



Legislation Details (With Text)

File #: ORD. 2021-274 **Version:** 2 **Name:**

Type: Ordinance **Status:** Adopted

File created: 6/14/2021 **In control:** City Council

On agenda: 10/18/2021 **Final action:** 11/8/2021

Title: To authorize the special use of the property known as 1108 North 28th Street for the purpose of up to three single-family attached dwellings, upon certain terms and conditions. (7th District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2021-274, 2. Staff Report 1108 N. 28th, 3. Ord. No. 2021-274, 4. Application Form and Applicant's Report, 5. Plans, 6. Survey, 7. Map

| Date | Ver. | Action By | Action | Result |
|------------|------|---------------------|--------------------------|--------|
| 11/8/2021 | 2 | City Council | adopted | Pass |
| 10/18/2021 | 2 | Planning Commission | recommended for approval | |
| 9/27/2021 | 2 | City Council | introduced and referred | |

To authorize the special use of the property known as 1108 North 28th Street for the purpose of up to three single-family attached dwellings, upon certain terms and conditions. (7th District)

WHEREAS, the owner of the property known as 1108 North 28th Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of up to three single-family attached dwellings, which use, among other things, is not currently allowed by section 30-412.4, 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 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 1108 North 28th Street and identified as Tax Parcel No. E000-0521/010 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Map Showing the Improvements on No. 1108 N 28th Street in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated July 13, 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 up to three single-family attached dwellings, hereinafter referred to as “the Special Use,”

substantially as shown on the plans entitled “Three New Attached 2-Story Single-Family Houses in Richmond’s Church Hill North Neighborhood, 1108 N 28th St. House, 1108 North 28th Street, Richmond, Virginia,” prepared by Chris Wolf Architecture, PLLC, and dated December 13, 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 up to three single-family attached dwellings, substantially as shown on the Plans.

(b) Three off-street parking spaces shall be provided to the rear of the Property.

(c) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.

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

(e) Prior to the issuance of any certificate of occupancy for the Special Use, the subdivision of the Property into three lots, substantially as shown on the Plans, shall be 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.

§ 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 26, 2021

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

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 1108 North 28th Street for the purpose of allowing up to three single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1108 North 28th Street for the purpose of allowing up to three single-family attached dwellings, upon certain terms and conditions.

REASON: The subject property is located in the R-6 Single-Family Attached Residential Zoning District. The series of three attached single-family dwellings is a permitted use in this zoning district. However, as proposed the lots cannot meet the average unit width requirement and the side yard setback for end units. Therefore a special use permit amendment is required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its October 18, 2021 meeting.

BACKGROUND: The .181 acre subject property is located on the western side of North 28th Street between Q and R Streets. Alleys run along the rear property line and the southern property line. It is currently improved with a 1,056 square foot home and is located in the Church Hill North neighborhood.

The subject property is slightly greater than three-times the width of adjacent properties on the block and contains a single-family dwelling. The proposed redevelopment calls for the demolition of this dwelling, subdividing the property into three parcels, and the subsequent construction of three single-family attached dwellings. The lot width requirement for the R-6 Single-Family Attached district is 20 feet. Fourteen existing lots on the block do not meet this width are legally nonconforming properties. The proposed lots will be approximately 19 feet in width but will otherwise meet the lot feature requirements for the zoning district. The yield of the proposed subdivision is consistent with the lot makeup on the block where the subject property is located.

The Richmond 300 Master Plan recommends Neighborhood Mixed-Uses for the Property. These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context.

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft.

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 net density of the two-family attached structure is approximately 16 units per acre.

All properties surrounding the subject property are located within the same R-6 Single-Family Attached Residential Zoning District. Within the area of the subject property, properties are improved with single-family and two-family attached dwellings.

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: City Planning Commission October 18, 2021

AFFECTED AGENCIES: Office of Chief Administration Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application and Narrative, Property and Plans, Map

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

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: