AN ORDINANCE No. 2021-013

To authorize the	e special use of	the property	known as 2	2206 Joplin	Avenue fo	r the purpose	of two
single-family de	etached dwellin	gs, upon cert	tain terms a	nd condition	ıs.		

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: FEB 8 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 2206 Joplin Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of two single-family detached dwellings, which use, among other things, is not currently allowed by sections 30-410.4, concerning lot area and width, and 30-410.6, concerning lot coverage, 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

AYES:	9 NOI	ES: 0	ABSTAIN:	
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ADOPTED: FEB	9 2021 PET	ECTED:	STRICKEN:	

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 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 2206 Joplin Avenue and identified as Tax Parcel No. S007-1030/006 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Existing & Proposed Improvements & Proposed Division of 2208 Joplin Avenue, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated July 17, 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 two single-family detached dwellings, substantially as shown on the plans entitled "2206 & 2208 Joplin Ave," prepared by River Mill Development, and dated February 12, 2020, and entitled "Standard Protective Buffer Example Drawings," prepared by the Urban Forestry Division of the Department of Public Works, and dated December 1, 2020, 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 two single-family detached dwellings, substantially as shown on the survey entitled "Plat Showing Existing & Proposed Improvements

- & Proposed Division of 2208 Joplin Avenue, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated July 17, 2020, a copy of which is attached to and made a part of this ordinance and on the Plans.
 - (b) The height of the Special Use shall not exceed the height as shown on the Plans.
- (c) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans and on the survey entitled "Plat Showing Existing & Proposed Improvements & Proposed Division of 2208 Joplin Avenue, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated July 17, 2020, a copy of which is attached to and made a part of this ordinance. Different siding colors shall be used for the dwellings. Any vinyl siding shall be at least 0.044 inches in thickness. Cementitious siding may also be used.
- (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) No less than one off-street parking space shall be provided for each dwelling, substantially as shown on the survey entitled "Plat Showing Existing & Proposed Improvements & Proposed Division of 2208 Joplin Avenue, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated July 17, 2020, a copy of which is attached to and made a part of this ordinance.
- (f) Prior to the issuance of any certificate of occupancy for the Special Use, the subdivision of the Property into two residential lots, substantially as shown on the Plans and on the survey entitled "Plat Showing Existing & Proposed Improvements & Proposed Division of 2208 Joplin Avenue, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated July 17, 2020, a copy of which is attached to and made a part of this ordinance,

shall be accomplished by obtaining the necessary 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.

A TRUE COPY:

City Clerk

RECEIVED

2020-201

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

City of Richmond

Item Request

File Number: PRE.2020.410

O & R Request

DATE:

FROM:

RE:

December 14, 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: J.E. Lincoln Saunders, Acting Chief Administrative Officer DECS

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic

Development and Planning

Mark A. Olinger, Director, Dept. or rranning and Development Review

To authorize the special use of the property known as 2206 Joplin Avenue, for the purpose of

two single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2206 Joplin Avenue, for the purpose of two single-family detached dwellings, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to allow for a single lot split, and to construct two single-family detached dwellings on individual lots. The resulting properties, being currently located in the R-5 Single-Family Residential District, would not permit the proposed lot area, width, and coverage within the R-5 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 February 1, 2021, meeting.

BACKGROUND: The subject property consists of a 9,728 SF (.22 acre) parcel of vacant land. The property is located in the Oak Grove neighborhood of the Old South Planning District between Mason and East 21st Streets.

The City of Richmond's 2001 Master Plan designates a future land use category for the subject property as Single Family (Low Density). Primary uses for this category include "single family detached dwellings at densities up to seven 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-1, R-2, R-3, R-4, and R-5." (City of Richmond Master Plan).

The recent Richmond 300 Master Plan recommends Residential land use for the property, which is described as neighborhoods consisting primarily of single family houses on large or medium sized lots more homogeneous in nature. Primary Uses: Single family houses, accessory dwelling units, and open space.

Residential land uses dominate the area. All surrounding properties are within the same R-5 Single Family Residential District as the subject property. The density of the property if approved would be nine units per acre.

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 11, 2021

CITY COUNCIL PUBLIC HEARING DATE: February 8, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

City Planning Commission

February 1, 2021

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) 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.richmondgoy.com/

Application is hereby submitted for: (check one:)	
☑ special use permit, new☑ special use permit, plan amendment		
special use permit, text only amendment		
Duningh Name (Laurenten		
Project Name/Location		_
Property Adress: <u>2206 Joplin Ave</u> Tax Map #; <u>50071030006</u> Fee: <u>300</u>		Date: <u>07/23/2020</u>
Tax Map #; 50071030006 Fee: 300 Total area of affected site in acres: 0.223		_
Total area of affected site in acres; v.223		_
(See page 6 for fee schedule, please make check payable to	the "City of Richmond")	
Zoning		
Current Zoning: 8-5		
Existing Use: R-5		
Proposed Use		
(Please include a detailed description of the proposed use in	the required applicant's report)	
Two single-family detached dwellings	Tore regarded applicance reports	•
Existing Use: Vacant		
Is this property subject to any previous land use Yes No If Yes, please list the Ordinance N		<u> </u>
Applicant/Contact Person: Mark Baker / Charle Wilson		
Company: Baker Development Resources		
Mailing Address: 1519 Summit Ave., Suite 102		
City: Richmond	State: VA	Zip Code: 23230
Telephone: _()	Fax: _(<u></u>
Email: markbaker@bakerdevelopmentresources		
Property Owner: East Coast Realty Investments LLC		
If Business Entity, name and title of authorized s	ignee: Dimas Juiz	
(The person or persons executing or attesting the execution she has or have been duly authorized and empowered to so	of this Application on behalf of execute or attest.)	the Company certifies that he or
Mailing Address: 2326 Lenora Lane	1 0	
City: Richmond		7 0 1 0000
Telephone: _(804) 6,838,793 /	State: VA	Zip Code: <u>23230</u>
Email:	/_/Fax:_()
	_//-	
Property Owner Signature:	-{/-	#2- 227
The names, addresses, telephone numbers and signatures of sheets as needed. If a legal representative signs for a proper	rall owners of the properly are r	equired Please attach additional
photocopied signatures will not be accepted.	bissas arrasii dii 292F	otto position of dittoringy Paxed Of

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

APPLICANT'S REPORT

July 23, 2020

Special Use Permit Request 2206 Joplin Avenue, Richmond, Virginia Map Reference Number: S007-1030/006

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 2206 Joplin Avenue (the "Property"). The SUP would authorize the construction of two single-family detached dwellings.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the south side of Joplin Avenue between Mason Street and East 21st Street. The Property consists of one parcel, which is referenced by the City Assessor as tax parcel S007-1030/006. The Property is currently vacant with a cinderblock foundation on the southwest side of the lot. The lot is 67 feet wide, contains approximately 9,728.4 square feet of lot area, is relatively flat and is afforded access in the rear by means of an east-west alley.



The properties to the northeast, southeast and southwest are generally developed with single family detached dwellings. The property to the northwest is developed with an elementary school.

EXISTING ZONING

The Property is zoned R-5 Single-Family Residential, which does permit the proposed single-family detached dwelling use by-right provided that the applicable lot width, lot area, and setback requirements are met. 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 chapter that are applicable to the request including:

- The desire for new and better-quality housing that is targeted to homeowners.
- 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.

Proposal

PROJECT SUMMARY

The proposed development includes the construction of two single-family detached dwellings on the Property, one of which would be constructed upon the existing CMU foundation found on the property.

PURPOSE OF REQUEST

The owner would like to construct two single-family detached dwellings on the Property. While the R-5 district permits single-family dwellings, it requires a minimum of 6,000 square feet of lot area and a minimum lot width of 50 feet. While the proposed development is consistent with the lot pattern in the area, these requirements would not be met. Therefore, a SUP is required in order to permit the proposed development.

In exchange for the SUP, the intent of this request is to ensure a high-quality infill development that is consistent with the objectives of the Master Plan. The overall project would be appropriately efficient and would be compatible with the existing development in the vicinity. The quality assurances conditioned through the SUP would guarantee a higher quality development than what might otherwise be developed by right.

PROJECT DETAILS

The two single-family detached dwellings would each be two stories in height and are consistent with historic development pattern found throughout the nearby neighborhood. The proposed dwelling at 2206 Joplin Avenue would contain approximately 1,461 square feet of floor area. The proposed dwelling at 2208 Joplin Avenue, built on the existing CMU foundation, would contain

approximately 1,505 square feet of floor area. Each unit would contain three bedrooms and two and one-half bathrooms. The dwellings' floor plans are spacious and modern with open living areas and an *en suite* master bathroom.

The buildings would be clad in horizontal lap siding in order to ensure consistency in appearance with many other dwellings in the vicinity. A front porch is proposed and would add to ample usable outdoor area. One off-street parking space is proposed for each individual dwelling. Parking spaces would be located to the rear of the dwellings and accessed by the rear alley.

The proposed lot configuration would be compatible with other lots in the vicinity and allows for the efficient use of the otherwise vacant property. Based on the historic lot pattern, many lots in the vicinity are nonconforming with regard to lot area and lot width. The proposed lots would be consistent with the character of the area in this regard. The proposed dwellings would be 18' 4 ½" in width allowing for the provision of 6-foot side yard setbacks. These setbacks are consistent with and in many cases exceed the side yard setbacks provided by other dwellings in the vicinity.

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 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 one off-street parking spaces for each of 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 special use permit would not adversely affect the above referenced City services.

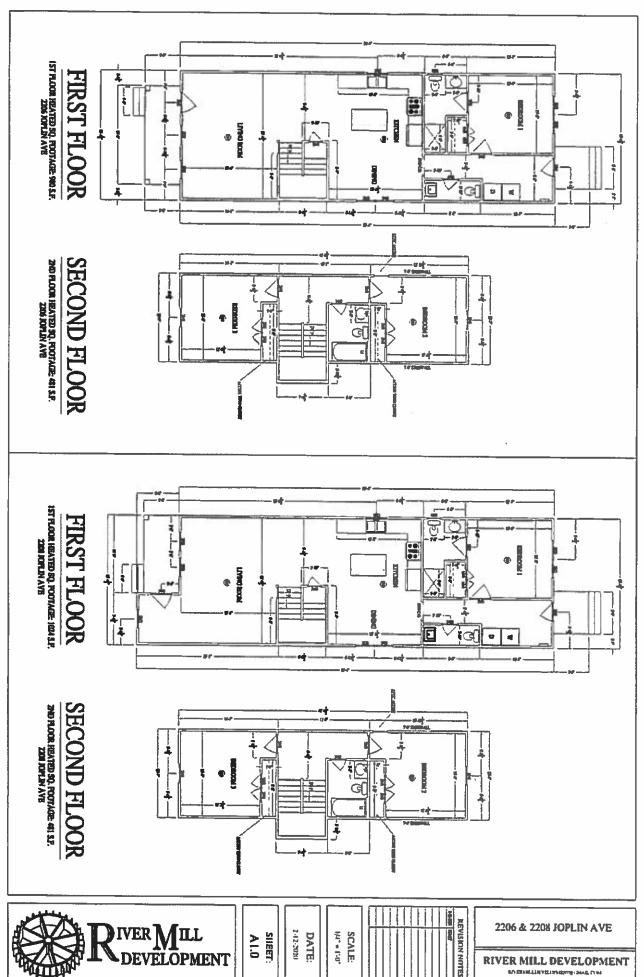
• Interfere with adequate light and air.

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

Summary

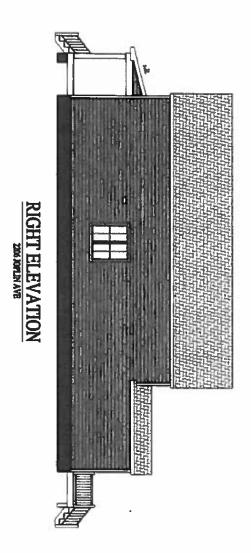
In summary we are enthusiastically seeking approval for the construction of the proposed two single-family detached dwellings. The buildings have been thoughtfully designed in order to provide appropriate, high quality infill development. The request offers compatibility with the City's Master Plan in terms of use. The request would contribute to the ongoing revitalization of the neighborhood, improving the Property while providing desirable new housing options.

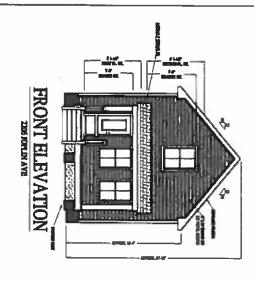
The proposed development would provide for respectful infill development that is consistent with the objectives of the Master Plan. It would respectfully encourage a pedestrian friendly traditional urban streetscape in the block. The proposed design is historically appropriate and would contribute to the vibrancy of the block with street-oriented full width front porches. 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 consistent with that required by zoning 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 what might otherwise be developed by right.

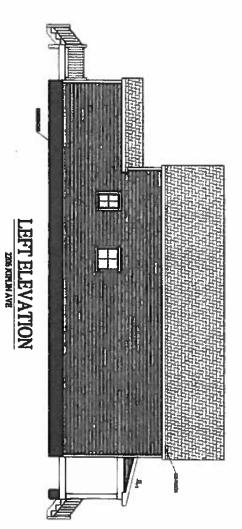


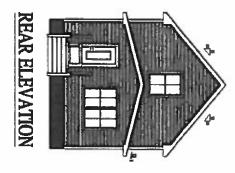


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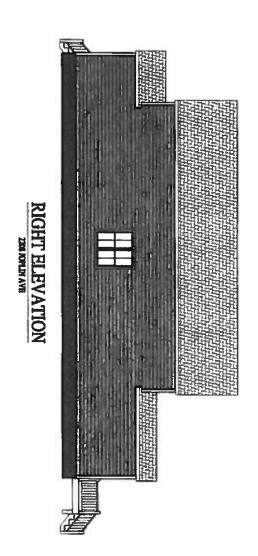
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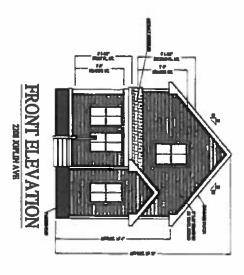
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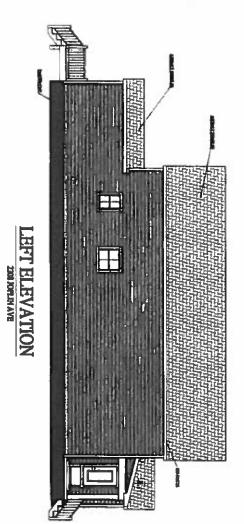
REVISEN NOTES

2206 & 2208 JOPLIN AVE

RIVER MILL DEVELOPMENT ATA MENDELLIENTELL BANGRATHE L PRESENTATION DE











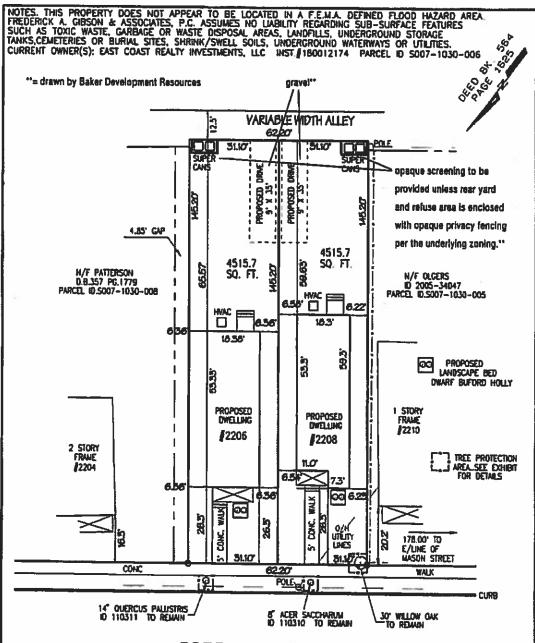
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DATE:

SCALE:

REVISION NOTES

2206 & 2208 JOPLIN AVE



JOPLIN AVENUE

PLAT SHOWING EXISTING & PROPOSED
IMPROVEMENTS & PROPOSED DIVISION OF
2208 JOPLIN AVENUE, IN THE CITY OF RICHMOND, VIRGINIA

SCALE: 1° = 25'



FREDERICK A. GIBSON & ASSOCIATES, P.C.

LAND SURVEYORS

11521-G MIDLOTHIAN TURNPIKE

NORTH CHESTERFIELD, VIRGINIA 23235
PHONE 804 378-4485 PAX 804 378-4487

PROJECT # 8809-44 SUP

Standard Protective Buffer Example Drawings Provided by the Urban Forestry Division of the Department of Public Works The City of Richmond, Virginia

Date: December 1, 2020

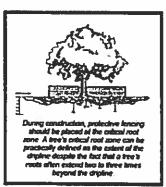


Exhibit 1

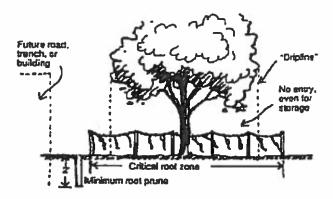


Exhibit 2

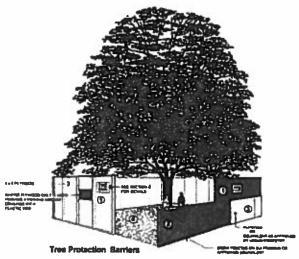


Exhibit 3