

INTRODUCED: June 25, 2018

AN ORDINANCE No. 2018-189

To amend and reordain Ord. No. 2005-323-278, adopted Dec. 12, 2005, which authorized the use of the properties known as 110-118 West Marshall Street for the purpose of constructing additions to and renovating the buildings to accommodate 23 condominium dwelling units, commercial space, and accessory parking, to instead authorize 22 condominium dwelling units and additional commercial space, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 23 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2005-323-278, adopted December 12, 2005, be and is hereby amended and reordained as follows:

§ 1. That the properties known as 110 through 118 West Marshall Street and identified as Tax Parcel [~~Nos.~~] No. [~~N000-0120/032 and~~] N000-0120/035 in the [~~2005~~] 2018 records of the City Assessor, being more particularly shown on a survey and site layout entitled “Improvements on 110, 112, 114, 116 & 118. W. Marshall Street, City of Richmond, Virginia,” prepared by Balzer and Associates, Inc., and dated December 30, 2004, a copy of which is

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 23 2018 REJECTED: _____ STRICKEN: _____

attached to and made a part of [~~this ordinance~~] Ordinance No. 2005-323-278, adopted December 12, 2005, is hereby permitted to be used for the purpose of [~~twenty-three (23)~~] 22 condominium dwelling units, commercial space, and an accessory parking area substantially as shown on sheets SUP-02 through -06 and -08 through -10[~~7~~] of the plans entitled “The Bakery Condominiums”, prepared by Walter Parks, Architect, and dated October 25, 2005, copies of which are attached to and made a part of [~~this ordinance~~] Ordinance No. 2005-323-278, adopted December 12, 2005, as modified by the plans entitled “The Bakery Condominiums,” prepared by Walter Parks, Architect, and dated April 24, 2018, copies of which are attached to this amendatory ordinance.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit substantially in accordance with the plans referred to above for the aforementioned purpose, subject to the following terms and conditions:

(a) The owner of the property shall be bound by, shall observe, and shall comply with all other laws, ordinances, rules, and regulations applicable to the property, except as otherwise provided in this ordinance.

(b) Application for a building permit or certificate of occupancy shall be made within [~~twenty-four (24)~~] 24 months from the effective date of this amendatory ordinance. This building permit shall expire shall become null and void if any necessary construction has not commenced within [~~one hundred eighty (180)~~] 180 days from the date of the building permit or if

construction is suspended or abandoned for a period of [~~one hundred eighty (180)~~] 180 days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within [~~twenty four (24)~~] 24 months after the effective date of this amendatory ordinance or should the building permit expire and become null and void after the expiration of the [~~twenty four (24)~~] 24 month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the [~~special~~] use [~~permit~~] of the property shall [~~become null and void~~] be governed by Ordinance No. 2005-323-278, adopted December 12, 2005.

(c) 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 subject property have been paid.

(d) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of [~~Community Development~~] Public Utilities prior to the issuance of building permits.

(e) 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 adjacent property or public streets and the use thereof.

(f) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be so located or screened so as not to be visible from adjacent properties and public streets.

(g) The use of the building shall be as a maximum of [~~twenty three (23)~~] 22

condominium dwelling units with amenities including a security system, central heating and air conditioning, dishwasher, disposal, range, and washer and dryer hook-up in each unit, at the time of initial occupancy, substantially as shown on the ~~[attached]~~ plans attached to Ordinance No. 2005-323-278, adopted December 12, 2005, and to this amendatory ordinance. The dwelling units shall be arranged and configured with minimum square footages substantially as shown on the ~~[attached]~~ plans attached to Ordinance No. 2005-323-278, adopted December 12, 2005, and to this amendatory ordinance. A maximum of 23 condominium dwelling units, substantially as shown on the plans attached to Ordinance No. 2005-323-278, adopted December 12, 2005, may be permitted, if the area labeled "New Space" on the plans attached to this amendatory ordinance is not used for commercial space as permitted in subsection (h) below.

(h) A maximum of ~~[four thousand two hundred and fifty (4,250)]~~ 5,227 square feet of commercial space shall be provided and shall be in the location substantially shown on the ~~[attached]~~ plans attached to this amendatory ordinance. The commercial space may be divided into separate tenant spaces. The permitted principal uses shall be those allowed under the B-1 (Neighborhood Business) zoning district, except that (i) day nurseries, convenience stores, grocery stores, churches, and laundromats shall not be permitted and (ii) restaurants, tea rooms, cafes, delicatessens, ice cream parlors, and food and beverage services shall be limited to 1,500 square feet in area per tenant, and the sale of alcoholic beverages shall not be permitted. The maximum square feet of commercial space may be reduced to 4,250 square feet, substantially as shown on the plans attached to Ordinance No. 2005-323-278, adopted December 12, 2005, if the area labeled "New Space" on the plans attached to this amendatory ordinance is used as a condominium dwelling unit as permitted in subsection (g) above.

(i) No fewer than ~~[twenty three (23)]~~ 22 indoor parking spaces shall be provided and

reserved exclusively for the condominium dwelling units and their guests, substantially as shown on the ~~[attached]~~ plans attached to Ordinance No. 2005-323-278, adopted December 12, 2005, and to this amendatory ordinance. No fewer than 23 indoor parking spaces shall be provided and reserved exclusively for the condominium dwelling units and their guests, substantially as shown on the plans attached to Ordinance No. 2005-323-278, adopted December 12, 2005, if the area labeled "New Space" on the plans attached to this amendatory ordinance is used as a condominium dwelling unit as permitted in subsection (g) above.

(j) Each commercial tenant shall provide off-site parking in accordance with Article VII of Chapter ~~[114]~~ 30 of the Code of the City of Richmond ~~[(2004)]~~ (2015), as amended.

(k) Signage for the condominium dwellings shall be substantially as shown on the ~~[attached]~~ plans attached to Ordinance No. 2005-323-278, adopted December 12, 2005. The signage for the commercial uses shall not exceed one square foot for each linear foot of store front, provided that the aggregate sign area shall not exceed ~~[one hundred (100)]~~ 100 square feet. Wall, projecting, suspended, awning, and canopy signs shall be permitted; however, projecting signs shall (i) be limited to ~~[twenty four (24)]~~ 24 square feet in area, (ii) not project greater than five ~~[(5)]~~ feet from the face of the building and (iii) not extend above the height of the wall to which it is attached. Freestanding signs shall not be permitted.

~~(l) [A final landscaping and lighting plan shall be approved by the Director of Community Development prior to the issuance of a building permit.]~~

~~(m)~~ Any encroachments either 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 ~~[(2004)]~~ (2015), as amended.

§ 4. That the privileges granted by this ordinance may ~~[under certain circumstances]~~

be revoked~~[. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit]~~ pursuant to the provisions of sections ~~[114-1050.7]~~ 30.1050.7 through ~~[114-1050.11]~~ 30.1050.11 of the Code of the City of Richmond ~~[(2004)]~~ 2015, as amended, ~~[if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) 12 month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner]~~ and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section ~~[114-1080]~~ 30-1080 of the Code of the City of Richmond ~~[(2004)]~~ (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when the use of the ~~[premises]~~ property is abandoned for a period of ~~[twenty four (24)]~~ 24 consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. This ordinance shall be in force and effect upon adoption.

II. This amendatory 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: PRE.2018.186

O & R REQUEST

O & R Request

MAY 25 2018

4-7852

Office of the

Chief Administrative Officer

DATE: May 24, 2018

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: To amend Ordinance No. 2005- 323-278, adopted December 12, 2005, which authorized the special use of the properties known as 110-118 West Marshall Street for the purpose of constructing additions to and renovating the buildings to accommodate 23 condominium dwelling units, commercial space, and accessory parking, to authorize 22 condominium dwelling units and additional commercial space, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend Ordinance No. 2005- 323-278, adopted December 12, 2005, which authorized the special use of the properties known as 110-118 West Marshall Street for the purpose of constructing additions to and renovating the buildings to accommodate 23 condominium dwelling units, commercial space, and accessory parking, to authorize 22 condominium dwelling units and additional commercial space, upon certain terms and conditions.

REASON: The applicant is proposing to amend an existing Special Use Permit currently authorizing a condominium development containing office space and dwelling units. The amendment would authorize an expansion of the existing office use into an adjacent dwelling unit within the condominium development.

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 July 16, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is parcel totaling 15,795 SF or .36 acres of land, improved with a condominium development containing office space and dwelling units. The subject property has an existing building constructed, according to tax assessment records, in 1920. The building is located on West Marshall Street between Brook Road and North Adams Street, in the Downtown Planning District and the Jackson Ward neighborhood.

The City of Richmond's adopted Pulse Corridor Plan designates a land use category for the subject property as Neighborhood Mixed-Use. "Neighborhood Mixed-use areas are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed-use districts. They are an urban, walkable environment with limited neighborhood-oriented uses incorporated along key commercial corridors and at corner sites." (City of Richmond, Pulse Corridor Plan, p. 29)

The property is currently zoned R-O2 -Residential Office which occupies a short segment of West Marshall Street between Adams and North Madison streets. B-4 Central Business and R-6 Single-Family Attached Residential District surround the property to the south and north respectively. A mix of residential, mixed-use, commercial, industrial, and government 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: \$1,200 application fee.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: June 25, 2018

CITY COUNCIL PUBLIC HEARING DATE: July 23, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, July 16, 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.: Amendment of Ordinance No. 2005-323-278.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

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

PDR O&R No. 18-33



SUP-030464-2018

Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304

http://www.richmondva.com/

RECEIVED

FEB 13 2018

LAND USE ADMINISTRATION

Application is hereby submitted for: (check one)

- special use permit, new
special use permit, plan amendment
special use permit, text only amendment

Project Name/Location

Property Address: 110A W. MARSHALL ST.

Date: 2/12/18

Tax Map #: 218 Fee: \$1,200

Total area of affected site in acres: <1

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-02

Existing Use: VACANT DWELLING

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

ADDITIONAL OFFICE SPACE FOR NONPROFIT ADMINISTRATIVE STAFF

Existing Use:

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: 2005-323-278

Applicant/Contact Person: MARLENE PAUL

Company: ART 180

Mailing Address: 114 W. MARSHALL ST.

City: RICHMOND

State: VA

Zip Code: 23220

Telephone: (804) 233-4180

Fax: ()

Email: MARLENE@ART180.ORG

Property Owner: ART 180, INC.

If Business Entity, name and title of authorized signee: MARLENE PAUL, EXECUTIVE DIRECTOR

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 114 W. MARSHALL ST. (SAME AS ABOVE)

City: RICHMOND

State: VA

Zip Code: 23220

Telephone: (804) 233-4180

Fax: ()

Email: MARLENE@ART180.ORG

Property Owner Signature:

Marlene Paul

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

NOTE: Please attach the required plans, checklist, and a check for the application fee (see filing Procedures for special use permits)

Application for SPECIAL USE PERMIT
Submitted by ART 180

Applicant's Report

ART 180, a 20-year-old, Richmond-based, creative youth development nonprofit, seeks to expand our office space by shifting some of our administrative staff to this unit. In 2012, we purchased and built out the ground-floor commercial unit of the Marshall Street Bakery Condos. A loan through the Department of Economic and Community Development allowed us to do so, and we were able to establish Richmond's first youth art center in the City's newly defined Arts and Cultural District. Our current 3,000sf space includes approximately 600sf for offices, while the rest is workshop and lounge space for our youth, and a gallery for their exhibitions and performances. Each month we open our doors to the public during First Fridays, attracting 200+ people and building community by bringing together diverse audiences.

When we moved to Marshall Street in January 2013, we had five employees; today we have 10, plus two long-term contractors, and paid and unpaid interns. We have exceeded our capacity for the office and need additional space for our staff to work. We are cramped in a very limited space and do not have room for our interns or contract employees. We can no longer accommodate additional staff, and current staff modify their work schedules, work remotely, and overflow into the public space as needed. Our board recently approved the addition of a new community program coordinator, but we can't hire them until we have more room.

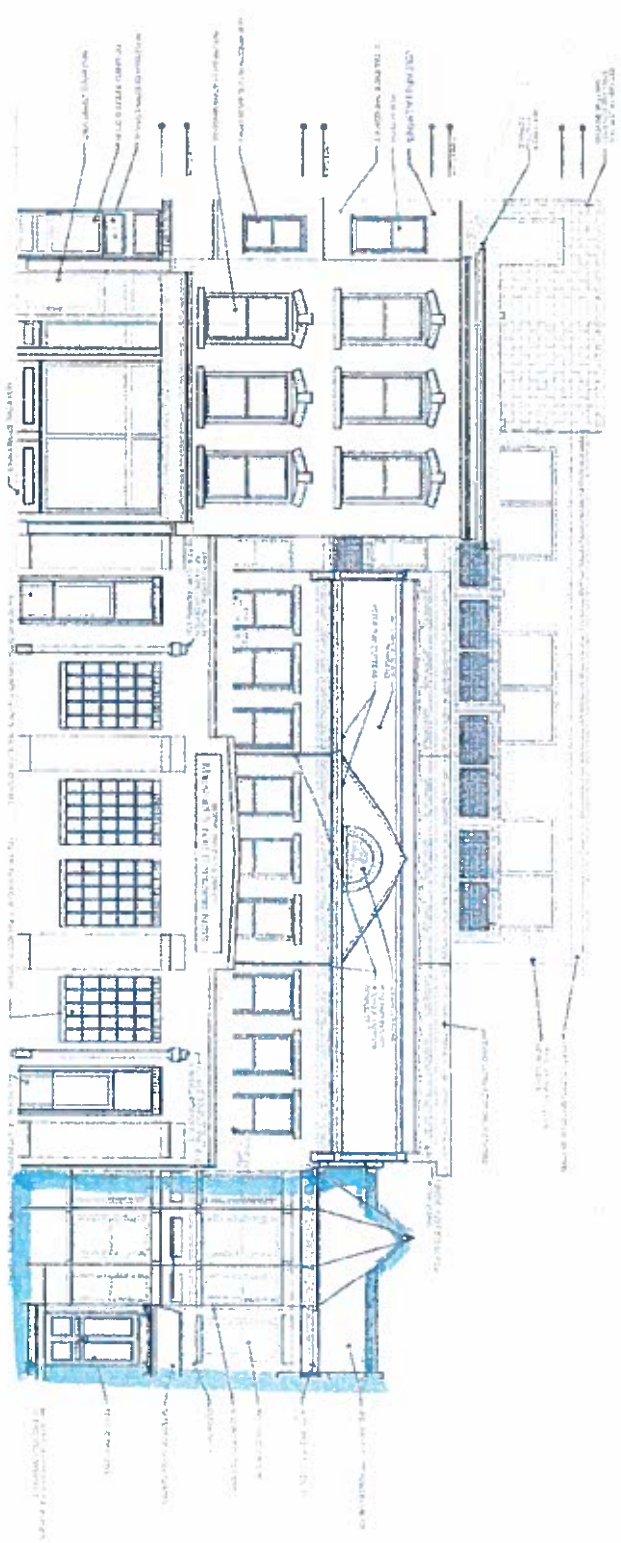
When the adjacent condo unit 110A became available last fall, it offered an ideal and timely solution. The 978sf unit literally shares a wall with ours. It is accessible from the front sidewalk but also through our back door—which leads to the kitchen door of the residential unit less than 10 steps away. We purchased the unit in November with the intention of seeking this amendment so that we may use it for offices. Unit 110A is the front of a duplex in the Victorian brownstone just next to our commercial space. All of the other residential units in our development are on three floors above us constructed in 2007, making the brownstone the only other unit on the ground level. FYI, the HOA board unanimously approved our proposed usage before we purchased the unit, as our property management company can confirm.

We would like to move four of our staff members to the unit: our bookkeeper/database coordinator, communications manager, donor relations director, and executive director. The combined living/dining room downstairs is suitable for one workspace, with the two rooms upstairs accommodating three more employees. We do not need to modify the interior for this usage, nor will any exterior changes be made. The unit will continue to look like a residence, only now housing quiet administrative offices for the nonprofit organization based in the same complex. We will operate almost exclusively during business hours. Because this would not be a public space but rather a private work area we do not require additional parking, and all of these staff members already have parking spaces provided to them.

As an organization that has contributed positively to our neighborhood, to our City, and to the lives of the young people and families we serve—for 20 years in Richmond, including five in Jackson Ward—we respectfully request an amendment be granted to the existing special use permit to expand our offices for our administrative staff. This will give our staff more room to work in a quiet space that is removed from the disruptions of our crowded public space.

We certify that the special use will not:

- a. *be detrimental to the safety, health, morals and general welfare of the community involved;*
ART 180 has and will continue to positively contribute to the condominium complex, the neighborhood, and the broader community. Our executive director serves on the board of the condo owners association, and we own the largest share in the development. Therefore, we have the greatest stake in the development's continued good standing in the community.
- b. *tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;*
Not an issue. We would merely be shifting some of our staff into this adjacent space.
- c. *create hazards from fire, panic or other dangers;*
The space would be private work space for four employees.
- d. *tend to cause overcrowding of land and an undue concentration of population;*
Not an issue.
- e. *adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements;*
ART 180 exists to serve the community. We rely on the support of the community to fulfill our mission. It is in our best interest to be good citizens, stewards, and contributors to the community. This will not change.
- f. *interfere with adequate light and air.*
No changes will be made that affect this.



110 WEST MARSHALL STREET
Front Elevation
 17-18

110 WEST MARSHALL STREET
 = **CURRENT / ORIGINAL APPT 18th SPACE**

110 WEST MARSHALL STREET
 = **NEW SPACE**

FRONT ELEVATION NOTES

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 VIRGINIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
- 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
- 5. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURB AND SIDEWALKS.
- 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
- 7. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LANDSCAPE AND PLANTINGS.
- 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
- 9. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURB AND SIDEWALKS.
- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.

Site Line Section Through Marshall Street



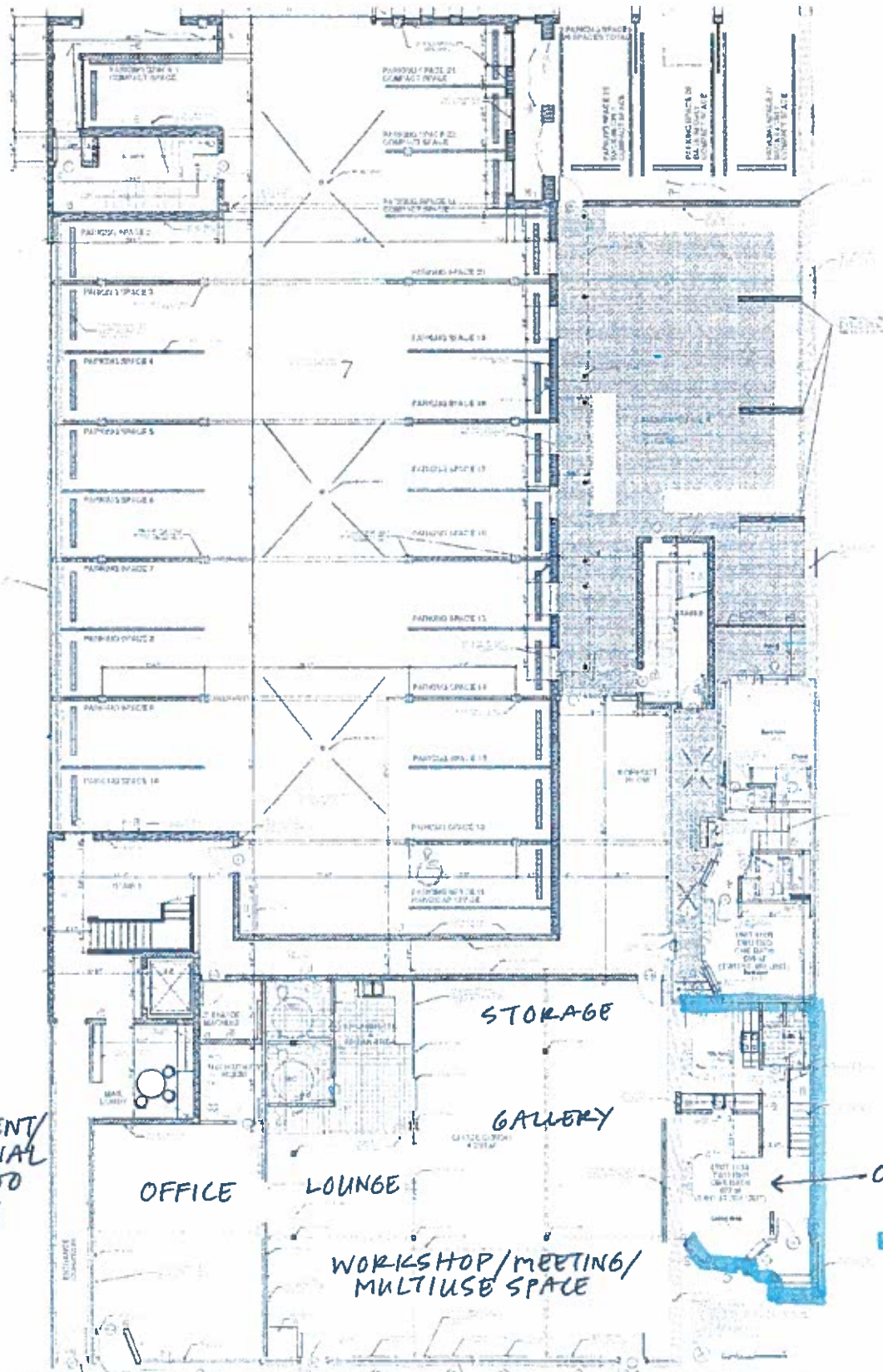
The Bakery Condominiums
 110-118 West Marshall Street
 Richmond, Virginia

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10

Jeffrey PARKS
 ARCHITECT

110 WEST MARSHALL STREET
SUP-08
 Special Use Permit
 Marshall Street

1. Story
 STREET



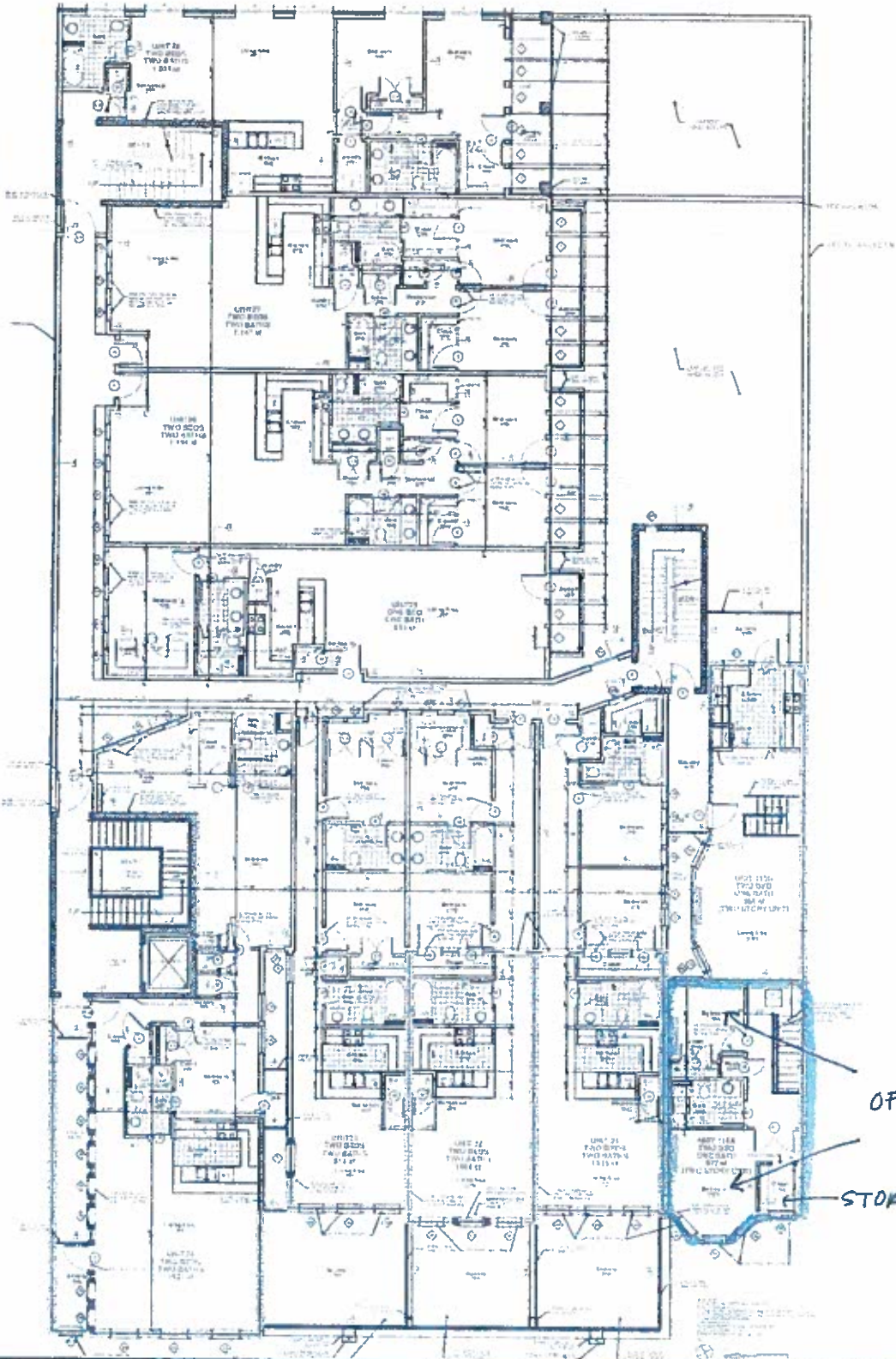
= CURRENT ORIGINAL APT 180 SPACE

= NEW SPACE

PAGE 3 OF 4

<p>273 LINDEN STREET RICHMOND, VIRGINIA 23220 (804) 644-1111 WWW.PARKSARCHITECT.COM</p> <p>PARKS ARCHITECT</p>	<p>Specialty Design Services LLC 11111 W. BRIDGEWAY RICHMOND, VIRGINIA 23238 (804) 781-1111 WWW.SPECIALTYDESIGNSERVICES.COM</p> <p>SPECIALTY DESIGN SERVICES LLC</p>	<p>UNIT 111 UNIT 112 UNIT 113 UNIT 114 UNIT 115 UNIT 116 UNIT 117 UNIT 118 UNIT 119 UNIT 120 UNIT 121 UNIT 122 UNIT 123 UNIT 124 UNIT 125 UNIT 126 UNIT 127 UNIT 128 UNIT 129 UNIT 130</p>	<p>The Bakery Condominiums 110-118 West Marshall Street Richmond, Virginia</p>	
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2 Story



OFFICES

STORAGE

PAGE 4 OF 4

<p>NUMBER PARKS ARCHITECT 1000 N. 10TH ST. RICHMOND, VA 23228 (804) 781-1111 www.numberparks.com</p>	<p>THE BAKERY CONDOMINIUMS 110-118 WEST MARSHALL STREET RICHMOND, VA 23220</p>	<p>UNIT 20 TWO BEDS TWO BATHS 1,201 SF</p>	<p>UNIT 21 TWO BEDS TWO BATHS 1,211 SF</p>	<p>UNIT 22 TWO BEDS TWO BATHS 1,211 SF</p>	<p>UNIT 23 TWO BEDS TWO BATHS 1,211 SF</p>	<p>UNIT 24 TWO BEDS TWO BATHS 1,211 SF</p>	<p>UNIT 25 TWO BEDS TWO BATHS 1,211 SF</p>	<p>UNIT 26 TWO BEDS TWO BATHS 1,211 SF</p>	<p>UNIT 27 TWO BEDS TWO BATHS 1,211 SF</p>	<p>UNIT 28 TWO BEDS TWO BATHS 1,211 SF</p>	<p>UNIT 29 TWO BEDS TWO BATHS 1,211 SF</p>	<p>UNIT 30 TWO BEDS TWO BATHS 1,211 SF</p>
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The Bakery Condominiums
 110-118 West Marshall Street
 Richmond, Virginia

NUMBER PARKS ARCHITECT
 1000 N. 10TH ST.
 RICHMOND, VA 23228
 (804) 781-1111
 www.numberparks.com

SUP-04
 Special Use Permit
 Second Floor