INTRODUCED: June 24, 2019

#### AN ORDINANCE No. 2019-175

To authorize the special use of the property known as 1101 Oakwood Avenue for the purpose of a two-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: JUL 22 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 1101 Oakwood Avenue which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a twofamily detached dwelling, which use, among other things, is not currently allowed by section 30-410.1 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 (2019), 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:	9	NOES:	0	ABSTAIN:	
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ADOPTED:	JUL 22 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 1101 Oakwood Avenue and identified as Tax Parcel No. E000-0964/012 in the 2019 records of the City Assessor, being more particularly described on a survey entitled "Survey and Plat of The Property Known as #1101 Oakwood Avenue in the City of Richmond, VA," prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated December 22, 2015, 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 two-family detached dwelling, hereinafter referred to as "the Special Use," substantially as shown on sheet C1.1, dated April 2, 2018, and sheets A1.1, A2.1, and A2.2, dated November 29, 2018, of the plans entitled "New 2-Story, Two-Family House in the Oakwood Neighborhood, 1101 Oakwood Ave. Duplex, 1101 Oakwood Avenue, Richmond, Virginia 23223" and prepared by Chris Wolf Architecture, PLLC, 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 one two-family detached dwelling, substantially as shown on the Plans.

(b) Three on-site parking spaces shall be provided on the Property, substantially as shown on the Plans.

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

(d) All building materials and elevations shall be substantially 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.

§ 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:

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(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

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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.

**A TRUE COPY:** TESTE: mein D. Ril

**City Clerk** 

# **City of Richmond**

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.richmondgov.com

MAY 3 0 2019

EDITION:1

#### Item Request

File Number: PRE.2019.135

# RECEIVED 4-8868

### JUN 1 8 2019

Office of the O & R REFLICE OF THE CITY ATTORNEIP Administrative Officer

**DATE:** May 23, 2019

- **TO:** The Honorable Members of City Council
- THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request) 2 6/17/19 (This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

- THROUGH: Sharon L. Ebert, 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 1101 Oakwood Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

**PURPOSE:** To authorize the special use of the property known as 1101 Oakwood Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions.

**REASON:** The applicant is proposing to construct a two-family detached dwelling on a vacant lot, which is not a permitted use within the R-5 Single-Family Residential 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 July 15, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consists of a 3,406 SF (.08 acre) parcel of land located on Oakwood Avenue between Chimborazo Boulevard and Blakey Street. The property is a part of the Oakwood neighborhood in the City's East Planning District.

The City of Richmond's Master Plan designates the subject property for Single-Family Low-Density land uses which includes, "...single family detached dwellings at densities up to seven units per acre... (as well as) ...residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R 5." (City of Richmond, Master Plan, p.133).

Specifically for the East District, the Master Plan states "vacant and deteriorating housing is a problem district wide...A continued need exists to stabilize older low income residential neighborhoods such as...Oakwood" (p. 163).

The current zoning for this property and adjacent properties is R-5 Single-Family Residential. Single- and two-family residential uses predominate the area, with some institutional and commercial 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:** June 24, 2019

CITY COUNCIL PUBLIC HEARING DATE: July 22, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission July 15, 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

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

STAFF: Jonathan Brown, Senior Planner, Land Use Administration 804-646-5734

	Application for SPECIAL USE PERMIT					
$\frown$	Department of Planning and Development Review					
RICHMOND	Land Use Administration Division					
	900 E. Broad Street, Room 511					
	Richmond, Virginia 23219					
VINGINIA EL D	(804) 646-6304					
SLIP-047370-2019	http://www.uchmondgov.com/					
Application is hereby submitted for: (check one)						
🗹 special use permit, new						
🔲 special use permit, pian amendment						
special use permit, text only amendment						
• • • • • • • • • • • • • • • • • • • •						
Project Name/Location	1 .					
Property Adress: 1101 Oakwood Ave, Richmond, VA 23223	- 1/2/19					
Tax Map #: E0000964012 Fee: 300						
Total area of affected site in acres: 0.078						
(See page 6 for fee schedule, please make check payable to the "City of Richmond")						
Zoning						
Current Zoning: R-5						
Existing Use: Vecant Lot						
Droposod (Iso						
Proposed Use						
(Please include a detailed description of the proposed use in the required applicant's report)						
New construction two-family dwalling						
Existing Use: Vacant Lot						
Is this property subject to any previous land use cases?						
Yes No						
If Yes, please list the Ordinance Number:						
Applicant/Contact Person: Mark Baker / Cherlie 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: EVOLVE HLD LLC						
If Business Entity, name and title of authorized signee.	enili Kievmen, owner					
(The person or persons executing or attesting the execution of this App	plication on behalf of the Company cartifies that be or					
she has or have been duly authorized and empowered to so execute or	attest)					
Mailing Address: 3420 Pump Road #189						
City, Richmond	State: VA Zip Code: 23233					
Telephone: ( 804 ) 991-4111						
	_ Fax: _()					
Email: dvk5l@yahoo.com						
Property Owner Signature:	N					
0						
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)

# **APPLICANT'S REPORT**

January 7, 2019

Special Use Permit Request 1101 Oakwood Ave, Richmond, Virginia Map Reference Number: E000-0964/012

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 12<sup>th</sup> Street, Suite 500 Richmond, Virginia 23219

# Introduction

The property owner is requesting a special use permit (SUP) for 1101 Oakwood Ave ("the Property"). The SUP would authorize the construction of a two-family detached dwelling. The does not conform to the underlying R-5 Single-Family Residential district zoning requirements applicable to the Property.

# **Existing Conditions**

#### SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the south side of Oakwood Avenue between Chimborazo Boulevard and Blakey Street, and is referenced by the City Assessor as tax parcel E000-0964/012. The Property is a vacant lot that is roughly 27.25' wide by 125' in depth and contains approximately 3,406.25 square feet of lot area. The lot is relatively flat and is afforded access in the rear by means of a east-west alley running parallel between P Street and Blakey Street.



The properties to the north, west and south are generally developed with single family detached dwellings, two- to four-family dwellings, or are undeveloped vacant lots. Directly across Oakwood Avenue from the Property are two two-family dwellings, as well as one mixed-use property that was permitted through special use permit in 1996, which features a ground-floor

grocery use as well as two dwelling units on the second floor. The adjacent property to the east is a two-family dwelling. In 1984, the Board of Zoning Appeals granted a variance from the use and off-street parking requirements at 1106 Oakwood Ave to permit a two-family dwelling that was originally constructed during a period when zoning permitted two-family uses in this area. With that, the context of the surrounding area is denser, both from a use perspective and a feature perspective, than the current zoning would suggest.

#### **EXISTING ZONING**

The Property is zoned R-5 Single-Family Residential, which does not permit the proposed two-family detached dwelling use. The surrounding properties are also zoned R-5.

#### MASTER PLAN DESIGNATION

The Master Plan recommends "Single-Family (Low Density)" for the Property. There are also a variety of general housing goals contained in the Master Plan "Land Use" and "Neighborhoods and Housing" chapters that are applicable to the request including:

• 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.

• Encourage culturally and economically diverse residential neighborhoods.

# Proposal

#### **PROJECT SUMMARY**

The proposed development includes the construction of a two-family detached dwelling on the Property with two (2) accessory parking spaces.

#### PURPOSE OF REQUEST

The Property consists of a single lot of record that is of typical size and configuration for the vicinity. The Property has a lot width of roughly 27.25' and contains approximately 3,406.25 square feet of lot area. The owner would like to construct a two-family dwelling on the Property. The R-5 district does not permit two-family dwellings. Therefore, a SUP is required in order to permit the proposed development.

With that, the proposed development is more similar in context to the existing conditions of the neighborhood than the R-5 zoning may suggest. The Property's lot width and area are compatible with other lots in the vicinity, which vary in size but are all characteristically smaller urban lots. On the subject block face, a majority of the lots are developed with single family homes that do not comply with the current R-5 requirements; many appear to be built with minimal side-yard setbacks, for instance. As stated in the previous section, there is a mixture of uses in the general

vicinity, none of which would seem to indicate that this proposed development is of atypical intensity. For example, 1015 Oakwood Avenue, according to a zoning confirmation letter written in 2005, establishes that property as a legally non-conforming two-family dwelling, citing its existence to at least 1934. Based on the historic lot pattern, the majority of lots overall, not only on the block face but moreover in this vicinity, are nonconforming with regard to lot area and lot width. In addition, there have been a number of lots authorized by SUP in the greater Church Hill area for similar proposals. The proposed 3'-9" and 3'-6" side yards for the structure exceeds the existing setbacks commonly seen in the area.

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. 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 two-family attached dwelling would be two stories in height. From the street, the proposed building reads as a single-family dwelling, and is thereby consistent with other residential buildings in the vicinity in terms of scale and character. The building would contain approximately 2,560 square feet of floor area. When the common foyer and stairwell is excluded, the ground floor unit would have approximately 1,176 square feet, while the upper floor unit would have approximately 1,216 square feet. Each unit would contain two bedrooms and two bathrooms. 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. Two parking spaces are proposed for the two dwellings. Parking spaces would be located to the rear of the dwellings and accessed by the rear alley.

### **Findings of Fact**

The following are factors indicated 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 for high-quality infill construction 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 two off street parking

spaces for the two 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.

• 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. As a result, this request 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 twofamily detached dwelling. The building has been thoughtfully designed in order to provide appropriate, high quality market rate infill development. 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 help bolster a consistent urban fabric in a block face in which a couple remaining lots are vacant. It would help encourage a pedestrian friendly urban streetscape in the block and contribute to the vibrancy of the block though the addition street life in the form of a street-oriented full width front porch. 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 which is appropriate to this area of the City. The provision of off-street parking spaces per 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.









