#### INTRODUCED: June 28, 2021

#### AN ORDINANCE No. 2021-193

To authorize the special use of the property known as 1624 Pollock Street for the purpose of up to six 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: JUL 26 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 1624 Pollock Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of up to six single-family attached dwellings, which use, among other things, is not currently allowed by section 30-412.4(2)(a), concerning lot area and width, density, and unit width, of the Code of the City of Richmond (2020), 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

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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 (2020), 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 1624 Pollock Street and identified as Tax Parcel No. N005-1182/003 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Improvements on #1624 Pollock Street, City of Richmond Virginia," prepared by Hulcher & Associates, Inc., and dated September 16, 2020, 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 six single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Attached Four Square Homes, 1624 Pollock Street, Richmond, VA 23223," prepared by Penn & Co., dated October 7, 2020, and last revised April 22, 2021, 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 six 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) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.

(d) No fewer than twelve off-street parking spaces shall be provided for the Special Use, 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.

(f) Prior to the issuance of any certificate of occupancy, the establishment of up to six residential lots, substantially as shown on the Plans, 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 (2020), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, substantially as shown on the Plans, including installation of a new sidewalk along Pollock Street, 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 (2020), 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 (2020), 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 (2020), 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** 

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov 2021-346

# **City of Richmond**

Item Request File Number: PRE.2021.634

# <u>O & R Request</u>

DATE:	May 27, 2021	EDITION:1
то:	The Honorable Members of City Council	
THROUGH:	The Honorable Levar M. Stoney, Mayor (Mayor, b (This is no way reflects a recommendation on beha	
THROUGH:	J.E. Lincoln Saunders, Acting Chief Administrativ	e Officer JELS
THROUGH:	Sharon L. Ebert, Deputy Chief Administrative Off Planning	icer for Economic Development and
FROM:	Kevin J. Vonck, Acting Director, Department of Pl	anning and Development Review Kind Vork
RE:	To authorize the special use of the property known up to six single-family attached dwellings, upon co	1 1
ORD. OR RE	S. No.	

**PURPOSE:** To authorize the special use of the property known as 1624 Pollock Street for the purpose of up to six single-family attached dwellings, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit to authorize construction of up to six single-family attached dwellings within an R-6 Single Family Attached Residential District. The proposed use does not meet certain feature requirements within the R-6 zone including maximum density. 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 19, 2021 meeting.

**BACKGROUND:** The property is located in the North Highland Park neighborhood on Pollock Street between Dill and 4th Avenues. The property is currently a 19,059 sq. ft. (.438 acre) parcel of land.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential which is defined as "Neighborhood 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. Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets (p. 54)

The current zoning for this property is R-6 Single Family Attached Residential. All adjacent properties are located within the same R-6 Residential Zone. A mix of vacant and single- and two-family residential land uses are present in the vicinity.

**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 28, 2021

CITY COUNCIL PUBLIC HEARING DATE: July 26, 2021

**REQUESTED AGENDA:** Consent

#### **RECOMMENDED COUNCIL COMMITTEE:** None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission July 19, 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.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: Date: Tax Map #:\_\_\_\_\_\_Fee:\_\_\_\_\_ Total area of affected site in acres:

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

# Zoning

Existing	Use:		
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## **Proposed Use**

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

Existing Use:			

Is this property subject to any previous land use cases?

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If **Yes**, please list the Ordinance Number:

#### Applicant/Contact Person:

No

Company:		
Mailing Address:		
City:	State: Zip Code:	
Telephone: _()	Fax: _()	
Email:		

#### Property Owner:

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(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.)

Proporty Owner Signature:	EM	
Email:		
Telephone: _()	Fax	:_()
City:	Stat	ze: Zip Code:
Mailing Address:		

#### 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)

# 03-30-21 SUP Applicant's Report Author - Julia MacNelly

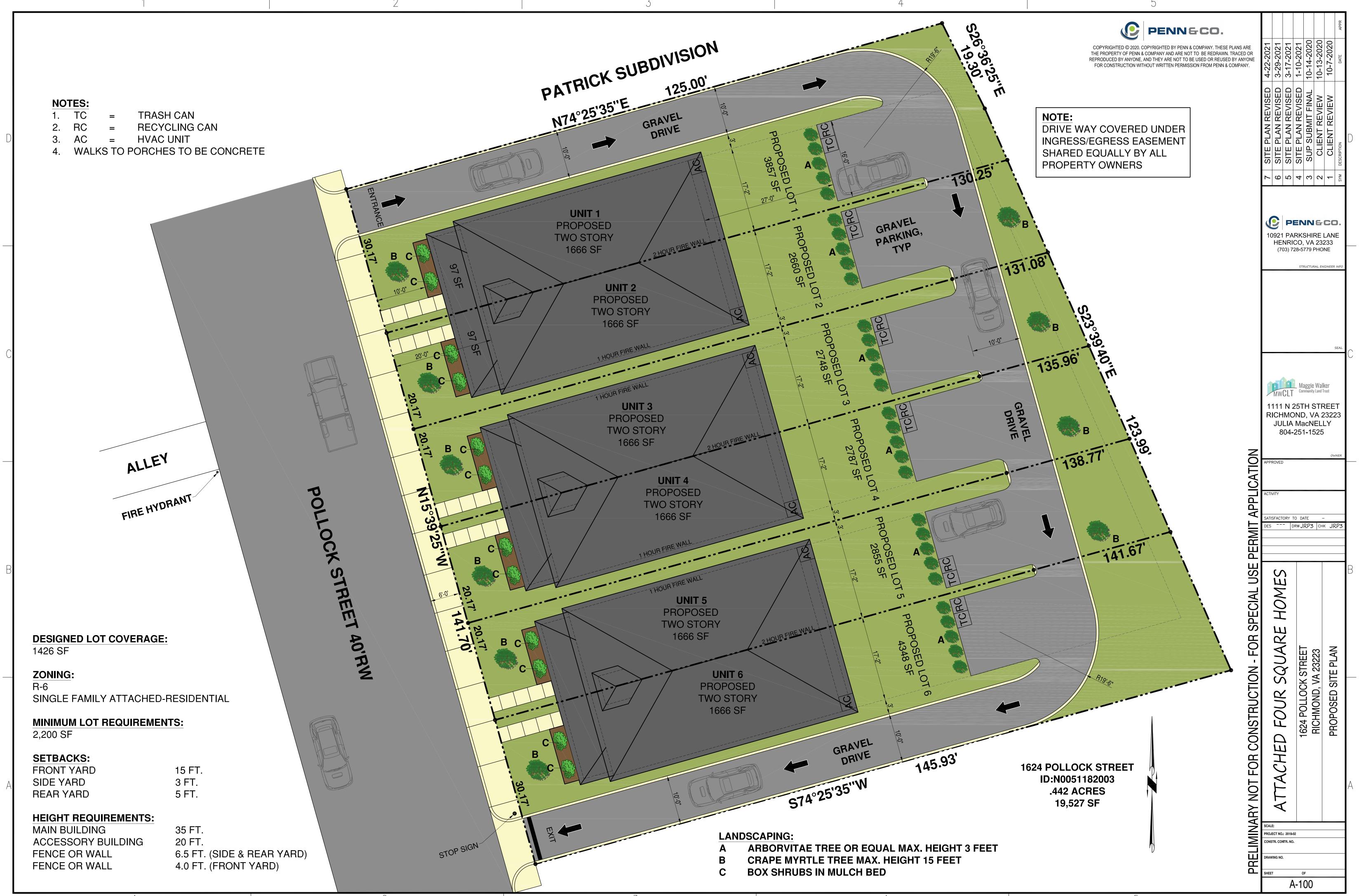
The applicant, Maggie Walker Community Land Trust (MWCLT), intends to subdivide the property at 1624 Pollock St into 6 separate lots and build three pairs of attached single family homes that will provide permanently affordable housing for low and moderate income households through the community land trust model. Each lot will remain under MWCLT's ownership in perpetuity, and the improvements only will be sold to an income-qualified homebuyer. The homebuyer signs a 99-year ground lease with MWCLT that gives them full rights to the land, and sets the terms of future sales of the home by restricting the resale price and ensuring the home is sold in turn to another income-qualified homebuyer. In this way, each MWCLT home becomes an affordable asset to the community, extending the opportunity and benefit of homeownership to generations of low and moderate income households. MWCLT is governed by a volunteer board of directors, one-third of which is composed of its homeowners.

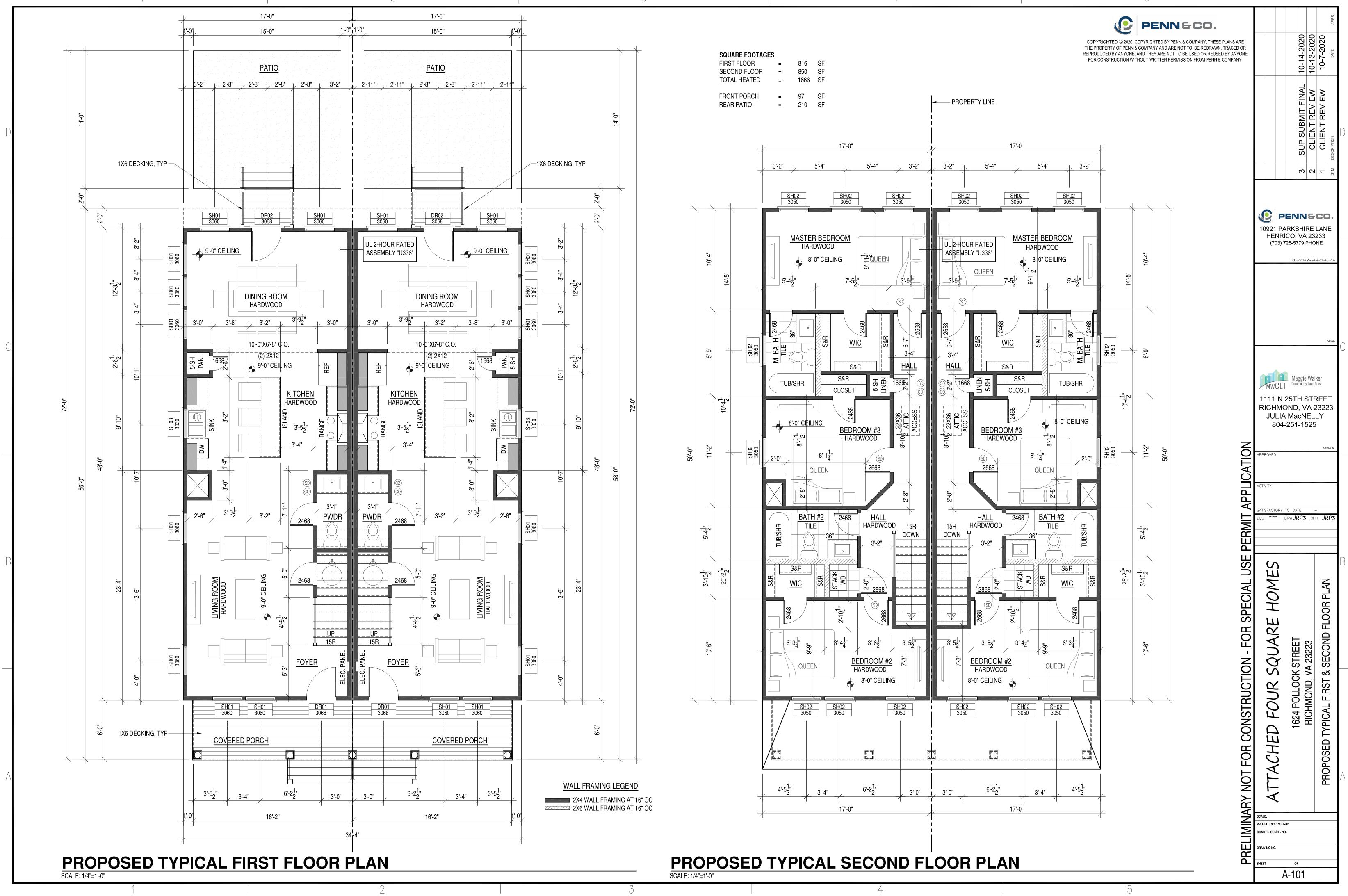
MWCLT is a 501c3 with a staff of highly experienced real estate development professionals capable of completing projects on time and on budget. MWCLT has been creating permanently affordable housing in the Richmond metro area, as well as in the surrounding counties, since its inception in 2016, both as a developer and a partner to non-profit developers of affordable housing. In 2017, MWCLT was designated as Richmond's land bank, and vested with the task of supporting and enabling the creation of affordable and permanently affordable housing throughout the city. The opportunity to increase density on this site while keeping in character with the neighborhood aligns with the goals of the Richmond Land Bank, as well as MWCLT's work plan to have 150 permanently affordable homes in our portfolio over the next three years, which our governing board has enthusiastically supported. We are on track to meet this goal, as we are slated to welcome our 50th homeowner by the end of this year!

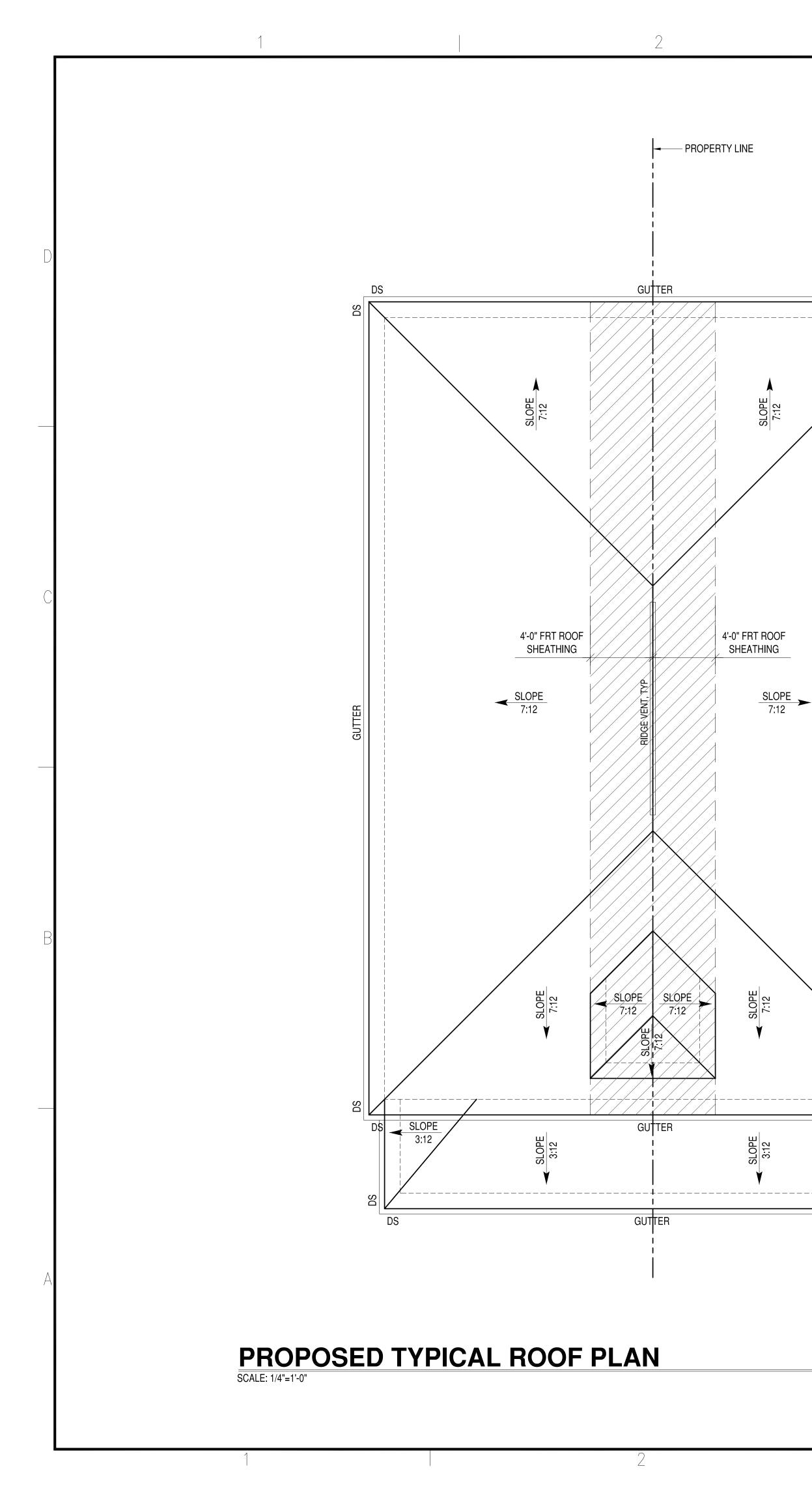
All six homes on the newly subdivided lot will be built at a density and architectural style in character with the neighborhood. MWCLT generally works with WMBE certified Class A contractors during construction, and plans to utilize both our own network of contractors along with public databases to make this project no exception. The development and maintenance of high-quality affordable housing stock is beneficial to safety, health and general welfare of a given community. These new units are sited next to three preexisting, similarly-sized duplexes used for rentals, so the proposed density would not be out of character for the area. Additionally, the Richmond 300 plan has designated this neighborhood for mixed use, meaning that the development of high quality tight-knit and denser environments aligns with the future land use for this area. The opportunity to develop six quality, affordable units on this site contributes to the overall health of the community and aligns with city planning goals.

Two parking spaces per unit will be provided onsite to avoid unnecessary congestion in streets, alleys, and public ways. The neighborhood has ample street parking and generally low amounts of vehicular traffic. Additionally, a gravel driveway will be installed and managed by an ingress/egress easement shared equally between all of the homeowners. MWCLT will provide

stewardship assistance and support in coordinating this easement between the households. The construction of the proposed attached homes will be fully code compliant and inspected by city officials throughout the process, thus avoiding hazards from fire, panic, and other dangers. The attached single family homes would have a footprint not exceeding 30% of the total lot size, and would each be occupied by one household, avoiding undue concentration of population or overcrowding of land. All setbacks will conform with code. None of the homes will have elevations exceeding that of the neighboring buildings, and therefore they will not interfere with adequate light and air in the neighborhood.







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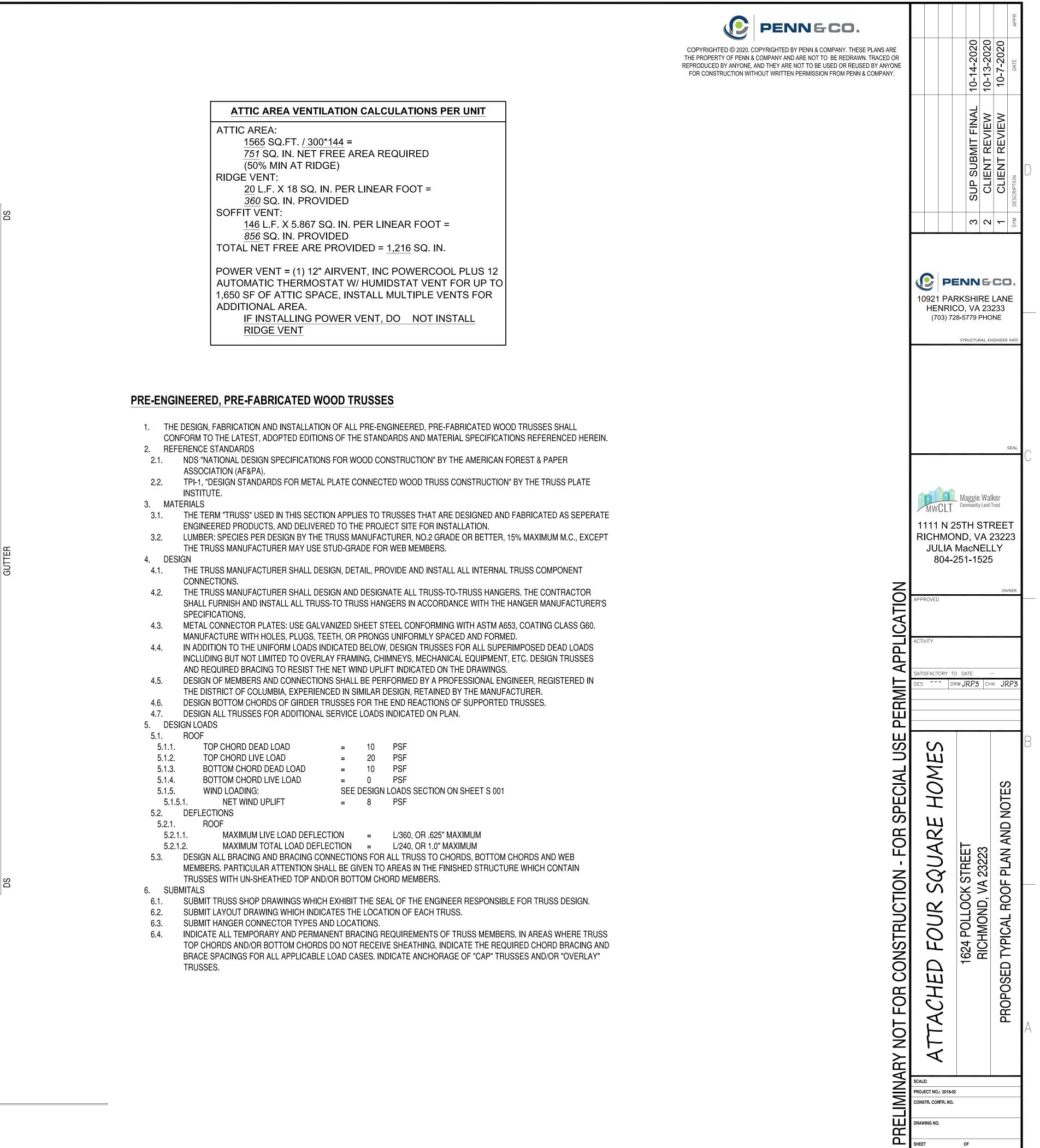
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