



Legislation Details (With Text)

File #: ORD. 2021-325 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 6/2/2021 **In control:** City Council

On agenda: 12/6/2021 **Final action:** 12/13/2021

Title: To authorize the special use of the property known as 3415 A Floyd Avenue for the purpose of a two-family dwelling and two single-family detached dwellings, upon certain terms and conditions. (1st District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2021-325, 2. Staff Report 3415-A Floyd Ave, 3. Application Form & Applicant's Report, 4. Plans & Survey, 5. Map, 6. Opposition_Museum District Association, 7. 3415A Floyd Opposition 9_1_20.pdf, 8. 3415A Floyd Avenue Infill Project, 9. Matthew Dowdy Petition Signature, 10. Tom Williamson Case for Opposition to 3415 Floyd Plan, 11. Special Use Permit - 3415 Floyd Infill Project, 12. SUP Request for Infill Project In The Alley, LLC, 13. Sent On Behalf of Elaine Kennedy & Linda Crowder, 14. 3400 Block Floyd Avenue Infill Project, 15. 3415A Floyd Avenue Infill Project - "Crenshaw Mews" - W0001596050, 16. Opposition_3412 Ellwood Avenue, 17. Special Use Permit at 3415-A Floyd Avenue, 18. Alley behind 3415 Floyd ave, 19. SUP Museum District, 20. Infill proposal in the Museum District, 21. residential alley infill behind 3400 Floyd Avenue, 22. Special Use Permit 3415A Floyd Avenue (W0001596050), 23. SUP for 3400 Floyd Ave, 24. Museum District infill proposal for 3400 block Ellwood Floyd, 25. Opposition_3400 Ellwood Avenue, 26. IMPORTANT Nextdoor Website--the MDA and Rezoning, 27. Fwd Crenshaw Mews - SUP 3415 A Floyd Ave, 28. Opposition_Terminella, 29. SUP, 30. Not in favor of Special Use Permit 3415A Floyd Avenue (W0001596050), 31. OPPOSE 3400 Block Dwelling Proposal Between Floyd and Ellwood, 32. Letter of Opposition Alley Infill, 33. Opposition_3431 Floyd Ave, 34. Letter of Opposition to SUP 3415A Floyd Avenue from Joseph Michael, 35. objection to 3415 Floyd alley Crenshaw Mews special use permit, 36. SUP for 3415A Floyd Av, 37. Museum District Development - 3400 Floyd Ellwood, 38. Signed Petition from Surrounding Neighbors, 39. Joseph Michael Opposition Letter, 40. Opposition_Parch, 41. Opposition_Reynolds_3426 Ellwood Ave, 42. Signed Petition from Surrounding Neighbors_Additional Signatures, 43. Opposition_Wilson_3432 Floyd Ave, 44. Opposition_Dunnivant_105 Lucerne Lane, 45. Opposition_Shugars_3113 Floyd Ave, 46. Opposition_Headley_3426.5 Ellwood Ave, 47. Opposition_North, 48. Opposition_Carrera_3015 Grove Ave, 49. Opposition_Ramussen, 50. Opposition_Telfer, 51. Opposition_Kyryk_3403 Ellwood Ave, 52. Opposition_Thomasson_15 N Nansemond St, 53. Letters of Support, 54. Support_Bunn, 55. Support_McGrath_3405 Floyd Ave, 56. Support_Mills_7 N Arthur Ashe Blvd, 57. Support_McGann_3315 Park Ave, 58. 3415-A Floyd Ave PC Presentation, 59. Public Hearing Handout_Shelby Crouch, 60. Public Hearing Handout_Mark Kronenthal Slides

Date	Ver.	Action By	Action	Result
12/13/2021	1	City Council	adopted	Pass
12/6/2021	1	Planning Commission	recommended for approval	Pass
11/8/2021	1	City Council	introduced and referred	

To authorize the special use of the property known as 3415 A Floyd Avenue for the purpose of a two-family dwelling and two single-family detached dwellings, upon certain terms and conditions. (1st District)

WHEREAS, the owner of the property known as 3415 A Floyd Avenue, which is situated in a R-6

Single-Family Attached Residential District, desires to use such property for the purpose of a two-family dwelling and two single-family detached dwellings, which use, among other things, is not currently allowed by sections 30-412.5(1)(b), concerning side yards, 30-412.5(2)(a), concerning front yards, and 30-610.1, concerning public street frontage and access easements, 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 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 3415 A Floyd Avenue and identified as Tax Parcel No. W000-1596/050 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Boundary and Topographic Survey of Lot and Improvements Thereon Located on Tax Parcel W0001596050, Richmond, Virginia,” prepared by A.G. Harocopos & Associates, P.C., and dated February 6, 2019, provided as an inset on the plans entitled “Crenshaw Mews,” prepared by Full Scale Architecture, and dated February 12, 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 dwelling and two single-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Crenshaw Mews,” prepared by Full Scale Architecture, and dated February 12, 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 dwelling and two single-family detached dwellings, substantially as shown on the Plans. The dwellings may be located on one parcel or, if a subdivision into three residential lots is accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond, substantially as shown on sheet A0 of the Plans, using each of the lines labelled as “Imaginary Property Line,” on three parcels.

(b) At least 11 off-street parking spaces shall be provided for the Special Use of the Property, substantially as shown on the Plans.

(c) All building materials, elevations and site improvements, including landscaping and fencing with a maximum height of eight feet, shall be substantially as shown on the Plans, subject to applicable regulations of the West of the Boulevard Design Overlay District, pursuant to sections 30-940 through 30-940.9 of the Code of the City of Richmond (2020), as amended.

(d) The height of the Special Use shall not exceed two stories, 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) The Property shall not be eligible for any permit implementing the Special Use until the Owner has submitted written evidence to the Zoning Administrator that the Director of Public Works, the Chief of Police, and the Chief of Fire and Emergency Services have confirmed that alley access to the Property for all-weather travel by public and emergency vehicles is appropriate in accordance with applicable laws and regulations

(g) Prior to the issuance of any certificate of occupancy for the Special Use, the Owner shall submit a request to name the primary alley access to the Property in accordance with sections 8-7 through 8-10 of the Code of the City of Richmond (2020), as amended, and such alley shall be named pursuant to sections 8-7 through 8-10 of the Code of the City of Richmond (2020), as amended.

§ 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.

O & R Request

DATE: August 30, 2021

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer

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

FROM: Kevin J. Vonck, Acting Director, Department of Planning and
Development Review

RE: To authorize the special use of the property known as 3415-A Floyd Avenue for the purpose of a
two-family dwelling and 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 3415-A Floyd Avenue for the purpose of a
two-family dwelling and two single-family detached dwellings, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize the construction of a two-family
dwelling and two, single-family detached dwellings upon a lot that does not front a primary street within an R-6
Single Family Attached Residential District. The proposed new dwellings, among other things, are not
permitted by Sections 30-610.1, 30-412.5(1)b, and 30-412.5(2)a, regarding public street frontage and access
easements, side yards, and front yards for two-family attached dwellings, respectively, of the Code of the City
of Richmond (2020), as amende. 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 October 18, 2021, meeting.

BACKGROUND: The property is located in the Museum District neighborhood within an interior lot of a
block that is bounded by Floyd Avenue to the north and Ellwood Avenue to the south. The property is currently
a 9,270 sq. ft. (.213 acre) parcel of land and is improved with an 800 sq. ft., one-story garage constructed in
1900.

The City’s Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood
Mixed-Use which is defined as “Existing or new highly-walkable urban neighborhoods that are predominantly
residential with a small, but critical, percentage of parcels providing retail, office, personal service, and
institutional uses.” (p. 56)

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

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. The area is primarily single-family residential, with some commercial, and two-family residential present in the vicinity. The density of the proposed development would be approximately 18 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: September 27, 2021

CITY COUNCIL PUBLIC HEARING DATE: November 8, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
October 18, 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

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: