INTRODUCED: January 11, 2016

AN ORDINANCE No. 2016-014

To authorize the special use of the property known as 1400 North Boulevard for the purpose of a mixed-use development, upon certain terms and conditions.

Patron - Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: FEB 8 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 1400 North Boulevard, which is situated in an M-1 Light Industrial District, desires to use such property for the purpose of a mixed-use development that includes multifamily residential uses and uses permitted on corner lots in the R-63 Multifamily Urban Residential District, which uses, among other things, is not currently allowed by section 30-452.1 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 (2010), 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

AYES:	9	NOES:	0	ABSTAIN:	
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ADOPTED:	FEB 8 2016	REJECTED :		STRICKEN:	

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 property known as 1400 North Boulevard and identified as Tax Parcel No. N000-1598/001 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled "Map Showing the Improvements on 0.4067 Acres of Land Situated at 1400 North Boulevard in the City of Richmond, VA," prepared by Virginia Surveys, and dated April 23, 2015, a copy of which appears as an inset on the coversheet of the plans entitled "Urbancore Development, SUP Permit Application, 1400 N. Boulevard, Richmond, Virginia," prepared by Design Physics Architecture, and dated June 13, 2015, and 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 mixed-use development, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Urbancore Development, SUP Permit Application, 1400 N. Boulevard, Richmond, 1400 N. Boulevard, Richmond, Virginia," prepared by Design Physics Architecture, and dated June 13, 2015, and is attached to be used for the purpose of a mixed-use development, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Urbancore Development, SUP Permit Application, 1400 N. Boulevard, Richmond, Virginia," prepared by Design Physics Architecture, and dated June 13, 2015, 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 use of the Property shall be a mixed-use development consisting of up to 11 dwelling units and ground floor commercial space, served by no fewer than 16 on-site surface parking spaces, substantially as shown on the Plans, except that the balconies shown on the Plans shall not be included unless all necessary approvals by the National Park Service or the Virginia Department of Historic Resources, or both, are obtained. Commercial space may be operated on the second floor in place of the dwelling units. The uses allowed within the commercial space shall be limited to (i) 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 (ii) the permitted principal uses on corner lots in the R-63 Multifamily Urban Residential District pursuant to section 30-419.3 of the Code of the City of Richmond (2015), as amended.

(b) Signage on the Property shall be limited to (i) those signs exempt from the signage regulations of the zoning ordinance by section 30-503 of the Code of the City of Richmond (2015), as amended, (ii) those signs permitted in all zoning districts by section 30-505 of the Code of the City of Richmond (2015), as amended, (iii) signage substantially as shown on the Plan, (iv) wall signage painted on the southern wall of the building not to exceed 42 square feet in area and approved separately by the Director of Planning and Development Review, and (v) wall signage painted on the northern wall of the building not to exceed 57 square feet in area and approved separately by the Director of Planning and Development Review. Signage shall not be internally illuminated, but backlit or reverse channel-lit signage shall be permitted.

(c) All building materials, material colors, and site improvements shall be substantially as shown on the Plans.

(d) Operations of the commercial spaces, and any use of the Outdoor Patio Area identified on the Plans in conjunction with the commercial spaces, shall cease by no later than 12:00 a.m. daily.

(e) Screening of the surface parking spaces shall be substantially as shown on the Plans.

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

(g) Secure storage for no fewer than 12 bicycles shall be provided on the Property for use by the multifamily dwelling units.

§ 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 attached 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.

The Owner shall make improvements in the form of street trees and modifications (e) to the entrances to North Boulevard, Norfolk Street, and Altamount Avenue within the right-ofway 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, (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 (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 or when the Special Use of the Property as

authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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.

City of Richmond

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.richmondgov.com

Item Request File Number: a2015 - 1612

<u>]</u>			4-4460		
	DEC 1 0 2015		O & R REQUEST		
Ori	IU IUNNEY	O & R Request	NOV 2 3 2015		
DATE:	November 17, 2015	EDITION:1	Chief Administration Office City of Richmond		
TO:	The Honorable Members of City Council				
THROUGH:	Dwight C. Jones, Mayor	WY IS			
THROUGH:	IROUGH: Selena Cuffee Glenn, Chief Administrative Officer				
THROUGH:	Peter L. Downey, Jr., Interim Deputy Chief Administrative Officer for Economic Development and Planning				
FROM:	Mark A. Olinger, Director, Dept. of Planning and Development Review				
RE:	To authorize the special use of the property known as 1400 North Boulevard for the purpose of a mixed-use development, upon certain terms and conditions.				
ORD. OR RE	S. No.				

PURPOSE: To authorize the special use of the property known as 1400 North Boulevard for the purpose of a mixed-use development, upon certain terms and conditions.

REASON: The subject property is zoned within the M-1 Light Industrial District, a zoning district that does not allow residential use. The 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 January 4, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 0.418 acre (18,208 SF) parcel of improved land. The property is located at the intersection of North Boulevard, Norfolk Street, and Altamont Avenue, in the Scott's Addition neighborhood of the Near West planning district.

The Land Use Plan of the City of Richmond's Master Plan designates the subject property for General

Commercial land use. Primary uses in this category include a broad range of office, retail, general commercial, wholesale and service uses, typically located along major transportation corridors and serving large portions of the City, the region or the traveling public. Land uses in this category are typically of larger scale and intensity then Community Commercial uses, and may not always be highly compatible with residential areas. The typical zoning classification that may accommodate this land use category is B-3 (p. 135).

Specifically for the Boulevard Corridor, the Master Plan states, "The Boulevard from I-95 to Broad Street is identified on the Land Use Plan map for general commercial and institutional uses (for the Diamond and Sports Backers stadiums) with industrial uses around the rail line. The commercial designation is meant to serve highway traffic as well as visitors to the Diamond and Sports Backers stadiums. In addition, the commercial designation is meant to support linkages to the Museum and tourist activities on the Boulevard, Hermitage Road and Broad Street. Streetscape, design and traffic circulation improvements should be implemented to help revitalize and improve the appearance of the corridor providing an attractive gateway to the City, and enhanced pedestrian environment" (p. 240).

The subject property is located in the M-1 district that encompasses much of the Scott's Addition neighborhood.

The current land use in the immediate vicinity surrounding the subject property is a mix of industrial, commercial, office, and mixed-use land uses.

FISCAL IMPACT / COST: The Department 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: \$2,400.00

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: December 14, 2015

CITY COUNCIL PUBLIC HEARING DATE: January 11, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, January 4, 2016.

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

STAFF: Matthew J. Ebinger, AICP, Senior Planner Land Use Administration (Room 511) 646-6308

O&R No. 15-40

D1 2015 11:51 LANS VA 23089-9	1998 804-956-2534 p 9798
RICHMOND Applicati	ion for SPECIAL USE PERMIT Department of Planning and Development Review Land Use Administration Division 800 E. Broad Streat, Room 811 Richmand, Vinginia 23219 (804) 646-6304
Application is hereby submitted for: (check one) apacial use permit, new special use permit, plan amendment special use permit, text only amendment	AUG 0 4 20.5
Project Name/Location Project Name: 1400 Boulevard	LANDUSEADMINIST
Property Address: 1400 N. Boulevard, 7	Zichmond VA
Fee: \$2400 Total area of affected site i (See page 3 for fee achedule, please make check paya	
Zoning Current Zoning: 1-1, NOCO1598001	Proposed Use (Please Include a detailed description of the
Existing Use: DETAIL /TRODUCTON is this property subject to any previous land use cases? Yes No.	COMMERCIAL SPACE AND RESIDENTIAL
I If Yes, I please list the Ordinance Number;	40175
Applicant/Contact Person: Jeff Bur Company: Utban Core Construction	ncy
Meiling Address: 409 E Hain St.	
City: Dich word	State: VA Zip Code: 232.19
Telephane: (804) 971 5590	Fac_()
Emell:] Bunch@ Urbancore VA. com	
Property Owner: <u>ACD</u> Prontnens	6.60
If Business Entity, name and title of authorized signes:	David Planaham Agetnar
(The person or pursons executing or attacting the execution of this App been duty authorized and empowered to so gracule or struct.) Mailing Address: 831 Refuences for c City:An <ka Telephone: 966-7679</ka 	bloodion on behalf of the Company certifies that he or she has ar have Dr. State: 2308 ?
Emai:	Fax: _()
Property Owner Signature:	P. Julie
The names, addresses, talaphone numbers and signatures of all owner naeded. We legal representative signs for a property owner, please atta will not be eccepted.	and an encoded power of amorney. Proved of photocopied eigenbaces
NOTE: Plasse attach the required plans, checklist, and a check for	the application fee (see Filing Procedures for special use per-

Last Review Junuary 28, 2015

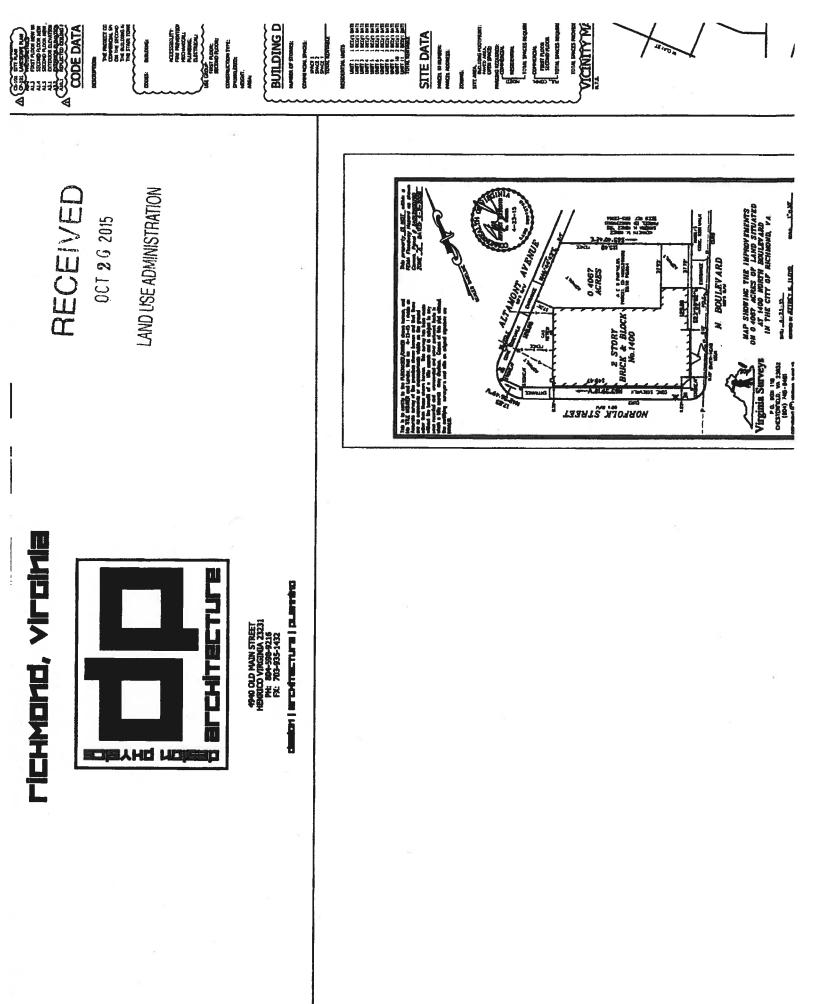
UrbanCore Development, I.I.C 409 E Main St #100 Richmond, VA 23219 Tel 804-937-0236 www.urbancoreva.com

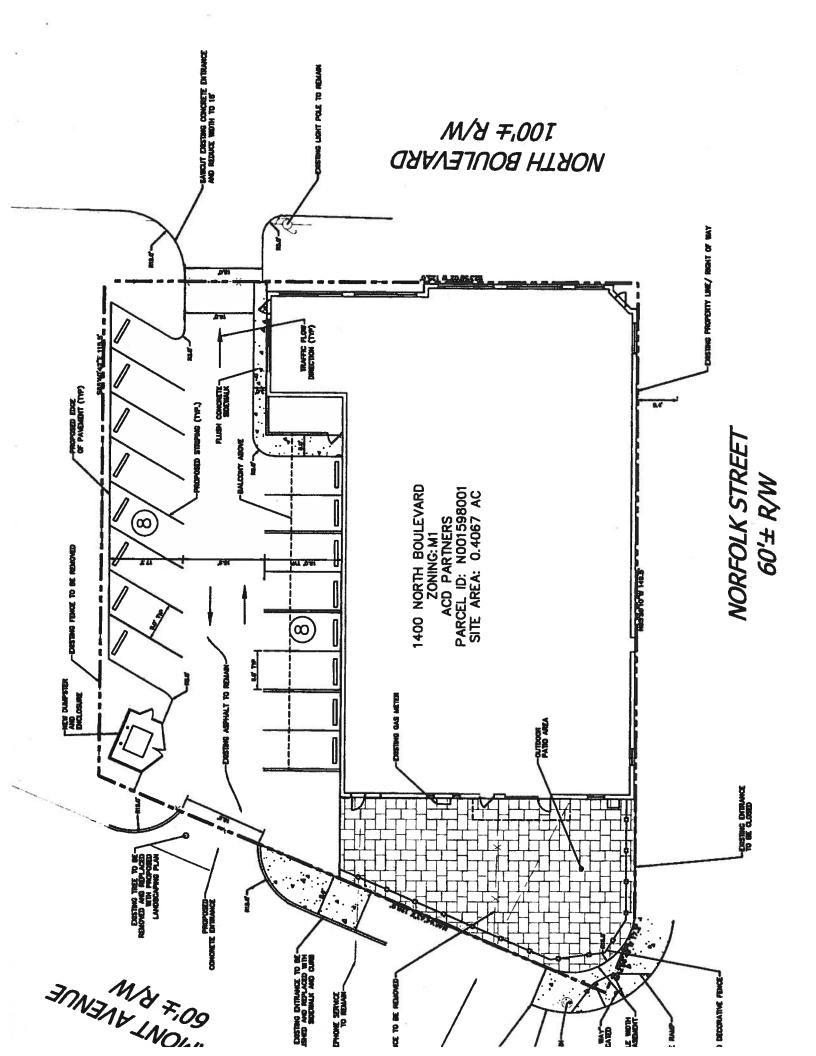
LAND USE ADMINISTRATION

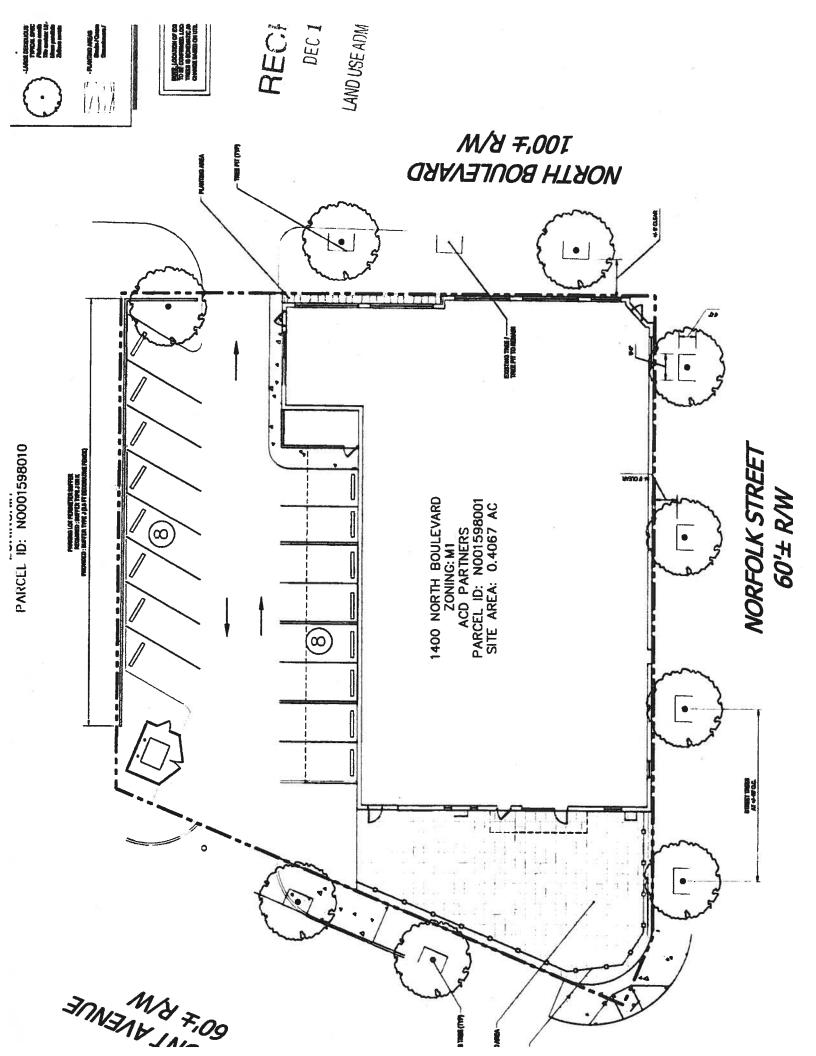
Applicant Report: 1400 N Boulevard SUP Application

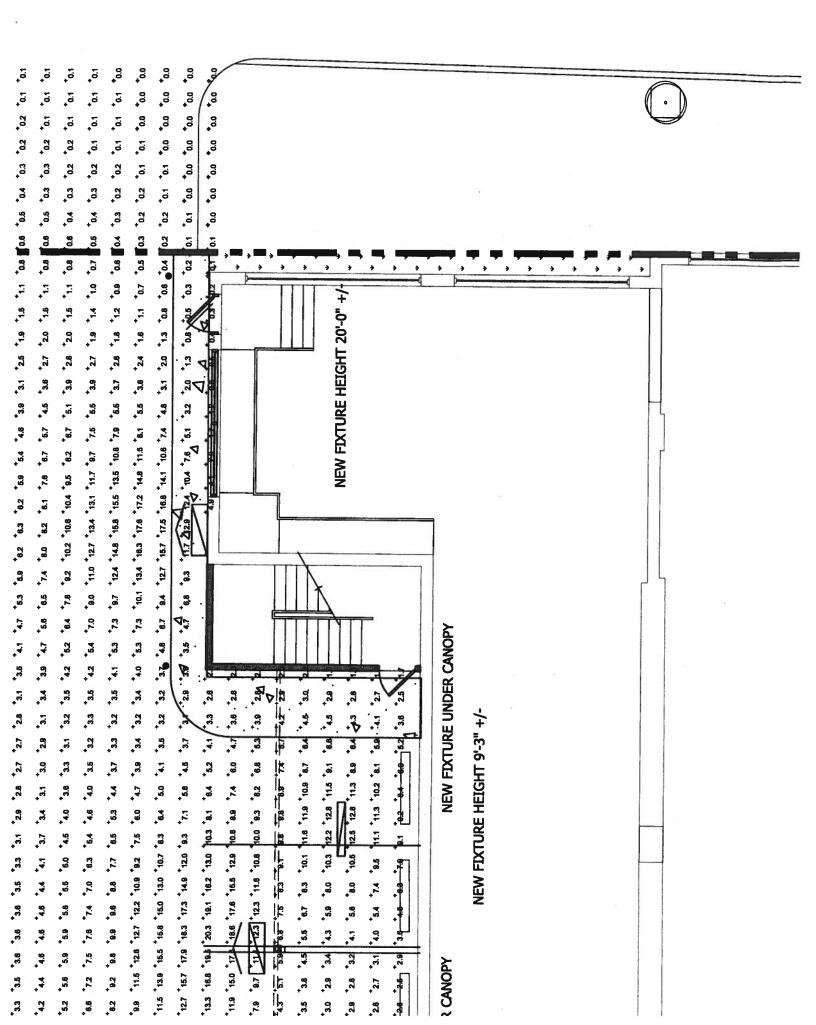
We have submitted an application for a special use permit for the project located at 1400 N Boulevard. This project would take the current building and invest about 1.2 million in development costs to turn the building into a mixed use property with 11 apartments on the second floor and 3 retail units on the ground floor. Here are some key points that I would like to point out.

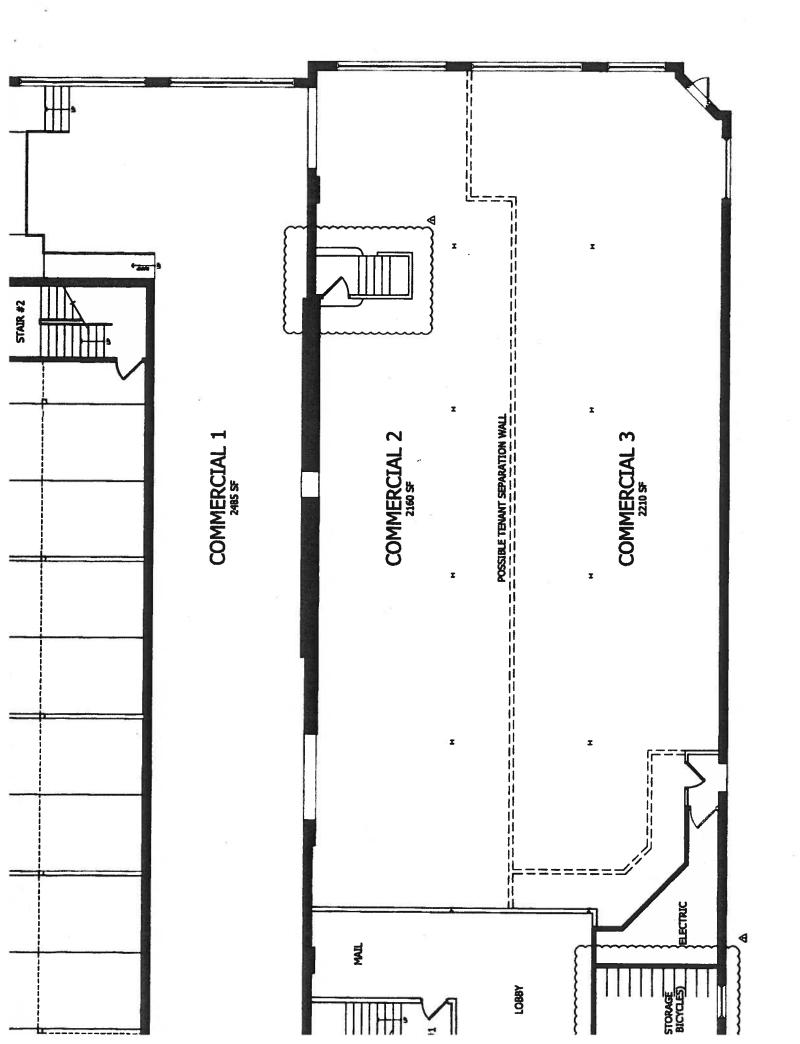
- 1. The non-residential portion of the development will most likely have operating hours between 8am and 10pm. We anticipate that these units will each employ from 2-3 people for a total number of anticipated employees between 6 and 9.
- 2. We anticipate that for the commercial portion of the building that there will be little or no noticeable increase in the vehicular traffic over the current tenant use. The residential portion of the building will have create a need for a few more vehicles, but since that need will alternate with the need of the commercial spaces, we believe that the the parking onsite will be sufficient to cover the need of the residences i.e. the commercial tenants need parking in the day, and the residential tenants need parking at night.
- 3. We have designed an exterior layout that takes advantage of the opportunity for some residential outdoor deck space above some of the parking as well as a rear outdoor patio area for the residences to share. We feel like outdoor space is important to have in any mixed use development, and we incorporated as much of it as we could. The surrounding area has been developing with lots of apartments and new commercial and we feel like this development adds some walkability and new commercial services to the area which will serve the growing number of residences that the area has seen.
- 4. In addressing the City Charter, within our plan we make sure that we do the following items:
 - a. We will make sure to abide by all building, and health codes to make sure that we in no way are detrimental to the safety, health, morals, or general welfare of the community.
 - b. We have a plan for the safe movement of traffic both vehicular and human through our parking area so that we do not create congestion on the streets, roads, alleys, or other public ways and places that surround the site.
 - c. We will follow all building and architectural codes to avoid any hazards from fire, panic, or other dangers.
 - d. We have planned out the project so not to cause overcrowding of land and an undue concentration of population.
 - e. Our project should not have any adverse affect on public schools, parks, playgrounds, water supplies, etc.
 - f. We have planned to make sure that we do not interfere with adequate light and air
- 5. This plan will increase the utility of this building, bring new life to the northern end of the boulevard, and add some commercial density as well as residential density to a growing area that has a need for retail services within walking distance of a large number of residential units. During the development process there will be a focus on safety and security as well as community.

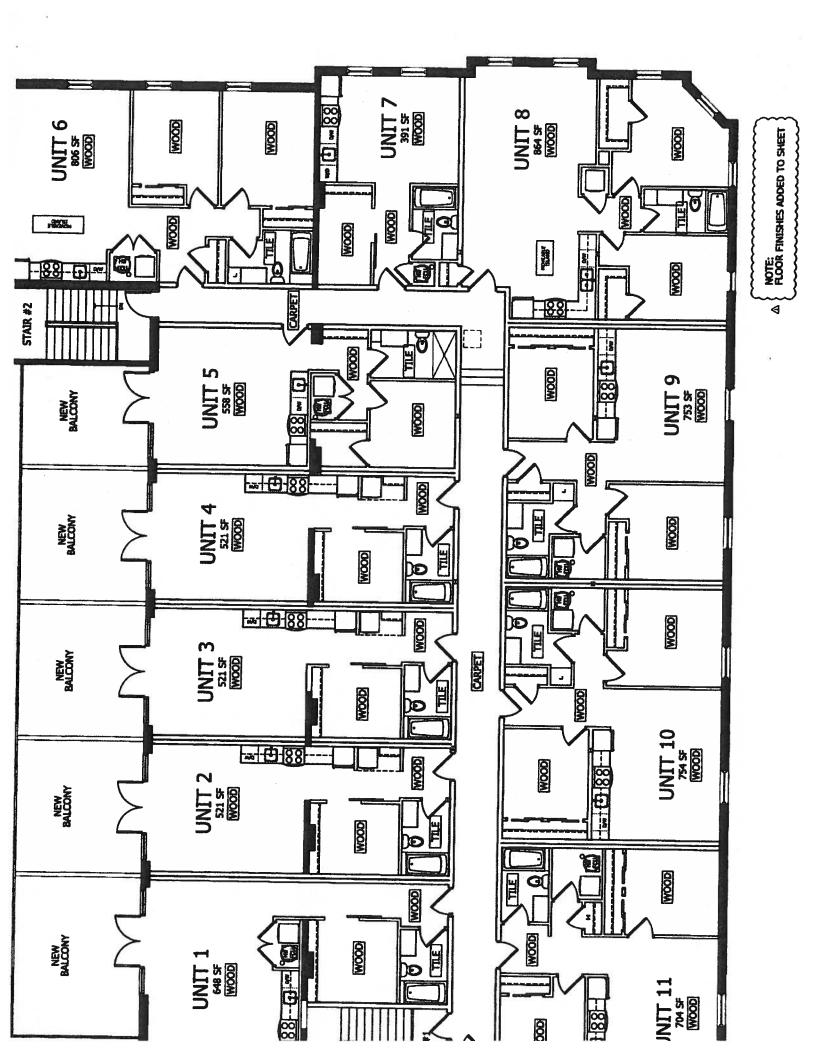


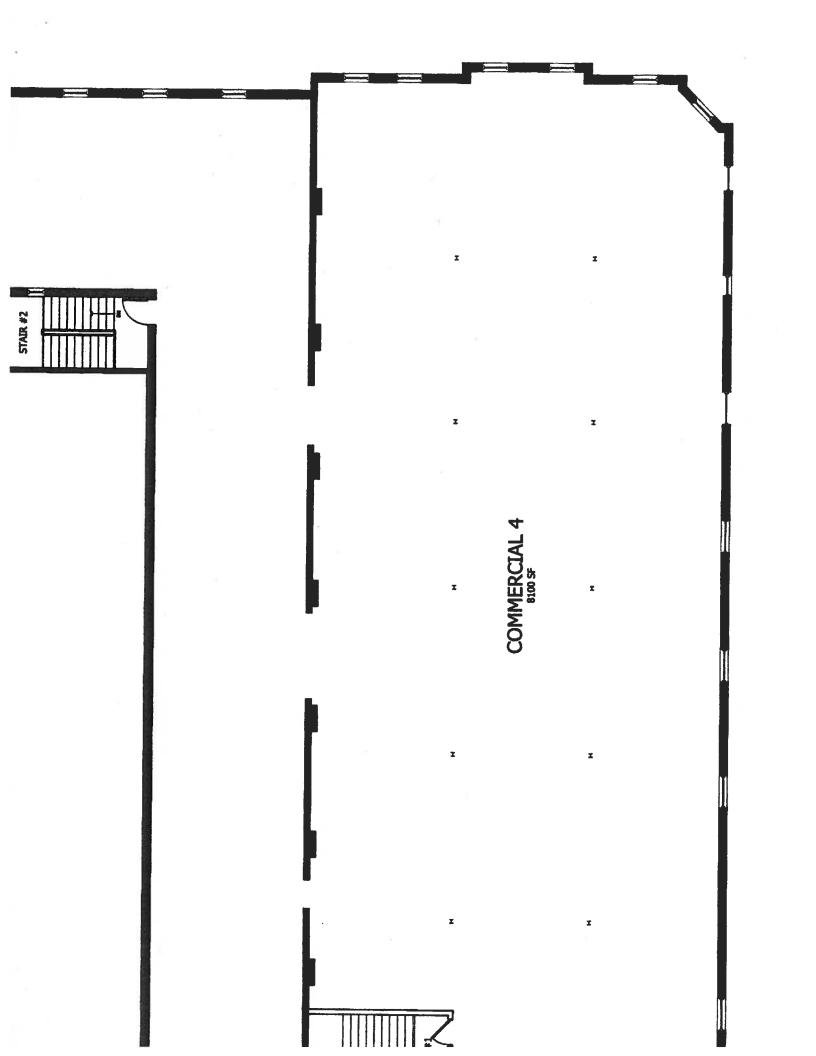


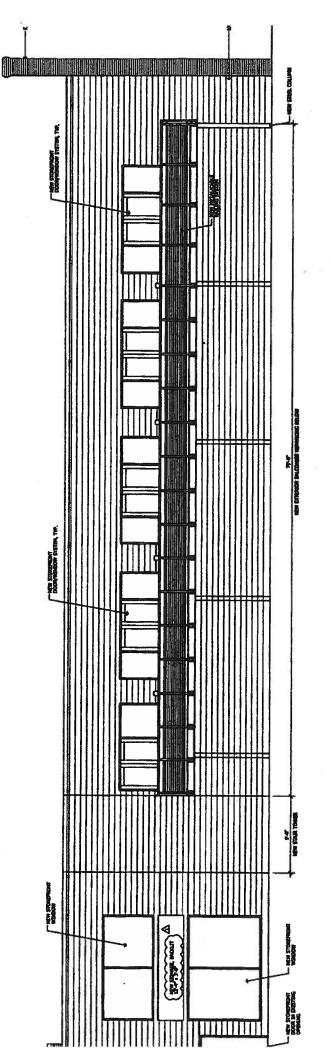


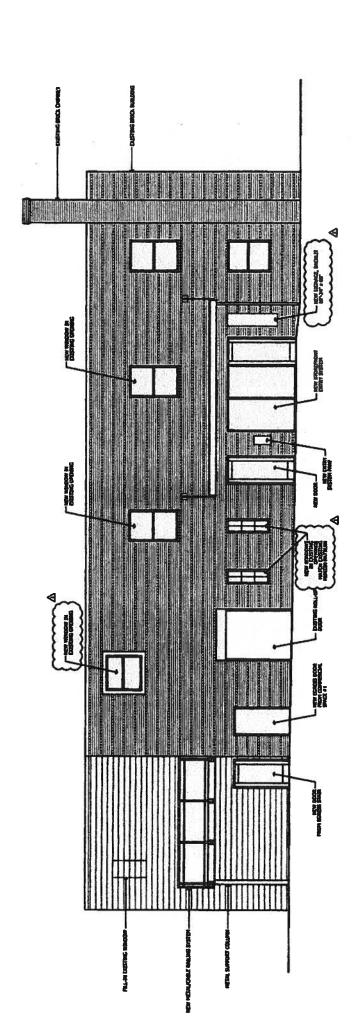


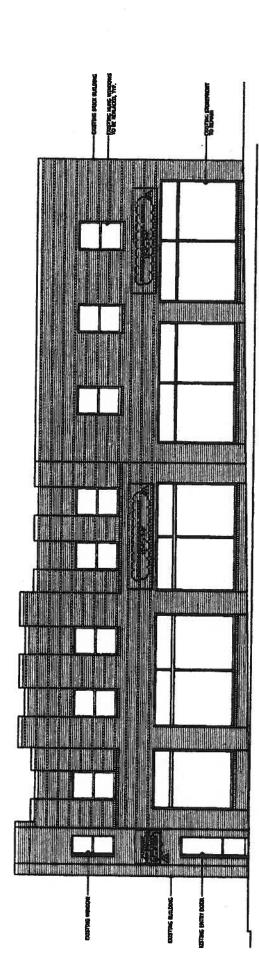


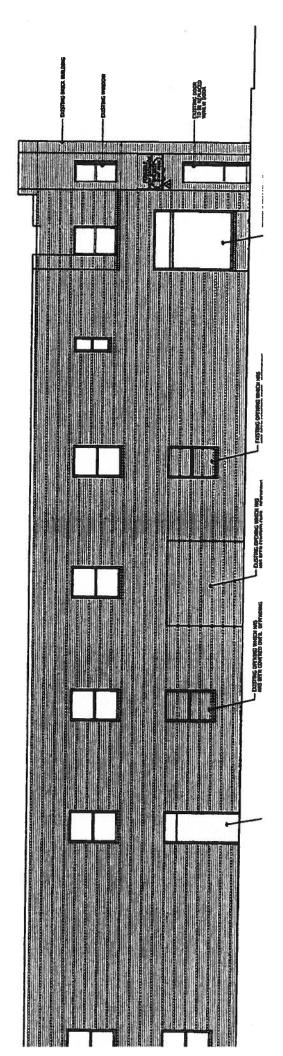


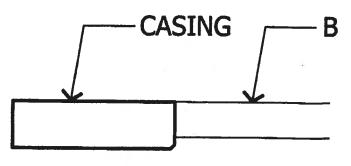












DOOR CASING 5/4X4 MDF 1/8" CHAMFER PAINTED

- 1X6 MDF 1/8" CHAMFER PAINTED

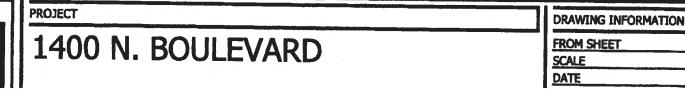
1X4 MDF 1/8" CHAMFER PAINTED



WINDOW CASING 1X4 MDF 1/8" CHAMFER PAINTED

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IDOR



ENTRY FROSTED GLASS	INTERIOR 2-PANEL			
PROJECT DRAWING INFORMATION FROM SHEET SCALE DATE				