INTRODUCED: January 13, 2020

AN ORDINANCE No. 2020-022

To authorize the special use of the property known as 815 North 33rd Street for the purpose of up to four 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: FEB 10 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 815 North 33rd 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 single-family attached dwellings, which use, among other things, is not currently allowed by section 30-412.4(2)(c), concerning unit 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 (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:	
ADOPTED:	FEB 10 2020	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 815 North 33rd Street and identified as Tax Parcel No. E000-0880/022 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "Survey and Plat of 815 N. 33rd Street and Being All of Lots 6,7 & 8 on a Plan by J. Temple Waddill, Dated June 6, 1926, Recorded in Plat BK.7, Page 47, Clerks Office in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated January 30, 2018, 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 single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "813, 813.5, 815, & 817 N 33rd St.," prepared by River Mill Development, and dated May 1, 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 up to four single-family attached dwellings, substantially as shown on the Plans.

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

(c) No fewer than four off-street parking spaces shall be provided on the Property, substantially as 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) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.

(f) Prior to the issuance of any certificate of occupancy for the Special Use, four lots shall be established on the Property, substantially as shown on the Plans, by obtaining any necessary approvals from the City and by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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 the installation of three street trees along North 33rd 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.

A TRUE COPY: TESTE: melin D. Ril

City Clerk

City of Richmond

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

Item Request File Number: PRE.2019.385

O & R REQUEST

Office of the Chief Administrative Officer

DATE: December 12, 2019

- TO: The Honorable Members of City Council
- THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by requestion) 6025 (This in no way reflects a recommendation on behalf of the Mayor.)

O & R Request

IAN 87 2001

THE CITY ATT

EDITION:1

THROUGH: Lenora G. Reid, Acting 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 815 North 33rd Street for the purpose of up to four single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 815 North 33rd Street for the purpose of up to four single-family attached dwellings, upon certain terms and conditions.

REASON: The applicant is proposing to construct four single-family attached dwellings, at 815 North 33rd Street. The property is located in the R-6 Single-Family Attached Residential Zoning District, which permits single-family attached dwellings. However, the proposed lot configuration does not meet the minimum unit width standards. 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 February 3, 2020, meeting.

BACKGROUND: The subject property consists of a parcel totaling 9,012 SF, or .20 acres, of land. The property is a part of the Chimborazo neighborhood in the East Planning District, on North 33rd Street, between N and O Streets.

The development will consist of four single-family attached dwellings located on lots approximately 2,253 SF in area with units widths of 15'-7". The R-6 minimum unit width for single-family attached dwellings is 16 feet. The R-6 zone requires one off street parking space per dwelling.

The City of Richmond's current Master Plan designates the subject property for Single Family Medium Density (SF-MD). Primary uses are 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. Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7. The proposed density of the project is approximately 20 units per acre.

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

The current zoning for the subject property and properties to the south, north, and west, is R-6 Single Family Attached Residential. Properties to the east are zoned R-5 Single Family Residential. Residential (single-, two-, and multi-family) land uses predominate the area, with vacant and institutional 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: January 13, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 10, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission February 3, 2020

AFFECTED AGENCIES: Office of Chief Administrative Officer Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, Senior Planner Land Use Administration (Room 511) 804-646-5734

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 http://www.richmondaoy.com/

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 815 N 33rd Street	Date:	05/29/2019
Tax Map #: E0000880022 Fee: 300		
Total area of affected site in acres: 0.207		

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

Zoning

Current Zoning R-6

Existing Use. (1) Single Family Detached Dwelling

Proposed Use

1

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

(4) single family attached dwellings, configured as two attached pairs

Existing Use: (1) Single Family Detached 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

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: Kyle H Johnston

If Business Entity, name and title of authorized signee:

(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: PO Box 4917

City: Richmond	State VA Zip Code 23220
Telephone: (270) 779-8468	Fax: ()
Email: kylehjohnston@gmail.com	

Property Owner Signature:_

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)

SUP Application Last Revised September 12, 2016 CITY OF RICHMOND



May 29th, 2019

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

Re: Special Use Permit: 815 N 33rd Street

Dear Matthew:

I am representing Kyle H. Johnston in an application for a special use permit for the property known as 815 N 33rd Street, identified as Tax Parcel E-000-0880/022 (the "Property"). The Property is located on the eastern side of North 33rd Street between O Street and N Street. The special use permit would permit the Property to be subdivided and the construction of four single-family attached dwellings.

The Property is 75' wide by 120.16' deep, is exceptionally large for the area, containing approximately 9,012 square feet of lot area. The Property is currently improved with a single-story, single-family detached dwelling. The owner would like to redevelop the Property with four single-family attached dwellings, configured as two pairs. This configuration would require 19' of lot width per dwelling, consisting of a minimum 16' unit width and 3' side yard setback. This would result in a total of 76' of lot width to accommodate the four dwelling units. In order to address the deficiency in width, the unit width would be reduced by 5" to 15'-7". As the minimum unit width would not be met, a special use permit is required. All other zoning requirements would be met.

The Property and the surrounding properties to the south, north, and west in the vicinity are zoned R-6 Single-Family Attached Residential, which generally permits single-family detached, single-family attached, and twofamily detached residences subject to certain feature requirements. The properties to the east, across the alley to the rear of the Property, are zoned R-5. 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, at densities of 8 to 20 units per acre...Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7."

The proposed single-family attached dwellings would be two stories in height and of an urban row house design. The dwelling would contain approximately 2,286 square feet of finished floor area and would include three bedrooms and 2 $\frac{1}{2}$ baths. Covered full-width front and rear porches are proposed. The dwelling's floor plan is modern with open living areas and includes a master bedroom complete with en suite master bath and walk-in closet.

815 N 33rd Street May 28, 2019 Page 2

The proposed development is consistent in character with other development in the vicinity. Based on the historic lot pattern, many lots in the vicinity are nonconforming with regard to lot area, lot width or unit width for attached dwellings in a series. This request would meet all zoning requirements but the required unit width, which is only deficient 5". In all other regards, the proposal meets the zoning requirements applicable to the Property including the provision of on-site parking.

In exchange for the SUP, the intent of this request is to ensure the construction of four high-quality, for sale dwellings. The proposal would be consistent with the historic development pattern in the greater area. The project is also consistent with the recommendations of the Master Plan Land Use Plan in terms of both use and density. By permitting the proposed development, the SUP would allow for the sale of the proposed high-quality single-family attached dwellings as home ownership opportunities, while addressing additional 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 proposed site improvements and density are consistent or compatible with the lot pattern exiting in the vicinity. The development of this underutilized property as proposed 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 negligible traffic generation will easily be handled by the exiting road network. Off-street parking is proposed on site and will alleviate any potential impacts due to additional parking demand. 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.

815 N 33rd Street May 28, 2019 Page 3

• 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 request represents a density that is consistent and compatible based on the exiting varied lot pattern in the vicinity.

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

The proposed SUP 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 new single-family attached dwellings would meet applicable setback requirements thereby preventing any interference with the provision of light an air.

In summary, the applicant is enthusiastically seeking approval for the construction of four single-family attached dwellings on the Property. This proposal represents an ideal, small-scale urban infill development for this location. The special use permit would not authorize any additional density over that contemplated by the Master Plan or that permitted by the R-6 zoning classification vis-à-vis the lot area requirements. In exchange, the quality assurances conditioned through the SUP would guarantee the construction of a higher quality new single-family dwelling than might otherwise be developed by right. This would contribute to the vibrancy of the block though the provision of traditional neighborhood design 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, Council President











