



Legislation Details (With Text)

File #: ORD. 2021-278 **Version:** 1 **Name:**
Type: Ordinance **Status:** Adopted
File created: 7/20/2021 **In control:** City Council
On agenda: 11/8/2021 **Final action:** 11/8/2021

Title: To authorize the special use of the properties known as 6900 Patterson Avenue and 6904 Patterson Avenue for the purpose of (i) up to seven single-family attached dwellings; (ii) either one single family detached dwelling or offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; and (iii) one common area, upon certain terms and conditions. (1st District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2021-278, 2. Staff Report 6900 Patterson Ave, 3. Plans & Survey, 4. Map, 5. Opposition_Barkstrom, 6. Opposition-Thompson, 7. Henrico County Planning Guidance, 8. 2020 Petition of Opposition, 9. Updated Opposition Letter_Dunreath

Date	Ver.	Action By	Action	Result
11/8/2021	1	City Council	adopted	Pass
11/1/2021	1	Planning Commission	recommended for approval	Pass
10/18/2021	1	Planning Commission	recommended for continuance	Pass
9/27/2021	1	City Council	introduced and referred	

To authorize the special use of the properties known as 6900 Patterson Avenue and 6904 Patterson Avenue for the purpose of (i) up to seven single-family attached dwellings; (ii) either one single family detached dwelling or offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; and (iii) one common area, upon certain terms and conditions. (1st District)

WHEREAS, the owner of the properties known as 6900 Patterson Avenue and 6904 Patterson Avenue, which are situated in a R-4 Single-Family Residential District, desires to use such properties for the purpose of (i) up to seven single-family attached dwellings; (ii) either one single family detached dwelling or offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; and (iii) one common area, which use, among other things, is not currently allowed by section 30-408.1 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 properties known as 6900 Patterson Avenue and 6904 Patterson Avenue and identified as Tax Parcel Nos. W021- 0100/010 and W021-0100/009, respectively, in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “ALTA/NSPS Land Title Survey Showing Improvements to Tax Parcels W021-0100/010 & W021-0100/009, Being #6900 & #6904 Patterson Avenue, City of Richmond Virginia,” prepared by Shadrach & Associates LLC, and dated November 9, 2019, 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 (i) up to seven single-family attached dwellings; (ii) either one single family detached dwelling or offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; and (iii) one common area, hereinafter referred to as “the Special Use,” substantially as shown on the survey entitled “ALTA/NSPS Land Title Survey Showing Improvements to Tax Parcels W021-0100/010 & W021-0100/009, Being #6900 & #6904 Patterson Avenue, City of Richmond Virginia,” prepared Shadrach & Associates LLC, and dated November 9, 2019, and the plans entitled “6900 Patterson,” prepared by Gradient, dated January 21, 2020, and last revised July 15, 2021, “Cite Design,” prepared by The Cite Design Office, and dated April 27, 2021, and “Patterson Row House, Richmond, Virginia,” prepared by

Yellow Room Incorporated, and dated March 17, 2021, 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 (i) up to seven single-family attached dwellings; (ii) either one single family detached dwelling or offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; and (iii) one common area, substantially as shown on the Plans.

(b) Nine off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.

(c) The height of the Special Use shall not exceed three stories, substantially as shown on the Plans.

(d) All elevations, building materials, and site improvements, including 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.

(f) In addition to the signs permitted by the underlying zoning regulations, signs permitted by section 30-507.1 of the Code of the City of Richmond (2020), as amended, shall be permitted on the Property.

(g) Prior to the issuance of a certificate of occupancy for the Special Use, the subdivision of up to eight residential lots, and one commonly owned lot, 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) The Owner shall make improvements within the public right-of-way, including new street tree along Charles Street, new sidewalk along Charles Street, a new drive entrance to Charles Street, and five new on-street parking spaces along Charles Street, substantially as shown on the Plans, 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.

O & R Request

DATE: August 26, 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 properties known as 6900 and 6904 Patterson Avenue for the purpose of permitting up to seven single-family attached dwellings, one single-family detached dwelling, and common area, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 6900 and 6904 Patterson Avenue for the purpose of permitting up to seven single-family attached dwellings, one single-family detached dwelling, and common area, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for a single-family attached dwellings within an R-4 Single Family Residential District. The proposed use does not meet varied feature requirements within the R-4 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 October 18, 2021, meeting.

BACKGROUND: The property is located in the Three Chopt neighborhood at the corner of Patterson Avenue and Charles Street. The properties are currently a 9,132 sq. ft (.21 acre) and a 12,009 sq. ft. (.27 acre) parcel of land, with a 2,042 sq. ft. single-family detached dwelling constructed, per tax assessment records, in 1947. The application calls for the two parcels to be subdivided into nine (9) individual lots with a common, open-space and off-street parking lot.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed Use. This designation is defined as a "Cluster of medium density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions." (p. 58)

The current zoning for this property is R-4 (Single Family Residential). Adjacent properties to the east and south are located within the same R-4 Residential Zone. Properties to the north at the intersection of Patterson Avenue and Three Chopt Road are zoned B-2 Community Business District. The surrounding land uses include primarily residential with some commercial and institutional uses to the north and west of the property. The density of the properties, if constructed as proposed, would be approximately 17 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: City 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: