

INTRODUCED: May 11, 2015

AN ORDINANCE No. 2015-111-147

To authorize the special use of the property known as 425 North 25th Street for the purpose of authorizing a mixed use building with up to two dwelling units and uses permitted in the UB Urban Business District without any required provisions for parking, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUNE 8 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 425 North 25th Street, which is situated in a RO-2 Residential Office District, desires to use such property for the purpose of a mixed use building with up to two dwelling units and uses permitted in the UB Urban Business District without any required provisions for parking, which uses, among other things, are not currently allowed by section 114-426.1 of the Code of the City of Richmond (2004), 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 27 2015 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 114-1050.1 of the Code of the City of Richmond (2004), 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 425 North 25th Street and identified as Tax Parcel No. E000-0384/034 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled “Plat of Property Situated on the Southeast Corner of N. 25th Street and E. Clay Street, City of Richmond, Virginia,” prepared by Steven B. Kent & Associates, P.C., and dated April 4, 2014, 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 mixed use building with up to two dwelling units and uses permitted in the UB Urban Business District, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “CAR Application, New Mixed Use Building, 425 North 25th Street, Richmond, VA,” prepared by rml architecture, dated February 26, 2015, and last revised April 15, 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 for a mixed use building with up to two dwelling units above the first floor and uses permitted in the UB Urban Business District.

(b) No parking shall be required.

(c) Signs permitted on the Property shall be governed by the sign regulations applicable in the UB Urban Business District.

§ 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 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), 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 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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 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
Richmond, VA 23219
www.Richmondgov.com

Item Request

RECEIVED File Number: a2015 - 40

APR 23 2015

O & R REQUEST

OFFICE OF CITY ATTORNEY

O & R Request

APR 16 2015

DATE: April 8, 2015

EDITION: 1

Chief Administration Office
City of Richmond

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 L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

SUBJECT: To authorize the special use of the property known as 425 North 25th Street for the purpose of authorizing two (2) dwelling units and use(s) permitted in the UB Urban Business District, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 425 North 25th Street for the purpose of authorizing two (2) dwelling units and use(s) permitted in the UB Urban Business District, upon certain terms and conditions.

REASON: The property is zoned RO-2 Residential Office District. The applicant proposes to construct a two-story building with two (2) dwelling units on the second floor and commercial uses permitted in the UB Urban Business District on the first floor. The applicant has requested that no parking be required for the proposed uses, and therefore, a special use permit is 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 June 1, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The property is located in the City's Church Hill neighborhood on North 25th Street between East Marshall and East Clay Streets. The property is currently vacant.

The applicant proposes to develop a two-story (2) building with two (2) dwelling units on the second floor and uses permitted in the UB Urban Business District on the first floor. Each dwelling unit would have one bedroom and be approximately 575 square feet in area. The commercial space on the first floor would be approximately 1,196 square feet in area.

The property is zoned RO-2 Residential Office, which permits residential uses and some limited commercial uses. It is also located in a parking exempt overlay. However, a parking exemption is granted to only buildings existing on the effective date of the ordinance. Since the applicant proposes to construct a new building, the uses of that building would not be eligible for a parking exemption. Based on the proposed uses, at least one parking space would be required for each dwelling unit and an unknown number of spaces would be required for the commercial uses. The total number of spaces required would depend on the type of commercial use(s). The proposed building would occupy most of the subject property and the applicant would be unable to provide parking on site.

The surrounding properties on the west side of North 25th Street and north side of East Clay Street are located in the UB Urban Business District and are part of a parking exempt overlay district. The properties to the east are located in the R-63 Multi-family Urban Residential District and the properties to the south are in the RO-2 Residential Office District and are also part of a parking exempt overlay district.

The Richmond Master Plan designates this property as Neighborhood Commercial. "Primary uses include office, personal service and retail uses, intended to provide the daily convenience shopping and service needs of adjacent neighborhood residents. Such uses are typically small scale and low intensity, have limited hours of operation, involve a high percentage of walk-in trade and minimal vehicular traffic, and are especially compatible with adjacent low to medium density residential uses" (p.134). Typical zoning as recommended by the Plan for Neighborhood Commercial area includes the UB District.

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.

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

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: May 11, 2015

CITY COUNCIL PUBLIC HEARING DATE: June 8, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, June 1, 2015

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 ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734



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) 648-6304
<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

Project Name: 425 Partners Date: 03/03/2015

Property Address: 425 North 25th Tax Map #: E0000384034

Fee: \$1,800 Total area of affected site in acres: 5.5%
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: RO-2

Existing Use: Vacant Lot

Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

Proposed Use

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

New construction site. Commercial on
first floor, two one bedroom apartments
above.

Applicant/Contact Person: Russell Jones

Company: _____

Mailing Address: 2618 East Broad Street

City: Richmond State: Va Zip Code: 23223

Telephone: (804) 218-3261 Fax: (804) 649-2649

Email: _____

Property Owner: William Russell Jones, III

If Business Entity, name and title of authorized signee: _____

Mailing Address: 2618 East Broad Street

City: Richmond State: Va Zip Code: 23223

Telephone: (804) 218-3261 Fax: (804) 218-3261

Email: _____

Property Owner Signature: William Russell Jones

(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)

William Russell Jones, III
2618 East Broad Street
Richmond, Virginia 23223
804-218-3261
Fax 804-649-2649

Applicants Report:

425 North 25th Street

Located two blocks North of East Broad Street in the 25th Street corridor of Church Hill, 425 North 25th Street is a vacant lot on the Southeast corner of 25th and East Clay Street. The lot is currently zoned RO-2. The other three corners of 25th and East Clay Street are zoned UB-PE2. The RO-2 zoning places a hardship on the development of this lot because of the requirements of RO-2 zoning. All the corners should be consistent and zoned UB-PE2. The change in zoning from RO-2 to UB-PE2 will enhance the urban business development of North 25th Street. The proposed new construction will not be detrimental to the safety, health, morals, and general welfare of the community involved. I plan to construct a two story building on the lot that will contain a commercial space on the first level and on the second level two one bedroom apartments. The proposed construction will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved and will not tend to cause overcrowding of land and an undue concentration of population. The construction 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 will not interfere with adequate light and air. The new construction will require exemption of building setbacks on the lot and conform to the standards of the Commission of Architectural Review.

TAX PARCEL
E-000-0384-001
JOEY M. JEFFERSON
DB 364 PG. 1007

NO. 2505 2-STORY
E. CLAY STREET VINYL
S. 37°38'02"W. - 24.00'

BLOG. IS
0.25' IN
STREET

PROPERTY LINE
ALONG FACE OF
BUILDING 5'

CORNER OF
BUILDING IS
PROPERTY
CORNER

5' ALLEY IN COMMON,
SEE DB 495, PG. 513

E. CLAY STREET

TAX PARCEL
E-000-0384-034
INSTR. NO.
2000-13471

1,493.9 S.F.

TAX PARCEL
E-000-0384-033
STERLING BILDER, LLC
INSTR. NO. 2011-21915

N. 51°54'00"W. - 62.33'

NO. 425
(VACANT)

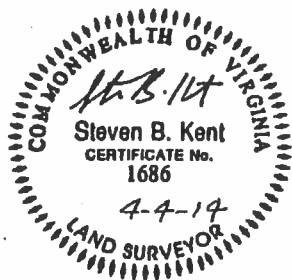
NO. 423
(VACANT)

STONE N38°00'00"E OLD ROD

N. 25TH. STREET

PLAT OF PROPERTY SITUATED
ON THE SOUTHEAST CORNER
OF N. 25TH. STREET AND
E. CLAY STREET
CITY OF RICHMOND, VIRGINIA
APRIL 4, 2014 SCALE: 1"=10'

NOTE: THIS SURVEY HAS
BEEN PREPARED WITHOUT
THE BENEFIT OF A TITLE
REPORT AND DOES NOT,
THEREFORE NECESSARILY
INDICATE ALL ENCUMBRANCES
ON THE PROPERTY.



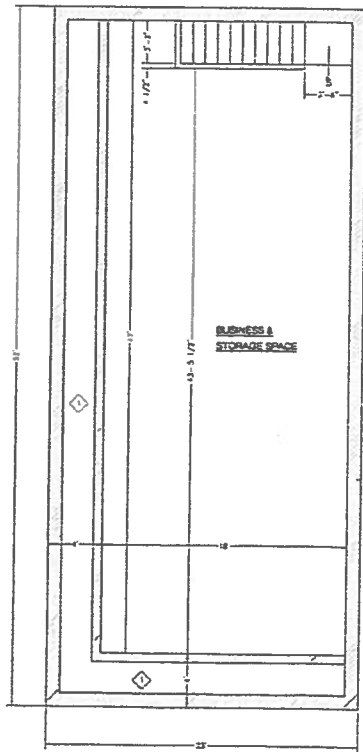
STEVEN B. KENT & ASSOCIATES, P.C.
LAND SURVEYORS
1521 Brook Road
Richmond, VA 23220
PH. 804-643-6113

CERTIFICATION

THIS IS TO CERTIFY THAT WE MADE AN ACCURATE FIELD
SURVEY OF THE PRECISES SHOWN HEREON, THAT ALL
IMPROVEMENTS AND VISIBLE ENCUMBRANCES ARE SHOWN
HEREON, THAT THERE ARE NO ENCROACHMENTS BY
IMPROVEMENTS EITHER FROM ADJOINING PREMISES,
OR FROM SUBJECT PREMISES, OTHER THAN SHOWN
HEREON.

BK. 120-13

FILE E-384

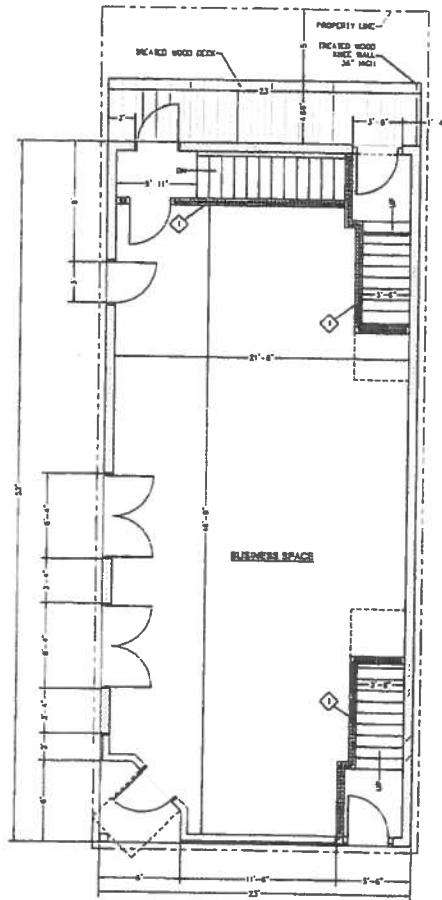


Basement Plan

1/4" = 1'-0"

PLAN NOTES

- 1. SLAB ON GRADE ABOVE

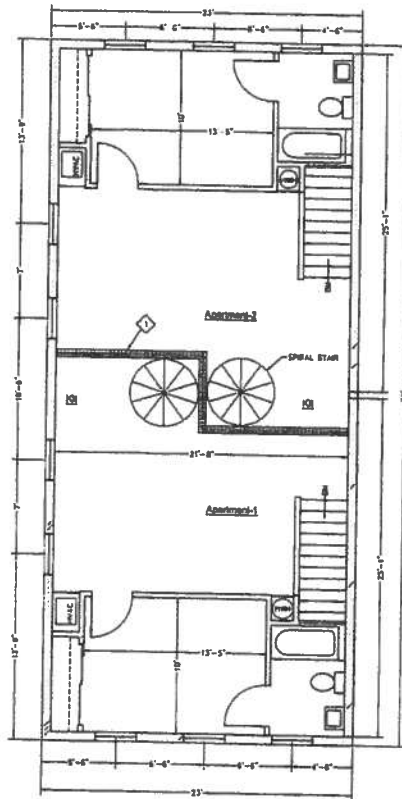


1st Floor Plan

1/4" = 1'-0"

PLAN NOTES

- 1. FIRE RATED STAIR ENCLOSURE

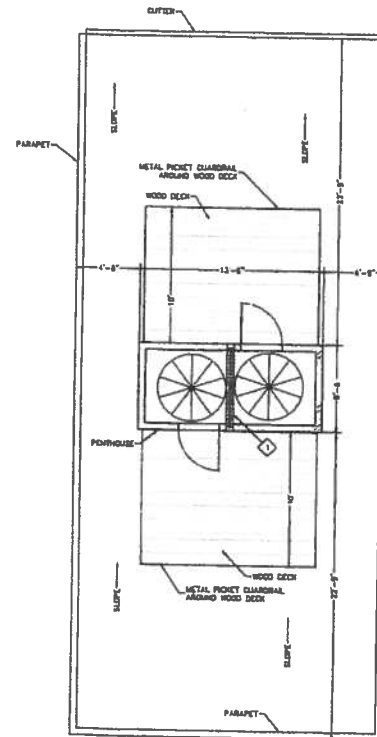


2nd Floor Plan

1/4" = 1'-0"

PLAN NOTES

- 1. FIRE RATED WALL BETWEEN APARTMENTS



Roof Plan

1/4" = 1'-0"

PLAN NOTES

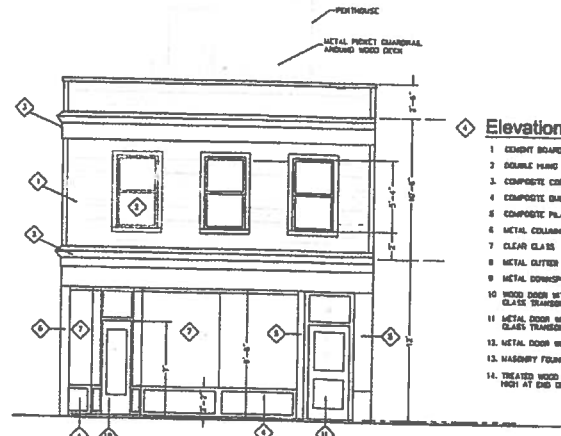
- 1. FIRE RATED WALL BETWEEN APARTMENTS

A1

CAR Application
 NEW MIXED USE BUILDING
 425 North 25th Street
 RICHMOND, VA
 REVISED APRIL 18, 2016
 REVISED MARCH 27, 2016
 FEBRUARY 25, 2015
 rml architecture
 303 cedar street
 richmond 23223
 844-8080

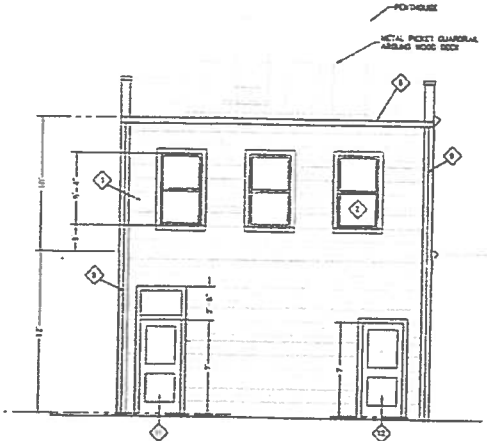


North Side (Clay Street) Elevation
1/4" = 1'-0"

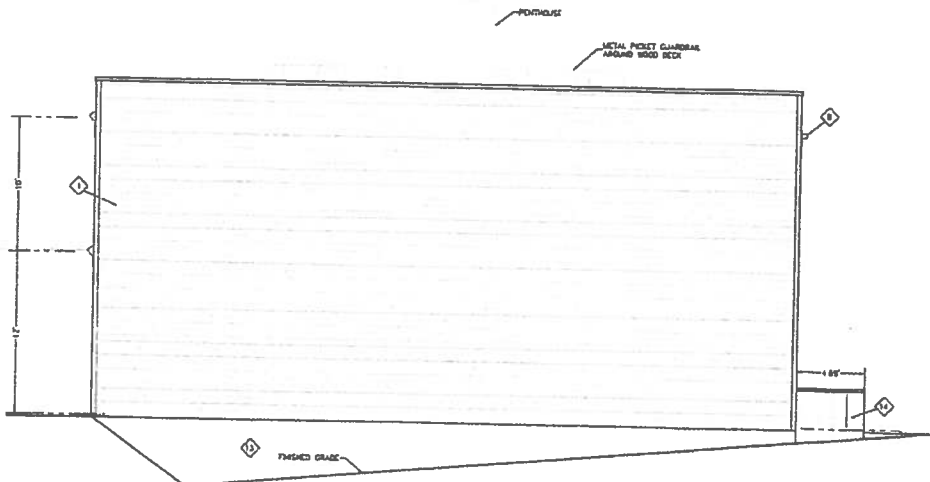


West Front (25th Street) Elevation
1/4" = 1'-0"

- Elevation Notes**
- 1 CORNICE BOARD LAPPED SIDING
 - 2 DOUBLE HUNG WOOD WINDOW
 - 3 COMPOSITE CORNICE
 - 4 COMPOSITE BALANCEHEAD PANELS
 - 5 COMPOSITE PLASTER
 - 6 METAL COLUMN
 - 7 CLEAR GLASS
 - 8 METAL GUTTER
 - 9 METAL DOWNSPOUT
 - 10 WOOD DOOR WITH FULL GLASS & GLASS TRANSOM ABOVE
 - 11 METAL DOOR WITH HALF GLASS & GLASS TRANSOM ABOVE
 - 12 METAL DOOR WITH HALF GLASS
 - 13 HARBORRY FOUNDATION
 - 14 TREATED WOOD JOIST WALL 3/4" HIGH AT END OF WOOD DECK.



East Rear Elevation
1/4" = 1'-0"

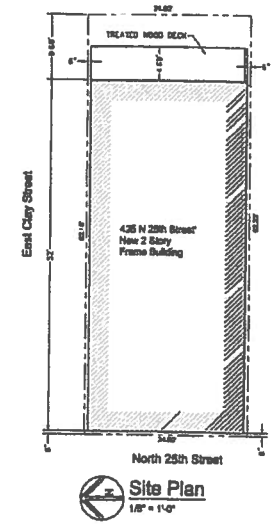
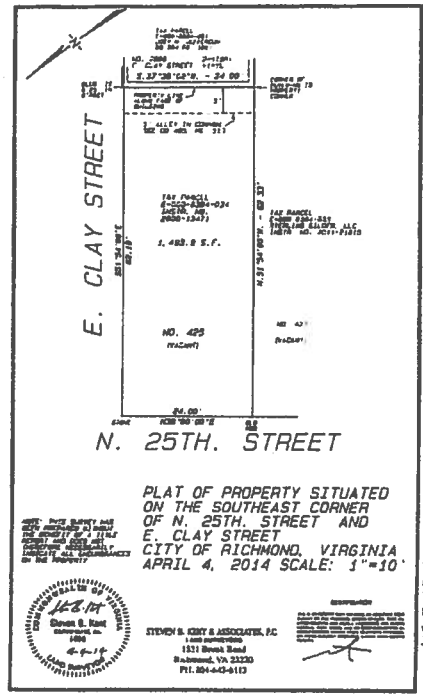
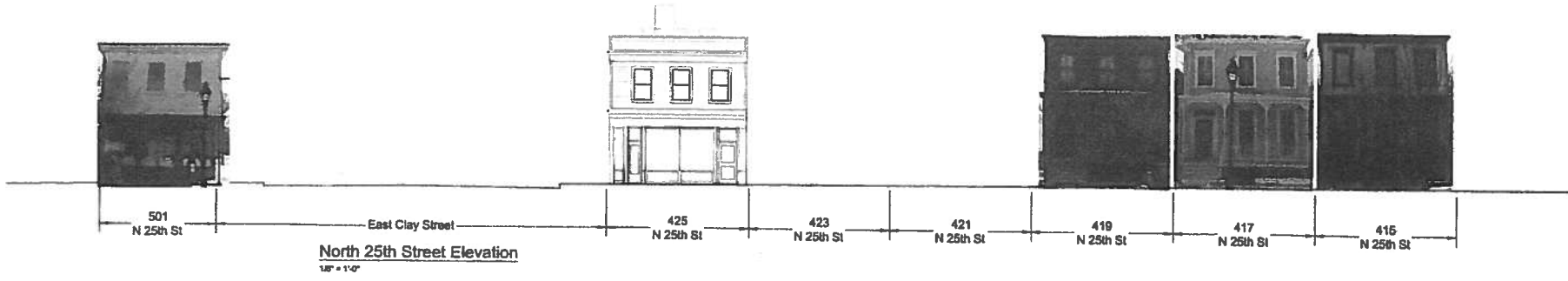


South Side Elevation
1/4" = 1'-0"

A2

CAR Application
NEW MIXED USE BUILDING
425 North 25th Street
RICHMOND, VA
REVISOR APRIL 16, 2015
REVISOR MARCH 27, 2015
FEBRUARY 26, 2015

rmi architecture
303 cedar street
richmond 23223
616-8068



C1

CAR Application

NEW MIXED USE BUILDING
425 North 25th Street
RICHMOND, VA
REVISD APRIL 16, 2015
REVISD MARCH 27, 2016

rml architecture
303 Cedar Street
Richmond 23220
640-8088