INTRODUCED: September 13, 2021

AN ORDINANCE No. 2021-264

To authorize the special use of the property known as 407 West Duval Street for the purpose of a multifamily dwelling containing up to three dwelling units, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: OCT 11 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 407 West Duval Street, which is situated in a R-53 Multifamily Residential District desires to use such property for the purpose of a multifamily dwelling containing up to three dwelling units, which use, among other things, is not currently allowed by sections 30-418.4, concerning lot area and width, and 30-418.5, concerning yards, 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	OCT 11 2021	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 (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 407 West Duval Street and identified as Tax Parcel No. N000-0210/019 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Proposed Improvement at #407 Duval Street, in the City of Richmond, Virginia," prepared by Frederick A. Gibson & Associates, P.C., and dated January 18, 2021, 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 multifamily dwelling containing up to three dwelling units, hereinafter referred to as "the Special Use," substantially as shown on the survey entitled "Plat Showing Proposed Improvement at #407 Duval Street, in the City of Richmond, Virginia," prepared by an Frederick A. Gibson & Associates, P.C., and dated January 18, 2021, and the plans entitled "407 Duval St.," prepared by River Mill Development, and dated November 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 a multifamily dwelling containing up to three dwelling units, substantially as shown on the Plans.

(b) No parking shall be required for the Special Use.

(c) Secure storage for at least one bicycle shall be provided within each dwelling unit.

(d) All building materials and site improvements, including, but not limited to, building finishes and landscaping, shall be substantially as shown on the Plans.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), 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 (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: Camein D. Ril

City Clerk

2021-395



City of Richmond

Item Request File Number: PRE.2021.773 900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov

O & R Request

DATE:	August 12, 2021	EDITION:1
TO:	The Honorable Members of City Council	
THROUGH:	The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by (This in no way reflects a recommendation on behalf of the M	Request) A.A.
THROUGH:	J.E. Lincoln Saunders, Acting Chief Administrative Office	TELS
THROUGH:	Sharon L. Ebert, Deputy Chief Administrative Officer for Planning	Economic Development and
FROM:	Kevin J. Vonck, Acting Director, Dept. of Planning and De	evelopment Review Kind Vork
RE:	To authorize the special use of the property known as 407 of a multi-family dwelling containing up to 3 dwelling uniconditions.	
ORD. OR RE	S. No.	

PURPOSE: To authorize the special use of the property known as 407 West Duval Street for the purpose of a multi-family dwelling containing up to 3 dwelling units, upon certain terms and conditions.

REASON: The applicant is requesting to authorize the special use of the property known as 407 West Duval Street for the purpose of a multi-family dwelling containing up to 3 dwelling units, upon certain terms and conditions. The property is located in an R 53 Multifamily Residential District. While the proposed use is permitted in the R-53 District, the lot area, yard (setback), off-street parking, and useable open space requirements are not met for multi-family dwelling with the proposal. Therefore, a special use permit is necessary to authorize the proposed multi-family dwelling.

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 October 4, 2021, meeting.

BACKGROUND: The subject property consists of a single parcel of land that has a lot area of 2,075 square feet (0.048 acres) and is currently vacant. The property is located in the Jackson Ward neighborhood on the south side of West Duval Street, between Judah Street and Brook Road.

The subject property is located within the R 53 Multifamily Residential District. The three-unit multi-family building does not meet the lot area, yard (setback), useable open space, or off-street parking requirement for a three-unit multi-family dwelling in the R-53 District.

Richmond 300 recommends a future land use of "Neighborhood Mixed-Use" for the property. The primary uses recommended for Neighborhood Mixed-Use are single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units) and open space. Secondary uses include large multi-family buildings (10+ units), retail/office/personal service, institutional, cultural and government. The intensity recommended for Neighborhood mixed-use is typically two to four stories, with more height permissible along major streets. The development style should be compatible with the existing context. Setbacks, plazas and parks can help create a sense of place and community gathering areas. New developments on larger parcels should continue or introduce a gridded street pattern. In historic neighborhoods, small-scale commercial buildings should be introduced. Ground floors should engage the street with features such as street-oriented facades. Appropriate setbacks, open space, front porches, elevated ground floors and other features that provide a sense of privacy should be provided for residential uses. Pedestrian, bicycle, and transit access must be accommodated, and bike parking must be provided.

The subject property also falls within the "Downtown-Jackson Ward" priority growth node as shown on the land use map of Richmond 300. The plan envisions this area to continue to be predominantly residential with non-residential uses scattered throughout at corners and along major roads. New infill development is encouraged to incorporate high-quality architecture and complement the character of historic buildings.

A mix of single-family, two-family and multi-family dwellings exist in the immediate vicinity. Interstate 95/64 is located directly across West Duval Street front the subject property.

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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 13, 2021

CITY COUNCIL PUBLIC HEARING DATE: October 11, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission October 4, 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: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-5648

Application for SPECIAL USE PERMIT

RICHMOND

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: 407 W Duval St.	Date: 8/17/2020
Tax Map #: N0000210019 Fee: \$1,800	
Total area of affected site in acres: 0.048	

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

Zoning

Current Zoning:	R-53	

Existing	l Ise	Vacant		
	USE.			

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report) Three (3) unit multi-family dwelling

Existing Use: Vacant

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: 1519 Summit Ave., Suite 102		
City: Richmond	State: VA	Zip Code: 23230
Telephone: _(804) 874-6275	Fax: _()
Email: markbaker@bakerdevelopmentresources.com		

Property Owner: Kyle 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 7075	
City: Richmond	State: VA Zip Code: 23221
Telephone: (270) 779-8468	Fax:_(
Email: kylehjohnston@gmail.com	26
Property Owner Signature:	2-5-5-

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

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

APPLICANT'S REPORT

February 2nd, 2021 As revised April 6th, 2021

Special Use Permit Request 407 W Duval Street, Richmond, Virginia Map Reference Number: N000-0210/019

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 (the "SUP") for 407 W Duval Street (the "Property"). The SUP would authorize the construction of a three-unit multi-family dwelling on the vacant Property. As proposed, some of the features do not conform to the underlying R-53 feature requirements applicable to the Property under this proposal.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the south side of W Duval Street between Judah Street and Brook Road. The Property is referenced by the City Assessor as tax parcel N000-0210/019. The Property is a vacant lot that is roughly 25 feet wide by 83 feet in depth and contains approximately 2,075 square feet in lot area.



Applicant's Report Page 3 of 5 407 W. Duval Street The properties on the block include single family detached dwellings, multifamily dwellings, and undeveloped vacant lots. To the south, fronting Leigh Street, are single family dwellings. West along North Duval Street there is are two apartment complexes and to the east there exist two single family detached homes. To the north is the I-95/I-64 Richmond-Petersburg Turnpike right of way.

EXISTING ZONING

The Property is zoned R-53 Multifamily Residential, which does permit the proposed multifamily dwelling use provided that a lot area of 5,000 square feet. The surrounding properties to the south are zoned R-6 Single-Family Attached Residential. To the east properties are zoned B-2 Community Business and farther to the west the properties are zoned R-63 Multifamily Urban Residential.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan"), which was approved by Richmond City Council at their December 14th meeting, suggests Neighborhood Mixed-Use for the Property. The Master Plan suggests this future land use designation includes areas that are predominately residential with a small percentage of parcels providing retail, office, personal service, and institutional uses. Within this designation, the encouraged primary uses are single-family dwellings, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. The development style desired is one of a variety of building types that are close to one another and create a unified street wall, while also being respectful of historical development patterns, forms, and densities (p. 56). Furthermore, the immediate vicinity is designated as being in the Jackson Ward "National/Regional Node" according to the Nodes Map (figure 10, p. 25). A national/regional node is "a center with significant cultural, entertainment, government, and business destinations as well as shopping, housing, and unique place-based attractions," (p. 24).

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request, especially when considering its location within the Jackson Ward National/Regional Node as delineated in the Master Plan. In the High-Quality Places chapter, Objective 1.3, "to support the growth of housing in nodes," is supportive of this request, as it would increase the density in an efficient and respectful manner over that which would be permitted by-right. Objective 4.1 of that same chapter, which is to "create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City," is respected by this request as it seeks to validate, not dismiss, the unique development pattern found throughout the Jackson Ward neighborhood. Lastly, the Inclusive Housing chapter, Objective 14.5, to "encourage more housing types throughout the City and greater density...at nodes..." supports this request, as it is a more efficient use of the Property than could be achieved by-right in the R-63 zoning district.

Proposal

PROJECT SUMMARY

The proposed development includes the construction of a three-unit multifamily dwelling on the Property.

PURPOSE OF REQUEST

The Property consists of a single lot of record that is of typical size and configuration for the vicinity. The Property has a lot width of roughly 25.00' and contains approximately 2,075 square feet of lot area. The owner would like to construct a three-family dwelling on the Property. The R-53 district does permit multifamily dwellings; however, the required lot area cannot 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 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 proposed three-story, multifamily dwelling at 407 Duval Street has been designed to present the appearance of a traditional row home from the street. The building would be clad in high quality building materials including horizontal lap cementitious siding for durability.

Each of the three dwelling unit would have its own entrance with a single entrance facing Duval Street and two entrances on the eastern side of the dwelling. Each dwelling will be of similar design with three bedrooms and two bathrooms. The three-story dwelling units would be unique and desirable in the market. The first floor would consist of an open living and dining area while the second and third floor would each consist of a total of three bedrooms and two bathrooms. The dwelling units are designed to ensure functional living areas that are provided with ample natural light. Three separate outdoor areas would provide for convenient usable outdoor space for the residents of each unit, including: a full-width front porch, a rear patio area, and a covered third floor outdoor space.

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

• Be detrimental to the safety, health, morals and general welfare of the community involved.

The proposed 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 SUP will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation of three dwelling units will create no

congestion on streets, roads, alleys or any other public right of way. Furthermore, the Property lies within walkable distance to a number of high-frequency transit lines, such as the Pulse line, the "1" routes, and the 2" routes—all of which offer convenient connectivity to a number of neighborhoods throughout the City.

• 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 SUP 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.

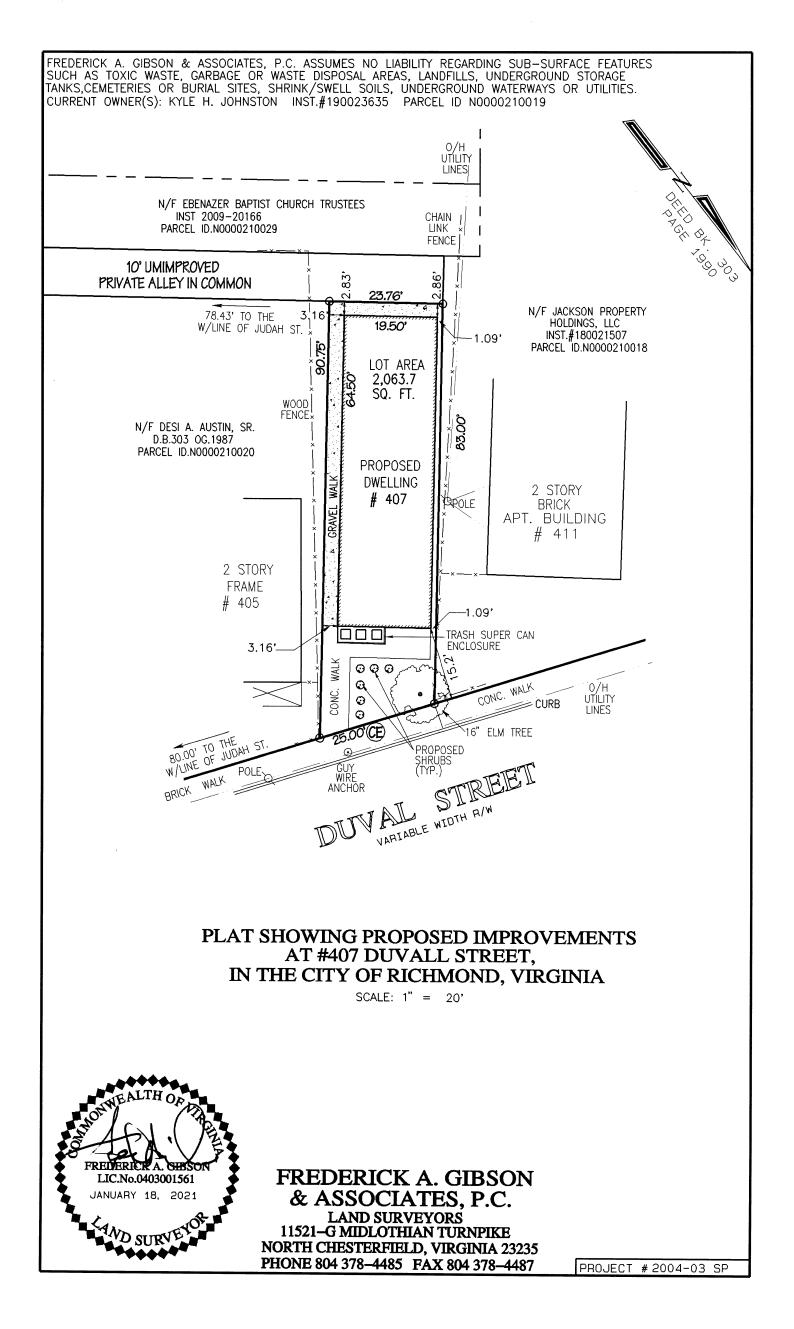
The proposed SUP would not adversely affect the above referenced City services.

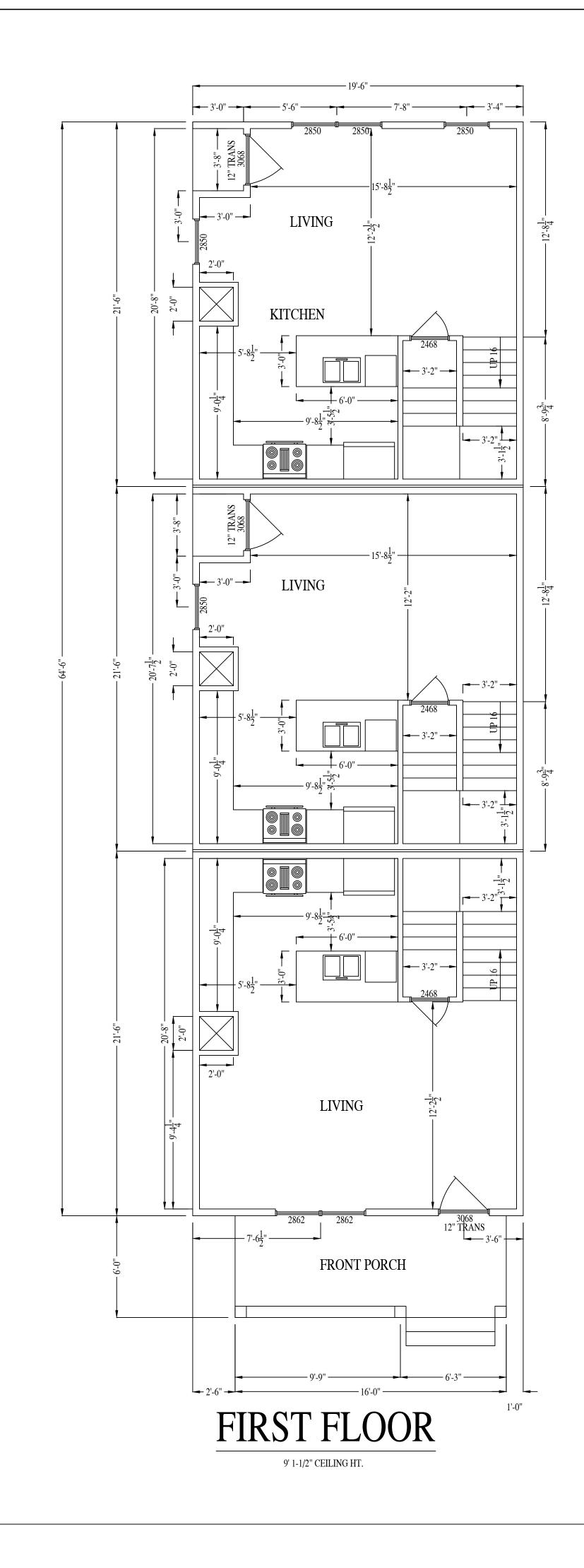
• Interfere with adequate light and air.

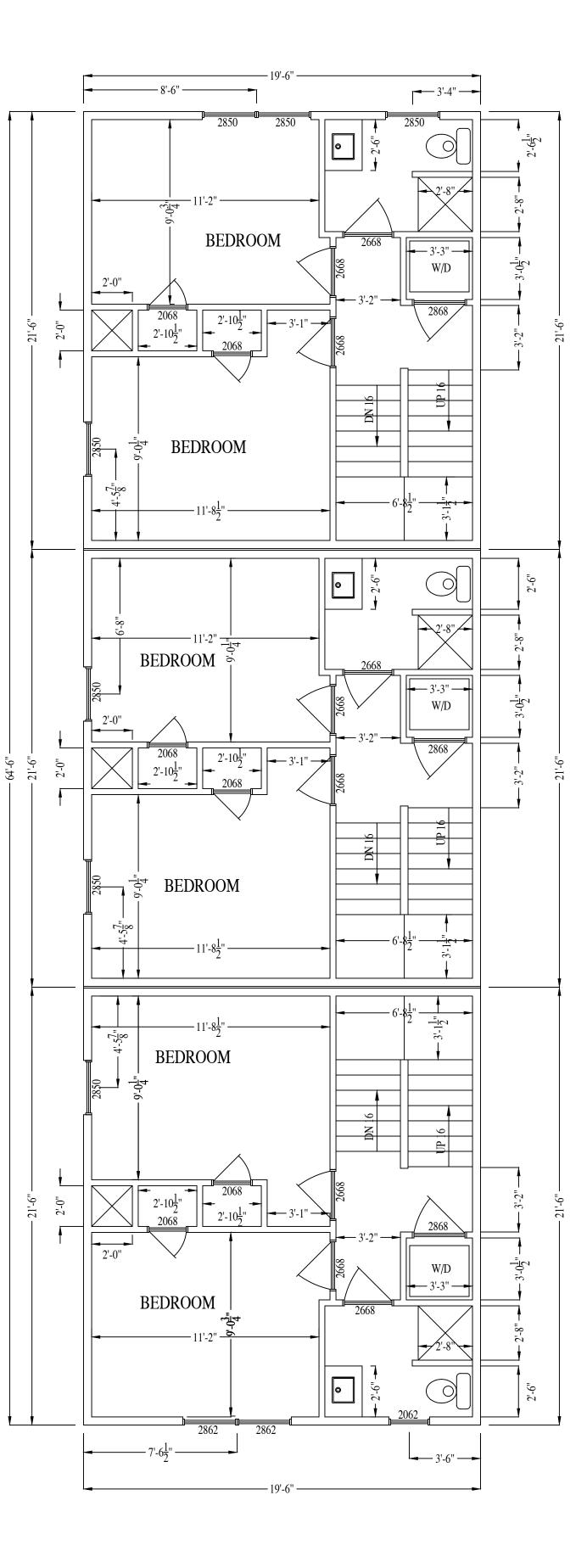
The light and air available to the subject and adjacent properties will not be affected. The proposed building is of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

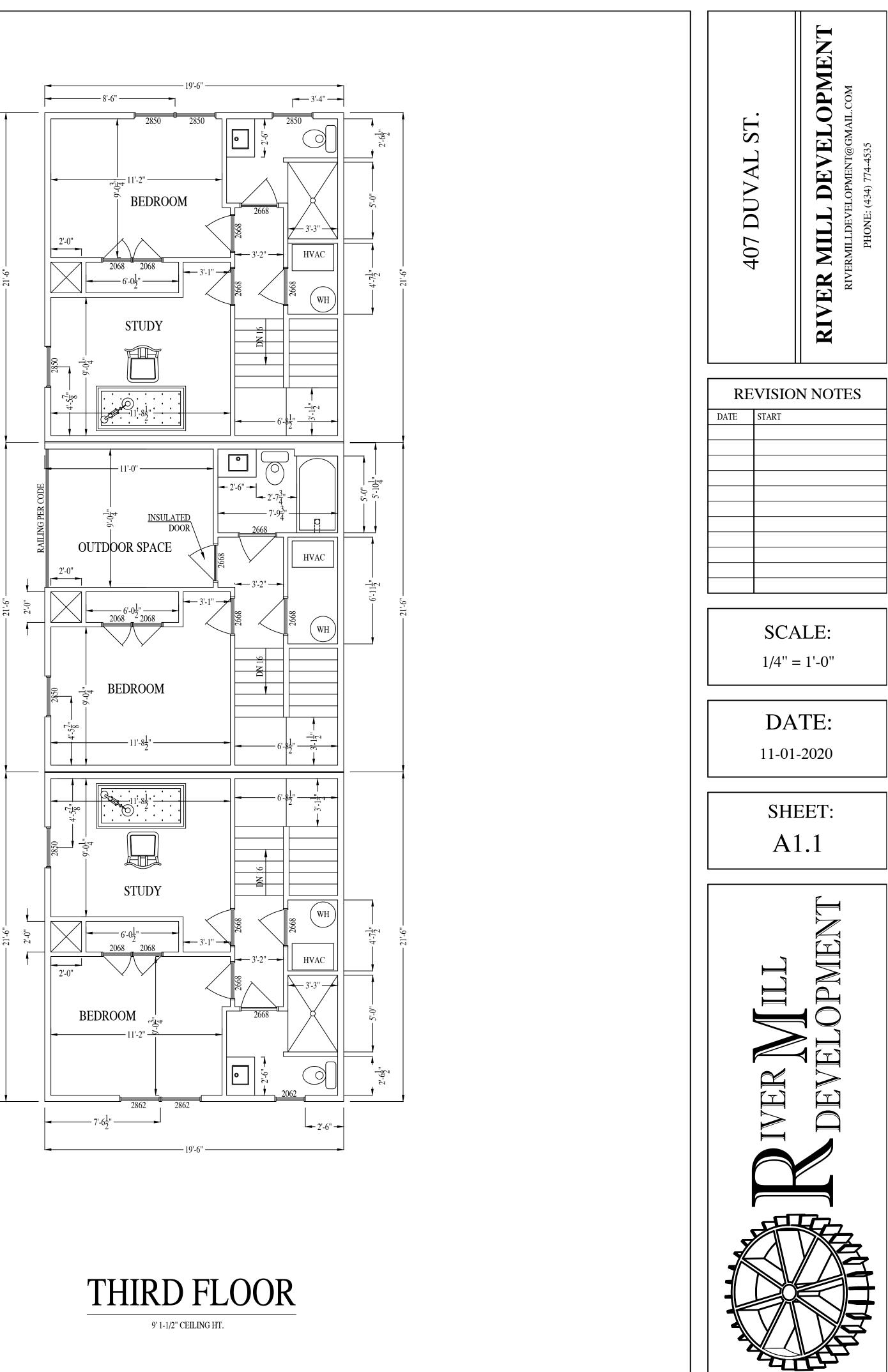
Summary

In summary we are enthusiastically seeking approval for the construction of the proposed multifamily 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. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.













9' 1-1/2" CEILING HT.

