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September 23, 2019

VIA HAND DELIVERY

Mr. Matthew Ebinger
Planning and Development Review
900 East Broad Street, Room 511
Richmond, VA 23219

Re: Special Use Permit Request: Tax Map No's W0001663010, and W0001663010B.

Dear Mr. Ebinger:

This letter shall serve as the applicant's report accompanying the application for a Special Use Permit to authorize a portion of the existing improvements at 1301 North Hamilton Street for limited retail use ("the SUP"). The subject property consists of two (2) tax map numbers: W0001663010 and W0001663010B ("the Property"). My firm represents the contract purchaser of the Property, which is the Heart of Virginia Council of the Boy Scouts of America ("the Applicant"). The purpose of the SUP would allow for the Applicant to operate a retail store that would be open to the public and would have a direct public entrance and accompanying entrance signage. The proposed retail store would be for the sale of goods related to the Boy Scouts of America Heart of Virginia Council, who would own and occupy the building as the principal office use.

The Property

The Property consists of two (2) separate parcels. One parcel, known as 1301 A North Hamilton Street, is referred to by the City Assessor as W0001663010, while the other parcel, known as 1301 North Hamilton Street, is referred to by the City Assessor as W0001663010B and is considered a taxable leasehold portion of the former parcel. The Property is approximately 1.26 acres in size according to assessment records, and lies directly adjacent to the Downtown Expressway/I-195 along North Hamilton Street between its intersections with Monument Avenue and Cutshaw

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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.richmondgov.com/>

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: 1301 A North Hamilton Street, 1301 North Hamilton Street Date: 09/23/2019
Tax Map #: W0001663010, W0001663010B Fee: \$1,800
Total area of affected site in acres: 1.26

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

Zoning

Current Zoning: R-73

Existing Use: General Office

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Use of appx. 3,275 SF of the building for retail uses incidental to primary office use of Boy Scouts of America Org., with direct entry door and accompanying store signage
Existing Use: General Office

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Andrew M. Condlin, Esquire

Company: Roth Jackson Gibbons Condlin PLC
Mailing Address: 1519 Summit Ave, Suite 102
City: Richmond State: VA Zip Code: 23230
Telephone: (804) 977-3373 Fax: ()
Email: ACondlin@rothjackson.com

Property Owner: Foreign Mission Board of the Southern Baptist Convention

If Business Entity, name and title of authorized signer: Andrew M. Condlin, by Special Limited Power of Attorney

(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: PO Box 6767
City: Richmond State: VA Zip Code: 23230
Telephone: () Fax: ()
Email: ACondlin@rothjackson.com

Property Owner 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.**

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

Avenue. The Property is owned by the Foreign Mission Board of the Southern Baptist Convention, and is currently improved by a 26,448 square-foot building for general office use. For a more detailed description of the Property, please refer to the survey titled "ALTA/NSPS Land Title Survey of 1.263 Acres of Land Known as #1301 N. Hamilton Street Being Parcel: W000-1663-010 City of Richmond, Virginia," completed by Balzer & Associates on September 13, 2019 ("Exhibit A").



Figure 1

Land Use Context

The adjacent properties to the North, West, and South include a mix of commercial, multi-family residential, office, public open space, and institutional uses, with the exception of two small undevelopable vacant parcels. Across the Downtown Expressway lies the northwestern portion of the Museum District neighborhood, which features an array of uses and densities, including single-family, two-family, and multi-family uses as well as institutional, office, and commercial uses. The Property itself lies within the Jefferson Terrace Civic Association boundaries. This neighborhood, {00934646:v1}



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which continues to the West of the Property, is both residential and commercial in nature, including a number of office and commercial uses immediately surrounding the Property and along the Downtown Expressway and West Broad Street as well as an established residential neighborhoods of single-family, two-family, and multi-family dwellings.

Zoning Context

The Property lies within the R-73 Multifamily Residential zoning district (Figure 1, above). This district principally permits a variety of residential uses and densities, nursing homes, day nurseries, tourist homes, parking areas, parking decks, offices, hospitals, and adult day care facilities. It also permits a number of uses that are incidental accessory uses to some of the above principle uses, including "shops for the sale of convenience goods." The nearby and adjacent zoning districts all generally permit more intense land uses, most notably TOD-1 to the East of the Property across the Downtown Expressway.

Pulse Corridor Plan Designation

The Pulse Corridor Plan recommends "Transitional" future land uses for the Property. This land use category is described in the Pulse Corridor Plan as follows: "Transitional areas provide a gradual transition between intense commercial areas and primarily single-family residential areas.... Regardless of use, buildings should have street-oriented facades with windows and door openings along street frontages," (*Pulse Corridor Plan, p. XII*). The Plan goes on to describe the desired future primary land uses as being office and multi-family residential, and the desired future secondary uses as being retail, personal service, cultural, institutional and governmental uses, to name a few.

Purpose of Request

The proposed use of the Property as offices and an accessory store is consistent with the Pulse Corridor Plan and the future goals of the Boy Scouts of America Heart of Virginia Council organization. It is also generally consistent with the intent of the R-73 zoning district which permits offices and retail stores incidental thereto. However, the R-73 District restricts floor area of incidental uses, signage, and prohibits direct public access for incidental retail stores. Therefore, the SUP is necessary to authorize the use as proposed.

The Applicant believes that direct public access and signage augment the customer experience. Per their 2017 Annual Report, the Heart of Virginia Council currently consists of 12,140 youths, 373 troops/crews/posts, and 3,848 adult volunteers. With membership spanning from the North Carolina border to the Northern Neck, visitors often travel up to two hours to visit either the Council office headquarters or the retail store. Many of these visitors are not familiar with Richmond, and would benefit from a storefront that is modest, but still easily recognizable and well-delineated with limited store signage.

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As proposed, the retail store would be between 3,274 square feet and 3,634 square feet in floor area and would be situated within the existing building on the ground or second floor. A new entry door would be added on the ground floor that would directly service the store if it is located on the ground floor, as indicated by "Option 1" in the proposed plans. The total signage would be specifically for the store and its operating hours, and would not exceed 10 square feet. Within the store, customers would be able to purchase uniforms, clothing, badges, literature, workbooks, gear, and other miscellaneous equipment and materials; a photographic appendix is herein attached to demonstrate the nature of a Scout Store's retail operations. The office headquarters for the Applicant would be located within this same building on either the ground or second floor. This use is permitted by right, but we are requesting the Special Use Permit (SUP) to allow a slightly larger size (3,274-3,634 sf versus 1,322 sf by right) together with the 10 sf in exterior signage and an optional direct entry door for the store.

Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed SUP will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed use is compatible with existing development in the vicinity and consistent with the intent of R-73. The request would simply permit the signage and entry door for a use that would otherwise be permitted by-right.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. There is ample off-street parking available on the Property, as well as on-street parking available on nearby streets. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

- ***Create hazards from fire, panic or other dangers.***

This request does not require the need for any further development of the Property to accommodate this use, as it will utilize the existing building for its purposes. The Property will be occupied in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to the Property are designed to eliminate such hazards. Therefore, this request will not create hazards from fire, panic, or other dangers.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

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The proposed SUP will not tend to over crowd the land or create an undue concentration of population. The request is to utilize an already existing structure in a manner already consistent with the nature of the R-73 zoning district and the Pulse Corridor Plan.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The SUP would not adversely affect the above referenced City services.

- ***Interfere with adequate light and air.***

The light and air available to the subject and adjacent properties will not be affected. The request does not include the expansion of the existing structure.

Summary

The request is consistent with the Pulse Corridor Plan and is a minimal departure from what would otherwise be permitted by-right. The SUP represents an ideal use of the Property that is not inconsistent with the surrounding uses nor potential future uses as designated by the Pulse Corridor Plan. The retail store would remain as being an incidental use to the principal office use of the building as proposed, and is thus consistent with the intent of the R-73 district. This use is permitted by-right but we are requesting the SUP simply for a slightly larger size retail space than would otherwise be permitted, exterior store-oriented signage (10 sf), and an optional exterior door. In exchange for the special approval, the quality assurances conditioned through the special use permit process would guarantee use of the Property be of a higher quality than what might otherwise occur by-right.

If you have any further questions about this request, please do not hesitate to contact me.

Sincerely,



Andrew M. Condlin

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Photographical Appendix:



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