



Legislation Details (With Text)

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Type: Ordinance **Status:** Consent Agenda

File created: 5/20/2024 **In control:** City Council

On agenda: 11/12/2024 **Final action:**

Title: To authorize the special use of the property known as 1220 West Cary Street for the purpose of a multifamily building containing up to 12 dwelling units, upon certain terms and conditions. (As Amended) (5th District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. 2024-198 - Amended 20240923, 2. 20240923 Amendment of Ord. No. 2024-198, 3. Staff Report, 4. Public Comment_Council

Date	Ver.	Action By	Action	Result
10/15/2024	1	City Council		
9/23/2024	1	City Council	amended and continued	
9/9/2024	1	City Council	continued	
9/3/2024	1	Planning Commission		
7/22/2024	1	City Council	introduced and referred	

To authorize the special use of the property known as 1220 West Cary Street for the purpose of a multifamily building containing up to 12 dwelling units, upon certain terms and conditions. (As Amended) (5th District)

WHEREAS, the owner of the property known as 1220 West Cary Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a multifamily building containing up to 12 dwelling units, which use, among other things, is not currently allowed by section 30-419.5, concerning lot area and 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 1220 West Cary Street and identified as Tax Parcel No. W000-0441/025 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Topographic Survey of 1218-1220 West Cary Street,” prepared by ThomaSurveying, and dated August 23, 2023, 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 building containing up to 12 dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on sheets C-101 and C-104 of the plans entitled “1220 West Cary Street Residential Development,” prepared by sekivsolutions, dated December 8, 2023, and last revised March 22, 2024 and on sheet A1.01 of the plans entitled “Cary Street Apartments, Special Use Permit, 1218-1220 W Cary ST, Richmond, VA 23220,” prepared by 510 Architects, dated December 14, 2023, and last revised May 7, 2024, 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 building containing up to 12 dwelling units, substantially as shown on the Plans.

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

(c) All building materials, elevations, and site improvements 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) Interior doors to bedrooms within dwelling units may contain exterior locking mechanisms.

(f) Leases of occupancy shall be 30 days or greater in length and may include separate rental

agreements for different occupants of the same unit.

§ 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 1,096 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.

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: June 27, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)

(This in no way reflects a recommendation on behalf of the Mayor)

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

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 1220 West Cary Street for the purpose of a multifamily building containing up to 12 dwelling units, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize a twelve-unit multifamily building within an R-63 Multifamily Urban Residential District. While the use is permitted the overall requirements for lot area and width are not met. A Special Use Permit is therefore required.

BACKGROUND: The property is located in the Fan neighborhood on West Cary Street between South Morris and South Brunswick Streets. The property is currently a 8,250 sq. ft. (.19 acre) improved parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed Use, which is defined as "Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions."

Intensity: Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build-to line after matching the height of the predominant cornice line of the block. Primary Uses: Retail/office/personal service, multi-family residential, cultural, and open space. Secondary Uses: Single-family houses, institutional, and government. (p. 58)

The current zoning for this property is R-63 Multifamily Urban Residential District. All adjacent and nearby properties along West Cary Street are of the same R-63 zone. Some properties to the north and south are zoned Urban Business and R-7 Single-and Two-Family Urban Residential, respectively. The area is primarily a mix of commercial and multifamily residential, with some single-family residential and institutional uses present in the vicinity. The proposed density of the parcel is 12 units upon .19 acres, or 63 units per acre.

COMMUNITY ENGAGEMENT: The Fan District Association, Uptown Association, and Fan Area Business Alliance were notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 22, 2024

CITY COUNCIL PUBLIC HEARING DATE: September 9, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, September 3, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734