

INTRODUCED: October 27, 2014

AN ORDINANCE No. 2014-235-216

To rezone the properties known as 1829 West Cary Street and 1831 West Cary Street from the R-7 Single- and Two-Family Urban Residential District to the UB Urban Business District.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 8 2014 AT 6 P.M.

THAT THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as shown on the survey entitled “Survey of Lot & Improvements Thereon Located at #1829, #1831 & #1833 W. Cary Street, Richmond, Virginia,” prepared by A.G. Harocopos & Associates, P.C., and dated July 31, 2001, a copy of which is attached to, incorporated into, and made a part of this ordinance, the following properties, with tax parcel numbers as shown in the 2014 records of the City Assessor, are excluded from the R-7 Single- and Two-Family Urban Residential District and shall no longer be subject to the provisions of sections 114-413.1 through 114-413.9 of the Code of the City of Richmond (2004),

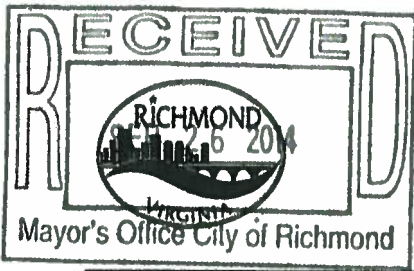
AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 8 2014 REJECTED: _____ STRICKEN: _____

as amended, and that the same are included in the UB Urban Business District and shall be subject to the provisions of sections 114-433.1 through 114-433.8 and all other applicable provisions of Chapter 114 of the Code of the City of Richmond (2004), as amended:

1829 West Cary Street	Tax Parcel No. W000-0808/003
1831 West Cary Street	Tax Parcel No. W000-0808/001

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



City of Richmond

900 East Broad Street
Richmond, VA 23219
www.Richmondgov.com

Item Request
File Number: TMP-652

O & R REQUEST

SEP 23 2014

Chief Administration Office
City of Richmond

O & R Request

DATE: September 17, 2014

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Christopher L. Beschler, Interim Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer

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

SUBJECT: To rezone the properties known as 1829 West Cary Street and 1831 West Cary Street from the R-7 - Single- and Two-Family Urban Residential District to the UB-PO3 - Urban Business District with Parking Overlay.

ORD. OR RES. No. _____

PURPOSE: To rezone the properties known as 1829 West Cary Street and 1831 West Cary Street from the R-7 - Single- and Two-Family Urban Residential District to the UB-PO3 - Urban Business District with Parking Overlay.

REASON: The subject property is located within the R-7 district that does not allow the mix of commercial and residential uses that can be accommodated by the layout of the existing building. Properties to the north and west of the subject property are located within the UB-PO3 district. Extending the boundaries of this district and overlay to include the subject property would allow a mix of uses in the existing building and enable application of appropriate off-street parking requirements.

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 November 3, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of two contiguous parcels of land located at the southeast corner of the intersection of West Cary Street and South Granby Street, in The Fan neighborhood of the Near West planning district. 1829 West Cary Street consists of a 0.129 acre (5,619 sq ft) parcel of land improved with a surface parking area. 1831 West Cary Street consists of a

0.103 acre (4,487 sq ft) parcel of land improved with a 2-story mixed-use building constructed around 1900 and a surface parking area to the rear. The first floor of the building contains a double-storefront corner commercial space and the second floor contains two apartments.

The subject property and properties to the east and south are located within the R-7 district that does not allow the mix of commercial and residential uses that can be accommodated by the layout of the existing building on the subject property. Properties to the north and west of the subject property are located within the UB-PO3 district. Extending the boundaries of this district and overlay to include the subject property would allow a mix of uses in the existing building and enable application of appropriate off-street parking requirements.

A plan of development pertaining to the existing 20-space parking area on the subject property was approved in 2002. In 1952, the Board of Zoning Appeals permitted a carpenter repair shop and dwelling in the existing building (BZA Case No. 11-52).

The City of Richmond's Master Plan recommends Single-family (Medium Density) land uses for the property. The Master Plan defines the primary uses for this category as single-family and two-family detached and attached dwellings at densities of 8 to 20 units per acre, and includes residential support uses such as schools, places of worship, and neighborhood parks, among others. Specifically for West Cary Street east of Meadow Street, the Master Plan states, "West Cary Street should transition to a residential environment with limited commercial uses

While the Master Plan does not contemplate commercial use of the property, the property was originally constructed for first-floor commercial use and is unlikely, as configured and situated, to be converted to a single- or two-family dwelling as permitted by the underlying zoning and recommended by the Master Plan.

Moreover, the subject property is a component of the cluster of mixed-use, office, and commercial land uses running along West Cary Street from its intersection with South Meadow Street to the subject property, where the land uses transitions along West Cary Street to predominantly residential (single-, two-, and multi-family) land uses.

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

COST TO CITY: Staff time for processing the request; preparation of draft ordinances; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$1,200.00

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: October 13, 2014

CITY COUNCIL PUBLIC HEARING DATE: November 10, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, November 3, 2014

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

RELATIONSHIP TO EXISTING ORDINANCES: Requires amendment to Zoning Ordinance (section 114-910.3).

ATTACHMENTS: Draft Ordinance (rezoning of subject property), Application Form, Applicant's Report & Survey

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

DCD O&R No.14-42

9754



Application for **REZONING/CONDITIONAL REZONING**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Project Name/Location

Project Name: 1829-31 West Cary Street Date: 8/18/14

Property Address: 1829-31 West Cary Street Tax Map #: W-808001

Fee: _____ Total area of affected site in acres: 10,135.8# W-808003
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning
Current Zoning: R-7

Proposed Zoning/Conditional Zoning
(Please include a detailed description of the proposed use and proffers in the required applicant's report)

Existing Use: Mixed Use - Resi/Commercial

BZA appeal: 11-52

Is this property subject to any previous land use cases?
 Yes No

If Yes, please list the Ordinance Number:

UB-P03

Applicant/Contact Person: Bruce Boykin

Company: Eck Enterprises, Inc

Mailing Address: P.O. Box 85618

City: Richmond State: VA Zip Code: 23285

Telephone: (804) 381-5576 Fax: (804) 358-2695

Email: BHBoykin@EckEnterprises.com

Property Owner: Eck Enterprises Inc

If Business Entity, name and title of authorized signee: Bruce H. Boykin, Vice President

(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: P.O. Box 85618

City: Richmond State: VA Zip Code: 23285

Telephone: (804) 381-5576 Fax: (804) 358-2695

Email: BHBoykin@EckEnterprises.com

Property Owner Signature: [Signature]

(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.)



September 4, 2014

Matthew J. Ebinger, AICP
Senior Planner Land Use Administrator
900 E. Broad St., Room 511
Richmond, VA 23219

RE: Rezoning Applicant's Report

Mr. Ebinger:

Our intent on filing this rezoning is to have 1829 through 1833 West Cary Street rezoned from R-7 to UB-PO3. 1829 West Cary Street is a parking lot serving both 1831 and 1833 West Cary Street along with 1834 West Cary Street. 1831-33 West Cary Street is a mixed use property with two apartments upstairs and a commercial space downstairs that had been used as a kitchen for a catering company. We are hesitant on moving forward with a Special Use Permit since we do not have a specific user and therefore use to specify on the SUP. Also not many prospective commercial tenants are willing to wait with uncertainty 4 to 6 months for the SUP process to be resolved.

In discussing this issue with staff I have been told that the current zoning could be considered an oversight and therefore this would be a correction of the previous rezoning. These properties were nonconforming prior to the recent rezoning, since 1829 West Cary and 1831-33 West Cary are both prohibited uses in R-7.

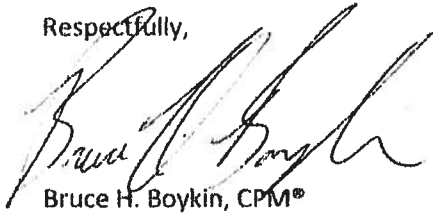
At the intersection on which these properties are located, the three other corners are zoned UB-PO3. Therefore, the properties adjacent to both the north and west have the UB-PO3 zoning which would make our property conforming. In order to bring our properties into conformance I understand that it should not be considered spot zoning because of their proximity to the desired zoning. It would be a matter of extending the existing UB-PO3 zoning boundary to include our properties.

It appears, by the architectural features that this property was originally built as a commercial property. There is supporting historic evidence that this was used as a commercial property since the Board of Zoning Appeals on January 22, 1952 granted an applicant the use as a carpenter and repair shop (Appeal: 11-52). Also when we purchased the property in 2002 this property was being used for commercial purposes. Hence by rezoning to UB-PO3 these properties they are maintaining the original intent and consistent use of this building.

In conclusion the City Master plan states, "East of Meadow Street, West Cary Street should transition to a residential environment with limited commercial." Our parcels helps satisfy this objective since to the west of 1831-33 West Cary Street is 1901 and 1903 West Cary Street which are commercial buildings. Therefore with our property being mixed use it could be considered a more appropriate transition on the border of a residential area than solely a commercial property.

Thank you for your consideration regarding this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Bruce H. Boykin". The signature is fluid and cursive, with a large initial "B" and "H".

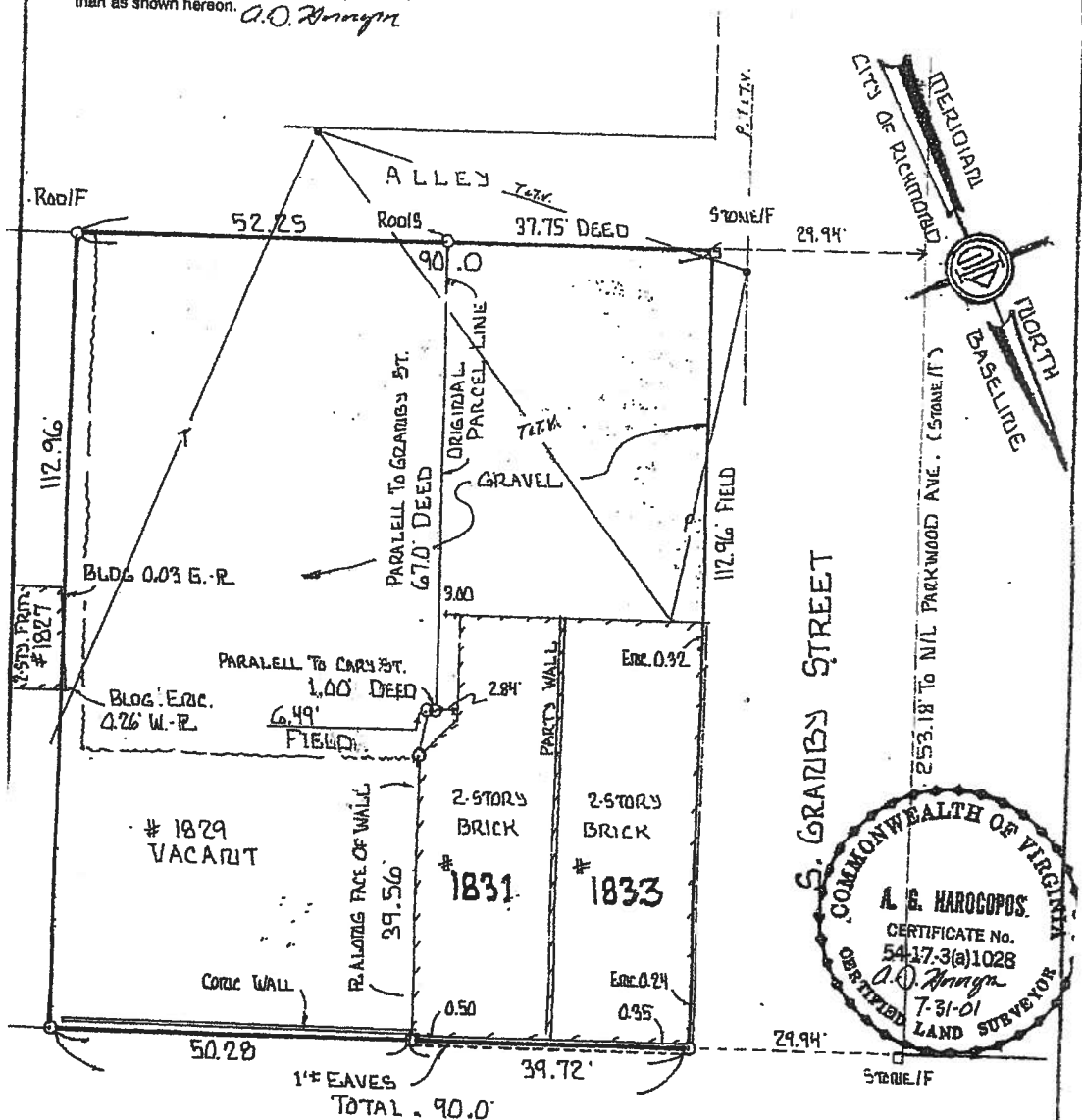
Bruce H. Boykin, CPM®

Vice President/ General Manager

This is to certify that on 7-31-01
 I made an accurate field survey of the premises
 shown hereon; that all improvements known or visible
 are shown hereon; that there are no encroachments
 by improvements either from adjoining premises, or
 from subject premises upon adjoining premises, other
 than as shown hereon. *A.O. Hinnigan*

NOTE: THIS LOT APPEARS TO
 BE IN HUD FLOOD ZONE
 AS SHOWN ON HUD
 COMMUNITY PANEL NUMBERS
 510129 - 0210 C

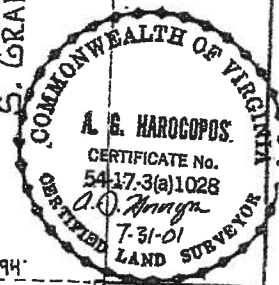
NOTE:
 This survey has been prepared without
 the benefit of lide report and does not
 therefore necessarily indicate all
 encumbrances on the property.



W. CARY STREET

SURVEY OF
 LOT & IMPROVEMENTS THEREON LOCATED AT
 #1829, #1831, #1833 W. CARY STREET
 RICHMOND, VIRGINIA

NOTE: PLAN PREPARED FOR THE
 EXCLUSIVE USE OF SHANE L.L.C.



A. G. HAROCOPOS & ASSOCIATES, P.C.	
CERTIFIED LAND SURVEYOR AND CONSULTANT	
5700-B HOPKINS RD.	RICHMOND, VA 23234
Office 271-4734	
Scale 1" = 20'	Date 7-31-01 Drawn by G.A.H.

J.M. 30933