File #: ORD. 2024-049, **Version:** 1

To authorize the special use of the properties known as 1 Rear North Auburn Avenue and 3145 Rear Floyd Avenue for the purpose of a surface parking lot, garages, and electric vehicle charging stations, upon certain terms and conditions. (As Amended) (1st District)

WHEREAS, the owner of the properties known as 1 Rear North Auburn Avenue and 3145 Rear Floyd Avenue, which are situated in a R-6 Single-Family Residential District, desires to use such properties for the purpose of a surface parking lot, garages, and electric vehicle charging stations, which use, among other things, is not currently allowed by sections 30-412.1, concerning permitted principal uses, and 30-610.3, concerning alley frontage for accessory buildings, structures, or uses, 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 1 Rear North Auburn Avenue and 3145 Rear Floyd Avenue and identified as Tax Parcel Nos. W000-1407/071 and W000-1407/072, respectively, in the 2024 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing the Physical Improvements to WOOO1407072/WOOO1407071, 3145 Rear Floyd Avenue, 1 Rear North Auburn Avenue, District, City of Richmond," prepared by C. E. Duncan & Associates, Inc., and dated September 29, 2021, 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 surface parking lot, garages, and electric vehicle charging stations, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "l Rear N. Auburn Parking," prepared by sekivsolutions, dated July 22, 2022, and last revised July 26, 2022, and "Type 3, JR, 4, 4X Boxes and Enclosures, Hinge

Cover Type 3R Enclosures," prepared by nVent/HOFFMAN, and undated, 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 surface parking lot, garages, and electric vehicle charging stations, substantially as shown on the Plans.

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

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

(d) Use of any parking space or garage shown on the Plans shall be pursuant to a monthly or longer-term written lease, hereinafter referred to as "the Lease," for the tenant's sole and exclusive use. Occupancy of any parking space during a term of lease shall be restricted to one or more passenger vehicles registered to the tenant and identified in the Lease by license plate number. The form and terms of tenure contained within the Lease shall be approved as a standard form for use by all tenants by the City Attorney before the certificate of zoning compliance required for the implementation of the special use may be issued. The Owner shall maintain a master list of tenants and copies of all current leases and shall provide such list and copies of leases to the Zoning Administrator at the Zoning Administrator's request. The Owner shall notify the Zoning Administrator in writing when any lease for a garage or parking space is initiated,

terminated, or expired.

§ 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 sha11 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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: January 15, 2024

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: J.E. Lincoln Saunders, Chief Administrative Officer

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

RE: To authorize the special use of the properties known as 1 Rear Auburn Avenue and 3145 Rear Floyd Avenue for the purpose of a surface parking lot, garages, and electric vehicle charging stations, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 1 Rear Auburn Avenue and 3145 Rear Floyd Avenue for the purpose of a surface parking lot, garages, and electric vehicle charging stations, upon certain terms and conditions. The applicant is requesting a Special Use Permit for a surface parking lot, garages, and electric vehicle charging stations within a R-6 Single-Family Attached Residential Zoning District. While the uses are permitted within the R-6 district, they must be customarily incidental and clearly subordinate to permitted principal uses. Allowing the lot to be utilized by the general public makes it a principal use rather than an accessory use. Therefore, a Special Use Permit is required.

BACKGROUND: The properties are located in the Museum District neighborhood in an alley bound by North Auburn Avenue and North Belmont Avenue. Combined, the properties are a 6,560 square foot or 0.15-acre parcel of land, improved with garages. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use, which is defined as, "Existing or new highly-walkable urban

neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses" (Richmond 300, p. 56, 2020).

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. 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 current zoning for the property is R-6 - Residential (Single Family Attached). Adjacent properties are within the same R-6 District. The area is generally residential properties.

COMMUNITY ENGAGEMENT: The Museum District Association was notified of the application.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: None

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: February 12, 2024

CITY COUNCIL PUBLIC HEARING DATE: March 11, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

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AFFECTED AGENCIES: Office of Chief Administrative Office 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: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308
Shaianna Trump, Planner Associate - Land Use Administration 804-646-7319

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda
Refer Back to Committee
Remove from Council Agenda
Strike Withdrawn Continue to: