## AN ORDINANCE No. 2020-245

To authorize the special use of the property known as 1401 North	1 32 <sup>nd</sup> S	Street for the	ne 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

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PUBLIC HEARING: DEC 14 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 1401 North 32<sup>nd</sup> Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a two-family 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 (2020), 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:	DEC 14 2020	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 1401 North 32<sup>nd</sup> Street and identified as Tax Parcel No. E000-0800/009 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "Survey and Plat of The Property Known as #1401 N. 32<sup>nd</sup> Street in the City of Richmond, VA," prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated January 16, 2020, 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, substantially as shown on the plans entitled "New 2-Story Duplex, 1401 N. 32<sup>nd</sup> Street, Richmond, Virginia," prepared by Michael Pellis Architecture, and dated July 15, 2020, 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 a two-family detached dwelling, substantially as shown on the Plans.
  - (b) The height of the Special Use shall not exceed the height as shown on the Plans.
  - (c) All building materials and elevations shall be 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) A minimum of two off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.
- § 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 with 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:

City Clerk

By Barbara Fore at 1:37 pm, Nov 02, 2020

RECEIVED By CAO Office at 1:55 pm, Oct 12, 2020

2020-152

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

# City of Richmond

Item Request File Number: PRE.2020.277

# O & R Request

DATE:

October 9, 2020

**EDITION: 1** 

TO:

The Honorable Members of City Council

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

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

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer lgr

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 1401 North 32nd Street 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 1401 North 32nd Street for the purpose of a two-family detached dwelling upon certain terms and conditions.

REASON: The subject property is located in the R-5 Single-Family Residential District. Two-family detached dwellings are not permitted uses in this zoning district. Therefore 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 December 7, 2020, meeting

BACKGROUND: The subject property is a vacant parcel of land with 3144 square feet of area. The street frontage is 25 feet in width and the depth is 125 feet. The property is located on the easterly corner of North 32nd Street and T Street. An alley provides access from the rear. It is located in the Church Hill North Neighborhood within the City's East Planning District.

The City of Richmond's Master Plan designates the subject property for Single-Family (Medium Density) uses. Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. The net density of the proposed development is 27 units per acre.

The properties located to the east, across the alley, are located in the R-53 Multifamily Residential District. The properties to the south, across T Street are located in the R-6 Single-Family Attached Residential District. Two-family detached dwellings are permitted uses in both of these zoning districts and the proposed special use abides by the same yard setbacks required in these districts

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: November 9, 2020

CITY COUNCIL PUBLIC HEARING DATE: December 14, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

December 7, 2020

AFFECTED AGENCIES: Office of Chief Administration 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, Applicant's Report, Plans. Survey, Map

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



## 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.richmondgov.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 Address_1401 N 32nd Street		410010000
Tax Map # E0000800009 Fee \$300		Date_4/30/2020
Total area of affected site in acres 0.072		ments
(See page 6 for fee schedule, please make check payable to the "City of	of Richmond')	and the state of t
Zoning Current Zoning R-5 Single Family Residential		
Existing Use Vacani		
Proposed Use (Please include a detailed description of the proposed again the required One (1) Two-Family Detached Dwelling		
Existing Use Vacant		A second section of the
Is this property subject to any previous land use cases?  Yes No  If Yes please list the Ordinance Number		
Applicant/Contact Person: Mark Baker		
O. T. P. O. T. J		
Mailing Address 1519 Summit Ave., Suite 102		A first type
		Zip Code: 23230
Email: markbaker@bakerdovelopmentrescurces.com	Fax_(	5)
C. L. EGII. LANGUAGO CON CONTRACTOR DE LA CONTRACTOR DE L	to the second se	
Property Owner: EVOLVE DEVELOPMENT LLC		
If Business Entity, name and little of authorized signed. Dan	Klauman Owner	der som det state det state de
If e person of per ons discounting or actuating the enderstain in all the Appliance has or have been duly authorized and emported to to execute or a	arrena Selette (	the Contraction of a con-
Mailing Address 3420 PUMP RD APT 169		
PLANTAGE	State VA	7
Telephone (804 )991-4111	Fax (	Zip Cade 23233
Email dvk5f@yahoo com	107	A company to the superior and the contraction of th
Property Owner Signature: Dil V Wegn	<i>رو</i> _	
The names, addresses (dephate numbers at a gnature of all owners of sheets as rigided. If a legal representative signs for a property owner play photocopied signatures will not be accepted.	f the crime ty are re easy attach in exact	du red - Please attach add trans- ded nower of attorney - <b>Faxed or</b>

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

# **APPLICANT'S REPORT**

April 30, 2020

Special Use Permit Request 1401 N. 32<sup>nd</sup> Street, Richmond, Virginia Map Reference Number: E0000800009

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 1519 Summit Ave., Suite 102 Richmond, Virginia 23230

# Introduction

The property owner is requesting a special use permit ("SUP") for 1401 North 32<sup>nd</sup> Street ("the Property"). The SUP would authorize the construction of a two-family detached dwelling which does not conform to the underlying R-S Single-Family Residential district zoning requirements applicable to the Property.

# **Existing Conditions**

### SITE DESCRIPTION AND EXISTING LAND USE

The property is located on the northeast corner of the intersections of T and North 32<sup>nd</sup> Streets and is referenced by the City Assessor as tax parcel E000-0800/009. The property is a vacant lot measuring 25.15' wide and 125' deep with a lot area of approximately 3,143 square feet. The lot is relatively flat and afforded alley access in the rear by means of a north-south alley.



The properties on the block are generally developed with single-family detached dwellings or are undeveloped lots, many of which are nonconforming with regard to lot area or other feature requirements. Across the alley to the east lie properties that are improved with single-family attached dwellings. Immediately north of the block is the Church Hill North subdivision

## Applicant's Report 1401 N 32<sup>nd</sup> Street

which is authorized for up to 300 dwelling units including a mix of single-family, two-family and multi-family dwellings. The block immediately south from the Property along N. 32<sup>nd</sup> Street contains a multi-family and two, two-family dwellings. The surrounding land use context is denser than that which might be suggested by the Property's current zoning.

### **EXISITING ZONING**

The Property is zoned R-5 Single-Family Residential as are other properties in the subject block. The properties to the west along N. 31<sup>st</sup> Street to the west are also zoned R-5. Properties immediately adjacent to the east are zoned R-53 Multifamily Residential. Across T street to the south properties are zoned R-6 Single-Family Attached. Tom the north, across Kuhn Street lies 21.76 acres of land that are subject to a Community Unit Plan (the Church Hill North Revitalization Plan) permitting the development of a residential community of up to 300 dwelling units.

#### MASTER PLAN DESIGNATION

The Master Plan recommends "Single-Family (Medium Density)" for the Property. The Master Plan describes this land use category as follows: "Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. There are also a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, recognition of the need for the continued creation of market rate housing and a desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse.

# **Proposal**

### **PROJECT SUMMARY**

The proposed development includes the construction of a two-family detached dwelling on the Property with two 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 25.15' and contains approximately 3,143 square feet of lot area. The owner would like to construct a two-family detached dwelling on the Property. The R-5 District does not permit two-family detached dwellings; therefore, a SUP is required in order to permit the proposed development.

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, many of the lots do not comply with the current R-5 requirements. These dwellings are substandard where the 50 feet of lot width and 6,000 square feet of lot area required for single-family detached dwellings are concerned. Based on this historic lot pattern, many of the lots in the vicinity are nonconforming with regard to lot area and lot width.

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 detached dwelling would be two stories in height and read as a single-family home from the street to remain respectful of other residential buildings in the area. The massing of the building is consistent with the scale and character of other nearby dwellings and is therefore respectful of the historic development pattern in the area. The architectural design is modern architecture that is "of the day", which works well in the context given the variety in the existing architectural styles in the area. The proposed, desirable, modern façade increases the diversity of design options in the block. The building would contain approximately 2,600 square feet of total floor area with both the ground floor unit and upper floor unit containing approximately 1,055 square feet of floor area. Each unit would have two bedrooms and 2 baths with spacious and modern floor plans containing open living areas.

The buildings would be clad in cementitious siding in order to ensure quality and consistency with many other dwellings in the vicinity. Full-width rear porches are proposed for both units that would provide usable outdoor area for future occupants. 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 included 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 SUP 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 population.

 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 special use permit would not adversely affect the above referenced City services.

Interfere with adequate light and air.

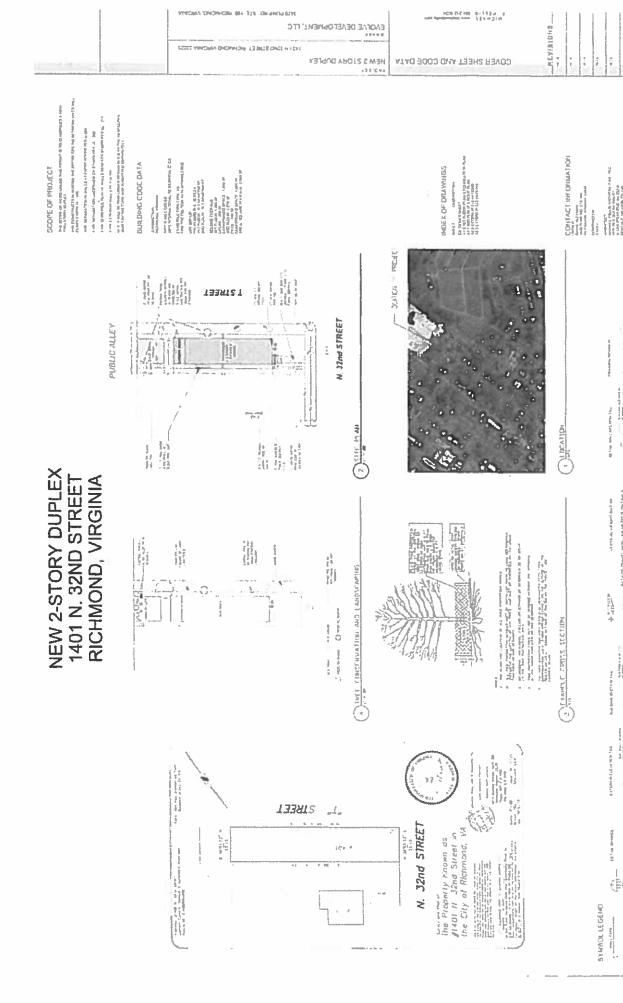
The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

# Summary

In summary we are enthusiastically seeking approval for the construction of the proposed two-family 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 complete a consistent urban fabric in a block face in which a number of lots remain vacant. 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.



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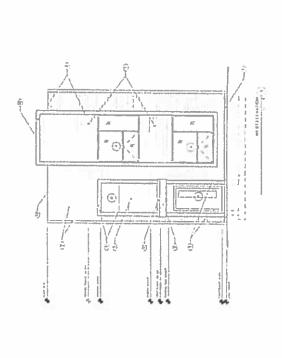
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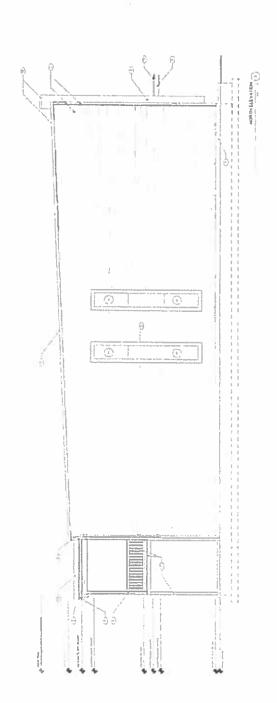
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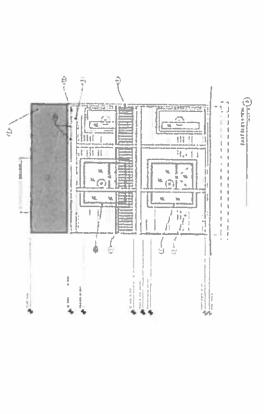




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Address #1401 N 32nd Street Note Bearings protracted from City Cutrent Owners, Manuel & Geraldine Anderson Boseline sneet 24 NW Percel ID E00008000009 S 36'55'52" W 53.08.14 N 36'55'52" E N. 32nd STREET Survey and Plat of The Property Known as #1401 N. 32nd Street in the City of Richmond, VA In a 18 In the Us Ing on 12/76/18 ) made on uncoding the savery of the gran set sheet hereing that a management of the control Edwards, Krels, Lahr & Associates PULC/ Land Surveyors-Planners Virginia-North Carolina 4914 Radford Avenue, Suite 206 Richmond, Virginia, 23239 Phone (804) 673-9866 Fas (204) 673-9993 Scale 1"=20 Drown 1CJ Job 1515-19 Date 01/16/20 Checked CLM