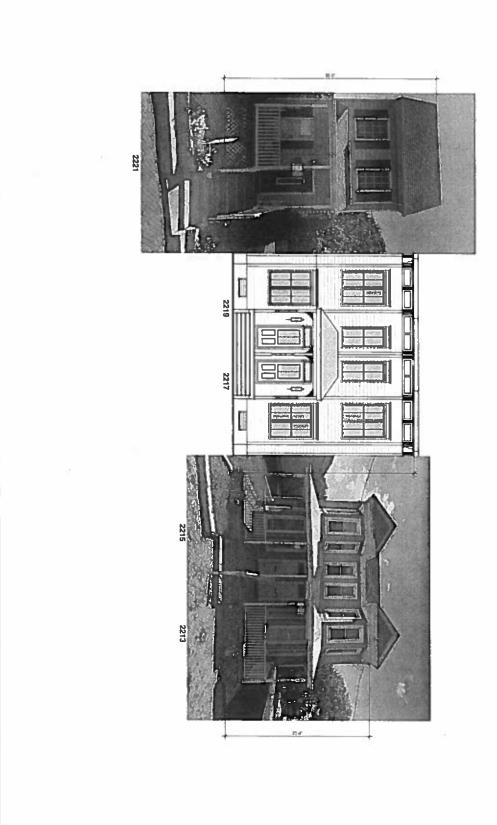
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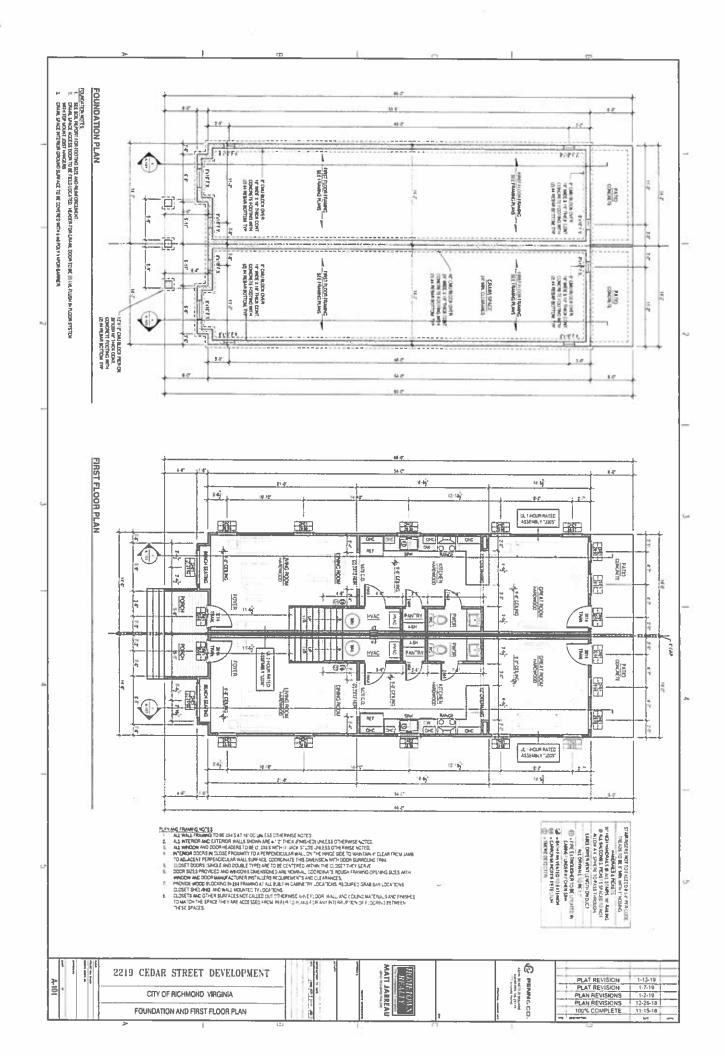
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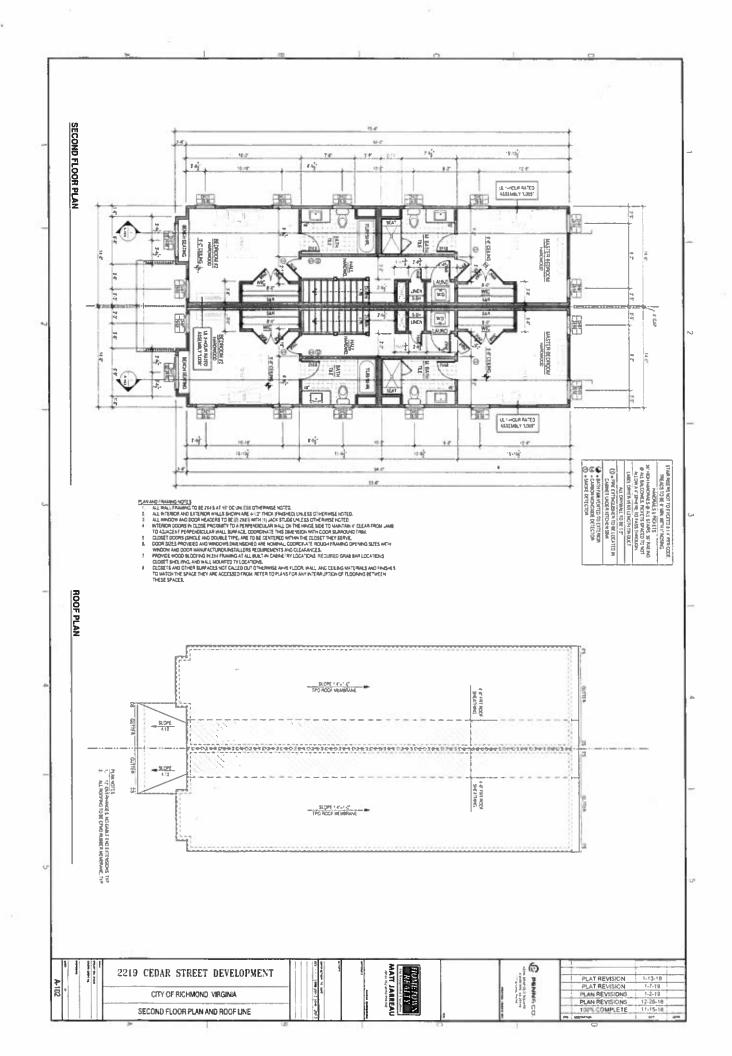
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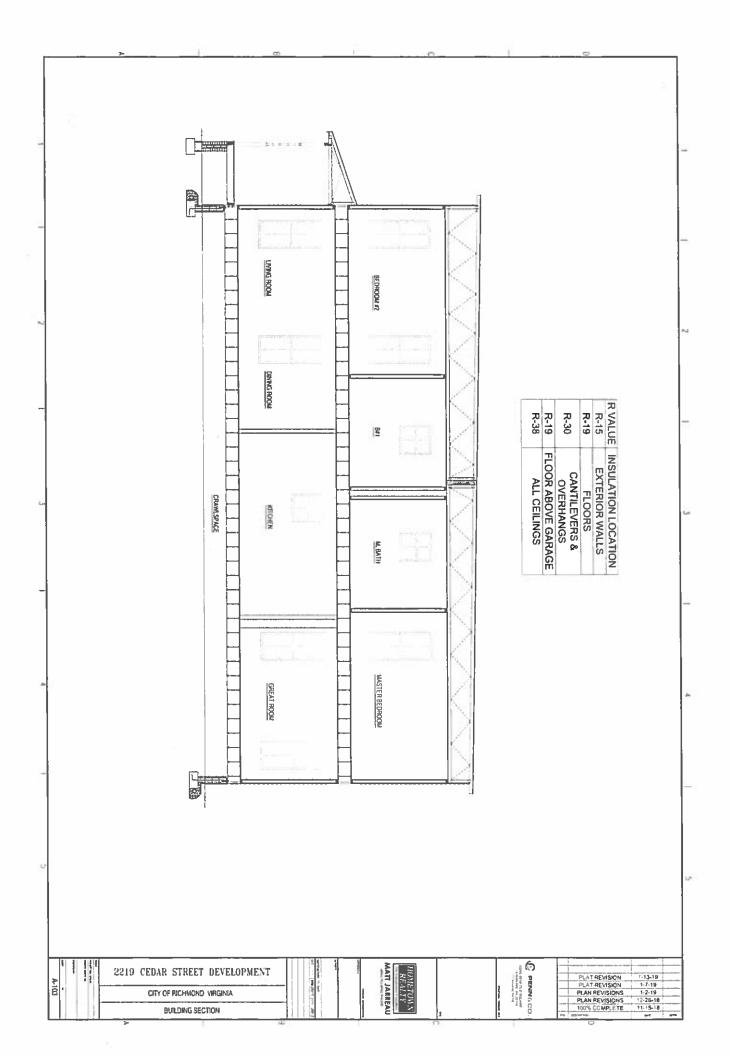
STREET SCAPE

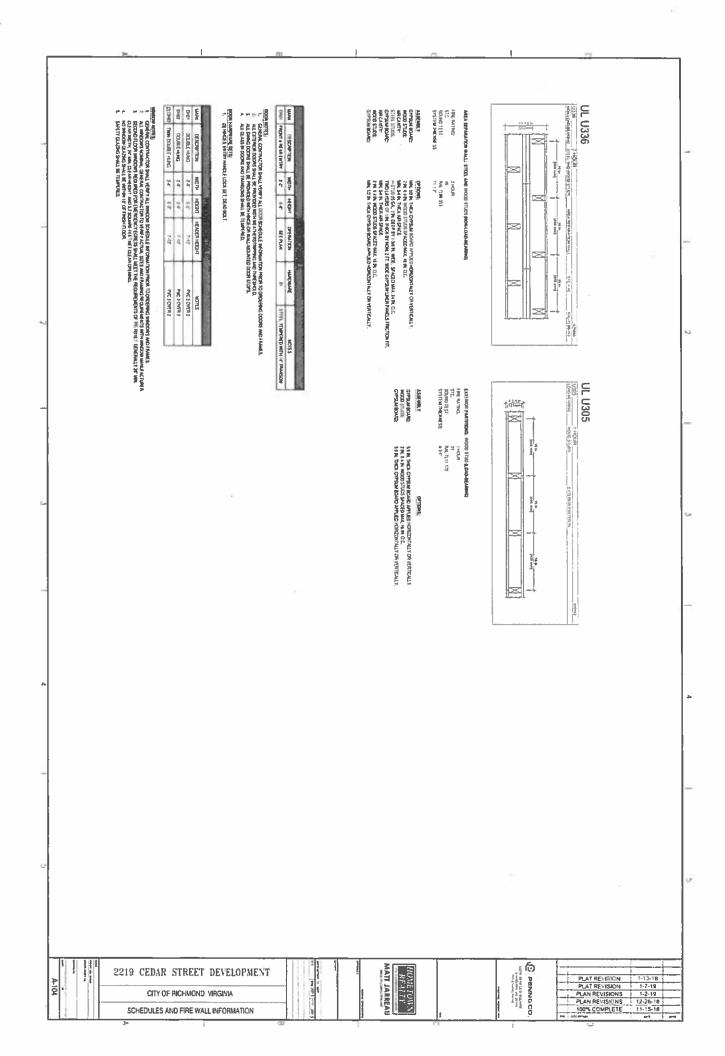
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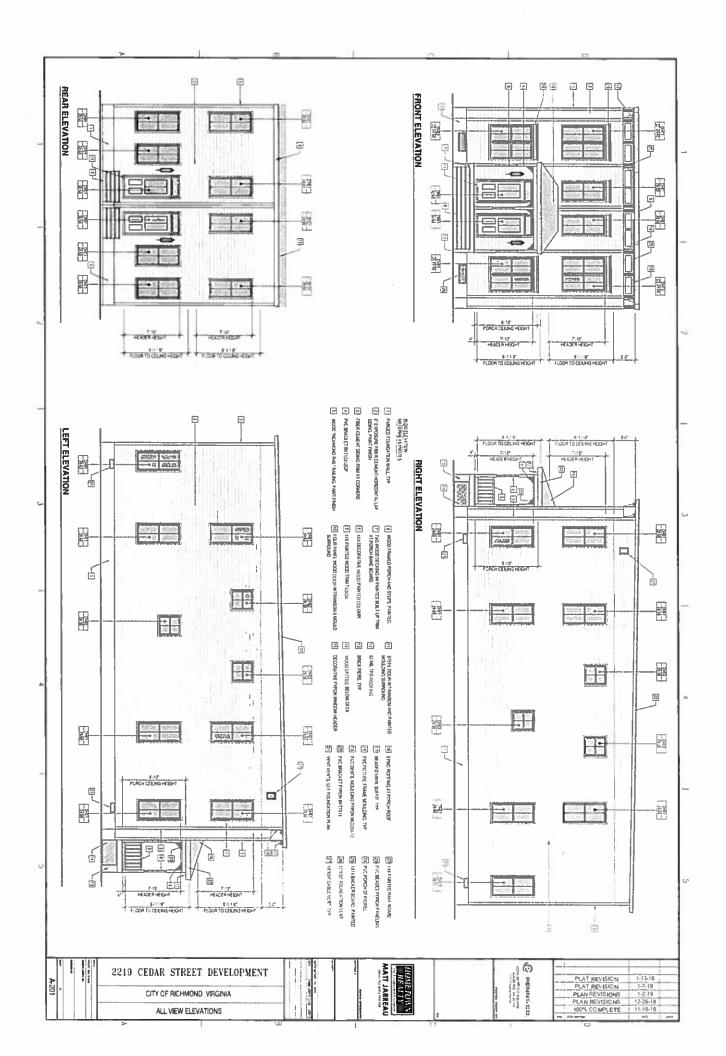
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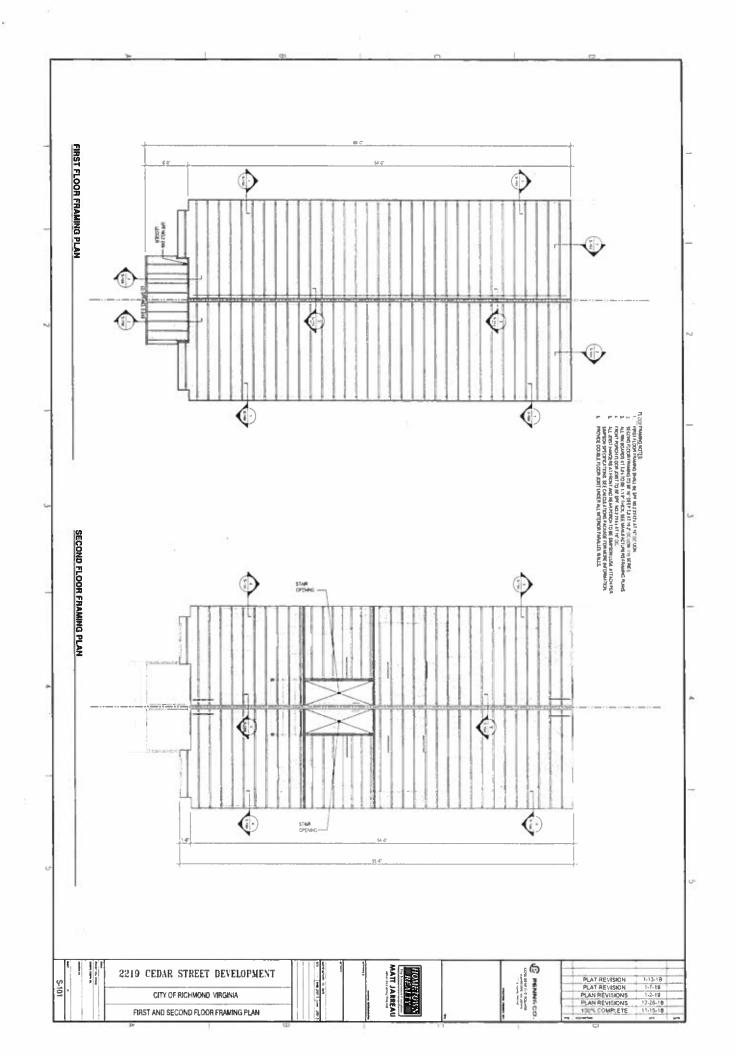
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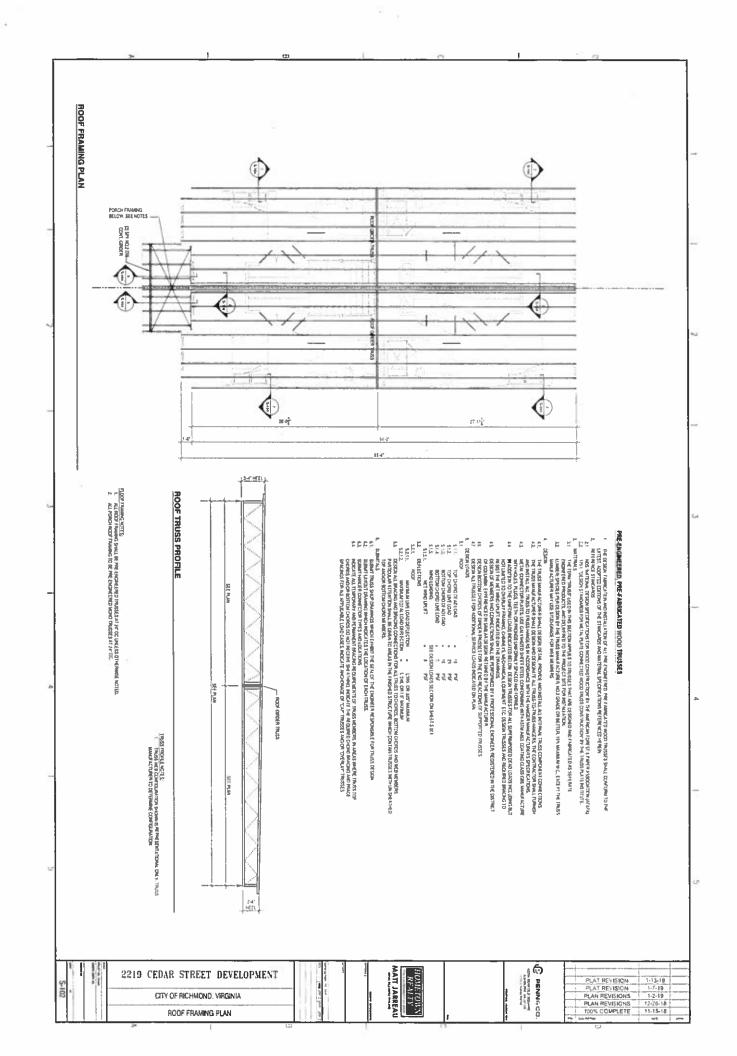
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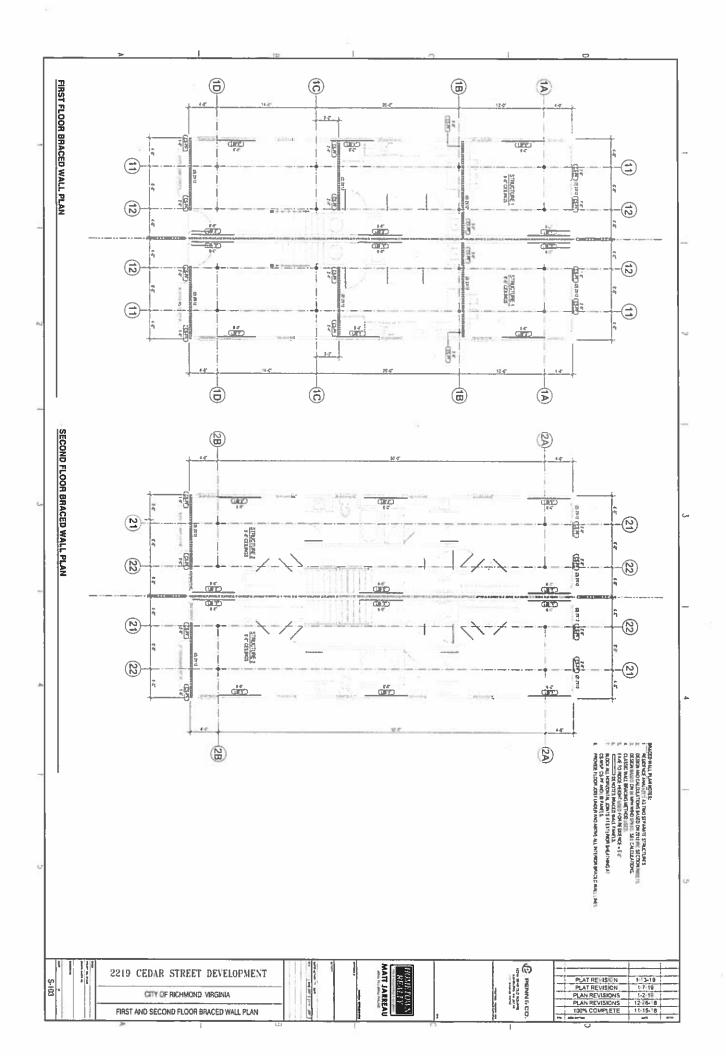
STRUCTURAL GENERAL NOTES

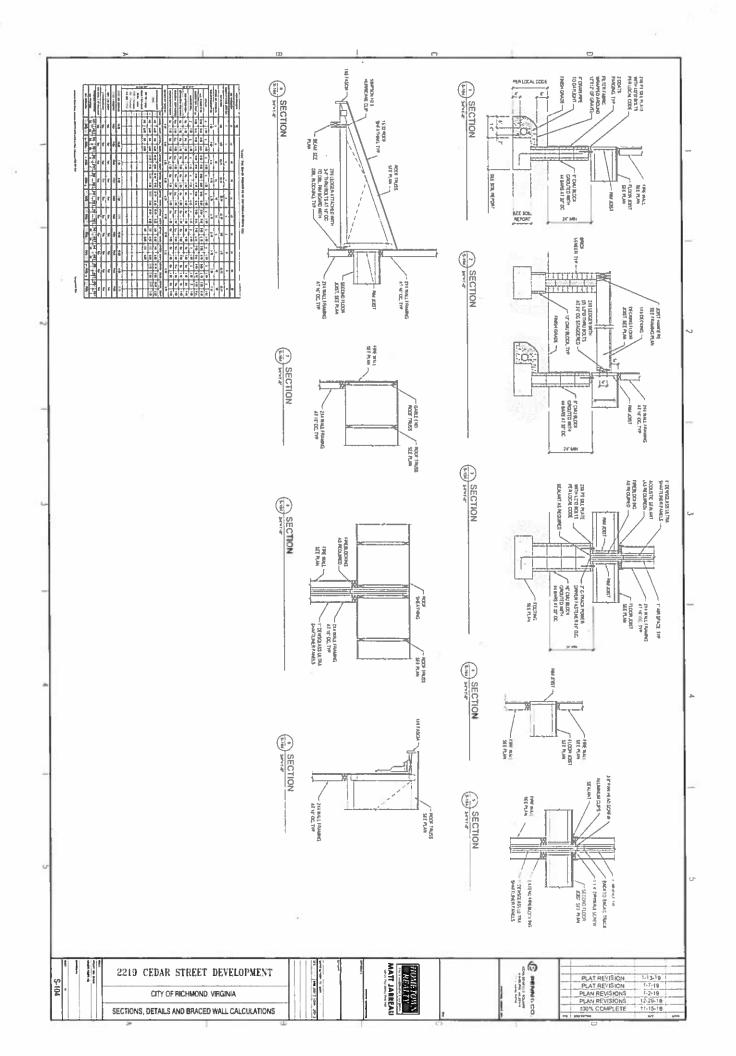
100% COMPLETE

11-15-18











City of Richmond Department of Planning & Development Review

Special Use Permit

LOCATION: 2219 Cedar Street

APPLICANT: Mark Baker

COUNCIL DISTRICT: 7

PROPOSAL: To authorize the special use of the property known as 2219 Cedar Street for the purpose of a two single-family attached dwellings, upon certain terms and conditions.

For questions, please contact Matthew Ebinger at 804-646-6308 or Matthew.Ebinger@richmondgov.com

