

INTRODUCED: April 22, 2019

AN ORDINANCE No. 2019-122

To authorize the special use of the property known as 804 North 22nd Street for the purpose of a multifamily dwelling containing up to four dwelling units and a single-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 28 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 804 North 22nd Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a multifamily dwelling containing up to four dwelling units and a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-419.5, concerning lot area and 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 28 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 804 North 22nd Street and identified as Tax Parcel No. E000-0329/005 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Map Showing the Division of No. 804 N. 22nd Street, in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated March 5, 2019, 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 a multifamily dwelling containing up to four dwelling units and a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “New 2-Story, Single-Family Detached House in Historic Church Hill, 802 North 22nd Street,” prepared by Chris Wolf Architecture, PLLC, and dated March 7, 2019, and the plan entitled “Sketch Showing the Proposed Improvements on No. 802 N. 22nd Street, in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated March 5, 2019, hereinafter referred to collectively 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 a multifamily dwelling containing up to four dwelling units, indicated as “No. 804” on the Plans, and a single-family detached dwelling indicated as “No. 802” on the Plans, all substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed the height shown on the Plans.

(c) All building materials and elevations shall be substantially as shown on the Plans, unless otherwise required by the Commission of Architectural Review pursuant to applicable law.

(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) Off-street parking shall not be required for the Special Use.

(f) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of two residential lots, substantially as shown on the survey referred to in section 2(a) of this ordinance and the Plans, shall be accomplished by obtaining subdivision approvals from the City and recording the 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) 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.2019.121

O & R REQUEST

4-8713
MAR 28 2019

RECEIVED

APR 16 2019

OFFICE OF CITY ATTORNEY

Office of the
Chief Administrative Officer

O & R Request

DATE: March 26, 2019

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

Ja 4/16/19

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

[Signature]

THROUGH: Sharon Ebert, Deputy Chief Administrative Officer for Economic and Community Development

[Signature]

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

[Signature]

RE: To authorize the special use of the property known as 804 North 22nd Street for the purpose of a single-family detached dwelling and a multi-family dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 804 North 22nd Street for the purpose of a single-family detached dwelling and a multi-family dwelling, upon certain terms and conditions.

REASON: The Property is zoned R-63 Multifamily Urban Residential. The R-63 district permits single-family detached dwellings, provided that the dwellings are located on lots containing at least 3,000 square feet of lot area. A four-unit multifamily dwelling would require 4,000 square feet of lot area in the R-63 district. Splitting the lot as proposed would create one lot of 2,955 square feet at 804 N 22nd Street, and a vacant lot containing 2,110 square feet that will be known as 802 N. 22nd Street and improved with a single-family detached dwelling. The R-63 district requires a side yard setback of three feet for single-family dwellings and a side yard setback of five feet for multi-family dwellings. The proposed lots will not meet these required setbacks. As the proposed development does not meet R-63 lot area requirements and side yard setbacks, a special use permit is 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 20, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property referenced as 815 N. 22nd Street consists of a 2,040 SF (.047 acre) parcel of land with 33 linear feet of street frontage. The property contains a two-story 2,234 square foot structure containing four dwelling units. The property is located in the Union Hill neighborhood of the East Planning District, and is also located within the Union Hill City Old & Historic District.

The City of Richmond's Master Plan designates the subject property for Mixed Use Residential uses. Primary uses in this category include "office, personal service, general commercial and service uses and, in some cases, multi-family residential and dwelling units above ground floor commercial. Generally, such areas consist of a mix of several types of uses, designed and arranged to be compatible with one another." (See page 134, Richmond Master Plan.)

The current zoning for this property is R-63 Multi-Family Urban Residential District. All properties in the vicinity are also within the R-63 Multi-Family Urban Residential District. The intent of the R-63 district is to encourage development of medium-density neighborhoods comprised of a mix of residential uses and to promote a pedestrian-oriented urban environment that is primarily residential in character. The proposed request conforms to the intent of the R-63 Multi-Family Urban Residential District.

Single-family structures, undeveloped properties, and parking lots are the predominant land uses in the area and all are within the R-63 Multi-Family Urban Residential District.

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: April 22, 2019

CITY COUNCIL PUBLIC HEARING DATE: May 28, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
May 20, 2019

AFFECTED AGENCIES: Office of Chief Administration Office
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, Plans, Survey, Map

STAFF: David F. Watson, Senior Planner, Land Use Administration 804-646-1036



SKETCH SHOWING THE PROPOSED IMPROVEMENTS ON No. 802 N. 22nd Street IN THE CITY OF RICHMOND, VA.

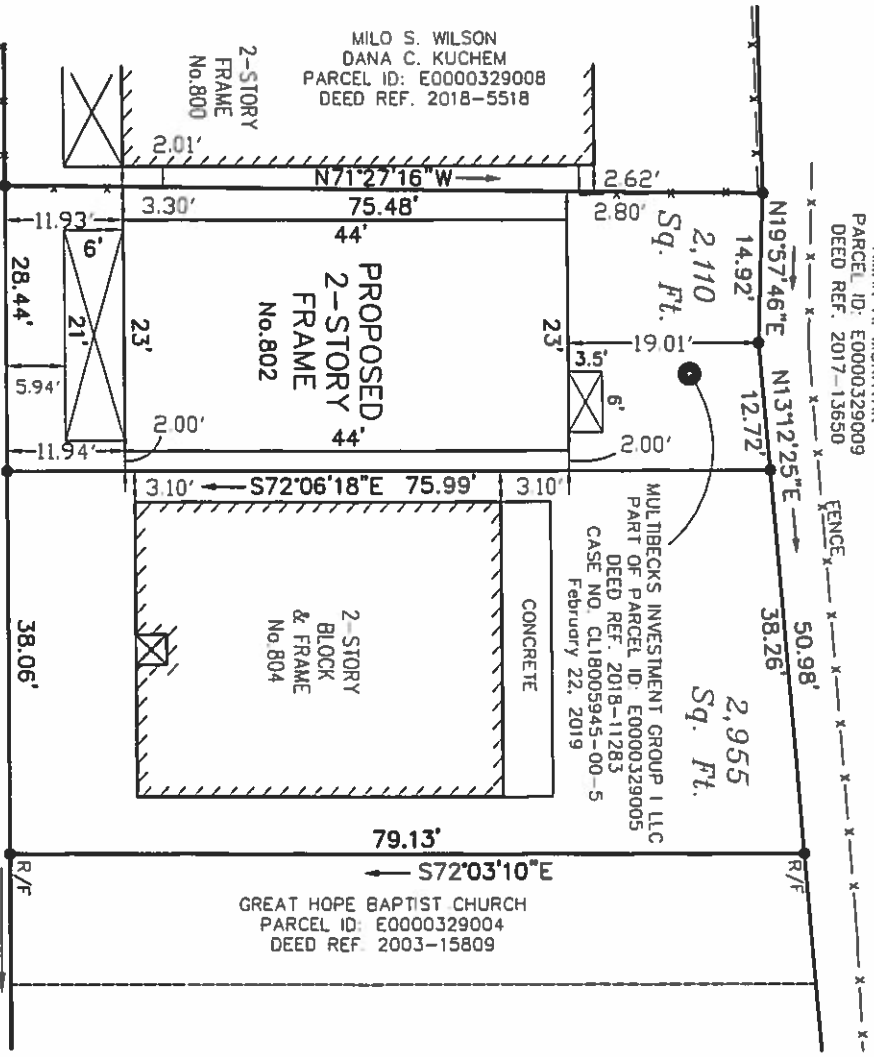
Virginia Surveys
P.O. BOX 118
CHESTERFIELD, VA 23832
(804) 748-9481
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DATE: 3-5-19
CERTIFIED BY JEFFREY K. FLOYD
VIRGINIA CERTIFICATE NO. 001905

SCALE: 1"=15'
JOB NO. 180612164

25' TO THE N/LINE OF CEDAR ST.
N. 22nd STREET
66.50'
87.51' TO THE S/LINE OF BURTON ST.

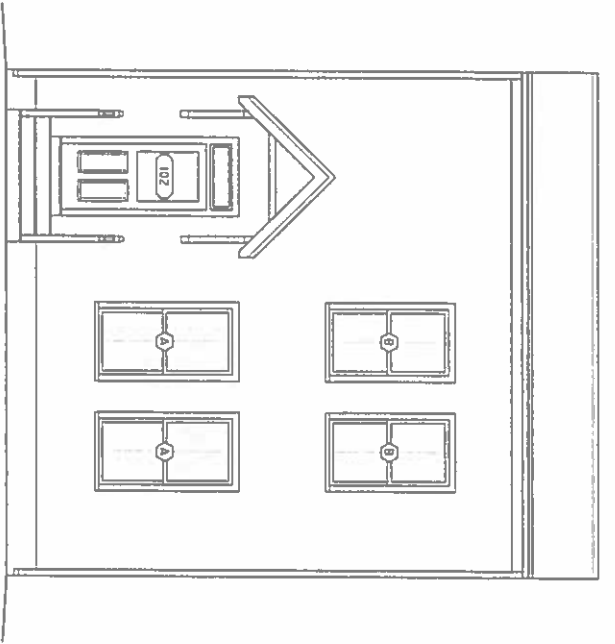


MILO S. WILSON
DANA C. KUCHEM
PARCEL ID: E0000329008
DEED REF. 2018-5518

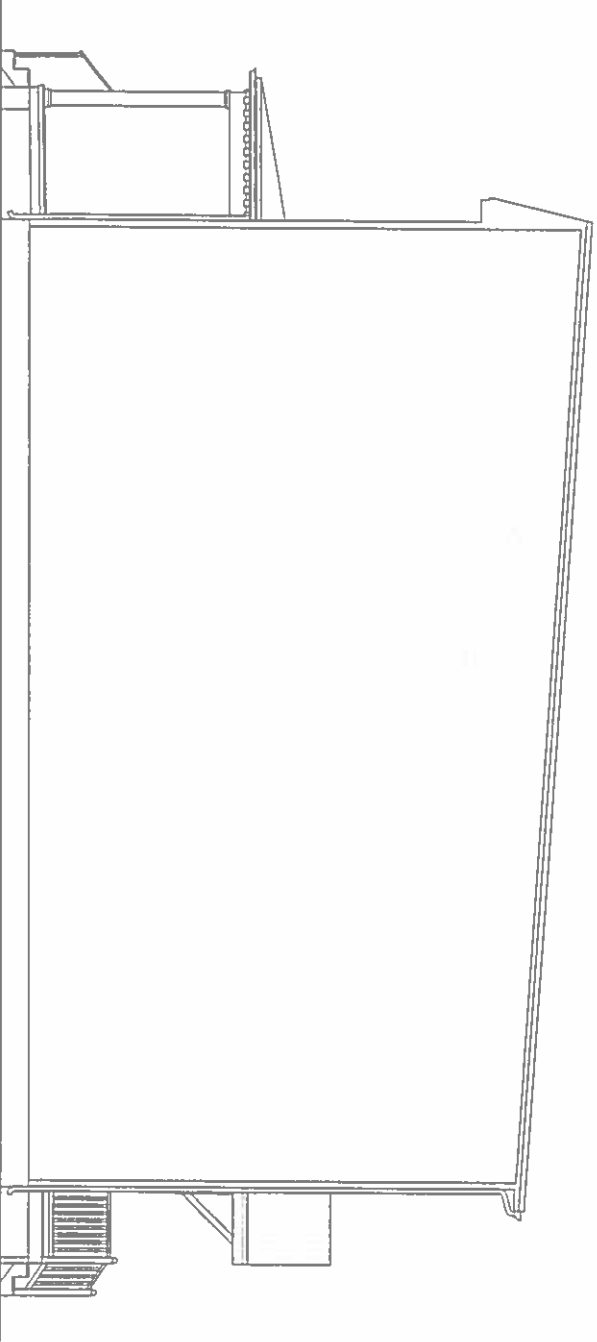
AMAR A. MUKHTAR
PARCEL ID: E0000329009
DEED REF. 2017-13650

MULTIBECK'S INVESTMENT GROUP I LLC
PART OF PARCEL ID: E0000329005
DEED REF. 2018-11283
CASE NO. CL18005945-00-5
February 22, 2019

GREAT HOPE BAPTIST CHURCH
PARCEL ID: E0000329004
DEED REF. 2003-15809



01 REAR ELEVATION



02 RIGHT SIDE ELEVATION

PROJECT CONTACTS
 IRVING OPTER
 RVA SUGAR LLC
 P.O. BOX 9019
 COMBINATION
 K&W DEVELOPMENT
 BOX 859-8500
 ARCHITECT
 CHRISTOPHER WOLF
 802-516-7644

NEW 2-STORY, SINGLE-FAMILY DETACHED HOUSE
 IN HISTORIC CHURCH HILL
802 NORTH 22ND STREET
 802 NORTH 22ND STREET
 RICHMOND, VIRGINIA 23223

**NOT FOR
 CONSTRUCTION**

SEAL/REVISION
 C A R REVISION 01
 DATE/USER
 03 01 2019

REAR & RIGHT SIDE
 EXTERIOR ELEVATIONS
A2.2



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

SUP-039867-2018

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 Address: 804 N 22nd St, Richmond, VA 23222 Date: 8/7/2018
 Tax Map #: E0000329005 Fee: \$300
 Total area of affected site in acres: 0.103

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning R-63

Existing Use Multi-family dwelling

Proposed Use

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

Lot split in order to permit the construction of a Single Family Detached dwelling on the vacant portion of the property

Existing Use Multi-family dwelling

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Mark Baker / Charlie Wilson

Company: Baker Development Resources
 Mailing Address: 11 S 12th Street, Suite 500
 City: Richmond State: VA Zip Code: 23219
 Telephone: (804) 874-6275 Fax: ()
 Email: markbaker@bakerdevelopmentresources.com

Property Owner: Multibecks Investment Group I LLC

If Business Entity, name and title of authorized signee: Matt Jarreau

(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: 114 N 3rd St
 City: Richmond State: VA Zip Code: 23219
 Telephone: (804) 306-9019 Fax: ()
 Email: matth@htrsi.com

Property Owner Signature: Kenneth Mowls

Authentisign
Kenneth Mowls
8/7/2018 4:33:24 PM EDT

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)



August 7, 2018 (Revised March 26, 2019)

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: 804 N 22nd (E000-0329/005)**

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 804 N 22nd Street, identified as Tax Parcel E000-0329/005 (the "Property"). The Property is generally located on the west side of North 22nd Street between Cedar Street and Burton Street. The property is currently improved with a 2,088 square-foot, 2-story, four-family building situated on the northern half of the property. The SUP would authorize the division of the lot and the construction of one (1) single-family detached dwelling on vacant southern portion of the Property.

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 detached dwellings, provided that the dwellings are located on lots containing at least 3,000 square feet of lot area. A four-unit multi-family dwelling would require 4,000 square feet of lot area in the R-63 district. Splitting the lot as proposed would create one lot of 2,955 square feet at 804 N 22nd Street, and another lot of 2,114 square feet at 802 N 22nd Street. 804 N 22nd Street would be occupied by the existing multifamily dwelling while 802 N 22nd Street would be a vacant lot for the proposed single-family dwelling. The R-63 district also requires a side yard setback of three (3) feet for single-family dwellings and a side yard setback of five (5) feet for multi-family dwellings. Consistent with the prevailing lot pattern in the area, which includes many attached dwellings and dwellings with minimal setbacks, the proposed layout would not meet these required setbacks. A setback of three (3) feet is proposed along the interior lot line for the existing multi-family dwelling building. The proposed single-family detached dwelling would be provided an interior side yard setback of 1.7 feet. As the proposed development does not meet R-63 lot area requirements and the side yard setbacks along the interior lot line, 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. The Master Plan recommends Medium-Density Single Family Residential (8-20 units per acre) for the Property and surrounding land to the north, west, south and east. The proposed single-family detached dwelling is consistent with this recommendation.

The proposed single-family detached dwelling would be two stories in height with a shingled false mansard roof at the façade and a rear-sloping shed roof, consistent with the urban rowhouse style in the vicinity. The primary building material would be cementitious horizontal lap siding with parged foundation. The new dwelling would contain approximately 2,000 square feet of floor area and 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, 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 one single-family detached dwelling 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 falls in the range of the 8-20 units per acre 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 form for the area.

In summary, the applicant is enthusiastically seeking approval for the construction of one single-family detached dwelling. 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 through the provision of an appropriate 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,

