



Legislation Text

File #: ORD. 2018-306, **Version:** 1

To authorize the special use of the properties known as 623 North 30th Street, 3001, 3005, and 3009 M Street, and a portion of North 30th Street and a portion of M Street, for the purpose of up to five single-family attached dwellings, upon certain terms and conditions.

WHEREAS, the owner of the properties known as 623 North 30th Street, 3001, 3005, and 3009 M Street, and a portion of North 30th Street and a portion of M Street, closed to public use and travel by Ordinance No. 2018 - _____, adopted _____, 2018, which are situated in a R-63 Multifamily Urban Residential District, desires to use such properties for the purpose of up to five single-family attached dwellings, which use, among other things, does not meet the requirements of sections 30-419.5(2), concerning lot area, and 30-419.8, concerning lot coverage, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2018), 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 (2015), 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 623 North 30th Street, and 3001, 3005, and 3009 M Street and identified as Tax Parcel Nos. E000-0632/001, E000-0632/004, E000-0632/005, and E000-0632/006, respectively, in the 2018 records of the City Assessor, and a portion of North 30th Street and a portion of M Street closed to public use and travel by Ordinance No. 2018 - _____, adopted _____, 2018, being more particularly shown on a survey entitled “30th & M Subdivision,” prepared by Timmons Group, dated January 22, 2018, and last revised May 11, 2018, 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 five single-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “30th & M Street SUP,” prepared by Christopher Wolf, R. A., and dated May 25, 2018, 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 five single-family attached dwellings, substantially as shown on the Plans. Residential accessory structures customary to single-family dwellings may also be located on the Property.

(b) Two off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(c) All building materials and elevations shall be substantially as shown on the Plans.

(d) The height of the Special Use 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) Prior to the issuance of any final certificate of occupancy for the Special Use, the establishment of five residential lots, substantially as shown on the Plans and survey attached to this ordinance, shall be accomplished by obtaining subdivision approval from the City and by recording the appropriate plats 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 (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the public right-of-way, substantially as shown on the Plans, including three four-foot sidewalks from the proposed dwellings to the existing sidewalks along M Street, 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 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 (2015), 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 (2015), 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 (2015), 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 28, 2018

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

RE: To authorize the special use of the properties known as 623 North 30th Street, 3001, 3005, and 3009 M Street, and a portion of North 30th Street and M Street, for the purpose of permitting five single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 623 North 30th Street, 3001, 3005, and 3009 M Street, and a portion of North 30th Street and M Street, for the purpose of permitting five single-family attached dwellings, upon certain terms and conditions.

REASON: The proposed development consisting of five single-family attached dwellings would not meet current lot area and lot coverage requirements of the underlying R-63 Multi-family Urban Residential 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 15, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of four (4) contiguous parcels (623 North 30th Street, and 3001, 3005, and 3009 M Street) located at the southeast intersection of North 30th Street and M Street. All parcels combined, total 7,903 SF, or .17 acres of partially improved land. All parcels are a part of the Church Hill neighborhood in the East Planning District.

Under the current proposal, the historic two-family dwelling at 623 North 30th Street would be renovated and the lot would be divided to establish the structure as two single-family attached dwellings. Three new single-family attached dwellings would be constructed at 3001, 3005, and 3009 M Street, which are currently unimproved.

A companion ordinance to this special use permit would authorize the vacation of existing City right-of-way so that the existing structure on 623 North 30th Street would no longer encroach into the right-of-way.

The City of Richmond's current Master Plan designates the subject property for Mixed Use Residential uses which include, "...single, two, and multi-family dwellings, live/work units and neighborhood serving commercial uses developed in a traditional urban form. These commercial uses are limited in location, type and scale and are intended to provide for the convenience of urban neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside the neighborhood. Typical zoning classification that may accommodate this land use category: R-63 and R-8. (City of Richmond, Master Plan) The current zoning for these properties is R-63, Multifamily Urban Residential. Areas directly to the Northeast are zoned R-6, Single Family Attached.

Properties to the west, south and east of the subject property are zoned R-63 Multi-family Urban Residential. Properties to the north are located within the R-6 Single-Family Attached Residential District. Nearby properties are also within the City's Church Hill North Old & Historic District. A mix of residential (single-, two-, and multi-family), vacant, office, commercial, utility, and institutional land uses are present in the vicinity.

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

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 24, 2018

CITY COUNCIL PUBLIC HEARING DATE: November 13, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 15, 2018.

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

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

PDR O&R No. 18-42

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: